

**BEFORE THE INDEPENDENT HEARING PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

Under the Resource Management Act 1991

In the matter of the Urban Intensification Variation to the proposed
Queenstown Lakes District Plan

**SECTION 42A REPORT OF AMY BOWBYES
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**CHAPTER 2 Definitions - TEXT
CHAPTER 4 Urban Development- TEXT
CHAPTER 7 Lower Density Suburban Residential Zone- TEXT**

6 June 2025



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1. QUALIFICATIONS AND EXPERIENCE

1.1 My full name is Amy Narlee Bowbyes. I am employed at Queenstown Lakes District Council (**the Council** or **QLDC**) as Principal Planner – Resource Management Policy. I have been in this position since October 2022, prior to which I was a Senior Policy Planner at QLDC.

1.2 My qualifications and experience are set out in the Strategic s42A on the Urban Intensification Variation (**UIV; Variation**) at paragraphs 1.1 to 1.4.

1.3 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 2023 and that I agree to comply with it. Much of my evidence is factual, but to the extent that my evidence contains opinions, 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. The Council, as my employer, has authorised that I give this evidence on its behalf in accordance with my duties under the Code of Conduct.

2. INTRODUCTION

2.1 In this section 42A report, I provide recommendations to the Independent Hearing Panel (**IHP**) on the submissions and further submissions on Chapter 2 - Definitions, Chapter 4 – Urban Development, and Chapter 7 – Lower Density Suburban Residential Zone of the Variation to the Proposed District Plan (**PDP**).

2.2 I have grouped my analysis of these submissions into topics as follows:

- (a) Topic 1: Chapter 2 – Definitions;
- (b) Topic 2: Chapter 4 - Urban Development; and
- (c) Topic 3: Chapter 7 - Lower Density Suburban Residential Zone.

- 2.3** For each of these topics, I consider the key matters raised and/or the reasoning and the relief sought in the submissions, consider whether the relief sought better achieves the relevant objectives of the applicable policy documents, and evaluate the appropriateness, including costs and benefits, of the requested changes in terms of s32AA of the RMA.
- 2.4** When assessing the submissions, I refer to and rely on, or have read, the evidence of:
- (a) Mr Cam Wallace, Barker and Associates (**B&A**) – Urban Design;
 - (b) Ms Susan Fairgray, Market Economics (**ME**) – Economics;
 - (c) Mr Richard Powell, Queenstown Lakes District Council - Three Waters Infrastructure;
 - (d) Ms Amy Bowbyes, Queenstown Lakes District Council – s42A Strategic Evidence;
 - (e) Ms Corinne Frischknecht, Queenstown Lakes District Council – s42A Ch8, 9, Hāwea Residential;
 - (f) Ms Rachel Morgan, B&A – s42A Rezonings: Residential
- 2.5** The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:
- (a) National Policy Statement on Urban Development 2020 (**NPS-UD**)
 - (b) Proposed Urban Intensification Variation – Section 32 Report (**s32 Report**);
 - (c) Queenstown Lakes PDP;
 - (d) Queenstown Lakes Operative District Plan (**ODP**);
 - (e) Regional Policy Statement 2019 for Otago (**ORPS 19**); and
 - (f) Proposed Otago Regional Policy Statement 2021 (**PORPS 21**) - decisions version;
 - (g) Queenstown Lakes Spatial Plan 2021 – 2050;
 - (h) QLDC Ten Year Plan 2021-2031 (**LTP**);
 - (i) QLDC Annual Plan 2023-2024; and
 - (j) QLD Housing & Business Capacity Assessments (**HBA**) (2017, 2021).

- 2.6** Changes I recommend to the notified provisions in response to submissions and further submissions are tracked in Appendix 1 to my S42A – Strategic Evidence (**Strategic Evidence Appendix 1** hereafter). My recommendations for accepting or declining submissions are included in Appendix 2 to my S42A – Strategic Evidence (**Strategic Evidence Appendix 2** hereafter) alongside a summary of the relief sought in the submissions.
- 2.7** Where a submission is in support of a notified provision and no other submissions have been received on that provision, I have not addressed the submission point. I recommend that these submission points are accepted, as shown in **Strategic Evidence Appendix 2**.
- 2.8** Where a submission opposes a provision and does not provide any reasons, I have not addressed the submission point, unless no other submissions have been received on the provision. Such submission points are recommended to be rejected in **Strategic Evidence Appendix 2**.
- 2.9** Where I recommend changes to the notified provisions, I provide an assessment of those changes in terms of section 32AA of the RMA within my report. The section 32AA evaluations contain a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Therefore, recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.
- 2.10** Throughout my evidence I refer to the following versions of the PDP text, as follows:
- (a) PDP Provision <##>.X.X: to refer to the Proposed District Plan (i.e. PDP Objective XX.2.1)
 - (b) notified Provision <##>.X.X: to refer to the notified version of a provision (i.e. Objective XX.2.1); and
 - (c) S42A Provision <##>.X.X: to refer to the recommended version of a provision as included in Appendix 1 (i.e. S42A Objective XX.2.1).

2.11 My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3. EXECUTIVE SUMMARY

3.1 This s42A Report makes recommendations on submission received on the following chapters of the PDP:

- (a) Chapter 2 – Definitions
- (b) Chapter 4 – Urban Development
- (c) Chapter 7 – Lower Density Suburban Residential Zone

3.2 In this s42A Report I recommend changes to the following notified provisions (as shown in **Strategic Evidence Appendix 1**):

- (a) I recommend that the notified definition of *outlook space* be amended to improve the clarity and operability of the definition. The recommended amendment would replace the words “principle living room” with the words “main living room”; and
- (b) I recommend that notified Objective 7.2.6 be amended to broaden the Objective, so it also applies to both existing and planned infrastructure. In my view this amendment would improve alignment with PDP Strategic Objectives 3.2.2 and 3.2.2.1, and PDP Policy 7.2.6.2.

4. TOPIC 1: CHAPTER 2 – DEFINITIONS

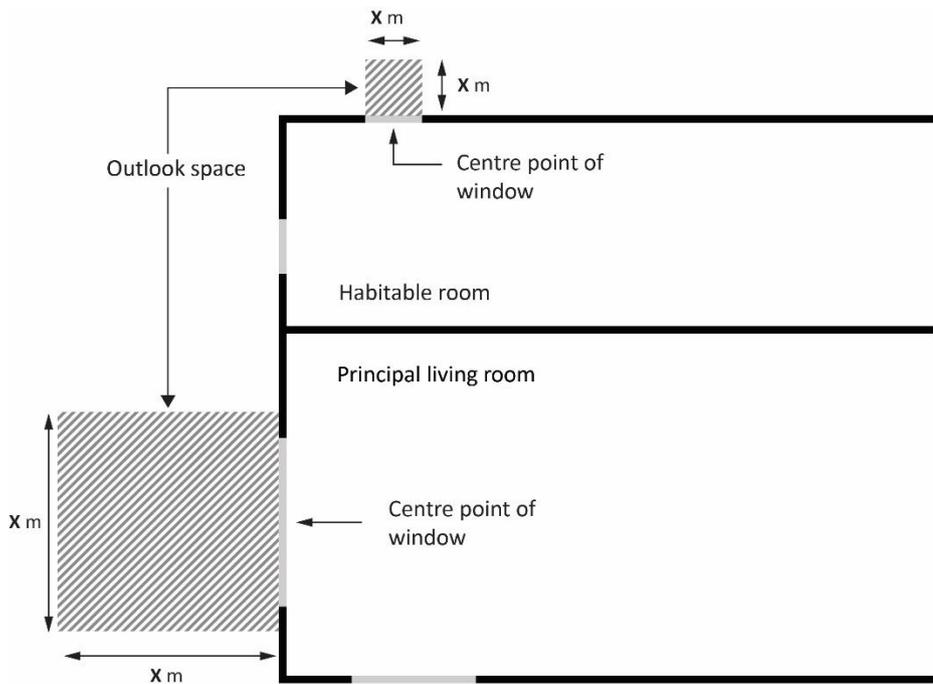
Definitions of Habitable Room and Outlook Space

4.1 Two new definitions were notified through the UIV to be included in Chapter 2 - Definitions: *habitable room* and *outlook space*. The notified definitions are as follows:

Habitable Room: Means any room which is used, intended to be used, or is capable of being used, as a living room, dining room, sitting room, or bedroom; and includes kitchens having a floor area of 8 square metres or more, but does not include a room constructed and used as a garage.

Outlook Space: Means an external area of open space adjoining an internal living room/space or bedroom/habitable room that meets the following criteria and as shown in the diagram below:

- a) The outlook space is measured from the centre of a window/glass door of a living space/room or bedroom/habitable room and is to be the same height as the floor height of the building face to which it applies. If there is more than one window or glass door in a room, it is measured from the largest one.
- b) Outlook spaces may be under or over a balcony, over driveways and footpaths within the site, or can overlook a public street or public open space but may not extend into adjacent private sites.
- c) The outlook space must be unobstructed and clear of other buildings and must not overlap with the outlook space or outdoor living space of another unit.
- d) Outlook spaces required for different rooms within the same unit may overlap.
- e) The outdoor living space and outlook space of the same unit may overlap.



4.2 These definitions are proposed to be included in the PDP to assist with interpretation of new outlook space standards and matters of discretion proposed in the notified provisions for the Medium Density Residential Zone (**MDRZ**), High Density Residential Zone (**HDRZ**), Queenstown Town Centre Zone (**QTCZ**), Wānaka Town Centre Zone (**WTCZ**), Local Shopping Centre Zone (**LSCZ**) and Business Mixed Use Zone (**BMUZ**)¹. The outlook space standards are proposed to apply to habitable rooms, and the two notified definitions work in conjunction with each other to provide a clear interpretation of the terms.

4.3 The outlook space provisions contribute to providing adequate levels of amenity for occupants of buildings by prescribing minimum outlook space requirements per residential unit and visitor accommodation unit.

Matters raised by submitters

4.4 Three² submission points were received in support of the notified definition of *habitable room* and 14³ submission points were received in opposition. The submissions in support and the submission of G Hoffmann (399.1) in opposition

1 Notified Rules 8.5.6, 9.5.8, 12.5.12, 13.5.15, 15.4.3 matter of discretion (e), and 16.4.4 matter of discretion (h).
 2 Submission points: 389.1, 509.1, 807.8.
 3 Submission points: 10.1, 399.1, 10.1, 399.1, 762.6, 763.6, 764.6, 768.8, 769.4, 770.1, 771.3, 773.4, 776.5, 948.3, 1263.3, 1263.4.

provide no specific reasoning for their positions other than being for or against intensification in general.

4.5 Ten⁴ submission points seek changes to the definition of *habitable room* (linking it to size instead of use) and seek⁵ the inclusion of a new definition for Principal Habitable Room. The submissions state that the outlook space standards themselves refer to both ‘principal living room’ and ‘habitable rooms’, that the notified definition of *habitable room* is uncertain, and that there is no definition for ‘principal living room’. The definitions sought by these submitters are:

- (a) ‘Habitable Room’ which is proposed to be amended to “any room in a residential unit or visitor accommodation unit that exceeds 8m², except for a garage, hallway, stairwell or laundry”; and
- (b) A new definition of ‘Principle Habitable Room’ sought to be inserted in Chapter 2, sought to be defined as “the Habitable Room within a residential unit or visitor accommodation unit with the largest floor area.”

4.6 M Harris (10.1) seeks that kitchen is not included in the notified definition of *habitable room*. A Devlin (948.3) seeks that the notified definition of *habitable room* be amended to include kitchens over 20m² and states that clarification is required as to whether an open plan kitchen, living room and dining room would be considered a single habitable room.

4.7 A Devlin (948.4) also seeks that the notified definition of *outlook space* be amended to enable outlook space to be measured from any window and to clarify what is intended by ‘unobstructed’.

Assessment

Notified definition of habitable room

4.8 Ten⁶ submission points seek specific changes to the definition of *habitable room*, While I understand the reasoning for the changes sought by the submitters, in my view it is not the size of the room which is the relevant factor for which outlook

4 Submission points: 762.6, 763.6, 764.6, 768.8, 769.4, 770.1, 771.3, 773.4, 776.5, 1263.3.

5 Submission points: 762.7, 763.7, 764.7, 768.9, 769.5, 770.2, 771.4, 773.5, 776.6, 1263.4.

6 Submission points: 762.6, 763.6, 764.6, 768.8, 769.4, 770.1, 771.3, 773.4, 776.5, 1263.3.

space standards should be tied, but the type of use which influences the typical periods of use by occupants. The notified definition of *habitable room* therefore includes rooms for which the outlook space standards are intended to apply to. Linking the definition of *habitable room* to a size requirement, may mean that it unintentionally captures many types of rooms (bathrooms, laundry rooms, offices, basements, attic, mud room, walk in closets, pantry) and other rooms for which outlook space is not essential due to the type and duration of use. I consider the notified definition of *habitable room* which lists specified uses/rooms that are intended to fall within the definition and to which the proposed outlook space standard applies to be more appropriate than the relief sought.

- 4.9** Mr Wallace highlights in Section 6 of his Urban Design evidence that “the size of the room is not the relevant factor for which outlook space should be tied, rather it is the type of use and typical periods of occupation that is the relevant consideration”. Mr Wallace also highlights that the notified definition of *habitable room* aligns with other legislation, all of which are considered when designing buildings.
- 4.10** Regarding the relief sought by M Harris (10.1) seeking that the kitchen is not included in the notified definition of *habitable room*, as outlined above it is the use of the room which is the key consideration for a habitable room. Kitchens are generally spaces that are used frequently and for extended periods of time. In my view, it is appropriate for kitchens to be included in the definition of *habitable room*, irrespective of their size.
- 4.11** A Devlin (948.3) questions whether an open plan kitchen, living room and dining room would be considered as a single habitable room, under the notified definition of *habitable room*. In my view, the definition is concerned with the use of the room, which will have multiple uses if the layout is open plan. Notified Rules 8.5.6, 9.5.8, 12.5.12, and 13.5.15 require outlook space from each *habitable room*, with a larger outlook space requirement from the principal living room/space. In my view, it is clear that the requirements would apply ‘per room’, and that an open-plan room with multiple uses, is one room.

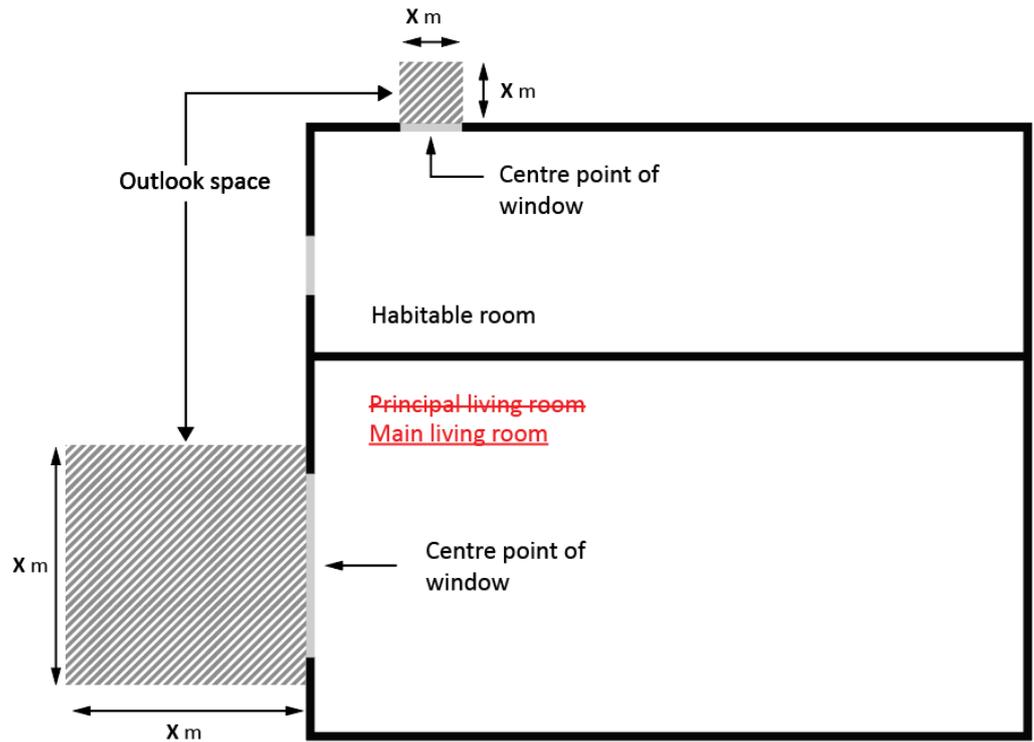
4.12 I therefore recommend that submission points of M Harris (10.1) and A Devlin (948.3) be rejected.

Notified definition of Outlook Space

4.13 Regarding the relief sought by A Devlin (948.4), clause (a) of the notified *outlook space* definition clarifies that the outlook space is measured from the largest window. This ensures that the benefits of having the outlook space adjoining the internal space are maximised. The notified definition of *outlook space* aligns with the MDRS which was informed by best practice design approaches. For these reasons I prefer the notified definition of *outlook space* as it would maximise the benefits and onsite amenity for occupants. In my view the word ‘unobstructed’ does not need to be clarified, as the plain meaning is sufficient. I recommend that the relief sought by this submission point be rejected.

4.14 Mr Wallace, in his evidence at Section 6, recommends that the words ‘principal living room’ in the notified definition of *outlook space* be deleted and replaced with ‘main living room’. Mr Wallace explains that the reference to ‘main living room’ would align with the definition within the Residential Tenancies (Healthy Homes Standards) Regulations 2019.

4.15 I agree with Mr Wallace’s recommended amendment to the notified definition of *outlook space* and recommend that the definition is amended as follows (red text shows the s42A recommended amendments):



4.16 In conjunction with the amendment recommended above, Ms Frischknecht recommends amendments to notified outlook space Rules 8.5.6, 9.5.8, 12.5.12, & 13.5.15 to also refer to 'main living room'.

4.17 In my view, the recommended amendment to the notified definition of *outlook space*, in conjunction with the amendments to Rules 8.5.6, 9.5.8, 12.5.12, and 13.5.15 recommended in Ms Frischknecht's s42A reports would be more efficient and effective at achieving the relevant objectives of the PDP than the relief⁷ seeking inclusion of a new definition of 'principal habitable room'. In my view the plain meaning of the term 'main living room' is self-explanatory and does not require a definition in Chapter 2.

Summary of Recommendations

4.18 For the reasons given in the assessment, I recommend that the submissions on the notified definition of *outlook space* be accepted in part as outlined in **Strategic Evidence Appendix 2** and as shown in **Strategic Evidence Appendix 1**.

⁷ Submission points: 762.6, 763.6, 764.6, 768.8, 769.4, 770.1, 771.3, 773.4, 776.5, 1263.3.

Section 32AA Analysis

4.19 In my opinion, the s42A recommended definition of *outlook space* is more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- (a) The s42A recommended definition of *outlook space* which replaces the words ‘principle living room’ with ‘main living room’ would achieve better alignment with the definition in the Residential Tenancies (Healthy Homes Standards) Regulations 2019, and would be more efficient and effective than the notified definition in achieving PDP Objectives, including SO3.2.2.1c, and Objectives 8.2.2, 8.2.3, 9.2.2, 9.2.3, 12.2.2, 12.2.3, and 13.2.4;
- (b) The s42A recommended definition of *outlook space* would be more efficient and effective than the notified definition in achieving objectives of the UIV, which includes enabling more opportunity for urban housing whilst ensuring that an appropriate level of amenity for occupants is achieved; and
- (c) In conjunction with the consequential amendments to Rules 8.5.6, 9.5.8, 12.5.12, and 13.5.15 recommended in Ms Frischknecht’s s42A reports,⁸ will align the wording of the definition with the wording in the rules that use the term *outlook space*.

Amendments sought to existing PDP Chapter 2 definitions

Matters raised by submitters

4.20 Fire and Emergency NZ (FENZ) (709) seeks the inclusion of one additional definition in Chapter 2, and amendments to three existing PDP definitions that were not proposed to be amended as part of the UIV. The changes sought by FENZ seek to ensure the continued and effective operation and provision of emergency services.

4.21 In summary, FENZ (709) seek the following relief:

- (a) That a new definition of ‘emergency service facilities’ be included:
“Means the facilities of authorities that are responsible for the safety and

⁸ Ms Frischknecht’s s42A Report on MDRZ and HDRZ, Sections 4 and 5; Ms Frischknecht’s s42A Report on Business Zones, Topics 1 and 2.

welfare of people and property in the community and includes fire stations and emergency coordination facilities”;

- (b) That the definition of ‘community activity’ be updated as follows: “Means the use of land ~~and~~, buildings and associated infrastructure for the primary purpose of health, welfare, care, safety, education, culture, and/or spiritual well being [...]”;
- (c) That the definition of ‘hazardous substance’ be updated to correct a minor error: i) explosivesness; and
- (d) That the definition of ‘structure’ be amended to say either: Means any building, equipment device or other facility made by people and which is fixed to land and includes any raft, and excepting towers and poles associated with emergency service facilities.; or that the PDP is amended to exclude towers and poles associated with emergency service facilities from the height and height in relation to boundary performance standards in each zone.

4.22 Queenstown Airport Corporation (**QAC**) (822.7) seeks to ensure that any changes made to the definitions do not conflict with other airport-related definitions, or hinder airport operations.

Assessment

4.23 Regarding the relief sought by FENZ (709), I will address the relief sought on each definition in turn below.

New definition sought to be inserted in PDP Chapter 2 - ‘emergency service facilities’

4.24 FENZ seeks that the term ‘emergency service facilities’ be defined in PDP Chapter 2. This term is not currently used in the PDP. In conjunction with this relief, FENZ also seeks amendments to provisions in the LDSRZ, MDRZ and HDRZ that would introduce the term ‘emergency service facilities’ to these PDP chapters.

4.25 The PDP definition of *Community Activity* means “...the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being...” and specifically includes fire stations. In my view, the PDP

definition of *Community Activity* would include an ‘emergency coordination facility’ as it would be for the primary purpose of welfare and safety.

- 4.26** As outlined in Ms Frishknecht’s s42A report on the MDRZ at Section 4, Ms Frishknecht does not support the associated changes sought by FENZ that would introduce this term to the MDRZ.
- 4.27** Consistent with Ms Frishknecht’s position, I recommend that the changes sought by FENZ to introduce the term ‘*emergency service facilities*’ to the LDSRZ, be rejected.
- 4.28** As the relevant s42A Reports do not support inclusion of the term ‘*emergency service facilities*’ in the PDP, there is no consequential need for a definition to be inserted in PDP Chapter 2. I therefore recommend that the relief sought by FENZ (709) be rejected.

Amendment sought to PDP Chapter 2 definition of ‘community activity’

- 4.29** FENZ (709) support the definition of *community activity* and seek that it be amended to include the words ‘associated infrastructure’ to ensure that any associated infrastructure that is required to support the activity, which is not land or a building, is also included. In FENZ’ view the amendment sought would reduce interpretation confusion and supports the intention of the activity purpose.
- 4.30** In my view the relief sought by FENZ may have consequential effects that have not been anticipated by FENZ. PDP Chapter 2 does not include a definition of *infrastructure* and, pursuant to PDP Provision 2.1b where a term is not defined within the plan, reliance will be placed on the definition in the Act, where there is such a definition.
- 4.31** The RMA definition of infrastructure⁹ is as follows:

infrastructure means—

(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy;

(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:

9 As set out in s2 of the RMA - Interpretation.

(c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:

(d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—

(i) uses them in connection with the generation of electricity for the person's use; and

(ii) does not use them to generate any electricity for supply to any other person:

(e) a water supply distribution system, including a system for irrigation:

(f) a drainage or sewerage system:

(g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:

(h) facilities for the loading or unloading of cargo or passengers transported on land by any means:

(i) an aerodrome as defined in section 5 of the Civil Aviation Act 2023:

(j) a navigation installation as defined in section 5 of the Civil Aviation Act 2023:

(k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:

(l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166

4.32 In my view, significant analysis would be required to consider the appropriateness of including the above activities associated with a community activity in the PDP definition of *community activities*. In the absence of this analysis, I am not persuaded that the relief sought is more appropriate than the PDP definition of community activities.

4.33 On this basis, I recommend that the relief sought by FENZ (709) on the PDP definition of *community activity* be rejected.

Amendment sought to PDP Chapter 2 definition of 'hazardous substance'

4.34 FENZ (709) seek that the PDP Chapter 2 definition of *hazardous substance* be updated to correct a minor error by replacing the word 'explosives' with 'explosivesness'.

4.35 In my view the amendment sought would correct a minor error and would improve the effectiveness and efficiency of the PDP definition of *hazardous substance*. On this basis, I recommend that the relief sought by FENZ (709) on the PDP definition

of hazardous substance be accepted. If this change is considered out of scope of the UIV, I recommend it be made by clause 16.

Amendment sought to PDP Chapter 2 definition of 'structure'

4.36 FENZ (709) seek that the PDP definition of *structure* is amended to exempt 'towers and poles associated with emergency service facilities'. FENZ states that the requested change is sought because fire stations are usually able to comply with height standards in a district plan, however many stations include a multi-purpose tower or pole between 12-15m in height. In FENZ's view, the exemption sought would better provide for the health and safety of the community by enabling the efficient functioning of FENZ in establishing and operating fire stations.

4.37 In my view the current PDP definition of *structure* is more appropriate for the following reasons:

- (a) It enables the rule framework for structures and buildings to apply to towers and poles associated with emergency service facilities. These rules include building height, setback and sunlight access to adjoining sites. This ensures that towers and poles associated with emergency service facilities are appropriately located to limit effects on neighbouring properties, which may include significant visual and visual dominance effects; and
- (b) The effects of any proposal for a tower or pole associated with emergency service facilities on historic heritage, outstanding natural landscapes and features and other s6 RMA matters are able to be considered through a resource consent process.
- (c) It ensures that in the District's business zones, which include an automatic requirement for restricted discretionary activity consent for buildings, the location and design of any tower or pole is able to be assessed as part of the resource consent for the development proposal.

4.38 In my view, the exemption sought by FENZ is less appropriate than the current PDP definition of *structure*. On this basis, I recommend that the relief sought be rejected.

QAC Submission on PDP Chapter 2 Definitions

4.39 Regarding the submission of QAC (822.7), in the absence of any detail from the submitter regarding what ‘hinder airport operations’ means, I recommend that the relief sought be rejected.

4.40 I note that my recommendations above on the relief sought by FENZ may have relevance to QAC’s submission, as the PDP definition of Activity Sensitive to Aircraft Noise (**ASAN**) includes ‘community activity’. In the event that a new definition of ‘*emergency service facilities*’ is introduced to the PDP, as sought by FENZ, this may have bearing on whether *emergency service facilities* still fall within the PDP definitions of *community activities* and *ASAN*.

Summary of Recommendations

4.41 For the reasons given in the assessment, I recommend that the relief sought by FENZ on the PDP definition *hazardous substance* be accepted as outlined in **Strategic Evidence Appendix 2**.

4.42 For the reasons given in the assessment, I recommend that the remaining relief sought by FENZ and QAC on Chapter 2 be rejected as outlined in **Strategic Evidence Appendix 2**.

Submissions received on the entire Chapter 2 - Definitions

Matters Raised by Submitters

4.43 Thirty-one¹⁰ submissions have been received on Chapter 2 as a whole. This includes eight¹¹ submission points in support and 23 submission points¹² in opposition. The supporting submission points and four¹³ of the opposing submission points relate to being for or against intensification in general.

10 These include submission points: 9.1-2, 31.5, 32.2, 36.1, 72.1, 72.2, 139.2, 139.3, 184.1, 207.1, 223.1, 260.1, 335.1.

11 Submission points: 9.1, 9.2, 72.1, 72.2, 139.2, 139.3, 468.2, 498.2.

12 Submission Points: 31.5, 32.2, 36.1, 184.1, 207.1, 223.1, 260.1, 335.1, 354.1, 359.1, 359.2, 359.3, 379.1, 401.2, 405.1, 424.1, 450.2, 453.1, 463.1, 463.2, 507.6, 510.1, 822.7.

13 Submission points: 31.5, 32.2, 401.2, 450.2.

Assessment

4.44 In the absence of clear reasons or rationale for the submitters' general opposition to Chapter 2, I recommend that the submissions in general opposition be rejected, and those in general support be accepted.

Summary of Recommendation

4.45 For the reasons given in the assessment, I recommend that the submissions in general support of all notified changes to Chapter 2 be accepted in part and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

5. TOPIC 2: CHAPTER 4 - URBAN DEVELOPMENT

5.1 The notified provisions include minor changes to PDP Chapter 4 – Urban Development to improve alignment with the NPS-UD. The notified changes to Chapter 4 are, in summary:

- (a) Two minor changes to the Purpose Statement (Provision 4.1) as follows:
 - (i) Addition of the words “at least” in paragraph 2, as the NPS-UD now requires all authorities to provide *at least sufficient* development capacity as opposed to just *sufficient* development capacity; and
 - (ii) Deletion of the words “as defined in the NPS UDC”, as high-growth urban areas are not defined in the NPS-UD, which has now superseded the NPS-UDC;
- (b) One minor change to the wording of Policy 4.2.1.4, to reference the NPS-UD and delete the current reference to the NPS UDC.

Matters raised by submitters

5.2 Various submissions support¹⁴ and oppose¹⁵ the notified changes to the provisions. Where matters are raised or where reasoning are provided, it generally aligns with

14 Submission points: 9.5, 10.3, 26.1, 32.3, 72.3, 72.4, 134.4, 139.4, 352.11, 352.12, 358.12, 373.1, 373.2, 401.3, 445.2, 447.1, 448.1, 468.3, 498.1, 503.1, 565.1, 807.10, 822.9, 1055.8.

15 Submission points: 10.3, 32.3, 134.4, 352.11, 352.12, 373.1, 373.2, 401.3, 445.2, 447.1, 448.1, 503.1, 822.9, 1055.8.

being for or against intensification. General opposition or support to intensification is addressed in my s42A on Strategic Evidence.

Chapter 4 – Submissions on the Purpose Statement

- 5.3** Two submitters¹⁶ seek specific amendments to the Purpose Statement (Provision 4.1). QAC (822.9) seeks the following amendment to the final paragraph:

Urban Growth Boundaries are established for the urban areas of the Wakatipu Basin (including Queenstown, Frankton, Jacks Point and Arrowtown) and Wānaka, and where required around other settlements, providing a tool to manage anticipated growth while protecting the individual roles, heritage and character of these areas, including Nationally Significant Infrastructure under the NPS-UD. Specific policy direction is provided for these areas, including provision for increased density to contribute to more compact and connected urban forms that achieve the benefits of integration and efficiency and offer a quality environment in which to live, work and play.

- 5.4** Southern Lakes Property Trust Limited (1055.8) seeks unspecified amendments that will support changes sought to other chapters within their submission.

Assessment

- 5.5** I consider that the amendment to the Purpose Statement sought by QAC (822.9) is not appropriate, as matters relating to integration between landuse and infrastructure are already summarised in general terms in the preceding paragraph of the Purpose Statement. Furthermore, the PDP framework refers to *Regionally Significant Infrastructure* (which includes airports), and in my view inclusion of the term Nationally Significant Infrastructure would result in unnecessary complexity and possibly confusion for Plan users.

- 5.6** Regarding the relief sought by Southern Lakes Property Trust Limited (1055.8) which seeks unspecified changes to the Purpose Statement, the specific changes sought in their submission include additional building height in the BMUZ at Three

16 QAC (822) & Southern Lakes Property Trust Limited (1055).

Parks. While Ms Frischknecht does support increased heights in the BMUZ (as outlined in Section 7 of her s42A Report on Business Zones), as it is unclear what changes the submitter is seeking to the Purpose Statement, I therefore recommend that the relief sought be rejected.

Summary of Recommendation

- 5.7** For the reasons given in the assessment, I recommend that the relief sought on the Chapter 4 Purpose Statement in submission points 882.9 and 1055.8 be rejected as outlined in **Strategic Evidence Appendix 2**.

Chapter 4 – Submissions received on the entire Chapter

Matters Raised by Submitters

- 5.8** Most of the submission points (49¹⁷ out of 72) received on Chapter 4 do not directly relate to the notified text changes within Chapter 4, or specify relief sought on Chapter 4. Forty-one¹⁸ of the submissions received on Chapter 4 are in general opposition to the Variation and/or intensification overall. From these submission points in opposition to Chapter 4, five¹⁹ relate to Arrowtown, which is generally addressed within my s42A Report on Arrowtown, one²⁰ submission point relates to Hāwea, one²¹ to Bullock Creek in Wānaka, and one²² to the Wānaka Town Centre. The matters raised by submitters are addressed in the various s42A Reports.

6. TOPIC 3: CHAPTER 7 - LOWER DENSITY SUBURBAN RESIDENTIAL ZONE

Notified UIV - overview

- 6.1** As outlined in the Accessibility & Demand Analysis appended to the s32 Report, the UIV focuses on enabling increased development opportunity within walkable catchments of urban centres, which are typically zoned MDRZ and HDRZ.

17 These include submission points: 5.1, 6.2, 10.2, 16.1, 44.1, 48.3, 48.6, 48.7, 55.2, 64.1, 64.2, 65.1, 66.1, 67.1, 71.1, 90.2, 122.1, 184.2, 299.2, 306.1, 312.1, 312.2, 328.1, 343.1, 344.1, 346.1, 352.4, 352.5, 356.1, 358.12, 360.10, 365.1, 369.1, 393.3, 407.2, 422.1.

18 Submission points: 5.1, 6.2, 10.2, 16.1, 44.1, 48.3, 48.6, 48.7, 55.2, 64.1, 64.2, 66.1, 90.2, 122.1, 184.2, 299.2, 312.1, 312.2, 328.1, 344.1, 346.1, 352.5, 356.1, 360.10, 365.1, 393.3, 407.2, 422.1, 425.2, 425.7, 432.1, 433.1, 435.1, 450.3, 465.1, 477.1, 481.1, 509.2, 513.1, 533.1, 859.9.

19 Submission points: 65.1, 67.1, 71.1, 306.1, 343.1.

20 Submission point: 369.1.

21 Submission point: 450.3.

22 Submission point: 352.4.

6.2 The review of the LDSRZ included s35 Monitoring which identified barriers to achieving the density enabled by the current provisions. A key aim of the notified UIV as it relates to the LDSRZ is to remove the identified barriers to achieving the anticipated density provided for within the current LDSRZ, which is anticipated to occur through a mixture of infill development and redevelopment.

6.3 Key changes also proposed to the LDSRZ aim to ensure adequate amenity is provided for within the LDSRZ, and to ensure that development can be serviced prior to grant of consent and to mitigate any potential increase in stormwater runoff.

6.4 The notified changes to the LDSRZ are as follows (in summary):

	Summary of notified amendments to PDP LDSRZ
1.	Changes to the zone purpose statement to refer to <i>average</i> minimum density of 300m ² and the enablement of a range of houses sizes and typologies.
2.	Delete Policy 7.2.3.2 which seeks to limit building height on sites smaller than 900m ² .
3.	Amend Policy 7.2.4.1 to amend the reference to the Arrowtown Design Guidelines ²³
4.	Amend Policy 7.2.6.2 to allow for consideration of infrastructure upgrades.
5.	Amend Interpretation Provision 7.3.2.4 regarding information requirements to demonstrate compliance with <i>average</i> densities provided for by notified Rule 7.4.9.
6.	Amend Interpretation Provision 7.3.2.10 to amend the reference to the Arrowtown Design Guidelines and Residential Zone Design Guide ²⁴ .

23 Addressed at Section 9 of my Strategic Evidence.

24 Addressed at Section 9 of my Strategic Evidence.

7.	Add new Rule 7.4.4 which prescribes permitted activity status for one residential unit on an existing site that has a net area less than 450m ² .
8.	Amend Rule 7.4.9 which prescribes restricted discretionary activity status for residential units where the density of development is less than 450m ² - 300m ² so the rule references 300m ² <i>average</i> net area. Amendments are also proposed to the matters of discretion to include discretion on how the design provides a range of unit sizes and typologies, capacity of existing and planned infrastructure / servicing and low impact stormwater design.
9.	Amend the permitted building heights in Rule 7.5.1 (and via deletion of PDP Rules 7.5.2 and 7.5.3) and remove the current limit for sloping and flat sites across the zone with maintenance of one area where specific height limits apply. This change would result in permitted building heights in most locations being increased from 7m currently (6.5m in Arrowtown, and 5.5m for infill development (excluding residential flats) on sites less than 900m ² net area) to 8m.
10.	Amend Rule 7.5.5 to apply recession planes to development on all (flat and sloping) sites; amend the exemptions; amend the activity status for breaches from non-complying to restricted discretionary, with inclusion of matters of discretion.
11.	Amend Rule 7.5.9 to adjust the maximum permitted density to one residential unit per 300m ² <i>average</i> net area calculated over the entire site (excluding Lake Hāwea South Area B).
12.	Delete PDP Rule 7.5.20, which is a location-specific rule that limits the establishment of buildings within the Wānaka Substation Building Restriction Area identified on Planning Maps (located on Ballantyne Rd). The deletion is consequential to the notified proposal to change the zoning of the land that contains the Substation from LDSRZ to MDRZ.
13.	Reference update to Rule 7.6.1.1 to reflect change in rule numbering.

14.	Numbering updates to adjust internal references.
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Table 1: Summary of notified changes to LDSRZ.

Chapter 7 - Zone Purpose

- 6.5** The purpose of the LDSRZ is to enable residential development for both traditional and modern suburban densities and housing forms. It is the largest residential zone in the District and is located in various locations in the urban environment, including in Queenstown, Arthurs Point, Wānaka, Arrowtown, Albert Town, Luggate and Hāwea.
- 6.6** The overall range of net household densities (including residential flats) enabled could be as high as 1 unit per 150m² or as low as 1 unit per 1,000m² (or even less). The existing PDP LDSRZ provisions enable subdivision down to a net site area of 300m² in conjunction with a land use consent pathway for a second dwelling. The LDSRZ enables 1-2 storey detached residential units, with provision for a residential flat of up to 70m² located on the same site.²⁵ Residential development enabled in the LDSRZ complements the housing typologies enabled in other PDP zones.
- 6.7** The notified UIV proposes two changes to the LDSRZ Purpose Statement to acknowledge the proposed changes to the LDSRZ²⁶ that enable average net site density of 300m² (as opposed to the current minimum net site density of 300m²) and to acknowledge that the notified amendments provide for a range of housing sizes and typologies.

Matters Raised by Submitters

- 6.8** Eleven²⁷ submission points were received supporting the notified LDSRZ Purpose Statement and 19²⁸ submission points were received in opposition. Supporting submissions mostly relate to being in support of intensification in general. From the opposing submission points, two²⁹ relate to Arrowtown, one³⁰ to Hāwea and

25 See PDP Chapter 2 Definitions – definitions of Residential Flat and Residential Unit.

26 Deletion of Policy 7.2.3.2, inclusion of new Rule 7.4.4, and amendments to Rules 7.4.9 and 7.5.9.

27 Submission points: 72.5, 398.1, 485.1, 485.10, 498.3, 711.4, 834.2, 836.19, 837.1, 839.2, 840.1.

28 Submission points: 7.18, 7.3, 10.4, 71.3, 108.1, 122.2, 183.6, 183.7, 228.13, 242.1, 312.3, 352.6, 365.3, 399.3, 430.4, 446.2, 507.3, 565.2, 1066.1.

29 Submission points: 71.3 and 507.3.

30 Submission point: 565.2.

four are opposed to intensification in general or within specific areas. These are addressed in my s42A Report on Arrowtown submissions, and in Ms Frishknecht's s42A Report on the residential zones, which includes submissions on Hāwea and Lake Hāwea South.

- 6.9** The remaining 12³¹ submission points received in opposition provide a wide range of reasoning relating to being opposed to intensification within the LDSRZ, within specific areas or being concerned about amenity, character, sunlight and shading effects.
- 6.10** M Harris (10.4) specifically seeks that Council lowers the density, not increase it, and fill the houses that we currently have before building new. E C Forch (108.1) seeks that the Zone Purpose Statement should include minimising light pollution generated by visitor accommodation.
- 6.11** Six submitters³² are specifically concerned about the proposal allowing an average density of 300m² and a range of housing typologies, including D Carroll (7.18) who seeks a minimum lot size of 350m² as opposed to 300m². Whilst these submissions have been lodged by submitters on the LDSRZ Purpose Statement, the matters raised are addressed in the sections below where I address submissions on the notified density rules (notified Rules 7.4.4, 7.4.9 and 7.5.9).

Assessment

- 6.12** The notified amendments to the LDSRZ Purpose Statement are required to reflect changes proposed to the provisions on residential density. The LDSRZ currently enables a density of 300m² via landuse consent for a second dwelling, which can then be subdivided off via a restricted discretionary activity subdivision consent (PDP Rule 27.7.32). In my view, the notified changes to the Purpose Statement are appropriate to describe the development outcomes anticipated to occur in the LDSRZ.

31 Submission points: 10.4, 108.1, 183.6, 183.7, 228.13, 242.1, 352.6, 399.3, 430.4, 446.2, 1066.1.

32 Submission points: 7.18, 183.6, 183.7, 228.13, 242.1, 446.2.

- 6.13** Whilst the LDSRZ did not perform as well as other zones in the Accessibility & Demand Analysis appended to the s32 Report, s35 Monitoring identified that there are barriers in the current LDSRZ provisions to achieving the anticipated residential density. The notified amendments to the LDSRZ seek to remove the identified barriers. As outlined in Ms Fairgray's evidence,³³ the notified amendments will result in relative increases in development opportunity in the LDSRZ via smaller detached dwellings.
- 6.14** Modelling undertaken by Ms Fairgray³⁴ indicates that the notified amendments to the LDSRZ, which currently limit subdivision to 450m² net site area for vacant sites and is proposed to be amended to 300m² average minimum net site area coupled with revised permitted building heights, would nearly double the Plan-enabled capacity in the LDSRZ.
- 6.15** The LDSRZ is currently the largest zone in the urban environment (comprising approximately 1730ha, compared to 176ha zoned MDRZ and 128ha zoned HDRZ). Ms Fairgray³⁵ finds that the notified zone framework would potentially enable an additional 26,900 dwellings to be constructed (additional to the current dwelling stock).
- 6.16** In my view, the notified amendments to the LDSRZ Purpose Statement, which would adjust the current Zone Purpose Statement to reflect the amendments proposed to the LDSRZ provisions that increase residential development opportunity in the LDSRZ, will assist with implementing the NPS-UD, in particular Objectives 1, 2, 4 and 6, and Policies 1, 2 and 6.

Summary of Recommendation

- 6.17** For the reasons given in the assessment, I recommend that the submissions in support of the notified changes to the LDSRZ Purpose Statement be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

33 Susan Fairgray Evidence, Section 4.

34 Ibid.

35 Ibid.

Chapter 7 - Objectives and Policies

6.18 The notified changes to the LDSRZ objectives and policies comprise the following, in summary:

- (a) deletion of PDP Policy 7.2.3.2 which currently limits maximum permitted building heights on sites smaller than 900m² to 5.5m for two or more principal units (excluding residential flats);
- (b) amendments to PDP Policy 7.2.4.1 to update the reference to the Arrowtown Design guidelines; and
- (c) an amendment to PDP Policy 7.2.6.2 to allow for consideration of planned infrastructure upgrades.

6.19 My Strategic Evidence³⁶ addresses submission points on the design guide references.

Notified deletion of Policy 7.2.3.2

Matters raised by submitters

6.20 Six³⁷ submission points were received in support of the notified deletion of PDP Policy 7.2.3.2, and nine³⁸ submission points were received in opposition. Reasons provided by submitters include that building heights should be limited on smaller lots and for infill development, and that intensification is generally opposed. Submitters raise concerns with adverse effects on residential amenity, character, sunlight and shading.

Assessment

6.21 PDP Policy 7.2.3.2 seeks to limit potential adverse effects on residential amenity by limiting building height of two or more 'principal units' on sites smaller than 900m². Development that is not a 'principal unit' (including residential flats³⁹) are exempted from the policy. As stated in PDP Policy 7.2.3.2, the purpose of the 5.5m

³⁶ Section 10.

³⁷ Submission Points: 389.3, 807.11, 834.3, 836.20, 839.3, 840.2.

³⁸ Submission points: 7.4, 108.11, 134.9, 155.2, 228.14, 446.3, 446.4, 509.3, 1066.2.

³⁹ Pursuant to Interpretation Provision 7.3.2.5, each residential unit in the LDSRZ may include a single residential flat and any other accessory buildings. Residential flats are defined in PDP Chapter 2, and by definition are required to be 70m² or less (in urban zones) and must be located on the same site and held in the same ownership as the residential unit. Residential flats that fail to meet the criteria in the definition are considered as a residential unit.

height is to 'mitigate a reduction in spaciousness around and between buildings that otherwise forms part of suburban residential amenity values'.

- 6.22** In the existing provisions, PDP Policy 7.2.3.2 is implemented via PDP Rule 7.5.3, which limits the height of any additional residential unit to 5.5m, with breaches requiring discretionary activity consent. The notified version proposes that PDP Rule 7.5.3 be deleted, and that a maximum permitted height of 8m is applied to all buildings (excluding land identified at Kawarau Heights) via notified Rule 7.5.1. Breaches to notified Rule 7.5.1 would require consent for a non-complying activity.
- 6.23** The s35 Monitoring Report⁴⁰ appended to the s32 Report identified key constraints to the enablement of infill development in the LDSRZ, including that the height restrictions for additional units, along with the requirement for the construction of any second dwelling to occur prior to subdivision, were barriers to achieving the density anticipated by the LDSRZ.
- 6.24** The Urban Design Report appended to the s32 Report found that limiting the permitted height of infill development in the LDSRZ restricts development of a second storey and unduly limits the efficient use of land.⁴¹
- 6.25** In my view, the notified deletion of Policy 7.2.3.2 will assist with enabling more efficient use of urban land and will remove a current barrier to achieving infill development in the LDSRZ. In my view, deletion of Policy 7.2.3.2 will assist with implementing the NPS-UD, in particular Policy 1, as it will contribute to well-functioning urban environments by supporting infill development opportunities in the LDSRZ that will assist with meeting the District's needs in terms of price, location and variety of housing.
- 6.26** Deletion of Policy 7.2.3.2 would result in infill development in the LDSRZ no longer being restricted to single storey development. Policy 6 of the NPS-UD requires decision-makers to have particular regard to the planned urban built form anticipated by RMA planning documents that have given effect to the NPS-UD,

40 <https://www.qldc.govt.nz/media/yuqbsmcq/monitoring-report-national-policy-statement-urban-development.pdf>

41 S32 Report, Appendix 4, Section 3.

which may involve significant changes to an area. Those changes may detract from amenity values appreciated by some people, but improve amenity values appreciated by other people, communities and future generations, including by providing increased and varied housing densities and types. In my view, whilst two storey infill development in the LDSRZ may impact existing amenity values, these impacts will be limited through the application of site standards including recession planes, site coverage and buildings setbacks.

- 6.27** In my view, deletion of Policy 7.2.3.2 would assist with achieving PDP Strategic Objectives 3.2.2, 3.2.2.1 and 3.2.3 and PDP Urban Development Objective 4.2.2 B and Policy 4.2.2.2 and LDSRZ Objective 7.2.1 which seeks that “[d]evelopment within the zone provides for a mix of compatible densities and a high amenity low density living environment for residents as well as users of public spaces within the zone”.

Summary of Recommendation

- 6.28** For the reasons given in the assessment, I recommend that the submissions in support of notified Policy 7.2.3.2 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Policy 7.2.6.2

Matters raised by submitters

- 6.29** Eight⁴² submission points were received in support and five⁴³ submission points were received in opposition to the notified amendments to Policy 7.2.6.2.
- 6.30** Reasons provided by submissions in opposition include general opposition to intensification, and submitters seeking that intensification not be enabled until appropriate infrastructure has been upgraded to support further housing development.
- 6.31** E C Forch (108.17) requests a new clause to be included which limits light pollution and dust hazard. N Walkington (834.4) seeks that Policy 7.2.6.2 be amended to

42 Submission points: 200.3, 228.15, 709.5, 834.4, 836.21, 839.4, 840.3, 1066.3.

43 Submission points: 108.17, 194.4, 507.4, 565.6, 834.16.

acknowledge that planned infrastructure (including upgrades) can be taken into consideration for planned development.

- 6.32** Transpower New Zealand Limited (**Transpower**) (194.4) seeks specific changes to the wording of notified Policy 7.2.6.2, as shown in red below:

“Ensure development is designed to manage adverse effects on, and be consistent with the capacity of, existing and/or planned infrastructure networks (including any upgrades), and, where practicable, incorporates low impact approaches to stormwater management and efficient use of potable water.”

- 6.33** In their submission, Transpower states that it is concerned about the effects of increased density on National Grid infrastructure and states that their proposed amendment would give better effect to Policies 10 and 11 of the National Policy Statement on Electricity Transmission (**NPSET**), and Policy 4.3.6 of the ORPS. Additionally, Transpower states that the amendments sought in their submission would implement the “minimise impact” part of Objective 7.2.6 and be more consistent with Policy 30.2.8.1.

Assessment

- 6.34** The notified amendment to Policy 7.2.6.2 allows for consideration of planned infrastructure (including upgrades) in conjunction with development proposals. It assists with implementing Objective 7.2.6, which seeks that development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks. As set out in Section 6, below, I recommended that notified Objective 7.2.6 be amended to also apply to *planned infrastructure*.
- 6.35** With regard to the relief sought by Transpower, Policy 7.2.6.2 applies to *all* infrastructure, and Policy 7.2.6.2 specifically mentions stormwater management and efficient use of potable water. However, my understanding from Transpower’s submission is that their concern centres on management of reverse sensitivity effects and direct effects on the National Grid.

- 6.36** The National Grid is defined in PDP Chapter 2 as “...*the network that transmits high-voltage electricity is New Zealand and that is owned and operated by Transpower New Zealand Limited, including: a. transmission lines; and b. electricity substations*”.
- 6.37** PDP Chapter 2 also defines the following terms associated with the National Grid: *National Grid Subdivision Corridor, National Grid Sensitive Activities, and National Grid Yard.*
- 6.38** PDP maps show the location of the National Grid Transmission Line, including the associated support structures, from which the National Grid Yard (as defined in PDP Chapter 2) is measured.
- 6.39** PDP Chapter 30 – Energy & Utilities is a district-wide chapter that includes provisions that address matters related to the National Grid, including PDP Objective 30.2.8, PDP Policies 30.2.8.2, 30.2.8.2A, 30.2.8.3. Provision 30.3.2 sets out information on National Environmental Standards and Regulations, including the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (**NESETA**). PDP Table 30.5.3 sets out the rules for National Grid Activities, and Table 30.5.4 sets out the National Grid Standards for activities permitted in the National Grid Yard.
- 6.40** These existing provisions in PDP Chapter 30 apply district wide and manage effects on the National Grid. In my view, the amendments to notified Policy 7.2.6.2 sought by Transpower extend beyond matters related to the National Grid and could have wide-ranging untested implications for activities in the LDSRZ. Policy 7.2.6.2 is not intended to address reverse sensitivity effects or direct effects, rather it is on the capacity of the infrastructure networks.
- 6.41** Transpower states that the amendment sought would give effect to Policies 10 and 11 of the NPSET, which are as follows:
- (a) NPSET Policy 10: *In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse*

sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

- (b) *NPSET Policy 11: Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).*

6.42 In my view, the mapped National Grid (shown on Planning Maps), and the relevant provisions in PDP Chapter 30 – Energy and Utilities (including Objective 30.2.8, Policy 30.2.8.3, Rule 30.5.3.2 and Rule 30.5.4.1) are appropriate to manage the reverse sensitivity effects and implement NPSET Policy 10. In my view Policy 11 is also already implemented via the PDP Chapter 30 provisions on National Grid Activities and the PDP mapping of the National Grid Transmission Line, and the associated definitions in PDP Chapter 2.

6.43 Transpower states that the changes sought to notified Policy 7.2.6.2 would respond to the potential adverse effects of increased density in the LDSRZ. However, the notified LDSRZ enables the same density as that enabled by the PDP LDSRZ (one residential unit per 300m² net site area).

6.44 In my view the changes sought by Transpower to notified Policy 7.2.6.2 would inappropriately alter the purpose / content in the notified policy and are not warranted as they are addressed by existing PDP provisions. In my view the relief sought by Transpower on notified Policy 7.2.6.2 is less appropriate than the notified version, and on this basis I recommended the relief sought by Transpower be rejected.

- 6.45** E C Forch (108.17) seeks that a new clause be included which limits light pollution and dust hazard. In my view PDP Policy 4.2.2.10 which seeks to ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky is effectively implemented via PDP Rule 7.5.11 which requires all exterior lighting to be directed downward and away from adjacent sites and road, prescribes a maximum light-spill of 3 lux onto any other site. In my view this existing policy and rule framework is appropriate to manage lighting effects.
- 6.46** Regarding dust hazard, this is addressed in PDP District-wide Chapter 25 - Earthworks, which includes provisions⁴⁴ that limit the area and volume of earthworks that can be undertaken as a permitted activity and requires that dust from earthworks is managed so it does not cause nuisance effects that extend beyond the site boundary. In my view, given that these requirements apply District-wide, there is no need for them to be replicated in the LDSRZ.
- 6.47** Regarding submissions in general opposition to notified Policy 7.2.6.2, in my view it is appropriate to acknowledge the infrastructure capacity of the existing and planned networks, including upgrades. Notified Policy 7.2.6.2 assists with implementing Objective 7.2.6 (noting that I recommend changes to notified Objective 7.2.6 as outlined in Section 6, below), and PDP SO 3.2.2.1 which seeks that urban development occurs in a logical manner so as to be integrated with existing and proposed infrastructure and appropriately manage effects on that infrastructure.
- 6.48** In my view, notified Policy 7.2.6.2 will assist with implementing the NPS-UD, in particular Objective 6 which seeks that local authority decisions on urban development that affect urban environments are integrated with infrastructure planning and funding decisions.

44 Policy 25.2.1.7, Rule 25.5.13.

Summary of Recommendation

6.49 For the reasons given in the assessment, I recommend that the submissions in support of notified Policy 7.2.6.2 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Objective 7.2.6

Matters Raised by Submitters

6.50 No changes were proposed to PDP Objective 7.2.6 in the notified proposal, however a small number of submission points⁴⁵ request that Objective 7.2.6 be amended to also acknowledge planned infrastructure/ upgrades, as currently this Objective only acknowledges existing infrastructure but not planned infrastructure.

Assessment

6.51 In my view, the relief sought would improve alignment with Objective 6 of the NPS-UD which seeks that local authority decisions on urban development that affect urban environments are integrated with infrastructure planning and funding decisions. Clauses 3.2(2) and 3.3(2) of the NPS-UD provides that development capacity must be infrastructure ready. Clause 3.4(3) of the NPS-UD provides that development capacity is infrastructure ready if, in relation to the long term, it is identified in a LTP or infrastructure strategy. Therefore, when making decisions on urban development, in my view to be consistent with the NPS-UD, it is appropriate to acknowledge *planned* infrastructure in addition to *existing* infrastructure.

6.52 Furthermore, in my view the recommended amendment for Objective 7.2.6 would assist with implementing Clause 3.35 of the NPS-UD, which requires that the objectives for every zone in an urban environment must describe the development outcomes intended for the zone over the life of the plan and beyond. The development outcomes of the LDSRZ will include efficient use of *planned* infrastructure, as not all infrastructure to service the growth enabled by the PDP exists currently.

6.53 In my view, it is appropriate to amend notified Objective 7.2.6 to include *planned* infrastructure. This will assist with implementing PDP SO 3.2.2.1 which seeks that

⁴⁵ Submission points: 834.16, 836.31, 839.16, 840.15.

urban development occurs in a logical manner so as to be integrated with existing and proposed infrastructure and appropriately manage effects on that infrastructure. Furthermore, the recommended revised wording in s42A Objective 7.2.6 will improve alignment with notified Policy 7.2.6.2, which seeks to ensure that development is designed consistent with the capacity of existing and/or planned infrastructure networks, including any upgrades.

6.54 Mr Powell addresses infrastructure provision in the LDSRZ at Section 4 of his evidence, and confirms that, while the notified amendments to the LDSRZ would make infill development in the LDSRZ more likely to be taken up, there would be no change in how the Council would plan for infrastructure, as a residential density of one unit per 300m² net area is enabled and anticipated by current demand projections.

6.55 I therefore recommend that notified Objective 7.2.6 be amended as follows:

Objective – Development efficiently utilises existing and planned infrastructure and minimises impacts on infrastructure networks.

Summary of Recommendation

6.56 For the reasons given in the assessment, I recommend that Objective 7.2.6 be amended as shown above and in the recommended revised provisions in **Strategic Evidence Appendix 1**.

6.57 I recommended that and the submissions in support and opposition of notified Objective 7.2.6 be accepted in part and the submissions as outlined in **Strategic Evidence Appendix 2**.

Section 32AA Analysis

6.58 In my opinion, s42A Objective 7.2.6 is more appropriate in achieving the objectives of the PDP than the notified version. In particular, I consider that:

- (a) s42A Objective 7.2.6 is more efficient and effective than the notified provisions in achieving the objectives of the PDP, including PDP SO 3.2.2 and 3.2.2.1; and

- (b) The recommended amendments will have greater benefits by being broadened to including planned infrastructure, which will achieve better alignment with notified Policy 7.2.6.2.

Chapter 7 - Objectives and Policies – General submissions and additional changes sought
Matters Raised by Submitters

- 6.59** E Forch (108.3-4) seeks that PDP Objective 7.2.1 be carefully amended to ensure continued high amenity values and that when development, especially infill is proposed that the immediate neighbours should be consulted for their opinion or local knowledge.
- 6.60** E Forch (108.5) and QAC (822.10) submit in support of the retention of PDP Objective 7.2.2 and its associated policies relating to the restrictions of Activities Sensitive to Aircraft Noise (**ASANs**) within the Air Noise Boundary (**ANB**) and Outer Control Boundary (**OCB**) seeing that this will give effect to the NPS-UD by supporting and recognising the airport as nationally and regionally significant infrastructure.

Assessment

- 6.61** Regarding the submission point of E Forch (108.3-4) on PDP Objective 7.2.1, in my view the LDSRZ Objectives and Policies achieve an appropriate balance for providing for development whilst ensuring appropriate levels of residential amenity are also provided for. The rule framework that implements Objective 7.2.1 includes provision for limited and full notification of development proposals that breach standards, including standards for building height, recession planes and setbacks. No specific amendments are sought by the submitter, and I recommend that Objective 7.2.1 be retained as notified.
- 6.62** PDP Objective 7.2.2 limits the development of ASANs within the Queenstown ANB and OCB shown on the plan maps. The notified UIV does not propose amendments to Objective 7.2.2 or to the LDSRZ provisions on ASANs⁴⁶. I agree with the submitters' view that retention of the current Objective is appropriate.

46 LDSRZ provisions on ASANs are: Policies 7.2.2.1 to 7.2.2.3; Rules 7.4.9 and 7.5.2.

Summary of Recommendation

- 6.63** For the reasons given in the assessment, I recommend that Objectives 7.2.1 and 7.2.2 be retained as notified and the submissions in support be accepted, and the submission in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Chapter 7 – Interpretation provisions

Provision 7.3.2.4 – Residential Density

- 6.64** Interpretation Provision 7.3.2.4 sets out how the LDSRZ rules for residential density are applied. The notified amendment to Provision 7.3.2.4 seeks to assist plan-users by clarifying how average densities are applied, including by confirming that, when landuse consent is sought pursuant to Rule 7.4.9, applications are required to demonstrate compliance with average density. The notified amendments to Interpretation Provision 7.3.2.4 work in conjunction with the notified amendments to Rule 7.4.9.

Matters raised by submitters

- 6.65** Four⁴⁷ submission points were received in support of the notified amendments to Interpretation Provision 7.3.2.4 and seven⁴⁸ submission points were received in opposition. Submissions in opposition generally oppose intensification of the LDSRZ. J Adams (228.16) opposes intensification in Wānaka stating that the smaller lot sizes would not be compatible with the area. M Harris (10.5) opposes increased density

Assessment

- 6.66** The notified amendments to Interpretation Provision 7.3.2.4 are proposed to assist plan-users when applying notified Rule 7.4.9 which amends the density calculation to enable an *average* net minimum lot area to be applied. The notified amendments to Interpretation Provision 7.3.2.4 provide guidance on how consent applicants can demonstrate compliance with the average density.
- 6.67** As the notified changes to Rule 7.4.9 are a shift in approach to apply an *average* minimum density, in my view it warrants the inclusion of the additional guidance

47 Submission points: 834.5, 836.22, 839.5, 840.4.

48 Submission points: 10.5, 134.10, 155.3, 228.16, 242.2, 446.5, 1066.4.

in Interpretation Provision 7.3.2.4. If the amended guidance wasn't included, there would be less certainty regarding the information required to demonstrate compliance with notified Rule 7.4.9. In my view, inclusion of the guidance will increase the effectiveness and efficiency of notified Rule 7.4.9. Removal of the interpretation provision would be a less appropriate option.

6.68 The relief sought on notified Rule 7.4.9 is addressed in Section 6, below.

Summary of Recommendation

6.69 For the reasons given in the assessment, I recommend that the submissions in support of notified Interpretation Provision 7.3.2.4 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Chapter 7 Rules – Activities

Rule 7.4.4 – Residential Density

6.70 Notified Rule 7.4.4 is a new permitted activity rule that enables one residential unit per site, on sites that have a net area of less than 450m². Breaches to the rule would require non-complying activity consent pursuant to PDP Rule 7.4.13.

6.71 Notified Rule 7.4.4 works in conjunction with PDP Rule 7.4.3, which permits residential units where the density of development does not exceed one residential unit per 450m² net area (and includes a carve-out provision for an area in Lake Hāwea South). Notified Rule 7.4.9 requires restricted discretionary activity consent for residential units where the density of development exceeds one residential unit per 450m² net area but does not exceed one residential unit per 300m² average net area. Breaches to notified Rule 7.4.9 would require non-complying activity consent pursuant to PDP Rule 7.4.12 (notified as 7.4.13 but no change to content).

6.72 The LDRSZ density rules would apply in conjunction with notified Rule 27.6.1, which is proposed to be amended to enable subdivision to a minimum net site area of 300m² in the LDRSZ, and with Rules 27.7.32 and 27.7.33, which apply to subdivision of an existing or consented residential unit.

Matters raised by submitters

- 6.73** Six⁴⁹ submission points were received in support of notified Rule 7.4.4 and nine⁵⁰ submission points were received in opposition. The submission points in opposition generally raise character, amenity and sunlight concerns. J Adams (228.17) is specifically concerned with the impact in Wānaka.
- 6.74** Four⁵¹ submission points seek clarification that vacant lots between 300m² and 450m² can be created with no associated land use breach; or alternatively if a land use density breach is required, acknowledge that on sites between 300m² and 450m², no dwelling designs are required in order for consent to be obtained.

Assessment

- 6.75** Notified Rule 7.4.4 works in conjunction with the subdivision minimum lot area requirements in PDP Chapter 27 – Subdivision & Development. The relevant provisions in Chapter 27 are briefly explained below, for context.
- 6.76** PDP Rule 27.5.7 requires restricted discretionary activity consent for all subdivision activities in the LDSRZ, and PDP Rule 27.5.22 requires non-complying activity consent for any subdivision that does not comply with the minimum lot areas specified in Table 27.6. For the LDSRZ, the minimum lot area requirement in notified Table 27.6 is 300m² (with carve-out provisions for the Queenstown Airport Air Noise Boundary, Outer Control Boundary and at Lake Hāwea South). Notified Rule 27.6.1 states that 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.
- 6.77** Notified Rule 27.7.32 applies for subdivision associated with residential development and provides an exemption from the specified minimum allotment size in Rule 27.6.1 in instances when each allotment to be created, and the original allotment, all contain at least one established residential unit.

49 Submission points: 389.4, 807.12, 834.6, 836.23, 839.6, 840.5.

50 Submission points: 446.6, 834.22, 836.37, 839.22, 840.22, 1066.5.

51 Submission points: 834.22, 836.37, 839.22, 840.22.

- 6.78** Notified Rule 27.7.33 applies in instances when subdivision is associated with residential development and the proposed sites are less than 300m². The rule exempts development from complying with the minimum allotment size in notified Rule 27.6.1 and minimum dimensions in notified Rule 27.7.30. in cases where combined land use and subdivision consent is sought. The notified amendments to Rule 27.7.33.1 enable subdivision to occur ahead of the implementation of the approved land use consent provided that certain requirements are met.
- 6.79** The requirements for subdivision activities work in conjunction with the LDSRZ requirements for land use activities. Any existing lot for development would have already been assessed under PDP Rule 27.5.7 as a restricted discretionary activity, which includes assessment of subdivision design and consequential effects on the layout of lots and lot sizes and dimensions.
- 6.80** The notified bulk and location rules for development in the LDSRZ have been modelled⁵² and are designed to enable development to a density of one residential unit per 300m².
- 6.81** Both the original allotment and the proposed lot would still have to comply with the land use standards of the zone, which would be considered at the time of subdivision. Effects of the permitted residential unit on the surrounding properties would then also be controlled by the land use standards of the LDSRZ.
- 6.82** Regarding the submitters seeking clarification, it would not be good planning practice to have inconsistent landuse and subdivision provisions. I do not consider that further clarification is needed, beyond that which is already provided in the Interpretation Provisions. I consider that the consent pathways under the notified provisions are clear.

Summary of Recommendation

- 6.83** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 7.4.4 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

52 S32, Appendix 4: Urban Design Report, Section 3.

Rule 7.4.9 – Residential Density

6.84 Notified amendments to Rule 7.4.9 maintain the current restricted discretionary residential density band but propose to amend the 300m² minimum net area to ‘average net area’. Notified Rule 7.4.9 also proposes changes to the matters of discretion to include additional matters that enable consideration of the capacity of existing or planned infrastructure / servicing and low impact stormwater design, summarised below:

- (a) Notified 7.4.9a– to add clarification that a range of unit sizes and typologies advances housing diversity;
- (b) Notified 7.4.9g and h - ensure the proposed development can be serviced and to mitigate any potential increase in stormwater runoff; and
- (c) Notified 7.4.9i – to remove a typographical error that repeats a sentence.

6.85 A key outcome of the notified amendments to Rule 7.4.9 will be improved commercial feasibility of the capacity enabled through infill development in the LDSRZ. It enables greater flexibility for the market to produce a range of lot sizes that are scaled to patterns of demand for different sized dwellings⁵³.

Matters raised by submitters

6.86 The notified changes to Rule 7.4.9 received seven⁵⁴ submission points in support and approximately 14⁵⁵ submission points in opposition. Submissions in opposition oppose the notified shift to 300m² *average* net area specified in notified Rule 7.4.9 and oppose the matters of discretion.

6.87 Regarding the matters of discretion, six⁵⁶ submission points in support and six⁵⁷ in opposition were received. Three submissions in opposition seek that there be no discretion relating to Rule 7.4.9 and that any proposal that does not meet the standards should be notified.⁵⁸

53 Ms Fairgray’s evidence, Section 5.

54 Submission points: 200.6, 709.6, 834.7, 836.24, 839.7, 840.6, 856.2.

55 Submission points: 10.7, 108.18, 134.13, 228.19, 352.7, 446.7, 446.9, 709.7, 834.17, 836.32, 839.17, 840.17, 1066.6, 1066.7.

56 Submission points: 200.6, 709.6, 834.7, 836.24, 839.7, 840.6.

57 Submission points: 108.18, 709.7, 834.17, 836.32, 839.17, 840.17.

58 134.13, 228.19, 1066.7.

6.88 The remaining submissions in opposition relate to specific discretionary matters and are outlined below.

Rule 7.4.9(a) – how the design advances housing diversity, including through providing a range of unit sizes and typologies;

6.89 Four⁵⁹ submission points support the inclusion of the words “including through providing a range of unit sizes and typologies” as a matter of discretion for housing diversity when considering applications for a density breaches. No specific reasoning is provided, other than being for intensification in general.

Rule 7.4.9(g) – Capacity of existing or planned infrastructure/servicing and Rule 7.4.9(h) – Low impact stormwater design

6.90 Two⁶⁰ submitters, NZTA and FENZ support the inclusion of (g) – infrastructure capacity, stating that it would ensure that development can be serviced. Four submission points⁶¹ oppose the inclusion of matters of discretion (g) and (h) which aim to ensure that proposed developments can be serviced and to mitigate any potential increase in stormwater runoff.

6.91 In the context of LDSRZ, NZTA and FENZ state that the Council’s Property and Infrastructure team should ensure that existing infrastructure and new infrastructure can support the intensification plan change. Also, that the zone is proposed to enable density to an average of 300m², so these matters therefore should be reserved to be taken into consideration for discretionary and non-complying activities as opposed to restricted discretionary density breaches.

Rule 7.4.9(i) – to remove a duplication typo as it relates to hazards.

6.92 E Forch (108.18) seeks that the duplicate provision is retained and rephrased to list risks to be avoided or mitigated to neighbours as well and seeks to include loss of sunshine, dust and light pollution as a hazard

Additional/amended matters of discretion requested

59 Submission points: 834.7, 836.24,839.7,840.6.

60 Submission points: 200.6 and 709.6.

61 Submissions 834.17, 836.32, 839.17, 840.17.

6.93 FENZ (709.7) seeks that matter of discretion (i) in Rule 7.4.9 be amended and an advice note be inserted as follows:

- (i) *parking and access layout: safety, efficiency and impacts on onstreet parking and neighbours, including emergency services access.*

Advice note: Site layout requirements are further controlled by the Building Code. This includes the provision for firefighter access to buildings and egress from buildings. Plan users should refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. Issuance of a resource consent does not imply that waivers of Building Code requirements will be considered/granted.

6.94 David and Barbara Payton (1066.7) seek that there be no discretion relating to Rule 7.4.9, and that QLDC apply the rules, and seek that any proposal that does not meet the standards be notified.

Assessment

6.95 Matters raised by submitters on the notified shift to 300m² average net area in the LDSRZ are also addressed above at paragraphs 6.70 – 6.83 where I address submissions on notified Rule 7.4.4. Notified Rule 7.4.9 works in conjunction with notified Rules 7.4.4, and 7.5.9, and notified advice note 7.3.2.4.

6.96 The proposed changes to Rule 7.4.9 would provide more flexibility for infill development to occur in the LDSRZ but would not increase the overall density enabled by the LDSRZ. The notified amendments would assist with achieving the current housing yields anticipated by the LDSRZ (being 1 residential unit per 300m² net site area).

6.97 Notified Rule 7.4.9 requires restricted discretionary activity consent for residential density of one residential unit per 450m² to 300m² average net area and includes a comprehensive suite of matters of discretion. In my view, notified Rule 7.4.9 is an appropriate method to enable more efficient use of urban-zoned land and will assist with implementing Objectives 1, 2 and 4 of the NPS-UD. Notified Rule 7.4.9

will assist with achieving PDP Strategic Objective 3.2.2 and Policy 3.2.2.1 and PDP Urban Development Objective 4.2.2 and Policy 4.2.2.2.

Matter of discretion 7.4.9a: how the design advances housing diversity, including through providing a range of unit sizes and typologies;

6.98 The notified amendment to matter of discretion 7.4.9(a) is a minor change that provides a more fulsome explanation of the term 'housing diversity'. In my view, the notified wording is a useful addition to assist plan users seeking consent under this rule. In my view, it is appropriate for the LDSRZ to enable a range of housing options, including flexibility for houses on smaller lots, subject to a consent process that considers all the matters listed in notified Rule 7.4.9.

6.99 In my view, notified matter of discretion 7.4.9(a) not only allows consideration as to how the proposal advances housing diversity, but it also allows consideration as to how individual proposals provide a range of unit sizes and typologies. I therefore recommend that the notified provision is retained and the submission points in support be accepted.

Matters of discretion 7.4.9(g): capacity of existing or planned infrastructure/servicing; 7.4.9(h): low impact stormwater design

6.100 Mr Powell's evidence on Infrastructure addresses matters relating to stormwater at Section 4 of his evidence, where he explains that the Council, via the Land Development and Subdivision Code of Practice 2025 (CoP), requires all developments to retain stormwater and release at pre-development flows or demonstrate how the stormwater infrastructure could or could not accommodate any additional flows. Mr Powell confirms that Council's demand projections for infrastructure currently plan for a minimum 300m² lot size in the LDSRZ.

6.101 In my view, notified matters of discretion 7.4.9(g) and (h) are appropriate to enable consideration of location and development-specific matters relating to stormwater when landuse consent is sought for residential density of one unit per 450m² to 300m² average net area. I therefore recommend that the relief sought by NZTA and FENZ on notified Rule 7.4.9 be rejected.

Matter of discretion 7.4.9I: proposed deletion of duplicated text

- 6.102** The proposed deletion of duplicated text is a minor amendment required to correct a typographical error. In my view notified Rule 7.4.9I is more appropriate than the current version.
- 6.103** In my view the relief sought by E Forch (108) to retain the duplicate provision and rephrase it to list risks to be avoided or mitigated to neighbours and include loss of sunshine, dust and light pollution as a hazard would confuse the matter of discretion. Furthermore, sunshine, dust and light pollution are not natural hazards.⁶²
- 6.104** On this basis I recommend that the relief sought by E Forch (108) on notified Rule 7.4.9 be rejected.

Additional/amended matters of discretion requested

- 6.105** In my view the amendments sought by FENZ (709.7) are not necessary as they relate to matters that are regulated by the Building Act 2004 and therefore do not need to be repeated in the PDP given that building proposals automatically require assessment against the Building Code.
- 6.106** In my view the advice note sought by FENZ would add unnecessary complexity to notified Rule 7.4.9 and is not within the ambit of matters required to be included in district plans (section 75 of the RMA, also described in Section 1.1 of the PDP). Further, the term *emergency services access* is not currently used in the PDP, and it is unclear whether or how this type of access would differ from the current access requirements in the PDP.
- 6.107** Regarding submission (1066.7), which seeks that there be no discretion relating to notified Rule 7.4.9, and that QLDC apply the rules, with any proposal that does not meet the standards being notified, as outlined in the LDSRZ Purpose Statement, and PDP Objectives 7.2.1 and 7.2.3, the LDSRZ anticipates a mix of densities and

⁶² See definition in s2 of the RMA: **natural hazard** means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

housing typologies. In my view the restricted discretionary activity status is appropriate to implement the LDSRZ objectives. The activity status enables proposals to be assessed on their particular merits through the resource consent process, and enables consent to be declined, if appropriate. Further, in my view, notification is more appropriately determined on a case-by-case basis through applying s95A and s95B of the RMA via the resource consent process. This process enables each application to be considered on its merits.

Summary of Recommendation

6.108 For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 7.4.9 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Chapter 7 Rules – Activities – Other matters

Matters raised by submitters

6.109 FENZ (709.8) seeks an amendment to Rule 7.4.11 which provides for community activities as a discretionary activity. The amendment sought by FENZ would provide for emergency service facilities as a permitted activity, as follows:

Community activities, other than the hospital provided for by Rule 7.4.4, except emergency service facilities which shall be Permitted.

Assessment

6.110 The UIV does not propose any changes to PDP Rule 7.4.11. FENZ states that new emergency service facilities may be required within the District, as the population grows, in order to continue to achieve emergency response time commitments in situations where development occurs. In FENZ' view, emergency service facilities would still be subject to the performance standards in Table 7.5 which would ensure that discretion is retained over the activities that are deemed acceptable to be located in the Residential Zone based on the performance standards that have been infringed.

6.111 In my view, discretionary activity status is appropriate for emergency service facilities located in the LDSRZ, which predominantly anticipates residential

activities. PDP Objective 7.2.5 and PDP Policies 7.2.5.1 to 7.2.5.3 assist with the assessment of consents for community activities, which include emergency service facilities.⁶³

6.112 Community activities are also provided for as a discretionary activity in the MDRZ (Rule 8.4.13) and the HDRZ (Rule 9.4.8) and are a permitted activity (subject to standards) in the town centres, BMUZ and LSCZ. The PDP therefore has an existing framework for the establishment of community activities in the urban environment, with a more permissive framework in the mixed-use zones, including the main centres.

6.113 In my view, permitted activity status would not assist with achieving the outcomes sought by Objectives 7.2.1, or 7.2.5. PDP Objective 7.2.5 provides for community activities where adverse effects are compatible with residential amenity values, and the policy suite beneath Objective 7.2.5 seek to ensure that matters relating to noise, traffic, parking, lighting, glare, visual impact, design, scale and appearance are appropriately managed to a level suitable for a residential zone. In my view, permitted activity status for emergency services would not enable the objectives and policies to be effectively implemented.

6.114 Given the broad range of effects that could arise from emergency service facilities, in my view the existing discretionary activity status is more appropriate than the permitted activity status sought by FENZ. On this basis I recommended that the relief sought by FENZ be rejected.

6.115 I have also identified that the internal rule reference in PDP Rule 7.4.10 (renumbered to notified Rule 7.4.11 but no change in substance) needs to be changed to Rule 7.4.5, rather than Rule 7.4.4, as follows:

Community activities, other than the hospital provided for by Rule 7.4.4~~5~~

63 See PDP Chapter 2 definition of **Community Activity**: means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police purposes, fire stations, courthouses, probation and detention centres, government and local government offices.

6.116 I understand this update can be made under clause 16 of Schedule 1 of the RMA, but recommend it be made through the Panel’s recommendations, to ensure any changes to UIV related changes are made comprehensively.

Summary of Recommendation

6.117 For the reasons given in the assessment, I recommend that the changes sought by FENZ to Rule 7.4.11 be rejected as outlined in **Strategic Evidence Appendix 2**, and I recommended that Rule 7.4.11 be amended to address the clause 16 amendment to the internal numbering reference outlined above, and as shown in the recommended revised provisions in **Strategic Evidence Appendix 1**.

Table 7.5A – Rules – Standards for Restricted Discretionary and Discretionary Activities under Rules 7.4 and 7.5

6.118 The notified changes to Provision 7.5A.1 consist of updating the reference date of the residential design guidelines which applies.

6.119 Five⁶⁴ submission points oppose notified provision 7.5A.1. M Harris (10.8) seeks that we design how we want and what we want. J Shearer (352.8) seeks that the planning rules are left as they are.

6.120 M Humphries (243.1) seeks that the Council elaborate and provide more definition and specifics about how sunlight, shading or privacy impacts will be assessed on adjacent sites in the non-compliance status discretion for this provision, or provide a separate document as to how sunlight, shading and privacy will be assessed.

Assessment

6.121 As outlined in my Strategic Evidence,⁶⁵ it is recommended that the notified change to Rule 7.5A.1, revert back to the existing PDP drafting. This would mean that the reference in Rule 7.5A.1 would be to the Residential Design Guideline ‘2021’. The Residential Design Guidelines are intended to be amended at a later date. This will

64 Submission points: 10.8, 243.1, 352.8, 446.8, 446.9.

65 Section 9.

occur when there is certainty on what the appropriate building height and density standards, are.

6.122 Regarding the relief sought by M Humphries (243.1), the standards in Table 7.5 provide parameters that development would be assessed against to determine the degree of impact that proposed development may have on an adjoining site. The Residential Design Guideline illustrates the development outcomes sought and provided for by the LDSRZ, and Rule 7.5A.1 seeks to elaborate on how the matters of discretion that reference the guideline are applied.

6.123 I recommend that the relief sought be rejected.

Summary of Recommendation

6.124 For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 7.5A.1 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Chapter 7 Rules - Standards

6.125 The notified changes to the LDSRZ rules in Table 7.5 consist of proposed changes to the bulk and location standards for buildings that generally seek to enable greater flexibility for well-designed intensification to occur, whilst ensuring an appropriate level of residential amenity is achieved. The notified provisions in Table 7.5 work together as a suite of standards and have been modelled in the Urban Design Report⁶⁶ appended to the s32 Report.

Rules 7.5.1, 7.5.2 and 7.5.3: Building height

6.126 The notified amendments to the LDSRZ rules for building heights propose to simplify the current height rules which apply different permitted heights in different locations, on flat and sloping sites and where infill is proposed on sites smaller than 900m².

6.127 As discussed in Section 3 of the Urban Design Report and Section 4.7 of the ME Economic Assessment appended to the s32 Report (Appendices 4 and 5 to the s32 Report), the notified amendments to permitted heights would simplify the rules

66 Section 3.

and result in a significant improvement of the commercial feasibility of the plan-enabled residential capacity in the LDSRZ. The notified height rules would provide for two storey development (subject to compliance with other standards, including recession planes) throughout the LDSRZ.

- 6.128** Notified Rule 7.5.1 proposed to apply a permitted height of 8m to all sites across the LDSRZ (irrespective of whether a site is sloping or flat), with the exception of Kawarau Heights, where current lower height limits for landscape protection reasons (Rule 7.5.1.2) are proposed to be retained. The current non-complying activity status for breaches to Rule 7.5.1 is proposed to be retained.
- 6.129** A high number of submissions seek amendments to the notified LDSRZ height rules as they apply to Arrowtown only. These submissions are addressed separately in my s42A on Arrowtown.

Matters raised by submitters

- 6.130** The notified changes to Rules 7.5.1, 7.5.2 and 7.5.3 attracted eighteen⁶⁷ submission points in support and 128⁶⁸ in opposition.
- 6.131** Ten⁶⁹ submission points oppose the notified rules that no longer distinguishing between flat and sloping sites and seek that the current lower height limit (7m) should be retained. Where general reasoning is provided it relates to sunlight access, privacy, character and views in existing areas.
- 6.132** H Ruddenklau (425.4) opposes notified Rule 7.5.1 and states the notified height would give an unfair advantage to those constructing new buildings/extensions. D & L Cruickshank (912.1) states that Rule 7.5.1 may reduce development capacity on sloping sites, since recession planes will be measured at a height commencing 2.5m above ground level. They request that a 7m height limit is retained without recession planes for sloping sites. No reasoning has been provided.

67 Submission points: 108.12, 295.1, 389.5, 389.6, 389.7, 398.3, 659.10, 711.5, 834.8, 834.9, 836.25, 836.26, 837.2, 839.8, 839.9, 840.7, 840.8, 1253.2.

68 These include submission points: 7.1, 7.12, 10.10, 10.9, 18.2, 21.1, 21.2, 21.3, 77.4, 91.1, 102.1, 103.3, 125.4, 134.14, 134.15, 134.20, 146.2, 147.1, 148.3, 155.5, 155.6.

69 Submission points: 134.14, 134.15, 155.5, 228.20, 425.4, 446.10, 912.1, 1026.1, 1066.8, 1074.2.

Assessment

Submissions seeking retention of PDP Rule 7.5.3 which prescribes a permitted building height of 5.5m for infill development on sites less than 900m²

- 6.133** The Urban Design Report⁷⁰ appended to the s32 Report assesses the operative 5.5m height limit for infill development and considers that it restricts the delivery of a second storey, thereby limiting intensification opportunities through infill development.
- 6.134** The LDSRZ Purpose Statement acknowledges that the LDSRZ provides for both traditional and modern suburban densities and housing forms, and that houses in the LDSRZ will typically comprise one to two storeys. Current building heights limit the opportunity for a second storey, which places pressure to accommodate building floor area through a larger ground-floor building footprint (i.e. higher site coverage by buildings, and larger site areas).
- 6.135** Infill development is an important component of enabling efficient use and development of urban land. Limiting opportunities for infill through restrictive building heights impacts on the commercial feasibility of the resultant plan-enabled capacity.
- 6.136** A key aim of the notified UIV is to enable intensification including within the LDSRZ, partly through amending provisions that are preserving the status quo by protecting existing amenity at the cost of limiting opportunities for infill development.
- 6.137** The notified changes to height rules work in conjunction with the notified changes to minimum residential density to enable more efficient use of urban land. As discussed in the s32 Report,⁷¹ the notified UIV places emphasis on providing greater flexibility to build up, without proposing changes to the current site coverage and permeable surfacing rules. This ensures that sites still retain sufficient separation between buildings and enable onsite stormwater attenuation.

70 Section 3.

71 Section 6.2.7.

- 6.138** The ME Economic Assessment appended to the s32 Report (Appendices 4 and 5 to the s32 Report) explains that the notified change to the building height, especially the removal of the 5.5m height restriction for infill development on sites less than 900m², will make a meaningful contribution towards making the existing plan-enabled density within the zone more commercially feasible. Increasing the commercial feasibility of development in the LDSRZ will also help support a competitive land and development market.
- 6.139** In my view, bespoke lower height limits are not justified, given the NPS-UD direction to intensify, the methodology proposed, and the approach taken by the Council to amend provisions within the LDSRZ to reduce barriers to achieving densities anticipated in the LDSRZ. I consider the 8m height limit will enable more efficient use of urban land, will better enable two storeys and that the notified changes respond appropriately to the zone's level of accessibility and relative demand (NPS-UD Policy 5), while contributing to achieving a well-functioning urban environment.
- 6.140** In my view, PDP Rule 7.5.3 is an unnecessary barrier to intensification, given that the effects assessments for resource consent breaches are often considered against the permitted baseline (7m/8m height limit/recession planes, and the exemption for a residential flat and accessory buildings). Furthermore, the existing PDP recession plane heights and angles are proposed to remain the same, noting that notified Rule 7.5.5 would apply to all sites, including all development on sloping sites and the non-compliance status would be amended to restricted discretionary (whereby the status for breaches in the PDP rule is non-complying).
- 6.141** I also consider that while the intent of the existing PDP rule is to minimise amenity effects on neighbouring properties, the suite of bulk and location provisions (including height recession planes) has been modelled and is supported by the Urban Design Report appended to the s32 Report. In his evidence, Mr Wallace⁷² has considered the submissions seeking amendments to the notified LDSRZ heights and supports retention of the notified heights. Mr Wallace states that, from an urban design perspective, additional controls sought by submitters to reduce

72 Statement of Evidence of Cameron Wallace, Urban Design, Section 7.

overall building height are unnecessary and restrict design flexibility and typology for no obvious urban design benefit.

- 6.142** NPS-UD Objective 4 directs that urban environments, including their amenity values, will develop and change over time in response to the diverse and changing needs of people, communities, and future generations. NPS-UD Policy 6, which assists with implementing Objective 4, directs that when making planning decisions that affect urban environments, decision-makers must have particular regard to certain matters. These matters include the planned urban built form in those RMA planning documents, and that implementing the changes required by the NPS-UD may involve significant changes to an area. Policy 6 also directs that, whilst those changes may detract from amenity values appreciated by some people, they may improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types, and the changes are not, of themselves, an adverse effect.
- 6.143** Whilst submitters seek that current levels of amenity are retained, in my view, Policy 6 of the NPS-UD provides support for the changes to amenity that will result from the notified building heights.
- 6.144** In my view, and as discussed in the s32 Report, the notified heights will assist with implementing NPS-UD Policy 1 because it will contribute to enabling a variety of homes that meet the needs in terms of type, price, and location, of different households, and will support the competitive operation of land and development markets. As the LDSRZ is the largest urban zone, the changes proposed will have a significant impact and will assist with enabling the residential density anticipated by the current provisions.
- 6.145** In my view, the notified amendments to heights will assist with implementing NPS-UD Policy 2, particularly in terms of the improvement in plan-enabled development feasibility, discussed in Ms Fairgray's evidence.⁷³

73 Ms Fairgray's evidence, Section 4.

6.146 The notified height rule would work in conjunction with notified Rule 7.5.5 - recession planes, which is addressed at paragraphs 6.159 – 6.174 below. The key changes to Rule 7.5.5 include removing the current exemptions for sloping sites, and amending the non-compliance status to restricted discretionary (whereby the operative status is non-complying).

Differentiation between flat and sloping sites

6.147 The PDP LDSRZ height rules differentiate between flat and sloping sites and associated application of recession planes to flat sites only. The current height rules apply a lower height limit to these sloping sites, to allow for more views over them, rather than through viewshafts created between dwellings through the application of recession planes. The existing height rules do not apply recession planes to sloping sites, then compensating for the reduced permitted height (pursuant to PDP Rule 7.5.2) by allowing a larger building envelope to be utilised.

6.148 In my view the application of different height rules for flat and sloping sites is unduly complex and could lead to entire sites that are mostly flat, being considered a sloping site, because a building is proposed on a small part of the site that is sloping.

6.149 On sloping sites, earthworks are often required to form level building platforms, and a lower height limit can mean that proposals have to increase the extent of the earthworks and associated retaining to comply with the existing 7m height restriction that applies to sloping sites, especially when two storeys are proposed.

6.150 In my opinion, applying a lower building height (7m) on sloping sites would make the development of a second storey challenging and the notified 8m height limit is a more appropriate method to ensure a two-storey development is enabled. Two storeys can be achieved with a 7m height limit but can lead to poor design outcomes to meet height requirements. In my view, the notified 8m height would provide flexibility that will support better design outcomes compared to the existing PDP height rules.

Summary of Recommendation

6.151 For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 7.5.1 and notified deletion of Rules 7.5.2 and 7.5.3 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Rule 7.5.3 – Building coverage and Rule 7.5.4 - Landscaped permeable surface coverage

6.152 The notified provisions do not propose changes to Rules 7.5.3 and 7.5.4 which prescribe the following (in summary):

- (a) Maximum permitted building coverage: 40%, breaches require discretionary activity consent; and
- (b) Minimum permitted landscaped permeable surface coverage: 30%, breaches for both rules require non-complying activity consent.

Matters raised by submitters

6.153 RCL Henley Downs Limited (1253.3) seek that maximum building coverage be increased to 50% and state that an increase in building coverage provides better utilisation of land and is necessary for intensification.

6.154 A small number of submission points⁷⁴ seek for the landscaped permeable surface coverage requirements to be reduced from 30% to 20% and for the rule to be amended to require restricted discretionary consent for breaches which could acknowledge that permeability is not possible on all sites rather than the current non-complying activity status. Submitters state that achieving this landscaped permeable coverage would become difficult to achieve on such small lots by the time the building footprint and other impermeable areas such as accessways, forecourts, parking areas and developed. No modelling or evidence is provided by submitters.

Assessment

6.155 The notified provisions retain the current building coverage and landscaped permeable surface rules. As part of the review of the existing PDP provisions, the Urban Design Report appended to the s32 Report considered the existing landscaped permeable surface coverage standards and found that they do not

74 Submission points: 834.18, 836.33, 837.3, 839.18, 840.18.

unduly restrict the development typologies anticipated within the respective zones (including the LDSRZ). These rules form part of package of notified bulk and location standards which have been modelled in the Urban Design report⁷⁵ to ensure that the anticipated built form is enabled.

6.156 Mr Wallace discusses the relief sought on notified Rules 7.5.3 (building coverage) and 7.5.4 (landscaped permeable surface coverage) at Section 7 of his evidence and he does not consider that any changes to notified Rules 7.5.3 and 7.5.4 are necessary from an urban design perspective. In Mr Wallace's view, the notified 40% permitted site coverage in Rule 7.5.3 is not particularly onerous for a suburban environment and will help maintain a more open and spacious character across the LDSRZ consistent with the purpose of the zone. Mr Wallace states that the landscaped permeable surface coverage requirement of 30% in notified Rule 7.5.4 is also not onerous and provides opportunities for meaningful landscape planting to occur consistent with the suburban character of the LDSRZ.

6.157 The notified UIV specifically focusses on enabling intensification through proposed changes to increase the height of the permitted building envelope rather than amending existing building coverage and landscaped permeable area requirements. As discussed in the s32 Report,⁷⁶ one of the key benefits of this approach is that it will not significantly change stormwater run-off above that anticipated by the operative LDSRZ provisions.

Summary of Recommendation

6.158 For the reasons given in the assessment, I recommend that the submissions in support of notified Rules 7.5.3 and 7.5.4 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Rule 7.5.5 - Recession Planes

6.159 The notified amendments to Rule 7.5.5 comprise the following changes:

- (a) deletion of the exception for buildings on sloping sites;

75 Urban Design report: Page 14 – Figure 2: – Example of a 180m² , two-storey dwelling on flat, 300m² lot complying with all LDSRZ standards.

76 Section 6.2.7.

- (b) inclusion of a new exemption for boundaries adjoining a BMUZ or Local Shopping Centre Zone; and
- (c) amending the activity status for breaches from non-complying to restricted discretionary activity status, with matters of discretion added.

Matters raised by submitters

- 6.160** The notified amendments to Rule 7.5.5 attracted nine⁷⁷ submission points in support and thirty-seven ³⁷⁷⁸ in opposition, including opposition to the notified activity status for breaches.
- 6.161** Six⁷⁹ submission points state that any breaches should be notified, two of these submissions (134.18 and 1066.9) seek that Council staff should not have discretion since there is a possibility of individuals varying their assessment and developers exerting pressure on Council staff. J Adams (228.88) seeks that neighbours of the properties affected by recession planes should be notified as affected parties. M Humphries (243.2) seeks that a definition should be provided on how sunlight, shading and privacy impacts are assessed on adjacent sites.
- 6.162** Seven⁸⁰ submission points seek that the existing recession plane exemption for sloping sites be retained. Five of these submission points,⁸¹ argue that this amendment has the potential to severely restrict building height across the entirety of a steep site (over approximately 35 degrees which slopes from north to south), given that recession planes will be measured at a height commencing at 2.5 metres above ground level.
- 6.163** D Carroll (7.19) seeks that recession planes be retained adjacent to business areas. H Sisson (889.1) seeks those exemptions to the recession planes be removed to provide landowner certainty.

77 Submission points: 134.16, 208.4, 228.21, 295.2, 295.3, 389.8, 807.14, 889.2, 1066.9.

78 These include submission points: 1.1, 7.13, 7.19, 7.6, 129.4, 134.18, 228.22, 243.2, 289.6, 296.5, 379.5, 425.1, 425.3, 425.6, 433.3, 444.3, 446.11, 446.12, 446.13, 565.10.

79 Submission points: 134.18, 228.22, 425.3, 443.3, 446.12, 1066.10.

80 Submission points: 1.1, 834.24, 836.34, 837.4, 839.19, 840.19, 912.2.

81 834.24, 836.34, 837.4, 839.19, 840.19.

- 6.164** D White (807.13) states that the proposed amendment will not increase residential capacity and will instead result in increased breaches to this rule.
- 6.165** RCL Henley Downs Limited (1253.4) seeks that recession plane measurement be increased to 3.5m high, for all boundaries. The submitter considers that this change would be consistent with other changes requested, such as the reduction in internal boundary setbacks, and is consistent with the objectives of the variation.

Assessment

- 6.166** The notified changes to Rule 7.5.5 forms part of the notified suite of bulk and location standards and specifically works together with the notified height rules to form a permitted building envelope that is enabling of two storey development, while still limiting adverse effects on adjacent properties.
- 6.167** The notified increase in permitted building height (notified Rule 7.5.1) seeks to implement the NPS-UD by enabling more efficient use of urban land and increases the viability of infill development. In conjunction with the notified building height rule (notified Rule 7.5.1), notified Rule 7.5.5 will assist with implementing NPS-UD Objectives 1, 2 and 4 and Policies 1 and 6.
- 6.168** Given the notified increased height permitted (8m) on sloping sites, in my view it is appropriate that the current exemption for sloping sites is removed, to ensure that effects on adjacent properties are appropriately managed. In my view, removal of the flat / sloping site distinction also has the benefit of removing current complexity from the rule.
- 6.169** Mr Wallace, in his evidence at Section 7, emphasises that the existing PDP recession plane rule enables higher levels of shading on neighbouring sites to be generated as of right from the development of sloping sites, whereas notified Rule 7.5.5 proposes to delete the sloping site exemptions. Mr Wallace is of the opinion that notified Rule 7.5.7 strikes an appropriate balance with the increased height to primary and secondary buildings within the LDSRZ that reflects the suburban, lower density character of the LDSRZ. I agree with Mr Wallace's assessment.

- 6.170** Regarding the relief sought by RCL (1253), which seeks that the height the recession planes are measured from be increased from 2.5m as notified to 3.5m, no assessment of the impact of the requested change has been provided by the submitter. Mr Wallace has considered the relief sought at Section 7 of his evidence, and states that the relief sought is unnecessary when considering the purpose and intent of the zone (including associated standards), where a less intensive and more suburban scale of development is anticipated. I agree with and rely on Mr Wallace's evidence.
- 6.171** In my view the notified shift to restricted discretionary activity status for breaches to notified Rule 7.5.5 is more appropriate than the existing non-complying activity status. The effects of recession plane breaches are confined to a discrete area adjacent to the breach, and the nature of effects generated by a recession plane breach are discrete and are able to be addressed via restricted discretionary consent.
- 6.172** In my view, restricted discretionary activity status for breaches will still assist with implementing PDP Objective 7.2.1 and PDP Policies 7.2.1.2 and 7.2.1.3. No limitations on notification are proposed via notified Rule 7.6 (Rules – Non-Notification of Applications) in relation to recession planes breaches. This ensures that an application to breach a recession plane can be limited or full notified if necessary. Restricted discretionary activity status would also enable consent to be declined, if appropriate. Further, in my view, notification is more appropriately determined on a case-by-case basis through applying s95A and s95B of the RMA via the resource consent process. This process enables each application to be considered on its merits.
- 6.173** I also consider the notified exemption to the application of recession planes to site boundaries that adjoin the BMUZ and LSCZ to be appropriate, as exemptions already apply to sites that adjoin a town centre zone. There is generally less onsite amenity anticipated in commercial zones, which predominantly have commercial activities located at ground floor level.

Summary of Recommendation

6.174 For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 7.5.5 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Rule 7.5.6 – Minimum Boundary Setbacks

6.175 The notified provisions do not propose amendments to PDP Rule 7.5.6, which prescribes the following setbacks (with specific exemptions for accessory buildings, minor breaches, and eaves):

- (a) Road boundary: 4.5m; and
- (b) All other boundaries: 2m.

6.176 PDP Rule 7.5.6 works in conjunction with the suite of bulk and location standards for buildings in the LDSRZ.

Matters raised by submitters

6.177 RCL Henley Downs Limited (1253.5) seeks that the minimum boundary setback standard (Rule 7.5.6) be deleted and replaced with the following:

a. Road boundary setback: 3m minimum, except for:

i. State Highway boundaries, where the setback shall be 4.5m minimum;

ii. garages, where the setback shall be 4.5m minimum;

iii. Building setbacks (excluding garages) on sites that adjoin two road frontages, where each frontage is more than 10m in length, shall include one setback of 3m, and the other road boundary setback may reduce to 2m. The 3m setback applies to any site that has frontage to an Arterial or Collector Road.

b. All other boundaries: 1.5m

Exceptions to boundary setbacks:

a. Accessory buildings for residential activities may be located within the boundary setback distances (other than from road boundaries), where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal

boundary, and they comply with rules for Building Height and Recession Plane;

b. Any building may locate within a boundary setback distance by up to 1m for an area no greater than 6m² provided the building within the boundary setback area has no windows or openings;

c. Eaves may be located up to 600mm into any boundary setback distance along eastern, western and southern boundaries;

d. Eaves may be located up to 1m into any boundary setback distance along northern boundaries.

6.178 RCL Henley Downs Limited considers that this rule would enable efficient use and development of sites and achieve the objectives of the UIV. Also, that it is appropriate that different rules apply to corner sites, to ensure efficient use of land, whilst still providing adequate setbacks for garages.

Assessment

6.179 The notified setbacks have been modelled in conjunction with the suite of bulk and location standards for the LDSRZ.

6.180 In Section 7 of his evidence, Mr Wallace has considered the relief sought and he does not consider that the amendments sought by the submitter are needed given the purpose and intent of the LDSRZ and desire to maintain a suburban character and amenity. In Mr Wallace's opinion, the notified boundary setbacks standards help to reinforce the type of development anticipated, providing for more openness (and potentially landscaping) between buildings on adjacent sites. I agree with Mr Wallace's assessment and recommend that the relief sought be rejected.

Summary of Recommendation

6.181 For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 7.5.5 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Rule 7.5.9 - Density

- 6.182** Rule 7.5.9 prescribes the maximum permitted density of residential units. The notified changes to Rule 7.5.9 work in conjunction with notified Rule 7.4.9, which is addressed above.
- 6.183** Notified Rule 7.5.9 is proposed to be amended to apply an average minimum density across the net area of a site, to provide more flexibility for smaller lots (compared to the operative rule) whilst maintaining the operative density of 300m² per residential unit.

Matters raised by submitters

- 6.184** The notified changes to provision 7.5.9 received six⁸² submission points in support and 20⁸³ in opposition. Supporting submission points generally relate to being supportive of intensification in general. Submission points that relate to Arrowtown are addressed in my s42A Report on Arrowtown. Approximately seven⁸⁴ submission points oppose the amendment to the rule, two of which were generally opposing the changes.⁸⁵
- 6.185** J Adams (228.18) states that smaller sections would have impacts on sunlight, privacy and outlook within the zone. P Griffin (365.14) opposes the reduction to 300m² average minimum density, except for within new greenfield development.
- 6.186** C Rudin-Jones (565.15) states that this would result in a density which does not meet the definition of a lower density residential zone and seeks that a reduction in maximum density of one unit per site size of 450m² would be adequate to meet the requirements of the NPS-UD whilst not impacting on privacy and overcrowding.
- 6.187** Two submissions⁸⁶ seek that Rule 7.5.9 be amended so that the rules regarding density remain the same in the LDSRZ within Kelvin Heights as they currently apply under the PDP.

82 Submission points: 295.4, 398.2, 834.10, 836.27, 839.10, 840.9.

83 Submission points: 10.13, 167.3, 228.18, 302.4, 365.14, 417.3, 565.15, 656.3, 672.5, 787.3, 793.3, 1037.5, 1174.9, 1215.1.

84 Submission points: 10.13, 167.3, 228.18, 365.14, 417.3, 565.15.

85 Submission points: 10.13, 167.3.

86 Submission points: 417.3, 489.14.

Assessment

- 6.188** The notified amendments to Rule 7.5.9 work in conjunction with notified Interpretation Provision 7.3.2.4 and the suite of bulk & location provisions for the LDSRZ, which have been modelled in the Urban Design Assessment appended to the s32 Report.
- 6.189** The proposed changes to Rule 7.5.9 would provide more flexibility for infill development to occur in the LDSRZ but would not increase the overall density enabled by the LDSRZ. The notified amendments seek to remove barriers to achieving the current density anticipated by the LDSRZ.
- 6.190** In my view, the notified amendments to Rule 7.5.9 will enable more efficient use of urban-zoned land and would assist with implementing Policy 5 of the NPS-UD. Notified Rule 7.5.9 will assist with achieving PDP Strategic Objectives 3.2.2 and 3.2.2.1 and PDP Objective 7.2.1.

Summary of Recommendation

- 6.191** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 7.5.9 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Deletion of PDP Rule 7.5.20 (and notified insertion to Chapter 8)

- 6.192** PDP Rule 7.5.20 is a location-specific rule that limits the establishment of buildings within the Wānaka Substation Building Restriction Area identified on Planning Maps (located on Ballantyne Rd). The notified provisions propose that the rule be deleted from the LDSRZ and shifted to the MDRZ (as notified Rule 8.5.17), as a consequence of the notified proposal to change the zoning of the land that contains the Substation from LDSRZ to MDRZ.

Matters raised by submitters

- 6.193** M Harris (10.15) opposes the proposed deletion of Rule 7.5.20, with no specific reasoning provided. Aurora Energy Limited (208.5) supports deletion of Rule 7.5.20, as the building restriction area surrounding the Wānaka Substation would

be retained in the MDRZ to manage reverse sensitivity effects on nearby residential buildings.

Assessment

6.194 Deletion of Rule 7.5.20 is required as a consequence of the notified change in zone for the relevant site. Retention of the rule would only be required if the zoning of the land covered by the Wānaka Substation Building Restriction Area remained zoned LDSRZ.

6.195 As no submissions have been received specifically seeking that the LDSRZ be retained on the site that contains the Substation, I see no logical reason for Rule 7.5.20 to be retained in the LDSRZ.

Summary of Recommendation

6.196 For the reasons given in the assessment, I recommend that the submissions seeking retention of PDP Rule 7.5.20 be rejected, the submissions in support of its deletion be accepted, as outlined in **Strategic Evidence Appendix 2**.

Chapter 7 Rules – Non-Notification of Applications

Rule 7.6.1.1 Non-notification of applications

6.197 The notified changes to Rule 7.6.1.1 adjust the internal numbering to refer to the updated rules and standards but does not change the substantive approach to notification.

Matters raised by submitters

6.198 Harris (10.16) opposes Rule 7.6.1.1b and states that a company (Aurora Energy) should not be given specific consideration, only the homeowners.

6.199 Aurora Energy Limited (208.6) seeks that Rule 7.6.1.1 be retained as notified.

Assessment

6.200 In the absence of any detail provided in the submission in opposition, I am not persuaded that the relief sought is more appropriate than the notified version.

Summary of Recommendation

6.201 For the reasons given in the assessment, I recommend that the submission in support of notified Rule 7.6.1.1 be accepted and the submission in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

Chapter 7 – Submissions received on the entire Chapter

Matters Raised by Submitters

6.202 A number of submission points were received on the LDSRZ as a whole, rather than any specific provision. These comprise approximately 317⁸⁷ submission points in general opposition to the notified chapter and 12⁸⁸ submissions points in general support.

6.203 From these opposing submission points, 248⁸⁹ relate to Arrowtown, which is addressed in my s42A Report on Arrowtown. One⁹⁰ relates to Hāwea which is addressed by Ms Frischknecht in her s42A Report on Hāwea. Eighteen⁹¹ relate to being against intensification in general or within specific areas, these are addressed in my s42A on Strategic Evidence and in Ms Morgan’s s42A on mapping/rezonings.

Assessment

6.204 This group of submissions are on the notified LDSRZ as a whole, and state general opposition or support for the notified changes. The matters raised in this group are already addressed in the preceding sections of this report.

Summary of Recommendation

6.205 For the reasons given in the assessment, I recommend that the submissions in general support of all notified changes to the LDSRZ be accepted in part and the submissions in opposition be accepted in part as outlined in **Strategic Evidence Appendix 2**.

87 These include submission points: 16.2, 22.2, 22.4, 25.2, 32.4, 33.1, 33.2, 36.2, 6, 45.1, 45.2, 50.1, 50.2, 56.1, 57.1, 71.2, 73.1, 126.1, 215.1, 218.1, 219.1, 226.1, 228.27, 228.28, 228.3.

88 Submission points: 9.6, 139.5, 372.1, 468.4, 470.1, 473.1, 485.11, 487.1, 548.3, 659.1, 711.20, 822.11.

89 These include submission points: 22.2, 25.2, 32.4, 33.1, 45.2, 50.2, 71.2, 73.1, 81.2, 95.1, 96.2, 100.1, 101.1, 102.3, 104.1, 106.3, 111.1, 114.1, 115.2, 125.2, 126.1, 130.1, 132.1, 147.5, 148.1, 157.1, 160.1, 167.5, 168.1, 171.1, 172.1, 176.3, 181.2.

90 Submission point: 565.5.

91 Submission points: 16.2, 22.4, 119.1, 155.7, 228.3, 228.6, 228.9, 352.16, 365.2, 369.2, 417.1, 428.1, 446.1, 459.1, 489.1, 535.1, 1066.14, 1236.2.

Chapter 7 – Miscellaneous submissions

6.206 A small number of submission points seeking specific relief that is not addressed under my recommendations on the provisions above. These submission points are as follows:

- (a) E Forch (108.2) seeks that visitor accommodation and home-based commercial activity should also include mitigation of dust hazard where access is not paved;
- (b) K Kennedy (446.9) seeks that any proposal for residential units whereby the density exceeds 450m² net site area but not 300m² average site area should be notified, and that there should not be matters of discretion; and
- (c) T Justice (856.5) seeks that the zone name 'Lower Density Suburban Residential' be changed to 'Low Density Residential', to align with National Planning Standards.

Assessment

6.207 Regarding the relief sought by K Kennedy (446.9) in my view, notification is more appropriately determined on a case-by-case basis through applying section 95 of the RMA via the resource consent process. This process enables each application to be considered on its merits. I recommend that the submission be rejected.

6.208 Regarding the relief sought by E Forch (108.2), consistent with my position above, dust effects are addressed in PDP Districtwide Chapter 25 – Earthworks. Chapter 25 includes provisions⁹² that limit the area and volume of earthworks that can be undertaken as a permitted activity and requires that dust from earthworks is managed so it does not cause nuisance effects that extend beyond the site boundary. In my view, given that these requirements apply District-wide (including to all activities in the LDSRZ), there is no need for them to be replicated in the LDSRZ provisions.

6.209 Regarding the relief sought by T Justice (856.5), the zone naming conventions prescribed in the National Planning Standards (**Planning Standards**) are a statutory requirement. Rather than applying the conventions iteratively, they will be applied

92 PDP Policy 25.2.1.7, PDP Rule 25.5.13.

via a comprehensive review of the PDP without using the Schedule 1 RMA process, as provided for in the Planning Standards.

Summary of Recommendation

6.210 For the reasons given in the assessment, I recommend that the submissions of K Kennedy (446.9), E Forch (108.2) and T Justice (856.5) be rejected as outlined in **Strategic Evidence Appendix 2.**

A handwritten signature in black ink, appearing to read 'Amy Bowbyes', with a stylized, cursive script.

Amy Bowbyes

6 June 2025