

**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

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**SECTION 42A REPORT OF CORINNE FRISCHKNECHT  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**CHAPTER 8 Medium Density Residential Zone - TEXT  
CHAPTER 9 High Density Residential – TEXT  
CHAPTERS 7 and 8 Lake Hāwea Residential Zones - TEXT**

**6 June 2025**

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## **1. QUALIFICATIONS AND EXPERIENCE**

- 1.1** My full name is Corinne Frischknecht. I hold the position of Senior Policy Planner at Queenstown Lakes District Council (the **Council** or **QLDC**). I have been in this position since February 2024.
- 1.2** Prior to this I was employed at Tauranga City Council as Principal - Urban Planning and Design. As part of this role, I was Project Lead for setting up the Tauranga Urban Design Panel, as well as involved in drafting Urban Design provisions and expert conferencing for Urban Design for the Plan Change 33 – Enabling Housing Supply.
- 1.3** I have over 16 years’ experience working in resource management planning, urban design and spatial planning (both public and private sectors) in New Zealand and the United Kingdom. This includes having a lead role or support for a number of Council plan changes, of most relevance being Plan Change 26 – Housing Change for Tauranga City Council which was a plan change to enable intensification of existing urban areas. My involvement in the project included provision writing, s32 evaluation report, summary of submissions and further submissions. The Plan Change was prepared to give effect to the NPS-UD 2020 and was then put on hold with the release of NPS-UD 2022 and eventually replaced by *Plan Change 33 – Enabling Housing Supply*, and consequently never eventuated to a Hearing.
- 1.4** I hold the qualifications of Bachelor of Environmental Management from Lincoln University and a Master of Urban Design from Auckland University. I am a Full member of the New Zealand Planning Institute.
- 1.5** Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised me to give this evidence on its behalf.

## **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 the changes to the Medium Density Suburban Residential (**MDRZ**) and High Density Residential (**HDRZ**) zones and Lake Hāwea Residential Zones to the Proposed District Plan (**PDP**), notified as part of the Urban Intensification Variation (**UIV** or **variation**).

**2.2** I became involved in the UIV during the summary of submissions process.

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

- (a) Topic 1: Medium Density Residential Zone; and
- (b) Topic 2: High Density Residential Zone.
- (c) Topic 3: Lake Hāwea Residential Zones.

**2.4** 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.

**2.5** 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.

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

**2.7** When assessing the submissions, I refer to and rely on 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) Mr Richard Knott, Richard Knott Limited – Heritage;
- (e) Ms Amy Bowbyes, Queenstown Lakes District Council – s42A on Strategic Evidence, Arrowtown, and Chapters 2, 4 and 7; and
- (f) Ms Rachel Morgan, B&A – S42A Rezoning: Residential.

**2.8** The key documents I have used, or referred to, in forming my view are:

- (a) National Policy Statement on Urban Development (**NPS-UD**);
- (b) Notified UIV – Section 32 Report (**s32 Report**);
- (c) Queenstown Lakes Proposed District Plan (**PDP**);
- (d) Queenstown Lakes Operative District Plan (**ODP**);
- (e) Regional Policy Statement 2019 for Otago (**ORPS 19**);
- (f) Proposed Otago Regional Policy Statement 2021 (**PORPS 21**) - decisions version;
- (g) Queenstown Lakes Spatial Plan 2021 – 2050 (**Spatial Plan**);
- (h) QLDC Ten Year Plan 2021-2031 (**LTP**);
- (i) QLD Housing & Business Capacity Assessments (**HBA**) (2017, 2021);
- (j) Medium Density Residential Standards (**MDRS**).

**2.9** Changes I recommend to the notified UIV provisions in response to submissions and further submissions are tracked in in Appendix 1 to Ms Bowbyes S42A – Strategic Evidence (**Strategic Evidence Appendix 1** hereafter). My recommendations for accepting or declining submissions are included in **Appendix 2** to Ms Bowbyes S42A – Strategic Evidence (**Strategic Evidence Appendix 2** hereafter) alongside a summary of the relief sought in the submissions.

**2.10** 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**.

**2.11** Where a submission opposes a provision and does not provide any reasons, I have not addressed the submission point. I recommend that these submission points are rejected, as shown in **Strategic Evidence Appendix 2**.

**2.12** Throughout my evidence I refer to the following versions of the PDP text, as follows:

- (a) PDP [Provision] XX.X.X: to refer to the Proposed District Plan (i.e. PDP Objective XX.2.1);
- (b) notified [Provision] XX.X.X: to refer to the notified version of a provision amended through the UIV (i.e. notified Objective XX.2.1); and
- (c) S42A [Provision] XX.X.X: to refer to the recommended version of a provision as included in Strategic Evidence Appendix 1 (i.e. S42A Objective XX.2.1).

### **3. EXECUTIVE SUMMARY**

**3.1** This s42A report makes recommendations on the submissions and further submissions received on the variations to the following chapters to the Proposed District Plan (PDP):

- (a) Chapter 8 – Medium Density Residential Zone
- (b) Chapter 9 – High Density Residential Zone
- (c) Lake Hāwea Residential Zones (Low Density Suburban Residential and Medium Density Residential Zones).

**3.2** A number of submissions seek changes to the PDP text. Some submissions also seek changes to the extent of the Medium and High Density Residential Zones. These have been addressed in Ms Morgan’s s42A – Residential Zones requests and my s42A - Lake Hāwea Zones requests. Submissions received in relation to Arrowtown have been addressed in Ms Bowbyes s42A Report – Arrowtown.

**3.3** The main issues raised by the submitters relevant to this s42A report are:

- (a) Objective, policies and rule frameworks for Medium and High Density Residential Zones, particularly in relation to character and amenity of existing residential areas;

- (b) Bulk and Location standards within the Medium and High Density Residential Zones;

**3.4** The report addresses each of these key issues, as well as any other relevant issues raised in the submissions relating to the Business Zones. Having considered the notified material, the submissions and further submissions received, the findings of the Council's expert advisors I have evaluated the provisions relating to the Business Zones and provided recommendations and conclusions in this report. The provisions with my recommended amendments are included in **Strategic Evidence Appendix 1** and summarised below:

**Medium Density Residential Zone:**

- a) Amendments to 8.1 Zone Purpose to recognise building heights will be up to three storeys, rather than stating they will be three storeys.
- b) Amendments to Rule 8.5.6 Outlooks Space (per unit) to refer to 'main' rather than 'principal' when referring to living room/space. Also to make it clear that if there is more than one window or glass door in a room, then it is measured from the largest one.
- c) Amendments to Rule 8.5.9 Minimum Boundary Setback, to provide exemption along one boundary on sites that adjoin two road frontages (providing it isn't along Arterial or Collector Roads).

**High Density Residential Zone:**

- d) Amendments to Objective 9.2.1 to remove the word 'housing' so it refers to all high density development
- e) Amendments to Objective 9.2.2 to remove the term 'high density residential' so it refers to all development
- f) Amendments to Objective 9.2.3 to remove the term 'high density residential' so it refers to all development and replace the word 'minimum' with 'appropriate' when referring to level of existing amenity values for neighbouring sites. This is also reflected in amendments to Policy 9.2.3.1.
- g) Amendments to Policy 9.2.6.5 to acknowledge that a reduction in parking provision is encouraged to help facilitate modal shift.

- h) A new rule and policy is recommended to enable buildings up to 20m in the Three Parks Wānaka; where the outcome is of high-quality design; and the additional height would not result in shading that would adversely impact on adjoining Residential zone and/or public space or does not dominate the streetscape.
- i) Amendments to Rules 9.5.7 Building height setback at upper floors to provide for exemption along State Highway Road boundaries, when the 4.5m setback in Rule 9.5.6.1 is complied with.
- j) Minor amendments to Rule 9.5.8 Outlook Space (per unit) to refer to 'main' rather than 'principal' when referring to living room/space. Also to make it clear that if there is more than one window or glass door in a room, then it is measured from the largest one.

#### **4. TOPIC 1: CHAPTER 8 - MEDIUM DENSITY RESIDENTIAL ZONE (MDRZ)**

- 4.1** The purpose of the MDRZ as outlined in the PDP is to provide land for residential development at greater density than the Lower Density Suburban Residential Zone (LDSRZ). Along with the LDSRZ and HDRZ, the MDRZ plays a key role in minimising urban sprawl and increasing housing supply. This zone provides a transition between LDSRZ and higher density zones, such as LSCZ and HDRZ.
- 4.2** The key changes proposed by the notified UIV for the MDRZ include amendments to two PDP objectives as well as new or revised provisions. The changes are to enable intensification (height and density), in response to Policy 5 of the NPS-UD, and enable a range of housing typologies (including low-rise apartments) to ensure the zone contributes to achieving a well-functioning urban environment (Policy 1, NPS-UD).
- 4.3** The UIV also proposes amendments to ensure that adequate amenity values are provided for within the MDRZ and that development can be serviced, as well as to mitigate any potential increase in stormwater runoff.
- 4.4** As outlined on page 9 of the Section 32 Report, as a Tier 2 council the requirements of the Resource Management (Enabling Housing Supply and Other Matters)

Amendment Act 2021 (**Amendment Act**) including the MDRS do not apply to QLDC. However, the suite of notified UIV provisions incorporate some aspects of the MDRS and are considered to be an appropriate option for achieving the implementation of the NPS-UD. This is discussed in more detail in Paragraph 4.99 of this report as the MDRS relate to notified Chapter 8.5 Rules – standards.

### **Provision 8.1: Zone Purpose**

- 4.5** The notified UIV includes changes to the MDRZ Purpose statement to more accurately describe the intent of the zone, which is to enable more housing typologies and more building height (up to 3 storeys. It also includes minor changes to correct grammar and to also list Arthurs Point as an area where MDRZ is present.

### ***Matters raised by submitters***

- 4.6** Eight submissions<sup>1</sup> were received in support to the amendments proposed to the Zone Purpose, and 39 submission points<sup>2</sup> were received in opposition. The main reasons for opposition relate to intensification in general, location, height and traffic (in localised areas). The substance of these submissions is addressed elsewhere in the 42A reports:

- (a) building height is discussed in more detail in Section starting 4.101 of this report relating specifically to the height provisions;
- (b) twelve of the submission points relate to Arrowtown specifically, which is covered in Ms Bowbyes' evidence; and
- (c) eight others are also location-specific, relating to Sunrise Lane (Queenstown Hill), Wānaka, Frankton and Hāwea. These are covered in Paragraph 4.54 of this report.

- 4.7** G Gibbons (893.5) seeks changes to paragraph 4 of the Zone Purpose (notified UIV changes shown in black, changes sought shown in red) as follows:

*While providing for a higher density of development than is anticipated in the Lower Density Suburban Residential Zone, the zone incorporates development controls to ensure ~~that~~ the reasonable maintenance of*

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1 These include submission points 1038.1, 1039.3, 711.7, 831.2, 833.2.

2 These include submission points: 10.17, 10.18, 310.1, 364.1, 41.1, 423.1.

*amenity values is maintained. Building heights will be generally two or three storeys.*

- 4.8** A Parker (364.1) seeks that there is complete removal of the allowance for short term accommodation instead of restricted allowance. Short term accommodation is addressed in Section 9 of Ms Bowbyes' Strategic Evidence There are no changes proposed to short term accommodation (use) as part of the notified UIV. This is addressed in Ms Bowbyes' strategic evidence on scope, and not considered further in this s42A report.
- 4.9** P Griffin (365.5) seeks that implementation of medium density should only be allowed in greenfield developments. Location of the MDRZ, including application of NPS-UD is addressed in Section 7 of Ms Bowbyes' strategic evidence.

#### Assessment

- 4.10** G Gibbons (893.5) considers that the use of the word reasonable in the Zone Purpose adds an unnecessary layer of subjectivity and areas for dispute. Even though I agree with the submitter that the word 'reasonable' is subjective, this terminology is guided by the objectives and provisions in the chapter itself. Given that the Zone Purpose has no legal weighting and it aims to provide a broad description of what the zone is seeking to achieve, I consider it appropriate to retain the word 'reasonable' in this instance. Removing the word 'reasonable' in the paragraph would indicate that amenity values are being maintained with intensification, which will not always be possible.
- 4.11** In my view it is appropriate for the Zone Purpose to acknowledge that intensification is enabled and is balanced with some maintenance of existing amenity. The objectives and provisions of the MDRZ will guide assessments as to what level of amenity is considered reasonable to maintain, balanced against the MDRZ purpose to enable a range of housing choices.
- 4.12** The notified UIV provisions allow for development up to three storeys but does not require three storeys. Even though, I agree with the intent of G Gibbons (893.5), however I am of the view that adding in the wording 'up to three storeys' rather

than the word 'two' would more accurately describe the mix of development that is anticipated to eventuate in the zone. The notified purpose statement also acknowledges that there are no increases to current building heights in specific locations within the MDRZ e.g. Queenstown Hill and as recommended for Arrowtown in Ms Bowbyes' evidence on Arrowtown submissions.

**4.13** Ms Bowbyes' strategic evidence outlines the strategic approach to amenity, character, sunlight/shading, transport capacity and infrastructure constraints. Her evidence addresses the concerns raised by submitters regarding changes to character and amenity values when implementing Policy 5 of the NPS-UD. I consider that none of the submitters have raised specific reasoning other than those set out above that justifies a different approach to the Zone Purpose to what was notified within the MDRZ.

**4.14** Overall, aside from the amendment that I agree with above, I consider the notified UIV changes to the Zone Purpose statement are necessary to give effect to the NPS-UD.

#### Summary of Recommendation

**4.15** For the reasons given in the assessment, I recommend that the submission point by G Gibbons (893.5) is accepted in part and the last sentence in Paragraph 4 is updated as follows:

*Building heights will be ~~generally up to or three~~ ~~two~~ storeys.*

**4.16** I recommend that the other submissions in support of the notified Zone Purpose be accepted in part and the submissions in opposition be rejected.

#### Section 32AA analysis

**4.17** In my opinion, the S42A Zone Purpose statement is more appropriate in achieving the objectives of the PDP than the notified wording. In particular, I consider that:

- (a) the amendment to the Zone Purpose would more accurately reflect the level of development enabled by the provisions, particularly notified UIV Rule 8.5.1 relating to building height; and

- (b) the amendments recommended through this s42A will not have any materially greater environmental, economic, social, and cultural effects than the notified version given that the Zone Purpose itself does not have any legal weighting. However, there will be benefits from improved clarity and direction provided by the s42A recommended revised wording.

## **Chapter 8 – Objectives and Policies**

**4.18** The notified provisions include the following changes to the Objectives and Policies of the MDRZ as summarised below:

- (a) amend Policy 8.2.1.4 – to enable increased heights and low-rise apartments;
- (b) amendment to Objective 8.2.3 – to clarify that the character will be continually changing;
- (c) delete PDP Policies 8.2.3.1 and 8.2.3.2 that focus on maintenance of amenity values and replace with two new policies (notified 8.2.3.1 and 8.2.3.2) – with stronger focus on built form outcomes and also acknowledging that amenity values will change over time as intensification occurs;
- (d) amend Objective 8.2.5 – to include reference to roading networks;
- (e) add a new Policy 8.2.5.2 to encourage a reduction in parking provision to facilitate mode shift in key accessible locations;
- (f) Amend PDP Policy 8.2.5.2, (which, I will refer to as **Policy 8.2.5.2A**, and will need to be renumbered in due course along with consequential renumbering to PDP 8.2.5.3), to enable development design to consider the capacity of infrastructure upgrades.

### ***Matters raised by submitters***

**4.19** One submission (830.7) was received in support of Section 8.2 Objectives and Policies, particularly Policy 8.2.1.4 which acknowledges low-rise apartments within the MDRZ. I address this submission point below, under the sub-headings for Policy 8.2.1.4.

**4.20** Four submissions<sup>3</sup> were received in opposition to the proposed changes to Section 8.2 Objectives and Policies as a whole, which are all location specific and are against intensification in Arrowtown, Wānaka and/or Hāwea. These submission points are addressed in Ms Bowbyes' evidence on Arrowtown or Strategic Evidence on implementation of Policy 5.

**Objective 8.2.1 and Policy 8.2.1.4**

**4.21** No changes are proposed to PDP Objective 8.2.1.

**4.22** Notified amendments to Policy 8.2.1.4 seek to account for the change in housing forms proposed to be enabled, being low-rise apartments as opposed to small lot detached housing.

***Matters raised by submitters***

**4.23** One submission was received in opposition to PDP Objective 8.2.1. G Gibbons (893.1) seeks an amendment to include the word 'local' when referring to travel.

**4.24** 10 submissions<sup>4</sup> were received in support of the proposed changes to Policy 8.2.1.4. Four submissions<sup>5</sup> were received in opposition. Of these, two are location specific, being Wānaka and Arrowtown.

**4.25** M Harris (10.19) seeks that we use the many empty buildings first before building new multi-story ones. G Gibbons (893.2) seeks for "detached" as a listed housing form be added back into the policy. B Thomas (533.4) seeks that there should be no low-rise apartments permitted in Wānaka. C McKenzie (54.2) states that infrastructure cannot cope with additional cars and people.

**Assessment**

**4.26** G Gibbons (893.1) has not provided any further reasoning or explanation on why 'local' should be included in Objective 8.2.1, nor how the proposed change is 'on' the UIV. The PDP Objective as currently worded encourages travel via non-

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3 Submissions 71, 353, 526, 751.

4 These include submission points 1038.2, 1039.4, 1040.10, 389.9, 506.2, 835.3.

5 Submission points 10.19, 533.4, 54.2, 893.2.

vehicular modes of transport or via public transport and in my view, it is not appropriate to restrict the objective to apply to local travel only.

- 4.27** While detached housing is not restricted, notified Policy 8.2.1.4 seeks to reflect the purpose of the MDRZ which is to provide for a higher density of development than is anticipated in the LDSRZ. In regard to permitted typology, this is discussed in more detail in the relevant provisions, particularly in Section starting 4.101 of this report relating to height and density.
- 4.28** I consider that the notified change to Policy 8.2.1.4 will assist in enabling medium density development and that the amendment as notified gives effect to NPS-UD, particularly Policies 1 and 5, and PDP Strategic Objective (**SO**) 3.2.2 which seeks that urban growth is managed in a strategic and integrated manner, and PDP Strategic Policy (**SP**) 3.2.2.1 to promote a compact, well design and integrated urban form.
- 4.29** In regard to transport and infrastructure, this is covered in Ms Bowbyes' strategic evidence. Also, in Section 4 of Mr Powell's evidence, he acknowledges that for the MDRZ there will need to be a change in the way the Council would plan for infrastructure, given the land use density standard is proposed to be removed and it is harder to service and plan for three waters infrastructure, without knowing where and when demand would eventuate. The notified provisions include a matter of discretion for four or more residential units per site (Rule 8.4.10(k)) for individual developments to consider infrastructure capacities and for them to be able to propose suitable upgrades if needed.
- 4.30** In regard to location-specific submissions, the submitters in opposition have not provided any evidence in support of their position and I am not persuaded that excluding these areas would still give effect to the NPS-UD, particularly Policies 1 and 5 in contributing to well-functioning environments and enabling heights and density of urban form commensurate with the greater of the level of accessibility or relative demand.

### Summary of Recommendation

**4.31** For the reasons given in the assessment, I recommend that:

- (a) the submission by G Gibbons (893.1) in opposition of PDP Objective 8.2.1 be rejected (assuming it is within scope); and
- (b) the submissions in support of Policy 8.2.1.4 be accepted and the submissions in opposition be rejected.

### **Objective 8.2.3, Policies 8.2.3.1 and 8.2.3.2**

**4.32** Notified amendments to Objective 8.2.3 and the replacement (notified) Policies 8.2.3.1 and 8.2.3.2 acknowledge that the character and associated amenity values will change over time as intensification occurs and provide stronger direction on providing high quality living environments.

### ***Matters raised by submitters***

**4.33** Nine submission points<sup>6</sup> were received in support of the notified changes to Objective 8.2.3, and six submissions<sup>7</sup> in opposition.

**4.34** G Gibbons (893.3) seeks to remove the word “reasonable’ arguing that it adds an unnecessary layer of subjectivity and areas for dispute. T Muller (312) raises concerns with parking, visitor accommodation and infrastructure. J Middendorf (299.5) considers that the MDRZ will not achieve an acceptable level of dominance of adjoining sites.

**4.35** Ten submissions<sup>8</sup> were received in support of notified amendments to Policy 8.2.3.1, including six submissions which seek that the notified wording is retained.

**4.36** Six submissions<sup>9</sup> were received in opposition to the notified policy and seek that the PDP wording is retained. M Gamble (260.2) seeks that that the PDP standards for recession planes, height and setbacks are retained to maintain neighbours’ amenity values.

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6 These include submission points: 10, 1369, 260.2, 286.3, 286.4, 333.4, 406, 430.6.

7 Submission points: 10.20, 299.5, 312.10, 333.4, 430.6, 893.3.

8 These include submission points 832.7, 835.5, 836.5, 838.5, 830.9.

9 These include submission points: 10, 1369.6, 260.2, 286.3, 406.3, 509.8

**4.37** Nine submissions<sup>10</sup> were received in support of Policy 8.2.3.2 and six submissions<sup>11</sup> were received in opposition, including three submissions which seek that the PDP wording for the policy remains as is. The main reasons for opposition includes building dominance, blocked views, amenity effects, parking and traffic (in localised areas) and infrastructure. I note that submissions on the related built form controls for the MDRZ, including height, building dominance and amenity, are assessed in Section 4.101 of this report.

**4.38** Arthurs Point Woods Limited Partnership (830) supports notified Objective 8.2.3 (830.8), Policy 8.2.3.1 (830.9) and Policy 8.2.3.2 (830.10). Eight further submissions<sup>12</sup> were received in opposition to the submission by Arthurs Point Woods Limited Partnership. The further submitters consider that it would be inappropriate to adopt bespoke provisions in the District Plan. These concerns relate to relief sought by the submitter to *Rule 8.5.1.1 - Maximum Height* and *Rule 8.5.7 – Recession Planes* and have been addressed in Sections beginning 4.101 and 4.187 of this report.

#### Assessment

**4.39** Methods that address building dominance and amenity are covered in Section 4.101 of this report which relates to bulk and location provisions and ensuring that the proposed provisions provide for a level of amenity considered appropriate for the MDRZ.

**4.40** G Gibbons (893.3) states that the word ‘reasonable’ in notified Objective 8.2.3 adds unnecessary subjectivity to the Objective and seeks that the word be deleted from the Objective. In my view (and consistent with the similar submission point on the MDRZ Purpose) considered above, removing the word ‘reasonable’ from the Objective would then focus on maintaining amenity values enjoyed on adjoining sites which is not always possible with intensification. The word ‘reasonable’ provides flexibility for amenity values to change over time as the MDRZ develops and diverse housing typologies (including low-rise apartments) are established in the MDRZ. Changes to amenity values are acknowledged and anticipated in

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10 The include submission points: 832.8, 835.6, 836.6, 838.6

11 Submission points: 10.22, 1369.7, 286.4, 406.4, 506.5, 565.11

12 These include further submissions 1296, 1301, 1302, 1303, 1359, 1360.

Objective 4 and Policy 6 of the NPS-UD. In my view, removal of the word 'reasonable' would create a risk that notified Objective 8.2.3 would be interpreted as seeking to maintain existing amenity values. In my view, maintenance of existing amenity values is an outcome that is less consistent with the outcomes directed by the NPS-UD and would be a less appropriate option than the notified version of Objective 8.2.3.

- 4.41** In my opinion, the addition of notified Policy 8.2.3.2 provides stronger direction on how to achieve high quality living environments, which includes consideration of amenity values, and this should be considered when assessing amenity on the subject site, but also on adjoining sites to ensure that the criteria is still met.
- 4.42** Notified Objective 8.2.3 implemented by notified Policy 8.2.3.2 ensures that development provides high quality urban living environments for residents as well as adjoining properties, which becomes extremely important with increased intensification. I consider that the amendments as notified are required to give effect to the NPS-UD, particularly, particularly Policies 1 and 5, and Strategic Objective 3.2.2 of the PDP in that urban growth is managed in a strategic and integrated manner. I also consider Policy 6 of the NPS-UD to be of relevance and that decision-makers are to have particular regard to the planned urban built form anticipated by the NPS-UD, and that changes in amenity in and of themselves are not an adverse effect.
- 4.43** Infrastructure and overall strategy towards encouraging a shift away from vehicle dependence and carparking capacity at a high level are addressed in Section 12 of Ms Bowbyes' Strategic s42A report. Furthermore, rules that require a prescribed number of on-site car parks can no longer be required pursuant to Policy 11 and Subpart 8 of the NPS-UD.

#### Summary of Recommendation

- 4.44** I recommend that the submissions in support of notified Objective 8.2.3 are accepted and the submissions in opposition be rejected.

**4.45** I recommend that the submissions in support of notified Policies 8.2.3.1 and 8.2.3.2 are accepted in part and the submissions in opposition be rejected.

**Objective 8.2.5 and Policy 8.2.5.2**

**4.46** In summary, the notified amendments to Objective 8.2.5 and notified (new) Policy 8.2.5.2 encourage mode shift and recognise the role it plays in minimising impacts on the roading networks.

***Matters raised by submitters***

**4.47** Six submission points<sup>13</sup> were received in support of notified amendments to Objective 8.2.5 and these were supported by two further submissions (1285.25, 1317.1) and opposed by three further submissions (1292.10, 1317.1, 1292.3). No specific reasoning was provided by the further submitters on why they oppose notified Objective 8.2.5. Other than the three further submissions, no original submissions were received in opposition to the Objective.

**4.48** Four submission points<sup>14</sup> were received in support of notified Policy 8.2.5.2 and ten submission points<sup>15</sup> were received in opposition. Two submission points (299.6, 299.7) were location specific, seeking that Sunrise Lane and Wānaka should be excluded. The other reasons for opposition relate to removal of carparking and additional pressure on the roading network. These have been addressed by Ms Morgan in her evidence on the rezoning submissions for Residential zones.

**4.49** New Zealand Transport Agency (**NZTA**) (200.9) seeks that notified Policy 8.2.5.2 be amended to require, not encourage, a reduction in car parking provision. The specific relief sought by NZTA is as follows:

*~~Encourage~~ Require a reduction in car parking provision where a site is located within 800m of a bus stop or the edge of the Town Centre Zone to help facilitate mode shift.*

**4.50** G Gibbons (893.4) seeks that the words ‘within 800m of a bus stop’ be removed from notified (new) Policy 8.2.5.2.

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13 Submission points: 1038.6, 1039.8, 1040.14, 200.1, 72.9, 1038.7.

14 Submission points: 1039.9, 1040.15, 389.10, 72.9.

15 These include submission points 10.25, 194.5, 200.9, 332.1, 333.1, 406.7, 509.9.

## Assessment

- 4.51** As outlined in the s32 Report, increased opportunities for intensification around commercial centres and along public transport routes will enable more living opportunities in accessible locations. This in turn improves patronage of public transport services and the active travel network, supporting the viability of public transport and contributing towards a shift away from car-dependence (mode-shift). In my view, notified Policy 8.2.5.2 will implement Policy 1 of the NPS-UD by contributing to well-functioning urban environments that support reduction in greenhouse gas emissions and effects of climate change.
- 4.52** In response to the relief sought by NZTA (200.9), in my view 'require' is very directive, as compared to 'encourage'. NZTA does not seek an amendment at the rule level of the provisions to implement the 'requirement' for reduced parking, and no analysis of the costs and benefits of the 'requirement' sought has been provided by NZTA. Given that rules that require a prescribed number of on-site car parks can no longer be required pursuant to Policy 11 and Subpart 8 of the NPS-UD, in my view there is uncertainty if a 'requirement' for reduced carparks can be prescribed in a district plan provision.
- 4.53** In my view, the policy as notified provides policy support for development proposals that choose to provide less on-site parking. For this reason, the notified Policy 8.2.5.2 is a more appropriate policy approach than the relief sought by NZTA.
- 4.54** In regard to the location specific submission points, the submitters in opposition have not provided any evidence in support of their position and I am not persuaded that excluding Sunrise Lane and Wānaka would still give effect to the NPS-UD. As outlined in the s32 Report, the notified version implements Policies 1 and 5 of the NPS-UD by contributing to well-functioning urban environments and enabling heights and density of urban form commensurate with the greater of the level of accessibility or relative demand.
- 4.55** In regard to concerns by J Middendorf (299.6), transport and mode shift is covered in Ms Bowbyes' strategic evidence. A key outcome sought by the UIV is to enable

more development capacity by increasing height limits and density in appropriate locations in the urban environment, so more development is enabled in response to a locality's level of accessibility and/or relative demand. As outlined in the s32 Report the strategic approach is to concentrate intensification mainly within accessible locations where local travel can occur via active travel and / or public transport. Enabling living opportunities close to centres will, over time reduce car dependency.

- 4.56** In regard to the intersection upgrade highlighted in J Middendorf's submission (299) (Sunrise Lane onto Hensman), any necessary intersection upgrades would be informed by a range of factors including market uptake of plan-enabled capacity, public transport investment and funding decisions, and uptake of mode-shift. These matters are outside the direct control of the PDP.
- 4.57** G Gibbons (893.4) seeks that the words "*within 800m of a bus stop*" are deleted from notified (new) Policy 8.2.5.2. In my view, using 800m is consistent with the accessibility and demand analysis that was undertaken to meet the requirements of Policy 5 of the NPS-UD in terms of accessibility and/or relative demand<sup>16</sup>. This distance therefore correlates with the locations proposed to be intensified through the UIV.
- 4.58** Promoting a compact urban form reduces reliance on private vehicle use, increases the patronage and viability of public transport, walking and cycling, and improves the efficient operation of public utilities (such as water, electricity, gas, waste management etc) which will reduce energy demand and minimise greenhouse gas emissions. As outlined on page 6 of the Accessibility and Demand Analysis appended to the s32 Report, the general approach for the notified UIV was to adopt 5 or 10-minute walking time catchments (approximately equivalent to a 400m / 800m walking distance at an average walking speed of 5kmph). I support this approach, and in my view, inclusion of the 800m distance in notified Policy 8.2.5.2 is a more appropriate option than the relief sought. The notified wording will also apply to additional locations as the bus network is expanded over time, in my view

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16 Accessibility & Demand Analysis attached as Appendix 3 to the s32 Report.

this an appropriate outcome that will assist with achieving the outcomes sought by the NPS-UD.

#### Summary of Recommendation

**4.59** For the reasons given in the assessment, I recommend that the submissions in support of notified Objective 8.2.5 and Policy 8.2.5.2 be accepted and the submissions in opposition be rejected.

#### **Policy 8.2.5.2A**

**4.60** The notified amendment to notified PDP Policy 8.2.5.2A gives consideration to planned infrastructure networks or upgrades as well as existing networks. This approach is consistent with the changes notified to Policy 7.2.6.2 in the LDSRZ and covered in Section 6 of Ms Bowbyes LDSRZ evidence.

#### ***Matters raised by submitters***

**4.61** Three submission points<sup>17</sup> were received in opposition to the amendments to notified Policy 8.2.5.2A and 12 submission points<sup>18</sup> were received in support of the notified Policy. M Harris (10.26) and H Hames (333.3) are in general opposition to intensification and have not provided specific reasoning for their opposition to the notified version of the Policy.

**4.62** Transpower New Zealand (**Transpower**) (194.5) seeks amendments to notified Policy 8.2.5.2A as shown in red font below:

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

#### Assessment

**4.63** With regard to the relief sought by Transpower, Policy 8.2.5.2A would then apply to *all* infrastructure. My understanding from Transpower's submission is that their concern centres on management of reverse sensitivity effects and direct effects on

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17 Submission points: 10.26, 194.5, 333.3.

18 These include submission points: 1038.8, 1039.10, 200.11, 200.4, 506.6, 830.11, 831.7, 832.9.

the National Grid, however the relief sought by Transpower extends beyond these matters.

- 4.64** In my view, the amendments to Policy 8.2.5.2A sought by Transpower extends beyond electricity infrastructure and could have wide-ranging untested implications for activities in the MDRZ. Policy 8.2.5.2A is not intended to address infrastructure networks or reverse sensitivity effects, rather it is on providing permeable surface areas on site and the use of a variety of stormwater management measures.
- 4.65** Even though I agree with the intent of the submission by Transpower New Zealand Limited (194), my view is that the amendments sought are more appropriately captured in District wide policies rather than replicated in each chapter.
- 4.66** 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*”.
- 4.67** 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*.
- 4.68** 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.
- 4.69** 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.

**4.70** These existing provisions in PDP Chapter 30 apply districtwide and manage effects on the National Grid.

**4.71** In addition to this, any breaches to Rules 8.5.7 Recession plan or 8.5.9 Minimum Boundary Setback includes the following matter of discretion:

*Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, and any proposed building is located within 9.5m of that road boundary, any adverse effects on that infrastructure.*

**4.72** In my view, the mapped national grid (shown on Planning Maps), and the relevant provisions in PDP Chapter 30 – Energy & Utilities are appropriate to manage effects as sought by Transpower.

#### Summary of Recommendation

**4.73** I recommend that the submissions in support of the notified Policy 8.2.5.2A be accepted and the submissions in opposition be rejected .

#### Chapter 8 - Interpretation provisions

##### **Provisions 8.3.2.5 and 8.3.2.10**

**4.74** Section 8.3.2 of Chapter 8 assists plan users by providing guidance on how the provisions are to be interpreted and applied.

**4.75** The notified UIV deletes 8.3.2.5, which is no longer required due to the notified changes to the residential density rules (e.g. deletion of Rule 8.5.5). Provision 8.3.2.5 outlines information requirements when more than one residential unit is proposed on a site, to demonstrate whether a residential unit complies with the net area requirements in the operative rules.

**4.76** Amendments to the design guide reference is also made in notified provision 8.3.2.10.

***Matters raised by submitters***

**4.77** Six submissions<sup>19</sup> were received in support of the notified deletion of provision 8.3.2.5 and one submission point was received in opposition (10.27). No specific reasoning was provided by the submission in opposition other than being in general opposition to intensification.

**4.78** One submission was received in opposition to the notified amendments to notified provision 8.3.2.10.

**Assessment**

**4.79** The notified provisions seek to remove the set maximum site density standard, and consequently there is no longer a need for a proposal to demonstrate that each residential unit is fully contained within the identified net area for each unit.

**4.80** At section starting 4.123 of this evidence, I provide my recommendations on the MDRZ maximum site density standard (PDP Rule 8.5.5), and I recommend that the notified version to delete the density rules is retained. This means that the guidance in notified provision 8.3.2.5 will no longer be required. Deletion of provision 8.3.2.5 is appropriate as a consequence of the notified amendments to the residential rules.

**4.81** In regard to notified provision 8.3.2.10, the status of the Design Guidelines and recommendations in respect of the relief sought on the design guide references throughout the notified provisions is covered in Ms Bowbyes' evidence.

**Summary of Recommendation**

**4.82** For the reasons given in the assessment, I recommend that the submissions in support of the notified proposal to delete Interpretation Provision 8.3.2.5 be accepted and the submissions in opposition be rejected.

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<sup>19</sup> Submission points: 831.8, 832.10, 833.8, 835.8, 836.8, 838.8.

## **Table 8.4: Rules - Activities**

### **Rule 8.4.10 – Residential Unit**

- 4.83** Rule 8.4.10 is the activity standard for residential units in the MDRZ and outlines the permitted activity thresholds for the number of residential units per site.
- 4.84** The notified amendments to Rule 8.4.10 relate to the matters of discretion only and are outlined below:
- (a) residential amenity values for occupants of buildings on the site; (new criteria c)
  - (b) how the design advances housing diversity, including through providing a range of unit sizes and typologies; (criteria d)
  - (c) how the design promotes sustainability either through construction methods, design or function; (criteria e)
  - (d) privacy for occupants of the subject site and neighbouring sites, including cumulative privacy effects resulting from several household units enabling overlooking of another unit of units; (criteria f)
  - (e) capacity of existing or planned infrastructure/servicing; (new criteria k)
  - (f) low impact stormwater design; (new criteria l)
  - (g) waste and recycling storage space and collection (new criteria m).

### ***Matters raised by submitters***

- 4.85** Nine submissions<sup>20</sup> were received in support of the notified changes and eight submissions<sup>21</sup> in opposition. The majority of the submissions relate to notified Rule 8.4.10 as a whole rather than any specific part of the Rule.
- 4.86** J O'Shea, H Russell, J Russell and M Stiasny (198.2) seek that the notified matters of discretion be amended to include impacts on the groundwater table, land stability, foundation design, earthworks and retaining design, and dewatering.
- 4.87** W Baker (522.2) seeks that up to three units per site should be a permitted activity and not subject to assessment against the Arrowtown Design Guidelines in the MDRZ in Arrowtown, unless they breach bulk and location standards. A George

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20 These include submission points: 200.7, 208.8, 389.17, 709.13, 709.14, 830.13.

21 These include submission points: 10.28, 198.2, 363.8, 522.2, 709.12, 830.5.

(636.8) states that Arrowtown lacks infrastructure including stormwater and a sufficient bus service to support this increase in developments. These submissions (including the change to the notified change from the 2016 to the 2023 ADG) are addressed in Ms Bowbyes' and Mr Powell's evidence on Arrowtown.

**4.88** Where submissions are on specific parts of notified Rule 8.4.10, I have summarised the relief sought below:

- (a) Submission points (1040.17, 1038.9, 1039.11) seek the inclusion of additional wording to matter of discretion (f) to acknowledge that amenity values will change over time as intensification occurs. Canterbury Helicopters Ltd (1040.17) provides specific wording for the relief sought as follows:

*f. privacy for occupants ~~of the subject site and~~ neighbouring sites, including cumulative privacy effects resulting from several household units enabling overlooking of another unit of units, acknowledging that amenity values will change over time as intensification occurs;*

- (b) Fire and Emergency New Zealand (**FENZ**) (709.12) seek that matter of discretion (i) be amended as follows:

*parking and access layout: safety, efficiency and impacts on street 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. Issuing of a resource consent does not imply that waivers of Building Code requirements will be considered/granted.*

- (c) Arthurs Point Woods Limited Partnership (830.5) seek that matters of discretion (k) and (l) be deleted. The submitter has not provided any further reasoning for their relief sought.

## Assessment

- 4.89** In the absence of any reasoning or evidence to support the submitters position in opposition, I consider that the amendments to the matters of discretion in notified Rule 8.4.10 are required to give effect to the NPS-UD particularly in contributing to well-functioning urban environments (Policy 1) and to better enable intensification in suitable locations within the urban environment (Policy 5).
- 4.90** I support the activity status for any breaches to the rule (being four or more residential units per site) as it acknowledges that breaches to the prescribed density are anticipated and assist with implementing the zone purpose which seeks to enable a variety of housing typologies, including low-rise apartments), whilst enabling consent proposals to be assessed on their merits, and declined if necessary. Furthermore, pursuant to PDP Rule 8.6.1.1, applications that comply with the Standards in Table 8.5 are precluded from full and limited notification.
- 4.91** Regarding the relief sought on notified matter of discretion (f), I do not consider it necessary to include reference to acknowledging that amenity values will change over time as intensification occurs. Notified Policy 8.2.3.1 acknowledges that amenity values will change over time as intensification occurs and I am of the view that this provides enough policy direction and that it does not need to be repeated in the matters of discretion. This direction is also supported by the notified provisions that implement Objective 4 of the NPS-UD which acknowledges that the urban environment, including amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
- 4.92** In regard to relief sought by FENZ, I do not consider this amendment to be necessary as it is regulated by the Building Act 2004 and therefore does not need to be repeated in the District Plan given that building proposals automatically require assessment against the Building Code. In my view the advice note sought by FENZ would add unnecessary complexity to notified Rule 8.4.10, 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).

**4.93** Notified matter of discretion (k) relates to capacity of existing or planned infrastructure/servicing. As outlined in section 2 of the s32 Report, one of the three broader aims of the UIV is to ensure that development can be serviced and to mitigate any potential increase in stormwater runoff. This is also supported by iwi as outlined in section 8 of the s32:<sup>22</sup>

*“The noted issues of interest to mana whenua in this instance are climate change and the provision of infrastructure for wai (water), stormwater and wastewater disposal. In terms of the proposed provisions, Iwi sought that infrastructure capacity is included as a matter of discretion for the development of buildings in the LDSRZ and MDRZ.”*

**4.94** As outlined within Section 6 of Mr Powell’s evidence, given the notified removal of the density standard within the MDRZ (Rule 8.5.5), he considers infrastructure capacity as a matter of discretion for land use consents to be a suitable mechanism to avoid development being approved without sufficient infrastructure being in place. This is already a requirement for any subdivision consent that would be processed under the MDRZ, however a land use consent would be able to build to the new densities as of right where suitable infrastructure might not be in place.

**4.95** Regarding notified matter of discretion (k), which enables consideration of low impact stormwater design, as discussed in section 6.2.7 of the s32 Report, low impact stormwater designs and having more permeable surfaces available to absorb and attenuate stormwater would therefore become more important to help mitigate the effects of intense rainfall events. This is also to help mitigate the cumulative effects of the increase in impervious surfaces and stormwater run off as a result of intensification.

#### Summary of Recommendation

**4.96** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 8.4.10 (excluding submission points on Arrowtown addressed in Ms Bowbyes’ evidence) be accepted and the submissions in opposition be rejected.

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22 Section 8 consultation with iwi authorities, Page 55 of the s32 Report.

**Table 8.5: Rules - Standards**

**4.97** A summary of the notified changes to the MDRZ standards in Table 8.5 is provided below:

- (a) amendments to Building Height (Rule 8.5.1) to increase heights from 7 or 8m to 11m + 1m for pitched roof (as outlined in the table below);
- (b) deletion of Density standard (Rule 8.5.5);
- (c) new Outdoor Living Space (per unit) requirements (new Rule 8.5.5) (as outlined in the table below);
- (d) new Outlook Space (per unit) (new Rule 8.5.6) (as outlined in the table below);
- (e) amendments to Recession planes (Rule 8.5.7) (as outlined in the table below);
- (f) amendments to Waste and Recycling Storage space (Rule 8.5.11) so that the requirements only apply to three residential units or less; and
- (g) new rule for buildings or structures located within the Wānaka Substation Building Restriction Area and Three Parks Structure Plan (Rule 8.5.17).

**4.98** Nine submission points<sup>23</sup> are opposed to the notified changes to Table 8.5 in general. These relate to Arrowtown and are location-specific relief or rezoning requests and are addressed by Ms Bowbyes and Ms Morgan.

**4.99** For context, I have included a table below that outlines the MDRS provisions as outlined in the Amendment Act (which I acknowledge QLDC is not required to implement as they are a Tier 2 council), shown alongside the notified provisions for comparison.

Standard type	MDRS	Current PDP	Notified UIV
<b>Number of residential units per site</b>	3 maximum	One residential unit / 250m <sup>2</sup> net site area; and 3 maximum <sup>24</sup>	Up to 3 residential units per site permitted; 4 or more enabled via restricted discretionary

23 Submission points: 113.3, 118.3, 129.3, 133.2, 142.2, 143.2, 581.4, 651.4, 655.4.

24 Excludes Arrowtown.

Standard type	MDRS	Current PDP	Notified UIV
			activity consent, with notification limits <sup>25</sup>
<b>Building height</b>	Maximum of 11m + 1m for pitched roof	Hāwea, Wānaka and Arrowtown - 7m All other locations <sup>26</sup> – 8m	Maximum of 11m + 1m for pitched roof <sup>27</sup>
<b>Height in relation to boundary</b>	4m + 60 degrees	For flat sites: Northern boundary: 2.5m and 55 degrees Western and Eastern Boundaries: 2.5m and 45 degrees Southern Boundaries: 2.5m and 35 degrees	For all sites: Southern Boundary: 4m and 35 degrees All other boundaries: 4m and 60 degrees
<b>Setbacks</b>	Front yard: 1.5m minimum Side yard: 1m minimum Rear yard: 1m minimum	Front yard <sup>28</sup> : 3m All other boundaries: 1.5m	Front yard <sup>29</sup> : 3m All other boundaries: 1.5m
<b>Building coverage</b>	Maximum 50% of net site area	Maximum of 45%.	Maximum of 45%.
<b>Outdoor living space (per unit)</b>	Ground floor: 20m <sup>2</sup> , 3m dimension Above ground floor: 8m <sup>2</sup> , 1.8m dimension	n/a	Ground floor: 20m <sup>2</sup> , 3m dimension Above ground floor: 8m <sup>2</sup> , 1.8m dimension

25 Excludes Arrowtown.

26 Excluding Arthurs Point.

27 Excludes Arthurs Point and Queenstown Hill.

28 Excludes State Highway and garages.

29 Excludes State Highway and garages.

Standard type	MDRS	Current PDP	Notified UIV
<b>Outlook space (per unit)</b>	Principal living room: 4m deep, 4m wide Other rooms: 1m deep, 1m wide	n/a	Principal living room: 4m deep, 4m wide Other rooms: 1m deep, 1m wide
<b>Windows to street</b>	20% minimum glazing	n/a	n/a
<b>Landscaped area</b>	Minimum 20% of the site with grass or plants	Minimum 25% of the site with landscaped permeable surface	Minimum 25% of the site with landscaped permeable surface

**4.100** As outlined in Section 4 of the s32 Report, as a Tier 2 council the requirements of the Amendment Act or implementation of the MDRS do not apply to QLDC, but they have been used as a guide and the suite of standards in the notified version work as a package for built form outcomes considered appropriate for the MDRZ and supported by the urban design assessment attached to the s32 Report.

#### **Rule 8.5.1 Building height**

**4.101** The notified amendments to permitted building height limits propose an increase in height limits from 8m to 11m +1m (with no differentiation between sloping and flat sites) across the MDRZ, apart from where existing lower height limits are retained for landscape protection reasons (Rule 8.5.1.1 – Arthurs Point and Rule 8.5.1.2 – Queenstown Hill). Breaches to notified Rule 8.5.1 would require non-complying activity consent.

**4.102** The PDP and notified height enabled for the MDRZ is summarised in the table below:

MDRZ location	PDP heights	Notified UIV heights
Arrowtown	7m	11m + 1m: Refer to Ms Bowbyes' evidence
Hāwea, Wānaka	7m	11m + 1m

Arthurs Point: Within the areas specified on the District Plan web mapping application	on the southern side of Arthurs Point Road: a maximum of 465masl	8m; or on the knoll on the southern side of Arthurs Point Road: a maximum of 465masl
Queenstown Hill	8m	8m <sup>30</sup>
All other locations	8m	11m + 1

***Matters raised by submitters***

**4.103** Approximately 220 submission points<sup>31</sup> were received in opposition to the notified changes to Rule 8.5.1 and 14 submission points<sup>32</sup> were received in support. A large proportion of these submission points relate to Arrowtown (105), or other location specific relief or rezone requests (36). The submissions on Arrowtown are addressed in Ms Bowbyes’ evidence, and Ms Morgan’s evidence addresses the rezoning submission points.

**4.104** Of the remaining submissions, 79 submission points<sup>33</sup> are in opposition to the notified changes to notified Rule 8.5.1 and 13 submission points<sup>34</sup> are in support. The submissions provide a broad range of reasoning for or against intensification in general with some seeking low rise developments instead at a maximum of 8m or just one to two storeys. Some submissions are against notified Rule 8.5.1 in other specific areas or in close proximity to Lake Wānaka, and some oppose the notified rule due to impacts on amenity, privacy, character, sunlight/shading, transport capacity and infrastructure constraints.

**4.105** S Richmond (456.1) supports increased density and 11m height limit, however, considers that it should be paired with slightly more aggressive recession planes than what are proposed to ensure the maximum height would be more contained in the centre of the site. L Snelling (46.3) considers that if an increase to building heights in this area is to be introduced, it must be done much more slowly and in much smaller increments.

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30 Within the area specified on the District Plan web mapping application.

31 These include Submission points: 10.30, 19.1, 23.3, 27.1, 46.3, 47.1, 54.3.

32 These include submission points: 389.11, 659.13, 831.10, 832.12, 835.10, 836.10.

33 These include submission points: 10.30, 1012.4, 1053.4, 1060.4, 1061.2, 1067.4.

34 Submission points: 1038.10, 1039.12, 1040.18, 1253.6, 1260.2.

- 4.106** FENZ (709.15) is seeking the following addition to notified Rule 8.5.1: Except towers and poles associated with emergency service facilities. This is consistent with its submission seeking exclusion of towers and poles associated with emergency service facilities from the definition of structure, which is addressed in Ms Bowbyes' evidence on Chapter 2 - Definitions.
- 4.107** Arthurs Point Woods Limited Partnership (830.1) seeks that notified Rule 8.5.1.1.a which sets a maximum permitted building height of 8m within an area of Arthurs Point identified on Planning Maps is opposed as it relates to Lot 3 DP 331294 (part 155 and 157 Arthurs Point Road, Arthurs Point). Similarly, QRC Shotover Limited (833.29) and R Stewart (487.3) seek that the 8m height restriction within Arthurs Point as covered by notified Rule 8.5.1.1 be removed. QRC seeks that the general zone wide 11m + 1m height limit to apply, whereas R Stewart seeks that either a staggered framework is applied or that the height in the MDRZ should be increased and the HDRZ be decreased to provide a better transition.
- 4.108** Arthurs Point Trustees Limited (1260.5) seeks that any reference to the site at 182 Arthurs Point Road or any other map or rule that distinguishes this site be deleted.

#### Assessment

- 4.109** Section 4 of the Urban Design Report<sup>35</sup> explains that the notified permitted building height (11m+1m) along with removal of the density standard (PDP Rule 8.5.5) will better facilitate the delivery of housing intensification (in accordance with Policy 5 of the NPS-UD and QLDC's methodology outlined in the Urban Design Report). It also acknowledges that the housing typologies and built form outcomes of typical medium density development in New Zealand includes up to 3-storey walk-up apartments and narrow-lot terraced houses that ranges in size from 100-180m<sup>2</sup> in area.
- 4.110** Also of relevance when considering these submissions are Objective 4 and Policy 6 of the NPS-UD that recognises that while changes to existing built form may detract from amenity values appreciated by some people, they may also improve amenity values appreciated by other people, communities and future generations. These

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35 Appended to the s32 Report.

changes to urban built form are not, of themselves, an adverse effect. Impacts on some people's existing expectation of amenity is an unavoidable trade-off of enabling greater intensification and giving effect to the NPS-UD.

- 4.111** The Urban Design Report appended to the s32 Report recommended amendments to the PDP building heights within the MDRZ (flat and sloping sites) to align with the standards of the MDRS (11m +1m). The notified heights better facilitate the delivery of housing intensification and the types of typologies and built form outcomes of typical medium density development in New Zealand which includes up to 3-storey walk-up apartments and narrow-lot terraced houses.
- 4.112** As outlined in the s32 Report and Ms Bowbyes' evidence, the RMA requires that district plans must give effect to national policy statements. The submitters in opposition have not provided any evidence in support of their position and I am not persuaded that retaining existing PDP height limits in the MDRZ would still give effect to the NPS-UD, particularly Policies 1 and 5 in contributing to well-functioning urban environments and enabling heights and density of urban form commensurate with the greater of the level of accessibility or relative demand.
- 4.113** This is supported in Section 4 of Ms Fairgray's evidence, where the graph compares the difference between feasible capacity and projected demand that occur under the UIV modelled scenario with those that occur under the existing PDP provisions scenario. It shows that the differences between feasible capacity and projected demand become significantly larger for medium density (attached/terraced housing) under the notified UIV, compared to under the existing PDP provisions. In Section 5 Ms Fairgray also examines the differences in commercial feasibility between development options enabled in each location noting that increases in enabled yields are likely to encourage greater development of sites into more intensive typologies as a result of the increased relativities to lower density patterns. Redevelopment of sites into terraced housing could achieve large increases in yield (up to three times that of alternative development as smaller detached dwellings), at a lower per m<sup>2</sup> cost increase and risk than more intensive typologies. Ms Fairgray's assessment also indicates that the greatest increases in

development opportunity from the UIV are likely to occur in the more intensive typologies that achieve the highest dwelling yields.

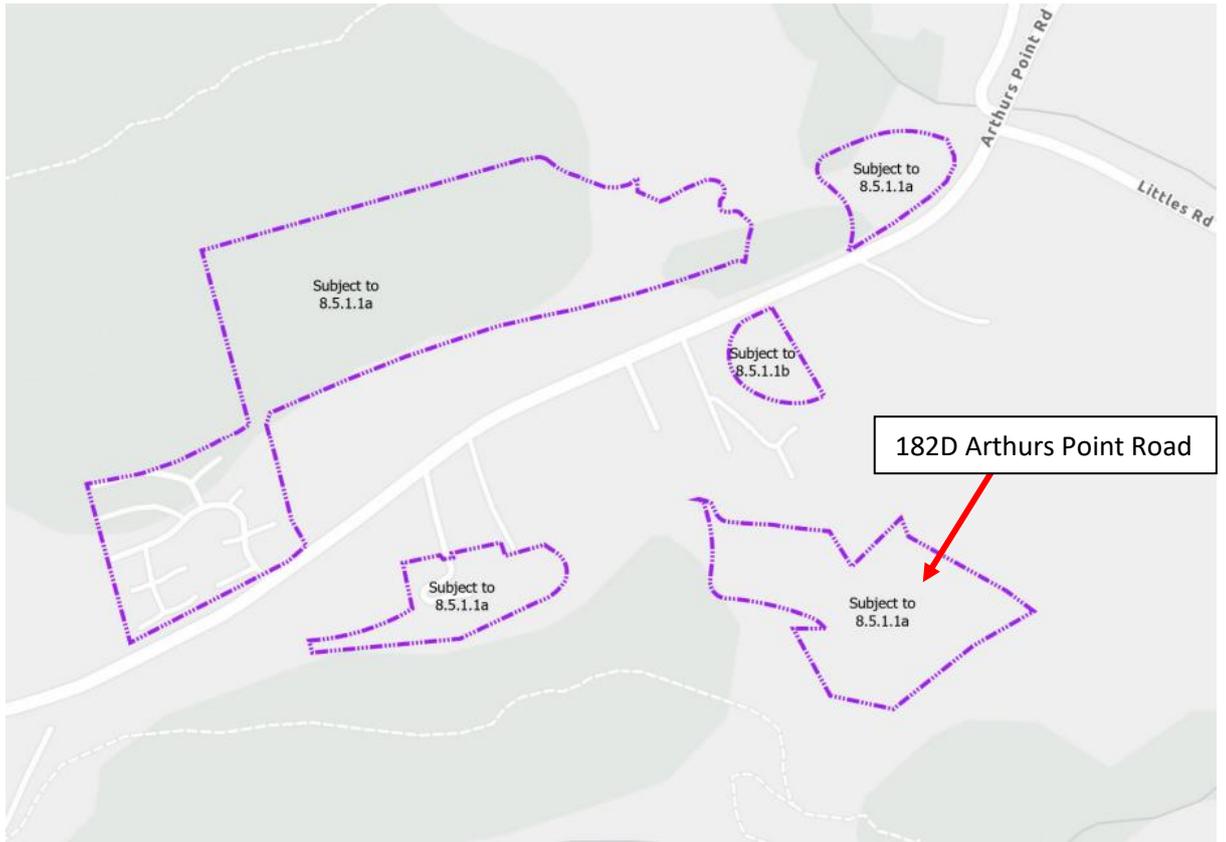
- 4.114** The purpose of the MDRZ as outlined in the PDP is to enable a greater supply of diverse housing options for the District. The main forms of residential development anticipated are terrace housing (townhouses), semi-detached housing and low rise-apartments. Appropriate building heights are a key method for achieving PDP Objective 8.2.1 in enabling medium density development close to employment centres as well as meeting the Zone purpose.
- 4.115** I consider the height provisions as notified give effect to PDP Strategic Objective 3.2.2 in that urban growth is managed in a strategic and integrated manner and particularly PDP Policy 3.2.2.1 which seeks that urban development occurs in a logical manner so as to promote a compact, well design and integrated urban form and ensures a mix of housing opportunities.
- 4.116** In regard to the relief sought by Arthurs Point Woods Limited Partnership (830.1), I note that the consent referenced in the submission (RM210768) was approved in March 2023, to provide for the construction of residential units on the site at 155 and 157 Arthurs Point Road, Arthurs Point. An aerial photograph detailing the subject site and surrounds is shown below.



*Figure 1: location of 155 and 157 Arthurs Point Road*

**4.117** This included consents for height breach of 2m, consenting a total height of 10 metres. As discussed on Page 38 of the Section 32 Report, the notified provisions retain the current PDP permitted height limit of 8m in the MDRZ at Arthurs Point due to its location directly adjacent to the Outstanding Natural Landscape (**ONL**) (and the boundary of the UGB). Landscape evidence helped inform the PDP height limits in this location. Given that no changes are proposed to these height limits, no further landscape assessment has been undertaken. Given that no evidence has been provided by the submitter on how the changes sought in their submission will protect the values of that ONL, I am not persuaded that an increased height of 11m (with an additional 1m for pitched roof forms) in this location is appropriate and aligns with PDP Chapters 3, particularly Strategic Objective 3.2.5 and the retention of the District's distinctive landscapes. The lower height also assist with achieving PDP Objective 4.2.2 B Urban development within Urban Growth Boundaries that maintains and enhances the environment and protects ONLs and Outstanding Natural Features.

**4.118** The site that Arthurs Point Trustees Limited (1260.5) refers to in their submission is shown below. Notified Rule 8.5.1.1(a) restricts the maximum building height to 8m in this location.



*Figure 2: location of 182D Arthurs Point Road*

- 4.119** The submitter notes that apartment buildings previously approved under RM191333 within the area subject to notified Rule 8.5.1.1a are 12m-plus high so have already breached the 8m height limit and were considered appropriate to do so from a landscape perspective. As part of this consent, a detailed planting plan was required to ensure the integration of the proposed development into the Arthurs Point context and to mitigate any adverse effects.
- 4.120** As shown in Figure 3 below, the buildings within 182D Arthurs Point Road are located in the northern part of the site and away from the adjoining ONL - Kimitiākau (Shotover River). Furthermore, the consent specified the design materials used and a condition that the final renders and external material at building consent stage required Council review and acceptance.

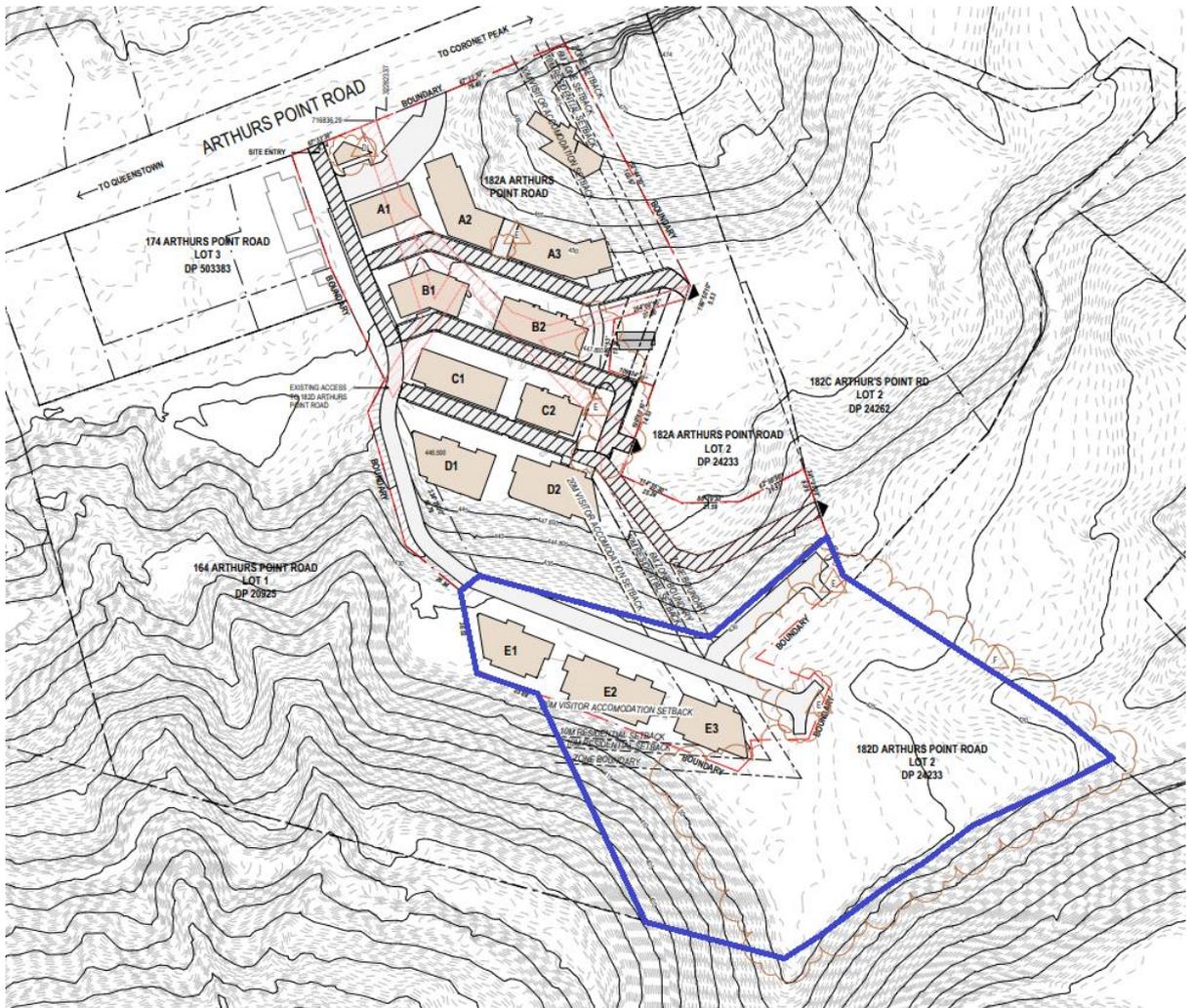


Figure 3: RM191333 approved site plan

**4.121** Whilst I acknowledge that building heights have been exceeded in portions of the Arthurs Point Trustees Limited site, I do not think it is appropriate to remove this site from being subject to notified Rule 8.5.5.1a as this would provide a blanket height for the entire site without the opportunity for consideration of design that is provided for by notified Rule 8.5.1. I consider that an assessment as to whether greater heights at this location is appropriate should continue to be assessed on its merits through a resource consent process to ensure that it is appropriate given its location near an ONL.

#### Summary of Recommendation

**4.122** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 8.5.1 be accepted and the submissions in opposition be rejected.

## Rule 8.5.5 – Density

**4.123** The notified variation proposes to delete PDP Rule 8.5.5 which specifies residential density requirements for the MDRZ.

### *Matters raised by submitters*

**4.124** 10 submission points<sup>36</sup> were received in opposition to the proposed deletion of Rule 8.5.5 and 10 submission points<sup>37</sup> were received in support. General reasons are provided by submitters, including loss of privacy and sunlight, privacy, amenity and insufficient infrastructure being in place.

**4.125** P Stanfield (217.3) seeks that the maximum site density of 1 per 250m<sup>2</sup> be removed whilst maintaining a minimum site lot area of 250m<sup>2</sup>. A Sandhu (1074.24) seeks that the maximum site density standard of 1 per 250m<sup>2</sup> is not removed and a minimum lot area of 250m<sup>2</sup> is maintained.

**4.126** M Gamble (260.5) seeks that the PDP rule be retained and that states that restricted discretionary activity status for breaches is appropriate as it includes consideration of impacts on neighbours.

**4.127** J and H Hayes (1232.11) seek that the PDP 250m<sup>2</sup> density standard be retained for the two blocks bounded by Hobart Street, Park Street and Frankton Road in Queenstown.

**4.128** J O'Shea, H Russell, J Russell and M Stiassny (198.5) seeks, for three specific sites in Wānaka, that the PDP density rule is retained with an additional matter of discretion to help mitigate potential effects on the groundwater table. The following addition is sought:

*(i) At Lot 2 DP 18304, Lot 1 DP 18304 and Lot 3 DP 25998 in Wānaka, impacts on the groundwater table including land stability and natural hazard risk*

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36 Submission points: 10.31 ,1074.24 ,134.3 ,134.7 ,1369.3 ,167.4 ,217.3 ,260.5 ,268.4 ,406.10.

37 Submission points: 1040.20, 1253.8, 659.14, 830.14 ,831.11 ,832.13 ,833.10 ,835.11 ,836.11 ,838.11.

## Assessment

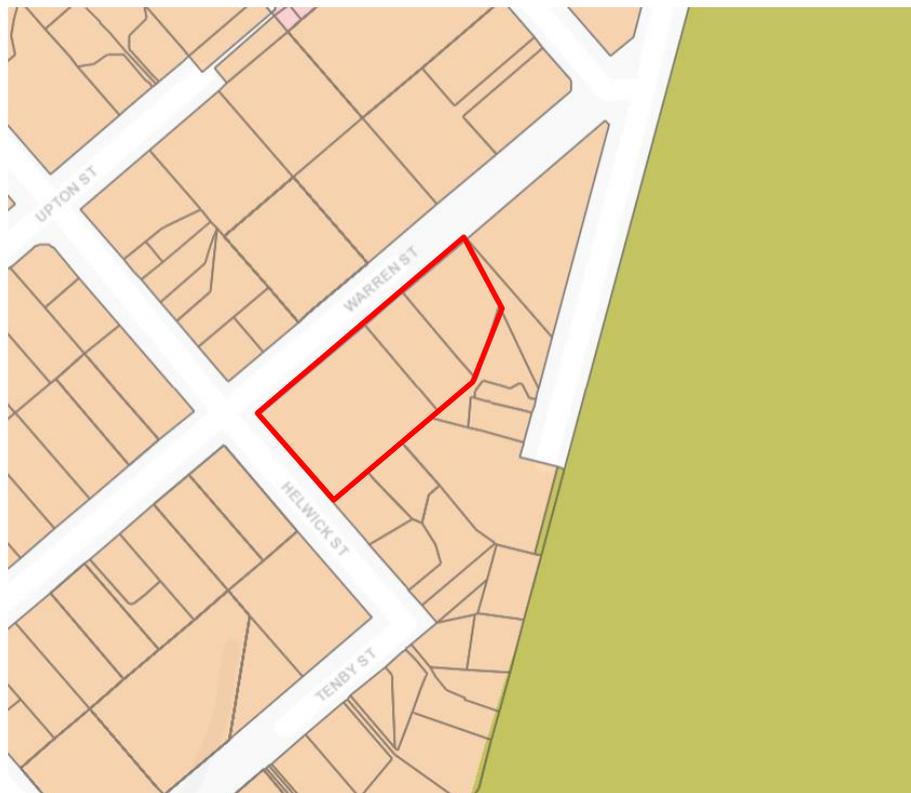
- 4.129** Removal of the site density requirements was recommended in the Urban Design Report appended to the s32 Report, whereby it recommended that it is more appropriate for the effects of multi-unit development proposals to be managed through a design assessment process to ensure appropriate built form and amenity outcomes can be achieved. This process is provided for by notified Rule 8.4.10.3 which requires restricted discretionary activity consent for development proposals for four or more residential units. The notified Rule 8.4.10.3 includes a comprehensive list of matters of discretion. The matters include consideration of external appearance, amenity values for occupants of buildings on the site, and privacy for occupants on adjoining sites.
- 4.130** Section 8 of Mr Wallace’s expert evidence emphasises that the notified provisions are designed to enable the types of medium density typologies that are now well established across New Zealand. Mr Wallace also acknowledges that the removal of density controls is a common approach across New Zealand and recognises that the PDP density standard (Rule 8.5.5) actively discourages the development of medium density typologies.
- 4.131** In my view, the proposed deletion of PDP Rule 8.5.5 will assist with achieving the Zone Purpose to enable a range of typologies including terrace housing, semi-detached and low-rise apartments and PDP Objective 8.2.1<sup>38</sup> and supporting policies, particularly notified Policy 8.2.1.4 in enabling medium density development through a variety of different housing forms including terrace, semi-detached, duplex, townhouse, or low-rise apartments.
- 4.132** Having appropriate density standards, alongside bulk and location standards, is a key method for achieving PDP Objective 8.2.1 and meeting the Zone Purpose as it allows higher-density housing, removing restrictive planning rules, and directing growth to well-connected areas, supporting sustainable and efficient land use. I consider that the changes as notified are considered necessary to implement

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38 Medium density development occurs close to employment centres which encourage travel via non-vehicular modes of transport or via public transport.

Policies 1 and 5 of the NPS-UD and contribute to well-functioning urban environments.

- 4.133** In their submission J O'Shea, H Russell, J Russell and M Stiasny (198.5) note that issues have arisen in relation to the groundwater table under and in the vicinity of the Warren Street Properties. The location of the properties as identified in the submission point are located on the eastern periphery of the Wānaka Town Centre and shown in the map below:



*Figure 4: location of sites referred to in submission 198*

- 4.134** The submitter has provided a number of examples of recent development in close proximity to the Warren Street Properties that they say has been documented in RMA proceedings by Otago Regional Council (**ORC**), QLDC and the Environment Court, to have contributed to issues in relation to the groundwater table, including Belvedere Apartments, and an appeal *Kreft v Queenstown Lakes District Council* which include reference to the Aquifers as a special circumstance in which notification for an application for resource consent involving earthworks was to be required.

- 4.135** I note that no changes are proposed by the notified UIV to the existing site coverage requirements for the MDRZ, being 45% site coverage by buildings (notified Rule 8.5.4), nor to the existing landscaped permeable surfacing rule (notified Rule 8.5.8) which requires a minimum of 25% of the site area to comprise a landscaped permeable surface. The notified suite of MDRZ provisions focuses on enabling capacity through additional above-ground floor development, rather than denser site coverage by buildings. However, I do acknowledge and accept what the submitter is saying in that generally larger and taller buildings require more intensive foundations and dewatering so in areas with a shallow water table, there may be increased impact on the Aquifer and land stability.
- 4.136** The appropriateness of intensification in this area has been addressed by Ms Morgan in Section 14 of her evidence and I agree with her assessment. The management of groundwater and effects of development on the Wānaka Basin Cardrona Gravel Aquifer is a matter for the Otago Regional Council (**ORC**) to regulate through its Regional Plan. Noting that ORC has not made a submission on the UIV raising concerns with development in Wānaka.
- 4.137** In addition, the PDP has a number of existing provisions that relate to groundwater table, land stability and natural hazard risk. These are summarised below.
- 4.138** Notified Rule 8.5.4 within the MDSRZ chapter includes an additional matter of discretion which would enable stormwater-related effects (including flooding and water nuisance) to be considered when consent is sought to breach permitted building coverage. Rule 8.4.10 includes a matter of discretion that enables consideration of natural hazards when consent is sought for a multi-unit (4 or more units per site).
- 4.139** Regarding the natural hazard risk, PDP Rule 27.5.7 for all urban subdivision activities, contains an existing matter of discretion (e) the adequacy of measures to address the risk of natural hazards' that enables consideration of natural hazard risk. In addition, PDP Rule 27.4.3.1 acknowledges that all subdivision can be assessed against a significant risk from natural hazard through the provisions of

section 106 of the RMA. Section 106 of the RMA enables consent authorities the ability to refuse subdivision consent or grant consent subject to conditions in certain circumstances, if an authority considers that there is a significant risk from natural hazards.

**4.140** Additionally, the Chapter 28 - Natural Hazards sets a policy framework to address land uses and natural hazards throughout the District. Even though PDP Chapter 2 - Definitions does not include a definition of 'natural hazard', the following definition in s2 of the RMA applies:

***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*

**4.141** In addition, PDP Chapter 28, at provision 28.2 lists known natural hazards in the District, including flooding, inundation and land instability.

**4.142** In respect of groundwater, Chapter 25 – Earthworks of the PDP addresses earthworks that affect an aquifer, and of particular relevance,

- (a) Rule 25.5.20 requires restricted discretionary activity consent for earthworks undertaken below the water table of any aquifer, or that cause artificial drainage of any aquifer;
- (b) Matter of discretion 25.8.9.3 Whether the earthworks and final ground levels will adversely affect an aquifer or an overland flow path or increase the potential risk of flooding within the site or surrounding sites;
- (c) Advice note at 25.3.3.1d, highlights that earthworks activities that result in the exposure of groundwater aquifers are subject to the Otago Regional Council Regional Plan: Water for Otago 2004.

**4.143** For the reasons discussed above and outlined in Ms Morgan's assessment, I do not think it is necessary to include the additional matters of discretion as sought by the submitter.

### Summary of Recommendation

**4.144** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 8.5.5 be accepted and the submissions in opposition be rejected.

### **Rule 8.5.4 Building coverage**

**4.145** The notified provisions do not propose any changes to the PDP building coverage standards of 50% coverage permitted for the MDRZ at Frankton North, and 45% coverage permitted for the remainder of the MDRZ. The notified rule also retains the current restricted discretionary activity status for breaches, and proposes changes to the PDP matters of discretion, as summarised below:

- (a) amendments to matter (b) to refer to effects on amenity values as opposed to just external amenity values;
- (b) amendments to matter (c) to delete views and add privacy as matters to consider in relation to effects on adjacent properties; and
- (c) addition of matter (f) to consider stormwater related effects, including flooding and water nuisance.

### ***Matters raised by submitters***

**4.146** 13 submission points<sup>39</sup> were received in opposition to the notified amendments to Rule 8.5.4 and one submission (389.12) was received in support. General reasons for opposition relate to amenity, character and access to sunlight.

**4.147** Two submitters, M Gamble (260.4) and D Laura (1120.2) specifically seek views to be retained as a matter of discretion under notified 8.5.4 (c) when considering effects on adjoining properties.

**4.148** J O'Shea, H Russell, J Russell and M Stiassny (198.4 & 9) seeks a matter of discretion is included to apply to three sites in Wānaka to help mitigate potential effects on the groundwater table. Specifically, the following addition is sought:

*(i) At Lot 2 DP 18304, Lot 1 DP 18304 and Lot 3 DP 25998 in Wānaka, impacts on the groundwater table including land stability and natural hazard risk.*

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39 These include submission points: 1038.11, 1039.13, 1040.19, 1120.2, 1253.7, 198.4.

**4.149** A small number of submitters<sup>40</sup> seek that notified Rule 8.5.4 is amended to increase permitted building coverage from 45% to 55% (1038.11, 1039.13, 1040.19) and also to 70% (1253.7).

#### Assessment

**4.150** The notified provisions do not propose a change to permitted building coverage or the landscaped permeable surfacing (notified Rule 8.5.8), and the notified provisions propose the inclusion of new rules for outdoor living space (notified Rule 8.5.5) and outlook space (notified Rule 8.5.6). These rules work together as a suite to ensure that sufficient outdoor areas are provided to ensure high-quality, liveable urban environments by balancing intensification with residential amenity.

**4.151** The Urban Design Report appended to the s32 Report recommended a permitted site coverage of 45%. As outlined in Section 8 of Mr Wallace's evidence, he maintains the position that a permitted site coverage of 45% is sufficiently enabling for the housing typologies that are envisioned within the MDRZ. He also notes that once outlook space, yards and outdoor living spaces are incorporated in such circumstances, the resulting building coverage that is possible sits closer to 40%.

**4.152** The notified building coverage standard (Rule 8.5.4) retains a greater sense of openness between buildings and provides opportunities for meaningful landscaping to be incorporated into a development. Increased site coverage, of up to 70% as sought by one submitter, would enable much more intensive building forms that are enabled and anticipated in the HDRZ and various commercial zones through the UIV. Given that the MDRZ provides a transition between HDRZ and the LDSRZ, I am of the view that the site coverage as notified is appropriate. Also, the notified restricted discretionary activity status enables any application to breach Rule 8.5.4 to be considered on its merits.

**4.153** In response to the relief sought by M Gamble (260.4) and D Laura (1120.2), I do not consider it appropriate to retain 'effects on views' in the matters of discretion. Views (principally private views) are subjective, and unless these have been specifically identified in the PDP then it is difficult to identify these and what

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40 Submission points: 1038.11,1039.13,1040.19, 1253.7.

warrants as a 'view'. Notified Rules 8.5.7 and 8.5.9 includes 'effects on any significant public views (based on an assessment of public views), in the matters of discretion. There is no further guidance in the PDP or policy support for private views. The built form controls through the UIV have been informed by the MDRS and enable a built form that is considered appropriate for the zone. Further, other bulk and location standards that apply in the MDRZ including building setbacks, outlook space, and access to sunlight help to reinforce a degree of separation between around buildings which will help maintain some views.

- 4.154** In regard to the relief sought by J O'Shea, H Russell, J Russell and M Stiassny (198) and potential effects on the groundwater table have been discussed in Paragraph starting 4.123 above in relation to Rule 8.5.5 – Density and my assessment also applies to Rule 8.5.4 building coverage. Furthermore, notified matter of discretion (f) *stormwater related effects including flooding and water nuisance* will partially address the relief sought by the submitter.

#### Summary of Recommendation

- 4.155** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 8.5.4 be accepted and the submissions in opposition be rejected.
- 4.156** **Landscape permeable surface 8.5.8** No changes were notified to the wording of the landscaped permeable surface notified Rule 8.5.8, other than reference changes in relation to Arrowtown Design Guidelines which are addressed in Ms Bowbyes' evidence on Arrowtown.

#### ***Matters raised by submitters***

- 4.157** Three submission points<sup>41</sup> were received in support of the notified rule and one in opposition (1253.11).
- 4.158** RCL Henley Downs Limited (1253.11) seeks that notified Rule 8.5.8 is deleted and considers that stormwater can be effectively managed through appropriately designed and sized infrastructure.

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41 Submission points 1038.16, 1039.18, 1040.24, 1253.11.

### Assessment

- 4.159** Notified Rule 8.5.8 assists with implementing PDP Policy 8.2.8.2 which encourages low impact stormwater design that utilises on-site treatment and storage / disposal approaches. As outlined in paragraph 4.93 of my evidence, one of the noted issues of interest to mana whenua was the provision of infrastructure for wai (water), stormwater and wastewater disposal and the health of the waterbodies.
- 4.160** There are a number of reasons for having a rule in the District Plan that requires minimum landscaped permeable surface areas. One of these is stormwater management as referred to by the submitter. Other reasons include limiting urban heat island effect (green spaces and permeable areas help cool urban environments by reducing heat absorption compared to hard surfaces like concrete and asphalt), maintaining natural character and residential amenity values, contributing to biodiversity, shade and visual appeal, and preventing overdevelopment. Notified Rule 8.5.8 also helps to provide some opportunities for landscaping to occur in between buildings and site boundaries. Therefore, I am not convinced that the other benefits have been addressed by the submitter. In my view, retention of notified Rule 8.5.8 is the most appropriate option.

### Summary of Recommendation

- 4.161** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 8.5.8 be accepted and the submissions in opposition be rejected.

### **Rule 8.5.5 Outdoor Living Space**

- 4.162** Notified Rule 8.5.5 is a new rule that outlines permitted activity requirements for outdoor living space for residential and visitor accommodation activities, being a minimum of 20m<sup>2</sup> at ground floor level, or where the unit is located wholly above ground floor level, must have a minimum area of 8m<sup>2</sup>. Breaches to Rule 8.5.5 would require restricted discretionary activity consent. Chapter 2 – Definitions includes an existing definition of Outdoor Living Space, which is not proposed to be amended in the notified version and defines Outdoor Living Space as *an area of*

*open space to be provided for the exclusive use of the occupants of the residential unit to which the space is allocated.*

***Matters raised by submitters***

- 4.163** Five submission points<sup>42</sup> were received in opposition to notified (new) Rule 8.5.5 and 14 submission points<sup>43</sup> were received in support.
- 4.164** M Harris (10.32) considers that the notified outdoor living space is not large enough.
- 4.165** Queenstown Country Club (QCC) (1169.2) seeks that notified (new) Rule 8.5.5 does not apply to retirement villages as it does not align well with appropriately designed comprehensive care retirement villages and will impose unnecessary development costs and restrictions that will not result in the effective or efficient development (or intensification) of retirement villages.

**Assessment**

- 4.166** Notified (new) Rule 8.5.5 aligns with the MDRS, which have been designed to enable medium density residential typologies. The Rule encourages building separation as well as supporting on-site amenity for occupants. The Urban Design Report appended to the s32 Report recommends that the adoption of the outdoor living space and outlook space standards of the MDRS would be beneficial in providing for an appropriate level of onsite amenity for more intensive residential uses in light of the recommended removal of density controls
- 4.167** Outdoor living space has a number of benefits and remains important for light, privacy and amenity of occupants.
- 4.168** Regarding the relief sought by QCC (1169.2), I note that pursuant to PDP Rule 8.4.14, retirement villages automatically require discretionary activity resource consent. In denser living situations, access to light, outlook and privacy are fundamental to support wellbeing and liveability. This applies irrespective of

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42 Submission points: 10.32, 1169.2, 183.9, 217.5, 533.8.

43 These include submission points: 709.16, 830.15, 831.12, 832.14, 833.11.

whether the residential environment forms part of an apartment building or retirement village complex.

**4.169** In my view, restricted discretionary activity status (for breaches to notified Rule 8.5.5) provides an appropriate consenting pathway by which alternative provision for onsite amenity can be considered. I therefore do not consider that it would be appropriate to make an exception for retirement villages as sought by QCC (1169.2).

**4.170** I do not consider it appropriate to promote reduced outcomes as sought by the submitters in opposition. If there are circumstances where it is not possible (or necessary) to achieve the standards, I am of the view that this should be assessed on an individual basis through a resource consent process. Notified Rule 8.5.5 requires restricted discretionary activity consent for breaches to the Rule which, in my view, provides an appropriate consenting pathway.

#### Summary of Recommendation

**4.171** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 8.5.5 be accepted and the submissions in opposition be rejected.

#### **Rule 8.5.6 Outlook Space**

**4.172** Notified Rule 8.5.6 is a new rule that prescribes requirements for an outlook space from the principal living room/space from a residential unit or visitor accommodation and all other habitable rooms. I note that the notified UIV also proposes a definition of the term Habitable Room. Notified Rule 8.5.6 encourages building separation as well as supporting on-site amenity for occupants. To assist with implementing notified Rule 8.5.6, a new definition of Outlook Space is proposed to be inserted in PDP Chapter 2 – Definitions.

**4.173** Relief sought on the notified definition of Outlook Space are addressed in Section 4 of Ms Bowbyes' evidence on PDP Chapter 2 Definitions.

### ***Matters raised by submitters***

- 4.174** Nine submissions<sup>44</sup> were received in opposition to notified Rule 8.5.6 and 11 submission points<sup>45</sup> were received in support.
- 4.175** The main reasons for opposition include general opposition to intensification, and that the provisions are not considered necessary as they will add further complexity and cost to the development process. Willowridge (948) consider that outlook space is already achieved through setbacks and outdoor living space.
- 4.176** S McLeod (506.8) seeks more realistic dimensions and considers that 1m x 1m is not a habitable room. I think the submitter has misinterpreted the rule, as 1m x 1m in the rule refers to the outlook space, not the size of the room. QCC (1169.3) request that the rules do not apply to retirement villages for the same reasons discussed above in relation to outdoor living area. RCL Henley Downs Limited (1253.9) seeks that the depth dimension of the required outlook space is amended from 4m as notified to 3m.
- 4.177** Coherent Hotel Limited (1263.5) and DW Capital Limited (770.3) both seek amendments to notified Rule 8.5.6.a so that it refers to a principal habitable room instead of principal living room / space. This relief needs to be assessed in conjunction with their submission points on the 'definition of habitable room' and new definition for 'principal habitable room'. This has been assessed in Section 4 of Ms Bowbyes 42A Report on Chapter 2 – Definitions.

### **Assessment**

- 4.178** The purpose of the outlook space rule is to provide for an appropriate level of onsite amenity for more intensive residential uses.
- 4.179** Outlook space is important for natural light and amenity experienced by occupants of medium density housing and ensures some degree of separation for dwellings not orientated towards the street or other public open space. In my view, inclusion of the notified Rule 8.5.6 is an important component of the suite of MDRZ

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44 Submission points: 406, 506.8, 533.9, 770.3, 807.16, 948.8, 1169.3, 1253.9, 1263.5.

45 Submission points: 389.14, 830.16, 831.13, 832.15, 833.12, 835.13,

provisions that enable medium density housing, whilst ensuring that appropriate levels of amenity for occupants can be achieved. I do not consider it appropriate to promote reduced outcomes as sought by the submitters in opposition to notified Rule 8.5.6. If there are circumstances where it is not possible (or necessary) to comply with notified Rule 8.5.6, breaches are able to be assessed on an individual basis through restricted discretionary activity resource consent to ensure that the level of onsite amenity provided is still acceptable. The two notified matters of discretion in notified Rule 8.5.6 are concise and provide plan-users clarity regarding the matters to address in any proposal seeking departure from the Rule.

- 4.180** Regarding the relief sought by QCC (1169.3), in line with my assessment of the relief sought by QCC on outdoor living space in notified Rule 8.5.5 at paragraphs starting 4.123 above, I do not consider that the outlook space for a person living in a retirement village is any less important than a person living in townhouses or low rise-apartments as anticipated in the MDRZ, and in this regard in my view it is not appropriate to exclude retirement villages from notified Rule 8.5.6.
- 4.181** In regard to the dimensions specified in notified Rule 8.5.6. a and b, these align with the MDRS (for Tier 1 councils), which have been designed to enable medium density housing typologies and provide an acceptable level of on-site amenity. Mr Wallace, in Section 8 of his evidence, states that the 4m setback is designed to work in conjunction with the height and recession plane standards which effectively require any third storey to be set-back at least 4m from a site boundary. Overall Mr Wallace considers that the 4m dimension is appropriate to support medium density housing whilst providing for a suitable level of on-site amenity for occupants.
- 4.182** Notified Rule 8.5.6 contributes to PDP Strategic Objective 3.2.2 by ensuring that urban growth is managed in a strategic and integrated manner, and particularly PDP Policy 3.2.2.1 in achieving a built environment that provides desirable, healthy and safe places to live. It assists with achieving PDP Objective 8.2.2 by contributing to the creation of new, high quality built character in the MDRZ through quality urban design solutions which positively respond to the site, neighbourhood and wider context.

**4.183** In regard to relief sought by Coherent Hotel Limited (1263.5) and DW Capital Limited (770.3) so that it refers to a principal habitable room instead of principal living room / space. I refer to Section 4 of Ms Bowbyes 42A Report on Chapter 2 - Definitions where she recommends that 'principal living room' in the notified definition of *outlook space* be deleted and replaced with 'main living room'. I agree with Ms Bowbyes assessment and subsequently I recommend that amendments are also made to *Rule 8.5.6 Outlook Space* to also refer to 'main living room' for consistency and plan interpretation.

**4.184** I also note that the definition for outlook space criteria a) notes that the outlook space is measured from the largest window, however this is not reflected in the rule. Even though not specifically sought through a submission, I consider that making this clear in the rule will contribute to addressing concerns by submitters that it will add further complexity, and ensures there is consistency between the provisions.

#### Summary of Recommendation

**4.185** For the reasons given in the assessment, I recommend that the submissions in support and opposition be accepted in part and Rule 8.5.6 is amended as follows:

#### **s42A Rule 8.5.6 Outlook Space (per unit)**

**The minimum dimensions for the required outlook space for each residential or visitor accommodation unit are as follows:**

- a. **A ~~principal~~ main living room/space must have an outlook space with a minimum dimension of 4m in depth and 4m in width; and**
- b. **All other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width; and.**
- c. **If there is more than one window or glass door in a room, it is measured from the largest one.**

#### Section 32AA Analysis

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

- (a) The s42A recommended definition of outlook space which replaces the words 'principal 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 the objectives of the UIV, which include enabling more opportunity for urban housing whilst ensuring that an appropriate level of amenity for occupants is achieved; and
- (b) It will align the wording of the definition with the wording in the rules that use the term outlook space.

**Rule 8.5.76 - Recession planes**

**4.187** The PDP and notified setbacks and sunlight access requirements for the MDRZ is summarised in the table below:

Current PDP	Notified UIV
<p><b>8.5.6 Recession plane</b></p> <p>a. On flat sites applicable to all buildings;</p> <p>b. On sloping sites only applicable to accessory buildings.</p> <p>8.5.6.1 Northern Boundary: 2.5m and 55 degrees</p> <p>8.5.6.2 Western and Eastern Boundaries: 2.5m and 45 degrees.</p> <p>8.5.6.3 Southern Boundaries: 2.5m and 35 degrees</p> <p>8.5.6.4 Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>8.5.6.5 Recession planes do not apply to site boundaries adjoining a town centre zone, fronting the road, or a park or reserve.</p>	<p><b>8.5.7 Recession plane</b></p> <p>8.5.7.1 Southern Boundary: 4m and 35 degrees</p> <p>8.5.7.2 All other Boundaries: 4m and 60 degrees</p> <p>8.5.7.3 Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>8.5.7.4 Recession planes do not apply to site boundaries adjoining a Town Centre Zone, Business Mixed Use Zone, Local Shopping Centre Zone, fronting the road, or a park or reserve.</p>

***Matters raised by submitters***

- 4.188** 35 submission points<sup>46</sup> were received in opposition to the notified changes to Rule 8.5.7 and eight<sup>47</sup> in support. Thirteen<sup>48</sup> of the opposing submission points relate to Arrowtown and two<sup>49</sup> relate to being opposed to intensification in specific areas. The submission points received on Arrowtown are addressed in Ms Bowbyes' evidence on Arrowtown.
- 4.189** A number of submitters<sup>50</sup> seek for an exemption for sloping sites and consider that on steep sloping sites specifically, the proposed recession plane would restrict development.
- 4.190** S McLeod (506.1) seeks that recession planes should not apply on boundaries where dwellings have a common/shared/party wall on that boundary. M Gamble (260.6) seeks that restricted discretionary recession planes should apply from Bullock Creek in Wānaka, M Gamble also seeks inclusions of a 3m setback from Bullock Creek. M Gamble also seeks that recession planes and building heights should be defined from the lowest block elevations, not the highest or midpoint.

#### Assessment

- 4.191** The Urban Design Report that informed the UIV explains that there is no need to create any difference between flat or sloping sites provided the standard itself is sufficiently enabling of the built form outcomes anticipated. I agree with the findings of the Urban Design Report.
- 4.192** The difference in approach to current sunlight access standards between sloping and flat sites in the PDP and its original rationale is discussed in Section 4.1 of the Urban Design Report. In Section 8 of his evidence, Mr Wallace states that the notified approach to recession planes has been an overall simplification and relaxation of the current rules to better enable medium density building typologies.
- 4.193** The notified changes to the MDRZ form part of the wider suite of notified bulk and location standards that specifically work together with the height rules to enable a

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46 These submission points include: 10.33, 1067.6, 1074.9, 1236.9, 1369.4, 217.2, 830.2, 831.19.

47 These include submission points: 134.17, 389.15, 659.15, 711.10, 1038.15, 1039.17, 1040.23, 1253.10.

48 These include submission points: 99.2, 129.5, 189.2, 203.2, 273.2, 289.7, 296.6, 379.7, 444.4, 685.2.

49 Submission points: 291, 1236.9.

50 Submission points: 830.2, 831.19, 832.2, 833.30, 835.19, 836.18, 838.18.

building envelope that provides for up to three storey developments, while still managing adverse effects on neighbouring properties through recession plane standards (among other standards). The suite of standards has been modelled in the Urban Design Report, and in my view the notified recession planes are appropriate to achieve the MDRZ's key purpose (to enable medium density housing typologies) whilst managing adverse effects.

**4.194** In the absence of any detail in the submissions in opposition, I consider notified Rule 8.5.7 to be the most appropriate option to achieve the enablement of intensification in accordance with the NPS-UD (in conjunction with increased allowance for building height) while mitigating potential adverse effects on adjoining residential properties. I agree with Mr Wallace's expert evidence, that the recession planes contribute to providing an appropriate level of amenity for the MDRZ. I consider that notified Rule 8.5.7 aligns with PDP Strategic Objectives 3.2.2<sup>51</sup> and 3.2.3<sup>52</sup> and particularly PDP Policy 3.2.3.2 that the built form integrates well with its surrounding urban environment.

#### Summary of Recommendation

**4.195** For the reasons given in the assessment I recommend that the submissions in support of notified Rule 8.5.7 be accepted and the submissions in opposition be rejected.

#### **Rule 8.5.9~~8~~ Minimum boundary setbacks**

**4.196** Notified Rule 8.5.9 outlines the minimum boundary setbacks which prescribe a setback of 3m from the road boundary (with 4.5m setback from garages, and a requirement for all development to be setback 4.5m from a State Highway); and a setback of 1.5m from all other boundaries, with specific exceptions for accessory buildings. The notified version does not propose to change to this rule, other than updating the date reference to the Arrowtown Design Guide which is addressed in Section 10 of Ms Bowbyes' Strategic Evidence on approach to updating QLDC Design guides. She notes that amendments to provisions subject to the UIV, including to boundary setbacks, will have bearing on the content of the design

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51 Strategic Objective 3.2.2 - Urban growth is managed in a strategic and integrated manner.

52 Strategic Objective 3.2.3 – A quality-built environment taking into account the character of individual communities.

guides, which include building renders that illustrate development within the building envelope provided for by the provisions. Amendments to the PDP as a result of the UIV will necessitate amendments to the design guides to reflect the changes to the PDP provisions.

***Matters raised by submitters***

**4.197** Four submission points<sup>53</sup> were received in opposition to notified Rule 8.5.9 and four submission points<sup>54</sup> were received in support.

**4.198** M Harris (10.34) seeks greater boundary setbacks, no further reasoning is provided other than that reduced density is needed. M Gamble (260.7) seeks that a 3m setback applies from Bullock Creek and RCL Henley Downs Limited (1253.12) seeks the following addition to Rule 8.5.9(a) regarding sites that have more than one road frontage:

*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 1.5m. The 3m setback applies to any site that has frontage to an Arterial or Collector Road.*

Assessment

**4.199** I agree with the reasoning provided by RCL Henley and also that the greater setback should apply where the road has a higher classification in the roading hierarchy as identified in Chapter 29 of the PDP. There are a number of benefits of reducing building setbacks on sites that adjoin two frontages, particularly increased buildable area, improved site layout flexibility and better interface with the street, including passive surveillance.

**4.200** This is supported in Section 8 of Mr Wallace's evidence where he notes that the relief sought has merit in urban design terms, as it provides some increased design flexibility especially when other standards (such as outlook and outdoor living space) and vehicle access may be incorporated into a site layout. A 3m setback

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53 Submission points: 10.34, 162.4, 260.7, 1253.12.

54 Submission points: 1038.17, 1039.19, 1040.25, 1074.26.

along multiple boundaries when combined with other standards may encourage a greater proliferation of outdoor living spaces fronting roads to achieve an efficient layout in terms of yield. This can lead to challenging frontages where on-site privacy and street activation can be compromised. In addition, the proposed exclusion seeks to prioritise frontages to arterial or collector roads which is appropriate in terms of their function and likely traffic flows.

**4.201** For application purposes, I note that the roading hierarchy is specified in Chapter 29 Transport of the PDP, specifically Schedule 29.1- Road Classification where it states State Highways, Arterial Roads, and Collector Roads. All other roads being local roads.

**4.202** Regarding the relief sought by M Gamble, PDP Rule 8.5.12<sup>55</sup> requires a minimum setback of 7m of any building from the bed of a river, lake or wetland.<sup>56</sup> No submissions have been received on PDP Rule 8.5.12 (Setback of buildings from water bodies), and in my view PDP Rule 8.5.12 addresses the relief sought by M Gamble (260.7) and that a separate rule requiring a 3m setback from Bullock Creek is not necessary.

#### Summary of Recommendation

**4.203** For the reasons given in the assessment, I recommend that the submission point by RCL Henley Downs Limited (1253.12) be accepted, and the submissions in support of notified Rule 8.5.9 be accepted in part and the other submissions in opposition be rejected.

**4.204** I support the following change:

#### ***S42A Rule 8.5.9 Minimum Boundary Setback***

*a. road boundary setback: 3m minimum,  
except for:*

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55 Setback of buildings from water bodies.

56 Pursuant to s2 of the Act "**bed** means, —(a) in relation to any river—

(i) *for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks:*

(ii) *in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; [...].*

- 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 road boundary setback of 3m, and one road boundary setback of 1.5m. The 3m road boundary setback shall be applied to any road boundary frontage that adjoins an Arterial or Collector Road.*

b. *all other boundaries: 1.5m.*

.....

#### Section 32AA Analysis

**4.205** In my opinion, the s42A recommended amendments to Rule 8.5.9 are more appropriate in achieving the objectives of the PDP than the notified version. In particular, I consider that:

- (a) The amended rule will result in more efficient use in land which assists which achieving the outcomes sought by the NPS-UD and will still meet the overall outcomes sought by Objective 8.2.3 and development provides high quality living environments for residents. Reduced setbacks will also result in social and environmental benefits through increased passive surveillance; and
- (b) Reducing setback along one road frontage also provides flexibility for site layout and design.

#### **Rule 8.5.11 Waste and Recycling Storage Space**

**4.206** Notified amendments to Rule 8.5.11 apply the minimum of 2m<sup>2</sup> space for waste and recycling storage for residential activities of three units or less only. As drafted in the PDP Rule, 2m<sup>2</sup> requirement currently applies to all residential units. Restricted discretionary activity status for breaches is proposed to be retained.

### ***Matters raised by submitters***

**4.207** Four submissions<sup>57</sup> were received in support to notified Rule 8.5.11 and one submission point was received in opposition. J Middendorf (299.9) notes that there is no extra room to put out bins on Sunrise Lane currently and the proposed changes to the District Plan will only add to the congestion and issue for waste/recycling.

### **Assessment**

**4.208** Notified Rule 8.5.11 prescribes a minimum requirement for the size and location of waste and recycling storage within a site, and the restricted discretionary activity consent pathway allows consideration of alternatives, including the use of communal bins. The notified Rule aligns with notified Rule 8.4.10, where waste and recycling storage space and collection are proposed to be a matter of discretion (m) for developments proposing 4 or more residential units.

**4.209** In my view, notified Rule 8.5.11 is appropriate to manage the effects of waste and recycling storage, will operate effectively in conjunction with Rule 8.4.10, and will assist with achieving PDP Objective 8.2.2 and notified Objective 8.2.3, and implementing PDP Policy 8.2.2.1 and notified Policy 8.2.3.2.

**4.210** Provision for dedicated and appropriately designed space for the storage of rubbish and recycling is appropriate, especially in conjunction with medium density development anticipated by the MDRZ. Any non-compliance with notified Rule 8.5.11 would be considered on a case-by-case basis on the specific merits of the proposal (including the degree of departure from the minimum requirements set out in notified Rule 8.5.11) through the restricted discretionary activity consent process.

### **Summary of Recommendation**

**4.211** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 8.5.11 be accepted and the submissions in opposition be rejected.

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57 Submission points: 389.16, 1038.18, 1039.20, 1040.26.

### **Rule 8.5.10 Building length**

**4.212** The notified provisions propose retention of the PDP building length Rule 8.5.10 which requires that the length of any building façade above the ground floor level shall not exceed 24m. Breaches to the rule would require consent for a restricted discretionary activity, with discretion limited to consideration of external appearance and visual dominance as viewed from streets and adjacent properties, and (in Arrowtown) consistency with Arrowtown’s character.

### ***Matters raised by submitters***

**4.213** RCL Henley (1253.13) seeks for the rule to be deleted and states that the proposed outdoor living space (notified Rule 8.5.5) and outlook space (notified Rule 8.5.6) requirements collectively provide for varied façade treatments and will reduce the risk of long walled façades and therefore notified Rule 8.5.10 is not needed.

### **Assessment**

**4.214** Section 4.6.1 of the Urban Design Report<sup>58</sup> acknowledges a number of urban design benefits that a building length standard provides and adverse effects that it could manage. These include: limiting the potential for adverse visual dominance impacts, allows for daylight and/ or sunlight penetration into new building and through to adjoining sites, and encourages more meaningful/ functional areas of open space (private or communal).

#### Limits

**4.215** Furthermore, Section 4.6.1 of the Urban Design Report appended to the s32 Report outlines the number of urban design benefits that a building length standard provides and adverse effects that it could manage.

**4.216** In my view, if the proposed outdoor living and outlook space requirements provide for façade treatments as suggested by the submitter, then compliance with notified Rule 8.5.10 should be easily achieved. In my view, notified Rule 8.5.10 will assist with achieving Notified Objectives 8.2.2 and 8.2.3, and implementing Policies 8.2.2.1, 8.2.2.2, 8.2.2.4, 8.2.3.1 and 8.2.3.2.

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58 Appended to the S32 Report.

#### Summary of Recommendation

**4.217** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 8.5.10 be accepted and the submissions in opposition be rejected.

**4.218** Additionally, I recommend a minor non-policy amendment to correct a typographical error in notified Rule 8.5.10 to amend the wording of matter of discretion (b) to include the words "[...as described within the Arrowtown Design Guidelines 2016](#)".

**4.219** Whilst this amendment has not been sought by submitters, in my view it can be made pursuant to clause 16(2) of the First Schedule of the RMA as it is to correct a minor error.

#### **Rule 8.5.17 Building Restriction Area (Wānaka Substation)**

**4.220** Notified Rule 8.5.17 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 approach is that the rule is deleted from the LDSRZ (PDP Rule 7.5.20) and shifted to the MDRZ (notified Rule 8.5.17), in conjunction with the notified proposal to change the zoning of the land where the Substation is located from LDSRZ to MDRZ.

#### ***Matters raised by submitters***

**4.221** S Pierce (208.7) submitted in support of the notified change and N Malpass (1040.27) has provided a neutral submission on the proposed change. No submissions are specifically opposing the notified mapping from this land or the Rule as notified.

#### Summary of Recommendation

**4.222** Given that there are no submissions in opposition, I recommend that the submissions in support of notified Rule 8.5.17 be accepted and the submissions in opposition be rejected.

### **Rule 8.6.1.1 Non-Notification of Applications**

**4.223** PDP Rule 8.6.1 specifies the restricted discretionary activities that do not require the written consent of other persons and shall not be notified or limited notified except where vehicle crossing or right of way access on or off a State Highway is sought. No changes are proposed by the UIV to Rule 8.6.1.1.

### ***Matters raised by submitters***

**4.224** Two submissions were received in opposition to this Rule. J O'Shea, H Russell, J Russell and M Stiasny (198.6) seeks for the removal of PDP 8.6.1.1, no further reasoning or explanation is provided. P Griffin (365.11) seeks that consents are notified to anyone affected.

### **Assessment**

**4.225** The existing rules that are referred to within PDP Rule 8.6.1.1 relate to residential units that exceed density requirements. I.e. two or more per site in Arrowtown or four or more per site in all locations other than Arrowtown, as well as all the Rules in Table 8.5.

**4.226** Table 8.5 provides the permitted built form standards for the zone and therefore can be considered 'anticipated'. Removing residential units from PDP Rule 8.6.1.1 (as sought by J O'Shea, H Russell, J Russell and M Stiasny) would mean that all residential units that trigger Rule 8.4.10 would not be precluded from notification and would therefore be subject to a section 95 assessment that determines whether limited or full notification is required.

**4.227** I am of the opinion that the matters of discretion provided in Rule 8.4.10 (including the notified UIV amendments) provide enough discretion for the consenting authority to assess consent applications to ensure effects are appropriate without written approvals. Where there are any breaches to a Rule in Table 8.5 (i.e. setbacks, height etc), resource consent is required, and therefore when processing the resource consent application, the Council will need to undertake a notification assessment, informed by the effects associated with the activity.

## Summary of Recommendation

**4.228** For the reasons given in the assessment, I recommend that the submissions in opposition of notified Rule 8.6.1.1 be rejected.

### **Submissions received on the entire Chapter 8**

#### ***Matters Raised by Submitters***

**4.229** A mix of submissions were received on Chapter 8 (MDRZ) as a whole, rather than any specific provision. The main reasons relate to intensification in general, specific locations or against the associated proposed height, density or recession plane changes. Submissions received on specific provisions have been addressed in the above sections of this report.

**4.230** Approximately 440 submission points<sup>59</sup> are in general opposition to the notified MDRZ chapter as a whole and 24 submission points<sup>60</sup> are in general support. Of the opposing submission points, 298 relate to Arrowtown, and are addressed by Ms Bowbyes' evidence on Arrowtown. Two<sup>61</sup> submission points relate to Hāwea and one<sup>62</sup> to the Wānaka Town Centre which I address in a separate S42A Report. Thirty-six<sup>63</sup> submission points relate to mapping/rezonings or site-specific relief, which are addressed by Mr Matthee in his evidence on the rezoning submissions.

**4.231** S Torvelainen (531.1) seeks that there be stronger direction in the objectives, policies and rules on what low impact design constitutes for stormwater.

**4.232** J & E Elliot (212) raise concerns with the impact on Historic Heritage Feature (553 at 41 Warren Street). The submitter considers that having a large/tall building go up alongside the house at 41 Warren Street would be very bad and totally inappropriate.

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59 These include submission points: 250.1, 258.1, 260.8, 261.2, 267.2, 276.2, 277.2, 278.2, 279.2, 280.2, 289.2, 293.1, 294.3, 296.2, 301.2, 302.3, 305.1, 307.1.

60 Submission Points: 9.7, 15.4, 88.1, 123.1, 139.6, 194.2, 360.14, 439.3, 468.5

61 Submission points: 310.3, 387.4.

62 Submission point: 314.1.

63 Submission points: 325.8, 325.9, 327.2, 327.4, 383.1, 385.2, 387.3, 439.3.

## Assessment

- 4.233** Whilst greater heights and densities of urban built form are proposed in the notified Chapter 8 in accordance with Policy 5 of the NPS-UD, new rules and amendments have also been proposed to ensure new building typologies and development achieve an appropriate level of amenity and built form within their local context.
- 4.234** Regarding the relief sought by S Torvelainen (531.1) on low impact approaches to stormwater design, new matters of discretion were notified for Rule 8.4.10 that includes consideration of low impact stormwater design. This assists with achieving notified Objective 8.2.5 and implementing notified Policy 8.2.5.2 *Ensure development is designed consistent with the capacity of existing and/or planned infrastructure networks or upgrades, and where practicable, incorporates low impact approaches to stormwater management and efficient use of potable water.*
- 4.235** The QLDC Land Development and Subdivision Code of Practice 2025 (**CoP**) provides guidance on best practice land development and subdivision infrastructure techniques in low impact design (**LID**), climate change, and urban design. Particularly Section 1.4 as well as Section 2 in regard to Earthworks and Geotechnical requirements and Section 4 on Stormwater.
- 4.236** In Section 4 of his evidence, Mr Powell notes that while the CoP offers some guidance on LID systems it stops short of being too directive to allow designers to think creatively and come up with a solution that is suitable for the development and the receiving environment. The CoP requires this concept and the maintenance that it requires is to be agreed with Council prior to submitting for acceptance of the detailed design. Some of the more traditional components of LID systems like vegetated swales, ponds and wetlands often lend themselves to low density development where the space is available however other methods like green roofs and rain gardens might be more appropriate for higher density developments.
- 4.237** The CoP is a document referenced within three chapters in the PDP, Chapter 25 Earthworks, Chapter 27 Subdivision and Development, and Chapter 29 Transport. It is however not a document incorporated by reference and has recently (May

2025) been updated by QLDC. Plan users are encouraged to consider it if an activity is permitted or requires resource consent (and triggers the CoP provisions). At the resource consenting phase CoP assessments of the concept design are more common for Subdivision Consents as opposed to Land Use Consents. The CoP is currently treated as an Assessment Matter for Urban Subdivisions (27.9.3.1.b.) for whether or not to grant consent or impose conditions under rules 27.5.6-32. However, there is still opportunity to consider the CoP for land use consents, particularly for Discretionary or Non-Complying activities where discretion is not limited. For Restricted Discretionary activities in the MDRZ, notified matter of discretion 8.4.10(l) is relevant – “low impact stormwater designs” - as it is triggered where four or more residential units are proposed on a site, and gives Council discretion to refer to the CoP specifically in relation to low impact stormwater design.

**4.238** The detailed design of infrastructure is primarily assessed as being in accordance with the CoP during the Engineering Acceptance and 224c phase through resource consent conditions for Subdivision and/or Earthworks. The recent case law decision ***Queenstown Lakes District Council v Hensman [2024] NZHC 2493 (Hensman)*** confirmed that councils can provide for engineering approvals through consent conditions that require the consent holder to demonstrate that the design and construction of engineering works conform with the CoP. It also reiterated that the detailed engineering design does need to be approved in the early stages of the consent process therefore reducing the complexity and cost of processing resource consents.

**4.239** In my view, it is more appropriate for guidance on engineering standards (including how they are expected to be applied) to be contained within the CoP, rather than the PDP. Stronger direction on what low impact design constitutes for stormwater as sought by the submitter would remove the flexibility as outlined by Mr Powell’s evidence. Therefore, given the existing and proposed policy framework for the MDRZ discussed above, I am satisfied that the recently updated (2025) Code of Practice provides sufficient guidance in terms of what low impact design constitutes for stormwater.

- 4.240** I acknowledge that a similar policy in Chapter 9 for the HDRZ provides slightly further guidance in regard to stormwater management (Policy 9.2.6.3)<sup>64</sup>. This reflects that the activity status for non-compliance with Rule 9.5.4 for landscaped permeable surface coverage in the HDRZ is a non-complying activity, whereas it is restricted discretionary for the MDRZ. In my view this assists in justifying stronger policy direction in the HDRZ.
- 4.241** Regarding the relief sought by J & E Elliot (212), the definition of Historic Heritage in the PDP includes: historic sites, structures, places, and areas; and also includes surroundings associated with natural and physical resource. Chapter 26 applies District wide (including to the MDRZ) and of particular relevance are PDP Objective 26.3.1 and Policy 26.3.1.4 which apply where activities are proposed within the setting or extent of place of a listed heritage feature, to protect the heritage significance of that feature. This submission has also been addressed in Section 14 of Ms Morgan’s evidence. I agree with Ms Morgan’s assessment.
- 4.242** For the reasons set out in Ms Morgan’s assessment and as discussed above, I am satisfied that the existing policy framework in Chapter 26 is sufficient to address the concerns raised by the submitter and there is no need to reduce building heights in this location.

Summary of Recommendation

- 4.243** With the inclusion of the S42A Recommended amendments to Chapter 8 that I have recommended in this report and shown in **Strategic Evidence Appendix 1**, I recommend that the general submission points on Chapter 8 be accepted in part.

**5. TOPIC 2: CHAPTER 9 - HIGH DENSITY RESIDENTIAL ZONE**

- 5.1** The purpose of the HDRZ as outlined in the PDP is for the efficient use of land located within close proximity to Queenstown and Hāwea town centres and Arthurs Point that is easily accessible by public transport, cycle and walkways. Higher densities are enabled in the HDRZ compared to other residential zones and

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64 *Require the site layout and design of development provides low impact approaches to stormwater management through providing permeable surface areas on site and the use of a variety of stormwater management measures*

the anticipated development will result in a greater diversity of housing supply, help support the function and vibrancy of town centres and reduce reliance on private transport. Apartments and terraced housing are envisaged within the HDRZ. The notified UIV proposes additional areas of HDRZ to the north east of the Queenstown Town Centre as shown in the map below. Rezoning requests on the notified UIV mapping are addressed in Ms Morgan’s evidence.



*Figure 5: areas of additional High Density Zone (dark orange)*

- 5.2** The HDRZ objectives and policies are generally well aligned with enabling denser types of residential development. The key changes proposed by the variation include new provisions and amendments to existing provisions to be more enabling of the higher densities envisioned by the HDRZ framework and the NPS-UD.

**Provision 9.1: Zone Purpose**

- 5.3** The notified provisions include one change to the HDRZ purpose statement in Provision 9.1 to remove the words ‘low rise’ when describing the apartments and terraced housing envisaged to become commonplace within the zone.

### ***Matters raised by submitters***

- 5.4** Twenty-four<sup>65</sup> submission points were received supporting the proposed change to the Zone Purpose Statement and 18 submission points<sup>66</sup> were received in opposition. Of these, five are location specific<sup>67</sup> relating to Arrowtown, Hāwea and Wānaka.
- 5.5** C Smith (44.4) seeks that the height of buildings in the HDRZ be limited to 10m and higher buildings be limited to land currently zoned commercial in the PDP. P & J Walker (701.3) seek that any "moderate to substantial change" to public and private views is opposed within the purpose statement.
- 5.6** M and Y Wilson (682.1 & 5) seeks that the Zone Purpose statement, objectives and policies are reworded to achieve the objectives and policies of the NPS-UD, particularly Policy 5. No further detail is provided by the submitter.
- 5.7** Six submission points<sup>68</sup> have requested the following additional amendments to paragraph 8 of the Zone Purpose statement:
- Visitor accommodation, residential visitor accommodation and homestays are anticipated and enabled in this zone, which is located near the town centres and within Arthurs Point, to respond to projected growth in visitor numbers, provided that adverse effect of visitor accommodation activity on the residential amenity values of nearby residents is avoided, remedied or mitigated.*

### **Assessment**

- 5.8** The Zone Purpose Statement does not hold any statutory weighting and is a summary of the outcomes anticipated by the objectives and provisions in the HDRZ. I consider that removing the word 'low rise' is reflective of the development enabled in the HDRZ, being heights of up to 20 metres in certain locations as notified in the UIV. An assessment of appropriateness of heights in the HDRZ is discussed in more detail in Section starting 5.110 of this report. I therefore consider

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65 Submission points: 72.10, 122.4, 652.2, 653.2, 654.2, 711.14, 833.13, 962.2,

66 Submission points: 10.35, 44.4, 183.10, 312.11, 322.1, 333.6, 390.2,

67 Submission point: 322.1, 511.1, 312.11, 409.1, 533.10.

68 Submission points: 762.2, 763.2, 764.2, 768.6, 769.1, 773.1.

that the notified change to the Zone Purpose better describes the built form provided for, which includes apartments in general, not just low-rise apartments.

- 5.9** Paragraph 5 of the Purpose Statement acknowledges the focus on intensification in the HDRZ and that this may result in changes to character and amenity, including private and public views in this zone. P & J Walker (701.3) seek the removal of ‘moderate to substantial change’ particularly in relation to both public and private views. The assessment in relation to public and private views is discussed in section starting 8.5.4 of this Report in relation to *Rule 8.5.4 Building coverage* also applies here. Although in this instance, the corresponding Rules for the HDRZ are Rules 9.5.1 and 9.5.3 where matter of discretion relate to effects on significant public views. The built form controls proposed through the UIV have been informed by the MDRS and enable a built form that is considered appropriate for the HDRZ. It is also important to acknowledge that the density of development is anticipated to increase over time and will therefore occur incrementally.
- 5.10** I also consider Policy 6 of the NPS-UD to be of relevance and that decision-makers are to have particular regard to the planned urban built form anticipated by those RMA planning documents that have given effect to the NPS-UD, and that changes in amenity are not, of themselves, an adverse effect.
- 5.11** Given the focus of Policy 5 of the NPS-UD on intensification, in my view moderate to substantial change is anticipated including to both public and private views as the development outcomes sought for HDRZ (including apartments and terraced housing) are achieved over time.
- 5.12** Visitor Accommodation (**VA**) requires restricted discretionary activity consent pursuant to PDP Rule 9.4.6 (which includes consideration of effects of a range of matters), and Residential Visitor Accommodation (**RVA**) and homestays are permitted, subject to compliance with PDP Rules 9.5.14 and 9.5.15 (which also include a range of matters to be considered if a breach is sought). The amendment sought by the submitters would inappropriately narrow the purpose statement such that it would not be an accurate summary of the HDRZ provisions on VA, RVA

and Homestay activities. Further, I understand that VA and RVA are not within the scope of the UIV.

#### Summary of Recommendation

- 5.13** For the reasons given in the assessment, I recommend that the submissions in support of the notified HDRZ Zone Purpose Statement in 9.1 be accepted and the submissions in opposition be rejected.

### **Chapter 9: Objectives and Policies**

#### **Objective 9.2.1**

- 5.14** No changes were notified for PDP Objective 9.2.1 which seeks that high density residential development occurs in urban areas close to town centres, to provide greater housing diversity and respond to expected population growth.

#### ***Matters raised by submitters***

- 5.15** Six submission points<sup>69</sup> seek amendments to the wording of the Objective 9.2.1 to remove reference to high density residential as follows:

~~'High density residential development~~ Development occurs in urban areas close to town centres, to provide greater housing diversity and respond to expected population growth.'

- 5.16** P & J French (701.2) oppose PDP Objective 9.2.1 noting that "High density" as proposed encompasses not only an increase in the numbers of high-density buildings but also increases in the actual heights.

#### Assessment

- 5.17** Even though I agree with the submitters that amending the introductory wording of the objective would ensure that they have general application in respect of all development activities within the HDRZ and not just high-density housing. However, the policies that implement PDP Objective 9.2.1 refer to high density and

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69 Submission points: 762.3, 763.3, 764.3, 768.7, 769.2, 773.2.

no submissions have been received on either Policy 9.2.1.1 or 9.2.1.2 to provide scope to amend and remove the term 'high density housing'.

**5.18** However, I do acknowledge that Policy 9.2.1.1 refers to visitor accommodation, and Policy 9.2.1.2 refers to high density development, and is therefore not limited to just housing. This is also consistent with my recommendation on Objectives 9.2.2 and 9.2.3 as discussed below and therefore improve consistency. Therefore, I am of the view that removing the word 'housing' from Objective 9.2.1 is a more appropriate way to ensure the PDP accords with Policy 1 of the NPS-UD in regard to well-functioning urban environments as the Objective would be broadened to apply to all high density development (including development for commercial, residential, community, and other development types), and gives effect to Strategic Objectives 3.2.2 and 3.2.3 in the PDP as they relate to well designed and integrated urban form and quality built environment. This would also capture non-housing activities, such as VA that is anticipated in the Zone (Restricted Discretionary Activity subject to Rule 9.4.6).

#### Summary of Recommendation

**5.19** For the reasons given in the assessment, I recommend that the submission points 762.3, 763.3, 764.3, 768.7, 769.2, 773.2 be accepted in part and PDP Objective 9.2.1 is amended as follows:

*'High density **housing** development occurs in urban areas close to town centres, to provide greater housing diversity and respond to expected population growth.'*

#### Section 32AA Analysis

**5.20** In my opinion, the amendments in S42A Objective 9.2.1 are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- (a) the changes will require all high density development to occur in urban areas close to town, not just housing developments, and so are more efficient and effective than the notified provisions in achieving the PDP, particularly Strategic Objective 3.2.2<sup>70</sup> and Policy 3.2.2.1 in that urban

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70 Urban growth is managed in a strategic and integrated manner.

- development occurs in a logical manner as to promote a compact, well designed and integrated urban form; and
- (b) the recommended would improve plan interpretation and consistency.

### **Objective 9.2.2**

- 5.21** No changes were notified for PDP Objective 9.2.2<sup>71</sup> which seeks that high density residential development provides a positive contribution to the environment through quality urban design.

### ***Matters raised by submitters***

- 5.22** Six submission points<sup>72</sup> seek amendments to the wording of the Objective 9.2.2 to remove reference to high density residential as follows:

~~'High density residential development~~ Development provides a positive contribution to the environment through quality urban design.'

### Assessment

- 5.23** I agree with the submitters that amending the introductory wording of the objective ensures that they have general application in respect of all development activities within the HDRZ and not just high density residential. The policies that implement PDP Objective 9.2.2 are not limited in scope to applying to residential development only. Additionally, PDP Objective 9.2.1 specifically pertains to high density housing, consequently the amendment sought to Objective 9.2.1 would not result in a policy gap.

- 5.24** In my view, the amendment sought to PDP Objective 9.2.2 is a more appropriate way to ensure the PDP accords with Policy 1 of the NPS-UD in regard to well-functioning urban environments as the Objective would be broadened to apply to all development (including development for commercial, residential community, and other development types), and gives effect to Strategic Objectives 3.2.2 and 3.2.3 in the PDP as they relate to well designed and integrated urban form and quality built environment. This would also capture non-residential activities, such as VA that is anticipated in the Zone (Restricted Discretionary Activity subject to

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71 High density residential development provides a positive contribution to the environment through quality urban design.

72 Submission points: 762.3, 762.4, 763.4, 764.4, 768.7, 773.2.

Rule 9.4.6). Furthermore, the PDP does not define what is considered high density, and therefore removing this term and applying it to all development improves plan interpretation.

#### Summary of Recommendation

**5.25** For the reasons given in the assessment, I recommend that the submission points 762.3, 762.4, 763.4, 764.4, 768.7, 773.2 be accepted and PDP Objective 9.2.2 is amended as follows:

*~~'High density residential d~~Development provides a positive contribution to the environment through quality urban design.'*

#### Section 32AA Analysis

**5.26** In my opinion, the amendments in S42A Objective 9.2.2 are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- (a) the changes will require all development to have quality urban design and so are more efficient and effective than the notified provisions in achieving the PDP, particularly Strategic Objective 3.2.2<sup>73</sup> and Policy 3.2.2.1 in that urban development occurs in a logical manner as to promote a compact, well designed and integrated urban form; and
- (b) the recommended amendments may have environmental and social benefits through quality designed buildings.

#### **Policy 9.2.2.1**

**5.27** The notified change to Policy 9.2.2.1(d) includes the addition that landscaped areas are to be also used to provide permeable surface areas for stormwater disposal. Notified Policy 9.2.2.1(e) seeks the provision of high levels of amenity for occupants.

#### ***Matters raised by submitters***

**5.28** Three submission points<sup>74</sup> were received in support of the notified changes to Policy 9.2.2.1 and two submission points<sup>75</sup> were received in opposition. M Harris

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73 Urban growth is managed in a strategic and integrated manner.

74 Submission points: 389.18, 1039.21, 1040.28.

75 Submission points: 10.36 -37, 957.5.

(10) is generally against intensification and S Pierce (957.2) seeks an amendment to consider the amenity of existing neighbouring residents.

### Assessment

**5.29** Notified Policy 9.2.2.1 provides a list of essential built form outcomes. Even though I agree with S Pierce in terms of considering the amenity of neighbouring residents, I consider that this is already sufficiently addressed in PDP Objective 9.2.3<sup>76</sup> and Policy 9.2.3.2<sup>77</sup> and therefore does not need to be repeated in notified Policy 9.2.2.1.

**5.30** I consider notified Policy 9.2.2.1 to be the most appropriate option to achieve the enablement of intensification in accordance with the NPS-UD, particularly Objective 4 and Policy 6 that recognise that while changes to existing built form may detract from amenity values appreciated by some people, they may also improve amenity values appreciated by other people, communities and future generations.

### Summary of Recommendation

**5.31** For the reasons given in the assessment, I recommend that the submissions in support of notified Policy 9.2.2.1 be accepted and the submissions in opposition be rejected.

### **Policy 9.2.2.4**

**5.32** The notified changes to Policy 9.2.2.4 consist of updating the reference date of the residential design guidelines. Ms Bowbyes outlines the approach for documents incorporated by reference in Section 10 of her Strategic Evidence.

### ***Matters raised by submitters***

**5.33** Two submission points<sup>78</sup> were received in opposition to the notified Policy and two submission points<sup>79</sup> were received in support. M & Y Wilson (682.6) seeks that

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76 High density residential development maintains a minimum level of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.

77 Ensure built form achieves privacy for occupants of the subject site and neighbouring residential sites and units, including through the use of building setbacks, offsetting habitable windows from one another, screening, or other means.

78 Submission points: 10.38 and 682.6.

79 Submission points 1039.22 and 1040.29.

Policy 9.2.2.4 be revised, such that instead of requiring consideration of design guidelines, this is a matter to be 'had regard to'. The submitter does not provide any further clarification or reasoning on their position.

#### Assessment

- 5.34** The current phrase, 'requires consideration', suggests that a decision-maker must take into account a particular matter but does not specify the level or depth of consideration required.
- 5.35** The term 'have regard to' as sought by the submitter is a stronger statutory requirement, meaning planners must carefully evaluate relevant matters before making a decision. This phrase comes from Section 104 of the RMA, which states that decision-makers must have regard to specific matters when considering resource consent applications.
- 5.36** One of the implementation methods of Policy 9.2.2.4 is through Rule 9.5A.1 which requires:
- For all restricted discretionary and discretionary activities under Rules 9.4 and 9.5, applications for resource consent shall include a statement confirming that the relevant design elements from the Residential Zone Design Guide 2023~~1~~ have been considered, including a summary of any particular aspects of the proposal that have resulted from that consideration.*
- 5.37** The notified wording of Policy 9.2.2.4 is also consistent with the wording used in Policy 7.2.1.5<sup>80</sup> in the LDRSZ and Policy 8.2.2.6<sup>81</sup> in the MDRZ.
- 5.38** In the absence of the submitter providing any further reasoning, I am not persuaded that notified Policy 9.2.2.4 should be amended in the manner sought, and in my view the notified wording is a more appropriate option to provide consistency with implementation provision (Rule 9.5A.1) and the corresponding policies in Chapters 7 and 8.

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80 Require consideration of the relevant design elements identified in the Residential Zone Design Guide 20231.

81 Require consideration of the relevant design elements identified in the Residential Zone Design Guide 20231.

### Summary of Recommendation

**5.39** For the reasons given in the assessment, I recommend that the submissions in support of notified Policy 9.2.2.4 be accepted and the submissions in opposition be rejected.

### **Objective 9.2.3**

**5.40** The notified provisions do not propose changes to PDP Objective 9.2.3,<sup>82</sup> which seeks that high density residential development maintains a minimum level of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the HDRZ.

### ***Matters raised by submitters***

**5.41** K & G Wigley (957.6) support the Objective and ten submission points<sup>83</sup> were received in opposition.

**5.42** Fortune Fountain Group Limited (**FFG**) (769.3) and Coherent Hotel Limited (773.3) seek that the objective be amended to remove the term 'existing'. M & Y Wilson (682.3) also seek that the provisions should not maintain existing amenity but instead enable intensification and request the following amendments, either:

- (a) That Objective 9.2.3 be re-worded to address the relief sought as follows:  
"~~Objective – High density residential development maintains a minimum level of existing amenity values for neighbouring sites~~ provides for positive urban design outcomes, while recognising that amenity values experienced by neighbours will change over time as development occurs to achieve the high-density outcomes sought by the zone as part of positively contributing to the urban amenity values sought within the zone."; or alternatively
- (b) that Objective 9.2.3, Policies 9.2.3.1, 9.2.3.2, and 9.2.2.1e be amended to better align with the NPS-UD and recognise that amenity, character, and

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82 High density residential development maintains a minimum level of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.

83 Submission points: 682.3, 762.5, 763.5, 764.5, 768.7, 769.2, 769.3, 773.2, 773.3, 897.2.

urban form effects will change as a result of implementation of increased density and height provisions of the HDRZ.

- 5.43** Three submissions<sup>84</sup> request the removal of the wording “High density residential” from the start of the objective, so that it applies to all development. Similarly, three submissions<sup>85</sup> request both the removal of the wording “High density residential” and “existing” as follows:

*~~High density residential development~~ Development maintains a minimum level of ~~existing~~ amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.'*

#### Assessment

- 5.44** For similar reasons in relation to Objective 9.2.2 above, I agree with the submitters that removing the words ‘high density residential’ ensures that all development is subject to the outcomes sought in this objective.
- 5.45** The notified amendments to the policies that implement Objective 9.2.3<sup>86</sup> acknowledge that with intensification the amenity values of neighbours is not necessarily able to be ‘maintained’. This gives effect to Policy 6 of the NPS-UD which states that decision-makers are to have particular regard to the fact that planned urban built form that gives effect to the NPSUD may involve significant changes to an area, and those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people and are not, of themselves, an adverse effect.
- 5.46** Even though I understand and agree with the intention of the relief sought by M & Y Wilson (682.3), in my view the change sought is still captured by removing the word ‘existing’ as sought by submitters 769.3, 773.3, 762.5, 763.5, 764.5. This ensures that amenity expectations are aligned with the notified provisions and will give better effect Policy 6 of the NPS-UD.

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84 Submission points: 768.7, 769.2, 773.2.

85 Submission points: 762.5, 763.5, 764.5.

86 Policies 9.2.2.1, 9.2.3.1, 9.2.3.2.

- 5.47** However, when removing the word ‘existing’ the question remains on what level of amenity should be provided for in the HDRZ. If removing the word existing, then the term ‘maintaining a minimum level’ refers to ensuring that the quality and characteristics of an area do not deteriorate below an acceptable baseline. It often refers to the lowest level of amenity that must be maintained.
- 5.48** Notified Policy 9.2.3.1 details the built form standards that contribute to ensuring a minimum level of neighbours amenity values are provided for (including outlook space, sunshine and light access, and privacy).
- 5.49** I understand the reasoning provided by K & G Wigley (957.3 & 8) in that Rule 9.4.5 refers to a high level of residential amenity and even though I agree that this should be consistent with the language used in the Objectives and Policies, the question relates to what level of residential amenity should be required. High level of residential amenity may be difficult to achieve as intensification occurs and higher density typologies are enabled. When using the word amenity, it needs to be clear what this refers to. The term ‘amenity values’ is defined in the RMA as: *Those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*
- 5.50** So even though I agree that a high level of amenity should be required, in my opinion the HDRZ does not require higher level of amenity expectations than the MDRZ and in some areas of the HDRZ, the greater accessibility to high quality public amenity is an appropriate trade-off for reduced on-site amenity.
- 5.51** I consider ‘appropriate’ to be a more appropriate word, as minimum amenity levels set the lowest acceptable standard required to comply with planning rules, ensuring basic environmental and liveability conditions. Appropriate amenity levels are context-dependent and flexible, aiming for a suitable quality based on urban character, community needs, and best practices.
- 5.52** This would also allow for flexibility between different typologies. As density or typologies increases within the HDRZ, amenity values shift from private open space

and tranquillity toward shared spaces, walkability, and functional design, prioritizing connectivity, environmental quality, and urban efficiency. For example, an apartment building and a detached single storey residential development, (both enabled in the HDRZ by way of permitted or restricted discretionary activity) would have different level of amenity values. Therefore, I consider that to provide consistency, the terminology in Policy 9.2.2.1(e), Objective 9.2.3 and Policy 9.2.3.1 are all amended to refer to 'appropriate' level of amenity.

#### Summary of Recommendation

**5.53** For the reasons given in the assessment, I recommend that the submissions in support and opposition of notified Objective 9.2.3 be accepted or accepted in part and the Objective is reworded as follows:

*~~'High density residential development~~ Development maintains an appropriate minimum level of ~~existing~~ amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.'*

#### Section 32AA Analysis

**5.54** In my opinion, the recommended S42A Objective 9.2.3 is more appropriate in achieving the objectives of the PDP than the notified version, and is more appropriate than the amendments put forward by the submitter. In particular, I consider that:

- (a) the changes will mean that all development is subject to the outcomes sought by S42A Objective 9.2.3 in relation to contributing to the urban amenity values, not just high density residential and so are more efficient and effective than the notified provisions in achieving the PDP, particularly SO 3.2.2<sup>87</sup> and SP 3.2.2.1 in that urban development occurs in a logical manner as to promote a compact, well designed and integrated urban form;
- (b) by referring to appropriate level of amenity values rather than minimum provides a higher threshold and is more efficient and effective in achieving Objective 1 of the NPS-UD and providing for well-functioning urban environments for communities to provide for their social wellbeing, as well as SO 3.2.2 and particularly SP 3.2.2.1 in achieving a

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87 Urban growth is managed in a strategic and integrated manner.

built environment that provides desirable, healthy and safe places to live, work and play. This will provide improved clarity and plan interpretation; and

- (c) consequently, these changes this will result in greater environmental and social benefits than the notified provision.

#### **Policies 9.2.3.1 and 9.2.3.2**

- 5.55** Notified changes to Policy 9.2.3.1 include addition of the new built form standards (height setback at upper floors, outlook space) and also acknowledge that privacy will be provided for, rather than maintained, as intensification occurs.
- 5.56** The notified provisions propose deletion of PDP Policy 9.2.3.2 as it refers to the maintenance of amenity values of neighbours.

#### ***Matters raised by submitters***

- 5.57** The notified change to Policy 9.2.3.1 received 24 submission points<sup>88</sup> in support and three submission points<sup>89</sup> in opposition. The submissions in opposition are generally against intensification.
- 5.58** 24 submission points<sup>90</sup> were received in support of the notified deletion of PDP Policy 9.2.3.2 and six submission points<sup>91</sup> were received in opposition. Two of the submission points in opposition (7.9, 313.1) raised concerns relating to amenity, sunlight and views. K & G Wigley (957.3 and 957.8) seek that the policy be reinstated as it ensures vertical integration with the notified Rule 9.4.5(a) and seek for the following to be amended:

*Ensure built form provides a high level of residential amenity for occupants of neighbouring properties ~~Ensure the amenity values of neighbours are adequately maintained.~~*

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88 These include submission points: 389.19, 652.3, 653.3, 654.3, 833.14, 962.3, 969.3, 975.3.  
89 Submission points: 7.8, 10.38, 957.7.  
90 These include submission points: 652.4, 653.4, 654.4, 833.15, 962.4, 969.4, 975.4, 978.4,  
91 Submission points: 7.9, 10.40, 313.1, 509.10, 957.3, 957.8.

## Assessment

- 5.59** The notified amendments to the Policies 9.3.2.1 and 9.2.3.2 acknowledge that with intensification the amenity values of neighbours is not necessarily able to be 'maintained'. As set out earlier, this is acknowledged by Policy 6 of the NPS-UD.
- 5.60** Notified Policy 9.2.3.1 details the built form standards that contribute to ensuring a minimum level of neighbours of neighbours amenity values are provided for (including outlook space, sunshine and light access, and privacy).
- 5.61** I understand the reasoning provided by K & G Wigley (957.3 and 957.8) and for the same reasons set out in paragraph starting 5.40 in relation to Objective 9.2.3.
- 5.62** I consider it appropriate that the amendments to notified Policy 9.2.3.1 to replace 'high' with 'appropriate' are reflected in the equivalent Policy as well as notified Rule 9.4.5 as this would provide consistency and plan interpretation.
- 5.63** In my view the relevant standards, policies and matters of discretion provide an appropriate framework to support the provision of quality amenity and design outcomes for residents and the neighbourhood by incorporating relevant design elements. Notified Rule 9.4.5 requires resource consent for restricted discretionary activity for four or more residential units per site and this includes a list of criteria considered to contribute to providing a high level of residential amenity for occupants of the subject site and neighbouring properties. This is also supported by notified Policy 9.2.2.4 that requires consideration of the relevant design elements identified in the Residential Zone Design Guide.
- 5.64** K and G Wigley (957) are of the view that with the notified removal of PDP Policy 9.2.3.2 there is no longer a policy which takes a stance on the level of amenity which is to be provided for in respect of neighbouring properties. However, notified Policy 9.2.3.1 still refers to 'ensuring a minimum level of neighbours' outlook space, sunshine and light access, and privacy is provided for'. Therefore, I am satisfied that the vertical integration referred to by the submitter is still achieved through notified Policy 9.2.3.1 and notified Rule 9.4.5(a).

## Summary of Recommendation

**5.65** I recommend for the reasons given in the assessment, that the submissions in support of notified Policy 9.2.3.1 are accepted in part, and the submissions in opposition be accepted in part. Notified Policy 9.2.3.1 is recommended to be amended as follows:

*Apply recession plane, building height, height setback at upper floors, yard setback and site coverage controls as the primary means of ensuring an appropriate ~~minimum~~ level of neighbours' outlook space, sunshine and light access, and privacy is provided for ~~will be maintained~~, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.*

**5.66** I recommend that the submissions in support of the notified deletion of Policy 9.2.3.2 are accepted and the submissions in opposition be.

**5.67** The Section 32AA analysis in terms of the change to 'appropriate' has been assessed in Section starting 5.40 of my evidence in relation to PDP Objective 9.2.3. In addition to the reasons already set out above, this change will provide consistency and improve plan interpretation.

### **Policy 9.2.6.3 and 9.2.6.5**

**5.68** For context, these policies sit below PDP Objective 9.2.6.<sup>92</sup> No changes are proposed to Objective 9.2.6 in the notified UIV.

**5.69** The notified amendments to Policy 9.2.6.3 and Policy 9.2.6.5 relate to car parking and encouragement of mode shift to minimise impacts on the roading network.

### ***Matters raised by submitters***

**5.70** Two submission points<sup>93</sup> were received in support of notified Policy 9.2.6.3. and three submission points<sup>94</sup> were received in opposition.

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92 Objective - High-density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and roading networks.

93 Submission points: 389.20, 1039.25, 1040.32.

94 Submission points: 10.41, 200.10, 509.11.

**5.71** Waka Kotahi (NZTA) (200.10 & 12) seeks that the notified policy be amended to require, rather than encourage, a reduction in on-site car parking provision. They also request the addition of “help facilitate mode shift” to be added to the end of notified Policy 9.2.6.5 to align with the same notified Policy (8.2.5.2) in the MDR zone. The amendments sought are set out below:

*Policy 9.2.6.3: Ensure access and parking is located and designed to optimise the connectivity, efficiency and safety of the district's transport networks, including ~~encouraging~~ **requiring** ~~the consideration of a reduction in required car parking provision to where it can help be facilitate modal shift. demonstrate that this is appropriate~~*

*Policy 9.2.6.5: A reduction in parking provision ~~requirements may be is encouraged required considered in Queenstown and Wanaka where a site is located within 800m of a bus stop or the edge of a Town Centre Zone to~~ **help facilitate mode shift.**”*

**5.72** Three submission points<sup>95</sup> were received in support of the notified amendment to Policy 9.2.6.5 and five submission points<sup>96</sup> were received in opposition. General opposing submissions raise transport related concerns and concerns regarding a reduction in the provision of private car parking space onsite and an increased demand on street parking spaces.

#### Assessment

**5.73** The relief sought by NZTA (200.10 & 200.12) to replace the word ‘encouraged’ with ‘required’ is much more directive than the notified wording. No further reasoning is provided by the submitter, and I also note that they have not recommended a supporting rule framework to implement the policy.

**5.74** The notified UIV does not propose any amendments to carparking requirements, and pursuant to Policy 11 and Subpart 8 of the NPS-UD, rules that require a prescribed number of on-site car parks can no longer be included in district plans. This means that the market will determine how many onsite parks are provided.

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95 Submission points: 389.21, 1039.26, 1040.33.

96 Submission points: 10.42, 200.12, 333.7, 509.12, 533.11.

However, the UIV does not propose to increase the current maximum permitted site coverage (Rule 9.5.2), so the coverage rule would still enable some parking to be provided onsite if a development doesn't include garaging.

**5.75** PDP Chapter 29 – Transport is also relevant and applies District wide, particularly PDP Objective 29.2.2 and that parking, loading, access, and onsite manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward facilitating an increase in walking and cycling and the use of public transport. Ms Bowbyes also discusses the overall strategy of the notified UIV towards encouraging a shift away from vehicle dependence in Section 12 of her Strategic evidence.

**5.76** The Accessibility & Demand Analysis takes into account accessibility via active travel or public transport and walkable catchments around destinations such as employment nodes, commercial centres, education, open space, food and retail locations and healthcare. Based on this, determination of an area's 'level of accessibility' is informed by how many destinations can be accessed within a given timeframe. The locations of the HDRZ, generally align with the areas identified as being highly accessible and where there is shown to be a demand for housing.

**5.77** Even though I agree with NZTA (200.12) that the addition of "help facilitate mode shift" would provide consistent wording with Policy 8.2.5.2, within the MDRZ, it may result in unintended consequences of the relief that is being sought by the submitter as there are a number of other benefits that notified 9.2.6.5 is trying to achieve. Some of the other benefits include efficient use of land and improved vitality of town centres. Therefore, I recommend amendments to notified Policy 9.2.6.5 to acknowledge that mode shift is a benefit that a reduction in car parking provisions can achieve. I also recommend using the word 'modal' rather than 'mode' to align with the wording in Policy 9.2.6.3.

#### Summary of Recommendation

**5.78** For the reasons given in the assessment I recommend that:

- (a) the submissions in support of notified Policy 9.2.6.3 be accepted and the submissions in opposition be rejected;

- (b) the submission by NZTA (200.12) is accepted in part and Policy 9.2.6.5 is amended as follows:

*A reduction in parking ~~provision requirements may be~~ is encouraged considered in Queenstown and Wānaka where a site is located within 800m of a bus stop or the edge of a Town Centre Zone, including to help facilitate modal shift."*

- (c) the submissions in support of notified Policy 9.2.6.5 be accepted in part and the submissions in opposition be rejected.

### Section 32AA Analysis

**5.79** In my opinion, the S42A Recommended amendments are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- (a) the changes give effect to PDP SO 9.2.6 and particularly PDP SP 3.2.2.1(h) by acknowledging that reduction in parking provisions helps to facilitate mode shift and managing effects on infrastructure as well as SP 3.2.6.1 that the accessibility needs of the District's residents and communities to places, services and facilities are met; and
- (b) it also has benefits for improved clarity, consistency and plan interpretation.

### **Objectives and Policies – Other Matters**

**5.80** Transpower (194.6) seeks that Policy 9.2.6.4 is amended as follows:

*"Require the site layout and design of development manages adverse effects on existing and/or planned infrastructure networks or upgrades and provides low impact approaches to stormwater management through providing permeable surface areas on site and the use of a variety of stormwater management measures."*

**5.81** Heritage New Zealand Pouhere Taonga (**HNZPT**) (897.2) seeks that the following new policy is included under Objective 9.2.3:

*Ensure that development is compatible with the values of adjacent historic heritage.*

## Assessment

- 5.82** PDP Policy 9.2.6.4 relates to low impact approaches to stormwater management only and no amendments were proposed to this policy as notified. With regard to the relief sought by Transpower, Policy 9.2.6.4 would then apply to *all* infrastructure. My understanding from Transpower's submission is that their concern centres on management of reverse sensitivity effects as well as direct effects on the National Grid however the relief sought by Transpower extends beyond these matters.
- 5.83** In my view, the amendments to Policy 9.2.6.4 sought by Transpower extends beyond electricity infrastructure and could have wide-ranging untested implications for activities in the HDRZ. Policy 9.2.6.4 is not intended to address infrastructure networks or reverse sensitivity effects, rather it is on providing permeable surface areas on site and the use of a variety of stormwater management measures.
- 5.84** Even though I agree with the intent of the submission by Transpower New Zealand Limited (194), my view is that the amendments sought are more appropriately captured in District wide policies rather than replicated in each chapter. I have discussed the relevant chapters of the PDP in Section starting 4.60 of my evidence above regarding Policy 8.2.5.2A. This assessment is also relevant here.
- 5.85** In addition to this, Rule 9.4.5 (four or more residential units per site) includes the following matter of discretion:
- Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, and any proposed building is located within 9.5m of that road boundary, any adverse effects on that infrastructure.*
- 5.86** In my view, the HDRZ matters of discretion discussed above, coupled with the mapped national grid (shown on Planning Maps), and the relevant provisions in PDP Chapter 30 – Energy & Utilities are appropriate to manage the reverse sensitivity effects sought by Transpower.

**5.87** In response to the relief sought by HNZPT, the definition of Historic Heritage in the PDP includes: historic sites, structures, places, and areas; and also includes surroundings associated with natural and physical resource. Chapter 26 applies District wide (including to the HDRZ) and of particular relevance are PDP Objective 26.3.1 and Policy 26.3.1.4 which apply where activities are proposed within the setting or extent of place of a listed heritage feature, to protect the heritage significance of that feature.

**5.88** This has also been addressed in Section 9 of Mr Knott’s evidence where he notes that given the urban nature of the existing environment, he does not consider that it would be justifiable to reduce the height limits on adjacent sites. In addition, he considers that that PDP Policy 9.2.3.1 appropriately provides for sunshine and light access.

**5.89** Therefore, I am satisfied that the existing policy framework in Chapter 26 is sufficient to address the concerns raised by the submitter and there is no need to replicate existing district-wide policy in Chapter 9.

Summary of Recommendation

**5.90** I recommend that the relief sought by HNZPT (897.2) and Transpower (194.6) be.

**Table 9.4: Rules - Activities**

**Rule 9.4.5 – Four or more residential units**

**5.91** The notified UIV proposes amendments to the matters of discretion for four or more residential units per site, in Rule 9.4.5. These include:

- (a) a new matter of discretion (a) that includes built form elements to contribute to providing a high level of residential amenity;
- (b) amend matter of discretion (c) to delete reference to sunlight access;
- (c) amend matter of discretion (d) to add consideration of a range of unit sizes and typologies alongside housing diversity;
- (d) remove duplications in (e);
- (e) (h & i) - ensure the proposed development can be serviced and to mitigate any potential increase in stormwater runoff;

- (f) in (j) – the addition of consideration of waste and recycling storage space and collection; and
- (g) update reference to Residential Zone Design Guide in (m).

**5.92** No changes are proposed to the existing activity statuses.

***Matters raised by submitters***

**5.93** 30 submission points<sup>97</sup> were received in support of the notified changes to Rule 9.4.5 and two submission points<sup>98</sup> were received in opposition. NZTA (200.8) and Aurora Energy Limited (208.9) specifically support the inclusion of the matter of discretion requiring that development is designed to be consistent with the capacity of infrastructure and K and G Wigley (957.1 & 9) supports matter (a) on the basis that it seeks to provide a high level of residential amenity for occupants of the subject site and neighbouring properties.

**5.94** Of the two submissions in opposition, M Harris (10) does not provide any reasoning in support of their position. C and A Robert, A and G Sanders and Stayrod Trustees (DMC) Limited as trustees of the Mayfield Trust; and E Grieve and Sir I Taylor (**Robert et al.**) (859.2 and 859.10) oppose the rule as it relates to Wānaka and seeks that the following matters of discretion be included:

*That the following matters of discretion be included*

*(i) impacts on the groundwater table;*

*(ii) land stability;*

*(iii) foundation design;*

*(iv) earthworks and retaining design; and*

*(v) dewatering*

**Assessment**

**5.95** The UIV seeks to satisfy Policy 5 of the NPS-UD, and in turn promote a compact urban form and enable the development of a diverse range of housing typologies. This is achieved through review of existing densities and building heights to provide for greater housing choice. Provisions are also included to recognise the benefits of intensification, ensure adequate amenity values within intensification areas,

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97 These include submission points: 200.8, 208.9, 389.22, 652.5, 653.5.

98 Submission points: 10.43, 859.2 and 10.

ensure that development can be serviced and mitigate any potential increase in stormwater runoff.

- 5.96** Submitters are concerned about the extent of earthworks and stabilising that would be required for the construction of higher density buildings.
- 5.97** Chapter 25 of the PDP provides a policy framework to manage earthworks district wide. Alongside this, structural integrity, including foundation and retaining design is covered by the New Zealand Building Code (**NZBC**). While earthworks themselves are not directly addressed in a specific section of the NZBC, they are covered in the context of site preparation and the structural integrity of buildings. For instance, earthworks must comply with general performance requirements, such as ensuring the site is stable and the foundations are properly designed. The foundation design (covered under NZBC B1 - Structure) should account for the conditions created by earthworks, such as soil compaction, excavation, and grading.
- 5.98** In regard to dewatering, which in my understanding is the process of removing water from the ground (such as during excavation or foundation work), is also addressed indirectly through the NZBC particularly in relation to preventing water ingress and ensuring that water management systems (such as drainage) are in place to protect the building from moisture-related issues.
- 5.99** Resource consents focus on environmental and land-use impacts, including how the proposal affects the surrounding environment, local community, and cultural heritage. Building consents focus on ensuring the building is safe, healthy, and complies with the Building Code for structural integrity, safety, and usability.
- 5.100** I am of the opinion that the relief sought, and concerns raised by the submitter are more appropriately addressed through the Building Consent process which is more technical and focuses on the safety and compliance of the construction itself. Notified Rule 9.5.1.4 would prescribe a permitted height of 12m, with breaches assessed as a discretionary activity. No amendments are proposed to the maximum height rule as it applies to the land of interest to the submitter. I note that the 12m

permitted height is not excessive, and the discretionary activity status for breaches would enable consideration of a range of matters.

**5.101** K and G Wigley (957) consider that the focus of who an *occupant* is in light of Rule 9.4.5(a) is somewhat unclear – either it refers to internal occupants on a single site, occupants of neighbouring properties, or both. The submitter only refers to notified Policy 9.2.2.1 as providing policy direction for notified Rule 9.4.5, which refers to providing a high level of amenity to meet the needs of occupants and generally refers to occupants on the site, but in my view, this policy also needs to be considered alongside the other relevant policies, being notified 9.2.3.1 that refers to neighbouring sites, as well as (new) notified Policy 9.2.3.2 that ensures built form achieves privacy for occupants of the subject site and neighbouring residential sites and units. For these reasons, I do not agree that there is a gap in the policy framework.

#### Summary of Recommendation

**5.102** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 9.4.5 be accepted and the submissions in opposition be rejected.

#### **Rule 9.4.6 – Visitor Accommodation**

**5.103** PDP Rule 9.4.6 provides for VA in the HDRZ as a restricted discretionary activity. No changes are proposed to this rule by the UIV.

#### ***Matters raised by submitters***

**5.104** D and W Wiseman (661.9) seek that the HDRZ Chapter does not further enable VA since this will reduce residential capacity. Whereas A & L Rankin (1170.21) seek that VA should be provided for in the HDRZ as either a permitted, controlled, restricted discretionary or discretionary activity.

#### Assessment

**5.105** There have been no changes proposed to Table 9.4 or Table 9.5 in regard to the activity status or standards applying to VA. VA in the HDRZ remains a restricted discretionary activity subject to PDP Rule 9.4.6 and therefore the activity status aligns with the L Rankins position.

**5.106** The HDRZ Purpose Statement acknowledges that VA, RVA and Homestays are anticipated activities within the HDRZ and there are many benefits for enabling visitors to stay close to commercial centres.

**5.107** VA is addressed in section 9 of Ms Bowbyes Strategic Evidence regarding scope. She notes that the PDP has an existing framework for visitor accommodation, residential visitor accommodation and homestay activities. The s35 Monitoring for the UIV did not assess the effectiveness and efficiency of the visitor accommodation provisions, and Policy 5 of the NPS-UD specifically focusses on heights and density of urban form. The notified variation is not ‘on’ the visitor accommodation provisions. I agree with her assessment and in my view, the submissions seeking changes to the visitor accommodation provisions are not within scope of the UIV.

**5.108** I consider the current framework for VA in the HDRZ to be appropriate and gives effect to the HDRZ purpose statement as well as PDP Objective 9.2.8<sup>99</sup> and particularly Policy PDP 9.2.8.1 in providing sufficient high density zoned land to enable a range of accommodation options for visitors to establish close to town centres.

Summary of Recommendation

**5.109** For the reasons given in the assessment, I recommend that the submissions in opposition of PDP Rule 9.4.6 be rejected.

**Table 9.5: Rules – Standards**

**5.110** The notified provisions proposed a number of amendments to Table 9.5: Rules – Standards as summarised below:

<b>Rule – Standard</b> (Notified UIV numbering)	<b>PDP</b>	<b>Notified UIV</b>
<b>Building height (9.5.1)</b>	12 m <sup>100</sup>	16.5 m <sup>101</sup>

99 Visitor accommodation, residential visitor accommodation and homestays are enabled in urban areas close to town centres to respond to strong projected growth in visitor numbers, whilst ensuring that adverse effects on residential amenity values and traffic safety are avoided, remedied or mitigated.

100 Except where specified in Rules 9.5.1.2, 9.5.1.3 or 9.5.1.4.

101 Except where specified in Rules 9.5.1.2, 9.5.1.3 or 9.5.1.4.

	Sloping Sites – 7 m Frankton North - 12 m	Wānaka - 12 m Frankton North - 20 m
<b>Recession plane (9.5.3)</b>	For flat sites: Northern Boundary: 2.5m and 55 degrees All other boundaries: 2.5m and 45 degrees	For all sites: Southern Boundary: 8m and 45 degrees All other boundaries: 8m and 60 degrees
<b>Building height setback at upper floor (9.5.7)</b>	n/a	An additional 2 metre setback from all boundaries, in addition to the required minimum boundary setbacks in 9.5.6, shall apply to the area of buildings that exceed a height of 10m from the ground level.
<b>Outlook space (per unit) (9.5.8)</b>	n/a	Principal living room: 4m deep, 4m wide Other rooms: 1m deep, 1m wide

#### **Rules 9.5.1, 9.5.2, 9.5.3 and 9.5.4 - Building Height**

**5.111** PDP Rules 9.5.1, 9.5.2 and 9.5.3 currently prescribe the building height outcome for the HDRZ. Rule 9.5.1 related to flat sites in Queenstown, Rule 9.5.2 related to flat sites in Wānaka, Rule 9.5.3 related to sloping sites in Queenstown and Wānaka, and Rule 9.5.4 Building Height in Frankton North. Notified Rule 9.5.1 captures all of the building height standards in one rule and therefore in the provisions it is proposed to delete Rules 9.5.2 and 9.5.3 as they are now redundant.

**5.112** The notified amendments to building height limits propose the following changes (in summary):

- (a) a 16.5m permitted height limit for most of the HDRZ (including Frankton North), with no differentiation between sloping and flat sites and minor amendments to the matters of discretion (c) and (e) in relation to housing diversity and outlook. Notified provisions propose to retain the current restricted discretionary activity status for breaches (Rule 9.5.1.1);
- (b) a 12m maximum permitted building height is proposed for Wānaka with a discretionary activity status for breaches (Rule 9.5.1.4); and

- (c) a 20m maximum building height for Frankton North with a non-complying activity status for breaches (Rule 9.5.1.5).

***Matters raised by submitters***

*Rule 9.5.1*

**5.113** Four submission points<sup>102</sup> were received in support of the notified changes in 9.5.1 in general and 26 submission points<sup>103</sup> in opposition. 13 of these were location specific: eight<sup>104</sup> relate to Wānaka, one (78.1) to Frankton Road, one (487.4) to Arthurs Point and one (641.4) to Panorama Terrace. These have been addressed in the corresponding rules below except for Panorama Terrace which has been discussed in Section 9 of Ms Morgans evidence. I agree with Ms Morgans assessment. The general reasons for opposition are loss of views and sunlight, privacy, traffic congestion and increased demands on infrastructure.

*Rule 9.5.1.1*

**5.114** 21 submissions<sup>105</sup> were received in support of notified Rule 9.5.1.1 and six<sup>106</sup> in opposition.

**5.115** Various location-specific relief is sought by submitters, as summarised below:

- (a) S and W Cameron (1081.2) seek that the proposal to allow buildings up to a height of 11m, close to the lake, be abandoned (the submitter does not specify which lake). No further detail or explanation has been provided by the submitter.

*Queenstown*

- (b) Skyline Tours Limited (984.12) seek that an 18.5m height limit be imposed for the submission site (8, 10 Stanley St and 11 Sydney St, Queenstown) and four blocks in the vicinity of the site;
- (c) Pro-Invest NZ Property 1 Limited Partnership (986.12) seek that an 18.5m height limit be imposed for the submission site (21 Sydney Street, Queenstown) and four blocks in the vicinity of the site;

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102 Submission points: 298.4, 389.23, 1039.28, 1260.3.

103 Submission points: 87.1, 291.2, 984.12, 1057.1.

104 134.22, 183.11, 317.2, 781.2, 859.11, 1137.2, 1187.4.

105 These include submission points: 414.2, 652.6, 653.6, 654.6, 833.17.

106 These include submission points: 87.1, 515.2, 957.10, 984.12, 986.12.

- (d) Ashourian Partnership (1008.12) seek that an 18.5m height limit be imposed for the submission site (12, 16, 20 Stanley St and 12 Sydney St, Queenstown) and four blocks in the vicinity of the site; This is supported by four further submissions<sup>107</sup>.
- (e) Munro Family Trust, Mabel Grove Farms Limited, Goodwin Property Trust, Chatfield Family Trust and D and M Gould (517.1) seek that Rule 9.5.1.1 does not apply to the block of land bounded by Hallenstein, Edgar, Kent and York Street.
- (f) David Herron Munro, Helen Dallas Munro and Stephen Roy Tomlinson (515.2) seek that 9.5.1.1 not apply to the block of land bounded by Hallenstein, Edgar, Kent and York Streets, and that the current PDP framework continue to apply. This is opposed by Further submission 1357.2.
- (g) HNZPT (897.3) raise concerns with 16.5m height limit as notified for HDRZ, particularly in relation to two Category 2 places entered on the heritage scheduled, being 5 Brisbane Street and 17 Brisbane Street.

*Arthurs Point*

- (h) R Stewart (487.4) seeks that the maximum building height standards in the MDRZ and HDRZ at Arthurs Point be amended to avoid 8 metre buildings being dominated by 16.5 metre buildings, either through a staggered framework or by increasing the height in the MDRZ and decreasing the height in the HDRZ.

**5.116** A and L Rankin (1170.5) and Well Smart (1168.11 and 1168.12) support notified Rule 9.5.1.1 in that it enables building heights up to 16.5m as permitted and between 16.5m to 20m as a restricted discretionary activity but seek that discretionary activity status applies if breaching the 20m height standard rather than non-complying. I note that subject to notified Rule 9.5.1, anything greater than 16.5m remains a restricted discretionary activity, and there is no threshold that triggers non-complying activity status as suggested by the submitter, other than in Frankton North (notified Rule 9.5.1.5).

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107 1344.2, 1345.2, 1346.2, 1347.2.

**5.117** Well Smart (1168.8) and A and L Rankin (1170.2) seek that the introduction of "and outlook" in notified Rule 9.5.1(e) be withdrawn or rejected.

**5.118** S and J O'Donnell (657.6) and D and W Wiseman (661.3) seek a number of amendments in relation to VA as outlined below:

(a) That provision 9.5.1 be amended as follows: Building Height - Residential Buildings

(b) That a new rule be included which reads:

*Building Height – Visitor Accommodation Buildings*

*9.5.2.1 in all location the maximum height for visitor accommodation developments shall be 12m.*

With any breaches being a non-complying activity.

*Rule 9.5.1.3 – south side of Frankton Road*

**5.119** MNLZ Trust (458.2) seeks that notified Rule 9.5.1.3 be amended to a restricted discretionary activity, with discretion limited to the effect of the height exceedance or alternatively that the rule does not apply at all to the site. This is supported by Further Submission by Fortune Fountain Group Limited (1333.2).

**5.120** R Pettit (298.4) supports the 16.5m Higher density along Frankton Road.

*Rule 9.5.1.4 - Wānaka*

**5.121** 24 submission points<sup>108</sup> were received in support of Rule 9.5.1.4 and two submission points<sup>109</sup> in support. Main reasons for opposition relate to character and sunlight.

**5.122** Willowridge (948.9) seek that notified Rule 9.5.1.4 is amended to provide for a 16m maximum height in the HDRZ at Three Parks. Similarly, four submission points<sup>110</sup> consider Three Parks to be more appropriate location for increased housing.

**5.123** M and Y Wilson (682.8) seeks that notified Rule 9.5.1.4 (building heights in the HDRZ at Wānaka) should require restricted discretionary activity consent for

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108 These include submission points 291.1, 292.4, 682.8, 859.3, 1057.1.

109 Submission Points: 711.17, 1003.10.

110 Submission Points: 918.4, 948.9, 317.2, 1195.2.

breaches, rather than discretionary as notified, for consistency with the Queenstown height rule in 9.5.1.1, with similar matters of restricted discretion.

**5.124** M Young (1058.2) seeks that the status quo height limits for the Lismore Street HDRZ be retained; and.

**5.125** Robert et al (859.3) seek that the maximum building height on sloping sites in Wānaka be amended to 7 metres.

*Rule 9.5.1.5 - Frankton North*

**5.126** Latitude 45 Development Limited (768.3) supports the increase to the restricted discretionary building height in notified Rule 9.5.1.1 from the current 12m limit, to the notified 16.5m as appropriate for the context of their site at land at 111 and 113 Frankton – Ladies Mile Highway. They seek to delete the maximum building heights of 20m in Rule 9.5.1.5 for Frankton North or alternatively amend building height from 20m to 24m, to align with the maximum building height proposed for Queenstown Town Centre.

*Notified deletion of PDP Rule 9.5.2*

**5.127** Three submission points<sup>111</sup> were received in support of the deletion of PDP Rule 9.5.2 and four submission points<sup>112</sup> were received in opposition. Reasons for opposition include general opposition to intensification and the protection of sunlight for adjacent sites (365.6).

*Notified deletion of PDP Rule 9.5.3*

**5.128** Twenty-seven submission points<sup>113</sup> were received in support of the deletion of PDP Rule 9.5.3 and sixteen submission points<sup>114</sup> were received in opposition. Those in opposition sought that the existing provisions be retained. No further reasoning was provided.

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111 Submission Points: 389.24, 414.7, 1040.36.

112 Submission Points: 7.10, 10.44, 183.12, 365.6.

113 Submission Points: 389.27, 652.7, 833.18, 1039.29, 1040.37.

114 Submission Points: 7.11, 10.45, 87.2, 183.15, 291.4.

**5.129** P Irvine (87.2) seeks that the existing height limit of 7m (for sloping sites) is retained just for the HDRZ on Frankton Road.

#### Assessment

**5.130** The HDRZ provides for efficient use of land within close proximity to town centres and Arthurs Point that is easily accessible by public transport, cycle and walkways and give effect to Policy 5 of the NPS-UD.

**5.131** The Accessibility & Demand Analysis takes into account accessibility via active travel or public transport and walkable catchments around destinations such as employment nodes, commercial centres, education, open space, food and retail locations and healthcare. The locations of the HDRZ, generally align with the areas identified as being highly accessible and where there is shown to be a demand for housing.

**5.132** In Section 9 of Mr Wallace's evidence, he considers that the changes to the development standards, including heights, are intended to better reflect the intended building typologies and forms the HDRZ is seeking to accommodate and better reflect the accessibility or demand characteristics of the HDRZ's spatial extent.

**5.133** In Section 5 of her evidence, Ms Fairgray supports the notified heights from an economic perspective noting that the additional development opportunity (including the increased heights) is likely to incentivise higher density development within the HDRZ.

**5.134** The submissions seeking reductions in permitted building heights, density controls and /or maintaining the status quo have not provided any evidence in support of their position and I am not persuaded that retaining existing height limits would still give effect to the NPS-UD, particularly Policies 1 and 5 in contributing to well-functioning environments and enabling heights and density of urban form commensurate with the greater of the level of accessibility or relative demand.

*Rule 9.5.1.1*

Queenstown

**5.135** The relief sought by Skyline Tours Limited (984.12), Pro-Invest NZ Property 1 Limited Partnership (986.12) Ashourian Partnership (1008.12) relates specifically to the four blocks bound by Beetham Street, Melbourne Street, Coronation Drive and Frankton Road in Queenstown. They note that the Ramada Hotel on the corner of Stanley Street and Frankton Road was approved at a building height of 17.5m and have provided the following reasons on why the four blocks are similar:

- (a) VA is the predominant land use activity within each block;
- (b) all blocks are within a short walking distance to the existing and proposed main vehicular thoroughfare into and out of central Queenstown (Stanley Street and Melbourne Street). Thus, there is ease of access to public transport;
- (c) all blocks are a short walk to and from central Queenstown; and
- (d) higher scaled development/redevelopment of the blocks will provide an appropriate built amphitheatre to central Queenstown.

**5.136** The Ramada Hotel that the submitters refer to was subject to a resource consent (RM170931) that was originally refused by Independent Hearing Commissioners and then granted by way of Consent Order<sup>115</sup> issued by the Environment Court subject to conditions and revised plans. This included a robust assessment including Urban Design on the appropriateness of the height on the particular site and context. Therefore, I do not consider it appropriate to use this as a relevant baseline for future height in the vicinity. I consider that an assessment as to whether greater heights at this location is appropriate should be assessed on its merits through a resource consent. I note that this application, under the notified UIV provisions, would require resource consent for a restricted discretionary activity which in my view provides an appropriate consenting pathway.

**5.137** These submissions have been addressed by Mr Wallace in Section 9 of his evidence who is supportive of enabling increased height limits to what was notified (by way of a restricted discretionary activity) within the HDRZ around the QTC. He considers that, the actual or potential effects of increased building height are well

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understood (e.g. shading, dominance) such that appropriate matters of discretion can be applied and considered as part of an overall design review as part of the resource consent process.

**5.138** Rule 9.5.1.1 as notified, seeks to increase the permitted height for the HDRZ in Queenstown from 12m to 16.5m. Any non-compliances with this rule would be considered as a restricted discretionary activity which is still considered to be anticipated by the plan, and plan-enabled under the NPS-UD.<sup>116</sup> Residential Unit comprising four (4) or more per site would require resource consent for a restricted discretionary activity subject to Rule 9.4.5 anyway, I do not consider it any more onerous for any buildings greater than 16.5m to also be considered as part of an overall design review as part of the resource consent process.

**5.139** In regard to the submission by Munro Family Trust, Mabel Grove Farms Limited, Goodwin Property Trust, Chatfield Family Trust and D and M Gould (517.1) and David Herron Munro, Helen Dallas Munro and Stephen Roy Tomlinson (515.2), I note that they have not provided any evidence in support of their position and I am not persuaded that excluding the block of land bounded by Hallenstein, Edgar, Kent and York Street where the submitter notes that the smaller lots within the block are not able to accommodate the level of development enabled under the proposed changes. I note that even though the notified UIV increases height limits, future development still needs to meet the other zone standards, including setbacks and recession plans, and therefore the full heights will not always be able to be achieved on every site in the HDRZ (without defaulting to the non-compliance activity status). Also noting that despite the sites being fragmented at the moment, the provisions would not preclude them being amalgamated in the future to facilitate redevelopment.

**5.140** The Category 2 places identified by HNZPT, located at 5 and 17 Brisbane Street are located to the south of the QTC and the notified UIV proposes to rezone from MDRZ to HDRZ. HNZPT has provided further information on the significance of the House (5 Brisbane Street) and Stone Outbuilding (17 Brisbane Street). The submitter notes

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116 Section 3.4(2) of the NPS-UD Meaning of plan-enabled and infrastructure ready. For the purpose of subclause (1), land is zoned for housing or for business use (as applicable) only if the housing or business use is a permitted, controlled, or restricted discretionary activity on that land.

that the construction of a greater number and taller buildings (up to 16.5m as notified for the HDRZ) close to a heritage structure could result in its heritage values being put at risk. In addition to effects on character, this includes issues associated with construction, such as vibration, and potential long-term conservation and liveability problems associated with loss of sunlight, overshadowing and damp.

**5.141** The submitter considers two ways to avoid or mitigate any adverse effects that may arise in the HDRZ, employing a policy framework to protect historic heritage values; and retaining the existing permitted building height of 8 metres for properties adjoining historic heritage

**5.142** The submitter acknowledges that where height standards are breached, the matters of discretion are appropriate and supported. However what the submitter also needs to acknowledge is that residential units comprising four or more per site also need resource consent for restricted discretionary activity subject to Rule 9.4.5, where the notified matters of discretion include:

- (a) Notified 9.4.5 (a) consideration of whether the built form provides a high level of residential amenity for occupants of the subject site and neighbouring properties;
- (b) PDP 9.4.5 (b) location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area;
- (c) Notified 9.4.5 (c) building dominance relative to neighbouring properties and public spaces including roads.

**5.143** In addition to these, and as discussed in Section 4.2.41 of this Report Chapter 26 applies to Historic Heritage District wide (including to the HDRZ). Of particular relevance are PDP Objective 26.3.1 and Policy 26.3.1.4 which apply where activities are proposed within the setting or extent of place of a listed heritage feature, to protect the heritage significance of that feature.

**5.144** This has also been addressed in Section 9 of Mr Knott's evidence, who visited the sites and considers that PDP Policy 9.2.3.1 appropriately provides for sunshine and light access. Whilst he recognises that heritage buildings may be more susceptible

to the effects of vibration, and potential long-term conservation and liveability problems associated with loss of sunlight, overshadowing and damp, he does not consider that there is sufficient justification to provide different provisions in relation to these matters than would be applied to any other building.

- 5.145** Therefore, I am satisfied that the existing policy framework in Chapters 9 and 26 as discussed above is sufficient to address the concerns raised by the submitter and I am not persuaded that retaining existing permitted building height of 8 metres for properties adjoining historic heritage would still give effect to the NPS-UD, particularly Policy 5 in enabling heights and density of urban form commensurate with the greater of the level of accessibility or relative demand.

*Arthurs Point*

- 5.146** R Stewart (487.4) raises concerns with the significant change from 8 metres in the MDRZ to 16.5 metres in the HDRZ as notified in multiple areas in Arthurs Point where these zones adjoin as shown in the map below (MDRZ lighter orange, HDRZ darker orange). The ONL boundary is also shown in the brown dashed line, with the Kimiākau (Shotover River) (Priority Area landscape Schedule 21.22.3) to the south and Central Whakatipu Basin to the North (Priority Area landscape Schedule 21.22.15).



Figure 6: location of MDRZ, HDRZ and ONL in Arthurs Point

**5.147** The relief sought by the submitter is either through a staggered framework or by increasing the height in the MDRZ and decreasing the height in the HDRZ. The appropriateness of the height for the MDRZ has been discussed in Section starting 4.101 of this report in relation to Rule 8.5.1 and for those reasons, I do not agree with the submitter to increase the height in the MDRZ. However, I do agree that this height difference has the potential to result in adverse planning outcomes, particularly the buildings in the southern part of the MDRZ north of Arthurs Point Road and immediately adjoining the HDRZ, restricting their access to sunlight and any views of the surrounding ONL. I also agree with the submitter and acknowledge that the accessibility and demand analysis attached to the S32 Report states that *Accessibility at Arthurs Point is at the very low end of the accessibility spectrum. There are limited amenities available in this location or easily accessible via active modes and public transport.* Subsequently in my opinion, increasing heights in this location as notified is not necessarily required to give effect to Policy 5 of the NPSUD.

**5.148** For these reasons, I recommend that the height limit for the HDRZ in Arthurs Point should remain at 12m, as currently enabled by PDP Rule 9.5.1. This would more appropriately manage the transition between MDRZ and HDRZ and give effect to Objective 9.2.2 and 9.2.3 in providing a positive contribution to the environment. I consider Discretionary activity status to most appropriate for any breaches to the rule, given its location next to ONL and aligns with PDP Chapters 3 and 4, particularly Strategic Objective 3.2.5 and the retention of the district's distinctive landscapes. The lower height also assists with achieving PDP Objective 4.2.2 B Urban development within Urban Growth Boundaries that maintains and enhances the environment and protects ONLs and Outstanding Natural Features. To support this Rule, I also recommend that a new policy is included under Objective 9.2.2, that acknowledge that a lower permitted building height in Arthurs Point to achieve visual integration with the adjoining MDRZ building heights.

**5.149** This is addressed in Section 8 of Ms Fairgray evidence where she acknowledges that while a reduced height is still likely to provide significant opportunity for intensification and diversification of dwelling (from current patterns of

development) in this location, it is likely to occur to a reduced extent from the notified HDRZ height.

*Rule 9.5.1.3 – South side of Frankton Road (SH6A)*

**5.150** In regard to PDP Rule 9.5.1.3, I note that no changes are proposed to this Rule or the activity status in the notified provisions, and MNLZ (458.2) has not provided any evidence in support of their position, and I am not convinced that the matter of discretion provided by the submitter ‘with Council’s discretion restricted to the effect of the exceedance only’ provides a compelling reason to change the current activity status. The submitter considers this will ensure a more efficient consenting pathway to increase the capacity for housing in order to achieve the objectives of the NPS-UD whilst also ensuring Council can exercise discretion with respect to effects on public views.

*Rule 9.5.1.4 – Building heights Wānaka*

**5.151** PDP Rule 9.5.2 enables a building height of 8m for flat sites in Wānaka and 7m for sloping sites (Rule 9.5.3). Notified Rule 9.5.1.4 seeks to provide a consistent maximum building height of 12m for all sites in Wānaka.

**5.152** M Young (1058.2) has not provided any evidence in support of their position, and I am not persuaded that retaining existing height limits for Lismore Street HDRZ would still give effect to the NPS-UD, particularly Policy 5 in enabling heights and density of urban form commensurate with the greater of the level of accessibility or relative demand.

**5.153** Willowridge (948.9) consider that the HDRZ in Three Parks can accommodate greater height than the notified 12m permitted height for Wānaka pursuant to notified Rule 9.5.1.4. In my view, as the HDRZ in Three Parks is greenfield, it has the ability to absorb taller buildings whilst managing adverse effects.

**5.154** This is also supported by Mr Wallace in Section 9 of his evidence where he supports a more enabling height provisions for the HDRZ at Three Parks (up to 20m as a permitted activity) noting that as a centrally located greenfield environment, the HDRZ in Three Parks benefits from the opportunity to realise greater levels of

intensity by virtue of the fact that a wider area can be comprehensively designed and that restrictions typically imposed by cadastral do not currently apply.

- 5.155** Even though Mr Wallace supports up to 20m as a permitted height in Three Parks, I note that the submitter<sup>2</sup> has only requested 16m, which in my view provides a more appropriate transition from BMUZ at Three Parks to surrounding residential zones. This also needs to be considered alongside my recommendations for heights in the Wānaka BMUZ (Three Parks) addressed in Section 7 of my Business Zones evidence where the permitted height notified is 16.5m and I recommend a tiered approach where building heights between 16.5m and 20m is a restricted discretionary activity.
- 5.156** Rather than 16m sought by the submitter, my recommendation is to increase this to 16.5m to be consistent with the HDRZ in Queenstown and Frankton North. I note that four or more Residential Unit on a site would still require resource consent for a restricted discretionary activity subject to Rule 9.4.5 and an assessment against the matters of discretion outlined in 9.4.5. This includes a number of design related matters to enable an assessment of development on an individual basis through a resource consent process.
- 5.157** The recommended revised height would assist with implementing Objective 9.2.2 in that high density residential development provides a positive contribution to the environment through quality urban design and Objective 9.2.3 as positively contributing to the amenity values sought within the zone. Also, considering that Three parks is greenfield, it provides opportunity to assist with achieving Objective 9.2.6 and that high density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and roading networks.
- 5.158** To provide policy support for the recommended heights in HDRZ Three parks, and to distinguish it from the Wānaka HDRZ (where lower heights were notified), I also recommend an additional policy be included under Objective 9.2.10 to ensure that buildings up to 20m are only enabled in Three Parks where the outcome is of high quality design and would not result in shading that would adversely impact on adjoining Residential zone and/or public space, or dominate the streetscape.

- 5.159** Even though I agree with M and Y Wilson (682.8) that applying restricted discretionary, rather than fully discretionary activity status for breaches to notified Rule 9.5.1.4 would provide consistency with the Queenstown height limits anticipated in notified Rule 9.5.1.1, I have also considered this relief sought alongside the submission by Robert et al (859.3) who raises concerns in relation to land stability and the groundwater table in the vicinity of properties on Lismore Street, as well as Wānaka in general.
- 5.160** The appropriateness of intensification in this area has been addressed by Ms Morgan in Section 14 of her evidence and I agree with her assessment. In my view, retaining the discretionary activity status would ensure that the matters raised by Robert et al (859.3) continue to be addressed by the existing PDP policy framework and particularly the existing provisions in Chapters 8, 25, 27 and 28.
- 5.161** For similar reasons, I also do not think it is necessary to reduce the maximum building height on sloping sites in Wānaka to 7m as requested by Robert et al. I note that the current maximum building height for sloping building sites in Wānaka is 10m (PDP Rule 9.5.1.11). I agree with the Further Submission by M & Y Wilson (1286.3) that this would not give effect to the Strategic Direction of the PDP, the NPS-UD or part 2 of the RMA.

*Rule 9.5.1.5 – Frankton North*

- 5.162** Latitude 45 (768.3) considers that the 20m maximum building limit is no longer necessary and can be removed as the restricted discretionary activity status is appropriate for any application that breaches the 16.5m building height limit. The submitter also notes that there are no specified non-complying maximum building heights in the HDR zone, other than for Frankton North.
- 5.163** I agree with the submitter that 24m would provide for an efficient use of the land. However, no assessment or a s32AA analysis of the effects of the increased height on the receiving environment has been provided. Furthermore, the submitter has commented that the surrounding landscape can absorb an increase in building height, given the site's location at the base of Ferry Hill, but no evidence or

landscape assessment has been provided to support this. The submitter also hasn't provided appropriate matters of discretion for heights greater than 16.5m given its location next to the ONL.

- 5.164** Therefore, I am not convinced that increasing the height or activity status would still achieve SP 3.3.30 in protecting the landscape values of the District's outstanding natural features and landscape.

*Rule 9.5.1 – other submissions not already addressed*

- 5.165** A number of submissions were received concerning car parking, particularly that streets close to the town centre are already narrowed by cars parked on both sides of the road and intensifying development as proposed would compound the parking shortage. A key aim of the UIV is to enable more development capacity within strategically located existing urban zoned areas by increasing height limits and density, so more development is enabled in response to localities level of accessibility and/or relative demand. As outlined in the s32 Report the strategic approach is to concentrate intensification mainly within accessible locations where local travel can occur via active travel or public transport. Enabling living opportunities close to centres will, over time, reduce car dependency. This is covered in more detail in Ms Bowbyes' evidence.

- 5.166** Sand J O'Donnell (657.6) and D and W Wiseman (661.3) seek a reduced height limit specifically for VA. The submitters' concerns appear to be with the activity use rather than the building itself. The HDRZ rule framework for buildings does not distinguish between different uses of buildings, which can change over time. In my view, there is no clear resource management issue that would warrant a separate suite of rules for buildings for VA, which is a restricted discretionary activity pursuant to PDP Rule 9.4.6 and is therefore an anticipated activity in the HDRZ. Furthermore, the HDRZ Zone Purpose acknowledges that visitor accommodation activities are anticipated in the HDRZ.

- 5.167** The changes I have recommended to Objectives 9.2.2 and 9.2.3 at paragraphs starting 5.21 and 5.40 above that result in the Objectives applying more broadly to 'development' rather than just 'high density residential development', in my view

will provide a more appropriate framework that assists with achieving the varied development anticipated in the HDRZ. The built form standards for VA are the same as residential units and in accordance with what is anticipated for the zone and any breaches would go through consenting process based on merits of breach. Objective 9.2.8 and Policy 9.2.8.2 ensures that any adverse effects on residential amenity values and traffic safety are avoided, remedied or mitigated.

**5.168** The built form proposed for the HDRZ has been informed by the Urban Design Report and the Intensification Economic Assessment Report (both attached to the s32 Report) to give effect to NPS-UD and therefore I do not consider it appropriate to reduce heights for VA.

**5.169** Well Smart (1168.8) and A and L Rankin (1170.2) seek that the introduction of "and outlook" in notified Rule 9.5.1(e) be withdrawn or rejected. No further detail is provided by the submitters other than generic reasoning that it will frustrate the intent of the NPSUD, will add further complexity and cost to the development process, and are not needed. I note that this matter of discretion will only apply where height limits have been breached. I consider the term 'and outlook' to be important for the same reasons discussed in Section starting 5.215 of my report regarding Rule 9.5.8 and the purpose is to provide for an appropriate level of onsite amenity for more intensive residential uses. I consider that the changes as notified most appropriately implement Objective 1 of the NPS-UD and providing for well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

**5.170** A key concern and rationale for many submissions in opposition is the effects on character, sunlight and amenity arising from increased permitted height. In addition to the notified amendments to specific rules, such as increased heights, it is important to also consider the wider policy framework as notified. Objective 9.2.3 seeks to ensure development positively contributes to the urban amenity values sought within the zone and particularly notified 9.2.3.2 that ensures built form achieves privacy for occupants achieves privacy for occupants of the subject

site and neighbouring residential sites and units, including through the use of building setbacks, offsetting habitable windows from one another, screening, or other means. In addition, pursuant to Rule 9.4.5 residential unit comprising four or more per site automatically requires restricted discretionary activity resource consent. The matters of discretion as notified, particularly the following criteria:

- (a) criteria a, and whether the built form provides a high level of residential amenity for occupants of the subject site and neighbouring properties, and
- (b) criteria b how development addresses its context to contribute positively to the character of the area; and
- (c) criteria c building dominance relative to neighbouring properties and public spaces including roads.

**5.171** The combination of the objectives, policies, rules and matters of discretion contribute to achieving an acceptable level of amenity and character of the existing HDRZ whilst also acknowledging that the NPS-UD anticipates that urban environments/character will change. I also consider Policy 6 of the NPS-UD to be of relevance and that decision-makers are to have particular regard to the planned urban built form anticipated by the NPS-UD, and that changes in amenity in of themselves are not an adverse effect.

*Notified deletion of PDP Rules 9.5.2 and 9.5.3: Building Heights*

**5.172** No reasons were provided by the submitters in opposition to deletion of PDP Rules 9.5.2 and 9.5.3, other than general opposition to intensification and the protection of sunlight for adjacent sites (365.6). Given that the maximum building height requirements for Wānaka and Queenstown are now covered in notified Rule 9.5.1, I am satisfied that PDP Rules 9.5.2 and 9.5.3 are no longer required. In addition, Section starting 5.177 of my evidence regarding recession planes also addresses access to sunlight in the Zone.

Summary of Recommendation

**5.173** For the reasons given in the assessment, I recommend that:

- (a) the submission point by Willowridge (948.9) is accepted and that Rule 9.5.1 – Building Height is amended to provide for a height limit of 16.5m for Wānaka Three Parks as follows:

s42A 9.5.1 Building Height

9.5.1.1. A height of ~~16.52~~ metres, including at Frankton North and Wānaka (Three Parks), except where specified in Rules 9.5.1.2, 9.5.1.3 or 9.5.1.3

.....

~~S42A 9.5.1.4 Maximum building height of 15m. In Wānaka~~ (excluding Three Parks) the maximum building height shall be 12m.

- (b) the submission point by R Stewart (487.4) is accepted in part and Rule 9.5.1.4 is amended to provide for a height limit of 12m for Arthurs Point as follows:

~~S42A 9.5.1.4 Maximum building height of 15m. In Wānaka~~ (excluding Three Parks) and Arthurs Point the maximum building height shall be 12m.

- (c) that the relief sought in support of Rule 9.5.1 be accepted in part and submissions in opposition be rejected, with the exception of submission point 948.9 and 487.4.

- (d) That the relief sought in support of notified Rules 9.5.2, 9.5.3 be accepted and the submissions in opposition be rejected.

- (e) A new policy as follows:

*S42A Policy 9.2.10.X Enable buildings up to 20m heights in the Three Parks Wānaka in situations when:*

*a) the outcome is of high-quality design; and*

*b) the additional height would not result in shading that would adversely impact on adjoining Residential zone and/or public space or does not dominate the streetscape.*

- (f) A new policy as follows:

*S42A Policy 9.2.2.X Apply lower permitted building heights in Arthurs Point to achieve visual integration with the adjoining Medium Density Residential Zone building heights.*

## Section 32AA Analysis

**5.174** In my opinion, the amended height provisions and supporting policies are more appropriate in achieving the objectives of the RMA, NPS-UD and PDP than the notified provisions. In particular, I consider that:

- (a) They better recognises that the sustainable use of land is achieved by enabling greater heights within Three Parks and subsequently densities. Consequently, it is more efficient and effective than the notified objective in achieving the purpose of the RMA;
- (b) They enable a greater variety of homes within the Wānaka ward with good accessibility to jobs, community services, natural spaces, and open spaces and therefore more efficient and effective than the notified provisions in achieving the objectives of the NPS-UD and particularly contributing to well-functioning environments;
- (c) Increasing maximum heights to be more permissive in Three Parks, via restricted discretionary resource consent process provides a building envelope that is more commercially feasible whilst also managing any potential adverse effects through appropriate matters of discretion related to design;
- (d) They provide the opportunity for consent applications to be considered on their merits, with the ability for the Council to grant or decline consent, and limited or full notification would not be precluded;
- (e) Increased heights in Three Parks implement PDP strategic directions, particularly, and 3.2.2<sup>117</sup> and 3.2.2.1;<sup>118</sup>
- (f) Retaining 12m height in Arthurs Point mitigates the interface between the MDRZ and HDRZ zones and provides for Section 6 of the RMA and implements SP 3.3.30 in protecting the landscape values of the District's outstanding natural features and landscape and PDP Objective 4.2.2 B Urban development within Urban Growth Boundaries that maintains and enhances the environment and protects ONLs and Outstanding Natural Features;

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117 Urban growth is managed in a strategic and integrated manner.

118 Urban development occurs in a logical manner so as to: promote a compact, well designed and integrated urban form and ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in.

- (g) They will result in economic benefits by enabling high density residential apartment development which will provide for additional housing choice in Wānaka and go some way to addressing the long-term projected demand. Supporting policy and matters of discretion will ensure that new development up to 16.5m will only be enabled where it can be demonstrated that high quality urban design can be achieved; and
- (h) New S42A Policy 9.2.10.X will ensure buildings in HDRZ Three Parks result in high quality urban design and new S42A Policy 9.2.2.X provides policy and strategic support for reduced heights in Arthurs Point.

#### **Notified Rule 9.5.2 Building coverage**

- 5.175** PDP Rule 9.5.5 (notified as Rule 9.5.2), prescribes a maximum of 70% site coverage for buildings in the zone. No changes are proposed by the UIV to this rule.
- 5.176** Mishriki Holdings Limited (414.7) was received in support of increasing coverage to 70%. It appears that there is one submission point in opposition to 9.5.2, however it is unclear whether the submitter is referring to PDP Rule 9.5.2 or the notified rule 9.5.2 and no further reasoning or explanation is provided by the submitter.

#### **Notified Rule 9.5.3 Recession planes**

- 5.177** PDP Rule 9.5.6 (notified as Rule 9.5.3) proposed amendments to provide more enabling resection planes that are applicable to all buildings, including accessory buildings and that they apply to flat and sloping sites. Currently there are no resection places for sloping sites.

#### ***Matters raised by submitters***

- 5.178** Four submission points were received in overall support<sup>119</sup> to the notified resection planes, and an additional 21 submissions were received in support with the exception of land located at Frankton North. One submission (661.8) was in general support of resection planes within the Edgar Street locality. J Chilton-Smith 291.4 was in opposition to resection planes specifically in Wānaka due to concerns regarding amenity and sunlight.

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119 Submission points 389.27, 414.7, 1039.27, 1040.39.

- 5.179** Those in general opposition generally seek to retain existing provisions, reasoning being concerns regarding amenity, loss of sunlight and character.
- 5.180** S & J O'Donnell (657.8) and D & W Wiseman (661.5) seek the following changes to the recession plane rules:
- (a) Amend PDP Rule 9.5.6 Recession plan: applicable to all residential buildings, including accessory buildings; and
  - (b) Create a new Rule that applies to all Non-Residential Buildings:  
*From 2.5 metres above ground level a 45-degree recession plane applies to all boundaries, other than the southern boundary of the site where a 45-degree recession plane applies.*  
Exclusions:
    - a) *Gable end roofs may penetrate the building recession planed by no more than one third of the gable height;*
    - b) *Recession planes do not apply to site boundaries adjoining a Town Centre Zone, Business Mixed Use Zone, fronting a road, or adjoining a park or reserve.*

#### Assessment

- 5.181** S and J O'Donnell (657.6) and D and W Wiseman (661.3) seek a more restrictive recession plane for non residential buildings. The submitters' concerns appear to be with the activity use (Visitor Accommodation) rather than the building itself. The HDRZ rule framework for buildings does not distinguish between different uses of buildings, which can change over time. In my view, there is no clear resource management issue that would warrant a separate suite of rules for buildings for VA, which is a restricted discretionary activity pursuant to PDP Rule 9.4.6 and is therefore an anticipated activity in the HDRZ. Furthermore, the HDRZ Zone Purpose acknowledges that visitor accommodation activities are anticipated in the HDRZ.
- 5.182** The built form proposed for the HDRZ has been informed by the Urban Design Report and the Intensification Economic Assessment Report (both attached to the Section 32 Report) to give effect to NPS-UD and therefore I do not consider it appropriate to provide more restrictive recession plane regulation for non-residential buildings.

### Summary of Recommendation

**5.183** For the reasons given in the assessment, I recommend that the submissions in support of PDP Rule 9.5.6 (notified as Rule 9.5.3) be accepted, and submissions in opposition be rejected.

### **Notified Rule 9.5.4 Landscaped permeable surface coverage**

**5.184** No changes are proposed by the UIV to PDP Rule 9.5.8 (notified as Rule 9.5.4), which requires that at least 20% of the site area shall comprise landscaped (permeable) surface, with breaches requiring non-complying activity status consent.

### ***Matters raised by submitters***

**5.185** All 21 submission points<sup>120</sup> seek for the landscape permeable surface coverage requirements to be reduced from 20% to 15% or alternatively that the activity status for this rule breach is amended from non-complying to restricted discretionary if the permeable coverage requirements are not reduced.

### Assessment

**5.186** There are many benefits of notified Rule 9.5.4, including management of stormwater, reducing risk of surface water flooding, add to the visual amenity values of the development, and enabling areas for amenity planting.

**5.187** The submitters in opposition consider that combined with the permitted building coverage standard of 70% (notified Rule 9.5.2) and by the time access is provided to the site (together with pedestrian paths within a site), it can be challenging to provide at least 20% of the site area to be comprised of landscaped (permeable) surfaces. Submitters consider notified Rule 9.5.4 to be a barrier to achieving the intensification outcomes sought by the UIV.

**5.188** In Section 9 of his evidence, Mr Wallace considers that the HDRZ is already very enabling in terms of building coverage (at 70%) and that notified Rule 9.5.4 helps to provide some opportunities for landscaping to occur in between buildings and

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120 These include: 628.18, 653.18, 654.18, 833.31 962.18.

site boundaries which helps improve outlook, reduce visual impacts of a development and support on-site amenity for future residents. Mr Wallace considers the 20% to be appropriate given the residential nature of the zone and its role in transitioning towards the less intensive LDSRZ and MDRZ.

**5.189** I agree with Mr Wallace and consider 20% landscaped (permeable) surface coverage to be important, in particular to maintain the character and amenity of areas and to manage stormwater runoff effectively.

**5.190** In regard to the non-complying activity status, in my view notified Rule 9.5.4 is important for implementing notified Policies 9.2.2.1 and 9.2.6.4. In particular, Policy 9.2.6.4 is a 'require' policy, which would not be effectively achieved if breaches were anticipated via the RD status sought. Furthermore, I am not convinced that changing the activity status to restricted discretionary would still meet PDP SO 3.3.3 and particularly PDPSP 3.2.2.1(c) and d) and (h) as well as PDP SO 3.2.3<sup>121</sup> and SO 3.2.4<sup>122</sup> and corresponding policies.

#### Summary of Recommendation

**5.191** For the reasons given in the assessment, I recommend that the submissions seeking amendments to notified Rule 9.5.4 be rejected.

#### **Notified Rule 9.5.6 Minimum Boundary Setback**

**5.192** The notified provisions propose an amendment to Rule 9.5.6 by reducing the setback for all boundaries (aside from State Highway road boundaries) from the current 2m to 1.5m. The notified version retains the current restricted discretionary activity status and matters of discretion for breaches.

#### ***Matters raised by submitters***

**5.193** 24 submission points were received in support of the notified amendments to notified Rule 9.5.6.1<sup>123</sup> and seven submission points<sup>124</sup> in opposition.

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121 A quality built environment taking into account the character of individual communities.

122 The distinctive natural environments and ecosystems of the District are protected

123 Submission Points: 652.8, 653.8, 654.8, 833.19, 962.8.

124 Submission Points: 10.48, 183.16, 859.4, 1074.14, 1168.13.

- 5.194** Robert et al. (859.4) seek that Rule 9.5.6 is amended so that the minimum boundary setback remains 2m.
- 5.195** Well Smart (1168.13) seek that the minimum boundary setback should be 1m measured from any existing or approved building. No further reasoning or explanation is provided by the submitter.

#### Assessment

- 5.196** Reducing the setback from 2m to 1.5m was a recommendation from the Urban Design Report and *helps to provide a subtle variation in the residential zone framework (as opposed to the 3m required in the MDRZ) and expressly acknowledges a more “urban” character and expectation for development within the HDRZ and will help provide a transition in building form into commercial zones assisting with legibility of urban areas<sup>125</sup>.*
- 5.197** Section 9 of Mr Wallace’s evidence acknowledges that the notified suite of standards for the HDRZ provide for larger, taller buildings than is currently enabled and could result in a noticeable change to the built environment. Mr Wallace considers maintaining a sense of building separation between neighbouring sites is important for preserving better opportunities for landscaping as well as a sense of openness through and around buildings. From a practical sense, he also notes that the location of vehicle access and outlook spaces will also likely facilitate boundary setbacks greater than the 1.5m proposed in the notified provisions. In the context of the built form anticipated within the HDRZ, he does not support reducing to 1m sought by submitters.
- 5.198** I agree with the assessment by Mr Wallace. The built form standards should be considered as a package to understand the urban form outcomes for the HDRZ, and particularly the maximum heights notified for the HDRZ. The reduced setback enables more efficient use of HDRZ land, whilst balancing the need to provide for appropriate levels of amenity for occupants, as well as adjoining sites. Notified Rule 9.56 also works in conjunction with notified (new) Rule 9.5.7 (building height setback at upper floors) to limit dominance effects of taller buildings, and the

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125 Section 5.4 of the Urban Design Report attached to the s32

notified (new) Rule 9.5.8 requiring minimum outlook space for residential and visitor accommodation units.

- 5.199** In the absence of any detail in the submissions in opposition, I consider the notified changes to Rule 9.5.6.1 to be appropriate and necessary to give effect to PDP SO 3.2.2<sup>126</sup> and SP 3.2.2.1 Urban development occurs in a logical manner as to achieve a built environment that provides desirable, healthy and safe places to live, work and play.

#### Summary of Recommendation

- 5.200** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 9.5.6 be accepted and the submissions in opposition be rejected.

#### **Rule 9.5.7 Height Setback at upper floors**

- 5.201** Notified Rule 9.5.7, is a new rule that proposes to introduce a building setback at upper floors. This was a recommendation from the Urban Design Report to address potential concerns over enabling a greater density/height of development.
- 5.202** Notified Rule 9.5.7 applies an additional 2m setback from all boundaries applied to the part of any building located 10m above ground level. The upper floor setback is required in addition to the setbacks prescribed by notified Rule 9.5.6. This standard would work in concert with the notified recession planes (Rule 9.5.3).

#### ***Matters raised by submitters***

- 5.203** Twenty-five submissions<sup>127</sup> were received in support of the notified changes to Rule 9.5.7 and eleven submission points<sup>128</sup> were received in opposition.
- 5.204** Robert et al. (859.5) seek that the building height setback on upper floors be amended to apply to the area of the buildings that exceed a height of 7m. No further reasoning or explanation was provided.

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126 Urban growth is managed in a strategic and integrated manner.

127 Submission Points: 389.29, 414.4, 414.5, 652.9, 653.9, 711.16.

128 Submission Points: 10.49, 859.5, 957.13, 984.8, 986.8.

- 5.205** K and G Wigley (957.13) seek consequential relief to reduce building height setback on upper floors. No further reasoning or explanation was provided by the submitter to support their position.
- 5.206** Skyline Tours Limited (984.8) and Pro-Investment NZ Property 1 Limited Partnership (986.8) both seek that Rule 9.5.7.1 be retained as notified but that the rule is amended to include an exemption from a State Highway Road boundary, as notified Rule 9.5.6.1 requires a minimum setback of 4.5m from State Highway road boundaries.

#### Assessment

- 5.207** The purpose of notified Rule 9.5.7 is to provide for some additional daylight/sunlight opportunities onto the street and neighbouring sites and to help to reduce the visual impact of the additional height enabled.
- 5.208** K and G Wigley (957.13) seek consequential relief to reduce building height setback on upper floors however it appears from the submission that the submitters seek to ensure that the District Plan provides for a well-functioning urban environment which enables housing, development and urban intensification in a manner which appropriately provides for amenity values. This rule is supported by Section 5.4.1 of the Urban Design Report attached to the S32, noting that this rule would be to provide for some additional daylight/ sunlight opportunities onto the street and neighbouring sites and to help to reduce the visual impact of the additional height enabled. In my opinion, requiring a building setback on upper floors would contribute to providing for an appropriate level of residential amenity for occupants of the subject site and neighbouring properties.
- 5.209** The Urban Design Report recognises that the HDRZ contains a high building coverage allowance which differentiates it from many other high density residential zones in New Zealand. Notified Rule 9.5.7 would keep the bulkiest part of the building at a lower scaled 3-storeys and would limit the dominance effects of the upper storeys. This is a method used in the mixed used zones, and the upper floor setback is an established method in the PDP. Its inclusion in the HDRZ is necessitated by the proposed increase in permitted height allowance.

**5.210** Given that notified Rule 9.5.6 requires a minimum boundary setback of 4.5m from State Highways, I agree with the relief sought by Skyline Tours Limited (984.8) and Pro-Investment NZ Property 1 Limited Partnership (986.8) who seek that the standard be exempted from applying at boundaries adjoining a State Highway. This has also been considered by Mr Wallace in Section 9 of his evidence, where he notes that this would effectively enable a situation not dissimilar than that shown in Figure 12 of the Urban Design Report. In instances where development is proposed on a site adjoining a State Highway, increased setbacks at upper storeys from the site's road boundary would already be in place by virtue of the 4.5m setback requirement (notified Rule 9.5.6.1).

**5.211** I agree with and adopt the evidence of Mr Wallace on the setback at upper floors. In my view, excluding the State Highway boundaries from the upper floor setback requirements would still achieve the overall outcome sought by SO 3.2.2 and particularly SP 3.2.2.1 Urban development occurs in a logical manner so as to achieve a built environment that provides desirable, healthy and safe places to live, work and play. Providing development complies with notified Rule 9.5.6 and providing a 4.5m boundary setback from State Highway Road boundaries, the amendment will still enable a similar built form outcome without the exclusion.

#### Summary of Recommendation

**5.212** For the reasons given in the assessment, I recommend that the submissions (984.8) and (986.8) are accepted and notified Rule 9.5.7.2 is amended as follows:

S42A Rule 9.5.7.2: Rule 9.5.7.1 does not apply at Frankton North **or along State Highway Road boundaries, only when the 4.5m setback in Rule 9.5.6.1 is complied with.**

**5.213** I recommend that the submissions in support and opposition of notified Rule 9.5.7 be accepted in part.

### Section 32AA analysis

**5.214** In my opinion, the S42A Recommended amendments are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- (a) the amendment to s42A Rule 9.5.7.2 removes the building setback requirements at upper floors along State Highways only and would result in a similar built form outcome to what is enabled through the notified provisions. There will be benefits from improved clarity and direction provided by the amended rule; and
- (b) the recommended amendments will not have any materially greater environmental, economic, social, and cultural effects than the notified UIV version of Rule 9.5.7.

### **Rule 9.5.8 - Outlook Space**

**5.215** Notified Rule 9.5.8 is a new rule that prescribes minimum requirements for an outlook space from the primary indoor living room and bedrooms from residential and visitor accommodation units. The rule encourages building separation as well as supporting on-site amenity for occupants.

### ***Matters raised by submitters***

**5.216** Twenty-five submissions points<sup>129</sup> were received in support of notified Rule 9.5.8, and 11 submission points were received in opposition.<sup>130</sup> The specific reasons provided by submitters are outlined below:

**5.217** Coherent Hotel Limited (773.6) seek that Rule 9.5.8.a is amended as follows:

*'The Principal Habitable Room ~~principal living room/ space~~ must have an outlook space with a minimum dimension of 4m in depth and 4m in width; and'*

**5.218** The relief sought should be considered in conjunction with Coherent Hotel Limited's submission points on the 'definition of habitable room' and new definition for 'principal habitable room'. The relief sought on definitions is addressed in Section 4 of Ms Bowbyes' 42A report on Chapter 2 - Definitions.

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129 Submission Points: 389.30, 414.6, 652.10, 833.21, 1039.32.

130 Submission Points: 773.6, 807.18, 948.10, 957.14, 1168.10.

- 5.219** D White (807.18) and A Devlin (948.8) seek that notified Rule 9.5.8 is removed from the plan stating that the rule adds too much complexity and other rules in the HDRZ already achieve the outcomes of outdoor living space.
- 5.220** K and G Wigley (957.13) seek that notified Rule 9.5.8 be either rejected or amended to provide for more outlook space, stating that outlook space is important for amenity for occupants.

#### Assessment

- 5.221** The purpose of the outlook space rule is to provide for an appropriate level of onsite amenity for more intensive residential and visitor accommodation uses. Outlook space is important for light and amenity for occupants and provides for separation of units that aren't orientated towards the street or public open space. I do not consider it appropriate to promote reduced outcomes as sought by the submitters in opposition to notified Rule 9.5.8. If there are circumstances where it is not possible (or necessary) to achieve the standards prescribed in notified Rule 9.5.8, I am of the view that this should be assessed on case-by-case basis through a restricted discretionary resource consent process to ensure that the level of onsite amenity provided is still acceptable.
- 5.222** I have relied on the evidence of Mr Wallace who notes that the 4m dimension (notified Rule 9.5.8.a) is not overly excessive and helps to reinforce a degree of separation between windows of residential and VA units to provide a modest amount of privacy and views to the outside which is considered important for the well-being of occupants. This also addresses the relief sought by K and G Wigley (957.13) who seek that the notified rule is amended to require a larger outlook space. I rely on Mr Wallace's expert evidence that the outlook space dimensions as notified provide an appropriate level of amenity for the HDRZ.
- 5.223** Notified Rule 9.5.8 gives effect to PDP SO 3.2.2 by ensuring that urban growth is managed in a strategic and integrated manner and contribute to achieving PDP Policy 3.2.2.1 which seeks to provide built environments that are desirable, healthy and safe places to live. This rule also supports Objective 1 of the NPS-UD by

enabling people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

**5.224** In regard to relief sought by Coherent Hotel Limited (1263.5) and DW Capital Limited (770.3) so that it refers to a principal habitable room instead of principal living room / space. I refer to Section 4 of Ms Bowbyes 42A Report on Chapter 2 – Definitions where she recommends that ‘principal living room’ in the notified definition of *outlook space* be deleted and replaced with ‘main living room’. I agree with Ms Bowbyes assessment and subsequently I recommend that amendments are also made to *Rule 9.5.8 Outlook Space* to also refer to ‘main living room’ for consistency and plan interpretation.

**5.225** I also note that the definition for outlook space criteria a) notes that the outlook space is measured from the largest window, however this is not reflected in the rule. Even though not specifically sought through a submission, I consider that making this clear in the rule will contribute to addressing concerns by submitters that it will add further complexity.

#### Summary of Recommendation

**5.226** For the reasons given in the assessment, I recommend that the submissions in support and opposition accepted in part and Rule 9.5.8 is amended as follows:

***S42A Rule 9.5.8 Outlook Space (per unit)***

***The minimum dimensions for the required outlook space for each residential or visitor accommodation unit are as follows:***

- d. A ~~principal~~ main living room/space must have an outlook space with a minimum dimension of 4m in depth and 4m in width; and***
- e. All other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width; and.***
- f. If there is more than one window or glass door in a room, it is measured from the largest one.***

### Section 32AA Analysis

**5.227** 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 the objectives of the UIV, which include enabling more opportunity for urban housing whilst ensuring that an appropriate level of amenity for occupants is achieved; and
- (b) It will align the wording of the definition with the wording in the rules that use the term outlook space.

### **Rule 9.6 – Non-notification of Applications**

**5.228** The UIV proposes minor amendments to PDP Rule 9.6.1.2 to reflect the amended permitted building heights proposed through the UIV and also update the cross reference to the relevant Rule. Amendments proposed to Rule 9.6.2.1 would preclude breaches of the building height setbacks at upper floors rule (notified Rule 9.5.7) from full notification.

### ***Matters raised by submitters***

**5.229** There were six submission<sup>131</sup> points received in opposition and one (1040.43) was neutral with regard to notified Rule 9.6.1.2. Forty submission points were received in support of the notified amendments to Rule 9.6, all supporting notified Rule 9.6.2.1.<sup>132</sup>

**5.230** Robert et al. (859.14) seek that Rule 9.6.1.1 is rejected in relation to the HDRZ at Wānaka.

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131 Submission Points: 10.50, 10.51, 768.11, 768.3, 859.14.

132 Submission Points: 1003.11, 1008.10, 1010.11, 1039.33, 1040.44.

**5.231** Latitude 45 (768.3 and 768.4) seeks amendment to Rules 9.6.1.2 and 16.6.2.2 for non notification of restricted discretionary applications for buildings between 16.5m and 24m in Frankton North.

#### Assessment

**5.232** The notified amendments align with the notified amendments to Rule 9.5.1.1. which provides for Building Height of up 16.5 metres, including at Frankton North as permitted activity and as a restricted discretionary activity for heights up to 20m, and for buildings exceeding 20m height as a non-complying activity (Rule 9.5.1.5).

**5.233** Latitude 45 (768.3) supports the increase to the restricted discretionary building height in Rule 9.5.1.1 from the existing 12m limit, to the notified 16.5m as appropriate for the context of their site at land at 111 and 113 Frankton – Ladies Mile Highway. The relief sought by the submitter needs to be considered alongside their relief sought on Rule 9.5.1.5 (768.5) where they seek to delete the maximum building heights of 20m or alternatively amend building height from 20m to 24m for Frankton North, to align with the maximum building height proposed for Queenstown Town Centre.

**5.234** Latitude has not provided any further reasoning or evidence to support their position or why these rules should not require the written consent of other persons and shall not be notified or limited-notified. The relief sought by the submitter in regards to height (i.e. 20m vs 24m) has been addressed in Section starting 5.126 of my Report that relates to building heights for Frankton North where I recommend that the Rule remains as notified, and any buildings over 20m remain a non-complying activity. In my view, building heights contributes to the acceptable level of built form on the site and its interface with the surrounding environment and any buildings in this location above 20m may result in adverse effects off site that are considered to be more than minor.

#### Summary of Recommendation

**5.235** For the reasons given in the assessment, I recommend that the submissions in support of notified Rule 9.6 be accepted and the submissions in opposition be rejected.

## Submissions received on the entire Chapter 9

### *Matters raised by submitters*

- 5.236** 21 submission points were received in support on the proposed changes to Chapter 9 as a whole. Ten submission points<sup>133</sup> were received generally supporting the notified changes to Chapter 9 as a whole, with some reasoning being provided such as to enable greater use of public transport and the creation of more vibrant communities. Three submission points<sup>134</sup> support the need for greater intensification to prevent developments spreading into greenfield sites or to enable more and/or affordable housing.
- 5.237** 80 submission points<sup>135</sup> were received in opposition on the proposed changes to Chapter 9 as a whole rather than specific provisions. Approximately 26 were generally opposing all the notified changes to the HDRZ or the variation in its entirety. Reasoning included that the provisions are contrary to the Spatial Plan, and it would result in adverse effects of built form including shading, loss of sunlight and views. Additionally, concerns were raised regarding lack of infrastructure, public transport and insufficient parking.
- 5.238** There were approximately six submission points<sup>136</sup> generally opposing Chapter 9 specifically in regard to Arrowtown. I note that there is no HDRZ in Arrowtown and the concerns raised by these submitters particularly that medium and high building heights would block sun, views and infrastructure has been addressed in Ms Bowbyes' evidence on Arrowtown. An additional nine submission points<sup>137</sup> specifically opposing Chapter 9 for Wānaka and Hāwea or other locations across the District. These generally relate to density and height concerns, which have been addressed in the relevant built form provisions.
- 5.239** Two submission points<sup>138</sup> seek that there is more intensification in Three Parks Wānaka, reasons being that it is available greenfield space where this type of

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133 9.8, 30.1, 139.7, 194.3, 414.1, 468.6, 485.7, 487.2, 711.13, 807.17, 912.3.

134 31.1, 72.6, 485.9.

135 310.2, 324.1, 484.1, 641.2, 701.1.

136 51.1, 60.1, 62.1, 71.8, 479.2.

137 479.2, 119.4, 119.5, 310.4, 518.1515.1, 1232.4.

138 441.1, 531.9.

development can be coordinated and would result in the prevention of intensification in other areas. This has been addressed in Section starting 5.111 of this Report in relation to building heights in Three Parks.

**5.240** FII Holdings Limited (410.4) seek that the HDRZ of Frankton North structure plan within Chapter 9 be amended to include a site-specific framework for mixed-use business and yard-based activities.

**5.241** Two submission points<sup>139</sup> seek that the following provision be added to Chapter 9:  
*“9.3.2.7 The existence of a residential building either permitted or approved by resource consent shall not be considered the permitted baseline for non-residential development within the High Density Residential Zone.”*

#### Assessment

**5.242** As outlined in the s32 Report and the supporting Accessibility & Demand Analysis, the zoning of urban land, including HDRZ, has been reviewed as part of the proposal against its accessibility rating and relative demand. It takes into account accessibility to a range of services and amenities by active and public transport, with intensification proposed in areas that perform well.

**5.243** The submission by FII Holdings Limited (410.4), has been partly addressed in Section 7 of my S42A report on Business rezonings where I consider rezoning of the submission site at 145 Frankton-Ladies Mile Highway, Frankton. As part of my assessment I recommend that the HDRZ portion of the site located south of the "Primary Road connection between SH6 and Ferry Hill Drive" is rezoned to BMUZ and that the Business Mixed Use Area A as identified on the PDP planning maps be amended to reflect the new zoning. For the reasons outlined in my assessment I did not consider it appropriate to rezone the entire site.

**5.244** The submitter has not provided any further detail on the site-specific framework sought for mixed use business and yard-based activities at Frankton North, and whether this applies to the HDRZ or BMUZ (or both). Therefore, in the absence of any further information or a Section 32AA to support the submission, I am not

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139 Submission Points: 657.5, 661.2.

convinced that a site-specific framework would assist with achieving PDP Objective 9.2.9 and achieving High quality residential development of the land on the northern side of State Highway 6 and associated policies.

- 5.245** In respect of the submission points seeking a new provision relating to the permitted baseline, a permitted baseline refers to the effects of activities or development that is permitted by the district plan. It does not include developments already approved by resource consent because those projects were granted special permission to exceed standard rules or include specific conditions, which differ from what is normally permitted by default. The relevance of granted resource consents, to decision making on future resource consents, is relevant to the receiving environment (or 'existing environment', which is a different concept to the permitted baseline. I do not think it is necessary or appropriate to include a new Rule under interpreting and applying the rules.

#### Summary of Recommendation

- 5.246** For the reasons given in the assessment, I recommend that the submissions in general support of notified Chapter 9 be accepted in part and the submissions in opposition be rejected.

### **6. TOPIC 3: LAKE HĀWEA RESIDENTIAL ZONES**

- 6.1** The following assessment provides recommendations on the submissions relating to the residential zones that apply at Lake Hāwea and Lake Hāwea South.

- 6.2** By way of background, the urban area of Lake Hāwea contains two distinct areas. The area to the north of the cemetery, which is the established part of Lake Hāwea and comprises a small LSC Zone surrounded by LDSR Zone with an area of Large Lot Residential (**LLR**) Zone in the southeastern part. No changes were notified to the location or extent of these zones.

- 6.3** The area to the South of Cemetery Road is referred to as 'Lake Hāwea South'. This was rezoned when the Environment Court issued a consent order [2023] NZEnvC 110 which resolved the relevant appeals by extending the Urban Growth Boundary

and changing the zoning of Lake Hāwea South to a combination of LDSR, MDR, LSC and Open Space Zones.

- 6.4** Subsequently, the Lake Hāwea South land now falls within the Urban Environment for the purposes of the NPS-UD and due to the timing of the consent order, this area was later brought into the plan variation and an addendum s32 assessment was attached to the main s32 report.
- 6.5** While no changes were proposed to the location or extent of these zones through the notification of the Variation, the relevant built form changes to the LDSR and MDR zones as notified will apply to these areas.
- 6.6** The development anticipated by the PDP at Lake Hāwea South is based on a Structure Plan (Rule 27.7.28) that identifies building restriction areas that will be developed as a landscaped open space network to support a defensible urban growth boundary, primary roading and pedestrian/cycle connections, recreation and stormwater reserves along with a future school site. Specific objectives and policies support the structure plan within PDP Chapter 27 Subdivision and Development along with activity rules and development standards.
- 6.7** In my report, I will only address the submission points that are specific to Lake Hāwea or Lake Hāwea South. The provisions that relate to LDSR and MDR Zones more generally have been addressed in Ms Bowbyes' and my Section 42A reports.

***Matters raised by submitters***

- 6.8** A large number of submissions<sup>140</sup> were received in opposition to intensification in the residential areas in Lake Hāwea. This also included the area identified as Lake Hāwea South, and includes the LDSR and MDR Zones. The submissions seek that Lake Hāwea is excluded from the Variation and the existing provisions, particularly in relation to height, recession planes and subdivision are retained. The reasons for opposition include:
- (a) Infrastructure constraints;
  - (b) Air quality;

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140 These include submissions 69, 240, 243, 310.

- (c) Subdivision;
- (d) Amenity.

**6.9** Christine Rudin-Jones (565) seeks the following relief in relation to Lake Hāwea:

- (a) That the existing purpose for the LDSR Zone for Lake Hāwea township be retained, with township sites to have allowable subdivision down to 450m<sup>2</sup>;
- (b) That variations below 450m<sup>2</sup> site size be non-complying and notifiable within Lake Hāwea township;
- (c) That a 5.5-7m height be retained for 1-2 storey residential properties (as per definition) in the LDSR Zone for Lake Hāwea township, with heights above 7m non-complying and notifiable;
- (d) That further research be done for variations in the LDSR Zone, with specifications applied to different areas in the area north of Cemetery Road in Lake Hāwea;
- (e) That more research be done as to the landscape and recession plane relationships in Lake Hāwea township;
- (f) That the recession planes already in the District Plan for Lake Hāwea township be retained;
- (g) That the deleted Policy 8.2.3.2 from Chapter 8 be applied to 7.5.1 for the LDSR Zone in Lake Hāwea township;
- (h) That restrictions be put in place that acknowledge the character of settled and established townships/villages before allowing infill developments;
- (i) That clarification/differentiation be made for minimum lot sizes within the LDSR Zone between established areas and new subdivision, with 450m<sup>2</sup> for Lake Hāwea township and 300m<sup>2</sup> for Hāwea South;
- (j) That clarification/differentiation be made for building heights within the LDSR Zone between established areas and new subdivision, with 5.5-7m height limited to two storeys for Lake Hāwea township and 5.5-7m height for Hāwea South.

## *Infrastructure*

- 6.10** A number of submissions raised concerns with infrastructure capacity or request that the intensification proposal is delayed until the supporting infrastructure is fully completed.
- 6.11** The Baseline current PDP plan enabled capacity estimate in Lake Hāwea, which covers the existing township and the Lake Hāwea South area is 5,100 dwellings. The Notified UIV plan enabled capacity across the same area is 6,800 dwellings<sup>141</sup>. These numbers show a minor increase in plan enabled dwelling capacity between the current PDP provisions and the Notified UIV (400 dwellings) across the same area, meaning that the increase in capacity occurs through an increase in density within this area. Most of the net increase in plan enabled capacity occurs in the greenfield area (approximately 1,200 dwellings).
- 6.12** Enabling growth in existing urban areas makes efficient use of existing or planned infrastructure. Project Pure involves upgrades to the Wānaka Waste Water Treatment Plant (**WWTP**) to accommodate growing population in the WWTP's catchment. Upgrades to the conveyance infrastructure and the Project Pure Treatment Plant are budgeted for within the LTP and scheduled for 2026 – 2028 and 2029 – 2030 respectively.<sup>142</sup>
- 6.13** Section 6 of Ms Bowbyes evidence on Chapters 2, 4 and 7 provides an overview and assessment on the notified amendments to Rule 7.4.4 Residential Density Rule and how this rule works in conjunction with PDP Rule 7.4.3 and subdivision Rule 27.6.1.
- 6.14** In regard to Lake Hāwea South, the effects that the increased density will have on the existing and planned 3 waters infrastructure was assessed in Section 2.1(e) of the s32 Report addendum.<sup>143</sup> The cost of any future upgrades to infrastructure headworks as part of allowing this intensification will need to be forecast and planned for in Council budgets, and will either be paid for by development through

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141 As outlined in Appendix 1 of Ms Fairgrays evidence

142 As outlined in Section 5 of Mr Powell's evidence.

143 Appendix 9A of the s32 Evaluation Report.

development contributions as they come online, or through the LTP as identified in future infrastructure planning.

- 6.15** Section 32 Evaluation Report addendum to the Urban Intensification Variation<sup>144</sup> considers intensification options for the Lake Hāwea South land. Sections 2.1(c) discusses the options that were considered for Lake Hāwea South land and include:
- (a) Option 1: Retain the current provisions
  - (b) Option 2: Apply the amendments to the provisions for the LDSR, MDR, LSC zones proposed by the Variation, including bespoke height rules in the MDR and LSCZ, as well as retail floor area restrictions, and bespoke rule for density of 1 in 800m<sup>2</sup> in Area B of the Lake Hāwea South Structure Plan (LDSR zone)
  - (c) Option 3: Apply the amendments to the provisions for the LDSR, MDR, LSC zones proposed by the Variation, including bespoke height rules and retail floor area restrictions in the LSCZ, and bespoke rule for density of 1 in 800m<sup>2</sup> in Area B of the Lake Hāwea South Structure Plan (LDSR zone)
- 6.16** Sections (d) and (e) of the addendum report covers capacity modelling which identifies and compares the plan enabled residential capacity that results from the proposed options as well as the commercially feasible residential capacity and the implications for the existing infrastructure capacity and network constraints.
- 6.17** If option 3 above is adopted for the intensification variation, the medium-term plan enabled capacity for Lake Hāwea South (excluding the SHA) would increase from 2040 to 3667 and the commercial feasible capacity would increase from 1621 to 2894. That would bring the total plan enabled medium-term capacity in Hāwea to 7300 and the commercially feasible capacity to 6100. This increase is largely attributed to the capacity in the MDR zone and minimum lot size in the LDSR zone.
- 6.18** The maximum modelled capacities (option 3) have been modelled by the Council's infrastructure team to determine if it can be serviced by existing or planned three water infrastructure upgrades. Richard Powel, the Council's infrastructure engineer has provided an assessment of the ability to service the maximum capacity at Lake

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144 Appendix 9 to the UIV S32 Report.

Hāwea, which includes the existing Hāwea town (if intensified) as well as the Lake Hāwea South land (i.e. the land that is subject to the Consent Order). Council's infrastructure team have advised that the capacity is serviceable albeit additional funding would likely be needed, and this would have to be included in future infrastructure planning. As the potential development land is serviceable, it does not represent an absolute infrastructure constraint that could be considered a constraint to intensification (detailed in section 2.2 of the report). It is also noted that existing policies within the subdivision and development chapter will encourage development to occur in line with the availability of servicing infrastructure.

**6.19** The approach to intensification in Lake Hāwea has not changed to what was assessed in this s32. This is addressed in Section 5 of Mr Powell's evidence. In regard to water supply, he notes that a series of upgrades to the Hāwea Water Supply Scheme are budgeted for and scheduled within the LTP from 2026 through to 2031, these projects can be assessed to ensure that the size and timing of those upgrades are appropriate for the growth projections that may be increased by further intensification.

**6.20** In regards to stormwater, this is generated from a number of discrete catchments that generally flow towards Lake Hāwea via a series of pipes and overland swales. Development of any density within Hāwea will be required, through current standards, to either confirm there is sufficient capacity within the existing drainage system or provide stormwater attenuation to pre-development levels putting no additional demand on the network in areas where capacity is constrained.

**6.21** In Mr Powell's evidence, he concludes that wastewater, water supply or stormwater should not be a reason for not allowing further intensification in this area.<sup>145</sup> This also addresses the submission by Christopher Champion (1240) regarding the capacity of Project Pure.

**6.22** As mentioned above, a structure plan covers the extent of the Lake Hāwea South urban area (see 27.13.19). Chapter 27 of the PDP contains the structure plan and

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145 Section 8 Mr Powells evidence.

rule framework for subdivision and includes Lake Hāwea South-specific rules, requiring road upgrades, limiting density in a small area (Area B on the structure plan) of the LDSR Zone as well as individual and combined floor area space restrictions for retail activities within the LSC Zone (see Policy 15.2.1.6, and Rules 15.5.10 & 15.5.13).

- 6.23** Objective 27.3.24<sup>146</sup> and associated Policies provide direction on the future development of Lake Hāwea South, including staging requirements to integrate with the provision and availability of infrastructure and formation of the walkway connections. Of particular relevance, Rule 27.7.28.5 requires all subdivision and development within the Lake Hāwea South Structure Plan area to be connected to Council owned and operated wastewater treatment and disposal systems. Any non-compliance with this rule requires resource consent for a non-complying activity where Council will only provide consent if it is satisfied that either the adverse effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies.

#### *Transport*

- 6.24** B Thomas (310) refers back to "Council research 22/23" and that land transport was a significant constraint to development in Hāwea particularly due to the one lane bridge in Albert Town. I am unsure what the submitter is referring to in the reference "Council research 22/23". The s32 Report acknowledges that it is likely that intensification (if realised) would over time place strain on the roading network, especially where commuter traffic crosses the one lane bridge near Albert Town. This is in line with what is expected for the wider Urban Environment across the district.
- 6.25** In terms of upgrading the State Highway and one-way bridge in Albert Town, this is controlled by New Zealand Transport Agency (**NZTA**) which generally upgrades their infrastructure when the need arises (when there is significant pressure). This is addressed further in Ms Bowbyes evidence noting that NZTA have funding to prepare a Business Case for upgrading the bridge to 2 lanes. The Albert Town bridge

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146 A high quality urban environment on the land on the southern side of Cemetery Road Hāwea, that is planned around, and integrated with infrastructure, a water race, key road connections, the existing township and a strong and well defined urban edge to the southern extent of Lake Hāwea Township.

is currently signalised. Further south along the network the intersections of State Highway 6 & 84 ('Mt Iron Junction'), and Riverbank Road & Ballantyne Road have been upgraded with roundabouts relatively recently.

- 6.26** Furthermore, the location specific provisions in PDP Chapter 27 Subdivision and Development include a rule within the PDP subdivision chapter requiring the upgrade of the Domain/Cemetery Road intersection to a roundabout when subdivision within the Lake Hāwea South Structure Plan results in 990 lots for residential or commercial activity (Rule 27.7.28.3). This will ensure that the necessary upgrades to this intersection are provided for. I note that Domain Road / Hāwea Control Structure Road intersection has recently been upgraded.
- 6.27** The Accessibility and Demand Analysis provided with the s 32 report determined the 'level of accessibility' for any given area across the entire QLDC urban environment area. This was used to inform the urban form commensurate to the level of accessibility by existing or planned active or public transport as required by Policy 5 of the NPS-UD. As set out in Christopher Champion's submission (1240), there is currently no Public Transport in this area, or planned funding to provide this. Therefore, given that it scored relatively poorly in terms of its accessibility, no changes were proposed to the location or the extent of the existing residential zones in Lake Hāwea.
- 6.28** Increasing capacity (both residential and business) through intensification could increase the critical mass that would improve the viability of a public transport link between Hāwea and Wānaka, this combined with the establishment of local non-residential activities (community facilities and commercial activities in the new LSC Zone at Lake Hāwea South) at Hāwea will reduce the reliance on Wānaka and the associated commuting trips needed, including during the Christmas period when the network is congested.
- 6.29** I am of the view that the amendments as notified are consistent with District wide amendments required to meet NPS-UD requirements, and will result in the ability for urban-zoned land to be developed more efficiently, and reduce the pressure for further urban expansion at Hāwea to provide for future growth.

### *Air Quality*

**6.30** C Champion (1240) raised concerns with Air Quality, stating that this needs to be addressed prior to any major increase in dwellings. Air Quality is a function that sits in the jurisdiction of the Otago Regional Council subject to Section 30 of the RMA. Therefore, it is recommended that these submission points are considered out of scope.

### *Minimum lot sizes*

**6.31** Christine Rudin-Jones (565.11) seeks that lot sizes in LDSR Zone Lake Hāwea township are reduced to 450m<sup>2</sup>. Table 27.6 in Chapter 27 Subdivision & Development, sets out the standards for minimum lot areas. The only changes proposed to Table 27.6.1 relevant to Hāwea and Lake Hāwea South is to amend the LDSR Zone minimum lot area from 450m<sup>2</sup> to 300m<sup>2</sup>. Essentially it is understood they are not asking for a reduction, and are opposing the reduction made at notification. The appropriateness of reducing the site size for the LDSR Zone is discussed in Ms Bowbyes' Section 42A Report, which also addresses the effects of this on the character of settled and established townships/villages as raised by the submitter. The submitter requests that any subdivisions below 450m<sup>2</sup> site size be non-complying and notifiable within Lake Hāwea Township.

**6.32** Similarly, the submitter also seeks for clarification/differentiation be made for the LDSR Zone between established areas (Lake Hāwea) and new areas (Lake Hāwea South). This is in relation to lot sizes and maximum permitted building heights.

**6.33** No identified constraint has been identified for LDR Zone in this location to warrant it being treated differently than Lake Hāwea South, or from the rest of the District. The Submitter has not provided any evidence to support their position on why the lot sizes should be larger than the LDSR Zone in the rest of the District.

**6.34** On this basis, I accept and concur with the discussion in Ms Bowbyes' Report that the lot sizes and activity status proposed for the LDSR Zone are appropriate and necessary to give effect to the NPS-UD.

### *Built Form outcomes*

- 6.35** Christine Rudin-Jones (565.12) seek that notified Policy 8.2.3.2<sup>147</sup> is applied to 7.5.1 for LDR Zone, Lake Hāwea township. Policy 8.2.3.2 sets out the built form outcomes to be achieved to provide high quality living environments in the MDR Zone.
- 6.36** In my view, the wording of this policy cannot be considered in isolation. This policy sits in Chapter 8 and is relevant to the MDR Zone and needs to be read alongside the relevant provisions, which provide for higher densities and built form to what is enabled in the LDSR Zone. Chapter 7 contains a policy framework that is tailored to the Zone, particularly Objective 7.2.1 and supporting policies ensuring development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone. This is also supported by Objective 7.2.3 which encourages higher density development where it responds sensitively to the context and character of the locality and is designed to maintain local amenity values.
- 6.37** Without further reasoning or detail from the submitter on what element of the policy should be transferred through, I do not consider the relief sought to be appropriate, or necessary and consider that the existing framework in Chapter 7, as notified, is sufficient to address the intent of this submission point.

### *Building Heights and sunlight access*

- 6.38** The majority of the other points raised by Christine Rudin-Jones (565.12) relates to retaining existing maximum building heights and recession planes for LDSR Zone in Lake Hāwea township which, in the submitter's view, is a sunlight restricted area.
- 6.39** The provisions proposed for the LDSR Zone have been recommended by Mr C Wallace in the Urban Design Report to give effect to Policy 5 of the NPS-UD but also provide an appropriate level of privacy and access to sunlight as discussed in more detail in Ms Bowbyes' Report.

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147 Where a resource consent is required for new development, reasonably minimise the adverse effects of the new development on the amenity values enjoyed by occupants of adjoining sites and have particular regard to the maintenance of privacy for occupants of the development site and neighbouring sites through the application of setbacks, offsetting of habitable room windows from one another, screening or other means.

- 6.40** No changes are proposed in the notified LDSR Zone provisions to recession planes, other than also applying them to sloping sites. So even though the maximum height would increase from 7m to 8m, the access to sunlight for adjoining neighbours would remain the same as what is currently enabled under the operative provisions.

#### *Density*

- 6.41** Beeva Family Trust (804.5) oppose more residential building sites in the area South of Lake Hāwea township because of limited amenities, minimal infrastructure, absence of public transport and minimal employment opportunities. In response I note that the zonings that have been applied to the Lake Hāwea South area are a result of an Environment Court consent order and this Variation does not seek to amend the zoning, or extent of zoning in the residential areas. Rather it seeks to enable a level of further intensification in order to meet the NPS-UD requirements and objectives of the LDSR and MDR Zones as discussed in Ms Bowbyes' and my Section 42A Report.
- 6.42** Bronwyn Teat (927.7) requests that high density buildings and housing are kept back from the lake fronts in Wānaka and Hāwea, to keep to the Hāwea 2020 plan.
- 6.43** Hāwea 2020 was published in June 2003, as the result of a community planning process facilitated by QLDC and the Hāwea Community Association (**HCA**). The key purpose of the plan was to record the community vision, strategic goals and priorities for the following 10 – 20 years for the Hāwea community.
- 6.44** The notified proposal for Hāwea does not include any changes that would introduce high density buildings close to the lake front. The MDR Zone is located in Lake Hāwea South. In my view, the notified proposal aligns with the outcome sought by Ms Teat's submission.

#### *Urban Growth Boundary*

- 6.45** Chris Champion (1240) seeks that the urban growth boundary (**UGB**) and structure plan for Lake Hāwea South should be re opened for negotiation via the variation. I

refer to the discussion in Ms Bowbyes' evidence regarding scope, this variation does not assess the location of the existing UGB. The UGB was expanded around this land at Lake Hāwea South as a result of a Consent Order issued by the Court decision and subsequently has been included in the urban environment when applying the NPS-UD. The Hāwea Community Association (**HCA**) was party to the appeal process as a s274 party, and actively participated in the Court-assisted mediation and was a party to the joint memorandum that resulted in resolution of the appeal via the Consent Order. Additionally, the Spatial Plan identifies land south of Cemetery Road as future urban, and the inclusion of the Lake Hāwea South land within the UGB has assisted with implementing the Spatial Plan. The Longview Special Housing Area consent has been in place since 20 April 2020 (consent SH190005), and development of Longview is currently in progress.

- 6.46** The existing provisions in Chapter 27 of PDP, particularly Policies 27.3.24.4-7, and Rule 27.7.28 ensure that new development in Lake Hāwea South is in accordance with the approved structure plan and staged accordingly. I do not think it is appropriate to halt any further development until infill in newly proposed densities and existing developments north of Cemetery Road are completed. A key purpose of this Variation is to enable more opportunities for housing in accordance with the NPS-UD and support well-functioning urban environments.

*Frederick Street and Gordon Road, Wānaka*

- 6.47** L Blackley (224.1) seeks that Frederick Street and Gordon Road in Wānaka become a mixed-use zone due to the existing mix of business, service and residential apartments there. This area was zoned General Industrial and Service and was recently subject to an Environment Court decision that rezoned land on both sides of Frederick Street, and north of Frederick Street, from General Industrial to Business Mixed Use Zone ENV-2021-CHC-059. The Court confirmed the most appropriate zoning for the site as BMUZ, which would enable provision of a more immediate demand for an increase in supply of housing capacity, while also increasing competition in the supply of BMUZ land within the district. Given the merits of the rezoning have so recently been addressed by the Court, I accept that

is the most appropriate zoning of the land. I therefore recommend accepting the submission.

A handwritten signature in black ink, appearing to be 'CF', followed by a long horizontal line extending to the right.

**Corinne Frischknecht**

**6 June 2025**