

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 06
– Residential chapters

**REPLY OF AMANDA JANE LEITH
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

8 MEDIUM DENSITY RESIDENTIAL ZONE CHAPTER

11 November 2016

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1. INTRODUCTION

- 1.1 My name is Amanda Jane Leith. I prepared the section 42A report for the Medium Density Residential Zone (**MDRZ**) chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 14 September 2016.
- 1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing on the 10 October – 27 October 2016 and have been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing each day.
- 1.3 This reply evidence covers the following issues:
- (a) location of the MDRZ;
 - (b) MDRZ Character;
 - (c) density;
 - (d) design guidelines and urban design strategy;
 - (e) objective 8.2.4 and associated policies;
 - (f) garages;
 - (g) setbacks;
 - (h) activity status;
 - (i) walkway adjoining Scurr Heights;
 - (j) home occupation;
 - (k) commercial activities;
 - (l) community activities;
 - (m) non-notification;
 - (n) bulk material storage;
 - (o) natural hazards matter of discretion; and
 - (p) Arrowtown Historic Management Transition Overlay Area.
- 1.4 Where I am recommending changes to the provisions as a consequence of the Hearing evidence, I have appended these as **Appendix 1 (Revised Chapter)**. I have attached an additional section 32AA evaluation in **Appendix 2** and an updated list of subdivision points with recommended decisions in **Appendix 3**. Where I have not discussed the Hearing evidence, I have considered the points raised however have nothing further to add from that included within the s42A report on the matter. I have also attached an economic review of the

MDRZ provisions by Philip Osborne in **Appendix 4**, which I have read and considered.

1.5 I have provided a summary of the character of the MDRZ in section 2 of my reply evidence for the Low Density Residential Zone.

1.6 In this Reply:

- (a) if I refer to a provision number without any qualification, it is the notified provision number and has not changed through my recommendations;
- (b) if I refer to a "s42A" provision number, I am referring to the provision version in Appendix 1 of my s42A report; and
- (c) if I refer to a "redraft" provision number, I am referring to the redraft provision number in **Appendix 1** to this Reply.

2. LOCATION OF THE MEDIUM DENSITY RESIDENTIAL ZONE

2.1 In relation to Objective 8.2.1 which outlines where the MDRZ is to be located in the District, the Hearings Panel (**Panel**) questioned whether this provision could be more generic given that Policy 8.2.1.1 essentially repeats the wording in the objective. I have recommended a change to Objective 8.2.1 to emphasise that the MDRZ is to be located close to employment centres or public transport routes to encourage the use of non-motorised forms of transportation or public transportation in Queenstown. Policy 8.2.1.1 now follows Objective 8.2.1 in being more specific and giving effect to the objective, and is a matter of clarification.

2.2 The Panel also noted that the policies under Objective 8.2.1 generally do not give effect to the location aspect of the objective. With the recommended amendment to Objective 8.2.1 outlined above, I consider that Policy 8.2.1.1 now gives effect to this objective. I agree that s42A Policy 8.2.1.2 does not give effect to the objective however and consider it better suited to sit under Objective 8.2.2; consequently I recommend its relocation (redraft Policy 8.2.2.7).

2.3 With regard to redraft Policy 8.2.1.2 (notified Policy 8.2.1.4), I consider that clarifying that the outward spread of residential growth *'away from employment*

centres' provides a link back to Objective 8.2.1. In addition, I also accept the Panel's comment in relation to redraft Policy 8.2.1.2, in that the MDRZ is proposed as only one method of a number proposed to contribute toward minimising urban sprawl. Consequently, I have clarified this within the policy also. These recommended amendments are included within the attached **Appendix 1**.

3. MDRZ CHARACTER

- 3.1** On 11 October the Panel in relation to Objective 8.2.2 asked that I further consider the wording '*positively responds*' in the context of whether the objective is seeking to maintain the existing amenity values of areas, or to bring about new amenity values. I accept that the wording of the objective does not provide this certainty and that it is imperative that it does. I note that notified Objective 8.2.4 originally attempted to address this matter through inclusion of '*provide reasonable protection of amenity values, within the context of an increasingly intensified suburban zone where character is changing and higher density housing is sought*', however I recommended its modification in the s42A report¹ in line with the submission received from Reddy Group Limited (699).
- 3.2** The majority of the proposed MDRZ has been identified over developed residential land. The proposed change in zoning to MDRZ is anticipated to result in redevelopment of sites in line with the density permitted by the MDRZ which will bring about changes within these established residential areas. I expect that these changes will predominantly be to do with housing typology and a reduction in the space around dwellings that is provided for in the current operative zones. Consequently, I recommend that Objective 8.2.2 be amended to clarify the nature of the environment to which development is intended to contribute, by including the words '*planned medium density character of the area*'. I consider that this wording signals to PDP readers that a change in the character of an area is anticipated; however that development is expected to contribute positively through high quality urban design.
- 3.3** The Panel also noted that the policies associated with Objective 8.2.2 are all primarily in relation to the effects upon the public realm rather than adjoining sites. Upon further review of these policies I accept the Panel's point and

¹ At paragraphs 10.36 - 10.37 of the s42A Report dated 14 September 2016.

consider that these are predominantly addressing effects upon the street. Furthermore, I consider that redraft Objective 8.2.3 relates to the effects of developments upon the amenity of adjoining sites. As both aspects are covered in the objectives, I do not consider it necessary to make any additional amendments to the objectives in this regard. Although Objective 8.2.2 refers to 'site', I consider that the design of a development and its impact upon the street needs to take into account the features of the 'site' and consequently, this is still of relevance.

- 3.4 With regard to redraft Objective 8.2.3, I consider that this could also be further amended to identify that the character of the zone will change as areas develop into medium density environments. Consequently, I recommend the wording be amended to reflect this. I note that this change better reflects the notified wording of the objective. These changes are detailed within **Appendix 1**.

4. DENSITY

- 4.1 The Panel requested confirmation as to which objectives and policies the site and density rules are derived from.
- 4.2 I consider that Objective 8.2.1 outlines the locational aspects of the MDRZ. This objective also specifies that '*medium density development*' is anticipated; however is no more specific than this. Notwithstanding, given the recommended amendment to the activity status of Rule 8.5.5 (discussed below), I consider that a corresponding policy to support Objective 8.2.1 should also have been recommended to identify the locations that higher densities are encouraged within.
- 4.3 Recommended redraft Objective 8.2.3 now outlines that a '*medium density character*' is anticipated and seeks to ensure that reasonable protection of the amenity of adjoining sites occurs. I consider that an additional policy (redraft Policy 8.2.3.4) in relation to density should also sit under this objective to ensure that increased densities still protect the anticipated future amenity and character of the zone.
- 4.4 These recommended new policies are set out in **Appendix 1**. I consider that the scope to recommend these amendments is provided by the Wanaka Trust

(536) and the Estate of Norma Kreft (512) submissions which sought a change to the activity status of Rule 8.5.5 to allow increased density via restricted discretionary activity as opposed to the non-complying activity status that was notified.

Maximum lot area / Minimum site density

- 4.5** In the s42A report I recommended a minimum site density (s42A Rule 8.5.5.2) and maximum lot area (s42A Rule 27.6.1) for the greenfield MDRZ areas in Frankton² and in Wanaka adjoining Aubrey Road (Scurr Heights). The foundation for this recommendation was the submission made by Ballantyne Investments Limited (620) which stated that development within the MDRZ should be maximised to reduce urban sprawl.
- 4.6** On 21 October 2016, submission 620 was withdrawn. As a result of this withdrawal, I no longer have scope to recommend a minimum site density or maximum lot area. I have accordingly recommended deletion of redraft Rule 8.5.5.2 and redraft Rule 27.6.1 in **Appendix 1**.
- 4.7** Although there is no longer scope, in my opinion, I still consider that the maximisation of the land resource is an important matter, as is the diversity of housing product being developed and housing affordability which are both impacted by this factor.
- 4.8** Notwithstanding, I accept the concerns raised by Universal Developments (177) in their evidence to the Panel on 12 October 2016 in relation to these rules and the resulting burdens that would occur on the Scurr Heights MDRZ land as a result. In particular the submitter outlined that the proposed rules would not achieve their intended outcome given the topography of the site and stormwater requirements. I note that the Frankton MDRZ also has varied topography and similar stormwater issues, as well as having transmission lines running through the land.
- 4.9** Consequently, given the recommended rules only relate to these areas of the MDRZ and the issues highlighted, I consider that the deletion of s42A Rule

2 Consideration of this recommendation in relation to Frankton was deferred by the Chair to the mapping hearing

8.5.5.2 and s42A Rule 27.6.1 will not result in a significant impact upon the total dwelling capacity of the zone.

5. DESIGN GUIDELINES AND URBAN DESIGN STRATEGY

5.1 S42A Policy 8.2.2.6 related to development taking into account any design guidelines or strategies applicable to the area in the design of a development. The Jandel Trust (717) and FII Holdings (847) opposed this policy on the basis that there is no certainty to landowners in referring to documents that are formed outside of the planning process. In the s42A report I responded to these submissions recommending that '*Council adopted*' be included within the policy.³

5.2 Since this time, Council has resolved on 27 September 2016 to include design guidelines for the MDRZ within the Stage 2 PDP work. I have been advised that at the time when these are to be adopted, they will require a variation to be adopted by reference into the MDRZ chapter (as the Arrowtown Design Guidelines are currently).⁴ Consequently, as there are currently no adopted design guidelines or strategies applicable to the MDRZ to adopt via reference, I recommend deletion of this policy and note that in the future there may be a variation to include guidelines as a matter of consideration into Chapter 8.

6. OBJECTIVE 8.2.4 AND ASSOCIATED POLICIES

6.1 The Panel identified that s42A Policies 8.2.4.1 and 8.2.6.1 (redraft Rule 8.2.5.1) were very similar in the outcome they seek to achieve. I agree with the Panel in this regard and prefer the more specific wording of s42A Policy 8.2.6.1 (redraft Rule 8.2.5.1) and consequently recommend deletion of s42A Policy 8.2.4.1.

6.2 The Panel also noted that s42A Policy 8.2.4.2 is similar to Policy 8.2.2.1. I consider that the content of s42A Policy 8.2.4.2 also overlaps with Policy 8.2.2.2. These policies are all seeking to encourage pedestrian use of streets through adding interest within the streetscape as well as maintaining safety through crime prevention through environmental design (**CPTED**) methods. As a consequence, I have recommended that s42A Policy 8.2.4.2 be deleted.

3 At paragraph 10.49 of the s42A report dated 14 September 2016

4 Variation 1 to the PDP, stream 6A, heard on 7 November 2016

- 6.3** I also acknowledge that s42A Policy 8.2.6.1 (redraft Policy 8.2.5.1) does not specify that it is only connections to adjacent transport links and networks that is sought. This could therefore lead, as the Panel questioned, to requests for contributions to tracks further afield. Consequently, as a matter of clarification I have recommended inclusion of the word '*adjacent*' into the policy.
- 6.4** Upon review of the remaining two policies under s42A Objective 8.2.4, I note that I recommended amendments to these provisions in the s42A report⁵ to clarify that they were intended to only apply to non-residential activities as they relate to on-site provision of bike parking and protecting public health and safety through utilising CPTED methods. As these are intended to only relate to non-residential activities, I recommend their relocation to sit under redraft Objective 8.2.7. I also recommend deletion of s42A Objective 8.2.4 as I consider that its intent is covered through the other remaining chapter provisions. These recommendations are included within **Appendix 1**.

7. GARAGES

- 7.1** Having heard the evidence of Mr Greaves on behalf of D Barton (269), Plaza Investments Ltd (551) and Varina Propriety Ltd (591) and Mr Williams on behalf of Mount Crystal Ltd (150) and Universal Developments Ltd (177) in relation to Policy 8.2.2.3, I agree with their evidence. However, I also consider that the width and design of the garage should also be taken into account. This policy will consequently align with the other provisions relating to garages in redraft Rules 8.5.8.1(b) and 8.5.14. The recommended changes to the policy are identified in **Appendix 1**.
- 7.2** In relation to redraft Rule 8.5.8.1(b) the Hearings Panel questioned what the purpose of the 4.5m setback distance for garages from the road is. The intended purpose as outlined within Mr Falconer's urban design evidence⁶ was to allow a vehicle to be parked in the driveway in front of the garage. The Panel subsequently questioned whether this is suitable from a transportation safety standpoint.

5 At paragraph 10.40 of the s42A report dated 14 September 2016

6 At paragraph 4.33 of Mr Falconer's statement of evidence dated 14 September 2016

- 7.3 I note that Mr Williams in his evidence sought to amend the recommended 4.5m setback distance to instead state:

Garages shall not protrude forward of the front line of the dwelling.

- 7.4 I have discussed the proposed 4.5m distance with Council's Principal Resource Management Engineer, Mr David Wallace. Whilst the proposed 4.5m setback distance will not enable all vehicles (such as vans) to be wholly contained on-site in a driveway, Council's road formation standards for residential areas generally require a 700mm wide grass berm within the road reserve alongside the road boundary and a footpath beyond. This 700mm berm provides a buffer for longer vehicles that are parked within driveways without unduly obstructing footpaths. Consequently and taking a pragmatic view, the 4.5m setback will in most instances provide for the parking of vehicles within the driveway without issue.

- 7.5 Whilst I acknowledge Mr Williams' suggestion and have seen similar provisions utilised elsewhere successfully, I retain my recommendation in relation to the 4.5m setback distance for garages not only for the relief it will potentially provide in the built form as it is viewed from the street, but also to allow the parking of vehicles within the driveway.

- 7.6 In relation to redraft Standard 8.5.14, the Panel noted that if the outcome is to prevent the dominance of garages over the built form on the site then the use of a proportion of the site frontage may not work. Upon further consideration, I agree that the use of a proportion of the front façade width may be a better measure. Consequently, I have recommended changes to this effect in **Appendix 1**. I consider that the submission from M Lawton (117) provides the scope to make this change.

8. SETBACKS

- 8.1 The Panel questioned how terrace housing is being promoted within the rules when Rule 8.5.8 requires setbacks between each house or building. Rule 8.5.8 is that the setback distances apply to boundaries and not between residential units on the same site. Therefore I have not recommended any amendments in this regard.

8.2 With regard to redraft Rule 8.5.13, the Panel queried whether this standard is required within the MDRZ chapter as it is replicated in Chapter 36. From a review of the Right of Reply for Chapter 30 – Energy and Utilities, I found that redraft Rule 30.4.29⁷ would apply, however that the setback requirement for residential units is not clear. Consequently, I recommend that redraft Rule 8.5.13 is retained within the chapter.

9. ACTIVITY STATUS

9.1 Ms Rennie on behalf of the Estate of Norma Kreft (512) and the Wanaka Trust (536) presented evidence in relation to the activity status of the standards pertaining to:

- (a) building height;
- (b) density;
- (c) building coverage;
- (d) recession planes;
- (e) landscaped permeable surface; and
- (f) minimum boundary setbacks.

9.2 In summary, Ms Rennie supports a restricted discretionary activity status for all of the abovementioned standards, on the basis that a restricted discretionary activity status is the appropriate test for consideration of the benefits of a design and it will facilitate more flexibility and encourage a range of housing typologies.

9.3 I also note that I have read Ms Rennie's supplementary evidence provided to the Panel following the hearing, in which Ms Rennie recommends further amendments to the provisions within the MDRZ chapter.

Building Height

9.4 With regard to building height, I note that Ms Rennie recommends inclusion of reference to "*two to three storeys*" within the Zone Purpose (8.1) and within the new policy she proposes in her supplementary evidence. The s32 report and also the notified MDRZ chapter is specific regarding the two storey height

⁷ Mr Craig Barr's Right of Reply dated 22 September 2016

anticipated within the proposed MDRZ. On page 49 of the s32 report the reason for this is explained:⁸

..building height remains limited to 2 storeys and is consistent with the expectations for a residential environment.

9.5 Notwithstanding the above, I do note that notified Policy 8.2.1.3 outlined that more than two storeys may be possible "*on some sloping sites where the development is able to comply with all other standards (including recession planes, setbacks, density and building coverage)*". However, given the policy was very specific as to the exact scenario in which additional storey(s) may be supported, I recommended deletion of this policy within the s42A report⁹ as a result of the submission of the Reddy Group Ltd (699).

9.6 I do anticipate that in some instances, such as sloping sites, that additional height may be acceptable; however I consider that the intention of the MDRZ as notified was to maintain a predominantly two storey built form character across the zone. I also consider that the instances where greater than two storeys is acceptable will be the exception to the rule and do not anticipate this to occur across the zone. As a result, I recommend retention of the notified non-complying activity status for building height (Rule 8.5.1).

9.7 Should the Panel be minded to support the restricted discretionary activity status for building height, in light of many of the submissions received, I consider that some specific areas of the proposed MDRZ may be more sensitive than others to additional height. For example, Arrowtown and Wanaka due to their unique characteristics including heritage character (Arrowtown) and the existing low building heights and flat topography (Wanaka MDRZ located adjacent to the town centre). Consequently, a split activity status may be beneficial.

Density

9.8 As a result of the recommendation to delete the Homestar density incentive, I recommended in the s42A report that the 250m² minimum net site area per

⁸ The s32 report is contained in Appendix 3 to the s42A report dated 14 September 2016

⁹ At paragraph 10.114 of the s42A report dated 14 September 2016

residential unit be retained but the activity status be changed from non-complying to discretionary.¹⁰

- 9.9** Upon considering Ms Rennie's evidence in relation to the activity status of Rule 8.5.5, I concur that a restricted discretionary activity status would better reflect the increased density and varied housing typologies that are sought within the zone. I also note that this approach aligns with some of the questions posed by the Panel in relation to whether a maximum density is really required within the zone and whether the built form standards could be sufficient. I still consider that a minimum net site area needs to be applied, however that a restricted discretionary activity status would provide certainty to developers, residents and plan administrators as to what is required to be assessed and what may be acceptable.
- 9.10** Ms Rennie has recommended a number of matters of discretion and assessment matters in her supplementary evidence in relation to Rule 8.5.5. I noted in my summary of evidence that assessment matters are not currently utilised within the residential chapters, with reliance instead being placed upon the use of both broad and fine grained policy to guide outcomes. In order to be consistent, I have amended Ms Rennie's recommended provisions to only apply matters of discretion. These recommended changes are shown in Standard 8.5.5 in **Appendix 1**.
- 9.11** To correspond with this recommendation I have also recommended two new policies in relation to increased densities which I have outlined above (redraft Policies 8.2.1.3 and 8.2.3.4).

Building Coverage, Recession Planes, Boundary Setbacks

- 9.12** Upon consideration of Ms Rennie's evidence presented to the Panel in relation to Rules 8.5.4: Building Coverage, 8.5.6: Recession Planes and 8.5.8: Minimum Boundary Setbacks I also concur with Ms Rennie that a restricted discretionary activity status would be the most efficient and flexible activity status to promote both good urban design outcomes and to allow consideration of alternatives which may mitigate potential adverse effects upon neighbouring properties. Consequently, I have consequently recommended

¹⁰ At paragraphs 9.47 - 9.51 of the s42A report dated 14 September 2016

that this activity status be amended from non-complying to restricted discretionary in redraft Rules 8.5.4, 8.5.6 and 8.5.8 in **Appendix 1**.

- 9.13** As above, Ms Rennie has recommended a number of matters of discretion and assessment matters for these rules in her supplementary evidence. I have amended these to only apply to matters of discretion.
- 9.14** In addition to the matters that Ms Rennie recommends within the matters of discretion or assessment matters, for all of these standards I have recommended inclusion of a matter of discretion pertaining to consistency with the Arrowtown Design Guidelines 2016 for developments within Arrowtown. This recommendation aligns with the matters of discretion in notified Rule 8.4.11 and I consider it to be of relevance given that breaches of these standards within the Arrowtown context need to be assessed in the context of the Arrowtown Design Guidelines. Furthermore, the Arrowtown Design Guidelines 2016 include provisions relating to all of these built form standards.
- 9.15** To correspond with the above recommendation to incorporate the Arrowtown Design Guidelines 2016 as a matter of discretion and given that assessment matters are not being utilised within the chapter, I also recommend amendments to redraft Policies 8.2.4.1 and 8.2.4.3 to strengthen these policies and better align them with the Arrowtown Design Guidelines 2016.
- 9.16** I consider that the submissions of the Wanaka Trust (536) and the Estate of Norma Kreft (512), which sought the change in activity status for these standards to restricted discretionary, provides scope for these recommended changes, as do the submissions received requesting the application of strict design controls in Arrowtown (D Clarke (26), S Zuchlag (304) and M Kramer (268)).

Landscaped Permeable Surface

- 9.17** As outlined in the s42A report, I have already recommended a restricted discretionary activity status for Rule 8.5.7. Notwithstanding, I have also recommended that an additional matter of discretion be applied with regard to consistency with the Arrowtown Design Guidelines 2016 for the same reasons as outlined above. Furthermore, the Arrowtown Design Guidelines 2016 include provisions in relation to landscaping.

Continuous Building Length

9.18 Rule 8.5.9 was notified with a restricted discretionary activity status; however I note that the notified matters of discretion do not include consistency with the Arrowtown Design Guidelines. I consider that this should be included for developments within Arrowtown and as above consider that the submissions received requesting the application of strict design controls in Arrowtown (D Clarke (26), S Zuchlag (304) and M Kramer (268) provide scope. I have therefore made this recommendation within **Appendix 1**.

10. WALKWAY ADJOINING SCURR HEIGHTS

10.1 In response to the submissions received from M Prescott (73), W Richards (55) and D Richards (92) seeking that views from the walkway adjoining the Scurr Heights MDRZ are protected, I recommended two new rules in the s42A report: s42A Rule 8.5.1.1(a) which restricts building height within 15m of the walkway designation to 5.5m and s42A Rule 8.5.8.2(a) which requires a minimum setback from the walkway of 6m.

10.2 In relation to the recommended 6m setback, the Panel questioned whether this setback was necessary to avoid impacting views.

10.3 On 12 October Mr Goldsmith and Mr Williams presented to the Panel on behalf of Universal Developments (177) in relation to these rules seeking to protect views along the walkway. As part of their evidence they submitted a topographical plan of the Scurr Heights land, along with cross-sections indicating the eastern boundary of the site adjoining the walkway designation, the location of the walkway within the designation, and the relative levels of both. Also included were diagrams showing the Operative District Plan (**ODP**), Low Density Residential Zone (**LDRZ**) permitted setback and height from the walkway, and the recommended s42A MDRZ setback and height restriction. It is evident when reviewing these diagrams that the recommended s42A rules will not achieve their intended purpose to retain access to views along the majority of the walkway. Furthermore, the ODP LDRZ rules will also not retain these views.

- 10.4** Mr Williams noted in his evidence that the submitter is willing to volunteer a 4.5m setback from the walkway. However, as shown in the abovementioned diagrams, this will not achieve the aim of retaining views from the walkway.
- 10.5** I note that the Panel questioned Mr Williams as to whether application of the recession plane requirement in Rule 8.5.6 would allow retention of views along some portions of the walkway. Mr Williams has provided supplementary evidence to the Panel in which a recession plane of 45 degrees is applied 2.5m above the walkway boundary. These diagrams show that this method will also not retain views along the majority of the walkway.
- 10.6** The Panel suggested that I consider whether a similar rule to Site Standard 7.5.5.2(xix)(a) in the ODP, which limits the height of buildings along the southern side of Frankton Road to retain views, would achieve the outcome sought.
- 10.7** I note that three lots adjoining the walkway designation which are accessed via Bovett Place all have a consent notice registered on their Computer Freehold Register (**CFR**) which limits their height to a maximum of 5.5m. As noted by the Panel, dwellings recently constructed on these lots obstruct views for people of short stature; however still allow views across for taller people.
- 10.8** In considering the cross-sections provided by the submitter, the application of a rule restricting the height of buildings to no higher than the walkway level (such as the Frankton Road rule) would result in very low building heights being permitted on lots adjoining the walkway or significant levels of earthworks being necessary. To allow building heights of a level equal to no greater than 1.5m above the level of the walkway would however allow views to be retained from the walkway across roofs and would also allow construction of at least a single storey element in the rear portion of these future lots adjacent to the walkway designation boundary.
- 10.9** These future dwellings could increase into a two storey dwelling as the house design corresponds to the slope down to the west. I note that on the flatter section of the site (in the vicinity of cross-section A in Mr Williams' supplementary evidence) that additional excavation may be necessary to comply with this rule in this area, however due to the topography of the remainder of the site, this proposed rule would still allow construction of a

dwelling whilst still maintaining the views that are valued by the Wanaka community.

- 10.10** As a result, I recommend deletion of s42A Rules 8.5.1.1(a) and 8.5.8.2(a) and inclusion of a new (redraft) Standard 8.5.15 as shown in **Appendix 1**. I have recommended a restricted discretionary activity status for the new rule as the potential effects of the breach are only in relation to access to views to the west from the walkway. I also recommend an additional policy (redraft Policy 8.2.3.3) to align with redrafted Objective 8.2.3. I consider that the relief sought within the M Prescott (73), W Richards (55) and D Richards (92) submissions provides scope for this recommended new rule and the additional policy could be considered a corresponding change.

11. HOME OCCUPATION

- 11.1** For the LDRZ the Panel questioned whether the standards in Rule 7.4.14 should be included in Table 7.5 instead of with the activity. I consider that this question is also of relevance in relation to Rules 8.4.15 and 8.4.16 for the MDRZ. Consequently, I have applied a consistent approach to that outlined in paragraph 15.1 of the LDRZ right of reply. As these changes do not alter the provisions or their application I consider this to be a clarification change.

12. COMMERCIAL ACTIVITIES

- 12.1** The Panel noted that redraft Objective 8.2.7 and its associated policies provide for small scale commercial activities within the MDRZ, however also queried whether the same built form standards should apply to buildings for commercial activities as for residential units.
- 12.2** I see merit in providing flexibility in the design of small scale commercial buildings within the MDRZ to provide a point of difference and an identifiable node within the area. There are many historical examples of this within New Zealand, such as the corner shop buildings within residential areas.

- 12.3** Notwithstanding the above, I note that redraft Policy 8.2.7.6 does not provide this flexibility as it states:

Ensure any commercial development is of a design, scale and appearance compatible with its surrounding residential context.

- 12.4** The submissions received on the chapter do not provide the scope to alter the abovementioned policy and therefore I have not made any recommended changes within **Appendix 1**.

- 12.5** The Panel also questioned why Arrowtown is not included within Rule 8.4.6 as allowing Commercial Activities as a discretionary activity (as they are in Queenstown, Frankton and Wanaka). In reviewing the s32 report, I have been unable to identify the reasoning behind this differentiation. I note that Commercial Activities can still be considered within Arrowtown however via Rule 8.4.7 but these would be a non-complying activity rather than discretionary under Rule 8.4.6.

13. COMMUNITY ACTIVITIES

- 13.1** I have considered the evidence presented at the hearing by Ms Hutton on behalf of the Otago Foundation Trust Board (408) seeking an amendment to the activity status of Community Activities to restricted discretionary and I retain my recommendation of a discretionary activity status. I consider that the matters of discretion proposed by Ms Hutton are all encompassing and essentially equate to a discretionary activity status.

14. NON-NOTIFICATION

- 14.1** The Panel in relation to non-notification Rule 8.6.1.1 suggested further clarification within the rule, to explain that the activity which can be non-notified comprises Residential Units that comply with Rule 8.4.11 and that also comply with all of the standards in 8.5. I agree that this clarification would be of benefit to future plan users and consequently have made this update in redraft Rule 8.6.1.1 in **Appendix 1**.

15. OUTDOOR STORAGE

15.1 Ms Banks has addressed the matter of 'Outdoor Storage' and 'Bulk Material Storage' in paragraphs 12.2 – 12.5 of her Right of Reply in relation to the High Density Residential zone. I concur with her assessment and conclusion and consequently recommend that a consistent approach is undertaken for the MDRZ. It is my opinion that Rule 8.4.5 should be deleted, however I note that there are no submissions seeking this relief, consequently, I have not recommended this change within **Appendix 1**.

16. NATURAL HAZARDS MATTER OF DISCRETION

16.1 As shown in **Appendix 1**, I recommend that the matters of discretion for natural hazards in Rule 8.4.11 and redrafted Rule 8.4.21 are modified to remove the requirement for an assessment by a suitably qualified person. This recommended change is consistent with the recommended change within the Business zone s42A reports. The change also gives effect to notified Policy 28.3.2.3 of Chapter 28 (Natural Hazards), which lists the information requirements for natural hazards assessments and does not include a requirement for all natural hazards assessments to be undertaken by a suitably qualified person. I note that the Otago Regional Council (798) sought considerable changes to the Natural Hazards framework within the PDP and consider therefore that there is scope to address this throughout the PDP.

16.2 I have also included the updated natural hazard matter of discretion within the recommended matters of discretion relating to the restricted discretionary activity status for density and building coverage. I consider that this is a valid matter of discretion for these standards as they may result in an increased number of units or floor area within hazard prone areas and this requires assessment.

17. ARROWTOWN HISTORIC MANAGEMENT TRANSITION OVERLAY AREA

17.1 Within the s42A report, I recommended the creation of an Arrowtown Historic Management Transition Overlay Area with the purpose of requiring that all new residential units within this area obtain restricted discretionary activity consent pursuant to Rule 8.4.11.1. This ensures that the Arrowtown Design Guidelines 2016 are assessment via a matter of discretion.

17.2 The Arrowtown Residential Historic Management Zone also has a Transition Overlay Area which is for the purpose of allowing non-residential activities to occur in the area.

17.3 It has been noted by the Panel as part of the hearing on the Arrowtown Design Guidelines that the policy framework supporting the two transition overlay areas is inconsistent. This inconsistency occurs as the function of the two areas is different as outlined above. I consider that Objective 10.2.6 and its associated policies support the function of the ARHMZ Transition Overlay Area, whereas the MDRZ Arrowtown Historic Management Transition Overlay Area is supported via redraft Objective 8.2.4 and its associated policies.

18. CONCLUSION

18.1 Overall, I consider that the revised chapter as recommended in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.



Amanda Leith
Senior Planner
11 November 2016