

**Amanda Leith for QLDC – Summary of Evidence and response to additional submissions on Subdivision provisions, 7 October 2016**

**Chapter 8 Medium Density Residential – Hearing Stream 06**

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1. The purpose of the Medium Density Residential zone is to provide for an increased density of housing in locations that are supported by appropriate infrastructure. A limited range of non-residential activities are also anticipated, where these enhance residential amenity or support an adjoining Town Centre, but do not impact on the primary role of the zone to provide housing supply.
2. I have recommended a number of minor and also more substantive changes to the Medium Density Residential chapter as a result of the submissions received.
3. The most significant amendments recommended include:
  - a. Deletion of the Homestar density incentive, the requirement to undertake sustainable design, and the five year sunset clause for increased density;
  - b. Application of a base density of 250m<sup>2</sup> and a 400m<sup>2</sup> maximum density for the greenfield MDRZ areas;
  - c. Rationalisation and simplification of the urban design related objectives and policies;
  - d. Removal of reference to reduced car parking requirements for developments within the MDRZ;
  - e. Identification of a new Arrowtown Historic Management Transition Overlay Area to allow the application of a new rule which requires consent for all new residential units within the overlay area, with consideration of the Arrowtown Design Guidelines (which were included in the PDP through Variation 1) as a matter of discretion;
  - f. New built form controls to ensure views from the walkway adjoining Scurr Heights are maintained;
  - g. Extension of setback or acoustic insulation / ventilation requirements for all properties within 80m of a State Highway;
  - h. A change to recession planes only being applicable to flat sites, as well as accessory buildings on all sites;
  - i. A relaxation of the activity status for breaches of the landscape permeable surface rule from non-complying to restricted discretionary;
  - j. Multiple changes to boundary setback requirements to require greater setbacks for garages and from the State Highway;

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- k. Increase to the permitted building length standard; and
  - l. Removal of the window sill height rule.
4. The Panel has deferred consideration of a number of provisions (and submissions on them) to the hearings on mapping upon request of those submitters. Those provisions specifically transferred (as a whole) to the mapping hearing are:
- a. Relating to the Frankton Medium Density Residential zone, redrafted Objective 8.2.9 and related Policies 8.2.9.1-8.2.9.7, Rule 8.4.11.3 bullet point 6, Rule 8.5.3 and Rule 8.5.5.2.<sup>1</sup>
5. As a result of the deferral of submissions points, the following sections of my s42A evidence are no longer of relevance to this hearing:
- a. Paragraphs 10.27 – 10.28 relating to the Wanaka Town Centre Transition Overlay Area (Submitter Varina Propriety Limited #591); and
  - b. Paragraphs 9.53 – 9.54 (except still relevant as they relate to Scurr Heights), 12.16 – 12.22, 13.8 – 13.13, 13.20 – 13.38, 13.47 – 13.49 all relating to the Frankton Medium Density Residential zone.<sup>2</sup>
6. Having read the evidence filed by Mr MacColl on behalf of NZTA (719), I accept that the note under Policy 8.2.11.6 (redrafted 8.2.9.6) could be retained subject to the amendments suggested by the submitter, and with additional wording identifying the consultation being undertaken in its capacity as the road controlling authority for the State Highway. In relation to Mr MacColl's evidence regarding Policy 8.2.11.3 (redrafted Policy 8.2.9.3), I wish to hear the presentation before I come to a view on this matter.
7. I also wish to hear the presentation of Mr Williams on behalf of Universal Developments Limited (177) in relation to the proposed height and setback rules for development adjacent to Designation 270 before forming a view. Given the submitter states that subdivision design is already being advanced, I would like the submitter to consider whether retention of views could occur through imposition of development controls for only a portion of the walkway.

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1 Panel Minute dated 21 September 2016, paragraph 10. I note that in my s42A I recommended changes to some of the provisions that have been transferred to the mapping hearing. I acknowledge these recommended changes will now be dealt with in a later hearing and the changes I have proposed will be revisited at that stage.

2 P & M Arnott (#399, FS1167), Hansen Family Partnerships (#751 and FS1270), FII Holdings Ltd (#847 and FS1189), Universal Developments Ltd (#177 and FS1195), Otago Foundation Trust Board (#408 and FS1061) and NZ Transport Agency (#719 and FS1092).

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8. I would also like to hear the presentation of Mr Williams in relation to redrafted Rules 8.5.5.2 and 27.6.1 relating to minimum density and maximum lot size. At present I am not persuaded by the evidence received to alter my recommendation and I would also like an alternative minimum density and maximum lot size to be considered by the submitter.
  9. In relation to the changes proposed to Policy 8.2.2.3 and Rule 8.5.8.1(b) by Mr Williams in his evidence,<sup>3</sup> I consider that there may be merit to these changes, subject to a change to Policy 8.2.2.3 to include the design of the garage as a consideration, however I wish to hear the presentation of the submitter prior to finalising a position.
  10. Having read the evidence filed by Ms Rennie on behalf of The Estate of Norma Kreft (512) and The Wanaka Trust (536), I accept that further modifications to redrafted Rule 8.5.4 (Building Coverage) should be recommended. Furthermore, I wish to hear the presentation in relation to further changes to the activity status of the built form controls before forming a view.
  11. I also note that Ms Rennie's evidence is proposing the use of assessment matters which are not currently utilised within the residential chapters, with the approach instead being to include both broad and fine grained policy to guide outcomes. My current view on this matter is that the activity status should be retained as non-complying rather than restricted discretionary with a range of assessment matters. I question the added value of the relief sought.
  12. I wish to hear the presentation of Ms Hutton on behalf of the Otago Foundation Trust Board (430) before forming a view on the proposed restricted discretionary activity status for community activities, particularly because of the wide range of activities that fall within the definition of community activities.
  13. Having read the evidence of Mr Greaves on behalf of D Barton (269), Plaza Investments Ltd (551) and Varina Propriety Ltd (591), I do not support the proposed change to (notified and redraft) Policy 8.2.2.2 as even with site constraints such as topography, I consider that inclusion of any (or a combination) of features such as low profile fencing, windows, landscaping and the like is not onerous.

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3 As well as Mr Greaves on behalf of D Barton (269), Plaza Investments Ltd (551), Varina Propriety Ltd (591) in relation to Policy 8.2.2.3.

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## Subdivision chapter – consideration of additional submission points

14. As a result of the Memorandum from QAC counsel dated 21 September 2016, it has become apparent that all of the submissions in relation to the minimum lot area for the zones have not been addressed within my s42A report. The Hearing Panel has therefore directed Council officers to provide their opinions and advice on these submissions when the s42A reports are presented to the Panel. A response to these submissions is provided below, and an addendum to Appendix 2 has also been provided in **Appendix 1** responding to each submission point.

### *General Minimum Lot Area – notified Rule 27.5.1 (redrafted Rule 27.6.1)<sup>4</sup>*

15. Notified Rule 27.5.1 (redrafted rule 27.6.1) specifies a minimum lot area of 250m<sup>2</sup> for the Medium Density Residential zone. A number of submitters<sup>5</sup> all support this notified minimum lot size, however the Wanaka Residents Association Inc (728) are concerned that the proposed density is incompatible with the stated goals of retaining amenity, including connections with the street, appropriate height and scale, access to sunlight and privacy.
16. Paragraphs 9.42 – 9.52 of the s42A report address the minimum net site area for the Medium Density Residential zone and I consider that the same opinions are also applicable to the minimum lot area within notified Rule 27.5.1 (redrafted Rule 27.6.1). As mentioned in my s42A, Mr Falconer has recommended a density range of between 150m<sup>2</sup> and 350m<sup>2</sup>, however I have recommended retention of the 250m<sup>2</sup> minimum net site area and a change to the activity status to discretionary. I do however note in paragraph 9.52 of the s42A report that this results in an inconsistency in activity status between Chapter 8 and 27, with the development of minimum net site areas of less than 250m<sup>2</sup> being discretionary under Chapter 8 and subdivision involving less than 250m<sup>2</sup> lots being non-complying. I consider that there is merit in this approach, given the smaller lot sizes proposed, and more certainty in the outcomes is provided where a site is developed first (or at least approved via resource consent) and subdivided after. As a result, I support the notified 250m<sup>2</sup> minimum lot area for the zone.
17. Paragraphs 9.53 – 9.54 of the s42A report address the maximum net site area and minimum site density I have recommended for the two greenfield Medium

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4 Mr Nigel Bryce's Right of Reply on Chapter 27 – Subdivision and Development, Appendix 1, page 28.

5 The Jandel Trust (717) (opposed by FS1029 and supported by FS1270), HR & DA FAMILTON (775), HR FAMILTON (803) and FII Holdings Limited (847) (supported by FS1270), Body Corporate 22362 (389) and S & J McLeod (391), J D FAMILTON and Sons Trust (586)

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Density Residential zoned locations of Frankton<sup>6</sup> and Scurr Heights. All of the submissions relating to this matter have been considered as part of the s42A report (and the Frankton MDR zone has been deferred to the rezoning hearing).

*Minimum Dimensions – notified Rule 27.5.1.2 (redrafted Rule 27.7.12.2)<sup>7</sup>*

18. JD Familton and Sons Trust (586), HR & DA Familton (775) and HR Familton (803) all support notified Rule 27.5.1.2. I note that Mr Nigel Bryce in his Right of Reply in relation to Chapter 27 – Subdivision and Development relocated this provision within the chapter, however did not amend its content. I accept these submission points.

*Infill Subdivision – notified Rule 27.5.2.1 (redraft Rule 27.7.13)<sup>8</sup>*

19. A number of submitters<sup>9</sup> have all submitted seeking that notified Rule 27.5.2.1 (redrafted Rule 27.7.13) be retained. Conversely, Pounamu Body Corporate (208) and Aurum Survey Consultants (166) have sought its deletion. Mr Bryce in his evidence<sup>10</sup> in relation to Chapter 27 has amended the notified rule in response to submissions to make it more practical. I concur with this change and consider that it does not affect the intent of the rule which the submitters seek to retain. Consequently, I support the redrafted Rule 27.7.13.

*Conclusion*

20. As a result, I support the minimum lot area notified in redrafted Rule 27.6.1<sup>11</sup> and I have recommend the addition of a maximum lot area for the greenfield areas of the zone as outlined in Appendix 1 to the s42A report. In addition, I support notified Rule 27.5.2.1 (redrafted Rule 27.7.13) as it relates to the Medium Density Residential zone as recommended by Mr Bryce in his Right of Reply on Chapter 27 – Subdivision and Development.

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6 Consideration of this matter is now deferred to the mapping hearing

7 Mr Nigel Bryce's Right of Reply on Chapter 27 – Subdivision and Development, Appendix 1, page 28.

8 Mr Nigel Bryce's Right of Reply on Chapter 27 – Subdivision and Development, Appendix 1, page 41.

9 Pounamu Body Corporate Committee (208), Paterson Pitts Group (370), Paterson Pitts Partners (Wanaka) Ltd (453) JD Familton and Sons Trust (586), HR & DA Familton (775) and HR Familton (803)

10 Paragraphs 15.1 – 15.6

11 Mr Nigel Bryce's Right of Reply on Chapter 27 - Subdivision and Development, Appendix 1, page 28.

## Appendix 1

## Addendum to Accept / Reject table

717.18		The Jandel Trust	27.5.1	Support	Retain Rule 27.5.1 – Standards for Subdivision	Accept in Part		As it relates to the MDRZ
717.18	FS1029.24	Universal Developments Limited	27.5.1	Oppose	Universal seeks that the entire submission be disallowed	Reject		
717.18	FS1270.124	Hansen Family Partnership	27.5.1	Support	Supports. Seeks the submission be allowed, subject to a consistent zoning regime being applied to the land north of and adjoining State Highway 6 between Hansen Road and Ferry Road.	Accept in Part		
728.3		Wanaka Residents Association	27.5.1	Oppose	That the Council increase the minimum lot size for the proposed medium density residential zone	Reject		
775.3		H R & D A Familton	27.5.1	Support	Retain 250 m2 minimum lot size	Accept		
803.3		H R Familton	27.5.1	Support	Retain 250 m2 minimum lot size	Accept		
847.17		FII Holdings Limited	27.5.1	Support	Retain Rule 27.5.1 – Standards for Subdivision	Accept in Part		As it relates to the MDRZ
847.17	FS1270.23	Hansen Family Partnership	27.5.1	Support	Supports. Seeks the submission be allowed, subject to a consistent zoning regime being applied to the land north of and adjoining State Highway 6 between Hansen Road and Ferry Road.	Accept in Part		
586.5		J D Familton and Sons Trust	27.5.1.2	Support	Retain minimum dimensions of 12m X 12 for medium density housing	Accept		
775.5		H R & D A Familton	27.5.1.2	Support	Retain minimum dimensions of 12m X 12 for medium density housing	Accept		
803.5		H R Familton	27.5.1.2	Support	Retain minimum dimensions of 12m X 12 for medium density housing	Accept		
208.40		Pounamu Body Corporate Committee	27.5.2 Subdivision associated with infill development	Oppose	Delete the rule 27.5.2 Lot size exemption	Reject		
370.7		Paterson Pitts Group	27.5.2 Subdivision associated with infill development	Support	Supports the provisions.	Accept in Part		
453.4		Paterson Pitts Partners (Wanaka) Ltd	27.5.2 Subdivision associated with infill development	Support	This rule is supported.	Accept in Part		
586.7		J D Familton and Sons Trust	27.5.2.1	Support	Retain 27.5.2.1	Accept in Part		
775.7		H R & D A Familton	27.5.2.1	Support	Retain 27.5.2.1	Accept in Part		
803.7		H R Familton	27.5.2.1	Support	Retain 27.5.2.1	Accept in Part		
166.12		Aurum Survey Consultants	27.5.3 Subdivision associated with residential	Oppose	Delete rule 27.5.3 and seek to revise a more enabling wording across more zones.	Reject		