

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

Queenstown Lakes Proposed District Plan –  
Chapter 7 – Low Density Residential (LDR),  
Chapter 8 – Medium Density Residential  
(MDR) and Chapter 9 – High Density  
Residential (HDR)

**STATEMENT OF EVIDENCE OF IAN GREAVES  
ON BEHALF THE FOLLOWING SUBMITTERS:**

**269 – David Barton**

**551 – Plaza Investments Limited**

**591 – Varina Propriety Limited**

30th September 2016

## **Introduction**

- 1 My name is Ian Christopher Greaves. I hold the qualification of Bachelor of Applied Science (Environmental Management (Hons)) from the University of Otago. I am a full member of the New Zealand Planning Institute.
- 2 I hold the position of Resource Management Consultant at Southern Planning Group. I have over ten years' experience as a planner in roles with, Southern Planning Group, Queenstown Lakes District Council, the Environment Agency (UK) and Opus International Consultants (NZ). This experience includes over six years based as a planner in Wanaka.
- 3 Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances in front of hearing panels and I have also given evidence in the Environment Court.
- 4 I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Consolidated Practice Note and have complied with it in preparing this evidence. I have read the Section 32 reports and supporting documentation and the Section 42A reports prepared by the Council officers with respect to the Residential Chapters of the Proposed District Plan ("PDP"). I have considered the facts, opinions and analysis in this documentation when forming my opinions which are expressed in this evidence.

## **Scope of Evidence**

- 5 I have been engaged by the following submitters to provide expert planning evidence on the proposed Low Density Residential (LDR) Zone (Chapter 7), Medium Density Residential (MDR) Zone (Chapter 8) and High Density Residential (HDR) Zone (Chapter 9) of the Queenstown Lakes District Council's PDP:
  - David Barton – Submission # 269
  - Plaza Investments Limited – Submission # 551
  - Varina Propriety Limited – Submission # 591

6 Each of these submitters owns residential land in the Queenstown Lakes District.

7 My brief of evidence is set out as follows:

- Chapter 7 – Low Density Residential and specifically the provisions relating to commercial activities
  
- Chapter 8 – Medium Density Residential and specifically
  - MDR Objectives and Policies
  - Recession Planes – Rule 8.5.6
  
- Chapter 9 – High Density Residential and specifically
  - HDR Objectives and Policies
  - Building Height – Rule 9.5.2
  - Building Coverage – Rule 9.5.4
  
- Summary of my opinions

### **Low Density Residential (Chapter 7)**

8 David Barton (269) has submitted in relation to policy 7.2.9.2 (revised 7.2.6.2) requesting that the words ‘100m<sup>2</sup> or less gross floor area’ be removed from the wording of this policy. The reporting officer for the Council has addressed this submission point within paragraphs 11.2 – 11.7 of the Section 42A report.

9 I agree with the position of the reporting officer that the notified policy 7.2.9.2 that specifies a 100m<sup>2</sup> maximum commercial gross floor area for commercial activities is too prescriptive and more suited to a rule. I think it is important that whilst commercial activities within residential areas need to be controlled there needs to be flexibility within the planning provisions to support certain commercial activities of a varying nature and scale that can be appropriate in some residential areas. For example there are various examples within this District and throughout New Zealand of small scale cafes within a residential environment that supports and enhances the vibrancy of a residential area without undermining the areas character and amenity.

10 I support the wording of policy 7.2.6.1 and 7.2.3

11 With the proposed change to policy 7.2.6.2 and in the context of policy 7.2.6.1 and its direction to 'provide' for appropriate commercial activities I question the suitability of the blanket non-complying status for all commercial activities in the LDR zone. I consider that these provisions provide an appropriate basis for a discretionary activity rule for commercial activities comprising no more than 100m<sup>2</sup> of gross floor area. This will provide an appropriate consent pathway for small scale commercial activities that can be appropriate in some residential areas (as recognised by objective 7.2.6 and associated policies) without the rigours of a non-complying status. A full discretionary activity status still gives the Council the ability to consider any potential effects from a commercial activity through a resource consent process. The non-complying status would apply for any commercial activities that exceed this gross floor area. I note this rule change would provide consistency in the rules for commercial activities across the LDR, MDR and HDR residential zones.

### **Medium Density Residential (Chapter 8)**

12 Varina Propriety Limited (591) has submitted in relation to Medium Density Residential provisions of the PDP. This submission includes a request to rezone the Wanaka Town Centre Transition Overlay to Town Centre Zone or make substantial changes to the bulk and location rules that apply to the Wanaka Town Centre Transition Overlay. Any consideration of these submission points have been deferred to the mapping hearing in accordance with the minute from the Hearings Panel dated 20 September 2016.

### MDR Objectives and Policies

13 There have been a number of changes to the notified MDR objectives and policies. Overall I am generally supportive of the themes of the proposed MDR objectives and policies that I think will provide an appropriate planning framework to support areas of densified residential activities.

14 Varina Propriety Limited submitted that Objectives 8.2.2 and 8.2.5 (redrafted Objective 8.2.4) and their associated policies should be more focused and only relate to multi-unit or visitor accommodation developments. This submission

point is addressed in paragraphs 10.38 and 10.39 of the Section 42a report. The reporting officer has outlined that they consider the urban design principles outlined in Objective 8.2.2 and 8.2.5 and associated policies are relevant to all developments including a permitted development that maybe seeking consent for a breach of a built form standard. In principle I am generally in agreement with this. However, I consider the wording of policy 8.2.2.2 and 8.2.2.6 require amendments.

- 15 Policy 8.2.2.2 promotes visual connection between buildings and the street environment. In my view the word 'require' is too strong and should be replaced with 'encourage'. As recognised in the notified version of policy 8.2.2.2 there are certain site constraints such as topography, multiple road frontages and solar orientation where achieving visual connection can be difficult and may result in a poor design outcome. To recognise this I suggest policy 8.2.2.2 is reworded as follows:

*~~Require~~ Encourage visual connection with the street through the inclusions of windows outdoor living areas, low profile fencing or landscaping.*

- 16 Policy 8.2.2.3 promotes the avoidance of street frontages being dominated by garages. I accept this is a recognised urban design principle that should be encouraged but I consider the wording of this policy is too prescriptive in terms of the outcomes to achieve this requirement. There are potentially many design outcomes that can avoid street frontages being dominated by garages and I don't believe the policy needs to stipulate potential mechanisms for achieving this. I also consider that the use of the word 'avoid' is too strong in this instance where site constraints such topography can inhibit garage setbacks distances or different street typologies that may suit garages fronting the street. For example a lane environment where garages built close to the street boundary can be a good design outcome. In my view the policy should be reworded as follows:

*~~Avoid street frontages dominated by garaging through measures including not locating garages forward of the front elevation of the residential unit, use of two separate doors to break up the visual dominance of double garages or use of tandem garages or locating a second storey over the garage to enhance passive surveillance and street activation. Manage the potential for garages to dominate the streetscape through consideration of their proximity to the street boundary.~~*

17 It should be noted that I have worked on the rewording of this policy with my colleague Tim Williams who has presented separate evidence on this matter for Universal Developments Limited (Submission 177).

### Recession Planes

18 I support the proposed amendment to Rule 8.5.6 as outlined in paragraph 10.103 of the Section 42a report which excludes recessive plane requirements for sloping sites in the MDR zone. All other residential zones in the Proposed District Plan provide for sloping sites to be excluded from recession plane requirements and the proposed amendment to Rule 8.5.6 ensures a consistent approach across these zones. Recession planes on sloping sites can severely restrict the available building envelop and it is my view that there is no justification for sloping sites in the MDRZ to be subject to recession plane controls.

### **High Density Residential (Chapter 9)**

19 Plaza Investments Limited (551) has submitted in relation to High Density Residential provisions of the PDP. A number of points within the Plaza Investments Limited submission covered visitor accommodation matters which are now excluded from Stage 1 of the District Plan Review. With the exclusions of visitor accommodation from Stage 1 of the District Plan Review this evidence will address:

- HDR Objectives and Policies
- Building Height – Rule 9.5.2
- Building Coverage – Rule 9.5.4

### HDR Objectives and Policies

20 Overall, I am supportive of the proposed HDR objectives and policies that I think will provide an appropriate planning framework to support residential activities within identified areas close to town centres. I believe that it is important that the planning provisions recognise an appropriate balance between promoting intensified development within the zone and protecting amenity values. This is specifically addressed in objective 9.2.3 and policies 9.2.3.1, 9.2.3.2 and 9.2.3.3.

My only comment on these provisions relates to policy 9.2.3.2 and the use of the words 'adequately mitigated'. I consider these words do not provide clarity and are difficult to interpret. For example if an outcome is 'adequately mitigated' is this a lower threshold than if an outcome is 'mitigated'. The purpose of objective 9.2.3 is clear that amenity values will be protected to a degree in the zone however this is in the context of an increasingly intensified urban zone. To avoid this ambiguity I suggest policy 9.2.3.2 is reworded as follows:

~~Where development standards are breached, impacts on the amenity values of neighbouring properties, and on public views (especially towards lake and mountains), are adequately mitigated. Enable opportunities to breach permitted development standards where the impacts on the amenity values of neighbouring properties, and on public views (especially towards lakes and mountains) are taken into consideration and are not adversely affected.~~

### Building Height

21 I believe the amended policy above links appropriately will Rules 9.5.1 and 9.5.3 (Flat and Sloping Sites) that provide opportunities through a restricted activity resource consent to breach permitted height rules with consideration given to potential amenity effects. I support the ability to develop buildings greater than 7m in height from ground level for sloping sites as a restricted discretionary activity (Rule 9.5.3). In my experience achieving a 7m permitted height limit for a high density development can be challenging in some circumstances and providing a mechanism to build higher with appropriate mechanisms to manage amenity effects is a suitable solution. I have been involved in recent development proposals where a breach in the 7m height limit achieved a better building design outcome and did not result in any adverse amenity effects including on neighbouring properties.

### Building Coverage

22 I support the increase in building coverage for sloping sites from 65% to 70% (Rule 9.5.4). I agree with the Section 42a report that sloping sites are potentially better suited to accommodate increased site coverage (compared to flat sites) given the often stepped nature of building design that reduces potential building dominance on adjoining properties. In addition I believe allowing a 70% building

coverage for sloping sites is appropriate rule to achieve the provisions for the zone that promotes high density housing development.

## Summary

23 Overall, in my opinion the amendments to the provisions of the LDR, MDR and HDR Chapters of the PDP as outlined above will result in a more efficient and effective regulatory environment ensuring appropriate development within the Districts Residential Zones.

24 I support the rewording of policy 7.2.9.2 (revised wording 7.2.6.2) removing the words '100m<sup>2</sup> or less gross floor area' as I believe this was too prescriptive for a policy. Associated with this change I recommend a new discretionary activity rule is added to the LDR zone for commercial activities comprising no more than 100m<sup>2</sup> of gross floor area.

25 I recommend the rewording of policies 8.2.2.2 and 8.2.2.3 in the MDR zone to simplify the provisions and recognise different design outcomes. I also support amendment to Rule 8.5.6 which excludes recessive plane requirements for sloping sites in the MDR zone.

26 I recommend the rewording of policy 9.2.3.2 in the HDR zone to avoid ambiguity and better align with the proposed HDR zone rules. I also support the amendment to Rule 9.5.4 increasing building coverage for sloping sites from 65% to 70%.



Ian Greaves

30 September 2016