

**BEFORE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act  
1991 ("the Act")

**AND**

**IN THE MATTER** of of the Queenstown Lakes  
District Council Proposed District  
Plan Topic 06

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**STATEMENT OF EVIDENCE OF JANE RENNIE**  
**30 September 2016**

The Estate of Norma Kreft (0512)  
The Wanaka Trust (0536)

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## QUALIFICATIONS AND EXPERIENCE

1. My name is Jane Maree Rennie. I hold the position of Principal and Senior Urban Designer with the environmental consultancy firm Boffa Miskell Limited, based in the firm's Christchurch office.
2. I hold a Bachelor of Planning from Auckland University and a Post Graduate Certificate (Merit) in urban design from the University of Westminster (London). I am a full member of the New Zealand Planning Institute and a member of the Urban Design Forum.
3. My relevant experience includes 20 years' working in urban design and planning in New Zealand, USA and the UK for both the public and private sectors. My current role as Principal and Senior Urban Designer at Boffa Miskell (since 2009) has involved me in a range of urban design and planning projects, including urban strategies and visions, policy development, assessment of resource consent applications, master plans, design advice and housing and town centre developments. Previous to this I was employed as an Associate Director by DTZ (London) advising on a number of regeneration projects, town centre strategies and visions. Immediately prior to that I worked with London-based planning and urban design practice Tibbalds on a number of medium and high density housing projects, urban design strategies and development planning guidelines.
4. In preparing this evidence I have reviewed:
  - (a) The Proposed District Plan (“**PDP**”), and in particular Chapter 3 (Strategic Direction), Chapter 4 (Urban Development), Chapter 7 (Low Density Residential) (“**LDR**”), Chapter 8 (Medium Density Residential) (“**MDR**”) and Chapter 9 (High Density Residential) (“**HDR**”), along with the relevant Revised Chapters issued by the Council as part of their S42A Reports.
  - (b) Section 42A Hearing Report for Chapter 8 Medium Density Residential, and associated appendices prepared by Ms Leith.
  - (c) Evidence of Mr Falconer (Council’s Urban Design Advisor).
  - (d) Section 42A Hearing Report for Subdivision and Development, prepared by Mr Bryce.
  - (e) Relevant Submissions and further submissions.

5. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **SCOPE OF EVIDENCE**

6. I have been asked by the Wanaka Trust (26 Warren Street, Wanaka) ("**Warren Street Property**") and the Estate of Norma Kreft (51-53 Stratford Terrace, Wanaka) ("**Stratford Terrace Property**") together referred to as the ("**Kreft Sites**") to prepare evidence in relation to Chapter 8 MDR. This includes:
- (a) The appropriateness of rezoning the above properties to Medium Density Residential ("**MDR Zone**") given the intent of the Zone;
  - (b) The appropriateness of the status of the following rules in the context of the intended outcomes for the Zone:
    - (i) Activity Rule – Dwelling, residential unit, residential flat.
    - (ii) Rules - Standards:
      - (1) Building Height.
      - (2) Building Coverage.
      - (3) Density.
      - (4) Recession Plane.
      - (5) Landscaped permeable surface.
      - (6) Minimum boundary setback.
      - (7) Window sill height.

**EXECUTIVE SUMMARY**

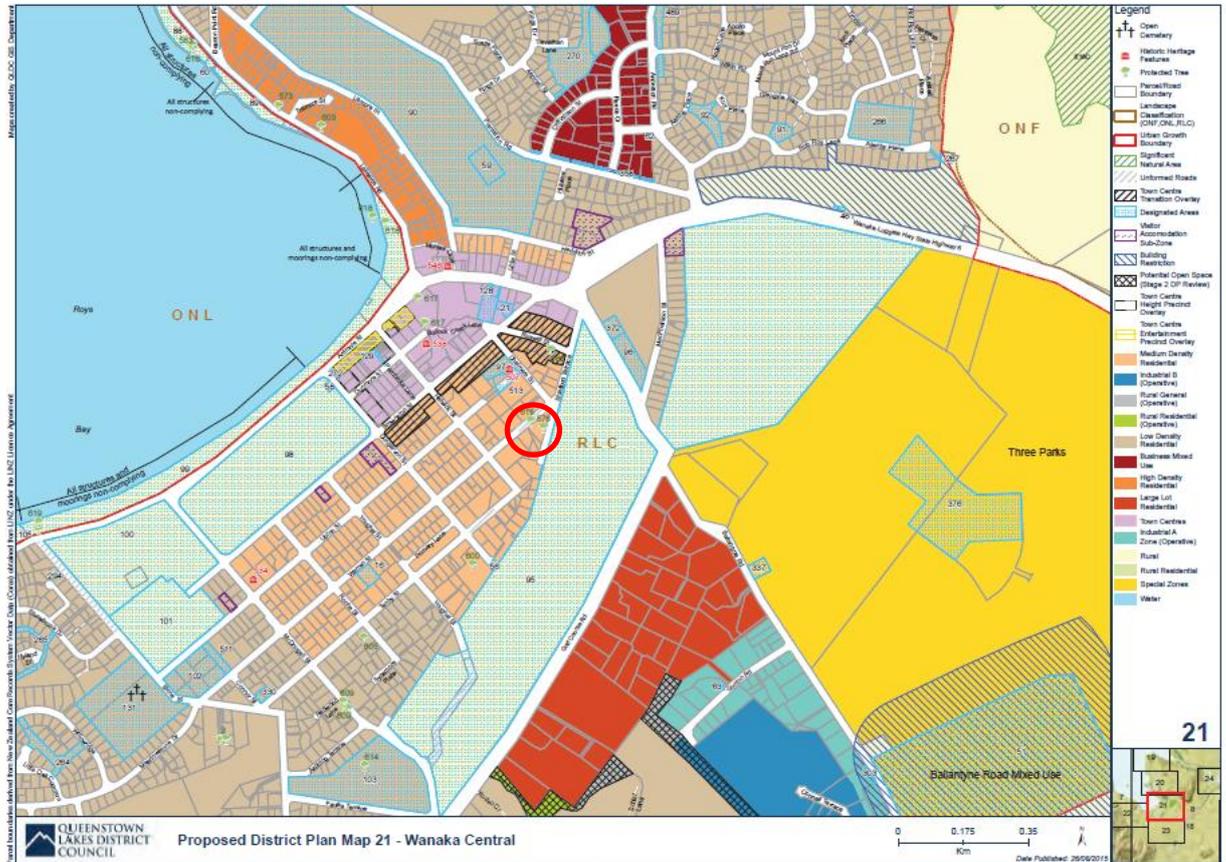
7. The Wanaka Trust and the Estate of Norma Kreft through their submission seek to support the identification of the MDR over both properties.
8. They also seek through their submission to ensure that the Replacement District Plan enables the effective delivery of a range of medium density housing typologies what are well-designed within the MDR Zone. Accordingly, they request through their submissions a design-led approach and to make development generally more permissible with respect to appropriate breaches of prescribed standards.
9. I consider that Restricted Discretionary Activity ("**RDA**") status will better achieve the proposed policy outcomes and is appropriate in relation to consideration of the built form standards relating to density, height, building coverage, recession planes, boundary setbacks and landscape permeable surfaces.
10. I believe that RDA is an appropriate test for consideration of the benefits of a design regarding any given breach of a standard. An RDA process will facilitate more flexibility and encourage the development of a range of new medium density housing typologies that achieve good design outcomes, over mediocre design that complies within the standards. Medium density housing brings with it greater design challenges. This needs to be reflected by way of more permissive planning provisions that enable the desired outcomes.
11. An RDA process provides specific direction for all users (Applicants and the Consent Authority) as to what matters are to be considered. An RDA regime still allows the Council to refuse inappropriate development on a case-by-case basis. RDA status for bulk and location rules is adopted in a number of other District Plans and I am confident that refinement of the assessment matters outlined in the original submission will promote quality design outcomes.
12. Full Discretionary status provides little direction and a level of uncertainty as to what will be considered. Non-complying status can be a barrier to achieving good design outcomes, by discouraging people from embarking on a consent process that is more complex, timely and expensive. Limiting discretion and outlining relevant

assessment matters, provides a robust framework for Council to assess each application/site on its merits.

13. Non-complying status signals to plan users that any such breach will be subject to a greater degree of scrutiny and indicates to the community that such activities are unlikely to be appropriate and are not readily anticipated. This position is unreasonable and will not encourage new and innovative ways to develop medium density housing within the MDR Zone. In addition, it will undermine the ability for the Council to achieve its overarching policies and objectives in relation to housing supply, choice and affordability contained within Chapters 3 and 4 of the PDP.
14. **Appendix 2** of my evidence sets out the relief sought.

## APPROPRIATENESS OF ZONING OF KREFT SITES

15. The Kreft Sites are identified in the MDR Zone of the PDP (see the Planning Map below). The properties are adjacent to each other and occupy the corner of Stratford Terrace and Warren Street, Wanaka. Under the Operative District Plan (“ODP”) the two properties are zoned a mix of Low Density Residential and High Density Sub-zone C.



*PDP Planning Map 21 – The Kreft Sites are located within the MDR Zone and are within walking distance of the town centre*

16. The contiguous zoning of both properties in the MDR Zone is supported. Both properties are within walking distance of the Wanaka town centre, public transport services and a range of other amenities and recreational facilities. The eastern end of Warren Street already includes a variety of different housing typologies and the intensity of development anticipated by the MDR is capable of being absorbed.

17. I concur with the following comments from Ms Leith's s42A Report that there are 'not'<sup>1</sup>:

*“any unifying built form characteristics within the area which are unique and in need of specific protection. The proposed MDR Zone location adjacent to the Wanaka Town Centre is already an area in transition with development of various ages, styles and design.”*

### **INTENT OF THE MDR ZONE**

18. The higher order provisions of the PDP set the scene in relation to housing supply and intensification in the District. Chapter 3: Strategic Direction includes the following Goal and Objective:

*3.2.2 Goal – The strategic and integrated management of urban growth.*

*3.2.2.1 Objective – Ensure urban development occurs in a logical manner:*

- *That promotes a compact, well designed and integrated urban form<sup>2</sup>.*

19. Other higher order policies clearly set out the need to encourage a higher density of residential development in convenient and accessible locations<sup>3</sup>.
20. The proposed Urban Growth Boundaries (“**UGB**”), including for Wanaka, seek to provide for a compact and integrated urban form that limits lateral spread of urban areas, enables increased density in close proximity to town centres and enhances the amenity and vibrancy of urban areas<sup>4</sup>. In addition, within the Wanaka UGB, development is to occur through increased density via infill amongst other things, and facilitate a diversity of housing supply<sup>5</sup>. The zoning of the Kreft Sites

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<sup>1</sup> Page 33, para 10.15, Section 42A Report, Ms Leith

<sup>2</sup> Taken from Ms. Leith's S42A Report, Page 19.

<sup>3</sup> Policy 4.2.1.3 Replacement District Plan, Revised Chapter 19/02/16

<sup>4</sup> Objective 4.2.3 / Policy 4.2.3.2 / Policy 4.2.3.6 of the Replacement District Plan (Revised Chapter 19/02/16)

<sup>5</sup> Policy 4.2.6.2 of the Replacement District Plan (Revised Chapter 19/02/16)

as MDR will encourage infill development within walking distance of the town centre.

21. Consequently, three different zones (low, medium and high density) are proposed and together seek to implement the policies around consolidation, intensification and compact urban form.
22. The nodal approach to intensification from the town centre as promoted through the policy framework is supported. It facilitates larger scale, more intensive development to cluster around the town centre. This will support a built form transition from commercial scale development, through to medium and then lower density development furthest away from the centre (the 'onion ring' effect).
23. In addition, a key aspect of good practice urban design is for areas to not only to be supported by a range of amenities and services, but for residential development to support the viability of existing commercial centres, which are accessible by walking, cycling and public transport. The Kreft Sites will achieve this.
24. The terms of the MDR Zone (Chapter 8), the key policy intent of the Zone can be summarised as follows:
  - (a) Provide land for residential development at increased densities.
  - (b) Play a key role in minimising urban sprawl and increasing housing supply.
  - (c) Apply to sites within easy access to town centres, as is the case with the two Kreft properties.
  - (d) Enable a greater supply of diverse housing options (terrace housing, semi-detached and detached townhouses) on smaller sections.
  - (e) Realise changes to density and character over time.
  - (f) Utilise development controls to ensure reasonable amenity protection is maintained.
  - (g) Achieve high standards of urban design, providing site responsive built forms.
25. The associated bulk and location rules for the MDR Zone, with a focus on Wanaka, are set out in **Table 1**. In seeking to understand the

different development outcomes anticipated between the three residential zones, the relevant standards for the LDR and HDR Zones are also outlined.

**Table 1 (Based on the Revised Chapters 7, 8 and 9)**

Wanaka	LDR	MDR	HDR
<b>Height</b>	7m / NC	7m / NC (Flat and sloping)	Flat sites 8m* / NC Sloping sites 7m / NC
<b>Recession planes</b>	Between 35-55 degrees depending on boundary / NC	Between 35-55 degrees depending on boundary / NC (flat sites only)	For flat sites varies between 45 and 55 degrees / NC
<b>Road boundary setback</b>	4.5m / D	3m / D (garages 4.5m)	2m / D
<b>Internal boundary setback</b>	2m / D	1.5m / D	2m / D
<b>Building length (above ground floor)</b>	16m / RD	24m / RD	30m / RD
<b>Building coverage</b>	40% / D	45% / D	70% / NC
<b>Landscape permeable surface</b>	30% / NC	25% / RDA**	20% / NC
<b>Dominance of Garages</b>	N/A	Garage doors parallel to road not to exceed 50% of frontage / D	N/A
<b>Residential Unit</b>	1/450sqm	3 or less Permitted 4 or more RDA	3 or less Permitted 4 or more RDA
<b>Density</b>	1/300sqm / RD	1/250sqm / D**	N/A

\*In Queenstown, the height limit is 12m, with 12-15m RDA and >15m NC.

\*\* Changed from NC

26. I consider that the comparison between the Zones demonstrates that the differences between the LDR and MDR in particular, especially height, are limited and are unlikely to achieve the intent of the MDR Zone and result in any meaningful change on the ground.

Accordingly, I consider that greater flexibility of development, balanced against control of design and amenity outcomes, is justified within the MDR Zone. I discuss this further throughout the remainder of my evidence.

#### **AMENDMENTS TO THE MDR**

27. The key relief sought is the change to the **non-complying** activity status for breaches of a number of the prescribed rules, rather than seeking to amend them within the PDP.

28. The overall intent of the MDR Zone is set out earlier in my evidence. With respect to consideration of the policy framework to inform the rule package, a range of policies are relevant. This includes Policy 8.2.1.2 of the revised chapter which seeks to ‘enable’ medium density development of varied building typologies, and Policy 8.2.1.3, which seeks to ‘provide for’ compact development forms.

29. Objective 8.2.2, which is a key urban design-related objective, seeks to ensure that:

*“Developments contribute to the environment through **quality urban design solutions** which **positively responds to the site, neighbourhood and wider context.**”* (My emphasis)

30. I note that Objective 8.2.3 (also a key urban design-related Objective) of the revised chapter outlines:

*“Development **provides high quality** living environments for residents and **maintains the amenity of adjoining sites**”.* (My emphasis)

31. Policy 8.2.3.1 outlines:

*“Apply recession plane, building height, setbacks and site coverage controls as the primary means of ensuring **reasonable protection of neighbours’ access to sunlight, privacy and amenity values.**”* (My emphasis)

32. Policy 8.2.3.2 of the revised chapter goes on to outline:

*“Ensure built form achieves an **acceptable level** of privacy for the subject site and neighbouring residential units through the*

*application of setbacks, offsetting of habitable windows, screening and other means". (My emphasis)*

33. These objectives and policies establish a very clear policy framework in favour of quality urban design outcomes that respond to site characteristics, context and amenity.
34. This focus, and the wording of the policies and objectives, does not in my opinion support the non-complying status outlined for many of the prescribed rules. This highlights a major disconnect between the policies and rules. In my opinion, the focus is on 'managing' effects, not in 'avoiding' or 'preventing' them, which is associated with non-complying status.
35. RDA status will better achieve the proposed policy outcomes. In addition, RDA is an appropriate test for consideration of the benefits of design regarding any given breach of a standard.
36. An RDA process will facilitate more flexibility and certainty and **encourage** the development of a range of new medium density housing typologies within the MDR Zone.
37. In addition, a RDA regime still allows the Council to refuse inappropriate development on a case-by-case basis.
38. In response to concerns raised by Ms Leith about the practicalities of establishing a RDA regime for some of the built form controls, I refer to **Table 2** attached at **Appendix 1** to my evidence. This sets out the RDA frameworks adopted for the medium density residential zones under the Christchurch and Auckland Replacement Plans. The Table covers multi-unit development, height, site coverage, recession planes and setbacks and I discuss these further later in my evidence.
39. As noted in my summary, non-complying status can be a barrier to achieving good design outcomes, by discouraging people from embarking on a consent process that is more complex, timely and expensive. Limiting discretion and outlining assessment matters will provide a clear and robust framework for Council to assess each application/site on its merits, particularly in relation to urban design and amenity considerations. Full Discretionary status has a level of uncertainty associated with it and applicants are often unclear as to what is being considered.

40. The Kreft submissions have been supported by other further submissions<sup>6</sup>. The NZTA and Otago Regional Council are the only opposing submissions, and those were with respect to subdivision generally across the PDP. The Greenwood Group and Mt Crystal Ltd in particular have supported the downgrade in non-complying status for breaches of standards.
41. In the following section, I discuss each of the rules in more detail and respond to the Council's s42A Report prepared by Ms Leith.

### **DENSITY**

42. Notified Rule 8.5.5 applies a minimum net site area of 250sqm as a permitted activity and non-complying activity status for any breach of the rule.
43. The submission opposed the non-complying status for breach of the density rule.
44. I note that a number of submitters sought an increase to the minimum lot size<sup>7</sup>. I also note that the Council's Urban Design Advisor (Mr Falconer) considers that for the anticipated development of terrace, duplex and townhouses the notified 250sqm minimum net site area is conservative<sup>8</sup>. I agree with Mr Falconer and consequently a change to the activity status was proposed to allow greater flexibility to pursue more intensive development, where the receiving environment would be capable of absorbing the effects of a breach of the prescribed rules.
45. Ms Leith acknowledges that for some building typologies a small increase to density may be acceptable<sup>9</sup> and in the context of the scenario of unlimited density under a Homestar rating, she sees some merit in amending the activity status for Rule 8.5.5 to fully discretionary<sup>10</sup>.

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<sup>6</sup> 512 – Greenwood Group Ltd / 536 – Greenwood Group Ltd / FS Mount Crystal Ltd / FS Dato Tan Chin Nam / FS ORC / NZTA / Universal Developments Ltd

<sup>7</sup> Page 25, S42A Report, Ms Leith

<sup>8</sup> Page 26, S42A Report, Mr. Falconer

<sup>9</sup> Page 26, para 9.48, Section 42A Report, Ms. Leith

<sup>10</sup> Page 27, para's 9.50-51, Section 42A Report, Ms. Leith

46. I agree with Ms Leith that full discretionary status is more lenient and would show that non-compliance was contemplated. However, I consider that further flexibility should be provided via RDA status. I do not agree with Ms Leigh that it is not possible to establish an appropriate framework of matters of discretion that will provide assessment of the potential adverse effects arising.
47. On that note, I refer to the Council's s42A Report for Subdivision and Development, on RDA status:
- “...a Restricted Discretionary Activity regime for subdivision, where matters of discretion are targeted to address specific issues could also introduce efficiencies. Further, this alternative regime is likely to be more effective in guiding plan users as to those matters that are central to achieving good subdivision design, appropriate infrastructure and servicing requirements, and consequently appropriate environmental outcomes.”<sup>11</sup> (My emphasis)*
48. Although this commentary applies to subdivision, I consider it to be relevant to discussions on adopting a RDA regime for the MDR Zone. Firstly, the Council is promoting RDA status and is satisfied this status is appropriate to manage the actual and potential effects of subdivision. Secondly, density (and a number of the other built form standards) within the MDR Zone is no more complex than subdivisions generally, and results in typically localised effects on amenity values and streetscape character.
49. I note that the Christchurch and Auckland District Plans do not contain a minimum site area (site density) in relation to multi-unit residential development (see **Table 2, Appendix 1**). This is reflective of the pressure for housing growth which is also the case in Queenstown and Wanaka.
50. On this basis, I am of the opinion that RDA is appropriate and is a more proactive regime for enabling medium density development within the Zone, where appropriate. RDA status will assist to guide users in what specific issues will be considered under any assessment. It will provide greater certainty and overall efficiencies.

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<sup>11</sup> Para 10.37, Section 42A Report Subdivision and Development, Mr. Bryce

51. In terms of the comments by Ms Leith on the drafting of RDA matters of discretion/assessment matters, the original Kreft submission adopted the Council's approach within the PDP. I understand that this has come under scrutiny, and accordingly I set out below (and in relation to the other rules) a revised approach, which I understand to be good practice (note that the assessment matters could be located within a separate section of the plan). I also note that there is some inconsistency in the provisions outlined in the revised chapter that may require tweaking.
52. Accordingly, I recommend that the relevant matters of discretion and associated assessment matters for density, are as follows:
- (a) Where a proposal exceeds the density rule, discretion is restricted to the following:
    - (i) Impacts on residential amenity and neighbourhood character.
    - (ii) Impacts on outlook, sunlight and privacy from adjoining properties.
    - (iii) Built form, visual dominance and appearance.
  - (b) Assessment Matters:
    - (i) The extent to which the infringement provides for medium density housing as anticipated by the zone.
    - (ii) Whether the development contributes positively to residential amenity and the streetscape character, with buildings that are orientated to the street and avoid facades that are blank or dominated by garages.
    - (iii) Whether the development provides a high level of residential amenity for occupants, including outlook, sunlight and privacy through site layout and orientation.
    - (iv) Whether the development connects outdoor spaces to internal living spaces and ensures communal private open spaces are attractive and usable.
    - (v) The ability to mitigate any significant adverse effects of the density infringement through increased separation

distances between buildings and adjoining sites, the provision of screening or other methods.

- (vi) The extent to which the development is designed to minimise visual bulk through building form, appearance and architectural detailing.
- (vii) The extent to which the topography or landscape design mitigates any density effects.
- (viii) Whether the design integrates access and parking and appropriately mitigates any significant impacts of these on the streetscape.

## HEIGHT

- 53. Notified Rule 8.5.1 sets out a height limit of 7m for Wanaka and non-complying status for any breach of the rule.
- 54. The submission opposed the non-complying status for breach of the building height rule. RDA status was sought and assessment matters were outlined as part of the submission.
- 55. In the Council's s42A Report in relation to building heights. Mr Falconer notes that the notified height of 7m only allows for two storey development and recommends that these heights be increased to 10m to allow for a three storey level building and roof given that three level terraces and small townhouses are common medium density dwellings<sup>12</sup>.
- 56. The above comment highlights that the MDR Zone provisions are not as enabling as medium density housing areas in other locations, and that the proposed provisions are sympathetic to the amenity and character of the **existing** neighbourhoods, rather than the change anticipated for the zone.<sup>13</sup>
- 57. As highlighted earlier in my evidence, there is no difference in the height limit between the LDR and MDR Zones, and only 1m difference when moving to the HDR Zone (and only for flat sites). Given this, and in light of the comments above, further consideration needs to be

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<sup>12</sup> Page 57, para 10.113, S42A Report, reference to Mr. Falconer's statement

<sup>13</sup> Page 57, para 10.113, S42A Report, Ms. Leith

given to how the zone objectives are to be achieved, and given that a change in the built form is anticipated.

58. In seeking a suitable transition between the LDR, MDR and HDR Zones, greater flexibility to exceed the height limit is considered appropriate. No substantial reasoning is given as to why the height limits are no different to the LDR Zone and what specific amenity values exist in Wanaka that mean that a greater height is not justified. I note that the Council have considered a tiered approach to consideration of height within the HDR Zone for Queenstown. This approach could also work across the Wanaka zones. In addition, the package of rules together need to facilitate a change in housing typology, not just a change to the density and coverage rules.
59. Although breaches in height 'can' result in significant adverse effects as outlined by Ms Leith<sup>14</sup>, they can also be minor infringements that result in achieving a new housing typology, or a better design outcome.
60. On this basis, I recommend that the assessment matters (outlined in the original submission) are modified, to achieve a robust assessment framework for any infringements, as follows:
- (a) Where a proposal exceeds building height, discretion is restricted to the following:
    - (i) Impacts on adjoining properties in respect of privacy and overlooking.
    - (ii) Impacts on views from adjoining properties.
    - (iii) Access to sunlight and impacts of shading.
    - (iv) Built form and appearance.
  - (b) Assessment Matters:
    - (i) The extent to which the infringement adversely affects the amenity values of adjoining properties, relative to a complying proposal, with particular reference to dominance impacts, views and outlook, and sunlight access to adjacent properties.

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<sup>14</sup> Page 60, para 10.121, S42A Report, Ms. Leith

- (ii) The ability to mitigate any significant adverse effects of additional height through increased separation distances between buildings and adjoining sites, the provision of screening or other methods.
- (iii) The extent to which the infringement provides for greater articulation of rooflines and visual interest.

## **BUILDING COVERAGE**

- 61. Notified Rule 8.5.4 relates to the maximum building coverage of 45%. Any breach requires discretionary consent.
- 62. The submission opposed the discretionary status for breach of the building coverage rule. RDA status was sought and assessment matters were outlined as part of the submission. In addition, the submission sought the retention of the rights in the ODP for the Warren Street Property as obtained through consent order in respect of Plan Change 10<sup>15</sup> allowing a 5% larger site coverage rule than in the notified MDR Chapter. Under the PDP, both sites would have a requirement of 45%.
- 63. The removal of the 50% coverage has not been addressed in the Council's s42A report and no justification given for its removal. In addition, Ms Leith does not support the proposed change to RDA status, but limited explanation is provided. Ms Leith is concerned that effects from building coverage can manifest in many different ways (building dominance, access to sunlight, impacts upon views).
- 64. This may (or may not) be the case, but this is not a reason in itself to not consider an efficient and flexible regime in which to consider those developments which breach the rule. I also note that no application to undertake development of 4 or more residential units will be assessed as RDA, with an extensive list of assessment matters outlined. I stress the importance to achieving plan efficiencies and in that respect, changing the status from discretionary to RDA does not equate to

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<sup>15</sup> Consent Order; *Kreft v Queenstown Lakes District Council* (ENV-2007-CHC-317) dated 29 July 2009

reducing the amount of content within the plan, or the length of the plan chapters.

65. In terms of the 50% coverage for the Warren Street property, this is not inconsistent with a medium density housing scenario, a number of the neighbouring sites on Warren Street (see Photo of 25-29 Warren Street), and no added adverse effects are anticipated. Therefore, I believe that the existing provisions of the consent order should be retained.



*Photograph of 25-29 Warren Street (the Belvedere Luxury Apartments) – Opposite 26 Warren Street*

66. Overall, it is my opinion that RDA status would provide greater flexibility to accommodate a design-led approach to the design of new medium density typologies.
67. I recommend that the assessment matters outlined in the original submission are modified, as follows, to achieve a robust framework for assessment of any site coverage breaches.
- (a) Where a proposal exceeds building coverage, discretion is restricted to the following:
    - (i) Built form, visual dominance and appearance.
    - (ii) Impacts on residential amenity and streetscape character.
    - (iii) Impacts on views from adjoining properties.

- (iv) Access to sunlight and impacts of shading.
- (b) Assessment Matters:
- (i) The extent to which the infringement provides for greater variation in the built form through use of projections and recessed building elements, varied roof lines and materials and colours.
  - (ii) Whether the balance of open space to buildings will achieve the character anticipated for the zone.
  - (iii) The extent to which the topography or landscape mitigates any visual dominance effects, including on adjoining sites and from the street or public space.
  - (iv) The extent to which the infringement significantly adversely affects the amenity values of adjoining properties, relative to a complying proposal, with particular reference to dominance impacts, views and outlook, and sunlight access.

## **RECESSION PLANES**

68. Notified Rule 8.5.6 sets out the recession plane requirements for buildings, with any breach requiring consent for a non-complying activity.
69. The submission opposed the non-complying status for breach of the recession plane rule. RDA status was sought and assessment matters were outlined as part of the submission.
70. I note that Ms Leith in her s42A Report outlines that compared with the recession plane angles prescribed within the ODP the angles have been relaxed<sup>16</sup>. That is true, however it is important to also note that the PDP seeks to include new land within the MDR Zone that the ODP provisions were particularly onerous. The proposed angles are now more consistent with those contained in other District Plans.

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<sup>16</sup> Page 53, para 10.97, S42A Report, Ms. Leith

71. In addition, it is not uncommon in other District Plans for non-compliance to be addressed by way of RDA status. **Table 2** within **Appendix 1** outlines such a regime under both the Christchurch and Auckland District Plans.
72. In order to enable development of multi-unit, duplex and townhouse developments, as anticipated by the MDR Zone, greater flexibility and certainty is required. Although breaches of recession plane rules can result in significant adverse effects, this is often not the case, with small infringements required to achieve a good architectural outcome.
73. Accordingly, it is my opinion that RDA status would provide the necessary flexibility to accommodate a design-led approach for new medium density typologies and greater certainty for plan users.
74. I recommend that the assessment matters (outlined in the original submission) are tweaked, as follows, and consider that these will provide a suitable assessment framework for any breach.
- (a) Where a proposal exceeds recession planes, discretion is restricted to the following:
- (i) Impacts on adjoining properties in respect of privacy and overlooking.
  - (ii) Access to sunlight and impacts of shading.
  - (iii) Impacts on views from adjoining properties.
  - (iv) Built dominance and visual appearance.
- (b) Assessment Matters:
- (i) The extent to which the infringement will result in significant adverse effects on the amenity values of adjoining properties, relative to a complying proposal, with particular reference to dominance impacts, views and outlook, and sunlight access.
  - (ii) The extent to which the infringement provides for greater variation in the built form through use of projections and recessed building elements, varied roof lines and materials and colours.

- (iii) The extent to which the topography or landscape mitigates any significant visual dominance effects.
- (iv) The ability to mitigate any adverse effects through increased separation distances between buildings and adjoining sites, the provision of screening or other methods.

## **LANDSCAPE PERMEABLE SURFACE**

- 75. Notified Rule 8.5.7 requires at least 25% of site area to comprise landscape permeable surface. Any breach will require consent for a Non-complying activity.
- 76. The submission opposed the non-complying status for breach of the landscape permeable surface rule. RDA status was sought and assessment matters were outlined as part of the submission.
- 77. Ms Leith in her s42A report recommends that the non-complying status could be changed to RDA status:

*“As the assessment of breaches to this rule are discrete being the use of landscaping to improve visual appearance to mitigate potential dominance effects and also to allow for on-site disposal of stormwater.”*

- 78. I support this change. I note that the associated ‘matters of discretion’ are written as ‘assessment matters’ and this approach may need rewording.
- 79. As a result of this change the ability to adequately address stormwater on-site has been added to the assessment of any breach to the landscape permeable surface rule (“The ability for adequate on-site stormwater disposal”<sup>17</sup>). I am comfortable with the inclusion of this provision.

## **BOUNDARY SETBACKS**

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<sup>17</sup> Provision 8.5.7 bullet point 2, Revised Chapter 8.

80. Notified Rule 8.5.8 prescribes a 3m road boundary setback and a 1.5m setback from all other boundaries. Full Discretionary consent is required for any breach of the rule.
81. The submission opposed the discretionary status for breach of the boundary setback rules. RDA status was sought and assessment matters outlined as part of the submission.
82. Ms Leith outlines in her s42A Report that the matters of discretion volunteered do not cover all the matters of discretion, and accordingly:
- “Reduced setbacks do in some instances have the potential to result in effects on the amenity of neighbouring properties and the streetscape and given that the attributes of residential sites differ from site to site, a discretionary activity status is in my view more appropriate.”<sup>18</sup>*
83. I consider that the higher order policy framework, including the focus on good urban design outcomes and the need to achieve effectiveness and efficiency in guiding plan users (as to those matters that are central to achieving good medium density design outcomes) indicate that RDA status is appropriate.
84. I recommend that the matters of discretion and associated assessment matters (outlined in the original submission) are tweaked, as follows, to enable a robust and comprehensive assessment to be undertaken.
- (a) Where a proposal infringes the boundary setback rules, discretion is restricted to the following:
- (i) Impacts on residential amenity and streetscape character.
  - (ii) Impacts on privacy and sunlight from adjoining properties.
  - (iii) Visual dominance of the buildings.
- (b) Assessment Matters:
- (i) The extent of any significant adverse effects resulting from the proximity of the development to adjoining sites, streets

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<sup>18</sup> Page 51, para 10.90, Section 42A Report, Ms. Leith

and spaces, in terms of visual amenity, building dominance, or loss of privacy or sunlight.

- (ii) The extent to which the intrusion towards the boundary is necessary to enable the efficient development of the site, including retention of natural features and significant trees.
- (iii) The extent to which the topography or landscape design mitigates any reduced setback.

### **WINDOW SILL HEIGHT**

- 85. Notified Rule 8.5.10 requires that window sill heights above the first storey shall not be set lower than 1.5m above the floor level where the external face of the window is within 4m of the site boundary. Consent is required for a full discretionary activity if a breach occurs.
- 86. The submission opposed the discretionary status for breach of the window sill height rule. RDA status was sought and assessment matters were outlined as part of the submission.
- 87. Ms Leith in her s42A Report recommends the removal of the Notified Rule 8.5.10, and that reference to window sill height controls in Notified Policy 8.2.4.1 is also deleted<sup>19</sup>. I support this position, along with the proposed changes to redrafted Objective 8.2.3 and Notified Rule 8.4.11.

### **CONCLUSION**

- 88. I support the contiguous zoning of the Warren and Stratford Street Properties to MDR. Both properties are within walking distance of the Wanaka Town Centre and other amenities and services. The eastern end of Warren Street already includes a number of different housing typologies and the intensity of development anticipated by the MDR Zone is capable of being absorbed.
- 89. The MDR Zone policy framework does **not** in my opinion support the non-complying status outlined for many of the prescribed bulk and

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<sup>19</sup> Page 47, para 10.73, S42A Report, Ms. Leith

location rules. This highlights a major disconnect between the policy and rule frameworks.

90. I consider that RDA status will better achieve the proposed policy outcomes providing for medium density housing in central locations. Those policy outcomes are intended to address higher order housing supply, choice and affordability issues.
91. There are several examples across the country where a RDA regime has been established within medium density environments, including Christchurch and Auckland. An RDA process will create greater certainty and transparency around issues to be considered if a rule breach occurs, and promote a design-led approach to providing new, quality, innovate housing typologies outcomes in the District.

#### **RELIEF SOUGHT**

92. Taking into account the revised provisions contained in s42A Report, and the evaluation above, I suggest amending the revised proposal as outlined in **Appendix 2, Table 3**. Additions shown in 'track changes' and deletions are ~~double-strike through~~.



30 September 2016

JANE MAREE RENNIE

**APPENDIX 1 – TABLE 2 – EXAMPLES OF MEDIUM DENSITY RULES  
AND ASSESSMENT MATTERS FROM THE CHRISTCHURCH AND  
AUCKLAND DISTRICT PLANS**

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**Examples of Medium Density Rules and Assessment Matters**

**Christchurch District Plan**

**Chapter 14: Residential: Medium Density**

**14.3.2.1 Restricted discretionary activities**

<p>RD1</p>	<p>The erection of new buildings and alterations or additions to existing buildings including all accessory buildings, fences and walls associated with that development, that result in:</p> <p>a. three or more residential units; or  b. one or two residential units on a site smaller than 300m<sup>2</sup> gross site area (prior to subdivision); or  c. one or two residential units resulting in residential floor area greater than 500m<sup>2</sup>; or  d. over 40m<sup>2</sup> of a building used for other activities, on a site.</p> <p>Except (until date of completion of the infrastructure work) on any site located within the Riccarton Wastewater Interceptor Overlay.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p>	<p><b>a. Residential design principles - 14.13.1</b></p> <p><b>City context and character</b>  a. Whether the design of the development is in keeping with, or complements, the scale and character of development anticipated for the surrounding area and relevant significant natural, heritage and cultural features.</p> <p>The relevant considerations are the extent to which the development:</p> <ul style="list-style-type: none"> <li>i. includes, where relevant, reference to the patterns of development in and/or anticipated for the surrounding area such as building dimensions, forms, setbacks and alignments, and secondarily materials, design features and tree plantings; and</li> <li>ii. retains or adapts features of the site that contribute significantly to local neighbourhood character, potentially including existing heritage buildings, site contours and mature trees.</li> </ul> <p><b>Relationship to the street and public open spaces</b>  a. Whether the development engages with and contributes to adjacent streets, and any other adjacent public open spaces to contribute to them being lively, safe and attractive.</p> <p>The relevant considerations are the extent to which the development:</p> <ul style="list-style-type: none"> <li>i. orientates building frontages including entrances and windows to habitable rooms toward the street and adjacent public open spaces;</li> <li>iii. designs buildings on corner sites to emphasise the corner; and</li> <li>iv. avoids street facades that are blank or dominated by garaging.</li> </ul>
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		<p><b>Built form and appearance</b></p> <p>a. Whether the development is designed to minimise the visual bulk of the buildings and provide visual interest.</p> <p>The relevant considerations are the extent to which the development:</p> <ol style="list-style-type: none"> <li>i. subdivides or otherwise separates unusually long or bulky building forms and limits the length of continuous rooflines;</li> <li>ii. utilises variety of building form and/or variation in the alignment and placement of buildings to avoid monotony;</li> <li>iii. avoids blank elevations and facades dominated by garage doors; and</li> <li>iv. achieves visual interest and a sense of human scale through the use of architectural detailing, glazing and variation of materials.</li> </ol> <p><b>Residential amenity</b></p> <p>a. In relation to the built form and residential amenity of the development on the site (i.e. the overall site prior to the development), whether the development provides a high level of internal and external residential amenity for occupants and neighbours.</p> <p>The relevant considerations are the extent to which the development:</p> <ol style="list-style-type: none"> <li>i. provides for outlook, sunlight and privacy through the site layout, and orientation and internal layout of residential units;</li> <li>ii. directly connects private outdoor spaces to the living spaces within the residential units;</li> <li>iii. ensures any communal private open spaces are accessible, usable and attractive for the residents of the residential units; and</li> <li>iv. includes tree and garden planting particularly relating to the street frontage, boundaries, accessways, and car parking.</li> </ol> <p><b>Access, parking and servicing</b></p> <p>a. Whether the development provides for good access and integration of space for parking and servicing.</p> <p>The relevant considerations are the extent to which the development:</p> <ol style="list-style-type: none"> <li>i. integrates access in a way that is safe for all users, and offers convenient access for pedestrians to the street, any nearby parks or other public recreation spaces;</li> </ol>
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		<ul style="list-style-type: none"> <li>ii. provides for car parking and garaging in a way that does not dominate the development, particularly when viewed from the street or other public open spaces; and</li> <li>iii. provides for suitable storage and service spaces which are conveniently accessible, safe and/or secure, and located and/or designed to minimise adverse effects on occupants, neighbours and public spaces.</li> </ul> <p><b>Safety</b></p> <ul style="list-style-type: none"> <li>a. Whether the development incorporates Crime Prevention Through Environmental Design (CPTED) principles as required to achieve a safe, secure environment.</li> </ul> <p>The relevant considerations are the extent to which the development:</p> <ul style="list-style-type: none"> <li>i. provides for views over, and passive surveillance of, adjacent public and publicly accessible private open spaces;</li> <li>ii. clearly demarcates boundaries of public and private space;</li> <li>iii. makes pedestrian entrances and routes readily recognisable; and</li> <li>iv. provides for good visibility with clear sightlines and effective lighting.</li> </ul> <p><b>Hillside and small settlement areas</b></p> <ul style="list-style-type: none"> <li>a. Whether the development maintains or enhances the context and amenity of the area.</li> </ul> <p>The relevant considerations are the extent to which the development:</p> <ul style="list-style-type: none"> <li>i. maintains significant and distinctive landforms, geological features, water bodies and courses, indigenous and exotic vegetation, coastal margins and the habitat of indigenous fauna;</li> <li>ii. has regard to and protects historic heritage from inappropriate subdivision use and development, and recognizes the relationship of Ngāi Tahu manawhenua with their ancestral lands, water, sites of cultural significance and other taonga, including access to mahinga kai and sites of cultural significance;</li> <li>iii. is designed and located in a way that reduces dominance of buildings and structures;</li> <li>iv. incorporates environmentally sustainable and low impact subdivision, site and building design;</li> <li>v. responds to the qualities that are distinct and unique to each small settlement; and</li> <li>vi. where appropriate and possible, maintains views from properties.</li> </ul>
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		<p><b>b. Minimum unit size and unit mix - 14.13.4</b></p> <p>a. When considering under sized units, whether the reduced unit size is appropriate taking into account:</p> <ul style="list-style-type: none"> <li>i. the floorspace available and the internal layout and their ability to support the amenity of current and future occupants;</li> <li>ii. other onsite factors that would compensate for a reduction in unit sizes e.g. communal facilities;</li> <li>iv. scale of adverse effects associated with a minor reduction in size in the context of the overall residential complex on the site; and</li> <li>v. needs of any social housing tenants.</li> </ul>
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**14.2.3 Built Form Standards**

Rule	Activity Status of Non-Compliance	Assessment matters
<p><b>14.3.3.1 Site Density Multi-unit residential complexes</b></p> <p>There shall be no minimum net site area for any site for any residential unit or older person's housing unit</p>	<p>No minimum site area</p>	<p>None.</p>
<p><b>14.3.3.3 Building height and maximum number of storeys</b></p> <p>All buildings =11m provided there is a maximum of 3 storeys</p> <hr/> <p>Residential Medium Density Lower Height Limit Overlay = 8 metres</p> <p>On sites of 1500m<sup>2</sup> or greater, the maximum height of any building shall be 11 metres, with a maximum of three storeys, except that:</p> <ul style="list-style-type: none"> <li>i. Within 10 metres of a site</li> </ul>	<p>Buildings that do not comply with Rule 14.3.3.3 up to a maximum height of 14 metres (unless otherwise provided for in that rule) = RDA.</p> <p>Activities and buildings that do not comply with Rule 14.3.3.3 where the height is over 14 metres (unless otherwise specified in that rule) = NC.</p>	<p><b>a. Impacts on neighbouring property - 14.13.3</b></p> <p>a. Whether the increased height, reduced setbacks, or recession plane intrusion would result in buildings that do not compromise the amenity of adjacent properties taking into account: i. overshadowing of adjoining sites resulting in reduced sunlight and sunlight admission to internal and external living spaces beyond that anticipated by the recession plane, and where applicable the horizontal containment requirements for the zone;</p> <ul style="list-style-type: none"> <li>ii. any loss of privacy through being overlooked from neighbouring buildings;</li> <li>ii. whether development on the adjoining site, such as large building setbacks, location of outdoor living spaces, or separation by land used for vehicle access, reduces the need for protection of adjoining sites from overshadowing;</li> <li>iv. the ability to mitigate any adverse effects of increased height or recession plane breaches through increased separation distances between the building and adjoining sites, the provision of</li> </ul>

Rule	Activity Status of Non-Compliance	Assessment matters
<p>boundary that directly adjoins the Residential Suburban or Residential Suburban Density Transition Zone, the maximum height shall be 8 metres.</p> <p>Residential Medium Density Lower Height Limit Overlay at Central Riccarton = 8m</p> <p>All Residential Medium Density Height Limit Overlays (other than at Carlton Mill Road) = Any building shall not exceed 5 storeys above ground level</p>		<p>screening or any other methods; and</p> <p>vi. within a Flood Management Area, whether the recession plane infringement is the minimum necessary in order to achieve the required minimum floor level.</p>
<p><b>14.3.3.4 Site coverage</b></p> <p>50%</p> <p>Calculated over the net area of the site of the entire complex or group, rather than over the net area of any part of the complex or group</p>	RDA	<p><b>a.Site density and site coverage -14.13.2</b></p> <p>a. Whether the non-compliance is appropriate to its context taking into account:</p> <p>i. whether the balance of open space and buildings will maintain the character anticipated for the zone;</p> <p>ii. any visual dominance of the street resulting from a proposed building's incompatible scale;</p> <p>iii. any loss of opportunities for views in the Residential Banks Peninsula and Residential Conservation [defer to Stage 2] Zones; and</p> <p>iv. the proportion of the building scale in relation to the proportion of the site.</p>
<p><b>14.2.3.6 Sunlight recession planes</b></p> <p>a. Buildings shall not project beyond a building envelope constructed by recession planes, as shown in Appendix 14.14.2 Diagram A and Diagram B as relevant, from points 2.3 metres above:</p> <p>i. ground level at the internal boundaries; or</p> <p>ii. where an internal boundary of a</p>	RDA	<p><b>a. Impacts on neighbouring property - 14.13.3</b></p> <p>As above.</p>

Rule	Activity Status of Non-Compliance	Assessment matters
<p>site abuts an access lot or access strip the recession plane may be constructed from points 2.3 metres above ground level at the furthest boundary of the access lot or access strip or any combination of these areas; or</p> <p>iii. where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.</p>		
<p><b>14.3.3.7 Minimum building setbacks from internal boundaries</b></p> <p>Minimum setback of buildings = 1m.</p> <p>Where residential buildings on adjoining sites have a ground floor window of a habitable space located within 1m of the common internal boundary = 1.8m from that neighbouring window for a minimum length of 2 metres either side of the window – refer diagram below.</p> <p>This rule also applies to accessory buildings</p>	RDA	<p><b>a. Impacts on neighbouring property - 14.13.3</b></p> <p>As above</p> <p><b>b. Minimum building, window and balcony setbacks - 14.13.19</b></p> <p>a. Any effect of proximity of the building on the amenity of neighbouring properties through loss of privacy, outlook, overshadowing or visual dominance of the buildings.</p> <p>b. Any adverse on the safe and effective operation of site access.</p> <p>c. The ability to provide adequate opportunities for garden and tree plantings around buildings.</p> <p>d. The extent to which the intrusion is necessary to enable more efficient cost. Effective and/or practical use of the remainder of the site, or the long term protection of significant trees or natural features on the site.</p>

Rule	Activity Status of Non-Compliance	Assessment matters
<p>Accessory buildings where the total length of walls or parts of the accessory building within 1 metre of each internal boundary does not exceed 10.1 metres in length</p> <p>Accessory buildings where the total length of walls or parts of the accessory building within 1 metre of each internal boundary does not exceed 10.1 metres in length = nil.</p> <p>= nil.</p>		
<p>All other buildings where the internal boundary of the site adjoins an access or part of an access – 1m</p>		
<p>14.3.3.8 Minimum setback and distance to living area windows and balconies and living space windows facing internal boundaries</p> <p>a. The minimum setback from an internal boundary for balconies shall be 4 metres.</p> <p>b. Where a wall of a residential unit is located between 1 metre and 4 metres from an internal boundary, any living space window located on this wall at first floor level or above shall contain glazing that is permanently obscured.</p> <p>c. For a retirement village, this rule only applies to the internal</p>	RDA	

Rule	Activity Status of Non-Compliance	Assessment matters
boundaries of the site of the entire retirement village.		
<b>14.2.3.9 Road boundary building setback</b> 2m	RDA  Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.	<p><b>a. Street scene - road boundary building setback, fencing and planting - 14.13.18</b></p> <p>a. The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street.</p> <p>b. The ability to provided adequate opportunity for garden and tree planting in the vicinity of road boundaries.</p> <p>c. The ability to provide passive surveillance of the street.</p> <p>d. The extent to which the breach is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site, or the long term-protection of significant trees or natural features on the site.</p> <p>e. For fencing, whether solid fencing is appropriate to provide acoustic insulation of living spaces where the road carries high volumes of traffic.</p> <p>f. The ability to provide adequate parking and manoeuvring space for vehicles clear of the road or shared access to ensure traffic and pedestrian safety.</p> <p>g. The effectiveness of other factors in the surrounding environment in reducing the adverse effects.</p>
Where a garage has a vehicle door that does not tilt or swing outwards facing a road = 4.5m		
Where a garage has a vehicle door that tilts or swings outward facing a road = 5.5m		
Where a garage has a vehicle door that does not tilt or swing outward facing a shared access way = 7 metres measured from the garage door to the furthest formed edge of the adjacent shared access.		
Where a garage has a vehicle door that tilts or swings outward facing a shared access way - 8 metres measured from the garage door the furthest formed edge of the adjacent shared access.		

## Auckland District Plan

### H4. Residential – Mixed Housing Suburban Zone

#### 14.3.2.1 Restricted discretionary activities

Rule	Activity status	Standards to be complied with	Matters of discretion	Assessment matters
Table H.4.4.1 (A3) Up to four dwellings per site	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Sunlight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Side and rear fences and walls		
Table H.4.4.1 (A4) Five or more dwellings per site	RDA	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards	(2) For five or more dwellings per site:  (a) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following: (i) building intensity, scale, location, form and appearance; (ii) traffic; and (iii) design of parking and access.  (b) all of the following standards: (i) Standard H4.6.8 Maximum impervious areas;	(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome: (i) Standard H4.6.8 Maximum impervious areas; (ii) Standard H4.6.9 Building coverage; (iii) Standard H4.6.10 Landscaped area; (iv) Standard H4.6.11 Outlook space; (v) Standard H4.6.12 Sunlight; (vi) Standard H4.6.13 Outdoor living space; and (vii) Standard H4.6.14 Side and rear fences

			<ul style="list-style-type: none"> <li>(ii)Standard H4.6.9 Building coverage;</li> <li>(iii)Standard H4.6.10 Landscaped area;</li> <li>(iv)Standard H4.6.11 Outlook space;</li> <li>(v)Standard H4.6.12 Sunlight;</li> <li>(vi)Standard H4.6.13 Outdoor living space; and</li> <li>(vii)Standard H4.6.14 Side and rear fences and walls.</li> </ul>	<p>and walls.</p> <ul style="list-style-type: none"> <li>(b)refer to Policy H4.3(1);</li> <li>(c)refer to Policy H4.3(2);</li> <li>(d)refer to Policy H4.3(3);</li> <li>(e)refer to Policy H4.3(4);</li> <li>(f)refer to Policy H4.3(5);</li> <li>(g)refer to Policy H4.3(6).</li> </ul>
<p><b>H4.6.4 Building Height</b>                  Purpose: to manage the height of buildings to:</p> <ul style="list-style-type: none"> <li>• achieve the planned suburban built character of predominantly one to two storeys;</li> <li>• minimise visual dominance effects;</li> <li>• maintain a reasonable standard of residential amenity for adjoining sites; and</li> <li>• provide some flexibility to enable variety in roof forms.</li> </ul> <p>Buildings must not exceed 8m in height except that 50 per cent of a building's (1)roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in Figure H4.6.4.1 Building height in the Residential – Mixed Housing Suburban Zone below.</p>			<ul style="list-style-type: none"> <li>(4) for buildings that do not comply with Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.9 Building coverage:</li> </ul>	<ul style="list-style-type: none"> <li>(a)refer to Policy H4.3(2);</li> <li>(b)refer to Policy H4.3(3);</li> <li>(c)refer to Policy H4.3(4).</li> </ul>
<p><b>H.4.6.5 Height in relation to boundary</b>                  Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours.</p> <p>(1)Buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level alongside and rear H4.6.5.1 boundaries, as shown in Figure Height in relation to boundary below.</p> <p>(4) Where the boundary forms part of a legal right of way, entrance strip or access site, the standard applies from the farthest boundary of that legal right of way, entrance strip or access site.</p> <p>(5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plan is:</p> <ul style="list-style-type: none"> <li>(a)no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and</li> </ul>			<ul style="list-style-type: none"> <li>(a)any policy which is relevant to the standard;</li> <li>(b)the purpose of the standard;</li> <li>(c)the effects of the infringement of the standard;</li> <li>(d)the effects on the rural and coastal character of the zone;</li> <li>(e)the effects on the amenity of neighbouring sites;</li> <li>(f)the effects of any special or unusual characteristic of the site which is relevant to the standard;</li> <li>(g)the characteristics of the development;</li> <li>(h)any other matters specifically listed for the standard; and</li> <li>(i)where more than one standard will be infringed, the effects of all infringements.</li> </ul>	

<p>(b)no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H4.6.5.2 Exceptions for gable ends and dormers below.</p>		
<p><b>H4.6.6. Alternative height in relation to boundary</b>  Purpose: to enable the efficient use of the site by providing design flexibility at the first floor of a dwelling close to the street frontage, while maintaining a reasonable level of sunlight access and minimising visual dominance effects to immediate neighbours.</p> <p>(1) This standard is an alternative to Standard H4.6.5 Height in relation to boundary and applies to development that is within 20m of the site frontage.</p> <p>(2) Buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings must be set back one metre and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then one metre for every additional metre in height (45 degrees) as shown in Figure H4.6.6.1 Alternative height in relation to boundary below.</p> <p>(5) Where the boundary forms part of a legal right of way, entrance strip or access site, the standard applies from the farthest boundary of that legal right of way, entrance strip or access site.</p> <p>(6) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:  (a)no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and  (b)no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H4.6.6.2 Exceptions for gable ends and dormers below.</p>		<p>(a)refer to Policy H4.3(2);  (b)refer to Policy H4.3(3); and  (c)refer to Policy H4.3(4).</p>
<p><b>H4.6.7 Yards</b>  Purpose:  • to maintain the suburban built character of the streetscape and provide sufficient space for landscaping within the front yard;  • to maintain a reasonable standard of residential amenity for adjoining sites;  • to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and  • to enable buildings and services on the site or adjoining sites to be adequately maintained.</p>		<p>a)refer to Policy H4.3(2); and  (b)refer to Policy H4.3(3).</p>

A building or parts of a building must be set back from the relevant boundary (1) by the minimum depth listed in Table H4.6.7.1 Yards below.

Table H4.6.7.1 Yards

Yard	Minimum depth
Front	3m
Side	1m
Rear	1m
Lakeside	10m.

**H4.6.12 Sunlight**

Purpose:

- to ensure adequate sunlight for living areas and bedrooms in dwellings, supported residential care and boarding houses; and
- in combination with the outlook standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

Where the proposed building and/or opposite building contains principal living

(1) room or bedroom windows in a dwelling, or main living/dining area or bedroom windows in supported residential care and boarding houses. That part of a building higher than 3m opposite buildings within the same site is limited in height to twice the horizontal distance between the two buildings for a length defined by a 55 degree arc from the centre of the window (refer to Table H4.6.12.1 Maximum height of the part of a building within a site facing a principal living room or bedroom window within the same site; Figure H4.6.12.1 Required setbacks for sunlight and Figure H4.6.12.2 Required setbacks for sunlight below). The arc may be swung to within 35 degrees of the plane of the wall containing the window as shown in Figure H4.6.12.2 Required setbacks for sunlight below.

(2) Where the principal living room, main living/dining area or bedroom has two or more external faces with windows, Standard H4.6.12(1) above will apply to the largest window.

(3) Where the window is above ground level, the height restriction is calculated from the floor level of the room containing the window.

(4) Standards H4.6.12(1), (2) and (3) do not apply to development opposite the first 5m of a building which faces the street, measured from the front corner of the building.

(e)refer to Policy H4.3(2);  
 (f)refer to Policy H4.3(3); and  
 (g)refer to Policy H4.3(4).

<p>Table H4.6.12.1 Maximum height of that part of a building within a site facing a principal living room or bedroom window within the same site</p> <table border="1"> <thead> <tr> <th>Distance of the building from the largest principal living room, living/dining room or bedroom window (x)</th> <th>Maximum height of the defined portion of wall opposite an identified window</th> <th>Length of wall restricted if 55 degree arc is perpendicular to window (y) (rounded)</th> </tr> </thead> <tbody> <tr> <td>1.0m</td> <td>2.0m</td> <td>1.0m</td> </tr> <tr> <td>...</td> <td></td> <td></td> </tr> <tr> <td>4.0m</td> <td>8.0m</td> <td>4.0m</td> </tr> </tbody> </table>			Distance of the building from the largest principal living room, living/dining room or bedroom window (x)	Maximum height of the defined portion of wall opposite an identified window	Length of wall restricted if 55 degree arc is perpendicular to window (y) (rounded)	1.0m	2.0m	1.0m	...			4.0m	8.0m	4.0m		
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4.0m	8.0m	4.0m														
<p><b>H4.6.9 Building coverage</b>                  Purpose: to manage the extent of buildings on a site to achieve the planned suburban built character of buildings.</p> <p>(1) The maximum building coverage must not exceed 40 per cent of the net site area.</p>				<p>(a)refer to Policy H4.3(2); and                  (b)refer to Policy H4.3(3).</p>												

**H4.3. Policies**

- (1) Enable a variety of housing types including integrated residential development such as retirement villages.
- (2) Achieve the planned suburban built character of predominantly two storeys buildings, in a variety of forms by:
  - (a) limiting the height, bulk and form of development;
  - (b) managing the design and appearance of multiple-unit residential development; and
  - (c) requiring sufficient setbacks and landscaped areas.
- (3) Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.
- (4) Require accommodation to be designed to:
  - (a) provide privacy and outlook; and
  - (b) have access to sunlight and sunlight and provide the amenities necessary to (b)meet the day-to-day needs of residents.
- (5) Encourage accommodation to have useable and accessible outdoor living space.
- (6) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.

**APPENDIX 2 – TABLE 3 – RELIEF SOUGHT**

	<b>Standards for activities located in the Medium Density Residential Zone</b>	<b>Non-compliance status</b>
8.5.1	<p><b>Building Height (for flat and sloping sites)</b></p> <p>8.5.1.1 Wanaka and Arrowtown: A maximum of 7 metres except for the following:  a. Within 15 metres of Designation 270: Queenstown Lakes District Council recreation reserve where the maximum height is 5.5 metres.</p> <p>8.5.1.2 All other locations: A maximum of 8 metres.</p> <p><b>Note:</b> Refer to Definition for interpretation of building height.</p> <p><u>Where a proposal exceeds building height, discretion is restricted to the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Impacts on adjoining properties in respect of privacy and overlooking.</u></li> <li>• <u>Impacts on views from adjoining properties.</u></li> <li>• <u>Access to sunlight and impacts of shading.</u></li> <li>• <u>Built form and appearance.</u></li> </ul> <p><u>Assessment Matters:</u></p> <p>a. <u>The extent to which the infringement adversely affects the amenity values of adjoining properties, relative to a complying proposal, with particular reference to dominance impacts, views and outlook, and sunlight access to adjacent properties.</u></p> <p>b. <u>The ability to mitigate any adverse effects of additional height through increased separation distances between buildings and adjoining sites, the provision of screening or other methods.</u></p> <p>c. <u>The extent to which the infringement provides for greater articulation of rooflines and visual interest.</u></p>	NC <del>RD</del>
8.5.4	<p><b>Building Coverage</b></p> <p>A maximum of 45%.</p> <p><u>Where a proposal exceeds building coverage, discretion is restricted to the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Built form, visual dominance and appearance.</u></li> <li>• <u>Impacts on residential amenity and streetscape character.</u></li> <li>• <u>Impacts on views from adjoining properties.</u></li> <li>• <u>Access to sunlight and impacts of shading.</u></li> </ul> <p><u>Assessment Matters:</u></p> <p>a. <u>The extent to which the infringement provides for greater variation in the built form through use of projections and recessed building elements, varied roof lines and materials and colours.</u></p> <p>b. <u>Whether the balance of open space to buildings will achieve the character anticipated for the zone.</u></p> <p>c. <u>The extent to which the topography or landscape mitigates any visual dominance effects, including on adjoining sites and from the street or public space.</u></p> <p>d. <u>The extent to which the infringement adversely affects the amenity values of adjoining properties, relative to a complying proposal, with particular reference to dominance impacts, views and outlook, and sunlight access.</u></p>	<del>D</del> RD
8.5.5	<p><b>Density</b></p> <p>8.5.5.1 The maximum site density shall be one residential unit or dwelling per 250m<sup>2</sup> net site area.</p> <p>However, this rule shall not apply where the development can achieve certification to a minimum 6-star level using the New Zealand Green Building Council Homestar™ Tool.</p> <p>Notwithstanding the above, the exceptions applying to developments achieving certification to a minimum 6-star level using the New Zealand Green Building Council Homestar™ Tool shall cease to apply at a date being five years</p>	NC <del>D</del> RD

	<p>after the date the Medium Density Residential Zone is made operative.</p> <p>8.5.5.2 The minimum site density for the Medium Density Residential zoned land in Frankton adjoining State Highway 6 and in Wanaka adjoining Aubrey Road shall be one residential unit per 400m<sup>2</sup> net site area.</p> <p><u>Where a proposal exceeds the density rule, discretion is restricted to the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Impacts on residential amenity and neighbourhood character.</u></li> <li>• <u>Impacts on outlook, sunlight and privacy from adjoining properties.</u></li> <li>• <u>Built form, visual dominance and appearance.</u></li> </ul> <p><u>Assessment Matters:</u></p> <ol style="list-style-type: none"> <li>a. <u>The extent to which the infringement provides for medium density housing as anticipated by the Zone.</u></li> <li>b. <u>Whether the development contributes positively to residential amenity and streetscape character, with buildings that are orientated to the street and avoid facades that are blank or dominated by garages.</u></li> <li>c. <u>Whether the development provides a high level of residential amenity for occupants, including outlook, sunlight and privacy through site layout and orientation.</u></li> <li>d. <u>Whether the development connects outdoor spaces to internal living spaces and ensure communal private open space are attractive and usable.</u></li> <li>e. <u>The ability to mitigate any significant adverse effects of the density infringement through increased separation distances between buildings and adjoining sties, the provision of screening or other methods.</u></li> <li>f. <u>The extent to which the development is designed to minimise visual bulk through building form, appearance and architectural detailing.</u></li> <li>g. <u>The extent to which the topography or landscaping mitigates any density effects.</u></li> <li>h. <u>Whether the design integrates access and parking and appropriately mitigates any significant impacts of these on the streetscape.</u></li> </ol>	
8.5.6	<p><b>Recession plane (<u>applicable to flat sites only, and for including accessory buildings on flat and sloping sites</u>).</b></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>Note</b> - Refer to Definitions for detail of the interpretation of recession planes.</p> <p><u>Where a proposal exceeds recession planes, discretion is restricted to the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Impacts on adjoining properties in respect of privacy and overlooking.</u></li> <li>• <u>Access to sunlight and impacts of shading.</u></li> <li>• <u>Impacts on views from adjoining properties.</u></li> <li>• <u>Built dominance and visual appearance.</u></li> </ul> <p><u>Assessment Matters:</u></p> <ol style="list-style-type: none"> <li>a. <u>The extent to which the infringement will result in significant adverse effects on the amenity values of adjoining properties, relative to a complying proposal, with particular reference to dominance impacts, views and outlook, and sunlight access.</u></li> <li>b. <u>The extent to which the infringement provides for greater variation in the built form through use of projections and recessed building elements, varied roof lines and materials and colours.</u></li> <li>c. <u>The extent to which the topography or landscape mitigates any visual dominance effects.</u></li> <li>d. <u>The ability to mitigate any adverse effects through increased separation distances between buildings and adjoining sties, the provision of screening or</u></li> </ol>	NG RD

	<u>other methods.</u>	
8.5.7	<p><b>Landscaped permeable surface</b></p> <p>At least 25% of site area shall comprise landscaped permeable surface.</p> <p>Where a proposal does not provide 25%, discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• <u>The effects of any reduced landscape provision on the visual appearance or dominance of the site and buildings from adjacent sites and the public realm;</u></li> <li>• <u>The ability for adequate on-site stormwater disposal.</u></li> </ul>	NC RD
8.5.8	<p><b>Minimum Boundary Setback</b></p> <p>8.5.8.1 Road boundary setback: 3m, <u>except for:</u></p> <ol style="list-style-type: none"> <li><u>State Highway boundaries where the setback shall be 4.5m</u></li> <li><u>Garages which shall be setback 4.5m</u></li> </ol> <p>8.5.8.2 All other boundaries 1.5m <u>except for:</u></p> <ol style="list-style-type: none"> <li><u>Sites adjoining Designation 270: Queenstown Lakes District Council recreation reserve where the minimum setback shall be 6m.</u></li> </ol> <p>Exceptions to side <u>and rear</u> boundary setbacks <u>(excluding the setback in 8.5.8.2(a))</u> include:</p> <p>Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and comply with rules for Building Height and Recession Plane.</p> <p><u>Where a proposal infringes the boundary setback rules, discretion is restricted to the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Impacts on residential amenity and streetscape character.</u></li> <li>• <u>Impacts on privacy and sunlight from adjoining properties.</u></li> <li>• <u>Visual dominance of the buildings.</u></li> </ul> <p><u>Assessment Matters:</u></p> <ol style="list-style-type: none"> <li><u>The extent of any significant adverse effects resulting from the proximity of the development to adjoining sites, streets and spaces, in terms of visual amenity, building dominance, or loss of privacy or sunlight.</u></li> <li><u>The extent to which the intrusion towards the boundary is necessary to enable the efficient development of the site, including retention of natural features and significant trees.</u></li> <li><u>The extent to which the topography or landscape design mitigates any reduced setback.</u></li> </ol>	D RD
8.5.9	<p><b>Continuous Building Length</b></p> <p>The continuous length of any building facade above one storey ground floor level shall not exceed 16m-24m.</p> <p>Where a proposal exceeds this length, discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• <u>Building dominance</u></li> <li>• <u>Building design, materials and appearance</u></li> <li>• <u>The extent to which variation in the form of the building including the use of projections and recessed building elements, varied roof form, and varied materials and textures, reduces the potential dominance of the building.</u></li> <li>• <u>The extent to which topography or landscaping mitigates any dominance impacts</u></li> <li>• <u>The extent to which the height of the building influences the dominance of the building in association with the continuous building length.</u></li> </ul>	RD

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