

Appendix 3. Section 32 Report



Section 32 Evaluation Report

Large Lot Residential Zone

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Section 32 Evaluation Report: Large Lot Residential Zone

1. Strategic Context

Section 32(1)(a) of the Resource Management Act 1991 requires that a Section 32 evaluation report The purpose of the Act requires an integrated planning approach and direction, as reflected below:

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The remaining provisions in Part 2 of the Act provide a framework within which objectives are required to achieve the purpose of the Act and provisions are required to achieve the relevant objectives. The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources.

The Large Lot Residential Zone comprises areas developed under the operative District Plan Rural Residential Zone, now located within the proposed urban growth boundary.

The Large Lot Residential Zone supports the Strategic Direction and Urban Development framework of the Proposed District Plan through allocating and retaining land for larger lot suburban housing while enabling smaller lots where this is possible in greenfield sites. Notwithstanding the legacy left by the operative District Plan enabling large suburban lots close proximity to the Wanaka town centre, the Zone forms part of the overall housing approach sought by the Proposed District Plan, which aims to achieve a compact and efficient urban form, achieved through enabling increased density in appropriate locations. The zone provides one of the mechanisms for managing urban growth in a way and at a rate which meets the purpose of section 5(2) of the Act.

Section 31 of the Act outlines the function of a territorial authority in giving effect to the purpose of the Act:

31 Functions of territorial authorities under this Act

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district

Section 31 provides the basis for objectives, policies, and methods within a District Plan, to manage the effects of development. With regard to the Large Lot Residential Zone, the provisions outlined in this report have been developed in accordance with QLDC's function under Section 31 to manage the potential adverse effects of urban growth and development.

Section 31 reinforces the multi-faceted approach to managing urban development, which is based upon the establishment of defined urban limits, integrating land use and infrastructure, and promoting density in strategic locations.

Local Government Act 2002

Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—
- (i) the diversity of the community, and the community's interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):

(g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and

- (h) in taking a sustainable development approach, a local authority should take into account—
- (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations

The provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. The provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

2. Iwi Management Plans

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The following iwi management plans are relevant:

The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills contain the following policies that have specific regard to subdivision and development:

3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

Policy 6. Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

Section 3.5, Southland Plains: Te Rā a Takitimu contains the following policies that have specific regard to subdivision and development:

3.5.2 Wastewater

9. Encourage creative, innovative and sustainable approaches to wastewater disposal that make use of the best technology available, and that adopt principles of waste reduction and cleaner production (e.g. recycling grey water for use on gardens, collecting stormwater for a pond that can then be used for recreation in a new subdivision).

3.5.7 Subdivision and Development

Policies 1- 18 contain a range of policies that are relevant to the Subdivision and Development cover iwi involvement in planning processing and plan development, interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

The following policies are of particular relevance;

5.6.4 Cultural Landscapes General Policies

Subdivisions:

1. *To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*
2. *To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*
 - i. *All consents related to the subdivision to be sought at the same time.*
 - ii. *Protection of Kāi Tahu ki Otago cultural values.*
 - iii. *Visual amenity.*
 - iv. *Water requirements.*
 - v. *Wastewater and storm water treatment and disposal.*
 - vi. *Landscaping.*
 - vii. *Location of building platforms.*
3. *To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company .*
4. *To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.*
5. *To require public foot access along lakeshores and riverbanks within subdivisions.*

Land Use 10.2.3 Wai Māori Policies in the Clutha/Mata-au Catchment

9. *To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.*
10. *To promote sustainable land use in the Clutha/Mata-au Catchment.*
11. *To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.*
12. *To require reticulated community sewerage schemes that have the capacity to accommodate future population growth.*

3. Otago Regional Policy Statement 1998 (RPS, 1998)

Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative *Otago Regional Policy Statement 1998* (RPS, 1998), is the relevant regional policy statement to be given effect to within the District Plan.

The operative RPS 1998 contains a number of objectives and policies that are relevant to this review, namely:

Objective	Objectives	Policies	Relevance to the LLR Zone
To protect Otago’s outstanding natural features and landscapes from inappropriate subdivision, use and development	5.4.3	5.5.6	Encouraging urban growth within the identified urban growth boundary will help maintain the District’s landscapes.
Sustainable land use and minimising the effects of development on the land and water	5.4.1	5.5.3 to 5.5.5	The concentration or urban growth within an identified urban growth boundary promotes the sustainable use of resource.
To promote sustainable management of the built environment and infrastructure, as well as avoiding or mitigating against adverse effects on natural and physical resources.	9.4.1 to 9.4.3	9.5.1 to 9.5.5	The concentration or urban growth within an identified urban growth boundary promotes the sustainable use of infrastructure..

The zone maintains its traditional role in providing for housing on large urban allotments. Where reticulated servicing is available, there are more efficient density options available. However the majority of the zone is developed and the intent of the zone in most areas is to maintain the established form of housing.

Proposed Otago Regional Policy Statement 2015

Section 74 of the Act requires that a District Plan must “*have regard to*” any proposed regional policy statement.

The Proposed RPS was released for formal public notification on the 23 May 2015, and contains the following objectives and policies relevant to the Large Lot Residential Zone:

Objective	Objectives	Policies	Relevance to the LLR Zone
Otago’s significant and highly-valued natural resources are identified, and protected or enhanced	2.2	2.2.4	Encouraging urban growth within the identified urban growth boundary will help maintain the District’s landscapes.
Good quality infrastructure and services meets community needs	3.4	3.4.1	Encouraging urban growth within the identified urban growth boundary promotes the efficient use of, and provision of quality infrastructure.
Urban areas are well designed, sustainable and reflect local character	3.7	3.7.1, 3.7.2	The functionality, coherence and quality of the zone is dependent on good urban design.
Urban growth is well designed and integrates effectively with adjoining urban and rural environments	3.8	3.8.1, 3.8.2, 3.8.3	The functionality, coherence and quality of the zone is dependent on good urban design.
Sufficient land is managed and protected for economic production	4.3	4.3.1	Encouraging urban development within the identified urban growth boundary helps protect the rural land resource for economic production/

The proposed Large Lot Residential Zone provisions have regard to the Proposed RPS by ensuring urban areas are well designed, sustainable and reflect local character.

The zone departs from some the policy however, because the zone provisions seek to maintain the established large urban allotment size of 4000m² and do not contribute towards achieving a more compact and efficient urban form through urban intensification.

4. Resource Management Issues

For the most part, the proposed Large Lot Residential Zone maintains the established pattern of development created by the Operative District Plan Rural Residential Zone, where these areas are located within the proposed Urban Growth Boundary.

Both the Operative and Proposed District Plan policy for the Rural Residential zone do not accord with the respective policy frameworks for the Rural Residential Zone.

The established Rural Residential Zoned developments located amidst the Rural Zone generally have a different character and feel to the established Rural Residential Zoned developments located adjacent to and within the residential and town centres.

There is also a difference in the landscape and rural amenity sensitivity of these areas and it is considered that a different approach to management of these areas and those located within the Proposed Urban Growth Boundary is appropriate.

For comparisons sake, the Rural Residential Zone at Hawea Flat, Lakeshore Drive or John’s Creek are quite different in terms of landscape sensitivity, servicing constraints or opportunities and location. To the established Rural Residential Zoned developments located close to Wanaka and within the proposed Urban Growth Boundary, such as Far Horizon Drive, Aubrey Road and Golf Course Road.

The proposed zone generally provides for a density of one residence every 4000m². Identified areas have a residential density of one residence every 2000m² to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options landscaping and open space.

Being located within the Urban Growth Boundaries, a higher density of allotments could be appropriate in some areas where it would not degrade the established pattern of development or amenity values within established streets, or exceed infrastructure capacity.

The resource management issues set out in this section have been identified from the following sources:

- Wanaka Land Demands – Review of the Wanaka Structure Plan (2007)
- Plan Change 20 – Wanaka Urban Boundary
- Plan Change 21 - Queenstown Urban Boundary
- Plan Change 33 – Non-Residential Activities in the Residential, Rural Living and Township Zones
- Hawea Community Plan 2003
- Luggate Community Plan 2003
- Tomorrows Queenstown
- Wanaka 2020
- Wanaka Structure Plan 2007
- Rural General Zone Monitoring Report 2009
- Rural Living Zones Monitoring report 2009
- Informal Airports Research Report 2012
- QLDC Liquefaction Hazard 2013, prepared by Tonkin and Taylor Limited
- Otago regional Council Natural hazard reports
- Relevant legislative changes enacted since the Plan became operative

Consultation

Consultation on the District Plan Review and management of the rural zones was initiated in 2010, specific consultation on the proposed Large Lot Residential Zone was part of the following:

- January 9 – February 10 2015 Draft rural provisions and Section 32 reports placed on the Council's website and circulated to persons on the Council's District Plan Review distribution list, persons with an interest in the changes and statutory consultation parties required by the RMA.
- Written feedback from in the order of 40 persons/groups including feedback on the use of land zoned Rural Lifestyle and Rural Residential located within the Wanaka Structure Plan 2007: Inner Growth Boundary.
- Attended and spoke at the Hawea Community Association Meeting 10 January 2015 at Lake Hawea.
- Drop in sessions associated with the proposed residential medium density zone were held from February 2015. The information included a draft map of the proposed Wanaka Urban Growth Boundary and the identification of land that may be suitable for the Large Lot Residential Zone, identified at the time as 'Large Lot Urban'. Specific provisions were made available at the time, however it was conveyed that the zone for the most would be continuation of the development pattern established by the Rural Residential Zone.
 - Feedback from person who attended the drop in sessions, or provided written feedback included:
 - The potential to undertake infill subdivision of the existing and developed Rural Residential Zone lots from 4000m² to 2000m² lots.
 - The potential to re-zone existing larger allotments zoned Rural Lifestyle or Rural Residential that had not been subdivided to the Low Density Residential Zone.

The key issues are:

Issue 1: Recognise the different landscape sensitivity, rural amenity, location and servicing opportunities and constraints between the existing Rural Lifestyle and Rural Residential Zoned areas located within and outside the Proposed Urban Growth Boundary.

Generally, the Rural Residential Zone provides for a density of one dwelling per 4000m², and the Rural Lifestyle Zone provides for an average of one dwelling per two hectares with sites up to one hectare.

Many of the zones, some of which remain undeveloped, are located within the District's visually sensitive and valued landscapes, including Glenorchy, Bob's Cove, Lake Hayes, Mt Iron, Mt Barker, Makarora and Hawea.

Land zoned Rural Residential and Rural Lifestyle located near the urban centres and within the proposed Urban Growth Boundary requires a different management approach to recognise these differences.

Issue 2: Effective and efficient resource management.

Generally, anticipated residential development in the Rural Residential and Rural Lifestyle zones require resource consent as a controlled activity. Consequently, the alteration of buildings also require a resource consent, as do changes in colour or changes to previously approved site and landscape plans. Where existing buildings are to be altered, more often than not they require resource consent under section 127 of the RMA to change the conditions of the 'original' resource consent.

In the period from January 2011 to June 2014, 505 resource consents were granted in the Rural Residential and Rural Lifestyle zones (363 Rural Residential zone and 142 Rural Lifestyle zone). Of these, 331 (65%) were identified as a resource consent for a 'controlled activity', with relatively straightforward design and appearance related resource consents. Averaged over a five year period, these resource consents constitute approximately 18% of the resource consents issued by the Council per year.

Standards can be introduced that enable residential buildings as a permitted activity subject to performance standards controlling colour and the bulk and location of buildings. It is acknowledged that to date, the existing buildings were subject to controls and the Council's discretion to reduce the visual prominence of buildings. As part of the management of the existing character of these areas it is considered appropriate to manage the colour of buildings.

Through the formation of a new zone it is considered appropriate to address this issue.

Issue 3: Protecting amenity values for inhabitants

There is a lack of specificity in the objectives and policies relating to non-residential activities in the Rural Residential and Rural Lifestyle zones. The maintenance of amenity values and a pattern of development consistent with the expectations of inhabitants is an important determinant of the character and amenity of the zones.

Furthermore, the existing objective and policy framework does not identify existing rules relating to specific activities identified such as visitor accommodation within a visitor accommodation subzone.

Through this review, there is also considered an opportunity to specify community activities¹ which may be beneficial to proposed Large Lot Residential Zone. Through the formation of a new zone it is considered appropriate to address this issue.

The issues, costs and benefits of changes to the visitor accommodation provisions are set out in the Low Density Residential Section 32 Analysis.

5. Purpose and Options

The Large Lot Residential Zone provides low density living opportunities within defined Urban Growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of Urban Growth Boundaries.

¹ The District Plan definition of Community Activity means: Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes schools, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

The zone generally provides for a density of one residence every 4000m². Identified areas have a residential density of one residence every 2000m² to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options landscaping and open space.

Being located within the Urban Growth Boundaries, a higher density of allotments could be appropriate in some areas where it would not degrade the established pattern of development or amenity values within established streets, or exceed infrastructure capacity.

The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and, where required, design and landscaping controls imposed at the time of subdivision.

Community activities and low intensity forms of visitor accommodation may be appropriate provided the low density development character and amenity for residents is maintained and there is a demonstrated need to locate in the zone.

While development is anticipated in the zone, some areas are subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision.

Strategic Directions

The following goals, objectives and policies from the Strategic Directions chapter of the draft Plan are relevant to this assessment:

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

- *to promote a compact, well designed and integrated urban form;*
- *to manage the cost of Council infrastructure; and*
- *to protect the District's rural landscapes from sporadic and sprawling development.* Goal

3.2.3.1 *Objective - Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.*

In general terms, and within the context of this review, these goals and objectives are met by:

- Providing an appropriate policy framework for existing Rural Residential and Rural Lifestyle zoned land within the proposed Urban Growth Boundaries.
- Creating efficiencies in the administration of the District Plan and reducing costs for the community;
- Avoiding commercial activities that have the potential to undermine the amenity of the zone and the role of commercial centres;

Determining the most appropriate methods to resolve the issues highlighted for these areas will enable the provisions to give effect to relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the RMA.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

Broad options considered to address issues

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue and makes recommendations as to the most appropriate course of action in each case.

Option 1: Retain the operative provisions (status quo)

Option 1 would involve retaining the operative provisions in entirety.

Option 2: (Recommended) – Refine and improve

Notwithstanding the change in the name of the zone, Option 2 involves a review of the operative provisions to implement structure and policy framework improvements. Overall, the intent of the proposed Large Lot Residential Zone is to maintain the established character of the Rural Residential Zone. Changes such as up-zoning to a higher density are limited to specific areas.

Option 3: Comprehensive review – Enable greater density and development potential

Option 3 would involve a comprehensive review to the zoning and anticipated environmental outcomes for the existing areas zoned Rural Residential within the Proposed Urban Growth Boundaries.

Option 1: Retain the operative provisions (status quo)

Option 2: Refine (Recommended)

Option 3: Comprehensive review – Enable greater density and development potential within the established/developed Rural Residential Zone areas (e.g. apply the low density residential zone)

	Option 1: Status quo	Option 2: Refine	Option 3: Enable greater density
Costs	<ul style="list-style-type: none"> The existing areas zoned Rural Residential or Rural Lifestyle within the proposed Urban Growth Boundaries do not fit either the Operative or Proposed policy framework of these zones. The existing policies do not assist with the identification of community activities that may be appropriate. Opportunities for areas of higher density housing in the Rural Residential zone within areas located within the proposed Urban Growth Boundaries may be appropriate but would not accord with the Operative or Proposed Rural Residential zone policy. If applications were successful they may degrade the integrity of the Rural Residential Zone policy and invite opportunities for higher densities within Rural Residential land in more remote locations. 	<ul style="list-style-type: none"> Costs associated with going through the District Plan Review process (but this is required by legislation). Creating a new zone to recognise what are for the most part established areas has the potential to add complexities to the proposed district plan. Noting that one of the important goals of the review is to simplify the District Plan. Costs to those that are familiar with or seek to retain the existing provisions. Costs to those seeking to retain the status quo, despite the land being located within the proposed urban growth boundaries. Cost associated with maintaining a pattern of development that is not very efficient in the context of roading and where reticulated services are available to large lots. Future cost associated with the land being developed to a low density and future constraints on the supply of land. 	<ul style="list-style-type: none"> Would result in a significant change to the established neighbourhoods. The changes might not maintain the existing character and pattern of development. Would be a reduction in the amount of choice available to the community for housing options.

Benefits	<ul style="list-style-type: none"> Retains the established approach which parties are familiar with. Low cost for Council. 	<ul style="list-style-type: none"> Recognises the different setting and character between the Rural Residential and Rural Lifestyle areas within the proposed Urban Growth Boundary and more remote areas in the District. Maintains the established pattern of development set by the Rural Residential Zones. Provides opportunities for higher densities where appropriate without compromising the policy framework of the Rural Residential Zone. Provides opportunities for higher densities while having regard to areas that have an established development pattern and amenity. Recognises there are more opportunities than constraints associated with servicing, unlike the Operative Rural Residential and Rural Lifestyle Zones. Provides the community with a diversity of housing. Consistent with the Strategic Directions Chapter. 	<ul style="list-style-type: none"> Higher densities of housing are more appropriate for matters associated with efficiencies of servicing and roading. Would be a more efficient use of land within the proposed Urban Growth Boundaries.
Ranking	3	1	2

6. Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline.
- Have effects on matters of national importance.
- Adversely affect those with specific interests, e.g., existing residents within the Rural Residential or Rural Lifestyle Zone proposed to be rezoned Large Lot Residential.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate. There are not significant changes proposed to the Large Lot Residential Zone, relative to its former name, the Rural Residential Zone.

Where changes are proposed the detail of analysis is high. The provisions are both high level and detailed in terms of the application and administration of the rules and assessment.

7. Evaluation of proposed Objectives Section 32 (1) (a)

<i>Proposed Objective</i>	<i>Appropriateness</i>
<p>Objective 11.2.1 High levels of residential amenity within the Large Lot Residential Zone.</p>	<p>The objective is the best way to meet the purpose of the RMA because it recognises and provides for the maintenance of the established pattern of development of the Rural Residential Zones is important to the amenity of the zone.</p> <p>The objective provides a framework for polices to maintain the established pattern of density, while recognising opportunities for infill or higher density greenfield subdivision in locations that would not degrade the amenity of established neighbourhoods.</p> <p>Supports 5(2) of the RMA through ensuring development enables people and communities to provide for their social, economic and cultural wellbeing. Meets the intent of Section 7 (Other Matters) of the RMA which requires particular regard to “<i>the maintenance and enhancement of amenity values</i>”.</p> <p>Sets the rationale for bulk and location controls to maintain the existing neighbourhoods.</p> <p>Acknowledges the constraints or risks that might exist within these areas and to have regard to these while ensuring development maintain the high levels of amenity. Consistent with Goal 2 and 3 of the Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 9.4.1 and 9.4.3 Has regard to Proposed RPS objectives 3.7 and 3.8; and policies 3.7.1, 3.7.2, 3.8.1, 3.8.2</p> <p>3.2.2.1 <i>Objective - Ensure urban development occurs in a logical manner:</i></p> <ul style="list-style-type: none"> • <i>to promote a compact, well designed and integrated urban form;</i> • <i>to manage the cost of Council infrastructure; and</i> • <i>to protect the District’s rural landscapes from sporadic and sprawling development.Goal</i> <p>3.2.3.1 <i>Objective - Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.</i></p>
<p>Objective 11.2.2 Ensure the predominant land uses are residential and where appropriate, community and recreational activities.</p>	<p>The objective is the most appropriate way to meet the purpose of the RMA because it establishes the basis for a framework for residential activities to be the predominant land use, while recognising the potential for community based activities, subject to scale and intensity, where these activities benefit the community.</p> <p>Supports 5(2) of the RMA through ensuring development enables people and communities to provide for their social, economic and cultural wellbeing.</p>

<p>Gives effect to RPS objective 9.4.1 Has regard to Proposed RPS objective 3.7</p> <p>Consistent with the following Strategic Directions objectives:</p> <p>3.2.2.1 Objective - Ensure urban development occurs in a logical manner:</p> <ul style="list-style-type: none"> • to promote a compact, well designed and integrated urban form; • to manage the cost of Council infrastructure; and • to protect the District's rural landscapes from sporadic and sprawling development. Goal <p>3.2.3.1 Objective - Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.</p>	
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The above objectives are considered to be the most appropriate methods of achieving the purpose of the Act, as they identify and give direction as to the how the specific issues that pertain to Large Lot Residential Zone are addressed.

8. Evaluation of the proposed provisions Section 32 (1) (b)

The following table considers whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient.

(Also refer to the Table detailing broad options considered in Section 4, above)

Issue 1: Recognise the different landscape sensitivity, rural amenity, locations and servicing opportunities and constraints between the existing Rural Lifestyle and Rural Residential Zoned areas located within and outside the Proposed Urban Growth Boundary.

Issue 2: Effective and efficient resource management.

Issue 3: Protecting amenity values for inhabitants.

Objective 11.2.1: High levels of residential amenity within the Large Lot Residential Zone.

Objective 11.2.2: Ensure the predominant land uses are residential and where appropriate, community and recreational activities.

Summary of proposed provisions and broad evaluation of environmental, economic, social and cultural costs and benefits:

- To remove the requirement for a controlled activity resource consent and permit residential buildings subject to bulk, location and colour controls.
- The introduction of buildings as a permitted activity will result in a reduction in the matters of control that the Council has under the present regime where the construction and alteration of buildings requires resource consent as a controlled activity (location of buildings, external appearance, earthworks, servicing, landscaping). It is appropriate to introduce permitted standards relating to the colour of buildings, and location with regard to water bodies.
- Zoning identified areas within the proposed Urban Growth Boundaries currently zoned Rural General, Rural Residential or Rural Lifestyle, to Large Lot Residential.
- Maintaining the established pattern of development and amenity by retaining similar bulk and location rules as the existing Rural Residential Zone.
- Setting maximum residential density at 4000m² as a discretionary activity to recognise the existing development pattern created by the Rural Residential Zone, while recognising opportunities for higher densities in appropriate locations such as green field sites by making residential density higher than 2000m² a non-complying activity, recognising that development and subdivision at a higher density than this is not anticipated.
- Introducing new rules or specific rules and changes of zoning in the following circumstances:
 - Making Residential Flats a permitted activity.
 - Making Community Activities a discretionary activity, commercial activities that do not comply with the home occupation rule are a non-complying activity.
 - Locating a building within an identified 'building restriction area' a non-complying activity.
 - Introducing a continuous building length rule for buildings above two storeys.
 - Introducing a rule to control the location of buildings within 20 metres of water bodies.
 - Introducing a rule to control the light reflectance value (LRV) of buildings, recognising the regulatory framework within which the majority of the areas have been originally developed to, and to manage the balance between making building in this zone permitted and the relatively liberal bulk and location rules that anticipate a footprint of buildings up to 600m² (15% of 4000m²).
 - Set a more conservative LRV limit for permitted buildings located on Mt Iron, recognising the prominent location, the operative District Plan regulatory framework and landscape values of Mt Iron. The permitted colour standards are the same as those proposed for the Rural Residential Zone.
 - To protect the amenity for residents within the zone from adverse effects activities which are not anticipated such higher density subdivision, industrial or commercial activities.

- Introducing a recession plane rule on sites that are less than 4000m² to maintain high levels of amenity, privacy and open space between neighbouring properties in recognition of the reduced yard setbacks.
- Existing land zoned Rural Lifestyle located on the elevated terrace faces and tops at the northern side of Studholme Road, Wanaka that has been identified in the Wanaka Structure Plan 2007 as 'urban/landscape protection area'. This land was identified in the review of the Wanaka Structure Plan 2007 as having landscape sensitivity, but capable of 5 dwelling per hectare. The elevated areas would be visible from established suburban areas such as Meadowstone/Stony Creek area.
- The land to the south of Studholme Road will remain zoned Rural General and these provisions will serve as a 'buffer' to protect the wider landscape values associated with the Outstanding Natural Landscape to the west and south. Through the District Plan Review, the land has been identified as being suitable for a lower urban allotment density, to provide ample space for garden and landscape plantings, and an urban density and development pattern of a lower intensity than the Low Density Residential Zone. An allotment size of 2000m² in this area, while retaining a 15% building coverage would result in much lower intensity of development over these elevated areas of 15% than the equivalent Low Density Residential Zoning of 40% building coverage.
- The Large Lot Residential Zone north of Studholme Road would have the following additional provisions:
 - A minimum density of one dwelling per 2000m²
 - A maximum building height of 7 meters
 - A reduced side and rear yard setback of 4 metres
 - A recession plane limit to control to maintain high levels of amenity, privacy and open space between neighbouring properties in recognition of the reduced yard setbacks.
- It is acknowledged that part of the land identified for Large Lot Residential zoning is identified on the Council's hazard information as comprising alluvial fan, debris flow and flooding (rainfall) hazards. There has also been remedial works associated with the Stony Creek catchment and more recent subdivision and development has involved mitigation works. The change in zoning from Rural Lifestyle to Large Lot Residential would increase the likelihood for housing and infrastructure to locate in the area. Prior to any further development, potential hazards would be required to be assessed and the hazard mitigated or avoided as required.
- It is not appropriate to rezone these area and remove any potential for development. The area is a 'greenfield' parcel of land and any future development should be given the opportunity to mitigate or avoid the hazard to an appropriate standard. In addition, the Proposed District Plan has a natural hazards chapter and any subdivision is subject to section 106 of the Act which would enable the council to refuse a subdivision consent in certain circumstances, including inundation from any source.
- Rezoning land at 361 Beacon Point Road from Rural General to Large Lot Residential. The site is located between Beacon Point Road / Lake Wanaka and Penrith Park Drive. The majority of the site will have a building restriction area overlay imposed over it to prevent development any further westward toward Lake Wanaka and the public access available on Beacon Point Road. An area would be made available at the southern end of the site for one additional residence. It is noted that the area is identified on the Council's hazard register as comprising a LIC 2 'Possibly Moderate' liquefaction risk and is within the flooding return period 75 – 150 year return period. These hazards are located within other urban areas and any future development should be entitled to the opportunity to undertake design and mitigation investigations. The permitted building height limit would be 5.0 meters from ground level, similar to the existing building on the site.

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p>Policies: 11.2.1.1 – 11.2.1.5 (inclusive)</p> <p>11.2.2.1 – 11.2.2.5 (inclusive)</p> <p>Rules: All rules</p>	<p>Environmental Council will no longer have control over aspects associated with the development such as 'nature conservation values', landscape plans and control on the 'external appearance' of buildings, only the colour to control the degree of visual prominence.</p> <p>Potential for increased visibility, particularly with large buildings.</p> <p>Potential for effects on neighbouring owners of some properties due to the reduction of control.</p> <p>Potential for infill development and subdivision to higher densities of 2000m² has the potential to reduce the open space and low density character.</p> <p>Economic The provisions will have the potential to constrain industrial or commercial activities in the zones.</p> <p>Social & Cultural The permitted activities relating to Home Occupations has been widened, potentially increasing adverse effects on amenity, to a small degree on surrounding persons. Potential adverse social effects associated with perceived change in amenity due to intensification of buildings However these effects are not unexpected given the development would be within the urban growth boundary as identified in the Wanaka Structure Plan 2007.</p>	<p>Environmental Permitting a wide range of colours subject to a glare/hue control of 40% LRV will encourage applicants to utilise colours within this range to avoid resource consents.</p> <p>The proposed colour range is considered to provide a suitable balance to control the visual effects of buildings while providing for a range of colours.</p> <p>If required, any controls imposed on a site by a subdivision consent notice will still apply, thus ensuring location specific landscaping requirements are provided for.</p> <p>Discretionary activity resource consent status for a density between 4000m² and 2000m² and policies direction will ensure that regard is had to amenity and character of existing neighbourhoods and that only properties that are the exception to some of the established neighbourhoods created under the Rural Residential zone would be appropriate.</p> <p>Economic The provisions provide more certainty for the Council and persons contemplating activities in the zones.</p> <p>The ability for some areas to have infill or higher densities will be an economic benefit.</p> <p>Reduced costs for applicants through resource consents and monitoring fees.</p>	<p>The proposed provisions introduce clearer parameters for permitting anticipated activities, while providing direct policies to gauge the appropriateness of non-residential or community activities, or activities that can have a significant impact on amenity.</p> <p>The proposed provisions will replace the need for a resource consent by permitting buildings within a range of controls to ensure that anticipated development would maintain amenity values within the established and developing neighbourhoods currently zoned Rural Residential.</p> <p>The ability to build as a permitted activity significantly increases efficiency while permitted activities will be effective at achieving objectives and policies to maintain landscape values.</p>

	<p>The effect can be mitigated through the inclusion of policies and rules within to mitigate amenity impacts (such as recession planes, setbacks, height limits and maximum site coverage).</p>	<p>Reduced cost for the Council through resource District Plan administration, including the requirement for development engineering staff to prepare RMA style reports on servicing related aspects.</p> <p>Less delays in the overall build time and cost and more certainty for anticipated development.</p> <p>Social & Cultural Maintaining the District's landscapes within the Rural Residential and Rural Lifestyle zones will provide for peoples well-being by not degrading these landscapes.</p> <p>Protecting the residential based amenity of inhabitants from the effects associated with commercial activities.</p> <p>Hazards can be assessed at the time of subdivision and at this point any mitigation or avoidance of the hazard will provide for the social well being of any future end-resident.</p>	
<p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p> <p><i>Option 1: Make all the land within the proposed Urban Growth Boundary low density residential</i></p>		<ul style="list-style-type: none"> Increasing the density would not maintain the established and anticipated character of these areas. Although large urban allotments are not efficient in terms of servicing and roading, much of the land within the zone has relatively recently been developed, and comprises large houses located centrally within the site. The opportunities for infill development or subdivision of established areas is relatively limited due to the location of houses and the age of them and relative value. In addition, there is sufficient land within the proposed Wanaka Urban Growth Boundary, coupled with infill of the Low Density Residential Zone to accommodate growth over the life of the Proposed District Plan. 	

9. Efficiency and effectiveness of the provisions

The Large Lot Residential Zone provides for large urban allotment style living within the proposed Urban Growth Boundary. The Provisions will maintain the established pattern of development in these neighbourhoods. The removal of the controlled activity requirement for building consents will result in less intervention from the Council, however the level of control previously exercised is not required in the context of the zones urban character, and location within the Proposed Urban Growth Boundary.

The above provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well. A number of areas of the existing chapter have been removed to aid the readability of the Plan by keeping the provisions at a minimum, whilst still retaining adequate protection for the resource.

By simplifying the objectives, policies and rules (the provisions), the subject matter becomes easier to understand for users of the Plan both as applicant and administrator (processing planner). Removal of technical or confusing wording, also encourages correct use. With easier understanding, the provisions create a more efficient consent process by reducing the number of consents required and by expediting the processing of those consents.

10. The risk of not acting

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

Appendix 4. Section 32AA Evaluation

Appendix 4

Section 32AA Assessment

Note: The relevant provisions from the revised chapter are set out below, showing additions to the notified text in underlining and deletions in ~~strike-through~~ text (ie as per the revised chapter). The section 32AA assessment then follows in a separate table underneath each of the provisions.

Updated Rule – 11.4.2

Recommended Updated Rule – 11.4.2 - Permitted
Dwelling , Residential Unit, Residential Flat

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> None identified. 	<ul style="list-style-type: none"> Deletion of the words 'Dwelling' and 'Residential Flat' will remove confusion between these terms and 'Residential Unit'. 	<ul style="list-style-type: none"> Removing confusion increases effectiveness and efficiency in the consenting process.

Updated Rule – 11.5.1.3

Recommended Updated Rule – 11.5.1.3: Building Height – Non-Complying
A maximum height of <u>5.5 metres</u> above a floor level of 283 metres reduced level (RL) :
a. on the site(s) located at the northern end of Beacon Point Road and adjacent to the western edge of the Penrith Park Zone.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> None identified. 	<ul style="list-style-type: none"> This change replicates the height imposed for the site by the Environment Court. 	<ul style="list-style-type: none"> The Environment Court has already considered the height of developments on the subject site. Applying a corresponding height restriction would remove potential confusion. Therefore this change is considered to be both efficient and effective.

Updated Rule – 11.5.3

Recommended Updated Rule – 11.5.3 – Restricted Discretionary
Setback from internal boundaries
The minimum setback of any building from internal boundaries shall be 6 metres, except:

- a. 4 metres on sites located between Studholme Road and Meadowstone Drive, sites accessed via Hardie Place, Gunn Road, Matheson Crescent or Grierson Lane and sites accessed via Golf Course Road or Ballantyne Road.

Discretion is restricted to all of the following:

- Visual dominance.
- Effects on open space, character and amenity.
- Effects on privacy, views and outlook from neighbouring properties.
- Reverse sensitivity effects on adjacent properties.
- Landscaping.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • A reduced setback will result in the built form being capable of being constructed in closer proximity to the boundary than currently permitted via the ODP Rural Residential zoning. This will have a potential adverse effect upon people's sense of isolation and privacy that they currently enjoy under the ODP zoning. 	<ul style="list-style-type: none"> • The proposed setback change better correlates with the recommended change to the density of these properties. 	<ul style="list-style-type: none"> • Aligning the minimum net site area and setbacks is considered to be effective and efficient as it will not result in the requirement for numerous resource consents for setback breaches which relate to the size of the lot. • The change is also efficient as it will result in better alignment with the recommended change to the density.

Updated Rule – 11.5.6

Recommended Updated Rule – 11.5.6 – Restricted Discretionary

~~Continuous~~ Building Length

The ~~continuous~~ length of any building facade above ~~one-storey~~ ground floor level shall not exceed 20m:

Discretion shall be restricted to all of the following:

- 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.
- The extent to which topography or landscaping mitigates any dominance impacts.
- The extent to which the height of the building influences the dominance of the building in association with the continuous building length.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • Wording changes result in the 	<ul style="list-style-type: none"> • The proposed amendments

	<p>standard being clearer in its intent and application.</p> <ul style="list-style-type: none"> • The removal of the word “continuous” from the provision will remove the potential confusion about whether this refers to a building with or without breaks in the wall length. 	<p>will increase effectiveness and efficiency in being clear as to when consent is triggered.</p>
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Updated Rule 11.5.9

Recommended Updated Rule – 11.5.9 – Discretionary

Residential Density

A maximum of one residential unit per 4000m² net site area, except:

- a. 2000m² net site area on sites:
 - (i) located between Studholme Road and Meadowstone Drive,
 - (ii) accessed via Hardie Place, Gunn Road, Matheson Crescent or Grierson Lane.
 - (iii) accessed via Golf Course Road or Ballantyne Road.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • A reduction in the minimum net site area to 2000m² may have an adverse effect upon the amenity of existing rural living properties; however given the location of these properties in close proximity to the town centre, their surrounding context or the existing subdivision pattern, this cost is accepted in order to provide additional housing diversity and choice to the Wanaka housing market. 	<ul style="list-style-type: none"> • The additional areas which are proposed to have a 2000m² minimum lot size align with the objectives within the Proposed Otago Regional Policy Statement 2015 and is consistent with the intent of the Wanaka Structure Plan 2007. • The change will provide further diversity of housing options in Wanaka. • The change will enable better use of resources and infrastructure. 	<ul style="list-style-type: none"> • The proposed change increases the efficiency of the land resources and infrastructure within the Urban Growth Boundaries in Wanaka. • The change will also be an effective use of resources and infrastructure providing additional housing diversity and choice.

Appendix 5. Wanaka Low Density Residential Zone Monitoring Report

The Wanaka Low Density Residential Zone Monitoring Report



Policy and Planning
Queenstown Lakes District Council
August 2011

Executive Summary

This monitoring report has been formulated to outline the current state of the Low Density Residential zone (LDRZ) in Wanaka based on factual data relating to consented development. Potential resource management issues that are affecting the zone are identified and issues that need specific attention during the District Plan review are highlighted for consideration.

Resource management issues for the zone are articulated below as questions and answers:

1. *To what extent has the intended predominantly low density residential character and amenity been achieved in the zone?*

The majority of development is in the form of low density residential dwellings and therefore the plan appears to be working well in achieving what is intended in that regard.

2. *Is the integrity of the zone being challenged through either the scale of development occurring, or a proliferation of non-residential uses?*

No, however there is currently scope in the Plan for developments to be consented that could give rise to unanticipated results. This issue requires further investigation

3. *Are the Rules in the District Plan effective in achieving the desired outcomes for the Wanaka Low Density Residential zones?*

In many cases the desired outcomes for the zone are being achieved however further investigation is required regarding anticipated results sought and the potential imposition of appropriate rules in the plan to ensure desired outcomes are achieved. Currently there may be a slight disconnect between the objectives and policies and the rules designed to achieve desired results.

The District Plan Review should address the following:

- The objectives and policies relating to Wanaka that are inappropriate for the LDR zone or have served their purpose should be revisited;
- The link between policy and rules should be strengthened to ensure unanticipated results are defined as non complying activities;
- Further data collection should be undertaken relating to affected party approvals to identify if consents for slight infringements can be avoided by reviewing the rule structure in the Plan.

Introduction

The focus of this monitoring report is whether the District Plan ('the Plan') objectives and policies are being achieved in the low density residential zones (LDRZ) of Wanaka.

The most recent monitoring report for these zones was dated 2 April 2009 as reported to the Strategy Committee of Council. It focused primarily on the issue of visitor accommodation locating in the LDRZ across Queenstown and Wanaka. This report is distinct from the monitoring reports on the residential zones in Queenstown, published in February 2011 and June 2011 respectively.

The Community Outcome that is relevant to this monitoring report is '*High quality urban environments respectful of the character of individual communities*'.

What is the Low Density Residential Zone Trying to Achieve?

A full reprint of the relevant excerpts from the District Plan, for the Issues, Objectives and Policies related to the LDRZ in Wanaka can be found in Appendix 2.

The objectives and policies for the zone appear to seek the following environmental results:

- A compact residential form to allow efficient servicing;
- An environment where residential amenity and a sense of community is maintained;
- A zone dominated by small scale low density residential living where outdoor living and planting is provided for;
- A residential area where properties are not unduly shaded by adjoining built form;
- To ensure non residential activities and associated noise and hours of operation are such that amenity values of the low density living environment are maintained;
- To provide for adequate and appropriate car parking.

In addition to the district wide objectives and policies for the zone the objective and policies relating directly to the Wanaka area seek the following environmental results:

- Identify low density rural living development locations in close proximity to Wanaka;
- To retain the general character of the current residential environments in terms of density, building height, access to sunlight, privacy and views;
- To provide for a Catholic school within the zone.

The above anticipated results for the Wanaka LDR zone raises issues that can be dealt with during the District Plan review. The objective and policy relating to the provision of rural living in the LDR zone appears to be in conflict with the primary district wide goals of creating compact residential forms in the LDR zones in the district to maintain LDR character and provide for efficient servicing. The rural living development described is catered for by other zone types (i.e. Rural Living) and if this is really a goal for part of the area of land zoned as the Wanaka LDR area then zoning of land may have to be revisited to achieve the results anticipated by that

objective. If rural living is not intended the objective and associated policies may need to be removed.

The Catholic School referred to in the objectives and policies has been established therefore there may be no requirement for objectives and policies relating to its establishment.

Overall, the resource management issues for this zone can be articulated as three questions:

1. To what extent has a predominantly low density residential character and amenity been achieved in the zone?
2. Is the integrity of the zone being challenged through either the scale of development occurring, or a proliferation of non-residential uses?
3. Are the Rules in the District Plan effective in achieving the desired outcomes for the Wanaka Low Density Residential zones?

What is the “State” of the Wanaka Low Density Residential Zone

Approach

This report applies the same approach as that taken during the monitoring of the Queenstown Low Density Zone. This involves reviewing resource consent and building consent data in order to obtain a clearer picture of the kind of development activity on different properties in the zone.

The resource consent activity occurring in the zone has been compiled from Council’s NCS system, with data reported for the period of 1995 through to 1 April 2011, a 15 year period. This electronic system has not historically been used to provide data that can assist with understanding the quality of consent decisions. Further work on improving the quality of data in the system will improve the speed and efficiency of obtaining useful data used in preparing monitoring reports. Currently much of the data comes from manual reviewing of consent files in order to understand what trends are emerging.

Wanaka Low Density Residential Zone Data

A total of 3362 consents, where there is a match for building consent activity, were shown to specifically relate to the Wanaka LDRZ. Of these, a sample size of 1298 consents, were chosen at random representing approximately $\frac{1}{3}$ of all LDRZ consents in Wanaka. This sample size equated to consents relating to 253 developments. Of the sample size 233 consents were either completed or are currently active.

Type of Activity

As the table below indicates, 27% of developments sought resource consent for new development:

TYPE OF ACTIVITY-RESOURCE CONSENT		
Development	63	27%
Alteration	84	33%
Change of Use	14	6%
Subdivision	72	28%
Lapsed, Withdrawn or Unknown	20	8%
Total Developments- RC	253	100%

Use Type

The following table, indicating type of activity shows what the building consent application indicates the development would be used for.

TYPE OF ACTIVITY-RESOURCE CONSENT		
Residential	220	87%
Visitor Accommodation	23	9%
Other Non - Residential	10	4%
Total Developments	253	100

This table shows that 87% of consents were for purely residential activities. This indicates that residential activities are dominant in the zone and that satisfies the environmental results anticipated relating to the maintenance of residential activities in the zone. Up to 6% of the consents for residential development may have changed through consents granted for change of use however residential development would remain the dominant form of development in the zone.

The next stage is to establish whether the dominant residential development identified above is low density development as intended for the zone. The following table displays different scales of residential activity (Small = 1-2 units; Medium = 3-9 units, and Large = over 10 units).

NUMBER OF UNITS BY SIZE		
Small (1-2) Units	207	82%
Medium (3-9) Units	13	5%
Large (10+) Units	0	0%
Visitor Accommodation	23	9%
Non Residential	10	4%
Total Developments	253	100%

The table indicates that the LDRZ seems to be functioning as outlined in the District Plan as small scale residential development accounts for 82% of all residential development activity.

The data used shows visitor accommodation makes up 9% of the activity consented in the zone. There are a number of instances of larger scale visitor accommodation along Anderson Road in Wanaka. Large and medium scale visitor accommodation development can impact significantly on the environmental results anticipated for the Wanaka LDRZ and currently the activity status afforded to certain activities, including VA, may not achieve the goals set out in the objectives and policies for the zone.

Of the 23 VA developments noted above 4 are large scale, 11 are medium scale and 8 are small scale. Approximately $\frac{2}{3}$ of the medium sized VA developments outlined above were originally granted consent for residential development and subsequently changed use to VA. This shows that there is scope in the LDRZ for the development of medium sized residential development and subsequent conversion to VA that may give rise to unanticipated results in the zone.

To give an example, to change a 12-unit residential development with attached residential flats into VA facility is a discretionary activity under current plan provisions. Case law has been established since the formulation of the current District Plan that states that if an activity has a discretionary status it is anticipated in the zone. Therefore currently although a 12 (or 24 if flats are included) unit VA facility may not be anticipated by the objectives and policies for the zone it is by the associated rules.

This is one example of many potential situations that may arise where the District Plan rules that dictate activity status are not aligned with the objectives, policies and anticipated results for the zone. Further investigation should be undertaken during this District Plan review to establish what is anticipated by the objectives and policies and what rules should be established to ensure these anticipated results are achieved. An example of how this process may work is included as appendix 3 to this report.

Visitor Accommodation Sub Zone

There are several areas in the Wanaka Low Density Residential zone that are overlaid with a Visitor Accommodation sub zone where VA activities are anticipated. An investigation of these VA sub zones has shown that all the areas have been established as VA facilities which indicates that the VA sub zone is working as intended.

Decision Making and Consent Status

If consent was required how was it determined? Was it through a Commissioner hearing or directly by the consenting authority under delegated authority? Those granted by hearing would include notified applications, where the proposal would have been viewed as 'Discretionary' or 'Non-Complying'.

CONSENT GRANTING		
Delegated Authority	148	58%
Commissioner (Hearing)	84	33%
Declined	0	0%
Not Stated	21	8%
Total Developments	253	100%

The difficulty with the above data is that in many cases consents can be decided without notification or a hearing if affected party approvals are obtained from those parties the Council considers to be affected by a proposal.

The information above does indicate that further data should be collected to establish whether affected party approvals were received for the decisions made by delegated authority without notification or a hearing. If there is a high instance of consents being

granted by delegated authority where approvals were not required then a change to rule structure in the Plan may avoid the need for many of the consents sought for very minor infringements.

RESOURCE CONSENT STATUS		
Non-complying	125	49.4%
Restricted Discretionary	52	20.6%
Discretionary	34	13.4%
Controlled	33	13.0%
No Activity Status	5	2.0%
Permitted	1	0.4%
TOTAL	253	100%

On the whole, approximately 50% of those consents in the sample dataset had a Non-Complying activity status. This gives an immediate, however potentially false impression that the rules within the LDRZ section of the District Plan are consistently breached and that granting of consent to these breaches can potentially give an outcome which otherwise is not anticipated by the plan.

The fact is that many of the non complying activity consents in the LDRZ were due to historic consents for activities not being catered for in the preceding Transitional District Plan. If activities were not covered in the Transitional Plan they were deemed to be non-complying under Section 374(4) of the Resource Management Act. For example, earthworks were not given a specific activity status in the residential zones in the Transitional Plan. As a result consents in the LDRZ involving earthworks were considered non-complying in accordance with Section 374(4) until 2005. In 2005 the present plan became operative and from that point the Transitional Plan was not used to determine activity status.

The results of the above anomaly are clear to see in the tables below.

NON COMPLYING 1995-2010		
Activity Not in the Plan (i.e. earthworks and other activities)	29	23%
Garages and garage setback infringements	14	11%
Height and Recession Plane infringements	38	30%
Setback, yard and internal boundary infringements	13	10%
Subdivision infringements	29	23%
Other types of infringements	2	2%
TOTAL	125	100%

The table above outlines the breakdown of non complying activity consents using a sample set of consents dating back to 1995. A large percentage of the non-complying consents (44%) in the 15 year sample are for activities that would be deemed to be more permissive under the current plan, being either permitted, controlled, restricted discretionary or discretionary activities. To illustrate this, a consents sample from 2005 onwards shown in the table below identifies non complying activities. The reasons for non compliance have narrowed significantly.

NON COMPLYING 2005-2010		
Height and Recession Plane infringements	32	78%
Subdivision infringements	7	17%
Other types of infringements	2	5%
TOTAL	41	100%

The majority (78%) of breaches to the current plan rules related to building height infringements. If, after further investigation relating to affected party approvals, it is determined that the breaches were minor, changes to the rules in the District Plan may avoid the need for these consents.

Further investigation into this issue should be undertaken in the District Plan review to ensure data is not misleading.

QUALATIVE ASSESSMENT OF DEVELOPMENTS IN WANAKA RESIDENTIAL ZONES

Qualitative Assessment: Subdivision

A qualitative assessment, *Urban Design Critique of Subdivisions in Queenstown Lakes District* dated August 2010 assessed the urban design qualities of seven subdivisions within the District. The Wanaka - specific sections of that report dated July 2011 are attached in Appendix 4.

Overall, it found that the qualitative aspects of subdivisions at Mt Iron Estate ranged between less successful and not successful and Meadowstone ranged between successful and acceptable. The outcomes of this report should be addressed in the District Plan review of the Wanaka LDR zone.

Qualitative Assessment: Visitor Accommodation & Density provisions

Previous monitoring reports on the LDRZ (April 2009) identified specific provisions, that were thought to be the rules, that were permissive to the location of some large scale multi-unit visitor accommodation developments in the Low Density Residential zone. This issue has been discussed above using an example of Anderson Road VA developments and ways to improve the link between rules and policy should be examined in the detailed review of the LDR zone section of the Plan. This does not just relate to visitor accommodation but to all anticipated results in the LDR zone.

Concluding Remarks

Trends

In many instances the LDRZ is working fine and delivering results as anticipated by the community and the District Plan however as the Plan is currently set out there may be scope for that situation to change.

District Plan Review Issues

The District Plan Review should address the following:

- The objectives and policies relating to Wanaka that are inappropriate for the LDR zone or have served their purpose should be revisited;
- The link between policy and rules to ensure unanticipated results are defined as non complying activities;
- Further data collection should be undertaken relating to affected party approvals to identify if consents for slight infringements can be avoided by reviewing the rule structure in the Plan.

Appendix 1: What is District Plan monitoring?

The RMA requires that three aspects of the District Plan are assessed, with the findings used to inform the process of reviewing the District Plan. With respect to the Plan's objectives, policies and methods, these aspects are:

1. District Plan Effectiveness
2. District Plan Efficiency

District Plan Effectiveness monitoring requires the Council to compare what is actually occurring under the District Plan provisions with the intentions of the Plan (as expressed through its objectives). This involves first identifying what the plan is trying to achieve for the zone, and to then track how well it is achieving these objectives. Once an understanding of how well the objectives are being met, the next consideration is identify to what extent this can be attributed to the District Plan policies and rules and to what extent 'outside' influences may be affecting the ability of the Plan to achieve its objectives. For example, market demand for specific types of residential property.

Plan Efficiency monitoring refers to comparing the costs of administering the Low Density Residential provisions incurred by applicants, the Council and other parties compared to the outcomes or benefits achieved. It is noted here that determining what level of costs are acceptable is generally a subjective judgement and, as such, it is difficult to reach definitive conclusions.

Appendix 2: The Wanaka Low Density Residential Zone and Corresponding District Plan Issues, Objectives, Policies

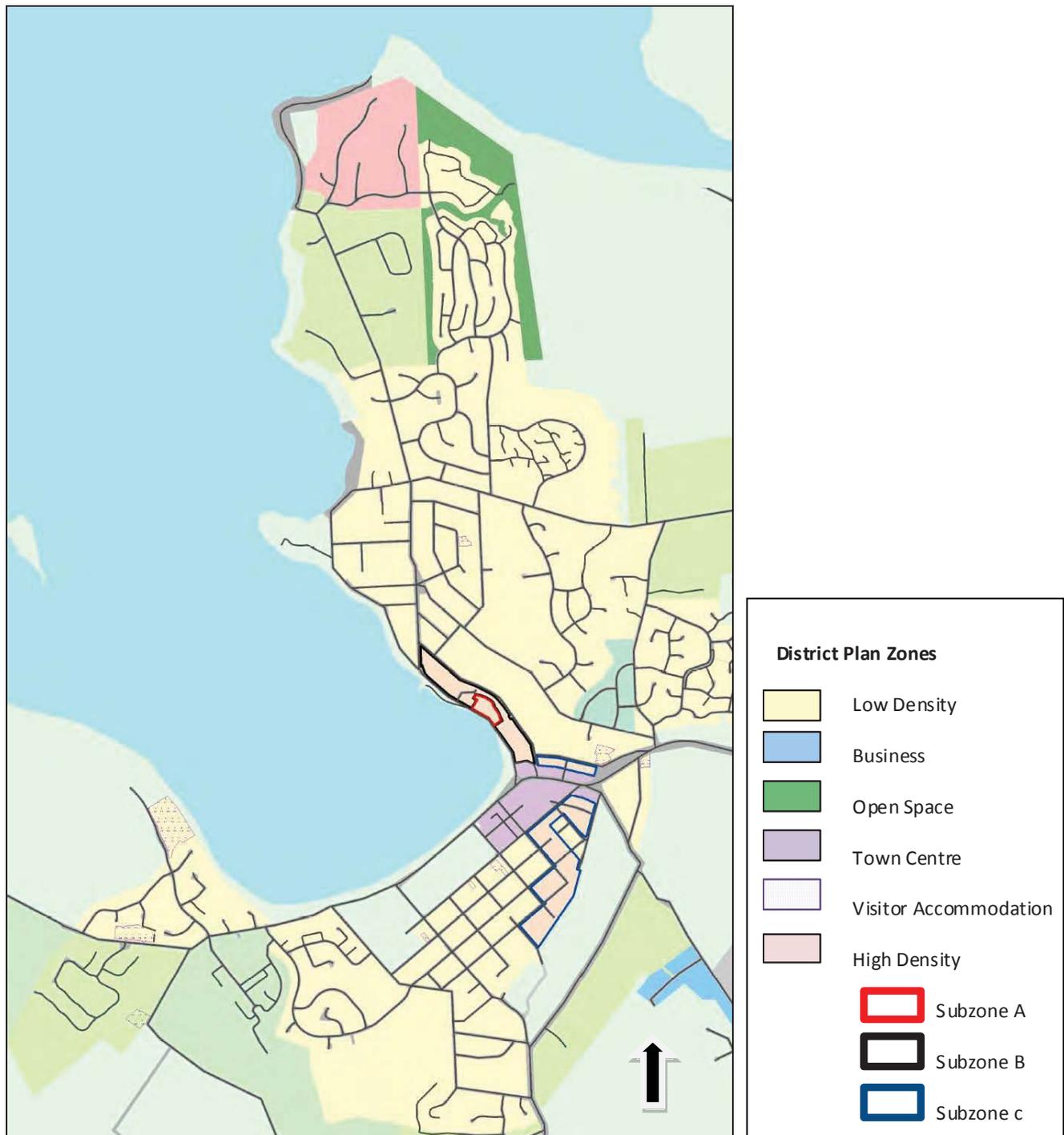


Figure 1: Map showing the Location of the Residential Zones in Wanaka

Following are the relevant excerpts from the District Plan, for the Issues, Objectives and Policies related to the existing Low Density Residential Zone in and around Wanaka.

7.1.1 Issues- Residential Areas

iii Character and Scale

The Character and scale of development within residential zones should achieve desired outcomes anticipated by the District Plan

iv Residential and Visitor Accommodation Amenity

Protection and enhancement of people's social wellbeing resulting in the amenity value of their living environments.

7.1.2 District Wide Residential Objectives and Policies

Objective 2 - Residential Form

- *A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.*

Objective 3 - Residential Amenity

- *Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs.*

Policies

- 3.1 *To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.*
- 3.2 *To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown residential zones, small townships and Rural Living areas.*
- 3.4 *To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.*
- 3.5 *To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well being, residential cohesion and privacy.*
- 3.6 *To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.*
- 3.7 *To ensure residential developments are not unduly shaded by structures on surrounding properties.*
- 3.8 *To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.*
- 3.9 *To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.*
- 3.10 *To provide for and encourage new and imaginative residential development forms within the major new residential areas.*
- 3.12 *To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.*
- 3.13 *To require an urban design review to ensure that new developments satisfy the principles of good design.*
- 3.14 *To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.*

Objective 4 - Non-Residential Activities

- *Non-Residential Activities which meet community needs and do not undermine residential amenity located within residential areas.*

Policies:

- 4.1 *To enable non-residential activities in residential areas, subject to compatibility with residential amenity.*
- 4.2 *To enable specific activities to be acknowledged in the rules so as to allow their continued operation and economic well being while protecting the surrounding residential environment.*

7.3.2 Issues (Wanaka)

The District wide residential issues impact on and are relevant to residential activity and amenity in Wanaka residential areas. In addition, a number of local issues exist relevant to this report:

- i Protection of the surrounding rural landscape from inappropriate development.*
- ii The need for rural living opportunities in close proximity of or abutting the town.*
- iii Retention of low density residential development.*
- iv Noise control.*
- v Opportunities for peripheral expansion.*
- vi The potential adverse effects that inappropriate development can have on the lakeshore.*
- vii Tree planting can lead to the shading of neighbouring sites.*

7.3.3 Objectives and Policies - Wanaka Residential and Visitor Accommodation Areas

Objectives:

1. *Residential and visitor accommodation development of a scale, density and character within sub zones that are separately identifiable by such characteristics as location, topology, geology, access, sunlight or views.*
2. *Low density rural living development in identified locations in close proximity to Wanaka.*
3. *Retention of the general character of the residential environments in terms of density, building height, access to sunlight, privacy and views.*
4. *To provide for the expansion of the Catholic School in Wanaka within the thresholds of the Low Density Residential Zone.*

Policies:

- 1 *To provide for some peripheral expansion of the existing residential areas of the towns in a manner that retains the consolidated form of the towns.*
- 2 *To provide for rural living opportunities as part of the Wanaka environs.*
- 3 *To provide limited opportunity for higher density residential development close to the Wanaka town centre.*
- 4 *Residential development organised around neighbourhoods separate from areas of predominately visitor accommodation development.*

- 5 *Avoid the planting and locating of inappropriate tree species so as to reduce the impact of excessive shading and loss of vistas.*
- 6 *To provide for the expansion of the Catholic School over time as the number of pupils increase, within the framework of the Low Density Residential zone.*
- 7 *To ensure that safe road and pedestrian access is provided to the school from the Kirimoko Block and to surrounding neighbourhoods.*

Implementation Methods

The objectives and associated policies will be implemented through:

i District Plan

- (a) *To enable a range of residential and visitor accommodation areas clearly delineated by zone and sub zone boundaries.*

Explanation and Principal Reasons for Adoption

The Wanaka residential area contains a different character to Queenstown both as a result of different development pressures and community aspirations. The objectives and policies are directed at promoting and protecting the current general form and density of development and to enhance the residential areas by way of greater care for the relationship of the residential areas to the surrounding rural and lakeshore environments. In all respects the policies seek to promote consolidation of the residential areas with some provision for peripheral expansion as well as areas of rural residential development. This will provide for a range of lifestyles while avoiding any adverse effects on the important surrounding visual amenity of the topography, lakes and rivers.

The growth opportunities identified at Wanaka are provided for in a form and location that will consolidate the urban area of town and accommodate anticipated residential growth.

7.2.4 Environmental Results Anticipated

Implementation of the policies and methods for management relating to the established residential areas will result in:

- i *Maintenance of the general character and scale of existing residential areas with sites being dominated by open space rather than buildings, providing the opportunity for tree and garden planting around buildings.*
- ii *Existing residential activity characterised by low building coverage and building height, but with opportunity for variety in building design and style.*
- iii *Maintenance of a residential environment which is pleasant with a high level of on-site amenity in terms of good access to sunlight, daylight and privacy.*
- iv *Maintenance of the opportunities for views consistent with the erection of low density, low height buildings.*
- v *The exclusion or mitigation of activities which cause adverse environmental effects, such as excessive noise, glare, odour, visual distraction, traffic and on-street parking congestion, traffic safety and other hazards.*
- vi *Residential coherence except in circumstances of established non-residential uses or where a local need prevails for non-residential activities ancillary to the surrounding residential environment.*

- vii Maintenance of water quality and availability for residential and other activities.*
- viii New residential areas providing for higher density living environments with good integration of open space, aspect, circulation and regard for energy efficiency and convenience to facilities.*
- ix Protection of the major visitor accommodation activities consistent with their significant value to the social and economic well being of the district and New Zealand.*
- xi Achieving an appropriate balance between retention of existing character and providing for new development in areas of change.*

Appendix 3: Example of How Rules Can Ensure Anticipated Results

What is anticipated by the objectives and policies and what rules should be established to ensure these anticipated results are achieved? The following is an illustrative example relating to VA development in the LDRZ.

What is Anticipated in the LDRZ?	What can VA development in LDRZ lead to?
Generally small scale buildings	Large/medium scale buildings
Low level of visible car parking	High level of visible car parking
Extensively landscaped sections	Sections without extensive landscaping
Low noise emissions	High noise emissions
Maintenance of LDR amenity values	LDR amenity values not being maintained

What is a potential solution in this case to maintain LDRZ as anticipated?

The introduction of zone standards to make development that gives rise to unanticipated results a non-complying activity.

Zone standards may be introduced to ensure the following:

- Design of buildings in broken forms to resemble buildings characteristic of LDR zone;
- Design of well screened car parking areas;
- High quality of landscaping particularly on boundaries;
- Design to mitigate noise effects on LDR environment. i.e. enclosed courtyards, balcony placement away from adjoining properties, acoustic screening, et cetera.

If a development is proposed that does not incorporate the above then it would breach zone standards and be a non-complying unanticipated development in the zone. This may encourage applicants to design with the LDRZ anticipated results in mind and result in the maintenance of amenity in the LDRZ.

Appendix 4: Urban Design Critique – Wanaka Only



Urban Design Critique of Subdivisions in Queenstown Lakes District

Wanaka Only- July 2011



August 2010

C10066_Template_Report_Final_Issued_20100819

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Sites A-E are not included. They were published in May/June 2011 with the Queenstown Low Density Zone Monitoring Report.

Only the Wanaka examples F & G are included in this version of the report.

Introduction

Scope of Project

Urban Design has been defined as *'the art of making places for people. It includes the way places work and matters such as community safety, as well as how they look. It concerns the connections between people and places, movement and urban form, nature and the built fabric, and the process of ensuring successful villages, towns and cities. Urban design is the key to making sustainable developments and the conditions for a flourishing economic life, for the prudent use of natural resources and social progress'* (DETR, By Design)

Queenstown Lakes District Council (QLDC) appointed Boffa Miskell to assess the **urban design qualities** of seven subdivisions within the District. The maps on page 4 show the locations of these subdivisions. This report includes a record of built outcomes of the subdivisions alongside an assessment of the visual quality and an appraisal of other urban design outcomes.

Methodology

Overview

The project was undertaken by urban designers from Boffa Miskell in conjunction with planning and urban design staff from QLDC. It is anticipated that this will assist QLDC staff in monitoring the outcomes of subdivisions in the District and in particular, the relevant policies and rules.

Initially, a site assessment template was developed with a list of elements to assess and items to photograph. The template included a checklist of urban design criteria to ensure continuity. This served to focus on the key issues for the reviewers when critiquing the individual subdivisions. The urban design criteria is discussed more overleaf.

The site visits were undertaken in winter (June 2010) and as a consequence the effect of planting is less visible, in particular, the visual effects of deciduous street trees. For some sites snow and ice obscured part of the open spaces.

Not all of lots within the subdivisions have been developed at time of site visit. In some cases the scale of the on site survey was reduced to a smaller number of streets agreed with QLDC. On site, the subdivision was discussed and assessed in relation to each urban design criteria and its elements. The response of each subdivision to the urban design criteria was rated on a sliding scale of very successful to not successful. An example of the sliding scale is below.

Overall, how successfully does this subdivision integrate with its local context?

VERY SUCCESSFUL



SUCCESSFUL



ACCEPTABLE



LESS SUCCESSFUL



NOT SUCCESSFUL



What do these ratings mean?

Very Successful: The subdivision is considered to achieve the best outcome in relation to the urban design criteria in almost all areas of the development. Represents an example of best practice.

Successful: The subdivision is considered to result in a good outcome in relation to the urban design criteria in most areas of the development.

Acceptable: The subdivision is considered to result in a satisfactory outcome using the urban design criteria.

Less Successful: The subdivision does not result in a satisfactory outcome in relation to the urban design criteria in some areas of the development.

Not Successful: The subdivision is considered to result in a very poor outcome in relation to the urban design criteria in almost all areas of the development.

Where appropriate, a summary sentence is included to outline why a subdivision received a certain rating, in particular where it was considered close to another rating or any extremes were balanced across the subdivision.

Urban Design Criteria

The urban design criteria used in the assessment has been designed to specifically comment on residential subdivisions. Elements of the Urban Design Protocol, QLDC’s Urban Design Strategy and other urban design literature informed this criteria. A brief definition of each criteria used is given below. Throughout this report each criteria below are discussed and demonstrated.

Context: Refers to how the development addresses its wider context in relation to external connectivity (i.e. links to external amenities and town centre shops and parks), natural features (i.e. landscape) and built form (scale of neighbouring subdivisions, roads, etc).

Connectivity: A development is assessed favourably if the place is easy to move around by foot, bike and vehicle and also provides connections between amenities such as reserves and streets within the site.

Urban Grain: The pattern and size of land uses and road layouts, the buildings and their lots within a subdivision. A rating of the urban grain has not been included within this report as its results are discussed within other criteria such as legibility, enclosure and scale.

Legibility: A development is assessed favourably if the place can be easily understood (and memorable) and navigated as a person moves about it.

Overall Assessment

Each subdivision has a concluding overall assessment page which brings together the ratings from each individual criteria assessment. The ratings for each criterion are assembled into a diagram to assess if there is a consistent rating for that subdivision. An example of this is shown below. The dotted line indicates in general where the

Scale: The combined impacts of built elements when seen in relation to its surroundings i.e. roads, open spaces or other buildings and how it responds to the scale and character of the development within the wider context.

Active Edges: Refers to the potential for visual engagement (or ‘passive surveillance’) between the street users and activities taking place in buildings (particularly on the ground floor). The presence of ‘active edges’ helps places feel safer and more personable.

Enclosure: The creation of a sense of defined space by means of surrounding buildings and planting.

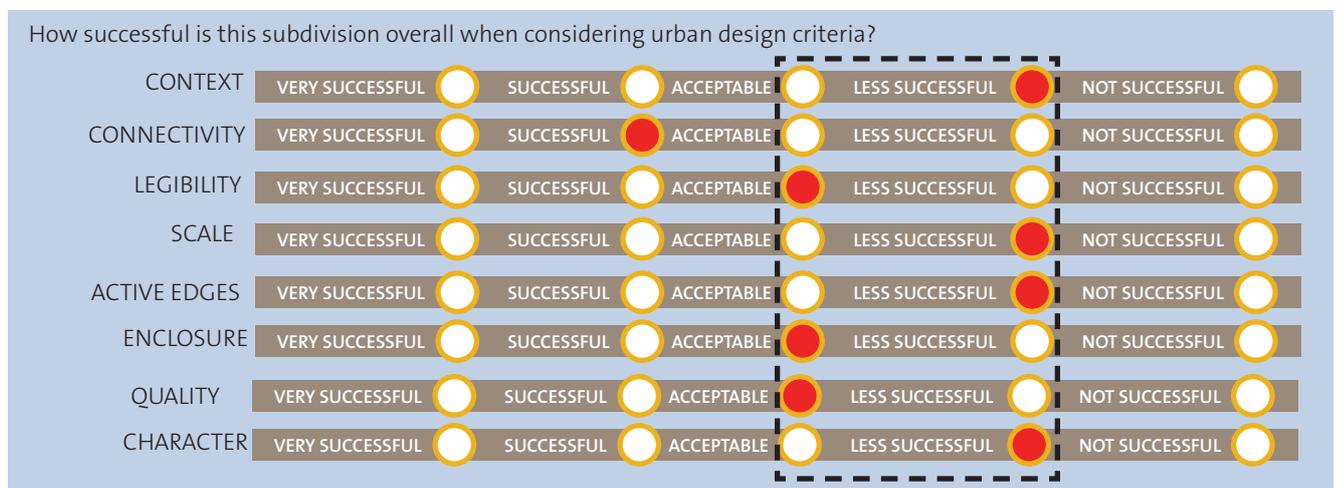
Quality: The external appearance and functionality of materials and design elements used in both public and private areas and their overall maintenance/longevity.

Character: A place that responds to and reinforces locally distinctive patterns of development and landscape features.

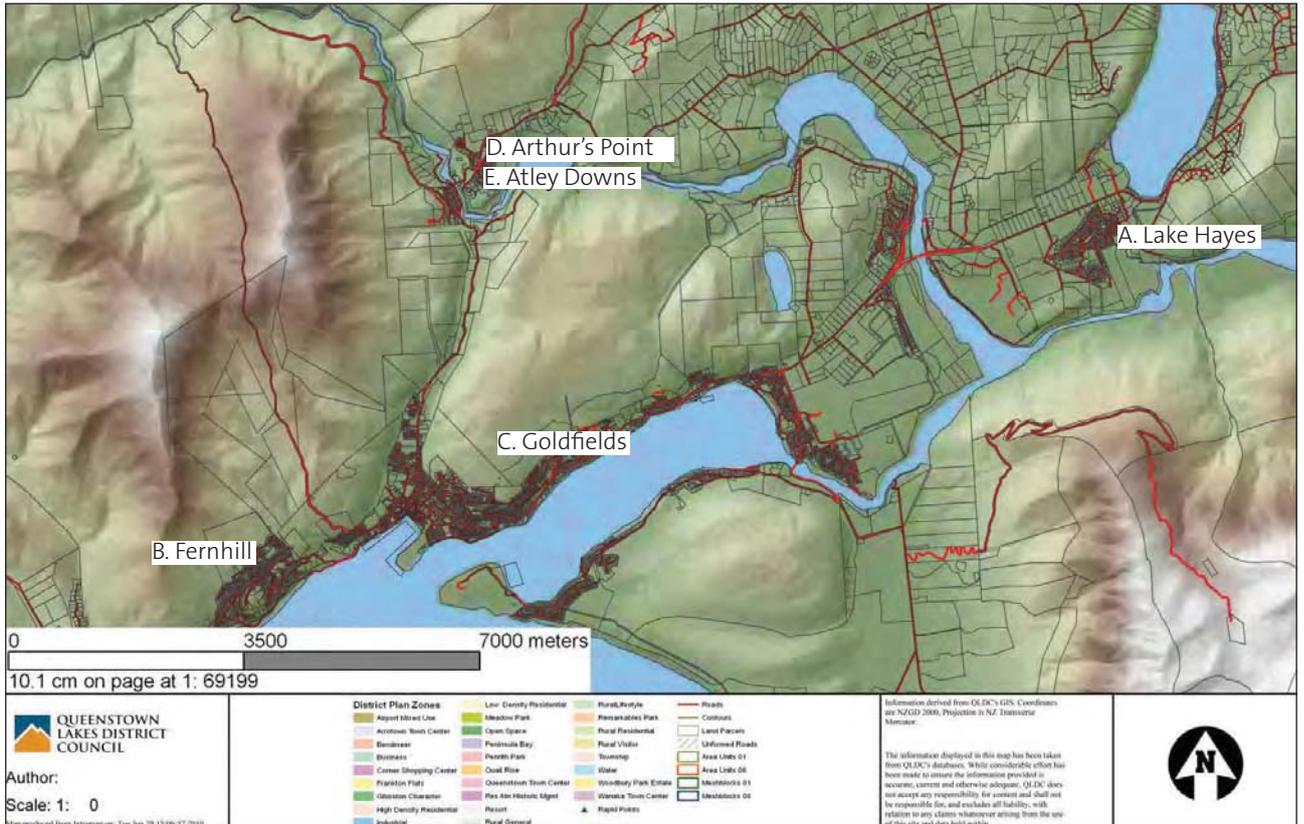
Distinctiveness: The special features which make a place more memorable and therefore more legible.

Creativity: The innovative approaches which promote diversity and turns a functional place into a memorable place. These are recorded in the key lessons at the end of each section.

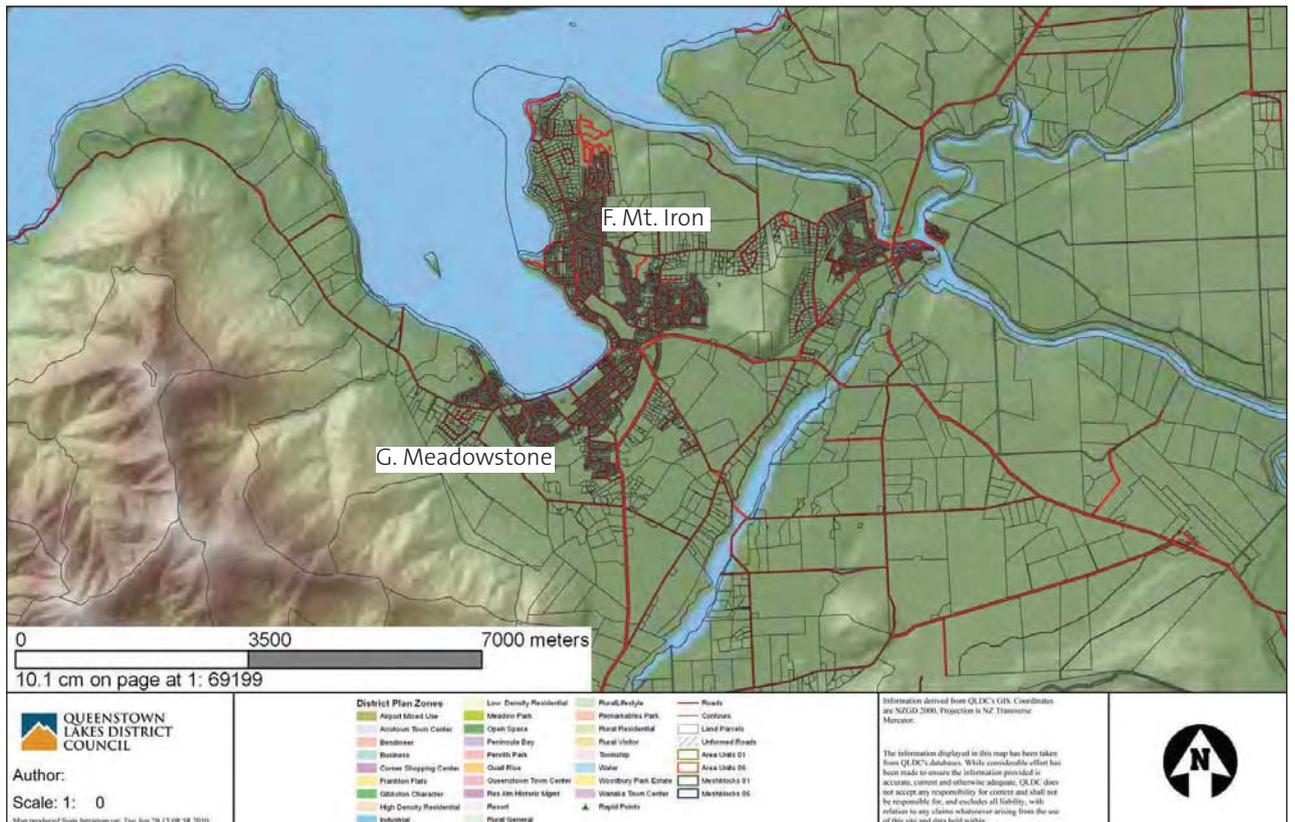
overall rating sits. This is followed by a short summary statement about the subdivision. A number of key lessons to learn from each subdivision are listed beneath the overall assessment table, which also comments on elements of creativity or extremes that were averaged out for the purposes of the ratings.



Sites Appraised



Sites in Queenstown



Sites in Wanaka

Site F – Mt. Iron Estate, Wanaka

Introduction

Size: 19.5ha. Approximately 120 were lots reviewed (contained within the black line on the map below)

Date of Consent: 2002

Complete: Largely complete, some vacant lots at the edge of area reviewed.

Zoning: Residential (light yellow)

Location: Mt. Iron Estate is approximately 1 km to the north east of Wanaka town centre. It is also close to the commercial area in Anderson Heights (shown in blue/green colour). Not all of the streets in Mt. Iron were reviewed.

Conditions: The site was visited on a cold sunny winter's morning.



Mount Iron zoning map



Mt. Iron Estate aerial

Mt. Iron Estate

Context



This is a recent subdivision with several peripheral lots under construction and an undeveloped landscape. It is part of a wider development which extends west to the local commercial centre of Anderson Heights. It is an extension of Wanaka township and backs onto the open slopes of a local landmark, Mt. Iron to the north east. Mt. Iron has a walking track and parking / toilet facilities accessed from within this site. The subdivision is readily visible from this track.

Vehicular access to the site is achieved from the west. Although the State Highway passes immediately to the south, it is not visible due to terracing. The Highway and Mt. Iron itself limit connections to the wider township in two directions. This site is a 15 minute walk from the town centre and a 5 minute walk from the Anderson Heights commercial centre.

INTEGRATION WITH BUILT ENVIRONMENT



- Vehicular connections to the surrounding subdivisions is primarily via local roads linking to Mt. Iron Loop Road/Mt. Iron Drive and Anderson Road that serve as collector roads.
- The development is bordered by new and established residential developments to the west and north.
- The development to the west is similar in urban grain, density and roading arrangements, although it is located in a more mature landscape setting.

INTEGRATION WITH THE NATURAL ENVIRONMENT



- Mt. Iron is visible from the majority of the site and creates a strong landscape setting.
- Besides the gently undulating land, there is little reference to previous land use, landforms or natural features. One exception is an internal, informal reserve with established trees.
- Sloping land at the base of Mt. Iron has been modified to provide flatter building platforms that step down to Rob Roy Lane.

How successful does this subdivision **integrate** with its local context?



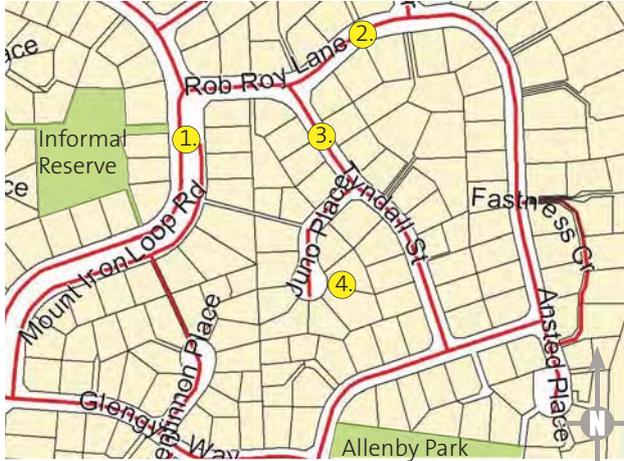
The subdivision has little design reference to its previous activities or features, although Mt. Iron is visible from most locations. The site is well connected and has adopted a similar design approach to that of the surrounding development. However, the urban grain is different to the traditional parallel and regular layouts adopted in Wanaka.

Mt. Iron Estate

Urban Structure

Connectivity

STREETS



The subdivision is accessed by three roads. All connect via T-junctions onto Rob Roy Lane, the principal loop road, which is connected via a roundabout to Mt. Iron Loop Road. Rob Roy Lane feeds one connecting road, two of cul-de-sacs and several private driveways. A network of public walkways (1-1.5m wide) also link these roads to Allenby Place and Mt. Iron walkway. An alternative pedestrian route to the State Highway is possible via the Mt. Iron walkway.

STREET HIERARCHY

1. Mount Iron Loop Road
 - Road width 15m
 - Footpaths both sides
 - Wider in one section due to a slipway
2. Rob Roy Lane
 - 20m road reserve
 - 11m road width
 - Two footpaths in parts
3. Tyndall Street
 - 18m road reserve
 - 9m road, narrowing to 6m at pinch point
 - Footpath one side
4. Cul-de-sacs
 - 15m road reserve
 - 7m road width
 - Head of cul-de-sac 27m diameter including footpaths to both sides



OPEN SPACE



Allenby Park is a large open space (photo at top left) and consists of an expansive level playing field. There was little evidence of activity. An informal open reserve also exists between Mt. Iron Loop Road, Mercury Place and Apollo Place. This space is accessed by two footpaths and a private drive, although the barrier at the end of the drive does not signify a public space (photo above). The pedestrian walkways are narrow, bordered by high fences and informally signposted to lead to the Mt. Iron walkway.

How successful is the connectivity through (and beyond) the site achieved using streets and open spaces?

VERY SUCCESSFUL SUCCESSFUL ACCEPTABLE LESS SUCCESSFUL NOT SUCCESSFUL

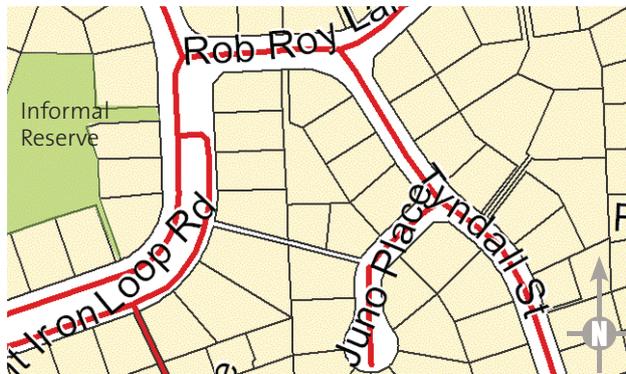
This subdivision has good vehicle and pedestrian connectivity given a network of roads and walkways. However, the walkways show evidence of anti-social behaviour (e.g. graffiti) and could be better designed to increase a sense of safety. The street blocks are large and despite pedestrian walkways in some parts, this results in longer walking distances.

Mt. Iron Estate

Urban Structure

Urban Grain

LOT DIVISION



Internal access is along predominantly curvilinear roads, which provide for adequate lot division and vehicular access to the irregularly shaped subdivision. All roads provide frontage access to generally even shaped lots on both sides, with the exception of two single-sided roads adjacent to Allenby Park. Private drive access is limited to larger rear lots adjacent to Mt. Iron and irregular shaped internal lots. There is some evidence of lot re-subdivision which effects the coherence of the urban grain.

LOT DEVELOPMENT



Dwellings generally align to the minimum road setback distances. However, visual regularity is limited by the variation in construction materials and building styles. There is little coherence across the development, although there is a noticeable use of high fences and planting to front boundaries. In some cases, lots along Rob Roy Lane have been raised slightly. In addition, some lots have been developed with deep setbacks to allow for further subdivision in the future.

Size/Density

The majority of lots are evenly sized (700-850 sqm). Larger lots are located at the foot of Mt. Iron and near Allenby Park.

Shape

Road side lots are generally square or rectangular, with central irregular lots accessed by private drives.

Access/Frontage

Minimum lot widths fronting roads creates regularity. Lots vary in depth and angle in response to curvilinear roads.

Variety/Variation

Variation includes the irregular shaped lots resulting from the road and cul-de-sac arrangements. Some corner lots appear larger.

Footprint Size/Coverage

Most dwellings and garages appear large and maximise site coverage.

Arrangement/Typology

Most dwellings are single-storey detached houses of varying styles. Some are two-storey/comprehensive units.

Street Frontage: Garage/Drive

Many standardised buildings located close to lot boundaries. Garages facing the street reduces passive surveillance.

Variety / Variation

Re-subdivision results in good and bad outcomes. On sloping sites this means dwellings in close proximity on different levels raising privacy issues.



Mt. Iron Estate

Appearance (Outcomes)

Legibility

Arrival



This subdivision is similar in layout to the surrounding subdivisions. When coming from the north a roundabout on Rob Roy Lane identifies the arrival point. From the south individual signage to Allenby Place, Allenby Park and strong views to Mt. Iron suggests a separate identity.

Navigation



Mt. Iron and Allenby Park acts as navigational aids on site. Road widths vary slightly, but there is little visual change to distinguish the road hierarchy. There are few built landmarks and streets with a different character. However, narrow walkways and minimal destination signage do not encourage pedestrian navigation.

Security



In several locations narrow pedestrian walkways are enclosed by high fences. These compromise a feeling of safety. Graffiti on fences further indicates a lack of security. Roads appeared wide with extensive driver visibility and generous bends. This can encourage high vehicle speeds.

Does this site achieve good legibility?



Mt. Iron is a notable landmark and together with Allenby Park, aids wayfinding within this site. However, concern over safety and desirability of pedestrian walkway arrangements and roading layout, reduces the overall success of legibility.

Scale

Typology



The majority of the buildings are single-storey detached dwellings, with some examples of one and a half and two-storey dwellings along the site perimeter, particularly at the foot of Mt. Iron and adjacent to Allenby Park. There is a notable sense of openness and inconsistency within the development.

Buildings to Street



Regular lot frontage widths have established a predominantly single-storey building rhythm. As a result of lot level changes, multiple building styles there is little building frontage continuity or regularity along the street. Front fences are high and double garages tend to dominant the street.

Buildings to Public Spaces



As an expansive level sports field, Allenby Park comprises the main public open space. Due to its scale, the surrounding single-storey buildings appear visually insignificant. Even on the larger lots along Allenby Place, re-subdivision has resulted in two-storey buildings predominantly on rear lots. Taller buildings fronting the park would have provided a better scale and relationship.

Is the scale of development appropriate to the local environment?



As a consequence of lot arrangements, two-storey buildings are predominantly located away from public roads and spaces. Therefore, the built form does not help define public spaces, or counter the dominance of roading to any great effect.

Mt. Iron Estate

Appearance (Outcomes)

Active Edges

Visibility



Individual lots have wide street boundaries, which reduces the number of dwellings along the street. Approximately a quarter of the lots have no public street frontage. Many frontages have high fences, wide garages and retaining structures. This results in poor visibility between dwellings and the street.

Front facade openings



Due to front boundary treatment (i.e. fencing and retaining structures), the visibility of dwellings from the street is variable and frequently restricted. Garages and blank gables also reduces the views of front doors and windows from the street.

Orientation/proximity



A small number of dwellings are placed side-on to the street to achieve better solar orientation, which results in blank walls facing the street. There are no predominantly east-west oriented roads, resulting in minimal variation in the location of building on either side of the street.

Garages



Double garages and driveways are often the focal point of front elevations. This is particularly the case where landscaping has not been provided for. However, many dwellings are individually designed, which introduces variation in layout and materials and relieves the visual dominance of garages from the street.

Does the layout of subdivision result in high degree of **active edges** to public areas?



There are no apparent design controls in place to ensure street activity and passive surveillance of public roads, spaces and walkways. This is further emphasised by the variation in building design, ground levels and treatment of frontages.

Enclosure

Tyndall Street

Very little enclosure of streets is established within this subdivision, mostly due to the wide roads/ road reserves. This is accentuated by deep building setbacks and low dwelling heights.



Ansted Place

The only place where a sense of enclosure is achieved is at the head of Ansted Place. This is due to the height and proximity of building to the street. However, the width and layout substantially undermines this.



Does the subdivision successfully achieve good **enclosure**?



The scale of roads/road reserves limits the opportunity for effective street and open space enclosure. However, even the narrower roads such as the private drives still have low building heights, which limits opportunities to define the street.

Mt. Iron Estate

Appearance (Outcomes)

Quality

Private Buildings



The majority of buildings are individual designed, resulting in a very eclectic mix of building styles and limited cohesion. There is a strong emphasis on render and brick finishes, with relatively little stone or reference to other local materials.

Private Lot Curtilage



The extent and variety of boundary treatment and undeveloped planting accentuates the lack of continuity. This results in a fragmented appearance across the development as a whole. There are very few examples of high quality frontage fencing or landscaping.

Public Street Materials



All public and private roads are treated similarly with tarmac seal and concrete kerbing. The one exception is red concrete block work to crossings, parking bays and other uses. This lack of differentiation between types of streets is confusing.

Public Landscape/ Open Space



Some public street landscaping is good, but it is limited in extent. Most of the street trees are not fully established. Allenby Park is entirely grassed with sporadic tree planting. The informal public space retains several existing landscape features. When the trees within the subdivision mature it may improve the overall visual quality of the development.

Overall **quality** of subdivision?



There is little consistency in the style of dwellings and the quality of their gardens and boundaries. The streetscape is uniform and dominated by asphalt, with some block work features. When planting has matured, it may improve the quality.

Character

Consistency Across Site



The only consistent elements across the site are the roads and views to the surrounding landscape. The mix of building styles, materials and relationship of buildings to the street has more of a rural residential character than one associated with an urban extension.

Building Character



As the built character shows little consistency the overall character of the subdivision is influenced by the appearance of the roads. The future success of landscaping may result in an improved appearance. However, given than private front gardens appear smaller than in other scheme this may be limited.

Appropriateness



While the development adopts a similar design to its neighbours, there is little reference to the traditional built character of Wanaka, apart from general openness to the wider landscape. The road structure is a generic suburban model and other than Mt. Iron, this development could be anywhere.

Does the subdivision establish a special **character** appropriate to its site?



There are no distinctive features, aside from views of Mt. Iron, within this subdivision which are memorable. The layout and lot development do not respond to the context and there is no consistency in character or appearance. However, the future look of this development does depend on how the landscape matures.

Mt. Iron Estate

Overall Impressions of Subdivisions - Distinctiveness



Wide Roads/Road Reserves

These are the predominant feature of this subdivision.



Pedestrian Walkways

While offering direct connections between roads they are not pleasant or attractive routes.



Mt. Iron Walkway

This is an excellent amenity, although links to the walkway could be clearer from within the site.



Further Subdivision

The process of lot re-subdivision seems unco-ordinated in some parts of the site.

Overall Assessment

How successful is this subdivision overall when considering urban design criteria?



ALTHOUGH THIS DEVELOPMENT PROVIDES A PLEASANT ENOUGH LOCATION ADJACENT TO MT. IRON, IT FALLS SHORT OF A NUMBER OF KEY URBAN DESIGN CRITERIA RESULTING THEREFORE RESULTING IN AN UNACCEPTABLE OUTCOME. GIVEN ITS LOCATION AS AN URBAN EXTENSION TO WANAKA IT DOES NOT MAKE THE BEST USE OF ITS LOCATION.

Key Lessons

- Roads dominate this scheme, both in width and alignment. Wide unused road reserves contribute little and reduce the overall success of this subdivision.
- Controls in relation to further lot subdivision would regulate the unco-ordinated look already evident on site.
- Narrow walkways with high fences do not promote security and encourage anti-social behaviour such as graffiti.
- Key landforms such as Mt. Iron can aid legibility, but has not been well utilised.
- Although the layout of the subdivision is efficient, there is little evidence of any creativity in road, lot, or built form arrangements. A combination of acceptable standards provides adequate functionality, but fails to contribute to its local context or include distinctive features.

Site G – Meadowstone, Wanaka

Introduction

Size: 20ha

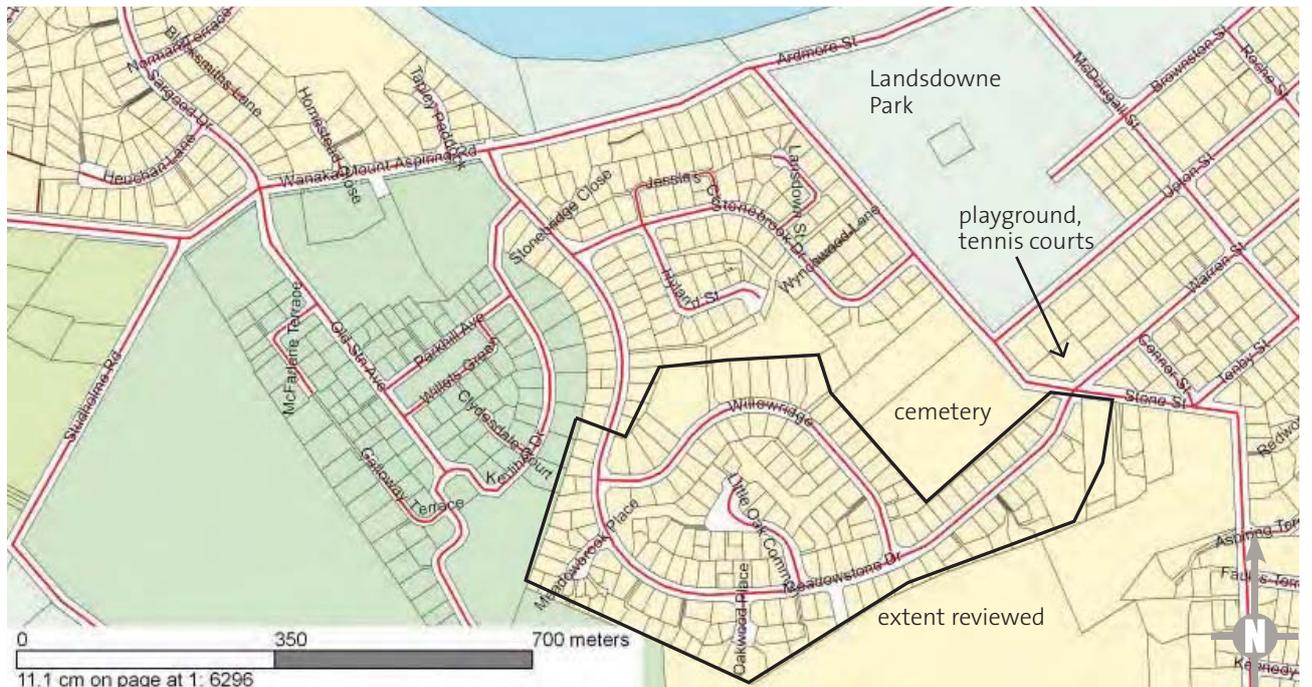
Date of consent: 2001/2002

Complete: Yes, however a retirement village is under construction within the area reviewed.

Zoning: Residential (light yellow) and Meadowpark (dark green - Rural Lifestyle)

Location: This subdivision is an extension of Wanaka to the south west. Its entry point is within 1 kilometre of the town centre. The streets reviewed include Willowridge, Little Oak Common, Meadowstone Drive (part), Meadowbrook Place and Oakwood Place.

Conditions: The site was visited on a cold, drizzly winter afternoon.



Meadowstone zoning plan



Meadowstone aerial

Meadowstone, Wanaka

Context



The subdivision is an extension of the town centre to the south-west, separated from the centre by a residential area, the cemetery and Landsdowne Park.

The site is on gently sloping land between the surrounding hills and Lake Wanaka. It is accessed by two roads off Stone Street and two roads off Mount Aspiring Drive. Meadowstone Drive is a direct extension of Warren Street which leads to the town centre. There are pedestrian connections to the nearby park.

The subdivision is approximately 1 km from the town centre. The primary school, parks, playground, Lake Wanaka and some other amenities are within 1 km of the site.

INTEGRATION WITH BUILT ENVIRONMENT



- Meadowstone Drive links with the town grid, but the scheme layout does not extend the formal grid pattern. Nevertheless, there are several direct and indirect connections to the town centre.
- The subdivision is close to the local amenities of the town centre, playground and tennis courts.
- A retirement village on site links with the existing rest home on a neighbouring site.
- Residential units back onto the adjacent cemetery.

INTEGRATION WITH THE NATURAL ENVIRONMENT



- Views of Mt. Iron are framed in part by the alignment of Meadowstone Drive.
- The southern most dwellings sit at the foot of the hillside and sit comfortably within it.
- There are no views of the lake from the public realm.
- An existing stream is incorporated into the greenways network.
- Some trees, in particular an oak tree, are retained within the site.

How successful does this subdivision **integrate** with its local context?

VERY SUCCESSFUL



SUCCESSFUL



ACCEPTABLE



LESS SUCCESSFUL



NOT SUCCESSFUL



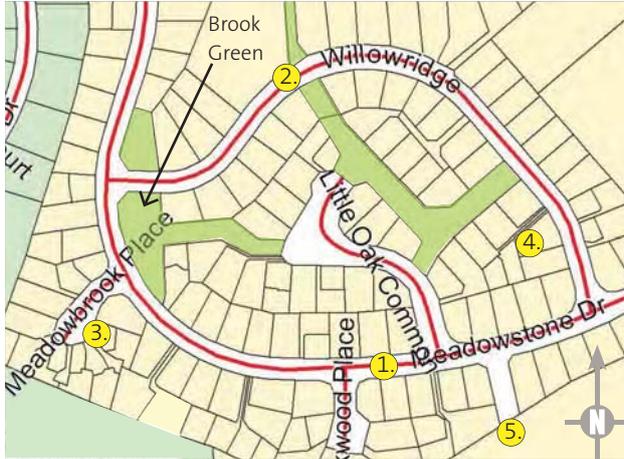
This subdivision integrates well with its natural setting, using existing features and does not unduly encroach on the hillside. However, it backs onto the cemetery, concealing this from public view, and does not reference the grid layout of the nearby town centre.

Meadowstone, Wanaka

Urban Structure

Connectivity

STREETS



This portion of the subdivision is well connected, via a main road (Meadowstone Drive), a local loop road (Willowridge) and three cul-de-sacs. Each of these roads is further connected with greenways. There is provision for a future link to the south (marked as No.5 on the map). The widths of public roads/road reserves appear similar and therefore do not readily convey the road hierarchy. In contrast, the private roads are narrower.

STREET HIERARCHY

- 1 Meadowstone
 - 9m (20m road reserve)
 - Main connecting routes
 - Footpaths both sides, with brick paving
- 2 Willowridge
 - 9m (20m road reserve?)
 - Internal connecting road
 - Footpaths both sides, with brick paving.
- 3 Cul-de-sacs
 - Three in this section
 - 8.5m wide
 - Short routes with footpaths
- 4 Private Drives
 - Seven in this section
 - 4m wide (on average)
 - No footpaths, some change in materials



OPEN SPACE



A network of greenways connect the roads and cul-de-sacs to the remainder of the site north to Landsdowne Park. Some greenways follow the path of a stream and one is focused around an existing Oak tree. This greenway is well overlooked by back lots. The greenways vary in width, but are generally wide; in places up to 20m. There are also informal public open spaces along the greenways. However, the greenways do not have footpaths, which limits their use as pedestrian connections.

How successful is the connectivity through (and beyond) the site achieved using streets and open spaces?

VERY SUCCESSFUL
 SUCCESSFUL
 ACCEPTABLE
 LESS SUCCESSFUL
 NOT SUCCESSFUL

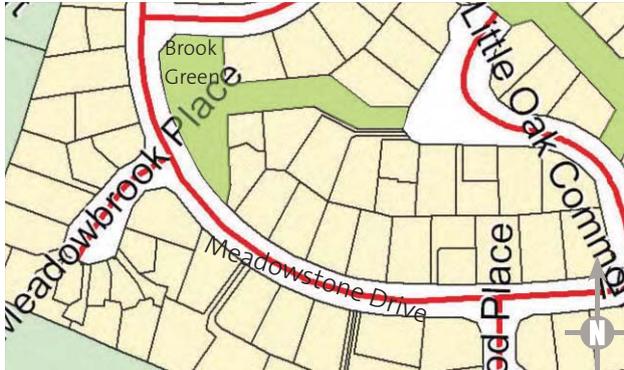
The greenways are well connected. If there was a further vehicle route connectivity would have been more successful.

Meadowstone, Wanaka

Urban Structure

Urban Grain

LOT DIVISION



The site is irregularly shaped and with the curvilinear alignment of the roads, generates a variety of lot shapes. There is also a variety of lot sizes, with larger lots on the northern side of Willowridge and adjoining the southern boundary. The lots generally have a similar width to the road, but lot size depends on depth. Lots along the main roads have regular frontage width in contrast to those in the cul-de-sacs and private drives. Many lots, particularly along the southern boundary, are accessed off private drives. There is evidence of further subdivision, with comprehensive developments in Meadowbrook Place.

LOT DEVELOPMENT



Buildings were generally well accommodated within their lots and aligned with the boundaries, although in many cases lot coverage was maximised. There was a variation in building types along roads, with a mix in height, gables and vertical elements, such as chimneys. The rhythm of frontages along the street was fairly consistent.

Size/Density

There is a range of lot sizes. They appear regular from the street, but the depth determines the overall lot size.

Shape

The subdivision layout results in a mix of lot shapes, mainly on the south and north edges of the area reviewed.

Access/Frontage

Most dwellings align with lot boundaries and face the road, with the exception of the back lots.

Variety/Variation

There appears to be much lot variation, created by further subdivision, with some comprehensive schemes in the cul-de-sacs.

Footprint Size/Coverage

The dwellings did not appear crammed within lots despite relatively narrow frontages.

Arrangement/Typology

There is a varied mix of building types and heights. They are mostly single-storey, but some taller buildings were present.

Street Frontage: Garage/Drive

Garages did not particularly dominate the streetscene given the extent of frontage landscaping.

Solar Orientation

On south facing lots garages faced the roadside and on north facing lots garages tended to be at the rear.



Meadowstone, Wanaka

Appearance (Outcomes)

Legibility

Arrival



Entry into the subdivision was marked by subtle stone signage and stone bridges over the stream with a change in road surfaces. The stone signage was also consistently used to mark entrances to the streets. The road surfaces throughout the remainder of the site also changed when crossing the stream.

Navigation



It was not clear when entering the greenways where they linked to, although landmarks or roads were visible. Meadowstone Drive was clearly the principal route, given it is emphasised by its continuous curved alignment. The legibility of secondary roads was less clear.

Security



There were no footpaths or lighting along the greenways resulting in an incomplete look and a potential unsafe feeling. However, in most places the greenways were well overlooked. In places, the private gardens of some dwellings spilled into the greenways, with no definition between them. Across the site, even where fences were higher, upper floor windows provided some natural surveillance.

Does this site achieve good legibility?



Navigation through the greenways was a little unclear, which added to a sense of unease. However, generally the greenways are successful, but the inclusion of footpaths and lighting could attract more users. The main route through the site was very clear to traffic users, but less clear to those drivers approaching it from side streets, given that their was limited differentiation between different road types. This resulted in the need for additional road markings.

Scale

Typology



The majority of buildings are single-storey detached dwellings. However, there are also many examples of two-storey dwellings along the principal roads. An increased proportion of two-storeys dwellings were located on larger lots within cul-de-sacs, adjoining the rural boundary and close to the greenways.

Buildings to Street



A combination of regular narrow lot widths establishes a strong rhythm of individual buildings along both sides of the street. Irregularity of building form, height and colour combined with landscaping contributes to variety and a strong street edge.

Buildings to Public Spaces



Dwellings alongside greenways and public open spaces have a good visual relationship with the spaces given they are generally two-storied. In some cases private gardens merges with public spaces due to an absence of fencing. This creates uncertainty for park users as to where they are allowed to go.

Is the **scale** of development appropriate to the local environment?



There is a consistent relationship between the type of road and the size of the building which adjoins it. This results in a good sense of scale within the scheme.

Meadowstone, Wanaka

Appearance (Outcomes)

Active Edges

Visibility



A clear visual relationship between buildings and streets was evident. Many were moderated by low fencing and planting/hedging along the street boundary, though in summer transparency may be less. Where taller fences existed the dwelling behind generally had windows on upper levels.

Front facade openings



The majority of the dwellings had front doors and windows along their street frontage. Most had shared vehicle and pedestrian access but some had separate pedestrian paths. In places, where a single-storey dwelling had a higher fence it still had some visible windows.

Orientation/proximity



Orientation is determined by road layout and lot widths. Buildings predominantly aligned with side boundaries and fronted roads, with the majority of dwellings located close to the street. There were some exceptions, with wider lots including buildings located towards the rear of the lot.

Garages



The majority of dwellings had double garages attached, especially on the northern aspects. These dominated the street when the front gardens lacked vegetation and generally resulted in a poor visual connection with the street. Garages on sites on the south side of Meadowstone Drive were generally located to the rear, increasing active windows overlooking the street.

Does the layout of subdivision result in high degree of **active edges** to public areas?



The dwellings in general have good passive surveillance to streets, open spaces and greenways.

Enclosure

The regular dwelling setbacks combined with the curvature of the road assists in creating a visually continuous frontage. This would be even better if the road reserve was narrower and buildings closer together.



The height of the buildings (including chimneys) assist in creating a vertical scale to the street and providing a better definition of the space. Reduction of the road reserve width and turning area would improve this further.



Does the subdivision successfully achieve good **enclosure**?



Given the current roading standards, this is a better example of enclosure of space in a subdivision. Narrower road reserves would further enhance the sense of enclosure of the streetscapes.

Meadowstone, Wanaka

Appearance (Outcomes)

Quality

Private Buildings



In general, the quality and maintenance of the buildings appears good. There is a variety of building types yet they sit comfortably together. This suggests there may be building controls for the site, particularly given the regular use of gabled buildings with pitched roofs.

Private Lot Curtilage



The overall impression of the landscaping and fencing is reasonably cohesive and is of good quality and well maintained. Conversely, those dwellings without planting/fencing detracted from the overall quality. The low fences between lots added to the street's perceived rhythm.

Public Street Materials, utilities, etc.



The red paved footpath successfully reduced the dominance of the road and linked well into private driveways. The footpath does not change level at entrances to lots. Kerb and channel is the predominant drainage treatment on the site. The utilities on site were not very obvious.

Public Landscape/ Open Space



The use of stone in the public landscape added to a visual cohesion across the site. The landscaping, bridges and open spaces are of high quality. The mainly grassed road reserves were more pronounced due to the extent of lot enclosure and though occasionally planted with trees did little to contribute to the streetscape.

Overall **quality** of subdivision?



The quality of landscaping and infrastructure unifies the scheme and the quality of the private planting and buildings reinforces this.

Character

Consistency Across Site



The overall character presents a tightly knit development within the constraints of the road pattern and landform. The landscape quality across the site is high and a consistent treatment is evident. This results in a reasonably cohesive appearance.

Building Character



The majority of buildings appeared to be individually designed. There is an emphasis on simple forms of a similar scale, which contributes to the character of Wanaka. This is complemented by the quality of the landscape surrounding the buildings.

Appropriateness



Changes in the scale of buildings reflect their location, rising in height towards the mountains and lowering closer to the more traditional streets in Wanaka. The road alignment is less appropriate to its context, due to the lack of reference to the traditional grid it adjoins. In general, the development responds better to the rural aspect than its urban context.

Does the subdivision a special **character** appropriate to its site?



This subdivision has a more cohesive character responding well to its rural edge setting. The public landscaping and materials use in pathways and bridges enhances this character.

Meadowstone, Wanaka

Overall Impressions of Subdivisions - Distinctiveness



Both public and private **landscaping** positively enhanced the character and cohesion of this subdivision.



There was a positive relationship between the height of buildings and their proximity to adjacent roads i.e. higher buildings were located adjacent to cul-de-sacs and greenways.



The linearity of **greenways** offers a green edge to many development lots and also provides a network of pedestrian connections.



The width of the roads and road reserves with extensive seal detracted from the scheme. However, the coloured and textured footpaths reduced their overall visual impact.

Overall Assessment

How successful is this subdivision overall when considering urban design criteria?



THIS SUBDIVISION INCLUDES HIGH QUALITY PUBLIC AND PRIVATE LANDSCAPING AND BUILDING DESIGN. IT HAS GOOD INTERNAL CONNECTIONS AND A BUILDING SCALE WHICH COULD HAVE BEEN ENHANCED BY NARROWER ROADS/ROAD RESERVES.

Key Lessons

- The wider road reserves reduce the overall success of this subdivision.
- This subdivision presents a co-ordinated impression, which suggests the use of design controls.
- The connectivity of this scheme is high, in particular due to the use of greenways. However, footpaths along the greenways would enhance usability for all people (i.e. parents with prams and people with limited mobility).
- Good public landscaping and quality materials can enhance the overall success of a subdivision, even in poor winter conditions.

Conclusion

The purpose of this review is to assess some typical subdivisions in relation to current urban design best practice. The findings of this report may assist QLDC in achieving better urban design outcomes in future subdivisions. It is important to note that the majority of the schemes reviewed were consented and commenced before the launch of the Urban Design Protocol in 2005. Therefore,

a general awareness of essential urban design qualities was unlikely at the time in which they were designed.

The key findings and overall assessment of each subdivision are not compared in this report. However, a number of the key lessons learned are outlined below in relation to each of the urban design criteria.

Urban Design Criteria - Key Lessons

Context

- All schemes reviewed were on greenfield sites.
- The schemes considered more successful were generally those located close to existing communities, built areas, key routes or services.
- The natural landscape setting is important and the retention of natural features, i.e. stream, trees, slopes, makes a real difference to the overall quality.

Connectivity

- Most sites were well connected externally for vehicular traffic.
- A hierarchy of roads was not always clear on site.
- Road arrangements which are not dictated by slopes vary significantly between schemes.
- All schemes provided open spaces, but these varied in scale, level of provision and quality of connections.
- The safety and design of pedestrian connections affected the overall connectivity of the subdivisions.

Legibility

- Curved and apparently arbitrary road alignments can be confusing.
- There were few landmark buildings or central areas of focus to aid navigation. Greater reliance should be made of natural features (i.e. distant views).
- Cul-de-sacs were mostly short, aligned with open spaces and had footpath connections to other destinations.
- Most developments achieved a sense of arrival, though few had a central focus determined by layout or form.

Scale

- The majority of buildings comprised detached single-storey dwellings on flat sites or two to three-storey on sloping sites.
- The larger lots tended to adjoin open spaces or site boundaries, rather than streets.
- Some larger lots have been further subdivided and

this can have a negative effect on the overall visual coherence.

- Large scale open spaces and wide roads appear larger when bounded by single-storey dwellings.
- Road reserves are an under-utilised resource. However, swales within the road reserve were successful on some sites.
- There was insufficient provision of larger buildings to define and enclose public areas.

Active Edges

- Dwellings predominantly fronted streets, but a large number also were located within rear lot developments. This reduces the ability to create active streets and also resulting in deep blocks.
- Street activity is lessened by wide lot street frontages.
- There is a tendency for garages to dominate street frontages. However, there is more creativity in garage and parking solutions on steeper slopes.
- Passive surveillance is reduced by frontage enclosure (i.e. fences, walls), planting and level changes.

Enclosure

- The sense of enclosure is generally weak due to the low ratio of building height to road width/open space (roads tend to be too wide).
- Occasionally groupings of taller buildings and careful use of landscape features assisted in creating some definition to street edges and a sense of enclosure.
- In places, public and private planting and some well designed boundary fencing assisted in forming an edge to the street.
- Narrower private roads often resulted in a better sense of enclosure than wider public roads.

Quality

- Predominantly new schemes were reviewed, resulting in a generally good overall building appearance.
- Common road materials results in some monotony and there was some surface materials degradation.

Conclusion

- Good quality public landscaping and private gardens are important factors in achieving cohesion and visual quality.

Character

- Varied building character reduced an appearance of regular forms, but individual designs added interest.
- Some schemes appeared to be enhanced by building controls on colour and materials (i.e. use of local stone).
- Some formal road layouts were less successful due to lack of appropriate supporting building scale and location.

Creativity

- There was little evidence of creativity in road design and urban grain.
- Lot shapes appeared to be designed to achieve uniform lot sizes rather than creating an attractive three-dimensional built outcome, by establishing enclosure, street edges, focus on corners or good edges to open spaces.
- The lack of a comprehensive relationship between built form and roads resulted in a lack of urban structure within developments.

Local Distinctiveness

- There was a generally a low response to local character. The schemes which had more local distinctiveness tended to succeed in more criteria. Some schemes demonstrated good use of local materials in building and landscape treatment (i.e. stone and local plant varieties).
- The scale of development, especially roads, sometimes compromised the ability to respond to local character.
- Standardised roading arrangements reduced local distinctiveness.

Appendix 6. Monitoring Report on the Rural Living Zones of the Queenstown Lakes District Plan

Monitoring Report on the Rural Living Zones of the Queenstown Lakes District Plan



Report dated January 2010

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Executive Summary

This report is intended to report on the effectiveness and efficiency of the Rural Living Zones in accordance with Section 35 of the Resource Management Act.

This Executive Summary is intended to provide a brief overview of some of the key findings of the report.

The Rural Living Zones are the terms used to collectively describe the Rural Lifestyle and Rural Residential Zones of the District Plan. They share the same objectives and policies despite prescribing different minimum lot sizes. Subdivision is controlled, meaning that certainty of the ability to develop is greater than the likes of the Rural General Zone.

In terms of how the areas were zoned as Rural Living, this is mainly the result of two factors. Some were the result of recognising that the existing subdivision pattern in certain areas could accommodate further subdivision without compromising the landscape values. In others, the Council accepted as a result of submissions to the Plan that Rural Lifestyle or Rural Residential Zoning would be appropriate. There are some areas where the appropriateness of such zoning is debatable, such as those that fall within Outstanding Natural Landscapes.

The objectives and policies for the Rural Living Zones are relatively succinct and focus on providing opportunities for rural living, protecting rural amenity, ensuring self sufficiency for water and sewage provision and site specific considerations in some parts of the District. However, the objectives and policies relating to growth management in these areas are somewhat ambiguous and would appear to be open to varying interpretations. The Plan does contemplate growth and urban expansion but it is difficult to determine whether it was envisaged this would occur via resource consents, plan changes or both. The latter issue is important for understanding some of the resource consents that have been granted in these zones over recent years.

The uptake of complying, large sized sections (in terms of dwellings built on sections) in the Rural Residential Zone (4000 m² minimum) has been steady, particularly in Wanaka and Hawea. There has been a less significant uptake of large sections in the Rural Lifestyle Zone (1 ha minimum but an average of 2ha across the Zone). However the most notable trend has been the significant development on sections below the minimum lot size as many areas close to Queenstown, Wanaka, Lake Hawea and Luggate have been subdivided to urban densities rather than Rural Living densities. The large number of non-complying consents granted, brings into question how effective the Rural Living zones have been.

There would appear to be a relatively plentiful supply of Rural Residential and particularly Rural Lifestyle development opportunities throughout the District. However, some areas of Rural Living zoned land appear to be located in areas that are isolated or in places that (arguably) have not proved appealing to the market.

It is worth noting that if development potential in areas such as Bob's Cove were realised in full this would provide for a significantly sized settlement.

The costs of gaining resource consents are considerably lower than in the Rural General Zone, particularly when considering that consents that do not fall below the minimum lot size are rarely notified and therefore rarely appealed.

After the District Plan came into effect there were a large number of consents granted for subdivision to provide for 'lifestyle block' type subdivision. New consents have become less common and more consents are now being sought to vary the earlier consents granted.

Assessing the appropriateness of the outcomes is a subjective exercise and can be difficult given the wide range of environments the zones cover. However, amongst the resource management practitioners consulted with in the preparation of this report, there seems to be a view that the Rural Lifestyle provisions generally produce appropriate outcomes while the Rural Residential provisions result in fairly inefficient use of land and often do not provide for ideal landscape outcomes.

This report includes some discussion on how the District Plan might treat such areas differently in order to encourage different outcomes, particularly by encouraging more comprehensive planning. The relative merits of the Rural Residential Zone and the Rural Lifestyle Zones are briefly discussed.

There is a lengthy discussion on the causes of the many extensions of urban areas into Rural Living areas in the District. It is argued that this is an important issue that the Council should seek to discourage in the future. Some of the causes discussed include:

- Zone boundaries that appear arbitrary
- Weak or ambiguous objectives and policies relating to the purpose of the zones and growth management in the District
- Non-complying resource consents that have been granted that created precedents and made it difficult to uphold the integrity of the plan in later consents

Finally, it is noted that many areas are not self sufficient in terms of water and sewage provision (as advocated by the objectives and policies of the Zone). However, this issue seems to have been dealt with on a more pragmatic basis. It is suggested that, in order to promote the efficient provision of infrastructure, the alignment of Council's asset management plans and the District Plan be carefully considered in any future revisions of these zones.

1. What are the Rural Living Zones?

The Rural Living Zones are the terms used to collectively describe the rural lifestyle and rural residential zones of the District Plan.

2. What is the purpose of the Rural Living Zones?

There are separate rules that affect what can happen in the Rural Lifestyle Zone and the Rural Residential Zone. However, given the zones share the same objectives and policies, there are certainly a number of similarities between them.

From a technical planning perspective, to understand the purposes of the Rural Living Zones one should consult 'the white pages' of section 8 of the plan which outline the objectives and policies amongst other matters for the zones.

What is notable about these 'white pages' is that a lot of the description of the purpose of these zones is in the Resource Management Issues rather than the objectives and policies. This can be an issue of importance because the issues hold minimal weight when considering resource consents (for example, the RMA prescribes that the objectives and policies must be considered when processing non-complying resource consents, not the issues).

The fact that both zones share objectives and policies while prescribing different rules does pose something of an unusual situation. It is likely the result of the convoluted history of the drafting of the Plan (including appeals etc) which saw more attention devoted to some aspects rather than others. It may help with the consistent application of the Plan in the future if, through the process of review, the zones' objectives and policies were separated and expanded upon.

In summary, the following are key themes of the objectives and policies:

1. To provide opportunities for rural living

The zones provide more certainty to landowners than the Rural General Zone that subdivision and development can be achieved. Consents generally require less rigorous assessments. There is a deliberate emphasis on ensuring that residents' expectations are for a rural environment with associated potential effects such as through dust, noise and odour.

2. To ensure self sufficiency in infrastructure terms

Presumably the Council wished to avoid the implications of expensive water and sewage provision in low density rural environments.

3. An emphasis on maintaining rural amenity

Like the Rural General zone there is an emphasis on rural amenity although there is less of an emphasis on landscape (perhaps with the exception of the 'other rural landscapes' of the Rural General Zone). This difference is subtle but important – presumably the rural living areas have been located in areas which were not determined to be in need of a high degree of landscape protection. There is however a policy seeking the avoidance of buildings and water tanks on ridges and skylines.

4. Site specific considerations

There are a number of specific considerations outlined in the objectives and policies relating to certain areas. These mostly reflect concerns raised in submissions and appeals, particularly with regards to Lake Hayes North and Bob's Cove and the effects in those places on water quality and biodiversity values. As a result of Plan Change 14, subdivision needs to take particular account of natural hazard risks in the Makarora valley.

5. To provide a transition from urban land uses to rural pastoral land uses?

Importantly, this is not outlined in the objectives and policies for the rural lifestyle zones. Yet it is apparent that the rural residential areas often surround residential areas – such as with the 'poached egg' zoning arrangement at Lake Hayes Estate. Perhaps the strongest policy basis for explaining this arrangement is the 'urban edge' district policy 4.2.5.7:

To identify clearly the edges of:

- (a) Existing urban areas;
- (b) Any extensions to them; and
- (c) Any new urban areas

- by design solutions and to avoid sprawling development along the roads of the district.

There are also important interrelations with other Sections of the District Plan. There are District-wide objectives relating to landscape protection, urban growth, earthworks and natural hazards. While more commonly under scrutiny when considering consents in the Rural General Zone, the landscape protection objectives and policies are relevant to all development within the districts rural areas.

The District-wide objectives and policies that relate to urban growth are of interest in this report due to trends of urban density consents being granted in the Rural Living Zones. While these provisions emphasise consolidation, what is meant by 'consolidation' may be unclear to readers due to the discussion in the Explanation and Principle Reasons for Adoption as follows:

'consolidation can occur by peripheral expansion of existing residential areas, increased density within existing residential areas or opportunities for new settlement'.

It is however considered unlikely that the Council did envisage considerable urban density development in these areas given the minimum lot sizes prescribed.

In a peculiarity of formatting, there are also relevant objectives and policies in the Residential Section of the Plan. Objective 2 of that section promotes a compact residential form readily distinguished from the rural environment. Supporting policies 2.1 and 2.2 seek to contain the outward spread of residential areas and rural living areas. Policy 2.3 states 'to provide for rural living activity in identified locations'.

Environmental Results anticipated

For the purposes of monitoring it is important to consider the environmental results anticipated for the Rural Living Zones:

8.1.3 Environmental Results Anticipated

Implementation of policies and methods for management relating to Rural Living areas will result in:

- (i) The achievement of a diversity of living and working environments.
- (ii) Conservation and enhancement of outstanding landscape values of the District.
- (iii) A variety of levels of building density throughout the District.
- (iv) Safeguarding the life supporting capacity of water and soil.
- (v) Self-sufficiency of services in rural living areas.

The first four of these are generally hard to answer in absolute terms but will be discussed in this report. Point (v) will be specifically discussed below.

3. How do the zones work?

Compared to the Rural General Zone, the Rural Living Zones are relatively straight forward to administer.

The Rural Lifestyle zone allows for the subdivision of new allotments down to 1 ha provided that the average subdivision allotment size is no less than 2 ha (excluding the Makarora Rural Lifestyle Zone). It is a controlled activity to subdivide to these sizes. This means the Council cannot refuse consent if certain criteria are met, but it can attach conditions. There is a requirement to identify a building platform to show where the house will be located. Conditions allow a platform to be moved so as to minimise landscape effects and to include mitigation such as planting.

The Rural Residential Zone permits subdivision down to a minimum of 4000m² (excluding the Bobs Cove Rural Residential Zone) and therefore allows for a higher level of density than the Rural Lifestyle zone. No building platform is required meaning that generally the zone is more enabling than the Rural Lifestyle Zone.

The external appearance of houses is a controlled activity in both zones with an emphasis on ensuring that the design is compatible with the surrounding environment.

Residential and productive farming activities are permitted. Visitor accommodation is discretionary except in specified subzones where it is controlled. Commercial activities are mostly non-complying.

4. How were the areas zoned as Rural Living?

Under the Transitional Plan (the plan drafted prior to the passing of the RMA) there was limited rural residential living provided for in the District by way of zoning. Most of the rural areas that had been subject to land fragmentation were zoned Rural A or B, being the two general rural zonings under this Plan.

The majority of the sites identified under the Proposed District Plan for rural residential/ lifestyle zoning were areas within the District that were already at a level of intensity incompatible with the proposed Rural General Zone and more akin to a rural living environment. Examples of this were the Dalefield and Lake Hayes North areas. Prior to 1995, under the Transitional District Plan, both these areas were zoned Rural A and B and were predominantly characterised by smaller allotments as opposed to large rural land holdings.

These areas were recognised for their ability to absorb a higher level of residential development without compromising the character, the receiving

environment or the overall productive potential of the environment. Consequently they did not lend themselves towards large scale farming activities and they were zoned 'Rural Residential' to accommodate low density rural living. It is noted that the Lake Hayes North rezoning, as well as the Bobs Cove rezoning (as referred to below), were both subject to Environment Court appeals and hence the specific provisions within the District Plan are of some detail when compared to the other rural living provisions in the Plan.

When the decisions on the District Plan were released in 1998, the Rural Residential zoning was split into two zonings under the Rural Living provisions. This now included the Rural Residential and Rural Lifestyle zones, under the umbrella of the Rural Living provisions. This came about as a result of recognition that while some areas of the District were suitable for low density rural living, they lacked the ability to absorb such development down to the 4000m² minimum allotment size proposed under the Rural Residential zoning. As a result, the decisions released in 1998 saw the Rural Lifestyle zoning introduced to accommodate a less intense level of subdivision pattern. There were a number of areas, such as Dalefield, that were rezoned from a Rural Residential to Rural Lifestyle zoning.

Specific areas in Bobs Cove, Wilsons Bay, Quail Rise and Glenorchy were also rezoned to Rural Living. In Wilsons Bay, for example, lifestyle allotment sizes varied from 3500m² through to approximately 5 hectares. The overriding consideration, however, in respect to this rezoning, was the potential adverse effects development would have on the landscape qualities of this specific area. Much of Wilsons Bay was zoned Rural Lifestyle as opposed to Rural Residential in recognition that a higher density would have an adverse effect on landscape values. Bobs Cove was subject to appeals that were resolved via a consent order. The area was considered to have significant landscape as well as ecological values and hence, while it was considered that the area could absorb further development, specific provisions such as extensive on-site planting and landscaping requirements were proposed to mitigate any adverse effects.

There were some areas in the District that were rezoned to provide for rural living purely in response to submissions lodged against the District Plan even though there was not a history of a fragmented subdivision pattern. This was the case in respect to Wyuna Station which prior to 1995 did not support development of a type consistent with a rural living density. The owner sought a Rural Residential zoning for the site but a Rural Lifestyle zoning was eventually approved. It was considered that this zoning would be consistent with the zoning just north of the Glenorchy township and would also enable identification of the building platforms at time of subdivision, thus ensuring further control over the effects of subdivision. It was determined that the characteristics of the site would ensure that any adverse effects on the landscape and receiving environment as a result of this rezoning would be minor. Another small area of land just north of Glenorchy, located on Camp Hill Road within Paradise Valley, was also zoned

Rural Residential. This area was included in the District Plan at time of notification and was not subject to any appeals. It was considered that this area could provide for higher density rural living in Glenorchy without compromising any landscape qualities.

Much of the Rural Residential zoning in Wanaka is located on the periphery of the town. It appears that this land was identified for its ability to act as a buffer between the rural and residential zones. It is noted however that there is no explanation of this “interface” in the District Plan so whether this was the intent at time of zoning is unclear. The buffer zoning mentioned above also occurred around Albert Town, Hawea and Luggate. These areas were included in the notified version of the Plan in 1995.

Lake Hayes Estate was approved as a result of a submission to the District Plan. The surrounding area of rural residential zoning appears to have been provided as an appropriate transition to the Rural General Zoning.

In Makarora the Council received submissions to the 1995 Plan to provide for rural residential zoning. It was decided that Rural Lifestyle Zoning would be more appropriate by the Council. Subsequent concerns about the effects on the landscape and risks of natural hazards saw the Council undertake Plan Change 14 in 2007 which saw subdivision become restricted discretionary as opposed to controlled so as to take full account of hazards and promote clustered subdivision.

5. Are Rural Living Zones located in appropriate locations?

The locations of some of the zonings are somewhat questionable and give rise to potential contradictions within the Plan. For example, some Rural Living Zones are located in Outstanding Natural Landscapes.

The district wide objectives and policies seek to limit development in outstanding landscapes, while allowing limited development in those areas with the ability to absorb change (refer to Section 4.2.5).

Areas such as the rural residential area located in Glendu Bay have been determined by the Court to fall within the ONL. Other areas such as those Rural Living Zones on the Glenorchy - Queenstown highway and further afield around Glenorchy and beyond (such as Camphill Road) probably also fall within the ONL. It is questionable whether all these areas are indeed able to absorb the amount of change provided for by their zonings. If the Council remains of the view that development is appropriate in such locations, there is a case for having more stringent rules in order to manage the effects appropriately.



Figure 1 – The arrow identifies the Rural Residential Zoning in Glendu Bay, Lake Wanaka

Mostly the Rural Living Zone locations are reasonably proximate to urban areas, which is sensible in order to encourage the efficient use of fossil fuels (via transport). Those that are more isolated appear to have been less developed, probably reflecting market preferences.

It is suggested that any future review of these zones would need to give careful consideration as to whether all of the existing Rural Living zonings remain appropriate.

6. How much development and subdivision has been occurring in the Rural Living Zones?

Much of the following information has been derived from the Council's Dwelling Capacity Model. The totals are from March 2003 and July 2008. March 2003 is not a date that is in itself significant in terms of the history of the current Rural Living zoning regime. Rather it is the first date that the Dwelling Capacity Model was run. The Council's website has information on how the data for the Model is derived and the assumptions that are applied.

Growth in dwellings and sections in the Rural Residential Zone

The following graph shows the number of dwellings that have been built in the Rural Residential Zone on sites over 4000m². The figures include dwellings partially completed. The dwellings on sites less than 4000m² have been separated out as these are non-complying sites under the planning rules and are therefore considered to reflect a different market which is generally consistent with more urban outcomes.

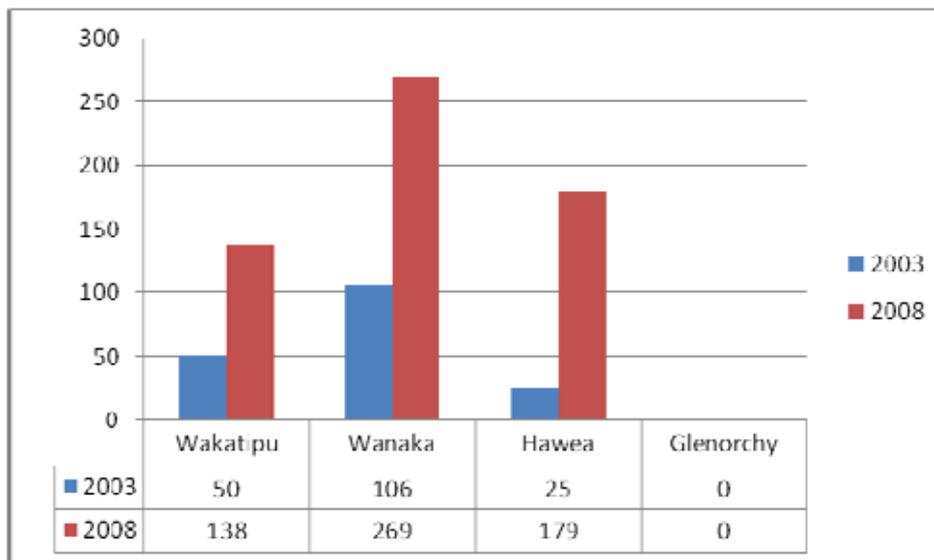


Figure 2 Number of Dwellings on Rural Residential Sized Sections in the Rural Residential Zone

It is apparent that there has been a reasonably significant increase in the number of dwellings on Rural Residential sized sections, particularly in Wanaka and Hawea. The increase District-wide has been around 81 dwellings a year.

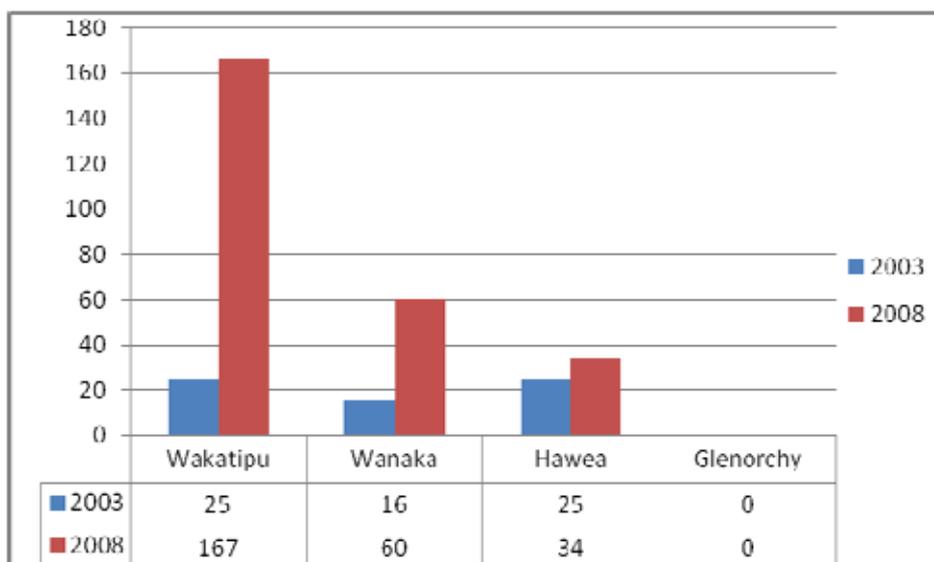


Figure 3 - Number of dwellings on 'Non-Complying' sized sections in the Rural Residential Zone

This significant increase in dwellings on sites that fall below the 4000m² minimum lot is notable. Given it is non-complying to create sections below 4000m² in this zone, there appears to have been a failure of the zoning regime to be enforced as envisaged. It does also give rise to questions as to the relative demand of rural residential sized lots in comparison to urban densities.

Not all the lots that existed in 2003 were necessarily created by non-complying resource consents, as they may have been approved under a previous planning regime.

Given that the above figures refer only to dwellings that have been built on 'non-complying' sections, they only tell part of the story as to the amount of non-complying subdivision that has occurred. This is because there are many more sections that have been created that are smaller than the minimum lot size of the Zone that have yet to be built on.

As of July 2008 there existed the following unoccupied residential sections at less than 4000m²:

Wakatipu	104
Wanaka	62
Hawea	14

In addition, there are understood to be many more subdivisions that have had resource consent granted that have not yet had a plan deposited by LINZ. This is because it can take a number of years for all of a subdivision consent's

conditions to be met, for LINZ to process the deposited plan, and for the cadastral and title information to be established in the Council's GIS system.

Growth in dwellings and sections in the Rural Lifestyle Zone

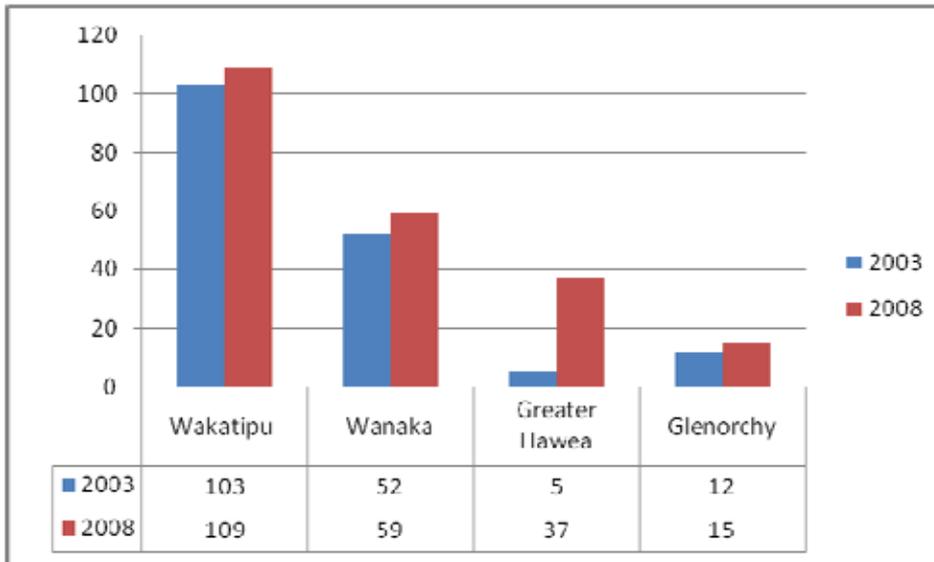


Figure 4 - Increase in dwellings on Rural Lifestyle sized sections

It is non-complying in the Rural Lifestyle Zone to create a section that is smaller than 1 ha (while the average of a subdivision should be 2 ha). Therefore, those dwellings that have been built on sections smaller than 1 ha have been included in a separate graph below.

It is apparent from the above graph that aside from 'Greater Hawea' (which includes Makarora) there has actually not been a significant increase in the number of dwellings on Rural Lifestyle blocks (a total increase of 48 over the time period, or 9 per year). Certainly, the location of capacity is a factor, and in the largest market, the Wakatipu these zones may (arguably) not have been located in locations with the most appeal to the market. Another moot point is whether lots averaging 2 ha are in fact attractive to the market given the amount of maintenance etc required.

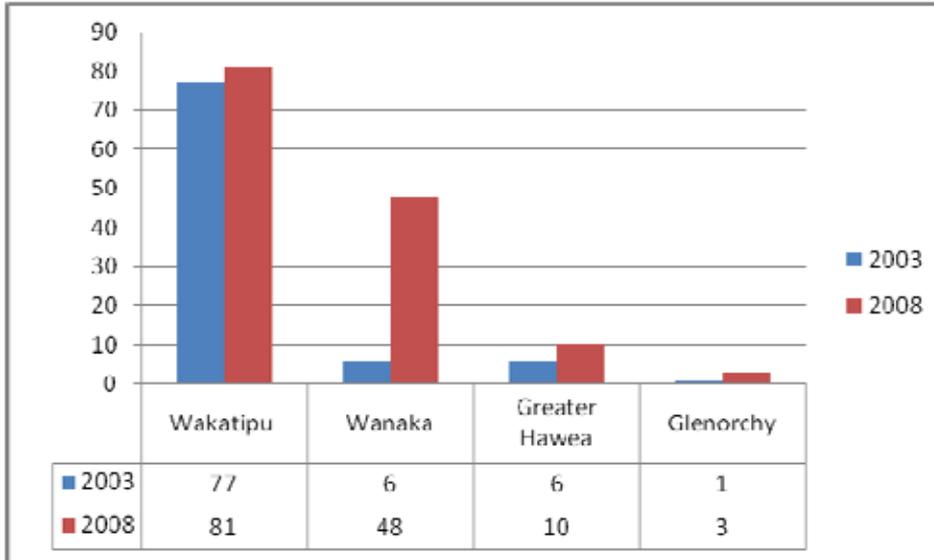


Figure 5 - Number of dwellings on 'Non-Complying' sized sections in the Rural Lifestyle Zone

This graph suggests that, like the Rural Residential Zone, there has been a 'failing' of the minimum lot size rule, particularly in Wanaka.

The notable increase in Rural Residential dwellings (by 405 dwellings or 223%) is more significant than the increase in Rural Lifestyle dwellings (by 48 dwellings or 28%).

7. How much more can be developed in the Rural Living Zones?

As at July 2009, the Dwelling Capacity Model estimated there was capacity for 2534 dwellings in the Rural Living Zones. With the Makarora Plan Change now complete, this figure can be reduced by 546 (this is due to the Model not accounting for what can be achieved via restricted discretionary consents. In reality, it is likely that significant subdivision could still be realised in that area).

An analysis of the capacity in the Rural Lifestyle Zones follows.

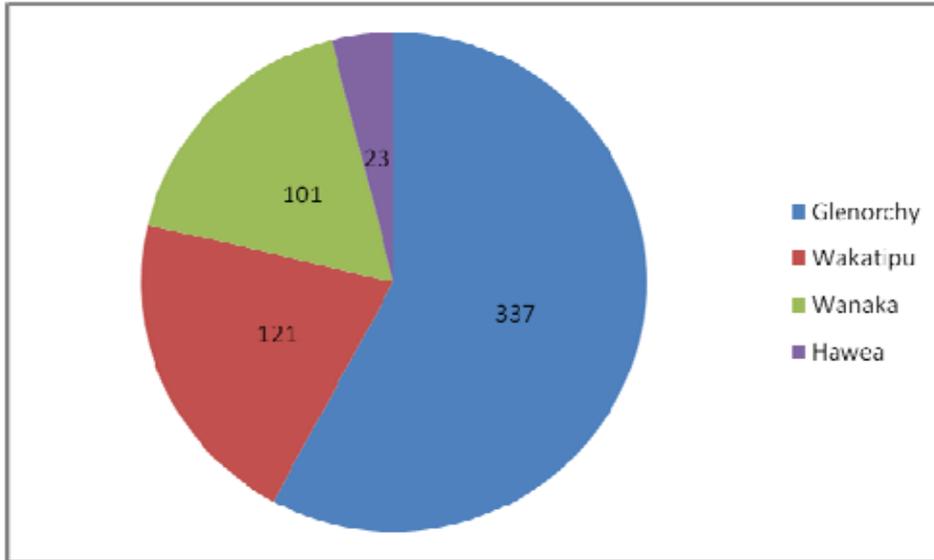


Figure 6 - Dwelling Capacity in the Rural Lifestyle Zone by area:

This graph has removed the capacity from Makarora. Given the prominence of flooding and alluvial fan hazards in that area, it is thought there will be comparatively few places that can be developed in this area. The area's remoteness also would suggest that a large number of dwellings in this area would be unlikely.

Similar issues are thought likely to exist in many parts of Glenorchy. The Council has considered in the past whether a similar plan change would be appropriate for some such parts. With emerging information on alluvial fan hazards compiled by Otago Regional Council, it may well prove prudent to consider such changes again. If this were the case, it might be expected that the capacity in the Glenorchy area may be reduced also.

The map on page 12 shows where much of this rural lifestyle zoning is in Wanaka (and shows that some of it is envisaged for zoning changes in the future). In the Wakatipu, the 121 dwellings of capacity is scattered in areas of zoning around the Wakatipu Basin and on the road between Glenorchy and Queenstown. Consider the areas shown on Page 16 and the areas encircled in the map below:

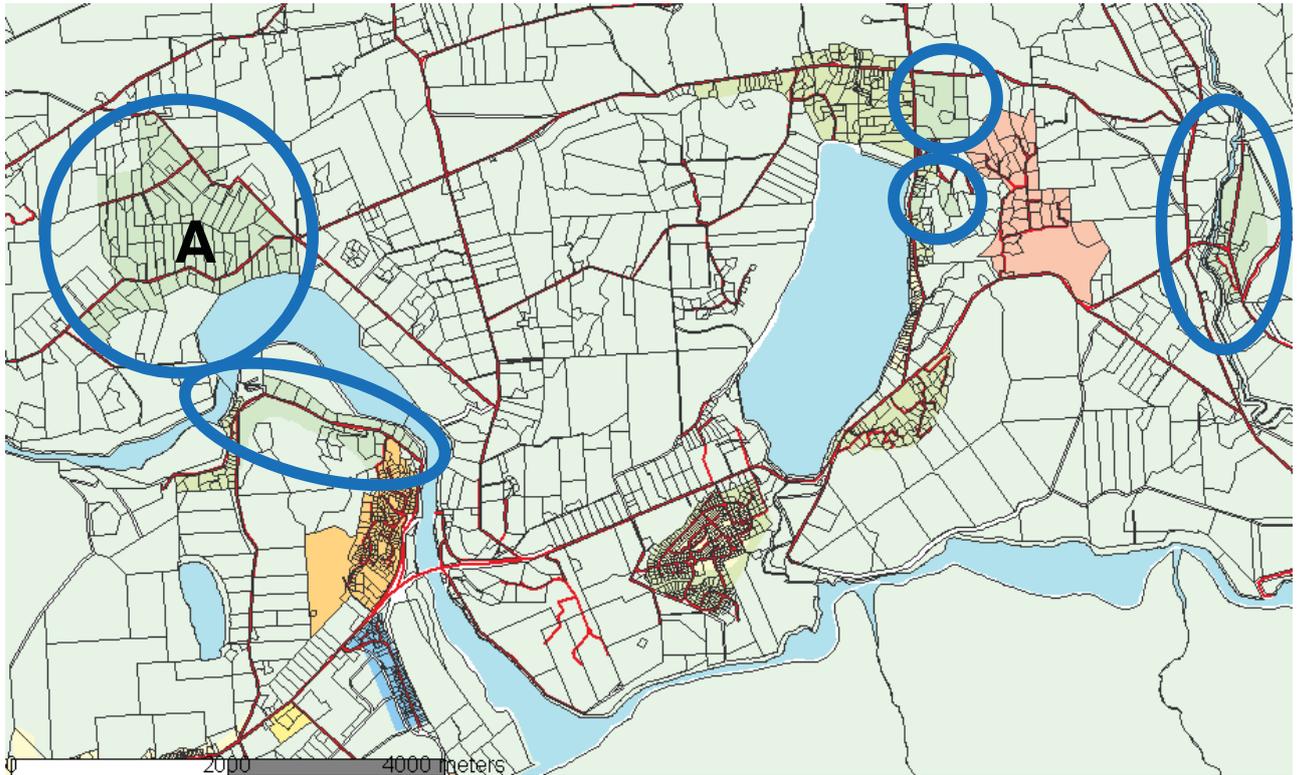
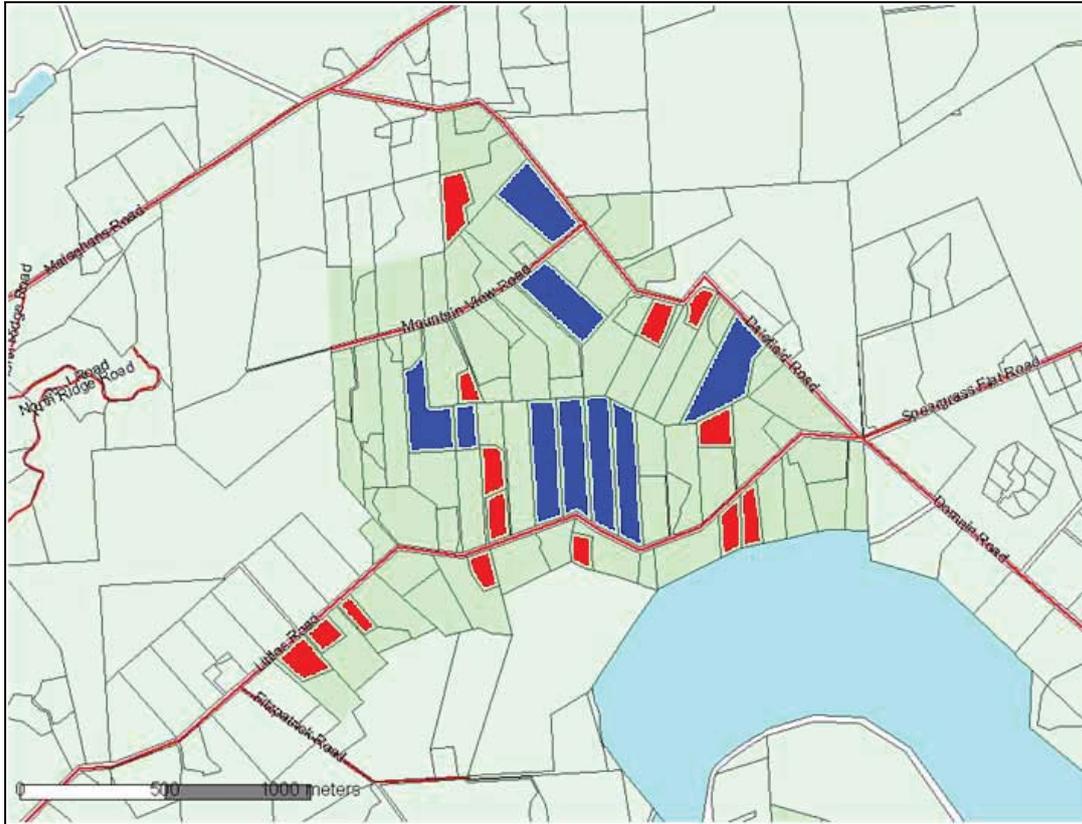


Figure 7 - Areas of Rural Lifestyle Zoning in the Wakatipu Basin

The area marked as 'A' above is Dalefield. Despite its relatively large area, there actually remain few opportunities for further subdivision and development (assuming the rules of the District Plan are accorded with). As of July 2008 there were 80 dwellings in the area. In total, it is considered that 14 more lots could be created in the area¹ and 25 more dwellings². As the map below illustrates, the fact that the capacity of this area has largely been realised is more the result of historical subdivision than of subdivision since the current zoning regime was established.

¹ Based on a desktop assessment undertaken for this project. Does not include development that has been consented to but is yet to be given effect to (i.e. consented allotments that have not yet, or only recently (within the last 6 months), been issued Certificate of Title have not be included in this assessment)

² According to the Dwelling Capacity Model



- Key:**
- Lots created under the proposed District Plan 1999-2009
 - Capacity for further subdivision

Figure 8 - Dalefield Capacity and Subdivision History

Evidently, there have been comparatively few lots created since 1999, the year after the decisions on the Plan was made.

Dwelling Capacity in the Rural Residential Zone

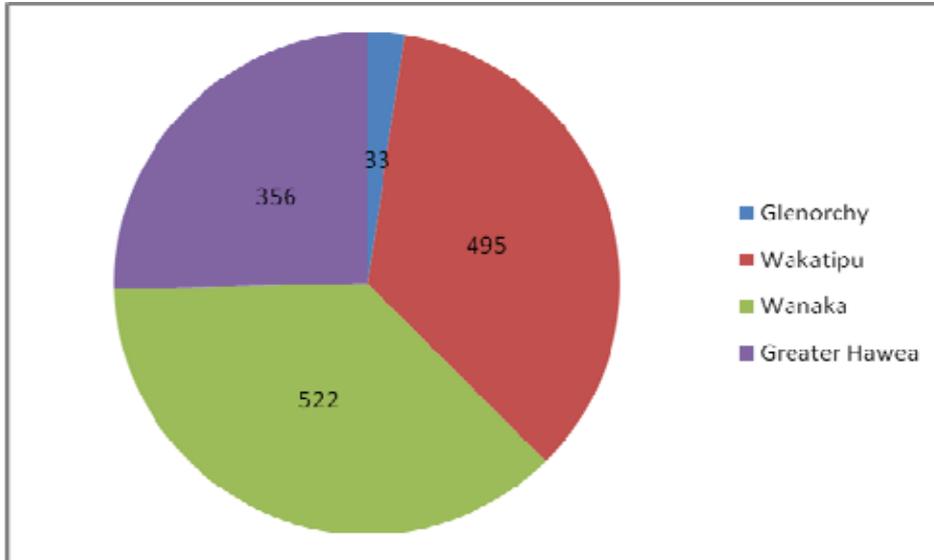


Figure 9 - Dwelling Capacity in the Rural Residential Zone by area:

This graph shows that there remains a large amount of capacity in the Wanaka area. This large supply is notable when compared to the increase in dwellings on complying section sizes in the Rural Residential Zone in the Wanaka area (an increase of 163 dwellings over the last 5 years).

Similar conclusions may be drawn with respect to 'Greater Hawea'. The bulk of the 356 dwellings of capacity are in four areas. These are around Luggate, around Lake Hawea township, around the Hawea Flat settlement and an as yet undeveloped area upon a river terrace near Kane Road. Much of the zoning around Lake Hawea and Luggate has been given consent for development to urban densities (which may not yet be entirely reflected in these capacity figures if certificates of title are yet to be granted title or only recently have done so).

In the range of 70 Rural Residential units are assumed to be affected by the indicative zoning changes of the Wanaka Structure Plan (indicating future changes to more urban uses). For Rural Lifestyle the figure is likely to be closer to 48 units. There will however remain a considerable amount of rural living zoned land in the area.

Rural Residential Zoning in the Wakatipu

The following map indicates where the existing dwellings (shown in red) and capacity for dwellings (shown in blue) are located for rural residential dwellings in the vicinity of Lake Hayes (non-complying sections are not shown):

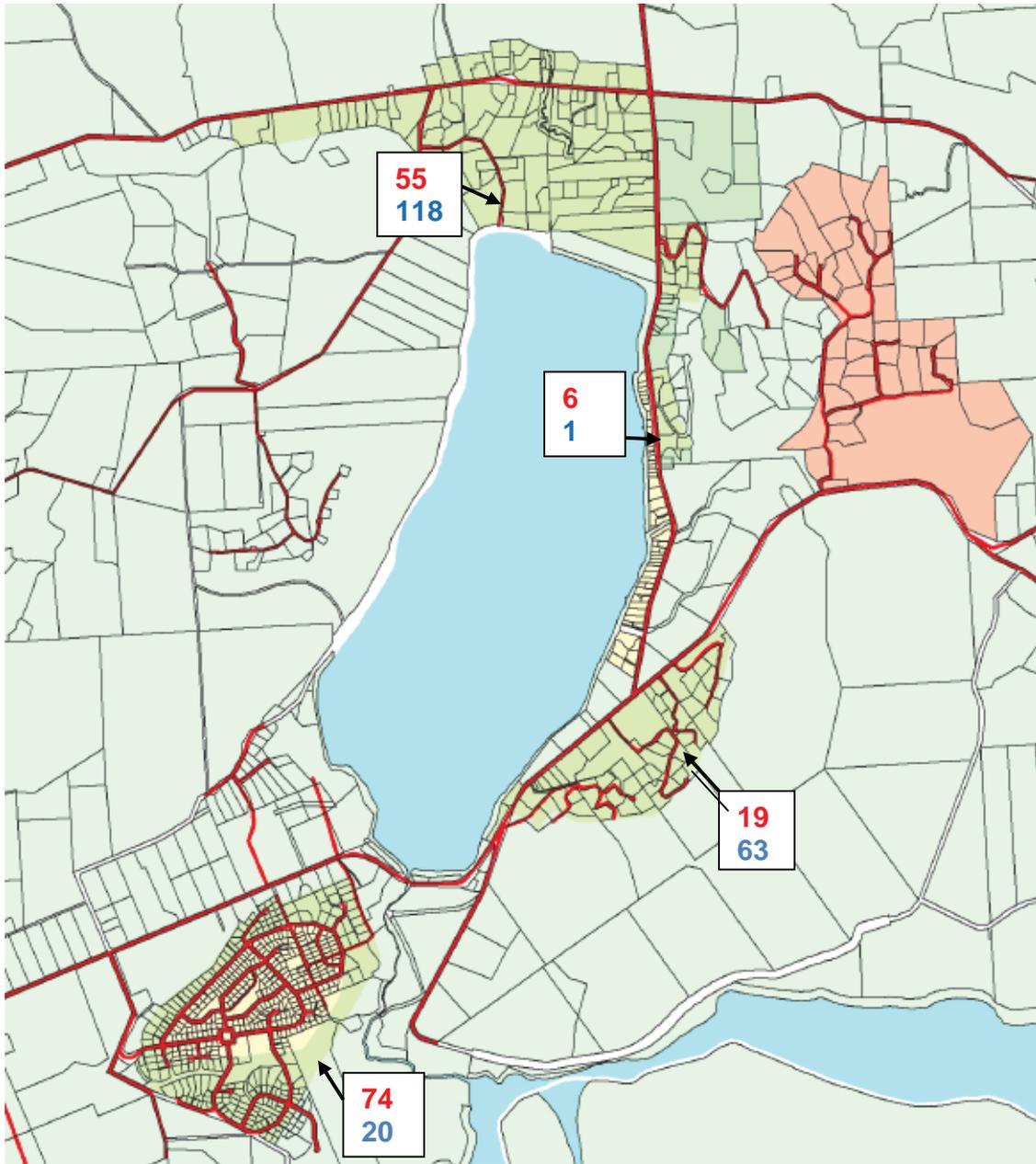
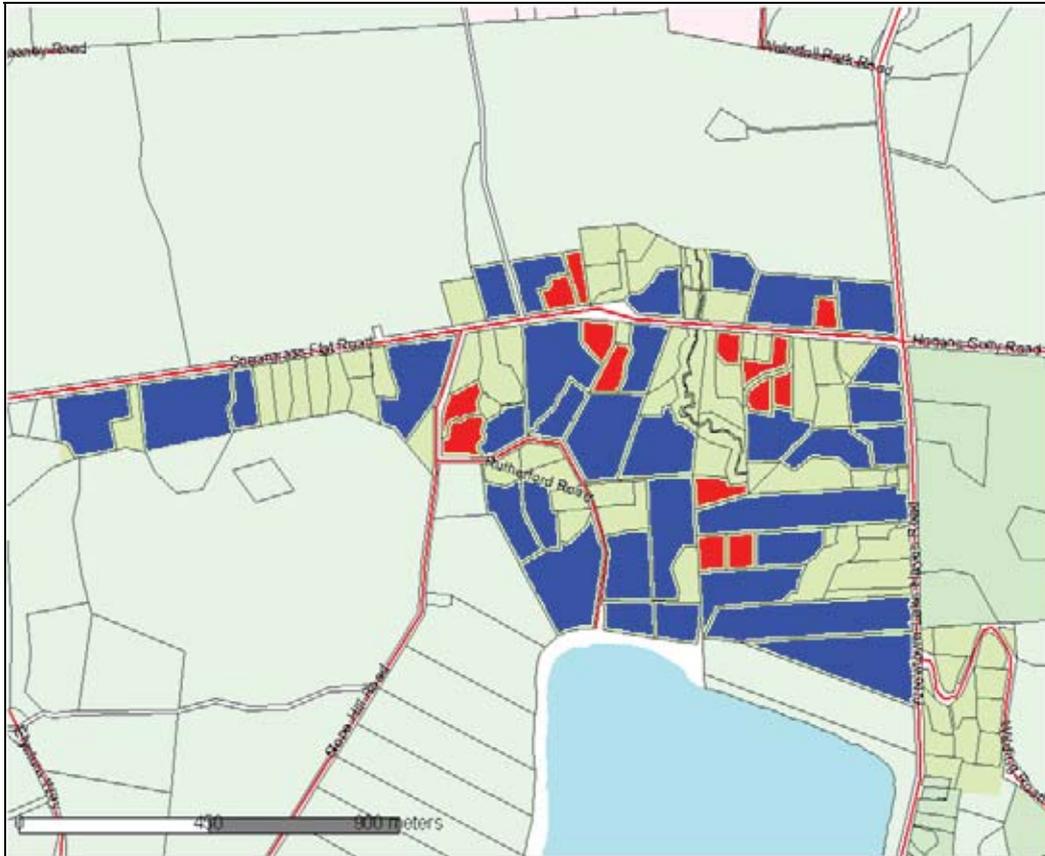


Figure 10 - Subdivision Potential in Rural Residential Zoning around Lake Hayes

The cadastral lines showing the subdivision pattern show how much of the area around Lake Hayes estate has been subdivided to urban densities. There is evidently considerable capacity in Lake Hayes North:



- Key:**
- Lots created under the proposed District Plan 1999-2009
 - Capacity for further subdivision

Figure 11 - Subdivision potential in Lake Hayes North

It is noted that several of the blue allotments have also been created in the last 10 years but have been shown differently due to having further subdivision potential. The blue allotments represent the further subdivision development potential. In total, as many as 118 allotments are thought to be achievable through subdivision, which is in addition to the existing 55 dwellings.

This would indicate that the area has not changed significantly in recent years. The photos below show, from a distance, the landscape changes over a number of years:



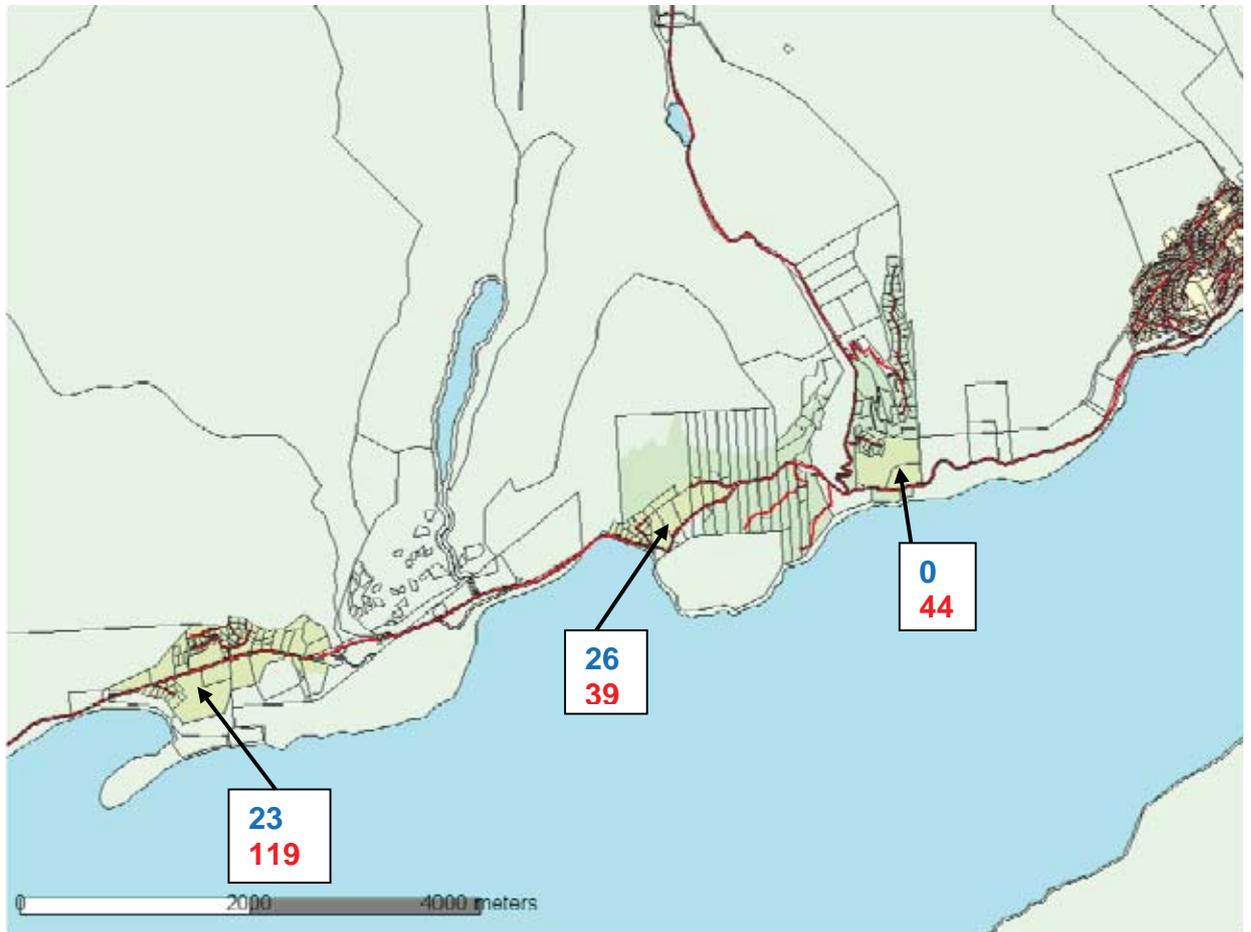
Figure 12 - View of Lake Hayes, circa 1950s



Figure 13 - View from similar point, 2010

Note that much of the foreground is the other zones than the Rural Residential Zone.

The following map indicates existing dwellings and capacity in Rural Residential Areas of Bobs Cove, Wilson's Bay / Closeburn and at the Moke Lake turnoff.



- Rural Lifestyle
- Rural Residential

Figure 14 - Capacity in Rural Residential Areas on the Glenorchy – Queenstown Highway

The lots in Bob's Cove (the eastern most shown area in the above map) are not subject to the 4000 m² minimum lots size but rather they need to achieve an average of 4000m². It therefore seems feasible that this average may well be achievable which may provide for another 10 dwellings or so. This and the other areas shown have the potential to be reasonably significant sized settlements. By comparison Glenorchy was recorded in the July 2008 Dwelling Capacity Model as having 110 dwellings in a very similar sized area to that of Bobs Cove.



Figure 15 – Bobs Cove. Despite considerable subdivision potential, to date there have not been a large number of dwellings built in the area.

Supply in relation to recent development rates

If growth in the number of dwellings in these zones continued at the rate that it has over the last 5 years (excluding non-complying subdivisions), it would take 17 years to use up the capacity of the Rural Residential Zone and 65 years to use up the capacity of the Rural Lifestyle Zone (excluding Makarora). Whilst this gives some idea of the amount of capacity exists, it is considered more useful to consider this by area:

Years supply in areas of the District

	Growth in dwellings per year ³	Capacity number (in of dwellings)	Years supply at that rate of growth
Rural Lifestyle Zone			
Wakatipu	6	121	20.2
Wanaka	7	101	14.4
Hawea (Makaora excluded)	5.1	23	4.5
Glenorchy	3	337	112
Rural Residential Zone			
Wakatipu	16.8	495	29.5
Wanaka	36.2	522	14.4
Greater Hawea	29.3	356	12.2
Glenorchy	0	33	Undefined

It should also be noted that previous growth rates are not necessarily a reliable indicator of future trends and that those growth rates have been considered in absolute rather than percentage terms (for example it is assumed that in the Wakatipu there will continue to be 16.8 dwellings per year built, rather than the number of dwellings growing by a percentage each year).

The figures for number of years supply will likely be reduced in some areas when title is granted for a number of subdivisions that enable urban-type densities via non-complying consents. If this trend were to continue in the future, it is likely this would also have an effect on the supply of Rural Living zoned sections.

It is worth noting that there are other zones that provide comparable rural living opportunities. For example, consider the following:

Zone	Capacity (in numbers of dwellings)
Rural General Zone	At least 485 ⁴
Gibston Character Zone	Undefined
Bendemeer Special Zone	73
Millbrook Zone	392
Waterfall Park Zone	100
Rural Visitor Zone	4643

8. How expensive is it to gain consents?

Consider the following table showing a random selection of consents. The figures show the total processing costs charged by Council to the applicant.

³ March 2003 to July 2008, excluding those on non-complying sized sections

⁴ Figure expected to increase in pending report

Rural Residential Subdivision:

Year	Number of lots created	Total cost	Cost per lot created
2003	2	\$2450.83	\$1,225.42
2005	3	\$6556.91	\$2,185.64
2005	5	\$6327.65	\$1,265.53
2005	64	\$5891.16	\$92.05
<i>Average of sample</i>	18.5	\$5306	\$1192

Rural Lifestyle Subdivision:

Year	Number of lots created	Total cost	Cost per lot created
2003	2	\$1832.94	\$916.47
2003	2	\$1328.64	\$664.32
2005	2	\$2035.17	\$1017.6
2005	2	\$2048.32	\$1024.2
2007	2	\$1803.03	\$901.52
<i>Average of sample</i>	2	\$1809.62	\$904.81

Rural Lifestyle – Erect new dwelling

Year	Cost
2008	\$900
2008	\$1702.21
2007	\$1365.08
<i>Average of sample</i>	\$1322.43

Rural Residential – Erect new dwelling

Year	Cost
2007	\$1787.70
2007	\$2776.06
<i>Average of sample</i>	\$2281.88

Being controlled activities, none of the above applications were notified (which keeps the costs down considerably and makes an appeal unlikely). All were also

approved. It should be noted that the costs incurred by the applicant in preparing the consent (using consultants etc) are probably much more substantial in most cases.

It is interesting to note that in the rural residential zone there appears to be little relationship between the size of the subdivision and its cost to be processed.

It is considered that these costs are relatively low for rural subdivision, particularly compared to the Rural General Zone. By comparison, consider the figures below on average costs from the recent monitoring report on the Rural General Zone:

Processing cost: \$12,704.98
Commissioner fee: \$4906.76

The commissioner fee is not a factor in the figures for the Rural Living Zones because the consents were not notified (and usually are in the Rural General Zone).

Given that the Rural Living Zones were meant to have been located in areas of lesser landscape significance, the most relevant comparisons are probably to the Other Rural Landscapes in the Rural General Zone. The average costs for these areas are:

Processing cost: \$9,729.30
Commissioner fee: \$8,068.33

It would appear that the costs are at least moderately lower in the Rural Living Zones for processing. However the most significant difference in costs appears to result from the notification costs in the Rural General Zone and the associated costs of hearing time, commissioners and the risk of appeal (which can double the above figures). Given the relative costs it is interesting to compare the outcomes of the ORL (mainly the Speargrass Flat 'Triangle') and the Rural Living Zone. This issue is discussed in Section 12 below.

9. How many and what type of consents are being sought?

The table below shows the number of consents approved by the year lodged (in some cases the decision may have not been made in the same year as the application was lodged). The number increased to 2003 which was the year when the last of the appeals in these zones were settled.

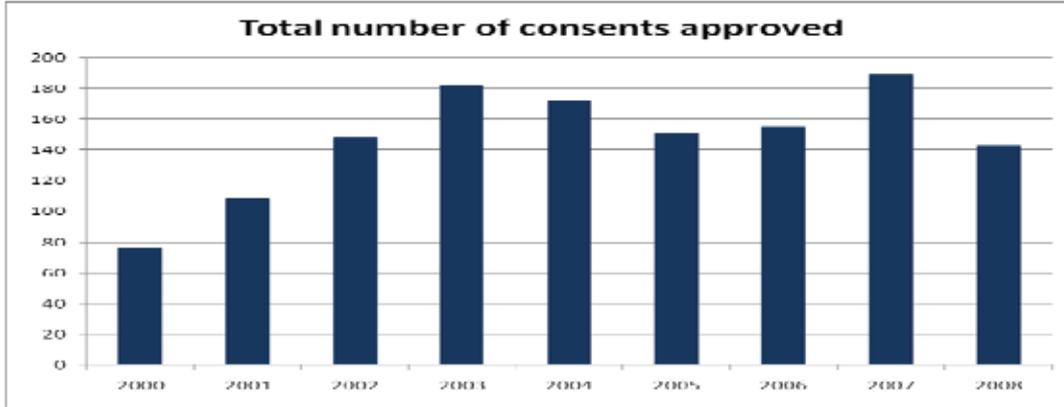


Figure 16: The number of resource consents that have been approved in the Rural Living Zones reflected in the year they were lodged.

Generally, in the earlier years there were more resource consents for subdivision (realising the development potential enabled by the Plan) while in more recent years there has been a higher proportion of land use consents, often providing for dwellings on the sections created by earlier subdivision consents.

Overall, in the period 2000 – 2008, this is the breakdown between subdivision and land use consents:

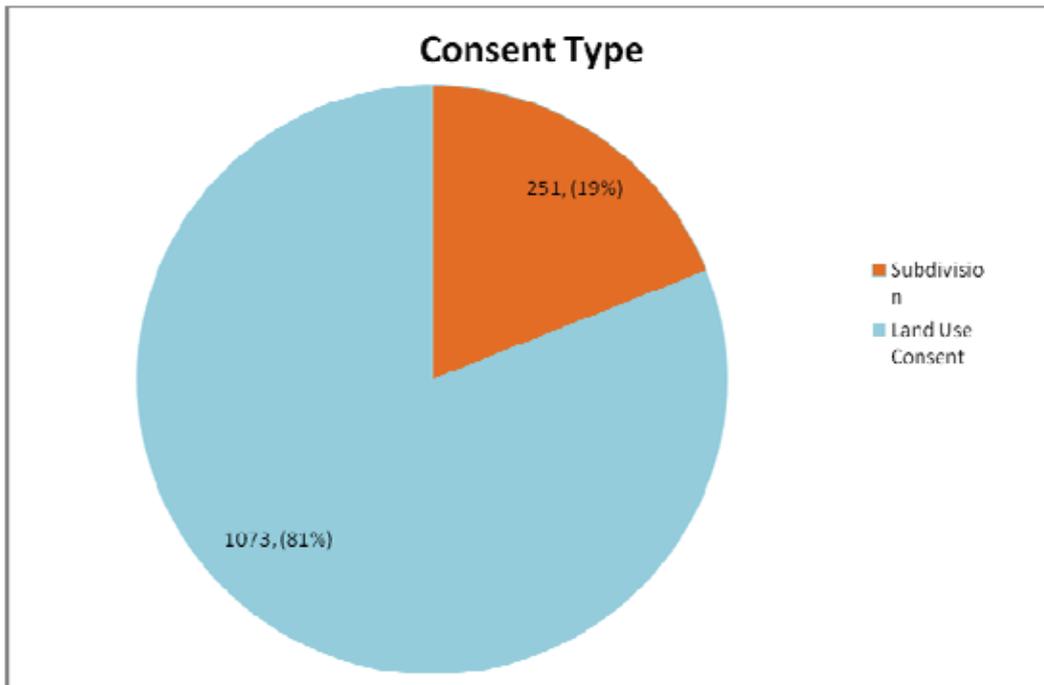


Figure 17 – Types of consent for all consents in the Rural Living Zones 2000 - 2008

Of the subdivision consents, it is interesting to note the trends in activity status of the consents granted:

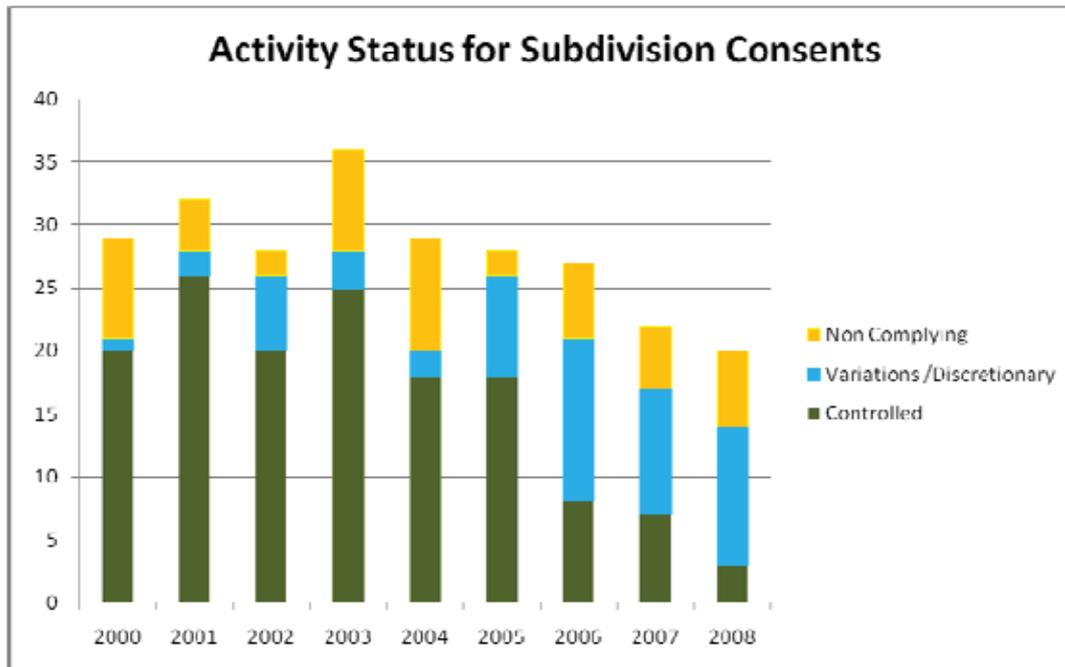


Figure 18 – Activity Status of subdivision consents in Rural Living Zones

This would seem to indicate that many landowners moved promptly to secure the development rights provided by the District Plan through controlled activity resource consents. Variations are discretionary, meaning the Council does have the power to decline them. They have become increasingly prominent, probably as those wishing to give effect to earlier granted subdivisions began to realise that what was granted did not exactly reflect their development aspirations. Examples of variations include moving boundaries, moving building platforms in the Rural Lifestyle Zone and changing conditions. It is interesting to note that recently there have been few new consents sought for rural living subdivision. This probably reflects the demand for these lots and would seem to underscore the view that there is not a pressing need to zone new areas for Rural Living development.

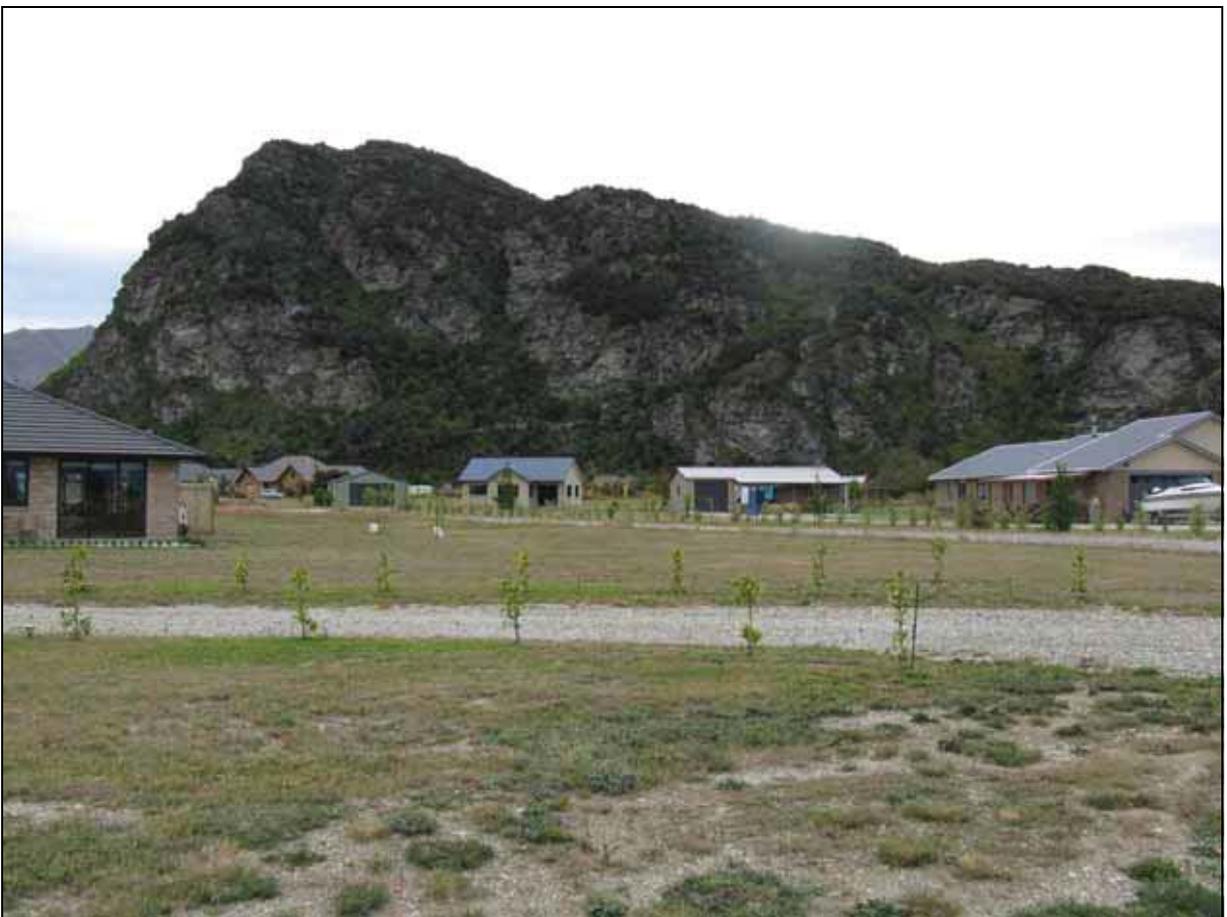
The other trend is a steady number of non-complying subdivision consents granted. The large number of lots created at urban densities is identified as an issue elsewhere in this report. Indeed, it is important to note that the graph above shows the number of consents, not the number of lots created. Non-complying subdivision consents at urban densities generally create many more lots than complying consents at rural living densities.

The number of non-complying consents granted is notable (around 16% of all subdivision consents from 2000 to 2008). Generally, it would be expected that if a zoning regime is working as anticipated, non-complying consents being granted would be relatively rare. So this can be read as a sign that these zones

have not proved effective. The reasons for this situation occurring are discussed below.

10. What are the development outcomes like?

One issue that arises from the use of a minimum lot size such as in the Rural Residential Zone is that it can result in a dispersed settlement pattern rather than clusters of houses. This is one advantage of the Rural General Zone which does not have minimum lot sizes. The advantages of clusters is mostly that it can lessen the landscape impact of development. Consider the following example:



Figures 19 and 20 – Rural Residential development near Mt Iron, Wanaka



While with the growth of vegetation we might expect that the landscape impact may be reduced, most would agree that this is not an ideal treatment of the landscape at the entrance of Wanaka and for the foreground of an outstanding natural feature. It is questionable whether this offers any better landscape outcome than urban densities while resulting in quite inefficient use of land. It is suggested that either clustered development or maintaining the area as rural land would have been a better outcome.

Another advantage of clustered development is that it can provide relatively small sites that are easy for people to maintain while still providing for their enjoyment of rural amenity (and perhaps the productive use of the surrounding land). Whether people have a preference for this type of small site, often with common lots, is a moot point that is worth considering further (perhaps through discussions with real estate agents and through discussions with residents of rural living sites). It is notable that in areas such as the margins of Wanaka it has been proposed by the Wanaka Structure Plan that more landscape sensitive clustered development be zoned for.

Many of the houses in the Rural Residential areas are quite visually prominent. It is notable that the provisions of the Plan do not encourage houses to be hidden in the same way as the Rural General Zone so much as designed in a manner sympathetic with the rural environment. The results would appear mixed in this regard. It is suggested that the dwelling on the left below is an example of a

dwelling not 'consistent with traditional rural elements' (as quoted from assessment matter 8.3.2 v (b)):



Figure 21 – Rural Residential development in Bobs' Cove

The following pages show the transition of a rural residential area from 2001 to 2009. Located on the Lake Hayes – Arrow Junction Highway the site is very prominent. However, it is suggested that the built form has by in large proved quite sympathetic with the surrounding landscape.



Figure 22 – Rural Residential Development near Lake Hayes, 2001



Figure 23 – The same view in 2009

Yet, from a further distance and more elevated site, it is notable that it is actually the access ways that tend to stand out more than the dwellings:



Figure 24 – a more distant view of rural residential development near Lake Hayes (on hillsides)

Access ways are perhaps a more notable landscape effect than dwellings. From some angles, these can be reasonably prominent changes to the landscape. With small sites the ability to find less prominent locations is minimised, so mitigating the effects is difficult. Given such effects are difficult to avoid, this demonstrates why it is important that such zonings are carefully located in less prominent locations.

The following example shows the effect of access ways being constructed on the road near Moke Lake. The access ways through the forested area access Rural Lifestyle Zoned properties.



Figure 25 – Road to Moke Lake 2001



Figure 26 – The same view in 2009

Discussions with resource management practitioners indicated that it may be helpful, for consistent and efficient administration of the Plan, to produce guidelines on what are appropriate building designs and colours in Rural Living areas

In the following example, one can see the change due to more dwellings being built in the Rural Lifestyle Zone in Dalefield over an 8 year period (the more vegetated area in the middle of the picture)



Figure 27 - 2001- Dalefield area from Fitzpatrick Road

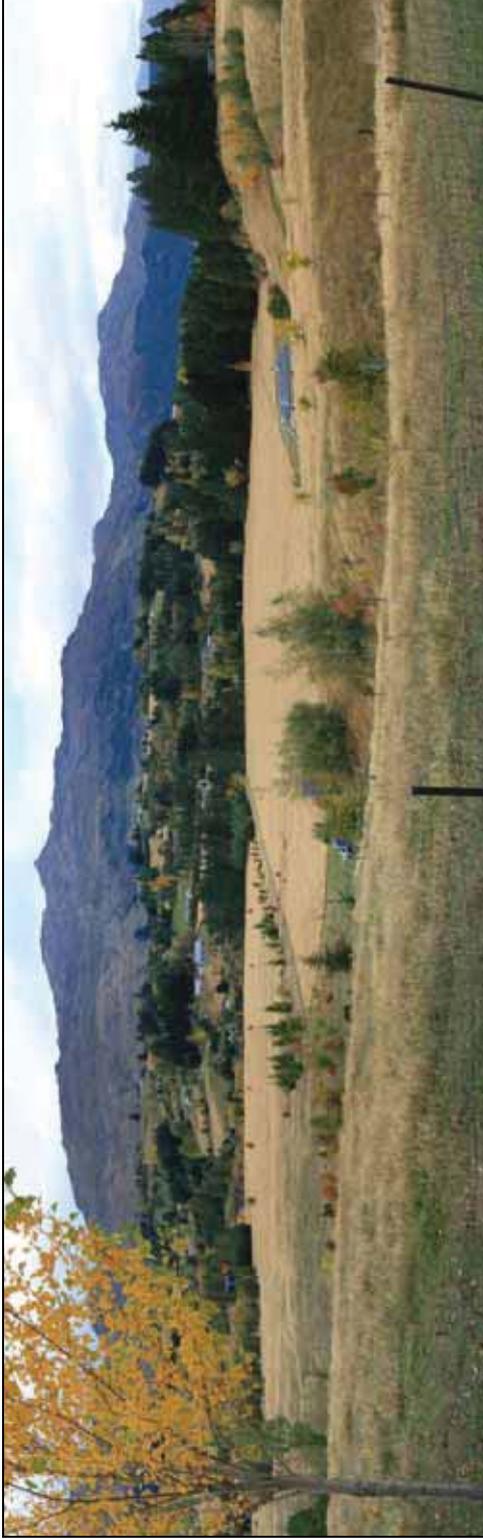


Figure 28 - the same view in 2009

It has also been noted that given these zones cover a wide range of environments, the outcomes have been quite different. Seeking 'rural elements' in some (but not all) of the areas on the edge of Wanaka has seemed somewhat anomalous given the character of the areas. As a result the rules relating to rural character appear to have been less stringently applied in such areas. Consider the character of the areas in the photos below:



Figure 29 – Rural Residential Development near Wanaka



Figure 30 – Rural Residential Development near Wanaka

The above subdivision would seem to demonstrate a more urban character than rural. This is not to suggest that the outcome is inappropriate, rather that the zone probably fails to recognise the diversity of environments for which it applies to.

In discussions held with planners and landscape architects of both the private and public sector there was a general view expressed that the Rural Residential provisions do not represent best practice in resource management. Some landscape architects felt that the outcomes were not representative of a rural environment and that they potentially degraded the concept of rural amenity, given that the minimum lot size of 4000 m² flows on from an objective to 'protect rural amenity'. This is an example of how many of the objectives and policies seem to relate more strongly to the Rural Lifestyle Zone than the Rural Residential Zone (underscoring the problem with two zones sharing the same objectives).

It was however noted by some practitioners that in many areas the outcomes may improve over time as planting becomes more established.

By comparison, most resource management practitioners interviewed were more comfortable with the rural lifestyle provisions. It was felt that the larger lot sizes combined with the provisions requiring building platforms (which identify where a dwelling can locate) were much more effective in maintaining rural landscapes. This was considered to be especially important in sites near the edges of the Rural General Zone where issues of the coherence of landscapes are particularly notable. The following picture shows the Dalefield Rural Lifestyle zone in a photograph taken from Coronet Peak:



Figure 31 - View of Dalefield Rural Lifestyle Zone from Coronet Peak

The approximate boundaries of the Rural Lifestyle Zone are shown in the following picture:



Figure 32 - View of Dalefield Rural Lifestyle Zone from Coronet Peak – showing approximate extent of the zone

Perhaps the more notable feature in landscape terms is not so much the dwellings as the amount of vegetation that accompanies them (as shelter, amenity planting or mitigation of the visual prominence of dwellings). This would suggest that if the Council is minded to minimise landscape change and maintain the ‘openness’ of landscapes, the creation of new Rural Living Zones and their peripheral expansion should be avoided (as the Plan currently states should be the case).

The application of the assessment matters relating to protecting and enhancing indigenous ecosystems has no doubt assisted in achieving that end in some instances. In some areas, such as to the north of Mt Iron in Wanaka, the subdivisions have retained a great deal of native Kanuka vegetation:



Figure 33 – Rural Residential Development near Wanaka

A flipside of this approach is that it may exacerbate fire risk in some areas.

11. ‘Structure Planning’ vs Rural Living Zones

The Council has been aware for some time that some of the Rural Living Zones were leading to questionable landscape outcomes and the inefficient use of land. It has also been aware of the issue that they may be compromising the future urban outcomes in some areas as it can be very difficult to subdivide to urban densities when the land has already been fragmented into rural living style lots.

A response has been in many cases to rezone areas to provide urban densities with detailed considerations of the local landscape context. For example, this has occurred at Riverside Stage 6 in Albert Town and at Kirimoko and Peninsula Bay in Wanaka. As discussed earlier in this report, this approach is advocated by the Wanaka Structure Plan for some other Rural Living Zone areas on the edge of Wanaka.

There seems little doubt that these plan changes have provided for much improved resource management outcomes. A common approach has been to provide for low density residential or township zoning (or similar) with a balance of open space zoning. The open space zoning appear to provide a high degree of certainty that the areas will be protected (meaning they must be carefully located and adhered to). They protect visually prominent faces and ridges and important vegetation while often providing amenity space for nearby residents.

There are however some drawbacks of this approach of detailed, site specific planning. They tend to be resource intensive, meaning they occupy a lot of staff time and can be expensive for Council. The result is that there tends to be a limit to how many such projects Council can take the lead on at any given time.

If the Council wants to encourage this type of planning to become more widespread, there may be ways to think innovatively about how they can be accomplished. Private plan changes can achieve desirable results and can be encouraged. But this may require the Council to carefully review many of the overarching District wide provisions of the Plan in order to provide strong direction. While still drawing on Council resources, cost sharing arrangements as employed in some of the above examples can be successful.

If the Council were minded to revisit the Plan in a more comprehensive manner, one option could be to change the zoning in Rural Living areas and other zonings of questionable appropriateness in rural areas. It might wish to remove the minimum lot sizes if an 'outline development plan' covering a wide area is approved before further subdivision takes place. This would therefore encourage a more comprehensive approach. This would require careful consideration to protecting some of the important landscape and ecological values and arrive at better outcomes through a more strategic approach. It is likely that it would lead to 'clusters' of dwellings in appropriate places. Perhaps the low intensity subdivision patterns of the Rural Lifestyle Zone could be maintained as a controlled activity as the default situation if no Outline Development Plan were submitted. There may also be an opportunity to incentivise public benefits in return for higher density (for example, public access, community and recreation facilities or perhaps affordable housing provision).

It is noted however that this approach would be more achievable when land areas have not already been fragmented into multiple ownerships. Again however, more work is likely to be needed to understand whether such approaches align with market preferences for rural and semi-rural properties.

12. Rural General Zone vs Rural Living Zones

There are certainly some advantages of the Rural General Zone. It has no minimum lot size so can encourage clustering of subdivision patterns (although it

doesn't necessarily require such patterns of development). With subdivision being discretionary, it provides a strong hand for the Council to ensure at a detailed level that the proposal is appropriate.

In the Other Rural Landscapes of the Rural General Zone, notably the Speargrass flat Triangle, some reasonably high densities have been consented – akin to the Rural Residential Zone (and higher density than the Rural Lifestyle Zone). As discussed elsewhere in this report, the consents are much more complex and expensive. This raises the question as to whether the extra process is justified. It is difficult at this stage to assess, as much of what is consented in 'the Triangle' has not been built. It would seem however that in the Other Rural Landscapes of the Rural General Zone there is more of an emphasis on minimising the visibility of dwellings from public places as opposed to allowing the house to be visible but ensuring its character is appropriate. It is however questionable whether a discretionary regime with the presumption of notification is necessary to ensure these outcomes in the lower landscape value areas of the Rural General Zone.

Essentially, the key difference between the Rural General Zone and the Rural Living Zones is that the District Plan identifies in the Rural Living Zones which areas are appropriate for development and to what extent. The Rural General Zone is much more silent on this matter and invites the applicant to make their case. While this saves resources in the preparation of the Plan, the recent monitoring report for the Rural General Zone identified the considerable costs of defending decisions which makes it questionable whether this is actually less costly over the long term.

It is suggested that the Council would benefit from reviewing the appropriateness of the Rural General and Rural Living Zones in conjunction. This would be best done through building on a platform of public consultation so as to identify the important issues and concerns.

An option available to the Council might be for it to take a more directive role in the District Plan for all the rural zones. This could involve

- rationalising the extent of the Rural Living Zones (and making amendments to make their integrity more defensible);
- identifying areas that can accommodate subdivision and development (regardless of what the present zoning is) and perhaps requiring an 'outline development plan' to be submitted in advance
- identifying some area where there will be a presumption against further development and subdivision (perhaps because of a view that the landscape should not be subjected to further cumulative effects).

13. Key issue: Urban expansion into Rural Living Zoned areas

There is an obvious pattern, district wide, of this higher intensification of development within those rural living areas of the district that adjoin low density residential environments. This has generally occurred through the granting of non-complying consents. The following maps provide examples of where this has been occurring around the district.

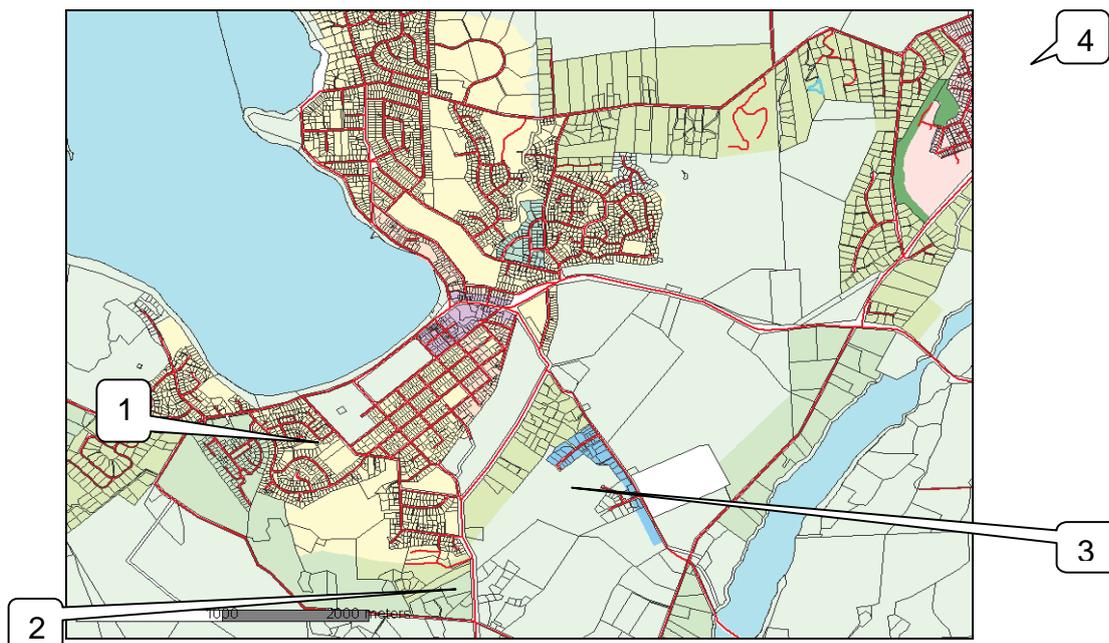


Figure 34 – Non-complying consents near Wanaka

1. Application approved for Southern Eclipse Limited to establish 95 allotments ranging in size from 767m² to 2549m². Site is zoned Rural Lifestyle.
2. Alpro New Zealand Limited gained consent to establish an “adventure destination” including climbing wall, multi sport rental and retail outlet, on site micro brewery, bar and cafe and meeting and training facilities. Site is zoned Rural Lifestyle.
3. An application by Peter Gordon and Central Lodge Trustees 2006 Limited to establish a retirement village approved. Site is zoned Rural Residential.
4. An application by Infinity Investment Group Holdings Ltd to subdivide 16 hectares of Rural Residential zoned land into 52 allotments between 1580m² and 5090m² - approved.

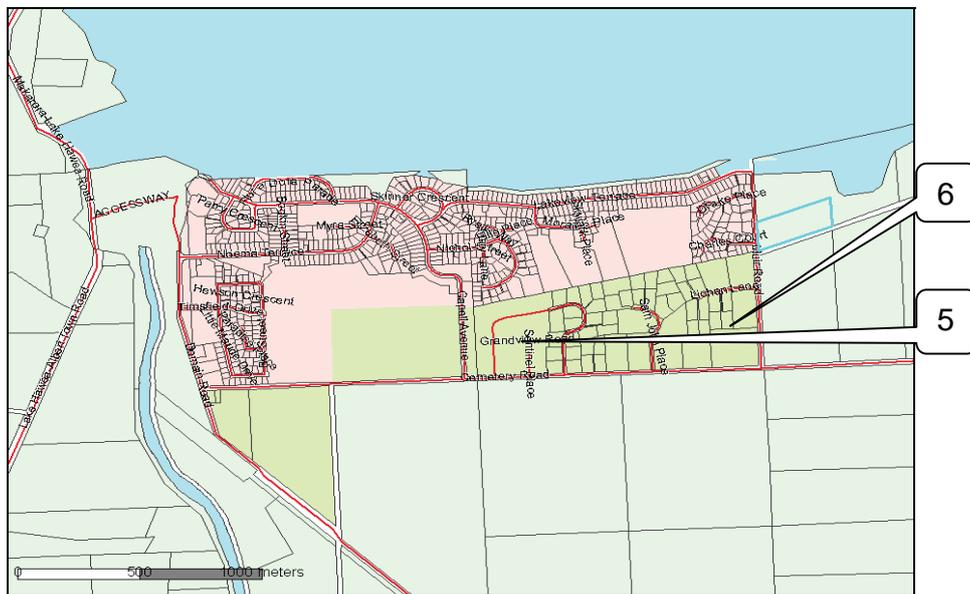


Figure 35 – Non-complying consents near Lake Hawea

5. Streat Developments Limited gained consent to develop this site into a 90 residential lot subdivision in line with the Township density to its north (from 18 rural residential allotments already approved). The above map does not illustrate these approved allotments as the certificates of titles are yet to be issued for this development. This site is zoned Rural Residential.
6. Consent was granted to establish 42 rural residential allotments. Of these 42, 18 allotments were established (refer 5 above). The remaining have been subject to further development where these rural residential allotments are now slowly being subdivided to a higher intensity in line with this adjoining development.



Figure 36 - Non-complying consents near Lake Hayes Estate

7. An application approved for Stage III of Lake Hayes Estate approved development along this scarp under the permitted 4000m² rural residential allotment size.
8. An application by Lake Hayes Estate Limited saw this area developed down to 900m² residential allotments
9. An application by Sardis Nominees decision (RM 01850) was approved to create 37 lots over a mix of three zonings
10. In a recent decision for this site, notification was not deemed necessary in an application for an urban density residential subdivision across a range of zones including Rural Residential. This was partly due to the surrounding environment which included non-complying consents in the Rural Residential Zone



Figure 37 - Non-complying consents near Luggate

11. Luggate has seen gradual expansion of its urban area of the last 5 years into the adjoining rural residential zone. It has been observed that the connectivity of the road network is relatively poor – an issue that might have been better identified and addressed if the area was rezoned via a plan change.

14. Is it a problem that so many non-complying consents are being granted?

The most notable issue arising from the assessments of what has occurred in the Rural Living Zones is the trend for expansion of urban areas via non-complying consents. Should we be concerned about this? The answer comes down to the extent to which the Council believes that growth should be managed.

The District Plan established, after much consideration and deliberation, a zoning regime that set out envisaged patterns of settlement. This should in theory reflect community aspirations. Also, the certainty that this pattern of settlement provides can be important for the efficient provision of infrastructure (which often requires assumptions of long term growth patterns).

Some of the subdivisions granted have had major implications for the manner in which the District's settlements have grown and will continue to grow. Lake Hayes Estate has become a larger settlement than originally envisaged, Wanaka, Luggate and Hawea have grown in directions not envisaged in the District Plan.

A lot of work has been done by Council to work with communities to plan how they wish their settlements to grow. The community planning exercises (for the small communities, Wanaka 2020 and Tomorrow's Queenstown) identified

community support for controlling how and where growth occurs. Through facilitating and leading these processes Council showed an intent to manage growth in a strategic manner. This intent was recorded in the Council's Growth Management Strategy. The appropriateness of those resource consents that are inconsistent with community visions is questionable (although other determinates are important). However, many are consistent (sometimes even justified on this basis). Nonetheless, it is considered to be problematic to enable growth in this manner.

There is a matter of principle regarding how major decisions about the future of these settlements should be made. It is suggested that such decisions are best considered by the Council at large (albeit via Council's Strategy Committee) as opposed to commissioners with delegated authority. This increases the level of democratic accountability for major decisions.

Another issue is that resource consents are generally a less comprehensive approach to considering the implications of changes. Less information is usually supplied. Although this can make them cheaper, it is considered that decisions that significantly deviate from the Plan are best made with the comprehensive support of technical reports that accompanies plan changes.

Perhaps the most important reason is that it is difficult to maintain and deliver upon a strategic vision through the incremental granting of resource consents. The advantage of plan changes is that they can much more easily look at a large scale picture and across multiple landholdings. Outcomes can be compromised and opportunities missed by considering consents in isolation.

It is suggested that non-complying subdivisions in rural living areas have resulted in some less than optimal urban forms. This is evidenced in the fragmented approach of approved subdivisions in places such as Lake Hawea and Luggate. Members of the community have noted issues of poor connections between streets in places like Lake Hawea. These may have been avoided with a more comprehensive approach to their urbanisation through a plan change⁵. Perhaps with the consideration of a range of options as is required by a plan change, growth in some of these areas may not have been supported in the form approved by the resource consents.

Another problem that has emerged is that simply granting consents for an urban subdivision pattern does not alleviate the issue of land use consents needing to be considered via the rural living zone provisions. This has caused a large number of consents needing to be lodged for matters such as house design (where in the low density residential zone no resource consent is needed for such matters). What becomes quite impractical is that the consents are required to be considered against the criteria set out in the Rural Living Zones which seek

⁵ Section 15 of this report discusses the fact that at least one resource consent acknowledged in Lake Hawea that a plan change would be preferable, but it was determined that consent was nonetheless appropriate.

to protect rural character – which has essentially been lost through the subdivision pattern.

Subsequent consents were lodged in the Stoney Creek area to apply the low density zone rules as a consent condition, and similar conditions have been applied in consents such as the Streat subdivision in Hawea (for a period of 20 years). This does still not remove all complications however. For one, the exact conditions differ for different developments – and are not recorded in the District Plan. There are complications for addressing applications that fall out of the consent conditions (again, the zone provisions are largely irrelevant). The conditions are also not updated as the Plan changes, unless a variation is sought and approved. The situation causes frustrations and confusion for members of the public and administrators of the Plan. Certainly, this situation would be best amended by changing the underlying zoning in these areas. But when this is done, it is argued it will be important to take steps to try to avoid similar complications occurring in the future.

It is therefore concluded that there is a strong case for addressing the causes of non-complying consents being granted in the Rural Living Zones so as to discourage these processes from determining the direction of growth for the District's settlements. The causes are discussed below.

15. Why have so many non-complying consents been granted?

It has to be concluded that the Rural Living Zoning has been ineffective in areas that have been subject to pressure to subdivide to sites akin to more urban densities. This section will explore some of the reasons for this.

Weak objectives and policies

A recurring theme identified in discussions with resource management consultants, with Lakes Environmental planners and in the written decisions of resource consents is that little guidance is provided by the objectives and policies of the Rural Living Zones. Consider the decision for Alpro New Zealand Limited for a climbing facility on the Cardrona Valley Road in Wanaka, The assessment in respect to the Rural Living zone stated;

“Little guidance can be found in the Objectives and Policies of the Zone that assist in the assessment of the application. The policies are generally high-level. I agree with Mr Henderson’s view that they do not lend themselves to a comprehensive consideration of the effects of the proposed activity.”

The site has since been converted to restaurant in a subsequent consent. The commissioner was satisfied that the visual effects would be no more than minor. Despite the value of the facility to the community, there are questions as to the

appropriateness of the location for such facilities and the effect of the building in terms of creating an attractive entrance into Wanaka. This may well be an example of the type of activity that the Plan could more explicitly consider in its objectives and policies for the Rural Residential Zone, so as to provide stronger direction as to what will be considered appropriate in the future.



Figure 38: The Base Camp building is now a notable feature at the entrance to Wanaka

A similar view was expressed in the 2003 decision for Southern Eclipse Limited for a 95 residential lot subdivision on Mr Aspiring Road in Wanaka (near Stoney Creek). This decision stated:

“The Committee found these objectives and policies to relate to relatively confined issues of self sufficiency and recognising the effect of permitted rural activities on residential amenity. The Committee determined that these provisions provided little guidance or impediment for the granting of the consent to this proposed”

It has been interpreted that little weight is given in the objectives and policies to specifically protecting the character of the Rural Living Zones. This was noted in the decision, on an application by R and N Cowie, to subdivide under the minimum allotment size in the Rural Lifestyle zone. The decision states:

“the key issues in this zone relate to self sufficiency of water and sewerage as well as avoiding reverse sensitivity effects on rural activity”

In such situations it has been felt that if these issues are addressed the application may well prove otherwise appropriate. It is however a moot point as to whether the overarching District-wide objectives and policies support the growth of urban uses into such areas. Where there have been decisions that have found the proposal to be contrary to the objectives and policies of the Plan this has usually been in respect to the landscape and subdivision provisions in Part 4 and 15, as opposed to the Part 8 (Rural Living) provisions.

It is notable that there has been only a limited number of non complying subdivision applications approved within isolated settlements such as the rural living settlements around Lake Hayes, in Dalefield and Bobs Cove. This may reflect a number of factors:

- The availability of urban infrastructure
- the extra provisions that apply in areas such as Bobs Cove and Lake Hayes
- a possible situation where provisions of the Plan seem to provide for the ‘creep’ of urban densities on the edges of existing towns but not in more isolated areas
- the nature of these communities and the level of neighbourhood resistance to development not anticipated in this area (as noted in conversations with resource management consultants).
- Market preferences

Mixed messages about managing urban expansion

As discussed earlier (under Section 2) there are some somewhat mixed messages about how growth should be managed in the District Plan. Particularly notable is the supporting explanation under Urban Growth Objectives and Policies (4.9), Objective 3 (which advocates urban consolidation):

“Consolidation can occur by peripheral expansion of the existing residential areas, increased density within the existing residential areas or opportunities for new settlement.”

Some decisions have cited that extensions via resource consent to urban areas are consistent with the District Plan objective of urban consolidation. In the application by Southern Eclipse Ltd to create 95 residential allotments in the Rural Lifestyle zone on Wanaka- Mt Aspiring Road, the decision found that the Rural Living provisions;

“provided little guidance or impediment for the granting of consent for the proposal”

The Committee went on to determine that:

“this proposal is consistent with the district wide objectives and policies relating to the clear identification of urban edges, providing for residential growth and enabling urban consolidation”.

This decision approved allotments between 767m² and 2549m² in the Rural Lifestyle zone which requires a minimum allotment size of 1 ha. The committee concluded that the development;

“lead to a logical progression of development from the urban fringe and that the current zoning was inappropriate for the sustainable management of these resources”.

Unexplained zone boundaries

One of the main issues in dealing with large scale resource consents that have sought to extend the urban area is that the extent of the existing zonings are unexplained and are difficult to understand. The Environment Court has commented on the inappropriateness of rural residential zoning boundaries around Luggate (C81-2009) and near Camphill Road north of Glenorchy (C10-2009 - *obiter*) for landscape reasons. The former case is an example where the Court felt that an extension of the urban area beyond the zoned site was a better outcome because it had less adverse effects than the consented baseline provided by the ‘unfortunate’ zoning. Such cases emphasise the importance of carefully considering zone boundaries in order to ensure the integrity of the Plan can be defended. Not only do they need to be well located, but the objectives and policies should ideally explain why the boundaries have been set where they are so as to be clear to subsequent users.

Around the western edge of Wanaka the unusual arrangement of Rural General, Rural Residential, Rural Lifestyle and Residential Zoning seemed not to follow any logical pattern. In the Southern Eclipse Ltd application cited above, the comment was made that the existing zoning “*was somewhat anomalous*”. There seems to be some agreement amongst planners who were familiar with this situation that this was a reasonable observation. Apparently this largely resulted

from neighbouring properties making submissions to the Plan when the owners of that property did not.

In a 2003 Lake Hayes Estate decision the issue of the zoning boundaries appearing to not reflect any clear logic is noted in the Decision. This is also the case in the application by Streat Developments Limited in Hawea granted in 2008. The decision specifically acknowledges that the proposal sought to create residential allotments consistent with the proposed density of Hawea Township.

Inconsistencies between the District Plan and Community Plans

In reaching a decision in the above application by Streat Developments Ltd a considerable amount of weight was placed on the Hawea Community Plan which recognises Cemetery Road as a southern boundary to the township. It appears more weight was given to this Community Plan than to the District Plan zoning itself. The decision went on to say that if the site was developed in line with the rural living provisions then it could impede the successful and integrated redevelopment of the site to township density sometime in the future. This may well be correct – but there are some interesting issues of process raised by this interpretation.

Applying considerable weight to a non-RMA plan in a resource consent situation is a matter that has been criticised by the Court in the past. There is no guarantee that had the Hawea Community Plan's findings been notified as a plan change and subjected to the tests of schedule 1 of the RMA, that they would have found to be appropriate. Although it is not suggested that the decision to urbanise this area is inappropriate, it is questioned whether a resource consent forum is the most appropriate manner in which to contemplate such decisions (which have considerable policy implications). This decision noted that the area may have been better considered via a plan change in conjunction with other areas, but discounted this option due to no plan change being proposed by the Council.

What this decision would seem to demonstrate is a perception that planning policy is failing to keep up with demand. The perception of zonings being 'outdated' appears to have been compounded by the community planning exercises such as the Wanaka Structure Plan. If the Council wishes to strengthen District Plan zoning as the spatial directive for how growth will be managed, it will probably need to rationalise the zone boundaries and give full consideration of these community plans through a plan change process.

It should be noted however that resource consents have not always occurred in these situations. Other commissioners have provided less emphasis on community plans and recently in an application to the urbanise land via a resource consent on the edge of Wanaka by Coastal Holdings Ltd the application was withdrawn after opposing submissions and an unfavourable planning

officer's report. Instead the applicant is understood to be exploring options for a plan change.

Part II matters vs Plan Provisions

It would seem many commissioners have been inclined to lend more weight to considering the merits of the proposal in terms of Part II of the Act rather than the actual provisions of the zonings. This is evident in decisions such as that to allow a retirement village in a mixture of rural residential and rural general zoning in Wanaka, where the commissioners appear to have felt that the facility offered particular merit, even if it were somewhat inconsistent with the zonings. Another example is the decision to allow the climbing wall and associated facilities near Wanaka where the commissioners gave particular weight to the merit of the proposal and the meaning of sustainable management in terms of Part II of the Act.

These decisions pose a question - what is the reason for the Council and community stating its vision for the growth of the town if it is subsequently seen as inappropriate through the resource consent process? There is also a question as to how Part II matters should be compared to zoning provisions and to what extent integrity of the Plan should be given regard.

Is adequate consideration being given to the issue of precedence?

It is now difficult to assess an application in many parts of the Rural Living Zones in terms of the zone provisions without taking considerable account of what has been consented in the past. In truth, much of the integrity of these zones has been compromised.

In Wanaka, the 2003 approval of the application of Stoney Creek (arguably) created something of a precedent that made the integrity of nearby zonings difficult to defend (although it might be argued that there was little integrity that could be defended due to the illogical or unexplained zoning boundaries). The decision did not appear to have demonstrated detailed consideration of the matter of maintaining integrity of the Plan. In this example, having concluded the zoning was inappropriate, the Committee did consider whether the development should be considered via a plan change rather than a resource consent. The committee appeared to dedicate its attention to the issues of whether the assessment had been comprehensive enough and sufficient consultation had been undertaken.

It seems that with decisions like this one it became steadily more difficult for planners and commissioners to determine that similar applications were inappropriate. Recently, the reporting planner for an application for a retirement village in Wanaka (for which no decision had been issued at the time of writing) considered the precedent of nearby non-complying resource consents to be one

reason to recommend approval of that non-complying application. In effect, if these types of applications were not to be approved via resource consent, the Council needed to be firm and consistent on these matters from the outset. This is an example of how the implications of granting non-complying resource consents need to be carefully considered.

A 2003 decision allowed for 64 urban density lots to be created via an extension of Lake Hayes Estate. Fifty-five of these lots were in the Rural Residential Zone (the balance being in Rural General). The Hearings Panel considered that the consent provided for more logical urban boundaries and found policy support for this in the District-wide policies. They did not appear to be concerned at the prospect of providing a precedent:

“The Panel did not feel that this proposal would set a precedence for other stages within the Lake Hayes Estates development to be provided with a similar density as these would always have to be considered on their merits.”

In a later application by Lake Hayes Estate Limited the applicant sought to create 93 residential allotments on the edge of the existing residential area, 83 of which were located within the Rural Residential zone. The application was eventually granted after the applicant amended the proposal to address some outstanding landscaping issues identified in an initial interim decision. While the decision recognised that the Rural Residential zoning was assumed to be provided to act as a buffer between the Low Density Residential zone and the rural area, it considered the use of this land for an additional 57 dwellings, over and above that which could be provided by a controlled activity consent, was a more efficient use of this resource. The decision states:

“that there could well be greater adverse effects if the 57 dwellings were provided elsewhere in the Wakatipu Basin”.

Many of the decisions discussed above deemed the proposed higher intensification to be a more efficient use of the site and therefore in accordance with Section 7 b of the Act. Interpreting this section needs to be put in context. Consider the following comment on the application of Section 7 (b) from the Brooker’s Resource management website arising from case law:

This is a discretionary matter. Efficiency does not depend on sustainable management, and will not of itself justify a non-complying activity. Where a non-complying activity would offer efficiency of use, that advantage has to be weighed against the competing adverse effect on the integrity of the district plan: [Batchelor v Tauranga DC \(No 2\) \[1993\] 2 NZLR 84; \(1992\) 2 NZRMA 137 \(HC\)](#).

Thus the integrity of the District Plan and the risk of precedence are noted in their importance.

In the example of Lake Hayes Estate (RM030892) the fact that the application (and others) was not seen to create a precedent seems surprising considering that it did indeed appear to provide a precedent for similar subdivision around Lake Hayes Estate. In that case the Commissioner was concerned to say that the decision should not prove a precedent for development but may have been referring to the Rural Residential and Rural General Zones generally, rather than the sites in the vicinity for which it did appear to create a precedent. For example, consider the following discussion in determining recently not to notify a consent that sought urban densities on an adjoining site:

34. In relation to the wider environment, Ms Hanson produced a plan of the receiving environment showing established permitted and/or consented residential dwelling, approved commercial buildings and the "covenanted" area. Mr Castiglione submitted that the following matters are highly relevant considerations when determining the environment against which the proposal must be assessed and, in that regard, whether and to what extent any effects arise:
 - (a) The surrounding Low Density zone for Lake Hayes Estate and Rural Residential zoning for the site and surrounding area; and
 - (b) The approved but unimplemented/partially implemented subdivision and residential land use consents on adjoining and nearby sites.

35. We agree with the Applicant's counsel that it is both appropriate and necessary to have regard to both the permitted baseline and the wider receiving

environment in forming an opinion as to whether the effects of the proposal are minor.

36. We accept Ms Hansen's evidence that the site is located within an area that has been highly modified by subdivision and development, and includes the existing 550 lot subdivision of the greater Lake Hayes Estate area. The majority of these allotments now contain established dwellings and accessory buildings. Ms Hanson stated, with which we agree:

"The site of this current application is an isolated pocket of land bound by established low density residential development to the north, south and west. A recently approved 37-lot subdivision (42 dwelling equivalent) development has been approved adjoining the eastern boundary of the site. This decision also approved land use consent for building development.

...

The wider environment will therefore include an additional 42 residential dwellings directly adjoining the site to the east and which extends the low density residential character of Lake Hayes Estate. The allotment layout of the application site in its current form is semi-rural and is at odds with the established low density development which encompasses the site on all boundaries. With consent to the current application, the subject site would be developed consistently with Sardis' land and surrounding greater Lake Hayes Estate and where the same design and land controls would apply."

37. Overall, we concur with Ms Hanson that having considered the permitted baseline and the receiving environment, the proposal appears entirely consistent with the development that has already taken place or consented to take place in the area. We have factored this analysis into our assessment of adverse effects below.

Similarly in the Sardis Nominees decision (2009) the following comment was made:

While the proposed development within the Rural Residential zone is denser than anticipated by the District Plan Rules, we accept that the

proposed density is the same as that applied within the adjacent Rural Residential zone in Lake Hayes Estate. We concur with Dr Steven that the effects of the proposed development are therefore commensurate with those of the existing Lake Hayes residential environment.

It appears that what constitutes a precedent can be difficult to assess. In this respect, it seems reminiscent of determining what acceptable cumulative effects are. It is common for a decision to express confidence that an approval for a non-complying consent does not itself cause a precedent which will compromise the integrity of the Plan, but it seems that with the benefit of hindsight, these consents can end up doing exactly that (especially when considered collectively).

16. How might the issue of urban expansions into Rural Living Zones be addressed?

It would be difficult now to begin to take a firmer approach in defending the Rural Living Zone provisions on urban margins given how compromised the zones already are. However, a revised planning regime that reflected realities on the ground, set out logical and explained boundaries and was supported by a strong growth management objective and policy base will need to be supported by an awareness of the importance of precedence in non-complying decisions and a commitment by commissioners and Council to defend the integrity of the Plan in these matters.

If the Council were minded to seek that the Plan be more robust in its directions regarding where urban growth shall occur, there are a couple of steps that might be taken.

One is a comprehensive look at the overarching objectives and policies in Section 3 and 4 of the Plan. Plan Change 30 (as proposed by Council) is currently proposing much more detailed and stringent tests for the expansion of urban areas. While the eventual direction of the plan change is by no means certain, it would be interesting to see whether its effect would be to provide firmer control over growth management, to require plan changes (as opposed to resource consents) in order to expand urban areas, or to require more comprehensive assessments when proposing to expand urban areas via resource consent.

An equally, if not more important step would be to strengthen the objectives and policies of the respective zones subject to pressure for the expansion of urban areas (such as the rural living zone). While sometimes unpopular with landowners, relatively simple policies that state the likes of:

'to avoid urban development in Rural Living Zones'

can be relatively simple to administer and provide a great deal of certainty to all users of the Plan. Expansions of urban areas would then likely need to occur via plan changes (promoted by Council or private).

17. Is development proving to be 'self sufficient'?

As discussed in Section 2 above, there is an emphasis in the Rural Living Zone on ensuring that Rural Living Zones are self sufficient in terms of water and sewage. Presumably, this reflects a concern that these areas should not end up driving costly infrastructure upgrades – dispersed, low density settlement patterns can be very inefficient to provide such infrastructure to.

However, the rules of the Plan do not necessarily match up with this intention stated in the objectives and policies. With regards to water supply, the Subdivision chapter actually makes it non-complying for Rural Residential areas in Wanaka, Luggate, Lake Hawea, Albert Town and Hawea not to have lots connected to a reticulated water supply that is Council or community owned.

Generally, staff in Council are wary of private schemes for the likes of water provision and (if it is achievable) often prefer these areas to connect to public infrastructure. This is because over the long term such schemes commonly seek that the Council assume ownership and responsibility (despite their earlier stated intentions otherwise). Often the schemes are not built to Council standards and cause complications and cost for Council. It is however difficult or impossible for Council to use the District Plan to preclude private schemes from being promoted and approved via resource consent.

With regards to sewage, the rules of the Plan direct the imposition of conditions to address any potential effects. This needs to reflect the characteristics of the site, determining whether or not a connection to Council services is appropriate. On many large lot Rural Living developments, septic tank provision may well prove appropriate. In the instances of the expansions of urban areas via non-complying consents in these zones, as discussed above, connection to Council infrastructure has been common. Being non-complying activities, such an approach may not have been consistent with the objectives and policies. It would seem however that a pragmatic view has prevailed in such situations.

In many cases, such as in the smaller communities, commitment to infrastructure upgrades have been necessary for the consents to be granted, sometimes funded by the developer. This does raise questions as to whether Council has been strategic in its management of infrastructure or more reactionary. The general view is that the Council can more efficiently and effectively provide infrastructure if it maintains a strategic view to where and how it will be provided. Council has been investing considerable work into improving its information for infrastructure planning in recent years. Planning will be able to support this investment by providing more certainty (via the District Plan) that growth will

happen in places where there is infrastructure available or where investment is intended (in truth, it is notable that there are infrastructure capacity issues in many areas that are zoned for urban development).

So in summary, many subdivisions are not self sufficient in terms of water and sewage provision, but these objectives and policies could be more suitably refined to say that they should be self sufficient if they do not align with the Council's infrastructure management plans.