

## Appendix 3. Section 32 Report



# Section 32 Evaluation Report

## High Density Residential

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# Section 32 Evaluation Report: High Density Residential

## 1. Purpose of the report

Section 32 of the *Resource Management Act 1991* (the Act) requires plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk (MFE, 2014). Accordingly, this report provides an analysis of the key issues, objectives and policy response to be incorporated within the QLDC District Plan Review for the High Density Residential Zone; and outlines the decision making process which has been undertaken by Council.

The High Density Residential Zone will be positioned within Part 3 (Urban Environment), Chapter 7 of the Proposed District Plan, alongside the provisions of other urban zones within the District. The Zone has the purpose to residential development at increased densities, and supports the provisions of Part 2 (Strategy), namely Strategic Directions (Chapter 3) and Urban Development (Chapter 4).

Section 32(1)(a) of the Act requires that a Section 32 evaluation report must examine the extent to which the proposed District Plan provisions are the most appropriate way to achieve the purpose of the Act (Part 2 - Purpose and principles). Accordingly, this report provides the following:

- An overview of the applicable **Statutory Policy Context**
- Description of the **Non-Statutory Context** (strategies, studies and plans) which inform proposed provisions
- Description of the **Resource Management Issues** which provide the driver for proposed provisions
- A summary of **Initial Consultation** undertaken during the preparation of the Proposed District Plan
- An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act
- Consideration of **Risk**

## 2. Statutory Context

### Resource Management Act 1991

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 Queenstown Lakes District is one of the fastest growing areas in New Zealand. Alongside (and related to) this considerable growth, the District has also become one of the least affordable areas in New Zealand, with the second highest median house price in the country, coupled with relatively low median incomes. As a result, home ownership has become unaffordable for the average person. Coupled with this, strong tourism growth has also lead to a decline in rental supply, and a lack of secure tenure options.

Recent estimates predict that the District will continue to experience significant population growth over the coming years. Faced with such growth pressures, it is evident that a strategic and multifaceted approach is essential to manage future growth in a logical and coordinated manner. Overall, appropriate regulatory

mechanisms are necessary to address current regulatory burdens to housing development, and increase the supply of housing which “enables people and communities to provide for their social, economic, and cultural well-being.”

The High Density Residential Zone supports the Strategic Direction and Urban Development framework of the District Plan to achieve a compact urban form, achieved through enabling higher density development in appropriate locations. The zone provides one of the mechanisms for managing urban growth in a way and at a rate which advances 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 in an integrated manner. With regard to the High Density 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.

Consistent with the intent of Section 31, the proposed provisions support the Strategic Directions and Urban Development framework of the Proposed District Plan, and enable an integrated approach to the multiple effects associated with urban development, and integrated mechanisms for addressing these effects through the hierarchy of the District Plan.

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*

As per Part II of the RMA, 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.

Section 14(g) is of relevance in so far as a planning approach emphasising urban intensification in areas well served by existing infrastructure generally represents a more efficient and effective use of resources than a planning approach providing for more greenfield zoning and development.

## 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), administered by the Otago Regional Council, 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:

Matter	Objectives	Policies
To protect Otago’s outstanding natural features and landscapes from inappropriate subdivision, use and development	5.4.3	5.5.6
Sustainable land use and minimising the effects of development on the land and water	5.4.1	5.5.3 to 5.5.5
Ensuring the sustainable provision of water supply	6.4.1	6.5.5
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 provisions of the High Density Residential Zone, and the development outcomes sought by these provisions, serve the intent of the objectives and policies listed above through the promotion of an urban environment which supports choice, affordability, and efficiency in land and infrastructure use. The zone enables increased residential densities in appropriate locations to promote a compact urban form, thus minimising the encroachment of urban activities on the region’s outstanding natural features.

## Proposed Otago Regional Policy Statement

The Proposed RPS was notified in May 2015. In the preparation of the Proposed District Plan, Council must have regard to any proposed Regional Policy Statement, pursuant to Section 74(2) of the RMA.

Of particular relevance is Objective 3.7 ‘Urban areas are well designed, sustainable and reflect local character’ and Objective 3.8 ‘Urban growth is well designed and integrates effectively with adjoining urban and rural environments’. Supporting policies pertain to promoting good urban design principles, low impact design, and compact development.

The proposed High Density provisions are consistent with the direction set by both the Operative and Proposed Regional Policy Statement.

## 3. Resource Management Issues

The operative District Plan ‘Residential Areas’ chapter identifies High Density Residential Zones within Queenstown and Wanaka.

To understand the issues and potential changes that need to be undertaken in the District Plan Review a number of studies have been undertaken and others referred to, to give a full analysis of the residential issues.

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

- Medium to High Density Housing Study: Stage 1a – Review of Background Data (Insight Economics, 2014)
- Medium to High Density Housing Study: Stage 1b – Dwelling Capacity Model Review (Insight Economics, 2015)
- Brief Analysis of Options for Reducing Speculative Land Banking (Insight Economics, 2014)
- Analysis of Visitor Accommodation projections (Insight Economics, 2015)
- High Density Residential Zone Study (2014)
- Queenstown Lakes Housing Accord (2014)
- The Queenstown High Density Residential Zone Monitoring Report (2011)

- A Growth Management Strategy for the Queenstown Lakes District (2007)
- 'Tomorrows Queenstown' Community Plan (2002)
- Urban Design Strategy 2009
- The New Zealand Productivity Commission's Inquiry into the supply of land for housing 2014
- The New Zealand Productivity Commission's Housing Affordability Inquiry, 2012
- Alluvial Hazard Report, Opus International Consultants Ltd
- 'Wanaka 2020' Community Plan (2002)
- 'Wanaka Structure Plan' (2007)
- Arrowtown Community Plan (2002)
- Shaping our Future 'Visitor Industry Task Force' report 2014
- Otago Regional Council consultation on proposed RPS 2014/2015

The key issues of relevance to the High Density Residential Zone are:

### **Issue 1: Urban Form**

In July 2014, Queenstown Lakes District Full Council accepted the Strategic Directions chapter of the District Plan Review. The strategic direction forms the back bone of the District Plan, setting very specific clear and direct goals, to provide a relevant framework for administrators and decision makers.

Of particular relevance within the Strategic Direction is 'Urban Form' and Goal 3.2.2: "The strategic and integrated management of urban growth", along with Objective 3.2.2.1: "To ensure urban development occurs in a logical manner". This ties in with the Proposed RPS which promotes a compact urban form, avoiding sporadic or ad hoc developments that may detract from rural amenity and landscape values in the countryside. Therefore, new housing is sought in and around existing settlements that are already well serviced by transport links and amenities. Higher density development in close proximity to town centres will provide extra housing and visitor accommodation supply whilst minimising impacts on transport and other infrastructure, and the higher costs in providing this to greenfield locations.

The Growth Management Strategy 2007 (a non-statutory document) is intended to guide community planning for future growth and development of the district. Developed from community based planning workshops, community plans and council growth studies, it identifies six 'growth management principles'. The strategy highlighted the need for consolidating development in high density areas to support new growth, infrastructure supporting high quality development in the right places and good design to improve the quality of the environment.

Further streams of statutory and non statutory work and forums involving community input have reinforced this growth management approach.

These are highlighted and summarised below:

#### *Wanaka 2020*

The original Wanaka Structure Plan, prepared in 2004, was subject to a comprehensive review in 2007. The Structure Plan was widely circulated for community input in August / September 2007.

Three growth management responses were proposed in the Plan. Option 1 was to retain current development patterns, with a mix of infill and new greenfield growth. Option 2 was to accommodate all required development within existing zones. And Option 3 – the preferred option - was a mixed approach.

The Plan encourages more higher density developments near retail nodes and centres.

#### *Plan Changes 20 and 21*

Consultation and analysis on these proposed Plan Changes relating to urban growth boundaries for Queenstown and Wanaka occurred in 2007.

For Queenstown, a Discussion Document was prepared and consulted on. Three options were outlined in the document:

- Limit capacity: a tight boundary around the current urban zones to restrict growth
- Manage modest growth: providing for growth at Frankton Flats
- Enable significant growth – potentially merging Queenstown with adjacent settlements of the Wakatipu Basin to create a larger conurbation

These plan changes were subsequently abandoned, with a view to progressing policy in the District Plan Review.

#### *Plan Change 30 – Urban Boundary Framework*

Plan change 30 was notified in 2009 and made operative in 2012. It introduced the concept of urban growth boundaries as a strategic growth management tool into the District Plan.

The Plan change sought that the majority of urban growth be concentrated in the urban areas of Queenstown and Wanaka, and it enabled the use of Urban Growth Boundaries ‘to establish distinct and defensible urban edges’.

#### *Urban Design Strategy 2009*

The strategy strongly promotes urban intensification and good quality urban design.

#### **Methods to address the issue:**

- *Confirm existing extent of High Density zone*
- *Liberalise rules to enable better realisation of intensification objectives and policies*

#### **Issue 2: Development capacity / potential and housing affordability**

The Queenstown Lakes District is recognised as one of the five least affordable housing areas in New Zealand, and the median house price is the second highest in the country.

Home ownership is unaffordable in the Queenstown Lakes District, with the second highest median house price in the Country coupled with relatively low median incomes. This makes mortgages 101.8% of the median take-home pay of an individual, to meet weekly mortgage payments and the median multiple (median house price divided by gross annual median household income) is 8.61. (Source Queenstown Housing Accord).

The district has some unique characteristics to its housing challenge within the New Zealand context. The district has a high number of homes owned for holiday purposes or rented out as visitor accommodation, and there is high rental housing demand from people who work in the tourism and hospitality industries. The District is also one of the fastest growing regions, with population growth since 2006 exceeding the national average. A study undertaken by Insight Economics (*Medium to High Density Housing Study Stage 1a – Review of Background Data*) predicts that the district will continue to experience high population growth over the next 20 years.

Whilst there are many legislative differences between Canada and New Zealand, it is worth noting the parallels that exist between some of the more prominent resort towns in Canada and New Zealand. Towns such as Banff and Whistler have been experiencing similar problems to Queenstown in terms of housing supply and affordability. As in Queenstown, there is a desire in these communities to protect the countryside and natural environment. As a result, both towns have made bold changes to their planning regulations over the past 5 years, with both towns making widespread use of high and medium density zones to address the issue.

The supply of land for urban development can be affected by a range of factors that are outside the scope of the District Plan. However, restrictive planning systems increase cost and time in the planning process and can limit the supply of land and housing. Additionally, the supply of land is influenced by the extent of land zoned for urban development; and the potential effects of landbanking.

The impact of overly restrictive planning regulation is firmly in the sights of Central Government, and in November 2014 the New Zealand Productivity Commission launched an Inquiry into the supply of land for housing.

In their 2012 report, the Commission stated:

*“A more balanced approach to urban planning is required in the interests of housing affordability. Land for housing can come from the development of brownfields sites, by infill development in existing suburbs, and by making suitable greenfields sites available, ideally in a complementary manner and in a way that provides for substantial short-, medium- and long term capacity.”*

The findings of the Commission highlight the need for the planning system to allocate sufficient land for urban development, and that this zoning should be supported by a policy framework which provides for a mix of urban forms.

Outside of the planning process, landowners / developers can also potentially withhold land with potential for future high values (referred to as ‘landbanking’). Landbanking limits developable land being brought to market, and therefore restricts the available land supply. This speculative – but rational - behaviour is often incentivised by restrictive and burdensome planning regulation and process which contributes to higher land value inflation, which incentivises land banking. It is also incentivised where a large proportion of potential dwelling capacity is held in a relatively small number of ownerships, such as is the case in Queenstown.

With respect to this matter, it is noted that Councils’ Dwelling Capacity Model shows that some 82% of dwelling capacity in the Wakatipu Basin is only held by 5 parties, with some 69% held by three parties. This represents a very high concentration of potential supply in a small number of ownerships. In addition, it is important to note that within these landholdings minimal housing has been developed over the past 5 years, despite strong demand. This may be attributable to speculative behaviour, or other reasons.

The New Zealand Productivity Commission in its draft report (June 2015) prepared as part of its inquiry ‘Using Land for Housing’ concludes:

*“The best way to tackle land banking is to increase the amount of land available for development and the amount of development that can take place on land through more permissive land use regulation, and removing barriers to servicing land with infrastructure. Where developable land is no longer seen as scarce, owners will see less value in holding it.”*

Insight Economics ‘*Analysis of Options for Reducing Speculative Land Banking*’ (2014) prepared for QLDC identified a number of planning and non-planning options the Council could consider to help reduce speculative land banking and thereby help address housing supply and affordability. As per the Productivity Commission’s findings, liberalisation of planning controls was one of the key recommendations to address land banking.

There is a significant and credible academic literature on the impact that restrictive planning regulation has on housing costs. ‘Restrictive planning regulation’ can refer both to limits on urban expansion (ie. urban growth boundaries) and limits on development within urban areas (and procedural difficulties).

The preeminent Harvard University economics Professor Edward Glaeser, and Wharton School of Business (University of Pennsylvania) professor Joseph Gyourko have been particularly prolific and influential researchers. In 2005 they concluded:

*“Measures of zoning strictness are highly correlated with high prices.”<sup>1</sup>*

Glaeser and Gyourko have always been clear to point out that notwithstanding such impacts, strong planning controls can also provide benefits. Clearly, cost/benefit analysis is always required by policy makers when weighing up the competing benefits and costs of planning regulation, and a balance should be sought.

The OECD Economics Department have also carried out a number of studies researching the impact of planning regulation and other factors on housing supply and prices. Caldera Sanchez and Johansson (2011) state:

*“Land use and planning policies are intended to reduce negative externalities that can be associated with new housing construction, but if they are poorly designed they may also restrict supply responsiveness”<sup>2</sup>*

A further paper by the same authors in 2011 found that:

*“Badly designed policies can have substantial negative effects on the economy, for instance by increasing the level and volatility of real house prices and preventing people from moving easily to follow employment opportunities”.*

The following is a particularly relevant policy conclusion by the authors:

*Land-use policies and regulations and policies towards the construction sector should ensure a more efficient use of land, as well as speeding up cumbersome licensing processes so as to facilitate a flexible adjustment of housing supply. In areas with a shortage of rental housing, reducing restrictions on the construction of multi-family dwellings consistent with urban planning rules may raise rental supply”.<sup>3</sup>*

The literature consistently emphasises that responsiveness (or ‘elasticity’) of housing supply to demand is critical – more so than theoretical supply capacity.

Some of the key determinants (all interrelated) of this responsiveness include:

- Planning regulation (ie. the availability of land zoned for urban development, and rules applying to development)
- Planning process (time, cost and risk)
- Competitiveness and scale of construction sector

Capacity in the High Density Residential Zone must also take into account the high prevalence of visitor accommodation that establishes in the zone and will continue to establish in the zone (given projected growth in tourism and the general desirability of locating accommodation close to centres), and detracts from permanent housing supply.

### **Methods to address the issue**

- Liberalise District Plan bulk and location rules
- Simplify and streamline provisions

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<sup>1</sup> Glaeser, E., Gyourko, J., Saks, R. ‘Why Have Housing Prices Gone Up?’, NBER Working Paper No. 11129, 2005

<sup>2</sup> Caldera Sanchez, A. and Johansson, A. (2011), “The Price Responsiveness of Housing Supply in OECD Countries”, *OECD Economics Department Working Papers*, No. 837.

<sup>3</sup> Andrews, D., Caldera Sanchez, A. and Johansson, A. (2011) “Housing Markets and Structural Policies in OECD Countries”, *OECD Economics Department Working Papers*, No. 836

- *Emphasise in policies a forward looking perspective with an emphasis on providing greater balance between development rights and amenity values*

### **Issue 3: Growth pressures: Residential and Visitor Accommodation**

Insight Economics report 'Stage 1a – Review of Background Data' presents key demographic information for the Queenstown Lakes area. It concludes "...that the district will continue to experience high population growth and...demand for new dwellings will also be strong."<sup>4</sup>

It also highlights that levels may be exceeded if the tourism industry continues to grow at a high rate.

The report notes high growth in dwelling demand and numbers of one person households and couples without children, which in turn require short / flexible accommodation options. It reports a strong growth in detached dwellings, but that home ownership rates are lower than the national average, which could indicate affordability issues / lack of suitable housing as well as a transient population. Strong growth in tourism, hospitality and associated industries is likely to see growth in the numbers of younger people living and working temporarily in Queenstown, and this will create greater demand for centrally located and relatively affordable rental townhouses and apartments.

Insight's analysis is backed by a report issued in May 2015 "Assessing Tourism Labour Market Needs" which projects a 46.2% increase in employment in the Otago region between 2014 and 2025. Much of this growth will occur in Queenstown and will be in the tourism and hospitality sector, and this is likely to create significantly higher demand for centrally located housing in Queenstown.

There is evidence that overcrowding is a growing issue in the District, especially in Queenstown. A number of cases have been highlighted by Council's Enforcement department, and from the Southern DHB. This is likely to be at least partly explained by high rental housing costs, poor availability of rental property, and poor tenure security- all of which tie back to insufficient housing supply.

The Southern DHB have expressed significant concerns in terms of the public health implications of this overcrowding. In particular, such overcrowding fosters greater ease of transmission of infectious disease. Not only is this considered to be intrinsically problematic in terms of health and wellbeing (Section 5 RMA), it can also impact on productivity.

Related to this is the strong projected growth over the next 20 years in visitor numbers, which will generate the need for a significant increase in the supply of commercial (hotels, motels, backpackers) and non-commercial (rental of private residences) accommodation. Strong demand is likely to continue for such visitor accommodation to be located near the Queenstown and Wanaka Town centres in the High Density zone, and this further creates a need for more liberal planning controls to provide for this.

Insight Economics undertook projections for guest nights and then translated that into projections for additional visitor accommodation capacity in Queenstown up to 2035. Very significant growth in demand is forecast. For example, an additional 3970 hotel guest rooms are forecasted to be required in the Wakatipu Basin. Even if it were conservatively assumed that only half of these hotel beds were to be provided in or adjacent to Queenstown town centre (as opposed to other locations in the Wakatipu Basin), this still amounts to 2000 additional hotel rooms which equates to around 15 mid sized hotels.

The planning controls of the Operative District Plan are too restrictive and are unlikely to enable anywhere near the required provision of hotel bedrooms.

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<sup>4</sup> Insight Economics. Medium to High Density Housing Study: Stage 1a – Review of Background Data (2014), Page 21

### **Methods to address the issue**

- *Liberalise District Plan bulk and location rules*
- *Simplify and streamline provisions*
- *Emphasise in policies a forward looking perspective with an emphasis on providing greater balance between development rights and amenity values*

### **Issue 4: Dwelling Capacity**

A supplementary report by Insight Economics, 'Stage 1b – Dwelling Capacity Model Review'<sup>5</sup>, assessed whether the current Council dwelling capacity model logic was sound and whether the inputs and assumptions were reasonable. Prior to the review, the Council model assumed that 100% of high density zoned land could be brought forward for development, however Insight Economics review of this model proposed new feasibility factors that show only 10% of high density zoned land is likely to be realised for new residential development over the next 20-30 years. This is a significant reduction in previously estimated capacity in the High Density Residential zone, and reflects the large range of social, commercial, economic and physical factors that act as barriers to realisation of housing supply.

Importantly, this work has been informed by several recent processes and inquiries. Work undertaken on the Proposed Auckland Unitary Plan has been particularly relevant. The original Dwelling Capacity work undertaken for the Unitary Plan found that the proposed provisions provided theoretical dwelling capacity for 565,000 new dwellings. However, the independent panel considering the proposed Unitary Plan assembled 15 experts from within Auckland Council and the private sector, including planners, developers, economists and demographers, to apply "real world" criteria to the council's previous forecasts, on likely population growth, and how many new dwellings would likely be built. The expert group concluded that 64,420 dwellings could be "feasibly" built, an amount substantially lower than the theoretical capacity of 565,000 dwellings. This has resulted in a realisation that Auckland now faces a huge shortfall of realistic supply, and alternatives are now being considered including no density limits.

In addition the Productivity Commission's Inquiry cites examples from Australia. An example from New South Wales identifies a scenario in which the theoretical capacity for medium density housing was initially estimated as 145,000 dwellings, however, the realistic and feasible capacity (accounting for a range of development barriers, costs and revenues) was only 8% of this (12,200 dwellings).

These examples demonstrate that for brownfield intensification, in particular, realistic dwelling capacity is often much lower than theoretical capacity. The matter is generally less pronounced for greenfield development, and the revision to the Dwelling Capacity Model has seen less reduction in capacity in greenfield locations.

The recent work by Insight Economics, and the outcomes of the Auckland Unitary Plan process has informed the review of the Queenstown Lakes District Dwelling Capacity Model (refer attached). The revised model demonstrates that there is very limited realistic capacity for high density housing in the HDR zone, and this supports the case for more enabling provisions to increase that realistic capacity. It also supports the need for the Proposed Medium Density Zone, as a method to provide further opportunity for housing close to centres and amenities. In the Queenstown context, Plan Change 50 also helps to address the issue.

Clearly, dwelling capacity is a complex matter, subject to many potential variables and influences. The Productivity Commission has recommended that the Ministry of the Environment consider developing a sophisticated model that could be applied throughout New Zealand. Until then, the revised Dwelling Capacity

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<sup>5</sup> Insight Economics, 'Stage 1b – Dwelling Capacity Model Review, 2015

Model for Queenstown is a relevant tool or guide for planning, however its significance should not be overstated and it is but one tool or indicator.

Further anecdotal evidence suggests that housing supply – in particular centrally located rental housing supply – is not keeping pace with demand. Matthew Paetz, District Plan Manager at Queenstown Lakes District Council, spoke to Queenstown Accommodation Centre's managing director Allan Baillie, on 18 February 2015. Mr Baillie advised that there is a "dire shortage" of rental properties. There is insufficient supply to meet demand and room sharing, and sometimes overcrowding, is starting to proliferate.

This lack of supply is supported by data. Trademe data shows that median rents in the District increased from \$380 per week in 2013 to \$500 per week in 2015. Economists consider rental price movements to be a good indicator of supply/demand balance, more so than house price movement.

### **Methods to address the issue**

- Liberalise District Plan bulk and location rules
- Simplify and streamline provisions

### **Issue 5: The impact of height, recession plane, private open space and other development controls on housing supply and urban growth management objectives**

The New Zealand Productivity Commission's inquiries have identified the negative impact that development controls can have on the realization of housing supply:

*"Councils should ensure that their planning policies, such as height controls, boundary setbacks and minimum lot sizes, are not frustrating more efficient land use. Such policies put a handbrake on greater density and therefore housing supply." New Zealand Productivity Commission, 'Housing Affordability Inquiry', 2012.*

The height and recession plane controls of the High Density Residential zone in the Operative District Plan are overly restrictive, especially on "flat" sites and in many situations make complying development to even 2 storeys (low rise) difficult to achieve. This results in a significant misalignment between the Operative District Plan's objectives and policies of the High Density zone and the development that is enabled by the rules.

As the Productivity Commission state in their 2015 Inquiry (page 125):

*The cumulative effect of multiple rules can also lead to disconnects between the stated objectives of a District Plan and its actual impacts on development capacity:*

*While most RMA plans endorse some degree of residential intensification, many plans contain provisions that can act as disincentives to achieving this aim. These include provisions such as requiring a minimum area of land per dwellings (irrespective of dwelling size), open space requirements per dwelling, car parking rules and restrictions on converting existing houses into flats. (New Zealand Transport Agency, sub. 73, p. 12)*

Private open space requirements can impact on development viability, and do not necessarily offer significant amenity benefits. For example, a balcony requirement can add substantially to the sale price of an apartment, and may offer minimal benefit if the development site is located in a dense urban setting or on a highly trafficked and noisy transport corridor. In addition, in a cooler climate such as Queenstown balconies arguably have generally less utility than in warmer climates, and Body Corporate rules often prevent their use for functions such as clothes drying. Requirements for deep balconies (ie. more than 1.5m) can also negatively impact on winter sunlight admission into units which can also have winter heating cost implications.

A recent (January 2015) paper prepared for Treasury and the Ministry of Business, Innovation and Employment (MBIE) by economists Motu - 'Impacts of Planning Rules, Regulations, Uncertainty and Delay on Residential Property Development' – quantified some of the economic impacts of rules such as balcony requirements. Motu found that balconies (ranging in area from 5 to 8 square metres; fairly typical minimum balcony area dimensions imposed by many Councils, although they are sometimes higher: the minimum

balcony area in the Operative Queenstown District Plan is 8 square metres) would typically add \$40,000 to \$70,000 to the selling price of an apartment. This is a major cost implication, especially for studio, one or two bedroom apartments.<sup>6</sup> For example it could mean the difference between a studio unit selling for say \$220,000, rather than \$270,000, which could have a fundamental impact on development viability (based on realistic rental return).

The MOTU report also quantified housing cost implications of a range of other planning rules for apartments, with the additional costs (specified as a range) set out as follows:

- Building height limits: \$18,000 to \$32,000
- Floor to ceiling heights: \$21,000 to \$36,000
- Mix of dwelling units: \$6000 to \$15,000
- Other urban design considerations: \$1,500 to \$8,000

It should be emphasized that the Motu study focused on the financial costs of planning rules and not potential benefits, and was explicit in acknowledging this. However, with regard to private open space it is considered that more flexibility is required and that generally speaking the market is best able to determine the need, depending on site location, views, aspect etc. Avoiding a mandatory requirement for balconies may help better realize the delivery of affordable rental studio apartments in central locations.

But it is important to emphasize that the market will often, if not always, demand balconies. So any notion that not mandating balconies will lead to most apartments not providing balconies is an unlikely one. For example, it is likely that in higher value locations, or for example locations near lake edges, the market is likely to inherently demand balconies. However, in a location such as Gorge Road, where sunlight access is sometimes limited, views are limited, the location is one inherently naturally suited to lower wage workers in the service industry who work in the town centre, and the road is increasingly trafficked, there may be less of a market driver for balconies, or at least larger balconies.

Furthermore the Productivity Commission's recent inquiry report (2015) concluded that the costs of imposing minimum private open space requirements were likely to exceed the benefits, citing the Motu study and work by MRCagney and recommended that Councils dispense with such requirements.

In central Queenstown and Wanaka there is very good access to parks, reserves, trails and lakes within a compact geographic area unlike in many large and dense urban centres. This mitigates against the lack of balcony provision.

The Productivity Commission in its 2015 report also critically assessed the use of height limits. They stated:

*Height limits can significantly reduce development capacity. This has implications not just for housing supply, but also for individual incomes and wellbeing and for the environment (as cities are forced to move outwards, increasing transport times).*

The report cites a number of studies that quantify the costs of building height limits.

However the report goes on to acknowledge the potential benefits of building height limits:

*Building height limits do have a role to play in managing negative externalities created by development, such as overshadowing of neighbouring properties or the creation of wind tunnels in streets.*

But that these potential benefits, which are often localised, must be balanced with "bigger picture" community-wide considerations:

*However, many of the benefits created by height restrictions are likely to be private and/or localised. Donovan and Munro (2013) state that building height limits:*

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<sup>6</sup> Motu Economic and Public Policy Research, Impacts of Planning Rules, Regulations, Uncertainty and Delay on Residential Property Development, January 2015

*often become a tool through which local residents seek to block new development. In these cases building height limits effectively get hijacked by pecuniary local interests (ie homeowners) who have a vested interest in constraining the supply of new development in their surrounding areas because of negative localised effects (perceived or real). (p. 49)*

*In comparison, as noted in the studies cited above, the costs of reduced development capacity, higher housing and transport costs are felt across a city and can be large, particularly for some members of the community. Donovan and Munro concluded that while “tall buildings no doubt do have negative impacts, we have not found any evidence to suggest that the economic costs imposed by building height limits outweigh the economic benefits of increased density”*

Discussion with property experts in the hotel industry confirm that many hotels will require building height of at least 3-4 storeys to achieve feasibility, especially as suitable land availability is relatively limited. Similarly discussions with some residential developers has indicated that more potential height on sloping sites can only assist with development feasibility, which on many sites is currently marginal.

Put simply, the current height rules are a fundamental barrier to enabling the supply of apartments and visitor accommodation necessary to provide for the overall wellbeing of the District.

#### **Methods to address the issue**

- *Liberalise District Plan bulk and location rules, but provide controls to balance extra development rights with reasonable amenity protection*
- *Simplify and streamline provisions*

#### **Issue 6: Urban Design and Amenity Values**

With higher density development, it is important that development achieves good quality urban design outcomes. Whilst the District Plan needs to become more enabling, it also needs to ensure that good quality urban design outcomes are achieved.

Whilst the Operative District Plan contains a large number of urban design criteria, these need to be reframed into a more concise and direct format consistent with the revised structure of the Proposed District Plan.

More intensive development can impact on amenity values, including outlook and views, sunlight access and privacy. As discussed above, balance should be struck between enabling more intensive development with its overall community wide and environmental benefits, and providing a reasonable degree of amenity value protection in terms of private, localized adverse effects.

#### **Methods to address the issue**

- *Frame policies and rules in a manner that better balances development rights and amenity values*
- *Continue Operative District Plan’s strong emphasis on urban design but in a more streamlined and focussed manner*

## **4. Non statutory consultation**

In developing the High Density Residential Zone and supporting provisions, during the preparation phase of the Proposed District Plan, QLDC invited informal feedback from the public and targeted landowners potentially affected by the proposed rezoning.

It is noted that public consultation during the preparation of the District Plan is not mandatory under the RMA, but is however provided for by 3(2) of Schedule 1, and has been undertaken by QLDC on issues where specific public input was sought.

A summary of the consultation undertaken is outlined below.

Date	Task
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February 2015	Copy of Draft Residential Zone Chapters and supporting summary document ('District Plan Review – Residential Chapter, Summary of Issues and Proposed Changes') placed on the QLDC website. Written feedback was invited.
9 February 2015	Letter sent to all residents within the extent of proposed High density Density Zone.  Written feedback was invited.
14 February 2015	Drop in session held in the Summit Room of the Edgewater Resort on Saturday 14 February, between 10am – 1pm.
21 February 2015	Drop in session held at the Council Chambers at 10 Gorge Road, Queenstown, on 21 February, between 10am – 1pm
2 March 2015	Drop in session held at Council Offices, Reece Crescent, on Monday 2 March, between 4.30 – 6.30pm.
4 March 2015	Drop in session held at the Council Chambers at 10 Gorge Road, Queenstown, on 4 March, between 4.30pm – 6.30pm

## 5. Purpose and Options

The purpose of the High Density zone is to facilitate higher density development – generally of up to three or four storeys on “flat” land in Queenstown, but potentially higher on “sloping” land (where development excavates below the slope it can achieve an additional one, sometimes two, storeys) in order to:

- Provide greater housing supply to respond to strong demand for centrally located housing
- Provide greater diversity of housing
- Place less pressure on the District’s road transport network by providing housing close to town centres where walking and cycling to the centres as places of employment, retail and entertainment is readily achievable
- Reduce pressure for residential development on the urban fringes and beyond
- Provide for more visitor accommodation development close to town centres, where the demand is typically strongest and is predicted to grow significantly

Whilst the Operative District Plan shares many if not all of these objectives, there is poor translation of these objectives into regulation that is sufficiently enabling to facilitate the density of development required, and within a process that is not associated with substantial risk and cost.

In addition, the Operative District Plan employs an overly complex zoning framework, with three High Density subzones. This is considered an unnecessary level of complexity for a district with such a small urban area and permanent urban population.

It is proposed that the two most intense subzones – Subzones A and B – be merged into one High Density Zone. And that the least intense of the subzones – Subzone C – become subsumed into the new Medium Density zone that is proposed in the District Plan Review.

### Strategic Directions

The following goals and objectives from the Strategic Directions chapter of the Proposed District Plan are relevant to this assessment:

*Goal 3.2.2: Strategic and integrated management of urban growth*

*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*

*Objective : Manage development in areas affected by natural hazards*

*Goal 3.2.3: A quality built environment taking into account the character of individual communities*

*Objective 1: Achieve a built environment that ensures our urban areas are desirable places to live, work and play*

*Goal 3.2.4: The protection of our natural environment and ecosystems*

*Objective : Respond positively to Climate Change*

*Goal 3.2.5: Our distinctive landscapes are protected from inappropriate development*

*Objective : Direct new subdivision, use or development to occur in those areas that have potential to absorb change without detracting from landscape and visual amenity values*

*Objective : Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained*

*Goal 3.2.6: Enable a safe and healthy community that is strong, diverse and inclusive for all people.*

*Objective : Provide access to housing that is more affordable*

*Objective : Ensure a mix of housing opportunities*

*Objective : Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design*

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

- Enabling development of high density zones close to existing town centres and urban communities
- Avoiding and mitigating in areas affected by natural hazards
- Promoting quality developments with a range of housing options to meet the needs of the community
- Reducing environmental effects within developments
- Promoting efficient use of existing services and infrastructure

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.

## 6. Broad options considered to address issues

Option 1: Retain the operative provisions

Option 2: **(Recommend)**: Increase maximum height limit in Queenstown, liberalise some other rules, but largely retain existing location of high density zones close to existing town centres to retain a compact urban form

Option 3: Comprehensive review of height and location of high density zoning over a much wider area with consideration of pockets of higher rise (five storeys plus) development

	<p><b>Option 1:</b></p> <p><b>Status quo/ No change</b></p>	<p><b>Option 2:</b></p> <p><b>Largely retain existing High Density Zone boundaries but increases height limits, revises other rules, streamline and consolidate provisions</b></p>	<p><b>Option 3:</b></p> <p><b>Comprehensive review of zoning over a wider area, with potential expansion of zones and higher building in specific areas</b></p>
<p><b>Costs</b></p>	<ul style="list-style-type: none"> <li>Does not enable further opportunities to increase development capacity.</li> <li>Would continue to negatively impact upon development feasibility</li> <li>Takes a short-term view – i.e. growth opportunities would be limited to development of a limited number of undeveloped sites, and redevelopment of existing building stock.</li> <li>Does not adequately respond to projected visitor growth and a significant projected need for additional visitor accommodation, in addition to residential growth</li> <li>Does not contribute to the vibrancy and economic prosperity of the sites in close proximity to town centres.</li> <li>May stifle opportunities for economic development, thereby limiting ability for the town centre to prosper.</li> <li>Does not give effect to the relevant goals and objectives of the proposed Strategic</li> </ul>	<ul style="list-style-type: none"> <li>Has costs associated with going through the District Plan Review process (but this is required by legislation).</li> <li>Greater development potential has the potential to generate greater impacts on the amenity values of existing properties</li> <li>The limited increases in height / development potential may not go far enough to address projected visitor and residential growth</li> </ul>	<ul style="list-style-type: none"> <li>Has costs associated with going through the District Plan Review process (but this is required by legislation).</li> <li>Intensification and expansion may change the character of the wider area and lose focus</li> <li>Inconsistent with the approach set out in the Strategic Directions Chapter.</li> </ul>

	<p>Directions chapter.</p> <ul style="list-style-type: none"> <li>Does not achieve the goal for a streamlined and more coherent District Plan.</li> </ul>		
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Retains the established approach which parties are familiar with.</li> <li>Low cost for Council</li> <li>Maintains strong planning regulation limiting scale of development therefore ensuring strong protection of existing amenity values</li> </ul>	<ul style="list-style-type: none"> <li>Better delivers on the longer term goal of delivering a compact form that is consistent with the Council's Strategic Directions Chapter and ORC's RPS.</li> <li>Simplifies the District Plan making it easier for laypeople as well as RMA practitioners to interpret and apply.</li> <li>Acknowledges that the District Plan takes a long-term view by enabling future development opportunities as the population increases over time.</li> <li>Enables economic development and investment opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>Would allow a comprehensive review of the Residential provisions.</li> <li>Potential for more development and housing options.</li> <li>Provides greater certainty than Option 2 that projected growth, particularly in visitor accommodation, will be provided for</li> </ul>
<b>Ranking</b>	<b>3</b>	<b>1</b>	<b>2</b>

## 7. 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 the High Density Residential chapter. 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., Tangata Whenua.
- 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-high. New areas are not being added to the HDR zoning, which provides some limitations on the level of analysis required. However, relatively significant changes are proposed, especially for sites categorised as “flat”, which requires relatively elaborate assessment of costs and benefits.

## 8. Evaluation of proposed Objectives Section 32 (1) (a)

The identification and analysis of issues has helped define how Section 5 of the RMA should be expressed in Queenstown Lakes District, in terms of residential objectives. This has informed determination of the most appropriate objectives to give effect to Section 5 of the RMA in light of the issues. The appropriateness of potential objectives cannot be assessed abstractly without due consideration to the issues that frame what sustainable management means for the district at this point in time and into the future. For example, without the issue context of high growth pressures, alternative objectives may have been recommended that provide less emphasis on density and more emphasis on amenity protection.

Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. The following objectives serve to address the key High Density Zone issues. Reference is made back to the Strategic Directions chapter of the Proposed District Plan which seeks to give effect to the purpose of the RMA (Section 5) in terms of the Queenstown Lakes District Council context:

<b>Proposed Objective</b>	<b>Appropriateness</b>
<p><b>Objective 9.2.1 - High-density housing development and visitor accommodation will occur in urban areas close to town centres, to provide greater housing diversity and respond to strong projected growth in visitor numbers.</b></p>	<p>Sets a broad goal of achieving high density zones close to town centres for residential and visitor accommodation.</p> <p>Consistent with Goals 3.2.2 and 3.2.5 of the Strategic Directions chapter.</p> <p>Gives effect to RPS objective 5.4.3</p> <p>Gives effect to RPS policies 5.5.3 and 5.5.5</p> <p>The objective enables people and communities to provide for their social and economic wellbeing (S5(2) RMA) by providing for greater development opportunity and associated employment growth, and more housing options in a District facing significant housing pressures. A key element of wellbeing expressed in S5 is the health of people and communities. Evidence suggests there is growing prevalence of overcrowding in Queenstown, with associated public health risk, and the objective is an appropriate way of helping facilitate more housing supply to address this issue.</p> <p>However it does not in isolation address Section 5(2) in terms of avoiding,</p>

	<p>remedying or mitigating any adverse effects pertaining to impacts on amenity values and infrastructure, and this is where the objective must be read in conjunction with the other objectives which provide the counter balance.</p> <p>The objective addresses section 7(b) of the RMA 'the efficient use and development of natural and physical resources'. Intensification of existing urban land in strategic locations represents efficient use of developable urban land which is a scarce resource.</p>
<p><b>Objective 9.2.2</b>  <b>High density residential and visitor accommodation development will provide a positive contribution to the environment through design that demonstrates strong urban design principles and seeks to maximise environmental performance.</b></p>	<p>Acknowledges the importance of the built and natural environments and for developments close to town centres to adhere to this through high quality design.</p> <p>Consistent with Goal 3.2.6 of the Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 9.4.1 to 9.4.3</p> <p>Gives effect to RPS policies 9.5.1 to 9.5.5</p> <p>The objective enables people and communities to provide for their social and economic wellbeing (S5(2) RMA) by seeking to ensure intensive development contributes positively to the environment and people's experience of it.</p> <p>The objective has had particular regard to the 'maintenance and enhancement of amenity values'(RMA: Section 7c)</p>
<p><b>Objective 9.2.3</b>  <b>A reasonable degree of protection of amenity values will be provided, within the context of an increasingly intensified and urban zone where character is changing.</b></p>	<p>Sets a firm expectation that there will be change in the zone, to provide higher density housing near town centres to provide for the social, economic and cultural wellbeing of the District (RMA) s5. However it also recognises that balance is required with regard to providing some protection of amenity values (RMA Section 7c), especially in terms of building dominance and outlook.</p> <p>An alternative objective that focussed exclusively on protection of amenity values without clarifying that change (intensification) is anticipated would be less appropriate as it would not provide the necessary policy direction required to enable urban intensification, support Council's urban form objectives, and provide for economic and social well being.</p>
<p><b>Objective 9.2.4 – Provide for community facilities and activities in the High-Density zone that are generally best located in a residential</b></p>	<p>Acknowledges that some non-residential activities that support a community purpose – such as medical centres, daycare and places of worship – can be</p>

<p><b>environment close to residents.</b></p> <p><b>Objective 9.2.5 – Generally discourage commercial development except when it is small scale and generates minimal amenity impacts.</b></p>	<p>appropriately located in residential areas, thereby helping provide for the wellbeing of people and communities (RMA S5).</p> <p>Recognises that intrusion of commercial activities into residential areas is not desirable, as it dilutes the strength of town centres and can adversely impact on amenity values (RMA S7c). However, it also recognises that small scale commercial land use can serve a positive purpose if its impact on amenity values is minor, by providing for social and economic wellbeing (RMA S5).</p>
<p><b>Objective 9.2.6</b></p> <p><b>High-density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and roading networks.</b></p>	<p>Specifically acknowledges the need to reduce infrastructure costs and utilise existing services by developing close to town centres. Urban intensification utilising existing infrastructure can contribute to economic wellbeing (RMA s5) as it can limit the financial burden on ratepayers that can be associated with the provision of infrastructure associated with urban sprawl.</p> <p>Represents efficient use and development of natural and physical resource (RMA S 7b)</p> <p>Consistent with Goal 3.2.4 of the Strategic Directions chapter.</p> <p>Gives effect to RPS objectives 6.4.1 and 11.4.1</p> <p>Gives effect to RPS policies 6.5.5, 11.5.1, 11.5.2 and 11.5.3</p>

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 the high density residential are addressed.

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

The below 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.

Changes to Section 32 of the RMA in 2013 place greater, explicit emphasis on the economic costs and benefits of provisions, including the impact of provisions on economic growth and employment, in addition to consideration of social and environmental matters.

(See also *Table detailing broad options considered in Section 4, above*)

<p><b>Objective 9.2.1:</b> High-density housing development and visitor accommodation will occur in urban areas close to town centres ,to provide greater housing diversity and respond to strong projected growth in visitor numbers.</p> <p><b>Objective 9.2.2:</b> High-density residential and visitor accommodation development will provide a positive contribution to the environment through design that demonstrates strong urban design principles and seeks to maximise environmental performance.</p> <p>Summary of proposed provisions that give effect to these objectives:</p> <ul style="list-style-type: none"> <li>• More liberal height and other development standards</li> <li>• Building height 'bonuses' for development demonstrating higher environmental performance</li> <li>• Clear and concise policies setting clear expectations on good urban design and the wider built environment</li> <li>• Rules capturing development comprising more than 4 dwellings to be subject to urban design consideration</li> </ul>			
<b>Proposed provisions</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Policies:</b> 9.3.1.1 9.3.2.1 to 9.3.2.6</p> <p><b>Rules:</b> 9.6.1.1 to 9.6.1.26 (inclusive) 9.7.1.1 to 9.7.1.11 (inclusive)</p>	<p><b>Environmental</b> Increasing building heights may result in adverse effects on amenity values, such as increased shading and blocking some views. However, protection is still offered through recession plane controls and other methods.</p> <p>On flat sites, the ability to build to four storeys is subject to compliance with a Floor Area Ratio (FAR) control of 2.0. This effectively means that in order to build four storeys rather than two storeys, a lower site coverage will be required eg. 50% rather than 70%. Therefore the FAR control provides a compensatory mechanism with regard to amenity values in terms of provision for extra building height on flat sites.</p> <p>In addition, as recession plane controls will be retained (albeit more enabling than Operative provisions), 4 storey development</p>	<p><b>Environmental</b> Better enables the urban areas of the District to develop a compact form that reduces reliance on private motor vehicle transport, and promotes walking and cycling and helps to minimise urban sprawl potentially detracting from the landscape values so valued in the District.</p> <p>Lower rise (3-4 storeys) higher density development is generally more energy efficient in terms of heating than low density development, and higher rise (5 storeys or more) development.</p> <p>High expectations around design quality as expressed in the objectives and policies should help ensure that new development makes a positive environmental contribution from a visual perspective.</p>	<p>More enabling policy and rules are considered to be an effective and efficient method of enabling further capacity for high density development. Effectiveness of policy encouraging and enabling urban intensification can be significantly impacted by the extent and nature of rules such as bulk and location controls, private open space requirements and carparking. This fact has been central to the development of the rules and policy.</p> <p>Direct and unambiguous policies will aid effectiveness and efficiency, as will the concise and streamlined structure of the proposed provisions.</p>

	<p>will only be possible on larger existing sites, or where amalgamation occurs.</p> <p>The provisions also enable potential for height greater than 7m on sloping sites, however the assessment focus is on ensuring any impacts of the development – compared to a complying proposal – are minimal in terms of impact on outlook, views, sunlight. Therefore the provisions provide greater flexibility to construct taller buildings, but on the proviso that impacts are internalised.</p> <p><b>Economic</b></p> <p>Higher density development close to centres is not without infrastructure upgrade costs. However, typically these costs are less than for traditional low density development on the edges or urban areas. As development occurs, development contributions will be accrued to help fund infrastructure upgrades</p> <p>Requiring high design quality adds costs to development projects, but ensures amenity values are addressed.</p> <p>Provisions providing for higher rise development can have both positive and negative impact on property values. Generally and in a broad sense, upzoning (ie. providing greater height / density) tends to result in uplift in property values, however there can be variations in impacts. For example, if a site loses most or all of its views as a result of a development occurring on a neighbouring site, then the potential exists for a fall in property value.</p> <p>The provisions have been designed to be</p>	<p>The height 'bonus' provisions for development that can demonstrate higher energy / environmental performance will lead to environmental benefits.</p> <p><b>Economic</b></p> <p>Enabling greater development intensities close to town centres should help support the economy of the centres by creating more permanent and temporary (ie. visitor accommodation) population within easy access to the centres.</p> <p>In addition, it will be difficult for the wider economic development objectives of the district with regard to growth in visitor numbers, and in achieving higher yielding visitors, without the proposed provisions, as opportunities for new hotel development in Queenstown are strongly limited under the restrictive operative District Plan provisions.</p> <p>Enabling greater density and improving development viability will help support more construction activity and associated employment and economic benefits. The construction industry is a major aspect of the District's economy, with the Council's Economic Development Strategy demonstrating that in 2014 the industry provided estimated GDP of \$171 million, which was second behind 'Rental, hiring and real estate services', and higher than 'Accommodation and Food Services'. The more enabling provisions will help support all three of these major District industries, which despite the goal of diversifying the district's economy will remain major economic drivers.</p>	
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	<p>more enabling, but with safeguards designed to reduce the regularity with which development may have more than minor adverse effects on views and outlook therefore negatively impacting on property values. For example, as noted above the opportunity for four storey development on flat sites is subject to compliance with the FAR control, which means four storey development will require lower site coverage than would otherwise be the case for 2 storey development. In addition, recession plane controls demand that 3 or 4 storey development is set well back from common boundaries.</p> <p>Similarly, the provision to enable consideration of proposals involving building height up to 10m as a restricted discretionary activity on sloping sites would require an assessment of the extent to which the additional height over and above the 7m permitted baseline impacts on views, outlook, and shading.</p> <p>It is noted that no realistic rule regime will ever be able to guarantee view protection, and indeed even the Operative provisions although relatively restrictive would enable</p>	<p>Better enabling higher density development in central locations will help minimise capital expenditure on road and infrastructure associated with a less compact urban form. A growth management approach based around urban intensification is also generally considered significantly more cost efficient than an approach based around sprawl. A number of studies support this notion. A comprehensive study from Smart Growth America in 2013 found that the upfront infrastructure development costs of 'Smart Growth' compared to conventional sprawling development reduces upfront infrastructure development costs by 38%.<sup>7</sup> This study cites a number of other studies supporting this notion. A study from 2015 by the New Climate Economy reaches similar conclusions.<sup>8</sup></p> <p>There is also a large body of research from Australia supporting these findings. Professor Peter Newman, of Curtin University, in particular has developed a substantial body of research quantifying the costs and benefits of compact urban development relative to urban sprawl.<sup>9</sup></p> <p>High density development close to town</p>	
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<sup>7</sup> Smart Growth America, 2013, 'Building Better Budgets :A National Examination of the Fiscal Benefits of Smart Growth Development'

<sup>8</sup> The New Climate Economy, 2015, 'Analysis of Public Policies that unintentionally encourage and subsidize urban sprawl'

<sup>9</sup> Refer for example to:

Trubka, R.; Newman,P.; Bilsborough, D. Costs of Urban Sprawl (1)-Infrastructure and Transport. *Environ. Des. Guide* 2010, 83, 1-6.

Trubka, R.; Newman,P.; Bilsborough, D. Costs of Urban Sprawl (3)-Physical Activity links to Healthcare Costs and Productivity. *Environ. Des. Guide* 2010, 85, 1-13.

	<p>development that could block views in some circumstances.</p> <p>A Westpac economist report in 2015 ('Home Truths Special Edition', 14 May 2015) supports the notion that higher density rezonings tend to increase land values:</p> <p><i>'But in the recent past there has been a strong push from both central and local government to liberalise housing supply rules...These recent regulatory changes – and perhaps an expectation of further liberalisation to come – may have created a perception that it will be easier and cheaper to subdivide today's properties, and intensify Auckland's housing, than it seemed in the past. This has boosted the perceived future value of the land upon which today's houses stand – thus pushing property prices higher'.</i></p> <p>In order for developers to achieve the greater building heights enabled in the proposed provisions, Green Star or Homestar certification is required. This adds some costs, however such costs are considered minor. Evidence demonstrates that achieving the ratings required adds minor costs to development, but provides significant operational cost savings. In addition, the minor (if any) additional costs are further mitigated by the significant additional development potential enabled through the "bonus" provisions.</p> <p><b>Social &amp; Cultural</b> Enabling further development capacity to higher density may generate some impact on the enjoyment of amenity values by existing</p>	<p>centres can provide for more affordable living options. Whilst high density apartment living is unlikely to be affordable in terms of raw housing costs, transport and heating costs associated with such living on average will be significantly lower than traditional lower density housing located remote from town centres or places of employment. As a result, higher density developments – in particular small studio apartments – can potentially represent a <i>relatively</i> affordable housing option, when total living costs are considered. By liberalising regulation and removing requirements such as mandatory balcony requirements, the provisions will better enable this form of housing.</p> <p>It is considered that the proposed provisions will improve business certainty. Rules have been reduced, and the provision of greater permitted building height in tandem with low consenting risk means that investors or developers contemplating building developments greater than two storeys in height should have greater regulatory confidence than they would at present if they were contemplating non-complying building height scenarios.</p> <p><b>Social &amp; Cultural</b> Enabling the potential for more living options close to town centres helps respond to the housing issues in the District.</p> <p>Increased population and greater densities helps support the viability of cultural events and facilities, as well as attracting new events.</p>	
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	property owners and occupants, with the potential for greater noise and impacts on views and outlook.	Increased population and greater densities – especially if within well designed built development - can help support community safety.	
<b>Alternative options considered less appropriate to achieve the relevant objectives:</b>			
<i>Option 1: Retain the operative high density rules</i>			
<ul style="list-style-type: none"> <li>• Do not sufficiently promote or enable high density development to achieve goals expressed in objectives</li> <li>• Lacks flexibility</li> <li>• Adversely impacts upon development feasibility and therefore potential realisation of high density development</li> <li>• Would help achieve intensification goals but potentially at the cost of unacceptable impacts on amenity values</li> </ul>			

<p><b>Objective 9.2.3: A reasonable degree of protection of amenity values will be provided, within the context of an increasingly intensified and urban zone where character is changing.</b></p> <p>Summary of proposed provisions that give effect to these objectives:</p> <ul style="list-style-type: none"> <li>• Rules providing for height limits, recession planes, yards, Floor Area Ratio etc</li> <li>• Policies stating key rules that will be used to provide reasonable amenity value protection</li> <li>• Policies and rules providing an assessment basis for infringement of rules</li> </ul>			
<b>Proposed provisions</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Policies:</b> 9.3.3.1, 9.3.3.2</p> <p><b>Rules:</b> 9.7.1.1 to 9.7.1.11</p>	<p><b>Environmental</b> The rules will not guarantee all private and public views will be protected, nor guarantee sunlight access. However, such concessions are inherent in policy and rules facilitating urban intensification, with its wider community and</p>	<p><b>Environmental</b> Provisions help find a balance between enabling development that realises a compact urban settlement form and associated environmental benefits, whilst maintaining a reasonable degree of amenity value protection.</p>	<p>More enabling policy and rules are considered to be an effective and efficient method of enabling further capacity for high density development. Effectiveness of policy encouraging and enabling urban intensification can be significantly impacted by the extent and nature of rules such as bulk and location controls, private open space</p>

	<p>environmental benefits. In this light, the provisions seek to find a balance between enabling intensification and providing a reasonable degree of protection of amenity values.</p> <p>The recession planes selected are consistent with common practice across New Zealand. In fact, the selected controls are used in many low and medium density zones throughout New Zealand (including in hilly urban centres such as Dunedin and Wellington), so arguably are more restrictive than is optimal in a high density zone.</p> <p>As noted below, this restriction (albeit more enabling than operative provisions) will place some limits on redevelopment especially on smaller sites.</p> <p><b>Economic</b></p> <p>Whilst significantly more enabling than the Operative District Plan, the rules will provide limits on development potential thus potentially limiting the feasibility / profitability of development as compared to a more enabling set of provisions.</p> <p>In particular, for flat sites in most instances it will be impossible to build 3 storey let alone 4 storey development on traditional single sites (circa 700-1000 square metres in area) because of the recession plane controls. However the operative baseline is that two storey development can be challenging to achieve on such sites (under the proposed provisions two storey development will be readily achievable). As a result, 3 or 4 storey development will only be readily achievable</p>	<p>Flexibility is provided by the rules, to respond to development requirements and amenity values. For example, the rules for flat sites allow four storey development, but this is subject to a FAR control which requires a compensatory lower site coverage.</p> <p><b>Economic</b></p> <p>The rules provide for enhanced development opportunities and will improve development feasibility. They help enable the visitor accommodation requirements of the district, which are so important to the economic wellbeing of the district, and also contribute significantly to the tourism offering of the nation. Without the necessary growth in visitor accommodation (as the provisions enable), the growth projections of the Queenstown Airport and the District more generally are unlikely to be achieved. Therefore, a significant opportunity cost exists as long as the Operative District Plan provisions or a variant of them are retained.</p> <p>Increased population near town centres will help support existing businesses and provide for the growth of new businesses, helping to facilitate employment growth and employment.</p> <p><b>Social &amp; Cultural</b></p> <p>The provisions are likely to enable economic growth and employment growth, especially in the design and construction and related sectors, and hospitality. .</p> <p>The provision will enable greater population concentration close to town centres, which should help to support more cultural activity</p>	<p>requirements and carparking. This fact has been central to the development of the rules and policy, noting that current provisions in the Operative District Plan are not effective in achieving objectives around intensification due to their restrictiveness.</p> <p>Direct and unambiguous policies will aid effectiveness and efficiency , as will the concise and streamlined structure of the proposed provisions.</p>
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	<p>on existing larger sites, or where developers amalgamate two or more sites. This creates a degree of barrier to readily facilitating 3 or 4 storey development. However, this cost is deemed necessary to provide reasonable balance between development rights and amenity values.</p> <p>The rules will not guarantee view and sunlight protection, which may potentially result in developments occurring which might reduce property values of neighbouring properties. However this potential is considered to be limited by the checks and balanced designed into the provisions, for both flat and sloping sites.</p> <p>Also as noted above, upzoning typically results in an overall increase in property value in an affected area, due to increased development rights, and more often than not this is likely to cancel out any potential devaluing impacts.</p> <p><b>Social &amp; Cultural</b> Increase in intensity of development could generate increased noise and traffic impacts.</p>	<p>and a fuller range of social services.</p> <p>A more cohesive and integrated population, around existing town centres. Utilising existing infrastructure and amenity spaces.</p> <p>Strong development control policies to mitigate against noise and overdevelopment.</p>	
<b>Alternative options considered less appropriate to achieve the relevant objectives:</b>			
Option 1: Apply more restrictive rules		<ul style="list-style-type: none"> <li>• Would better protect amenity values but at the expense of realising the residential and visitor accommodation development necessary to provide for the social, economic and community wellbeing of the district</li> </ul>	
Option 2: Apply less restrictive rules		<ul style="list-style-type: none"> <li>• Would better provide for development potential but would be at the expense of reasonable amenity value protection</li> </ul>	

<p><b>Objective 9.2.4: Provide for community facilities and activities in the High Density zone that are generally best located in a residential environment close to residents.</b></p> <p><b>Objective 9.2.5: Generally discourage commercial development except where it is small scale and generates minimal amenity impacts.</b></p> <p>Summary of proposed provisions that give effect to these objectives:</p> <ul style="list-style-type: none"> <li>• Policies and rules enabling community activities</li> <li>• Policies and rules generally discourage commercial activities except where they are small scale and generate minor effects</li> </ul>			
<p><b>Proposed provisions</b></p> <p><b>Policies:</b> 9.3.4.1, 9.3.5.1, 9.3.5.2</p> <p><b>Rules:</b> 9.6.1.6 to 9.6.1.9</p>	<p><b>Costs</b></p> <p><b>Environmental</b> The policies and rules seek to strike a balance between enabling community facilities and services and providing amenity value protection.</p> <p>Environmental costs in terms of loss of amenity value are mitigated through rules requiring community activities to proceed through a discretionary activity resource consent process where impacts can be assessed.</p> <p><b>Economic</b> The provisions will place restrictions on the ability of landowners to develop their properties for commercial purposes.</p> <p>However, the provisions still enable the potential for small scale commercial activities to be established, provided they are low impact.</p>	<p><b>Benefits</b></p> <p><b>Environmental</b> Enabling consideration of community activities in the zone provides the potential for residents to access community services near their place of residence, therefore reducing car transport.</p> <p>Community and commercial activities will be subject to a resource consent assessment which will scrutinise impacts on amenity values, thus helping to minimise impacts.</p> <p><b>Economic</b> The provisions will help to ensure any impacts on residential property values resulting from community or commercial activities establishing can be avoided or minimised.</p> <p>Whilst commercial activities are generally discouraged, they are not prohibited and small scale commercial activities that generate minimal impacts on residential</p>	<p><b>Effectiveness &amp; Efficiency</b></p> <p>Direct and unambiguous policies will aid effectiveness and efficiency, as will the concise and streamlined structure of the proposed provisions.</p>

	<p><b>Social &amp; Cultural</b> The need for resource consent approval for community activities increases the risk and cost for community activity providers, as compared to a regime that enabled community activities as a permitted or controlled activity.</p>	<p>amenity values and receive resource consent approval will provide for the wellbeing of land owners.</p> <p><b>Social &amp; Cultural</b> The provisions enable consideration of community activities and provided environmental effects are suitably addressed such activities are likely to be approved, providing for social and cultural wellbeing.</p>	
<p><b>Alternative options considered less appropriate to achieve the relevant objectives:</b></p>			
<p>Option 1: Apply more restrictive rules</p>		<ul style="list-style-type: none"> <li>• During policy development considerations, the option of applying a 'prohibited' activity status for commercial activities was considered</li> <li>• This could have assured better amenity value protection, and help better protect the 'edge definition' of town centres, but would have been too restrictive and inflexible and would not provide for low impact commercial activities that may be appropriate and provide for social and economic wellbeing</li> </ul>	
<p>Option 2: Apply less restrictive rules to community and commercial activities</p>		<ul style="list-style-type: none"> <li>• Permitted or controlled activity status would better provide for ease of establishment of community activities but at the expense of less certainty in terms of residential amenity values.</li> <li>• Discretionary or Restricted Discretionary activity status would provide for greater ease of establishment of commercial activities but at the expense of less certainty in terms of residential amenity values.</li> </ul>	

## 10. Efficiency and effectiveness of the provisions

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 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.

## 11. The risk of not acting

Population and economic growth projections provide a strong basis for the proposed approach. Although the projections are considered robust and sound, there is never certainty associated with projections, and population and economic growth scenarios can be disrupted by a wide range of domestic or international events.

The risk of acting by establishing more enabling provisions that respond to this projected growth is that, for whatever reason/s, actual growth falls well short of projections. This would mean that a higher intensity of development may have occurred on certain sites or locations than might otherwise be needed. However, it is known that regardless of ultimate population and tourism growth over the next 30 years, hotel developments in particular require greater building height opportunity to be feasible. If growth is far less than projected, development will simply not occur in response to the potential enabled by the District Plan. Therefore, the risk of acting is considered fairly limited, may amount to some relatively limited impacts on amenity, which should not be excessive given the checks and balances provided by the proposed provisions.

The risk of not acting, by retaining or largely retaining the Operative District Plan approach, is that in the event that the projections are realised, or even realised to say 60-70%, the housing issues and visitor accommodation needs of the District will not be met, economic potential will be under-realised, and there will likely be flow on social and economic effects.

Overall the risk of not acting is considered significantly higher than the risk of acting.

## Attachments

1. *Queenstown Visitor Accommodation Projections*, Prepared by Insight Economics for Queenstown Lakes District Council, 8 April 2015. - [link](#)
2. *Brief Analysis of Options for Reducing Speculative Land Banking*, Prepared by Insight Economics for Queenstown Lakes District Council, 6 August 2014 - [link](#)
3. *Medium to High Density Housing Study: Stage 1a – Review of Background Data*, Prepared by Insight Economics for Queenstown Lakes District Council, 30 July 2014 - [link](#)
4. *Medium to High Density Housing Study: Stage 1b – Dwelling Capacity Model Review*, Prepared by Insight Economics for Queenstown Lakes District Council, August 2015 - [link](#)

## 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 Objective 9.2.2

##### **Recommended updated Objective 9.2.2**

Objective - High-density residential development ~~will provide~~s a positive contribution to the environment through quality urban design ~~that demonstrates strong urban design principles and seeks to maximise~~ing environmental performance.

##### **Appropriateness (s32(1)(a))**

The recommended amendment is appropriate in strengthening the status of urban design, indicating the desire for 'quality' urban design, and removing reference to 'strong', which does not directly relate to urban design terminology. This amended objective also sets the basis for other changes which remove height incentives and alternatively require compliance with matters of discretion for urban design, in order to achieve greater heights.

#### Updated Policy 9.2.2.7

##### **Recommended updated Policy 9.2.2.7**

~~Incentivise greater building height~~Breaches to the permitted maximum building heights may be appropriate where development is of quality urban design, ~~designed to~~ achieves a high environmental performance, and effects can be avoided, remedied or mitigated.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Opportunity costs associated with removal of height incentives, which were previously possible under a permitted status regime (as per notified provisions); and associated loss of encouragement for redevelopment in the zone.</li> <li>• Limiting the circumstances in which greater height will be appropriate, by strengthening urban design considerations such that developments must be 'quality' urban design, and effects of increased height must be avoided, remedied or mitigated. This may result in additional financial costs to applicants associated with the design of buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthening urban design considerations for increased heights will ensure that developments provide a positive effect on the environment</li> <li>• Economic benefits to landowners and the wider community through ensuring urban development is of high quality, maintaining wealth and having positive effects to tourism</li> <li>• Protection of effects to neighbouring and surrounding properties through qualification that increased height can be achieved where effects can be avoided, remedied or mitigated.</li> <li>• Provides the opportunity for increased heights where</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is more specific with regard to the circumstances in which increased height will be appropriate, ensuring the effectiveness of plan implementation.</li> <li>• The policy is efficient in highlighting to applicants that urban design and environmental performance will be a key consideration for height breaches.</li> </ul>

	applicants are able to demonstrate quality design	
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### **Updated Policy 9.2.3.1**

#### **Recommended updated Policy 9.2.3.1**

Apply recession plane, building height, ~~floor area ratio~~, yard setback and site coverage controls as the primary means of limiting overly intensive development and ensuring reasonable protection of neighbours' outlook, sunshine and light access, and privacy.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Removal of floor area ratio standard may potentially remove opportunities for alternative design solutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Removes consideration of floor area ratio which potentially avoids unintended consequences to built form outcomes.</li> <li>• Simplifies considerations which limit the achievable building height of developments.</li> </ul>	<ul style="list-style-type: none"> <li>• Removal of the floor area ratio will simplify plan implementation for both applicants and assessing planners.</li> </ul>

### **Updated Policy 9.2.3.2**

#### **Recommended updated Policy 9.2.3.2**

~~Ensure that w~~Where development standards are breached, impacts on the amenity values of neighbouring properties, and on public views (especially towards lakes and mountains), are ~~no more than minor relative to a complying development scenario.~~ adequately mitigated.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Places greater emphasis on mitigation of effects, which may be perceived as an additional development cost</li> </ul>	<ul style="list-style-type: none"> <li>• Simplifies the policy</li> <li>• Removes unnecessary reference to permitted baseline argument</li> <li>• Places greater emphasis on mitigation of effects, and onus on the applicant to ensure the design of the development considers mitigation methods.</li> <li>• Places greater emphasis on mitigation of effects, potentially improving the quality of urban design outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>• Improves the efficiency of plan implementation through removing reference to considerations that are inherent through resource consent processes.</li> <li>• The recommended amendment will be effective in highlighting responsibilities of the applicant to mitigate amenity effects for breaches to standards.</li> </ul>

### **New Policy 9.2.3.3**

#### **Policy 9.2.3.3**

Ensure built form achieves an acceptable level of privacy for the subject site and neighbouring residential units through the application of setbacks, offsetting of habitable windows, screening or other means.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>Places greater emphasis on privacy considerations, which may be perceived as an additional design/development cost</li> </ul>	<ul style="list-style-type: none"> <li>Highlights the need for developments to address privacy and overlooking effects, while retaining flexibility in the method of achieving this.</li> <li>Allows a degree of protection for the internal amenity of neighbouring properties, within the context of increasing intensification anticipated within the zone.</li> </ul>	<ul style="list-style-type: none"> <li>The policy is effective in requiring applicants to consider design methods to protect privacy, without mandating the method of achieving this. This will support a variety of built form outcomes, and allow localised consideration of the issue.</li> </ul>

#### **Updated Objective 9.2.4**

##### **Recommended updated Objective 9.2.4**

**Objective – ~~Provide for eCommunity facilities and activities are provided for where they that~~ are generally best located in a residential environment close to residents.**

##### **Appropriateness (s32(1)(a))**

The amendment is appropriate in ensuring the objective reflects a desired outcome, and does not commence with a verb, as per the Panel's 4th procedural minute.

#### **Updated Policy 9.2.4.1**

##### **Recommended updated Policy 9.2.4.1**

Enable the establishment of community ~~facilities and~~ activities where adverse effects on residential amenity values such as noise, traffic and visual impact can be avoided or mitigated.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>Limits the possibility of the defined term "community facility" being applied to the HDRZ, without requiring a variation.</li> </ul>	<ul style="list-style-type: none"> <li>Simplifies terminology so that it is consistent with the definitions of "community activity" under the PDP, as the definition of "community facilities" is limited to community facility subzones, which are not relevant to the HDRZ.</li> <li>Ensures consistency with LDRZ and MDRZ chapters.</li> </ul>	<ul style="list-style-type: none"> <li>Improves the efficiency of the plan through direct linkage with defined terms, and consistency with the LDRZ and MDRZ chapters.</li> </ul>

#### **Updated Objective 9.2.5**

##### **Recommended updated Objective 9.2.5**

**Objective – ~~Generally discourage e~~Commercial development is discouraged except when it is small scale and generates minimal amenity impacts.**

**Appropriateness (s32(1)(a))**

The amendment is appropriate in ensuring the objective reflects a desired outcome, and does not commence with a verb, as per the Panel's 4th procedural minute.

**Updated Objective 9.2.6****Recommended updated Objective 9.2.6**

High-density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and ~~road~~ transport networks, including services for active and public transport.

**Appropriateness (s32(1)(a))**

The revised objective is appropriate in widening its scope to transport infrastructure beyond 'roading', and allows consideration to the effects of development on 'transport' networks, including active and transport infrastructure.

**Updated Policy 9.2.6.2****Recommended updated Policy 9.2.6.2**

Development supports active living through providing or enhancing connections to public places, public transport and active transport networks (walkways, trails and cycleways).

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• May result in increased development costs where provision of facilities or connections are required; or the design is adapted to account for these factors.</li> </ul>	<ul style="list-style-type: none"> <li>• Widens the scope of the policy to allow consideration of public transport infrastructure and the possible benefits of enhanced connections.</li> <li>• Encourages and enables public transport more explicitly</li> </ul>	<ul style="list-style-type: none"> <li>• The amended policy is effective in enabling consideration to public transport connections and reduced reliance on private vehicles, which may result in social and environmental benefits.</li> </ul>

**Updated Policy 9.2.6.4****Recommended updated Policy 9.2.6.4**

Ensure access and parking is located and designed to optimise the connectivity, efficiency and safety of the transport network.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
	<ul style="list-style-type: none"> <li>• Clarifies that consideration of connectivity, efficiency and safety matters is relevant to the transport network, which is not limited to parking and roads, but may include other</li> </ul>	<ul style="list-style-type: none"> <li>• The revised policy is effective in widening its scope to apply more broadly, and enable consideration of transport infrastructure other than</li> </ul>

	transport related facilities or infrastructure.	simply roads
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### **New Objective 9.2.7**

#### **Recommended new Objective 9.2.7**

Manage development within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.

#### **Appropriateness (s32(1)(a))**

The new objective is appropriate in setting the basis for recommended new standards for acoustic insulation of buildings within 80m of the state highway, and contributing to improving the residential amenity of the zone affected by road noise.

### **New Policy 9.2.7.1**

#### **Recommended new Policy 9.2.7.1**

All new and altered buildings for residential and other Activities Sensitive to Road Noise located within 80 m of the State Highway shall be designed to achieve an Indoor Design Sound Level of 40 dB LAeq(24h).

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>Results in additional development costs associated with acoustic treatment of buildings, however these costs are likely to be marginal in the context of overall development costs.</li> </ul>	<ul style="list-style-type: none"> <li>Contributes to improving the residential amenity of the zone within areas affected by road noise.</li> <li>Implements NZTA recommendations regarding the appropriate mitigation of road noise effects from the state highway<sup>1</sup>.</li> <li>Reduces the potential for reverse sensitivity effects associated with developments locating in a noise affected environment</li> <li>Supports residential amenity, improving wellbeing.</li> </ul>	<ul style="list-style-type: none"> <li>The policy is effective in setting the basis for rules requiring acoustic treatment within 80m of the state highway, and specification at the policy level strengthens enforcement of such requirements.</li> </ul>

### **Updated Rule – 9.4.3**

#### **Recommended Updated Rule – 9.4.3**

~~Dwelling, Residential Unit, Residential Flat~~ comprising three (3) or less per site

**Note** – Additional rates and development contributions may apply for multiple units located on one site.

<sup>1</sup> NZ Transport Agency, 2015, Guide to the management of effects on noise sensitive land use near to the state highway network, <http://nzta.govt.nz/resources/effects-on-noise-sensitive-land/>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>Requires update to the notified PDP</li> </ul>	<ul style="list-style-type: none"> <li>Simplifies the rule, removing unnecessary detail, as 'residential flat' and 'dwelling' forms part of the definition of a residential unit</li> <li>Ensures consistency with changes made throughout the LDRZ and MDRZ chapters.</li> </ul>	<ul style="list-style-type: none"> <li>The revised rule is effective in improving the implementation of the PDP and removing unnecessary length of provisions.</li> </ul>

#### Updated Rule – 9.4.4

Recommended Updated Rule – 9.4.4
<p><del>Dwelling, Residential Unit, Residential Flat</del> comprising four (4) or more per site</p> <p>Discretion is restricted to all the following:</p> <ul style="list-style-type: none"> <li>The location, external appearance and design of buildings</li> <li>The extent to which the development positively addresses the street</li> <li>The extent to which building mass is broken down and articulated in order to reduce impacts on neighbouring properties (<u>including sunshine and light access</u>) and the public realm</li> <li>Parking and access arrangements: safety and efficiency</li> <li>The extent to which landscaped areas are well integrated into the design of the development and contribute meaningfully to the amenity of the development</li> <li><u>Maintenance of the visual privacy of adjoining properties</u></li> <li><del>Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated<sup>2</sup>.</del></li> </ul> <p><b>Note</b> – Additional rates and development contributions may apply for multiple units located on one site.</p>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>Requires applications to consider effects to privacy, sunshine and light access, which may be perceived as an additional development cost</li> </ul>	<ul style="list-style-type: none"> <li>Simplifies the rule, removing unnecessary detail, as 'residential flat' and 'dwelling' forms part of the definition of a residential unit</li> <li>Ensures consistency with changes made throughout the LDRZ and MDRZ chapters.</li> <li>New matter of discretion</li> </ul>	<ul style="list-style-type: none"> <li>The revised rule removing 'dwelling' and 'residential flat' is effective in improving the implementation of the PDP and removing unnecessary length of provisions.</li> <li>Amendments improve efficiency of consent processing through adding</li> </ul>

	<p>allows consideration of privacy effects, supporting new Policy 9.2.3.3.</p> <ul style="list-style-type: none"> <li>• Specifies sunshine and light access as a relevant matter of discretion to be protected through building mass and design, thus providing certainty to neighbours that this aspect will form part of the considerations of resource consent applications.</li> <li>• Removes reference to natural hazards as a matter of discretion, as this matter is not directly related to the rule.</li> </ul>	greater specificity to the matters of discretion.
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### Updated Rule – 9.4.6

#### Recommended Updated Rule – 9.4.6

<p><b>Commercial activities</b> comprising no more than 100m<sup>2</sup> of gross floor area, integrated within a residential development comprising at least 20 <del>dwelling</del> residential units.</p>	P
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• Removes common terminology which persons not familiar with the ODP may be more familiar with.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensures consistency with LDRZ and MDRZ chapters</li> <li>• Simplifies the rule, removing unnecessary detail, as 'dwelling' forms part of the definition of a residential unit.</li> </ul>	<ul style="list-style-type: none"> <li>• The revised rule removing 'dwelling' is effective in improving the implementation of the PDP and removing unnecessary length of provisions; and ensuring consistent terminology through the PDP.</li> </ul>

### Updated Rule Standard – 9.5.1

#### Recommended Updated Rule Standard – 9.5.1

<p><b>Building Height – Flat Sites (Queenstown)</b></p> <p>9.5.1.1 <del>Queenstown: 3 storeys within a maximum height of 12 metres; or 4 storeys within a maximum height of 15 metres where a residential apartment building can achieve certification to a minimum 6-star level using the New Zealand Green Building Council Homestar™ Tool, or where a visitor accommodation building can achieve a Green Star Rating of at least 4 stars</del></p> <p><u>Except: The permitted maximum height for buildings in the High Density Residential Zone located immediately west of the Kawarau Falls Bridge shall be 10 metres and in addition no building shall protrude through a horizontal line drawn due north commencing at 7 metres above any given point along</u></p>	<p><del>NC</del></p> <p><u>RD (buildings with maximum height up to 15m)</u></p> <p><u>NC (for buildings with a maximum</u></p>
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<p><u>the required boundary setbacks at the southern zone boundary</u></p> <p><u>Except: No building or building element on the south side of Frankton Road (SH6A) shall rise above the nearest point of the roadway centreline.</u></p> <p><u>Where a proposed building exceeds this permitted height and does not exceed 15 metres (4 storeys), a Restricted Discretionary activity consent shall be required with discretion restricted to all of the following:</u></p> <ul style="list-style-type: none"> <li><u>The extent to which the infringement provides for greater articulation of rooflines and visual interest.</u></li> <li><u>The extent to which the infringement adversely affects the amenity values of neighbouring properties, relative to a complying proposal, with particular reference to dominance impacts, views and outlook, and sunlight access to adjacent properties.</u></li> <li><u>The extent to which the infringement adversely affects the amenity of views and outlook from SH6A.</u></li> </ul> <p>9.5.1.2 — <del>Wanaka: A maximum height of 8 metres.</del></p> <p>Notes:</p> <ul style="list-style-type: none"> <li>Refer to Definition for interpretation of building height.</li> <li><del>Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Flat sites are where the ground slope is equal to or less than 6 degrees (i.e equal to or less than 1 in 9.5).</del></li> </ul>	<p><u>height over 15m)</u></p>
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<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>Removes Homestar/Green Star incentive which may have resulted in improved sustainability and environmental performance of new buildings.</li> <li>Incorporates ODP provisions for the Kawarau Falls HDRZ zone which may become unnecessary as development on the site is fully realised.</li> <li>Height limits above Frankton Road may compromise efficient land use and unit yields of developments.</li> <li>Removes definition of flat and sloping sites from the rule, where it is directly applied, and instead requires users to refer to the definitions.</li> </ul>	<ul style="list-style-type: none"> <li>Removes Homestar/Green Star incentive which is not directly linked to the effects of increased height</li> <li>Converts the Homestar/Green Star height incentive of 15m to an RD status (rather than the notified permitted) allowing for consideration of additional height where appropriate for the local context. This is supported by new matters of discretion to allow consideration to possible effects of increased height</li> <li>Matters of discretion for flat sites are consistent with those for sloping sites.</li> <li>Includes status quo height rules under the ODP for the HDR zone at the Kawarau falls and avoids height restrictions to 7m on this zone.</li> </ul>	<ul style="list-style-type: none"> <li>The amendment is effective in providing an alternative RD status solution for building heights up to 15m, and directly linking the matters of discretion to the possible effects of increased building height</li> <li>The addition of height limits above Frankton Road will ensure effective protection of the amenity of outlook and views across the state highway 6A towards Lake Wakatipu.</li> <li>Removal of ground slope terms from the rule and including these in the definitions will benefit efficient plan implementation.</li> </ul>

	<ul style="list-style-type: none"> <li>• Incorporates height limits above Frankton Road which exist under the ODP and contribute to the maintenance of views from the state highway across Lake Wakatipu.</li> <li>• Simplifies the rule through removal of the definition of flat and sloping sites, instead requiring users to refer to the definitions. This avoids duplication through this chapter, and others which refer to the terms within standards; and also allows the term to be applied in the context it is needed, not limited to specific rules.</li> </ul>	
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### **New Rule Standard – 9.5.2**

<b>Recommended new Rule 9.5.2</b>	
<p><b><u>Building Height – Flat Sites (Wanaka)</u></b></p> <p><u>A maximum height of 8 metres.</u></p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> <li>• <u>Refer to Definition for interpretation of building height.</u></li> </ul>	<u>NC</u>

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Amends the ODP and notified PDP approach of combining height limits which some submitters may be now familiar with.</li> </ul>	<ul style="list-style-type: none"> <li>• Separation of the building height rules for Wanaka improves plan implementation and provides clarity to plan users.</li> </ul>	<ul style="list-style-type: none"> <li>• The new rule is effective in separating height rules for Wanaka from the more detailed rules applying to Queenstown; improving interpretation of the PDP.</li> </ul>

### **Updated Rule Standard – 9.5.3**

<b>Recommended Updated Rule Standard – 9.5.3</b>
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<p><b>Building Height – Sloping sites</b> The permitted height shall be 7 metres</p> <p><u>Except: The permitted maximum height for buildings in the High Density Residential Zone located immediately west of the Kawarau Falls Bridge shall be 10 metres and in addition no building shall protrude through a horizontal line drawn due north commencing at 7 metres above any given point along the required boundary setbacks at the southern zone boundary.</u></p> <p><u>Except: No building or building element on the south side of Frankton Road (SH6A) shall rise above the nearest point of the roadway centreline.</u></p> <p>Where a proposed building exceeds this permitted height and does not exceed 10 metres, a Restricted Discretionary activity consent shall be required with discretion restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• The extent to which the infringement provides for greater articulation of rooflines and visual interest.</li> <li>• The extent to which the infringement adversely affects the amenity values of neighbouring properties, relative to a complying proposal, with particular reference to dominance impacts, views and outlook, and sunlight access to adjacent properties.</li> <li>• <u>The extent to which the infringement adversely affects the amenity of views and outlook from SH6A.</u></li> <li>• Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.<sup>1</sup></li> </ul> <p><u>Notes:</u></p> <ul style="list-style-type: none"> <li>• <u>Refer to Definition for interpretation of building height.</u></li> </ul>	<p>RD (buildings with maximum height up to 10m)</p> <p>NC ____ (for buildings with ____ a maximum height over 10m)</p>
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• Incorporates ODP provisions for the Kawarau Falls HDRZ zone which may become unnecessary as development on the site is fully realised.</li> <li>• Height limits above Frankton Road may compromise efficient land use and unit yields of developments.</li> <li>• Removes definition of flat and sloping sites from the rule, where it is directly applied, and instead requires users to refer to the definitions.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not change notified height limits for sloping sites, but combines notified rules 9.5.2 and 9.5.3 (redrafted 9.5.3), to clarify the non-compliance activity status for building height. Previous separation of these rules may have caused confusion as to what the permitted maximum height limit is.</li> <li>• Includes status quo height rules under the ODP for the HDR zone at the Kawarau</li> </ul>	<ul style="list-style-type: none"> <li>• Supports efficient plan implementation through correction of conflicting provisions for building height (under notified 9.5.2 and 9.5.3).</li> <li>• The addition of height limits above Frankton Road will ensure effective protection of the amenity of outlook and views across the state highway 6A towards Lake Wakatipu.</li> <li>• Removal of ground slope</li> </ul>

	<p>falls and avoids height restrictions to 7m on this zone.</p> <ul style="list-style-type: none"> <li>• Incorporates height limits above Frankton Road which exist under the ODP and contribute to the maintenance of views from the state highway across Lake Wakatipu.</li> <li>• Removes reference to natural hazards as a matter of discretion, as this matter is not directly related to the rule.</li> <li>• Simplifies the rule through removal of the definition of flat and sloping sites, instead requiring users to refer to the definitions. This avoids duplication through this chapter, and others which refer to the terms within standards; and also allows the term to be applied in the context it is needed, not limited to specific rules.</li> </ul>	<p>terms from the rule and including these in the definitions will benefit efficient plan implementation.</p>
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**Deleted rule 9.5.3**

<p><b>Recommended deleted Rule – 9.5.3</b></p>
<p><del>Maximum Building Height – Sloping Sites</del>  <del>The maximum building height shall be 10 metres.</del>  <b>Notes:</b></p> <ul style="list-style-type: none"> <li><del>• Refer to the Definitions for interpretation of building height.</del></li> <li><del>• Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Sloping sites are where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5).</del></li> </ul>

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Combines this notified rule with redrafted rule 9.5.2; some submitters may be more familiar with the notified approach which separates these two height standards and their activity status.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not change notified height limits for sloping sites, but combines notified rules 9.5.2 and 9.5.3 (redrafted 9.5.3), to clarify the non-compliance activity status for building height. Previous separation of these rules may have caused confusion as to what the permitted maximum height limit is.</li> </ul>	<ul style="list-style-type: none"> <li>• Supports efficient plan implementation through correction of conflicting provisions for building height (under notified 9.5.2 and 9.5.3).</li> </ul>

**Updated Rule Standard – 9.5.4**

<p><b>Recommended Updated Rule Standard – 9.5.4</b></p>
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**Building Coverage**

9.5.4.1 ~~Flat Sites~~ a maximum of 70% site coverage

9.5.4.2 ~~Sloping Sites~~ a maximum of 65% site coverage

Building coverage does not include any veranda over public space and does not apply to underground structures, which are not visible from ground level.

**Note:**

- ~~Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Sloping sites are where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5). Flat sites are where the ground slope is equal to or less than 6 degrees (i.e equal to or less than 1 in 9.5).~~

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• Requires update to the notified PDP</li> <li>• Increases site coverage for sloping sites which do not have recession planes.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensures consistency of standards for both flat and sloping sites, potentially providing for greater development opportunities.</li> <li>• Removes restrictions for sloping sites which are considered of little benefit in the context of other applicable rules which will limit the achievable site coverage (such as recession planes, setbacks, access and parking).</li> </ul>	<ul style="list-style-type: none"> <li>• The amended rule is efficient in ensuring consistency of standards for both flat and sloping sites, and removing unnecessary clarification notes relating to ground slope.</li> </ul>

**Deleted rule 9.5.5**

Recommended deleted Rule – 9.5.5	
<p><del><b>Floor Area Ratio – Flat sites only</b></del>  <del>Gross floor area on a site shall not exceed a Floor Area Ratio of 2.0.</del>  <b>Note:</b>  <input type="checkbox"/> <del>Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Flat sites are where the ground slope is equal to or less than 6 degrees (i.e equal to or less than 1 in 9.5).</del></p>	<p>NC</p>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• Removes compensatory control over building bulk, for additional height</li> </ul>	<ul style="list-style-type: none"> <li>• Supports removal of 'incentives' for building height</li> <li>• Avoids potential for low profile and broader' building forms to max the FAR (instead of height), and allows developments to utilise the full developable envelope</li> </ul>	<ul style="list-style-type: none"> <li>• Deletion of the rule is efficient in allowing developments to maximise both height and building coverage rules, and possibly avoiding unintended consequences in built form outcomes (such as low profile building forms).</li> </ul>

	provided by recession planes, building coverage and height.	
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**Updated Rule Standard – 9.5.7**

<p><b>Recommended Updated Rule Standard – 9.5.7</b></p> <p><b>Continuous Building Length</b>  The continuous-length of any building facade above <del>one-storey</del> <u>ground floor level</u> shall not exceed 30m.  Where a proposal exceeds this length, a Restricted Discretionary activity consent shall be required with discretion restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• <u>Building dominance</u></li> <li>• <u>Building design, materials and appearance</u></li> <li>• <del>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</del></li> <li>• <del>The extent to which topography or landscaping mitigates any dominance impacts</del></li> <li>• <del>The extent to which the height of the building influences the dominance of the building in association with the continuous building length.</del></li> <li>• Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated<sup>1</sup>.</li> </ul>
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<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Removes opportunity for applicants to determine what is 'continuous' or otherwise through design methods, and rule is otherwise applied to building length regardless of application of 'breaks'</li> <li>• Amends matters of Discretion such that they are less detailed.</li> </ul>	<ul style="list-style-type: none"> <li>• Removes ambiguity with use of the word 'continuous' which is not supported by a definition or further specification through rules as to the method of achieving 'breaks' in continuous length</li> <li>• Removes reference to 'one storey' which could be unclear</li> <li>• Amends matters of Discretion so that they read like matters of discretion, and not assessment matters; and ensures consistency with changes made within the MDRZ.</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• The recommended amendment is effective in improving implementation of the rule and removing possible sources of challenge or varied methods of implementation.</li> </ul>

**Updated Rule Standard – 9.5.8**

<p><b>Recommended Updated Rule Standard – 9.5.8</b></p> <p><b>Minimum Boundary Setbacks</b></p>
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9.5.9.1	All boundaries 2 metres <u>except for state highway boundaries where the setback shall be 4.5m</u>
9.5.9.2	Exceptions to side and rear boundary setbacks:  Accessory buildings for residential activities may be located within the <u>side and rear</u> setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and comply with rules for Building Height and Recession Plane.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• Potentially limits achievable site yield due to loss of buildable envelope.</li> <li>• Specifying that exceptions for accessory buildings apply only to the side and rear boundary may limit some design outcomes which can effectively integrate accessory buildings into the road frontage, instead requiring this to be otherwise assessed.</li> </ul>	<ul style="list-style-type: none"> <li>• Recognises that additional building setbacks from the state highway may be beneficial to ensure protection of amenity and enable adequate provision of safe access (such as manoeuvring and queuing space).</li> <li>• Allows for an additional buffer adjacent to the highway which may be used for transport infrastructure if needed in the future.</li> <li>• Specifies that exceptions for accessory buildings apply only to the side and rear boundary, and not the road boundary; and ensures consistency with changes made to the MDRZ and LDRZ chapters.</li> </ul>	<ul style="list-style-type: none"> <li>• The amendment is effective in addressing effects of development on the state highway, and protecting amenity of residential uses that may be subject to reverse sensitivity effects associated with the location of the highway.</li> <li>• Specifying that exceptions for accessory buildings apply only to the side and rear boundary will avoid the potential for unintended consequences.</li> </ul>

### Updated Rule Standard – 9.5.9

Recommended Updated Rule Standard – 9.5.9
<p><b>Waste and Recycling Storage Space</b></p> <p>9.5.10.1 Residential activities <u>three units or less</u> shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per unit.</p> <p>9.5.10.2 All developments shall screen waste and recycling storage space from neighbours, a road or public place, in keeping with the building development or, provide space within the development that can be easily accessed by waste and recycling collections.</p>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• Reduces responsibility for larger scale developments to providing more waste and recycling bins; and lacks specification as to the level required for larger</li> </ul>	<ul style="list-style-type: none"> <li>• Recognises that larger developments of more than 3 units may share communal waste and recycling facilities</li> <li>• Clarifies that the rule only applies to smaller scale developments, and ensures</li> </ul>	<ul style="list-style-type: none"> <li>• The amendment is effective in avoiding onerous requirements on larger developments which are likely to share communal facilities.</li> </ul>

developments.	adequate provision of waste and recycling facilities.	
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### **New Rule Standard – 9.5.11**

<b>Recommended new Rule Standard– 9.5.11</b>
<b><u>Sound insulation and mechanical ventilation</u></b>
All new and altered buildings for residential and other Activities Sensitive to Road Noise, located within 80m of the State highway, shall be designed to achieve an Indoor Design Sound Level of 40 dB LAeq(24h).

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Results in additional development costs associated with acoustic treatment, however these costs are likely to be marginal.</li> </ul>	<ul style="list-style-type: none"> <li>• Contributes to improving the residential amenity of the zone within noise affected environments.</li> <li>• Implements NZTA recommendations regarding the appropriate mitigation of road noise effects from the state highway.</li> <li>• Reduces the potential for reverse sensitivity effects associated with developments locating in a noise effected environment</li> <li>• Supports residential amenity, improving wellbeing.</li> </ul>	<ul style="list-style-type: none"> <li>• The rule is effective in requiring acoustic treatment within 80m of the state highway for the protection of residential amenity and management of reverse sensitivity effects.</li> </ul>

### **Updated Rule Standard – 9.6.1**

<b>Recommended Updated Rule Standard – 9.6.1</b>
Applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified-, <u>except where direct access on to or off a State Highway is sought where New Zealand Transport Agency will be notified.</u>

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Requires notification to the NZTA which may be considered as an additional development cost.</li> </ul>	<ul style="list-style-type: none"> <li>• Recognises that notification to the NZTA is a relevant consideration for developments accessing the state highway network, and allows consideration to benefits and effects to the transport network</li> </ul>	<ul style="list-style-type: none"> <li>• Provides for consideration to transport effects to the state highway through the resource consent process.</li> </ul>

### **Updated Rule Standard – 9.6.2.1**

**Recommended Updated Rule Standard – 9.6.2.1**

9.6.2.1 Residential development involving the development of 4 or more ~~dwellings~~ residential units.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>Removes use of the word “dwelling” which may be more familiar to plan users not familiar with the ODP approach.</li> </ul>	<ul style="list-style-type: none"> <li>Simplifies the rule, removing unnecessary detail, as 'dwelling' forms part of the definition of a residential unit</li> <li>Ensures consistency with changes made throughout the LDRZ and MDRZ chapters.</li> </ul>	<ul style="list-style-type: none"> <li>The revised rule is effective in improving the implementation of the PDP and removing unnecessary length of provisions.</li> </ul>

**Updated Rule Standard – 9.6.3**

**Recommended Updated Rule Standard – 9.6.3**

The following ~~Restricted Discretionary~~ activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval

9.6.3.1 ~~Restricted Discretionary building height for sloping sites.~~

9.6.3.2 Boundary setback breaches up to 0.6m.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>May compromise alternative built form outcomes through not enabling this as of right through permitted standards.</li> <li>Costs and possible time delays associated with limited notification to affected persons.</li> </ul>	<ul style="list-style-type: none"> <li>enables developments involving minor breaches to boundary setbacks up to 0.6m to progress with limited notification, while avoiding providing for this as of right through permitted standards</li> <li>Enables variation in built form outcomes</li> <li>avoids the time and costs associated with the risks of full notification to applicants</li> </ul>	<ul style="list-style-type: none"> <li>The new rule is efficient in recognising that minor setback breaches may be appropriate in certain circumstances, with limited notification to affected persons.</li> </ul>

**Recommended Updated Definition – Activity Sensitive to Aircraft Noise (ASAN)**

<b>Activity Sensitive To Aircraft Noise (ASAN) / <u>Activities sensitive to road noise</u></b>	Means any residential activity, visitor accommodation activity, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any educational facility, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
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<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>Amends defined term of PC35 which some plan users would be familiar with.</li> </ul>	<ul style="list-style-type: none"> <li>Ensures that activities sensitive to road noise that are referenced within rules are defined.</li> <li>Avoids duplication of definitions and provides simplicity for definitions in the District Plan.</li> </ul>	<ul style="list-style-type: none"> <li>The definition will be effective given it is clear in its intent.</li> </ul>

### **Recommended deleted Definition – Floor area ratio**

<b>Floor Area Ratio</b>	Floor Area Ratio is the ratio between Gross Floor Area and Site Area
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<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>Removal of floor area ratio standard may potentially remove opportunities for alternative design solutions.</li> </ul>	<ul style="list-style-type: none"> <li>Deletion of the definition supports deletion of notified rule 9.5.5 (floor area ratio)</li> <li>May avoid unintended consequences associated with interpretation of the term</li> <li>Removes design standard unfamiliar in application in Queenstown and Wanaka</li> </ul>	<ul style="list-style-type: none"> <li>Deletion of the term is effective in supporting deletion of notified rule 9.5.5 (floor area ratio)</li> </ul>

### **Recommended new Definition – Flat site**

<b>Flat site</b>	A flat site is where the ground slope is equal to or less than 6 degrees (i.e equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.
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<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>Removes definition of flat and sloping sites from the rule, where it is directly applied, and instead requires users to refer to this definition.</li> </ul>	<ul style="list-style-type: none"> <li>Avoids duplication through the PDP where the term is referred to within standards; and also allows the term to be applied in the context it is needed, not limited to specific rules.</li> </ul>	<ul style="list-style-type: none"> <li>The new definition will be efficient in ensuring application of the term is not limited, and is easily identified within the PDP without reference to specific rules.</li> </ul>

### **Recommended new Definition – Sloping site**

<b>Sloping site</b>	A sloping site is where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.
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<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>Removes definition of flat and sloping sites from the rule,</li> </ul>	<ul style="list-style-type: none"> <li>Avoids duplication through the PDP where the term is</li> </ul>	<ul style="list-style-type: none"> <li>The new definition will be efficient in ensuring</li> </ul>

where it is directly applied, and instead requires users to refer to this definition.	referred to within standards; and also allows the term to be applied in the context it is needed, not limited to specific rules.	application of the term is not limited, and is easily identified within the PDP without reference to specific rules.
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## **Appendix 5. Modelling of Proposed High Density Residential Zone; Boffa Miskell report**

# MODELLING OF PROPOSED HIGH DENSITY RESIDENTIAL ZONE

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Prepared for:  
Queenstown-Lakes District Council

24th August 2016

Boffa Miskell



# BACKGROUND

## OLDC Modelling Brief

- Consider realistic development outcomes for these scenarios
- Provide a comparative analysis of outcomes

### Flat Sites

1	2	3	4	5
Recession planes	Recession planes	Recession planes	Recession planes	No recession planes
450m <sup>2</sup> minimum lot size				
Landscape area 20%				
Boundary setback 2m				
Floor area ratio 2.0	Floor area ratio 2.0	No floor area ratio	No floor area ratio	Floor area ratio 2.0
Site coverage 70%				
Height 12m (3 storeys)	Height 15m (4 storeys)	Height 12m (3 storeys)	Height 15m (4 storeys)	Height 12m (3 storeys)

### Sloping Sites

6	7	8
No recession planes	No recession planes	No recession planes
450m <sup>2</sup> minimum lot size	450m <sup>2</sup> minimum lot size	450m <sup>2</sup> minimum lot size
Landscape area 20%	Landscape area 20%	Landscape area 20%
Boundary setback 2m	Boundary setback 2m	Boundary setback 2m
No floor area ratio	No floor area ratio	No floor area ratio
Site coverage 65%	Site coverage 65%	Site coverage 70%
Height 7m	Height 10m	Height 10m

# PROPOSED HIGH DENSITY RESIDENTIAL ZONE Queenstown



# PROPOSED HIGH DENSITY RESIDENTIAL ZONE

## Wanaka



# MODELLING METHODOLOGY AND ASSUMPTIONS

Working from the base scenarios provided by QLDC, we have used the following as a basis for modelling:

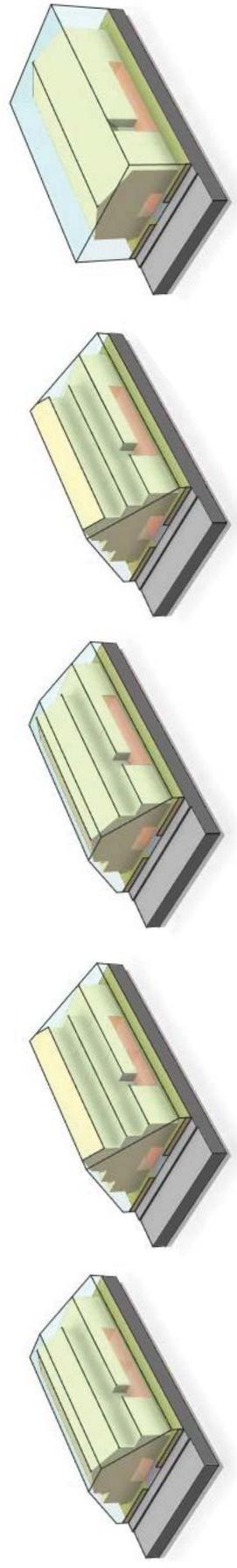
- 1000m<sup>2</sup> site (25m frontage x 40m deep) for flat sites  
1375m<sup>2</sup> site (25m frontage x 55m deep) sloping sites
- Two slope scenarios - flat and 20°
- Site orientation north / south
- Where recession planes are applied they are 45 degrees for side boundaries and 55 degrees for north boundaries
- 3m floor to floor heights, and 1m roof construction or roof pitch allowance for sloping sites and 3m roof construction or roof pitch allowance for flat sites
- Continuous building line break applied at 30m point for first floor, and levels two and three reduced in length to meet 30m restriction
- 100m<sup>2</sup> minimum unit size
- 12 units as the basis of design for flat sites, with unit size increasing as GFA increases. This includes a 15% allowance for circulation space. An increase in unit numbers would require more carparks which would require building re-design.
- No outdoor living areas or balconies applied
- No allowance for pedestrian paths in landscape coverage
- Car parking and access: 1/unit, plus 15% allowance for circulation (flat sites only)
- 6m legal width of access
- Parking internal to the building (flat sites) as an urban design preference

It is also noted that Restricted Discretionary activity status would to apply to this as a multi-unit development, with more than 3 units not being treated as a permitted activity.

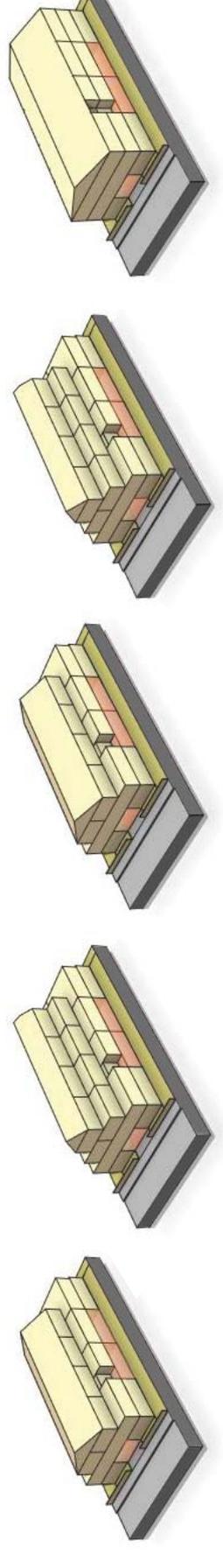
# SCENARIO 1

## Flat Sites

With envelope:



Without envelope:



	1	2	3	4	5
Number of units	12	12	12	12	12
Site density (GFA/unit)*	136	152	136	152	160
Recession plane	Yes	Yes	Yes	Yes	No
Building coverage (%)	65	65	65	65	65
Floor area ratio permitted	2.0	2.0	No floor area ratio	No floor area ratio	2.0
Gross floor area achieved (sqm)	1636	1828	1636	1828	1920
Landscape coverage (%)	34	34	34	34	34
Accessway width (m)	6	6	6	6	6
Car parking (no. spaces)	12	12	12	12	12
Building height permitted (m)	12 (3 storeys)	15 (4 storeys)	12 (3 storeys)	15 (4 storeys)	12 (3 storeys)
Building height achieved (m)	12 (3 storeys)	15 (4 storeys)	12 (3 storeys)	15 (4 storeys)	12 (3 storeys)

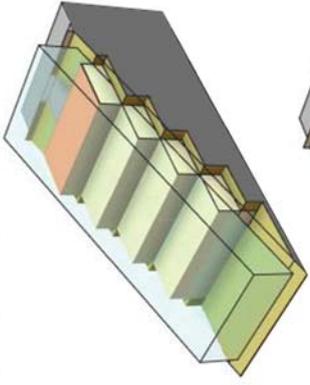
\* Includes internal parking and 15% circulation

- Building form
- Landscaping area
- Parking
- Access

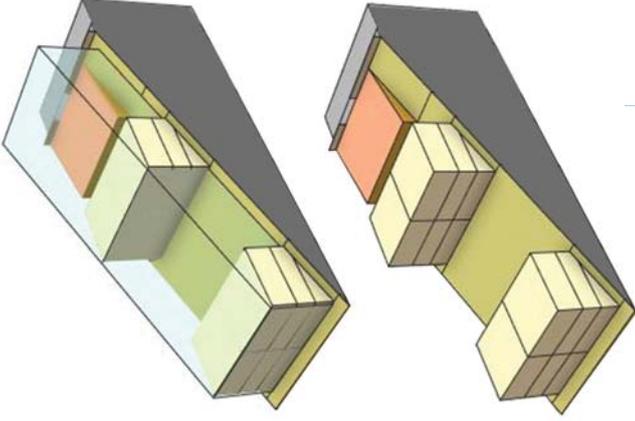
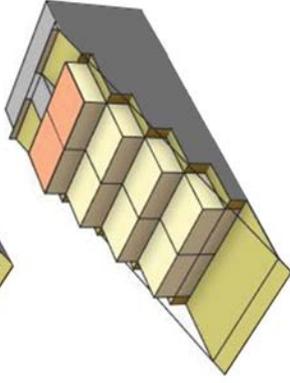
# SCENARIO 2

## Sloping Sites

With  
envelope:



Without  
envelope:



	6	7	8
Number of units	10	12	
Site density (GFA/unit)	105	105	
Recession plane	No	No	
Building coverage (%)	52	31	Not modelled as no change from Scenario 7
Floor area ratio permitted	No floor area ratio	No floor area ratio	No floor area ratio
Gross floor area achieved (sqm)	1050	1260	1260
Landscape coverage (%)	45	53	53
Accessway width (m)	6	6	6
Car parking (no. spaces)	10	12	12
Building height permitted (m)	7	10	10
Building height achieved (m)	5.8 above natural ground level 7 max building		



**Appendix 6. The 'Urban Design Panels for the Queenstown Lakes District, Terms of Reference' (2008)**

# URBAN DESIGN PANELS FOR THE QUEENSTOWN LAKES DISTRICT

## THE QUEENSTOWN URBAN DESIGN PANEL

## THE WANAKA URBAN DESIGN PANEL

### TERMS OF REFERENCE NOVEMBER 2008

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#### BACKGROUND

In June 2004, the Strategy Committee recommended to the full Council that two Urban Design Panels were formed, one for Queenstown and the Wakatipu ward (known as the Queenstown Urban Design Panel) and one for the Wanaka ward. The panels have been operational since the second half of 2004. The role of the panels was initially to provide urban design advice on Council capital and policy projects however in 2005 this was extended to enable the Panels to review private development proposals. This includes private proposals for which an application for resource consent has been made and private proposals that are at concept or working drawing stage.

#### CONTEXT

This initiative is one way in which the council is working toward the following community outcome:

*“High quality urban environments respectful of the character of individual communities”.*

Source: Council Community Plan 2004

The Urban Design Panel will also contribute to the Council's achievement of the other community outcomes relating to sustainable growth management, a safe and healthy community that is strong, diverse and inclusive, a strong and diverse economy, and the preservation and celebration of the district's local cultural heritage.

#### THE ROLE OF THE PANELS

The role of the Urban Design Panels is to provide independent and professional urban design advice and evaluation on key developments including Council capital and policy projects and private development proposals.

The panels do not have statutory decision making powers rather they play an advisory role. This means that the panels provide a report and recommendations on the applications reviewed and this report is provided to the applicant as advice. If a resource consent application has been lodged for the proposal the recommendations from the panel are also provided to the processing planner and will be incorporated into officers' recommendation for an application, and referred to the appropriate decision making body. In this context, the panel's report carries similar weight to that given to technical assessments (such as an engineering report) provided for an application.

The panels also have a role in proposing wider initiatives on good design in the District.

## THE FUNCTION OF THE PANELS

The primary functions of the Urban Design Panel are:

- Providing independent urban design advice on development proposals prior to an application for resource consent being lodged where individual applicants have voluntarily requested this service and where the development has the potential to significantly affect the quality of urban design in the area.
- Providing independent urban design advice on Resource Consent applications where the processing Resource Consent Planner is of the view that an urban design assessment of the application is required.
- Providing independent urban design advice on any resource consent applications or capital projects being lodged by the Council, wherever urban design is a relevant issue and where the council, as the applicant or developer, seeks Panel input. This advice will be made available to the relevant Council Managers, project managers, Committees and Councillors.
- Providing independent urban design advice to the Council for Council initiated and privately-initiated proposed Plan Changes, wherever urban design is a relevant issue.

The above services will primarily be offered for proposals or resource consent applications for discretionary and non-complying development in the town centres; for discretionary or non-complying high density and comprehensive residential developments; and for urban subdivisions which have the potential to significantly affect the quality of the urban amenity.

Applications that do not fall into these categories will only be considered by the panel where it is the view of the processing planner and/or Council policy planning staff member that the proposal has significant urban design effects. The decision making process for determining whether an application is suitable for review by the panel is outlined at Appendix A of this document.

Additional functions of the panels include:

- Providing advice to the Council's property sub-committee in regard to:
  - a) Council's willingness to agree to "sign off" as an affected party to a private Resource Consent application, and
  - b) Applications for licences to occupy Council land.

In respect to both, such matters will only be brought to the urban design panels where they are of a significant, strategic, and/ or precedent-setting nature.

- Providing representation (through one member of the Panel at a time) on the Jacks Point Review Board, on behalf of the Council.
- Providing representation on the Arrowtown Heritage Trust when required.
- Providing urban design advice on strategic issues or on non-statutory documents (such as design guidelines) where there are significant urban design issues and where advice is requested by the Council.

## REPORTING REQUIREMENTS, REPORT CIRCULATION AND CONFIDENTIALITY

Following each Urban Design Panel meeting a report will be prepared by a designated Council officer<sup>1</sup> and signed off by the panel Chair. The report will provide recommendations from the panel to improve the urban design outcome of the proposal or project. The recommendations of the panel will be prepared through consensus, whereby discussion will result in a set of recommendations and reasons for them, which all panel members generally agree should be included in the report.

This advice will feed into the Council process through:

- Formal inclusion of the panels' advice on all reports to the relevant committee of Council or commissioner. For example; it will be referred to in planner's reports on resource consent applications.
- Periodic reporting to the Strategy Committee on the number and type of applications considered by the panels during the previous period.

All panel reports will be circulated to the applicant; to all urban design panel members for their information; to relevant Council managers and staff; to Lakes Environment for their information; and to the processing (resource consent) planner<sup>2</sup> (where applicable).

Reports may also be informally circulated to interested Councillors or Council Committees for information only where an application is not confidential in status.

The confidentiality status of applications will apply to:

- Applications made prior to lodgement of resource consent, and Where the applicant has requested confidentiality and provided reasons to support this request.

In general private applications that have been made prior to resource consent being lodged will be treated as confidential unless the applicant has given permission for the report to be circulated.

Private applications that have been lodged post resource consent will be treated as public however the panel's report shall be kept confidential until the decision relating to notification has been made.

Public projects will not be treated as confidential unless a specific request for confidentiality has been made.

If any applicant requests confidentiality of their proposal this should be supported by the designated Council officer and the panel Chair where appropriate reasons for public exclusion are given. Where confidentiality is granted the circulation list will be limited to the applicant; the sitting Urban Design Panel members; and the processing planner (where an application for resource consent has been made).

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<sup>1</sup> The 'designated Council officer' refers to the Council employed policy planner or urban designer who is responsible for the management of the Urban Design Panels.

<sup>2</sup> The 'processing planner' or 'resource consent planner' refers to the planner responsible for processing an application for resource consent that has been made in relation to the project being considered by the panel.

## **MEMBERSHIP OF THE PANELS**

The members of each panel will be drawn from a pool of suitably qualified professionals. The pool for each of the Queenstown and Wanaka Panels will include members of the following professions:

- Urban Design
- Architecture
- Landscape Architecture
- Planning
- Property Development

It is noted that the makeup of members for a panel should include those professions most relevant to the application..

At least 2 community representatives will also be appointed as part of the pool for each panel.

The panel will be able to co-opt a heritage advisor if required for the review of a specific application if there are no professional panel members available with sufficient heritage expertise.

A quorum of 4 members from the pool will be required for any one panel meeting. The 4 panel members will be selected from the pool to make up a panel on an application by application basis with panellists selected according to the expertise required to assess the applications being considered.

If, due to unforeseen circumstances, only 3 panel members can attend a meeting the applicant will be given the discretion to decide whether the meeting should proceed. However a meeting can not proceed if there are less than 3 panel members present.

## **SELECTION OF PANEL MEMBERS**

The appointment of panel members to the pool in each ward is based on nominations and expressions of interest sought from the general public and from the Property Council of New Zealand; the New Zealand Institute of Architects; the New Zealand Institute of Landscape Architects; and the Planning Institute of New Zealand. Expressions of Interest will also be sought from suitably qualified candidates through advertising in local media and through direct invitation to local professionals.

The selection of the pool will be a transparent process involving a panel including at least 2 Councillors appointed by the Full Council to undertake this process, plus the designated Council officer and the Chair of the relevant panel. An applicant's suitability to be part of the pool of panel members will be assessed using the Selection Criteria listed at Appendix B of this document.

A Chair for each of the Queenstown and Wanaka panels will be selected and appointed from the pool of members by the Chief Executive Officer.

A review of panel membership shall occur at two yearly intervals. Existing panel members will be asked if they wish to remain panel members, and expressions of interest will be sought for new panel members. The selection panel will then select a pool of panel members based on attaining an appropriate mix of professions identified above and a balance of experience and renewal to the pool.

## **CODE OF CONDUCT**

All members of the pool for each panel will be required to sign an Urban Design Panel Code of Conduct. The Code of Conduct will outline the responsibilities of Panel members in regards to attendance at meetings; professional conduct; confidentiality; and conflict of interest. The Urban Design Panel Code of Conduct is provided as Appendix C of this document.

## **ROLE OF COUNCILLORS**

Councillors and/or Community Board members can attend panel meetings as ex-officio members, noting that only one need attend each meeting. Ex-officio members of the Panel are able to attend Urban Design Panel meetings as observers only and can not ask questions of the applicant or provide input into the panel's recommendations.

If an ex-officio member does not observe this requirement and has input into a panel meeting they will be required to abstain from involvement in any other decision making processes relating to the application or an associated project in their role as a Queenstown Lakes District Councillor or a Commissioner.

## **ATTENDANCE OF CONSENT PLANNER**

Where Urban Design Panel meetings occur after resource consent application has been lodged, the processing planner shall attend the meeting.

Where Urban Design Panel meetings occur prior to a resource consent application being lodged, the designated Council Officer may invite a consent planner from Lakes Environment to attend the meeting.

When in attendance, the consent planner's function is to inform the panel as to the scope given to urban design by the District Plan in relation to assessing the proposal, and to more fully understand the rationale behind the Panel's recommendations.

they can inform the Panel as to the scope given to urban design by the District Plan in relation to assessing the proposal

## **HONORARIUM**

Panel members will receive an honorarium of \$150.00 per meeting attended if meeting is no more than 2 ½ hours in length (i.e. 2 regular items). If the meeting is longer than 2 ½ hours in length panellists can request additional payment of \$75 per hour. Panellists who reside in Dunedin or an area that is more than 2 ½ hours travel time from the location of the panel meeting will receive an honorarium of \$250 per meeting.

In addition, mileage will be paid to those panellists who reside in Wanaka; Dunedin or another area more than 1 hour from the meeting venue and have to travel to the meeting destination for the sole purpose of attending the urban design meeting.

When a site visit prior to a meeting has been requested by an applicant and agreed to by Council, time spent at the site meeting will also be considered part of the meeting time.

## **APPLICATION FEE**

Where private applicants have submitted a project at the concept stage (pre-working drawings) the council will cover the cost.

However, where private applicants have submitted a proposal which is at a working drawing or advanced design stage (in a form that could form part of a resource consent application); or after an application for resource consent has been lodged; then the applicant will be required to pay a fixed fee of \$500 to have their project considered and recommendations made.

## **INFORMATION REQUIRED AS PART OF AN APPLICATION**

Applicants are required to provide the following information as part of an application to the panel:

- A completed application form.
- A3 copy of context analysis showing relevant relationships to surrounding urban and landscape environment, including pedestrian and vehicle flow paths to, and through, the property
- A3 copy of site plans (showing contour lines).
- Elevations (complete set showing all relevant details such as proposed signage).
- Perspective drawing showing buildings, forms and setting (and excluding landscaping that obscures any part of the building).
- Cross sections (including land gradients of abutting properties).
- Landscaping plans.
- Plan showing pedestrian or vehicle flow paths through the property and to and from nearby destinations.
- Photos of the site, neighbouring properties and street elevation photos showing all properties within approx. 75 metres of the project site.
- A list of the urban design related objectives, policies and assessment matters criteria from the District Plan that apply to the project (if any).
- A list of the main materials, colours and textures to be used.
- A copy of the District Plan zoning map with the site marked.
- A cheque for \$500 if an application fee is required.

Note: Application detail shall be tailored to the scale of the application

*All information must be provided to the Council SIX working days prior to the Urban Design Panel meeting. If the information is not provided on time, or if the information provided is not complete, the meeting may be cancelled.*

## **SPECIFIC INFORMATION REQUIREMENTS FOR APPLICATIONS WHERE A RESOURCE CONSENT APPLICATION HAS BEEN LODGED**

If a resource consent application for the proposal has been lodged and an urban design review has been requested at the discretion of the processing planner, then there is a requirement for the applicant to provide the following information:

- A description of the activity status of the application and the reasons why the application falls within the described status.
- A short report from the processing planner identifying the key issues on which they are requesting the guidance of the panel. This report should be presented by the processing planner to the panel at the beginning of the panel meeting. It is noted however that this will not limit the panel to considering only the issues identified in this report.
- A full copy of the consent application is NOT required.

## **KEY URBAN DESIGN PRINCIPLES**

When assessing proposals, panellists (and those presenting to the panels) should refer to the key design principles outlined at Appendix D of this document or to design principles outlined in documents such as the Urban Design Compendium for guidance. The Urban Design Panel has the authority to update Appendix D the 'Key Urban Design Principles' as required without requiring the approval of the Strategy Committee or Full Council.

## **MEETING SCHEDULES AND ADMINISTRATION**

- The Council will establish a schedule whereby approximately fortnightly panel meeting dates will be set for both Queenstown and Wanaka. Meetings will generally be held on Fridays in Queenstown and on Mondays in Wanaka. The timing of these meetings will be agreed with the panel to ensure that they are as convenient as possible to the members and will be available on the QLDC website.
- The Queenstown Urban Design Panels will normally meet in Queenstown and the Wanaka Urban Design Panel in Wanaka.
- Where access to a site is restricted or the site is secluded, and it is unlikely that the Panel Members would be able to informally visit the site prior to a meeting, the applicant may request a formal site visit prior to a meeting.
- The meetings will be facilitated by the relevant panel Chair. The Chair will also be responsible for - reviewing and signing off on the final panel report.
- Agendas and all other administration will be the responsibility of the Council.
- Whilst formal minutes of the meeting will not be kept, notes from the meeting may be taken to assist in preparing the panel's recommendations. In these instances notes will be kept by the designated Council officer.
- Meetings are not open to the public. The applicant or their nominated person (e.g. the manager or designer of the project) is expected to attend the meeting to present necessary information. It is always advisable that the project designer(s) attend.
- It is anticipated that the meetings will last no more than 2 – 2 ½ hours, and that no more than two applications will be considered at a single meeting. It is expected that each project or application will take approximately 1 hour to consider and determine recommendations unless there has been a prior arrangement made that an item will take longer.
- An agenda will be circulated to the Panel members 4-5 working days in advance of the meeting. Where possible, A3 plans in black and white will be provided.
- The meetings will follow the meeting procedure outlined in Appendix E of this document.
- For very large/complex Council initiated projects, or where the panel is requested to evaluate the provisions of a proposed plan change, the meeting procedure may be expanded into a workshop format.

- For private developments, deliberations will be held after the applicant or their nominee has left the meeting.
- For public projects, deliberations may be held with the council representative and/ or the policy planner dealing with the matter present throughout.
- For all applications:
  - Recommendations are agreed during the deliberation period. A subsequent report shall be prepared by the designated Council officer, or the Chair, and the draft report circulated to the panel members for approval. The final report is then sent out simultaneously to the applicant and to other relevant persons. A standard report template will be used for all panel reports (see Appendix Fa and Fb).
  - A standard letter will be sent out to applicants to accompany the panel report.
  - The standard turn-around for a report to be issued is 5 working days and applicants must be notified within this period if there are delays in issuing the report.
- Council will provide an administration officer to assist in administering the Panel.

## **MONITORING**

The recommendations and outcomes of projects that are reviewed by the panel will be monitored on an ongoing basis in order to determine the key issues associated with urban design in the district; to monitor the effectiveness of the panel in influencing urban design outcomes; and to assist in monitoring the effectiveness of the District Plan from an urban design perspective.

The monitoring process will include the distribution of a standard survey form to all applicants immediately following the panel review (see attached at Appendix G). The survey will be distributed to the applicant with the panel's recommendations and the results will be entered into a database when received. An ongoing process will also be established for the review of major applications whereby the recommendations of the panel are reviewed against the final design of the proposal to determine the extent to which the recommendations of the panel have been taken into consideration in the final design of the project.

## **REVIEW OF THE TERMS OF REFERENCE**

The Council proposes to formally review these Terms of Reference, in consultation with the Urban Design Panels every 2 years.

## APPENDIX A

### DECISION MAKING PROCESS FOR DETERMINING WHETHER AN APPLICATION IS SUITABLE FOR REVIEW BY THE URBAN DESIGN PANEL

**Step 1:** Processing (resource consent) planner identifies whether an application falls within the Urban Design Panel Terms of Reference.



**Step 2:** The processing planner works with a designated Lakes Environment planner to establish whether an urban design review/report is required and whether this should be provided by the Urban Design Panel. The designated Council officer will meet with the designated Lakes Environment planner on a weekly basis to review applications that have been recommended for panel review.



**Step 3:** The processing planner recommends that the application be reviewed by the Urban Design Panel. If the applicant agrees they are required to submit their panel application at least 6 working days prior to the scheduled design panel meeting.



**Step 4:** The panel considers the application and provides its report within 5 working days of the review meeting and the panel's recommendations are considered in the preparation of the planners report for the application.

## APPENDIX B

### CRITERIA FOR THE SELECTION OF THE PANEL MEMBERS

Importantly, every member of the Panel must share a passion for the long term future of the Queenstown Lakes District and have good networks for keeping abreast of developments and community opinion.

Criteria for the members with specific design-related skills will include:

- Recognised qualifications, recognition, and standing in the relevant design related profession, and, preferably, membership of a relevant institute;
- A general understanding of the council's strategies and policies, and the relevant parts of the District Plan.
- Practitioners (and evidence of a local understanding) in the relevant aspects of their profession.
- At least one member must have recognised experience and preferably qualifications in urban design.
- Recognised qualifications and/or expertise in heritage and/or heritage architecture would be an advantage.

Criteria for the members with property/ development-related skills will include:

- Recognition and standing in the Queenstown Lakes District property field.
- Preferably, membership of a relevant institute.
- Understanding of best practice urban design principles, architecture, and urban design.
- A general understanding of the council's strategies and policies, and the relevant parts of the District Plan.

Criteria for community members to be appointed to the panel will include:

- Strong community linkages either through involvement in community organisations or as an individual.
- Recognition and standing in the community.
- A general understanding of urban design issues (previous experience in a relevant area would be an advantage).
- A general understanding of the council's strategies and policies.

## APPENDIX C

### CODE OF CONDUCT

#### 1. Introduction

This Code applies to all members of the Queenstown Lakes District Council Urban Design Panel. The purpose of the Code of Conduct is to provide guidance and support to the panel members to ensure that their participation in the panel is conducted with the highest ethical and professional standards and to assist the panel in earning the confidence and respect of the district's community and industry professionals.

#### 2. Professional Standards

Members of the panel shall act in a professional manner when representing the Urban Design Panel. This includes:

- Attending meetings on time and providing apologies in advance if unable to attend a meeting;
- Treating other panel members and applicants with respect; and
- Being adequately prepared for each panel meeting.

Members shall act with professional integrity and in the public interest at all times when serving on or undertaking other duties on behalf of the panel.

#### 3. Conflicts of Interest

Members shall not attend a panel meeting where there is a potential conflict between their own private interest and the interest of the applicant or public interest.

Members acting for any person or client in relation to any land shall declare that interest if the panel is reviewing an application regarding that or adjoining land.

Where any other conflict could exist the panel member shall declare this interest and where appropriate shall not attend the panel for the meeting in question.

Where a potential conflict of interest has been declared by a panel member the panel Chair and applicant will be advised of the conflict and the applicant asked to confirm their acceptance of the member's attendance at the panel meeting. This will occur in advance of the meeting and will be again acknowledged and confirmed by the Chair at the panel meeting itself (see Meeting Procedures attached at Appendix E).

#### 4. Confidentiality and Disclosure

Members shall keep confidential all information provided to them as part of their role on the panel and shall not disclose or use that information for their own benefit, nor disclose it to any third party.

#### 5. Professional Competence

Members shall take all reasonable steps to maintain their professional competence while serving on the panel.

## APPENDIX D

### URBAN DESIGN PRINCIPLES

When considering an application, the Urban Design Panel shall consider (but should not be limited to) the following key urban design principles:

1. **Town & Neighbourhood Context:** The proposal should contribute and add to the special character and beauty of the local town, neighbourhood or street;
2. **Site Context:** The proposal should adapt to its site & achieves a balance between its function & enhancing its immediate visual surroundings;
3. **Landscape:** The structure/building should integrate & provide a connection to the natural & built environment;
4. **Pedestrian Experience:** The proposal should encourage pedestrian movement & strengthen the experience of pedestrians moving through the neighbourhood or town;
5. **Access:** Ensure that the proposal accommodates vehicle access without compromising other access or urban design goals;
6. **Safety:** The design of the proposal should increase the safety & security of people using the area & assist in preventing crime and/or anti-social behaviour;
7. **Environmental Sustainability:** The design should promote the efficient use of our natural resources (such as energy & water); and
8. **Other:** The proposal should appropriately address or allow for other issues such as the storage and collection of rubbish; signage; and placement of air-conditioning units /satellite dishes etc.

## **APPENDIX E**

### **MEETING PROCEDURES**

#### **1. Pre-meeting**

Informal discussion amongst panel members to identify main issues regarding the proposals they are about to review prior to the arrival of the applicant and the applicant's consultants.

#### **2. Quorum**

Establish that there is a quorum of four panel members present. If there is not a quorum present, establish that there are at least 3 panel members present (not including ex-officio Councillors) and ensure that the applicant approves the reduced number.

#### **3. Conflict of Interest**

Address any conflicts of interest that have been declared and confirm that the applicant is happy for the meeting to continue (note: if there is a potential conflict of interest the applicant will have been advised of this in advance and this procedure is to formally confirm their acceptance only).

#### **4. Confirm Agenda**

Confirm the application(s) being reviewed at the meeting and the time provided for consideration of each application. Confirm if any of the applications to be considered are confidential.

#### **5. Introduce Applicant**

Introduce the applicant to the panel and invite the applicant to introduce their team to the panel.

#### **6. Hear Processing Planner's summation of issues relating to the District Plan**

Invite the processing planner to present their summation to the panel (5 mins).

#### **7. Hear Applicant Presentation**

Invite the applicant to make their presentation to the panel (20 mins). Applicants are encouraged to make their presentation as visual as possible, and confine the presentation to matters relating to urban design.

#### **8. Questions and Answers**

Invite the panel members to ask questions of the applicant and raise any concerns with regard to the proposal. Panel members should be directed to speak one at a time.

To make sure that all issues are covered during the meeting the panel Chair is encouraged to refer to the key urban design principles outlined at Appendix E of the panel Terms of Reference. (20 mins)

#### **9. Retire to Consider the Application and Prepare Recommendations**

Thank the applicant and advise them that a report will be sent to them within 5 working days. Request that the applicant leaves the room to enable the panel to prepare its recommendations in private.

When preparing the recommendations the Chair should seek a consensus from all panel members in regards to which issues should be addressed in the panel report and seek draft wording for the recommendations. When the draft recommendations are completed, confirm the timing for the report to be completed. The report will be circulated to all panel members for comment prior to completion. (20 mins)

#### **10. Conclude Meeting or Introduce Second Applicant**

##### **Additional Rules/Considerations:**

- Members of the panel shall not interrupt other members or an applicant while they are speaking.
- Members of the panel shall not speak until invited to do so by the Chair.

- Ex-officio members and consent planners shall observe the meeting proceedings only and shall not ask questions of the applicant or contribute to the drafting of the panel's recommendations.
- Minutes of the meeting will not be kept unless specifically requested by the applicant. The only record of the meeting will therefore be the panel's report.

APPENDIX F (version a)

URBAN DESIGN PANEL REPORT TEMPLATE

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**URBAN DESIGN PANEL  
REPORT**

**Application Name**

**Meeting Date**

**Members present:**

**In attendance:** (Applicant representatives, ex-officio observers, processing planner etc)

**Overview**

**Issues and Considerations**

- Fundamental Issues
- Significant Issues
- Other Issues

**Panel Recommendations**

Fundamental Issues

1. Recommendations

Significant Issues

2. Recommendation

Other Issues

3. Recommendation

Issues for Council (where relevant)

Checked and approved by:

---

Panel Chair

APPENDIX F (version b)

URBAN DESIGN PANEL REPORT TEMPLATE

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**URBAN DESIGN PANEL  
REPORT**

**Application Name**

**Meeting Date**

**Members present:**

**In attendance:** (Applicant representatives, Council's urban design representative, ex-officio observers, processing planner etc)

**Status** (Brief Overview plus prior history of reviews, if any)

**Findings** Based on NZ Urban Design Protocol as applied to the Queenstown Lakes District under the following headings:

Context

Character

Choice

Connections

Creativity

Custodianship

Collaboration

**Summary**

Key Issues Raised

Desired Outcomes

**Statement of Support or Non Support\***

**Status of Urban Design Panel Report\*\***

Checked and approved by:

---

Panel Chair

\* Support: The panel is supportive of the project and recommends that it proceeds. Recommendations for improved outcomes can be assessed (where relevant by the processing planner).

Non Support: Either: The panel does not recommend that the project proceed in the form that has been presented at the meeting.

Or: The panel recommends improvements to aspects of the design. Should the applicant wish to gain the support of the panel, the proposal should be re-submitted to the panel for a review of how those recommendations have been incorporated.

Nb/. When a project is reviewed by the panel more than once, every endeavour will made to have the same panel members attend each review.

\*\* Status of Report: The support of the design panel does not constitute Council approval to proceed with a project. The findings of the report sit outside both the statutory processes of the Resource Management Act and other regulatory functions of Council. The report may however influence those processes and functions in regard to matters relating to urban design.

**APPENDIX G**

**URBAN DESIGN PANEL MONITORING SURVEY**

1. *Did you submit your application to the panel voluntarily or was it a requirement of the Resource Consent Process?*

\_\_\_\_\_

2. *Was the process for submitting the application clear?* Yes / No

Comments: \_\_\_\_\_

\_\_\_\_\_

3. *Was adequate information available in regards to the types of information required by the panel (as part of the application)?* Yes / No

Comments: \_\_\_\_\_

\_\_\_\_\_

4. *Was communication clear in regards to the meetings time, presentation details etc?* Yes / No

Comments: \_\_\_\_\_

\_\_\_\_\_

5. *Was the review meeting professionally conducted?* Yes / No

Comments: \_\_\_\_\_

\_\_\_\_\_

6. *Did you receive the panel's report in a timely manner?* Yes / No

Comments: \_\_\_\_\_

\_\_\_\_\_

7. *Were the recommendations made by the panel useful and do you think that they will add value to your project?* Yes / No

Comments: \_\_\_\_\_

\_\_\_\_\_

8. *Do you plan to implement the panel's recommendations?* Yes / No

*If not why not?:* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. *Do you have any suggestions to improve the Urban Design Panel process?*

\_\_\_\_\_

\_\_\_\_\_

*Other comments?:-*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_