

Appendix A – Relief sought

Provision (PDP Decision Version)	Relief Sought:	Reasons for the Appeal:
Chapter 24		
Objectives and policies	Make consequential amendments to the objectives and policies to ensure they reflect the amended rules as outlined below and give effect to the proposed WBLP-RR.	The objectives and policies of Chapter 24 must provide clear direction for the activities enabled in the Wakatipu Basin Rural Amenity Zone, and align with the rules as determined.
Planning Maps 13d and 26	<p>1. Zone the land outlined in red in the amended planning map attached as Appendix B as 'Wakatipu Basin Lifestyle Precinct – Rural Residential' and apply a number of specific rules to this subzone as outlined below.</p> <p>2. In the alternative, rezone all of the land zoned as RR-NLN in the ODP to WBLP-RR in the PDP.</p>	<p>The operative RR-NLH subzone has been developed almost exclusively under the operative Rural Residential zoning. It has a strong existing and consented pattern of rural residential development and is already serviced.</p> <p>Development of the remaining large lots in this area should be allowed to be subdivided to the same density as the existing subdivision and development that has occurred under the Operative District Plan (ODP)</p> <p>This land exhibits a character that has higher density and building forms that are often considerably higher than what is now enabled in the WBLP. This has not been reflected in the proposed minimum and minimum average lot sizes proposed for the WBLP.</p> <p>The area has the capacity to absorb more development without compromising the existing character and amenity values.</p> <p>The uncertainty and costs associated with applying for a non-complying consent or notified discretionary consent in order to achieve development of a density consistent with the receiving environment is inefficient and unjustified.</p> <p>The amended rules sought in this appeal will enable a small amount of intensification consistent with the existing settlement and vegetation patterns.</p> <p>The amended rules will be more effective at achieving the Strategic Direction objectives while continuing to give effect to the landscape objectives and policies and the more specific WBLP objective and policies of Chapter 24.</p>
Rule 24.5.1.2	Amend Rule 24.5.1.2 (Residential Density) which requires a non-complying consent to construct more than 1 residential unit on sites with a net site area	The rules should enable dwellings to be developed in advance of subdivision provided a density equal to the allowable minimum and average lot size (calculated

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	<p>greater than 1 hectare as it relates to the WBLP-RR as follows or similar:</p> <p><i>For sites with a net site area greater than 1 hectare and zoned in part or whole Wakatipu Basin Lifestyle Precinct, no more than one residential unit per hectare on average of the net site area zoned Wakatipu Basin Lifestyle Precinct, <u>except that</u></i></p> <p>a) <i><u>For sites with a net site area greater than 1 hectare and zoned in part or whole Wakatipu Basin Lifestyle Precinct– RR Subzone, no more than one residential unit per 4,000m² on average of the net site area zoned Wakatipu Basin Lifestyle Precinct, provided the density does not exceed 1 unit per 6,500m average including all land that formed part of the previous subdivision which created that site.</u></i></p>	<p>over the whole underlying parent subdivision) is met.</p> <p>The amendments sought make this rule consistent with the appeal point that the minimum lot size in the WBLP-RR should be 4,000m² and the average lot size in the WBLP-RR should be 6.500m², the maximum density should align with this rule to be 1 dwelling per 6,500m² of site area.</p>									
<p>Rules 24.4.6 and 24.4.7</p>	<p>Insert new rule 24.4.x and amend Rules 24.4.6 and 24.4.7 to provide for all residential buildings within the WBLP (including the WBLP-RR) as controlled activities, and amend Rule 24.4.6 so that all residential buildings in the WBRAZ within an approved building platform are controlled (regardless of the date of approval and registration).</p> <table border="1" data-bbox="427 1027 1043 1412"> <thead> <tr> <th data-bbox="427 1027 555 1102">Rule</th> <th data-bbox="562 1027 913 1102">Table 24.1 – Activities in the WBRAZ</th> <th data-bbox="920 1027 1043 1102">Activity status</th> </tr> </thead> <tbody> <tr> <td data-bbox="427 1107 555 1246"><u>24.4.x</u></td> <td data-bbox="562 1107 913 1246"><i><u>The construction of buildings for residential activity within the Wakatipu Basin Lifestyle Precinct.</u></i></td> <td data-bbox="920 1107 1043 1246"><u>C</u></td> </tr> <tr> <td data-bbox="427 1251 555 1412">24.4.6</td> <td data-bbox="562 1251 913 1412"><i>The construction of buildings for residential activity within the <u>Wakatipu Basin Rural Amenity Zone</u> that are located within a</i></td> <td data-bbox="920 1251 1043 1412">C</td> </tr> </tbody> </table>	Rule	Table 24.1 – Activities in the WBRAZ	Activity status	<u>24.4.x</u>	<i><u>The construction of buildings for residential activity within the Wakatipu Basin Lifestyle Precinct.</u></i>	<u>C</u>	24.4.6	<i>The construction of buildings for residential activity within the <u>Wakatipu Basin Rural Amenity Zone</u> that are located within a</i>	C	<p>Given the relatively low landscape sensitivity of the area, controlled activity status (together with height, setback, and coverage standards) is a more efficient and certain yet equally effective method of ensuring that development is suitably enabled in the new WBLP-RR whilst landscape character and amenity values are maintained.</p> <p>Most subdivided sites within the proposed subzone are less than 8,000m² with limited options for the location of the building, and the effects of the building were considered at the subdivision stage within that context under the ODP.</p>
Rule	Table 24.1 – Activities in the WBRAZ	Activity status									
<u>24.4.x</u>	<i><u>The construction of buildings for residential activity within the Wakatipu Basin Lifestyle Precinct.</u></i>	<u>C</u>									
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		<p><i>building platform approved by a resource consent and registered on the applicable Computer Freehold register before 21 March 2019.</i></p> <p><i>Control is reserved over:</i></p> <ul style="list-style-type: none"> <i>a. Landscape character;</i> <i>b. Visual amenity values</i> <i>c. Access;</i> <i>d. Infrastructure;</i> <i>e. Landform modification, landscaping and planting (existing and proposed).</i> 	
	24.4.7	<p><i>The construction of buildings for residential activity that are not provided for in <u>Rule 24.4.x</u>, Rule 24.4.5 or 24.4.6 and are not contrary to Rule 24.4.8.</i></p> <p><i>Discretion is restricted to:</i></p> <p>...</p>	RD
Rules 24.5.4 and 24.5.5	<p>Amend Rule 24.5.4 to exclude decks, pools, and paved areas that would otherwise be captured as a 'building', as follows or similar:</p> <p>24.5.4 - Building Size</p> <p><i>Where a residential building is constructed within a building platform under Rule 24.4.6, the ground floor area of all buildings <u>within that building platform</u> must not exceed 500m², <u>excluding pools, driveways and other paved areas, and decks that otherwise fall</u></i></p>		<p>While a 500m² ground floor area is acceptable for any single building, it is important that the calculation of ground floor area does not include decked areas, pools, driveways, and other paved areas that would potentially be captured by the rule and that, where more than one dwelling is located on a site, each individual dwelling is able to have a ground floor area of up to 500m² and that this area is not calculated cumulatively over the whole site.</p> <p>The 15% coverage rule coupled with the density provisions are sufficient to manage the cumulative effects of built form in a rural or rural living environment while accommodating instances where more than 1 dwelling will be erected on a site prior to (or in the absence of) any further subdivision. As an example, if four</p>

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	<p><u>within the definition of 'building' and therefore 'ground floor area'.</u></p> <p>Amend Rule 24.5.5 (Building coverage) as follows or similar</p> <p>24.5.5 - Building coverage</p> <p><i>The ground floor area of all buildings not subject to Rule 24.5.4 must not exceed 15% of net site area and any single building shall not exceed, or 500m² ground floor area excluding pools, driveways and other paved areas, and decks that otherwise fall within the definition of 'building' and therefore 'ground floor area', whichever is the lesser.</i></p> <p>Alternatively, apply the above amendments (or similar) only to the WBLP-RR.</p>	<p> dwellings were erected on a 4 hectare block in the WBLP in accordance with the decision version of the average density provision, Rule 24.5.5 would require that each dwelling, including accessory buildings, have a ground floor area no greater than 125m² in size on average, which is considered to be unjustified on landscape or amenity grounds.</p> <p>The amendment sought would seem to be consistent with Council's landscape evidence³, which focused on the suitability of the size of building footprints as opposed to site coverage, and with the Council's Decision Report⁴, which appears to accept that, in practical terms, this rule is only intended to apply to residential buildings.</p>
Rules 24.5.7.1	<p>Amend Rule 24.5.7.1 as follows:</p> <p><i>The maximum height of buildings shall be 6m, <u>except in the WBLP-RR;</u></i></p> <p>This has the effect that only the 8m non complying</p>	<p>The 6 m height restriction is unjustified in the proposed new WBLP-RR where there are a relatively large number of existing and consented dwellings higher than 6m above ground level (measured pursuant to the ODP) and 2 storey buildings form part of the existing and consented character.</p> <p>This is consistent with comments made in the Council's s 42A report prepared by Mr Barr⁵.</p>

³ Bridget Gilbert EIC, Section 67

⁴ Decision Report 18.1, Paragraph 1049

⁵ *It is my experience that it is generally considered to be acceptable to have buildings up to 8m in the ODP Rural Residential and Rural Lifestyle Zones. However, although an 8m maximum height is specified for residential buildings in the Rural Zone, and a maximum of 10m for farming and other buildings, unless there is a functional necessity for buildings above one level, many building platforms approved for residential activity in the ODP Rural General Zone are not more than 6 meters in height* " (Para 29.20, S 42A report (emphasis added)).

"Therefore, it is my view that while the ODP has a height limit of 8m for residential buildings, retaining the 8m height limit is not justified in areas of the Amenity Zone and Precinct currently zoned Rural. I acknowledge that there is a range of two-story buildings across the Zone, many of which are located within those areas zoned Rural Residential in the ODP for instance in Lake Hayes North and Dalefield." (Paras 29.22-23, S 42A report (emphasis added)).

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	<p>rule (24.5.7.2) applies to buildings in the WBLP-RR.</p> <p>Alternative relief if the above relief is not adopted:</p> <p>Amend the notification clause as follows such that an application to breach the restricted discretionary height rule for a building in the WBLP-RR would not be subject to notification unless there are special circumstances:</p> <p><i>24.6 Non-notification of applications</i> <i>Any application for resource consent for controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified, with the exception of the following:</i></p> <p>a. ...</p> <p>d. <i>Rule 24.5.7 Height of buildings, <u>other than buildings within WBLP(RR)</u></i></p>	
<p>Rules 24.5.12 - Setbacks of buildings from waterbodies</p>	<p>Amend Rule 24.5.12 to exempt man-made ponds) that are built for the primary purpose of treating and disposing of stormwater.</p>	<p>The wording of Rule 24.5.12, and particularly the broad definition of 'wetland' in the RMA means the rule could be interpreted to include man made stormwater detention ponds.</p> <p>While such ponds are to be encouraged (as they enhance water quality, amenity values and natural character), this Rule will strongly discourage the creation of such ponds on smaller WBLP sites, in that providing such ponds within the site will make it more difficult to construct a building that complies with this setback, and will therefore further complicate the consenting of future dwellings and discourage amenity outcomes. Further to this, in the case of existing sites in the WBLP that include stormwater detention ponds, the additional consenting burden may encourage existing ponds to be filled in and the stormwater simply piped prior to lodging for landuse consent. Also, where such ponds have been developed, this can unfairly restrict or prevent a residential dwelling being placed on an adjoining property. This rule will not support Objective 24.2.4 relating to water quality.</p>

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Assessment Matter 24.7.3(e)	Amend Assessment Matter 24.7.3(e) as follows: <i>“Whether clustering of buildings or varied densities of the development areas would better maintain a sense of openness and spaciousness in areas Schedule 24.8 identifies as having a sense of openness and spaciousness, or better integrate development with existing landform and vegetation or settlement patterns.”</i>	This is consistent with the amendment that was made to Decision Version Policy 24.2.1.11 in response to submissions, which now acknowledges that a sense of openness and spaciousness only needs to be maintained or enhanced where those qualities are recognised as key in schedule 24.8.
Chapter 27		
Rule 27.5.18A	Amend the Rule as follows, or similar: <i>Within the Wakatipu Basin Lifestyle Precinct other than in the Wakatipu Basin Lifestyle Precinct-Rural Residential subzone, subdivision which does not comply with the minimum net site area specified in Part 27.6 provided that the minimum net site area is not less than 4,000m² and the average area of all lots in the subdivision is not less than 1.0ha per lot. D</i>	This amendment is consequential to the amendment sought to Rule 27.6, which seeks a lower minimum lot size and average lot size for the WBLP-RR subzone and therefore makes this rule irrelevant to the subzone.
Rule 27.5.18B New rule 27.5.18C	Amend the Rule as follows, or similar: <i>Within the Wakatipu Basin Lifestyle Precinct other than in the Wakatipu Basin Lifestyle Precinct-Rural Residential subzone, subdivision with a minimum net site area less than 4,000m² or where the average area of lots in the subdivision is less than 1.0ha per lot. NC</i> And add a new Rule 27.5.18C as follows or similar: <i>Within the Wakatipu Basin Lifestyle Precinct-RR Area, subdivision with a minimum net site area less than 4,000m² or where the average area of lots in the subdivision is less than 6,500m², calculated in accordance with Rule 27.6.1). NC</i>	This amendment is consequential to the amendment sought to Rule 27.6, which seeks a smaller minimum lot size and average lot size for the WBLP-RR subzone and therefore requires that this rule be aligned to reflect that outcome.

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Rule 27.5.26	<p>If the minimum and average lot sizes are not amended for the proposed WBLP-RR subzone in the manner sought above, then amend the activity status of Rule 27.5.26 to Discretionary for subdivision within the land identified in Appendix B:</p> <p><i>The further subdivision of an allotment that has previously been used to calculate the average lot size net site area for subdivision in the Wakatipu Basin Lifestyle Precinct, except where the further subdivision and any prior subdivision together complies with Rule 27.6.1.</i></p> <p>NB: If the primary relief sought in relation to Rule 27.6.1 is accepted, then the non-complying status is acceptable.</p>	<p>This amendment is consistent with ODP Rule 15.2.3.3.</p> <p>Since 2001, the RR-NLH subzone of the ODP has been subject to lot size rules that sit between those enabled by the Rural Residential and Rural Lifestyle zone rules. While the land within the subzone had been a Rural Residential Zone prior to 2001 and subject only to 4,000m² minimum lot size rule, the mediation on the ODP resulted in the RR-NLH subzone which reflected the fact the land in question was fundamentally a rural residential zone in terms of character and general density, but that some diversity of lot size was desirable but not essential (as reflected by the discretionary status of the rule, as opposed to the equivalent rule for the Rural Lifestyle Zone where a non-complying average lot size rule applied). The ODP subdivision rules have resulted in the existing (including consented but not yet built) subdivision pattern, density, and character, which cannot and should not now be reversed to a character typified by a pattern of lots averaging 1 ha in size.</p>										
Rule 27.6.1	<p>Create a WBLP-RR subzone over the area outlined in red in Appendix B and amend Rule 27.6.1 by inserting a minimum lot size for that subzone of 4,000m² and apply a minimum average lot size of 6,500m².</p> <p>Amend Rule 27.6.1 as follows:</p> <table border="1" data-bbox="412 1150 1048 1428"> <thead> <tr> <th data-bbox="412 1150 712 1182">Zone</th> <th data-bbox="719 1150 1048 1182">Minimum Lot Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="412 1187 712 1219">Rural</td> <td data-bbox="719 1187 1048 1219"></td> </tr> <tr> <td data-bbox="412 1224 712 1278">Wakatipu Basin Rural Amenity Zone</td> <td data-bbox="719 1224 1048 1278">80ha</td> </tr> <tr> <td data-bbox="412 1283 712 1401">Wakatipu Basin Lifestyle Precinct (excluding WBLP-RR subzone)</td> <td data-bbox="719 1283 1048 1401">6000m² 1.0ha minimum average</td> </tr> <tr> <td data-bbox="412 1406 712 1428">Wakatipu Basin</td> <td data-bbox="719 1406 1048 1428">4000m² minimum/</td> </tr> </tbody> </table>	Zone	Minimum Lot Area	Rural		Wakatipu Basin Rural Amenity Zone	80ha	Wakatipu Basin Lifestyle Precinct (excluding WBLP-RR subzone)	6000m ² 1.0ha minimum average	Wakatipu Basin	4000m ² minimum/	<p>Enabling the remaining parcels of land within this area to be developed to a density consistent with the existing developed parts of this area is an efficient use of land and existing reticulated services.</p> <p>The amended minimum and average lot sizes reflect the fact that the existing character is typified by a very large number of sites in this area that are less than 6,000m² in area and a resultant average lot size (of all subdivisions that have occurred in the area bound by Slopehill, Speargrass and Arrowtown-Lake Hayes roads) being approximately 6,600m², which is considerably smaller than the 1 hectare minimum average proposed in the PDP.</p> <p>Providing for a density consistent with the existing character will encourage appropriate subdivision of the remaining larger land parcels and facilitate the provision of a continuous reserve and walkway along Mill Creek from Lake Hayes to (and beyond) Speargrass Flat Road.</p> <p>A 6500m² average, calculated in the manner suggested, enables the remaining</p>
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Rural												
Wakatipu Basin Rural Amenity Zone	80ha											
Wakatipu Basin Lifestyle Precinct (excluding WBLP-RR subzone)	6000m ² 1.0ha minimum average											
Wakatipu Basin	4000m ² minimum/											

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	<p><u>Lifestyle Precinct - Rural Residential subzone</u></p>	<p><u>6500m² minimum average.</u></p> <p><u>For the purpose of calculating the average, the site area shall include the whole site area subject to the subdivision, but this area shall be divided by the number of residential lots included in the subdivision, and shall not include any site set aside as esplanade reserve or any other type of reserve.</u></p>	<p>undeveloped sites to be subdivided in a manner consistent with that of neighbouring properties, in order to make efficient use of land and existing reticulated services.</p> <p>Requiring the remaining lots to apply for non-complying consents in order to simply be developed to a density consistent with the existing development pattern in the area is not justified on landscape or amenity grounds.</p> <p>The existing rules of the PDP will not provide for an efficient use of land and services, and are not necessary to protect the landscape character and amenity values outlined in 24.8 and are therefore contrary to Part 2 of the Act.</p>