

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Hearing Stream 06  
– Residential chapters

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**REPLY OF AMANDA JANE LEITH  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**11 LARGE LOT RESIDENTIAL ZONE CHAPTER**

**11 November 2016**

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## 1. INTRODUCTION

- 1.1 My name is Amanda Jane Leith. I prepared the section 42A report for the Large Lot Residential Zone (**LLRZ**) chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 14 September 2016.
- 1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing on the 10 October – 27 October 2016 and have been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing each day.
- 1.3 This reply evidence covers the following issues:
- (a) purpose and character of the Large Lot Residential Zone;
  - (b) subdivision;
  - (c) building restriction areas;
  - (d) prohibited activities;
  - (e) building materials and colour;
  - (f) proposed additional areas of LLRZ-B subzone;
  - (g) setbacks from roads, internal boundaries and waterbodies; and
  - (h) non-notification provisions.
- 1.4 Where I am recommending changes to the provisions as a consequence of the Hearing evidence, I have appended these as **Appendix 1 (Revised Chapter)**. I have attached an additional section 32AA evaluation in **Appendix 2**, and an updated list of submission points with recommended decisions in **Appendix 3**. Where I have not discussed the Hearing evidence, I have considered the points raised however have nothing further to add from that included within the s42A report on the matter.
- 1.5 In this Reply:
- (a) if I refer to a provision number without any qualification, it is the notified provision number and has not changed through my recommendations;
  - (b) if I refer to a "s42A" provision number, I am referring to the provision version in **Appendix 1** of my s42A report; and

- (c) if I refer to a "redraft" provision number, I am referring to the redraft provision number in **Appendix 1** to this Reply.

## **2. PURPOSE AND CHARACTER OF THE LARGE LOT RESIDENTIAL ZONE**

- 2.1** A key question the Hearing Panel (**Panel**) asked in relation to the proposed LLRZ was how it differentiated from the Rural Residential zone (in Chapter 22 of the PDP). The Panel has also questioned how the LLRZ zone achieves the strategic direction objective of having more compact urban areas (Strategic Direction Objective 3.2.2.1 and Urban Development Objective 4.2.3<sup>1</sup>).
- 2.2** The LLRZ is located within the proposed Urban Growth Boundary (UGB) for Wanaka, in areas currently zoned Rural Residential in the Operative District Plan (ODP).
- 2.3** The proposed LLRZ is differentiated from the PDP Rural Residential zone through being located within the UGB whereas the Rural Residential zone is located outside.
- 2.4** It is anticipated that in the future, re-zoning of the LLRZ to a more intensive residential zone may occur, should housing demand continue to increase in Wanaka. Based upon the Council's existing ODP Dwelling Capacity Model (**DCM**) it is not anticipated that this re-zoning would need to occur within the life of the PDP, however this assumption will need to be re-tested upon the completion of the updates to the existing ODP DCM and the creation of the PDP DCM ahead of the mapping hearings, and through the actions recently sent out in the National Policy Statement for Urban Development Capacity (which are set out in Council's legal reply).
- 2.5** The third paragraph of the notified Zone Purpose for the LLRZ (11.1) identified that a higher density of lots may be appropriate in some areas. In the s42A report I recommended deletion of this paragraph on the basis that I identified a number of additional areas of the zone which should have a 2000m<sup>2</sup> minimum net site areas as opposed to the notified 4000m<sup>2</sup> net site area.

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<sup>1</sup> Mr Matthew Paetz' Right of Reply relating to Chapter 3 – Strategic Direction and Chapter 4 – Urban Development.

- 2.6** The Panel asked whether Council has completed any work on whether the proposed LLRZ lot size would easily facilitate subdivision in the future. To my knowledge no work has been done in this regard. Notwithstanding, I did take into account approximate lot size and dwelling size and age in my s42A recommendation regarding the reduction in the minimum net site area of parts of the zone. For example, the existing development in the vicinity of Beacon Point Road in the notified LLRZ has been established with lot sizes of around 4000m<sup>2</sup>. However, the relatively recent construction of very large houses, many of which have evidently high architectural and construction value (schist cladding, bespoke design etc) reduces the likelihood of the majority of these lots from being redeveloped within at least the anticipated life of the PDP.
- 2.7** In considering a 4000m<sup>2</sup> or 2000m<sup>2</sup> site without topographical or access constraints, Rule 11.5.2 prescribes a maximum building coverage of 15%, Rule 11.5.4 requires a 10m setback from roads and Rule 11.5.3 prescribes a minimum internal setback of 6m or 4m respectively depending upon the prescribed lot size. Taking these standards into account, I do not consider that development of these lots at their prescribed density would preclude future infill development such as that being proposed within the LDRZ chapter.
- 2.8** Overall, I consider that the proposed LLRZ is differentiated from the Rural Residential zone via its location within the UGB, with much of the zone also provided with connections to Council reticulated water and wastewater services. Furthermore, given my s42A recommendation to reduce the minimum net site area for many areas of the proposed LLRZ to 2000m<sup>2</sup>, this further distinguishes the LLRZ from the Rural Residential zone.
- 2.9** The Panel also questioned the use of 'low density' references within the Zone Purpose (11.1) and suggested that this zone should be differentiated from the Low Density Residential Zone (**LDRZ**) via the use of a more suitable term to describe the anticipated character of the zone. The Panel also identified that the proposed LLRZ covers a number of areas in Wanaka where there is existing residential development and questioned why this is not reflected within the Zone Purpose (11.1).
- 2.10** I have recommended changing the term 'low density' to 'peri-urban' in the Zone Purpose (11.1) in **Appendix 1**. This term is intended to describe the character of the zone on the edge of the suburban area in Wanaka, being lots

of larger size, setbacks and predominance of open space over built form, however not of complete rural or pastoral character.

- 2.11** With regard to the Panel's question as to why the Zone Purpose (11.1) does not acknowledge that the proposed LLRZ covers areas of existing development that have recently been developed under the ODP, in effect legitimising the existing development by creating a zone, I do not consider that it is necessary to do this within a zone purpose statement. I see the Zone purpose as describing the zone and setting out what is and what is not anticipated. I do not consider it necessary to outline the reasons as to why the zone was created.

### **3. SUBDIVISION OBJECTIVE AND POLICIES**

- 3.1** In relation to my s42A report recommendation pertaining to s42A Rule 27.5.1, the Panel requested that I also consider whether any amendments are required to be made to redraft Objective 27.3.3 and redraft Policies 27.3.3.1-2 of Mr Bryce's right of reply on Chapter 27 – Subdivision and Development.
- 3.2** This objective and policies pertain to the LLRZ land between Studholme Road and Meadowstone Road, which under the notified PDP was the only area of the LLRZ that was permitted to have a minimum net site area of 2000m<sup>2</sup>. The objective seeks to recognise and protect the zone's landscape and amenity values. The policies seek to have regard to the impact of development on landscape values and effects of development on slopes, ridges and skylines.
- 3.3** I note that the majority of the recommended s42A LLRZ-B sub-zone is in areas that are surrounded by either LDRZ or ODP Township zoned land and consequently landscape values are not as sensitive. As already discussed in some detail, the LLRZ is within the Wanaka UGB. In my s42A assessment as to the appropriate locations for the proposed LLRZ-B subzone land, I considered the topography and context and avoided recommending those areas that I considered more sensitive, such as the LLRZ located to the north and east of Mt Iron.
- 3.4** As a result, I do not consider that redraft Objective 27.3.3 and redraft Policies 27.3.3.1-2 of Mr Bryce's right of reply need to be amended to include the

additional areas proposed to be included within the LLRZ-B subzone. I have therefore not recommended any additional changes to Chapter 27.

#### **4. BUILDING RESTRICTION AREA**

**4.1** The Panel questioned whether s42A Rule 11.4.8 (redraft Standard 11.5.12) was necessary given that there do not appear to be any Building Restriction Areas (**BRAs**) applicable to the zone. I confirm that within the proposed LLRZ, there are no BRAs identified on the planning maps. There is however a pocket of LLRZ land located at the northern end of Beacon Point Road (Lot 1 DP 325889), a portion of which is proposed to be zoned LLRZ and a BRA is also identified over the remainder of this lot which is proposed as Rural. A submission (142) has been received from the landowners of this site who seek for the LLRZ portion of the land to be extended into the proposed Rural zoning. This proposal will be a matter for consideration during the future mapping hearing; however I recommend that this rule remain as a placeholder in case the submission is supported.

**4.2** Notwithstanding the above, I note that this rule should be located within the standards table (redraft Standard 11.5.12) and therefore this change is shown within **Appendix 1**.

#### **5. PROHIBITED ACTIVITIES**

**5.1** The Panel noted that the number of prohibited activities within the LLRZ chapter is less than the other residential chapters and questioned whether this implies that a lower amenity is anticipated within the LLRZ.

**5.2** It is acknowledged that the LLRZ has a lesser number of prohibited activities than the other residential chapters. This is attributed to the larger lot sizes within the LLRZ allowing more activities to potentially occur without affecting the amenity of neighbouring properties. I note that the default activity status for any activity not expressly identified within Table 11.4 is non-complying. The non-complying test will ensure that consent is only granted for activities which meet s104D of the RMA, and in my view this default status is appropriate rather than adding additional prohibited activities.

## **6. BUILDING MATERIALS AND COLOUR**

**6.1** In relation to the "Note" within Standard 11.5.10, the Panel asked whether this is an attempt to incorporate conditions of consents that may have been imposed at a time when a higher standard was required, and if so, why people should have to continue to comply with a restriction imposed under a different planning regime.

**6.2** I concur with this concern and recommend the deletion of this note. I however note that the existing conditions of consent or consent notice conditions will still apply unless additional resource consent is granted to change them. The RMA prescribes the process to deal with this situation, and cannot be overridden by a district plan.

## **7. PROPOSED ADDITIONAL AREAS OF LLRZ-B SUBZONE**

**7.1** The evidence presented to the Panel by Mr Bullen (47), Ms Blennerhassett (335), Mr Seyb and Mr White on behalf of Land and Infrastructure Management Ltd (812) on 12 October 2016 was in relation to additional areas of the LLRZ that they consider should also be included within the proposed LLRZ-B subzone.

**7.2** I do not consider that this evidence raises any additional matters to that already considered within the s42A report, that warrant a change in my recommendation in this regard.

## **8. SETBACKS FROM ROADS, INTERNAL BOUNDARIES AND WATERBODIES**

**8.1** The Panel in relation to Standard 11.5.3 questioned what potential reverse sensitivity effects are anticipated as a result of reduced setbacks from internal boundaries. Given the 6m (for the LLRZ-A subzone) and 4m (for LLRZ-B subzone) internal setback distances recommended, I do not anticipate that residential activity would give rise to these potential effects. Furthermore all non-residential uses are listed in Table 11.4 as being discretionary or non-complying activities and consequently, potential reverse sensitivity effects from these activities are covered. As a result, in my opinion the fourth bullet point in the matters of discretion in Standard 11.5.3 could be deleted. Notwithstanding, I have not recommended this change in **Appendix 1** as there



were no submissions received in relation to this point and I consequently do not consider that there is scope to make this amendment.

**8.2** The Panel questioned why Standard 11.5.5 in relation to the setback of buildings from waterbodies has a restricted discretionary activity status, whereas Standard 11.5.4 which specifies the road setback requirement has a non-complying activity status.

**8.3** From reviewing the two rules, the only reasoning I can find for this difference in activity status is due to the setback for roads being 10m whereas the setback from waterbodies is 20m. In reviewing the wording of both rules further, I do not find any fundamental issues with the difference in the activity status assigned to each. Furthermore, I note that there were no submissions received in relation to this matter.

## **9. NON-NOTIFICATION**

**9.1** The Panel identified that Clause 11.6.1 is surplus to requirements as it identifies that all controlled activities can be non-notified, but there are no controlled activities listed within the chapter.

**9.2** I have consequently recommended deletion of all of 11.6 in **Appendix 1** as a point of clarification.

## **10. CONCLUSION**

**10.1** Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.



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**11 November 2016**