URBAN INTENSIFICATION VARIATION PROPOSALS SUBMISSION

The Proposals are, I believe, a most significant development in so far as the likely effects on Wanaka's central and not so central residential areas are concerned.
I am particularly concerned about the effects of the changes in height, density, and proximity rules within the Medium Density Residential Zone (MDRZ), and the expansion of that zone into a wider area beyond immediate proximity to the CBD. Those concerns arise from the likely implications and consequences for residents who currently live within these areas The proposals permit significant height increases (up to 11-12metres, ie three storeys), increased building footprints and reduced boundary margins, together with removal of neighbourly rights as to sunlight, privacy, overbearance, and any views. I am concerned that existing residents will find that in the near and medium term their dwellings will be built out by adjacent three storey buildings which will seriously reduce and possibly eliminate their sunlight privacy and any views they may currently enjoy. Such things as comprise perhaps the major part of the amenity of their residence. Their right to quiet enjoyment within their own home will have been seriously compromised. These developments would be occurring as of right. No neighbourly consent required (Ref. the striking out of these considerations in Proposals, MDRZ 8-3, Policies 8.2.3.1 and 8.3.2.2). Council may argue that these considerations have simply been moved to a different location further down the page, but that is patently not correct. The combination of the proposed increased intensification elements and the large difference between the current and the proposed (especially as to height) will guarantee the effect. The intention of the changes are very clear. Taller buildings, smaller lots, and increased proximity is to be encouraged and facilitated. Neighbourly participation in what occurs next door is struck out. These things represent a serious downgrade of their existing property rights and private amenity, and puts their quiet enjoyment of such things in their dwelling at serious risk. I ask if it is either fair or reasonable that such far reaching and consequential change should take place by decree? In reply Council might claim that the Proposals are as yet just proposals, and that this submission process is the democratic consultation opportunity which is afforded equally to affected parties. But I will argue later on that in this instance the process is heavily weighted against those most affected (ie individual ratepayers), and instead favours developers and their agents, which is hugely undemocratic and unfair.
I have already suggested that if the MDRZ changes are put into effect the outcome will be that existing residents will be forced out by severe loss of amenity as the high rise high density buildings move in. The existing stock of low rise buildings will be replaced by a uniform three storey high density building stock which will fundamentally change the appearance and character of this highly visible part of town.. It will no longer look like or be the kind of town which is recognised as being the iconic essence of Wanaka. A real part of the reason why both nationally and internationally people value Wanaka so highly is because it is a place which has not (yet) been sacrificed to the juggernaught of development and over-tourism.
A further consequence of these changes will be the departure of the long term permanent residents who currently occupy this area and who arguably form a large part of the community spirit within the town. Perversely, existing residents will also be hastened to move as a consequence not only of the increased intensification, but also because property values in this zone will rise and rates will increase in real terms. More reason to move out and let the developers in.
What then are the developers going to build in the higher intensity zone?
A major stated objective of the changes is that it "will assist in enabling more affordable homes". But in reality is it likely that this will happen simply by enabling developers to build smaller and

taller residences? Is there any requirement for them to build many or even any “affordable” homes?
Greater diversity (another of the stated objectives)? The answer to each of these is a clear No. There are no accompanying mandates or encouragements as to these things, so the decisions as to price and diversity are up to the developers to decide.
Then what is likely to be built? History is clear on this point. Developer preference is inevitably for maximising economic advantage, and in our region that leads to a preference for short term visitor rentals. For just one of many confirmations on this point I refer to the ODT 24.7.23, Regions Page, where journalist Marjorie Cook notes “Wanaka and Queenstown have long had issues with high priced rental accommodation as well as property owners preference to host short term visitors”. And “the lack of affordable housing in the area is making it difficult to attract and retain staff and is also driving up the cost of living for those who do manage to find accommodation.... it is not to do with the lack of houses”. The problem of a lack of affordable homes and rental accommodation is well known and longstanding. It is obvious to all that simply providing opportunity to build more dwellings will result in perpetuation of the existing problems rather than solve them. The hope that the intensification provisions will assist in the provision of more affordable homes is nothing more than wishful thinking and history shows it will almost certainly fail. What is much more likely is that we will end up with a much greater intensity of short term visitor accommodation. The economic returns on such developments are evidently greater (ref the above article, plus physical evidence on the ground of this trend), so this is what we will likely end up with.
Apart from providing the opportunity for developers to build any number of high rise short term visitor accommodation units, another likely outcome is for wealthy individuals to build large three storey luxury homes on existing plots and thereby capture and preserve maximum views and sun and privacy for the upper floors. Such sites are close to the CBD and the lake, are on flat land, and have increasing scarcity value, so represent a good investment proposition, the latter being a major reason why people build houses in Wanaka. Such homes are already being seen within the existing MDRZ, and numbers are bound to increase with the proposed new rules. These homes may be permanently owner occupied, but local owner occupier statistics suggest that they probably will not (refer latest Census results on “empty homes”, and also the above-mentioned ODT article where “the problem is the big demand for secondary homes by Aucklanders and others”). They may also be used for some of the time as luxury short term rentals, but in any event they will certainly not result in occupier intensification. Quite the reverse.
All of these scenarios as to likely outcomes of the built structures (as opposed to the wished for outcomes) will result in serious decline of the permanent resident population, and effective decimation of any community of interest.
Apart from “assisting with the provision of more affordable dwellings”, a further objective is to “assist with enabling a more diverse housing stock”. I submit that unless my arguments in the previous paragraphs can be shown to be demonstrably incorrect the likely outcomes will be the creation of expanded areas of high rise short term visitor accommodation within the area bounding the CBD and Pembroke Park, together with major shrinkage of low rise permanent residences, which altogether amounts to a reduction of diversity. More like a mini version of Australian Gold Coast beachfront accommodation apartments. There is nothing in the rules to stop that happening, and the market incentives are ready and waiting.
Another objective of the proposals is to “ensure appropriate residential amenity is maintained within intensified areas”. Well, I have endeavoured to read through the many hundreds of pages of prescription in the Provisions, and other than a definition of an “outlook space” in a dwelling room I can find nothing defining just what “appropriate residential amenity” might mean, nor

anything in the ordinary sense of what it might mean to ensure of it's provision. It is a baseless claim without any real foundation. The self-evident real outcome is a major degradation of ratepayer residential amenity in the normal understanding of the term, through reduction in individual and collective amenity. Less individual sunlight, privacy, views and space, and fewer gardens, trees and open space. And also much less on-site provision of car parking. Most existing dwellings have plenty of car parking provision, but more recent rules specifically remove any requirement for provision of on-site parking, so the higher intensity dwellings will likely have much less provision per vehicle owner. This will greatly exacerbate the already significant problem of insufficient onstreet parking to meet resident and visitor demand. On a somewhat different level, the intensified developments will also mean an increased amount of hard surface coverage of the land, and this will inevitably result in increased stormwater intensity levels. Council may say that the pipes are big enough, but the bigger question revolves around the fact that this run-off will all end up in the lake, and we are already experiencing significant issues with stormwater contamination of our water bodies. To claim all this is "ensuring appropriate residential amenity" rest upon a hugely perverted definition of the concept. Hardly a plus for either the environment, or the people that live within it. The reference in the previous paragraph to the many hundreds of pages of Notification documentation leads me to the earlier mentioned suggestion that the consultation process is in this instance heavily weighted against the parties which are most adversely affected, the individual property owners within the MDRZ.
The reasons for thinking this are as follows;
(a) The proposals have largely "gone under the radar" of affected ratepayers. Although Council has mailed out a summary of the changes to the affected addresses, and made mention in some newspapers and Public Notices, the implications of the proposals are not spelt out. There is no mention of the degree of the changes (eg present height vs proposed, nor as regards proximity, nor the striking out of neighbour right of objection), nor any mention of the real effect , ie that a next door property owner may as of right build an 11/12 metre high three storey structure to within 1.5 m of your boundary and that shading, sunlight, privacy and views are no longer grounds for objection. I feel certain that the absence of such comparative information and explanatory detail is not accidental. It can only be deliberate. Council has offered a number of drop-in sessions, which is indeed a plus, but offering drop-in sessions are not particularly efficacious if the prospects are not initially informed of the relevance and the importance of the changes and motivated to go along and find out more. Consequently many individual ratepayers have at this point been put at material disadvantage in the process. The earliest they may learn of the effect is when someone comes and builds such a structure next door to them.
(b)Even for those who have been alerted to the implications of the changes, the size and complexity of of the documents make them largely impenetrable to all but the most dedicated and competent of individuals. Drop-in sessions will have certainly offered some assistance, but that can only be part of the story and will not help greatly in preparing a reasoned submission. I have spent hours trying to familiarise myself with the proposals and get a modest understanding of the implications, plus have generously received about two hours of assistance from a Council planner person, but it is totally apparent to me that despite everything these documents are largely only able to be properly understood and argued by professional developers and town planners. I therefore believe it is quite disingenuous for Council to claim (top of page 8 of the Notification Report to the 01 June Council Meeting) that the submission process gives everyone an equal opportunity to have their say. The fact that the better equipped and resourced parties also happen to be those who stand to gain considerable economic benefit from the proposals amplifies the inequity. Money and self-interest, as well as knowledge and capability, are powerful motivators and such realities are bound to have an impact on the submissions process.

(c)I wonder also whether such inequity of process might amount to a breach of duty under Section 10 of the Local Government Act 2002, as outlined in Page 61 para 39 of the Notification Report, both on account of item (a) “to enable democratic local decision making and action by and on behalf of communities”, and item (b) “to promote the social economic environmental and cultural wellbeing of communities in the present and in the future”. I submit that the manner of enabling the proposed changes shows clearly that Council is proposing to largely abrogate it's duty of care to individual ratepayers in favour of developers interests, and that this of itself is in breach of the two items above.

At this point I believe it is instructive to consider point by point the Advantages and Disadvantages of various aspects of the proposals as listed in the 1 June Notification Report to Councillors. This lists the merits or otherwise of either proceeding to Notify, or to Not Notify. We can now look at them on the basis of the advantages and disadvantages of either proceeding with implementation of the proposals, or not proceeding with implementation (and perhaps pausing to review and gather further material).

Notifying, Advantages (in bullet point order as listed);

– Meeting obligations under the NPS-UD?

Well maybe, but I am not qualified to respond to this point other than to say that surely local interests must be of a higher priority than a central government guidance.

– Help address the housing affordability shortfall?

Previous arguments show this is extremely unlikely.

– Responding to NPS-UD?

Same answer as the first item.

– Help mitigate climate change via improving efficiency and viability of public transport?
There is no evidence of any kind in support of this claimed benefit. On the contrary most of the areas covered by the MDRZ are within walking or cycling distance of the CBD, and if you like could be considered as delaying any prospect of public transport availability.
– Will enable the community views (including those of developers and landowners)to be thoroughly considered before the Council makes it's decision?

As discussed above, in reality the process is heavily tilted in favour of the developer sector. Furthermore, having had personal discussions with three of the four Wanaka ward councillors and asking if after receiving submissions would they withdraw the proposals altogether if it was clear that the claimed advantages/disadvantages discussion ended up weighing against implementation, the answer given was that No, they would probably choose to go ahead with the proposals anyway, largely on account of the NPS-UD guidelines. It therefore begs the question as to whether the entire submissions process is simply a matter of going through the motions? (This is not without local precedent. In the 2020? submission process considering speed reductions in the Wanaka area it transpired that the overwhelming majority of submissions were against the bulk of the proposals, but Council went ahead with them anyway). Is this democracy in action? Or does it possibly add weight to the earlier suggestion that Council may be in breach of the above-mentioned section (a) of the Local Government Act?

Notifying, Disadvantages;

– Extensive expensive legal challenges/appeals likely to test the District Plan?

Yes, almost certainly.

– Expensive Environment Court proceedings likely?

Yes, almost certainly.

Not Notifying, Advantages;

– Not appropriate in current form, further work required?

I submit that there is much in the proposals which is ineffective, inappropriate, undemocratic, disadvantageous for individual residents and the community, and that further work is definitely required.

- There is already sufficient provision within the current DP to meet the requirements of the NPS-UD?

Who am I to argue?

- It would be more "efficient" to discuss options prior to setting a formal process in motion? I absolutely agree with that thought, but as we have already embarked on the formal process the next best thing, and the most equitable for all concerned, is to put it on hold after the submission process and engage in further work on the matter.

Not Notifying, Disadvantages;

- Postponing the proposals would slow down the process of housing supply?

The author of the report document goes on to note that in fact this item is not material in the short term as there is already plenty of short term supply.

- Postponing may initiate a central government response under the NPS-UD?

The author of the report goes on to note that existing Council provisions effectively already cover off on this issue, so it is not actually an issue.

- Postponing represents a lost opportunity to identify and review any DP shortcomings?

I submit that the opposite is the case. Postponing gives time for greater reflection and enhanced consideration of strategies to effectively achieve the desired outcomes.

- Postponing will delay giving effect to to priority outcomes within the Spatial Plan? I am not sure about that, except that I note in Page 55, para 7 of the Notification Report there is reference to "promoting a compact urban form". Presumably this means the provisions might assist in limiting urban sprawl. There is absolutely no evidence whatsoever put forward that the provisions would help limit urban sprawl. I can only conclude that this it another pious hope that derives from the notion that intensifying dwellings close to town will of itself somehow reduce urban sprawl. I would argue that the market which contributes to the sprawl of large houses on (often) large sections is a completely different market from that to which intensified dwellings might appeal.

What I have argued above is that the priority outcomes which are sought to be achieved with implementation of the proposals are mostly very unlikely to be achieved, and that this of itself is the most important of reasons why the proposals should be paused and reviewed.

In summary, I submit that consideration of the aforementioned pro's and con's clearly shows that the greatest advantage and benefit is much more likely to be achieved by a pause and a review. Put aside the mechanical implementation of central government guidance and focus instead on priority goals which any urban intensification provisions might achieve. Having identified these, then carefully proceed with proposals which are structured to ensure real achievement of those goals, whilst at the same time minimising to the greatest possible extent any detrimental effects on the existing community.

May I offer some suggestions in furtherance of the indicative goals set out in the proposals;

- Establish "greenfield" zones for more intensified dwellings, which establish identified areas where both developers and prospective residents know what is to be expected.

- Specify these zones (which may still have a range of different dwelling choices), and specify the parameters such as lot size, height, diversity etc. No surprises.
- Do not rely on developers to of their own volition produce the outcomes that Council might hope for or wish for. The shortcomings of the unregulated market are forever on view in our region, particularly in relation to urban sprawl and the lack of affordable homes, and continuation of the unregulated “free market” approach will only lead to more of the same (undesired) outcomes.

Thank you for the opportunity to make this submission.
Andrew Millar.