

**BEFORE THE INDEPENDENT HEARING PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**Under the** Resource Management Act 1991  
**In the matter** of the Urban Intensification Variation to the proposed  
Queenstown Lakes District Plan

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**SECTION 42A REPORT OF ELIAS JACOBUS (EJ) MATTHEE  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**CHAPTER 27 – Subdivision and Development - TEXT**

**6 June 2025**

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## **1. QUALIFICATIONS AND EXPERIENCE**

**1.1** My full name is Elias Jacobus (EJ) Matthee. I hold the position of Senior Policy Planner at Queenstown Lakes District Council (the Council or QLDC), a role I have held since July 2021.

**1.2** I hold a Bachelor of Arts in Development and the Environment, as well as a postgraduate Bachelor of Arts with Honours in Geographical Information Systems, majoring in Geography and Environmental Studies, both from the University of Stellenbosch, South Africa. Additionally, I have a Masters of City and Regional Planning from the University of Cape Town, South Africa, which is accredited by the Royal Town Planning Institute (RTPI). I am also an Associate Member of the New Zealand Planning Institute (NZPI).

**1.3** I have been employed by the Council for over 11 years. I initially spent approximately two years monitoring, and three to four years processing, resource consent applications. In 2019, I joined the Policy Planning team, where I began working on the Council's District Plan. My involvement has included drafting evidence for Stages 2 and 3 hearings and participating in appeal mediations. More recently, I co-led the preparation of the notified Urban Intensification Variation (UIV), drafted the provisions, and contributed to the Section 32 Evaluation Report.

**1.4** Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised that I give this evidence on its behalf in accordance with my duties under the Code of Conduct.

## **2. INTRODUCTION**

**2.1** In this section 42A report, I provide recommendations to the Independent Hearing Panel (**IHP**) on the submissions and further submissions on Chapter 27 – Subdivision

and Development of the Urban Intensification Variation (**UIV**) to the Proposed District Plan (**PDP**).

**2.2** A total of 271 submission points and 90 further submission points were received on these provisions.

**2.3** I consider the key matters raised, the reasoning and the relief sought in the submissions. I also consider whether the relief sought better achieves the relevant objectives of the applicable policy documents, and evaluate the appropriateness, including costs and benefits, of the requested changes in terms of s32AA of the RMA.

**2.4** When assessing the submissions, I refer to and rely on the evidence of:

- (a) Mr Cam Wallace, Barker and Associates (**B&A**) – Urban Design;
- (b) Ms Susan Fairgray, Market Economics (**ME**) – Economics;
- (c) Mr Richard Knott, Richard Knott Limited – Heritage;
- (d) Mr Richard Powell, Queenstown Lakes District Council – Three Waters Infrastructure;
- (e) Ms Amy Bowbyes, Queenstown Lakes District Council – s42A on Strategic Evidence, Arrowtown, and Chapters 2, 4 and 7;
- (f) Ms Corinne Frischknecht, Queenstown Lakes District Council – s42A Ch8, 9, Hāwea Residential; and
- (g) Ms Rachel Morgan, B&A – S42A Rezoning: Residential.

**2.5** The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:

- (a) National Policy Statement on Urban Development (**NPS-UD**);
- (b) Proposed Urban Intensification Variation – Section 32 Report (**s32 Report**);
- (c) Queenstown Lakes Proposed District Plan (**PDP**);
- (d) Queenstown Lakes Operative District Plan (**ODP**);
- (e) Regional Policy Statement 2019 for Otago (**ORPS 19**);
- (f) Proposed Otago Regional Policy Statement 2021 (**PRPS 21**) – decisions version;
- (g) Queenstown Lakes Spatial Plan 2021 – 2050;
- (h) QLDC Ten Year Plan 2021-2031 (**LTP**);

- (i) QLDC Annual Plan 2023-2024; and
- (j) QLD Housing & Business Capacity Assessments (**HBA**) (2017, 2021).

**2.6** I note that some numbering in the PDP has been updated since the notification of the UIV (through, for example, new provisions being included in the PDP via consent orders and Environment Court decisions). Because submission points refer to the numbering that existed at the time of the notification, I have taken that same approach in my evidence. That is why the equivalent provision in the PDP, may have a different provision number or refer to incorrect rule numberings within the provisions themselves.

**2.7** Changes I recommend to the notified Subdivision and Development Chapter 27 provisions in response to submissions and further submissions are included in **Appendix 1** of Ms Bowbyes' S42A – Strategic Evidence (**Strategic Evidence Appendix 1** hereafter), which contains a 'tracked' recommended chapter. My recommendations for accepting or declining submissions are included in **Appendix 2** of Ms Bowbyes' s42A (**Strategic Evidence Appendix 2** hereafter), alongside a summary of the relief sought in the submissions.

**2.8** Where a submission is in support of a notified provision and no other submissions have been received on that provision, I have not addressed the submission point. I recommend that these submission points are accepted, as shown in **Strategic Evidence Appendix 2**.

**2.9** Where a submission opposes a provision and does not provide any reasons, I have not addressed the submission point, unless no other submissions have been received on the provision.

**2.10** Where I recommend changes to the notified provisions, I provide an assessment of those changes in terms of section 32AA of the RMA within my report. The Section 32AA evaluations contain a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Therefore, recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

- 2.11** Throughout my evidence I refer to the various versions of the PDP text, as follows:
- (a) PDP Provision <##>.X.X: to refer to the Proposed District Plan (i.e. PDP Objective XX.2.1);
  - (b) notified Provision <##>.X.X: to refer to the notified version of a provision (i.e. Objective XX.2.1);
  - (c) S42A Provision <##>.X.X: to refer to the recommended version of a provision as included in **Strategic Evidence Appendix 1** (i.e. S42A Objective XX.2.1).

**2.12** My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### **3. EXECUTIVE SUMMARY**

**3.1** The key conclusion of my evidence are:

- (a) I consider that the notified amendments to Chapter 27 – Subdivision and Development remains appropriate, apart from one recommended amendment to notified rule 27.7.33.1.

### **4. CHAPTER 27 - SUBDIVISION AND DEVELOPMENT**

**4.1** The notified changes to Chapter 27 are summarised below:

- (a) notified Policy 27.2.1.4 includes consideration of greater diversity in housing typologies when assessing proposals to breach minimum allotment sizes in urban areas;
- (b) notified Policy 27.2.3.2 includes consideration of the future character intended for the zones when encouraging small scale lots and infill subdivision in urban areas;
- (c) notified Table 27.6.1 increases the minimum net site area for the High Density Residential Zone (**HDRZ**) from 450m<sup>2</sup> to 600m<sup>2</sup>, and decreases the minimum net site area for the Lower Density Suburban Residential Zone (**LDSRZ**) from 450m<sup>2</sup> to 300m<sup>2</sup>;
- (d) notified Rule 27.7.30 changes the minimum lot dimensions in the Medium Density Residential Zone (**MDRZ**) to 10m x 12m (in the PDP it is 12m x 12m),

- and introduces a new requirement for minimum lot dimensions of 12m x 15m in the LDSRZ and 20m x 20m in the HDRZ (whereby the existing PDP provisions do not have specified minimum lot dimensions for the LDSRZ and HDRZ, so that the default dimensions for “All others” of 15m x 15m applies);
- (e) notified Rule 27.7.32 provides exemptions for subdivision in the HDRZ, MDRZ and LDSRZ from complying with minimum allotment size in PDP Rule 27.6.1 and lot dimensions in PDP Rule 27.7.30 when each allotment to be created and the original allotment all contain at least one established residential unit. The amendment would increase the scope of notified Rule 27.7.32 so it applies to all residential development rather than infill development only;
  - (f) notified Rule 27.7.33 clarifies that the rule is applicable when subdivision associated with residential development is proposed where sites are less than 300m<sup>2</sup> in the LDSRZ; and
  - (g) notified Rule 27.7.33.1 allows for a reduction in the minimum net site area and minimum dimensions for subdivision in the LDSRZ where a combined land use and subdivision application is lodged, subject to the following amended requirements:
    - (i) removal of the existing PDP 5.5m maximum building height requirement. This amendment will align notified Rule 27.7.33.1 with the notified changes to the LDSRZ provisions<sup>1</sup> which also remove the current prescribed maximum permitted building height of 5.5m for infill dwellings;
    - (ii) removing the current requirement for development to be in accordance with the *certificate of compliance or resource consent*, to being required to be in accordance with the *approved landuse resource consent*;
    - (iii) inserting new requirements to show on the survey plan, where applicable, any areas intended for the exclusive use of each unit in addition to any common areas; and
    - (iv) inserting a new requirement that all service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided via an appropriate legal mechanism.

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1 Notified deletion of Rule 7.5.3 and Policy 7.2.3.2.

4.2 I now work through the provisions in the order they are in the chapter.

#### **Policy 27.2.1.4**

4.3 The notified changes comprise the inclusion of “*d. greater diversity in housing typologies*” to broaden the existing PDP policy to include consideration of greater diversity in housing typologies when assessing proposals to breach minimum allotment sizes in urban areas.

#### ***Matters raised by submitters***

4.4 There are 29<sup>2</sup> submission points in support and five<sup>3</sup> submission points in opposition to notified Policy 27.2.1.4. Where reasoning for the supporting submission has been provided it relates to supporting intensification in general. Several submitters in support<sup>4</sup> state that the notified policy will assist the Council in meeting its obligations under the NPS-UD, particularly Policy 5.

4.5 M Harris (10.95) seeks that allotment sizes be bigger. This submission point is discussed under the minimum lot/site area rules below.

4.6 Two submission points are location specific. B Pooley’s (71.10) submission point relates to being against the proposed intensification in Arrowtown. B Thomson (533.26) seeks that there be no change to the provision as it relates to Wānaka.

4.7 D Carroll (7.14) seeks that QLDC not include consideration of greater diversity in housing typologies in Policy 27.2.1.4. H Walker (183.19) seeks that the notified amendments to the policy be rejected. No specific reasoning for their positions has been provided, other than being against intensification in general.

#### **Assessment**

4.8 As outlined in the s32 Report,<sup>5</sup> one of the main objectives of the UIV is to enable more opportunities for housing diversity in the district. The NPS-UD specifically highlights

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2 Submission points: 498.9, 652.13, 653.13, 654.13, 830.17, 831.14, 832.16, 833.24, 834.11, 835.14, 836.14, 836.39, 838.14, 839.11, 840.10, 962.13, 969.13, 975.13, 978.13, 979.13, 980.13, 988.13, 992.13, 993.13, 996.13, 997.13, 1001.13, 1003.12, 1010.13.

3 Submission points: 7.17, 10.95, 71.10, 183.19, 533.26.

4 Submission Points: 1001.13, 1003.12, 1010.13, 652.13, 653.13, 654.13, 962.13, 969.13, 975.13, 978.13, 979.13, 980.13, 988.13, 992.13, 993.13, 996.13, 997.13.

5 Proposed Urban Intensification Variation – Section 32 Report (s32) – Page 27.

the importance in achieving a well-functioning urban environment (Objective 1 and Policy 1) and seeks that urban environments develop and change over time in response to the diverse and changing needs of people, communities and future generations (Objective 4).

**4.9** Notified Policy 27.2.1.4 recognises that the provision of a greater diversity of housing typologies is a valid consideration for when non-compliance with the minimum allotment sizes is proposed. In my view, enabling diversity of housing typologies contributes to achieving well-functioning urban environments and assists with implementing Objective 1 and Policy 1 of the NPS-UD.

**4.10** Regarding the submissions opposing the notified amendments to Policy 27.2.1.4 as they relate to Arrowtown and Wānaka, I note that no reasoning has been provided by submitters, other than general opposition to intensification. Ms Bowbyes' Strategic s42A, at Section 5, explains that implementation of the NPS-UD is a requirement for local authorities and no exclusions to the density rules in Wānaka or Arrowtown have been recommended in the evidence of Ms Bowbyes. I therefore do consider that the notified Policy 27.2.1.4 should apply in these areas as it would give effect to the NPS-UD, particularly Policy 1 in contributing to well-functioning environments.

#### Summary of Recommendation

**4.11** For the reasons given in the assessment, I recommend that the submissions in support of notified Policy 27.2.1.4 be accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

#### **Policy 27.2.3.2**

**4.12** The notified changes to Policy 27.2.3.2 seek to include consideration of the future character intended for the zones when encouraging small scale lots and infill subdivision in urban areas.

### ***Matters raised by submitters***

- 4.13** There are 29<sup>6</sup> submissions points in support and four<sup>7</sup> submission points in opposition to notified Policy 27.2.3.2. Several submitters in support<sup>8</sup> state that the proposed changes will assist the Council in meeting its obligations under the NPS-UD, particularly Policy 5.
- 4.14** D Laroche (31.2) seeks that medium density housing is incentivised as it would make Queenstown more prosperous, and that one to two storey housing should be discouraged solely based on aesthetic beauty.
- 4.15** M Harris (10.96) seeks that buildings be kept low, with lots of space around them. Building heights are addressed within the height rules of the respective urban zone chapters and are not regulated by the subdivision chapter.
- 4.16** L Walsh-Pasco (375.4) seeks that section sizes should remain the same as they are currently and not allow any infill buildings.

### **Assessment**

- 4.17** The intent of the notified amendments to Policy 27.2.3.2 is to recognise that the character of neighbourhoods is anticipated to change over time. The future character of neighbourhoods is described in respective zone chapters of the PDP. In some instances, the change will be a result of provisions amended by the UIV, and in others it may be the result of a zone change.
- 4.18** In my view notified Policy 27.2.3.2 will assist with achieving Objective 4 of the NPS-UD which seeks that urban environments, including their amenity values, develop and change over time. It will also assist with implementing Policy 6 of the NPS-UD, which directs decision-makers to have particular regard to the planned urban built form in the RMA planning documents that implement the NPS-UD which may involve significant changes to an area, and those changes may detract from amenity values appreciated by some people.

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6 Submission points: 498.10, 652.14, 653.14, 654.14, 830.18, 831.15, 832.17, 833.25, 834.12, 835.15, 836.15, 836.40, 838.15, 839.12, 840.11, 962.14, 969.14, 975.14, 978.14, 979.14, 980.14, 988.14, 992.14, 993.14, 996.14, 997.14, 1001.14, 1003.13, 1010.14.

7 Submission points: 10.96, 31.2, 375.4, 498.11.

8 Submission Points: 1001.14, 1003.13, 1010.14, 498.10, 652.14, 653.14, 654.14.

**4.19** Encouraging small scale and infill subdivision is a key method to implement Policy 5 of the NPS-UD, as it enables increased opportunities for the efficient use of urban land. In my view the notified version of Policy 27.2.3.2 is appropriate, as it acknowledges that infill development may change the character of an area, and the zones will describe intended character, which in many parts of the urban environment will be different to the existing character.

#### Summary of Recommendation

**4.20** For the reasons given in the assessment, I recommend that the submission in support of notified Policy 27.2.3.2 be accepted and the submission in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

#### **Objectives and Policies – General**

**4.21** N Douglas (37.1) opposes the Chapter 27 Objectives and Policies in general and seeks that the existing provisions (PDP status quo) be retained. The submitter states that there is no infrastructure to support the growth, that it will not lead to affordable housing as the land cost is too high and that the loss of sunlight in Arrowtown is a concern.

#### Assessment

**4.22** The NPS-UD requires Tier 2 authorities to implement Policy 5 of the NPS-UD, which necessitates changes to district plans to enable more efficient use of urban land, primarily through amending heights and density of urban form in appropriate locations. In my view, the current policies in Chapter 27 require the notified amendments in order to implement the NPS-UD. The notified amendments to Policies 27.2.1.4 and 27.2.3.2 seek to align Chapter 27 with the height and density changes notified for the urban zones.

**4.23** In my view, the relief sought by the submitter would result in misalignment between Chapter 27 and the urban zones, which would not assist with implementing Policy 5 of the NPS-UD and would be inefficient, ineffective and a less appropriate option than the notified proposal.

### Summary of Recommendation

**4.24** For the reasons given in the assessment, I recommend that the relief sought in submission point 37.1 be rejected as outlined in **Strategic Evidence Appendix 2**.

### **Rule 27.5.7 – Subdivision Activities – District Wide – all urban subdivision activities**

**4.25** The UIV did not notify any changes to Rule 27.5.7, which prescribes restricted discretionary activity status for urban subdivision activities (unless provided for elsewhere in the provisions) within the zones listed in Rule 27.5.7.

### ***Matters raised by submitters***

**4.26** Four<sup>9</sup> submission points were received in opposition to PDP Rule 27.5.7.

**4.27** John O'Shea, et al. (198.7) oppose PDP Rule 27.5.7 and seek to include the following matter of discretion: *At Lot 2 DP 18304, Lot 1 DP 18304 and Lot 3 DP 25998 in Wānaka, impacts on the groundwater table, land stability and natural hazard risk.*

**4.28** Cheryl and Allan Robert *et al.* (859.15 and 7) oppose Rule 27.5.7 to the extent that it applies in Wānaka and seeks to include the following matter of discretion: *In Wānaka, impacts on the groundwater table, land stability and natural hazard risk.*

**4.29** Fire and Emergency New Zealand (**FENZ**) (709.20) relief is discussed in the next section.

### Assessment

**4.30** Submitters raise concerns about the impacts of construction on the groundwater table/aquifer and associated natural hazard risk in Wānaka and within specific sites in Wānaka.

**4.31** Regarding the natural hazard risk, I note that PDP Rule 27.5.7 contains an existing matter of discretion 'ie. *the adequacy of measures to address the risk of natural hazards*' that enables consideration of natural hazard risk.

**4.32** Additionally, the Natural Hazards Chapter 28 of the District Plan sets a policy framework to address land uses and natural hazards throughout the District. PDP Rule 27.4.3.1 also explains that all subdivision can be assessed against a significant risk from

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<sup>9</sup> Submission points: 198.7, 709.20, 859.15, 859.7.

natural hazard through the provisions of section 106 of the RMA. Section 106 of the RMA enables consent authorities the ability to refuse subdivision consent or grant consent subject to conditions in certain circumstances, if an authority considers that there is a significant risk from natural hazards.

- 4.33** PDP Chapter 2 - Definitions does not include a definition of 'natural hazard', and the definition in s2 of the RMA applies<sup>10</sup>:

***natural hazard** means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment*

- 4.34** PDP Chapter 28, at provision 28.2 lists known natural hazards in the District, including flooding, inundation and land instability.

- 4.35** Regarding impacts on the groundwater table/aquifer, associated with potential increased earthworks and in-ground structures (excavation into the water table) and associated dewatering and spring depletion effects, Ms Frischknecht and Ms Morgan respectively also address submission points on this matter. Ms Morgan discusses the appropriateness of the notified zones including the extent of the MDRZ and level of intensification proposed in central Wānaka.

- 4.36** While more intensification is enabled, including through subdivision, it is important to highlight that no changes were notified to relax applicable earthworks rules in this regard. PDP Chapter 25 – Earthworks address earthworks that affect an aquifer, including Rule 25.5.20 which requires restricted discretionary activity consent for earthworks undertaken below the water table of any aquifer, or that cause artificial drainage of any aquifer.

- 4.37** The natural hazards assessment matters for earthworks at PDP Rule 25.8.9.3 also require consideration of *“whether the earthworks and final ground levels will*

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10 Pursuant to Chapter 2 – Definitions provision 2.1b, where a term is not defined within the plan, reliance will be placed on the definition in the RMA, where there is such a definition.

*adversely affect an aquifer or an overland flow path or increase the potential risk of flooding within the site or surrounding sites.”* There is also an advice note at 25.3.3.1d, that highlights that earthworks activities that result in the exposure of groundwater aquifers are subject to the Otago Regional Council Regional Plan: Water for Otago 2004.

**4.38** In my view, while subdivision may enable more intensification it does not enable in-ground structures or earthworks into the groundwater table. These matters are sufficiently addressed by the rules outlined above. Also, existing matter of discretion (e) in PDP Rule 27.5.7 already enables consideration of measures to assess the risk of natural hazards, and s106 of the RMA further provides grounds for a subdivision consent application to be refused, in respect of significant risk.

**4.39** I therefore consider that PDP Rule 27.5.7, alongside the existing earthworks rules, is appropriate to enable consideration of the matters raised by the submissions.

#### Summary of Recommendation

**4.40** For the reasons given in the assessment, I recommend that the relief sought in submission points 198.7 and 859.15 and 17 be rejected as outlined in **Strategic Evidence Appendix 2**.

#### **Rules 27.5.7 to 27.5.9 – Fire and Emergency New Zealand – Relief sought**

**4.41** The notified provisions do not propose any changes to PDP Rules 27.5.7 to 27.5.9.

**4.42** As discussed above, PDP Rule 27.5.7 prescribes restricted discretionary activity status for urban subdivision activities (unless provided for elsewhere in the subdivision provisions) within the zones listed in PDP Rule 27.5.7. PDP Rule 27.5.8 prescribes restricted discretionary activity status for subdivision in the Rural Residential and Rural Lifestyle Zones. PDP Rule 27.5.9 provides for subdivision activities in the Wakatipu Basin Rural Amenity Zone (including the Lifestyle Precinct). Each of these rules list matters of discretion.

**Matters raised by submitters**

**4.43** FENZ (709.20,21,22) oppose PDP Rules 27.5.7 to 27.5.9 and seek to include the following matters of discretion, replicated in each rule:

...

c. property access and roading including adequate emergency service access;

...

f. fire fighting water supply in compliance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (SNZ PAS 4509:2008);

**4.44** FENZ explains that with an anticipated increase in population density, they wish to ensure that the well-being of the community is provided for through due consideration of firefighting water supply and access provisions.

**4.45** Regarding the changes sought to PDP Rules 27.5.8 and 27.5.9, these rules apply to zones located outside the urban environment. In my view, these zones are not within scope of the UIV or the urban environment, as defined by the NPS-UD. The notified UIV does not propose intensification in non-urban zones. FENZ's reason for the relief sought is that it is needed as a consequence of intensification, however intensification is not proposed in non-urban areas. In my view, the relief sought is not within scope of the UIV and is not appropriate. I therefore do not consider it further.

**4.46** Regarding the amendments sought by FENZ to matter of discretion 27.5.7(c), emergency service access is already a component of the words 'property access', and in my view the relief sought is superfluous. Additionally, the word 'adequate' sought by the submitter is vague and may cause confusion as to what constitutes 'emergency service access' and whether or how it is different to other types of property access.

**4.47** Regarding the amendment sought to matter of discretion 27.5.7(f), the firefighting water supply standards SNZ PAS 4509 are already included within the QLDC Land Development and Subdivision Code of Practice<sup>11</sup> (**Code of Practice**). Whether services

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11 <https://www.qldc.govt.nz/media/ohqdyoyt/2018-qldc-land-development-and-subdivision-code-of-practice.pdf>

are to be provided in accordance with the Code of Practice is also already a listed assessment matter (h) under Rule 27.9.3.1 (Assessment Matters in relation to Rule 27.5.7 Urban Subdivision Activities), which are listed matters which the Council shall have regard to in considering whether or not to grant consent or impose conditions under Rules 27.5.7. I consider that the current Assessment Matter (h) along with the existing matter of discretion (f) is sufficient to ensure opportunity for consideration of standard SNZ PAS 4509.

**4.48** In my view the amendments sought to 27.5.7 (c) and (f), would add unnecessary complexity to the current matters of discretion in Rule 27.5.7 and I am not persuaded that the relief sought is more appropriate than the existing PDP version of the rule.

#### Summary of Recommendation

**4.49** For the reasons given in the assessment, I recommend that the relief sought by FENZ in submission points 709.20,21,22 be rejected as outlined in **Strategic Evidence Appendix 2**. As far as the relief applies to subdivision in the rural area, I consider that to be out of scope of the UIV.

#### **Rule 27.6 – Standards for Minimum (Vacant) Lot Areas**

**4.50** Rule 27.6 prescribes the standards for minimum lot areas in each zone. The notified amendments to Rule 27.6 comprise a proposed increase in the minimum lot area for the HDRZ from the existing 450m<sup>2</sup> to 600m<sup>2</sup> and a decrease in the prescribed minimum lot area for the LDSRZ from the existing 450m<sup>2</sup> to 300m<sup>2</sup>. No change to the minimum lot area of 250m<sup>2</sup> for the MDRZ was notified. The table below summarises these changes with additions shown as underlined and deletions shown with strikethrough:

Zone		Minimum Lot Area
Town Centres		No minimum
Local Shopping Centre		No minimum
Business Mixed Use		200m <sup>2</sup>
	Frankton North	No minimum
Airport		No minimum
Coneburn Industrial	Activity Area 1a	3000m <sup>2</sup>
	Activity Area 2a	1000m <sup>2</sup>
Residential	High Density	<u>600</u> <del>450</del> m <sup>2</sup>
	High Density at Frankton North	No minimum
	Medium Density	250m <sup>2</sup>
	Lower Density Suburban	<u>300</u> <del>450</del> m <sup>2</sup>

### ***Matters raised by submitters***

**4.51** Sixty-four<sup>12</sup> submission points were received in opposition to Rule 27.6 and 12<sup>13</sup> submission points were received in support.

**4.52** I Barabi's (838.17) submission point in support relates to site dimensions which is addressed below. Canyon Ridge Villas Limited's (839.22) relief relates to provision 7.44 in the LDSRZ chapter, which is addressed in the evidence of Ms Bowbyes on Chapter 7 – LDSRZ.

**4.53** The remaining 45 submission points relate to the Minimum Lot Areas provisions and have been categorised as follows.

### ***Areas specific***

**4.54** From the opposing submission points 15<sup>14</sup> submission points specifically relate to Arrowtown, two<sup>15</sup> relate to Hāwea, five<sup>16</sup> to Wānaka, two<sup>17</sup> to Kelvin Heights and three<sup>18</sup> to specific sites in Queenstown. These opposing submission points are against intensification within these specific locations.

**4.55** Two<sup>19</sup> supporting submission points relate to Wānaka and support smaller section sizes, but not height increases.

### ***General***

**4.56** Two<sup>20</sup> submission points were received in support of the notified changes in general. E Hardman (389.39) considers that the notified amendments to the minimum lot sizes will enable development to be achieved in accordance with Policy 5 of the National Policy Statement on Urban Development while not compromising the amenity and

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12 These include submission points: 10.97, 1001.16, 1003.15, 71.11, 129.1, 1010.16, 1066.11, 161.6, 173.2, 179.4, 1067.7, 1074.6, 188.1, 1125.3, 205.4, 1168.20, 1168.21.

13 Submission points: 1063.1, 1074.25, 1184.1, 1253.15, 389.39, 398.4, 659.12, 834.13, 836.28, 838.17, 839.13, 840.12.

14 Submission points: 71.11, 129.1, 161.6, 173.2, 179.4, 188.1, 205.4, 273.4, 438.3, 540.4, 844.6, 1073.4, 1067.7, 1112.2, 1174.8.

15 Submission points: 565.17 and 565.3.

16 Submission points: 228.23, 183.20, 533.27, 752.2, 801.2.

17 Submission points: 417.4 and 489.2.

18 Submission points: 59.5, 458.3, 508.5.

19 Submission points: 1063.1 and 1184.1.

20 Submission points: 389.39 and 398.4.

function of surrounding sites. Two<sup>21</sup> submission points were received in opposition to the notified changes in general with no specific reasoning provided.

**4.57** QAC (822.15) seeks that the status quo for subdivision (minimum lot areas PDP Rule 27.6.1) is maintained for all zones that are located within the Queenstown Airport Air Noise Boundary (**ANB**) and Outer Control Boundary (**OCB**). Reasoning includes to ensure continued effective airport operations. I note that no changes were notified in this regard.

*LDSRZ – notified 300m<sup>2</sup>*

**4.58** Ten<sup>22</sup> opposing submission points and six<sup>23</sup> supporting submission points are specifically on the notified 300m<sup>2</sup> minimum lot area for the LDSRZ.

**4.59** Reasoning provided from these supporting submission points include:

- (a) RCL Henley Downs Limited (1253.15) consider that the notified amendments to Rule 27.6.1 (for the LDSRZ) would 'be consistent with and give effect to the objectives and policies of the Variation;
- (b) NODROG 2021 and Gordon Trustees (2018) Limited (659.12) consider that the proposed amendment to the LDSRZ will remove barriers to infill development and will assist in delivering intended outcomes of the UIV and the NPS-UD; and
- (c) Four<sup>24</sup> submitters consider that it will assist the Council in meeting the obligations under the NPS-UD, in particular Policy 5.

**4.60** Most opposing submission points seek for the changes to be rejected and the existing 450m<sup>2</sup> rule to be retained. A Sandhu (1074.6) specifically seeks for the minimum lot size to be 400m<sup>2</sup>. Where reasoning has been provided, it relates to being against intensification in general or concerns around character, amenity, sunlight/shading, transport or infrastructure.

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21 Submission points: 10.97 and 358.18.

22 Submission points: 134.19, 134.8, 155.1, 365.8, 564.4, 596.5, 948.16, 1066.11, 1074.6, 1209.4.

23 Submission points: 1253.15, 659.12, 834.13, 836.28, 839.13, 840.12.

24 Submission points: 834.13, 836.28, 839.13, 840.12.

*MDRZ – existing 250m<sup>2</sup>*

**4.61** Two submission points are on the existing MDRZ standard for which no changes were notified R & A Walker (134.8) opposes allowing sites down to 250m<sup>2</sup> in the MDRZ and consider that it will compromise the character and amenity values of the MDRZ areas. J McLean (1125.3) seeks that there be limited size reduction to sections in the central MDRZ area. The relief is not clear what central area it is referring to however the submission is generally on the notified MDRZ area around the Wānaka Town Centre (**WTC**).

*HDRZ – notified 600m<sup>2</sup>*

**4.62** 23<sup>25</sup> submission points relate to the proposed changes to the HDRZ standard. 18<sup>26</sup> of these submitters consider that not all land within the HDRZ is suitable for high level intensified urban development, that large scale urban developments within the HDRZ tend to develop across multiple smaller and/or irregularly shaped parcels of land which are accumulated by the developer; and that the existing standard (450m<sup>2</sup>) should remain to provide a degree of flexibility for multiple development scenarios in the HDRZ.

**4.63** Well Smart (1168.20-21) and A and L Rankin (1170.13) states that the minimum lot area should not be more restrictive than the MDRZ and prefer a 150m<sup>2</sup> minimum lot area for the HDRZ. They reason that it will align with the NPS-UD and will support appropriate urban development processes and outcomes, whereas the proposed provisions opposed by this submission will frustrate the intent of the NPS-UD.

**4.64** MLNZ Trust (458) seeks that notified Rule 27.6.1 be amended so that the 450m<sup>2</sup> minimum lot size for subdivision is retained in relation to the HDRZ Site at 259 and 267 Frankton Road or, alternatively, that notified Rule 27.5.22 be amended so that non-compliance with the minimum lot size in this location is a discretionary rather than a non-complying activity at the Site.

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25 Submission points: 134.24, 652.16, 653.16, 654.16, 833.32, 948.16, 962.16, 969.16, 975.16, 978.16, 979.16, 980.16, 988.16, 992.16, 993.16, 996.16, 997.16, 1001.16, 1003.15, 1010.16, 1168.20, 1168.21, 1170.13.

26 Submission points: 652.16, 653.16, 654.16, 833.32, 962.16, 969.16, 975.16, 978.16, 979.16, 980.16, 988.16, 992.16, 993.16, 996.16, 997.16, 1001.16, 1003.15, 1010.16.

**4.65** Willowridge (948.16) seeks that notified Rule 27.6.1 be amended to 250m<sup>2</sup> as the minimum lot size because it would be more appropriate as the notified dimensions are greater than the MDRZ and LDSRZ. Also, that not all development in the HDRZ will be multiunit and the minimum lot size should provide for high density single unit development.

**4.66** R and A Walker (134.24) is opposed to the notified change but provide no specific reasoning for the opposition to the HDRZ minimum lot size notified.

#### Assessment

##### *Area specific*

**4.67** Submissions on Arrowtown are addressed within Ms Bowbyes' evidence on Arrowtown and the submission on Hāwea is addressed within the evidence of Ms Frischknecht. Ms Bowbyes in her Strategic s42A addresses submissions that are against intensification in general, with no exceptions made, including for Wānaka and Kelvin Heights and Ms Morgan addresses submissions for specific sites.

**4.68** I refer to and rely on the evidence for these specific areas, and I therefore do not consider that bespoke lot area rules should apply in these locations.

##### *General*

**4.69** Regarding submission points in general. I generally agree with the supporting submission point, E Hardman (389.39) that the notified changes will enable development in accordance with Policy 5 of the NPS-UD. Regarding submission points in general opposition, I note that no specific reasoning has been provided and that the strategic s42A of Ms Bowbyes explains that intensification is not optional.

**4.70** In the absence of any detail provided for the opposing submission points on how the provision can be amended, while still implementing the NPS-UD national direction, I am not persuaded that the relief sought is more appropriate than the notified version.

**4.71** Regarding the opposing submission point from QAC (822.15) seeking that the status quo for minimum lot areas is maintained inside the ANB and the OCB, I note that no changes are proposed in this regard.

*LDSRZ– notified 300m<sup>2</sup>*

- 4.72** The notified change to the minimum lot area standard aims to remove a barrier to achieving the density already intended to be enabled within the LDSRZ. This will provide more flexibility for infill or redevelopment to occur in the LDSRZ through subdivision as opposed to requiring a land use consent through Rule 7.4.9.<sup>27</sup>
- 4.73** The standard will enable subdivision down to a minimum net lot area of 300m<sup>2</sup> without having to also obtain land use consent. However, a restricted discretionary activity subdivision consent would still be required which is subject to assessment against a comprehensive suite of matters of discretion in PDP Rules 27.5.7, and associated assessment matters in PDP 27.9.3.1.
- 4.74** Compliant (land use) development in the newly created lots will subsequently be a permitted activity in accordance with notified Rule 7.4.4. However, development will still be subject to the bulk and location rules/standards for the LDSRZ, which have been modelled in the Urban Design Report appended to the s32 Report. This modelling found that the notified bulk and location provisions will still ensure adequate amenity values within the LDSRZ.
- 4.75** Where reasoning has been provided by the opposing submission points it relates to concerns around transport or infrastructure constraints and character, amenity, sunlight/shading effects.
- 4.76** Before addressing the reasoning, I note that while the notified change will increase the commercial feasibility of infill/redevelopment development, it is not increasing the plan enabled capacity within the LDSRZ as a density of 1 in 300m<sup>2</sup> is already enabled through existing Rule 7.4.8 (notified Rule 7.4.9).
- 4.77** Regarding transport and infrastructure constraints, I note that existing PDP Rule 7.4.8 already enables this density without the need to consider transport or infrastructure

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27 I note that even smaller lot sizes, but no bigger than 300m<sup>2</sup> average net area, are enabled by Rule 7.4.9, in conjunction with notified rule 27.7.32 and 27.7.33.

constraints. However, with infill and redevelopment within the LDSRZ being more commercially feasible, existing constraints could become apparent sooner.

**4.78** In this regard, as it relates to three waters infrastructure, Mr Powell acknowledges in section 4.3 of his evidence that a density of 1 in 300m<sup>2</sup> within the LDSRZ is already planned for. However, subdivision applications would still be subject to Rules 27.5.7 (matters of discretion f-j) and assessment matters in 27.9.3.1 (h) which will ensure that the proposed lots are serviced.

**4.79** Regarding transport constraints, parking shortages and congestion are typical challenges in growing urban environments. They highlight the importance of achieving efficient densities within the existing urban environment to support public transport and active transport networks, rather than continued car dependant sprawl. With most of the LDSRZ being accessible by active transport, I consider that a more efficient use of the LDSRZ land, as opposed to continued sprawl, could help alleviate transport constraints.

**4.80** Ms Bowbyes addresses amenity effects associated with increase densities and built form in her evidence on Chapter 7 – LDSRZ. However, I will also address it here as it relates to minimum lot areas.

**4.81** Most of the concerns raised by submitters relate to a perceived loss of existing amenity values. These concerns around “amenity effects” primarily focus on residential amenity values for existing residents (e.g. sunlight, views) while excluding broader amenity considerations. This is a narrow interpretation that does not align with Objective 4 and Policy 6 of the NPS-UD.

**4.82** Instead, amenity should be considered more broadly and in relation to the wider population, including future generations so that changes of or effects on existing amenity values must be balanced against the need to meet the diverse and changing needs of people, communities, and future generations.

**4.83** Mr Wallace considers submissions on the notified minimum lot size within the LDSRZ in section 10 of his evidence and provides modelling (Figure 3) to demonstrate that it

is still possible to develop conventional housing when the relevant notified development standards are also applied. Ms Fairgray has modelled the impact of this notified change on capacity and explains in section 4.23 and 5.18-5.19 of her evidence that it would significantly increase the capacity.

**4.84** In my view, the reduction of the minimum lot size within the LDSRZ to 300m<sup>2</sup> will remove a barrier to intensification and will enable a more efficient use of urban-zoned land and assist with implementing Policy 1 and 5 of the NPS-UD. This will also align with Objective 4 and Policy 6 of the NPS-UD and assist with achieving PDP SO 3.2.2<sup>28</sup> and SP 3.2.2.1: Urban development occurs in a logical manner as to: a) promote a compact, well designed and integrated urban form; f) ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in; and h) be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure.

*MDRZ – PDP 250m<sup>2</sup> (no change through the UIV)*

**4.85** No changes are proposed to the current minimum lot area standard of 250m<sup>2</sup> for the MDRZ. R & A Walker (134.8) consider that the standard would compromise the character and amenity values of the MDRZ area and J McLean (1125.3) seek that there be limited size reductions to sections in the central MDRZ (referring to Wānaka).

**4.86** As no change is proposed to the existing minimum lot area standard, it will not enable more density or smaller lot sizes that could have effects on the character and amenity values (compared to the status quo in the PDP). Rather the notified amendments to the density and built form standards within Chapter 8 – MDRZ would enable more intensification within the MDRZ and Ms Frischknecht considers the associated character and amenity effects within her evidence on Chapter 8. Ms Frischknecht concludes that the intensification enabled will give effect to the PDP strategic objectives and Policy 5 of the NPS-UD and that the bulk and location standards would still achieve acceptable levels of amenity within this context.

**4.87** Mr Wallace in section 4.2.1 of the Urban Design Report that accompanied the S32 Report explains that the existing 250m<sup>2</sup> vacant lot standard is appropriate, and that

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28 Urban growth is managed in a strategic and integrated manner.

the density enabled by the notified MDRZ standards is sufficiently provided for through the land use consent pathway.

**4.88** I therefore consider that the existing minimum lot/site standard of 250m<sup>2</sup> within the MDRZ is appropriate, and that combined with the notified amendments to the density and built form standards within Chapter 8, it will enable efficient use of urban-zoned land and would assist with implementing Policy 1 and 5 of the NPS-UD. This will also align with Objective 4 and Policy 6 of the NPS-UD and assist with achieving PDP SO 3.2.2 and SP 3.2.2.1(a) and (f) (set out above).

*HDRZ – notified 600m<sup>2</sup>*

**4.89** As outlined above, submitters in opposition to the notified change to 600m<sup>2</sup> are seeking retention of the existing 450m<sup>2</sup> minimum lot area or that a lot area of 250m<sup>2</sup> or 150m<sup>2</sup> should apply. The reasons are largely to retain flexibility to be able to also develop smaller lots. The notified change is largely an effort to reduce fragmentation of the HDRZ land, which would create a barrier for future larger scale HDRZ development if sold to individual landowners. Mr Wallace explains this in section 10.1-10.3 of his evidence and Ms Fairgray considers this in section 5.56-61 of her evidence.

**4.90** This notified change is also aimed at limiting vacant lot subdivisions for development at lower densities such as detached dwellings. However, the land use development pathway (notified Rule 9.4.5 and 27.7.32) is still available to developers at any density and Ms Fairgray explains that the greater returns from development of these sites at a higher intensity (than detached dwellings) is likely to already discourage the development of detached dwellings and she considers the notified change to only have limited economic benefit.

**4.91** The effect of the notified rule therefore only reduces the likelihood that smaller vacant lots would be developed, it does not prevent developers to develop the land at any density through the land use consent pathway. I therefore do not agree with the submitters that there is no flexibility, and I do not consider this a reason to keep the existing minimum lot /site area. Also, while it may not have much economic benefit in

the long term, I do consider that in practice, land fragmentation with associated fragmented ownership can create a significant barrier to higher density development.

**4.92** I therefore consider that the notified minimum lot/site standard of 600m<sup>2</sup> within the HDRZ is appropriate, that it will help reduce land fragmentation and enable efficient use of urban-zoned land. This will assist with implementing Policy 1 and 5 of the NPS-UD and would help provide for the diverse and changing needs of people, communities, and future generations in accordance with Objective 4 and Policy 6 of the NPS-UD. It will also assist with achieving PDP SO 3.2.2 and SP 3.2.2.1 (a) and (f), set out above.

#### Summary of Recommendations

**4.93** For the reasons given in the assessment, I recommend that the submission in support of notified amendments to the minimum lot/site area be accepted and the submission in opposition to existing and notified amendments be rejected as outlined in **Strategic Evidence Appendix 2**.

#### **Rule 27.7.30 - Lot Dimensions**

**4.94** The notified changes to the minimum dimensions of lots/sites includes:

- (a) amendments to the MDRZ from 12m x 12m to 10m x 12m;
- (b) a new minimum dimension of 12m x 15m in the LDSRZ as opposed to the existing default (All others) of 15m x 15m; and
- (c) a new minimum dimension of 20m x 20m in the HDRZ as opposed to the existing default (All others) of 15m x 15m.

**4.95** The table below summarises these changes with additions shown as underlined and deletions shown with strikethrough:

Zone		Minimum Dimensions (m = Metres)
Residential	<u>High Density</u>	<u>20m x 20m</u>
	Medium Density	<u>102m x 12m</u>
	<u>Low Density</u>	<u>12m x 15m</u>
	Large Lot	30m x 30m
	All others	15m x 15m
Settlement	All Settlements	15m x 15m
Rural Residential	Rural Residential (inclusive of sub-zones)	30m x 30m

### ***Matters raised by submitters***

**4.96** 44 submission points were received on the notified minimum dimension standards. Six<sup>29</sup> specifically relate to Arrowtown. Ms Bowbyes address the Arrowtown submissions in her evidence on Arrowtown. The remaining 46 submission points relate to the subdivision provisions and can be categorised as follows.

#### *General / Area Specific*

**4.97** Two<sup>30</sup> submission points were received in general support of the changes and five<sup>31</sup> were received in opposition to the changes in general. B Thomson (533.28) submits in opposition to the notified changes as they relate to Wānaka. Where reasoning is provided, it relates to being for or against intensification in general or concerns around character and amenity effects.

#### *LDSRZ – notified 12m x 15m*

**4.98** Five<sup>32</sup> submission points are specifically on the notified LDSRZ lot dimensions seeking for the existing PDP 15m x 15m rule to be retained. A Sandhu (1074.7) seeks that the dimension is changed to 14m x 15m.

**4.99** No specific reasoning has been provided other than being against intensification in general due to a range of concerns around character, amenity, sunlight/shading, transport or infrastructure.

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29 Submission points: 188.2, 189.3, 203.3, 289.8, 296.7, 685.3.

30 Submission points: 389.40 and 398.5.

31 Submission points: 59.6, 183.21, 358.15, 399.4, 498.12.

32 Submission points: 228.24, 446.15, 834.25, 1066.12, 1074.7.

*MDRZ – notified 10m x 12m*

**4.100** Five<sup>33</sup> submission points were received in support and four<sup>34</sup> in opposition on the notified MDRZ lot dimensions.

**4.101** Two of the opposing submission points request specific relief. A Sandhu (1074.11) seeks that the dimension is changed to 11m x 12m. RCL Henley Downs Limited (1253.16) seeks that the dimension is changed to 8m x 10m. RCL Henley consider that the dimensions sought are better suited to achieving a medium density housing typology and that the notified dimensions unnecessarily restrict small / narrow lot options which cannot appropriately accommodate houses.

**4.102** Where reasoning for opposing submission points is provided, it either relates to seeking larger or smaller dimensions as outlined above or it relates to being against intensification in general and concerns around character, amenity, sunlight/shading, transport or infrastructure.

*HDRZ – notified 20m x 20m*

**4.103** 22 submission points<sup>35</sup> were received in opposition and one<sup>36</sup> in support, related to the notified change to the HDRZ minimum dimension standard.

**4.104** D Laroche's (31.3) supporting submission point seeks that the high density could even be made larger as we must build up, rather than build across, to avoid destroying wild places.

**4.105** Most opposing submission points<sup>37</sup> seek that the increased square platform requirement when creating vacant lots within the HDRZ be rejected and that the existing requirement of 15m x 15m be retained. 18<sup>38</sup> of these submitters consider that: not all land within the HDRZ is suitable for high level intensified urban development;

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33 Submission points: 830.20, 831.17, 833.27, 835.17, 836.17.

34 Submission points: 217.4, 596.6, 1074.11, 1253.16.

35 Submission points: 134.24, 652.16, 653.16, 654.16, 833.32, 962.16, 969.16, 975.16, 978.16, 979.16, 980.16, 988.16, 992.16, 993.16, 996.16, 997.16, 1001.16, 1003.15, 1010.16, 1168.20, 1168.21, 1170.13.

36 Submission point: 31.3.

37 These include submission points: 1001.17, 1003.16, 1010.17, 652.17, 653.17, 654.17, 833.33, 962.17, 969.17, 975.17, 978.17, 979.17, 980.17, 988.17, 992.17, 993.17, 996.17, 997.17, 1168.22.

38 Submission points: 1001.17, 1003.16, 1010.17, 652.17, 653.17, 654.17, 833.33, 962.17, 969.17, 975.17, 978.17, 979.17, 980.17, 988.17, 992.17, 993.17, 996.17, 997.17.

that large scale urban developments within the HDRZ tend to develop across multiple smaller and/or irregularly shaped parcels of land which are accumulated by the developer; and that the existing standard should remain to provide a degree of flexibility for multiple development scenarios in the HDRZ.

**4.106** Well Smart (1168.22) and A. & L. Rankin (1170.14) consider that the HDRZ should not be more restrictive than the MDRZ and A. & L. Rankin prefer a dimension of 8m x 12m.

**4.107** Willowridge (948.17) consider that the notified 20m x 20m dimensions would be impractical to achieve alongside the minimum lot size of 250m<sup>2</sup> sought by the submitter (addressed above) and seeks that the minimum lot dimensions be removed to reflect this.

#### Assessment

##### *Area specific*

**4.108** Submissions on Arrowtown are addressed in Ms Bowbyes' evidence on Arrowtown and Ms Morgan addresses submissions that are generally against intensification in Wānaka. None of the recommendations for these areas makes a constraint argument to limit intensification, apart from in Arrowtown where lower heights are recommended within the MDRZ.

**4.109** I refer to and rely on the evidence for these specific areas, and I do not consider that bespoke lot dimension rules should apply in these locations.

##### *General*

**4.110** Regarding submission points in general opposition, no specific reasoning has been provided other than being against intensification in general or concerns with character and amenity effects.

**4.111** The reduced lot dimension notified for the LDSRZ and MDRZ, and the increased lot dimensions in the HDRZ was recommended by Mr Wallace, in section 3.3, 4.2.1 and 5.6.2 of the Urban Design Report that accompanied the S32 Report. The revised dimensions aim to better support enabled building forms within the revised zones in the event of vacant lot subdivisions. As such and given that non-compliance is a non-

complying activity, it is considered that notified provision will better enable intensification in line with the Policy 1 and 5 of the NPS-UD.

**4.112** In the absence of any detail provided in the opposing submission points on how the provision can be amended, while still implementing this national direction, I am not persuaded that the relief sought is more appropriate than the notified version.

*LDSRZ - notified 12m x 15m*

**4.113** As outlined above, the notified change to the lot dimensions within the LDSRZ aims to provide more flexibility for vacant lot subdivision and subsequent infill or redevelopment to occur in the LDSRZ. Mr Wallace explained in section 3.3 of the Urban Design Report that accompanied the S32 Report that a 12m width can still comfortably accommodate a typical detached dwelling and required side-yards but provides some additional design flexibility in terms of lot design and can also support a more efficient block structure that enables more dwellings to have direct access onto a road corridor.

**4.114** No specific reasoning has been provided by the submitter for the relief sought other than being against intensification in general. Neither has any modelling or evidence been provided demonstrating the outcome of different dimensions sought or how they will work together with the bulk and location standards for the notified LDSRZ.

**4.115** In my view, the notified amendment to the minimum lot dimensions within the LDSRZ, (in conjunction with the notified reduced minimum lot area) will remove a barrier to intensification that will enable more efficient use of urban-zoned land and would assist with implementing Policies 1 and 5 of the NPS-UD. This will also align with Objective 4 and Policy 6 of the NPS-UD and assist with achieving PDP SO 3.2.2 and SP 3.2.2.1(a) and (f), as set out above.

*MDRZ – notified 10m x 12m*

**4.116** As outlined above, the notified change to the lot dimensions within the MDRZ aims to provide more flexibility for vacant lot subdivision and subsequent infill or redevelopment to occur in the MDRZ. Mr Wallace explained in section 4.2.1 of the Urban Design Report that accompanied the S32 Report that a lot dimension of 10m x 12m is more consistent with typical site dimensions seen in more intensive detached

residential subdivisions across New Zealand. He also considers that a 250m<sup>2</sup> site area with 8m x 15m dimensions without additional constraints and required setbacks could be appropriate. The notified 10m x 12m dimensions take into account that setbacks/constraints are still to be applied on top of this requirement.

**4.117** Alternative dimensions sought includes A Sandhu (1074.11) (11m x 12m) and RCL Henley Downs Limited (1253.16) (8m x 10m), with RCL Henley considering that these dimensions would be better suited to achieving a medium density housing typology. However, no expert evidence or modelling has been provided to demonstrate the outcome of different dimensions sought or how they will work together with the bulk and location standards for the notified MDRZ. Mr Wallace considered the relief sought in section 10.4-10.5 of his EIC and does not support it. He notes that vacant lot sizes narrower than 10m in width create potential issues with compliance with other standards such as recession planes resulting in constrained floorplates at upper levels.

**4.118** In my view, the notified lot dimensions within the MDRZ are appropriate. The notified dimensions also take into account that additional setbacks/constraints to be applied to development on top of this requirement. The notified dimensions will remove a barrier to intensification in that it will enable the creation of narrower vacant lots that are more suited to the built form enabled within the MDRZ. This will enable more efficient use of urban-zoned land and would assist with implementing policy 1 and 5 of the NPS-UD. This will also align with Objective 4 and Policy 6 of the NPS-UD and assist with achieving PDP SO 3.2.2 and SP 3.2.2.1 (a) and (f).

*HDRZ – notified 20m x 20m*

**4.119** As outlined above, opposing submitters largely seek retention of existing dimensions to retain flexibility. The notified change works in tandem with the notified increase to the minimum lot size standard, which is largely an effort to prevent fragmentation of the HDRZ land, which could (particularly if under different ownership) create a barrier for future larger scale HDRZ developments.

**4.120** Mr Wallace explains in section 10.1-10.3 of his evidence that maintaining smaller minimum dimensions and lot sizes could create a constrained building platform (referring to the buildable area of a site as opposed to a rural building platform),

therefore creating a risk that only a very specific (lower intensity) building design can be accommodated that does not maximise potential of the zone.

**4.121** Ms Fairgray discusses this in section 5.59 of her evidence and specifically considers that the dimensions would likely to be more limiting on development opportunities, noting that many lots that accommodate smaller scale intensification developments on sites larger than 600m<sup>2</sup> are unable to accommodate this parameter. Ms Fairgray agrees with submission 948 that greater flexibility on this dimension would produce a more efficient pattern of development.

**4.122** As highlighted in section 3.89-92 above, this change is aimed at limiting vacant lot subdivisions with dimensions smaller than 20m x 20m and associated land fragmentation. However, the land use development pathways (PDP Rule 9.4.5) are still available to developers with any lot dimensions as the standard does not apply where land use consent has been granted in accordance with notified Rule 27.7.32.

**4.123** I therefore do not agree that there is no flexibility, and I do not consider this a reason to not support the notified dimension. Also, while it may not have much economic benefit, I do consider that in practice land fragmentation with associated smaller lot dimensions can limit the building designs that can be accommodated on these lots which could create a barrier to achieving higher densities which will not maximise the potential of the HDRZ.

**4.124** I consider that the notified lot dimension within the HDRZ is appropriate, that it will help reduce land fragmentation and enable efficient use of urban-zoned land. This will assist with implementing Policy 1 and 5 of the NPS-UD and will help provide for the diverse and changing needs of people, communities, and future generations in accordance with Objective 4 and Policy 6 of the NPS-UD.

**4.125** It will also assist with achieving PDP SO 3.2.2 and SP 3.2.2.1 (a) and (f).

#### Summary of Recommendations

**4.126** For the reasons given in the assessment, I recommend that the submissions in support of the notified amendments to the minimum lot dimensions are accepted and the submissions in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

**Rule 27.7.32 - Subdivision associated with infill development / residential development.**

**4.127** The notified amendment to the provision is so that it applies to all residential development rather than to infill development only. The existing PDP rule exempts subdivisions from having to comply with lot size and dimension standards where residential units have already been established.

***Matters raised by submitters***

**4.128** There are 30<sup>39</sup> submission points in support and seven<sup>40</sup> in opposition to the notified changes to the provisions. Where reasoning for the supporting submission has been provided it relates to being for intensification in general. The submission point from J Malloch (145.2) relates to notified Rule 27.7.33 and is addressed below.

**4.129** Patterson Pits Group (807.24) seeks that an exemption should be made for subdivision around existing buildings for all zones, not just LDSRZ, MDRZ, and HDRZ, reasoning that it should provide better for infill development across all zones.

**4.130** No reasoning has been provided by most of the opposing submission points, other than the tone of the submission being against intensification in general. Specific reasoning has been provided by two submitters as follows: J. and R. Adams (228.26) reason that it would degrade the urban landscape, and G. Currie (406.19) raises a range of issues relating to character, amenity, sunlight/shading, transport and infrastructure concerns.

**Assessment**

**4.131** The notified amendment is aimed at improving plan administration and an associated potential barrier to intensification. If no exemption applied, then the triggering of the lot size and dimension rules would largely be an administrative exercise, given the subdivision would also be assessed under PDP Rule 27.5.7 with subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions being a matter of discretion.

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39 These include submission points: 652.15, 653.15, 654.15, 830.19, 831.16, 832.18, 833.26, 834.14, 835.16, 836.16, 836.29, 838.16, 839.14, 840.13, 962.15, 969.15.  
40 Submission points: 134.23, 145.2, 183.22, 228.26, 358.22, 406.19, 446.16.

**4.132** As there is no clear definition of what constitutes infill development and the rule itself applies to subdivisions around established residential units, not just infill development, the notified change is largely to improve plan clarity. The terms 'residential development' and 'infill development' are undefined and are being used throughout the PDP, however since the aim of the rule is to provide an exemption for subdivision around established residential units, not just infill development, in this case the term residential development is better suited.

**4.133** For example, it is not clear if the existing rule applies to larger scale comprehensively designed greenfield developments, where residential units have been established through the land use consent pathway, and subdivision is subsequently sought. Greenfield development is unlikely to be considered infill development. However, the intent is clearly that the exemptions should apply. The term residential development is therefore better suited in this case.

**4.134** While I understand the reasoning of Patterson Pits Group seeking that the exemption rule should apply around existing buildings for all zones, I consider that there would be knock on effects impacting other provisions that have not been tested. I therefore do not support this relief sought by Patterson Pits Group.

**4.135** In my view, the notified amendment will improve plan administration and, in some cases, remove a barrier to intensification as demonstrated by the example above. This will enable more efficient use of urban-zoned land and would assist with implementing Policy 1 and 5 of the NPS-UD.

**4.136** The notified amendment will also assist with achieving PDP SO 3.2.2 and SP 3.2.2.1(a) and (f).

#### Summary of Recommendation

**4.137** For the reasons given in the assessment, I recommend that the submission in support of notified amendment to Rule 27.7.32 be accepted and the submission in opposition be rejected as outlined in **Strategic Evidence Appendix 2**.

**Rule 27.7.33 and 27.33.1 - Subdivision associated with residential development - proposed sites that are less than 300m<sup>2</sup> in the LDSRZ**

**4.138** The notified amendments to the provisions are to allow for a reduction in the minimum net lot area standard and minimum dimensions standard for subdivision in the LDSRZ where a combined land use and subdivision application is lodged and to allow for the subdivision to occur ahead of the land use consent. To achieve this, the below changes were notified to the provisions:

**27.7.33 Subdivision associated with residential development ~~where proposed on sites are less than 300~~450m<sup>2</sup> in the Lower Density Suburban Residential Zone**

27.7.33.1 In the Lower Density Suburban Residential Zone, the specified minimum allotment size in Rule 27.6.1 and minimum dimensions in Rule 27.7.29 shall not apply in cases where a combined land use and subdivision consent is sought. Subdivision may occur ahead of the implementation of the approved land use resource consent provided: ~~the residential units are not established, providing;~~

~~a. a certificate of compliance is issued for a residential unit(s); or~~

~~b. a resource consent has been granted for a residential unit(s).~~

a. In addition to any other relevant matters pursuant to s221 of the Act, the consent holder shall register on the Computer Freehold Register of the applicable allotments:

I. that the construction of any residential unit shall be undertaken in accordance with the ~~applicable certificate of compliance or approved land use~~ resource consent (applies to the additional undeveloped lot to be created);

~~the maximum building height shall be 5.5m (applies to the additional undeveloped lot to be created).~~

II. there shall be not more than one residential unit per lot (applies to all lots).

b. Where applicable, all areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose;

c. all service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

***Matters raised by submitters***

**4.139** There are seven<sup>41</sup> submissions points in support and 18<sup>42</sup> in opposition to the notified changes to the provisions. I will firstly address general submission points followed by the submission points on notified subparagraph (a), (b) and (c).

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41 Submission points: 208.12, 389.41, 709.23, 834.15, 836.31, 839.15, 840.14.

42 Submission points: 10.98, 10.99, 31.4, 69.1, 183.23, 228.25, 358.16, 358.2, 365.9, 834.20, 834.21, 836.35, 836.36, 839.20, 839.21, 840.20, 840.21, 1066.13.

### *General*

**4.140** Southern Land (389.41), Aurora Energy Limited (208.12) and FENZ (709.23) support the notified changes. Aurora and FENZ specifically supports the provisions that ensure future dwellings will have physical and legal access to services. Nine<sup>43</sup> submission points are in opposition to the rules in general.

**4.141** P. Mitchell's (69.1) submission relates to Hāwea and seeks restrictions of home fireplaces. I note that air quality is an ORC function, which I will not be addressing here.

**4.142** J. Malloch (145.2) seeks that the change to average land density in the LDSRZ to 300m<sup>2</sup> be rejected, M. Harris (10.98) specifically seeks that the Council does not make sites smaller. P. Griffin (365.9) seeks that the existing lot size of 450m<sup>2</sup> be maintained. J. Adams (228.25) and D. and B. Payton (1066.13) specifically oppose the ability to achieve smaller lots if a subdivision and land use application is submitted concurrently.

**4.143** Where reasons are provided these relate to being for or against intensification in general with concerns around associated effects. J Adams (228.25) is specifically concerned about the impact in the Wānaka LDSRZ and states that it would result in the destruction of the existing character and impact on privacy, outlook and sunlight. D. and B. Payton (1066.13) are also concerned about the impact in Wānaka and consider that it would considerably impact on the amenity of existing neighbourhoods, especially the older established neighbourhoods.

### *Amendments to 27.7.33.1(a) – consent notices*

**4.144** Four<sup>44</sup> submission points specifically support the amendments to (a) which explicitly state that the minimum lot size and dimension requirements do not apply where a combined land use and subdivision consent is sought, provided consent notices are registered. They also support the consent notice conditions as proposed.

**4.145** These submitters consider that the proposed changes will assist the Council in meeting the obligations under the NPS-UD, in particular Policy 5 that seeks to enable building

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43 Submission points: 10.98, 10.99, 69.1, 1066.13, 183.23, 228.25, 31.4, 358.16, 358.2, 365.9.

44 Submission points: 834.15, 836.31, 839.15, 840.14

height and density of urban form that is commensurate with the level of accessibility in the LDSRZ.

*Amendments to 27.7.33.1(b) – shared and exclusive use areas*

**4.146** Four<sup>45</sup> submission points specifically oppose the addition of (b) which requires, where applicable, that all areas that are to be set aside for the exclusive use of each building or unit, must be shown on the survey plan, in addition to any areas to be used for common access, parking or other such purpose.

**4.147** These submitters explain that it is not clear when this would be applicable, that it would result in unnecessary and cumbersome Council enforced instruments being added to Titles; and that the matters that this rule seeks to show on the survey plan will be clearly shown on plans that will form part of resource consent lodgement. As such, the submitters consider this rule to be redundant.

*Amendments to 27.7.33.1(c) - service connections and on-site infrastructure*

**4.148** Four<sup>46</sup> opposing submission points seek that the requirement that service connections must be provided for within lots, or protected by way of a legal mechanism per notified Rule 27.7.33.1(c), be removed and alternatively, reword this rule to acknowledge that connections may be located within legal road reserves which cannot be covered by way of an easement.

**4.149** FENZ (709.23) supports the notified provision, stating the requirement be retained that service connections and onsite infrastructure must be located within the boundary of the site, or have a legal mechanism which provides access to such infrastructure within the LDSRZ in such cases where a subdivision consent is sought ahead of the land use consent. This requirement provides assurances as to the adequate staging of development and provides for reticulated water supply to the development site.

**4.150** The four opposing submitters explain that they are concerned that there will be technical breaches to this rule if service connections are just outside the lot boundary

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45 Submission points: 834.20, 836.35, 839.20, 840.20

46 Submission points: 834.21, 836.36, 839.21, 840.21.

within the road reserve. As easements cannot be registered within road reserves, this would result in service connections not being within the site and not being protected by any legal mechanism. They explain that this condition is not necessary and needs to be amended to take into account services available in the road reserve, and states that conditions of subdivision consents require a certain level of servicing to be provided, and that RMA section 224(c) certificate is never issued until these connections have been made.

#### Assessment

- 4.151** Regarding submissions in general opposition, I refer to the evidence of Ms Bowbyes on Chapter 7 – LDSRZ where she has addressed points in general opposition to the notified densities enabled within the LDSRZ. I consider that the notified amendment to Rule 27.7.33. and 27.7.33.1 will help achieve these same densities but will remove a further barrier to achieving it through allowing subdivisions, subject to land use approval, prior to the construction of the residential units, while requiring a Consent Notice condition to ensure the approved design is constructed.
- 4.152** In my view, the notified amendments remove a barrier to intensification. This will enable more efficient use of urban-zoned land and will assist with implementing Policies 1 and 5 and align with Objective 4 and Policy 6 of the NPS-UD. It will also assist with achieving PDP SO 3.2.2 and SP 3.2.2.1(a), (f) and (h).
- 4.153** Regarding amendments to (b) and (c), I agree with the submitters that these are redundant, given that the matters that it seeks to address will be clearly shown on the land use consent application and subdivision survey plans that will form part of resource consent lodgement. They are also already matters of discretion and matters (27.5.7 and 27.9.3.1) against which the applications will be assessed. In other words, these servicing and access matters are already required for a s224(c) certificate/title to be issued and there is no need to repeat it under this rule.
- 4.154** Aurora Energy Limited (208.12) and FENZ (709.23) specifically supported the provision and seeks for it to be retained, however as explained, I consider that the intent to ensure that lots can be serviced will be achieved regardless.

## Summary of Recommendation

**4.155** For the reasons given in the assessment, I recommend that the submission in general support of notified amendments to Rules 27.7.33 and 27.7.33.1 be accepted in part (in recognition of the recommended changes below) and the submission in general opposition be accepted in part (in recognition of the recommended changes below) as outlined in **Strategic Evidence Appendix 2**.

**4.156** For the reasons given in the assessment, I recommend that the submission in general support of notified amendment to Rule 27.7.33.1(a) be accepted as outlined in **Strategic Evidence Appendix 2**.

**4.157** For the reasons given in the assessment, I recommend that the submission in opposition to the notified addition of Rule 27.7.33(b) and (c) be accepted and that the supporting submission be rejected and that the rule be amended as follow (and as outlined in the recommended revised provisions in **Strategic Evidence Appendix 1**):

**27.7.33** **Subdivision associated with residential development where proposed on sites are less than 300450m<sup>2</sup> in the Lower Density Suburban Residential Zone**

**27.7.33.1** In the Lower Density Suburban Residential Zone, the specified minimum allotment size in Rule 27.6.1 and minimum dimensions in Rule 27.7.29 shall not apply in cases where a combined land use and subdivision consent is sought. Subdivision may occur ahead of the implementation of the approved land use resource consent provided: ~~the residential units are not established, providing;~~

~~a. a certificate of compliance is issued for a residential unit(s); or~~

~~b. a resource consent has been granted for a residential unit(s).~~

a. In addition to any other relevant matters pursuant to s221 of the Act, the consent holder shall register on the Computer Freehold Register of the applicable allotments:

i. that the construction of any residential unit shall be undertaken in accordance with the ~~applicable certificate of compliance or approved land use resource consent~~ (applies to the additional undeveloped lot to be created);

~~the maximum building height shall be 5.5m (applies to the additional undeveloped lot to be created).~~

ii. there shall be not more than one residential unit per lot (applies to all lots).

~~b. Where applicable, all areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose;~~

~~c. all service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.~~

### Section 32AA analysis

**4.158** In my opinion the S42A Rule 27.7.33.1 is more appropriate in achieving the objectives of the PDP than the notified wording. In particular, I consider that:

- (a) the changes to delete notified rule (b) and (c) would reduce duplication and would be more efficient and effective than the notified provisions in achieving the objectives of the PDP, particularly Objective 3.2.2.1f and 27.2.3.2; and
- (b) there will be benefits from improved clarity, plan interpretation and more efficient plan administration.

### **Chapter 27 – Submissions received on the entire Chapter**

#### ***Matters Raised by Submitters***

**4.159** A mix of submissions were received on Chapter 27 as a whole, rather than any specific provision. The main reasons related to intensification in general, specific locations or against the specific rule changes proposed. Submissions in relation to specific provisions have been addressed above in this report.

**4.160** There are eight<sup>47</sup> submission points in support and 28<sup>48</sup> submissions points in opposition. From these opposing submission points two<sup>49</sup> relate to Arrowtown, which are addressed in Ms Bowbyes' evidence on Arrowtown and above where it relates to lot dimensions (882.4). 12<sup>50</sup> are against intensification in general, these are covered by Ms Bowbyes' Strategic s42A. Four<sup>51</sup> relate to specific areas or sites, these are covered in Ms Morgan or Ms Frischknecht rezoning evidence.

**4.161** A hand full of submissions request specific relief. This includes:

- (a) J. Milburn (14.1-2) raises infrastructure concerns, seeking that the systems already installed and not working are remedied to minimise adverse environmental effects, and that a condition of granting approval for new or proposed subdivisions and developments be the provision of an efficient and

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47 These include submission points: 9.13, 72.13, 139.12, 295.5, 468.1, 659.3, 807.23, 832.19.

48 Submission points: 14.1, 14.2, 32.11, 35.1, 198.7, 225.1, 334.1, 358.19, 369.8, 390.3, 401.1, 410.5, 445.5, 447.5, 448.6, 450.1, 485.6, 488.1, 521.6, 616.2, 709.20, 709.21, 709.22, 721.2, 859.15, 859.7, 882.4, 1061.5.

49 Submission points: 225.1 and 882.4.

50 Submission points: 334.1, 32.11, 35.1, 358.19, 369.8, 390.3, 401.1, 445.5, 447.5, 448.6, 450.1, 485.6.

51 Submission points: 198.7, 410.5, 859.15, 859.7.

effective stormwater treatment and disposal system based on sound scientific/engineering information with respect to volumes, hydrological and geological information, selection of suitable methodology and the nature and sensitivity of the receiving environment.

- (b) G. White (1061.5) raises transport concerns and seeks that sufficient parking allocation be considered in all new subdivisions.
- (c) A.L. and I.C.B. Smith Family Trust (488.1) reason that while there is a need for workers accommodation and affordable housing, Wānaka has enough room to expand in the surrounds of Wānaka. They seek that more thought and consultation be done, and one or several new subdivisions be earmarked to design higher density worker accommodation and affordable housing.
- (d) FII Holdings Limited (410.5) seeks a rezoning, which is addressed by Ms Frischknecht – Mixed use rezonings. They also seek associated changes to Chapter 27 (including the Frankton North Structure Plan) be amended to include a site-specific framework for mixed use business and yard-based activities at Frankton North, or specifically within the site.

#### Assessment

**4.162 Stormwater Infrastructure** – In response to the Milburn (14.1-2) submission, I note that existing rules (PDP 27.5.7h) and assessment matters (PDP 27.9.3.1b) requires consistency with Council’s Code of Practice for Subdivision. These already ensure appropriate stormwater design and management.

**4.163 Transport and Parking** – Ms Bowbyes’ Strategic s42A covers parking concerns, emphasising the need for a mode shift and explaining how parking will be managed through the Council’s parking strategy. Parking shortages and congestion are typical challenges in growing urban environments, highlighting the importance of achieving efficient densities to support public transport and active transport networks.

**4.164 Greenfield expansion** – AL and ICB Smith Family Trust (488.1) seeks greenfield expansion instead of intensification in Wānaka. Ms Bowbyes’ Strategic s42A explains that the UIV applies to urban zoned land only and that rural zoned land is not within the scope of the UIV.

**4.165** *Rezoning (Consequential changes sought)* – Ms Frischknecht does not recommend a rezoning as sought by the submitter. It would therefore not make sense to make changes to chapter 27 or the Frankton North Structure Plan as sought.

Summary of Recommendation

**4.166** For the reasons given in the assessment, I recommend that the submissions in general support of all notified changes to Chapter 27 be accepted in part (in recognition of the recommended changes) and the submissions in opposition be accepted in part (in recognition of the recommended changes as outlined in **Strategic Evidence Appendix 2**).

**4.167** My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.



**Elias Jacobus Matthee**

**6 June 2025**