Summary of Evidence – Submission #682

1. USE OF 'EXISTING' AMENITY VALUES (HDR ZONE POLICY FRAMEWORK)

1.1 The submission (#682) raises concerns about the inclusion of the term *"existing amenity values"* in the High Density Residential (HDR) zone purpose statement and Objective 9.2.3. Retaining the word "existing" implies that the current, often low-density suburban character should be preserved, which directly conflicts with the HDR zone's strategic intent to enable taller, denser urban development.

1.2 While it was clarified in Council's rebuttal that there was an administrative error in the s42a markup of recommended changes, although the word "existing" is now recommended to be removed from Objective 9.2.3, it still **features** in the HDR zone purpose statement:

> *"Development controls provide minimum protections for **existing** amenity values.."*, despite the latter part of that paragraph stating *"Given the focus on intensification, a moderate to substantial change is anticipated including to both public and private views.."*

1.3 In practice, it is not feasible to maintain 'suburban-like' privacy, sunlight, and open space when redevelopment occurs at the scale anticipated by HDR zoning. An example of a redevelopment from a 1950's era suburban lot to a 40-unit apartment building 3184 Great North Road, Auckland, was provided to demonstrate this. There is inherently greater shading, dominance, privacy, and less open space than the "existing" environment before redevelopment.

1.4 If "existing" amenity values are to be a determinative factor in consenting, there would be a mismatch between the HDR zone's purpose and what could feasibly be approved. While it is argued that "existing" should be interpreted in light of anticipated built form, in practice it is usually read literally, creating tension in decision-making and increasing planning risk – particularly where minor non-compliances trigger resource consent.

1.5 Removing the word "existing" would not create ambiguity. Rather, it would clarify that amenity expectations should be assessed in the context of the urban form envisaged by the HDR zone, not the suburban form currently present. Minimum amenity should be anchored to the zone's intended outcomes – multi-unit, higher-rise development – rather than a historical suburban baseline.

1.6 I therefore am of the opinion that that the word "existing" should be deleted from the fifth paragraph of the HDR zone purpose statement.

2. OBJECTIVE 9.2.3 WORDING

2.1 In my evidence I sought that Objective 9.2.3 be re-worded as follows:

> *"Objective – High density residential development provides for positive urban design outcomes, while recognising that amenity values experienced by neighbours will change over time as development occurs to achieve the high-density outcomes sought by the zone:*

2.2 My proposed wording for Objective 9.2.3 is clearer and better aligned with the HDR zone's strategic intent than that recommended in the s42a report. It openly acknowledges that amenity values for neighbours will change over time as intensification occurs, reflecting the reality that higher buildings, greater site coverage, and a shift from suburban to urban character are anticipated outcomes of the zone. This is counter-balanced by the need for the development to provide a positive urban design outcome (including a good urban outcome for neighbors). Council's "maintains an appropriate level" wording risks implying that current amenity should be preserved, creating ambiguity and potential conflict with the zone's purpose. The HDR zone already contains robust built form and design controls to manage significant effects, so the objective should focus on supporting positive urban design while recognising that amenity change is an expected and acceptable part of achieving the high-density outcomes sought by the District Plan and the NPS-UD.

3. HDR ZONE BUILDING HEIGHT IN WĀNAKA – ACTIVITY STATUS

3.1 The submission seeks to amend Rule 9.5.1.4 so that exceeding the maximum HDR building heights in Wānaka is a restricted discretionary activity, consistent with Queenstown's Rule 9.5.1.1, rather than a discretionary activity. While Wānaka's HDR context differs somewhat from Queenstown's, this alone does not justify a more restrictive consent pathway.

3.2 A discretionary status introduces uncertainty and invites potentially inconsistent assessments, without offering any greater ability to manage adverse effects than the robust, targeted matters of discretion already used in the rule for Queenstown. These address key effects such as shading, dominance, privacy, visual impact, and design quality.

3.3 A restricted discretionary status encourages better design by giving applicants clear, known assessment criteria, whereas discretionary status risks deterring appropriate development or leading to overly cautious proposals.

3.4 While this relief has not been supported in Council's s42a report or rebuttal, I note that Policy 9.2.2.2 seeks to support greater building height where development is designed to achieve

an exemplary standard of quality/environmental sustainability. The restricted discretionary activity status is more aligned with this policy. Policy 9.2.3.1 introduces development controls as a method of regulation to ensure good outcome for neighbors – but notes that a superior outcome to that resulting from strict compliance with the controls may well be identified through a land use consent application. Again, a restricted discretionary activity status with targeted matters of discretion is more aligned with this policy.

3.5 I maintain my view that the matters of restricted discretion in rule 9.5.1.1 (general matters of discretion relating to building height exceedance) are appropriate to enable adequate consideration of neighboring properties in either Queenstown or Wānaka and will encourage better design by giving applicants clear, known assessment criteria, whereas discretionary status risks deterring appropriate development or leading to overly cautious proposals. If a 12m height plane is to be seen 'hard upper limit' in Wānaka, I would believe a non-complying activity status to be more appropriate. However, in my view a 12m height plane (already lower than Queenstown to account for the different context) with a restricted discretionary status is the best from both an implementation and administration perspective, striking the right balance between managing effects and enabling urban growth in line with the District Plan's purpose and the NPS-UD.

Dated this 4th day of August 2025

Richard Michael Kemp