

Under the Resource Management Act 1991

IN THE MATTER OF Variation 26 to the Partially Operative District Plan, relating to the Riverside Stage 6 development at Albert Town

ERRATUM TO THE REPORT AND RECOMMENDATIONS TO THE QUEENSTOWN LAKES DISTRICT COUNCIL FROM THE HEARING COMMISSIONERS

Background

Our report and recommendations on this Variation was submitted to the full Council meeting held on the 2nd March. A concern was raised about the meaning of one of the rules in the Variation, relating to permitted density of development within the area defined as "Subzone A".

The Rule Concerned

The rule at issue reads:

"9.2.5.1 Site Standards

i Site Density

The minimum net allotment size for each residential unit shall be 800m² except:

(b) Within Subzone 'A' of the Riverside Stage 6 site at Albert Town, the minimum net allotment size per residential unit shall be 400m².

Or

Two residential units or a duplex (being two residential units sharing a common wall) may be erected on the site.

The lots to which this rule applies shall be depicted in the Outline Development Master Plan, approved pursuant to Rule 9.2.5.2(viii). "

The wording of this particular rule was not raised in submissions or at the hearing, but now it has been brought to our attention we do have a concern about it.

The word "or" denotes there is a choice of either the 400m² minimum lot or the alternative of two residential units on a site. The logical interpretation of that is that this excludes the possibility of having both: two units on a 400m² lot. Still, we consider it is good to avoid the possibility of someone being confused, especially on a quick reading.

A legal opinion has been obtained from the Council's solicitors, confirming our view that there is jurisdiction to clarify the rule. There is no indication that anyone had an expectation of being able to build two units on 400m², so no one would be disadvantaged by clarification.

The suggestion from the reporting planner, Ms Jenny Parker, is that the second part of (b) in the rule could simply be deleted. That would not exclude the possibility of duplex type development in Subzone A, but it would remove any ambiguity about the requirement to still have 400m² minimum per residential unit. We agree with this suggest and recommend it to the Council.

There may also be concerns about the merits of allowing density as high as this. The advertised purpose of the Variation clearly foreshadowed "*a mixture of residential densities and affordable housing options*" and achieving "*urban design principles*". We think the provision for higher density in a defined area, well away from existing housing, achieves those objectives. Interestingly, one of the two submissions expressing concern about the proposed density supports "*...duplex or an apartment type development on a 900sq metre lot...as long as the plan change was expanded to allow the same in the existing Albert Town Township Zone.*" We consider that would have far more potential impact than the proposed higher density in a small, comprehensively designed area.

Recommendation

It is recommended that proposed Rule 9.2.5.1(i) (b) in Variation 26 is amended by the deletion of the second part of (b) so as to read:

(b) Within Subzone 'A' of the Riverside Stage 6 site at Albert Town, the minimum net allotment size per residential unit shall be 400m².



David W. Collins
Sally Middleton
Hearings Commissioners
14th March 2007