

2011

Monitoring Report on the Luggate Township Zone



Policy and Planning

Queenstown Lakes District Council

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Executive Summary

This monitoring report has been formulated to outline the current state of the Luggate Township Zone (LTZ) based on factual data relating to consented development and to examine how effective the plan is in achieving the objectives and policies for the zone. Potential resource management issues that are affecting the zone are identified and issues that need specific attention during the District Plan review are highlighted for consideration.

Resource management issues for the zone are articulated below as questions and answers:

1. *Is Luggate a predominantly low density residential environment with a particular building style and is that style and residential amenity being protected?*

The majority of development is in the form of low density residential dwellings and therefore the plan appears to be working well in achieving what is intended in that regard. Residential amenity and open character is being appropriately protected. A particular building style is not controlled by the District Plan.

2. *Is there a mix of uses in the LTZ and is future growth in non-residential activities being catered for?*

There is a mix of uses in the Luggate Township Zone with commercial, community facilities and residential development all co-existing within the township. There is an underdeveloped commercial precinct providing for future commercial expansion.

3. *Are objectives and policies appropriate and effective in achieving anticipated results?*

The Luggate Township zone is working well however not all the objectives and policies relating to the Township zone are appropriate or effective in achieving anticipated results in the long term. The policy relating to the creation of scheduled sites to protect non-residential activities (1.8) should be reconsidered as other methods, such as sub zones or rezoning may be more effective. Generally sites have not been scheduled as anticipated by the policy. Anticipated results relating to building style are not bolstered by effective policy or rules and this should be further examined. Some parts of the objective and some policies may be inappropriately located in the Township Zone section and potentially should be District Wide objectives and policies.

4. *Are developments safe from natural hazard effects?*

The plan does not appropriately protect developments from other hazards (liquefaction and alluvial fans) identified on the District's Hazard register. Further examination of the hazards is required to identify actual hazards risk and the potential for the formulation of new rules to protect buildings and people from these hazards should be considered.

The District Plan Review should address the following:

- Anticipated results relating to specific building styles should be revisited to determine their necessity and if deemed necessary, methods to achieve success;
- Hazards should be further investigated and the possibility of including rules to protect properties against natural hazards should be considered;
- Known errors relating to District Plan Maps should be addressed.

Introduction

This is a report monitoring the effectiveness and efficiency of the current District Plan. Monitoring of the District Plan is explained further in Appendix 1. The focus of this monitoring report is whether the District Plan ('the Plan') is effective, whether objectives and policies are being achieved in the Luggate Township zone (LTZ) and whether the plan is efficient having regard to the benefits achieved. There are similarities between this report and the reports for other Township zones however for District Plan review consultation purposes it was deemed appropriate to provide a report for each individual Township zone.

What is the Luggate Township Zone Trying to Achieve?

The key issues outlined in the Plan relating to the Luggate Township are as follows:

- Retention of the existing open character of the town.
- Non-residential activities subject to strict amenity controls.
- Provision of a secure water supply.
- Continuance of the existing non-residential activities in the town which are important to its economic and social well-being.
- Provision of reticulated sewage treatment and disposal.

The relevant objective and policies from the District Plan relating to the LTZ are as follows:

Objective 1

Recognition and consolidation of the townships. Recognition of the low density open space residential amenity of the townships. Recognition of the particular character, built environment and range of uses existing in the individual townships.

Policies:

- 1.1 *To encourage consolidation of the townships within identified boundaries.*
- 1.2 *To protect the low density living environment of the townships by providing for limited peripheral expansion where this does not adversely affect important adjoining rural resources and amenities.*
- 1.3 *To limit the extent and density of development of the townships in recognition of:*
 - 1.3.1 *risk of natural hazards;*
 - 1.3.2 *the need to provide options for reticulated services;*
 - 1.3.3 *the desired living environment of the majority of the township residents;*
 - 1.3.4 *the effects of activities in the townships and the scale of activities on the main transport routes;*

- 1.4 *To recognise and provide for the individual character and appearance of the individual townships and in particular:*
- 1.4.1 *limited building heights in Glenorchy and Makarora;*
1.4.2 *roof pitch design for Glenorchy.*
- 1.6 *To provide for a range of small scale non-residential activities in the towns subject to listed standards to ensure development consistent with the predominant residential environment.*
- 1.7 *To ensure subdivision and density controls do not inhibit the range of development options while providing for an open appearance.*
- 1.8 *To provide for the protection of a range of existing non-residential uses by way of scheduled sites.*
- 1.9 *To recognise the value of particular townships as important centres within the visitor industry.*

The objectives and policies for the Township zone seek to achieve the following environmental results:

- Development which reflects important local characteristics in terms of building style, appearance and density;
- A range of non-residential activities satisfying residential amenity requirements;
- Townships comprising a mixture of residential, business and community activities;
- Low density development in specific areas in the absence of sewage reticulation, to maintain water quality and availability for domestic use;
- Avoidance of property damage from natural hazards;
- Well-defined and consolidated township boundaries;
- Vehicle and pedestrian access to all properties which does not conflict with the safe and efficient functioning of adjacent roads.

Overall, the resource management issues for the Luggate Township zone can be articulated as four questions:

1. Is Luggate a predominantly low density residential environment with a particular building style and is that style and residential amenity being protected?
2. Is there a mix of uses in the LTZ and is future growth in non-residential activities being catered for?
3. Are objectives and policies appropriate and effective in achieving anticipated results?
4. Are developments safe from natural hazard effects?

What is the “State” of the Luggate Township Zone and are the Objectives and Policies Effective?

Approach

The approach is the same used for other Township monitoring reports. Establishing the current state of the zone involves reviewing resource consent data in order to obtain a clearer picture of the kind of development activity on different properties in the zone.

The resource consent activity occurring in the zone has been compiled from Council’s NCS system, with data reported for the period of 2003 through to 2011, an 8 year period. The data collection starts in 2003 as the current Township section of the District Plan subject of this monitoring exercise was made fully operative in 2003. The NCS electronic system has not historically been used to provide data that can assist with understanding the quality of consent decisions. Further work on improving the quality of data in the NCS system will improve the speed and efficiency of obtaining useful, accurate data used in preparing monitoring reports. Currently much of the data comes from manual reviewing of consent files in order to understand what trends are emerging.

Several of the policies (1.1, 1.2 and potentially 1.3) and part of the sole objective relating to the Luggate Township zone are potentially in an inappropriate location in the Plan. The reason for this is that there are several policies and parts of the Township objective that are strategic-type policies. These will ultimately assist in providing for new Township zones or in assessing plan changes to existing zones however they do not direct development within the zones. Consideration should be given to the relocation of these policies to a more appropriate District Wide section that would be referred to if resource consents are submitted that affect the zones adjoining the existing Township zones or plan changes are submitted for new Township zones.

Luggate Township Zone Data

A total of 276 separate resource consent applications were processed for the Luggate Township and surrounding area over an 18 year period from 1993 - 2010. Of these a total of 63 consents related specifically to the Luggate Township zone subject of this monitoring report. Since 2003, when the township section of the current plan became operative, 28 consents (apart from lapsed or withdrawn consents) were processed which relates to new consents for 25 developments.

Type of Activity

As the table below indicates, 57% of developments sought resource consent for new development:

RESOURCE CONSENT ACTIVITY TYPE	#	%
Development	16	57%
Alteration	4	14%
Subdivision	8	29%
TOTAL	28	100%

Use Type

The following table, indicating type of activity shows what the consented development is being used for.

RESOURCE CONSENT TYPE	#	%
Residential	25	90%
Commercial and other Non - Residential	2	7%
Outline Plan Approval	1	3%
TOTAL	28	100%

This table shows that 90% of consents were for purely residential activities while 7% of consents were for commercial activities and/or non-residential activities and there was one outline plan approval to install a public toilet. This indicates that while residential activities are dominant in the zone there were consents for non-residential activities (a 20,000 litre diesel tank and a chiller). There is a commercial precinct area in the centre of the LTZ which allows commercial activities as controlled activities to be developed in the future. It is also important to note that Luggate's non-residential activities consented prior to the current District Plan becoming operative include a large commercial activity in the form of a transportation depot owned by the Upper Clutha Transportation Company, the famous Luggate Hotel Bar and Bistro, a community centre, Tennis/outdoor activity courts, reserves, a playground and a camping ground. As such there is a mix of residential and commercial activities and that satisfies the environmental results anticipated relating to a mix of residential, business and community activities.

The next stage is to establish whether the dominant residential development identified above is low density development as intended for the zone. The following table displays different scales of residential activity (Small = 1-2 units; Medium = 3-9 units, and Large = over 10 units).

RESIDENTIAL USE SCALE	#	%
Small (1-2 units)	22	88%
Medium (3-9 units)	1	4%
Large (10+ units)	2	8%
TOTAL	25	100%

The table indicates that the LTZ seems to be functioning as outlined in the District Plan as small scale low density residential development accounts for the majority (88%) of all residential development activity. The above figures relate to subdivisions as well as other residential development. A review of the 12% of applications for medium or larger scale residential has shown that these developments relate to subdivisions of land and all lots created are equal to or over the minimum lots size for the zone ensuring low density development in these areas. There is some scope for further residential development in the Luggate Township zone however the extension of the LTZ into the currently zoned rural residential zoning to the north of the LTZ should be considered to allow for future expansion and Township zone consolidation.

Visitor Accommodation (VA)

There is a Motor Park and recreational reserve designated in the centre of the LTZ (Designation #162). There is currently no visitor accommodation sub-zone in the LTZ and if visitor accommodation provision is an aspiration of that community then consideration should be given to an appropriate location for a VA sub-zone where VA activities would be controlled activities. The controlled activity consent for VA in these sub zones is considered an effective way of promoting VA as anticipated by the District Plan.

Overall it is considered that the Plan has been effective in allowing for a range of non-residential activities satisfying residential amenity requirements and ensuring townships comprise of a mixture of residential, business and community activities however if growth in visitor accommodation is anticipated in the future then provision for a VA sub-zone should be considered.

Decision Making and Consent Status

ACTIVITY STATUS	#	%
Controlled	8	29%
Restricted Discretionary	11	39%
Discretionary	4	14%
Non-Complying	4	14%
Outline Development Plan	1	4%
TOTAL	28	100%

On the whole, approximately 14% (4) of those consents in the sample dataset had a non-complying activity status. This gives a potentially false impression that the rules within the Townships section of the District Plan are consistently breached and that granting of consent to these breaches can potentially give an outcome which otherwise is not anticipated by the plan.

All the non-complying consents were for breaches to height recession planes by garages and three out of the four non complying activity consents in the LTZ had affected party approvals submitted with the applications while the other consent was for a minor breach with less than minor effects. There were therefore no adverse effects from the non-complying activities.

Overall the data and a review of the consents shows that the consents granted for non-complying activities will not give rise to unanticipated results.

Are Provisions relating to Luggate Township Issues Effective?

Natural Hazards

An anticipated result for the LTZ is to ensure properties are not damaged by natural hazards. The hazards affecting the LTZ are shown in figure 1 overleaf.

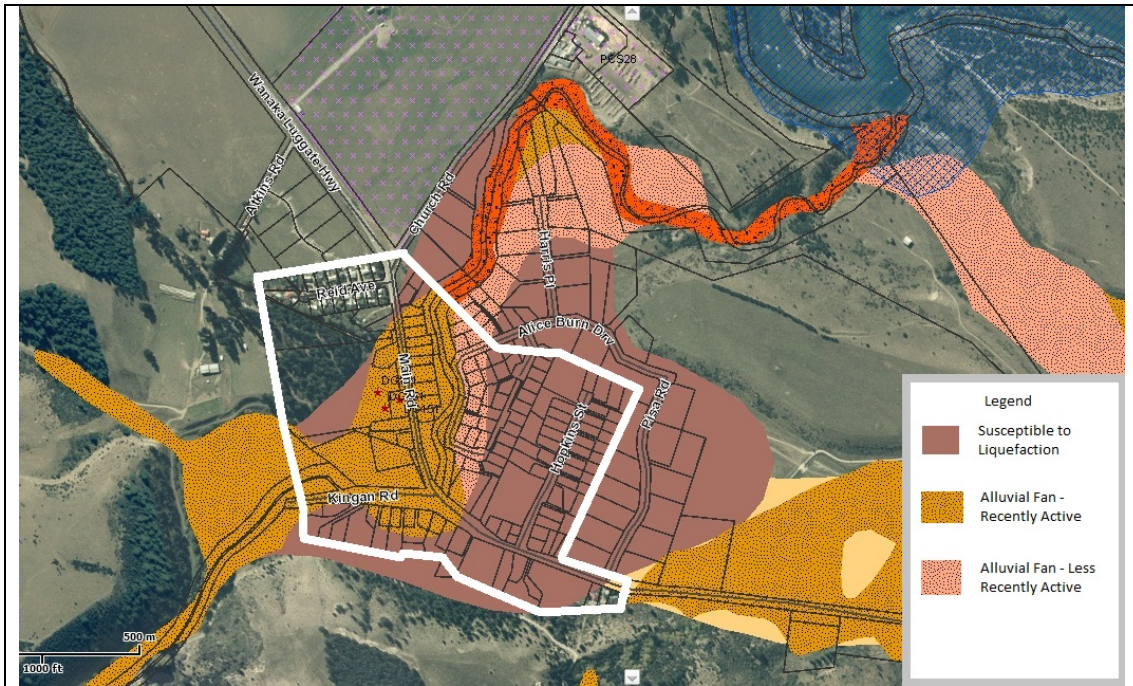


Figure 1: Hazards affecting the Luggate Township zone. Zone boundary shown in white.

As shown above there are three identified natural hazards potentially affecting land in the LTZ. The liquefaction hazard shown also underlies the alluvial fan hazards shown. The plan does not effectively ensure that properties are not damaged by all known natural hazards.

It may be appropriate to have a rule to ensure development is undertaken in a way that protects future buildings and people from all natural hazards. As with other hazards affecting other townships the liquefaction and alluvial fan hazards have not been investigated fully at this stage rather areas of potential hazards have been identified. A more in depth assessment of hazards in the LTZ may be required during this District plan review to ensure firstly that areas of actual hazard risk are identified and secondly that hazard protection is provided where it is necessary through the use of appropriate rules such as rules requiring specific building foundation design or other methods. Alternatively the hazard protection could be done at building consent stage but this may result in resource consents being granted and subsequently building consents refused due to hazard effects.

Anticipated Building Style

The environmental results anticipated (ERA's) for the Luggate Township zone anticipate development which reflects local characteristics in terms of building style, appearance and density. Rules in the Plan relating to density of development and site design, such as setbacks, heights and recession planes help to ensure density and general development / site appearance are retained in the Township. There are no rules relating to building design and therefore the plan is not effective in ensuring a particular building design is maintained.

It is not clear what the characteristic building design is in the Luggate Township. Without a particular design being promoted as characteristic of Luggate the Plan cannot be effective in achieving the anticipated results in relation to building design. It is possible that the various styles of built form lend to the character of the area and township zones generally. If this is accepted then the anticipated results relating to specific design for the LTZ may be inappropriate.

Known Errors to be Corrected

The following errors relating to Luggate Township should be amended as part of the District Plan Review:

- There are split zones (Township and Rural Residential) within the zone and these can be problematic when consents are applied for. Consideration should be given to aligning zone boundaries with land parcels to avoid these issues;
- The Luggate Creek Designation # 348 & 349 are not shown on the hard copy of the District Plan Maps and these should be updated; and
- The designation should potentially continue along the Creek to the north of Kingan Road.

Protection of Non Residential Activities

Policy 1.8 requires protection of a range of non-residential activities by way of scheduled sites. This policy is not entirely effective in the LTZ. There is a designation over a motor park in the centre of the LTZ which will protect that non-residential use. There is however no protection of other non-residential uses, such as the Luggate Hotel or Upper Clutha Transportation Company Depot. If these sites are to be protected from reverse sensitivity issues then they should be either designated or re zoned for commercial use. Currently if the businesses cease to exist the sites existing use rights are not fully protected.

Is the Plan Efficient?

The average Council charge to obtain resource consent in the Luggate Township zone between 2004 and 2011 was **\$1266** (including GST). The lowest charge made was \$460, and the highest was \$4925, which would reflect the different complexities and quality of applications lodged.

The average Council charge to obtain resource consent in all the Township zones is **\$1423** (including GST).

While being close to the average for the Township zone the average cost in the LTZ is lower than the overall township average suggesting that the LTZ is more efficient than the Township zones overall. The exact reasons for this are unclear.

Concluding Remarks

Trends

In many instances the LTZ is working fine and delivering results as anticipated by the community and the District Plan however there are a number of issues that could be addressed through the District Plan review.

District Plan Review Issues

This monitoring report has identified that the District Plan Review should address the following:

- Anticipated results relating to specific building styles should be revisited to determine their necessity and if deemed necessary, methods to achieve success;
- Hazards should be further investigated and the possibility of including rules to protect properties against natural hazards should be considered;
- Known errors relating to District Plan Maps should be addressed.

Appendix 1: What is District Plan monitoring?

The RMA requires that two aspects of the District Plan are assessed, with the findings used to inform the process of reviewing the District Plan. With respect to the Plan's objectives, policies and methods, these aspects are:

1. District Plan Effectiveness
2. District Plan Efficiency

District Plan Effectiveness monitoring requires the Council to compare what is actually occurring under the District Plan provisions with the intentions of the Plan (as expressed through its objectives). This involves first identifying what the plan is trying to achieve for the zone, and to then track how well it is achieving these objectives. Once an understanding of how well the objectives are being met, the next consideration is identify to what extent this can be attributed to the District Plan policies and rules and to what extent 'outside' influences may be affecting the ability of the Plan to achieve its objectives.

Plan Efficiency monitoring refers to comparing the costs of administering the Plans provisions incurred by applicants, the Council and other parties compared to the outcomes or benefits achieved. It is noted here that determining what level of costs are acceptable is generally a subjective judgement and, as such, it is difficult to reach definitive conclusions. It is also considered that if development can be undertaken with no resource consent fees then that improves the efficiency of the Plan.