

The Glenorchy Township Zone Monitoring Report



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 Glenorchy Township Zone (GTZ) 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 Glenorchy predominantly low density and is its open character 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.

2. *Is there a mix of uses and is growth in the commercial and visitor accommodation (VA) sector being catered for?*

There is a mix of uses in the Glenorchy Township Zone with commercial, visitor accommodation and residential development all co-existing within the township. The visitor accommodation sub zone and the commercial precinct are being used as intended.

3. *Is the District Plan effective in ensuring limited building heights, specific roof pitch design and the maintenance of a 5m beautification strip along Oban Street?*

The rules relating to building height and roof pitch in the GTZ are unclear and should be revisited to provide clarity. The rules relating to roof pitch in particular are in need of revision to ensure the intended outcomes are achieved. With regard to the beautification strip the building restriction area required to allow for the strip is marked incorrectly on the District Plan maps and requires amendment. There is no rule currently enforcing the building restriction area and this should be addressed to satisfy S75 of the RMA which requires plans to identify rules to implement policies.

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

The plan appropriately protects from known flooding hazards but not 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:

- The clarity and effectiveness of rules relating to building height and roof pitch;
- Hazards should be further investigated and the possibility of including rules to protect properties against natural hazards should be considered;
- Known issues relating to the building restriction areas around Oban Street 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 Glenorchy Township zone (GTZ) and whether the plan is efficient having regard to the benefits achieved.

What is the Glenorchy Township Zone Trying to Achieve?

The relevant objective and policies from the District Plan relating to the GTZ 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.*
- 1.5 *The provision of a 5 metre wide Local Purpose Reserve (for beautification purposes) along the frontage of Oban Street, Glenorchy*
 - 1.5.1 *On both sides of Oban Street south of Mull Street , the Council shall require that such land be taken as Local Purpose Reserve at the time of subdivision or development, except that:*

Where a Local Purpose Reserve has already been taken from sites as part of a previous subdivision, no further land shall be taken from those sites as a part of any further subdivision or development

1.5.2 Where a beautification strip is provided within the Glenorchy Township Zone at the time of subdivision or development, the Council shall offset the value of this land against the Development contribution payable under the Local Government Act 2002.

- 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 specific policies relating to the Glenorchy Township are underlined above.

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 Glenorchy Township zone can be articulated as four questions:

1. Is Glenorchy a predominantly low density residential environment and is open character and residential amenity being protected?
2. Is there a mix of uses and is growth in the commercial and visitor accommodation (VA) sector being catered for?
3. Is the District Plan effective in ensuring limited building heights, specific roof pitch design and the maintenance of a 5m beautification strip along Oban Street?
4. Are developments safe from natural hazard effects?

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

Approach

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.

Glenorchy Township Zone Data

A total of 683 separate resource consent applications were processed for the Glenorchy area over a 18 year period from 1993 - 2010. Of these a total of 138 consents related specifically to the Glenorchy Township zone subject of this monitoring report. Since 2003, when the township section of the current plan became operative, 67 consents (apart from lapsed or withdrawn consents) were processed which relates to new consents for 53 developments. This is a relatively low number of consents when compared with some other zones in the District.

Type of Activity

As the table below indicates, 18% of developments sought resource consent for new development:

RESOURCE CONSENT ACTIVITY TYPE	#	%
Development	12	18%
Alteration	19	28%
Subdivision	19	28%
Variation	14	21%
Use	3	5%
TOTAL	67	100%

Use Type

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

RESOURCE CONSENT TYPE	#	%
Residential	37	70%
Commercial and other Non - Residential	14	26%
Visitor Accommodation (VA)	2	4%
TOTAL	53	100%

This table shows that 70% of consents were for purely residential activities while the other 30% of consents were for commercial activities and/or visitor accommodation. This indicates that while residential activities are dominant in the zone 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	28	76%
Medium	4	11%
Large	5	14%
TOTAL	37	100%

The table indicates that the GTZ seems to be functioning as outlined in the District Plan as small scale low density residential development accounts for the majority (76%) of all residential development activity. The above figures relate to subdivisions as well as other residential development. A review of the 25% of applications for larger scale residential has shown that the large and medium scale 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. The large scale subdivisions have occurred to the east of Oban street between Mull and Coll Streets. This area will provide for residential expansion of the GTZ in future years.

Visitor Accommodation Sub Zone

There are several areas in the GTZ that are overlaid with a Visitor Accommodation sub zone where VA activities are anticipated and are a controlled activity under current District Plan provisions. This provides for an easier and potentially less expensive consent process for VA in these areas. The only two consents relating to visitor accommodation activities that were consented in the GTZ since 2003 were located in the VA sub zone. The controlled activity consent for VA in these areas is considered an effective way of promoting VA as anticipated by the District Plan.

Non - Residential Activities in the Township and the Commercial Precinct

Of the 14 commercial and non-residential activities consented since 2003 a total of 11 relate to commercial activities. A total of 36% these consents were for development on sites in the commercial precinct where it is a controlled activity to undertake commercial activities. This is significant and shows that the commercial precinct is effective as a methodology to

promote commercial development in the commercial precinct which is an anticipated result of the District Plan.

The other 64% of commercial consents were on sites outside the commercial precinct and surrounded by residential development. One consent was for an alteration to a commercial building on a site adjoining the commercial precinct while three were for alterations to the holiday park commercial development within the VA sub zone. With regard to effectiveness of the plan an examination of the commercial consents for the town has shown that most are surrounded by residential development. There are no recorded complaints from these resident adjoining consented non residential activities.

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.

Decision Making and Consent Status

ACTIVITY STATUS	#	%
None Required	3	5%
Controlled	16	24%
Restricted Discretionary	11	16%
Discretionary	20	30%
Non-Complying	17	25%
TOTAL	67	100%

On the whole, approximately 25% (17) of those consents in the sample dataset had a non-complying activity status. This gives an immediate, however 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.

The fact is that many of the non complying activity consents in the GTZ were due to historic consents for activities not being catered for in the preceding Transitional District Plan or for height breaches where affected parties provided approval.

A total of 41% of non complying consents relate to the status of the activity under the Transitional District Plan. If activities were not covered in the Transitional Plan they were deemed to be non-complying under Section 374(4) and 405(2) of the Resource Management Act. For example, earthworks were not given a specific activity status in the GTZ in the Transitional Plan. As a result consents in the GTZ involving earthworks were considered non-complying in accordance with Section 374(4) until 2005. In 2005 the present plan became operative and from that point the Transitional Plan was not used to determine activity status. The same issue arose for subdivision consents prior to 2005.

A total of 47% (8) of the non complying consents related to height or recession plane breaches. Of these 5 consents had affected party approvals from all affected parties, 1 consent was for a very minor breach that was deemed appropriate, one consent was not progressed and 1 consent was declined due to more than minor adverse effects (where affected party approval was not provided).

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 Rules Specific to Glenorchy Township Issues Effective?

Roof Pitch

A rule relating to roof pitch exists to retain the existing character and continuity of building form within the GTZ. Currently the rules require 40% of the roof to be pitched at 25 degrees and the remaining 60% in the form of lean-tos, verandas and other such projections can be of a lesser roof pitch. The rule is not currently effective as the permitted baseline (as defined through case law since the plan was formulated) in many cases could give rise to more adverse effects than many other roof styles. Effects from the permitted baseline may be disregarded when assessing an application for consent.

For example, RM110275 was an application for a 6 degree mono pitched roof on a building in the GTZ. When the proposed roof design was assessed against the permitted baseline (what would be permitted as of right meeting the current roof pitch rule) it was found that the current rule could allow a roof design with significantly more adverse effects on neighbours and potentially the character of the GTZ.

The District Plan review should examine the effectiveness of this rule and how it may be altered to achieve a more appropriate outcome while retaining the Glenorchy Alpine character promoted in the Glenorchy Community Plan 2001.

Building Height Rule

The current rule relating to building height in Glenorchy is unclear and confusing. The rule as it is currently written could give the impression that the 5.5m height restriction in Glenorchy only applies to areas of flood risk. The District Plan review provides an opportunity to review this rule to provide clarity.

Natural Hazards

An anticipated result for the GTZ is to ensure properties are not damaged by natural hazards. There are three identified natural hazards potentially affecting land in the GTZ. The whole GTZ is shown on the District's hazard maps as being subject to a recently active alluvial fan hazard and as being susceptible to liquefaction. There are also areas identified as susceptible to flooding. The plan does not effectively ensure that properties are not damaged by all known natural hazards.

The plan is successful in terms of protection from flooding. A rule is provided in the plan to raise ground levels in known flood prone areas to protect buildings from flooding. It may however be appropriate to have a rule to ensure development is undertaken in a way that protects future buildings and people from all natural hazards. 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 GTZ 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 et cetera.

Building Restriction Area

A policy in the District Plan requires a 5m beautification strip along the frontage of Oban Street. Currently the District Plan maps identify a 25m no building restriction area on both sides of Oban Street. This appears to be an error on the District Plan maps. Further, there is no rule pertaining to development (or lack thereof) in this building restriction area. Under S75(1)(c) of the Resource Management Act a district plan must state rules (if any) to implement policies. The size of this building restriction area and the requirement for a rule to achieve the intended outcome should be examined as part of the District Plan review.

Is the Plan Efficient?

An examination of the building consents relating to Glenorchy has identified that there were a total of 55 building consents issued since 2003 where associated resource consents were not necessary (i.e. for permitted activities under the District Plan).

A total of 31 resource consents have been processed since 2003 for new development or alterations to existing development and if all of these are exercised then 31 building consents will be required. Therefore, overall a total of 86 developments required (or will require if exercised) building consents and of these 36% required resource consents.

It is considered that the plan is efficient based on the fact that 64% of all development was undertaken in the GTZ without requiring resource consent under the current plan provisions. This reduces cost to the local residents thereby increasing efficiency of the Plan while retaining benefits as a result of the majority of developments meeting the rules in the plan.

Concluding Remarks

Trends

In many instances the GTZ is working fine and delivering results as anticipated by the community and the District Plan however as the Plan is currently set out there may be scope for that situation to change.

District Plan Review Issues

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

- The clarity and effectiveness of rules relating to building height and roof pitch;
- Hazards should be further investigated and the possibility of including rules to protect properties against natural hazards should be considered;
- Known issues relating to the building restriction areas around Oban Street 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.