

QUEENSTOWN LAKES DISTRICT COUNCIL

HEARING PANEL'S

DECISION PLAN CHANGE 7

DECISION FOR: Plan Change 7: Residential Flats
DATED: 10 July 2006
RATIFIED BY THE COUNCIL 27 October 2006
DECISION NOTIFIED 1 November 2006

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1.0 INTRODUCTION

This report discusses and makes decisions on submissions received in relation to Plan Change 7 – Residential Flats. Although this report is intended as a stand alone report, a more in depth understanding of the Plan Change, the process undertaken, and related issues may be gained by reading the relevant Section 32 report prepared for Plan Change 7, publicly notified on 12 October 2005.

The relevant provisions in the Queenstown Lakes District Council's Partially Operative District Plan (also referred to as PODP) which are affected by the Plan Change are:

Plan Section	Provision
7.1.3	Objective 3 – Residential Amenity
Definitions	Residential Flat

This report includes a list of all submitters to the Plan Change and an assessment of submissions and further submissions with a recommendation to Council on those submissions. Submissions are assessed individually or grouped where the content of the submissions is the same or similar. It is noted that some of the submissions received are made in a general manner in respect of the Plan Change as a whole with no detail given with regard to the submission.

In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in normal font within square brackets. In summarising further submissions, the name of the further submitter is shown in ***bold italics***, with their submission number shown in italics within square brackets.

In making decisions the Council has:

- (i) been assisted by a report prepared by CivicCorp Policy Planner Tim Williams. This report was circulated to those persons and bodies seeking to be heard at the hearing, prior to the hearing taking place;
- (ii) had regard to matters raised by submitters and further submitters in their submissions and further submissions and at the Council hearing; and
- (iii) had regard to the provisions of Section 32 of the Resource Management Act 1991 as amended.

Attached as Appendix 1 is a revised version of the relevant provisions of the Partially Operative District Plan updated to have regard to the matters contained in this Decision. Where there is any inconsistency between the provisions contained in Appendix 1 and matters in the Decision, then the provisions in Appendix 1 shall dominate.

All decisions to submissions are included within a box headed 'Decision'. Where there are changes to be made to the Partially Operative District Plan these are shown as underlined text. This indicates where specific text is to be included in the Partially Operative District Plan. Text that is shown as struck out (i.e. with a line through it) indicates where text is to be removed from the Partially Operative District Plan.

2.0 BACKGROUND

Prior to notification of this Plan Change concerns had been raised by the Council as the result of development of two dwellings of identical or similar size on one allotment where one dwelling was labelled a residential unit and the other a residential flat. As a result a density not anticipated by the Partially Operative District Plan (hereafter 'the PODP') could be established as a permitted activity because one of the units is labelled as a residential flat.

Therefore, the purpose of the Plan Change was to 'clarify the provisions for residential flats within the residential zones to ensure that there is clear distinction between a residential flat and residential unit'.

During the preparation of the Plan Change a detailed analysis of alternative options, including costs and benefits of each, was undertaken in accordance with Section 32 of the Resource Management Act 1991 (hereafter 'the RMA'). The outcome of the Section 32 analysis led the Council to conclude that the most effective and efficient method of achieving the purpose of Plan Change 7 was to:

1. Amend the PODP to insert the following additional policy and explanation into Section 7.1.3 District Wide residential Objectives and Policies, Objective 3 – Residential Amenity:

3.11 To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.

Explanation and Principal Reasons for Adoption

Subdivision of residential flats is not desirable because it can facilitate delineation between the unit and flat through separate curtilage. Consideration must also be given to the potential implications of allowing the first subdivision to take place and the fact that additional residential flats could then be developed on the site as a permitted activity, provided the other site and zones standards of the District Plan have been complied with. The result of this process would be the incremental subdivision of the Low Density Residential Zone, which could result in a development pattern similar to that anticipated in High Density Residential Zone. Therefore, this Policy considers the effects subdivision can have on the single dwelling character of the Low Density Residential Zone.

2. Amend the definition for residential flats as follows

Definitions:

RESIDENTIAL FLAT	<p>means a residential activity consisting of one flat in the same ownership as the residential unit and contained within the same building, containing no more than one kitchen and one laundry.</p> <p>means a residential activity that:</p> <ul style="list-style-type: none"> • Consists of no more than one flat in the same ownership as the residential unit; and • Is contained within the same building as the residential activity (being that building containing the residential unit but excluding detached accessory buildings); and • Contains no more than one kitchen and one laundry; and • Does not cover more than 35% of the total Gross Floor Area of the building (being that building containing the residential unit and flat but excluding accessory buildings)
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Eleven original submissions and four further submissions were received with regard to Plan Change 7 – Residential Flats. Part 3.0 of this report lists all those persons or parties that have made a submission to the Plan Change.

3.0 LIST OF SUBMITTERS

Original Submitters	Submission #
Joy Durrant	7/1/1
Sam Gavin	7/3/1-8
Julie Perry	7/4/1
Peter Flemming and Associates	7/5/1
Queenstown Ventures Ltd	7/6/1
Scott Freeman Consulting Ltd	7/7/1
Murray Sheppard	7/8/1
J.W.A Smith	7/9/1-2
E.M Spijkerbosch	7/10/1-5
Transit New Zealand	7/11/1
S.I & P.J Souness & A.N & K.H Grant	7/12/1

Further Submitters	Submission #
S.I & P.J Souness & A.N & K.H Grant	7/3/1-8/1 7/6/1/1 7/7/1/1 7/11/1/1

4.0 THE HEARING

The hearing to consider submissions to Plan Change 7 Residential Flats commenced at 9am, 10 July 2006 in the Queenstown Lakes District Council Chambers. The Hearing Panel consisted of commissioners Michael Parker (Chairperson), and Sally Middleton. In attendance at the Hearing were T Williams (Policy Planner), C Walker (Panel Secretary).

No persons appeared to speak in support of their submissions.

5.0 SUMMARY OF SUBMISSIONS AND DECISIONS

5.1 Policy 3.11

5.1.1 Submission – 7.1.3 Objective 3 Residential Amenity, Policy 3.11

There were no specific points of submission that raised issues regarding the insertion of this policy.

5.2 Submission – Definition

To assist in the consideration of submissions lodged in respect of the amended definition this section has been split to deal with each of the bullet points of the definition and then if necessary consideration of the definition as whole.

5.2.1.1 Consists of no more than one flat in the same ownership as the residential unit;

E.M Spijkerbosch [7/10/4] seeks that a flat should be retained in the principal unit ownership by covenant.

5.2.1.2 Discussion

In the development of the Section 32 report and as documented in 5.2 *Alternative definitions* the option of requiring a covenant was considered. If a covenant was required it would effectively elevate the status of the subdivision of a residential flat from its current status of Non-Complying to Prohibited. As identified in the Section 32 report and given the purpose of the Plan Change it is not considered that a covenant requiring the flat to be retained in the

same ownership is justified or necessary particularly given the current Non-Complying activity status. However, the insertion of the additional policy in Part 7 of the PODP as recommended in the Plan Change as notified assists to support the non-complying activity status of subdividing a residential flat from a residential unit within the residential zones where the subdivision and the resultant increase in density could have adverse affects on the character of the zone.

5.2.1.3 Decision

That the submission by **E.M Spijkerbosch** [7/10/4] be rejected.

Reasons for Decision

As identified in the Section 32 Report the Non-Complying activity status is considered appropriate and justified.

5.2.2.1 Is contained within the same building as the residential activity (being that building containing the residential unit but excluding detached accessory buildings)

Sam Gavin [7/3/1-2, 8] seeks that this requirement be deleted or alternatively loosened to ensure a covered way or part connection between a residential unit and residential flat is acceptable, and that the existing bulk and location controls be used to control the size of a residential flat.

The submitter considers that the requirement for a flat to be contained in the same building as the principal unit will result in 'chunky' two story buildings. It would be more appropriate to allow them to be separate and therefore spread out to take advantage of topography, views and to provide some privacy for the flat. Therefore, the existing bulk and location controls should be used to control the size of residential flats.

S.I & P.J Souness & A.N & K.H Grant [7/3/1-8/1] supports the submission of Sam Gavin

5.2.2.2 Discussion

The definition for a residential flat has always required that a flat be contained in the same building as the principal unit. Clarification of this point was added to identify that detached accessory buildings are not considered appropriate. As a result, a residential flat may not be visually separate from the primary dwelling. As identified in the Section 32 report this was considered necessary to avoid a situation where a residential flat was visually separate from the primary dwelling and therefore promulgated separate curtilage and access areas, which would further distinguish the residential flat as a separate unit. The increased density this would effectively create has the potential to adversely affect the amenity and character of the Low Density Residential zone in particular. In addition, it was identified that such visual separation may well be used to justify the future subdivision of the residential flat.

With respect to allowing a connection or covered walkway between the primary dwelling and the residential flat to be considered to fall within the definition, it is noted that the definition currently enables this to occur. Recent practice has allowed some flats to be connected by covered walkways to the principal building. In particular, consent applications for designs that utilise a connection have been considered to be 'contained within the same building', particularly when having regard to the Building Act definitions of building, and therefore a design of the nature suggested by the submitter would be provided for by the current definition.

Given the nature of the existing definitions in the PODP regarding residential units, it is noted that were a residential flat to be attached to a detached accessory building, it would still be considered to be attached to the residential unit. Notwithstanding the assessment above, on flat sites it may be possible and desirable for some separation between the principal unit and residential flat. This may encourage development of residential flats as it would promote separate living areas as identified in the submission of Sam Gavin. Therefore, provided the

residential flat is attached to the 'residential unit', an outcome such as a residential flat being attached to a detached accessory building, such as a garage, could be beneficial and therefore should not be discouraged.

The concern with such a scenario, however, would be if the residential flat became the dominant component of the detached structure and appeared as a separate dwelling. As discussed above, this is not desirable from an amenity or character perspective. Therefore, it is considered necessary to include a qualification that the residential flat is smaller than the detached accessory building it is attached to. It is considered appropriate that the residential flat be half the size of the detached accessory building to ensure that the residential flat does not appear as a separate dwelling. It is noted that this additional requirement is only considered necessary when the flat is attached to a detached accessory building to mitigate the potential visual effects.

It should be noted that the requirement that the residential flat is no more than 50% of the size of the detached accessory building is in addition to the overall size restriction already in place requiring the residential flat to be 35% of the combined area of the residential unit and flat. Therefore, if a residential flat is to be attached to a detached accessory building it would need to meet both requirements.

It is agreed that the bulk and location controls should be used to control development. These provisions will ensure that a 'bulky' building of the nature identified by the submitter does not result. The proposed changes to the definition of residential flat are consistent with these provisions and will not enable a residential flat to exceed what is anticipated by the PODP. Furthermore it is noted that the requirement to have a residential flat attached to the residential unit will not increase the bulk of the building beyond that which could be anticipated by a single large building without a residential flat within it.

5.2.2.3 Decision

That the submission by **Sam Gavin** [7/3/1-2, 8] and further submission by **S.I & P.J Souness & A.N & K.H Grant** [7/3/1-8/1] be **accepted in part** by amending the definition of 'residential flat' as follows:

Is contained within the same building as the residential unit activity (being that ~~building containing the residential unit but excluding detached accessory buildings~~); and

If attached to a detached accessory building does not cover more than 50% of the total Gross Floor Area of the building containing the flat and detached accessory building;
and

Reason for Decision:

Providing for residential flats to be completely separate from the residential unit (as defined in the PODP) would have adverse effects on the character and amenity of the Low Density Residential zone in particular.

Providing for a residential flat to be attached to detached accessory buildings will assist to encourage their development as they will be able to be 'separate' from the primary living space of the residential unit but still 'attached' to the residential unit.

A qualification that a residential flat attached to a detached accessory building must be no more than half the size of the accessory building will ensure it appears as part of the accessory building rather than a separate residential unit.

(It should be noted that the brackets have been removed from this bullet point and the words 'being that building' have been deleted. This is considered a change to provide for better structure of the of bullet point and is not considered to alter the effect of this point.)

5.2.3.1 Contains no more than one kitchen and one laundry

E.M Spijkerbosch [7/10/3] seeks that a flat be permitted to have more than one kitchen, but not be able to have any portion closed off creating two lettable spaces.

5.2.3.2 Discussion

As identified in submission the current use of a kitchen as the trigger for consideration of how many residential flats are present has difficulties when for example an additional facility such as a bar is added. The addition of the bar although not necessarily associated with an increase in the number of residential flats would be considered a kitchen by definition and therefore, technically constituting another kitchen and subsequently another residential flat. This issue was also assessed within the Section 32 analysis in Sections 1.3.2 and 5.2 (Alternative definitions).

For assistance in this discussion the PODP defines a 'kitchen' as:

Means any space, facilities and surfaces for the storage, rinsing preparation and/or cooking of food, the washing of utensils and the disposal of waste water, including a food preparation bench, sink, oven, stove, hot-plate or separate hob, refrigerator, dish-washer and other kitchen appliances.

The addition of a bar facility, for example, into a residential flat is considered to be problematic as identified above. However, it is considered that some trigger is necessary to determine when an additional residential unit is established, as this can give rise to density issues.

As identified by the submitter an alternative is to base this trigger on another mechanism such as when a separate lettable space is created. The use of such a mechanism would achieve the same outcome by ensuring that when an additional 'unit' is created it is given appropriate assessment in terms of effects on density and so on. However, determining when a lettable space is created would be difficult and would be open to interpretation, perhaps more so than a kitchen. In addition, the use of 'lettable space' would rely on monitoring to identify when a lettable space was established. Overall, although using the creation of an additional kitchen as a trigger for determining whether a new residential flat is created has its problems; it will nonetheless be more effective and efficient than the use of lettable space. It should also be noted that a 'kitchen' is used to define a single residential unit and therefore there is some synergy in continuing to use 'kitchen' to define a residential flat.

In recognition of the potential problems with the use of 'kitchen' as the defining point of a residential flat it is considered that the Council may wish to monitor this issue to determine if in fact further clarification of the definition of 'kitchen' is warranted.

5.2.3.3 Decision

That the submission by **E.M Spijkerbosch** [7/10/3] be rejected.

Reasons for Decision

Although the use of "Kitchen" as a trigger is problematic it is considered the best tool to determine when an individual residential flat is created.

5.2.4.1 Does not cover more than 35% of the total Gross Floor Area of the building (being that building containing the residential unit and flat but excluding accessory buildings)

Sam Gavin [7/3/3, 4, 5] seeks this restriction be deleted or the size restriction be replaced with 'subsidiary in size to main residential unit', and in addition that garaging should be removed from the equation.

The submitter identifies that the size restriction is discriminatory to smaller or older houses which are generally smaller, as this would restrict a property owner to only building a small

residential flat. In addition, the exclusion of detached accessory buildings from the equation discourages their use and will instead result in one large building.

S.I & P.J Souness & A.N & K.H Grant [7/3/1-8/1] supports the submission of Sam Gavin

S.I & P.J Souness & A.N & K.H Grant [7/12/1] seeks the size restriction be increased to 50% where the residential flat has been built prior to the dwelling being built and the flat was built prior to the Plan Change.

In this regard, the submitter has constructed a residential flat as a first stage of development and has building consent for both the dwelling and flat.

5.2.4.2 Discussion

To assist in this discussion the following diagrams illustrate why the definition requires the flat to be 35% of the building containing both the flat and unit (half the size) as opposed to requiring it to be 50%.

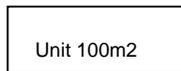


Figure 1: Existing Residential Unit 100m2

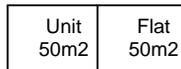


Figure 2: Residential Unit and Flat 50% of size

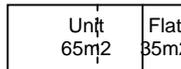


Figure 3: Residential Flat 35% of Unit and Flat

Figure 2 indicates a scenario where a residential flat is created within an existing residential unit subject to a requirement that it be no more than 50% of the existing residential unit. The result is, potentially, a residential unit and residential flat of the same size. An option allowing a residential flat to occupy up to 50% of the area of the residential unit therefore fails to address the concerns held by the Council with respect to duplex developments.

Conversely, as indicated in Figure 3 above, a requirement that a residential flat occupy no more than 35% of the building containing the unit and flat results in a flat that is less than half the size of the unit. This result would be achieved irrespective of whether the flat was being constructed within the existing building or added to the existing footprint.

As identified in the Section 32 report that accompanied the Plan Change, the purpose of the Plan Change was to ensure that a residential flat was subsidiary in size to the primary dwelling. The 35% restriction was therefore introduced. Removal of the size restriction would not achieve the purpose of the Plan Change.

In his submission, Sam Gavin identifies that an existing 90m² house would only be allowed a 45m² flat under the current restriction, and notes that, as a designer, that this is not big enough.

Simply put, if another point was introduced to allow for an increased area for smaller dwellings, the Plan Change's intention that residential flats be subsidiary in size to the principal unit may not be achieved. Another option would be to introduce a 'minimum' size of flat so that regardless of the size of the residential unit an appropriately sized flat could be constructed. However, it is not considered appropriate to rely on a minimum size as there is the potential for a flat and unit to then be created of the same size. This could occur, for example, on small sections such as those created through Comprehensive Residential Development in the Low Density Residential zone (one dwelling per 200m²) or in Sub-Zone A

of the High Density Residential zone (one dwelling per 100m²). In these instances, it would not be desirable to have a residential flat unless it could be half the size of the residential unit. In these situations it is possible that a point may be reached when the residential flat is simply not viable due to the size of the section. In such cases, given the small lot sizes and higher density provided for, the inability to develop a residential flat would be offset by the level of density provided for by these small lot sizes.

The submission of S.I & P.J Souness & A.N & K.H Grant expresses concern that they will be caught by the Plan Change. This is not the case, however, as a building consent has already been issued for their particular development. Provided the building consent does not lapse, there can be no requirement for this development to now comply with the new size restriction.

5.2.4.3 Decision

- (i) That the submissions of **Sam Gavin** [7/3/3, 4, 5] and the further submission by **S.I & P.J Souness & A.N & K.H Grant** [7/3/1-8/1] be rejected.

Reasons for decision

Increasing the size restriction for smaller residential units would not ensure that they were subsidiary in size (half the size of the unit) and would therefore be contrary to the purpose of the Plan Change.

- (ii) That the submission by **S.I & P.J Souness & A.N & K.H Grant** [7/12/1] be rejected.

Reasons for decision

A building consent has already been issued for the development of the residential flat and unit. It will therefore not be affected by this Plan Change provided the current building consent does not lapse.

5.3 General Submission

5.3.1.1 No specific relief sought

Joy Durrant [7/1/1] & **Peter Flemming and Associates** [7/5/1] both support and oppose the Plan Change, and seek no specific relief.

5.3.1.2 Discussion

No specific relief is sought in these submissions, and it is not clear which parts of the Plan Change are supported and which are opposed. In addition the submitters did not take the opportunity to clarify their submission at the hearing.

5.3.1.3 Decision

That the submissions by **Joy Durrant** [7/1/1] & **Peter Flemming and Associates** [7/5/1] be rejected.

Reasons for decision

The submissions do not seek any specific relief.

5.3.2.1 Submissions – General support

Julie Perry [7/4/1], **Murray Sheppard** [7/8/1], and **J.W.A Smith** [7/9/1] support the Plan Change as written and consider that the changes will help to clarify provision for residential flats requesting it be adopted as proposed.

Transit New Zealand [7/11/1] supports the Plan Change and in particular the new policy and considers the Plan Change will assist to maintain the low density character of the Low Density zone.

S.I & P.J Souness & A.N & K.H Grant [7/11/1/1] opposes the submission of Transit New Zealand.

5.3.2.2 Discussion

The purpose of the Plan Change is to strengthen the provisions relating to residential flats to ensure they are subsidiary to the primary dwelling. As a result, a size restriction was introduced to ensure the flat was smaller than the residential unit. As identified by the submitters, the Plan Change has clarified the provisions relating to residential flats. Amendments have been proposed, however to allow some separation between the residential flat and principal unit.

Transit New Zealand's submission notes that the Plan Change will assist to maintain the integrity of the Low Density zone.

5.3.2.3 Decision

That the submissions by **Julie Perry** [7/4/1], **Murray Sheppard** [7/8/1], **J.W.A Smith** [7/9/1] & **Transit New Zealand** [7/11/1] be accepted in part, the part that is accepted is support for the plan change, and rejected to the point that minor improvements are proposed to the definition since notification; and further submission by **S.I & P.J Souness & A.N & K.H Grant** [7/11/1/1] be rejected.

Reasons for decision

The Plan Change will provide clarification of the provisions for residential flats.

The Plan Change will assist to maintain the integrity of the Low Density Residential zone.

Amendments are proposed and therefore it is not recommended that the Plan Change should be adopted as notified.

5.4.1 Submissions – Car Parking

E.M Spijkerbosch [7/10/1, 2] seeks that for the purpose of car parking consideration should be given to an office being used as a bedroom and car parking requirements should relate to the size of the flat.

J.W.A Smith [7/9/2] seeks increasing car parking requirements to one per bedroom where the rooms are individually keyed.

5.4.2 Discussion

Although the points raised by submitters may be valid, it is noted that a separate Plan Change has been publicly notified to address car parking requirements including those that relate to residential flats. Car parking requirements are therefore outside the scope of this Plan Change.

5.4.3 Decision

That the submission by **E.M Spijkerbosch** [7/10/1, 2] **J.W.A Smith** [7/9/2] be rejected.

Reasons for decision

The submissions request changes outside the scope of the Plan Change.

5.5.1 Submission – General Opposition

Queenstown Ventures Ltd [7/6/1] & Scott Freeman Consulting Limited [7/7/1] seek that the Plan Change be withdrawn.

The submitters believe the existing provisions and use of the word 'same ownership' in the definition create uncertainty about Council's aspirations for residential flats and their potential subdivision.

The submitters consider that the promotion of 'no subdivision' of residential flats is contrary to the Council's Affordable Housing scheme, and that the subdivision of a residential flat (provided it is adequately serviced) does not create adverse effects.

The submitters consider the Plan Change will not provide for the social, economic and cultural wellbeing of the community, is contrary to Part 2 of the Resource Management Act and represents an inefficient use of resources.

S.I & P.J Souness & A.N & K.H Grant [7/6/1/1] & [7/7/1/1] support the submissions of *Queenstown Ventures Ltd and Scott Freeman Consulting.*

5.5.2 Discussion

It is considered the current wording and rules in the PODP do provide certainty and clearly state that the subdivision of a residential flat is a Non-Complying Activity (refer to Rule 15.2.3.4(iii)). In addition, as identified in the Section 32 report, the proposed Plan Change supports the Affordable Housing Strategy and in particular Action 15 which seeks to promote residential flats for long term rental in the District Plan. In this regard, it would not be desirable for the subdivision of residential flats as there would be no on-going guarantee that they would remain in the rental market if they were subdivided off from the principal unit. However, it is considered that residential flats are more likely to be rented if they are retained in the same ownership as the residential unit.

In addition, as detailed in the Section 32 analysis, the Plan Change is considered to promote the purpose and principles of the Resource Management Act 1991.

5.5.3 Decision

That the submissions by **Queenstown Ventures Ltd [7/6/1], Scott Freeman Consulting Limited [7/7/1]** & further submissions by **S.I & P.J Souness & A.N & K.H Grant [7/6/1/1] & [7/7/1/1]** be rejected.

Reasons for decision

The Partially Operative District Plan is clear regarding the status of subdividing a residential flat.

The proposed Plan Change will promote the Queenstown Lakes District Council Affordable Housing Strategy.

The proposed Plan Change will promote the purpose and principles of the Resource Management Act 1991.

5.6.1 Submission – Miscellaneous

Sam Gavin [7/3/6 & 7] seeks that the old definition be applied in the medium density sub-zone in Sunshine Bay or a higher percentage of flat to unit development in this area be introduced.

S.I & P.J Souness & A.N & K.H Grant [7/3/1-8/1] supports the submission of *Sam Gavin*

E.M Spijkerbosch [7/10/5] seeks that residential flats should not be used for visitor accommodation.

5.6.2 Discussion

Sam Gavin requests more recognition of the Medium Density sub-zoning in Sunshine Bay. The Medium Density sub-zone provisions allow two residential units to be construction on a site with an area between 625m² and 900m² if the site was contained in a separate Certificate of Title as at 10 October 1995, and no residential unit has been built on the site. Although there may be valid justification for promoting the use of this rule it is not considered within the scope of this Plan Change to consider this issue. Furthermore, it is not considered that allowing for larger residential flats within this area is an appropriate mechanism to promote the use of this sub-zoning. In this regard, if the Council considers it appropriate, a review of this sub-zoning and associated provisions would be the appropriate mechanism to consider the promotion of the density envisaged by this rule.

Regarding the submission by E.M Spijkerbosch it is recognised that there are effects associated with the use of residential units and flats in the Low Density Residential zone for visitor accommodation. However, these are assessed through the Discretionary Activity status of this activity, which is considered the appropriate mechanism to consider whether a residential flat should be allowed to be used for visitor accommodation. Furthermore, the Council has begun the initial stages of a Plan Change to look at visitor accommodation and this will be the most appropriate avenue for the consideration of whether residential flats should be used for visitor accommodation.

5.6.3 Decision

- (i) That the submission by **Sam Gavin** [7/3/6 & 7] and the further submission by **S.I & P.J Souness & A.N & K.H Grant** [7/3/1-8/1] be rejected.

Reason for decision

The decision requested is considered outside the scope of the Plan Change.

- (ii) That the submission by **E.M Spijkerbosch** [7/10/5] be rejected

Reasons for decision

The decision requested is considered outside the scope of the Plan Change.

A separate Plan Change is being developed by Council to address visitor accommodation.

APPENDIX 1

AMENDMENTS TO PLAN CHANGE 7 AS A RESULT OF DECISIONS ON SUBMISSIONS

(Additions are underlined and deletions are shown as struck-out)

3.11 To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.

Explanation and Principal Reasons for Adoption

Subdivision of residential flats is not desirable because it can facilitate delineation between the unit and flat through separate curtilage. Consideration must also be given to the potential implications of allowing the first subdivision to take place and the fact that additional residential flats could then be developed on the site as a permitted activity, provided the other site and zones standards of the District Plan have been complied with. The result of this process would be the incremental subdivision of the Low Density Residential Zone, which could result in a development pattern similar to that anticipated in the High Density Residential Zone. Therefore, this Policy considers the effects subdivision can have on the single dwelling character of the Low Density Residential Zone.

Definitions:

RESIDENTIAL FLAT	<p>means a residential activity that:</p> <ul style="list-style-type: none">• Consists of no more than one flat in the same ownership as the residential unit; and• Is contained within the same <u>building as the residential unit activity</u> (being that building containing the residential unit but excluding detached accessory buildings); and• <u>If attached to a detached accessory building does not cover more than 50% of the total Gross Floor Area of the building containing the flat and detached accessory building; and</u>• Contains no more than one kitchen and one laundry; and• Does not cover more than 35% of the total Gross Floor Area of the building containing the residential unit and flat (but excluding accessory buildings).
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QUEENSTOWN LAKES DISTRICT COUNCIL

HEARING PANEL'S

DECISION PLAN CHANGE 7

DECISION FOR: Plan Change 7: Residential Flats
DATED: 10 July 2006

Erratum to Decision

Dated 3 August 2006

The Hearings Panel comprising Independent Commissioner Michael E Parker and Councillor Sally Middleton have noted that there is a grammatical infelicity contained in the amendment to Plan Change 7 as a result of decisions on submissions as set out at Appendix 1 to the decision relating to this matter dated 10 July 2006.

This erratum is to correct that and annexed hereto is a further version of Appendix 1 to the abovementioned Decision with the addition of the letter (s) after the word "building" on the second line of the fifth bullet point in the Definition of Residential Flat.

This erratum has been set out in bold type for the purpose of this erratum, but obviously will not be required to be so when the Amendment is published as part of the Partially Operative District Plan.

Dated at Queenstown this day of August 2006

Michael E Parker
Independent Commissioner

Sally Middleton
QLDC Councillor

APPENDIX 1

AMENDMENTS TO PLAN CHANGE 7 AS A RESULT OF DECISIONS ON SUBMISSIONS

(Additions are underlined and deletions are shown as struck-out)

3.11 *To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.*

Explanation and Principal Reasons for Adoption

Subdivision of residential flats is not desirable because it can facilitate delineation between the unit and flat through separate curtilage. Consideration must also be given to the potential implications of allowing the first subdivision to take place and the fact that additional residential flats could then be developed on the site as a permitted activity, provided the other site and zones standards of the District Plan have been complied with. The result of this process would be the incremental subdivision of the Low Density Residential Zone, which could result in a development pattern similar to that anticipated in the High Density Residential Zone. Therefore, this Policy considers the effects subdivision can have on the single dwelling character of the Low Density Residential Zone.

Definitions:

RESIDENTIAL FLAT	<p>means a residential activity that:</p> <ul style="list-style-type: none">• Consists of no more than one flat in the same ownership as the residential unit; and• Is contained within the same building as the residential unit activity (being that building containing the residential unit but excluding detached accessory buildings); and• <u>If attached to a detached accessory building does not cover more than 50% of the total Gross Floor Area of the building containing the flat and detached accessory building; and</u>• Contains no more than one kitchen and one laundry; and• Does not cover more than 35% of the total Gross Floor Area of the building(s) containing the residential unit and flat (but excluding accessory buildings).
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