



Residential coherence principles can be measured by a number of indicators, including:

- **Stability** – the % of owner occupiers within a neighbourhood and the % of units or sites already devoted to visitor accommodation developments.
- **Built form / character** – the extent to which the current character of the area presents a non-domestic appearance as referenced by the character study.
- **Neighbourhood identity** – whether the neighbourhood offers features which will attract permanent residents such as not being on a main road; traffic speeds and volumes that are controlled by the road layout; a relationship to open space and/or views; and adequate levels of sunlight and daylight.

Box 4: Residential coherence principles

- **Stability** – where the rate and scale of the incursion of non-residential activities is limited so that the majority of residents have other permanent residents as neighbours (owner occupiers or longer term renters)
- **Character** – more domestic forms of development prevail, even if they are at a higher density, clear signs of permanent occupation, and an integration of the built and open spaces (gardens, trees and open spaces)
- **Identity** – there is a sense of containment to the neighbourhood, such as not being cut in two by a busy main road, and where there is some sense of common identity in terms of relationship to views, open spaces and orientation which offer reasonable access to daylight and sunlight.

6.0. Further Detail on Developing the Preferred Approach

This section outlines:

- The process undertaken in reaching the preferred approach.
- Further details on assessing the options for implementing the proposed subzones.
- Discussion on the related issue of building height in the HDR zone.

6.1 The process

The proposed approach for managing visitor accommodation activities in the HDR zone is to apply an overlay or subzone to protect areas or neighbourhoods where residential coherence exists and restricting additional visitor accommodation developments within these areas. This approach requires the activity status for visitor accommodation activities to change from Controlled to either Discretionary or Non-complying within the subzone. No change is proposed to the rest of the HDR area, therefore visitor accommodation activities would continue to be a Controlled Activity.

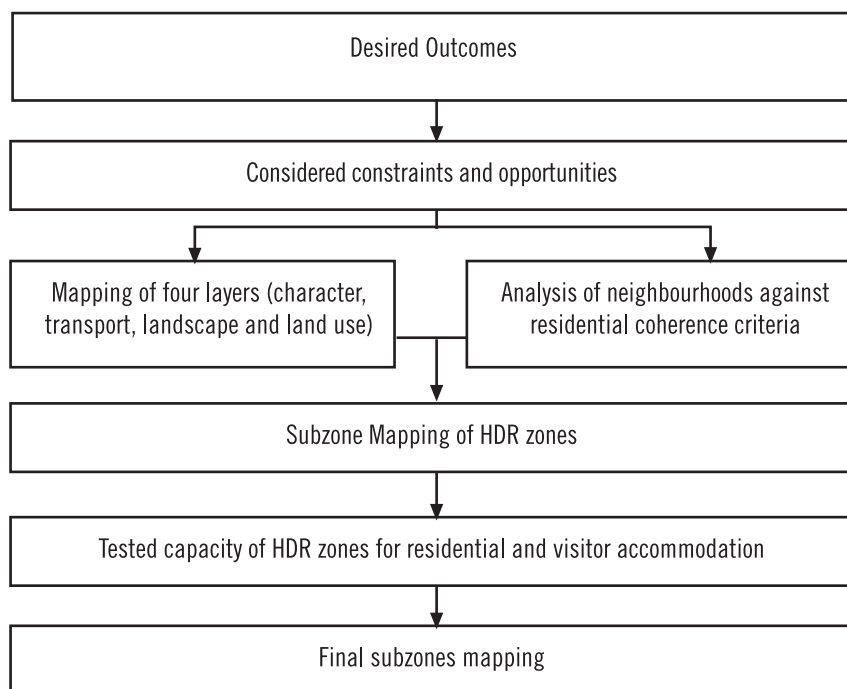
The process of determining where to apply the HDR (Neighbourhood) subzone is detailed in section 7 and summarised below.

1. The desired outcomes for the HDR zone were identified. This included the findings and issues identified around the implementation of the existing HDR zone provisions, and the visitor accommodation and residential amenity studies.
2. Information was gathered across the HDR zone regarding the existing situation at the time of the collection of the relevant data (See Section 7 for more detail). This information was collected from the council's GIS, rates and property information databases; from studies that are currently underway (i.e. Transportation Strategy, Wanaka Structure Plan), and from assessments undertaken by Boffa Miskell (sunlight and character assessment). This information was consolidated into 4 layers of information; existing character of the residential areas, transport, landscape and amenity; and land use and existing development.
3. The HDR zone was then broken up into separate residential neighbourhoods to analyse the information gathered for each neighbourhood (as outlined in Section 3 of this document). Neighbourhoods were determined by identifying groupings of sites that naturally fall within the same area due to boundaries created by arterial roads, changes in topography, or different zonings. Each neighbourhood was then assessed against a set of residential coherence criteria –stability (including data from a Social Impact Assessment), character, identity- to determine the extent to which residential coherence is maintained and where the subzone should be applied.



4. To further test the proposed approach, the proposed supply of land for residential and visitor accommodation activities was checked against projected demand and capacity within the proposed neighbourhoods (See Section 7.5). This is an important step to check that sufficient growth is provided for within the HDR zone for both residential and visitor accommodation activities. Capacity is provided for not only through vacant sites, but also through the redevelopment potential of sites.

Figure 1 : Process



6.2 Assessing the options for implementing the proposed subzones

As set out previously, the preferred approach involves a change to the activity status for visitor accommodation developments in the HDR (Neighbourhood) subzone. In reaching this conclusion, a range of options were considered regarding how to manage visitor accommodation development in the subzone. These options included:

- Discretionary/ Non complying activity status for all types of visitor accommodation
- Threshold (i.e. a maximum/ cap) on the amount of VA developments in the HDR (Neighbourhood) subzone.

Some further detail to each of these is provided below.

6.2.1 Guidelines on selecting the appropriate Activity Status for Visitor Accommodation in the subzones

This section is intended to help readers understand the difference between the various activity classes so they can make informed feedback.

The general issues associated with Discretionary / Non-complying activity status and existing use rights are set out in section 4. The hierarchy of activity status provided by the RMA is as follows:

- (a) A consent authority must grant consent for a controlled activity (unless it has insufficient information); and its power to impose conditions is restricted to matters specified in the plan.
- (b) The ability to decline consent for a restricted discretionary activity, and its power to impose conditions, is restricted to matters specified in the plan.
- (c) A consent authority's power to grant or refuse consent for a discretionary activity is not restricted, and its power to impose conditions is not restricted by the plan, but only by the general provisions of the law in that regard.
- (d) A consent authority has power to grant consent for a non-complying activity only if one or the other of the conditions set by section 104D(1) is fulfilled; if at least one of those conditions is fulfilled, the consent authority's power to grant or refuse consent is not restricted, nor is its power to impose conditions restricted by the plan.

Section 104D states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of the relevant plan

In considering the appropriate classification status, the following factors are relevant:

- Care should be taken not to set the classification so low that the council will be limited in the performance of its functions under the Act. Equally, however, the bar should not be set higher than necessary for council to perform its functions.
- There needs to be sound RMA reasons for applying to greater restriction
- Discretionary activity classification is generally suitable for activities that are appropriately sited in a zone albeit subject to conditions.
- An advantage of discretionary activity status over non-complying activity status is that a district plan can provide specific assessment criteria for deciding a resource consent application for a discretionary



activity, but not for a non-complying activity

- A non-complying activity status is appropriate if there is a genuine prospect that both threshold tests under Section 104D may be failed for a particular kind of activity.
- A further point of distinction between discretionary and non-complying activities arises where activities of the kind in question contravene a rule in the plan, and granting consent might affect the integrity of the plan, or public confidence in the consistent administration of it.

The question of the appropriate activity status therefore partly depends upon the size and nature of the perceived effects and the adopted policies of the plan and whether they will seek to avoid any further visitor accommodation development in the identified HDR (Neighbourhood) subzone. This would be on the basis that any form of visitor accommodation development is likely to have a significant adverse affect on the residential environment of the subzone, and the associated qualities of residential coherence.

6.2.2 Further discussion on the option of applying thresholds

If some level of visitor accommodation development is thought to be acceptable, then a threshold could be established to retain a mix of visitor accommodation and residential activities by specifying what percentage of each activity can occur within a specific area. This method could either be applied as an alternative to the proposed subzone approach or in conjunction with it.

Applying a threshold (maximum / minimum percentage) in the HDR zone would require a variety of provisions including objectives, policies, rules and other methods, which would need to be justified against section 32 of the RMA.

In areas where visitor accommodation is concentrated, such as the centre of Queenstown, requiring a minimum amount of residential activity to be provided is likely to result in residents having to live within an environment where amenity is compromised and there is limited residential coherence. To achieve a minimum threshold of residential activities that would maintain residential coherence does not reflect the current dominance of visitor accommodation within these areas.

The option of applying a threshold for visitor accommodation within the HDR zone was considered during the development of the preferred approach. However, it has not been further progressed because applying a subzone to protect residential coherence is considered to be a simpler approach, which provides greater certainty to residents around what types of activities could be expected within their neighbourhood.

Do you agree with Council's preferred direction that does not include the use of thresholds:

If Not, then what merit if any is there in further developing the option of applying a threshold for visitor accommodation in the HDR zone? For e.g.:

- **Instead of applying a subzone, apply thresholds prescribing the amount of visitor accommodation and residential that can occur in the HDR zone.**
- **In addition to the subzone, allow a specific proportion of visitor accommodation to occur in the subzone**
- **In addition to the subzone, prescribe the amounts of visitor accommodation and residential that can occur in the area that is not within the subzone (rather than leaving this up to the market)**

6.3 Related Issue – Building Height in the HDR zone

It is acknowledged by the council that relaxation of height controls in specific areas would enable further residential intensification and, if appropriately designed, could also provide for more green space around buildings.

Plan Change 10 introduces provisions relating to density and building coverage, but does not alter provisions relating to building height. In response to submissions to that plan change it was recommended that the council examine plot area ratio and height options within the sub zones, and further consideration of height is being progressed in response to appeals to Plan Change 10.

While it is accepted that specific areas within the HDR zone are very likely to be able to accommodate additional height based on topography and the ability of site size to mitigate the effects of height, it is unlikely that additional height would be promoted across the entire HDR zone. Further work is needed to identify those areas suitable for additional height, and how the design of taller buildings should be managed.