

Attachment A - Variation Recommendations and Errors and Omissions for further action

Table 1: Variation recommendations identified by Panel for further action				
Chapter	Stage	Provision	Panel Recommendation and Discussion	Recommended Action
Chapter 2 Definitions	1	<p>Utility Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including:</p> <ul style="list-style-type: none"> a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity; b. pipes and necessary incidental structures and equipment for transmitting and distributing gas; c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage; d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks); e. structures, facilities, plant and equipment for the treatment of water; f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications; g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards; h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards; i. structures, facilities, plant and equipment necessary for navigation by water or air; j. waste management facilities; k. flood protection works; and l. anything described as a network utility operation in s166 of the Resource Management Act 1991. 	<p>The definition as currently worded includes a very wide list of services with the only caveat being the phrase requiring that “systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community”. As written the definition is very enabling and could be interpreted as any person undertaking these types of works could claim to be undertaking a “utility” activity under Chapter 30.</p> <p>The direct reference to the list of activities in section 166 of the RMA also presents a problem. Within the RMA the list of activities is qualified by the fact they must be undertaken by network utility operators (a defined term in the RMA) however the definition in the PDP does not qualify it as such.</p> <p>The definition as currently written could have the unintended consequence of enabling activities under Chapter 30 that would otherwise be dealt with on a zone-by-zone basis.</p> <p>There is also potential for conflict between Chapter 17 (Airport Zone) and Chapter 30 (Energy and Utilities) due to the current definition referencing section 166. The section includes airport authorities and airport approach controllers, which could give rise for confusion as to which chapter provisions should apply in relation to land zoned Airport.</p>	<p>Review the definition of ‘Utility’ with the view to including a variation in Stage 3 of the review to narrow the application of the definition to those that are network utility operators only, and include provisions in both Chapter 30 and Chapter 17 to clarify the application of the chapters in relation to Airport Zoned land.</p>

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		Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.		
	1	<p>Ground level Means: The surface of the ground prior to any earthworks on the site, except that where the surface of the ground has been altered through earthworks carried out as part of a subdivision under the Resource Management Act 1991 or Local Government Act 1974 “ground level” means the finished surface of the ground following completion of works associated with the most recently completed subdivision.</p> <p>a. “earthworks” has the meaning given in the definition of that term in this Plan and includes earthworks carried out at any time in the past;</p> <p>b. “completed subdivision” means a subdivision in respect of which a certificate pursuant to section 224(c) of the Resource Management Act 1991 or a completion certificate under the Local Government Act 1974 has been issued;</p> <p>c. “earthworks carried out as part of a subdivision” does not include earthworks that are authorized under any land use consent for earthworks, separate from earthworks approved as part of a subdivision consent after 29 April 2016;</p> <p>d. ground level interpretations are to be based on credible evidence including existing topographical information, site specific topography, adjoining topography and known site history;</p> <p>e. changes to the surface of the ground as a result of earthworks associated with building activity do not affect the “ground level” of a site;</p> <p>f. subdivision that does not involve earthworks has no effect on “ground level”;</p> <p>Notes: a. See interpretive diagrams in the definition of Height;</p>	<p>The definition as currently worded is generally as per the ODP definition and has the potential to create uncertainty. The Panel was cognisant of the fact that the definition would be problematic when earthworks had occurred without adequate Council records.</p> <p>The reference to “prior to any earthworks” or “the most recent subdivision” could require plan users to undertake a significant amount of research, creating a high cost for plan users when trying to determine compliance.</p>	<p>Further research is required to determine if there is sufficient information on existing ground levels to enable a point in time to be chosen for the date that ground level is determined.</p> <p>Any change will potentially have wide reaching implications for determining height limits. The best appropriate option (which may be to retain the status quo) will need to be determined.</p>

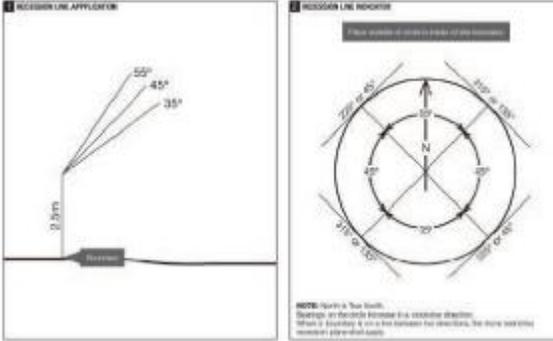
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		b. Special height rules apply in the Queenstown town centre, where “metres above sea level” is used. This is not affected by the definition of “ground level” above, which applies elsewhere.		
	1	<p>Recession Lines/Recession Plane Means the lines constructed from points or above a boundary surface or a road surface, the angle of inclination of which is measured from the horizontal, at right angles to a site boundary and in towards the site. See interpretive diagrams below.</p> 	<p>The Panel noted that the definition and diagram for recession planes appear to be directed to planning professionals rather than lay people (recession planes being a rule that lay people are more likely to encounter than many others), but had no scope to change it.</p> <p>The Panel included a possible definition (following) and further interpretative diagrams: <i>Means a line drawn from a point 2.5 metres above a site boundary at right angles inward from the boundary, inclining at an angle that varies from the horizontal according to the extent to which the site is orientated to true north. The combination of recession lines drawn along the site boundary creates the recession plane.</i></p> <p>The inclusion of the dimension (2.5m) in the Panel’s recommended wording is not appropriate given that the height above the boundary differs between zones, however the wording of the current definition could use further elaboration.</p>	Review of the definition and associated interpretative diagrams relating to Recession Lines/Recession Planes with a view to making them easier to interpret for the lay person.
	2	<p>Residential Flat Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria: a. the total floor area does not exceed; i. 150m² in the Rural Zone and the Rural Lifestyle Zone; ii. 70m² in any other zone;</p>	<p>The Panel noted that the definition of residential flats creates an internal contradiction with Chapter 24. Under Chapter 24, residential flats are permitted up to 150m² in floor area, but under the definition flats larger than 70m² would not qualify as residential flats.</p>	Review with a view to include the Wakatipu Basin Rural Amenity Zone in limb (a)(i) of the definition to remove the contradiction.

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		not including in either case the floor area of any garage or carport; b. contains no more than one kitchen facility; c. is limited to one residential flat per residential unit; and d. is situated on the same site and held in the same ownership as the residential unit. Note: A proposal that fails to meet any of the above criteria will be considered as a residential unit.		
Chapters 7-9 Lower, Medium and High Density Residential Zones	1	Rules 7.5.12, 8.5.10, and 9.5.9 Waste and recycling storage space Residential activities shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per residential unit. All developments shall suitably screen waste and recycling storage space from the road or public space, in keeping with the building development, or provide space within the development that can be easily accessed by waste and recycling collections.	The Panel recommended that the rules be deleted on the basis that is unnecessary and hence inefficient and ineffective. The upcoming changes to the waste services the Council provides means that the area specified is now smaller than the services provided. It is also noted that the non-compliance status of non-complying for this standard might be unduly harsh for an activity that would have relatively limited effects if breached.	Review of these rules with input from the Waste Minimisation team with a view to revising the non-compliance status, and potentially updating the drafting of the space and screening requirements.
	1	Rules 7.5.13, 8.5.11 and 9.5.10 Glare All exterior lighting shall be directed downward and away from the adjacent sites and roads. No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.	The Panel considered that the non-complying contravention status of these rules had no basis, given the potential effects of a breach would be specific enough to identify matters of discretion.	Review the effects of a non-complying status with a view to varying to a lower activity status.
Chapter 12 Queenstown Town Centre	1	Rule 12.5.1.2 Comprehensive Development Any application for building within the Town Centre Transition Sub-Zone or for Comprehensive Development Plan that covers the entire development area.	The rule is currently located within Table 2 which lists standards that activities must meet. The Panel noted that the drafting confuses the intent of the rule and as currently written, the inclusion of a Comprehensive Development Plan (CDP) would prevent the restricted	Review with a view to redrafting to make this an activity rule rather than a standard.

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			discretionary status applying, when it appears the intent of the rule was to assess Comprehensive Developments with a CDP as a restricted discretionary activity.	
Chapters 13-16 Wanaka Town Centre, Arrowtown Town Centre, Local Shopping Centre and Business Mixed Use	1	Rules 13.5.11, 14.5.9, 15.5.9 and 16.5.10 Glare All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property. / External building materials shall either: a. be coated in colours which have a reflectance value of between 0 and 36%; or b. consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.	The Panel and reporting officer agreed that the glare rule was overly onerous and noted that it had been removed in other commercial zones.	Review with a view to varying to ensure consistency of glare standards across commercial zones and practicality of application.
Chapter 27 Subdivision and Development	1	27.3 Location-specific objectives and policies Particularly Objective 27.3.1 to 27.3.6 and their associated policies	Chapter 27 includes a number of location-specific objectives and policies that are identical or very similar to those introduced into the ODP via plan change (for example, Peninsula Bay in Wanaka and Bible Face in Glenorchy). The Panel identified that this “rolling over” of ODP provisions has meant that some are no longer of relevance due to the time that has passed and progress that has occurred. Some of the provisions appear to now be redundant (for example, those directing development in the Peninsula Bay area).	Review the location-specific objectives and policies to remove or update those provisions that are no longer applicable.
Chapter 42 Millbrook	1	Rule 43.5.2 Setbacks	The reporting officer identified that Rule 43.5.2 was listed as a restricted discretionary activity	As currently written, a restricted

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		a. No building or structure shall be located closer than 6m to the Zone boundary b. No building shall be located closer than 10m from Malaghans Road or the Arrowtown Lake Hayes Road c. On Residential Activity Sites 14 and 19 buildings shall be located at least 7m from the Residential Activity Area boundary	but no matters of discretion were included in the rule. The Panel considered there to be no scope to include matters of discretion.	discretionary activity does not have matters of discretion. Review with a view to vary to include matters of discretion.
Map 39	2	Mapping of Section 1 SO 329365 Atley Road, Arthurs Point	The Panel identified that Map 39 shows Section 1 SO 329365 adjoining Atley Road to be legal road in error. The Panel recommended a variation to zone this land consistently with the adjoining parcels, being Lower Density Suburban Residential Zone overlaid with a Visitor Accommodation Sub-Zone.	Review legal status of land parcel, and if not legal then evaluate for the most appropriate zoning.

Table 2: Errors and Omissions identified by Council staff				
Chapter	Stage	Provision	Discussion	Recommended Action
Chapters 21, 22, 24 and 38 Rural Zone, Rural Residential and Rural Lifestyle Zones, Wakatipu Basin and Open Space and Recreation Zones	1 + 2	Rules 21.7.5, 22.5.12, 24.5.19 and 38.10.11 Firefighting Water and Access All new buildings, where there is no reticulated water supply or any reticulated water supply is not sufficient for fire-fighting water supply, must make the following provision for fire-fighting: 21.7.5.1 A water supply of 45,000 litres and any necessary couplings. 21.7.5.2 A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles. 21.7.5.3 Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling. 21.7.5.4 Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles.	All four chapters include a form of a rule relating firefighting water and access, however there is inconsistency in how the rule is applied (some specify any new building, some only residential units, some buildings over a certain size) and in the volume of water required.	Review the firefighting rules in all chapters in which they appear with the aim of making them consistent across chapters and practical in application.

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Chapter	Stage	Provision	Discussion	Recommended Action
Chapter 26 Historic Heritage	1	26.8 Inventory of Listed Heritage Features	The Council has received notice from HNZPT that Chalmers Cottage (Section 16 Blk XXX Town of Wanaka) has been identified as a Category 2 building and should therefore be included in its Inventory of Listed Heritage Features.	Review the information supplied by HNZPT with a view to varying the inventory to include Chalmers Cottage.
Mapping	2	<p>Maps 32, 37 “Specific Rules Apply” annotation Rules 9.5.1.3 and 9.5.3.3 Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline.</p> 	<p>This rule was in response to submitters' request to include a similar rule in the ODP which used words rather than a map annotation to express its application.</p> <p>It appears that the map annotation goes further east than the ODP rule, but there is not sufficient evidence to suggest that this was not intended by the Panel, and it is unlikely to fit the “minor” test under Clause 16.</p> <p>The ground levels at the eastern end of the annotation extent may be high enough that the rule would effectively prevent any development in this area.</p>	Further research is required to determine whether the ground levels in this area would make this rule effectively preventing development.

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Chapter	Stage	Provision	Discussion	Recommended Action
	1 + 2	<p>Map 21 Low Density Residential Zone and VA Sub-Zones Section 2-3 and 13 Block XXIII Wanaka Township and Section 2 Block XXII Wanaka Township – Brownston Street, Wanaka</p> 	<p>Under the Operative District Plan these sites were zoned Low Density Residential with a Visitor Accommodation Sub Zone overlay. This appears to have been rolled over despite the surrounding blocks being zoned Medium Density Suburban Residential.</p>	<p>Review the zoning of these parcels, and evaluate for the most appropriate zoning.</p>
	2	<p>Maps 35 and 36 Queenstown Town Centre Zone</p> 	<p>The Stage 1 decisions zoned the land surrounding Queenstown Bay as Queenstown Town Centre with a Waterfront Sub-Zone applying which included a suite of provisions specific to this area. Stage 2 notified this same land with a number of Open Space and Recreation Zones (consistent with the application of these zones to Council-controlled reserves). This Stage 2 zoning has resulted in the Queenstown Town Centre Waterfront Sub-Zone and its associated provisions only applying to the small portion of waterfront land that remains Queenstown Town Centre Zone, to the water and to the wharfs and jetties.</p>	<p>Review the zoning of land immediately adjoining Queenstown Bay to determine the most appropriate zone and planning regime for the various components of this land and water interface.</p>