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# POST ENGAGEMENT PREFERRED OPTION UPDATE REPORT TO DISTRICT PLAN COMMITTEE

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**DATE:** 27 March 2019

**TOPIC NAME:** Existing Development Areas, Porters Ski Area, and Tourism

**TOPIC LEAD:** Ben Baird

**PREPARED BY:** Ben Baird

## EXECUTIVE SUMMARY

<i>Summary of Preferred Options Endorsed by DPC for Further Engagement:</i>	<ol style="list-style-type: none"><li>1. That Tourism is integrated through zone chapters and the introduction of policies and definitions, where necessary, to support tourism.</li><li>2. That Porters Ski Area is consolidated into a Special Purpose Zone.</li><li>3. That EDAs are zoned Rural with Terrace Downs and Grasmere zoned Special Purpose.</li></ol>
<i>Summary of Feedback Received:</i>	<p>Feedback was received from landowners and stakeholders.</p> <p>EDA landowners sought the retention of their provisions that continue to reflect their communities.</p> <p>Other landowner and stakeholder feedback was generally supportive of the current direction.</p>
<i>Recommended Option Post Engagement:</i>	<p>The Preferred Options for Existing Development Areas, Porters Ski Area, and Tourism that have previously been endorsed by DPC progress to the 'Drafting and Section 32 Evaluation Phase', subject to the following amendments:</p> <ul style="list-style-type: none"><li>• Provisions relating to the addition to and replacement of dwellings on existing undersized lots are confirmed to be retained in the rural chapters; and</li><li>• For rural EDA sites, a site-specific overlay relating to the subdivision of sites and the establishment of a new dwelling, be rolled over from the operative plan and included in the Proposed District Plan.</li></ul>
<i>DPC Decision:</i>	<p>That the Committee endorses the Recommended Option with proposed amendments for 'Existing Development Areas, Porters Ski Area, and Tourism' for further development and engagement.</p>



## 1.0 Introduction

### 1.1 Overview of Preferred Option Endorsed by DPC

The Preferred Option Report related to Tourism, Porters Ski Area, and Existing Development Areas (EDAs). A summary of the preferred options endorsed by DPC is as follows:

#### **EDAs**

EDAs approach is to identify Terrace Downs and Grasmere as a Special Purpose Zone recognising their unique characteristics, while the remaining EDAs are zoned Rural, recognising that most have developed and the provisions are no longer needed.

#### **Porters Ski Area**

Porters Ski and Recreation Area approach is to maintain the current framework but re-shape it to comply with the Planning Standards. Some minor changes will be required but not the substance of the existing rules.

#### **Tourism**

Tourism approach will look to provide policy and definition support for tourism-related activities, where appropriate.

## 2.0 Summary of Feedback Received

### 2.1 Landowner Feedback

#### **EDAs**

Some landowners, including owners of the undeveloped EDAs of Greendale and Yorktown as well as owners of larger sites within developed EDAs, requested the EDA provision be retained as they have potential developable sites and are exploring subdividing these. Also, questions regarding the reliance on existing use rights for future additions or replacement dwellings, as outlined in the preferred options report, was not supported. Further, Edendale residents sought that a living zoning apply to this EDA, which reflects the development of the area.

Residents in Raven Drive, Kingcraft, and Edendale also seek that the provisions are retained as it recognises their community. A summary of the feedback received is contained in **Appendix 1**.

#### **Porters**

The Porters Ski Area was happy with the preferred option and is keen to provide feedback through the drafting of the s32 and provisions.

#### **Tourism**

Glenthorne Station sought that rural tourism and visitor accommodation within ONLs should be provided for in the rural area.

## 2.2 Stakeholder Feedback

Hospitality NZ provided feedback on private rentals, such as AirBnB, as well as comments relating to the challenges faced by bars and restaurants, such as finding staff and the desire for the night-time economy to be supported. Regarding private rentals, Hospitality NZ members want all short-term visitor accommodation to be treated the same, meeting the same building standards, and paying appropriate rates. The proposed Queenstown provisions is suggested as an appropriate model, with specific definitions, registration of sites, and additional 'per-night' development contributions.

## 3.0 Analysis of Feedback Received

### 3.1 EDA - Retention of potential subdivision of developable sites

#### **Analysis**

The current District Plan provides EDA sites with the ability to subdivide and landowners still wish to be able to subdivide in the future. Most of these sites, either undeveloped EDAs or larger sites within developed EDAs, are in the initial stages of subdivision and may be completed by the time the relevant rules of the Proposed District Plan have effect (date of decisions on submissions). However, relying on these consents being approved before this date is potentially risky. Further, the benefit from removing EDAs is limited to a more streamlined plan, rather than to address an identified environmental effect (i.e. compared to other grandfather type clauses currently being considered in other topics). A potential identification of only developable sites (either undeveloped EDAs or within developed EDAs) through a site-specific overlay, similar to the current EDA provisions, could be a better approach. In addition, the continual recognition of EDAs, as requested by landowners, could be through a site-specific overlay covering all existing EDAs (developable or not).

#### **Conclusion**

As a result of the desire by landowners to retain the potential to subdivide and for communities to continue to recognise the nature of these developments, a specific control overlay for all rural EDAs is proposed.

### 3.2 EDA – Provisions that relate to additions and replacement of existing dwellings

#### **Analysis**

Landowners were concerned regarding the reliance on Existing Use Rights. The Preferred Option Report mentioned that there was a risk for existing landowners to rely on Existing Use Rights for future work. This was not entirely accurate and, upon further investigation, additions and replacement of existing dwellings are covered by the operative plan, and are proposed to continue.

To clarify, the current rural provisions relating to coverage, height and building position apply to EDAs. These are generally proposed to be retained.

#### **Conclusion**

Any additions to and replacement of dwellings on undersized sites should continue to rely on the underlying Rural Zone provisions. This matter will therefore need to be addressed as part of the integration of EDAs into the Rural Zone provisions.

### 3.3 Tourism

#### **Analysis**

Generally, the feedback received from landowners and stakeholders supports the preferred option approach. Hospitality NZ raised concerns relating to private rentals that links to definitions distinguishing different types of accommodation. This was identified in the Preferred Option Report and will continue to be investigated. Hospitality NZ supports the Queenstown Lakes District guide and a consistent approach across neighbouring councils.

#### **Conclusion**

Continue with preferred option approach.

## 4.0 Recommended Option Post Engagement

The Project Team recommends that:

- The Preferred Option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase' with the following amendments:
  - Provisions relating to the addition to and replacement of dwellings on existing undersized lots are confirmed to be retained in the rural chapters; and
  - For rural EDA sites, a site-specific overlay relating to the subdivision of sites and the establishment of a new dwelling, be rolled over from the operative plan and included in the Proposed District Plan.

## Appendix 1: Summary of EDA Feedback

EDA	Name and Contact	Comment
Greendale	Hugh & Chimene @ Dabton Farm	Exploring subdividing undeveloped site around farm
Railway Cnr	Chris & Sue Giddens	Wish to keep existing provisions as have future development plans
Jowers Rd	John Growcott	Wish to continue with provisions
Kingcraft Drive	Pete Sommerville	Working to subdivide remaining site
Kingcraft Drive	Graham Ferguson	Working to subdivide remaining site
Yorktown	Norman Morris & Brian Morris	Keep provisions as working on subdividing
Rocklands	Adrian & Sue Grierson	Support removal of zone as no longer need the ODP. Question what the zone would become and if there will be ONLs (none proposed) and other provisions (earthworks etc)
Raven Dr	Kelvin McMillan	Concerned with potentially significant reduction in existing lawfully obtained land use rights relating to the addition, replacement or alteration to existing dwellings.  This is because of the 12 month extent of EUR. Concern over potential earthquake damage.  Rule for site density is unclear regarding what is meant by existing, lawfully established.
Raven Dr	Andy & Diane Walker	Concerned about the potential effect on their community if existing provisions removed
Raven Dr	Lou and Rachelle Duncan	Wish to keep provisions
Edendale	Peter Stafford + Edendale residents	Edendale should be Living 3 rather than Rural with site sizes of 5,000m <sup>2</sup> with conditions around community values, practicality, good design, sustainability, and neighbour friendly.  Rural zone doesn't preserve the amenity of settlement and have to rely on Existing Use Rights to preserve density should rebuilding need to occur.

