

Before the Queenstown Lakes District Council

Under the Resource Management Act 1991

And the Queenstown Lakes District proposed District Plan –
Rezoning Hearing Topic 13 – Queenstown Mapping

Memorandum of Counsel for

DJ and EJ Cassells and Ors (#503)

Friends of the Wakatipu Gardens and Reserves (#506)

Dated 13th September 2017

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May it please the Panel

1. This Memorandum of Counsel provides further information requested in respect of Hearing Stream 13, on behalf of the named Submitters.
2. In the course of Hearing Stream 13, the Panel enquired as to the workability of certain proposed provisions of the Park Street Special Character Area (**SCA**), namely:
 - (i) Off-site effects (particularly for development on the Hobart Street block);
 - (ii) Controls for the demolition of existing dwellings which add to SCA character;
 - (iii) Controls for aggregation of land which would otherwise undermine, or be contrary to, the SCA character.
3. Further to the above considerations, the Panel also suggested the separation of objectives for the SCA to provide for individual elements being; 'maintain and enhance' and to 'protect' the existing character.
4. Counsel has refined the proposed SCA provisions to provide for the above in the amended Chapter 8 attached as **Appendix 1** to this Memorandum. These additions are highlighted in yellow for ease of reference.
5. Additionally, Counsel has reflected on the suggestion that the proposed definition of "Park Street Special Character" does not sit easily with the nature of definitions in the PDP. Counsel therefore proposes, in the alternative:
 - (b) The proposed SCA Definition in Appendix 3 of Counsel's Topic 13 legal submissions be incorporated as an advisory note or other addition into Chapter 8 itself; and
 - (c) A refined SCA Definition be included in the Definitions Chapter as follows:

Park Street Special Character Area – Definition

The area enclosed by Park Street, Hobart Street and Frankton Road, representative of Queenstown's residential cultural heritage and featuring examples of modest-scale houses and gardens from the 1870s onwards.
6. Counsel considers the above and annexed amendments are all within scope of what was fairly and reasonably raised in the Submitters' submissions to the PDP. The Submissions sought, amongst other relief, to provide for the area of special character through a character overlay to protect the townscape /

landmark value of the precinct, the individual principal historic buildings for the form, scale, materials, and significance, the group value of the buildings and their relationship with the Wakatipu Gardens.

7. In the alternative to the relief proffered by Counsel in Topic 13 legal submissions and in this Memorandum, the Submitters seek alternative, necessary or consequential relief which the Panel might consider appropriate and which gives effect to the purpose of the original submissions.



Dated this 13th day of September 2017

Rosie Hill

Counsel for the Submitters

Appendix 1 – revised SCA provisions 13th September 2017

MEDIUM DENSITY RESIDENTIAL 8

Key:

Recommended changes to notified chapter are shown in red underlined text for additions and ~~red strike~~—through text for deletions; Park Street Special Character Area additions. Additions 13th September 2017

Changes shown in orange reflect the provisions that the Hearings Panel has deferred to the hearings on mapping. The recommendations made within the Appendix 1 to the s42A report are retained.

Recommended changes to notified chapter are shown in underlined text for additions and ~~strike through~~ text for deletions. Appendix 1 to section 42A report, dated 14 September 2016.

Changes shown in blue strikethrough and underline are amendments which relate to Variation 1 – Arrowtown Design Guidelines, notified 20 July 2016.

Note: The provisions relating to Visitor Accommodation, which were withdrawn from the PDP by resolution of Council on 23 October 2015, are not shown in this Revised Chapter.

8 Medium Density Residential

8.1 Zone Purpose

The Medium Density Residential Zone has the purpose to provide land for residential development at increased densities. In conjunction with the High Density Residential Zone and Low Density Residential Zone, the zone will play a key role in minimising urban sprawl and increasing housing supply. The zone will primarily accommodate residential land uses, but may also support limited non-residential activities where these enhance residential amenity or support an adjoining Town Centre, and do not impact on the primary role of the zone to provide housing supply.

The zone is situated in locations in Queenstown, Frankton, Arrowtown and Wanaka that are within identified urban growth boundaries, and easily accessible to local shopping zones, town centres or schools by public transport, cycling or walking. The Medium Density Residential Zone provides for an increased density of housing in locations that are supported by adequate existing or planned infrastructure.

The zone will enable a greater supply of diverse housing options for the District. The main forms of residential development anticipated are terrace housing, semi-detached housing and detached townhouses on smaller sites. The zone will realise changes to density and character over time to provide for the social, economic, cultural and environmental wellbeing of the District. In particular, the zone will provide a greater diversity of housing options for smaller households including single persons, couples, small young families and older people seeking to downsize. It will also enable more rental accommodation for the growing population of transient workers in the District.

While providing for a higher density of development than is possible in the Low Density Residential Zone, the zone utilises development controls to ensure reasonable amenity protection is maintained. Importantly, building height will be generally limited to two storeys.

Development will be required to achieve high standards of urban design, providing site responsive built forms and utilising opportunities to create vibrant public spaces and active transport connections (walking and cycling). In Arrowtown and in the Park Street Special Character Area, particular consideration will need to be given to the ~~town's area's~~ special character, and in Arrowtown, the design criteria identified by the Arrowtown Design Guidelines 2016.

Community activities are anticipated given the need for such activities within residential areas and the high degree of accessibility of the zone.

Pursuant to Section 86(b)(3) of the RMA, Rule 8.5.13 has immediate legal effect.

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8.2 Objectives and Policies

8.2.1 Objective - Medium density development occurs close to employment centres which encourages travel via non-vehicular modes of transport or via public transport.

Policies

8.2.1.1 Provide opportunities for medium density housing close to town centres, local shopping zones, activity centres and public transport routes

8.2.1. Provide for compact development forms that encourage a diverse housing supply and contribute toward containing the outward spread of residential growth away from employment centres.

8.2.1.3 Enable increased densities where they are located within easy walking distance of employment centres and public transport routes.

8.2.2 Objective - Development contributes to the planned medium density character of the area through quality urban design solutions which positively responds to the site, neighbourhood and wider context

Policies

8.2.2.1 Ensure buildings address streets, with limited presentation of unarticulated blank walls or facades to the street.

8.2.2.2 Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping.

8.2.2.3 Ensure street frontages are not dominated by garaging-through consideration of their width, design and proximity to the street boundary.

8.2.2.4 Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.

8.2.2.5 Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for outdoor living purposes and to soften the visual impact of development, with particular regard to the street frontage of developments.

8.2.2.6 Ensure natural site features (such as topography, geology, vegetation, waterways and creeks) are incorporated into the site layout and design.

8.2.2.7 Enable medium density development of varied building typologies including terrace, semi-detached, duplex, townhouse and small lot detached housing.

8.2.3 Objective - Development provides high quality living environments for residents and provides reasonable protection of the amenity of adjoining sites taking into account the planned medium density character of the area.

Policies

8.2.3.1 Apply recession plane, building height, setbacks and site coverage controls as the primary means of ensuring reasonable protection of neighbours' access to sunlight, privacy and amenity values.

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- 8.2.3.2 Ensure built form achieves an acceptable level of privacy for the subject site and neighbouring residential units through the application of setbacks, offsetting of habitable room windows, screening or other means.
- 8.2.3.3 Ensure building heights along the western side of Designation 270 do not prevent access to views from the formed walkway to the west toward Lake Wanaka and beyond.
- 8.2.3.4 Ensure developments of increased density take into account the amenity of existing developments on adjoining sites acknowledging the anticipated future amenity and character of the zone.

Policies

- 8.2.4 Objective - In Arrowtown medium density development responds sensitively to the town's character.**

Policies

- 8.2.4.1 Notwithstanding the higher density of development anticipated in the zone, ensure development is of a form that is sympathetic to the character of Arrowtown in accordance with the Arrowtown Design Guidelines 2006-2016, with particular regard given to:
- i. Building design and form;
 - ii. Scale, layout and relationship of buildings to the street; and
 - iii. Materials and landscape responses.
- 8.2.4.2 Flat roofed housing forms are avoided.
- 8.2.4.3 Medium density housing development responds sensitively to the street and public spaces through the inclusion of landscaping (including hedges along the street boundary, small trees and shrubs) to soften increased building mass.

- 8.2.5 Objective - In the Park Street Special Character Area ~~medium density development~~ new development complements and responds sensitively to the area's special character.**

Policies

- 8.2.5.1 Ensure development is of a form that maintains the special character and residential amenity of the area, with particular regard given to:
- i. Building design and form which is consistent or complementary to existing and historical development;
 - ii. Scale, layout and relationship of buildings to the street, adjacent buildings, and the Queenstown Gardens;
 - iii. The impact of increased parking requirements from new developments;
 - iv. The impact of visitor accommodation and commercial activities on residential character and amenity values; and
 - v. Materials and landscape responses.
- 8.2.5.2 Flat roofed housing forms are avoided and lower buildings heights are encouraged.
- 8.2.5.3 Medium density housing development responds sensitively to street amenity and public spaces, in particular the Queenstown Gardens, through the inclusion of landscaping (including hedges along the street boundary, small trees and shrubs) to soften building mass.

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8.2.5.4 Require supporting information for any development proposal which demonstrates Consistency with, or ability to complement, the area's existing residential amenity and special character

8.2.6 Objective – Special Character is protected, maintained and enhanced

Policies

8.2.6.1 Control the subdivision of land and regulate density to ensure the character resulting from the existing lot sizes and historical subdivision pattern is retained.

8.2.6.2 Discourage the total or partial demolition of buildings which contribute to Special Character of the area

8.2.6.3 Ensure that, where possible, any activity requiring consent adjacent to the Park Street Special Character area avoids adverse effects on those key characteristics and values by ensuring:

(a) The form, scale and proportion of the development, and the materials used do not detract from the characteristics and values within the Park Street Special Character Area;

(b) The location of the development respects and does not degrade any relationship that exists between the setting and the Special Character Area and which contributes to the values identified for the Special Character Area;

8.2.65 Objective - medium density development efficiently utilises existing infrastructure

Policies

8.2.56.1 Ensure development connects to existing or planned adjacent public transport linkages, trail/track networks and infrastructure, networks and maintains the safety, efficiency and functionality of those networks.

8.2.56.2 Access and parking is located and designed to maintain the efficiency and safety of the transportation network and minimise adverse effects to on-street parking.

8.2.56.3 Encourage low impact approaches to storm water management, including on-site treatment and storage / dispersal to limit demands on public infrastructure networks.

8.2.76 Objective - Community activities are generally best located in a residential environment close to residents.

Policies

8.2.76.1 Enable the establishment of community activities where adverse effects on residential amenity in terms of noise, traffic, hours of operation, lighting, glare and visual impact can be suitably avoided or mitigated.

8.2.76.2 Ensure any community activities are of a design, scale and appearance compatible with a residential context.

8.2.87 Objective - Small-scale commercial activities are provided for where they:

- **contribute to a diverse residential environment;**
- **maintain residential character and amenity; and**
- **do not compromise the primary purpose of the zone for residential use.**

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Policies

- | 8.2.87.1 Support commercial activities that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment , provided these do not undermine residential amenity, the viability of the zone or a nearby Town Centre.
- | 8.2.77.2 Ensure any commercial development is of low scale and intensity and generates small volumes of traffic.
- | 8.2.87.3 Mitigate the adverse noise effects generated by commercial activities.
- | 8.2.87.4 Ensure commercial activities are suitably located and designed to maximise or encourage walking, cycling and public transport patronage.
- | 8.2.87.5 Locate commercial activities at ground floor level and provide a quality built form which activates the street, and adds visual interest to the urban environment.
- | 8.2.87.6 Ensure any commercial development is of a design, scale and appearance compatible with its surrounding residential context.
- | 8.2.87.7 Encourage walking and cycling to and from the business through provision of bicycle parking and, where appropriate for the scale of activity, end-of-trip facilities (shower cubicles and lockers) for use by staff, guests or customers of non-residential activities.
- | 8.2.87.8 Protect public health and safety through design methods for non-residential developments to increase passive surveillance and discourage crime, such as through the provision of security lighting, avoidance of long blank facades, corridors and walkways; and good signage.

| **8.2.98** **Objective - The development of land fronting State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality residential environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.**

Policies

- | 8.2.98.2 Encourage low impact stormwater design that utilises on-site treatment and storage / dispersal approaches, and avoids impacts on the State Highway network.
- | 8.2.98.3 Provide a planting buffer along the road frontage to soften the view of buildings from the State Highway network.
- | 8.2.98.4 Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Rounding Powers Act 1989.
- | 8.2.98.5 Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.

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8.2.98.6 Provide a safe and legible walking and cycle environment that links to other internal and external pedestrian and cycling networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes and is of a form and layout that encourages walking and cycling.

8.2.98.7 Provide an internal road network that ensures road frontages are not dominated by vehicular access and parking.

8.2.109 Objective – Non-residential development forms which support the role of the Town Centre and are sensitive to the transition with residential uses are located within the Wanaka Town Centre Transition Overlay.

Policies

8.2.109.1 Enable non-residential uses to establish in a discrete area of residential-zoned land adjoining the Wanaka Town Centre, where these activities suitably integrate with and support the role of the Town Centre.

8.2.109.2 Require non-residential and mixed use activities provide a quality built form which activates the street, minimises the visual dominance of parking and adds visual interest to the urban environment.

8.2.109.3 Ensure the amenity of adjoining residential properties outside of the Wanaka Town Centre Transition Overlay is protected through design and application of setbacks and to mitigate dominance, overshadowing and privacy effects.

8.2.110 Objective – Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.

Policies

8.2.110.1 Require, as necessary all new and altered buildings for activities sensitive to road noise located within 80 m of the State Highway be designed to provide protection from sleep disturbance and maintain appropriate amenity

8.2.110.2 Encourage all new and altered buildings containing an Activity Sensitive to Aircraft Noise (ASAN) located within the flight paths of the Queenstown Airport (identified by Figure 1 - Airport Approach and Protection Measures) to be designed and built to achieve an internal design sound level of 40 dB Ldn.

8.3 Other Provisions and Rules

8.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

| | | |
|---|---|--|
| 1 Introduction | 2 Definitions | 3 Strategic Direction |
| 4 Urban Development | 5 Tangata Whenua | 6 Landscapes |
| 24 Signs (18 <u>Operative ODP</u>) | 25 Earthworks (22 <u>Operative ODP</u>) | 26 Historic Heritage |
| 27 Subdivision | 28 Natural Hazards | 29 Transport (14 <u>Operative ODP</u>) |
| 30 Energy and Utilities and Renewable Energy | 31 Hazardous Substances (16 <u>Operative ODP</u>) | 32 Protected Trees |

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| | | |
|--------------------------|-------------------------|---|
| 33 Indigenous Vegetation | 34 Wilding Exotic Trees | 35 Temporary Activities and Relocated Buildings |
| 36 Noise | 37 Designations | Planning Maps |

8.3.2 Clarification

Advice Notes

- 8.3.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.
- 8.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 8.3.2.3 The following abbreviations are used within this Chapter.

| | | | |
|----|--------------------------|----|---------------|
| P | Permitted | C | Controlled |
| RD | Restricted Discretionary | D | Discretionary |
| NC | Non Complying | PR | Prohibited |

General Rules

- 8.3.2.4 The 'Additional Rules for Activities in the Wanaka Town Centre Transition Overlay' apply in addition to the 'Rules for Activities in the Medium Density Residential Zone' and shall override these to the extent of any inconsistency.
- 8.3.2.5 Development resulting in more than one (1) residential unit per lot shall show each residential unit contained within the net site area. For the purposes of this rule net site area means an area of land shown on a plan with defined boundaries (legally defined or otherwise), less any area for shared access or any strip of land less than 6m in width.

8.4 Rules - Activities

| | Activities located in the Medium Density Residential Zone | Activity status |
|--|--|-----------------|
| 8.4.1 | Activities which are not listed in this table | NC |
| Rules for Activities in the Medium Density Residential Zone generally | | |
| 8.4.2 | Informal airports for emergency landings, rescues and fire fighting | P |
| 8.4.3 | Airports not otherwise defined | PR |
| 8.4.4 | Building Restriction Area Where a building restriction area is shown on the District Plan Maps, no building shall be located within the restricted area | NC |
| 8.4.5 | Bulk material storage | PR |
| 8.4.6 | Commercial Activities in Queenstown, Frankton or Wanaka, comprising no more than 100m ² of gross floor area | D |
| 8.4.7 | Commercial Activities (not otherwise identified) | NC |

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| | Activities located in the Medium Density Residential Zone | Activity status |
|--------|---|-----------------|
| 8.4.8 | Commercial Recreation | D |
| 8.4.9 | Community activities | D |
| 8.4.10 | <p>Residential Unit</p> <p>8.4.10.1 One (1) per site in Arrowtown, except within the Arrowtown Historic Management Transition Overlay Area</p> <p>8.4.10.2 For all other locations, three (3) or less per site</p> <p>Note – Additional rates and development contributions may apply for multiple units located on one site.</p> | P |
| 8.4.11 | <p>Residential Unit</p> <p>8.4.11.1 One (1) or more per site within the Arrowtown Historic Management Transition Overlay Area</p> <p><u>8.4.11.2</u> Two (2) or more per site in Arrowtown</p> <p><u>8.4.11.3</u> For all other locations, four (4) or more per site</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> ◦ location, external appearance, site layout and design and how the development addresses its context and contributes positively to the residential character and amenity of the ◦ street activation ◦ visual privacy of adjoining properties ◦ housing diversity and sustainability through construction methods, design or function ◦ <u>In Arrowtown, consistency with Arrowtown’s character, utilising the Arrowtown Design Guidelines 2016 as a guide</u> ◦ <u>In the Park Street Special Character Area, consistency with or ability to complement the area’s existing residential amenity and special character</u> ◦ For land fronting State Highway 6 between Hansen Road and the Shotover River <ul style="list-style-type: none"> ◦ safety and effective functioning of the State Highway network; ◦ Integration with other access points through the zone to link up to Hansen Road, the Eastern Access Road Roundabout and/or Ferry Hill Drive; ◦ Integration with public transport networks ◦ Integration with pedestrian and cycling networks, including to those across the State Highway. ◦ building <u>dominance</u> on neighbouring properties and the public | RD |

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| | Activities located in the Medium Density Residential Zone | Activity status |
|---|---|-----------------|
| | <p>realm</p> <ul style="list-style-type: none"> ◦ Design of parking and access ◦ Design and integration of landscaping ◦ Natural hazards where the proposal results in an increase in gross floor area <p>Assessment matters relating to natural hazards:</p> <ul style="list-style-type: none"> ◦ the nature and degree of risk the hazard(s) pose to people and property, ◦ whether the proposal will alter the risk to any site, and ◦ whether such risk can be avoided or sufficiently reduced. <p>Note – Additional rates and development contributions may apply for multiple units located on one site.</p> | |
| 8.4.12 | Factory Farming | PR |
| 8.4.13 | Fish or meat processing | PR |
| 8.4.14 | Forestry | PR |
| 8.4.15 | Home occupation | P |
| 8.4.16 | Manufacturing and/or product assembling activities | PR |
| 8.4.17 | Mining | PR |
| 8.4.18 | Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building. | PR |
| 8.4.19 | Retirement village | D |
| 8.4.20 | Any activity requiring an Offensive Trade Licence under the Health Act 1956 | PR |
| Additional Rules for Activities in the Wanaka Town Centre Transition Overlay | | |
| 8.4.21 | <p>Buildings</p> <p>Discretion is restricted to consideration of all of the following: external appearance, materials, signage platform, lighting, impact on the street, and natural hazards to ensure that:</p> <ul style="list-style-type: none"> • The design of the building blends well with and its contributes to an integrated built form • The external appearance of the building is sympathetic to the surrounding natural and built environment. The use of stone, schist, plaster or natural timber is encouraged | RD |

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| | Activities located in the Medium Density Residential Zone | Activity status |
|--------|---|-----------------|
| | <ul style="list-style-type: none"> • Maintenance of the visual privacy of adjoining properties • The building facade provides an active interface to open space on to which it fronts, and the detail of the facade is sympathetic to other buildings in the vicinity, having regard to: <ul style="list-style-type: none"> - Building materials - Glazing treatment - Symmetry - External appearance - Human scale - Vertical and horizontal emphasis. • Storage areas are appropriately located and screened • Natural hazards where the proposal results in an increase in gross floor area <p style="margin-left: 20px;">Assessment matters relating to natural hazards:</p> <ul style="list-style-type: none"> • the nature and degree of risk the hazard(s) pose to people and property, • whether the proposal will alter the risk to any site, and • whether such risk can be avoided or sufficiently-reduced. | |
| 8.4.22 | Commercial activities | P |
| 8.4.23 | Community activities | P |
| 8.4.24 | Licenced Premises for the consumption of alcohol on the premises between the hours of 8am and 11pm, and also to: <ul style="list-style-type: none"> • any person who is residing (permanently or temporarily) on the premises. • any person who is present on the premises for the purpose of dining up until 12am. | P |

8.5 Rules - Standards

| | Standards for activities located in the Medium Density Residential Zone | Non-compliance status |
|-------|--|-----------------------|
| 8.5.1 | Building Height (for flat and sloping sites) <ul style="list-style-type: none"> 8.5.1.1 Wanaka and Arrowtown: A maximum of 7 metres 8.5.1.2 All other locations: A maximum of 8 metres. | NC |

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| | Standards for activities located in the Medium Density Residential Zone | Non-compliance status |
|--------------|---|---|
| | Note: Refer to Definition for interpretation of building height. | |
| 8.5.2 | <p>Sound insulation and mechanical ventilation</p> <p>8.5.2.1 For buildings located within 80 m of a State Highway</p> <p>Any residential buildings, or buildings containing activity sensitive to road noise, and located within 80 m of the road boundary of a State Highway shall be designed to achieve an Indoor Design Sound Level of 40 dB $L_{Aeq(24h)}$.</p> <p>Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level.</p> | NC |
| 8.5.3 | <p>Development on land fronting State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>8.5.3.1 Transport, parking and access design that:</p> <ol style="list-style-type: none"> a. Ensures connections to the State Highway network are only via Hansen Road, the Eastern Access Road Roundabout, and/or Ferry Hill Drive b. There is no new vehicular access to the State Highway Network. <p>8.5.3.2 Landscaping which provides a planting buffer fronting State Highway 6 as follows</p> <ol style="list-style-type: none"> a. A density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species: <ul style="list-style-type: none"> • <u>Ribbonwood (Plagianthus regius)</u> • <u>Corokia cotoneaster</u> • <u>Pittosporum tenuifolium</u> • <u>Grisilinea</u> • <u>Coprosma propinqua</u> • <u>Olearia dartonii</u> <p>Once planted these plants are to be maintained in perpetuity.</p> | NC |
| 8.5.4 | <p>Building Coverage</p> <p>A maximum of 45%.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • External appearance, location and visual dominance of the buildings as viewed from both the street and adjacent properties • Impact upon the character of the surrounding area • External amenity for the future occupants of the residential units • Impacts upon access to views, sunlight and shading of adjacent | RD <u>(NC for a maximum coverage over 70% within the park Street Special Character Area)</u> |

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| | Standards for activities located in the Medium Density Residential Zone | Non-compliance status |
|--------------|---|---|
| | <p>properties</p> <ul style="list-style-type: none"> • Access and parking • <u>In Arrowtown, consistency with Arrowtown's character, utilising the Arrowtown Design Guidelines 2016 as a guide</u> • <u>In the Park Street Special Character Area, consistency with or ability to complement the area's existing residential amenity and special character</u> • Natural hazards where the proposal results in an increase in gross floor area <p>Assessment matters relating to natural hazards:</p> <ul style="list-style-type: none"> • the nature and degree of risk the hazard(s) pose to people and property, • whether the proposal will alter the risk to any site, and • <u>whether such risk can be avoided or sufficiently reduced.</u> <p><u>Building Footprint</u></p> <p><u>Within the Park Street Special Character Area, a maximum of 300m²</u></p> | |
| 8.5.5 | <p>Density</p> <p>8.5.5.1 The maximum site density shall be one residential unit per 250m² net site area.</p> <p><u>8.5.5.2 The maximum site density in the Park Street Special Character area shall be one residential unit per 250m² net site area.</u></p> <p><u>8.5.5.3 One Residential Unit per Site in the Park Street Special Character area</u></p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • Proximity to employment centres and public transport routes • Internal and external amenity for the future occupants of the residential units • Impacts upon adjacent properties in respect of dominance, outlook and privacy • External appearance, building bulk and dominance effects upon the streetscape • Traffic, parking and access • Noise • Rubbish storage and collection • Natural hazards where the proposal results in an increase in gross | <p>RD</p> <p><u>NC</u></p> <p><u>NC</u></p> |

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| | Standards for activities located in the Medium Density Residential Zone | Non-compliance status |
|--------------|--|-----------------------|
| | <p>floor area</p> <p>Assessment matters relating to natural hazards:</p> <ul style="list-style-type: none"> • the nature and degree of risk the hazard(s) pose to people and property, • whether the proposal will alter the risk to any site, and • whether such risk can be avoided or sufficiently reduced- | |
| 8.5.6 | <p>Recession plane</p> <p>8.5.6.1 (applicable to flat sites only, and for accessory buildings on flat and sloping sites)</p> <ul style="list-style-type: none"> • Northern Boundary: 2.5m and 55 degrees. • Western and Eastern Boundaries: 2.5m and 45 degrees. • Southern Boundaries: 2.5m and 35 degrees. • Gable end roofs may penetrate the building recession plane by no more than one third of the gable height. • Recession planes do not apply to site boundaries adjoining a town centre zone, fronting the road, or a park or reserve. <p>Note - Refer to Definitions for detail of the interpretation of recession planes.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • Privacy effects • Access to sunlight and the impacts of shading • Effects upon access to views of significance • Visual dominance and external appearance • In Arrowtown, consistency with Arrowtown's character, utilising the Arrowtown Design Guidelines 2016 as a guide <p><u>8.5.6.2 Within the Park Street Special Character Area:</u></p> <ul style="list-style-type: none"> • <u>All boundaries: 2.5m and 25 degrees.</u> | RD |
| 8.5.7 | <p>Landscaped permeable surface</p> <p><u>8.5.7.1</u> At least 25% of site area shall comprise landscaped permeable surface.</p> <p>Where a proposal does not provide 25%, discretion is restricted to the following:</p> <ul style="list-style-type: none"> • The effects of any reduced landscape provision on the visual appearance or dominance of the site and buildings from adjacent sites and the public realm; | RD |

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| | Standards for activities located in the Medium Density Residential Zone | Non-compliance status |
|--------------|--|-----------------------|
| | <ul style="list-style-type: none"> • The ability for adequate on-site stormwater disposal • In Arrowtown, consistency with Arrowtown’s character, utilising the Arrowtown Design Guidelines 2016 as a guide <p><u>8.5.7.2 Within the Park Street Special Character Area, at least 40% of site area shall comprise landscaped permeable surface.</u></p> <p><u>Where a proposal does not provide 40%, discretion is restricted to the following:</u></p> <ul style="list-style-type: none"> • <u>The effects of any reduced landscape provision on the visual appearance or dominance of the site and buildings from adjacent sites and the public realm;</u> • <u>Consistency with or ability to complement the area's existing residential amenity and special character</u> | RD |
| 8.5.8 | <p>Minimum Boundary Setback</p> <p>.1.1.1 Road boundary setback: 3m, except for:</p> <ol style="list-style-type: none"> a. State Highway boundaries where the setback shall be 4.5m b. Garages which shall be setback 4.5m <p>All other boundaries: 1.5m</p> <p><u>.1.1.2 Road boundary setback in the Park Street Special Character Area: 4.5m, except for:</u></p> <ol style="list-style-type: none"> <u>a. Front Site One setback of 4.5m and all other setbacks 2m.</u> <u>b. Rear Sites Two setbacks of 4.5m and all remaining setbacks to be 2m.</u> <p><u>.1.1.2 Where two or more buildings are located on a single lot within the Park Street Special Character Area, the mutual setback requirements will apply as if an internal boundary exists to separate the building</u></p> <p>.1.1.3 Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • External appearance and visual dominance of the building as viewed from the street and adjacent properties • Amenity and character of the streetscape • Access to sunlight, shading and privacy of adjoining properties • Access to views of significance • On-site parking | RD |

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| | Standards for activities located in the Medium Density Residential Zone | Non-compliance status |
|---------------|---|-----------------------|
| | <ul style="list-style-type: none"> • <u> </u> In Arrowtown, consistency with Arrowtown’s character, utilising the Arrowtown Design Guidelines 2016 as a guide • <u> </u> <u>In the Park Street Special Character Area, consistency with or ability to complement the area's existing residential amenity and historic character</u> <p>Exceptions to side and rear boundary setbacks include:</p> <p>Accessory buildings for residential activities may be located within the set back distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and comply with rules for Building Height and Recession Plane.</p> | |
| 8.5.9 | <p>Building Length</p> <p><u>8.5.9.1</u> The length of any building facade above ground floor level shall not exceed 24m.</p> <p>Where a proposal exceeds this length, discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Building dominance • Building design, materials and appearance • <u> </u> In Arrowtown, consistency with Arrowtown’s character, utilising the Arrowtown Design Guidelines 2016 as a guide <p><u>8.5.9.2</u> <u>Within the Park Street Special Character Area, the length of any building facade above ground floor level shall not exceed 16m.</u></p> <p><u>Where a proposal exceeds this length, discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> • <u> </u> <u>Building dominance</u> • <u> </u> <u>Building design, materials and appearance</u> • <u> </u> <u>In the Park Street Special Character Area, consistency with or ability to complement the area's existing residential amenity and historic character</u> | RD |
| 8.5.10 | <p>Waste and Recycling Storage Space</p> <p>8.5.10.1 Residential activities shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per residential unit.</p> <p>8.5.10.2 All developments shall suitably screen waste and recycling storage space from neighbours, a 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.</p> | NC |
| 8.5.11 | <p>Glare</p> <p>8.5.11.1 All exterior lighting shall be directed away from the adjacent sites and roads and downward to limit effects</p> | NC |

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| | Standards for activities located in the Medium Density Residential Zone | Non-compliance status |
|----------------------|--|-----------------------|
| | <p style="text-align: center;">on the night sky.</p> <p>8.5.11.2_ 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.</p> | |
| 8.5.12 | <p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 7m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • indigenous biodiversity values • Visual amenity values • Landscape character • Open space and the interaction of the development with the water body • Environmental protection measures (including landscaping and stormwater management) • Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building | RD |
| 8.5.13 | <p>Setbacks from electricity transmission infrastructure</p> <p>National Grid Sensitive Activities are located outside of the National Grid Yard.</p> | NC |
| <u>8.5.14</u> | <p>Dominance of Garages</p> <p>Garage doors and their supporting structures (measured parallel to the road) are not to exceed 50% of the width of the front elevation of the building which is visible from the street.</p> | D |
| 8.5.15 | <p>Height Restrictions for Land Adjoining Designation 270</p> <p>No building or building element on the western side of Designation 270 shall rise greater than 1.5m above the nearest point of the formed walkway path within Designation 270.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • Access to views to the west toward Lake Wanaka and the mountains beyond from the walkway within Designation 270 | RD |
| 8.5.16 | <p>Home Occupation</p> <p>8.5.16.1 No more than one full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>8.5.16.2 The maximum number of vehicle trips* shall be:</p> | D |

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| | Standards for activities located in the Medium Density Residential Zone | Non-compliance status |
|----------------------|--|-----------------------|
| | <p>a. Heavy Vehicles: none permitted</p> <p>b. Other vehicles: 10 per day.</p> <p>8.5.16.3 Maximum net floor area of 60m².</p> <p>8.5.16.4 Activities and the storage of materials shall be indoors.</p> <p>*A vehicle trip is two movements, generally to and from a site.</p> | |
| <u>8.5.17</u> | <p><u>Fences</u></p> <p><u>Within the park Street Special Character Area, no Visually Opaque Fence constructed within the Road Setback shall exceed 1.2m in height above ground level.</u></p> <p><u>Discretion is restricted to the following:</u></p> <ul style="list-style-type: none"> • <u>The creation of pedestrian amenity</u> • <u>The degree to which a higher fence undercuts the visual relationship between the public and private realms; and</u> • <u>The necessity of the increased fence in terms of public safety</u> • <u>consistency with or ability to complement the area's existing residential amenity and historic character</u> | <u>RD</u> |

8.6 Rules - Non-Notification of Applications

8.6.1 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified:

8.6.1.1 Residential units which comply with rule 8.4.11 and all of the Standards in 8.5

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Chapter 27 – Subdivision and Development

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

| Zone | | Minimum Lot Area |
|--------------------|---|-------------------------|
| Residential | Medium Density Residential | 250m ² |
| <u>Residential</u> | <u>Medium Density Residential (Park Street Special Character Area)</u> <u>And in addition, one Residential Unit per Site</u> | <u>450m²</u> |

Chapter 2 - New Definition – Park Street Special Character Area

Park Street Special Character Area – the overlay area is enclosed by Park Street, Brisbane Street and Hobart Street. It embodies a combination of small-scale, discrete residential homes and gardens whose heterogeneous character represents the area's earliest period of development at the end of the 19th century through to the 20th century. The area integrates a number of vernacular historic dwellings and larger green spaces; a variety of house styles and forms; houses are generally set back from the pavement and feature front gardens and screening that enhance the sense of privacy. The area's values listed below, combine to produce a distinctive, heterogeneous residential character that reflects 140 years of settlement in Queenstown and embodies examples of architecture from most decades since the late 19th century to the present. A summary of its values include:

- **Historical and cultural** - the area collectively is representative of a long and significant period and pattern of organic community development within the District, presenting elements of its historical and cultural evolution; **in addition to a predominantly residential character, the area contributes a cultural story the Queenstown CBD and wider community, including through its recreational connection with the Wakatipu Gardens**
- **Physical and visual qualities** – the area's physical and visual qualities are significant because its remaining built fabric and forms exemplify an older residential area of Queenstown, embodying a mixture of building materials including historic stone, timber and corrugated iron juxtaposed with more modern timber, brick and block. These are interspersed with attractive greening provided by the mature gardens and other plantings.
- **Scale of development** – the area is typically low density development and buildings are generally single or two storeyed with generous, irregular setbacks and road frontages. Dwellings are predominantly self-contained residential units and there is very limited visitor accommodation and commercial activity.
- **Streetscape** – the character of the street is determined by the human-scale, residential built form and its relationship to the street, gardens, and fencing, as well as the layout and design of the street itself. Predominantly, front yards are separated from the street with mostly low fences, hedges, walls or planting. The area provides a buffer from the noise and activity of medium density development further to the north and east. The attractive and mutual interface along Park Street between the edge of the area and the Queenstown Gardens, provides particular amenity for residents and visitors.

*Note 1 – An assessment of proposals for development and modifications to buildings within the special character area will be considered against this definition. The values identified in this definition identify the overall notable and distinctive aesthetic, physical and visual qualities of the area. Requiring assessment against this definition is intended to retain and manage the character of traditional town centres and residential neighbourhoods by maintaining or enhancing existing traditional buildings, retaining intact groups of character buildings, and designing compatible new building infill and additions that reinforce the predominant streetscape character.

****Note 2 – Reference within the District Plan to 'the area's special character' shall have a corresponding meaning.**