

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report and recommendations of Independent Commissioners
regarding mapping of Wakatipu Basin and Arrowtown
(includes Stage 1 submissions not previously heard)

Report 18.10 Area H
Arrowtown

Commissioners

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1. INTRODUCTION

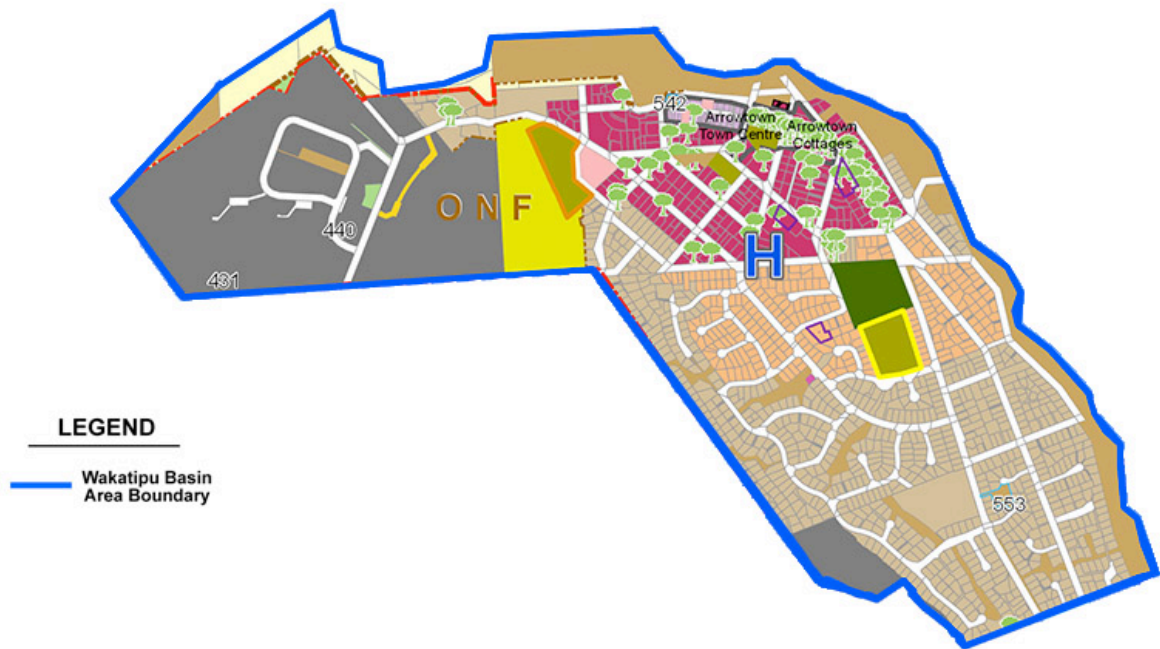
1.1 Preliminary

1. This report relates to the Stage 1 mapping submissions not previously heard in relation to Arrowtown. Submissions requesting extensions of the urban growth boundary at Arrowtown or changes to Stage 2 mapping¹ are addressed in Report 18.7.
2. The report needs to be read in conjunction with Reports 18.1 and 18.2.
 1. Report 18.1 sets out the overall hearing process for Stream 14 and the approach we have taken to assessing the submissions in terms of the statutory requirements. The abbreviations we use in the report are set out in Report 18.1, as is the list of persons heard.
 2. Report 18.2 set out the background to the zoning issues dealt with in Stream 14 and explains how we divided the area subject to our deliberations up for the purposes of preparing the recommendation reports.

1.2 Area H - Arrowtown

3. This area covers the urban area of Arrowtown, and this report deals with submissions relating to land from Stage 1 that were not previously heard. The area excludes the three areas yet to be brought into the PDP: the Bush Creek Road industrial land (ODP Industrial A); Meadow Park (ODP Meadow Park Special Zone); and Arrowtown South within the UGB (ODP Arrowtown South Special Zone). It does include the single site zoned Rural Lifestyle at the western end of Bush Creek Road which is used for urban purposes and a small area of Rural land which was not considered in Stream 13. The extent of this area is shown on Figure 1 below.
4. We record that to the extent that submissions sought rezoning to urban zones, we discussed the potential application of the NPSUDC in section 1.3 of Report 18.2, and do not address it further in this report.

¹ Including submissions 2397, 2511, 2299 and associated further submissions, which were the subject of Mr Luke Place's Section 42A Report.



Area H – Arrowtown

Figure 1 – Arrowtown

2. MEDIUM DENSITY RESIDENTIAL ZONE

5. There were submissions both in support of and in opposition to the Medium Density Residential Zone in Arrowtown. As we did not receive any evidence from these submitters, we list them in Appendix 1 to Report 18.2.
6. The provisions for the Medium Density Residential Zone were decided in Stage 1². Mr Luke Place's Section 42A Report set out in considerable detail the previous reporting, panel recommendations and Stage 1 decisions on the Medium Density Residential Zone. Mr Place considered that the Medium Density Residential Zone provisions in Chapter 8 appropriately address issues relating to amenity, character, infrastructure, traffic and parking. He relied on the opinion of Ms Jarvis, which was that the Medium Density Residential Zone as notified is sited within the scheme boundaries for both water supply and wastewater servicing.
7. We note that the MDRZ provisions were amended in the Stage 1 decisions so that development in this zone in Arrowtown in excess of one residential unit on a site requires assessment against the Arrowtown Design Guidelines³.

² See Report 9A by the Hearings Panel for Stream 6

³ See Rule 8.4.10

8. Overall, we are satisfied that the Medium Density Residential Zone, as modified by the Council's decisions on Stage 1, is appropriate. It achieves the strategic direction of the PDP; and gives effect to Partially Operative RPS policies 4.5.1(c), (d) and (e) through enabling the use of land to meet demand for housing capacity, while ensuring that growth is coordinated with existing and planned infrastructure. As confirmed by Council's witnesses, the capacity of existing infrastructure, together with planned renewals, upgrades and extensions will support residential intensification in the zone.

3. OTHER ZONING AMENDMENTS

9. Arrow Irrigation⁴ requested that its property at 31 Bush Creek Road (Lot 1 DP 22733) be rezoned from Rural Lifestyle to Industrial B. We did not hear any evidence in support of this submission.
10. The property is zoned Rural Lifestyle, which is clearly an anomaly. This zone does not reflect the use of the site for the long-established depot for Arrow Irrigation Company Ltd. Nor does the zone sit comfortably in the context of the zoning of the adjoining land to the south and west, which is Industrial A Zone and Meadow Park Special Zone in the Operative District Plan.
11. Mr Place's Section 42A Report acknowledged that the Rural Lifestyle Zone was not the most appropriate zone, but noted the Industrial zones are proposed to be included in Stage 3 of the review of the district plan. He therefore recommended that the submission be rejected.
12. In those circumstances, we do not have a sufficient evidential basis to recommend an urban zone for this land. However, we are concerned that this may be the only opportunity the submitter has to seek an appropriate zoning for the land. If the Council chose not to rezone it in Stage 3, there would be no scope for a submission to be lodged to amend the zoning. Consequently, given the actual use of the site, in the short term, the more appropriate zone from those we may consider is Rural with a Rural Industrial Sub-Zone Overlay. Looking forward, we recommend that Council includes this land in Stage 3 of the district plan review and consider applying a more appropriate zone to reflect the urbanised use of the site. We also consider that it is appropriate for the urban growth boundary to be shifted to include this site⁵. Submission 501 provides scope for that, and with the site being at the end of a road that serves other land within the urban growth boundary, it is not of sufficient size to be used for anything other than an urban purpose.
13. We show this rezoning in the context of the surrounding PDP zones in Figure 2 below.

⁴ Submission 852

⁵ We note that Report 18.7 also discusses the urban growth boundary for Arrowtown

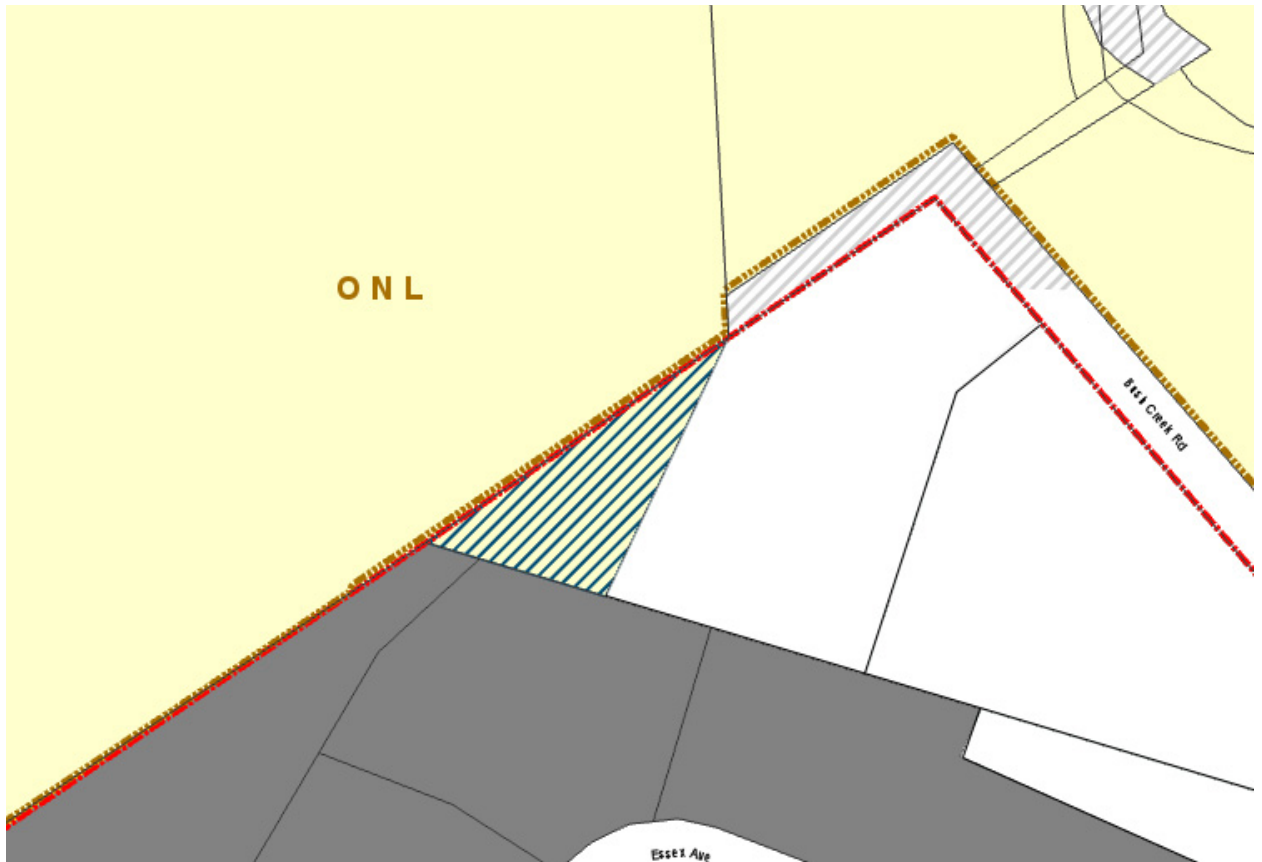


Figure 2: 31 Bush Creek Road zoned Rural with Rural Industrial Sub-Zone applied and Urban Growth Boundary relocated

4. PLANNING MAP NOTATIONS

14. Council made two submissions⁶ to rectify anomalies on Planning Map 27 and 28. The first request was to amend the legend marker to include “Industrial Zone” to Map 27 and the second was to remove Arrowtown Character Tree annotation no. 8 that applies to 28 Buckingham Street from Map 28.
15. Mr Place recommended that these submissions should be accepted. We agree with the second recommendation. The property at 28 Buckingham Street is not in the Arrowtown Residential Historic Management Zone and therefore should not be subject to a character tree annotation. The omission of the Industrial Zone from the legend is not relevant as industrial zones have not yet been included in the PDP.

⁶ Submission 383

5. **ARROWTOWN TOWN CENTRE TRANSITION OVERLAY (ATCTO)**

- 16. Spruce Grove Trust⁷ sought that the block bounded by Berkshire Street, Arrow Lane and Wiltshire Street be added to the ATCTO. Ms Holden advised us in her planning evidence for the Trust that the practical effect of applying the ATCTO was that it would allow for small-scale commercial activities.
- 17. We were told by Mr Miller, who gave evidence on the history of this part of Arrowtown, that the land concerned has a close relationship with the historic heart of Arrowtown. Ms Holden relied on that evidence to suggest that it is more efficient and effective to extend the overlay to apply to this block of land. Subject to a point we will discuss shortly, Mr Place agreed with that view.
- 18. We concur. However, and like Mr Place, we consider that some limitation is required as to the scope of activities able to establish as of right in this area. Confirming the impression we had gained from our site visit, Ms Holden advised that approximately 60 percent of the properties in the block are currently residential. This coupled with the proximity of residential properties to the west and south of the block led us to the conclusion that the appropriateness of activities involving use of licensed premises needs to be assessed via a resource consent application to avoid inappropriate detracting from the established residential amenity values of existing activities. We therefore agree with Mr Place that the rules should be amended to make licensed premises within this area a restricted discretionary activity. Policy support for a rule to this effect is also required.
- 19. In summary, we recommend that the following provisions are added to Chapter 10 (additions shown underlined).
- 20. Insert a new policy 10.2.4.3 as follows:

Ensure that the licenced premises within the Arrow Lane, Wiltshire Street and Berkshire Street Town Centre Transition Overlay protect the amenity of adjoining residential properties.

- 21. Amend Rule 10.4.15 as follows:

10.4.15	Licensed Premises <u>(except where specified in Rule 10.4.15A)</u> Premises licensed for the consumption of alcohol on the premises between the hours of 8am and 11pm.	P
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- 22. Insert a new Rule 10.4.15A as follows:

<u>10.4.15A</u>	<u>Licensed Premises in the area located between Arrow Lane, Wiltshire Street and Berkshire Street</u> <u>Premises licensed for the consumption of alcohol on the premises between the hours of 8am and 11pm, provided that this rule shall not apply to the sale of liquor:</u>	<u>RD</u>
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⁷ Submission 560

	<p>a. <u>to any person who is residing (permanently or temporarily) on the premises;</u></p> <p>b. <u>to any person who is present on the premises for the purpose of dining up until 12am.</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>the scale of the activity;</u></p> <p>b. <u>car parking and traffic generation;</u></p> <p>c. <u>effects on amenity values;</u></p> <p>d. <u>noise;</u></p> <p>e. <u>hours of operation;</u></p> <p>f. <u>where a site is subject to any natural hazard and the proposal results in an increase in gross floor area;</u></p> <p>i. <u>the nature and degree of risk the hazard(s) pose to people and property;</u></p> <p>ii. <u>whether the proposal will alter the risk to any site; and</u></p> <p>iii. <u>the extent to which such risk can be avoided or sufficiently mitigated.</u></p>	
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23. We show the area included within the ATCTO in Figure 3 below.



Figure 3: Extension of Arrowtown Town Centre Transition Overlay

6. OVERALL RECOMMENDATIONS

24. For the reasons given above, we recommend that:

- a. Submissions 560 and 852 be accepted in part;
- b. the Medium Density Residential Zone is retained as notified;
- c. the land at 31 Bush Creek Road, Arrowtown (Lot 1 DP 22733) is zoned Rural and included in the Rural Industrial Sub-Zone, as shown on Figure 2;
- d. That the urban growth boundary is moved to include the land at 31 Bush Creek Road as shown on Figure 2, Arrowtown (Lot 1 DP 22733);
- e. the Arrowtown Character Tree annotation no. 8 that applies to 28 Buckingham Street is removed from the Planning Maps;
- f. the Arrowtown Town Centre Transition Overlay is applied to the properties located to the south of Arrow Lane and bounded by Berkshire Street, Arrow Land and Wiltshire Street, as shown in Figure 3;
- g. the following provisions are added to Chapter 10 (additions shown underlined):

- a. Insert a new policy 10.2.4.3 as follows:

Ensure that the licenced premises within the Arrow Lane, Wiltshire Street and Berkshire Street Town Centre Transition Overlay protect the amenity of adjoining residential properties.

- b. Amend Rule 10.4.15 as follows:

10.4.15	Licensed Premises <u>(except where specified in Rule 10.4.15A)</u> Premises licensed for the consumption of alcohol on the premises between the hours of 8am and 11pm.	P
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- c. Insert a new Rule 10.4.15A as follows:

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	<ul style="list-style-type: none">c. <u>effects on amenity values;</u>d. <u>noise;</u>e. <u>hours of operation;</u>f. <u>where a site is subject to any natural hazard and the proposal results in an increase in gross floor area;</u><ul style="list-style-type: none">i. <u>the nature and degree of risk the hazard(s) pose to people and property;</u>ii. <u>whether the proposal will alter the risk to any site; and</u>iii. <u>the extent to which such risk can be avoided or sufficiently mitigated.</u>	
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For the Hearing Panel



Denis Nugent, Chair

Dated: 15 February 2019