



**HEARING PANEL RECOMMENDATION ON  
PLAN CHANGE 25: KINGSTON VILLAGE SPECIAL ZONE**

Report and Recommendation of J Mann and V Van Uden, acting as Commissioners  
appointed by the Queenstown Lakes District Council pursuant to Section 34 of the  
Resource Management Act 1991

**HEARING HELD: 9-11 SEPTEMBER 2009**  
**REPORT DATED: 12 NOVEMBER 2009**  
**RATIFIED BY COUNCIL: 24 NOVEMBER 2009**

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## 1.0 INTRODUCTION

This report sets out the considerations and recommendations of the Hearings Commissioners on submissions lodged on Plan Change 25 – Kingston Village Special Zone to the Partially Operative Queenstown Lakes District Plan.

Although this report is intended as a stand-alone document, a more in-depth understanding of the plan change, the process undertaken, and related issues may be gained by reading the Section 32 report and associated documentation prepared for plan change 25 and publicly notified on 13 December 2008. This information is available on the Council website: [www.qldc.govt.nz](http://www.qldc.govt.nz).

The relevant provisions in the Queenstown Lakes District Council's Partially Operative District Plan which are affected by the plan change are:

Plan Section	Provision
Part 12	Special Zones- Insertion of a new special zone entitled Kingston Village Special Zone
Part 14	Transportation- Amend Rule 14.2.2.2(i) Controlled Activities Amend Site Standard 14.2.4.1(xi) Loading Areas
Part 15	Subdivision- Amend Rule 15.2.6 Lot Sizes and Dimensions, Insert assessment matters specific to Kingston Village Special Zone in Sections 15.2.7 – 15.2.8 and 15.2.11 - 15.2.13
Part 18	Signage- Amend Rule 18.2.5 Zone Standards
Appendix 3	Insertion of two new heritage features in Section 5 Archaeological Sites
Planning Maps	Amend planning maps 15 and 39b to identify the new Kingston Village Special Zone and heritage features

A total of eleven original submissions and one further submission were lodged on this plan change. The Hearings Commissioners heard written and verbal evidence from a range of parties on 9-11 September 2009. Based on consideration of the plan change and all submissions and evidence received, the Hearings Commissioners recommend that the plan change is confirmed, subject to some minor changes as detailed in Appendix 2 to this decision.

## 1.1 POINTS OF CLARIFICATION AND TERMINOLOGY

This report generally assesses submissions in groups based on issues raised where the content of the submissions is the same or similar.

Where there is any inconsistency between the provisions contained in Appendix 2 and amendments made by the recommendations of the hearings panel, then the provisions in Appendix 2 shall be considered correct.

Throughout this report the following terms are used:

- The Kingston Village Special Zone is referred to as 'the Special Zone'
- Plan Change 25: Kingston Village Special Zone is referred to as 'the plan change'
- The Partially Operative Queenstown Lakes District Plan is referred to as 'the District Plan'
- Queenstown Lakes District Council is referred to as 'the Council'
- Where submissions have suggested alterations to proposed rules additions will be shown underlined and deletions will be shown as ~~struck through~~.

It is also noted that where provisions of the plan change are referred to, they are

referenced as Section 12.27 for Issues, Objectives and Policies, and 12.28 for Rules and Assessment Matters. This reflects their correct placement in the District Plan.

## **2.0 BACKGROUND AND PROCESS**

The following provides a brief background to the plan change, summarising the process leading up to the hearing. It identifies the background to the decision to undertake the plan change, a brief summary of the key characteristics of the plan change site, the process undertaken in deriving the plan change concept, and the key components of that concept.

### **2.1 Background**

The Kingston 2020 Community Plan (Kingston 2020) undertaken in 2003 identified the aspirations for future development for the Kingston community. Key features of the vision for the future growth expressed by the community included:

- a town occupied by semi-permanent and permanent residents (not a satellite township of Queenstown) and a local economy nurtured to facilitate this;
- a town serviced by its own water and sewerage system, and
- commercial growth sympathetic to the peaceful amenity of the town, and
- residential development similar in scale to existing properties, retaining the 'low key' character of Kingston.

Kingston 2020 indicated that the town could extend to the south to accommodate future growth. In 2005 RA Skidmore Urban Design Ltd were commissioned by Council to undertake a desktop review of Kingston 2020 plan from an urban design perspective. This report found that little future growth in a sustainable form would be possible without provision of water and sewerage schemes.

### **2.2 Purpose of the Plan Change**

In December 2006 the Strategy Committee of the Queenstown Lakes District Council considered a request by Kingston Village Limited to undertake a plan change in order to rezone the plan change site from the existing Rural General zoning to enable residential development of the site. At the 13 December 2006 meeting of Council's Strategy Committee the investigation of a plan change for Kingston in conjunction with Kingston Village Limited, the landowner of Glen Nevis Station, by way of a public/ private plan change was approved. In its decision to initiate a plan change the Strategy Committee identified the following resource management issues that should be investigated and where possible addressed through this process:

*(a) There is potential for uncoordinated development to occur on the periphery of Kingston in a manner that:*

- *does not provide for a sustainable integrated community,*
- *fails to respect the distinct character and heritage of Kingston, and*
- *adversely affects landscape values and rural character.*

*(b) Kingston currently has no reticulated water or sewerage system. This is causing health concerns and has the potential to restrict future growth of the Township.*

*(c) The single access point to Kingston may be insufficient for an expanded community. Any future development needs to provide vehicle,*

*pedestrian and cycle connections to the existing Township while respecting the continued functioning of the Kingston Flyer and the State Highway. Road design can be used to achieve high levels of amenity and effective management of stormwater.*

*(d) It is important to provide a range of living styles, densities and employment opportunities within Kingston while achieving amenity values that reflect and build on the character that currently exists.*

*(e) While Kingston currently has some community facilities including a library and golf clubhouse, additional facilities will be needed as the community grows, including walkways, open space and reserves and educational facilities.*

*(f) There is the potential for Kingston to become a satellite town of Queenstown. To some extent this could be reduced through providing land within Kingston for employment opportunities.*

*(g) The Council has committed to ensure that affordable housing is made available throughout the District.*

*(h) Staging of development can assist in achieving efficiencies in the provision of infrastructure and can assist in maintaining amenity values as Kingston grows.*

The Section 32 Report expressed the purpose of the plan change more succinctly as being:

*To undertake a plan change that provides for the future residential growth of Kingston, and incorporates;*

- reticulated water and wastewater services that provide for both the plan change site and the existing Township*
- open space areas (including the retention of the golf course)*
- a school site*
- an employment zone*
- a range of residential densities*
- a road network that provides for stormwater management, walking and cycling linkages and physical connection to the existing Township*
- a new access point to the site from the State Highway*

In 2007, and subsequent to the initiation of the plan change, the Council adopted a Growth Management Strategy (GMS) to consider issues associated with growth on a district wide basis. The development of this plan change has been considered in light of the GMS and is considered consistent with the principles and actions identified in this strategy and in particular - Principle 1 of the GMS is that 'Growth is located in the right place', including the following strategy in relation to smaller communities:

*1d Growth of the smaller outer lying towns (such as Hawea, Hawea Flat, Luggate, Glenorchy, Kingston, Makarora, and Cardrona) is to be encouraged to a point where critical mass for affordable servicing is reached and an appropriate range of local services and employment can be supported.*

The actions identified for Principle 1 for the secondary settlements (such as Kingston) include:

*Review existing zonings so as to allow smaller settlements to grow to around 800 to 1,000 dwellings (2,000 to 3,000 people) – a level that will support a wastewater treatment plant, as well as basic local services.*

### 2.3 The plan change concept

The plan change concept was derived as a result of technical analysis of the site, the consultation process and the Section 32 analysis. It is proposed that the plan change concept would be achieved through a number of mechanisms including:

- Provisions within the District Plan that create the Kingston Village Special Zone. These are detailed provisions specific to the site, and use a Structure Plan to achieve the different densities and activities promoted by the Master Plan.
- Stakeholders deeds have been agreed between the Council and the landowner. One stakeholder deed provides for initiatives such as affordable housing, open space and reserves. A separate stakeholder deed will address the provision, future vesting and possible expansion of infrastructure.
- Design Guidelines have been prepared that sit alongside the District Plan provisions, and provide guidance to future landowners when considering subdivision and building design.

The general characteristics of the plan change concept are summarised in the following table.

Characteristics	Plan Change
Size of Plan Change Area	88 ha
Protected Open Space	<i>Approximately 25 ha; comprised of 4 ha of Local Purpose Reserve, 18 ha of Recreation Reserve and 3 ha of Neighbourhood Reserve.</i>
Potential Yield	<i>Subdivision analysis of the master plan anticipated a maximised development (i.e. at minimum lot sizes) achieving 750 units.</i>
Activity Mix	<i>The structure plan provides for predominantly residential zoning including some provision for visitor accommodation in discrete areas, and an area of employment zoning. In addition, education and recreational activities are provided for.</i>
Community Facilities	<i>25 ha of open space and the ability to provide for community facilities. Provision for an education precinct.</i>
Provision of Affordable Housing	<i>Agreement between the landowner and the Council to provide affordable housing within the site.</i>

### 3.0 SUBMISSIONS

The plan change was notified for public submission on 13 December 2008. Eleven submissions were received. Further submissions were received from one party. A list of submitters is provided at Appendix 1 of this document.

#### 3.1 Depiction of submissions

Where common issues or the content of the submissions is the same or similar the responses or recommendations may be cross referenced to avoid duplication. In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in normal font within [square brackets]. In summarising further submissions, the name of the further submitter is shown in **bold italics**, with their submission number shown in *italics* within (round brackets) e.g.:

**Submitter** [submitter #]

**Further Submitter** (submitter #)

#### **4.0 HEARING**

A hearing was held on 9-11 September 2009 at the Crown Plaza Hotel, Queenstown. The hearings commissioners were Commissioner John Mann (Chairman) and Commissioner Vanessa van Uden. In attendance at the hearing were Ralph Henderson (QLDC Senior Policy Analyst), Rebecca Skidmore (Consultant Urban Designer for Council) and Vicki Henderson (QLDC Administrative Support).

Written submissions were received from the Otago Regional Council, New Zealand Fire Service (represented by Beca) and the New Zealand Historic Places Trust and tabled at the hearing, indicating support for the recommendations proposed in the Planning Officers Report.

During the hearing we heard from submitters and from technical experts to clarify issues raised through submission. The following submitters and technical experts were heard:

##### Submitters

- Graham Dalziel – local representative
- Kingston Village Limited, represented by:
  - o Michael Parker – Legal representative
  - o Ian Pillans – Developer
  - o Francis Whitaker – Architect
  - o Joanne Dowd – Planner
- Ian McCabe – New Zealand Transport Agency

##### Council Representatives

- Ralph Henderson, Reporting Planner
- Rebecca Skidmore, Council Urban Design consultant, technical expert on Council plan change

##### Providing technical information on the plan change in response to submissions

- Louise Thynne - Urban Designer, Woods Bagot, technical expert on Council plan change
- Andy Carr – Traffic Design Group, technical expert on Council plan change
- Edward Guy – Rationale, technical expert on Council plan change
- Matt Flannery – Aurecon, technical expert on Council plan change

#### **4.1 Summary of presentations**

The following is a summary of the presentations made by, or for, the submitters at the hearing:

***Louise Thynne – Urban Designer, Woods Bagot,***

Louise Thynne presented a written statement of evidence outlining the background to the development of the masterplan for the plan change area, and addressed a number of specific matters related to the master plan or urban design raised in submissions, in particular the realignment of Huntingdon Street, the provision of a range of densities and section sizes and the provision of housing on the golf course.

***Andy Carr – Traffic Engineer, Traffic Design Group***

Andy Carr presented a written statement of evidence addressing submissions from **Graham Dalziel** [25/2/1] relating to the need to widen Kent Street, the sustainability of the plan change **New Zealand Transport Agency** (NZTA) [25/9/1], and the closure of Devon Street **Kate Kerr** [25/3/1], **David Kubrycht** [25/5/6], **Mescha Soper-Arthur & Ben Arthur** [25/6/1] and **Kingston Village Limited** (25/3/1/1), (25/5/6/1), (25/6/1/1).

***Graham Dalziel – Submitter***

Mr Dalziel spoke to his submission seeking the widening of Kent Street before the plan change area was developed. Mr Dalziel noted that Kent Street does not meet the standards of a collector road as currently identified and expressed concerns about the safety of Kent Street for other road users in some locations should the traffic volume increase. In the course of his submission Mr Dalziel clarified that his immediate concern was the western end of Kent Street near the lake where it undergoes tight corners which he contends is not wide enough for standard vehicles to pass cyclists let alone boat trailers. Mr Dalziel provided photographs in support of his case.

***Edward Guy, Rationale***

Mr Guy provided additional evidence on population and economic growth projections for Kingston in response to the submission from **NZTA** [25/9/1] regarding the sustainability of Kingston and the use of State Highway 6.

***Kingston Village Limited, Michael Parker***

Mr Parker introduced the submissions of Kingston Village Limited and made comments on the adequacy of the Section 32 to enable assessment of the plan change in a manner consistent with the requirements of the Resource Management Act 1991 (RMA). Mr Parker noted the plan change as being consistent with the community's aspirations for itself as evidenced by the low number of submissions in opposition to the plan change. Mr Parker spoke briefly about submissions by Kingston Village Limited on the issue of building coverage and the location and orientation of garages which was addressed in greater detail by Mr Whitaker and Ms Dowd. Mr Parker noted that a number of submissions sought relief that was outside the ambit of this plan change and are the subject of other statutory processes, notably suggestions relating to the closure of Devon Street (currently a paper road) and the proposed exchange of part of the existing Council reserve for other land in the plan change area immediately adjacent to the reserve.

***Ian Pillans – Landowner, Kingston Village Limited***

Mr Pillans read a written statement of evidence in support of the plan change and expressed a commitment to add to and enhance the character of the existing

Kingston township.

Commissioner Mann questioned Mr Pillans on the investigations into providing a bus service between Kingston and Queenstown. Mr Pillans indicated they anticipated it would be needed to help make Kingston a more attractive place to live and call home during the initial growth of the village and would start as a part time subsidized service as soon as possible and it would grow as required.

Commissioner Mann asked Mr Pillans a number of questions about issues raised in Mr Dalziel's submission on the effects of the development on Kent Street. Mr Pillans indicated that the issue of traffic on the upper part of Kent Street had been addressed and the possibility of opening up the paper road to the west of the golf course creating a link between the proposed boat park and boat ramps remained a possibility if there is sufficient demand. Responding to further questions from Commissioner Mann in relation to the submission by Mr Dalziel about Kent Street, Mr Pillans indicated that Kingston Village Limited would be prepared to consider developing the second connection to Kingston earlier than indicated in than the staging plan. He queried **Ms Dowd** as to why it was included later in the staging. **Ms Dowd** indicated that this had been at the request of the New Zealand Transport Agency.

#### ***Kingston Village Limited, Francis Whitaker***

Mr Whitaker, architect for the developer, presented arguments to the Hearings Panel in support of the submissions from Kingston Village Limited in relation to providing greater coverage for buildings in Activity Area 1c and in relation to the location and orientation of garages in Activity Area 1. The land owners feel restricting coverage to 30% in Activity Area 1c is too restrictive.

Commissioner Van Uden questioned the origin behind the coverage limit in Activity Area 1c. Mr Whitaker indicated he did not know. Ms Skidmore offered the Commission some background information on the different sizes with Activity Area 1 and that Activity Area 1c being the closest to the periphery was intended to create a transition between the existing township and the areas of greater density in Kingston Village. Larger sites had been chosen to keep in with the low key informal area the community wanted. It was decided for the efficient use of the land the site sizes should come down. It was important to provide a full spectrum and also to retain the spacious feel to the town from the public environments. There is a balance with the higher level of coverage in 1a and 1b to compensate for the lower level on the other outside sites.

Mr Whitaker indicated that he felt that it should be easier for garages to be located between dwellings and the street front, provided they are orientated perpendicular to the road as in sites accessed from the south living areas would not be facing the road due to the sun being at the other end of the site.

Mr Henderson asked Mr Whitaker if, as the areas of concern he was identifying were for sites accessed from the south, whether the rule had merit for sites accessed from the north. Mr Whitaker indicated his predominant concern with the rule was that it would result in poor outcomes for buildings accessed from the south.

#### ***Kingston Village Limited, Joanne Dowd***

Joanne Dowd, planner for Kingston Village Limited, presented a written statement of evidence summarising the submissions and further submissions of Kingston Village Limited.

Commissioner Mann noted that the realignment of Huntingdon Street would occur in Stage 1 of the development but the redevelopment of the golf course would occur later and asked whether the hole lost by the realignment of Huntingdon Street would be replaced at that time. **Ms Dowd** sought clarification through Mr Pillans who replied that it would.

Commissioner Van Uden asked how the existing design guidelines worked in relation to right angle garages. Ms Dowd replied Kingston Village Limited's main concern was the need for resource consents for garage located between dwellings and the front yard, but would consider adjusting the guidelines to avoid this, definitely for those houses accessed from the south. Mr Henderson provided clarification regarding different options to address the location of garages and indicated that there were options which may require resource consents or others that may avoid them. Ms Dowd stated that if everyone can agree where there should be some control, it would be appropriate to have some sort of control without consents needing to be obtained such as a permitted standard.

### ***Ian McCabe, New Zealand Transport Agency***

Ian McCabe presented a written brief of evidence regarding the desire of the NZTA for the plan change to be withdrawn.

Commissioner Van Uden asked what role the NZTA had in setting the level of service provided by the ORLTS and if the NZTA didn't like the plan change could they object to the level of service? Mr McCabe replied the level of service was set by the Council but the NZTA was involved and could submit seeking to run the highway at a higher level of service. The NZTA would prefer not to have stoppages as the highway functions as a through route. The particular piece of State Highway 6 (Kingston end) is constrained by narrowness. The less we need to manage from increased traffic the better for the NZTA.

Commissioner Mann asked if the agency found the plan change does not fit with the QLDC Growth strategy vision at all and is it contrary to the establishment of a small self contained urban township. Mr McCabe replied Kingston is close but almost too far away not to rely on Queenstown while the stretch of highway has the capacity to service it is still going to suffer. It may help if the council was to set a precedent to what level Kingston needs to be before it will be funded but I do wonder if this extension is viable.

Commissioner Mann asked if the agency would prefer if the development proposed in the plan change to occur on a consent basis. Mr McCabe said this plan change is well presented and researched but doubts the appropriateness of this given the proximity to Queenstown. Public transport is a difficult mode to get off the ground as Queenstown central is already finding. Mr Mann asked if this was going to be a short or medium term problem for the agency, Mr McCabe replied short to medium. Mr Mann asked if there was a way to mitigate the effects Mr McCabe was alluding to. Mr McCabe said fundamentally he struggled to see Kingston offering better and wider opportunities than Queenstown or Frankton. Mr Mann questioned whether if public transport was considered during construction this would not address the problem of travel on State Highway 6? Mr McCabe said totally locally funded public transport does become a problem. Managing the travel demand is about putting mechanisms in place within the basin not going all the way to the bottom of Lake Wakatipu.

Ms Skidmore asked that as the key concern was commuter traffic (paragraph 22) has the NZTA collated actual data to base their submission on or was it opinion based. Has the agency done any research on national statistics? Is there any

response to the report provided by Rationale which did supply national figures? Mr McCabe replied he didn't have any statistics with him and had no response to the report.

Mr Henderson asked if the agency's belief was that the main growth should be in Queenstown? Mr McCabe replied the substantial growth should be focused in Queenstown from a State Highway prospective but accepted that Kingston can grow and be managed. However, he felt the plan change was not the low key project anticipated by the Community Plan.

Mr Henderson questioned whether it would be better if Kingston's growth was managed over a long period of time than the alternative of ad hoc growth with no services. The current alternative location of affordable housing is Cromwell which is a further 10 km away from Queenstown than Kingston. He asked Mr McCabe if he saw that as being a preferable option? Mr McCabe indicated the advantage of Cromwell is it has existing facilities that Kingston doesn't such as retail, health and employment. Mr McCabe questioned whether the relative lack of affordability of housing in Queenstown is offset by the greater cost to travel to Kingston,

Commissioner Mann asked could we look at the proposed staging of the development and put in time triggers as a mechanism to mitigate the use of State Highway 6. Mr McCabe replied ultimately you end up with the same problem but it may help if we knew the time triggers.

## 5.0 HEARING – RECOMMENDATIONS ON SUBMISSIONS

In making recommendations the Hearings Commissioners have: had regard to the matters raised by submitters and further submitters in their submissions and at the Council hearing; and to the provisions of the Resource Management Act 1991, in particular section 32; and have been assisted by a supplementary report prepared by the reporting planner at the request of the Commission.

The hearing was adjourned on 11 September 2009 to enable further information to be provided. Following the hearing we issued a minute, dated 15 September 2009, requesting further information from the reporting planner on two issues, being a consideration of alternative options to the provisions as notified in relation to the location of garages between dwellings and the road setback and in relation to building coverage in Activity Area 1c. The supplementary report was received on 20 September 2009 and circulated to all submitters (Appendix 3). Only one response to this supplementary report was received from Kingston Village Limited. This report and the additional submission have assisted in our formulation of recommendations and we thank those parties for providing this additional material.

The following sections of this report provide a brief summary of each submission and a recommendation in response to each of the decisions sought. For consistency the submissions are grouped into sections based on issues or concerns raised by the submissions in a similar format to the planners report.

### 5.1 Accept the Plan Change

Submitter **Mark Crowe** [25/1/1] provided general support for the plan change as notified and without qualification.

#### 5.1.1 Explanation

**Mark Crowe** [25/1/1] supports the intent and purpose of the proposed plan change on the basis that it will be in the best interests of the Kingston community and tourism industry by providing a manageable approach to future growth and benefiting the surrounding District by providing employment opportunities, without adversely affecting the intrinsic value of Kingston township.

#### 5.1.2 Consideration

The submission of Mr Crowe was in general support for the plan change as notified. In considering submissions on the plan change as notified the hearings panel have identified areas where modification of the plan change may be appropriate to address the issues identified.

#### 5.1.3 Recommendation

1. That the submission of **Mark Crowe** [25/1/1] be accepted in part; the part in which he supported the plan change as it is notified, the parts that are rejected relate to the changes that are recommended in this report.

#### 5.1.4 Reasons

1. The submitter supports the plan change as notified. While the plan change

promotes a positive outcome for the area of land, as outlined in the submissions where there are areas of the rules, policies and objectives framework that can be strengthened within the plan change, it is appropriate that these are remedied.

## 5.2 Connection of plan change area to Kent Street

**Graham Dalziel** [25/2/1] spoke to his submission that no roads from the plan change area be connected to Kent Street until this street has been upgraded to the standard required for a residential collector road.

**Kingston Village Limited** (25/2/1/1) opposes the submission of Graham Dalziel.

### 5.2.1 Explanation

Kent Street is the main street providing access between the residential area within Kingston township and the wider roading network. Kent Street typically has a 7 m carriage way between State Highway 6 and Gloucester Street and narrows to a 6 m carriage way to the west of Gloucester Street. The speed limit within Kingston is 50 km/hr.

Mr Dalziel spoke to his submission and presented photographs of Kent Street. In his verbal presentation Mr Dalziel qualified his written submission to the extent his primary concern was the lower, western end of Kent Street not being wide enough for two vehicles to pass each other and cyclists through the tight corners leading to the boat ramps. This would especially be the case with vehicles towing boat trailers which are often considerably wider than normal vehicles. Mr Dalziel measured Kent Street as being 5.7 m in width through these curves. He provided photographs illustrating his concerns and a copy of the Queenstown Lakes District Council amendments to New Zealand Standard 4404:2004 which sets the standard widths for collector roads. Mr Dalziel seeks that Kingston Village Limited contribute to the upgrade of this road before any roads from the plan change area can connect to Kent Street as it will increase the activity on Kent Street exacerbating this issue.

Kingston Village Limited opposed the submission of Mr Dalziel relying predominantly on the traffic evidence of Mr Carr from Traffic Design Group. The evidence of Mr Carr was presented before Mr Dalziel was able to qualify his concerns about the width of Kent Street.

Mr Carr provided evidence on the actual capacity of Kent Street and on the appropriateness of an upgrade of Kent Street being linked to the plan change. Mr Carr indicated that, in his opinion, Kent Street operates well within its traffic carrying capacity and the existing narrower width of the carriageway results in lower vehicle speeds than would occur with the full width. The upgrade to meet the standard of a collector road would result in formed parking areas being added adjacent to the carriage way. The need for this parking is not anticipated in the short to medium term. Mr Carr noted it is not the development proposed by the plan change that is requiring Kent Street to be identified as a collector road and the upgrade to fully meet this standard will be required by the existing capacity of the Kingston township. However it is his view any improvements should occur in step with increased traffic volumes to avoid increases in vehicle speeds.

### **5.2.2 Consideration**

We note that through his presentation Mr Dalziel refined the scope of his concerns regarding Kent Street to the area where Kent Street narrows towards its western end and goes through some corners to the railway station. For clarification we consider this to be the area of Kent Street to the west of the intersection with Gloucester Street. Having considered this issue carefully we acknowledge the concerns of Mr Dalziel in relation to the degree to which Kent Street narrows in this area. This area of Kent Street is narrower and more constrained than the section to the east of this point which is wider and generally straight to the intersection with the State Highway. However, we also acknowledge the evidence of Mr Carr that not only is Kent Street already identified as a collector road to address the needs of the existing township but that it is operating within its capacity.

We acknowledge that the plan change will likely contribute a proportion of vehicle movements from the plan change area into the area identified as being of concern to Mr Dalziel. However, the majority of the traffic would not be passing through this area as it would be using Kent Street to access the wider road network. Further, given Mr Dalziel identifies an existing concern and one that will be exacerbated by development of the existing Kingston township itself the relief of restricting access to Kent Street until this section is upgraded does not seem reasonable.

We note the comment from Ian Pillans, landowner for Kingston Village Limited, that some consideration has been given to forming the legal road to the west of the golf course with metal to provide more direct access for boats from the plan change area to the boat ramps. We consider this to be too uncertain to be of clear assistance in addressing this issue.

### **5.2.3 Recommendation**

1. That the submission of **Graham Dalziel** [25/2/1] be rejected and the further submission of **Kingston Village Limited** (25/2/1/1) be accepted.

### **5.2.4 Reasons**

1. The area of chief concern to Mr Dalziel is to the west of the points from which the plan change area will access Kent Street and consequently the volume of traffic travelling in this direction will be greatly reduced, unlike traffic from the existing township which relies on this portion of Kent Street for access.
2. The increased demand on Kent Street resulting from the plan change does not merit the upgrade of Kent Street in the short term and should this action be undertaken it may work counter to the intent of the submission by increasing traffic speeds and thereby reducing safety.
3. The relief sought does not match the level of impact the traffic from the plan change area would have on the area identified as of concern to the submitter and consequently would be unreasonable.

## **5.3 Closure of Devon Street**

**Kate Kerr** [25/3/1] submitted seeking that Devon Street, the paper road along the front of the Golf Course, be formally closed.

**Kingston Village Limited** (25/3/1/1) opposes the submission of Kate Kerr.

**David Kubrycht** [25/5/6] submits that the paper road Devon Street be closed where it runs along the boundary of the golf course.

**Kingston Village Limited** (25/5/6/1) opposes the submission of David Kubrycht.

**Mescha Soper-Arthur & Ben Arthur** [25/6/1] oppose the possible opening of Devon Street.

**Kingston Village Limited** (25/6/1/1) oppose this submission.

### **5.3.1 Explanation**

Devon Street is a paper road that lies between the plan change area and the existing township from Huntington Street in the east to Somerset Street in the west. Visually this area currently appears to be part of the golf course and is used as such at present.

**Kate Kerr** [25/3/1] and **David Kubrycht** [25/5/6] seek that Devon Street be closed as it is not needed and would affect the amenity of adjacent properties and the golf course if it was ever formed. **Mescha Soper-Arthur & Ben Arthur** [25/6/1] oppose any opening of Devon Street as it will affect their views, create traffic noise and impact upon the golf course.

**Kingston Village Limited** (25/3/1/1) opposes submissions seeking the stopping of the paper road as the plan change does not necessitate the stopping of the road. The paper road provides the opportunity for a useful pedestrian connection to be formed in the future, and road stopping is a separate process which is outside the scope of the plan change as the road is beyond the boundary of the plan change area.

### **5.3.2 Consideration**

We note that as the plan change does not propose the forming of Devon Street and Devon Street is outside the plan change area the relief sought by submissions seeking Devon Street be closed is outside the scope of the Commissioners ability to make decisions on this matter in relation to the plan change.

We consider that as the submissions primarily seek the stopping of Devon Street for the private benefit of the submitters it is more appropriate that any application for road stopping be made by the submitters themselves. The Council has procedures enabling private individuals to apply to have a road stopped. In considering any application to stop a road the Council must follow the process established by the Tenth Schedule of the Local Government Act 1974 which requires Council to provide reasons for stopping the road.

### **5.3.3 Recommendation**

1. That the submission of **Kate Kerr** [25/3/1], **David Kubrycht** [25/5/6] and **Mescha Soper-Arthur & Ben Arthur** [25/6/1] be rejected and the submission of **Kingston Village Limited** (25/3/1/1), (25/5/6/1), (25/6/1/1) be accepted.

### **5.3.4 Reasons**

1. The submissions are outside the scope of the plan change.
2. Retaining the paper road enables this land to continue to be used as open space while retaining the potential for enhanced public access in the future.
3. As the submissions primarily seek the road to be stopped for private benefit it is more appropriate for the submitters to make an application for road stopping through the established process on their own behalf.

#### 5.4 Proposed alignment of Huntingdon Street

**Kate Kerr** [25/3/2] sought that the proposed alignment of Huntingdon Street should be realigned to retain fairways 7 and 8 on the golf course and the reserve area in the golf course should be retained

**Kingston Village Limited** (25/3/2/1) opposes the submission of Kate Kerr.

**David Kubrycht** [25/5/5] seeks the rejection of the extension of Huntingdon Street across the golf course as proposed.

**Kingston Village Limited** (25/5/5/1) opposes the submission of David Kubrycht.

**Mescha Soper-Arthur & Ben Arthur** [25/6/2] oppose the removal of the 7<sup>th</sup> and 8<sup>th</sup> fairways from the Kingston Golf Course.

**Kingston Village Limited** (25/6/2/1) oppose this submission.

##### 5.4.1 Explanation

The structure plan proposed as part of the plan change extends Huntingdon Street into the plan change area with a relatively straight alignment. The proposed alignment will affect part of the golf course located on Council Recreation Reserve. To achieve this roading alignment Council will need to undertake a reserve exchange in a parallel but separate process to the plan change. This process will involve the exchange of the area of reserve affected by the alignment with an equal area of Kingston Village Limited land currently used as part of the golf course. The area of the reserve within the golf course will remain unchanged as a result of the proposal.

The submission from **Mescha Soper-Arthur & Ben Arthur** [25/6/2] has been considered as a submission on the proposed alignment of Huntingdon Street as it is this alignment that will define the eastern boundary of the golf course.

##### 5.4.2 Consideration

**Kate Kerr** [25/3/2] submits that the current golf course layout should be retained as it is appreciated by current users. **David Kubrycht** [25/5/5] objects to Huntingdon Street becoming the main thoroughfare into the new development from Kent Street and the effects this will have on residents who anticipated that Oxford Street would be the future through road. **Mescha Soper-Arthur & Ben Arthur** [25/6/2] oppose the removal of the 7<sup>th</sup> and 8<sup>th</sup> fairways from the Kingston Golf Course as they are some of the most challenging and beautiful parts of the golf course and the presence of the open space was a reason behind living in that location. **Kingston Village Limited** (25/3/2/1), (25/5/5/1) and (25/6/2/1) opposes these submissions as the proposed alignment of Huntingdon Street creates a strong link to the existing township that

reflects the historic layout of Kingston.

We note the plan change does not create Huntingdon Street as the main thoroughfare into the plan change area, but it will be one of four primary local roads providing access to the plan change area, three of which will provide access to Kent Street. Huntingdon Street will likely be the first road providing access to the plan change area as it is an existing formed road with an established crossing of the Kingston railway line.

None of the submitters opposing the realignment of Huntingdon Street appeared to be heard on this matter, however, we received evidence from Louise Thynne, urban designer with Woods Bagot regarding the reasoning behind the proposed alignment of Huntingdon Street, Francis Whitaker, an architect and golf course designer, and Joanne Dowd, a planner.

On the basis of this evidence and the section 32 analysis we consider the proposed alignment of Huntingdon Street has been carefully considered to meet a number of urban design and planning objectives. However, we accept that the proposed alignment will have an impact on at least one hole of the golf course.

We accept the evidence of Mr Whitaker that the Kingston golf course could be redeveloped as a consequence of this realignment of Huntingdon Street to maintain playability of the course. We also note here the later response of Mr Ian Pillans to questions from Commissioner Mann that the modifications to the golf course will occur in Stage 1 of the development, following the realignment of Huntingdon Street and not in a later stage as indicated by the staging plan.

In considering these issues on balance, we favour the alignment of Huntingdon Street as proposed in the master plan as one which will meet a broader range of the resource management objectives of the plan change than would be achieved by changing the alignment of Huntingdon Street to follow the boundary of the existing golf course.

### **5.4.3 Recommendation**

1. That the submission of **Kate Kerr** [25/3/2], **David Kubrycht** [25/5/5] and **Mescha Soper-Arthur & Ben Arthur** [25/6/2] be rejected and the submissions of **Kingston Village Limited** (25/3/2/1) (25/5/5/1) (25/6/2/1) be accepted.

### **5.4.4 Reasons**

1. The proposed alignment of Huntingdon Street reflects the urban design principles on which the master planning of the plan change site was undertaken and seeks to create a strong link between the plan change area and Lake Wakatipu.
2. The proposed alignment also extends the roading pattern of the existing township into the plan change area which was considered important to help create a sense of continuity and connection between the existing township and the development area.
3. The proposed alignment will require a realignment of the golf course but does not prevent its effective use and alternative layouts are being considered.

## **5.5 Building coverage**

Kingston Village Limited have made three submissions in relation to the plan change provisions relating to building coverage. Due to the interrelated nature of these provisions it is considered appropriate to consider the three submissions on this matter together.

**Kingston Village Limited** [25/4/1] seek the deletion of rule 12.28.5.1.x in its entirety.

*12.28.5.1 Site Standards*

*x. Building coverage within Activity Area 1(c)*

*The maximum building coverage for all activities on any site within Activity Area 1(c) shall be 30%.*

**Kingston Village Limited** [25/4/2] seek that rule 12.28.5.2.ii Zone Standards should be amended to allow the maximum building coverage for all activities on any site in Activity Area 1c to be 35%.

**Kingston Village Limited** [25/4/3] Policy 2.4 should be amended to read as follows:

*2.4 "To avoid a dominance of built form, achieve a range of dwelling types and complement the character of Kingston through imposing varying building coverage requirements between Activity Areas 1a, 1b and 1c, ~~with a reduced percentage of building coverage within larger sites.~~"*

### **5.5.1 Explanation**

Rule 12.28.5.1 establishes a number of site standards throughout the plan change area. Site standard 12.28.5.1.x relates to building coverage within Activity Area 1c and requires consideration of all activities within Activity Area 1c exceeding 30% building coverage to seek consent as a discretionary activity.

Zone standard 12.28.5.2.ii requires consideration of all activities within Activity Area 1c exceeding 30% building coverage to seek consent as a non-complying activity.

Policy 2.4 provides the planning rationale supporting provisions creating a range of building coverage within the plan change area, and in particular a reduced coverage on larger sites in Activity Area 1c.

### **5.5.2 Consideration**

Evidence on the submission on building coverage by Kingston Village Limited was presented at the hearing by Ms Dowd and Mr Whitaker, with additional information presented by the urban designers Ms Thynne and Ms Skidmore and by the reporting planner Mr Henderson.

Controls on building coverage limit the size and scale of buildings to a percentage of the size of the site. The degree of building coverage affects the character and amenity of an area, with low coverage generally resulting in a character that could be described as a more open and spacious and high coverage creating a more developed and urban character.

We accept the urban design rationale behind the provision of different densities and associated levels of building coverage as proposed by the master plan for the plan change area. The provision of lower coverage on more spacious sites provides a counter to the greater density and higher coverage in Activity Area 1a and 1b. In particular we are mindful of the fact that Activity Area 1c forms the area of rezoning closest to the existing Kingston township zone and therefore potentially has the

greatest impact on the character and amenity of adjoining sites.

However, we also note the points made by Kingston Village Limited that the character of buildings in the existing township associated with low building coverage resulting in a sense of openness and spaciousness is largely based on a historical form of development that is not required by the District Plan or consistent with more recent building trends.

Having considered the evidence presented at the hearing we consider that there may be design responses that can enable increased building coverage but avoid the dominance of built form in a manner that would be consistent with the outcome sought by Policy 2.4. We acknowledge that as an assessment may be needed to determine the appropriateness of increased coverage a resource consent will be required. We feel that to avoid unnecessary costs any application to increase building coverage below the zone standard should be able to be considered on a non-notified basis.

To assist our deliberations on this issue we issued a minute dated 15 September 2009 requesting the reporting planner Mr Henderson to provide a report testing a possible alternative position between that sought by the submitter and that notified. This report (Appendix 3) outlines an alternative position and assesses this position in terms of section 32 of the RMA (1991).

In brief the alternative position proposes a cascading system of standards for building coverage with a site standard of 30% building coverage creating a permitted activity threshold, exceeding the site standard but complying with the 35% zone standard would require a discretionary consent, while exceeding the zone standard would be a non-complying activity. The provision of specific assessment matters would provide greater guidance on issues associated with increased building coverage and mechanisms that can be employed to address the potential adverse effects associated with increased coverage. Introducing design features and elements to break up the building form and mass help reduce the impression of building dominance. More open elements such as porches and verandas also reduce the dominance of the built form and increase the opportunity for interaction with the street and surrounding sites. Applications for building coverage under 35% may be considered without the need for written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist.

The supplementary report prepared by Mr Henderson assessed the preferred option as notified in the plan change, the option as submitted by Kingston Village Limited and the alternative position proposed between these options and concluded the latter was the most appropriate and efficient option. Kingston Village Limited submitted on the Supplementary Report by Mr Henderson and supported the alternative position proposed.

We concur with these findings and in relation to the issue of building coverage in Activity Area 1c we recommend the following provisions be adopted.

### **5.5.3 Recommendations**

1. That the submission of **Kingston Village Limited** [25/4/1] seeking the deletion of rule 12.28.5.1 in its entirety be rejected.
2. That the submission of **Kingston Village Limited** [25/4/2] seeking that rule

12.28.5.2.ii Zone Standards should be amended to allow the maximum building coverage of 35% be accepted.

3. That the submission of **Kingston Village Limited** [25/4/3] to modify Policy 2.4 should be rejected.

The consequential amendments proposed are as follows:

Amend site standard 12.28.5.1 as follows:

- x. *Building coverage within Activity Area 1c*  
*The maximum building coverage for all activities on any site within Activity Area 1c shall be 30%.*

Amend rule 12.28.6.2 Assessment Matters as follows:

xvii - Coverage:

The extent to which:

- (a) The additional coverage does not result in an over-dominance of buildings when viewed from the street and surrounding properties;
- (b) The building mass is visually broken using detailed elements such as variation in materials, colours, use of fenestrations and open elements such as porches and verandas
- (c) The overall site layout, building form and landscape treatment maintains a sense of openness and informality.

Amend zone standard 12.28.5.2.ii(a)(i) as follows:

- ii. *Building Coverage*
  - (a) *The maximum building coverage for all activities on any site shall be:*
    - (i) *Activity Area 1a: 40%*  
*Activity Area 1b: 35%*  
*Activity Area 1c: ~~30~~35%*

Amend Rule 12.28.4 Non-notification of Applications as follows:

- (ii) *Applications for the exercise of the Council's discretion in respect of the following Discretionary activities and Site Standards:*
  - *Industrial and Service Activities within Activity Area 2*
  - *Outdoor Living Space*
  - *Site Standards – Building coverage within Activity Area 1c*

#### **5.5.4 Reasons**

1. The proposed approach is more complex than originally notified or sought by way of submission but offers a flexible response where applicants desire greater coverage, whilst providing a mechanism to control the effects.
2. The permitted threshold for building coverage remains at the same level as originally proposed but an additional 5% can be achieved by way of a non-notified resource consent subject to assessment of design matters. This

approach will enable assessment of applications seeking to exceed the site standard to require design features and elements that break up the building form and mass to help reduce the impression of building dominance and encourage the use of more open elements, such as porches and verandas which also reduce the dominance of the built form and increase the opportunity for interaction with the street and surrounding sites.

3. Policy 2.4 provides the rationale for differentiation in building coverage in Activity Areas 1a, 1b and 1c. The proposed option retains the differentiation between the Activity Areas 1a-1c and would ensure the character of Activity Area 1c more closely resembles the character of the existing Kingston township.
4. It is considered that applications for building coverage under the zone standard have to some extent been anticipated in the zone and therefore may generally be addressed on a non-notified basis. The provision of assessment matters will assist applicants and decision makers in addressing issues associated with these applications.

## 5.6 Location and orientation of garages

**Kingston Village Limited** [25/4/4] seek that Rule 12.28.3.2.vi be deleted.

### *12.28.3.2 Controlled Activity*

~~*vi Garages located between the road setback and the front façade of the dwelling and that are at right angles to the street in respect of*~~

~~\_\_\_\_\_ *Landscaping*~~

~~\_\_\_\_\_ *External appearance and treatment of the façade facing the road*~~

### **5.6.1 Explanation**

The urban design rationale behind these provisions is to avoid garages dominating the street frontage and detracting from residential character. The urban design master plan report notes that where houses face open space, they should be designed with garages set back behind the front elevation to ensure the greatest amount of natural surveillance to streets and public space. Where garages are set back from the front façade there is greater potential for the living areas of the dwelling to face the street, providing greater interaction and a sense of connection, surveillance and amenity. In contrast, the blank walls of garages can create a dominating effect on the streetscape separating dwellings from the street. This approach is important if the adverse effects associated with rows of garages fronting the street that can occur in residential areas are to be avoided.

Under the provisions proposed in the plan change, garages setback a minimum of 1 m behind the front façade of the dwelling are permitted, garages located forward of this point are discretionary (Site Standard 12.28.5.1.ii.(b)) unless they are located at right angles to the street, in which case they will require resource consent for a controlled activity (Rule 12.28.3.2vi). Controlled activity consent cannot be declined, and control is limited to the areas identified in the rule; landscaping and aspects of the external appearance of the garage facing the road.

Kingston Village Limited submit that controlled activity status is overly onerous on future property owners and stifles diversity and that the advice provided in the design

guidelines for the plan change area are sufficient to secure a good design outcome and the rule is therefore unnecessary.

### **5.6.2 Consideration**

Kingston Village seek that the location of garages in the front yard be permitted subject to a side on orientation relative to the street access. We heard presentations on the issue of the orientation and location of garages from a number of representatives of Kingston Village Limited including Mr Pillans, Mr Parker, and Ms Dowd but primarily relied upon the evidence Mr Whitaker.

Ms Dowd indicated a preference for a non-notified restricted discretionary activity or controlled status if permitted status was deemed inappropriate. Mr Whitaker provided plans showing the effects of garage location on alternative building layouts in relation to orientation for the sun. Although the relief sought by Kingston Village Limited was for the plan change area as a whole, we note that in responding to a question for clarification from Mr Henderson, Mr Whitaker indicated that the rules work well to achieve the desired outcome and his primary concern was for sites accessed from the south. In these situations the streetscape benefit would be obtained at the cost of less effective use of the site in terms of solar orientation for the occupant unless garages could be located between the dwelling and the road. The side on orientation of garages in this location is important to address the issue of garage doors dominating the streetscape.

To assist our deliberations on this issue we requested the reporting planner, Mr Henderson, to provide a report testing a possible alternative position between that sought by the submitter and that notified. This request was documented in our minute of 15 September 2009. This report (Appendix 3) outlines an alternative position and assesses this position in terms of section 32 of the RMA (1991).

In our view consideration of this issue requires a balanced approach to achieving a number of policies for the plan change area. Policies 2.5 and 2.7 seek to promote and informal character by separating buildings from the street and setting garages further back from the road boundary than the front façade. Policies 2.1 and 2.3 seek to ensure lot layout achieves maximum solar access for dwellings and appropriate levels of onsite amenity, outdoor living space and access to sunlight.

In general we find that we accept the urban design rationale behind these provisions is to avoid garages dominating the street frontage and detracting from residential character. The openness of the streetscape within the plan change area has been identified by urban design input as a key element in providing a link between the open character of the existing Township and the higher density of the plan change area.

In our view enabling garages to be located between the dwelling and the road as a permitted activity throughout the whole of the plan change area may address the concerns of Kingston Village Limited but will be unlikely to achieve the objective of avoiding the dominance of the streetscape by buildings. While we see the merit in the submission by Kingston Village Limited and wish to avoid the imposition of additional consent costs on the community when the outcome is less than optimal the relief sought seems to come at the expense of the wider urban design objective. However, given the concerns of Mr Whitaker are predominantly focused on sites accessed from the south there appears to be middle ground that can be explored between the areas where greater flexibility is sought by the submitter and the broader urban design outcomes.

The supplementary report by Mr Henderson assessed an option where the controlled activity rule relating to the location of garages would be deleted and sites with vehicle access from the south would be exempt from the site standard for garages where they are orientated side on to the street and located between the dwelling and the street setback.

Kingston Village Limited submitted on the Supplementary Report by Mr Henderson and supported the alternative position proposed.

Having considered the evidence presented at the hearing, the additional report provided by Mr Henderson and the responses to that report we find that the provisions relating to the location and orientation of garages identified in the supplementary report and described in the following section should be adopted.

### 5.6.3 Recommendation

1. That the submission of **Kingston Village Limited** [25/4/4] seeking the deletion of rule 12.28.3.2 be accepted in part and the plan change be amended as follows:

#### 12.28.3.2 Controlled Activity

~~vi Garages located between the road setback and the front façade of the dwelling and that are at right angles to the street in respect of~~

~~— Landscaping~~

~~— External appearance and treatment of the façade facing the road~~

This will require the following consequential amendment to the site standards to remove reference to rule 12.28.3.2.vi as follows:

#### Site Standard 12.28.5.1.ii.(b)

(b) Within Activity Area 1 all garages and carports must be setback at least 1 metre from the front façade of the residential unit (i.e. the façade that faces the street). ~~Except~~

~~— Garages approved pursuant to controlled activity rule 12.28.3.2(vi)~~

2. Amendment of Site Standard 12.28.5.1.ii as follows:

(b) Within Activity Area 1 all garages and carports must be setback at least 1 metre from the front façade of the residential unit (i.e. the façade that faces the street), except where:

- the legal vehicle access is from the south side of the site, and

- the garages or carport is located outside any road setback, and

- the garages or carport is orientated with the vehicle entrance at right angles to the street providing legal vehicle access.

3. That the Kingston Village Design Guidelines be updated to provide direction on desired design outcomes where applicants seek to locate garages between the dwelling and road setback.

### 5.6.4 Reasons

1. There is a benefit in enabling sites accessed from the south to have the garage between the dwelling and the front setback in terms of good design for solar access.
2. The existing controlled activity rule may result in garages between the dwelling and front setback occurring throughout the zone by way of a resource consent regardless of whether the site is accessed from the north or the south.
3. Removing controlled activity rule 12.28.3.2.vi and creating an exemption from the site standard for sites with access from the south targets the rule and exemption to this rule more specifically to sites where environmental circumstances indicate an alternative approach is more appropriate.
4. Creating an exemption from the site standard where appropriate removes the requirement for a resource consent and associated costs in time and money for the property owner.
5. In our view the option explored in this report strikes a more appropriate balance between achieving the wider urban design benefits sought by policies 2.5 and 2.7 with enabling effective site design and layout to achieve policies 2.1 and 2.3.
6. The design guidelines provide limited direction on matters relating to the orientation of garages located between the road setback and the front façade of the dwelling. Providing greater guidance in the desired outcomes in the guidelines will assist the community and decision makers alike.

## **5.7 Lack of need for the Plan Change**

**David Kubrycht** [25/5/1] submits that no need for the plan change has been demonstrated and it should be rejected in its entirety.

***Kingston Village Limited*** (25/5/1/1) oppose this submission.

### **5.7.1 Explanation**

**David Kubrycht** [25/5/1] submits that growth rates in Kingston are low and the existing capacity in the village will provide for growth in the foreseeable future, consequently a plan change is not required. ***Kingston Village Limited*** (25/5/1/1) oppose this submission on the basis that the plan change is consistent with the direction of Kingston 2020 and the purpose and principles of the RMA (1991) as tested through the plan change preparation and section 32 analysis.

### **5.7.2 Consideration**

We note that the rationale and need for a plan change for Kingston has been considered at a number of stages through this project, including the initiation of the project for investigation by Council, in the preparation of the section 32 report and notification of the plan change and at the hearing.

While we accept that Kingston has capacity for additional growth the plan change was initiated to address a number of issues identified in Kingston 2020 as desirable to the community including; the provision of infrastructure, planning for orderly future expansion of the township, the provision of a second entrance to the town and land to increase potential employment opportunities and facilities to enable the town to become more self sufficient. We further note the evidence presented by

Edward Guy of Rationale at the hearing actually indicated that Kingston experienced a relatively rapid growth rate of 6% per annum between the 2001 and 2006 census.

On balance we consider the plan change is the most appropriate option to provide for the future development of Kingston and an opportunity to create a coherent, well designed development that responds to its landscape setting and provides a mix of activities and densities within a master planned structure.

### **5.7.3 Recommendation**

1. It is recommended that the submission by **David Kubrycht** [25/5/1] be rejected and the submission by **Kingston Village Limited** (25/5/1/1) be accepted.

### **5.7.4 Reasons**

1. The plan change is consistent with the Council's policy direction and with the purpose and principles of the RMA (1991).
2. The plan change provides for the orderly growth of Kingston in the future in a manner that is generally consistent with the direction of the Kingston 2020 Community Plan and the Council Community Plan and the Council's Growth Management Strategy but which also enables other community objectives to be met, including the provisions of employment land, community facilities and the potential provision of reticulated services to the existing township.

## **5.8 Recreation Reserve land exchange**

**David Kubrycht** [25/5/2] submits in opposition to any exchange of reserve land resulting from the plan change.

**Kingston Village Limited** (25/5/2/1) opposes this submission.

### **5.8.1 Explanation**

The structure plan included in the plan change proposes the extension of Huntingdon Street into the plan change area as discussed in Section 5.4 of this report. This alignment bisects part of a Council administered recreation reserve. The reserve currently acts as an unofficial extension to the area leased from the property owner for the Kingston golf course and is used for that purpose. The approach recommended through investigations associated with preparation of the plan change is the relinquishment of the area of the reserve that would be lost by the creation of the road and the portion of the reserve that would otherwise be to the east of that road once created (an area of 9520 m<sup>2</sup>) and the exchange of an equal area of land immediately adjacent to and south of the remainder of the reserve. The area proposed to be added to the reserve through this exchange is currently used as part of the golf course.

The changes proposed will require a separate process to be undertaken under the Reserves Act 1977 (RA (1977)). The Council has approved the initiation of investigations into this reserve exchange, which if adopted involves a publicly notified process as outlined by Section 15 of the RA (1977) and enables submissions from the community on this matter.

### **5.8.2 Consideration**

**David Kubrycht** [25/5/2] expresses concern over the loss of an area of the recreation reserve for unspecified land of uncertain or poorer quality. **Kingston Village Limited** (25/5/2/1) oppose this on the basis that the proposed layout and associated amendment to the recreation reserve is necessary to achieve the fundamental design objectives of the plan change, there will be no overall reduction in the size of the recreation reserve and no net effect. The plan change area includes a number of additional reserve areas which will diversify the recreational product to the benefit of the whole Kingston community.

In our view, as any exchange of reserve land requires a separate process under the RA (1977) as discussed above, it is considered this is outside the scope of the plan change. The resource management issues raised are more appropriately addressed through submissions within the scope of the plan change such as those relating to the proposed alignment of Huntingdon Street. As noted above, the rationale behind the proposed alignment of the extension of Huntingdon Street into the plan change area is discussed in Section 5.4 of this report on submissions on that matter. The proposed alignment of Huntingdon Street is considered important to achieve a number of urban design outcomes sought through the plan change process.

We are aware that the Council has approved the initiation of the reserve exchange process which will involve public consultation on this issue and invite the submitters to participate in that process.

### **5.8.3 Recommendation**

1. It is recommended that the submission by **David Kubrycht** [25/5/2] be rejected and the submission by **Kingston Village Limited** (25/5/2/1) be accepted.

### **5.8.4 Reasons**

1. The submission is outside the scope of the plan change.
2. Submissions of this nature are more appropriately addressed through the statutory process for the reserve exchange which involves public notification.

## **5.9 Residential zoning within the golf course**

**David Kubrycht** [25/5/4] submits that a quarter of the golf course has been identified for residential activity and seeks the rejection of these provisions.

**Kingston Village Limited** (25/5/4/1) oppose this submission.

### **5.9.1 Explanation**

The structure plan adopted through the plan change proposes the extension of Huntingdon Street in the plan change area, as discussed in Sections 5.4 and 5.8 of this report, which will affect the eastern boundary of the golf course. This area of land that was formerly golf course will provide for the extension of Huntingdon Street and some residential zoning. The structure plan also extends the southern boundary of the golf course area to the south.

**David Kubrycht** [25/5/4] submits that 25% of the golf course will be zoned residential and opposes this, highlighting the importance placed on the golf course in

consultation with the community and the golf course has a lease of the golf course land from Glen Nevis Station.

**Kingston Village Limited** (25/5/4/1) oppose the submission by Mr Kubrycht on the basis that issues associated with the golf course should not be considered in isolation from the rest of the plan change which provides a comprehensive form of development for the growth of the community in this area. The plan change proposes the addition of various reserves including the bulk of the golf course area as Open Space, which will significantly increase the amount of time the golf course will be available for use over the provisions of the golf club lease. Kingston Village Limited dispute that 25% of the golf course will be lost to residential zoning and indicate the area is closer to 10% of the area currently occupied by the golf course and not all of which is subject to the golf course lease.

### **5.9.2 Consideration**

We find the issues associated with consideration of this point of submission relate closely to those undertaken in relation to the realignment of Huntingdon Street and the exchange of recreational reserve land, largely as it is the realignment of Huntingdon Street that reduces the area of the golf course and results in the need to undertake the reserve exchange, which ultimately leads to use of this part of the golf course for residential purposes.

We were assisted in consideration of this matter by the urban design evidence of Ms Thynne, and note that the plan change seeks to respond to a number of design principles arising from community consultation including:

- to provide community facilities
- to maintain a grid pattern to integrate existing and new settlement
- to maintain the golf course as part of a network of public open space, parks and playing fields.
- to retain and enhance built form that responds to existing topography, native vegetation and views.

The structure plan and plan change has been developed by balancing these and other Council objectives as outlined in Section 2.1 of this report.

As indicated in our response to submissions on the alignment of Huntingdon Street, we accept the rationale behind the master plan in relation to the roading alignment proposed. We acknowledge the community desire to retain the golf course as expressed through consultation on the plan change. The master plan does this, albeit in a form that will require some modification. Despite this modification, from the evidence presented by Mr Whitaker it appears that the playability of the golf course need not be adversely affected by this change and alternative layouts are being considered and will be addressed when the realignment of Huntingdon Street occurs.

Consequently in terms of this submission consideration becomes one regarding the use of the land isolated by this alignment. Retaining the area of golf course isolated by Huntingdon Street appears to have little merit. The reduced size and proximity to the road will affect playability. This area would provide open space amenity, however, given the proximity of the bulk of the golf course the plan change area would be better served by providing this open space amenity in other areas.

The structure plan includes within the plan change area a network of other open spaces, including parks and playing fields, which provide a diversity of recreational

experiences. The majority of the existing golf course is identified as Activity Area 4 (Open Space) in the structure plan which will restrict development of this area thereby providing long term certainty for the community regarding the future of this land and enhanced access beyond the limited periods provided for by the existing golf club lease.

### **5.9.3 Recommendation**

1. It is recommended that the submission by **David Kubrycht** [25/5/4] be rejected and the submission by **Kingston Village Limited** (25/5/4/1) be accepted.

### **5.9.4 Reasons**

1. The structure plan as proposed provides a balanced response to the plan change objectives.

## **5.10 Minimum section size**

**David Kubrycht** [25/5/3] opposes reducing the minimum section size below 800 m<sup>2</sup>.

**Kingston Village Limited** (25/5/3/1) oppose this submission.

### **5.10.1 Explanation**

The minimum net allotment size for residential dwellings in the existing Kingston Township Zone is 800 m<sup>2</sup>. The plan change provides for a range of possible allotment sizes and options within the Kingston Village Special zone:

Activity Area 1a – between 350 and 500 m<sup>2</sup>

Activity Area 1b – 450 and 700 m<sup>2</sup>

Activity Area 1c – 700 m<sup>2</sup> minimum, no maximum

### **5.10.2 Consideration**

The submission by Mr Kubrycht highlights one of the challenges for plan changes of this nature, how to provide for new areas of expansion that are not inconsistent with the existing settlement character but which respond to changing circumstances and community needs.

Ms Thynne outlined the thinking behind the master planning approach and concerns that although maintaining a similar regime of section size to the existing township would be effective in creating a more consistent character of section sizes between the plan change area and the township this is unlikely to achieve a similar character in built form. Providing a low density response would not be effective in achieving the diversity of sections or built form that the urban design study indicated was appropriate may require a reduction in the provision of open space. It is also likely that a low density form of development would limit opportunity for a range of affordable housing solutions and may not achieve the critical mass for reticulation of services needed. We consider the master planned approach has tried to balance the effects of increased density through the provision of public open spaces and spacious street networks.

### **5.10.3 Recommendation**

It is recommended that the submission by **David Kubrycht** [25/5/3] be rejected and

the submission by **Kingston Village Limited** (25/5/3/1) be accepted.

#### **5.10.4 Reasons**

1. Providing the range of site sizes and coverage is supported by the section 32 analysis and urban design advice underpinning the plan change.
2. Providing for a range of different site sizes than are typical in the existing township is an important means of using the land resource efficiently and provides alternative options for the different requirements and preferences of sectors of society and the future population of Kingston.
3. The master planned design of the structure plan results in areas of higher density around areas of open space and provides amenity through wider streets utilising swales and planting to help maintain a sense of spaciousness within the plan change area.
4. In balance providing a range of section sizes and coverage better achieves the overall objectives of the plan change than extending the existing density provisions of the Township zone into the plan change area.

#### **5.11 Adequacy of water supply for fire fighting**

**NZFS** [25/ 7/ 1] seeks to ensure there is adequate water supply provided to the rezoned land that meets the provisions of New Zealand Standard PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. The NZFS would prefer this supply to be able to meet the FW3 classification under the Code of Practice.

**Kingston Village Limited** (25/7/1/1) submits to clarify the points raised in this submission.

**NZFS** [25/ 7/ 2] seeks that the Council ensure there are provisions with the plan change requiring compliance with the Code of Practice for any new developments proposed in the plan change area.

**Kingston Village Limited** (25/7/2/1) submits to clarify the points raised in this submission.

**NZFS** [25/ 7/ 3] seeks that the Council make some reference within the plan change to the importance and value of sprinklers in the plan change area, for both residential and commercial developments

**Kingston Village Limited** (25/7/3/1) submits to clarify the points raised in this submission.

##### **5.11.1 Explanation**

The **NZFS** [25/ 7/ 1] note that the plan change material makes reference to an outdated New Zealand Standard for the supply of water for fire fighting and request that the most recent standard is adopted. The classification FW3 relates to the supply capacity required under the Code of Practice for particular types of developments. This means that any new developments in the plan change area need to be designed so they fit within the restrictions of a FW3 supply. This may mean design modifications such as the fitting of sprinklers or the reduction of fire cell size or

fire loading to ensure they meet the limitations of the supply.

**NZFS** [25/ 7/ 2] and [25/ 7/ 3] seek that provisions requiring compliance with the Code of Practice are included within the plan change and, while acknowledging that the Council cannot require the installation of sprinklers through the plan change, seek that guidance on the use of sprinklers for residential and commercial buildings is provided.

**Kingston Village Limited** (25/7/1/1) note that the revised Code of Practice (SNZ PAS 4509:2008) will be met for this development. The FW3 classification for the reticulated supply in general is due to the potential presence of commercial buildings. Kingston Village Limited acknowledges the value of communicating information about the value of sprinklers. Note the submission originally lodged by the submitter stated FW2 classification would be used in the plan change area. Subsequently the submitter identified this as a typing error and FW3 was the correct classification that would be applied.

### **5.11.2 Consideration**

A letter from the NZFS was tabled at the hearing stating that, subject to the recommendation in the report of the reporting officer being adopted, they were satisfied that the concerns expressed in the submission had been addressed.

### **5.11.3 Recommendation**

It is recommended that the submissions by **NZFS** [25/ 7/ 1] and [25/ 7/ 2] be accepted and the further submissions by **Kingston Village Limited** (25/7/1/1) and (25/7/2/1) be noted.

It is recommended that the submission by **NZFS** [25/ 7/ 3] be accepted in part and the further submission by **Kingston Village Limited** (25/7/3/1) be noted and the design guidelines accompanying the plan change be modified to make reference to the benefits of installing sprinklers at building stage given the distance of the township from a fire fighting force equipped to fight a fire in a significant structure.

We recommend that the Kingston Village Design Guidelines be modified by inserting a new section under the general heading "Design Principles" as follows:

#### *"Fire Safety"*

*"Due to its location, Kingston may be subject to lower levels of fire fighting response than other urban areas. In these circumstances the installation of sprinkler systems in residential or commercial buildings has clear benefits in reducing the risk of fire spread associated with any delay in response times."*

### **5.11.4 Reasons**

1. The infrastructural design for the plan change area meets the requirements of the relevant New Zealand standard for fire fighting water supply.
2. Existing provisions in District Plan Section 15 – Subdivision include control over subdivision in terms of the adequacy of provision of water for fire fighting purposes and assessment matters. Although these provisions do not reference the specific standard they would generally be assessed against these standards and the lack of a specific reference to an outdated standard enables the new

standard to be adopted more readily.

3. Council recognises the value and importance of providing sprinklers particularly in an area with a lower level of fire fighting response but considered reference to this within the plan change will not be effective in providing information to the public on this matter. However, the building design guidelines for the plan change area provide a more appropriate vehicle in which to deliver this information.

## 5.12 Effects on the sustainability of the land transport system

**NZTA** [25/9/1] seek that the proposed plan change be withdrawn or rejected in its entirety.

*Kingston Village Limited (25/9/1/1) oppose the submission of the NZTA.*

### 5.12.1 Explanation

The NZTA administer the State Highway network and consider the proposed plan change will adversely affect the sustainability of this part of the State Highway network. Clarification was sought from NZTA to better understand the rationale behind this submission.

The Section 32 Report accompanying the plan change was prepared through consultation with relevant parties, including NZTA, and includes a Transportation Assessment by TDG which considers the effects on SH6 and the wider transportation network.<sup>1</sup> Supplementary commentary on the submission by NZTA has been provided by TDG and is included in Appendix 2 of this report.

**NZTA** [25/9/1] consider that the plan change does not represent the most appropriate way to achieve the overall purpose of the RMA (1991), nor the most efficient or effective way of providing for residential and associated activities. NZTA consider the proposal has failed to consider the State Highway (SH) as a physical resource in its assessment under the RMA (1991) and the plan change will have a significant adverse effect on the overall safety, functionality and sustainability of SH6 between Kingston and Queenstown.

In addition to the information accompanying the plan change, we heard evidence on this matter from Mr Ian McCabe of the NZTA, Edward Guy from Rationale, Andy Carr from TDG, and Michael Parker and Joanne Dowd for Kingston Village Limited.

Mr McCabe outlined the concerns of the NZTA as being an underlining concern regarding the nature and scale of the proposed urban expansion in this location and the validity of any expectation of growth in business or employment opportunities. Mr McCabe couched his argument under the following four headings:

- Appropriate, efficient or effective in the context of the RMA (1991)
- Self sufficiency of Kingston
- Sustainable travel behaviour
- Capacity of State Highway 6

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<sup>1</sup> Plan Change 25 Section 32 Report – Appendix 2.5: Transport Assessment

For simplicity sake we will express our findings under the same headings. However, we find some difficulty in entirely separating arguments regarding whether the plan change is appropriate, efficient or effective in the context of the RMA, whether it will contribute to the self sufficiency of Kingston and whether sustainable travel behaviour would be better achieved by providing for this growth in Queenstown.

### **5.12.2 Consideration**

#### Appropriate, Efficient or Effective in the context of the RMA (1991)

We note that in the presentation of his evidence, Mr McCabe indicated that although the NZTA were of the view that it would be more appropriate, efficient and effective for growth to occur within the Wakatipu basin, he did not fundamentally disagree with the section 32 assessment accompanying the plan change.

This position is in contrast to that of Mr Guy, who pointed to the underlying principles of the RMA (1991) and in particular the definition of sustainable management in Section 5 as:

*‘... managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and their communities to provide for their social, economic and cultural wellbeing and for their health and safety.’*

We see these submissions as presenting two different perspectives on whether growth in this location achieves the purpose of the act and is appropriate, effective or efficient in the context of the RMA (1991). The NZTA taking a broader view, whereas Mr Guy focused more specifically on how the plan change enabled the Kingston community to provide for their health, social, economic and cultural wellbeing.

As noted in the Section 32 report and the evidence of Mr Guy, the issue of how to manage growth within the Queenstown Lakes District has been addressed in the Council’s adopted Growth Management Strategy (GMS). Although this is not a statutory document, the GMS has considered these issues in detail and as Council policy it is a matter to which regard should be had in the decision making process. The approach adopted by this plan change appears to reflect the philosophy of the GMS which will encourage the majority of growth around larger settlements but will also recognises the need of smaller existing settlements, such as Kingston to grow to become more self sufficient.

However, we do not disagree with Mr McCabe’s view that Kingston will remain dependent on Queenstown; the current dependence of Kingston on Queenstown is recognised in the Kingston 2020 Community Plan and is one of the community drivers behind the plan change. From a local perspective this dependency is a matter of degree. The evidence of Mr Guy suggests that the plan change will enable the Kingston community to more effectively provide for their social, economic and cultural wellbeing and for their health by enabling the provision of more cost effective reticulated services and the establishment of a range of commercial and social facilities that will allow a more sustainable community than is currently possible. By undertaking a plan change identifying sufficient capacity for growth over a longer period of time the plan change also enables planning to consider objectives in a manner which may not be possible if this growth was to occur in a more ad hoc manner.

The effects of not providing for growth must also be considered. The lack of reticulated services has been identified as a potential health risk in Kingston and one

likely to increase as the existing zoned area continues to develop. This risk is unlikely to be reduced unless servicing can be provided at an affordable cost to the local community and will not be achievable without benefiting from a reasonable economy of scale such as through a plan change.

It is also highly unlikely that not undertaking the proposed plan change would not result in the future growth of Kingston. However, this growth would be more likely to occur in an ad hoc manner by way of smaller scale resource consents or private plan changes. Incremental growth in this manner is less likely to achieve the purposes of the RMA in terms of enabling the community to manage the way or rate of development that will provide the benefits that the plan change will achieve. Incremental growth of this nature would be insufficient to provide the economy of scale needed to provide reticulated services to the township or to plan for the development of education of health services ahead of time.

### Self Sufficiency of Kingston

Mr McCabe references both the GMS and the Kingston 2020 Community Plan in his submission regarding the self sufficiency of Kingston. However, Mr McCabe considers the nature and scale of growth proposed by the plan change as being beyond the community's expectation of future growth as is illustrated in the Kingston 2020 plan, and struggles to see that the plan change will greatly enhance the self sufficiency of Kingston.

We agree that the plan change area occupies a larger area than that illustrated on page 11 of the Kingston 2020 Community Plan as Figure 1: Growth Management: Proposed Zone Changes. However, it is noted that the Community Plan actually identifies the highway and terrace to the south and the hills to the west as the boundary for the township and the map includes an area for possible rural residential growth that the subsequent 2005 Urban Design Review of the Kingston 2020 Plan recommended against. The rationale behind the size and density of development has been discussed in detail in the Section 32 analysis accompanying the plan change, the Planning Officers report and evidence of the urban designers. Regardless of this, it is clear from the consultation undertaken in developing the plan change that to a large extent the local community are aware of the area subject to the plan change and the different character associated with the development proposed for this area. Based on the nature of submissions received this does not appear to have been a significant issue of concern with the local community.

We find the arguments relating to the self sufficiency of Kingston closely linked to those regarding whether the plan change is the most appropriate, effective or efficient way to achieve the purpose of the RMA (1991). Again this argument becomes a matter of degree. We do not disagree with Mr McCabe's contention that Kingston will not become entirely self sufficient in terms of employment as a consequence of the plan change.

Indeed, this position is supported by the evidence of Mr Guy, who estimates the plan change may result in approximately 261 people being employed by commercial activities in the township although the balance of workers will continue to commute to other locations for employment. However, Mr Guy notes this is a significant increase in the proportion of Kingston residents able to work locally. This, combined with the greater population will provide a range of additional social and economic benefits including the provision of small scale community facilities such as childcare, schooling and health care will reduce the current dependency of Kingston on Queenstown for basic services. On balance we find the evidence supporting the plan

change provides a more compelling argument on the contribution the plan change will make to the self sufficiency of Kingston.

### Sustainable Travel Behaviour

In considering the evidence from submissions on the issue of sustainable travel behaviour the position of the NZTA appears to be that more sustainable travel behaviour would be achieved by locating the capacity for development in Queenstown rather than Kingston. Other submissions focused more specifically on the degree to which managing travel demand resulting from the growth of Kingston could encourage more sustainable travel behaviour.

A key objective of the proposed plan change is to enable the community of Kingston to become more self sufficient. While we can accept the logic of the position presented by the NZTA in part, providing for growth in Queenstown will not assist the existing community to become more self sufficient or facilitate sustainable travel behaviour. The lack of existing crèches, education or health facilities necessitates a high degree of travel by the local community which could be reduced if there is a population which can support these facilities at a local level. Both the evidence of Mr Guy and Mr Carr also highlighted that the plan change would help assist in establishing alternative transportation modes, such as ride share and passenger transport viable, by providing a threshold population that can support them.

### Capacity of SH6

The section 32 analysis supporting the plan change and the subsequent evidence of Mr Carr and Mr Guy on the sustainability and the capacity of SH6 indicate that the plan change is consistent with objectives of the New Zealand Land Transport Strategy to assist in economic development and protecting and promoting public health. We note that Mr McCabe also acknowledged the plan change is consistent with the requirements of the Otago Regional Land Transport Strategy (ORLTS) and the State Highway has the capacity to accommodate the additional traffic generated by the plan change and operate within the levels of service established by the ORLTS.

We acknowledge the State Highway as a physical resource in our deliberations, but consider that this needs to be balanced against the potential positive economic, social, cultural and health benefits of the plan change.

### **5.12.3 Recommendation**

It is recommended that the submission by **NZTA** [25/9/1] be rejected and the further submission by **Kingston Village Limited** (25/9/1/1) be accepted.

### **5.12.4 Reasons**

1. The plan change has been subject to a rigorous section 32 analysis as required by the RMA (1991). This process considered the sustainability of the transportation network. However, this is only one of a number of different objectives considered through the plan change assessment and must be considered holistically in this context against the positive benefits the plan change provides to the Kingston community in terms of sustainability, health and increased self sufficiency.
2. The growth associated with the plan change has not been considered in isolation but in the context of and is consistent with the direction of the Council's

district wide Growth Management Strategy.

3. The Transport Assessment accompanying the Section 32 Report and subsequent evidence presented at the hearing indicates that the proposed growth in traffic demand resulting from the plan change will not result in traffic safety issues or exceed the levels of service anticipated for SH6 between Kingston and Queenstown. NZTA have not provided any evidence to the contrary to this report to support their submission.

### 5.13 Natural hazards

The **Otago Regional Council** [ 25/ 10/ 1] partially supports the plan change conditional on adoption of the following options:

(a) that the Activity Area 1B (Medium Density Residential) and the visitor Accommodation Precinct adjacent to the northern end of the deflector bund be replaced with Activity Area 2 (Employment); or

(b) Should it be decided that these sub-zones are appropriate at this location, that Queenstown Lakes District Council be satisfied with the design standards and specifications of the proposed mitigation measures; and

(c) A setback from the deflector bund, similar to that for Activity Area 2 (Employment), is imposed to Activity Area 1B (Medium Density Residential) and the visitor Accommodation Precinct adjacent to the northern end of the deflector bund.

The further submission by **Kingston Village Limited** (25/ 10/ 1) opposes the submission by the Otago Regional Council in relation to the relief sought.

#### 5.13.1 Explanation

**Otago Regional Council** [ 25/ 10/ 1] indicates general support for the intent of the proposed plan change and stormwater management principles proposed. However this support is conditional on the adoption of the proposed relief in relation to natural hazard issues.

The submission by the Otago Regional Council also commented on issues including effluent disposal, water supply, transport and Otago Regional Council consent requirements, but does not seek relief in relation to these matters. Consequently these matters are discussed for the purposes of clarification only.

**Kingston Village Limited** (25/ 10/ 1) oppose in part the relief sought by the Otago Regional Council and provides comment on other matters raised.

#### 5.13.2 Consideration

Correspondence received by way of email and dated 3 September 2009 indicated that the ORC did not wish to be heard at the hearing and requesting, should the plan change be approved, that the recommendations of the Aurecon report dated 1 May 2009 (in relation to the ORC submission) be incorporated as part of any approval. This email notes that proposed hazard mitigation measures will be subject to a separate regional council consent process.

The supplementary report by Aurecon in relation to the submission of the Otago Regional Council formed part of the evidence of the hearing and was expanded in the submission by Mr Flannery.

### **5.13.3 Recommendation**

1. It is recommended that the submission by **Otago Regional Council** [25/10/1] be accepted in part and the further submission by **Kingston Village Limited** (25/10/1/1) be accepted.

### **5.13.4 Reasons**

1. The ORC have indicated that they are comfortable with the mitigation measures proposed by Aurecon to address the concerns identified through the submission of the Regional Council.
2. The design standards and specifications for the identified mitigation measures will be further tested at the consent stage, which will enable further input from the Otago Regional Council to ensure design specifications adopted are appropriate to address the most recent hazard information.
3. The additional matters raised by the Otago Regional Council are noted.

## **5.14 Public Health South**

The initial submission of Public Health South (PHS) was unclear in terms of the relief or changes sought by way of the submission and clarification was sought from the submitter. PHS provided clarification of their submission which indicates partial support of the plan change, seeking a number of amendments which are considered in the following sections.

As the submission from **PHS** [25/ 11/ 1] indicates general support of the plan change but seeks a number of amendments it is considered to be a submission in partial support of the plan change.

The further submission by **Kingston Village Limited** (25/11/1) was neutral on this submission.

PHS did not wish to be heard at the hearing.

### **5.14.1 Explanation**

None required.

### **5.14.2 Consideration**

PHS has previously identified public health concerns regarding the lack of reticulated infrastructure in a number of the small communities in the Queenstown Lakes District including Kingston. As a consequence PHS are generally supportive of the plan change but seek a number of amendments to achieve other public health benefits (see Sections 4.15 - 4.19 below).

The further submission by **Kingston Village Limited** provides clarification of a number of points raised by PHS.

### **5.14.3 Recommendation**

1. It is recommended that the submission from **PHS** [25/ 11/ 1] be accepted and the further submission by **Kingston Village Limited** (25/11/1/1) be noted.

### **5.14.4 Reasons**

1. This part of the submission is in support of the plan change and does not seek any amendment.

## **5.15 Lighting and access for Activity Area 4**

**PHS** [25/ 11/ 2] partially supports Objective 1: Activity Area 4 but seek that it includes and ensures that this area is designed to provide safety, enjoyment and accessibility for all people (i.e. Ensure that people feel safe through adequate lighting and it is easy for less mobile people to get into these areas).

The further submission by **Kingston Village Limited** (25/11/2/1) was neutral on the submission by PHS in general and made no direct comment on this matter.

### **5.15.1 Explanation**

The submission from PHS indicates general support for the provision of Activity Area 4 (Open Space) as established by Objective 1 of the plan change but raises issues relating to design for access and lighting.

### **5.15.2 Consideration**

The relief sought is outside the scope of the plan change. Given the duration over which this plan change will develop it is more appropriate that decisions of this nature are made in response to the more detailed design of these areas.

### **5.15.3 Recommendation**

1. It is recommended that the submission from **PHS** [25/ 11/ 2] be rejected and the further submission by **Kingston Village Limited** (25/11/2/1) be noted.

### **5.15.4 Reasons**

1. The relief sought is outside the scope of the plan change and better achieved through submissions on consultation about park design in the plan change area and through submissions seeking funding for the provision of lighting through the Council Community Plan process.

## **5.16 Provision of walkways and cycleways**

**PHS** [25/ 11/ 3] Objective 4.1: Cycle/Walkways. PHS support the provision of footpaths for pedestrians/cyclists but have a concern about walkways safety and seek that the major pathways have winter conditions, accessibility for all and lighting taken into consideration.

The further submission by **Kingston Village Limited** (25/11/3/1) was neutral on the submission by PHS in general and made no direct comment on this matter.

### **5.16.1 Explanation**

Objective 4 of the plan change addresses transport safety and access within the plan change area. Policy 4.1 is as follows:

*4.1 To achieve a road network consistent with the Kingston Village Structure Plan, that:*

*- Respects and connects to the grid pattern of the existing Kingston Township.*

*- Provides visual linkage along the road corridors; east-west providing visual linkage to the surrounding mountains, and north-south providing visual linkage to the Lake.*

*- Provides a safe and efficient access point to the Zone from State Highway 6.*

*- Provides safe and efficient access across the Kingston Flyer Railway line.*

*- Provides walking and cycling opportunities.*

*- Achieves a well connected street network that is easy to comprehend, is continuous and avoids cul-de-sacs.*

This objective and policy establishes the walking and cycling network as an important component in the structure plan for the plan change area and to ensure its consideration and retention through the subdivision and development process.

### **5.16.2 Consideration**

The relief sought is outside the scope of the plan change and suggests a level of design detail that is inappropriate at the structure planning stage for a development with a development period anticipated at being in excess of 20 years. Issues such as walkway design and lighting are addressed by Council design standards for parks and generally evolve in response to levels of community use and demand.

### **5.16.3 Recommendation**

1. It is recommended that the submission from **PHS [25/ 11/ 3]** be rejected and the further submission by **Kingston Village Limited (25/11/3/1)** be noted.

### **5.16.4 Reasons**

1. The relief sought is outside the scope of the plan change.
2. It is inappropriate to undertake this level of planning at this stage as the structure plan may be subject to some modification through the subdivision design and development stage.

## **5.17 Provision of shading for open spaces**

**PHS [25/ 11/ 4]** partially supports the statements in the plan change stating “Ensure open spaces are designed to have good solar access and protection from the wind” but seek that the plan change should make a clear statement about solar protection as well as access and provide a mixture of shade and availability for sunlight.

The further submission by **Kingston Village Limited** (25/11/4/1) was neutral on this submission.

#### **5.17.1 Explanation**

The text of the plan change as notified is silent on ensuring open spaces are designed to have good solar access and protection from the wind. However this is stated as one of the guiding principles behind the development of the open space regime included in the structure plan accompanying the plan change.<sup>2</sup>

#### **5.17.2 Consideration**

The relief sought is outside the scope of the plan change and suggests a level of design detail that is inappropriate at the structure planning stage for a development with a development period anticipated at being in excess of 20 years. How the open spaces and parks are finally developed will require consideration of a number of local factors including the expressed preference of the local community for deciduous trees due to concerns about winter shading.

#### **5.17.3 Recommendation**

1. It is recommended that the submission from **PHS** [25/ 11/ 4] be rejected and the further submission by **Kingston Village Limited** (25/11/4/1) be noted.

#### **5.17.4 Reasons**

1. The relief sought is outside the scope of the plan change.
2. It is inappropriate to undertake this level of planning at this stage as the structure plan may be subject to some modification through the subdivision design and development stage.

### **5.18 Health Impact Assessment**

**PHS** [25/ 11/ 5] submit that the Council should undertake a Health Impact Assessment (HIA) to find the impact of the plan change on the health and well being of the current and future population.

The further submission by **Kingston Village Limited** (25/11/5/1) was neutral on this submission.

#### **5.18.1 Explanation**

A HIA is an assessment tool to consider the potential impacts of a project on the health and wellbeing of a population. This has a more specific health related focus than the section 32 assessment that is statutorily required as part of the plan change process and may consider outcomes outside the parameters of the RMA (1991).

#### **5.18.2 Consideration**

Community and environmental health was a key driver in initiating the plan change at this time due to the potential adverse health risks associated with the lack of water and wastewater infrastructure. The plan change has been properly assessed in

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<sup>2</sup> Plan Change 25 Section 32 Report - Appendix 2.3: Urban Design Master Plan Report, Section 4

terms of Section 32 of the RMA (1991). Although a health impact assessment may be a useful tool in the information gathering process for a plan change at this stage in the process it would add little value.

### **5.18.3 Recommendation**

1. It is recommended that the submission from **PHS** [25/ 11/ 5] be rejected and the further submission by **Kingston Village Limited** (25/11/5/1) be noted.

### **5.18.4 Reasons**

1. The Section 32 assessment undertaken as part of the plan change has met the requirements of the RMA (1991) in terms of considering the health impacts under that legislation.

## **5.19 Registration of drinking water supply**

**PHS** [25/ 11/ 6] Objective 3: Water. PHS supports the provision of reticulated water and seeks that the supply be registered under the Drinking Water Amendment Act 2007.

The further submission by **Kingston Village Limited** (25/11/6/1) was neutral on this submission noting that the Health (Drinking Water) Amendment Act 2007 will be met by the development as stated in the infrastructure report accompanying the Section 32 Report.

### **5.19.1 Explanation**

Drinking water standards specify maximum acceptable values for the microbial, chemical and radiological determinants of public health significance in drinking-water and also provide compliance criteria and procedures for verifying that the water supply is not exceeding these values.

### **5.19.2 Consideration**

The main obligation imposed under the amended 2007 Health (Drinking Water) Amendment Act applies to suppliers above a certain size and includes the obligations to:

- take all practicable steps to comply with the (previously voluntary) drinking water standards, and
- introduce and implement public health risk management plans for the water supply (if serving more than 500 people);

The proposed water system meets the threshold size established requiring compliance with the standard established by the Health (Drinking Water) Amendment Act 2007.

### **5.19.3 Recommendation**

1. It is recommended that the submission from **PHS** [25/ 11/ 6] be accepted and the further submission by **Kingston Village Limited** (25/11/6/1) be noted.

#### **5.19.4 Reasons**

1. The water system proposed through the plan change complies with the requirements of the 2007 Health (Drinking Water) Amendment Act as requested by the submitter.

#### **5.20 Design of wastewater system**

**PHS** [25/ 11/ 7] Objective 3: Wastewater. PHS strongly supports the provision of a reticulated wastewater system but seek the following:

- (i) That Policy 3.5 make allowances for staging the provision of infrastructure and running at full capacity for those stages.
- (ii) That a statement be included that allows for the system running under capacity (thus not efficiently) and what would be done (possibly an alarm system).
- (iii) That the water intake be located upstream and uphill of the wastewater treatment plant to avoid contamination.
- (iv) That the site for the wastewater disposal be checked to make sure it has no cultural significance and to be relocated if it does.
- (v) The disposal site should be of low use by general public
- (vi) That the visibility of the plant from the town is low.

The further submission by **Kingston Village Limited** (25/11/7/1) was neutral on this submission.

##### **5.20.1 Explanation**

PHS identify a number of design related issues associate with wastewater disposal to land including contamination with groundwater, high water table and flooding, disposal issues associated with fluctuation population levels, compaction of the disposal area and cultural issues associated with disposal. The further submission by Kingston Village Limited provided comment on the matters raised. These matters are generally design related matters that would be addressed at the time resource consent was sought to provide these facilities.

##### **5.20.2 Consideration**

###### (i) Staging of wastewater infrastructure

Some wastewater systems do not handle fluctuations in flow associated with short term changes in population well, which can result in temporarily poorer treatment quality. Modular wastewater systems are a relatively common solution to providing for long term growth of new areas, enabling new capacity to be provided as required. The further submission from Kingston Village Limited notes that wastewater design includes buffer tanks to manage periods of peak flow. As development to the full capacity of the plan change site is anticipated to take 25 + years both the plan change and infrastructure report indicate that staging will be a component of development of the plan change site and the wastewater system will be designed to address this.

### (ii) Location of water intake

It is preferable to site the location of water sources uphill from the site of any wastewater disposal to avoid risk of contamination in the event of system failure or leakage. As the proposed source of water for the plan change area is from Lake Wakatipu it cannot be upstream from the proposed wastewater disposal area. Alternative ground water options were investigated but were found to be unsuitable for potable use. The infrastructure report accompanying the plan change notes that:

*Given the proposal level of wastewater treatment and the offset distance of the proposed field (more than 400 m) there are no engineering concerns with this.<sup>3</sup>*

### (iii) Cultural significance of wastewater disposal site

The inappropriate disposal location can be culturally offensive to Iwi. Disposal to water is generally of greater concern; however disposal to land can still be offensive. Local Iwi were consulted through the plan change process to identify any areas of concern.

### (iv) Use of disposal site

Over use of disposal field can result in compaction of the soil which reduces the effectiveness of in ground systems.

### (v) Visibility

The proposed location for the water and waste water plant sites is within an outstanding natural landscape area and may be visible from Kingston township.

## **5.20.3 Recommendation**

1. It is recommended that the submission from **PHS [25/ 11/ 7]** be rejected and the further submission by **Kingston Village Limited (25/11/7/1)** be noted.

## **5.20.4 Reasons**

1. The matters raised by PHS in relation to wastewater disposal have been taken into consideration as follows:
2. (i) The specific design of the wastewater system will be subject to a separate resource consent process with the Otago Regional Council to dispose effluent to land which will consider technical aspects of systems operation.
3. (ii) The location of the water abstraction point is on the same side of the bay as the proposed wastewater disposal area, however it is located further north of any stream outlets from the disposal area (more than 400 m) and is distant from the existing township and wharf. This will also be a matter for consideration at the time of resource consent for the water and waste water systems.
4. (iii) A cultural impact assessment of the proposed plan change has been undertaken by Te Ao Marama and reviewed by Kai Tahu ki Otago as part of the Section 32 assessment of the plan change. No issues were identified through this assessment.

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<sup>3</sup> Plan Change 25 Section 32 Report - Appendix 2.9: Preliminary Infrastructure Report, Page 15

5. (iv) The wastewater disposal site is isolated from Kingston township and the plan change area and would not be used by the general public. The use and maintenance of this area will need to be addressed in the consent for the wastewater disposal system as identified in point 2 above.
6. (v) The establishment of the water and waste water plant facilities will be subject to a separate resource consent process which will need to address, amongst other matters, the visibility and landscape effects of the buildings in the outstanding natural landscape.

## 5.21 Protection of Heritage

**NZHPT** [25/ 8/ 1] supports the plan change providing for the expansion of Kingston to the immediate south of the township.

**NZHPT** [25/ 8/ 2] seeks that the heritage features identified and mapped in page 39 and 40 of the Heritage Report<sup>4</sup> accompanying the plan change be included in Appendix 3: Inventory of Protected Features in the District Plan.

The further submission by **Kingston Village Limited** (25/8/2/1) supports the inclusion of the identified archaeological sites to ensure they are clearly identified so they can be appropriately avoided, protected or mitigated in the future.

### 5.21.1 Explanation

NZHPT [25/8/1] supports the Council's position that providing for expansion to the immediate south of the existing Kingston township is the preferred means of catering for future expansion and is consistent with protecting Kingston's heritage values.

The heritage report prepared as part of the Section 32 analysis for the plan change identified a number of heritage features and archaeological sites in the Kingston area that are not currently listed in the District Plan. The submission by NZHPT [25/ 8/ 2] seeks that those sites identified as having heritage value be listed in the District Plan. This submission is supported by the further submission from Kingston Village Limited.

### 5.21.2 Consideration

An email was received from the NZHPT on 3 September 2009 indicating they did not wish to be heard at this point and accepted the inclusion of heritage items within the plan change area into the District Plan, while acknowledging that heritage items identified through the section 32 process but lying outside the plan change area were out of scope of the plan change at this time.

### 5.21.3 Recommendation

1. That the submissions of the **NZHPT** [25/8/1] be accepted in part, and the plan change is adopted as notified, subject to consequential amendments identified in this report as a result of other submissions.
2. That the submissions of the **NZHPT** [25/8/1] and the further submission of **Kingston Village Limited** (25/8/2/1) be accepted in part, and the following sites

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<sup>4</sup> Plan Change 25 Section 32 Report – Appendix 2.6 Heritage Report.

are included in District Plan Appendix 3: Inventory of Protected Features as follows:

Ref No	Map Ref	Description	Legal Description	NZHPT Ref	Valuation Ref	NZHPT Category	QLDC Category
711	39	<u>Dunlea Farmstead site, NZAA site F42/231</u>	<u>Lot 1 DP 12725</u>		<u>2913102600</u>		<u>3</u>
712	39	<u>Old Kingston School, NZAA site F42/230</u>	<u>Section 1 Blk XVI TN OF Kingston</u>		<u>2913110500</u>		<u>3</u>

#### 5.21.4 Reasons

1. Many of the heritage items identified through in the technical reports accompanying the plan change are outside the plan change area and consequently out of scope of the plan change.
2. The owners of properties in which potential heritage sites are located may not be aware of the presence of these sites or that submissions have been made seeking the inclusion of these sites in the District Plan.
3. The sites identified for inclusion in the District Plan are within the plan change area and their inclusion in the District Plan is supported by the property owner, Kingston Village Limited.
4. The other sites may be more appropriately considered for inclusion in the District Plan at the next update of Appendix 3: Inventory of Protected Features of the District Plan when the affected property owners can be directly consulted.

## 6.0 CONSEQUENTIAL CHANGES TO PLAN CHANGE TEXT TO CORRECT MINOR ERRORS

As a result of the hearing a number of minor errors have been identified. It is proposed that the following changes be made to correct inconsistencies resulting in modifications of the plan change text through the submissions process. These changes are minor in effect and can therefore be made in accordance with Clause 16A of the First Schedule of the RMA (1991).

### 6.1 Proposed Change to the Explanation and Principal Reasons for Adoption of Objective 1

*“Activity Area 1c*

*Activity Area 1c provides for lower density living with sections ranging in size upward from 700 m<sup>2</sup> ~~to 900 m<sup>2</sup>~~, and is situated towards the periphery of the Zone. This area integrates with the existing Kingston Township, providing a buffer between the existing Township and the higher density located towards the centre of Zone.”*

#### **Reason for Change**

The proposed change would ensure the text associated with Objective 1 is consistent with changes to the rules relating to the maximum area for section sizes in Activity Area 1c which no longer have a maximum size.

### 6.2 Proposed Change to Policy 2.2

“2.2 To provide a range of site sizes as follows:

...

- Within Activity Area 1c sections of ~~between~~ 700 m<sup>2</sup> and 900m<sup>2</sup> above.”

**Reason for Change**

The proposed change would ensure the text associated with Objective 2 is consistent with changes to the rules relating to the maximum area for section sizes in Activity Area 1c which no longer have a maximum size.

## **LIST OF APPENDICES**

Appendix 1: List of Submitters

Appendix 2: Plan Change 25 - Kingston Village Special Zone Provisions – as modified by Submissions

Appendix 3: Report to Commissioners by the Reporting Planner dated 20 September 2009

Appendix 4: Kingston Village Special Zone Design Guides

## APPENDIX 1: LIST OF SUBMITTERS

<b>Original Submitters</b>	<b>Submission #</b>
Mark Crowe	25/1/1
Graham Dalziel	25/2/1
Kate Kerr	25/3/1, 25/3/2
Kingston Village Limited	25/4/1, 25/4/2, 25/4/3, 25/4/4
David Kubrycht	25/5/1, 25/5/2, 25/5/3, 25/5/4, 25/5/5, 25/5/6
Mescha Soper-Arthur & Ben Arthur	25/6/1, 25/6/2
New Zealand Fire Service (NZFS)	25/7/1, 25/7/2, 25/7/3
New Zealand Historic Places Trust (NZHPT)	25/8/1, 25/8/2
New Zealand Transport Agency (NZTA)	25/9/1
Otago Regional Council (ORC)	25/10/1, 25/10/2
Public Health South (PHS)	25/11/1, 25/11/2, 25/11/3, 25/11/4, 25/11/5, 25/11/6, 25/11/7
<b>Further Submitter</b>	
Kingston Village Limited	25/2/1/1
	25/3/1/1, 25/3/2/1
	25/5/1/1, 25/5/2/1, 25/5/3/1, 25/5/4/1, 25/5/5/1, 25/5/6/1
	25/6/1/1, 25/6/2/1
	25/7/1/1, 25/7/2/1, 25/7/3/1
	25/8/2/1
	25/9/1/1
	25/10/2/1
	25/11/1/1, 25/11/2/1, 25/11/3/1, 25/11/4/1, 25/11/5/1, 25/11/6/1, 25/11/7/1

**APPENDIX 2: PLAN CHANGE 25 - KINGSTON VILLAGE SPECIAL ZONE - PROVISIONS  
AS MODIFIED BY SUBMISSIONS**

**APPENDIX 3: REPORT TO COMMISSIONERS BY THE REPORTING PLANNER DATED  
20 SEPTEMBER 2009**

#### **APPENDIX 4: KINGSTON VILLAGE SPECIAL ZONE DESIGN GUIDE**

The attached sheet highlights changes proposed to the Kingston Village Special Zone Design Guide arising from decisions on submissions. This sheet should be read in conjunction with the Kingston Village Special Zone Design Guide as notified (attached). These changes will be incorporated into a revised version of these guidelines.

No changes are required to the Kingston Village Special Zone Subdivision Guidelines as a result of decisions on submissions.