

QUEENSTOWN LAKES DISTRICT PROPOSED DISTRICT PLAN (STAGE 1)

HIGH DENSITY RESIDENTIAL (Chapter 9)

SUBMITTER NAME: Sue Knowles  
SUBMITTER NO: 7

Introduction.

Additional material has been submitted for the objection lodged by me, Sue Knowles, 11 York Street, Queenstown.

The black type on the papers attached is the original objection with paragraphs in blue being the additional notes.

All points raised in the objection and explanatory notes are supported by the York Street Body Corporate 27490 who act for the four owners of the 9 York street apartments. The Body Corporate has submitted an objection separate to mine, in addition Angela Waghorn of apartment 9d has added to this objection.

Diane Dever of 17 York Street has also objected separately and supports my objection and its explanatory notes.

SUBMITTER NAME: Angela Waghorn  
SUBMITTER NO: 76/77

SUBMITTER NAME: Diane Dever  
SUBMITTER NO: 193

Reference: High Density Residential Building Height Clause 9  
Right of Way-Off-York Street 1-17

In the proposed District Plan, the right-of-way off York Street [in particular properties 1, 3, 9, 11], loses its sub-zone B status and is designated High Density.

Please note that the numbers in brackets have been corrected from the original submission which noted an all encompassing 1-17 which included properties which are not relevant to this objection. .

This map shows the location of the York Street Right-of-Way .



A High Density Zone designation would put unsustainable pressure on the existing Council maintained, privately owned, right-of-way.

A 14 February 1985 Queenstown Borough Council letter from their lawyers Macalister Todd (attached #2), to the then owners (my parents) of what is now 11 York Street (DP 17970), transferred the right of way ownership to allow existing property owners access to their properties. The Council recognising restricted traffic movement imposed conditions and in the intervening 30 years these conditions, dictated by the size of the right-of-way, have not changed.

The transfer was due to number 11 and others losing their street frontage following the realignment of York Street and it provided for easement of all properties using the right-of-way.

Council constructed the sealed private road which abuts adjoining properties, and is responsible for all maintenance.

This next map is a close up of the right-of-way and these are the properties I am referring to.



The road is narrow, has no turn around area at the no-exit end, two way traffic is difficult, there is no footpath or berm on either side.

Because of this, as mentioned, Council imposed conditions:

“the right-of-way must only be used for travelling to and from your property and no vehicles or other obstructions should be left parked permanently in the right-of-way. This would cause an inconvenience to the other owners and those entitled to use the right-of-way”- (#2)

All vehicles, especially large ones such as rubbish collection trucks, have to back out.

It is very easy to see the reason for these conditions.

As I will come to, Council recognised the right-of-way limitations when the volume of traffic was to be increased due to a building proposal. Council said among other things the right-of-way had to be widened - which proved impossible.



The narrowness of the right of way is for access to a Low Density development. Properties 13, 15, 17 and 28 have been recognised as such and are zoned Low Density.

A major discrepancy would be created as the other half of the properties dependent on the right-of-way, have been overlooked and not included in the proposed District Plan as Low Density – namely properties 11, 9, 3 and 1.

Here in close up are the properties I refer to.



An increase in the volume of traffic in the right-of-way which would result from High Density zoning would create an impossibly overloaded situation.

This was acknowledged by Council in 2003 when it stipulated that a proposal to develop 3 York street was dependent on the developer, “widening the existing Right of Way and form all parking and manoeuvring areas to Council standards” [*Letter from QLDC 24 June 2003 to R & J Kirk, see reference details at the end, attachment #4*]. The proposal did not go ahead and undoubtedly the right-of-way widening would have been an insurmountable issue.

It is physically impossible in a substantial part of the right-of-way to widen it. Buildings are already close to the curb. In the photo it can be seen that the edge of the apartment block at 9 York Street, is only 1.12 metres from the curb.



Opposite (on the right in the photo) there is a steep drop, again private property. There would need to be a substantial retaining wall to allow widening and this property owner would have to agree to an intrusive construction and loss of land.

As property boundaries extend to the curb every property owner would have to give permission to widen the road.

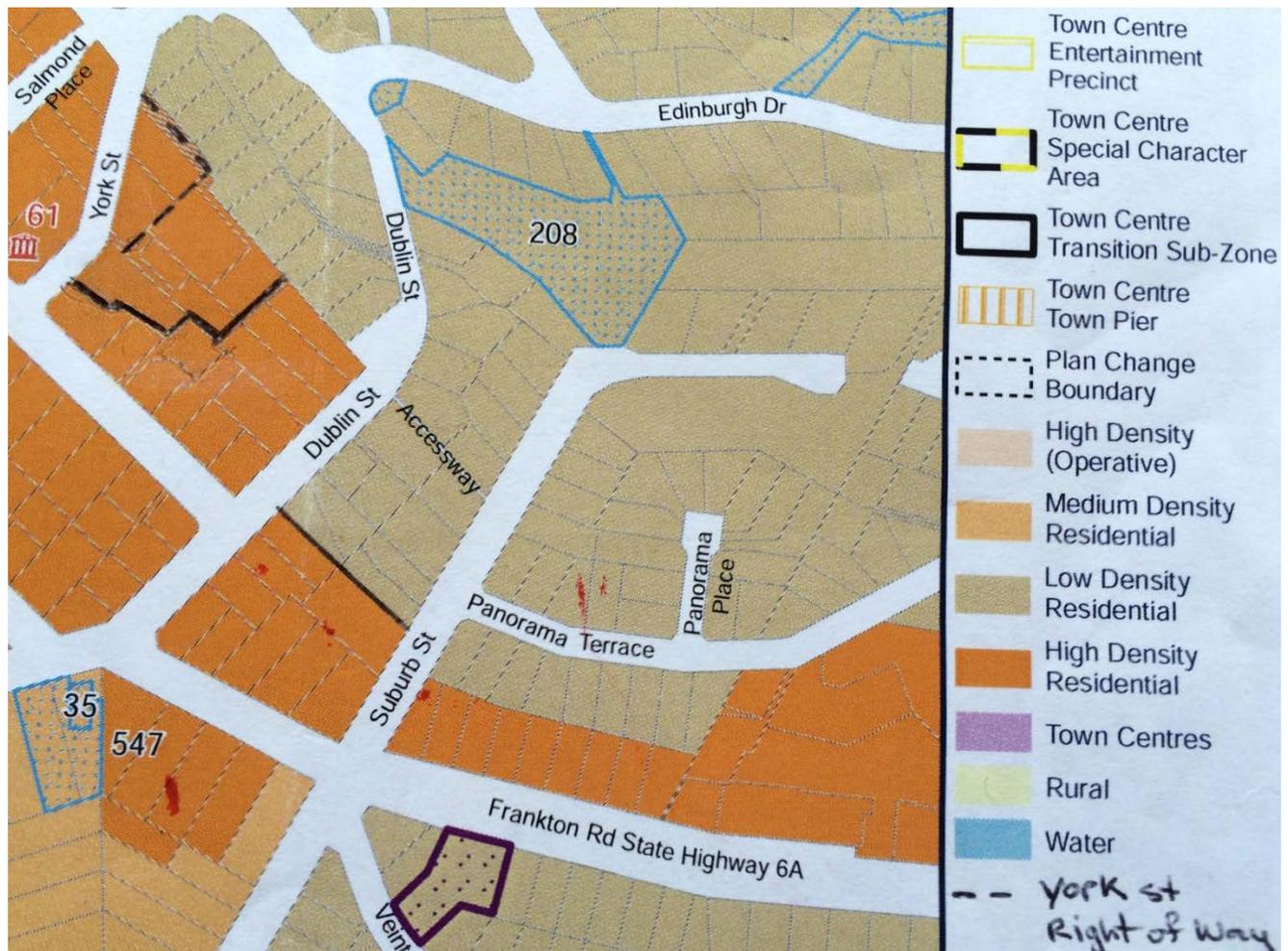
This is highly unlikely and would in itself prevent High Density development.

To repeat as my original objection states, “in addition there is an anomaly in that the proposed District Plan arbitrarily divides the right-of-way. Properties 13, 15, 17 and 28 form the boundary between zones and are designated as Low Density. Properties 11, 9, 3 and 1 are proposed to be High Density yet are dependent on the same right-of-way to access their properties.

We ask that all York Street right-of-way properties be included in the Low Density Zone – (map attached - #1).

A further anomaly is, at the same level above the lake and only 50 metres away, Dublin Street and Suburb street to Panorama Terrace is designated Low Density.

You can see this in the map below with the lighter shade being Low Density.



Other factors:

Traffic volume on Hallenstein Street which services York Street is at near maximum. This is already a congested traffic area and a substantially increased traffic volume from High Density housing in our troubled area of York street would exacerbate this.

Hallenstein Street has become an alternative route across town diverting traffic from the town centre. There is a complex of recently built 18 apartments at 22 Hallenstein Street (directly to the left in the photo below and opposite York Street's entrance into Hallenstein Street). There is no provision for off road parking for all its units.

Number 12 immediately adjacent to 22 has started construction of nine, two to three bedroom residential units. Number 9 is soon to start construction for 16 double garage apartments. Both complexes will greatly increase road traffic at the base of York Street.



Properties in Hallenstein street south to Stanley street and beyond to the Queenstown Gardens which are on flatter areas, have an established adequate road system. This area can be more densely developed without adverse affect - unlike York Street's right-of-way which would be unable to cope with increased traffic.

All properties in the York Street right-of-way are built on Queenstown Hill for the view. These properties were built in good faith to the regulations of the time to maximise the lake view and would be severely affected by increased height.

Council has controlled the aesthetics of the area through a Low Density zoning which has resulted in buildings fitting the hill landscape.

There are no stand-out tall apartment blocks/houses in an area which includes streets at a lower elevation to the York Street right-of-way. Rather, two to three storey properties carefully tiered into the uphill slope have been built conforming to the Council's carefully controlled development of Queenstown Hill.

Any High Density development on the right-of-way properties would immediately affect all nearby property values. Already this has caused concern. In this regard there is an objection from number 17 York Street (zoned Low Density) which is immediately above the proposed High Density zoning.

It is useful to draw attention to the overall Objectives of this section of the Proposed District Plan, in particular 9.2.6

*9.2.6 Objective – High density development will effectively utilise existing infrastructure and minimise impacts on infrastructure and road networks.*

High Density development here would impact on existing infrastructure and have a major detrimental affect on the “existing..road networks” that is the right-of-way.

*9.2.6.4 Ensure access and parking is located and designed to optimise connectivity, efficiency and safety.*

Access and parking is significantly compromised by the severe physical limitations of the right-of-way.

### Conclusion

This is a unique situation with an insurmountable practical problem in that the right-of-way is near impossible to widen and, as well, all property owners would be highly unlikely to permit this.

Even though half of the properties in the right of way will be zoned Low Density under the proposed scheme the fact that the other half are omitted would to repeat our opening premise “put unsustainable pressure on the existing Council maintained privately owned right-of-way” - constructed by the Council for restricted use.

The pragmatic solution to the right-of-way problem is to zone Low Density all properties serviced by the right-of-way in the proposed District Plan

## Attachments

Attachments 1,2, and 3 are held by Council with the original objection and copied here.

Attachment 4 is an addition.

1. Map with York Street right-of-way properties highlighted.
2. Macalister Todd Barristers & Solicitors 14, February 1985 letter to L.J. and A.R.Ryan
3. Borough of Queenstown 12, April 1979 letter to R.L.Bayne – Queenstown Council maintain the right-of-way.
4. Letter from QLDC 24 June 2003 to R & J Kirk.  
File: RM030288  
Valuation Number: 2910543200  
General Conditions. Clause 8 g).



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**QUEENSTOWN LAKES DISTRICT**

Scale @A4 paper size - 1:1,231

0 60 120 Metres

Map produced by Queenstown Lakes District Council's Dekho GIS viewer

Map date: 23/01/2014



MACALISTER · TODD

BARRISTERS & SOLICITORS

ALAN P.M. MACALISTER • GRAEME M. TODD  
49 SHOTOVER STREET • TELEPHONE 936 • P.O. BOX 223 • QUEENSTOWN • NEW ZEALAND  
AGENCY AT ARROWTOWN

14 February 1985

Mr L.J. & Mrs A.R. Ryan  
York Street  
QUEENSTOWN

Dear Mr and Mrs Ryan:

Re : Right-of-Way - York Street

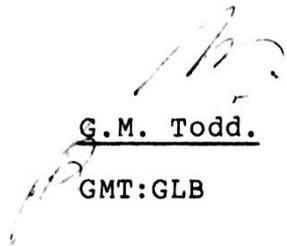
As you will be aware, we are presently arranging for the execution of the Memorandum of Transfer to create the right-of-way from York Street to your property.

A condition of the Transfer is that the Queenstown Borough Council, for whom we act, will be responsible for the maintenance of the right-of-way.

We wish to point out to you that the right-of-way must only be used for travelling to and from your property and no vehicles or other obstructions should be left parked permanently in the right-of-way. This would cause an inconvenience to the other owners and those who are entitled to use the right-of-way.

Your co-operation in this matter would be appreciated.

Yours faithfully,  
MACALISTER TODD.

  
G.M. Todd.

GMT:GLB

Transcript of 12 April 1979 Borough of Queenstown letter to Messrs Watson Savage re R.L. Bayne.

Copy of original letter is attached.

Telephone 357  
Communications to be Addressed  
The Town Clerk  
P.O. Box 41  
Queenstown

Local Government BLDG.  
Stanley Street  
Queenstown

In reply please quote ref. no.  
3/14

BOROUGH OF QUEENSTOWN  
NEW ZEALAND

12<sup>th</sup> April 1979

Messrs Watson Savage,  
Barristers and Solicitors,  
P.O. Box 104  
INVERCARGILL

Dear Sir,

R.L. Bayne – Stopping of York Street

I refer to your letter of the 22<sup>nd</sup> March, 1979 which was considered by the Council at a recent meeting.

Council is of the opinion that perhaps it is uncertainty as to the arrangements for sealing and maintaining the right of way which has given rise to this objection.

I am instructed to make it clear that the proposed access will be sealed and maintained by the Council, and I should be obliged if you would convey this information to your client.

Yours Faithfully

G.H. Bleakley  
Town Clerk



File RM030288  
Valuation Number: 2910543200  
Compliance

24 June 2003

COPY

R & J Kirk  
3 York Street  
QUEENSTOWN

Dear Sir/Madam,

**DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**  
**RESOURCE MANAGEMENT ACT 1991**  
**R & J KIRK - RM030288**

I refer to your application for land use consent under Section 88 of the Resource Management Act 1991 to construct four residential units. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 24 June 2003. The issue of this decision was made and is authorised by Mr Duncan Field, Chief Executive Officer as delegate for the Council.

The subject site is located at 3 York Street, Queenstown and is legally described as Lot 7 DP 17970.

The site is zoned Residential 1 in the Transitional District Plan.

The proposal to construct four residential units on the subject site is considered to be in line with the activity of apartment houses as provided for in this plan.

Apartment Houses are defined in this plan to mean.....

*“a residential building which contains two or more household units, and includes a block of flats whether rental or ownership and includes time sharing units and travellers accommodation of not more than two units, but does not include attached dwellings, travellers accommodation in excess of two units, boarding houses or buildings forming part of a motor camp”.*

- a) Each residential unit shall have a separate water connection that can be independently isolated from the main supply. This connection shall be in accordance with Councils Standards. This connection shall be in accordance with Councils Standards and include the Acuflo GM900 Manifold as the toby valve. The cost of making all connections shall be borne by the applicant.
- b) The consent holder shall provide fire hydrants sufficient to provide for a Class D fire risk to the whole of the development. Any lesser fire rating must be approved in writing by the New Zealand Fire Service, Dunedin office.
- c) The provision of a connection from all impervious areas to the existing Council reticulated stormwater system. The consent holder shall prove that the downstream pipeline has the capacity to take the additional flows created by this development. If the downstream line cannot take the additional loading, a design for a retention system or other proposal shall be submitted to CivicCorp for approval. The costs of making these connections shall be borne by the applicant.
- d) The consent holder shall provide for a foul sewer disposal to each apartment connected to the existing Council reticulation. The costs of making these connections shall be borne by the applicant.
- e) Prior to the commencement of any earthworks excavation, the consent holder shall submit a fully engineered design for all retention systems required on site.
- f) An engineer's design certificate shall be submitted in respect to the earthworks within the site.

g) The consent holder shall widen the existing Right of Way and form all parking and manoeuvring areas to Council standards.

- 9 The consent holder shall install and implement all silt and sediment mitigation measures as stated in the application. These measures are to be installed prior to any work on site and shall remain in place for the duration of the development.
- 10 The applicant shall complete the following:
  - a) The submission of "as-built" plans and information required to detail all engineering works completed in relation to or in association with this development.
  - b) The completion of all works detailed in condition (8) above.
  - c) The consent holder shall remedy any damage to the existing surface and berms of any road that results from construction works for this project.