

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Hearing Stream 14:  
Wakatipu Basin  
hearing and  
transferred Stage 1  
submissions related to  
Arrowtown and Lake  
Hayes

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**REBUTTAL EVIDENCE OF LUKE THOMAS PLACE  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**ARROWTOWN URBAN REZONINGS – STAGE 1 AND STAGE 2 SUBMISSIONS**

**27 June 2018**

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## 1. INTRODUCTION

- 1.1 My full name is Luke Thomas Place. I am a Policy Planner employed by Queenstown Lakes District Council (**Council** or **QLDC**).
- 1.2 My qualifications and experience are set out in my statement of evidence in chief dated 30 May 2018.
- 1.3 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person. The Council, as my employer, has agreed for me to give expert evidence on its behalf in accordance with my duties under the Code of Conduct.

## 2. SCOPE

- 2.1 My rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:
- (a) Mr John Kyle for A Feeley, E Borrie & Lp Trustees Limited (2397);
  - (b) Ms Rebecca Holden for Spruce Grove Trust (560); and
  - (c) Mr Robin Miller for Spruce Grove Trust (560).
- 2.2 I also confirm that I have read the following statements of evidence and consider that no response is needed:
- (a) Mr John Kyle for the Queenstown Airport Cooperation (430/FS1340); and
  - (b) Mr Matthew Gatenby and Mr Anthony MacColl for the New Zealand Transport Agency (2538).

2.3 My evidence has the following attachments:

- (a) **Appendix 1:** Recommended additions to Chapter 10 Arrowsmith Residential Historic Management Zone.

**3. JOHN KYLE FOR A FEELEY, E BORRIE & LP TRUSTEES LIMITED (2397)**

3.1 Mr John Kyle has submitted evidence on behalf of A Feeley, E Borrie & LP Trustees Limited in regard to submission 2397. Having considered Mr Kyle's evidence, I maintain my initial recommendation in section 12 of my s 42A report that the submission be rejected.

3.2 I rebut the various aspects of Mr Kyle's evidence in turn below.

**Revised relief**

3.3 Mr Kyle has amended the relief sought in the original submission so that there is a split zoning of the site. The part of the site adjoining eastern boundary along McDonnell Road would be Low Density Suburban Residential Zone (**LDSRZ**) with a revised structure plan.<sup>1</sup> The remaining area of the site would be zoned Rural Residential (**RRZ**) and would be subject to a range of site specific rules. Building restriction overlays are also proposed along the western boundary of the site with Arrowsmith - Lake Hayes Road and at the southwestern corner of the site.

3.4 For the reasons described below, I consider that the amended relief sought would not result in materially different outcomes to that of the original submission.

3.5 Mr Kyle supports the inclusion of the entire site within Arrowsmith's Urban Growth Boundary (**UGB**).<sup>2</sup> As outlined in my EIC, UGB's are provided for through Chapter 3 (Strategic Direction) and Chapter 4 (Urban Development) as a tool to provide for urban development. Given this, I consider that the proposal leaves the entirety of the site

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1 Drawing Number 11.00, Proposed Amendments to PDP Zone Maps 13d, 27 and 28, Assembly Architects Limited  
2 Page 22, Table 1, Appendix B, Section 32AA Evaluation, Statement Of Evidence By John Clifford Kyle, 13 June 2018

vulnerable to higher density development. I acknowledge that the split zoning approach proposed by Mr Kyle may lessen this potential but there is still a significant concern in my view.

**3.6** Turning to the more specific potential effects of the amended proposal, Ms Mellsop in her rebuttal evidence considers that the overall landscape and visual outcomes of the amended relief are very similar to those of the original submission, and her view outlined in her evidence in chief<sup>3</sup> is unchanged.

**3.7** Ms Mellsop has considered the visual simulations included with Mr Kyle's evidence. In particular, Ms Mellsop recommends that the visual simulations be viewed with caution for those reasons outlined at paragraph 7.5 of her rebuttal.<sup>4</sup> I concur with Ms Mellsop and rely on her comments in regard to this matter.

**3.8** Ms Mellsop also expresses concern in regard to the recently planted hedge along Arrowtown – Lakes Hayes Road, which is proposed to be located within the building restriction overlay shown on Mr Kyle's amended structure plan<sup>1</sup> and protected by way of Mr Kyle's proposed Table 7 addition to Chapter 22.<sup>5</sup> Ms Mellsop considers that given the height of the hedge it has the potential to partly obstruct views currently available from the road to the Crown Escarpment and Crown Range, limit visual access to open pastoral land, and adversely affect the visual amenity and spaciousness of the approach to Arrowtown.<sup>6</sup>

**3.9** Mr Kyle considers that LDSRZ development would *'blend very well with the existing residential development on McDonnell Road (and the terrace beyond) and this area would appear as a single, cohesive residential form'*<sup>7</sup>. Ms Mellsop does not agree with Mr Kyle in regard to this matter, stating that this development: *'would instead be clearly perceived as an isolated instance of urban development*

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3 Statement of Evidence of Helen Juliet Mellsop on Behalf of Queenstown Lakes District Council, Landscape, 28 May 2018

4 Rebuttal Evidence Of Helen Juliet Mellsop On Behalf Of Queenstown Lakes District Council, Landscape, 27 June 2018

5 Paragraph 1.29.1 of Mr Kyle's evidence

6 Paragraph 7.6 of Ms Mellsop's rebuttal evidence

7 Paragraph 2.14 of Mr Kyle's evidence

*crossing the road, particularly for people approaching Arrowtown on McDonnell Road*<sup>8</sup>.

- 3.10** I agree with Ms Mellsop's evidence and consequently do not consider that the amended relief is materially different to the original relief requested. It would result in a form of development that adversely effects the character of the landscape in a way that is inconsistent with Decisions Objectives 3.2.2, 4.2.1, 4.2.2 and their relevant policies, including the UGB on the plan maps.<sup>9</sup> These direct that urban development occur in a compact form that builds on historic settlement patterns and protects open rural landscapes from sporadic sprawling development.

### **Other developments and their impact on the landscape and UGB**

- 3.11** Mr Kyle considers that existing and consented development in the vicinity of the land subject to this submission, and in particular on the western side of McDonnell Road, has had the effect of extending Arrowtown's western and southern boundaries beyond those areas that are currently zoned LDSRZ such that *'The Feeley site is the only remaining pocket of land along this part of McDonnell Road that does not have planning approval for residential Development'*<sup>10</sup>. Mr Kyle states that the submitter has requested that the site's use for residential development be enabled in the context of this *'reasonably extensive development'*.<sup>11</sup>

- 3.12** Mr Kyle compares the development that might result from the relief sought with the following existing or consented developments:

- (a) The Hills Golf Course immediately south of the site, which has resource consent to develop 18 additional dwellings;<sup>12</sup>
- (b) the Meadow Park Special Zone and the Millbrook Resort Zone, which provides urban residential and resort style residential development to the northwest of the site;<sup>13</sup> and

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8 Paragraph 7.7 of Ms Mellsop's rebuttal evidence

9 Refer to paragraphs 4.16, 12.11 and 12.12 of my section 42a report, 30 May 2018

10 Paragraph 1.21 of Mr Kyle's evidence

11 Paragraph 1.25 of Mr Kyle's evidence

12 Paragraph 1.18 of Mr Kyle's evidence

13 Paragraph 1.20 of Mr Kyle's evidence

(c) the Arrowtown Lifestyle Village retirement village, which is under construction further south and immediately adjacent to the Hills,. This village provides for 195 residential retirement units and a care facility.<sup>14</sup>

**3.13** Ms Mellsop has considered each of these developments in her rebuttal evidence, and does not consider that this existing or consented development has had the effect of artificially extending Arrowtown's UGB.

**3.14** In particular, Ms Mellsop states that much of the residential development consented at The Hills Golf Course would not be visible from outside of the site. Multiple resource consent applications<sup>15</sup> have approved residential subdivision and development at The Hills Golf Course. This development would comprise 17 residential sites (Mr Kyle's evidence at paragraph 2.2.1 incorrectly refers to 18 consented dwellings) over an area of some 155 Ha representing a density of approximately 9 Ha per site. The approved plans latest consented development (RM081223 and RM081224) show each dwelling, which, while substantial in terms of footprint, are low profile and '*built into the landscape rather than sitting on it*'.<sup>16</sup> Stringent design and landscaping controls are also imposed by way of consent conditions. The commissioners (Matthews and Henderson) emphasised that the aforementioned development could not be compared to standard rural subdivision. In my view, comparing the requested relief to this consented developed is not comparing 'like with like'.

**3.15** Regarding residential development within the Millbrook Resort Zone (**MRZ**), Ms Mellsop in her rebuttal outlines that this area consists largely of clusters of urban-style development that are well separated from urban Arrowtown by golf course activity areas, rural pastoral land and large rural living properties.<sup>17</sup> I also note that evidence submitted by Mr John Edmonds on behalf of the Millbrook Country Club Limited clarifies that the overall level of development across the MRZ equates

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14 Paragraph 1.18 of Mr Kyle's evidence

15 RM070530, RM081223, RM081224

16 Decision of the Queenstown Lakes District Council, RM081223 and RM081224, 4 June 2009

17 Paragraph 7.4 of Ms Mellsop's rebuttal evidence

to roughly 1 residential unit per 6,000 m<sup>2</sup>.<sup>18</sup> This pattern of land use is managed by way of the MRZ Structure Plan. The erection of structures within the Golf Course and Open Space Activity Areas, which adjoin the site subject to this submission, requires discretionary activity resource consent.<sup>19</sup>

**3.16** The nearest MRZ residential activity area provided for by way of this structure plan is located approximately 420 metres from the boundary of the subject land. It is noted that this residential activity area is located in close proximity to Arrowtown - Lake Hayes Road, however, this activity area is positioned approximately 440 metres to the south of the site, and is located within an entirely distinct topographical unit with its associated buildings and structures effectively screened from Arrowtown - Lake Hayes Road. I am therefore of the opinion that residential development within the MRZ is not comparable to that of the relief sought.

**3.17** Mr Kyle also draws attention to the Meadow Park Special Zone as evidence of development, which has extended Arrowtown's urban boundary. As part of my section 42A report<sup>20</sup> I compared development within the Meadow Park Special Zone (**MPSZ**) to the relief requested by the original submission. I wish to emphasise this in response to Mr Kyle's reference to the Meadow Park Special Zone.

**3.18** I agree with Ms Mellsop's comments in regard to the Arrowtown Lifestyle Retirement Village and in my opinion this development should not be perceived as representative of the environment surrounding the site.

**3.19** In addition, I add that the Arrowtown Lifestyle Retirement Village was consented by way of the Housing Accords and Special Housing Areas Act 2013. The decision for this application acknowledged that the development would have the effect of changing the character of the landscape in this location, largely as a result of the density of

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18 Paragraph 49, Statement of Evidence of John Bernard Edmonds on behalf of Millbrook Country Club Limited, Planning, 13 June 2018

19 Decisions Version Chapter 43 (Millbrook), October 2017

20 Paragraph 12.14 of my section 42a report, 30 May 2018



development<sup>21</sup>. However, it was noted that the proposed landscaping would positively contribute to the character of the Arrow Valley such that visual amenity effects would be minor.<sup>22</sup> While having a more urban character in comparison to those developments referred to above at The Hills and within the MRZ and MPSZ, Ms Mellsop notes that the Arrowtown Lifestyle Retirement Village is isolated from urban Arrowtown by golf course, rural pastoral land or low density rural living (in the southern part of the Arrowtown South Special Zone) to the north and north-east. In Ms Mellsop's view, '*the retirement village represents an isolated and anomalous area of urban-type development within a rural landscape*'<sup>23</sup>. This view is supported by the decision report for this application which states:<sup>24</sup>

*There is some tension between relevant objectives and policies in that the urban style development is not located within an urban growth boundary but at the same time the separation provided would ensure that the proposal would not directly impact the Arrowtown UGB.*

**3.20** I do not consider that the proximity of the Arrowtown South Special Zone to the Arrowtown Lifestyle Retirement Village materially reduces the separation referenced in the decision for SH160141. In particular, it is noted that the Arrowtown South Structure Plan (Figure 1) maintains low densities use at its southernmost extent through the identification of building platforms and incorporates large setbacks from McDonnell Road interspersed by private open space activity areas.

**3.21** Overall, in response to Mr Kyle's comparison of the subject land, , while land within the wider surrounding area has been subject to a range of consented development applications, I do not consider that this is comparable to the relief being sought by the submitter. The areas identified by Mr Kyle are either resort style visually discrete residential developments or development which is significantly more separate from Arrowtown's UGB. These developments have not significantly degraded the open rural amenity landscape present within the fan of

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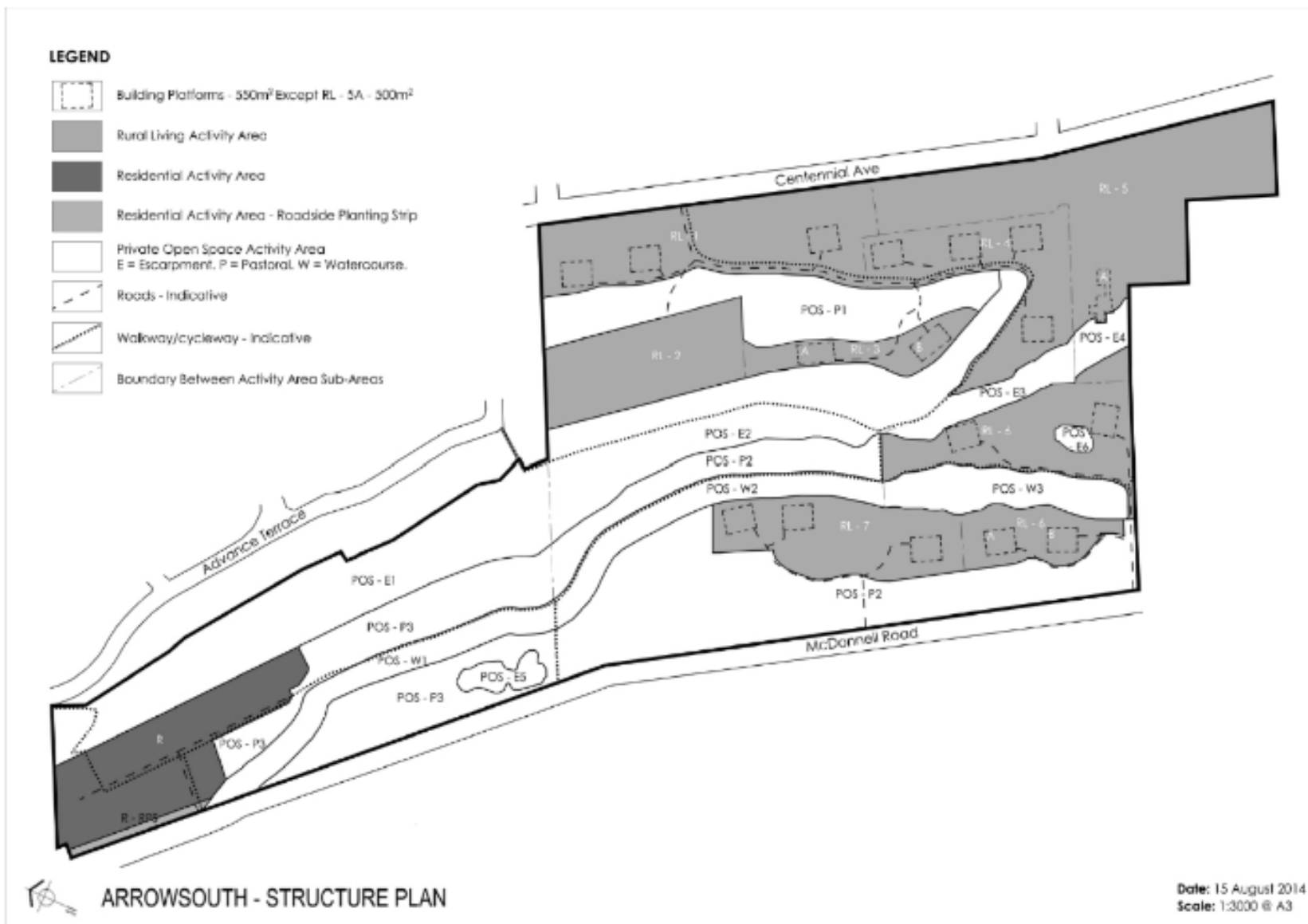
21 SH160141, Report On An Application For Resource Consent For A Qualifying Development Under Section 25 Of The Housing Accords And Special Housing Areas Act 2013 (HASHAA), 16 November 2016

22 Section 5.3 of SH160141 decision report

23 Paragraph 7.4 of Ms Mellsop's rebuttal evidence

24 Section 5.6 of SH160141 decision report

land between Malaghans Road and McDonnell Road, nor is it considered that these developments have compromised the distinct legibility of Arrowtown's UGB in this highly prominent gateway into one of the District's highly valued residential settlement and visitor attractions.



**Figure 1**  
Arrowtown South Special Zone Structure Plan

## The Wakatipu Basin Land Use Study

- 3.22** Mr Kyle repeatedly refers to the findings of the Wakatipu Basin Land Use Study (**Land Use Study**) to support the amended relief.
- 3.23** The land subject to this submission was identified by the Land Use Study as being within Landscape Character Unit (**LCU**) 23 (Millbrook), with a moderate capability to absorb additional development.<sup>25</sup> Crucially however, the study suggested that LCU 23 had a spatial variance in terms of its capability to absorb additional development<sup>26</sup> and that '*the small triangular parcel*',<sup>27</sup> referring to the land subject to this submission, had a high capability to absorb development on account of its proximity to Arrowtown and its enclosure by golf course landscapes, and as a consequence, recommended that an 'Arrowtown precinct Overlay' be applied to the land so as to achieve a low or medium density level of development.<sup>28</sup> The Land use Study went on to identify the characteristics of the remaining area of land within LCU 23 stating that:

*...the function of each of these landscapes as a relatively spacious (albeit highly contrived) buffer to Arrowtown tempers their suitability to absorbing development. Given the existing level of development evident in each of these units, adding more buildings runs the risk of creating a landscape character that effectively merges with the adjacent settlement and the Lake Hayes Rural Residential area to the south/south west, thereby undermining the impression of Arrowtown as a discrete rural 'village', and also the patterning of distinct (albeit informal) nodes of rural residential development throughout the Basin.<sup>29</sup>*

- 3.24** In considering the recommendations of the Land Use Study, Council officer's and Councillors disagreed that the land subject to this submission could be separated out from the surrounding open rural – golf course landscape. I support this conclusion and consider that the site appears contiguous with the neighbouring land to the south and

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25 Table 1, Wakatipu Basin Land Use Study, March 2017.

26 Paragraph 5.28.

27 Paragraph 5.34.

28 Paragraphs 1.26, 8.39, 8.40

west. Its significance within this landscape is exaggerated as a result of its siting at the junction of three main transport routes into Arrowtown. This position was established in section 12 of my section 42A report and supported by Ms Mellsop. Given this, it is considered that development of the type sought by the amended relief would compromise the open space values of the wider LCU 23 and the impression of Arrowtown as a discrete settlement as emphasised by the WBLUS.

### **Infrastructure**

- 3.25** Mr Kyle includes with his evidence an assessment of the three-water servicing and infrastructure network surrounding the site completed by Hadley Consultants Ltd.<sup>30</sup> This assessment identifies that the level of development requested by Mr Kyle's amended relief could be serviced for water and wastewater, either by connection to the existing reticulation or via on-site servicing.
- 3.26** Ms Jarvis (infrastructure expert for Council) has considered this report as part of her rebuttal evidence.<sup>31</sup> Ms Jarvis has identified potential capacity constraints within the existing wastewater network<sup>32</sup> in this locality, which have not been allowed for in the Hadley Consultants Ltd report, and concludes that insufficient evidence has been provided to demonstrate that there is capacity to receive the wastewater without further upgrades that are not discussed in the Hadley' report and/or are not currently planned.
- 3.27** While an on-site disposal solution may be feasible, Ms Jarvis is not satisfied that sufficient information has been provided in regard to how it would be owned or managed.<sup>33</sup> Additionally, Ms Jarvis considers that the ongoing operation of an on-site system would be onerous and amount to an inefficient use of infrastructure.<sup>33</sup>
- 3.28** Taking these matters into account, Ms Jarvis continues to oppose the relief sought from an infrastructure perspective.

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30 Appendix 3, Servicing Report – Hadley Consultants Ltd, Proposed Land Rezoning, 28 May 2018

31 Rebuttal Evidence Of Andrea Therese Jarvis On Behalf Of Queenstown Lakes District Council, Queenstown Mapping, 27 June 2018

32 Paragraph 7.2 of Ms Jarvis' rebuttal evidence

33 Paragraph 7.3 of Ms Jarvis' rebuttal evidence

**3.29** I rely on Ms Jarvis' assessment in regard to technical infrastructure related matters. From a planning perspective I also maintain my position in opposition to the requested relief. Zoning land for urban development where sufficient infrastructure capacity cannot be demonstrated or where on-site wastewater solutions would be required, would be at odds with those higher order objectives and policies outlined in Chapter 3 (Strategic Direction) and Chapter 4 (Urban Development). These objectives and policies<sup>34</sup> strongly articulate the need to plan for urban growth and manage the application of UGB's in a manner that is integrated and coordinated with the efficient and effective operation of existing and planned future infrastructure or provide for the logical and sequenced provision of infrastructure in new areas of urban development.

#### **4. REBECCA HOLDEN FOR SPRUCE GROVE TRUST (560)**

**4.1** Ms Rebecca Holden has submitted evidence on behalf of Spruce Grove Trust in regard to submission 560. Having considered Ms Holden's evidence, I now recommend that the submitter's relief be accepted in part such that the Arrowtown Town Centre Transition Overlay (**ATCTO**) should be applied to the subject land. However, I do not consider that licenced premises of any kind should be permitted in this specific location.

**4.2** I rebut the various aspects of Ms Holden's evidence in turn below.

##### **Land use characteristics**

**4.3** Ms Holden's evidence has shown that the land subject to this submission has a range of non-residential uses including the following:<sup>35</sup>

- (a) 16 Wiltshire Street - Montessori Childcare Centre – community;

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<sup>34</sup> 3.2.1.9, 3.2.2, 3.2.2.1(h), 4.2.1.4, 4.2.2A, 4.2.2.1, 4.2.2.5 and 4.2.2.14

<sup>35</sup> Paragraph 3.2.14 of Ms Holden's evidence

- (b) 4 Arrow Lane – Assembly Architecture Limited – commercial (office);
- (c) 12 Arrow Lane – Utility – commercial (office); and
- (d) 3 Berkshire Street – Stone House Cottage – visitor accommodation (commercial).

4.4 It has also identified a number of other non-residential activities within the Arrowtown Residential Historic Management Zone (**ARHMZ**), but which are not located within the land subject to this application. Figure 2 below from Ms Holden’s evidence<sup>36</sup> shows the location of these various non-residential activities.

4.5 Having considered Ms Holden’s evidence, I am satisfied that the land subject to this submission is experiencing a degree of creep of commercial and other non-residential activities such that the application of the ATCTO would not be inconsistent with the existing land use characteristics in this locality.



**Figure 2**  
Non – residential activities in and around the subject land as identified by Ms Holden

36 Appendix A of Ms Holden’s evidence

- 4.6** Historic heritage expert Mr Robin Miller has also filed evidence for the Spruce Grove Trust. Mr Miller's evidence shows that the land subject to this submission has a historic relationship with the Arrowtown Town Centre Zone (**ATCZ**), particularly with those properties located on the southern side of Buckingham Street. Mr Miller states that this relationship existed both in terms of ownership and land use, with the subject land being used for agricultural and ancillary services in connection with the historic town centre up until the latter part of the 20<sup>th</sup> century. In the following years, residential, commercial and community uses became more prominent. On account of this association, Mr Miller considers that the historic relationship of this land with the ATCZ is an attribute which should be retained and protected,<sup>37</sup> and that the application of the ATCTO is an effective method to provide for this.
- 4.7** Taking account of Mr Miller's evidence, I accept that the subject land has a historically significant and close association with the ATCZ and that this should be taken into account in determining the zoning of the land. I also consider that applying the ATCTO to this area would be effective and efficient in recognising this association.
- 4.8** Ms Holden accurately states that the decisions version of the Arrowtown Design Guideline's 2016 (**ADG**) identifies the subject land as 'Neighbourhood 1' and that this area '*relates more to the Town Centre than Old Town Residential*'.<sup>38</sup> However, the ADG goes on to state that Neighbourhood 1 is '*distinctively non-commercial*',<sup>38</sup> being residential in character and identifying pressure for commercial expansion into this area as a specific threat.<sup>39</sup> While I acknowledge that residential activities are still a significant component of the land use in this location I do not consider that the ADG's description of the land as distinctively non-commercial is accurate in light of the evidence presented by Ms Holden and Mr Miller. This discrepancy within the ADG may be corrected through a later stage of the PDP review process.

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<sup>37</sup> Paragraph 7.10

<sup>38</sup> Section 2.5.2., Arrowtown Design Guideline's 2016 (decisions version), June 2018

<sup>39</sup> Section 2.5.2.2



- 4.9** Wiltshire Street and Berkshire Street are classified as ‘arterial road’ and Ms Holden uses this as evidence that the land is not a quiet residential area.<sup>40</sup> I do not support Ms Holden’s position in regard to this specific matter. The classification of roads is based on its role and function within the transport network and is not based on an assessment of the amenity of the surrounding area. I accept that the classification of a road is not irrelevant in considering the appropriateness of the zoning of adjoining land but in my view it should not be used as a tool to make fine grained decisions about zoning and rules.
- 4.10** Ms Holden helpfully describes various Arrowtown community planning workshops and visioning reports, and notes that these workshops have shown the community’s desire to allow compatible mixed use development in Arrowtown, with the subject land being used as a specific example of where this mixed use should be located.<sup>41</sup> The Arrowtown Workshop 2003<sup>42</sup> sought that the top side of Arrow Lane be considered for ‘professional and other offices’ subject to appropriate design and scale considerations. While these documents are non-statutory in nature, I acknowledge that they indicate an aspiration of members of the Arrowtown community and represent a robust form of consultation which should be taken into account in planning decisions for this area. In this instance, the application of the ATCTO over the subject land would provide a mechanism to give effect to these planning workshops and visioning reports.
- 4.11** Ms Holden has also included with her evidence a commercial leasing market commentary prepared by Ms Mary-Jo Hudson of Colliers International.<sup>43</sup> Ms Hudson states that there is a lack of capacity in Arrowtown to meet the demand for medium sized, boutique spaces. Ms Hudson goes on to specify that Food & Beverage (cafes and restaurants), gifts, galleries, fashion and professional services requiring office premises are the type of businesses typically requiring space in Arrowtown. Ms Holden states that the Council’s Business Land Capacity study supports Ms Hudson’s view, identifying that there

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40 Paragraph 3.2.16 of Ms Holden’s evidence

41 Paragraph 3.2.10 of Ms Holden’s evidence

42 Appendix 9, Arrowtown Community Visioning 2017 Draft Report

43 Appendix E of Ms Holden’s evidence

is no vacant capacity (vacant business land) within the ARHMZ or ATCZ.<sup>44</sup>

**4.12** I note that while there may be a shortfall of vacant capacity in Arrowtown, the Business Land Capacity study found that business land in Arrowtown primarily caters to local residents and tourism activities<sup>45</sup> and that a significant share of their needs is met in Frankton and Queenstown Town Centre, which are located within a relatively easy commute.<sup>46</sup> Overall however, I acknowledge that the application of the ATCTO to the subject land may assist in alleviating some business land demand in Arrowtown.

**4.13** Taking into account the above analysis I recommend that the relief requested by submitter 560 be accepted in part in that ATCTO should be applied to the subject land (subject to the following discussion).

#### **Recommended relief and evaluation**

**4.14** I consider that the presence of a number of residential land uses in this location creates a degree of sensitivity to the type of non-residential uses permitted within the ATCTO such that the application of site specific provisions need to be introduced into Chapter 10 (ARHMZ).

**4.15** The relevant rules are found in Table 2 of Chapter 10 (ARHMZ) (decisions version).<sup>47</sup> Commercial Activities (except where specified for retail activities) (Rule 10.4.13), Community Activities (Rule 10.4.14) and Licenced Premises operating between the hours of 8 am and 11 pm (Rule 10.4.15) are provided for as permitted activities within the ATCTO. The ARHMZ on the other hand provides for community activities as a discretionary activity, and commercial activities and licenced premises are non-complying activities.

**4.16** Decision Rule 10.4.15 provides for licenced premises as a permitted activity where alcohol is consumed on site between the hours of 8 am

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44 Paragraph 3.4.8 of Ms Holden's evidence

45 Section 2.1, Business Development Capacity Assessment 2017, 15 March 2018

46 Executive Summary, Business Development Capacity Assessment 2017, 15 March 2018

47 Chapter 10 Arrowtown Residential Historic Management Zone Decisions Version

<https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-1-Decisions/Chapters/Chapter-10-Arrowtown-Residential-Historic-Management-Zone.pdf>

and 11 pm. I consider that the effects of this activity are potentially incompatible with the more mixed type of uses present on the subject land where residential activity is still commonplace. As a permitted activity, licenced premises could result in effects that would adversely harm residential amenity.

- 4.17** Given this, I recommend that Decision Rule 10.4.15 be split into two rules. This would result in the insertion of a site specific rule relating to the operation of licenced premises within the subject land between the hours of 8 am and 11 pm. It is recommended that this rule trigger the need for a restricted discretionary activity resource consent and be subject to those matters of discretion listed in Decision Rule 10.4.16 relating to licenced premises operating between the hours of 11 pm and 8 am within the ATCTO.
- 4.18** In my view the application of this additional rule would ensure that adverse effects of licenced premises are assessed appropriately and that relevant conditions could be applied by way of the resource consent process. In particular, the Council would have discretion over effects relating to the scale of the activity, effects on amenity, traffic generation, noise and hours of operation.
- 4.19** I recommend that the subject land be referred to in this new rule as ‘the land located between Arrow Lane, Wiltshire Street and Berkshire Street’. A recommended revised version of Table 2 is included below. A tracked changed version of Table 2 is shown in **Appendix 1**.
- 4.20** Ms Holden has submitted a section 32 evaluation relating to the relief sought. I accept this and adopt it for the purposes of this report with the exception of its application to Rule 10.4.15. I refer to my evaluation from paragraphs 4.1 – 4.14 in terms of this specific matter.
- 4.21** In addition to this rule, I recommend that a further site specific Policy be added as 10.2.4.3 as follows, which is included in **Appendix 1**:

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

- 4.22** It is acknowledged that the recommended new policy and rule would impose a cost on the submitter and other owners in the area subject to this submission in that they would not be able to establish any form of licenced premises as a permitted activity. They would incur costs applying for a resource consent to secure the right to establish a licenced premises and the restricted discretionary status of the activity introduces a degree of uncertainty as to their ability to obtain a resource consent.
- 4.23** However, these provisions would be effective and efficient in achieving Decision Objective 10.2.4 as they still provide for a range of permitted activities to establish with the land that would both support the ATCZ and generate local employment and add to the diversity of the area in a way that reinforces the history of the settlement.

### **Consequential effects of recommended relief**

#### *Transport and parking*

- 4.24** As part of her evidence, Ms Holden describes potential transport related implications of the relief sought, stating that it may result in an increase in vehicle movements and parking demand along Arrow Lane and surrounding streets<sup>48</sup> but that this is unlikely given the proximity of the site to the ATCZ and the walkability characteristics of this area.<sup>49</sup>
- 4.25** I note that Arrow Lane is particularly narrow and is not likely to be well suited to increased volumes of vehicle movements associated with commercial activities permitted within the ATCTO. Further, the characteristics and arrangement of structures will prevent extensive areas of onsite car parking being provided.
- 4.26** In regard to the matter of parking, the Council has notified Chapter 29 (Transport) as part of the second stage of the PDP review. On-site parking is required for most non-residential activities within both Chapter 29 of the PDP and Chapter 14 (Transport) of the Operative District Plan. However, Chapter 29 of the PDP sets out a new approach

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48 Paragraph 3.5.1 of Ms Holden's evidence

49 Paragraph 3.5.2 of Ms Holden's evidence

to the assessment of parking related matters encouraging increased travel by modes other than private car, and seeks to enable less on-site parking where alternative methods of travel are available or will be in the future.<sup>50</sup>

- 4.27** Notified Policy 29.2.2.5 specifically enables a reduction in the number of required car parking spaces where it can be shown that the site is suitably located. Subject to the type of activity proposed, activities on the subject land may qualify for reduced car parking requirements in accordance with this revised policy approach. In particular, it is noted that the site is located in close proximity to a large number of unrestricted public car parking areas (i.e. located off Ramshaw Lane) such that there is likely to be sufficient off-street parking in the surrounding area.
- 4.28** An important consideration is the adverse effects on the qualities of Arrowtown's historic built environment, with its narrow lanes and small and intensively developed sites, from providing extensive parking. I also note that Notified Policy 29.1.4.1 seeks to avoid the establishment of commercial activities in residential areas that would result in cars parked in a manner or at a scale that would adversely affect residential amenity.
- 4.29** It is also worth noting the increased scale and quality of public transport services now operating within the Wakatipu Basin. In late 2017, Otago Regional Council launched a significantly expanded and subsidised public transport network that includes services in Arrowtown. This public transport network is anticipated to reduce reliance on private vehicle transport throughout the Wakatipu Basin.
- 4.30** Overall I am of the opinion that the PDP will ensure that new non-residential activities, which require resource consent within the ATCTO, would provide good outcomes in terms of transport, parking and access as well as residential amenity.

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50 Section 32 Evaluation, Chapter 29 Transport, 1 November 2017  
<https://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Section-32-Stage-2/Section-32-Chapter-29-Transport.pdf>

## *Noise*

- 4.31** I do not consider that the capacity for Commercial Activities and Community Activities to establish within the subject land would result in noise effects that would adversely harm the amenity of those residential owners and/or occupiers within the subject land. In terms of noise effects, I note that Chapter 36 (Noise) (decisions version)<sup>51</sup> at Rule 36.5.2 does not delineate noise standards for activities located within the ATCTO such that any activity is subject to the same noise standards as if it were located in any other residential zone, with a non-complying resource consent required in the event that these noise standards are breached.
- 4.32** I also note that Retail Activities are specifically excluded from the range of non-residential which may establish within the ATCTO as of right thus avoiding potential adverse effects of the regular comings and goings of customers associated with retail activities.

## *Historic heritage and character*

- 4.33** In regard to potential effects that the ATCTO may have on the historic heritage values and character of the land and surrounding area, Mr Miller's evidence suggests that the provisions of Chapter 10 and the ADG provide sufficient protection. I agree with Mr Miller in regard to this matter acknowledging that the merits of these provisions have been subject to a robust plan review process.



**Luke Place**

**27 June 2018**

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<sup>51</sup> Chapter 36 Noise Decisions Version <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-1-Decisions/Chapters/Chapter-36-Noise.pdf>

## APPENDIX 1

Recommended additions to Chapter 10 (Arrowtown Residential Historic Management Zone) (decisions version) for the recommended Arrowtown Town Centre Transition Overlay located between Arrow Lane, Wiltshire Street and Berkshire Street.

Note: New recommended text to be added to the Stage 1 PDP decisions text, underlined

10.2.4 **Objective** - The Arrowtown Town Centre Transition Overlay provides for non-residential activities that provide local employment and commercial services to support the role of the Town Centre Zone.

Policies 10.2.4.1 - Provide for commercial activities that are compatible with the established residential scale, character and historical pattern of development within the Arrowtown Town Centre Transition Overlay.

10.2.4.2 - Limit retailing in the Town Centre Transition Overlay to ensure that the Town Centre Zone remains the principal focus for Arrowtown's retail activities.

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

Table 2	Activities within the Arrowtown Town Centre Transition Overlay Additional to or in Place of those in Table 1	Activity Status
10.4.13	Commercial activities (except where specified for retail activities)	P
10.4.14	Community Activities	P
10.4.15	Licensed Premises <u>(except where specified in Rule 10.4.X)</u> Premises licensed for the consumption of alcohol on the premises between the hours of 8am and 11pm.	P
<u>10.4.X</u>	<p><b><u>Licensed Premises in the area located between Arrow Lane, Wiltshire Street and Berkshire Street</u></b></p> <p><b><u>Premises licensed for the consumption of alcohol on the premises between the hours of 8am and 11pm, provided that this rule shall not apply to the sale of liquor:</u></b></p> <p>a. <b><u>to any person who is residing (permanently or temporarily) on the premises;</u></b></p> <p>b. <b><u>to any person who is present on the premises for the purpose of dining up until 12am.</u></b></p> <p><b><u>Discretion is restricted to:</u></b></p> <p>a. <b><u>the scale of the activity;</u></b></p> <p>b. <b><u>car parking and traffic generation;</u></b></p> <p>c. <b><u>effects on amenity values;</u></b></p> <p>d. <b><u>noise;</u></b></p>	<b><u>RD</u></b>

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