

**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 06 –
Residential Chapters

**REPLY OF RACHAEL MAREE LAW
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

10 ARROWTOWN RESIDENTIAL HISTORIC MANAGEMENT ZONE CHAPTER

11 November 2016

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1. INTRODUCTION

- 1.1 My name is Rachael Maree Law. I prepared the section 42A report for the Arrowtown Residential Historic Management (**ARHMZ**) chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 14 September 2016.
- 1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing held between 10 October – 4 November 2016, and have been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing each day (when I was not in attendance).
- 1.3 This reply evidence covers the following issues:
- (a) 10.5.3 Building Coverage;
 - (b) 10.5.5 and 10.5.6 Setbacks;
 - (c) the ADG: 'Guidance by' or 'Consistent with';
 - (d) New Zealand Fire Service exemption;
 - (e) Licensed Premises;
 - (f) Home Occupation;
 - (g) Minor Alterations and Additions to Buildings;
 - (h) Redrafted 10.4.9 Building Restriction Area; and
 - (i) Natural Hazards Matter of Discretion.
- 1.4 I have recommended some changes to the provisions as a consequence of the hearing of evidence and submissions. These are shown in the Revised Chapter in **Appendix 1 (Revised Chapter)**. I have attached a section 32AA evaluation in **Appendix 2**, to evaluate all further changes recommended in this Reply. I have not attached an updated list of my recommendations on the submission points, as I have not recommended any changes that would require any changes to the version attached to my s42A report.

1.5 In this Reply:

- (a) if I refer to a provision number without any qualification, it is the notified provision number and has not changed through my recommendations;
- (b) if I refer to a "s42A" provision number, I am referring to the provision version in Appendix 1 of my s42A report; and
- (c) if I refer to a "redraft" provision number, I am referring to the redraft provision number in **Appendix 1** to this Reply.

2. 10.5.3 BUILDING COVERAGE

2.1 The Hearing Panel (**Panel**) queried whether, in relation to Rule 10.5.3, there was need for both terms "Building Coverage" (in the title) and "ground floor area" (in the rule itself), and asked for an explanation as to the difference between the two terms.

2.2 Rule 10.5.3 controls building coverage, whereas Rule 10.5.4 controls combined building coverage and hard surfacing. Together these rules contribute towards implementing the following objectives and provisions:

- (a) redraft Objective 10.2.1: Development retains or enhances the historic character of the zone, which is characterised by larger site sizes, low scale and single storey buildings, the strong presence of trees and vegetation and limited hard paving;
- (b) redraft Objective 10.2.4: Development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks; and
- (c) Policy 10.2.4.2: Seek low impact approaches to storm water management.

2.3 In the QLDC Monitoring Report: Residential Arrowtown (2011)¹, one of the issues identified was the control of building coverage, noting that most of the consents triggering a non-compliance status were for consent to exceed the 30% building coverage rule. The Monitoring Report further found that most applications to exceed this control were by less than 5%, and usually due to

¹ See Appendix 7 to Ms Leith's S42A Report on Chapter 7 – Low Density dated 14 September 2016.

decking or driveways. This distinction between building coverage and the use of the maximum ground floor terminology within the rule text in 10.5.3 is therefore deliberate and intended to remove the potential for conflict with Rule 10.5.4, which requires a calculation and limit on the area covered by hard surfacing and buildings.

- 2.4** The definition of "Building Coverage" as shown below specifically excludes driveways and outdoor paved surfaces. If Rule 10.5.3 and 10.5.4 specified building coverage only, it could be argued that driveways and hard surfacing are exempt. In this case, the distinction is intended to provide clarification that the 30% threshold in Rule 10.5.3 applies to the building area, whilst the 35% threshold in Rule 10.5.4 is to be combined building and hard surfacing areas.

Building Coverage: Means that portion of the net area of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings, expressed as a percentage or area. Building Coverage shall only apply to buildings at ground, or above ground level. The following shall not be included in Building Coverage:

- Pergolas
- That part of eaves and/or spouting, fire aprons or bay or box windows projecting 600mm or less horizontally from any exterior wall.
- Uncovered terraces or decks which are not more than 1m above ground level.
- Uncovered swimming pools no higher than 1m above ground level.
- Fences, walls and retaining walls.
- Driveways and outdoor paved surfaces.

- 2.5** For these reasons I consider that the use of 'maximum ground floor area' in Rule 10.5.3 is an important distinction for plan users between what is intended for this rule (building coverage) and what is intended in Rule 10.5.4 (combined building coverage and hard surfacing). I recommend no changes to Rules 10.5.3 and 10.5.4.

3. 10.5.5 AND 10.5.6 SETBACKS

3.1 During the Council opening the Panel queried whether notified Standards 10.5.5 and 10.5.6 within the Standards table are necessary, and if it would not be more efficient to incorporate these into the rule table at Rule 10.4.4 as matters of discretion for the construction or alteration of any building.

3.2 While I had originally agreed to this suggestion, upon further reflection on the purpose of the chapter I recommend their continued inclusion in the chapter as standards. My reasoning is that it is important that setbacks are identified as separate rules, because setbacks are important to ensuring the continued character and pattern of buildings and the streetscape in the zone, the protection of which is part of the purpose of the zone. The removal of these standards could be misconstrued as acceptance that these are no longer important resource management issues. I recommend no further change to these standards in this regard.

3.3 In redraft Standard 10.5.6 *Road Boundary Setbacks* I have recommended inclusion of a matter of discretion pertaining to consistency with the ADG for developments within Arrowtown. This recommendation aligns with the matters of discretion notified in Rule 10.4.4 and I consider it to be of relevance given that breaches of these standards within the ARHMZ needs to be assessed in the context of the ADG. Furthermore, the ADG include provisions relating to these standards.

3.4 I consider that this recommended change as shown in **Appendix 1** is a non-substantial minor clarification of the matter of discretion, and this recommended change will clarify what should be achieved through guidance from the ADG as to what the historic character of Arrowtown is. I also understand there are submissions on Variation 1, seeking that they apply to all development within Arrowtown.

4. THE ARROWTOWN DESIGN GUIDLEINES 2016: 'GUIDANCE BY' OR 'CONSISTENCY WITH'

4.1 The Panel queried whether the matter of discretion in Rule 10.4.4 *The construction or alteration of any buildings* should use the terminology 'consistent with' or 'guided by' the Arrowtown Design Guidelines 2016 (**ADG**).

4.2 Policy 10.2.1.2 as shown below seeks that development is *consistent with the outcomes sought by the ADG*, whereas Rule 10.4.4 requires consents be *guided by the ADG*.

*10.2.1.2 Ensure that any buildings are located and designed in a manner that complements and respects the character of the area and are **consistent with** the outcomes sought by the Arrowtown Design Guidelines 2016.*

10.4.4 The construction or alteration of any buildings

...

- *Consideration of these matters **shall be guided by** the Arrowtown Design Guidelines 2016.*

4.3 I note that other residential chapters (eg, the Low and Medium Density Residential Zones) use the words "consistency with" in the s42A matter of discretion and in the right of reply versions.²

4.4 I consider that 'consistent with' is better language in terms of section 104 of the RMA, offering guidance for decision makers on whether a proposal is consistent with a policy. However, in my view, 'consistent with' is more directive and compelling, providing greater certainty to the intent and suited to its place in the policy framework. 'Guided by' on the other hand is a more general phrase for a matter of discretion, meaning 'have reference to'. The policy expresses an outcome to be desired (consistency), while the matter of discretion provides a reference and way to achieve the outcome. For these reasons I recommend no changes to Policy 10.2.1.2 or Rule 10.4.4.

4.5 In terms of the consistency within the PDP and the matters of discretion that refer to the ADG, there is an inconsistency with the ARHMZ and the other residential zones in Arrowtown. This is intentional. Table 1 below shows how wording in the LDR, MDR and ARHMZ chapters differs.

² Medium Density Residential s42A Report, 14 September 2016 and Right of Reply 11 November, Rule 8.4.11 and Low Density Residential s42A Report, 14 September 2016 and Right of Reply, 11 November 2016, redraft Rule 7.4.9.

Table 1: Comparison of ADG Matters of Discretion in PDP Chapters 7, 8 and 10

Rule	Redraft Rule text
<p>Low Density Rule 7.4.10 Dwelling, Residential Unit, Residential Flat</p>	<p>Control Discretion is restricted reserved to all of the following: The location, external appearance, site layout and design of buildings and fences</p> <ul style="list-style-type: none"> • The extent to which How the design advances housing diversity and promotes sustainability either through construction methods, design or function • <u>Privacy for the subject site and neighbouring residential units</u> • In Arrowtown, the extent to which the development responds positively to consistency with Arrowtown's character, utilising the Arrowtown Design Guidelines 2006 <u>2016</u> as a guide • The extent to which the development positively addresses the s <u>Street activation</u> • <u>Building dominance</u> The extent to which building mass is broken down and articulated in order to reduce impacts on neighbouring properties and the public realm • Parking and access: safety, <u>and</u> efficiency and impacts to on-street parking and neighbours • <u>Design and integration of landscaping</u> The extent to which landscaped areas are well integrated into the design of the development and contribute meaningfully to visual amenity and streetscape, including the use of small trees, shrubs or hedges that will reach at least 1.8m in height upon maturity. • Where a site is subject to any n Natural hazards and where the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses <p style="text-align: center;"><u>Assessment matters relating to natural hazards:</u></p> <p style="padding-left: 40px;">the nature and degree of risk the hazard(s) pose to people and property,</p> <p style="padding-left: 40px;">whether the proposal will alter the risk to any site, and</p> <p style="padding-left: 40px;">the extent to which whether such risk can be avoided or sufficiently mitigated-reduced[‡].</p> <p>Note – Additional rates and development contributions may apply for multiple units located on one site.</p> <p>[‡] Policies that guide the assessment of proposals on land affected by natural hazards are located in Chapter 28.</p>
<p>Medium Density Rule 8.4.11 Dwelling, Residential Unit, Residential Flat</p>	<p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> ◦ The location, external appearance, site layout and design <u>and how the development addresses its context and contributes positively to the residential character and amenity of the area</u> of buildings and fences ◦ The extent to which the development positively addresses the <u>street activation</u> ◦ <u>visual privacy of adjoining properties</u> ◦ The extent to which the design advances housing diversity and promotes sustainability either through construction methods, design

Rule	Redraft Rule text
	<p>or function-</p> <ul style="list-style-type: none"> ◦ In Arrowtown, the extent to which the development responds positively to consistency with Arrowtown's character, utilising the Arrowtown Design Guidelines 2006 <u>2016</u> as a guide ◦ For land fronting State Highway 6 between Hansen Road and the Shotover River, provision of a Traffic Impact Assessment, Landscaping Plan and Maintenance Program, and extent of compliance with Rule 8.5.3: <ul style="list-style-type: none"> ◦ <u>safety and effective functioning of the State Highway network;</u> ◦ <u>Integration with other access points through the zone to link up to Hansen Road, the Eastern Access Road Roundabout and/or Ferry Hill Drive;</u> ◦ <u>Integration with public transport networks</u> ◦ <u>Integration with pedestrian and cycling networks, including to those across the State Highway.</u> ◦ The extent to which building dominance mass is broken down and articulated in order to reduce impacts on neighbouring properties and the public realm ◦ Design of P parking and access: safety, efficiency and impacts to on-street parking and neighbours ◦ Design and integration of landscaping The extent to which landscaped areas are well integrated into the design of the development and contribute meaningfully to visual amenity and streetscape, including the use of small trees, shrubs or hedges that will reach at least 1.8m in height upon maturity ◦ Where a site is subject to any n Natural hazards and where the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses <p><u>Assessment matters relating to natural hazards:</u></p> <ul style="list-style-type: none"> • the nature and degree of risk the hazard(s) pose to people and property, • whether the proposal will alter the risk to any site, and • the extent to which whether such risk can be avoided or sufficiently mitigated-reduced⁴. <p>Note – Additional rates and development contributions may apply for multiple units located on one site.</p> <p>⁴Policies that guide the assessment of proposals on land affected by natural hazards are located in Chapter 28.</p>
<p>ARHMZ Rule 10.4.4 Construction or alteration of any buildings</p>	<p>With the exception of Minor Alterations and Additions to a Building.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance (including exterior materials and colour), site layout, scale and design of buildings. The external appearance and finish of the building to ensure a harmonious blend and positive contribution to the heritage character of the residential area. • Building form, including the height to the eaves, and ridge and primary elements, R, roof shape and pitch.

Rule	Redraft Rule text
	<ul style="list-style-type: none"> • Exterior materials and colour. • Any fencing greater than 1.2m high. • Consideration of these matters shall be guided by the Arrowtown Design Guidelines 2006/2016. <p>In addition, within the Arrowtown Town Centre Transition Overlay:</p> <ul style="list-style-type: none"> • Opportunities, retention and enhancement of pedestrian linkages between Buckingham Street and Romans Lane, having regard to the National Guidelines for Crime Prevention Through Environmental Design (CPTED). • Where a site is subject to any n Natural hazards where and the proposal results in an increase in gross floor area. an assessment by a suitably qualified person is provided that addresses <u>Assessment Matters relating to natural hazards:</u> <ul style="list-style-type: none"> • the nature and degree of risk the hazard(s) pose to people and property, • whether the proposal will alter the risk to any site, and • the extent to which whether such risk can be avoided or sufficiently mitigated <u>reduced</u>.

4.6 In my opinion there is little difference between the way the MDR and LDR chapters address the ADG in the matter of discretion and that in the ARHMZ. The MDR and LDR have a more general reference to the ADG, mentioning the utilisation of the ADG as a guide. The ARHMZ lists specific design aspects and requires consideration of the aspects of design to be guided by the ADG. Both steer the user towards the ADG as a 'guide', using general language for matters of discretion as mentioned above at paragraph 4.4. I recommend no changes to the ARHMZ matter of discretion. The Panel is welcome to align these matters of discretion for the purposes of consistency, if the Panel considers this to be a non-substantive change.

5. NEW ZEALAND FIRE SERVICE EXEMPTIONS

5.1 The New Zealand Fire Service ((**NZFS**) 438, FS1125) requested an exemption to the height and setback requirements in Rules 10.5.1, 10.5.3 and 10.5.4 for fire service stations/towers. The ARHMZ zone purpose is to allow for the continued sensitive development of the historic area of residential Arrowtown in a way that will protect and enhance those characteristics, which make it a valuable part of the town for local residents and for visitors. Thus in my s42A report I recommended the rejection of the relief sought, on the basis that any proposal by the NZFS should be assessed through the consenting process in order to ensure that development is sympathetic with the values of the zone.

- 5.2** In consideration of the NZFS (438) evidence,³ and the recommended amendments of Mr Bryce⁴ at 4.6, 4.7.3, 4.14.1 and 4.29.1.1 of the ADG in regards to the NZFS station at the Hertford Street site, I maintain the recommendation included within the s42A report in relation to the proposed exemption for the NZFS activities from the built form controls, in that I do not consider it necessary to exempt these services or change the activity status.
- 5.3** I consider that the provisions within the ARHMZ chapter (in particular Policy 10.2.1.2, that buildings be designed in a manner guided by the ADG, and the matter of discretion at 10.4.4 regarding the construction or alteration of any building to be guided by the ADG) already provide for Community Activities. This outcome is further enhanced by the amendments to the ADG, which provide for variations to the guidelines being appropriate when demonstrated as necessary for the operational and functional requirements of the NZFS. As a result, I do not recommend any additional amendments to **Appendix 1** in this regard, maintaining therefore the non-complying status.

6. LICENSED PREMISES

- 6.1** The Panel queried whether the final bullet point in s42A Rule 10.4.15 was relevant. In my s42A report I addressed this bullet point at paragraph 10.11, discussing it in the context of its relevance when the other matters of discretion in s42A 10.4.15 covered the concerns one would expect to arise from licensed premises, yet not in the context of the Sale and Supply of Alcohol Act 2012 (**SSAA**).
- 6.2** In the s42A reports for PDP Wanaka Town Centre Zone (chapter 13) and Queenstown Town Centre Zone (chapter 12), Ms Jones recommends the removal of similar provisions from Rules 12.4.4 and 13.4.5.⁵ This is because the SSAA enables a wider range of amenity and good order / nuisance-related effects to be considered and managed than previous legislation did, and it has now been in force for some time and is proving to be effective. Furthermore the removal of the same matter of discretion in s42A Rule 10.4.15 regarding

3 Dated 26 February 2016, 30 September 2016 and 28 October 2016.

4 Dated 7 November 2016 as provided by Mr Bryce in his summary of evidence at the Variation 1 Arrowtown Design Guidelines hearing stream 06A.

5 S42a reports chapter 12 and 13 dated 2 November 2016. Discussion in Issue 4 chapter 12 s42a. These chapters are to be heard as part of the Business hearing stream 08 beginning on 28 November 2016.

Licensed Premises is supported by Ms Sian Swinney in her evidence for the PDP Business Stream.⁶

- 6.3** In the interests of consistency throughout the plan, and in producing a plan that is simple and reduced in size without needless repetition, I maintain my view that the consideration of any alcohol policy or bylaw should be removed as a matter of discretion. This is because it is unreasonably uncertain, and moreover unnecessary since there is no current alcohol policy in effect in the District and any bylaw breaches could see enforcement action undertaken. However, I note that there is no direct scope to remove it, and therefore I have not removed the matter of discretion from redraft Rule 10.4.14.

7. HOME OCCUPATION

- 7.1** During the Council's opening the Panel queried why home occupation in the ARHMZ has no restrictions. I have looked into this issue and it is my view that the standards to control this activity were intended to be more restrictive but that the interpretation of this intent has not been attained.

Home Occupation: Means the use of a site for an occupation, business, trade or profession in addition to the use of that site for a residential activity and which is undertaken by person(s) living permanently on the site, but excludes homestay. This definition does not apply in the Three Parks Zone

- 7.2** At present the sole restrictions on home occupation in the ARHMZ are that those employed at the site for the activity must live permanently on site. This differs from the PDP chapters 7, LDR, and 8, MDR, which liberalise this activity by allowing one full time employee to reside off site.
- 7.3** However, the LDR and MDR chapters are more restrictive in the size and scale of the activity. They restrict operations to a maximum net floor area of 60m², and the vehicle trips to 10 per day whilst specifying that the activity and storage of materials must be indoors. The ARHMZ has no such restrictions.
- 7.4** The Operative District Plan (**ODP**) chapter 7 for the Arrowtown Historic Management Zone allowed 1 full time employee whose permanent residence

⁶ Dated 2 November 2016, paragraph 5.32.

was not on site, and a maximum of 40m² of net floor area for the non-residential activity as well as restricting the activities and the storage of materials to indoors. **Table 2** below contains a comparison of the ODP and PDP provisions for the ARHMZ, and the PDP LDR and MDR provisions for home occupation as notified.

Table 2: Comparison of Home Occupation Framework

ODP AHRMZ	PDP ARHMZ	PDP LDR and MDR
1 FTE living off site.	All employees must live on site.	1 FTE living off site.
Net floor area for non-residential use 40m ² .	No restrictions on net floor area.	Net floor area for non-residential use 60m ² .
Storage of goods, materials and equipment must be indoors	No restrictions on the storage of goods, materials or equipment.	Storage of materials must be indoors.
All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles to be carried out within a building.	No restrictions as to where on the site the activity can be carried out.	Activity must be indoors.
Storage of Heavy Vehicles overnight permitted.	No restrictions on vehicle trips or Heavy Vehicles.	Vehicle trips limited to 10 per day, and none by Heavy Vehicles.

7.5 I consider that the intent of the home occupation Rule 10.4.3 would be better realised through the provision of standards to restrict this activity in what is a highly sensitive environment. These recommended changes are shown in **Table 3** below. I recommend adding restrictions specific to net floor area, the storage of materials, the location of the activity and the number of vehicle trips. I consider the restriction on FTEs as notified to be appropriate to maintain and protect the amenity values and low-key character of the zone.

7.6 I consider the existing ODP provision of 40m² to be appropriate taking into account the typical size of the buildings in the zone. In my view the storage of materials and the activity itself should be restricted to be located indoors, in order to limit the potential nuisance caused by noise and to maintain the character of the zone. For the same reasons I consider that it is important to also limit the number of vehicle trips. While I consider these changes to be beneficial and that they will enable better outcomes more consistent with

Objectives 10.2.5 and 10.2.6 and in particular redraft Policies 10.2.5.1 and 10.2.5.2, I note that there is no direct scope to make these changes, thus they have not been shown in **Appendix 1**.

Table 3: Recommended Changes to Standards Relating to Home Occupation

	Standards for Activities: Arrowtown Residential Historic Management Zone	Non-compliance status
<u>10.5.X</u>	<p><u>Home Occupation</u> where:</p> <p><u>10.5.X.1</u> The maximum number of vehicle trips* shall be:</p> <p style="padding-left: 40px;">a. <u>Heavy Vehicles: none permitted</u></p> <p style="padding-left: 40px;">b. <u>Other vehicles: 10 per day.</u></p> <p><u>10.5.X.2</u> Maximum net floor area of 40m².</p> <p><u>10.5.X.3</u> Activities and the storage of materials shall be indoors.</p> <p><u>*A vehicle trip is two movements, generally to and from a site.</u></p>	<u>D</u>

8. MINOR ALTERATIONS AND ADDITIONS TO BUILDINGS

- 8.1** During the Council's opening of the Residential hearing, the Panel brought to my attention that the definition of 'Minor Alterations and Additions to Buildings' in Chapter 2 could potentially allow for an unlimited number of doors and windows to be added to an existing building as a permitted activity. This was not the intent of the rule.
- 8.2** I have considered the issue, and note there is scope to make changes through Arcadian Triangle's (836) submission on the definition: "*this submission point is lodged to enable this definition to be reconsidered...*".
- 8.3** I recommend restricting the amount of windows and doors allowed as a permitted activity under redraft Rule 10.4.5, to better achieve the intent of this rule. I recommend that the activity be changed from 'changing or putting in' of windows or doors, to 'replacing' windows or doors in the definition. I consider this change better achieves the intent of the rule. These changes are shown below in red and in **Appendix 1**.

Minor Alterations and Additions to a Building	<p>Means any of the following:</p> <ul style="list-style-type: none"> • Constructing an uncovered deck of natural or dark stained timber. The deck must comply with the applicable rules and standards for activities.
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	<ul style="list-style-type: none"> • Changing or putting in <u>Replacing</u> windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing • Changing existing materials or cladding with other materials or cladding of the same texture, profile, materials and colour.
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9. REDRAFT 10.4.9 BUILDING RESTRICTION AREA

9.1 The Panel queried whether redraft Rule 10.4.9 was intended as a standard or a rule. I agreed at the hearing that it was intended as a standard, and have made the appropriate changes in **Appendix 1** to reflect this. I consider this change to be for clarity purposes and a non-substantive change.

10. NATURAL HAZARDS MATTER OF DISCRETION

10.1 As shown in **Appendix 1**, I recommend that the matter of discretion for natural hazards in redraft Rule 10.4.4 is modified to remove the requirement for an assessment by a suitably qualified person. This recommended change is consistent with the recommended change within the Business zone s42A reports. The change also gives effect to notified Policy 28.3.2.3 of Chapter 28 (Natural Hazards), which lists the information requirements for natural hazards assessments and does not include a requirement for all natural hazards assessments to be undertaken by a suitably qualified person.

10.2 I note that the Otago Regional Council (798) sought considerable changes to the Natural Hazards framework within the PDP and consider therefore that there is scope to address this throughout the PDP.

11. CONCLUSION

11.1 Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.

Rachael Maree Law
Policy Planner
11 November 2016

APPENDIX 1
10 ARROWTOWN RESIDENTIAL HISTORIC MANAGEMENT ZONE REVISED
CHAPTER

ARROWTOWN RHMZ 10

Key:

Recommended changes to notified chapter are shown in red underlined text for additions and ~~red strike through~~ text for deletions, Appendix 1 to Right of Reply, dated 11 November 2016

Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Appendix 1 to s42A report, dated 14 September 2016.

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

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

10 ARROWTOWN RESIDENTIAL HISTORIC MANAGEMENT ZONE

10.1 Zone Purpose

This Zone covers the older part of the residential settlement of Arrowtown. The area has a distinctive character and atmosphere which has evolved from the development pattern set at the time of early gold mining in the District.

The purpose of this zone is to allow for the continued sensitive development of the historic area of residential Arrowtown in a way that will protect and enhance those characteristics that make it a valuable part of the town for local residents and for visitors attracted to the town by its historic associations and unique character.

In particular the zone seeks to retain the early subdivision pattern and streetscape, and ensure future development is of a scale and design sympathetic to the present character.

Unlike other residential zones, infill housing is not anticipated. However, Residential Flats are provided for to increase the diversity of residential accommodation in the zone.

The Town Centre Transition Overlay provides for limited expansion of commercial activities in an identified location adjoining the town centre. Any modifications to existing buildings or properties are expected to retain the historical character and qualities of the Old Town Residential Area.

10.2 Objectives and Policies

10.2.1 Objective – Ensure development retains or enhances the historic character of the zone, which is characterised by larger ~~section~~ site sizes, low scale and single storey buildings, the strong presence of trees and vegetation and limited hard paving.

Comment [RL1]: Panel's 4th Procedural Minute

Comment [RL2]: Minor change for clarity and consistency with other PDP chapters

Policies

10.2.1.1 Apply ~~particular~~ development controls around building location, scale and appearance, and landscaped areas, to ensure the special character of the area is retained or enhanced.

Comment [RL3]: Minor change for clarity

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10.2.1.2 Ensure that any buildings are located and designed in a manner that complements and respects the character of the area and are consistent with the outcomes sought by the Arrowtown Design Guidelines [2006/2016](#).

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

10.2.2 Objective - ~~Enable r~~Residential flats as a means of providing affordable housing while generating minimal adverse effects on amenity values.

Comment [RL4]: Panel's 4th Procedural Minute

Policies

10.2.2.1 Provide for residential flats of a compact size that do not compromise the integrity of the zone's special character.

10.2.3 Objective - ~~Provide for e~~Community activities and services that are generally best located in a residential environment close to residents are provided for.

Comment [RL5]: Panel's 4th Procedural Minute

Policies

10.2.3.1 Enable the establishment of small scale community facilities and activities where adverse effects on the character and amenity values of the area in terms of noise, traffic and visual impact can be avoided or mitigated.

Comment [RL6]: Recommended deletion refer to Issue 1 of Section 42a.

10.2.4 Objective - ~~Ensure d~~Development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.

Comment [RL7]: Panel's 4th Procedural Minute

Policies

10.2.4.1 Ensure access and parking is located and designed to optimise efficiency and safety, and designed in sympathy with the character of the area.

10.2.4.2 Seek low impact approaches to storm water management.

10.2.5 Objective - ~~Maintain r~~Residential character and amenity is maintained.

Comment [RL8]: Panel's 4th Procedural Minute

Policies

10.2.5.1~~2~~ Ensure that any commercial and non-residential activities, including restaurants, maintain or enhance the amenity, quality and character of the zone and surrounding area.

Comment [SG9]: Renumbering result of withdrawal of Visitor Accommodation provisions.

10.2.5.2~~3~~ Avoid non-residential activity that would undermine the amenity of the zone or the vitality of Arrowtown's commercial zone.

10.2.6 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

10.2.6.1 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.

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

10.2.6.3 Development is sympathetic to the historical pattern of development and building scale.

10.3 Other Provisions and Rules

10.3.1 District Wide Rules

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

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18) ODP Operative)	25 Earthworks (22) ODP Operative)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14) ODP Operative)
30 Utilities and Renewable Energy	31 Hazardous Substances (16) ODP Operative)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

Comment [RL10]: Non substantive grammatical change for clarity /consistency (including changes within table)

10.3.2 Clarification

Advice Notes

10.3.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

10.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the ‘Non-Compliance Status’ column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the activity.

10.3.2.3 The following abbreviations are used within this Chapter.

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

Comment [RL11]: Non substantive change for clarity.

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10.4 Rules - Activities

Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity status
10.4.1	Any Activity not listed in Tables 1 – 2.	NC
10.4.2	Dwelling, Residential Unit, Residential Flat.	P
10.4.3	Home occupation.	P
10.4.4	<p>The Construction or alteration of any buildings.</p> <p>With the exception of Minor Alterations and Additions to a Building.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> External appearance (including exterior materials and colour), site layout, scale and design of buildings. The external appearance and finish of the building to ensure a harmonious blend and positive contribution to the heritage character of the residential area. Building form, including the height to the eaves, and ridge and primary elements, roof shape and pitch. Exterior materials and colour. Any fencing greater than 1.2m high. Consideration of these matters shall be guided by the Arrowtown Design Guidelines 20062016. <p>In addition, within the Arrowtown Town Centre Transition Overlay:</p> <ul style="list-style-type: none"> Opportunities, retention and enhancement of pedestrian linkages between Buckingham Street and Romans Lane, having regard to the National Guidelines for Crime Prevention Through Environmental Design (CPTED). Where a site is subject to any n Natural hazards where and the proposal results in an increase in gross floor area an assessment by a suitably qualified person is provided that addresses Assessment Matters relating to natural hazards: <ul style="list-style-type: none"> the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which whether such risk can be avoided or sufficiently mitigated reduced. 	RD
10.4.5	Minor Alterations and Additions to a Building.	P
10.4.6	Recreational Activity.	P
10.4.11	Community activities.	D
<u>10.4.7</u>		

Comment [RL12]: Submission 836

Comment [RL13]: Submitter 383

Comment [RL14]: Matters of discretion redrafted for clarity. Non substantive amendment

Comment [RL15]: Submitter 798/1160

Comment [SG16]: Renumbering result of withdrawal of Visitor Accommodation provisions. Notified 10.4.11

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Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity status
10.4.12 <u>10.4.8</u>	Commercial activities.	NC
10.4.13 10.4.9	Any building within a Building Restriction Area that is identified on the planning maps.	NC
10.4.14 <u>10.4.109</u>	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR
Activities within the Arrowtown Town Centre Transition Overlay.		
10.4.15 <u>10.4.110</u>	Commercial activities (except where specified for retail activities).	P
10.4.16 <u>10.4.1211</u>	Retail Activities. Retailing is permitted providing it shall be restricted to goods manufactured on site and ancillary products, and comprises up to no more than 10% of the gross floor area.	D
10.4.17 <u>10.4.1312</u>	Community Activities.	P
10.4.18 <u>10.4.1413</u>	Licensed Premises. Premises licensed for the consumption of alcohol on the premises between the hours of 8am and 11pm.	P
10.4.19 <u>10.4.1514</u>	Licensed Premises. Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor: (a) to any person who is residing (permanently or temporarily) on the premises; (b) to any person who is present on the premises for the purpose of dining up until 12am. Discretion is restricted to all of the following: <ul style="list-style-type: none"> • The scale of the activity. • Car parking and traffic generation. • Effects on amenity. • Noise. 	RD

Comment [RL17]: Relocated to 10.5.5

Comment [RL18]: Non substantive change for clarity.

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Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity status
	<ul style="list-style-type: none"> • Hours of operation. • Any relevant QLDC alcohol policy or bylaw. 	

10.5 Rules – Standards for Activities

Table 2	Standards for Activities: Arrowtown Residential Historic Management Zone	Non-compliance status
10.5.1	<p>Building Height</p> <p>A maximum height limit of 5 metres.</p>	NC
10.5.2	<p>Density</p> <p>Not more than one Residential Unit per 650 square metres of net site area.</p>	NC
10.5.3	<p>Building Coverage</p> <p>The Maximum ground floor area of buildings shall be 30% of the net site area.</p>	NC
10.5.4	<p>Combined Building Coverage and Hard Surfacing</p> <p>The total area covered by hard surfacing and buildings on any site shall not exceed 35% of the net site area.</p>	NC
10.4.9 10.5.5	<p>Any building within a Building Restriction Area that is identified on the planning maps.</p>	NC
10.5.56	<p>Road Boundary Setbacks</p> <p>Where existing buildings (other than accessory buildings) are already located on the site - the shortest distance from the road boundary to the building (other than an accessory building) measured at right angles to the front boundary; or</p> <p>Where no existing buildings (other than accessory buildings) are located on the site the mean of the setback of any buildings (other than accessory buildings) located on the immediately adjoining lots or 6.0m, whichever is the greater.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • <u>External appearance (including exterior materials and colour), layout, scale and design of buildings</u> • <u>Consistency with the historic character and pattern of existing buildings on the site and vicinity in Arrowtown utilising the Arrowtown Design Guidelines 2016 as a guide.</u> • <u>Building dominance on neighbouring properties and the public</u> 	RD

Comment [RL19]: Relocated from 10.4.9 (s42a version). Non-substantive change.

Comment [RL20]: Matters of discretion redrafted for clarity. Non substantive amendment.

Comment [RL21]: Non substantive amendment redrafted for clarity.

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Table 2	Standards for Activities: Arrowtown Residential Historic Management Zone	Non-compliance status
	<p>realm. The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street and adjoining sites.</p> <ul style="list-style-type: none"> • The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the zone, including the setback of existing buildings in the vicinity of road boundaries. • The extent to which the proposed building will have size, form, proportions, roof line, style, external appearance that are similar to or in keeping with those existing buildings on the site. • The extent to which the location of the proposed building would adversely affect the historic character of Arrowtown. • Landscaping The ability to provide adequate opportunity for landscaping in the vicinity of road boundaries, which will mitigate the effects of building intrusion into the street scene. • The ability to provide adequate on-site parking and manoeuvring for vehicles. 	
10.5.67	<p>Side and Rear Boundary Setbacks</p> <p>10.5.6.1 Side and rear boundary setbacks: 3.0m</p> <p>10.5.6.2 Exceptions to side and rear boundary setbacks:</p> <p>(a) Accessory buildings for residential activities are permitted within the setback distance, providing they do not exceed 7.5m in length and comply with the following recession plane requirements:</p> <p>(b) 2.5m and 35 degrees.</p> <p>(c) Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>(d) Recession planes do not apply to site boundaries fronting the street or a reserve.</p> <p>Note: Refer to the recession planes interpretive diagram in the Definitions Chapter.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> ▪ Effects on open space, privacy, <u>sunlight</u> and <u>amenity of neighbouring properties</u>. ▪ The extent to which the building will affect sunlight access to adjoining properties. ▪ Whether the building emulates The character and patterns of existing buildings on the site and vicinity. ▪ Building dominance. 	RD

Comment [RL22]: Matters of discretion redrafted for clarity. Non substantive amendment.

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Table 2	Standards for Activities: Arrowtown Residential Historic Management Zone	Non-compliance status
	<ul style="list-style-type: none"> The extent to which the building will be compatible with the layout and scale of other buildings and sites in the zone. 	
10.5.78	<p>Glare</p> <p>(a) All exterior lighting shall be directed away from the adjacent sites and roads and downward to limit effects on the night sky.</p> <p>(b) No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	NC

10.6 Non-Notification of Applications

~~10.6.1 Applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited notified.~~

Comment [RL23]: Result of withdrawal of Visitor Accommodation provisions. Non-substantive change for clarity

SUBDIVISION AND DEVELOPMENT CHAPTER 27 [this provision was transferred across from the Subdivision Hearing]

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

Zone		Minimum Lot Area
Residential	Arrowtown Residential Historic Management Zone	800m ²

RECOMMENDED CHANGES TO DEFINITIONS CHAPTER 2

Minor Alterations and Additions to a Building	<p>Means any of the following:</p> <ul style="list-style-type: none"> Constructing an uncovered deck of natural or dark stained timber. The deck must comply with the applicable rules and standards for activities. Changing or putting in Replacing windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing. Changing existing materials or cladding with other materials or cladding of the same texture, profile, materials and colour.
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Comment [RL24]: Submitter 836

APPENDIX 2
SECTION 32AA EVALUATION

Appendix 2

Section 32AA Assessment

Note: The relevant provisions from the revised chapter are set out below, showing additions to the notified text in underlining and deletions in ~~strike through text~~ from the s42A report and recommended changes from the Reply are shown in red underlined text for additions and ~~red strike through~~ text for deletions, (ie as per the revised chapter). Blue font reflects Variation 1.

The section 32AA assessment then follows in a separate table underneath each of the provisions.

Recommended Updated Rule – 10.4.4 The Construction or alteration of any buildings – Restricted Discretionary

Recommended updated Rule – 10.4.4 The Construction or alteration of any buildings – Restricted Discretionary

The Construction or alteration of any buildings.

With the exception of Minor Alterations and Additions to a Building.

Discretion is restricted to all of the following:

- External appearance (including exterior materials and colour), site layout, scale and design of buildings. ~~The external appearance and finish of the building to ensure a harmonious blend and positive contribution to the heritage character of the residential area.~~
- Building form, including the height to the eaves, and ridge and primary elements. ~~R, roof shape and pitch.~~
- ~~Exterior materials and colour.~~
- Any ~~f~~ fencing greater than 1.2m high.
- Consideration of these matters shall be guided by the Arrowtown Design Guidelines 2006 2016 blue font.

In addition, within the Arrowtown Town Centre Transition Overlay:

- Opportunities, retention and enhancement of pedestrian linkages between Buckingham Street and Romans Lane, having regard to the National Guidelines for Crime Prevention Through Environmental Design (CPTED).
- ~~Where a site is subject to any n~~ Natural hazards where and the proposal results in an increase in gross floor area. ~~an assessment by a suitably qualified person is provided that addresses~~

Assessment Matters relating to natural hazards:

- the nature and degree of risk the hazard(s) pose to people and property,
- whether the proposal will alter the risk to any site, and
- ~~the extent to which~~ whether such risk can be avoided or sufficiently ~~mitigated~~ reduced.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • There is a risk that a proposal may be allowed to proceed without an assessment, when it should, in fact, be required. If a proposal occurs which does not sufficiently mitigate risks or worsens such risks, 	<ul style="list-style-type: none"> • Cost savings in that it may avoid applicants having to obtain an expert assessment where (for example) the extent of new building is small; the risk posed by the hazard is known to be low; the hazard is 	<ul style="list-style-type: none"> • The rule as amended will still enable the Council to require an assessment where necessary pursuant to 28.5 and Policy 28.3.2.3 of the PDP hazards chapter, (which refers to information

<p>this may result in economic, environmental, and social costs if there is ever a natural hazard event.</p> <ul style="list-style-type: none"> • The council may miss an opportunity to improve its knowledge base of existing hazards (provided by the private sector) to the same extent it may if all developments were required to produce one. 	<p>already well documented/ understood; or the risk is already sufficiently mitigated through compliance with other rules (e.g. minimum floor levels).</p> <ul style="list-style-type: none"> • Enables case by case determination of whether a hazard assessment is necessary, based on location, existing information, and the nature and scale of the proposal to ensure the level of information required is appropriate. • Avoids duplication and potential inconsistency with section 28.5 of the PDP Natural Hazards Chapter, which requires assessments commensurate with the level of risk. 	<p>requirements in relation to natural hazards) but will not unnecessarily require this in all instances.</p> <ul style="list-style-type: none"> • The amended rule will be equally effective and more efficient (for the reasons stated above) at implementing the objectives contained in chapter 28.
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Updated Standard – 10.5.5

Recommended Updated Standard – 10.5.5 – Restricted Discretionary

Road Boundary Setbacks

Where existing buildings (other than accessory buildings) are already located on the site - the shortest distance from the road boundary to the building (other than an accessory building) measured at right angles to the front boundary; or

Where no existing buildings (other than accessory buildings) are located on the site the mean of the setback of any buildings (other than accessory buildings) located on the immediately adjoining lots or 6.0m, whichever is the greater.

Discretion is restricted to all of the following:

- External appearance (including exterior materials and colour), layout, scale and design of buildings
- Consistency with the historic character and pattern of existing buildings on the site and vicinity in Arrowtown [utilising the Arrowtown Design Guidelines 2016 as a guide.](#)
- Building dominance on neighbouring properties and the public realm. ~~The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street and adjoining sites.~~
- ~~The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the zone, including the setback of existing buildings in the vicinity of road boundaries.~~
- ~~The extent to which the proposed building will have size, form, proportions, roof line, style, external appearance that are similar to or in keeping with those existing buildings on the site.~~
- ~~The extent to which the location of the proposed building would adversely affect the historic character of Arrowtown.~~
- Landscaping ~~The ability to provide adequate opportunity for landscaping in the vicinity of road boundaries, which will mitigate the effects of building intrusion into the street scene.~~
- ~~The ability to provide adequate on-site parking and manoeuvring for vehicles.~~

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> Requiring consistency with the Arrowtown Design Guidelines may result in additional design costs for developers of Arrowtown properties. 	<ul style="list-style-type: none"> Inclusion of the Arrowtown Design Guidelines as a matter of discretion is of benefit as it will ensure that any breaches are consistent with the character anticipated within Arrowtown. 	<ul style="list-style-type: none"> The proposed matters of discretion are effective in that they provide clear and detailed matters against which a proposal is to be assessed.

Recommended Updated Definition – Minor Alterations and Additions to a Building

<p>Minor Alterations and Additions to a Building</p>	<p>Means any of the following:</p> <ul style="list-style-type: none"> Constructing an uncovered deck of natural or dark stained timber. The deck must comply with the applicable rules and standards for activities. Changing or putting in <u>Replacing</u> windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing. Changing existing materials or cladding with other materials or cladding of the same texture, profile, materials and colour.
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Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> No longer potential to add new windows or doors. 	<ul style="list-style-type: none"> Removes the ability to change the façade of a building completely by adding in unlimited numbers of windows and doors. 	<ul style="list-style-type: none"> As amended this definition will be more effective at maintaining the character of the ARHMZ as low key and historic.