

Appendix A - A copy of the relevant parts of the Decision; and

PART C: SUE KNOWLES, ANGELA WAGHORN, DIANE DEVER AND BODY CORPORATE 27490

Submitter Sue Knowles (Submission 7), Angela Waghorn (Submission 76), Diane Dever (Submission 193) and Body Corporate 27490 (Submission 363)

Further Submissions

FS1279 – Lake Edge Development Limited – oppose Submission 7

9. PRELIMINARY MATTERS

9.1. Subject of Submission

1. These submissions related to several properties in York Street that share a right-of-way. In the submission, the properties are identified as 1 – 17 York Street which includes sites within both the LDRZ and HDRZ. The aerial photo accompanying the submission depicts those properties located within the HDRZ only (1, 3, 9 and 11 York Street). It is the zoning of these sites which is in contention.

9.2. Outline of Relief Sought

2. The submissions requested rezoning of 1, 3, 9 and 11 York Street from HDRZ to LDRZ. The homes at 13, 15, 17 & 28 York Street are within the notified LDRZ. Submission 76 also sought HDR zoning for the properties on the south-western side of Hallenstein Street. We take this matter no further because these properties are within the notified HDRZ.

9.3. Description of the Site and Environs

3. The block bounded by York, Dublin and Hallenstein Streets contains a mix of dwellings, apartments and visitor accommodation. At the time of the hearings, there was an apartment complex under construction on Hallenstein Street. There is a sharp fall in levels between 1 York Street (also accessed from the shared driveway) and the construction site. A steep path through this site provides pedestrian access from the end of the shared driveway to York Street by way of a private property. Although in the same ownership, there is no vehicular access from 1 York Street to the development site.
4. Down the shared driveway, there is a block of four recently renovated townhouses built in two stages around 1992 – 94. Three of the four units share ownership of a portion of 3 York Street, a vacant section which was purchased to protect views. The other portion of 3 York Street, which is also vacant, would be suitable for a dwelling. There is a dwelling on 11 York Street whereas 1 York Street is vacant. The properties at 1 – 17 York Street are shown on Figure 2-4.

way would not achieve this objective because the existing infrastructure cannot be effectively utilised and there would be a major impact on existing road networks due to increased traffic.¹²

8. For the Council, Ms Devlin considered that downzoning to LDRZ could result in inefficient use of urban land close to the Queenstown Town Centre. These properties are less than 1km from the town centre and although York Street is uphill, she considered this distance could be walkable and may encourage reduced private vehicle use along with increased housing supply. In her opinion, the notified zoning is the most appropriate to achieve the objectives of the Strategic Direction and Urban Development chapters.¹³
9. Ms Devlin said that the right-of-way is of variable width up to 7.7m wide and may not be suitable for more than 12 units as it would not meet the additional width requirements of the ODP (Chapter 14 Transport). She observed that Ms W Banks, transportation engineer, had not raised any concerns about access. Ms Devlin did not consider that this matter warranted downzoning as the overall character of the site was compatible with HDR zoning.¹⁴
10. For completeness, the further submission¹⁵ said that “*amendments sought to rules on height limits in 9.5.2 are opposed insofar as they relate to the High Density Residential Zone located immediately west of the Kawarau Falls Bridge.*” The further submission is therefore not relevant to mapping issues in York Street.

9.5. Discussion of Planning Framework

11. The LDRZ is the largest residential zone in the District. In Chapter 7, as recommended, it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for ‘*a mix of compatible suburban densities and a high amenity low density residential environment for residents...*’. Policy 7.2.1.2 encourages development that ‘*maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.*’ Policy 7.2.1.3 seeks to maintain amenity values between sites, particularly privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.
12. The HDRZ provides for efficient use of land within close proximity to town centres that is easily accessible by public transport, cycle and walkways. In Queenstown, it enables taller buildings than in other residential zones, subject to high design quality. Development controls provide minimum of protections for existing amenity values and are otherwise prioritised towards enabling the community’s wellbeing by promoting growth and development. There is a focus on intensification and small scale commercial activities are enabled to support larger residential developments, or to provide low impact local services.

10. ISSUES

- a. The most appropriate zone for 1, 3, 9 & 11 York Street
- b. The capacity of the right-of-way to handle additional and more intensive development

¹² Ibid

¹³ R Devlin, Section 42A Report Group 1C, 24 May 2017, paragraphs 23.6 & 23.7

¹⁴ Ibid, paragraph 23.8

¹⁵ Further Submission 1279

11. DISCUSSION OF ISSUES AND CONCLUSIONS

13. The issues raised by this submission are similar to those raised by Submission 1359 which related to eight properties using a shared driveway off Kent Street. In this case, the determinative factor is the capacity of the right-of-way to accommodate any increase in traffic arising from further intensification.
14. We visited the York Street area and walked along the right-of-way which confirmed for us that the submitters were correct in their analysis of the situation. This right-of-way is narrow and is unlikely to be widened due to fragmented ownership and the proximity of the townhouse at 9A York Street to the carriageway. We consider that more intensive use of this driveway would have adverse effects on the existing dwellings and residents due to increased inconvenience and loss of amenity values associated with additional traffic on the drive. Safety may also be a concern because of the limited room for service vehicles such as rubbish collection trucks.
15. Furthermore, we doubt that any of these sites would be developed under the HDRZ due to ownership and the nature of the existing development which already includes a 4-unit townhouse complex. The dwellings enjoy lake views and with respect to the townhouses, these views are protected because a portion of 3 York Street is owned by three members of the Body Corporate. Generally, topography protects the views for other landowners. These dwellings are well-located in an area with good amenity values therefore they are highly valued. As discussed in relation to Submission 1359, when the value of improvements is high relative to land value, redevelopment is not economically attractive.
16. The submission expressed the view that traffic volumes on Hallenstein Street which services York Street are at near maximum however this matter was not canvassed in evidence from the Council. In the absence of transportation engineering evidence on the effects on the wider network of more intensive development off right-of-way, our conclusions are confined to the capacity of the right-of-way to handle more intensive development. With the addition of one dwelling on a portion of 3 York Street, the ODP's maximum of 12 units on a driveway of this width will be reached.
17. Finally, we have considered the implications of rezoning this land to LDRZ in terms of the Strategic Direction and Urban Development objectives. Theoretically, HDR zoning is more appropriate because this land is close to the town centre and public transport. In practice, it is unlikely that development would occur to this level of density given the limitations of ownership and the physical constraints of the driveway. In addition, more intense development down the driveway would result in adverse effects on existing residents due to increased traffic and the consequential loss of amenity values. For these reasons, we consider that LDR zoning is the most appropriate for 1, 3 9 and 11 York Street.
18. We acknowledge that LDR zoning results in a less coherent zoning pattern however we think this zoning is more attuned to the reality of the situation now and in the future.

12. RECOMMENDATION

19. For the reasons set out above, we recommend that
 - a. Submissions 7, 76, 193 and 363 be accepted; and
 - b. FS1279 be rejected; and

- c. LDR zoning be applied to the properties identified as 1, 3, 9 and 11 York Street on Planning Map 35.