

District Plan Review

TOWN CENTRE & BUSINESS MIXED USE ZONES

What does it mean for you?

Queenstown Lakes District Council ("QLDC") is currently in the process of reviewing its District Plan. A draft of the Town Centres chapter and the Business Mixed Use Zones was published in October 2014. While this document is not in final form, it represents a clear indication of QLDC's planning intentions for the Queenstown, Wanaka, and Arrowtown town centres and for several "Corner Shopping Centres" and areas catering for "mixed business" uses. The Proposed District Plan ("PDP") is due for notification on 12 August. Following notification QLDC will call for submissions

Is change necessary?

In undertaking the review of the District Plan, QLDC has considered the following options:

1. The status quo or no change.
2. A comprehensive review, largely retaining existing provisions.
3. A comprehensive review retaining only existing provisions that appropriately address issues.

In relation to Queenstown, Wanaka, and the Mixed Business Use Zones the drafters have chosen the third option, while for Arrowtown and the small shopping centres at Frankton, Fernhill, and Sunshine Bay they are proposing option two.

In preparing the changes QLDC has identified the issues overleaf:



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M A C T O D D

L A W Y E R S

The Issues

QUEENSTOWN TOWN CENTRE

- Capacity for further development;
- The form and location of any expansions to the existing zone;
- The appropriate bulk and location of buildings;
- Quality urban design and built form;
- Flood risk;
- Management of the interface between the Town Centre and the lakefront;
- Noise issues and the need to achieve vibrancy and a mix of activities within and around the Town Centre, while providing reasonable protection of residential amenity; and
- Land use and transportation planning.

WANAKA TOWN CENTRE

- Development capacity and opportunities for expansion;
- Height, bulk and location of buildings, quality urban design and built form;
- Managing adverse environment effects from town centre activities (noise issues, in particular); and
- Flood risk.

ARROWTOWN CENTRE

- Appropriate development controls;
- Provision for new development that is sympathetic to Arrowtown's historic fabric, but does not necessarily replicate it;
- Maintaining Arrowtown's compact form; and
- Facilitating the appropriate flow of pedestrians and vehicles through and around the town centre.

MIXED BUSINESS USE ZONE

- Appropriate heights, bulk, location, and density of buildings and urban design;
- Current development controls are very restrictive, unduly limiting potential uses of land within the Business Use Zone;
- Providing for a diverse range of new development that expands on the established uses within the zone;
- Maintaining and encouraging business activities within the Wanaka Business Zone;
- Facilitating the growth of a Business Mixed Use Zone where higher intensity and compatible land uses can evolve, which contributes to more diverse and well located housing options and helps to support the viability and function of the town centres. This Business Mixed Use Zone is proposed to apply to most of the existing Business Zone in Queenstown (with the exception of Industrial Place), and all of the existing Business Zone in Wanaka. It also incorporates the current Wakatipu High School site (currently zoned High Density Residential) on Gorge Road;
- Providing services within the Mixed Use Zones that complement, enable, and support the Town Centre.

A MORE LEGIBLE AND CONCISE PLAN

In each case, these issues are intended to be addressed through the PDP process.

QLDC has said that the changes it is proposing are designed to make the Plan “more legible, targeted and concise.” It is also seeking “a more enabling approach” subject to “strong design and environmental standards.” Having specific provisions for the individual town centres moves away from overarching district wide objectives, policies and rules which characterise the current Operative District Plan (“ODP”).

Queenstown is envisaged as remaining the principal administrative centre and the main focus for business and visitor related activity. Arrowtown has its heritage character attracting visitors with the town providing “business and retailing for local residents on a boutique scale”. Wanaka is seen as serving a growing residential area with increasing visitor numbers requiring a mixture of “retailing business and entertainment options” while “remaining compact so as to be accessible on foot”. Local shopping centres are destined to remain as providers of convenience retailing.

The Devil is in the Detail

QUEENSTOWN TOWN CENTRE

Within Queenstown Town Centre the Council envisages greater intensification by providing for increased site coverage and building heights consistent with appropriate designs and the maintenance of amenities for pedestrians and those using public spaces. With an increasingly vibrant town centre the protection of amenities for those living in surrounding areas also becomes an issue, noise being one example. The Council is proposing an “entertainment precinct” to try and concentrate the noisier activities to a central location in order “to minimise effects on adjoining residential zones”. The Council also seeks to reinforce the Town Centre Zone by limiting outward expansion thereby hoping to achieve “a compact town centre that is safe and easily accessible for both visitors and residents” by foot or bicycle rather than vehicle.

The Town Centre Zone (as do all zones) has an “Activity Table” which lists those activities allowed in the zone together with their use category: permitted, controlled, restricted discretionary, (full) discretionary, non-complying, and prohibited (those not allowed in the zone). Failure to comply with the specified standards generally defaults an activity to a more restrictive consent category.

Business and commercial activities appear to be permitted throughout most of the zones with residential use allowed, but in some areas only above street level. Visitor accommodation is provided for as a controlled activity. Buildings are restricted discretionary but will not need to be notified for public submission if they comply with specified standards relating to height and coverage. Adjoining neighbours it seems will, however, be allowed input in relation to height when it exceeds stated maximums. These vary generally between 12 and 15 metres with lower limits in some areas. Building owners will need to study these rules and their application with care. Similarly, the noise limits need to be scrutinised. Lower noise limits in surrounding zones will not necessarily protect residents from the sounds of voices and music emanating from the Town Centre Zone which has its own set of noise limits. There is likely to be a fair amount of debate around this one.

WANAKA TOWN CENTRE

The rules for the Wanaka Town Centre are a little more concise which is to be expected. Generally the Council is looking for development of two or three storeys with limited opportunity in places for a fourth storey. The Town Centre is to be “compact and attractive” with opportunities for “controlled expansion and intensification”.

Most business and commercial activities are permitted; as is residential above ground floor. Visitor accommodation is controlled and licensed premises restricted discretionary (except for those being accommodated and those dining on the premises). All building is restricted discretionary. In some cases a failure to comply with a specified standard may see an activity default to a more restrictive category. Height is a good example. Failure to comply with a height limit could see a building default from restricted discretionary to non-complying, indicative of the emphasis the Council is putting on “low scale built form” in the town. Sound is to be treated in a similar fashion to Queenstown with different noise rules applying to sound created within the Town Centre Zone from music, loudspeakers, and voices.

ARROWTOWN TOWN CENTRE

As mentioned earlier Arrowtown Town Centre is unlikely to see any significant changes although the rules will be adapted to fit the revised format used elsewhere in the PDP. Look for controls on height, scale, appearance, and location of buildings which seek to reflect the current historical character of the town. Limited expansion of the town centre activities is designed eventually to occur within what is to be called the “Town Centre Transition Overlay” located immediately to the east of the existing retail/commercial centre. This area will retain its underlying residential status within the Arrowtown Historic Management Zone. Other than within the overlay, Council’s intention is “to discourage outward expansion of town centre activities” and thereby ensure that the “Town Centre Zone remains the principal focus for Arrowtown’s retail activities”.

Permitted activities will include all the usual suspects including retail (although only as an ancillary use to a permitted activity in the Transition Overlay). Business/Commercial also appears to be permitted. Residential within the Town Centre Zone will be permitted provided it is restricted to first floor level. Visitor accommodation will be a controlled activity. Building (in common with the other Town Centre Zones) will be restricted discretionary but with restrictions on notification (also as in the other zones).

This means that public input by way of the submission process will be limited and in some cases (not all), these limitations will also apply to neighbours. Again this seems a reflection of the PDP’s overall approach to creating a more “enabling” consenting environment. As a general comment which can equally apply to the PDP as a whole, creating an environment which is more certain and sympathetic to development is laudable provided it proceeds in accordance with equally clear standards. Difficulties can arise where variations are permitted from the standards and there is no longer an opportunity for others to be heard on all of those changes. We expect there to be some discussion around where the line is drawn on this.

LOCAL SHOPPING CENTRE ZONES

The local shopping centres at Frankton, Fernhill, and Sunshine Bay will be joined by other small retail areas such as Adamson Drive in Arrowtown and Terrace Junction at Frankton (which currently have residential zonings) to form a "Local Shopping Centre Zone". The rules which will apply to these appear to reflect current usage. Buildings are proposed to be controlled activities (which means they have to be consented to if they comply with the standards) rather than restricted discretionary as they are in the town centre zones. Building coverage is set at 75%, somewhat less than other zones, and the building height is limited to 10m except on Adamson Drive, Arrowtown where the limit is 7m. Failure to comply with the height limits defaults buildings to non-complying. All in all a little more certainty "up front" but a significant disincentive for any developer looking for extra height beyond the standard.

MIXED BUSINESS USE ZONE

The final zone we look at in this issue is the "Mixed Business Use Zone". There are two principal locations proposed. The first is along the eastern side of Gorge Road from opposite Industrial Place to Hallenstein Street and the Wakatipu High School site to the west. The other area is in Wanaka, north-west of the junction between Anderson and Plantation Roads. Both areas have some light industrial activities at present which may not come within the list of allowable activities in the PDP. For example panel beating, spray painting, and motor vehicle repair or dismantling are proposed to be non-complying activities. Some of the existing business operators, especially in Wanaka, might find this overly restrictive should they wish to expand or relocate within the zone. Landlords would also be well advised to check the relevant provisions when the PDP is notified because there are some significant changes which will impact the lettable of their properties.

Concluding comments

- In general, it is fair to say that the changes proposed in particular for the Queenstown and Wanaka Town Centres will provide for increased development opportunities both in terms of height (especially in Queenstown) with some relaxation of the existing limits and increased building coverage.
- Also to be noted is a move towards either the non-notification or restricted notification of applications for resource consents in an apparent move to limit involvement in the process to those directly affected by the particular development proposal.
- Property owners in particular will need to carefully review the changes when they are notified because they can potentially have significant impacts on development rights and on surrounding land as a consequence of increased development opportunities.