

Appendix 3. Section 32 Report



Section 32 Evaluation Report

Arrowtown Residential Historic Management Zone

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Section 32 Evaluation Report: Arrowtown Residential Historic Management Zone (ARHMZ)

1. Strategic Context

The purpose of the Act requires an integrated planning approach and direction, as reflected below:

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The remaining provisions in Part 2 of the Act provide a framework within which objectives are required to achieve the purpose of the Act and provisions are required to achieve the relevant objectives. The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources.

The ARHMZ supports the Strategic Direction and Urban Development framework of the Proposed District Plan through retaining the residential land supply while protecting the important heritage resource.

Section 31 of the Act outlines the function of a territorial authority in giving effect to the purpose of the Act:

31 Functions of territorial authorities under this Act

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district*

Section 31 provides the basis for objectives, policies, and methods within a District Plan, to manage the effects of development. With regard to the ARHMZ, the provisions outlined in this report have been developed in accordance with QLDC's function under Section 31 to manage the potential adverse effects of urban growth and development.

2.2 Local Government Act 2002

Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—*
 - (i) the diversity of the community, and the community's interests, within its district or region; and*
 - (ii) the interests of future as well as current communities; and*
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
- (h) in taking a sustainable development approach, a local authority should take into account—*
 - (i) the social, economic, and cultural interests of people and communities; and*
 - (ii) the need to maintain and enhance the quality of the environment; and*
 - (iii) the reasonably foreseeable needs of future generations*

As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. The provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

Section 14(g) is of relevance in so far as a planning approach emphasising urban intensification in areas throughout the Low Density Residential zone that are well served by existing infrastructure generally represents a more efficient and effective use of resources than a planning approach providing for more greenfield zoning and development. The ARHMZ is a special case in that infill housing is not provided for, recognising the unique heritage attributes and the social and economic benefits derived from this.

2. Iwi Management Plans

When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The following iwi management plans are relevant:

The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills contain the following policies that have specific regard to subdivision and development:

3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

Policy 6. Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

Section 3.5, Southland Plains: Te Rā a Takitimu contains the following policies that have specific regard to subdivision and development:

3.5.2 Wastewater

9. Encourage creative, innovative and sustainable approaches to wastewater disposal that make use of the best technology available, and that adopt principles of waste reduction and cleaner production (e.g. recycling grey water for use on gardens, collecting stormwater for a pond that can then be used for recreation in a new subdivision).

3.5.7 Subdivision and Development

Policies 1- 18 contain a range of policies that are relevant to the Subdivision and Development cover iwi involvement in planning processing and plan development, interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

The following policies are of particular relevance;

5.6.4 Cultural Landscapes General Policies

Subdivisions:

1. To discourage subdivisions and buildings in culturally significant and highly visible landscapes.
2. To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:
 - i. All consents related to the subdivision to be sought at the same time.
 - ii. Protection of Kāi Tahu ki Otago cultural values.
 - iii. Visual amenity.
 - iv. Water requirements.
 - v. Wastewater and storm water treatment and disposal.
 - vi. Landscaping.
 - vii. Location of building platforms.
3. To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company .
4. To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.
5. To require public foot access along lakeshores and riverbanks within subdivisions.

Land Use 10.2.3 Wai Māori Policies in the Clutha/Mata-au Catchment

9. To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.
10. To promote sustainable land use in the Clutha/Mata-au Catchment.
11. To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.
12. To require reticulated community sewerage schemes that have the capacity to accommodate future population growth.

3. Otago Regional Policy Statement 1998 (RPS, 1998)

Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative *Otago Regional Policy Statement 1998* (RPS, 1998), is the relevant regional policy statement to be given effect to within the District Plan.

The operative RPS 1998 contains a number of objectives and policies that are relevant to this review, namely:

| Operative RPS 1998 Objective | Objectives | Policies | Relevance to the ARHMZ |
|---|-------------------|-----------------|--|
| To protect Otago’s outstanding natural features and landscapes from inappropriate subdivision, use and development | 5.4.3 | 5.5.6 | The ARHMZ has a unique character that is renowned internationally. |
| Sustainable land use and minimising the effects of development on the land and water | 5.4.1 | 5.5.3 to 5.5.5 | The ARHMZ does not seek further consolidation, unlike other urban areas of the District Plan Review. however the maintenance of the density expectations would maintain an existing urban land use |
| To promote sustainable management of the built environment and infrastructure, as well as avoiding or mitigating against adverse effects on natural and physical resources. | 9.4.1 to 9.4.3 | 9.5.1 to 9.5.6 | The maintenance of the zone provisions give effect to this objective. |

In addition, Method 9.6.8 of the RPS 1998 is ‘Utilise means to identify and protect regionally significant heritage sites within their district’.

Proposed Otago Regional Policy Statement 2015

Section 74 of the Act requires that a District Plan must “have regard to” any proposed regional policy statement.

The Proposed RPS was released for formal public notification on 23 May 2015, and contains the following objectives and policies relevant to the ARHMZ:

| Objective | Objectives | Policies | Relevance to the ARMHZ |
|--|------------|---------------------------|---|
| Otago's significant and highly-valued natural resources are identified, and protected or enhanced | 2.2 | 2.2.4 | The zone contains and is located amidst natural resources. |
| Good quality infrastructure and services meets community needs | 3.4 | 3.4.1 | The zone is supported by QLDC services. |
| Urban areas are well designed, sustainable and reflect local character | 3.7 | 3.7.1, 3.7.2 | The zone has a distinct character. |
| Urban growth is well designed and integrates effectively with adjoining urban and rural environments | 3.8 | 3.8.1, 3.8.2, 3.8.3 | The zone is not proposed to expand beyond the identified urban growth boundary. |
| Historic Heritage resources are recognised and contribute to the region's character and sense of identity. | 4.2 | 4.2.1, 4.2.2, 4.2.3 | The zone is endowed with historic heritage. |

4. Resource Management Issues

The issues identified for this zone are summarised as follows:

- The maintenance of the historic heritage resources of the zone;
- Utilising the Arrowtown Design Guidelines 2006 through incorporating by reference into the District Plan;
- The absence of a recession plane/height in relation boundary rule anticipates accessory buildings to be located within the 3.0 metre internal boundary setback, but could be built to a height of 5.0 metres. The provisions appear to be at odds with the 3.0 meters setback and 5.0 metre height provisions for other buildings that result in a recession plane containment angle in the order of 37°;
- Simplifying the provisions overall;
- Removing separate rules for non-residential activities. Commercial or community activities are provided for as separate activities and any building, irrespective of use, must have regard to the historic heritage of the zone and the Arrowtown Design Guidelines 2006 as a guiding principle for buildings.

The tree protection provisions are addressed on the Proposed District Plan Vegetation Chapter.

Overall, it is not considered necessary to undertake significant changes to the provisions. It is considered appropriate to retain the minimum site area, bulk and location provisions. It is considered appropriate to retain the need to obtain a resource consent to construct or undertake alterations to buildings. An exemption is proposed for building maintenance.

The resource management issues set out in this section have been identified from the following sources:

Monitoring Reports

- Heritage Monitoring Report – Heritage Structures and Precincts (2011)
- Residential Arrowtown Monitoring Report (2011)

Guidelines

- Arrowtown Design Guidelines 2006

Community Plans

- 'Tomorrows Queenstown' Community Plan (2002)
- Urban Design Strategy (2009)
- Arrowtown Community Plan (2002)

Strategies

- Queenstown and Wanaka Growth Management Options Study (2004),

- A Growth Management Strategy for the Queenstown Lakes District (2007)
- Economic Development Strategy (2015)
- Wakatipu Transportation Strategy (2007)

Studies

- Medium to High Density Housing Study: Stage 1a – Review of Background Data (Insight Economics, 2014)
- Medium to High Density Housing Study: Stage 1b – Dwelling Capacity Model Review (Insight Economics, 2014)
- Brief Analysis of Options for Reducing Speculative Land Banking (Insight Economics, 2014)
- Analysis of Visitor Accommodation projections (Insight Economics, 2015)
- Arrowtown Dwelling Supply and Demand (Insight Economics, 2015)

Consultation

The Residential Arrowtown Monitoring Report (2011) included consultation with the Arrowtown Planning Advisory Group. The recommendations of the report have been considered as part of the District Plan review and identification of issues. No specific consultation has been undertaken for the review of this zone. It is not proposed to make significant changes to the provisions, and the environmental outcomes sought are not considered necessary to change.

The key issues are:

Issue 1: Retention of Historic Heritage.

Arrowtown has a distinctive character and atmosphere which has evolved from the pattern set at the time of early gold mining in the District. The character and atmosphere depends upon the relationship developed between generally large sites established at the time of original subdivision, the small individual residential buildings erected during the development of the town and the wide road reserves with narrow sealed carriageways. This relationship has created a situation in which wide grass verges with surface drainage and mature street trees combine with the variety of mature trees and shrubs on the private land to produce the amenity values that have become associated with Arrowtown.

Buildings in the historic area are of such importance to its character that specific controls are necessary to protect the present development and to encourage future development to reflect the historic, aesthetic and amenity characteristics and values of the existing development. In most parts of this area, these buildings combine with the avenues of street trees and proximity to the historic town centre to provide a significant physical and natural resource of considerable interest and value to residents and visitors.

The Arrowtown Design Guidelines 2006 are an important tool to guide and assess development proposals in the ARHMZ. The retention of the zone's historic heritage values would benefit from the Guidelines being referred to within the provisions.

Issue 2: Maintenance of amenity values

Open space, privacy, sunlight and outlook are key determinants of on-site amenity. The Operative District Plan provisions do not have recession plane containment rules because the internal boundary setback of 3.0 metres and height limit of 5.0 meters acts as a surrogate to height in relation to boundary rules, and results in a relatively conservative 37° recession plane containment angle.

The provisions also anticipate the location of an accessory building up to the boundary for a length of up to 7.5 meters. Unlike the other residential zones there is no recession plane / height in relation to boundary limit. The outcome is that a building could be constructed up to a internal boundary for a height of 5 metres. This seems discordant with the objectives and policies of the zone. It is proposed to introduce recession plane containment angle / height in relation to boundary standard to address this issue.

Other minor changes to the standards are also identified to maintain amenity values within the zone.

Community activities will require a resource consent as a discretionary activity and any relevant matter can be assessed. Commercial activities are not anticipated in the zone. The existing provisions for 'non-

residential activities' are superfluous and any 'non-residential activity' would be subject to a resource consent. The resource consent would also assess the impacts of any changes to the site in terms of amenity or historic heritage.

A relatively confined area adjacent to the Arrowtown Town Centre Zone predominately contains commercial activities comprising a café, pub and commercial offices. It is considered appropriate to recognise these established land uses.

Issue 3: Efficient District Plan provisions

The review has identified that the drafting, structure and layout of the Operative District Plan Residential Areas Chapter would benefit from an activity based approach and a refinement of the provisions.

The issues, costs and benefits of changes to the visitor accommodation provisions are set out in the Low Density Residential Section 32 Analysis.

5. Purpose and Options

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 which 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 at 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.

Strategic Directions

The following goal, objective and policies from the Strategic Directions chapter of the draft Plan are relevant to this assessment:

Goal 3.2.3: A quality built environment taking into account the character of individual communities

Objective 3.2.3.2 *To protect the District's cultural heritage values and ensure development is sympathetic to them.*

Policy 3.2.3.2.1 *Identify heritage items and ensure they are protected from inappropriate development*

In general terms, and within the context of this review, these goals and objectives are met by:

- Providing an appropriate policy framework for activities within the zone.
- Creating efficiencies in the administration of the District Plan and reducing costs for the community;
- Avoiding commercial activities that have the potential to undermine the historic heritage values, amenity of the zone and the role of commercial centres;

Determining the most appropriate methods to resolve the issues highlighted for these areas will enable the provisions to give effect to relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the RMA.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

Broad options considered to address issues

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue and makes recommendations as to the most appropriate course of action in each case.

Option 1: Retain the operative provisions (status quo)

Option 1 would involve retaining the operative provisions in entirety.

Option 2: Refine and improve (Recommended)

Option 2 involves a review of the operative provisions to implement structure and policy framework improvements. This option does not recommend fundamental changes but takes the review as an opportunity to address the issues identified.

Option 3: Comprehensive review – Remove historic heritage emphasis and enable greater density and development potential

Option 3 would involve a comprehensive review to the zoning and anticipated environmental outcomes for the zone.

Option 1: Retain the operative provisions (status quo)

Option 2: Refine and improve (Recommended)

Option 3: Comprehensive review – Remove focus on the management of historic heritage

| | Option 1: Status quo | Option 2: Refine and Improve | Option 3: Comprehensive Review |
|-----------------|---|--|--|
| Costs | <ul style="list-style-type: none"> The provisions are unwieldy and would not improve efficient practice or improve the interpretation of the District Plan. The issues identified would not be addressed. | <ul style="list-style-type: none"> Costs associated with going through the District Plan Review process (but this is required by legislation). Costs to those that are familiar with or seek to retain the existing provisions. Costs to those seeking to retain the status quo, despite the identified deficiencies. | <ul style="list-style-type: none"> Could result in a significant change to the established neighbourhoods. The changes might not maintain the existing character and pattern of development. Could deplete the historic heritage values and high amenity values of the zone. |
| Benefits | <ul style="list-style-type: none"> Retains the established approach which parties are familiar with. Low cost for Council. | <ul style="list-style-type: none"> Maintains similar level of intervention and management with development in the zone. Maintains the important historic heritage and high amenity values. | <ul style="list-style-type: none"> Higher densities of housing are more appropriate for matters associated with efficiencies of servicing and roading. Would be a more efficient use of land within the proposed Urban Growth Boundaries. Benefit to any developer who did not agree with the historic heritage management. |
| Ranking | 2 | 1 | 3 |

6. Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline.
- Have effects on matters of national importance.
- Adversely affect those with specific interests, e.g., Residents, the Arrowtown Planning Advisory Group.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate. There are not significant changes proposed to the ARHMZ.

Where changes are proposed the detail of analysis is high. The provisions are both high level and detailed in terms of the application and administration of the rules and assessment.

7. Evaluation of proposed Objectives Section 32 (1) (a)

| Proposed Objective | Appropriateness |
|--|--|
| <p>10.2.1 Objective – Ensure development retains or enhances the character of the zone, which is characterised by larger section sizes, low scale and single storey buildings, the strong presence of trees and vegetation and limited hard paving.</p> | <p>The objective is the most appropriate way to meet the purpose of the RMA because it sets a framework for the protection and management of the important historic heritage resource. In particular the retention of historic heritage and maintenance of high amenity values.</p> <p>Meets the purpose of Section 5 and Section 31 of the RMA through providing residential housing solution which together with other residential zones, provides an integrated approach to managing urban development within the District; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.</p> <p>Consistent with Objective 3.2.3.2 of the Strategic Direction Chapter: To protect the District's cultural heritage values and ensure development is sympathetic to them.</p> <p>Gives effect to RPS objective 5.4.3, 5.4.1, 9.4.1 Gives effect to RPS policies 5.5.3 to 5.5.6, 9.5.2</p> <p>Has regard to Proposed RPS objective 3.7 and 3.8 and Objective 4.2 and policies 4.2.1, 4.2.2, 4.2.3</p> |
| <p>10.2.2 Objective - Enable residential flats as a means of providing affordable housing while generating minimal adverse effects on amenity values.</p> | <p>The objective is the most appropriate way to meet the purpose of the RMA because it recognises the retention of residential flats as a permitted activity and the low impact approach to providing a variety of accommodation options. Confirms that infill housing is not anticipated unless the minimum site size requirements are met.</p> <p>The objective meets the sustainable management of Section 5 and the functions of the Council through Section 31 of the RMA through providing residential housing solution which together with other residential zones, provides an integrated approach to managing urban development within the District; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.</p> <p>Consistent with Objective 3.2.3.2 of the Strategic Direction Chapter: To protect the District's cultural heritage values and ensure development is sympathetic to them.</p> <p>Gives effect to RPS objective 5.4.3, 5.4.1, 9.4.1 Gives effect to RPS policies 5.5.3 to 5.5.6, 9.5.2</p> <p>Has regard to Proposed RPS objective 3.7 and 3.8. Has regard to Proposed RPS objective 3.7 and 3.8 and Objective 4.2 and policies 4.2.1, 4.2.2, 4.2.3</p> |
| <p>10.2.3 Objective - Provide for community activities and services that are generally best located in a</p> | <p>The objective is the most appropriate way to meet the purpose of the RMA because it provides a framework to recognise that some non-residential activities that support a community purpose – such as healthcare services, daycare and social or cultural services – can be appropriately located in residential areas, thereby helping providing for the wellbeing of</p> |

| | |
|--|---|
| <p>residential environment close to residents.</p> | <p>people and communities.</p> <p>Supports 5(2) of the RMA through ensuring development enables people and communities to provide for their social, economic and cultural wellbeing.</p> <p>Consistent with Objective 3.2.6.3 of the Strategic Directions chapter, - Provide a high quality network of open spaces and community facilities.</p> <p>Gives effect to RPS objective 9.4.1 Has regard to Proposed RPS objective 3.7</p> <p>Supports 5(2) of the RMA through ensuring development enables people and communities to provide for their social, economic and cultural wellbeing.</p> <p>Has regard to Proposed RPS objective 3.7 and 3.8 and Objective 4.2 and policies 4.2.1, 4.2.2, 4.2.3</p> |
| <p>10.2.4 Objective - Ensure development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.</p> | <p>The objective is the best way to meet the purpose of the RMA because it specifically recognises the need to ensure development is designed and located consistent with the capacity of existing or planned infrastructure networks; and also that the layout of development can effect infrastructure demands.</p> <p>Supports Section 5(2) of the RMA by managing the way and rate that land and physical resources are used.</p> <p>Consistent with the following Strategic Directions Chapter:</p> <p>3.2.2.1 Objective - Ensure urban development occurs in a logical manner:</p> <ul style="list-style-type: none"> • to promote a compact, well designed and integrated urban form; • to manage the cost of Council infrastructure; and • to protect the District's rural landscapes from sporadic and sprawling development. <p>Gives effect to RPS objectives 9.4.1 to 9.4.3 Gives effect to RPS policies 9.5.1 to 9.5.5</p> <p>Has regard to Proposed RPS objective 3.7 and 3.8 and Objective 4.2 and policies 4.2.1, 4.2.2, 4.2.3</p> |
| <p>10.2.5 Objective - Ensure the predominant land uses are residential and where appropriate, community and recreational activities.</p> | <p>The objective is the most appropriate way to meet the purpose of the RMA because it recognises that commercial activities may have adverse amenity effects within residential environments associated with visual amenity, noise, traffic and parking. However also acknowledges that at times there may be a demonstrated need or benefit for a commercial use to locate within a low density residential environment. Low impact commercial activities, can have positive benefits on residential amenity, and may avoid the need for people to travel for access to services or amenities. However recognises that potential effects must be appropriately managed to maintain the character and integrity of the zone.</p> |

| | |
|--|---|
| | <p>Meets the purpose of the RMA (Section 5) through enabling people and communities to provide for their social, economic and cultural wellbeing; whilst managing the potential effects of development.</p> <p>Consistent with the following Strategic Directions Chapter:</p> <p>3.2.2.1 Objective - Ensure urban development occurs in a logical manner:</p> <ul style="list-style-type: none"> • to promote a compact, well designed and integrated urban form; • to manage the cost of Council infrastructure; and • to protect the District’s rural landscapes from sporadic and sprawling development. <p>Gives effect to RPS objectives 9.4.1 to 9.4.3 Has regard to Proposed RPS objectives 3.4, 3.7 and 3.8</p> <p>Has regard to Proposed RPS objective 3.7 and 3.8 and Objective 4.2 and policies 4.2.1, 4.2.2, 4.2.3</p> |
| <p>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.</p> | <p>The objective is the most appropriate way to meet the purpose of the RMA (Section 5) because it provides for the limited expansion of the commercial activities while ensuring it is sympathetic to the heritage values of the zone and the maintenance of residential amenity and coherence.</p> <p>Enables the introduction of a Town Centre Transition Overlay which provides for limited expansion of town centre activities in a discrete location adjoining the town centre. Formalises the existing creep of town centre activities in this area.</p> <p>Meets the purpose of the RMA (Section 5) through enabling people and communities to provide for their social, economic and cultural wellbeing; whilst managing the potential effects of development.</p> <p>Consistent with the following Strategic Directions Chapter:</p> <p>3.2.2.1 Objective - Ensure urban development occurs in a logical manner:</p> <ul style="list-style-type: none"> • to promote a compact, well designed and integrated urban form; • to manage the cost of Council infrastructure; and • to protect the District’s rural landscapes from sporadic and sprawling development. <p>Gives effect to RPS objectives 9.4.1 to 9.4.3</p> <p>Has regard to Proposed RPS objective 3.7 and 3.8 and Objective 4.2 and policies 4.2.1, 4.2.2, 4.2.3</p> |

The above objectives are considered to be the most appropriate methods of achieving the purpose of the Act, as they identify and give direction as to the how the specific issues that pertain to the ARHMZ are addressed.

8. Evaluation of the proposed provisions Section 32 (1) (b)

The following table considers whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient.

Issue 1: Retention of Historic Heritage.

Issue 2: Maintenance of amenity values

Issue 3: Efficient District Plan provisions

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

Objective 10.2.2 - Enable residential flats as a means of providing affordable housing whilst generating minimal adverse effects on amenity values.

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

Objective 10.2.4 - Ensure development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.

Objective 10.2.5 - Ensure the predominant land uses are residential and where appropriate, community and recreational activities.

Objective 10.2.6 - 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.

Summary of proposed provisions that give effect to these objectives:

- Providing for Residential activity as a permitted activity, community activity as discretionary activity and commercial activities as a non-complying activity.
- Retaining the requirement to obtain a resource consent to construct or alter buildings, while referencing the Arrowtown Design Guidelines 2006 for guidance and assessment of proposals.
- Retaining the fundamental bulk and location standards, with modifications as identified:
 - Building height: 5.0 metres
 - Density: one dwelling per 650m² net site area
 - Site coverage: 30%
 - Combined Site coverage: 35% - allowing small increase in the amount of building coverage and hard surfacing
 - Road boundary setback: retention of the standard to provide for existing patterns of development
 - Side and rear boundary setback: retain 3.0 metre setback and retain the exemption for accessory buildings to be located within the setback providing the following standards are met:
 - Not longer than 7.5 metres
 - Recession plane containment angle of 2.5m and 35°
 - Gable roofs may penetrate by not more than one third of the gable height
 - Recession plane standard does not apply to reserves.
- Glare

- Providing an exemption for minor alterations to not be required to obtain a resource consent as follows:

Minor alterations and additions to a building

Means any of the following:
 1. Constructing an uncovered deck of natural or dark stained timber. The deck must comply with the applicable rules and standards for activities.
 2. Changing or putting in windows or doors in an existing building that have the same profile, trims and reveal depth as the existing. .
 3. Changing existing materials or cladding with other materials or cladding of the same texture, profile, materials and colour.

- Removing standards for non-residential activities. All non-residential activities beyond the scope of home occupations require a resource consent and all relevant impacts can be assessed through the resource consent process.
- The operative District Plan Rule 7.6.3.3.i 'Trees' will be removed as a result from changes made by the Government to the RMA. Refer to Proposed District Plan Chapter 32 for proposed rules relating to tree protection in the ARHMZ.

| <i>Proposed provisions</i> | <i>Costs</i> | <i>Benefits</i> | <i>Effectiveness & Efficiency</i> |
|---|---|---|---|
| <p>Policies: All policies</p> <p>Rules: All rules</p> | <p><i>Environmental</i> Loss of residential coherence within the TCTO area however this is already established within the majority of the area identified within the overlay.</p> <p><i>Economic</i> The provisions will have the potential to constrain industrial or commercial activities in the zones.</p> <p>The provisions are more restrictive than other residential areas. However these provisions are established in the operative District Plan.</p> <p><i>Social & Cultural</i> The modification to the existing rule for accessory buildings will constrain the ability to build to the 5m height, accessory buildings would need to be located back the 3.0 metres to be built to a height of 5 metres.</p> | <p><i>Environmental</i> Maintains the dominant residential land use. Maintains the emphasis to retain historic heritage and high levels of amenity.</p> <p>The modification to the accessory building rule will maintain appropriate levels of sunlight and outlook from properties.</p> <p><i>Economic</i> The provisions provide more certainty for the Council and persons contemplating activities in the zones.</p> <p>The exemptions for minor alterations allow persons to undertake sympathetic alterations without the need to obtain a resource consent. These activities could include installing thermally insulated joinery. Reduced costs for applicants through resource consents and monitoring fees.</p> <p>Easier path for commercial activities within</p> | <p>The proposed provisions introduce clearer parameters for permitting anticipated activities, while providing direct policies to gauge the appropriateness of non-residential or community activities, or activities that can have a significant impact on amenity.</p> <p>The proposed provisions will be more effective than the Operative District Plan provisions by introducing new standards to control the potential adverse effects from the height of accessory buildings located within internal yard setbacks, and directly referencing the Arrowtown Design Guidelines 2006 as an important guiding principle to assess the visual impacts of development proposals.</p> <p>The exemption for minor alterations will provide efficiencies associated with minor construction and maintenance activities.</p> |

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| | <p>The removal of this could reduce the social wellbeing associated with constraining the ability of some property owners to develop.</p> | <p>the TCTO area. The proposed Town Centre Transition Overlay formalises the existing creep of town centre activities beyond the Town Centre Zone boundary, and enables residential activities within the overlay area to continue</p> <p>Social & Cultural Maintaining the unique and valued heritage and amenity resources of the zone provides for the zone’s inhabitants, district and visitors social wellbeing.</p> <p>Maintains the cultural and historic heritage values.</p> <p>Protecting the residential based amenity of inhabitants from the effects associated with commercial activities.</p> | <p>There will be efficiencies within the TCTO area for commercial activities, while the provisions will be effective at limiting the scale of activities to ensure the viability of the Town Centre zone is not diminished.</p> |
| <p>Alternative options considered less appropriate to achieve the relevant objectives and policies:</p> | | | |
| <p><i>Option 1: introduce rules for fencing</i></p> <p><i>Option 2: introduce rules to control the amount of hard surfacing within the road boundary setback/front yard area</i></p> | <ul style="list-style-type: none"> <i>The Arrowtown Residential Monitoring Report (2011) suggests rules could be introduced to control fencing. Noting there have been examples of modern suburban style fencing. At this point it is not considered necessary for rules to control fencing, however fencing is included in the matters of discretion associated with alterations to buildings. There is suitable guidance in the Arrowtown Design Guidelines 2006 to guide persons wishing to modify fencing.</i> <i>covering extensive areas of front yards with impermeable surfacing, often for car parking can detract from the character and amenity of the zone. Introducing a rule to limit the amount of hard surfacing within road boundary setbacks / front yard areas was considered. However, because there are no fundamental changes to the bulk and location standards, there is unlikely to be a change in development patterns, such as through infill housing that would result in front yard areas being used for car parking or other uses that may require hard surfacing.</i> | | |

9. Efficiency and effectiveness of the provisions

The ARHMZ recognises the special historic heritage and high amenity values of the old residential neighbourhood of Arrowtown. The Provisions will maintain the established pattern of development in these neighbourhoods.

The above provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well. A number of areas of the existing chapter have been removed to aid the readability of the Plan by keeping the provisions at a minimum, whilst still retaining adequate protection for the resource.

By simplifying the objectives, policies and rules (the provisions), the subject matter becomes easier to understand for users of the Plan both as applicant and administrator (processing planner). Removal of technical or confusing wording, also encourages correct use. With easier understanding, the provisions create a more efficient consent process by reducing the number of consents required and by expediting the processing of those consents.

10. The risk of not acting

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

References

- Arrowtown Design Guidelines - June 2006: [link](#)

Appendix 4. S32AA Evaluation

Appendix 4

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 (ie as per the revised chapter). The section 32AA assessment then follows in a separate table underneath each of the provisions.

Updated Rule – 10.4.2 Permitted

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|---|
| Recommended updated Rule – 10.4.2 Permitted |
| Dwelling, Residential Unit, Residential Flat . |

| Costs | Benefits | Effectiveness & Efficiency |
|--|--|---|
| <ul style="list-style-type: none"> • None identified. | <ul style="list-style-type: none"> • This change recognises that the definition of ‘Residential Unit’ encompasses ‘Residential Flat’, and that these definitions are adequate to describe and regulate the provision of residential accommodation without the need for ‘Dwelling’ also. | <ul style="list-style-type: none"> • This change is considered to be effective as it is clear in what it covers and succinct. • This change is efficient because it eliminates unnecessary duplication and reduces the potential for confusion on the meaning of these terms. |

Recommended Updated Definition – Minor Alterations and Additions to a Building

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|---|---|
| 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 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. |
|---|---|

| Costs | Benefits | Effectiveness & Efficiency |
|--|---|--|
| <ul style="list-style-type: none"> • None identified. | <ul style="list-style-type: none"> • The modification to the notified definition of “Minor Alterations and Additions to a Building” will make the interpretation and intent of the ongoing maintenance of existing buildings in the ARHMZ clearer. | <ul style="list-style-type: none"> • This change is considered to be effective as it is clear in what it covers and succinct. • This change is efficient because it achieves the intent without unnecessary limitations. |