

## Queenstown Lakes District Proposed District Plan – Stage 1

### Section 42A Hearing Report For Hearing commencing: 28 November 2016

Report dated: 2 November 2016

Report on submissions and further submissions  
**Chapter 14 Arrowtown Town Centre**

File Reference: Chp. 14 S42A

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## 1. EXECUTIVE SUMMARY

- 1.1. It is recommended that the framework, structure and majority of the provisions in the Proposed District Plan (**PDP**) Arrowtown Town Centre Zone (**ATCZ**) Chapter 14 should be retained as notified and as supported in the section 32 (**s32**) assessment (refer to **Appendix 3**). Some minor changes are considered appropriate, and these are shown in the Recommended Revised Chapter attached as **Appendix 1 (Revised Chapter)** to this evidence. These changes are in response to the issue of ensuring unobstructed kerbside bus movements raised by submissions from the Otago Regional Council (798.42 and 798.43). I have also undertaken an assessment in terms of section 32AA (**s32AA**) of the Resource Management Act 1991 (**RMA**) (see **Appendix 4**) of these changes.
- 1.2. I consider that the recommended amendments to the ATCZ chapter are more effective and efficient than the equivalent provisions within the notified ATCZ chapter and those changes sought by submitters that I have recommended to be rejected in this report. In addition, I consider that the amendments are more effective and efficient than the existing Operative District Plan (**ODP**) and better meet the purpose of the RMA.
- 1.3. The key reasons for this conclusion is that the recommended amendments would ensure that verandas are designed and constructed in a manner that doesn't interfere with kerbside movements of high-sided vehicles.

## 2. INTRODUCTION

- 2.1. My name is Amy Bowbyes, I am employed by the Queenstown Lakes District Council (**Council**) as a (part-time) Senior Policy Planner. I hold the qualifications of Bachelor of Science and Bachelor of Arts from Victoria University. I have primarily worked for local authorities in policy and district plan administration roles since 2005.
- 2.2. I am the principal author of the PDP Arrowtown Town Centre Chapter 14 and section 32 report.

## 3. CODE OF CONDUCT

- 3.1. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
- 3.2. I am authorised to give this evidence on the Council's behalf.

#### **4. SCOPE**

- 4.1. My evidence addresses the submissions and further submissions received on the notified ATCZ chapter.
- 4.2. Although the purpose of this report is not to undertake an assessment nor make recommendations on the appropriateness of the zonings, as this will be undertaken in the rezoning hearings, the relevant maps showing the ATCZ are attached in **Appendix 5**. Consequently, my evidence relates only to the notified ATCZ provisions and I have not considered any submission points that relate to the acceptability of the specific location of the ATCZ as these will be heard within the rezoning/mapping hearing(s). On this basis, I have considered the ATCZ provisions in the context of all of the notified ATCZ land.
- 4.3. For the record I confirm that one submission (Spruce Grove Trust: 560.1) seeks to increase the area of the Arrowtown Town Centre Transition Overlay across the land bounded by Berkshire Street, Arrow Lane and Wiltshire Street. This submission point has been transferred to the rezoning/planning map hearing, as shown in **Appendix 2**.
- 4.4. Although this evidence is intended to be a stand-alone document and also meet the requirements of section 42A of the RMA (**s42A**), the s32 Evaluation Report: Arrowtown Town Centre Zone is attached as **Appendix 3** for information and reference purposes. This report links to supporting documents referenced in the s32.
- 4.5. Where I recommend substantive changes to provisions I assess those changes in terms of s32AA (see **Appendix 4**). The table in **Appendix 2** outlines whether individual submissions are accepted, accepted in part, considered to be out of scope or transferred to another hearing stream.
- 4.6. I note that the visitor accommodation provisions were not withdrawn for the ATCZ, as they have been for other PDP chapters, and as such submissions on them are considered in this report.

#### **5. BACKGROUND – STATUTORY AND NON-STATUTORY DOCUMENTS**

- 5.1. The ATCZ s32 in **Appendix 3** provides an overview of the relevant legislation and higher order planning documents that were considered in the preparation of the ATCZ. In addition, a more detailed summary of relevant legislation and documents is also provided below.

##### **The Resource Management Act (RMA)**

- 5.2. The RMA and in particular the purpose and principles in Part 2, which require councils to promote the use, development and protection of the natural and physical resources for current

and future generations in order to provide for the 'four well beings' (social, economic, cultural and environmental), is relevant in the development of the ATCZ. Specifically, section 6(f), which pertains to the protection of historic heritage and the following Section 7 matters are relevant and shall be had regard to when preparing and deciding on the chapter:

- i. The efficient use and development of natural and physical resources;
- ii. the maintenance and enhancement of amenity values;
- iii. maintenance and enhancement of the quality of the environment; and
- iv. any finite characteristics of natural and physical resources.

#### **The Local Government Act 2002 (LGA)**

5.3. The LGA and in particular Section 14, emphasises the importance of taking an intergenerational approach to decision-making and the need to take into account the four well beings (social, economic, cultural and environmental).

#### **Operative Otago Regional Policy Statement (1998) (Operative RPS)**

5.4. Section 75(3) of the RMA requires that a district plan prepared by a territorial authority must "*give effect to*" any regional policy statement. In particular Chapter 9 of the Operative RPS relates to the Built Environment.

5.5. The relevant objectives and policies include Objectives 9.4.1 and 9.4.3 and Policies 9.5.1 - 9.5.5. Together these strive to achieve sustainable management of the built environment in a manner that meets the needs of the community and which avoids, remedies, or mitigates adverse effects by recognising cultural relationships; promoting the efficient development and use of infrastructure (including the transport network); minimising effects of urban development on the environment (including in relation to noise, amenity, and community values); and enhancing people's quality of life (including people's health and safety).

5.6. In my opinion, for the reasons outlined in the s32 report, the ATCZ chapter gives effect to this policy framework, makes efficient use of resources, will meet the foreseeable future needs, minimises adverse effects, and also strives to result in positive effects.

#### **Proposed Otago Regional Policy Statement 2015 (PRPS)**

5.7. Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed Regional Policy Statement. The PRPS was notified for public submissions on 23 May 2015, and on 1 October 2016 the Otago Regional Council issued a public notice stating that decisions had been made on the PRPS submissions.

- 5.8. The following objectives and policies are relevant to Chapter 15:
- i. Objective 4.4 (notified as 3.6) and Policy 4.4.6 (notified as 3.6.6).
  - ii. Objective 4.5 (notified 3.7 and 3.8 combined) and policies 4.5.1, 4.5.3, 4.5.4, 4.5.5, 4.5.6 (notified as 3.8.1, 3.7.1, 3.7.2, 3.7.3, 3.7.4)
  - iii. Objective 5.3 (notified 4.3) and Policy 5.3.3 (notified as 4.3.4)
- 5.9. In summary, together these objectives and policies aim to ensure energy supplies to communities are secure and sustainable; that urban growth and development is well designed, reflects local character, and integrates effectively with adjoining urban and rural environments; and that sufficient land is managed and protected for economic production.
- 5.10. I note that the changes made to the PRPS through the decisions are relatively minor where they relate to the ATCZ and, in my opinion, do not fundamentally change the conclusion reached in the s32 report (that the chapter has had due regard for the PRPS) and will not have any effect on the appropriateness of the recommended ATCZ provisions. In the event that the decisions on the PRPS are made operative I consider that the ATCZ gives effect to the objectives and policies.

### **Iwi Management Plans**

- 5.11. When preparing or changing a district plan, section 74(2A) of the RMA states that local authorities 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. Two iwi management plans are relevant:
- i. *The Cry of the People, Te Tangi a Taurira*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (**MNRMP 2008**); and
  - ii. *Kāi Tahu ki Otago* Natural Resource Management Plan 2005 (**KTKO NRMP 2005**).

### **Proposed National Policy Statement on Urban Development Capacity (NPSUDC)**

- 5.12. The Minister for the Environment notified the Proposed NPSUDC for public consultation on 2 June 2016, with submissions closing on 15 July 2016. The scope of the proposed NPSUDC relates to the provision of development capacity in local authority plans to address both housing and business needs. The proposed NPSUDC does not hold any statutory weight.
- 5.13. The proposed NPSUDC identifies Queenstown as a high growth urban area (projected to experience population growth of over 10% in the next 10 years) and applies objectives and policies for local authorities to implement through its planning documents. I note that QLDC lodged a formal submission (dated 14 July 2016) with the Ministry for the Environment that, amongst other matters, seeks clarification as to the extent of the geographic area that the NPS

would apply to (i.e. whether the references to 'Queenstown' include the entire Wakatipu Basin, which would include Arrowtown). This matter is yet to be clarified.

5.14. The following objectives of the proposed NPSUDC are of relevance:

- i. OA1: To support effective and efficient urban areas that enable people and communities to provide for their social, economic and cultural wellbeing.
- ii. OA2: To provide sufficient residential and business development capacity to enable urban areas to meet residential and business demand.
- iii. OA3: To enable ongoing development and change in urban areas.
- iv. OB1: To ensure plans and regional policy statements are based on a robust, accurate and frequently-updated evidence base.
- v. OC1: To promote coordination within and between local authorities and infrastructure providers in urban areas, consistent planning decisions, integrated land use and infrastructure planning, and responsive planning processes.
- vi. OD1: To ensure that planning decisions enable urban development in the short, medium and long-terms.
- vii. OD2: To ensure that in the short and medium terms local authorities adapt and respond to market activity.

5.15. The above objectives (although they hold no legal weight at present) are reflected in the ATCZ provisions through enabling slightly more capacity within the Zone than that enabled by the ODP through the provision for business activities occurring within the Town Centre Transition Overlay, albeit this overlay sits within the notified Arrowtown Residential Historic Management Zone.

5.16. I became aware on 1 November, when finalising this s42A report, that the final NPSUDC has been approved. I have not had an opportunity to consider the approved version in this s42A, but will do so prior to the Business hearing.<sup>1</sup>

### **Monitoring Report for the Town Centre Zones – May 2012**

5.17. This report identified a number of high level issues for further consideration in the PDP which are relevant to the ATCZ:<sup>2</sup>

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1 [http://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/National\\_Policy\\_Statement\\_on\\_Urban\\_Development\\_Capacity\\_2016-final.pdf](http://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/National_Policy_Statement_on_Urban_Development_Capacity_2016-final.pdf)

2 Page 22 of the Monitoring Report for the Town Centre Zones – May 2012.

1. *A revision of the Objectives and Policies to reflect the role of these [town centre] zones more effectively.*
2. *A revision of provisions related to reverse sensitivity issues to better enable the sustainable management of these zones for the activities they are primarily intended for.*
3. *A review of site and zone standards and the adequacy of associated assessment matters.*

### **Arrowtown Design Guidelines (2006)**

5.18. The Arrowtown Design Guidelines 2006 were developed to provide assistance to the community and decision makers where development is proposed within Arrowtown. The scope of the guidelines encompassed the whole of Arrowtown, with a focus on the town centre and early residential area.

### **Arrowtown Design Guidelines (2016)**

5.19. The Arrowtown Design Guidelines 2016 have been notified as Variation 1 to the PDP with submissions closing on 17 August 2016. Included within Variation 1 is the proposal to amend all of the references in the PDP from 'Arrowtown Design Guidelines 2006' to 'Arrowtown Design Guidelines 2016'.

5.20. The Arrowtown Design Guidelines 2016 are applicable to the ATCZ and are "*focus[ed] on protecting, conserving and enhancing the heritage character and urban amenity values of this character area. This area is more sensitive than others and requires more detailed guidance.*"<sup>3</sup>

5.21. A separate s42A report has been prepared on Variation 1, and the 2016 Guidelines.

### **PDP Strategic Directions Chapter 3**

5.22. This chapter sets out the over-arching strategic direction for the management of growth, land use and development in the District and gives direction to the rest of the plan. The following objectives<sup>4</sup> are relevant to the ATCZ:

*Objective 3.2.1.1 - The Queenstown and Wanaka town centres are the hubs of New Zealand's premier alpine resorts and the District's economy.*

*Objective 3.2.1.4 - The significant socioeconomic benefits of tourism activities across the District are provided for and enabled.*

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3 Page 50, notified version of Arrowtown Design Guidelines 2016.

4 Strategic Direction Hearings – Recommended Revised Chapter – Reply 07/04/2016.

*Objective 3.2.1.5 - Development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.*

*Objective 3.2.2.2 - Development in areas affected by natural hazards is appropriately managed.*

*Objective 3.2.3.1 - A built environment that ensures our urban areas are desirable and safe places to live, work and play.*

*Objective 3.2.3.2 - Development is sympathetic to the District's cultural heritage values.*

*Objective 3.2.6.3 - A high quality network of open spaces and community facilities.*

*Objective 3.2.6.4 - Safe and healthy communities through good quality subdivision and building design.*

5.23. The ATCZ is considered to implement these objectives and the supporting policies that, in my view, provide clear and concise direction in relation to how the Council aims to maintain and enhance the commercial hubs of the District.

#### **Urban Development - Chapter 4**

5.24. Chapter 4 sets out the objectives and policies for managing the spatial location and layout of urban development within the District. The following objectives<sup>5</sup> are relevant to Chapter 15:

*Objective 4.2.1 - Urban development is integrated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.*

*Objective 4.2.3 – Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.*

*Objective 4.2.4 - Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary.*

5.25. I consider the ATCZ to be consistent with these objectives and the supporting policies which, in my view, provide clear and concise direction in relation to how the Council aims to manage growth within the urban growth boundaries.

#### **Tangata whenua - Chapter 5**

5.26. Chapter 5 sets out the objectives and policies for ensuring tangata whenua issues are appropriately considered throughout the District Plan. The following objective and policy<sup>6</sup> are most relevant to the ATCZ:

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5 Strategic Direction Hearing – Recommended Revised Chapter – Reply 07/04/2016.

6 Strategic Direction Hearing – Recommended Revised Chapter – Reply 07/04/2016.



#### *5.4.2 Objective - Provide for a Ngāi Tahu presence in the built environment*

*5.4.2.1 Collaborate with Ngāi Tahu in the design of the built environment including planting, public spaces, use of Ngāi Tahu place names and interpretive material.*

5.27. I consider the ATCZ to be consistent with this Objective and Policy as the ATCZ would not, in my view, place any inappropriate barriers on the ability for Ngāi Tahu to influence development within the zone.

## **6 OVERVIEW OF THE ISSUES**

6.1 The Arrowtown Town Centre is the focus of commercial activities, in particular retail activities, occurring in Arrowtown. The centre provides services and amenities for the local community and provides a tourist experience for visitors to the District. The centre has strong heritage values that are highly valued by the local community and are an attraction for visitors to the District.

6.2 Notified Planning Map 28 (attached in **Appendix 5**) depicts the extent of the ATCZ and shows the relationship of the centre to the adjoining residential areas and Arrow River.

6.3 The overarching purpose of the planning framework for the ATCZ is to enable the Town Centre to continue to function as a key destination for tourists and as an important commercial centre for the Arrowtown community, whilst ensuring that heritage values continue to be maintained. The Town Centre is a mixed use environment, with the PDP enabling residential and visitor accommodation activities above ground floor level. As such, the ATCZ seeks to achieve appropriate levels of amenity for residents, with sufficient flexibility that allows vibrant activities such as bars and restaurants to operate.

### **Issues identified with the ODP**

6.4 A s32 report (included in **Appendix 3**) was prepared to assist in and provide a record of the analysis and decision making undertaken during the preparation of the proposed provisions. This report considered the following key changes to address the issues identified in the Monitoring Report:<sup>7</sup>

- i. further strengthen the role of the Arrowtown Design Guidelines and provide clearer policies regarding building design in the specific Arrowtown context;
- ii. address inefficiencies in the consenting requirements by reviewing the bulk and location rules and considering whether the operative rules could be simplified; and
- iii. formalise/control the existing creep of commercial activities into adjoining residential areas.

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7 Monitoring Report for the Town Centre Zones – May 2012.

6.5 After considering the submissions on the proposed ATCZ it is my view that the above issues are still relevant along with the effects on transport due to poorly designed shop front verandas, which was identified in the Otago Regional Council's submission (798.42 and 798.43).

6.6 I note that Variation 1 to the PDP was notified on 20 July 2016 and replaces the Arrowtown Design Guidelines 2006 with the Arrowtown Design Guidelines 2016 within the ATCZ chapter (amongst others).

## Chapter Structure

6.7 As part of the review process, the ODP ATCZ chapter was restructured to fit into the PDP layout and then notified as part of the PDP. The overarching goal of revising the layout was to make it more legible, and therefore more accessible to non-planners. This included putting the ATCZ objectives and provisions together in their own stand-alone chapter, rather than bundling together all the town centre zones into one chapter as they are in the ODP.

6.8 I note that the Arrowtown Town Centre Transition Overlay (**ATCTO**), which enables commercial activities to establish in a discrete area of land adjoining the ATCZ, is structured to sit within the Arrowtown Residential Historic Management Zone (**ARHMZ**). The main purpose of structuring the overlay in this way is so that the ARHMZ standards, in particular those pertaining to the bulk and location of buildings, would continue to apply within the overlay area. As an area of transition, it is considered this would be the most appropriate method of enabling and formalising the existing creep of commercial activities into the overlay area, whilst limiting any resultant effects on residential amenity. The ATCTO is discussed further in the following paragraph.

## Comparing the ODP to the PDP

6.9 Using the ODP as a baseline, the main changes proposed for the ATCZ are as follows:

- i. The ODP objectives and policies have been reworded, and in some instances consolidated.
- ii. The explanatory text that accompanies the objectives and policies has been removed and combined into the objectives and policies where appropriate.
- iii. The implementation methods have been removed.
- iv. The ATCTO has been introduced across land adjoining the Town Centre (shown on notified Planning Maps 27 & 28 at **Appendix 5**). The land is currently zoned for residential use and the PDP seeks to continue enabling residential activities under the notified version of the ARHMZ. Land within the ATCTO, however is currently

used for a mixture of commercial and residential activities and the ATCTO seeks to formalise this mixture of uses. Limits on retailing within the ATCTO are in place to encourage retailing to establish within the ATCZ, rather than the ATCTO. A corresponding policy has been introduced to the ATCZ.

- v. The Arrowtown Design Guidelines 2006 are now referenced in the notified Chapter. Variation 1 to the PDP changes this reference to the new Arrowtown Design Guidelines 2016.
- vi. Several activities have been shifted from non-complying to prohibited activity status. These activities include factory farming, forestry, mining and airport activities.
- vii. Residential flats have been removed from the list of non-complying activities, and notified as permitted activities, subject to compliance with standards.
- viii. For restricted discretionary and controlled activities, the matters for control/discretion are typically more targeted.
- ix. The restrictions on activities able to establish at ground floor level fronting Buckingham Street (Rule 10.8.5iii of the ODP) have been removed.
- x. The requirement for the street façade of buildings to be 3m has been removed (Rule 10.8.5iv of the ODP).
- xi. The requirement for buildings used for residential activities to have an outdoor living area has been removed (Rule 10.8.5vii of the ODP).
- xii. A 5dB increase in night-time LAF Max noise limit to 75dB has been introduced (note that the LAeq (15 min) noise limit would remain at the ODP level of 50dB), and an exemption from noise limits for outdoor public events has been introduced.
- xiii. The standards for lighting glare have been widened to also limit the effects on the night sky.
- xiv. Applications for buildings would be considered on a non-notified basis.
- xv. Applications for breaches of sunlight access and setbacks from internal boundaries would not be publicly notified, but could be limited notified.

## **7 SUBMISSIONS**

7.1 The RMA, as amended in December 2013, no longer requires a report prepared under section 42A, or the Council decision, to address each submission point. Instead, it requires a summary of the issues raised in the submissions.

7.2 17 submission points and 8 further submission points were received in respect of the ATCZ.

7.3 The submission points received in regard to the proposed ATCTO, which sits within the Arrowtown Residential Historic Management Zone (Chapter 10 of the Notified Version of the PDP), were heard as part of the Residential hearing stream that commenced on 10 October 2016.

7.4 Due to the small number of submissions received on the ATCZ, they are grouped where possible, and those submission points that are unable to be grouped are considered individually in the below analysis.

## **8 ANALYSIS**

8.1 This section considers and makes recommendations on the issues identified by submitters that relate to specific objectives, policies or rules.

8.2 Submissions are addressed under the following headings:

- i. Issue 1 – Vehicular access to Buckingham Street.
- ii. Issue 2 – Veranda heights and effects on public transport.
- iii. Issue 3 – Height limit – exempt fire station towers.
- iv. Issue 4 – Consolidation of activities within the Urban Growth Boundary.
- v. Issue 5 – General support/opposition for various provisions.
- vi. Issue 6 – General – other matters.

8.3 Where a provision has not been submitted on or where a submission is without any coherent basis or reasoning, the submission point is unlikely to have been directly discussed within this report (although a recommendation is set out in **Appendix 2**).

8.4 Throughout this evidence I refer to specific provisions of the ATCZ. Where the numbering has changed due to amendments made through this s42A report, I have referred to both the notified and redrafted numbering for ease of use.

## **9 ISSUE 1 – VEHICULAR ACCESS TO BUCKINGHAM STREET**

9.1 N and C Beggs (255.8) consider that vehicles should be excluded from Buckingham Street, specifically the section between Berkshire Street and Wiltshire Street, and that appropriate management is implemented to allow daily delivery access and use for special events.

9.2 In its capacity as the Road Controlling Authority the Council does have the ability to place restrictions on the use of public roads; however the process for this sits outside the District Plan and this district plan review hearing.

9.3 As such I have consulted the Council's Property and Infrastructure Team who confirm that they are aware of on-going debate in the Arrowtown community regarding this issue. They have advised that the formal mechanism for the closure of any road is via a change to the Council's Traffic and Parking Bylaw.

- 9.4 The Property and Infrastructure Team confirmed that road closures do occur on Buckingham Street from time-to-time to restrict vehicle access during public events.
- 9.5 Notified Rule 14.5.6 seeks to limit the impact of vehicles accessing on-site loading and storage spaces by requiring alternative access to be first considered (this rule replicates the ODP Rule 10.8.5.1viii). This rule is in respect of vehicle access and movements within sites, rather than restricting access within the carriageway/roading corridor as the submitters are seeking.
- 9.6 It is my view that if such a policy was to be introduced it should be considered in conjunction with the review of the Transport section of the ODP. However, the Transport section is set down for review and notification in Stage 2 of the District Plan Review.
- 9.7 As such, it is my view that the relief is more appropriately addressed in Stage 2, and I recommend that the submitter consider the Transport chapter upon its notification. I therefore recommend that the requested relief be rejected on this basis.

## 10 ISSUE 2 – VERANDA HEIGHTS AND EFFECTS ON PUBLIC TRANSPORT

- 10.1 The Otago Regional Council submissions (798.42 & 798.43) assert that poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement. Notified Rules 14.4.2 and 14.4.4 are mentioned in the submission, however no specific relief is requested.

- 10.2 Notified Policy 14.2.1.5 is relevant:

*14.2.1.5 Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape, while providing appropriate cover for pedestrians.*

- 10.3 Within notified Activity Table 14.4, Rule 14.4.2 lists verandas as a controlled activity and sets out the matters of control, namely:

*Design, appearance, materials, impact on and relationship to adjoining verandas (to be guided by the Arrowsmith Design Guidelines 2006) to avoid, remedy or mitigate adverse effects on:*

- *Neighbouring buildings and verandas;*
- ***The extent to which the veranda affects the use and enjoyment of the streetscape; and***
- *The appearance of the building. (my emphasis)*

10.4 It is my view that the submitter does raise an issue that is appropriate to address, and I consider this should be done through a matter of control. It is arguable that the second bullet point (in bold, above) is already wide enough in scope to cover the submitter's issue, however for the avoidance of doubt and for clarity, I consider it would be appropriate to address the issue specifically.

10.5 Accordingly, I recommend an amendment to notified Policy 14.2.1.5 and notified Rule 14.4.2 to ensure that verandas are designed and located to enable unobstructed kerbside movements of high-sided vehicles. These changes are shown in **Appendix 1** and are considered in the s32AA evaluation included in **Appendix 4**.

## **11 ISSUE 3 – HEIGHT LIMIT – EXEMPTION SOUGHT FOR FIRE STATION TOWERS**

11.1 The NZ Fire Service (438.31) seeks that fire station towers (drying towers) are exempted from notified Rule 14.5.7. This rule limits building height in the ATCZ to 7m, with breaches requiring resource consent for a non-complying activity. I have read the s42A report for the ARHMZ, as the NZ Fire Service sought similar relief on that chapter.

11.2 I note that the fire station is currently located at 2 Hertford Street, which is near the Town Centre, but located within the ARHMZ.

11.3 The submission notes that in the PDP, at the objective and policy level, provision of emergency services is supported, however the policy is not implemented through corresponding rules. I note that notified Rule 14.4.1, which applies a 'catch-all' permitted activity status to all activities not otherwise listed in Table 14.4, would enable fire stations as a permitted activity. This rule assists with implementing notified Policy 14.2.3.1 that seeks provision of... *"a diverse range of activities that meet the needs of residents and visitors, and enables the town centre to have a broad economic base."*

11.4 This policy must however, in my view, be balanced against the policies that place a strong emphasis on appropriate building design and appearance in the ATCZ. In my view, it is appropriate that the design of a fire station should be subject to the same rigour as other development proposals within the ATCZ, including compliance with the prescribed maximum building height set out in notified Rule 14.5.7. Enabling construction of fire station towers of unlimited height may result in structures that significantly undermine the heritage and amenity values of the Centre. The relief sought would, in my view, not assist with achieving notified Objectives 14.2.1 and 14.2.2 and would not assist with the implementation of notified Policies 14.2.1.1, 14.2.1.2, 14.2.1.3, 14.2.2.3 and 14.2.2.4.

11.5 I therefore recommend that the requested relief be rejected.

## 12 ISSUE 4 – CONSOLIDATION OF ACTIVITIES WITHIN THE URBAN GROWTH BOUNDARY

- 12.1 NZIA Architecture + Women Southern (NZIA) (238.87) supports enabling additional density within the urban growth boundary. The submission then goes on to assert that "*...residential developments adjacent or just outside the Urban Growth Boundary of Arrowtown will erode the character of Arrowtown and underline the value of establishing a growth boundary*".
- 12.2 The submission point appears to have more relevance to Arrowtown's residential zones, although the submission point was specifically applied by the NZIA to the Arrowtown Town Centre chapter. Regardless, insofar as it relates to the ATCZ, I recommend that the submission point be accepted with no consequential changes necessary to the recommended revised chapter attached as **Appendix 1**.
- 12.3 The further submissions received in opposition to this submission point (FS 1107.92, FS1157.47, FS1226.92, FS1234.92, FS1239.92, FS1241.92, FS1248.92 and FS1249.92) provide only generic reasons as to why the submission point is opposed. I recommend that the further submissions be rejected as they do not provide any specific reasons as to why enabling further density within the urban growth boundary should not be supported.

## 13 ISSUE 5 – GENERAL

### Submission points supporting various provisions of the notified version

- 13.1 A number of submission points support various proposed objectives and provisions of the notified ATCZ with no further comment provided by the submitter.<sup>8</sup> These points are listed in **Appendix 2** and are not discussed in further detail as the submissions support the various provisions and do not seek further relief. I recommend these submission points be accepted.

### Submission points rejecting various provisions of the notified version

- 13.2 Sam Gent (223.7, 223.9, 223.10, 223.11, 223.12, and 223.13) has submitted in opposition to the following proposed provisions:
- i. 14.1 – Zone purpose;
  - ii. 14.2.1 – Objective 1;
  - iii. 14.2.2 – Objective 2; and
  - iv. 14.4 – Rules – Activities Table.

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8 Craig Douglas (199.20), Kain Fround (19.28), Sam Gent (223.15, 223.16 and 223.17) and the NZ Fire Service (438.30).

13.3 No further information is provided by the submitter either detailing the specific nature of the opposition or any relief sought.

13.4 The above submission points do not provide any evidence that alter my view that the notified objectives and provisions, with the incorporation of the minor changes shown in **Appendix 1**, are appropriate in meeting the purpose of the RMA. I therefore recommend that the submissions points be rejected, as shown in **Appendix 2**.

## **14 ISSUE 6 – GENERAL – OTHER MATTERS**

### **Drafting style for objectives and policies**

14.1 In the Panel's Fourth Procedural Minute dated 8 April 2016, concern was expressed that many objectives and policies were not framed as such. I have considered this matter but do not recommend any changes as I do not think any are necessary.

### **Recommended changes to notified Rule 14.4.4 – matter of discretion for natural hazards**

14.2 As notified, 14.4.4 is a mix of a matter of discretion and an assessment matter. As shown in **Appendix 1**, I recommend that the matter of discretion for natural hazards in notified Rule 14.4.4 is modified to remove the requirement for an assessment by a suitably qualified person. This recommended change is consistent with the recommended change across the business and residential chapters of the PDP (to come, I understand, in the reply), and gives effect to notified Policy 28.3.2.3 of Chapter 28 (Natural Hazards). Notified Policy 28.3.2.3 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.

### **Recommended changes for clarification and improvement**

14.3 A number of non-substantive changes are recommended to be made to the provisions to clarify the intent and improve the drafting of the chapter, at **Appendix 1**. A number of these have been discussed in other hearing streams and in the interests of consistency I have also recommended these changes. I consider that the changes do not alter the regulatory effect or change the geographic application of the provision and I consider the Panel are able to recommend these changes are made without a submission on the provisions.

14.4 I have identified some provisions in the notified chapter that could be improved, however no submissions have been made on these and the changes recommended would lessen the regulatory effect of the rule. Therefore, I do not consider that the Panel are able to recommend these changes without a submission. These provisions are:



- i. Notified Rule 14.5.9.1. The component of the rule that states... *as to limit effects on the night sky* ... in my view provides too much discretion and subjectivity associated with whether a activity would be compliant; and
- ii. Notified 14.5.9.4 which states that.... *All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.* Nearly all surfaces, especially all roofs that comprise pressed steel (i.e. brands such as colorsteel) emit a reflectance value to some degree. Even the more recessive coloursteel colours on the market have a light reflectance value in the order of 10% (Ironsand)<sup>9</sup>.

14.5 In any event, those parts of notified Rules 14.5.9.1 and 14.5.9.4 set out above are, as shown in **Appendix 1**, considered to be ultra vires and therefore in my view should be removed from the PDP.

### **Subdivision and Development Chapter 27 of the PDP**

14.6 The Subdivision and Development Chapter was heard in Hearing Stream 04 between 25 July and 17 August 2016.

14.7 Subdivision of land within the ATCZ is a restricted discretionary activity in accordance with redrafted Rule 27.5.6 (notified Rule 27.5.5) of the Subdivision Chapter (Chapter 27).<sup>10</sup> In addition, notified Rule 27.6 prescribes that there is no minimum lot area for subdivision within the ATCZ.

14.8 I note that no submissions were received specifically seeking to amend the above density regime as it applies to the ATCZ, and therefore no changes are recommended. I have included the relevant Chapter 27 provisions at the end of **Appendix 1** for reference purposes.

## **15 CONCLUSION**

15.1 On the basis of my analysis within this report, I recommend that the changes shown within the revised chapter in **Appendix 1** are accepted.

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<sup>9</sup> [http://www.roof.co.nz/uploads/resources/Colorsteel\\_luminous\\_reflectance\\_values.pdf](http://www.roof.co.nz/uploads/resources/Colorsteel_luminous_reflectance_values.pdf).

<sup>10</sup> Subdivision and Development Hearing – Recommended Revised Chapter – Reply 26/08/2016.

15.2 The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.

A handwritten signature in black ink, appearing to read 'Amy Bowbyes', with a stylized, flowing script.

Amy Bowbyes  
Senior Planner  
**2 November 2016**

## **Appendix 1. Recommended Revised Chapter**

# ARROWTOWN TOWN CENTRE 14

## Key:

Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Section 42A report, Appendix 1, dated 2 November 2016.

## 14 ArrowsTown Town Centre

### 14.1 Zone Purpose

Town centres provide a focus for community life, retail, entertainment, business and services. They provide a vital function for serving the needs of residents, and as key destinations for visitors to our District, they provide a diverse range of visitor accommodation and visitor-related businesses. High visitor flows significantly contribute to the vibrancy and economic viability of the centres.

ArrowsTown's special heritage character attracts those visiting the District, and the town centre provides business and retailing for local residents at a boutique scale. The centre will serve a growing resident population and visitor numbers, and will continue to be a focal point for community activities and amenities. Its compact form enables people to access the town centre on foot. Links and pathways facilitate the movement of pedestrians, adding interest for visitors exploring the centre, and complementing the town's character.

### 14.2 Objectives and Policies

#### 14.2.1 Objective – New development celebrates the town's historic character and is sympathetic to its environmental setting.

#### Policies

14.2.1.1 Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and reflects the essential historic character of the town centre and its unique environmental setting.

14.2.1.2 Ensure that any additions or alterations to buildings are undertaken in a manner that complements and respects the historic character and is consistent with the outcomes sought by the ArrowsTown Design Guidelines 2016.

14.2.1.3 Acknowledge that new buildings do not necessarily need to replicate historic building styles, but must blend in with and contribute to the established character of the town centre.

14.2.1.4 Encourage building design that integrates with public spaces and facilitates the flow of pedestrians through the town centre.

14.2.1.5 Control the design and appearance of verandas so they integrate well with the buildings they are attached to ~~and~~ complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, while providing appropriate cover for pedestrians.

**Comment [AB1]:** Change from 2006 to 2016 made by Variation 1.

#### 14.2.2 Objective – ArrowsTown is a compact, convenient and attractive town centre that has a low scale built form, with limited opportunities for expansion.

**Comment [AB2]:** Subs 798. 42 and 798.43

## ARROWTOWN TOWN CENTRE 14

### Policies

- 14.2.2.1 Provide for the controlled expansion of town centre activities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the town centre.
- 14.2.2.2 Discourage outward expansion of town centre activities in areas other than the Town Centre Transition Overlay in order to ensure that the town centre maintains a compact form.
- 14.2.2.3 Ensure that development generally comprises a low scale to maintain consistency with the scale and character of existing town centre buildings.
- 14.2.2.4 Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.
- 14.2.2.5 Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.
- 14.2.2.6 Ensure that outdoor storage areas are appropriately located and screened to limit adverse visual effects and to be consistent with the amenity values of the town centre.
- 14.2.3 Objective – Arrowtown town centre is a focus for commercial, cultural, entertainment and visitor activities.**

### Policies

- 14.2.3.1 Provide for a diverse range of activities that meet the needs of residents and visitors, and enables the town centre to have a broad economic base.
- 14.2.3.2 Enable residential activities and visitor accommodation activities above ground floor level whilst acknowledging that there will be a lower level of residential amenity due to the mix of activities of the town centre.
- 14.2.4 Objective – Appropriate limits are placed on town centre activities to minimise adverse environmental effects within and beyond the town centre.**

### Policies

- 14.2.4.1 Provide appropriate noise limits for town centre activities to minimise adverse noise effects received within the town centre and by nearby properties.
- 14.2.4.2 Avoid the establishment of activities that cause noxious effects that are not appropriate for the town centre.
- 14.2.4.3 Ensure that the location and direction of lights in the town centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.
- 14.2.4.4 Avoid the establishment of activities that are not consistent with the amenity values of the town centre, cause inappropriate environmental effects, and are more appropriately located in other zones.
- 14.2.5 Objective – The town centre's transport network and pedestrian linkages recognise Arrowtown's heritage values, enabling the safe and convenient movement of people and goods.**

### Policies

- 14.2.5.1 Implement programmes of street and other public open space improvements in a manner that is consistent with the town's heritage values, to enhance pedestrian amenity and improve the flow of pedestrians through the town centre.

# ARROWTOWN TOWN CENTRE 14

- 14.2.5.2 Pedestrian linkages enable people to easily negotiate their way through and around the town centre, including linkages with the Arrow River recreation area.
- 14.2.5.3 Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration, public and semi-public spaces, and landscaping.
- 14.2.5.4 Encourage vehicle loading areas to be located in streets other than Buckingham Street to avoid impacting on pedestrian and vehicle movements, and to limit any adverse effects on amenity.
- 14.2.5.5 Encourage the location of off-street parking at appropriate locations on the periphery of the town centre so as to limit the impact of vehicles on town centre amenity, particularly during peak visitor periods.
- 14.2.5.6 Manage the transport network and traffic so as to reduce its negative impacts on the town centre and to increase safety and amenity for pedestrians.

## 14.3 Other Provisions and Rules

### 14.3.1 District Wide

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
<del>24</del> —Signs (18 <u>Operative DP</u> )	<del>25</del> —Earthworks (22 <u>Operative DP</u> )	26 Historic Heritage
27 Subdivision	28 Natural Hazards	<del>29</del> —Transport (14 <u>Operative DP</u> )
30 Utilities and Renewable Energy	<del>31</del> —Hazardous Substances (16 <u>Operative DP</u> )	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

**Comment [AB3]:** Minor, non-substantive changes to this table for clarification and consistency with other chapters.

### 14.3.2 Clarification

#### Advice Notes

14.3.2.1 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.

14.3.2.2 The following abbreviations are used within this Chapter.

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

**Comment [AB4]:** Minor, non-substantive change for clarification only and consistency with other chapters.

# ARROWTOWN TOWN CENTRE 14

## 14.4 Rules - Activities

	Activities located in the Arrowtown Town Centre Zone	Activity status
14.4.1	Activities which are not listed in this table and comply with all standards	P
14.4.2	<p><b>Verandas</b>, in respect of: design, appearance, materials, impact on and relationship to adjoining verandas (to be guided by the Arrowtown Design Guidelines 2016) to avoid, remedy or mitigate adverse effects on:</p> <ul style="list-style-type: none"> <li>• Neighbouring buildings and verandas;</li> <li>• The extent to which the veranda affects the use and enjoyment of the streetscape, <u>including enabling unobstructed kerbside movements of high-sided vehicles</u>; and</li> <li>• The appearance of the building.</li> </ul>	C
14.4.3	<p><b>Visitor Accommodation</b>, in respect of:</p> <ul style="list-style-type: none"> <li>• The location, provision, and screening of access and parking, traffic generation, and Travel Demand Management;</li> <li>• Landscaping;</li> <li>• The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses;</li> <li>• The location and screening of bus and car parking from public places to ensure visual amenity is adequately protected; and</li> <li>• Where the site adjoins a residential zone: <ul style="list-style-type: none"> <li>a. Noise generation and methods of mitigation; and</li> <li>b. Hours of operation, in respect of ancillary activities.</li> </ul> </li> </ul>	C

**Comment [AB5]:** Change from 2006 to 2016 made by Variation 1.

**Comment [AB6]:** Subs 798. 42 and 798.43

# ARROWTOWN TOWN CENTRE 14

	Activities located in the Arrowtown Town Centre Zone	Activity status
14.4.4	<p><b>Buildings (including external alterations to existing buildings)</b></p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> <li>• external appearance;</li> <li>• materials;</li> <li>• signage platform;</li> <li>• lighting;</li> <li>• impact on the street;</li> <li>• relationship to heritage values (to be guided by the Arrowtown Design Guidelines 2016);</li> <li>• compatibility with adjoining buildings;</li> <li>• the retention of pedestrian linkages between Arrow Lane, Buckingham Street and Ramshaw Lane, having regard to the National Guidelines for Crime Prevention Through Environmental Design (CPTED); and</li> <li>•</li> </ul> <p><del>Where a site is subject to any natural hazards and where the proposal to results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses including considering 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 such risk can be avoided or sufficiently mitigated.<sup>1</sup></del></p> <p><u>Assessment Matters relating to natural hazards:</u></p> <ul style="list-style-type: none"> <li>• the nature and degree of risk the hazard(s) pose to people and property;</li> <li>• whether the proposal will alter the risk to any site; and</li> <li>• whether such risk can be avoided or sufficiently reduced.</li> </ul>	RD*

**Comment [AB7]:** Change from 2006 to 2016 made by Variation 1.

**Comment [AB8]:** Minor, non-substantive change to re-phrase to be a matter of discretion, with the accompanying guidance clearly listed as assessment matters. The change also implements notified Policy 28.3.2.3 of Chapter 28 (Natural Hazards), which lists the information requirements for natural hazards assessments, but does not include a requirement for all natural hazard assessments to be undertaken by a suitably qualified person.

<sup>1</sup> Policies that guide the assessment of proposals on land affected by natural hazards are located in Chapter 28.



## ARROWTOWN TOWN CENTRE 14

	Activities located in the Arrowtown Town Centre Zone	Activity status
14.4.5	<p><b>Licensed Premises</b> 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:</p> <p>14.4.5.1 to any person who is residing (permanently or temporarily) on the premises;</p> <p>14.4.5.2 to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> <li>• The scale of the activity;</li> <li>• Car parking and traffic generation;</li> <li>• Effects on amenity (including that of adjoining residential zones and public reserves);</li> <li>• The configuration of activities within the building and site (e.g. outdoor seating, entrances);</li> <li>• Noise issues;</li> <li>• Hours of operation; and</li> <li>• Any relevant Council alcohol policy or bylaw.</li> </ul>	RD*
14.4.6	<b>Industrial Activities not otherwise provided for in this table</b>	NC
14.4.7	<b>Factory Farming</b>	PR
14.4.8	<b>Forestry Activities</b>	PR
14.4.9	<b>Mining Activities</b>	PR
14.4.10	<b>Airport</b>	PR
14.4.11	<b>Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.</b>	PR

### 14.5 Rules - Standards

	Standards for activities located in the Arrowtown Town Centre Zone	Non-compliance status
14.5.1	<p><b>Building Coverage:</b> Maximum building coverage 90%</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> <li>• consistency with the Arrowtown Design Guidelines 2016;</li> <li>• effects on the streetscape; and</li> <li>• ability to meet storage and loading requirements.</li> </ul>	RD*

**Comment [AB9]:** Minor, non-substantive change to make consistent with other chapters

**Comment [AB10]:** Change from 2006 to 2016 made by Variation 1.

## ARROWTOWN TOWN CENTRE 14

	<b>Standards for activities located in the Arrowtown Town Centre Zone</b>	<b>Non-compliance status</b>
<b>14.5.2</b>	<p><b>Setback from internal boundaries:</b></p> <p>There shall be a minimum setback of 3m from any rear boundary</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> <li>• consistency with the Arrowtown Design Guidelines 2016;</li> <li>• sunlight access to and outlook of neighbouring properties; and</li> <li>• ability to meet storage and loading requirements.</li> </ul>	<b>RD*</b>
<b>14.5.3</b>	<p><b>Storage</b></p> <p>14.5.3.1 For all buildings with frontage to Buckingham Street storage areas shall be situated within the building or accessed from a service lane at the rear of the property.</p> <p>14.5.3.2 Where a storage area does not form part of a building the storage area shall be screened from view from all public places and adjoining zones.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> <li>• the effects on visual amenity;</li> <li>• consistency with the character of the locality; and</li> <li>• whether pedestrian and vehicle access is compromised.</li> </ul>	<b>RD*</b>
<b>14.5.4</b>	<p><b>Sunlight access and amenity – boundaries adjoining the Residential Arrowtown Historic Management Zone</b></p> <p>Buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 5m above the site boundary. Except that gable ends may project beyond the recession line where the maximum height of the gable end is no greater than 2m above the recession line.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> <li>• the visual effects of the height, scale, location and appearance of the building in terms of dominance and loss of privacy on adjoining properties, and any resultant shading effects.</li> </ul>	<b>RD*</b>
<b>14.5.5</b>	<p><b>Residential Activities</b></p> <p>All residential activities shall be restricted to first floor level, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> <li>• the effects on surrounding buildings and activities; and</li> <li>• the maintenance of an active street frontage.</li> </ul>	<b>RD*</b>
<b>14.5.6</b>	<p><b>Loading</b></p> <p>Notwithstanding the requirements in the Transport Chapter concerning the provision of loading spaces, there shall be no vehicle access to any loading or storage space from Buckingham Street, except where there is no practical alternative access available from Ramshaw Lane or Arrow Lane.</p>	<b>D</b>

**Comment [AB11]:** Change from 2006 to 2016 made by Variation 1.

## ARROWTOWN TOWN CENTRE 14

	Standards for activities located in the Arrowtown Town Centre Zone	Non-compliance status
14.5.7	<p><b>Building Height</b></p> <p>The maximum building height shall be 7m.</p>	NC
14.5.8	<p><b>Noise</b></p> <p>14.5.8.1 Sound* from activities shall not exceed the following noise limits at any point within <b>any other site in this zone</b>:</p> <p style="margin-left: 40px;">a. daytime (0800 to 2200 hrs)                      <b>60 dB L<sub>Aeq(15 min)</sub></b></p> <p style="margin-left: 40px;">b. night-time                      (2200 to 0800 hrs)                      <b>50 dB L<sub>Aeq(15 min)</sub></b></p> <p style="margin-left: 40px;">c. night-time                      (2200 to 0800 hrs)                      <b>75 dB L<sub>AFmax</sub></b></p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <ul style="list-style-type: none"> <li>• The noise limits in rule 14.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</li> <li>• The noise limits in rule 14.5.8.1 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan.</li> <li>• Sound from activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.</li> </ul>	NC
14.5.9	<p><b>Glare</b></p> <p>14.5.9.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky.</p> <p>14.5.9.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property.</p> <p>14.5.9.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>14.5.9.4 All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.</p>	NC

**Comment [AB12]:** Recommend that this be removed from a merits perspective but no scope so has not been struck out. See paragraphs 14.4 to 14.5 of the s42A report.

**Comment [AB13]:** Recommend that this be removed from a merits perspective but no scope so has not been struck out. See paragraphs 14.4 to 14.5 of the s42A report.

### 14.6 Rules - Non-Notification of Applications

**14.6.1 Applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.**

**14.6.2 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified:**

## ARROWTOWN TOWN CENTRE 14

14.6.2.1 Buildings (Rule 14.4.4).

**Comment [AB14]:** Non substantive change to improve clarity

**14.6.3** The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

14.6.3.1 Sunlight access – sites adjoining the Arrowtown Residential Historic Management Zone.

14.6.3.2 Setbacks from internal boundaries.

# SUBDIVISION AND DEVELOPMENT 27

Excerpts from the Subdivision and Development Chapter<sup>1</sup> (Chapter 27 of the PDP)

	<b>Subdivision Activities – District Wide</b>	<b>Activity status</b>
27.5.6	<p><b>All urban subdivision activities, unless otherwise stated, within the following zones:</b></p> <ol style="list-style-type: none"> <li>1. Low Density Residential Zones;</li> <li>2. Medium Density Residential Zones;</li> <li>3. High Density Residential Zones;</li> <li>4. Town Centre Zones;</li> <li>5. Arrowtown Residential Historic Management Zone;</li> <li>6. Large Lot Residential Zones;</li> <li>7. Local Shopping Centres;</li> <li>8. Business Mixed Use Zones;</li> <li>9. Queenstown Airport Mixed Use Zone.</li> </ol> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Lot sizes and dimensions in respect of internal roading design and provision, relating to access and service easements for future subdivision on adjoining land;</li> <li>• Subdivision design and layout of lots;</li> <li>• Property access and roading;</li> <li>• Esplanade provision;</li> <li>• On site measures to address the risk of natural and other hazards on land within the subdivision;</li> <li>• Fire fighting water supply;</li> <li>• Water supply;</li> <li>• Stormwater design and disposal;</li> <li>• Sewage treatment and disposal;</li> <li>• Energy supply and telecommunications;</li> <li>• Open space and recreation; <del>and</del></li> <li>• Ecological and natural values;</li> <li>• Historic Heritage;</li> <li>• Easements; and</li> <li>• Bird strike and navigational safety.</li> </ul>	RD

<sup>1</sup> Subdivision and Development Hearing – Recommended Revised Chapter – Reply 26/08/2016

# SUBDIVISION AND DEVELOPMENT 27

	For the avoidance of doubt, where a site is governed by a structure plan, spatial layout plan, or concept development plan that is identified in the District Plan, subdivision activities shall be assessed in accordance with Rule 27.7.1.	
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## 27.6 Rules – Standards for Subdivision Activities

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
Town Centres		No minimum
Local Shopping Centre		No minimum
Business Mixed Use		200m <sup>2</sup>
Airport Mixed Use		No minimum

## **Appendix 2. List of Submitters and Recommended Decisions**

**Appendix 2 to the Section 42A report for Chapter 14 - Arrowtown Town Centre**

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Transferred	Relevant Issue in s42A
199.20		Craig Douglas		Support	Support	Accept		Issue Reference 5
255.8		N.W. & C.E. BEGGS		Other	Vehicles should be excluded from Buckingham Street, specifically the section between Berkshire Street and Wiltshire Street. Appropriate management be implemented to allow daily delivery access in set hour/s, and allowance by application for special events/usage.	Reject		Issue Reference 1
560.1		Spruce Grove Trust		Not Stated	The PDP is amended so that the properties located to the south of Arrow Lane, specifically the land bound by Berkshire Street, Arrow Lane and Wiltshire Street, are contained in the new Arrow Lane ATCTO.		Transferred to the hearing on mapping	
19.28		Kain Fround	14.1 Zone Purpose	Support	Support	Accept		Issue Reference 5
223.7		Sam Gent	14.1 Zone Purpose	Oppose	Oppose	Reject		Issue Reference 5
238.87		NZIA Southern and Architecture + Women Southern	14.1 Zone Purpose	Other	Support additional density within urban growth boundary. States that residential developments adjacent or just outside the Urban Growth Boundary of Arrowtown will erode the character of Arrowtown and undermine the value of establishing a growth boundary.	Accept in Part		Issue Reference 4
238.87	FS1107.92	Man Street Properties Ltd	14.1 Zone Purpose	Oppose	The Submitter opposes this submission. Submission 238 will not promote or give effect to Part 2 of the Act. The matters raised in the submission do not meet section 32 of the Act, and are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.	Reject		Issue Reference 4
238.87	FS1157.47	Trojan Helmet Ltd	14.1 Zone Purpose	Oppose	That the submission is rejected, to the extent it is inconsistent with Trojan Helmet Limited's original submissions.	Reject		Issue Reference 4
238.87	FS1226.92	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	14.1 Zone Purpose	Oppose	The submitter opposes this submission . Alerts that the submission and matters sought in it will therefore not promote or give effect to Part 2 of the Act. States that matters raised in the submission do not meet section 32 of the Act. are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.	Reject		Issue Reference 4
238.87	FS1234.92	Shotover Memorial Properties Limited & Horne Water Holdings Limited	14.1 Zone Purpose	Oppose	States that submission 238 will not promote or give effect to Part 2 of the Act. Agrees that matters raised in the submission do not meet section 32 of the Act. are not the most appropriate method for achieving the objectives.	Reject		Issue Reference 4
238.87	FS1239.92	Skyline Enterprises Limited & O'Connells Pavillion Limited	14.1 Zone Purpose	Oppose	Agrees that submission 238 will not promote or give effect to Part 2 of the Act. States that matters raised in the submission do not meet section 32 of the Act. are not the most appropriate method for achieving the objectives.	Reject		Issue Reference 4
238.87	FS1241.92	Skyline Enterprises Limited & Accommodation and Booking Agents	14.1 Zone Purpose	Oppose	Agrees that submission 238 will not promote or give effect to Part 2 of the Act. States that matters raised in the submission do not meet section 32 of the Act. are not the most appropriate method for achieving the objectives.	Reject		Issue Reference 4
238.87	FS1248.92	Trojan Holdings Limited & Beach Street Holdings Limited	14.1 Zone Purpose	Oppose	The submitter opposes this submission . Alerts that the submission and matters sought in it will therefore not promote or give effect to Part 2 of the Act. States that matters raised in the submission do not meet section 32 of the Act. are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.	Reject		Issue Reference 4
238.87	FS1249.92	Tweed Development Limited	14.1 Zone Purpose	Oppose	The submitter opposes this submission . Alerts that the submission and matters sought in it will therefore not promote or give effect to Part 2 of the Act. States that matters raised in the submission do not meet section 32 of the Act. are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.	Reject		Issue Reference 4
238.87	FS1242.115	Antony & Ruth Stokes	14.1 Zone Purpose	Oppose	The submitter seeks submission be disallowed as it relates to the expansion of the Business Mixed Use Zone (submission point 238.93) with the High Density Residential Zone on the northern side of Henry Street being retained.	Reject		Issue Reference 4
223.10		Sam Gent	14.2.1 Objective 1	Oppose	Oppose	Reject		Issue Reference 5



Appendix 2 to the Section 42A report for Chapter 14 - Arrowtown Town Centre

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Transferred	Relevant Issue in s42A
223.11		Sam Gent	14.2.1 Objective 1	Oppose	Oppose	Reject		Issue Reference 5
223.12		Sam Gent	14.2.1 Objective 1	Oppose	Oppose	Reject		Issue Reference 5
223.13		Sam Gent	14.2.2 Objective 2	Oppose	Oppose	Reject		Issue Reference 5
223.15		Sam Gent	14.2.3 Objective 3	Support	Support	Accept		Issue Reference 5
223.16		Sam Gent	14.2.4 Objective 4	Support	Support	Accept		Issue Reference 5
223.17		Sam Gent	14.2.5 Objective 5	Support	Support	Accept		Issue Reference 5
223.9		Sam Gent	14.4 Rules - Activities	Oppose	Oppose	Reject		Issue Reference 5
438.30		New Zealand Fire Service	14.4.1	Not Stated	Retain Standard 14.4.1 as notified	Accept		Issue Reference 5
798.42		Otago Regional Council	14.4.2	Oppose	<b>Effects on Public Transport</b> Poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement.	Accept		Issue Reference 2
798.43		Otago Regional Council	14.4.4	Oppose	<b>Effects on Public Transport</b> Poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement.	Accept		Issue Reference 2
438.31		New Zealand Fire Service	14.5.7	Other	The NZFS wishes to exempt drying towers from this rule. Requests amendment to state: <u>Exemption: Fire station towers are exempt from this rule</u>	Reject		Issue Reference 3

## **Appendix 3. Section 32 Report and links**



# Section 32 Evaluation Report

## Arrowtown Town Centre

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# Section 32 Evaluation Report: Arrowtown Town Centre

## 1. Strategic Context

Section 32(1)(a) of the Resource Management Act 1991 requires that a Section 32 evaluation report must examine the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act.

The purpose of the Act demands an integrated planning approach and direction:

### *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.*

## 2. Regional Planning Documents

The District Plan must *give effect to* the operative RPS and must *have regard to* any proposed RPS.

The operative RPS contains a number of objectives and policies that are relevant to this review, namely objectives 9.4.1 to 9.4.3 and policies 9.5.1 to 9.5.6 (inclusive). The proposed plan change provisions are consistent with, and give effect to, the relevant operative RPS provisions.

The Otago Regional Council ["ORC"] is currently in the process of reviewing the RPS 1998. In May 2014 the ORC published and consulted on the RPS 'Otago's future: Issues and Options Document, 2014' ([www.orc.govt.nz](http://www.orc.govt.nz)). The proposed RPS was released for formal public notification on the 23 May 2014 and also contains a number of objectives and policies that are relevant, namely objectives 3.6 to 3.8 (incl.) & 4.3, and policies 3.6.6, 3.7.1 to 3.7.4 (incl.), 3.8.1, 4.3.3 & 4.3.4.

## 3. Resource Management Issues

The operative District Plan anticipates that the Arrowtown Town Centre Zone will continue to function as a centre for commercial, retail and entertainment activities for residents and visitors. This review of the operative provisions seeks to address a number of key issues (detailed below), whilst also strengthening the existing policy framework by providing more targeted objectives and policies, and increasing the overall legibility of the Plan.

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

- Arrowtown Community Plan and Workshop Report (2003)
- Town Centre Zones Monitoring Report (2012)
- Business Zones Capacity Report prepared by McDermott Miller Strategies Limited
- Peer review of Business Zones Capacity Report by Dr Phil McDermott
- Community consultation, Council workshops and a meeting of the Council's Resource Management Focus Group
- Relevant legislative changes enacted since the Plan became operative

The key issues are:

- Appropriate development controls that guide the height, bulk, location and density of buildings, and continue to encourage a built form that celebrates Arrowtown's distinctive character
- Provision for new development that expresses the era of construction and can be distinguished from historic buildings
- Maintaining Arrowtown's compact form
- Facilitating the flow of pedestrians and vehicles through and around the town centre, by ensuring that the main street is mainly pedestrian-oriented with provision for slow-moving traffic, and enhancing pedestrian linkages with the Arrow River area and surrounding landscape.

#### 4. Purpose and Options

The overarching purpose of the Arrowtown Town Centre chapter is to enable a variety of activities to occur that meet the needs of residents and visitors, whilst ensuring that the town's iconic historic setting is not compromised. Historic buildings define the character and scale of the built environment, and significantly contribute to the town's high levels of amenity. They serve as an attraction for visitors, contributing to the diverse range of visitor experiences offered through out the District.

##### Strategic Directions

The following goals and objectives from the Strategic Directions chapter of the draft District Plan are relevant to this assessment:

<p><i>Goal 3.2.1: Develop a prosperous, resilient and sustainable economy</i></p> <p><i>Objective 13.2.1.1: Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy.</i></p>
<p><i>Goal 3.2.2: The strategic and integrated management of urban growth</i></p> <p><i>Objective 3.2.2.1: Ensure urban development occurs in a logical manner:</i></p> <ul style="list-style-type: none"><li>• <i>to promote a compact and integrated urban form; [...]</i></li></ul>
<p><i>Goal 3.2.3: A quality built environment taking into account the character of individual communities</i></p> <p><i>Objective 3.2.3.1: Achieve a built environment that ensures our urban areas are desirable places to live, work and play</i></p> <p><i>Objective 3.2.3.2: Protect the District's cultural heritage values and ensure development is sympathetic to them</i></p>
<p><i>Goal 3.2.4: The protection of our natural environment and ecosystems</i></p> <p><i>Objective 3.2.4.8: To respond positively to Climate Change</i></p>
<p><i>Goal 3.2.6: To enable a safe and healthy community that is strong, diverse and inclusive for all people.</i></p> <p><i>Objective 3.2.6.2: To ensure a mix of housing opportunities.</i></p>

Determining the most appropriate methods to resolve the issues highlighted for the Arrowtown town centre will enable the Plan to give effect to relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the Act.

As required by s32(1)(b) RMA, the following section considers various broad options considered to address the issues, and makes recommendations as to the most appropriate course of action in each case.

**Broad Options considered (see Table 1, below)**

**Option 1** is to retain the current provisions (objectives, policies and rules) as they stand. This will allow for the familiarity of users to remain but would not address the resource management issues that were identified through monitoring.

**Option 2 (Recommended)** provisions to be examined in light of the issues highlighted through monitoring. Would result in all provisions being critically assessed, with many of the current provisions likely to be retained and improved, and provisions to be structured and articulated in a clearer manner than the status quo.

**Option 3** requires the provisions to be completely overhauled. Given the limited range of issues highlighted through monitoring, this option is not considered necessary.

**Table 1 – Broad options considered**

	<b>Option 1: Status quo/ No change</b>	<b>Option 2: (Recommended) Comprehensive review – likely result in many existing provisions being retained and improved</b>	<b>Option 3: Comprehensive Review – overhaul existing provisions</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>• Would fail to fulfil Council’s statutory obligation to review the Plan every ten years.</li> <li>• Would not provide a thorough assessment of the operative Plan provisions.</li> </ul>	<ul style="list-style-type: none"> <li>• Has costs associated with going through the District Plan Review process (but this is required by legislation).</li> </ul>	<ul style="list-style-type: none"> <li>• Has costs associated with going through the District Plan Review process (but this is required by legislation).</li> <li>• Monitoring reports suggest that the operative provisions are generally creating appropriate outcomes. The time and financial cost associated with drafting completely new provisions would be significant and is considered unnecessary.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• No costs resulting from the District Plan Review Process.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring reports suggest that the operative provisions are generally creating appropriate environmental outcomes. This approach aligns with the findings of the reports as it enables operative provisions to be retained, as appropriate.</li> <li>• Enables the Arrowtown Design Guidelines 2006 to be specifically referenced in the Plan to give them statutory weight.</li> <li>• Enables provisions to be articulated in a format that is more legible, and provides greater clarity, than the status quo.</li> <li>• Enables the operative policy framework to be critically assessed and strengthened.</li> </ul>	<ul style="list-style-type: none"> <li>• Would fulfil Council’s statutory obligation to review the Plan every ten years.</li> </ul>
<b>Ranking</b>	<b>3</b>	<b>1</b>	<b>2</b>

## 5. 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 the Historic Heritage chapter. 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, i.e., Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

## 6. Evaluation of proposed Objectives S32 (1) (a)

<i>Objective</i>	<i>Appropriateness</i>
<p><b>Objective 14.2.1:</b></p> <p><b>New development celebrates the town's historic character and is sympathetic to its environmental setting.</b></p>	<p>Highlights the importance of the town's historic character and setting in providing a pleasant experience for residents and visitors. These are the essential elements that give the Arrowtown town centre a point of difference when compared to other centres in the District, and attract visitor flows that assist the town to be economically viable.</p> <p>Sets a framework for referencing the Arrowtown Design Guidelines, which give guidance regarding appropriate design elements that reference and celebrate the centre's historic character.</p> <p>Gives effect to s7c RMA (the maintenance and enhancement of amenity values) and s7f RMA (maintenance and enhancement of the quality of the environment).</p> <p>Consistent with Objectives 3.2.1.1 to 3.2.1.3 (incl.), 3.2.2.1, 3.2.3.1, 3.2.6.3 of the Strategic Directions chapter.</p>
<p><b>Objective 14.2.2:</b></p> <p><b>Arrowtown is a compact, convenient and attractive town centre that has a low scale built form, with limited opportunities for expansion.</b></p>	<p>Sets a broad expectation that the town centre generally maintains its current compact form and development controls ensure that buildings are low-scale, which is also commensurate with the established pattern of development.</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>Reinforces the importance of the appearance of the town centre and the coherence of its built form.</p> <p>Consistent with Objectives 3.2.3.1 and 3.2.3.2 of the Strategic Directions chapter.</p>



<b>Objective</b>	<b>Appropriateness</b>
<p><b>Objective 14.2.3:</b></p> <p><b>Arrowtown town centre is a focus for commercial, cultural, entertainment and visitor activities.</b></p>	<p>Acknowledges the importance of the town centre, and specifies the broad functions it serves. Sets a clear desire for a range of activities to be enabled, and acknowledges the role of visitors in supporting the centre's economic viability.</p> <p>Enables people and communities to provide for their social and economic wellbeing (s5(2)RMA) by enabling a policy framework that acknowledges the important role of the centre, both for Arrowtown residents and visitors to the District.</p> <p>Consistent with Objectives 3.2.1.1 to 3.2.1.3 (incl.), 3.2.2.1, 3.2.3.1, 3.2.5.3, 3.2.6.2, 3.2.6.3 , of the Strategic Directions chapter.</p>
<p><b>Objective 14.2.4:</b></p> <p><b>Appropriate limits are placed on town centre activities to minimise adverse environmental effects within and beyond the town centre.</b></p>	<p>The Town Centre Zone enables a broad range of activities, encouraging diversity and vibrancy, which ultimately seeks to support the robustness of the town's economy. Providing for mixed use development increases the diversity of housing options enabled in the District, and makes a positive contribution to the District's economy. Enabling people to live in the Town Centre also makes a positive contribution to the centre's vibrancy and safety.</p> <p>This objective acknowledges that appropriate limits must be placed on the environmental effects generated by town centre activities to enable a mix of uses to occur without any one use being inappropriately compromised by the effects of another. It also enables activities that are inappropriate for the town centre to be encouraged to establish elsewhere in the District.</p> <p>Consistent with Objective 3.2.3.1 of the Strategic Directions chapter.</p>
<p><b>Objective 14.2.5:</b></p> <p><b>The town centre's transport network and pedestrian linkages recognise Arrowtown's heritage values, enabling the safe and convenient movement of people and goods.</b></p>	<p>Highlights the importance of providing for pedestrians in the town centre and limiting the impact of vehicles whilst still enabling vehicle accessibility through the centre.</p> <p>Links with Objective 14.2.2 (in terms of the town's compact form), which further assists the ease at which the town centre can be accessed on foot.</p> <p>Enables existing pedestrian links to be maintained, as they are important connections through the town centre to existing peripheral carparking areas, and surrounding amenities.</p> <p>Enables non-regulatory measures, such as street and public open space improvements, to be considered, as they make a significant contribution to the overall amenity of the centre.</p>

<b>Objective</b>	<b>Appropriateness</b>
	Consistent with Objective 3.2.3.1 of the Strategic Directions chapter.

## 7. Evaluation of the proposed provisions S32 (1) (b)

The below 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. (See also Table 1- Broad options considered, in Section 4 above.)

**Table 2 – Evaluation of proposed provisions**

<b>Proposed provisions</b>	<b>Costs</b>	<b>Benefits</b>
<p><b>Policies:</b> 14.2.1.1 to 14.2.1.5</p> <p><b>Rules:</b> 14.4.2 14.4.4 14.5.1 to 14.5.5 14.5.7</p>	<ul style="list-style-type: none"> <li>• Costs associated with the resource consent process and meeting requirements that seek to maintain the integrity of the town centre's character.</li> <li>• Controls limit the style of development in the town centre, which results in less diversity of building design when compared to other centres.</li> </ul>	<ul style="list-style-type: none"> <li>• Enables controls that maintain the historic character of the centre, and ensures that new buildings are compatible with the existing scale of development.</li> <li>• Acknowledges the important role of the town's built character in attracting visitors, which supports the town centre's economic viability.</li> <li>• Referencing the Arrowtown Design Guidelines in the Plan gives it statutory weight, thereby enabling it to be applied to all new development and exterior alterations to buildings in the town centre. This change acknowledges the importance of this document in maintaining the integrity of the centre's built form.</li> <li>• Acknowledging that new buildings do not necessarily need to replicate historic building styles provides scope for buildings to express their era of construction, whilst being required to blend in with the established character of the town centre.</li> <li>• Providing a restricted discretionary activity status for all new buildings and external alterations provides certainty regarding the scope of matters considered for resource consent, whilst also enabling Council to decline proposals that are considered inappropriate.</li> </ul>
<p><b>Policies:</b> 14.2.2.1 to 14.2.2.6</p>	<ul style="list-style-type: none"> <li>• Limits opportunities to increase the capacity of the town centre, may result in higher land/rent prices due to demand</li> </ul>	<ul style="list-style-type: none"> <li>• Providing a compact form enables the integrity of the town centre to be maintained as a lively hub of activity that is easily</li> </ul>

<b>Proposed provisions</b>	<b>Costs</b>	<b>Benefits</b>
<p><b>Rules:</b> 14.4.4 14.5.7</p> <p><b>Other Methods:</b> Town Centre Zone extent Town Centre Transition Overlay extent Non-regulatory</p>	<p>exceeding supply.</p> <ul style="list-style-type: none"> <li>Limits development opportunities of individual sites due to retaining the operative height limit.</li> </ul>	<p>negotiated on foot.</p> <ul style="list-style-type: none"> <li>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.</li> <li>Retaining the operative height limits, with minor infringements considered on their merits, ensures that the existing pattern of low scale development is maintained. It is considered that increasing the operative height limits would adversely impact on the centre's overall streetscape and character.</li> <li>Non-regulatory methods, such as the design of public spaces, further contribute to people's enjoyment of the town centre and its surrounds.</li> </ul>
<p><b>Policies:</b> 14.2.3.1 &amp; 14.2.3.2</p> <p><b>Rules:</b> 14.4.1 14.4.3 14.5.5</p>	<ul style="list-style-type: none"> <li>The effects of town centre activities must be appropriately managed to ensure that the amenity values of nearby residential areas are not compromised.</li> </ul>	<ul style="list-style-type: none"> <li>Enabling a wide range of activities to occur in the Town Centre Zone encourages a diverse range of businesses and activities to establish to meet the needs of residents and visitors, whilst also enabling the centre to have a broad economic base.</li> <li>Placing controls around the location of residential and visitor accommodation activities enables the integrity of activities occurring at street level to be maintained.</li> </ul>
<p><b>Policies:</b> 14.2.4.1 to 14.2.4.4</p> <p><b>Rules:</b> 14.4.5 to 14.4.11 14.5.4 10.5.8.7 10.5.8.9 10.5.8.10</p>	<ul style="list-style-type: none"> <li>Costs associated with complying with the specified limits, such as acoustic treatments for noisier activities required to demonstrate compliance with noise standards.</li> <li>Costs associated with the resource consent process for activities requiring consent to exceed limits.</li> </ul>	<ul style="list-style-type: none"> <li>Due to the wide range of town centre activities enabled by the Plan, the proposed controls seek to limit the impact of town centre activities on each other, and on properties in adjoining zones.</li> <li>The operative noise standards acknowledge the proximity of residential properties to the town centre, and seek to limit the impact of noise beyond the Town Centre Zone. In addition, noise generated by town centre activities will still be required to comply with residential limits when received in a residential-zoned property.</li> <li>The proposed provisions exclude inappropriate activities from</li> </ul>

<b>Proposed provisions</b>	<b>Costs</b>	<b>Benefits</b>
		<p>establishing in the town centre. These activities generally result in effects that are not consistent with the nature and amenity values of town centre activities. These activities are provided for in other, more appropriate zones.</p> <ul style="list-style-type: none"> <li>• Prohibiting completely inappropriate activities (i.e. factory farming, mining, forestry and airports) ensures such activities will not occur in the town centre. It ensures that consent for such activities will not be applied for, which provides a high degree of certainty and efficiency. As no application can be made it is unnecessary to include objectives and policies addressing these activities, which further contributes to the efficiency of the proposed provisions.</li> </ul>
<p><b>Policies:</b> 14.2.5.1 to 14.2.5.6</p> <p><b>Rules:</b> 14.4.4 14.5.6</p> <p><b>Other Methods:</b> Non-regulatory methods</p>	<ul style="list-style-type: none"> <li>• Costs to Council associated with the appropriate upkeep of public open spaces, roading and parking infrastructure.</li> <li>• Costs to private landowners associated with maintaining existing public linkages on private land, and decreased development opportunities due to the location of the linkages.</li> <li>• Any associated costs and inconvenience arising from the requirement to locate loading areas away from Buckingham Street.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed provisions and non-regulatory methods acknowledge the importance of enabling pedestrians to safely negotiate their way through and around the centre. This enhances people's enjoyment of the centre, and is consistent with the town's pace and relaxed setting.</li> <li>• The existing pedestrian linkages enable important connectivity between Arrow Lane, Buckingham Street and Ramshaw Lane, whilst giving added interest to the centre.</li> <li>• Including reference to the National Guidelines for Crime Prevention Through Environmental Design (CPTED) seeks to make the centre a safer place.</li> <li>• Non-regulatory methods such as programmes of street and open space improvements further enhances peoples enjoyment of the town centre as a place to visit and congregate. The strengthened policy framework ensures that such improvements are designed so as to be in keeping with the town's historic character.</li> </ul>

## **8. Efficiency and effectiveness of the provisions.**

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 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.

## **9. The risk of not acting.**

The changes proposed here-in seek to address the known resource management issues for the Arrowtown Town Centre Zone. The changes also reflect the current changing nature of the RMA with its drive to simplify and streamline. Not taking the more compact approach to this section and others, will not advance the usefulness of the District Plan in pursuit of its function in the sustainable management of natural and physical resources.

Some of the risks associated with not reviewing the Arrowtown Town Centre Zone and proposing amended provisions are that:

- The opportunity to further strengthen the role of the Arrowtown Design Guidelines and to provide stronger policies regarding building design in the specific Arrowtown context would be missed;
- The current inefficiencies surrounding consenting process/ requirements will continue;
- The opportunity to formalize/control the existing creep of commercial activities into adjoining residential areas would be missed, resulting in ongoing uncertainty of the activities envisaged for the area within the proposed Transition Overlay, and continued creep which may undermine the role of the Town Centre;

The level of certainty and information available to the Council is considered sufficient for it to make a reasonable decision.

## **References**

- Arrowtown Community Plan and Workshop Report (2003) [Link](#)
- Town Centre Zones Monitoring Report (2012) [Link](#)
- Review of District Plan Business Zones Capacity and Development of Zoning Hierarchy undertaken by McDermott Miller Strategies Limited & Allan Planning & Research Limited (November 2013) [Link](#)
- Peer Review of the McDermott Miller report prepared by McDermott Consultants Ltd (January 2014) [Link](#)
- Growth projections undertaken by Rationale (2014) [Link](#)
- Arrowtown Design Guidelines (2006) [Link](#)

## **Appendix 4. Section 32AA Evaluation**

## Appendix 4

### Section 32AA Assessment

This evaluation assesses the costs, benefits, efficiency, and effectiveness of the amended policy and rule that are being recommended in the s42A report.

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 the provisions.

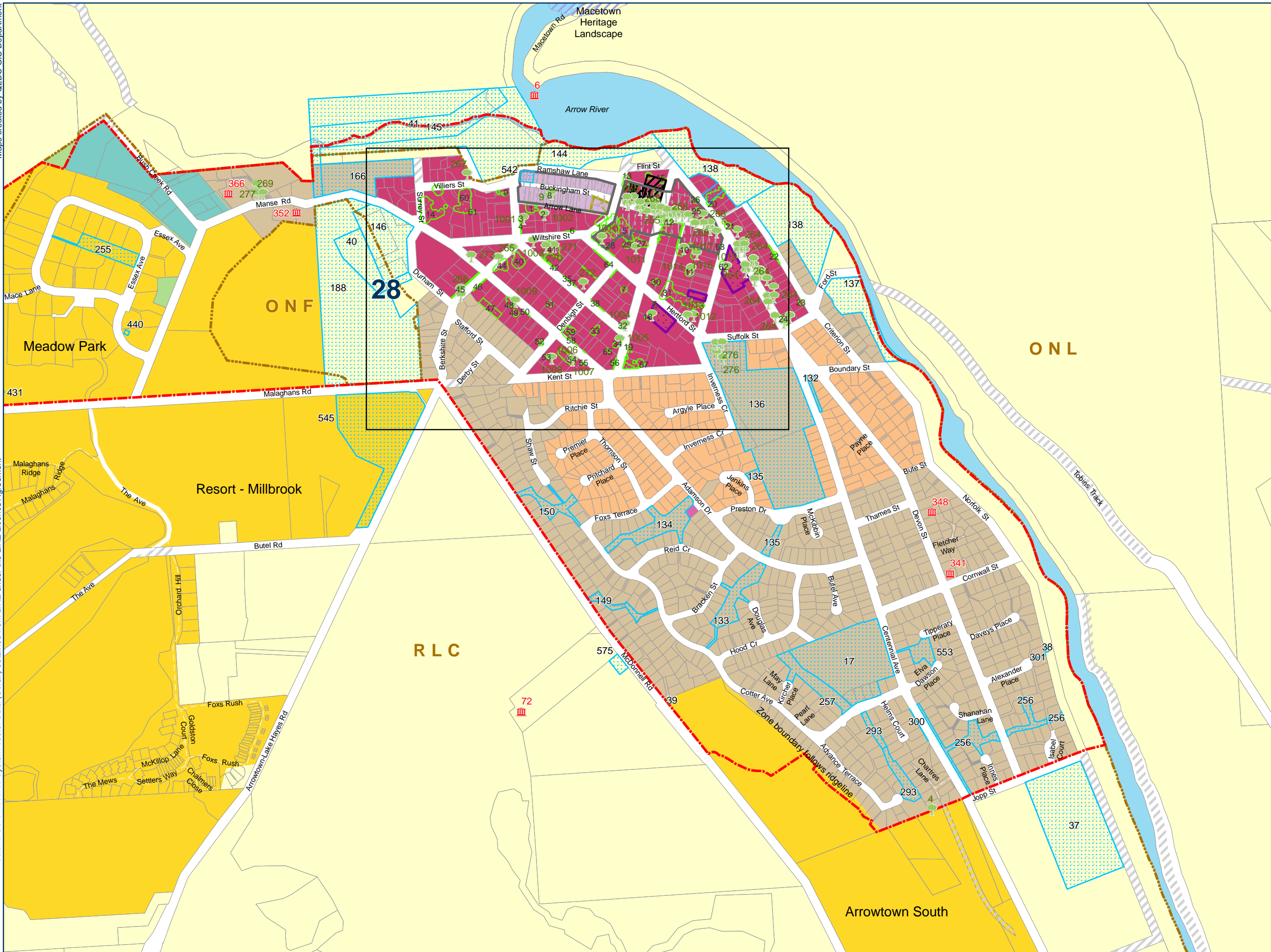
<b>Recommended Amendments to the Notified Version of:</b>		
<ul style="list-style-type: none"> <li>• <b>Policy 14.2.1.5</b></li> <li>• <b>Rule 14.4.2</b></li> </ul>		
<p><b>14.2.1.5</b> Control the design and appearance of verandas so they integrate well with the buildings they are attached to <del>and</del>, <u>complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles</u>, while providing appropriate cover for pedestrians.</p>		
<b>14.4.2</b>	<p><b>Verandas</b>, in respect of: design, appearance, materials, impact on and relationship to adjoining verandas (to be guided by the Arrowtown Design Guidelines 2006) to avoid, remedy or mitigate adverse effects on:</p> <ul style="list-style-type: none"> <li>• Neighbouring buildings and verandas;</li> <li>• The extent to which the veranda affects the use and enjoyment of the streetscape, <u>including enabling unobstructed kerbside movements of high-sided vehicles</u>; and</li> <li>• The appearance of the building.</li> </ul>	C

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• May result in increased costs to the applicant/developer due to additional design/building costs.</li> <li>• Increasing the amount of text in the policy and standard may decrease their legibility for a non-planner, however I consider the changes are so minor that the costs would be negligible.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed amendment to the policy and rule is sufficiently broad so as to include any high-sided vehicle, rather than singling out buses.</li> <li>• Including the additional text to the Notified Version of the Rule provides specificity to the matter of control. This ultimately provides more certainty as to the Plan requirements.</li> <li>• The matter of control will ensure that verandas do not interfere with vehicle movements, and will have a positive effect on traffic and pedestrian safety.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed changes will increase the effectiveness and efficiency of the provisions by ensuring that kerbside vehicle movements are considered through the design of verandas. The recommended changes articulate this requirement in a clearer manner than the Notified Version.</li> </ul>



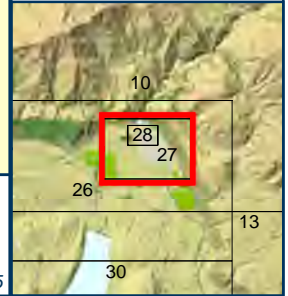
	<ul style="list-style-type: none"><li>• For streets not currently serviced by bus routes, the design of verandas would be future-proofed in the event that bus routes are altered or extended.</li></ul>	
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**Appendix 5. Proposed District Plan Maps showing the areas of the  
ATCZ**

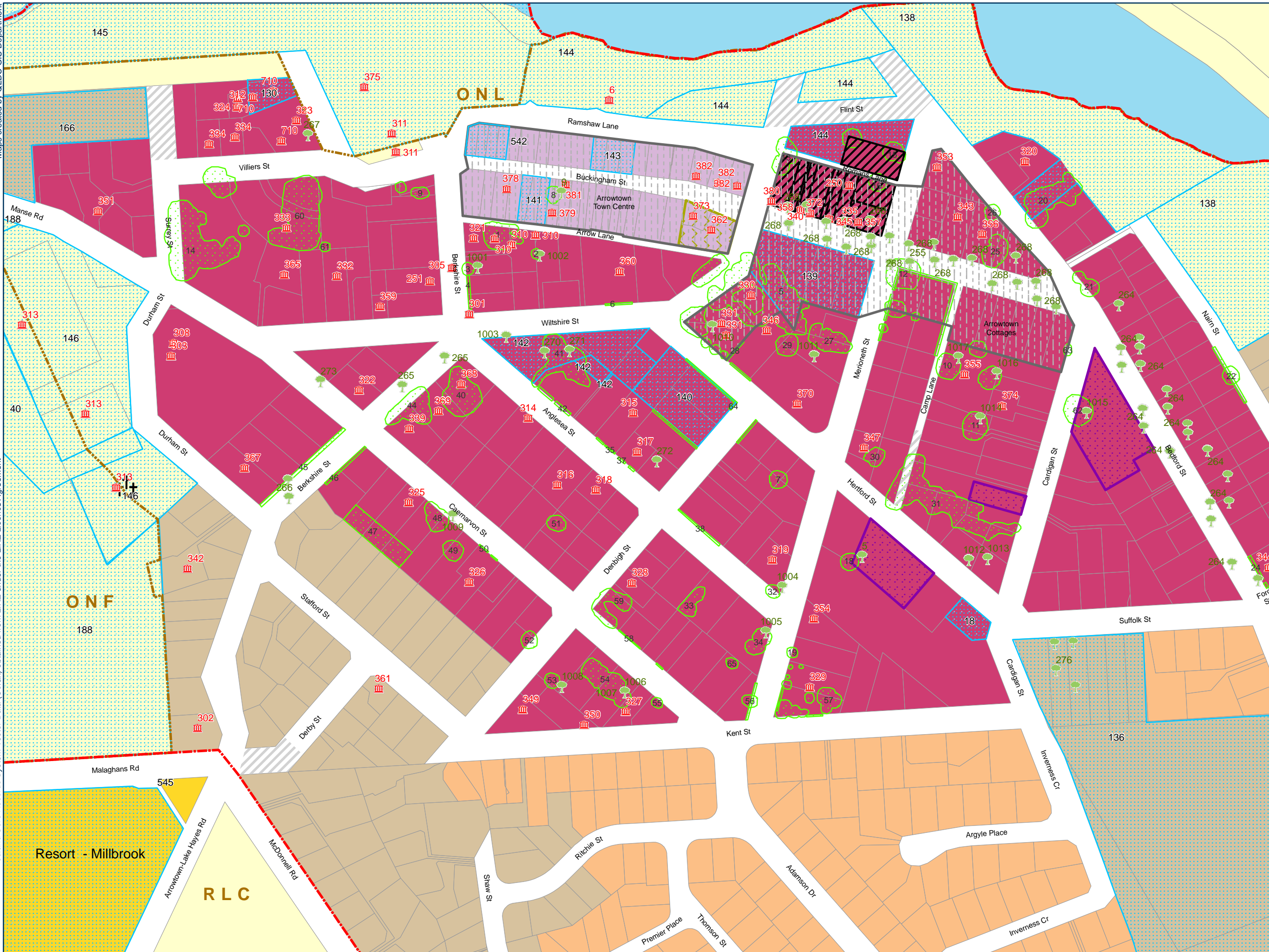


- Legend**
- Historic Heritage Features
  - Protected Tree
  - Parcel/Road Boundary
  - Landscape Classification (ONF, ONL, RLC)
  - Urban Growth Boundary
  - Arrowtown Character Tree
  - Heritage Landscape
  - Unformed Roads
  - Historic Heritage Precinct
  - Designated Areas
  - Visitor Accommodation Sub-Zone
  - Heritage Protection Order
  - Town Centre Transition Overlay
  - Medium Density Residential
  - Low Density Residential
  - Town Centres
  - Local Shopping
  - Arrowtown Residential Historic Management Zone
  - Zone
  - Rural
  - Rural Lifestyle
  - Special Zones
  - Water

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- Legend**
- Open Cemetery
  - Historic Heritage Features
  - Protected Tree
  - Parcel/Road Boundary
  - Landscape Classification (ONF, ONL, RLC)
  - Urban Growth Boundary
  - Arrowtown Character Tree
  - Unformed Roads
  - Historic Heritage Precinct
  - Designated Areas
  - Visitor Accommodation Sub-Zone
  - Heritage Protection Order
  - Town Centre Transition Overlay
  - Medium Density Residential
  - Low Density Residential
  - Town Centres
  - Arrowtown Residential Zone
  - Rural
  - Special Zones
  - Water

