

5.0 STATUTORY FRAMEWORK

5.1 Resource Management Act

This Plan Change has been prepared under and in accordance with the Resource Management Act 1991 (the Act). The following sections of the Act are relevant to the preparation of a privately requested Plan Change.

Part 2 of the Act:

Section 5 - The Purpose of the Act
Section 6 - Matters of National Importance
Section 7 - Other Matters
Section 8 – Treaty of Waitangi

The purpose and principles of the Act are set out in sections 5-8. All matters identified in these sections need to be recognised and provided for in a District Plan.

Part 5 of the Act:

Section 32 - Consideration of alternatives, benefits, and costs
Section 74 - Matters to be included in a District Plan
Section 75 - Contents of District Plans

In preparing a change to a District Plan the Council is required to have regard to (and take into account) other matters such as Regional Plans, iwi management plans, heritage items, management plans, and plans of other territorial authorities. These matters are addressed below.

The District Plan must also give effect to any National Policy Statement and Regional Policy Statement, and cannot be inconsistent with any Regional Plan.

Assessment

The Act enables requests for a private Plan Change under section 73 (2), Schedule 1 (Preparation, change, and review of policy statements and plans). Part II of the First Schedule to the Act sets out the process for private Plan Change requests (clauses 21 – 29). These steps are included in Appendix 2 to this request. Section 32 requires a consideration of alternatives, benefits, and costs. Other relevant sections of the Act include section 31 (Functions of territorial authorities under this Act), section 72 (Purpose of District Plans), section 74 (Matters to be included in a District Plan), section 75 (Contents of District Plans) and section 76 (District Rules). These sections are relevant to this Plan Change as they relate to the functions of the Local Authority and provide the requirements for the District Plan in order to meet the purpose and principles of the Act.

5.2 Regional Policy Statement and Plans

The following regional documents are relevant to this Plan Change request:

Otago Regional Policy Statement 1998
Regional Plan: Air 2009
Regional Plan: Waste 2007
Regional Plan: Water 2004

5.2.1 Otago Regional Policy Statement 1998

The purpose of a Regional Policy Statement (RPS) is to promote the sustainable management of natural and physical resources. This RPS became operative on 1 October 1998, and establishes the framework for planning documents and plans such as Air, Waste, Water and Coast. The RPS considers individual resources within the Otago Region in 15 sections and provides objectives, policies and methods of implementation to address each of those issues and anticipated Environmental Results.

Sections of particular relevance to the Arrowtown South Special Zone include sections 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13 and 14.

The proposal addresses Treaty of Waitangi requirements. Section 4 (Manawhenua Perspective) was prepared in conjunction with Kai Tahu. Of particular relevance to the Plan Change are issues relating to water (wai) quality and quantity.

Section 9 (Built Environment) seeks to enable development in a sustainable manner to meet the needs of future generations. The objectives and policies of particular relevance to the Plan Change are detailed below:

Objective 9.4.1

To promote the sustainable management of Otago's built environment in order to:

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and*
- (b) Provide for amenity values, and*
- (c) Conserve and enhance environmental and landscape quality; and*
- (d) Recognise and protect heritage values.*

Objective 9.4.2

To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.

Objective 9.4.3

To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.

Policy 9.5.3

To promote and encourage the sustainable management of Otago's transport network through:

- (a) Promoting the use of fuel efficient modes of transport; and*
- (b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and*
- (c) Promoting a safer transport system; and*
- (d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.*

Policy 9.5.5

To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:

- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
- (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and*

- (c) *Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

Policy 9.5.6

To recognise and protect Otago's regionally significant heritage sites through:

- (a) *Identifying Otago's regionally significant heritage sites in consultation with Otago's communities; and*
- (b) *Developing means to ensure those sites are protected from inappropriate subdivision, use and development.*

Policy 12.5.3

To promote improved energy efficiency within Otago through:

- (a) *Encouraging the use of energy efficient technology and architecture; and*
- (b) *Educating the public about energy efficiency; and*
- (d) *Encouraging energy efficient transport modes in Otago.*

The Act states that the plans of Territorial Authorities cannot be inconsistent with a Regional Policy Statement or a Regional Plan. The RPS provides objectives, policies to address the use and management of Otago's resources. At the regional level the objectives and policies of the RPS are general.

One of the keys to the RPS is to make provision for future generations. The general theme of these objectives and policies is carried through in the District Plan, which is discussed in the subsequent sections of this chapter.

This Plan Change provides an opportunity for limited growth of the Arrowtown urban boundary in a manner that is considered to be consistent with the objectives and policies of the Regional Policy Statement for Otago.

5.2.2 Regional Plan: Air for Otago (2009)

The Regional Plan: Air for Otago (the Air Plan) assists in managing Otago's air resource. Relevant to the special zone, the Air Plan will apply to discharges to air from the proposed Residential and Village area. The urban area of Arrowtown is within Air Zone 1 (Arrowtown), which also includes the northern part of the of the Plan Change area (Adamson Block). The remainder of the special zone is within Air Zone 3 (refer Figure 5.1 below).

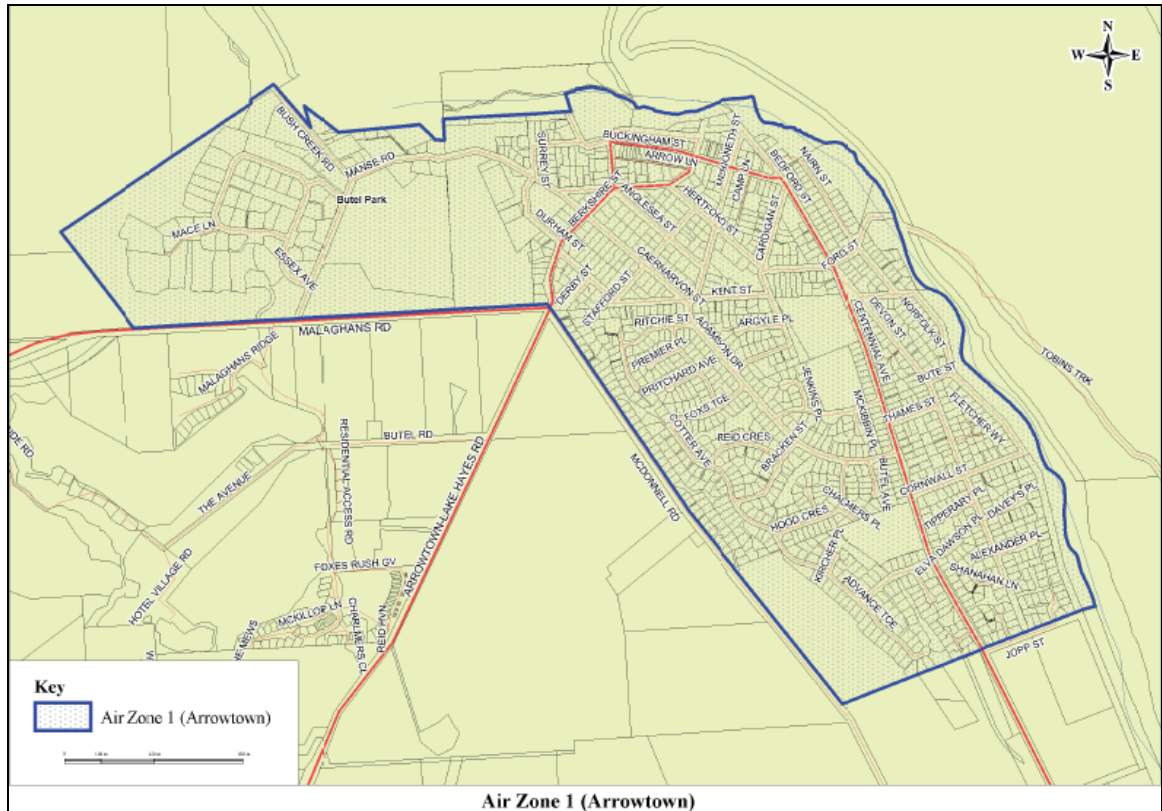


Figure 5.1 Air Zones - Arrowtown

Relevant Objectives and Policies contained in the Air Plan include:

Objective 6.1.1

To maintain ambient air quality in parts of Otago that have high air quality and enhance ambient air quality in places where it has been degraded.

Objective 6.1.2

To avoid adverse localised effects of contaminant discharges into air on:

- (a) Human health;*
- (b) Cultural, heritage and amenity values;*
- (c) Ecosystems and the plants and animals within them; and*
- (d) The life-supporting capacity of air.*

Policy 8.2.3

In the consideration of any application to discharge contaminants into air, Council will have:

- (a) Particular regard to avoiding adverse effects including cumulative effects on:*
 - (i) Values of significance to Kai Tahu;*
 - (ii) The health and functioning of ecosystems, plants and animals;*
 - (iii) Cultural, heritage and amenity values;*
 - (iv) Human health;*
 - (v) Ambient air quality of any airshed; and*
- (b) Regard to any existing discharge from the site, into air, and its effects.*

The Air Plan contains objectives, policies and rules that allow the Regional Council to independently manage the air quality of settlements throughout the region. No additional matters relating to air quality need to be included within this Plan Change.

5.2.3 Regional Plan: Waste (1997)

The purpose of the Waste Plan is to provide an integrated approach to waste issues. In respect of this Plan Change the site is not contaminated land, so the Waste Plan would be relevant in respect of the disposal of domestic waste. Waste Plan objectives are outlined in section 4.3 and policies are detailed in section 4.4.2 which seek to minimise the amount of waste generated at source and to maximise the opportunities for the reuse, recycling and recovery of materials from the waste stream as detailed below:

Objective 4.3.2

To maximise the opportunities for the reuse, recycling and recovery of materials from the waste stream.

Policy 4.4.2

To encourage, support and facilitate integrated waste management by (in order of priority):

- (a) Minimising the effects on the environment by reducing the quantity and / or toxicity of material entering the waste stream;*
- (b) Reusing materials;*
- (c) Recycling materials, where practicable, that cannot be reused;*
- (d) Recovering resources from materials in the waste stream; and*
- (e) Disposing of the residual waste in an environmentally safe manner.*

Waste is collected by Queenstown Lakes District Council and this service is based upon a user pays system. The special zone would be covered by this managed waste collection.

5.2.4 Regional Plan: Water (2004, and updated 2006)

The purpose of the Water Plan is to promote the sustainable management of Otago's water resources. This Plan Change site includes an un-named creek running through the site. The upstream catchment area for the un-named stream is relatively small. Further catchment investigations will be completed at a later date when detailed design works commence for the special zone. Such investigations are not necessary at this zoning stage.

The special zone will be connected to existing Council infrastructure for water and wastewater. Surface water collection and ground disposal will be encouraged through the use of swale edges to internal roadways.

In the northern part of the special zone (the Adamson land) the stream is narrow and degraded. It is likely that the creek channel will be moved and the edges enhanced. Downstream, where the creek passes the old stables and homestead, a spring supplements the flow, and at that point the creek bed widens and in-stream vegetation is more prevalent. No changes to the southern part of the stream are envisaged.

Stormwater runoff will be gravity-fed towards the stream from any point west of the McDonnell Terrace.

Sections 11 to 14 of the Water Plan contain the rules applying to the use of water and water bodies. Section 12 is the rules section for Water Use and Management. Of particular relevance to the special zone are rules 12.4 (Discharge to Stormwater) and 12.5 (Discharge of Drainage Water).

5.3 Kai Tahu ki Otago Natural Resource Management Plan 2005

The Act requires that when preparing a change to a District Plan a local authority must take into account any relevant planning document recognised by an iwi authority, to the extent that its content has a bearing on resource management issues of the district.

The Kai Tahu ki Otago Natural Resource Management Plan (NRMP) was adopted in 2005 and contains a series of objectives and policies which are relevant to this Plan Change:

The NRMP is primarily concerned with protection of:

- waterways
- areas of wahi tapu
- food resources
- biodiversity
- cultural landscapes
- air quality
- the coastal environment
- Pounamu

The Clutha/ Mata-au catchments include the territorial boundaries of the Queenstown-Lakes District.

The particular objectives and policies of the NRMP that are relevant to this Plan Change are detailed below:

5.6.4 Cultural Landscapes General Policies- Subdivisions

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

5.7.3 Air and Atmosphere - Policies

1. *To require earthworks and discharges to air consider the impact of dust and other air-borne contaminants on health, mahika kai, cultural landscapes, indigenous flora and fauna, wāhi tapu and taoka.*

4. *To encourage reduced vehicle emissions.*
5. *To promote the planting of indigenous of plants to offset carbon emissions.*
7. *To promote clean forms of domestic heating.*

Consultation has occurred with Kai Tahu ki Otago Ltd to identify the issues raised by this Plan Change. It has been confirmed that this land is not culturally significant, and this Plan Change will not be contrary to either the Natural Resource Management Plan nor section 8 of the Act.

5.4 Queenstown Lakes District Plan

All of the land subject to this Plan Change is currently zoned Rural General in the Queenstown-Lakes District Council District Plan (the District Plan) indicated on the special zone map below:

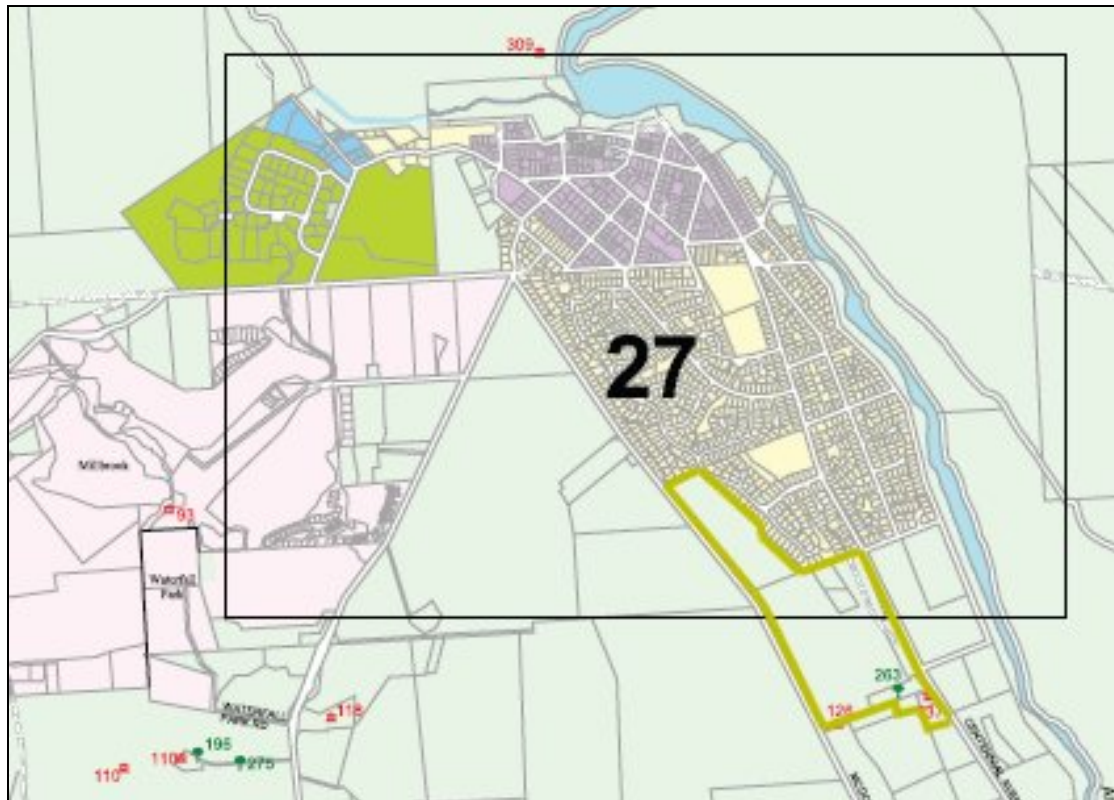


Figure 5.2 District Plan Map

The attached landscape analysis confirms that the special zone is all included within Visual Amenity landscape classification, which is further confirmed by on the map extract from Appendix 8A of the District Plan (refer to image below).

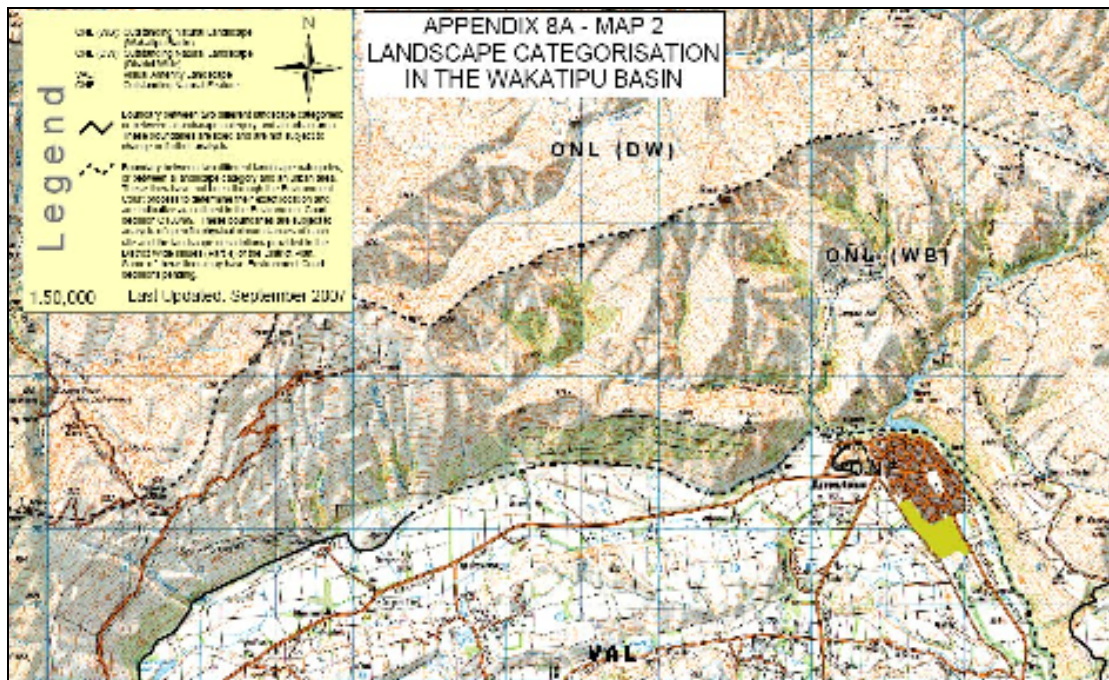


Figure 5.3 Landscape Category

The District Plan contains a number of relevant sections that need to be considered as part of the Plan Change process. It is noted that these objectives and policies need to be considered in a holistic way, as no single objective or policy predominates over another. The following section makes an assessment of the proposed Plan Change against the current plan provisions. First of all there is an assessment of the District-wide objectives and policies. Following that is an assessment of both the District-Wide Residential objectives and policies, narrowing down to the current Arrowtown Residential objectives and policies

The District-wide matters are contained in Part 4 of the District Plan. These are the overarching sections of the District Plan.

- 4.1 Natural Environment
- 4.2 Landscape and Visual Amenity
- 4.3 Takata Whenua
- 4.4 Open Space and recreation
- 4.5 Energy
- 4.6 Surface of Lakes and Rivers
- 4.7 Solid and Hazardous Waste Management
- 4.8 Natural Hazards
- 4.9 Urban Growth
- 4.10 Earthworks

The relevant objectives and policies have been reproduced and assessed below:

5.4.1 Part 4.1 of the District Plan – Natural Environment

Objective 1 - Nature Conservation Values

The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.

The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.

Policies:

- 1.1 To encourage the long-term protection of indigenous ecosystems and geological features.*
- 1.2 To promote the long term protection of sites and areas with significant nature conservation values.*
- 1.4 To encourage the protection of sites having indigenous plants or animals or geological or geomorphological features of significant value.*
- 1.5 To avoid the establishment of, or ensure the appropriate location, design and management of, introduced vegetation with the potential to spread and naturalise; and to encourage the removal or management of existing vegetation with this potential and prevent its further spread.*
- 1.12 To maintain the site-specific, geological and geomorphological features that are of scientific importance.*
- 1.13 To maintain or enhance the natural character and nature conservation values of the beds and margins of the lakes, rivers and wetlands.*
- 1.14 To consider taking appropriate esplanade reserves of adequate width to protect the natural character and nature conservation values around the margins of any of the District's rivers, lakes, wetlands and streams should any subdivision occur of small lots or any development for residential, recreational or commercial purposes.*

Objective 2: Air Quality

Maintenance and improvement of air quality.

Policies:

- 2.1 To ensure that land uses in both rural and urban areas are undertaken in a way which does not cause noxious, dangerous, offensive or objectionable emissions to air.*

Assessment:

The District Plan identifies those important nature conservation values, including indigenous ecosystems as well as the preservation of the margins of lakes and rivers. The special zone comprises a small un-named stream that runs through the length of the site. The McDonnell escarpment is a significant component of the geomorphology of the area.

The special zone does not contain any significant nature conservation values, nor any geologic features of district-wide significance, however the special zone does acknowledge and provide for the on-going preservation of the McDonnell escarpment as well as the protection and enhancement of the un-named stream.

5.4.2 Part 4.2 of the District Plan – Landscape and Visual Amenity

Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

Policies:

1. *Future Development*
 - (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
 - (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
 - (c) *To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

4. *Visual Amenity Landscapes*
 - (a) *To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:*
 - *highly visible from public places and other places which are frequented by members of the public generally; and*
 - *visible from public roads.*
 - (b) *To mitigate loss of or enhance natural character by appropriate planting and landscaping.*
 - (c) *To discourage linear tree planting along roads as a method of achieving (a) or (b) above*

6. *Urban Development*
 - (a) *To avoid new urban development in the outstanding natural landscapes of Wakatipu basin.*
 - (b) *To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the district.*
 - (c) *To avoid remedy and mitigate the adverse effects of urban subdivision and development where it does occur in the other outstanding natural landscapes of the district by:*

- *maintaining the open character of those outstanding natural landscapes which are open at the date this plan becomes operative;*
 - *ensuring that the subdivision and development does not sprawl along roads.*
- (d) *To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.*

Assessment:

The special zone adjoins the southern edge of Arrowtown, with part of the special zone extending into the existing urban area with the recent Advance Terrace and Cotter Ave extensions extending further south than part of the special zone at McDonnell Road level.

The policies identified above apply throughout the rural zone, to a range of landscapes and different circumstances. Accordingly, their application needs to be carefully applied.

As part of the tripartite landscape classification, the District Plan actively discourages urban development within the ONL area, while within the VAL areas, the District Plan acknowledges and anticipates that urban edges of existing communities will need to expand, and that such expansion can be contemplated provided a number of key thresholds are met: including that urban development should not occur on land vulnerable to degradation (or conversely) – any urban development should only occur on land with the potential to absorb change.

The landscape report, which forms part of this request, identifies that the particular characteristics of the special zone have led to the conclusion that this land is at the lower end of the VAL classification, and that it does have the potential to absorb the level of change proposed.

The policies of the District Plan also encourage development to harmonise with the land and to avoid urban sprawl along roads. The term 'sprawl' needs some definition, as it is has negative connotations. It is associated with haphazard or unplanned growth, where development occurs without a blueprint. In this case a carefully planned expansion of the township is not and should not be defined as 'sprawl'.

This Plan Change is consistent with and fulfils the objectives and policies listed above.

7. *Urban Edges*

To identify clearly the edges of:

- (a) *Existing urban areas;*
 - (b) *Any extensions to them; and*
 - (c) *Any new urban areas*
- by design solutions and to avoid sprawling development along the roads of the district.*

Assessment:

This section of the District Plan addresses urban edges, and acknowledges that those existing edges are not necessarily fixed – but that they may extend or alter over time. This District Plan was notified in 1995 and these policies confirmed in 1998.

Any extension of an urban edge needs to ensure that it brings with it a design solution. In this case the presence of golf courses around the edge of the special zone achieve this policy. Entering the township from the south there is a passage from the open rural landscapes near Arrow Junction, traveling through the modified but open space of the golf courses, through to the edge of Arrowtown.

5.4.3 Part 4.4 of the District Plan - Open Space and Recreation

Objective 1 - Reserves Contributions

Avoid, remedy or mitigate the adverse effects on public open spaces and recreational areas from residential growth and expansion, and from the development of visitor facilities.

Policies:

- 1.3 *To ensure any land taken as a financial contribution is of an adequate size, in an appropriate location, and is suitable to be used for the purpose for which it has been required.*

Objective 3 - Effective Use

Effective use and functioning of open space and recreational areas in meeting the needs of the District's residents and visitors

Assessment:

The special zone has been designed to follow a Structure Plan format. That Structure Plan provides for a large part of the special zone to be set aside as an Open Space Neighbourhood, where activity is limited to outdoor recreation activity. The only structures envisaged in this Open Space Neighbourhood are those structures that are ancillary to recreational use – such as playground equipment and construction of walkways and bridges.

That part of the special zone set aside as an Open Space Neighbourhood comprises 12.16 hectares, or almost 40% of the zone area (this calculation includes most of the roadways and the stream margins). In terms of the Council's Parks Strategy; the Open Space neighbourhood will take the role of both a 'Neighbourhood' and 'Local Reserve'.

Local Reserve:

A local reserve within the urban community that may be partly developed for amenity purposes. Likely to provide a green buffer and possible amenity mitigation against development, be planted with trees (where possible) and have a lower level of maintenance to a neighbourhood reserve. Probably suitable for dog walking with reasonable pedestrian access and possibly providing a "green" link to other reserves or open space.

Neighbourhood Reserve:

A developed urban reserve designed for ease of pedestrian access. The reserve will be easily accessible, probably from more than one road frontage. The reserve will be well maintained, free draining, have flat or gently undulating grassed areas, be safe and provide an attractive welcoming ambiance to the immediate local community within a ten minute walking distance.

Neighbourhood reserves will host children's play equipment, seating, amenity lighting, paths and attractive amenity planting.

Arrowtown has numerous areas of open space, which the Parks Strategy describes as being “adequately provided for in terms of reserve and open space, however some of the land is poorly developed or requires an injection of capital funding to maximize the benefits.” The strategy also identifies that a major sportsfield is required, and this space has recently been confirmed at the corner of Malaghan, Arrowtown-Lake Hayes and McDonnell Roads – within land owned by Millbrook.

5.4.4 Part 4.5 of the District Plan - Energy

Objective 1 - Efficiency

The conservation and efficient use of energy and the use of renewable energy sources.

Policies:

- 1.1 *To promote compact urban forms, which reduce the length of and need for vehicle trips and increase the use of public or shared transport.*
- 1.2 *To promote the compact location of community, commercial, service and industrial activities within urban areas, which reduce the length of and need for vehicle trips.*
- 1.3 *To encourage residential sites to be large enough to enable buildings to be constructed to take the greatest advantage of solar energy for heating, both active and passive.*
- 1.4 *To control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.*

Assessment:

The District Plan promotes compact urban centres and provides that any expansion of them should take into account the objectives and policies relating to energy efficiency.

Arrowtown South provides for the consolidation of the township with the school within easy walking distance of the special zone. The objective is also achieved through numerous other aspects, such as the provision of a connecting road between Centennial Avenue and McDonnell Road, creation of a small commercial hub, that discourages unnecessary trips in to the town centre.

5.4.5 Part 4.8 of the District Plan - Natural Hazards

Objective 1

Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.

Policies:

- 1.4 *To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property or other aspects of the environment.*

- 1.6 *To discourage subdivision in areas where there is a high probability that natural hazard may destroy or damage human life, property or other aspects of the environment.*
- 1.7 *To avoid or mitigate the likelihood of destruction or damage to residential units and other buildings constructed or relocated into flood risk areas*

Assessment:

The land comprising the proposed special zone is not identified on the Council hazard register, nor does the regional Council identify anything of interest on this land.

5.4.6 Part 4.9 of the District Plan – Urban Growth

Objective 1 - Natural Environment and Landscape Values

Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.

Policies

- 1.1 *To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.*
- 1.2 *To ensure growth does not adversely affect the life supporting capacity of soils unless the need for this protection is clearly outweighed by the protection of other natural or physical resources or important amenity values.*

Assessment:

The District Plan anticipates and provides for growth, it does not arbitrarily fix the boundaries of any of the communities in the District.

The proposed special zone is located within the VAL category. The special zone provides for the protection and enhancement of the key landscape features, such as the McDonnell Escarpment, the un-named stream and the proposed hillock reserve (at the boundary of the Adamson and Mt Soho land).

The land is occasionally grazed, but none of the parcels of land within the proposed special zone either individually or collectively have any particular production value.

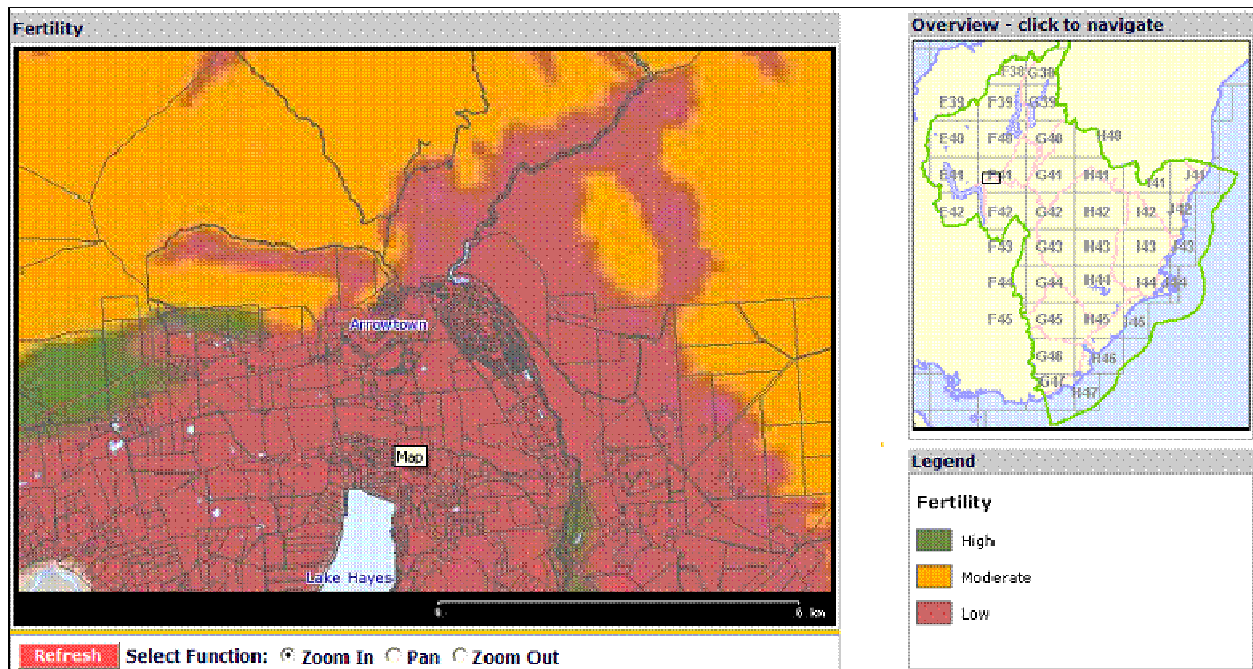


Figure 5.4 Grow Otago Web Site Soil Fertility Map

Objective 2 - Existing Urban Areas and Communities

Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.

Policies:

- 2.1 To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.
- 2.2 To protect the living environments of existing low-density residential areas by limiting higher density development opportunities within these areas.

Objective 3 - Residential Growth

Provision for residential growth sufficient to meet the District's needs.

Policies

- 3.1 To enable urban consolidation to occur where appropriate.
- 3.2 To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.

Assessment:

This section of the District Plan remains unchanged by Plan Changes 29 and 30.

This Plan Change is consistent with these objectives and policies. This Plan Change establishes a clear Structure Plan for the development of the special zone, with a series of consent processes that are required to be fulfilled before any subdivision or development can occur. The Structure Plan is intended to ensure that development within the special zone takes place in a manner and form that both protects and enhances the existing Arrowtown community. Similarly, the density of development is designed to mirror the character of the existing township.

Within the special zone there are two residential densities; the lowest density neighbourhoods range from 675m² through to 950m² (an average neighbourhood density of 1: 836m²) which is consistent with the larger sections that occur within the Arrowtown Historic Management Zone. Similarly the remaining pockets of residential occur at a density of 1:450m², which is the same as the density of housing within the new part of Arrowtown.

Objective 3 anticipates that residential growth should be managed to meet the needs of the community. The Market Economics Limited report identifies that the Council's growth forecasts over-estimate supply and under-estimate demand. Accordingly, residential growth is likely to exceed Council's expectations. The supporting policies promote consolidation and seek to unify or combine development within an urban area – in other words to avoid splintering or fragmenting. The Plan Change achieves this objective through incorporating other land around the edge of Arrowtown into the proposed special zone to provide for orderly expansion designed to maintain and protect amenities, and by providing pedestrian connections through to the existing urban areas.

5.4.7 Part 4.10 of the District Plan - Earthworks

Objectives

To avoid, remedy or mitigate the adverse effects from earthworks on:

- (a) Water bodies*
- (b) The nature and form of existing landscapes and landforms, particularly in areas of Outstanding Natural Landscapes and Outstanding Natural Features.*
- (c) Land stability and flood potential of the site and neighbouring properties.*
- (d) The amenity values of neighbourhoods*
- (e) Cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites*
- (f) The water quality of the aquifers.*

Assessment:

The special zone adopts the standard District-wide rules for earthworks for ease of administration. Additionally the special zone benefits from further policy support for the protection of the general landform of the McDonnell ridgeline, so that earthworks to create roading and house sites respect the shape of the underlying land.

5.4.8 Other Relevant Parts of the District Plan

This report identifies that the most efficient and effective method of achieving sustainable growth management of Arrowtown is to adopt a new zoning for this land. This means establishing a unique set of zone provisions through objectives, through policies, rules and other methods.

As a result, only limited changes are required to those other parts of the District Plan. However, to understand the context of this Plan Change to the rest of the District Plan and to understand the overall policy direction of the District Plan, it is necessary to consider those other parts of the Plan. As the special zone will be a residential neighbourhood, it is most relevant to consider the proposal in light of other residential areas of the District, in particular the traditional low density areas of Queenstown, Frankton and Arrowtown and also the Arrowtown Historic Management zone. The introductory pages to Part 7 (the residential zone) provide important background information.

5.4.9 Residential – General (Issues)

7.1.1 Issues

The District's housing stock represents one of its most important physical resources. People's well being is among other things a reflection of their quality of housing and the environment in which that is set.

Enabling people to provide for their residential needs within the District is one of the Council's functions authorised under the Act. The purpose of the Act is the sustainable management of natural and physical resources, which includes enabling people and communities to provide for their social, economic and cultural well being and for their health and safety. This can only be achieved within a framework which adequately addresses the needs of present and future generations, the life-supporting capacity of air, water, soil and ecosystems, and the adverse environmental effects of activities including the effects on the visual amenity of outstanding landscapes of the District.

Meeting the residential needs of the District's urban population cannot be accommodated within the existing towns, settlements or "rural lifestyle" areas without significantly affecting current residential amenity values ie density levels, protection of views, privacy, or detracting from the significant landscape values and natural features of the District. The Council recognises there is a demand for low-density residential living within rural areas by people wishing to enjoy the quietness and natural environment. However, in deciding how best to meet the residential needs of the District, the Council must have regard to several other matters of relevance under Section 7 of the Act, most importantly:

- the efficient use and development of natural and physical resources;*
- the maintenance and enhancement of amenity values and natural features;*
- the maintenance and enhancement of the quality of the environment.*

i Growth and Availability of Land

The provision for and location of new residential activity

In considering the provision for and location of land for residential use, the Council must balance the need for and location of residential activity against the need to promote the sustainable management of the District's resources and amenities. These include services, energy efficiency, the life supporting capacity of soils, natural hazards, landscape, rural amenity, and social well being.

Natural Hazards

Parts of the towns and settlements are subject to flooding and other hazards. In other areas, residential expansion in areas at risk from flooding will, in the long-term, increase the amount and value of property vulnerable to flooding damage. The location of new development should minimise that risk.

Productive Land

The future welfare of the District is not fully reliant on primary production of these soils but subdivision and development will result in the loss of their productive capacity. Any expansion over versatile soils needs to be balanced against the sustainable management of other natural and physical resources such as energy, infrastructure, services and the effects on important amenities.

Servicing

Servicing infrastructure is a major physical resource and its efficient utilisation is of concern to the District. The costs of providing infrastructure to the community and future land areas is an important factor where the success of resource management can be measured in terms of efficiency. Efficient use of existing infrastructure must also be measured against other fundamental District objectives such as residential forms and protection of the visual amenities.

ii Landscape

The relationship of urban areas to the natural landscape

The District is dominated by a landscape of outstanding quality which provides a sense of place and belonging for all communities as well as the source of economic activity and recreation. The attraction and quality of the residential environments and any extensions to those environments must be closely related to the need to protect and enhance the visual amenity of the District.

iii Character and Scale

Enhancement of the essential elements that give towns, suburbs or settlements their character, image and attractiveness.

The existing identity of any particular town or settlement is reflected in its character and scale. These are matters which influence where people choose to live. Components of character and scale include open space, density of development, building height, dominant styles in built form and topographic influences. There is undoubtedly a difference in character and scale between suburban residential and low density rural living environments. There can also be contrast in the character and scale within or between settlements. Change in the character and scale of residential areas can result from closer subdivision and construction of additional houses at higher densities, redevelopment and replacement of existing houses, and loss of existing open space, garden and tree plantings, loss of views and diminution in the sense of community cohesion and well being.

Some changes may be necessary to provide for the needs of people wanting smaller properties, new and smaller houses, or houses closer to town centres. Such change needs to be managed to avoid adversely affecting the character and scale of areas most valued by residents. The main residential areas have developed a low density character with general protection for views, sunlight admission and privacy. This character is even more profound in smaller settlement areas where development densities have remained low. Pressure for growth will inevitably bring pressure for infill development within these areas.

iv Residential Amenity

Protection and enhancement of people's social well being resulting from the amenity values of their living environment.

People's perception of well being is enhanced by a coherent and pleasant living environment. The main components of this amenity are the location and scale of open space, density of residential development generally and within sites, heights of buildings and dominant building styles. Most of these components lead to a general appreciation of an area, while others relate to the development of individual sites. The way individual sites are developed and their relationship to adjoining sites are important factors in ensuring residential properties have adequate sunlight, daylight and privacy and a feeling of not being closed in or overlooked. In controlling these matters the desirability of allowing reasonable individual flexibility in siting, layout and building design must be acknowledged, including the need to maximise the benefits from good access to solar energy.

Residential areas have always contained a range of complementary nonresidential activities relating to the educational, spiritual, social, recreational, and day-to-day economic needs of the residents. Many of these require a residential location because of the service they provide to residents. Some of these activities can have a significant impact in terms of traffic and on-street parking, noise or glare. It is important to ensure a compatibility between residential and non-residential activities and areas.

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Assessment:

The list of issues above applies equally to the special zone and form an important consideration.

One of the key issues facing the residential parts of the District is the provision of land for new residential activity, taking into account matters such as infrastructure, landscape, hazards and fanning potential.

Similarly, the District Plan acknowledges that any growth around existing settlements needs to be carefully designed and acknowledge and build upon those established characters. The proposed change has identified that density, street character, building location and design and vegetation are all matters that need to be addressed to reflect and build upon the character of the older parts of Arrowtown.

5.4.10 Residential - General (Objectives and Policies)

7.1.2 District Wide Residential Objectives and Policies

Objective 1 - Availability of Land

Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.

Policies:

- 1.1 To zone sufficient land to satisfy anticipated residential demand.***
- 1.2 To enable new residential areas in the District.***
- 1.3 To promote compact residential development.***

- 1.4 *To enable residential growth in areas which have primary regard to the protection and enhancement of the landscape amenity.*
- 1.5 *To maintain a distinction between the urban and rural areas in order to assist in protecting the quality and character of the surrounding environment and visual amenity.*

Explanation and Principal Reasons for Adoption

The population of the District is growing and the Council recognises and accepts the need to provide for growth.

While the residential areas of the District comprise only a small percentage of the total land area there are, in the context of the natural and physical resources, constraints on further expansion and severe limitations on the amount of land available and suitable for development. The major concern for the Council in accommodating future residential growth is the impact on natural and physical resources and on the landscape amenity.

The Council seeks to achieve urban consolidation. As such the objectives and policies do impact on the form of development to the extent the effects on specific resources and amenities (eg landscape amenities) are anticipated and managed.

Objective 2 - Residential Form

A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.

Policies:

- 2.1 *To contain the outward spread of residential areas and to limit peripheral residential or urban expansion.*
- 2.2 *To limit the geographical spread and extent of rural living and township areas. Where expansion occurs, it should be managed having regard to the important District-wide objectives.*
- 2.3 *To provide for rural living activity in identified localities.*
- 2.4 *In new residential areas encourage and provide for development forms which provide for increased residential density and careful use of the topography.*

Explanation and Principal Reasons for Adoption

The spatial pattern of a settlement and the way in which it uses its resources determines the character and scale of the urban environment. This is a key factor influencing the magnitude of energy consumption and the efficient use of existing resources, including land and infrastructure. The policies are aimed at a compact urban form, with residential activity related to central commercial areas and readily accessible by all modes of transport.

The Council believes this policy will be most effective in protecting the significant landscape amenities of the District, reducing the use of private motor vehicles and have a beneficial effect in terms of the efficient use of existing resources and infrastructure, while catering for the residential needs of the District's population.

In the new residential areas, Council wishes to promote new and imaginative residential developments which have regard to the surrounding landscape amenity as well as for energy efficiency, convenience and social well being.

Assessment:

Objective 1 and its supporting policies clearly anticipate that residential communities may need to expand to provide for anticipated residential demand. It is the Council's and the community's vision that growth will be provided for either within established residential areas, or through new growth areas. Those new growth areas will be generally provided in parts of the District that have the potential to absorb change, without adversely impacting upon the landscape character or quality. This Plan Change relates to land that is classed as being at the lower end of the VAL category, and accordingly is an appropriate location for a new growth zone.

Objective 2 is concerned with maintaining a compact residential form. That term should not be confused with a policy of no further growth. This objective outlines that growth should only occur where it can be established that the community or township concerned retains its overall distinguishing features or character. Furthermore, the objective anticipates a reasonably clear urban – rural interface. The special zone meets those aims and utilises the golf course to more effectively define that southern edge of the township.

Overall the proposed special zone is consistent with and achieves the objectives and polices outlined in the general residential objectives section of the District Plan.

5.4.11 Residential – Issues (Arrowtown)

7.4 Arrowtown Residential Areas

7.4.1 Resources, Activities and Values

Arrowtown is an important residential area in the District. Over the last decade and principally through the operation of specific planning controls, the historic character of the central part of the residential area has been retained and enhanced.

The residential area of Arrowtown falls into two distinct areas:

- the historic inner area of the town;*
- the surrounding residential development.*

The balance of surrounding residential area forms part of the District's low density residential resource and does not contain the heritage or character elements that make up the central residential area.

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

Buildings in the historic area are of such importance to its character that specific controls are necessary to protect the present development and to encourage

future development to reflect the historic, aesthetic and amenity characteristics and values of the existing development. In most parts of this area, these buildings combine with the avenues of street trees and proximity to the historic town centre to provide a significant physical and natural resource of considerable interest and value to residents and visitors.

7.4.2 Issue

Loss of the essential character of the Arrowtown historic residential area through inappropriate development.

The essential character of Arrowtown is important because it provides a unique natural and physical resource for its residents. It is a source of identity for the town and a physical resource which can be sustainably managed as an attraction to visitors who contribute to the general welfare of the community.

The essential character is contributed to by a roading and subdivision pattern set out at the time of the establishment of the town. The essential character is determined by lot size, scale of buildings in relation to lot size and streetscape, a building resource containing structures of historic importance and a streetscape with a remarkably consistent pattern throughout the area originally laid out for the town.

Inappropriate development would generally detract from and undermine this character and the amenity values of Arrowtown.

7.4.3 Objectives and Policies - Residential Arrowtown Historic Management Zone

Objectives:

Development undertaken in the historic residential area to retain or enhance the present character and avoid any adverse effects on the amenity values of the area.

Residential development characterised by low density and low height.

Consolidation of the residential area of the town.

Policies:

- 1 *To establish a Residential Historic Management Zone around the historic town centre of Arrowtown in which particular controls are applied to conserve the residential heritage and building character.*
- 2 *To control the subdivision of land in such a way that the character resulting from the existing large lot sizes in the residential area is retained.*
- 3 *To control the form and location of buildings in such a way that the character resulting from the existing scale of development is retained or enhanced.*
- 4 *To identify and protect buildings or groups of buildings of particular architectural, historic or cultural value.*
- 5 *To protect and retain the historic roading patterns in such a way that they will continue to serve the changing needs of the community.*

- 6 *To identify and protect those elements contributing to the character of the streetscape.*
- 7 *To control the external appearance of buildings in such a way that the buildings do not detract from the character of the Residential Historic Management Zone.*
- 8 *To limit the expansion of the residential area outside of the identified zone boundaries.*

Assessment:

These provisions are concerned with the Residential Arrowtown Historic Management Zone, being that area that surrounds the main commercial street.

The much larger Low Density Residential zone surrounds this heritage zone. The Low Density zoning is the same zoning that applies to much of Queenstown and Wanaka, with the only exception being a 6m height limit (rather than 7/8m in Queenstown and 7m in Wanaka).

The special zone identifies with a number of these policies through the introduction of a requirement to establish design guidelines, and to ensure that each of the Neighbourhoods within the special zone are carefully planned prior to any subdivision or development occurring.

5.4.12 Proposed Plan Change 29 and 30

The Council is currently considering a number of changes to the District Plan. At the time of preparing this report the Council had indicated that it would prepare a change to identify the urban growth boundary for Arrowtown (working title: *Plan Change 29 – Arrowtown Boundary* and *Plan Change 30 – Urban Growth Boundary Framework*).

Plan Change 29 proposes an urban growth boundary around the edge of Arrowtown.

Plan Change 30 will involve additional objectives and policies to the District Wide section of the District Plan concerned with urban growth (Part 4.9).

These changes (including this Plan Change) are inter-related and should be considered together.

5.4.13 Proposed Plan Change 24

Proposed Plan Change 23 (Community and Affordable Housing) Plan introduces new policies to the District Plan to introduce the provision of affordable housing into the District Plan policies. These policies would be relevant when plan change requests are made, and when resource consent applications are considered, and would require the provision of affordable housing in proposed developments. This plan change is currently under appeal.