



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). The proposed RPS was released for formal public notification on the 23 May 201 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:

<i>Goal 3.2.1: Develop a prosperous, resilient and sustainable economy</i> <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>
<i>Goal 3.2.2: The strategic and integrated management of urban growth</i> <i>Objective 3.2.2.1: Ensure urban development occurs in a logical manner:</i> • <i>to promote a compact and integrated urban form; [...]</i>
<i>Goal 3.2.3: A quality built environment taking into account the character of individual communities</i> <i>Objective 3.2.3.1: Achieve a built environment that ensures our urban areas are desirable places to live, work and play</i> <i>Objective 3.2.3.2: Protect the District's cultural heritage values and ensure development is sympathetic to them</i>
<i>Goal 3.2.4: The protection of our natural environment and ecosystems</i> <i>Objective 3.2.4.8: To respond positively to Climate Change</i>
<i>Goal 3.2.6: To enable a safe and healthy community that is strong, diverse and inclusive for all people.</i> <i>Objective 3.2.6.2: To ensure a mix of housing opportunities.</i>

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

	Option 1: Status quo/ No change	Option 2: (Recommended) Comprehensive review – likely result in many existing provisions being retained and improved	Option 3: Comprehensive Review – overhaul existing provisions
Costs	• Would fail to fulfil Council’s statutory obligation to review the Plan every ten years. • Would not provide a thorough assessment of the operative Plan provisions.	• Has costs associated with going through the District Plan Review process (but this is required by legislation).	• Has costs associated with going through the District Plan Review process (but this is required by legislation). • 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.
Benefits	• No costs resulting from the District Plan Review Process.	• 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. • Enables the Arrowtown Design Guidelines 2006 to be specifically referenced in the Plan to give them statutory weight. • Enables provisions to be articulated in a format that is more legible, and provides greater clarity, than the status quo. • Enables the operative policy framework to be critically assessed and strengthened.	• Would fulfil Council’s statutory obligation to review the Plan every ten years.
Ranking	3	1	2

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>
Objective 14.2.1: New development celebrates the town's historic character and is sympathetic to its environmental setting.	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. 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. Gives effect to s7c RMA (the maintenance and enhancement of amenity values) and s7f RMA (maintenance and enhancement of the quality of the environment). 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.
Objective 14.2.2: Arrowtown is a compact, convenient and attractive town centre that has a low scale built form, with limited opportunities for expansion.	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. 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. Reinforces the importance of the appearance of the town centre and the coherence of its built form. Consistent with Objectives 3.2.3.1 and 3.2.3.2 of the Strategic Directions chapter.

Objective	Appropriateness
Objective 14.2.3: Arrowtown town centre is a focus for commercial, cultural, entertainment and visitor activities.	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. 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. 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.
Objective 14.2.4: Appropriate limits are placed on town centre activities to minimise adverse environmental effects within and beyond the town centre.	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. 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. Consistent with Objective 3.2.3.1 of the Strategic Directions chapter.
Objective 14.2.5: The town centre's transport network and pedestrian linkages recognise Arrowtown's heritage values, enabling the safe and convenient movement of people and goods.	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. 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. Enables existing pedestrian links to be maintained, as they are important connections through the town centre to existing peripheral carparking areas, and surrounding amenities. 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.

<i>Objective</i>	<i>Appropriateness</i>
	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

<i>Proposed provisions</i>	<i>Costs</i>	<i>Benefits</i>
Policies: 14.2.1.1 to 14.2.1.5 Rules: 14.4.2 14.4.4 14.5.1 to 14.5.5 14.5.7	- Costs associated with the resource consent process and meeting requirements that seek to maintain the integrity of the town centre's character. - Controls limit the style of development in the town centre, which results in less diversity of building design when compared to other centres.	- Enables controls that maintain the historic character of the centre, and ensures that new buildings are compatible with the existing scale of development. - Acknowledges the important role of the town's built character in attracting visitors, which supports the town centre's economic viability. - 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. - 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. - 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.
Policies: 14.2.2.1 to 14.2.2.6	Limits opportunities to increase the capacity of the town	Providing a compact form enables the integrity of the town

<i>Proposed provisions</i>	<i>Costs</i>	<i>Benefits</i>
Rules: 14.4.4 14.5.7 Other Methods: Town Centre Zone extent Town Centre Transition Overlay extent Non-regulatory	centre, may result in higher land/rent prices due to demand exceeding supply. Limits development opportunities of individual sites due to retaining the operative height limit.	centre to be maintained as a lively hub of activity that is easily negotiated on foot. - 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. - 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. - Non-regulatory methods, such as the design of public spaces, further contribute to people's enjoyment of the town centre and its surrounds.
Policies: 14.2.3.1 & 14.2.3.2 Rules: 14.4.1 14.4.3 14.5.5	The effects of town centre activities must be appropriately managed to ensure that the amenity values of nearby residential areas are not compromised.	- 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. - Placing controls around the location of residential and visitor accommodation activities enables the integrity of activities occurring at street level to be maintained.
Policies: 14.2.4.1 to 14.2.4.4 Rules: 14.4.5 to 14.4.11 14.5.4 10.5.8.7 10.5.8.9 10.5.8.10	- Costs associated with complying with the specified limits, such as acoustic treatments for noisier activities required to demonstrate compliance with noise standards. - Costs associated with the resource consent process for activities requiring consent to exceed limits.	- 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. - 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.

Proposed provisions	Costs	Benefits
		• The proposed provisions exclude inappropriate activities from 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. • 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.
Policies: 14.2.5.1 to 14.2.5.6 Rules: 14.4.4 14.5.6 Other Methods: Non-regulatory methods	• Costs to Council associated with the appropriate upkeep of public open spaces, roading and parking infrastructure. • Costs to private landowners associated with maintaining existing public linkages on private land, and decreased development opportunities due to the location of the linkages. • Any associated costs and inconvenience arising from the requirement to locate loading areas away from Buckingham Street.	• 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. • The existing pedestrian linkages enable important connectivity between Arrow Lane, Buckingham Street and Ramshaw Lane, whilst giving added interest to the centre. • Including reference to the National Guidelines for Crime Prevention Through Environmental Design (CPTED) seeks to make the centre a safer place. • 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.

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