

2011

Monitoring Report for the Meadow Park Special Zone



Policy and Planning
Queenstown Lakes District Council
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Executive Summary

This report assesses the effectiveness and efficiency of the Meadow Park Special Zone of the Queenstown Lakes District Plan. While the majority of the objectives policies and rules were found to be effective, there is room to improve the effectiveness and efficiency of the zone provisions in many areas. However no wholesale re-writing is required as part of the District Plan review.

In terms of the zone objectives, there was some concern with how 'regard' was had to Arrowtown's heritage resources and character. The integration of the development so close to the adjoining industrial zone was also questioned.

In terms of the zone policies, some concern was expressed about subdivision consents being approved that created sections straddling the Activity Area boundaries. The policy which requires reverse sensitivity issues to only be 'adequately dealt with' is not likely to be effective due to the extremely small buffer between the residential and industrial zones. The complete lack of a policy to guide the controlled activity resource consents was a significant omission.

The rules were generally found to be effective, although a number could be improved to simplify and streamline the zone provisions. The zone delivered consents relatively efficiently, with all consents that were anticipated by the zone granted on a non-notified basis, at an average cost over of \$1174 (including GST). Given the lack of a policy to guide the controlled activity consents, any future section 32 assessment as part of the District Plan review should either provide strong policy direction or reconsider the need for these controlled activity consents.

As part of the upcoming District Plan review, it would also be prudent to consider whether the zone needs to sit in Part 12 as a 'Special Zone' or whether it could better sit in the Part 7 Residential section, much like the residential Arrowtown Historic Management Zone does, with its own objectives, policies and rules. The zone is effectively a low density residential area. In practice it seems the Meadow Park Special Zone is not particularly different to many other residential parts of the district, and the provisions may sit better as a part of the Residential section of the plan, with its own objectives, policies, rules and structure plan.

1. Introduction

Section 35 of the Resource Management Act states that:

***Every local authority shall monitor-
...[(b)] the efficiency and effectiveness of policies, rules, or other methods....***

and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.

This monitoring report fulfils the requirements of section 35(b) in relation to the Meadow Park Special Zone. This report monitors the effectiveness and efficiency of the Meadow Park Special Zone policies, and rules. The zone objectives are also considered. No 'other methods' are employed for the zone.

Findings in this report will assist in informing the review of the Queenstown Lakes District Plan, due to be publicly notified in October 2013.

This report is limited to monitoring the effectiveness and efficiency of the objectives, policies, rules, and is not an urban design review of the development that has occurred.

2. What is the Meadow Park Special Zone?

The bright green shading in Figure 1 below indicates the extent of the Meadow Park Special Zone.

Figure 1: The Meadow Park Special Zone (bright green)



The zone covers some 42.5 hectares and is located to the west of Arrowtown and to the north of the Millbrook Resort. The zone includes part of Feehly's Hill (an Outstanding Natural Feature) and adjoins the Arrowtown industrial area.

The zone purpose is to create a comprehensively designed and integrated development that enhances the western entrance to Arrowtown, and to create a comprehensively designed and integrated development that integrates into Arrowtown's urban fabric.

The introduction to the chapter states it is a 'mixed use zone' (refer section 5 for comment) that provides the Council with a significant opportunity to develop a strong western urban edge while enabling:

- Access to Arrowtown, Millbrook Resort and other public open spaces;
- Protection and enhancement of scenic and natural values of the area;
- A significant contribution to the housing stock of Arrowtown; and
- The development of recreational facilities.

3. How was the zone created?

The zone was created in two parts:

1. The land west of Manse Road (now called Butel Park), and
2. The land east of Manse Road, including Feehly's Hill.

West of Manse Road part of Meadow Park Special Zone

The land was formerly zoned 'Rural Downlands' with a 'Landscape Importance' overlay under the 1995 Proposed District Plan. In a submission Vivid Holdings Limited (Vivid) sought a 'Rural Residential – Arrowtown' zone over the land with a 3000m² minimum site size, effectively enabling 100 residential units. Following the hearing of submissions, the land was rezoned Rural Lifestyle. This decision was appealed by Vivid and the Wakatipu Environment Society Incorporated (WESI). While this was happening, Vivid applied to the Council for subdivision and landuse consents to develop an equestrian centre and 30 lot residential subdivision. This consent was granted in part, with the equestrian centre being approved, but refusing the subdivision of 30 lots for residential purposes. This consent decision was appealed by Vivid and was joined by other parties including WESI. Following mediation, it was agreed that the land be rezoned as 'Meadow Park Special Zone' and that a structure plan be adopted.

East of Manse Road part of Meadow Park Special Zone

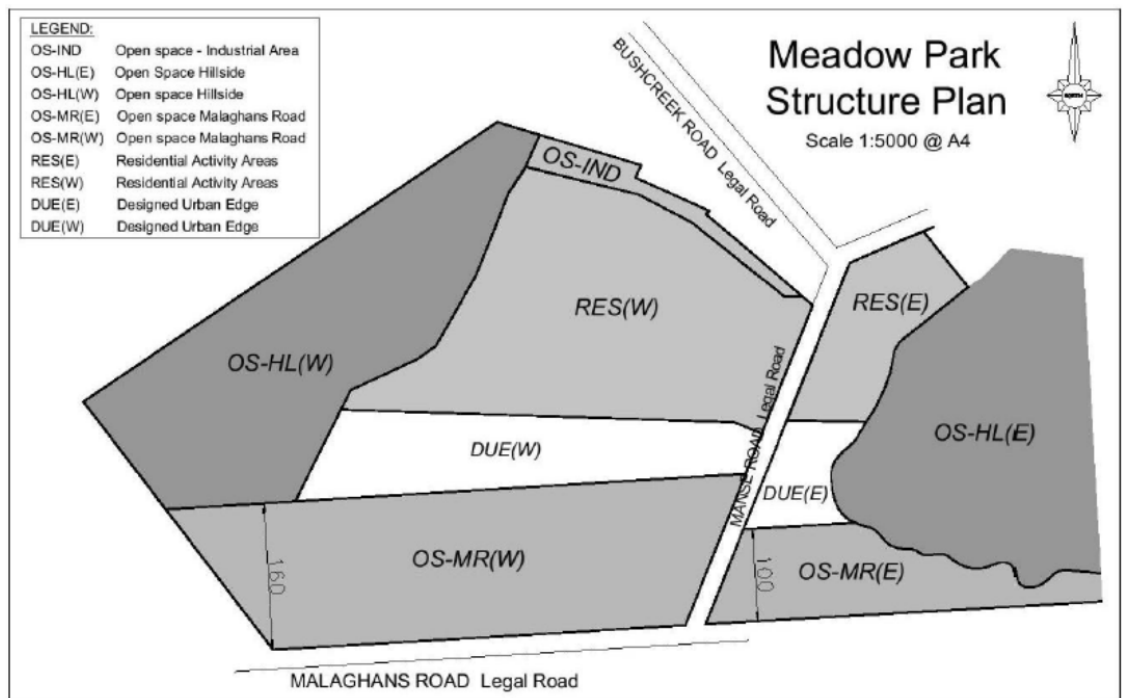
The 1995 Proposed District Plan also zoned the land east of Manse Road including Feehly's Hill as 'Rural Downlands', with a 'Landscape Importance' overlay. After hearing submissions, the Council rezoned the land 'Rural Lifestyle'. This decision was appealed by WESI, who sought that the Rural Lifestyle zone between Arrowtown and Millbrook be deleted.

As a result of further discussions between the parties, the Council came to the view that the development of the Meadow Park zone opposite (i.e. Butel Park) had changed the character of the surrounding land such that a higher density of housing could be absorbed. Following a section 293 application, the Council sought to incorporate the area east of Manse Road into an enlarged Meadow Park Zone by use of a structure plan. The Meadow Park Special Zone was finalised in August 2005 by Environment Court decisions C107/2005 and C159/2006.

4. How much development does the Meadow Park Zone enable?

Development is enabled at differing rates according to each Activity Area. The Structure Plan for the zone is shown in Figure 2 below.

Figure 2: Meadow Park Special Zone Structure Plan



The development potential of each Activity Area is set out in Table 1 below:

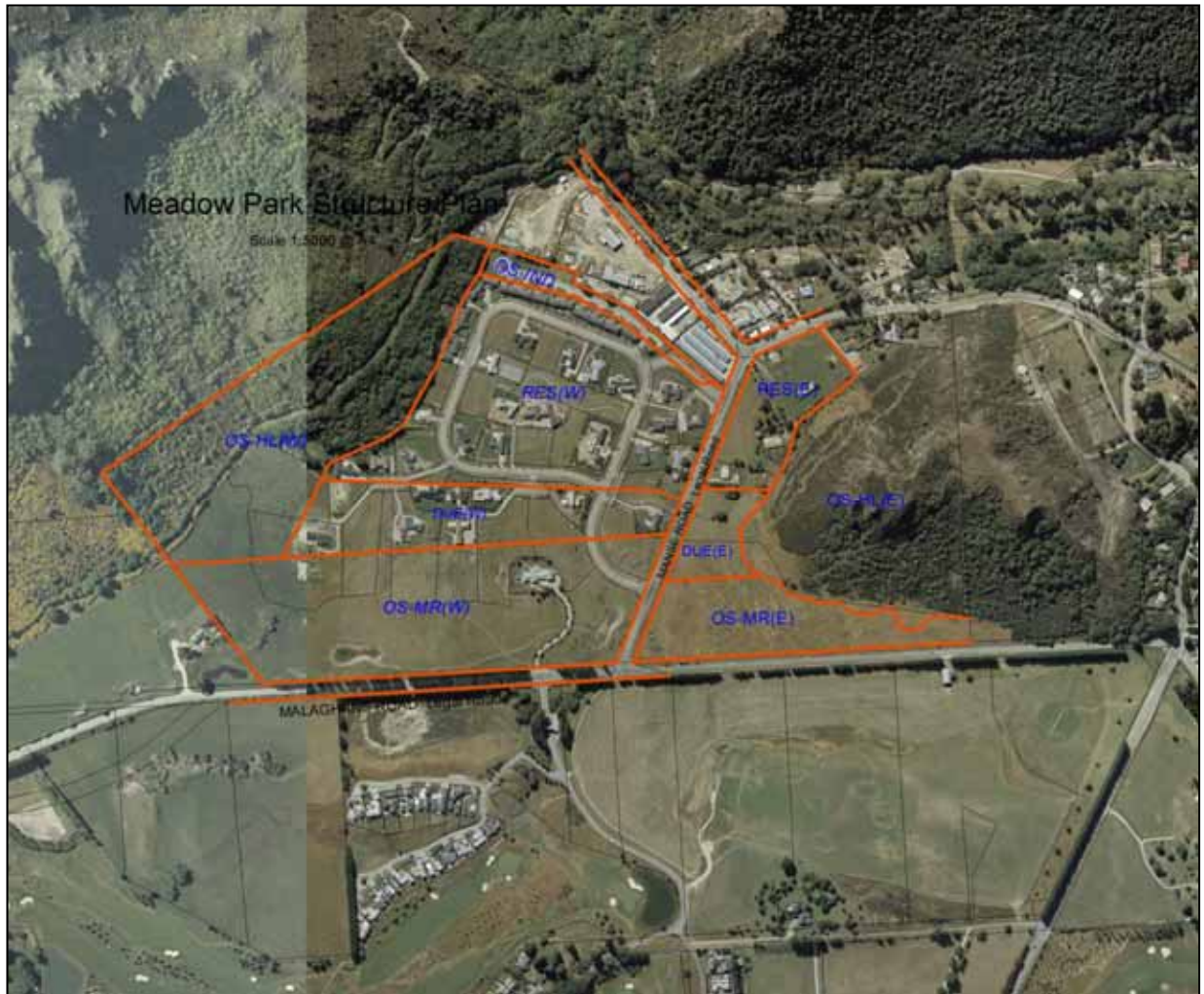
Table 1: Potential and Actual number of residential units allowed under District Plan

Activity Area	Potential Number of Residential Units allowed under District Plan	Actual Number
Residential West (Res-W)	100	51 residential units (30 sections one of which contains 22 medium density visitor accommodation units,
Residential East (Res-E)	No specific limit set in zone provisions	24 lots approved under RM070943
Design Urban Edge West (DUE-W)	No specific limit set in zone provisions	13 allotments as part of RM020538.
Design Urban Edge East (DUE-E)	No specific limit set in zone provisions	4 lots indicated as likely under RM070943
Open Space Malaghans Road West (OS-MR(W))	0	1 existing house
Open Space Malaghans Road East (OS-MR(E))	0	
Open Space Industrial Area (OS-IND)	0	
Open Space High Land West (OS- HL(W))	0	
Open Space High Land East (OS- HL(E))	0	
TOTAL	Greater than 100	93 residential units

5. How much development has occurred?

Figure 3 below shows the Meadow Park Activity Area boundaries overlaid on an aerial photograph.

Figure 3: Meadow Park Structure Plan with aerial photograph taken in 2009



Development East of Manse Road

As the figure above illustrates, in terms of the Meadow Park zone east of Manse Road, no new subdivision or residential development has occurred in this part of the zone since it was created. Three existing dwellings are located on this land.

Subdivision consent RM070943 was granted in May 2009, and a consent has also been issued for the ecological works on Feehly's Hill that would allow subdivision to commence (RM071231). Development of this area has therefore been consented and can commence at any time.

Development West of Manse Road

In terms of the Meadow Park zone west of Manse Road, this has now been fully subdivided and just a few empty sections remain.

The Res (W) activity area has been subdivided into approximately 30 sections, one of which contains 22 medium density units shown in Figure 4 below.

The Design Urban Edge (West) activity area has been subdivided into 15 sections, eight of which have a dwelling on them. A further 22 medium density residential units have been constructed, and consent was granted for these to be unit titled and used for visitor accommodation (RM041181).

Figure 4: Meadow Park medium density units



The use of the above medium density units for visitor accommodation is the only non-residential activity established in the zone. Therefore the zone is very much a residential area, rather than a “mixed use zone” as described in the introduction to the special zone chapter.

6. What does the Meadow Park Special Zone seek to achieve?

The overall zone purpose is:

- (a) *create a comprehensively designed and integrated development that enhances the western edge / entrance to Arrowtown;*
- (b) *create a comprehensively designed and integrated development that integrates into Arrowtown’s urban fabric;*

whilst having regard to surrounding landscape values, Arrowtown's heritage resources and character, the indigenous ecology of surrounding mountains and air quality.

This is to be achieved through the adoption of a structure plan for the zone which recognises and stages development within the zone.

The zone purpose statement goes on to identify the purpose of each activity area.

The Meadow Park Special Zone contains a single objective as set out below. The objective is supported by a total of four policies.

Objective 1

Comprehensively designed and integrated development that:

- (a) enhances the western entrance to Arrowtown; and***
- (b) becomes an integral part of Arrowtown's urban fabric;***

whilst having regard to:

- Surrounding landscape values including the landscape values of Feehly's Hill;***
- Arrowtown heritage resources and character;***
- Indigenous ecology of surrounding mountains and Feehly's Hill;***
- Air quality.***

The objective has two key components relating to Arrowtown's entrances and urban fabric, which are to be achieved while having regard to four separate matters.

7. How effective are the Meadow Park Special Zone Objectives, Policies and Rules?

7.1 Effectiveness of the Objectives

The single objective for the zone is considered below:

Objective 1

Comprehensively designed and integrated development that:

- (a) enhances the western entrance to Arrowtown; and***
- (b) becomes an integral part of Arrowtown's urban fabric;***

whilst having regard to:

- ***surrounding landscape values including the landscape values of Feehly's Hill;***
- ***Arrowtown heritage resources and character;***
- ***Indigenous ecology of surrounding mountains and Feehly's Hill***
- ***Air quality.***

This objective has a number of components to it which are examined below. The first component is:

Comprehensively designed and integrated development that enhances the western entrance to Arrowtown

This part of the objective is considered to be effective. The western entrance to Arrowtown is 'enhanced' with planting and landscaping. Due to the very large setback (160m), a visitor arriving along Malaghans Road from Queenstown does not 'arrive' at Arrowtown until they have reached the intersection of Malaghans and Arrowtown-Lake Hayes Road. This avoids the appearance of Arrowtown sprawling along Malaghans Road. The design of the subdivision west of Malaghans Road is comprehensive to the extent that it was a 'single site' development, designed to achieve the developer's objectives for the land in a single phase, and has not been added to incrementally over time. However the degree of 'integration' is commented on below.

The second component is:

Comprehensively designed and integrated development that becomes an integral part of Arrowtown's urban fabric;

The second component is considered to be moderately effective. The western part of the Meadow Park zone that has been subdivided and developed does exhibit a comprehensive design in accordance with the structure plan. However it is not considered to be a well integrated development. The term 'integrated' is not specifically defined in the District Plan or the Resource Management Act, but a common definition is "*combining or coordinating separate elements so as to provide a harmonious, interrelated whole*". At a big picture level, it is considered that insufficient buffer space has been provided for the adjoining industrial zone, which is likely to lead to reverse sensitivity effects. For example, the buffer zone between the residential area and industrial zone is just 15 metres in places, compared to a setback of 160m for 'visual amenity' from Malaghans Road. Furthermore, it is not well integrated to the extent that the open space that has been provided is an awkward shape that has no clear use. The extensive tree planting in the open space that has been provided means that the zone is lacking in a playground or space for children to kick a ball. For example, as the arrow in Figure 5 below shows, the path through the park ends before it reaches the road. The area could be used for dog walking and picnicking but otherwise due to its unusual shape and relatively small size, its recreational uses are considered to be limited.

Figure 5: Lot 100 – Meadow Park Zone open space



The two objectives are to be achieved while having regard to four matters:

- 1. while having regard to:**
 - **surrounding landscape values including the landscape values of Feehly's Hill**

This part of the objective has had 'regard' given to it and is considered to be effective. Built form has been kept off Feehly's Hill, and the other elevated hills that enclose the zone.

As Figure 6 below shows, some parts of the residential sections do in fact encroach onto the Open Space Highlands East (OS-HL(E)) activity area. However this was examined in considerable detail as part of the subdivision consent (RM070943) and the conditions of consent require that the parts that do encroach into the OS-HL(E) activity area must be kept clear of buildings and planted in native species. Furthermore it was found that the boundary of residential development proposed as part of the subdivision better reflected the topography and better protected Feehly's Hill than the boundary shown in the structure plan. Ecological restoration of Feehly's Hill is also a requirement of the zone provisions, and public access has been provided. This part of the objective is therefore considered to be effective.

Figure 6: The red dashed line illustrates where residential sections encroach into the Open Space Highlands East (OS-HL(E)) activity area.



- 2. while having regard to:**
- Arrowtown heritage resources and character**

The effectiveness of this part of the objective is considered to be limited. While this is not an urban design assessment, it appears that the main residential area (Res-E) has been subdivided and developed in a way that has little regard to Arrowtown’s heritage resource and character. The historic parts of Arrowtown are characterised by relatively small single storey houses with a simple architectural vernacular sitting on large sections with extensive gardens and trees. Garage doors are not really present, or are less dominant. The character of the Butel Park part of the subdivision is that of the large allotment, large house style. The part of the zone to the east of Manse Road, which was added later, does have rules that limit the size of dwellings and sites, to better reflect the Arrowtown character. However the subdivision design and house styles in the Res E activity area (Butel Park), is characterised by large dwellings on large sites, frequently dominated by blank garage doors, and a range of roof styles that do not have regard to Arrowtown’s heritage resources and character, and can be found in many locations around New Zealand.

Figure 7 below shows a selection of some building designs from the Res (W) Activity Area.

Figure 7: Is regard given to Arrowtown's heritage resources and character in these examples of house designs?



3. while having regard to:

- **Indigenous ecology of surrounding mountains and Feehly's Hill**

This part of the objective is considered to be effective. Resource consent RM071231 has been approved for ecological restoration of Feehly's Hill, and these works had to be undertaken prior to subdivision commencing.

4. while having regard to:

- **Air quality.**

This part of the objective presumably seeks to avoid the poor winter air quality that is often experienced over the main part of Arrowtown. The effectiveness of this part of the objective is difficult to determine, as it is not known what the type of heating appliances have been installed in the new dwellings. Reticulated gas is available as part of the Butel Park subdivision, which is a clean form of heating.

It is noted that a zone standard exists which requires "*the best practical means shall be adopted to minimise the emissions of smoke, smell and other air pollutants from the premises*". However because a heating appliance normally requires just a building consent (which is not normally checked by planning staff), this requirement may be overlooked. The covenants that have been registered on the titles of the lots in the subdivision do not have any controls on the type of heating appliance that can be used.

7.2 Effectiveness of the Policies

Objective 1 has four supporting policies. These are set out below with a comment on each.

- 1 ***To ensure that development of the zone is comprehensively designed and integrated through the adoption of a structure plan which in conjunction with zone rules:***
 - a. ***Enables limited and geographically contained residential development; and***
 - b. ***Retains significant open space adjoining Malaghan Road; and***
 - c. ***Prohibits additional accesses onto Malaghans Road; and***
 - d. ***Improved amenity of existing access onto Malaghan Road; and***
 - e. ***Retains control over the interface between residential activities and open space through Designed Urban Edge; and***
 - f. ***Retains the openness and restores the ecology of the upper slopes of the zone (which is recognised as forming part of the wider Outstanding Natural Landscape); and***
 - g. ***Adequately deals with reverse sensitivity issues between existing residential and industrial activities.***

The individual parts of the policy are set out below with a comment on each.

- a. ***Enables limited and geographically contained residential development; and***

In terms of (a), this part of the policy is considered to be only moderately effective. The zone has generally enabled limited and geographically contained residential developments; however the large number of residential sections that cross over into activity area boundaries that are meant to be left as 'open' is likely to lead to blurring of geographical boundaries over time. Blurring of boundaries will occur as a result of domestication from residential areas creeping into these 'open' spaces, despite covenants.

- b. ***Retains significant open space adjoining Malaghan Road; and***

In terms of (b), this part of the policy is moderately effective. The structure plan and associated rules seek to retain significant areas of open space adjoining Malaghans Road, however as noted previously, blurring of this area of open space will occur as a result of it being incorporated into people's titles. Domestication from residential areas will inevitably creep into these 'open' spaces, despite covenants.

- c. ***Prohibits additional accesses onto Malaghans Road; and***

In terms of (c), this part of the policy is effective. There have been no additional accesses created onto Malaghans Road. The one existing house in the Open Space – Malaghans Road West activity area that has an access off Malaghans Road was existing when the zone was created.

d. Improved amenity of existing access onto Malaghan Road; and

In terms of (d), this refers to the existing residential access to a private dwelling onto Malaghans Road. As part of the original subdivision consent, it was curved and landscaped to reduce the visual effect of the formerly straight driveway.

e. Retains control over the interface between residential activities and open space through Designed Urban Edge; and

In terms of (e), this part of the policy is effective as the structure plan and zone rules do indeed retain control over the interface between residential activities and open space through Designed Urban Edge related rules. However as noted previously, blurring of the Design Urban Edge and Open Space interface areas between residential and open space will occur as a result of it being incorporated into individual titles.

f. Retains the openness and restores the ecology of the upper slopes of the zone (which is recognised as forming part of the wider Outstanding Natural Landscape); and

In terms of (f), this part of the policy is effective. A resource consent has been granted to restore the ecology of Feehly's Hill. Development has also been kept off the upper slopes of the zone.

g. Adequately deals with reverse sensitivity issues between existing residential and industrial activities.

In terms of (g), it is not convincing that the structure plan and zone rules effectively deal with reverse sensitivity issues between existing residential and industrial activities. The buffer zone between the industrial area, and the residential / visitor accommodation uses, is very small. It is staggered in three steps, with widths of 15m, 17m and 34m. Given that the zone requires a setback of 160m from Malaghans Road for visual amenity reasons, the small setback of just 15m in places from an active industrial area, in a district where industrial land is at a premium, are probably inadequate to avoid reverse sensitivity effects.

Figure 8 below shows the extent of the setback between residential and industrial land.

Figure 8: Extent of the OS-IND buffer zone between residential and industrial activity



As the aerial photograph above illustrates, most of the industrial area is currently used for yard based activities, and this could change to being more 'built up' with only a controlled activity consent required. For example, a warehouse measuring 6m in height could be built right up to the boundary. Figure 9 below shows a 'mock up' of the possible extent of such a structure.

As Figure 9 illustrates, the existing industrial buildings are built close to the boundary (as they are allowed to be under the Industrial Area rules) and are plainly visible from the medium density units.

Furthermore, in the industrial area, activities are allowed to make a reasonable amount of noise (50dBA and 70 dBA L_{max}) between the night time hours of 2000 – 0800. This noise must not exceed the levels set out below at the boundary. Due to the very close proximity of the medium density units to the boundary, the noise will not have much space in which to dissipate, and this means that the row of medium density residential units could be exposed to noise 10dBA higher between 2000 and 0800 than what is allowed to be made in the Meadow Park Special Zone itself. To put this in perspective, 10dBA constitutes an effective doubling of noise volume.

While the policy only requires that the issue be dealt with 'adequately', which is not aiming very high, the policy is not considered to have been effective.

Figure 9: Activity Area 'Open Space-Industrial' showing the extent of the separation between residential and industrial activities and possible future industrial buildings



Red box is approximate only and is not to scale

2 To discourage development inconsistent with the structure plan for the zone.

This policy is considered to be generally effective. Development has generally occurred in terms of the Structure Plan, and the District Plan provisions certainly 'discourage' development that is inconsistent with the structure plan, normally with a non-complying activity status. However as noted previously, the large number of residential sections that cross over into activity area boundaries that are meant to be left as 'open' is likely to lead to blurring of geographical boundaries over time as domestication from residential areas creeps into these spaces, despite covenants.

3 To retain control over the external appearance, design and colour of all buildings within the Meadow Park zone.

This policy is considered to be only partially effective, to the extent that all buildings require a controlled activity consent, and control is retained. However as was noted in relation to the zone objective, in terms of the houses that have been built in Activity Area Res (E), the dwellings in that area are not considered to achieve the objective of having regard to Arrowtown heritage resources and character. While control is 'retained' it is not well linked to what the design control is meant to achieve, which is set out in the objective.

4. ***To recognise the sensitivity of the zone on the eastern side of Manse Road and avoid any development that compromises the foreground to Feehly's Hill or the entrance to Arrowtown.***

The effectiveness of this policy is difficult to determine at this time, as no development has occurred to the east of Manse Road, which includes the part of the zone that encompasses Feehly's Hill. While the subdivision consent has been approved, it is difficult to tell at this time whether it will compromise the foreground to Feehly's Hill or the entrance to Arrowtown.

Overall, the majority of policies are considered to be effective. However there is a complete lack of policies to guide the processing of the controlled activity consents, or other consents that relate to the design and external appearance of buildings. While the objective requires 'regard' to be had to Arrowtown's heritage resources and character, there is no supporting policy. This is partly responsible for the lack of clear direction when processing the controlled activity resource consents.

7.3 Effectiveness of the Rules

At an overall level, the rules are considered to have been relatively effective at delivering an attractive modern residential environment. However this assessment has not been able to determine the role that private covenants have played in achieving outcomes. All new buildings in the Meadow Park Special Zone must be approved by the Homeowners Association, who must nominate an architect to provide advice. It is possible that the private covenants that the Homeowners Association process provides better direction as to what is appropriate that the requirement for a controlled activity consent.

The following five matters have been identified in relation to the effectiveness of the rules:

1. No maximum site size rule

As noted previously, the zone objective requires 'regard' to be had to Arrowtown's heritage resources and character. This is a relatively weak objective, as 'regard' can be had to something, and then put to one side, and the objective is achieved. However it is considered that the main residential area, Res-W, does not really 'have regard to' Arrowtown's heritage resources and character mainly due to the large lot sizes that have resulted from the subdivision. The zone enables 100 residential units within the Res-W Activity Area, but the land was only subdivided into 30 sections, one of which contains 22 medium density units. This equates to approximately 51 residential units, meaning the Res-W activity area is about half as dense as it could be, i.e. the Res-W land could have accommodated another 50 residential units. The large lot sizes, and consequent large houses, mean that the area has a different character to the central area of Arrowtown, where small simple houses on smaller sections are characteristic of the area. It can also be viewed as an inefficient use of land given proposals to rezone additional land for housing to the south of Arrowtown.

2. No rule preventing the spread of wilding species

The zone includes part of an Outstanding Natural Feature (Feehly's Hill) and adjoins the Rural General zone. Given that Objective 1 requires that regard be had to 'surrounding landscape values including the landscape values of Feehly's Hill' it could be prudent to prevent planting of certain wilding species that will inevitably spread onto the Outstanding Natural Feature and onto adjoining Rural General zoned land from residential properties in the Meadow Park Zone. At present, there is no restriction on the planting of trees with wilding potential, like there is in the Rural General zone.

3. Non-notification rule – Wakatipu Environment Society Incorporated

Rule 12.17.4 relates to the 'Notification and Non-Notification of Applications'. This rule is now out of date, as the relevant sections of the RMA have been amended since these plan provisions were written. However the rule is unique in that it requires the 'affected party approval' of the Wakatipu Environment Society Inc before a consent can be processed on a non-notified basis. The rule states:

12.17.4 Notification and Non-Notification of Applications

(c) *Prior to an application for resource consent being processed under Rule 12.17.5.2 i (c) (ii) and (iii) on a non-notified basis pursuant to section 94(2) of the Act written approval of the Wakatipu Environmental Society Incorporated must be provided to the Council pursuant to section 94.*

(d) *Prior to an application for resource consent being processed under Rule 12.17.3.3(v) on a non-notified basis pursuant to section 94(2) of the Act written approval of the Wakatipu Environmental Society Incorporated must be provided to the Council pursuant to section 94.*

Rules which require the approval of a third party are generally considered to be *ultra vires* because they give the power of the consent authority to the third party. This rule was likely inserted in order to reach agreement with WESI as part of mediating the appeal, however its lawfulness is dubious and should be reassessed as part of the District Plan review.

4. Amendments to Structure Plan

Subdivision consent RM071231 found that the Outstanding Natural Feature line at the base of Feehly's Hill did not really reflect the topography. The approved subdivision layout reflects an ONF line more based on the topography. The Structure Plan could be updated to reflect this.

Given the relative shortage of developable land in Arrowtown, consideration could be given to reducing the extent of the setback from Malaghans Road so that the activity area boundary better reflects the existing dwelling located in the Open Space Malaghans Road (West) Activity area, as shown in Figure 10 below. This would enable an additional 'row' of residential dwellings whilst still retaining a sizeable setback from Malaghans Road. The effect of the alteration would also see the Design Urban Edge areas 'lining up' in terms of their setbacks from Malaghans Road.

Figure 10: Yellow dashes show a possible re-alignment of OS-MR (West) & DUE(W) Activity Area to provide for additional housing whilst retaining significant open space setback from Malaghans Rd.



5. Unnecessary Rules

In order to simplify and streamline the special zone provisions, a number of unnecessary rules could be removed from the plan. For example, zone standard 12.17.5.2xiv relating to refuse management. The rule states that “*all refuse shall be collected and disposed of to a Council approved landfill site. There shall be no landfills situated within the zone*”. The zone is serviced by Council collection for waste, and this rule is unnecessary. Zone standard 12.17.5.2xiii relating to ‘atmospheric emissions’ is also potentially redundant with the changes to the Otago Regional Council’s Regional Plan: Air which includes the land in Air Zone 1 and prohibits solid fuel heaters.

8. How efficient is the Meadow Park Special Zone?

The financial costs of administering the provisions / processing resource consents has been evaluated based on an assessment of:

- Number of resource consents triggered by the rules;
- Average cost of processing resource consents triggered by the rules;
- Notification numbers; and
- Number of Environment Court appeals

8.1 How many resource consents have been triggered?

The number of resource consents triggered by the rules of the Meadow Park Special Zone is approximately 57. This figure includes applications for variations to existing consents. These consents, and the Lakes Environmental charge to process them, are set out in Table 2 below:

Table 2: Resource consents issued in the Meadow Park Special Zone

Consent	Activity	Total Processing Cost (\$)	Notified Y / N and Decision
RM040031	Erect a single dwelling at Butel Park, Malaghans Road, Arrowtown	1074.80	No / granted
RM040110	Undertake additions to existing building and construct a small ancillary building at Malaghans Road, Wakatipu Basin	557.60	No / granted
RM040230	Subdivide property by unit title and establish 22 units at Malaghans Road, Wakatipu	6866.48	No / granted
RM040462	Construct a residential dwelling and garage at	1022.07	No / granted
RM040531	Construct a single level dwelling at Butel Park, Malaghans Road, Wakatipu Basin	701.44	No / granted
RM040546	Construct a new dwelling at Butel Park, Malaghans Road, Wakatipu Basin	515.25	Lapsed
RM040547	Construct a new dwelling at Butel Park, Malaghans Road, Wakatipu Basin	671.44	No / granted
RM040562	Construct a new dwelling at Malaghans Road, Wakatipu Basin	860.64	No / granted
RM040580	Construct a new dwelling in the Meadow Park Zone, Malaghans Road, Wakatipu Basin	534.59	No / granted
RM040581	Construct a new dwelling in the meadow park zone, Malaghans Road, Wakatipu Basin	820.35	No / granted
RM040724	Construct a dwelling at Essex Ave, Butel Park, Wakatipu Basin	841.15	No / granted
RM040899	Design control for property located at Butel Park, Arrowtown	1843.87	No / granted
RM040942	Construct a new dwelling at Butel Park, Malaghans Road, Wakatipu Basin	476.65	Withdrawn
RM040944	Construct a new dwelling at Butel Park, Malaghans Road, Wakatipu Basin	448.51	Withdrawn
RM040947	Construct a new dwelling at Essex Ave, Butel Park, Malaghans Road, Wakatipu Basin	1743.40	No / granted
RM041099	Application for variation to resource consent RM040562 - construct a new dwelling at Malaghans Road, Wakatipu	570.20	No / granted
RM041138	Construct a woodstove, clothes line & garden shed on property located at Butel Park, Malaghans Road, Wakatipu Basin	617.64	No / granted
RM041180	Application for design control with respect to constructing a private dwelling at Butel Park, Malaghans Road, Wakatipu Basin	815.83	No / granted
RM041181	Consent to operate short term visitor accommodation activities for twenty residential units at Butel Park, Malaghans Road, Wakatipu	11422.91	Yes / granted
RM050440	Retrospective consent to construct a new dwelling at Essex Ave, Butel Park, Arrowtown	1466.07	No / granted
RM050515	Construct a residential building at Lot 14 Butel Park, Malaghans Road, Arrowtown	2675.16	No / granted
RM050636	Construct a new dwelling at Essex Ave, Butel Park, Arrowtown	2686.98	No / granted
RM050708	Application for variation to resource consent RM040110 - undertake additions to existing building and construct a small ancillary building	3065.84	On hold
RM060227	Variation to RM040462 - retrospective landscaping	1860.01	No / granted
RM060579	Construct a new dwelling at Essex Ave, Arrowtown	1520.26	No / granted
RM060638	Construct a four bedroom dwelling at Essex Ave, Butel Park, Arrowtown	1410.90	No / granted
RM060680	Construct a new four bedroom dwelling at Essex Ave, Butel Park, Arrowtown	1204.62	No / granted

RM060842	Construct a new dwelling at Essex Ave, Butel Park, Arrowtown	2020.87	No / granted
RM060934	Construct a new dwelling at Essex Ave, Butel Park, Arrowtown	817.23	No / granted
RM060989	Construct a new dwelling at Butel Park, Meadow Park Zone, Arrowtown	931.89	No / granted
RM070020	Construct a new dwelling, undertake earthworks and associated services on site located at Butel Park, Essex Ave, Arrowtown	1427.95	No / granted
RM070259	Construct a residential dwelling and accessory building at Essex Avenue, Butel Park, Arrowtown	930.28	No / granted
RM070544	Construct a new residential dwelling at Essex Avenue, Butel Park, Arrowtown	556.51	No / granted
RM070818	Construct a new residential dwelling at Essex Ave, Butel Park, Arrowtown	1251.13	No / granted
RM070882	Construct a residential dwelling and detached unit at Essex Avenue, Butel Park, Arrowtown	1329.27	No / granted
RM070933	Construct a residential dwelling at Essex Avenue / Malaghans Road, Arrowtown	655.89	No / granted
RM070943	Subdivide site in 24 residential allotments at Manse Road, Arrowtown	15306.94	No / granted
RM070960	Variation to RM070818 to change hip roof line to gable roof	515.27	No / granted
RM071020	Variation to condition 1 of RM040947 to construct a dwelling	883.20	No / granted
RM071147	Build a new residential dwelling at Mace Lane, Arrowtown	785.05	No / granted
RM071231	Undertake ecological restoration of the open space hillside (east) area of the meadow park zone, creation of a walk-way and enable residential development at Manse Road, Arrowtown	6955.71	No / granted
RM080053	Variation to RM040110 to change extension cladding & roof colours	674.64	No / granted
RM080175	Construct a new dwelling at Essex Ave, Butel Park, Arrowtown	849.57	No / granted
RM080247	Erect a dwelling at Butel Park, Mace Lane, Arrowtown	1016.07	No / granted
RM080422	Erect a dwelling at Malaghans Road, Wakatipu Basin	858.21	No / granted
RM080852	Construct a dwelling which breaches the six metre height plane at Malaghans Road, Wakatipu Basin	2637.94	No / granted
RM090090	Variation to condition 1 of rm080852 to amend floor plans	928.50	No / granted
RM090228	Variation to condition 1 of rm070259 to construct a new shed and amend approved plans	450.00	No / granted
RM090635	Retrospective consent to erect an accessory building in the setback at Essex Avenue, Arrowtown	751.80	No / granted
RM090719	Erection of a detached garage and carport at Mace Lane, Arrowtown	752.85	No / granted
RM100340	Undertake alterations and an extension of a double garage to an existing dwelling and breach an internal boundary setback at Essex Ave, Butel Park, Arrowtown	782.48	No / granted
RM100371	Construct a dwelling and flat and undertake earthworks at Essex Avenue, Arrowtown.	1638.38	No / granted
RM100413	Construct a new dwelling, undertake associated earthworks, effluent disposal, driveway/access and landscaping at Essex Ave, Butel Park, Arrowtown	2003.35	No / granted
RM100455	Construct a new dwelling with associated earthworks and landscaping at Essex Ave, Butel Park, Arrowtown	777.86	No / granted
RM110288	Construct a dwelling at 30 Essex Avenue, Arrowtown	1135.12	No / granted

The vast majority of these consents are for 'controlled activity' residential dwellings. As all new buildings require a controlled activity consent, these consents are the focus of the following section which looks at the costs arising from this requirement.

8.2 Average cost of processing resource consents for new dwellings and alterations / additions

Of the 57 consents identified in the Meadow Park Special Zone, approximately 40 were for the construction of a dwelling or an alteration / addition to an existing dwelling. Variations, and consents that were withdrawn or have lapsed were excluded. The average Lakes Environmental charge to obtain resource consent for a new dwelling or alterations and addition to a dwelling in the Meadow Park zone was **\$1174.46** (including GST).

The lowest cost to obtain a consent was back in 2004 when consent for a dwelling was granted for **\$534.59** (RM040580). This consent was for the 'controlled activity' construction of a dwelling at 22 Essex Avenue that complied with all other matters, e.g. yard setbacks etc.

The highest cost to obtain consent for a dwelling was **\$2686.98** which was for a more complex 'restricted discretionary' activity application in the Design Urban Edge (West) activity area of the zone. It is apparent from the conditions on the application that further information was required to be submitted regarding the proposed landscaping and external materials, suggesting if more information had been provided up front the application may have been cheaper.

By way of comparison, the average cost to consent a dwelling in the Quail Rise Special Zone between 2008 and 2010 was **\$1686** (including GST). Therefore the Meadow Park Special Zone appears to be more efficient in delivering consents for new dwellings than the Quail Rise Special Zone.

Other distinguishable consents such as the application to use the medium density residential units as visitor accommodation (which was limited notified) cost \$11,422.91, and the subdivision consent for the eastern side of Manse Road, which was non-notified but a large application, which cost \$15,306.94.

8.3 Notification / Limited Notification / Non-notification

As Table 2 illustrates, only one consent was notified, which was the application to use the medium density residential units for visitor accommodation. This application was processed on a 'limited notified' basis, with only adjoining owners able to submit. The zone is therefore efficient at delivering the more timely 'non-notified' decisions.

8.4 Environment Court appeals

No consents have been appealed to the Environment Court. The process of creating the zone was of course the subject of Environment Court appeals.

8.5 Summary with regard to efficiency

The relatively low average cost compared to the Quail Rise Special Zone, and the fact that almost all applications following subdivision were processed on a non-notified basis (usually within 20 working days), suggests that the zone is relatively efficient at delivering timely and cost effective consent decisions when consents are anticipated by the zone.

9. Conclusion

At a big picture level, the Meadow Park special zone is something of a planning anomaly – it clusters and groups the residential development as close as 15m to the industrial area in what is the shadiest part of the zone, whilst requiring a 160m setback from the sunniest part adjoining Malaghans Road for visual amenity reasons.

Notwithstanding the above, overall, the majority of the objectives policies and rules were found to be effective. There is room to improve the effectiveness and efficiency of the objectives, policies and rules, however no wholesale re-writing is required as part of the District Plan review.

In terms of the zone objectives, there was some concern with how ‘regard’ was had to Arrowtown’s heritage resources and character. The integration of the development so close to the adjoining industrial zone was also questioned.

The majority of the policies were also found to be effective, with some concern expressed about subdivision consents being approved that created sections straddling the Activity Area boundaries. The policy which requires reverse sensitivity issues to be ‘adequately dealt with’ is not likely to be effective due to the extremely small buffer between the residential and industrial zones. The complete lack of a policy to guide the controlled activity resource consents was a significant omission.

The rules were generally found to be effective, although a number could be improved to simplify and streamline the zone provisions. The zone delivered consents relatively efficiently, with all consents that were anticipated by the zone granted on a non-notified basis, at an average cost over of \$1174 (including GST). Given the lack of a policy to guide the controlled activity consents, any future section 32 assessment as part of the District Plan review should either provide strong policy direction or reconsider the need for these controlled activity consents.

As part of the upcoming District Plan review, this monitoring report has identified a number of areas that could be tidied up in order to make the plan provisions more

effective and efficient. These relatively minor changes primarily relate to the rules, and would enhance the efficiency and effectiveness of the zone provisions.

As part of the upcoming District Plan review, it would also be prudent to consider whether the zone needs to sit in Part 12 as a 'Special Zone' or whether it could better sit in the Part 7 Residential section, much like the residential Arrowtown Historic Management Zone does, with its own objectives, policies and rules. The zone is effectively a low density residential area. While this may be viewed as simply shuffling the decks, in practice it seems the Meadow Park Special Zone is not particularly different to many other residential parts of the district, and the provisions may sit better as a part of the Residential section of the plan, with its own objectives, policies, rules and structure plan.