

9.0 SECTION 32 ASSESSMENT

9.1 Introduction to Section 32

The format of this section is guided by section 32 of the Resource Management Act 1991 (the Act):

32 Consideration of Alternatives, Benefits, and Costs

(1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified... an evaluation must be carried out by...

(d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.

....

(3) An evaluation must examine—

(a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and

(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

....

(4) For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—

(a) the benefits and costs of policies, rules, or other methods; and

(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

(5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.

(6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.

9.2 Examining the Appropriateness of Objectives

Section 32 requires that the objectives are the most appropriate means of achieving the purpose of the Act.

As has been identified through growth policy documents, and Plan Changes 29 and 30, there is a demand for residential growth in Queenstown Lakes District that requires to be sustainably managed.

In this context sustainable management includes consolidating existing settlements, making efficient use of infrastructure, and avoiding fragmentation of the natural, rural and landscape character of non-urban areas. Those can be best achieved if the District's growth is accommodated at existing settlements.

Analysis shows that Arrowtown is under pressure to accommodate part of this district-wide growth; but that the existing urban area is insufficient to accommodate that growth beyond the short term (2016); and that if growth is forced to occur within the existing urban area of Arrowtown, the heritage and character values of the historic township will be threatened.

Failure to make provision for expansion of Arrowtown will therefore fail to achieve two parts of the purpose of the Act: it will fail to enable a sustainable pattern of growth (it can only sustain growth over the short term), and will fail to avoid or mitigate effects on the valued amenities of the historic town centre.

All these outcomes can be more sustainably managed by making provision for growth at Arrowtown South. Such provisions have to be balanced, to ensure that the envisaged growth can occur without adversely affecting significant values of the community. As the table below sets out, the proposed objectives are the most appropriate way to achieve the balance that section 5 of the Act requires; fundamentally enabling the requisite growth to occur, but in a way and at a rate that will avoid adverse impacts that could be associated with that growth.

Objective	In what way is the objective the most appropriate way to achieve the purpose of the Act?
<p><i>1. To provide for residential activities in a way and at a rate that ensures a comprehensive and sustainable pattern of development is achieved</i></p>	<p>The first objective is an enabling objective, without which comprehensive residential growth within Arrowtown South could not occur. The need to provide for that growth at Arrowtown South is assessed in the preceding Chapter and section 9.2 above. If growth is not provided for throughout Arrowtown South then growth in this part of the district cannot be sustained other than in the short term (to 2016), and can only occur at the expense of the heritage and character values of the current Arrowtown settlement. As Plan Change 30 has proposed, the scale and distribution of urban growth is required to be effectively managed to ensure sustainable patterns of development result; and an objective to specifically identify growth on the scale envisaged at Arrowtown South is appropriate to ensure Arrowtown South growth occurs in a manner consistent with the district-wide urban growth aspirations. A sustainable pattern of development can only be ensured if both the way the growth occurs, and the rate at which it occurs, are appropriately controlled. This objective establishes those aspects as critical components in the achievement of a sustainable pattern of development, and that is the most appropriate way to achieve the purpose of the Act.</p>
<p><i>2. To manage and enhance the physical features, communal landscapes and amenity values of the Zone</i></p>	<p>The McDonnell escarpment is the key defining landscape feature on the southern and western edges of Arrowtown, and runs through the Arrowtown South Special Zone. The special zone also contains an un-named creek and several small hillocks and outcrops. To ensure that these physical features, and an appropriate open space amenity is maintained, the enabling paradigm of Objective 1 is balanced by a management and enhancement paradigm of Objective 2. This is considered the most appropriate way to achieve the purpose of the Act, because of the importance that the Act places upon the balance to be achieved between <i>enabling</i> people to provide for their wellbeing whilst <i>managing</i> and <i>protecting</i> physical resources (section 5 of the Act) with particular regard to maintenance and enhancement of amenity values and the quality of the environment (section 7 of the Act).</p>

9.3 Examining the Appropriateness of Policies

Policies	Most appropriate for achieving objectives?
<p><i>1.1 To provide for development within the Arrowtown South Special Zone that</i></p> <ul style="list-style-type: none"> - <i>creates legible residential neighbourhood areas</i> - <i>integrates with the existing character and sense of place in Arrowtown</i> - <i>creates a network of open spaces that contribute to the amenity and distinctiveness of neighbourhoods</i> - <i>demonstrates high quality urban design</i> - <i>defines and enhances the urban boundary of Arrowtown and the contribution of the Zone to the arrival and departure experience</i> - <i>identifies, protects and, where appropriate, adapts, any items, structures or features of archaeological, historic or cultural significance</i> - <i>adopts a Structure Plan that identifies a number of different Neighbourhood Areas, enabling a varied residential density across the Zone, and to ensure development occurs in accordance with that Plan.</i> 	<p>This policy accords with the 'enabling' character of Objective 1. It expands upon the Objective's reference to "sustainable patterns of development", providing guidance on many of the elements that are considered to be important to achieving a sustainable pattern of development in this location. The principal benefit is that the policy creates greater certainty as to what development may be considered appropriate or inappropriate. It would not be efficient or effective to rely upon the broad aspirations expressed in the objective. The principal cost of the policy is that it discourages development if that development does not accord with the identified principles. However, as those principles are developed in response to the particular constraints and opportunities of Arrowtown South, and as they are directed consistently towards encouraging the positive outcomes or avoiding/mitigating the adverse effects of growth in this location, they are considered to be the most appropriate way (together with rules and other methods discussed below) of achieving Objective 1.</p>
<p><i>1.2 To provide for local residents' day-to-day conveniences and create a legible core within the Zone comprising a cluster of small scale commercial activities complementary to the existing Arrowtown commercial centre</i></p>	<p>This policy identifies that growth on the envisaged scale must be supported by appropriate local services, and cannot be entirely reliant on existing services in the Arrowtown commercial centre. Achieving a sustainable pattern of development – consistent with Plan Change 30 – requires social, economic and cultural needs to be met at a local level, and transport usage to be reduced by enabling convenient access to services. These are considered the benefits of this policy, along with the added benefit that the policy aspires to balance those needs against the acknowledged primacy of the existing commercial centre. The only cost is that not all of the commercial activity arising from growth in this location will accrue to the existing centre. However this cost is not considered to outweigh the benefits of providing some commercial services in the special zone, as the absence of any commercial services in the special zone will not uphold the principles of a achieving a sustainable pattern of development. For those reasons, this policy is considered the most appropriate way to achieve Objective 1.</p>

<p><i>1.3 To ensure infrastructure is available to support the development of land, prior to its release for development, without adversely impacting upon existing levels of service in the Arrowtown area</i></p>	<p>Objective 1 is as concerned with the rate of change as it is with the fact of change. The rate of growth at Arrowtown South must be carefully managed to ensure that it does not occur at the expense of existing levels of infrastructural services to the rest of Arrowtown. The benefit of this policy is to ensure that growth within the Special Zone does not adversely impact on levels of service in the existing urban area, while the cost is that the rate of growth may be slowed pending the development of infrastructure. The policy is considered to be the most effective and efficient way to ensure growth is managed so as not to outstrip infrastructural development. For those reasons the policy is the most appropriate way to address the “rate” of change component of the objective.</p>
<p><i>2.1 To ensure that development within the Arrowtown South Special Zone</i></p> <ul style="list-style-type: none"> - <i>recognises and responds to the topography of the Zone</i> - <i>protects and enhances biodiversity and natural values where appropriate</i> - <i>protects the form and shape of the underlying landform</i> - <i>promotes sustainable stormwater design to ensure maximum discharge to ground through the use of green roads, swales edges and soak pits</i> 	<p>This policy provides guidance about some of the ways in which physical, landscape and amenity values can be conserved and enhanced. It recognizes that these values can arise from a range of factors and seeks to identify the most important of those factors for the special zone. The benefit of this policy is that it creates greater certainty about the physical, landscape and visual amenity elements that will be considered appropriate to enhance and conserve, and the cost is that some potential growth that does not accord with these principles will be prevented from occurring. This is considered an effective and efficient way to ensure that the conservation and enhancement envisaged in Objective 2 is achieved; and accordingly, the policy is the most appropriate way – together with rules and other methods discussed below – to achieve the Objective.</p>

9.4 Examining the Appropriateness of Rules and Other Methods

Rules and Methods	Most appropriate for achieving objectives?
<p>Extension of Urban Boundary around Arrowtown South</p>	<p>As identified under Plan Change 30, urban boundaries are a tool to define spatial parameters and enable urban development that will meet the identified needs of the community over a twenty year time horizon. Excluding Arrowtown South from the area within the Urban Boundary will fail to achieve this goal, as that area is not sufficient to meet the needs of this community beyond about 2016. The extension of the urban boundary around Arrowtown South takes into account:</p>

	<ul style="list-style-type: none"> - the character and scale of the existing urban area - the identified needs of the community - the need to optimise and enhance the use of urban resources, including infrastructure - the capacity of infrastructure (social and utility) networks to accommodate growth - the need to reduce energy consumption - the need to avoid urban sprawl - the need to safeguard sensitive resources - the need to achieve cohesive urban areas - the need to mitigate the effects of urban development - the need to contribute to achieving a sustainable pattern of development; and - the need to achieve a clear and logical alignment that will differentiate between urban and rural areas, and provide a robust and defensible limit to urban growth. <p>The extension of the Urban Boundary to include the special zone is considered the most effective and efficient way to achieve most of these needs, and to meet Objectives 1 and 2 proposed above, and the corresponding urban growth objective for sustainable management of development (<i>The scale and distribution of urban growth is effectively managed to ensure a sustainable pattern of development is achieved</i>).</p>
Use of a Structure Plan	<p>The current urban growth objectives in the District Plan encourage urban growth to occur in a manner, form and location that enhances the built character of existing areas. The use of a Structure Plan allows for a carefully planned layout to be adopted. This is considered the most effective method of achieving Objective 1.</p> <p>A Structure Plan allows design outcomes to be realised, resulting in effective outcomes. The benefits are recognised as part of good urban design technique.</p> <p>Restricted Discretionary status ensures that if applications for the development of Neighbourhoods are not in accord with the</p>

	<p>Structure Plan – then the application can be notified and refused.</p> <p>This level of certainty is consistent with the primary objective for the zone.</p>
<p>Adoption of generic residential zone rules</p>	<p>This plan change adopts a number of standard rules that apply throughout all residential zones – such as coverage, determining ground level, building setbacks, continuous building length, parking standards.</p> <p>These rules are already understood by the community, Council and persons involved in land development, such as architects. These terms are all defined in the Plan and have been through a process of interpretation, and in some cases have been the subject of legal opinions.</p> <p>These rules and methods are an efficient method of achieving policy 1.1. The benefits of applying appropriate generic rules outweigh any additional compliance costs.</p>
<p>Design guidelines and controls</p>	<p>The special zone adjoins Arrowtown, which has a particular recognised character. The use of a design guideline (or series of design guidelines) ensures that the various Neighbourhoods develop a consistent design character. Further rules require that each building within the zone also be assessed through the consent process, to ensure consistency with the over-arching design guidelines.</p> <p>The use of design guidelines and controls over building design and appearance is consistent with objective 1 and policy 1.1.</p> <p>The compliance costs of an additional level of consenting is outweighed by the benefits of certainty and consistent plan administration. The long term effectiveness of this rule will be realised through a high quality of building and community design, achieving the urban growth objectives of the plan.</p>
<p>Open Space Management Plan</p>	<p>The special zone comprises a significant contiguous area of open space that extends through the length of the special zone. The concept of a management plan ensures that a consistent plan for this area can be developed, and the land effectively managed. This concept ensures that the open space neighbourhood can be vested in the Council or retained as part of a common.</p>

Schedule of housing density/ minimum subdivision areas

To complement the Structure Plan approach, this plan change also relies on a specific housing density table to specify the number of houses within each of the Neighbourhoods.

This level of specificity limits the long term use of the land and is inefficient in that respect; however such a rule can be changed in the future if the community requires additional growth options. The effectiveness of this limitation is realised through the certainty that a limitation provides to the community. The benefits of this set of rules outweighs any costs.