

S35 Monitoring Report

Arrowtown South Special Zone

2024

Contents

Executive Summary	3
Introduction - Requirements of the Resource Management Act (1991).....	4
District Plan Monitoring.....	4
What is the Arrowtown South Special Zone?	5
How was the zone created?	6
Plan Change 29.....	6
Plan Change 39.....	6
What is the Zone Aiming to Achieve?	10
The “State” of the Special Zone	11
Resource Consents.....	11
Building Consents	15
Comparative Analysis of Resource and Building Consents.....	15
Average cost & processing time of resource consents	15
Overview of Regulatory Complaints within the Zone	16
How much development does the Zone enable?.....	16
Infrastructure considerations	17
Existing Environment of current Structure Plan and Subdivision Consent RM161093.....	16
How Effective are the Special Zone Objectives, Policies and Rules?	18
Effectiveness of the Objectives & Policies	18
Effectiveness of the Rules	24
Findings	26

Executive Summary

The findings of this Monitoring Report are intended to inform potential future amendments to the Arrowtown South Special Zone (ASSZ) provisions and mapping by monitoring the effectiveness and efficiency of the Zone in the Operative District Plan (ODP). The focus of this report is to determine whether the ODP provisions for the Zone are efficient and effective, whether the objectives and policies are being achieved, and help identify any resource management issues that have emerged. The findings of this report will help to inform the review of the Arrowtown South Special Zone, and the wider review of the special zones of the ODP and fulfils the requirements of section 35(2)(b) of the Resource Management Act (1991).

Introduction - Requirements of the Resource Management Act (1991)

The RMA requires that the effectiveness and efficiency of a plan are assessed, with the findings then used to inform the process of reviewing a plan. This is focused on the efficiency and effectiveness of the plans objectives, policies or methods (i.e., rules).

Section 35(2)(b) of the Resource Management Act (**RMA**) 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 report fulfils the requirements of section 35(2)(b) in relation to the Zone and monitors the effectiveness and efficiency of the Zone's policies and rules. No 'other methods' are employed and is limited to monitoring the effectiveness and efficiency of the objectives, policies, and rules, and is not an urban design review of the development that has occurred.

District Plan Monitoring

Plan Effectiveness monitoring requires the Council to compare what is actually occurring under the District Plan provisions with the intentions of the Plan (as expressed through its objectives). This involves first identifying what the plan is trying to achieve for the Zone, and to then track how well it is achieving these objectives. Once an understanding of how well the objectives are being met, the next consideration is identify to what extent this can be attributed to the District Plan policies and rules and to what extent 'outside' influences may be affecting the ability of the Plan to achieve its objectives.

Plan Efficiency monitoring refers to comparing the costs of administering the Plan's provisions incurred by applicants, the Council and other parties compared to the outcomes or benefits achieved. It is noted here that determining what level of costs are acceptable is generally a subjective judgement and, as such, it is difficult to reach definitive conclusions. It is also considered that if anticipated development can be undertaken with no resource consent fees then that improves the efficiency of the Plan.

What is the Arrowtown South Special Zone?

This zone covers approximately 30 hectares of land which adjoins the established residential southern area of Arrowtown. It is bounded by Centennial Avenue, McDonnell Road and the Arrowtown Golf course. It is comprised of two distinct areas as a result of a steep escarpment that runs through it and a tributary to the Arrow River, which generally flows along the toe of this escarpment. Properties in this zone share a relationship to these features, with the escarpment and stream traversing several lots. The majority of the residential Activity Area to the east has now been developed into low density housing, this area is defined by the current Urban Growth Boundary (red-dashed line in Figure 1). The remaining area of the zone comprises of a Rural Living Activity Area, with 17 building platforms and Private Open Spaces. There is an established walkway which allows access from this Zone into Arrowtown via Centennial Avenue. Because of the need for development in this area to maintain and enhance these ecological and landscape values, a special zone was deemed appropriate for this area, see further details concerning this decision in the section below.

Figure 1. Arrowtown South Boundary (green area) UGB (dashed red line)

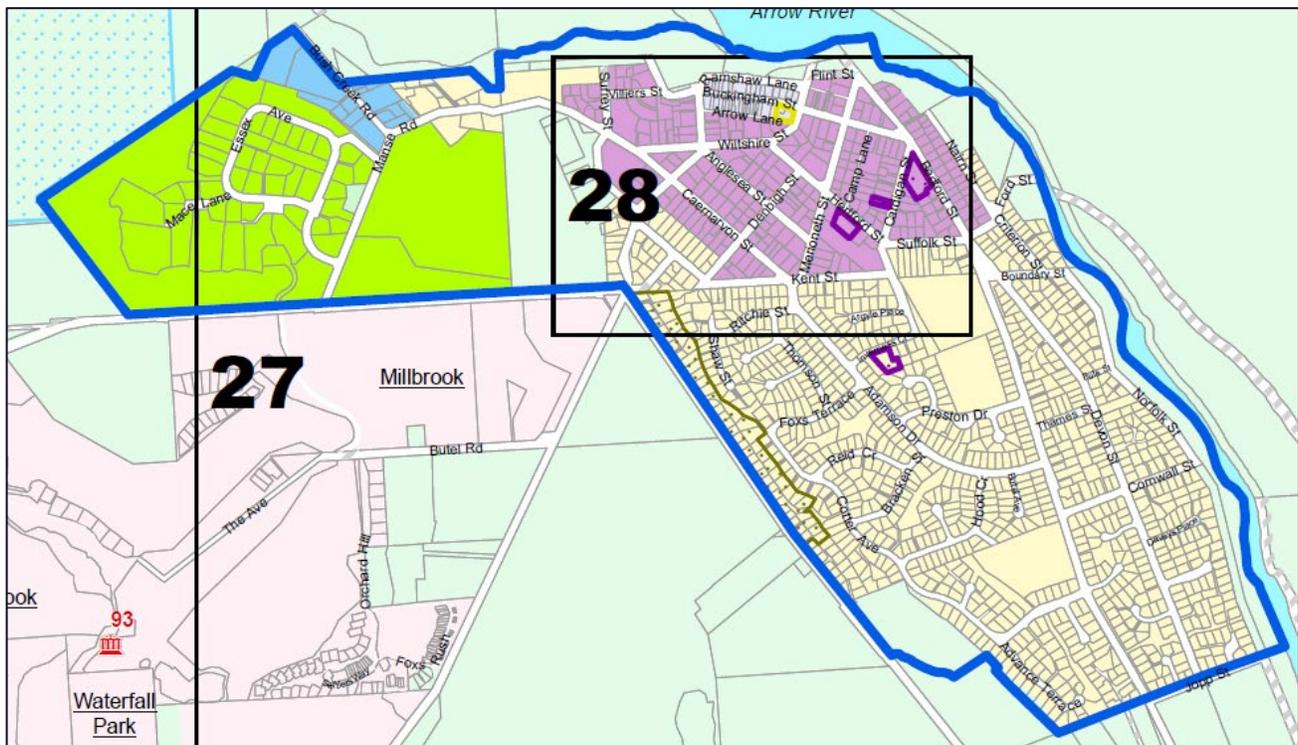


How was the zone created?

Plan Change 29

Plan Change 29 (PC29) was a Council-led plan change to the Operative District Plan (ODP) which was publicly notified in August 2009. Its purpose was to introduce an Urban Growth Boundary for Arrowtown, and new policies that limit the growth of Arrowtown. Additionally, it promoted urban design outcomes for future growth in accordance with the Arrowtown Design Guidelines and the Arrowtown Plan. The majority of submissions supported PC29 but there were two appeals lodged against PC29, ENV-2011-CHC-6 and 7, with only one proceeding. The appellant was R. Monk & Cook Adamson Trustees, who was also the proponent of PC39 - Arrowtown South. Several s274 parties also joined the appeal. The appeal was heard in the Environment Court and the decision [2013] NZEnvC 12 was issued on 4 February 2013. The Environment Court largely confirmed the decision of the Council but expanded the Urban Growth Boundary in one area - McDonnell Road.

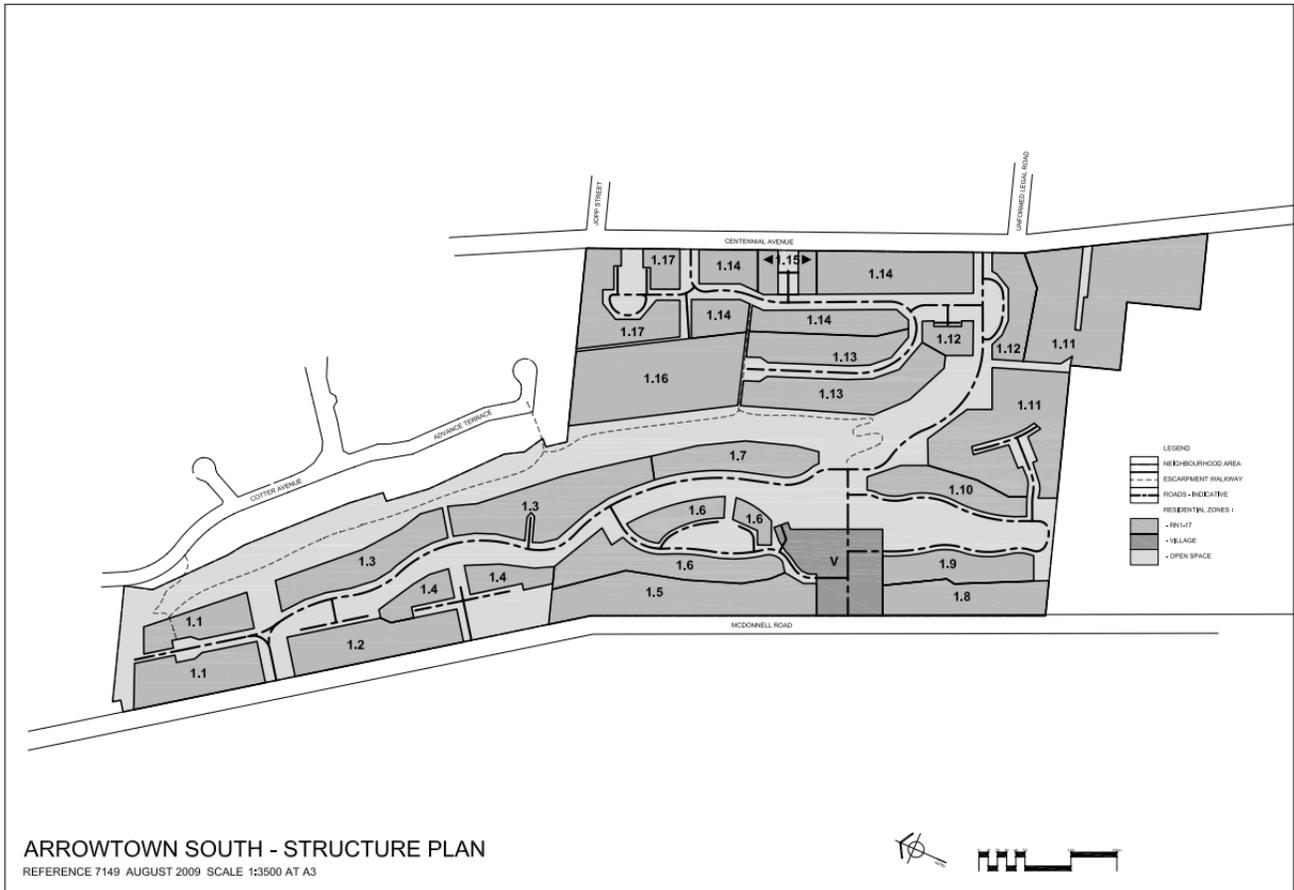
Figure 2. Arrowtown Urban Growth Boundary (blue line) determined by the Environment Court [2013] NZEnvC 12



Plan Change 39

Plan Change 39 (PC39) was a private plan change to the ODP requested by R. Monk & Cook Adamson Trustees Ltd, which sought to rezone this land from Rural General to a new Arrowtown South Special Zone, which enabled low density residential development and provisions for a small commercial village precinct.

Figure 3 PC 39 Proposed notified extent & Structure Plan for Arrowtown South Zone

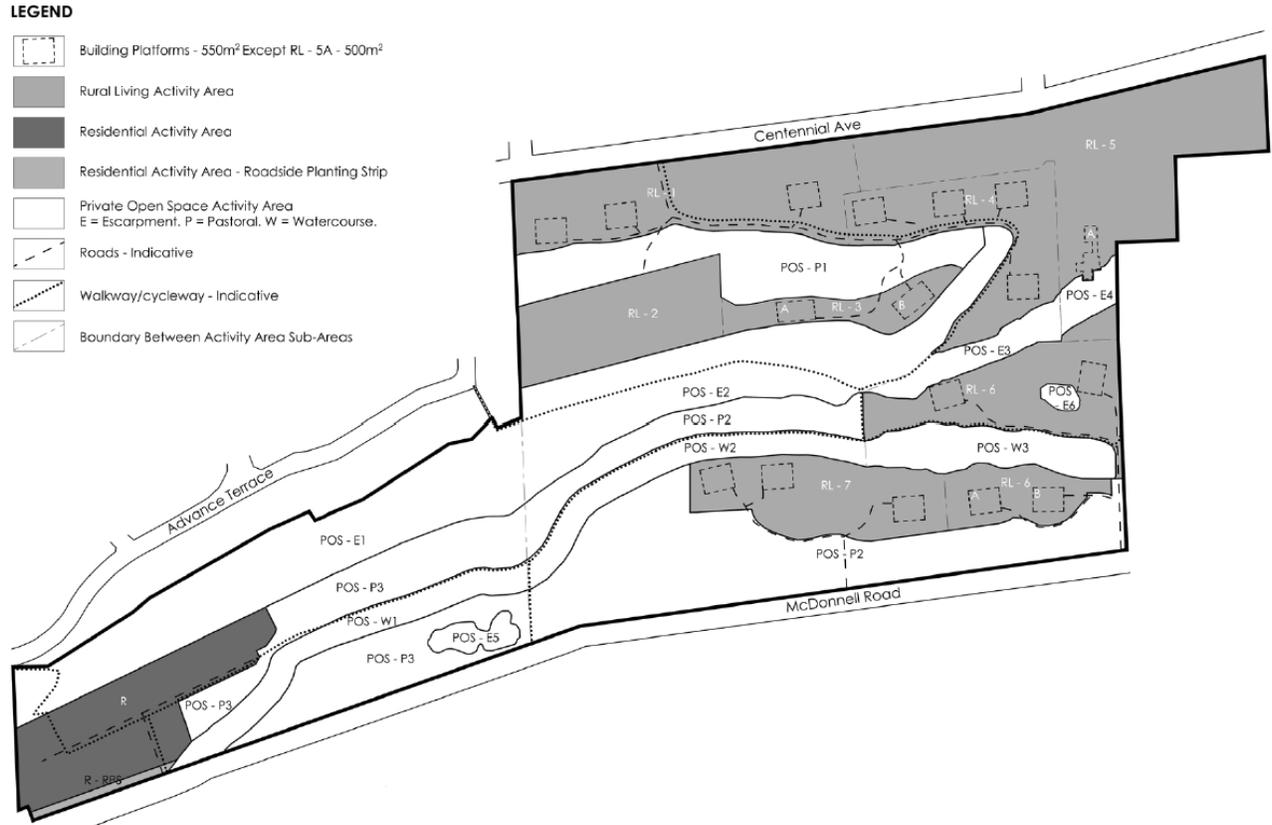


PC39 was accepted and subsequently declined by council and was notified in December 2009. A total of 504 submissions were received and 5 further submissions. The majority of submissions opposed the private plan change.

The plan change requestor (Monk & Cook Adamson Trustees Ltd) chose to pursue PC39 through its appeal ENV-2011-CHC-00006 on PC29, as they sought to have the Arrowtown Urban Growth Boundary extended to include the land subject to the PC39 Arrowtown South plan change. The Court rejected the appeal [2013] NZEnvC 12 to extend the Urban Growth Boundary around the PC39 land. The Court did however find that a 'rural living' type zone would be appropriate for land outside the boundary and directed the appellant to amend the policies and rules to keep the provisions for public trails and open space, but to keep most of the land largely free of houses, buildings and structures.

Following the Court's decision on the position of the UGB, parties sought a declaration from the Environment Court as to whether a revised plan change with a much lower density of development would be within the scope of the plan change that was originally applied for. On 10 July 2013 the Court determined that a revised plan change proposal for a much lower density was still within scope of what was applied for [2013] NZEnvC 156. The applicant then developed a revised plan change in consultation with Council. This was heard by the Environment Court in April 2014 and an interim decision [2014] NZEnvC117 was issued in May 2014. Following completion of the further works required from the interim decision, the final decision [2015] NZEnvC25 on Plan Change 39 was issued on 27 February 2015 and the structure plan, as shown in Figure 4 below was approved. The Arrowtown South Special Zone became operative in 2015 following a decision by the Council.

Figure 4. Final and Current Structure Plan (approved under PC39).



ARROWSOUTH - STRUCTURE PLAN

Date: 15 August 2014
Scale: 1:3000 @ A3

To summarise, the granting of PC39 was subject to consideration of PC 29 which concerned the Arrowtown Urban Growth Boundary (a decision issued by the Environment Court [2013] NZEnvC 12). Following a hearing and appeals to the Environment Court, [2014] NZEnvC 117 & [2015] NZEnvC 25, the plan change was substantially reduced in scope and instead provided for a lower level of residential development. The structure plan, as show in Figure 4 above, is operative under the District Plan to date.

What is the Zone Aiming to Achieve?

The Arrowtown South Special Zone has two objectives. The analysis of the effectiveness of these objectives and the associated policies which aim to meet these objectives can be found later in the report.

Objective 1:

To provide for a range of residential and rural living activities in a way and at a rate that ensures a comprehensive and sustainable pattern of development is achieved.

Objective 2:

To manage and enhance the biodiversity values, physical features, landscape and amenity values of the Zone.

These objectives aim to ensure that the Zone develops in a comprehensive manner, and to achieve an integrated high-quality addition to the Arrowtown community; therefore, all development is required to comply with the Structure Plan (Figure 4). Minor amendments and alterations may be considered by the Council through the resource consent procedure. The Structure Plan is divided into three broad areas: a Residential Area, Rural Living Areas and areas of Open Space. Each of these areas is separately identified as Activity Areas:

The Residential Activity Area (RAA) applies to 1.5 hectares of land adjacent to McDonnell Road. An urban outcome, similar to the adjoining Low Density Suburban Residential zoning is anticipated.

The Rural Living Activity Areas (RLAA) –which are labelled RL-1 to RL-7, these provide for a number of rural living building platforms that are linked to the Structure Plan. The location, density and clustering of platforms seeks to achieve a special rural character that provides an attractive edge to Arrowtown.

The Private Open Space Activity Area (POS) is comprised of three components; the Escarpment (POS-E – further divided into POS-E1 to POS-E6), the Watercourse and margins (POS-W – further divided into POS-W1 to POS-W3) and the Pastoral areas (POS-P – further divided into POS-P1 to POS-P3).

The Structure Plan in Figure 4 identifies each of these Activity Areas, including the sub-Activity Areas (such as RL-1 or POS-E3).

Under **12.31.5** The following **environmental results** are anticipated in the Arrowtown South Special Zone:

- a. *Creation of a defined southern edge to the Arrowtown settlement.*
- b. *Public walkways and cycling connections between Centennial Avenue, McDonnell Road and along the escarpment.*
- c. *A low density neighbourhood at the northern end of the zone (Activity Area R) – with a similar urban form to the adjoining Low Density Residential zone.*

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- d. *Development occurring in accordance with the Structure Plan.*
 - e. *Riparian revegetation and enhancement of the stream condition within the Zone.*
 - f. *Protection and enhancement of the escarpment that traverses the zone through weed removal and suppression and revegetation.*
 - g. *Buildings within Activity Area RL-3 on the escarpment are excavated into the terrace.*
 - h. *Buildings within the south-western end of Activity Area RL-6 are set 1.5m below the adjoining open space to the west.*
 - i. *A structural tree planting pattern throughout the Zone that establishes a particular character.*
 - j. *Generous building setbacks from Centennial Avenue and McDonnell Road, and the creation of an area of private open space alongside these roads.*
 - k. *Buildings are located within the building platforms in the Rural Living Activity Area.*
 - l. *The retention of the geological features in Activity Area – E5 and E6*

The “State” of the Special Zone

To determine the state of the Arrowtown South Special Zone two forms of data are assessed. This allows for the analysis of both datasets to provide a clear picture of the development activity within the Zone. This comprises of:

- Resource Consent Data – This information has been drawn from TechOne and geospatial data between the dates of 2015 to March 2024.
- Building Consent Data – This information has been drawn from TechOne between the dates of 2015 to October 2023.

Resource Consents

A total of 36 resource consents were granted within ASSZ. The table below shows the consented activity types of these resource consents. For each consent up to three activity types can be recorded on the TechOne system.

Table 1.

Activity Type	Count of Activity Type
Residential Dwelling	21
Earthworks	16
Residential Flat	14
Alteration to Residential Dwelling	4
Parking	4
Subdivision	3
Alterations to Heritage Building	3
Accessory Building	2
Building Platform Establishment	2
Trail	1
Visitor Accommodation	1
Trail Design Amendment	1
Landscaping	1
Visitor Accommodation Amendment	1
Commercial Activity - Wedding venue	1
Signage	1
Grand Total	76

As expected, the greatest activity type was for a residential dwelling at 21. Following these the highest activity types are associated with the construction of residential dwellings such as earthworks, construction of residential flats general alterations and parking (which includes the construction of parking bays, carports and garages). One of the main exceptions to this were activities for alterations to a QLD Category 2 listed heritage building under the PDP, and the use of this building for a commercial wedding venue.¹ It should be noted that since this rule breach is under the PDP, it has not been considered in the breach data in the section below.

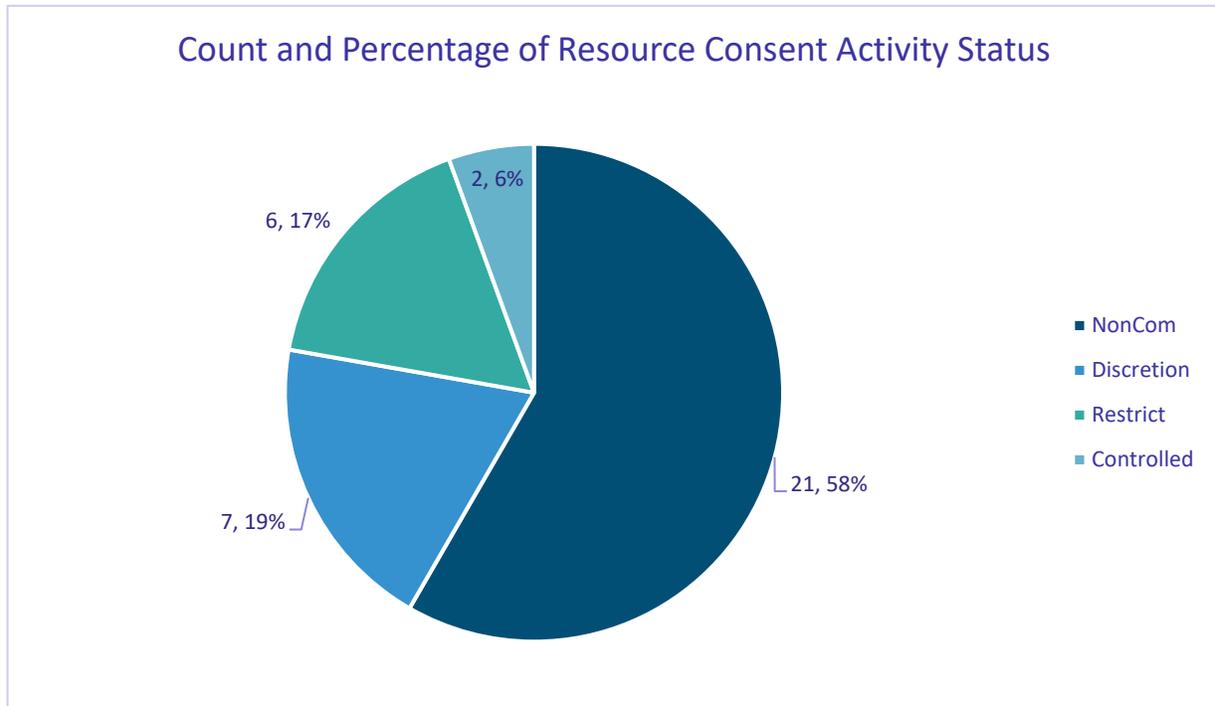
Figure 5. Location of Heritage Building #364 – source RM200620



¹ See [RM200620 s95 & Decision Reissue](#) which was subsequently varied by RM220254 and RM230525

Figure 6 shows the count and percentage of the activity status of the 36 consents granted within the zone. The highest being non-complying resource consents at 58% (21 in total).

Figure 6.



A total of 106 breaches were recorded for these 36 Resource Consents, 8 of these were Discretionary breaches for Change of Consent Conditions and 1 of these was for a Variation of a Consent Notice (both under S127). There were 13 rule breaches from ODP District Wide Chapters – see Table 2 below.

Table 2.

District Wide Rule Breaches	Count
NC - Subdivision in RLAA in ASSZ minimum lot size - 15.2.6.3 (i).	1
NC - Subdivision in RLAA in ASSZ resulting in lot without unit or BP - 15.2.3.4(xviii).	2
C - Subdivision	1
RD - Parking bays minimum	1
RD - Parking design	1
RD - Parking gradient	1
RD - Vehicle crossing distance from intersection	4
RD - Vehicle crossing sight distance	1
D - Signage	1
Grand Total	13

There are two specific non-complying rule breaches relating to the ASSZ within the ODP Subdivision, Development and Financial Contributions Chapter (15) - 15.2.6.3 (i).and 15.2.3.4(xviii). Therefore, these rules will no longer have effect once the Zone is brought into the Proposed District Plan.

The 84 remaining rule breaches were for Zone Specific Rule Breaches and are listed within Table 3 below. Despite the greatest number of consents being non-complying, the highest number of actual breaches were for Restricted Discretionary rules at 29.

Table 3.

Zone Specific Rule Breaches	Count
NC – Max height in Residential Activity Area (RAA)	7
NC - Building outside Residential Building Platform	4
NC – Road setback in RAA	3
NC - Max residential units within RAA	2
NC – Max density in RLAA (Rural Living Activity Area)-5	2
NC - Creation of new residential Building Platform in RLA	2
NC - Minimum net area for residential unit (450m2)	2
NC - Earthworks in Private Open Space-E5	1
NC - Max coverage (40%)	1
NC - Building in RAA within roadside planting strip	1
NC - Access from McDonnell Road within RLAA-6 and 7	1
D – Visitor accommodation	1
D - Commercial activity	1
RD - Earthworks	17
RD – Internal setback	9
RD - Non-residential activity greater than 40m2	1
RD - More than one full-time person residing elsewhere for commercial activity onsite	1
RD - Continuous building length	1
C - Building in RAA or RLAA	20
C - Residential Flat in RLAA	2
C - Alteration of building in RLAA	2
C - Subdivision including Private Open Space Management Plans –Roadside Planting Strip	1
C - Subdivision including Private Open Space Management Plans	1
C - Subdivision including Overarching Open Space Management Plan	1
Grand Total	84

The highest rule breach at 20 was for a Building in RAA or RLAA – which was anticipated for the zone being a controlled activity. Second to that being earthworks, at 17, which again is an anticipated activity required for the construction of residential dwellings especially considering the steep topography of the zone, which required a greater volume and cut to enable a level foundation. Further analysis of the effectiveness of the rules can be found later in this report.

Building Consents

In total 35 building consents were issued within the zone. Table 4 shows the primary category of the lodged building consents.

Table 4.

Category	Count
New or relocated dwelling	12
Multi-unit dwelling	9
Alteration to dwelling	3
Amendments to building consents	3
Outbuilding	3
Heating Appliance	2
Commercial	2
Ancillary building	1
Total	35

As anticipated, the main category is for residential use or activities concerning residential properties such as heating or outbuilding, with the exception of two commercial building consents. These commercial building consents were for the wedding venue within the heritage building within RL-7.²

Comparative Analysis of Resource and Building Consents

The building and resource consent data both confirm that in general, the main activity within the zone was for residential purposes both being recorded at 21 for resource consents and building consents. This shows the zone's purpose of Low Density Residential within the RAA and Rural Living within the RLAs has generally been met. As noted, there have been a few minor exceptions including the commercial wedding venue and one visitor accommodation consent. No regulatory complaints have been lodged regarding the operation of these commercial activities.

Average cost & processing time of resource consents

This data is sourced from 14 Resource Consents from TechOne dated between July 2020 till September 2022 which has been produced due to reporting requirements for the Ministry for the Environment. It should be noted that it does not match the exact number of resource consent data that has been provided in the previous sections of this report, but instead provides a more recent snapshot of approximate average costing and processing time of resource consents on land within the zone.

Two consent's decisions were processed and granted post 20 working days, (23 working days being the highest) which is beyond the statutory timeframe. The median processing time for these consents in Arrowtown South was 17 working days (16 average).

The lowest resource consenting fee was \$1,491 and the highest was \$6,118. The average consenting fee for the resource consents monitored was \$3,951. This is higher than the average consenting costs in NZ from 2014-2023, being \$3,062.³

Based on the data available, the information suggests that the Zone provisions are generally efficient in terms of processing time with most resource consents being processed within the statutory timeframe. Further, the average consenting costs are similar to other Zones such as Meadow Park (recorded at approximately \$3,390).

Overview of Regulatory Complaints within the Zone

The complaints data we have available for this zone is from August 2022 to date. Whilst this data only captures a short time frame, it has been deemed appropriate to ensure the accurate recording of these complaints. There have been two complaints lodged within the zone concerning a potential unlawful driveway and sediment entering the stormwater basin due to multiple residential sites undertaking earthworks without appropriate erosion and sediment controls. Therefore, suggesting that the current earthworks provisions for the zone may have been unsuccessful, since the sediment discharge from these residential earthworks had the potential of damaging the ecological values created by the man-made wetland. Alternatively, this regulatory matter may highlight the landowner's lack of compliance with the current plan provisions, or the conditions outlined within their resource consents. Overall, the small number of complaints lodged suggests that generally the zone has been functioning well.

How much development does the Zone enable?

Current Structure Plan and Subdivision Consent RM161093

It appears that 35 out of the 37 residential dwellings enabled by the current provisions have been constructed, so there is limited scope for further development within the zone under the current planning provisions.

Twenty dwellings have been consented in the RAA since the zone became operative under the Subdivision consent RM161093. RM161093 created 25 allotments, 20 of these for residential purposes within the RAA, the remaining 5 were set aside for a road, stormwater and open spaces.⁴ To date all 20 residential lots appear to have been developed.

² See [RM200620 s95 & Decision Reissue](#) which was subsequently varied by RM220254 and RM230525

³ Data sourced from the Ministry for Environment [Browse GIS data | MfE Data Service](#)

⁴ [RM161093 s95 Decision 2nd Reissue](#), subsequently varied by [RM181358 s95 & Decision](#)

Seventeen buildings are enabled in the RLAs under the current Structure Plan, eight of which were pre-existing to the zone.⁵ Currently, it appears that out of the 17 RLA building platforms, all have buildings/dwellings on them, except for two.

Infrastructure considerations

This information concerning the current state of infrastructure capacity has been provided by the Council's Property and Infrastructure Team concerning stormwater, water supply & wastewater. They have noted that the effects on stormwater infrastructure from further intensification is difficult to assess on a general area basis as there likely to be different approaches needed depending on the individual catchment and the receiving environment amongst other factors within that area.

Further intensification does not necessarily mean that impervious areas are increased from what is permitted currently, which is 40% maximum building coverage.⁶ In the case where a specific development does increase the impervious areas on a piece of land, current standards require the developer to either; confirm that there is sufficient capacity within the downstream infrastructure; or they can attenuate stormwater within their development and only discharge to the network at predevelopment rates not increasing the peak flow rate within the downstream infrastructure. Therefore, from a stormwater perspective each development that is proposed at any density would be assessed on its own merits and appropriate conditions to mitigate the effects would be placed on the consent.

Arrowtown South is supplied with water from the Arrowtown scheme that supplies the wider township as well as Millbrook Resort. This system is reaching capacity with previous assessments of proposed developments within Arrowtown South concluding that there is insufficient storage volume at the reservoir and the conveyance pipes to the south end of Arrowtown would also need to be upsized. That said if the development within Arrowtown South occurs these upgrades would still be required, and the size of those upgrades may need to be larger still to accommodate further intensification.

Wastewater for Arrowtown South is primarily drained via gravity to a pump station, the wastewater then travels through a series of pumps and pipes before reaching the Shotover Wastewater Treatment Plant. To understand the effects further intensification would have on the network an assessment of the capacity of the pump stations and pipes between Arrowtown and the treatment plant also considering the accumulative effects of further intensification of other areas that would also use this infrastructure.

⁵ Section 32 Plan Change 39 (2009) [Chapter 2](#)

⁶ See ODP Rule 12.32.5.2.viii.

How Effective are the Special Zone Objectives, Policies and Rules?

Effectiveness of the Objectives & Policies

Objective 1

To provide for a range of residential and rural living activities in a way and at a rate that ensures a comprehensive and sustainable pattern of development is achieved.

Table 5 provides an assessment of the effectiveness of the policies which aim to meet this objective. The overall assessment has found that majority of Objective 1 Policies have been met allowing for a range of residential and rural living activities that have been developed in a comprehensive manner and sustainable rate. The main issues concern the density in RL-5 and the integration of this zone with Arrowtown’s existing character.

Table 5.

Objective 1 Policies	Effectiveness Assessment
<p>1.1 <i>To provide for development within the Arrowtown South Special Zone that is based upon a Structure Plan that:</i></p> <ul style="list-style-type: none"> • <i>identifies a number of different Activity Areas, enabling a varied residential density across the zone, and ensuring development occurs in accordance with that Structure Plan;</i> • <i>integrates with the existing character and sense of place in Arrowtown;</i> • <i>creates a network of private open spaces that contribute to the amenity and distinctiveness of neighbourhoods and identify areas for ecological restoration;</i> • <i>demonstrates high quality urban and rural residential design; - implements the Urban Growth Boundary of Arrowtown.</i> 	<p>Development has generally occurred in accordance with the structure plan with the exception of RL-5, which did not account for any building platforms in this activity area. (See RM191317 and RM191161 which enabled a subdivision and the establishment of building platforms in RL-5).⁷</p> <p>There is no clear nexus between the zone’s policy and the rule framework requiring integration with existing character of Arrowtown, so it is difficult to monitor its effectiveness.</p> <p>Buildings in this zone are technically not subject to the Arrowtown Design Guidelines 2016 (ADG) since it is not referenced in the provisions of this zone despite being partially located in Neighbourhood 12 of the ADG.⁸ The ADG guidelines do state that <i>“This development does not connect well with Arrowtown. Its location and form at the bottom of the terrace escarpment contradicts the character of Arrowtown.”</i></p> <p>The dwellings constructed post the publication of the ADG within RAA are generally more modern and larger in size compared to the rest of Arrowtown. Integration of existing character and sense of place can be considered subjective, again making it hard to determine if this policy has or has not been met, suggesting that it is ineffective.</p>

	<p>The current private open spaces in the area, including the walkways adjacent to the man-made wetland and boardwalk over the escarpment contribute to the amenity and ecological restoration of the area following the native riparian planting.</p> <p>Within the Urban Growth Boundary (UBG) the RAA the dwellings constructed are of high-quality urban design. There is a clear distinction of where the UGB ends and provides a rural residential feel.</p>
<p><i>1.2 To minimise the number of road crossings directly accessing Centennial Avenue and McDonnell Road.</i></p>	<p>There are 5 road crossings which appear to directly access Centennial Avenue and 3 that access McDonnell Road. Refer to Figure 7. The Zone Standard 12.32.5.2.xiii.b only permits an addition of 4 extra road crossings with direct access on to McDonnell Road in addition to those identified on the Structure Plan. Whilst 12.32.5.2.xiii.c. and d. require that access to specific Rural Living Activity Areas shall only be from internal roads identified on the Structure Plan. The consent data shows that none of these rules were triggered. Policy generally effective.</p>
<p><i>1.3 To ensure that the rural amenity of the Rural Living Activity Areas is maintained and enhanced through managing the location and height of buildings, their colour and the materials used.</i></p>	<p>Any building constructed within the Rural Living Activity Areas is a Controlled Activity under rule 12.32.3.2. Allowing Council to have control over:</p> <ul style="list-style-type: none"> <i>a. External appearance of buildings</i> <i>b. Provision and location of car parking</i> <i>c. Landscaping and tree planting</i> <i>d. Access</i> <p>20 controlled activity consents were granted under this rule.</p> <p>Site inspections confirmed that rural amenity appears to have been maintained. Refer to Figure 8. Considered effective.</p>

⁷ [RM191317 s95 & Decision.pdf, RM191161 s104 Decision.pdf](#)

⁸ [QLDC Arrowtown Design Guidelines 2016.pdf](#)

Figure 7. Road Crossings with access onto Centennial Avenue (purple lines) & McDonnell Road (pink lines)



Figure 8. View from public walkway on escarpment that overlooks man-made wetland



Objective 2

To manage and enhance the biodiversity values, physical features, landscape and amenity values of the Zone.

Table 6 provides an assessment of the effectiveness of the policies which aim to meet this objective. The overall assessment has found that majority of Objective 2 Policies have been met despite a body corporate not being formed, as required by Policy 2.7. The man-made wetland has clearly been a success due to its extensive native riparian plantings which are well maintained.

Table 6.

Objective 2 Policies	Effectiveness Assessment
<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 landscape features of the Zone including avoiding development on the escarpment face;</i> • <i>protects and enhances biodiversity and natural values;</i> • <i>harmonises with the shape of the underlying landform;</i> • <i>promotes sustainable stormwater design to ensure maximum discharge to ground through the use of swales edges and soak pits;</i> • <i>avoids over-domestication of the Rural Living Activity Areas.</i> 	<p>There are no developments on the escarpment face therefore effective.</p> <p>There has been enhancement of biodiversity and natural plantings within the man-made wetland and along the escarpment face which harmonise with the shape of the underlying landform. Refer to Figure 8 and 10.</p> <p>The stormwater infrastructure is well established and appears to be functioning well. No known complaints concerning the stormwater basin meeting capacity.</p> <p>The Rural living Activity Areas do not appear to be over-domesticated.</p>
<p><i>2.2 To ensure that public trails are established and formed:</i></p> <ul style="list-style-type: none"> • <i>To and along the stream, on its eastern side;</i> • <i>Connecting the stream trail with Advance Terrace, and with Centennial Avenue around the toe of the ridge; and to the Arrowtown golf course to the south; and</i> • <i>Where possible, using existing formed trails on the steeper faces.</i> 	<p>This has been met. Refer to Figure 9, a trail map showing the location of the established public trail which connects to Advance terrace, Centennial Avenue and Arrowtown golf course (yellow line). The trail is to the eastern side of the stream (blue line). Figure 8 is photographic evidence of the trail in place.</p>
<p><i>2.3 To require that land development and associated revegetation and enhancement of open space occur cohesively and in coordinated stages.</i></p>	<p>Figures 8 and 10 show successful revegetation of the open space which appears to have been undertaken cohesively.</p>

<p>2.4 To ensure the pattern of subdivision does not result in development at residential densities within the Rural Living Activity areas.</p>	<p>This has generally been met across the zone except for within RL-5 where there is a higher density of dwellings than anticipated due to additional building platforms which are not in accordance with the Structure Plan (RM191317 and RM191161). Refer to Figure 11.</p>
<p>2.5 To ensure new subdivision and development within the Residential Activity Area and Rural Living Activity Areas includes tree planting to mitigate the visual effects resulting from domestication of the landscape.</p>	<p>The current planting within the zone appears to have successfully mitigated the visual effects of domestication within RAA.</p>
<p>2.6 To protect, restore and enhance the natural and ecological values associated with the escarpment and watercourses that traverse the Zone.</p>	<p>There has been successful native riparian planting on the escarpment and watercourse that leads into to man-made wetland – acting as a stormwater attenuation basin. Refer to Figure 8.</p>
<p>2.7 To ensure that an appropriate body corporate is established to provide for ongoing revegetation, enhancement and maintenance of the Private Open Space Areas as a condition precedent of any certificate being granted under section 224(c) of the Act.</p>	<p>A body corporate has not been established. Instead during the consent process for the subdivision consent RM161093⁹ it was determined that it would be more appropriate and effective to ensure that ongoing revegetation, enhancement and maintenance of the Private Open Space Areas be enforced through Consent Notices being registered on the titles of the relevant allotments. This appears to have been a successful approach to date.</p>

⁹ [RM161093 s95 & Decision 2nd Reissue](#)

Figure 9. Location of trail/walkway (yellow) in relation to stream (blue)



Figure 10. View of Rural Living Areas 6 & 7 and POS – E2, P2 W2 and W3 from public escarpment walkway



Figure 11. Residential Dwelling Density within RL-5



Effectiveness of the Rules

Referring to Table 3, the highest rule breach at 20 was for a controlled activity for a Building in RAA or RLAA – under Rule **12.32.3.2 iv**, this was mainly for residential activities and allowed council to reserve control over the external appearance of buildings, the provision and location of car parking, landscaping and access. This has been successful as the residential buildings across the zone are well integrated and are of a high-quality design.

The second highest rule breach (Restricted Discretionary) was for earthworks under the site standard , at 17, which again is an anticipated activity required for the construction of residential dwellings, especially considering the steep topography of parts of the zone, which required a greater volume and cut to enable a level foundation. This consent requirement ensured that there were conditions for the environmental management of earthworks which had to subsequently be monitored by the Monitoring and Enforcement Team. As discussed in the Regulatory Complaints, there were issues with sediment discharge, having these environmental conditions in place allowed for easier enforcement actions when this matter arose.

The third highest breach, again for Restricted Discretionary, 9 in total, was for Internal Setback under the Site Standard **12.32.5.1.i**. This appears to have been managed successfully through under the assessment matters **12.32.6.2.x**, which allowed council's discretion to manage any adverse effects which may have arisen from this breach.

The highest non-complying rule breach, being 7 in total, was for maximum height in the RAA, which does suggest that rule **12.32.5.2.vi.a** under **Zone Standards** was inefficient and that there was a desire for greater heights, most likely due to the steep topography of the area.

The other non-complying rule breaches were triggered by additional dwellings being constructed in the RLAA-5, which are not in accordance with the structure plan and required the creation of additional building platforms. This suggests that there is demand for greater density for residential activities within this area of the zone. It can be considered that rules **12.32.3.5.viii** and **ix** were necessary to prevent further intensification of this area and to preserve the rural amenity and ecological values.

Overall, the rules appear to have been effective and have resulted in the zone having a high-amenity and high-design standard contributing to the achievement of the zone's objectives and policies. However, the requirement for a controlled consent for every building constructed within the zone would have created additional consenting costings for the property owner.

Findings

Despite the zone having a relatively high percentage of non-complying activity rule breaches, it is considered that the zone’s rules have been generally effective in meeting the objectives and policies. This finding is also supported an assessment of the Environmental Results Anticipated following the analysis of the zone and seeing that majority of them have been met or generally met.

12.31.5 Environmental Results Anticipated	Analysis
a. <i>Creation of a defined southern edge to the Arrowtown settlement.</i>	Met
b. <i>Public walkways and cycling connections between Centennial Avenue, McDonnell Road and along the escarpment.</i>	Met
c. <i>A low density neighbourhood at the northern end of the zone (Activity Area R) – with a similar urban form to the adjoining Low Density Residential zone.</i>	Generally met
d. <i>Development occurring in accordance with the Structure Plan.</i>	Generally met
e. <i>Riparian revegetation and enhancement of the stream condition within the Zone.</i>	Met
f. <i>Protection and enhancement of the escarpment that traverses the zone through weed removal and suppression and revegetation.</i>	Met
g. <i>Buildings within Activity Area RL-3 on the escarpment are excavated into the terrace.</i>	Appears to have been met
h. <i>Buildings within the south-western end of Activity Area RL-6 are set 1.5m below the adjoining open space to the west.</i>	Met
i. <i>A structural tree planting pattern throughout the Zone that establishes a particular character.</i>	Met
j. <i>Generous building setbacks from Centennial Avenue and McDonnell Road, and the creation of an area of private open space alongside these roads.</i>	Met
k. <i>Buildings are located within the building platforms in the Rural Living Activity Area.</i>	Generally met
l. <i>The retention of the geological features in Activity Area – E5 and E6</i>	Met in E6, earthworks have been undertaken in E5 ¹⁰ , however the geological features were not damaged during these works.

In general, the Structure Plan of the zone has been adhered to, except for the dwellings within RL-5, therefore retaining the rural amenity feel of the RLA. The subdivision consent RM161093 has enabled a small low density residential area within RAA that provides good urban design outcomes within the Urban Growth Boundary, which provides a clear urban edge to the Arrowtown Township. Whilst it can be argued the integration of the residential area RAA has not quite met the character of the wider Arrowtown area, the retention of the open spaces, creation of the walkways and successful native planting has positively contributed to the amenity of the zone and currently provides a transition to and from the surrounding rural area.

¹⁰ [RM150771 s95 & Decision](#)