



Proposed Ōpōtiki District Plan

Section 32 Evaluation Report

Chapter 3 - Town Centre Zone

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1. Introduction

The Town Centre Zone is the community centre of the district and provides the focus for retail, commercial, cultural, community, and administrative activities. It is essential to the continued existence of the town centre that the qualities and characteristics of the area are maintained, and wherever possible, enhanced. There is a need to balance pedestrian amenity values against those of transportation.

The location of retail shops on the street and the continuity of verandas are attributes of the town centre that give it character. The strong heritage component of the town centre is unique and requires careful management to ensure its continued contribution to the character of the Town Centre Zone.

The Town Centre Zone also adjoins potentially sensitive receiving environments so the activities within the zone need to be managed appropriately.

The Town Centre Zone is the area of the district where signs are most abundant. Bright vibrant signs add interest to the zone but require management. The amenity values of the Town Centre Zone need to be maintained and enhanced to ensure that the zone is an enjoyable area to visit and use, and that it is an area that functions well for pedestrians, motorists, and service vehicles.

Characteristics that contribute to the character of the Town Centre Zone are:

- High frequency of vehicle movement in a small area.
- Strong pedestrian component.
- Abundance of bright and vibrant signage on building frontages.
- Mixture of activities and services contributing to a focal point for the district.
- Higher noise levels than in adjoining residential areas.
- Continuity of verandahs along street frontages.
- Continuity of retail shops.
- Provisions for parking.
- Loading and unloading areas provided for service vehicles at the rear of sites.
- Screening of storage areas.
- Areas of public open space.
- Separation of town centre activities from adjoining residential activities.
- Abundance of buildings with heritage features.

Section 32 of the RMA requires Council to carry out an evaluation before a plan is publicly notified and before making a decision on submissions. The evaluation must examine whether each objective is the most appropriate way to achieve the purpose of the RMA and whether, having regards to their efficiency and effectiveness, the policies and other methods including rules are most appropriate or achieving the objectives. The evaluation must take into account the benefits and costs of policies, rules or other methods, as well as the risk of acting or not acting if there is uncertain or insufficient

information about the subject. This report provides the required evaluation of the objectives, policies and methods including rules relating to activities in the Town Centre Zone.

2. Legislative Framework

2.1. Resource Management Act 1991 (RMA)

Section 5 of the RMA sets out the purpose of the RMA as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 6 requires that the Council must recognise and provide for matters of national importance, which include the protection of historic heritage from inappropriate subdivision, use and development.

Section 7 requires that regard is given to a number of matters relevant to activities in the Town Centre Zone, including the efficient use and development of natural and physical resources, maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

Section 31 of the RMA gives Council the responsibility for managing any actual or potential effects of activities in relation to the control of the emission of noise and mitigation of the effects of noise.

2.2. Regional Policy Statement (RPS)

Section 74 of the RMA requires that the District Plan must give effect to the Operative RPS.

Objective	RPS Objective	Policies	Relevance to the Town Centre Zone
23	A compact, well designed and sustainable urban form that effectively and efficiently accommodates the region’s urban growth.	UB 8B UB12B	Need to consider good urban design when developing a rule framework for the area.

3. Key Issues

3.1 The key issues to be addressed in relation to activities within the Town Centre Zone are:

#	ODP Issue	Commentary
1	Activities within the zone have the potential to impede pedestrian and vehicular access, which may compromise safety and therefore limit public access.	Pedestrian access within the Town Centre is essential for the vitality and viability of the Town Centre. However, vehicular access and parking is also required for the Town Centre to function.
2	Town Centre activities can adversely affect the amenity, quality and characteristics of the zone. Effects relate to the height of buildings, screening storage areas, the effects of parking, loading and unloading of service vehicles, the provision of signage, and the generation of noise within the zone.	The effects of activities within the town centre need to be managed so that the qualities and characteristics of the area are maintained. This includes managing the height of buildings, screening storage areas, the effects of parking, loading and unloading of service vehicles, the provision of signage, and the generation of noise within the zone.
3	Inadequate and poorly designed parking can adversely affect the purpose of the zone and can impact on safety for pedestrians and motorists.	The ease of traffic movement through the zone and the provision of parking areas is needed to ensure a safe and efficient retail and commercial area for motorist and pedestrian use.
4	The potential risk of flooding to the Town Centre and the effect of this on present and future activities undertaken in the area.	S31 (b) of the RMA requires Council to control any actual or potential effects of the use, development, or protection of land for the purpose of the avoidance or mitigation of natural hazards.
5	Possible loss of the retail frontage, and the need to maintain continuity of retail verandahs.	Verandahs add amenity value and comfort for town centre users.
6	Effects of activities undertaken within the zone may adversely affect the amenity values and character of neighbouring zones, particularly the Residential Zone.	Reverse sensitivity from neighbouring zones is important to address. The Town Centre Zone is adjoined by the Mixed Use Zone to the east, Residential Zone to the north and south, and Coastal Zone to the west. Council reserve adjoins the Town Centre Zone in the west.

4. Summary of Plan Provisions

The issues, objectives, policies, rules and other provisions and their relationship in the Proposed District Plan are set out in the following table.

Issue	Objective	Policies	Rules	Other Methods
3.1.1	3.2.3	3.2.3.1, 3.2.3.2, 3.2.3.3	3.3.2 activity status, 3.6.6 Parking and Loading, 3.6.10.2, 3.6.14.1	
3.1.2	3.2.1, 3.2.3	3.2.1.1, 3.2.1.2, 3.2.1.4, 3.2.3.1-3	3.6 Zone standards, 3.4 Assessment criteria, 3.5 Assessment criteria for restricted discretionary activities	
3.1.3	3.2.3	3.2.3.1, 3.2.3.2, 3.2.3.3	3.3.2 Activity Status, 3.6.6 Parking and Loading, 3.6.10.2, 3.6.14.1	

3.1.4	3.2.1, 3.2.4	3.2.1.1, 3.2.4.1	3.4.1.6, 3.6.9.1	
3.1.5	3.2.1, 3.2.2, 3.2.4	3.2.1.1, 3.2.1.3, 3.2.2.1, 3.2.2.2, 3.2.4.1, 3.2.4.2, 3.2.4.4	3.3 Activity Status, 3.5.1, 3.5.1.4, 3.5.1.5, 3.6.10	3.7.1.1, 3.7.1.2
3.1.6	3.2.1, 3.2.3, 3.2.4	3.2.1.1, 3.2.1.3, 3.2.1.4, 3.2.3.1-3, 3.2.4.1, 3.2.4.4	3.3 Activity Status, 3.4 & 3.5 Assessment criteria, 3.6 Zone standards	

5. Changes Made to Operative District Plan (ODP) Approach

The Operative District Plan has a stand-alone chapter for the Town Centre Zone. The general approach for the chapter has been retained with amendments for clarity and ease of use for the reader.

A number of issues have been reworded and one issue has been combined. Therefore, there are now six resource management issues.

A new objective and supporting policies have been introduced to give effect to the RPS and to recognise the relationship with the town centre's natural and cultural heritage features.

6. Evaluation – Appropriateness of Objectives

6.1 Objectives are to be assessed as to whether they are the most appropriate to achieve the purpose of the RMA. 'Most appropriate' has been interpreted to mean 'suitable'.

2.2	Objectives	Appropriateness
1	The town centre is vibrant, functional, attractive and pleasant, and is a focal point for retail, commercial, cultural and community activities.	The management of the adverse environmental effects of activities undertaken in the zone to ensure the continued vitality and function of the town centre as an attractive and pleasant retail, commercial, cultural, and community focal point. This is consistent with part 2 section 5 of the RMA as it seeks to enable people and communities to provide for their social, economic and cultural wellbeing.
2	Avoid, remedy, or mitigate the adverse effects on the retail character of the Town Centre Zone.	The objective is generally concerned with managing adverse effects on the character of the zone. It is appropriate to require a higher level of amenity in this zone to provide for people's social, cultural and economic well-being, health and safety (Part 2 section 5(2)). Commercial activities rely on a pedestrian friendly environment. Secure walking access and inviting frontages are integral to the overall amenity of the retail character. This objective is therefore considered the most appropriate to achieve the purpose of the RMA.

2.2	Objectives	Appropriateness
3	Management of the effects of activities on pedestrian and vehicle interaction so that the character of the zone is maintained.	The objective seeks to provide for people’s health and well-being, ensuring the mix of people and vehicles is managed to ensure safe interactions.
4	To enable the town centre to continue to draw on its natural and cultural heritage and to emphasise its relationship with the river and built heritage features.	The objective is appropriate as it recognises the key features of the zone whilst providing for people’s social, and cultural well-being.

6.2 These objectives are considered to be the most appropriate methods of achieving the purpose of the RMA as they recognise the matters set out in Part 2 of the RMA, they give effect to the relevant objectives and policies in the RPS, and they will guide the appropriate management of activities within the Town Centre Zone.

7. Evaluation – Achieving the Objectives

7.1. Section 32(1)(b) Requirements

Section 32(1)(b) of the RMA requires examination of whether the provisions (being policies, rules and other methods) in the Proposed Plan are the most appropriate way to achieve the objectives. The appropriateness must be considered in relation to:

- (i) identifying other reasonably practicable options for achieving the objectives; and*
- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) summarising the reasons for deciding on the provisions”.*

The assessment must be at a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects of the Proposed Plan. The Operative District Plan contains an existing chapter, Chapter 12, to address the effects of activities in the Town Centre. As set out in section 5 above, the approach taken in the Proposed District Plan is to amend the provisions only where necessary to:

- Clarify the provisions;
- Improve consistency across the Plan;
- Respond to new statutory requirements, such as through a national or regional policy statement;
- Delete unnecessary text; and/or
- Update references.

The provisions need to be examined in more detail only where there are new statutory requirements through a national policy statement or regional policy statement or a change in activities or the way they are managed.

In this case, a detailed re-examination of the plan provisions is not considered to be necessary because the plan provisions (being policies and rules) have not materially changed and are generally

well understood and accepted as appropriate mechanisms to achieve environmental outcomes sought through the District Plan.

7.2. Reasonably Practicable Options

In terms of reasonably practicable options, as discussed in 7.1 above, the plan provisions have been generally carried forward. The reasonably practicable options are therefore considered to be:

Options	Response
Do nothing	<ul style="list-style-type: none"> ▪ No policy or rule in the plan. ▪ Rely on other non-statutory methods as set out in the chapter. ▪ BOPRC plan provisions address the issue and duplication is unnecessary.
Status quo	<ul style="list-style-type: none"> ▪ Carry forward the policy or rule without change or with only minor amendment.
New policy or provision	<ul style="list-style-type: none"> ▪ Address an issue that is not addressed or is ineffective in the operative plan. ▪ Give effect to a new requirement in a NPS or RPS. ▪ Align with plans or other statutory documents.

The plan provisions have been generally carried forward with amendments to clarify and improve consistency across the plan and with other documents. The status of activities and standards to be applied are well known to the community and well understood.

The “Do Nothing” option has not been selected as it is not acceptable where a policy or rule is required to achieve the purpose of the RMA and the objectives set out above. Either the status quo (with or without minor amendments for clarification) or a new provision have been assessed as reasonably practicable options. The proposals are concluded to be the only reasonably practicable options to evaluate.

7.3. Policies and methods

7.3.1 Efficiency and Effectiveness

In assessing the efficiency and effectiveness of the proposed provisions, the RMA requires the Council to “identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:

- (i) economic growth that are anticipated to be provided or reduced; and
- (ii) employment that are anticipated to be provided or reduced”.

If practicable, the benefits and costs referred should be quantified.

7.3.2 Efficiency

The proposed policies will be efficient in achieving the objectives as they give clear direction for potential activities in the Town Centre and guidance for decision makers.

7.3.3 Effectiveness

Objective 3.2.1

Issue Relationship	3.1.1 - 6
Objective 3.2.1	The town centre is vibrant, functional, attractive and pleasant, and is a focal point for retail, commercial, cultural and community activities.
Policies 3.2	<p>1.1 Ensure those qualities and characteristics that comprise the zone's amenity values are maintained, and wherever possible, enhanced.</p> <p>1.2 To maintain the character of the zone by ensuring that all service and storage areas on sites in the Town Centre are screened from public view.</p> <p>1.3 To protect the buildings and facades within the zone that are of heritage importance.</p> <p>1.4 Manage the potential adverse effects of noise on the surrounding environment so that the qualities and characteristics of the zone are maintained or enhanced.</p>
Methods	<p>Methods to achieve the policy will include:</p> <ul style="list-style-type: none"> ▪ Activity status – to keep commercial/ retail at ground floor ▪ Assessment criteria ▪ Zone standards to require continuity of retail frontage and verandahs, signs, and manage potential adverse effects
Benefits	
Environmental Benefits	<p>The policies have social and cultural benefits as they seek to protect important heritage features and maintain and enhance the character of the zone.</p> <p>The policies have economic benefits for those locating businesses in the zone as customers and visitors to the town centre expect a level of amenity and an inviting place to visit and use. High levels of amenity and convenience; recognise and manage heritage resources; promote revitalisation; facilitate linkages; improve public safety; and promote revitalisation.</p>
Economic Benefits	
Social Benefits	
Cultural Benefits	
Costs	
Environmental Costs	<p>There are potential financial costs to developers associated with adhering to controls and guidance relating to amenity and protection of building facades that are of heritage value.</p> <p>Policies potentially limit some activities from being undertaken, which could have an economic and social cost.</p>
Economic Costs	
Social Costs	
Cultural Costs	
The Risk of Acting or Not Acting	<p>The risk of not acting may lead to activities within the zone that do not maintain the special character and function of the Town Centre, with consequential social and economic costs. The risk of not acting is inconsistent with achieving the purpose of the RMA.</p> <p>There is sufficient information known about the consequences.</p>
Overall Assessment	The inclusion of the provisions is supported as enabling the purpose of the RMA to be achieved, including sections 5 and 7 matters.

Objective 3.2.2

Issue Relationship	3.1.1, 2, 3, 4, 6
Objective 3.2.2	Avoid, remedy, or mitigate the adverse effects on the retail character of the Town Centre Zone.
Policies 3.2	2.1 Development within the zone 'Policy Area' will be required to provide continuity of retail frontage and of verandahs. 2.2 Development within the Policy Area is to maintain and/or enhance the character of the zone.
Methods	Methods to achieve the policy will include: <ul style="list-style-type: none"> ▪ Activity status – to keep commercial/ retail at ground floor ▪ Assessment criteria ▪ Zone standards to require continuity of retail frontage and verandahs, signs, etc
Benefits	
Environmental Benefits	The policies have social and economic benefit by requiring verandahs for the protection and comfort of zone users. The policies promote maintenance and enhancement of the town centre's character and provide social and cultural benefits to the community.
Economic Benefits	
Social Benefits	
Cultural Benefits	
Costs	
Environmental Costs	There are potential financial costs to developers associated with adhering to controls. Policies potentially limit some activities from being undertaken, which could have an economic and social cost.
Economic Costs	
Social Costs	
Cultural Costs	
The Risk of Acting or Not Acting	The risk of not acting may lead to activities within the zone that do not maintain the special character and function of the Town Centre, with consequential social and economic costs. The risk of not acting is inconsistent with achieving the purpose of the RMA. There is sufficient information known about the consequences.
Overall Assessment	The inclusion of the provisions is supported as enabling the purpose of the RMA to be achieved, including sections 5 and 7 matters.

Objective 3.2.3

Issue Relationship	3.1.1, 2, 3, 5
Objective 3.2.3	Management of the effects of activities on pedestrian and vehicle interaction so that the character of the zone is maintained.
Policies 3.2	3.1 To reduce the conflict between pedestrians and traffic in Church Street by requiring appropriate building design and the separation of pedestrian and vehicle movements as far as practicable. 3.2 To ensure that off-street parking is provided at appropriate locations within the zone where it will not adversely affect pedestrian safety. Financial contributions, in the form of money, will be required in most cases. 3.3 To manage the effects of the loading and unloading of service

	vehicles by providing service lanes, where these will not adversely affect pedestrian safety and efficient movement.
Methods	Methods to achieve the policy will include: <ul style="list-style-type: none"> ▪ Zone standards. ▪ Parking design standards. ▪ Financial contributions (Chapter 16).
Benefits	
Environmental Benefits	The policies have environmental benefits as they promote walkability within the town centre with an aim of ensuring interactions between vehicles and pedestrians is undertaken in a safe manner.
Economic Benefits	
Social Benefits	
Cultural Benefits	
Costs	
Environmental Costs	There are potential financial costs to developers associated with rule compliance.
Economic Costs	
Social Costs	
Cultural Costs	
The Risk of Acting or Not Acting	The risk of not acting may lead to activities within the zone that do not maintain the special character and function of the Town Centre, with consequential pedestrian and vehicular safety costs. The risk of not acting is inconsistent with achieving the purpose of the RMA. There is sufficient information known about the consequences.
Overall Assessment	The inclusion of the provisions is supported as enabling the purpose of the RMA to be achieved, including sections 5 and 7 matters.

Objective 3.2.4

Issue Relationship	3.1.2, 3.2.5
Objective 3.2.4	To enable the Town Centre to continue to draw on its natural and cultural heritage and to emphasise its relationship with the river and built heritage features.

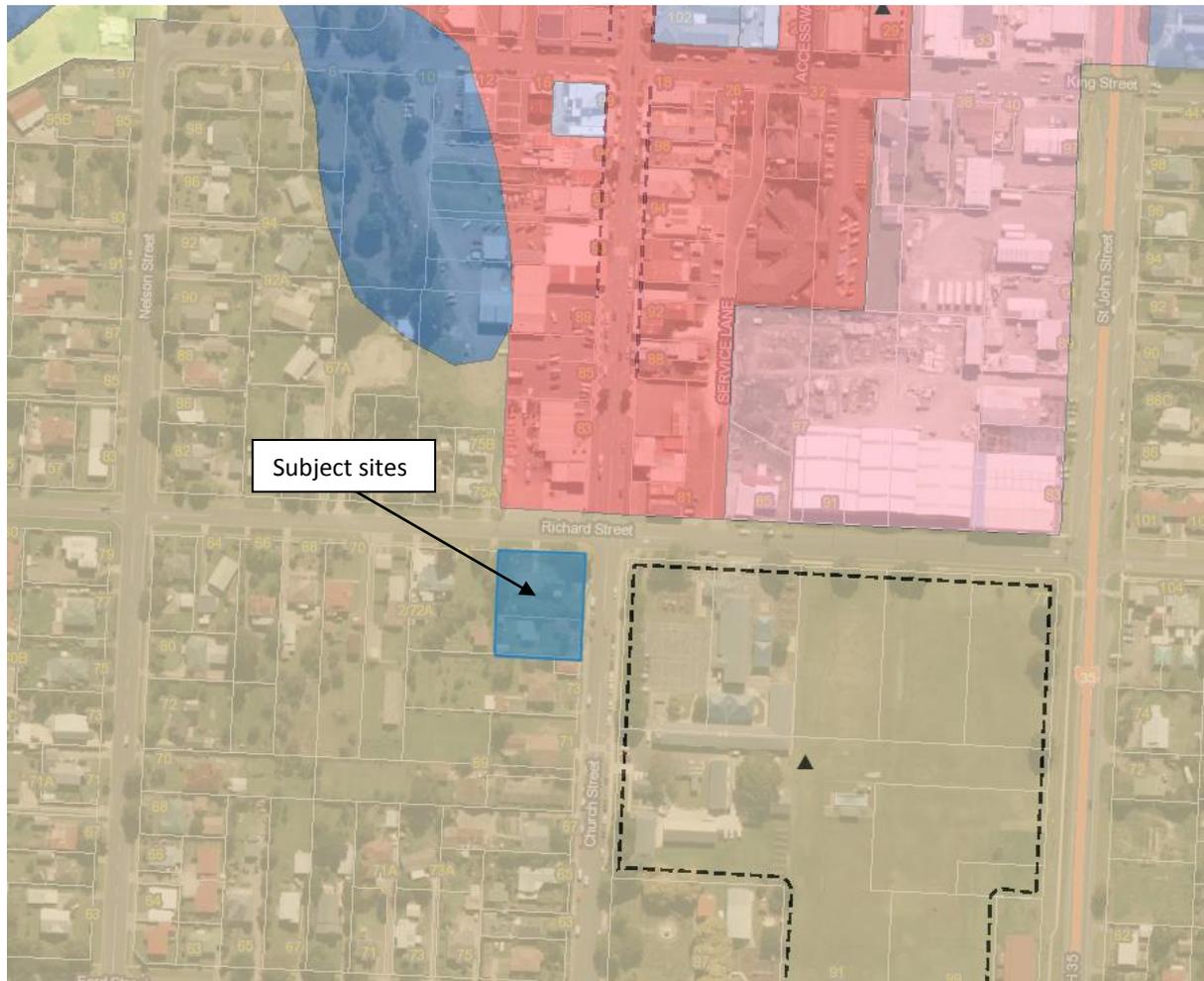
Policies 3.2	<p>4.1 To recognise the contribution of natural features to the identity and quality of the Town Centre environment and facilitate the interconnection between uses and these features. These natural features include the Ōtara and Waioeka Rivers and their adjoining streams and physical and visual access to them.</p> <p>4.2 To recognise the built heritage resources of the Ōpōtiki Town Centre as a unique feature that adds to the character and amenity of the zone.</p> <p>4.3 To recognise Whakatōhea as tangata whenua and acknowledge the effect that significant successive occupation and use of the Town Centre has had, and the contribution this has had on the heritage values of the zone.</p> <p>4.3 To ensure new buildings are of a scale and design that enables activities at ground level and street edges to contribute positively to the amenity and the purpose of the zone.</p>
Methods	<p>Methods to achieve the policy will include:</p> <ul style="list-style-type: none"> - Assessment criteria. - Zone status. - Activity status.
Benefits	
Environmental Benefits	<p>The policies recognise the contribution of natural and built features within or in close proximity to the town centre to the overall values of the zone.</p> <p>The policies have cultural benefits as they recognise the values of tangata whenua.</p> <p>The policies have environmental benefits by ensuring there is a balance between enabling appropriate sustainable development while minimising adverse effects on the environment.</p>
Economic Benefits	
Social Benefits	
Cultural Benefits	
Costs	
Environmental Costs	<p>There are potential financial costs to developers associated with adhering to controls.</p> <p>Policies potentially limit some activities from being undertaken, which could have an economic and social cost.</p>
Economic Costs	
Social Costs	
Cultural Costs	
The Risk of Acting or Not Acting	<p>The risk of not acting may lead to loss of heritage resource that will change the special character and function of the Town Centre. The risk of not acting is inconsistent with achieving the purpose of the RMA.</p> <p>There is sufficient information known about the consequences.</p>
Overall Assessment	<p>The inclusion of the provisions is supported as enabling the purpose of the RMA to be achieved, including sections 5, 6 and 7 matters.</p>

8. Zoning

Introduction

It was identified through the review process that there was opportunity for further zoning of properties to the south of the existing Town Centre Zone. This was highlighted through a submission

by the current owners. The properties are 75 and 77 church street, Ōpōtiki a site location map is provided below:



Currently the properties area zoned Residential. The property at 75 Church Street has resource consent to operate a mountain bike tourism operation, and 77 Church Street is an empty residential section.

The purpose of the zone is to allow a range of commercial activities with a focus for retail, commercial, cultural, community, and administrative activities. It is essential to the continued existence of the town centre that the qualities and characteristics of the area are maintained, and wherever possible, enhanced. There is a need to balance pedestrian amenity values against those of transportation. It is considered that the sites at 77 and 75 Church Street fit with the purpose of the zone.

8.1. Consistency with Objectives and Policies

The following analysis describes whether the additional zoned land and associated activities are consistent with the proposed objectives and policies.

Objective 1

3.2.1 The Town Centre is vibrant, functional, attractive and pleasant, and is a focal point for retail, commercial, cultural and community activities.

Policies

- 3.2.1.1 Ensure those qualities and characteristics that comprise the zone's amenity values are maintained, and wherever possible, enhanced.
- 3.2.1.2 To maintain the character of the zone by ensuring that all service and storage areas on sites in the Town Centre are screened from public view.
- 3.2.1.3 To protect the buildings and facades within the zone that are of heritage importance.
- 3.2.1.4 Manage the potential adverse effects of noise on the surrounding environment so that the qualities and characteristics of the zone are maintained or enhanced.

Commentary

The proposed sites for rezoning will add extra land for development and will contribute to the overall vibrancy of the Town Centre Zone. The property does not contain any scheduled heritage features. Once the zone is operative any future activities must comply with zone standards and activity status and this will ensure compliance with objectives and policies also.

Objective 2

3.2.3 Management of the effects of activities on pedestrian and vehicle interaction so that the character of the zone is maintained.

Policies

- 3.2.3.1 To reduce the conflict between pedestrians and traffic in Church Street by requiring appropriate **building** design and the separation of pedestrian and vehicle movements as far as practicable.
- 3.2.3.2 To ensure that off-street parking is provided at appropriate locations within the zone where it will not adversely affect pedestrian safety. Financial contributions, in the form of money, will be required in most cases.
- 3.2.3.3 To manage the effects of the loading and unloading of service vehicles by providing service lanes, where these will not adversely affect pedestrian safety and efficient movement.

Commentary

The zoning is considered consistent with the objective and policies, future activities on site will need to ensure there is adequate pedestrian access. Currently there are public footpaths adjoining the site for pedestrian access.

Objective 2

3.2.4 To enable the Town Centre to continue to draw on its natural and cultural heritage and to emphasise its relationship with the river and built heritage features.

Policies

- 3.2.4.1 To recognise the contribution of natural features to the identity and quality of the Ōpōtiki Town Centre environment and facilitate the interconnection between uses and these features. These natural features include the Ōtara and Waioeka River and their adjoining streams and physical and visual **access** to them.
- 3.2.4.2 To recognise the built **heritage resources** of the Ōpōtiki Town Centre as a unique feature that adds to the character and amenity of the zone.
- 3.2.4.3 To recognise Whakatōhea as tangata whenua and acknowledge the effect that significant successive occupation and use of the Ōpōtiki Town Centre has had, and the contribution this has had on the heritage values of the zone.
- 3.2.4.4 To ensure new **buildings** are of a scale and design that enables activities at ground level and street edges to contribute positively to the amenity and the purpose of the zone.

Commentary

There is limited opportunity for the sites to achieve connectivity with Waioeka and Otara Rivers because of location. However future activities should be built appropriately to manage connectivity with street frontage and to contribute to the zones overall amenity.