



Proposed Ōpōtiki District Plan

# Section 32 Evaluation Report

## Chapter 4 - Mixed Activity Zone

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## 1. Introduction

The Mixed Activity Zone is characterised by a mixture of residential and commercial activities. The majority of the Mixed Activity Zone borders portions of the main arterial routes of State Highway 2 and State Highway 35. The location enables a focus of activity along major arterial routes so that amenity values elsewhere are protected. The purpose of the zone is to enable flexibility for the future use of the land adjoining major roads. Activities within the zone are intended to be managed so that any potential adverse effects on adjoining residential activities will be avoided, remedied, or mitigated.

As the main arterial routes through the town are located in the Mixed Activity Zone, the safety and efficiency of the transportation network is important. Adequate on-site manoeuvrability and on-site parking are essential. The safety of road users and pedestrians is paramount. Most of the non-residential activities located within the zone have a high visitation of vehicles resulting in a high number of vehicle movements in the area.

The effects of activities within the zone need to be managed to maintain the character of the zone and the quality of the neighbouring residential areas. Screening of service courts, carefully placed signage, and the management of light spill effects will assist in ensuring that the quality of adjoining environments will not be compromised.

Characteristics that contribute to the character of the Mixed Activity Zone are:

- Main arterial route focus.
- Mixture of commercial and residential activities.
- Higher noise levels than surrounding residential areas.
- Safe and visible transport routes.
- Adequate off-street parking.
- Vegetation and yards surrounding residential and commercial structures.
- Screening of service court areas and areas used for storage of refuse.
- Signage associated with commercial activities, with minimal intrusion onto adjoining residential properties.
- Yard separation of non-residential activities from adjoining residential activities.
- Loading and unloading areas provided for service vehicles that do not adversely affect traffic flow or the quality of the environment of adjoining residential activities.

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 Mixed Activity 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 7 requires that regard is given to a number of matters relevant to activities in the Mixed Activity Zone, including the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, and the 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
1	The adverse effects of odours, chemical emissions and particulates are avoided, remedied or mitigated so as to protect people and the environment.	AQ1A AQ 2A	Managing locations of urban zones in order to manage the effects of reverse sensitivity on the residential environment.
23	A compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth.	UG 8B	The design and layout of urban environments reflects good urban design.
24	An efficient, sustainable, safe and affordable transport network, integrated with the region's land use patterns	UG 1A UG2A	Protecting the national and regional strategic transport network and allowing land use consistent with the road hierarchy

## 3. Key Issues

The key issues to be addressed in relation to activities in the Mixed Activity Zone are as follows:

#	Issue	Commentary
1	Activities adjoining main arterial roads can adversely affect the safety, sustainability and efficiency of the network.	The road network is integral to the functioning of activities that access and have frontage to the main roads, and needs to be managed.
2	Activities with a high level of vehicle movement need to be located in areas where they will not be disruptive. Activities with high vehicle movements can have an adverse effect on adjoining activities	The zone is a mix of residential and commercial activities. The levels of traffic volumes need to be managed to avoid conflict between the two activities.
3	Reverse sensitivity effects can occur between non-residential activities and residential activities and can depreciate the character of adjoining zones.	A careful balance is required to maintain amenity values. Residential activities expect a higher level of amenity than commercial activities. A middle ground is required as the purpose of the zone is to support a mix of residential and commercial activities.  Activities adjoining a residential zone need to be managed to avoid reverse sensitivity effects.
4	The need to screen storage and service areas, particularly where rubbish awaiting collection is stored, as it can depreciate the amenity values of adjoining properties.	Rubbish needs to be screened to maintain amenity levels.
5	The location of industrial activities and their potential adverse effects could depreciate the character of the zone, and adjoining properties.	Activities need to be managed to maintain amenity levels.
6	Areas within the zone are susceptible to the effects of flooding, with some activities adjoining the Duke Street ponding area.	Ponding areas have been identified within the Ōpōtiki Township. These areas need to be maintained to avoid flooding effects within surrounding properties.
7.	Signs can affect the visual environment, and can accentuate roadside clutter. Signs can adversely affect safety and can obstruct clear visibility of traffic signs.	Amenity values and vehicular safety needs to be maintained.

#### 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(s)	Policy	Rules	Other methods
4.1.1	4.2.3	4.2.3.1-3	4.3 Activity Status, 4.6.3.2 & 3, 4.6.5.1, 4.6.5.2, 4.6.11	
4.1.2	4.2.1, 4.2.3	4.2.1.1, 2, 5 4.2.3.1-3	4.3 Activity status, 4.4 & 4.5 Assessment criteria, 4.6.5, 4.6.11	
4.1.3	4.2.1	4.2.1.1, 2, & 5	4.3 Activity status, 4.4 & 4.5 Assessment criteria, 4.6.2, 4.6.3, 4.6.4, 4.6.5	
4.1.4	4.2.1	4.2.1.1	4.6.3.1	
4.1.5	4.2.1, 4.2.2	4.2.1.1, 2, & 5	4.3 Activity	

		4.2.2.1	status, 4.4 & 4.5 Assessment criteria, 4.6 Zone Standards	
4.1.6	4.2.1	4,2,1,3 & 4	4.4 & 4.5 Assessment criteria, 4.6.6	
4.1.7	4.2.1	4.2.1.1, 4.2.1.5	4.3 Activity status,	

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

The Operative District Plan has a stand-alone chapter for activities within the Mixed Activity Zone. The majority of the chapter is still relevant and has carried through into the Proposed Plan.

The Operative Plan included introductions at the beginning of the Mixed Activity Zone section. This has been removed and included in this evaluation report, where relevant.

## 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’.

	Objectives	Appropriateness
1	To manage the combination of Residential and Non-residential Activities and where practicable avoid, remedy or mitigate adverse effects on the amenity values of the zone.	The objective is consistent with Part 2, section 5 of the RMA as it provides for both residential and commercial activities, which enables people and communities to provide for their social, economic, and cultural wellbeing whilst ensuring amenity values are provided for (Section 7(c)).
2	To provide a mixture of Residential and Commercial activities within the zone.	The objective is consistent with the RMA in so far as it allows a range of activities, which enables a residential and commercial mix (Section 7ba).
3	Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of roads and state highways.	The transport network is an important resource for the district. Activities need to be closely managed to ensure the network is not compromised (Section 7b).

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 Mixed Activity 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 14, to address the effects of activities in the Mixed Activity Zone. 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"> <li>▪ No policy or rule in the plan.</li> <li>▪ Rely on other non-statutory methods as set out in the chapter.</li> <li>▪ BOPRC plan provisions address the issue and duplication is unnecessary.</li> </ul>
Status Quo	<ul style="list-style-type: none"> <li>▪ Carry forward the policy or rule without change or with only minor amendment.</li> </ul>
New policy or provision	<ul style="list-style-type: none"> <li>▪ Address an issue that is not addressed or is ineffective in the operative plan.</li> <li>▪ Give effect to a new requirement in a NPS or RPS.</li> <li>▪ Align with plans or other statutory documents.</li> </ul>

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 rural environment and guidance for decision makers.

#### 7.3.3 Effectiveness

##### Objective 4.2.1

<b>Issue Relationship</b>	4.1.3,4,5,& 6
<b>Objective 4.2.1</b>	To manage the combination of Residential and non-Residential Activities and where practicable avoid, remedy or mitigate adverse effects on the amenity values of the Zone.
<b>Policies 4.2</b>	<p>1.1 Sites within the Mixed Activity Zone maintained at a level that will not detract from the character of the zone, by ensuring that all service and storage areas are screened from public view.</p> <p>1.2 Avoid, remedy, or mitigate the adverse effects of industrial activities upon other activities within the Mixed Activity Zone.</p> <p>1.3 Manage the potential effects of activities on ponding areas to ensure their effects on the capacity of ponding areas are minimal.</p> <p>1.4 Manage activities on flood prone areas so that the effects of natural hazards can be mitigated through the use of protection measures such as stopbanks and minimum floor levels or design.</p> <p>1.5 To ensure that business activities maintain or enhance the intended character of the surrounding environment.</p>

<b>Methods</b>	<p>Methods to achieve the policy will include:</p> <ul style="list-style-type: none"> <li>- Zone standards that apply to all permitted and controlled activities – these include standards for noise, height, daylight protection, yards, landscaping, parking, floor levels.</li> <li>- Permitted activities including visitor accommodation, dwellings, and commercial activities.</li> <li>- Requiring resource consent applications food selling premises, education facilities, residential care facilities etc.</li> <li>- Controls on signage.</li> <li>- Controls on access standards to the State Highway.</li> </ul>
<b>Benefits</b>	
<b>Environmental Benefits</b>	<p>The policies are intended to meet the overall purpose of the zone as outlined in section 1 of this report.</p> <p>Policy 1.1 supports the objective by directing the screening of service and storage areas to maintain levels of amenity.</p> <p>Policy 1.6 seeks to give effect to the objective by ensuring the character of the zone is maintained. This will achieve certainty about environmental outcomes and requirements.</p> <p>Appropriate developments are not subject to resource consents.</p> <p>The policies seek to achieve well-designed live-work environments that enable both activities to occur.</p>
<b>Economic Benefits</b>	
<b>Social Benefits</b>	
<b>Cultural Benefits</b>	
<b>Costs</b>	
<b>Environmental Costs</b>	<p>Costs for activities to maintain levels of amenity, which could include additional costs to meet building design and access standards.</p> <p>Areas of land may not be utilised due to ponding.</p> <p>Additional costs to development where screening of storage areas is required.</p>
<b>Economic Costs</b>	
<b>Social Costs</b>	
<b>Cultural Costs</b>	
<b>Risk of Acting or Not Acting</b>	<p>The risk of not acting may lead to non-residential activities within the zone that do not maintain residential amenity, there may be social and health and safety costs. The risk of not acting is not consistent with achieving the purpose of the RMA.</p> <p>There is sufficient information known about the consequences</p>
<b>Overall Assessment</b>	<p>The inclusion of the policy is supported as enabling the purpose of the RMA to be achieved, including sections 5 and 7 matters.</p>

#### Objective 4.2.2

<b>Issue Relationship</b>	4.1.2 & 3
<b>Objective 4.2.2</b>	To provide a mixture of residential and commercial activities within the Zone.
<b>Policies</b>	2.1 Enable a mix of residential and commercial activities to locate within the zone, whilst managing the effects on existing lawfully established activities.



<b>Methods</b>	<p>Methods to achieve policies:</p> <ul style="list-style-type: none"> <li>▪ Activity status</li> <li>▪ Zone standards that apply to all permitted and controlled activities – these include standards for noise, height, daylight protection, yards, landscaping, parking, relocation of buildings.</li> <li>▪ Criteria for controlled and restricted discretionary activities.</li> </ul>
<b>Benefits</b>	
<b>Environmental Benefits</b>	The policy is beneficial for activities already established and provides certainty.
<b>Economic Benefits</b>	
<b>Social Benefits</b>	
<b>Cultural Benefits</b>	<p>The policy provides certainty around environmental outcomes.</p> <p>The policy contributes to a pleasant environment for users.</p>
<b>Costs</b>	
<b>Environmental Costs</b>	Additional compliance cost for activities to establish in the zone. Resource consents may be required.
<b>Economic Costs</b>	
<b>Social Costs</b>	
<b>Cultural Costs</b>	
<b>Risk of Acting or Not Acting</b>	Risk is a factor of potential consequences and the likelihood of a consequence occurring.
	The risk of not acting may lead to development that may impact on lawfully established activities. There may be a loss of social and economic opportunities. The risk of not acting is not consistent with achieving the purpose of the RMA. There is sufficient information known about the consequences.
<b>Overall Assessment</b>	The inclusion of the policy is supported as enabling the purpose of the RMA to be achieved, including sections 5 and 7 matters.

### Objective 4.2.3

<b>Issue Relationship</b>	4.1.1 & 2
<b>Objective 4.2.3</b>	Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of roads and transport network.
<b>Policies 4.2</b>	<p>3.1 Control the location of activities that may adversely affect safe and efficient traffic flow on the transport network.</p> <p>3.2 Ensure that on-site parking, manoeuvring, loading and access areas, and service lanes are provided for in a safe and efficient manner for vehicles and pedestrians on, and adjacent to, the site.</p> <p>3.3 Activities that front state highways are managed to recognise that the highways are the entrances into the Ōpōtiki township, and use landscaping and building setbacks to provide attractive entranceways into the town.</p>

<b>Methods</b>	Methods to achieve the policy will include: <ul style="list-style-type: none"> <li>▪ Zone standards – access onto State Highway &amp; on-site parking and turning</li> <li>▪ Controlled assessment criteria</li> </ul>
<b>Benefits</b>	
<b>Environmental Benefits</b>	The roading network is protected as a key piece of infrastructure.  Policy 4.2.3.2 supports the safe interactions between pedestrians and vehicles and provides social and environmental benefits.
<b>Economic Benefits</b>	
<b>Social Benefits</b>	
<b>Cultural Benefits</b>	
<b>Costs</b>	
<b>Environmental Costs</b>	Additional costs to comply with design standards.
<b>Economic Costs</b>	
<b>Social Costs</b>	
<b>Cultural Costs</b>	
<b>Risk of Acting or Not Acting</b>	Not risk of not acting may lead to development that has adverse effects on the transport network which may lead to the network being compromised. The risk of not acting is not consistent with achieving the purpose of the RMA. There is sufficient information known about the consequences.
<b>Overall Assessment</b>	The inclusion of the policy is supported as enabling the purpose of the RMA to be achieved, including sections 5 and 7 matters.