



SECTION 32 REPORT

Commercial and Mixed Use Zones

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1 Executive Summary

Maintaining and enhancing our city and town centres is important because they provide a strong sense of place and identity. Substantial amounts of private and public money has been invested in centre infrastructure over a long period of time and the livelihoods of many business owners rely on their success.

The Operative District Plan identifies a number of Business Environment Areas that recognise different characteristics in terms of bulk and location of buildings, pedestrian or vehicle orientated emphasis, parking requirements, landscaping and general amenity. However, the Operative Plan essentially allows business activities to establish anywhere in the District, resulting in business activities establishing 'out of zone' and 'bleeding' out of the city centre into its fringes and beyond. Over the life of the Operative District Plan there have also been some implementation issues. The key resource management issues related to Commercial and Mixed Use Zones are:

- Business activities locating outside of business zones and impacting the economic viability of centres. There is a need to reinforce a hierarchy of District centres which are the appropriate location for retail and business service activities, living activities, community facilities and visitor accommodation.
- Centres need a mix of activities so that the community can experience a wide range of social, cultural and recreational experiences in addition to traditional retail, with an emphasis on encouraging residential living in larger centres to cater for a projected increase in population and to provide wider housing choice.
- There is a desire for centres to be compact and for public and private spaces to be well designed to give developers confidence to invest and to make them attractive for the community to work, live and play.

The key changes for Commercial and Mixed Use Zones are:

- Introduction of five Commercial and Mixed Use Zones accommodating a range of activities and commercial environments: City Centre Zone, Town Centre Zone, Local Centre Zone, Mixed Use Zone and Large Format Retail Zone.
- A hierarchy of centres, which clearly articulates the role and function of existing centres within the District and the activities expected within them.
- Consolidating commercial zoning in the District, particularly in the city centre and Waitara, and rezoning sites to accommodate the new Commercial and Mixed Use Zones framework.
- Amending defined pedestrian frontage requirements and locations to ensure high quality buildings that positively contribute to the streetscape.
- Applying a design guide in the City Centre Zone and in Town Centre Zones (Waitara and Inglewood) to ensure high amenity environments that include recognition of cultural identity.
- Placing a focus on the city centre and the Huatoki Stream within it through mechanisms such as height management areas, coastal frontage sites, and a heritage character area which includes contributory buildings.

The proposed provisions will provide developers with greater certainty and confidence to invest and ensure attractive environments will encourage communities to spend time in centres. This will help maintain and enhance vibrancy and vitality in the District's centres, and encourage a shift from centres offering traditional retail to offering a wide range of social, cultural, recreational and residential experiences.

2 Introduction and Purpose

This report contains a summary section 32 evaluation of the objectives, policies and methods relating to the Commercial and Mixed Use Zones in the Proposed District Plan. It is important to read this report in conjunction with the section 32 overview report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

Maintaining and enhancing our city centre and centres is important because they provide a strong sense of place and identity, substantial amounts of private and public money has been invested in infrastructure over a long period of time to support them and the livelihoods of many business owners rely on their success.

The Operative District Plan allows business activities to establish anywhere in the District as long as they meet the effects standards of the underlying zone. This has resulted in business activities establishing "out of zone" in areas where they were not anticipated. The Proposed District Plan clearly articulates that the District has a set of existing centres where certain activities are expected that operate in the following hierarchy:

- City Centre Zone – the principal centre that provides a wide range of retail and business service activities, living activities, community facilities and visitor accommodation that serve the District and Taranaki region.
- Town Centre Zone – the town centres of Waitara and Inglewood that provide a range of business, retail and entertainment activities that serve the needs of each town centre's community and surrounding rural areas.
- Local Centre Zone – rural service centres, village centres, suburban shopping centres and neighbourhood shops providing convenience based business and retail activities that serve the needs of each local centre's community and surrounding areas.

The Proposed District Plan also provides for businesses and retail activities located outside of the centres. These zones are:

- Mixed Use Zone – covers a large part of the one-way network wrapping around the City Centre Zone but is also located in parts of Inglewood, Waitara, small areas of New Plymouth and the Waiwhakaiho Valley. This zone is predominantly used for and characterised by commercial service, sport and recreation and community activities. The type and frequency of business and retail activities is limited in this zone to ensure the viability and vibrancy of the centres is not compromised.
- Large Format Retail Zone – an area in the Waiwhakaiho Valley. This zone is predominantly used for and characterised by large format activities.

In addition to clarifying the role and function of centres and the activities that are expected within them, the Proposed District Plan focuses on ensuring high quality urban design through the introduction of a City and Town Centre Design Guide that applies to the city centre, Waitara and Inglewood.

This report sets out the statutory and policy context for commercial areas, the key resource management issues, specific consultation and approach to evaluation on this topic to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the Commercial and Mixed Use Zones topic.

3 Statutory and Policy Context

3.1 Resource Management Act 1991

The RMA sets out in Section 31 the functions of territorial authorities. The key function for the Council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the District. "*Natural and physical resources*" includes natural landforms, buildings and structures.

The purpose of the RMA is set out in Section 5 and the principles of the RMA are set out in Sections 6, 7 and 8.

The purpose of the RMA is to promote the sustainable management of natural and physical resources. This means managing the use development, and protection of these resources in a way, or at a rate, which enables communities to provide for their social, economic, and cultural well-being and for their health and safety. The roles of the Commercial and Mixed Used Zones help to provide for the economic well-being of individuals and organisations that operate businesses within these areas and whose livelihoods are reliant on the success of these areas. The Commercial and Mixed Use Zones, particularly the centres zones, aim to create spaces that people want to spend time in and socialise in which fosters social well-being. The need to better acknowledge cultural identity in our centres is also recognised, which helps to maintain our cultural heritage and contributes to a sense of place and identity. Social, economic and cultural well-being contributes to healthy communities, not only in the present but for future generations as well.

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. The relevant matters are:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.*
- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other Taonga.*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development.*

Section 7 of the RMA requires the Council to have particular regard to certain matters. The relevant matters are:

- (a) *Kaitiakitanga.*
- (aa) *the ethic of stewardship.*
- (b) *the efficient use and development of natural and physical resources.*
- (ba) *the efficiency of the end use of energy.*
- (c) *the maintenance and enhancement of amenity values.*
- (f) *maintenance and enhancement of the quality of the environment.*
- (g) *any finite characteristics of natural and physical resources.*

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). There are Treaty of Waitangi matters identified that are relevant to the proposed provisions in the City Centre Zone and the Town Centre Zone. Tangata whenua, through Nga Kaitiaki, have been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted.

3.2 National Planning Standards

Released in April 2019, the purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content.

The standards were introduced as part of the 2017 amendments to the RMA. Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

As discussed in the Overview Report, the Proposed District Plan will give effect to the planning standards. Of particular relevance to the commercial areas are the application of the planning template zones: City Centre Zone, Town Centre Zone, Local Centre Zone, Mixed Use Zone and Large Format Retail Zone. These zones also use the standardised definitions commonly associated with commercial provisions such as integrated retail activities, large format retail activities, supermarkets, etc. See Section 8 of this report for further details.

3.3 National Policy Statement on Urban Development Capacity 2016

The National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) recognises the national significance of urban environments and provides direction to decision-makers on planning for urban environments. The NPS-UDC seeks to ensure there is sufficient development capacity for housing and business with a suite of objectives and policies to guide decision-making in urban areas.

The relevant objectives and policies place a requirement on local authorities to provide for urban growth. The NPS-UDC requires the Council to look at the District projected population growth and pre-empt market demand by unlocking and servicing land feasible for development.

New Plymouth District meets the NPS-UDC definition of 'high growth urban area'. The population is projected to grow from an estimated 83,400 in 2018 to 92,400 in 2028, and to 106,100 by 2048. This equates to growth of 22,700 (27.2%) and these people will have a wide range of social, housing, environmental and economic needs. The New Plymouth District projected population growth is outlined in Table 1 below¹:

¹ New Plymouth District Housing and Business Development Capacity Assessment (June 2019)

Table 1: New Plymouth District Population Growth based on NPS-UDC requirements

	2018-23	2023-28	2028-33	2033-38	2038-43	2043-48
New Plymouth District Population Growth	83,400	92,400	96,300	99,800	103,000	106,100

The NPS-UDC requires councils with high growth urban areas to provide sufficient development capacity to meet demand over a 30-year period, including 15-20% additional development capacity to ensure there is competition in the housing and business markets. Policy PA1 of the NPS-UDC sets out housing and business land development capacity that the council is required to provide in the short, medium and long-term:

Table 2: Policy PA1 of the NPS-UDC

Short term	Development capacity must be feasible, zoned and serviced with development infrastructure.
Medium term	Development capacity must be feasible, zoned and either: <ul style="list-style-type: none"> • serviced with development infrastructure, or • the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.
Long term	Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.

Policy PA1 directs local authorities to demonstrate within the District Plan that their short – long term development capacity is available. New Plymouth District has calculated its growth demand over a short, medium and long term and assessed it based on the existing industrial land in the current District Plan and percentage of this land that has been identified to be retained as part of the Proposed District Plan.

The District Plan Review has identified that there is sufficient plan-enabled capacity to meet the demand for business land in the short, medium and long term. The review process is intended to give effects to the requirements of the NPS-UDC.

3.4 Regional Policy Statement 2010

Under Section 75(3)(c) of the RMA, the District Plan must give effect to the Regional Policy Statement (RPS). The RPS must also give effect to the NPS-UDC, but no changes have occurred to the RPS to reflect the NPS-UDC to date.

Nevertheless, the RPS identifies the promotion of sustainable urban development in the Taranaki region as a significant resource management issue.

The RPS states that *“there is a need to create and maintain urban environments that are sustainable, function well, are accessible, and provide a safe, healthy and stimulating environment. In so doing, those who live in and visit urban areas value them. Conversely, uncoordinated development or insufficient or poor quality development can result in a range of effects including traffic congestion, reduced amenity values, unsustainable energy use, overloaded urban infrastructure (water supply, wastewater treatment, transport, energy, and housing), a lack of distinctive identity, social isolation and, in some cases health issues.”*

Based on the above, the RPS has one objective and associated policy directing consideration of change and development in urban areas as follows:

Sustainable Urban Development

SUD OBJECTIVE 1

To promote sustainable urban development in the Taranaki region.

SUD POLICY 1

To promote sustainable development in urban areas by:

- a) encouraging high quality urban design, including the maintenance and enhancement of amenity values.*
- b) promoting choices in housing, work place and recreation opportunities.*
- c) promoting energy efficiency in urban forms, site layout and building design.*
- d) providing for regionally significant infrastructure.*
- e) integrating the maintenance, upgrading or provision of infrastructure with land use.*
- f) integrating transport networks, connections and modes to enable the sustainable and efficient movement of people, goods and services, encouraging travel choice and low-impact forms of travel including opportunities for walking, cycling and public transport.*
- g) promoting the maintenance, enhancement or protection of land, air and water resources within urban areas or affected by urban activities.*
- h) protecting indigenous biodiversity and historic heritage.*
- i) avoiding or mitigating natural and other hazards.*

Territorial authorities may wish to consider the following methods:

SUD Method 5

Include in district plans or resource consents, provisions or conditions that address sustainable urban development issues including among others:

- Objectives, policies, methods, rules and performance standards controlling land use, development and subdivision.*
- Building and development controls or criteria.*
- Esplanade reserves or strips or access strips.*
- Designations or other provision for public works.*

SUD Method 11

Generally promote good planning, building design and urban design that give effect to the New Zealand Urban Design Protocol (2005) including the strategic integration of local, regional and national infrastructure and land use.

3.5 Iwi Environmental Management Plans

For the purposes of the District Plan Review, Iwi Environmental Management Plans must be taken into account under Section 74 (2A) of the RMA. The iwi within the District and the status of their plans are as follows:

- Taranaki Iwi – lodged with Council.
- Maniapoto Iwi – draft, not lodged with Council.
- Ngāti Mutunga Iwi – draft, not lodged with Council.
- Te Ātiawa Iwi – draft, being finalised following submissions, not lodged with Council.

3.5.1 Taranaki Iwi

Taranaki Iwi's plan is called "Taiao, Taiora Iwi Environmental Management Plan" and was published in 2018. Taiao, Taiora is a document for Taranaki Iwi to guide and inform decision making by the Iwi. It is structured into five sections, reflecting the interrelated natural systems. Taiao, Taiora sets out issues, objectives and policies. The section on Papatuanuku (the land) includes the following issue and objectives relevant to commercial areas:

Issue 9.

Poorly designed subdivision and development can lead to unsustainable and inefficient land use, destruction of wāhi tapu and other important sites ...

Objective 1.

The mouri of Papatuanuku in the Taranaki Iwi rohe will be protected, cared for and restored.

Objective 5.

The whenua will be cared for by Taranaki Iwi and others for mutual, reciprocal benefit for the whole community. Taranaki Iwi are seen as leaders in sustainable living and sustainable land management on our whenua.

Taiao, Taiora clearly states that the Taranaki Iwi will not support any action or activities that will result in the degradation of the mouri of Papatuanuku, and any subdivision and development that adversely impacts the important cultural values associated with landscapes of importance to Taranaki Iwi (hapū, marae/pā).

3.5.2 Maniapoto Iwi

Maniapoto Iwi's plan is called "Ko Tā Maniapoto Mahere Taiao." It identifies 14 sections that focus on resource management: Air; Climate Change; Fresh Water; Wetlands; Fisheries; Coastal and Marine Environment; Land; Natural Heritage and Biodiversity; Natural Hazards; Energy, Transport, Water Services, Telecommunication, Social Infrastructure; Mining and Quarrying, Oil, Gas, Minerals; Solid and Hazardous Waste; Biosecurity – Pests, Control Agents and GMO's; and Tourism and Recreation.

The description of social infrastructure used within the Energy, Transport, Water Services, Telecommunication, Social Infrastructure section is generally of public buildings such as hospitals, schools, public facilities (e.g. swimming pools, libraries, halls, etc.), marae, papakāinga, urupā and Maori reserves. There are no references to matters like maintaining or enhancing the vitality and vibrancy of towns. However, there is a reference relating to urban design. The plan states that there is a general

lack of Maniapoto identity, culture and visibility in landscape and urban designs within Maniapoto rohe and community developments. Maniapoto participation in community planning and development will ensure Maniapoto values are recognised and acknowledged, e.g. through interpretation panels and artworks, and will enhance and raise awareness and understanding within communities of the role of Maniapoto and the historical contribution of Maniapoto lands made to this region. As a result an objective is to make available social infrastructure that provides for the needs of Maniapoto.

3.5.3 Ngāti Mutunga Iwi

Ngāti Mutunga's Iwi Environmental Management Plan identifies six sections that focus on resource management: Air and Atmosphere; Whenua Ngahere/Bushland; Te Puna Waiora/Freshwater; Whenua Mānia/Plains; Takutai/Coast; and Cultural Landscapes and Wāhi Tapu. The Whenua Mānia/Plains section under the heading of Natural and Amenity Values specifically refers to things which make communities nice to live in such as attractive towns and urban areas. For Ngāti Mutunga these include their ability to enjoy natural features and landscapes, as well as recognition of cultural and spiritual values. The overriding objectives support the development of communities in a way which makes the landscapes we live in pleasant for everyone and seek recognition of Ngāti Mutunga values and history in landscapes to promote community understanding of Ngāti Mutunga and its history.

3.5.4 Te Ātiawa Iwi

Te Ātiawa Iwi's plan is called "Tai Whenua, Tai Tangata, Tai Ao – Te Ātiawa Iwi Environmental Management Plan." Primarily it is an environmental and resource planning document to reaffirm Te Ātiawa's role as kaitiaki. Secondary to this, it is a guide to assist central government agencies, regional council and district councils to understand the issues of significance to Te Ātiawa and manage their resource consent processes, policies, plan development, reviews and changes to incorporate Te Ātiawa values and interests. It is structured into five parts with part five outlining the issues, objectives and policies. Eight domains are focused on – guardianship, inland and coastal whenua, freshwater, coastal and marine environment, air and atmosphere, flora and fauna, heritage, and Taranaki Maunga. The following issues and objectives under the inland and coastal whenua domain are of relevance to commercial areas:

- Issue TTAN3: The lack of participation in urban and township planning and development.
- Objective TTAN3.2: Acknowledge and provide for Te Ātiawa values and the expressions of our narrative in the built form and landscaping.
- Issue TTAN4: Inappropriate subdivision and development can generate effects on Te Ātiawa values.
- Objective TTAN4.2: Acknowledge and provide for Te Ātiawa values and the expressions of our narrative in the built form and landscaping.
- Objective TTAN4.4: Acknowledge and provide for Te Ātiawa cultural landscapes in the built design to connect and deepen our 'sense of place'.

3.6 Other Legislation and Policy Documents

3.6.1 Building Act 2004

The Building Act 2004 regulates all buildings in New Zealand and is especially relevant given density and buildings in our commercial areas and that a considerable number are heritage buildings. The Act requires local authorities to ensure that buildings are safe, promote physical independence and wellbeing, have adequate fire escape and seismic provisions, and are designed, constructed and able to be used in ways that promote sustainable development. Local authorities are also required to take into account Section 4(2) which includes the need to facilitate the preservation of buildings of significant cultural, historical or heritage value. In applying the purpose of this Act the relevant heritage principles are:

- d) the importance of recognising any special traditional and cultural aspects of the intended use of the building.*
- l) the need to facilitate the preservation of buildings of significant cultural, historical or heritage value.*

Important changes to this Act relating to the management of earthquake prone buildings (EQPB) came into effect on 1 July 2017. In summary:

- The Council should be using the identification and remediation methodology and processes for EQPB set out in the Ac.;
- The Council's EQPB Policy ceased to apply from the commencement of the changes to the Act.
- EQPBs must adhere to new timeframes:
 - Priority buildings - 5 years to identify, 12.5 years to strengthen.
 - Other EQPB - 10 years to identify, 25 years to strengthen.
 - Identification timeframes begin from the date of changes to the Act, strengthening timeframes begin from date on the EQPB notice.
- New EQPB identification obligations and consultation/reporting requirements.

3.7 Local Policies, Plans and Strategies

3.7.1 New Plymouth District Strategic Framework

The vision for the New Plymouth Strategic Framework is Building a Lifestyle Capital (He Whakatutu Haupu Rawa Hei Ahua Noho). The community outcomes this will achieve are: Putting people first (Aroha kit e Tangata), Caring for our place (Manaaki whenua, manaaki tangata, haere whakamua) and Supporting a prosperous community (Awhi mai, Wahi atu, tatou katoa).

3.7.2 The New Plymouth District Blueprint

The Blueprint is a 30-year spatial plan for the district first adopted in June 2015. All of the key directions and associated high-level initiatives in the Blueprint are relevant to the Commercial and Mixed Use Zones, which were considered during the review of the provisions. These are:

- Environment: Enhance the natural environment with biodiversity links and clean waterways.
- Communities: Strengthen and connect local communities.
- Citizens: Enable engaged and resilient citizens.

- Growth: Cohesive growth that strengthens the city and smaller settlements.
- Industry: Strengthen the rural economy, industry, the port and airport.
- Talent: Attract entrepreneurs, talented workers and visitors.
- Central City: Champion a thriving Central City for all.
- Destination: Become a world class destination.

3.7.3 Tapuae Roa: Make Way for Taranaki - Taranaki Regional Economic Development Strategy and Action Plan 2017

Tapuae Roa is a culmination of work undertaken by the Taranaki district councils and regional council in partnership with Ngā Iwi o Taranaki. The strategy is designed to feed into their respective Long Term Plans, influence private sector investment decision-making and contribute to the future activities and investment decisions of Ngā Iwi o Taranaki. Tapuae Roa recognises that the foundation of the region's economy is commodity-based with a strong agricultural and energy sector presence and anticipates incremental growth in these areas. However, Tapuae Roa focuses strongly on other sectors that will accelerate economic growth in Taranaki, including food processing, engineering and tourism. The Strategy recognises that Taranaki has comparative advantages in several sectors relative to New Zealand and that these will support job and income growth in the future. These include industrial activities of manufacturing industries such as chemical, metal, wood product and machinery and equipment manufacturing. Providing an adequate amount of business land to support growth and provide opportunities is critical to the delivery of Tapuae Roa.

3.7.4 Coastal Strategy 2006

The Coastal Strategy sets a picture for what the community wants the coastal environment to look like in 20 years. The vision is: "New Plymouth District's coast ... a prosperous, growing coastal community, balancing the needs of people and environment within our high energy untamed coast." Eight strategic directions were set: Population Growth, Sense of Place, Infrastructure, Economic Development, Recreation and Open Space, Mana Whenua, Coastal Hazards, and Environment. Several actions in the Coastal Strategy are applicable to the city centre:

- NPA1 – Prepare an action plan and programme for enhancing and developing public access within the New Plymouth CBD/Waterfront area.
- SA2 – Review effectiveness of current District Plan provisions in the New Plymouth CBD. In particular, monitor the provisions for noise, light control and building height restrictions.
- NPA2 – Work with the community to develop future plans that promote growth and a vibrant city centre, balancing recreational, cultural and social values of the area.

3.7.5 Art in Public Places Strategy 2008

The New Plymouth District Art in Public Places Trust was established to deliver this strategy. The trust is independent of the Council. The vision is that the New Plymouth District will be recognised nationally and internationally for excellence in public art.

The New Plymouth District is recognised as a vibrant and exciting place to live, work and visit. Art works in public places are high quality public amenities that celebrate and enhance local culture, heritage and the environment.

“Public art” is any creative work located in a public place owned or administered by the Council. Public places include open spaces, streets, pathways, parks, squares, and foreshore areas, but may also include significant works commissioned as part of the design of Council-owned buildings held for civic, cultural or recreational purposes.

3.7.6 New Plymouth District Parking Strategy 2013-2023

The development, distribution and on-going management of parking is one of several key elements needed in successfully planning and providing for growth and development of the New Plymouth District.

The New Plymouth city centre plays an important role in the district as a centre for shopping, business, accommodation, entertainment and some essential services. There is a need to balance the demand for parking between short term users, e.g. shoppers, and long term users, e.g. commuters, particularly during weekdays when the demand for parking is highest.

The strategy encompasses all parking within the district including public and private business car parking spaces, as well as city centre, suburban and small town centre parking. However, the nature of parking demand is such that this strategy predominantly focuses on the New Plymouth city centre where the provision and management of parking is of primary interest to the community. The strategy addresses parking for private motor vehicles as well as other types of parking such as loading zones, accessible spaces, taxi stops, bus stops and bicycle parking.

The strategy refers to the following one-off actions that are relevant to the commercial areas:

- Propose a plan change to the District Plan to remove minimum parking requirements for private off-street parking in the New Plymouth central area.
- Investigate issues regarding Appendix 23 (Traffic and Transport) of the district Plan as part of the District Plan review scheduled to commence in 2015.
- Develop design guidelines for private off-street parking.
- Review the dimensional parking standards of the District Plan.

The strategy contains the following on-going actions that are relevant to the commercial areas:

- Monitor parking utilisation and patterns.
- Monitor existing resource consents granted for parking shortfalls.
- Review the on-street dining policy, in particular the temporary conversion of parking spaces into dining areas.
- Assist providers of private off-street parking to improve utilisation.

3.7.7 Central Area Urban Design Framework 2013

As part of becoming a signatory to the Urban Design Protocol, the Council implemented an action plan outlining urban design initiatives it will take. One of the key actions was the formulation of a Central Area Urban Design Framework. It is a 30-year shared vision for New Plymouth’s city centre that drew on public feedback gathered from the Central Area Site Survey in 2012 and 2013 on what residents like and what they wanted improved in the city centre.

The vision is that “The central area will provide a vibrant, efficient and accessible public living room and business hub for the people of New Plymouth district.” The framework has five themes:

- Strengthen the sense of place.
- Create attractive central living.
- Allow freedom of movement.
- Generate lively public life.
- Foster a viable market.

The framework identifies actions, some of which are District Plan related, such as the reviewing the viewshafts, improving building quality and increasing residential development and public art.

3.7.8 Shaping Our City Action Plan 2016

The Council’s Shaping Our City Action Plan includes the following initiatives:

City Centre Design

- Focusing activities in the city centre and the key centres by better directing and facilitating desired development. The aim is to reinforce the role and function of the city centre.
- Managing the design and appearance of new buildings and alterations and additions to existing buildings and allowing for increased building heights.

Paint the City

- Heritage fund advocacy to subsidise the painting of heritage buildings in the city centre.
- A façade art programme to encourage and catalyse street art pieces, through funding to a Street Art Collective and private building owners donating facades for medium to large scale art.

Green the City

- Precinct based planting regime, alder pruning and cabbage tree planting in the arts and cultural precinct.
- Way-finding signage.
- Installation of new street furniture.

Light up the Laneways

- Laneway safety and activation utilising CPTED (Crime Prevention Through Environmental Design) audits, to apply good urban design to reinforce appropriate use of public space.
- Feature lighting refresh to update the styles to replace the previous types of lighting in the festive period.
- Laneway events.

Post Code 4310

- This ‘branded’ initiative will develop several actions over time (below) and be driven by the Central City Co-ordinator.

- Council facilitated 'catalyst' developments, such as high density residential and hotel accommodation.
- Central City Co-ordinator: a funded facilitation role to strengthen and increase city centre events, implement the Shaping Our City Action Plan, retailer event co-ordination, and Council city centre services delivery co-ordination.
- EP3 (Earthquake Prone Prepared Project): targeted advocacy and education programs for owners of 'high value' significant character buildings in the city centre;
- Arts and Creative Industries Initiative: targeted policy and advocacy initiatives for creative industries to locate in the city centre.
- Central City Design Excellence Initiative, incorporating a design review panel and Mayors "Design Excellence Award" for the city centre.

3.7.9 New Plymouth On-Street Dining Policy and Guidelines 2019

A review of on-street dining activities in the New Plymouth city centre identified an opportunity to enhance the quality and experience for residents and visitors through improved design and management of on-street dining activities.

The review identified five key matters for response through the policy and guidelines:

1. Personal safety and accessibility, where the safety and accessibility of pedestrians is compromised.
2. Street and public realm amenity, where the general amenity of the street and city centre is compromised.
3. Universal access, where access, particularly for those with disabilities (e.g. require wheelchair access; visually impaired, etc.) is diminished.
4. Vehicle movement and parking, where conflict is created between pedestrians and/or on-street dining uses and those using the road corridor.
5. Potential regulatory issues, leading to safety, amenity and liability issues.

The recently updated policy and new guidelines introduce an outcomes focused approach compared to the previous guidelines which concentrated on specific requirements and specifications for aspects of on-street dining. This new approach enables a level of design flexibility and individuality for on-street dining activities whilst achieving the Council's desired outcomes for on-street dining. The updated policy also reemphasises that on-street dining is about consuming food (with associated drinks) and not for the sole consumption of alcohol without food. The policy also encourages and incentivises smoke free on-street dining.

3.7.10 New Plymouth District Council Bylaw 2008

Public Places 2014

The purpose of this part of the bylaw is to ensure acceptable standards of convenience, safety, visual amenity and civic values are maintained in public places for the well-being and enjoyment of citizens, businesses and visitors within the district now and in the future.

Trading in Public Places (Licensing of Street Traders)

The purpose of this part of the bylaw is to regulate trading in public places to ensure appropriate standards of convenience, safety, visual amenity, and civic values are maintained.

3.8 Other Legislation and Policy Documents

3.8.1 Urban Design Protocol 2005

The RMA has been criticised for not adequately recognising the urban environment. The RMA deals with effects, both positive and negative, but does not explicitly recognise the positive economic, social and cultural contribution that high quality urban design and planning can make. The RMA, the Local Government Act 2002 and the Land Transport Management Act 2003 guide urban planning in New Zealand but do not always align in terms of matters like funding and decision making. An attempt to provide guidance relating to the urban environment was made through the establishment of the Urban Design Protocol.

In December 2011, the Council passed a resolution to become a signatory to the Urban Design Protocol. Becoming a signatory is voluntary. The design of people's homes, business places and recreational areas influences their quality of life. In 2005, based on the need for guidance regarding urban environment management the Ministry for the Environment, in collaboration with a range of local government and industry experts, developed the Urban Design Protocol to assist development to consider best practice design in the urban environment.

Urban design is the art of making a great place to live, work and play. It involves the appearance of the public realm and also the function and feel of urban spaces and buildings. Urban design focuses on the interactions between buildings and public spaces including streets. It considers elements such as sustainable design, 'active' edges, accessibility, streetscapes and the mix of building uses.

The Urban Design Protocol identifies seven essential design qualities that together create quality urban design:

- Context – seeing buildings, places and spaces as part of whole towns and cities.
- Character – reflecting and enhancing the distinctive character, heritage and identity of our urban environment.
- Choice – ensuring diversity and choice for people.
- Connections – enhancing how different networks link together for people.
- Creativity – encouraging innovative and imaginative solutions.
- Custodianship – ensuring design is environmentally sustainable, safe and healthy.
- Collaboration – communicating and sharing knowledge across sectors, professions and with communities.

3.9 Other Documents

In addition to the above documents, the following background documents have been considered and informed in reviewing the District Plan and evaluating provisions:

- New Plymouth CBD Mountain to Sea Design Booklet (1995).
- Strategic Plan for New Plymouth Central Area (1998).

- National Guidelines for Crime Prevention through Environmental Design in New Zealand (2005).
- Huatoki Site Development Evaluation Report (2005).

4 Context, Research and Trends

4.1 Operative District Plan Approach

4.1.1 Context

The existing District Plan became operative in August 2005. As described in the Overview Report, the Operative District Plan is an effects based plan and standards are used within each environment area to determine what is appropriate based on the character and amenity values that the community seeks to protect, as opposed to listing activities that are permitted, or are subject to some type of consent application.

Provided an activity can meet the required standards, generally there is no reason to preclude it from a particular environment area even though that particular activity is not generally associated with it. Where an activity does not meet the baseline standards, applicants would be required to apply for resource consent.

The Operative District Plan identifies four Business Environment Areas which recognise the differing characters that have evolved within the New Plymouth District in response to local market forces. They have different characteristics in terms of bulk and location of buildings, pedestrian or vehicle oriented emphasis, parking requirements, landscaping and general amenity. They recognise the evolution of central business areas, larger scale businesses, local shopping centres, and the 'fringe' areas in transition from residential to business character. The areas are as follows:

- **Business A Environment Area:** Those areas located centrally within the New Plymouth, Waitara and Inglewood retail areas. They are pedestrian orientated with premises located up to the street, and generally provide no parking on the site. Most tend to be two storey buildings with verandahs and retail display windows. Advertising signs provide vitality to these areas and are an important and accepted component of these central business and commerce areas.
- **Business B Environment Area:** Characterised by larger scale, bulky buildings (such as warehouses), orientated towards the motorised customer, with parking usually provided on-site. Some of these buildings are set back from the road with car parking provided in front of the building while others are positioned up to the street with parking areas provided at the side or the rear of the building. Advertising is generally through signs rather than window displays, and generally no weather protection is provided.
- **Business C Environment Area:** Those areas of suburban business that are smaller in scale both in terms of individual shops and number of buildings. Because they are designed to serve the local catchment, both pedestrian and motorised patrons are catered for with limited parking available, usually in the road reserve. This zoning covers both shopping centres, and small clusters of shops. The specific character of these individual areas may differ but generally they comply with the descriptions above.
- **Business D Environment Area:** Those areas that are in transition from residential to business uses or contain business uses which are located in buildings which are

residential in scale and character. Generally businesses in these areas are providing a service and many of them are offices. Sites tend to be small in scale, well landscaped and provide on-site parking. They are generally found on the fringes of central retail areas.

The main difference in terms of the rules applied to the Business Environment Areas is height. The height limit for Business A Environment Area is 14m, for Business B Environment Area it is 10m, and for Business C and D Environment Areas it is 8m.

4.1.2 Plan Changes

Plan Change PLC13/00039 – Removal of Parking Requirements for Private Development in New Plymouth Central Area

This plan change was an action in the New Plymouth District Parking Strategy 2013-2023 and removed minimum parking requirements for private off-street parking in the New Plymouth central area. The parking exemption area is bounded by Dawson, Molesworth, Eliot and Powderham Streets. It is expected to have the following consequences:

- Unnecessary parking spaces and areas will not be created in the New Plymouth central area.
- The urban area will not be so spread out, thus reducing urban sprawl.
- There will be less impervious surfaces, thus reducing stormwater runoff and pressure on the stormwater sewer system and/or surrounding land.
- The distances people must travel between activities due to more efficient use of land and buildings will be reduced. This helps to create environments that are pleasant to walk and cycle in. It also maintains pedestrian volumes, in turn creating positive economic impacts for business owners.
- There will not be an oversupply of parking thus encouraging people to travel by more sustainable modes such as walking or cycling. Lower vehicle numbers will mean less air pollution, accidents and congestion. There will also be less stress on the roading network, less need for maintenance and less pressure to increase the capacity of the roading network.
- Land will be used for more intensive uses such as living, working and shopping as opposed to just parking. These more intensive uses will result in more economic use of land and buildings in the New Plymouth central area and are also likely to be more pleasing on the eye than if the land was used for parking.

This plan change became operative on 12 September 2014. This approach will be carried through to the Proposed District Plan.

4.1.3 Operative District Plan Provisions

The Management Strategy in the Operative District Plan contains the framework to manage activities and amenity values in Business Environment Areas in the District. The relevant Issues, Objectives and Policies are detailed below:

Issue 1: The adverse effects of activities on the character of areas and on other activities.

Objective 1: To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.

- *Policy 1.1: Activities should be located in areas where their effects are compatible with the character of the area.*
- *Policy 1.2: Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.*
- *Policy 1.3: New activities that are sensitive to the elements that define the character of the area in which they intend to locate should be designed and/or located to avoid conflict.*

Issue 7: Activities that detract from or reduce the amenity of business areas.

Objective 7: To ensure the attractive, vibrant, safe, efficient and convenient character of the business environment is maintained.

- *Policy 7.1: Buildings, signs and other structures should be designed and/or located to avoid, remedy or mitigate adverse effects on the character and visual amenity of business areas.*
- *Policy 7.2: Buildings and structures within business areas should be designed and/or located to ensure that areas of high pedestrian usage have access to daylight and sunlight and protection from the weather.*

Issue 11: Degradation of heritage resources.

Objective 11: To recognise the district's heritage resources, provide for their protection and promote their enhancement.

- *Policy 11.4: The Huatoki Stream should be protected from enclosure by development within the New Plymouth CBD, and enhanced to promote its heritage significance.*

Applicable rules and standards in the Business Environment Area provide for:

- Erection of buildings and structures subject to height, daylighting, setback, site coverage, front yard, landscaping, sound attenuation and building relocation requirements.
- Erection of buildings on sites adjacent to the Huatoki Stream within the New Plymouth CBD to ensure they do not extend over the stream.
- Network utilities subject to electric field strength, magnetic flux density and landscaping requirements.
- Erection of signage subject to locational, illumination, lettering size, display area, height, width, projection over road boundary and number per site requirements.
- Earthworks subject to excavation, fill and locational requirements.
- Hazardous substances subject to setbacks, locational and effects ratio requirements.
- Outdoor storage subject to bulk and locational requirements.
- Consumption of liquor subject to hours of operation.
- Subdivision relating to minimum lot size and requirements for services, building platforms, standards in relation to the new boundaries.
- Lighting subject to locational and emission requirements.
- Noise subject to specific environment areas, construction, wind turbines, emergency services and temporary event noise requirements.

- Traffic and transport subject to vehicle access point, parking, loading and standing space, driveway, on-site manoeuvring space, on-site queuing space, landscaping requirements.
- Temporary events subject to durational, environment area, noise emission and other requirements.
- Requirements to provide defined retail frontage, i.e. display windows and verandahs (note these requirements are Overlay Rules not Business Environment Area rules).

The Operative District Plan generally provides for most activities as permitted activities, although where the activity does not meet relevant conditions for a permitted activity, the activity is generally treated as a restricted discretionary activity.

The planning maps identify the Business Environment Areas.

4.2 Other Methods

Other methods outside the Operative District Plan include:

- Use of land information memoranda and property information memoranda.
- Works to enhance the Huatoki Stream and its setting by the Council.
- Creation of an interpretation scheme by the Council to describe the Huatoki Stream's historic and cultural significance.
- Opening up of the Huatoki Stream by the Council and businesses wherever possible within the New Plymouth CBD.
- Use of negotiated agreements between the Council and landowners for public access purposes, including the creation of esplanade strips and access strips under the Act or walkways through the provisions of the Walkways Act 1990.
- Provision of information on areas available to the public for access, including information on where such areas are, what access is allowed, any restrictions that apply and how to protect sensitive areas.

4.3 State of the Environment

4.3.1 Retail and Office Market Trends

Retail and office market trends that have been experienced throughout New Zealand and the world have also been experienced by the city centre and the District's centres.

Major retail change over recent decades has included the development of shopping malls and large format retail, the emergence of the fast food market, and petrol stations becoming mini dairies to improve convenience for time precious consumers. The most recent change is internet retailing. A slow-down in the growth of the retail built form provided is anticipated as opposed to a decline.

Historically town centres were the heart of the community providing a wide ranging retail offer. This has reduced and is now primarily focused on supplying convenience retail and commercial activities, and civic and social functions for the immediate communities they serve. What used to be provided in town centres is now consolidated in larger, more centralised stores attracting shoppers from extensive catchments. Supporting this is improved road networks, availability of better quality and cheaper cars, and a desire by retailers to reduce overhead costs and duplication of stores to

improve competitiveness against increased competition. Traditional town centres are unlikely to return to what they were. They are likely to focus on providing convenience based retail goods and services that are frequently purchased, especially food and beverage.

Office market trends include:

- Telecommuting/Virtual Offices – this lowers costs because fewer employees means less space is required.
- Open Office Spaces – spaces are being reconfigured to be more communal and to include shared workstations and hot desks.
- Mobile Devices – iPhones, iPads and other portable electronic devices are being used instead of computers and laptops.
- Instant Communication – email is viewed as inefficient compared to texting and social networks.
- Online and Real Time Collaboration Tools – web-based software is being used to communicate with telecommuting employees and mobile workers meaning less space is required, and the adoption of 'cloud' based software is reducing the need for costly hardware.
- Independent Contractors/Freelance Workers – more are doing this because they cannot find permanent employment or do not want to be permanently employed, and many businesses are paying contractors by project instead of requiring them to spend 40 hours in office.
- Co-Working Spaces – this is where workers can find a desk for a few hours often at minimal expense with access to conference/meeting rooms, internet connections and standard office amenities.

Council officers undertook a major monitoring exercise that analysed the functionality of New Plymouth District's business and industrial zoned land by reviewing the use of land, urban design quality, streetscape, transport and access, recent developments and to what extent activities have located "out of zone," the latter being an issue that has become apparent due to the effects based nature of the Operative District Plan. Using a combination of desktop analysis and fieldwork observations, Council officers looked primarily at the function of the District's centres (business) and industrial land to understand how these areas are working and whether or not they are meeting the needs of their local communities. Council officers also looked at whether there were further opportunities to provide for additional residential land for expected population growth.

In order to understand the District-wide impact of out of zone activities, business land supply and location issues, the Council also commissioned Property Economics to undertake a business land capacity assessment in 2016. This was updated in 2019. This report is attached as Appendix 1.

The key retail findings are that the city centre has experienced retail employment leakage, particularly from within the core, and that the fringe of the city centre, most centres outside of the city centre and areas outside of the centres have had an increase in retail employment. This indicates that retail activity has been bleeding from the core of the city centre into the fringe and is spreading into other centres but also to areas outside of these centres altogether.

The key commercial findings are that the city centre core has experienced negative commercial employment growth whereas the city centre fringe has experienced high commercial employment growth. Almost all centres located outside of the city centre have seen positive growth in commercial employment and almost half have experienced growth rates over 100%. Out of centre commercial employment has also seen significant growth. This indicates that office activity is increasingly being located outside of the city centre core and is dispersing into the wider city centre area. It is also spreading into other centres outside of the city centre and to areas located outside of commercial centres altogether.

In short, the city centre and the District's centres are struggling. The issues can be broadly themed as follows:

- Out of zone activities establishing outside the city centre and District's centres.
- The location and availability of land supply for retail and office activities.
- The quality of built form is mixed in the city centre and District's centres.

4.3.2 Out of Zone Activities

The effects based nature of the Operative District Plan has meant that many "out of zone" activities have established in zones outside of the city centre and traditional business areas where they were not anticipated. Effectively, the District's centres are being undermined by these out of zone activities and some centres are struggling to maintain their vibrancy and vitality.

The zone audits undertaken by Council officers found that there was a significant increase in non-industrial uses, i.e. retail and residential activities, occurring on land zoned for industrial purposes. The freedom of use allowed under the Operative District Plan has resulted in perverse outcomes to other zones.

The most notable example of a business activity locating out of zone is The Valley, a large big box retail shopping centre in the Waiwhakaiho Valley that has established on industrial zoned land. This has created adverse effects such as the following:

- This land is no longer available for industrial activities to establish on and it forces industrial activities to establish elsewhere in the District on land that is zoned for a different purpose, in turn creating the potential for reverse sensitivity issues.
- The Council and the New Zealand Transport Agency have had to significantly alter the Devon Road/Smart Road intersection to accommodate additional traffic flows in an area where a shopping centre was never anticipated.
- There was no integrated planning for the site's development because it was never intended for it to be used for retail activities, e.g. there are no pedestrian footpaths in the area, connectivity is poor and there initially were no public toilets.

This development has drawn people away from the city centre where public money (in the form of stormwater, roads, kerbing and street furniture) and private money (in the form of building owners purchasing and maintaining their buildings, some having been passed down through generations) has been invested for over 100 years.

The Valley is not just a one off example of a large scale "out of zone" business activity. Other developments include:

- Countdown supermarket on Hori Street in Vogeltown (land is zoned Industrial A Environment Area).

- Countdown supermarket on Manadon Street in Spotswood (land is zoned Residential A Environment Area, Open Space B Environment Area and Industrial A Environment Area).

In addition, the Council is currently processing a resource consent application for a commercial retail complex on the former Ravensdown site, a 7.44ha plot of land on the corner of Devon Road State Highway 3, Katere Road and Smart Road. The land is zoned Industrial C Environment Area. The size and scale of this proposal is likely to significantly impact the city centre because it will replicate activities that already exist in the city centre and it will be in direct competition with those activities.

The Property Economics business land capacity assessment identified that from 2000-2017, outside of centre retail employment has increased by around 30% (or almost 290 people) and outside of centre commercial employment has increased by around 71% (or almost 1,280 people).

This increasing trend of business activities establishing out of zone impacts on the efficient delivery of quality centres. With an allocated business zoning comes expectations about what the public realm delivers for a pleasant experience, e.g. roads, kerbs, footpaths, signage and public toilets are provided by the Council, and buildings built up to the road boundary with verandahs and glazing are provided by the private landowner. From a Council perspective, it comes under pressure to spread its investment into areas not zoned for business activities.

In terms of efficiency the Council needs to know what of land will business activities so it can plan ahead and finance on-going maintenance of existing assets or the creation of new assets, all of which impact on how rates are set. This can be difficult under an effects based plan that does not direct or zone where activities can locate. From a private landowner perspective, they want confidence to invest in maintaining their existing buildings or to construct new buildings. Having certainty that there will be business activities around them and that business activities in the District will be directed to establish in certain areas will assist with building this confidence.

4.3.3 Location of Business Land

Over the life of the Operative District Plan the once distinct Business A, B, C and D Environment Areas have effectively melded into one large business zone. It is not obvious on the ground what each of the Business Environment Areas are trying to achieve and their respective provisions are unnecessarily complex.

The Business Environment Area zoning in the city centre stretches from Morley Street in the west to Watson Street in the east. This is nearly 2.5km long and compares with the likes of Auckland's Queen Street which is only 1km long. This already lengthy business zoning is further exacerbated by the high concentration of professional services (lawyers, accountants, engineering, surveying, insurance, etc.) and medical and health services (medical centres, veterinary services, dentists, etc.) located in Residential Environment Areas along the one-way systems, particularly Vivian and Powderham Streets between Dawson and Morley Streets. Here, many residential houses contain businesses that have erected signage and converted their front yards into car parking for their customers. Business activities are also locating on Residential Environment Areas in some of the District's centres. This is negatively impacting on the role and function of the city centre and some of the District's centres, and is also eroding residential amenity in some places.

Analysis by Property Economics has reinforced that there are some issues with the location of business land in the District's centres. Of particular note, more business land is needed in Spotswood, Inglewood's business land is too big and any investment should be focused to the west of the railway line, and Waitara's business land is too big with underperforming stores and should be consolidated.

Overall, Property Economics has identified that within the New Plymouth District, on-the-ground supply of business land exceeds sustainable demand by around 6,700m² GFA. This is a reflection of retail stores not trading at productivity levels conducive to creating good quality retail stores, retail environments and retail experiences. In essence, the New Plymouth District has a small excess supply but this is not considered problematic. Rather, it is about addressing quality rather than quantity.

Based on the background monitoring and research, it has been identified that some properties throughout the District are suitable for rezoning from either Business, Industrial or Residential Environment Areas to a commercial area. Examples include Parklands Ave (Bell Block), Manadon Street (Spotswood) and Hori Street (Countdown). Details of the properties to be rezoned are contained in Appendix 2.

4.3.4 Use of Business Land

The majority of the District's centres deliver mainly retail focused activities that operate on the 9am till 5pm weekday model. In order to discourage people from engaging in internet retailing from home, experiences need to be provided within our centres that people cannot get online.

The future of our centres is in offering people "experiences", e.g. see the coffee being roasted or the beer being brewed; providing people with a greater diversity of mixed use spaces, e.g. gyms, ice rinks, pop up stores; combining complimentary stores under one roof, e.g. a fashion store and a hairdresser; and enhancing social media opportunities for people through interactive store displays. The provision of a wide range of social, cultural and recreational activities at varying times of the day and week will assist with this and will help to address the quality rather than quantity issue identified above.

Property Economics has identified that speciality stores represent the core of New Plymouth's retail offer and are crucial for the District moving forward if its retail provision is to continue to play (and improve) its role and function successfully. 88% of the retail stores in the District are small (below 500m²) specialty/finer grain retailers. However, these boutique stores and often "one-off" stores only represent 40% of total retail gross floor area (GFA). Large format retailers represent only 12% of retail stores but 60% of total retail GFA, with supermarkets and the department stores being the dominant sectors. This indicates that these stores are important anchor tenants for the District.

The lack of residential activity in our larger centres, particularly in the city centre, is impacted on vibrancy. Residents within centres need places to eat, buy groceries, do laundry, and be entertained, which creates flow on effects for surrounding retailers.

This lack of residential activity is concerning given that the District's population is projected to grow to about 106,100 people by 2048 (22,700 more people than live here currently). To accommodate this growth, the District will need an additional 10,919 new dwellings (or 364 new dwellings per annum) over the next 30 years.

There is a need to provide smaller houses and units within the District's Centres as an alternative to the traditional three or four bedroom suburban house. Not only would this provide options residents and greater housing choice, it also helps reduce pressure on greenfield subdivision on the urban boundaries which requires additional, costly infrastructure and impacts on how rates are set. This was reinforced through the zone audit work which identified that some centres would benefit from residential and mixed use intensification.

In essence, the Operative District Plan effects based planning framework has meant that it is unclear what activities are expected in each of the existing centres in the District. This creates uncertainty for developers because they do not know whether an activity will have an easy or hard route through the resource consenting process. To assist with maintaining the vibrancy and vitality of the District's centres, provisions in the Proposed District Plan need to support the establishment of a variety of activities, especially an increase in housing density.

4.3.4 Quality of Built Form

4.3.4.1 Height

The current provisions do not make it clear what, if any, additional height limit may be appropriate in the city centre and, if it is appropriate, to what degree. Clearer guidance also needs to be given over what matters will be assessed for additional height. The current height limits are generally 14m in the core of the city centre and 10m on the outer. A handful of applications in prominent locations have previously sought to build higher than the height limit but have been declined. One example is the Dawson Developments proposal where the applicant applied to construct an approximately 25m high, seven storey apartment block with parking on the ground floor and a four bedroom apartment on each floor above at 124 St Aubyn Street and 13 Regina Place, New Plymouth. The application was publicly notified and subsequently declined, largely based on the effects of shading on some neighbours of the Richmond Estate Apartments and the Clarendon Apartments.

The Council commissioned Bluemarble to investigate height limits that might be appropriate in the city centre. Bluemarble outlines the various factors that have shaped its current form below:

"Prior to settlement by Māori, the coastline would have comprised a broad sandy beach and dune system that transitioned into thick native bush probably less than a kilometre from the shoreline. This undulating dune system combined with the ring plain's radial drainage pattern has created the underlying local landform that is still clearly legible within the heart of the central city area, most notably the Huatoki Stream. Māori settlement (Te Āti Awa), although primarily located at Ngā Motu, accessed the Huatoki Stream, and Puke Ariki Pa intensified this area as an important point of occupation.

European settlement began in the 1840s with temporary housing provided on Mount Eliot, the hill previously known as Puke Ariki and although the hill was removed in the early 1900s, the present-day Puke Ariki Museum represents a cultural reference and reinstatement of the site's significance. Surveyor Frederick Carrington recognised the importance of the Huatoki stream and his 1842 survey plan set in place the subsequent shape of the city. Unfortunately, as colonial surveyors were inclined to do, an English grid pattern was applied over the city that took little account of underlying topography. The historically frequent flooding of the Huatoki and

Mangaotuku Streams are testament to the inappropriateness of locating the town so close to waterways."

The city has continued to be focused around this area, and it still orientates itself to the Huatoki Stream and sea. The Huatoki Stream is still legible and this has been reinforced by the development of the Coastal Walkway, Puke Ariki Landing and the Huatoki Plaza. Despite the generally eclectic mix there are some areas of common character and urban form. Devon and Currie Streets are the premier shopping streets. Devon Street between Liardet and Gover Street is where the urban form transitions to taller buildings. The eastern end of the city centre area is bookended by the Worley Parsons building on Gill Street, the TSB Bank Centre on Devon Street East and the IRD "twin towers" on Gill Street. The western end of the city centre area is bookended by the Atkinson Building, Shell buildings, St Joseph's Church and Clock Tower all on Devon Street West.

In general, the taller buildings are located on the eastern and western flanks of the Huatoki gully/basin. This has the effect of accentuating existing topography so that the high areas appear high and the low-lying basin appears low. This has not only increased the legibility of the Huatoki Stream but also views through to the sea. To the south lie two important green areas, Pukekura Park and Pukākā/Marsland Hill. These landforms, combined with the state highway/one-way network, accentuate the existing topography and concentrate retail and commercial development within the downtown area of the city centre.

The Bluemarble report on Buildings Heights in New Plymouth's City Centre recommends the introduction of four height limits (10m, 14m, 17m and 22m) in the city centre. These height limits will not impact on important views from public places or the natural landform of the Huatoki Basin, a feature which has defined both early Maori and European settlement.

The report recommended that, in general, taller buildings should be permitted on the western and eastern flanks of the Huatoki Basin where similar height buildings are already established. Conversely, building heights should be lower within the low-lying land of the Huatoki Basin to reflect existing building heights and open spaces, as well as to protect important views to the sea from key places in the Huatoki Basin and beyond. The report found that in some places building heights should be staggered to allow for a transition between the City Centre Zone and surrounding zones. In addition, the building height limits along parts of Devon and Egmont Streets should be lower to ensure that there is adequate sunlight onto footpaths and that the integrity of the streetscape, especially heritage buildings, is maintained. The Bluemarble report is attached as Appendix 3.

4.3.4.2 Viewshafts

Viewshafts and their associated height limits are inextricably linked to the height limits set in the city centre because many of the current viewshafts from public places to the sea, Nga Motu/Sugar Loaf Island and significant land marks cover parts of the city centre. Bluemarble looked at potential building heights in the city centre in conjunction with reviewing the height limits associated with each viewshaft. The report found that viewshafts are a desirable and useful way to maintain and enhance the character and coherence of the District's urban areas. The reasons for having viewshafts are even more relevant today as development continues to place pressure on natural landscapes, particularly in urban areas. Improvements to provide greater

context were suggested such as including photographs, indicating the core part of the view and the focal elements within each viewshaft, providing descriptions of each view and clarifying the point from where they are assessed. Viewshafts are managed under the Viewshaft section of the Proposed District Plan and are addressed in the Viewshafts s32 Report.

4.3.4.3 Active Frontages

The Central Area Site Survey in 2012 and 2013 surveyed the number of active frontages along ground floor building facades in the city centre. An active frontage is a building façade that has windows and an entrance to allow people to see into a building and encourage activity. Active frontages assist with promoting safe, pedestrian friendly, human scale environments that enhance pedestrian amenity. The best building fronts are those with lots of doors, windows at eye level, interesting details and materials and a depth or relief in the façade with many vertical features in the façade. Those building fronts that are not as successful are those with few or no doors, and uniform facades with no relief or details to look at.

Devon Street provided the most consistently active edge for people. This leads people to spend more time standing, sitting or engaged in activities in public space creating a vibrant and friendly feeling to the street. Inactive frontages were provided along parts of Courtenay Street, Molesworth Street, Queen Street and Ariki Street.

The “defined retail frontage” mechanism in the Operative District Plan used to signal where a verandah and glazing is required is generally identified in the appropriate places throughout the District. However, within the city centre it should be extended to the west to acknowledge the development of the West End Precinct and towards the coast to acknowledge the development of the Coastal Walkway and to ensure there is connectivity between the city centre and the coast. Greater scrutiny should also be placed on selected sites immediately adjoining the Coastal Walkway to reinforce this connectivity and to ensure any development is of high quality.

More recently the following issues have been observed by Council officers as part of zone audit work in the city centre and the District’s centres:

- There is no glazing at ground level which provides visual interest and opportunities for informal surveillance.
- There are missing verandahs.
- There are some buildings without obvious public entrances.
- There is no variation in materials and colour or interesting details that add character.
- There are lengthy, monotonous facades that provide no visual relief.
- There are empty lots where buildings once stood and, in some cases, these have been converted into unsightly leased car parking areas.
- Unsightly utility boxes have been placed out the front of buildings.
- Large tracts of parking are located at the front of lots.
- Some developments do not respect the existing natural landforms.
- Some developments do not respect neighbouring or nearby developments in terms of height, bulk, form and scale.

4.3.4.4 Cultural and Historic Values

The city centre contains a high concentration of the District's heritage buildings, along with other buildings, structures, spaces and features that collectively have heritage values that are not protected. Given heritage buildings are a precious and finite resource and the level of public feedback that the Council received about how it was managing heritage in the city centre, the Council commissioned heritage experts to review the criteria used to assess buildings and items, assess buildings and items with a focus on the city centre and make any recommendations on the changes that needed to be made to the current management approach. The result was the Heritage Buildings and Items Review which made the following recommendations:

- Amend the criteria used to assess buildings and items.
- Add 36 buildings and items to the list of those already regulated.
- Add 20 contributory buildings in the New Plymouth city centre.
- Introduce a heritage character precinct in the New Plymouth city centre.
- Amend the current management approach used.

These matters are managed under the Historic Heritage section of the Proposed District Plan and are addressed in the Historic Heritage s32 Report.

In terms of tangata whenua culture, it has been identified by Council's Nga Kaitiaki group that more could be done within the District's centres to incorporate Kaupapa Maori design values into the urban environment, particularly in the city centre where tangata whenua originally settled. It is considered that this will help to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, as required under the RMA. It will also help the District's communities to better understand this relationship and to create buildings and places that are unique to the New Plymouth District as opposed to carbon copies of other towns and cities.

Examples of how Kaupapa Maori design values may be incorporated into the urban environment include:

- Recognising traditional place names in signage and wayfinding.
- Planting appropriate indigenous flora in public spaces.
- Opening up, restoring and planting waterways.
- Including iwi/hapu stories in public art and design.

4.4 Effectiveness of the Operative District Plan Approach

To ensure the Council is meeting its obligations under the RMA, the District Plan Review looked at whether the effectiveness of the current framework in ensuring commercial activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities. It also looked at whether the framework is robust in ensuring the attractive, vibrant, safe, efficient and convenient character of the business environment is maintained.

The key implementation issues being experienced with the Operative District Plan approach to managing commercial areas are outlined below:

Issue	Comment	Response
Issue1: There is no hierarchy in place for the existing centres in the district that clearly articulates their preferred role and function.	'Out of zone' activities have established outside of the city centre and traditional business areas creating unexpected effects. It is unclear which activities are expected in the existing centres, thus it creates uncertainty about where developments can establish and what adverse effects need to be managed. A mix of activities needs to be encouraged to make the city centre and traditional business areas vibrant.	Review of objectives, policies and rules. Adoption of a centres hierarchy.
Issue 2: There are no provisions to support housing intensification	There are no objectives, policies or rules to support increased housing density in the centres so that housing choice is promoted as an alternative to suburban living and urban sprawl.	Include objectives, policies and rules to encourage intensification of housing in centres.
Issue 3: The current business zoning needs to be reduced to make it compact, efficient and walkable	An oversupply of business zoning is compromising the role and function of the centres, particularly in the city centre and Waitara. This is limiting social interaction and promoting the need for parking. This has negative economic, social and environmental flow-on effects.	Review objectives, policies and rules. Reduction of the business area zoning.
Issue 4: The quality of buildings and public spaces in the centres is mixed and there needs to be better recognition of cultural identity	A lack of high quality urban design makes it difficult to attract development. Those that have already invested in high quality urban design may lack confidence about what will be built in the future. There is no emphasis on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. This is particularly so in the city centre where tangata whenua originally settled and	Review objectives, policies and rules. Implementation of a design guide to ensure high amenity environments that include recognition of cultural identity.

Issue	Comment	Response
	have a strong relationship with the Huatoki Stream.	
Issue 5: There is uncertainty over how high buildings can be built in the city centre, which is limiting development opportunities	The current height limits are generally 14m in the core and 10m on the outer. Previous applications have sought to build higher than the height limit but have been declined. It is not clear what, if any, additional height is appropriate, and if so, to what degree. Clearer guidance needs to be given over what matters will be assessed for additional height.	Review objectives, policies and rules. Consider using different heights that take into account the city's distinct topography and geographical features whilst respecting its historic and cultural values.

4.5 Effectiveness of Other Methods

Since the New Plymouth District Blueprint was adopted, the city centre has been a strategic focus for the Council. Approximately two years ago the Council created a Central City Co-ordinator/Facilitator position to work with event organisers and retailers on holding events in the city centre. This was well received by retailers and the general public as it brought vitality and vibrancy to the area. More recently the CBD Facilitator has had a greater strategic focus on city centre matters. Wider strategic planning involving the city centre is now occurring and the Council is currently scoping a strategy for the city centre.

The Council has made considerable investment in carrying out works to enhance the Huatoki Stream and its setting. This has involved the creation of an interpretation scheme to describe the Huatoki Stream's historic and cultural significance. Some businesses such as Green Door cafe and The Good Home bar/restaurant have embraced their location immediately adjacent to the Huatoki Stream through decks and associated seating.

Following the CBD 2050 Forum and the CBD 2050 Summit, the Council will give the Huatoki Plaza a makeover in the first step towards creating a sustainable and more welcoming city centre. Much of the concrete on the top level of the plaza and the tarmac in James Lane will be replaced with lawn and native plants to soften the concrete edges and help filter the breeze through the plaza.

4.6 Other Relevant Research/Documents

Current practice has been considered in respect of this topic, with a review undertaken of the following District Plans:

- Auckland Unitary Plan.
- Hamilton City District Plan (and the Hamilton Central City Transformation Plan).

These plans were selected because they have been subject to recent reviews and represent larger metropolitan centres that have implemented centres hierarchies. In particular, the establishment of The Base shopping centre in Hamilton north of the city

is similar to the establishment of The Valley shopping centre in New Plymouth north of the city.

5 Consultation

Extensive consultation has been undertaken as part of this District Plan Review process with key stakeholders and the local community. Refer to the General Overview Section 32 Report for details on the methods that were used to carry out that consultation. Feedback from consultation relevant to the Commercial and Mixed Use Zones is summarised below.

5.1 General Consultation

5.1.1 Draft District Plan 2018

In February 2018 the Draft Digital District Plan was released to the public for comment. As part of this release, a letter and information pamphlet was sent to all landowners within the proposed City Centre Zone. It also advised that they may be affected by various features, e.g. contributory buildings, heritage character precinct. The main purpose of these letters was to give the owners the opportunity to consider the proposed provisions and to invite further discussion with officers through the likes of central city open days prior to notification of the Proposed District Plan.

Comments relating to the Draft Digital District Plan are summarised below:

- Support for the clarification of the long term role of the central area, particularly in relation to the big box retail zone.
- Support for the introduction of a City Centre Design Guide. Some suggested amendments to content and the replacement of more appropriate images. Conversely, one individual considered that the design guide maintains the status quo (heights/widths/frontages/scale) rather than supporting good change.
- More flexibility in order to support a more vibrant central city area.
- Support for reducing the size of City Centre zoning.
- Extra shopping centres on the outskirts of town should be discouraged to allow the town centre to recover over time.
- The defined pedestrian frontage requirements should be an overlay not a rule within zones.
- Individual requests relating to the height management area and the defined pedestrian frontage requirement allocated to specific properties.
- Various zoning requests and clarifications from individuals and consultancies representing individuals were received regarding the zones and associated provisions.
- Good urban design benefits health, wellbeing and the economic vitality of towns and cities. It is important to make sure development benefits as many people as possible through Social Impact Assessment.
- A mix of old and new buildings are needed in the CBD to retain the character of the city, and large retail developments should not be allowed outside of the CBD.
- Garden centres should be classified as local centre due to the types of businesses they are generally clustered with.

- Support for large format retail zone and provisions had been carried through to the Draft Digital District Plan. Support for the definitions specifying a store exceeding 450m² gross floor area and excluding supermarkets.
- The Plan should not control development in respect to an entrance corridor along State Highway 3 and to the Maori statue Fitzroy Pole on the corner of State Highway 3 and Smart Road.

Comments relating to residential living in centres included:

- Support for modern and 'city-friendly' housing, e.g. townhouses, apartment complexes, etc. that keep shopping/entertainment within walking distance.
- Priority should be given to residential intensification in areas close to the CBD which currently contribute very little value to our community, especially the area around Gill and Molesworth Streets, where multi-story apartment blocks would be most suitable. High density housing is preferential to both low-density greenfield developments, and medium density developments within city fringe areas, with these areas having heritage, environmental and aesthetic values.
- Commercial service activities should be discouraged from the area around the CBD. These areas (for example the one-ways and Molesworth and Gill Streets, etc.) are particularly unattractive areas for people to both live and even walk through on their way to the central city. This discourages walking and other alternative modes of transportation and is contradictory with the Council's 'Let's Go' programme. The commercial service zone should be zoned for high-density residential, high quality apartment blocks. This does not exclude large-format retail, which can be accommodated on ground and first-floors of apartment buildings, and which could even be mandatory to avoid 'dead' street frontages.

5.2 Consultation with Iwi Authorities

The Council has worked with a group called Nga Kaitiaki made up of mandated representatives from iwi/hapu throughout the District. Nga Kaitiaki was formed specifically to provide feedback as part of the District Plan Review.

Their suggestions in relation to the Centre and Commercial Zones chapter of the Draft District Plan are summarised below:

City Centre Zone

- The provisions are silent on the natural environment within the city centre, including the Huatoki Stream/estuary. Additional policies guiding development are suggested to ensure:
 - Species planted are from the correct ecological district, acknowledging the important ecological function vegetation has (bird corridors, migratory fish species along the huatoki etc).
 - Plants which provide food or habitat for birds moving through the city centre are installed (street trees etc).
 - Stormwater is treated prior to discharge into waterbodies.
- Objective CCZ-O6 identifies the maintenance and enhancement of the historic and cultural heritage as an outcome for the city centre. This does not go far enough to recognise the relationship of Māori with that part of the District. The issue is

the re-establishment and acknowledgement of tangata whenua values/history in these areas, as opposed to maintaining or enhancing the current environment.

- CCZ-P1 lists the activities that are to be permitted or allowed in the City Centre Zone. Many key sites within the CBD are owned by iwi/hapū. Provisions need to be flexible enough to recognise a range of land tenure, including the unique social, cultural, environmental and economic aspirations of Māori. It is recommended that Māori purpose activities be added to the list of 'allow'.
- Policies CCZ-P4 – CCZ-P6 guide the establishment of living activities in the city centre. Quality living environments are supported in the city centre, but suggest that this is the responsibility of residential activities as opposed to more traditional activities. Provisions should give primacy to activities which rely on locating in the city centre to establish and operate effectively.
- CCZ-P10: The outcome this policy is looking to achieve is supported, and it is suggested that this issue also extends to shops that are vacant for long periods of time. Youth friendly spaces for rangatahi and tamariki, as well as outdoor play/exercise space, are also suggested as additions to CCZ-P10(b).
- CCZ-P11 (g) references the use of the Te Aranga principles but limits their application with the wording 'where appropriate'. It is recommended this wording be removed.
- CCZ-P11(i) draws on policy 11.4 in the Operative District Plan, however lessens the requirement from protecting the Huatoki Stream from enclosure, to minimising the impact on openness, historical and cultural values.

Local Centre Zone

- Local centre zone provisions will apply in several different locations around the District. It is suggested that some specific provisions are required to acknowledge local issues in each of those centres. Each centre has a unique history and set of characteristics, including historical associations which are not immediately evident in their current design and layout.
- There is concern that large format retail locating in close proximity to local centres would result in negative effects on the vibrancy and character of the centre. Provisions requiring consideration of the impact a large format retail proposal has on adjoining or nearby local centres are supported. Clear provisions protecting local centres from being undermined are suggested.
- As discussed above for the City Centre Zone, issues around naming, plantings and stormwater are relevant in these locations too:
 - Naming of place to acknowledge how some parts of the community know them to be (e.g Bell Block – Mangati).
 - Species planted are from the correct ecological district, acknowledging the important ecological function vegetation in the Local Centre Zone has (bird corridors, migratory fish species along waterbodies, etc).
 - Plants which provide food or habitat for birds moving through the Local Centre are installed (street trees, etc).
 - Stormwater is treated prior to discharge into waterbodies.
- Include Māori purpose activities as permitted activities.

Commercial Service Zone

- CSZ-P1 lists the activities that are to be permitted or allowed in the Commercial Service Zone. It is recommended that Māori purpose activities to be added to the list of 'allow'.
- As discussed above for the City Centre Zone, issues around plantings and stormwater are relevant in these locations too:
 - Species planted are from the correct ecological district, acknowledging the important ecological function vegetation in the Commercial Service Zone has (bird corridors, migratory fish species along waterbodies, etc). The zone will interact with a number of waterbodies, including the Huatoki Stream. Policies in each zone must support one another (e.g. the City Centre Zone).
 - Plants which provide food or habitat for birds moving through the zone are installed (street trees, etc).
 - Stormwater is treated prior to discharge into waterbodies.
- Include Maori purpose activities as permitted activities.

Large Format Retail Zone

- Provisions which manage the impact large format retail activities have on smaller centres like Waitara are supported (i.e. requiring resource consent for large format retail activities outside of this zone).

6 Key Resource Management Issues

The key resource management issues for commercial areas in the New Plymouth District are:

- Business activities are locating outside of business zones and impacting the economic viability of centres so there is a need to reinforce that the district has a hierarchy of centres which are the appropriate location for retail and business service activities, living activities, community facilities and visitor accommodation.
- A mix of activities needs to be encouraged in the centres so that the community can experience a wide range of social, cultural and recreational experiences in addition to traditional retail experiences, with an emphasis on the need for residential living in larger centres to cater for a projected increase in population and to provide people with housing choice.
- The centres need to be compact and the public and private spaces within them need to be well designed to give developers the confidence to invest and to make it attractive for the community to work, live and play.

7 Proposed District Plan Provisions (Objectives, Policies and Methods/Rules)

The proposed provisions are set out in the Commercial and Mixed Use Zone sections of the Proposed District Plan. These provisions should be referred to in conjunction with this evaluation report. The proposed provisions are summarised below.

7.1 Strategic Objectives

The applicability/relevance of all the proposed Strategic Objectives will need to be considered for all development proposals requiring resource consent under the Proposed District Plan. Of particular relevance to the Commercial and Mixed Use Zones are the following Strategic Objectives:

UFD-16: The district has a hierarchy of vibrant and viable centres that are the location for shopping, leisure, cultural, entertainment and social interaction experiences and provide for the community's employment and economic needs.

UFD-17: The hierarchy of centres in the district is maintained in accordance with the following hierarchy:

- 1. the city centre is the principal centre that provides a wide range of retail and business service activities, living activities, community facilities, and visitor accommodation that serve the district and the Taranaki region;*
- 2. Waitara and Inglewood are town centres that provide a range of business, retail and entertainment activities that serve the needs of each town centre's community and surrounding rural areas and;*
- 3. local centres are made up of rural service centres, village centres, suburban shopping centres and neighbourhood shops that provide convenience-based business and retail activities which serve the needs of each local centres community and surrounding areas.*

UFD-18: Business and retail activities located outside of the centre do not undermine the role and function of the centres in the district and/or the hierarchy of centres.

UFD-19: Urban environments are livable, connected, accessible, safe and well-designed spaces for the community to live, work and play, which:

- 1. integrate and enhance natural features and topography into the design of development to minimise environmental impacts;*
- 2. recognise the local context and character of an area;*
- 3. reduce opportunities for crime and perceptions of crime through design solutions;*
- 4. create ease of movement in communities through connected transport networks, a range of transport modes and reduced reliance on private motorised vehicles;*
- 5. incorporate matauranga Māori principles by involving tangata whenua in the design, construction and development of the built environment;*
- 6. use low impact design solutions and/or healthy, accessible, energy efficient buildings; and*
- 7. are adequately serviced by utilising and/or upgrading existing infrastructure or with new infrastructure.*

7.2 Zoning Structure

The Proposed District Plan clearly articulates that the district has a set of existing centres that operate in the following hierarchy:

- City Centre Zone – the principal centre that provides a wide range of retail and business service activities, living activities, community facilities and visitor accommodation that serve the District and Taranaki region.

- Town Centre Zone – the town centres of Waitara and Inglewood that provide a range of business, retail and entertainment activities that serve the needs of each town centre’s community and surrounding rural areas.
- Local Centre Zone – rural service centres, village centres, suburban shopping centres and neighbourhood shops providing convenience based business and retail activities that serve the needs of each local centre’s community and surrounding areas.

The Proposed District Plan also provides for businesses and retail activities located outside of the centres. These zones are:

- Mixed Use Zone – covers a large part of the one-way network wrapping around the City Centre Zone but is also located in parts of Inglewood, Waitara, small areas of New Plymouth and the Waiwhakaiho Valley. This zone is predominantly used for and characterised by commercial service, sport and recreation and community activities. The type and frequency of business and retail activities is limited in this zone to ensure the viability and vibrancy of the centres is not compromised. Commercial service activities may not be appropriate for the centres because of the effects they generate or because of the unavailability of site large enough to accommodate store footprint requirements.
- Large Format Retail Zone – an area in the Waiwhakaiho Valley. This zone is predominantly use for and characterised by large format activities.

The individual zone names and descriptions reflect the national direction set out in the National Planning Standards.

7.3 Objectives

The main driver for the objectives and policies of the Commercial and Mixed Use Zones is the desire to document, with greater clarity and precision, what the District Plan is seeking to achieve in each zone and how it expects those objectives and policies to be met. More consistent interpretation of the District Plan is expected to occur as a result of the revised objectives and policies. It is no longer considered necessary to include assessment criteria in addition to the revised policies. In summary, the proposed objectives comprise:

City Centre Zone

- The city centre is the primary location for a wide range of retail and business service activities, living activities, community facilities and visitor accommodation and is not compromised by incompatible activities and/or built form.
- The city centre is a compact, dynamic and vibrant retail area.
- The city centre is an attractive, accessible and safe environment for people to work, live and play.
- Increased numbers of people live in the city centre.
- The city centre’s historic and cultural heritage is maintained and enhanced and contributes to the city’s unique sense of place and identity.

Town Centre Zone

- Town centres are vibrant retail areas used for a variety of activities which service the retail and convenience needs of the immediate and surrounding

neighbourhoods and are not compromised by incompatible activities and/or built form.

- Town centres area attractive, accessible and safe environments for people to work, live and play.
- The adverse environmental effects generated by activities are managed, particularly at residential zone interfaces.

Local Centre Zone

- Local centres are vibrant retail areas used for a variety of activities which provide for local retail/convenience needs and are not compromised by incompatible activities and/or built form.
- Local centres are attractive, accessible and safe environments for people to work, live and play.
- The adverse environmental effects generated by activities are managed, particularly at residential zone interfaces.

Mixed Use Zone

- The Mixed Use Zone is predominantly used for and characterised by commercial service, sport and recreation and community activities and the type and frequency of business and retail activities is limited to ensure the viability and vibrancy of the centres is not compromised.
- Mixed use areas provide a safe, accessible and functional working and residential environment with a reasonable level of amenity.
- The adverse environmental effects generated by activities are managed, particularly at zone interfaces.

Large Format Retail Zone

- The Large Format Retail Zone is predominantly used for and characterised by large format activities and is not compromised by incompatible activities and/or built form.
- Large format retail areas provide a safe, accessible and functional retail environment with a reasonable level of amenity.

7.4 Rules

7.4.1 Land Use Activities

The table below provides a general summary of the resource consent category allocated to various building activities within each zone.

Rules	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
General Retail	Permitted Activity	Permitted Activity	Permitted Activity	Non Complying Activity	Non Complying Activity
Integrated Retail	Permitted Activity	Permitted Activity	Discretionary Activity	Non Complying Activity	Non Complying Activity

Rules	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
Large Format Retail	Permitted Activity	Permitted Activity	Discretionary Activity	Non Complying Activity	Permitted Activity
Supermarkets	Permitted Activity	Permitted Activity	Permitted Activity	Permitted Activity	Discretionary Activity
Entertainment and Hospitality	Permitted Activity	Permitted Activity	Permitted Activity	Non Complying Activity	Non Complying Activity
Business Service	Permitted Activity	Permitted Activity	Permitted Activity	Non Complying Activity	Non Complying Activity
Commercial Service	Discretionary Activity	Discretionary Activity	Discretionary Activity	Permitted Activity	Discretionary Activity
Living	Permitted Activity	Permitted Activity	Permitted Activity	Discretionary Activity	Non Complying Activity
Educational Facilities	Permitted Activity	Permitted Activity	Permitted Activity	Discretionary Activity	Non Complying Activity
Community Facilities	Permitted Activity	Permitted Activity	Permitted Activity	Permitted Activity	Non Complying Activity
Major Healthcare	Permitted Activity	Permitted Activity	Discretionary Activity	Discretionary Activity	Non Complying Activity
Visitor Accommodation	Permitted Activity	Permitted Activity	Permitted Activity	Discretionary Activity	Non Complying Activity
Sport and Recreation	Permitted Activity	Permitted Activity	Permitted Activity	Permitted Activity	Discretionary Activity
Maori Purpose	Permitted Activity	Permitted Activity	Permitted Activity	Discretionary Activity	Non Complying Activity
Medical and Health Services	Permitted Activity	Permitted Activity	Permitted Activity	Discretionary Activity	Non Complying Activity
Industrial	Non Complying Activity	Non Complying Activity	Non Complying Activity	Discretionary Activity	Non Complying Activity
Significant Hazardous Facilities	Non Complying Activity	Non Complying Activity	Non Complying Activity	Non Complying Activity	Non Complying Activity
Primary Production	Non Complying Activity	Non Complying Activity	Non Complying Activity	Non Complying Activity	Non Complying Activity
Rural Industry	Non Complying Activity	Non Complying Activity	Non Complying Activity	Non Complying Activity	Non Complying Activity
Oil and Gas	Non Complying Activity	Non Complying Activity	Non Complying Activity	Non Complying Activity	Non Complying Activity

Many activities are permitted in the City Centre Zone, Town Centre Zone and Local Centre Zone because these are designed to be enabling zones, which in turn will assist with maintaining and enhancing vitality and vibrancy.

Existing businesses have existing use rights so they can continue to operate as is. This includes home businesses which can continue to operate out of residential houses. However, if the scale of a proposed business will generate effects (e.g. traffic, parking, noise, etc.) that are too much for the surrounding residential area to absorb then that business is expected to establish in the city centre or a District centre.

7.4.2 Building Activities

The table below provides a general summary of the resource consent category allocated to various building activities within each zone.

Rules	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
Erection of new buildings and structures	Restricted Discretionary Activity*	Restricted Discretionary Activity*	Permitted Activity	Permitted Activity	Permitted Activity
External alterations to existing building or structures	Restricted Discretionary Activity*	Restricted Discretionary Activity*	Permitted Activity	Permitted Activity	Permitted Activity
Additions to existing buildings or structures	Restricted Discretionary Activity*	Restricted Discretionary Activity*	Permitted Activity	Permitted Activity	Permitted Activity
Demolition or removal of an existing building or structure	Permitted Activity (provided it does not result in vacant land, open space or parking areas at ground level that have an identified defined pedestrian frontage)	Permitted Activity	Permitted Activity	Permitted Activity	Permitted Activity
Relocation of a building or structure	Discretionary Activity	Discretionary Activity	Controlled Activity	Discretionary Activity	Discretionary Activity

* subject to the City and Town Centre Design Guide

A higher level of resource consent category applies to building activities in the City Centre Zone and Town Centre Zone so that the Council is made aware of developments that are being proposed and can provide constructive feedback on design where necessary to ensure key design principles are being achieved, e.g. building siting, alignment and street edge definition. A specific rule also applies to the demolition or

removal of existing buildings or structures that have an identified defined pedestrian frontage.

The Proposed Plan seeks to reinforce that the city centre is the primary centre in the District and the region and to create an environment that people want to visit and spend substantial amounts of time in. It therefore discourages the creation of vacant space, gaps in the streetscape or parking areas at street level. Where a building will not be constructed following demolition, streetscape amenity must be maintained by providing opportunities for social interaction and/or vegetation and landscaping on the land until a replacement building is constructed.

Relocation of a building or structure is a controlled activity in the Local Centre Zone but a discretionary activity in all other zones. The Local Centre Zone covers a wide range of centres including rural service centres, village centres, suburban shopping centres and neighbourhood shops. Many of these are small centres that are surrounded by residential areas. It is possible that a building could be relocated on to these centres and blend well with the surrounding environment. Relocated buildings and structures are not ideal in the City Centre Zone and the Town Centre Zone because this is where a high level of design will be applied through the design guide. The Mixed Use Zone may include activities that generate adverse effects such as noise, smoke, smell, trade waste, vibration, dust, glare and traffic, and the likelihood of someone wanting to relocate a building or structure is low. The Large Format Retail Zone is an isolated zone solely for large format retail activities.

There are some exceptions to the rules in certain locations due to their proximity to the Coastal Walkway and the Huatoki Stream.

Within the City Centre Zone a handful of sites near the Coastal Walkway are identified as coastal frontage sites. The Coastal Walkway is an iconic feature of the District attracting many locals and visitors. This has had flow-on effects for tourism and the economy. Therefore the Council wants to ensure that any development on these sites is of high quality. Specifically, the Proposed District Plan requires that developments on these sites incorporate complementary planting and landscaping materials, locate structures to maximise public access between the city centre and the Coastal Walkway, provide appropriate glazing and/or use low-reflective materials and minimal use of corporate colours. Like all other new buildings and alterations and additions to existing buildings these sites will be subject to the City and Town Centre Design Guide. However, due to their location and the need to ensure high quality design they will be subject to a discretionary activity resource consent rather than a restricted discretionary resource consent.

Within the Mixed Use Zone all building activities are permitted. However, an additional permitted rule also applies to those sites adjacent to the Huatoki Stream to ensure buildings do not extend over it. The Huatoki Stream is a significant feature of the city centre. Early settlement of the area by Te Atiawa focused on the coast and the natural basin landform around the Huatoki Stream. Later, European settlers established in the area reinforcing the location's role as the economic centre of the area.

7.5 Effects Standards

The effects standards described below cover a range of parameters, including height, height in relation to boundary, minimum buildings setbacks, defined pedestrian frontage, etc. In some cases an Operative District Plan standard has been removed as it is no longer required for the purposes of the Proposed District Plan.

7.5.1 Height

Operative District Plan	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
Bus A: 14m Bus B: 10m Bus C: 8m Bus D: 8m	Height management areas: A = 10m B = 14m C = 17m D = 22m	12m	10m	10m	10m

To regulate building height in the City Centre Zone, the Proposed District Plan applies four height limits (10m, 14m, 17m and 22m):

1. 10m – Two isolated areas along the coast are recommended to have a low height limit. Tall buildings on the western portion of land would most likely create an undesirable separation between the coast and the city centre. Tall buildings on the eastern portion of land would most likely create adverse impacts on views from the city centre to the sea.
2. 14m – This height limit is the same as the Operative District Plan height limit and is proposed to acknowledge existing conditions while preventing the Huatoki Stream from losing its “mana” through dominance by inappropriate built form.
3. 17m – This height limit is essentially one storey taller than the Operative District Plan height limit. The additional height in these areas could be beneficial to the city by enabling greater capacity than presently available, while contributing to urban form by intensifying the edges of the Huatoki Basin.
4. 22m – Two general areas are recommended for the highest height limit proposed. In both cases there are existing buildings in the order of 22m. One of the rationales for allowing this height limit is context. Clustering taller buildings together is a well-established urban principle and will intensify the existing bookend effect.

The height limits are the same or higher than the height limits in the Operative District Plan (generally 10m or 14m). These will not impact on important views from public places or the natural landform of the Huatoki Basin, a feature which has defined both early Maori and European settlement. In general, taller buildings should be permitted on the western and eastern flanks of the Huatoki Basin where similar height buildings are already established. Conversely, building heights should be lower within the low-lying land of the Huatoki Basin to reflect existing building heights and open spaces, as well as to protect important views to the sea from key places in the Huatoki Basin and beyond. In some places building heights should be staggered to allow for a transition between the City Centre Zone and surrounding zones.

All remaining zones except for the Town Centre Zone have a height limit of 10m. This is slightly higher than the height limits in the Residential Zones to reflect that these

are areas of commercial activity. The Town Centre Zone has a higher height limit of 12m to align with the types of activities that will be permitted, which generally are bulkier in form, e.g. large format retail activities, integrated retail activities.

A map comparing the current Operative District Plan height limits in the city centre with the Proposed District Plan height limits in the city centre is attached as Appendix 4.

7.5.2 Defined Pedestrian Frontage

Operative District Plan	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
Requirement generally aligned to Bus A, B and C	Yes	Yes	Yes	No	No

A defined pedestrian frontage has been identified on the main pedestrian orientated and retail streets generally aligned with the City Centre, Town Centre and Local Centre Zones. In the Operative District Plan the term “defined retail frontage” is used. The Proposed District Plan signals that centres provide more than just retail experiences and that they can provide social, cultural, recreational and residential experiences.

The defined pedestrian frontage requirement is to ensure that glazing and verandahs are maintained. Over and above what was required in the Operative District Plan, an obvious public entrance is also required and parking and servicing areas are to be located within or to the rear of buildings.

7.5.3 Boundary Fence and Wall Requirements

Operative District Plan	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
N/A	Yes	Yes	Yes	No	No

This is a new requirement in the Proposed District Plan which requires that any fence or wall along a road boundary must not exceed 1.2m in height and be designed with 50% or more visual permeability. This builds on the key resource management issue of urban design. Tall fences that people cannot be seen through have an adverse effect on the streetscape. They are not pleasant to walk past, they do not promote informal surveillance, and they do not allow people to look into what is occurring on a site potentially encouraging impulse buying.

7.5.4 Height in Relation to Boundary

Operative District Plan	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
Requirement from the road boundary with Devon Street for sites in Bus A adjoining Devon Street and from side boundaries in Bus B and D which adjoin Res or Bus D	No	Yes	Yes	Yes	No

Aside from a change in name from daylighting requirements, there is no change from Operative District Plan 45° height control plane. It is not considered necessary to apply this requirement to the City Centre Zone as there are only a handful of sites adjoining residential zones or to the Large Format Retail Zone as this is an isolated zone located in only one part of the district.

7.5.5 Minimum Building Setbacks

Operative District Plan	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
Minimum setback from side boundaries of a site in Bus D	No	Yes	Yes	Yes	No

This requirement only applies in specific circumstances in the Operative District Plan. Over the years, it has been observed that some developments have visually dominated adjoining sites creating adverse effects on outlook and privacy. This rule has therefore been extended to cover the Town Centre Zone, the Local Centre Zone and the Mixed Use Zone. It is not considered necessary to apply this requirement to the City Centre Zone as there are only a handful of sites adjoining residential zones or to the Large Format Retail Zone as this is an isolated zone located in only one part of the district.

7.5.6 Landscaping Requirements when adjoining other Zones

Operative District Plan	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
Landscaping of side boundaries required for sites within Bus B which adjoin a site in a Res EA	No	No	Yes	Yes	No

This standard is based on the equivalent outdoor storage standard contained in the Operative District plan. This requirement is considered necessary in the Local Centre Zone and the Mixed Use Zone as these zones are predominantly surrounding by residential areas.

7.5.7 Landscaping Requirements on a Road Boundary

Operative District Plan	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
Landscaping of road boundaries required for sites within Bus B	No	No	No	Yes	Yes

This standard is based on the equivalent outdoor storage standard contained in the Operative District plan. This requirement is considered necessary in the Mixed Use Zone and the Large Format Retail Zone as these zones can have large areas of unsightly impervious surfacing.

7.5.8 Outdoor Storage

Operative District Plan	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
Requirement for landscaping of side boundaries visible from an adjoining Res EA for outdoor storage (set size and time)	No	No	No	Yes	No

This standard is based on the equivalent outdoor storage standard contained in the Operative District plan. It has been reworked for the purposes of the Proposed District Plan. The majority of the City Centre, Town Centre and Local Centre Zones have a defined pedestrian frontage requirement. Therefore buildings must be building up to the street with glazing and verandahs, and servicing areas are to be located within or to the rear of buildings. Therefore it is not considered necessary to regulate outdoor storage in the centres.

7.5.9 Minimum Permeable Surface Area

Operative District Plan	City Centre Zone	Town Centre Zone	Local Centre Zone	Mixed Use Zone	Large Format Retail Zone
N/A	No	No	No	Yes	Yes

This is a new standard that controls the amount of the site that can be covered with impermeable surfaces. This applies a minimum level of 10% permeability for each site in the Mixed Use Zone and the Large Format Retail Zone allowing a portion of stormwater runoff to be managed on site. This reduces the amount of stormwater entering the reticulated stormwater system.

Requiring a minimum level of permeability ensures that landscaping of some form is required. Even if this is just sowed in grass, it still provides green relief for urban areas and assists in stormwater management.

Benefits include:

- Reduced stormwater entering the reticulated system due to infiltration.
- Reduced peak flow of stormwater in storm events.
- Creates a good standard of visual amenity.
- Provides green relief.
- Increased biodiversity.
- Ecological benefits.

7.6 City and Town Centre Design Guide

As part of formulating the Central Area Urban Design Framework a Central Area Site Survey was done in 2012 and 2013 on what residents like and what they wanted improved in the city centre. Multiple site visits have subsequently been done by Council officers during the District Plan Review. Council officers have also visited the District's centres as part of compiling the New Plymouth Zone Audit Monitoring Report 2016/2017.

To address the issues identified in the State of the Environment section of this report, the City and Town Centre Design Guide has been introduced. It applies to new building development, as well as to additions and alterations to existing buildings in New Plymouth's city centre, and Waitara and Inglewood town centres. The intent of the Design Guide is to facilitate high quality buildings which contribute to attractive, accessible, vibrant and safe city and town centres. This will enhance the vitality of the city and town centres, and further strengthen their role as commercial, social, cultural and residential centres. It means thinking about how new buildings sit within the landform, how they respect existing character and heritage and how they enhance the collective identity of each centre as a whole.

The application of the design guide may increase upfront costs for the developer. These costs would come from the need for design input into the application, or if delays are incurred later on in the consent process due to an inadequate design or lack of information to assess the proposal properly. However, as the District grows and intensifies it is important that new development is of a high standard and provides quality amenity for both home owners and the wider public realm. Each development requiring consent will allow Council to consider the effects on a case-by-case basis and impose conditions that will allow effects to be managed appropriately.

In addition to applying the design guide to developments in the city centre it is proposed that the design guide also apply to developments in Waitara and Inglewood. Both are poised for further growth and development, with investment expected following the passing of two pieces of legislation.

The Waitara Lands Act 2018 provides certainty regarding land ownership along with avenues for funds to be invested in Waitara. The Te Atiawa Claims Settlement Act 2016 provides Te Āti Awa with the option to purchase Office of Treaty Settlement landbanked sites throughout the district, including the Inglewood Railway Station land, a large area in the heart of Inglewood. If Te Āti Awa chooses not to purchase this site it will be sold on the open market.

The Proposed District Plan does apply the design guide to the Local Centre Zone because it is considered that the guidelines within it may be too onerous for some centres, particularly those that are struggling to remain viable and contain vacant shops. Even though the design guide does not apply in the Local Centre Zone an objective of this zone is that local centres are attractive, accessible and safe environments for people to work, live and play.

The City and Town Centre Design Guide is part of a suite of design guidelines promoted by the Council as tools for improving the quality of design outcomes within the District for developments that require resource consent. The Proposed District Plan also includes a Residential Design Guide and a Subdivision Design Guide.

7.7 Definitions

To help clarify the intent of the provisions, manage commercial activities and align with the National Planning Standards new commercial definitions have been introduced for:

- Commercial Activities (National Planning Standards definition).
- General Retail Activities (NPDC Proposed District Plan definition).
- Integrated Retail Activities (NPDC Proposed District Plan definition).
- Large Format Retail Activities (NPDC Proposed District Plan definition).
- Supermarkets (NPDC Proposed District Plan definition).
- Entertainment and Hospitality Activities (NPDC Proposed District Plan definition).
- Business Service Activities (NPDC Proposed District Plan definition).
- Commercial Service Activities (NPDC Proposed District Plan definition).

Generic District Plan-wide definitions such as height, site, boundary, etc. are also applicable to the Commercial and Mixed Use Zones.

7.8 Planning Maps

As discussed, the District Plan Review has looked at the role and function of the Business A, B, C or D Environment Areas. As a result, most commercial areas in the District are subject to a change in name of the zone, but are not considered “rezoned” for the purposes of this s32 report. To be clear, “rezoned” sites/properties is when the current Operative District Plan Environment Area (i.e. zone) is to be changed:

- a) From one commercial zone to another which has different objectives, and bulk, location and density provisions (e.g. from Business B Environment Area to City Centre Zone).
- b) From another zone with an entirely different role and function (i.e. Residential, Industrial, etc.) to a commercial zone.

Appendix 2 provides details on the individual properties that are to be rezoned from another zone with an entirely different role and function to a commercial zone.

The following areas are proposed to have no change or minor change:

- Blagdon
- Borrell Ave (Westtown)
- Cody Place
- Coronation Ave
- Frankleigh Park Shops
- Hobson Street Industrial Area
- Junction Street
- Marfell
- Merrilands
- Moturoa
- Rimu Street
- St Aubyn Street (Kingswell)
- Tikorangi

- Tongaporutu
- Vogeltown Central
- Vogeltown Upper
- Waitara CBD
- Waitara Industrial
- Westown

The following areas are proposed to have a zone change and new provisions:

- Central One Way System
- Egmont Village
- Fitzroy
- Inglewood
- Lepperton
- Oakura
- Okato
- Omata
- Strandon
- Urenui
- Vogeltown Lower
- Vogeltown Hori Street
- Vogeltown Rawhiti Street
- Waiwhakaiho
- Wallath Road Westown
- West End (Belt Road to Cutfield Street)
- Western CBD Edge
- Western One Way System

The following areas are proposed to have zone consolidation or expansion, plus a zone change and new provisions:

- Bell Block
- Eastern CBD Edge
- Spotswood
- Vogeltown Cambrian Engineering
- Vogeltown Saltash Street
- Waitara Residential

8 Approach to Evaluation

Section 32(1)(a) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal.

The section of the RMA requires that:

- New proposals must be examined for their appropriateness in achieving the purpose of the RMA.

- The benefits and costs, and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed.
- All advice received from iwi authorities and the response to the advice needs to be summarised.
- The analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.

8.1 Evaluation of Scale and Significance

	Minor	Low	Medium	High
Degree of change from the Operative Plan				✓
Effects on matters of national importance	✓			
Scale of effects – geographically (local, district wide, regional, national).		✓		
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).			✓	
Scale of effects on those with specific interests, e.g. Tangata Whenua			✓	
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?			✓	
Likelihood of increased costs or restrictions on individuals, communities or businesses.			✓	

8.2 Explanation Summary

In summary:

- The degree of change from the Operative District Plan is high.
 - The Operative District Plan is an effects based plan whereas the Proposed District Plan is an activities based plan. Currently the Operative District Plan permits commercial activities to establish anywhere provided they meet the effects standards of the underlying zone. The Proposed District Plan will direct commercial activities to establish in the city centre and centres. A centres hierarchy for existing centres in the District will clearly articulate their preferred role and function. The centre zones are enabling allowing for almost any activity other than industrial, rural and hazardous activities. There is an emphasis on encouraging residential intensification to help promote housing choice to cater for the District’s projected population increase.
 - A City and Town Centre Design Guide will apply to all new building development and alterations and additions to existing buildings in the City Centre Zone and the Town Centre Zone (the latter being Waitara and Inglewood).

- A heritage character area in the New Plymouth central city is being added with associated rules. This includes a concentration of heritage buildings plus 20 contributory buildings. There is an existing heritage character in the Operative District Plan but it is not regulated.
- There is better recognition of cultural identity requiring developments to incorporate Kaupapa Maori principles and to minimise the adverse impact on the openness, historical and cultural values of the Huatoki Stream.
- The defined pedestrian frontage requirement covers a larger area in the city centre than currently. Also, if a building with a defined pedestrian frontage requirement is demolished in the city centre another building must be put back to avoid creating unsightly gaps in the streetscape. If a building cannot be put back streetscape amenity must be maintained by providing opportunities for social interaction and/or vegetation and landscaping on the land until a replacement building is constructed.
- The business zoning in the centres will be consolidated, particularly in the city centre and in Waitara.
- The height limit currently in the city centre is generally 14m or 10m. Four height management areas will be proposed – 10m, 14m, 17m and 22m – allowing some landowners to build considerably higher than what they can currently.
- The Mixed Use Zone covering a large part of the one-way network and parts of Inglewood, Waitara, the Waiwhakaiho Valley and small urban areas of New Plymouth will limit the type and frequency of business and retail activities to ensure the vitality and vibrancy of the city centre, town centres and local centres is not compromised.
- The proposal relates to section 6 matters and seven section 7 matters, as well as section 8.
- The proposal relates directly to the Central City key direction in the Blueprint through proposed objectives that state that the city centre is the principal centre in the District and the Taranaki region and that it is the primary location for a wide range of retail and business service activities, living activities, community facilities and visitor accommodation. These objectives are supported by various mechanisms, e.g. activities based approach, centres hierarchy, design guide, etc.
- The geographical scale of effects is generally limited to the following:
 - City Centre Zone: implementation of various new planning mechanisms including a design guide, consolidation of business zoning.
 - Waitara Local Centre Zone: implementation of a design guide, consolidation of business zoning.
 - Inglewood Local Centre Zone: implementation of a design guide.
 - Mixed Use Zone: the type and frequency of new business and retail activities will be limited to ensure the vitality and vibrancy of the city centre, town centres and local centres is not compromised.
- The scale of effects on people is moderate. The majority of buildings and land affected by the proposed changes are owned by private landowners who are likely to raise concerns with the restrictions on their private property rights. It will also affect anyone looking to set up a new business in the District because they will have to consider the scale of any adverse effects that will be generated in the context of the centres hierarchy which is based on location and types of activities. However, these restrictions will only come into effect if the landowners are

proposing activities that trigger rules in the District Plan. In the majority of instances, the restrictions will have little effect on the day to day operation and function of businesses.

- The scale of effects on tangata whenua is low but is likely to be welcomed by tangata whenua. The provisions require developments to incorporate Kaupapa Maori principles and to minimise the adverse impact on the openness, historical and cultural values of the Huatoki Stream. This will enable tangata whenua to maintain their relationship with their ancestral lands, water, sites, waahi tapu, and other taonga, as per section 6(e) of the RMA.
- The identification procedures and proposed provisions (which are discussed in detail below) are in accordance with commonly accepted best practice, and consistent with approaches in other second-generation District Plans that have been produced around New Zealand.

Overall, it is considered that the scale and significance of the proposal is medium. The level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from the implementation of the Commercial and Mixed Use Zone provisions.

9 Evaluation of Objectives

Existing Objective(s)	Appropriateness to achieve the purpose of the Act
<p>Objective 1: To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.</p> <p>Objective 7: To ensure the attractive, vibrant, safe, efficient and convenient character of the business environment is maintained.</p> <p>Objective 11: To recognise the district's heritage resources, provide for their protection and promote their enhancement.</p>	<p>Objectives 1 and 7 address the effects of activities and the character of the business environment but there are no objectives to address the role and function of the existing centres within the District and to make it clear what locations are appropriate for retail and business service activities, living activities, community facilities and visitor accommodation. As a result, business activities are locating outside of business zones and impacting the economic viability of centres. A mix of activities is not encouraged in the centres and there is no emphasis on housing intensification in the centres, which would promote housing choice and an alternative to traditional suburban living. Whilst Objective 7 aims to ensure the attractive and vibrant character of the business environment is maintained, there is an oversupply of business land and the quality of the urban environment is mixed in turn not giving developers the confidence to invest and to make it attractive for the community to work, live and play.</p> <p>Objective 11 regarding the District's heritage resources is generally consistent with the Council's position and the statutory and policy context. However, the objectives need to specifically acknowledge the city centre's historic and cultural heritage. This will better recognise cultural identity and raise public awareness to better align with the RMA and regional policy direction.</p> <p>Therefore, the current objectives are not the most appropriate in addressing the Commercial and Mixed Use Zone issues identified and achieving the purpose of the RMA. New objectives are proposed as detailed below.</p>

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
LCZ-01 – LCZ-04 LFRZ-01 – LFRZ-03 MUZ-01 – MUZ-04 TCZ-01 – TCZ-05 CCZ-01 – CCZ-08	<p>The purpose of the RMA is to promote the sustainable management of natural and physical resources by 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.</p> <p>The proposed objectives clearly express the outcomes anticipated by the District Plan in relation to the Commercial and Mixed Use Zones and specifically address the resource management issues identified in this report by helping to provide for the economic well-being of individuals and organisations that operate businesses within these areas and whose livelihoods are reliant on the success of these areas. The objectives, particularly those in the centres zones, aim to create spaces that attract people to spend time and socialise, fostering social well-being and supporting the local economy. They also recognise the need to better acknowledge cultural identity in our centres, which will help to maintain our cultural heritage and contribute to a sense of place and identity. Social, economic and cultural well-being contributes to healthy communities, not only in the present but for future generations.</p> <p>Section 7 of the RMA requires the Council to have particular regard to “the maintenance and enhancement of amenity values.” There are several objectives in the City Centre Zone that relate to amenity by addressing the compact nature of the business environment and the design of structures in relation to the streetscape. Similar objectives are included in the Town Centre Zone and the Local Centre Zone. These objectives will ensure that the centres, and in particular the city centre, are a pleasant place to spend time in. This will help to attract more events and visitors, which will have flow on effects for spending and provide developers with confidence to invest. The city centre will be compact which will promote walkability and generate impulse buying. In addition, section 6(a) of the RMA requires the Council to recognise and provide for the preservation of the coastal environment and rivers and the protection of them from inappropriate subdivision, use and development and section 6(d) requires the Council to maintain and enhance public access to and along the coastal marine area and rivers. The objectives that address the design of structures in relation to the streetscape will ensure that developments on coastal frontage sites interact with the coast appropriately, e.g. through use of appropriate planting and landscaping, and by siting structures to maximise connectivity between the city centre and the Coastal Walkway. In the Local Centre Zone and the Mixed Use Zone there are objectives to manage interfaces between zones. These objectives will maintain and</p>

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
	<p>enhance amenity values by avoiding, remedying or mitigating adverse effects on the environment. Collectively these objectives will provide for social and economic wellbeing. References to accessibility and safety in the objectives will also enable the health and safety of the District's communities.</p> <p>Section 7 of the RMA requires the Council to have particular regard to the "maintenance and enhancement of the quality of the environment." Following on from the overarching strategic objective (UFD-17) which sets a centres hierarchy, there are objectives in each of the Commercial and Mixed Use Zones that help to maintain and enhance the quality of these areas by stating the role and function of these areas and ensuring they are not compromised by incompatible activities. A particular objective ensures the City Centre Zone is the principal centre in the district and the Taranaki region, along with objectives to encourage a mix of activities including housing intensification. A particular objective is also included in the Mixed Use Zone to address the specific issue of 'bleeding' out of the city centre into its fringes and beyond. Together, these objectives will clearly articulate what businesses are expected where and send the signal that the city centre and the centres are "go-zones" that are open for businesses for a variety of activities. This will enable businesses to thrive, in turn helping locals but also attracting out of town investment. These objectives will help to facilitate apartment living in the centres, particularly in the city centre, providing people with an alternative to the traditional 3 or 4 bedroom suburban house. It will also reduce the need for more residential land which requires expensive supporting infrastructure. Allowing for residential living is particularly important given that the district is a high growth area and is expected to gain an extra 1,000 people over the next 10 years. Collectively these objectives will provide for social and economic wellbeing.</p> <p>Section 6(e) of the RMA requires the Council to recognise and provide for the "relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga," as a matter of national importance. An objective focuses on historic and cultural heritage being maintained and enhanced in the city centre and contributing to the city's unique sense of place and identity. This objective will help to ensure that development respects historic and cultural values and that certain activities are managed to provide the community with important connections to the past. This will contribute to cultural wellbeing.</p>

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
	<p>The proposed objectives are responsive to the feedback received and implement national guidance and regional policy direction. The objectives are appropriate and reasonable as they provide a clear direction for decision making when assessing proposals affecting commercial areas. The objectives are considered reasonable and achievable as they are consistent with other districts and focus on the particular issues in the district and are appropriate in achieving the purpose of the Act.</p>
<p>Summary</p> <p>The proposed objectives will achieve the purpose of the RMA as they are clear statements of intent that recognise the social, economic, environmental and cultural values of maintaining and enhancing the Commercial and Mixed Use Zones using a centres hierarchy that clearly articulates their role and function, supported by a focus on high quality urban design in the City Centre Zone and Town Centre Zone. The proposed objectives provide certainty as to the outcomes that are appropriate under the District Plan provisions and are aligned with best-practice throughout New Zealand.</p>	

10 Evaluation of Options to Achieve the Objectives

This section evaluates the associated policies and methods, as they relate to the Proposed District Plan Commercial objectives. Along with the proposed provisions, the Council has also identified through the research, consultation, information gathering and analysis undertaken in relation to this topic one reasonably practicable alternative option to achieve the objectives.

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 4 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s). For the purpose of this evaluation, the Council has considered the following potential options:

- The proposed provisions/rezoning.
- The status quo provisions/zoning.

10.1 Commercial Policy Approach

Options to achieve the District Plan objectives relating to Commercial and Mixed Use Zones	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>Option A: Proposed approach</p> <p>This option is recommended.</p> <ul style="list-style-type: none"> • Five commercial and mixed use zones which accommodate a range of activities and commercial environments. • Objectives, policies and rules that implement a centres hierarchy which 	<ul style="list-style-type: none"> • Will help to maintain and enhance the existing centres in the District and reduce the likelihood of new competing centres establishing. • Will give developers confidence to invest because they will know what type of business activity is expected where. • Will give developers confidence to invest in 	<ul style="list-style-type: none"> • Loss of current development rights for some properties. • Activity lists with rules/standards may limit or prevent some activities and development, particularly if these activities are not in alignment with the centres hierarchy. • May result in higher compliance costs and associated time and 	<p>This approach is effective and efficient as the current or likely future land use will be recognised. It will allow commercial development to proceed in a condensed manner with an appropriate assessment of environmental effects.</p> <p>Rules and standards are considered effective in that they clearly set out what is allowed to occur and what requires resource consent.</p>	<p>The risk of not acting is that the current implementation issues with the Operative District Plan approach will continue and incrementally result in loss of amenity values and quality of the commercial environment. This includes:</p> <ul style="list-style-type: none"> • Inconsistency with the NPSUDC and RPS. • Poor design of commercial sites – both in terms of on-site

Options to achieve the District Plan objectives relating to Commercial and Mixed Use Zones	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>clearly articulates the role and function of existing centres within the District and the activities expected within them.</p> <ul style="list-style-type: none"> • Management of activities that are incompatible with the role and function of each zone. • Revised defined pedestrian frontage requirements and locations to provide quality buildings that positively contribute to the streetscape. • Creation of high amenity environments through the implementation of a design guide in the City Centre Zone and Town Centre Zone (Waitara and Inglewood). Includes recognition of cultural identity through Kaupapa Maori principles. • Particular focus on the city centre using mechanisms such as 	<p>high quality environments because they know that those around them are expected to create high quality environments as well.</p> <ul style="list-style-type: none"> • Will create attractive environments that people want to live, work and play in, in turn promoting impulse buying and social interaction. • Higher height limits in the city centre will give developers greater scope and give effect to the NPSUDC. • Better recognition of cultural identity through acknowledgement of Kaupapa Maori principles and the Huatoki Stream. • Streamlined, simplified rules/standards that are easier for plan users to interpret and apply. The reduction in ambiguity is expected to result in increased compliance 	<p>uncertainty for landowners or developers involved in obtaining resource consents. Those landowners with sites subject to the design guide may need to engage an urban designer/architect.</p> <ul style="list-style-type: none"> • Stronger emphasis on building layout, design and streetscape impact reduces flexibility for developers, and may reduce development yield and associated financial benefits. 	<p>They effectively outline requirements for activities and development taking into account the expectations, characteristics and values of commercial areas.</p> <p>Rules and standards are considered efficient and effective as they provide a high level of certainty to landowners, residents, neighbours, the community and Council about the nature and level of activities and development allowed.</p> <p>This option is considered to be the most efficient and effective to achieve the objectives.</p>	<p>amenity and the surrounding environment.</p> <ul style="list-style-type: none"> • Zones not intended for commercial activities will be used for commercial activities, continuing the trend of commercial activities establishing on the fringes of the city centre and centres, and sometimes away from the city centre and centres altogether. • Inefficient use of land resource. <p>Overall, it is considered that there is sufficient information to act, and that risks of not acting are outweighed by the benefits of acting.</p>

Options to achieve the District Plan objectives relating to Commercial and Mixed Use Zones	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>height management areas, coastal frontage sites, and a heritage character area which includes contributory buildings. Also more emphasis on the Huatoki Stream.</p>	<p>and effective compliance monitoring.</p> <ul style="list-style-type: none"> • Activities for each zone can be tailored to match the likely environment. 			
<p>Option B: Status quo</p> <p>Retain Residential A, B and C Environment Areas and associated provisions.</p> <p>This option is not recommended.</p>	<ul style="list-style-type: none"> • Plan users and landowners are familiar with current provisions, resulting in reduced costs in understanding and complying with the commercial sections of the plan. • Cost savings to landowners with no or minimal additional compliance costs, processing delays or participation in plan process. • Gives landowners flexibility to use and develop properties for the most efficient purpose. • Bulk and location rules standards (e.g. setbacks, noise controls) 	<ul style="list-style-type: none"> • Limited policy guidance, direction or emphasis on building design and streetscape impacts resulting in varied outcomes, some low-quality design outcomes and limited consideration of site and streetscape context. • Greater potential for inconsistent decision making. • Costs for landowners in undertaking activities and constructing new buildings to comply with the rules. • Monitoring costs to enforce rules borne by Council. • Costs of consent for non-compliance with the 	<p>Monitoring shows that the existing approach is not effectively or efficiently achieving the purpose of the RMA.</p> <p>Due to limited policy guidance, lack of integration between planning and urban design, the status quo delivers varying amenity and streetscape outcomes. Further, the lack of direction in the plan leads to inconsistent decision-making and lack of control over certain activities.</p> <p>Therefore, this option is not considered to be the most efficient, effective or appropriate option to achieve the objectives.</p>	<p>The current policy framework lacks detail and specific direction on management of effects of development and activities in commercial areas.</p> <p>The rules are not readily or effectively implemented and/or the Council's ability to manage certain effects is limited.</p> <p>If Council does not undertake the proposed policy approach now, the risk of not acting is that development may occur on an ad hoc basis which could lead to a reduction in environmental quality and adverse character and amenity outcomes.</p>

Options to achieve the District Plan objectives relating to Commercial and Mixed Use Zones	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
	provide some level of certainty in terms of the level of effects that can be generated. This benefits landowners undertaking activities or constructing new buildings wanting to maximise use of their land, and protecting neighbours from unreasonable impacts.	rules borne by landowners/residents.		It is considered that the risk of acting on these provisions outweighs the risk of not acting. There is sufficient information not to act on this approach.
<p>Quantification Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.</p> <p>Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p>Summary Option B (Status Quo) will mean business activities can continue to establish anywhere within the District provided they can meet the effects standards of the underlying zone. Building appearance and interaction with the streetscape and surrounding area will also continue to be of mixed quality. This option is not recommended because research has shown that the Operative District Plan provisions are not able to maintain and enhance the viability and vibrancy of the commercial areas as well as ensure quality environments that people want to spend time in. Option A (Proposed Approach) implements a centres hierarchy which clearly articulates the role and function of each of the Commercial and Mixed Use Zones as well as the activities expected within them, and is supported by high quality urban design. Accordingly Option A is recommended and best meets the requirements of section 32 of the RMA as it represents the most appropriate means of achieving the commercial objectives of the District Plan.</p>				

10.2 Commercial Rezoning

Options to achieve the District Plan objectives relating to Commercial and Mixed Use Zones	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>Option A: Proposed Approach</p> <p>This option is recommended.</p> <p>Rezone some parcels of land from Business A, B, C or D Environment Area to City Centre Zone, Town Centre Zone, Local Centre Zone, Mixed Use Zone or Large Format Retail Zone plus rezone some parcels of land from another focus (e.g. residential, industrial, etc.) to a commercial focus.</p>	<ul style="list-style-type: none"> • The rezoning reflects current and/or likely land use. • Land value is maximised and land can be fully utilised for development without current zone provisions restricting development. • Consolidation of commercial zoning meaning a reduction in ad hoc development. • Greater certainty for investment regarding the location of business in the District (i.e. a concentration of similar activities in the same location). • Lower development costs for appropriately zoned land (i.e. already 	<ul style="list-style-type: none"> • Visual change in the area where commercial development is enabled, with an associated change in amenity and outlook. • Rates may change when the use of land changes, e.g. if land was residential and is rezoned commercial and then a commercial activity establishes. • Existing activities may experience possible reverse sensitivity effects. • Unpopular with adjacent properties that oppose the zone change. 	<p>This approach is effective and efficient as the current or likely future land use will be recognised. It will allow commercial development to proceed in a condensed manner with an appropriate assessment of environmental effects.</p> <p>Identifying areas appropriate for business development early in the planning process better enables the integration and interconnectivity of infrastructure.</p>	<p>Council has a duty under the NPSUDC and the RPS to provide business land for the needs of current and future generations. There is often a long lead in time before land comes onto the market and as a consequence, rezoning helps provide a short-term response.</p> <p>Redevelopment/intensification of existing commercial areas is market led and is a long term response. Therefore changes to the zone (and building parameters) should be signalled early in the planning process. This will enable an appropriate level of community/neighbourhood awareness and integration with adjoining land uses, and infrastructure development.</p> <p>If Council does not undertake the proposed rezoning now, the risk of not acting is that development may occur on an</p>

Options to achieve the District Plan objectives relating to Commercial and Mixed Use Zones	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
	zoned do not require a plan change or non-complying resource consent to develop).			ad hoc basis which could lead to a reduction in environmental quality and adverse character and amenity outcomes.
<p>Option B: Status Quo.</p> <p>This option is not recommended.</p> <p>Retain the current Business A, B, C and D Environment Area zoning</p>	<ul style="list-style-type: none"> • Will be inconsistent with intent of encouraging compact urban form, particularly in the city centre and Waitara, given commercial development could continue to occur in business zoned areas. • Existing amenity values would be unaltered for adjoining landowners. • Landowners are familiar with current provisions, resulting in reduced costs in understanding and complying with the business sections of the plan. 	<ul style="list-style-type: none"> • Continuation of unplanned and ad-hoc commercial development on the periphery of the city centre and centres or in areas that are not anticipated to accommodate commercial development. • Zoning meant for activities other than commercial activities will continue to be lost to commercial activities. • Lacks strategic planning and infrastructure implications/requirements. 	<p>Does not provide for the efficient development of land to allow for future growth. Does not meet the purpose of the NPSUDC and the RPS.</p> <p>The existing zoning will not reflect current or future land use, and commercial development in areas where it is not intended may lead to infrastructural issues, land use conflicts and greater costs of compliance.</p>	<p>Council has a duty under the NPSUDC and the RPS to provide business land for the needs of current and future generations.</p> <p>If Council retains the current zoning, the risk of not acting is that development may occur on an ad hoc basis which could lead to a reduction in environmental quality and adverse character and amenity outcomes.</p>

Options to achieve the District Plan objectives relating to Commercial and Mixed Use Zones	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
	<ul style="list-style-type: none"> • Cost savings to landowners with no or minimal additional compliance costs, processing delays or participation in plan process. • Bulk and location rules standards (e.g. setbacks, noise controls) provide some level of certainty in terms of the level of effects that can be generated. 			
<p>Quantification Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.</p> <p>Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p>Summary The proposed rezoning is considered the most appropriate option to give effect to Council’s duty under the NPS and RPS and to consolidate zoning, particularly in the city centre and Waitara. The areas selected will have minimal adverse effects on the environment given their location, or are more suited to the proposed zones given their locational attributes and the needs of the wider community. It is therefore considered that Option A is the most reasonably practicable method to manage the commercial areas in the District.</p>				

11 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The objectives provide certainty to all Proposed District Plan users on the outcomes expected in the commercial areas, with a focus on maintaining and enhancing the vibrancy and vitality of the city centre, town centres and local centres; improving urban design; and providing for residential growth through facilitating a range of housing choices.
- The policies, rules, standards and other methods clearly implement the objectives, including by articulating a range of activities anticipated within the commercial areas together with direction about the appropriateness of effects associated with those activities.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions relative to the alternatives considered. The subject matter of the provisions is well understood, and the risk of not acting is that development may occur on an ad hoc basis which could lead to a reduction in environmental quality and adverse character and amenity outcomes.

12 Appendices

Appendix 1: New Plymouth Retail Economic Assessment Update 2019

Appendix 2: Rezoning of Individual Properties

Appendix 3: Building Heights in New Plymouth's City Centre 2018

Appendix 4: Operative District Plan Height Limits vs Proposed District Plan Height Limits in the City Centre Zone