

location for activities such as retailing other uses which are not characteristic of the Business 1 Zone such as residential use needs to be controlled.

9. Gap Analysis

- 9.1 The Waimakariri District Plan was made operative in November 2005. The following gap analysis summarises the District Plan objective and policy provisions that are applicable to the Plan Changes and the extent to which these address the issues.

Table 3: District Plan Gap Identification

Issue	Comments
Chapter 2 Maori	Objective 2.1.1 and Policies 2.1.1.1 and 2.1.1.2 address tangata whenua as a treaty partner, the principles of the Treaty of Waitangi (Te Tiriti O Waitangi), the parties identified as tangata whenua and that these parties will be provided for to participate in management of the District's resources.
Objective 2.1.1	
Policies 2.1.1.1 2.1.1.2	
Chapter 12 Health, Safety and Wellbeing	These provisions address a range of matters including, in particular, the effects and contribution of structures, spaces and natural features on urban amenity and management of the effects from signs, and glare on the surrounding area.
Objective 12.1.1 12.1.4	
Policies 12.1.1.1, 12.1.1.4, 12.1.1.7 to 12.1.1.11, 12.1.1.15 to 12.1.1.18, 12.1.4.1 and 12.1.4.2	
Chapter 13 Resource Management Framework	Objective 13.1.1 and Policies 13.1.1.1 and 13.1.1.4 set high level objectives for resource management and the way in which the District Plan will deliver key Resource Management Act considerations. Policy 13.1.1.4 promotes alternative transport modes and supports built environments which encourage walking and cycling. In this case this would be active streetscapes and high amenity business areas.
Objective 13.1.1	
Policies 13.1.1.1 13.1.1.4	

Issue	Comments
<p>Chapter 15 Urban</p> <p>Objective 15.1.1</p> <p>Policies 15.1.1.1 15.1.1.2</p>	<p>Chapter 15 provides objectives and policies for managing of the urban environment. This co-ordinates with more specific considerations for Residential and Business Zones and seeks a high standard of urban design, form, function and amenity.</p>
<p>Chapter 16 Business Zones</p> <p>Objective 16.1.1</p> <p>Policies 16.1.1.1 16.1.1.3 16.1.1.4</p>	<p>Chapter 16 provides the objectives and policies for business zones, based on the framework of zones established by Chapter 13 (Resource Management Framework) and the growth and development provisions of Chapter 15 (Urban Environment).</p> <p>Policy 16.1.1.1 supports high quality urban design outcomes for the Business 1 Zone. Policy 16.1.1.3 provides for development within Business 1 Zones which support a range of listed characteristics. Although some of the characteristics apply to the Oxford Business 1 Zone, many do not and the unique character of Oxford is not captured by this list. To address this issue, a separate set of characteristics should be set out that better reflect the true character of the Oxford Business 1 Zone and the desires of the community regarding its further development.</p> <p>Policy 16.1.1.4 currently does not prevent the use of ground floor space within the Business 1 Zoned land in Oxford for residential purposes. In order to support the preservation of Business 1 Zoned land for commercial activities Policy 16.1.1.4 should be amended to promote ground floor commercial use in Oxford.</p>
<p>Chapter 18 Constraints on Development</p> <p>Objective 18.1.1</p> <p>Policies 18.1.1.1(e), (h), (i), (w)</p>	<p>Chapter 18 identifies constraints that relate to development and subdivision.</p> <p>The objective focuses on sustainable management and notes changes in the environment and community expectations in relation to resource management, as well as actual effects from development and subdivision.</p> <p>The policy requires that proposals provide an assessment that includes consideration of characteristics of zones, form and function of towns and Business 1 Zones, and choice of transport mode.</p> <p>These considerations are higher level considerations and will be complemented by more specific policy statements on these matters.</p>

9.2 Overall, the analysis above indicates that the current provisions of the Plan set an overall framework for the management of the characteristics and amenities in relation to the town centre with particular regard being given to the need to maintain the character and amenity of the zones. However, Chapter 16 takes a broad brush approach to defining the character of the Business 1 Zone and fails to account for the differences between the townships. Although the Plan does contain general

objectives and accompanying policies, there are limitations to the extent that these provisions appropriately address urban design within the town centres, and where they do they are usually limited to Rangiora and Kaiapoi.

9.3 The Plan also contains a number of rules that apply to the Oxford Business 1 Zone. In summary, these are:

- Minimum on-site parking and access width/location requirements;
- Maximum building height;
- Landscaping and screening (for car parking and business/residential zone buffer);
- Building setbacks from the residential zone.

9.4 The Plan does not stipulate a minimum subdivision lot size, nor does it set out site coverage requirements.

10. Consultation

10.1 Clause 3 of the First Schedule of the Act requires that the Council, when preparing a change to the District Plan, to consult with a number of statutory parties. In addition, the Council may identify any other person, and consult with that person, in preparing the change. The Council consulted directly with the following statutory parties by letter:

- The Selwyn District Council
- The Christchurch City Council
- The Hurunui District Council
- CERA
- The Canterbury District Health Board
- The New Zealand Transport Agency
- The Ministry for the Environment
- Transpower
- Heritage New Zealand
- Environment Canterbury
- Ngai Tahu (via Mahaanui Kurataiao Limited)

10.2 No responses were received from statutory parties.

11. Statutory Context

11.1 Section 74 of the Act requires that when considering a Plan Change, the Council must have regard to its functions under section 31, the provisions of Part II of the Act (purpose and principles), and its obligations to prepare and have particular regard to an evaluation report prepared under section 32. Section 74 also sets out a number of other matters to have regard to including plans and strategies prepared under other Acts.

11.2 The Council has functions under section 31 of the RMA. These include, among other matters, the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

11.3 Under section 32 of the RMA, before the Council publicly notifies a plan change, it must carry out an evaluation to examine:

- the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA; and
- whether the provisions (policies, rules or other methods) in the proposal are the most appropriate for achieving the objectives (including existing, relevant Plan objectives) by
 - identifying other reasonably practicable options;
 - assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - summarising the reasons for deciding on the provisions.

11.4 An assessment as above must:

Identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for-

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

the above matters are to be quantified if practicable. In this case it is not practicable to quantify the above matters as matters of design do not lend themselves to quantification.

11.5 An evaluation must also take into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods. Sufficient information of an acceptable level of certainty has been used in the formulation of this plan change. Therefore the above evaluation is not required.

11.6 In assessing whether the policies, rules, or other methods are appropriate, the Council must have regard to the efficiency and effectiveness of those policies and rules in achieving the objective(s).

- Effectiveness is considered as the chosen option being a practical and workable solution with the potential to generate desired outcomes, as determined by the objective(s) of the Plan.
- Efficiency is considered as the ratio of benefits to costs of a particular option. The option that produces the greatest level of environmental, social, cultural and economic net benefits to the community is the most efficient option.

11.7 Section 32 assists with understanding the costs and benefits associated with a proposed plan change. A further evaluation is required prior to making a decision on a plan change, taking into account matters raised in submissions.

11.8 A key matter under section 32 is that the objectives of a proposed plan change must be assessed in terms of whether they are the most appropriate way to achieve the purpose of the Act. To determine whether the chosen objective is the most appropriate, alternatives must be identified and all options must be assessed as to their efficiency, effectiveness and degree of risk in implementation.

12. **Evaluation**

Policies

- 12.1 Section 32(1)(b) of the Act directs the Council to examine whether, having regard to their efficiency and effectiveness, the provisions proposed are the most appropriate for achieving the objective (including any existing, unchanged relevant objectives of the Plan). This plan change does not propose any changes to existing Objective 16.1.1 which has already been deemed to be appropriate to achieving the purpose of the Act. This section therefore provides an analysis of the options available in terms of the development of provisions required to give effect to the objective and the other relevant objectives identified in the gap analysis.

Description of Options

12.2 Option 1:

Retain the status quo of the District Plan. This option continues to reinforce the message given by the policies that the Business 1 Zones throughout the district have the same character and should be treated the same. Policy 16.1.1.3 which would continue to apply under this option lists (among others) the following characteristics of the Business 1 Zones;

- Compact, including medium to high building density
- Verandahs and covered shopping areas
- Defined building heights, predominantly two storey

- 12.3 None of the above characteristics apply to the Oxford town centre and to continue to enforce them would lead to conflict with other objectives and policies within Chapters 12, 13, 15, and 18 of the District Plan, Policy 5.3.1 of the Regional Policy Statement, and the Community Outcomes of the Waimakariri Ten Year Plan which all refer to the need to protect and enhance the individual character of the District's Towns as opposed to a collective character of the Business 1 Zones. Keeping the existing rules also prolongs existing anomalies between the treatments of the different Business 1 Zones where for example building heights are more permissive in the Oxford town centre (15m) than the Rangiora and Kaiapoi town centres (12m) even though Oxford's character is more low rise than that of Rangiora or Kaiapoi.

12.4 Option 2:

Option 2 is to revise the District Plan provisions to more specifically provide for the unique character of the Oxford town centre. This option specifically defines what the characteristics of the Oxford town centre are and seeks to ensure their enhancement through the revision of requirements for height, setbacks, landscaping, and building size, and the addition of new provisions governing glazing and the location of car parks.

Table 4: Evaluation of efficiency and effectiveness, and summary of costs and benefits for policies, rules and methods

Approach	Environmental Benefits	Environmental Costs	Social and Cultural Benefits	Social and Cultural Costs	Efficiency	Effectiveness
OPTION 1 - Retain the status quo of the District Plan.	Building heights restricted to 15m.	The amenity values of the existing town centre environment may be eroded as new development occurs through the erection of buildings of a size and scale or position not in keeping with the existing township. Street amenity and vitality may also be adversely affected without measures controlling elements of street interaction such as glazing and direct access.	None identified	Poor built form outcomes which discourage foot traffic detract from the vitality of the town centre. Loss of unique Oxford identity through inappropriate development.	Current provisions for built form in the Oxford town centre do not efficiently give effect to Objective 16.1.1.1 as they guide development in the wrong direction, undermining rather than reinforcing and enhancing the town centre amenity.	The current policies, rules and methods are ineffective in providing for the differences that exist between the different town centres as they do not reflect the individuality of the settlements but rather provide a standardised set of anticipated characteristics.
OPTION 2 – Option 2 is to revise the District Plan provisions to more specifically provide for the unique character of the Oxford town centre.	Enhanced clarity over anticipated environmental outcomes in relation to built form and town centre character. Character and amenity of town centre reinforced by good quality development.	None identified. Resource consent applications are required for larger buildings that enable assessment of environmental effects where necessary.	Improved amenity in the town centre encourages foot traffic with associated benefits to community health and wellbeing as well as town centre vitality. Oxford town centre's unique character is enhanced with associated benefits to community identity and pride.	None identified.	Option 2 aligns the provisions of the District Plan with the characteristics of the Oxford town centres that the community wishes to be protected.	The proposed revisions will be effective in ensuring that new development does not adversely affect the character and amenity of the Oxford town centre. However enhancement of the town centre will only occur once development occurs in accordance with the provisions. There is no impetus for development with the proposed revisions.

12.5 Opportunities for economic growth that are anticipated to be provided or reduced

Option 1:

Economic growth could be provided by:

- Few design requirements for building development or car parking location may be less expensive for businesses in the short term.

Economic growth could be reduced by:

- Poor town centre amenity restricting vibrancy and attractiveness resulting in loss of potential customers including visitors and tourists.

Option 2:

Economic growth could be provided by:

- Character and town centre amenity gains encouraging visitors and travellers to stop in Oxford and visit local businesses.
- Encouraging foot traffic and associated consumer spending by creating a street scape with a high amenity.

Economic growth could be reduced by:

- The cost of meeting design provisions.
- Regulatory costs to large format businesses requiring resource consent for building construction.

12.6 Opportunities for employment that are anticipated to be provided or reduced

Option 1:

Employment opportunities could be provided by:

- Unchanged

Employment opportunities could be reduced by:

- Unchanged

Option 2:

Employment opportunities could be provided by:

- Potential growth in businesses catering to visitors to the town could lead to an increase in employment opportunities through new business or business expansion.

Employment opportunities could be reduced by:

- Perceived regulatory costs affecting development uptake.

- 12.7 In terms of the assessment required under s32(1)(b) of the Act, the option with the highest *net benefit* can be considered as the most efficient option. As set out above, Option 2 is the most efficient means to address the objectives. In terms of effectiveness, Option 2 has also been shown to most appropriately address the objective and in turn the identified issues. By amending the provisions of the Plan as set out in Appendix 1, Option 2 more appropriately achieves these related objectives than the status quo option.

Risks of acting or not acting

- 12.8 Section 32(2)(c) of the Act requires an assessment of the risk of acting or not acting if there is insufficient or uncertain information about the subject matter of the policies, rules, or other methods. There is sufficient information of adequate certainty with regards to the matters under consideration.

National Environmental Standards

- 12.9 Section 32(4) requires that if the proposal will impose a greater prohibition or restriction on an activity to which a National Environmental Standard (NES) applies than that the NES, then the evaluation report must examine whether this is justified in the circumstances of this District. There are no proposals within the Plan Change that will affect any activities to which national environmental standards apply.

13. Statutory Evaluation

- 13.1 Under section 74 of the Act, a Council when preparing a plan change, must have regard to a number of matters. This includes any proposed Regional Policy Statement or Regional Plan, and any relevant planning document recognised by an iwi authority and lodged with the Council and any management plan or strategy prepared under other Acts.

Canterbury Regional Policy Statement (CRPS)

- 13.2 Section 75(3)(c) of the Act requires any plan change 'give effect' to any operative Regional Policy Statement. The relevant provisions have been provided in section 5.3 above. The proposed amendments give effect to the relevant provisions of the CRPS by ensuring that Business 1 Zoned land is available for town centre activities allowing for consolidation of the town centre through the restriction of residential use. Further provisions of the CRPS which deal with urban design, and character and amenity issues are given effect to by this plan change as discussed previously.
- 13.3 Section 75(3)(a) and (b) of the Act require that a District Plan must give effect to any relevant National Policy Statement and New Zealand Coastal Policy Statement. There are no National Policy Statements or Coastal Policy Statements relevant to Plan Change 43.

Other Documents

- 13.4 Section 74(2)(b)(i) of the Act requires that a District Plan have regard to any management plans or strategies prepared under other Acts. The following

documents are prepared under the Local Government Act 2002 and are relevant to Plan Change 43.

- Walking and Cycling Strategy and Implementation Plan 2011
- Oxford Town Centre Strategy 2014

13.5 These documents are discussed earlier in the report and direct the Council to provide for cycling, walking and accessibility and to promote development within the Oxford town centre which leads to good built form outcomes, including review of District Plan provisions where necessary.

13.6 In addition to the relevant documents considered above, section 74 of the Act also requires regard to be given to the following:

- Any relevant entry in the Historic Places Register s74(2)(b)(iia).
- Regulations relating to sustainability of fisheries or Maori customary fishing s74(2)(iii).
- Any relevant document prepared or recognised by an iwi authority s74(2A).

13.7 These matters have been considered as part of the evaluation or are not relevant to the issues associated with urban design in the Oxford town centre. No regard may be given to trade competition or the effects of trade competition s74(3).

13.8 Section 74(2)(c) of the Act considers the extent that the Plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities. In this instance the need for consistency is not relevant as this plan change seeks to define the character of an individual settlement and there are no effects on adjacent authorities.

14. Conclusion

14.1 On the basis of the above evaluation, and with reference to background and the attached appendices, it is found that the proposed provisions are necessary to provide for the future urban design of the Oxford town centre. The evaluation demonstrates that proposed Plan Change 43 meets the requirements of section 32 of the Act.

14.2 The recommended option (Option 2) was found to be consistent with the statutory context and the relevant planning documents and is an appropriate matter under Section 31 of the Act. The conclusion is that proposed Plan Change 43 is necessary to achieve the purpose of the Act.

Appendix 1: Proposed changes to the District Plan under Option 2

PROPOSED AMENDMENTS TO DISTRICT PLAN

Chapter 2. Maori

Retain Objective 2.1.1

Retain Policies 2.1.1.1 and 2.1.1.2

Chapter 12. Health Safety and Wellbeing

Retain Objectives 12.1.1 and 12.1.4

Retain Policies 12.1.1.1, 12.1.1.4, 12.1.1.7 to 12.1.1.11, 12.1.1.15 to 12.1.1.18, 12.1.4.1 and 12.1.4.2

Chapter 13. Resource Management Framework

Retain Objective 13.1.1

Retain Policies 13.1.1.1 and 13.1.1.4

Chapter 15. Urban Environment

Retain Objective 15.1.1

Retain Policies 15.1.1.1 and 15.1.1.2

Chapter 16. Business Zones

Retain Policy 16.1.1.1

Add new Environmental Results Expected, after Business 1 Zone (Rangiora and Kaiapoi):

Environmental Results Expected

The following environmental results are expected from the implementation of the objectives, policies and methods of Chapter 16 Business Zones.

Business 1 Zone (Oxford):

- a. Location of car parking to the rear of a building or buildings for sites with road frontage identified by Figure 31.3.**
- b. The size and scale of new buildings complement existing buildings.**
- c. Buildings contribute to a quality streetscape and have active frontages.**

Amend Policy 16.1.1.3 as follows:

Policy 16.1.1.3

Provide for development and activities within the Business 1 Zones **of Kaiapoi, Rangiora, Pegasus and Woodend** where the following characteristics of the Zone are observed:

Location	<ul style="list-style-type: none"> - Defines the town centres of Kaiapoi, Rangiora, Pegasus, Oxford and Woodend - Redevelopment and intensification opportunities within Kaiapoi, Rangiora, Oxford and Woodend - Compact, including medium to high building density
Pedestrian focus on primary shopping streets	<ul style="list-style-type: none"> - Interconnected network of public car parking, pedestrian areas, lanes and footpaths - Public open spaces - High level of safety, taking into account Crime Prevention Through Environmental Design (CPTED) principles - Buildings and businesses directly accessed from the street, lanes and public spaces - Verandahs and covered shopping areas
Vehicle focus	<ul style="list-style-type: none"> - Provision for car parking, private and public - Interconnected network of roads, car parking, pedestrian areas, footpaths, lanes and public spaces - Public off-street parking - Little on-site parking
Amenities	<ul style="list-style-type: none"> - Landscaping, plantings and public open spaces - Street and pedestrian treatments, including street furniture - Lighting, taking into account Crime Prevention Through Environmental Design (CPTED) principles - Minimal odour - Low level noise - Signage mostly small scale - Public facilities
Parking	<ul style="list-style-type: none"> - Public off-street parking - Limited private off-street parking - Limited duration on-street parking - Public parking pedestrian connections with footpaths, lanes and public spaces

Built environment and built form	<ul style="list-style-type: none"> - Defined building heights, predominantly two storey - Absence of setbacks on identified streets and limited setbacks on other streets - Mostly continuous business display frontages on primary shopping streets - High intensity of use from the street side - Historic buildings and settings defined by heritage values within Kaiapoi, Rangiora, and Woodend and Oxford - Mostly older buildings on main shopping streets, with the exception of Pegasus - New buildings sympathetic to existing built form and building styles - Functional and adaptable buildings - In Pegasus new buildings and development within a compact and identifiable centre - In the commercial centre of Pegasus, no building setback, with development required to be along the full street frontage with verandahs - In the outer commercial area of Pegasus, building setback is required
Distribution of floorspace	<ul style="list-style-type: none"> - Largest total area of retail, office, administrative floorspace in each town
Function	<ul style="list-style-type: none"> - Community focal point for: - government services; - professional services; - office/finance; - retail; - emergency services; and - household services - An area with safe, convenient, pleasant, attractive environments where people can enjoy extended visits to gather, socialise, and do business

Add new Policy 16.1.1.4, as follows:

Policy 16.1.1.4

Provide for development and activities within the Business 1 Zone of Oxford while enhancing the following characteristics:

<u>Location and Aspect</u>	<ul style="list-style-type: none"> - <u>Defines the town centre of Oxford</u> - <u>Views to Mountains</u>
<u>Pedestrian environment</u>	<ul style="list-style-type: none"> - <u>Footpaths with convenient and safe connections between the two sides of Main Street.</u> - <u>Buildings and businesses directly accessed from the street and public open space</u> - <u>High level of safety, taking into account Crime Prevention Through Environmental Design (CPTED) principles</u>