

## 8.6.6 BUSINESS 6 ZONE

### 8.6.6.1 OBJECTIVES AND POLICIES

In addition to Clause 8.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES, the objectives and policies for this zone are:

#### (a) Objective

*To provide for the operation of noxious and unpleasant industrial activities within the City.*

#### Policy

- By recognising through zoning, existing noxious and heavy industry areas on the Isthmus.

#### (b) Objective

*To ensure that the safety of the public is not compromised by hazardous or dangerous activities within the zone.*

#### Policies

- By requiring industries using or storing hazardous substances to mitigate any risks, to a level compatible with other risks commonly faced by the public.
- By requiring adequate buffers between hazardous facilities and other activities, especially residential zones and valuable natural habitats.
- By requiring all new and existing activities proposing to, or currently using or storing significant quantities of hazardous substances to provide risk assessments, and risk mitigation and contingency plans.
- By limiting activities in the zone to those which do not involve large movements of customers and the public into the zone, so as not to increase the risk to the public from hazardous facilities.

#### (c) Objective

*To ensure that the effects or impacts of industrial uses do not adversely affect the environment.*

#### Policies

- By imposing controls to manage the storage and use of hazardous substances in order to minimise the probability of accidents.
- By requiring adequate buffers between business activities and valuable natural habitats, particularly along the coastline.
- By requiring existing activities which generate unsatisfactory environmental effects to upgrade to

meet the defined environmental outcomes within the planning period.

### 8.6.6.2 ZONE STRATEGY

The purpose of the Business 6 zone is to make provision for heavy, noxious or otherwise unpleasant industrial activity within the City. Such activity typically generates significant effects which may pose a serious threat to the natural environment and compromise the amenity and safety enjoyed by surrounding land users. For these reasons it is important that heavy and noxious industry is located in areas where the impacts of these effects can be minimised and isolated.

Traditionally most of the City's heavy and noxious industries have located in areas adjacent to harbours and estuaries. In the past many of these industries have had an unsustainable impact on the local marine environment. However the relocation of noxious industry away from harbour and estuary foreshores is considered too expensive to be practical. Furthermore, those areas of the southeastern part of the Isthmus where noxious industry is permitted are considered to be of regional significance. They represent one of the few areas where noxious industry can be located with adequate water and trade waste capacity and with limited disruptions to the surrounding community. For these reasons it is intended to retain provision for noxious industry in some of the current locations although the overall area assigned to such industry is less than that in former district schemes.

The heavy or noxious nature of activities within this zone is recognised in its lower zonal amenity. While activities will be required to meet defined environmental outcomes no controls are imposed to ensure an acceptable amenity level within the zone, of factors such as odour, noise and dust emission. The zone overall will have a low standard of amenity and it is not intended to see this standard raised over time. Activities or uses which expect or desire higher standards of amenity should locate in the other business zones.

While many of the activities within the Business 6 zone will have existing use status under the Act, this does not imply that these activities can continue to generate the same effects indefinitely. If the adverse environmental effects generated by a particular activity are likely to be unsustainable, the Council will use its powers under Section 17 of the Act to ensure that defined environmental outcomes are not compromised by the activity or the effects it generates.

The zone is also designed as a primary location for industries that carry out hazardous activities or use hazardous substances. As a consequence of the concentration of such activity, risks associated with industrial accidents have a higher probability. Therefore Council considers public safety to be an issue of importance and intends to minimise the general public's exposure to these risks by discouraging activities within the zone that are likely to attract members of



## PART 8 - BUSINESS ACTIVITY

the public to the area. Typically these activities will be of a retail and office nature.

### Expected Outcomes

This zone will be the location for most of the hazardous, noxious or heavy industrial activities within the City. A lower level of amenity will exist within the zone except in those areas which adjoin coastal margins or residential zone boundaries. Those businesses which traditionally prefer lower levels of amenity will find it easier to locate in this zone than in others. However, defined environmental outcomes will be achieved and maintained. As the acceptable level of risk from hazardous or noxious activities will be higher in the zone than in other zones, activities such as retailing and residential will be severely limited so as to ensure public safety. Tighter controls and stricter monitoring will result in better business practices with regards to the use, handling and storage of hazardous substances.

### 8.6.7 BUSINESS 7 ZONE

#### 8.6.7.1 OBJECTIVES AND POLICIES

In addition to Clause [8.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES](#) the objectives and policies for this zone are:

##### (a) Objective

*To provide for the careful management and extraction of mineral resources.*

##### Policies

- By maintaining zones to ensure the extraction and processing of valuable mineral resources.
- By requiring a Quarry Management Plan which outlines operational matters and gives an indication of the end state of the land once quarrying ceases.
- By requiring all new quarry operations to indicate the potential end use of the land, before operations commence.

##### (b) Objective

*To impose controls which protect neighbouring environmental and amenity standards.*

##### Policies

- By imposing special amenity controls at the site boundaries.
- By restricting the hours during which explosives may be used in quarry operations.
- By adopting controls designed to prevent or reduce vibration, dust, noise, soil and water contamination.

- By requiring the establishment and maintenance of buffer areas between quarry operations and residential activities.

##### (c) Objective

*To prevent the conversion of exhausted or disused quarries to indiscriminate and unsuitable activities.*

##### Policies

- By permitting only those ancillary quarry activities which need to be located within the zone.
- By permitting selected activities which will not preclude future re-zoning of the quarries following investigation and appraisal.
- By requiring thorough investigation and appraisal before alternative zoning is applied to disused quarries.

#### 8.6.7.2 ZONE STRATEGY

The Business 7 zones are applied to long established quarry operations within the City; the Mt Wellington and Three Kings quarries which supply a significant proportion of the region's quarried stone and the Blockhouse Bay quarry which involves the winning of clay material and its processing into pipes and related products. The Mt Wellington and Three Kings quarries are worked continuously as major quarry operations, involving the frequent use of explosives and the on-site crushing and screening of stone. These rock quarries are zoned Business 7 in the Plan. The Blockhouse Bay quarry is worked intermittently, although processing remains a continuous operation. This clay quarry is zoned Business 7a and 7b in the Plan in recognition of the different characteristics it displays to the stone quarry activities. The quarry land has two sub-zones applied to it in recognition of the different activities and their effects which are located on different parts of the quarry area.

The built nature of the Isthmus, together with environmental and amenity concerns, to a large extent precludes any new quarry operation in the district. Therefore the deposits in these existing quarries are acknowledged as scarce and valuable regional resources. The continued and efficient extraction of the existing deposits until they are exhausted is thus an important resource issue. The zone is therefore designed to facilitate the extraction operations and allied activities. Controls are imposed to ensure that the environment, particularly water and soil, and the amenity of adjacent land, is not detrimentally affected by the continued operation of these quarries. In all cases the quarry activities are regarded as finite and the Plan intends the eventual redevelopment of the sites for suitable urban use.

The existing quarry operations were established in their current locations long before neighbouring residential



development occurred. The Plan recognises this by applying zoning provisions which encourage quarry activity, and which do not unduly restrict its operation. In addition any requests to rezone land in the vicinity of the existing quarries will be considered against the effect such a rezoning will have on the quarry operation.

Within the Three Kings Reserve, there is a previously worked quarry immediately to the south and west of the operational quarry at Three Kings. Studies have indicated that substantial amounts of scoria remain and that it is economically viable to extract further scoria from it. Having regard to the value of the scoria resource and the shortage of scoria in the region, the deposit should be quarried before the land is developed for recreational purposes.

To ensure that any quarrying is undertaken in an ordered and considered way, the site is zoned Business 7 in the Plan, and a controlled activity consent with a Management Plan covering those matters identified in Clause 8.7.4.2 CONTROLLED ACTIVITIES will be required prior to the use of the land for extractive industry. In addition as the land is a reserve, the Plan indicates by way of designation, that in the future, once the quarrying operations are completed, the land will be developed for recreation purposes, using monies gained from the quarry operation.

Due to the built nature of the city, there is a limited opportunity for further new quarry operations. However where deposits are identified as appropriate for extraction the Council will initiate a change to the Plan to rezone the subject land Business 7, where it is satisfied that the proposal does not impact detrimentally on the environment, and amenity of the area. Quarrying on land which is rezoned to Business 7 will be subject to a controlled activity application accompanied by a management plan which satisfactorily outlines the intended extraction process and clearly indicates the range of potential activities which the site could be put to once quarrying has ceased.

The magnitude of the problem represented by the re-use of any major quarry or clay extraction area ensures that the Council will require that extensive economic, land use, engineering and environmental studies are carried out by the landowners, and in collaboration with the appropriate public authorities, before it considers any rezoning proposals, affecting land now zoned for quarry operations. Furthermore, to ensure that no buildings are built which may preclude the best final use of quarry land, the Plan requires all new buildings which are not for aggregate processing purposes to be capable of removal.

### Expected Outcomes

It is expected that the zone's provisions will enable the continued and efficient operation of the city's existing quarries. The need for the extraction of the mineral resource will be balanced against amenity and environmental concerns. The public in the vicinity of Three Kings Quarry and in the vicinity of extensions on the southern edge of Mt

Wellington Quarry should become better informed of the exact nature of the quarry operations through the management plans. This in turn should allay concerns over potential effects. New quarry operations will be expected to consider more fully the implications of their proposed operations and the range of potential end uses so as to ensure the end state of the quarried land is appropriate.

## 8.6.8 BUSINESS 8 ZONE

### 8.6.8.1 OBJECTIVES AND POLICIES

In addition to Clause 8.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES the objectives and policies for this zone are:

#### (a) Objective

*To provide for the establishment, management and continued operation of comprehensively planned business centres.*

#### Policy

- By providing a zone which
  - i) can be applied, where needed, to suitable sites for comprehensive development
  - ii) is applied to existing large scale comprehensive business developments
  - iii) facilitates the orderly and integrated use and operation of such sites while providing flexibility in development control.

#### (b) Objective

*To ensure that the comprehensive development does not have any adverse effects on the environment, the amenity of an area or on public safety which cannot be avoided or satisfactorily mitigated.*

#### Policies

- By requiring acceptable noise levels at the interface between residential and business zones.
- By requiring development to provide adequate on-site parking, and to ensure appropriate measures are taken so that the capacity and safety of the adjacent road network is not detrimentally affected.
- By requiring the production of a Concept Plan which identifies the specific development controls to be used to prevent or reduce any effect the proposal may have on the environment or the amenity of adjoining land.
- By requiring development to undertake an environmental assessment in terms of the Schedule



## PART 8 - BUSINESS ACTIVITY

of Effects in [PART 4 - GENERAL PROVISIONS AND PROCEDURES](#) and the criteria for the zone in order to demonstrate that no significant adverse effect will occur as a result of the development.

### (c) Objective

*To achieve a high degree of visual and pedestrian amenity in the comprehensive development.*

#### Policies

- By the provision of landscaping adjoining site boundaries and elsewhere on the site where appropriate.
- By the provision of covered pedestrian facilities where appropriate.
- By requiring a high standard of external design and appearance of buildings.

### 8.6.8.2 ZONE STRATEGY

The Business 8 zone is applied to existing large scale comprehensive business developments on the Isthmus, eg St Lukes, Central Office Park. It is designed to provide a flexible and co-ordinated planning approach through the use of individual concept plans to the continued operation and management of these developments. In addition the Business 8 zone provisions also include a mechanism for a comprehensive approach to new site development on land currently not zoned for business activity and for new development within a business zone which exceeds the defined floor area thresholds for discretionary activities.

The Plan provides greater flexibility within its business zones for businesses to make informed location decisions. The resulting increase in the areas where a wide range of business activity can now occur means that most new large development will be able to locate in business zones. However, there may be instances where a location in a non-business zone is more appropriate having regard to the particular needs of the proposal. In addition, within the business zones, the Plan provides for certain large developments as discretionary activities so as to ensure that the activities within them do not have an adverse impact on the environment of a zone, which cannot be avoided or satisfactorily mitigated, and that they are developed comprehensively. However, there exists a threshold of scale beyond which such proposals become more than a development within a zone, rather they involve a change to the very nature, function and environment of a zone. In such instances the Council considers that the proposal is more appropriately dealt with through a Plan Change where a new zoning, the Business 8 zone, is applied to the site of the proposal.

The zone provides for the integrated establishment and continued orderly operation and management of a proposal while allowing flexibility in the determination of

development controls for specific proposals. But this flexibility is tempered by the requirement that particular attention is to be given to environmental concerns, and to the provision of a high level of amenity, both pedestrian and visual within the zone and at the zone interface.

Although the Business 8 zone is applied to existing comprehensive development (the Concept Plans for these can be found in the Appendix B to the Planning Maps), it does not identify areas where new development should locate. Rather the zone has been designed to be applied only after a comprehensive development proposal has been tested through the Plan change procedures.

A request for a Plan Change is required to follow the statutory procedures set out in [Clause 3.5 CHANGES TO THE PLAN](#) of this Plan and must be supported by a comprehensive plan (the Development Plan) detailing the proposed development and the arrangement of activities on the site. In addition, the development plan and supporting documentation should demonstrate that the proposed development satisfies the zone criteria outlined below.

Following any assessment of the development plan, the Council will derive a CONCEPT PLAN which will contain the basic planning elements, and which will form part of the Plan. The Concept Plan will specify:

- the activities which will occur in the development;
- the arrangement and location of buildings and activities by reference to a building platform;
- where appropriate any special building, traffic or parking considerations.

In addition the Concept Plan may, where appropriate, allocate specific activities to selected parts of the site. In the interests of orderly development and the protection of the environment, development is required to adhere to the Concept Plan.

#### Criteria for Plan Change Request

In assessing a request for a change to the Plan for a Business 8 zoning, the Council will consider the proposal against the objectives and policies for the zone and the following matters.

Whether;

- (a) The proposed location of the site is appropriate. In particular:
  - i) in general, sites within, contiguous with, or adjacent to existing business zones are preferred;
  - ii) the site should be readily accessible from the major roading network so as not to encourage heavy traffic volumes in access roads (particularly residential access roads);
  - iii) where the site is within, adjacent to or contiguous with existing business activity, the proposed development



should be functionally integrated with existing facilities, including (where practicable) adequate, covered pedestrian access between the new development and any existing business activity;

iv) consideration will be given to the impact of the development on adjacent sites.

(b) The proposed site is suitable. In particular:

i) the site should be of sufficient size to enable -

- the activity to establish, together with associated areas of parking, open space and landscaping.
- the separation of the activity from adjoining non-business activities (particularly residential activities) by the inclusion of suitable buffer yards or screening;

ii) the site shape and land topography should be suitable for the intended development;

iii) the site must be capable of sustaining the infrastructural servicing needs (eg drainage, roading) of the development. Where the existing infrastructure can not sustain the new development, the proposal must demonstrate an ability to meet its own servicing needs.

(c) The proposed development is suitable. In particular:

i) the applicant will need to demonstrate that the effects of the development on the environment have been assessed in terms of the Fourth Schedule to the Resource Management Act 1991 and Annexure 9 to the Plan.

In addition, any development proposal containing retail premises will be assessed to determine the extent of its effect on existing commercial centres zoned Business 2, 3 or 8 (or other equivalent centres beyond the district) having regard to the matters contained in Clause 8.4.4 EXISTING CENTRES, and to the effects set out in Clause 8.7.3.3 ADDITIONAL CRITERIA FOR SPECIFIED ACTIVITIES of the Plan;

ii) the activities to be included within the development and their arrangement within the site must be subject to a comprehensive plan ensuring the inclusion of suitable activities and the integration of different activities;

iii) the development should (in general terms) comply with the controls for the zone and PART 12 - TRANSPORTATION unless it is not appropriate to do so because of inherent site characteristics; particular site development considerations; unusual environmental matters; and extraordinary vehicle or pedestrian movements.

iv) the development will be assessed against the safety criteria listed in Clause 6.2.10.5

## Expected Outcomes

The zone will provide flexibility for large and innovative business development while ensuring that proper consideration of the effects of such development occurs. It is unlikely that the zone will be used extensively throughout the City but where it is applied comprehensive and co-ordinated business development of a high amenity should occur.

### 8.6.9 BUSINESS 9 ZONE

#### 8.6.9.1 OBJECTIVES AND POLICIES

In addition to Clause 8.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES the objectives and policies for this zone are:

##### (a) Objective

*To encourage the appropriate re-use and re-vitalisation of large vacant, under-utilised or derelict industrial sites.*

##### Policies

- By providing a transition zone which offers incentives for the comprehensive redevelopment of such sites.
- By providing a package of incentives for redevelopment which includes relaxation of development controls, infrastructure provision and financial incentives.
- By providing flexibility within the zone for developers to create special development packages for individual areas.

##### (b) Objective

*To ensure that any adverse impacts of activity within the zone on the environment or on the amenity of adjacent zones are avoided or reduced to an acceptable level.*

##### Policies

- By requiring the production of a comprehensive plan for the zone which identifies the specific development controls to be used to prevent or reduce any adverse effect activities within the zone may have on the environment or the amenity of adjacent land.
- By requiring development to provide adequate access and to ensure appropriate measures are taken so that the capacity and safety of the adjacent road network is not detrimentally affected.

#### 8.6.9.2 ZONE STRATEGY

Changing technology causing a decline in traditional manufacturing activities, and changes in the economic



## PART 8 - BUSINESS ACTIVITY

climate, have resulted in several large tracts of industrial land within the City lying under-utilised, vacant or derelict. In other parts of the world these structural changes, ie the decline in traditional activities, have resulted in large areas of disused or under-utilised land. These areas, because of their history of heavy industry use, leave behind sites which are extremely costly to develop due to the need to remove deep foundations or remnant large engineering structures or to remedy contaminated land. Where these areas are large the impact of change is much wider than just physical decay and dereliction. The decline in activities within these areas can also result in any new investment being deferred because the dereliction of adjacent sites undermines the value of any new individual investment. This situation can set up a spiral of reduced investment or disinvestments and loss of confidence. An incidental effect can be major job losses and hence high levels of unemployment in adjacent areas with all the associated social problems.

Throughout the Isthmus, particularly in its older areas and in parts of the industrial southeast, are large areas of land often containing derelict buildings. The Council is concerned to ensure that the physical, environmental and social blight experienced elsewhere in the world, does not occur here. Although not at the same scale as overseas examples, problems with the contamination of derelict sites, the removal of large physical structures and foundations, and the existence of under-utilised or idle infrastructure combine to make redevelopment difficult and economically unattractive. In order to encourage appropriate redevelopment of such sites the Council believes it must adopt a pro-active strategy and therefore has included in the Plan a process (the Business 9 zone) by which it may offer incentives to those developments which promise a suitable proposal for the redevelopment of large tracts of such land. This process is subject to specified criteria and must occur within a defined time frame.

The Plan does not identify sites where the Business 9 zone and its processes may be appropriate as a measure to promote redevelopment. Rather, the Plan indicates that the Council is prepared to consider a partnership agreement, involving an incentive package, when it is approached by owners or developers of declining, underutilised or derelict land with an appropriate proposal for the land.

The Business 9 zoning will only become the dominant planning tool on the site once a comprehensive proposal for the redevelopment of the land has been considered and approved by the Council.

The Council considers that the application of the zone will, in the long-term, result in an increase in the quality of environment of the subject land. The actual level of quality achieved will depend largely on the activity emphasis of the proposed redevelopment and on the development controls specifically designed for the land. It is intended that the Business 9 zone process may be used not only to achieve a redevelopment of land for viable business activity, but also

for residential or open space activity. On the completion of the redevelopment process or when substantial redevelopment has occurred, the Council will rezone the land to an appropriate zone determined by the dominant activity.

The incentive package offered by the Council may take the following forms:

- Development Controls - to encourage flexibility and innovation the applicant, in conjunction with the Council, may determine the specific development controls for the particular land area (subject to meeting the criteria outlined below);
- Infrastructure - the Council may be prepared to offer design and engineering advice, or become involved in the provision and/or upgrading of infrastructure for the development;
- Financial - the Council may offer financial incentives in the form of rate relief, postponement of rates, etc. Such assistance will be subject to specific criteria.

Because the ability of the Council to offer all or any of these incentives may change over time the exact detail and range of incentives offered by the Council for redevelopment in this zone are contained in [ANNEXURE 9](#) to this Plan. The Annexure may be reviewed and altered as necessary.

A request for a Plan Change to apply the Business 9 zone as the dominant planning tool for a particular parcel of land is required to follow the statutory procedures set out in [Clause 3.5 CHANGES TO THE PLAN](#) of Part 3 of this Plan. In addition, the request must be supported by a comprehensive plan detailing:

- i) The site or sites subject to the application including details of legal descriptions, title boundaries, and site areas;
- ii) The rules intended to manage the effects of activities both within the zone; and at the zone interface, including a list of permitted activities and development controls, and an explanation of these;
- iii) The level and form of financial incentives being sought;
- iv) Ownership of the land. Where the land subject to the zone request is owned by two or more parties, the request must be in the name of and signed by all parties.

Following an assessment of the comprehensive plan the Council will derive a **CONCEPT PLAN** which will specify -

- i) The proposed zone parameters for the subject land, in particular:
  - the physical and spatial application of the zone;
  - the rules intended to manage the effects of activities both within the zone and at the zone interface.



ii) A development programme which will include:

- the timing and scope of the development process including an indication of the nature of the involvement required of both the applicant and the Council;
- an indication of the type and stage at which an incentive package, if available, will take effect and when it will cease.

In the interest of orderly development and the protection of the environment and neighbouring amenities, and to ensure that the intent of the zone is achieved, development is required to adhere to the Concept Plan. The Council is concerned to ensure that any intervention in the form of incentives it offers, will act to supplement rather than replace market processes. Therefore in assessing a request for a change to the Plan to bring down the Business 9 zone on a specific parcel of land, the Council must be satisfied that the proposal meets the objectives and policies for the Business 9 zone and that:

(a) The proposed land is suitable. In particular:

- i) The land area should be of a sufficient size. Any proposal for a Business 9 zone must be of sufficient size to generate its own level of amenity, independent of the level of surrounding activities. In general the Council will not consider applications for areas of land of less than 5 hectares. This may mean that owners of adjacent sites are required to co-operate in a joint application in order to achieve the minimum size;
- ii) The land must exhibit a period of vacancy, under-utilisation or dereliction. Any land must have been vacant, substantially under-used or derelict for at least a year prior to the application for transitional zoning. In addition there must be a demonstrable oversupply of land in the regional market of a similar zoning and characteristic to the subject land. Generally buildings on such land will be more than 20 years old;
- iii) The nature of the surrounding neighbourhood. Proposals for a Business 9 zone are most likely to be located in older neighbourhoods which are at some risk of economic decline. Isolated derelict sites, within those neighbourhoods that are functioning adequately will not generally be considered.

(b) The proposed development is suitable. In particular:

- i) The applicant for a rezoning must demonstrate that the effects of the development on the environment have been assessed in terms of the Schedule of Effects in [PART 4 - GENERAL PROVISIONS AND PROCEDURES](#), in order to establish that no significant adverse effect will occur as a result of the development.

In addition any development proposal containing retail premises will be assessed to determine the extent of its effect on existing commercial centres zone Business 2, 3, or 8 (or other equivalent centres beyond the district) having regard to the matters contained in [Clause 8.4.4 EXISTING CENTRES](#) and to the effects set out in [Clause 8.7.3.1 EXPLANATION](#) of the Plan;

- ii) The applicant will need to demonstrate that the activity type (residential, open space or business) is suitable to the location of the land, taking into account adjacent land activities, existing infrastructure, and roading systems;
- iii) The applicant must establish the long-term financial viability of the development. Generally developers who are owner/occupiers are favoured;
- iv) The applicant must establish that incentives sought from the Council, particularly financial assistance, are essential to the success of the proposal;
- v) The achievement and maintenance of the Plan's defined environmental outcomes will be required. Any proposed activity in the zone may be subject to controls to prevent or reduce an adverse effect which it may have on the environment;
- vi) Where practical, development should make efficient use of existing in-ground infrastructure. Proposals which lead to more efficient use of existing infrastructure will be favoured over proposals which require new or improved infrastructure;
- vii) The development controls specified for the land must be designed to ensure that the level of amenity and environment of adjacent zones will not be adversely affected by activity in the zone. This may require the imposition of noise, buffer, screening, landscaping, daylight admission or separation controls;
- viii) The application must demonstrate that traffic generated by activity within the zone will not adversely affect existing roading capacity or lead to an increase in traffic flow through access roads (particularly residential access roads). Access or road improvements may be required by the Council to ensure this.

#### Expected Outcomes

Redevelopment of some of the City's declining or derelict industrial areas is expected to occur as a result of the zone's provisions. The type and extent of incentives offered is likely to effect the timing and occurrence of such redevelopment. Although development controls will reflect the needs of individual proposals, basic environmental outcomes will be achieved. Some minor improvement in the efficiency of use of existing infrastructure will occur as a consequence of this redevelopment.



## 8.6.10 MIXED USE ZONE

### 8.6.10.1 OBJECTIVES AND POLICIES

In addition to the objectives and policies of Clause 8.3 the objectives and policies for this zone are:

#### a) Objective

*To allow the development of vibrant urban areas by enabling a diverse and compatible mix of residential, business, educational and leisure activities in areas of the City, close to the Central Area or existing town centres, which have easy access to public transport service.*

#### Policies

- By applying a Mixed Use zone to allow the development and enhancement of mixed use urban areas where opportunities exist to live, work, learn, shop and undertake leisure activities.
- By providing for Mixed Use zone areas close to main public transport routes.
- By encouraging buildings to be adaptable to other suitable activities over time.

#### b) Objective

*To ensure that any adverse environmental or amenity impact of activities within the zone on adjoining activities or on adjacent Residential or Open Space zones is avoided or mitigated.*

#### Policies

- By managing potential compatibility issues within development, between developments and their neighbours, and between developments and public spaces, including roads and open space, through the application of design criteria and rules, while recognising that amenity values in this zone are lower than in Residential zones.
- By limiting noise levels at the interface between neighbouring Residential zones and the Mixed Use zones, and within residential developments in the Mixed Use zones.
- By adopting controls which seek to protect privacy and amenity of occupants in adjoining Residential zones.

#### (c) Objective

*To encourage mixed use development which contributes to the amenity of the surrounding neighbourhood in terms of streetscape appearance and pedestrian amenity and safety, while recognising that these values are derived from a*

*mixture of business activities and intensive residential development.*

#### Policies

- By requiring new developments to meet urban design criteria relating to streetscape appearance and pedestrian amenity and safety and building scale, form and layout.
- By offering bonuses in floor area for new developments, where specified plazas, landscaped areas pedestrian facilities and cycleways are provided.

### 8.6.10.2 ZONE STRATEGY

The Mixed Use zone is applied to former business zoned areas of the City, which are located in close proximity to the Central Area or to existing Business 2 or 3 zoned centres, and which are experiencing an increase in residential activity. This increase in residential activity, coupled with the range of business and leisure activities which currently exist in these areas, is creating a unique and diverse mixed use urban environment. The zone is designed to enable the development of an urban environment which is supportive of alternative forms of transport such as public transport and cycling and adds economic vitality by increasing the diversity of services offered to employees during the day and residents at night. A high level of amenity which contributes to the liveability of the areas will be achieved by requiring new activities and new development to meet urban design criteria.

While the zoning has an emphasis towards retail, residential and commercial activity it also recognises that other activities (some with a long and continued occupancy of sites now zoned Mixed Use) at an appropriate scale and suitably designed and operated can sit amongst these activities and will in fact provide a mutual benefit further enhancing the overall mixed use environment. Potential compatibility issues within the zone are managed through a range of assessment criteria and development controls.

Many of these activities provide opportunities for “starter businesses” which need to locate in close proximity to the central area or commercial centres as well as a customer base which may not be available near other business zones. Other small scale manufacturing or servicing activities provide local, small scale support serving local centres and surrounding resident population. Inclusion of light manufacturing and service activities will recognise the existing range of activities in these areas which often provide support for other surrounding uses and centres. It will also provide employment opportunities for surrounding residents within and adjacent to the mixed use areas.

For mixed use areas with a business and residential activity mix to work well, compatibility issues need to be managed. These issues arise between different forms of development (bulk, scale) and also in relation to the effects of certain



activities (noise, emissions, parking). The zone's provisions are designed to manage these issues while recognising that a mixed use residential/business environment offers a different lifestyle than that found in a suburban residential or business area.

The Mixed Use zone is often in areas adjacent to residential or open space zones. The protection of amenity values between the Mixed Use zone and the residential and open space zone is achieved through application of development controls at this interface.

#### Expected Outcome

This zone, in time will lead to a quality urban environment which provides for a mix of residential, retail and business activities, close to the Central Area or existing retail centres.

### 8.6.11 MIXED USE ZONE: ORAKEI POINT

The provisions of Proposed Plan Change 260 – Orakei Point will only apply once the following clause is met.

The current operative zoning under the operative Auckland City District Plan Isthmus Section 1999 shall remain in force, unless within 60 days or earlier from the Plan Change 260 – Orakei Point becoming “operative” (pursuant to Clause 20 of Schedule 1- Preparation, change, and review of policy statements and plans of the Resource Management Act 1991) a development entity such as the owner of 228 Orakei Road (Lot 1 DP 112856) or a related company (as defined in the Companies Act 1993) owns or has control of the following:

- The land contained within the following schedule below, and
- Kiwi Rail's land and air space above the existing railway line within the Plan change area.

Freehold Title	Leasehold Title	Site Address	Lot(s) Number
Hobson Views Ltd (see Note 1)	ORC Ltd	228 Orakei Road	Lot 1 DP 112856
Ngati Whatua o Orakei	ORC Ltd	234a Orakei Road	Lot 6 DP 112856
Ngati Whatua o Orakei	ORC Ltd	234a Orakei Road	Lot 2 DP 112856
Ngati Whatua o Orakei	Remuera Views Ltd	246 Orakei Road	Part Lot 5 DP 112856
Ngati Whatua o Orakei	Remuera Views Ltd	250, 252, 254, 256, 258, 260, 262, 264 and 266 Orakei Road	Lots 1 – 9 DP 384634
Auckland City Council		234 Orakei Road	Lot 1 DP 75535
Auckland City Council		231 Orakei Road	Lot 1 DP 131613
Auckland City Council		240 Orakei Road	Lot 4 DP 112856
Auckland City Council		242 Orakei Road	Lot 2 DP 90630 (see Note 2)
Auckland City Council		242A Orakei Road	Lot 3 90630 (see Note 2)
Auckland City Council		244 Orakei Road	Lot 1 DP 90630 (see Note 2)
Tram Lease Ltd (see Note 3)		236 Orakei Road	Lot 3 DP 112856



## PART 8 - BUSINESS ACTIVITY

Once this clause has been met the provisions of the Mixed Use Zone: Orakei Point and Open Space Zone shown on planning maps C11 and C12 will apply.

\*\* It is noted for clarity purposes that the leases held by O E and M J Hayward over 234 Orakei Road (Lot 1 DP 75535) and 234a Orakei Road (Lot 6 DP 112856) are not included in this clause as the Auckland Council owns the freehold to 234 Orakei Road and Orakei Point Trustees (or a related company) holds the perpetual leasehold interest over 234a Orakei Road.

### 8.6.11.1 OBJECTIVES AND POLICIES

In addition to the objectives and policies of Clause 8.3 and 8.6.10.1 the objectives and policies for this zone are:

#### a) Objective

*To enable the comprehensive development of Orakei Point as an exemplar transit oriented community that is fully integrated with public transport and that promotes and supports its function.*

#### Policies

- By applying a mixed use zone tailored to Orakei Point, which provides for its development in a comprehensive manner.
- By providing for a diverse and compatible mix of residential, business and leisure activities, at suitably high densities to support patronage of public transport and to enliven and support the use of public spaces and local businesses.
- By ensuring that the development of Orakei Point is undertaken in a manner that provides for future growth and improvements to public transport, and actively promotes its use through the construction of a new covered rail station that is easily accessible, safe, and supported by appropriate ancillary activities.
- By requiring the development of infrastructure and public places to be staged and programmed in a manner which supports and complements the built development of Orakei Point.
- By encouraging modes of transport other than private motor vehicle by providing connections to public transport and imposing limits on parking provided ancillary to development.

#### b) Objective

*To ensure that the planning and development of Orakei Point is undertaken in a comprehensive manner, giving rise to quality design outcomes which create an overall sense of place, with a character that is distinctive and relevant to its setting.*

#### Policies

- By adopting a zoning regime which specifies development precincts, roads and open space areas and the activity and the development controls which apply to each.
- By requiring new development to be undertaken in a manner generally consistent with an overall master plan for Orakei Point to ensure individual development is properly integrated with the whole and to provide certainty as to the outcomes for the site.
- By providing for building form and scale that is appropriate to their location within clearly defined development precincts.
- By ensuring that the provision of public facilities and infrastructure are staged and programmed appropriately.
- By requiring new development and public places to meet urban design criteria, to also be assessed by an independent design review panel, and to comply with development controls that require an appropriate interface between buildings public spaces and Orakei Point's coastal setting.

#### c) Objective

*To create high quality public open spaces both within Orakei Point and around its seaward perimeter which offer a diverse range of leisure opportunities.*

#### Policies

- By providing for a wide range of public spaces, including green spaces for passive recreation around the perimeter of Orakei Point, new urban plazas and a street network with a strong pedestrian focus.
- By providing for a new public open space on the southern side of Orakei Road to maintain the green edge of the Orakei Basin; which together with landscaping and setback requirements on development to the immediate north, will give effect to a predominantly green corridor along Orakei Road.
- By concentrating public plazas on the northern seaward side of Orakei Point to both maximise public views and amenity, and provide for sheltered and enclosed public spaces.

#### d) Objective

*To adopt the principles of sustainability in new development at Orakei Point.*

- By maximising development in a location in immediate proximity to a public transport node and fully integrating with that transport node.



- By orientating development and open spaces northward, thereby maximising opportunities for solar access.
- By encouraging buildings to be adaptable to other suitable activities over time.
- By requiring new development to be assessed against urban design criteria relating to sustainability.

260

### 8.6.11.2 ZONE STRATEGY

The Mixed Use Zone: Orakei Point, in conjunction with the Open Space 2 Zone, is applied to the Orakei Peninsula to enable the development of a comprehensively planned and vibrant transit-oriented community with a diverse and compatible mix of residential, business and leisure activities that are fully integrated with public transport opportunities.

The zone follows a comprehensive master plan exercise undertaken throughout 2008 and 2009 by the major land owners and leaseholders at Orakei Point. The master plan (see figure 8.6.11.2 Orakei Point Master Plan) seeks to maximise the opportunities offered by the site while respecting the sensitivities of its coastal location and geological and heritage values. The Mixed Use Zone: Orakei Point establishes a planning framework to give effect to the master plan.

The Orakei Peninsula offers an unprecedented opportunity for intensification around a transport corridor in accordance with Auckland's regional and district growth objectives. The Orakei Peninsula is a 'brown fields' site that is extremely well suited to intensification delivered in a comprehensively master planned manner. The site has high amenity values being essentially surrounded by water. The site is one station from the Britomart rail terminal in the central city and on the axis of road and rail. It is a peninsula, with the ability for reasonably dense development without direct dominance, shading and character effects on adjacent existing communities.

260

The zone and master plan from which it is derived, respond to the sensitivities of the location, its coastal position, and the national significance of the Orakei Basin volcanic feature. The site offers an opportunity for development to celebrate these aspects through coastal access and interpretation and to respect the coastal edge and geological features through building setbacks, a network of open spaces around the perimeter of the peninsula and direct linkages to the water.

Master planning offers the opportunity to overcome the obstacles created by fractured ownership. It allows the opportunity to create a fully accessible public waterfront around the perimeter of the site and significant new areas of open space. Master planning also offers the opportunity to create a new community integrated with a public transport node (rail, road, cycleways and footpaths and walking tracks) with development funding new public works and amenities.

The master plan tackles the key challenge of the site, being physically divided by a rail corridor. The two separate parts of the site created by the severing effect of the rail corridor are linked in the master plan to create a podium level. This upper level podium allows for public access around and across the site and 'caps' the rail lines, while allowing for the future electrification. The public plazas on the podium create the opportunity to form a heart of the new community centred on the rail access.

The podium also mitigates the noise and visual impact of above-ground rail. It allows for parking levels underneath and establishes the platform on which buildings, a new road and public spaces can be built.

The Orakei train station lies at the heart of the Orakei Point master plan. With electrification of the suburban rail services planned, frequency of the train service will increase significantly. This rail line connects southeast to Sylvia Park, a principal centre, giving future residents exceptional rail access to both the Auckland CBD and Sylvia Park and beyond.

A new loop road is introduced to reinforce the public nature of the Orakei Point development and will have two intersections to Orakei Road. This new street and particularly the inner 'lee plaza' will be fringed by active uses such as boutique local destination shops and cafés and restaurants. Access directly to the train station below will be provided down through a building which will feature prominently on the lee plaza. The lee plaza becomes the public core of the development and the hub of the community.

A 'waterfront plaza' will be established at a lower level on the northern seaward face of the development area. The waterfront plaza can be accessed both internally through buildings and externally via a series of steps down from lee plaza. The waterfront plaza is designed to be fringed on its southern and western sides by cafés and restaurants and will open on its northern side to the sea. A large part of the waterfront plaza will extend over the coastal marine area.

The perimeter of the peninsula will be largely encircled with new and existing open space zoned land. This land, together with new boardwalks over the water and through the adjoining mangroves will allow the public to walk around the perimeter of the peninsula.

Activities and structures located below the mean high water springs Mark (MHWS) in the coastal marine area fall within the jurisdiction of the Auckland Regional Council and will require resource consents under the Auckland Regional Plan: Coastal.

The master plan fringes Orakei Road with green space. Specifically, no new development is proposed to the south of Orakei Road, which will be within the Open Space 2 Zone. A sloped-sided carpark building will be constructed on the northern side of Orakei Road, between it and the remainder of development within the Mixed Use Zone: Orakei Point.



## PART 8 - BUSINESS ACTIVITY

The slope will be landscaped to reinforce the predominantly green corridor effect along Orakei Road, and to partially screen the development to the north.

Orakei Road will be widened westwards, but will otherwise maintain its current alignment. The widening overcomes existing vertical and horizontal alignment safety issues with the current roadway.

A balanced mix of land uses is proposed, with the primary focus on residential but supported by commercial activities including office, as well as local retail and services. Such a mixture will mean that Orakei Point has more than a dormitory role, creating a destination in its own right. This will be achieved by the inclusion of shops and restaurants to activate public places, and by commercial activity such as offices.

The creation of additional public open space on the peninsula, together with the creation of a green corridor along Orakei Road, has concentrated density and building height at the core and northern parts of the peninsula. This arrangement of bulk and massing also reduces the potential effects of taller buildings on the coastal edge of the peninsula, and avoids direct impacts on places of geological and archaeological significance. The core and northern edges of the site is also the most heavily modified landform, being both significantly excavated and reclaimed when the rail corridor was constructed. Appropriate height has been determined with reference to the landform and the wider visual and physical catchment.

Some 84,000m<sup>2</sup> of gross floor area is provided for, equating to approximately 700 apartments. This includes a maximum of 10,000m<sup>2</sup> for both retail and office activities.

A certain level of density is required to support the transit-oriented objectives of the proposal, to create a new community with a critical mass of population, and to provide a development potential that will be able to fund the new public and private infrastructure and be commercial sustainable.

Development of the peninsula will be undertaken in stages. The requirements to provide public infrastructure and facilities are staged according to the development of precinct areas. These include the covered rail station, plazas, internal roads and the Orakei Road intersection upgrades. These features within a particular stage are required to be established prior to the development of each future stage.

### Expected Outcomes

That Orakei Point will be developed in a comprehensive manner over time to establish a new community which has:

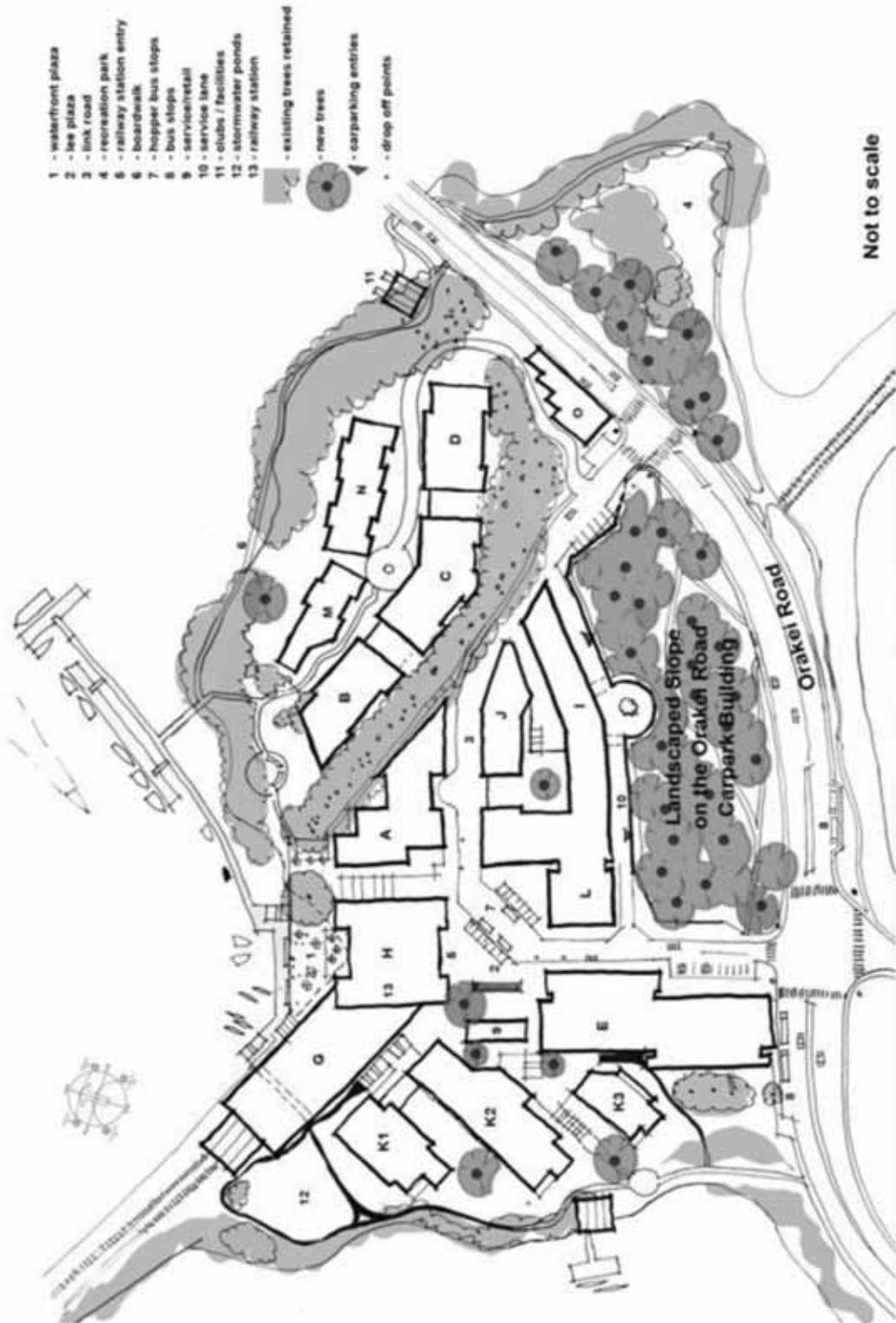
- A vibrant mix of resident, worker and visitors able to utilise and appreciate all of the attributes of the site.
- A mix of built development and open spaces which fully respond to the unique location and landscape attributes of the peninsula.

- Buildings and public spaces which exhibit quality design principles of sustainability.
- Public spaces and linkages between which are open and available to all, and which maximise the peninsula's waterfront location.
- A population density sufficient to enable the provision of a vibrant mixed-use community and which supports public transport nodes.
- Public transport at its core, making this travel mode very attractive for Orakei Point's residents and visitors.
- A covered railway station, linked and integrated with the Orakei Point development above and accessible to the wider community.
- Sufficient development potential to ensure financial feasibility of the infrastructure provided.
- Roads and other infrastructure to fully serve development and ensure it does not adversely impact on the surrounding community.
- An improved Orakei Road, including traffic improvements and the creation of a green corridor.
- Many and varied opportunities to access and enjoy the waterfront.
- Accessible public open space that supports a variety of community activities, that is used at different times of the day and night and is activated by adjacent commercial and residential activity.
- Recreational connections to the adjacent community through good walking, cycling and water based access (kayak and small boat access).
- Development that will respond to the coastal setting of Orakei Point.

260



Figure 8.6.11.2 Orakei Point Master Plan



Those elements (structure and/or activities) in the coastal marine area adjacent to Orakei point are not part of the Auckland City District Plan - Isthmus Section. Mixed Use Zone: Orakei point or Open Space 2 Zone



## 8.7 RULES : ACTIVITIES

### 8.7.1 ACTIVITIES IN BUSINESS 1,2,3,4,5,5A AND 6 ZONES

The following table specifies the activities allowed in the various zones. The permitted activities listed in Clause 8.7.1 are allowed without a resource consent where they comply in all respects with the relevant development controls and other relevant rules of this Plan.

For the purpose of the table:

**P = Permitted Activity**

**C = Controlled Activity**

**D = Discretionary Activity**

- Any permitted activity marked # is subject to gross floor area limitations indicated in Clause 8.7.1.1 THRESHOLD EFFECT.

Those activities marked \* are restricted controlled activities. (Refer Clause 4.3.2.5 RESTRICTED CONTROLLED ACTIVITIES for public notification and service requirements).

- Those activities marked with a \*\* are restricted discretionary activities. (Refer Clause 4.3.2.6 RESTRICTED DISCRETIONARY ACTIVITIES for public notification and service requirements)
- Any activity including new buildings and required off-street parking, otherwise listed in this table as permitted or controlled but which is located within 30m of the Residential 1, 2a, 2b, 5, 6a, 6b, 7a and 7b zones is subject to an assessment under provision 8.7.3.3(10). This provision shall not apply to service stations which are already the subject of specific assessment criteria in section 8.7.3.3(3).

ACTIVITIES	ZONES						
	1	2	3	4	5	5a	6
Accessory buildings or ancillary activities for any of the allowed activities listed in this table	P	P	P	P	P	P	P
Any activity including all new buildings and required off-street parking otherwise listed in this table as permitted or controlled but which is located within 30m of the Residential 1, 2a, 2b, 5, 6a, 6b, 7a and 7b zones. Except that this provision shall not apply to: <ul style="list-style-type: none"> <li>minor alterations and additions when there is no change of use and when site coverage is increased by no more than 10% and there is no increase to existing building height,</li> <li>Service stations provided for as controlled activities in the Business 2, 4, 5 and 5a zones.</li> <li>activities in the Business 1 zone</li> </ul>		D**	D**	D**	D**	D**	D**
Any activity not otherwise nominated in Clause 8.7.1 that meets the development controls for the relevant zone	D	D	D	D	D	D	D
Any activity permitted in the Business 6 zone located on land identified as H10/27 on the Planning Maps (Clause 8.7.3.3(6))							D
Boarding house/ hostel		D	D				
Building improvements and hire centres				P	D		D



ACTIVITIES	ZONES						
	1	2	3	4	5	5a	6
Bulk store				P	D**	P	D**
Bus depot			D	D	D		
Bus transfer stations			D	D	D		
Care centre	P	P	P	P	D		D
Commercial or public carparking area	D	D	C	P	D	P	
Community welfare facility	P	P	P	P	C	P	
Controlled floor area as provided for in the site intensity control (Clause 8.8.1.2)		C*	C*	C*	C*		
Drive-through facility	D	D	D	D	D		D
Educational facility#	P	P	P	P	D		
Electricity generation facility (gas fired)							P
Entertainment facility#	D	D	P	P	D		
<b>Earthworks†</b>							
- of up to 500m <sup>2</sup> where the average slope of the area subject to earthworks is less than 5% (refer to Clause 4A.2 for development controls)	P	P	P	P	P	P	P
- of up to 250m <sup>2</sup> where the average slope of the area subject to earthworks is 5% or more (refer to Clause 4A.2 for development controls)	P	P	P	P	P	P	P
- of greater than 500m <sup>2</sup> where the average slope of the area subject to earthworks is less than 5% (refer to Clause 4A.2 for criteria)	C*	C*	C*	C*	C*	C*	C*
- of greater than 250m <sup>2</sup> where the average slope of the area subject to earthworks is 5% or more (refer to Clause 4A.2 for criteria)	C*	C*	C*	C*	C*	C*	C*
Resurfacing, maintenance and repair of existing carparking areas and driveways, where no more than 500m <sup>2</sup> of bare earth is exposed at any one time at an average slope of less than 5% or no more than 250m <sup>2</sup> of bare earth is exposed at any one time at an average slope of 5% or more.	P	P	P	P	P	P	P
Fish processing, curing, cleaning and treatment of by-products and associated cool stores including premises for the wholesale and retail sale of fish					P	P	P
Funeral parlour#	D	P	P	P			
Garden centres				P	D		D



**PART 8 - BUSINESS ACTIVITY**

ACTIVITIES	ZONES						
	1	2	3	4	5	5a	6
Graving docks and drydocks						P	
Healthcare services	P	P	P	P	C	C	D
Horticulture				P	D		D
Hospital		P		P			
Industry		P	P	P	P		P
Industry which provides a direct service to shipping, the Port or harbour activities, or which derives exceptional benefits from location adjacent to the harbour or Port, or which contributes exceptional benefits to the operation of the Port						P	
Laboratories	P	P	P	P	D		D
Motor vehicle sales and service premises		D	D	P	D		D
Motor vehicle wrecking					D		P
Offices	P	P	P	P	D	D	D
Offices provided that the gross floor area shall not exceed 100m <sup>2</sup>					D*	P	D*
Outdoor eating areas	D	C	C	C	D	D	D
Outdoor eating areas in the main commercial area of Mission Bay only	C <sup>(1)</sup>						
Place of assembly#	D	P	P	P	D		
Port and harbour facilities, including wharves and premises for the handling of any seaborne cargoes, workshops and slipways	P <sup>(1)</sup>					P	
Premises for cultural activity and/or natural display#	D	P	P	P	D		
Public toilets	C*	C*	C*	C*	C*	C*	C*
Refuse transfer stations and composting plant					D		D
Residential units <sup>#1</sup>	D**	D**	D**				
Residential units with habitable room windows located within 3m of a side or rear site boundary		D**	D**				
Residential unit(s) in an existing building	P	P	P				
Residential accommodation for persons whose duties require them to live on the site	P	P	P	P	P	P	P
Restaurants, cafes & other eating places with a gross floor area of more than 100m <sup>2</sup> #	D	P	P	P	D	D	D



ACTIVITIES	ZONES						
	1	2	3	4	5	5a	6
Restaurants, cafes & other eating places provided that the gross floor area shall not exceed 100m <sup>2</sup>	D	P	P	P	D**	P	D**
Restaurants, cafes and other eating places provided that the gross floor area shall not exceed 500m <sup>2</sup> in the main commercial area of Mission Bay only	P <sup>(1)</sup>						
Restaurants, cafes and other eating places with a gross floor area of more than 500m <sup>2</sup> in the main commercial area of Mission Bay only	D <sup>(1)</sup>						
Retail premises#	P	P	P	P	D	D	D
Retail premises provided that the gross floor area shall not exceed 100m <sup>2</sup>						P	D**
Service stations	D	D	D	D	D	D	P
Service stations where the site does not abut a residentially zoned property or directly face a residential zoned property across a road		C		C	C	C	
Tavern#		D	P	P	D		
Taverns not exceeding 150m <sup>2</sup> in the main commercial area of Mission Bay only	D <sup>(1)</sup>						
Tourist complex#		P	P	P			
Towing services				D	P		P
Transport depot				D	P	P	P
Use of artificial lighting, on a site, producing an illuminance in excess of 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level	D	D	D	D	D	D	D
Visitor accommodation	D	D	D				
Warehousing and bulk storage associated with the harbour or port, including cool storage						P	
Warehousing & storage		P	P	P	D**		D**
Workrooms	P	P	P	P	D**		

<sup>(1)</sup>For the purpose of the activity table set out above, the main commercial area of Mission Bay refers to the Business 1 zoned land adjacent to the southern side of Tamaki Drive between Atkin Avenue and Marau Crescent, and to the Business 1 zoned land adjacent to the western side of Patterson Avenue between Tamaki Drive and Marau Crescent.

† These provisions do not apply to earthworks, which are to be carried out as part of:

- a subdivision which has been granted a resource consent; or

- a network utility service of the type where specific provision has been made for earthworks in Clause 4A.4.6B. PERMITTED ACTIVITIES.



## PART 8 - BUSINESS ACTIVITY

Provided however, that the works are outside the dripline of any scheduled or protected trees, and will not affect any scheduled archaeological or geological feature.

- (1) Note: Parts 5B (Coastal) and 5C (Heritage) have earthwork rules which may be more restrictive and which take precedence over these provisions.
- (2) Note: The above rule does not obviate the need to obtain the written consent of Council to excavate or otherwise interfere with any land in the vicinity of a public work of the Council if the excavation or interference is likely to produce, directly or indirectly, a subsidence onto that work or a subsidence of that or of the soil under it (refer to Section 237 Public Works Act 1981)
- (3) Note: The NZ Archaeological Association and the Auckland Regional Council maintains a list of recorded archaeological sites. In addition to this a number of archaeological sites are listed with the NZHPT in their register of Historic Places, historic areas, wahi tapu and wahi tapu areas. All archaeological sites are protected by the Historic Places Act 1993 whether or not they are recorded. No destruction or modification of any archaeological site whether scheduled, recorded or unrecorded may take place without prior authority from the NZHPT. Applicants undertaking earthworks are advised to contact the abovementioned agencies in the first instance to ascertain whether their property or properties contain or are likely to contain archaeological sites.

#1 The Council considers that these activities are appropriate in these zones. However, the Council has retained discretion to consider certain aspects of these activities and has the right to decline them.

### 8.7.1A PERMITTED ACTIVITIES

*Permitted activities in Business 1-5 zones are those whose generated effects are generally not expected to have any adverse impact on the environment if they comply with the relevant development controls.*

*In general permitted activities are expected to be located within an enclosed structure. This will ensure that the visual impact, in particular, of any activity is unlikely to detract from the environment of the surrounding neighbourhood. Elements of activities located in the open are either in accord with the surrounding neighbourhood (for instance outdoor space associated with care centres) or are screened to ensure that their impact is negligible. Activities which attract or cater for large numbers of customers may, depending on the business zone, be subject to further assessment because of their potential to generate adverse effects particularly in regard to traffic, parking and noise.*

*Activities nominated as permitted activities in the Business 5a zone are those which provide specifically for Port-related purposes. Other activities in the zone must demonstrate that they have no adverse effect on the efficient operation of the Port facility.*

*Activities nominated as permitted activities in the Business 6 zone represent a range of activities which in the other business zones may generate significant adverse effects on the environment or amenity of those zones. The noxious, hazardous or unattractive nature of many of the activities raises questions of public safety and risk. While other activities which provide a service to workers within the zone are permitted at a limited scale, those which generate significant traffic and/or people into the zone area are discouraged.*

#### 8.7.1.1 THRESHOLD EFFECT

Those activities identified with a # in Clause 8.7.1 ACTIVITIES IN BUSINESS 1,2,3,4,5,5A AND 6 ZONES in the Business 1-5 zones are subject to the maximum gross floor areas set out in the following table. The gross floor areas indicated relate to the maximum allowed on the whole of the site (ie gross site area) and can either be the maximum gross floor area of one of the identified activities or a combination of several of the identified activities. Where a development has a gross floor area which exceeds the maximum allowed for a permitted activity a resource consent will be required (refer table).

#### Explanation

*It is considered that as a consequence of scale the identified activities, either individually or together in a mixed activity development, can have a significant effect on the natural environment, on the amenity values of an area or on the physical resources of existing centres. This control identifies the process by which such activity may be assessed to ensure that such adverse effects do not occur. In those business areas where traditionally such activity has not generally occurred, there is limited scope as a permitted activity with most developments being assessed as discretionary activities. Criteria for discretionary activities under this rule are found in Clause 8.7.3.1 EXPLANATION. However as indicated in Clause 8.5.1.2 ACTIVITIES, activities which are of a scale greater than the maximum gross floor area for discretionary activities identified in the above table will either be considered as a non-complying activity, or a request can be made for a Plan Change under the Business 8 zone provision. The latter course of action is preferred by the Council.*



Business Zones	Permitted Activity	Restricted Discretionary Activity for Activities other than Retail Premises	Restricted Discretionary Activity for Retail Premises	Discretionary Activity for Activities other than Retail Premises	Discretionary Activity for Retail Premises
1	<200m <sup>2</sup>	-	-	200m <sup>2</sup> to 1,000m <sup>2</sup>	200m <sup>2</sup> to 1,000m <sup>2</sup>
2	<1,000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	1,000m <sup>2</sup> to 5,000m <sup>2</sup>	5,001m <sup>2</sup> to 8,000m <sup>2</sup>	5,001m <sup>2</sup> to 8,000m <sup>2</sup>
3	<3,000m <sup>2</sup>	3,000m <sup>2</sup> to 10,000m <sup>2</sup>	3,000m <sup>2</sup> to 10,000m <sup>2</sup>	10,001m <sup>2</sup> to 20,000m <sup>2</sup>	10,001m <sup>2</sup> to 20,000m <sup>2</sup>
4	<500m <sup>2</sup>	500m <sup>2</sup> to 2,000m <sup>2</sup>	500m <sup>2</sup> to 2,000m <sup>2</sup> *	2,001m <sup>2</sup> to 7,500m <sup>2</sup>	500m <sup>2</sup> to 7,500m <sup>2</sup> **
5	-	200m <sup>2</sup> to 1,000m <sup>2</sup>	200m <sup>2</sup> to 1,000m <sup>2</sup> *	1,001m <sup>2</sup> to 2,500m <sup>2</sup>	200m <sup>2</sup> to 2,500m <sup>2</sup> **

**Note:** \*- applies to developments containing retail premises which are on site(s) in the Business 4 or 5 zone, part of which is located within 200m of the boundary of a Business 2, 3 or 8 zone.

**Note:** \*\* - applies to developments containing retail premises either on sites in the Business 4 or 5 zone further than 200m from the boundary of a Business 2, 3 or 8 zone or on sites which are within 200m of the boundary of a Business 2, 3 or 8 zone where the GFA exceeds the restricted discretionary GFA limit.

**Note:** This rule applies only to activities established on or after the 1 July 1993 (the day the Plan was first publicly notified) and to extension/additions to existing activities after that date.

## 8.7.2 CONTROLLED ACTIVITIES

### General Explanation

The controlled activities scheduled in the following table may be required to satisfy particular conditions in terms of the matters contained in Clause 8.7.2.1 **GENERAL CRITERIA FOR ASSESSING CONTROLLED ACTIVITIES**(a) to (e), in order to qualify for a resource consent. Such conditions will ensure that the activity will achieve and maintain acceptable levels of environmental quality.

#### 8.7.2.1 GENERAL CRITERIA FOR ASSESSING CONTROLLED ACTIVITIES

In considering each of the following controlled activities regard must be had to the annotated matters below.

CONTROLLED ACTIVITIES	PARTICULAR MATTERS							
Commercial or public carparking areas	b	c	d	e				h

Controlled floor areas as provided for in the site intensity control (Clause 8.8.1.2)	a			e			
Outdoor eating areas		b		d	e		
Public toilets	a	b		e			h
Residential units		b		d	e		h
Community welfare facility					f	g	
Healthcare services					f	g	

### Particular Matters to be Addressed (see table)

All controlled activities must comply with the development controls for the zone. (Refer to Clause 4.3.1.2B. **DEVELOPMENT CONTROL MODIFICATION** for modifications to one or more of the development control rules). In addition conditions may be imposed on particular proposals in relation to the following matters:

#### (a) Design and External Appearance of Buildings and Structures

Where all or part of a business zone has a uniformity of design and appearance such as to represent a coherent theme, then the addition of buildings and structures may be required to be of a similar or complimentary design and appearance where:

- Centre Plan design guidelines exist for the particular area;
- the proposal adjoins or is on the same site as a heritage building or structure, and its design appearance may otherwise have an adverse visual impact on the heritage feature;
- the subject site is within a coastal management area.

#### (b) Site Layout

The following may be required:



## PART 8 - BUSINESS ACTIVITY

- Specific requirements for the site layout of buildings, parking, and vehicle circulation areas to suit individual proposals. In particular, to ensure that the effects of the proposal are internalised on the site and do not impact on the adjacent roadway or adjacent sites.

### (c) The Location and Design of Vehicular and Pedestrian Access

- i) Vehicle access to and from the site must:
  - ensure adequate sight distances and prevent congestion caused by the ingress and egress of vehicles;
  - be located, where practicable away from residentially zoned sites so as to protect the aural privacy of those sites.
- ii) where an activity generates significant pedestrian volumes, pedestrian access to and from the site must be:
  - sufficiently separated from the vehicle access to ensure the safety of the pedestrians - this may be through segregated access, use of different paving and signage;
  - so designed as to provide adequate weather protection where appropriate for pedestrians.

### (d) Carparking

The following may be required:

- On-site parking areas to be located remote from residential zone boundaries. Where this is impracticable adequate screening shall be provided in the form of fencing or landscaping, so as to reduce to an acceptable level any adverse aural or visual impacts on the residentially zoned land;
- The internal circulation of the parking areas designed to the satisfaction of the Council so that particular requirements of individual proposals for safe and efficient vehicle circulations on site are attended to.

### (e) Minor Adverse Effect on the Environment

Conditions may be imposed to ensure that no minor adverse effect on the environment of the zone occurs as a result of a proposal. In particular noise, arising from the congregation of people and their vehicles, must be controlled. To that end the hours of operation may be controlled and certain business conduct may be required.

### (f) Public Safety

The extent to which applications can demonstrate that adequate measures have been taken to isolate the proposed activity from the effects of industrial activities existing or permitted in the zone, and that a contingency

plan has been produced to cater for any emergency which may arise in the vicinity.

### (g) Ambient Air Quality

The extent to which applications can demonstrate that the proposed activity can provide protection within the site against the actual and potential adverse effects of air discharges within the zone to protect human health and avoidance of nuisance.

### (h) Personal Safety

Applications are to be assessed against the criteria listed in clause 6.2.10.5

## 8.7.2.2 ADDITIONAL CRITERIA FOR SPECIFIED ACTIVITIES

### 1. Clause deleted by Council decision

### 2. Site Intensity Control (refer Clause 8.8.1.2 SITE INTENSITY CONTROLS)

In considering an application for bonus floor area the Council will take into account the following criteria:

Bonus floor area will only be offered for the following bonus features:

- (a) Landscaped areas;
- (b) Plazas;
- (c) Through-site links.

Maintenance is an important issue in relation to these bonus features. Therefore the Council may impose a condition requiring the continued maintenance of the feature at no public expense for the actual lifetime of the building.

- (a) Landscaped area shall apply to any one area of not less than 5m<sup>2</sup> on a site exclusively set aside for visual amenity purposes and/or pedestrian use, and which is:
  - grassed and planted in trees and shrubs, such planting is to:
    - use species that are likely to survive because they are suited to the growing conditions; and
    - enable informal surveillance to occur and avoid the creation of entrapment spots by the use of a combination of trees with high canopies and low growing shrubs which enable views through an area to be maintained rather than blocked.

A landscaping plan that incorporates and provides details of the above requirements may be required to be submitted to the council for approval as part of a resource consent application. The provision of such a landscaping plan is dependent of the location and scale of the development proposed.



- clearly visible from a road, or public place or, at the discretion of the Council, clearly visible from an approved plaza, or through-site link.

A landscaped area may include ornamental or swimming pools not exceeding 20% of the landscaped area and pathways not exceeding 2.5m in width.

No part of any landscaped area shall be within or under a building, unless it can be satisfactorily demonstrated that this is appropriate having regard to:

- the visibility of and amenity of the landscaped area;
- the height to the underside of the building above the landscaped area (a minimum of 6m is required);
- access to daylight and/or sunlight;
- matters related to plant growth such as soil depth, drainage, and watering.

Any part of a landscaped area may be situated over an underground structure with adequate soil depth and drainage.

(b) Plaza shall apply to an outdoor area which:

- contains a minimum horizontal dimension of 10m measured at right angles to its perimeter;
- is kept clear and unobstructed of buildings from the ground or floor level upwards except that, any part of a building may project by not more than 4.6m over the plaza if not more than 20% of the plaza is so covered;
- is readily accessible from a public place at grade or by means of a lift, ramp, escalator or steps;
- is furnished with paving, landscaping, lighting, public seating and other convenience or amenity elements;
- is demonstrably protected from strong winds and substantially free of shade from any structure on the site;
- will not adversely affect other beneficial features such as continuity of verandahs, retailing or street facades.
- is clearly visible from a road or public place, or is overlooked by such activities as retail shops, cafes, offices or residential accommodation; and
- incorporates elements such as seating, landscaping, paving, lighting and signage which identify it as a semi-public space.

It may also include a 'covered plaza' which is totally covered with clear translucent roofing provided that the space below such a roof has a minimum vertical

dimension of 4m for not less than 70% of its area, and is clear and unobstructed of buildings; and that the design and materials of such a roof are to the satisfaction of the Council.

The floor and void space of a 'covered plaza' will be excluded from the gross floor area.

(c) Through-site link shall apply to a separately defined, continuous and clearly identifiable public walkway taking the most direct route, which is designed specifically to traverse a site to connect roads or other public places or other through-site links, and forms part of:

- a logical pedestrian route where the walkway to be provided will be of substantial benefit to the public at large, and will provide a shorter or more convenient route than the existing alternative.

Any through-site link shall have a minimum aggregate unobstructed width of 2.4m generally, except that:

- localised reductions in width to not less than 1.3m may be permitted; and
- an unobstructed minimum width of 3.7m is required where a through-site link provides the only means of access to one end of a pedestrian overpass or underpass; and
- for the calculation of bonus floor area, the maximum width of any through-site link is regarded as 6m.

Through-site links shall also be designed to:

- be well lit with lighting provided at suitable intervals so as to clearly light the whole of the through-site link; and
- provide clear sight-lines from beginning to end, or be clearly sign posted/lit at mid points, avoiding any recesses/entrapment spots; and
- where practical provide more than one clearly marked exit point.

In addition, conditions may be imposed on landscaped areas, plazas and through-site links to require on-going maintenance of these areas, the provision of a lighting or landscaping plan and/or informational signage. Relevant Bylaws must also be complied with.

### Explanation

*Additional floor area is available for the provision of features in a development that are considered to contribute to the amenities of the area and that provide a positive benefit to those members of the community that may utilise the development. However as the additional floor area is being attributed to the community for the community's benefit it is considered desirable to ensure*



## PART 8 - BUSINESS ACTIVITY

that the community through the Council has some say in how the feature is provided, ie how accessible the feature is to the community; how convenient it is; and how much exposure it has, because if the feature cannot be seen or identified the community may ignore or under-utilise it. To ensure that such community input can occur a resource consent is required.

### 3. Service Stations

New service stations and alterations to existing service stations will be assessed against the following criteria:

- (a) Design and External Appearance
  - i) The design and external appearance of the service station should be sensitive to the amenity of adjacent sites.
  - ii) Parking areas, service areas, storage areas including refuse areas should be screened from any adjacent sites.
  - iii) The site should be adequately landscaped to soften and screen the service station from adjoining sites to the satisfaction of the Council. A 2 metre wide landscaping strip should be provided along the front of the site except where the frontage is required for the manoeuvring of vehicles accessing or egressing the site. The access/egress area shall be kept to the minimum. The landscaping strip adjoining the front boundary should be designed so as to soften the appearance of the service station while ensuring that satisfactory sight distance is available for vehicle entering or leaving the site. All landscaping is to be to the satisfaction of the Council;
- (b) The development must satisfy the Dangerous Goods Act and Regulations;
- (c) Vehicle access and egress to the site should ensure adequate sight distance and be suitably located with regard to intersections (refer Clause [12.8.2.6 DEFINED ROAD BOUNDARY](#));
- (d) The entry/exit points should be designed to permit easy access to the site and to prevent on street congestion;
- (e) The scale of development should be consistent with the development controls for the zone;
- (f) All signs and lighting should be approved as part of any application. The Council will seek to ensure that they are sensitive to the existing development in the area;
- (g) The site should have adequate on site parking and provide adequate manoeuvring space for tankers and service vehicles;

- (h) Restrictions may be imposed on the hours of operation of service stations in the vicinity of residential zones where the development is unable to comply with the normal noise controls applying in that zone;
- (i) Where the use is established on the edge of a retail centre, on a site subject to the retail frontage control and the proposal breaks up or isolates parts of the retail frontage the activity will be considered as a discretionary activity.

**Note:** When the above criteria are not entirely met the upgrading of an existing service station may be consented to where the Council is satisfied that a substantial improvement would be achieved.

#### Explanation

*In many of the Business 2-4 zones, residential activity is likely to be an appropriate use of a site. The Plan seeks to provide for mixed business and residential developments by allowing residential units in commercial buildings as a permitted activity. Where it is intended to develop a business zoned site for new purpose built residential units, certain matters, particularly the drainage capabilities of the subject site, need to be addressed. The activity therefore requires a resource consent. The Plan does not require new residential development in the Business 2-4 zones to meet the development controls of the residential zones because it is considered that people wishing to live in these areas are willing to forgo certain amenity considerations in order to gain other benefits eg proximity to work, a cosmopolitan atmosphere. Concerns over public health and safety will be dealt with adequately by provisions outside the Plan. However with regard to noise levels and acoustic privacy, the Plan sets maximum noise levels, which must not be exceeded, to achieve a level of acoustic privacy between adjacent business zoned sites. No lower noise level will be required on boundaries of those residential developments which choose to locate in business zones.*

### 8.7.3 DISCRETIONARY ACTIVITIES

#### 8.7.3.1 EXPLANATION

*The discretionary activities scheduled below are those which may be consented to by the Council in accordance with the criteria set out in Clause [8.7.3.2 General Criteria for Assessing Discretionary Activities](#) and may be subject to conditions to avoid, mitigate or reduce the prospect of significant adverse effects.*

#### 8.7.3.2 GENERAL CRITERIA FOR ASSESSING DISCRETIONARY ACTIVITIES

An application for discretionary activity shall be accompanied by an assessment of the environmental effects



of the proposed activity in terms of the relevant criteria contained in [PART 4 - GENERAL PROVISIONS AND PROCEDURES](#) and the following annotated matters.

DISCRETIONARY ACTIVITIES	PARTICULAR MATTERS TO BE ADDRESSED																
Any activity identified in 8.7.1.1 as a discretionary activity with regard to the threshold effect	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o		q
Any activity identified in 8.7.1.1 as a restricted discretionary activity with regard to the threshold effect.	a	b	c	d	e	f	g	h	i								q
Any activity located on land identified as H10/27 on the Planning Maps (Clause 8.7.3.3(6))						f		h	i	j							
Any permitted or controlled activity including all new buildings and required off-street parking located within 30m of Residential 1, 2a, 2b, 5, 6a, 6b, 7a and 7b zones (but excluding those activities specifically exempt from the equivalent activity description in the table in section 8.7.1)	a		c		e			h		j			m		o		
Boarding house/ hostel	a	b	c	d		f	g		i	j			m	n	o		q
Building improvements and hire centres											k						p
Bulk stores											k						p
Bus transfer stations, bus depots	a	b	c		e	f	g	h			k						q
Care centre	a	b		d	e	f	g	h		j	k						
Commercial or public carparking area	a		c		e	f	g	h	i	j	k					p	q
Community welfare facility											k						p
Drive-through facility	a	b	c	d	e	f	g	h									q
Entertainment facility	a	b	c	d	e	f	g	h	i	j							q
Garden centres	a	b	c					h			k						p
Healthcare services											k						p
Horticulture											k						p
Laboratories											k						p
Motor Vehicle Sales and Service Premises											k						p
Motor Vehicle Wrecking	a	b	c	d	e	f		h	i								
Offices											k						p





## Particular Matters to be Addressed

### (a) Traffic Generation

Any adverse effect on the capacity of the adjacent roading network, which is more than minor, caused by expected traffic generation of a proposal may require mitigation by upgrading of the road or intersection design. To enable this, financial contributions may be required as a condition of consent. Assessments under this criterion will give weight to the function of the network to provide access to adjoining properties as well as its function to provide capacity of through traffic movements.

### (b) Parking

In general a proposal should comply with the parking and access controls for the zone unless it is not appropriate to do so because of inherent site considerations and extraordinary vehicle or pedestrian movements. Depending on the situation, the existence of a Separate Rating Area for parking in the site's locality, may serve to mitigate any adverse effect that failure to provide parking may incur. (See [PART 12 - TRANSPORTATION](#)).

### (c) Access

Sites need to be accessible from the major roading network to avoid heavy traffic volumes in access roads (particularly residential access roads). Of particular concern will be the location of entry and exit points to the site and their interrelation with existing intersections or land constraints. Adverse affects may be reduced or mitigated by controlling access to the road, by redesign of the roadway or by traffic signals and the like. To enable this, financial contributions may be required as a condition of consent.

### (d) Buildings

In general buildings should be of a similar or complimentary scale to that of other buildings within the area. Where this is not practicable, buildings should not overshadow or become overly dominant. Methods to mitigate any adverse effect may include the use of separation distances between the proposal and existing development and the provision of screening.

### (e) Noise

Activities shall be conducted so that in general the noise generated shall not exceed the minimum levels specified in the Plan. However with certain activities noise levels above the defined maximum may be acceptable for short periods of time. Individual applications must demonstrate that the frequency and duration of these noise levels will not adversely affect the amenity of adjacent land. Detailed measures for the elimination of objectional noises may be required. Methods available to mitigate the adverse noise effects of activities include:

- the provision or construction of barriers including earthen berms;
- the construction of earthen berms;
- the provision of greater distances between the noise generator and existing development;
- screening the noise generator using natural or man-made materials;
- restricting or imposing conditions on hours of operation especially where the activity is in close proximity to a residential zone interface.

### (f) Development Controls

In general, activities will be required to comply with the development controls for the zone. A modification to one or more of the development control rules may be considered concurrently under Clause 4.3.1.2B DEVELOPMENT CONTROL MODIFICATION as a separate discretionary activity.

### (g) Residential Zone Interface

Of concern is the protection and maintenance of the amenity values of adjacent residential zones along the zone interface, and in particular, the visual and aural privacy. Various methods can be used to ensure this, including the provision of buffer areas, separation distances and/or screening.

### (h) Natural Environment

Activities may be subject to conditions relating to the gaining of discharge permits for water discharges and air emissions in order to prevent or reduce to an acceptable level any adverse effect the development may have on the environment. Discharge permits are the responsibility of the Auckland Regional Council. (Refer also to [PART 4 - GENERAL PROVISIONS AND PROCEDURES](#)).

### (i) Infrastructural Constraints

The site must be able to sustain the infrastructural servicing needs of the development (eg drainage and roading). Where the existing infrastructure can not sustain the new development, the proposal must demonstrate an ability to meet its own servicing needs. A condition requiring this to be achieved through either the physical provision of the infrastructure, or the payment of a financial contribution may be imposed.

### (j) Outdoor Activities

In general, activities should be contained within a building but where this is not practicable, taking into account the nature of the activity, any outdoor display, work, or entertainment area may be subject to screening, separation distances, landscaping or noise conditions.



## PART 8 - BUSINESS ACTIVITY

This is to ensure that the visual and aural privacy of adjacent land is not adversely affected and that the amenity of the particular zone is not compromised.

### (k) Public Safety

The extent to which application in the Business 5 and 6 zones can demonstrate that adequate measures have been taken to isolate the proposed activity from the effects of industrial activities existing or permitted in the zone, and that a contingency plan has been produced to cater for any emergency which may arise in the vicinity.

### (l) Pedestrian Safety and Convenience

The proposal must address pedestrian safety and convenience both within the site and in terms of the relationship to the road network. Generally applicants should avoid the location of activities generating significant pedestrian numbers on sites which are separated from adjoining commercial centres by busy arterial roads.

### (m) Site Suitability

The applicant must demonstrate that the site is suitable for the proposed development in terms of site and topography.

### (n) Integration of Activities

Where the site is adjacent or contiguous with existing business activity the proposed development should be functionally integrated with existing facilities, including (where practicable) verandahs and adequately covered pedestrian access between the new development and any existing business activity.

### (o) Site Amenity

A high standard of visual amenity is required of the site. In general landscaping in addition to that required in the development controls for the zone will be required particularly in relation to parking and loading areas.

### (p) Ambient Air Quality

The extent to which applications can demonstrate that the proposed activity can provide protection within the site against the actual and potential adverse effects of air discharges within the zone to protect human health and avoidance of nuisance.

### (q) Safety

Activities are to be assessed against the criteria listed in Clause 6.2.10.5.

## 8.7.3.3 ADDITIONAL CRITERIA FOR SPECIFIED ACTIVITIES

### 1. Any development proposal containing retail premises in the Business 4 or 5 zone which is identified in

### Clause 8.7.1.1 THRESHOLD EFFECT as a discretionary activity (excluding restricted discretionary activity)

a) Any development proposal containing retail premises will be assessed to determine the extent of its effects on existing commercial centres zoned Business 2, 3 or 8 (or other equivalent centres beyond the district) having regard to the matters contained in Clause 8.4.4 EXISTING CENTRES and including the following effects -

i) The economic and social effects on the facilities and services, both commercial and public, of the existing centre as a whole - particular regard is to be given to whether the proposal would be likely to result in more than a minor decline in the range and extent of commercial and public facilities and services within the existing centre and if so whether alternative activities could realistically be expected to occupy and sustain the centre.

ii) The effect on the infrastructure supporting or servicing the existing centre - assessment of this effect must include consideration of the impact of the proposal on efficiency, safety and operational aspects of the local and wider roading network.

iii) The effects on private and public transport patterns and in particular the extent to which the proposal:

- results in a reduction (or increase) in the use of fossil fuels by decreasing (or increasing) travel distances;
- encourages the use or maintains the integrity of the public transportation network.

iv) The effect on the overall availability of commercial and community services and facilities with particular reference to both existing and future population distribution - assessment of this effect must consider how the community's access to shopping and community facilities may be affected by the proposal.

In assessing the foregoing factors consideration will be given to whether sustainable management of resources will be achieved as defined in Section 5 of the Act taking into account all positive and negative effects.

b) Any development proposal containing retail premises must demonstrate that the establishment of the retail activity will not be likely to create a significant adverse effect (in terms of the effects identified in a) above) on existing centres in the Business 2, 3 or 8 zone (or other equivalent centres beyond the district) as a result of an accumulation of retail premises in the zone in which the proposed development is located.



An assessment of cumulative effect will be required when, within a 1km radius of the development's site, there is/or will be, as a result of the development, a combined total of 2,500m<sup>2</sup> in gross floor area of retail premises which have established in the area, by way of the threshold effect rule, since 1 July 1993.

**1A. Any development proposal, containing activities other than retail premises, in the Business 4 or 5 zone which is identified in Clause 8.7.1.1 THRESHOLD EFFECT as a discretionary activity**

Any development proposal must demonstrate that its establishment will not create a significant adverse effect, in terms of the criteria listed below, as a result of an accumulation of other threshold effect activities (other than retail premises) in the zone in which the proposed development is located. An assessment of cumulative effect will be required when, within a 1km radius of the development's site, there is/or will be, as a result of the development a combined total of 2,500m<sup>2</sup> in gross floor area of threshold effect activities (other than retail premises) which have established in the area, by way of the threshold effect rule since 1 July 1993.

**Assessment Criteria**

- a) **Traffic:** The capacity of the adjacent road and its ability to adequately deal with the cumulative effect of traffic generated from the concentration of the threshold effect activities.
- b) **Zonal Amenity:** The character of the zone must not be significantly affected by the accumulation of the threshold effect activities so as to either degrade the amenity of the zone or to require of other adjoining business activities a higher level of amenity than would normally be expected in the zone (this would apply particularly in the Business 5 zone).
- c) **Drainage System:** In particular the capacity of the surrounding areas drainage system to adequately cater for incremental increases in stormwater runoff.

Where an adverse cumulative effect is identified the Council may decline consent to the application or impose conditions designed to reduce or mitigate any adverse effect on the environment.

**Explanation**

*Refer Clauses 8.4 RESOURCE MANAGEMENT STRATEGY, 8.5.1.2 ACTIVITIES and 8.7.1.1 THRESHOLD EFFECT.*

**2. Drive-Through Facilities**

- i) Traffic generation, particularly;
- The concept of a drive-through facility involves frequent vehicle movements entering and exiting the site. Proposals must demonstrate to the satisfaction of the Council that the entry and exit

points to the site are designed to suitably accommodate such movements. They must also be located so as to avoid disruption to traffic flows on the adjacent roadway.

- The site must be capable of absorbing any queuing effects generated by the drive-through facility.
- ii) Amenity considerations, particularly;
- Adequate screening in the form of landscaping, as well as a solid wall shall be provided along any residential zone boundary and the road boundary to provide amenity, privacy and to prevent glare from headlights. Alternative methods which achieve this result may be accepted.
  - To prevent disruptive noise from vehicles stopping and starting on site (due to the drive-through process), where practicable the drive-through ordering and collection points should be located away from residential zone boundaries. Where this is impracticable an appropriate separation distance should be maintained between these points and the residential boundary.

**Explanation**

*The vehicle oriented nature of a drive-through facility requires particular consideration to ensure that traffic noise, and visual related adverse effects are avoided or mitigated.*

**3. Service Stations**

Any proposal must meet the following criteria -

- The site must be of adequate size and frontage to accommodate the use, plus off-street parking and landscaping.
- The location of vehicular and pedestrian access to and from the site must ensure adequate sight distances and prevent on-street congestion caused by the ingress and egress of vehicles to and from the site.
- The development must generally observe underlying principles of the published recommendations of the Ministry of Transport, for both typical and innovative service station layouts, with respect to sight distances, minimum depth of forecourt, width of frontage, location and width of footpath crossings and pedestrian refuges.
- The scale of development must have regard to the development controls for the zone. A modification to one or more of the development control rules may be considered concurrently under Clause 4.3.1.2B DEVELOPMENT CONTROL MODIFICATION as a separate discretionary activity.
- The site must be landscaped and adequately fenced and screened from adjacent land, particularly where



the adjacent land is zoned residential.

- All signs and lighting must be approved as part of any application. They must be in keeping with the intent of the zone and the existing development of the area.
- The site must have safe and appropriate areas set aside for the separation of pedestrian areas from vehicle lanes, adequate off-street parking for all aspects of the proposal, and adequate manoeuvring space for tankers and service vehicles.
- Restrictions may be imposed on the hours of operation of service stations adjacent to residential zones where noise is likely to be a problem.
- Any compressor or machinery must have adequate sound insulation. In particular, any development must comply with the noise standards set out in Clause 8.8.1.4 NOISE.
- The location of any LPG storage tank must be at an appropriate distance from site boundaries consistent with safety requirements.
- Demonstrate that where the proposal is to be located in an established commercial centre it will not break up or isolate parts of the retail frontage. Where the proposal is to be located on the edge or well outside a retail centre, the provision of a verandah may not be required.

The above criteria is additional to any requirement placed on a service station by the provisions of [PART 5E - HAZARDOUS FACILITIES](#).

The upgrading of an existing service station may be consented to, when the criteria are not entirely satisfied, where a substantial improvement in the extent to which they are satisfied will be achieved.

#### Explanation

*Service stations provide an important service to the community. However depending on their location and scale they may have adverse effects on traffic generation, noise and visual amenity. The extent and nature of these effects is often site specific and thus it is difficult to predetermine both development controls, and the means by which any effect may be reduced or mitigated. For that reason service stations are permitted activities only in the Business 6 zone. In the other business zones the activity is discretionary so that its potential effects can be assessed taking into account the specific location of the proposal and the amenity of the zone.*

#### 4. Residential Units and Care Centres

##### (a) Residential Units - Business 1 Zone

Proposals for new purpose built residential units will be required to meet the requirements of the adjacent residential zones. In particular Clauses -

##### 7.7.2.1 DENSITY

##### 7.8.1.2 MAXIMUM HEIGHT

##### 7.8.1.3 BUILDING IN RELATION BOUNDARY

##### 7.8.1.4 BUILDING COVERAGE

##### 7.8.1.7 FRONT YARD

##### 7.8.1.8 PRIVATE OPEN SPACE

##### 12.8.1.1 PARKING

#### Explanation

*Residential units established in new buildings require consent as discretionary activities when they are the only activity provided for in the structure. This is because the Plan envisages the eventual transition of many of the Business 1 zone sites to residential use. To facilitate this transition, the Plan seeks to ensure that any new residential development in the zone is compatible with the provisions of the adjoining residential zones.*

##### (b) Care Centre - Business 5 Zone

Care centres will be assessed against the following criteria.

##### (a) Safety considerations, in particular:

Applications must demonstrate that adequate measures have been taken to isolate the proposed activity from adjacent industrial activities or sites (such measures may take the form of buffer or separation distances or the construction of block walls) and that a contingency plan has been produced to cater for any emergency which may arise in the vicinity.

##### (b) Infrastructure considerations, in particular:

Where a proposal involves the intensification of the number of persons attending the centre, the application must demonstrate that the site is able to sustain the servicing needs of the development, particularly the foulwater drainage system.

Where the existing infrastructure can not sustain the new development, the proposal must demonstrate an ability to meet its own servicing needs.

##### (c) Amenity Considerations:

Where the subject site is adjacent other business zoned sites, adequate measures to the satisfaction



of the Council should be incorporated into the design and/or location of the proposed care centre so as to ensure internal acoustic privacy.

#### Explanation

*The Business 5 zone is designed to provide a location for those business activities which do not require a high level of amenity to operate. Some of those activities generate levels of noise, dust and odour not normally acceptable to non-business activities. They may also use, store or handle hazardous substances.*

*While the Plan provides some flexibility for other activities to locate in the zone, it is stressed that no additional amenity will be provided or protected by the zone's provisions.*

#### (c) Residential Units in the Business 2 & 3 zone

New purpose built residential development in business zones will be assessed against the following criteria.

##### (a) Criteria for Assessing Controlled Activities in the Mixed Use Zone;

- Refer Section 8.7.7.2.1(a), (b), (d), (e), (f) & (h).

##### (b) Crime Prevention through Environmental Design

- Refer Criteria for Controlled Activities in Residential 8a, 8b and 8c zones - Section 7.7.5.2C1 - Crime Prevention through Environmental Design.

##### (c) Residential units with habitable room windows located within 3m of a side or rear site boundary in the Business 2 and 3 zone;

- Refer Section 8.7.7.3.2(d) of the Mixed Use Zone

#### 5. Any restaurant, cafe and other eating place, retail premise, or office which exceeds 100m<sup>2</sup> gross floor area in the Business 6 zone

Any application will be considered against the following additional criteria.

##### (a) Safety considerations, in particular:

Applications must demonstrate that adequate measures have been taken to isolate the proposed activity from adjoining industrial activities or sites (such measures may take the form of buffer or separation distances or the construction of block walls) and that a contingency plan has been produced to cater for any emergency which may arise in the vicinity.

##### (b) Development considerations, in particular:

Applications will be required to generally comply

with the development controls for permitted activities in the zone.

##### (c) Traffic considerations, in particular:

All required parking and loading areas must be provided on-site. The applicant must demonstrate that any traffic generated by the proposal will not place pressure on the existing capacity of the adjacent road network.

##### (d) Effects on existing centres

Any development proposal containing retail premises with a gross floor area of 200m<sup>2</sup> or more will be assessed to determine the extent of its effect on existing commercial centres zoned Business 2, 3 or 8 (or other equivalent centres beyond the district) having regard to the matters contained in Clause 8.4.4 EXISTING CENTRES and to the effects set out in Clause 8.7.3.1 EXPLANATION of the Plan.

#### Explanation

*The Business 6 zone is specifically designed to provide locations for the City's noxious and heavy industry away from concentrated population areas. This is to ensure that any adverse effects from such activity can be isolated and where possible reduced or mitigated without detrimentally affecting other areas of the City. The separation of such activity also provides additional safety measures by isolating to particular areas the potential for any accident or emergency which might pose a life threatening risk.*

*For that reason, activities which involve the congregation of large numbers of the public are discouraged from locating within the zone, not only because of the added safety risk that large numbers of people impose but also the risk that large volumes of traffic may bring to the safe handling and transport of products to and from industry in the area.*

*A further consideration is the limited application of the zone throughout the Isthmus. As the extent of the zone is limited the Council wishes to see that land within it is used efficiently by those activities whose effects are such that they are unlikely to be able to locate in other business zones. Provision is made for other activities which may support or provide services for industrial activities. However beyond a certain scale, such activity must demonstrate compliance with certain criteria and satisfy the Council that their location in the zone will not have the effect of precluding future noxious or heavy industry.*

#### 6. Permitted activity located on land identified as H10/27 on the Planning Maps

Any application will be considered against the following development considerations:



## PART 8 - BUSINESS ACTIVITY

- Applications will be required to comply with the development controls for permitted activities in the zone;
- Activities involving minimal building development or those of a low intensity will be preferred;
- Light framed structures and buildings are preferred but alternative design methods will be accepted if satisfactory evidence is provided to ensure that there will be no danger to the structure, its occupants or surrounding properties caused by subsoil decomposition. The design of all buildings will require certification from a registered structural engineer;
- Appropriate provision shall be made to protect all structures, pipework and other site works from any effects caused by the escape of methane gas resulting from the decomposition of fill.

### Explanation

*The land identified as H10/27 was reclaimed from the Manukau Harbour by refuse landfill. It is subject to a number of physical constraints which limit the options for its future use. The land is unsuitable for intensive use or building development owing to settlement of the subsoil, a variable water table and the possibility of release and spontaneous combustion of methane gas. Much of the land has limited road access, sewer and stormwater services.*

### 7. Any activity requiring a resource consent in the Business 5a zone

Any application must demonstrate that the proposal will be of particular benefit to the viable and efficient operation of the Port or that it has a special need to be in close proximity to the port.

### Explanation

*Refer Clause 8.6.5.2 ZONE STRATEGY.*

### 8. Any activity not otherwise nominated as a permitted, controlled or discretionary activity in Clause 8.7.1 ACTIVITIES IN BUSINESS 1,2,3,4,5,5A AND 6 ZONES that meets the development controls for the relevant zone

In particular the activity will be assessed against:

- i) The objectives, policies and strategy for the particular zone. In particular the activity must not be contrary to the objectives, policies and strategy of the zone;
- ii) The general criteria for discretionary activities.

### Explanation

*In order that new or innovative business activities are not unduly restricted by the Plan, provision is made for activities which are not identified in Clause 8.7.1*

**ACTIVITIES IN BUSINESS 1,2,3,4,5,5A AND 6 ZONES** but which can demonstrate compliance with all the development controls for a zone. In such instances concern is to ensure that the character and intent of the zone is not jeopardised by any new adverse effects such activities may introduce. While it may appear that the new activity meets all the development controls for the zone, the unfamiliar characteristics of the activity require an assessment to determine their impact on the environment.

*Therefore such activities have been deemed to be discretionary in order that a process can be adopted which properly assesses their effects. Applications must satisfy the Council that the activity will not have an adverse effect on the environment of the particular zone in which it proposes to locate.*

### 9. Use of artificial lighting, on a site(s), producing an illuminance in excess of 150 lux at ground level

Any application will be assessed against the following criteria.

- Applicants shall demonstrate that there will be no significant adverse effects including light spill and glare on the visual privacy of adjoining land. The use of measures such as screening dense planting or buffer/separation areas may be required where these may lessen any impact.
- Particular consideration will be given to the placement, design and screening of light fittings and whether their size and illuminance is appropriate to the size of the subject site and to the general lighting levels of the surrounding area.
- Where the use of artificial lighting will extend the duration of activities on a site beyond normal daylight hours the Council may impose conditions on noise level and hours of operation so as to protect adjoining sites from unreasonable noise.
- Artificial lighting masts or poles will generally be required to comply with zonal height limits. Modification to the height controls (in terms of Clause 4.3.1.2B DEVELOPMENT CONTROL MODIFICATION), may be acceptable if it can be demonstrated that it will not adversely affect adjoining sites, and it will result in decreased light spill. In such instances conditions relating to the colour of light fittings and poles may be imposed in order to reduce the visual impact of the lighting pole and fittings.
- Applicants shall demonstrate that inappropriate or detrimental changes to the night sky viewing conditions of the surrounding area will not occur.

### 10. Any permitted or controlled activity located within 30m of a residential zone, except that this provision



**shall not apply to service stations provided for as controlled activities in the Business 2, 4, 5 and 5a zones (to which the specific criteria in 8.7.3.3(3) apply).**

*N.B. These criteria may be similar to or the same as criteria for listed controlled activities. Where this occurs the following criteria have precedence and should be used as the assessment criteria for the activity.*

Any application will be considered against the following additional criteria:

(a) Infrastructural considerations in particular:

The application must demonstrate that the site is able to sustain the servicing needs of the development, particularly the wastewater and stormwater drainage systems. A condition requiring this to be achieved through the physical provision of the infrastructure on site may be imposed. In the case of the stormwater drainage system, where a management plan has been prepared for a catchment or part of a catchment, a condition requiring payment of a financial contribution may be imposed.

Where the existing infrastructure can not sustain the new development, the proposal must demonstrate an ability to meet its own servicing needs. Where it is not possible to ensure that servicing is adequate the Council may refuse consent to the application.

(b) Development controls

In general, activities, new buildings or major alterations to existing buildings will be required to comply with the development controls for the zone. Of particular concern is compliance with zonal height, floor area ratio, required parking, noise controls, streetscape improvement and building in relation to boundary controls at the residential zone interface.

(c) Buildings

**Bulk**

The extent to which new developments are visually compatible in scale with the immediate streetscape and/or adjoining buildings on neighbouring properties will be taken into account. Visual compatibility can be achieved through a variety of means, including those set out below, while still allowing buildings to achieve permitted height, floor area ratio and height in relation to boundary. Where larger buildings are inserted in areas with smaller buildings the extent to which the massing and design of these buildings ensures that they do not over dominate the built scale of their surroundings will be taken into account. Methods to moderate the apparent bulk of a building include consideration of the articulation of a building's form and surface

treatment. Methods to achieve this include but are not limited to:

- roof forms;
- inclusion of verandas and balconies;
- window placement;
- modulating of facades; and
- appropriate use of materials

**Streetscape**

New developments should be designed and detailed to avoid blank walls along street frontages or wherever a building wall is conspicuous from neighbouring public spaces.

**Privacy**

Where residential activity is proposed in a new or existing building, private open spaces and habitable rooms of adjacent existing dwellings should be reasonably protected from direct overlooking. Methods to achieve this include, but are not limited to:

- dwelling layout;
- design detail;
- distances;
- landscaping; and
- effective location of windows and balconies to avoid overlooking, which is preferred to the use of screening, high sills or obscured glass.

(d) Traffic and parking considerations

A proposal is required to comply with the parking, loading and access controls for the zone. Where the proposal fails to comply with the parking controls the applicant is required to demonstrate that the proposal will have no more than a minor effect on the availability of parking within the road network of the adjacent residential zones.

(e) The location and design of vehicular access

Vehicle access to and from the site must be located where practicable away from residential zoned sites to protect the aural and visual privacy of those sites, associated with movements during the day and night. Where, for safety reasons, this is impracticable, adequate screening shall be provided in the form of fencing or landscaping in order to prevent adverse aural and visual impacts on adjacent residential zoned properties.

(f) Location of Carparking

On site parking areas may be required to be located away from residential zone boundaries. Where this is



impracticable adequate screening shall be provided in the form of fencing or landscaping, so as to reduce to an acceptable level any adverse impacts on the residential zoned land.

(g) Proximity to public transport

Favourable consideration may be given to sites in close proximity to public transport. This is because there may be potential for residents or visitors to the site to use public transport as a means of accessing the site.

(h) Cycle and Pedestrian Ways

Cycle and pedestrian ways will be required where feasible and practicable to provide through ways to places of public congregation, for example to major public transport routes, town or shopping centres, educational centres and public recreation areas.

In assessing the appropriateness of the proposed development consideration will be given to the interface between it and the public road, either formed or unformed, in terms of the safe and efficient movement of pedestrians and cyclists either entering or leaving the subject site, or travelling along side of it.

Measures to mitigate any adverse effects shall include:

- the separation of pedestrian and/or cycle movements from vehicle movements to and from the site;
- the location of suitable traffic calming devices on vehicle access ways, such as speedhumps near the site boundary with the road reserve to ensure that vehicles are travelling at a slow speed when crossing the footpath to the road;
- ensuring that the road surface is smooth on cycle and walk ways and that any features in the road such as stormwater grates are constructed to provide an even surface;
- ensuring that proposed cycle and walk way location and design is consistent with the policies, strategies and design guidelines as set out in "Auckland City Cycle and Walking Strategy", particularly, Parts 1-3 "Network Implementation Plan" and Part 1-5 "Design and Maintenance Guidelines;" and
- provision of cycle parking facilities that are conveniently located, secure, easy to use, adequately lit, and if possible, sheltered.

Bonus Floor Area

A maximum bonus floor area of 2:1 is offered for provision of cycle or pedestrian ways when these

features meet the criteria set out above and the Council is not prepared to purchase an easement across the affected land. The amount of bonus floor area that may be achieved is determined by multiplying the area of the cycle or pedestrian way by the bonus floor area ratio of 2:1.

**Explanation**

*Some activities and buildings have the potential to adversely affect surrounding residential areas due to building dominance, shadowing reducing access to sunlight, and loss of privacy. Other impacts can include streetscape, visual design, heritage values, noise, traffic and parking, intensity of development and cumulative effects. The Council may impose conditions to ensure that the affect on neighbouring residential zoned properties is addressed, and in some circumstances where the effects can not be mitigated or avoided the activity may be refused consent.*

*Other aspects of development can have an overall positive effect on the environment. In particular proximity to public transport and provision of cycle and pedestrian ways can lead to improved access to public transport and provision of cycle and pedestrian ways to public transport routes, town and shopping centres, educational centres and public recreation areas. Over time this may lead to reduced overall travel; shorter trips between activities; more trips taken by public transport; walking and cycling and an overall reduced reliance on use of private motor vehicle.*

**11. Boarding House/Hostel**

Applications will be assessed against the following additional criteria:

- The proposal shall be consistent with the objectives and policies of the zone;
- The development must demonstrate that where the proposal is to be located in an established commercial centre it will not break up or isolate parts of the retail frontage;
- New development shall be designed to complement and enhance both the streetscape character and pedestrian amenity;
- Where the subject site adjoins other business zoned sites, adequate measures to the satisfaction of the Council shall be incorporated into the design and/or location of the proposed building so as to ensure indoor acoustic amenity;
- The location of vehicular and pedestrian access to and from the site shall ensure adequate sight distances and prevent on-street congestion caused by the ingress and egress of vehicles to and from the site;
- The development shall have adequate on-site parking, including adequate manoeuvring space;
- The internal circulation of parking areas shall be



designed for safe and efficient vehicle circulation on-site;

- Car parking areas located on road frontages of sites shall be adequately screened/landscaped to ensure they do not dominate the streetscape;
- Consideration shall be given to the provision of on-site communal spaces/facilities and outlook areas for the benefit of residents;
- The development shall include an area(s) of indoor communal space available for the use and enjoyment of at least 70% of the persons the building is designed to accommodate;
- Developments shall be located in close proximity to areas of public open space;
- Consideration shall be given to the on-site provision of cycle facilities, such as bike racks;
- Solid waste storage facilities (including adequate space for both recycling and general waste bins) shall be provided on-site and appropriately located and/or screened/landscaped to avoid any adverse visual impact from the road and from within the development;
- Infrastructural considerations – the application must demonstrate that the site is able to sustain the servicing needs of the development, particularly the foulwater drainage system. Where the existing infrastructure cannot sustain the new development, the proposal must demonstrate an ability to meet its own servicing needs.

### **Explanation**

*While boarding houses/hostels may be appropriate in the Business 2 and 3 Zones, there is a need to consider the impact that such a development can have on the retail continuity of the main retail frontage of a centre and the need to provide adequate parking on-site to accommodate the activity. It is also necessary to consider the on-site amenity that the development will afford to residents.*

### **12. Visitor Accommodation**

Applications will be assessed against the following criteria:

- The proposal shall be consistent with the objectives and policies of the zone;
- The development must demonstrate that where the proposal is to be located in an established commercial centre it will not break up or isolate parts of the retail frontage;
- New development shall be designed to complement and enhance both streetscape character and pedestrian amenity;
- Buildings shall front roads. Blank walls along a road frontage shall be avoided;
- The site shall be adequately fenced and screened/

landscaped from adjacent land, particularly where the adjacent land is zoned residential;

- Consideration shall be given to the on-site provision of communal facilities/open space for the use and enjoyment of the users of the site and designed to provide a good standard of amenity;
- Solid waste storage facilities (including adequate space for both recycling and general waste bins) shall be provided on-site and appropriately located and/or screened/landscaped to avoid any adverse visual impact from the road and from within the development;
- All signs and lighting shall be assessed as part of any application. They shall be in keeping with the intent of the zone and the existing development of the area;
- The location of vehicular and pedestrian access to and from the site shall ensure adequate sight distances and prevent on-street congestion caused by the ingress and egress of vehicles to and from the site;
- Pedestrian access to and from the site shall be sufficiently separated from the vehicle access to ensure the safety of pedestrians - this may be through segregated access, use of paving or signage;
- Carparking areas located on road frontages of sites shall be adequately screened/landscaped to ensure they do not dominate the streetscape;
- Consideration of parking demand and traffic generation shall take into account whether or not the provision of bus parking space(s) will avoid or mitigate any adverse effects. In such situations, access and on-site manoeuvrability will be important considerations;
- Infrastructural considerations - the application must demonstrate that the site is able to sustain the servicing needs of the development, particularly the foulwater drainage system. Where the existing infrastructure cannot sustain the new development, the proposal must demonstrate an ability to meet its own servicing needs.

### **Explanation**

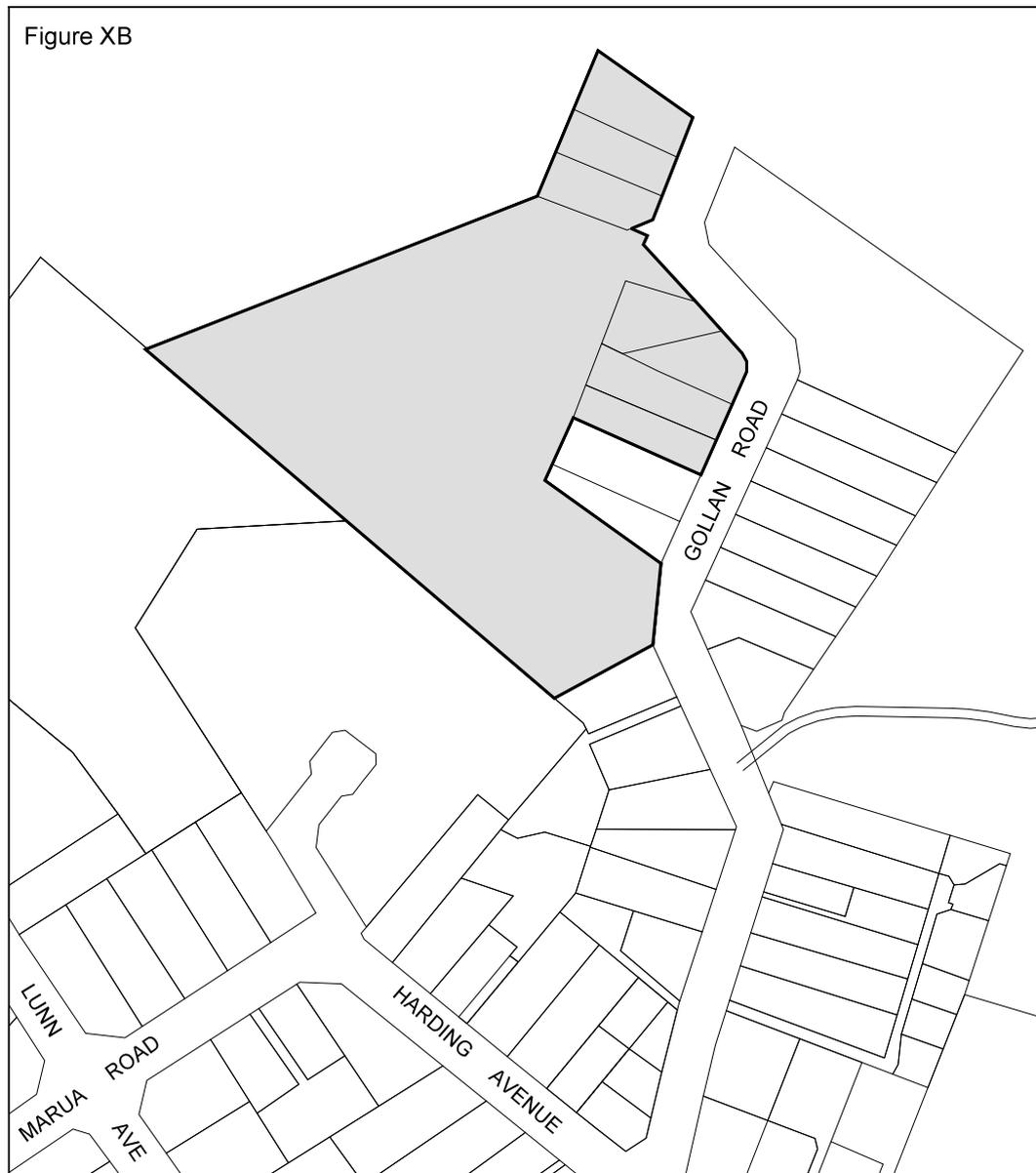
*Business 2 - 3 zones are generally considered as acceptable locations for visitor accommodation such as motels and serviced rental visitor accommodation due to their location on busy roads and their close proximity to public transport routes. The site must, however, provide adequate on-site parking. Consideration will also be given to the location of the site in terms of any potential impact on the retail/business environment.*



Figure XA



Figure XB



### 8.7.4 BUSINESS 7 ZONE ACTIVITIES

#### 8.7.4.1 Activities

For the purpose of the following table:

- P** = **Permitted Activity**  
**C** = **Controlled Activity**  
**D** = **Discretionary Activity**

The permitted activities listed in Clause 8.7.4.1 are allowed without a resource consent where they comply in all respects with the relevant development controls and any other relevant rules in this Plan

Activities	ZONES		
	7	7a	7b
Any activity not listed as permitted or controlled activity which meets the development controls for the zone	D	D	D
Buildings and facilities for the convenience of persons employed within the zone	P	P	
Quarrying, except on land shown on Figure xA and xB	P		
Quarrying, on land shown on Figure xA, Figure xB	C		
Grazing	P	P	P
Horticulture	P	P	P
Manufacture and sale of burnt clay products, provided that the greater part of the material comprising any one product is extracted from land zoned Business 7a/7b		P	
Offices ancillary to a permitted activity	P	P	
Public reserves and recreation grounds, and buildings thereon	D		
Residential accommodation for persons who duties require them to live on the site	P	P	P
Reclamation of worked out quarries or parts of quarries by controlled filling excluding refuse disposal	D	D	D
Sale of aggregate material the dominant part of which is extracted from land zoned Business 7	P		
Use of artificial lighting on site producing an illuminance in excess of 150 lux, measured at any point on the site containing the light source, in a horizontal or vertical plane at ground level	D	D	D
Winning of clay		P	P

#### General Explanation on Activities

The Plan makes limited provision for extractive industry due to the City's built character and because of environmental, public safety and amenity concerns. This limited opportunity for the extraction of minerals highlights the importance of ensuring that existing operations continue efficiently without undue hindrance. Any new quarry operations that may establish will either be on land already zoned Business 7 or will be as a result of rezoning land to Business 7 by way of a change to the Plan. Of particular concern therefore is the

*fact that activities unrelated to the extractive process may wish to locate in the zone. These may either place unacceptable pressure on the extractive process with regard to matters such as in-zone safety and amenity, or may preclude or restrict the final end use of the land once quarrying has ceased. Therefore within the zone, the Plan seeks to limit activities to quarrying and to those which are ancillary or accessory to the extraction process itself. Non-extractive activities which provide a passive interim use of the land (eg grazing) are also permitted activities. However,*



other non-extractive activities, even though they may comply with the controls for the zone, are deemed to be discretionary activities so that their effect on the existing quarry operations, the environment and amenity of the area, and on any future use of the land can be properly assessed.

Other activities identified as discretionary activities are those which may offer a useful interim use pending the determination of the final use of the land concerned. Such activities will be assessed against their ability to locate in the zone without detriment to the existing extraction process and the provision of temporary buildings capable of removal as part of any proposal.

On the north eastern portion of the Winstone's Three Kings Quarry site there exists several buildings which have been leased as premises for building supplies and related activities. It is understood that the land upon which the buildings are located will ultimately be quarried for scoria deposits. The exact timing of that process is not clear, but is likely to be at least ten years away. In the interim the Council is concerned to ensure the proper and viable use of existing buildings.

The Plan therefore provides for more flexibility in the type of activity which may occupy in these buildings, but requires a resource consent to ensure that the effects of any activity do not preclude future quarry operations or affect the amenity of sites adjacent to or facing the site.

Three Kings Quarry is a long-established quarry on Lot 1 DP 37020. Quarrying is a permitted activity on this site. The operator of this quarry together with the Council and representatives of the local community have established the Three Kings Quarry Site Liaison Group. The purpose of this Group is to consult on an ongoing and regular basis about matters associated with the operation of the quarry where they affect the community and are of mutual interest to the representative parties.

The objective of the Site Liaison Group is to provide a forum where such matters can be discussed with a view to the resolution of issues raised and to achieve ongoing good relations and mutual trust between the quarry operator and the local community. While quarrying at the existing quarry is a permitted activity, a management plan for the operation of the quarry is being developed by the quarry operator in consultation with the Site Liaison Group. The management plan will address the same matters as required by Rule 8.7.4.2 CONTROLLED ACTIVITIES for a controlled activity application for quarrying on land which was not zoned for quarrying purposes in previous district plans. In addition to those matters, the management plan will also address procedures for continued consultation and liaison with community interests and it will describe the existing quarrying operations and any proposed changes to these. Changes to the management plan which will change the effects of quarrying beyond the boundary shall only be made after consultation with the Site Liaison Group. The quarry

operator has agreed to operate in accordance with this management plan.

#### 8.7.4.2 CONTROLLED ACTIVITIES

All controlled activity applications must comply with the development controls for the zone. In addition, a controlled activity application for quarrying (including any application relating to the land shown on Figure xA and xB) shall be accompanied by a management plan which addresses the matters listed below. The Council reserves control over these matters. In granting consent to a controlled activity the Council may impose conditions in respect of the matters which are to be addressed in the Management Plan.

The Management Plan shall generally address the following matters:

- Identification of the area to be quarried;
- A description of existing site contours;
- An indication of final contours and floor levels resulting from excavation including proposals for the co-ordination of final levels with adjacent land;
- A general description of the proposed operations and any changes to the operations of any existing quarry on adjoining land;
- An indication of the areas used for processing, stockpiling and distribution of quarried material;
- Details of any Regional Council resource consents for water management;
- Effects on Council drainage system;
- Proposals to avoid, remedy or mitigate adverse effects of quarrying and to comply with development controls in relation to
  - traffic
  - dust
  - noise
  - ground vibration;
- Proposals including screen planting and mounding to avoid, remedy or mitigate adverse visual effects of quarrying on residential activity;
- Proposals for progressive rehabilitation before quarrying ceases;
- Rehabilitation objectives and possible techniques and an indication of the range of potential activities which could utilise the quarry when extraction is complete.

#### Explanation

Rule 4.3.2.3(A) sets out the circumstances when notification of a controlled activity application may not be required. In assessing applications to extend existing quarries on to land shown on Figure xA and xB, the Council seeks to ensure a



## PART 8 - BUSINESS ACTIVITY

*public participation process with communities in the vicinity of the sites. Applications for those land areas are therefore likely to be notified.*

### 8.7.4.3 DISCRETIONARY ACTIVITIES

#### General Criteria for Assessing Applications for Discretionary Activities

The Business 7, 7a and 7b zones are specifically designed to ensure the continued extraction of scarce mineral resources, from existing quarries and from land which may be rezoned by way of a Plan Change to allow new quarry operations, until such time as these quarries are exhausted. The Plan is concerned to ensure that this process is not disrupted by inappropriate activities which require:

- a higher level of on-site amenity and safety than is provided for by the controls for the zone and other legislation affecting the operation of quarries;
- considerable on-site parking and which may generate vehicle movements that conflict with quarry operations (eg heavy trucking movements);
- the construction of large and/or permanent buildings which may preclude the potential for a wide range of future uses once the quarry operations have ceased.

Applications for a resource consent will be assessed taking into account the above matters, the relevant criteria contained in [PART 4 - GENERAL PROVISIONS AND PROCEDURES](#) and the following:

#### 1. Any activity not listed as a permitted activity which meets the development controls for the zone

##### (a) Traffic considerations, particularly:

- Any proposal must indicate to the satisfaction of the Council that all required parking can be provided on-site and in such a location as to avoid conflict with any quarry operation (both process and vehicle movements);
- Egress points to the site must be located to the satisfaction of the Council and generally should be separate from those used by the quarry, in order to prevent conflict and to ensure safety;
- Where a parking area adjoins a residential or open space zone or road boundary adequate screening, by landscaping and screen walls, should be provided to afford a degree of privacy to adjacent or facing sites and to prevent glare from car headlights.

##### (b) Amenity considerations, particularly:

- Any buildings shall be designed so that they are removable on the completion of quarry activities. They should be of a scale appropriate to the surrounding area. Generally the controls of the zone should be complied with;

- In locating any building, consideration shall be given to appropriate separation distances between the quarry operation and the building to ensure both safety and continued quarry processes;
- The effect of the proposed activity on the environment and in particular on the amenity values of adjacent areas.

- (c) Effects on existing commercial centres. Any development proposal containing retail premises will be assessed to determine the extent of its effect on existing commercial centres zoned Business 2, 3 or 8 (or other equivalent centres beyond the district) having regard to the matters contained in [Clause 8.4.4 EXISTING CENTRES](#) and to the effects set out in [Clause 8.7.3.3\(1\)](#) of the Plan.

#### 2. Reclamation by controlled filling excluding refuse disposal

Any proposal to undertake reclamation by controlled filling excluding refuse disposal is a discretionary activity and must submit an outline plan indicating management and operational practices which achieve suitable protection of the environment and the amenity of adjacent sites. The outline plan will indicate how the operators intend dealing with such matters as:

- noise, odour, pests, dust and material dispersal nuisance;
- fire risks;
- type and amount of material and method of deposit and cover;
- type and conduct of vehicles with delivery access;
- hours of operation;
- effluent monitoring and disposal;
- stormwater management;
- where the extraction process is still ongoing, those methods to be undertaken to ensure compatibility of operations and maintenance of safety aspects;
- security;
- landscaping, screening and fencing

The activity is regarded as transitional. Accordingly the outline plan must indicate what the final state of the land will be, and it must demonstrate a land form suitable for subsequent use.

#### 3. Public reserves and recreation grounds and buildings thereon

##### (a) Safety consideration, particularly:

- Any proposal must demonstrate that adequate measures have been taken to ensure the safety of the users of these areas/buildings having regard to



the proximity of quarry operations. These measures may involve physical separation distances, safety fences, prohibited areas, etc.

(b) Amenity considerations, particularly:

- Any buildings shall be designed so that they are removable on the completion of quarry activities;
- Any building shall comply with the controls for the zone and be designed so as not to be visually intrusive to adjacent residential sites. The provision and appropriate use of landscaping may be one measure available to ensure this;
- Depending on the exact nature of the proposed activity, controls on noise and hours of operation may be imposed to ensure no detrimental affect on adjacent residential sites.

(c) Traffic considerations, particularly:

- Adequate on-site parking must be provided. Where it adjoins residential boundaries or the road, screening will be required to afford a degree of privacy and to prevent glare from headlights;
- Egress to and from the site will be designed and located to the satisfaction of the Council to ensure that there is no conflict with existing vehicle movements both on-site and off.

**4. Use of artificial lighting, on a site(s) producing an illuminance in excess of 150 lux at ground level.**

Any application will be assessed against the following criteria.

- Applicants shall demonstrate that there will be no significant adverse effects including light spill and

glare on the visual privacy of adjoining land. The use of measures such as screening, dense planting or buffer/separation areas may be required where these may lessen impact.

- Particular consideration will be given to the placement, design and screening of light fittings and whether their size and illuminance is appropriate to the size of the subject site and to the general lighting levels of the surrounding area.
- Where the use of artificial lighting will extend the duration of activities on a site beyond normal daytime hours the Council may impose conditions on noise levels and hours of operation so as to protect sites from unreasonable noise.
- Artificial lighting masts or poles will generally be required to comply with zonal height limits. Modification to the height controls (in terms of Clause 4.3.1.2B DEVELOPMENT CONTROL MODIFICATION) may be acceptable if it can be demonstrated that it will not adversely affect adjoining sites, and it will result in decreased light spill. In such instances conditions relating to the colour of light fittings and poles may be imposed in order to reduce the visual impact of the lighting pole and fittings.
- Applicants shall demonstrate that inappropriate or detrimental changes to the night sky viewing conditions of the surrounding area will not occur.

**SECTION CONTINUED**

**Plan change annotations - key**



Indicates where content is affected by proposed plan modification x. Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is subject to appeal.

Underlined content to be inserted.

~~Struck through~~ content to be deleted.

