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# 15. Business

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## 15.1 Introduction

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This section of the Plan is concerned with the integrated management of resources, in so far as they relate to all kinds of commercial and industrial activities, including retailing, servicing, offices, warehousing, manufacturing and research oriented activities.

Particular sections of the Resource Management Act 1991 (RMA) which are fundamental to the management approach adopted in this section include:

- *Section 5*: the sustainable management purpose of the RMA
- *Section 7*: the efficient use and development of resources, protection of amenity values and the quality of the environment

The *Auckland Regional Policy Statement* contains a number of policies which need to be taken into account in the Business Section of the Plan. They include the following:

- Objectives dealing with development which reflect the requirements of Sections 5, 6, 7 and 8 of the RMA
- Objectives aimed at protecting water quality from the discharge of contaminants. In the case of industrial, trade and
- rural production and processing activities, the requirement that they utilise clean production and site management measures, that trade wastes are suitably disposed of and that, where industrial activities are located next to water, suitable separation be provided
- Objectives aimed at protecting air quality. In particular, the need to reduce vehicle emissions and to minimise industrial emissions
- Objectives aimed at preventing or mitigating risks relating to the use, storage, disposal and transportation of hazardous substances.

The Council's goals for enabling and promoting the purpose of the Resource Management Act 1991 are set out in [Section 6](#) and contain a number which provide general guidance in the development of business objectives and policies. Specifically, these are the Employment and Economic Growth, Built Environment, Natural Environment, Ease of Movement and Managing Change goals.

At the level below the goals, and intermediate between them and the objectives and policies of this section, are the strategic objectives and policies of [Section 6](#): Managing the Growth and Development of the City. These are intended to guide the integrated management of the large-scale environmental, social and economic effects of urban growth and development. As such, they deal with the general location, staging, extent and intensity of major land use activities in the city. They provide management guidance on an urban growth strategy for the city.

All of these matters have been taken into account in preparing the Business Section of the Plan.

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## 15.2 Business Issues

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Significant business issues which need to be addressed in the objectives and policies of the Plan are:

- How to avoid, remedy or mitigate any adverse effects of network overloading and increases in vehicle trip lengths caused by a disparity between the size of the labour force and the availability of employment opportunities in the city.

The city's level of employment self-sufficiency is discussed in [Section 5](#). The availability of suitably zoned land for business activities is fundamental to achieving an improved



relationship between the number of workers and jobs within the city. In addition to general availability of suitably zoned land, a number of other factors are critical to employment growth. These include location in relation to the transportation network, variety in respect of the types of business areas, land values, and existence of an appropriate catchment in the case of retailing.

- How to avoid, remedy or mitigate any adverse effects of different scales and intensities of business activity throughout the city, with particular regard to cumulative effects such as traffic generation, discharges to air, land and water, and noise, while maximising the efficiency of existing and proposed infrastructure investment.

Section 4 of the Plan describes the existing pattern of business development in the city. Section 6 discusses the need for efficiency of resource use. The Council's goal for efficiency is particularly relevant. Public investment in the roading system and other infrastructure suggests that activities which are high traffic generators, particularly retailing, need to be considered in terms of scale, intensity and location, and to the ability of the existing or proposed network to accommodate them. Alternatively, there needs to be a public commitment to upgrading through Council's public works programme.

- How to maintain and enhance the character, heritage, amenity values and social and economic benefits of business centres and ensure that in local, suburban and sub-regional business centres, new development assists in achieving an interesting, vibrant and well-designed centre with high quality built form and attractive public spaces.

Business centres serve broader functions than those of simply providing goods and services. They act as focal points for the community, centres of entertainment and social services, and they represent a substantial physical and community resource. In local, suburban and sub-regional business centres high standards of urban design, including well-designed buildings and public spaces that are attractive, comfortable, safe, accessible and durable are key elements that can contribute to the amenity, vibrancy, vitality and economic potential of these centres.

Inappropriate development can create adverse effects on the amenity values of established and developing centres and the surrounding environment.

It is also relevant to consider the potential adverse effects of new business activity locating away from established centres. These effects include the effects of traffic generation on road capacity and effects on transportation patterns and systems, and the overall availability and accessibility of commercial and community services. Competition arising from new business activity is not, in resource management terms, an adverse effect on existing businesses. However, it is relevant to ensure that other adverse environmental, social, economic and amenity effects resulting from new developments are avoided, remedied or mitigated, or offset by positive effects arising from the new development.

- How to ensure that the effects of business activities on the environment are managed so as to avoid, remedy or mitigate significant adverse effects on the environment.

The Council has a duty under the RMA to control adverse effects of activities on the environment. Potential adverse effects from business activities include noise, fumes, additional traffic generation, additional hazards, reduced safety, social, economic and amenity effects, and effects from the establishment of activities which, because of their nature are incompatible with neighbouring activities. Restricting the majority of business activities to business zones has the advantage of minimising the need for controls and thereby reducing costs on many business operators who are charged with the duty of 'avoiding, remedying or mitigating' adverse effects. However, the Council needs to evaluate whether particular locational restrictions and controls on different aspects of business activities are justified and are the best means of managing potential effects.

- How to ensure that the valued attributes of residential and open space zones are not compromised by the effects of business activity.

There is a potential for conflict between enabling businesses to locate in a manner which encourages community self-sufficiency, whether it be at the local or city level, and



ensuring that the amenities of residential and recreational areas are protected. The approach adopted needs to reflect the potential for adverse effects of differing kinds, and to balance the trade-offs. The design of new development is one important tool that the Council can utilise to create high quality local, neighbourhood and sub-regional business centres and protect the amenity of adjoining land uses. Good design can minimise the adverse visual and aural effects of development on neighbours, and help to achieve a high quality urban environment.

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## 15.3 Business Objectives and Policies

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### 15.3.1 Business Development

#### **Objective**

To manage the effects of activities within the city in a manner which maximises opportunities for business development and employment, consistent with the requirement to ensure that the adverse effects of activities are avoided, remedied or mitigated.

#### **Policies**

1. By using the techniques of zoning and environmental performance standards to enable the establishment of a wide range of business activities throughout the city, in order to better manage the effects of differing levels of intensity and scale, and differing effects upon amenity values.
2. By ensuring that there is an appropriate supply of suitably zoned land for business activities in the short-term, and sufficient reserved for the longer term, and by reviewing the availability from time to time.
3. By enabling a pattern of business activity which, on the basis of location, site characteristics, accessibility and existing activities, respects the distinction between:
  - Business centres (such as local, suburban and sub-regional business centres), which are able to offer a high level of pedestrian and built amenity, and/or provide for vehicle oriented activities; and
  - General business areas which offer a lower level of amenity but which are able to accommodate a wide range of business activities and their effects.
4. By adopting a generally non-restrictive approach to the location of particular business activities within business areas, provided that adverse effects are avoided, remedied or mitigated.
5. By managing residential development so it does not significantly reduce the availability of land for business activities in the City's general business areas and in those higher amenity business areas outside of commercial centres.
6. By ensuring that residential development in business areas is designed to avoid, remedy or mitigate adverse effects on residential amenity from business activities.
7. By ensuring that new business development does not result in adverse social and economic effects by causing a decline in amenity in existing centres or the positive contribution made by existing shopping centres to the social and economic well-being of people and communities in the city.
8. By ensuring that new development in neighbourhood, suburban and sub-regional business centres is well designed and contributes positively to the amenity, sense of place and streetscape of the centre and the surrounding area.

#### **Methods**

- Policies 1, 2, 3, 4, 5, 6, 7 and 8 will be implemented by rules.

#### **Explanation and Reasons**

*The nature and range of business activities are constantly changing over time. During recent years, significant and ongoing changes which the Plan needs to take into account*

include:

- *Economic restructuring*
- *Changes in communications systems*
- *Manufacturing plants having less industrial-type processes while at the same time requiring higher standards of building design and site development*
- *Changes in retailing patterns.*

*Because of this, the traditional demarcation between commercial and industrial activities no longer seems appropriate. Rather, an approach is required which enables as wide a range of opportunities as possible to encourage business growth, since business activities provide the economic basis of urban communities, and are of critical importance to the social and economic welfare of the residents of the city. The Council has a range of means at its disposal by which it can encourage business activity in the city. The principal means is the regulatory powers of its District Plan, which are essentially confined to: managing the effects on the environment and resources, the location and manner of development, and the operation of activities. Within the limits of the regulatory nature of the Plan, the provisions adopted for the city are designed to be as flexible as possible.*

*Zoning land for business activities provides some certainty of location and a cost-effective basis for environmental controls. By that means it is possible to differentiate between controls whose effect is internal to the zone, and those which are designed to protect the residential interface or wider areas. Once a technique of zoning is adopted, then the need to ensure an adequate supply of suitably zoned land is a necessary corollary.*

*Within the business zones, a non-restrictive approach to activities provides for maximum choice of location, and avoids imposing undue costs on businesses. However, this approach has been tempered by:*

- *The need to encourage the vitality of retail commercial centres for economic, environmental and social reasons*
- *The need to restrict the location of some industrial processes and activities for which performance controls are an inadequate technique and which require assessment by the Council*
- *The need to co-ordinate business development and activities, with investment in public infrastructure*
- *The need to maintain and enhance amenity values in existing centres, particularly local, suburban and sub-regional business centres.*
- *The need to maintain access to the range of services provided by existing centres.*

*The Business Rules have been developed on this basis. More positive means of encouraging business development than by regulation have been adopted by the Council and will continue to be pursued. The Council has allocated funding for staff resources and initiatives to promote development, particularly for the Business Grow programme.*

#### **Expected Environmental Results**

- Over the 10-year timeframe of the District Plan, a sufficient supply of land with business zoning available for future development, as measured by a five-yearly business zones land use survey
- Employment opportunities for city residents that increase faster than labour force growth, as measured by an annual assessment of New Zealand Business Directory data, registered unemployed data from the New Zealand Employment Service, and Statistics New Zealand's household labour force survey for the Auckland Region
- That a direct reliance on effects controls, rather than on the listing of activities achieves the intended purposes and is beneficial to business, as measured by a five-yearly survey of business operators and the Council staff administering business activity
- Minimal residential development in the Business Park and General Business zones,

as measured by an annual assessment of building consents issued and resource consent applications.

- Well designed local, suburban and sub-regional centres with high standards of built and pedestrian amenity.

### 15.3.2 Transportation Network

#### **Objective**

To manage the effects of business activity so as to maintain a transportation network capable of effectively serving business activities, the needs of through traffic, and the wider transport and traffic needs of the city.

#### **Policies**

1. By ensuring that high traffic generating activities locate in areas which are best served by the transport network and by passenger transport services, and which promote multi-purpose rather than single purpose vehicle trips.
2. By providing for the upgrading of the transport network so that it can accommodate the cumulative traffic effects associated with business activities.

#### **Methods**

- Policy 1 will be implemented by rules
- Policy 2 will be implemented by Council works within the agreed strategic framework for roading investment set down in the Council's Strategic and Annual Plans, and through works funded by financial contributions from developers.

#### **Explanation and Reasons**

*The roading network, and its operation, is a significant community investment which merits careful use. Traffic generated by business activity can produce significant adverse effects on the roading network. Therefore, the location of activities needs to be managed in a manner that ensures the safe and efficient use of the roading network. Controls are designed to promote efficient use of the street network. Vehicle trip generation rates are used as the basis of rules to encourage the location of high vehicle trip generating activities into areas which are well served by the road network and passenger transport, unless potential adverse effects on the network can be avoided, remedied or mitigated. The application of a control on high traffic generating activities is a means of controlling the scale and intensity of business activities to meet the urban form strategy, transport accessibility and environmental objectives of the District Plan.*

*Data from the New South Wales Road Transport Authority, Guide to Traffic Generating Developments, December 1993, on vehicle trip generation rates, is the basis for the control on high traffic generating activities. This data demonstrates that groups of activities often have common traffic generation characteristics. Therefore it is appropriate to limit the application of vehicle trip limits to groups of activities that tend to experience high traffic generation. In this way, vehicle trip limits can be used as the second stage of a control designed to restrict activities in general business areas, business parks and the intended office part of the Albany Centre frame, to activities which are functionally compatible with those areas.*

Where development of business activities meets the provisions of the Plan, but will result in localised effects on adjacent roads by overloading lane provisions or intersection design, the development will not be permitted unless mitigation works are undertaken or the costs of upgrading are met by the developer.

#### **Expected Environmental Results**

- Application of a control on high traffic generating activities which ensures the appropriate location of business activities on the roading network, as measured by an annual assessment of roading service levels and an annual assessment of impacts on the Council's roading plan
- That the costs of any localised road upgrading required as a result of new development are met by the developer, as measured by an annual assessment of Annual Plan commitments.

### 15.3.3 Retail Activities

#### Objectives

- To enable a wide range of retail activities in business centres, and in locations where they meet the needs and preferences of the community; avoid, remedy or mitigate adverse environmental effects; and enhance community accessibility to a range of facilities.
- To ensure that new development in Business 1-4 zones, and land subject to Business Policy Overlay B1 contributes to the creation of a high quality built environment, maintains and enhances the amenity and safety of the public environment in these centres, and the amenity values of nearby residential and recreation zones, and in areas subject to Business Policy Overlay B1 that it is compatible with the heritage characteristics of the local area.

#### Policies

1. By encouraging retail activities to locate in the existing and proposed business centres in the city, which include:
  - a) Sub-regional centres at Takapuna and Albany;
  - b) Suburban centres, ranging from Browns Bay, Glenfield and Highbury, to Devonport, Milford and Northcote, and to Albany Village, Greville Road, Mairangi Bay, Sunnynook and Unsworth Drive;
  - c) Local centres distributed throughout the city; and in the General Business zones where appropriate.
2. By seeking to ensure that the overall size and range of activities at the proposed Greville Road and Unsworth Drive Centres is compatible with the nature of the activities in adjacent residentially zoned land, and that any adverse effects on the adjacent road network arising from business activities are appropriately avoided, remedied or mitigated.
3. By zoning a larger area of land than required for business purposes in the Unsworth Drive centre, in order to give flexibility in the precise location of retail and related activities. The Council will re-zone the land not required for retail purposes after a Comprehensive Development Plan has been approved.
4. By recognising the potential demand for some retail activity to establish in business zones outside the existing and proposed business centres and requiring this development, (in the Sub-regional 6, Business Park 7, Business Special 8, General 9 and General 10 zones) unless otherwise exempted, to be subject to a thorough evaluation, particularly in terms of the effects of the activity on:
  - the roading network in which the activity is located; and
  - the character and amenity values of nearby residential areas; and
  - the character, heritage, and amenity values of the centres; and
  - the overall accessibility to the range of business and community facilities in the city; and
  - the pedestrian amenity in the vicinity of the proposed retail activity.
5. By the Council involving the local community, private investors and business people in consultation aimed at producing agreed Centre Plans which identify and build on the essential qualities of individual centres, including heritage aspects, renewal and diversification within those centres.
6. By progressively adopting Centre Plans, when they are agreed by relevant parties, and by introducing changes to the District Plan, where regulatory changes are required to implement such plans.
7. By the Council undertaking public works within centres in conformity with the Centre Plan proposals, and as provided for by its Annual Plan process.
8. By enabling activities which sell or provide services for motor vehicles to locate in

areas outside of shopping centres, in order to avoid adverse effects on pedestrian amenity.

9. By seeking to create active, attractive and pedestrian orientated streetscapes in Business 1-4 zones, and land subject to Business Policy Overlay B1 through techniques such as:
  - i) Requiring continuous verandahs along retail street frontages,
  - ii) Requiring building form to extend to the street edge, with parking and access located to avoid breaks in the retail frontage,
  - iii) Requiring residential activities at ground level to be the subject of a Discretionary activity application to enable consideration of matters such as the impact on continuous retail frontage, streetscape coherence and the future availability of business land in the vicinity
  - iv) Attractive, active and safe streets and public spaces, which create a sense of community.
  - v) Recognising that where the primary function of service lanes/accessways is one of vehicle and servicing access to premises, consideration of streetscape issues should not apply. However, in those situations where service lanes/accessways have a significant pedestrian function, streetscape issues should be considered.
10. By requiring that development in all Business 1-4 zones, and land subject to Business Policy Overlay B1 achieves:
  - i) High quality building design (particularly as viewed from streets and public places) that acknowledges and responds to the context of the site and the surrounding environment,
  - ii) Adaptable building form, encouraging the reuse and conversion of building spaces over time. To achieve adaptable building form, consideration needs to be given to floor to ceiling heights particularly at ground level, location of structural frames, location of entrances to ground and upper floors, building depth, internal room layouts and light and ventilation to habitable rooms.
11. By requiring that in Business 1-4 zones, and land subject to Business Policy Overlay B1:
  - i) External cosmetic alterations to buildings which will be visible from public places be the subject of a Controlled activity application, and
  - ii) All new buildings, additions of more than 15m<sup>2</sup> to the building footprint and any significant external alteration to existing buildings be the subject of a Limited Discretionary activity application in the case of the Business 1-4 zones and a Discretionary Activity in the case of land subject to Business Policy Overlay B1 to enable the Council to give particular consideration to the design of the building and its integration with the streetscape and with adjoining sites.
12. By requiring that all applications in the Business 1-4 zones, and land subject to Business Policy Overlay B1, be accompanied by a Context Analysis and Urban Design Statement which:
  - i) Is appropriate to the scale of the proposal,
  - ii) Identifies how the proposal responds to the characteristics of the particular site, street and neighbourhood, including an appropriate ground floor elevation,
  - iii) Identifies how the proposal achieves the relevant assessment criteria of the Urban Design Code or an alternative acceptable design solution.
13. By assessing all new buildings, additions of more than 15m<sup>2</sup> to the building footprint and all significant external alterations to existing buildings in the Business 1-4 zones, and land subject to Business Policy Overlay B1 against the provisions of Section 15A, Urban Design Code.
14. By recognising that drive-through activities, supermarkets and large stores have particular operational requirements that distinguish them from most other activities

in local, suburban and the Takapuna and Albany sub-regional business centres, and by recognising and providing appropriately for these requirements in Section 15A, Urban Design Code.

### **Methods**

- Policies 1, 2, 3, 4, 6, 8-14 will be implemented by rules
- Policy 5 will be implemented by Council initiatives in the form of advice, co-ordinating initiatives and advocacy
- Policy 7 will be implemented by Council works for service and amenity improvements.

### **Explanation and Reasons**

*Retail activity has traditionally congregated in the existing business centres. These centres comprise land and groupings of buildings, services and facilities and street and landscape improvements. In the context of the RMA, they are valuable physical resources which require sustainable management. In addition to the existing centres, the District Plan identifies new centres in the growth areas of the city, including a second sub-regional centre at Albany.*

*The benefits provided by existing centres include:*

- *Their value to the social and economic well-being of the surrounding communities, since they serve a wide range of functions*
- *The opportunity they provide for access to a wide range of goods and services by means of multi-purpose trips, rather than single purpose trips to dispersed stores*
- *Their accessibility to local residents with limited mobility*
- *Their ability to adapt to changing needs either incrementally or by comprehensive redevelopment.*

*The Council recognises that the retail sector is dynamic and that a District Plan, unless constantly reviewed, will not be able to anticipate the range of new developments which are likely to occur over the life of the plan. So while the existing centres and the proposed new centres are expected to provide for the majority of new development, the Council recognises that some flexibility in retail location may be needed.*

*Retail activity responds to changes in the mobility of the population, the length of shopping hours, in retailing technology, the availability of discretionary spending power, in markets and demographics, and the needs and preferences of the community. Convenient access to retail activity is of particular importance. The last decade has seen the emergence of more vehicle orientated shopping environments. The District Plan provides for some flexibility for retail location outside of the existing and proposed centres within other business zones.*

*Some retail activity, either in a stand-alone or combined format, can include high traffic generating activities that have the potential for adverse effects on the efficient functioning and management of the street network. For this reason, proposals for large developments, and for activities which cumulatively have the effect of a large development, outside the existing and proposed centres, will need to demonstrate that their effects on the traffic and roading environment are avoided or mitigated. The assessment criteria provided in [Section 15.7.4.1](#) for both Limited Discretionary and Discretionary activities aim to limit these effects.*

*New retail developments can also have adverse social and economic effects on existing and proposed centres. In terms of [Section 15.7.3.5](#), proposals will also need to demonstrate that significant adverse effects of this type are avoided or reduced by mitigation measures or by positive effects resulting from the new activity. The social and economic benefits being considered here are not those which are excluded by Section 104(8) of the RMA (trade competition).*

*While the Council's role is largely to provide a framework within which private investment decisions can be made, there is scope for the Council to intervene to compensate in a positive manner by upgrading public facilities, or by conserving and enhancing heritage buildings. These interventions can act as a catalyst to private investment. A fruitful way to encourage a sense of local identity, an increase in business confidence and an*

*improved streetscape, is to engage the private sector, both property owners and retailers, and the local community, in a partnership with the Council in the preparation of Centre Plans. These Centre Plans need to be agreed by all participants, after which they will be adopted by the Council as action documents for particular centres. The Plans can include a range of proposals which will need to be implemented in a number of ways, including District Plan controls, public works proposals, improved centre management techniques and agreed private sector initiatives. Centre Plans will provide an opportunity to include more specific design controls and assessment criteria for individual centres into the District Plan, based on their essential characteristics and qualities.*

*The qualities of the public environment and the buildings that define it are important contributors to the pleasantness and functionality of local, suburban and sub-regional business centres. Key elements are the manner in which the design of new buildings respond to the existing streetscape, to the design of existing buildings and to the location of near by public reserves, amenity features and residential areas. In those locations where existing buildings and/or streetscape have little or no design merit, then the design of new buildings should seek to contribute to the creation of an alternative desirable streetscape.*

*Within the local, suburban and sub-regional business centres, there are a wide variety of built environments. To respond appropriately to this diversity, new development must be considered in the context of the site and the surrounding area. In order to ensure that this occurs, all new buildings, additions of more than 15m<sup>2</sup> (to the building footprint) and all significant external alterations to existing buildings in these business centres will require consent as a Limited Discretionary activity. The application for resource consent must be accompanied by a Context Analysis and Urban Design Statement. The Context Analysis will provide an assessment of the site and its surrounding area, identifying the important features which should influence the design. The Urban Design Statement will provide an explanation of how the design derives from, and responds to, the Context Analysis, including existing buildings, and which respects, acknowledges and responds positively to the existing street character. When assessing a development proposal for a Limited Discretionary activity in these areas, the Council will assess whether a well designed building which is compatible with and responds to its context will be achieved. The Urban Design Code, (Section 15A of the District Plan), will be used to assess all such applications. Key components of these criteria are:*

- *High quality building design, particularly when viewed from streets and public places.*
- *Attractive, active and safe streets and public spaces, which create a sense of community.*
- *Adaptable building form, encouraging the reuse and conversion of building spaces over time.*

#### **Expected Environmental Results**

- The majority of new retail developments established largely within the existing and proposed business centres, as measured by a biennial business zones land use survey and annual assessment of the NZ Business Directory.
- Maintenance and enhancement of the vitality and viability of sub-regional and suburban centres, as measured by:
  - Annual analysis of Valuation NZ's commercial property yield data
  - Annual pedestrian flow surveys
  - Five-yearly resident surveys
  - Five-yearly centre vitality surveys based on review of public spaces, activity patterns and quality improvements
  - Biennial business zones land use surveys.
- Developments within suburban and local centres at a scale appropriate to their location and catchments, as measured by biennial business zones land use surveys
- Retailing at Link Drive does not develop into a commercial centre with a full range of merchandise, as measured by biennial business zones land use surveys



- Retailing within the Business Park and General Business zones predominantly small scale shops whose primary function is to serve the local area, or larger shops of low intensity retailing, as measured by biennial business zones land use surveys
- Progressive refinement of District Plan provisions through Centre Plans, so that controls affecting retail centres are differentiated to achieve the reinforcement and enhancement of the particular qualities of individual centres, as measured by on-going review of Plan provisions
- Resident satisfaction with the amenities of shopping centres, as measured by five-yearly residential zone land use surveys
- Council assistance in the promotion of individual centres and works undertaken in conformity with Centre Plans, as measured by an assessment of Annual Plan commitments.
- Progressive enhancement of the overall environment and urban design of local, suburban and sub-regional business centres.

### **15.3.4 Control of Adverse Effects**

#### ***Objective***

To ensure that the adverse environmental effects of business and other activities in business areas are avoided, remedied or mitigated.

#### ***Policies***

1. By requiring that business activities and other activities in business areas avoid, remedy or mitigate adverse environmental effects.
2. By requiring that activities in business areas provide for an adequate level of vehicular and pedestrian safety and convenience appropriate to the area in which the site is located.
3. By ensuring that developments in business areas do not detract from the visual amenity of the area in which they are located, and in local, suburban and sub-regional business centres, make a positive contribution to the visual amenity of the centre and surrounding area.
4. By ensuring that potential adverse effects from noise, vibration, illumination, pollution and odour associated with business activities are avoided, remedied or mitigated.
5. By ensuring that development is of an appropriate form and scale, (by reference to the development controls that have been applied to specific zones) which does not overshadow public spaces or neighbouring residential areas to such an extent that adverse environmental effects are created.
6. By ensuring that neighbouring residential sites maintain a reasonable standard of privacy for their main living rooms and their associated outdoor living spaces.
7. By avoiding the adverse noise and disturbance effects on residential areas from the late night and early morning operation of licensed premises and premises where people regularly congregate.
8. By preventing those licensed premises or premises which attract significant numbers of people for social or recreational activities, from locating in local centres unless any adverse effects on amenity will be avoided, remedied or mitigated.
9. By ensuring that development does not create adverse effects on the capacity of existing stormwater infrastructure, or on the ability of those systems to operate effectively.
10. By requiring in local, suburban and sub-regional business centres, Business 1-4 zones and land subject to Business Policy Overlay B1 high quality urban design which contributes to an attractive, well designed, pedestrian focused streetscape. Any new development should respond appropriately to its context.

## Methods

- Policies 1 and 4 will be implemented by Rules and by education initiatives, in the form of information provided to Businesses
- Policies 2, 3, 5, 6, 7, 8, 9 and 10 will be implemented by rules.

## Explanation and Reasons

*The Business Section of the Plan relies directly on the use of performance standards to control adverse effects. The Urban Design Code, (Section 15A of the District Plan) is also used to ensure positive outcomes in retail centres through good building design. The provisions of the Urban Design Code apply to all new buildings and most alterations and additions to existing buildings in local and suburban business centres, (Business 1 and 2 zones). It also applies in the Takapuna and Albany sub-regional centres (Business 3 and 4 zones) and in areas subject to the Business (Built Heritage Areas) Policy Overlay B1 in Birkenhead, Northcote and Devonport which have a special character arising from the presence of scheduled heritage commercial buildings and other period buildings, a mix of small service industries and retail activities, adjoined by the Residential 3 Built Heritage zone. The intent of the Urban Design Code is to ensure that in small local retail centres, development is well designed, while in larger town centres a high standard of design should be achieved. New development that is well designed and responds in appropriate design terms to existing Centre Plans or Structure Plans, and to surrounding development, (where the form scale and architecture of existing buildings already demonstrate positive design qualities), helps to ensure that adverse environmental effects are kept to a minimum. It can also result in a significant enhancement of the character, vitality and amenities of the centre and the surrounding area.*

*The zoning is used as a means of setting levels of effects in different areas. It is therefore a means of expressing the outcomes that are anticipated for particular areas, whether that relates to air quality or visual qualities, for example.*

*There are no detailed lists of activities for the business zones. However, to assist in denoting types of activities to which particular controls apply, the business zones make use of the Australian and New Zealand Industrial Classification 1993 (ANZSIC) as a comprehensive listing of commercial/industrial activities. This classification system has the added advantage of being a multi-level, four tier system which allows reference to general first tier categories or to sub-sets within those. The ANZSIC 1993 volume will remain a reference volume for the business zones during the life of the District Plan.*

*The reasons why effects are managed by performance standards and the assessment criteria contained within the Urban Design Code, rather than by listing specific activities which require assessment, are:*

- *The avoidance of current definitional problems arising under activity lists, e.g. what constitutes Home Improvement Centres*
- *A more transparent basis of control, which clearly identifies potential adverse effects being controlled.*

*The technique of Controlled, Limited Discretionary and Discretionary activity listing is used, but the listing is generally of particular characteristics of activities, rather than specific activities themselves.*

*The Controlled activity listing is used for activities in a sensitive location, for subdivision, and for the design and appearance of structures in certain circumstances. The Limited Discretionary activity listing is utilised for new buildings, additions of more than 15m<sup>2</sup> to the building footprint and all significant external alterations to existing buildings in the Business 1- 4 zones, being the local and suburban shopping centres and the Albany and Takapuna sub-regional centres. The Discretionary listing is used for particular processes or characteristics of particular business operations, and sites subject to Business Policy Overlay B1, which require assessment by the Council.*

*The major determinants of business location within the zones are as follows:*

- *The control on high traffic generating activities, the primary purpose of which is explained under Objective 15.3.2 - Transportation Network*
- *The two controls which apply maximum and minimum floor space controls, which are explained under Objective 15.3.4 - Control of Adverse Effects and under the Objectives for the Albany Centre.*

*These three controls differentiate between activities on the basis of intensity of activity to control adverse effects.*

*The interface between the business and residential zones is considered to be a sensitive area which is particularly susceptible to adverse effects from business activities. As a means of affording residential areas adjacent to business zones extra protection more onerous controls are applied to those parts of business zoned sites which lie within 30 metres of a residential zone boundary (refer to Section 21: Definitions).*

*Any activities which operate outside of standard business hours or which involve outdoor activities on a site, particularly where they are located close to residential zones, entail potential noise nuisance and adverse visual impacts on residential neighbourhoods. Restrictions are therefore required on these activities within the Buffer Strip. In the case of licensed premises and places of entertainment, consistent problems from noise, exterior lighting, and level of pedestrian and vehicular movements during evenings, are the reasons for restricting these activities to a Discretionary status within the Buffer Strip. The only other areas where controls on outdoor activities are required are the Business Park zones, which are designed for businesses wanting to locate in higher amenity business areas.*

*Some of the policies which are designed to control adverse effects are located in other sections of this Plan. Policies relating to the control of pollution, vibration, exterior lighting, hazards and waste management within business zones are included in Section 10. Policies relating to controlling adverse effects on amenity are included under the Amenity Objective of this section.*

*There can be a link between the scale of licensed premises, and premises which attract significant numbers of people for social or recreational activities, and potential adverse effects on amenity. Because of the limited extent of the city's local shopping centres and their proximity to residential activities, it can be difficult to accommodate those uses which attract large groups of people outside of standard business hours without adverse effects being created. A major factor in determining the scale of effects is the floor area of these types of premises. By adopting a floor area threshold to trigger a resource consent process, potential adverse effects can be investigated in detail. This then provides an effective mechanism for avoiding, remedying or mitigating adverse effects.*

#### **Expected Environmental Results**

- That all development and activities within the Local and Suburban zones is of a scale which is appropriate to the locality, as measured by five-yearly resident surveys and biennial business zones land use surveys
- Local retail centres with a high quality of built and streetscape amenity, as measured by five yearly resident survey and biennial land use surveys.
- Suburban and sub-regional retail centres with high standards of built, streetscape and pedestrian amenity, and attractive and active public spaces, as measured by five yearly resident survey and biennial town centre land use surveys.
- That the visual and environmental amenity of residential zones at the interface with business zones is protected, as measured by annual resident surveys, an annual assessment of compliance with resource consent conditions, a five-yearly business zones visual design assessment and annual assessment of Council's complaints register.
- That high standards of visual and environmental amenity are established and maintained within the Business Park zones, as measured by an annual assessment of resource consent compliance
- That noise problems from licensed premises and from social and recreational facilities are minimised, as measured by an annual assessment of Council's

complaints register and five-yearly resident surveys

- That higher levels of awareness as to means of protecting environmental quality are evident among business operators, as measured by an annual assessment of compliance with resource consent conditions, and an annual assessment of Council's complaints register.

### **15.3.5 Business Amenity**

#### **Objectives**

- To maintain or enhance levels of amenity within the different business zones consistent with the purpose of the zone, and the nature of activities permitted in the zone.
- To protect the amenity of residential and recreation zones that are in close proximity to business zones.
- To provide a safe, pleasant, convenient and interesting environment for pedestrians, particularly in retail centres and other pedestrian orientated business areas.
- To promote high quality urban design in retail centres which reflects the specific location, topographic, heritage, open space and streetscape characteristics of the different retail centres.

#### **Policies**

1. By preventing development out of scale with or insensitive in character to the business area in which it is to be located, in order to avoid adverse effects on the amenity of business and surrounding areas.
2. By enabling diversity in building form in the Takapuna Centre and in the Business Park zones.
3. By recognising that some of the adverse effects of tall buildings in the Takapuna Centre and in the Business Park zones can be mitigated by the provision of other forms of amenity.
4. By ensuring that development in Business 1-4 zones and land subject to Business Policy Overlay B1 is assessed against the provisions of the Urban Design Code, and in particular:
  - i) Maintains and enhances the safety of the public environment,
  - ii) Contributes to the achievement of a high quality urban environment,
  - iii) Responds to the context of the site and its surrounding environment, including the scale, heritage values and massing of adjoining buildings,
  - iv) Has particular regard to the character of any commercial buildings in close proximity to the development site, where these buildings are themselves of design merit or have recognised historic heritage values, and should not detract from the physical dominance of older heritage buildings.
  - v) Provides continuous pedestrian shelter on streets and routes with high volumes of pedestrians, (particularly on retail streets in town centre cores),
  - vi) Includes an appropriate street level elevation, which maintains and enhances the visual quality and design of ground floor level developments. In this respect, an active street frontage at ground level should be provided particularly on retail streets in town centre cores,
  - vii) Avoids open and ground level parking areas adjacent to the street wherever practicable,
  - viii) Provides ground floor (and where practicable first floor) stud heights, that are sufficient to allow changes of use over time,
  - ix) Provides for an energy efficient and water sensitive design having regard to:
    - a) solar access, with particular consideration to the location and orientation

of decks and living rooms associated with apartment development, and to pedestrian and public areas within and immediately adjoining the development,

b) stormwater mitigation and reuse.

5. By preventing developments in business areas that visually dominate roads, recreation spaces, or residential properties in residential areas to such an extent that the amenity of any road, recreation space, or residential property in a residential area is adversely affected.
6. By ensuring that the separation distances between buildings, roads, and boundaries with recreation spaces and residential areas, reflect the character of the particular business area and the need to provide an adequate separation from other buildings, residential activities and public spaces.
7. By ensuring that buildings do not detract from the spacious character of those parts of the Takapuna Centre close to Takapuna Beach, those parts of the Albany Centre to be developed for bulk retail uses, and the Business Park zones.
8. By requiring that activities in business areas maintain or enhance the landscape or streetscape character of the business area in which the activity is sited.
9. By ensuring that an effective landscape buffer is established to prevent business activities adversely affecting the visual amenities of residential or recreation areas, motorways, rivers and streams.
10. By using Centre Plans to respond to local consultative initiatives for adapting controls to provide for specific amenity requirements.
11. By requiring that applications for new development as a Limited Discretionary activity in Business 1-4 zones, and a Discretionary activity in Business Policy Overlay B1, provide a Context Analysis & Urban Design Statement, which will facilitate integration with existing development and the surrounding area.
12. By ensuring that those potential adverse effects of buildings and activities in business areas on adjoining residential areas are avoided, remedied or mitigated.
13. By requiring that developments in all business areas, except for general business areas, address design and external appearance, site layout, landscaping and access in order to achieve, maintain and enhance high levels of amenity.
14. By Council seeking to ensure that works undertaken within the public realm of local, suburban and sub-regional business centres, including roads and reserves, be designed having regard to the need to achieve high standards of amenity and design, in recognition of the potential which such works have as a catalyst for better urban design outcomes in these centres.

### **Methods**

- All policies except for Policy 9 will be implemented by rules
- Policy 9 will be implemented by Council initiatives and Council works, such as amenity improvements.

### **Explanation and Reasons**

*The policies used to achieve a high standard of amenity are repeated under other objectives within the Business Section, particularly under Objective 15.3.1: Business Development, Objective 15.3.3: Retail Activities and Objective 15.3.4: Control of Adverse Effects. Zones are the basis of distinguishing between the different types of amenity required for different business areas. Some of the policies focus on dealing with the effects on adjacent residential and recreation zones, while others are intended to ensure high levels of amenity within business zones, so that shopping centres are convenient and attractive places to visit and other business areas are able to attract employment-generating activities. A distinction is drawn between the amenity requirements of general business areas, business areas with primarily retail and office functions, and business parks. This distinction recognises that a high level of amenity exists or is needed in those types of business areas which are characterised by significant pedestrian movements and retail or office activities. The distinction also recognises that potential occupiers of*

*business park accommodation require an environment with a high level of amenity, and that the city's business parks often contain significant natural or landscape features.*

*Development controls and landscaping requirements differ from zone to zone depending on the type of effect being controlled and the extent to which dimensional standards can create or enhance amenity. The reason for including Floor Area Ratio controls is to ensure some diversity in building form within given heights through the use of a lower maximum floor area than would otherwise be permitted. Some of the policies focus on dealing with the effects on adjacent residential and recreation zones, while others are intended to ensure high levels of amenity within business zones, so that shopping centres are convenient and attractive places to visit and other business areas are attractive to employment generating activities.*

*The landscaping requirements, Controlled and Limited Discretionary activity procedures, and Context Analysis & Urban Design Statement requirements provide for full assessment of proposals and mitigation of their effects, relative to the scale and intensity of the proposed activity. Context Analysis and Urban Design Statements are concerned with the integration of new development into existing business areas. Visual impact, user convenience and the way in which a proposed development will interact with surrounding sites, roads, public places and activities are dealt with by such a technique.*

*In order to be able to respond to specific circumstances, and new forms and patterns of business activity, it is important that the control techniques have adequate flexibility available. Having adopted general development controls for business zones across the city, and instituted a framework for dealing with effects, it is important to provide scope for local identity, theme, environment and character initiatives. The Centre Plans discussed under Objective 15.3.3: Retail Activities embody such a process. The general controls are able to be adapted for individual business areas to serve particular needs that have been established by consultation and analysis.*

*Objectives and policies in other parts of the Plan deal with additional matters which make a significant contribution to urban amenity by providing, for example, a context of environmental protection, hazard mitigation, heritage protection and recreational provision.*

#### **Expected Environmental Results**

- Maintenance and enhancement of business zone amenity, as measured by five-yearly resident surveys, an annual assessment of Council's complaints register, five-yearly business zones land use surveys, and five-yearly centres vitality surveys
- Integration of new and existing developments with surrounding areas, as measured by a five-yearly business zones land use survey, an annual assessment of Council's complaints register, and five-yearly centres vitality surveys.

### **15.3.6 Albany Centre Development Strategy**

#### **Objectives**

1. To ensure the Albany Centre develops as a Sub-regional Centre that provides a choice of living, employment, retail, commercial, community, civic and recreation environments within an attractive and sustainable built environment. In time it is expected the Centre will be intensively developed. This will need to be managed to ensure an appropriate mix of uses occurs.
2. To ensure the Albany Centre develops as a Sub-regional Centre that supports the greater use of passenger transport, has a high standard of pedestrian amenity and a unique urban environment that enhances the economic and social well being of the City.
3. To recognise that the North Shore Domain and North Harbour Stadium is unable to practicably internalise all adverse effects and, accordingly, to seek to minimise the conflict between its ongoing development and use and any new or redeveloped activities which are sensitive to external effects generated by the use of the Domain and Stadium such as noise, lighting and traffic (both vehicular and pedestrian).

#### **Policies**

1. By ensuring an appropriate mix and layout of activities, buildings, movement of pedestrians and vehicles, and open space networks within the Centre so as to

achieve a sustainable, safe and visually attractive environment, with vibrant public spaces that encourage community interaction.

2. By providing a range of opportunities for retail activities within the Centre that support the desired employment, urban form and character outcomes for the different precincts within the centre. The main retail focus of the Centre is to be the Civic Crescent area, with a complementary mainstreet-type retail area in the north east acting as a catalyst for the grouping of employment-related activities in this area, and helping to link the Albany Centre busway station with the central reserve and Civic Crescent area. Outside of these two areas retail activities should be limited to those that support the day-to-day needs of office workers and residents, or involve retail formats that cannot be integrated into the Civic Crescent and mainstreet areas.
3. By ensuring a well-connected and integrated street network that is safe, easy and comfortable to move around by all modes of transport, with a choice of routes from one destination to another.
4. By ensuring development within the Centre proceeds in an environmentally responsive manner, respecting key natural features and ecological systems, utilising energy efficiently, managing stormwater runoff, and reducing reliance on the private car.
5. By ensuring development contributes to the creation of a centre with a distinctive, high quality urban character. Building, trees, streetscapes, parks and other public spaces should contribute to its sub regional status through encouraging innovative design solutions that are aesthetically pleasing. Landmark sites and key public spaces should reinforce the uniqueness of their location and reflect the Maori and European history and culture of the surrounding area.
6. By ensuring that the Centre contributes to the community's economic well-being by an appropriate mix and configuration of activities and buildings that support the development of a range of employment opportunities.
7. By providing for a range of opportunities for apartments within the Centre that enable a choice in living environments and a high standard of residential amenity and design, while recognising that activities associated with North Harbour Stadium, the Special Purpose 11 Zone and the Albany Centre busway station may compromise the environment for residents living in the Centre through noise, traffic, lighting and crowd effects. Residential development should be acoustically designed so as not to compromise the continued and evolving use of these regionally significant facilities.
8. To ensure that any development within the Albany Centre provides sufficient off-street parking and is designed and located to facilitate traffic movement (both vehicular and pedestrian) within the Centre.
9. By providing for a range of civic, community and recreational activities, including sports, arts and cultural activities, sports and other compatible activities within North Harbour Stadium, and the creation of a connected network of streets, parks and other public spaces for walking and cycling.
10. By establishing a substantial area of open space within the Special Purpose 11 zone as a major focal point for the Centre.
11. By requiring development to provide active retail frontages to key public streets including Civic Crescent and Main Street, and also by limiting the opportunity for ground floor residential activity in the vicinity of arterial and collector roads to avoid potential conflicts between ground floor residents and traffic and crowd movements.
12. By requiring development to create a connected green network that links the different parts of the Centre with parks and other public spaces as described in the Albany Centre Structure Plan contained as an appendix to the Plan maps.
13. By providing for a high intensity of development over time commensurate with the functional significance of the Centre, the finite existence of the land resource and the need to secure high quality design.



## Methods

Policies will be implemented by:

1. Provision of a structure plan as an appendix to the Plan Maps.
2. Rules that require all subdivision, use and development to give effect to the structure plan.
3. Activity and development controls.
4. The Council undertaking a comprehensive collaborative transport and land use study with Transit New Zealand that will identify the traffic and transportation issues and effects facing the Albany Centre development (including effects generated by Variation 67); propose and evaluate potential solutions to address these effects on all transport modes in the area and both the local road and State highway networks; and set out the planning processes and implementation options available.

## Explanation and Reasons

*Albany was identified through earlier district plans as the location of a new Sub-regional Centre designed to become the dominant business hub of the northern part of the city. A Structure Plan has been prepared to set out a framework for the development of a centre that will be well integrated, attractive, achieve excellence in urban design and provide for the wide range of business, employment, retail, entertainment and residential functions that are essential components of a major business centre. To promote the efficient use and development of land in the Albany Centre, an intensive form of development is anticipated over time.*

*Being located in a former greenfield area, the development of the Centre was at first limited, with the presence of the North Shore Domain and North Harbour Stadium distinguishing the Albany Centre's character. More recently the development of the Centre has rapidly accelerated as development of the surrounding area has proceeded (including the development of significant regional infrastructure such as State Highway 1 and the Albany Busway Station). These facilities and this infrastructure will continue to fulfil key strategic functions over time. It is now recognised that a centre of this scale will incorporate several functional sub areas. While provision needs to be made for the dominant functions of these sub areas to flourish, it is also considered necessary for mixed uses to be promoted throughout the Centre as a whole. Enabling a wide range of retail activity, cafes and residential accommodation throughout various parts of the Centre will encourage integration and vitality of the Centre as a whole. A mix of activities will also encourage employment opportunities within the Centre, which is an important function of Albany as a Sub-regional Centre. In lieu of the traditional land use separation approach, a high standard of urban design will be required to ensure that the mix of activities anticipated and the existing regionally significant facilities within the Centre can be properly integrated, as these significant facilities and infrastructure will continue to generate effects beyond their boundaries, including noise, lighting, crowds and traffic (vehicular and pedestrian). This is specifically recognised and provided for in the Special Purpose 12 zoning applied to the North Shore Domain and North Harbour Stadium land. It is expected that any residual effects can be addressed through the appropriate use of covenants on residential activity near the Stadium land. In the Business 4 zone, (being the retail core of the sub-regional centre), a high standard of built form, streetscape and pedestrian amenity is sought reflecting its importance as a major retail, employment and community destination for the city. All new buildings, additions with a footprint of more than 15m<sup>2</sup> and significant external alterations to existing buildings in the zone will require consent as a Limited Discretionary activity enabling each proposal to be carefully assessed against the provisions of the Urban Design Code.*

*The provision of passenger transport facilities and a public street network, incorporating a high quality, safe pedestrian environment throughout the Centre will enable it to be accessible to as many people as possible.*

*The Council acknowledges that as the development of Albany Centre progresses, there will be more pressure placed on the local road and State highway network (including the Northern Motorway) in and around the Albany area. This is expected to occur despite improvements to public transport and implementation of measures to reduce reliance on private motor vehicles. To address this, the Council and Transit New Zealand, being the authorities respectively responsible for the local and State highway road networks, have agreed that a comprehensive collaborative transport and land use study will be*

*undertaken, to be completed within nine months of commencement. This study will form the basis for identifying and implementing appropriate transport solutions as growth occurs and travel patterns change. This process will take into account plans to safe guard and implement extensions to the Northern Busway, potential changes in traffic management, options for travel planning and other Travel Demand Management (TDM) initiatives, enhancement of public transport, and appropriate road network improvements.*

*The objective and policies above apply to all zones in the Albany Centre.*

#### **Expected Environmental Results**

Development of the Albany Centre into a Sub-regional Centre which:

- provides a variety of living, employment, retail, commercial, community, civic and recreation environments within an attractive built environment
- encourages passenger transport through provision of appropriate facilities
- provides an environment that encourages pedestrian activity
- enhances the economic and social well being of the City
- protects the continued use, operation and development of regionally significant facilities and infrastructure including the North Shore Domain and North Harbour Stadium, State highway 1 and the Albany Busway
- creates a vibrant public realm.

### **15.3.7 Intensive Residential Development**

The provisions of [Section 16.3.8](#) Intensive residential development apply, with the exception of the Business 11 zone and the Milford Centre site (see Appendix 15P).

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## **15.4 Zoning Framework: Objectives and Policies**

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### **15.4.1 Local 1 Zone**

#### **Objective**

To manage the effects of buildings and activities in local centres in a manner which:

- Helps to minimise average vehicle trip lengths by recognising the neighbourhood shopping role that local centres serve or could potentially serve
- Makes efficient use of natural and physical resources
- Avoids, remedies or mitigates the adverse effects of activities on the amenity of residential properties.
- Requires well-designed development, which will contribute to the creation or maintenance of an integrated, safe and attractive centre with a high standard of streetscape and pedestrian amenity.

#### **Policies**

1. By enabling the retention of the neighbourhood shopping role of small local centres and by enabling new small local centres which can serve a neighbourhood shopping role for new residential areas.
2. By enabling a wide range of business activities to establish in small local centres in order to ensure that efficient use is made of the resource that they represent.
3. By ensuring that those potential adverse effects of activities in small local centres on the amenity of adjoining residential areas are avoided, remedied or mitigated.
4. By requiring that all new buildings and additions and alterations to existing buildings are well designed, and respond appropriately to the site's context, including the character of surrounding development and in the case of additions and alterations, are also compatible with the character of the building being altered/extended.

Development should contribute to the creation of an integrated and attractive local centre with a safe and convenient pedestrian environment.

### **Methods**

- All policies will be implemented by rules.

### **Explanation and Reasons**

*There are numerous small retail centres which have been developed throughout the city, the commercial function of which needs to be recognised. The viability of some of these centres has fluctuated over time. In order to ensure that maximum use is made of this existing resource and that all possible opportunities for employment close to local residential areas are available, a broad range of activities, including warehousing and manufacturing, is available within the zone. In line with the approach taken within the Business Section, it is the effects of those activities which are controlled rather than the activities themselves. A policy dealing with the adverse effects from licensed premises, or premises which attract significant numbers of people for social or recreational activities, is contained under Objective 15.3.4: Control of Adverse Effects. High quality design outcomes are sought to create attractive and integrated business centres with safe, convenient pedestrian environments and good standards of amenity. Accordingly, new buildings and all significant additions and alterations to existing buildings in the zone will be considered as a Limited Discretionary activity, and assessed against design related criteria in Section 15A, Urban Design Code. Additionally, these activities in areas subject to Business Policy Overlay B1 will be subject to a Discretionary application for consent, to be assessed against the provisions of Section 15.4.10.*

*Since the majority of the sites with a Local 1 zoning will lie within 30 metres of a residential zone boundary, they will be caught by the controls which apply to Buffer Strip sites, as well as by the standard development controls for the zone. The combination of these controls will ensure that local retail centres are attractive, convenient business areas, and that the residential site amenity of the surrounding area is protected. Where a site is adjoined or opposite land zoned Residential 3, or is in close proximity to a heritage commercial building, (Scheduled in Appendix 11A of the District Plan), any new building will be required to respond appropriately to the character of heritage commercial buildings, (not residential buildings) through specifically targeted assessment criteria in Section 15A, Urban Design Code. The provisions of Section 15.4.10 will also apply.*

*The future service station site on the southern side of Greville Road is zoned Business Local 1G in recognition of the need to provide adequate protection for adjoining residential sites and the local highway network. The topography of the area is such that a wide landscape buffer is needed to provide adequate protection for neighbouring residential sites. The Business Local 1G zone adjoins the intersection of Hugh Green Drive and Greville Road. The location of vehicular exits need to be controlled in order to protect the safe and efficient functioning of the local highway network.*

### **Expected Environmental Results**

- Small scale intensive business areas which are compatible with the locality, as measured by five-yearly resident surveys and a biennial business zones land use survey
- Increased use of the existing buildings within the zone, as measured by a biennial assessment of building vacancy levels within the zone.
- Well designed local business and retail centres with good standards of built and pedestrian amenity.

## **15.4.2 Suburban 2 Zone**

### **Objective**

To manage the effects of buildings and activities in suburban centres in a manner which:

- Helps to minimise average vehicle trip lengths, by recognising the shopping role that suburban centres serve or could potentially serve for existing suburbs or proposed suburbs
- Makes efficient use of natural and physical resources

- Avoids, remedies or mitigates the adverse effects of activities on the amenity of residential properties
- Requires new development to achieve a high quality design and built form, to integrate with the surrounding streetscape and buildings and to contribute to the centre's "sense of place".

### **Policies**

1. By enabling the retention of a substantial shopping role in suburban centres, including significant food retailing, and by enabling new suburban centres to serve new suburbs.
2. By enabling a wide range of business activities to establish in suburban centres in order to ensure that efficient use is made of the resource that they represent.
3. By ensuring that those potential adverse effects of activities in suburban centres on the amenity of adjoining residential areas are avoided, remedied or mitigated.
4. By requiring that new development achieves integration with existing development and the surrounding area, including any building of particular character, those heritage buildings listed in Schedule 11A, and any Notable Trees listed in Schedule 8C, of the District Plan .
5. By requiring that all new buildings and additions and alterations to existing buildings make a positive contribution to the surrounding amenity, and help to achieve high quality urban design outcomes, including a comprehensively planned, well integrated and attractive centre with an active, attractive, safe and convenient pedestrian environment. Additions and alterations to existing buildings should also be in character with the building being added to or altered.
6. By assessing Limited Discretionary activity applications for new buildings, most external alterations and those additions of more than 15m<sup>2</sup> to the footprint of existing buildings against detailed assessment criteria relating to building form and design.

### **Methods**

- All policies will be implemented by rules.

### **Explanation and Reasons**

*This zone is applied to twelve existing suburban centres and to two proposed centres at Greville Road and Unsworth Drive. The zone is designed primarily for business activities with a high intensity of operation, although it is not restricted to the largely retail range of activities within this category.*

*Apart from the floor area controls in the Local 1 zone, the range of controls applied to activities in the Suburban 2 zone is almost identical with that in the Local 1 zone. However, in recognition of the size and significance of the suburban centres, the District Plan is seeking to achieve high quality urban design outcomes. High quality urban design will ensure that the particular qualities and characteristics associated with each centre, including sense of place, vibrancy, and amenity are protected and enhanced. New buildings, additions of greater than 15m<sup>2</sup>, and significant external alterations to existing buildings will require consent as a Limited Discretionary activity, and will be assessed against detailed criteria related to design in Section 15A, Urban Design Code. Where a site is adjoined or opposite land zoned Residential 3, or is in close proximity to a heritage commercial building, (Scheduled in Appendix 11A of the District Plan), any new building will be required to respond appropriately to the character of heritage commercial buildings (not residential buildings) through specifically targeted assessment criteria in Section 15A, Urban Design Code. Where these activities are in areas subject to Business Policy Overlay B1 they will be subject to a Discretionary application for consent, to be assessed also against the provisions of Section 15.4.10.*

*The larger size of centres to which this zoning is applied will mean that comparatively a smaller proportion of sites within each of the centres will be subject to the stricter Buffer Strip controls.*

*The expectation that Suburban 2 zoned areas will have some larger stores indicates a need for comprehensive design of buildings and sites, with emphasis on integration of development and access, and for landscaping.*

## 15.4.2A Milford Intensive Residential Development Overlay Area

### Objective

To enable intensive residential uses in high quality buildings in a way that maintains the amenity of surrounding residential and business areas.

### Policies

1. By requiring high quality urban design that shows creativity, innovation and responsiveness to the local context in a way that contributes positively to the amenity and character of Milford.
2. By requiring development to be contained within the building envelopes (including prescribed heights) in Appendix 15P.
3. By providing for buildings of varying height and mass within the platforms and maximum heights of Appendix 15P, to promote a noticeable transition in built form and interest and variety to the building skyline.
4. By requiring a built form outcome that enables an active built edge around the perimeter of the site with some provision for building height variances to avoid a monotonous street edge.
5. By ensuring buildings minimise effects on adjacent sites in terms of shading, dominance and loss of privacy to main living spaces and outdoor living courts.
6. By requiring buildings to be designed to respond to their particular street context and the character and amenity of Milford.
7. By ensuring, where buildings are set back from the street, that any spaces between the ground floor of the building/s and the street contribute positively to streetscape amenity.
8. By ensuring that public and private entrances, both pedestrian and vehicular, to all buildings are clearly legible including, where practicable, being clearly visible from the street.
9. By enabling apartments to be located within tall building forms within envelopes and maximum heights in Appendix 15P where such structures are designed to high quality architectural standard.
10. By requiring apartment design to achieve a good standard of amenity for occupiers.
11. By mitigating any adverse effects of outlook from main living areas, including any modification that may be required where the mall roof is a dominant component of outlook.
12. By requiring all new and alterations to existing building development to achieve a high standard of building design.
13. By requiring parking that recognises the advantages of a town centre location while still providing for the use of private motor vehicles and cycles.
14. By ensuring any non-residential activity above RL 21m is related to or not incompatible with the primary purpose of the overlay to encourage residential intensification.
15. By ensuring intensive residential development does not compromise the ability of existing non- residential activities to continue their legitimately established operations.

### Explanation and Reasons

*The Milford Intensive Residential Overlay Area allows buildings intended for residential use as apartments. Tall buildings within the maximum heights and building envelopes in Appendix 15P may be erected in this area which will be seen from nearby and distant locations. These buildings will contribute to a changed character for the Milford town centre and it is important that they be designed in such a way as will ensure a human scale on the street and the protection of street character and amenity. In this regard the*

*main street (Kitchener Road) and Milford Road are seen to be of particular importance. The articulation and modulation of buildings, and appropriate interfaces with the street is also important. A high quality of building design and urban design will be required through assessment processes conducted via required resource consents for all new development and alterations to existing buildings.*

*Parking standards reflect the accessibility of alternative modes of transport in Milford, including buses, walking and cycling possibilities and the proximity to a range of services and facilities.*

*It is important that intensive residential development does not compromise the ability of existing non - residential activities to continue their operations. Rules applying to the establishment of intensive residential development, including parking standards and Noise Rule 10.5.c(i), are designed to ensure intensive residential development does not compromise the ability of existing non-residential activities to continue their legitimately established operations. Non compliance with those standards may require limited notification of adjacent properties.*

#### **Expected Environmental Results**

- Development of a well-located pattern of suburban centres throughout the city, as measured by five-yearly resident surveys and biennial business zone land use surveys
- Well designed centres with high standards of built and pedestrian amenity and with a wide range of retail and service activities, as measured by five-yearly resident surveys and biennial business zones land use surveys.

### **15.4.3 Takapuna Sub-Regional 3 Zone**

#### **Objective**

To achieve well designed new development that manages the effects of buildings and activities in the Takapuna Centre in a manner which:

- Recognises the sub-regional role that Takapuna serves for the southern part of the city
- Makes efficient use of natural and physical resources
- Maintains or enhances the visual amenity of the distinct areas that make up the Centre.
- Maintains and enhances the streetscape, amenity and pedestrian focus of the Centre.
- Avoids, remedies or mitigates the adverse effects of activities and buildings on the amenity of nearby residential and recreation zones, and public open spaces.

#### **Policies**

1. By enabling a wide range of business activities to establish in Takapuna Centre in order to ensure that efficient use is made of the resource that it represents, and in order to reinforce the sub-regional functions that the centre fulfils.
2. By maintaining and enhancing transport infrastructure to make the centre a strong destination point for local and sub-regional travel.
3. By requiring development to achieve high quality design, to foster good amenity standards and to relate appropriately to the built and activity context of the development site and the surrounding area.
4. By ensuring that the height, bulk and location of buildings do not adversely affect the amenities of the surrounding residential area, adjoining reserves, in particular the Takapuna Beach front reserve, and Takapuna Beach and of the following distinct parts of the Centre:
  - *The areas close to Takapuna Beach*
  - *The core of the Centre, which is located along Lake Road, Hurstmere Road and Anzac Street*

- The areas to the west of the core of the Centre.

### **Methods**

- Policies 1, 3 and 4 will be implemented by rules
- Policy 2 will be implemented by service provision as part of the Council's works programme under the Annual Plan.

### **Explanation and Reasons**

*This zone is applied to the Takapuna Centre only. No restrictions are placed on the size of business units, since the size and function of the zone is suited to business operations of any scale. All new buildings, additions of more than 15m<sup>2</sup> (to a building footprint) and significant alterations to the external appearance of existing buildings require consent as a Limited Discretionary activity, enabling the Council to assess whether a development will achieve the urban design outcomes sought for Central Takapuna, as set out in the relevant assessment criteria and Section 15A, Urban Design Code. In this respect, a high quality environment exhibiting good urban design, amenity and quality open spaces is sought.*

*The height controls in the zone are aimed at ensuring that the special character of Takapuna Beach is not dominated by buildings of an inappropriate height or bulk. Incentives in the form of building height and coverage are provided for developments which incorporate areas for public use, create visual and physical connections through the zone and retain significant trees.*

### **Expected Environmental Results**

- A vibrant sub-regional centre with a high standard of urban design and pedestrian amenity, offering a wide range of retail, service and general business activities at a wide range of intensities, as measured by five-yearly resident surveys and biennial business zone land use surveys.
- Development to a height which will not adversely affect the visual amenity of adjacent residential properties or the beach environment, as measured by five-yearly resident surveys and biennial business zone land use surveys.

## **15.4.4 Albany Sub-Regional 4, 5, 6 and 7 Zones (Business 4, 5, 6 and 7 Zone)**

### **Objective**

To ensure an attractively-designed, easily-accessible (by car, passenger transport, cycle and foot) central and southern precinct to the Albany Centre that provides a variety of commercial, retail, entertainment and community uses and public spaces, with a supplementary residential component.

To ensure that the retail heart of the Albany Centre, (zoned Business 4), develops as an attractive and vibrant focus by requiring high quality building design and attractive, active and safe streets and public places.

### **Policies**

1. By enabling the establishment of a wide range of activities within the Sub-regional 4 zone, including retail, office, entertainment, civic and community activities and residential apartments above ground floor.
2. By enabling the establishment of retail activities of a large floor area within the Sub-Regional 5 zone, together with office, entertainment, and other commercial activities and residential apartments above ground floor.
3. By enabling the establishment of primarily commercial development within the Business 6 zone, with limited provision for retail activities, and limited provision for residential activities where this does not compromise employment objectives for the centre.
4. By ensuring that all buildings, additions, alterations or development make positive contributions to the amenity of the Albany Centre and its surrounds and help to achieve a comprehensively-planned, well-integrated and attractive centre.



In particular, development in the Business 4 zone will be assessed against the Urban Design Code to ensure that high quality urban design outcomes, which relate appropriately to the built and activity context of the site and surrounding area, are achieved, including:

- Create an attractive, active and lively street frontage to Civic Crescent.
  - Provide for vehicle and pedestrian access through the area to help link the northern and southern areas of the Centre, including a new street between Don McKinnon Drive and Civic Crescent.
  - Promote a mix of retail, business and residential uses.
  - Maintain views and pedestrian and cycle access along the axis to and from Spencer Ridge Reserve and the central lake area shown on the Albany Centre Structure Plan.
5. By ensuring that parking within these zones be co-ordinated for the convenience of users, and that vehicle access to parking area shall generally be from Don McKinnon Drive in order that:
    - The pedestrian environment bordering and crossing the Civic Crescent is not compromised
    - A strong building line formed by buildings fronting the Civic Crescent is not disrupted
    - Ingress and egress points at junctions or on the Entry Roads do not adversely affect the safety or convenience of these roads for road users.
  6. By ensuring that various linkages are provided through the Business 4, 5 and 6 zones to enable ease of movement for pedestrian and cyclists throughout the Albany Centre.
  7. Residential development in the Business 4 and 5 zones should be designed to mitigate against potential external effects such as noise, lighting and glare.

### **Methods**

Policies will be implemented by:

1. Provision of a structure plan included as an appendix to the Plan maps.
2. Rules that require all subdivision, use and development to give effect to the structure plan.
3. Activity and development controls.

### **Explanation and Reasons**

#### **Sub-Regional 4 Zone**

*The zone provides for a wide range of activities including specialized and intensively developed retail and commercial uses, together with a wide range of entertainment, civic and community functions. The zone is to develop as a comprehensively- planned, well integrated and attractive shopping centre. In order to achieve this, all new buildings, additions of more than 15m<sup>2</sup> and significant alterations to the external appearance of existing buildings are subject to a Limited Discretionary activity application that will provide for assessment of the proposed works against a broad range of assessment criteria contained both in Section 15, Business and in Section 15A, Urban Design Code.*

*Residential activities are also provided for, but not at ground level. Good urban design will be required to ensure that the relationship between the mix of activities anticipated and existing regionally significant facilities and infrastructure can be properly integrated. Good urban design will also be required to "create a sense of place" with high quality building design, and attractive, active and safe streets and public areas to reflect the areas importance as one of only two sub-regional retail centres in the city.*

*Development will occur within a largely pedestrian environment, with a high level of access by private and public transport. Key pedestrian routes will create strong linkages to the proposed BRT hub and mixed use area within the Business 11 zone, including the Main Street. Short and long term parking facilities will be provided. A street linking Don*

*McKinnon Drive with Civic Crescent is proposed in the Structure Plan to assist with movement through the Business 4 zoned land.*

#### **Sub-Regional 5 Zone**

*The purpose of the zone is to provide an area for a wide range of activities at a lower intensity of operation, these being second tier retail activities such as discount merchandising, bulky goods show rooms and home improvement centres which will be complementary to, rather than competitive with, the retail shopping of the Sub-regional 4 and 11 zones. The Council wants to ensure that the zone does not develop in such a way as to detract from the development of an integrated shopping centre. Because of this, restrictions have been imposed to require a large floor area for individual shops and a low building coverage for each site. All development is subject to design and appearance assessment, with vehicular rather than pedestrian accessibility more important for most of the activities in this zone.*

#### **Sub-Regional 6 Zone**

*This zone applies to an area of land that is well suited to commercial development, with the potential for views across the Albany Centre area to the northern backdrop of bush clad hills and escarpments. All development is subject to Controlled activity procedures.*

#### **Sub-Regional 7 Zone**

*This zone applies to an area of land that is well suited to commercial development. In recognition of the greater potential for adverse traffic and visual effects, the development controls that apply are more restrictive than those that apply to the Business 6 zone. The zone has been split into two subzones due to access difficulties associated with sites that rely on access from the state highway network.*

#### **Expected Environmental Results**

- The establishment of a variety of activities, in particular commercial, retail, entertainment, community uses and public spaces and a subsidiary residential component.
- An attractively designed and easily accessible area.
- A vibrant business and retail centre with high standards of urban design and pedestrian amenity.

### **15.4.5 Business Park 7 Zone**

#### **Objective**

To manage the effects of activities in those business areas where major landscape features are dominant physical elements, or where a single large landholding in a strategic location provides an opportunity for a high amenity business area, in a manner which:

- Maintains or enhances the quality of the environment
- Reduces dependency on the motor vehicle for travel
- Makes efficient use of natural and physical resources
- Achieves a high level of amenity.
- Achieves the ongoing development of Smales Farm Technology Office Park as a major employment node in an efficient manner.

#### **Policies**

1. By enabling a wide range of moderate to low intensity business activities to locate in the high amenity business areas.
2. By ensuring that activities which have a high traffic generation characteristic do not locate in the high amenity business areas, unless they are small activities which clearly serve the particular business area.
3. By ensuring that the design, external appearance, layout, and landscaping of any development maintains or helps establish a high level of amenity.

4. By ensuring that any outdoor activities do not adversely affect the visual or acoustic amenity of any neighbouring sites.
5. By encouraging the continued development of Smales Farm Technology Office Park as a high amenity employment node while:
  - Encouraging the use of public transport;
  - Encouraging use of alternative modes of travel supported by travel demand management plans and facilities that support cycling and walking;
  - Enabling the use of private transport and managing its effects; and
  - Ensuring that the design of the ground level of buildings adjoining the footpath along the southern side of Shakespeare Road Extension contributes to the pedestrian amenity of the street.

### **Methods**

- All policies will be implemented by rules.

### **Explanation and Reasons**

*The Albany Business Park 7 zone forms an integral part of the provisions for the Albany Centre and is dealt with under the Albany Centre objectives. The other Business Park zones have been developed in order to provide high amenity areas where a mix of activities such as offices, institutions, high density residential and industrial premises can locate in well designed buildings. The zones have been applied to land with characteristics which suggest a business development in a landscaped setting. The Business Park 7 A and B zones are applied to Smales Farm, Tank Farm and Windsor Park, each of which is in a single landholding. The Business Park 7 C and D zones are applied to an area in the Oteha Valley, which is dominated by the bush-clad Oteha escarpment, and an area at Spencer Road, which lies below the Spencer Road ridgeline. The Business Park 7G zone is applied to an area in Glenfield which contains an extensive landscaped bank important to the amenity of the neighbourhood. The limited geographical size of these zones and the avoidance of high intensity retail and service activities will limit these areas to relatively small, attractively laid out business areas.*

*The range of activities for which the zones are designed and the controls for the subzones are very similar. The main differences lie in the height controls, the criteria for Controlled activity assessment, and the status of residential activities in the Business Park 7G zone. Relatively generous height controls are applied to Smales Farm and Tank Farm, because their high visibility and potential separation from residentially zoned land provides an opportunity for buildings which will act as landmarks, whereas the height limit at Windsor Park is restricted to protect adjacent residential areas. At Oteha building heights are linked to low site coverage requirements which will allow views past buildings to the bush of the escarpment. At the Spencer Road area a restrictive height is applied to retain views of the ridgeline. A more permissive approach to residential activities is taken in the Business Park 7G zone in recognition of the small size of this area, and its proximity to the Glenfield Commercial Centre and to neighbouring residential properties.*

*While the Smales Farm Technology Office Park already demonstrates the high level of visual, landscape and pedestrian amenity anticipated for this Business Park 7A zone, development has proceeded relatively slowly since its inception. It is recognised that encouragement for its ongoing development is likely to result in its more expeditious completion as the major office centre of North Shore City, well integrated with private and public transportation networks. The implementation of Travel Demand Management Plans and the provision of facilities such as showers, lockers and changing facilities are methods that may be implemented to encourage the use of alternative modes of travel.*

### **Expected Environmental Results**

- That a wide range of business activities which do not generate an intensive movement of vehicles into or out of the zone will establish, as measured by biennial business zones land use surveys, annual traffic counts, and an annual assessment of Council's complaints register
- That high standards of visual and environmental amenity will be established and maintained, as measured by five-yearly resident surveys.

- That further development of employment generating activity at Smales Farm Technology Office Park will be accelerated, as measured by biennial business zones land use surveys

### 15.4.6 Business Special 8 Zone

#### **Objective**

To manage the effects of activities in part of the Wairau Valley where retailing has established and has been recognised as appropriate, in a manner which:

- Takes into account the limited capacity of the roading network
- Avoids, remedies or mitigates any adverse social and economic effects, including cumulative effects, on existing and proposed centres
- Maintains a moderate level of visual and environmental amenity.

#### **Policies**

1. By avoiding, remedying or mitigating any significant adverse effects that large new developments in the Business Special 8 zone may have on the character, heritage and amenity values of the existing or proposed centres, and on the accessibility to a range of business and community facilities they provide.
2. By restricting the area that can be developed for high traffic generating activities to an extent consistent with the capacity of the roading network, and to an extent that there will be no more than minor adverse social and economic effects, including any cumulative effects, on any existing or proposed centres as a whole.
3. By discouraging the establishment of those activities which generate high levels of traffic and/or have significant adverse social and economic effects on existing or proposed centres.
4. By enabling a wide range of low to moderate intensity business activities to establish in the area.
5. By ensuring that development maintains the standard of amenity in the area.

#### **Methods**

- All policies will be implemented by rules.

#### **Explanation and Reasons**

*This zone is entitled to a special zone because it recognises a cluster of retail activities located along Link Drive within the Wairau Park area which is predominantly zoned General 9 and 10.*

*Beyond the limited retail provisions for the Business Special 8 zone, a wide range of activities having a moderate to low vehicle generation rate and which can meet the controls for the zone, may establish there.*

#### **Expected Environmental Results**

- Continued presence of a wide range of activities, as provided for within the Business 8 zone, as measured by biennial business zones land use surveys.

### 15.4.7 General 9 and 10 Zones

#### **Objective**

To manage the effects of activities in the city's general business areas in a manner which:

- Provides opportunities for a wide range of employment-generating business activities to establish in the city
- Maintains a moderate level of visual and environmental amenity
- Makes efficient use of natural and physical resources
- Reduces dependency on the private motor vehicle for travel
- Avoids, remedies or mitigates the adverse effects of activities on the amenity of

nearby residential properties

- Recognises and protects the distinctive character and heritage values of the business areas in Business Policy Overlay B1
- Achieves a moderate level of air quality generally, and a higher level in locations close to residential areas
- Minimises the unintentional exposure of people to risk from hazardous activities.

### **Policies**

1. By enabling a wide range of moderate to low intensity business activities to locate in the general business areas.
2. By discouraging activities which have a high traffic generating characteristic from locating in the city's general business areas, unless an assessment of traffic effects can demonstrate that adverse effects on residential amenity, on pedestrian amenity in the vicinity of the proposed activity, and on the road network can be avoided, remedied or mitigated to ensure that they will not be significant.
3. By avoiding, remedying or mitigating any significant adverse effects that large new developments in the city's general business areas may have on the character, heritage and amenity values of the existing or proposed centres, and the overall accessibility to a range of business and community facilities they provide.
4. By ensuring that development maintains the standard of visual and environmental amenity in the general business area, and does not adversely affect the amenity of adjacent residential areas.
5. By ensuring that the potential air pollution or hazardous aspects of business activities do not adversely affect the environment, with particular attention being paid to those areas close to residential areas.
6. By preventing residential development significantly reducing the scale of land available for business activities in the city's general business areas.
7. By ensuring that residential development in business areas is designed to avoid, remedy or mitigate adverse effects on residential amenity from business activities.
8. By ensuring that activities which are characterised by high traffic generation do not locate in Wynyard Street in Devonport, and by ensuring that this mixed business area continues to offer opportunities for moderate to low traffic generating business activities.
9. By recognising and providing for the unique circumstances and resource values that pertain to the Chelsea Sugar Refinery arising from its uninterrupted sugar processing operation at this significant coastal location since 1884.

### **Methods**

- All policies will be implemented by rules
- Policy 9 (Chelsea Sugar Refinery) will be implemented by way of exemptions within both the Business 9 and 'coastal conservation' rules (Sections 15 and 8 respectively), and also through special provision within Section 11 (cultural heritage) to protect significant heritage values while enabling the ongoing use and development of land and buildings for sugar processing purposes.

### **Explanation and Reasons**

*These zones have been applied to established industrial areas and large areas of vacant land at Albany which are well suited to industrial type activity. The zones acknowledge the possibility of activities which generate high levels of vehicular traffic seeking to establish, such as some forms of retailing, but are concerned to maintain the safe and efficient development and operation of the road network and to protect amenity in nearby residential areas. The policies also recognise that large scale retail development could potentially have an adverse social and economic effect on the existing or proposed centres, and that significant adverse effects will need to be avoided, remedied or mitigated.*

Wynyard Street in Devonport is zoned General 9D in order to reflect the existing character of the street and to provide opportunities for general business activities which would not wish to locate on higher value land in the Devonport commercial area. Examples of such activities are light industry, warehousing and service industries appropriate to their location on the interface of residential and commercial areas. Because of the proximity of Wynyard Street to the main Devonport commercial area, a number of activities which could locate on other Business General 9 zoned sites are not allowed. Such activities include service stations, small food retailers, restaurants and banks. These activities have the potential to drive out general business activities from the General 9D zone and so deprive Devonport of opportunities for businesses such as panel beaters, auto electricians and boat builders. Also of relevance is the additional traffic and parking demand generated by retailing activities which is already problematic in Devonport.

Wynyard Street and other Business 9 areas having special heritage character are subject to the provisions of the Business Policy Overlay B1 (Business Built Heritage Areas).

The North Eastern end of Enterprise Street is zoned General 9B in recognition of the context of this business area, and to provide adequate protection for Le Roy's Bush and adjoining residential sites. This part of Birkenhead is characterised at present by extensive areas of native bush which need to be respected.

The Chelsea Sugar Refinery site is occupied by New Zealand's only sugar processing operation, which has operated at this location since 1884. The operation is unique in New Zealand's industrial history. It is 'heavy' industry in the context of North Shore and has seen constant change over a long period in order to remain successful at this location. The long-standing nature and growth of the operation at this location (which has and will continue to involve structures across the coastal fringe) has led to there being very significant built heritage values but also greater challenges in terms of accommodating operational requirements. The heritage values are enhanced by the continued existence of the refinery at this location which in turn is facilitated by ongoing adaptation and alteration of heritage buildings, and the addition of new structures. It is necessary to balance the needs of the refinery to operate efficiently with the Act's imperative of protecting historic heritage from inappropriate use and development (section 6f). Special exemptions and other provisions are appropriate and necessary to enable the operation to remain viable whilst ensuring that the site's significant heritage values can be maintained, enhanced where practicable, and appreciated, well into the future.

Residential development is restricted within these zones in acknowledgment of the potential for adverse effects from activities on neighbouring properties, and the need to protect the zoned land for business purposes generally.

Particular attention has been paid to controls which will protect the residential interface. These include Buffer Strip restrictions on activities and the layout of sites, as well as perimeter yard requirements to provide a wide landscaped buffer where sites adjoin residential zones.

A comprehensive set of performance standards are included in the Plan to ensure that significant adverse effects are avoided, remedied or mitigated, covering all generated effects of industrial and trade processes, and to require a risk assessment of any activities which are potentially hazardous. Even with the application of a comprehensive set of performance standards, there is still a need to restrict some activities and processes to areas which are isolated from residential areas. Sometimes odour effects are very difficult to control, and for technological or financial reasons, it may be impractical to implement mitigation measures adequate to protect adjacent residential properties. The reasons behind restrictions on air emission processes are fully explained in [Section 10.3.1: Air Quality](#).

In respect of Lot 2 DP40256 and Lots 16, 17 and 18 DP42807 on Albany Highway, at such time as the Council is satisfied that the sites will be amalgamated into one title and that a suitable development proposal has been prepared in a manner that provides for such matters as vehicle access and landscaping on a comprehensive basis, the Council will introduce a variation or plan change to rezone this land for Business 9 or such other purpose as may be appropriate.

#### **Expected Environmental Results**

- Establishment and maintenance of a wide range of business activities, as measured by an annual assessment of the New Zealand Business Directory

- Protection of land values at an affordable level which promotes a wide range of business activities, as measured by an annual assessment of property valuations, property sales and rental rates for the business zones
- Protection of business activities as the primary function of the zone, as measured by a biennial business zone land use survey
- Development of sufficient retail activities in the zones to service other business activities without attracting significant additional vehicle trips into the zone, as measured by annual traffic counts, and biennial business zone land use surveys.

#### **15.4.8 Albany Sub-regional 11 Zone (Business 11 zone)**

##### **Objectives**

1. To ensure the northern extent of the Albany Sub-regional centre develops as a mixed use area which comprises a comprehensive range of activities. Retail, office, residential, employment, entertainment, recreational, transport and community activities and buildings that create an area with a distinctive, high quality urban character and a high standard of pedestrian safety and amenity are encouraged in carefully defined areas.
2. To ensure the zone's potential to provide for significant residential and employment opportunities to support future population growth is encouraged through provision of a high intensity of development over time.
3. To ensure a range of distinct areas where different primary uses are encouraged, but within which other uses that service the area are enabled where they support the desirability and attractiveness of the area for the primary use or uses.
4. To ensure the ongoing use and development of the North Shore Domain and North Harbour Stadium is not compromised by the location and development of residential activities within the zone.

##### **Policies**

1. Development within the zone should support the creation of safe and attractive public streets that create a connected street network, provide a choice of routes within the zone, and a high standard of amenity for pedestrians and cyclists. Development should complement, and where necessary provide for, pedestrian linkages between the North Shore Domain and North Harbour Stadium and the major public transport points and public car parking areas within and adjacent to the wider Centre.
2. Retail and entertainment activities within the zone should be focused on the development of a Main Street area linking the proposed BRT station with the Special Purpose 11 Zone. The opportunity for ground floor residential activity in the vicinity of arterial and collector roads should also be limited to avoid potential conflicts between ground floor residents and traffic and crowd movements.
3. Retail and entertainment activities should predominantly be focused on public streets to support the creation of an active and attractive public realm that enhances the social and economic benefits and amenity values offered by the Centre.
4. The high standard of amenity and environmental quality appropriate to business and residential activities sought in the zone should not be undermined by activities which have potentially objectionable, noxious or dangerous effects.
5. The North Shore Domain and North Harbour Stadium should be recognised as an important regional facility that does have the potential to generate adverse effects beyond its boundary and to require that new residential development avoids, remedies or mitigates against such effects.
6. Development within the zone should be of an urban character appropriate to the sub-regional role of the Centre, with a high standard of building design and safe and attractive streets, parks and public spaces that contribute to the creation of a strong local identity.

Elements which contribute to the creation of a strong local identity include the various features shown on the Structure Plan and:



- buildings in close proximity to site frontages, creating coherent and contained streetscapes
  - active uses along street frontages and development above ground floor overlooking the street to create safe and active environments
  - breaking down building forms into horizontal distances that create a human scale and visual interest, safety and activity along street frontages for pedestrians
  - street trees and landscaping themes that complement those already established within the Albany Centre and which are ecologically and culturally appropriate to their location
  - buildings that provide shelter for pedestrians and continuous areas of paving along streets to provide for the pedestrian amenity and other activities anticipated for the zone
  - absence of large on-site car parking areas between buildings and streets
  - absence of blank walls along street frontages, and adjacent to and visible from other public spaces
  - landmark buildings or features of innovative design on prominent sites that contribute to the creation of a unique identity within the Centre
  - access to daylight and sunlight within buildings and in streets, other public spaces and private outdoor spaces.
  - management of conflict between new development and the North Shore Domain and North Harbour Stadium.
7. To encourage a safe, lively environment, residential apartments should be provided within the zone, ensuring that there will be activity throughout the day and evening and to provide a choice of living environments within the City. They should be located, designed and covenanted to ensure that a good standard of internal and external amenity is achieved.
  8. Development should be designed and located so as to avoid, remedy or mitigate adverse effects on existing amenity values associated with the Lucas Creek Escarpment and Domain Reserve and the central park around the stormwater lakes within the Special Purpose 11 zone. Where possible amenity values should be maintained or enhanced. Existing environmental values considered worthy of retention are:
    - the open/spacious nature of the Lucas Creek Escarpment and Hooten Reserve as experienced from Oteha Valley Road
    - views along defined axes to and from the Albany central park area to the Lucas Creek Escarpment
    - sunlight access and limited shadowing of the Special Purpose 11 zoned park land along the northern edge of the stormwater lakes.
  9. The zone's potential to provide for employment opportunities should not be compromised by predominantly low density development or reverse sensitivity associated with inappropriate forms or location of residential development.
  10. Development in the zone should seek to retain opportunities for at least 15,000 full time equivalent jobs through the mix of activities provided.
  11. Activities within the Business 11A zone should support the development of a vibrant main street that encourages daytime and evening use of the area through the mix of activities, including retail, cafes, restaurants, cinemas, offices and above ground floor residential apartments.
  12. The Business 11B zone should encourage a focus on employment generating activities such as high density office development by limiting retailing to activities that provide for the convenience needs of office activities and which do not diminish the amenity and vibrancy of the Business 11A zone.
  13. The Business 11C zone should support the development of a predominantly high

density residential apartment area, providing for apartments with a high standard of residential amenity and a limited amount of convenience retail.

14. The Business 11D zone should encourage the development of a general business area by enabling the establishment of car-orientated commercial and entertainment activities and limiting retailing activities to those formats which are unsuitable for the other higher amenity parts of the zone and which do not diminish the amenity and vibrancy of the Business 11A zone. Residential activities should not establish in the Business 11D zone.

#### **Explanation and Reasons**

*The land contained within the northern extent of the Albany Sub-regional Centre (known as the Sub-regional or Business 11 zone) provides an opportunity for the establishment of a major mixed use area with a full range of retail, civic, entertainment, employment, community, office and residential activities. The establishment of business activities within this area will assist in the achievement of Council's objective of greater provision of employment opportunities within the City. This will contribute to providing convenient access to employment for the City's residents and may contribute to reducing the growth in harbour bridge traffic, and the consequential adverse effects on the City's near bridge environment. Provision for high and medium density residential development will bring more people into the Centre on a 24 hour basis, which will assist in creating a vibrant, safe centre while accommodating some of the region's population growth within the metropolitan urban limits established by the Regional Council.*

*There has been a tendency within the Centre towards the creation of land use sectors where one particular use dominates. There are for example large format retail areas, shopping and office areas, the stadium and university area. This approach is to be expected within larger centres. Nonetheless, such an approach brings with it advantages and disadvantages. There are advantages to the uses themselves in terms of attracting customers to one particular area, with connections, linkages and the opportunity for customers to benefit from having complementary uses within a particular area. On the other hand, concentration of a particular use can lead to the creation of sterile areas at certain times of the day and lead to a number of distinct centres separated functionally and in terms of distance.*

*An alternative approach is to try and achieve a mix of uses throughout an area, and this is the approach being taken for the Business 11 zone. This will increase the vibrancy and vitality of the zone by avoiding the creation of sterile areas, and will help to improve overall safety and security within the Centre. It will also facilitate a variety in design and urban form. Within the overall mixed use context of the Business 11 zone, particular activities are encouraged to dominate in certain parts of the zone to avoid significant adverse effects on more sensitive land uses, to ensure that opportunities for employment within the zone are provided, and to focus retail development into a defined area so that a thriving main street environment can develop.*

*It is important to recognize that the residential living environment within a mixed use area differs from that found in suburban residential zones in terms of noise generation, traffic levels and development intensity. In this particular location, a residential living environment within the mixed use area will also be exposed to additional effects such as high levels of noise and traffic, large crowds moving through the area on a regular basis and to a large, artificially lit area all associated with the use of the North Shore Domain and North Harbour Stadium (see also the provisions of the Special Purpose 12 zone). It is acknowledged that the North Shore Domain and North Harbour Stadium is not expected to internalise all associated adverse effects (see the provisions of the Special Purpose 12 zone). Development in close proximity to these facilities should provide a reasonable level of protection for residents.*

*The Centre should be a place that people enjoy visiting and spending time, with an urban form that enhances the character, vibrancy and liveability of the area. The way in which building, streets, parks and plazas are designed contributes to achieving a local character and attractive urban environment. Buildings are encouraged to front streets and open spaces in a positive manner and present a varied and interesting facade to the street. The amenity and function of streets will be determined, in part, by the activities and building forms that define their edges.*

**Expected Environmental Results**

- Efficient development and use of the zone in a way which enables employment growth, as measured by biennial business zones land use surveys
- The establishment and maintenance of a high standard of amenity in the zone, as measured by at least five-yearly surveys of businesses and residents and biennial business zones land use surveys. The high standard of amenity sought includes the following characteristics:
  - Contained streetscape throughout parts of the zone.
  - Street landscaping theme consistent with Albany Centre
  - Pedestrian friendly environment
  - Coherent built edge along Don McKinnon Drive, and North Entry and Main Street
  - Defined view shafts of Lucas Creek Escarpment from Don McKinnon Drive
  - Visually interesting facades visible from public view points
  - Car parking generally located to the rear, under or within buildings
  - Quality landmark features at key focal points
  - Buildings and landscaping along the southern side of Oteha Valley Road to complement the escarpment.
  - A vibrant, pedestrian friendly mixed use main street which is well-used during the day and in the evening.
  - Apartments which provide a range of quality living environments.
  - Achievement of a reasonable standard of noise within residential units.

**15.4.9 Business 12 - Mixed Use Zone****Objectives**

To provide for a mix of business and residential activities within town centres in a manner that achieves a high quality urban environment and assists in achieving an interesting and vibrant town centre.

**Policies****1. Street Frontage**

The design of buildings at the street frontage shall incorporate significant areas of shop front display glazing/windows and entries so that there is a good visual connection with the street. Large areas of blank walls should be avoided through the use of articulation and architectural detail.

**2. Scale/Bulk**

The height, bulk and location of buildings should not adversely affect the amenities of adjacent residential and recreation zones. In Browns Bay the height of mixed use development along Bute Road is to be below the level of the escarpment to the north.

**3. Business component**

There must be a significant business component at ground level on the street frontage. The business component is not to be dominated by a single large-scale business activity but should include a range of businesses activities.

**4. Site Area**

Development on larger or amalgamated sites is encouraged in order to make more efficient use of urban land and infrastructure.

**5. Floor-to-ceiling heights & building depth**

The design of buildings, including internal floor-to-ceiling heights and building depth should provide the flexibility for uses to change over time.

## 6. Parking

Carparking requirements in mixed use development are reduced in recognition of the proximity to good public transport. Parking in mixed use developments should be located underground or to the rear of the site thereby achieving a high quality urban and street environment that is not dominated by carparking or parking buildings.

## 7. Access

Entry points into a building or onto a site should be clearly defined and identifiable to both motorists and pedestrians.

## 8. Building Design

Mixed use developments shall be of a high standard of architectural and urban design and the external appearance, layout, use of materials and landscaping shall maintain or help establish a high level of amenity which enhances the relationship of buildings with the street, public open spaces and adjacent residential areas.

## Methods

All policies will be implemented by rules and assessment criteria.

## Explanation and Reasons

*The Business 12 - Mixed Use zone has been applied to the northern side of Bute Road and the eastern side of Clyde Road in Browns Bay and the western side of the Albany Village town centre. The zoning may also be applied to other town centre areas in time.*

*Mixed use development should maintain a direct relationship with the street by being located at the street boundary. Ground floor spaces should face the street and have windows and doors which look directly onto the street, with glazing comprising a major portion of the ground floor façade. A continuous street frontage should be provided.*

*For mixed use development along the northern side of Bute Road in Browns Bay, the height limit has been set to ensure that development is in scale with the adjacent escarpment and does not adversely affect the dwellings located on the escarpment.*

*Having business activities at ground floor level will enhance community accessibility to a range of facilities. Providing opportunities for employment will assist in meeting wider strategic economic and social objectives and enhance the vitality of town centres.*

*A minimum site area requirement has been specified for mixed use development. The purpose of this requirement is to encourage the amalgamation of smaller sites. This will assist in achieving more efficient redevelopment of urban land.*

*Designing for higher ceiling heights throughout a mixed use development allows for maximum flexibility with respect to future uses. This adaptability broadens a development's market appeal and therefore its economic viability. Other advantages of buildings with higher floor-to-ceiling heights include improved natural lighting due to higher window heads, good natural ventilation for spaces furthest from the windows, and generous, appealing interior spaces. Regardless of use, buildings of a depth of 10-14 metres are considered optimal. A building depth of less than 10m is often too narrow for the introduction of vertical or horizontal circulation which limits options for room layout and circulation space. A building deeper than 14m cannot be naturally ventilated and requires artificial lighting. Natural ventilation is environmentally preferable and often economically advantageous to artificial ventilation.*

*Parking areas are to be located beneath or at the rear of a building. This allows the development to maintain a good relationship with the street and prevents carparking from dominating the street.*

*Mixed use developments encourage both pedestrian and vehicular traffic to their premises. This requires that occupants and visitors have clearly defined access points to their respective destinations within the site/building. Wherever practical, access to public and private areas should be kept separate. This allows each area to function independently and provides greater security for all occupants.*

*A high standard of design is required for mixed use developments. This is to be achieved through quality architecturally designed buildings, site layout and landscaping. A high standard of design will contribute towards achieving the zones objectives of a mix of business and residential activities in a high quality urban environment.*

**Expected Environmental Results**

The establishment of high quality mixed use developments in town centres as measured by urban design assessment. Developments should exhibit the following qualities:

- Have a strong relationship with the street, and utilise shop front display windows at ground floor level rather than blank walls;
- Buildings which are of a height that is in scale with the town centre and adjacent natural features such as the escarpment in Browns Bay;
- Significant business uses at ground floor level;
- Amalgamation of small sites for mixed use development;
- Generous floor-to-ceiling heights which provide flexibility for changes of use over time and building design and depth that enables natural light and ventilation and easy adaptation;
- Developments that are not dominated by carparking;
- Clearly identifiable access points for pedestrian and vehicles into mixed use developments.

### **15.4.10 Business Policy Overlay B1 (Business Built Heritage Areas)**

**Objective**

To protect, maintain and enhance the heritage values and traditional character and scale of business areas in heritage neighbourhoods, and in the case of Devonport including almost all of the centre.

To ensure that all change, be it alteration, addition, or new development, located in business areas in heritage neighbourhoods is designed to respond appropriately to its context and to contribute positively to the traditional architectural and heritage character of the business area and the local heritage neighbourhood, and to prevent development that does not achieve this.

To protect and to maintain the traditional commercial/mixed use role of business areas in heritage neighbourhoods.

To ensure that the bulk, location, scale and design of new buildings and alterations to existing buildings in business areas in heritage neighbourhoods avoid adverse effects on those buildings and/or on residential and commercial heritage buildings in the locality.

**Policies****1. Character of Heritage Business Areas**

The design of all new development and/or alterations and additions to existing buildings should respect and respond, without replicating or mimicking (although alterations should be seamless and create a solution that would have been considered in the period when first built) to the traditional heritage architecture of commercial buildings in the business zoned centre or area. The buildings that should be used for guidance are those buildings of significant historical or architectural merit or those which help to establish the character and heritage of the area in terms of their scale, massing, setbacks, windows, detailing, finishes and frontage development. In this regard, designs should have particular regard to the level of contribution each building in the vicinity makes to the collective historic character of the area, as identified in Appendix 15O where "heritage character defining" buildings are those which make a strong or clearly significant contribution to heritage character, and "heritage character supporting" buildings make a moderate but still significant contribution to heritage character.

All development and alterations and additions to existing buildings should relate well to the context, be appropriately integrated with adjoining development, and contribute to a high standard of pedestrian and streetscape amenity.

## **2. Character of Neighbouring Heritage Zones**

The design of all new development and alterations to existing buildings should ensure that the buildings do not adversely affect the special character of the neighbouring residential built heritage areas.

## **3. Scale/Bulk/Location on site**

The Council will assess the overall bulk and design and location on the site of new buildings and additions and alterations on a case by case basis. While it is expected that development will be consistent with the development control rules that would normally apply to the site, new development should be appropriate to the nature and context of the site including the surrounding heritage neighbourhood and buildings of merit, particularly scheduled heritage buildings, in the business area.

Buildings must maintain the traditional one to two storey scale of development to ensure that new buildings do not dominate older buildings or neighbouring residential built heritage areas. In some cases (for example on sloping sites or for special features) parts of buildings up to 3 storeys in height may be appropriate especially away from the main street frontages. In other instances (for example due to the character of the centre or neighbouring buildings or residential areas), development above single storey level (relative to road level) may not be appropriate.

## **4. Amenity of Residential Areas**

The design of all new development and alterations to existing buildings should ensure that sunlight access is maintained to neighbouring residential zoned properties. Developments are to avoid visual domination and loss of privacy and are to ensure a high standard of amenity for adjacent residential properties.

This should be balanced with maintaining the traditional character of the particular area. For example, commercial buildings often have reduced heights at the rear where they adjoin residential land, or may be up to two storeys right on a side boundary. Traditional building forms appropriate to the context of the site, yet safeguarding residential amenity, will be expected.

## **5. Commercial Activities at Ground Floor**

There must be a significant business component at ground level on the street frontages, to a viable depth, to ensure that buildings and land retain a strongly commercial function and character, and the area continues to function as a commercial or business site or node. The design of the frontage of buildings must incorporate significant areas of unobscured shop display glazing/ windows and entries, in traditional form, so that there is a good visual connection with the street. Large areas of blank walls or featureless frontages are to be avoided through use of articulation, windows, doors and architectural detailing.

## **6. Residential Activities**

Residential activities must be located (allowing for reasonable access) above street level or behind the business activities fronting the street.

In some situations, residential units located behind or away from the main street frontage may front minor streets or back lanes, however residential development should not dominate a site or area, or lead to a more than minor reduction in potential ground floor business space.

## **7. Buildings Frontages**

Buildings should be built up to the street boundary so as to maintain a direct relationship with the street. On some side streets and adjacent to the residential zones development that is set back from the street boundary, or side yard, may be more appropriate. In the case of Business 9 zoned land at Wynyard Street and Hinemoa Street, alternative solutions to the design of building frontages may be appropriate in order to maintain compatibility with the existing nature and layout of these areas and their particular business character or historic industrial function.

**8. Car Parking, Loading and Access**

Car parking should be located away from the site frontage, and site access for vehicles should not dominate the road frontage. The most suitable location for vehicle access to sites is from side streets in order to maintain the continuity of commercial frontage on main streets. Reduced or waived provision for on-site carparking or loading (relative to any minimum standard) will be supported where this would clearly enable better outcomes in terms of historic character, or where full or partial compliance would clearly result in an adverse heritage effect.

**9. Floor to Ceiling Heights**

Buildings should provide a generous stud height particularly at street level in order to maintain the traditional commercial character and function of ground floor areas and to provide for the flexible use of buildings over time for a wide range of business or commercial activities.

**10. Materials and Colour**

The materials and finishes used for the exterior of new commercial buildings and for alterations to the frontage of buildings must be such as to respect and respond appropriately to the characteristics of existing buildings in the area and wider locality, particularly buildings of historical or architectural significance or those which contribute strongly to the character and heritage of the area in terms of form, detail and materials used. The colour of materials and finishes should be appropriate to the context of the development site and locality, and this may necessitate softening or modifying branding colour schemes where these would amount to a significant detraction.

**11. Wynyard Street, Devonport**

Any new development and external alterations to existing buildings should take their cue from the industrial commercial character of the area rather than the more formal (retail) styles in other parts of the Devonport centre, but should use contemporary detailing to reflect their own time authentically. The buildings at 6 to 12 and 17 to 21 Wynyard Street are considered to characterise the 'industrial aesthetic' sought to be maintained in this street. Buildings of up to 3 storeys high may be appropriate.

Where existing sites are amalgamated and/or larger buildings are proposed to replace more than one smaller building, the frontage design shall respect and respond to the existing 'grain' of development in the street, and shall be detailed or articulated to maintain the fine-grained building and subdivision pattern of the street.

While buildings need not be built to the street frontage, large areas of car parking in front of buildings must be avoided, and appropriate opportunities for pedestrian access to the building from the street should be provided.

**12. Demolition/Removal**

'Heritage character defining' and 'heritage character supporting' buildings (refer Appendix 15O) should be retained and should not be demolished or removed unless they are demonstrably in such poor structural condition that rehabilitation is not practicable. Evidence that demolition or removal and rebuilding may be cheaper and more profitable, and/or is preferred by the applicant over rehabilitation of the existing building, is not sufficient to demonstrate that rehabilitation is not practicable.

Any proposal to demolish or to remove a 'heritage character defining' or 'heritage character supporting' building, or a part of such a building, shall not adversely affect the heritage character of the area. This includes:

- i) The contribution the building makes to the historic character, context or cohesiveness of the streetscape or area
- ii) Whether the building forms part of a cohesive group of buildings in terms of similarity of age, scale, proportion or design, and the extent to which the shared contribution that group makes to the streetscape or the unique historic character of the area would be diminished
- iii) The contribution the building makes to adjoining or nearby scheduled buildings through its mass, height, rhythm of façades, finishes or detailing, and whether

its demolition would adversely impact on any aspect of the heritage values of the scheduled building/s

- iv) Whether the building is a remnant example of a building type that reflects the history of the area, or has remnant elements that justify retention.

Other development options to be evaluated must include adaptive re-use of the building. Any proposal shall fully assess whether reasonable use of the site can be achieved through adaptive re-use of, and or addition to, the building as an alternative to its demolition/removal and replacement.

The Council may also consider allowing demolition or relocation where:

- i) The building is beyond rehabilitation in terms of poor structural or physical condition, and there is reliable evidence that the costs of the repair work or upgrading necessary to extend the useful life of the building and to retain its heritage values are prohibitive in comparison with the costs of an appropriate and genuine comparison building;
- ii) The demolition or relocation would enable a very significant contribution to the locality arising from a combination of factors unique to a proposed new development for the site in its context.

The form and design of the new building proposed to be constructed on the site subject to the demolition or removal application needs to be provided as part of such an application, in sufficient detail so the Council can make a judgement as to whether the costs of rehabilitation are excessive in relation to a realistic replacement building, and whether on balance the positive effects of all that is proposed outweigh the adverse effects.

Where demolition is found to be justified, the Council may require that existing important historic site elements, such as stone walls, fences, paths and historic plantings, are retained so that site retains as much evidence as practicable of its heritage values.

### **Methods**

- The objectives and policies will be implemented by rules and the assessment of resource consent applications in terms of these policies and any relevant assessment criteria in this Plan. A Context Analysis and Design Statement is also a key element in the assessment process.
- Business Policy Overlay B1 (Business Built Heritage Areas) is applied to business areas in heritage neighbourhoods, which includes the Devonport town centre, and to sites zoned Special Purpose 9 in Devonport which form an integral part of that centre.
- All new buildings, most additions and alterations to existing buildings and demolition of certain buildings in Business Policy Overlay B1 are classified as discretionary activities (unrestricted). All applicants proposing demolition or removal of buildings listed in Groups 1-2 are encouraged to seek out the expertise and advice available from the New Zealand Historic Places Trust, ideally well before an application is made.
- It should be noted that any scheduled building will also be subject to the provisions of Section 11 (Cultural Heritage), and other rules of the Plan may also be relevant, such as 8.4.4 - View Corridors.

### **Explanation and Reasons**

*There are a number of business areas in locations throughout the heritage areas of Birkenhead, Northcote and Devonport. Most of these business areas are either wholly in or adjacent to the Residential 3: Built Heritage zone. They range from the traditional corner dairy through to local shopping areas, which comprise several business premises as well as the Devonport town centre. The locations include a number of scheduled heritage commercial buildings together with other buildings that while not scheduled, nevertheless contribute to the character and amenity of the areas and should be retained. In addition to the heritage values, the character and amenity of these business locations, and their convenient location is valued by local residents and will be by future*



generations. These sites and nodes in heritage areas are zoned Business 1, 2, 9 or 9D and are identified in the District Plan by Business Policy Overlay B1 (Business Built Heritage areas). Also included in the Overlay are sites zoned Special Purpose 9 in Devonport which form an integral part of that centre.

The Overlay introduces additional objectives, policies and rules that apply in addition to, and sometimes instead of, the District Plan provisions for the 'underlying' zones. All the development controls of these zones are subject to application of the Overlay provisions. Any use of land or buildings that is discretionary or non-complying will also be subject to the Overlay provisions.

Discretionary activity status provides an opportunity for buildings and activities to integrate well with the immediate locality and to contribute positively to the wider street scene and to the ongoing vitality and commercial viability of the particular site, node or centre.

### **Expected Environmental Results**

- New buildings and alterations and additions to existing buildings will either reflect the local context or at least not confront it.
- New buildings and alterations and additions to existing buildings have minimal adverse effects on neighbouring residential areas, particularly residential heritage zones.
- The historic heritage resources on business sites and in business centres are protected, conserved and supported.
- The design of new buildings respects and responds to the heritage and traditional commercial buildings in that locality.
- One or two storey development remains the dominant building form particularly as seen from main streets.
- Business areas in heritage neighbourhoods retain or extend their predominantly commercial function especially at ground floor level.
- Building frontages are well suited to business and commercial activities at ground floor level.

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## **15.5 Rules: Business Activities**

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### **15.5.1 Activity Status**

#### **15.5.1.1 Determination of Activity Status**

Rules 15.5.1.2, 15.5.1.3, 15.5.1.4, 15.5.1.5 and 15.5.1.6 specify the Permitted, Controlled, Limited Discretionary, Discretionary and Non-Complying activities for the business zones and for business activities in the Mixed Use Overlay Area. The status of any activity may change according to rules contained in the General Sections of the Plan as listed in Section 15.6.4.

With respect to the Chelsea Sugar Refinery at Birkenhead (zoned Business 9) the provisions of this section apply, provided that Rule 11.4.3 shall determine activity status for specified 'sugar processing' buildings and structures in terms of siting, height and ground floor area (footprint) and for various other specified activities (including demolition) that have the potential to generate adverse effects in terms of heritage values. To avoid doubt, 11.4.3 does not determine activity status with respect to the ongoing performance of business activities associated with those buildings and structures, and the normal standards (stated in the General Sections of the Plan, for such things as noise, dust, illumination, traffic) are also to be complied with and may change the status of the activity accordingly

### 15.5.1.2 Permitted Activities

Any activity shall have Permitted activity status provided that it:

- a) Is not listed as a Controlled, Limited Discretionary, Discretionary or Non-Complying activity in Sections 15.5.1.3, 15.5.1.4, 15.5.1.5 or 15.5.1.6 of this Plan; and
- b) Can comply with all the controls specified or referred to in the Business Section; and
- c) Does not involve a Part A process specified in Appendix 10C (to be amended by variation or change when a new classification system is required under a regional plan).
- d) Is not a private helipad or helicopter landing area.
- e) Can comply with all the controls specified in the General Sections of the Plan, as listed in Section 15.6.4.
- f) Can comply with a) to e) above and is not listed in Table 15.1, or is listed as an exemption in either of those tables.
- g) Can comply with a) to e) above and complies with Rule 15.6.1.3.1(b) or 15.6.1.3.1(d).
- h) Is in the Business 1-4 zones (including sites subject to Business Policy Overlay B1), or in the Business 9 zone and subject to Business Policy Overlay B1, and is:
  - i) External alterations, or
  - ii) An addition with a footprint of less than 15 m<sup>2</sup>, to the façade or roof of an existing building, where that external alteration or addition **will not** be visible from a road, public open space, residential or recreation zone. In respect of this provision, "road" excludes any service lane.
  - iii) External alterations to a façade or roof, including those facades and roofs visible from a road, public open space, residential or recreation zone, but limited to those alterations that do not change the appearance of the building.  
Note: This provision (iii) provides for the repair of an existing facade or roof with same material.

Note: For the purpose of this rule (h), "alterations/additions" does not include signs, these being the subject of Section 13, Signs. Scheduled buildings are also subject to the provisions of Section 11: Cultural Heritage.

### 15.5.1.3 Controlled Activities

Any activity shall have Controlled activity status provided that it:

- a) Is not listed as a Limited Discretionary, Discretionary or Non-Complying activity in Sections 15.5.1.4, 15.5.1.5 or 15.5.1.6 of this Plan; and
- b) Can comply with all the controls specified or referred to in the Business Section; and
- c) Does not involve a Part A Process specified in Appendix 10C (to be amended by variation or change when a new classification system is required under a regional plan).
- d) Is not a private helipad or helicopter landing area; and
- e) Falls within any of the following circumstances:
  - Any activity on a site within a Buffer Strip (i.e. includes all those parts of a business zoned site which lie within 30 metres of a residential zone boundary (refer to Section 21: Definitions)), which:
    - Results in changes to the external appearance of any site or any building visible from and within 30 metres of any road or residential zone
    - Increases the cubic capacity of building(s)
    - Alters pedestrian or vehicle access to the site; or
    - Results in an activity which is not similar in character to the previous activity on the site; and
    - Is not a Limited Discretionary activity, or a Discretionary activity in the

## Business Policy Overlay B1.

- Any new development, or addition or alteration to an existing building in the Business 12 - Mixed Use zone, with a frontage more than 28m or a site area of more than 1,500 m<sup>2</sup>.
- Any new development or addition or alteration to an existing building in the Business 12 - Mixed Use zone on a corner site.
- Any new development, or addition or alteration to an existing building within the Business 5, 6, 7, 8, 11 or 12 zones which:
  - Results in changes to the external appearance of any site or any building visible from and within 30 metres of any road, residential zone, or recreation zone
  - Increases the cubic capacity of building(s); or
  - Alters pedestrian or vehicle access to the site
  - The Council may consider any application as a result of this bullet point without notification of the application or the need to obtain the written approval of affected persons, in accordance with Section 95A(3) and 95B(2) of the RMA. If the Council considers that special circumstances exist in relation to any such application, it may require the application to be notified.
- In the Business 1-4 zones (including sites subject to Business Policy Overlay B1), or in the Business 9 zone and subject to Business Policy Overlay B1, and is:
  - i) External cosmetic alterations, limited to the replacement of cladding and joinery with similar material, (but excluding structural changes such as the removal of, or changes to the size of, windows, doors or verandahs) to the façade or roof of an existing building, where those alterations to the façade/roof will be visible from a road, public open space, residential or recreation zone. Note: This provision provides for the upgrade of facades but not their complete redesign.

In respect of this provision, "road" excludes any service lane.

- ii) Alterations to pedestrian or vehicle access to the site.

Note: For the purpose of this rule (i) and (ii) "alterations" does not include signs, these being the subject of Section 13, Signs. Scheduled buildings are also subject to the provisions of Section 11: Cultural Heritage.

The Council may consider any application as a result of this bullet point without notification of the application or the need to obtain the written approval of affected persons, in accordance with Section 95A(3) and 95B(2) of the RMA. If the Council considers that special circumstances exist in relation to any such application, it may require the application to be notified.

- Any activity which is defined as a Drive Through Activity, except for sites located in the Mixed Use Overlay Area
  - Any subdivision complying with the standards of [Rule 9.4.8](#) except for subdivisions creating rear sites in the Business 7, 9 and 10 zones pursuant to [Rule 9.4.1.3](#)
  - Activities with a residential component in the Business Park 7G zone
- f) Can comply with all the controls specified in the General Sections of the Plan, as listed in [Section 15.6.4](#).

### 15.5.1.4 Limited Discretionary Activities

1. Any activity listed in [Table 15.1](#) shall be a Limited Discretionary activity unless:
  - a) The activity is listed as an exemption in that table, in which case it is a Permitted activity; or

- b) The activity is exempted by [Section 15.6.1.3.1\(b\)](#) or [15.6.1.3.1\(d\)](#) in which case it is a Permitted activity, or [Section 15.6.1.3.1\(b\)](#) cannot be complied with, in which case it is a Discretionary activity; or
  - c) The activity listed has a gross floor area greater than 2500m<sup>2</sup>, either by itself or in combination with any other activities listed in [Table 15.1](#) (including any activity otherwise listed as a Permitted activity within [Table 15.1](#)) located in a Business 6, 7 (excluding 7G), 8, 9 or 10 zone within a 500m distance of the boundaries of the site of the activity, in which case it is a Discretionary activity.
2. Any new development, or addition or alteration to an existing building within the Business 11C zone, which:
- Results in changes to the external appearance of any site or any building visible from and within 30 metres of any road; or
  - Increases the cubic capacity of building(s); or
  - Alters pedestrian or vehicle access to the site.

The Council shall consider any application for resource consent under 2 above without public notification or the need to obtain the written approval of, or serve notice on, affected parties. If the Council considers special circumstances exist it may require the application to be publicly notified. Refer to Rule 3.3.2 *Notification Processes for Resource Consents - Applications Requiring Multiple Resource Consents*.

3. Any development in the Business 11A zone that includes an individual retail premises with a gross floor area between 2,000 m<sup>2</sup> and 5,000m<sup>2</sup>, provided in all circumstances that it can comply with all the development controls specified or referred to in the Business Section.
4. In the Business 1- 4 zones, excluding land subject to Business Policy Overlay B1, and is:
- a) Any new building,
  - b) Additions to an existing building, not provided for as a permitted activity,
  - c) Alterations to an existing building not provided for as either a permitted or controlled activity.

provided that any new building or alteration to existing building in the Milford Intensive Residential Development Overlay Area shall comply with the standards in Rule 15.6.2.12 in order to remain a Limited Discretionary Activity.

Note: For the purpose of this rule, "Additions" excludes signs, signs being the subject of Section 13, Signs.

Provided that:-

- (a) in accordance with Section 95A(3) and 95B(2) of the RMA the Council shall, except in the case of (b) below, consider an application for resource consent under clause 4 above without public notification and without the need to obtain the written approval of, or serve notice on, affected parties. If the Council considers that special circumstances exist in relation to any such application, it may require the application to be publicly notified. Refer to Rule 3.3.2, Notification Processes for Resource Consents- Applications Requiring Multiple Resource Consents.
- (b) In the case of the Milford Intensive Residential Development Overlay Area as defined by Appendix 15P, notification will be determined on a case by case basis in accordance with s 95D of the RMA.

#### 15.5.1.5 Discretionary Activities

Any activity shall have Discretionary activity status provided that it:

- a) Is not listed as a Non-Complying activity in [Section 15.5.1.6](#) of this Plan; and

- b) Can comply with the controls in [Rule 15.6.1.5 to 15.6.1.17](#) inclusive; and
- c) Falls within any of the following circumstances:
- Any activity identified as a Discretionary activity in [Section 15.6.1.3](#). Refer to the Assessment Criteria in [Section 15.7.3.5](#) and [Section 15.7.4.1](#)
  - Retail activity at Greville Road and Unsworth Drive in excess of the floor space limitations imposed in [Rule 15.6.1.4](#)
  - Any activity in the Local 1, Mixed Use Overlay Area, Suburban 2, Sub-regional 3, 4, 5, 6 and 11, Business Park 7, Business Special 8 and General 9 zones which involves a process listed as a Part B or Part C process in [Appendix 10C](#), excluding service stations
  - Any activity in the General 10 zone which involves a process listed as a Part B process in [Appendix 10C](#) (to be amended by variation or change when a new classification system is required under a regional plan)
  - Private helipads/helicopter landing areas provided that such sites lie within the areas shown in [Appendix 12G](#) to this Plan, and provided further that this shall not preclude the use of any land for helicopter landing for emergency, rescue, paramedical, fire-fighting, police or similar purposes, nor where the approval of the Civil Aviation Division has been obtained, for the following purposes: aerial construction works; special events such as galas; public meetings and the like; and news filming. The use of any land for helicopter landing for the specific purposes listed above shall be a Permitted activity
  - Activities with a residential component in the Sub-regional 6, Business Park 7 (but not Business Park 7G), and the General 9 and 10 zones
  - Any activity requiring an on-licence or club licence in terms of the Sale of Liquor Act 1989, or which regularly results in the congregation of a number of persons for social or recreational purposes, as defined in [Rule 15.6.1.7\(iii\)](#), located within a Buffer Strip
  - Any residential activity at ground level fronting a Business 1, 2, 3, 4 and 5 zoned street
  - The construction of buildings and structures in the airspace above and sub-soil below those segments of Como, Huron and Northcroft Streets lying between Lake Road and Auburn/Burns Ave, Lake Road between Anzac and Northcroft Streets and Hurstmere Road between Anzac Street and Lake Road.
  - Any office or health care centre in the Business 11C zone where the total combined floor area of these activities within the Business 11C zone exceeds 10,000m<sup>2</sup> gross floor area.
  - Any convenience store, cafe or restaurant in the Business 11C zone exceeding 200m<sup>2</sup> in gross floor area
  - Any service station, drive-through activity, car sales yard or car sales showroom in the Business 11A zone (excluding sites adjoining Main Street) and the Business 11B zone
  - Any residential unit within the Business 11C zone located on the ground floor within 20 metres of and visible from a collector road or arterial road.
  - Any development in the Business 11A zone that includes an individual retail premises with a gross floor area exceeding 5,000m<sup>2</sup>, provided it can comply with all the development controls specified in 15.6.2 and 15.6.3.
  - Any development in the Business 11 zone that does not provide the local streets shown on the Albany Centre Structure Plan contained as an Appendix to the Plan Maps.
  - Any development in the Business 11 zone that does not vest the local streets (public) shown on the Albany Centre Structure Plan contained as an Appendix to the Plan Maps.

- Any activity in the Business 12 - Mixed Use zone that does not comply with the site frontage or site area requirements in 15.5.1.3
- Any of the following in Business Policy Overlay B1 (sites zoned Business 1, 2, 9 or 9D):
  - a) Any new building
  - b) Additions to an existing building not provided for as a permitted activity
  - c) Alterations to an existing building not provided for as either a permitted or controlled activity
  - d) The demolition or removal of buildings identified as having 'historic character defining' or 'historic character supporting' significance listed in Appendix 15O.
- Any activity in the Milford Intensive Residential Development Overlay Area that does not comply with the standards in Rule 15.6.2.12, provided that any activity exceeding the maximum height standard is a non-complying activity.
- Non residential activity in the Milford Intensive Residential Development Overlay Area above RL 21.00 (see the map in Appendix 15P)

All applications for resource consent shall include a Context Analysis and Urban Design Statement in accordance with Rule 15.6.2.11. All applicants proposing demolition or removal of buildings listed in Groups 1-2 are encouraged to seek out the expertise and advice available from the New Zealand Historic Places Trust, ideally well before an application is made.

Note: For the purpose of this rule, "Additions" excludes signs, signs being the subject of Section 13, Signs. Scheduled buildings are also subject to the provisions of Section 11: Cultural Heritage.

#### **15.5.1.6 Non-Complying activities**

- a) The following activities shall be Non-Complying activities on 52 Oteha Valley Road (Proposed Lot 92 - being part of the proposed subdivision of part allotment 310 & 312 Parish of Paremoremo):
  - Drive through activities
  - Any activity with a gross floor area of 200m<sup>2</sup> or greater.
- b) The following activities shall be Non-Complying activities on 2 and 4 Graham Collins Drive, Albany (Lots 74 and 75 DP 197285):
  - Drive through activities.
- c) Any service station, drive-through activity, car sales yard or car sales showroom on a site adjoining Main Street in the Business 11A zone.
- d) In the Business 12 - Mixed Use zone, any residential activity at ground level adjacent to the street frontage is a Non-Complying activity..
- e) In the Business 12 - Mixed Use zone, any parking on the site at ground level, adjacent to the street frontage or any space in public ownership, is a Non-Complying activity.
- f) Any residential activity in the Business 11A zone located on the ground floor. This shall not include ground floor access to upper floor apartments.
- g) Any residential activity in the Business 11B zone on the ground, first or second floor of a building. This shall not include ground floor access to upper floor apartments.
- h) Any activity in the Business 11 zone that does not comply with all of the controls specified or referred to in the Business section and is not provided for by way of control flexibility.
- i) Any residential activity (not including travellers' accommodation) in the Business 11B zone block adjacent to Appian Way.
- j) Any non-residential activity in the Business 11C zone not listed as a Discretionary

activity (other than any office or health care centre in the Business 11C zone where the total combined floor area of these activities within the Business 11C zone does not exceed 10,000m<sup>2</sup> gross floor area, and convenience stores, cafes or restaurants up to 200m<sup>2</sup> gross floor area, and travellers' accommodation, all of which are permitted activities).

- k) Any residential activity in the Business 11D zone, excluding one caretaker's unit per site.
- l) Any retail activity in the Business 11B or 11C zones which is not a convenience store
- m) Any retail activity in the Business 11D zone excluding the following:
  - Service stations, drive-through activities, car sales yards, car sales showrooms or retailers of automotive and marine-related products
  - Hardware and building supply stores
  - Garden centres
  - Retailers of furniture, floor coverings and household appliances with a store size greater than 500m<sup>2</sup> gross floor area
  - Transportation-related activities
  - Convenience stores of 200m<sup>2</sup> or less in gross floor area
  - Cafes or restaurants
- n) In the Milford Intensive Residential Development Overlay Area, any activity that exceeds the maximum heights stated in Rule 15.6.2.12.

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## 15.6 Rules: Business Controls

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### 15.6.1 Activity Controls

#### 15.6.1.1 Compliance

All Permitted, Controlled and Limited Discretionary activities, (except Limited Discretionary activity applications for control flexibility) in the business zones shall comply with the controls listed below in [Rule 15.6.1.3](#).

All activities including those in the Mixed Use Overlay Area shall comply with the controls listed below in [Rule 15.6.1.4](#) to [15.6.1.19](#) inclusive.

#### 15.6.1.2 Buffer Strip

Any part of a business zoned site which falls within 30 metres of a residential zone boundary shall form part of the Buffer Strip (refer to Section 21: Definitions).

#### 15.6.1.3 High Traffic Generating Activities

##### 15.6.1.3.1 High Traffic Generating Activities in the Business 6, 7, 8, 9 and 10 Zones

Any activity listed in [Table 15.1](#) shall be a Limited Discretionary activity unless:

- a) The activity is listed as an exemption in that table, in which case it is a Permitted activity; or
- b) The activity is located within Wairau Park (as defined by the map in [Appendix 15L](#)) and the overall trip generation for the activities within Wairau Park, including the new activity, will not exceed 3450 vehicles per hour, provided that:
  - i) Trip generation is the total of vehicles entering Wairau Park, plus vehicles exiting Wairau Park, but excludes through traffic;
  - ii) The overall trip generation will be deemed to exceed 3450 vehicles per hour when either, as a result of a proposal for a new development an independent



traffic assessment demonstrates that the limit will be exceeded, or two surveys undertaken by an independent traffic planning consultant demonstrates that this limit has been exceeded;

- iii) This exemption shall not include the ANZSIC category 511 Supermarket and Grocery activities or 521 Department Stores, other than those which are already exempted by [Table 15.1](#);
- iv) Notwithstanding the exemption contained in [Table 15.1](#), there shall be no more than 20 premises of ANZSIC categories 51, 52 and 57 having a gross floor area of less than 200m<sup>2</sup> within Wairau Park, of which no more than 14 shall be located on the site at 20 Link Drive, being Units F - M on Unit Plan DP 200158, and no more than 6 elsewhere in Wairau Park;
- v) Notwithstanding the application of the General Sections of the Plan as noted in [Section 15.5.1.1](#), [Section 12.4.1.2](#) of Section : Transportation shall not apply to the activities exempted by this subparagraph (b):  
in which case the activity is a Permitted activity; or
- c) The activity is located within Wairau Park (as defined by the map in [Appendix 15L](#)) but fails to comply with [Rule 15.6.1.3.1\(b\)](#), in which case the activity is a Discretionary activity and will be assessed against the criteria in [15.7.3.5](#) and [15.7.4.1](#); or
- d) The activity listed is in the Business 7G zone (Lot 2 DP145005) and has a gross floor area of 1600m<sup>2</sup> or less (either alone or combined with any other activities listed in [Table 15.1](#), including activities otherwise exempted), in which case it is a Permitted activity. This rule does not apply to Food Retailing in ANZSIC category 51, which is a Limited Discretionary activity regardless of gross floor area; or
- e) The activity listed has a gross floor area greater than 2500m<sup>2</sup>, either by itself or in combination with any other activities listed in [Table 15.1](#) (including any activity otherwise listed as a Permitted activity within [Table 15.1](#)) located in a Business 6, 7 (excluding 7G), 8, 9 or 10 zone within a 500m distance of the boundaries of the site of the activity, in which case it is a Discretionary activity; or
- f) The activity is located within the Business Park 7A zone at Smales Farm and:
  - i) the activity has a cumulative gross floor area no greater than 1,000 m<sup>2</sup>, including development already established within the Business Park 7A zone at Smales Farm; and
  - ii) the total gross floor area for all activities within the Business Park 7A zone at Smales Farm does not exceed 105,000m<sup>2</sup>;
 in which case the activity is a Permitted activity.

Refer to the assessment criteria in [Section 15.7.4.1](#) for a Limited Discretionary activity and in [Section 15.7.3.5](#) and [15.7.4.1](#) for a Discretionary activity.

<b>Table 15.1 High Traffic Generating Activities which are Limited Discretionary and Discretionary Activities in Business 6, 7, 9 or 10 Zones</b>		
Activity	SIC	Exemptions (these are Permitted activities)
Food Retailing	51	Food retailing from a business unit mainly engaged in retailing automotive fuels, and Supermarket and Grocery activities in Group 511 in a business unit with a gross floor area of no more than 200m <sup>2</sup> . Exemptions do not apply to sites within the General 9D zone.



**Table 15.1 High Traffic Generating Activities which are Limited Discretionary and Discretionary Activities in Business 6, 7, 9 or 10 Zones**

Personal and Household Good Retailing	52	Personal and Household Good Retailing from a business unit mainly engaged in retailing automotive fuels. Furniture Retailing activities in Class 5231, Floor Covering Retailing activities in Class 5232, Garden Centres.
Automotive Fuel Retailing	5321	Activities on sites within the Sub-regional 6, Business Park 7, General 9 (excluding 9D) or General 10 zones.
Accommodation, Cafes and Restaurants	57	Accommodation activities in Class 5710, activities in Subdivision 57 in a business unit with a gross floor area of no more than 200m <sup>2</sup> . Exemptions do not apply to sites within the General 9D zone.
Banks	7321	Activities on sites within the Sub-regional 6, Business Park 7, General 9 (excluding 9D) or General 10 zones.
Real Estate Agents	772	
Health and Community Services	86 and 87	Medical and Dental Services activities in Group 862 in a business unit with a gross floor area of no more than 200m <sup>2</sup> . Exemptions do not apply to sites within the General 9D zone.
Motion Picture Exhibition	9113	
Libraries, Museums and the Arts	92	Parks and Gardens activities in Group 923, Sound Recording Studios in Class 9251.
Sport and Recreation	93	
Personal Services	95	Activities in Subdivision 95 in a business unit with a gross floor area of no more than 200m <sup>2</sup> . Exemptions do not apply to sites within the General 9D zone.
Other Services	96	Activities in Subdivision 96 in a business unit with a gross floor area of no more than 200m <sup>2</sup> . Exemptions do not apply to sites within the General 9D zone.

**Table 15.1 (continued) High Traffic Generating Activities which are Limited Discretionary and Discretionary Activities in Business Special 8 Zone**

Activity	SIC	Exemptions (these are Permitted activities)
Food Retailing	51	Food retailing from a business unit mainly engaged in retailing automotive fuels, Supermarket and Grocery activities in Group 511 in a business unit with a gross floor area of no more than 200m <sup>2</sup> .
Personal and Household Goods Retailing	52	Activities in the Business Special 8 zone are exempt except for Department Stores (521), Clothing Retailing (5221) and Footwear Retailing (5222).

**Explanation and Reasons**

*The purpose of this control is to limit the effects of high traffic generating activities, such as some forms of retailing, on the roading network and residential amenity. The rule is not applied to the Local 1, Suburban 2 or Sub-regional 3, 4 and 5 zones as the Council is committed to facilitating development within existing and proposed centres through budgeted roading improvements in the Annual Plan.*

*High traffic generating activities in the Sub-regional 6, Business Park 7, Special 8, and General 9 and 10 zones will have their traffic effects assessed pursuant to a Limited Discretionary or Discretionary activity application.*

*The rule makes exception for small scale high traffic generating activities which have functional relationships with particular business areas. Examples of these activities include food bars, banks and service stations. These exceptions are not provided for in the Business 9D zone in Devonport, because this area can rely on the adjacent Suburban 2 zone for these services, and is subject to traffic and amenity constraints.*

**15.6.1.4 Retail Development at the Greville Road and Unsworth Drive Centres**

Retail floor space limitations are imposed on the following Suburban 2 business centres:

Centres	Maximum Gross Retail Floor Space
Unsworth Drive	4200m <sup>2</sup>
Greville Road	4200m <sup>2</sup> provided that for Greville Road: <ul style="list-style-type: none"> <li>a) No more than 3000m<sup>2</sup> of gross retail floor space (including any mezzanine, food preparation and staff amenity areas) is contained in food supermarkets.</li> <li>b) The total area of retail use other than a food supermarket is no more than 1200m<sup>2</sup> of gross retail floor space (including any mezzanine, food preparation and staff amenity areas) contained in not less than four tenancies.</li> <li>c) The area zoned Suburban 2 for the Greville Road centre is restricted to 2.2 hectares.</li> </ul>

For the purposes of this rule, gross retail floorspace is defined as gross floorspace used by activities which are included in the following ANZSIC categories:

Activity	ANZSIC Classification
Food Retailing	SIC 51
Personal and Household Good Retailing	SIC 52
Motor Vehicle Retailing	SIC 531
Automotive Fuel Retailing	SIC 5321
Tyre Retailing	SIC 5324

Retail development in excess of the above limitations will require a Discretionary activity resource consent and be assessed pursuant to the assessment criteria in [Section 15.7.3.6](#).

### **Explanation and Reasons**

*The purpose of this control is to ensure that the overall size and nature of the retail development is compatible with the surrounding residential areas. While some flexibility is provided for by the resource consent process, it is expected that the developments at Greville Road and Unsworth Drive will make them similar to other Suburban 2 zone centres. Given their location in relation to the proposed Albany sub-regional centre, a maximum gross retail floor space of 4200m<sup>2</sup> is considered appropriate, because it would allow for a neighbourhood centre comprising a supermarket and associated shops, sufficient to serve the surrounding suburban area.*

*Development beyond the stated limits will be assessed for its traffic effects and its overall social and economic effects on other centres.*

### **15.6.1.5 Floor Area Controls**

The maximum gross floorspace permitted for any licensed premises, or for any social or recreational premises, in the Local 1 zone or in the Mixed Use Overlay Area shall not exceed 100m<sup>2</sup>.

For the purposes of this rule, social or recreational premises are defined as premises in which activities take place which fall within any of the following categories, and at which more than 10 people congregate at any one time:

Activity	ANZSIC Classification
Cafes and Restaurants	573
Clubs (Hospitality)	574
Motion Picture, Radio and Television Services	91
Arts	924
Sport and Recreation	93
Personal Services	95
Religious Organisations	961
Interest Groups	962
Community Building or Community Facility	n/a

The maximum gross floor area on 52 Oteha Valley Road (Proposed Lot 92 - being part of the proposed subdivision of part allotment 310 & 312 Parish of Paremoremo) shall not exceed 200m<sup>2</sup>.

For all activities in the Mixed Use Overlay Area which are listed under the heading Business in [Table 17A.1](#), other than those listed above, the maximum gross floorspace permitted shall be 200m<sup>2</sup>.

**Control Flexibility**

In the case of any proposed floorspace which could exceed the maximum gross floorspace permitted in the Local 1 Zone or in the Mixed Use Overlay Area, a Limited Discretionary activity application may be made for the additional floorspace. In the case of the Mixed Use Overlay Area, the application will be assessed on the basis of the following criteria:

- whether the activity will contribute to the functioning of the zone as a focal point for the surrounding area
- whether the building which will accommodate the activity is of a scale and design to be compatible with residential development, and will maintain a close relationship with the street.

**Explanation and Reasons**

*The purpose of the floor area control is to control the size and the scale of operation of licensed premises, and premises which attract significant numbers of people for social or recreational activities, in the Local 1 zone. A restriction on floorspace is unnecessary, except in the Local 1 zone and in the Mixed Use Overlay Area which are applied to small retail centres often close to residential areas. The floor area control is intended to prevent adverse effects on amenity from large licensed premises and from other large social or recreational premises which cater for significant numbers of people. Premises in these categories over 100m<sup>2</sup> will require consent as a Limited Discretionary activity. This resource consent procedure will enable the Council to ensure that any adverse effects are avoided, remedied or mitigated. The 200m<sup>2</sup> restriction on other business premises is applied to the Mixed Use Overlay Area being small areas of mixed use development within developing residential areas. The control is applied to prevent businesses developing a large operation on the land, to the exclusion of smaller businesses or community activities which would add to the amenity of the local area. The intention is not to restrict any particular type of business activity and the opportunity is available to apply for a larger floor area where it will not detract from the functional and visual amenity of the area.*

*To ensure that the Business Local 1 zone on Oteha Valley Road and the Mixed Use Overlay Area provides for a range of shops/businesses that service the local neighbourhood, a maximum floor area restriction for any business premises of 200m<sup>2</sup> will apply, and drive-through activities will be Non-Complying. In addition, a 3 metre wide landscape amenity strip along the Oteha Valley Road frontage will apply to the site.*

**15.6.1.6 Minimum Floor Space Limits**

- a) Any activity in the Sub-regional 5 zone which falls within any of the following ANZSIC categories listed below shall comply with a minimum gross floor space threshold of 500m<sup>2</sup>:

Activity	ANZSIC Classification
Wholesale Trade	SIC 45, 46 and 47
Retail Trade	SIC 51, 52 and 53
Finance and Insurance	SIC 73, 74 and 75
Property and Business	SIC 77 and 78
Cultural Recreational Services	SIC 91, 92, 93, 95 and 96

**Control Flexibility**

In the case of any proposed activity which would fall below the minimum floor space requirement for the Sub-regional 5 zone, a Limited Discretionary activity application may be made for a gross floor space of not less than 400m<sup>2</sup>, and a Limited Discretionary activity application may be made for service stations and vehicle orientated activities with drive through facilities which do not meet the 500m<sup>2</sup> minimum floor space limit.

**Explanation and Reasons**

*The purpose of a minimum floorspace control for the Sub-regional 5 zone is to encourage all retailing activities, except for those which serve the functional requirements of the*

zone, to be large business units. The zone is designed for large stand-alone retail developments and this control is intended to complement the design controls for the zone in achieving this end.

The control needs to be seen as one element in a package of controls designed to implement the planned development of the Albany Centre. The retail focus of the Albany Centre is on the Sub-regional 4 zone, which provides for a full range of retailing, subject to design controls aimed at achieving an integrated shopping centre with a strong pedestrian flavour. The role of the Sub-regional 5 zone is to provide for 'retail warehouses' and 'discount store' type operations, which are predominantly of a car-oriented nature and for which there has been strong demand for sites within the city. The purpose of this control is to discourage small shops from establishing in the zone to the extent that there would be economic and social disbenefits. First, the establishment of small shops would preclude the zone's capacity to serve its retail warehouse type function. Second, its development for small shops could impede the development of an integrated centre with shared parking, which is intended to serve the whole of the northern part of the city.

#### 15.6.1.7 Hours and Days of Operation and Amplified Music

- a) The following activities shall be subject to restrictions on the days and hours of operation as set out below. These restrictions shall apply in the Buffer Strip, in any part of the Business 2, 3 and 11C zones, and to activities within 30 metres of the Business 11C zone and Business 12 Zone. With respect to the interface between the Business 11C and Business 11A, B and D zones, where a road separates the zones, the 30 metres shall be measured from the centreline of that road.

i) Licensed premises.

ii) Social or recreational premises, as defined in subsection (c) of this rule excluding premises which are part of shopping malls, defined as being predominantly retail complexes with a minimum gross leasable area of 10,000m<sup>2</sup> and under single management.

Hours of general operation:

Monday to Saturday	0700 to 2400 hours
Sundays	0700 to 2300 hours

- b) The following activities shall be subject to restrictions on the hours during which amplified music may be played as set out below, and these restrictions shall apply in all business zones:

i) Licensed premises.

ii) Social and recreational premises, as defined in subsection (c) of this rule, but excluding indoor motion picture cinemas.

Hours during which amplified music may be played:

Monday to Thursday	0730 to 2200 hours
Friday and Saturday	0730 to 2300 hours
Sundays and Public Holidays	0830 to 2200 hours

- c) For the purposes of this rule, social or recreational premises are defined as premises in which activities take place which fall within any of the following categories, and at which more than 10 people congregate at any one time:

Activity	ANZSIC Classification
Cafes and Restaurants	573
Club (Hospitality)	574

Motion Picture, Radio and Television Services	91
Arts	924
Sport and Recreation	93
Personal Services	95
Religious Organisations	961
Interest Groups	962
Community Building or Community Facility	n/a

### **Control Flexibility**

In the case of any licensed, social or recreational premise which would exceed the relevant hours of general operation and which is located within a Buffer Strip or within the Business 2, 3, 11C and 12 zones, or within 30 metres of the Business 11C zone as described above, a Limited Discretionary activity application may be made for extended hours.

In the case of any licensed, social or recreational premise which would exceed the relevant operating hours for the amplified music control, a Limited Discretionary activity application may be made for extended hours.

### **Explanation and Reasons**

*Maximum noise levels, which are included in the District Plan, are generally satisfactory in controlling noise nuisance within the business zones and the Mixed Use Overlay Area. However, licensed premises and other social and recreational activities are recognised as a consistent source of noise nuisance, particularly where they are located close to residential properties, and where amplified music is played. Additional restrictions on these activities, in terms of the hours and days of operation, are therefore warranted.*

*The rule is intended to protect the amenity of residential activities adjacent to the business zones, hence its application to the Buffer Strip. In addition, the rule is applied to all parts of the Business 2, 3 and 12 zones and to activities within and in close proximity to the Business 11C zone because of the greater likelihood of adverse environmental effects being experienced by residential activities adjacent to and within these business zones.*

*The provisions recognise that although the scale of adverse effects on residential amenities can be mitigated by distance from residential properties, some adverse effects such as amplified music can often affect properties a considerable distance away. Because a buffer distance of 30 metres could be insufficient to mitigate the potential nuisance of amplified music, that control does not discriminate between the Buffer Strip and other sites in business zones. Notwithstanding that amplified music may comply with the noise controls, the rhythmic beat, particularly the bass tones, can be invasive and create a nuisance to nearby residential properties. By limiting the hours during which such music may be played, the Council is seeking to mitigate this effect.*

#### **15.6.1.8 Outdoor Activity on a Site**

Any outdoor activity on a site shall comply with the restrictions set out below.

For the purpose of this control, outdoor activities on a site shall mean:

- Any activity taking place outside of a building or within unenclosed verandahs or similar spaces comprising or associated with the following:

Activity	ANZSIC Classification
Agriculture, Forestry and Fishing	01, 02, 03
Manufacturing	21 to 29

Construction	41, 42
Accommodation, Pubs, Taverns, Bars, Cafes, Restaurants and Clubs	57
Sport	93
Museums and Music and Theatre Productions	9220, 9241

- The outdoor storage of transport equipment and vehicles
- The outdoor loading or unloading of heavy vehicles, including the use of mechanised lifting equipment, but not the movement of heavy vehicles on to or off the site or the unloading of fuel tankers where this takes place within the operating hours of the service station.
  - a) No outdoor activity shall be permitted on any part of a site that lies within 30 metres of a residential zone boundary other than customer or employee car parking.  
 As an exception to this rule, outdoor activities associated with accommodation, pubs, taverns, bars, cafes, restaurants and clubs located within Glenfield Mall or Shore City Galleria which are located within 30 metres of a residential property on the opposite side of Glenfield Road or Anzac Avenue shall be controlled activities.
  - b) No outdoor activity other than car parking shall be permitted on any site located within the Sub-regional 6 and Business Park 7 zones.
  - c) No outdoor activity other than car parking (including outdoor parking for car showroom display purposes) or outdoor dining associated with cafes/bars/restaurants shall be permitted on any site within the Business 11A, 11B and 11C zones.
  - d) No outdoor activity other than car parking (including outdoor parking for car showroom display purposes) shall be permitted on any part of a site within the Business 11D zone that is within 30 metres of the Business 11C zone. Where a road separates the Business 11D zone from the Business 11C zone, the 30 metres shall be measured from the centreline of the road.

### **Control Flexibility**

A Limited Discretionary activity application may be made to carry out outdoor activities on any part of a site that lies within 30 metres of a residential boundary or is located within the Sub-regional 6 and Sub-regional 11, or Business Park 7 zones.

### **Explanation and Reasons**

*The purpose of this control is to ensure that activities adjacent to residential zones do not detract from the amenity of those zones. Activities listed in the control as being subject to this restriction are those with the potential to cause recurrent but intermittent noise effects or to have negative visual effects. In the case of business park zones, a range of controls have been set to ensure a high standard of amenity within the zones, which are designed to cater for businesses wishing to locate in a spacious, landscaped environment. In the case of the Business 11A, 11B and 11C zones, a range of controls has also been set to ensure a high standard of amenity. Unrestricted outdoor activities on sites are not consistent with the higher standard of amenity expected in the zones. Where outdoor activities would not have greater than minor adverse visual or acoustical effects (having regard to the provisions for the zone), the option of a Limited Discretionary activity application is available.*

#### **15.6.1.9 Residential Development**

Rule 15.6.1.9 does not apply to the Milford Intensive Residential Development Overlay Area (see map in Appendix 15P, and Rule 15.6.2.12)

1. Each residential unit in any business zone, excluding the Business 11 and 12 zone shall provide:

- a) Either
  - i) A balcony with minimum dimensions of 1 metre width by 3 metres length; or
  - ii) An opening glazed window of sufficient dimension to allow the creation of an internal/external living space within the unit.
- b) The main glazing of each non-ground level residential unit shall be provided with an outlook area of open space, unimpeded by buildings and immediately adjacent to that glazing. Any outlook area must have a minimum dimension of 10 metres, measured at right angles to the wall of the building within which the glazing is located. The outlook area may comprise the following components:
  - i) An area of on-site space which must be kept free of structures.
  - ii) Areas of road reserve.

2. Each residential unit in the Business 11A, 11B zones shall provide:

- a) A balcony with a minimum area of  $4\text{m}^2$  and a minimum dimension of 1.5 metres.
- b) The main glazing of each residential unit shall be provided with an outlook area of open space, unimpeded by buildings and immediately adjacent to that glazing. Any outlook area must have a minimum dimension of 10 metres, measured at right angles to the wall of the building within which the glazing is located. The outlook area may comprise the following components:
  - i) An area of on-site space which must be kept free of structures.
  - ii) Areas of road reserve.
  - iii) Areas of public open space.

c) Minimum Unit Size

The minimum unit sizes within the development shall be as follows:

- i) Studio / one bedroom unit  $=40\text{m}^2$
  - ii) Two bedroom units  $=55\text{m}^2$
  - iii) Three or more bedroom units  $=70\text{m}^2$
- provided that no more than 30% of the units within a development shall be less than  $55\text{m}^2$ .

3. Each residential unit in the Business 11C zone shall provide:

- a) The main glazing of each non-ground level residential unit shall be provided with an outlook area of open space, unimpeded by buildings and immediately adjacent to that glazing. Any outlook area must have a minimum dimension of 10 metres, measured at right angles to the wall of the building within which the glazing is located. The outlook area may comprise the following components:
  - i) An area of on-site space which must be kept free of structures.
  - ii) Areas of road reserve.
  - iii) Areas of public open space.

b) Minimum Unit Size

The minimum unit sizes within the development shall be as follows:

- i) Studio / one bedroom unit  $=40\text{m}^2$
  - ii) Two bedroom units  $=55\text{m}^2$
  - iii) Three or more bedroom units  $=70\text{m}^2$
- provided that no more than 30% of the units within a development shall be less than  $55\text{m}^2$ .



## c) Private and Communal Outdoor Living Space

- i) Each ground floor residential unit shall be provided with a private outdoor living space which:
  - Is able to contain a circle with a 3 metre diameter; and
  - Is directly accessible from the principal living area.
- ii) Each upper floor residential unit shall be provided with a balcony which:
  - Is not less than 6m<sup>2</sup> in area;
  - Has a depth of not less than 1.8 metres; and
  - Is directly accessible from the principal living area.
- iii) A communal outdoor living space shall be provided as an integral part of the development. The size of this space shall be based on a sliding scale, to a maximum of 5000m<sup>2</sup> per development, as follows:
  - Less than 5 units: no requirement for communal outdoor living space
  - 5 to 50 units: required at 10m<sup>2</sup> per unit
  - 51 to 100 units: required at 8m<sup>2</sup> per unit
  - 101 or over units: required at 5m<sup>2</sup> per unit.

## 4. Each residential unit in the Business 12 - Mixed Use zone shall provide:

## a) Private and Communal Outdoor Living space

- i) Each ground floor residential unit shall be provided with a private outdoor living space which
  - Is able to contain a circle with a 3 metre diameter; and
  - Is directly accessible from the principal living area.
- ii) Each upper floor residential unit shall be provided with a balcony with an area of 6m<sup>2</sup> and a minimum depth of 1.8 m which has direct access from the principal living area. Each unit that does not have a balcony shall contribute 10m<sup>2</sup> in area to an area of communal outdoor living space that has a minimum width of 3m.

## b) Outlook Area

The main glazing of each non-ground level residential unit shall be provided with an outlook area of open space, unimpeded by buildings and immediately adjacent to that glazing. Any outlook area must have a minimum dimension of 10 metres, measured at right angles to the wall of the building within which the glazing is located. The outlook area may comprise the following components:

- i) An area of on-site space which must be kept free of structures.
- ii) Areas of road reserve.
- iii) Areas of public open space.

## c) Minimum Unit Size

The minimum unit sizes within the development shall be as follows:

- i) Studio / one bedroom unit = 40m<sup>2</sup>
- ii) Two bedroom units = 55m<sup>2</sup>
- iii) Three or more bedroom units = 70m<sup>2</sup> provided that no more than 20% of the units within a development shall be less than 55m<sup>2</sup>. Where the calculation to assess the number of units permitted to be less than 55m<sup>2</sup> results in a fraction, the fraction may be rounded up to the nearest whole number. For example:
  - where a proposed development is 3 units, 1 unit may be less than 55m<sup>2</sup>

- where a proposed development is 9 units, 2 units may be less than 55m<sup>2</sup>.

### **Control Flexibility**

In the case of residential units created by the conversion of an existing building to residential purposes, the above requirements may be reduced or waived by way of a Limited Discretionary activity application in all zones except the Business 11 zone.

### **Explanation and Reasons**

*Since residential units in business zones provide for an alternative style of living which is not dependent on the provision of private open space, as in the residential zones, the only performance standard which such units are required to meet (with the exception of the Business 11A, 11B and 11C zones) is the provision of access to the outdoors by way of a deck or large opening windows, and an outlook area adjacent to the main windows of the units.*

*The Business 11A, 11B and 11C zones have a range of minimum unit sizes applied to them depending on the number of bedrooms within the unit. This is to ensure that a reasonable amount of interior space is provided, to enable a comfortable living environment.*

*The Business 11C zone is a predominantly residential sub-zone of the mixed use Business 11 zone. Additional requirements for private and communal outdoor living areas are applied to this sub-zone in order to achieve a higher amenity living environment for residents which is in keeping with the largely residential nature of this part of the zone. However residential units in the Business 12 - Mixed Use zone must provide either a private outdoor living space (for ground floor units), a balcony or an area of communal open space to provide access to the outdoors. This will enhance the quality of life for residents living in such developments. Minimum unit sizes are required so that a minimum standard of amenity is afforded to residents.*

#### **15.6.1.9.1 Residential Activities in the Business 11 Zone**

Any building to be used for residential activity in the Business 11 zone shall be subject to a non-complaint covenant in favour of North Harbour Stadium and North Shore Domain Trust. For the purpose of this rule, a non-complaint covenant is defined as a restrictive covenant registered on the Title of the property or a binding agreement in favour of North Harbour Stadium and North Shore Domain Trust, by the owner (and binding any successors in title) not to complain as to effects generated by the lawful operation of North Harbour Stadium and North Shore Domain. The restrictive covenant shall also require the covenantor to forego any right to lodge submissions in opposition to, or otherwise restrict, noise from concerts at the Stadium which are in accordance with any approved Comprehensive Development Plan, any legally established activities, resource consent applications for controlled or restricted discretionary activities and liquor license renewals.

### **Explanation and Reasons**

*Reverse sensitivity issues occur when a new and potentially sensitive party encroaches on an existing and less sensitive party. The issue of reverse sensitivity has assumed increasing significance in recent years, particularly where the planning approach has changed from one of separating potentially incompatible activities to one which promotes a more mixed use environment. In this case, the new party comprises residential activity and the existing party comprises the North Shore Domain and North Harbour Stadium. Activities undertaken on the North Shore Domain and North Harbour Stadium land are not expected to internalise all associated adverse effects (refer to the Special Purpose 12 Zone) and while a reasonable degree of protection for residential activity is provided by the various provisions in the Plan, including noise, activity status and design criteria, the use of covenants will provide a reasonable degree of protection against potential complaints from new residents for the North Shore Domain and North Harbour Stadium.*

#### **15.6.1.10 Noise Controls**

Refer to [Section 10](#).

#### **15.6.1.11 Hazardous Activities**

Refer to [Section 10](#).

#### **15.6.1.12 Air Emissions**

Refer to [Section 10](#).

#### **15.6.1.13 Odour**

Refer to [Section 10](#).

#### **15.6.1.14 Dust**

Refer to [Section 10](#).

#### **15.6.1.15 Soil and Water Protection**

Refer to [Section 3](#) and [Section 9](#).

#### **15.6.1.16 Vibration**

Refer to [Section 10](#).

#### **15.6.1.17 Outdoor Lighting**

Refer to [Section 10](#).

#### **15.6.1.18 25-27 Anzac Street**

- a) All that land being part Lot 3 Deposited Plan 2753 situated at 25-27 Anzac Street and further defined as Lot 1 in Subdivision Consent Ref: T 2134 is zoned Business 3 zone Area B, subject to the restricted range of activities as set out below. The Business 3 Area B zoning of the said land is otherwise unqualified in all respects.
- b) Any activity not appearing in the following list shall be a Non-Complying activity:
  - Offices
  - Commercial Services
  - Community Buildings and Facilities
  - Medical Centres
  - Child Care Centres
  - Licensed Premises (except taverns, restaurants and cafes)
  - Health Centres
  - Travelling Accommodation
  - Residential units
  - Reserves
  - Caretakers' Accommodation

#### **15.6.1.19 Maximum Impervious Area**

All development is subject to compliance with Rule 8.4.7 for maximum impervious areas and Rule 8.4.8 for on-site stormwater management.

### **15.6.2 Development Controls for Permitted Activities and Controlled Activities in Business Zones and Limited Discretionary Activities in the Business 1-4, Business 9 (Hinemoa Street only) and Business 11 zones Zone**

#### **15.6.2.1 Compliance**

The development controls for all Permitted and Controlled activities in the business zones and Limited Discretionary activities in the Business 1-4 zones, Business 9 zone on Hinemoa Street (between Rugby and Brassey Roads only) and Business 11 zones are contained in the Rules set out within [Section 15.6.2](#). All development in the business zones must comply either with the development controls for Permitted or Controlled

activities, and Limited Discretionary activities in the Business 1-4, Business 9 (Hinemoa Street between Rugby and Brassey Roads only) and 11 zones contained in these Rules, or alternatively, where any control provides for control flexibility, may be granted greater flexibility subject to a Limited Discretionary activity application.

Business development in the Mixed Use Overlay Area must comply with the development controls of [Section 17A.5](#).

### **Explanation and Reasons**

*Explanations are provided for the Rules to assist in understanding. The areas to which zones or sub-zones have been applied are described below.*

## **Business Zone Locations**

### **Local 1**

*Local business activities, both pedestrian and vehicle orientated.*

### **Suburban 2**

*Suburban shopping centres including Devonport, Belmont, Hauraki Corner, Sunnynook, Milford, Mairangi Bay, Browns Bay, Torbay, Glenfield, Greville Road, Constellation/Unsworth, Northcote, Highbury and Albany Village.*

### **Sub-regional 3**

*Sub-regional centre of Takapuna:*

Area A: *Business-zoned sites fronting the beach.*

Area C: *Sites to the west of the centre which have the potential for tower developments.*

Areas B&D: *The remainder of the centre. The precise boundaries of the areas are shown in [Appendix 15A](#)*

### **Sub-regional 4**

*Sub-regional centre of Albany central mixed use area.*

### **Sub-regional 5**

*Sub-regional centre of Albany business area.*

### **Sub-regional 6**

*Sub-regional centre of Albany commercial area.*

### **Business Park 7**

*Business Park zones:*

Area A: *Smales Farm and Tank Farm*

Area B: *Windsor Park*

Areas C&D: *Area south of the Oteha Stream escarpment and area of land in the southernmost part of the Albany Centre without access to Corinthian Drive.*

Area E *Albany Centre*

### **Business Special 8**

*Part of Link Drive.*

### **General 9 and 10**

*General Business zone encompassing the North Harbour and Albany Industrial estates, much of the Wairau Valley and various smaller areas distributed around the city.*

### **Sub-regional 11**

*Sub-regional Centre of Albany northern mixed use area.*

### **Business 12 - Mixed Use Zone**

Area A: *Along west side of Library Lane and west side of State Highway 17 in Albany Village*

Area B: *On the northern side, western end of Bute Road in Browns Bay (existing Business 9 zone only)*

Area C: *Between Clyde Road and Beach Front Lane in Browns Bay*

### 15.6.2.2 Maximum Height and Floor Area Ratio

The maximum permitted height, and where applicable, the floor area ratio (FAR) for each of the business zones is set out in [Table 15.3](#). Height limits in all the business zones, except for the Business Park 7G zone, Business 3 Area A and the Business 12 - Mixed Use Zone Area A (Albany Village), are measured from the mean ground level along the road frontage. Where a site has more than one road frontage, the height limit shall be measured from the mean ground level along the higher road frontage, except for sites in the Glenfield Centre Business 2 zone which shall be measured from the mean ground level of the total road frontage. Buildings in the Business 3 zone Area A shall have their height measured from natural ground level for any part and not from mean ground level. Buildings in the Business 7G zone shall have their height measured from the ground level existing at October 1994. Buildings in the Business 12 - Mixed Use Zone Area A (Albany Village) shall have their height measured using the Mean Frontage Level Method.

Business zones 2, 4, 5, 6, 7 (but not 7G), 8, 9, 10 and 11 rear sites, and sites with a crossfall greater than 2 metres may, as an alternative at the option of the applicant, use the mean natural ground level around the perimeter of a building as the basis from which height limits are measured.

No building may exceed the height and floor area ratios set out in [Table 15.3](#).

Special 'height' provisions apply for buildings and structures at the Chelsea Sugar Refinery (Business 9 zone) - Refer to Appendix 11 E.

<b>Table 15.3 Maximum Height and Floor Area Ratio Controls</b>			
<b>Business Zone</b>	<b>Maximum Height</b>	<b>Floor Area Ratio</b>	
		<b>Basic</b>	<b>With Bonus</b>
1	8m		
2	9m, except for Browns Bay, Highbury (refer to map <a href="#">Appendix 15B</a> ), Milford (refer to <a href="#">Appendix 15P</a> ) and the Glenfield Mall Shopping Centre (Lot 1, DP61951)  In relation to Browns Bay the maximum height shall be 12.5m. In relation to the Glenfield Mall Shopping Centre, those parts of the site which lie within 100m of the centre line of Glenfield Road shall have a height limit of 12m. For the remainder of the site the height limit shall be 9m		
3 Area A	8m from natural ground level, but 11m with a bonus complying with the criteria in <a href="#">Rule 15.6.2.6</a>	0.75:1	1.5:1 ( <a href="#">Rule 15.6.2.6</a> )
3 Area B	11m, but 18m with a bonus complying with the criteria in <a href="#">Rule 15.6.2.6</a> . No bonus shall apply to the land surrounded by Killarney Street, The Promenade and Hurstmere Road	2:1	3:1 ( <a href="#">Rule 15.6.2.6</a> )
3 Area C	11m, but unlimited with a bonus complying with the criteria in <a href="#">Rule 15.6.2.6</a>	2.5:1	3.5:1 ( <a href="#">Rule 15.6.2.6</a> )

<b>Table 15.3 Maximum Height and Floor Area Ratio Controls</b>			
3 Area D	11m, but 18m with a bonus complying with the criteria in <a href="#">Rule 15.6.2.6</a> , provided that where the height is measured from the Hurstmere Road frontage the maximum height in this area is 15m	2:1	3:1 ( <a href="#">Rule 15.6.2.6</a> )
4	Unlimited	3:1	
5	10m		
6	Unlimited	2:1	
7 Area A	18m, but 24m for up to 5% of the site area with a bonus complying with the criteria in <a href="#">Rule 15.6.2.7</a>	0.7:1	1:1 ( <a href="#">Rule 15.6.2.7</a> )
7 Area A Smale's Farm Only	18m, but 24m for up to 10% of the site area with a bonus complying with the criteria in <a href="#">Rule 15.6.2.7</a>	0.75:1	1.5:1 ( <a href="#">Rule 15.6.2.7</a> )
7 Area B	9m, but 12m with a bonus complying with the criteria in <a href="#">Rule 15.6.2.7</a>		
7 Area C	9m	0.5:1	
7 Area D	11m		
7E	15m	1.5:1	
7 Area G	10m		
8	12m		
9	9m within 30m of a residential or recreation zone, otherwise 12m, provided that for buildings and structures that are part of or required for the sugar processing industry at the Chelsea Sugar Refinery, the rules set out in <a href="#">Appendix 11E</a> apply.		
10	12m		
11A	Refer to Height Plan in <a href="#">Appendix 15H</a>	4:1	
11B, 11C, 11D	Refer to Height Plan in <a href="#">Appendix 15H</a>		
Business 12 - Mixed Use area A (Albany Village)	14m		
Business 12 - Mixed Use area B (Bute Road area)	14m		

**Table 15.3 Maximum Height and Floor Area Ratio Controls**

Business 12 - Mixed Use area C (Clyde Road/ Beach Front Lane)	12.5m		
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**Control Flexibility**

A Limited Discretionary activity application may be made for:

Business 1, 2, 3, 4, 5, 6, and 7 (but not 7E and 7G) and 11 zones: additional height up to 2 metres, except in the Browns Bay Business 2 zone, where the following applies:

- Area A (refer [Appendix 15M](#)) - 2.5 metres
- Area B (refer [Appendix 15M](#)) - No control flexibility

Business 7E (excluding sites located between Corinthian Drive and State Highway 1 or State Highway 17): additional height up to 5 metres.

Business 7E (sites located between Corinthian Drive and State Highway 1 or State Highway 17): additional height up to 2 metres.

Business 7G, 8, 9 and 10 zones: additional height up to 3 metres.

Business 11A and 11C zones: unlimited height in defined areas shown on the Height Plan in Appendix 15H and FAR of 6:1 for the Business 11A zone as shown on that plan.

Limited Discretionary activity applications for additional height in the Browns Bay Business 2 zone shall be assessed against the control flexibility assessment criteria of [Rule 15.7.4](#) and also against the specific assessment criteria of [Rule 15.7.4.8](#).

With respect to the Chelsea Sugar Refinery at Birkenhead, Limited Discretionary applications will also be assessed in terms of Rule 11.4.3.7 (Assessment Criteria for Controlled and Restricted Discretionary Activities) and any relevant considerations from Appendix 11E.

In the Mixed use 12 zone (Albany Village) an additional level (storey) of habitable floor space (up to 3.5 metres in height) within the area identified on the District Planning Maps for the Albany Village as the "Additional Height Control Flexibility Overlay Area".

**Explanation and Reasons**

*Building heights can adversely affect nearby residential amenity, in particular, by shading, visual dominance and view obstruction. The height limits allow integration of the business areas with surrounding residential areas.*

**Local 1 and Suburban 2 Zones**

*There is some scope for the development of landmarks and for residential and business activity to locate on upper levels. The Control Flexibility provisions can respond to difficult circumstances and to opportunities that do not adversely affect residential and open space amenity. Highbury has had relatively recent investigations into development height, and the resulting implementation of these specific height controls is continued with only minor modifications. To encourage intensification within the Milford town centre, specific height limits apply to the Milford Intensive Residential Development Overlay Area (see [Rule 15.6.2.12](#)). Non-residential activity is not anticipated above RL21 (see [Appendix 15P](#)) and is therefore provided as a full discretionary activity. Centre Plans are expected to more specifically address building height in other areas.*

**Sub-regional 3 Zone, Area A**

*For some parts of central Takapuna, controls protect the amenity of the beach, and the sub-regional centre as a whole. The height limits near the beach are intended to provide a smaller scale of development, with scope for larger buildings where additional landscaping and public areas are provided. The floor area ratio is generally set at a level below the potential combined coverage and height controls, to ensure some diversity of*



building forms.

#### **Sub-regional 3 Zone, Area B**

The height restriction makes it possible for at least two substantial storeys of a development to front onto a street. Development is subject to a sloping height plane requirement, ensuring that when the building increases in height it is also set further back from the road. A development can be built to a maximum height of 18 metres provided a bonus has been approved. Refer to [Rule 15.6.2.6](#) for bonus provisions. The floor area ratio allows for intensive business activity but protects the amenity of public and private spaces by bonus criteria for larger developments.

#### **Sub-regional 3 Zone, Area C**

The height limit of 11 metres will limit the bulk dominance effect of buildings in this area. When a development bonus is approved under [Rule 15.6.2.6](#), no height limit will be applied and the FAR limit is increased. The building will be subject to site coverage decreasing rapidly as the building becomes taller. The bonus FAR and unrestricted height combine as a development control technique to achieve greater diversity of building form and city skyline.

#### **Sub-regional 3 Zone, Area D**

The height restriction makes it possible for at least two storey development to front onto all roads. Development is subject to a sloping height plane requirement from the beach front lane, ensuring that when a building increases in height it is also set back further from the lane to ensure the lane and beach front reserve is not unduly over shadowed. A development, within an approved bonus under [Rule 15.6.2.6](#), can be built to a maximum of 18 metres, provided that where the height of development is measured from the Hurstmere Road frontage, the maximum bonus height in Area D is 15 metres. This ensures that development will not dominate the beach front skyline or those buildings built to a height that relates to the beach front lane.

#### **Sub-regional 4 Zone**

A floor area ratio of 3:1 is provided because of the zone's location in the city's potentially most intensive commercial area and the need for landmark features, diversity in form and scale of buildings, and the maintaining of important views.

#### **Sub-regional 5 Zone**

The height limit is considered appropriate for the type of activities envisaged in the area. Buildings of such a height will not result in any undue visual impact from their bulk.

#### **Sub-regional 6 Zone**

A floor area ratio of 2:1 has been set but no height limit, so a wide range of building forms is possible. This flexibility is necessary for such a greenfield zone. This zone is remote from residential zones, and the absence of a height limit should assist in creating an interesting skyline.

#### **Business Park 7 Zone, Area A**

The height limit allows for buildings of a significant scale, with additional height available when compensated by landscaping increases. The height bonus is available where additional landscaping area is provided (refer [Rule 15.6.2.7](#)), compensating for the visual effects of increased building bulk.

Notwithstanding the maximum height of 24 metres specified above for the Business 7A zone, Council acknowledges that a landmark or gateway building or buildings to Smale's Farm could appropriately exceed 24 metres in height. However, such proposals would require an application for consent to a Non-Complying activity in respect of which the Council will have particular regard to whether the proposal sufficiently recognises the need to design and locate the building appropriately on the site and any effects on nearby residential and school properties.

#### **Business Park 7 Zone, Area B**

The height limit is intended to reduce the impact of large bulky buildings on the amenity of adjoining zones (recreation, schools and residential properties) and a wider community.

#### **Business Park 7 Zone, Area C**

The height limit will restrain the impact of bulky buildings on major features, such as the



Oteha escarpment. The floor area ratio control reduces the bulkiness of buildings within the permitted building envelope, and will allow diversity of building form.

#### **Business Park 7 Zone, Area D**

The height limit has been set to maintain views of the Oteha escarpment. Compared to Area C, the increased height combines with a lower coverage to allow developments of a similar intensity to Area C while protecting existing vegetation, as well as views through the site.

#### **Business Park 7 Zone, Area E**

A 15 metre height limit and 1.5:1 floor area ratio control have been set in recognition of the strategic importance of the Albany Centre as a major employment node within the City. It is anticipated that the zone will be developed primarily as an office precinct, with some associated uses. The slopes to the south of Spencer Ridge lie at the gateway to the Albany Centre, and as such, development of this land has the potential to act as a gateway, with buildings of 15 metres having the potential to signify this. An additional 5 metres may be applied for as a Limited Discretionary activity in the centre of this Area where they fulfil this gateway role through their architectural merit. Buildings in excess of the height and floor area ratio controls have the potential to adversely affect the amenity of residents nearby and the capacity of the road network in the area.

#### **Business Park 7 Zone, Area G**

The height limit has been set at a level that will allow views through or over the zone from surrounding areas, and at a level that will prevent buildings becoming out of scale with buildings in the neighbourhood. In dealing with resource consent applications to exceed 10 metres in height, the Council will assess the impact of proposed roof forms on views and on the visual amenity of the wider area. Given the residential context of the zone, developments exceeding 10 metres in height should avoid extensive use of flat roof forms and avoid single monolithic roof forms on larger buildings. The use of pitched roof forms can help maintain through views.

#### **Business Special 8 Zone**

A maximum building height of 12 metres is proposed, in character with the area development and potential, sufficiently remote from residential areas but still highly visible.

#### **General 9 Zone**

A 9 metre maximum building height is proposed where a site is within 30 metres of a recreation or residential zone, to respect the amenity and character of such zones. Where a site is more than 30 metres from such zones, a maximum height of 12 metres is permitted. It is anticipated that the height of development is unlikely to have a detrimental effect upon the amenity of recreation or residential zones. The General 9 zone includes some relatively small areas distributed around the city, many immediately adjacent to dwellings and reserves. There is scope for exceeding the 9 metre limit by means of a Limited Discretionary activity application.

#### **General 10 Zone**

A 12 metre maximum height is proposed, as development is relatively remote from residential zones. Flexibility is provided to allow operational requirements to justify exceeding the height limit.

Business zone height limits are measured from the mean ground level along the road frontage boundary as this is a relatively stable basis for predicting and controlling height effects. However, rear sites and sites with a significant crossfall require additional flexibility.

#### **Sub-regional 11 Zone**

Maximum height limits of 20 metres and 30 metres have been set throughout the zone. Most of the zone is subject to a 20 metre height limit, as this is considered appropriate to enable a sufficient level of flexibility for different built forms, at a level of intensity appropriate for a highly developed urban centre. Along both sides of North Entry the height limit is 30 metres to recognise the gateway role of the road and to provide for a distinctive, contained northern entry into the Centre, while retaining a defined view shaft to the Lucas Creek Escarpment. Control flexibility for an additional 2 metres is provided throughout parts of the zone with a 20 or 30 metre height limit to enable additional height where this is mitigated by architectural features such as pitched roofs.

*A height limit of 30 metres, with Control Flexibility to an unlimited height is provided for in some parts of the Business 11A and 11C zones. This is to provide the opportunity for a high intensity of development in the area to the east and south east of the Main Street which is less sensitive to the effects of shading. Additional height and FAR will only be granted where specific assessment criteria are met.*

#### **Business 12 - Mixed Use Zone**

*The height controls for the Business 12 - Mixed Use zone are intended to provide for a reasonable level of development whilst ensuring that buildings are in scale with the locality and do not adversely affect adjacent residential and recreation zoned land. For mixed use development along the northern side of Bute Road in Browns Bay, the height limit has also been set to ensure development is in scale with the adjacent escarpment to the north. In Albany Village the land zoned Business 12 - Mixed Use falls away from the road towards Lucas Creek thereby ensuring that 3-4 storey mixed use development is not out of scale with existing 2-3 storey buildings in the village.*

#### **15.6.2.3 Building Height in Relation to Boundary**

No part of any building shall penetrate the sloping height planes specified in [Appendix 15C](#)

#### **Control Flexibility**

Penetration of the sloping height plane by a vertical distance of up to 1.5 metres, except for the Browns Bay block bounded by Clyde Road, Beachfront Lane and Anzac Road, where no control flexibility is provided.

In the Mixed Use 12 zone (Albany Village) on 229 State Highway 17, 18-22 Library Lane and 568 Albany Highway, building mass between Kell Park and the Albany Highway facing the creek not in accordance with the height in relation to boundary control shall be a limited discretionary activity where:

- a) it presents a face towards the creek no greater than 30m in width
- b) it provides a minimum 'open space' 'break' in built form no narrower than 20m. The 'break' shall be in the form of a clear void (excluding any podium as per Rule 15.6.2.10(1)(a) with a minimum depth of 20m;
- c) the cumulative width of buildings along the creek edge amounts to no more than 40% of the boundary's total length".

In respect of point (b) above, the 20 m void depth may be reduced to 10m where the following are met:

- Site topography and shape renders a 20m depth unachievable; and
- Overall the majority of breaks between buildings still provide the minimum 20m void depth requirement.

Applications for control flexibility in the Mixed Use Zone (Albany Village) shall be considered without public notification.

Refer to the Concept Plan in [Appendix 15N](#) for clarification on how the control flexibility shall be interpreted.

#### **Explanation and Reasons**

*The height in relation to boundary control is part of a package of buffer controls that are used to minimise the adverse effects of business activity on other activities. Height in relation to boundary controls are directed specifically at visual bulk and daylight effects, and apply at Residential and Recreation zone boundaries, at road frontages and between taller buildings in some cases.*

*In the Browns Bay Business Suburban 2 zone and the Business 12 - Mixed Use Zone Area C (Clyde Road/ Beach Front Lane), building height and bulk has the potential to significantly adversely affect the amenity values of the adjacent recreation-zoned land of the Browns Bay beachfront, and the character of the coastal environment. The Building Height in Relation to Boundary control has been designed to limit the effects of building bulk dominance on the reserve and Beachfront Lane.*

*Modified controls apply to the Milford Intensive Residential Development Overlay Area that enable buildings within the envelopes shown on the overlay plan to achieve an*

*appropriate scale, bulk, location and street frontage, and provide enhanced opportunities for passive surveillance of the streetscape whilst still maintaining a good degree of amenity within adjacent residential areas.*

#### 15.6.2.4 Yards

The minimum yard requirement for each of the business zones is set out in **Table 15.4**. No part of any building may be located within any required yard except for the following:

- Vehicle access and parking except where the Plan states otherwise
- Signs allowed under Section 13.4.1.11
- Balconies in the Business 11 zone and steps up to 1 metre in height in the Business 11 zone.
- On-site stormwater management devices associated with permitted activities under Rule 8.4.8.

In any place where two different yards apply, the greater of the two dimensions shall be the yard requirement.

*Note: also refer to Rule 8.4.2 regarding riparian margin requirements.*

Table 15.4 Building Yard Controls		
Yard	Zone	Minimum Yard Requirement
Front Yard	Local 1	Nil
	Suburban 2	Nil
	Sub-regional 3 Area A	5m for sites in The Promenade opposite a Residential or Recreational zone
	Sub-regional 3 Area B and Area D	Nil
	Sub-regional 3 Area C	Nil
	Sub-regional 4	3m, but Nil along the Civic Crescent
	Sub-regional 5	Nil
	Sub-regional 6	3m
	Business Park 7 Area A and B	5m
	Business Park 7 Area C and D	7.5m
	Business Park 7 Area E	5m
	Business Park Area G	3m
	Business Special 8	7.5m
	General 9	7.5m
	General 9D	Nil
	General 10	7.5m

Table 15.4 Building Yard Controls		
Yard	Zone	Minimum Yard Requirement
	Business 11C: Local streets where the ground floor use is residential	3m
	Business 11D: Arterial roads and Collector (commercial) roads	5m
	Oteha Valley Road	7.5m
	Business 12 - Mixed Use	Nil maximum
<b>Side and Rear Yards</b>	Local 1	Nil
	Suburban 2	Nil
	Sub-regional 3 Area A	Nil
	Sub-regional 3 Area B and Area D	Nil
	Sub-regional 3 Area C	Nil
	Sub-regional 4	Nil
	Sub-regional 5	Nil
	Sub-regional 6	3m
	Business Park 7 Area A	5m
	Business Park 7 Areas B, C, D and E	3.5m
	Business Park 7 Area G	Nil
	Business Special 8, General 9 and 10	Nil
	Business 11 zone	Nil
	Business 12 - Mixed Use	Nil
<b>Perimeter Yard</b>	Sub-regional 5	10 metre yard required along every perimeter boundary of the zone

Table 15.4 Building Yard Controls		
Yard	Zone	Minimum Yard Requirement
	Business park 7 Areas A and B	10 metre yard required along every perimeter boundary of the zone, except for the sites which lie adjacent to the State Highway 1 Akoranga Drive off-ramp, being more particularly described as Lot 1 DP 177549 and Lot 1 DP 184973, where a 5 metre yard is required along the perimeter boundary
	Business Park 7 Area G	5 metre yard required along every perimeter boundary of the zone
<b>Other Yards</b>	Sub-regional 6	10 metre amenity yard is required for boundaries adjoining the Spencer Road Ridgeline Reserve
	Business Park 7 Area A	10 metre yard between buildings on the same site
	Business Park 7 Area G	Landscape Protection yard - No development or excavation is allowed within the yard depicted on diagram <a href="#">Appendix 15K</a> except for that associated with vehicle access to the Downing Street frontage
	Business 9	Browns Bay business area channel protection yard - no development or excavation permitted within 3 metres of the top of the embankment of the Taiotea Creek as shown on diagram <a href="#">Appendix 15E</a> Browns Bay/Bute Road bush protection yard - no development permitted within the yard depicted on diagram <a href="#">Appendix 15F</a>

Table 15.4 Building Yard Controls		
Yard	Zone	Minimum Yard Requirement
	Local 1, Suburban 2, General 9D and Lot 1 DP 157656 (Rosedale Road, Albany) and the Business 12 - Mixed Use zone	3 metre Landscape Amenity Yard where the site abuts a residential or recreation zone, or land designated for proposed reserve or motorway purposes, or any river including a stream. Refer to Rule 15.6.2.10 Landscaping Requirements for the treatment of the Landscape Amenity Yard
	Business 3, 4, 5, 6, 7, 8, 9 (other than 9D), 10 and 11 zones	5 Metre Landscape Amenity Yard where the site abuts a residential, recreation or Special Purpose 11 zone, or land designated for proposed reserve or motorway purposes, or any river including a stream. Refer to Rule 15.6.2.8 Landscaping Requirements for the treatment of the Landscape Amenity Yard.
	Business Local 1 zone at 52 Oteha Valley Road (Proposed Lot 92 - Being part of the proposed subdivision of part allotment 310 & 312 Parish of Paremoremo	3 metre Landscape Amenity yard along the Oteha Valley Road frontage of the site.
<b>Foreshore Yard</b>	All zones	Refer to Rule 16.6.1.5A

### Control Flexibility

Yards within all business zones may be reduced or waived by means of a Limited Discretionary activity application (except Foreshore Yard - refer to [Rule 16.6.1.5A](#)).

Provided that:

In the Business 11C zone, the front yard requirement of 3 metres may be reduced to 1.8 metres.

In the Business 11D zone, on sites facing Oteha Valley Road, the front yard requirement of 7.5 metres may be reduced to 5 metres where at least 40% of that part of the building frontage facing Oteha Valley Road is fully glazed to provide showroom and display areas.

Yards within all business zones may be reduced or waived by means of a Limited Discretionary activity application (except Foreshore Yard - refer to Rule 16.6.1.5A).

The front yard requirement in the Business 12 - Mixed Use zone may be increased by way of a Limited Discretionary activity application.

### **Explanation and Reasons**

#### **Local 1, Suburban 2 Zones and General 9D Zones**

Where development abuts a residential or recreation zone, a 3 metre yard is required to provide a buffer to adjoining residential properties (refer [Section 15.6.2.8](#)). The yard may be reduced or waived to reflect such constraints as small site sizes, existing site layout, changed parking or access requirements, or where the development is designed to be physically integrated with Recreation zoned land.

#### **Sub-regional 3 Zone, Area A**

Where a development's front yard is opposite a residential zone, a 5 metre front yard is required.

This yard is to allow for the establishment of specimen trees to help screen business activity from the residential area, and to prevent the visual effects of intensive activities from adversely affecting the character of mainly residential streets. The 5 metres is to match the requirement of residential sites.

#### **Sub-regional 3 Zone, Areas B and D**

Where development abuts a residential or recreation zone, a 5 metre Landscape Amenity yard is required. This 5 metre yard is to allow for the establishment of specimen trees to screen a business zone from other zones. The business zone allows buildings of a substantial scale, but there are also building height in relation to boundary controls.

#### **Sub-regional 3 Zone, Area C**

There are no yard requirements because the sites do not abut residential sites. A yard requirement would not reduce the impact of a tall building. Other controls such as a sloping height plane and site coverage will help mitigate effects on adjacent and nearby properties.

#### **Sub-regional 4 Zone**

Development within the Albany sub-regional centre's Core is required to provide a front yard of 3 metres, except in relation to the Civic Crescent.

#### **Sub-regional 5 Zone**

A 10 metre yard is required along every perimeter boundary to prevent large buildings from dominating development at the perimeter of the Business 4 Zone.

#### **Sub-regional 6 Zone**

Development is required to provide front, side and rear yards for access and servicing requirements. Where a site adjoins the Spencer Road ridgeline reserve, it is required to provide a 10 metre amenity yard. The purpose of this yard is to provide a buffer between business and recreation zones, and to provide a spacious character to development. No side or rear yard is required on those boundaries where the 10 metre Spencer Road ridgeline reserve amenity yard applies.

#### **Business Park 7 Zone, Area A**

A spacious front yard is required along every internal road within the zone, and development also has to provide a 5 metre side and rear yard. The front yard requirement helps to ensure that bulky buildings do not dominate the landscape or streetscape. The other yards require buildings to be separated from one another, while allowing for areas of landscaping, with the intention being the creation of a park-like ambience. The 10 metre yard required along every perimeter boundary of the zone to reduce the impact of building bulk when viewed from adjoining properties on the North Shore's road network, and in conjunction with road berms, accentuate the park-like setting. The perimeter yard will be perceived as similar in effect to the separation yard of 10 metres and a pair of side/rear yards at 5 metres each.

#### **Business Park 7 Zone, Area B**

A 5 metre front yard is required along every internal road within the zone to help ensure that bulky buildings do not dominate the streetscape. The building height and bulk are not as great as for Area A, and this has been reflected in a reduced side and rear yard requirement of 3.5 metres. The 10 metre perimeter yard is required to reduce the impact

*of large bulky buildings as viewed from adjoining properties or from North Shore's road network, and to convey a sense of spaciousness.*

**Business Park 7 Zone, Area C and D**

*A 7.5 metre front yard is required along every internal road within the zone, to reduce the visual impact of buildings on the streetscape, and allows views through the zone. Development is also required to provide a 3.5 metre side and rear yard to allow buildings to be separated from one another, while allowing for areas of landscaping.*

**Business Park 7 Zone, Area E**

*A 5 metre front yard is required along every internal road within the zone to provide opportunities for the planting of specimen trees and to help ensure that bulky buildings do not dominate the streetscape. Development is also required to provide a side and rear yard to allow buildings to be separated from one another, while allowing for areas of landscaping. Control flexibility for the front, side and rear yards is available where better urban design outcomes can be achieved.*

**Business Park 7 Zone, Area G**

*An extensive landscape protection yard is required along the south-east and south-west boundaries of the zone. This will help ensure that the landscaped bank which is a significant landscape feature in the area is retained, and will also reduce the impact of large bulky buildings on adjoining residential properties. The existing landscaping on the bank should be retained as far as practicable. Any replacement planting should aim to reinforce the bank's effectiveness as a screen and as a green backdrop. The front yard will help to ensure that bulky buildings do not dominate the streetscape.*

**Business Special 8, General 9 and 10 Zones**

*A 7.5 metre front yard is required to provide a spacious amenity to adjoining sites and the zone, and to provide areas for landscaping and access. Side or rear yards are only required as Landscape Amenity Yards where the site boundary adjoins a residential or recreation zone or land is designated for proposed reserve, motorway purposes, or a stream. The side and rear yards in such cases perform a visual buffer role, as they must be fully landscaped.*

**General 9B Zone**

*Where development abuts a recreation zone a 10 metre landscaped yard is required to provide a buffer for neighbouring native bush clad reserves. Where development abuts a residential zone, a 6 metre landscaped yard is required to provide a buffer for neighbouring bush clad residential properties.*

**Sub-regional 11 Zone**

*The interface of private and public space is considered to be of particular importance. Hence the treatment of front yards in the Business 11C and 11D zones is a matter which has been given particular consideration in attempting to ensure a high standard of amenity in public places.*

*Oteha Valley Road will provide a main gateway into the Albany Centre. The Escarpment to the north of the road provides an expanse of open space, in a relatively natural condition. In order to maintain the level of amenity that this provides, it is considered appropriate to require a complementary setback. A 7.5 metre front yard has therefore been set.*

*Appian Way and North Entry are key thoroughfares within the Albany Centre and it is anticipated that the landscape treatment of these roads will be consistent with those roads already built. The existing street landscaping includes the planting of trees close to the outside edge of the road reserve. In order to ensure that this planting is not compromised by the encroachment of buildings, a minimum set back of 5 metres has been set in the Business 11D zone for arterial and collector roads.*

*For the Business 11C zone, which encourages predominantly residential activities, a minimum front yard of 3 metres has been set to provide a greater level of privacy for residential apartments located at ground level.*

*Throughout the rest of the zone, a nil front yard is provided for. This is in order to enable the placement of buildings as close to the front of the site as is practically possible, to enable parking to be located at the rear of the site, and to provide a well contained and intimate streetscape.*



**Business 12 - Mixed Use Zone**

*A nil front yard requirement in the Business 12 - Mixed Use zone will maintain a direct relationship between the building and the street by ensuring buildings are located at the street boundary. Ground floor spaces should face the street and have windows and doors which look directly out onto the street with glazing comprising a major portion of the ground floor facade. This will assist in achieving an active street frontage which enhances the vitality of the street and promotes pedestrian safety and security.*

*In the Albany Village special recognition is given to the south-facing, poorly accessible nature of the potentially high-value creek edge extending from the Albany Highway in the south through to Kell Park. This is currently a missing link from the otherwise high-quality edge interface available to the public.*

**15.6.2.5 Building Coverage**

The maximum permitted building coverage for each of the business zones is set out in **Table 15.5**. The calculation of building coverage must be based on net site area.

<b>Table 15.5 Building Coverage Controls</b>	
Zones	Coverage
Local 1	Unlimited
Suburban 2	Larger developments subject to a comprehensive development plan, otherwise unlimited
Sub-regional 3	
Area A	50%
Areas B and D	To comply with height/coverage control if bonus under <a href="#">Rule 15.6.2.6</a> is used (refer <a href="#">Appendix 15F</a> )
Area C	To comply with height/coverage control if bonus under <a href="#">Rule 15.6.2.6</a> is used (refer <a href="#">Appendix 15F</a> )
Sub-regional 4	Unlimited
Sub-regional 5	40%
Sub-regional 6	Unlimited
Business Park 7	
Area A	35%
Area B	35%
Area C	40%
Area D	25%
Area E	50%
Area G	Unlimited

**Table 15.5 Building Coverage Controls**

Business Special 8, General 9 and 10	Unlimited
Sub-regional 11	Unlimited
Business 12 - Mixed Use	Unlimited

**Control Flexibility**

Building coverage limits may be exceeded by up to 10% of the site area by means of a Limited Discretionary activity consent.

**Explanation and Reasons**

Where the building coverage control is used in business zones, it is part of a package of controls that together should be capable of protecting amenity. The building coverage control is primarily directed at achieving an open character to development, with scope for landscaping to assist that aim. 35-40% coverage is typical of compact housing areas, and will give a similar spaciousness to business areas. 25% coverage will provide additional scope for protection of significant areas of vegetation. 50% is an upper limit where recreational attributes need protection.

**Sub-regional 3 Zone, Area A**

A 50% building coverage is designed to protect the amenity of Takapuna Beach and its associated recreational areas. The area is to have a low scale of development and provide a strong landscaping contribution, particularly with the existing large trees.

The building coverage limit is intended to constrain development pressure on these sites.

**Sub-regional 3 Zone, Areas B, C and D**

Where development bonuses are not sought, substantial building coverage is possible. Where bonuses are used, significantly greater bulk will result. The coverage control ensures some open site for landscaping, and also limits upper floor areas to prevent excessive shading and visual dominance.

**Sub-regional 5**

A building coverage of 40% has been specified to prevent large bulky buildings from dominating development within the Sub-regional 4 zone. The building coverage is related to the car parking area required for such a development type. Development has been limited in scale to reflect the amenity characteristics of the surrounding area, such as its topography and park-like setting.

**Business Park 7, Area A and B**

A maximum building coverage of 35% has been specified to help ensure that any large buildings are developed within a park-like environment.

**Business Park 7 Zone, Area C**

The 40% maximum building coverage makes it possible to mitigate the effects of large buildings, by controlling the scale of development using comprehensive landscaping schemes.

**Business Park 7 Zone, Area D**

The 25% building coverage enables the effects of large development to be mitigated when they are sited in sensitive environments. The impact of the development is reduced, and this is enhanced further by comprehensive landscaping schemes. In this area the emphasis is on protecting existing trees within a spacious landscape setting.

**Business Park 7 Zone, Area E**

A Maximum building coverage of 50% has been specified in recognition of the strategic importance of the Albany Centre as a major employment node within the City, while ensuring that any large buildings are developed within a park-like environment, with ample opportunities for landscaping.

### 15.6.2.6 Bonus Provisions for Sub-regional 3 Zone, Areas A, B, C and D

Additional height and floor area ratio bonuses are available in return for compliance with amenity requirements.

To achieve bonuses a development must:

- Provide 20% of the site area for public open space, e.g. plazas, gardens, and pedestrian linkages (refer [Rule 15.6.2.8 Landscaping Requirement](#)). This land may be retained in private ownership and control, but must be available for public use during daylight hours and at such other times as may be consented to by the owner; and
- Retain existing public views of the Hauraki Gulf to the maximum extent possible, and provide for views of the Gulf through and from within the site; and
- Retain significant landscape features on the site, particularly trees; and
- Comply with the building height/building coverage control shown in [Appendix 15F](#).

*Note:*

For sites abutting residential zones, the provision of a Landscaped Amenity Yard may be included in the assessment of the 20% of public open space required.

#### **Control Flexibility**

As an alternative, by a Limited Discretionary activity application, the 20% of site area required as public open space may be reduced to a minimum of 10% where one or more of the following are included in a development:

- Public open space elsewhere in central Takapuna
- Public art works
- Heritage building conservation
- Specimen trees of significant scale.

The value of these alternative provisions shall be approximately equivalent to the value of the reduction in site area required as public open space.

#### **Explanation and Reasons**

*Especially high standards of public amenity are sought for the sub-regional business centres. Public open space on-site is a strong source of this amenity, although there is some scope for alternative provision. The use of bonus height and bulk is an explicit transaction of amenity costs and benefits, where the adverse effects of building heights and bulk are compensated by other amenity benefits. In addition to public open space, other sources of amenity in a sub-regional centre are building design, and in this case the retention of significant landscape features and the retention and creation of views of the Hauraki Gulf.*

### 15.6.2.7 Bonus Provisions for Business Park 7 Zone, Areas A & B

A development bonus is available within the Business Park 7 Zone, Area A. The floor area ratio limit of 0.7:1 may be increased to a total FAR of 1:1, and the height limit of 18 metres in the zone area may be exceeded by up to 6 metres, provided that the height limit is not exceeded over more than 5% of the total site area. In order to qualify for this bonus, or any part of it, a development must include an additional 10% of the site area in landscaping over and above the 20-30% which is required by the Landscaping Rule for this zone area.

For Smale's Farm, the floor area ratio limit of 0.75:1 may be increased to a total FAR of 1.5:1, and the height limit of 18 metres on the site may be exceeded by up to 6 metres, provided that the height limit is not exceeded over more than 10% of the total site area. In order to qualify for this bonus, the development must include additional landscaping over and above the 20-30% which is required by the Landscaping Rule for this zone area. The bonus area of landscaping required by a height or FAR increase is calculated according to the diagram in [Appendix 15F](#).

A development bonus is available within the Business Park zone, Area B. The height may be increased to 12 metres where a development includes an additional 10% of the site area in landscaping over and above the 20-30% which is required by the Landscaping Rule for this zone area.

#### **Explanation and Reasons**

*In seeking to avoid, remedy or mitigate the adverse effects of taller buildings, and also support a park-like ambience, a balance is struck between building height and bulk, and landscaping area.*

### **15.6.2.8 Landscaping Requirement**

#### **1. General Landscaping Required in All Business Zones**

- a) In all business zones, a Landscape Amenity Yard shall be provided where a site abuts:
- Land zoned residential or recreation; or
  - Land designated for proposed reserve; or
  - Land designated for motorway purposes; or
  - A stream, with the exception of that part of Wairau Creek which is contained within a concrete channel. This exception does not apply where the Wairau Creek separates business zoned land that abuts one side of the concrete channel from residential or recreation zoned land that abuts the other side.  
(Note: also refer to Rule 8.4.2 regarding riparian margin requirements).

The yard shall be 5 metres in width in all zones except for the Business Local 1, Suburban 2, General 9B and 9D zones and the Business 12 - Mixed Use zone. In the Business Local 1, Suburban 2, General 9D zones and Lot 1 DP 157656 (Rosedale Road, Albany), the yard shall be 3 metres; within the Business General 9B zone the yard shall be 6 metres in width along boundaries with residential zones and 10 metres in width along boundaries with recreation zones. The yard shall be fully planted with trees, shrubs and ground cover plants within and along the full length of the Landscape Amenity Yard to provide a layered and densely planted visual buffer with adjacent land. Planting shall include specimen trees at a minimum of one every 5 metres along the full length of the yard.

In those situations where a 5 metre amenity yard is required, the width of the Landscape Amenity Yard may be reduced to 4 metres for any part of the yard that is intended as a pedestrian route for emergency access/egress purposes immediately alongside the building.

- b) In the Business 4, 5, 6, 7, 8, 11 and 12 zones, Controlled activity assessment may result in landscaping being required in addition to any specific area requirement. In the Business 11 zone, this may be particularly necessary where the zone adjoins or faces the Special Purpose 11 zone.
- c) Limited Discretionary activity assessment may result in landscaping being required in Business 1, 2, 3 and 4 zones, and in Business 9 zone on Hinemoa Street (between Rugby and Brassey Roads only) for the purpose of softening the visual impact of buildings, car parking areas, and for screening service areas.
- d) Comprehensive development plans for sites with a gross site area of 2000m<sup>2</sup> or more are required in Business 4, 5, 6, 7 and 8 zones and must include landscaping in every case.
- e) Existing trees, native bush and natural features which can contribute to the visual interest and landscape amenity of an area shall be incorporated into landscape plans where practicable.
- f) Choice of species shall reflect surrounding natural vegetation where appropriate, for example, where sites are in visual proximity to escarpments.
- g) Specimen trees shall be of species which will attain a height of 8 metres or more, and shall be of a planting size of Pb 95 or larger, and planted into a topsoil depth of 500mm or more.

- h) Landscaping shall be maintained with respect to watering, mulching, maintenance and replacement of plants as necessary, for as long as the business activity continues.
- i) Works and uses within landscaped areas: no development, excavation, fill or other work, or any use shall be permitted within the required landscaped areas, other than such works as are necessary to establish and maintain the landscaping and the laying of underground services, provided that services are located at least 3.5 metres from any specimen tree or mature tree and other landscaping that is removed or damaged is reinstated.
- j) If any security or other fencing greater than 400mm in height is to be located adjacent to a road frontage, it shall be located no closer to the road boundary than along the inner edge of any road frontage landscaping requirement.

## 2. Additional Specific Landscaping Requirements

The landscaping requirements for sites in each of the business zones are as follows:

### a) Sub-regional 3 Zone

In addition to the requirements for Controlled activities and comprehensive development plans, when bonus height and floor area ratio are used, the development must comply with the rule requiring the provision of public open space and the retention of significant landscape features, particularly trees. Provision of 20% of the site area for public open space, as required for bonus consideration, shall comprise one or more of the following:

- i) Landscaped area exclusively set aside for visual amenity purposes and/or pedestrian use, and which:
  - Is grassed and planted in trees and shrubs
  - Is 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
  - May include ornamental pools not exceeding 20% of the landscaped area, and pathways not exceeding 2.5 metres 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 6 metres 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.

### ii) Plaza or area which:

- Contains a minimum horizontal dimension of 10 metres 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 metres 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 ramp
- Is furnished with paving, landscape planting, 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

verandas, retailing or street facades

- May also include a 'covered plaza' which is totally covered with transparent roofing, provided that the space below such a roof has a minimum vertical dimension of 4 metres 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 area are to the satisfaction of the Council.

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

iii) Through-site link as 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 2.4 metres.

b) Sub-regional 5 and 6 Zones

All that part of the site not occupied by buildings and vehicle access, including yards, shall be landscaped and maintained in a manner which provides an attractive planted environment for the zone.

As an exception to this rule, and in relation to the Sub-regional 6 zone, where a 10 metre amenity yard is required in accordance with [Section 15.6.2.4](#), only that portion of the yard covered by the Landscape Amenity Yard shall be landscaped.

c) Business Park 7 Zone, Area A and B

A minimum of 30% of the area of each site shall be landscaped, provided that this shall be reduced to 20% where, as part of a scheme plan of subdivision, the Council has approved a landscaping plan, and such a plan has been implemented. Where bonus height and/or floor area ratio are used, the development must comply with [Rule 15.6.2.7](#) requiring the provision of additional landscaping area. Distribution of the landscaping shall include:

- A minimum of 50% of the perimeter yard area on any site, and including that part of the perimeter yard within 5 metres of any site boundary; and
- Car parking areas shall be landscaped with tree planting. As a general guide it is suggested that one tree be planted at every 4th car bay and at the ends of vehicle standing areas; and
- Such other areas as are necessary to make up the required total percentage of site area.

d) Business Park 7 Zone, Area C

A minimum of 20% of each site shall be landscaped, to be provided as 10% between the front of buildings and the street, and 10% around the perimeter of the site. In the case of rear sites, and for the purposes of calculating the required landscape area, the entrance strip shall form part of the site area. The landscaping should incorporate existing trees and bush to the maximum extent possible.

e) Business Park 7 Zone, Area D

A minimum of 30% of each site shall be landscaped, to be provided as 15% between the front of buildings and street frontage, and in the case of rear sites shall include the entrance strip; 10% as a continuous block at side and/or rear of the site, and the remaining 5% distributed for individual trees, small

landscape features and to break up large car parking areas. The landscaping should incorporate existing trees and bush to the maximum extent possible.

f) Business Park 7 Zone, Area E

A minimum of 30% of each site shall be landscaped. The nature of any landscaping shall be assessed in terms of the relevant assessment criteria for the zone. Where surface car parking is present on site and at least one specimen tree is planted per four parking bays, parking areas may account for 5% of the required 30%. The remaining 25% shall be provided elsewhere on the site. However, this option to reduce the area of landscaping to 25% shall not apply when buildings exceed a height of 15 metres.

g) Business Park 7 Zone, Area G

All of the area, except for areas required for vehicle access, contained within the Landscape Protection Yard depicted on diagram [Appendix 15G](#) shall be landscaped.

h) Business Special 8, General 9 but not General 9D, and General 10 Zones

A minimum of 15% of each site shall be landscaped, provided that this shall be reduced to 10% where as part of a scheme plan of subdivision the Council has approved a landscape plan and such a plan has been implemented. Front and corner sites shall have a minimum width of 3 metres of landscaping across the front length of, and abutting, the front boundary, excluding only those areas used for vehicle and pedestrian access. This 3 metre wide area shall form part of the 15% of total site area required in landscaping. Any required Landscape Amenity Yard(s) can form part of the 15% of total site area required for landscaping, provided that there is no loss in the required front yard landscaping requirement.

i) Business General 9B Zone

A minimum of 25% of each site shall be landscaped. Front and corner sites shall have a minimum width of 3 metres of landscaping across the front length of, and abutting, the front boundary, excluding only those areas used for vehicle and pedestrian access. This 3 metre wide area shall form part of the 25% of total site area required in landscaping.

j) Sub-regional 11 Zone

General Requirement

All that part of the site not occupied by buildings and vehicle access, including yards, shall be landscaped and maintained in a manner which provides an attractive environment for the zone. Landscape planting shall be provided to soften and break up parking areas visible from public places, and landscaping shall be used to soften any interface between parking and outdoor activity areas and public spaces.

Additional Requirements

1. Front boundaries of sites taking access from Oteha Valley Road shall be landscaped in specimen trees to a minimum of one every 10 metres
2. The Oteha Valley frontage of sites abutting Oteha Valley Road, where the site does not take access from Oteha Valley Road, shall be landscaped to a minimum width of 5 metres. This shall be fully planted with trees, shrubs and ground cover plants within and along the full length of the required area to provide a layered and densely planted visual buffer with adjacent land. Planting shall include specimen trees at a minimum of one every 5 metres along the full length of the required area.

### **Control Flexibility**

Flexibility is provided through the Controlled activity, Comprehensive Development Plan, development bonus and subdivision landscaping techniques. In addition, any reduction or waiver of Landscape Amenity Yards approved under control flexibility for [Rule 15.6.2.4](#) Yards, shall also be deemed a reduction of the same requirement under this Rule.

Landscaping within the Landscape Amenity Yard may be reduced or waived by means of a Limited Discretionary activity application.

There is no additional flexibility available in the Control Flexibility technique except for the Business 9 and 10 zones, where a reduction of the landscape requirement for sites of area less than 600m<sup>2</sup> may be achieved, and for the Business 11 zone where additional requirement 2 may be reduced, by means of a Limited Discretionary activity resource consent.

With respect to the Business 11 zone additional requirement 2, the requirement may be reduced by way of a Limited Discretionary activity application to just providing ground cover plants and specimen trees at a minimum of one every 10 metres along the full length of the required area where 40% of the facade is glazed.

Albany Village Edge Connection between Albany Highway and Kell Park:

As a Limited Discretionary Activity, the required 3.0m yard may be provided as an open 5m wide public right-of-way, pedestrian cycle linkage on 229 State Highway 17, 18-22 Library Lane and 568 Albany Highway directly abutting the site boundary where this contributes to a continuous linkage around the Village perimeter. This may be provided on the top of a non habitable podium built to the site boundary no greater than two levels high. For the avoidance of doubt, 'non habitable podium' anticipates activities such as car parking and storage but not residential or business uses.

NOTE: Only the podium may extend to the boundary; all buildings next to or above the elevated Yard setback shall conform to that setback.

Applications for control flexibility in the Mixed Use Zone (Albany Village) shall be considered without public notification.

Refer to the Concept Plan in Appendix 15O for clarification on how the control flexibility shall be interpreted.

### **Explanation and Reasons**

*Landscaping is required to provide and maintain levels of amenity between zones and within zones. It should contribute to the character of an area and enhance a development as viewed from adjacent localities and public roads. The landscaping rules use a mix of total area required, distribution of landscaping areas and types of landscaping as appropriate to each different type of business zone. As well as a positive contribution to the creation of amenity, landscaping also provides a technique for mitigating some adverse effects. It can screen and soften the appearance of developments, and provide design elements of a form, scale and texture that complement development and public spaces.*

*The Landscape Amenity Yard provides a distinctive visual element of the Buffer Strip and is 5 metres wide to allow the inclusion of specimen trees as well as dense underplanting for screening purposes.*

*Controlled activity assessment criteria would only rarely require landscaping in addition to the landscape amenity yard for smaller sites in the Local 1 and Suburban 2 zones, which mainly comprise buildings with a continuous facade built up to the street frontage, but the potential is available to use landscaping to enhance developments which depart from such a model. Sites in the Business 3, 4, 5, 6, 7 and 8 zones will be required to provide landscaping for a high level of amenity, consistent with the nature of activities permitted within the zone. For the General 9 and 10 zones, only a moderate level of amenity is required, so the Controlled activity procedures are not applied. Control Flexibility is provided for the 9 and 10 zones to deal with small sites that require more intensive activities within the front yard.*

*Comprehensive development plans require landscaping to be included and to fulfil the functional roles of sheltering and screening, as well as an aesthetic role. Integration of development, both on-site and with a site's surroundings, is greatly assisted by landscaping and comprehensive development plans.*

*Additional specific landscaping requirements include:*

### **Sub-regional 3 Zone**

*A high level of amenity is required in the Central Takapuna sub-regional business area, including landscaping requirements for public open space provision and retention of*



significant landscape features, particularly trees. Additional floor area is available for the provision, in a development, of features that are considered to contribute to the amenities of the area and that provide a substantial benefit to those members of the public who may use the development. Any elements proposed for a bonus need to be easily accessible and have high public exposure.

#### **Sub-regional 5 and 6 Zones**

The Frame zones of the Albany Centre sub-regional business area also require a high level of amenity, and the landscape requirement here extends to all of the site not used for building or vehicle areas.

#### **Business Park 7 Zone, Areas A, B and D**

30% of each site provides a level of landscape capable of complementing a form of development that will consist almost entirely of building and car parking area. The park-like ambience is sought to provide amenity appropriate to these business activities. The distribution of landscaping and the potential for reducing the total area of landscaping, are intended to ensure that the general amenity affect can be achieved in every case, while recognising the qualitative advantage of comprehensive landscape design at the time of subdivision. The Business Park 7 zone, Area D lies adjacent to a major landscape feature, the integrity of which should not be obscured or diminished.

#### **Business Park 7 Zone, Area C**

The Business Park 7 zone, Area C is situated on a prominent and highly visible area of land to the south of the Spencer Ridge reserve and the Albany Centre. Requiring 20% of each site within the zone to be landscaped seeks to ensure that built forms within the zone are softened and better integrated into their landscape setting. The landscaping requirement also seeks to ensure an appropriate standard of amenity is maintained within the zone itself.

#### **Business Park 7 Zone Area E**

The zone is located in a prominent location at the gateway to the Albany Centre. The 30% minimum landscaping requirement ensures that a sufficient area is available for the planting of specimen trees and other landscaping that will complement the buildings of a substantial scale permitted in the zone.

#### **Business Park 7 Zone, Area G**

The zone contains a landscaped bank which is a significant feature in the area. This bank is heavily planted and provides both an attractive backdrop for views from the north and east, and an effective screen from Glenfield Road and for neighbouring residential properties. The existing landscaping on the bank should be retained as far as practicable. Any replacement planting should aim to reinforce the bank's effectiveness as a screen and as a green backdrop.

The existing landscaping is less extensive along the Downing Street frontage and for part of the boundary with the neighbouring reserve. The Landscape Protection Yard is reduced to 5 metres in width in these areas. This 5 metres should be landscaped in a manner which will provide an attractive setting for buildings in the zone.

A Landscape Amenity Yard is required along the boundaries of the zone with adjoining residential and recreation zones.

#### **Business Special 8, General 9 but not General 9D, and General 10 Zones**

For a moderate level of amenity, these business zones are only required to provide 10-15% landscaping, depending on when the planting is installed. The focus here is on public street amenity.

#### **Business General 9B Zone**

To retain an adequate landscape character in order to prevent adverse effects on the adjoining bush clad reserves and recreation sites, a minimum of 25% of each site shall be landscaped.

#### **Sub-regional 11 Zone**

A high level of amenity is considered appropriate in the Sub-regional 11 zone. One means of achieving this high level of amenity is through street and on-site landscaping and planting. Planting is also desirable for screening/softening purposes in instances where blank facades, or facades of lesser architectural quality, or parking or service areas are visible from public spaces.

*Control flexibility is provided in respect of additional requirement 2 in recognition of cases where the rear sides of buildings have been designed to a high visual standard, such that full screening would be neither necessary nor desirable.*

*In the Albany Village special recognition is given to the south-facing, poorly accessible nature of the potentially high-value creek edge extending from the Albany Highway in the south through to Kell Park. This is currently a missing link from the otherwise high-quality edge interface available to the public."*

#### **15.6.2.9 Comprehensive Development Plan Requirements**

Any Controlled or Discretionary activity application (excluding Limited Discretionary activity applications for Control Flexibility) for development in the Sub-regional 4, 5, 6, Business Park 7, Business 8 zones and Business 12 - Mixed Use Zones, for any site with a gross site area of 2000m<sup>2</sup> or more, shall be accompanied by a Comprehensive Development Plan. The level of detail required in a Comprehensive Development Plan shall correspond with the scale and significance of the development.

The Comprehensive Development Plan shall identify the following:

- a) The integration with pedestrian patterns.
- b) The safety and convenience of pedestrian and vehicle access, including service vehicles.
- c) Any public amenity areas located in or adjoining the site.
- d) The provision for shelter from the weather, i.e. shelter from the sun and shelter from the wind and rain.
- e) The location and extent of areas to be landscaped:
  - i) Whether landscaping has been used to provide shelter from the wind and sun.
  - ii) Whether existing trees and vegetation have been incorporated into the landscape plan.
  - iii) How the landscape programme mitigates the development's effects, e.g. by using screens and buffers.
  - iv) Whether the landscape plan has been designed to create visual interest and contribute to the amenity of the area.
- f) The visual impact of the development and the location of buildings.
- g) The treatment of any Buffer Strip land (land within 30 metres of any residentially zoned land).
- h) The likely staging of the development.
- i) Proposed earthworks.
- j) The location and arrangement of land use activities including the location of all significant buildings.
- k) The location and design of car parking, its visual screening and the use of planting to break up large parking areas, in accordance with car parking landscape guidelines.
- l) The type of design, height, materials and finish of all proposed buildings.
- m) The relationship of the development and its effects on the adjoining land and the wider community.
- n) For the Sub-regional 4, 5, 6, and 11 zones, additional criteria are set out in [Section 15.7.1](#).
- o) For the Sub-regional 4, 5, 6 and 11 zones, the Comprehensive Development Plan is to give effect to the Structure Plan in Appendix 10 in the District Plan Maps.
- p) The location and design of signs associated with the proposed development.
- q) The provision of stormwater quality control and wastewater treatment and disposal.
- r) In the Business 11 zone, the area extent of the Comprehensive Development Plan shall be as determined by the circumstances, but shall be of sufficient coverage to

enable an appreciation of the context of development(s) for which consent is sought.

- s) For the Business 12 Zone, the Comprehensive Development Plan is to give effect to the Concept Plan in Appendix 15O.

#### **Explanation and Reasons**

*The Comprehensive Development Plan is a technique for ensuring that proposed development is integrated with its environmental and physical context, both within the site and with surrounding development. It requires such integration as an obligation on the part of an applicant for Controlled or Discretionary activity consent, and is treated as information required to accompany an application.*

*In relation to subdivision, it is recognised that information relating to the type of design, height, materials and finish of buildings is not always known, however, suitable building platforms should be identified. In these circumstances, the comprehensive development plan will develop and evolve as further information coming with subsequent resource consent applications is added.*

#### **15.6.2.10 Service Facilities**

Business zones 4, 5 and 6 are required to provide service areas, loading docks and building services. These are to be located at the side or rear of buildings, and screened by landscaping and/or by the erection of a fence or wall to the satisfaction of the Council.

#### **Explanation and Reasons**

*Developments are required to make provision for servicing on-site, without detracting from the visual amenity of their location. This is addressed by requiring service facilities to be located away from street frontages, and by requiring screening by landscape planting or fencing to maintain the amenity of neighbouring sites.*

#### **15.6.2.11 Context Analysis & Urban Design Statement- Business 1-4 Zones, and land subject to the Business Policy Overlay B1**

##### **1. General**

A Context Analysis and Urban Design Statement must be provided in association with any Limited Discretionary activity resource consent application under Rule 15.4.1.4 in the Business 1- 4 zones or Discretionary activity application under Rule 15.4.1.5 for sites subject to the Business Policy Overlay B1.

Provided that the following are exempt from this requirement:

- a) Permitted activities under Rule 15.5.1.2
- b) Controlled activities under Rule 15.5.1.3(e)
- c) Signs in accordance with Section 13
- d) Network utilities, (including those subject to Rule 14.5.2.4 Height, Height to Boundary and Yards Controls).

##### **2. Context Analysis**

The Context Analysis should, through the use of drawings, plans and/or photos, (as appropriate) and written explanation, document the existing built form of the site and surrounding area. It should identify the important features of the site and surrounding area which have influenced the design response of the proposal, including

- a) In relation to the site:
  - i) Orientation and topography, shown by north point and contours at 0.5m intervals;
  - ii) Sun and shade characteristics, as shown by shadow diagrams and analysis (not required where minor alterations only are proposed);
  - iii) Prevailing winds;

Note: the above matters are in addition to the information requirements for resource consent applications specified in Rule 3.10.7.1. The extent of the Context Analysis is addressed by c) below.

- b) In relation to the surrounding area:
  - i) The built form, scale and character of the surrounding buildings;
  - ii) Significant views to, through and from the site;
  - iii) Nearby scheduled buildings and trees;
  - iv) Street and block patterns;
  - v) Pedestrian connections with the surrounding area;
  - vi) The location of existing active, pedestrian focused street frontages, and of those street frontages which are anticipated to develop in the future into an active, pedestrian focused environment having regard to the provisions of the District Plan, and of any relevant Town Centre Plan;
  - vii) The location of and connections with any public amenity areas;

c) The extent of Context Analysis

The extent of information provided in a Context Analysis should be tailored to the scale of the proposal and relevant to its circumstances. The information provided must address an area of sufficient size to enable the context of the proposal to be well understood. The following are intended as a guide:

- i) In relation to large scale development (such as a new or redeveloped mall or large store) the Context Analysis should extend for a 400m distance from all site boundaries;
  - ii) In relation to smaller new buildings, and significant additions to the floor area of an existing building, the Context Analysis should extend from all site boundaries for a distance of two times the length of the road frontage boundary of the development site on both sides of the street. For corner sites, the longest road frontage boundary should be used to calculate the extent of the distance on each street to be included within the Context Analysis. For rear sites, the longest site length shall be used to calculate the extent of distance to be included within the Context Analysis;
  - iii) In relation to small additions to the floor area of existing buildings, the Context Analysis should only include the adjoining sites;
  - iv) In relation to alterations to the façade(s) of existing buildings (visible from a road, public open space or from a recreation or residential zone), the Context Analysis should address a minimum length of 30 metres, on either side of the subject site, and on either side of the street.
- d) The Council may reduce the information requirements specified in Clauses 2 a) and b) above where the application relates to minor alterations to an existing building if the requirement is not relevant to evaluation of the application. However the information provided as part of the Context Analysis must be of sufficient detail to enable the proposal and its relationship to its environs to be readily determined.

### 3. Urban Design Statement

The Urban Design Statement must explain how the design of the proposal:

- a) Derives from and responds to the Context Analysis;
- b) Relates appropriately to existing buildings on the site and to surrounding development. If any change can be viewed from a street, the application must include accurate and scaled proportioned street elevations showing the proposal in the streetscape context by way of a drawing or photomontage;
- c) Respects and responds appropriately, (particularly at ground floor level) to the location of existing/ potential pedestrian-focused street frontages, eg retail/ town centre street or town centre edge street;
- d) Respects, acknowledges and responds positively to the existing street character in terms of form and appearance, mass, proportion and use of

materials. Provided that in those locations where existing buildings and/or streetscape have little or no design merit, then the design of new development should seek to contribute to the creation of an alternative desirable streetscape,

- e) Addresses the extent to which the proposal achieves the relevant assessment criteria, including those of Section 15A, Urban Design Code. Where assessment criteria will not be met/achieved, applicants will need to demonstrate an alternative acceptable design solution.
- f) Street Relationship Assessment
  - i) In the Business 2 and 3 zones, where a development is proposed with parking proximate to the street, (in front or beside a building) an assessment shall be provided of the extent to which the proposal could adversely affect street amenity, and identify how any adverse effects will be appropriately mitigated.
  - ii) Where a site has two or more street frontages, an assessment shall be provided identifying the most appropriate location for the active street front and for vehicle /servicing access, having regard to the existing and future function and activity of these streets,
- g) In the Business 4 zone, gives effect to the Albany Structure Plan and the additional assessment criteria in Rule 15.7.1
- h) In relation to additions to existing buildings, the Urban Design Statement should relate specifically to the addition, (not the existing building), and the assessment should also relate only to those assessment criteria in the Urban Design Code which are relevant to the addition.
- i) In relation to proposals located in Business Policy Overlay B1, addresses the objectives and policies of the Overlay set out in 15.4.10.

#### **Explanation and Reasons**

*In the Business 1 -4 zones, and land subject to Business Policy Overlay B1 a Context Analysis and Urban Design Statement is required in association with all new buildings, and external alterations to existing buildings to ensure that development achieves the high standards of urban design which are sought for these zones as detailed in the assessment criteria in Section 15A, Urban Design Code. In particular the Context Analysis and Design Statement should demonstrate how the proposed development relates to its context, is appropriately integrated with surrounding development (including safeguarding the amenities of residential areas), and that a high standard of pedestrian and streetscape amenity is created.*

#### **15.6.2.12 Requirements for development in the Milford Intensive Residential Development Overlay Area**

The following standards must be complied with in any application for a Limited Discretionary Activity for residential units / apartments in Building Envelopes 1 to 9 of the Milford Intensive Residential Development Overlay Area (see Appendix 15P):-

1. The total number of residential units shall not exceed 250 units.
2. The maximum footprint of buildings shall be in accordance with Appendix 15P.
3. The maximum height of buildings shall be in accordance with Appendix 15P.
4. The maximum height of buildings in relation to boundaries shall be in accordance with Appendix 15C, subject to the exemption specified in Appendix 15P.
5. Each residential unit in the Milford Intensive Residential Development Overlay Area (see map in Appendix 15P) shall provide:
  - a) Balconies with:
    - i) a minimum area of 4m<sup>2</sup> and a minimum dimension of 1.5 metres for units 55m<sup>2</sup> or less.
    - ii) a minimum area of 6m<sup>2</sup> and a minimum dimension of 1.8 metres for units 56m<sup>2</sup> - 70m<sup>2</sup>.

- iii) a minimum area of  $8\text{m}^2$  and a minimum dimension of 1.8 metres for units over  $70\text{m}^2$ .
- b) The main glazing of each residential unit shall be provided with an outlook area of open space, unimpeded by buildings and immediately adjacent to that glazing. Any outlook area must have a minimum dimension of 10 metres, measured at right angles to the wall of the building within which the glazing is located, provided that there shall be a minimum separation distance of 20 metres between the main glazing of one unit and that of another unit situated on the same or on an adjoining site or delineated area unless the main glazing is offset so that it is not possible to draw a horizontal angle of less than 120 degrees from one window to another.

The outlook area may comprise the following components:

  - i) An area of on-site space which must be kept free of structures.
  - ii) Areas of road reserve.
  - iii) Areas of public open space.
- c) The minimum sizes of units/ apartments shall be as follows:
  - i) Studio =  $40\text{m}^2$
  - ii) One bedroom unit =  $50\text{m}^2$
  - iii) Two bedroom units =  $75\text{m}^2$
  - iv) Three or more bedroom units =  $95\text{m}^2$

Provided that where a development contains 20 or more units, no more than 30% shall be one bedroom or studio units.

- 6. Any application for resource consent which includes buildings fronting onto Omana Rd shall include a detailed design of a pedestrian footpath located along the full length of the site boundary with Omana Road. The design shall be in accordance with the Auckland Transport Code of Practice and shall be constructed prior to the occupation of any buildings fronting onto Omana Rd.
- 7. Any application for resource consent shall be accompanied by a plan illustrating the provisions to be made for pedestrian and cycle access to the site, including an illustration of how this access is to be linked to bus stops, bus routes and the regional cycle network.
- 8. The peak hourly traffic flow generated by the residential units during the weekday peak periods of 7:00 to 9:00 am and 4:00 to 6:00 pm shall not exceed 141 vehicle trips.

#### **Explanation and Reasons**

*The standards for Limited Discretionary Activities within the Milford Intensive Residential Development Overlay Area are derived from an analysis of effects, including likely traffic generation, effects of building dominance and shading residential character and amenity and the need to support and encourage active travel modes. These standards are a prerequisite to the activity status remaining Limited Discretionary.*

### **15.6.3 Additional Development Controls**

#### **15.6.3.1 Business Development in Business Local 1G Zone**

- a) In the Business Local 1G zone, a landscape buffer yard shall be provided in the location shown on the Zone Development Plan in [Appendix 15J](#).

The yard shall be fully planted with trees, shrubs and ground cover plants within and along the full length of the landscape buffer yard to provide a layered and densely planted visual buffer with adjacent land. Planting shall include specimen trees at a minimum of one every 5 metres along the full length of the yard.

- b) In the Business Local 1G zone there shall be no vehicular access to the road from

the zone in the areas identified on the Zone Development Plan in [Appendix 15J](#).

### **15.6.3.2 Business Development in the Business 2 Zone**

In the Greville Road Business 2 zone, there shall be no direct vehicular access to Greville Road for a minimum distance of 34 metres from the western boundary of the business zone.

### **15.6.3.3 Building Design: Business 12 - Mixed Use Zone**

Buildings in the Business 12 - Mixed Use zone shall be designed to accommodate a business activity in the ground floor area fronting the street. For this purpose:

- Buildings shall have an internal ground floor ceiling height of at least 3.6m
- Buildings shall have a ground floor at grade or above street level
- The ground floor area that fronts the street shall have a minimum depth of 10 m.

### **15.6.3.4 Location of Parking Areas: Business 12 - Mixed Use Zone**

Ground floor parking within a building shall not occupy that portion of the building adjacent to the street frontage or any space in public ownership. Parking shall be located to the rear of, within, or under buildings.

### **15.6.3.5 Street Frontage Width and Design Features: Business 12 - Mixed Use Zone**

In the Business 12 - Mixed Use zone:

- a) Buildings shall have a maximum ground level frontage width for individual building premises or elements of 15 m.
- b) Areas of continuous solid wall shall not exceed a length of 6 m at ground floor level and should not be adjacent to other areas of solid wall, but in all cases buildings shall have a minimum of 75% clear glazing at the street frontage at ground floor level.
- c) Buildings shall have a verandah extending for the full length of the building between the ground and first floor levels, except above any driveway or plaza area.
- d) Entrances off the street shall be at grade with street level.

#### ***Control Flexibility***

The street frontage width and design features in the Business 12 - Mixed Use zone may be varied by way of a Limited Discretionary activity application.

### **15.6.3.6 Minimum Height: Business 11 Zone**

The minimum permitted heights within the Business 11A and 11C zones are set out in Table 15.6.

Where a site has more than one road frontage, the applicable minimum height shall be the higher of the specified minimum building heights.

Where applicable, no building may be less than the minimum heights set out in Table 15.6.

<b>Table 15.6 Minimum Heights</b>	
<b>Business Zone</b>	<b>Minimum Height</b>
11A where sites front collector (main street), local street (mainstreet), local street (public) (where it adjoins the Special Purpose 11 Zone) and arterial roads	Minimum 2 storeys for 100% of the building footprint within 30m of the street frontage.

**Table 15.6 Minimum Heights**

11C	Minimum 4 storeys for at least 80% of the building footprint
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**Control Flexibility**

Within the Business 11A zone fronting arterial roads control flexibility by way of Limited Discretionary activity consent is available to reduce the minimum building height to single storey 40 metres beyond any intersection with collector (main street) and local street (main street).

**Explanation and Reasons**

*A minimum height limit of two storeys has been set for the Business 11A zone which applies to all parts of the building which are within 30 metres of the street frontage of the Main Street and generally along arterial roads. This is so that a contained streetscape develops along these streets, providing a well-defined edge and a city centre environment, and encouraging a mix of activities. A minimum height of 2 storeys has also been set on the local street (public) adjoining the Special Purpose 11 zone to ensure an appropriate back drop to the open space part of the zone.*

*A minimum height of 4 storeys has been set for the Business 11C zone for a least 80% of the building footprint. This zone is predominantly intended for high intensity residential development, containing apartments rather than terraced houses to ensure that an appropriate number of people can be accommodated.*

**15.6.3.7 Maximum Building Setback: Business 11 Zone**

1. Buildings located on sites in the Business 11A zone fronting the collector (main street) or local street (main street) shall be built to the road frontage for the full length of the building.
2. Buildings located on sites in the Business 11A, 11B and 11C zones fronting arterial, collector (commercial) and local street (commercial) shall be set back no more than 5 metres from the road frontage for the full length of the building, except that 40% of the length of the building may be set back up to 15 metres provided that any setback greater than 5 metres is at least 40 metres beyond any intersection with collector (main street) or local street (main street).
3. Buildings located along the local street connecting collector (main street) with North Entry shall be set back no more than 3 metres from the road frontage for the full length of the building.
4. Buildings on sites in the Business 11D zone fronting North Entry and Appian Way shall be set back no more than 12 metres from the road frontage for the full length of the building.
5. Buildings located on sites in the Business 11A zone facing the Special Purpose 11 zone shall have no building setback at street level and no parking between the building and the street.

Refer to the Albany Centre Structure Plan appendix of the Plan maps for the locations of arterial, collector and local roads within the Albany Centre.

**Control Flexibility**

Within the Business 11A zone fronting the collector (main street) and local street (main Street), control flexibility by way of a Limited Discretionary activity consent is available for building setbacks up to 12 metres where these are for plazas, eating areas, arcade entrances and pedestrian through routes associated with a ground floor use. Setbacks of up to 3 metres may also be applied for as a Limited Discretionary activity to accommodate rain gardens installed to mitigate the effects of stormwater runoff.

For buildings facing arterial roads and local street (commercial) control flexibility by way of a Limited Discretionary consent is available 40m beyond any intersection with collector (main street) or local street (main street) for building setbacks up to 20m for no more than 40% of the length of the building.



**Explanation and Reasons**

*The maximum building setback requirements are applied to sites fronting arterial, collector and local roads, including a requirement that buildings fronting the collector (main street) and local street (main street) must be built to the road frontage for their full length. The purpose of the control is to ensure that a contained, urban street scene is achieved along the edge of these streets. The varying setback requirements reflect the differing roles that the various streets play within the overall development strategy for the Albany Centre.*

*The minimum yard and maximum setback requirements, in combination, also have the effect of limiting the potential for street exposure of possibly blank side facades of buildings.*

*Fronting the collector (main street) and local street (main street), control flexibility is available for a greater building setback to provide for plazas, eating areas, arcade entrances and pedestrian through routes associated with a ground floor use.*

**15.6.3.8 Maximum Building Separation: Business 11 Zone**

- a) In the Business 11A zone there shall be no gaps between buildings which front collector (main street) and local street (main street). As an exception to this, one vehicle accessway shall be permitted on either side of the entire length of both collector (main street) and local street (main street).
- b) In the Business 11A zone, buildings which front arterial roads, collector (commercial) roads and the local street connecting the main street with the Business 11C zone, shall be separated by no more than 12 metres.
- c) In the 11B zone, buildings which front arterial and collector roads shall be separated by no more than 20 metres.

As an exception to the above, buildings may be either separated or separated by more than the permitted distance where the area between buildings is kept free of car parking for at least 30 metres back from the street.

**Control Flexibility**

Control flexibility is provided in respect of the Business 11A zone (main street). Buildings may be separated to accommodate plazas, eating areas, arcade entrances and pedestrian through routes by way of a Limited Discretionary activity consent.

**Explanation and Reasons**

*The purpose of this rule is to ensure that a contained, urban streetscape develops in key parts of the zone, with buildings forming a strongly defined edge along streets. Along the main street, this is particularly important so that a continuous building frontage develops which will contribute toward the establishment of a vibrant mixed use shopping, residential and entertainment area.*

*In recognising that development takes place in stages over time, and to provide flexibility, buildings are allowed to be separated or separated by more than the permitted distance where a reasonable development site is created and kept clear of car parking.*

**15.6.3.9 Location of Parking Areas: Business 11 zone**

1. On sites in the Business 11A zone fronting local street (main street) or collector (main street) there shall be no parking between any building and the street. Parking shall be located to the rear of, within or under buildings.
2. On sites in the Business 11A zone not fronting local street (main street) or collector (main street), 11B and 11C zones, there shall be no parking between any building and the front boundary of the site. Parking shall be located to the side of, the rear of, within or under buildings.
3. In the Business 11D zone, for frontages to North Entry and Appian Way, no more than one aisle of parking may be located directly between a building's frontage and the front boundary of the site. All other parking shall be located to the side of, the rear of, within or under buildings.
4. Ground floor parking within a building shall not occupy that portion of the building adjacent to the street frontage or any space in public ownership. Buildings shall be

designed to accommodate a business or residential activity (depending on the zone) between any ground floor parking and the building frontage.

#### **Control Flexibility**

In the Business 11A, 11B and 11C zones, control flexibility is provided where sites front arterial or collector (commercial) roads. Additional parking areas may be located directly between the front boundary and the frontage of buildings within the area permitted to be set back up to 15 metres under Rule 15.6.3.4 by means of a Limited Discretionary activity consent.

Control flexibility is also provided in respect of 4 above. Ground floor parking may occupy up to 20% of the street frontage or any space in public ownership by means of a Limited Discretionary activity consent.

#### **Explanation and Reasons**

*A high standard of amenity is sought in public places in the Sub-regional 11 zone. In achieving this high standard of amenity, it is considered appropriate to ensure that the ground floor street frontage of buildings is occupied by activities other than parking areas. It is also considered appropriate to discourage the presence of large car parking areas from the street frontage, as the presence of these have the potential to undermine this close relationship, and the high standard of amenity sought.*

*It is recognized that some sites, due to physical limitations or multiple road frontages, it is necessary to locate some or all of the parking at the front of the site. Such circumstances are provided for as a Limited Discretionary activity consent. Applications for control flexibility will be assessed on their merits.*

#### **15.6.3.10 Street Frontage Width and Design Features: Business 11A Zone**

1. Buildings fronting collector (main street) and local street (main street):
  - a) Buildings shall have a maximum ground level frontage width for individual occupiers of 15 metres.
  - b) Buildings shall have a minimum of 75% glazing at the street frontage at ground floor level.
  - c) Areas of continuous solid wall shall not exceed a length of 6 metres at ground floor level, and should not be adjacent to other areas of solid wall.
  - d) Buildings shall have a continuous verandah between the ground and first floor levels.
  - e) Entrances off collector (main street) shall be at grade with street level.
2. Buildings not fronting collector (main street) and local street (main street):
  - a) Buildings shall have a minimum of 60% glazing at ground floor level at any street frontage or along the Special Purpose 11 zone boundary.
  - b) Areas of continuous solid wall shall not exceed a length of 6 metres at ground floor level, and should not be adjacent to other areas of solid wall.

#### **Control Flexibility**

Up to 25 metres maximum ground level frontage width can be sought by way of a Limited Discretionary activity consent, but limited to two of these frontages on either side of the entire length of collector (main street) and one on either side of the entire length of local street (main street).

Control flexibility by way of a Limited Discretionary activity consent can also be sought for reduction in glazed areas to:

- 40% fronting arterial roads 40 metres beyond any intersection with collector (main street) and local street (main street);
- 50% fronting collector (main street) and local street (main street); and
- 40% on local (commercial) street and along the Special Purpose 11 zone boundary.

Control flexibility by way of a Limited Discretionary activity consent can be sought to increase the lengths of continuous solid walls up to 12m in areas fronting local (commercial) streets.

#### **Explanation and Reasons**

*Buildings fronting the Main Street should present a varied and interesting facade to the street. To create an effective main street it is important to establish a diverse, fine-grain mix of retail and commercial activities that actively address the street frontage in a positive way. The economic viability of this retail environment will require anchoring by larger retail uses, however it is important that these activities support the function of the Main Street. This will require locating entrances of limited scale along the Main Street with the main building sitting behind finer grain structures.*

*Varied and interesting facades are also required along other streets in the Business 11A zone, however the requirement are less onerous.*

#### **15.6.3.11 Compliance with the Albany Centre Structure Plan**

Any development shall provide the streets (arterial, collector and local) shown on the Albany Centre Structure Plan contained as an appendix to the Plan maps within 20 metres of the locations shown, except that:

- The local street (main street) shall join Don McKinnon Drive in the same location as the collector (main street); and
- The local street (main street) shall be provided within 10 metres of the location shown.

The design of all streets (road reserve width, footpaths, landscaping, etc) shall be in general accordance with the diagrams shown in [Appendix 15G](#). With the exception of those shown as local street (public/private), these streets shall be vested as public roads.

Reserves and open spaces shall be provided generally in accordance with the Albany Centre Structure Plan.

#### **Control Flexibility**

The location, width and design of local streets may be varied by way of a Limited Discretionary activity application.

The location of the local street (main street) may be varied by way of a Limited Discretionary activity consent, provided the alignment generally follows the secondary axis and it is no more than 20 metres from the alignment shown at the Special Purpose 11 zone boundary.

The location, size and design of reserves and open spaces may be varied by way of a Limited Discretionary activity application.

The size, location and design of identified features on the Business 4 zoned land may be varied by way of a Limited Discretionary activity application.

#### **Explanation and Reasons**

*The Structure Plan sets out how the Albany Centre should develop so that it becomes a high quality, well integrated, accessible centre. The Structure Plan sets out the location of arterial and collector roads and reserves, and the indicative location of more minor roads, pedestrian routes and other public spaces.*

#### **15.6.3.12 Fences, Boundary or Retaining Walls in the Business 11C Zone**

A fence, or boundary or retaining wall may be erected within any front yard in the Business 11C zone provided that the fence or boundary wall does not exceed 1.2 metres in height, or the height (measured top to bottom) of any combined fence or boundary or retaining wall does not exceed 1.2 metres, and any such retaining wall is either a Permitted activity or is granted a resource consent in accordance with Rule 9.4.1.

Structures within or over overland flow paths are also subject to Rule 8.4.9.2.

#### **Explanation and Reasons**

*This control is intended to ensure that fences and walls are not established which could*

*detract from the amenities of the street, and to increase the safety of pedestrians by providing for overlooking of the street from activities at ground floor level.*

#### **15.6.3.13 Vehicle Access: Business 11A Zone**

Vehicle access to and egress from sites in the Business 11A zone south of McClymonts Road shall not be permitted within 80 metres of the boundary of State Highway 1. Any proposal for vehicle access or egress in this location shall be a Discretionary activity.

#### **15.6.3.14 Installation of Traffic Signals: Business Park 7A Zone at Smales Farm**

The owner of Smales Farm Technology Office Park shall at its cost implement the signalisation of the existing intersection of the south-eastern site access with Northcote Road no later than the establishment of a total gross floor area of 65,000m<sup>2</sup> within the Business Park 7A zone at Smales Farm, provided these works are authorised by the Council. The signals shall incorporate a right turn traffic movement from the site to Northcote Road outside morning peak hours and a phase to enable pedestrians to cross Northcote Road and shall otherwise be in accordance with the design agreed between Council and the owner of Smales Farm Technology Office Park.

### **15.6.4 Other Relevant Rules**

In addition to the controls specified in Section 15.6, all Permitted and Controlled activities shall comply with the relevant rules specified in the following General Sections:

- Section 3: General Rules
- Section 8: Natural Environment
- Section 9: Subdivision and Development
- Section 10: Pollution, Hazardous Substances and Waste Management
- Section 11: Cultural Heritage
- Section 12: Transportation
- Section 13: Signs

### **15.6.5 Reservations - Matters for Controlled Activities and Limited Discretionary Activities**

All Controlled activities and those Limited Discretionary activities listed in Rule 15.5.1.4, (clause 4), must comply with all relevant controls of the District Plan. In addition, the Council may impose conditions in respect of the matters specified in Sections 108 and 220 of the RMA and the following matters on all resource consent applications for Controlled activities and those Limited Discretionary activities listed in Rule 15.5.1.4, (Clause 4), provided that such conditions shall not seek to limit the development controls contained in Rule 15.6.2, Development Controls :

- a) The design and external appearance of buildings and development.
- b) Pedestrian amenity safety and convenience.
- c) Aural Amenity.
- d) Visual Amenity.
- e) Site Layout.
- f) Vehicle Access, Circulation, Parking and the Provision for Service Vehicles.
- g) Open space and Landscaping.
- h) Screening.
- i) Loss of privacy.
- j) Traffic management.
- k) Energy Efficiency.
- l) Stormwater Mitigation and Reuse.

### **15.6.6 Reservations - Additional Matters for Controlled and Limited Discretionary Activities in the Business 11 Zone**

All controlled and Limited Discretionary Activities shall comply with all relevant controls of the Plan.

In addition, the Council may impose conditions in respect of the matters specified in Section 108 and 220 of the RMA, Section 15.6.5 and the following:

- a) Site layout (Urban Form)
- b) Building design
- c) Pedestrian Amenity, Safety and Convenience
- d) Quality of Living Environment (Internal and External)
- e) Landscaping
- f) Stormwater Management
- g) Variety of Activities with Potential for Employment

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## **15.7 Assessment Criteria**

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### **15.7.1 Assessment Criteria for Controlled Activities**

#### **15.7.1.1 General Assessment Criteria for all Controlled Activities**

##### **a) Design and external appearance**

- i) The extent to which buildings and development are appropriate to the character and quality of their surrounds.
- ii) The extent to which proposals will impact on the visual amenity values of properties within the zone and in adjoining zones, and including as appropriate:
  - Whether materials, building form and detailing are appropriate to the character of the surrounding area
  - The extent to which glare from the use of outdoor lighting, lit architectural features, and reflective surfaces adversely impacts on the comfort of people or degrades the level of visual amenity, including any adverse effects on the night time sky environment.
- iii) The extent to which buildings assist the observer to understand its various parts and understand its function, and in particular:
  - The extent to which the development's points of entry are clearly defined and conveniently located.
- iv) The extent to which architectural features have been incorporated into the development's design to emphasise corners, or the end of the street, and/or to terminate a vista.
- v) The extent to which lift plant and other mechanical plant located on top of buildings is incorporated into the roof or screened by architectural features.

##### **b) Pedestrian amenity, safety and convenience**

- i) The extent to which the proposal impacts upon pedestrian amenity, safety and convenience, and in particular:
  - The extent to which proposals facilitate pedestrian linkages, permitting access to adjacent sites, streets and public open spaces
  - The extent to which pedestrian routes are direct and easily defined
  - The sufficient segregation of pedestrian access from vehicle carriageways

- Whether the building design makes appropriate provision for pedestrian shelter
- The extent to which pedestrian ways meet the needs for access of people with sight and mobility impairments
- Whether the building design minimises the adverse effects of wind to levels consistent with the reasonable enjoyment of amenities in the area by people. For larger buildings, the Council may require that development proposals are accompanied by a report from a person competent in wind engineering and shielding.

**c) Aural Amenity**

- i) The extent to which site layout, screening, and sound damping has been used to mitigate any adverse effects of noise nuisance on neighbouring activities.
- ii) In relation to residential activity occurring within business zones, the extent to which external sources of noise are mitigated within the development.

**d) Site Layout - Vehicle Access, Circulation, Parking and the Provision for Service Vehicles**

- i) The extent to which the site layout, parking, and vehicle circulation areas avoids adverse effects on any road or adjacent site, and in particular:
  - That the internal circulation of the parking areas is designed for the safe and efficient movement of vehicles on and off the site, through an easily comprehended layout, the provision of adequate sight lines and appropriate surface markings and signs
  - The extent to which adequate sight lines, appropriate road markings, and signs ensure the safe and efficient movement of vehicles on the adjacent road network. Council may also require changes to the adjacent road layout
  - That parking areas are constructed to a high standard of visual amenity, with low maintenance all weather materials, adequate drainage and landscape planting.

**e) Landscaping**

- i) The extent to which landscaping enhances and/or complements the proposed development and street scene, and in particular:
  - Whether the landscaping screens or softens parking, loading, storage and other activity areas and, where appropriate, provides a buffer between potentially incompatible activities
  - Whether tree planting breaks-up and/or softens the appearance of large car parking areas and continuous building frontages that are devoid of visual interest
  - Whether tree planting contributes to the landscape planting of any adjacent reserve
  - Whether tree planting contributes to the tree planting character of the street.

**f) Screening**

- i) Mechanical plant and equipment should be screened from public view by the use of architectural features, or made into architectural or design features.

**g) Stormwater Connections**

- i) The extent to which the development provides an adequate method for stormwater disposal, including the extent to which the following measures are utilised to minimise the adverse effects of stormwater runoff:
  - Minimising extent and area of impervious surfaces
  - Stormwater contaminants have been minimised

- Natural features, including but not limited to, vegetated swales and enhancement of riparian vegetation.

**h) Stormwater Management**

- i) Is in accordance with the on-site stormwater management requirements under Rule 8.4.8.

**i) Utility Services, Drainage, Water, Wastewater, Electricity, Roads**

- i) The General Assessment Criteria for Controlled activities listed in 9.7.1.1(5).

**15.7.1.2 Additional Assessment Criteria for Controlled Activities: Sub-regional 5, 6 and 12 Zones**

**a) The design and external appearance of buildings and development**

- i) The extent to which buildings and development respond to the visual character and quality of its surrounds, and in particular:
  - The maintenance of uninterrupted street facades to retail frontages and glazed street facades along streets with a predominantly retail character
  - The extent to which development contains or defines the street edge or any public open space
  - The extent to which development reflects and responds to the formal or informal nature of nearby public open spaces
  - For large buildings and developments on large or amalgamated sites, the extent to which the building's structural elements and facades are broken down in scale to match the character of the locality
  - The extent to which the front facade's integrity is maintained above and below verandah level
  - The extent to which the development maintains, encourages or stimulates pedestrian activity when it abuts a street or an area of public open space.
- ii) The extent to which buildings and development respond to the intended character or best visual characteristics of its commercial centre as outlined in any adopted Centre Plan or Structure Plan.
- iii) The extent to which large expanses of roof, where they are overlooked from nearby residential areas, are relieved to reflect the building forms and pattern of roofing in the locality.

**b) Pedestrian amenity, safety and convenience**

- i) Whether the building design makes appropriate provision for pedestrian shelter, including a continuous verandah along streets with a predominantly retail character.

**15.7.1.3 Additional Assessment Criteria for Comprehensive Development Plans, and Controlled and Limited Discretionary Activities within the Sub Regional 4, 5 and 6 Zones.**

**a) Building Design: General**

- Buildings should be sensitive to the character and design of surrounding buildings. Regard should be had to: materials, colour, window patterns, parapet forms, and detailing and modulation of the facade. Sufficient information should be provided with an application on the design and appearance of neighbouring buildings to enable an assessment of design compatibility to be made
- Development should be designed to address and relate to the Special Purpose 11 zone by such means as building orientation and outlook

- On all street frontages in the Sub-regional 4 zone, blank walls should be avoided. In other locations where blank walls cannot be avoided they should be screened with landscaping or finished to minimise visual impact

**b) Building Design: Primary Axis**

- Development should be designed to highlight and celebrate the primary north-south axis defined in the Albany Centre Structure Plan appendix to the Plan maps.
- In accordance with the Albany Centre Structure Plan, the centre of retail development should be situated on this axis, and the major pedestrian access within the retail centre should also align with it
- Building forms adjacent to the axis should reinforce it by orientation and design, maintaining visual and physical links along the axis.

**c) Building Design: Civic Crescent and Squares**

- In order to help create the effect of an 'urban wall' on sites fronting the Civic Crescent, a building should abut the boundary of the Civic Crescent. Any part of that building under 6 metres in height should abut the boundary of the Civic Crescent for the full length of its elevation to the Civic Crescent. Any parts of that building extending between 6 and 15 metres in height should abut the boundary for a minimum of 70% of the full length of its elevation to the Civic Crescent. Above this height, no minimum width requirement applies. Buildings not forming part of the 'urban wall' may be placed elsewhere on a site
- Buildings that front the Civic Crescent and squares shown on the Structure Plan should provide appropriate cover for the convenient and direct movement of pedestrians along the Civic Crescent and at the edges of the Plaza. In assessing the appropriateness of pedestrian shelter, regard shall be had to the width of cover provided and height above street level. The location of the sheltered pavement area on the Civic Crescent should be clearly visible from the road

**d) Building Design: Business 5 Zone**

- The principal entries of all buildings should face Don McKinnon Drive
- Buildings should be of simple forms, and of pleasant and harmonious appearance when viewed from State Highway 17 and from the University Site.
- Where large-scale redevelopment is proposed (i.e. redevelopment of more than 65% of the g.f.a of existing development on site at any one time), a pedestrian linkage should be provided between the Business 5 zone and surrounding land uses, as indicated on the Albany Centre Structure Plan (which provides an initial indication only of the location of such a linkage). The linkage should be as direct as practicable and should be made into a pleasant, landscaped and appropriately illuminated public area.
- Where the linkage passes through a building, strong entrance features should form a key element of the overall design of the building to highlight its location. Public access should be provided at all times. However, where the linkage passes through a business (e.g. a mall) and providing public access at all times would result in security concerns for the business, the Council will have regard to the hours of operation of any business the linkage passes through when determining any restriction on public access.

**e) Landform**

- Development should seek to minimise obvious cut and fill, by appropriate building design and landscaping treatment of retaining walls or embankments.



**f) Integration of Development**

- Development should be designed and located to enable maximum integration with existing and likely future development in the Business 4 zone, and in surrounding zones.

**g) Pedestrian Environment**

- Development should be designed to create an integrated pedestrian environment, separated from vehicular movements
- Pedestrian linkages should be provided between the Business 4 zone and surrounding land uses, as indicated in the Structure Plan. These linkages should be as direct as practicable and should be made into attractive landscaped and appropriately illuminated public areas. Where these linkages pass through buildings, public access should be provided at all times, consistent with the hours of operation of the building
- A covered pedestrian link should be provided to the major car park associated with the retail centre
- Developments including external and/or internal public open spaces should provide these in the form of landscaped courts and plazas which provide an attractive and pleasant environment for public use. All such areas shall be designed and located to integrate with the pedestrian network, to receive minimal shadowing, and be sheltered from the effects of the prevailing wind.

**h) Traffic Management**

- Development should be designed to promote good traffic management in the locality and to provide conveniently located off-street, short-term and long-term parking
- Car parking area design and the location of access to car parks and service facilities should generally be from Don McKinnon Drive and should incorporate clearly defined and separated pedestrian routes as shown on the Structure Plan. Sites within the Business 6 zone that do not front Don McKinnon Drive may be accessed from streets other than Don McKinnon Drive.
- Within the Business 5 zone, a Traffic Management Plan is to be submitted with any application for resource consent to demonstrate the manner in which conflict between circulating service traffic, general traffic, and pedestrian movements is managed within the zone.

**i) Landscaping**

- Landscaping should be used to complement and enhance the proposed development. In particular, it should be used to visually break up large parking areas, reduce the impact of large built forms, delineate pedestrian routes, create points of interest and attraction, and enhance public areas. Sites in the Business 6 zone should be fully landscaped in a manner which seeks to integrate them with the wider landscape, to create a park-like appearance.
- Landscaping of public and semi public areas should reduce opportunities for crime through the use of low shrubs or canopy trees and low fences / walls so as not to restrict views across the car park or public space thereby avoiding concealment and entrapment areas and other opportunities that may encourage crime.

**j) Signs**

- Development should incorporate a comprehensive signage proposal providing for an integrated theme, having regard to size, colour and style, although not necessarily a uniform sign format. Notwithstanding the above, provision can be made for individual business logos and advertising information. The size and placement of signs should comply with the provisions of [Section 13](#) of the Plan.

**k) Stormwater Treatment and Stream Protection**

Stormwater should be managed on the basis of best practice stormwater quality and

treatment and stream protection methods. The following criteria shall apply:

- Stormwater runoff from all outdoor car parking areas and vehicle accessways should be managed for stormwater quality treatment and stream protection by the installation of biofiltration devices the requirements of the Auckland Regional Council Technical Publication No. 10, Stormwater Treatment Devices, Design Guidelines Manual. Approved biofiltration devices are rain gardens or an approved equivalent.
- Stormwater runoff from all roofs should be managed for stormwater quality treatment by ensuring that any exposed cladding material (roof and wall cladding) are either a non-zinc coated product or that any zinc-coated product is painted with a low zinc containing paint. The paint coating should be maintained at all times.
- The volume of stormwater runoff from roofs should in part be managed by supplying all toilets with water harvested from roof runoff. Rainwater harvesting tanks would be sized to supply at least 70% of the annual long term average toilet water usage and should be connected to all toilets. Harvested rainwater should also be used where possible for other non-potable uses to the maximum extent practicable.
- Stormwater runoff from roofs and other hard surfaces should be managed for stream protection by ensuring the following requirements are met in addition to the above:
  - Auckland Regional Council Technical Publication No.10, Stormwater Treatment Devices, Design Guidelines Manual requirements for extended detention of the 34.5mm rainfall event.
  - Auckland Regional Council Technical Publication No.10, Stormwater Treatment Devices, Design Guidelines Manual requirements for rain gardens
  - Runoff discharging into the existing Albany Lakes.
- Management of stormwater quality treatment and stream protection by other methods to ensure the same or better level of management than outlined above.
- Attenuation of the 1 in 10 year flood event to pre-development peak flows should be achieved for all discharges to Oteha Stream. There are no 1 in 10 year requirements for discharges to Lucas Creek.

#### **15.7.1.4 Additional Assessment Criteria for Controlled Activities: Business Park 7 Zones and Business 8 Zones**

##### **a) The design and external appearance of buildings and development**

- i) The extent to which buildings and development respond to the visual character and quality of their surrounds, and in particular:
  - The extent to which buildings open onto or incorporate access points onto, paths and roads
  - The extent to which the building design allows passive surveillance and overlook of the street for the maintenance of personal safety in public spaces
  - The extent to which large building facades are broken down in scale to provide visual interest when viewed from the street and any public area
  - The extent to which the development defines the street edge or building setback.

##### **b) Landscaping**

- i) Whether the landscaping enhances and/or complements the proposed development and street scene, and in particular:
  - The extent to which tree planting breaks up parking areas and reinforces

the understanding of the parking layout

- The use of landscape features to define the street edge
- The retention of significant landscape trees and features
- The extent to which landscape planting integrates with the landscape qualities of any adjacent escarpment or ridge line
- The extent to which landscape planting is used to break-up and or soften the appearance of large or bulky buildings.

#### **15.7.1.5 (Deleted)**

#### **15.7.1.6 Additional Assessment Criteria for Buffer Strip Development**

The following assessment criteria apply to development on any site located within a Buffer Strip.

- a) Aural Amenity
  - i) Development should be designed to protect the aural amenity of adjoining residential and recreation zoned land.
  - ii) Design, layout, screening and sound damping should be used to minimise the adverse effect of rubbish bins, storage areas, loading bays and delivery areas, and noisy machinery and activities.
  - iii) The Council may also limit the hours of operation for any activity that is likely to create a noise nuisance.
  - iv) Main vehicle and pedestrian access routes to the development should not be placed immediately adjoining a residential zone boundary.
- b) Loss of Privacy
  - i) Development should be designed to minimise effects on the privacy of residentially zoned sites.
  - ii) Overlooking into adjacent outdoor living spaces, or directly into main living rooms on residential zoned sites should be avoided.
- c) Visual Dominance and Shadowing
  - i) Development should be designed to minimise shadowing and the visual domination of the outlook from adjacent residential zoned sites.
- d) Screening
  - i) Carparking, storage and rubbish areas, and large unrelieved facades that can be seen from adjoining residential and recreation zoned properties, should be screened.
- e) Heritage
  - i) Where a business zoned site abuts a Residential 3: Built Heritage zoned property, or a scheduled commercial heritage building, development shall be designed to ensure that it respects and responds to the built form, scale and heritage character of the nearby building/s having heritage values.

#### **15.7.2 Additional Assessment Criteria for Specific Controlled and Limited Discretionary Activities**

In addition to the General Assessment Criteria of [Section 15.7.1](#), the applicant will be required to satisfy the Council that the following criteria can be met, where they are relevant:

##### **15.7.2.1 Drive-Through Activities**

- Adequate screening in the form of landscaping, as well as a solid wall should be provided along any residential zone boundary to provide amenity, privacy and to prevent glare from headlights. Alternative methods to achieve this result may be

accepted

- Drive-through ordering and collection points shall be designed and located so as to avoid or mitigate any adverse effects of noise, glare and fumes on adjacent residential sites as a result of vehicles stopping and starting on site.

In the case of service stations, the following matters additional to those listed above shall be assessed:

- The development should generally observe the published recommendations of the Land Transport Safety Authority, for both typical and innovative service station layout, with respect to sight distances, minimum depth of forecourt, width of frontage, location and width of footpath crossings, and pedestrian refuges
- All lighting and signs must be approved as part of any application. They must comply with the controls of [Section 10](#) and [Section 13](#)
- The site should have safe and appropriate areas set aside for the separation of pedestrian areas from vehicles 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 adjoining 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 controls set out in [Section 10](#)
- Where the proposal is to be located in an established commercial centre, it should not break up or isolate parts of the retail frontage
- The location of any LPG storage tank must be an appropriate distance from site boundaries, consistent with safety requirements.

The above criteria are additional to any requirement placed on a service station by the provisions of [Section 10.8 - Hazardous Facilities and Contaminated Sites: Rules](#).

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

### **15.7.2.2 Business 12 - Mixed Use Zone**

#### **Context**

- New mixed use developments should respect and integrate effectively with the context in which they are located by responding to the proportions, structural modules and solid-void relationships of neighbouring buildings.
- In developing areas mixed use developments should respond to the intended character sought in the area.
- When considering mixed use development within Albany Village, the core components of local character where development needs to respond primarily relate to the quality of its public open spaces, including streets, parks and the creek edges and the ability of the public to access and experience them.

#### **Corner Sites**

All corner development should reinforce the uniqueness of the location and contribute to the legibility of the town centre. It should also support the creation of a distinctive, high quality urban environment through the quality of the architecture or the incorporation of public art or public open space.

- It is expected that the building's articulation or façade treatment is used to express the building's corner location through such means as:
  - nil setbacks.
  - feature elements such as corner pediments, parapets, and awnings or verandahs that wrap the corner.
  - designing the corner to have more vertical emphasis with variations in height.

- A clear separation of entrances should be provided for different uses. For example, the entrance to ground floor commercial/retail space should be located in the most prominent position at the corner, while an entrance to upper residential areas should be located on the façade on either street.

### **Building Depth**

Mixed use buildings shall be of a depth that provides regular internal room layouts to ensure ease of construction, optimal circulation and adaptation and ensures natural light, and ventilation is provided to all habitable rooms.

### **Access**

Entry points into the building and onto the site should be clearly identifiable from the street.

### **Communal Outdoor Living Space**

Communal outdoor living spaces should be designed to receive sunlight for at least three hours of the day, throughout the year, to a good proportion of useable outdoor space. These areas should be landscaped to a high standard, and can include seating and areas for informal recreation.

## **15.7.2.3 Additional Assessment Criteria for Controlled and Limited Discretionary Activities within the Business 11A, 11B and 11C Zones**

In assessing controlled, limited discretionary and discretionary activity applications in the Business 11A, 11B and 11C zones, the Council will have regard to the following criteria, in addition to the assessment criteria in Section 15.7.1.1

### **a) Urban Form/Site Layout**

#### **i) Interface with Street**

- Buildings should contain and define the edge of a street or area of public space.
- Building design at the ground, first and second floor levels should assist in stimulating pedestrian activity and creating safe and attractive streets and public spaces. This includes:
  - Locating active uses on the ground floor within the Business 11A zone, and above ground working or living areas at the front of buildings with windows, doors and balconies that enable interaction with and overlooking of streets and public spaces
  - The principal entries of all buildings should face the street and be accessed at grade from street level
  - Appropriate pedestrian shelter should be provided through verandahs, cloisters, colonnades, awnings and other similar features
  - Verandahs should be designed to accommodate existing or planned street trees
  - Blank walls along street frontages should be avoided. Windows, doors and glazing should be provided to break up and add interest to street level facades.
- Car parking entrances and service areas should be located and designed to minimise their effect on street amenity and building continuity.

#### **ii) Movement Network**

- Service lanes and vehicle accessways should be designed to be safe and legible for both motorists and pedestrians, and support connectivity and legibility within the Centre where appropriate
- Service lanes and vehicle accessways longer than 50 metres should have dimensions that provide the ability for them to become public streets

- Open air pedestrian-only areas longer than 50 metres should have a clearway of 3.5 metres to enable access by emergency vehicles, with an overall minimum width between buildings of 12 metres
- Pedestrian and cycle routes shown on the Albany Centre Structure Plan should be provided. Alternative alignments are possible, provided that the development still provides for the connection shown.

iii) Rubbish and Recycling Collection

- rubbish and recycling storage areas should be designed as an integral part of the development and designed in a manner that screens rubbish and recycling bags and bins from public view.

**b) Building Design**

i) Visual Character

- The detailing of a buildings's structure, including architectural elements, (cornices, stairs, columns, windows, shutters, entries, eaves, balconies and verandahs), materials and colour should contribute to creating a strong visual character for the area that is aesthetically pleasing and environmentally responsive.
- On all street frontages, blank walls should be avoided. In other locations, where blank walls cannot be avoided, they should be screened with landscaping or finished to minimise their visual impact.

ii) Building Form

- Larger buildings (generally buildings with street facades greater than 20m in length) should be designed to create visual interest. This includes the extent to which:
  - Variation in building form, roof shape, material, areas of glazing, setbacks and protrusions along building elevations (e.g. balconies, bay windows and stepped elevations) limit the horizontal distances between elements to ensure a human scale is achieved.
  - Large expanses of roof, where visible from surrounding areas, vary in height and are relieved and to create variation in building form.
  - the base, middle and top of buildings are clearly articulated while maintaining the front facade's integrity above and below verandah level.
- On sites that slope along their street frontage, buildings should generally be stepped relative to the street.

iii) Taller Buildings

- Buildings over 20 metres in height should be subject to a wind assessment by a qualified engineer to determine the wind environment conditions that are likely to be created. Adverse wind effects on pedestrians at ground level should be avoided or appropriately mitigated. The report should consider the shape and height of the building, its exposure, surrounding terrain, orientation with respect to prevailing winds, topography and sheltering effects from or adverse interactions with other buildings. If the report identifies significant effects, then a wind tunnel test may be required to establish more precisely the impact of the proposed building.
- Buildings over 20 metres in height should satisfy the following criteria:
  - They should be slender in form to provide sunlight access and maintain views from surrounding sites, minimise effects of shading and ensure an element of human scale to the development
  - There should be variations in roof form to add visual interest
  - The building design should be of a high standard of architectural design
  - The building should act as a visual marker defining the location of the Albany Centre from a distance and reinforcing important view shafts and existing contours within the Centre. Consideration should be given to views from the motorway as well as public streets and spaces within the Centre.

## iv) Landmarks

- On Landmark sites development should reinforce the uniqueness of their location within the Centre, contribute to the legibility of Centre and support the creation of a distinctive, high quality urban environment through the quality of the architecture or the incorporation of public art as part of the adjacent streetscape or public space. Consideration should be given to:
  - Reinforcing the uniqueness of the site's location within the Centre, being expressive of contemporary culture, and reflecting the Maori and European history and/or current communities of the surrounding area
  - Articulation of corners through variation in height and design features
  - Ensuring the development makes a positive contribution to the character and vibrancy of adjacent public spaces
  - The visibility of the architecture and/or art work and its ability to enhance the character of views along the axes identified on the Albany Centre Structure Plan.
- Encouragement shall be given to the establishment of high quality landmark features such as towers and turrets at the intersection of Oteha Valley Road and North Entry and in other locations shown on the Structure Plan. Such features shall also be encouraged along Oteha Valley Road, provided that they do not adversely affect the legibility of the entrance to the Centre

c) **Pedestrian Amenity, Safety and Convenience**

- i) Development should support pedestrian safety and amenity along public streets, public and semi public spaces (such as plazas) and pedestrian and cycle routes. In addition to other criteria, this includes:
  - Lighting for safety
  - Landscaping designed to promote safety by providing for sightlines from active areas of buildings to streets and public and semi-public spaces
  - Landscaping designed to enable views of entrances from streets and avoid entrapment spots
- ii) Development should be designed in a manner that provides for the safety of pedestrians when moving from one part of the site to another, in particular from the location of car parking areas to building entrances, and along private accessways to and from public streets. This includes appropriate lighting and landscaping.
- iii) The extent to which the development provides for disabled access into and throughout the development.

d) **Quality of Living Environment for Residential units**

- i) Buildings should be designed to ensure safe and convenient access to each unit.
- ii) All habitable rooms within the development should have an external window to provide light and ventilation.
- iii) Each unit should be designed and located to ensure a good degree of sunlight access for at least one habitable room.
- iv) Developments should be designed and located to ensure that most units receive a reasonable amount of sunlight access to their private outdoor living space.
- v) For units with north and west facing internal or external living spaces, appropriate measures should be taken to provide shade from summer sun.

- vi) The interior and exterior living areas associated with each unit should have a good degree of privacy from adjacent units or neighbouring development. Particular attention should be given to the distances between balconies and living areas that are close to one another and screening between balconies adjacent to each other.
- vii) Living areas (dining rooms/lounges) should be sized relative to the likely number of occupants of the apartment.
- viii) Communal outdoor living spaces should be designed to receive sunlight for at least three hours of the day, throughout the year, to a good proportion of useable outdoor space. These areas should be landscaped to a high standard, and include seating and areas for informal recreation.
- ix) Balconies should be located and designed so that they cannot be used as a point of entry into residential units from public or semi public areas, or from adjacent units.

**e) Stormwater Treatment**

- i) the criteria of Section 15.7.1.3 shall apply.

**f) Crime Prevention and Safety**

Development should contribute to a build environment that reduces the incidence of crime and helps create a feeling of safety for residents, visitors and workers. In particular development that involves rear parking areas and other semi-public areas that are not directly visible from a public road should be designed to:

- i) Provide some informal surveillance of these areas from adjoining development. In areas where surveillance from public areas is limited, CCTV and other forms of monitoring should be considered.
- ii) Provide for clear visibility/lines of sight of entrances and exits. Signage should be provided to clearly mark hours of use and entry and exit points.
- iii) Provide appropriate lighting of semi public areas, including paths, parking areas, interior plazas, building entrances and exits. Details of, or a lighting plan showing, lighting type, location and lux may need to be provided as part of any resource consent application. The provision of this is dependent on the scale and/or location of the development proposed.
- iv) Avoid the creation of potential entrapment and concealment areas through appropriate landscaping, layout and design.
- v) If necessary control public access to private areas such as lobbies and car parks through design and management so as to reduce opportunities for crime against people and property within the development.
- vi) In general, all public car parks should be lit to comply with the standards of lighting category P11 in table 2.4 of AS/NZS1158.3.1:1999. Designated parking spaces for people with disabilities or for prams should be lit to comply with lighting category P12 of table 2.4. Lighting should be mounted on high masts or walls and directed to deter or detect criminal activity by producing a high vertical lighting component such that intruders are clearly visible.
- vii) All plazas and other open spaces should be lit to comply with the standards of lighting category P7 in table 2.2 of AS/NZS1158.3.1:1999. Lighting design needs to be provided in such a manner so that over-lighting and high glare is avoided.

**g) Variety of Activities with Potential for Employment - Scale and Use of Buildings**

- i) The scale of the building in proportion to its surroundings, avoiding the zone being dominated by a number of large-format single-use developments.



#### **15.7.2.4 Additional Assessment Criteria for Controlled Activities in the Business 11D Zone**

- a) Along Oteha Valley Road, buildings and landscaping should contribute to a sense of spaciousness by being set back from the road edge, with appropriate, high quality landscaping between buildings and the road.
- b) Buildings should be designed to acknowledge the role of Oteha Valley as an important entry route to the Albany Centre, with building design creating an attractive road frontage through appropriate modulation and articulation of facades and rooflines, use of glazing and variations in building footprints where appropriate.
- c) The stormwater and stream protection criteria of Section 15.7.1.3 shall apply.

#### **15.7.2.5 Additional assessment criteria for development in the Business 11A zone between Don McKinnon Drive and the Special Purpose 11 zone that is within 50 metres of the Special Purpose 11 zone**

The following assessment criteria shall apply having regard to the nature, form and function of the development proposed:

- a) Buildings and development should be designed to provide an attractive visual backdrop to the Special Purpose 11 zone.
- b) Buildings should not appear overly bulky.
- c) Buildings should not be of such a scale that they dominate the Special Purpose 11 zone.
- d) The ground level of buildings facing the Special Purpose 11 zone should contain commercial spaces that open out in the direction of the Special Purpose 11 zone in order to provide an active and attractive frontage to that zone.
- e) Blank walls at the upper levels of buildings facing the Special Purpose 11 zone should be avoided.

#### **15.7.2.6 Additional Storey - Business 12 Zone: Mixed Use (Albany Village)**

- a) The additional storey should not affect the character and amenity of adjacent properties or public open spaces in terms of overshadowing, visual or physical dominance, and adverse wind effects at street level;
- b) Whether the additional storey adds interest to the streetscape and roofscape;
- c) Whether the additional storey enables variety in building form to be achieved and enables avoidance of repetitive block-like building profiles;
- d) The additional storey is of materials and colours that avoid the potential for glare adversely affecting public spaces and private properties in the vicinity;
- e) The design of the additional storey is broken up and/or contains modulations to avoid the appearance of a large horizontal block.

#### **15.7.2.7 New buildings and Alterations to existing Buildings - Business 1, 2, 3 and 4 Zones**

- a) When assessing an application for a Limited Discretionary activity in the Business 1, 2, 3 and 4 zones, the Council will consider the assessment criteria contained in Section 15A of the District Plan, Urban Design Code, and any other relevant assessment criteria in Section 15.
- b) Compliance with the Urban Design Code should be demonstrated in the Context Analysis and Design Statement required by Rule 15.6.2.11 submitted as part of the application for consent. In the Business 4 zone compliance with the Albany Structure Plan should also be demonstrated in the Context Analysis.
- c) Where a site is located within the Buffer Strip, the assessment criteria in Rule 15.7.1.6, "Buffer Strip Development" also apply.

### **15.7.2.8 New Buildings and alterations to existing buildings located within the Milford Intensive Residential Development Overlay Area (see Appendix 15P)**

When considering proposals for new buildings and alterations to buildings as a Limited Discretionary Activity or a Discretionary Activity, applications will be assessed in terms of 15.6.2.11, 15.7.2.7, Appendix 15A and the following additional criteria:

- a) A context analysis is to be provided in accordance with Rule 15.6.2.11 for all Limited Discretionary and Discretionary Activity consent applications.
- b) Height and Bulk of Buildings
  - i) Buildings shall not visually dominate their immediate or wider surrounding environment.
  - ii) Building height shall be aesthetically coherent with the town centre, shopping mall and surrounding residential area.
- c) Design of Buildings
  - i) Buildings shall be constructed within the building envelopes in Appendix 15P, with the final height and bulk of buildings within those envelopes to be determined by reference to the Policies in 15.4.2A, the standards in Rule 15.6.2.12 and the following assessment criteria.
  - ii) Building design shall be of a high quality, provide variation and should be complementary to the local context at every scale - street, neighbourhood and centre.
  - iii) Buildings shall be designed to provide a distinctive silhouette so when viewed from within and around Milford they make a positive contribution to the collective skyline of the town centre.
  - iv) Buildings shall avoid a boxy dominant massing by utilising creative architectural solutions that provide interest in the facade such as modulation, relief and surface detailing and avoiding blank walls facing the street.
  - v) Buildings shall be designed with an appropriate scale at the street level to integrate with the adjacent buildings and open space.
  - vi) The design of balustrades and the design and location of full height windows shall provide for at least partial screening of personal effects when viewed from the street or wider surrounds.
  - vii) The height, bulk, streetscape frontage and external appearance of building(s) occupying Envelope 1 shown on Appendix 15P shall be designed to integrate with their context and enhance the landmark nature of the site.
  - viii) The upper levels of buildings within envelopes 1, 3 and 5 (built form above adjoining envelopes) will be seen in the round and shall be architecturally articulated and modulated to acknowledge their exposure to public view and shall be designed and constructed from materials that will reduce their apparent visual bulk.
  - ix) Building 1 shall be designed to respond positively to the wider Omana Road context including proximity to the Milford Ridge and the Milford Estuary and visual and amenity effects of the building from the wider Milford context. Particular regard shall be had to the effects of:
    - a. Building dominance.
    - b. Neighbourhood privacy (see 15.7.2.8(e))
    - c. Milford character and amenity.
    - d. Connectivity between the existing residential neighbourhood and any new residential apartment buildings through the location and design of building access and pedestrian connections to and from that access.
    - e. Milford pedestrian amenity area (village square).

- x) Building 3 shall be designed to respond to the wider Omana Road context including proximity of the building to neighbouring residential zone and visual and amenity effects of the building from the wider Milford area. Particular regard shall be had to the effects of:
  - a. Building dominance.
  - b. Neighbourhood privacy (see 15.7.2.8(e))
  - c. Milford character and amenity.
  - d. Connectivity between the existing residential neighbourhood and any new residential apartment buildings through the location and design of building access and pedestrian connections to and from that access.
- xi) Building 5 shall be designed to respond to the wider Milford Road context including visual and amenity effects of the building on the residential neighbourhood. Particular regard shall be had to the effects of:
  - a. Building dominance.
  - b. Neighbourhood privacy (see 15.7.2.8(e))
  - c. Milford character and amenity.
  - d. Connectivity between the existing residential neighbourhood and any new residential apartment buildings through the location and design of building access and pedestrian connections to and from that access.
- xii) Building(s) taller than RL21m in Envelopes 5, 6, 7 and 8 shown on Appendix 15P shall be accompanied by an appropriate development interface with the existing carpark area and mall roof area.
- xiii) Where main living areas overlook the mall roof the mall roof shall be modified or screened as appropriate to avoid or mitigate any glare or unsightly components.
- xiv) The design of apartments shall be consistent with the overall intentions for apartments as set out in *The Good Solutions Guide for Apartments* (ISBN 978-0-473-11999-7), and in particular, Part C of that Guide.
- xv) Buildings within Envelopes 5,6,7,8 and 9, shall be suitably sleeved along the Ihumata and Milford Road frontages to ensure that the total development achieves a positive interface with the streetscape.
- xvi) Any above ground carparking shall be designed to avoid a utilitarian visual interface with the surrounding residential environment.
- d) Pedestrians and Cycling
  - i) Pedestrian connections are to be provided through the site and in particular, mid-block connections between Kitchener Road and Milford Road.  
*Note: It is expected that connections through the site will be publicly accessible at least during the hours that the Milford Shopping Centre is open.*
  - ii) Facilities are to be provided for cyclists (in accordance with the ARTA Guidance Note for Cycle Parking Facilities 2007).
  - iii) The wind environment at pedestrian level shall be suitable for pedestrians and the applicant is to provide a wind assessment to confirm this.
- e) Privacy in respect of Residential Activities
  - i) Building layout, orientation of windows and balconies are to be designed to prevent overlooking of the private open space of other residential dwellings (both within and outside the site).
- f) Daylight and Sunlight in respect of Residential Activities
  - i) Habitable rooms and outdoor spaces shall allow for solar admission and sun access during the shortest winter day (as a guide, habitable rooms for at least 70 percent of the units should receive sun access for a minimum of three hours between 9 am and 3 pm on the winter solstice (June 21)).

- ii) Glazing is to be of sufficient size and appropriately located to allow natural light into rooms to allow daily activities to occur without the need for artificial lighting.
  - iii) Design devices such as overhangs, vertical screens, heat-absorbing materials (such as tiles) and reflective glass are to be used to help to regulate summer and winter solar gain and provide passive sources of heating.
  - iv) Apartments are to have adequate ceiling heights and appropriate depths to maintain apartment amenity by allowing daylight penetration.
- g) Reverse Sensitivity
- i) Residential apartments shall be designed to avoid the effects of mall operations, including but not limited to issues such as mechanical ventilation, noise, traffic and loading.
- h) Traffic Generation
- Refer to the assessment criteria in Rule 12.5.1.3

### **15.7.3 Assessment Criteria for Discretionary Activities**

Without restricting the exercise of its discretion to grant or refuse consent, or impose conditions, the Council will have regard to the assessment criteria set out below when considering an application under Sections 104 and 105 of the RMA.

#### **15.7.3.1 Process Air Emissions**

- a) The extent to which emissions from the proposed process contain substances specified in [Appendix 10B](#).
- b) The extent to which mitigation measures are proposed to reduce discharges.
- c) The extent to which there is a need for isolation from high densities of population and distance from sensitive activities, such as residential uses, institutions, schools, and community facilities where large numbers of people congregate.
- d) The adequacy of precautionary measures and emergency operations procedures.
- e) The pollution dispersal characteristics of the site and surrounding locality.
- f) The suitability of the site for the proposed activity relative to other business activities in the locality.

#### **15.7.3.2 Residential Units**

Activities with a residential component on sites below 1 hectare in size in the Sub-regional 6, Business Park 7, General 9 or 10 zones, but excluding any site subject to Business Policy Overlay B1:

- a) That any residential use located within the Sub-regional 6, Business Park 7, or the General 9 or 10 zones will be one component of a mixed use development on any site not exceeding 25% of the gross area of a site, except in the case of activities included in (e) below.

In calculating the area of residential use, the Council will include the building footprints of any residential buildings ancillary to the residential use, the extent of any amenity space or landings associated with dwellings, and the extent of any parking and access areas associated with dwellings.

- b) The proposed site is well suited to residential development, in terms of the nature of development on adjacent sites and the relationship of the development with any adjacent developments.
- c) The applicant must demonstrate that the cumulative effects of any proposed residential uses, in conjunction with any existing residential development in the zone, will not undermine the functional purpose of the site or that part of the zone in which it is located.
- d) The ability of the proposal to provide residential units or accommodation with a high standard of amenity.
- e) In case of any proposal for a hostel or residential accommodation associated with

an educational facility, the continued functioning of the development as accommodation for the institution.

Activities with a residential component on sites 1 hectare or above in size in the Sub-regional 6, Business Park 7, General 9 or 10 zones:

- a) The effects of the proposal on the scale of land available for business activities. This will include consideration of the cumulative effects of the proposed development. Applications will only normally be approved if it can be demonstrated that there is at least a 10 year supply of greenfield sites available for business activities in North Shore City, or that any residential use will be one component of a mixed use development on any site not exceeding 25% of the gross area of a site.
- b) The proposed site is well suited to residential development, in terms of the nature of development on adjacent sites and the relationship of the development with any adjacent developments.
- c) The applicant must demonstrate that the cumulative effects of any proposed residential uses in conjunction with any existing residential development in the zone, will not undermine the functional purpose of the site or that part of the zone in which it is located.
- d) The extent to which the topography of the site is suitable for business activities.
- e) The ability of the proposal to provide residential units or accommodation with a high standard of amenity.
- f) In the case of any proposal for a hostel or residential accommodation associated with an educational facility, the continued functioning of the development as accommodation for the institution.

#### **15.7.3.3 Licensed Premises and Social Facilities**

- a) The site, design and character of the buildings should be compatible with the neighbouring area. Care shall be taken to lessen noise impacts and avoid loss of privacy of adjoining residences by the strategic design and siting of buildings, recreation/entertainment areas, landscaping, and vehicle parking and manoeuvring areas.
- b) The design of the buildings should incorporate noise attenuation measures to ensure achievement of the noise control limits set by this Plan at all times.
- c) Vehicle and pedestrian access and circulation, on-site parking areas, lighting and signs should be designed to avoid disruption to adjacent street traffic and residents, and to maximise convenience to users of the site.
- d) Expected maximum vehicle trips should be within the capabilities of the road on which the proposed activity is to be located, and should not result in significant adverse impacts to residential properties in the vicinity.

#### **15.7.3.4 Residential Activities at Ground Level Fronting a Business 1, 2, 3, 4 and 5 Zoned Street but excluding any site subject to Business Policy Overlay B1**

- a) The extent to which the residential development would result in a noticeable break in the ground floor shopping frontage of a commercial area.
- b) The proportion of ground floor commercial frontage occupied by ground floor residential developments. The Council will normally expect commercial activities to occupy more than 75% of the road frontage in a commercial centre.

#### **15.7.3.5 Discretionary Activities identified in Rule 15.6.1.3**

Without limiting the exercise of the Council's discretion, activities will be assessed to determine the extent of any adverse social and economic effects, including the following effects:

- a) The extent to which the new activities would result in a significant adverse effect on the commercial and community services and facilities of any existing or proposed business centre as a whole.

- b) The extent to which the overall availability and accessibility of commercial and community services and facilities will be maintained in any existing business centre.
- c) The extent to which the new activities would result in a significant adverse effect on the character, heritage and amenity values of any existing or proposed centre.
- d) The extent to which the benefits of a new development are able to directly or indirectly mitigate any adverse effects in a), b) or c) above.
- e) For activities which require consent under rule 15.6.1.3.1(b), the effects, including traffic and social and economic effects, of all existing activities within Wairau Park, and any cumulative effect associated with the additional activity, on other areas of the city.

#### **15.7.3.6 Discretionary Activities at the Unsworth Heights or Greville Road centres as identified in Rule 15.6.1.4**

Without limiting the exercise of the Council's discretion, activities will be assessed to determine the extent of any adverse social and economic effects, including the following effects:

- a) The extent to which the new activities would result in a significant adverse effect on the commercial and community services and facilities of any existing or proposed business centre as a whole.
- b) The extent to which the overall availability and accessibility of commercial and community services and facilities will be maintained in any existing business centre.
- c) The extent to which the new activities would result in a significant adverse effect on the character, heritage and amenity values of any existing or proposed centre.
- d) The extent to which the benefits of a new development are able to directly or indirectly mitigate any adverse effects in a), b) or c) above.
- e) The extent to which any adverse effects of the activity on the efficiency, safety and operational aspects of the adjacent and local road network, in particular the avoidance of adverse traffic effects on residential amenity, are able to be avoided, remedied or mitigated.
- f) The extent to which the activity has adverse effects on private and public transport patterns, and in particular the extent to which the proposal:
  - results in an increase (or reduction) in overall travel distances
  - encourages the use or maintains the integrity of the public transportation network.
- g) Criteria listed under Section 12.5.1.3 of the Transportation Section of the Plan.

#### **15.7.3.7 Utility Services, Drainage, Water, Wastewater, Electricity, Roads, Stormwater Connections and Stormwater Management**

- a) The Stormwater Connections assessment criteria listed in 15.7.1.1(h).
- b) On-site stormwater management in accordance with 8.4.8.
- c) The General Assessment Criteria for controlled activities listed in 9.7.1.1(5).

#### **15.7.3.8 Site Frontage or Site Area in the Business 12 - Mixed Use Zone**

- A mix of activities should be accommodated on the site;
- The activities and the design shall have sufficient regard to the amenities of adjacent residential properties, in particular the development should be designed so as to provide adequate buffering or separation distance between activities;
- The required amount of car parking should be accommodated on site in an appropriate location.

**15.7.3.9 Office and/or Health Care Centres where the total combined floor area of these activities within the Business 11C zone exceeds 10,000m<sup>2</sup> Gross Floor Area**

- a) The extent to which the activity would result in an adverse effect on the ability to provide for significant residential development within the Business 11C zone.
- b) The extent to which the activity would result in significant adverse effects on surrounding residential activities, including upon safety, access and aural and visual amenity.
- c) The extent to which the design of the building meets the residential development controls to enable conversion to a residential use at a later stage.

**15.7.3.10 Convenience Stores in the Business 11B or 11C Zone exceeding 200m<sup>2</sup> Gross Floor Area**

- a) The extent to which the activity would result in a significant adverse effect on the vitality of the retail, commercial and community services and facilities expected within the Business 11A zone.
- b) The extent to which the overall availability and accessibility of retail, commercial and community services and facilities will be maintained in the Business 11A zone.
- c) The extent to which the activity would result in significant adverse effects on surrounding residential activities, including upon safety, access and aural and visual amenity.

**15.7.3.11 Development in the Business 11A zone that includes an individual retail premises with a gross floor area exceeding 5,000m<sup>2</sup>**

The assessment criteria in 15.7.2.2 shall apply.

Development between Don McKinnon Drive and the Special Purpose 11 zone that is within 50 metres of the Special Purpose 11 zone shall also be assessed against the criteria in 15.7.2.4.

**15.7.3.12 Development or subdivision in the Business 11 zone that does not provide the local streets shown on the Albany Centre Structure Plan, or does not vest the local streets (public) shown on the Albany Centre Structure Plan**

- a) Local streets should be provided to ensure an equivalent level of connectivity for pedestrians and motorists giving effect to the proposed pattern of development indicated on the Structure Plan.
- b) Development or subdivision should ensure the creation of safe and attractive streets that create a connected street network and provide a high standard of amenity for pedestrians and cyclists.
- c) Any proposal to amend the location of local street (main street) should ensure a direct connection with existing or proposed linkages in the Special Purpose 11 zone.
- d) Any proposal to dispense with the provision of a local street must demonstrate that there is no need for a street in the location shown on the Structure Plan, taking into account the full development potential of the site and area and the applicants' proposals as to access.
- e) Any proposal to provide only pedestrian and cycle access must demonstrate that there is no need for vehicle access in the location shown on the Structure Plan, taking into account the full development potential of the site and area.
- f) Any proposal to dispense with the vesting of a local street (public) should provide an adequate level of service (including design, construction quality, public access and provision for underground services) to be established and maintained.

### 15.7.4 Assessment Criteria for Control Flexibility

Where any Permitted or Controlled activity fails to comply with any control specified in [Rule 15.6](#), the Council may consent to the activity as a Limited Discretionary activity, where it is satisfied that all the following criteria are met:

- a) The Rule provides for Control Flexibility, and the activity falls within the limits specified under the heading Control Flexibility, or where no limits are specified, the effects will be minor, having regard to the stated Explanation of the control; and
- b) The proposal will not produce any significant adverse effects on the adjacent sites or wider neighbourhood, and any adverse effects can be avoided, remedied or mitigated through the imposition of conditions; and
- c) In those zones where the provisions of Section 15A, Urban Design Code apply, the proposal should also meet the relevant assessment criteria contained in the Design Code; and
- d) Either the proposal meets the intent of the control as contained in its associated Explanation; or

It is unreasonable or impractical to enforce the control and one or more of the site characteristics specified in [Section 3.10.6](#) and any relevant criteria listed below shall apply.

#### 15.7.4.1 High Traffic Generating Activities identified as Limited Discretionary or Discretionary Activities in [Rule 15.6.1.3](#)

Activities will be assessed against the following criteria:

- a) The extent to which any adverse effects of the activity on efficiency, safety and operational aspects of the adjacent and local road network, and in particular, the avoidance of adverse traffic effects on residential amenity, are able to be avoided, remedied or mitigated.
- b) The extent to which the activity has adverse effects on private and public transport patterns, and in particular, the extent to which the proposal:
  - Results in an increase (or reduction) in overall travel distances
  - Encourages the use or maintains the integrity of the public transportation network.
- c) Criteria listed under Clause 12.5.1.3 of the Transportation Section of the Plan.

#### 15.7.4.2 Floor Area Controls

Matters to be assessed shall be:

- a) Whether the activity would create adverse effects on the amenities of residential properties or on the amenity of the local centre. The Council will not normally grant consent for activities which would create adverse effects on amenity unless those adverse effects can be effectively avoided, remedied or mitigated. Potential adverse effects can come from noise or disturbance, or from the nature or scale of an activity itself. Noise and disturbance can be associated with the movements or actions of people going to, going from, or within a property.

#### 15.7.4.3 Minimum Floor Space Limits

- a) The applicant will need to demonstrate that the nature of the operation is such that it is more appropriately located in the Albany Sub-regional 5 Zone than in the Albany Sub-regional 4 Zone in terms of the policies for the two zones set out in [Section 15.4.4](#), and in particular, that the proposal is better suited to a stand-alone development with its own vehicular access, than located within an integrated shopping centre.
- b) The applicant will need to demonstrate that there are compelling reasons why a minimum floor space of 500m<sup>2</sup> is inappropriate for the proposal, and in particular, whether the proposal is intended to serve the needs of workers and businesses within the zone.



- c) The applicant will need to demonstrate that the cumulative effect of the establishment of the proposal, in conjunction with any existing activities with a floor space of less than 500m<sup>2</sup>, will not undermine the intent of the zone.

#### **15.7.4.4 Hours and Days of Operation and Amplified Music**

- a) Whether the activity would create adverse effects on the amenities of residential properties. The Council will not normally grant consent for activities which would create adverse effects. Potential adverse effects on the amenity of residential properties can come from noise or disturbance associated with the movements or actions of people to, from or within a premises, or can come from the nature or scale of an activity itself.
- b) The hours and days of general operation of the activity. The Council will normally only grant consent to extend the hours of general operation or the hours for amplified music, beyond those specified in [Rule 15.6.1.7](#) by a limited amount. Exceptions may occur where the scale of activity is small, the frequency of late night activity is low, and/or there is a considerable separation from any residential properties.
- c) Whether the proposal could meet the noise controls for the zone. The applicant must demonstrate either: that the scale of the activity would be sufficiently small; or that the site would be sufficiently distant from any residential zone; and the surrounding topography would be such that the proposal could meet the noise controls for the zone.
- d) The effectiveness of any mitigation measures in avoiding, remedying or mitigating adverse effects. The applicant must demonstrate that mitigation measures had been, or could and would be implemented.
- e) The proximity of the activity to residentially-zoned properties. The Council will normally adopt a more restrictive approach to activities on sites within 30 metres of a residential zone.

#### **15.7.4.5 Outdoor Activity on a Site**

- a) The outdoor activity proposed would meet the noise controls for the zone and would not cause any noise nuisance to adjacent residentially-zoned properties, or to business properties in any Business Park zone or business or residential properties in the Business 11A, 11B or 11C zones.
- b) The proposal would not visually detract from the amenity of any property with a residential or Business Park or Business 11A, 11B or 11C zoning.
- c) The applicant must demonstrate that measures to mitigate any potential noise or negative visual effects on properties with a residential, Business Park or Business 11A, 11B or 11C zoning had been or could and would be implemented.
- d) Particular care must be taken in the design and location of outdoor areas used in conjunction with licensed premises, or activities which regularly result in the congregation of a number of persons for social or recreational purposes, to ensure any adverse effects on nearby residential properties are avoided.

#### **15.7.4.6 Residential Development but excluding any site subject to Business Policy Overlay B1**

In the case of residential units created by the conversion of existing building/s:

- a) The ability of the applicant to satisfy the Council that the structure or construction detailing of the building is such that the building cannot be adapted economically to meet the control requirements.

#### **15.7.4.7 Structures and Buildings in the Airspace Above and Sub-soil Below Roads**

- a) The proposed development should not restrict the design and layout of the road above, and in particular, the placement of specimen trees, street furnishings and services.
- b) The extent to which any proposal adversely impacts on the pedestrian activity, street life, vitality, and vibrancy on the street.

- c) The extent to which the proposal provides for and impacts on, pedestrian safety and convenience.

In the case of structures and buildings in the airspace above roads, the following matters additional to those listed above shall be assessed:

- d) The extent to which the design is an architecturally coherent feature and avoids any provision for signing.
- e) The proposal should be designed to be visually unobtrusive in street views, and should complement but not necessarily mimic the character of buildings in the vicinity.
- f) The extent to which the proposal screens groups of buildings that are considered to have architectural merit or character, including landmark buildings and buildings that terminate street end views that have architecturally responded to their prominent position.
- g) The extent to which the proposal adversely foreshortens street views and disrupts coherent street rhythms, created by street furnishings, landscape planting or the characteristics of buildings themselves.
- h) The extent to which the proposal impacts on street and pedestrian amenity, and in particular, effects of shading, sunlight penetration and wind generation.
- i) The extent to which the proposal impacts on the street outlook from adjoining properties and street exposure of adjoining properties.

#### **15.7.4.8 Additional Height in Browns Bay Business Suburban 2 Zone**

The Council will consider the assessment criteria for Controlled activities as stated in [Rule 15.7.1.1](#) and [Rule 15.7.1.2](#) and the following specific criteria:

- a) The additional height should not occur over the whole of the building footprint. The Council will normally expect that the additional height would occur over no more than 35 percent of the area of the building footprint.
- b) Whether the development would diminish the value of the beachfront reserve to the community, in particular, its potential to adversely affect the character and amenity of that reserve through overshadowing and physical domination.
- c) The degree to which the additional height is used to provide interest to the streetscape and roofscape, rather than simply increasing the bulk of the building.
- d) Whether a development proposal which exceeds the height standards can be justified in terms of its landmark significance and its overall contribution to the local environment.
- e) Whether the additional height above 12.5 metres promotes variety in building form, with particular attention being given to avoidance of repetitive block-like (rectilinear) building profiles.
- f) Any future Centre Plan prepared for Browns Bay would also take more detailed account of specific height effects, such as view shafts.

#### **15.7.4.9 Landscape Amenity Yard: Control Flexibility Assessment Criteria**

The Council will take into account the following matters in assessing an application for control flexibility for the reduction/waiver of the landscape amenity yard:

##### **a) Integration**

- Location, intensity, orientation, character and bulk of the proposed development/landscaping, relative to abutting zones
- The actual and potential benefit to the public from abutting recreation land or proposed reserve, and the perceived importance of such benefit.

**b) Site Specific Characteristics**

- Topography
- Lot sizes
- Existing development
- Parking and access, including provision for emergency services
- Landscape features and trees.

**c) Visual Dominance and Shadowing**

- Resulting visual amenity
- Shading.

**d) Landscaping**

- Visual character and variety through integrated design
- Quality of landscaping
- Effects of screening or partial screening.

**15.7.4.10 Business 11 Zone: Maximum Height and Floor Area Ratio**

- a) Where additional height of up to two metres is sought, this should be to allow for variations in roof form to add visual interest.
- b) Where additional height is sought above 30 metres, the following criteria shall apply:
  - Buildings should be designed to avoid, remedy or mitigate adverse effects on public open space and residential development on the eastern side of State Highway 1. This is likely to restrict the ultimate height of buildings within certain parts of the zone.
  - 20% of the site area should be set aside as open space (e.g. plazas, gardens and pocket parks). This area should be located adjacent to a public street and be designed to ensure a good degree of sunlight access. The area may be retained in private ownership, but must be available for public use during daylight hours.
  - A significant public art work or works should be included as an integral part of the development.
  - Wind tunnel testing should be carried out to determine the impact upon the surrounding environment. This assessment shall take into account the types of activities at ground level around the proposed building and the likely impacts on these activities from the wind environment that would be created. Adverse wind effects that would cause a nuisance to pedestrians should be avoided or appropriately mitigated.

**15.7.4.11 Business 11 Zone: Front Yard**

- a) In the Business 11C zone, the front yard reduction will be assessed on the extent to which the privacy of residents will be protected, and the safety and amenity of the street is maintained. Where vertical separation is to be used to provide privacy, then the ground floor should be raised no more than 1.5 metres above ground level.
- b) In the Business 11D zone, on sites adjoining Oteha Valley Road, the front yard reduction will be assessed on the extent to which a visually appealing frontage to the development is achieved.

**15.7.4.12 Business 11 Zone: Landscaping Requirement**

For sites abutting Oteha Valley Road, the landscaping requirement may be reduced where a visually appealing frontage to the development is provided.

**15.7.4.13 Business 11 Zone: Maximum Building Setback**

- a) The extent to which the design of a proposed building, plaza or outdoor activity will

make a positive contribution to the street life and vibrancy of the area.

- b) The extent to which a strong urban form is able to be retained along the street frontage.

#### **15.7.4.14 Business 11A Zone: Maximum Building Separation**

- a) The extent to which the plazas, eating areas, arcade entrances and pedestrian through routes will make a positive contribution to the street life and vibrancy of the area.
- b) The extent to which a strong urban form is able to be maintained along the street frontage.

#### **15.7.4.15 Business 11 Zone: Location of Parking Areas**

Where Additional parking is proposed to be located directly between the front boundary and the frontage of a building along arterial roads:

- a) The extent to which adverse visual impacts on the street environment are avoided or mitigated through appropriate landscaping and design of the parking area.

Where ground floor parking occupying up to 20% of the street frontage or any space in public ownership is proposed:

- a) The extent to which pedestrian safety and amenity is ensured.
- b) The extent to which adverse effects on the appearance, continuity and character of the streetscape are avoided or mitigated.

#### **15.7.4.16 Business 11A Zone: Street Frontage Width and Design Features**

- a) An increase in the maximum ground level frontage width will be assessed on the extent to which an active, visually interesting street environment is created and maintained along the length of the street.
- b) A reduction in glazed areas fronting the main street will be assessed on the extent to which an active, visually interesting street environment is created and maintained along the length of the street.

#### **15.7.4.17 Business 11 Zone: Compliance with the Albany Centre Structure Plan**

- a) Local streets should be provided to ensure the same level of connectivity for pedestrians and motorists as that indicated on the Structure Plan.
- b) Reserves and open spaces should be in a similar location and of a similar scale to those indicated on the Structure Plan.

#### **15.7.4.18 Building Height in Relation to Boundary in the Business 12 - Mixed Use Zone**

- Larger buildings should ensure that there are no, or minimal adverse effects on access to daylight and sunlight, particularly for outdoor living area or main living areas of adjacent residential dwellings;
- Additional building height should be sympathetic to the surrounding landscape and landforms and retain visual and landscape values of prominent natural features;
- Additional height should have no adverse effects on adjoining sites in terms of loss of privacy through being overlooked from adjacent buildings and/or loss of view;
- In terms of visual dominance by buildings, there should be little or no adverse effects of increased height on the outlook from adjacent sites and public open spaces.

#### **15.7.4.19 Front Yard in the Business 12 - Mixed Use Zone**

- The location and area of setback should be designed so as to contribute positively to the continuity of buildings, frontage and verandah cover;
- The front yard should contribute positively to the relationship and compatibility of the building to adjoining buildings and others in the locality;
- Any front yard or setback should contribute positively to the streetscape and sense

of containment;

- The proposed use and development of the area of setback should have public or public amenity benefits;
- The setback should avoid overshadowing of public spaces;
- Front/setback screening elements such as trees, benches or screens should help maintain the street frontage;
- Any setback must avoid any concealed areas or other areas which could be a potential safety issue.

#### **15.7.4.20 Street frontage Width & Design in the Business 12 - Mixed Use Zone**

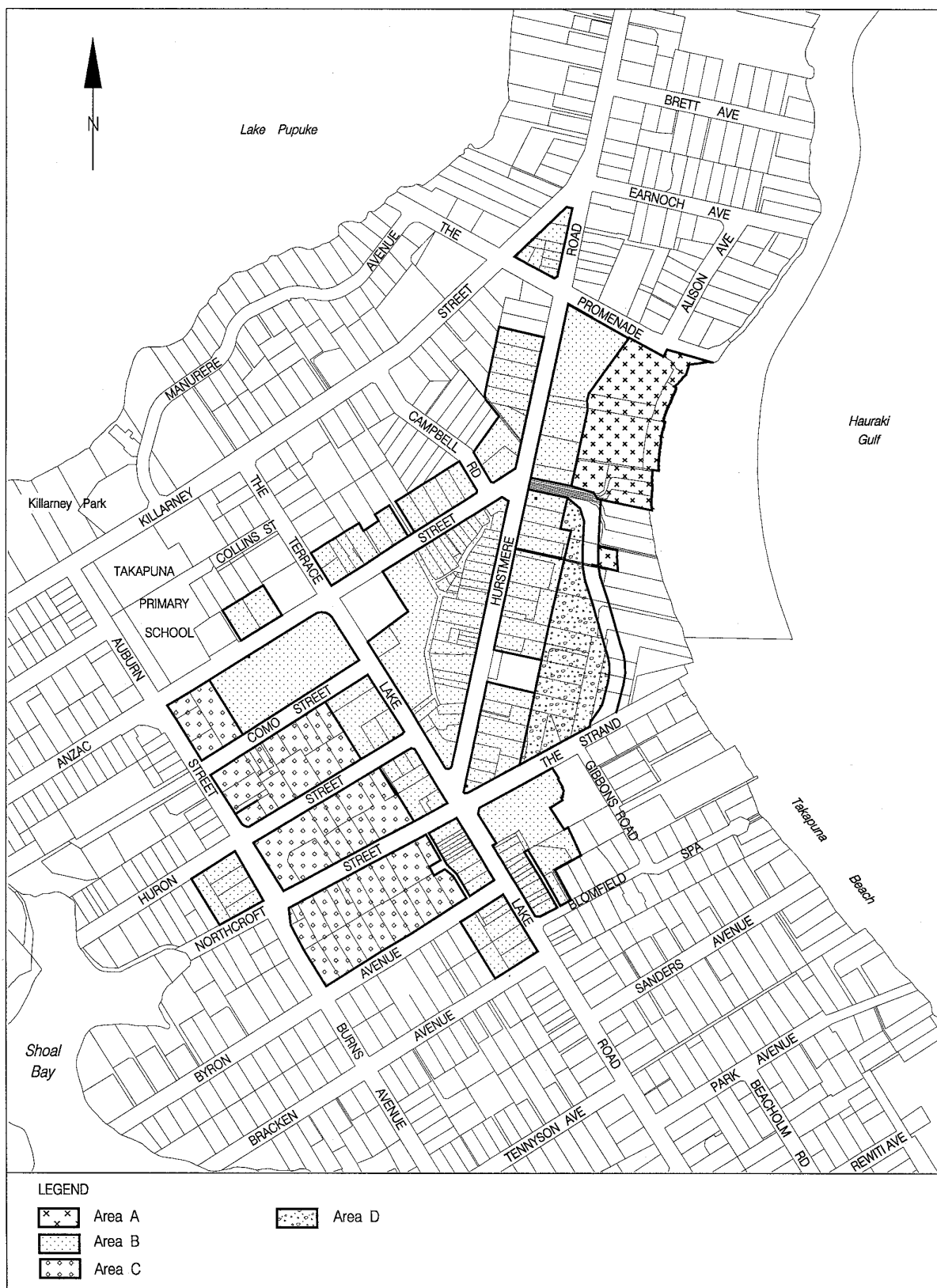
- Development along all street frontages should achieve good visual contact with the street
- The location and size of retail display windows should contribute to an interesting streetscape;
- The building frontage should contribute in a positive manner to the functioning of the area;
- The visual amenity of the streetscape should be enhanced by the scale, length and size of walls and where site amalgamation occurs or large sites exist, extensive building frontages shall be visually broken up through building separation and/or variation in building height, form and design to present a more fine grained building frontage;
- A high quality of building design, decoration (including the use of murals and artworks), colours or materials may compensate for the reduced retail display windows.

#### **15.7.4.21 New buildings, alterations and additions to existing buildings, and demolition in Business Policy Overlay B1**

Without restricting the Council's discretion in any way, the following factors will be considered:

- a) Generally, development will be required to comply with the development controls and additional development controls that apply to the zones in which the site is located, subject always to the need to respond to and be consistent with all relevant policies.
- b) Where a site is located within the Buffer Strip, the assessment criteria in Rule 15.7.1.6 "Buffer Strip Development" also apply.
- c) Compliance with the Urban Design Code should be demonstrated in the Context Analysis and Design Statement required by Rule 15.6.2.11 to be submitted as part of the application for consent.

## Appendix 15A Central Takapuna Business 3 Zone

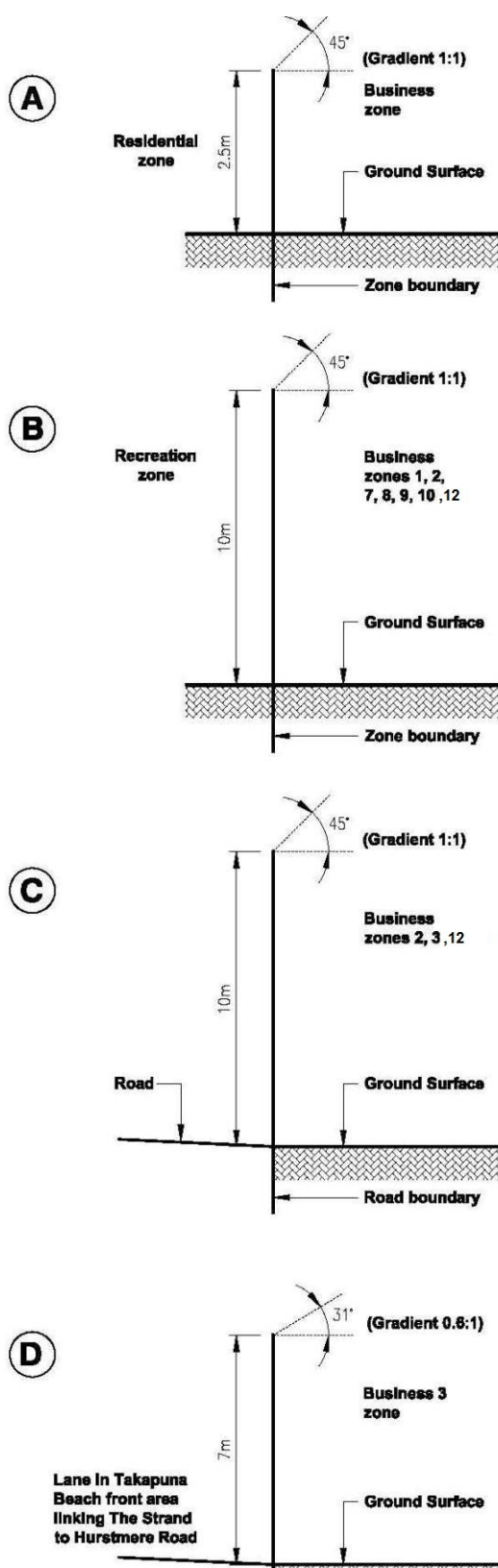


PCR 663  
Planning Map 26





## Appendix 15C Sloping Height Planes, Building Height in Relation to Boundary for Business Zones



### For all business zoned sites

No part of any building on a site zoned Business 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 shall exceed a height of 2.5 metres plus the horizontal distance between that part of the building & the nearest part of any residential zone boundary, or any land designated for a school at the time the Plan is notified (e.g. Birkenhead Primary School).

### For sites zoned Business 1, 2, 7, 8, 9, 10, 12

No part of any building on a site zoned Business 1, 2, 7, 8, 9, 10, 12 shall exceed a height of 10 metres plus the horizontal distance between that part of the building and the nearest part of any recreation zone boundary.

### For sites zoned Business 2 & 3 Areas A, B and D and Business 12

No part of any building on a site zoned Business 2 or 3 Area A, B, D or Business 12 shall exceed a height of 10 metres plus the horizontal distance between that part of the building and the nearest part of any road boundary.

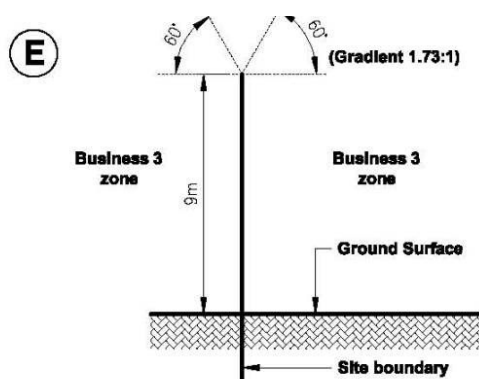
### For Takapuna beach front area

No part of any building on a site with frontage to the new beach front lane area in central Takapuna shall exceed a height of 7 metres plus 0.6 times the horizontal distance between that part of the building and the nearest part of any road boundary.

#### RULE:

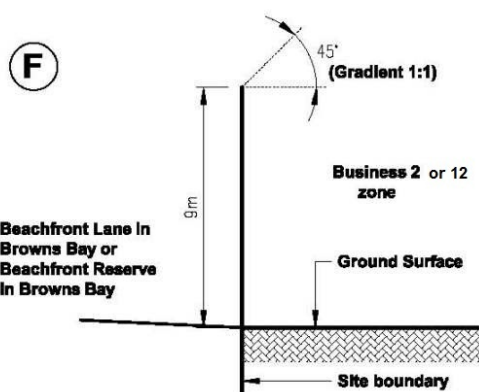
No part of any building shall penetrate the Sloping Height Planes as shown in the above diagrams.





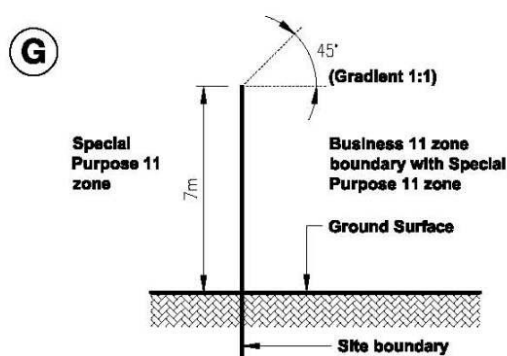
**For sites zoned Business 3 Areas A, B and D**

No part of any building on a site zoned Business 3 Area A, B or D shall exceed a height of 9 metres plus 1.73 times horizontal distance between that part of the building and the nearest part of any site boundary except the road boundary.



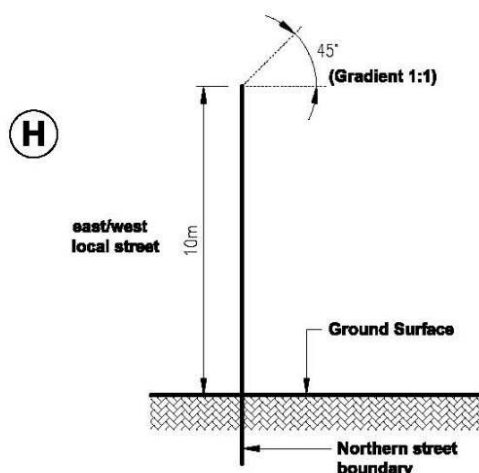
**For Browns Bay beach front area**

No part of any building on a site zoned Business 2 or Business 12 in Browns Bay shall exceed a height of 9 metres plus the horizontal distance between that part of the building and the nearest part of either the beachfront reserve or the beachfront land, whichever is the nearest.



**Business 11 Zone Boundary with the Special Purpose 11 Zoned land**

No part of any building on a site zoned Business 11 that adjoins any Special Purpose 11 Zoned land shall exceed a height of 7 metres plus the horizontal distance between that part of the building and the nearest SP 11 zone boundary.



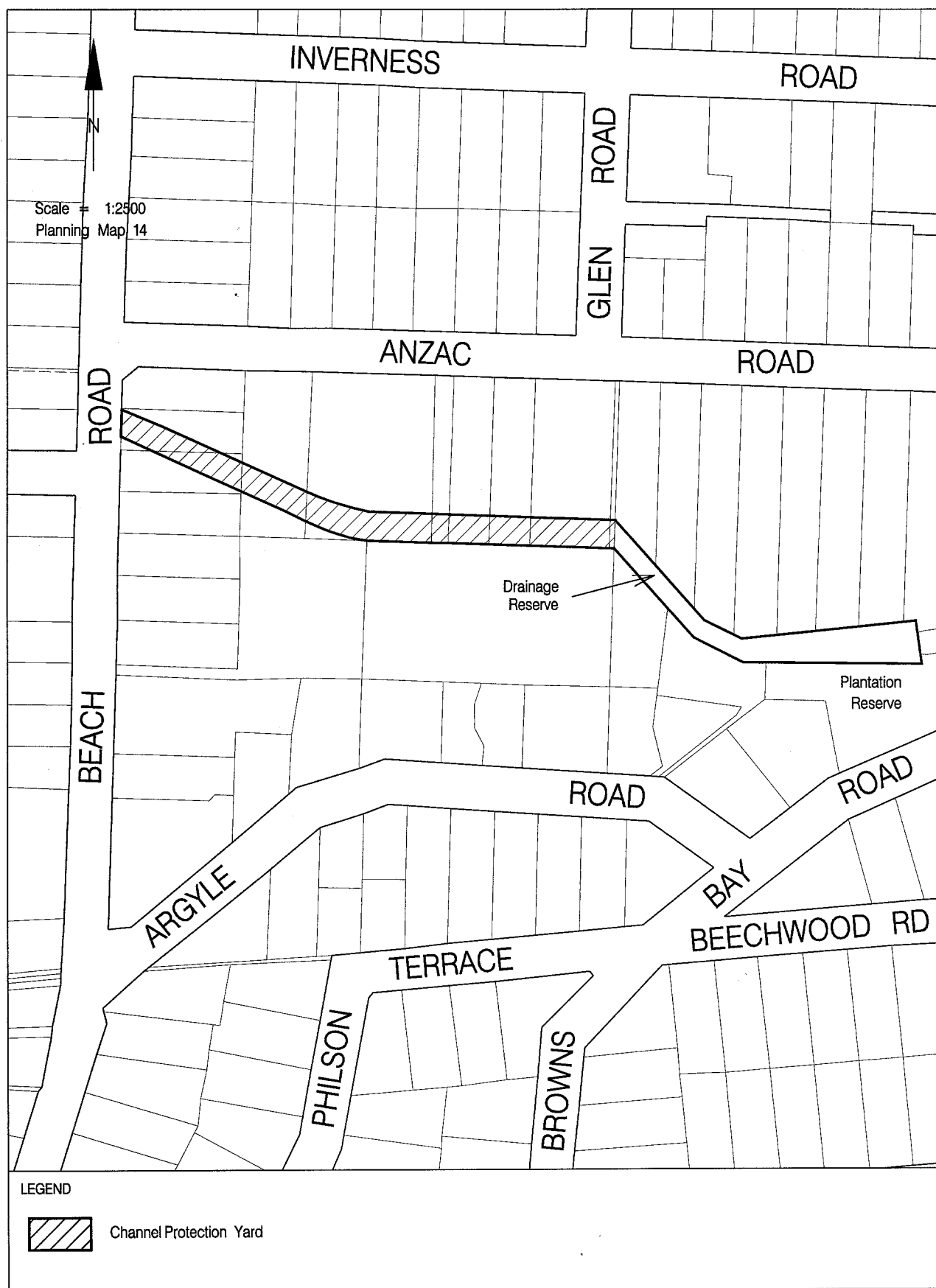
**Business 11A, 11B and 11C zones (east/west local street from Cornerstone Drive to termination near Appian Way):**

No part of any building on a site zoned Business 11A, 11B and 11C located on the northern side of the east/west local street (from Cornerstone Drive to termination near Appian Way) shall exceed a height of 10 metres plus the horizontal distance between that part of the building and the nearest east/west street boundary.

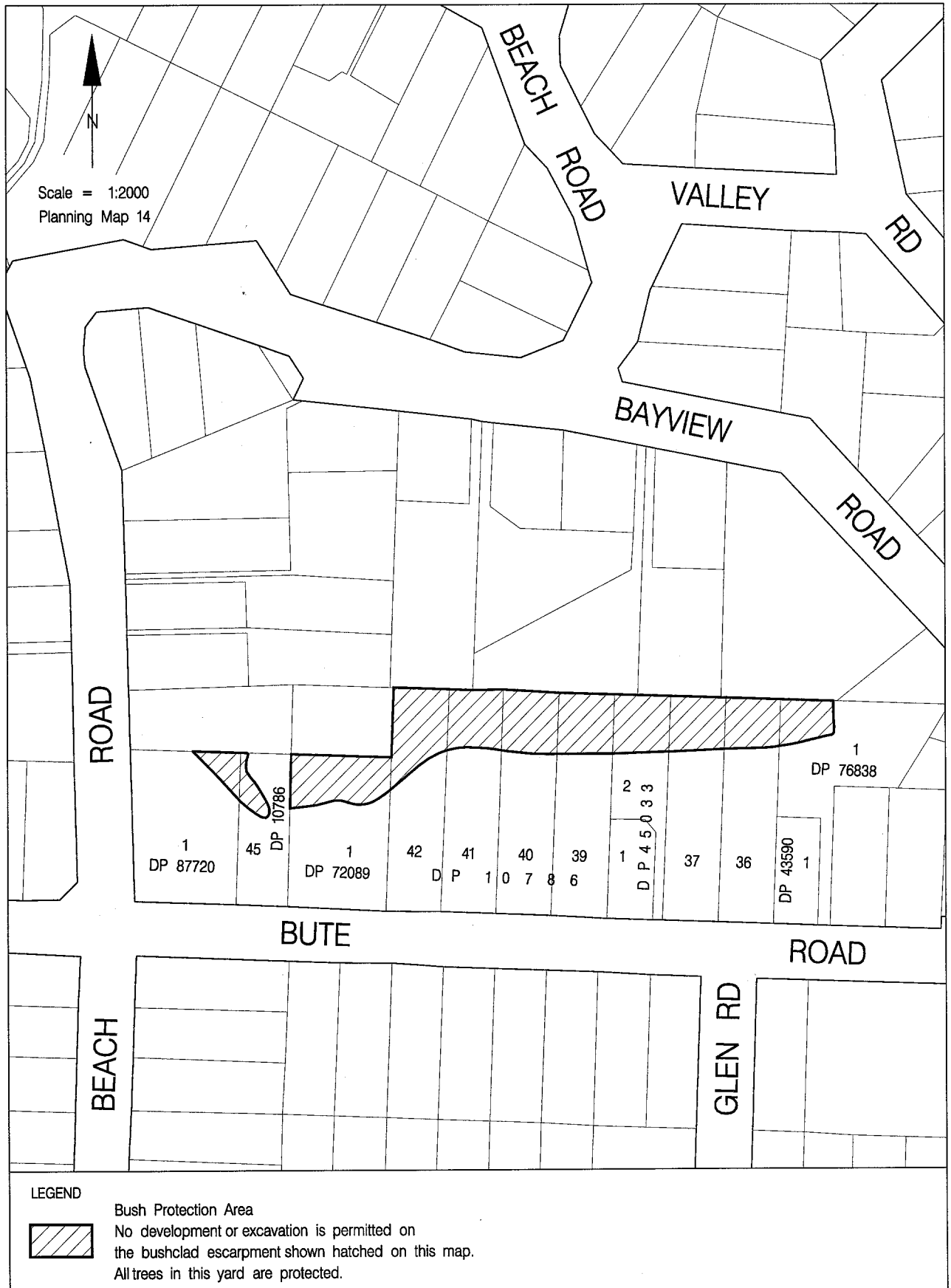
**RULE:**

No part of any building shall penetrate the Sloping Height Planes as shown in the above diagrams.

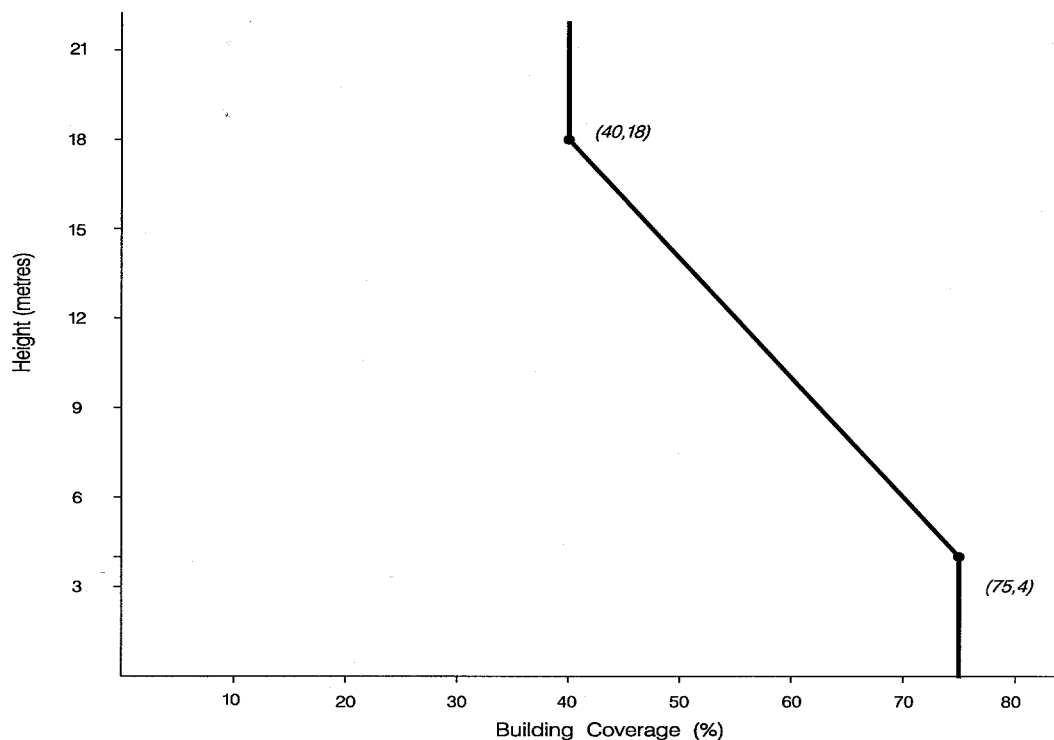
## Appendix 15D Channel Protection Browns Bay Business Area



## Appendix 15E Bute Road Bush Protection



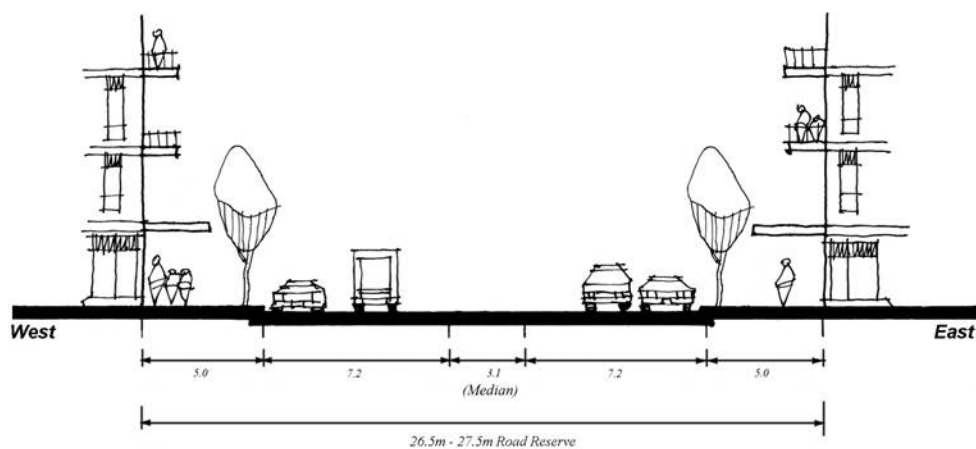
## Appendix 15F Building Height/Building Coverage Bonus Control for Business 3 Zone, Areas B, C and D



### EXPLANATION

This provision requires that the maximum permitted coverage of all buildings on a site at given heights shall decrease at each successive level upwards, in accordance with the appendix graph. For example, a building may occupy up to 75 percent coverage up to 4 metres in height, but 18 metres in height, that same building shall not have a coverage greater than 40 percent.

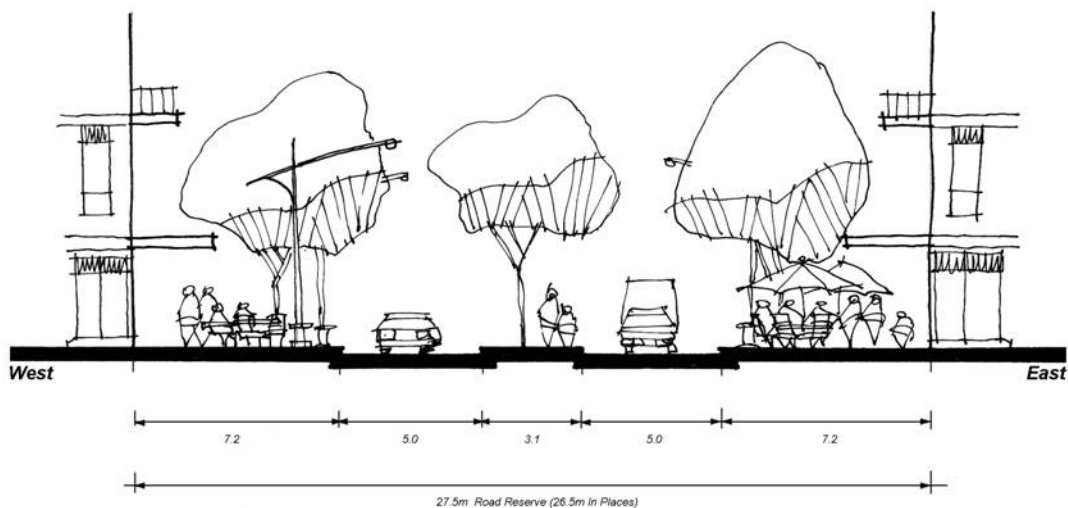
## Appendix 15G Albany Centre Street Cross Sections



### Design Features

- Tree planting B
- Small upright trees
- 5 metre centres
- Fully paved footpaths

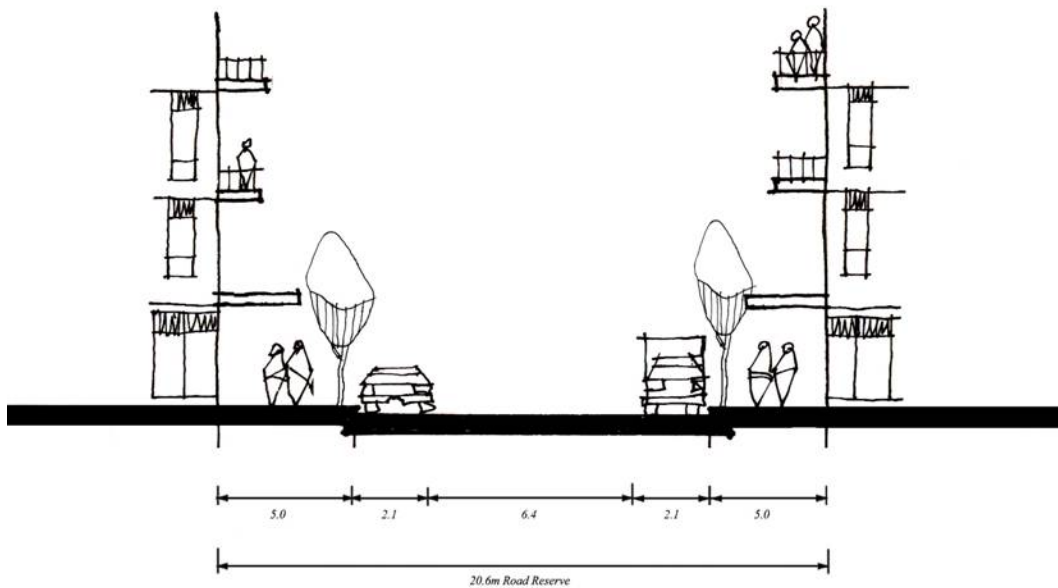
### 1. Collector (Main Street)



### Design Features

- Set of 6 large spreading trees at crossing
- Fully paved footpaths

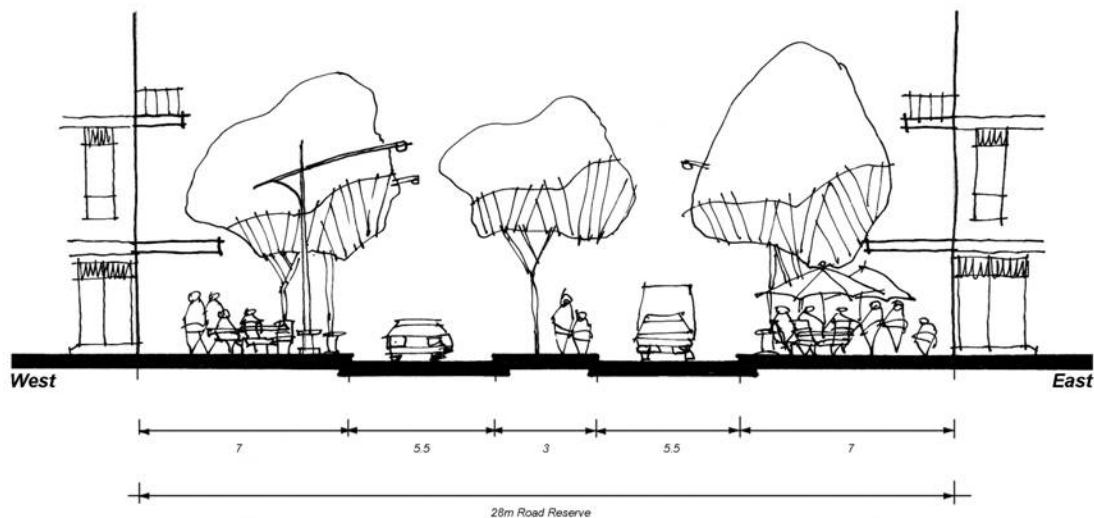
### 2. Collector (Main Street) – Pedestrian Crossing



#### **Design Features**

- Small upright trees
- 5 metre centres
- Intermittent large spreading trees – set of four replacing parking bays at pedestrian crossing areas
- Fully paved footpaths

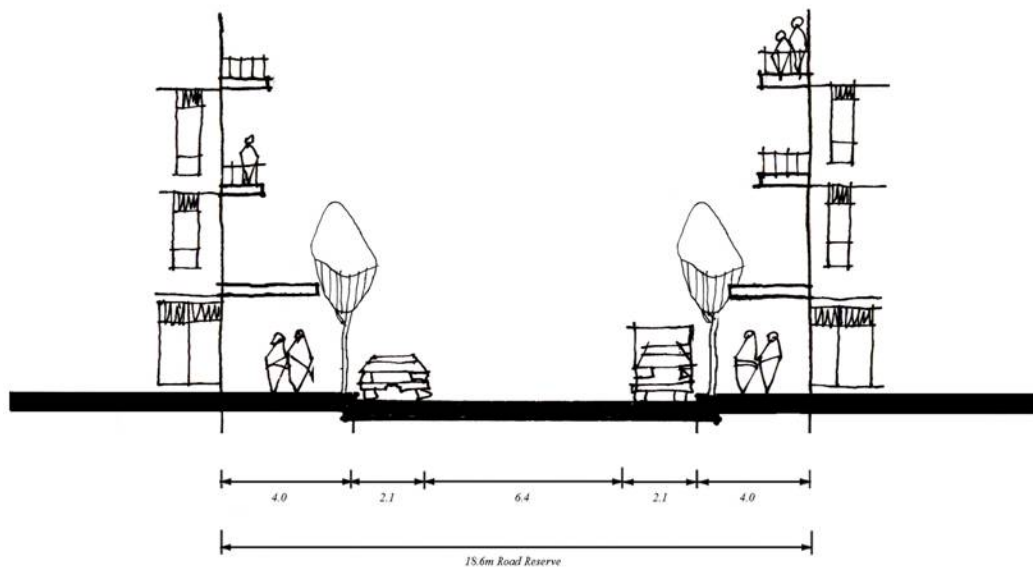
#### **3. Local Street: (Main Street)**



#### **Design Features**

- Tree planting A
- Large spreading trees
- 8 metre centres
- Berms landscaped with paved footpaths a minimum of 4.5 metres wide

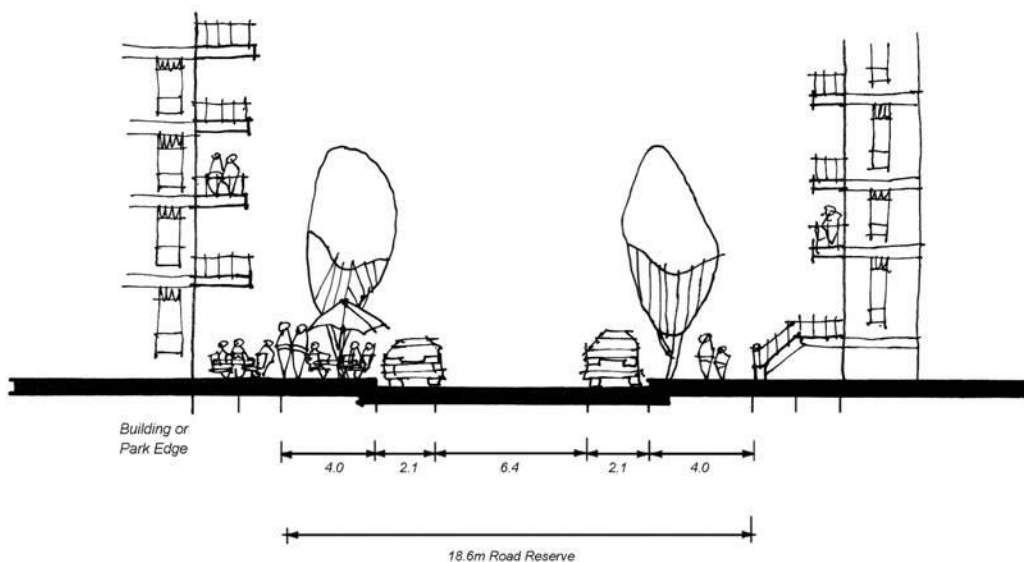
#### **4. Local Street: North Entry**



**Design Features**

- Small upright trees
- 5 metre centres
- Intermittent large spreading trees – set of four replacing parking bays at pedestrian crossing areas
- Fully paved footpaths

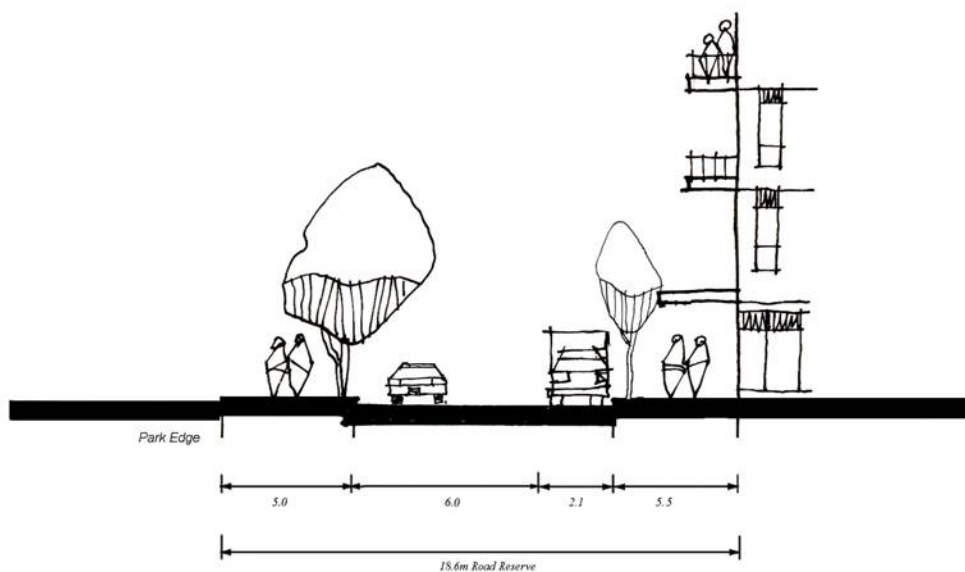
**5. Local Street: East - West / Business 11A / 11B**



**Design Features**

- Upright spreading trees
- 8 metre centres
- Paved footpaths a minimum of 3m wide

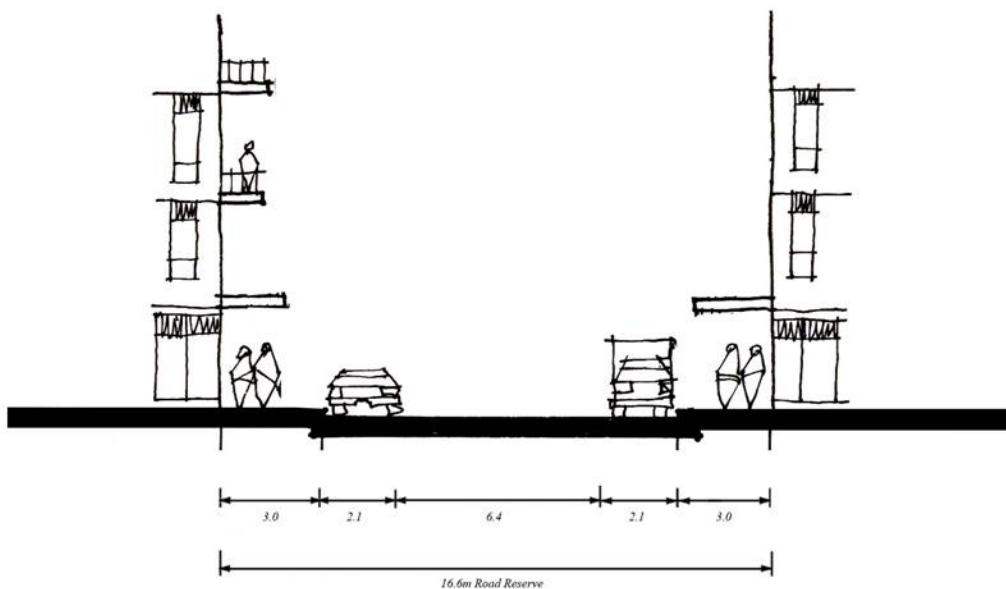
**6. Local Street: Business 11C**



**Design Features**

- Mix of large spreading and small upright trees
- Footpaths fully paved

**7. Local Street: Northern Park Edge**

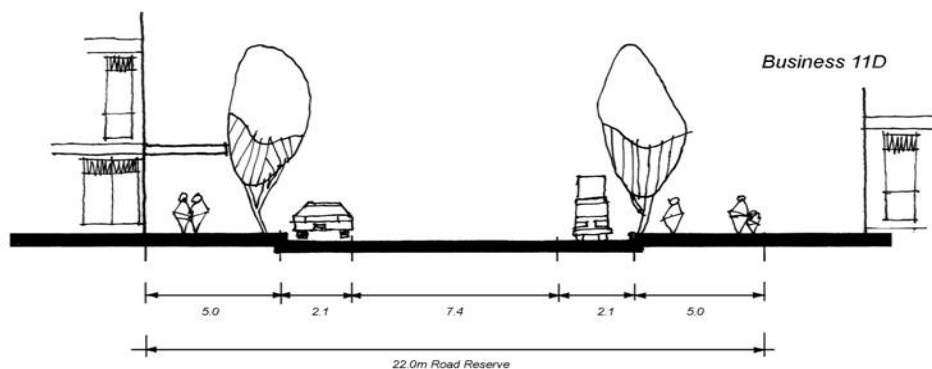


**Design Features**

- Fully paved footpaths
- Intermittent small trees

**8. Other Local Streets  
Private Accessways over 50m**





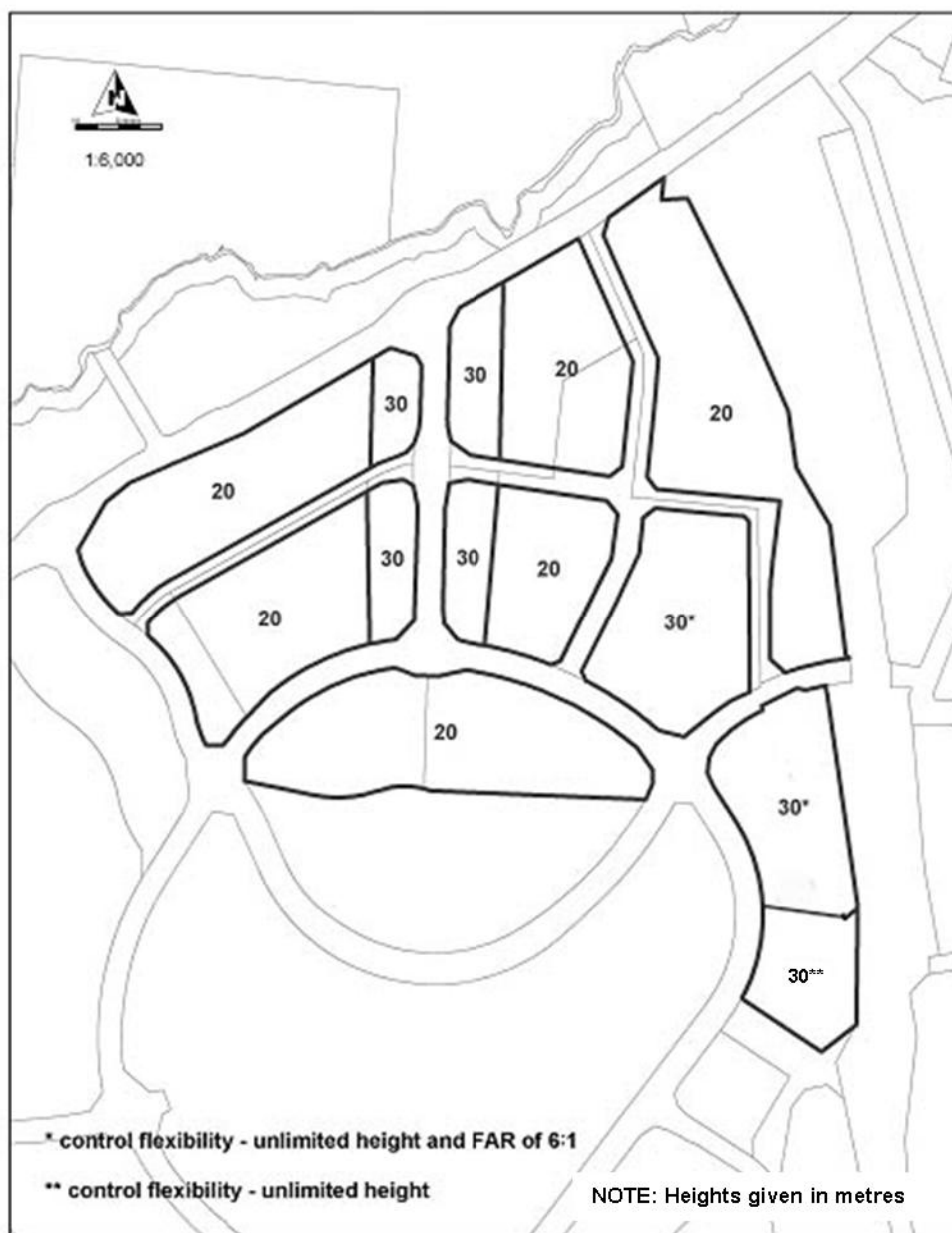
### 9. Collector (Commercial): Northern Entry to Appian Way

#### Design Features

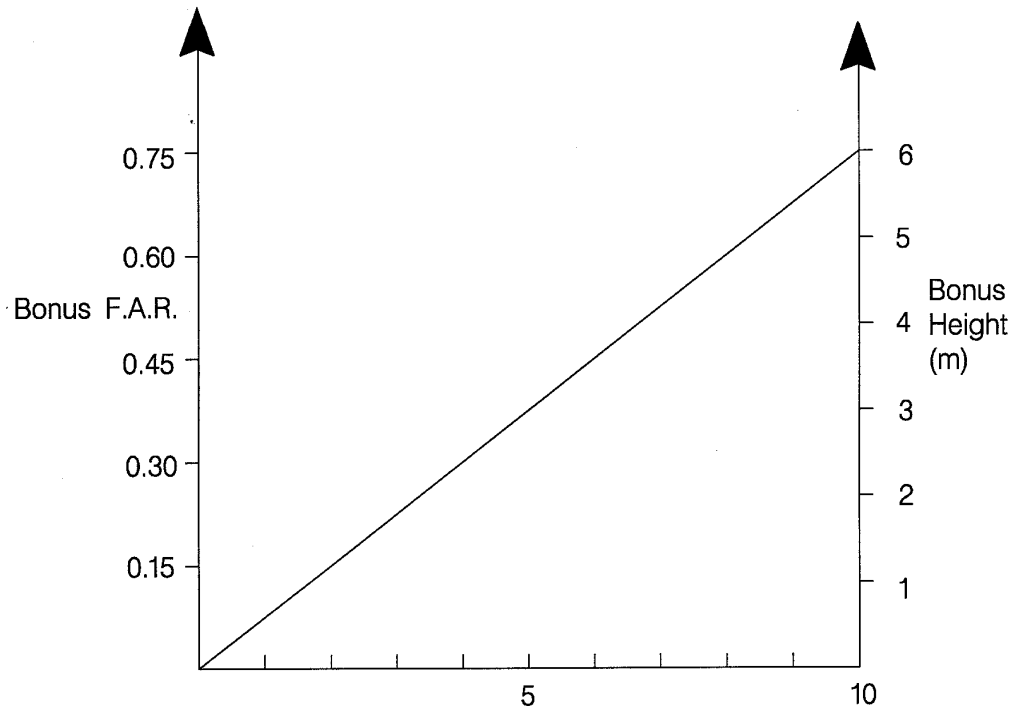
- Tree Planting B
- Upright Spreading Trees
- 8m Centres
- Footpaths fully paved on Business 11C side of street
- Min of 3m paved footpath on Business 11D side of street

NOTE: The Buildings illustrated in Diagrams 1 to 9 are intended to provide context only. Applicants should note that landowner and resource consents are required in order to establish balconies within Council road reserve.

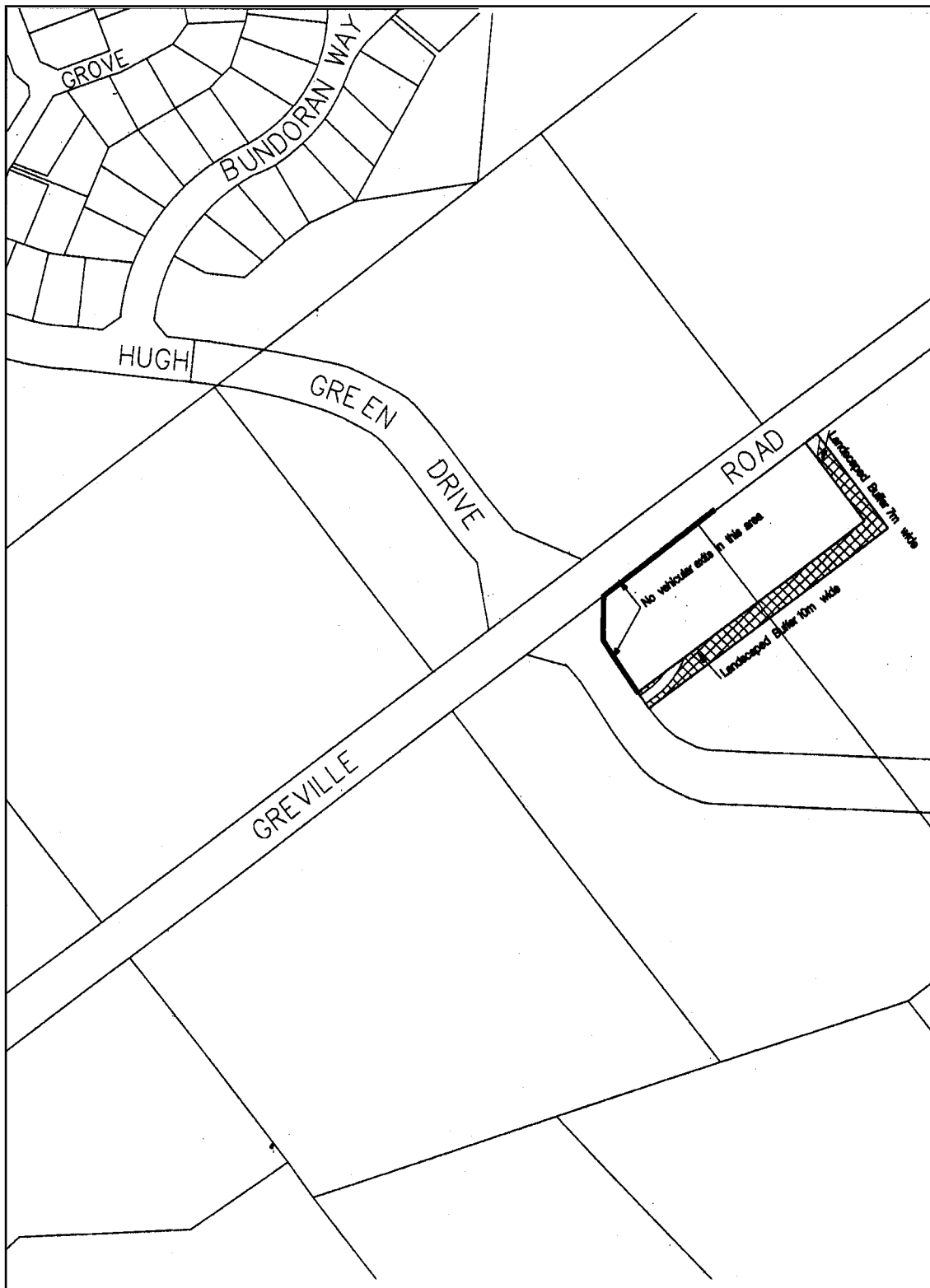
## Appendix 15H Business 11 Zone Height Plan



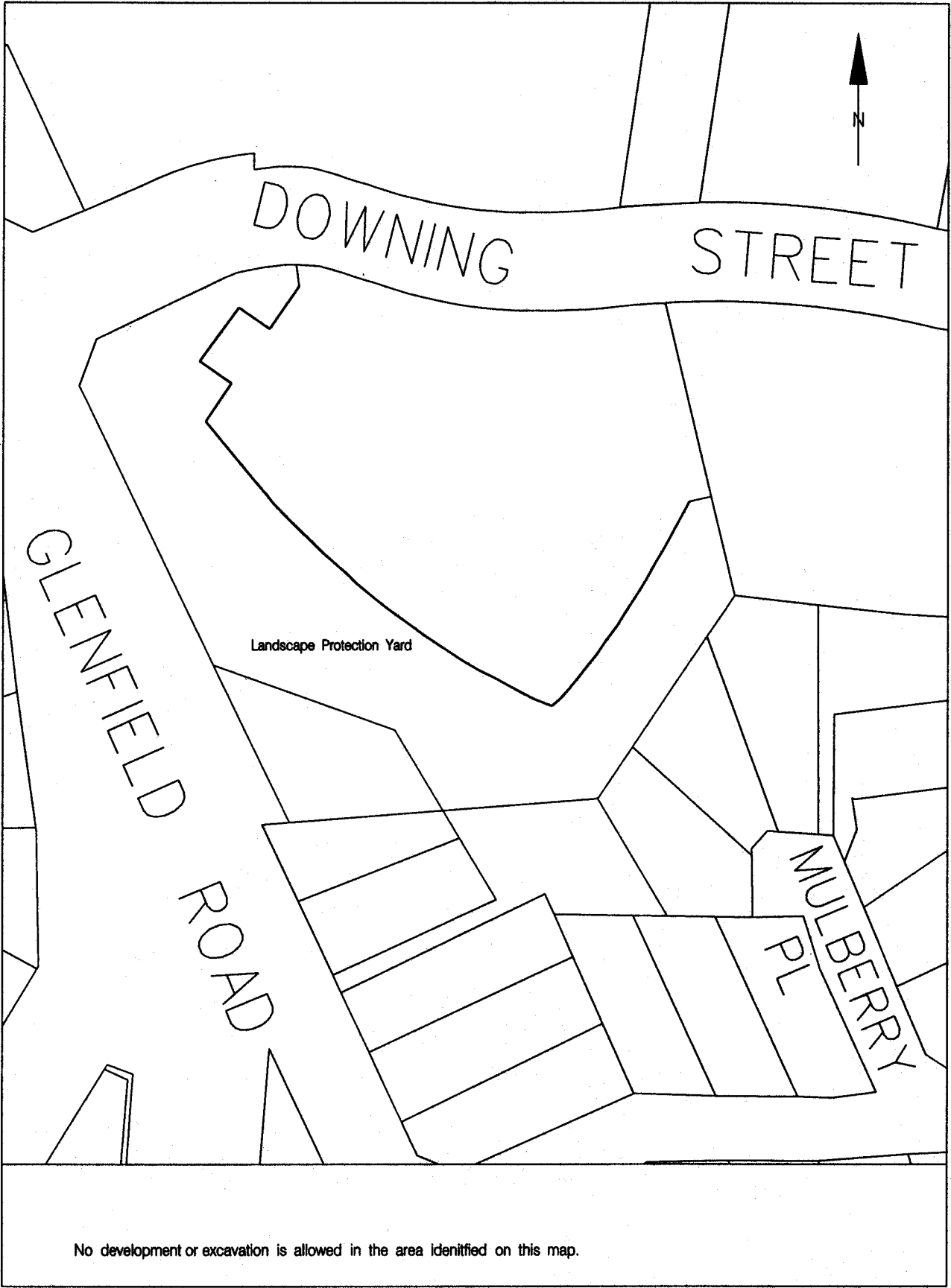
# Appendix 15I Diagram for Height and F.A.R. Bonus Applying to Smales Farm



**Appendix 15J**    **Concept Plan for 229 State Highway 17, 18-22 Library Lane & 568 Albany Highway**



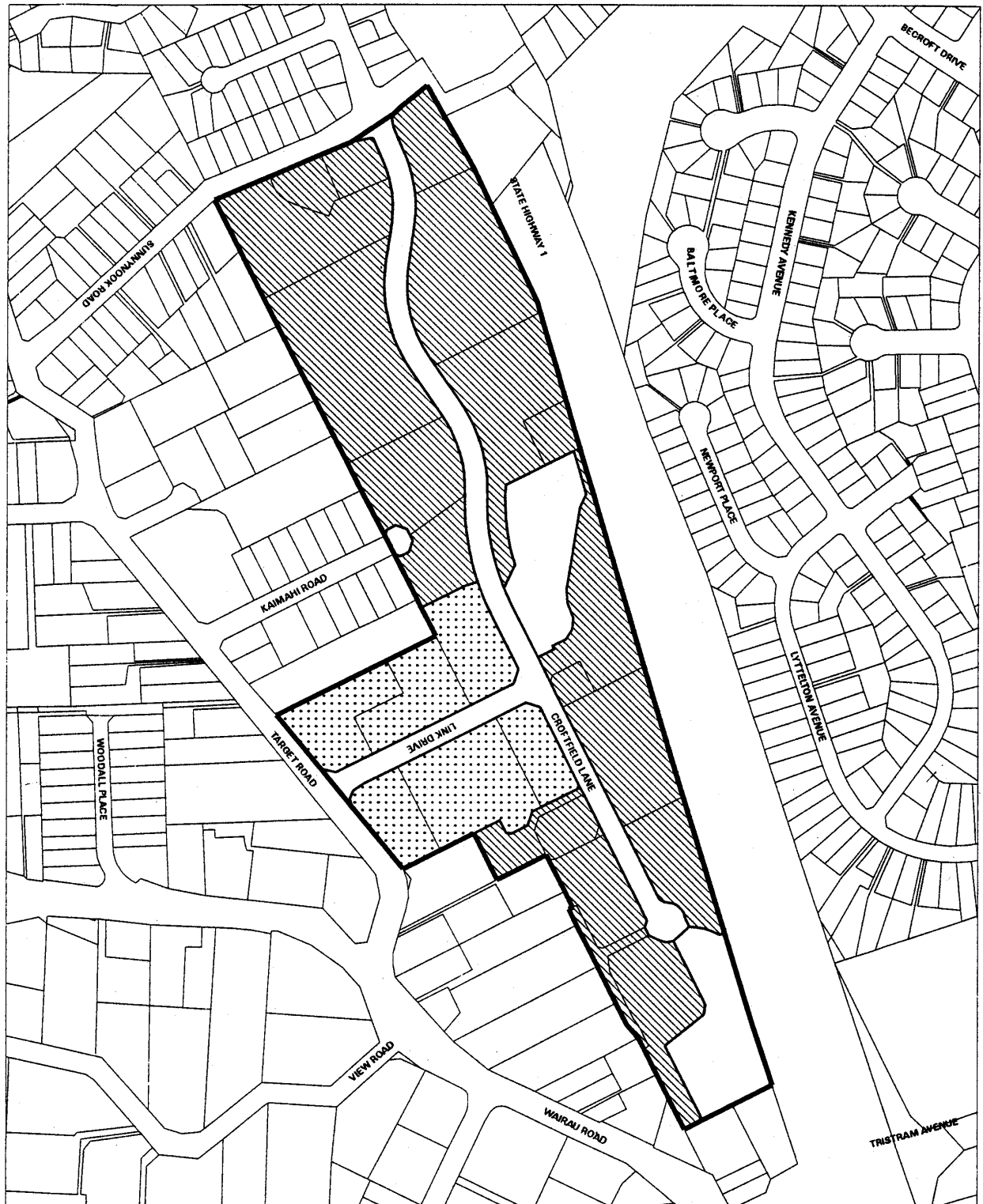
**Appendix 15K**    **Landscape Protection Yard**



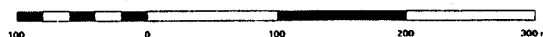
## Appendix 15L Wairau Park Zones



### Wairau Park Zones

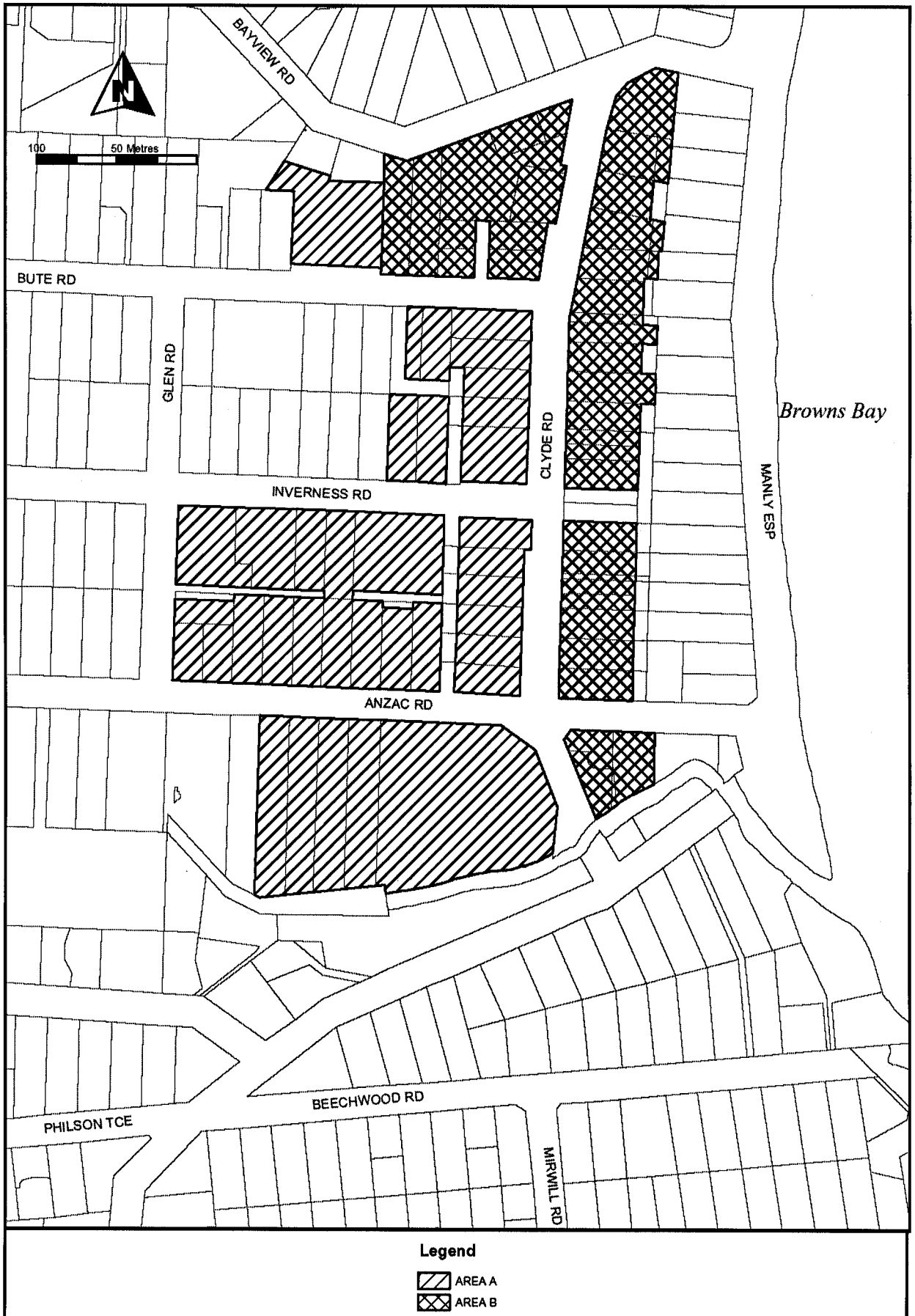


TAKAPUNA



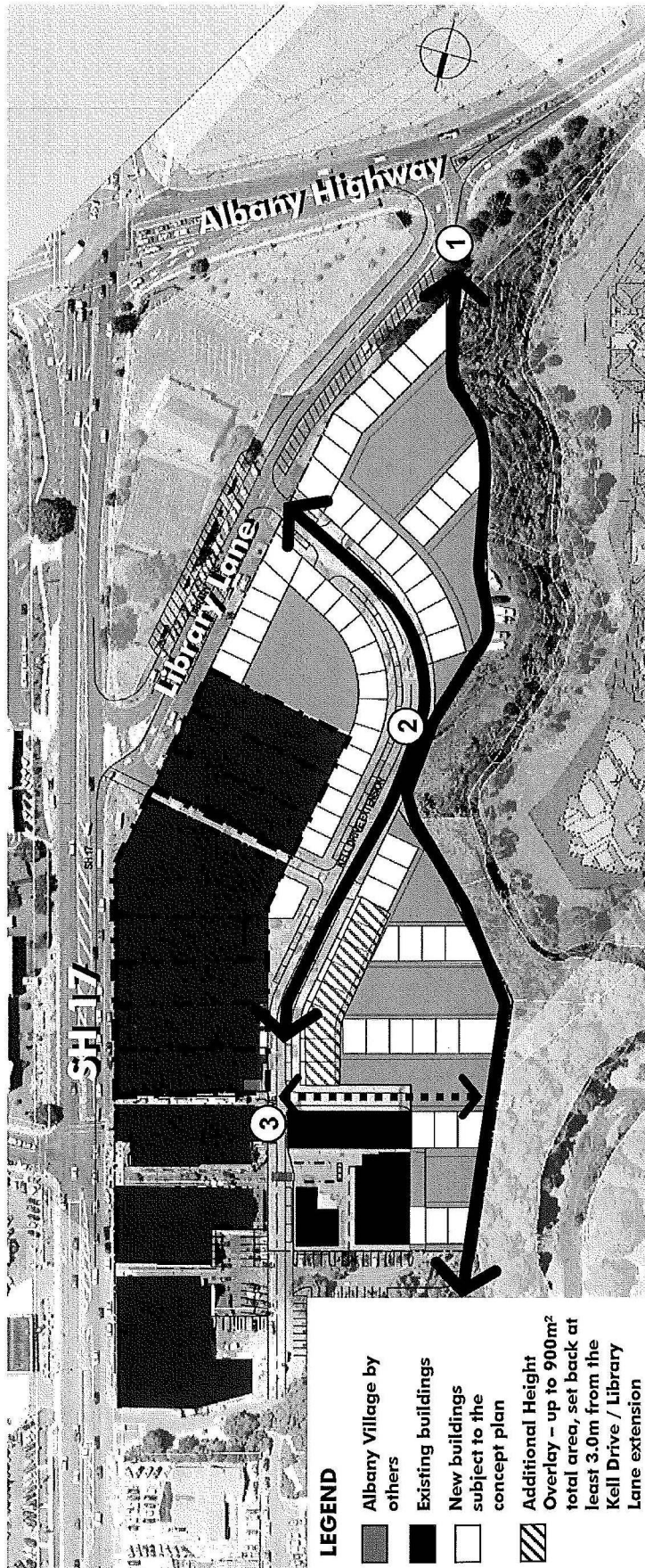
Planning MAP 20

## Appendix 15M Browns Bay Business 2 Zone - Height Areas





## Appendix 15N Concept Plan for 229 State Highway 17, 18-22 Library Lane & 568 Albany Highway



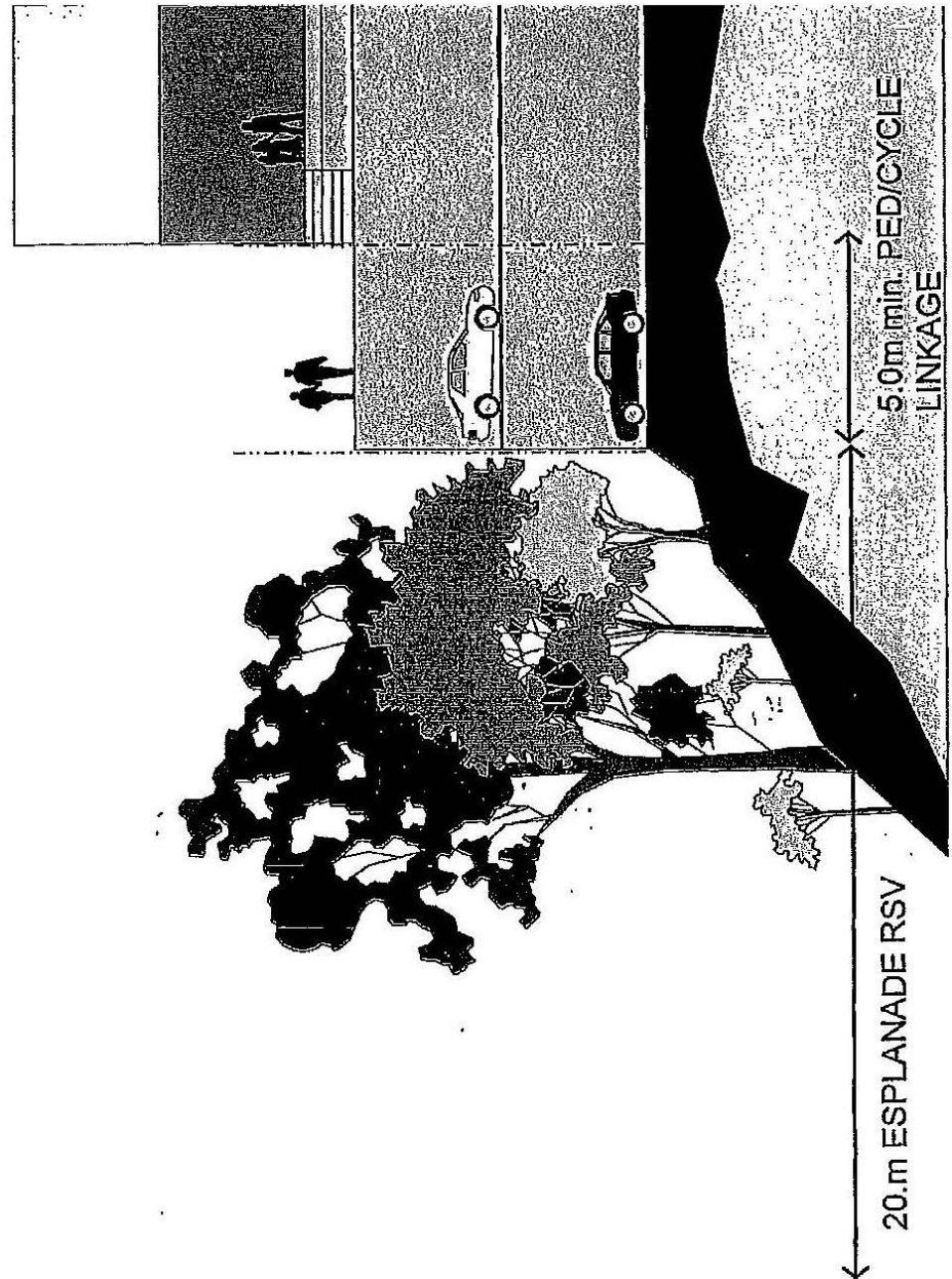
### Albany Village Concept Plan Design Features

- Minimum 5m wide continuous pedestrian link with full public access between Kell Park and the Albany Highway (1), connecting with a new internal street (2) and where possible other pedestrian links to State Highway 17 and/or Library Lane (3).
- Esplanade reserve of up to 20m to be provided and re-vegetated as required.
- Buildings designed and oriented to present minimal building bulk along the creek / esplanade edge. No more than 40% of the creek / esplanade boundary length to be 'built', leaving at least 60% unbuilt and governed by open space 'void' controls.
- A full public access internal street (2) designed to operate as an active-edge pedestrian friendly 'main street'.
- Open spaces adjoining the esplanade-edge pedestrian link to be no more than 1.0m higher than the level of the walkway. Aside from any portion of these spaces required for private living space by ground floor units, these open spaces remain unfenced / unscreened. Private living spaces in these open spaces have up to 1.0m of solid fencing height, with permeable fencing / screening above this height.



## Albany Village Concept Plan Esplanade Edge Indicative Section

- Up to 2 level tall podium for the length of creek / esplanade boundary, with a 5m minimum width full public access pedestrian/cycle linkage along top.



## **Appendix 15O Buildings in the Business Policy Overlay B1 subject to demolition controls in Rule 15.5.1.5 c)**

**Note:** 'Building' includes all buildings, except accessory buildings, unless otherwise stated.

**The buildings at the following addresses have been identified as having 'heritage character defining' significance in their localities:**

### **Hinemoa Street**

94 Hinemoa Street  
100 Hinemoa Street – two storey corner building  
102-108 Hinemoa Street – shop and villa  
110-112 Hinemoa Street  
128-130 Hinemoa Street  
134A Hinemoa Street  
140 Hinemoa Street

### **Northcote Point**

173 Queen Street  
141 Queen Street  
130 Queen Street  
115 Queen Street

### **Devonport**

20 Wynyard Street  
86 Calliope Road  
1 Kiwi Road  
72 Calliope Road  
31 Calliope Road  
161 Victoria Road  
29 Church Street – two storied building  
33 King Edward Parade  
35-39 King Edward Parade (but not including the accessory buildings on the sites, being accessory buildings that existed as at February 2013)  
16 Vauxhall Road  
89 Vauxhall Road – Shop  
87 Vauxhall Road  
91A Vauxhall Road  
1 Victoria Road – Esplanade Hotel  
3 Victoria Road  
5-19 Victoria Road  
10 Victoria Road  
14 Victoria Road

18 Victoria Road  
 25 Victoria Road  
 38 Victoria Road  
 37-39 Victoria Road  
 33-41 Victoria Road  
 49 Victoria Road  
 53-55 Victoria Road  
 56 Victoria Road  
 57-59 Victoria Road  
 61-67 Victoria Road  
 69-71 Victoria Road  
 73-79 Victoria Road  
 81 Victoria Road  
 83 Victoria Road  
 95-103 Victoria Road  
 5 Clarence Street

**The buildings at the following addresses have been identified as having 'historic character supporting' significance in their localities:**

**Hinemoa Street**

100 Hinemoa Street - Northern building

**Northcote Point**

143 Queen Street - Villa at rear

120-128 Queen Street

**Devonport**

1 Fleet Street

14 Clarence Street, front portion only, being the 1924-5 addition at the street frontage (including canopy)

28-30 Clarence Street

89 Vauxhall Road - villa at rear

27-29 Victoria Road

## Appendix 15P Milford Intensive Residential Development Overlay

