

**PART 5 COMMERCIAL ZONES**

**RETAILING, OFFICE FUNCTIONS, ENTERTAINMENT FACILITIES, RESIDENTIAL, CENTRAL BUSINESS AREA**

**5.1 INTRODUCTION**

Commercial development, in different built forms and levels of intensity is located throughout the District. This part of the Plan sets out the provisions with respect to commercial activities throughout the District. The provisions recognise Papakura's Central Area roles as a future Sub-Regional Centre in the Regional Growth Strategy ("RGS"), and as a key transfer point within the Southern Rapid Transit corridor. They also recognise the degree of interrelation that has evolved between the Central Business Area ("CBA"), the existing smaller commercial nodes and future commercial nodes within planned residential intensification areas, such as Takanini and Hingaia. The sustainable management of these established and planned centres will also be advanced through the accommodation, in the Commercial 2 zone at Takanini of activities which supplement and/or complement, these established and planned centres. The provisions also ensure that intensification through mixed-used development is carried out in a way that environmental and community values are protected. See Section One Part 4 of the District Plan.

To secure integrated resource management of commercial activities the District Plan relies upon a number of techniques of control including clearly defined zones of activities (zoning), and performance standards relating to the environmental effects of activities.

**5.2 OVERVIEW**

Commercial activity is one of a range of means by which District resources are converted into economic activity. In conjunction with rural production and industrial activity, commercial activity provides an economic foundation for the District enabling employment and wealth. It allows the emergence of social and economic well-being in the community.

Commercial activity includes the traditional arrangement of activities such as retailing, offices and entertainment facilities located in commercial precincts. This commercial model has resulted in a pattern of activities comprising concentrations of activity in a limited number of locations. More recently, however, the nature of commercial activity has evolved such that there is a broadening of both scope and scale, along with a more diverse locational pattern.

Residential intensification of the District through planned residential neighbourhoods has also introduced the need to provide some level of commercial activity for the convenience of future residents.

The commercial environment itself is a matter of concern because its future sustainability and productivity impacts significantly on the wider environment of Papakura District and on the social and economic well-being of the community. The overall quality of the environment of Papakura is to a large extent dependent upon the range, quality and location of adequate shopping and commercial opportunities. The continuation of both small and large commercial activity nodes offers significant

environmental and community benefits and deserves appropriate resource management responses.

The Central Business Area is the traditional shopping precinct of Papakura and has accommodated the development of commercial and retailing activities over many decades. The pre-eminent commercial and retailing centre within the District, the Central Business Area constitutes a significant physical resource in terms of the existing infrastructure and commercial and community facilities.

Papakura Central Area, of which the Central Business Area forms a part, is identified as a future sub-regional centre of greater Auckland (*Auckland Regional Growth Strategy: 2050*), with the intention of accommodating additional population in an environment that provides a range of living and working opportunities within a compact and accessible area. This reflects the Central Area's strategic location next to the North Island Main Trunk Rail Corridor. In this regard Papakura is also identified in the Regional Land Transport Strategy as a key transfer point within the Southern Rapid Transit Corridor.

To perform these future roles, Papakura will have to maintain and enhance the amenity values of the Central Area as a business centre and community focal point. It will also have to introduce land use measures that support passenger transport, including the enablement of residential activities within the Central Business Area.

In providing for a mix of activities it is important to ensure that the presence of sensitive activities i.e. residential, does not adversely affect other activities in their vicinity in terms of placing constraints on the conduct of those other activities (the concept of reverse sensitivity). Appropriate management is required to ensure that intensive forms of development, incorporating a mix of commercial and residential activities, contribute to the amenity, safety and vitality of the Central Business Area, but do not threaten its viability as the principal commercial node within the District.

The Commercial 2 zone at Takanini has been subject to commercial development which supplements and complements the Central Business Area. This area will be carefully managed, through the setting of Objectives, Policies and other provisions intended to ensure that activities provided for supplement and/or complement, the activities envisaged for the Central Business Area.

The provisions set out in the District Plan recognise the desirability of conserving the significant resource that the CBA represents while enabling the further efficient and effective use of buildings and infrastructure. The objectives, policies and rules are directed at securing an environment within which further growth and development of commercial and residential activity may take place, and at establishing as a key policy direction the maintenance of an efficient and viable central commercial centre.

It is recognised that the provisions of the District Plan will not in themselves guarantee the vitality of the Central Business Area.

### **5.3 RESOURCE MANAGEMENT ISSUES**

- The environmental quality of the commercial areas and the effects of commercial activities on the surrounding land uses.
- The continuation of a range of commercial activity areas providing adequate accessibility for the community.

- The maintenance of the integrity of the Central Business Area as the primary commercial precinct within the District along with other existing and future commercial areas of an appropriate scale and location.
- The need to provide for more intensive development within the Central Business Area through the provision of mixed commercial/residential uses, without adversely affecting the quality of the environment, amenity and people's social and economic well-being, health and safety.
- The extent of the dispersion of commercial activities to non commercial areas.
- The efficient provision for the 'convenience' needs and employment opportunities for the community within future planned residential areas of the District

#### **5.4 RESOURCE MANAGEMENT STRATEGY**

- To retain the Commercial 1, 2 and 4 zones; to widen the range of activities in the Commercial 3 zones, in particular the introduction of residential activity; and to allow for Mixed Use zones within the neighbourhoods of identified growth areas.
- To manage the Commercial 2 zone at Takanini in order to accommodate activities which will supplement and/or complement those of the Central Business Area.
- To achieve a form of development comprising a mix of retail, commercial, community and residential activities whilst providing an appropriate transition between, and interface with, the Commercial 2 zone at Takanini, the railway corridor and surrounding Residential zones.
- To manage the pattern of commercial zones in order to provide accessibility to commercial activities for the community, having particular regard to pedestrian, cycle and public transport accessibility.
- To protect amenity values within the commercial zones in particular the Core Retail Area within the Central Business Area.
- To limit the adverse effects of commercial activities on adjacent activities, in particular residential and open space activity.
- To provide for residential activity in the Central Business Area in a way that does not place constraints on the conduct of commercial activities and which is supportive of passenger transport.
- To enable non-retail commercial activities to exist or establish in all zones subject to the control of adverse environmental effects.

#### **5.5 DESIRED OUTCOMES**

- Commercial and retail activities are the predominant activities in all commercial zones.
- Adverse impacts of commercial zones on residential neighbourhoods and public open space are minimized.
- A Central Business Area able to accommodate the demands and needs of additional population as anticipated by the Regional Growth Strategy and the Papakura Central Area Structure Plan, and to fulfil its role as a future sub-regional centre and as a key transfer point within the Southern Rapid Transit corridor.

- A strong and vibrant Central Business Area that offers a diverse range of commercial, retail and residential activities through integration of land uses.
- Community facilities are provided for in the Commercial 2 zone at Takanini where they will be able to serve a District-wide function to supplement and/or complement the activities of the Central Business Area.
- A balanced mix of activities in the Takanini Mixed Use zone which complement activities within the Commercial 2 zone at Takanini and which achieve a compatible interface with surrounding residential areas.
- A high level of amenity in the commercial zones, in particular in the Core Retail Area and the Railway Precinct Area of the Central Business Area.
- A high level of amenity in the residential development within the Central Business Area.
- Higher intensity of commercial and residential development centred on node(s) based around significant public transport interchanges.
- An urban environment within the Central Business Area, which provides a high standard of pedestrian safety and convenience, and is supportive of passenger transport.
- Mixed Use zones with commercial, retail, service, residential and community activities as part of identified growth areas.

## 5.6 OBJECTIVES AND POLICIES

### Objective

- 5.6.1** *To manage the use, development and protection of the resources of the commercial areas of the District so that acceptable environmental quality is achieved within commercial areas and in their vicinity.*

### Policies

- 5.6.1.1** To establish a range of four commercial zones to reflect the differing effects generated by different sizes and types of commercial activity.
- 5.6.1.2** To control the adverse environmental effects of commercial and residential activities.
- 5.6.1.3** To limit the establishment of commercial activities in non-commercial zones.
- 5.6.1.4** To allow for Mixed Use zones of a scale, mix and type which generate high quality, accessible, compact and walkable neighbourhood centres.

### Objective

- 5.6.2** *To manage resources and the effects of activities within the Central Business Area in a way that:*
- *recognises its role as part of a future Sub-Regional Centre for the southern part of the Auckland Region;*

- recognises its significant physical resources, in terms of existing infrastructure and commercial and community facilities and services, and makes efficient use of those resources.
- recognises its role as a key transfer point within the Southern Rapid Transit corridor.

#### **Policies**

- 5.6.2.1** To allow residential activity within the Central Business Area in a manner that does not place restraint on the conduct of surrounding commercial activities.
- 5.6.2.2** To limit development of new commercial and retail centres which may result in the replication, loss or under-utilisation of existing resources in the Central Business Area.
- 5.6.2.3** To rezone and manage growth to support a compact, functionally efficient and integrated Central Business Area.
- 5.6.2.4** To establish pedestrian and cycle linkages to facilitate access to the rail station and bus interchange facilities.

#### **Objective**

- 5.6.3** *To ensure that residential development in the Central Business Area does not adversely affect people's amenity, health and safety.*

#### **Policy**

- 5.6.3.1** Residential development should be of a type and design so as to achieve a high standard of amenity, and contribute to the Central Business Area's attractiveness.

Key elements which are considered likely to achieve this policy are:

- the maintenance of visual privacy for household units, including private open space;
- adequate levels of daylight reach any habitable rooms on-site;
- adequate levels of sunlight reach adjoining sites throughout the year;
- the provision of sufficient private open space for the reasonable recreation, service and storage needs of residents;

#### **Objective**

- 5.6.4** *To ensure that business and residential development in the Central Business Area does not adversely affect the amenity values and safety of adjoining streets, parks and other public places.*

#### **Policy**

- 5.6.4.1** Business and residential development in the Central Business Area should be of a type and design so as to avoid, remedy or mitigate significant adverse effects on its existing environment and contribute to its attractiveness as a pedestrian environment:

Key elements which are considered likely to achieve this policy are:

- Development which addresses the street and public realm.
- The provision of shelter from inclement weather;
- Minimise the extent of blank walls, ground level car parking spaces and garage doors at the street interface;
- Minimise adverse visual effect of outdoor storage and service areas on adjoining streets, parks and other public places;
- *Ensure* adequate levels of sunlight and daylight on adjoining parks and other public places;
- *Provide the* opportunity for passive surveillance of adjoining streets, parks and other public places;
- Provision of pedestrian links in new developments *in the Railway Precinct Area* to retain easy access to the Core Retail Area and public transport facilities;
- Provision of adequate vehicle parking.

**Objective (Core Retail Area – Refer to Diagram 5-2)**

**5.6.5**        *To maintain and enhance the primacy of retail activity within the Core Retail Area of the Central Business Area.*

**Policy**

**5.6.5.1**      New development should be of a type and design which maintain and enhance the retail character of the area.

Key elements, specific to the Core Retail Area, which are considered likely to achieve this policy, are:

- Maintenance of retail at ground level along road frontages;
- Maintenance of a human scale.

**Objective (Railway Precinct Area – Refer to Diagram 5-2)**

**5.6.6**        *To integrate multi-modal passenger transport facilities with business and residential development.*

**Policy**

**5.6.6.1**      Development within the Railway Precinct Area should be located and designed in a way that improves pedestrian accessibility within the Central Business Area; enables the safe and convenient transfer between different modes of public transport; and supports a mix of activities.

**Objective**

**5.6.7**        *To secure the maintenance of environmental standards in the Commercial 1, 2, 3 and 4 zones.*

**Policies**

**5.6.7.1** To limit the height of structures.

**5.6.7.2** To set noise standards on all activities in the commercial zones.

**5.6.7.3** To require the provision of landscaping

Objective - Commercial 2 zone at Takanini (Refer to Planning Maps)

**5.6.8** *To accommodate retail, commercial and community facilities which are not likely to generate adverse retail distributional effects that are more than minor on the Central Business Area of Papakura.*

Policy

**5.6.8.1** To accommodate an appropriate range of activities that will provide the new growth areas of Takanini with conveniently located retail, commercial and community facilities.

## **5.7 REASON FOR RANGE OF COMMERCIAL ZONES**

The establishment of a hierarchy of commercial zones reflects the differing effects generated by commercial areas serving different purposes. The Mixed Use 1 zone is to provide for the establishment of 'convenience' shopping, employment and service centres for local residents in an identified growth area. The introduction of residential activity in the CBA and the Mixed Use zones generally addresses the requirement of the RGS for additional population in a compact and accessible area supportive of public transport. Further, the consolidation of retail and non-retail commercial activities as achieved by the objectives and policies is seen as producing the appropriate resource management result for the District. The Commercial 2 zone at Takanini will provide for commercial and community facilities which will supplement and/or complement those in the Central Business Area. The Takanini Mixed Use zone will comprise a mix of activities and an appropriate transition between, and interface with, the Commercial 2 zone at Takanini, the railway corridor, and the surrounding Residential zones.

## **5.8 RANGE OF ZONES**

### **5.8.1 Commercial 1**

This zone applies to a number of small neighbourhood centres throughout the District. These include areas at Drury, Papakura Central, Conifer Grove and Takanini.

### **5.8.2 Commercial 2**

This zone applies in two locations: one on the edge of the Central Business Area, the other at Takanini. The two have somewhat different provisions in order to reflect their different locations relative the Central Business Area.

Commercial 2 zone at Takanini

This part of the Commercial 2 zone applies to land within the area bounded by Glenora Road, Great South Road, Walters Road and the railway. Most of this zone is in commercial use, and it is intended that further commercial and/or community facilities can be accommodated in such a way that they supplement and/or complement those

of the Central Business Area, rather than duplicate or detract from them and do not give rise to adverse distributional effects on such uses located in the Central Business Area.

### 5.8.3 Commercial 3

This zone covers the Central Business Area. It includes railway land on the south-eastern edge. Within the Commercial 3 zone special policy areas are established for the Core Retail Area and the Railway Precinct Area. The special policy areas introduce specific controls that apply within the respective special policy areas in addition to the development controls for the Commercial 3 zone.

### 5.8.4 Commercial 4

This zone applies to specific areas of non-retail commercial such as the Furlong Tavern, Great South Road.

### 5.8.5 Mixed Use zones

These zones can be appropriate within parts of the identified growth areas within the District. It is expected that the zones will differ in the scale, mix and type of activities. The Structure Plan for the subject area contains the Objectives, Policies and Rules which apply. These are:

#### Hingaia Structure Plan – Mixed Use 1 Zone

This Zone covers a 15ha area of Hingaia Structure Plan Area 1A. Refer to Part 5B of Section One for Objectives, Policies and Rules applying to the whole Hingaia Structure Plan.

#### Takanini Structure Plan – Takanini Mixed Use zone

This zone covers 5.419ha of Takanini Structure Plan Area 1A bounded by Walters Road, Arion Road, the Residential 8 zone to the north, and the North Island Main Trunk Railway. Refer to Part 5A of Section One for Objectives applying throughout the District, Part 5B for Objectives, Policies and Rules applying throughout the Takanini Structure Plan Area and to Part 5 of Section Three for relevant objectives and policies which apply to all Commercial zones.

## 5.9 RULES

### 5.9.1 Commercial 1 Zone

#### 5.9.1.1 Status of Activities within the Commercial 1 Zone

TABLE 1

Activity	Status
Retail	Permitted
Non-retail	
- Tavern	Non-complying
- Offices (includes Health Professional Rooms)	Discretionary



- Service Station	Discretionary
- Other	Non-complying

#### 5.9.1.2 Maximum Height

Maximum Height – 9m

#### 5.9.1.3 Height in Relation to Boundary - Rule 5.10 shall be complied with.

#### 5.9.1.4 Yards – Rule 5.11 shall be complied with.

#### 5.9.1.5 Provision and Screening of Rubbish Storage Areas – Rule 5.12 shall be complied with.

#### 5.9.1.6 Noise – Rule 5.15 shall be complied with.

#### 5.9.1.7 Glare – Rule 5.16 shall be complied with.

### 5.9.2 Commercial 2 Zone

#### 5.9.2.1 Status of Activities within the Commercial 2 Zone

TABLE 2

Activity	Status
Retail	Permitted
Non-retail	
- Tavern	Non-complying
- Offices (includes Health Professional Rooms)	Non-complying
- Service Station	Discretionary
- Other	Non-complying

TABLE 2A: Commercial 2 zone at Takanini

Activity	Status
Retail that complies with all standards terms and conditions	Permitted
Retail that does not comply with all standards terms and conditions	Restricted Discretionary
Construction and/or relocation of new buildings and new accessory buildings including external additions to existing buildings and accessory buildings that comply with all standards, terms and conditions	Controlled
Construction and/or relocation of new buildings and new accessory buildings including external	Discretionary

additions to existing buildings and accessory buildings that do not comply with all standards, terms and conditions	
Commercial Activities (excluding offices) that comply with all standards terms and conditions	Permitted
Commercial Activities (excluding offices) that do not comply with all standards terms and conditions	Restricted Discretionary
Community facilities that comply with all standards terms and conditions	Controlled
Community facilities that do not comply with all standards terms and conditions	Restricted Discretionary
Service Station	Discretionary
Offices	Discretionary
Other activities not listed above	Discretionary
Residential	Non-complying
Residential	Non-complying

The Plan rules applying to the Commercial 2 zone shall, in addition to the rules below, apply to the “Commercial 2 zone at Takanini”. Where an activity becomes a Restricted Discretionary Activity by virtue of not complying with all standards terms and conditions, the exercise of discretion shall be restricted to matters relevant only to the standards terms and conditions that have not been met.

**5.9.2.2** On the Glenora Road frontage a minimum of 2 metres landscaping, including provision of not less than 8 trees of eventual height greater than 5 metres, shall be provided.

**5.9.2.3** On the Great South Road frontage not less than 1.5 metres of landscaping, which may feature substantial trees, shall be provided.

**5.9.2.4 Maximum Height**  
Maximum height – 12m

**5.9.2.5 Height in Relation to Boundary**  
Rule 5.10 shall be complied with

**5.9.2.6 Yards**  
Rule 5.11.1 a) shall be complied with

**5.9.2.7 Provision and Screening of Rubbish Storage Areas**  
Rule 5.12 shall be complied with.

**5.9.2.8 Floor area ratio**  
A maximum floor area ratio of 1:1 shall apply

**5.9.2.9 Noise** – Rule 5.15 shall be complied with

**5.9.2.10 Glare** – Rule 5.16 shall be complied with

#### 5.9.2.11 Controlled activity matters:

Rule 5.17 applies

#### 5.9.2.12 Use of floorspace

The following rules shall apply to land only at 230 Great South Road comprised in lot 3 DP 43991, lot 1 DP 49873, lot 3 DP 196464 and lot 2 DP198814 and their successor titles, 12 Walters Road comprised in Lot 1 DP317814, 20 Walters Road comprised in Lot 1 DP 198814 and 62-66 Glenora Road comprised in Lot 1 & 2 DP 86237 Lot 82 & 83 DP 16667 Allotment 110 parish of Papakura Lot 1 DP 326112 and their successor titles. The use of floorspace shall comply with the following two restrictions until 31 December 2013, after which time these restrictions shall cease to have effect.

1. The use of floorspace for retail activity shall not include supermarkets, and
2. None of the floorspace shall be occupied or let as offices.

Any proposal in the Commercial 2 zone at Takanini that does not comply with the above restrictions shall be a Restricted Discretionary Activity.

In assessing an application for Restricted Discretionary Activity in the Commercial 2 zone at Takanini under Rule 5.9.2.12, Council's discretion shall be limited to the Following matters:

1. The extent to which the proposed activities are likely to adversely affect the Papakura Central Business Area.
2. The extent to which non-compliance with the rule is likely to create adverse visual, traffic, or other effects that require site landscaping or regulation of the colour or design of the exterior of the buildings, in order to mitigate adverse visual effects in relation to the owners or occupiers of any nearby land, or to members of the public generally.

#### Explanation

Applying similar rules to those applying to other commercial zones, and defining a wide range of activities as discretionary activities, together with the 5.6.8 Objective and Policies, signals the types of activity anticipated.

### 5.9.3

#### Commercial 3 Zone

##### 5.9.3.1 Status of Activities within the Commercial 3 zone

TABLE 3

Activity	Status	
		Core Retail Area
Any activity nominated in this table that does not meet the development controls for the zone.	D	D
Any activity not otherwise nominated in this table that meets the development controls for the zone	NC	NC
Brothels and Massage Parlours	NC	NC
Commercial and public car parking	RD	RD

Activity	Status	
		Core Retail Area
Commercial Activities not otherwise listed in this table	P	P
Community Facilities	C	RD
Construction and/or relocation of new buildings and new accessory buildings, including external additions to existing buildings and accessory buildings	C	C
Educational Facilities	C	C
Entertainment facilities (other than Brothels and Massage Parlours) with a maximum floor area: <ul style="list-style-type: none"> <li>less than or equal to 200m<sup>2</sup></li> <li>greater than 200m<sup>2</sup></li> </ul>	P C	C D
Healthcare Services	D	NC
Industrial Activities: <ul style="list-style-type: none"> <li>Any Industrial Activity listed in Schedule 6A or 6B, or employing a process listed in Schedule 6C or 6D, or involving the storage or use of hazardous substances listed in Schedule 6F (Part 6 – Schedules for Industrial Activities)</li> <li>Any other Industrial Activity</li> </ul>	NC RD	Prohibited D
Offices (includes Health Professional Rooms) ground level above ground level	P P	RD P
Public Toilets	C	C
Rail/Bus Interchange	C	C
Residential Activities: ground level above ground level	P P	RD P
Retail	P	P
Service Stations	D	NC
Taverns	C	D

**Legend:** P=Permitted; C=Controlled; RD=Restricted Discretionary; D=Discretionary; NC=Non-Complying

The following rules apply to all activities in the Commercial 3 zone except where otherwise stated.

#### 5.9.3.2 Maximum and Minimum Height

A) Maximum Height – 21M

B) Minimum Height within the Core Retail Area – 3 storeys

#### 5.9.3.3 Height in Relation to Boundary – Rule 5.10 shall be complied with.

#### 5.9.3.4 Yards – Rule 5.11 shall be complied with.

#### 5.9.3.5 Provision and Screening of Rubbish Storage Areas – Rule 5.12 shall be complied with.

**5.9.3.6 Noise** – Rule 5.15 shall be complied with.

**5.9.3.7 Glare** – Rule 5.16 shall be complied with.

**5.9.3.8 Private Open Space**

Where a development includes household units these shall have outdoor living areas consisting of at least:

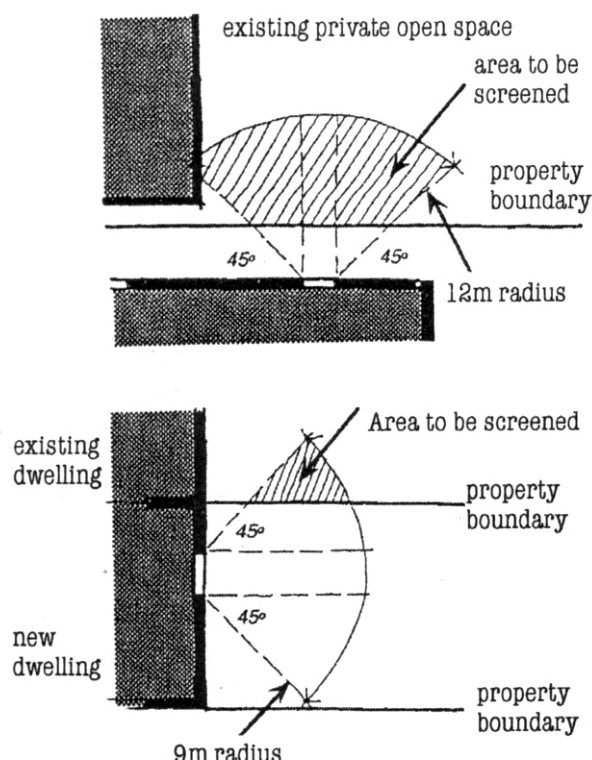
- An area at ground level of 25m<sup>2</sup> and a minimum width of 3 metres which has convenient access from a living room; or
- A balcony with an area of 8m<sup>2</sup> and a minimum width of 1.6m which has convenient access from a living room; or
- A rooftop space with an area of 10m<sup>2</sup> and a minimum width of 2m which has convenient access to a living room.
- The private open space shall be delineated in such a way as to establish clearly that such space is set aside for the exclusive use of the occupants of that unit.

Note: Private open space shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas.

**5.9.3.9 Visual Privacy**

- a) Where a proposed household unit has habitable room windows that:
- are less than 6 metres away from the habitable room windows of an existing household unit on an adjacent site, or
  - provide direct views of the habitable room windows of other proposed household units within the same development
- those windows shall either:
- i) Have sill heights of at least 1.6 metres above floor level; or
  - ii) Have fixed obscure glazing in any part of the window below 1.6 metres above floor level; or
  - iii) Be on the ground floor level and separated from the other habitable room windows by a fence of 1.8 metres in height.
- b) Where the habitable rooms of a household unit will have views into the private open space of adjacent household units, those views shall be screened or obscured within a 9 metre radius and 45 degrees of the wall containing the window (Refer to Figure 1)
- c) The windows and balconies of an upper-level household unit shall be designed to prevent overlooking of more than 50% of the private open space of a lower-level household unit directly below and within the same development (Refer to Figure 1)

**SCREENING VIEWS TO ADJACENT PRIVATE OPEN SPACE**



**Figure 1**

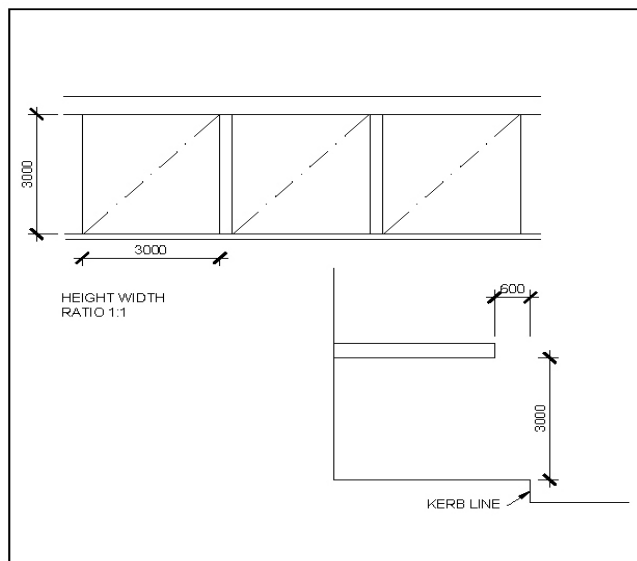
**5.9.3.10 Verandah (Refer to Diagram 5-1)**

A verandah shall be provided along the full length of a site's frontage where:

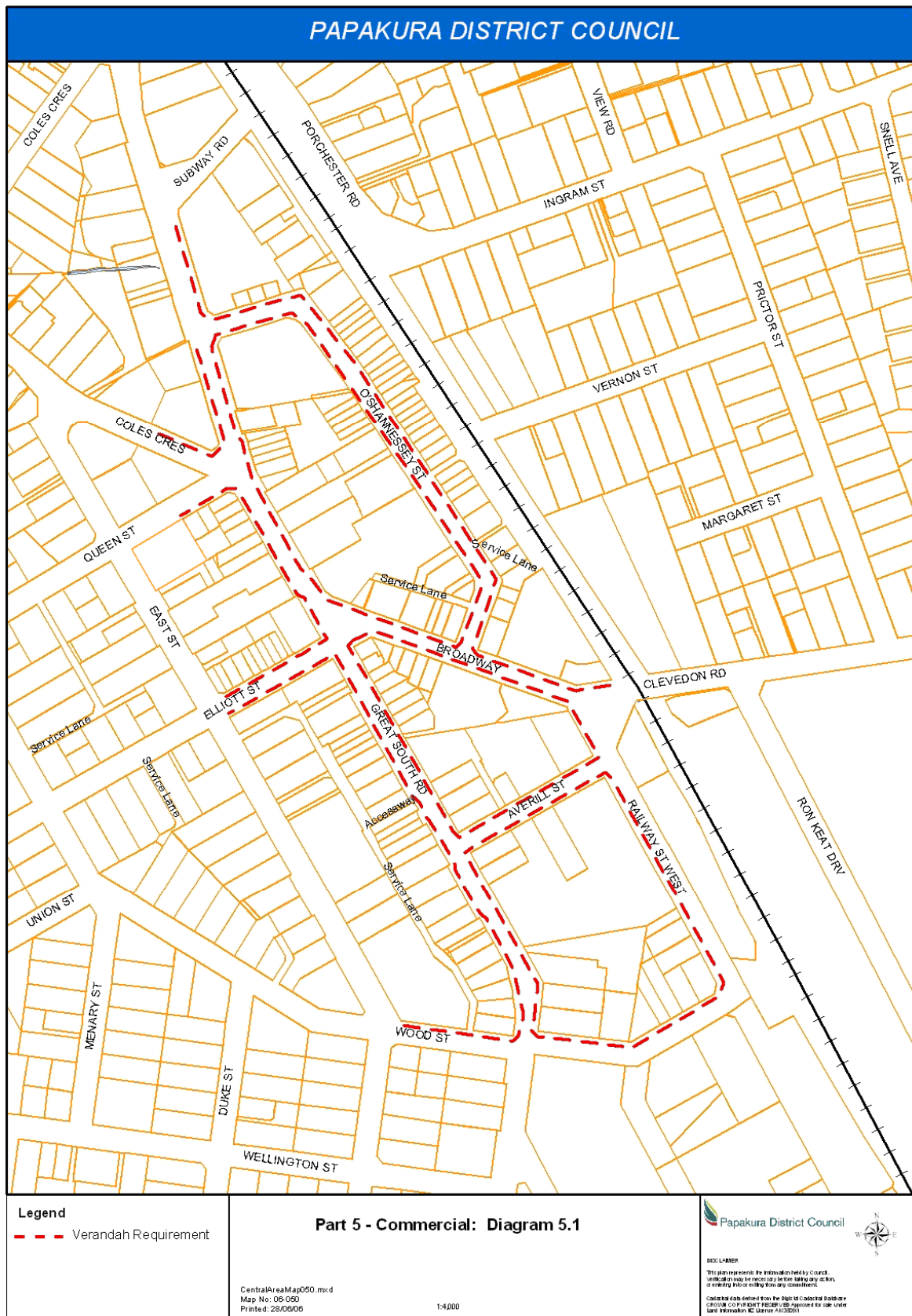
- i) a new building is constructed on the site, or
- ii) an existing building is reconstructed or altered in a manner that involves substantial changes to its structure or the design and appearance of its facade.

Verandahs shall: (Refer to Figure 2)

- Be capable of providing continuous pedestrian cover in terms of their placement in relation to any adjoining existing verandahs.
- Have a minimum height of 3 metres and a maximum height of 4 metres above the footpath immediately below.
- Be set back 600 mm in plan from the kerbline or in line with existing verandahs on adjoining sites.
- Where an upper level balcony is provided the balcony shall be set back at least 600 mm in plan from the kerbline.
- Artificial outdoor lighting under verandahs shall comply with AS/NZS 1158, Part 3.1 - Category P6.



**Figure 2**





### 5.9.3.11 Frontage Control (Core Retail Area - Refer to Diagram 5-2)

In the Core Retail Area: (Refer to Figure 3)

- a) No activity on a site subject to the “Frontage Control” line shall have vehicular access to the affected street frontage.
- b) At street level at least 75% of the front façade of a building shall be devoted to display areas, windows or seating (where a Restaurant/Cafe provides seating areas open to the street), or some combination thereof. For the purpose of this rule Automatic Dispensing Facilities shall be considered display area.
- c) At street level all buildings shall have internal floor space right up to the front (road) boundary and along the full length of the site's frontage.

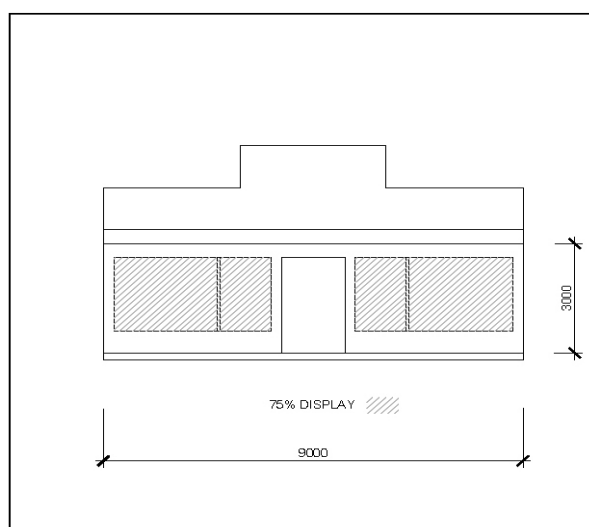
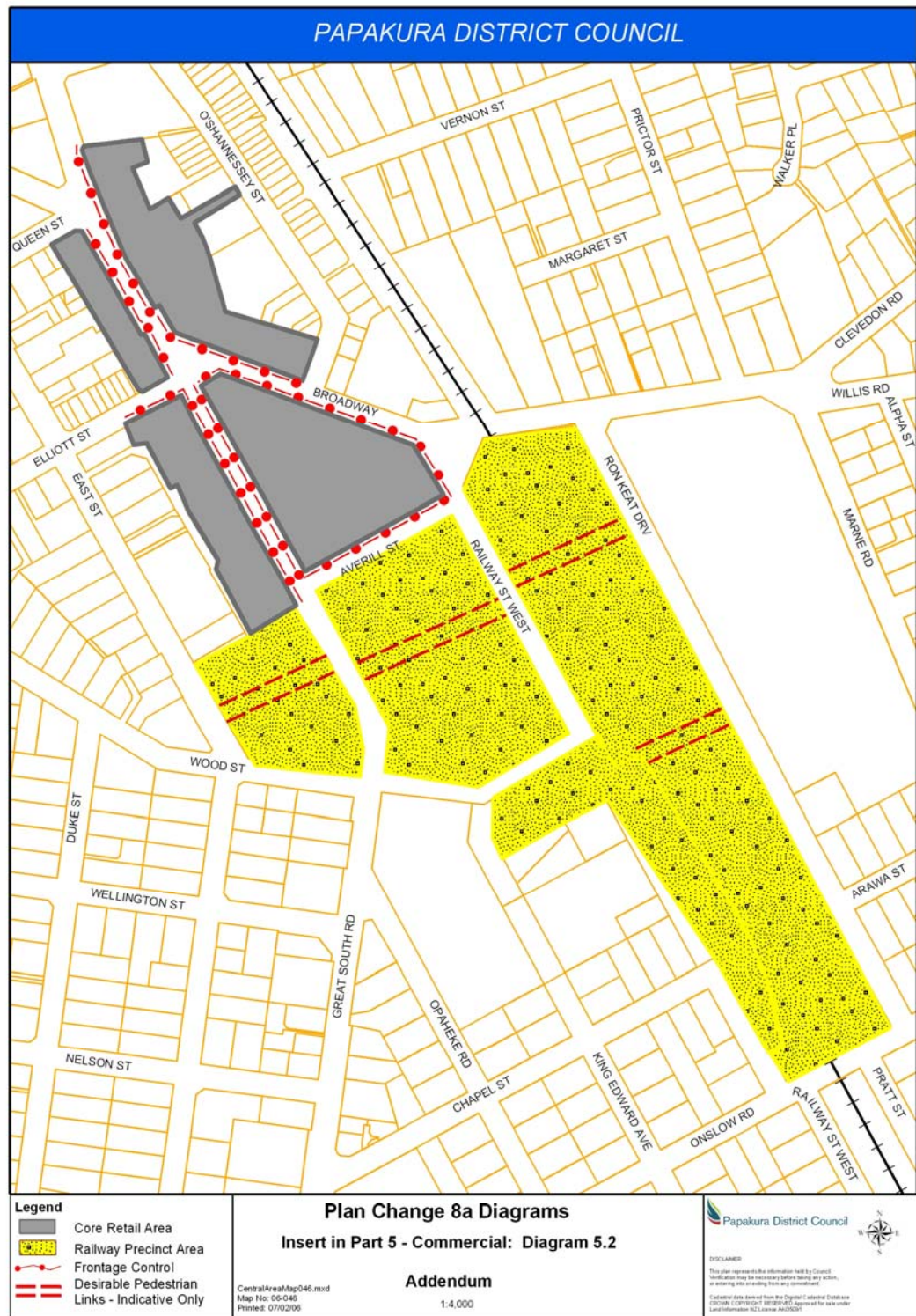


Figure 3

### 5.9.3.12 Pedestrian Links (Railway Precinct Area – Refer to Diagram 5-2)

In the Railway Precinct Area, any commercial development with retail activity shall provide pedestrian link(s) to the Core Retail Area and Transport facilities:

- a) when the perimeter of the footprint of the proposed commercial development is 400m or more; and
- b) where such pedestrian link(s) will provide a useful and shorter walking alternative to existing footpath or existing pedestrian links; or
- c) where such pedestrian link(s) is shown as desirable in Diagram 5.2.



## 5.9.4 Commercial 4 Zone

### 5.9.4.1 Status of Activities within the Commercial 4 Zone

TABLE 4

Activity	Status
Retail	Permitted
Non-retail	
- Tavern	Permitted
- Offices (includes Health Professional Rooms)	Controlled
- Service Station	Permitted
- Other	Discretionary

**5.9.4.2 Height in Relation to Boundary** - Rule 5.10 shall be complied with.

**5.9.4.3 Yards** – Rule 5.11 shall be complied with.

**5.9.4.5 Provision and Screening of Rubbish Storage Areas** – Rule 5.12 shall be complied with.

**5.9.4.6 Noise** – Rule 5.15 shall be complied with.

**5.9.4.7 Glare** – Rule 5.16 shall be complied with.

## 5.9.5 Mixed Use zones

The rules for the Mixed Use zones are contained in the Structure Plans of the area they relate to. These are:

**Hingaia** – Structure Plan Area1A.

- Refer to Part 5B of Section One for Objectives, Policies and Rules applying to the whole Hingaia Structure Plan.
- Refer to Part 17.2 of Section Three for specific Objectives, Policies and Rules applying to the Mixed Use 1 zone.

**Takanini** – Structure Plan Area Part 1A (East of the railway corridor).

- Refer to Part 5B of Section One for Objectives, Policies and Rules applying to the whole Takanini Structure Plan.
- Refer to Part 16.5 of Section Three for specific Objectives, Policies and Rules applying to the Takanini Mixed Use zone.

## **5.10 HEIGHT IN RELATION TO BOUNDARY**

### **5.10.1 Commercial 1, 2, 3 and 4 Zones**

Adjoining Residential and Reserve Zones – no part of any building shall exceed a height of 3 metres plus the shortest horizontal distance between that part of the building and the nearest boundary of any Residential or Reserve Zone.

## **5.11 YARDS**

### **5.11.1 Commercial 1, 2, and 4 Zones**

- a) A side and/or rear yard of 3m is required for the Commercial 1, 2, and 4 Zones where the side or rear boundary adjoins land zoned for Residential or Reserve.
- b) Where a side or rear yard is required a solid or closed boarded fence with the height of at least 1.8m shall be erected and maintained on the boundary and a 2m wide strip of landscaping shall be provided and maintained abutting the boundary. As a guideline landscaping provided shall be designed to provide a dense visual screen to buildings, shall be in accordance with Part 13.8.4 and shall include one tree capable of achieving a height greater than 5m when mature for every 5m length of the boundary along which the yard is required.

### **5.11.2 Commercial 3 Zone**

- a) A side and/or rear yard of 3m is required for the Commercial 3 Zone where the side or rear boundary adjoins land zoned for Residential or Reserve. The yard shall be landscaped by the use of both shrubs and trees and shall be in accordance with Part 13.8.4. Fencing of 1.8m in height shall be erected on the boundary with adjoining land zoned for residential; and fencing of 1.2m maximum in height shall be erected on the boundary with adjoining land zoned for reserve. Such fencing is not to be solid or closed boarded, but open rail to discourage graffiti.
- b) In the Commercial 3 zone any fence or solid wall, including blank building walls, adjoining the road boundary shall be designed to allow for amenity planting.

## **5.12 PROVISION AND SCREENING OF RUBBISH STORAGE AREAS – Commercial 1, 2, 3 and 4 Zones**

- a) That Rubbish Storage Areas out of public view be provided in the Commercial 1 and 3 Zones.
- b) That any outdoor storage, refuse disposal or service areas that directly face a public road or land zoned Residential or Reserve shall be screened from:
  - i) The Residential or the Reserve land by a solid wall not less than 1.8m in height, and
  - ii) The public road by a solid wall not less than 1m in height and with any front yard landscaping between the rubbish storage areas and the front boundary densely planted with vegetation and shrubs that will screen the areas during all seasons of the year.

### 5.13 PARKING

On-site parking and loading spaces shall be provided in accordance with the requirements of Part 15 – Parking and Loading of Vehicles.

Where parking and loading spaces cannot be accommodated on-site (particularly in the case of sites subject to the “Frontage Control” Rule 5.9.3.11 a), a financial contribution may be required in lieu under the provisions of Part 10 – Development Impact Fees.

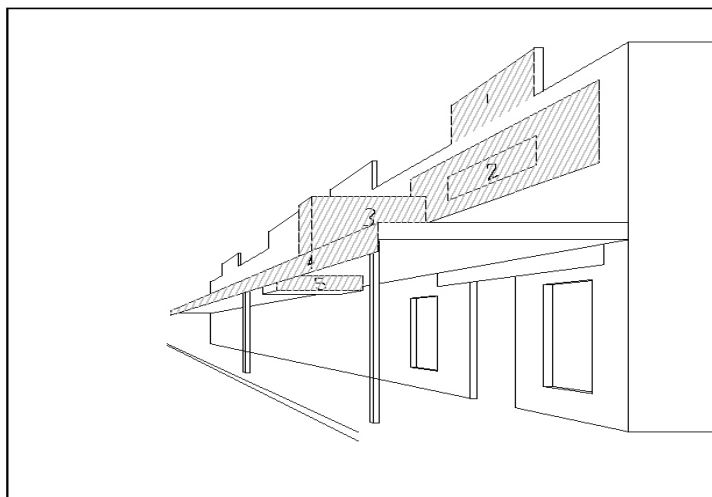
### 5.14 SIGNS

**5.14.1** Signs in **Commercial Zones 1, 2, and 4** shall comply with the rules of Part 14 – Signs.

**5.14.2** Signs in the **Commercial 3** Zone shall comply with the rules of Part 14 – Signs, except:

- a) No sign shall be permitted on or above the roof of a building or on top of a parapet. Façade and/or banner signs shall not extend above the highest point of the wall on which they are located.
- b) The following number and type of signs are permitted (refer to Figure 4):
  - Two signs located on the façade of a building, up to 8.0m<sup>2</sup> in area, in one of the three possible positions shown in Figure 4 (positions 1 and 2 are parallel to the road boundary and position 3 is perpendicular to the road boundary); and
  - One sign in a defined area above the ground level display area of a tenancy; and
  - One sign no greater than 2m<sup>2</sup> in area displayed under the veranda of any premises; and
  - One non-illuminated veranda fascia sign of no greater than 2m<sup>2</sup> in area.
- c) The advertising content of the signage shall relate to a product or service provided for or sold from the site.
- d) The brightness level of illuminated signage shall not exceed the maximum luminance recommended in the Institute of Lighting Engineers Technical Report No. 5, ‘Brightness of Illuminated Advertisements’ for a commercial zone.

Any sign the face of which is at 90 degrees to the road, or within 20 metres of a road and 20 degrees either side of a driver’s line of sight, or at road intersections shall conform to the lower luminance levels for an unlit zone as stated in the Institute of Lighting Engineers Technical Report No. 5.



**Figure 4**

**5.14.3** Signs Permitted in **Mixed Use** Zone may be subject to additional rules specified in the Structure Plans.

Hingaia – Signs Permitted in Mixed Use 1 zone – Refer to Part 17.2.5.11

## **5.15 NOISE**

### **5.15.1 Commercial 1, 2, 3 and 4 Zones**

Any activity in a Commercial zone (except Commercial 2 zone at Takanini) shall be conducted so as to ensure that the noise level (L10) as measured on or within the boundary of a lot zoned for residential activities shall not exceed the following limits:

Monday – Friday	0700-2200	50dBA
Saturday	0700-1200	50dBA
All other times		45dBA

### **Commercial 2 zone at Takanini**

Any activity in the Commercial 2 zone at Takanini shall be conducted so as to ensure that the noise level as measured on or within the boundary of a lot zoned for residential activities shall not exceed the following limits:

Monday – Saturday	0700-2200	55dB LA10
Sunday and Public Holidays	0900-1800	55dB LA10
All other times		45 dB LA10
2200-0700 (Monday-Sunday)		75 dB LA FMAX

### **Explanation**

The ambient noise levels surrounding the Commercial 2 zone at Takanini are higher than those surrounding other commercial zones because of the noise from Great South Road and the NIMTR, therefore noise levels at the residential interface have been increased to take account of the existing ambient noise levels in this location.

### **5.15.2 Commercial 3 Zone**

- a) Noise control between sites not held in common ownership:

The noise level (L10) measured at or within the boundary of any adjacent site (not held in common ownership) shall not exceed 60dBA at all times

- b) Noise control for mixed use development within the same building (residential activity and other activities). The following noise level shall apply:

Monday – Sunday	0700-2200	Leq 40dBA
Monday -- Sunday	2200-0700	Leq 30dBA

- c) Residential units in mixed use development; and

- d) Residential units on sites adjoining and/or adjacent to land designated for railway purposes.

An acoustic design certificate shall demonstrate that the unit has been designed in such a manner as to comply with the following internal noise levels (L10):

Bedrooms	35dBA
Habitable Rooms	45dBA

### 5.15.3 Mixed Use Zones

Noise rules for Mixed Use zones may differ from the one above and are contained in the Structure Plans for the area. These are:

**Hingaia** – Structure Plan Area1A.

Refer to Part 17.2.5.7 Noise of Section Three for specific Objectives, Policies and Rules applying to the Mixed Use 1 Zone.

### 5.15.4 Noise Measurement

The noise levels shall be measured and assessed in accordance with the requirements of the New Zealand Standard NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.

The noise shall be measured with a sound level metre complying with the International Standard IEC 651 (1979): Sound Level Meters Type 1.

Should the Council adopt instruments or standards that supersede these, then they will be used in place of the standards above.

The noise standard shall not apply to the construction or maintenance of buildings approved by the Council.

Notwithstanding the noise standards stated above, the Council reserve the power conferred on it under the relevant section of the Resource Management Act 1991 and the Health Act 1956 to control any noise which has become an objectionable element or nuisance.

### 5.16 GLARE – Commercial 1, 2, 3 and 4 Zones

- a) At no time between the hours of 0700 and 2200 shall any outdoor lighting be used in a manner that causes an added illuminance in excess of 125 lux measured horizontally or vertically at any point 2metres within the boundary of any adjoining site which is zoned Residential.
- b) At no time between the hours of 2200 and 0700 shall any outdoor lighting be used in a manner that the use of such lighting causes:
  - i. An added illuminance in excess of 10 lux measured horizontally or vertically at any window of an adjoining building within a Residential Zone;
  - ii. An added illuminance in excess of 20 lux measured horizontally or vertically at any point along any adjacent boundary of any adjacent land use for residential purposes, except for those in the Commercial Zones.
- c) Where measurement of any added illuminance cannot be made because a person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting. These measurements may be used to determine the added illuminance, if any, of such outdoor lighting.
- d) The outdoor lighting on any site adjoining any site zoned Residential or adjacent to land in which there is a residential activity shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause a significant level of discomfort to any occupants of the residential sites.

## **5.17 CONTROLLED ACTIVITIES - STANDARDS AND TERMS**

All Controlled Activities must meet the standards and terms set out in Rule 5.9.4 (Commercial 4). In considering any application for a controlled activity, the Council may impose conditions in respect of any of the matters set out below:

- (1) The design and external appearance of all buildings in relation to the character of the locality and its amenity values. As far as possible, the activity should be compatible to the neighbouring area and be sensitive in terms of scale and form and be in harmony with the nature, character and amenities of the adjoining neighbourhood.
- (2) The relationship of any proposed buildings with other site elements such as carparking, landscaping and storage areas.
- (3) Visual separation in order to protect privacy on any adjoining residential sites.
- (4) Site layout to ensure that carparking areas, loading dock and access ways are located so as to minimise noise and visual effects on adjoining non-commercial areas.
- (5) In the Commercial 2 zone at Takanini, the noise insulating properties of the residential buildings, to ensure that noise generated by the railway will not have an adverse effect on their residential occupiers.
- (6) In the commercial 2 zone at Takanini, the fencing of the common boundary with the railway to ensure that litter or other loose materials are effectively prevented



from blowing, and vehicles are prevented from driving, onto the railway corridor.

## **5.18 DISCRETIONARY ACTIVITIES – ASSESSMENT CRITERIA**

In deciding whether to grant or refuse consent to an application for a discretionary activity in the Commercial 1, 2 and 4 Zones and in imposing conditions if consent is granted, the Council shall have regard to the matters set out in the Act and be satisfied that the objectives and policies of the District Plan and the relevant Zone Statements are met. In addition, the General Rules listed under each zone may be used as a guide in assessing the extent to which an application meets the following criteria.

### **General Criteria**

#### **The Council shall be satisfied that:**

- (a) The traffic management implications of the proposed use make it suitable for the proposed site. Factors to be considered may include the volume of traffic likely to be attracted, times of peak traffic generation, potential traffic conflict and proximity to major intersections. Satisfactory ingress and egress shall be provided to avoid creating a traffic hazard (generally location of entrances and exits 20 metres from intersections is satisfactory);
- (b) The proposed activity will be compatible with adjacent permitted uses and will not restrict their activities or detract from their amenities;
- (c) The scale, design and external appearance of buildings, layout of buildings and activities in relation to adjoining activities and landscaping will be considered.
- (d) Adequate carparking areas, manoeuvring space and vehicle service areas will be provided and designed, constructed and maintained in a manner satisfactory to the Council;
- (e) The number, design, location and size of signs will be compatible with traffic safety and control;
- (f) The proposed activity will not be hazardous to the health and safety of the occupants and users of adjacent sensitive non-commercial uses; and any and all effects of the proposed activity shall comply with the relevant New Zealand Standards(s).
- (g) In relation to the commercial 2 zone at Takanini adequate assessment has been carried out of the relationship with other Takanini Structure Plan and Central Business Area activities.

Notwithstanding the separation by the railway of Commercial 2 zone at Takanini from the rest of the Takanini Structure Plan area activities which will supplement and/or complement activities in the rest of the Takanini Structure Plan and central business areas will be looked on favourably.

#### **Explanation**

The commercial 2 zone at Takanini has been framed to reflect the historic, recent and potential needs of the area. It serves a broad catchment area and enables significant

flexibility as to the types of activities which could be accommodated within the zone particularly at 226 Great South Road comprised in lot 2 DP 49873 PT Allot 77 Papakura Parish.

## **5.19 ASSESSMENT CRITERIA FOR CONTROLLED, RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES – COMMERCIAL 3 ZONE.**

For all applications for Controlled, Restricted Discretionary and Discretionary Activity in the Commercial 3 Zone the Council has restricted the exercise of its discretion to the following matters and may impose conditions in relation to these:

### **5.19.1 Matters for Control**

1. Building Design and Road Interface
2. Street Frontages
3. Parking and Access
4. Pedestrian Links
5. Residential Activities in Mixed Use Developments
6. Visual and Acoustic Privacy

### **5.19.2 Assessment Criteria**

Applications for Controlled, Restricted Discretionary and Discretionary activities in the Commercial 3 Zone will be assessed in terms of the following matters where applicable:

- i. Whether the form, design and the external appearance of buildings will be of a standard of visual amenity which contributes to the amenity values of the Central Business Area.
- ii. Whether the development avoids conflict between activities and integrates with adjoining and surrounding activities.
- iii. Whether the development visually addresses the street, particularly within the Core Retail Area.
- iv. Whether the development minimises the extent to which solid blank walls, garage doors and ground level on-site car parking spaces front the street.
- v. Whether the site design provides pedestrian links with the Core Retail Area and Transport facilities.
- vi. Whether a high level of pedestrian amenity in the quality of shelter, verandahs, and public facilities such as toilets will be created.
- vii. Whether there is consistency with the principles of continuous display frontage for the Core Retail Area.
- viii. Whether the layout of buildings creates opportunity for developing communal open spaces, seating areas or similar facilities contributing to the amenity of the Core Retail and Railway Areas.