

Section 11: Business Zones

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11. BUSINESS ZONES

11.1 Introduction

Commercial or business centres are primarily places of employment, exchange and social interaction. They are where a large number of people go to work, to do business, to shop or to be entertained.

A general trend common to most business centres throughout New Zealand, and Palmerston North is no exception, is that of continual change. Such change is currently evidenced, for example, by a growing interest in improving the amenity associated with these areas; the need to accommodate a wider mix of activities based on new economic uses for existing buildings and spaces (e.g. education, recreation, housing); the increasing demand for areas to establish large format retailing; and a renewed focus on central city revitalisation. Additionally, the business activities located within these centres make a significant contribution to a city's economic and social well being.

In recognition, therefore, of the important yet highly variable and dynamic nature of activities located within Palmerston North's business centres, an approach has been developed which endeavours to provide the level of flexibility necessary for such activities to respond to changing market conditions.

To ensure that the effects of activities and/or associated development are properly managed, four identifiable Business Zones - Inner, Outer, Fringe and Local - have been defined, and performance conditions, and rules in the case of the Fringe Business Zone, have been established to minimise the specific impacts associated with each area. One of the matters that has been considered is the sustainable management of the Central Business District (CBD). The CBD of Palmerston North is large in area and covers both the Inner and Outer Business Zone areas. The core of the CBD is considered to be that area identified as Inner Business Zone. However it is acknowledged that there are some complementary areas located in the Outer Business Zone such as Broadway Avenue (primarily consisting of professional office services) and Rangitikei Street (mainly retailing). It is anticipated that retailers requiring larger floor areas will locate in the Outer or Fringe Business Zones as opposed to the Inner Business Zone. The Inner Business Zone provides a significant pedestrian orientated experience. A key feature of the Inner, Outer and Fringe Business Zones is the spatial connectivity between these three zones with the Inner Business Zone at the centre.

Inner Business Zone

The Inner Business Zone essentially represents the commercial heart of Palmerston North and is contained within the area generally bounded by Walding/Grey Streets; Princess Street; Ferguson Street; and Pitt/Bourke Streets, a street system commonly referred to as the Ring Road.

The Zone is characterised by a mixture of high and low rise office development; a variety of comparative retailing including specialist or boutique retailers (e.g. men's and women's clothing, footwear, jewellery) and a number of major food (e.g. Foodtown, Pak n Save) and destination specific (e.g. K-Mart, The Warehouse) retailers; a wide range of entertainment activities (ranging from bars and restaurants through to the multiplex cinema); major civic buildings (e.g. Museum Science Centre, Art Gallery, Library); and the Square - an important amenity feature and focal point for the central City.

To date, the success of the inner business area has been largely attributable to:

- its relatively contained and compact form as evidenced by the significant concentration of commercial buildings and activities located within the Ring Road;
- a critical mass of diverse retail and office activities;
- substantial public and private expenditure invested in buildings and infrastructure such as

roading, vehicle parking, streetscape improvements (e.g. Broadway Ave, George Street) and social and cultural facilities (e.g. Library, Art Gallery);

- convenient access for pedestrians, cyclists and motor vehicles;
- limited barriers to new business entry and an adequate level of vacant floor space or under-utilised land available for re-use or redevelopment;
- the absence of strong competition from competing suburban centres, this being a consequence of previous commercial containment policies which recognised the adverse impacts associated with permitting extensive peripheral retail development to occur.

In order to ensure that the central area is managed in an efficient and sustainable manner, Council considers that the maintenance and/or reinforcement of these key qualities or characteristics is essential. Consequently, the extent of this area has been geographically defined, and an approach to business activities introduced which accommodates a wide array of activity type while ensuring that appropriate standards of environmental quality are maintained.

Although the Inner Business Zone is primarily bounded by areas in which other forms of business activity are located, there are a limited number of locations where it abuts a neighbouring residential area (e.g. Ferguson Street). To ensure that the potential effects of business activities and/or associated development in such situations are minimised, and the amenities of adjacent residential areas adequately protected, an appropriate range of management provisions have been developed.

Outer Business Zone

The Outer Business Zone is located around the Inner Business Zone and basically encompasses those areas formerly included within the Central Fringe Commercial, Commercial Services, Mid-Broadway Commercial and western part of the Future Development Zones.

It consists of a diverse range of retail, office and service activities which generally complement those activities established within the Inner Business Zone. This is evidenced by the dominance of such activities as household appliance and furniture and flooring retailing; vehicle retailing and servicing; wholesaling; professional offices and financial services; and restaurants and cafes.

The Outer Business Zone is characterised by a lengthy interface with neighbouring residential areas and development which is essentially low rise in nature (i.e. one to two storey). It also consists of a large number of space extensive (e.g. furniture and flooring centres; car yards) and/or destination specific (e.g. professional offices, household appliance centre) activities and a variety of service related activities (e.g. auto electricians, panel beaters). Due to the fact that land costs are comparatively lower in this Zone than in the Inner Business Zone, activities wishing to either operate from their own premises or which have extensive space requirements are generally attracted to this Zone.

Another characteristic clearly evident within this Zone is segmentation of activities by area, with office activities concentrated along Broadway/Victoria Avenue, retail activities along Rangitikei Street, and service activities along Taonui Street and in the David/Ashley Street area.

Although these activities share common features with those which predominate the Inner Business Zone, particularly with respect to retail and office activities, there is an obvious distinction which exists between the two areas in terms of the nature and scale of these activities. The Inner Business Zone is denoted by retail and office activity which is generally comparative in nature and pedestrian oriented, while in the Outer Business Zone there is more of a product or service specific, vehicle oriented emphasis.

To reinforce the distinct yet complementary nature of this relationship, a minimum level of direct control will be exercised over activity type within the Outer Business Zone. To manage the specific impacts associated with the nature and scale of these activities though, performance conditions have been formulated to ensure, for example, adequate provision of customer and

employee vehicle parking.

Additionally, as this Zone shares an extensive boundary with neighbouring residential areas, performance conditions have also been introduced to ensure that the effects of business activities on these areas are appropriately managed.

Fringe Business Zone

The Fringe Business Zone covers three distinct areas within Palmerston North City, which are located on or within the vicinity of the Primary Rooding Network (see Figure 20A.2). The Zone is intended to provide for space extensive retail activities, commonly referred to as large format retailing as well as other activities that contribute towards the community's business needs.

The Fringe Business Zone is a relatively new zone, initiated in 2004, to provide suitable land areas for the growing demand for large format retailing. This type of retailing by its nature requires relatively large areas of commercially zoned land for the large size of buildings it requires and associated parking areas. A study commissioned by the Council in 2003, named the Palmerston North Retail Study (May 2003) concluded that there was a shortage of land for this form of retailing activity and areas have therefore been zoned to provide for these activities.

There are several critical aspects associated with the Fringe Business Zone covering both the immediate surrounding environment as well as the effects on other localities within the City. These critical aspects support the need for rules and performance standards which are specific to the zone. The first critical factor is that the Fringe Business Zone must be developed and operated in such a way that it does not adversely affect the efficient use and continued viability of existing physical resources within the Inner and Outer Business Zones. To ensure this, the Zone has controls that will result in it being complementary to the Inner and Outer Business Zones, furthering Palmerston North's reputation as a desirable destination retail location. The controls have the effect of only allowing larger format style activities.

The second critical factor is that the zoned areas front onto roads forming part of the Primary Rooding Network, as well as being located along one of the main entrance ways into Palmerston North. These zoned areas are therefore very much exposed to the public domain. Rangitikei Street is to be developed as a significant entrance to the city as part of the City Heart project. Tremaine Avenue and Featherston Street both contribute significantly towards the movement of traffic within Palmerston North and therefore have a high profile in terms of the number of persons travelling on these roads.

The third critical factor is the environment surrounding the zoned areas fronts and/or adjoins residentially zoned areas. Therefore due to the sensitive interface between the Fringe Business Zone areas and surrounding environment, controls have been placed in the District Plan to avoid, remedy or mitigate the visual effects on the residential environment, whilst enabling large format retailing activities to establish within Palmerston North in these sensitive areas.

Local Business Zone

The Local Business Zone covers the Ashhurst business centre and the local business centres which serve the City's suburban areas. Some of these centres are the result of historical development (e.g. Terrace End), while others have developed to accommodate new growth areas (e.g. Westbrook and Milson). Their primary purpose is to cater for the day to day shopping and service needs of the neighbouring residential dwellers.

In the past these centres have been restricted in terms of their physical area and the size of business activity. This was done in order to ensure that the scale of business activity reflected the local status of the centre and that established residential neighbourhoods were protected from the further encroachment of business activities. Council considers that this approach to local business area management is still valid and that it should be continued. Consequently a restriction on local business size will be retained but a wider range of activities will be permitted in order that these centres can be more responsive to changing needs or demands.

To minimise the adverse effects of, for example, noise and building height on adjacent residential areas, the physical extent of identified centres has been defined, and reasonably stringent performance conditions introduced to safeguard residential areas from the potential impacts of business activities and/or associated development.

11.2 Resource Management Issues

The following resource management issues have been identified in the Business Zones:

1. Maintenance of a compact, vibrant and pedestrian-orientated retailing precinct in the CBD.
2. Maximising the efficient use of existing infrastructure and development.
3. Effects of activities and/or development on neighbouring residential areas.
4. Accommodation of a wide and diverse range of business activities.
5. Provision of adequate pedestrian amenity.
6. The adverse environmental and resource effects associated with ad hoc retail dispersal.
7. The convenience and opportunities offered by the local business areas.
8. Large format retail activities can potentially have greater levels of adverse effects on nearby streets and adjacent residential environments when compared to smaller retail activities.
9. Recognising that without an integrated approach to retail activity which differentiates the complementary zones, unanticipated adverse effects may occur, particularly on the amenity of the CBD core area.

Explanation

As described in the introductory section, the City has at present a very compact pedestrian-orientated core central area. Within this area there is a strong concentration of retail, entertainment and office activities which is complemented by a range of manufacturing and service activities. These activities, with the buildings and structures in which they are located, represent a significant physical resource for the City, which has over the years had important implications for the development of the City as a whole. The concentration of retail activities in particular, and the lack of dispersed retail centres on the periphery of the City, has assisted in maintaining the compact form of the City. This has been complemented by the promotion of infill throughout the residential area, which has helped to avoid unconstrained peripheral growth and the energy inefficient journeys which such growth promotes. It also assists in ensuring that the already developed physical resource within the Central City is put to the best use and does not remain empty and unused as it would if peripheral retail centres were allowed to develop.

The resource management issues above tend to focus on this issue of avoiding retail dispersion and encouraging a compact CBD to ensure that the existing physical resource is most sustainably managed.

The issues also address the need to avoid, remedy or mitigate the adverse effects of such activities on adjoining sensitive residential areas. Within the Local Business Zone, the issues are similar but on a correspondingly smaller scale. These areas are important in providing retailing services to adjoining residential areas and in providing "start-up" premises for smaller businesses. The growth in larger scale retailing has put pressure on such areas and consequently a major issue is the continued use of the already developed resources within the Local Business Zone.

11.3 Inner and Outer Business Zones Objectives and Policies

Within the broad framework of the City View objectives in section 2 the following specific objectives and policies have been identified for the Inner and Outer Business Zone:

Objective 1

To promote the efficient use and continued viability of existing physical resources within the Inner and Outer Business Zones.

Policies

- 1.1 To reinforce the compact and convenient character of the Inner and Outer Business Zones.
- 1.2 To permit a diverse mix of activities to establish within the business zones.
- 1.3 To mitigate the adverse effects (including distributional effects) of vehicle oriented activities on the Inner Business Zone.
- 1.4 To ensure that all parking required for activities in the Outer Business Zone area (see Figure 11.5) adjacent to the Fringe Business Zone be provided on-site.
- 1.5 To ensure that an integrated approach is taken to retail activity throughout the City by the maintenance of clear distinctions between the Inner Business, Outer Business zones and Fringe Business zones.

Explanation

The Inner and Outer Business Zones are the primary employment, retail and entertainment focus of Palmerston North. These Zones are characterised by their compact and convenient physical form and by significant public and private investment in buildings and infrastructure.

Currently though, they are also areas in which substantial development or redevelopment opportunity exist. This is particularly the case in the Inner Business Zone where relatively high levels of vacant office space are available.

Although the two business zones are somewhat indistinguishable in relation to their respective activity profiles (e.g. a predominance of retail and office activities), there are noticeable differences in terms of the nature and scale of established activities.

The Inner Business Zone, for example, is predominantly oriented towards pedestrian activities. This is evidenced by the concentration of office, entertainment and comparative retailing activities located within close proximity to large public and privately provided parking areas.

Conversely, the Outer Business Zone is characterised by a large number of vehicle orientated activities. Although retail and office activities still dominate, they are generally space extensive or destination specific in nature, with on-site parking provided to cater for employee and visitor/customer demand.

Council considers that this present distinction between the Inner and Outer Business Zones should be encouraged as the vehicle orientated business activities located within the Outer Business Zone complement the comparative retailing and office activities located within the central city area and contribute to the workability of these business areas. It also avoids unnecessary and inefficient vehicle movements across the core of the business area and the associated pedestrian conflicts that this can create. Additionally, the reasonable number of larger sites available and relative ease of access to these sites also reinforce this area's suitability for business activities which are predominantly vehicle oriented.

Council recognises the important contribution that these activities make to the welfare of the City and wants to ensure, as far as possible, that these business areas remain vital and viable and that existing land, buildings and infrastructure are efficiently used.

To accomplish this, business activities will generally be required to concentrate within the Inner and Outer Business Zones. To counter this locational restriction a relatively unrestricted range of activities are

permitted subject to zone specific performance conditions to control adverse effects. This approach should enable owners and/or developers of land or buildings within the Business Zones to be more responsive to market and environmental changes, while ensuring that adverse effects both within and between zones are avoided, remedied or mitigated.

The Outer Business Zone land adjacent to the Fringe Business Zoned land bounded by Featherston Street and Ngata Street is extensive in area and potentially could be developed for an intensive form of retailing activity which could result in adverse retail distributional effects on the core CBD. To avoid such an occurrence, it is critical that any re-development of this Outer Business Zoned land be undertaken in such a manner that is self-sufficient in its car parking needs. This is as opposed to relying on any parking areas established in the Fringe Business Zone assisting in meeting the parking needs of any future redeveloped area within the adjacent Outer Business Zoned area identified in Figure 11.5.

Objective 2

To protect the amenity values of neighbouring residential areas.

Policies

- 2.1 To avoid, remedy or mitigate the adverse environmental effects of business activities on neighbouring residential areas.
- 2.2 To avoid, remedy or mitigate the adverse effects of building development or redevelopment on sites which either front onto, or are adjacent to, a residential area.

Explanation

The central city business zones, and most notably the Outer Business Zone, share an extensive interface with adjacent residentially zoned land. This interface is a particularly sensitive one as the effects associated with business activities have the ability to adversely impact on the use and enjoyment of neighbouring residential areas.

Given the extent of this interface, and the relatively unrestricted range of activities permitted within the Business Zones, Council seeks to ensure that adequate safeguards are put in place to protect residential amenity. These safeguards include measures to control the effects of new development on adjacent residential areas; noise; signs; lighting; parking, loading and access; and outdoor storage.

Objective 3

To achieve a high standard of amenity within the Inner and Outer Business Zones.

Policies

- 3.1 To discourage the establishment of activities which will have an adverse effect on the amenity values associated with the Inner Business Zone.
- 3.2 To avoid the adverse effects of offensive activities and crematoria in the Inner and Outer Business Zones, by controlling their establishment.
- 3.3 To avoid, remedy or mitigate the adverse effects of business activities on each other, or on other activities located within the Inner and Outer Business Zones.
- 3.4 To recognise and provide for the specific amenity needs of pedestrians.
- 3.5 To Maintain and enhance the identified character of particular retail areas in the Outer Business Zone.

3.6 To ensure that development of the former railway land now zoned Outer Business is to a high standard of amenity appropriate to its scale, location and environs.

Explanation

In addition to protecting the amenity of residential areas adjacent to the Inner and Outer Business Zones, it is important that the standard of amenity within these business areas are maintained and, where possible, enhanced.

To counteract the potential erosion of amenity that might arise as a consequence of allowing a relatively unrestricted range of activities to establish in the business zones, activities which are offensive in nature or which involve industrial processes will either be restricted or discouraged.

Business activities too have the potential to generate effects relating to such matters as noise; parking; location of access/egress points, and loading and storage areas which may impact on the level of amenity enjoyed by activities located within the business zones. To rectify this, appropriate safeguards have been introduced to ensure that any adverse effects are mitigated.

As there are few limitations on the type of activity that can establish in the business zones there is a possibility that the continuity of business frontage evident along many central city streets may become interrupted by activities desirous of a building setback. Council considers that this pattern of development contributes to the distinct character and visual quality of this area and will be encouraging continuous business frontage along identified streets in the Inner Business Zone.

Verandas can also increase pedestrian comfort within business areas. A requirement that verandas be provided along identified pedestrian routes will offer shoppers an increased level of protection from the weather and enhance the amenity value of the area.

Over time, a number of small business areas have developed their own particular character which contributes to people's appreciation and enjoyment of them. It is important to maintain and enhance this character so that it can be enjoyed by future generations.

In the Broadway and Terrace End areas, extensive veranda coverage, landscape planting, and street tree planting provide character. This combination of features provides for a high level of pedestrian amenity and visual attractiveness.

11.4 Methods

- District Plan Rules
- Annual Plan Programmes for Amenity and Service Upgrades
- Public Education

The objectives and policies detailed above will largely be achieved through the rules contained in this and other Sections of the District Plan. These rules provide an effective and efficient means of ensuring that the individual actions of those undertaking developments or establishing activities, achieve the broadly based outcomes encapsulated in the objectives and policies.

Annual Plan programmes providing for example, street tree planting, street furniture and footpath paving, and roadway improvements, will also help achieve some of the objectives and policies. Equally public education brochures and design guides on cultural heritage or on building development can achieve voluntary compliance from developers at a small direct cost to Council.

11.5 Environmental Results Anticipated

It is anticipated that the objectives, policies and methods of this section will achieve the following results:

- Provision of an adequate level of pedestrian comfort.
- Creation of business areas which are vital and viable and make the best use of existing physical resources.
- Provision of safe and convenient routes for motor vehicle and pedestrian movement and an adequate level of parking.
- Retention of compact and convenient business areas.
- Better utilisation of existing physical infrastructure (roading/services).
- Better utilisation of unused or under-used buildings and/or sites.
- Retention of the identified character associated with particular areas located in the Outer Business Zone.

11.6 Inner Business Zone

11.6.1 Rules: Permitted Activities

U R 11.6.1.1 Permitted Activities

Any Activity Except For:

- Those Specified As Discretionary Activities (Restricted) Or Discretionary Activities (Unrestricted);
- Offensive Activities which are a Non-Complying Activity

is a Permitted Activity, provided that the following performance conditions are complied with:

Performance Conditions

(i) Lighting

Any artificial lighting system shall ensure that its use does not result in an added illuminance over and above the measured ambient level, in excess of 8 lux measured in the vertical plane at the windows of any residential building in any residentially zoned site.

Explanation

Light spill associated with some activities can have an adverse impact on residential amenity. The imposition of a standard to control the level of illumination which occurs at the residential interface endeavours to mitigate the effect on residential amenity of excessive lightspill.

(ii) Signs

Compliance with Rule 6.1.5.1

Explanation

Signs have the greatest potential to create a visual obstruction where they are erected adjacent to residential areas. In order to minimise the impact of signs on these areas appropriate limits have been placed on size and number.

(iii) Outdoor Storage

Any outdoor storage area visible from any residentially zoned site or public area shall be screened from view by either a fence, wall of not less than 1.8 m in height or dense planting of vegetation capable of growing to 1.8 m in height.

Explanation

Outdoor storage areas, and particularly those used for the storage of waste, can detract from the visual amenity of neighbouring residential properties or public areas such as footpaths, roadways or reserves. Screening of such areas should ensure that the standard of amenity experienced in the business zones and in peripheral residential areas does not deteriorate.

(iv) Hours of Operation for Activities Involving the Sale of Alcohol

- (a) Any activity involving the sale of alcohol for consumption on or off the premises, where the site on which it is located fronts to or adjoins a residentially zoned site, shall comply with the following hours of operation:

Sunday-Thursday	7:00am to 1:00am the following morning
Friday and Saturday	7:00 am to 3:00 am the following morning

- (b) Any activity involving the sale of alcohol for consumption on or off the premises, where the site on which it is located does not front to or adjoin a residentially zoned site, shall comply with the following hours of operation:

Monday to Sunday	7:00 am to 3:00 am the following morning
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- (c) The requirements contained in (a) and (b) above shall not apply to any lodger or employee of a licensee (as defined by the Sale of Liquor Act 1989) who is, for the time being, living in any premises where the sale of alcohol occurs.
- (d) Nothing in (a) or (b) above shall affect the sale or supply of alcohol pursuant to, and in accordance with, any special licence granted under the Sale of Liquor Act 1989.

Explanation

Where alcohol is sold or consumed there is the potential for disturbance to arise from excessive noise particularly late at night. While the Sale of Liquor Act 1989 controls some of the effects of this through restrictions on hours of operation, decisions emerging from the use of that Act mean that it is appropriate to back it up with restrictions in the District Plan. It is of particular importance where sites involved in the sale or consumption of alcohol are close to residential areas.

(v) Vehicle Parking, Loading and Site Access

Compliance with Rules:

20.3.7.1	Parking Spaces for People with Disabilities;
20.3.7.4	Parking Provision Standards for the Inner Business Zone;
20.3.7.6	Car Park Landscape Design;
20.3.7.7	Formation of Parking Spaces;
20.3.8.1	Loading Space Standards;
20.3.9.1	Access Standards.

(vi) Hazardous Substances

Compliance with the provisions of Section 14, Hazardous Substances.

(vii) Noise

Compliance with Rule 11.6.5.1.

Note to Plan Users:

Also refer to:

Rule 23.7.1 – Radiofrequency Field Exposure

Rule 20.3.10.2 – Discretionary Activities (Restricted) – Drive Through Facilities

Rule 20.3.10.3 – Discretionary Activities (Restricted) – Retail Activities requiring 125 or more parking spaces.

U R 11.6.1.2 Construction, Alteration or Addition to a Building

The Construction, Alteration of, or Addition to a Building is a Permitted Activity provided that the following Performance Conditions are Complied with:

NOTE TO PLAN USERS:

Plan users are advised to check the Schedule of Buildings and Objects of Cultural Heritage Value to ensure that the building is not subject to the additional provisions of the Cultural Heritage Section.

Performance Conditions for Permitted Activities:**(i) Maximum Building Height**

Any buildings or structures shall comply, in terms of maximum height, with R 20.4.10.1.

Explanation

This performance condition sets a maximum height for any buildings or structures within the Inner and Outer Business Zones, and the Industrial Zone to prevent penetration of the Airport Protection Surfaces as set out in R 20.4.10.1.

(ii) Subject to (i) above height of any building on a site which fronts to or adjoins a residentially zoned site**(a) Street Interface**

- Primary Building Envelope

A stepped profile defines a series of set backs from the street. Eleven metres or more from the street boundary, a building may reach a maximum height of 6.5 metres. Seventeen metres or more from the street boundary, a building may reach a maximum height of nine metres. Thirty metres or more from the street boundary, building height is no longer restricted, except in the case of a corner site where twenty metres or more from the street boundaries, building height is no longer restricted.

- Secondary Building Envelope

Additional building volumes will be permitted in front of the Primary Envelope but their dimensions will be subject to vertical and horizontal constraints. Between eight metres and eleven metres from the street boundary, secondary building volumes may reach a maximum height of 6.5 metres. However, the cumulative length of such volumes shall not exceed the greater of twelve metres or three quarters the total length of the building. In both cases, length shall be measured parallel to the street boundary.

- Tertiary Building Envelope

Further additional building volumes will be permitted above the Primary Envelope but their dimensions will be subject to vertical and horizontal constraints. Between eleven metres and seventeen metres from the street boundary, tertiary building volumes may reach a maximum height of nine metres. However, the cumulative length of such volumes shall not exceed half the total length of the building. In both cases, length shall be measured parallel to the street frontage.

Refer to Figure 11.1

(b) Rear Boundary Interface

- Primary Building Envelope

A stepped profile defines a series of set backs from the residential boundary. Three metres or more from the rear boundary of an adjoining residential property, a building may reach a maximum height of four metres. Nine metres or more from this boundary, a building may reach a height of 6.5 metres. Twelve metres or more from this boundary, a building may reach a maximum height of nine metres. Twenty metres or more from the boundary, building height is no longer restricted.

- Secondary Building Envelope

Additional building volumes will be permitted above the Primary Envelope but their dimensions will be subject to vertical and horizontal constraints. Between three metres and nine metres from the rear boundary of an adjoining residential property, secondary volumes may reach a maximum height of 6.5 metres. However, the cumulative length of these volumes shall not exceed the greater of twelve metres or two thirds the total length of the building. In both cases, length shall be measured parallel to the adjacent residential boundary.

- Tertiary Building Envelope

Further additional building volumes will be permitted above the Primary Envelope but their dimensions will be subject to vertical and horizontal constraints. Between six metres and twelve metres from the rear boundary of an adjoining residential property, tertiary volumes may reach a maximum height of nine metres. However, the cumulative length of these volumes shall not exceed half the total length of the building. In both cases, length shall be measured parallel to the adjacent residential boundary.

Refer to Figure 11.2

(c) Side Boundary Interface

- Primary Building Envelope

A stepped profile defines a series of set backs from the residential boundary. Three metres or more from the side boundary of an adjoining residential property, a building may reach a maximum height of four metres. Nine metres or more from this boundary, a building may reach a maximum height of 6.5 metres. Fifteen metres or more from this boundary, a building may reach a maximum height of nine metres. Twenty metres or more from the boundary, building height is no longer restricted.

- Secondary Building Envelope

Additional building volumes will be permitted above the Primary Envelope but their dimensions will be subject to vertical and horizontal constraints. Between six metres and nine metres from the side boundary of an adjoining residential property, secondary building volumes may reach a maximum height of 6.5 metres. However, the cumulative length of these volumes shall not exceed the greater of twelve metres or two thirds the total length of the building. In both cases,

length shall be measured parallel to the adjacent residential boundary.

- Tertiary Building Envelope

Further additional building volumes will be permitted above the Primary Envelope but their dimensions will be subject to vertical and horizontal constraints. Between nine metres and fifteen metres from the side boundary of an adjoining residential property, tertiary building volumes may reach a maximum height of nine metres. However, the cumulative length of these volumes shall not exceed half the total length of the building. In both cases, length shall be measured parallel to the adjacent residential boundary.

Refer to Figure 11.3.

Explanation

Council recognises that the interface between residential and non-residential zones is an area of sensitivity, particularly given the potential impact of non-residential development on adjoining residential areas.

In order to mitigate the effects associated with such development, a series of specific controls have been developed which focus on three key residential/non-residential interfaces - street boundaries, side boundaries and rear boundaries.

These controls seek to ensure that new commercial or industrial buildings constructed along these interfaces contribute to the physical character of the area through generally mirroring the characteristic scale and rhythm of neighbouring residential dwellings.

The setback provisions apply only to the affected boundary, not to all boundaries on the site. For example a building facing a residential site will be subject to the road frontage setback only and a building adjoining a residential zoned site would need to meet either the rear or side boundary requirements.

(iii) Verandas

- (a) Any part of a building with frontage to a Pedestrian or Parking Street identified on Figure 20A.4 shall provide a veranda which is connected to any adjoining verandas and which provides coverage along the full length of this frontage.
- (b) Any such veranda must be set back 600 mm from the face of any kerb.

Explanation

The provision of adequate weather protection for pedestrians is an important amenity consideration within the Inner Business Zone, particularly along those routes which experience high levels of pedestrian movement.

(iv) Frontage

- (a) All buildings with frontage to a Pedestrian Street identified on Figure 20A.4 shall be built to the front boundary and provide display windows along this frontage.
- (b) This shall not preclude the provision of doors and supporting columns intruding into the area of display windows.

Explanation

The pedestrian streets identified on Figure 20A.4 are characterised by what is essentially continuous and non-interrupted building frontage. This existing pattern of development provides an environment for pedestrians which is accessible, convenient and coherent and which, if broken, could adversely affect the vitality and visual qualities of these streets.

Figure 11.1
Business and Industrial Zone Height and Setback Envelopes
Street Interface

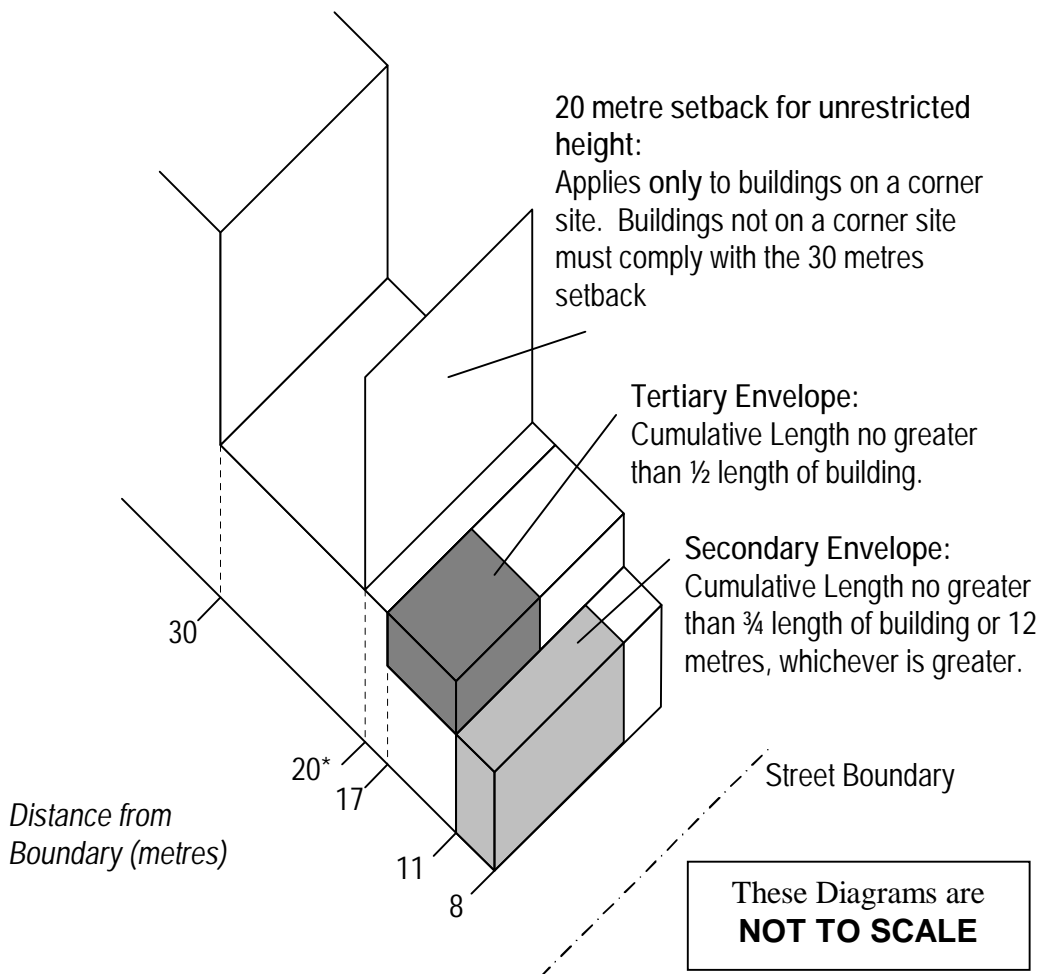
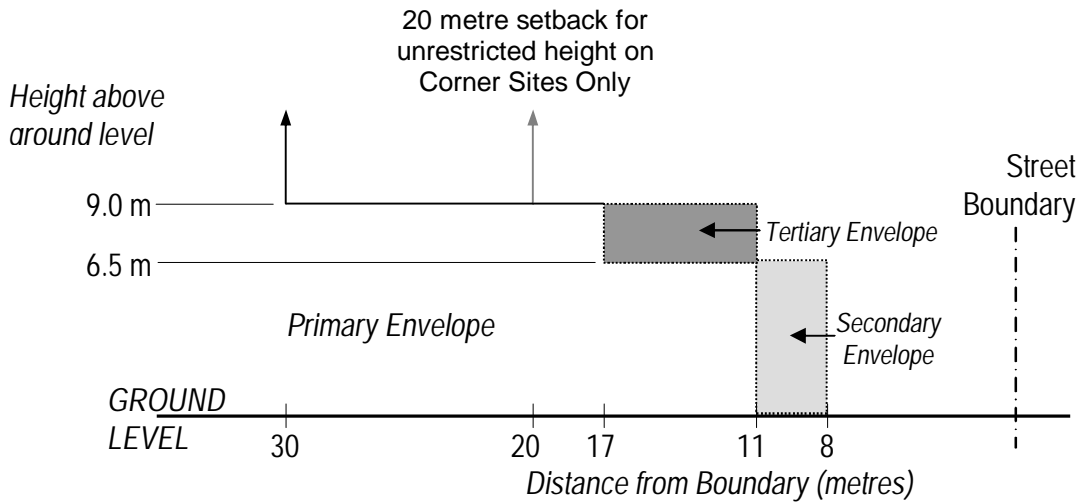
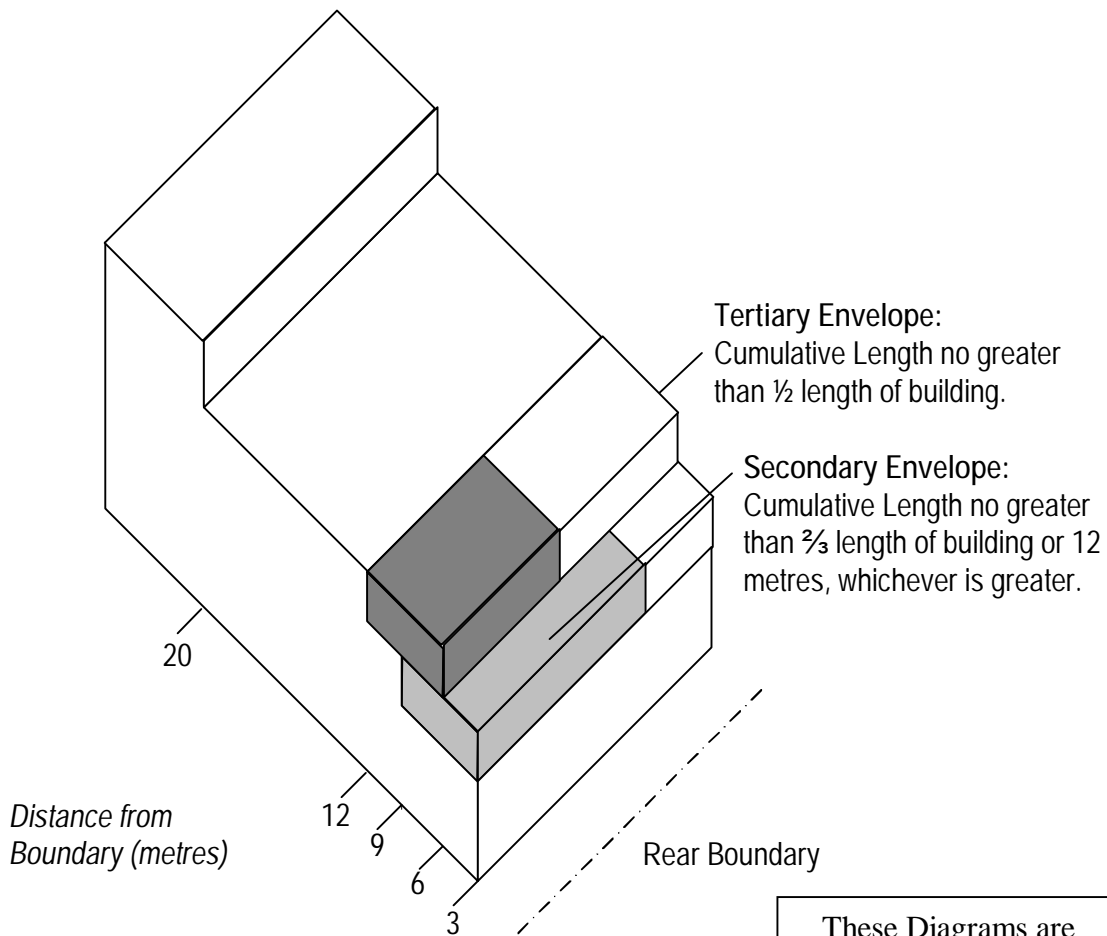
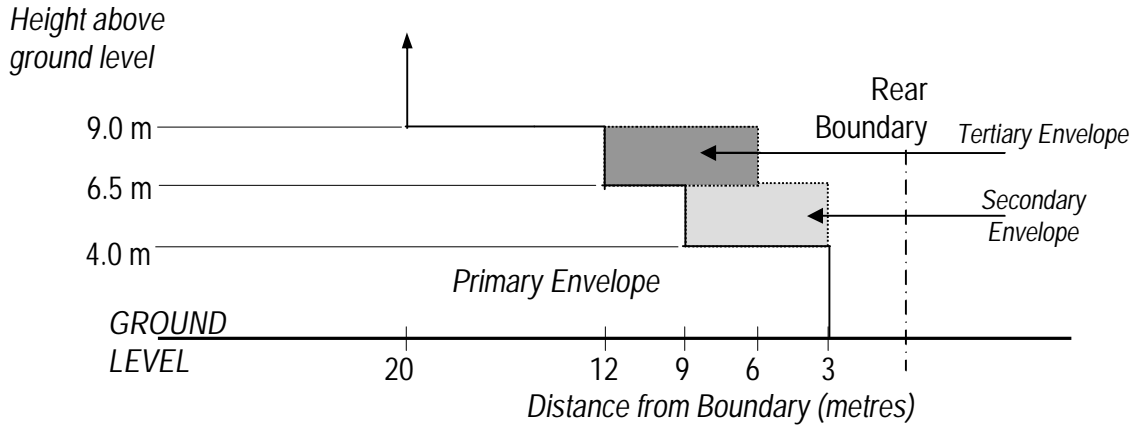
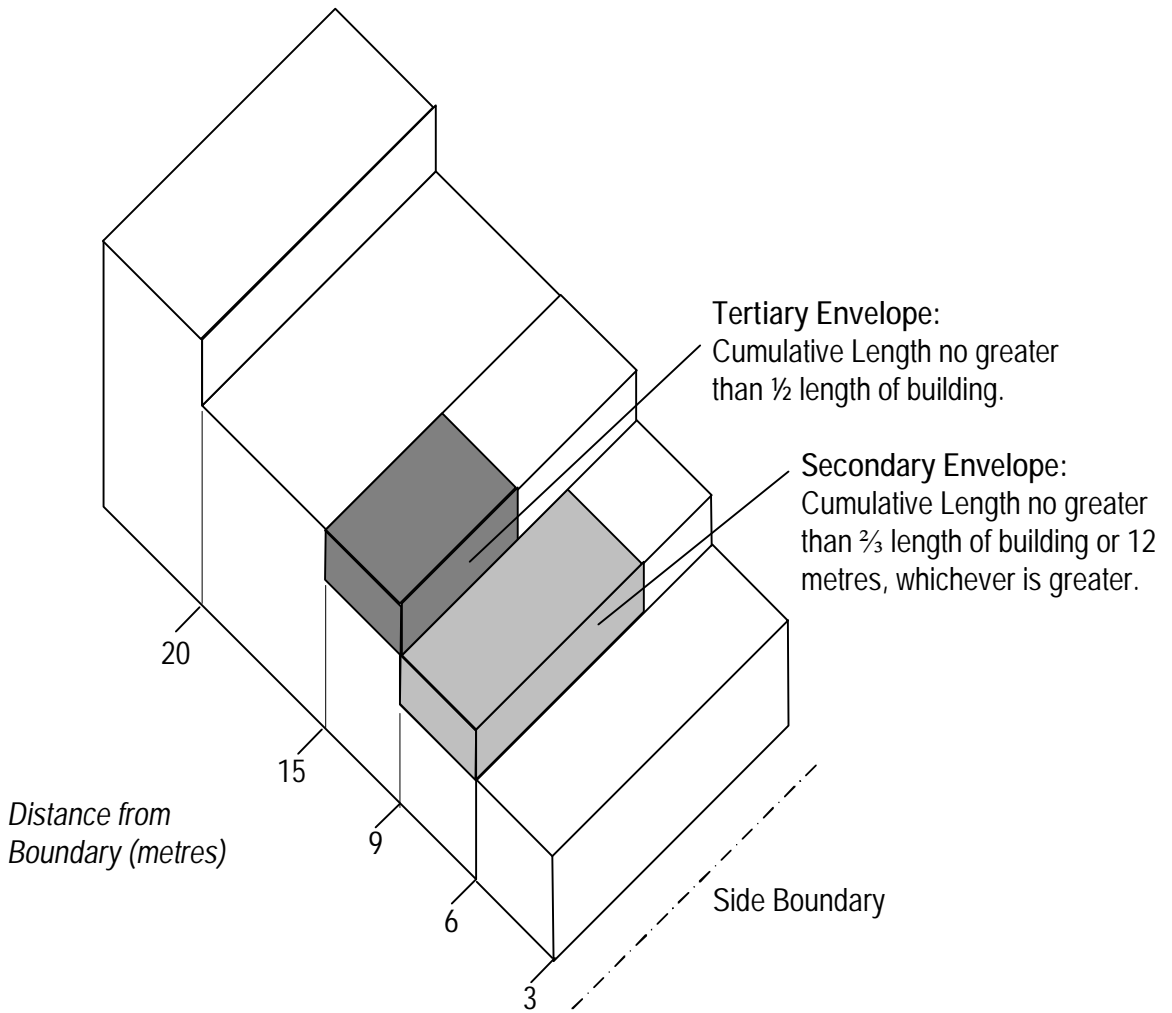
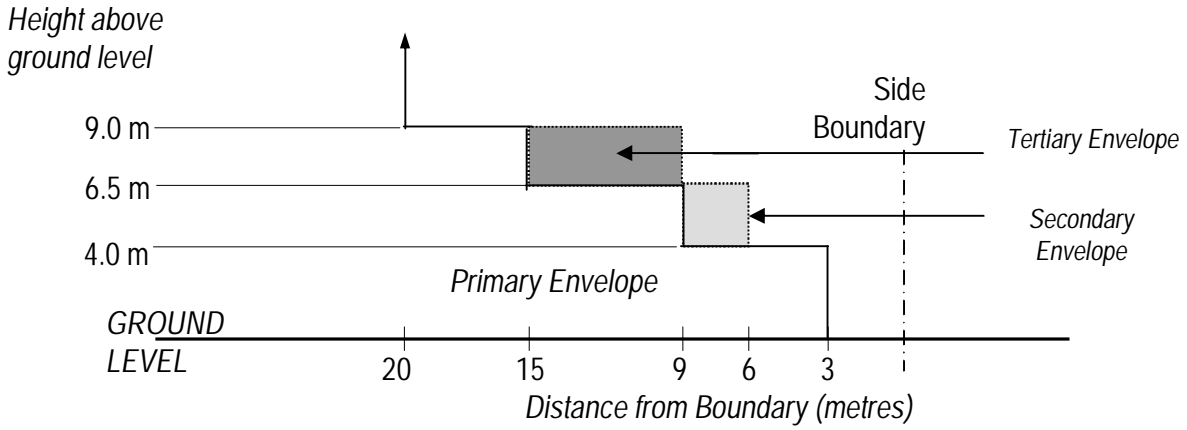


Figure 11.2
Business and Industrial Zone Height and Setback Envelopes
Rear Boundary Interface



These Diagrams are
NOT TO SCALE

Figure 11.3
Business and Industrial Zone Height and Setback Envelopes
Side Boundary Interface



These Diagrams are
NOT TO SCALE

(v) Landscape Amenity

Except as provided for under Rule 11.7.1.1(vii) (Outer Business Amenity and Character Areas), the following are Landscape Amenity performance conditions associated with permitted activities:

(a) Street Frontage

- Any building which does not have a frontage to either a residentially zoned site or a pedestrian or parking street identified on Figure 20A.4, or is not built to the street frontage, and whose frontage is not a car parking area, shall provide at least one specimen tree for every 7 metres of site frontage, or equivalent suitable landscape works.
- Any building which fronts to a residentially zoned site and is not built to the street frontage, shall provide, located at or on street frontage, at least one specimen tree for every 7 metres of site frontage.

Trees

- Trees shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian / vehicular activities taking place on the street.
- Trees shall be well developed specimen trees, capable of growing to a height of 5 metres within ten years of planting.
- Where existing trees over 5 metres tall are to be retained along a frontage, these trees shall be credited towards these requirements.
- Where trees are planted in a strip, this area shall have a minimum width of two metres. Where trees are planted individually along a frontage, these trees shall be planted in an area not less than 4 m².

Suitable Landscape Works

- The total area of landscape works will be not less than the frontage length multiplied by 2 metres and will be located at the street frontage.
- A minimum of 90% of any area proposed to meet part or all of the landscape works shall comprise planting.
- Planting will include trees where these exist at the frontages of immediately adjacent sites, but will otherwise include a combination of shrubs and ground cover (which may include lawn grass) with not less than half of the required planted area covered by shrubs.
- Any area of planting is not to be less than 4 m² in area and will have a minimum dimension of 1.5m measured to the edge of the planted area.
- Paved areas that are part of the area of landscape works will not be used for car parking and will be constructed from modular pavers or other high quality paving materials in a considered composition.
- Paving and other hard landscaping elements such as, for example, bollards, fences, poles or water features, and other sculptural elements will be planned in a way and built of materials that establishes a visual link between the building and the frontage.

Process

- Frontage landscape works are required for all new buildings; in all situations where a building fronts a residentially zoned site; and to buildings which are being added to or altered only when the addition or alteration is located at, or prominently visible from, the site frontage.
- A plan of frontage landscape works will be prepared and submitted by the developer at the time of the construction, alteration or addition to a building. This is to ensure that the requirements above are adequately satisfied.
- All planting shall be completed before the buildings on the site are occupied or, where this is not seasonally practicable, within the first planting season after completion of the buildings.

(b) Perimeter Planting

- An amenity strip of not less than 3 metres in width shall be provided along the boundary of any site which adjoins a residentially zoned property.
- Planting of this strip shall include specimen trees capable of attaining a height of 5 metres or more, planted at a minimum frequency of one tree every 7 metres along the length of the amenity strip.
- All planting shall be completed before the buildings on the site are occupied or, where this is not seasonally practicable, within the first planting season after completion of the buildings.

Explanation

Landscaping is an important contributor to the provision and maintenance of adequate amenity both within the Business and Industrial Zones and at the interface between these zones and neighbouring residential areas. In addition to its amenity contribution, landscaping also provides a useful technique for mitigating adverse effects through, for example, softening the appearance of development (e.g.. monotonous building form, parking areas); separating activities; and providing form, scale and texture that complement development.

(vi) Vehicle Parking, Loading and Access

Compliance with Rule 11.6.1.1(v).

11.6.2 Rules: Discretionary Activities (Restricted)

U R 11.6.2.1 Activities Which do not Comply With the Permitted Activity Performance Conditions

Activities which do not comply with the Performance Conditions in relation to:

- (i) Lighting**
- (ii) Loading and access**
- (iii) Vehicle parking**

are Discretionary Activities (Restricted) with regard to:

- **The safe and efficient operation of the roading network**
- **Effects on adjoining residential areas**
- **Financial Contributions in accordance with Section 8**
- **The provision of car parking**

In determining whether to grant consent and what conditions if any to impose, Council will, in addition to the City View and Inner and Outer Business Zone objectives and policies, assess any application in terms of the following further policies:

(i) Lighting

- (a) To avoid, remedy or mitigate the effects of the overspill of light onto adjacent residentially zoned properties.
- (b) To avoid, remedy or mitigate the effects of the overspill of lighting through the use of planting, screening or orientation of light sources.
- (c) To take into account the influence of topography and other site features in mitigating the effects of light overspill.

(ii) Loading and Access

- (a) To avoid, remedy or mitigate the effects of the deficiency in loading and access facilities on the safe and efficient operation of the roading network.
- (b) To ensure that other safe and efficient facilities are available to meet the predicted loading or access requirement.
- (c) To avoid, remedy or mitigate the effects in loading or access facilities on the ambience and amenity values, in particular residential areas.
- (d) The financial contribution and car parking space Rule 20.3.7.5 of the Transportation Section.

(iii) Vehicle Parking

- (a) To avoid, remedy or mitigate the effects of the deficiency in parking spaces on the safe and efficient operation of the roading network.
- (b) To ensure that other safe and efficient facilities are available to meet the predicted parking requirement.
- (c) To avoid, remedy or mitigate the effects of the deficiency in parking spaces on the ambience and amenity values, in particular residential areas.
- (d) The financial contribution and car parking space Rule 20.3.7.5 of the Transportation Section.

Explanation

The provision of adequate parking, loading and access provisions are essential in the Inner Business Zone to ensure that activities can operate within the zone with the minimum of disturbance from overspill parking or vehicles manoeuvring on the road. In particular it is important to ensure that where adequate provision cannot be made on site that overspill parking does not intrude into residential areas.

U R 11.6.2.2 The construction, alteration of, or addition to a building which does not comply with the Performance Conditions for Permitted Activities

The construction, alteration of, or addition to a building which does not comply with the Performance Conditions for Permitted Activities in relation to:

- (i) Height of any building which fronts to or adjoins a residentially zoned site**
- (ii) Verandas**
- (iii) Landscape amenity**
- (iv) Loading and access**
- (v) Vehicle parking**

are Discretionary Activities (Restricted) with regard to:

- **Design and appearance**
- **Effects on adjoining residential areas**

In determining whether to grant consent and what conditions, if any, to impose, Council will, in addition to the City View objectives in section 2 and the Inner and Outer Business Zone objectives and policies, assess any application in terms of the following further policies.

(i) Height of any Building which Fronts to or Adjoins a Residentially-Zoned Site

- (a)** To ensure the design and appearance of any building or structure is in character with and complementary to the ambience and amenity values of the surrounding area and any adjoining residential areas.
- (b)** To avoid, remedy or mitigate the effects of overshadowing or reduction of privacy to any adjoining site.
- (c)** To take into account the existence of particular topographic or other features on the site which make compliance impractical.

Explanation

The building height requirements which have been developed at the interface between the Business and Residential Zones make reasonable provision for most development. Council acknowledges though that there may be instances where additional height is necessitated but its intent is to protect nearby residential areas from any possible effects that might be generated.

(ii) Verandas

- (a)** To avoid, remedy or mitigate the adverse effects of a lack of veranda cover by the use of other means.

- (b) To ensure the design and appearance of the veranda is, or can be made to remain in character with the building and adjoining buildings.

Explanation

Verandas provide useful weather protection for pedestrians but may be impractical in some instances. Where such situations arise Council will endeavour to ensure that a suitable alternative is provided.

(iii) Landscape Amenity

- (a) To avoid, remedy or mitigate adverse effects on the character, amenity values and ambience of neighbouring areas.
- (b) To take into account the existence and influence of on-site constraints which may make compliance difficult or inappropriate.

Explanation

Council appreciates that the specified level of on-site landscape provision will not be attainable in every instance but is intent to ensure that in such circumstances alternative on-site amenity can be provided.

(iv) Loading and Access

The further policies contained in Rule 11.6.2.1, (ii) Loading and Access

(v) Vehicle Parking

The further policies contained in rule 11.6.2.1 (iii) Vehicle Parking

11.6.3 Rules: Discretionary Activities (Unrestricted)

U R 11.6.3.1 Industrial Activities

Industrial activities, excluding offensive activities, are Discretionary Activities (Unrestricted)

In determining whether to grant consent and what conditions, if any, to impose, Council will, in addition to the City View objectives in section 2 and the Inner and Outer Business Zone objectives and policies, assess any application in terms of the following further policies:

- (a) To avoid, remedy or mitigate the effects of noise and other environmental disturbance on surrounding areas, particularly any residentially zoned land.
- (b) To avoid, remedy or mitigate the effects of the generation of additional traffic, through efficient and effective parking, access and loading provisions.
- (c) To ensure the design and appearance of any building or structure is in character with, and complementary to, the ambience and amenity value of the surrounding area, particularly any residentially zoned land.
- (d) To avoid, remedy or mitigate any adverse impacts on the environment for pedestrians.

Explanation

Although Council does not wish to impose a total restriction on the establishment of industrial activities within the Inner Business Zone, it is concerned that the nature of such activities could have a detrimental

effect on central city amenity. In order to ensure that the effects of industrial activities on both surrounding activities and the associated streetscape are thoroughly considered, industrial activities have been identified as a Discretionary Activity within the Inner Business zone.

U R 11.6.3.2 Any Activity or Construction, Reconstruction or Alteration of Buildings or Structures not provided for by Rules 11.6.1.1, 11.6.1.2, 11.6.2.1, 11.6.2.2, 11.6.3.1 or 11.6.4.1

Any activity or the construction, reconstruction, or alteration of any building or structure which is not provided for by Rules 11.6.1.1, 11.6.1.2, 11.6.2.1, 11.6.2.2, 11.6.3.1 or 11.6.4.1 is a Discretionary Activity (Unrestricted).

11.6.4 Rules: Non-Complying Activities

U R 11.6.4.1 Offensive Activities and Crematoria

Offensive Activities and Crematoria are Non-Complying Activities.

Explanation

Offensive Activities and Crematoria have a range of potential effects that could adversely affect the amenity qualities of the Inner Business Zone. The application of Non-Complying Activity status to these activities will ensure that any Offensive Activity or Crematoria has to demonstrate that it can satisfy the requirements of Sections 104 and 104D of the Resource Management Act 1991 prior to any approval being granted.

11.6.5 Rules : Noise

U R 11.6.5.1 Noise

(i) Sound emissions from any activity shall not exceed the following limits when measured at the boundary of the site on which that activity occurs:

All times	65 dBA L₁₀ and
10:00 pm - 7:00 am	90 dBA L_{max}

(ii) Sound emissions from any activity shall not exceed the following limits when measured at or within the boundary of any land zoned for residential purposes:

7:00 am - 10:00 pm	50 dBA L₁₀ and
10:00 pm - 7:00 am	40 dBA L₁₀ and 70 dBA L_{max}

Explanation

The noise rules within business areas are designed to allow activities to make more noise than, for instance, would be appropriate in a residential area. Where noise sensitive uses (including residential activities) are proposed for a business area, it is the responsibility of the designer, developer, owner and user to ensure that buildings are appropriately insulated against the higher levels of noise that are allowed.

Noise limits applying at residential interfaces are intentionally greater than those that apply to non-residential activities established within residential areas. The background sound levels are generally greater nearer to commercial areas. This permits greater levels of sound to be emitted.

11.7 Outer Business Zone

11.7.1 Rules: Permitted Activities

U R 11.7.1.1 Permitted Activities

Any activity is a Permitted Activity except for:

- Those specified as **Controlled Activities, Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted)**;
- **Offensive Activities which are Non-Complying Activities.**

provided that the following performance conditions are complied with:

Performance Conditions

(i) Lighting

Compliance with Rule 11.6.1.1(i)

(ii) Signs

Compliance with Rule 6.1.5.1

(iii) Outdoor Storage

Compliance with Rule 11.6.1.1(iii)

(iv) Hours of Operation for Activities Involving the Sale of Alcohol

Compliance with Rule 11.6.1.1(iv)

(v) Vehicle Parking, Loading and Site Access

Compliance with Rules:

- | | |
|----------|--|
| 20.3.7.1 | Parking Spaces for People With Disabilities; |
| 20.3.7.2 | Parking Provision for All Zones Except Inner Business; |
| 20.3.7.6 | Car Park Landscape Design |
| 20.3.7.7 | Formation of Parking Spaces; |
| 20.3.8.1 | Loading Space Standards; |
| 20.3.9.1 | Access Standards. |

(vi) Hazardous Substances

Compliance with the provisions of Section 14 Hazardous Substances.

(vii) Outer Business Amenity and Character Areas

On street frontages identified on Figure 11.4 as Outer Business Amenity and Character Areas veranda or landscape planting shall be provided as follows:

(a) Veranda Only Areas

- Where a building is built to within 2.0 metres of the street boundary within the “Veranda Only Areas” identified in Figure 11.4, that building shall provide a veranda which is connected to any adjoining verandas and which provides a coverage along the full length of the building frontage, at a height consistent with neighbouring buildings.
- Any such veranda must be set back 600mm from the face of any kerb.

(b) Option Areas

- Where a building is built to within 2.0 metres of the street boundary within the “Option Areas” identified in Figure 11.4, that building shall provide a veranda which is connected to any adjoining verandas and which provides coverage along the full length of the building frontage.
- Any such veranda must be set back 600mm from the face of any kerb.
- Where a building within the “Option Areas” identified in Figure 11.4 is set back from the street boundary, the site shall be provided with landscaping in accordance with Rule 11.6.1.2(v) as though it were a building fronting a residentially zoned site.

(c) Modified Landscaping Areas

- Where a building is built to within 2.0 metres of the street boundary within the “Modified Landscaping Areas” identified in Figure 11.4, that building shall provide a veranda which is connected to any adjoining verandas and which provides coverage along the full length of the building frontage.
- Any such veranda must be set back 600mm from the face of any kerb.
- Where a building within the “Modified Landscaping Areas” identified in Figure 11.4 is set back more than 1.5 metres from the street boundary, the site shall be provided with landscaping in accordance with Rule 11.6.1.2(v), with the exception that trees are not required where street tree planting already exists within the road reserve.

Note to Plan Users:

Also refer to:

Rule 23.7.1 – Radiofrequency Field Exposure

Rule 20.3.10.2 – Discretionary Activities (Restricted) – Drive Through Facilities

Rule 20.3.10.3 – Discretionary Activities (Restricted) – Retail Activities requiring 125 or more parking spaces.

U R 11.7.1.2 Construction, Alteration or Addition to a Building

The construction, alteration of, or addition to a building provided that the following Performance Conditions are complied with:

NOTE TO PLAN USERS:

Plan users are advised to check the Schedule of Buildings and Objects of Cultural Heritage Value to ensure that the building is not subject to the additional provisions of the Cultural Heritage Section.

Performance Conditions

(i) Height of any building on a site which fronts to or adjoins a residentially zoned site.

Compliance with Rule 11.6.1.2(ii)

(ii) Landscape Amenity

Compliance with Rule 11.6.1.2(v)

(iii) Vehicle Parking, Loading and Site Access

Compliance with Rule 11.7.1.1(v).

11.7.2 Rules : Controlled Activities

U R 11.7.2.1 Any activity or the Construction, External Alteration or Addition to a Building on the property bounded by Church Street, West Street and Main Street described as:-

Lot 4, DP35156, CT WN12A/1310 and Lot 5, DP35156, CT WN12A/1311

Are Controlled Activities with regard to:

- **Design and appearance of buildings;**
- **Landscaping;**
- **Site Layout;**
- **The safe and efficient operation of the roading network;**
- **Financial contributions in accordance with Section 8.**

And for residential activity also with regard to

- **Remediation of contamination on the site**

Provided that the following Performance Conditions are complied with.

Performance conditions

Activities must comply with the performance conditions of Rules 11.7.1.1 and 11.7.1.2, and the following additional performance conditions. Where there is any difference between the additional performance conditions and those set out in Rules (11.7.1.1) and (11.7.1.2), the additional conditions shall be those which apply: -

(a) Building Height, Bulk & Site Coverage

- (i) Site coverage must not exceed 50%. Where buildings exceed 30% site coverage they must not exceed 15m in height.
- (ii) Where building site coverage does not exceed 30%, no building may exceed a maximum height of 20m, except that, where three or more buildings are proposed, any individual building must not exceed 25 metres in height provided the maximum average height of all

buildings is 20 metres.

- (iii) All buildings and structures located within 15m of any road frontage shall be contained within a 30° plane commencing at 7.75m above ground level inclined inwards at right angles in plan from the road boundary.

(b) Building/Activity Setbacks

- (i) All buildings (excluding gutters, structural elements and architectural features) shall be set back from the legal frontage by a minimum of:
- 8 metres from the Main St frontage except that parts of buildings may be located no closer than 6m to the road frontage provided that the existing mature trees can be retained with only minor trimming. Those parts of the building that are setback closer than 8 metres shall not exceed 50% of the total length of the building along the Main St frontage and shall not exceed 3m in height.
 - 20 metres from the West St frontage
 - 2 metres from the Church St frontage.
- (ii) Car parking areas must be set back from the legal frontage by a minimum of:
- 6 metres from the Main St frontage
 - 6 metres from the West St frontage
 - 2 metres from the Church St frontage.

(c) Gross Floor Area

- (i) The gross floor area of retail activity must not exceed 10,500m² and may comprise individual retail activities or premises provided one of the criteria in (ii) is met.
- (ii) No individual retail premise or activity can be or occupy less than 1200m² of gross floor area OR the average gross floor area of individual retail premises or activities must be no less than 1500m² in extent.

(d) Vehicle Parking, Loading and Site Access

Compliance with Rules:

20.3.7.1	Parking Spaces for People With Disabilities;
20.3.7.2	Parking Provision for All Zones Except Inner Business;
20.3.7.6	Car Park Landscape Design
20.3.7.7	Formation of Parking Spaces;
20.3.8.1	Loading Space Standards;
20.3.9.1	Access Standards.

(e) Retention of Existing Trees

Existing trees at street frontages having a height of 8m or more shall be retained unless removal is necessary to provide for vehicle entry and egress or because the trees are terminally damaged or diseased.

(f) Maintenance of Existing Trees

Any tree works are to be carried out by an arborist approved by the Principal Planner of Resource Consents of the Palmerston North City Council and pursuant to a written proposal confirming the nature of the works proposed and the methods employed to protect the tree(s) OR trees in question.

NOTE TO PLAN USERS:

The "site" for the purpose of applying the performance conditions of R 11.7.2.1 is defined as the complete and contiguous area comprised in Lot 4, DP35156, CT WN12A/1310 and Lot 5, DP35156, CT WN12A/1311, bordered by Church Street, West Street, and Main Street.

In determining what conditions, if any, to impose, Council will, in addition to the objectives and policies of the Outer Business Zone assess any application in terms of the following further policies.

- (i) To avoid, remedy or mitigate the effects of activities on the amenity values and ambience of the surrounding environment, consistent with the business zoning and efficient development of the site.
- (ii) To ensure compliance with the noise standards of R11.6.5 to avoid or mitigate noise disturbance on surrounding areas, particularly any residential areas.
- (iii) Particular regard shall be given to enhancing the streetscape character of Church Street, West Street and Main Street through landscape planting including, but not limited to, the planting of specimen trees, the provision of a landscape strip along the road frontage except at access points and by retaining existing mature frontage trees.
- (iv) To avoid, remedy or mitigate any adverse effects associated with large areas of paved surface by the planting of trees within such areas.
- (v) To ensure that the effects of the location, design and appearance of any building or structure is adequately mitigated, having regard to the ambience and amenity values of the surrounding area.
- (vi) Particular regard shall be given to avoiding, remedying or mitigating any adverse effects associated with the scale and bulk of the building through the use of colour finishes (generally natural and recessive colours), materials, articulation of form and landscaping, designed to achieve visual interest, visual depth and modulation and a frontage landscape theme consistent with the scale of the site and that contributes to the extended pattern of landscaping through the City.
- (vii) To avoid, remedy or mitigate the effects of additional traffic generated by activities on the site on the safety and efficiency of the road network.
- (viii) To have particular regard to the safety of cyclists and pedestrians.
- (ix) To ensure adequate provision is made for parking, access and manoeuvring areas within the site.
- (x) To ensure that where residential activity is proposed any contamination of the relevant parts of the site are remediated to a standard that is appropriate.
- (xi) The elevated nature of the site at its West Street frontage is acknowledged and dealt with appropriately and sensitively to ensure that the appearance of vehicles and headlight glare does not detract from, or compromise, the gateway approach to the city centre or adversely affect neighbours in the West Street area, with any retaining walls and/or fences carefully and sensitively designed and screen planted so as to be an integrated landscape feature and element in the gateway approach.
- (xii) The existing tree edge of the site is expanded along its West and Church Street frontages and specimen trees are planted within the on-site car park.
- (xiii) The root zones of the existing specimen Poplar trees (i.e., underneath their canopies) on the

West Street frontage are adequately protected, with the area within 5m of the tree trunks undisturbed by earthworks or by being sealed for parking/access to the greatest extent practicable.

- (xiv) To ensure that in implementing the above policies the efficiency and functional requirements of the development and building are taken into account.

Explanation

Landscaping is an important contributor to the provision and maintenance of amenity values in respect of activities located on prominent road frontages. Landscaping mitigates adverse effects by, among other things, softening the visual impact of buildings and paved areas, by separating activities, and providing scale, form and texture that complement development.

By the use of recessive colour schemes, choice of materials and articulation of form in combination with landscaping the domination effects of large scale buildings on streetscape and neighbouring properties can be mitigated.

Performance condition (c) is intended to enable large format or bulk retailing and to prevent the unfettered use of the site for retailing activity of the type that occurs in the CBD where there is a range of individual or discrete retail activities, often in a single building.

Provision of an integrated car park will ensure its convenient and safe operation and maintain an open appearance of the site and reduce potential effects of large scale buildings on residential amenity and streetscape.

Access to and from an Arterial Road, such as Main Street, requires careful attention because the primary function of the road is to provide for the movement of large traffic volumes. The design, location and number of access points to an Arterial Road has a direct relationship to the safety and efficiency of the road.

Investigations have recorded that some soot and hydrocarbon contamination of the site remain from its former railway use. It has been established that contamination levels are acceptable for commercial development where most of the site will be sealed or built over. However, further investigation is necessary to determine what, if any, site remediation should be carried out to make the land suitable for residential activity.

U R 11.7.2.2 Non-notification of Controlled Activities

Notice of applications for controlled activities (Rule 11.7.2.1) need not be served on any persons who, in the Council's opinion may be adversely affected by the activity.

NOTE TO PLAN USERS:

Pursuant to section 93(1) of the Resource Management Act 1991, applications for controlled activities need not be publicly notified unless the applicant so requests (section 94C(1)) or unless the Council considers that special circumstances exist and determines, in its discretion, to notify the application (section 94C(2)). Rule 11.7.2.2 provides that notice of applications for controlled activities need not be served on any affected parties.

11.7.3 Rules : Discretionary Activities (Restricted)

U R 11.7.3.1 Activities which do not comply with the Permitted or Controlled Performance Conditions

Activities which do not comply with the Permitted Performance Conditions (in Rules R11.7.1.1 and R11.7.1.2) in relation to:

- (i) Lighting**
- (ii) Loading and access**
- (iii) Vehicle parking**

(iv) Verandas and Landscaping in Outer Business Amenity and Character Areas

Or the Performance Conditions for Controlled Activities in Rule 11.7.2 excluding non-compliance with performance condition (c) – Gross Floor Area

are Discretionary Activities (Restricted) with regard to:

- **Design and appearance**
- **The safe and efficient operation of the roading network**
- **Effects on adjoining residential areas**
- **Financial contributions in accordance with Section 8**
- **The provision of car parking**
- **The effects arising from non-compliance with the performance conditions above that are not met by the activity.**

In determining whether to grant consent and what conditions, if any, to impose, Council will, in addition to the City View objectives in section 2 and the Outer Business Zone objectives and policies, assess any application in terms of the following further policies:

(i) Lighting

The further policies contained in Rule 11.6.2.1(i) Lighting.

(ii) Loading and Access

The further policies contained in Rule 11.6.2.1(ii).

(iii) Vehicle Parking

- (a) To avoid, remedy or mitigate the effects of the deficiency in parking spaces on the safe and efficient operation of the roading network.
- (b) To ensure that other safe and efficient facilities are available to meet the predicted parking requirement.
- (c) To avoid, remedy or mitigate the effects of the deficiency in parking spaces on the ambience and amenity values of affected areas, in particular residential areas.
- (d) The financial contribution policy and car parking space waiver policy set out in Rule 20.3.7.3 of the Transportation Section.
- (e) The reduction in car parking in the Outer Business Zone area identified in Figure 11.5, does not enable the establishment of additional retail trading area that may potentially create adverse retail distributional effects on the core CBD.

(iv) Verandas and Landscaping in Outer Business Amenity and Character Areas

- (a) To avoid, remedy or mitigate the adverse effects of a lack of veranda cover by the use of other means.
- (b) To maintain the integrity and aesthetic cohesiveness of the street edge through building to the street edge, or providing landscaping planting able to retain or enhance the character of the street edge through the maintenance of edge continuity.
- (c) To take into account the existence and influence of on-site constraints which may make compliance difficult or inappropriate.

(v) Where the Performance Conditions for Controlled Activities are not complied with

The further policies contained in Rule 11.7.2.1.

U R 11.7.3.1(a) Non-notification

An application for an activity which is to be located on Lot 4 DP 35156, CT WN12A/1310 and Lot 5 DP 35156, CT WN12A/1311, and which is classified as a Discretionary Activity (Restricted) under R11.7.3.1 and which would have been a Controlled Activity but for non-compliance with R11.7.2.1 performance condition (d) (parking) and/or (b)(ii) (car parking set back) need not be:

- (i) publicly notified;
- (ii) served on any persons, who in the Council's opinion may be adversely affected by the activity.

This rule does not prevent the Council determining under section 94C of the Resource Management Act 1991 that special circumstances exist that justify requiring either public notification or service on affected parties.

U R 11.7.3.2 Construction, Alteration or Addition to a Building which does not comply with the Performance Conditions for Permitted or Controlled Activities

The construction, alteration of, or addition to a building which does not comply with the Performance Conditions for Permitted Activities (in Rules R11.7.1.1 and R11.7.1.2) in relation to:

- (i) Height of any building which fronts to or adjoins a residentially zoned site**
- (ii) Landscape amenity**
- (iii) Loading and access**
- (iv) Vehicle parking**

Or the Performance Conditions for Controlled Activities (in Rule 11.7.2) excluding non-compliance with Performance Condition (c) – Gross Floor Area

are Discretionary Activities (Restricted) with regard to:

- **Design and appearance**
- **Effects on adjoining residential areas**
- **The effects arising from non-compliance with the relevant performance conditions that are not met by the activity**

In determining whether to grant consent and what conditions, if any to impose, Council will, in addition to the City View objectives in section 2 and the Outer Business Zone objectives and policies, assess any application in terms of the following further policies.

(i) Building Height

The further policies contained in Rule 11.6.2.2 (i) Height of Any Building which Front to or Adjoins a residentially zoned site.

(ii) Landscape Amenity

The further policies contained in Rule 11.6.2.2 (iii) Landscape Amenity.

(iii) Loading and Access

The further policies contained in Rule 11.6.2.1 (ii) Loading and Access

(iv) Vehicle Parking

The further policies contained in Rule 11.7.3.1 (iii) Vehicle Parking

(v) Where the Performance Conditions for Controlled Activities are not complied with

The further policies contained in Rule 11.7.2.1.

U R 11.7.3.2(a) Non-notification

An application for an activity which is to be located on Lot 4 DP 35156, CT WN12A/1310 and Lot 5 DP 35156, CT WN12A/1311, and which is classified as a Discretionary Activity (Restricted) under R11.7.3.2 and which would have been a Controlled Activity but for non-compliance with R11.7.2.1 performance condition (d) (parking) and/or (b)(ii) (car parking set back) need not be:

(i) publicly notified;

(ii) served on any persons, who in the Council's opinion may be adversely affected by the activity.

This rule does not prevent the Council determining under section 94C of the Resource Management Act 1991 that special circumstances exist that justify requiring either public notification or service on affected parties.

11.7.4 Rules : Discretionary Activities (Unrestricted)**U R 11.7.4.1 Discretionary Activities (Unrestricted)**

Any activity or the construction, reconstruction or alteration of any building or structure which is not provided for by Rules 11.7.1.1, 11.7.1.2, 11.7.2.1, 11.7.3.1, 11.7.3.2 or 11.7.5.1 is a Discretionary Activity (Unrestricted).

U R 11.7.4.2 Crematoria**Crematoria are Discretionary Activities (Unrestricted)**

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View objectives in section 2 and the Business Zone objectives and policies, assess any application in terms of the following further policies:

- (a) To avoid, remedy or mitigate the effects of noise, hours of operation and other environmental disturbance on the surrounding communities amenity.
- (b) To avoid, remedy or mitigate potential or actual effects on cultural and social matters.
- (c) To avoid, remedy or mitigate the effects of the generation of additional traffic on the safe and efficient operation of the roading network and through appropriate provision of efficient and effective parking and access.
- (d) To avoid, remedy or mitigate the potential effects associated with the design and appearance of any building or structure in relation to the amenity for the surrounding community.

Explanation

Crematoria have a range of potential effects that could adversely affect the amenity qualities of sites both

within as well as adjoining the Outer Business Zone. Any application will need to demonstrate that it can satisfy the requirements of the Resource Management Act 1991.

11.7.5 Rules : Non-Complying Activities

U R 11.7.5.1 Non-Complying Activities

Offensive Activities are Non-Complying Activities

Explanation

Offensive Activities have a range of potential effects that could adversely affect the amenity qualities of the Outer Business Zone. The application of Non-Complying Activity status to these activities will ensure that any Offensive Activity has to demonstrate that it can satisfy the requirements of Sections 104 and 105 of the Resource Management Act 1991 prior to any approval being granted.

11.7.6 Rules : Noise

U R 11.7.6.1 Noise

Compliance with Rule 11.6.5.1.

11.8 Local Business Zone

11.8.1 Objectives and Policies

Within the broad framework of the City View objectives in section 2, the following specific objectives and policies were identified for the Local Business Zone:

Objective 1

To encourage the establishment and maintenance of a vibrant local business zone.

Policies

- 1.1 To recognise the existence of and provide for new Local Business Zones in convenient locations.
- 1.2 To encourage diversity in the types of employment opportunities provided in these zones.
- 1.3 To allow a variety of activities to establish within the local business zones.

Explanation

The Local Business Zones are, with the exception of the Terrace End, Ashhurst, and Aokautere Business Zones, generally quite limited in their area. Most offer a small range of retail services which provide convenient facilities for local residents. However, their shops are often complemented by a range of other activities including small repair services or community facilities such as libraries. These zones also offer the potential to provide for local employment opportunities, particularly for newly established businesses. This can help to reduce work related journeys as employees may also live locally, and can encourage the continued use of the often already developed land and building resources. This encouragement to the ongoing use of buildings in these zones can help to sustain the Local Business Zones, thereby avoiding some journeys to use shops and other facilities in the City centre. In the case of Ashhurst, the Local Business

Zone effectively forms the heart of the community as it also caters for a range of community activities such as the Village Valley Centre. Ashhurst's Local Business Zone is also quite diverse in nature and includes a number of small businesses providing important employment opportunities and convenient services for local residents. To date the City has been fortunate to have maintained a strong network of local shopping areas. It is Council's intention that the on-going role of these areas be reinforced and enhanced by widening the range of opportunities available.

Objective 2

To ensure that Local Business Zones are compatible with the surrounding environment.

Policies

- 2.1 To ensure residential amenity values are maintained at the interface with Local Business Zones.
- 2.2 To avoid, remedy or mitigate the adverse environmental effects which may arise from activities in the Local Business Zone.
- 2.3 To ensure new Local Business Zones are established where the environmental effects on the surrounding area are avoided, remedied or mitigated.

Explanation

The existing Local Business Zones are in most cases located in the heart of residential areas. Consequently there is the potential for activities in the Local Business Zone to cause adverse effects on the surrounding area. It is important that these effects are addressed and as far as possible mitigated. The most likely place at which these effects arise is at the residential interfaces where the two quite different activities come into closest contact. Therefore it is at the interface that the greatest care must be taken.

While in existing Local Business Zones it is usually only possible to ameliorate the effects on the Residential area, where a new zone is established care can be taken to ensure that the two activity areas are made as compatible as possible at the outset.

Objective 3

To achieve a high standard of amenity within the Local Business Zone.

Policies

- 3.1 To discourage the establishment of activities which will have an adverse effect on the amenity values associated with the Local Business Zone.
- 3.2 To avoid the adverse effects of offensive activities in the Local Business Zone, by controlling their establishment.
- 3.3 To avoid, remedy or mitigate the adverse effects of business activities located within the Local Business Zone.
- 3.4 To recognise and provide for the specific amenity needs of pedestrians.
- 3.5 To maintain and enhance the identified character of particular retail areas that are zoned Local Business.

Explanation

In addition, to protecting the amenity of residential areas adjacent to the Local Business Zone, it is important that the standard of amenity within these areas are maintained and, where possible, enhanced.

To counteract the potential erosion of amenity that might arise as a consequence of allowing a relatively unrestricted range of activities to establish in the business zone, activities which are offensive in nature or which involve industrial processes will either be restricted or discouraged.

Business activities too have the potential to generate effects relating to such matters as noise; parking; location of access/egress points; and loading and storage areas which may impact on the level of amenity enjoyed by activities located within the business zone.

To rectify this, appropriate safeguards have been introduced to ensure that any adverse effects are mitigated.

Over time, a number of small business areas have developed their own particular character which contributes to people's appreciation and enjoyment of them. It is important to maintain and enhance this character so that it can be enjoyed by future generations.

11.8.2 Methods

- District Plan Rules
- Annual Plan Programmes for Amenity and Service Upgrades

The objectives and policies detailed above will largely be achieved through the rules contained in this and other sections of the District Plan. These rules provide an effective and efficient means of ensuring that in the scattered local business areas, the overall intent of the objectives and policies are achieved.

Annual Plan programmes which provide for amenity and service upgrades such as the provision of on-street parking bays will also contribute to the achievement of these objectives by providing funding for these works.

11.8.3 Environmental Results Anticipated

It is anticipated that the objectives, policies and methods of this section will achieve the following results:

- Maintenance of conveniently located local shopping areas.
- Provision of opportunities for locally based employment initiatives.
- Effective protection for the residential amenity values of areas adjoining Local Business Zones.
- Avoidance of unsustainable concentration of all business activities in the central area.
- Retention of the identified character associated with particular Local Business Zones.

11.8.4 Rules: Permitted Activities

U R 11.8.4.1 Permitted Activities

Any activity is a Permitted Activity except for:

- Those specified as **Controlled Activities, Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted)**
- **Offensive Activities which are Non-Complying Activities**

Provided that the following Performance Conditions are complied with:

NOTE TO PLAN USERS:

Refer to R 11.8.5.1, R 11.8.5.2 and R 11.8.5.3 for controls on specific sites zoned Local Business

Performance Conditions

(a) Lighting

Any artificial lighting system shall ensure that its use does not result in added illuminance, over and above the measured ambient level, in excess of 8 lux measured in the vertical plane at the windows of any residential building on any residentially zoned site.

(b) Screening

- (i) A solid close-boarded fence of not less than 1.8 m in height shall be erected on any boundary of a residentially or recreationally zoned site.
- (ii) Any area used for the outdoor storage of products, goods, materials or waste shall be screened from any residentially or recreationally zoned property or the road by a close-boarded fence of not less than 1.8 m in height.

(c) Signs

Compliance with Rule 6.1.5.1

(d) Hazardous Facilities

Compliance with the provisions of Section 14 Hazardous Substances.

(e) Size of Function

No single business activity, or building associated with that activity, shall occupy more than 50% of the total land area zoned Local Business in that locality.

(f) Dwellings

No more than one dwelling shall be permitted on a site zoned Local Business, provided:

- (i) It shall not constitute the sole use of a site: and
- (ii) It shall be ancillary to a non-residential activity on that site

Explanation

A specific performance condition for dwellings has been included to allow for the mixed use of land zoned Local Business within the City. The intention of the performance condition is to recognise the need to provide for on site accommodation at a scale which will not compromise the primary intent of the Local Business Zone to provide a convenient service to, or employment for, the surrounding community.

(g) Hours of Operation for Activities Involved in the Sale of Alcohol

Any activity involving the sale of alcohol for consumption on or off the premises shall comply with the following hours of operation:

Sunday - Thursday	7:00 am to 11:30 pm
Friday and Saturday	7:00 am to 1:30 am the following morning

(h) Parking, Loading and Access

Compliance with Rules:

20.3.7.1	Parking Spaces for People with Disabilities;
20.3.7.2	Parking Provision for All Zones Except Inner Business;

- 20.3.7.6 Car Park Landscape Design;
 20.3.7.7 Formation of Parking Spaces;
 20.3.8.1 Loading Space Standards;
 20.3.9.1 Access Standards.

(i) Noise

Compliance with Rule 11.8.9.1

Explanation

The intention of the Local Business Zone is to create a situation where a wide variety of activities can establish and provide a convenient service to, or employment for, the surrounding community. There will however be some effects which arise as the result of these activities which could have significant negative impacts on adjoining residential areas.

The rules detailed above are intended to control those adverse effects, e.g. the objectionable overspill of light while leaving sufficient flexibility to encourage a wide range of activities. The limited area of most Local Business Zones and the necessity for them to still provide convenient local retailing means that it is important that one area is not taken up by a single activity. This has resulted in Council introducing a control over the amount of the area a single activity may take up in the Local Business Zone.

Note to Plan Users:

Also refer to:

Rule 23.7.1 – Radiofrequency Field Exposure

Rule 20.3.10.2 – Discretionary Activities (Restricted) – Drive Through Facilities

Rule 20.3.10.3 – Discretionary Activities (Restricted) – Retail Activities requiring 125 or more parking spaces.

U R 11.8.4.2 The Construction, Alteration of, or Addition to Buildings

The construction, alteration of, or addition to buildings and structures is a Permitted Activity except for:

- **Those specified as Controlled Activities, Discretionary Activities (Restricted), or Discretionary Activities (Unrestricted)**

Provided that the following Performance Conditions are complied with:

Performance Conditions

(a) Separation Distances

Where a site adjoins a residentially or recreationally zoned or used site any building or structure must be located at least 3 m from the property boundary.

(b) Building Height

(i) Any building or structure or part of a building or structure, built on any part of a site which adjoins a residentially zoned site, must comply with the residential height recession plane contained in Rule 10.7.1.1(a).

(ii) All other structures must not exceed 9 m in height.

(iii) Subject to (ii) above, all structures shall comply with the requirements of R 20.4.10.1.

(c) Parking, Loading and Access

Compliance with Rule 11.8.4.1(g).

Explanation

Buildings in the Local Business Zone are usually quite different in size and style to those in the surrounding, mainly residential area. It is important therefore, that at the residential interface the size and general bulk of buildings is constrained to make them compatible with the adjoining dwellings. This also ensures there are minimal effects on overall amenity values. Where dwellings are built within the Zone it is important that they enjoy a good amenity standard to ensure they still represent a reasonable living environment.

(d) Landscape Amenity**(a) Street Frontage**

- Any building which does not occupy the entire street frontage of a site and which does not have frontage to either a residential, recreation, or conservation and amenity zoned site and whose frontage is not a car parking area, shall provide at least one specimen tree for every 7 metres of unbuilt site frontage, or equivalent suitable landscape works.
- Any building which does not occupy the entire street frontage of a site and which fronts to a residential, recreation, conservation or amenity zoned site, shall provide at least one specimen tree for every 7 metres of unbuilt site frontage.

Trees

- Trees shall be planted so as to provide separation between on site pedestrian and vehicle activities and pedestrian /vehicular activities taking place on the street.
- Trees shall be well developed specimen trees, capable of growing to a height of 5 metres within ten years of planting.
- Where existing trees over 5 metres tall are to be retained along a frontage, these trees shall be credited towards these requirements.
- Where trees are planted in a strip, this area shall have a minimum width of two metres. Where trees are planted individually along a frontage, these trees shall be planted in an area not less than 4m².

Suitable Landscape Works

- Subject to (i) below the total area of landscape works will be not less than the unbuilt frontage length multiplied by 2 metres and will be located at the street frontage.
- (i) For the purpose of determining the total area of landscape works the following allowance shall be made for vehicle crossings:
 - (a) Where a site has less than 30 m road frontage and one or more vehicle crossings are to be provided, the unbuilt frontage length shall be reduced by the widths of the vehicle crossings but shall not be reduced by more than 6 metres;
 - (b) Where a site has a greater than 30 m road frontage and/or fronts to more than one road, and one or more vehicle crossings are to be provided, the unbuilt frontage length shall be reduced by the widths of the vehicle crossings but shall not be reduced by more than 12 metres.
- A minimum of two thirds of any area proposed to meet part or all of the landscape works shall comprise planting.
- Planting will include trees where these exist at the frontages of immediately adjacent sites, but will otherwise include a combination of shrubs and ground cover (which may include lawn grass) with not less than half of the required planted area covered by shrubs.
- Any area of landscape works is not to be less than 4m² in area and will have a minimum dimension of 1.5 metres.
- Paved areas that are part of the area of landscape works will not be used for car parking and will be constructed from modular pavers or

- other high quality paving materials in considered composition.
- Paving and other hard landscaping elements such as, for example, bollards, fences, poles or water features, and other sculptural elements will be planned in a way and built of materials that establishes a visual link between the building and frontage.

Process

- All planting shall be completed before the buildings on the site are occupied or, where this is not seasonably practicable, within the first planting season after completion of the buildings.

(b) Perimeter Planting

- An amenity strip of not less than 3 metres in width shall be provided along the boundary of any site which adjoins a residential zoned property.
- Planting of residential amenity strips shall include specimen trees capable of attaining a height of 5 metres or more, planted at a minimum frequency of one tree every 7 metres along the length of the amenity strip.
- All planting shall be completed before the buildings on the site are occupied or, where this is not seasonably practicable, within the first planting season after completion of the buildings.
- An amenity strip of not less than 3 metres in width shall be provided along the boundary of any site which adjoins any recreation area, or conservation and amenity area.
- Planting of amenity strips along the boundary of any site adjoining any recreation area or conservation and amenity area shall:
 - consist of indigenous tree and shrub species compatible with the surrounding natural landscape;
 - visually screen views into the site of buildings and structures including boundary fences after 15 years growth.

Explanation

*Landscaping is an important contributor to the provision and maintenance of adequate amenity at the interface between the Local Business Zone and neighbouring residential, recreational, or conservation and amenity areas. In addition to its amenity contribution, landscaping also provides a useful technique for mitigating adverse effects through, for example, softening the appearance of development (e.g. monotonous building form, parking areas); separating activities; and providing form, scale and texture that complement development. **Note: In relation to frontage planting the performance conditions can be met by: the planting of trees at a frequency of one per seven metres along the site frontage; or alternatively group planting the required number of trees at some point(s) along the frontage.***

11.8.5 Controlled Activities

U R 11.8.5.1 Controlled Activities at 114 to 126 Summerhill Drive

Any activity, including the construction, alteration of or addition to buildings or structures, on the land described as Lot 1 DP 23387 and Lot 1 DP 29596 Summerhill Drive which is not a Discretionary Activity (Unrestricted) or a Non-Complying Activity, and which complies with the following Performance Conditions is a Controlled Activity in respect of:

- Site Layout;
- The Safe and Efficient Operation of the Roding Network;
- Access to and from Summerhill Drive;

- **Landscaping;**
- **Design and Appearance of Buildings**

Performance Conditions

Compliance with the Performance Conditions of Rules 11.8.4.1 and 11.8.4.2, provided that, in respect of the Access Standards in R 20.3.9.1, a maximum of two vehicle accesses shall be allowed for the land described as Lot 1 DP 23387 and Lot 1 DP 29596, Summerhill Drive.

In determining what conditions, if any, to impose, Council will, in addition to the objectives and policies of the Local Business Zone and any other relevant objectives and policies, assess any application in terms of the following further policies.

- (i) To avoid, remedy or mitigate the effects of activities on the amenity values and ambience of the surrounding environment.
- (ii) Particular regard shall be given to enhancing the streetscape character of Summerhill Drive through landscape planting including, but not limited to, the planting of specimen trees, the provision of a landscape strip and/or low mounding along the road frontage except at access points.
- (iii) To avoid, remedy or mitigate the effects of any activity on the nearby residentially zoned properties through landscape planting including, but not limited to, the provision of fencing and associated dense shrub planting.
- (iv) To avoid, remedy or mitigate any adverse effects associated with large areas of paved surfaces by the planting of trees within such areas.
- (v) To ensure that the design and appearance of any building or structure is in character with and complementary to the ambience and amenity values of the surrounding area.
- (vi) To take into account the particular features of the site and its relationship to adjoining sites in assessing the appropriateness of the proposed design.
- (vii) To avoid, remedy or mitigate the effects of additional traffic generated by activities on the site on the safety and efficiency of the roading network.
- (viii) To avoid, remedy or mitigate any adverse effects of vehicle movements to and from the site on the safe and efficient operation of the roading network.
- (ix) To avoid the proliferation of accesses to Summerhill Drive in the vicinity of the site.
- (x) To have particular regard to the particular safety needs of cyclists and pedestrians.
- (xi) To ensure adequate provision is made for parking, access and manoeuvring areas within the site.

Explanation

Landscaping is an important contributor to the provision and maintenance of amenity values in respect of activities located on prominent road frontages. Landscaping mitigates adverse effects by, among other things, softening the visual impact of buildings and paved areas, by separating activities, and providing scale, form and texture that complement development.

Access to and from a Principal Road, such as Summerhill Drive, requires careful attention because the primary function of the road is to provide for the movement of large traffic volumes. The design, location and number of access points to a Principal Road has a direct relationship to the safety and efficiency of the road.

U R 11.8.5.2 Controlled Activities on Lot 1 DP 87509 (formerly part of Pt Sec 211, corner of Aokautere Drive and Ruapehu Drive) and Lots 3, 4 and 5 DP 87509 on Ruapehu Drive.

Any activity, including the construction, alteration of, or addition to a building or structure on Lot 1 DP 87509 (formally part of Pt Sec 211, corner of Aokautere Drive and Ruapehu Drive) and Lots 3, 4 and 5 DP 87509 on Ruapehu Drive which is not a Non-Complying Activity, and which complies with the following Performance Conditions is a Controlled Activity in respect of:

- Integration with the adjacent Conservation and Amenity Zone;
- Landscaping;
- Design and Appearance of Buildings;
- Access to and from a State Highway, Arterial Road or Principal Road as listed in Appendix 20A of the Transportation Section.

Performance Conditions

Compliance with the Performance Conditions of Rules 11.8.4.1 and 11.8.4.2

In determining what conditions, if any, to impose, the Council will in addition to the objectives and policies in the Local Business Zone, assess the application in terms of the following further policies:

(a) Integration with the adjacent Conservation and Amenity Zone

- (i) To avoid, remedy or mitigate the effects of any access to the site on the access to the adjacent Conservation and Amenity Zone.
- (ii) That provision is made in the site layout for safe pedestrian thoroughfare from the Conservation and Amenity Zone to Aokautere Drive.

(b) Landscaping

- (i) Particular regard shall be given to enhancing the streetscape character of Aokautere Drive and the proposed extension to Ruapehu Drive through landscape planting including, but not limited to, the planting of specimen trees, the provision of a landscape strip along road frontages, the construction of low mounding along road frontages except at access points.
- (ii) To avoid, remedy or mitigate the effects of any activity on adjacent residentially zoned properties through landscape planting including, but not limited to, the provision of fencing and associated dense shrub planting.
- (iii) To avoid, remedy or mitigate any visual effects of any activity on the adjacent Conservation and Amenity Zone or other Recreation zoned site.
- (iv) Landscape planting of the gully and boundary be used rather than fencing of the boundary. Any landscape planting should use indigenous plant materials and should be in character and scale with the surrounding nature of the gully system.
- (v) To avoid, remedy or mitigate any adverse effects associated with large expanses of paved surfaces by the planting of trees within paved areas.
- (vi) Re-contouring of the site be undertaken in a way that retains or enhances the natural appearance of the site, such as a landscaped bank.

(c) Design and Appearance of Buildings

- (i) To avoid, remedy or mitigate the scale of any buildings on the site by ensuring that any buildings are designed to fit in with the residential scale and character of the area.

- (d) Access to and from a State Highway, Arterial or Principal Road (as identified in Appendix 20A of the Transportation Section)**
- (i) To avoid, remedy or mitigate any adverse effects of traffic gaining access to and from a state highway, arterial road or principal road (as identified in Appendix 20A of the Transportation Section) on the safe and efficient operation of the roading network.
 - (ii) To avoid the proliferation of accesses to a state highway, arterial road, or principal road (as identified in Appendix 20A of the Transportation Section) where the posted speed limit is greater than 50 km/h.
 - (iii) To avoid the design of accesses from a state highway, arterial road or principal road (as identified in Appendix 20A of the Transportation Section) where the movements to and from a site create conflict with opposing traffic.
 - (iv) To take into account any suggestions or recommendations (where a site has access from a state highway, or within 60 metres of a state highway on any other road) from Transit New Zealand, as the road controlling authority for state highways.

Explanation

Landscaping is an important contributor to the provision and maintenance of adequate amenity at the interface between the Aokautere Drive site and the adjoining Conservation and Amenity Zone, neighbouring residential areas and the roading network. Landscaping mitigates adverse effects through, for example, softening the appearance of development (e.g. monotonous building form, parking areas); separating activities; and providing form, scale and texture that complements development.

Access to the adjoining Conservation and Amenity Zone from Aokautere Drive needs to adequately deal with pedestrian and cyclist safety and thoroughfare.

The potential adverse effects of buildings on the site can be mitigated through the design of such buildings to be consistent with the surrounding residential environment. Techniques for design can include, breaking up a building into smaller component forms, the use of sloping roofs, or the treatment of the facade in a similar fashion to residential areas.

Access to and from a state highway, arterial road or principal road (as identified in Appendix 20A of the Transportation Section) needs consideration, especially since these roads have a primary function to move large volumes of traffic. The design and number of accesses from these roads can generate adverse effects in terms of road safety where traffic entering or exiting a site has to cross the path of large volumes of opposing traffic moving at high speeds. Where an arterial road or principal road is also a state highway, the requirements of Transit New Zealand, as road controlling authority for any state highway, also must be taken into account.

U R 11.8.5.3 Controlled Activities on Undeveloped Sites

Any activity, including the construction, alteration of, or addition to any building or structure on Roberts Line (Lot 4, DP83420) and any site zoned Local Business, from February 1998, which is not a Non-Complying Activity, and which complies with the following Performance Conditions is a Controlled Activity in respect of:

- Landscaping

Performance Conditions

(a) Compliance with the Performance Conditions of Rules 11.8.4.1 and 11.8.4.2

In determining what conditions, if any, to impose, the Council will in addition to the objectives and policies in the Local Business Zone, assess the application in terms of the following further policies:

- (a) Landscaping
- (i) Particular regard shall be given to enhancing streetscape character through, in particular, landscape planting including, but not limited to, hard and soft landscape treatments, planting of specimen trees, the provision of a landscape strip along road frontages, and the construction of low mounding along road frontages, except at access points.
 - (ii) To avoid, remedy or mitigate the effect of any activity on adjacent, residential, recreational or conservation and amenity zoned properties through, in particular, landscape planting including, but not limited to, both hard and soft landscape treatments, the provision of fencing, and associated dense shrub planting.
 - (iii) To avoid remedy or mitigate the adverse effects associated with large expanses of paved surfaces by the planting of trees within paved areas.
 - (iv) Recontouring of the site can be undertaken provided it retains or enhances the natural appearance of the site, such as a landscaped bank.
- (b) Design and Appearance of Buildings
- (i) To avoid, remedy or mitigate the scale of any buildings on the site by ensuring that any buildings are designed to fit in with the residential scale and character of the area.

Explanation

Rule 11.8.5.3 provides provisions for any new greenfield (undeveloped) site that is re-zoned to Local Business after February 1998, other than those sites covered by Rule 11.8.5.1 and 11.8.5.2

The potential, visual and amenity effects of activities in "greenfield" locations is likely to be significant. "Greenfield" locations are in open and semi rural locations. Landscape elements however, will contribute to the provision and maintenance of adequate amenity at the interface with neighbouring activities (particularly residential) and the roading network. To ensure landscape elements adequately mitigate adverse effects an assessment by Council and the imposition, if necessary, of appropriate landscape conditions is required.

The potential adverse effects of buildings on the site can be mitigated through the design of such buildings to be consistent with the surrounding residential environment. Techniques for design can include, breaking up a building into smaller component forms, the use of sloping roofs, or the treatment of a facade in a similar fashion to residential areas.

11.8.6 Rules: Discretionary Activities (Restricted)

U R 11.8.6.1 The Construction, Alteration of, or Addition to a Building which does not comply with the Performance Conditions for Permitted Activities

The construction, alteration of, or addition to a building which does not comply with the Performance Conditions for Permitted Activities in relation to:

(i) Landscape Amenity

is a Discretionary Activity (Restricted) with regard to:

- Visual effects particularly on adjoining areas including streetscape, residential, recreation, conservation and amenity zoned sites.

In determining whether to grant consent and what conditions, if any, to impose, Council will, in addition to the Local Business Zone objectives and policies, assess any application in terms of the following further policies.

(i) Landscape Amenity

The further policies contained in Rule 11.6.2.2 (iii) Landscape Amenity.

11.8.7 Discretionary Activities (Unrestricted)**U R 11.8.7.1 Discretionary Activities (Unrestricted)**

Any activity, except Offensive Activities which are a Non-Complying Activity, or building or structure which does not comply with the Performance Conditions for Permitted Activities or Controlled Activities, and is not otherwise specified as a Discretionary Activity (Restricted), is a Discretionary Activity (Unrestricted).

In determining whether to grant consent and what conditions, if any, to impose, Council will, in addition to the City View objectives in section 2 and the Local Business Zone objectives and policies, assess any application in terms of the following further policies:

- (a) To avoid, remedy or mitigate the adverse effects of noise, hours of operation and other environmental disturbance on the surrounding residential neighbourhood.
- (b) To avoid, remedy or mitigate the adverse effects of the generation of additional traffic through efficient and effective parking and access provisions.
- (c) To avoid, remedy or mitigate the effects of additional traffic on the safe, efficient and effective operation of the roading network.
- (d) To ensure the design and appearance of any structure is in character with, and complementary to, the ambience and amenity values of the adjoining residential neighbourhood.
- (e) To avoid compromising the intention of the Zone to provide a range of convenient services to the neighbouring residential area.
- (f) To avoid, remedy or mitigate the adverse effects of the development on existing activities located within the area zoned Local Business Zone in that locality.
- (g) To avoid, remedy or mitigate any adverse effects on the ambience and amenity values of the site and any adjoining land.
- (h) To avoid, remedy or mitigate the visual effect of development on the street frontage of the area zoned Local Business in that locality.

Explanation

This category of activity will deal with a range of activities which will produce an equally broad range of effects. It is therefore important in terms of ameliorating those effects on the adjoining residential area that any such applications are carefully and fully assessed.

This category will also deal with activities which may compromise the intention of the Zone or create additional effects on activities already established within the Local Business Zone. For example, Residential development undertaken at a scale which does not comply with the performance conditions for Permitted Activities or Controlled Activities, in particular Rule 11.8.4.1 (f), has the potential to compromise the primary intent of the Zone to provide a convenient service to, or employment for, the surrounding community.

11.8.8 Rules: Non-Complying Activities**U R 11.8.8.1 Offensive Activities and Crematoria**

Offensive Activities and Crematoria are Non-Complying Activities

Explanation

Offensive Activities and Crematoria have a range of potential effects that could adversely affect the amenity qualities of the Local Business Zone. The application of Non-Complying Activity status to these activities will ensure that any Offensive Activity or Crematoria has to demonstrate that it can satisfy the requirements of Sections 104 and 104D of the Resource Management Act 1991 prior to any approval being granted.

11.8.9 Rules : Noise**U R 11.8.9.1 Noise**

Sound emissions from any activity when measured at or within the boundary of any land zoned for residential purposes shall not exceed the following:

7:00 am to 10:00 pm	50 dBA L₁₀
10:00 pm to 7:00 am	40 dBA L₁₀ and 65 dBA L_{max}

Explanation

The noise rules within Local Business Zones are designed to protect adjoining residential areas. These zones are generally quite limited in area and compliance with these rules will normally provide adequate protection between sites within the zone.

The daytime noise limit is less stringent than that which applies to non residential activities established within residential areas because background sound levels around Local Business Zones are slightly higher during the day.

11.9 Fringe Business Zone

11.9.1 Objectives and Policies

Within the broad framework of the City View objectives in section 2, the following objectives and policies were identified for the Fringe Business Zone:

Objective 1

To provide for the establishment of large format retailing in appropriate locations.

Policies

- 1.1 To ensure that there is sufficient and suitable land to meet the space extensive requirements of large format retailing activities.
- 1.2 To ensure that any areas zoned Fringe Business are located so that the role of the Inner Business Zone is reinforced.

Explanation

The Fringe Business Zone has been established in response to the increasing market presence of large format retailers and the lack of suitably zoned sites to meet both their present and future needs. While large format retailing activity is permitted also in the Inner and Outer Business Zones there is a lack of readily available suitable sites in these zones for this form of activity.

The areas zoned Fringe Business are located on and in the vicinity of Rangitikei Street and in a number of cases have a residential interface, either by adjoining a residentially zoned property and/or facing a residentially zoned property(ies) separated by a road. All Fringe Business zoned areas adjoin Primary Roads (i.e. arterial or principal roads), which provides them with exposure as well as easy access onto the roading network.

While there are some advantages in enabling significant integrated large format developments, these can also create marketing opportunities strong enough to attract key retailers out of the Inner Business Zone and thereby reduce the efficient and effective use of this zone as a whole. The approach adopted with the Fringe Business Zone is to allow integrated development but not on a scale that adversely affects the Inner Business Zone's function as the primary retailing precinct in Palmerston North.

Objective 2

To ensure that the environmental effects of large format retailing are appropriately managed.

Policies

- 2.1 To ensure that the establishment of retail activities in the Fringe Business Zone does not create any significant adverse distributional effects through undermining the vibrancy and viability of the CBD.
- 2.2 That the environmental effects on the surrounding environment, which may arise from activities in the Fringe Business Zone, are avoided, remedied or mitigated.
- 2.3 To allow transitional activities on the boundary with Ngata Street as an option to mitigate the visual effects of large format retailing on adjacent residential activities.
- 2.4 To ensure that development within the zone on sites fronting streets, particularly those listed as forming part of the Primary Roding Network, project an image of a quality consistent with their role as main entrances to the city.

Explanation

Activities in the Fringe Business Zone, due to their scale, have the potential to create adverse environmental effects. These environmental effects include distributional effects pursuant to the potential relocation of existing retail activities from the Inner and Outer Business Zones to the Fringe Business Zone. The efficient use and continued viability of the existing physical resources within the Inner and Outer Business Zones is an important resource management consideration. Council's policy response is to ensure that smaller retail activities will be discouraged from establishing in the Fringe Business Zone.

It has also been identified that activities in the Fringe Business Zone have the potential to create adverse environmental effects on the surrounding environment. This potential is through a combination of the nature of the surrounding environment and the large-scale nature of the types of activities which are provided for in the Fringe Business Zone.

Activities within the Fringe Business Zone can typically be expected to generate high levels of traffic due to their destination type nature. This has the potential to create adverse environmental effects in terms of both parking overflow onto streets as well as affecting the safe and efficient operation of the roading network.

Rangitikei Street provides a key role in that it provides a major route into the city and it is being upgraded as a significant entrance to the city as part of the City Heart City Centre revitalisation project. Development on adjoining sites will contribute to the overall visual outcomes that are anticipated to be achieved.

The other significant effect on the surrounding environment is that the nature of large format retailing lends itself to the construction of extensive paved areas for car parking as well as relatively large building structures, typically with large blank side and rear walls. These have the potential to cause adverse visual effects on both the streetscape as well as on the nearby residential amenity. It is noted that the majority of the area surrounding the Tremaine Avenue Fringe Business Zoned area is Industrial in nature and consequentially there is a limited amount of residential amenity to be maintained compared to other Fringe Business Zoned areas.

Objective 3

To provide for appropriate activities, in addition to large format retailing, in the Fringe Business Zone which do not detract from the vibrancy and vitality of the CBD.

Policies

- 3.1 To allow for identified activities that are compatible with the purpose of the Fringe Business Zone.
- 3.2 To ensure that activities in the Fringe Business Zone do not adversely affect the efficient use of existing physical resources in the CBD.
- 3.3 To recognise existing activities in the zone that contribute towards Palmerston North's wider commercial needs.
- 3.4 To ensure that activities, particularly those listed as forming part of the Primary Roothing Network, project an image of a quality consistent with their role as main entrances to the city.

Explanation

As well as allowing for large format retailing activities in the Fringe Business Zone, it is also recognised that there are a number of activities existing within the areas that were rezoned and/or have no distributional effects on the core CBD of Palmerston North. A number of these activities contribute towards the wider retailing needs of Palmerston North such as trade suppliers and automotive and marine suppliers. A number of these activities were already in existence at the time that the identified areas were rezoned Fringe Business. Like large format retail activities, other activities also contribute towards the overall visual outcomes that are anticipated to be achieved in the Fringe Business Zone.

Objective 4

To achieve integrated development of larger areas of land within the Fringe Business Zone.

Policies

- 4.1 To ensure that the development of the Fringe Business Zone is undertaken in an integrated manner to assist in the achievement of positive environmental outcomes including the following:
- Effective and efficient traffic management to, within and from the site;
 - Co-ordinated and orderly development; and
 - Integrated management of environmental effects at the street interface.

Explanation

The Fringe Business Zone generally comprises land areas which have the potential to be developed in a comprehensive manner to enable the sharing of resources such as parking and access between multiple sites. By developing large land areas in a comprehensive manner it also provides the opportunity to mitigate effects of activities on the surrounding environment.

The area zoned Fringe Business, bound by Ngata Street, Featherston Street, and the Ngata Street Service Lane has particular characteristics in terms of the residential interface on Ngata Street that requires special treatment. It does this by enabling the opportunity to utilise activities, other than large format activities at the residential interface boundary, to mitigate the effects of large format retailing. This is to ensure that the residential amenity values of Ngata Street are not entirely compromised by the development otherwise of large format retailing on the street frontage.

Objective 5

To achieve a high standard of amenity within the Fringe Business Zone.

Policies

- 5.1 To discourage the establishment of activities that will have an adverse effect on the amenity values within the Fringe Business Zone.
- 5.2 To avoid the adverse effects of offensive activities in the Fringe Business Zone, by controlling their establishment.
- 5.3 To avoid, remedy or mitigate the adverse effects of business activities on each other, or on other activities located within the Fringe Business Zone.
- 5.4 To mitigate the adverse effects of large areas of carparking on internal areas and on the surrounding streetscape.
- 5.5 To maintain and enhance the identified character of particular retail areas that are zoned Fringe Business.
- 5.6 To recognise the entitlement existing activities have to continue to operate pursuant to Section 10 of the Resource Management Act 1991.

Explanation

In addition, to protecting the amenity of residential areas adjacent to the fringe Business Zone, it is important that the standard of amenity within these areas is maintained, and where possible enhanced.

To counteract the potential erosion of amenity that may arise as a consequence of allowing a relatively unrestricted range of activities to establish in the business zone, activities which are offensive in nature

or which involve industrial processes will either be restricted or discouraged. There are existing Industrial Activities located within the Fringe Business Zone which are entitled to continue to operate provided that the effects of the use are the same or similar in character, intensity and scale to those which existed before the introduction of the zoning.

Business activities also have the potential to generate effects relating to such matters as noise, parking, location of access/egress points, and loading and storage areas which may impact on the level of amenity enjoyed by activities located within the Fringe Business Zone. To rectify this, appropriate safeguards have been introduced to ensure that any adverse effects are mitigated.

Over time, it is anticipated that the character of the Fringe Business Zone will change significantly to that of a commercial focus and contribute towards people's appreciation and enjoyment of this zone as a commercial precinct. It is important to establish and maintain the anticipated character so that it can be enjoyed by future generations.

11.9.2 Methods

- District Plan Rules including specific Design Assessment Criteria
- Annual Plan Programmes for Amenity and Service Upgrades e.g. City Heart
- Monitoring land use and uptake

The objectives and policies detailed above will largely be achieved through the rules contained in this and other sections of the District Plan. These rules provide an effective and efficient means of ensuring that the individual actions of those undertaking developments or establishing activities, achieve the environmental outcomes encapsulated in the objectives and policies. Discretion over the form of development is retained through rules, which cover design, appearance, traffic management and site layout in this zone. The brownfields nature and particular location of the zoned areas, justifies care in initial layout and development.

Annual Plan programmes providing for example, street tree planting, footpath paving and roading improvements will also help achieve some of the objectives and policies by providing funding for these works. At the time the Fringe Business Zone was initiated, a major City Centre revitalisation programme, known as City Heart was underway, beginning with a substantial remodelling of The Square as well as improvements, including planting and additional parking, on the four main roads into the CBD.

11.9.3 Environmental Results Anticipated

It is anticipated that the objectives, policies, rules and other methods of this section will achieve the following results:

- Provision of sufficient land for the establishment of large format retailing activity.
- That the design and appearance of buildings and paved areas within the Fringe Business Zone are of a visually acceptable level.
- That the safe and efficient operation of the roading network is maintained.
- To ensure that the efficient use and continued viability of the CBD is maintained.

11.9.4 Rules: Permitted Activities

U R 11.9.4.1 Permitted Activities

Unless otherwise specified, as a Discretionary Activity (Unrestricted) or Non Complying Activity, the following are Permitted Activities provided that the associated performance conditions are complied with:

(a) Retail Activities

- (b) **Trade Suppliers**
- (c) **Prepared Food & Beverage Outlets**
- (d) **Office Activities**
- (e) **Service Stations**
- (f) **Yard-based Suppliers**
- (g) **Automotive & Marine Suppliers**
- (h) **Building Suppliers**
- (i) **Farming & Agricultural Supplier**
- (j) **Garden & Patio Suppliers**
- (k) **Office Product Suppliers**

NOTE TO PLAN USERS:

1. Please note the definition of Retail Activity in Section 4.
2. The construction, alteration of, and addition to buildings and structures associated with the above activities, is a Discretionary (Restricted) Activity.

Performance Conditions

(a) Merchandising Area

Retail Activity

- (i) In respect of any activity in the Ngata Street Block Fringe Business Zone area as identified in Figure 11.5 the total Merchandising Area of retail activities in the area collectively (either existing or together with the Merchandising Area proposed in the application) must not exceed a total of 10,000m². In addition, any retail activity whether or not in the Ngata Street Block Fringe Business Zone must meet the relevant performance condition in (ii) or (iii) below.
- (ii) Any retail activity, which is not part of a Multiple Retail Development, must have a minimum Merchandising Area of 1000m².
- (iii) The average Merchandising Area per retail activity within a Multiple Retail Development must be no less than 1,500m² unless all of the individual retail activities within the Multiple Retail Development individually exceed 750m² in which case the minimum average Merchandising Area must be no less than 1,250m².

Prepared Food & Beverage Outlet

A maximum of one prepared food & beverage outlet is permitted per site and it must not occupy more than 10% of the Merchandising Area of the Retail Activity.

(b) Vehicle Parking, Loading and Site Access

Compliance with Rules:

- 20.3.7.1 Parking Spaces for People with Disabilities
- 20.3.7.2 Parking Provision for All Zones Except Inner Business Zone
- 20.3.7.7 Formation of Parking Spaces
- 20.3.8.1 Loading Space Standards
- 20.3.9.1 Access Standards

(c) Office Activities

Offices must be ancillary to the principal activity on site and must not occupy more than 10% of the Gross Floor Area of the Building.

(d) Lighting

Compliance with Rule 11.6.1.1(i)

(e) Signs

Compliance with Rule 6.1.5.1

(f) Outdoor Storage

Compliance with Rule 11.6.1.1(iii)

(g) Hours of Operation Involving the Sale of Alcohol

Compliance with Rule 11.6.1.1(iv)

(h) Hazardous Substances

Compliance with the provisions of Section 14 Hazardous Substances

(i) Servicing and Loading Hours

Any Permitted Activity situated on any site which adjoins any part of a residentially zoned site or directly faces any part of a residentially zoned site, across a road, right-of-way, access strip, service lane or drain shall only undertake the delivery of goods, product or material and/or the distribution of goods, products or materials between 6:00 am and 10:00 pm.

Except that this rule shall not apply where:

- (i) On-site road access and manoeuvring area for vehicles involved in the delivery and/or distribution of goods, products or materials are located at least 80 metres from the nearest residentially zoned property boundary; and
- (ii) Loading and unloading area for vehicles involved in the delivery and/or distribution of goods, products or materials are located at least 80 metres from the nearest residentially zoned property boundary.

Nothing in this rule shall exempt any activity from the requirements of [Rule 11.9.4(j) below].

Explanation

Where residentially zoned properties come into close contact with business areas these properties can be adversely affected by night-time delivery, distribution, and loading activities, for example, from idling vehicles or the opening and closing of doors, etc. By controlling operating hours at the direct

residential interface, it should be possible to reduce disturbance to closest residential neighbours.

(j) Noise

Compliance with Rule 11.9.8.1

NOTE TO PLAN USERS:

1. The construction of buildings is a Discretionary (Restricted) Activity.
2. Also refer to Rule 23.7.1 – Radiofrequency Field Exposure.

11.9.5 Rules: Discretionary Activities (Restricted)

U R 11.9.5.1 Construction, Alteration of, and Addition to Buildings and Structures

The construction, alteration of, and addition to buildings and structures is a Discretionary (Restricted) Activity providing the following Performance Conditions are met:

Performance Conditions

(a) Comprehensive Development Plan

A Comprehensive Development Plan shall be submitted to the Council identifying the location and orientation of buildings, access, parking and landscaping.

NOTE TO PLAN USERS:

1. This rule only applies to those sites located within the areas bound by 1. Ngata Street, Featherston Street and the Ngata Street Service Lane and 2. Tremaine Avenue, North Street and Rangitikei Street as identified in Figure 11.5.
2. Where the site of a proposal involves only part of the Comprehensive Development Plan area identified in Note 1, and land bounding the site of the application is not owned, or otherwise beneficially controlled by the site owner, an/or prospective occupier, the Comprehensive Development Plan shall show all relevant matters in relation to the application site. This must include showing the location of buildings, vehicle crossings, parking and servicing areas of adjacent properties (other than those with a common rear boundary) for a distance of no less than 20m, or the extent of the adjacent property, whichever is the greater. In this way, a Comprehensive Development Plan will be established over time for the area concerned.

Explanation

In the case of the Fringe Business Zone areas bounded in one instance by Ngata Street, Featherston Street, Grey Street and Rangitikei Street, and the other bounded by North Street, Tremaine Avenue and Rangitikei Street, it is important to ensure the coordination of activities and buildings to achieve an integrated result producing appropriate environmental outcomes particularly in relation to visual compatibility and traffic management. Therefore as part of an application for resource consent, a Comprehensive Development Plan shall be provided for the above-specified areas or additional resource consent applications shall be in general accordance with an already-approved Comprehensive Development Plan.

Appropriate environmental outcomes include, where possible, the sharing of road access points, visual recognition of surrounding land uses (including likely potential future large format retail developments) and consistent visual appearance between activities. The orientation and positioning of buildings, landscaping and parking areas can influence the feasibility of establishing common shared resources as well as the resultant overall appearance. For this reason when considering site design, it is important that future adjacent development also be taken into account to minimise adverse traffic effects on the roading network and achieving an integrated visual result.

(b) Height of any building on a site which fronts to or adjoins a residentially zoned site.

- (i) Compliance with Rule 11.6.1.2(ii) except in the following circumstances:
 - (a) The building is to be utilised for a form of residential activity and the site it is located upon fronts Ngata Street;
 - (b) In the situation that residential activities are established on sites fronting Ngata Street as provided for in (ii) below, the maximum height of buildings for other uses is 9 metres to within 11 metres of Ngata Street. This is conditional upon 75% of the length of the side of the building fronting Ngata Street being screened by the aforementioned residential activity.
 - (c) For buildings on Lot 1 DP 50865 (125540(new CT ref)), Lot 1 DP 330530 (125540 (new CT ref)) the limitation of secondary and tertiary building envelopes shall not apply.

NOTE TO PLAN USERS:

The landscape treatment requirements under Rule 11.6.1.2(v)(b) apply to the area within the three-metre setback required under this Rule.

- (ii) Buildings for Residential Use fronting Ngata Street

For a total of 45% of the length of the Ngata Street frontage (zoned Fringe Business) a maximum height of 6.5 metres is permitted. The ridge of a gable, or hip roof, leading edge of a monopitch roof or deck handrails may exceed the maximum height by up to one metre.

For a total of 55% of the length of the Ngata Street frontage (zoned Fringe Business) a maximum building height of 9 metres is permitted.

(c) Separation Distances

- (i) Any residential dwelling on a front site shall be located at least 3 metres from the boundary with any road, with the exception that upper level balconies and ground level terraces attached to dwellings may be located not less than 1.8 metres from the boundary. Each of these balconies or terraces should be not more than 6 metres in length. While they might be distributed along any part of the residential building frontage, the parts of the façade in which they are located should not exceed one third of the total frontage width.
- (ii) Buildings for Residential Use which are more than 14 metres wide shall contain setbacks not more than 2 metres deep and not less than 3 metres wide at not more than 14 metre intervals along their front façade.

Explanation

Residential dwellings have been provided for in the Fringe Business Zone to assist in the mitigation of potential adverse visual effects on Ngata Street, by screening and providing active frontages to the street. Prior to the rezoning to Fringe Business Zone, the character of Ngata Street was predominantly that of a residential nature. As the eastern side of Ngata Street remains zoned Residential, it is appropriate, in enabling the extent of the Fringe Business Zone to extend to the Ngata Street frontage,

that mitigation measures are undertaken to avoid otherwise adverse visual commercial residential interface conflicts. Additional importance has been placed on this particular frontage as opposed to other interfaces throughout the City between a Business zoned site and Residential zoned areas due to the fact that the likely type of buildings established in the Fringe Business Zone is of a relatively large scale which requires additional mitigation measures.

The required variation in the height and frontage setbacks of a residential veneer to Ngata Street are intended to give visual interest as well as a scale relation to residential development across the street. This is by encouraging building volumes with dimensions similar to those of typical residential buildings. Encouraging terraces and balconies within the front yard breaks up large building forms, introduces human scale elements and further emphasises residential character.

(d) Vehicle Parking, Loading and Site Access

Compliance with Rules:

- 20.3.7.1 Parking Spaces for People with Disabilities
- 20.3.7.2 Parking Provision for All Zones Except Inner Business Zone
- 20.3.7.7 Formation of Parking Spaces
- 20.3.8.1 Loading Space Standards
- 20.3.9.1 Access Standards

In regard to any development involving access across the southern edge of Featherston Street, the number of access points will be restricted to either a single two-way crossing or a pair of entry and egress driveways, with such driveway(s) being located in a position well separated from the Ngata Street intersection and the existing pedestrian crossing, and generally in a position within 30m of the adjoining Outer Business Zone.

(e) Lighting

Compliance with Rule 11.6.1.1(i)

(f) Signs

Compliance with Rule 6.1.5.1

(g) Outdoor Storage

Compliance with Rule 11.6.1.1(iii)

Matters of Discretion

In determining whether to grant consent (and the conditions if any that should be imposed) Council reserves its discretion to an assessment of the extent to which the application meets the objectives and policies of the Fringe Business Zone and the following assessment criteria:

- (i) The extent to which the development provides active frontages including entrances and openings facing the edge of all arterial roads.
- (ii) The extent to which the composition and formal articulation of building facades creates visual interest and achieves aesthetic coherence when viewed from the street.

- (iii) The extent to which on-site landscaping establishes an attractive appearance and complements public landscaping at or near the street edge and establishes conditions of visual interest and amenity within the development.
- (iv) The extent to which growing conditions are provided for, that will ensure the successful establishment, growth and ongoing viability of planting.
- (v) The extent to which plant and services (e.g. air conditioning and rubbish storage) and its enclosure is integrated into the building design and otherwise treated to enhance the appearance of the building.
- (vi) The extent to which, where a development adjoins or faces a residential zone, or creates an entrance to a residential street, then large blank walls are avoided or appropriately screened or architecturally treated.
- (vii) The extent to which landscaping of on-site car-parking establishes conditions of visual interest and amenity within the development and its margins.
- (viii) The extent to which the development maintains or enhances the quality of environment for pedestrians at the street edge.
- (ix) Avoiding, remedying or mitigating the effects of additional traffic generated by activities on the site on the safety and efficiency of the roading network.
- (x) The extent to which the development of those areas identified as requiring a Comprehensive Development Plan proceeds in a co-ordinated and integrated manner.
- (xi) The extent to which the proposed development ensures the continued water carrying and flood control function of that part of the Kawau Stream that passes through Lot 1 DP 50865 and Lot 1 DP 330530, being 418 to 426 Rangitikei Street, Palmerston North.

Explanation

All Fringe Business Zoned areas are either located on a prominent city entranceway (Rangitikei Street) or adjoin and/or are adjacent to residential zoned areas. Large format retail activities can potentially be bulky, out of scale, detrimental to context and lack visual amenity if developed with rudimentary design input. The aim of the assessment criteria, in terms of the street interface matters, is to achieve a quality streetscape. The purpose of the assessment matters, in terms of the residential interface matters, is to ensure buildings do not visually dominate small-scale residential buildings by articulating their form to achieve a scale transition. Alternatively, where the portion of the building is relatively short, screening with landscape elements to create visual interest and complement adjacent residential buildings and streetscape can be utilised to achieve desirable visual outcomes.

The maintenance of landscaping, especially in the first twelve months, is critical to its actual success. Factors such as irrigation, wind protection and the growing medium are all critical to the successful establishment of landscaping.

The Council needs to ensure that the water carrying capacity and flood control function of that section of the Kawau Stream that flows through Lot 1 DP 50865 and Lot 1 DP 330530, being 418 to 426 Rangitikei Street, is maintained to ensure that any adverse effects on the surrounding land are mitigated.

U R 11.9.5.2 Residential Centres, Multi-Unit Residential Developments, Dwellings and Dwelling Units

The construction, alteration of, addition to and use of buildings and structures is a Discretionary (Restricted) Activity providing the relevant Performance Conditions in R 11.9.5.1 are met.

Matters of Discretion

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View Objectives in section 2 and the Fringe Business Zone objectives and policies, assess any application in terms of the following further policies:

- (i) The extent to which the activity is necessary to mitigate the environmental effects of activities situated in the Fringe Business Zone.
- (ii) The extent to which the development of residential activity does not adversely affect the availability of land for large format retail purposes.
- (iii) That sufficient parking and on-site manoeuvring is provided to service the needs of residents and visitors.
- (iv) The extent to which buildings for residential use are insulated from noise generated by other activities to ensure that an acceptable level of residential amenity will be achieved.

U R 11.9.5.3 Non Notification

- (i) Such applications (Rules 11.9.5.1 & 11.9.5.2) need not be publicly notified.
- (ii) Notice of applications for Discretionary Activities (Restricted) (Rules 11.9.5.1 & 11.9.5.2) need not be served on any persons who, in the Council's opinion may be adversely affected by the activity.

U R 11.9.5.4 Retail Activities which do not comply with the Merchandising Area Performance Condition

Retail Activity which does not comply with the Permitted Performance Condition relating to Merchandising Area but does comply with the following performance conditions is a Discretionary Activity (Restricted):

Performance Conditions

- (i) Any retail activity, which is not part of a Multiple Retail Development, must have a minimum Merchandising Area of 800m².
- (ii) The average Merchandising Area per retail activity within a Multiple Retail Development must be no less than 1,200m² unless all of the individual retail activities within the Multiple Retail Development individually exceed 600m² in which case the minimum average Merchandising Area must be no less than 1,000m².
- (iii) Compliance with the Performance Conditions specified in Rule 11.9.4.1 except for Rule 11.9.4.1(a).

Matters of Discretion

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View Objectives in section 2 and the Fringe Business Zone objectives and policies, assess any application in terms of the following further policies:

- (i) The extent to which adverse distributional effects (including cumulative) of such activities on the vibrancy and viability of the CBD are avoided.

- (ii) The extent to which the avoidance, remediation or mitigation of the effects of additional traffic on the site on the safety and efficiency of the network are achieved; and

- (iii) The extent to which adequate provision is made for parking, access and manoeuvring areas.

U R 11.9.5.5 Activities and Buildings which do not comply with the Permitted Performance Conditions

Activities and Buildings which do not comply with the Permitted Performance Conditions (in Rule 11.9.4.1) in relation to:

- (i) Lighting**
- (ii) Loading and access**
- (iii) Vehicle Parking**
- (iv) Servicing and Loading Hours**
- (v) Building Height**

Are Discretionary Activities (Restricted) with regard to:

- **Design and appearance**
- **The safe and efficient operation of the roading network**
- **Effects on adjoining residential areas**
- **The provision of car parking**
- **The extent to which the additional height will adversely affect the amenity values of adjoining sites**
- **Those matters of discretion identified in Rule 11.9.5.1 and/or 11.9.5.4**

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View Objectives in section 2 and the Fringe Business Zone objectives and policies, assess any application in terms of the following further policies and against the matters of discretion identified in Rules 11.9.5.1 or 11.9.5.4:

(i) Lighting

- (a) To avoid, remedy or mitigate the effects of the overspill of light onto adjacent residentially zoned properties.
- (b) To avoid, remedy or mitigate the effects of the overspill of lighting through the use of planting, screening or orientation of light sources.
- (c) To take into account the influence of topography and other site features in mitigating the effects of light overspill.

(ii) Loading and Access

- (a) To avoid, remedy or mitigate the effects of the deficiency in loading and access facilities on the safe and efficient operation of the roading network.
- (b) To ensure that other safe and efficient facilities are available to meet the predicted loading or access requirement.

- (c) To avoid, remedy or mitigate the effects in loading or access facilities on the ambience and amenity values, in particular residential areas.

(iii) Vehicle Parking

- (a) To avoid, remedy or mitigate the effects of the deficiency in parking spaces on the safe and efficient operation of the roading network.
- (b) To ensure that other safe and efficient facilities are available to meet the predicted parking requirement.
- (c) To avoid, remedy or mitigate the effects of the deficiency in parking spaces on the ambience and amenity values, in particular residential areas.

Explanation

The provision of adequate parking, loading and access provisions are essential in the Fringe Business Zone to ensure that activities can operate within the zone with the minimum of disturbance from overspill parking or vehicles manoeuvring on the road. In particular it is important to ensure that where adequate provision cannot be made on site that overspill parking does not intrude into residential areas.

(iv) Activities which do not comply with the Servicing and Loading Provisions of Rule 11.9.4.1(i)

- (a) To avoid, remedy or mitigate the adverse effects of noise and general disturbance created by the activity, on any adjoining or adjacent residentially zoned land.
- (b) To avoid, remedy or mitigate the disturbance to residentially zoned properties from the movement of vehicles to and from the site and within the site itself.
- (c) To limit operating hours to ensure that any disturbance to residentially zoned properties is avoided, remedied or mitigated.

Explanation

Movements on industrial sites which occur outside the specified hours have the potential to cause considerable disturbance to adjoining residential areas. Where the operational requirements of an activity require late night or early morning services, a careful assessment must be made to ensure any adverse effects can be mitigated.

NOTE TO PLAN USERS

Where a proposal falls under Rule 11.9.5.1 and/or 11.9.5.4, but does not comply with the particular Performance Conditions identified above, then as well as assessing the non-compliance with the Performance Condition, the Council will also assess any application against the matters of discretion identified in the aforementioned rules.

11.9.6 Rules: Discretionary Activities (Unrestricted)

- U R 11.9.6.1 Retail Activities which do not comply with the Merchandising Area Performance Conditions for either Permitted or Discretionary (Restricted) Activities**

Retail Activity which does not comply with the Permitted Performance Condition relating to Merchandising Area for either Permitted or Discretionary (Restricted) Activities, but where the Merchandising Area is proposed to comply with the

following, is a Discretionary Activity (Unrestricted):

- (i) Any retail activity, which is not part of a Multiple Retail Development, must have a minimum Merchandising Area of 600m².
- (ii) The average Merchandising Area per retail activity within a Multiple Retail Development must be no less than 900m² unless all of the individual retail activities within the Multiple Retail Development individually exceed 450m² in which case the minimum average Merchandising Area must be no less than 750m².

U R 11.9.6.2 Existing Industrial Activities

Additions and alterations to existing Industrial Activities, which have been established prior to 20 March 2008, excluding offensive activities, are Discretionary Activities (Unrestricted).

Explanation

The Fringe Business Zone has been established to provide for primarily large format retailing activities. It is however recognised that this is a transitional use zone and that at time of the establishment of the Fringe Business Zone that there are some existing Industrial activities operating particularly within that area bound by Rangitikei Street, Tremaine Avenue and North Street. The continued operation of these activities are protected either by resource consent or Existing Use Rights as per Section 10 of the Resource Management Act 1991.

The Council does not wish to discourage the continued operation of these existing Industrial activities, but at the same time the change of zoning is providing a strategic direction for the ultimate future use of the land. It is therefore identified that additions and alterations to existing industrial activities already established in the Fringe Business Zone should be assessed by way of resource consent to assess their effects on the environment.

U R 11.9.6.3 Any activity or Construction, Reconstruction or Alteration of Buildings or Structures not provided for by Rules 11.9.4.1, 11.9.5, 11.9.6.2 or 11.9.7.1.

Any activity or the construction, reconstruction or alteration of any building or structure which is not provided for by rules 11.9.4.1, 11.9.5, 11.9.6.2 or 11.9.7.1 is a Discretionary Activity (Unrestricted).

11.9.7 Rules: Non-Complying Activities

U R 11.9.7.1 Retail Activities

Those retail activities which do not comply with the Minimum Merchandising Area requirements for Permitted, Discretionary (Restricted) or Discretionary (Unrestricted) Activities are Non-Complying Activities

Explanation

Retail activities which do not comply with the Minimum Merchandising Area requirements may create adverse distributional effects on the core CBD. Such activities may also result in a reduced availability of land for the establishment of large format retailing activities which is the primary reason for the establishment of the Fringe Business Zone.

U R 11.9.7.2 Offensive Activities**Offensive Activities are Non-Complying Activities.****Explanation**

Offensive activities have a range of potential effects that could adversely affect the amenity qualities of the Fringe Business Zone. The application of Non-Complying Activity status to these activities will ensure that any Offensive Activity has to demonstrate that it can satisfy the requirements of Sections 104 and 104D of the Resource Management Act 1991 prior to any approval being granted.

11.9.8 Rules: Noise**U R 11.9.8.1 Noise**

This rule is referred to in Performance Conditions for activities within the Zone. Activities to which this rule applies must meet the noise limits set out below.

- (i) Sound emissions from the activity shall not exceed the following limits when measured at or within the boundary of any site other than the site on which that activity occurs:

All times	65dBA L ₁₀ and
10:00 pm -7:00 am	90dBA L _{max}

- (ii) Sound emissions from the activity shall not exceed the following limits when measured at or within the boundary of any land zoned for residential purposes:

7:00 am to 10:00 pm	50dBA L ₁₀
10:00 pm to 7:00 am	40dBA L ₁₀ and 70dBA L _{max}

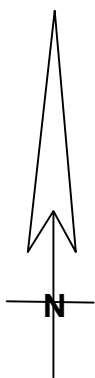
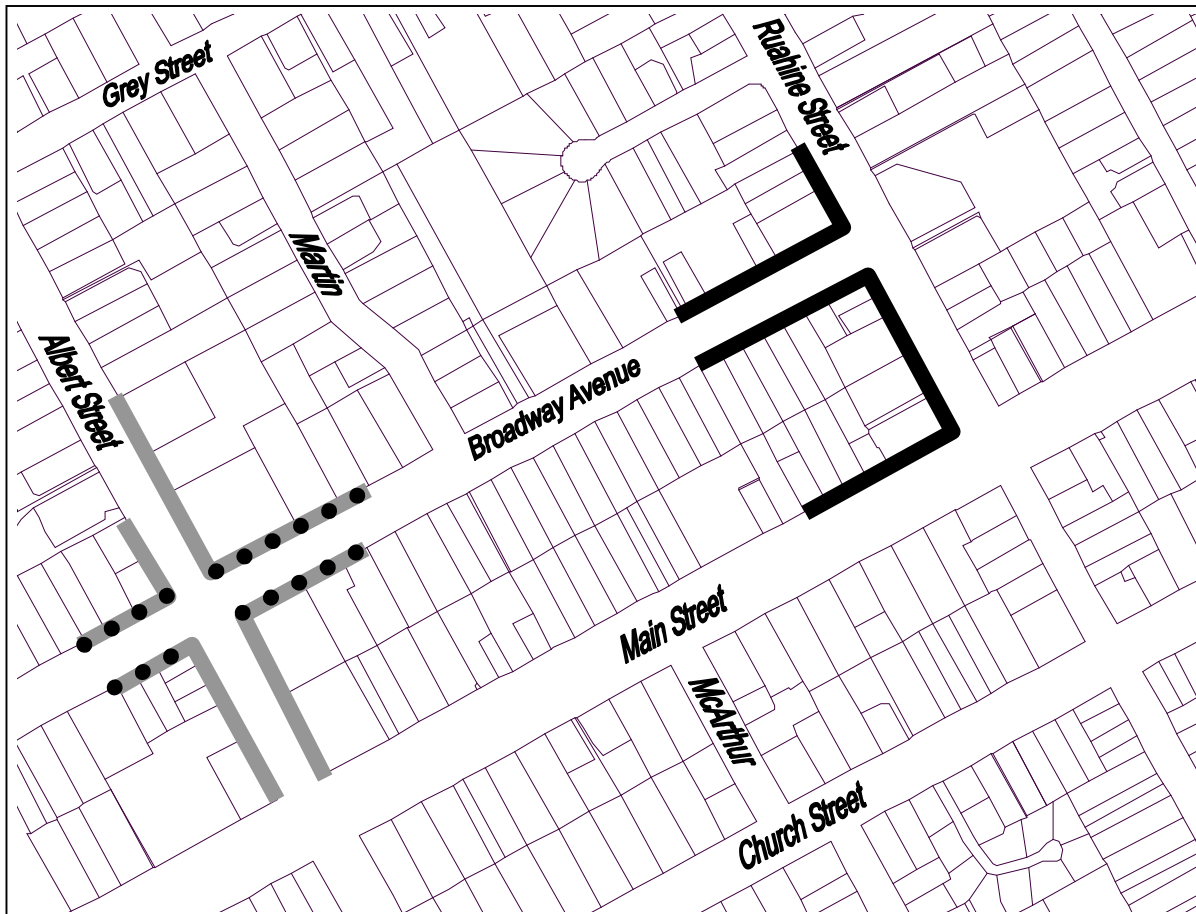
Explanation

The noise rules within the fringe business area are designed to allow activities to make more noise than, for instance, would be appropriate in a residential area. Where noise sensitive uses (including residential activities) are proposed for a business area, it is the responsibility of the designer, developer, owner and user to ensure that buildings are appropriately insulated against the higher levels of noise that are allowed.


Noise limits applying at residential interfaces are intentionally greater than those that apply to non-residential activities established within residential areas. The background sound levels are generally greater nearer to commercial areas. This permits greater levels of sound to be emitted.


Figure 11.4


OUTER BUSINESS AMENITY AND CHARACTER AREAS



Refer To Rule 11.7.1.1(vii)

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Veranda Only Areas: Verandas Required Where Buildings Are Built To The Edge Of The Street Boundary Of The Site

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Option Areas: Verandas Required Where Buildings Built To Edge of Street Boundary Of The Site, Or Landscaping Where Buildings Are Set Back.

- 
Modified Landscaping Areas: Modified Landscaping Rule Applies Where Buildings Are Not Built To The Edge Of The Street Boundary Of The Site

