

8.7.5 BUSINESS 8 ZONE ACTIVITIES

The Concept Plan identifies the dominant activity of the site. The protection and maintenance of the dominant activity is required of all development on the site and of all applications for resource consent.

Any activity is a permitted activity where it is identified as such on the Concept Plan for the site. Once the zone is in place an activity which is not included in the Concept Plan, but complies with development controls for the site is deemed to be a discretionary activity; and will be assessed against:

- The objectives and policies of the Business 8 zone;
- The assessment criteria of Clause 8.6.8.2(c);
- The particular Concept Plan which applies to the site, and any explanation given for the specific provisions or restrictions imposed on the comprehensive development provided by it and the additional following matter -

(a) Parking and Access

- Any new activity must demonstrate to the satisfaction of the Council that any additional traffic generated by it, to the subject site, can be adequately provided for in the existing parking and access arrangements.

Where this is not possible further appropriate provision should be made so as to ensure no adverse parking or access effects occur.

- No reverse manoeuvring of vehicles on to the road will be permitted.
- Any new parking and loading areas shall be landscaped to improve the visual appearance of the site.

Where it is considered by the Council that the proposed activity is of such a scale or intensity that it will substantially alter the character of development, detailed in the Concept Plan for the site, (eg the dominant activity is altered) then the application may be declined.

8.7.6 BUSINESS 9 ZONE ACTIVITIES

The individual Concept Plans for each area subject to the Business 9 zoning will indicate those activities which are identified as permitted, controlled or discretionary in the particular area.

8.7.7 MIXED USE ZONE ACTIVITIES

For the purpose of the table:

P = Permitted Activity

C = Controlled Activity

D = Discretionary Activity

- Those activities marked * are restricted controlled or restricted discretionary activities and applications may be considered without need for notification. (refer Clause 4.3.2.5 Restricted Controlled activities and Clause 4.3.2.6 Restricted Discretionary activities)



PART 8 - BUSINESS ACTIVITY

Activities	
<ul style="list-style-type: none"> • Any permitted or controlled activity listed in this table including all new buildings and required off-street parking located within 30m of the Residential 1, 2a, 2b, 5, 6a, 7a, 7b and 7c zones. Except that this provision shall not apply to: <ul style="list-style-type: none"> - minor alterations and additions when there is no change of use and when site coverage is increased by no more than 10% and there is no increase to existing building height. 	D*
<ul style="list-style-type: none"> • Ancillary activities for any of the allowed activities listed in this table. 	P
<ul style="list-style-type: none"> • Construction and/or relocation of new buildings and new accessory buildings, including external additions to existing buildings, and accessory buildings 	C*
<ul style="list-style-type: none"> • Boarding house/hostel 	P
<ul style="list-style-type: none"> • Bus transfer station 	D*
<ul style="list-style-type: none"> • Care centre 	P
<ul style="list-style-type: none"> • Commercial or public car parking area 	D
<ul style="list-style-type: none"> • Community welfare facility 	P
<ul style="list-style-type: none"> • Controlled floor area as provided for in the site intensity control 	C*
<ul style="list-style-type: none"> • Drive-through facility 	D
<ul style="list-style-type: none"> • Education facility 	P
<ul style="list-style-type: none"> • Entertainment facility with a maximum floor area less than 500m² 	P
<ul style="list-style-type: none"> • Entertainment facility with a maximum floor area between 500m² and 2000m² 	D
<ul style="list-style-type: none"> • Excavation as defined in Part 13 (refer to Clause 4A.2 for criteria and to Annexure for silt and sediment control methods) 	C
<ul style="list-style-type: none"> • Funeral parlour 	P
<ul style="list-style-type: none"> • Healthcare services 	P
<ul style="list-style-type: none"> • Home occupations 	P
<ul style="list-style-type: none"> • Hospitals (with up to 50 beds) 	D
<ul style="list-style-type: none"> • Laboratories 	P
<ul style="list-style-type: none"> • Light manufacturing and servicing contained within a building 	P
<ul style="list-style-type: none"> • Motor vehicle sales premises 	D*
<ul style="list-style-type: none"> • Redevelopment of motor vehicle sales premises on sites identified on Figure XD A or XD B 	C*
<ul style="list-style-type: none"> • Motor vehicle service premises contained within a building 	P
<ul style="list-style-type: none"> • Offices 	P
<ul style="list-style-type: none"> • Outdoor eating areas 	C
<ul style="list-style-type: none"> • Place of assembly with a maximum floor area less than 500m² 	P
<ul style="list-style-type: none"> • Place of assembly with a maximum floor area of between 500m² and 2000m² 	D



Activities	
• Premises for cultural activity and/or natural display	P
• Public toilets	C*
• Residential units	P
• Residential units with habitable room windows located within 3m of a side or rear site boundary	D*
• Residential units located with 20 of the centre line of an existing high voltage transmission line on sites defined in Figure XC.	C*
• Restaurants, cafes and other eating places	P
• Retail premises with a maximum floor area of 500m ² each located on a site wholly within 200m of a Business 2 zone with a maximum cumulative floor area less than 1,000m ² per site	P
• Retail premises with a maximum floor area of 2000m ² each located on a site wholly within 200m of a Business 2 zone with a maximum cumulative floor area less than 5000m ² per site	RD
• Retail premises with a maximum floor area of 7500m ² each located on a site wholly within 200m of a Business 2 zone with a maximum cumulative floor area less than 8000m ² per site	D
• Retail premises located on a site wholly within 200m of a Business 3 zone with a maximum cumulative floor area less than 3000m ² per site	P
• Retail premises with a maximum floor area of 2000m ² each located on a site wholly within 200m of a Business 3 zone with a maximum cumulative floor area less than 10,000m ² per site	RD
• Retail premises with a maximum floor area of 7500m ² each located on a site wholly within 200m of a Business 3 zone with a maximum cumulative floor area less than 20,000m ² per site	D
• Retail premises located on a site that is not wholly within 200m of a Business 2 or 3 zone with a maximum cumulative floor area less than 500m ² per site	P
• Retail premises located on a site that part of which is located within 200m of a Business 2 or 3 zone with a maximum cumulative floor area less than 2,000m ² per site	RD
• Retail premises not otherwise listed with a maximum cumulative floor area between 500m ² and 7,500m ² per site	D
• Service Stations	D
• Taverns	D
• Tourist complex with a maximum floor area of between 500m ² and 2000m ²	D*
• Tourist complex with a maximum floor area of less than 500m ²	P
• Use of artificial lighting on a site, producing on illuminance in excess of 150 lux, measured at any point on the site containing the light source in a horizontal or vertical plane at ground level.	D
• Visitor accommodation	P
• Warehousing and storage	P
• Workrooms	P



8.7.7.1 PERMITTED ACTIVITIES

Permitted activities in Mixed Use zones are those whose generated effects are generally not expected to have any adverse impact on the environment if they comply with the relevant development controls. The activities permitted in the Mixed Use zone are also those which will enable a compatible and sustainable mix of residential and non-residential uses to develop.

8.7.7.2 CONTROLLED ACTIVITIES

CRITERIA FOR ASSESSING CONTROLLED ACTIVITIES

An application for a controlled activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the relevant criteria contained in Part 4 General Provisions and Procedures and the following particular matters. All controlled activities must comply with the development controls for the zone. In addition conditions may be imposed on particular proposals in relation to the following matters.

1. Construction and/or relocation of new buildings, including external additions to existing buildings and accessory buildings will be assessed against the following criteria:

(a) Streetscape Character and Pedestrian Amenity

- New development should be designed to complement and enhance both streetscape character and pedestrian amenity.
- Buildings should front roads and concentrate main entries and windows along road frontages. Solid blank walls or garage doors longer than 4 metres along a road frontage should be avoided.
- Car parking areas should be located away from the road frontage of sites.
- On-site landscaping where provided adjoining the road should enhance the character of the streetscape.

(b) Building Scale, Form and Layout

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

assessment of effects. Methods to moderate the apparent bulk of a building include consideration of the articulation of a building's form and surface treatment. Methods to achieve this include, but are not limited to:

- roof forms;
- inclusion of verandas and balconies; and
- window placement.

- Where buildings abut public open space, they should also address them and should not significantly overshadow them.
- Mixed use developments should provide a separate entrance and access to the residential component. Where this is not possible or appropriate access to each activity should be clearly indicated.
- Where residential uses are combined with retail or commercial uses, access from parking areas to associated residences should be relatively direct and safe for residents, day and night.
- Development should take advantage of existing buildings, streets and other infrastructure. Buildings should be re-used if practical, where this does not limit the overall intensity of the development.
- Buildings on corner sites should, wherever practical, be at least two storeys high, be laid out with multiple entry potential and built as much as feasible to the front boundary to complement the existing urban character and to optimise mixed use potential such as retail, commercial, business and possibly medium density housing.
- Windows and balconies of an upper level dwelling must be designed to prevent overlooking of more than 50% of the private open space of a lower-level dwelling directly below and within the same development.
- Specific requirements for site layout, design of buildings, landscaping and lighting may be required to satisfy the safety assessment criteria under Clause 6.2.10.5. This is dependant on the scale and/or location of the development proposed.

(c) Acoustic Privacy

- Mixed use developments should be designed, constructed and operated to minimise the potential for offensive noise from outside sources and from abutting residential units.



(d) Car Parking

Car parking facilities shall be designed and located:

- Reasonably close and convenient to residential uses within the mixed use development
- To be lit at night while avoiding adverse effects related to light spill and glare on the visual privacy of adjoining land.
- To be well ventilated if enclosed
- To clearly define service vehicle and any visitor parking
- To be separated from habitable room windows to minimise noise and fumes entering dwellings
- Off street loading spaces are provided for the efficient loading and unloading of service and delivery vehicles
- On-site car parking or garages should not be located on road frontages or dominate the streetscape
- The internal circulation of the parking areas should be designed so that the particular requirements of individual activities for safe and efficient vehicle circulation on site are attended to

(e) Site Facilities

- A mix of uses located in the same premises should ensure that venting is designed and located so as to minimise negative impacts of smells (such as cooking or multiple toilet exhausts) on other uses sensitive to and within range of such impacts
- Developments should not generate any smells, odours, fumes, smoke, steam, dust or other particulate which will be offensive or hazardous, or cause nuisance to surrounding occupants
- Applicants shall demonstrate that external lighting of commercial or industrial premises or communal areas will not lead to significant adverse effects including light spill and glare on the visual privacy of adjoining land.
- Plant and equipment should be installed and operated so as not to cause electrical interference in nearby properties
- Solid waste storage facilities should be located or screened both from public view and from the principal outlook of other activities within or abutting the development. A designated area (shown on the plan) shall be set aside on site to provide for solid waste storage facilities and shall include adequate space for both recycling and general waste bins.

- Where residential units are included in a building:
 - Mailboxes should be provided and located for convenient access by residents and as required by postal services
 - Designated clothes drying areas should be accessible by all residents
 - Storage facilities should be provided for each unit which can cater for storage of outdoor and recreation equipment.

(f) Location and Design of Vehicular and Pedestrian Access

Vehicular access to and from the site must:

- Ensure adequate sight distances and prevent congestion caused by the ingress and egress of vehicles;
- Be located, where practicable, away from residentially zoned sites so as to protect the aural privacy of those sites'

Where an activity generates significant pedestrian volumes, pedestrian access to and from the site must be:

- Sufficiently separated from the vehicle access to ensure the safety of the pedestrians – this may be through segregated access, use of different paving and signage;
- So designed as to provide adequate weather protection where appropriate for pedestrians

On district and regional arterial roads, the number of access points to car parking facilities should be minimised.

(g) Minor Adverse Effect on the Environment

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

(h) Infrastructure considerations in particular.

Where a proposal involves the intensification of the number of persons living on a property or attracted to the site due to the nature of the activity (eg the development of a number of residential units or the number of visitors to a place of assembly), the application must demonstrate that the site is able to sustain the servicing needs of the development, particularly the wastewater and stormwater drainage systems. A condition requiring this to be achieved through either the physical provision of the



infrastructure or the payment of a financial contribution, to contribute to infrastructure improvements over time, may be imposed.

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

(i) Cycle and Pedestrian Ways

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

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

Measures to mitigate any adverse effects shall include:

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

Explanation

In order to achieve a quality mixed use environment, it is important that new buildings and external additions to existing buildings are designed to meet urban design criteria including streetscape character, building scale, form and layout, acoustic privacy, parking, site facilities, pedestrian access, infrastructure and where appropriate inclusion of cycle and pedestrian ways. These criteria

seek to enhance the physical quality, character and amenity of an area address the potential adverse effects of an activity.

2. Site Intensity Control

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

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

- (a) Landscaped areas;
- (b) Plazas;
- (c) Cycle and pedestrian ways

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

(a) Landscaped area shall apply to any one area of not less than 5m² on a site exclusively set aside for visual amenity purposes and/or pedestrian use, and which is:

- grassed and planted in trees and shrubs, such planting is to:
 - use species that are likely to survive because they are suited to the growing conditions; and
 - enable informal surveillance to occur and avoid the creation of entrapment spots by the use of a combination of trees with high canopies and low growing shrubs which enable views through an area to be maintained rather than blocked.

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

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

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

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

- the visibility of and amenity of the landscaped area;



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

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

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

- contains a minimum horizontal dimension of 10m measured at right angles to its perimeter;
- is kept clear and unobstructed of buildings from the ground or floor level upwards except that, any part of a building may project by not more than 4.6m over the plaza if not more than 20% of the plaza is so covered;
- is clearly sign posted and readily accessible from a public place at grade or by means of a lift, ramp, escalator or steps with no charge to the public;
- is furnished with paving, landscaping, lighting, public seating and other convenience or amenity elements;
- is demonstrably protected from strong winds and substantially free of shade from any structure on the site;
- will not adversely affect other beneficial features such as continuity of verandahs, retailing or street facades.

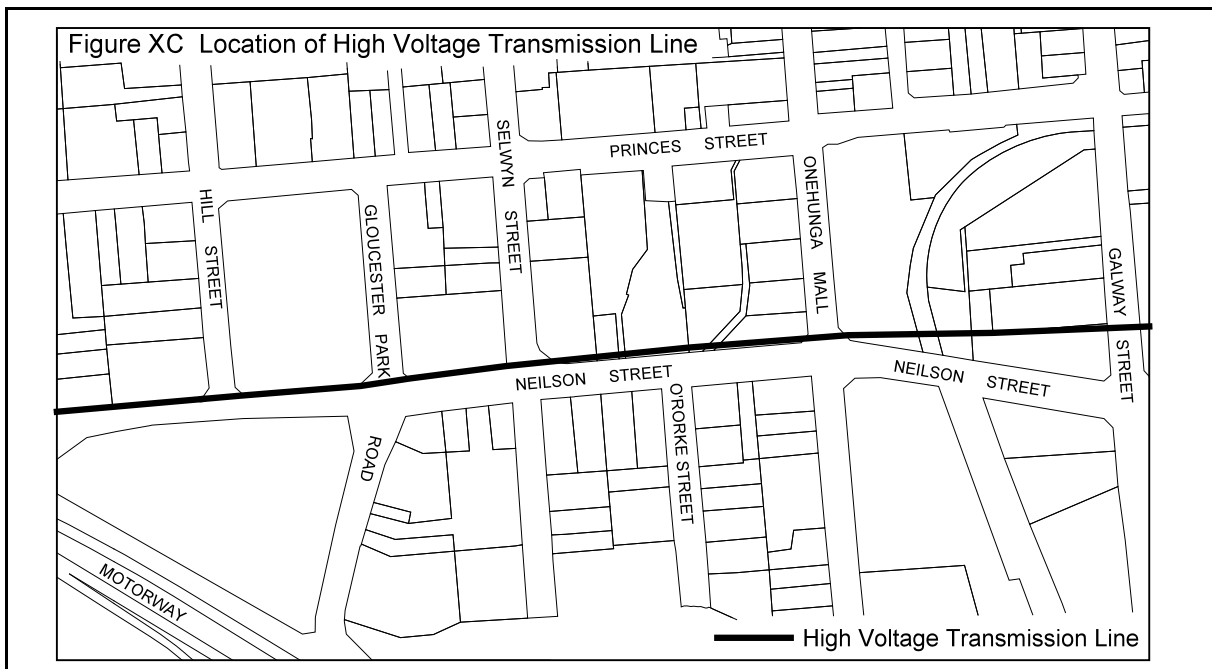
- is clearly visible from a road or public place, or is overlooked by such activities as retail shops, cafes, offices or residential accommodation; and incorporates elements such as seating, landscaping, paving, lighting and signage which identify it as a semi-public space.

(c) Cycle and pedestrian ways

Refer to criterion 8.7.7.2(1)(i)

Explanation

Additional floor area is available for the provision of features in a development that are considered to contribute to the amenities of the area and that provide a positive benefit to those members of the community that may utilise the development. These bonus features are intended to provide private benefit in the form of additional floor area when public benefit is provided in the form of landscaped areas, plazas and cycle and pedestrian ways. However, as the additional floor area is being attributed to the community for the community's benefit, it is considered desirable to ensure that the community through the Council has some say in how the feature is provided, i.e. how accessible the feature is to the community; how convenient it is; and how much exposure it has; because if the feature cannot be seen or identified the community may ignore or under-utilise it. To ensure that such community input can occur, a resource consent is required.



3. Outdoor Eating Areas

In considering an application for an outdoor eating area, the Council will take into account the following criteria:

(a) Site layout

The following may be required:

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

(b) Carparking

The following may be required

- On-site parking areas to be located remote from residential zone boundaries. Where this is impracticable adequate screening shall be provided in the form of fencing and landscaping, so as to reduce to an acceptable level any adverse aural or visual impacts on the residentially zoned land.

(c) Minor Adverse Effect on the Environment

Refer to criterion 8.7.7.2(1)(g)

4. Residential units located within 20m of the centreline of the existing high voltage transmission line on sites defined in Figure XC.

In considering an application for residential units located within 20m of the centre line of the existing high voltage transmission line on sites defined in Figure XC the Council will take into account the following criteria:

Whether the location of the building site or works will inhibit the safe and efficient operation of any network utility or result in adverse effects on people's health and safety including:

- the ability for maintenance and inspection of transmission lines and supporting structures and the minimising of risk or injury and /or property damage from or to such lines;
- the extent to which any buildings, structures, mobile plant or earthworks could affect transmission lines and support structures;
- whether the separation distances in the New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34 1993) are met;
- the nature and location of tree planting adjoining transmission lines and support structures;
- availability of 4wd access to utility structures

5. Redevelopment of motor vehicle sales premises on sites identified on Figure XD A or XD B.

All street frontages of the site shall be spatially defined and enhanced by physical elements in a manner consistent with the objectives and policies of the Mixed Use zone. These elements shall preferably be buildings, but may be alternative elements which provide an effective street edge definition and a sense of structure and vertical rhythm.

The street-defining elements shall consist of one or more of the following:

- (a) a building located at the street frontage at street level;
- (b) an elevated building structure located at the street frontage with an open ground space below for the display of motor vehicles.
- (c) an open framed structure located at the street frontage;
- (d) vertical elements, closely spaced including poles, pillars, or trees located at the street frontage

The above criteria replace all of the general criteria for controlled activities in respect of the sites identified on Figure XD A and XD B. There is no need for any redevelopment of motor vehicle premises on the identified sites to be assessed against any of the other criteria in Section 8.7.7.2



Figure XD A



Figure XD B



8.7.7.3 DISCRETIONARY ACTIVITIES

The discretionary activities scheduled below are those which may be consented to or refused by the Council in accordance with the criteria set out in Clause 8.7.7.3.2 and may be subject to conditions to avoid, mitigate or reduce the prospect of significant adverse effects.

An application for discretionary activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the relevant criteria contained in Part 4 and the following annotated matters.

DISCRETIONARY ACTIVITIES	PARTICULAR MATTERS TO BE ADDRESSED													
Any permitted or controlled activity including all new buildings and required off-street parking located within 30m of Residential 1, 2a, 2b, 5, 6a, 6b, 7a and 7b zones (but excluding those activities specifically exempt from the equivalent activity description in the table in section 8.7)	a	b	c	d	e	f	g	h	i	j			m	n
Bus transfer stations	a	b	c		e	f	g	h			k			
Commercial or public car parking area	a		c		e	f	g	h	i	j	k			n
Service station	a		c	d	e		g	h		j	k			
Use of artificial lighting, on a site, producing an illuminance in excess of 150 lux at ground level				d	e	f	g			j				
Place of assembly and/or Entertainment Facilities and/or Tavern and/or Tourist Complexes which have a maximum floor area between 500m ² and 2000m ²	a	b	c	d	e	f	g	h	i					n
Drive-through facility	a	b	c	d	e	f	g	h		j	k			n
Motor vehicle sales premises	a		c	d		f	g	h		j	k			n
Retail premises classified as a restricted discretionary activity in Clause 8.7 Rules: Activities	a	b	c	d	e	f	g	h	i					
Retail premises classified as a discretionary activity in Clause 8.7 Rules: Activities	a	b	c	d	e	f	g	h	i	j	k	l	m	n

8.7.7.3.1 PARTICULAR MATTERS TO BE ADDRESSED

(a) Traffic Generation

Any adverse effect on the capacity of the adjacent roading network, which is more than minor, caused by expected traffic generation of a proposal may require mitigation by upgrading of the road or intersection design. To enable this, financial contributions may be required as a condition of consent in accordance with the requirements of Sec 4B6 of the Plan (Financial Contributions). Assessments under this criterion will give weight to the function of the network to provide

access to adjoining properties as well as its function to provide capacity of through traffic movements.

(b) Parking

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



(c) Access

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

(d) Buildings

Buildings and site layout will be assessed against the criteria of 8.7.7.2.1.

(e) Noise

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

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

(f) Development Controls

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

(g) Residential Zone Interface

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

(h) Natural Environment

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

(i) Infrastructural Constraints

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

(j) Outdoor Activities

In general, activities should be contained within a building but where this is not practicable, taking into account the nature of the activity, any outdoor display, work, or entertainment area may be subject to screening, separation distances, landscaping or noise conditions. This is to ensure that the visual and aural privacy of adjacent land is not adversely affected and that the amenity of the particular zone is not compromised.

(k) Pedestrian Safety and Convenience

The proposal must address pedestrian safety and convenience both within the site and in terms of the relationship to the road network.

(l) Site Suitability

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

(m) Integration of Activities

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

(n) Site Amenity

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



8.7.7.3.2 ADDITIONAL CRITERIA FOR SPECIFIED ACTIVITIES

(a) Any permitted or controlled activity located within 30m of a residential zone

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

(i) Traffic and parking considerations

In general a proposal should comply with the parking and access controls for the zone. In addition the applicant must demonstrate that any on-street parking which is likely to be generated by the proposal will not place pressure on the existing capacity of the adjacent road network. The level of this assessment should be in accordance with the scale of the proposed activity.

(ii) The location and design of vehicular access

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

(iii) Location of Carparking

On site parking areas may be required to be located away from residential zone boundaries. Where this is impracticable adequate screening shall be provided in the form of fencing or landscaping, so as to reduce to an acceptable level any adverse impacts on the residential zoned land.

(iv) Cycle and Pedestrian Ways

Refer to criteria 8.7.7.2(i)

Explanation

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

(b) Service Stations

Any proposal must meet the following criteria –

- The site must be of adequate size and frontage to accommodate the use, plus all required off-street parking and landscaping.
- The location of vehicular and pedestrian access to and from the site must ensure adequate sight distances and prevent on-street congestion caused by the ingress and egress of vehicles to and from the site.
- The development must generally observe underlying principles of the most recent published recommendations of the Ministry of Transport, for both typical and innovative service station layouts, with respect to sight distances, minimum depth of forecourt, width of frontage, location and width of footpath crossings and pedestrian refuges.
- The scale of development must have regard to the development controls for the zone. A modification to one or more of the development control rules may be considered concurrently under Clause 4.3.1.2B as a separate discretionary activity.
- The site must be landscaped and adequately fenced and screened from adjacent land, particularly where the adjacent land is zoned residential, open space or special purpose.
- All signs and lighting must be assessed as part of any application. They must be in keeping with the intent of the zone and the existing development of the area. (Further comprehensive controls on the location, construction and maintenance of signs are contained in Part 27 of the Auckland City Consolidated Bylaw).
- There must be safe and appropriate areas set aside for the separation of pedestrian areas from vehicle lanes. Adequate off-street parking for all aspects of the proposal, and adequate manoeuvring space for tankers and service vehicles.
- Restrictions may be imposed on the hours of operation of service stations adjacent to residential zones where noise is likely to be a problem.
- Any compressor or machinery must have adequate sound insulation. In particular, any development must comply with the noise standards set out in Clause 8.8.10.6.
- The location of any LPG storage tank must be at an appropriate distance from site boundaries consistent with safety requirements.
- Demonstrate that where the proposal is to be relocated in an established commercial centre, it will not break up or isolate parts of the retail frontage. Where the



proposal is to be located on the edge or well outside a retail centre, the provision of a verandah may not be required.

The above criteria are additional to any requirement placed on a service station by the provisions of Part 5E Hazardous Facilities.

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

Explanation

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

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

Any application will be assessed against the following criteria.

- Applicants shall demonstrate that significant adverse effects including light spill and glare on the visual privacy of adjoining land can be reduced, avoided or mitigated. The use of measures such as screening, dense planting of buffer/separation areas may be required where these may lessen impact.
- Particular consideration will be given to the placement, design and screening of light fittings and whether their size and illuminance is appropriate to the size of the subject site and to the general lighting levels of the surrounding area.
- Where the use of artificial lighting will extend the duration of activities on a site beyond normal daytime hours, the Council may impose conditions on noise levels and hours of operation so as to protect sites from unreasonable noise.
- Artificial lighting masts or poles will generally be required to comply with zonal height limits. Modification to the height controls (in terms of Clause 4.3.1.2B) may be acceptable if it can be demonstrated that it will not adversely affect adjoining sites, and it will result in decreased light spill. In such instances, conditions relating to the colour of light fittings and poles may be imposed in

order to reduce the visual impact of the lighting pole and fittings.

- Applicants shall demonstrate that inappropriate or detrimental changes to the night sky viewing conditions of the surrounding area will not occur.

(d) Residential units with habitable room windows within 3m of a side or rear site boundary

Any proposal to establish residential units with habitable room windows within 3m of a side or rear site boundary will be assessed against the following criteria.

- New developments are required to be designed to provide daylight even when development on neighbouring sites is built up to the maximum height permitted by the plan right up to and along boundaries.
- At least one wall of every residential unit with windows to a habitable room or rooms is required to be exposed to north light
- At least one habitable room in each dwelling is required to be located to receive direct sun.
- Applicants are required to provide drawings showing the maximum development able to be established on adjacent sites.

(e) Any development proposal containing retail premises which is classified as a discretionary activity (excluding restricted discretionary activity).

Any proposal containing retail premises and classified as a discretionary activity under Clause 8.7 shall be assessed against the additional criteria for specified activities listed in rule 8.7.3.3.1

8.7.8 MIXED USE ZONE: ORAKEI POINT ACTIVITIES

For the purpose of the table:

P = Permitted Activity

C = Controlled Activity

D = Discretionary Activity

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

Those activities marked with a * are restricted discretionary activities (refer Clause 4.3.2.6 RESTRICTED DISCRETIONARY ACTIVITIES for public notification and service requirements).

Reference should also be made to rule 8.8.11.6 Frontage Height and Activity Control, which limits certain activities



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on the ground floor frontages of identified sites within the Mixed Use Zone: Orakei Point.

Activities	
• Construction and/or relocation of new buildings and new accessory buildings, including external additions to existing buildings, and accessory buildings	D*
• Construction and/or relocation of new buildings and new accessory buildings, including external additions to existing buildings, and accessory buildings within the Special Tree Protection Area identified on the Mixed Use Zone: Orakei Point Overlay Plan 4	D*
• Construction of public open space, public accessways and plazas, and accessory buildings (excluding roads)	D*
• Ancillary activities for any of the allowed activities listed in this table	P
• Car parking ancillary to permitted, restricted discretionary or discretionary activities	P
• Car parking exceeding a total of 1750 spaces but not exceeding 1950 spaces in the Mixed Use Zone: Orakei Point	D*
• Commercial car parking (excluding car parking provided ancillary to permitted or restricted discretionary activities) not exceeding 400 spaces, prior to the completion of development within precinct 5 (for the avoidance of doubt, after the completion of development within precinct 5, commercial car parking shall be a non-complying activity).	D*
• Care centre	P
• Community welfare facility	P
• Education facility	P
• Entertainment facility with a maximum floor area less than 500m ²	P
• Entertainment facility with a maximum floor area between 500m ² and 2000m ²	D
• Earthworks as defined in Part 13 (refer to Clause 4A.2 for criteria and to Annexure 14 for silt and sediment control methods)	C*
• Garden Centre, including an ancillary café up to 20% of the gross floor area, and/or up to 5% of the outdoor area	P
• Healthcare services	P
• Home occupations	P
• Ancillary activities and structures associated with rail and public transport above the podium, including entrances to the rail station, ticketing facilities, information displays, kiosks, public toilets, lifts and stairs, ventilation structures and services, including bus shelters and signs	P
• Motor vehicle service premises contained within a building	D
• Offices, provided that: a) the total cumulative gross floor area of offices does not exceed 10,000m ² b) a minimum floor area of 5,000m ² be provided	P
• Outdoor eating areas operating between 7am and 11pm on any day	P
• Outdoor eating areas operating outside the hours of 7am and 11pm on any day	C*



• Overpasses connecting buildings within the Mixed Use Zone: Orakei Point	D*
• Park and Ride parking up to a maximum of 200 spaces	P
• Place of assembly with a maximum floor area less than 500m ²	P
• Place of assembly with a maximum floor area between 500m ² and 2000m ²	D
• Premises for cultural activity and/or display	P
• Public artwork	P
• Public toilets	P
• Roads, including new roads and road widening	P
• Residential units	P
• Restaurants, cafes and other eating places	P
• Retail premises provided that: a) the gross floor area of any individual tenancy (including ancillary on-site warehousing and storage) does not exceed 500m ² ; b) a single large floor plate retail tenancy (including ancillary on-site warehousing and storage) not exceeding 2000 m ² shall also be permitted; and c) the total cumulative gross floor area of retail premises in a) and b) does not exceed 10,000 m ² d) a minimum floor area of 5,000 m ² be provided	P
• Signs, structures and information boards associated with public access to and around the coastal marine area.	P
• Taverns with a maximum floor area of 500m ²	P
• Taverns with a maximum floor area greater than 500m ²	D
• Tourist complexes	P
• Use of artificial lighting on a site, producing on luminance in excess of 150 lux, measured at any point on the site containing the light source in a horizontal or vertical plane at ground level	D
• Visitor accommodation	P
• Warehousing and storage ancillary to a permitted activity	P
• Workrooms	P

8.7.8.1 PERMITTED ACTIVITIES

Permitted activities in the Mixed Use Zone: Orakei Point are those whose generated effects are generally not expected to have any adverse impact on the environment if they comply with the relevant development controls. The activities permitted in the Mixed Use Zone: Orakei Point will enable a compatible and sustainable mix of residential and non-residential uses to develop in manner that enables the development of a mixed-use, transit oriented community.

8.7.8.2 CONTROLLED ACTIVITIES

Outdoor eating areas operating outside the hours of 7am and 11pm on any day provided for as controlled activities shall be assessed against the criteria for outdoor eating areas set out in 8.7.2.1.

Earthworks as defined in Part 13 provided for as controlled activities shall be assessed against the criteria set out in 4A.2.

8.7.8.3 DISCRETIONARY ACTIVITIES

The discretionary activities scheduled below are those which may be consented to or refused by the Council in accordance



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with the criteria set out in Clause 8.7.8.3.2 and may be subject to conditions to avoid, mitigate or reduce the prospect of significant adverse effects.

An application for discretionary activity shall be accompanied by an assessment of the environmental effects of the proposed activity in terms of the relevant criteria contained in Part 4 and the following annotated matters.

DISCRETIONARY ACTIVITIES	PARTICULAR MATTERS TO BE ADDRESSED												
	a	b	c	d	e	f	g	h	i	j	k	l	m
Construction and/or relocation of new buildings and new accessory buildings, including external additions to existing buildings, and accessory buildings	a	b	c		e	f		h	i		k		m
Entertainment facility with a maximum floor area between 500m ² and 2000m ²	a	b	c	d	e	f		h	i				
Excavation as defined in Part 13 (refer also to Clause 4A.2B for criteria and to Annexure 14 for silt and sediment control methods)								h					
Motor vehicle service premises contained within a building	a	b	c	d	e	f		h	i	j			
Place of assembly with a maximum floor area between 500m ² and 2000m ²	a	b	c	d	e	f		h	i				
Taverns with a maximum floor area greater than 500m ²	a	b	c	d	e	f		h	i				
Use of artificial lighting on a site, producing on luminance in excess of 150 lux, measured at any point on the site containing the light source in a horizontal or vertical plane at ground level (refer also to assessment criteria at 8.7.7.3.2 (c))							g						

8.7.8.3.1 PARTICULAR MATTERS TO BE ADDRESSED

The particular matters to be addressed (referred to as a – n in the above table) shall be the same as those set out in clause 8.7.7.3.1.

8.7.8.3.2 ADDITIONAL CRITERIA FOR SPECIFIED ACTIVITIES

(a) Construction and/or relocation of new buildings and new accessory buildings, including external additions to existing buildings, and accessory buildings 260

Any proposal must meet the following criteria -

(i) Orakei Point Master Plan

The extent to which the new building is generally consistent with the Orakei Point master plan at Figure 8.6.11.2. In particular:

- The extent to which the building responds to the proportions, structural modules, and solid-void relationships of existing and proposed public spaces, streets and open spaces, and any existing or consented buildings or building forms

otherwise shown on the master plan;

- Materials used on new development should be responsive to materials used on neighbouring existing and proposed public spaces, streets and open spaces, and any existing or consented buildings or building forms otherwise shown on the master plan;
- The height of the proposed building relative to its neighbours so as to ensure variation in roof height and roof form;
- Where they occur on the subject site, the extent to which public places and public access linkages shown on the master plan are provided for, and methods to ensure public access to and over such public places and public access linkages is maintained at all times, excluding any areas set aside for outdoor dining (such methods may include the registration of legal instruments on the land title(s));
- The extent to which the proposed finished levels across the subject site will allow for public access



linkages through and around the site and between adjacent sites, where these are envisaged by the master plan;

- Methods to legally secure public access at all times to the public places and the linkages referred to in the above criteria, including in the interim period before the master plan is completed, and including prior to the vesting of public roads (such methods may include the registration of legal instruments on the land title(s));
- Methods to secure access to other properties within the Mixed Use Zone: Orakei Point;
- The extent to which regard has been had to site amenity and safety considerations in the interim period prior to the master plan is completed (including for example temporary site fencing and/or amenity planting);
- Whether safe public pedestrian and service access is maintained to the Orakei rail station and methods to ensure that this access is maintained from public places at all times the rail service is operating (such methods may include the registration of legal instruments on the land title(s)).

Applicants will be expected to submit the following information with a resource consent for a new building:

- Drawings showing the location and design of the proposed building relative to existing and proposed public spaces, streets and open spaces, and any approved buildings;
- Where changes are intended, the relationship of site contours to existing and proposed streets, any adjacent coastal environment or public open space;
- The location and layout of open space areas (within the control of the landowner or leaseholder);
- The location of public and private linkages to, through and around the site;
- The location of vehicle access, parking areas and loading areas;
- Cross sections showing the relationship of the building to adjoining public open space and streets;
- Building elevations and profiles viewed from locations within and outside of Orakei Point showing the building relative to its neighbours, including any approved buildings and allowable building envelopes on as yet undeveloped sites;

- Demonstration of the individual building's compliance with the cumulative activity, building gross floor area, parking, traffic generation threshold and mix of residential units controls of the Mixed Use Zone: Orakei Point, including the totals of both existing and consented development within the zone;
- An urban design and universal access statement;
- A description of legal instruments that will be entered into to secure and maintain appropriate public access across the site in accordance with the requirements of the master plan.

(ii) General Design Principles

- Building design should be of a high quality, showing variety and responsiveness to the local context in a way that contributes to the identity of Orakei Point at every scale, including the appearance from viewing points external to Orakei Point itself, including from public viewpoints on Tamaki Drive, Ngapipi Road, Kepa Road, Lucern Road and Shore Road;
- Building facades should be articulated to create shadows, and have a varied roofline. Buildings shall use exterior materials with a coefficient of reflectivity of less than 55%;
- Buildings should address and align to the street boundary of an identified building platform to a height appropriate to define and enclose the street and define the edge of public places. Minor modulation and variance of the frontage layout, such as recessed pedestrian entrances and windows, is acceptable to avoid architectural monotony provided that the overall continuity of the frontage is not compromised;
- Where buildings have backs, they should not be oriented to streets, public plazas, or the foreshore open space zoned land. The backs of buildings should be orientated towards the backs of other buildings on the site wherever practical;
- The rhythm and scale of architectural features, fenestration, finishes and colour should harmonise with and complement the streetscape and public places, particularly where this would assist or strengthen the overall effect of the building frontage;
- Sound building design precedents should be introduced to provide visual cues to the building's overall scale and size and to avoid flat planes or blank facades devoid of modulation, relief or surface detail where visible from streets and public open space;
- Where large sites enable the development of an



extensive street building frontage, that frontage should be visually broken up through building separation and/or variation in building height, form and/or design to avoid monotonous building façades as viewed from streets and public open space and external viewing points;

- Primary entrances to buildings should be located along the main street elevation;
- Where possible, windows should be designed to look directly onto the street and to adjoining public open spaces.

(iii) Frontages to Streets and Plazas

- Building frontages at street level and at the lee and waterfront plaza level must contribute to pedestrian vitality, interest and public safety. This includes a variety of architectural detail and maximising doors, window openings and balconies fronting streets and plazas;
- Ground floor spaces facing the street and plaza should have windows and doors which look directly onto the street and plaza, with glazing to comprise a major portion of the ground floor façade;
- Building entrances should be visible and easily identifiable from the street and plaza and directly accessible from street and plaza level;
- Fences and walls may be erected between areas of public and private open space, however the design of such fences and walls shall be integrated with landscaping and a landscaped/land formed edge may be more appropriate than solid fences or wall;
- Where possible passenger drop off points should be close to entrances.

(iv) Frontages to Green Open Spaces and Reserves

- Building frontages alongside open space land must contribute to vitality, interest and public safety. This includes a variety of architectural detail and maximising window openings and balconies fronting onto the public open spaces;
- The floor level of buildings fronting open space zoned land may be above ground level to provide privacy to the occupants or to allow for the fall of the terrain. However any foundation walls should have a modulated form or be landscaped to avoid the appearance of stark retaining walls or undercroft openings.

(v) Building Middle Levels

- Building facades at middle levels should provide richness, interest and depth. This includes

architectural detail and balconies fronting streets, plazas and public open spaces. Blank walls are strongly discouraged on such frontages.

(vi) Building Upper Levels

- Large expanses of blank walls must be avoided at upper levels on street, plaza and public open space frontages. Servicing elements should not be placed on these facades unless appropriately integrated into the façade design;
- Architectural design which differentiates upper building levels from lower and ground levels is encouraged.

(vii) Integration into Wider Landscape

- The overall form of buildings as seen from a distance should be cognisant of the original landform and the existing silhouette of trees on the peninsula;
- The overall form of buildings should complement the natural rise and fall of the land and existing trees on the peninsula;
- Buildings seen from a distance should be varied and intricate in their rooflines and the patterns of light and shade resulting from balconies and other articulation of their facades.

(viii) Rooftops

- Long flat roof profiles should be avoided, while roof profiles which are varied are encouraged;
- Roof profiles should be designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and the surrounding area. This includes the integration of plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design so that they are not visible from beyond Orakei Point.

(ix) Designing for Landmark Buildings (in particular Building H)

- The extent to which landmark building's overall form and the articulation of its façade announces its unique position on the street or plaza and/or its public function;
- The extent to which the landmark building articulation or façade treatment is used to express its unique position on the street or plaza, including reduced setbacks and feature elements such as awnings and parapets;
- The top of the landmark building should be designed to distinguish it from adjacent buildings;



(x) Materials

- The use of durable, high quality, inert and easily maintained materials on the exterior of buildings is encouraged;
- Side or rear walls should be used as an opportunity to introduce creative architectural solutions that provide interest in the façade including modulation, relief or surface detailing.

(xi) Activity Relationship to Public Open Space

- Internal space at all levels within the building should be designed to maximise outlook for occupants onto streets and public open spaces;
- Activities which engage and activate streets, through site links and public open space at ground level are encouraged;
- Parking areas that are located within buildings and are visible from streets or public open spaces are strongly discouraged. It is required that building space with active uses will be provided between car parking areas within buildings and street and public open space frontages (this criterion shall not apply to the northern (lane side) face of the Orakei Road Carpark Building);
- Ventilation and fumes from parking structures or other uses should not be exhausted into the adjacent pedestrian environment at podium level.

(xii) Adaptable Buildings

- Buildings should be designed to be highly adaptable to a variety of uses. For example, open structural frames and more than minimum floor-to-floor heights should be considered.

(xiii) Accessways, Links and Vehicle Access

- Buildings should be designed to provide strong architectural cues to accessways and through-site links, with clear and legible entrances, to enhance the visible sense of pedestrian access to the area;
- Access to the development should be clearly defined and identifiable to both vehicles and pedestrians as they approach the site and emerging from public transport/rail station;
- The design of vehicle ingress and egress to sites should be primarily considered from the perspective of pedestrians and cyclists, particularly in terms of visibility and the use of paving materials;
- Frontages should be designed as far as possible to avoid multiple service and access interruptions to frontage continuity;
- Where possible vehicle access points should be

located away from the main road frontage to minimise vehicle crossing and accessways;

- A temporary vehicular access to development in precinct 1 directly from Orakei Road shall be acceptable, subject to the appropriate design, turning restrictions and position of the access drive and footpath crossing, where development within precinct 1 occurs prior to the establishment of the link road. A condition may be imposed on the resource consent requiring the closure of this temporary access upon the completion of construction of an alternative access to precinct 1 directly from the link road.
- Access points should be designed to be compatible with the visual appearance of the building(s);
- Where possible integration of access for vehicular uses (cars, truck and buses) should be used to minimise the crossing of pedestrian paths;
- Accessways should be designed to safely accommodate emergency services and other large vehicles;
- Where alternative vehicle access is available, the creation of new vehicle crossings across frontages within the Frontage Height and Activity Control is discouraged;
- Buildings and car parking areas should be designed to provide for disabled access, including to extent to which they comply with NZS 4121:2001 Design for access and mobility: buildings and associated facilities.

(xiv) Carparking

- The extent to which carparking, driveways and circulation is integrated into the overall site and building design;
- Carparking areas should be located underground or within buildings, other than on-street public carparking;
- Carparking should be designed to minimise conflict between non-residential, residential and pedestrian traffic.

(xv) Crime Prevention

- New development, including car parking, should be designed in accordance with Safety Guidelines in Annexure 16.

(xvi) Accommodation

- Accommodation should have natural through ventilation, and where there are external windows on more than one wall by window openings



facing different directions. Notwithstanding any requirements to achieve internal acoustic amenity, ventilation provided solely by mechanical means is not appropriate;

- Internal design of every accommodation unit within a development should maximise outlook, as distinct from views;
- A mixture of apartment types shall be provided within each building;
- Plans submitted for consideration by Council as part of a resource consent application, must include a scaled floor plan showing the living arrangement and configuration within each residential or accommodation unit, including scaled furniture.

(xvii)Site Amenity

- Screening and/or landscaping will be required of all parking, loading and servicing areas within buildings that are visible from streets or public open spaces;
- Site services such as mechanical, electrical and communications equipment shall generally be concealed from streets or public open spaces;
- Service areas should be located in areas where they do not detract from the developments visual appeal;
- Rubbish storage and recycling facilities should be located away from habitable spaces and screened from public places.

(xiii)Sustainability

- The extent to which buildings are designed to be sustainable through the use of durable low maintenance materials, inert exterior cladding, maximising solar access and natural ventilation and the incorporation of mechanical and electrical systems that achieve energy efficiency;
- The extent to which living spaces within buildings are oriented toward the north to allow for provision of good natural light;
- On-site landscaping should generally consist of indigenous vegetation;
- The extent to which measures will be adopted to remove endemic lizards from works footprint prior to works commencing and relocate lizards (ideally to open space on the southern side of Orakei Road);
- On-site stormwater conservation measures should be incorporated where appropriate including rainwater harvesting devices, green roofs, site landscaping, rain gardens and wetland treatment

systems and stormwater planter boxes (subject to soil contamination considerations);

- Separate infrastructure reports should be submitted with resource consent applications assessing infrastructure effects from proposed developments;
- Adequate storage space must be provided for rubbish and recyclable material, in a location which is clearly visible within the site and easily accessible to occupants and collection vehicles;
- Building and demolition should be undertaken in such a way that maximises the use of waste materials for reuse and recycling.

(xix)Passive Solar Design

- The extent to which buildings are insulated beyond the minimum standard to keep buildings warm in winter, cooler in summer, and reduce long term maintenance costs;
- The extent to which buildings are constructed using materials that have a high thermal mass such as bricks, concrete and stone to increase energy efficiency;
- The extent to which buildings utilise external shades and overhangs, and internal blinds, louvres and curtains to maximise solar access in winter and minimise it in summer;
- The extent to which lighting controls enable occupants to minimise energy use.

(xx)Active Solar Design

- The extent to which active solar technologies are incorporated into new development;
- Where solar water heaters are used, they shall be incorporated into the design of buildings with consideration of their visual impact.

(xxi)Balconies over roads

- Generally balconies over roads will only be considered appropriate where the balcony projects no more than 1.5 metres over the road, is no wider than 4 metres and is at least 7 metres above the surface of the road or footpath below.

(xxii)Overpasses

- Overpasses are only considered appropriate between the Orakei Road Carpark Building and the adjoining buildings on the opposite side of the lane;
- Overpasses may be roofed and enclosed, but shall be done so using transparent materials, to maintain visual lightness;



- Generally overpasses over roads will only be considered appropriate where the overpass is no wider than 3 metres and is at least 7 metres above the surface of the road or footpath below.

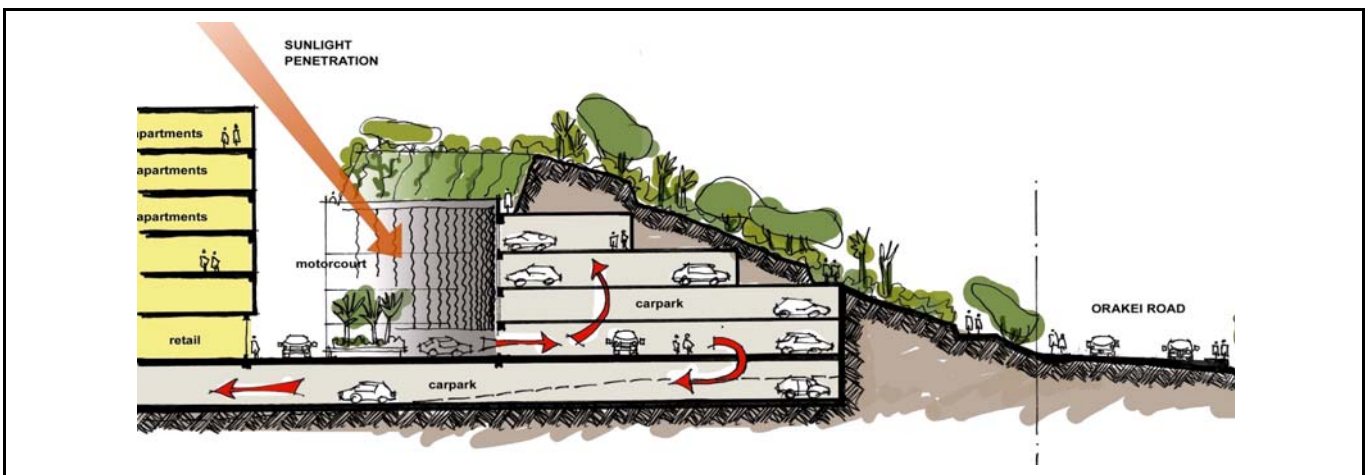
(xxiii) Orakei Road Carpark Building

- The sloping face of the Orakei Road Carpark Building shall be landscaped in a manner that provides a terraced profile or have a modulated form so as to create a natural hill profile characteristic of volcanic forms within Auckland, with particular reference to the tuff ring form of Orakei Basin;
- The face and roof of the building shall be landscaped and shall have sufficient soil depth and drainage to ensure proper plant growth;
- A fence or some other form of appropriate barrier shall be erected at the top and sides of the slope for safety;
- Planting may either be low grasses and flaxes or trees, but should generally consist of indigenous vegetation;
- The carpark building and adjoining building shall

be sufficiently separated by both an access lane and light well so as to achieve daylight access into a motor court;

- A detailed landscape plan showing compliance with the above criteria shall be provided with the application for the approval of the Council. The landscape plan shall provide details on drainage, soil depth and watering, together with a maintenance plan;
- That prior to the ‘green hill’ covering the Orakei Point Carparking area being designed and constructed, that an appropriately qualified landscape architect be engaged to confirm that planting on the slope can sustain a vegetative cover, including moderate sized trees, over the long term.

Figure 8.7.8.3.2 Diagram showing an example of how the Orakei Road Carpark Building form and landscape contour might achieve the above criteria



(xxiv) Travel Demand Management Plan

- The extent to which a travel plan submitted with a proposal uses tools and targets to encourage people to travel by alternative modes of transport other than by private car, including public transport, walking and cycling and ride sharing. The travel plan shall include the following:
 - Information on existing vehicle, public transport, cycle and pedestrian infrastructure;
 - Details on the initial implementation and continued development of the travel plan;
 - Methods to achieve and monitor the objectives of the travel plan;
 - A description of facilities to encourage

alternative means of transport such as staff showers and bicycle racks. The ratios for bicycle parking for private development set out in the ARTA Guidance Note for Cycle Parking Facilities 2007 shall be used as guide for the provision of cycle parking.

(xxv) Construction Management

- The extent to which appropriate measures can be implemented during construction to avoid, remedy or mitigate any adverse effects associated with construction, including effects on:
 - The coastal marine area through stormwater and sediment control measures;
 - The safety and flow of pedestrian and vehicular traffic through appropriate location



and management of construction site access locations, provision for off loading of materials and receipt of waste materials and off-street parking for workers;

- Amenity and safety through appropriate construction site fencing or screening and location of workers facilities;
 - The road network through measures to avoid and/or clean up debris including wheel washing facilities and procedures to clean up debris;
 - Access to the railway station, other sites and public areas.
- This criterion may be satisfied with consent conditions requiring the provision of a construction management plan, addressing at a minimum the above matters.

(xxvi) Traffic Impact on Roads and Intersections

- The actual or potential traffic effects of the development on the safety and flow of the road network, having particular regard to the impact of the traffic generated by the development on Orakei Road and its intersections. Where the traffic and road improvements set out in rule 8.8.11.16 have been met, then this criterion shall be deemed to be satisfied and no assessment of the actual or potential traffic effects of the development shall be required.

(xxvii) Fencing

- Any fencing abutting public open space shall be highly transparent with recessive powder coated finish. Any fencing should also incorporate landscape initiatives to improve the visual appearance at the interface to open space, as well as to deter tagging.
- Deter access to the railway portal, such as at the northern end of Building G.

(b) Construction of public open space, accessways and plazas, and accessory buildings

(i) Orakei Point Master Plan

The extent to which the location and design of the public open space, accessways and plaza is generally consistent with the Orakei Point Master Plan at Figure 8.6.11.2. In particular:

- Whether public access linkages, bus stops, at-grade carparking, drop-off points; pedestrian spaces, footpaths, roads; linkages to coastal boardwalks and other connections shown on the master plan are provided for;
- The extent to which the proposed finished levels

across the subject land area will allow for public access linkages through and around the site, where these are envisaged by the master plan;

- Methods to legally secure such linkages, including in the interim period before the master plan is fully given effect to;
- Methods to secure access to other properties within the zone;
- The extent to which regard has been had to site amenity and safety considerations in the interim period before the master plan is fully given effect to;
- Whether safe public pedestrian and service access is maintained to the Orakei rail station and methods to secure such access.

(ii) Public Open Spaces, Public Accessways and Streets

- The extent to which public open spaces (including parks, plazas and linkages) and streets are designed to comply with the Safety Guidelines at Annexure 16; including the guidelines on informal surveillance, clear visibility of building entrances and public spaces, lighting, clear definition of space, entrapment spots;
- Buildings and car parking areas should be designed to provide for disabled access, including to extent to which they comply with NZS 4121:2001 Design for access and mobility: buildings and associated facilities.
- Public open spaces, accessways and streets, including parks and plazas shall be open and accessible to the public from a public place at all times, except where required to be closed for operational, safety or security reasons;
- Methods to legally secure public access at all times to the public places and the linkages referred to in the above criteria, including in the interim period before the master plan is completed and including prior to the vesting of public roads (such methods may include the registration of legal instruments on the land title(s));
- Public open spaces accessways and streets, including parks and plazas should be designed to attract people and have high quality and appropriate landscaping. The design of public open spaces should be integrated across the peninsula as a whole and should integrate with the design of buildings. To achieve this, the following factors are important:
 - The public open space should be designed



with a sense of order and proportion and have regard to the human scale;

- Public open spaces should be orientated and designed to provide pedestrians with adequate access to sunlight. In particular, public spaces should be designed to maximise sunlight access between 10am and 2pm on the shortest day;
 - Where part of the public open space is proposed to be within or under a building, its design should demonstrate to the satisfaction of the Council that there is adequate access to daylight and/or sunlight provided for the amenity of people using the area and for the maintenance of plant health and growth there is adequate soil depth, drainage and watering to maintain plant health and growth and that the plant species within or under the building are suitable for such locations;
 - Shade and shelter should be provided for pedestrians where possible, in conjunction with colonnades or verandas on adjoining buildings;
 - Seating and landscaping should be in pleasant, clearly visible, convenient and safe locations. Landscaping should comprise low shrubs and plants or tall open trees and shrubs which do not visually obscure the seating from public viewing;
 - Robust, durable surfaces and materials shall be used;
 - Soft and hard landscaping shall follow a consistent palette of materials and colours throughout Orakei Point, themed to give a distinctive sense of place, with reference to the cultural, geological and ecological values of the peninsula and its surrounds;
 - Provision shall be made for large specimen trees in tree pits within the plaza area;
 - Adequate provision shall be made for access and use of the public space by the disabled, including visually impaired;
 - Vegetation species are encouraged that promote habitats and bird feeding;
 - A detailed landscape plan showing compliance with the above criteria shall be provided with the application for the approval of the Council.
- In order to encourage public use of public open space and to provide surveillance at night the following factors should be addressed:

- A lighting strategy should be submitted with the application for resource consent for construction of public open space, accessways and plazas;
- Provision should be made for activities to locate within the amenity areas or spill out into them from adjacent private space;
- Buildings adjoining the public open space should be designed to provide for, or facilitate the establishment of, those activities which attract people, especially at night. For example upper level residential accommodation with windows or balconies overlooking the public open space would be appropriate, as would adjoining cafes, restaurants or small shops.

(c) Construction and/or relocation of new buildings and new accessory buildings, including external additions to existing buildings, and accessory buildings within the Special Tree Protection Area identified on the Mixed Use Zone: Orakei Point Overlay Plan 4.

(i) Trees and parts of trees within the Special Tree Protection Area shall be retained except where:

- The tree or a part of the tree is structurally unsound; or
- Removal of the tree or part of the tree would be beneficial to the health and growth of existing, more appropriate trees on the site, taking into account the size, appearance, health and conditions of those existing trees; or
- The removal of the tree or part of the tree is necessary to provide for an access drive (including a temporary access drive to precinct 1) or public road shown on the Orakei Point Master Plan at Figure 8.6.11.2.

(ii) Building within the Special Tree Protection Area shall be assessed against the following criteria:

- Whether the work is necessary to give effect to and generally accords with the Orakei Point Master Plan at Figure 8.6.11.2.
- Whether an assessment has been prepared by a suitably qualified arborist competent in the development assessment process. That assessment shall accompany the resource consent application for building development. It shall include a comprehensive assessment of the proposal and provide a written assessment report. The report shall identify the potentially affected trees and all proposed building works within the Special Tree Protection Area. This assessment shall be based on best practice methods and shall be within the guidelines as set out in "Trees and



Development: A Technical Guide to Preservation of Trees During Land Development”. (Champaign IL: International Society of Arboricultural. Matheny, N., & Clark J.R, (1998)). The assessment shall include the following:

- An assessment of any modifications proposed to the tree crown and/or branches on the health of the tree;
- The extent of injury to tree roots and potential effects on the health of the tree;
- The effects of any earthworks on the tree;
- The effects of changes to hydrology, soil science, and ground levels on the tree;
- The effects of buildings on daylight to the tree canopy;
- Measures to avoid clearing native trees and shrubs that are known habitats during the breeding season for indigenous forest birds (October to February inclusive);
- Specifications to minimise impacts and protect trees, both during the construction process and ongoing.
- The extent to which new building work incorporates measures to comply with the recommendations of the above arboricultural assessment.

(d) Car parking exceeding a total of 1750 spaces but not exceeding 1950 spaces in the Mixed Use Zone: Orakei Point

- (i) The parking in addition to 1750 car parking spaces does not adversely impact on the safety and flow of traffic on the road network.
- (ii) The extent to which parking in addition to 1750 car parking spaces will provide for the traffic and parking demands of the development in the event that the required public transport improvements have not occurred. The threshold for sufficient provision of public transport improvements shall be determined with regard to the following thresholds:
 - A train headway of at least 10 minutes in each direction during weekday commuter peak travel periods (i.e. train services to Orakei Station shall be at least at 10 minute intervals); and
 - Bus connections to Orakei Station at least at 30 minute intervals.
- (iii) The use of the parking and staging of the parking. In this regard, parking in addition to the 1750 limit shall only be considered acceptable where:

- It occurs after disestablishment of the 200 park and ride spaces within the zone; and
- It is only used ancillary to other activities within the zone.

(e) Commercial car parking (excluding car parking provided ancillary to permitted or restricted discretionary activities) not exceeding 400 spaces, prior to the completion of development within precinct 5

- (i) Commercial car parking shall only be considered acceptable as a temporary use of unallocated spaces within a parking building and prior to the completion of development within precinct 5.
- (ii) The hours of operation of the commercial car parking. In particular, regard shall be had to the operating hours and pricing incentives for associated traffic movements to avoid peak traffic flows.

8.8 RULES : DEVELOPMENT CONTROLS

Note: An application to modify one or more of the development control rules may be considered under Clause [4.3.1.2B DEVELOPMENT CONTROL MODIFICATION](#) as a discretionary activity or in the case of certain chimney heights, as a restricted discretionary activity under Clause [4.3.1.2C RESTRICTED DISCRETIONARY ACTIVITY](#). Where the criteria of [Clause 4.3.1.2B](#) are not met, an application for a non-complying activity will be required (refer [Clause 4.2.1.4 NON-COMPLYING ACTIVITIES](#) and [4.3.1.3 NON-COMPLYING ACTIVITIES ASSESSMENT](#)). Applications to exceed the maximum height for the Business 5a zone up to a specified limit will be considered as either restricted discretionary activities or discretionary activities under [Clause 4.3.1.2D](#).

8.8.1 DEVELOPMENT CONTROLS IN BUSINESS 1, 2, 3, 4, 5, 5A AND 6 ZONES

8.8.1.1 HEIGHT

A. Maximum Height:

Business 1	10m
Business 2	12.5m
Business 3	30m
Business 4	15m
Business 5, 5A & 6	20m



B. Special Height Limits:

The special height limits set out in Clause 5C.7.6 VIEWS shall apply where relevant.

Explanation**Business 1**

The close proximity of surrounding residential properties, and the relative small size of the centres in this zone, has resulted in a scale of development which is of a similar nature to adjacent residential zones. The maximum height limit imposed is designed to ensure that the scale and intensity of development in the zone is compatible with surrounding residential areas so as to avoid the effects of over shadowing and over-dominance. Because of the wide distribution of these zones among the various residential areas, there is not one particular residential zone which adjoins the centres which could be used to relate the maximum height limit to.

Accordingly the height limit for the Business 1 zone adopts the maximum height limit achievable in the medium intensity residential zone. This represents the midway height limit between the low intensity and high intensity residential zones. The adoption of this height limit gives flexibility to the business activities within the zone, without allowing obtrusive, out of scale buildings to dominate the built characteristics of any of the main residential zones.

Business 2

Although located in close proximity to residential properties, the centres to which this zoning is applied accommodate a larger number of properties than the Business 1 zone. They often apply along major traffic routes. The maximum height limit imposed reflects existing development in these centres. It is in keeping with the zonal height limit achievable by the surrounding residential development.

Business 3-6

The more generous height limits reflect the relative proximity of residential areas and recognise the building height already achieved by these business zones.

In part of the Business 5a zone, certain buildings related to port activity may be proposed which exceed the height limit for the zone. Provision is made, in Clause 4.3.1.2D DEVELOPMENT CONTROL MODIFICATION, for applications for such buildings up to a specified height to be considered either as restricted discretionary activities or as discretionary activities, depending on the degree to which the proposed buildings exceed the height limit for the zone. Applications for buildings beyond that specified height will be considered as non-complying activities.

8.8.1.2 SITE INTENSITY CONTROLS**A. Basic Floor Area Ratio**

The site area multiplied by basic floor area ratio equals permitted gross floor area.

Basic floor area ratio in Business 1 = 1:1

Basic floor area ratio in Business 2,4,5,
5a & 6 = 2:1

Basic floor area ratio in Business 3 = 3.5:1

B. Bonus Floor Area

(Refer Clause 8.7.2.2 ADDITIONAL CRITERIA FOR SPECIFIED ACTIVITIES - criteria for conditions)

The amount of bonus floor area that may be achieved is determined by multiplying the area of the bonus element provided by the bonus floor area ratio for the zone.

ZONE	BONUS ELEMENT	BONUS FLOOR AREA RATIO
Business 2 and 3	Through-site link	3:1
	Landscaped area	1:1
	Plaza	2:1
Business 4 and 5	Landscaped area	1:1
	Plaza	1:1

C. Maximum Floor Area

Except that:

Permitted Gross Floor Area plus the Bonus Floor Area may not exceed the following maximum total floor area ratios:

Business 2, 4 and 5 4:1

Business 3 5:1

Explanation

These site intensity controls limit gross total floor area achievable on a site. The carrying capacity of a site, in terms of the permitted scale and bulk of buildings and in general the level of activity, is linked to the ability of the infrastructure to service the activity.

Bonus floor area is offered in the form of a controlled resource consent to encourage the provision of features that are particularly beneficial to the community by improving the physical and natural qualities of the environment in which the activity is located.

8.8.1.3 FRONTAGES**General Explanation**

The important elements in creating amenity in commercial centres are building form and the spatial qualities of roads. Verandahs, continuous building frontages and continuity of retail frontages are features of building form and the streetscape, and contribute to the feeling of coherence in a centre.



Business activity located outside commercial centres has the potential of impacting on the safety and amenity of public open spaces. This is particularly so on the road or streetscape where the development or activity is located close to the road frontage ie in the front yard.

A. Verandahs

Each site in the Business 1 zone and every other site appropriately identified on the Planning Maps shall provide a verandah along the full extent of its frontage, where a building is erected or where an existing building is reconstructed or altered in any way that substantially changes the appearance of its facade. The verandah shall:

- be so related to its neighbours as to provide continuous pedestrian cover;
- have a minimum height of 3m and a maximum height of 4m above the footpath immediately below; and shall be set no further back than 600mm in plan from the kerbline.

This provision is supplementary to and not in substitution for any bylaw requirements relating to verandahs.

Explanation

Verandahs over roads provide a much appreciated shelter for pedestrians from the vagaries of Auckland's climate. They have become a feature of the New Zealand retail/commercial pedestrian environment. Their various forms contribute to the character of the streetscape in commercial centres.

B. Retail Frontage

On each site identified on the Planning Maps, 75% of the site frontage at road level shall be devoted to display areas or windows. For the purpose of this control Automatic Dispensing Facilities (ADF's) shall be considered to be part of a display area. The identified frontage shall be fully occupied by buildings where a building is erected or where an existing building is reconstructed or altered in any manner which substantially changes the appearance of its facade.

Explanation

An important element of a commercial centre's character is the feeling of cohesion created by the continuity of building frontage. In particular, the continuity of retail frontage contributes to the visual amenity of a commercial centre. It is therefore necessary to ensure that future development is designed to maintain this amenity.

C. Streetscape Improvement

The following landscaped areas are required to be provided, and maintained to the satisfaction of the Council at all times and in such a manner as to create and preserve a good standard of amenity.

Business 2 and 3 (only applies if not subject to A and B above) Not less than 50% of that part of the site between the road boundary and a parallel line 3m therefrom

Business 4 sites within the area shown in Figure 8.1 which do not have frontage directly opposite a residential zone (only applies if not subject to A and B above) All of that part of the site between the road boundary and a parallel line 2m therefrom which is not occupied by buildings or used for access shall be densely planted in shrubs and trees which grow to at least 1 metre in height

Business 4 other than included above (only applies if not subject to A and B above) Not less than 50% of that part of the site between the road boundary and a parallel line 3m therefrom

Business 5, 5A & 6 Not less than 50% of that part of the site between the road boundary and a parallel line 2m therefrom.

Explanation

For activities which have particularly high vehicle movements on and off the street, frontage landscaping shall be planted so as to ensure view lines into or from crossings are not obscured.

The potential of activities impacting adversely on the road or streetscape is of particular concern to the Council. The streetscape improvement control, which requires a landscaped area adjacent the front boundary of a site, is intended to encourage the improvement and maintenance of the streetscape amenity. Landscaping is of particular value due to the physical, aesthetic and even psychological value of trees and shrubs; providing shade, cooling the air and land; reducing noise levels and glare; separating activities and breaking the monotony of structures and man-made areas (eg parking areas).

Throughout the business zones, the amount of landscaping required reflects the levels of amenity that the Plan seeks to achieve in the relevant zone. Even in the low amenity business areas, the Plan requires some landscaping in order to separate the activities from the public road and to provide a minimum level of streetscape amenity.

Where the site is exposed to high vehicle movements, landscaping along the front must be designed to allow unobstructed view lines for vehicles entering and exiting



the site so as to protect both vehicle and pedestrian safety.

D. Special Yard

A special yard as defined on the Planning Maps shall apply as follows:

- (a) Minimum width
 - **E02-026m**
This yard shall be in addition to any other required yard.
 - **F04-13.9m**
This yard shall be in substitution for any other required yard.
- (b) No building, storage of goods or materials, parking, loading, or manoeuvring of motor vehicles shall be permitted within the yard.
- (c) The yard shall be landscaped, planted and maintained to the satisfaction of the Council at all times and in such a manner as to create and preserve a good standard of amenity.

Explanation

The special yard is applied to give added amenity controls in circumstances where general industrial areas immediately adjoin residential zones.

E. Location of Activities in the Business 2 & 3 Zones

- (i) Residential units and/or any car parking areas within the Business 2 & 3 zones shall be located above ground floor (street) level, unless:
 - Retail / commercial activity fronts the street and the residential unit(s) and/or any car parking areas are located behind this retail / commercial activity.
- (ii) Development incorporating other activities (ie residential) above or behind a retail or commercial frontage shall have small but clearly identifiable pedestrian entries from the street (as well as from the rear, when parking is provided in the rear) in order to provide pedestrian amenity and access to these other uses.
- (iii) Where carparking areas are located above ground level they shall be established so that vehicles can not be seen from the street.

Explanation

It is considered as important for the retail vitality of town centres that residential units and/or any carparking areas within the Business 2 & 3 zones are restricted to above ground (street) level or if at street level, located to the rear of retail / commercial activity. This rule will ensure that a situation does not develop where residential units and/or any carparking areas are developed at street

level, displacing existing commercial activities from town centres, and thereby adversely affects the retail / commercial character of these town centre areas.

This will retain the vitality, connectiveness and interaction of the existing retail / commercial town centres while allowing residential activity and/or any carparking areas in appropriate locations.

NB: A service lane is not considered as a street for the purposes of this rule.



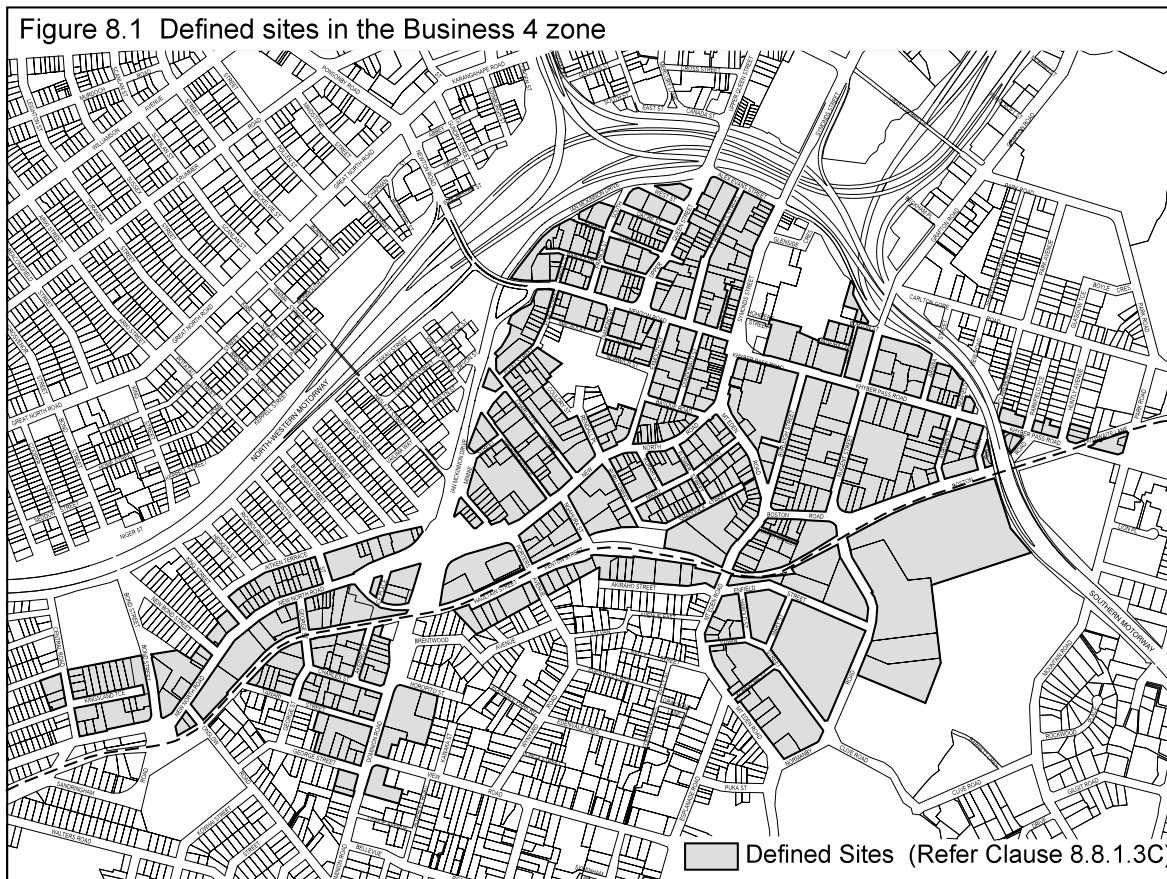


Figure 8.1 Defined sites in the Business 4 zone





8.8.1.4 NOISE

A. Noise Control at the Residential Zone Interface

The L10 noise level and maximum level (Lmax) arising from any activity measured at or within the boundary of any residential zoned property shall not exceed the following limits:

- i) for Business zones 1, 2 and 3

Monday to Saturday	7.00 am - 10.00 pm	L 10 50dBA
Sunday & Public Holidays	9.00 am - 6.00 pm	
At all other times	L10 40dBA Lmax 75 dBA, or background (L95) plus 30 dBA, whichever is the lower	

- ii) for Business zones 4, 5 and 6

Monday to Saturday	7.00 am - 10.00 pm	L 10 55dBA
Sunday & Public Holidays	9.00 am - 6.00 pm	
At all other times	L10 45dBA Lmax 75 dBA, or background (L95) plus 30 dBA, whichever is the lower	

Where an applicant can prove that background noise levels (L95) significantly exceed these limits then the Council may set noise levels higher than these subject to such conditions as are considered appropriate.

B. Noise Control within the Business Zones

To provide some acoustic privacy between sites within the business zones, the following noise levels are imposed at the site boundary of every site (not held in common ownership) within the relevant business zones. (This control is addition to, and not in substitution for Clause 8.8.1.4A NOISE CONTROL).

The L10 noise levels measured at or within the boundary of any adjacent site (not held in common ownership) with the same business zoning shall not exceed:

	BUSINESS ZONES						
	1	2	3	4	5	5a	6
7.00 am to 10.00 pm	55	55	60	60	70	70	70
10.00 pm to 7.00 am	45	45	60	60	70	70	70

The above noise levels in A and B shall be measured and assessed in accordance with the requirements of the NZS 6801:1991 “Measurement of Sound” and NZS 6802:1991 “Assessment of Environmental Sound” or their replacement.

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

Explanation

Excessive noise occurring for a continuous period or duration can be damaging to public health and can have an adverse effect on the amenity of the receiving environment.

In the past, the close proximity of non-residential zones to residential zoned land has resulted in complaints about unreasonable or excessive noise levels. These complaints often relate to the operation of machinery (eg compressors or extraction fans not properly located or insulated) or to the entry or exiting of customers from sites, (particularly at night). Controlling people-generated noise is difficult as it is often spontaneous and intermittent. However, controlling the location of parking areas and the hours of operation of activities that attract large numbers of people to sites, may effectively control such noise.

As well as providing noise protection on residential boundaries it is also appropriate that some acoustic privacy is provided between sites within business zones. A mixture of uses is highly likely within these zones and some activities may require appropriate levels of acoustic privacy.

Setting noise limits at site boundaries should assist in preventing the City's background noise level from rising and should maintain a reasonable acoustic environment within a zone.

The levels set for each business zone vary in recognition of the type of activity and the intensity of development expected within each zone. Higher maximum noise levels are set for those zones (Business 5 and 6) where a lower amenity is permitted.

C. Internal Noise Control for Residential Units in the Business 2 & 3 zones

All residential units within the Business 2 & 3 zones shall be designed and constructed so as to provide an indoor design level of Balanced Noise Criterion (NCB) 30 in any habitable room assuming the building is exposed to a noise level of 60dBA L10 at the boundary of the site.

Such design level being achieved with windows and doors open unless adequate alternative ventilation is provided (the buildings must comply with the minimum ventilation rates, which comply with the New Zealand Building Code G4).



These levels shall be achieved whilst adequate ventilation (to the requirements of the Building Regulations 1992) is achieved.

Building elements which are common between activities shall be constructed to prevent noise transmission to the requirements of Clause G6 of the Building Regulations 1992.

Measurement and assessment shall be in accordance with the requirements of the NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sounds".

The noise shall be measured with a sound level meter complying at least with the International Standard IEC 651 (1979): Sound Level Meter, Type 1.

After completion of the construction of the residential unit(s), and before the issue of the code compliance certificate, the consent holder shall submit a report to the satisfaction of Council, which is signed by a suitably qualified engineer, which certifies that the residential unit(s) have been built in compliance with the noise and ventilation rules above.

Explanation

Residential development within the Business 2 & 3 zones is to be designed to ensure that a level of acoustic amenity is provided within the bedrooms and other habitable rooms of residential activities from other activities within the same development and activity in the surrounding area.

8.8.1.5 ODOUR

The Council recognises its responsibilities to deal with odour problems and will be guided by any national or regional standards or rules relating to odour and will at the appropriate time consider promoting variations to the Plan and introduction of district rules to deal with odours.

Pending the adoption of District Plan rules the Council will control odours using the provisions of Sections 17 and 104(1)(i) of the Resource Management Act 1991.

8.8.1.6 VIBRATION

Vibration in Buildings

- (a) Activities shall not generate vibrations which may cause discomfort or adversely affect the health and well being of the occupants of adjacent premises. Vibrations which do not exceed the limits referred to below as set out in the provisions of International Standard ISO 2631-2:1989. "Evaluation of human exposure to whole body vibration - Part 2 Continuous and shock-induced vibration in buildings (1 to 80 Hz)" will be deemed to meet this requirement. These particular limits are that the vibration levels (acceleration measured in metres per second) relative to the frequency shall not exceed the base curves of Figure 2a (z axis), 3a (x and y axes) and 4a (combined x, y, and z axes) of ISO 2631-2:1989.

- (b) The assessment of continuous, intermittent and transient (impulsive) vibrations shall be carried out by a suitably qualified and experienced person in accordance with Annex A and Table 2 of ISO 2631-2:1989 referred to above.
- (c) The instruments used to measure vibrations and the methods of measurement shall comply with a recognised standard such as Australian Standard AS 2973:1987 Vibration and Shock - Human response vibration-measuring instrumentation.
- (d) The Council may approve vibration levels above these standards where it is satisfied that they are necessary for construction or demolition work of a limited duration.
- (e) Vibration produced by explosive charge will be controlled by Clause 8.8.2.7(A).

Explanation

Vehicles and machinery expose man to mechanical vibration which can interfere with comfort, working efficiency and in some instances, health and safety. Vibration at frequencies below 1Hz occurs in many forms of transport and produces effects such as motion sickness, which are completely different in character from the higher frequencies dealt with here. This control deals with human response to building vibration, ie levels that may cause annoyance or discomfort, not those that may affect health or structural integrity. Building vibration is most commonly transmitted to the body as a whole through the supporting surface, namely the feet when standing, the buttocks when seated, or the supporting area when reclining.

Standards formulated to control vibration are generally related to the tolerance of a sitting or standing person. Tolerance of vibration to the head (by reclining for example) is usually significantly reduced. Man is most sensitive to longitudinal vibration, (ie z axis-foot to head), between 4 and 8 Hz and to transverse vibration below 2Hz (x axis: back to chest and y axis: right side to left side).

Annex A and Table 2 of the standard gives consideration to the time of the day and the use made of the occupied space in the building. Below these magnitudes of vibration the probability of human reaction is low.

These levels should facilitate the proper balancing and/or insulation of machinery. Vibration caused by vibratory equipment, and by machinery impactive in nature can often be reduced by altering the operating conditions of the equipment.

Situations may exist where motion magnitudes above the levels specified can be tolerated particularly for temporary disturbances and infrequent events of short term duration, eg blasting, construction or excavation projects.



8.8.1.7 CLAUSE DELETED BY COUNCIL DECISION

8.8.1.8 REFUSE DISPOSAL

Refer Bylaw Part 22.

Explanation

Nuisance aspects relating to refuse disposal are largely associated with public health. As such the Bylaws are best able to control this aspect of activity.

8.8.1.9 CLAUSE DELETED BY COUNCIL DECISION

8.8.1.10 SUNLIGHT ADMISSION TO PUBLIC PLACES

Refer PART 5C - HERITAGE.

8.8.1.11 PARKING AND ACCESS

Refer PART 12 - TRANSPORTATION.

8.8.1.12 ADDITIONAL CONTROLS FOR BUSINESS 1 AND 2 ZONES

A. Building in Relation to Boundary

Where a Business 1 or 2 zone site adjoins land zoned

- i) Residential (other than Residential 7a, 7b or 7c) Clause 7.8.1.3(b) shall apply on the common boundary.
- ii) Residential 7a, 7b, 7c, Clause 7.8.1.3(c) shall apply on the common boundary.
- iii) Open space, the following shall apply on the common boundary. No part of any building may exceed a height equal to 2m plus the shortest horizontal distance between that part of the building and the common boundary.

Explanation

At the interface between the Business 1 and 2 zones and the residential zones, the control is applied to ensure that any residentially zoned land is guaranteed the same level of access to daylight as it would achieve if it adjoined a residentially zoned site. At the open space zone interface it is also necessary to ensure a reasonable standard of daylight admission. Controlling the height of buildings in Business 1 and 2 zoned sites, in relation to their distance from common boundaries with residential and open space zoned land also prevents the visual dominance of buildings at site boundaries and reduces any adverse impact occurring from inappropriate building bulk being located in close proximity to such land.

Where a Business 2 zoned site or part of a site has a boundary to a collector or local road and the land on the other side of the road from that site is zoned Residential 1, 2a, 2b, 5 and 6a

- No part of any building on that part of a site which is opposite the residential zoned land may exceed a height equal to 6 metres plus the shortest horizontal distance between that part of the building and the road boundary.

B. Screening

Where any outdoor storage, refuse disposal area, service or parking area adjoins or directly faces the road or land that is open space or residentially zoned such areas should be screened from:

- i) the residential or open space land by a solid wall not less than 1.8m in height constructed of concrete, brick, stone, timber or such other material as approved and;
- ii) the road by a solid wall not less than 1m in height, and densely planted with vegetation and shrubs that will screen the areas during all seasons of the year.

Explanation

Imposing a screening control on common boundaries between Business 1 and 2 zoned sites and sites zoned open space or residential and on road frontages can lessen the amount of noise, dust, glare and litter spreading from the generating site. It can reduce the visual impact of unsightly areas of storage and parking, and can establish a sense of privacy from visual and physical intrusion.

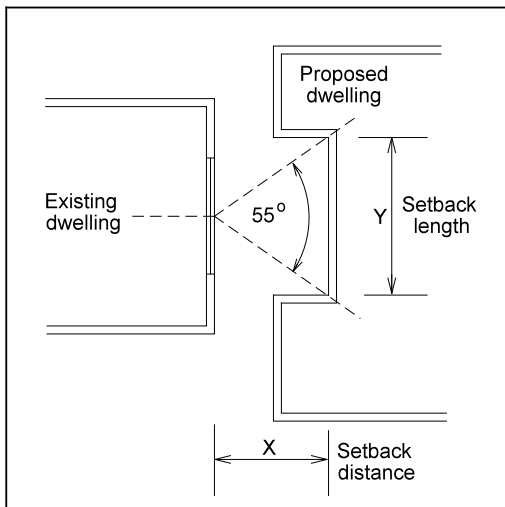
8.8.1.12.1 Additional Controls for Residential Units in Business 2 and 3 Zones

A. Daylight for Residential Units in Business 2 & 3 zones

- (a) Walls higher than 3 metres opposite existing walls containing habitable room windows are limited in height to twice the horizontal distance between the two walls for a distance defined by a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the window.



Figure 8.2



Daylight to existing windows

The daylight to windows in the existing building is protected by the setback of the proposed building; this is determined in relation to its height

(b) Where the existing window is above ground level, the height restriction is calculated from the floor level of the room containing the window.

Provided that:

- This rule shall not apply to development opposite residential units approved for resource consent or constructed after the plan change is operative.
- This rule shall not apply to development opposite residential units located on the top floor of a building.
- This rule shall not apply to development opposite the first 5m of a residential unit which faces the street, measured from the front corner of the residential unit.

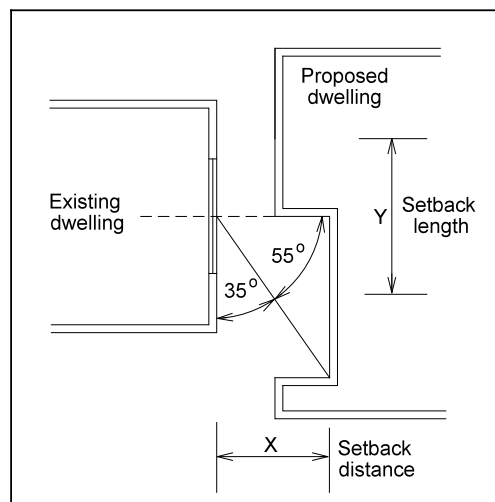
Table 1

Distance of wall from existing window (x)	Maximum height of wall	Length of wall restricted if 55° arc is perpendicular to window (y)
1.5m	3.0m	1.5m
2.0m	4.0m	2.0m
2.5m	5.0m	2.5m
2.7m	5.4m	2.7m
3.0m	6.0m	3.0m
3.5m	7.0m	3.5m
4.0m	8.0m	4.0m
4.5m	9.0m	4.5m
5.0m	10.0m	5.0m
5.5m	11.0m	5.5m
6.0m	12.0m	6.0m

This table provides the restrictions to walls where a new wall is built opposite an existing principal habitable room window. The wall height is restricted to a height related to the distance from the existing window, and for a length defined by a 55° arc from the centre of the window.

The arc may be swung to within 35° of the window. However, as an arc is swung away from the centre line the length of wall, which will be restricted, will increase. (Also refer Figures 8.2, 8.3 & 8.4).

Figure 8.3

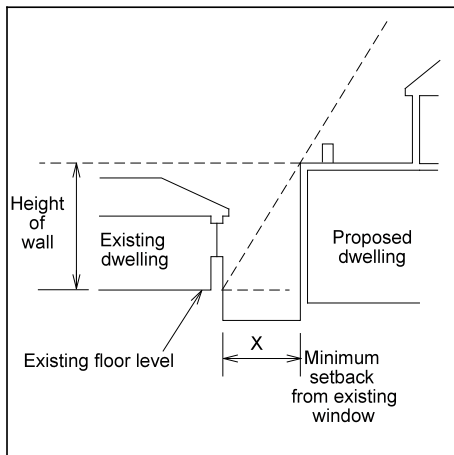


Daylight to existing windows

Flexibility is provided within the daylighting requirements by allowing the 55° arc to be swung to within 35° of the plane of the wall containing the existing window. Swinging the 55° arc does however increase the setback length (Y)



Figure 8.4



Daylight to existing windows

The vertical component of the daylight rule demonstrates how a building could be stepped back at upper levels to allow light to principal windows of habitable rooms in adjacent existing dwellings

Explanation

Admission of light to living and work areas is fundamental to our existence. It is an amenity, which we are not able to forego without compromising health and a sense of well-being. In addition, admission of sunlight to sites gives property owners the opportunity to use sunlight as a renewable energy source.

Access to sunlight can enable sunny outdoor spaces to be created or provide a means of passively heating homes. If sunlight is available it can also be used actively by solar receptors and water heaters.

Almost any development on a site will have an effect on existing development on that site and on adjacent sites in terms of access to light and the prospect of over dominance.

The intent of this control is to ensure that habitable rooms within residential units in the Business 2 and 3 zones are able to obtain access to daylight for the amenity of their occupants.

B. Visual Privacy for Residential Units in Business 2 & 3 zones

(a) Protection to windows of existing Residential Units

Where the habitable room windows of a residential unit are less than 6 metres away, and have direct views of the habitable room windows of other residential units within the same site, or adjacent sites, they shall:

- be offset a minimum of 1m (horizontally or vertically) from the edge of one window to the edge of the other; or

- have sill heights of 1.6m above floor level; or
- have fixed obscure glazing in any part of the window below 1.6m above floor level; or
- be on the ground floor level and separated by a fence of 1.6m minimum height.

(b) Protection of neighbours private open space

Direct views from habitable rooms of buildings into the principal areas of adjoining private open space of residential units should be screened or obscured within a 9m radius and 45° of the wall containing the window by either:

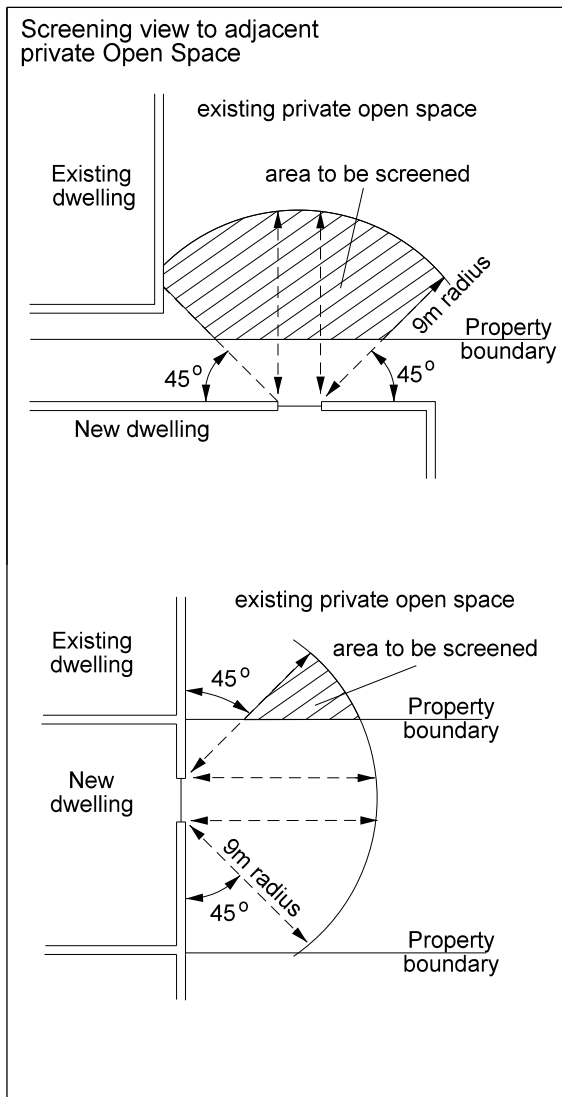
- a solid wall or screen not less than 1.8m in height constructed of concrete, timber, or stone; or
- planting of appropriate species to provide a similar level of privacy

Explanation

This rule provides a balance between allowing the windows of upper storeys of new developments to have reasonable daylight and outlook while limiting intrusive overlooking of habitable rooms and private open space of existing units on adjoining sites. Planting should be selected to ensure that when mature it achieves a similar level of privacy to a 1.8 metre high fence or wall.



Figure 8.5



C. Private Open Space for Residential Units in the Business 2 & 3 zones

All residential units shall have outdoor living areas consisting of at least:

- an exclusive area at ground level of 25m² and a minimum width of 3m which has convenient/direct access from a living room; or
- a balcony with an area of 8m² and a minimum width of 1.6m which has convenient access from a living room; or
- a roof-top space with an area of 10m² and a minimum width of 2m which has convenient access to a living room.

The exception to this rule is where a residential unit was established from the conversion of a non residential

building to a residential building, and the unit is not able to have direct access to areas of private outdoor living (including a balcony or roof top space). In that circumstance the following outlook area must be provided:

- 80m² in size;
- Minimum dimension - 6 metres;
- 50% of outlook area must be contained within the site to which it relates
- 50% may be over a road, public open space or the harbour.
- The outlook area shall adjoin main habitable glazing of the dwelling unit to which it relates.

Obstructions - private open space or outlook areas shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas.

Explanation

The inclusion of private open space for residents greatly increases the liveability of residential units.

In some circumstances, it may not be possible to provide an outdoor living area, such as where dwellings are provided in the conversion of existing buildings. Where a dwelling in a new building is located above ground floor level and does not have access to areas of ground level private outdoor space, a balcony or roof top space will be required.

This provision defines a minimum principal outdoor living area or an outlook area that is considered useable and affordable.

D. Minimum Size of Residential Units in the Business 2 & 3 Zone

Residential units shall be designed to meet the following minimum unit sizes:

Studio units	35m ²
1 bedroom units	45m ²
2 bedroom units	70m ²
3 bedrooms	90m ²

Any additional bedroom, above 3 bedrooms per unit, shall have a minimum internal floor area of 9m².

Calculating of the minimum unit sizes should be based on the net internal floor area and shall exclude all balconies, decks and internal carparking areas. Internal circulation space which could be redesigned as common area shall be excluded.



Explanation

The purpose of this control is to achieve a minimum standard of internal amenity for occupants of residential units.

E. Laundry Facilities

All drying facilities shall be screened or visually separated from view of the public road.

8.8.1.13 ADDITIONAL CONTROLS FOR BUSINESS 3, 4, 5, 5A AND 6 ZONES**A. Building in Relation to Boundary**

Where a proposed activity is located on a site adjoining or abutting land zoned:

- Residential (other than Residential 7a, 7b or 7c) Clause 7.8.1.3(b) shall apply on the common boundary;
- Residential 7a, 7b or 7c, Clause 7.8.1.3(c) shall apply on the common boundary;
- Open space, no part of any building may exceed a height equal to 2m plus the shortest horizontal distance between that part of the building and the common boundary.

Where a Business 3, 4, 5, 5a or 6 zoned site or part of a site has a boundary to a collector or local road and the land on the other side of the road from that site is zoned Residential 1, 2a, 2b, 5 or 6a

- No part of any building on that part of a site which is opposite the residential zoned land may exceed a height equal to 6 metres plus the shortest horizontal distance between that part of the building and the road boundary.

Explanation

A building in relation to boundary control applies to business zoned land located opposite land zoned Residential 1, 2a, 2b, 5 and 6a where the subject land has a boundary to a collector or local road. This recognises that a sensitive interface exists between the business zones which enjoy relatively generous height limits and these residential zones which have reduced height limits and building bulk. A building in relation boundary control will result in a reduced building bulk within 30 metres of these residential zones while still allowing two storey development near the residential interface. This will result in a guarantee of access to daylight, a reduction in visual dominance and retention of privacy for the residential zoned land.

Many buildings already exist in some established parts of the Isthmus which do not comply with a 6 metre height limit. This is often the case in areas which have a heritage character which would benefit from a continuation of the predominant height at the street frontage. In considering

applications to deviate from the 6 metres and 45° recession plane, favourable consideration may be given where abutting sites contain buildings which exceed 6 metres and 45° and the proposed building will complement the adjacent buildings.

B. Activity Buffers**Yards**Front Yard

Business 4	3m
Business 5, 5a and 6	2m

Where a site's boundaries abut or face residential or open space zoned land.

Rear and Side Yards

Business 4, 5, 5a and 6	6m
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Where a site's boundaries abut or adjoin residential or open space zoned land.

Landscaping

A 3m wide strip adjoining the length of the site boundary of any rear and side yard shall be landscaped in such a way as to create and preserve a good standard of visual amenity.

C. Screening

- Where any outdoor storage, refuse disposal area, service or parking area adjoins or directly faces land that is open space or residentially zoned, screening shall be erected and maintained in the following manner.
 - Where the residential or open space zoned land adjoins or abuts the subject site, by a solid wall screen not less than 1.8m in height constructed of concrete, brick, stone, timber or such other material as approved.
 - Where the residential or open space zoned land directly faces the subject site across a public road or public footway, by a solid wall screen not less than 1m in height which is densely planted behind with vegetation and shrubs that will screen the areas during all seasons of the year.
- Where any outdoor storage or refuse disposal area adjoins or directly faces a public road or public footway a solid wall screen not less than 1.8m in height, constructed of concrete, brick, stone, timber or such other material as approved shall be erected and maintained in a location that screens the above areas from the road.

Explanation

Activities in business zones that abut or face residential or open space zones or a public road must ensure that



PART 8 - BUSINESS ACTIVITY

they limit adverse effects of their operation to their site. Business activities must not adversely affect:

- The amenity of adjoining homes or open spaces;
- The health and safety of people on adjoining residential properties;
- The safety of road users.

Business activities can create dust, noise, litter and glare. The above controls seek to ensure that these effects do not adversely affect neighbouring properties. Adjoining homes and open spaces must also not be unduly shaded. These sites must have a similar access to daylight as if they were next to a residentially zoned property. This will also ensure that structures in business zones do not visually dominate homes or open spaces close by.

REFERENCE SHOULD ALSO BE MADE TO THE FOLLOWING PARTS

Part 4	Refer Clause 4.5 Signs Refer Clause 4.6 Artificial Lighting
Part 4A	General Rules
Part 4B	Financial Contributions
Part 5B	Coastal
Part 5C	Heritage
Part 5D	Natural Hazards
Part 5E	Hazardous Facilities
Part 11	Subdivision
Part 13	Interpretations and Definitions

SECTION CONTINUED

Plan change annotations - key



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



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

Underlined content to be inserted.

~~Struck through~~ content to be deleted.

