

# 5A Central Commercial Activity Area

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## 5A 1 Issues, Objectives and Policies

### 5A 1.1 Local Area Issues

#### 5A 1.1.1 Size of the Central Commercial Activity Area

##### Issue

**The Central Commercial Activity Area should accommodate readily large sized retail activities and meet the dynamic needs and requirements of retailing, commercial activities, social and community facilities.**

##### Objective

To ensure that the Central Commercial Activity Area provides sites to accommodate large size retail activities on a readily available basis capable of meeting the dynamic needs and requirements of retailing, commercial activities, social and community facilities.

##### Policies

- (a) The Central Commercial Activity Area generally is bounded by High Street to the south, Cornwall Street to the east, Daly and Rutherford Streets to the west and Melling Road and Brunswick Street to the north, including the Market Grove area, as shown on District Plan Map C4.
- (b) To provide for offices, commercial activities, social and community facilities plus all types of retail activities within the Central Commercial Activity Area subject to certain controls for retail activities in the area identified in Appendix Central Commercial 1.

##### Explanation and Reasons

Over the last few years substantial changes have occurred to the retail industry including:

- (a) Department and discount department stores have undergone changes in size of stores and the range of products stocked. Large sized stores of between 3,000m<sup>2</sup> and 10,000m<sup>2</sup> now are common.
- (b) Large supermarkets selling a wide range of food items as well as general merchandise such as sheets, some clothes, stationery, wine, and garden equipment plus plants.
- (c) Integrated shopping malls. These complexes increasingly are becoming climate controlled, with the ability to provide a wide range of retail, recreational and community facilities.

- (d) Trading warehouses and Home Improvement Centres (DIY stores) selling a wide range of bulky goods such as furniture, carpets, paint, wallpaper and other home improvement and decorating items. In many cases whiteware and other small retail items are sold also in such outlets.

The above types of retail activities will continue to be established in the Central Commercial Activity Area as it is well placed to take advantage of these changes. Many of these retail activities have experienced difficulty in obtaining suitable sites due to the restrictive size of the Central Commercial Activity Area in the Transitional District Plan. The Central Commercial Activity Area therefore should be of a size that such retail activities can be readily established. It is considered that the Central Commercial Activity Area should be that area bounded generally by High Street to the south, Cornwall Street to the east, Daly and Rutherford Streets to the west and Melling Road and Brunswick Street to the north. The Market Grove area is included also in the Central Commercial Activity Area. The Central Commercial Activity Area is shown on District Plan Map C4.

The area identified in Appendix Central Commercial 1 has been provided to accommodate individual retail activities where such activities require a larger gross floor area than can be readily established within the area identified in Appendix Central Commercial 2. To ensure that any new retail activities within the area identified in Appendix Central Commercial 1 do not compromise the function which the area identified in Appendix Central Commercial 2 performs or the amenity values it has as an effective focus in providing for the community's social and economic well-being, controls have been placed on retail activities within the area identified in Appendix Central Commercial 1. A resource consent is required for such activities where the gross floor area for an individual retail activity, whether stand alone or conducted from the same building with one or more other individual retail activities, is below a stated minimum or where the gross floor area of an individual retail activity exceeds a stated maximum. These controls will permit the establishment (whether as of right or subject to discretionary controls restricted to transport effects) of a retail outlet which trades under a single trading name and requires a large floor plate but will enable the consent authority, in determining whether or not any other new retail activity should be permitted, to assess the social, economic and amenity effects on the area identified in Appendix Central Commercial 2.

### 5A 1.1.2 Residential Activity

#### Issue

**High density residential development can add vitality to the Central Commercial Activity Area. It should be permitted provided it does not affect detrimentally the proper functioning of other activities and amenity values are protected.**

#### Objective

To permit residential activities in the Central Commercial Activity Area where the proper functioning of other activities will not be affected detrimentally and amenity values are protected.

#### Policies

- (a) To allow residential activities to occur above ground level in all parts of the Central Commercial Activity Area.
- (b) To allow residential activities at ground level in the area generally to the south of Laings Road and to the north of the intersection of High Street and Queens Drive and Melling Road as identified in Appendix Central Commercial 3.

### Explanation and Reasons

Residential activities can add to the vitality of the Central Commercial Activity Area and therefore should be permitted where they do not compromise the proper functioning of other activities. It is considered that parts of the Central Commercial Activity Area such as where buildings are required to be built to the front boundary and to have display windows are inappropriate for residential development on the ground floor.

## 5A 1.1.3 Service Stations

### Issue

**Service stations can have adverse effects on the proper functioning of other activities in the Central Commercial Activity Area. However, they do provide a necessary service to shoppers and people who work in the Central Commercial Activity Area. They should therefore be allowed in those parts of the Central Commercial Activity Area where adverse effects are likely to be less significant.**

### Objective

To allow service stations in those parts of the Central Commercial Activity Area where the adverse effects are likely to be less significant than the parts of the area not shaded on Appendix Central Commercial 4.

### Policy

(a) To allow service stations in the area identified in Appendix Central Commercial 4.

### Explanation and Reasons

Service stations can have detrimental effects on the proper functioning of activities in the Central Commercial Activity Area. It has been a long established policy of Council to ensure that service stations are not established in parts of the Central Commercial Activity Area. However, service stations do provide a necessary service to shoppers and other users and it is necessary that they are allowed in parts of the Central Commercial Activity Area where the detrimental effects are less significant.

## 5A 1.1.4 Traffic Effects of Large Scale Retail Activities

### Issue

**Large scale retail activities can have detrimental effects on the transport network. It is important that such effects are managed and mitigated.**

### Objective

To ensure that the detrimental effects on the transport network of large scale retail activities are managed and mitigated.

### Policies

- (a) To ensure that the adverse effects on the transport network of large scale retail activities exceeding 3,000m<sup>2</sup> in gross floor area are managed and mitigated.
- (b) To ensure that large scale retail activities are designed to provide:
  - (i) where practicable and appropriate, on-site accessibility for public transport services;
  - (ii) practical access to existing or planned public transport services off-site; and
  - (iii) pedestrian and cycle routes and facilities.

### Explanation and Reasons

Large scale retail activities can have detrimental effects on the surrounding transport network. It is important that such effects are assessed to determine whether the transport network in the vicinity is capable of accommodating the increase in movement to and from the site of the proposed activity, and any adverse effects on pedestrian and cycle movements, public transport and parking.

## 5A 1.2 Site Development Issues

### 5A 1.2.1 Weather Protection

#### Issue

**It is important those parts of the Central Commercial Activity Area with high pedestrian movements have adequate weather protection in the form of verandahs.**

#### Objective

To ensure that those parts of the Central Commercial Activity Area with high pedestrian movements have adequate weather protection.

#### Policy

- (a) All buildings identified in Appendix Central Commercial 5 shall have verandahs which must provide weather protection for pedestrians.

### Explanation and Reasons

For the comfort of pedestrians and to encourage circulation it is important that weather protection is provided.

## 5A 1.2.2 Building Frontages and Display Windows

### Issue

**In order to ensure that amenity values are protected, buildings in parts of the Central Commercial Activity Area must be built to the front boundary and have display windows.**

### Objective

To ensure that visual amenity values of buildings in more pedestrian oriented areas are protected and enhanced.

### Policy

- (a) All buildings identified in Appendix Central Commercial 6 shall be built to the front boundary and have display windows.

### Explanation and Reasons

Continuity of building frontages and the need to have display windows are necessary as they enhance the visual amenity and character of pedestrian oriented areas.

## 5A 1.2.3 Landscaping and Screening

### Issue

**Car parking areas not contained within buildings can have adverse effects on amenity values. It is important that such areas are landscaped and designed to avoid or mitigate adverse effects.**

### Objective

To ensure that the visual adverse effects arising from car parking areas are avoided or mitigated.

### Policy

- (a) Areas within the parking area and areas adjoining roads must be landscaped or screened suitably.

### Explanation and Reasons

Landscaping and screening of car parking areas can improve the visual amenities of an area. It is therefore important that areas within the car parking area and areas adjoining roads are landscaped and screened suitably.

## 5A 1.2.4 Wind Protection

### Issue

**Building form, height and location can affect greatly wind flow patterns and speeds and this may have adverse effects on pedestrians. It is important that these adverse effects are managed or mitigated.**

### Objective

To ensure that buildings are designed to minimise the adverse effects of wind on pedestrians.

### Policy

- (a) To ensure that buildings are of a height, shape and form that adverse effects of wind are managed and mitigated.

### Explanation and Reasons

Building form, height and location can affect wind flow patterns which can have adverse effects on pedestrians. Such adverse effects need to be mitigated or avoided.

## 5A 1.2.5 Sites Abutting Residential or Recreation Activity Areas

### Issue

**It is important that the amenity values of residential or recreation activity areas abutting properties in the Central Commercial Activity Area are protected.**

### Objective

Where sites in the Central Commercial Activity Area abut residential or recreation activity areas adverse effects on these latter areas are avoided, remedied or mitigated.

### Policy

- (a) To ensure that where sites in the Central Commercial Activity Area abut residential or recreation activity areas, there are special controls relating to height, yards, landscaping, screening, access, servicing, signage and lighting to protect amenity values.

### Explanation and Reasons

Where sites in the Central Commercial Activity Area abut residential or recreation activity areas, it is important that there are special controls. This is to ensure that amenity values of residential and recreation activity areas are protected.

## 5A 1.2.6 Sites that do not abut residential activity areas but are adjacent to residential activity areas

### Issue

**It is important that adverse effects of buildings and structures in the Central Commercial Activity Area on adjacent residential activity areas are mitigated.**

### Objective

To mitigate adverse effects caused by buildings and structures in the Central Commercial Activity Area on the amenity values of adjacent residential activity areas.

### Policy

- (a) To ensure that where buildings and structures in the Central Commercial Activity Area are within 50 metres of a residential activity area property boundary, adverse effects on amenity values of adjacent residential activity areas are mitigated.
- (b) To ensure that buildings and structures in the Central Commercial Activity Area are contained within a 31 degree angle measured from the natural ground level of the nearest residential activity area property boundaries so that adverse effects of buildings and structures on adjacent residential amenity values are mitigated.

### Explanation and Reasons

Buildings and structures in the Central Commercial Activity Area may adversely affect amenity values of adjacent residential activity areas. Examples of such adverse effects on residential amenity values can include visual dominance and possible overshadowing. Placing a height restriction on buildings and structures within 50 metres of a residential activity area property boundary will ensure that such adverse effects are mitigated. In addition, complying with a 31 degree angle (measured from the natural ground level at the nearest residential activity area property boundaries) for buildings and structures more than 50 metres from a residential activity area will provide for a transition in the height of buildings between commercial and adjacent residential activity areas, thereby protecting residents from the impact of buildings and structures.

## 5A 2 Rules

### 5A 2.1 Permitted Activities

- (a) In that area identified in Appendix Central Commercial 1, retail activities with a gross floor area of less than 500m<sup>2</sup> if such activities existed at 4 April 2002 or if such activities are a food service associated with a service station including a drive through facility.
- (b) In that area identified in Appendix Central Commercial 1, retail activities with a gross floor area of not less than 500m<sup>2</sup> and up to and including 3,000m<sup>2</sup> provided that such retail activities are undertaken as an individual retail activity.
- (c) In that area identified in Appendix Central Commercial 2, retail activity, where the gross floor area of buildings is up to and including 3,000m<sup>2</sup>.
- (d) Residential activity above ground floor level.
- (e) Commercial activities but excluding industrial activities.
- (f) Places of assembly and community activities.
- (g) Service stations and car sale yards operative before 5 December 1995 and located in the area generally to the south of the intersection of High Street and Queens Drive, as identified in Appendix Central Commercial 4.
- (h) Service stations and car sale yards as identified in Appendix Central Commercial 4.
- (i) Licensed premises.
- (j) Car parking facilities and activities ancillary to a listed Permitted Activity.

#### 5A 2.1.1 Permitted Activities - Conditions

- (a) **Site Coverage:** Up to a maximum of 100%.
- (b) **Floor Area Ratio:**  
For all sites the total amount of floor space in relation to site area shall not exceed 4.5 times the site area. Provided that in determining floor area ratio, floor space used for parking shall be excluded where such exclusion does not increase the maximum permitted floor area ratio with bonuses, by more than 50%.
- (c) **Floor Area Bonuses:**  
These may be granted in the circumstances set out below. Provided that the maximum floor area ratio with bonuses shall not exceed 5:1.
  - (i) Pedestrian arcades and plazas:  
5 m<sup>2</sup> for each 1 m<sup>2</sup> of arcade or plaza.
  - (ii) Creches:  
5 m<sup>2</sup> for each 1 m<sup>2</sup> of creche.
  - (iii) Areas of tree planting, landscaping and/or seating for public use:  
5 m<sup>2</sup> for each 1 m<sup>2</sup> of tree planting etc.
  - (iv) Toilets available for public use and to be used by the disabled:  
5 m<sup>2</sup> for each 1 m<sup>2</sup> of toilet area available for public use.
- (d) **Weather Protection/Pedestrian Shelter:**

Any building in the area identified in Appendix Central Commercial 5, on its erection or on being reconstructed or altered in a way that substantially changes the exterior appearance, shall be provided with a verandah or other means of weather protection designed in relation to its neighbours so as to provide continuous cover for pedestrians.

**(e) Wind Protection:**

All buildings and structures over 12 metres in height shall be designed to comply with the following conditions:

Existing Wind Speeds	Wind speed resulting from development proposal	Requirements on developer
	If exceeding 10m/sec in any public pedestrian areas and other areas adjacent to the building being erected	Reduce to 10m/sec in the public pedestrian areas and other areas adjacent to the building being erected
Up to 15m/sec	If exceeding 15m/sec	1. Reduce to 15m/sec 2. Although other directional wind speeds may be increased towards 15m/sec, the overall impact is to be no worse than existing
15-18m/sec	If exceeding 15m/sec	Reduce to max 15m/sec
Above 18m/sec	If more than 18m/sec	Reduce to max 18m/sec

**(f) Landscaping and Screening:**

- (i) At least 5% of car parking areas not contained within buildings must be landscaped. Areas within the parking area and areas adjoining or fronting roads must be landscaped.

This provision does not apply to car parking areas at the ground level in areas identified in Appendix Central Commercial 5 and Appendix Central Commercial 6.

- (ii) All areas for outdoor storage of waste must be screened so that they are not visible from a road or public space. Where this is not practicable such areas must be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.8m.

**(g) Sites Abutting Residential or Recreation Activity Areas:**

Where a site abuts a residential or recreation activity area, the following conditions shall apply:

- (i) The maximum building height is 12 metres. All buildings and structures shall comply with the recession plane requirements of abutting residential or recreation activity areas.
- (ii) Side yard - minimum depth of 3 metres where the site abuts a residential or recreation activity area.  
Rear Yard - minimum depth of 8 metres where the site abuts a residential or recreation activity area. This may be reduced if there is a service lane to the rear of the site and sufficient provision has been made for loading/unloading operations.
- (iii) Where a site abuts a residential or recreation activity area all outdoor storage

and servicing areas must be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.5m and a maximum height of 1.8m.

- (iv) All car parking areas, not contained within buildings, which abut a residential or recreation activity area shall be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.2m and a maximum height of 1.8m.
- (v) At least 5% of car parking areas not contained within buildings must be landscaped. Areas within the parking area and areas adjoining or fronting roads must be landscaped.
- (vi) Where a site abuts a residential or recreation activity area, servicing of activities must not occur between the hours of 10.00pm and 7.00am.

**(h) Sites that do not abut residential activity areas:**

Where a site does not abut a residential activity area, the following conditions shall apply:

- (i) The maximum building height for buildings and structures within 50 metres of a residential activity area property boundary shall be 12 metres.
- (ii) Buildings and structures more than 50 metres from a residential activity area shall be contained within a 31 degree angle measured from the natural ground level at the nearest residential activity area property boundaries adjacent to the site.

**(i) Building Frontages and Display Windows:**

All buildings identified in Appendix Central Commercial 6 shall be built to the front boundary and have display windows along the frontage.

**(j) General Rules:**

Compliance with all matters in the General Rules - see Chapter 14

## 5A 2.2 Restricted Discretionary Activities

- (a) In that area identified in Appendix Central Commercial 1 retail activities with a gross floor area exceeding 3,000m<sup>2</sup> provided that such retail activities are undertaken as an individual retail activity.
- (b) In that area identified in Appendix Central Commercial 2 retail activities with a gross floor area exceeding 3,000m<sup>2</sup>.
- (c) Residential activities on the ground floor, identified in Appendix Central Commercial 3.
- (d) Emergency Facilities.

### 5A 2.2.1 Matters in which Council has Restricted its Discretion and Standard and Terms

- (a) In that area identified in Appendix Central Commercial 1 retail activities with a gross floor area exceeding 3,000m<sup>2</sup> provided that such retail activities are undertaken as an individual retail activity.
- (b) In that area identified in Appendix Central Commercial 2 retail activities with a gross floor area exceeding 3,000m<sup>2</sup>.
  - (i) Effects on the transport network:

- The adverse effects on the surrounding transport network of the movement of people and goods generated by the retail activity. An important consideration here is the ability of the surrounding transport network to accommodate the likely increase in movements generated.
  - The adverse effects of the activity on traffic, cycle and pedestrian movements, public transport services and parking and access within the immediate vicinity of the site.
  - The extent to which the activity is designed to provide:
    - where practicable and appropriate, on-site accessibility for public transport services;
    - practical access to existing or planned public transport services off-site;
    - and
    - pedestrian and cycle routes and facilities.
- (c) **Residential activities on the ground floor, identified in Appendix Central Commercial 3.**
- (i) **Appearance of buildings:**

The adverse effects on the visual impression of the streetscape. In this respect an important consideration is the likely impact on the continuous display window frontage requirement.
  - (ii) **Relationship with other Permitted Activities:**
    - The extent the residential activity is likely to be affected detrimentally by effects arising from Permitted Activities.
    - The extent the residential activity is likely to constrain the future development of Permitted Activities.
  - (iii) **Adequate provision of living and service areas:**

Adequate outdoor living areas, such as balconies, and service areas must be provided.
- (d) **Emergency Facilities.**
- (i) **Traffic Effects:**
    - The adverse effects on the roading network generated by the emergency facilities.
    - The adverse effects on traffic, cycle and pedestrian movement, parking and access in the immediate vicinity of the site.
  - (ii) **Appearance of Buildings and Structures:**

The adverse effects on the visual impression of the streetscape. In this respect an important consideration is the likely impact on the continuous display window frontage requirements.

### 5A 2.2.2 Other Matters

All Restricted Discretionary Activities must comply with other relevant Permitted Activity Conditions.

## 5A 2.3 Discretionary Activities

- (a) Except where stated in the General Rules, any Permitted or Restricted Discretionary Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.
- (b) In that area identified in Appendix Central Commercial 1 any retail activity not listed as a Permitted Activity or a Restricted Discretionary Activity.
- (c) Brothels and commercial sexual services on a site abutting or directly across the road from schools, pre-school facilities, churches and other similar religious establishments or a residential activity area.
- (d) Brothels and commercial sexual services in the area shown in Appendix Central Commercial 6.

### 5A 2.3.1 Assessment Matters for Discretionary Activities

- (a) The matters contained in sections 104 and 105, and in Part II of the Act shall apply.
- (b) The degree of compliance or non-compliance with any relevant Permitted Activity Conditions.

## 5A 2.4 Non-Complying Activities

- (a) All other activities not listed as a Permitted, Restricted Discretionary or Discretionary Activity.

## 5A 2.5 Other Provisions

- (a) Subdivision - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Utilities - See Chapter 13.
- (d) General Rules - See Chapter 14.

## 5A 3 Anticipated Environmental Results

- (a) A Central Commercial Activity Area which is vital and viable.
- (b) A sense of place will be achieved.
- (c) Sites to meet the dynamic need of retailing and other commercial activities will be available.
- (d) The retailing and commercial requirements of residents will be met.
- (e) Existing amenity values will be maintained and enhanced.