

## Chapter 20 ASSESSMENT CRITERIA (Commercial Environments)

### 20.1 INTRODUCTION

Some discretionary activity and restricted discretionary rules refer to assessment criteria to assist the Council in considering resource consent applications. The Council will have regard to the Assessment Criteria outlined below for the commercial environments when considering an application under Sections 104 and 105 of the Act.

### 20.2 GENERAL

The following criteria will be used by the Council in considering a resource consent application for a Discretionary Activity or a Restricted Discretionary Activity for non-compliance with one or more conditions in the relevant activity table and/or condition table.

- a) Any unusual circumstances including, but not limited to, those listed below:
  - i) Inherent site considerations: including unusual size, shape, topography, substratum, vegetation or flood susceptibility;
  - ii) Particular site development characteristics: including the location of existing buildings or their internal layout, achievement of architectural harmony, compliance with engineering or bylaw standards, enhancement of private open space, achievement of a better relationship between the site and the road, building renovation or restoration of demonstrable merit, the design and arrangement to facilitate access for the disabled, or legal impediments;
  - iii) Unusual environmental circumstances: including adverse topography, unusual use or location of buildings on adjacent sites, improved amenity for neighbouring sites, the presence of effective on-site screening.
- b) Whether the proposed land use will have an adverse effect upon the character and/or cohesiveness of the art deco building resource.

### 20.3 ASSESSMENT CRITERIA FOR PARTICULAR LAND USES

#### 1. Retail Activities with a Frontage onto Marine Parade

The Council will have regard to the relevant objectives and Policies of this Plan and in addition will consider:

##### *Parking and Pedestrian Access*

- a) Whether the land use will provide for pedestrian linkage to Hastings or Herschell Streets where much of the parking is to be found.
- b) Whether the land use will generate large numbers of daily vehicle movements.
- c) Whether deliveries by heavy vehicles will be required.

*Design and External Appearance*

- d) Whether the design of buildings and structures maintains the streetscape qualities of the Marine Parade.
- e) Whether storage and refuse areas are adequately screened from public view.
- f) Where the site is adjacent to a heritage building, whether the proposal is of a similar scale and character, and will not detract from the values of any heritage item as set out in the Chapter 56 (Heritage) of this Plan.

*Road Traffic Safety*

- g) Whether the proposed land use will have an adverse effect on the safety or efficient operations of the roading network.

*Cumulative Effect*

- h) Whether the proposed land use will have an adverse cumulative effect on the surrounding area.

**2. Comprehensive Commercial Development and Retail Activities with a Gross Floor Area Equal to or Less than 200m<sup>2</sup> locating in the Fringe Commercial Zone.**

The Council will have regard to the relevant objectives and Policies of this Plan and in addition will consider:

*Carparking and Access*

- a) Whether the land use will avoid on-road congestion as a result of the ingress and egress of vehicles to and from the site.
- b) Whether adequate sight distances are available for vehicular and pedestrian safety.
- c) Whether adequate vehicle parking can be provided on-site or other methods are able to avoid, remedy or mitigate any adverse effects associated with vehicle parking and manoeuvring.

*Pedestrian Linkages*

- d) Whether the development can be successfully linked with the Art Deco Quarter and inner city commercial area by pedestrian access.

*Site Layout*

- e) Whether buildings and structures, including parking and storage areas, are sited in such a way that minimises any adverse effects on the visual privacy of adjoining land uses.

*Infrastructure*

- f) Whether the existing services on-site and adjacent to the site can meet the needs of the new development.

Where the existing infrastructure cannot sustain new development, the proposal must provide a satisfactory alternative or level of mitigation.

*Cultural Impacts*

- g) Whether the development will draw business from the inner city thereby affecting the viability of the art deco building resource and placing the cultural wellbeing of the City at risk.

*Traffic Safety*

- h) Whether the land use would have an adverse effect on the safety and efficiency of the road network.

*Cumulative Effect*

- i) Whether the proposed land use will have an adverse effect on the surrounding area.

In assessing the appropriateness of allowing a land use to be located in an area or an increase in the scale and intensity of an land use, consideration will be given to the presence of activities already located in the area and on the site, and their effect on the surrounding environment, especially where this is a residential environment. Of particular concern is the cumulative effect of locating a land use on a site adjacent to or already accommodating land uses that may currently generate high levels of traffic and other adverse environment effects.

**3. Industrial Activities**

The Council will have regard to the relevant objectives and Policies of this Plan and in addition will consider:

*Intensity of Land Use*

- a) Whether in the opinion of the Council, the site is a suitable size for the proposed land use.
- b) Whether the volume of traffic likely to be attracted to the site is likely to cause disturbance to the adjoining neighbours.

*Design and External Appearance*

- c) Whether the design of buildings, structures, lighting and vehicle parking areas:
- Maintains the streetscape qualities, especially where these may be adjacent to a residentially zoned areas.
  - Maintains the open environment of the foreshore area.
  - Maintains view shafts to the coast from Hardinge Road and Nelson Quay.
  - Maintains the visual amenity of any adjoining reserves.
- d) Whether parking and storage areas are adequately screened from adjoining sites and from the legal road by fencing and/or landscaping.

*Site Layout*

- e) Whether buildings and structures are sited in a way that minimises the effects on the visual outlook of adjoining land uses.

*Traffic Safety*

- f) Whether the land use would have an effect on the safety and efficiency of the road network.

*Noise*

- g) Whether the hours of operation, the nature of the land use and the siting of the buildings will have an adverse effect on the noise amenity of the surrounding area.

*Vehicle Parking and Access*

- h) Whether provision can be made for the safe entry and egress of traffic to and from the site.
- i) Whether the proposal will avoid on road congestion as a result of the ingress and egress of vehicles to and from the site.
- j) Whether adequate sight distances are available for vehicular and pedestrian safety.
- k) Whether the land use complies with the relevant rules and conditions set out by Transit New Zealand for state highways.

*Access to the Foreshore*

- l) Whether the development will provide for pedestrian linkages to the foreshore.
- m) Whether the development will be perceived by the public as privatisation of the foreshore area.

*Infrastructure*

- n) Whether the existing services on-site and adjacent to the site can meet the needs of the new development.
- o) Where the existing infrastructure cannot sustain the new development the proposal must provide a satisfactory alternative level of mitigation.

*Cumulative Effects*

- p) Whether the proposed land use will have an adverse cumulative effect on the surrounding area.

In considering cumulative effects, consideration will be given to the presence of activities already located in the area and on the site and their effect on the surrounding environment, especially where this is a residential environment. Of particular concern is the cumulative effect of locating a land use on a site adjacent to or already accommodating land uses that may currently generate traffic, noise, odour and other effects not in keeping with the surrounding commercial area.

*Reverse Sensitivity Effects*

- q) Whether the activity could give rise to reverse sensitivity effects.
- r) Whether there are alternative suitably zoned locations for the activity.

- s) Whether the development will reduce opportunities for large format retail to establish within the zone. Consideration must be given to alternative locations where the retailing activity could establish.

#### *Effects on Art Deco Resource*

- t) Whether the proposed activity will have an adverse effect on the efficiency and effectiveness of the inner city commercial area and the ultimate preservation of the art deco building resource.
- u) Whether the activity is consistent with the Council's adopted Retail Strategy.

#### *Tyre Storage*

- a) The extent to which the tyres will be screened from residential and open space zoned land and from roads.
- b) The layout of the proposed facility including the size and height of storage piles, the distances between piles, and fire breaks proposed.
- c) The extent to which the location of the site and the proposed layout, screening and security measures minimize the potential for arson.
- d) The mechanisms proposed, by way of a fire management plan, to minimize the risks of fires starting and maximize the chances of fires being extinguished as quickly as possible.
- e) The mechanisms proposed for the control of stormwater, such as on-site treatment devices, covering storage areas, and the use of impervious surfaces, and the extent to which these will avoid adverse effects on the Council's reticulated network and on the receiving environment.
- f) The mechanisms proposed for the control of vermin and insects.
- g) The extent to which the site is of adequate size to accommodate the proposed tyre storage together with the proposed stormwater management regime, fire fighting facilities, car parking and landscape treatments.
- h) The extent to which alternative sites or locations have been considered.
- i) The duration for which it is proposed the tyres will be stored on the site, and the duration for which the activity is to be undertaken.
- j) The mechanisms proposed to ensure that all tyres will be removed from the site when the activity ceases – for example the provision of a bond to Council.
- k) Whether the tyre storage involves new tyres or end-of-life tyres (including shredded or chipped end-of-life tyre products).

#### **4. Retail Activities not meeting the Conditions for the Zone**

The Council will have regard to the relevant objectives and Policies of this Plan and in addition will consider:

*Carparking and Access*

- a) Whether the land use will avoid on-road congestion (including cumulative effects from all development within the zone) as a result of the ingress and egress of vehicles to and from the site.
- b) Whether adequate sight distances are available for vehicular and pedestrian safety.
- c) Whether adequate vehicle parking can be provided on-site or other methods are able to avoid, remedy or mitigate any adverse effects associated with vehicle parking and manoeuvring

*Traffic Safety and Efficiency*

- d) Whether the land use would have an adverse effect on the safety and efficiency of the road network.

NOTE: Any application for an increase in either the gross floor area limit in Rule 19.13 or the number of car parks permitted in rule 61.14.1 shall include a comprehensive Transportation Assessment. Such assessment shall be prepared by a qualified Traffic Engineer to the satisfaction of the Council and shall address the following matters:

*Linkages*

- e) Whether the development can be successfully linked with other developments within the zone to encourage pedestrian movement.
- f) The extent to which the location of the activity promotes appropriate traffic linkages to the inner city.

*Site Layout*

- g) Whether buildings and structures, including parking and storage areas, are sited in such a way that minimises any adverse effects on adjoining land uses.

*Infrastructure*

- h) Whether the existing services on-site and adjacent to the site can meet the needs of the new development.

Where the existing infrastructure cannot sustain new development, the proposal must provide a satisfactory alternative level of mitigation.

*Cultural Impacts*

- i) Whether the development will provide premises that may be encourage specialty retailing relocating from the Art Deco Quarter, thereby affecting the viability of the art deco building resource and placing the cultural wellbeing of the City at risk.

*Cumulative Effect*

- j) Whether the proposed land use will have an adverse effect on the surrounding area.

In assessing the appropriateness of allowing a land use to be located in an area or an increase in the scale and intensity of a land use, consideration will be given

to the presence of activities already located in the area and on the site, and their effect on the surrounding environment. Of particular concern is the cumulative effect of locating a land use on a site adjacent to or already accommodating land uses that may currently generate high levels of traffic and other adverse environment effects.

#### *Effects on Art Deco Resource*

- k) Whether the proposed activity will have an adverse effect on the efficiency and effectiveness of the inner city commercial area and the ultimate preservation of the art deco building resource.
- l) Whether the activity provides a commercial or hospitality service such as a convenience store or café to the area rather than traditional retailing.

### **5. Residential Development in the Foreshore Commercial Zone**

The Council must be satisfied that the relevant objectives and policies of this Plan will be met. In addition, the Council will consider:

#### *Access to the Foreshore*

- a) Whether the development will provide for pedestrian linkages to the foreshore.
- b) Whether the development will be perceived by the public as privatisation of the foreshore area.

#### *Design and External Appearance*

- c) Whether the design of buildings and structures maintains the open character of the foreshore environment.
- d) Whether the density of development is out of scale with that of the foreshore environment.
- e) Whether important public view shafts to the coast are maintained.
- f) Whether the design includes internal acoustic measures that allow for uninterrupted sleep, taking into account the noise provisions for the zone.

#### *Infrastructure*

- g) Whether the existing services on-site and adjacent to the site can meet the needs of the new development.

Where the existing infrastructure cannot sustain the new development, the proposal must provide a satisfactory alternative level of mitigation.

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