

Chapter 21**PRINCIPAL REASONS FOR RULES
(Commercial Zones)****21.1 Land Uses Generally**

This rule states the principal assumption that any use of the land for commercial purposes is permitted in the commercial zones, provided that the conditions in the activity and condition tables are complied with, and that the land use does not require a resource consent, unless no resource consent can be granted (i.e. a prohibited activity).

Tyre storage specifically has the potential to generate significant effects in relation to amenity, fire hazard, vermin issues, and contamination of soil and water. The District Plan allows for this activity where the scale is appropriate and where it is ancillary to another activity on the site, and manages potential effects of low probability that have high potential impact.

Most land uses are acceptable in the commercial zones in terms of effects, However the inner city area has a building resource that is vitally important to the cultural wellbeing of the City and there are special provisions that apply to the area and to the adjacent commercial zone to preserve the resource.

Suburban commercial centres have the potential for a greater level of effects due to the closer proximity of the residential neighbourhoods that they service. For this reason the Council will require resource consents for land uses that would not normally be found in such areas, e.g. industrial activities. Similarly the Foreshore Commercial Zone is a sensitive environment and a limited resource, and therefore many of the land uses will require resource consent.

21.2 Residential Activities

Residential activities that take place within the commercial zones are likely to be higher density housing, and the provisions that apply are those of comprehensive development. Higher density residential development will not have adverse effects on the environment because the commercial areas have a level of land use and a scale of development that is compatible with the housing densities proposed. Within the inner city and suburban commercial zones residential activity is permitted only above ground level to preserve the amenity of the retail environment. There are positive benefits for commercial areas in having residential activities in their midst, such as better security and improved amenity.

21.3 Licensed Premises

It is recognised that licensed premises are very much a part of the commercial scene and the level of effects is little different to normal commercial activities. It is the hours of these activities that set them apart, and consequently the noise effects that result. It is important that these effects are properly managed especially where the adjacent zones are residential. In the suburban commercial centres these land uses are controlled so that appropriate conditions may be imposed to mitigate the effects.

21.4 Commercial Activities within the Suburban Commercial Zone at Greenmeadows

Within the Suburban Commercial Zone at Greenmeadows, there is a 1-hectare area of land (located between Gloucester Street and York Avenue), which has potential for comprehensive development for commercial activities. The local roading network surrounding the land however is at or near capacity and in particular the Gloucester Street/York Avenue intersection. As such commercial activities with a gross floor area in excess of 1000 m² proposed for this land are a controlled activity in the plan thereby enabling Council to exercise control over likely effects that commercial development of the land will have on the local roading network.

21.5 Scheduled Sites

The Council recognises that there are some existing uses within Napier City that provide a valuable service to the community. These land uses require recognition in the Plan as a number are not specifically provided for within the rules for permitted activities in the respective zone. In addition the method of scheduling sites provides an opportunity for on-site expansion and modification within certain limits. This is potentially more liberal than the existing use rights that the Act provides in sections 10, 10A and 10B.

21.6 Land Development (including subdivision)

The rules are based on the fact that there is a strong interrelationship between subdivision and future land use. Subdivision of land can have marked effects on land use expectations. Adequate provision of access, water, sewerage, open space, and other requirements is essential to ensure development following subdivision does not have adverse effects on the environment. The provisions for financial contributions and the Code of Practice for Subdivision and Land Development also contribute to these outcomes.

21.7 Relocation of Buildings

To ensure that relocated buildings are reinstated in a timely manner and are consistent with the built environment, the Council intends to exercise some control over the relocation of buildings throughout the commercial areas of the City.

It is recognised that relocated buildings in some instances, can have a positive effect on the City's mix of building styles and contribute to the sustainable management of the physical resources of the City.

21.8 Yards

In commercial areas, yards are not generally required as their role is not important in the commercial context. However they are required where a commercial zone adjoins a residential or open space zone, to maintain the amenity of those environments.

21.9 Height

Height is an important rule in the commercial areas of the City. Without control, the effects of commercial buildings could be significant. There are parts of the commercial environment (Fringe Commercial Zone), where maximum height conditions are not applied. This is to provide for office or hotel type development. However, setbacks are required to prevent significant shading effects. In the Art Deco Quarter, Inner City Commercial and Suburban Commercial Zones, the maximum height conditions maintain the scale of the existing development and sunlight access to public areas and open space areas and adjoining residential zones. A shaded shopping or work environment can have significant adverse effects on the vibrancy and amenity of the area. Maximum height controls are important to minimise the effects on the art deco building resource. In the Foreshore Commercial Zone, the height conditions reflect the proximity to the foreshore reserve which has a high level of amenity and is a much used recreation space.

21.10 Height in Relation to Boundary

The height in relation to boundary condition is intended to prevent buildings and structures from physically dominating adjoining residential properties and public reserve areas and affecting sunlight access.

21.11 Landscaping

The requirement for landscaping applies to sites that are in areas of high visual amenity. This area adjoins the foreshore reserve and the effects of large areas of carparking can be significant. Landscaping mitigates these effects. Similarly landscaping is important where a commercial zone adjoins a residential zone.

21.12 Verandas

The provisions relating to verandas are to ensure the safety and comfort of pedestrians. The rules also take into account traffic safety issues relating to clearance distances.

21.13 Refuse Storage

A screened refuse storage area is required to ensure that rubbish is not left on the street awaiting collection. The visual impact of such areas is mitigated by the requirement to screen these storage areas.

21.14 Screening of Storage Areas

Many storage areas associated with commercial activities, particularly in suburban locations, may back onto a residentially zoned site. In order to maintain the residential amenity, the screening of these areas is required.

21.15 Noise

Noise is one of the factors that can affect the appreciation of amenity. It can have an adverse effect on people's health in a psychological sense. In commercial areas, higher levels of noise are allowed to cater for land uses that have traditionally and appropriately located in these areas, such as restaurants and bars. This creates issues of reverse sensitivity for residential activities in the commercial areas. However any such use is required to protect itself from the higher noise levels. In the suburban areas where residential zones may adjoin the commercial area noise levels do recognise this fact.

21.16 Light Spill

Lighting can interfere with the enjoyment of a property and the sleep of occupants. Direct light spill and glare are consequences of outdoor lighting used to illuminate property. The effect of this rule is to state lighting levels that are compatible with the existing character of commercial areas while maintaining traffic and personal safety, and residential amenity. These controls are required to avoid unreasonable levels of artificial light spilling onto neighbouring properties. Different levels of light spill have been allowed for different receiving environments, having regard to the tolerance levels and safety requirements of those environments.

21.17 Vibration

Vibration, like noise, has nuisance and health effects, and can have major effects on people's enjoyment of their property. This is particularly so for residential properties. Therefore the rule is intended to prevent the generation of unreasonable vibration, given the possible adverse effects on people's amenity values, health and safety, together with effects on the structural integrity of buildings.

21.18 Fences

The Council sees little need to control fencing up to two metres in height in most areas of the City. However, higher fences can detract from amenity, reduce the feeling of open space and potentially affect the safe entry and exit of vehicles from industrial sites. The control ensures residential amenity is not adversely affected by excessively high structures on or near the residential boundary.

21.19 Aerials, Lines and Support Structures

The provisions relating to aerials, lines and support structures aim to control the effects of these structures and land uses on the commercial area. The rules relating to dish antenna are less restrictive than in the residential areas to recognise the scale of development and the type of land use in commercial zones. They are likely to be less visually intrusive in the commercial areas.

21.20 Heritage

Development in some areas has the potential to have a negative impact on heritage and this is especially so in the City's central business district. The effects of development can often ignore the value of the heritage element and alter the character of the area. Within this Plan, individual and groups of heritage elements (including buildings, structures, archaeological sites, and places of significance to Maori) have been identified to ensure that the heritage values and character of historic areas is not adversely affected by modern development. In addition, refer to Chapter 56 (Heritage).

21.21 Signs

Signs are a significant issue in the commercial areas. The level of effects varies between areas. For example, in the CBD the effects of signs on the art deco building facades can be major and therefore signs are tightly controlled. In the Fringe Commercial area the effects are restricted to those on traffic safety and thus the rules are more liberal. Signs in suburban centres have the ability to adversely affect the amenity of adjoining residential activities and public reserve areas.

21.22 Trees

Trees are a valuable resource throughout the whole City. They provide amenity benefits, ecological benefits, shading, and can act as a buffer between adjoining land uses. The Napier City Council currently protects a number of notable public trees. As education and awareness of the community increases as to the benefits of protecting trees, private trees may also be added to the notable tree schedule. It is important that the City is aware of which trees are scheduled as notable, so that the relevant conditions can be complied with. A number of avenues for protecting private trees are available if the owners so desire. Some of these are via regulatory mechanisms, while others include private initiatives.

21.23 Transport

Within the CBD and Taradale commercial centres, there is an exemption from on-site parking. This provision has been included in the Plan to ensure that the art deco buildings in the inner city are not endangered through having to provide parking on-site. A further reason is to ensure that parking within these areas is strategically placed and can be managed to ensure that it is an efficient resource in terms of turnover and circulation.

Elsewhere the commercial areas are of such a size that carparking is not a strategic issue. On site carparking is to be provided to reduce the effects on the road network. Loading access and manoeuvring requirements are also important provisions to ensure that traffic flows are not interrupted and that the safety of the travelling public and pedestrians is enhanced.

21.24 Natural Hazards

Napier is at risk from a wide range of natural hazards. Controls are required to ensure that development is well managed in the most at risk areas, and that buildings and infrastructure in other areas is designed to a standard appropriate for the actual level of risk in those areas. Those hazards which present a district-wide risk (for example, wind hazards, liquefaction and earthquake amplification) are not intended to be identified in the district plan. However such information will be recorded on the Council's property file system, and used in the preparation of LIMs and PIMs etc. In addition, refer to Chapter 62(Natural Hazards).

21.25 Hazardous Substances

Controls on the use and storage of hazardous substances are required to avoid adverse effects on people's health and wellbeing. The use of hazardous substances and genetically modified organisms in New Zealand is primarily managed by the Hazardous Substances and New Organisms Act 1996 (HSNO). The purpose of the HSNO Act is to 'protect the environment, and the health and safety of people and communities by

preventing or managing the adverse effects of hazardous substances and new organisms'. The HSNO Act is administered by the Ministry for the Environment and implemented by the Environmental Protection Authority. The new Ministry of Business, Innovation and Employment are also involved with enforcement in terms of hazardous substances. In addition, refer to Chapter 63 (Hazardous Substances).

21.26 Contaminated Sites

Controls regarding contaminated sites now fall under The National Environment Standards (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health which came into effect on January 2012. In addition, refer to Chapter 64 (Contaminated Sites).

21.27 Financial Contributions

The City's existing amenities and utilities represent a major community investment which should be utilised and protected. Promoting the efficient use of the City's network of essential services, community services, utilities, roads and other infrastructural components will aid in reducing the environmental costs of development for present and future generations and sustain the future potential of resources. The uses to which financial contributions are put have very real environmental benefits in avoiding, remedying or mitigating the adverse effects of land uses resulting from subdivision and land development. The contributions are directly applied to that part of the environment which is affected. In addition, refer to Chapter 65 (Financial Contributions).

21.28 Code of Practice for Subdivision and Land Development

There is a strong interrelationship between subdivision, land development and future land use. In order to manage the effects of subdivision and land development, particularly effects relating to the provision of services, the Council has prepared a document setting out conditions, engineering performance criteria and engineering standards. These conditions and engineering details, due to their technical nature, are supplementary to the rule table conditions of the respective zone. In addition, refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development).

21.29 Roof Surfaces

The Ahuriri Estuary acts as a receiving environment for stormwater runoff from a number of adjacent zones. Increased development, including stormwater runoff from roofs that are not constructed of inert materials can threaten the sensitive ecology and aquatic life of the Estuary. The rule provides a mechanism to reduce the level of contaminants that may enter the Estuary from those zones that discharge stormwater into the Estuary or Inner Harbour.

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