

Matters of Discretion for all Commercial and Mixed Use Zones

<p>CMUZ-MD1</p>	<p>Trade suppliers and yard based suppliers</p> <ol style="list-style-type: none"> 1. The extent to which the activity adversely affects the function or capacity of the zone to provide primarily for commercial and community activities. 2. Any benefits from a trade or yard-based supplier providing a buffer between commercial activities and any adjacent industrial zones. 3. The extent of any adverse effects on the amenity and visual streetscape values of the commercial centre or zone, especially where the site has frontage to a Principal Shopping Street. 4. The extent to which the activity generates traffic and amenity effects that impact on the day to day operation and amenity of the commercial centre or zone.
<p>CMUZ-MD2</p>	<p>Drive through restaurants and service stations</p> <ol style="list-style-type: none"> 1. The extent to which the intensity and scale of the development, including consideration of the numbers of people and/or vehicles using the site, adversely affects the amenity values of the surrounding area, and any practicable mitigation measures to manage those effects. 2. The effects of the design and location of landscaping, parking areas and vehicles access on visual amenity of the streetscape and pedestrian safety. 3. The effects of location, design and management of buildings, including storage and servicing facilities, on the amenity values of nearby residential properties, including potential visual effects and any night time noise effects.
<p>CMUZ-MD3</p>	<p>Urban design</p> <ol style="list-style-type: none"> 1. The extent to which the development: <ol style="list-style-type: none"> a. recognises and reinforces the centre’s role, context, and character, including any natural, historic heritage or cultural assets; b. promotes active engagement with, and contributes to the vibrancy and attractiveness of, any adjacent streets, lanes or public spaces; c. takes account of nearby buildings in respect of the exterior design, architectural form, scale and detailing of the building; d. provides a human scale and minimises building bulk while having regard to the functional requirements of the activity;¹ e. is designed to recognise CPTED principles, including surveillance, effective lighting, management of public areas and boundary; f. incorporates landscaping to increase amenity values, especially within surface car parking areas; g. provides safe, legible, and efficient access for all transport users; and h. where relevant, has regard to the objectives of any Town Centre Master Plan to support their recovery, long term growth and a high level of amenity.; and i. <u>has operational or functional requirements, or site constraints, which justify departure from the standard, including:</u> <ol style="list-style-type: none"> i. <u>the importance of the requirements for the proposed activity and the extent to which these would be compromised by compliance with the standard;</u> ii. <u>the extent to which alternative design approaches could feasibly meet the operational or functional requirements and achieve the Plan’s objectives, policies and methods without compromising the proposed activity;</u>

¹ Foodstuffs [267.5]. Commercial and Mixed Use Zones s42A report.

	<ul style="list-style-type: none"> iii. <u>for site constraints, whether the site is a corner site or has multiple frontages that would make compliance with the standard unreasonable or impractical;</u> iv. <u>the scale of the proposal in the context of the existing site, existing development and the centre.²</u>
CMUZ-MD4	<p>Height in relation to boundary</p> <ol style="list-style-type: none"> 1. The effect of any reduced sunlight admission on properties in adjoining residential, rural and open space and recreation zones, taking account of the extent of overshadowing, the intended use of spaces, and for residential properties, the position of outdoor living spaces or main living areas in buildings. 2. The effect of reduced sunlight admission to the street and the extent of any visual overbearing and obtrusiveness from the recession plane intrusion on the street. 3. The effect on privacy of residents and other users in the adjoining site. 4. The scale of building and its effects on the character of any adjoining residential zones. 5. The effects of any landscaping and trees proposed within the site, or on the boundary of the site in mitigating adverse visual effects. 6. The effect on outlook from adjoining sites. 7. The extent to which the recession plane breach and associated effects reflect the functional requirements of the activity and whether there are alternative practical options for meeting the functional need in a compliant manner.
CMUZ-MD5	<p>Internal boundary setback</p> <ol style="list-style-type: none"> 1. The scale and height of buildings within the reduced setback and their impact on the visual outlook of residents and users on the adjoining residential zones or open space and recreation zones. 2. The extent to which buildings in the setback enable better use of the site and improve amenity values along more sensitive boundaries elsewhere on the site. 3. The proposed use of the setback, the visual and other effects of this use and whether a reduced setback and the use of that setback achieves a better amenity outcome for residential neighbours.
CMUZ-MD6	<p>Internal boundary landscaping</p> <ol style="list-style-type: none"> 1. The extent of visual effects of outdoor storage and car parking areas, or buildings (taking account of their scale and appearance), as a result of reduced landscaping. 2. The extent to which any reduction in landscaping or screening within the setback adequately mitigates the visual dominance of buildings. 3. The extent to which the site is visible from adjoining sites in any residential or open space and recreation zones and the likely consequences of any reduction in landscaping or screening on the amenity values and privacy of those sites.
CMUZ-MD7	<p>Road boundary setback, glazing and verandah</p> <ol style="list-style-type: none"> 1. The extent to which the activity: <ol style="list-style-type: none"> a. provides for continuity of façades and verandah coverage along the street frontage; b. provides visual interest and activation appropriate to the context and character of the site and surrounds; c. incorporates architectural variation into the façade and building form to provide interest and to break up the bulk of a building; d. provides for main entrances, verandah coverage, openings and display windows onto the street, and maintains clear and visible visual and physical connections between the interior of a building and public spaces;

² Foodstuffs [267.5]. Commercial and Mixed Use Zones s42A report and amended through Reply Report.

	<ul style="list-style-type: none"> e. provides for functional and quality space for public amenity and accessibility, such as for outdoor dining or retail laneways, and contributes to the functional width of a public footpath, without compromising the overall character of the street frontage and its continuity; f. results in the visual dominance of vehicles through the use of space between the building and the street for car parking, vehicle manoeuvring or loading; g. maintains transport safety through not extending verandahs over the active road carriageway; h. reduces amenity and visual streetscape values, especially where the frontage is to an arterial road or collector road; i. adversely affects the amenity and outlook of residential, rural, or open space and recreation zones; j. presents a visually attractive frontage to the street through the inclusion of glazing, ancillary offices, and retail showrooms in the front façade; and k. mitigates the visual effects of a reduced setback through site frontage landscaping and the character of existing building setbacks in the wider streetscape-; l. <u>has operational or functional requirements, or site constraints, which justify departure from the standard, including:</u> <ul style="list-style-type: none"> i. <u>the importance of the requirements for the proposed activity and the extent to which these would be compromised by compliance with the standard;</u> ii. <u>the extent to which alternative design approaches could feasibly meet the operational or functional requirements and achieve the Plan’s objectives, policies and methods without compromising the proposed activity;</u> iii. <u>for site constraints, whether the site is a corner site or has multiple frontages that would make compliance with the standard unreasonable or impractical;</u> iv. <u>the scale of the proposal in the context of the existing site, existing development and the centre.</u>³ 2. For neighbourhood centres only, the extent to which the road is a strategic or arterial road with reduced amenity, and a road setback coupled with landscaping mitigates the adverse amenity effects of the traffic.
<p>CMUZ-MD8</p>	<p>Road boundary landscaping</p> <ul style="list-style-type: none"> 1. The extent to which reduced landscaping results in adverse effects on amenity and visual streetscape values, especially where the frontage is to an arterial road or collector road that has a gateway function to a township. 2. The extent of any effects on the outlook and amenity of residential zones or open space and recreation zones from any reduction in landscaping. 3. The extent to which the visual effects of reduced landscaping are mitigated through the location of ancillary offices, showrooms, or the display of trade supplier or yard-based goods for sale, along the site frontage. 4. <u>the extent to which the activity has operational or functional requirements, or site constraints, which justify departure from the standard, including:</u> <ul style="list-style-type: none"> a. <u>the importance of the requirements for the proposed activity and the extent to which these would be compromised by compliance with the standard;</u>

³ Foodstuffs [267.8] and Z Energy [286.10]. Commercial and Mixed Use Zones s42A report and amended through Reply Report.

	<ul style="list-style-type: none"> b. <u>the extent to which alternative design approaches could feasibly meet the operational or functional requirements and achieve the Plan's objectives, policies and methods without compromising the proposed activity;</u> c. <u>for site constraints, whether the site is a corner site or has multiple frontages that would make compliance with the standard unreasonable or impractical;</u> d. <u>the scale of the proposal in the context of the existing site, existing development and the centre.</u>⁴
<p>CMUZ-MD9</p>	<p>Outdoor storage and waste management</p> <ol style="list-style-type: none"> 1. The extent of visual effects on the adjoining site. 2. The extent to which site constraints and/or the functional requirements of the activity necessitate the location of storage within the required setback. 3. The extent of the amenity effects on pedestrians or residential activities generated by the type and volume of materials to be stored. 4. The extent to which any proposed landscaping or screening mitigates amenity effects of the outdoor storage. 5. The extent of any amenity or traffic impacts from a reduced waste management area or alternative location. 6. <u>Any functional or operational reasons why the required screening cannot be provided in full.</u>⁵
<p>CMUZ-MD10</p>	<p>Acoustic insulation</p> <ol style="list-style-type: none"> 1. The extent to which a reduced level of acoustic insulation may be acceptable due to mitigation of adverse noise impacts through other means, e.g. screening by other structures, or distance from noise sources. 2. The effectiveness of any alternative acoustic insulation technology or materials. 3. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site. 4. Any reverse sensitivity effects on existing or future permitted business activities to operate or establish without undue constraint from residential accommodation that does not provide the required noise insulation. 5. The location of any nearby business activities and the degree to which the amenities of the sensitive activities may be adversely affected.
<p>CMUZ-MD11</p>	<p>Residential development</p> <ol style="list-style-type: none"> 1. In relation any to ground floor habitable room in the Town, Local and Neighbourhood Centre zone: <ol style="list-style-type: none"> a. the extent to which any residential or visitor accommodation ground floor habitable room adversely affects the function of the zone to provide for primarily commercial activities; b. the extent to which any residential or visitor accommodation ground floor habitable room does not adversely affect the capacity of the zone to accommodate future demand for commercial and community activities; c. the extent to which the building frontages will deliver a visually interesting and high amenity streetscape for pedestrians; d. the extent of any effects on the continuity of shopping frontages; and e. the extent to which an acceptable level of residential amenity and privacy can be provided to future occupants of residential ground floor habitable room. 2. In relation to minimum unit size, the extent to which:

⁴ Foodstuffs [267.7] and Z Energy [286.9]. Commercial and Mixed Use Zones s42A report and amended through Reply Report.

⁵ Z Energy [86.11]. Commercial and Mixed Use Zones s42A report.

	<ul style="list-style-type: none"> a. the floor space available and the internal layout represents a viable residential unit that would support appropriate amenity values of current and future occupants and the surrounding neighbourhood; b. other onsite factors compensate for a reduction in unit sizes e.g. communal facilities; c. the balance of unit mix and unit sizes within the overall development is such that a minor reduction in the area of a small percentage of the overall units may be warranted; <u>and</u> d. the units are to be a part of a development delivered by the Crown of the Council as a social housing provider and have been specifically designed to meet atypical housing needs; and⁶ e. <u>the</u>⁷ nature and duration of activities proposed may warrant a reduced unit size to operate e.g. very short term duration. <p>3. In relation to storage space:</p> <ul style="list-style-type: none"> a. the extent to which the reduction in storage space will adversely affect the functional use of the residential unit and the amenity of neighbouring sites, including public spaces; and b. the extent to which adequate and accessible space is provided on the site for the storage of waste and recycling bins, bicycles and clothes drying facilities are provided on the site. <p>4. In relation to outdoor living space:</p> <ul style="list-style-type: none"> a. the extent to which the reduction in outdoor living space will adversely affect the ability of the site to provide an appropriate level of amenity and meet outdoor living needs of likely future residents. <p>5. In relation to any proposed non-residential activities:</p> <ul style="list-style-type: none"> a. the extent to which the activity will adversely affect residential amenity values, including consideration of: <ul style="list-style-type: none"> i. character, duration, scale and intensity; ii. hours of operation; iii. noise from patrons onsite and those arriving and leaving; iv. traffic generation and vehicle movements, including servicing vehicles; and v. any proposed measures that mitigate adverse effects by means such as the provision of screening, buffer areas, local topography, site layout (including location of point of sale) or operational practices. <p>6. In relation to the Mixed-Use Zone:</p> <ul style="list-style-type: none"> a. the extent to which the proposal is consistent with the vision, goals or objectives of the Kaiapoi Town Centre Plan 2028 and Beyond; b. the extent to which the proposal supports regeneration and provides a high level of amenity; c. the extent to which the majority of the ground floor includes commercial activities that support vibrancy and visual interest; d. the extent to which the proposal involves a design that enables conversion of the buildings to commercial activities, especially the ground floor; and e. the extent to which the proposal contributes to achieving a mix of uses within the regeneration area.
<p>CMUZ-MD12</p>	<p>Commercial activity distribution</p> <ul style="list-style-type: none"> 1. If a Local Centre, the extent to which the activity adversely affects the role, function and capacity of the nearest Town Centre to provide for primarily commercial and community activities.

⁶ Kāinga Ora [325.344]. Commercial and Mixed Use Zones s42A report.

⁷ RMA Schedule 1 Clause 16. Commercial and Mixed Use Zones s42A report.

	<ol style="list-style-type: none"> 2. If a Neighbourhood Centre, the extent to which the activity adversely affects the role, function and capacity of the nearest Town and Local Centre to provide for primarily commercial and community activities. 3. Any adverse effects on the amenity values and streetscape of the site, especially where sites have frontage to a principal shopping street. 4. Effects, including traffic generation, that affect daily operation and amenity of the nearest town centre.
CMUZ-MD13	<p>Rail boundary setback</p> <ol style="list-style-type: none"> 1. The extent to which the reduced setback will compromise the safe and efficient functioning of the rail network, including rail corridor access and maintenance.
CMUZ-MD14	<p>Kaiapoi large format retail</p> <ol style="list-style-type: none"> 1. Any effects of the location and species of tree planting in relation to: <ol style="list-style-type: none"> a. public water supply and stormwater infrastructure; and b. the effectiveness of tree planting in enhancing the character and amenity of the streetscape and boundaries. 2. The extent to which any stormwater management area, including margins and plantings is designed and managed to fully drain as quickly as possible after a rainfall event and to avoid attracting bird species that are a hazard to aircraft. 3. The extent to which the departure from DEV-KLFR-APP1 will result in adverse or positive outcomes. 4. For all other matters, the extent of any adverse impacts on amenity values of the site and adjacent sites.
CMUZ-MD15	<p>Kaiapoi regeneration areas</p> <ol style="list-style-type: none"> 1. The extent to which the departure from the layout in MUZ-APP1 is appropriate, taking into account: <ol style="list-style-type: none"> a. the vision, objectives and principles expressed in the Kaiapoi Town Centre Plan 2028 and Beyond; and b. any actual or potential impact on the delivery of integrated infrastructure including road, pedestrian/cycle ways, water, wastewater, stormwater and open space across the whole MUZ-APP1 area.
CMUZ-MD16	<p>Building coverage</p> <ol style="list-style-type: none"> 1. The extent to which a greater building coverage: <ol style="list-style-type: none"> a. provides an adequate area for site access, manoeuvring, and other activities; b. affects the amenity values of the adjoining sites or public spaces due to the visual dominance and/or scale of development; and c. is mitigated through the provision of landscaping/screening.
CMUZ-MD17	<p>Mandeville North Business Area</p> <ol style="list-style-type: none"> 1. In the Mandeville North Business Area: <ol style="list-style-type: none"> a. the quality of building design, architectural features and details, use of colour and building materials; b. the extent to which tree planting and landscaping achieves a high quality outcome and mitigates adverse visual effects, amenity effects and scale of business activities; c. the location of buildings, outdoor storage and loading areas and carparking and its design in relation to adjoining reserves and roads; d. the extent to which any signs within the building is integrated with buildings' architectural detail; e. the extent to which the principles of CPTED are incorporated into any development; f. effects on the amenity values of the surrounding residential zones and rural

	<p>zones;</p> <ul style="list-style-type: none"> g. effects on the safe and efficient functioning of Tram Road and onsite vehicle circulation to discourage through traffic within the zone, including traffic calming measures; h. methods to prevent adverse traffic impacts on the function, safety and use of Tram Road from right turn manoeuvres into and out of the zone and the eastern service entrance; i. methods to ensure that the eastern service access is only used as an entrance from Tram Road; and j. standard of construction of roads, service lanes and accessways.
<p>CMUZ-MD18</p>	<p>Parking lots and parking buildings</p> <ul style="list-style-type: none"> 1. The extent to which proposed parking dominates the streetscape, disrupts active frontages and pedestrian circulation; 2. The extent to which the parking undermines the centre's ability to accommodate activity at ground floor level, contributing to an active built frontage and viable centre; 3. Any adverse effects of vehicle access points and traffic movements on the safe and efficient operation of the transport system; 4. The extent to which the location and design of the parking access and manoeuvring areas support pedestrian and cyclist safety; and 5. Any adverse effects of the parking/access points on adjoining zones and the extent of mitigation available.
<p><u>CMUZ-MD19</u></p>	<p><u>Height⁸</u></p> <ul style="list-style-type: none"> 1. <u>The extent to which the building affects local environmental conditions including increased shading and for buildings over 30m in height, the wind in nearby public spaces;</u> 2. <u>The extent to which the building affects / integrates with nearby heritage buildings and values;</u> 3. <u>The extent to which the building undermines or supports the Principal Shopping Street and associated urban form;</u> 4. <u>The extent to which the building reflects a human scale through the use of building form, design and modulation;</u> 5. <u>The extent to which the design reduces visual dominance / creates visual interest or an attractive local landmark;</u> 6. <u>The extent to which the building displays high design quality;</u> 7. <u>The extent to which the building takes account of longer views of taller buildings providing visual interest and supporting the character of the centre;</u> 8. <u>The potential for adverse commercial distribution and transport effects; and</u> 9. <u>The extent to which the height breach is a consequence of raising the land to meet flood hazard requirements.⁹</u>

⁸ Kāinga Ora [325.331]. Commercial and Mixed Use Zones s42A report.

⁹ Kāinga Ora [325.331] and [325.319]. Amendment in Commercial and Mixed Use Zones Reply Report.