

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14 of
Schedule 1 to the Act

BETWEEN FOODSTUFFS NORTH ISLAND
LIMITED

(ENV-2015-WLG-000075)

Appellant

AND HASTINGS DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge C J Thompson sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeal and the parties' draft consent order received 26 August 2016.

[2] No person has given notice of an intention to become a party under s 274 of the Act.

[3] The Court is making this order under s 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for the present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.



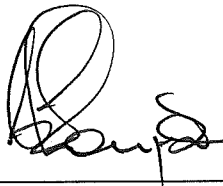
Order

[4] The Court orders, by consent, that the Proposed Hastings District Plan is amended as set out in Annexure A to this order, with additions shown in underline and deletions shown in strike-through.

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 12th day of October 2016



C J Thompson
Environment Judge



ANNEXURE A – CHANGES TO HASTINGS DISTRICT PLAN REQUIRED BY CONSENT ORDER

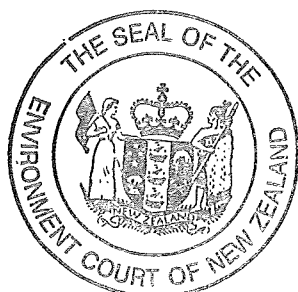
Section 7.3 - Hastings Commercial Environment

- (a) Amend Section 7.3.3.1 Objectives and Policies, 7.3.3.1 Central Commercial Zone, Policy CCP15 as follows:

To promote high quality developments that avoid large blank walls and other adverse effects on visual character and amenity, except where large blank walls are unavoidable due to the operational and functional requirements of certain activities, in which case those effects shall be mitigated through the use of Performance Standards and design lead assessment criteria.

- (b) Amend Rule Table 7.3.4.4 – Commercial Service Zone as follows:

| RULE TABLE 7.3.4.4 – COMMERCIAL SERVICE ZONE | | |
|--|---|-----------------|
| RULE | LAND USE ACTIVITIES | ACTIVITY STATUS |
| CS-R3 | Alterations or additions to existing supermarket and retail activities not exceeding 100m2 <u>600m2</u> on Lots 1 and 2 DPR 1410, Lot 2 DP 16547, Lots 1 and 2 DP 19083, Lot 1 DP 24227 (105 Charles Street, Hastings) and Lot 72 DP 1166 (111 Charles Street, Hastings), and associated carparking on Lot 1 DP 20004 (104 Charles Street) and Lot 2 DP 5349 (108 Charles Street). | P |
| <u>CS-R3A</u> | <u>Alterations or additions to existing supermarket and retail activities not exceeding 100m2 on Lot 1 DP 12565 (202 Lascelles Street, Hastings).</u> | <u>P</u> |
| CS-R9 | Additions and alterations exceeding 100m2 <u>600m2</u> to existing supermarket and retail activities on Lots 1 and 2 DPR 1410, Lot 2 DP 16547, Lots 1 and 2 DP 19083, Lot 1 DP 24227 (105 Charles Street, Hastings) and Lot 72 DP1166 (111 Charles Street, Hastings). | RD |
| <u>CS-R9A</u> | <u>Alterations or additions to existing supermarket and retail activities exceeding</u> | <u>RD</u> |



| | | |
|--|---|--|
| | 100m2 on Lot 1 DP 12565 (202 Lascelles Street, Hastings). | |
|--|---|--|

- (c) Amend Section 7.3.5B General Performance Standards and Terms as follows:

7.3.5B SUNLIGHT AND SETBACK DISTANCES

1. Central Commercial Zone

- (a)
- (b) Buildings, structures, canopies and any car parking areas shall be located a minimum of 5 metres from any commercial boundary fronting any General Residential Zone.

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7.3.5E BUILDING FRONTAGE TREATMENT

1. Central Character Precinct & Suburban Commercial Zone

- (a) No building shall create a featureless façade or blank wall at ground floor level wider than 3 metres.

2. Central Commercial Zone (Outside Central Character Precinct)

- (a) No building shall create a featureless façade or blank wall wider than 6 metres, except where a blank wall faces any Residential Zone in which case, no building shall create a featureless façade or blank wall wider than 5 metres.
- (b) Every building at ground floor level shall have a pedestrian cover over the main entrance that covers the width of the entrance and has a minimum depth of 2 metres.
- (c) Where buildings are not constructed to the front boundary, the site including car parking areas shall be landscaped as follows:
- (i) Within 2 metres of the road boundary, for every 7 metres of road frontage, 1 tree shall be planted. Trees shall be a minimum height of 2 metres at the time of planting.
- (ii) For the entire frontage (excluding areas required for entrances and the trees required in (i)) the boundary shall be planted in shrubs for a depth of 2 metres. Shrubs shall have a minimum height of 1 metre at the time of planting must be able to grow to a height of at least 2 metres.



- (iii) The landscaping as required in (i) and (ii) must be wholly visible from the street.

Except that:

Within 6 metres of any driveway or vehicle crossing, front boundaries shall be kept clear of trees and shrubs.

3. Large Format Retail Zone

- (a) No building shall create a featureless façade or blank wall at ground floor level wider than 6 metres.

Note: For the purposes of 7.3.5E(1), (2) and (3) a featureless façade or blank wall is a flat or curved wall without any glazing, openings or visual relief in the form of different building materials or detailing in the exterior cladding or panelling. A combination of materials and building features will be used. An example that would constitute sufficient visual relief to meet this standard would be patterns scored or cut into concrete tilt panels and glazing or openings provided in combination.

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7.3.5J LANDSCAPING

...

4. Central Commercial Zone

- (a) The 5 metre front yard required under 7.3.5B(1)(b) above shall be landscaped, as follows:

- (i) The entire front yard shall be grassed and for every 5 metres of road frontage, 1 tree shall be planted. Trees shall be a minimum of 2 metres at the time of planting. Where there are existing trees planted and are to be retained, these can be credited towards this requirement.

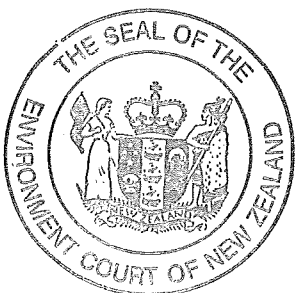
- (d) Amend the Outcomes for 7.3.5E.2 to read as follows:

The amenity of the Commercial and Suburban Commercial Zone will be retained by providing an attractive and interesting continuous retail frontage, devoid of blank walls.

To ensure adequate space around the buildings and between the buildings and the public spaces and to ensure the streetscape amenity is maintained.

The streetscape amenity of adjoining or facing residential zones and amenity of existing residential properties within these zones will be maintained.

- (e) Amend Section 7.3.6 Specific Performance Standards and Terms as follows:



7.3.6D ACTIVITIES ON THE HASTINGS NEW WORLD SITE (Being Lot 1 DP 21652, Lot 1 DP 21702, Lot 1 DP 22334, Lot 1 DP 12826, Lot 1 DP 15497 AND Lot 1 DP 13633)

- ~~(a) That any ducting located on the roof of any building shall be fully screened as viewed from Miller Street.~~
- ~~(b) Buildings, structures, canopies and any car parking area shall be located a minimum of 5 metres from the boundary of Miller Street.~~
- ~~(c) No building will create a featureless blank wall or façade wider than 5 metres.~~

~~**Note:** For the purpose of this Standard, a featureless façade or blank wall is flat or curved wall without any glazing, openings or visual relief in the form of different building materials or detailing in the exterior cladding or panelling. A combination of materials and building features will be used (refer to Appendix 75).~~

- ~~(d)(a) That any car parking area is screened from Miller Street through the erection of a 1.8 metre high close boarded fence setback 5 metres, located opposite the City Living Zone may be located within the 5 metre front yard provided a 2 metre landscaping strip is provided and landscaped and maintained as follows:~~

- ~~(i) This area shall be grassed or under planted and for every 3 metres of road frontage, 1 tree shall be planted. Trees shall be a minimum of 2 metres at the time of planting. Where there are existing trees planted and are to be retained, these can be credited towards this requirement.~~

- ~~(b) That no access to or from Miller Street or service delivery will be provided from Lot 1 DP 21652, Lot 1 DP 21702, Lot 1 DP 22334, Lot 1 DP 12826, Lot 1 DP 15497 and Lot 1 DP 13633 or any subsequent titles issued.~~

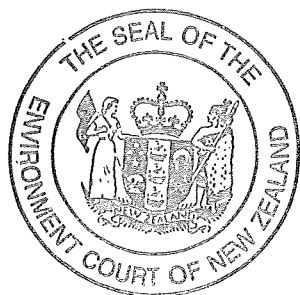
- (f) Amend Section 7.3.6.2 Assessment Criteria for Restricted Discretionary Activities as follows:

7.3.7.2A GENERAL ASSESSMENT CRITERIA FOR THE CENTRAL COMMERCIAL AND CENTRAL RESIDENTIAL COMMERCIAL ZONES

Any Permitted activity or Restricted Discretionary Activity (Non-notified) not meeting one or more of the terms in Sections 7.3.5 and 7.3.6 and where there are no specific assessment criteria.

An assessment of effects of the effects of the activity shall be made considering the following:

The ability of the activity to achieve the particular stated outcome of the General or Specific Performance Standard(s)

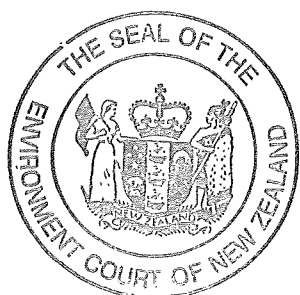


and Terms which it fails to meet. These outcomes relate to design, solar access to dwellings and outdoor living space, appearance, density, traffic effects and effects on streetscape, character and amenity. In these Zones amenity centres around the effects on adjoining property, public open space, the scale of buildings, urban character and land use. Consideration will include the scale or size of the infringement and how the activity proposes to mitigate the effects created.

...

7.3.7.2G ASSESSMENT CRITERIA FOR THE CONSTRUCTION OF NEW BUILDINGS AND RELOCATED BUILDINGS EXCEPT SUPERMARKETS FOR SITES LOCATED WITHIN THE CENTRAL COMMERCIAL ZONE, BUT OUTSIDE THE CENTRAL CHARACTER PRECINCT

- (a) The extent to which any proposed work is generally compatible with or is a well-designed contrast to the style of surrounding buildings. Consideration should be given to form, building materials, building design, glazing and openings for example;
- (b) The extent to which the proposed work adversely affects the existing character of the area and what measures have been taken to avoid, remedy or mitigate any potential adverse effects. Specific regard will be given to all of the following:
 - (i) Location and form of new construction relative to existing nearby buildings in terms of scale, balance and proportion;
 - (ii) Architectural style and quality of new construction;
 - (iii) Construction materials and detailing, including the proposed colour scheme;
 - (iv) Design elements such as parapets, roofs, verandas, roofs, walls, columns, windows, shop fronts and decorative elements; and
 - (v) Location and design of signage, services access and storage arrangements and visible building services such as air conditioning and utility access points; and
 - (vi) The extent to which plant and services (e.g. air conditioning and rubbish storage) and its enclosure is integrated into the building design and otherwise treated to enhance the appearance of the building;
 - (vii) The location of service delivery/loading areas and their proximity to residential zones.
- (c) Whether the activity promotes good urban design principles for human interaction between public and private land and between existing and proposed



pedestrian areas. This includes the extent to which the development maintains or enhances the quality of environment for pedestrians at the street edge;

...

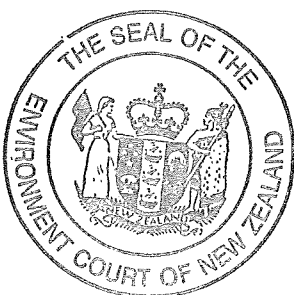
**7.3.7.2G(A) ASSESSMENT CRITERIA FOR
SUPERMARKETS LOCATED WITHIN THE
CENTRAL COMMERCIAL ZONE, BUT
OUTSIDE THE CENTRAL CHARACTER
PRECINCT**

Design and Layout

1. The extent to which the external appearance, scale and design of buildings (including material and colour), equipment and structures:
 - (a) Provide visual interest through a variety of styles and forms in terms of footprint, design and height.
 - (b) Maintain streetscape amenity and continuity of built form.
 - (c) Whether any proposed building setback will adversely affect the definition, use or safety of public spaces, or the continuity of any designated retail frontage.
 - (d) Where a development adjoins or faces a residential zone or creates an entrance to a residential street, then large blank walls are avoided or appropriately screened or architecturally treated.
2. The extent to which parking, manoeuvring areas, driveways, plant and outdoor service areas have been designed and located:
 - (a) To appropriately manage any adverse effects resulting from the location and interrelationship between these areas on streetscape amenity.
 - (b) To ensure traffic generation avoids, remedies or mitigates adverse effects on amenity values.
 - (c) So as not to compromise the safe use of the footpath adjacent to the site.
 - (d) To integrate with adjacent activities and development in terms of the provision of entrances, publicly accessible spaces, parking, loading areas, access to public transport and pedestrian linkages.

Landscaping and Screening

3. The extent to which planting and landscaping is used to:
 - (a) Mitigate adverse visual effects particularly from the front boundary and those parts of the site visible from public spaces and interfaces along state highways and arterial transport corridors.



- (b) Create an attractive environment that maintains safety and amenity for pedestrians.

Waste Management

4. The extent to which developments provide for goods handling, storage, waste and recycling areas that are:
- (a) Easily accessible for collection agencies and avoid adverse visual, noise or odour effects.
- (b) Consistent with the amenity values of the site and avoid causing nuisance for neighbouring residential activities.
- (c) Suitable for the demand expected by the activity.

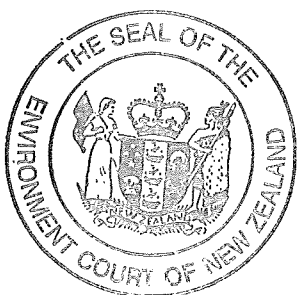
Character and Amenity

5. The extent to which the activity makes adequate provision to protect the visual and acoustic privacy of abutting sites including through building and site design.
6. Considering whether the relationship of buildings and their associated parking, storage and service areas to the street helps to maintain the amenity values of public spaces and streets.
7. The extent to which any parking or service area is provided, landscaped, screened and maintained in a form which mitigates any adverse effects to adjacent activities and does not detract from the streetscape.
8. For the purpose of assessing the above criteria, regard shall be had to the following operational and functional requirements:
- (a) Store visibility that is easily identifiable when viewed from the street and surrounding area.
- (b) The provision of appropriate customer car parking, which is clearly visible and accessible to motorists approaching the store from the local roading network and to customers on-site.
- (c) Where large-format building formats are required, there is provision for some solid façades to facilitate internal shelving and fresh produce display.
- (d) Adequate and accessible servicing area that are preferably separated from customer vehicle traffic, pedestrian movements, and residential zoned land.

...

7.3.7.2T

**ADDITIONS AND ALTERATIONS
EXCEEDING ~~100M2~~ 600M2 TO EXISTING
SUPERMARKET AND RETAIL ACTIVITIES
ON LOTS 1 AND 2 DP 1410, LOT 2 DP
16547, LOTS 1 AND 2 DP 19083, LOT 1
DP 24227 (105 CHARLES STREET,
HASTINGS) AND LOT 72 DP 1166 (111**



CHARLES STREET) AND ADDITIONS AND ALTERATIONS EXCEEDING 100M2 TO EXISTING SUPERMARKET AND RETAIL ACTIVITIES ON LOT 1 DP 12565 (202 LASCELLES STREET, HASTINGS)

... [No change to assessment criteria]

- (g) Amend the Planning Maps to show Lot 1 DP 12565, 202 Lascelles Street, as Commercial Service Zone.

Section 9.3 - Flaxmere Village Centre

- (h) Amend section 9.3.5 General Performance Standards and Terms as follows:

9.3.5L Buildings in the Commercial and Commercial Service Zones

...

5. Control of Scale

- (i) Commercial Zone

Individual commercial and retail units in the Commercial Zone (except Supermarkets refer 9.3.6A)

Maximum Gross Floor Area: 500m2

Note: *Canopies/verandahs are not included in the calculation of gross floor area.*

- (i) Amend Section 9.3.8 Assessment Criteria – Restricted Discretionary and Discretionary Activities as follows:

9.3.8A Any Development in the Commercial and Commercial Service Zones (Except for Supermarkets and Elderly Housing)

The following assessment criteria apply in considering Resource Consent applications for Restricted Discretionary and Discretionary Activities.

TABLE 9.3.8A ANY DEVELOPMENT IN THE COMMERCIAL AND COMMERCIAL SERVICE ZONES (EXCEPT FOR NEW-SUPERMARKETS AND ELDERLY HOUSING)

| ASSESSMENT CRITERIA | EXPLANATION/GUIDE |
|---------------------|-------------------|
| ... | |

9.3.8C Supermarket Development

The following design criteria are applicable to all new supermarket developments within the Commercial Zone (including extension to or re-modification of the existing supermarket operation). In assessing Resource Consent



applications the Council will restrict the exercise of its discretion to the following assessment criteria:


| TABLE 9.3.8C SUPERMARKET DEVELOPMENT | |
|--|--|
| ASSESSMENT CRITERIA | EXPLANATION/GUIDE |
| <p>(a) <u>Flaxmere Village Centre Objective, Policies and the Flaxmere Village Centre Concept Plan – Appendix 33 Figure 1.</u></p> <p><u>1. The extent to which the development is consistent with or seeks to promote the overall implementation of the Concept Plan for the Flaxmere Village Centre outlined in Appendix 33 Figure 1;</u></p> | <p><i>The vision for an improved Flaxmere Village Centre is founded in the design principles of the Urban Design Framework (October 2007) and transferred to the District Plan in the Village Centre Concept Plan and objectives and policies for this area. Supermarket developments are a key anchor of any town centre and therefore have the potential to be a catalyst to action the Concept Plan and vision to improve the functionality of the town centre, the visual amenity of the built environment and improve access to facilities and services for the benefit of the local community.</i></p> |
| <p><u>(a)(b) Access and Parking</u></p> <p>1. Whether the supermarket development provides adequate and safe access to both vehicles and pedestrians and that access points link existing activities within the Flaxmere Village Centre and the surrounding residential areas of Flaxmere.</p> | <p>1. On site pedestrian crossings relative to vehicle routes should be clearly differentiated.</p> <p>2. Promote safe pedestrian linkages to and from the adjoining uses as well as existing residential areas of the Flaxmere suburb.</p> |
| <p><u>(b)(c) Building Design and External Appearance</u></p> <p>2. The degree to which the supermarket is integrated (where appropriate) with surrounding activities.</p> <p><u>(c)(d) Visual Amenity</u></p> <p>The ability to consider the architectural compatibility and general design quality of the building to ensure that it makes a positive contribution and adds visual interest to the surrounding environment.</p> <p><u>(d)(e) Building Design and Façade Treatment</u></p> | <p>1. The development to be designed in accordance with CPTED principles and also have regard to the Paharakeke concepts.</p> <p>2. The visual impact of the supermarket building or development from any arterial route, collector route or gateway entry point into the Flaxmere Village Centre should be amenity enhancing.</p> <p>3. Architectural quality including form and proportion, construction materials and details. This will include the proposed colour scheme and the location of entries and windows.</p> |



TABLE 9.3.8C SUPERMARKET DEVELOPMENT

| ASSESSMENT CRITERIA | EXPLANATION/GUIDE |
|--|---|
| Whether the development is legible with a coherent architectural image that integrates well into the streetscape and contributes to its quality. | <p>4. <i>Verandahs to be incorporated as an integral part of the design, to establish a strong relationship with pedestrians and so that the supermarket entrance is pedestrian friendly and accessible and is able to be integrated with adjoining uses where possible.</i></p> <p>5. <i>Avoid blank walls where visible from street frontages and public open spaces. Such walls should have a predominance of windows, doors and other articulations to create active street frontages and visual interest.</i></p> |
| <p><u>(e)(f) Relationship to Context</u></p> <p>The degree to which the development of a new supermarket or the extension or modification of an existing supermarket enhances the quality of its surrounds and contributes to the quality of the collective streetscape.</p> <p><u>Matters specific to the development of a new supermarket on the site shown in the Flaxmere Village Centre Concept Plan – Appendix 33 Figure 1:</u></p> <ol style="list-style-type: none"> Whether the eastern side of the supermarket can be adjoined by a commercial or other permitted use to face the indicative north-south road alignments shown in Appendix 33. Whether the main pedestrian entrance to the supermarket will include an entry built up to the eastern side of the site | <ol style="list-style-type: none"> <i>The location of the building promotes pedestrian and vehicular linkages throughout the Village Centre:</i> <ol style="list-style-type: none"> <i>The form and location of the building and car park layout to relate to neighbouring streetscape.</i> <i>Detailing of the building structure through the use of architectural elements:</i> <ol style="list-style-type: none"> <i>Transparent and/or display windows facing public places.</i> <i>Shop front lighting as well as lighting throughout the car park area should be provided to assist night-time visibility and pedestrian safety.</i> <i>Supermarkets generally prefer to operate with a single active side facing their internal carpark. <u>With respect to the site shown in the Flaxmere Village Centre Concept Plan – Appendix 33 Figure 1: In order to ensure an attractive and active edge facing the indicated north-south road alignment, space</u></i> |



| TABLE 9.3.8C SUPERMARKET DEVELOPMENT | |
|--|--|
| ASSESSMENT CRITERIA | EXPLANATION/GUIDE |
| with the indicative road location as shown in Appendix 33. | <i>must be retained to provide commercial or other permitted uses to face upon this main street. In all instances (i.e. a new supermarket or a modification of an existing supermarket) Aa main pedestrian supermarket entrance combining with the street frontage will also provide for a better connected central commercial area.</i> |
| <p><u>(f)(g) Infrastructure and low impact designs</u></p> <ol style="list-style-type: none"> 1. The degree to which the development can be adequately serviced. 2. Whether low impact designs and techniques are utilised to promote sustainable solutions that contribute to efficient living standards and improve quality of the environment. | <ol style="list-style-type: none"> 1. The availability of adequate utility servicing infrastructure (roading, water, stormwater and waste water) to meet the scale and intensity of the development. 2. Low impact stormwater solutions to utilise and incorporate opportunities to add value and enhance local amenity (e.g. rain gardens) while providing for efficient stormwater disposal. 3. Stormwater management techniques for improving the quality of stormwater runoff from all impermeable surfaces, prior to entering the public stormwater system.  |

Section 8.5 Havelock North Village Centre

(j) Amend Section 8.5.2 Anticipated Outcomes as follows:

8.5.2.3 Business Zone



...

HBAO3 A zone without a proliferation of retail activity (both Large Formal and small scale, with the exception of one supermarket fronting Havelock Road) or food premises (apart from very small scale food premises that serve the local workforce), particularly those with seated dining areas in this Zone, to ensure that the vibrancy of the adjacent Retail Zone is maintained.

...

8.5.2.5 Havelock North Industrial Zone

...

HIAO2 An efficiently used industrial land resource occupied by industrial activities with the exception of one Building Improvement Centre at 2-6 Martin Place.

...

(k) Amend Section 8.5.3 Objectives and Policies as follows:

8.5.3.1 Objectives and Policies throughout Havelock North Village Centre

OBJECTIVE HVCO3 Vitality and a Sustainable Commercial Environment

1. To contain and intensify retail and Commercial Activity within the Retail Zone, whilst encouraging commercial service and industrial activity in the Business and Havelock North Industrial Zones.
2. To promote mixed use and comprehensive residential development within the Havelock North Village Centre, on Key Development Sites and in the Mixed Use Zone.
3. To provide for a supermarket in an appropriate location within the Village Centre ~~the Retail or Business Zones.~~
4. To restrict Large Format Retail activity throughout Havelock North Village Centre.
5. To encourage the use of sustainable transport modes, including walking, cycling and public transport.

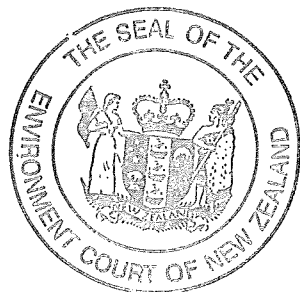
...

8.5.3.3 Business Zone Policies

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POLICY HVBP4

Limit the establishment of activities in the Business zone to those that would diminish support the vitality and vibrancy of the Retail Zone and the wider Hastings District economy, other than the supermarket discussed below, and maximise the



efficient use of the land resource within this zone for industrial, research and development and commercial service activities (other than those specifically excluded by rules).

Explanation

The high concentration of small scale retail activity in the Village's Retail Zone is one of the main contributors to Havelock North's highly valued distinctive character. It is important that this aspect of Havelock North's character is retained and that the Retail Zone remain the focal point for the Village Centre other than the supermarket discussed below. Furthermore, commercial activity in the Business Zone has the potential to erode this limited land resource zoned for the purposes of industrial, research and development and commercial service activities, all of which contribute to maintaining an economically resilient Village Centre.

Notwithstanding this, it is acknowledged that a supermarket (fronting Havelock Road) within the Business Zone can be accommodated in this location in a manner that achieves good urban design outcomes and contributes as an employment generating activity. Such a development would need to ensure that the vitality and vibrancy of the Retail Zone are not diminished, and co-location of retail shops and other activities better located in the Retail Zone are discouraged.~~if it can be demonstrated that there is a need for a second supermarket in Havelock North, a case for location within the Business Zone would be considered on a site specific basis. A typical supermarket with associated large At-Grade car park would not be consistent with the relevant Objectives and Policies of the Business Zone as it would occupy a significant area of land otherwise available for activities permitted in the zone. Any resource consent application for a supermarket proposal would need to take an innovative approach to help give effect to the Business Zone and relevant Retail Zone policies. Considerations include maximising the ratio of floor area to land area e.g. undercroft car parking; the provision of adequate onsite car parking; suitable vehicle access off a road of sufficient capacity; good urban design outcomes; compatibility with activities permitted in the Zone; be accessible from the Retail Zone; incorporate, or encourage co-location of permitted activities; whilst discouraging co-location of retail shops and other activities better located in the Retail Zone.~~



...

8.5.3.5 Havelock North Industrial Zone Policies

POLICY HVIP1

Ensure that Havelock North Village Centre remains a robust and resilient Centre by enabling a diversity of land uses, including a Havelock North Industrial Zone primarily for light industrial activity.

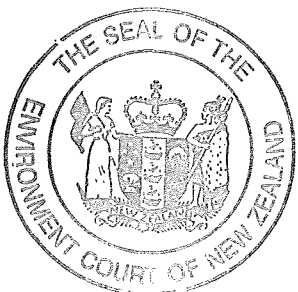
Explanation:

Light industrial land is a limited resource in Havelock North and therefore it is important that the area zoned for industry and be retained primarily for that purpose. For this reason, stricter controls on the types of land use allowed in the Havelock North Industrial Zone are necessary. The Havelock North Industrial Zone is applied to the established light industrial area off Martin Place. Emphasis is placed on the need to minimise adverse amenity and nuisance impacts on the Village Centre, therefore strict environmental performance standards apply. In practice this means that the area is better suited to light industrial activity. Making provision for this in such close proximity to the Village also offers additional social and economic benefits to the Village Centre. Other nonindustrial activities, such as retail and offices are discouraged in this area as they are provided for within the Retail and Business Zones of the Village.

~~Notwithstanding this, if it can be demonstrated that there is a need for Building Improvement Centre in Havelock North that cannot be accommodated elsewhere in the Havelock North Village Centre it would be considered on a site specific basis as per Rule HVI13.~~

Notwithstanding this, the Industrial zone is also suited for a Building Improvement Centre located on the site at 2-6 Martin Place, but any such activity should discourage the co-location of retail shops and other activities better located in the Retail Zone.

~~Any resource consent application for a Building Improvement Centre proposal would need to take an innovative approach to help give effect to the Industrial Zone policies. Considerations include an efficient use of the land resource to minimising the amount of land made unavailable for Industrial activities, maximising the ratio of floor area to land area; the provision of~~



adequate onsite car parking; suitable vehicle access; good urban design outcomes and compatibility with activities permitted in the Zone; encourage co-location of permitted activities; whilst discouraging co-location of retail shops and other activities better located in the Retail Zone.

(l) Amend Section 8.5.4 Rules as follows:

| RULE TABLE 8.5.4B - BUSINESS ZONE | | |
|-----------------------------------|---|-----------------|
| RULE | LAND USE ACTIVITIES | ACTIVITY STATUS |
| HVB18 | A supermarket at 32, and 34 Havelock Road being Lot 1 DP17878, Lot 2 DP 17878 and 25, 27 Porter Drive being Lot 1 DP 329538, Lot 2 DP 329538. | <u>RD</u> |

...

| RULE TABLE 8.5.4D - HAVELOCK NORTH INDUSTRIAL ZONE | | |
|--|---|-----------------|
| RULE | LAND USE ACTIVITIES | ACTIVITY STATUS |
| HVI13 | A Building Improvement Centre on sites: 2, 4 and 6 Martin Place - Legal Description: Lot 2 DP 14609 Pt Lot 3 DP 14609 Lot 3 DP 16495, Lot 4 DP 14609. | <u>RD</u> |

(m) Amend Section 8.5.6 Specific Performance Standards and Terms as follows:

8.5.6G ACTIVITY THRESHOLDS LIMITS

The following threshold limits shall apply per site. Maximum floor area limits cannot be traded between the different activities described. Note: Canopies/verandahs shall not be included in the calculation of gross floor area.

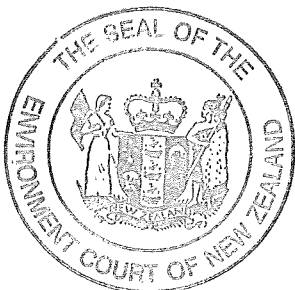
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(d) Retail Zone

i) Commercial Activities:

The gross floor area of individual commercial activities at ground floor level shall not exceed 400m².

Note: Above ground level commercial activities have unlimited gross floor area.



- ii) *The New World Key Development Site within the Retail Zone: As above, with the following exceptions:*
Expansion of the existing supermarket: Unlimited floor area;
A single commercial tenancy of up to 1,000m2.

- (n) Amend Section 8.5.8 Assessment Criteria – Restricted Discretionary and Discretionary Activities as follows:

8.5.8J SUPERMARKETS WITHIN THE BUSINESS ZONE

In addition to the relevant assessment criteria in 8.5.8, when assessing a resource consent application for a supermarket within the Business Zone (Rule HVB18) the following matters will be considered:

- (a) The extent to which the development is consistent with the relevant objectives and policies for Havelock North Village Centre, being objective HVCO3, policy HVBP1 and policy HVBP4;
- (b) The extent to which the supermarket may adversely affect the vibrancy and vitality of Havelock North Village Centre;
- (c) Whether the development has adverse effects on traffic safety or network capacity.

8.5.8K BUILDING IMPROVEMENT CENTRE WITHIN THE HAVELOCK NORTH INDUSTRIAL ZONE

In addition to the relevant assessment criteria in 8.5.8, when assessing a resource consent application to establish a Building Improvement Centre within the Industrial Zone (Rule HVB18) the following matters shall be considered:

- (a) The extent to which the activity is consistent with the Commercial Strategy;
- (b) The extent to which the development is consistent with the relevant policies for Havelock North Village Centre, being policy HVIP1 and policy HVIP2.
- (c) Whether the development has adverse effects on traffic safety or network capacity;
- (d) Whether there are potential reverse sensitivity effects that may arise from the activity, and if so, the extent and nature of potential reverse sensitivity impacts on existing activities in the surrounding location, and the ability for those effects to be mitigated.
- (e) Whether any potential traffic increases will have an impact on the character and amenity of any residential properties or surrounding residential areas.

