

Before the Selwyn District Council.

under: the Resource Management Act 1991

in the matter of: Proposed Private Plan Request Change 75 (PC75) by
Your Section Limited to the Operative District Plan:
Dunns Crossing Road, Rolleston

and: **Submission by MON Group Ltd (PC75-0007)**

Statement of Evidence of Nicholas (Nick) Brian Boyes

Dated: 26 October 2021

STATEMENT OF EVIDENCE OF NICK BOYES

INTRODUCTION

1. My full name is Nicholas (Nick) Brian Boyes. I am a Consultant Planner/Associate at Planz Consultants Ltd; a planning and resource management consulting company with offices in Christchurch, Dunedin and Auckland. I hold a Bachelor of Science (majoring in Plant and Microbial Science and Geography) from the University of Canterbury (1997) and a Master of Science (Resource Management) (Honours) from Lincoln University (1999). I have worked in the field of planning/resource management since 1999, the last 20 years as a planning consultant. I am an accredited Hearings Commissioner and have acted in that capacity for the Ashburton and Selwyn District Councils.
2. I previously worked for the Selwyn District Council (SDC) as a Planner from 1999 to 2001. Since that time I have undertaken various consent processing on behalf of the Council, including the developments at Rolleston undertaken in accordance with the Housing Accord and Special Housing Areas Act (HASHA Act) and various industrial and commercial developments within Izone and IPort. I am therefore familiar with the district, and the growth pressures faced at Rolleston generally.
3. I am also currently assisting the Selwyn District Council to process three private plan change requests to rezone land at Lincoln (PC69) and West Melton (PC74 and PC77).

CODE OF CONDUCT

4. Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in Part 7 of the Environment Court Practice Note 2014. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

5. I prepared the original submission on behalf of MON Group Ltd (MON). I have subsequently been asked to prepare this evidence on their behalf. In brief, the submission seeks rezoning of part of the PC75 land area to provide a commercial Neighbourhood Centre.

NATURE OF THE SUBMISISON

6. The MON submission supports the re-zoning sought by PC75 from Rural (Inner Plains) to Living Z.

7. The submission seeks an amendment to the ODP to be added to Appendix E38 of the Township Volume of the operative Selwyn District Plan (the District Plan) to show a Neighbourhood Centre at the intersection of Lincoln-Rolleston Road and the proposed new road as shown in **Figure 1** below. A copy of the intended layout is attached in **Appendix 1**.



Figure 1: Proposed PC75 re-zoning (yellow shaded), with proposed commercial centre shown.

8. The area shown on **Figure 1** is some 5,500m², which as shown in the indicative site layouts included in the submission (**Appendix 1**) provides for between 1,754m² to 2,087m² of built area/Gross Floor Area (GFA).

REASON FOR THE SUBMISSION

9. MON has an agreement to acquire the land for the purpose of establishing a small commercial centre in the location shown. The submitter has identified an opportunity to provide for the local shopping needs of residents resulting in a better urban design outcome for existing and future residents of this part of Rolleston.
10. Their proposal to establish a commercial centre in this location is fully supported by the Rolleston Structure Plan¹, attached as **Appendix 2**, which locates a Neighbourhood Centre in this location as circled thereon.

¹ https://www.selwyn.govt.nz/_data/assets/pdf_file/0015/14361/Final-Rolleston-Structure-Plan-230909.pdf

ROLLESTON STRUCTURE PLAN

11. The key planning argument supporting the submission that PC75 include a Neighbourhood Centre is to achieve consistency with the Rolleston Structure Plan (**Appendix 2**). The Structure Plan was published in 2009 and sets out higher level spatial planning to guide the future development of Rolleston within the identified urban limit out to 2041 (medium term) and 2075 (long term).
12. In my view the Rolleston Structure Plan is a significant planning document and all subsequent spatial planning affecting Greater Christchurch has been cognisant of its content, including Selwyn 2031: District Development Strategy, the Canterbury Regional Policy Statement (Chapter 6) and Our SPACE 2018-2048.
13. The section 42A report prepared by Craig Friedel outlines the significance of the Rolleston Structure Plan at paragraphs 2.1 and 2.2, and specifically refers to the Rolleston Structure Plan when assessing (and recommending acceptance of the relief sought in the submissions by S Loeffler (paragraph 7.5), the Christchurch City Council (paragraph 7.7), when analysing the amenity and character of PC75 (paragraphs 7.14, 7.15), the transport effects of PC75 (paragraph 7.33, 7.38), versatile soils (paragraph 7.47, 7.48, 7.51) land suitability and geotechnical risk (paragraph 7.55) and cultural values (paragraph 7.65).
14. The Rolleston Structure Plan is also frequently referenced through Mr Friedel's assessment of the various statutory documents.

OPERATIVE DISTRICT PLAN FRAMEWORK

15. The objectives and policies for the Growth of Townships are set out in Section B4 of the District Plan.
16. **Policy B4.3.8** states that each ODP shall provide (amongst others) *"any land to be set aside for business activities;"*
17. **Policy B4.3.11** is to *"Provide Neighbourhood and Local Centres, as shown in operative Outline Development Plans, to satisfy the more localised and convenience needs of people and communities, whilst recognising that neighbourhood and local centres are to complement Key Activity Centres which shall remain the primary focus for commercial, social and community activity within that Township."*
18. The accompanying 'Explanation and Reasons' states that neighbourhood centres, as identified by the ODPs should:
 - Range in size, but generally comprise 1,000m² – 2,000m² total floorspace and include:
 - up to 15 shops, with a maximum retail tenancy of 350m² GFA; and provide

- a limited range of community facilities.
19. Local centres, as identified by the ODPs should:
- Range in size, but generally comprise up to 450m² total floorspace and include;
 - 1 – 5 shops, with a maximum retail tenancy of 350m² GFA; and provide
 - a limited range of community facilities.
20. As outlined above, the intended GFA of the commercial area proposed ranges from 1,754m² to 2,087m²; thereby being classified as a Neighbourhood Centre as opposed to a smaller Local Centre. The submitter is agreeable to the explanatory text accompanying the ODP limiting the future GFA of this area to no more than 2,000m² in accordance with the explanation set out in **Policy B4.3.11**.
21. It is noted that the Rolleston Structure Plan identifies a larger Neighbourhood Centre on the land subject to PC75 in the location sought in the MON submission.
22. The District Plan also includes specific policies related to growth options at Rolleston, as referred to below.
23. The relief sought in the MON Group submission is consistent with the outcomes sought in **Policy B4.3.71** (it is not west of SH1 and the South Island Main Trunk Line (SIMTL); **Policy B4.3.72** (it is not under the Christchurch International Airport Flightpath noise contours); and accords with **Policy B4.3.75** in that it:
- Encourage integration between rezoning land for new residential development at Rolleston and associated provisions for utilities, community facilities and areas for business development.*
24. The accompanying Explanation and Reasons notes a study prepared for the Council (Barber, 1999: Demand for Land for Commercial and Industrial Uses in Selwyn District), which indicates that if projected residential growth occurs at Rolleston, there will be a shortage of space for associated business activities in the land currently zoned Business 1.

NEED FOR A NEIGHBOURHOOD CENTRE

25. More recent growth in Rolleston since the Structure Plan was promulgated provides the opportunity to assess the level of provision for suburban commercial development therein against that which has been provided.
26. It is noted that the Rolleston Structure Plan indicates a large Neighbourhood Centre running along both sides of Springston-Rolleston Road. The Structure Plan describes this centre as providing between 2500 to 3000m² of retail floor space. However, the provision of this Neighbourhood Centre appears to have been abandoned through the

subsequent promulgation of ODPs for Greenfield Areas 11 and 13 (attached as **Appendix 3**). The reasons for this departure from the Structure Plan are not immediately obvious having read the written explanations accompanying the respective ODPs contained in Appendix 38 of the District Plan.

27. A Neighbourhood Centre is shown on the land to the north of the site within Area 11. The text accompanying the ODP for Area 11 states:

A Neighbourhood Centre is required in a centralised location of ODP Area 11 adjacent to the identified Neighbourhood Park. The Neighbourhood Centre will provide for approximately 2,000m² of gross retail floor area to cater for local weekly and day-to-day retail requirements. Additional land is also required to accommodate the necessary access arrangements, car parking, landscaping and utilities to service the Neighbourhood Centre.

28. It is also acknowledged that a commercial area is included in the Geddes SHA block to the south west of this site. This was originally some 3,000m² in total land area, but was subsequently increased to just less than 7,000m². However, this includes a childcare centre that are often otherwise located adjacent to centres on residential zoned land and established by way of resource consent. This commercial development effectively makes up some of the shortfall of the larger Neighbourhood Centre not being provided as referred to above.
29. Overall, the current level of commercial development within the locality is certainly not exceeding that identified in the Rolleston Structure Plan. Any shortfall would only be exacerbated by the ODP for PC75 not including any commercial area. The submission by MON merely seeks to provide a Neighbourhood Centre to bring PC75 more in line with the outcomes sought by the Structure Plan. From having reviewed other development in the locality, it certainly does not appear to be approaching any threshold whereby there would be an over provision of suburban commercial land to meet community needs.
30. It is also relevant to consider the scale and location of the proposed Neighbourhood Centre against that provided in the Rolleston Structure Plan and subsequent ODP's to determine whether it leads to the potential for retail distribution type effects. Whilst not an economist, it is noted that the size and distribution of centres contained in the Rolleston Structure Plan, and the policy framework set out in **Policy B4.3.11** are designed so as to ensure that retail distribution effects on the existing Rolleston Town Centre do not arise. In that regard no retail distribution or adverse effects on the Rolleston Town Centre are anticipated.
31. In my experience as a planner, small neighbourhood centres have a scale and role commensurate with providing easy access for the community to meet their convenience retail needs. Such areas typically include services and facilities such as a diary, hairdresser, and small food and beverage

outlets. Such activities at the scale proposed cannot have any meaningful retail distribution impact on a Key Activity Centre which in the case of Rolleston is anchored by two supermarkets, a major department store, and multiple retail and service offerings. Conversely small local and neighbourhood centres enable residents to walk or cycle to obtain day-to-day items in a timely and convenient manner and in so doing add to the vitality and liveability of suburban areas.

FUTURE CONSENTING REQUIREMENTS AND OPPORTUNITY FOR FURTHER ASSESSMENT

32. Appendix E38 of the District Plan includes a series of Outline Development Plans (ODPs) for each development area approved in Rolleston.
33. These ODPs include multiple plans, typically consisting of an overall ODP and also specific Blue/Green Network, Land Use and Transportation Network Plans.
34. The accompanying 'Explanatory Text' further explains the design philosophy and certain parameters/objectives for any subsequent subdivision consent to meet. This provides further guidance to the processing Consent Planner specific to the particular development.
35. Once an ODP is included in the District Plan, subdivision is controlled via the standard provisions set out in **Rule 12.1 Subdivision General**.
36. This includes (amongst others) that:
 - a) Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C12.1 (**Rule 12.1.3.7**).
 - b) Any subdivision within a Living Z or 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan (**Rule 12.1.3.58**).
37. In the case of land identified on an ODP as either a Neighbourhood or Local Centre, it is anticipated that such a subdivision consent will include a "consent notice or similar mechanism" to be registered on the Record of Title for that allotment advising that it is subject to the Business 1 zone rule package. Whilst that process might be a little unusual in that it does not actually change the zone of the land, that is the process stated in the District Plan (see **Rule 13.1 Status of Activities**). Furthermore, this process has been followed previously and is therefore an established pattern of managing future development of Neighbourhood and Local Centres identified on an ODP.

38. On that basis any future commercial development on the land identified in the MON submission will be subject to Business 1 Zone rules, including **Rules 14 to 23** inclusive.
39. The key rule provisions are those contained in **Rule 16**, relating to matters such as landscaping, bulk and location etc.
40. In terms of scale, **Rules 16.9** and **16.10** are the key provisions, and set a maximum permitted threshold of 450m² of total gross floor area within any single development. Developments above 450m² are a **Restricted Discretionary** activity, with the exercise of Council's discretion restricted to the matters set out in **Rule 16.10.2**.
41. For reference, the applicable provisions of the operative District Plan discussed above are included in **Appendix 4**.
42. On that basis, a subsequent resource consent will be required for any development on the identified Neighbourhood Centre being greater than 450m². Given the size of the site, I consider it inevitable that a future consent would be required. This would provide Council the opportunity to further consider matters such as urban design (design and layout), connectivity, active frontages, car parking, landscaping and reflectivity.

COUNCIL SECTION 42A REPORT

43. Mr Friedel raises a potential scope issue regarding the submission lodged and whether it is 'on' PC75. It is acknowledged that this may have been in part due to the relief sought in the submission, which mistakenly referred to a zone included in the Proposed Selwyn District Plan. As outlined above, the structure of the operative District Plan is such that all that is needed to facilitate the amendment sought is inclusion within the ODP and a consent notice imposed on the corresponding allotment at the subdivision stage.
44. In that context, it is my view that there is no scope issue raised by the submission. It is clearly 'on' the plan change and merely seeks to have PC75 better reflect the outcomes sought by the Rolleston Structure Plan, which is no different than a submitter requesting additional greenspace, a change of density, or a change in roading layout (as examples). I am not sure that Mr Friedel would be raising such jurisdictional scope issues in such a circumstance.
45. Mr Friedel also requests (at paragraph 5.10) that Mon Group provides *"additional evidence, including an assessment under the sections of the Act that are summarised in the Section 8 Statutory Analysis of this report"*. Without such information Mr Friedel "opposes" the relief sought in order to evaluate the appropriateness and enable a more substantive assessment to be made.
46. To be clear, MON Group have not lodged a plan change, they have made a submission on a plan change. Their submission simply seeks to ensure that

the area covered by the plan change is capable of being developed in a manner that accords with the Rolleston Structure Plan prepared by the Council. The evidential onus is therefore on Council to clearly demonstrate why the outcomes sought in the Structure Plan are no longer appropriate, rather than on a submitter who is simply seeking to achieve an outcome that is wholly consistent with the document upon which Rolleston's growth and associated hierarchy of commercial centres has long been based.

EFFECTS ASSESSMENT

47. The information provided with PC75 establishes that the land is suitable for residential/urban development and that it can be adequately serviced etc. This equally applies to the land subject to the MON submission.
48. The submission included a traffic assessment and Mr Fuller has submitted this report as accompanying evidence in support of the relief sought by MON Group. That statement sets out:
 - a) the context of the transport network surrounding the site;
 - b) potential traffic generation of the proposed commercial centre;
 - c) split of traffic between new trips, pass-by and diverted trips; and
 - d) a brief overview of the site access locations.
49. Based on that evidence no traffic matters are considered to arise in relation to the use of the identified land as a Neighbourhood Centre.
50. It is noted that none of the urban design and traffic technical experts engaged by the Council to review PC75 and the submissions lodged have raised any issues with the relief sought from an environmental effects perspective. This is not surprising given the relief sought accords with the higher level Rolleston Structure Plan.
51. All experts appear to be in agreement that the use of the land as a Neighbourhood Centre is appropriate, and I note that the operative District Plan framework provides the opportunity for a more fine grained assessment at the time of seeking the subsequent resource consent for any development above 450m² in total GFA.

APPLICANT EVIDENCE

52. I have reviewed the evidence submitted in support of PC75 by the applicants.
53. Ms Watson has confirmed that the applicant's corporate position on the MON Group submission is neutral. Ms Watson also confirms that their preferred option in terms of ODP layout is Option 1. I can confirm that MON Group agrees that Option 1, which runs parallel to Lincoln Rolleston Road, is more desirable as it will involve fewer sections being impacted on their

northern boundary and better aligns the orientation of the Neighbourhood Centre with the collector road frontage and function.

54. I note that Mr Metherell and Mr Compton-Moen have confirmed in their evidence that the proposed Neighbourhood Centre is acceptable from their respective technical positions. Ms Seaton agrees that the Rolleston Structure Plan has previously signalled the intention for a commercial area to be located within the PC75 area and consider the MON proposal is acceptable (in broad principle).

CONCLUSION

55. Given the above, I consider that the inclusion of the Neighbourhood Centre within PC75 as sought by Option 1 in the MON submission is an acceptable was to ensure that PC75 more efficiently and effectively delivers the objectives and polciies of the operative Selwyn District Plan and the various other higher order planning documents it gives effect to.
56. It is noted that all such documents have been prepared having regard to the Rolleston Structure Plan with which this submission accords. In summary:
 - PC75 seeks to implement a portion of the Rolleston Structure Plan through rezoning an area for residential housing;
 - The Structure Plan anticipates the provision of a Neighbourhood Centre to help meet the needs of this new community;
 - The MON Group submission provides the method by which the Structure Plan outcomes can be realised;
 - The District Plan amendments are set out below, with the key change being to the ODP. No change in zone is required, in keeping with the consistent approach applied by the Operative Plan to greenfield commercial centres;
 - The Operative Plan provisions provide for consent notices to be applied through the subdivision process, with additional restricted discretionary resource consent processes available to assess the design and layout merit of proposed commercial development;
 - The transport and servicing evidence confirms that there are no unacceptable effects were the land to be developed for commercial rather than residential outcomes;
 - The Structure Plan anticipates the proposed quantum of retail as being appropriate within a wider Rolleston retail centre hierarchy. There is no evidence put forward by Council to suggest the retail distribution pattern upon which the structure plan was based is fundamentally flawed such that a fresh retail assessment is necessary;

- If anything the opposite is true whereby recent development in the surrounding area has preferred additional residential housing over the delivery of the Neighbourhood and Local Centres necessary to support residential communities. As such there is a risk of under supply of convenience retail in this part of the township.
57. In conclusion, the submission helps to deliver a functional and necessary local convenience retail function to meet the needs of the future community, in a location where such a function has always been anticipated.

CHANGES REQUIRED TO THE DISTRICT PLAN

58. As outlined in more detail above, the framework included in the operative District Plan is such that very few changes are required to achieve the relief sought in the MON Group submission.
59. The changes relate to the ODP, and accompanying explanatory text. In order to remain consistent with previous ODP, the following changes are sought to give effect to the relief sought:
- a) The ODP – ‘Falcon’s Landing’ is updated to show the land area shown in Option 1 (see **Figure 1** above) as a ‘Neighbourhood Centre’; and
 - b) The following text is added to the accompanying Explanatory Text included with the ODP under the heading “Density Plan”:

A Neighbourhood Centre is required in the location shown adjacent to Lincoln-Rolleston Road. The Neighbourhood Centre will provide for a maximum of 2,000m² of gross retail floor area to cater for local weekly and day-to-day retail requirements. Additional land is also required to accommodate the necessary access arrangements, car parking, landscaping and utilities to service the Neighbourhood Centre.

Dated: 26 October 2021



Nick Boyes
On behalf of **MON Group Ltd**

APPENDIX 1:

INDICATE SITE LAYOUTS

NOTES:
the contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specification and engineer's details if applicable.

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FALCONS LANDING

for
MON

Lincoln Rollerston Road
Rollerston

Project No. 21.1197



2 SITE PLAN 1:2000 1:2000

RevID	CHD	Revision	Date

drawing status: INFORMATION issue

drawing title: SITE LOCALITY PLAN

layout number: A0.02



date printed: 6/05/2021	scale:	Rev.
drawn:		

NOTES:
the contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specification and engineer's details if applicable.

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FALCONS LANDING

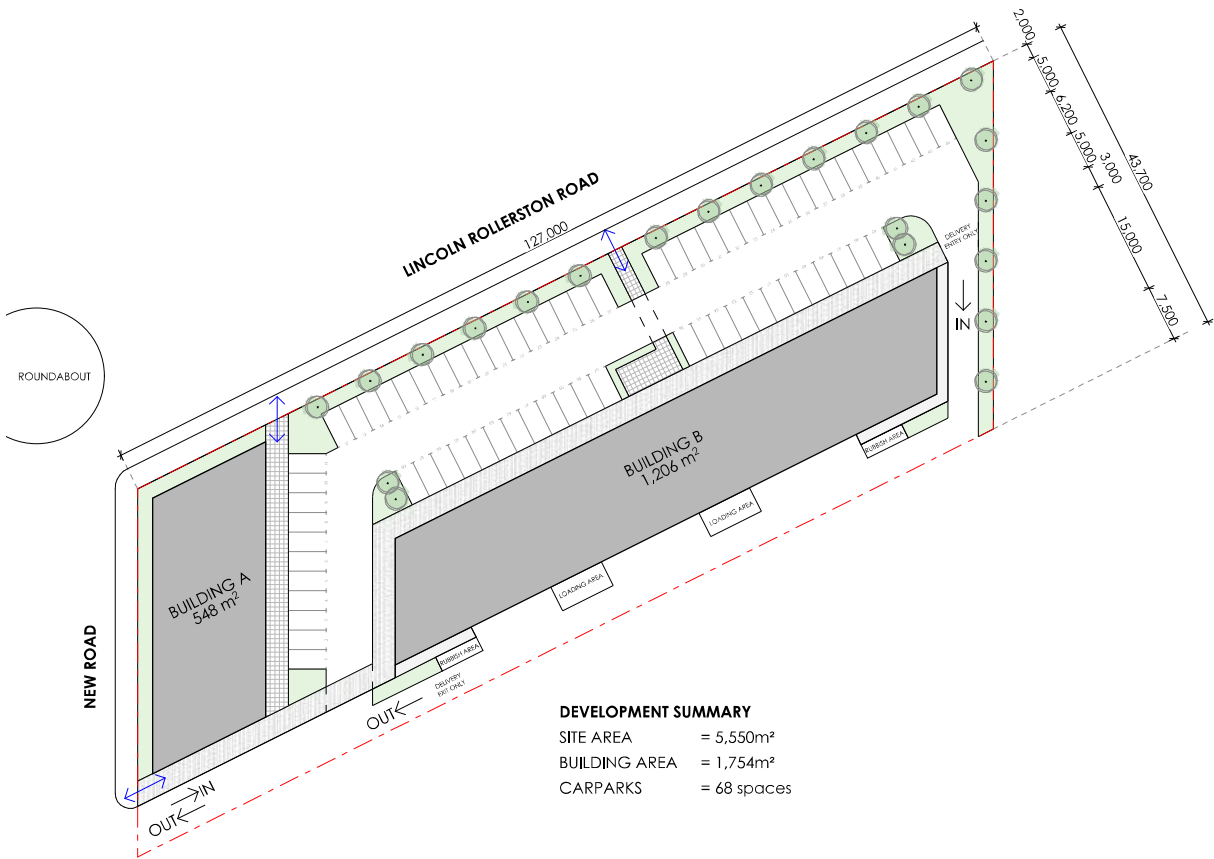
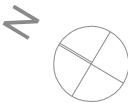
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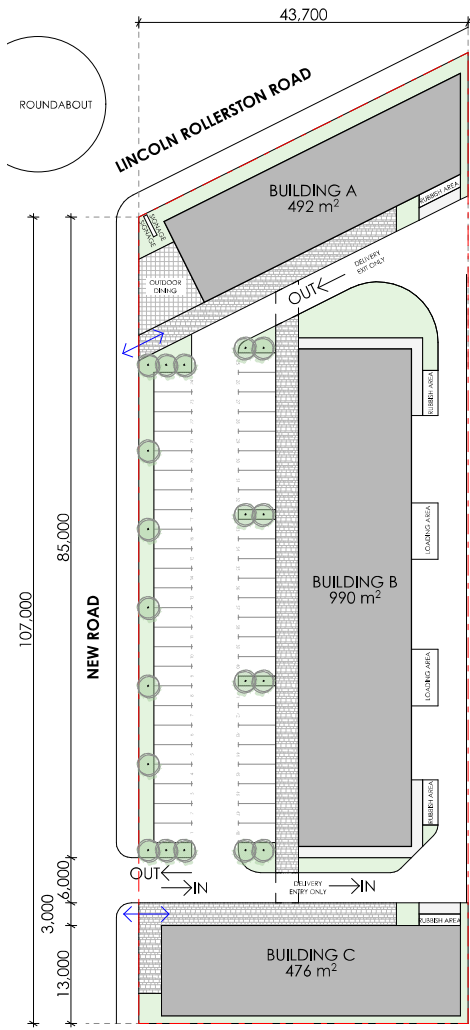
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Rollerston

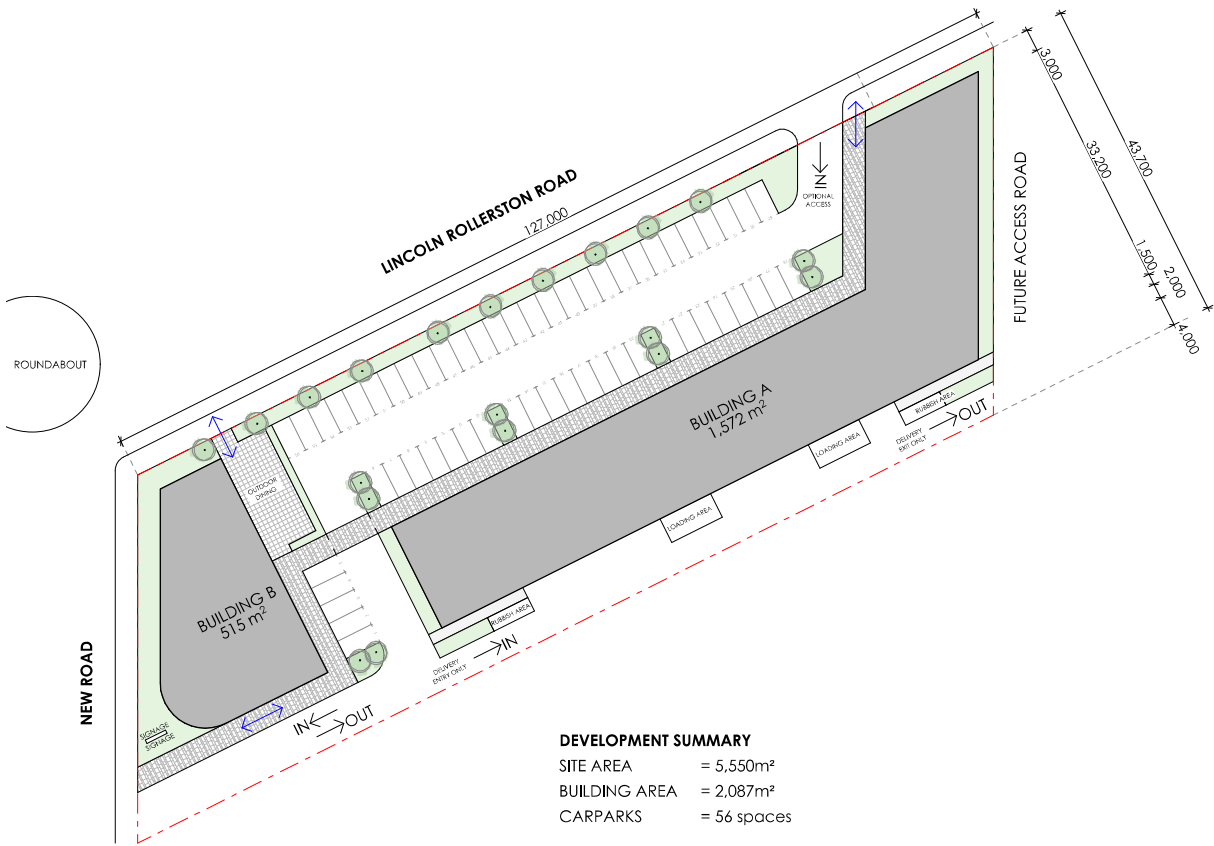
Project No. 21.1197



OPTION 1 SITE PLAN 1:500



OPTION 3 SITE PLAN 1:500



OPTION 2 SITE PLAN 1:500

RevID	ChID	Revision	Date

drawing status: #Project Status issue

drawing title: SITE LAYOUT OPTIONS

layout number: A0.01



date printed: 3/05/2021	scale:	Rev.
drawn:		

APPENDIX 2:

ROLLESTON STRUCTURE PLAN – AREA HIGHLIGHTED IN RED DASHED LINE

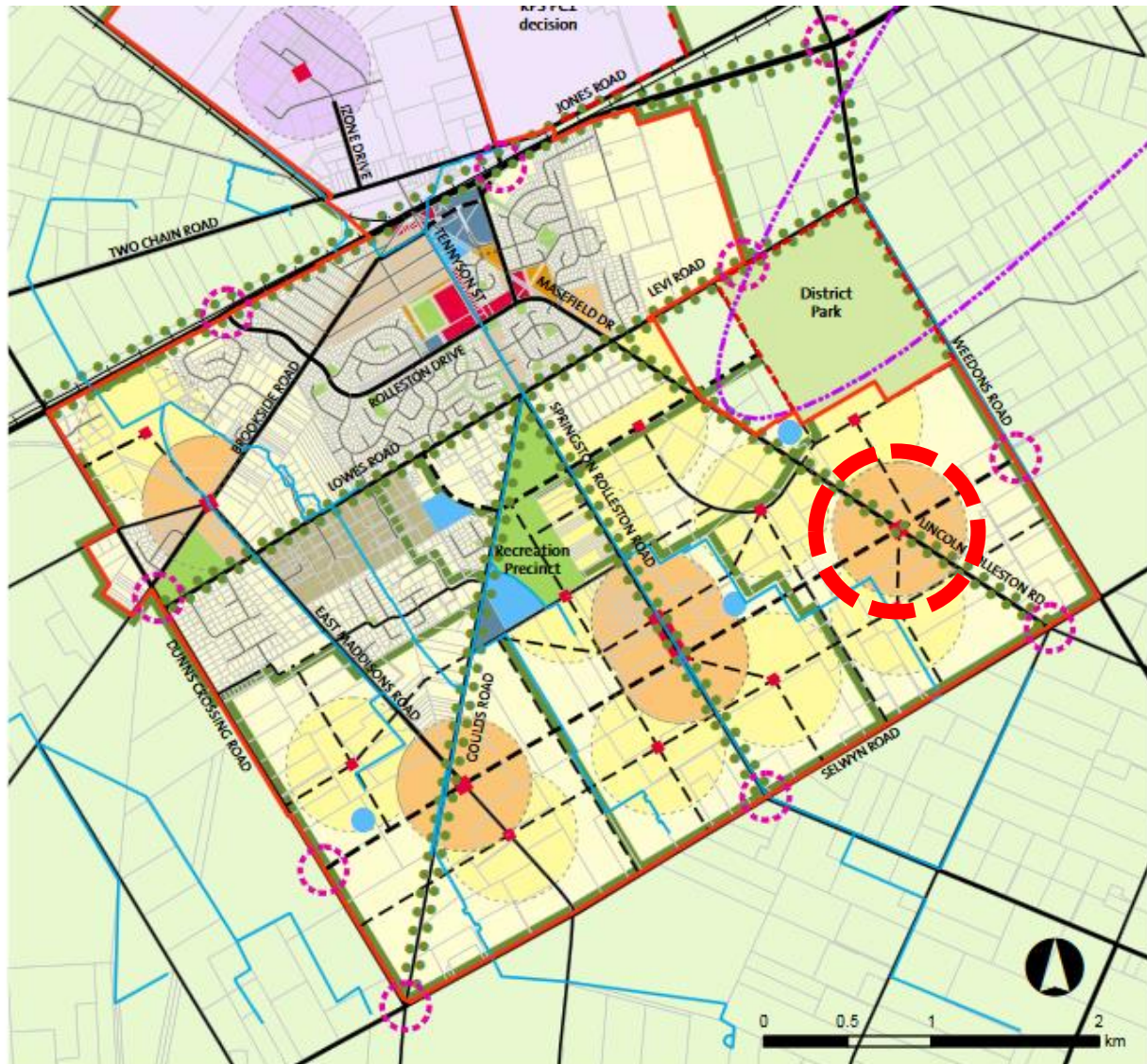
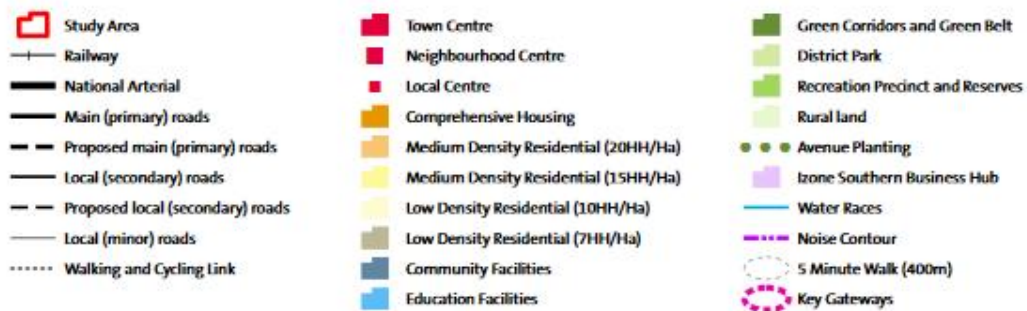
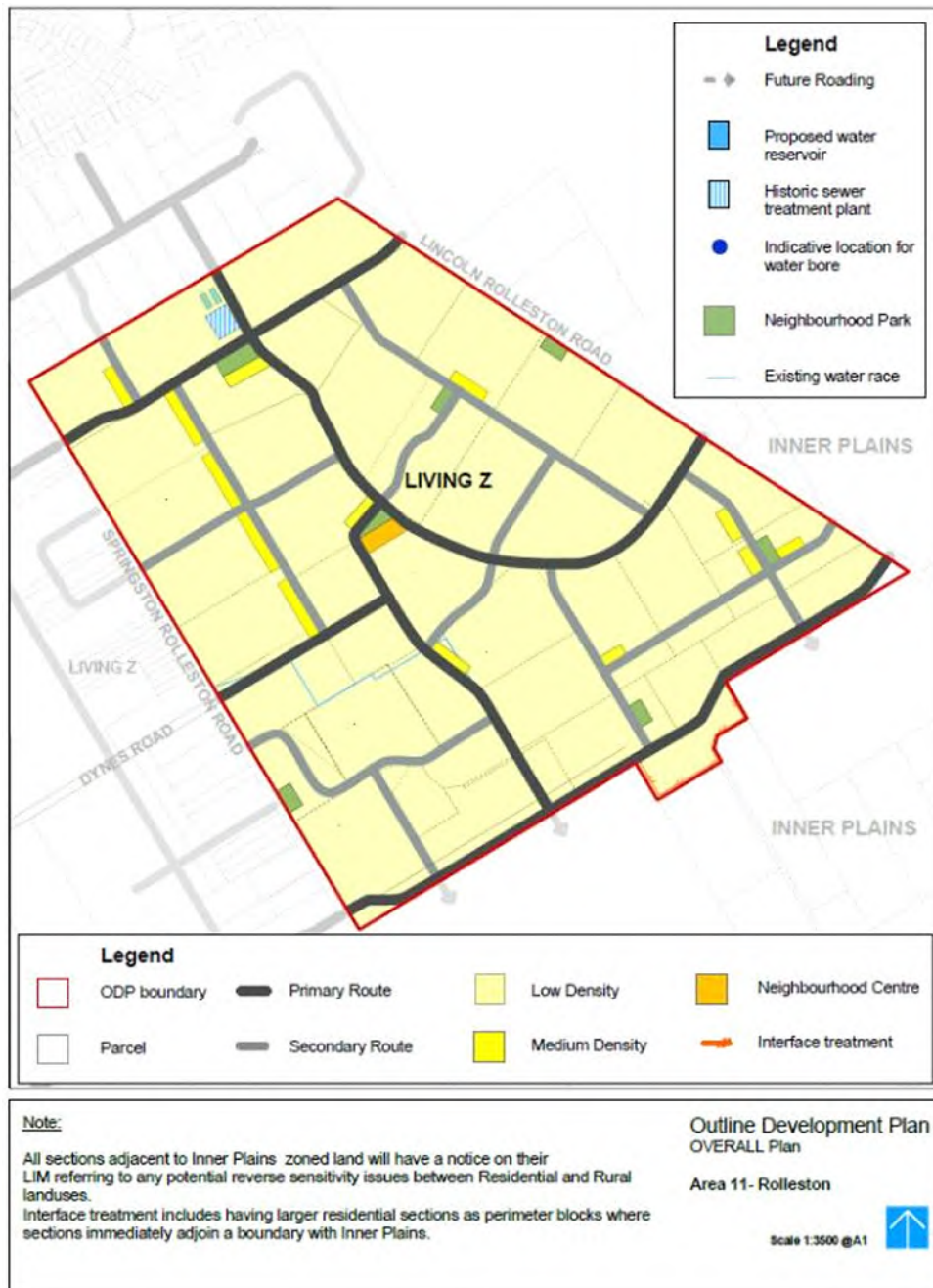


Figure 5.2: Rolleston Structure Plan



APPENDIX 3:

ADJACENT OUTLINE DEVELOPMENT PLANS





APPENDIX 4:

OPERATIVE DISTRICT PLAN RULES

12.1 SUBDIVISION — GENERAL

Restricted Discretionary Activities — Subdivision – General

- 12.1.1 A [subdivision of land](#), which is not a subdivision under Rules [12.2](#) or [12.3](#), shall be a restricted discretionary activity if it complies with the standards and terms set out in [Rule 12.1.3](#).
- 12.1.2 Any subdivision subject to [Rule 12.1.1](#), and which complies with [Rule 12.1.3](#), shall not be notified and shall not require the written approval of affected parties. The Council shall restrict the exercise of its discretion to consideration of the matters listed in [Rule 12.1.4](#) following [Table C12.1](#).

Outline [Development Plans](#)

- 12.1.3.58 Any subdivision within a Living Z or 3 Zone that is subject to an Operative Outline Development Plan within the District Plan shall be in general compliance with that Outline Development Plan and shall comply with any standards referred to in that Outline Development Plan.
- 12.1.3.59 For [Medium Density](#) areas shown on an Outline Development Plan, subdivisions consented after 30th June 2014 shall be designed to provide [rear service lane access](#) to small lot [medium density](#) sites. Comprehensive [development](#) blocks are to be a minimum of 35m deep to enable the provision of a [rear service lane](#) as part of a future comprehensive [development](#).

13 BUSINESS ZONE RULES — STATUS OF ACTIVITIES

13.1 STATUS OF ACTIVITIES

Note: [Development contributions](#) under the LTP [Development Contribution](#) Policy will be taken where [network infrastructure](#), [community infrastructure](#) or reserves have to be constructed or expanded as a direct result of growth from [development](#). Refer to [Section B4.4](#) for further information on [development contributions](#).

In the Living Z zones, any area shown within an Outline Development Plan as a Neighbourhood or [Local Centre](#) is subject to the provisions of the Business 1 Zone, with a consent notice or similar mechanism to be registered on the Certificate of Title for these lots advising owners that the lot is subject to the Business 1 rule package.

Permitted Activities — Status of Activities

Note: [Rules 13.1.1 - 13.1.12](#) do not apply to those Business 1 Zones located in Key Activity Centres, as identified in Appendices [29A](#) and [29B](#). For those areas, [Rules 13.2.1](#) shall apply.

- 13.1.1 The following activities shall be permitted activities in Business 1, 1A, 1B, 2 and 2A Zones:

- 13.1.1.1 Any activity which complies with all of the provisions of Rules [14](#) to [23](#) inclusive relating to permitted activities, and which is not listed in [Rule 13.1.3](#), [Rule 13.1.4](#) or [Rule 13.1.5](#) as a controlled, discretionary or non-complying activity.

16.9 SMALL SCALE COMMERCIAL DEVELOPMENTS (LESS THAN 450M²)

Note: Rule 16.9 does not apply to Key Activity Centre Precincts 1-4, 7 and 8, as identified in Appendices 29A and 29B. For those areas, Rule 16.12 shall apply.

Permitted Activities

16.9.1 In the Business 1 zone, developments comprising:

- (a) one or more new commercial buildings, and/or
- (b) commercial building additions, and/or
- (c) conversion of all or part of an existing dwelling for commercial use

with a total gross floor area of less than 450m² shall be a permitted activity provided that:

- 16.9.1.1 Except in Southbridge, Coalgate and Dunsandel, no car parking or vehicular access is provided between the frontage of any building and a legal road (or any accessway from which the public will access the site if it does not have access to a legal road); and
- 16.9.1.2 Except for c) above, at least 50% (by length) of each building frontage which fronts or directly faces on-site public space, or a road or other area where the public have a legal right of access, shall be installed and maintained as active commercial frontage; and
- 16.9.1.3 The maximum height of any fence between any building façade and the street or a private Right of Way or shared access over which the allotment has legal access, shall be 1m; and
- 16.9.1.4 Except for c) above, every building adjoining or within 3m of a road boundary shall be provided with a verandah to the following standards:
 - (a) Verandahs shall be set at least 0.5m behind the kerb face; and
 - (b) Verandahs shall have a minimum depth 3m except where this would entail a breach of rule a, above; and
 - (c) Verandahs shall extend along the entire frontage of the building facing the road boundary, and shall adjoin verandahs on adjacent buildings

Restricted Discretionary Activities

- 16.9.2 Any building or structure which does not comply with Rule 16.9.1 shall be a restricted discretionary activity. The exercise of the discretion shall be limited to consideration of effects on the amenity of public spaces and pedestrian movement.
- 16.9.3 Any application arising from Rule 16.9.2 will not require the written approval of other persons and shall be non-notified.

16.10 LARGE SCALE COMMERCIAL DEVELOPMENTS (450m² OR MORE)

Note: Rule 16.10 does not apply to Key Activity Centre Precincts 1-4, 7 and 8, as identified in Appendices 29A and 29B. For those areas, Rule 16.12 shall apply.

Restricted Discretionary Activities

16.10.1 In the Business 1 zone, developments comprising:

- (a) one or more new commercial [buildings](#); and/or
- (b) commercial [building](#) additions

Where the new [building](#) and/or addition has a total gross floor area of 450m² or more shall be a restricted discretionary activity.

16.10.2 Under [Rule 16.10.1](#), Council has restricted the exercise of its discretion to:

16.10.2.1 The extent to which the [development](#):

- (a) contributes to visual variety, including in relation to the architectural modulation and detailing proposed, and
- (b) visually integrates or disguises roof mounted servicing equipment.

16.10.2.2 The extent to which the design and layout of the [site](#) provides and addresses (for instance through [active frontage](#)) attractive pedestrian areas; either public streets or spaces with an equivalent amenity to public streets, where practicable.

16.10.2.3 The extent to which the [site](#) layout provides direct, logical and attractive pedestrian routes of sufficient width within and through the [site](#) as part of a comprehensive walking network for the wider area.

16.10.2.4 The extent to which the [development](#) maintains and/or provides continuous [building](#) lines, [active frontage](#) and verandahs along street boundaries and main pedestrian routes where practicable.

16.10.2.5 Whether car [parking areas](#) contribute to the provision of high quality public space, and are not located between [buildings](#) and a [road](#) where practicable.

16.10.2.6 The extent to which the design and location of [landscaping](#) will contribute to a high quality pedestrian experience by mitigating any adverse visual effects of [development](#) and defining the edges of streets and other space accessible to the public.

16.10.2.7 The degree to which the reflectivities proposed for the exterior of [buildings](#), including rooves, will contribute to pleasant and attractive streets and public areas.

16.10.3 Any application arising from [Rule 16.10.1](#) will not require the written approval of other persons and shall be non-notified.

In [Rule 16.10.2.3](#), examples of space with street like amenity might include (but are not limited to):

- legal [roads](#) and public reserves;
- "Private Streets": areas of private land where [buildings](#) with a majority of [active frontage](#) are directly opposite each other with pedestrian facilities on both sides of an [accessway](#).
- "Pedestrian Precincts": traffic-free street or lanes faced by [active frontage](#) on both sides
- "Pedestrian Parades": wide footpaths in front of shops, providing space for pedestrian activities, separated from car parking by [landscaping](#).
- "Nooks and Corners": Making use of larger areas of leftover space, separated from car parking by [landscaping](#).
- "Pedestrian Squares": generally enclosed on two or more sides by [active frontage](#), and where vehicles are not permitted.

Illustrations of these concepts are provided in the Council's Commercial Design Guide.