

CITY CENTRE ZONE

Introduction

The City Centre Zone is applied to Timaru’s central city area and is the key commercial and civic centre for the District and wider South Canterbury Sub-Region. It is the largest commercial area in the District and provides for a diverse range of commercial activities, retail activities, hospitality, entertainment and residential activities, as well as community facilities.

With the relatively recent dispersal of commercial activities out of the City Centre Zone, high vacancy rates, changing retail behaviour and the challenges of earthquake prone buildings, there is a need to enable and focus the District’s new retail, commercial and residential development in the City Centre Zone. This will help ensure its continued viability and primacy as the District’s key commercial centre.

There is also a need to maintain and improve the quality of the City Centre Zones streetscapes to ensure a high-quality urban environment. This will help improve the experience of people visiting the city centre and in turn improve the quality of retailing and make it a desirable place to live and work. This may include provision of public open space within the Zone.¹

The City Centre Zone also contains a range of scheduled historic heritage items and historic heritage areas identified in the Historical Heritage Chapter, which gives this Zone a distinctive identity and sense of place. Accordingly, the provisions within this chapter seek to enable new development in the City Centre Zone, but ensure it is sympathetic to the historic heritage character of the area and provides a high-quality pedestrian-focused streetscape.

~~PREC2 – Southern Centre Precinct provides more of a transition into the Mixed Use Zone, with less emphasis on provision of ground floor retail and more opportunity for a mix of development, including live and work options, where it still maintains the streetscape².~~

Objectives

CCZ-01 The purpose of the City Centre Zone

The City Centre Zone is the main commercial and civic centre for the District and wider South Canterbury Sub-Region and the primary destination for retail activity, dining and entertainment, and:

1. provides for a diverse range of activities, including commercial activities, visitor accommodation and community facilities; and
2. accommodates higher density residential activities which support the viability and vibrancy of the Zone.

CCZ-02 Character and qualities of the City Centre Zone

The City Centre Zone:

1. is a vibrant area that provides an attractive place to live, work and visit; and
2. contains built form that contributes to a high-quality streetscape that maintains the character associated with scheduled historic heritage items and historic heritage areas; and
3. accommodates large volumes of people; and
4. includes sites used for centralised car parking facilities; and
5. contains ~~large-scale~~, moderate to³ high density buildings; and
6. contains activities that are compatible with the amenity values of adjoining Residential Zones and Open Space and Recreation Zones.

¹ TDHL [186.47]
² TDC [42.48, 42.50]
³ Kāinga Ora [229.153]

Policies

CCZ-P1 Commercial activities and community facilities Diversity of Activities⁴

Enable a wide range of activities that are consistent with the purpose, character and qualities of the City Centre Zone.

CCZ-P2 Residential Activities

Provide for new residential activities where they:

1. ~~will contribute to the viability and vibrancy of the Zone; and if located:~~
 1. ~~outside the Southern Centre Precinct,~~⁵ 2. ~~are located and designed to maintain the continuity of commercial activities along ground level street frontages; and~~
 2. ~~maintain an appropriate level of on-site amenity for occupants.~~⁶
 3. ~~within the Southern Centre Precinct, are designed to accommodate potential future commercial use.~~⁷

CCZ-P3 Scale of built form

Enable buildings to cover the whole site and enable increased building heights except where the height of the building will detract from the significance of a scheduled historic heritage item or historic heritage area.

CCZ-P4 Streetscape and character

Maintain or enhance the values associated with scheduled historic heritage items and historic heritage areas and the amenity values of high-quality streetscapes, by requiring:

1. a verandah in key pedestrian areas that is designed to maintain or enhance the character of the street and provide a pleasant pedestrian-focused environment; and
2. buildings to generally be built up to road boundaries; and
3. buildings to have an active street frontage at ground floor level (~~excluding the PREC2 – Southern Centre Precinct~~)⁸ to reflect the retail nature and focus of this area; and
4. that except where attractive and usable areas of public open space are proposed,⁹ demolition of existing buildings and the erection of new buildings minimises gaps in the streetscape; and
5. the design of new buildings and changes to road-facing façades to:
 - a. be compatible or sympathetic with the historic heritage character values of the area; and
 - b. be of a scale appropriate to the site and any adjoining historic heritage buildings; and
 - c. provide modulation of larger building forms to reflect historic heritage patterns; and
 - d. provide pedestrian permeability where appropriate; and
6. the screening of storage areas from adjoining sites and roads; and
7. car parking facilities ~~activities~~ to be designed so that they are:
 - a. compatible with the character, qualities and amenity values of the City Centre Zone and the surrounding area; and
 - b. are consistent with APP3 - National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPTED).

CCZ-P5 Other activities

Provide for other activities to establish within the City Centre Zone where:

1. they are consistent with the purpose, character and qualities of the Zone; and
2. their effects are comparable with those that would arise from a permitted activity; and
3. the intensity and scale of the activity does not compromise activities that are enabled within the City Centre Zone.

⁴ MoE [106.44]

⁵ TDC [42.48], Kāinga Ora [229.154]

⁶ Kāinga Ora [229.154]

⁷ TDC [42.48], Kāinga Ora [229.154]

⁸ TDC [42.48]

⁹ TDHL [186.48]

CCZ-P6	Industrial activities
<p>Avoid the establishment of industrial activities within the City Centre Zone unless:</p> <ol style="list-style-type: none"> 1. the nature and scale of the industrial activity is consistent with the purpose, character and qualities of the City Centre Zone; and 2. any adverse effects of the industrial activity are comparable with those that would arise from a permitted activity. 	

Rules

Note: For certain activities, consent may be required by rules in more than one chapter in the *District Plan*. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

CCZ-R1 Commercial activities		
1. City Centre Zone	Activity status: Permitted	Activity status when compliance not achieved with PER-2: Restricted Discretionary
	<p>Where:</p> <p>PER-1 The commercial activity is not a service station, veterinary clinic, undertakers or trade supplier; and</p> <p>PER-2 CCZ-S2 is complied with.</p> <p>Note: CCZ-R8 applies to any associated buildings and structures must be constructed in accordance with CCZ-R7g.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard <p>Activity status when compliance not achieved with PER-1: Discretionary</p>
CCZ-R2 Community facilities and community corrections activities¹⁰		
City Centre Zone	Activity status: Permitted	Activity status when compliance not achieved: Restricted Discretionary
	<p>Where:</p> <p>PER-1 CCZ-S2 is complied with.</p> <p>Note: CCZ-R8 applies to any associated buildings and structures must be constructed in accordance with CCZ-R7g.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.
CCZ-R3 Visitor accommodation		
City Centre Zone	Activity status: Permitted	Activity status when compliance not achieved: Restricted Discretionary
	<p>Where:</p> <p>PER-1 CCZ-S2 is complied with.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.

¹⁰ Dept. Corrections [239.30]

	<p>Note: CCZ-R8 applies to any associated buildings and structures must be constructed in accordance with CCZ-R7g.</p>	
CCZ-R4	Public toilets	
City Centre Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 CCZ-S2 is complied with: <u>and</u></p> <p>PER-2 <u>The public toilet is not located on a site which adjoins a site containing a residential activity located at the ground floor level.</u>¹¹</p> <p>Note: CCZ-R8 applies to any associated buildings and structures must be constructed in accordance with CCZ-R7g.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. <p>Activity status where compliance not achieved with PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. effects on the amenity values of existing residential activities.
CCZ-R5	Residential activities (not otherwise listed in this chapter)	
Outside of the Southern Centre Precinct City Centre Zone¹²	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The residential activity is undertaken within a residential unit that is:</p> <ol style="list-style-type: none"> 1. located above the ground floor level of a building; or 2. is located at ground floor level and the residential unit was existing as at <u>of</u> 22 September 2022; and <p>PER-2 CCZ-S2, CCZ-S5, and CCZ-S6, CCZ-SX7¹³ and CCZ-SY8¹⁴ <u>are</u> is complied with.</p> <p>Note: CCZ-R8 applies to any associated buildings and structures must be constructed in accordance with CCZ-R7g.</p>	<p>Activity status where compliance not achieved with PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters of discretion of any infringed standard. <p>Activity status where compliance not achieved with PER-1: Discretionary</p>
Southern Centre Precinct	<p>Activity status: Permitted</p> <p>-</p> <p>Where:</p> <p>-</p> <p>PER-1</p> <p>CCZ-S2, CCZ-S5 and CCZ-S6 is complied with.</p> <p>-</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p> <p>-</p> <p>Where:</p> <p>-</p> <p>Matters of discretion are restricted to:</p> <p>-</p>

¹¹ Kāinga Ora [229.156]

¹² TDC [42.48, 42.52]

¹³ Clause 10(2)(b) relating to Kāinga Ora [229.164]

¹⁴ Clause 10(2)(b) relating to Kāinga Ora [229.165]

	<p><i>Note: Any associated building and structure must be constructed in accordance with CCZ-R6, CCZ-R7, and CCZ-R8.¹⁵</i></p>	<p>1. The matters of discretion of any infringed standard.—</p>
CCZ-R6	Full or partial¹⁶ demolition of any buildings	
<p>City Centre Zone outside of Southern Centre Precinct¹⁷</p>	<p>Activity status: Controlled</p> <p>Where:</p> <p>CON-1 The resource consent application is lodged concurrently with the an application under CCZ-R78 for a new building.</p> <p>Matters of control are reserved restricted¹⁸ to:</p> <ol style="list-style-type: none"> 1. the duration between the demolition of the building and construction of a new building; and 2. measures to ensure the construction of the new building; and 3. any mitigation measures proposed to minimise the impact on the streetscape during construction of the new building. <p>Or</p> <p>CON-2 The resource consent application is lodged concurrently with the an application under CCZ-R8<u>10</u> for public open space.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. <u>the duration between the demolition of the building and the establishment of the public open space; and</u> 2. <u>any mitigation measures proposed to minimise the impact on the streetscape during establishment of the public open space.</u>¹⁹ 	<p>Activity status when compliance not achieved with CON-1 or CON-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the demolition will result in gaps in the streetscape that detract from its character; and 2. the matters of control in CCZ-R78<u>9</u> and CCZ-R8<u>9</u>.
CCZ-R6A7	Full or partial demolition of structures²⁰	
City Centre Zone	Activity status: Permitted	Activity status when compliance not achieved: Not applicable

¹⁵ TDC [42.48, 42.52]

¹⁶

¹⁷ TDC [42.48]

¹⁸ Schedule 1, cl16(2)

¹⁹ TDHL [186.49]

²⁰ NZHHA [184.2]

CCZ-R78	Buildings and structures	
City Centre Zone	<p>Activity status: Controlled</p> <p>Where:</p> <p>CON-1 The building or structure is associated with or ancillary to a permitted activity; and</p> <p>CON-2 All the standards of this chapter are complied with.</p> <p>Matters of control are reserved restricted²¹ to:</p> <ol style="list-style-type: none"> 1. compatibility of the form, scale and architectural design of the building with the streetscape values identified in CCZ-P4 and any adjoining scheduled <u>historic</u> heritage items or historic heritage area; and 2. building and site layout, including interface with public areas; and 3. the extent to which the development addresses the street frontage(s) and provides a pedestrian-focused environment; and 4. the extent to which any potential reverse sensitivity effects are avoided or mitigated; and 5. whether the height of the building will detract from the heritage significance of any scheduled <u>historic</u> heritage items or <u>historic heritage</u> area and if so, whether a reduced height would be appropriate; and 6. the ability to provide service and storage spaces for solid waste; and 7. within the Southern centre precinct, whether the building is suitably designed to provide a good quality living environment while also enabling future conversion to future uses, such as through: <ol style="list-style-type: none"> a. raising the ground plane relative to street/footpath level; and b. ensuring any setback from the road frontage to provide privacy for residential occupants still maintains an active frontage.²² 	<p>Activity status where compliance not achieved with CON-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard; and 2. the matters of control listed in CON-1 and CON-2. <p>Activity status where compliance not achieved with CON-1: The same status as the activity the building or structure is associated with or ancillary to.</p>
CCZ-R89	Car parking facilities	

²¹ Schedule 1, cl16(2)

²² TDC [42.48]

<p>City Centre Zone</p>	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the scale, location and design of the car parking <u>facility activity area</u> is visually integrated with the surrounding area; and 2. whether the car parking <u>facility activity</u> is designed to incorporate National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPTED), including encouraging surveillance, effective lighting, management of public areas and boundary demarcation; and 3. the extent to which the car parking <u>facility area</u> includes landscaping or other features designed to provide amenity and visual relief; and 4. traffic safety. 	<p>Activity status when re compliance not achieved: Not applicable</p>
<p><u>CCZ-RX10</u></p>	<p><u>Public Open Space</u>²³</p>	
<p><u>City Centre Zone</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the scale, location and design of the open space; and</u> 2. <u>the contribution of the open space to maintaining or enhancing amenity values, connectivity and public access; and</u> 3. <u>incorporation of National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPTED); and</u> 4. <u>the extent to which landscaping, including hard surfaces, planting and seating, will contribute to a high-quality urban environment.</u> 	<p><u>Activity status when re compliance not achieved: Not applicable</u></p>
<p><u>CCZ-RX11</u></p>	<p><u>Educational Facilities</u>²⁴</p>	
<p><u>City Centre Zone</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the extent to which it is necessary to locate the activity within the City Centre Zone; and</u> 2. <u>the effects on, and consistency with, the purpose, character and qualities of the City Centre Zone; and</u> 	<p><u>Activity status when re compliance not achieved: Not applicable</u></p>

²³ TDHL [186.48]

²⁴ MoE [106.45]

	<p>3. <u>the extent to which the activity may limit or constrain the establishment and use of land for activities that are permitted in this Zone; and</u></p> <p>4. <u>traffic effects.</u></p> <p>Note: CCZ-R8 applies to any associated building and structure must be constructed in accordance with CCZ-R78.</p>	
CCZ-R912	Any activities <u>not</u> otherwise listed in this chapter	
City Centre Zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
CCZ-R1013	Industrial activities	
City Centre Zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

Standards

CCZ-S1	Height of buildings and structures	
City Centre Zone	<p>1. Buildings and structures including additions and alterations to buildings and structures must not exceed:</p> <ul style="list-style-type: none"> a. a maximum height of 20m measured from existing ground level, or b. for church towers or spires, a maximum height of 30m measured from existing ground level. 	<p>Matters of discretion <u>are</u> restricted to:</p> <ul style="list-style-type: none"> 1. dominance over the surrounding environment; and 2. overlooking and loss of privacy of adjoining Rresidential Zzones and Oopen Sspace and Rrecreation Zzones; and 3. solar access to living rooms and outdoor living space of adjoining Rresidential Zzones and Oopen Sspace and Rrecreation Zzones; and 4. any functional needs of the activity; and 5. the design and location of the building or structure; and 6. landscaping; and 7. the extent to which the height is compatible with any scheduled <u>historic</u> heritage items or historic heritage area; <u>and</u> 8. whether the increased height of a tower or spire increases the visual appeal of the building.
CCZ-S2	Goods storage	

<p>City Centre Zone</p>	<p>Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a fence of not less than 2m in height so that it is not visible from adjoining sites and road <u>at ground level</u>.²⁵</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. visual effects; and 2. landscaping and screening.
<p>CCZ-S3 Verandahs</p>		
<p>City Centre Zone, on sites fronting Stafford Street</p>	<p>Where any building is erected, reconstructed or altered in any way that physically alters the <u>façade</u> of the building that fronts Stafford Street, a verandah must be provided along the full frontage of the building which complies with the following:</p> <ol style="list-style-type: none"> 1. The height of the external edges of any verandah must be a minimum of 2.7m and a maximum of 3m above the footpath; <u>and</u> 2. <u>A</u> verandah must extend from the supporting building to a distance of: <ol style="list-style-type: none"> a. 600mm from the vertical line of the face of the kerb, where there is a kerb line; or b. 3m where the verandah is over a public space and there is no kerb line; <u>and</u> 3. if a fascia is provided, it must have a maximum vertical dimension of 450mm; <u>and</u> 4. <u>A</u> verandah must directly adjoin any adjacent verandah so there is no horizontal gap between verandahs. <p>Except that this standard does not apply to any existing building that is set-back from the road boundary a distance equal to the width of a verandah that could comply with 2.(b) above.</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. pedestrian amenity, including shelter; and 2. maintenance of character of the building and street; and 3. consistency with the <u>historic</u> heritage values and form of the building; and 4. retaining or revitalising historic use of the building; and 5. contribution towards the role of City Centre Zone as the principal retail area.
<p>CCZ-S4 Active street frontage</p>		
<p>City Centre Zone</p>	<ol style="list-style-type: none"> 1. Except for residential activities within the Southern Centre Precinct, All new buildings shall be built up to the street frontage; <u>and</u> ²⁶ 2. <u>On sites fronting Stafford Street, there must be no vehicle crossings across footpaths or pedestrian areas;</u> <u>and</u> ²⁷ 3. For new buildings, at least 60% (by length) of the <u>façade</u> of the ground floor of a building where the <u>façade</u> fronts the road or other public area must contain windows; <u>and</u> 	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. visual engagement between the street and the ground floor of a building; and 2. maintenance or enhancement of the character of the building and street taking into account those matters set out in CCZ-P4; and 3. contribution towards the role of the retail core as the City Centre Zone.

²⁵ Clause 10(2)(b) relating to Z Energy [116.19]

²⁶ TDC [42.48, 42.55]

²⁷ Kāinga Ora [229.160]

	<p>4. Except for residential activities within the Southern Centre Precinct, Any windows located on the ground floor of a building where the façade facade fronts the road or other public area must remain visually transparent and be used either for the display of goods and services; or kept clear of obstructions to provide a view into the building.²⁸</p>	
CCZ-S5	Outdoor Living Space	
City Centre Zone	<p>1. Any residential unit must have an exclusive outdoor living space:</p> <ul style="list-style-type: none"> a. that comprises a balcony of at least: <ul style="list-style-type: none"> i. <u>12m², with a minimum dimension of 1.85m, where the residential unit has two or more bedrooms; or</u> ii. <u>8m², with a minimum dimension of 1.8m, where the residential unit is a one-bedroom or studio unit;</u>²⁹ and b. which is located on the north, west or east side of the residential unit; and c. which is readily accessible from the common living space of the residential unit. 	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. provision of useable outdoor space; and 2. accessibility and convenience for residents; and 3. alternative provision of public outdoor space, in close proximity to meet resident’s needs.
CCZ-S6	Service and storage spaces	
City Centre Zone	<p>Any residential unit must have an outdoor or indoor service space of at least 2.5m² with a minimum dimension of 1.5m available for use for the storage of waste and recycling bins. The required spaces can be provided either individually or within a communal space <u>at ground floor level</u>³⁰ for multiple <u>residential</u> units.</p>	<p>Matters of discretion <u>are</u> restricted to:</p> <ol style="list-style-type: none"> 1. provision of useable service and storage space; and 2. accessibility and convenience for residents.

²⁸ TDC [42.48, 42.55]

²⁹ Kāinga Ora [229.161]

³⁰ Kāinga Ora [229.162]

CCZ-SX7 Outlook Space for Residential Units³¹		
City Centre Zone	<ol style="list-style-type: none"> 1. <u>A separation distance of at least 6m shall be provided from any window of a principal living room, to a window of another habitable room in a separate residential unit, where there is a direct line of sight between the windows; and</u> 2. <u>A separation distance of at least 3m shall be provided from any window of a principal bedroom, to a window of another habitable room in a separate residential unit, where there is a direct line of sight between the windows; and</u> 3. <u>A separation distance of at least 1m shall be provided from any window in any other bedroom, to a window of another habitable room in a separate residential unit, where there is a direct line of sight between the windows; and</u> 4. <u>These separation distances must be contained within the boundaries of the site on which the residential unit is located.</u> 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>privacy, overlooking and dominance effects; and</u> 2. <u>residential amenity; and</u> 3. <u>any mitigation measures; and</u> 4. <u>any unusual characteristics of the site or development which make compliance with this Standard difficult.</u>
NCCZ-SY8 Minimum Residential Unit Sizes³²		
City Centre Zone	<p>Every residential unit must have a net floor area of at least:</p> <ol style="list-style-type: none"> 1. <u>35m² for a residential unit only containing one habitable room; or</u> 2. <u>45m² for a residential unit containing more than one habitable room.</u> 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>the design, size and layout of buildings; and</u> 2. <u>whether an appropriate level of privacy and amenity is provided for occupants of the residential unit.</u>
CCZ-SZ9 Height in relation to boundary³³		
City Centre Zone	<p><u>Buildings and structures must be contained within a building envelope defined by recession planes from points 3.5m above ground level at the boundaries of the site when the site boundary adjoins a Medium Density Residential Zone. The method for determining recession planes and any permitted projection is described in APP8 - Recession Planes.</u></p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>any impact on privacy and the ability of adjoining sites in the Residential Zones to use outdoor living space; and</u> 2. <u>any impact on solar access to living rooms of adjoining sites in the Residential Zones; and</u> 3. <u>any adverse effects resulting from the bulk and dominance of built form; and</u>

³¹ Kāinga Ora [229.164]

³² Kāinga Ora [229.165]

³³ Kāinga Ora [229.163]

		<p>4. <u>any benefits, such as the use of architectural features or steps in the building façade.</u></p>
<p>CCZ-S10³⁴</p>	<p>Setbacks for buildings</p>	
<p>City Centre Zone</p>	<p>New buildings must be setback from the boundary of designation KRH-1:</p> <ul style="list-style-type: none"> a. Aa minimum of 2m where the building is a single storey; or b. Aa minimum of 5m where the building is more than two storeys. 	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. the location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor; and 2. the safe and efficient operation of the rail network.

³⁴ Panel Decision Report, Part 3, Section 3.2