

MIXED USE ZONE

Introduction

The Mixed Use Zone is located within the wider commercial area of central Timaru, and is expected to support the overall function of the City Centre Zone as the ~~the~~ District's key commercial and civic centre. A wide range of activities are anticipated within this ~~the~~ Zone, including large format retail, trade suppliers ~~and~~ and convenience activities, other commercial activities, community facilities, educational facilities and residential activities. The zoning also reflects existing and continued use of parts of the ~~the~~ Zone for industrial activities, while also seeking to allow for the transition of this area over time in providing for more residential living opportunities.

~~PRECX6 - The Tertiary Education Precinct~~ applies to the site currently operated by Te Pūkenga – New Zealand Institute of Skills and Technology, where tertiary education activities (including a range of ancillary activities) are carried out.¹

Given the mixed nature of activities within this ~~the~~ Zone, activities will need to be carefully managed to ensure conflict does not arise, especially for noise sensitive activities.

Objectives

MUZ-O1	Purpose of the Mixed Use Zone
	The Mixed Use Zone provides for a wide range of activities, including commercial activities, community facilities, educational facilities, residential activities, and existing industrial activities, in a manner that reinforces the Timaru City Centre <u>Zone</u> as the the District's key commercial and civic centre.
MUZ-O2	Character and qualities of the Mixed Use Zone
	<p>The Mixed Use Zone:</p> <ol style="list-style-type: none"> 1. Accommodates and attracts² large numbers of people; and 2. is well integrated with public transport, walking and cycling connections; and 3. contains buildings of different scales up to 4 <u>four</u> storeys, reflecting the mix of activities in the area; and 4. is developed in accordance with good urban design principles, while recognising the functional needs of activities; and 5. provides a safe and functional working and residential environment with a level of amenity that is consistent with the activities provided for within the Zone.

Policies

MUZ-P1	Retail activities
	Enable large format retail, trade suppliers and and convenience activities which will help ensure that Timaru City Centre <u>Zone</u> remains the the District's key retail and commercial centre, while avoiding the establishment of other retail activities that, due to their nature or scale, could undermine the purpose, function or amenity values of the City Centre Zone.
MUZ-P2	Commercial activities (excluding retail activities), educational facilities and community facilities
	Provide for commercial activities (excluding retail activities), educational facilities and community facilities that will help ensure that the Timaru City Centre <u>Zone</u> remains the the District's key focal point for social, cultural and economic activities.

¹ Relates to Te Pūkenga [215.2]

² Kāinga Ora [229.125]

MUZ-P3	Existing industrial activities
Recognise that there are existing industrial activities located within the Mixed Use Zone and provide for their ongoing operation, with limited ability for expansion or alterations.	
MUZ-P4	Residential activities
Provide for residential activities where they are designed to minimise potential reverse sensitivity effects on commercial <u>activities</u> or existing industrial activities.	
MUZ-P5	Scale and location of built form
<p>Maintain the amenity values of the surrounding area and adjoining sites, by requiring:</p> <ol style="list-style-type: none"> 1. buildings to be setback from the boundaries of adjoining sites within Residential Zones <u>or containing residential activities</u>, to minimise any dominance <u>or privacy</u> effects arising from the location and bulk of buildings³; and 2. the screening of storage areas from adjoining sites and roads; and 3. buildings to be a height that is consistent with the character of the surrounding area while providing for the functional needs of activities; and 4. that the design and layout of buildings results in good urban design outcomes. 	
MUZ-P6	Other activities
<p>Only allow other activities to establish and operate within the Mixed Use Zone where they:</p> <ol style="list-style-type: none"> 1. <u>they</u> are compatible with the purpose, character and qualities of the Zone; and 2. <u>they</u> are of a scale or nature that would not undermine the purpose, function and amenity values of the City Centre Zone; <u>and</u> 3. the <u>nature</u>, intensity and scale of the activity does not compromise activities that are enabled within the Zone.⁴ 	
PRECX6-P1	<u>Tertiary Education Precinct</u> ⁵
<p>Recognise the contribution of the PRECX6 - Tertiary Education Precinct to the Timaru District and wider Region's social and economic wellbeing, by:</p> <ol style="list-style-type: none"> 1. Enabling the ongoing use and development of tertiary education services; <u>and</u> 2. Enabling complimentary activities which allow for the efficient use of the Precinct's <u>educational facilities</u>; <u>and</u> 3. Managing built form within the Precinct to reflect the existing character of the Precinct and <u>recognise the operational needs and functional needs of tertiary education services.</u> 	

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.

MUZ-R1	Commercial activities (excluding retail activities)	
Mixed Use Zone	Activity status: Permitted	Activity status where compliance not achieved: Restricted Discretionary
	Where:	

³ Kāinga Ora [229.127]

⁴ Relates to Kāinga Ora [229.126]

⁵ Te Pūkenga [215.6]

	<p>PER-1 MUZ-S4 is complied with.</p> <p><i>Note: Any associated building and structure must be constructed in accordance with MUZ-R9 and MUZ-R10.</i></p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.
MUZ-R2	Large format retail	
Mixed Use Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 MUZ-S4 is complied with.</p> <p><i>Note: Any associated building and structure must be constructed in accordance with MUZ-R9 and MUZ-R10.</i></p>	<p>Activity status when compliance not achieved: 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.
MUZ-R3	Trade suppliers⁶	
Mixed Use Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 MUZ-S4 is complied with.</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. Any associated building and structure must be constructed in accordance with MUZ-R9 and MUZ-R10. 	<p>Activity status when compliance not achieved: 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.
MUZ-R4	Convenience activities⁶	
Mixed Use Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 MUZ-S4 is complied with.</p> <p><i>Note: Any associated building and structure must be constructed in accordance with MUZ-R9 and MUZ-R10.</i></p>	<p>Activity status when compliance not achieved: 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.
MUZ-R5	Community facilities⁶, and educational facilities and community corrections activities⁶	
Mixed Use Zone	<p>Activity status: Permitted</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p>

⁶ Dept. Corrections [239.28]

	<p>Where:</p> <p>PER-1 MUZ-S4 is complied with.</p> <p><i>Note: Any associated building and structure must be constructed in accordance with MUZ-R9 and MUZ-R10.</i></p>	<p>Matters of discretion are restricted to:</p> <p>1. the matters of discretion of any infringed standard.</p>
MUZ-R6	Car parking facilities	
Mixed Use Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 MUZ-S4 is complied with.</p> <p><i>Note: Any associated building and structure must be constructed in accordance with MUZ-R9 and MUZ-R10.</i></p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. the matters of discretion of any infringed standard.</p>
MUZ-R7	Industrial activities	
Mixed Use Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The industrial activity was existing as <u>of</u> at 22 September 2022; and</p> <p>PER-2 Any extension or alteration to the industrial activity does not increase the total gross floor area above what existed <u>of</u> at 22 September 2022 by more than the lesser of: 1. 10%; or 2. 75m²; and</p> <p>PER-3 MUZ-S4 is complied with.</p> <p><i>Note: Any new building or structure associated with an existing industrial activity, and any additions or alterations to a building and or structure containing an existing industrial activity, must be constructed in accordance with MUZ-R9 and MUZ-R10.</i></p>	<p>Activity status when compliance not achieved with PER-3: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. the matters of discretion of any infringed standard.</p> <p>Activity status when compliance not achieved with PER-2: Discretionary</p> <p>Activity status when compliance not achieved with PER-1: Non-complying</p>
MUZ-R8	Residential activities within existing buildings	

<p>Mixed Use Zone (outside PRECX6 - Tertiary Education Precinct)⁷</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 If the residential activity is associated with an existing residential unit, MUZ-S4 is must <u>be</u> complied with; and</p> <p>PER-2 If the residential activity is undertaken within an existing building that has not been used previously as a residential unit, MUZ-S4, MUZ-S5, and MUZ-S6, MUZ-SX7⁸ and MUZ-SX8⁹ must be <u>are</u> complied with; and</p> <p>PER-3 If the activities includes a supported residential care activity, the maximum occupancy does not exceed 10 residents.</p> <p>Note: Any associated building and structure must be constructed in accordance with MUZ-R9 and MUZ-R10.</p>	<p>Activity status when re compliance not achieved with PER-1 or 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>Mixed Use Zone within PRECX6 - Tertiary Education Precinct¹⁰</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The residential activity is for students, staff or security purposes associated with any tertiary educational services; and</p> <p>PER-2 If the residential activity is associated with an existing residential unit, MUZ-S4 must be <u>is</u> complied with; and</p> <p>PER-2 If the residential activity is undertaken within an existing building that has not been used previously as a residential unit, MUZ-S4, MUZ-S5, MUZ-S6, MUZ-SX7 and MUZ-SX8 must be <u>are</u> complied with.</p>	<p>Activity status when re compliance not achieved with PER-1: Discretionary</p> <p>Activity status when re compliance not achieved with PER-2 or PER-3: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>the matters of discretion of any infringed standard.</u>

⁷ Clause 10(2)(b) relating to Te Pūkenga [215.2]

⁸ Clause 10(2)(b) relating to Kāinga Ora [229.137]

⁹ Clause 10(2)(b) relating to Kāinga Ora [229.138]

¹⁰ Clause 10(2)(b) relating to Te Pūkenga [215.2]

	<u>Note: Any associated building and structure must be constructed in accordance with MUZ-R9 and MUZ-R10.</u>	
MUZ-R9	Accessory structures to any permitted activity (excluding any buildings)	
Mixed Use Zone	Activity status: Permitted Where: PER-1 MUZ-S1, MUZ-S2, MUZ-S3 and MUZ-S4 are complied with.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.
MUZ-R10	Buildings and structures (excluding those specified in MUZ-R9)	
1. Mixed Use Zone (outside PREC-X6 - Tertiary Education Precinct)¹¹	Activity status: Controlled Where: CON-1 The building or structure is associated with or ancillary to a permitted activity; and CON-2 The new building or building addition, is not associated with a residential activity; and CON-3 MUZ-S1, MUZ-S2, MUZ-S3 and MUZ-S4 are complied with. Matters of control are restricted to: <ol style="list-style-type: none"> 1. building design and layout, including interfaces with public areas <u>and the provision of active frontages, where appropriate¹²; and</u> 2. pedestrian and traffic safety; <u>and</u> 3. landscaping; <u>and</u> 	Activity status when compliance not achieved with CON-1: The same status as the activity the building or structure is associated with or ancillary to. Activity status when compliance not achieved with CON-2: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. building design and layout, including interfaces with public areas; <u>and</u> 2. landscaping; <u>and</u> 3. fencing and walls, including screening; <u>and</u> 4. security and safety; and 5. reverse sensitivity. Activity status when compliance not achieved with CON-3: Restricted Discretionary Matters of discretion are restricted to:

¹¹ Te Pūkenga [215.8]

¹² Timaru TC Ratepayers [219.5], Timaru Civic Trust [223.6]

	<p>4. fencing and walls, including screening; <u>and</u></p> <p>5. storage areas; <u>and</u></p> <p>6. security and safety; <u>and</u></p> <p>7. impact on privacy on any adjoining residential zone; <u>and</u></p> <p>8. signage; <u>and</u></p> <p>9. noise; <u>and</u></p> <p>10. the ability to provide service and storage spaces for solid waste; <u>and</u></p> <p>11. <u>the location and design of car parking, including their dominance from public areas</u>¹³.</p>	<p>1. the matters of discretion of any infringed standard; and</p> <p>2. the matters of control listed for the <u>any</u> Controlled <u>Activity</u>.</p>
<p>2. <u>Mixed Use Zone within PREC-X6 - Tertiary Education Precinct</u>¹⁴</p>	<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> <u>Any new building or structure, or building addition does not exceed 1,000m² in total gross floor area; and</u></p> <p><u>PER-2</u> <u>MUZ-S1, MUZ-S2, MUZ-S3 and MUZ-S4 are complied with.</u></p>	<p><u>Activity status where compliance not achieved with PER-1: Controlled</u></p> <p><u>Matters of control are restricted to:</u></p> <ol style="list-style-type: none"> <u>building design and layout, including interfaces with public areas and the provision of active frontages, where appropriate; and</u> <u>pedestrian and traffic safety; and</u> <u>landscaping; and</u> <u>fencing and walls, including screening;</u> <u>storage areas; and</u> <u>security and safety; and</u> <u>impact on privacy on any adjoining residential zone; and</u> <u>signage; and</u> <u>noise; and</u> <u>the ability to provide service and storage spaces for solid waste; and</u> <u>the location and design of car parking, including their dominance from public areas.</u> <p><u>Activity status where compliance not achieved with PER-2: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>the matters of discretion of any infringed standard.</u>
<p><u>MUZ-R40A11</u></p>	<p><u>Full or partial demolition of buildings or structures</u>¹⁵</p>	

¹³ Timaru TC Ratepayers [219.5], Timaru Civic Trust [223.6]

¹⁴ Te Pūkenga [215.8]

¹⁵ NZHHA [184.2]

Mixed Use Zone	<u>Activity status: Permitted</u>	<u>Activity status when compliance not achieved: Not applicable</u>
MUZ-R4412	Any activities not otherwise listed in this chapter	
Mixed Use Zone	Activity status: Discretionary	Activity status when re compliance not achieved: Not applicable

Standards

MUZ-S1	Height of buildings and structures	
Mixed Use Zone	Buildings and structures including additions and alterations to buildings and structures must not exceed a maximum height of 16m measured from ground level.	Matters of discretion <u>are</u> restricted to: <ol style="list-style-type: none"> 1. dominance over the surrounding environment; and 2. overlooking and loss of privacy of <u>Residential Zones</u>; and 3. solar access to living rooms and outdoor living space of <u>Residential Zones</u>; and 4. any functional needs of the activity; and 5. the design and location of the building or structure; and 6. landscaping.
MUZ-S2	Height in relation to boundary	
Mixed Use Zone	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 an open space and recreation zone, or a residential zone <u>or any site containing an existing residential activity</u> ¹⁶ . The method for determining recession planes and any permitted projection is described in APP8 — Recession Planes.	Matters of discretion <u>are</u> restricted to: <ol style="list-style-type: none"> 1. any impact on privacy and the ability to use outdoor living space of Residential Zones <u>residential units</u>¹⁷; and 2. any impact on solar access to living rooms of Residential Zones <u>residential units</u>¹⁸; and 3. any adverse effects resulting from the bulk and dominance of built form; and 4. any benefits, such as the use of architectural features or steps in the building façade.
MUZ-S3	Setbacks	
Mixed Use Zone	<u>1.</u> ¹⁹ Any building must be setback a minimum of 3m from the <u>any</u> ²⁰ boundary which adjoins a <u>Residential Zone</u> , <u>or any</u>	Matters of discretion <u>where compliance not achieved with MUZ-S3.1</u>¹⁹ <u>are</u> restricted to: <ol style="list-style-type: none"> 1. dominance, loss of privacy and shading in relation to adjoining sites

¹⁶ Kāinga Ora [229.132]

¹⁷ Kāinga Ora [229.132]

¹⁸ Kāinga Ora [229.132]

¹⁹ Clause 10(2)(b)

²⁰ Clause 16(2)

	<p>site which contains an existing residential activity.²¹</p> <p>2. New buildings must be setback from the boundary of designation KRH-1:</p> <ol style="list-style-type: none"> 1. A minimum of 2m where the building is a single storey; or 2. A minimum of 5m where the building is more than two storeys.²² 	<p>in Residential Zones or which contain existing residential units;²³ and</p> <ol style="list-style-type: none"> 2. landscaping; 3. mitigation measures. <p>Matters of discretion where compliance not achieved with MUZ-S3.2 are restricted to:</p> <ol 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.²²
MUZ-S4	Goods storage	
Mixed Use Zone	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 roads <u>at ground level</u> . ²⁴	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. visual effects; and 2. landscaping and screening.
MUZ-S5	Outdoor Living Space	
Mixed Use Zone	<p>Each residential unit must have an exclusive outdoor living space:</p> <ol style="list-style-type: none"> 1. for <u>residential</u> units with common living space at ground floor level, of at least 20m² with a minimum dimension of 3m; and 2. for <u>residential</u> units located entirely above the ground floor level, that comprises a balcony of at least 12m², with a minimum dimension of 1.5m; and 3. which is located on the north, west or east side of the residential unit; and 4. which is readily accessible from the common living space of the residential unit. 	<p>Matters of discretion are 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.
MUZ-S6	Service and storage spaces	
Mixed Use Zone	<ol style="list-style-type: none"> 1. Each residential unit must have an outdoor or indoor service space of at least 2.5m² with a minimum dimension of 1.5m 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. provision of useable service and storage space; and

²¹ Kāinga Ora [229.133]

²² Part 3 Decision, Section 3.2

²³ Kāinga Ora [229.133]

²⁴ Z Energy [116.19]

	<p>available for use for the storage of waste and recycling bins.</p> <p>2. The required spaces can be provided either individually or within a communal space <u>at ground floor level</u>²⁵ for multiple <u>residential</u> units.</p>	<p>2. accessibility and convenience for residents.</p>
MUZ-SX7	Outlook Space for Residential Units²⁶	
<u>Mixed Use Zone</u>	<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><u>Matters of discretion are restricted to:</u></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 Sstandard difficult.</u>
MUZ-SY8	Minimum Residential Unit Sizes²⁷	
<u>Mixed Use Zone</u>	<p><u>Every residential unit must have a net floor area of at least:</u></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><u>Matters of discretion are restricted to:</u></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 <u>residential unit</u>.</u>

²⁵ Kāinga Ora [229.136]

²⁶ Kāinga Ora [229.137]

²⁷ Kāinga Ora [229.138]