

## 6. Commercial

### Explanatory Statement

The commercial centres of towns form the heart of the town and outlying districts. They are a key element in providing a sense of identity and belonging to individuals and the community in general. There is often considerable community investment in the town centre. It is the focal point of social, economic and cultural activities. The sustainable management of these areas is seen as being a key aspect in enabling people and communities to provide for their social, economic and cultural wellbeing.

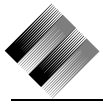
The Western Bay of Plenty has established towns at Te Puke, Katikati and Waihi Beach. A new town centre has been planned at Omokoroa to support its existing and future planned population of 12,000 people as well as the surrounding rural catchment. Smaller beach and rural communities exist at Pukehina, Paengaroa, Maketu, Te Puna and Whakamaramara that have small commercial areas to service their immediate catchments.

Council has a Built Environment Strategy to assist in achieving good urban design outcomes in line with the New Zealand Urban Design Protocol and to promote the principles embodied within the Crime Prevention through Environmental Design national standard..

Council has Town Centre Plans to deliver these urban design outcomes and meet each community's vision. The Commercial Zone objectives, policies and rules seek to deliver these outcomes by providing a framework for future development. Non regulatory methods are also promoted such as Council's 'Package of Plans' approach which seeks to provide Council advice and guidance at the conceptual stage to assist development projects to achieve positive design outcomes for the community now and in the future.

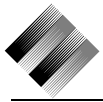
Important issues for the Commercial Zone include the containment of the commercial zone and also ensuring that activities within the zone are managed so not to adversely affect adjacent residential areas. Ensuring non residential activities in the Commercial Zone do not detract from the viable operation of the commercial area is also important. Special provisions are included in the Commercial zone to avoid reverse sensitivity effects.

It is also important that town centres are developed so not to detract from the efficient operation of the State Highway, which currently dissects Te Puke and Katikati.



## 6.1 Significant Issues

- 6.1.1 The decline of town centres may have an adverse effect on the community's social, economic and cultural wellbeing.
- 6.1.2 The adverse effects of commercial activities such as rubbish generation, smell and noise.
- 6.1.3 The adverse effects on visual amenity resulting from large and/or badly designed buildings and including potential adverse effects from lighting and inappropriate signage.
- 6.1.4 The adverse effects of heavy transport travelling through commercial centres especially pedestrian/vehicle conflict and associated noise/dust/odour problems.
- 6.1.5 Commercial activities attract large numbers of people resulting in a large number of traffic movements, generating adverse effects such as pedestrian/vehicle conflict, noise, dust, fumes, odour, and a large concentration of people which can lead to noise, privacy and behaviour issues affecting the amenity of the area.
- 6.1.6 Non-commercial activities such as dwellings have the potential to improve the vibrancy of town centres and improve safety outside normal retail hours provided they are appropriately located and designed.
- 6.1.7 Poorly designed and constructed commercial centres can adversely affect people's enjoyment of the centre and nearby public places and can affect the safety and efficiency of the adjacent road network and amenity, enjoyment and vitality of entire communities.
- 6.1.8 Commercial creep into non-commercial zones and the establishment of out of zone large format retail activities have the potential to detract from the viability and efficient operation of commercial centers.
- 6.1.9 The loss of heritage buildings through the lack of protection or incentives for retention of facades of heritage value.



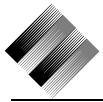
## 6.2 Objectives and Policies

### 6.2.1 Objectives

1. Promote a convenient, safe and pleasant area for a community to carry out social, economic and cultural activity.
2. Establish commercial centres that are legible and well designed.
3. Develop Town Centre Plans for each township to promote the communities vision and good urban design.
4. Mitigation of the adverse effects of commercial activities such as traffic generation, rubbish generation, lighting/glare, visual amenity, noise and impact on privacy.
5. The development of commercial centres and associated transportation networks that enhance social, economic and cultural activity through attention to design detail and the integration of the public, civic and private places nearby and therein.
6. Avoid commercial creep into non commercial zones.
7. Avoid or manage non-commercial activities so they do not conflict with or detract from the integrity of the Commercial zone.
8. Promote the protection of significant heritage buildings and landscape features.
9. Promote the aggregation and comprehensive redevelopment of multiple land titles where positive urban design outcomes can be achieved.
10. Ensure that the scale of commercial development is appropriate for the location.

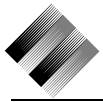
### 6.2.2 Policies

1. Provide for the comprehensive development of multiple commercial sites by encouraging the aggregation of land titles and redevelopment of commercial sites in accordance with relevant Town Centre Plan.
2. Ensure new development or redevelopment of the commercial zone is consistent with the design elements of the relevant Town Centre Plan.
3. If land is required to achieve a Town Centre Plan design outcome then Council shall off set any loss with incentives, such as reduction in the number of on site car parks, for



comprehensive development proposals that are in general accordance with the Town Centre Plan.

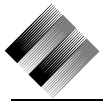
4. Buildings in the Commercial Zone shall provide sufficient shelter for pedestrians to protect them from the natural elements and should not compromise pedestrian access unless the characteristics of the locality of the site or the site is such that verandahs or other forms of pedestrian shelter are not required or necessary.
5. Alternative routes for heavy transport shall be encouraged to avoid the adverse effects such as pedestrian danger, dust, noise and odour associated with such movements through commercial centres.
6. Noise levels will be less restrictive than those in residential and rural zones while still maintaining a reasonable quality commercial environment.
7. Residential activities located in a commercial zone must not conflict with the integrity of the commercial zone and be designed and located to avoid reserve sensitivity effects such as noise.
8. Restrict the establishment of commercial activities in non-commercial zones.
9. Financial contributions and other consent conditions will be used to assist in avoiding or mitigating potential adverse effects of future subdivision and development.
10. Identify and protect significant heritage and landscape features.
11. Commercial development within the Omokoroa Stage 2 Structure Plan area shall be comprehensively designed to include:
  - (a) Mixed use areas; and
  - (b) Visually broken building facades of a human scale; and
  - (c) Muted natural or recessive colours; and
  - (d) A maximum of one connection to Omokoroa Road thereby preserving that road's primary function as a transport corridor; and
  - (e) Landscaped car parking and set back from Omokoroa Road; and
  - (f) Functional and alternative mixed use (including residential) on upper floors; and
  - (g) An outlook and amenities that relate to the adjoining gully system.
  - (h) The provision of residential accommodation to promote vibrancy in the commercial area.
12. Introduce height limits that are appropriate for the location of the Commercial zone especially in relation to smaller communities where large Commercial buildings could detract from the amenity of the area.



13. Maintain and enhance the walking experience by controlling the location and design of accessways and promoting pedestrian and cycle accessibility.
14. Maintain retail frontages towards streets and other public areas, such as public walkways and parking areas.
15. Ensure that development in Commercial zones is in accordance with the New Zealand Urban Design Protocol and National Guidelines from Crime Prevention through Environmental Design.

### **6.2.3 Anticipated Outcomes**

1. Commercial centres that meet the needs of their communities and reflect the uniqueness of the town.
2. Good urban design within the commercial zones.
3. Containment of commercial activities within the commercial zone.
4. A more vibrant and safe commercial area with mixed uses.
5. Better pedestrian and transport connectivity within the zone and surrounding areas.
6. Protection of significant heritage buildings.



## 6.3 Commercial Zone Rules

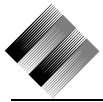
### 6.3.1 Permitted Activities

Except where specified as a controlled, restricted discretionary or discretionary activity, the following are permitted:

- (a) Retailing.
- (b) Commercial services.
- (c) Offices.
- (d) Places of assembly.
- (e) Takeaway food outlets.
- (f) Medical or scientific facilities.
- (g) Activities on reserves as provided for in the Reserves Act 1977.
- (h) Public works and network utilities as provided for in Section 17.
- (i) Accommodation facilities, except that within the commercial zone at Omokoroa Structure Plan Area 2 retirement villages shall be excluded from the definition of Accommodation facilities.
- (j) Police stations.

### 6.3.2 Controlled Activities

- (a) Subdivision. Where subdivision occurs in the commercial zone at Omokoroa Stage 2 the Council will reserve its control over and may set conditions related to limiting the access to Omokoroa Road to the roundabout as shown on the Structure Plan in Appendix (ix)(c) and one access point at the north of the zone as a left hand in and left hand out access.
- (b) Dwellings provided they are located above ground floor.
- (c) With respect to screening, any activity in 6.3.1 which has a common boundary with or is separated by a road from a residential, rural-residential, future urban or rural zone or a public reserve (in all other aspects it is a permitted activity).
- (d) Works and network utilities as provided for in Section 17.
- (e) With respect to financial contributions, the erection or undertaking of one or more commercial activities other than the first such activity on a site or significant expansion of an existing activity (significant expansion is an increase of more than 0.5 of a household equivalent for services) and which in all other respects is a permitted activity.



- (f) With respect to financial contributions any activity in 6.3.1 which has a household equivalent for water and wastewater greater than one as listed in Rule 16.3.6(b).
- (g) Childcare centres.

### 6.3.3 Restricted Discretionary Activities – General

- (a) Any permitted or controlled activity that fails to comply with the activity performance standards listed in rule 6.3.7. Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies. Council will also consider any community benefits resulting from a development proposal that is aligned with the design outcomes in Town Centre Plans.

### 6.3.4 Restricted Discretionary Activities – Omokoroa Stage 2 Structure Plan Area

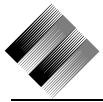
- (a) Within the Commercial Zone shown on the Omokoroa Stage 2 Structure Plan all activities other than residential shall be a restricted discretionary activity subject to activity performance standards listed in 6.3.4.1.
- (b) Within Stormwater Management Reserves and private conservation areas in Omokoroa Stage 2, regardless of whether they are designated, the following are Restricted Discretionary Activities:
  - the disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material
  - the diversion or modification of any natural watercourses
  - the construction of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, dwellings or buildings, playgrounds, pump stations, sewers, culverts and roadways.
  - Walkways/cycleways

Except that

Disturbance of soil, natural ground cover and vegetation associated with activities approved in a reserve management plan prepared under the Reserves Act or Local Government Act 2002 shall be exempt from this required.

In assessing a restricted discretionary activity Council will limit its discretion to and may set conditions on:

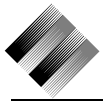
- Avoiding, remedying or mitigating the potential adverse effects of the ecological values of the reserves.



- Avoiding, remedying or mitigating the potential for natural hazard events such as flooding ie natural hazards must not be made more severe as the consequence of a proposal.
- Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.
- In the Omokoroa Structure Plan area retaining the integrity of the Omokoroa Peninsula Stormwater Management Plan (June 2002) including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.

#### 6.3.4.1 Activity Performance Standards for Activities in the Commercial Zone - Omokoroa Stage 2 Structure Plan Area

- (a) A Comprehensive Development Plan for the whole zone shall be prepared by the District Council prior to development of individual titles. This plan shall define the compliance with the performance standards and criteria listed below and the location of buildings, traffic and pedestrian cycle paths and parking areas and shall specify integration with the commercial zone and to the Industrial Zone and public reserve.
- (b) Activity performance standards listed in:  
Rule 6.3.4.1: (a)(i) – veranda,  
Rule 6.3.4.1: (a)(ii) – height,  
Rule 6.3.4.1: (b) – daylight,  
Rule 6.3.4.1: (c) – yards, (d) – (r) and (t).
- (c) In addition to the above the following performance standards shall apply:
- (i) No building shall exceed 50m in length across any continuous dimension and the commercial development is to provide a minimum 200m<sup>2</sup> pedestrian court /plaza to act as a point of focus and physical congregation within the centre.
  - (ii) For every square metre of ground floor retail there shall be an equivalent upper floor area provided for other permitted or controlled activities.
  - (iii) A portion of the required car parking is to be provided along the commercial/reserve boundary to facilitate shared use.
  - (iv) Access to Omokoroa Road shall be by way of a roundabout as shown in the structure plan and from the controlled intersection from the Industrial Zone.
- (d) Any habitable room in new residential activities shall meet an internal L10 noise level of 45dBA at all times. An acoustic design report from a suitably qualified Acoustic Engineer will be required at the time of building consent application to show that the required noise standards will be met.
- (e) Covered walkways of at least 3m in width are to be provided along the frontage of all buildings and a network of uncovered walkways/cycleways to connect the commercial area to the car parking, light industrial, reserves and residential lands . The uncovered

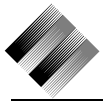


- walkways are to be minimum 1.5m wide constructed of asphalt ,exposed aggregate or similar materials
- (f) Amenity Planting and fencing at 1.8m high of service yards shall be provided incorporating a minimum of 4m of vegetative planting achieving 4m in height. The Omokoroa Road boundary is also to be screen planted to a minimum depth of 4m achieving a minimum 4m, in height.
  - (g) Lights within the zone are to be no higher than 5m and be either standard or bollard design
  - (h) Daylighting No part of any building shall exceed a height equal to 2.7 metres plus the shortest horizontal distance between that part of the building and the commercial /reserve boundary and the boundary with Omokoroa Road
  - (i) Car Parking is to provide maximum convenience for the public using commercial or reserve facilities. Any such parking is to be screen planted along Omokoroa Road and all parking areas for more than 10 cars are to include specimen trees to provide shade to 30% of the carparking areas in summer.
  - (j) The maximum coverage shall be 80% of land area.

Non-compliance with activity performance standard (j) above will require a resource consent approval for a non-complying activity.

#### 6.3.4.2 Assessing Commercial Activities in the Omokoroa Stage 2 Structure Plan Area

- (a) In assessing a restricted discretionary activity Council will restrict its discretion to a consideration of, and may set conditions related to:
  - (i) The extent to which development provides for **mixed use** and provides for ingress and egress of residents without impinging on downstairs commercial operations, and the extent to which upper storeys are dimensioned and designed so as to provide functional and attractive accommodation for residents
  - (ii) The extent to which the development provides a **central Pedestrian Plaza Court**
  - (iii) How well the development **integrates with walkways/cycleways** to parking and nearby reserve land, civic centre facilities, civic activities, park and ride, school sites and other public amenities;
  - (iv) The height and setback of **buildings and plants** and their current and future effects on daylight to other sites;
  - (v) The overall **design, and location of buildings and their compatibility with safe traffic and pedestrian flows** from the Omokoroa Road roundabout to the access road into the light industrial area in the north;
  - (vi) **Visual impacts** of the proposal and, in particular, visual amenity when viewed from Omokoroa Road and the adjoining reserve;

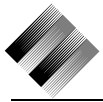


- (vii) The **overall design and appearance of buildings** including the extent to which building facades are visually broken up and sympathetic to a human scale. This may include variation in roof profiles & pitches, modulation of walling, and the use of layered roofing, walling, verandahs, windows, structural supports and other building elements to give building facades a layered, 3 dimensional, character. This may also include the use of extensive glazing at ground level to create strong visual interaction between the external and internal 'components' of the commercial area and to further avoid walling appearing overlay extensive and devoid of visual relief / variety
- (viii) The extent to which proposed **colours are muted, natural or recessive** and are compatible with nearby residential development and reserves - particularly so in relation to walling next to service courts & along rear / side walls potentially exposed to residential / reserve areas.
- (ix) The **safety and efficiency of traffic flows on Omokoroa Road**
- (x) The extend to which the proposal is **consistent with objectives and policies** of this plan; and
- (xi) **Consistency/compatibility with the activity performance standards listed in 6.3.4.1**
- (xii) The extent to which planting and other measures provide for amenity and create safe environments.
- (xiii) Consistency with the approved Commercial Area Master Plan.

A restricted discretionary activity that complies with the Activity Performance Standards above will not be publicly notified and will not require serving on people who may be considered affected.

### 6.3.5 Discretionary Activities

- (a) Service stations and garages.
- (b) Depots (except in Omokoroa, where they are non-complying).
- (c) Vehicle and machinery sales (except in Omokoroa, where they are non-complying).
- (d) All development and external alterations/additions within the Katikati Town Centre, Commercial Zone.
- (e) Works and network utilities as provided for in Section 17.
- (f) **Future Commercial (Waihi Beach)**



- (i) Activities identified as permitted activities in Rule 6.3.1 excluding Rule 6.3.1(l), provided they are part of a comprehensive development proposal.

### 6.3.6 Non Complying Activities

Any activity that is not in general accordance with an approved Town Centre Plan.

### 6.3.7 Activity Performance Standards

#### 6.3.7.1 General

The following performance standards shall be met by all permitted and controlled activities and shall be used as a guide for the assessment of all other activities.

#### (a) Building Height, Setback, Alignment and Design

- (i) All buildings shall be provided with a verandah not less than 2.0 metres wide, 3.0 metres above street level, 0.3 metres back from the kerb line and not more than 0.4m thick.
- (ii) Te Puke and Katikati Commercial Zones  
Overall building height shall not exceed 12.5 metres and retain a maximum two storey character (not exceeding 8m) facing the street.

The habitable space of any building shall be limited to the first 11metres.

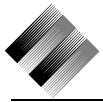
The development of any three storey building shall have its third storey set back in accordance with Diagram 6.1

Omokoroa Commercial Zone Stage 2 Structure Plan Area - The maximum building height in the Omokoroa Stage 2 Structure plan area shall be 11 metres and no provision is made for additional non-habitable space above the 11metre height limit.

#### All other Areas including spot Commercial zones

The maximum height shall be limited to 9 metres and no provision is made for additional non-habitable space above the 9metre height limit.

- (iii) All new buildings shall be design to achieve a 3.8m minimum stud height on the ground floor with primary access being provided at grade with the street.



- (iv) Any balustrade servicing a third floor (not in the Omokoroa Stage 2 Structure Plan Area) shall be either set back in accordance with Diagram 6.1 or be 80% visually permeable.

Visually permeable means a structure does not obscure vision or light penetration beyond the percentage identified.

- (v) Continuous Retail Frontage – Development in the commercial zone shall be constructed up to the road boundary except for vehicle access up to 6m wide per site. Each building shall have clear windows on the ground floor that must cover at least 50% of the buildings frontage to a main street and at least 25% for all other streets and public areas, such as walkways and public parking areas. No car parking shall be located within 10m of any street boundary.
- (vi) Town Centre Plans - All buildings shall be designed to be in general accordance with the relevant Town Centre Plan. This rule does not apply to existing buildings having minor alterations or extensions provided the total GFA does not increase in scale by more than 10%.

(b) **Daylight**

All site boundaries adjoining residential and rural zones:

No part of any building shall exceed a height equal to 2.7 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary except where the site has a boundary with a road in which case this rule shall not apply in respect of that boundary.

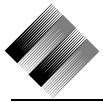
Provided that:

a building may exceed the aforementioned height where the written approval of the owner of the immediately adjoining property to a specified greater height is obtained.

(c) **Offices**

Offices, provided that the floor area utilized for office purposes on ground floor does not exceed more than 20% of the total ground floor area of the building.

Note: This rule does not apply to Commercial Service activities.



(d) **Yards**

3m where a property adjoins a residential, rural-residential, future urban, rural zone or reserve boundary.

Provided that :

a building may be located within and up to a side or rear boundary where the adjoining property is a road or where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

Except that

where the yard adjoins a State highway, (except in the commercial zones in Katikati and Te Puke), that yard shall be 10m.

(d) **Dwellings and Residential Activities**

Commercial Zone rules shall apply, except as specified below:

- (i) Any habitable room in new residential activities established in the commercial zone shall be designed to meet an internal L<sub>10</sub> noise level of 45dBA at all times.

An acoustic design report from a suitably qualified Acoustic Engineer will be required to show that the required noise standards will be met.

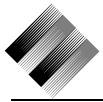
- (ii) All dwellings shall be located above ground floor.

(e) **Access Provision – Waihi Beach**

To enable commercially zoned land (adjoining Dillon Street) to be developed in compliance with the "Access, On-Site Parking and Loading" requirements of the District Plan Lot 4 DP 37326 and/or Lot 6 DP 37326 shall provide for legal and practical access to Lot 5 DP 37326.

(f) **Commercial Sexual Service**

No commercial sexual service shall be located within 150 metres of the main entrance of a Sensitive Site.

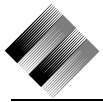


- (g) **Natural Environment** - See Section 9.
- (h) **Landscape for protecting amenity values**- See Section 10.
- (i) **Heritage** - See Section 11.
- (j) **Natural Hazards** - See Section 12.
- (k) **Noise and Vibration** - See Section 13.2.
- (l) **Storage and Disposal of Solid Waste** - See Section 13.3.
- (m) **Lighting and Welding** - See Section 13.4.
- (n) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 13.5.
- (o) **Visual Amenity - Screening** - See Section 13.6.
- (p) **Visual Amenity - Signage** - See Section 14.3.1.3.
- (q) **Subdivision and Land Use Development** - See Section 15.  
  
No minimum lot size.
- (r) **Development Contributions** - See Section 16.
- (s) **Access, On-Site Parking and Loading** - See Section 18.
- (t) **Service Lanes** - Section 18.
- (u) **Hazardous Substances** - See Section 19.

### **6.3.8 Criteria for Restricted Discretionary and Discretionary and Non Complying Activities**

In considering an application for a restricted discretionary, discretionary or non-complying activity Council shall consider:

- i. The extent of non compliance with the permitted activity performance standards and the actual and potential effects on the environment;
- ii. How well the development integrates with existing commercial development and it's orientation to public space,



- iii. How the development meets the design outcomes of the Town Centre Plans and Built Environment Strategy;
- iv. Any national standards for urban design;
- v. What provision is made for pedestrian and vehicular access;
- vi. The effect on the amenity values of adjoining residential and reserve land.;
- vii. Consistency with any draft development concept plan in preparation.;
- viii. Consistency with the objectives and policies of the District Plan.
- ix. Any cumulative effects that may result from the activity.
- x. For non-complying activities any precedent effect that may be created by granting consent.

## 6.4 Other Methods

- 6.4.1 The Built Environment Strategy establishes a non regulatory approach to assist developers to engage in a free design process. This is called the 'package of plans approach' which promotes the development community presenting development concept plans to Council at an early stage and refining these before lodging applications for Building and/or resource consent. This is identified in Figure 2 of the Built Environment Strategy.

### OTHER AMENDMENTS

#### Proposed Additional or Amended Definitions.

**Spot Commercial Zones** – means small zones not contiguous with any main Commercial area such as corner dairy sites and commercial zones servicing small communities such as Maketu and Pukehina Beach.

**Commercial Services** – means activities that service the community including banks, post offices, insurance offices, government agencies, dry cleaners, laundries, shoe repair, locksmiths, domestic garden appliance repair and the like but does not include motor vehicle servicing and repair.

#### Establish New Zone where Future Commercial zone is located.

New zone to be a higher density residential zone with office activities permitted provided they face the creek and do not take up more than 15 percent of the total GFA of the building. The Edinburgh Street Frontage should appear to be residential character.