

# **Decision Report**

## **Plan Change 20 – Changes to the Katikati Commercial Zone**

---

### **Important Note**

The Proposed District Plan May 2011 Annotated Version was the current version of the District Plan when Plan Changes 1-27 were notified in November 2011 and this version was therefore used as the base document for preparing the Plan Changes and the Section 32 and Planning Reports.

Since then the District Plan has been made operative (16 June 2012). The Operative District Plan 2012 is now the current version of the District Plan and therefore Plan Changes 1-27 are proposed to change this version only.

For the purpose of understanding how decisions on this Plan Change relate to the Section 32 and Planning Report and to both versions of the District Plan discussed above, this Decision Report is divided into three parts.

Part A contains the decisions made on the topics in the Planning Report and uses the Proposed District Plan May 2011 Annotated Version as the base document.

Part B shows how the full notified Plan Change and subsequent decisions on topics would change the Proposed District Plan May 2011 Annotated Version Base Document.

Part C shows how the full notified Plan Change and subsequent decisions on topics are proposed to change the Operative District Plan 2012.

### **Advice to Submitters:**

Submitters will be familiar with the rule and map numbers from the Proposed District Plan May 2011 Annotated Version and so should refer to Parts A and B of this report to understand the decisions on their submission points.

However any submitter wishing to make an appeal will need to refer to the rule and map numbers of the Operative District Plan 2012 in Part C and reference these in their appeal.

## **Part A: Decisions on Topics in the Planning Report**

Any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in [red](#), and any changes resulting from decisions on the topics in the Planning Reports in [blue](#).

### **Topic 1: Allow education facilities with more than 4 persons as a Permitted Activity in both the Commercial and Commercial Transition Zones**

#### **Decision**

That the word 'combined' be deleted from Rule 17A.3.1(j) as follows;

(j) Educational facilities for a combined maximum of four persons (excluding staff).

That 'educational facilities with a maximum number of four persons (excluding staff)' are included as a Permitted Activity in the Commercial zone, as new Rule 17.3.1 (n).

The following submissions are therefore:

**Accepted in part**

Submission	Point Number	Name
49	4	Ministry of Education

**Rejected**

Submission	Point Number	Name
49	3, 4	Ministry of Education

**Reason for Decision**

Educational facilities can generate significant amounts of traffic movements and aspects such as pedestrian safety, on-site vehicle movements, vehicle entrance and exits are very important. As a result, 'educational facilities with more than four persons' are retained as a discretionary activity to ensure these possible issues can be addressed through a resource consent.

However, a small educational facility has an insignificant effect on the surrounding area and can therefore be accommodated as a permitted activity within the Commercial and Commercial Transition zones.

Although it might not be viable to have certain educational facilities with four or less persons, the effects of including these facilities as a Permitted Activity have not been assessed in the Section 32 analysis of this Plan Change or Plan Change 24. An amendment to the number of persons allowed in an educational facility as a Permitted Activity therefore, has to be included in a future Plan Change.

**Topic 2: Amendment to the boundary that relates to Rule 17.4.2**

**Decision**

That the northern boundary of the area that is subject to Rule 17.4.2 be retained as notified.

The following submissions are therefore:

**Accepted**

Submission	Point Number	Name
FS74	14	New Zealand Transport Agency

**Rejected**

Submission	Point Number	Name
57	1, 2	Oswald, Beverley June

**Reason for Decision**

The reasons for having the boundary between the town centre and the area that is subject to Rule 17.4.2 are as follows:

- Except for the new commercial development on the corner of Main Road and Donegal Place, none of the other properties are developed in accordance with the Activity Performance Standards within the town centre.
- Currently there is a different look and feel between the properties north of the Haiku walkway entrance and those properties south of the entrance.
- Public parking areas are available close to the properties in the town centre, while no public parking area is situated close to 80-82 Main Road.
- It is an outcome from the Katikati Town Centre Plan that was developed with significant input from the community.
- The community would like to have a compact town centre and would like to avoid an elongated town centre.

### **Topic 3: Rezoning of properties along Carisbrooke Street and Jocelyn Street from Commercial to Commercial Transition**

#### **Decision**

That the properties identified in Figure 1 below be rezoned to Commercial Transition, as notified.



*Figure 1: Proposed properties to be rezoned to Commercial Transition*

### **Topic 4: The creation of a separate zone for Commercial Transition and subsequent changes to the Commercial Zone**

#### **Decision**

That, except for the recommended changes included in Topic 1, Section 17A – Commercial Transition and Section 17 – Commercial be approved as Notified.

#### **Reason for Decision**

To make the Plan more user friendly.

## **Part B: Changes to the Proposed District Plan May 2011 Annotated Version Base Document**

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

**Add a new Section 17A Commercial Transition in the District Plan and make subsequent changes to Section 17 Commercial as indicated on the pages to follow.**

**Rezone, as per attached Map U21, the properties along Carisbrooke Street and Jocelyn Street from Commercial to Commercial Transition.**

# Commercial Transition

## 17A. Commercial Transition

### Explanatory statement

The commercial centres of towns form the heart of the town and 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.

Council has developed Town Centre Plans to deliver good design and development outcomes and meet each community's vision for their town centre and directly adjoining areas.

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.

The Commercial Transition Zone helps to contain the commercial area and provides a physical transition between the Commercial and Residential Zones by providing:

- a medium density residential character to the street front facing the Residential or Medium Density Residential Zone and;
- a commercial character for the area facing the Commercial Zone.

Katikati and Waihi Beach have Commercial Transition Zones that take local issues into consideration.

The Commercial Transition Zone encourages the establishment of medium density residential, which in turn will increase the vibrancy of the town centres.

### 17A.1 Significant issues

1. Commercial creep into non-commercial zones has the potential to detract from the viability and efficient operation of commercial centres.
2. A sudden interface between commercial and residential areas can have adverse effects on both areas.

### 17A.2 Objectives and policies

#### 17A.2.1 Objectives

1. A compact town centre that is surrounded by an area that provides a gradual transition between the Commercial and Residential Zones.

2. A medium density residential character that makes the town centre more sustainable and viable.
3. The development of town centres and adjoining areas that complement adopted documents compiled with the respective communities such as town centre plans and comprehensive development plans.

## **17A.2.2 Policies**

1. New development or redevelopment in the Commercial Transition Zone is consistent with the design elements of the relevant adopted town centre plans.
2. Limit the establishment of commercial activities in non-commercial zones.
3. Apply financial contributions and other consent conditions to assist in avoiding or mitigating potential adverse effects of future subdivision and development.

## **17A.3 Activity lists**

### **17A.3.1 Permitted activities**

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

- (a) Medium Density Residential.
- (b) Offices.
- (c) Commercial services.
- (d) Medical or scientific facilities.
- (e) Restaurants and other eating places.
- (f) Takeaway food outlets.
- (g) Activities on reserves as provided for in the Reserves Act 1977.
- (h) Works and network utilities as provided for in Section 10.
- (i) Accommodation facilities.
- (j) Educational facilities for a ~~combined~~ maximum of four persons (excluding staff).

## **17A.3.2 Controlled activities**

- (a) Subdivision.
- (b) Works and network utilities as provided for in Section 10.
- (c) With respect to financial contributions only:
  - (i) Any activity in 17A.3.1 which has a household equivalent for water and wastewater greater than one as listed in Rule 11.3.4 (c)

## **17A.3.3 Restricted discretionary activities**

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 17A.4.

## **17A.3.4 Discretionary activities**

- (a) Education facilities for more than four persons (excluding staff)
- (b) Retailing

# **17A.4 Activity performance standards**

## **17A.4.1 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. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

- (a) **Building height:**

9m

- (b) **Daylight:**

All site boundaries adjoining Residential Zones:

No part of any building shall exceed a height equal to 2.0m height above ground level at all boundaries and an angle of 45 degrees into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

**Provided that:**

A building may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

(c) **Yards**

- (i) Front Yards shall be no less than the following:
- |                                 |             |
|---------------------------------|-------------|
| <u>Medium Density Dwellings</u> | <u>- 3m</u> |
| <u>Garages (all)</u>            | <u>- 5m</u> |
- (ii) Rear and Side Yards – Minimum - 1.5m

**Provided that:**

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

(d) **Standards for development specific to Waihi Beach Commercial Transition Zone**

In addition to the Activity Performance Standards included in 17A.4.1 General, the following apply to the Waihi Beach Commercial Transition Zone. In the event of any conflict or inconsistency between these rules and those set out in 17A.4.1 above, the content of these rules shall prevail.

- (i) The following activities shall face Two Mile Creek, if develop: offices, commercial services; restaurants and other eating places; takeaway food outlets; and educational facilities for a combined maximum of four persons (excluding staff).
- (ii) All buildings and permanent structures shall have a setback of at least 7.5m from the centre line of Two Mile Creek measured at building consent stage irrespective of whether or not the centre line of the creek is within the subject property.
- (iii) Edinburgh Street front retains a residential or medium density residential character.
- (iv) The activities are compatible with accommodation and apartments and exclude bars, clubs, places of assembly or any activity that creates more noise than that associated with a Residential Zone (see 4C.1.3.2).
- (v) The commercial activities do not take up more than 50% of the total Gross Floor Area or 150m<sup>2</sup>, which ever is the most restrictive.
- (vi) Fences and walls:
- Side boundary and rear boundary:
- Any fence or wall within the side and/or rear yards or on the side and/or rear boundary shall not exceed a height



that exceeds the daylight plane as described in 13.4.1(b):

**Explanatory Note:**

A building consent is required where a fence or wall exceeds 2.0m

**Except that:**

- Where the side fence or wall is within the front yard specified in Rule 17A.4.1(c) Yards, this height shall not exceed 1.2m, unless the portion of the wall or fence that is between 1.2 and 2.0m in height has a visual permeability of at least 60%.
- Where the common boundary is with a public reserve or walkway, the fence or wall shall not exceed 1.2m height, unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.
- Any fence or wall closer than 5.5m from the centre line of Two Mile Creek shall not exceed 1.2m in height, unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.

Front boundary:

Any fence or wall within the front yard or on the front boundary shall not exceed 1.2m in height unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.

**(e) Standards for development specific to Katikati Commercial Transition Zone**

In addition to the Activity Performance Standards included in 17A.4.1 General, the following apply to the Katikati Commercial Transition Zone. In the event of any conflict or inconsistency between these rules and those set out in 17A.4.1, the content of these rules shall prevail.

- (i) Carisbrooke and Jocelyn Street fronts retain a residential or medium density residential character.
- (ii) Commercial activities do not take up more than 70% of the total Gross Floor Area or 200m<sup>2</sup>, which ever is the most restrictive.
- (iii) The following activity performance standards shall apply to the properties that front Talisman Drive:
  - Front Yards - 0m

- Continuous retail frontage – Development along Talisman Drive shall be constructed up to the road boundary. Each building shall have clear windows on the ground floor that must cover at least 50% of the building's frontage to Talisman Drive and at least 25% for other public areas, such as walkways and public parking areas.
- All buildings shall be provided with a verandah not less than 2m wide, 3m above street level, 0.3m back from the kerb line and not more than 0.4m thick.
- No vehicle access is allowed off Talisman Drive.
- No car parking, other than underground parking, shall be located within 10m of Talisman Drive.
- Parking associated with commercial activities that are accessed off Talisman Drive shall be accommodated for in a public parking area in close proximity of the commercial activity as per Section 4B.4.8(b) *Cash in lieu*.

Except that:

Where the building platform of any building fronting Talisman Drive is more than 1.5m above the carriageway of Talisman Drive, the building shall have a 3m Front Yard and a continuous retail frontage shall not be required.

(iv) Fences and walls

Side boundary and rear boundary:

Any fence or wall within the side and/or rear yards or on the side and/or rear boundary shall not exceed a height that exceeds the daylight plane as described in 13.4.1(b):

**Explanatory Note:**

A building consent is required where a fence or wall exceeds 2.0m

**Except that:**

- Where the side fence or wall is within the front yard specified in Rule 17A.4.1(c) Yards, this height shall not exceed 1.2m, unless the portion of the wall or fence that is between 1.2 and 2.0m in height has a visual permeability of at least 60%.
- Where the common boundary is with a public reserve or walkway, the fence or wall shall not exceed 1.2m height, unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.

Front boundary:

Any fence or wall within the front yard or on the front boundary shall not exceed 1.2m in height unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.

- (f) **Transportation, Access, Parking and Loading** - See Section 4B.
- (g) **Noise and Vibration** - See Section 4C.1
- (h) **Storage and Disposal of Solid Waste** - See Section 4C.2
- (i) **Lighting and Welding** - See Section 4C.3
- (j) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4
- (k) **Screening** - See Section 4C.5
- (l) **Signs** - See Section 4D
- (m) **Natural Environment** - See Section 5.
- (n) **Landscape**- See Section 6.
- (o) **Cultural and Heritage** - See Section 7.
- (p) **Natural Hazards** - See Section 8
- (q) **Hazardous Substances** – See Section 9.
- (r) **Financial Contributions** - See Section 11.

## **17A.4.2 Subdivision and Development**

See Sub-Section 13A.4.4 – Standards for more than one dwelling per lot - and Section 12 Subdivision and Development.

## **17A.5 Matters of control - controlled activities**

See Sub-Section 13A.5.1 – Subdivision and more than one dwelling on a lot.

## **17A.6 Matters of discretion**

### **17A.6.1 Restricted discretionary activities – non-compliance with activity performance standards**

See Sub-Section 13.6.4 – Restricted Discretionary Activities – Medium Density Housing.

## **17A.6.2 Discretionary and Non-Complying Activities – matters of discretion and assessment criteria**

See Sub-Section 17.7.4 – Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria.

## **17A.7 Other methods**

- 17A.7.1** 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 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.

# Commercial

## 17. 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 District has established town centres at Te Puke, Katikati and Waihi Beach. A new town centre is planned for 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 developed 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. There are a number of other community plans that Council will have regard to as part of the resource consent process.

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

Although the efficient operation of the State Highway, which currently bisects Te Puke and Katikati, is important, the State Highway should not detract from the efficient operation of the towns it bisects.

### 17.1 Significant issues

1. The decline of town centres may have an adverse effect on the community's social, economic and cultural wellbeing.

2. 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 centres.
3. 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.
4. The adverse effects on visual amenity resulting from large and/or badly designed buildings and including potential adverse effects from lighting and inappropriate signage.
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. The adverse effects of commercial activities such as rubbish generation, smell and noise.
7. 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.
8. The loss of heritage buildings through the lack of protection or incentives for retention of facades of heritage value.
9. The adverse effects of heavy transport travelling through commercial centres especially pedestrian/vehicle conflict and associated noise/dust/odour problems
10. There is a need to integrate pedestrian and cycle ways both to and within commercial centres to minimise reliance on motorised transport.

## **17.2 Objectives and policies**

### **17.2.1 Objectives**

1. Consolidated commercial centres that are vibrant commercial environments that encourage social and cultural interaction.
2. Well designed commercial centres which reflect accepted urban design principles.
3. Convenient and safe commercial centres.
4. Commercial development of a scale that is appropriate for the location.
5. Public, civic and private space that relate well to each other.

6. Commercial centres that have a high level of amenity.
7. Commercial Zones in which commercial activities can operate effectively and efficiently, without undue restraint from non-commercial uses which may require higher amenity values.
8. Important heritage buildings and landscape features are retained.
9. An efficient network of road, cycle and pedestrian linkages connecting the District's commercial centres to surrounding urban areas.
10. 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.
11. The development of town centres that complement adopted documents compiled with the respective communities such as town centre plans and comprehensive development plans.

### **17.2.2 Policies**

1. Provide for the comprehensive development of commercial areas, including the redevelopment of multiple commercial sites by:
  - (a) encouraging the aggregation of land titles in accordance with the relevant town centre plan;
  - (b) providing incentives (such as a reduction in the required number of on site car parks) to off-set the acquisition of land required to achieve relevant town centre plan design outcomes.
2. New development or redevelopment of commercial centres is consistent with the design elements of the relevant adopted town centre plans.
3. Limit the establishment of commercial activities in non-commercial zones.
4. Ensure buildings in Commercial Zones:
  - (a) provide sufficient shelter for pedestrians so as to protect them from the natural elements, and
  - (b) do not compromise pedestrian access unless the characteristics of the locality of the site or the site itself are such that verandahs or other forms of pedestrian shelter are not required.
  - (c) support the development of areas that encourage social interaction.

5. Encourage alternative routes for heavy transport so as to avoid adverse effects such as danger to pedestrians, dust, noise and odour associated with such movements through commercial centres.
6. Ensure noise levels are such as to maintain a reasonable quality commercial environment.
7. Locate residential activities so they do not conflict with the integrity of the zone and are designed and located so as to avoid reverse sensitivity effects such as noise.
8. Prevent non-commercial activities that conflict with or detract from the integrity of the Commercial Zone.
9. Apply financial contributions and other consent conditions to assist in avoiding or mitigating potential adverse effects of future subdivision and development.
10. Identify and protect Significant Heritage and Landscape Features.
11. Apply height limits that are appropriate for the location of the Commercial Zone especially in relation to smaller communities such as Maketu, Pukehina and Paengaroa where large commercial buildings could detract from the amenity of the area.
12. Promote pedestrian and cycle accessibility by controlling the location and design of accessways.
13. Require retail frontages to be orientated towards streets and other public areas, such as public walkways and parking areas.
14. Ensure that development in Commercial Zones is designed and constructed to be consistent with the New Zealand Urban Design Protocol and National Guidelines for Crime Prevention through Environmental Design.
15. 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; and



- (h) The provision of residential accommodation to promote vibrancy in the commercial area.

## **17.3 Activity lists**

### **17.3.1 Permitted activities**

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

- (a) Retailing.
- (b) Commercial services
- (c) Offices.
- (d) Places of assembly.
- (e) Takeaway food outlets.
- (f) Medical or scientific facilities.
- (g) Restaurants and other eating places.
- (h) Activities on reserves as provided for in the Reserves Act 1977.
- (i) Works and network utilities as provided for in Section 10.
- (j) Accommodation facilities, provided that retirement villages are excluded from locating within the Commercial Zone at Omokoroa Structure Plan Area 2.
- (k) Police stations.
- (l) Commercial sexual services.
- (m) Building and construction wholesalers and retailers with a maximum gross area of 2500m<sup>2</sup>.
- (n) Educational facilities for a maximum of four persons (excluding staff).

### **17.3.2 Controlled activities**

- (a) Subdivision.
- (b) Dwellings provided they are located above ground floor level.
- (c) Works and network utilities as provided for in Section 10.
- (d) With respect to screening any activity in Rule 17.3.1 which has a common boundary with or is separated by a road from a Residential, Rural or Future Urban zone or a public reserve.

- (e) With respect to financial contributions only:
  - (i) 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);
  - (ii) any activity in 17.3.1 which has a household equivalent for water and wastewater greater than one as listed in Rule 11.3.4 (c)

### **17.3.3 Restricted discretionary activities**

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 17.4.
- (b) Within the Commercial Zone shown on the Omokoroa Stage 2 Structure Plan all activities other than a dwelling shall be a Restricted Discretionary Activity subject to the development of a commercial area master plan and activity performance standards listed in 17.5
- (c) Within stormwater management reserves and private conservation areas in Omokoroa Stage 2, regardless of whether they are designated, the following are Restricted Discretionary Activities:
  - (i) the disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material
  - (ii) the diversion or modification of any natural watercourses
  - (iii) 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.
  - (iv) walkways/cycleways

#### **Except that**

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

### **17.3.4 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) Works and network utilities as provided for in Section 10.
- (e) Development within the Commercial Transition Zone (Waihi Beach).
- (f) Building and construction wholesalers and retailers that exceed a gross area of 2,500m<sup>2</sup>.
- (g) Education facilities for more than four persons (excluding staff)  
~~Childcare centres.~~
- (h) The development of buildings in the Waihi Beach town centre that exceed the permitted height of 9 metres to a maximum height of 10.5 metres.

## 17.4 Activity performance standards

### 17.4.1 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. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

- (a) **Building height, setback, alignment and design**
  - (i) All buildings shall be provided with a verandah not less than 2m wide, 3m above street level, 0.3m back from the kerb line and not more than 0.4m thick.
  - (ii) **Te Puke and Katikati Town Centres Commercial Zones**  
Overall building height shall not exceed 12.5m 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 11m.  
  
The development of any three storey building shall have its third storey set back in accordance with Diagram 17.1 at the end of this Section.
  - (iii) **Omokoroa Commercial Zone Stage 2 Structure Plan Area**  
The maximum building height in the Omokoroa Stage 2 Structure Plan area shall be 11m and no provision is made for additional non-habitable space above the 11m height limit.
  - (iv) **All other areas including Spot Commercial Zones**

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

- (v) Any balustrade servicing a third floor (not in the Omokoroa Stage 2 Structure Plan Area) shall be either set back in accordance with Diagram 17.1 at the end of this Section or be 80% visually permeable.
- (vi) 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 building's frontage to a main street and at least 25% for all other streets and public areas, such as walkways and public parking areas.
- (vii) No car parking, other than underground parking, shall be located within 10m of any street boundary.

(b) **Daylight**

All site boundaries adjoining Residential and Rural Zones:

No part of any building shall exceed a height equal to 2.0m height above ground level at all boundaries and an angle of 45 degrees into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

**Provided that:**

a building may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

(c) **Offices**

The floor area utilised for office purposes on the ground floor is not to exceed 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 any yard adjoins:

- a Strategic Road or a designation for a Strategic Road (except in the Commercial Zones in Katikati and Te Puke), it shall be a minimum of 10.
- a railway corridor or designation for railway purposes, it shall be a minimum of 10m.

**Provided that:**

On Secondary Arterial Roads, and railway corridors or designation for railway purposes, application for subdivision consent approved prior to 1 January 2010 will be exempt.

(e) **Dwellings**

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 Leq 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 and shall be located above ground floor.

(f) **Commercial sexual service**

No commercial sexual service shall be located within 150m of the main entrance of a sensitive site.

~~(g) **Standards for development within the Commercial Transition Zone (Waihi Beach)**~~

~~It is the intention to utilise and enhance the amenity value of Two Mile Creek. The Commercial Transition Zone is created to compliment the adjoining medium density residential area and commercial area.~~

~~The primary land use activity in the Commercial Transition Zone is medium density residential, supplemented by activities identified as Permitted Activities in Rule 17.3.1, provided that:~~

- ~~(i) The commercial activities must face Two Mile Creek.~~
- ~~(ii) No permanent structures are constructed closer than 5m from the Northern bank of Two Mile Creek.~~
- ~~(iii) Edinburgh Street front retains a residential or medium density residential character.~~
- ~~(iv) The activities are compatible with accommodation and apartments. Examples would be hairdressers,~~

~~professional offices not dependent on passing trade, restaurants and takeaway food outlets, but does not include bars, clubs, places of assembly or any activity that creates more noise associated with a Residential Zone (see 4C.1.3.2).~~

~~(v) The commercial activities do not take up more than 50% of the total Gross Floor Area or 150m<sup>2</sup>, which ever is the most restrictive.~~

- (h) **Transportation, Access, Parking and Loading** - See Section 4B
- (i) **Noise and Vibration** - See Section 4C.1
- (j) **Storage and Disposal of Solid Waste** - See Section 4C.2
- (k) **Lighting and Welding** - See Section 4C.3
- (l) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4
- (m) **Screening** - See Section 4C.5
- (n) **Signs** - See Section 4D
- (o) **Natural Environment** - See Section 5.
- (p) **Landscape**- See Section 6.
- (q) **Cultural and Heritage** - See Section 7.
- (r) **Natural Hazards** - See Section 8
- (s) **Hazardous Substances** – See Section 9.
- (t) **Financial Contributions** - See Section 11.
- (u) **Omokoroa Commercial Zones** (Stage 2)

Development shall be accordance with the adopted structure plan.

### **17.4.2 Katikati: Standards for development in the Katikati Commercial Zone along the State Highway, between the entrance to the Haiku Walkway and Donegal Place.**

- (a) Yards
  - (i) Front Yards shall be no less than 4m.
  - (ii) 3m where a property adjoins a Residential Zone or reserve boundary.
- (b) Within this area, there is no requirement for a verandah that protrudes over the footpath.

- (c) Maximum building height shall be limited to two storeys and 9.0m.
- (d) Provisions for parking and loading shall be on-site as per 4B.4.7.
- (e) A continuous retail frontage is not required.
- (f) Each building shall have clear windows on the ground floor that cover at least 50% of the building's street front.
- (g) Car parking may be located within the front yard.

## ~~17.4.2 Subdivision and Development~~ (See also Section 12)

~~No minimum lot size.~~

### 17.4.3 Activity performance standards for activities in the Waihi Beach Town Centre

In addition to the Activity Performance Standards included in 17.4.1 General, the following apply to the Waihi Beach town centre, situated in Wilson Road between the intersection with Citrus Avenue on the western side and Snell Crescent and Dillon Street on the eastern side.

- (a) To retain the village feel and character of the Waihi Beach town centre along Wilson Road, commercial buildings in the town centre should:
  - (i) Have a continuous shop frontage.
  - (ii) Have commercial/retail activities with displays facing the street and/or Creek.
  - (iii) Have a variety of cladding materials and limit glass surfaces to not more than 60%.
  - (iv) Buildings should not have advertising displays above a level of 4.5m above street level.
  - (v) All new development should have some form of pitched roof with large overhangs to make the roof appear light and reduce the impact of bulk of the building.

These rules do not apply to existing buildings having minor alterations or extensions provided the gross floor area does not increase in scale by more than 10%.

- (b) Access provision
  - (i) Vehicle access to properties zoned Commercial in the Waihi Beach town centre that front onto Wilson Road should either:

- be shared between two adjoining properties, or
  - be obtained from an adjoining service lane, or
  - be from a road other than Wilson Road, excluding the public parking area situated on 24 Wilson Road.
- (ii) To enable Commercial Zoned land (adjoining Dillon Street) to be developed in compliance with the "Access, 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.

(c) All buildings and permanent structures shall have a setback of at least 7.5m from the centre line of Two Mile Creek measured at building consent stage irrespective of whether or not the centre line of the creek is within the subject property.

## **17.5 Development of a commercial area master plan for the Commercial Zone - Omokoroa Stage 2 Structure Plan area**

- (a) A commercial area master 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.

The comprehensive development plan shall include:

- (i) Mixed use areas;
- (ii) Visually broken building facades of a human scale;
- (iii) Muted natural or recessive colours;
- (iv) A maximum of one connection to Omokoroa Road thereby preserving that road's primary function as a transport corridor;
- (v) Landscaped car parking and set back from Omokoroa Road;
- (vi) Functional and alternative mixed use (including residential) on upper floors;
- (vii) An outlook and amenities that relate to the adjoining gully system; and
- (viii) The provision of residential accommodation to promote vibrancy in the commercial area.



- (b) In addition to the standards in 17.4.1 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.
- (c) Any habitable room in new residential activities shall meet an internal Leq 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.
- (d) Covered walkways of at least 3.0m 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 a minimum of 1.5m wide constructed of asphalt, exposed aggregate or similar materials.
- (e) Amenity planting and fencing at 1.8m high of service yards shall be provided incorporating a minimum width of 4m of vegetative planting achieving 4m in height. The Omokoroa Road boundary is also to be screen planted, with trees at a minimum height of 1.2m at the time of planting, to a minimum depth of 4m achieving a minimum 4m in height.
- (f) Lights within the zone are to be no higher than 5m and be either standard or bollard design.
- (g) Daylighting - Measured at the boundary, no part of any building shall exceed a height equal to 2.0m plus the shortest horizontal distance between that part of the building and the commercial/reserve boundary and the boundary with Omokoroa Road.
- (h) 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 ten cars are to include specimen trees to provide shade to 30% of the car parking areas in summer.
- (i) The maximum coverage shall be 80% of land area.

**Notes:** Non-compliance with activity performance standard (i) above will require a resource consent approval for a Non-Complying Activity.

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.

## **17.6 Matters of control - controlled activities**

### **17.6.1 Financial contributions**

Council will impose conditions with respect to the payment of financial contributions where these are triggered in Section 11 of the District Plan or identified in the Controlled Activity list.

### **17.6.2 Subdivision** (refer also to Section 12)

(a) No minimum lot size.

(b) Council may impose conditions regarding access to and from the existing and newly created lots.

(c) Where subdivision occurs in the Commercial Zone at Omokoroa Stage 2 the Council will reserve its control over and may set conditions relating to design and compliance with the Structure Plan. Failure to comply with the Structure Plan will result in the activity being classified as a Non-Complying Activity.

## **17.7 Matters of discretion**

### **17.7.1 Restricted discretionary activities – non-compliance with activity performance standards**

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 adopted town centre plans.

### **17.7.2 Restricted discretionary activities – Omokoroa Stage 2 Structure Plan Area**

(a) **General**

In assessing a Restricted Discretionary Activity, Council will limit its discretion to and may set conditions on:

(i) Avoiding, remedying or mitigating the potential adverse effects on the ecological values of the reserves.

- (ii) 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.
- (iii) Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.
- (iv) 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.

(b) **Commercial activities**

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 stories 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 facilities, 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 and 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,

three 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 overly 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 and along rear/side walls potentially exposed to residential/reserve areas.
- (ix) The safety and efficiency of traffic flows on Omokoroa Road.
- (x) The extent to which the proposal is consistent with objectives and policies of this Plan; and with the activity performance standards listed in 17.4.
- (xi) The extent to which planting and other measures provide for amenity and create safe environments.

### **17.7.3 Discretionary activity – relaxation of building height in the Waihi Beach town centre**

Building height of commercially zoned properties in the Waihi Beach town centre may be relaxed to a maximum height of 10.5m, provided that:

- (a) The development covers more than one section or a developer can prove to Council that an agreement exists with an adjoining Wilson Road land owner regarding the development of a shared access way and on-site parking arrangement.
- (b) Continuous shop front is retained.
- (c) Underground or semi-underground parking is provided.
- (d) Ground floor of the proposed building has a minimum stud height of 2.9m.
- (e) The building has a setback of at least 5m from the southern bank of Two Mile Creek to allow for a public walkway along the Creek.
- (f) The building has no overshadowing impact on properties to the south between 11am and 2pm as a result of the increase in height.
- (g) The third floor has a set back of 3m from the street boundary and the proposed walkway along Two Mile Creek.
- (h) The building has a pitched roof (mono or double pitched gable roof).
- (i) The top 1m (between 9.5m & 10.5m) should not be habitable.

## **17.7.4 Discretionary and Non-Complying Activities – matters of discretion and assessment criteria**

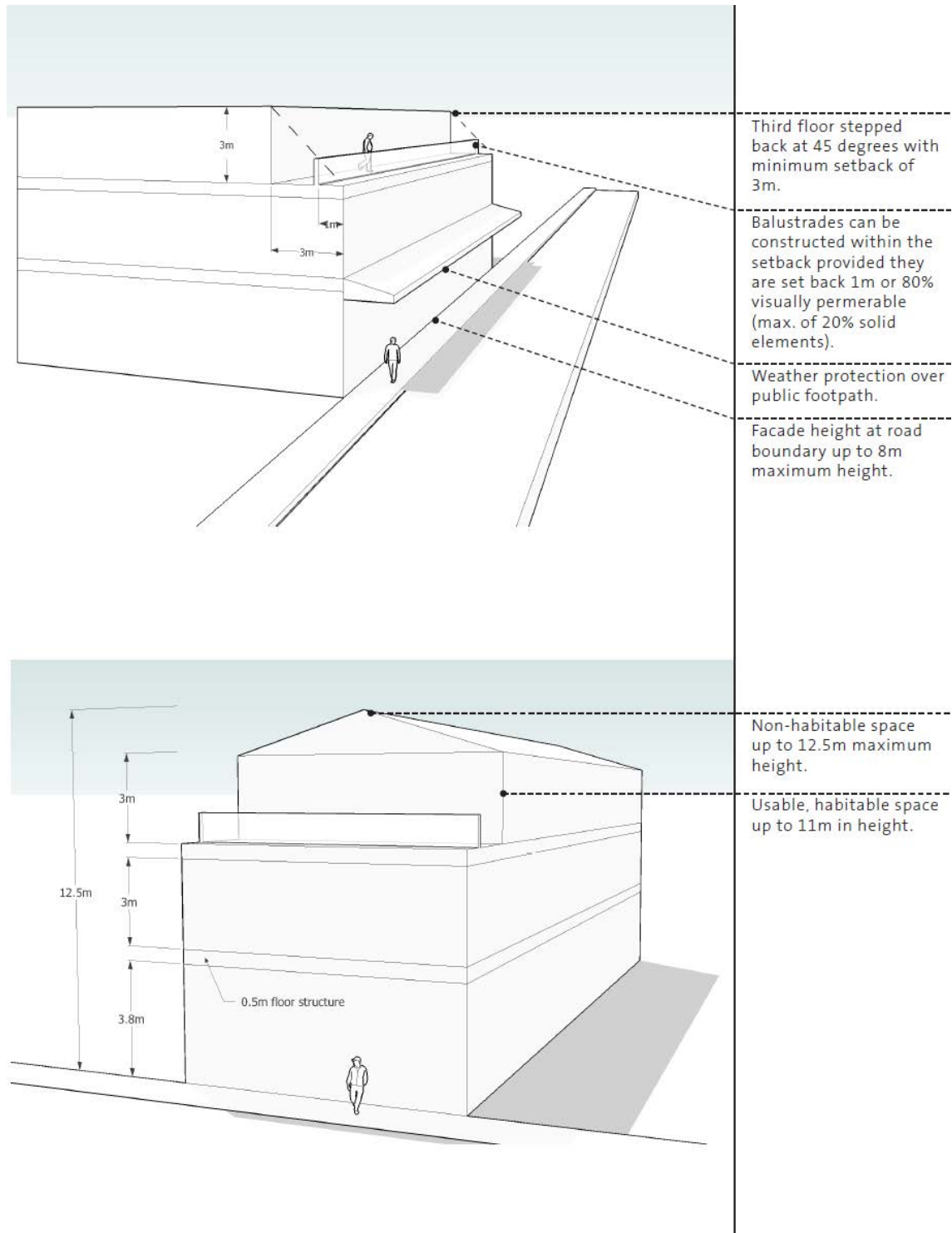
In considering an application for a Discretionary or Non-Complying Activity Council shall consider:

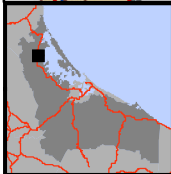
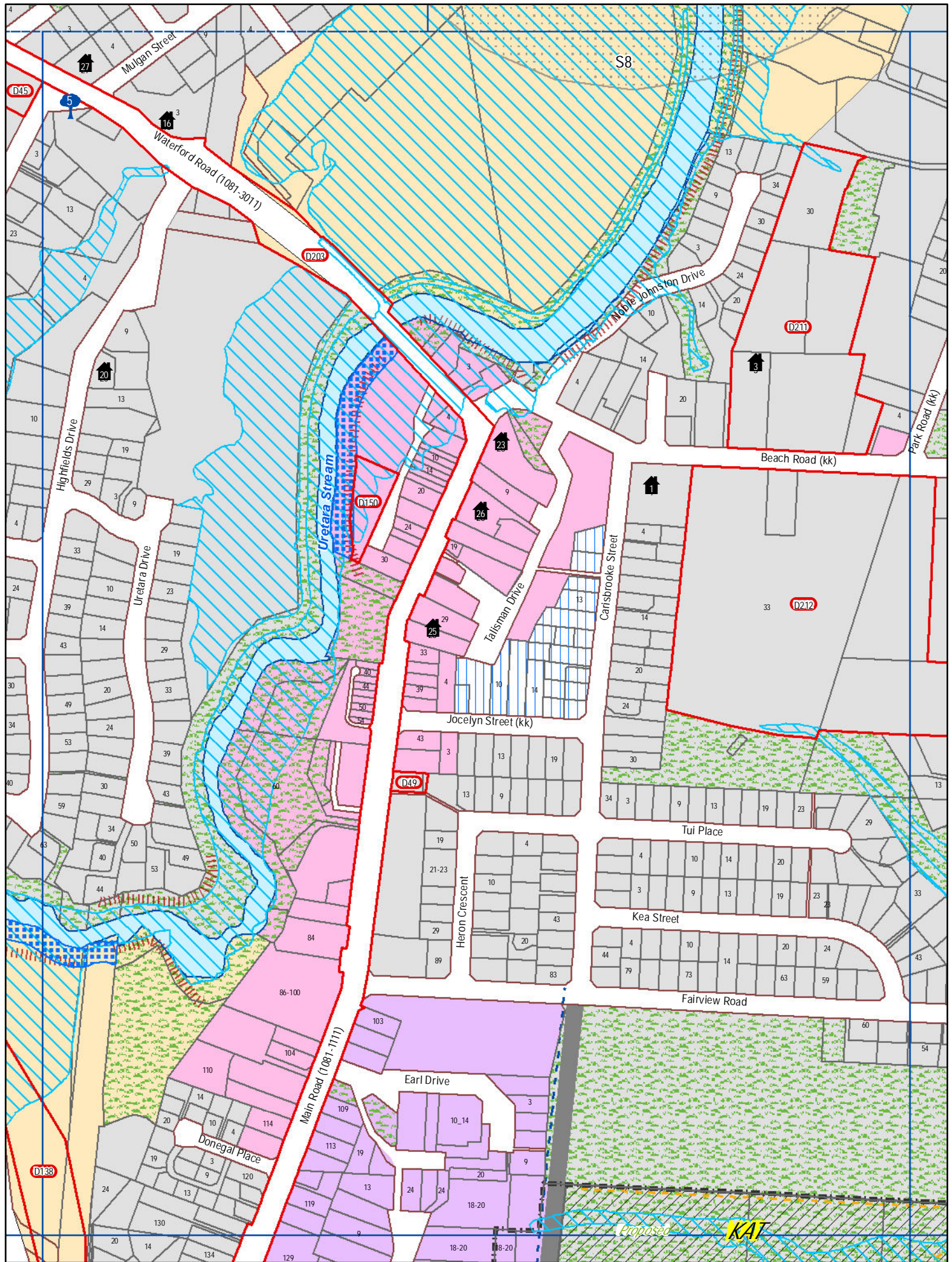
- (a) The extent of non compliance with the Permitted Activity performance standards and the actual and potential effects on the environment.
- (b) How well the development integrates with existing commercial development and its orientation to public space.
- (c) How the development meets the design outcomes of adopted town centre plans and the Built Environment Strategy.
- (d) Any national standards for urban design.
- (e) What provision is made for pedestrian and vehicular access.
- (f) The effect on the amenity values of adjoining residential and reserve land.

## **17.8 Other methods**

- 17.8.1** 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 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.

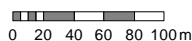
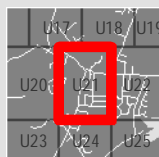
**Diagram 17.1 – Commercial Zone heights and setback standards**





U21

Katikati



Scale 1:5000 (A4)

Revision Date: 16 January 2010

## **Part C: Changes to the Operative District Plan 2012**

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

**Add a new Section 20 Commercial Transition in the District Plan and make subsequent changes to Section 19 Commercial as indicated on the pages to follow.**

**Rezone, as per attached Map U44, the properties along Carisbrooke Street and Jocelyn Street from Commercial to Commercial Transition.**



# Section Contents

<b>Commercial Transition .....</b>	<b>2</b>
20. Commercial Transition .....	2
20.1 Significant issues .....	2
20.2 Objectives and policies.....	2
20.3 Activity lists.....	3
20.4 Activity performance standards.....	4
20.5 Matters of control - controlled activities.....	8
20.6 Matters of discretion .....	9
20.7 Other methods .....	9

# Commercial Transition

## 20. Commercial Transition

### Explanatory statement

The commercial centres of towns form the heart of the town and 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.

Council has developed Town Centre Plans to deliver good design and development outcomes and meet each community's vision for their town centre and directly adjoining areas.

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.

The Commercial Transition Zone helps to contain the commercial area and provides a physical transition between the Commercial and Residential Zones by providing:

- a medium density residential character to the street front facing the Residential or Medium Density Residential Zone and;
- a commercial character for the area facing the Commercial Zone.

Katikati and Waihi Beach have Commercial Transition Zones that take local issues into consideration.

The Commercial Transition Zone encourages the establishment of medium density residential, which in turn will increase the vibrancy of the town centres.

### 20.1 Significant issues

1. Commercial creep into non-commercial zones has the potential to detract from the viability and efficient operation of commercial centres.
2. A sudden interface between commercial and residential areas can have adverse effects on both areas.

### 20.2 Objectives and policies

#### 20.2.1 Objectives

1. A compact town centre that is surrounded by an area that provides a gradual transition between the Commercial and Residential Zones.

2. A medium density residential character that makes the town centre more sustainable and viable.
3. The *development* of town centres and adjoining areas that complement adopted documents compiled with the respective communities such as town centre plans and comprehensive development plans.

## 20.2.2 Policies

1. New *development* or redevelopment in the Commercial Transition Zone is consistent with the design elements of the relevant adopted town centre plans.
2. Limit the establishment of commercial activities in non-commercial zones.
3. Apply financial contributions and other consent conditions to assist in avoiding or mitigating potential adverse effects of future subdivision and development.

## 20.3 Activity lists

### 20.3.1 Permitted activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

- (a) Medium Density Residential.
- (b) Offices.
- (c) Commercial services.
- (d) Medical or scientific facilities.
- (e) Restaurants and other eating places.
- (f) Takeaway food outlets.
- (g) Activities on reserves as provided for in the Reserves Act 1977.
- (h) Works and network utilities as provided for in Section 10.
- (i) Accommodation facilities.
- (j) Educational facilities for a ~~combined~~ maximum of four persons (excluding staff).

## 20.3.2 Controlled activities

- (a) Subdivision.
- (b) Works and *network utilities* as provided for in Section 10.
- (c) With respect to financial contributions only:
  - (i) Any activity in 20.3.1 which has a *household equivalent* for water and wastewater greater than one as listed in Rule 11.3.3(c)(ii)

## 20.3.3 Restricted discretionary activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 20.4.

## 20.3.4 Discretionary activities

- (a) Education facilities for more than four persons (excluding staff)
- (b) Retailing

# 20.4 Activity performance standards

## 20.4.1 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. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

- (a) **Building height:**

9m

- (b) **Daylight:**

All site boundaries adjoining Residential Zones:

No part of any building shall exceed a height equal to 2.0m height above ground level at all boundaries and an angle of 45 degrees into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

**Provided that:**

A building may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

(c) **Yards**

- (i) Front Yards shall be no less than the following:
- |                                 |             |
|---------------------------------|-------------|
| <u>Medium Density Dwellings</u> | <u>- 3m</u> |
| <u>Garages (all)</u>            | <u>- 5m</u> |
- (ii) Rear and Side Yards – Minimum                      - 1.5m

**Provided that:**

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

(d) **Standards for development specific to Waihi Beach Commercial Transition Zone**

In addition to the Activity Performance Standards included in 20.4.1 General, the following apply to the Waihi Beach Commercial Transition Zone. In the event of any conflict or inconsistency between these rules and those set out in 20.4.1 above, the content of these rules shall prevail.

- (i) The following activities shall face Two Mile Creek, if develop: offices, commercial services; restaurants and other eating places; takeaway food outlets; and educational facilities for a combined maximum of four persons (excluding staff).
- (ii) All buildings and permanent structures shall have a setback of at least 7.5m from the centre line of Two Mile Creek measured at building consent stage irrespective of whether or not the centre line of the creek is within the subject property.
- (iii) Edinburgh Street front retains a residential or medium density residential character.
- (iv) The activities are compatible with accommodation and apartments and exclude bars, clubs, places of assembly or any activity that creates more noise than that associated with a Residential Zone (see 4C.1.3.2).
- (v) The commercial activities do not take up more than 50% of the total Gross Floor Area or 150m<sup>2</sup>, which ever is the most restrictive.
- (vi) Fences and walls:
- Side boundary and rear boundary:
- Any fence or wall within the side and/or rear yards or on the side and/or rear boundary shall not exceed a height that exceeds the daylight plane as described in 13.4.1(b):

**Explanatory Note:**

A building consent is required where a fence or wall exceeds 2.0m

**Except that:**

- Where the side fence or wall is within the front yard specified in Rule 20.4.1(c) Yards, this height shall not exceed 1.2m, unless the portion of the wall or fence that is between 1.2 and 2.0m in height has a visual permeability of at least 60%.
- Where the common boundary is with a public reserve or walkway, the fence or wall shall not exceed 1.2m height, unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.
- Any fence or wall closer than 5.5m from the centre line of Two Mile Creek shall not exceed 1.2m in height, unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.

Front boundary:

Any fence or wall within the front yard or on the front boundary shall not exceed 1.2m in height unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.

(e) **Standards for development specific to Katikati Commercial Transition Zone**

In addition to the Activity Performance Standards included in 20.4.1 General, the following apply to the Katikati Commercial Transition Zone. In the event of any conflict or inconsistency between these rules and those set out in 20.4.1, the content of these rules shall prevail.

- (i) Carisbrooke and Jocelyn Street fronts retain a residential or medium density residential character.
- (ii) Commercial activities do not take up more than 70% of the total Gross Floor Area or 200m<sup>2</sup>, which ever is the most restrictive.
- (iii) The following activity performance standards shall apply to the properties that front Talisman Drive:
  - Front Yards - 0m

- Continuous retail frontage – Development along Talisman Drive shall be constructed up to the road boundary. Each building shall have clear windows on the ground floor that must cover at least 50% of the building's frontage to Talisman Drive and at least 25% for other public areas, such as walkways and public parking areas.
- All buildings shall be provided with a verandah not less than 2m wide, 3m above street level, 0.3m back from the kerb line and not more than 0.4m thick.
- No vehicle access is allowed off Talisman Drive.
- No car parking, other than underground parking, shall be located within 10m of Talisman Drive.
- Parking associated with commercial activities that are accessed off Talisman Drive shall be accommodated for in a public parking area in close proximity of the commercial activity as per Section 4B.4.8(b) *Cash in lieu*.

Except that:

Where the building platform of any building fronting Talisman Drive is more than 1.5m above the carriageway of Talisman Drive, the building shall have a 3m Front Yard and a continuous retail frontage shall not be required.

(iv) Fences and walls

Side boundary and rear boundary:

Any fence or wall within the side and/or rear yards or on the side and/or rear boundary shall not exceed a height that exceeds the daylight plane as described in 13.4.1(b):

**Explanatory Note:**

A building consent is required where a fence or wall exceeds 2.0m

**Except that:**

- Where the side fence or wall is within the front yard specified in Rule 20.4.1(c) Yards, this height shall not exceed 1.2m, unless the portion of the wall or fence that is between 1.2 and 2.0m in height has a visual permeability of at least 60%.

- Where the common boundary is with a public reserve or walkway, the fence or wall shall not exceed 1.2m height, unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.

Front boundary:

Any fence or wall within the front yard or on the front boundary shall not exceed 1.2m in height unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.

- (f) **Transportation, Access, Parking and Loading** - See Section 4B.
- (g) **Noise and Vibration** - See Section 4C.1
- (h) **Storage and Disposal of Solid Waste** - See Section 4C.2
- (i) **Lighting and Welding** - See Section 4C.3
- (j) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4
- (k) **Screening** - See Section 4C.5
- (l) **Signs** - See Section 4D
- (m) **Natural Environment** - See Section 5.
- (n) **Landscape**- See Section 6.
- (o) **Cultural and Heritage** - See Section 7.
- (p) **Natural Hazards** - See Section 8
- (q) **Hazardous Substances** – See Section 9.
- (r) **Financial Contributions** - See Section 11.

## **20.4.2 Subdivision and Development**

See Sub-Section 14.4.4 – Standards for more than one dwelling per lot - and Section 12 Subdivision and Development.

## **20.5 Matters of control - controlled activities**

See Sub-Section 14.5.1 – Subdivision and more than one dwelling on a lot.



## **20.6 Matters of discretion**

### **20.6.1 Restricted discretionary activities – non-compliance with activity performance standards**

See Sub-Section 13.6.4 – Restricted Discretionary Activities – Medium Density Housing.

### **20.6.2 Discretionary and Non-Complying Activities – matters of discretion and assessment criteria**

See Sub-Section 19.7.4 – Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria.

## **20.7 Other methods**

- 20.7.1** 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 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.

# Section Contents

<b>Commercial .....</b>	<b>2</b>
19. Commercial .....	2
Explanatory Statement.....	2
19.1 Significant Issues.....	3
19.2 Objectives and Policies.....	4
19.3 Activity Lists .....	6
19.4 Activity Performance Standards .....	9
19.5 Development of a Commercial Area Master Plan for the Commercial Zone - Omokoroa Stage 2 Structure Plan Area .....	15
19.6 Matters of Control - Controlled Activities.....	18
19.7 Matters of Discretion.....	18
19.8 Other Methods.....	21

# Commercial

## 19. 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 District has established town centres 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 developed 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. There are a number of other community plans that *Council* will have regard to as part of the resource consent process.

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. It is also important to ensure that residential activities in the Commercial Zone do not detract from the viable operation of the commercial area. Special provisions are included in the Commercial Zone to avoid *reverse sensitivity* effects.

Although the efficient operation of the State Highway, which currently bisects Te Puke and Katikati, is important, the State Highway should not detract from the efficient operation of the towns it bisects.

## 19.1 Significant Issues

1. The decline of town centres may have an adverse effect on the community's social, economic and cultural wellbeing.
2. 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 centres.
3. 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.
4. The adverse effects on visual amenity resulting from large and/or badly designed *buildings* and including potential adverse effects from lighting and inappropriate signage.
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. The adverse effects of commercial activities such as rubbish generation, smell and noise.
7. 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.
8. The loss of heritage *buildings* through the lack of protection or incentives for retention of facades of heritage value.
9. The adverse effects of heavy transport travelling through commercial centres especially pedestrian/vehicle conflict and associated noise/dust/odour problems
10. There is a need to integrate pedestrian and cycleways both to and within commercial centres to minimise reliance on motorised transport.

## 19.2 Objectives and Policies

### 19.2.1 Objectives

1. Consolidated commercial centres that are vibrant commercial environments that encourage social and cultural interaction.
2. Well designed commercial centres which reflect accepted urban design principles.
3. Convenient and safe commercial centres.
4. Commercial *development* of a scale that is appropriate for the location.
5. Public, civic and private space that relate well to each other.
6. Commercial centres that have a high level of amenity.
7. Commercial Zones in which commercial activities can operate effectively and efficiently, without undue restraint from non-commercial uses which may require higher amenity values.
8. Important heritage buildings and landscape features are retained.
9. An efficient network of road, cycle and pedestrian linkages connecting the *District's* commercial centres to surrounding urban areas.
10. 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.
11. The *development* of town centres that complement adopted documents compiled with the respective communities such as town centre plans and comprehensive development plans.

### 19.2.2 Policies

1. Provide for the comprehensive *development* of commercial areas, including the redevelopment of multiple commercial sites by:
  - (a) Encouraging the aggregation of land titles in accordance with the relevant town centre plan.

- (b) Providing incentives (such as a reduction in the required number of onsite car parks) to off-set the acquisition of land required to achieve relevant town centre plan design outcomes.
- 2. New *development* or redevelopment of commercial centres is consistent with the design elements of the relevant adopted town centre plans.
- 3. Limit the establishment of commercial activities in non-commercial zones.
- 4. Ensure buildings in Commercial Zones:
  - (a) Provide sufficient shelter for pedestrians so as to protect them from the natural elements.
  - (b) Do not compromise pedestrian access unless the characteristics of the locality of the site or the site itself are such that verandas or other forms of pedestrian shelter are not required.
  - (c) Support the *development* of areas that encourage social interaction.
- 5. Encourage alternative routes for heavy transport so as to avoid adverse effects such as danger to pedestrians, dust, noise and odour associated with such movements through commercial centres.
- 6. Ensure noise levels are such as to maintain a reasonable quality commercial environment.
- 7. Locate residential activities so they do not conflict with the integrity of the Zone and are designed and located so as to avoid *reverse sensitivity* effects such as noise.
- 8. Prevent non-commercial activities that conflict with or detract from the integrity of the Commercial Zone.
- 9. Apply financial contributions and other consent conditions to assist in avoiding or mitigating potential adverse effects of future subdivision and *development*.
- 10. Identify and protect Significant Heritage and Landscape Features.

11. Apply *height* limits that are appropriate for the location of the Commercial Zone especially in relation to smaller communities such as Maketu, Pukehina and Paengaroa where large commercial *buildings* could detract from the amenity of the area.
12. Promote pedestrian and cycle accessibility by controlling the location and design of accessways.
13. Require retail frontages to be orientated towards streets and other public areas, such as public walkways and parking areas.
14. Ensure that *development* in Commercial Zones is designed and constructed to be consistent with the New Zealand Urban Design Protocol and National Guidelines for Crime Prevention through Environmental Design.
15. Commercial *development* within the Omokoroa Stage 2 Structure Plan area shall be comprehensively designed to include:
  - (a) Mixed use areas.
  - (b) Visually broken building facades of a human scale.
  - (c) Muted natural or recessive colours.
  - (d) A maximum of one connection to Omokoroa Road thereby preserving that road's primary function as a transport corridor.
  - (e) Landscaped car parking and set back from Omokoroa Road.
  - (f) Functional and alternative mixed use (including residential) on upper floors.
  - (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.

## 19.3 Activity Lists

### 19.3.1 Permitted Activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

- (a) *Retailing.*
- (b) *Commercial services.*
- (c) *Offices.*
- (d) *Places of assembly.*
- (e) *Takeaway food outlets.*
- (f) *Medical or scientific facilities.*
- (g) *Restaurants and other eating places.*
- (h) Activities on reserves as provided for in the Reserves Act 1977.
- (i) Works and *network utilities* as provided for in Section 10.
- (j) *Accommodation facilities*, provided that *retirement villages* are excluded from locating within the Commercial Zone at Omokoroa Structure Plan Area 2.
- (k) Police stations.
- (l) *Commercial sexual services.*
- (m) *Building and construction wholesalers and retailers* with a maximum gross area of 2500m<sup>2</sup>.
- (n) *Educational facilities for a maximum of four persons (excluding staff).*

### **19.3.2 Controlled Activities**

- (a) Subdivision.
- (b) *Dwellings* provided they are located above ground floor level.
- (c) Works and *network utilities* as provided for in Section 10.
- (d) With respect to screening, any activity in Rule 19.3.1 which has a common boundary with or is separated by a road from a Residential, Rural or Future Urban zone or a public reserve.
- (e) With respect to financial contributions only:



- (i) 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);
- (ii) Any activity in 19.3.1 which has a *household equivalent* for water and wastewater greater than one as listed in Rule 11.3.3 (c) (ii).

### 19.3.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 19.4.
- (b) Within the Commercial Zone shown on the Omokoroa Stage 2 Structure Plan all activities other than a *dwelling* shall be a Restricted Discretionary Activity subject to the development of a commercial area master plan and activity performance standards listed in 19.5.
- (c) Within stormwater management reserves and private conservation areas in Omokoroa Stage 2, regardless of whether they are designated, the following are Restricted Discretionary Activities:
  - (i) The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material;
  - (ii) The diversion or modification of any natural watercourses;
  - (iii) The construction of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, *dwelling*s or *buildings*, playgrounds, pump stations, sewers, culverts and roadways;
  - (iv) Walkways/cycleways.

Except that:

Disturbance of soil, natural ground cover and vegetation associated with activities approved in a stormwater catchment plan, *structure plan*, comprehensive stormwater consent and reserve management plan prepared under the Reserves Act 1977 or Local Government Act 2002 shall be exempt from this requirement.

### 19.3.4 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) Works and *network utilities* as provided for in Section 10.
- (e) *Development* within the Commercial Transition Zone (Waihi Beach).
- (f) *Building and construction wholesalers and retailers* that exceed a gross area of 2,500m<sup>2</sup>.
- (g) *Education facilities for more than four persons (excluding staff)*  
~~*Childcare centres*~~.
- (h) The *development of buildings* in the Waihi Beach Town Centre that exceed the permitted *height* of 9m to a maximum *height* of 10.5m.

## 19.4 Activity Performance Standards

### 19.4.1 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. Any Permitted Activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

#### (a) Building height, setback, alignment and design

- (i) All *buildings* shall be provided with a veranda not less than 2m wide, 3m above street level, 0.3m back from the kerb line and not more than 0.4m thick;
- (ii) Te Puke and Katikati Town Centres Commercial Zones  
Overall *building height* shall not exceed 12.5m and retain a maximum two storey character (not exceeding 8.0m) facing the street;

The *habitable space* of any *building* shall be limited to the first 11m;

The *development* of any three storey *building* shall have its third storey set back in accordance with Diagram 1 following;

(iii) Omokoroa Commercial Zone Stage 2 Structure Plan Area

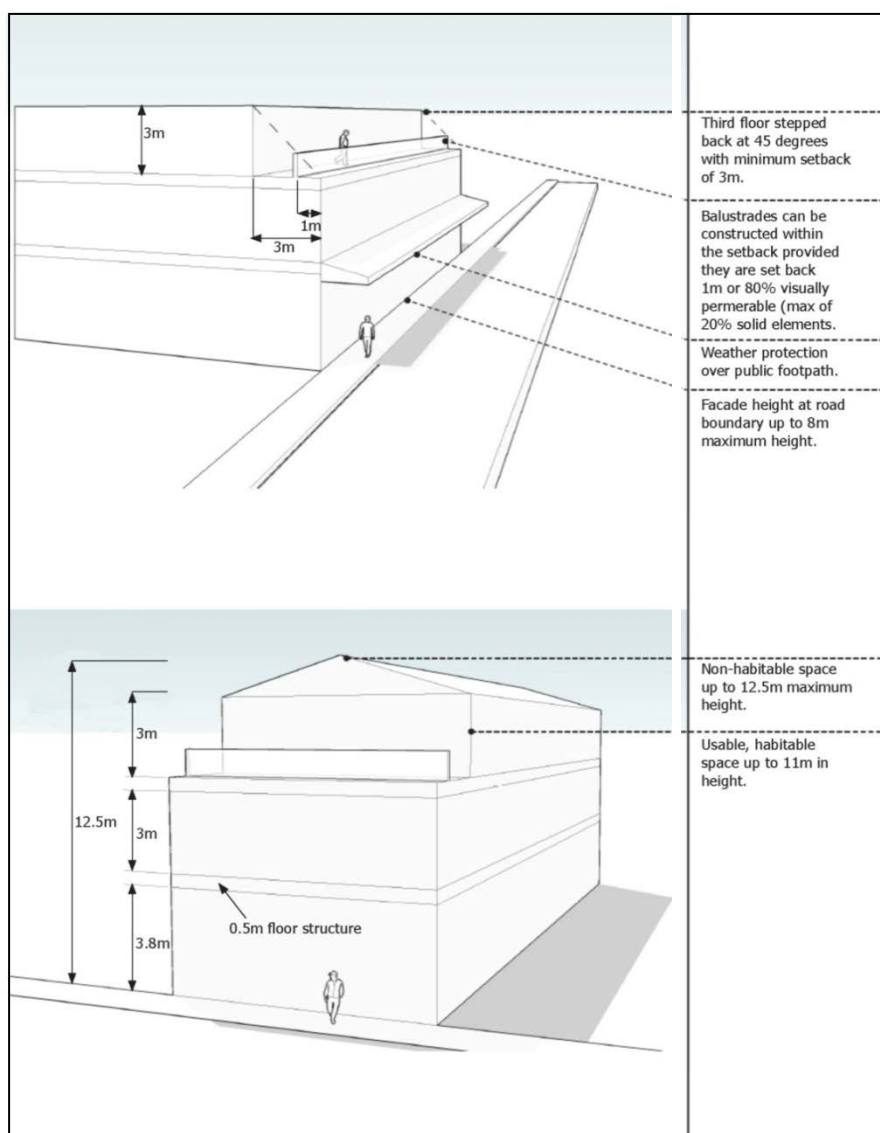
The maximum *building height* in the Omokoroa Stage 2 Structure Plan area shall be 11m and no provision is made for additional non-habitable space above the 11m *height* limit;

(iv) All other areas including spot Commercial Zones

The maximum *height* shall be limited to two storeys and 9m and no provision is made for additional non-habitable space above the 9m *height* limit;

(v) Any balustrade servicing a third floor (not in the Omokoroa Stage 2 Structure Plan Area) shall be either set back in accordance with Diagram 1 below or be 80% visually permeable.

**Diagram 1 – Commercial Zone heights and setback standards**



- (vi) 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 *building's* frontage to a main street and at least 25% for all other streets and public areas, such as walkways and public parking areas.
- (vii) No car parking, other than underground parking, shall be located within 10m of any street boundary.

**(b) Daylight**

All site boundaries adjoining Residential and Rural Zones:

No part of any *building* shall exceed a *height* equal to 2m *height* above *ground level* at all boundaries and an angle of 45° into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

Provided that:

A *building* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

**(c) Offices**

The floor area utilised for *office* purposes on the ground floor is not to exceed 20% of the total *ground floor* area of the *building*.

**Explanatory 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 any *yard* adjoins:

- A Strategic Road or a designation for a Strategic Road (except in the Commercial Zones in Katikati and Te Puke), it shall be a minimum of 10m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

Provided that:

On *Secondary Arterial Roads*, and any railway corridor or designation for railway purposes, *lots* created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

**(e) Dwellings**

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 *Leq* 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* and shall be located above ground floor.

**(f) Commercial sexual service**

No commercial sexual service shall be located within 150m of the main entrance of a *sensitive site*.

~~**(g) Standards for development within the Commercial Transition Zone (Waihi Beach)**~~

~~It is the intention to utilise and enhance the amenity value of Two Mile Creek. The Commercial Transition Zone is created to compliment the adjoining medium density residential area and commercial area.~~

~~The primary land use activity in the Commercial Transition Zone is medium density residential, supplemented by activities identified as Permitted Activities in Rule 19.3.1, provided that:~~

- ~~(i) The commercial activities must face Two Mile Creek;~~
- ~~(ii) No permanent *structures* are constructed closer than 5m from the northern bank of Two Mile Creek;~~

- ~~(iii) — Edinburgh Street front retains a residential or medium density residential character;~~
- ~~(iv) — The activities are compatible with accommodation and apartments. Examples would be hairdressers, professional offices not dependent on passing trade, *restaurants and takeaway food outlets*, but does not include bars, clubs, *places of assembly* or any activity that creates more noise associated with a Residential Zone (see 4C.1.3.2);~~
- ~~(v) — The commercial activities do not take up more than 50% of the total *gross floor area* or 150m<sup>2</sup>, which ever is the most restrictive.~~

- (g)**            **Transportation, Access, Parking and Loading** - See Section 4B.
- (h)**            **Noise and Vibration** - See Section 4C.1.
- (i)**            **Storage and Disposal of Solid Waste** - See Section 4C.2.
- (j)**            **Lighting and Welding** - See Section 4C.3.
- (k)**            **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.
- (l)**            **Screening** - See Section 4C.5.
- (m)**            **Signs** - See Section 4D.
- (n)**            **Natural Environment** - See Section 5.
- (o)**            **Landscape**- See Section 6.
- (p)**            **Historic Heritage** - See Section 7.
- (q)**            **Natural Hazards** - See Section 8.
- (r)**            **Hazardous Substances** – See Section 9.
- (s)**            **Financial Contributions** - See Section 11.
- (t)**            **Omokoroa Commercial Zones (Stage 2).**

*Development shall be accordance with the adopted structure plan.*

#### **19.4.2 Katikati: Standards for development in the Katikati Commercial Zone along the State Highway, between the entrance to the Haiku Walkway and Donegal Place.**

- (a) Yards
  - (i) Front Yards shall be no less than 4m.
  - (ii) 3m where a property adjoins a Residential Zone or reserve boundary.
- (b) Within this area, there is no requirement for a verandah that protrudes over the footpath.
- (c) Maximum building height shall be limited to two storeys and 9.0m.
- (d) Provisions for parking and loading shall be on-site as per 4B.4.7.
- (e) A continuous retail frontage is not required.
- (f) Each building shall have clear windows on the ground floor that cover at least 50% of the building's street front.
- (g) Car parking may be located within the front yard.

#### ~~19.4.2 Subdivision and Development (See also Section 12)~~

~~No minimum lot size.~~

#### **19.4.3 Activity Performance Standards for Activities in the Waihi Beach Town Centre**

In addition to the Activity Performance Standards included in 19.4.1 General, the following apply to the Waihi Beach Town Centre, situated in Wilson Road between the intersection with Citrus Avenue on the western side and Snell Crescent and Dillon Street on the eastern side.

- (a) To retain the village feel and character of the Waihi Beach Town Centre along Wilson Road, commercial buildings in the town centre should:
  - (i) Have a continuous shop frontage;
  - (ii) Have commercial/retail activities with displays facing the street and/or Two Mile Creek;

- (iii) Have a variety of cladding materials and limit glass surfaces to not more than 60%;
- (iv) *Buildings* should not have advertising displays above a level of 4.5m above street level;
- (v) All new *development* should have some form of pitched roof with large overhangs to make the roof appear light and reduce the impact of bulk of the *building*;

These rules do not apply to existing *buildings* having minor alterations or extensions provided the *gross floor area* does not increase in scale by more than 10%.

(b) Access provision

- (i) Vehicle access to properties zoned Commercial in the Waihi Beach Town Centre that front onto Wilson Road should either:
  - Be shared between two adjoining properties;  
or
  - Be obtained from an adjoining service lane; or
  - Be from a road other than Wilson Road, excluding the public parking area situated on 24 Wilson Road.
- (ii) To enable Commercial Zoned land (adjoining Dillon Street) to be developed in compliance with the Access, 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.

(c) All *buildings* and permanent *structures* shall have a setback of at least 7.5m from the centre line of Two Mile Creek measured at building consent stage irrespective of whether or not the centre line of the creek is within the subject property.

## 19.5 Development of a Commercial Area Master Plan for the Commercial Zone - Omokoroa Stage 2 Structure Plan Area

- (a) A commercial area master plan for the Omokoroa Stage 2 Structure Plan area shall be prepared by *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*.

The comprehensive development plan shall include:

- (i) Mixed use areas;
  - (ii) Visually broken building facades of a human scale;
  - (iii) Muted natural or recessive colours;
  - (iv) A maximum of one connection to Omokoroa Road thereby preserving that road's primary function as a transport corridor;
  - (v) Landscaped carparking and set back from Omokoroa Road;
  - (vi) Functional and alternative mixed use (including residential) on upper floors;
  - (vii) An outlook and amenities that relate to the adjoining gully system;
  - (viii) The provision of residential accommodation to promote vibrancy in the commercial area.
- (b) In addition to the standards in 19.4.1 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.

- (c) Any habitable room in new residential activities shall meet an internal *Leq* 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.
- (d) 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 a minimum of 1.5m wide constructed of asphalt, exposed aggregate or similar materials.
- (e) Amenity planting and fencing at 1.8m high of service yards shall be provided incorporating a minimum width of 4m of vegetative planting achieving 4m in *height*. The Omokoroa Road boundary is also to be screen planted, with trees at a minimum *height* of 1.2m at the time of planting, to a minimum depth of 4m achieving a minimum 4m in *height*.
- (f) Lights within the Zone are to be no higher than 5m and be either standard or bollard design.
- (g) Daylighting - Measured at the boundary, no part of any *building* shall exceed a *height* equal to 2m plus the shortest horizontal distance between that part of the *building* and the commercial/reserve boundary and the boundary with Omokoroa Road.
- (h) Carparking 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 ten cars are to include specimen trees to provide shade to 30% of the car parking areas in summer.
- (i) The maximum coverage shall be 80% of land area.

**Explanatory Notes:**

Non-compliance with activity performance standard (i) above will require a resource consent approval for a Non-Complying Activity.

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.

## 19.6 Matters of Control - Controlled Activities

### 19.6.1 Financial Contributions

*Council* will impose conditions with respect to the payment of financial contributions where these are triggered in Section 11 of the District Plan or identified in the Controlled Activity list.

### 19.6.2 Subdivision (refer also to Section 12)

(a) No minimum lot size.

(b) *Council* may impose conditions regarding access to and from the existing and newly created lots.

(c) Where subdivision occurs in the Commercial Zone at Omokoroa Stage 2 the Council will reserve its control over and may set conditions relating to design and compliance with the *Structure Plan*. Failure to comply with the *Structure Plan* will result in the activity being classified as a Non-Complying Activity.

## 19.7 Matters of Discretion

### 19.7.1 Restricted Discretionary Activities – Non-Compliance with Activity Performance Standards

*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 adopted town centre plans.

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

#### (a) General

In assessing a Restricted Discretionary Activity, *Council* will limit its discretion to and may set conditions on:

- (i) Avoiding, remedying or mitigating the potential adverse effects on the ecological values of the reserves;
- (ii) Avoiding, remedying or mitigating the potential for natural hazard events such as flooding i.e. natural hazards must not be made more severe as the consequence of a proposal;

- (iii) Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions;
- (iv) 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.

**(b) Commercial activities**

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 stories 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 facilities*, 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 and pitches, modulation of walling, and the use of layered roofing, walling, verandas, windows, structural supports and other building elements to give building facades a layered, three 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 overly 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 and along rear/side *walls* potentially exposed to residential/reserve areas;
- (ix) The safety and efficiency of traffic flows on Omokoroa Road.
- (x) The extent to which the proposal is consistent with objectives and policies of the District Plan; and with the activity performance standards listed in 19.4.
- (xi) The extent to which planting and other measures provide for amenity and create safe environments.

### 19.7.3 Discretionary Activity – Relaxation of Building Height in the Waihi Beach Town Centre

*Building height* of commercially zoned properties in the Waihi Beach Town Centre may be relaxed to a maximum *height* of 10.5m, provided that:

- (a) The *development* covers more than one section or a developer can prove to *Council* that an agreement exists with an adjoining Wilson Road land owner regarding the *development* of a shared access way and onsite parking arrangement.
- (b) Continuous shop front is retained.
- (c) Underground or semi-underground parking is provided.
- (d) The ground floor of the proposed *building* has a minimum stud height of 2.9m.
- (e) The *building* has a setback of at least 5m from the southern bank of Two Mile Creek to allow for a public walkway along the Creek.

- (f) The *building* has no overshadowing impact on properties to the south between 11am and 2pm as a result of the increase in *height*.
- (g) The third floor has a set back of 3m from the street boundary and the proposed walkway along Two Mile Creek.
- (h) The *building* has a pitched roof (mono or double pitched gable roof).
- (i) The top 1m (between 9.5m and 10.5m) should not be habitable.

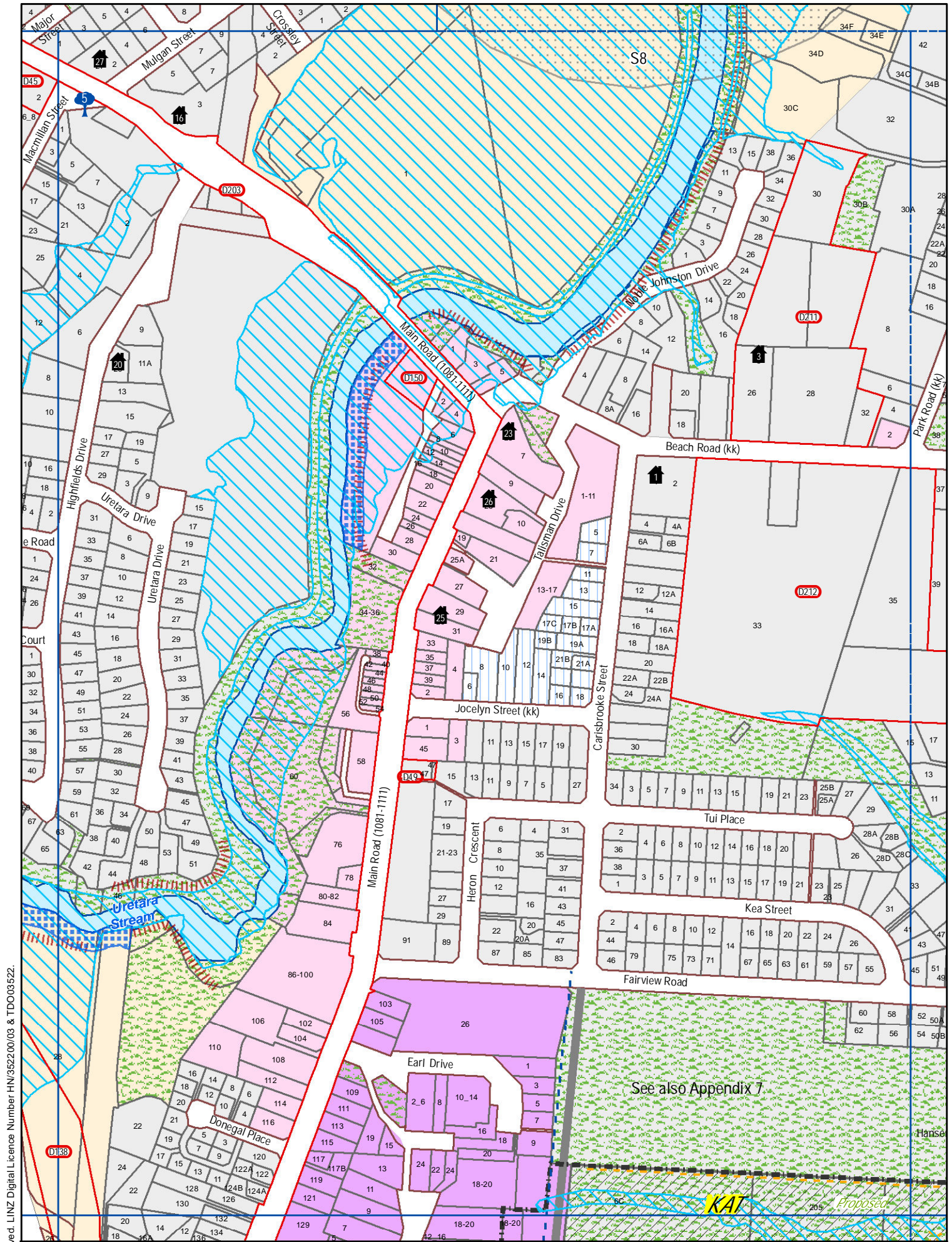
#### **19.7.4 Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria**

In considering an application for a Discretionary or Non-Complying Activity *Council* shall consider:

- (a) The extent of non compliance with the Permitted Activity performance standards and the actual and potential effects on the environment.
- (b) How well the *development* integrates with existing commercial *development* and its orientation to public space.
- (c) How the *development* meets the design outcomes of adopted town centre plans and the Built Environment Strategy.
- (d) Any national standards for urban design.
- (e) What provision is made for pedestrian and vehicular access.
- (f) The effect on the amenity values of adjoining residential and reserve land.

## **19.8 Other Methods**

- 19.8.1 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 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.

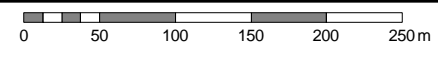


Crown Copyright Reserved. LINZ Digital Licence Number HN/352200/03 & TDO03622.

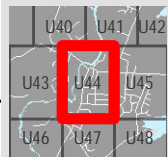
See also Appendix 7

U44

Katikati



Scale 1:5000 (A4)



Revision Date: 11 August 2012