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# Commercial Transition

## 20. Commercial Transition

### Explanatory Statement

#### 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 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 11.4.2(b)(iv)

### 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/structure height:**

9m

- (b) **Daylight:**

All site boundaries adjoining Residential Zones:

No part of any *building/structure* 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/structure* 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:

Medium Density *Dwellings* (not including garages) - 3m  
Other *buildings/structures* including all garages - 5m

(ii) *Rear and Side Yards* shall be no less than the following:

All *buildings/structures* - 1.5m

**Provided that:**

A *building/structure* may be located within a side or rear *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 developed 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>, whichever 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 exceeds 2.5m

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 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>, whichever 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 exceeds 2.5m

**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 Areas by criteria).

## **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.