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# 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).

### 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, *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 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) *Building and construction wholesalers and retailers* that exceed a gross area of 2,500m<sup>2</sup>.
- (f) *Education facilities* for more than four persons (excluding staff).
- (g) 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

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

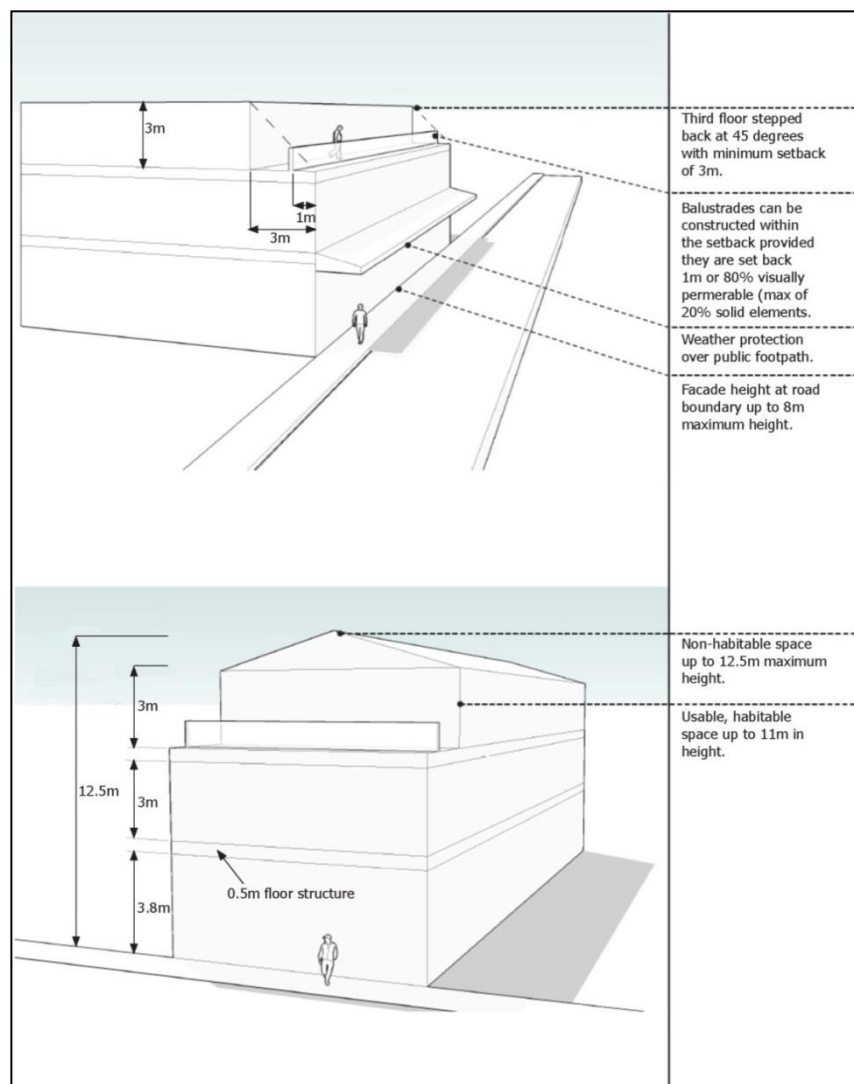
The maximum *building height* in the Omokoroa Stage 2 Structure Plan area shall be 11m and no provision is made for additional non-habitable space above the 11m *height* limit;

(iv) Comvita Campus Structure Plan Area

The maximum *building height* in the Comvita Campus Structure Plan area shall be 12.0m.

(v) 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;

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



- (vi) 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*.
- (vii) 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.
- (viii) 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) 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*.

#### **19.4.3 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*;

Except that:

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%.

For the purpose of the exemption above "existing" shall mean the existing *building* as approved by way of the most recent building consent for which an application was lodged prior to the date of Plan Change 49 becoming operative.

- (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

- (a) *Council's* discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.
- (b) *Council* will also restrict its discretion to the overall community benefit 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 7.5m from the centre line 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.