



## 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 has been planned at Omokoroa to support its existing and future planned population of 12,000 people as well as the surrounding rural catchment. Smaller beach and rural communities exist at Pukehina, Paengaroa, Maketu, Te Puna and Whakamaramara that have small commercial areas to service their immediate catchments.

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

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

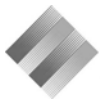
Important issues for the Commercial Zone include the containment of the Commercial Zone and also ensuring that activities within the zone are managed so not to adversely affect adjacent residential areas. Ensuring residential activities in the Commercial Zone do not detract from the viable operation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

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

Omokoroa will also gain a comprehensive shopping, commercial and civic area to support the potential population of 12,000 people on the Peninsula and more in the surrounding hinterland. There are also historical Commercial Zones on the Peninsula and these and the proposed town centre need to be rationalised to ensure the short and long-term needs of the Peninsula are met.

### 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.
11. 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 the amenity, enjoyment and vitality of entire communities.
12. The extent and location of the Commercial Zones at Omokoroa need examining to ensure appropriate provision is made for the whole of the Peninsula.



## 17.2 Objectives and policies

### 17.2.1 Objectives

1. Consolidated commercial centres that are vibrant commercial environments that encourage social 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.

### 17.2.2 Policies

1. Town centre plans will be prepared for Waihi Beach, Katikati, and Te Puke to guide the long term growth and redevelopment within each commercial centre.
2. Provide for the comprehensive development of commercial areas, including the redevelopment of multiple commercial sites by:
  - encouraging the aggregation of land titles in accordance with the relevant town centre plan;
  - 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.
3. New development or redevelopment of commercial centres is consistent with the design elements of the relevant town centre plan.



4. Limit the establishment of commercial activities in non-commercial zones.
5. Ensure buildings in Commercial Zones:
  - provide sufficient shelter for pedestrians so as to protect them from the natural elements, and
  - do not compromise pedestrian access unless the characteristics of the locality of the site or the site are such that verandahs or other forms of pedestrian shelter are not required.
  - support the development of areas that encourage social interaction.
6. 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.
7. Ensure noise levels are such as to maintain a reasonable quality commercial environment.
8. 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.
9. Prevent non-commercial activities that conflict with or detract from the integrity of the Commercial Zone.
10. Apply financial contributions and other consent conditions to assist in avoiding or mitigating potential adverse effects of future subdivision and development.
11. Identify and protect Significant Heritage and Landscape Features.
12. 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.
13. Promote pedestrian and cycle accessibility by controlling the location and design of accessways.
14. Require retail frontages to be oriented towards streets and other public areas, such as public walkways and parking areas.
15. 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.
16. Development of Omokoroa's Commercial Zones are to be in accordance with approved structure plans.



17. Commercial development within the Omokoroa Stage 2 Structure Plan area shall be comprehensively designed to include:
- (a) Mixed use areas; and
  - (b) Visually broken building facades of a human scale; and
  - (c) Muted natural or recessive colours; and
  - (d) A maximum of one connection to Omokoroa Road thereby preserving that road's primary function as a transport corridor; and.
  - (e) Landscaped car parking and set back from Omokoroa Road; and
  - (f) Functional and alternative mixed use (including residential) on upper floors; and
  - (g) An outlook and amenities that relate to the adjoining gully system.
  - (h) The provision of residential accommodation to promote vibrancy in the commercial area.

## 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) 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, provided that retirement villages are excluded from locating within the Commercial Zone at Omokoroa Structure Plan Area 2.
- (j) Police stations.

### 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) Childcare centres.
- (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 (b)

### 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 residential shall be a Restricted Discretionary Activity subject to activity performance standards listed in 17.4.3
- (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:
  - the disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material
  - the diversion or modification of any natural watercourses
  - the construction of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, dwellings or buildings, playgrounds, pump stations, sewers, culverts and roadways.
  - walkways/cycleways

Except that

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

- (d) Within the existing Commercial Zone on the Omokoroa Peninsula all activities other than residential shall be a Restricted Discretionary Activity subject to Activity Standard 17.4.4.



#### 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).

#### 17.3.5 Non-Complying Activities

Any activity not listed as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity.

### 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.

(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 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) All new buildings shall be designed to achieve a 3.8m minimum stud height on the ground floor with primary access being provided at grade with the street.
- (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 17.1 at the end of this Section 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. No car parking shall be located within 10m of any street boundary.
- (viii) Town centre plans - All buildings shall be designed to be in general accordance with the relevant town centre plan. This rule does not apply to existing buildings having minor alterations or extensions provided the total GFA does not increase in scale by more than 10%.

(b) **Daylight**

All site boundaries adjoining Residential and Rural Zones:

No part of any building shall exceed a height equal to 2m 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 the yard adjoins a Strategic Road or a designation for a Strategic Road, (except in the Commercial Zones in Katikati and Te Puke), that yard shall be 10m.

(e) **Dwellings and residential activities**

Commercial Zone rules shall apply, except as specified below:

- (i) Any habitable room in new residential activities established in the Commercial Zone shall be designed to meet an internal L10 noise level of 45dBA at all times.

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

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

(f) **Access provision – Waihi Beach**

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.

(g) **Commercial sexual service**

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

(h) **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 residential character.
- (iv) The activities are in accordance with the Waihi Beach Town Centre Plan.
- (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.
  
- (i) **Transportation, Access, Parking and Loading** - See Section 4B
- (j) **Noise and Vibration** - See Section 4C.1
- (k) **Storage and Disposal of Solid Waste** - See Section 4C.2
- (l) **Lighting and Welding** - See Section 4C.3
- (m) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4
- (n) **Screening** - See Section 4C.5
- (o) **Signs** - See Section 4D
- (p) **Natural Environment** - See Section 5.
- (q) **Landscape** - See Section 6.
- (r) **Cultural and Heritage** - See Section 7.
- (s) **Natural Hazards** - See Section 8
- (t) **Hazardous Substances** - See Section 9.
- (u) **Financial Contributions** - See Section 11.
- (v) **Omokoroa Commercial Zones** (excluding Stage 2)

Development shall be in accordance with an approved structure plan.

#### 17.4.2 **Subdivision and Development** – (See also Section 12)

No minimum lot size.

#### 17.4.3 **Activity Performance Standards for activities in 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 L10 noise level of 45dBA at all times. An acoustic design report from a suitably qualified Acoustic Engineer will be required at the time of building consent application to show that the required noise standards will be met.
- (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 of 4m of vegetative planting achieving 4m in height. The Omokoroa Road boundary is also to be screen planted to a minimum depth of 4m achieving a minimum 4m in height.
- (f) Lights within the zone are to be no higher than 5m and be either standard or bollard design.
- (g) Daylighting - No part of any building shall exceed a height equal to 2.7m 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.

#### **17.4.4 Activity Performance Standards for activities in the existing Commercial Zones of the Omokoroa Peninsula**

A commercial area master plan for the Commercial Zones on the Omokoroa Peninsula shall be prepared by the Council prior to the development of individual titles. This will take into account the findings and conclusions of the Omokoroa Commercial Land Feasibility Study.

### **17.5 Matters of control - Controlled Activities**

#### **17.5.1 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.

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

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.

## 17.6 Matters of discretion

### 17.6.1 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 town centre plans.

### 17.6.2 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.
- (xii) Consistency with the approved commercial area master plan.

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

In considering an application for a Restricted Discretionary, 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 the town centre plans and 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.

## 17.7 Other methods

- 17.4.1 The Built Environment Strategy establishes a non regulatory approach to assist developers to engage in a free design process. This is called the 'package of plans approach' which promotes the development community presenting 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

