



CHAPTER 05

BUSINESS

(Business Centre, Commercial,
Large Format Retail and Mixed Use Zones)

Ngā Nōhanga Tupākihi

5 Business (Business Centre, Commercial, Large Format Retail and Mixed Use Zones)

Refer to Chapters 11 to 20 for additional rules that may apply to these zones.

5.1 OBJECTIVES AND POLICIES

<i>Objective Bus1</i>	<i>The maintenance and enhancement of the level of amenity and the overall quality of the environment within the Business Centre, Commercial, Large Format Retail and Mixed Use Zones.</i>
Policy 1	Activities in the Business Centre, Commercial, Large Format Retail and Mixed Use Zones are to be sited, designed and operated to avoid, remedy or mitigate adverse effects on the visual amenity, the acoustic environment, air quality, integrated transport, traffic safety and other factors that contribute to the level of amenity within business zones.
Policy 2	To avoid incompatibility of effects of activities within the Business Centre, Commercial, Large Format Retail and Mixed Use Zones.
Policy 3	To recognise the high level of amenity in the Business Centre Zone.
Policy 4	To encourage the design of new buildings in The Strand Character Area to reflect the scale and character of established buildings with reference to; a. the urban design guidelines; b. heritage values; and the Strand Character Area Design Guidelines; and c. the interconnection and identity of key urban spaces as shown on Planning Map 110B.
Policy 5	To encourage a range of businesses and recognise that the level of amenity and the overall quality of the environment will vary between the Business Centre, Commercial, Large Format and Mixed Use Zones depending on the purpose of the zone and activities that it anticipates.
Policy 6	To avoid adverse effects on the retail environment in the Whakatāne Town Centre and the Kōpeōpeō shopping areas.
Policy 7	To ensure outdoor waste, loading and storage facilities are screened from public view.
Policy 8	To maintain a building height, bulk and density of development in the Business Centre, Commercial and Mixed Use Zones which; a. is compatible in scale and form with adjacent buildings , while enabling innovation in design; b. does not compromise the reasonable use and enjoyment of the adjoining residential or rural zoned land, or a reserve or open space; c. provides a high level of visual amenity, and d. recognises and provides for its contextual setting, for example, within a coastal or riverine environment.

Policy 9	<p>To manage urban form in Area 6 (shown in Figure 5.1 Building Heights in Whakatāne) so that the urban form;</p> <ol style="list-style-type: none"> a. takes into consideration existing, or creates additional views of the escarpment, river-front area and marine environment, as viewed from inside and outside Area 6; b. reflects the escarpment-river-marine setting; c. promotes activities at ground level and street edges; and d. provides public benefit by promoting physical connections within Area 6 and between Area 6 and the surrounding environment.
Policy 10	<p>In the Mixed Use Zone, to avoid, remedy or mitigate adverse effects of business activities on established residential uses (established on or before 28 June 2013), and to retain the characteristics and values of those adjoining Mixed Use Zone residential uses.</p>
<i>Objective Bus2</i>	<p><i>Serviced and accessible business-zoned land complements the function, amenity and character of the District, including but not limited to the function, amenity and character of the town centres of Edgecumbe, Murupara, Kōpeōpeō, Whakatāne, Te Teko, Taneātua and Matatā.</i></p>
Policy 1	<p>To ensure that business activities maintain or enhance the intended character of the surrounding environment.</p>
Policy 2	<p>To ensure that new retail and commercial development does not adversely affect the economic integrity of retail businesses in the Whakatāne and Kōpeōpeō Business Centre Zones.</p>
Policy 3	<p>To ensure that retail development within the Mixed Use Zone establishes and operates only if ancillary to another use.</p>
Policy 4	<p>In the Mixed Use Zone, to ensure that businesses are able to establish and operate efficiently and effectively, while adverse effects on established Mixed Use Zone residential uses (established on or before 28 June 2013) are managed.</p>
Policy 5	<p>To ensure that large scale commercial development within an existing Commercial Zone integrates with the surrounding activities.</p>
Policy 6	<p>To provide for large format retail recognising that it facilitates access to bulky goods.</p>
Policy 7	<p>To ensure the clustering of large format retail to;</p> <ol style="list-style-type: none"> a. minimise traffic effects; b. avoid compromising industrial activities through reverse sensitivity effects; and c. avoid adverse effects on town centres.
Policy 8	<p>To recognise the contribution of businesses and their changing infrastructure needs.</p>
Policy 9	<p>To provide for walking and cycling, as long as the integrity of flood protection structures (including structures associated with operational requirements) are not compromised.</p>

Objective Bus3	<i>The promotion of the efficient use and development of land zoned Business Centre, Commercial, Large Format Retail and Mixed Use.</i>
Policy 1	To recognise that the Business Centre, Commercial, Large Format Retail and Mixed Use Zones are appropriate locations for a variety of business activities and to discourage non-business activities that would be incompatible within a business zone.
Policy 2	To recognise that it is sometimes most efficient for large format retail activities to locate outside of town centres due to; <ul style="list-style-type: none"> a. space limitations in town centres; and b. potential adverse traffic effects generated by large format retail.
Policy 3	To ensure that large format retail does not compromise the efficient functioning of town centres by ensuring that large format retail; <ul style="list-style-type: none"> a. does not develop the critical mass that could undermine town centres; b. does not undertake general retailing; and c. plays a secondary and complementary function to town centres.
Policy 4	To recognise the potential positive social, economic cultural and environmental effects of business activities.
Policy 5	To promote the establishment of new businesses where this enables communities to provide for their economic wellbeing.
Objective Bus4	<i>To enable the Whakatāne Town Centre to continue to draw on its natural and cultural heritage to emphasise its relationship to the river and escarpment and to enable the Whakatāne Town Centre to continue to be a place with a strong local identity that is vibrant and highly valued by residents, businesses and visitors.</i>
Policy 1	To recognise the contribution of natural features to the identity and quality of the Whakatāne Town Centre environment and facilitate the interconnections between uses and these features. These natural features include the escarpment, river, spit, coastline, rock outcrops, water courses, off shore islands and visual access to them.
Policy 2	To recognise Ngāti Awa as tangata whenua and acknowledge the effect that significant successive occupation and use of the Whakatāne Town Centre area has had on heritage values.
Policy 3	To recognise the built heritage resources of the Whakatāne Town Centre as a unique feature.
Policy 4	To ensure new buildings are of a scale and design that enable activities at ground level and street edges to contribute positively to public life.
Policy 5	To encourage compatible mixed uses e.g. retail, residential, civic and tourism in the Whakatāne Town Centre to generate a vibrant, safe and attractive place for local people and visitors.
Policy 6	To manage urban form such that building height graduates from the river front towards the escarpment without obscuring the dominance of the escarpment as a natural feature, and recognising the views from the escarpment to the sea/islands and Whakatāne River.
Policy 7	To encourage car parking in combined facilities at key points (such as gateways to the town centre) that; <ul style="list-style-type: none"> a. reduce the need for on-site parking;

	<ul style="list-style-type: none"> b. encourage walking and cycling in the town centre; c. enable the use of surface parking for activities that contribute positively to the quality of the urban space; and d. do not adversely affect the function, including the safe and efficient operation, of the wider land transport network.
Policy 8	To manage the movement of people, cyclists and vehicles within the Whakatāne Town Centre by defining vehicle and pedestrian priority areas and streets.
Policy 9	To make walkable, cycleable and visual connections between the town and the river edge and to provide a continuous, wide and accessible river edge promenade.
Policy 10	To ensure that subdivision, land use, and development located alongside the main pedestrian shopping streets are designed to provide an active frontage including access, interaction between the activities within the building, the public space in the road and the display of the goods and services for sale within the building .
Policy 11	To ensure that the experience of arriving in and departing from the town centre is easily recognised by distinctive gateways.
Policy 12	To maintain the built environment in the historic centre of Whakatāne that is characterised by; <ul style="list-style-type: none"> a. a street pattern that creates small blocks (fine grained); b. active ground floor uses of continuous smaller shops with retail frontages to the street; and c. key sites occupied by feature buildings.
Policy 13	To ensure that key civic and cultural activities are integrated, physically grouped and located within the Whakatāne Town Centre, with a strong connection to the river, anchoring the future identity of the town.
Policy 14	To encourage activities that have regard to natural river processes and are sympathetic to the scale and level of amenity in the town centre.
Policy 15	To extend the built environment towards the river, incorporating the characteristics listed in Policy 12 (a) to (c) above into that built environment.
Objective Bus5	<i>A vibrant, sustainable Port that provides for the business and recreational needs of the community, while managing adverse effects on the environment.</i>
Policy 1	To recognise the infrastructure and servicing requirements of the Whakatāne Port to enable it to function as an effective commercial port.
Policy 2	To recognise and provide for environmental values and cultural and historic heritage.
Policy 3	To recognise the strategic significance of the Port in supporting business, recreation and tourism.

5.2 RULES

The following standards and terms apply to Permitted, Controlled, and Restricted Discretionary activities

and will be used as a guide for Discretionary and Non-Complying activities.

Non-compliance with any rule will make the activity Discretionary unless otherwise stated in the rule.

5.2.1 Height

5.2.1.1 No **building** shall exceed the following vertical height above ground level (refer to Figure 5.1).







Zone	Legend	Maximum Height (metres) as a Permitted Activity	Maximum Height (metres) as a Discretionary Activity
1. Building Centre Zone shown in Figure 5.1 Building Heights in Whakatāne.			
a. Area 1 (includes 10m wide strip along Kakahōroa Drive and eastern and western sides of Arts and Culture Street)		10	12
Area 2		10	15
Area 3		15	17
Area 4		12	15
Area 5		15	21
Area 6		10	15
2. Business Centre Zone – Part Lot 2 DPS 2301 (or subsequent legal description) located at 1B Muriwai Drive, Whakatāne.			
a. Within 8m from the north-western boundary of the site; and		7	9
b. Beyond 8m from the north-western boundary of the site		9	12
Business Centre Zone not provided for in (1) or (2) above		9	10
Commercial Zone		10	13
Mixed Use Zone		10	13
Commercial Zone in Taneātua, Te Teko and Matatā		8	9
Large Format Retail Zone		15	20

Table 5:1 Building Heights Above Ground Level

5.2.1.2 A **building** exceeding the maximum height as a Discretionary activity shall be a Non-Complying activity.

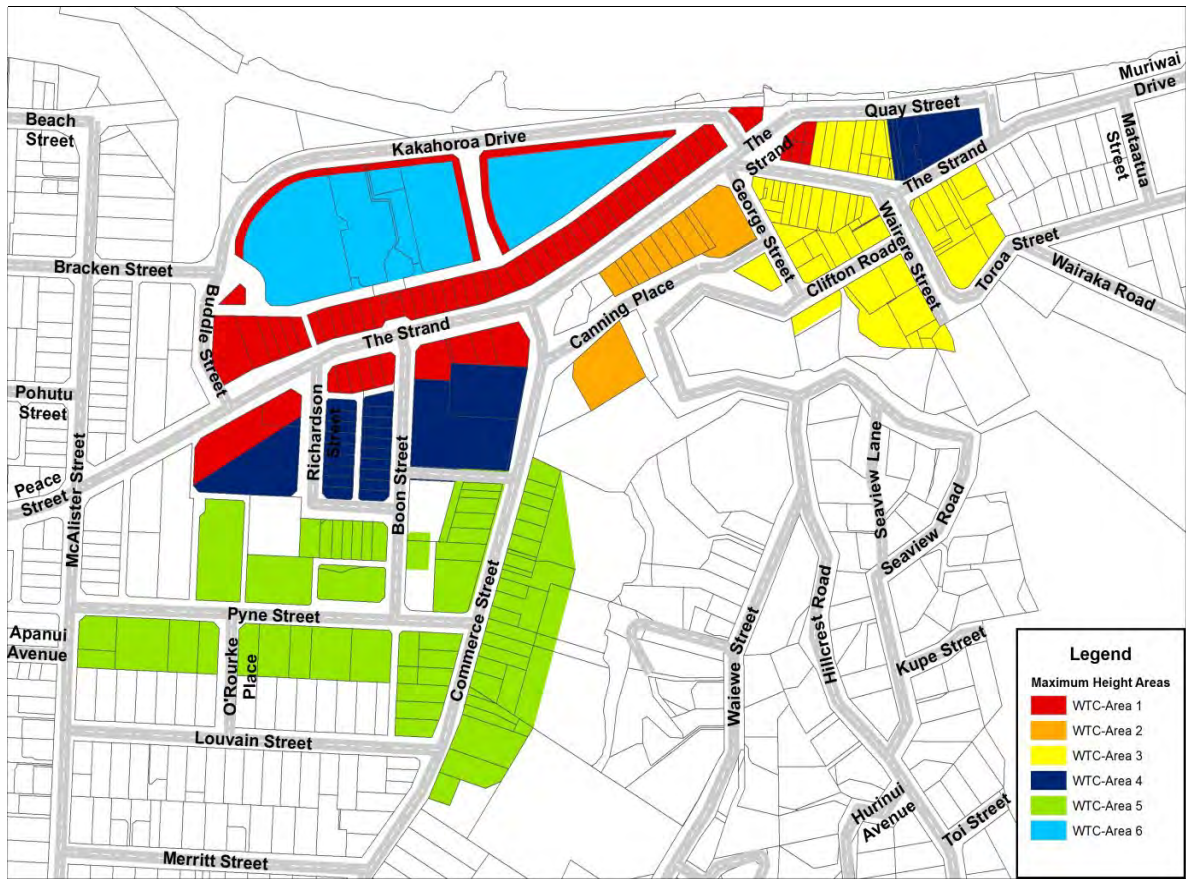


Figure 5.1 Building Heights in Whakatāne

5.2.2 Stud Height – Mixed Use Zone

5.2.2.1 All ground floor development shall have a minimum ground floor stud height of 3.6m, facilitating commercial activities at **ground level**.

5.2.3 Natural Light

5.2.3.1 On sites in the Business Centre, Commercial and Mixed Use Zones that share a common boundary with a Residential, Urban Living, Coastal Protection, Rural Plains, Rural Foothills, Rural Coastal, Rural Ōhiwa or Deferred Residential Zone, no part of any **building** shall exceed a height equal to 2.7m plus the horizontal distance between that part of the **building** and the nearest site boundary, except as provided for in 5.2.3.2 below;

5.2.3.2 Any part of a **building** may exceed a height beyond the natural light plane (shown in Figure 5.2 Natural Light Plane);

- a. Up to a maximum of 1m measured parallel to the plane; and
- b. Within a maximum additional vertical face of 5m² (area that is seen by the adjoining neighbour); and
- c. Where the adjoining neighbour has provided written approval to the height beyond the natural light plane; and
- d. That written approval has lodged with the **Council**.

- 5.2.3.3 No part of a **building** located in The Strand Character Area shall exceed a height equal to 10m plus the horizontal distance between that part of the **building** and The Strand street frontage.
- 5.2.3.4 For the purposes of Rule 5.2.3.1 the nearest site boundary shall be, where applicable the midpoint of any adjacent right of way or access leg or access lot.
- 5.2.3.5 For buildings that are attached, this rule shall not apply to the adjoining walls of the buildings.

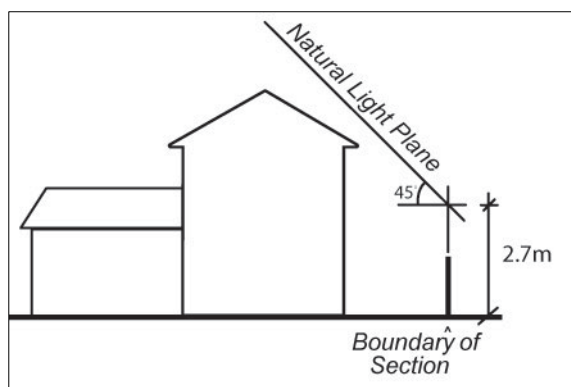


Figure 5.2 Natural Light Plane

- 5.2.3.6 Non-compliance with the rules in 5.2.3 shall be a Restricted Discretionary activity (see criteria in 5.4.1).

5.2.4 Distance to Boundaries (Yards)

- 5.2.4.1 In the Business Centre Zone and Taneātua Commercial Zone, there shall be no front yard.
- 5.2.4.2 In the Commercial, Mixed Use, and Large Format Retail Zones and along Kakahōroa Drive and Quay Street, a front yard of at least 4m is required.
- 5.2.4.3 No side and rear yards are required except that;
- a. side and rear yards of at least 3m shall apply where the site abuts any Residential, Urban Living or Rural Zone.
- 5.2.4.4 Where a front yard is required in the Commercial, Mixed Use, and Large Format Retail Zones, where a garage door or carport entrance faces the street, the door or carport shall be at least 5.5m from the front boundary.
- 5.2.4.5 Vehicle parking or manoeuvring within a front yard shall be located and designed in accordance with the rules in Chapter 13.
- 5.2.4.6 Where a planning map indicates proposed road widening or land to be used for other roading purposes, yards shall be measured from the position of the new boundary of the site as if the road widening or other roading work had been undertaken, and legal transfer of the affected land to a roading authority had occurred.
- 5.2.4.7 In the Mixed Use Zone, the following distance to boundary rules shall apply to any boundary where the use adjacent to that boundary is Mixed Use Zone residential, and was a residential use at the time this Plan was notified (i.e. 28 June 2013);
- a. no **buildings** or **accessory buildings** shall be constructed closer than 1.5m to the **side** or **rear boundaries**, except as provided for in (b) below;
 - b. subject to the written approval of the affected **residential** adjoining neighbours having been obtained, and that written approval having been lodged with the **Council**, **buildings** may be

constructed up to the boundary.

5.2.4.8 Notwithstanding the above;

- a. the eaves of any **building** may project up to 600mm into any yard;
- b. a verandah attached to a **building** on a pedestrian street may project over a front yard.

5.2.4.9 Non-compliance with the rules in 5.2.4 shall be a Restricted Discretionary activity (see criteria in 5.4.1).

5.2.5 Location of Residential Activities

5.2.5.1 **Residential activity**, excluding associated carparking, in the Business Centre, Mixed Use and Commercial Zones shall not be located at ground level, with the exception of pedestrian access from the ground floor to the residential activity on an upper floor from the ground floor.

5.2.6 Density and Floorspace of Residential Activities in the Business Centre, Commercial and Mixed Use Zones

5.2.6.1 The maximum density for **dwellings** shall be;

- a. one **dwelling** or unit of accommodation per 50m² of lot area (excluding any accessway) in the;
 - i. Whakatāne Town Centre as shown on Planning Map 110B;
 - ii. 1B Muriwai Drive, Whakatāne, as shown on Planning Map 107B;
 - iii. Commercial and Mixed Use Zones as shown on Planning Map 110B; and
- b. one **dwelling** per 130m² of lot area (excluding any accessway) in all Business Centre Zones and Commercial Zones not listed in (a) above.

5.2.6.2 The minimum floor space (excluding garaging) for each residential unit shall be;

- a. one bedroom unit = 50m² provided that no more than 30% of the units within any development of 5 or more **dwellings** shall be less than 70m²;
- b. two bedroom units = 70m²; and
- c. three or more bedroom units = 85m².

5.2.7 Outdoor Living Space for Residential Activities in the Business Centre, Commercial and Mixed Use Zones

5.2.7.1 Each residential unit shall provide, either;

- a. a private outdoor living space which;
 - i. is able to contain a circle with a 3m diameter; and
 - ii. is directly accessible from the **living area**; or
- b. a balcony which;
 - i. is not less than 6m² in area;
 - ii. has a depth of not less than 1.8m; and
 - iii. is directly accessible from the **living area**.

5.2.7.2 Each non-**ground level** residential unit shall provide main glazing with a view of open space;

- a. that is unimpeded by **buildings**;
- b. that is immediately adjacent to that glazing; and
- c. with a minimum dimension of 10m, measured at right angles to the wall of the **building** within which the glazing is located.

5.2.7.3 The view required by Rule 5.2.7.2 may comprise;

- a. an area of on-site space which must be kept free of structures, service or carparking and manoeuvring areas;
- b. areas of road reserve; and
- c. areas of public open space.

5.2.7.4 In addition to 5.2.7.1 and 5.2.7.2 above, all comprehensive housing developments shall provide greenspace for a communal outdoor living space. The size of the green space required shall be based on a sliding scale, to a maximum of 5,000m² per development, as follows:

- a. Less than 5 units: no requirement for communal outdoor living space; and
- b. 5 or more units: required at 10m² per unit.

5.2.7.5 Non-compliance with the rules in 5.2.7 shall be a Restricted Discretionary activity (see criteria in 5.4.4).

5.2.8 **New Buildings, External Additions to Buildings and Accessory Buildings with over 10m of Road Front in The Strand Character Area**

5.2.8.1 New **buildings**, external **additions** to **buildings** or accessory **buildings** in The Strand Character Area (as shown on the Planning Maps) shall be no more than 10m along the Strand Street frontage.

5.2.8.2 Non-compliance with Rule 5.2.8.1 shall be a Controlled activity.

5.2.9 **New Buildings and additions over 400m² in the Business Centre, Commercial and Mixed Use Zones**

5.2.9.1 New **buildings** and **additions** to existing **buildings** shall have a maximum **gross floor area (GFA)** of 400m² in the Business Centre Zone, Commercial and Mixed Use Zones.

5.2.9.2 Non-compliance with the rules in 5.2.9 shall be a Controlled activity.

Advice Note 1: In the Large Format Retail Zone, new **buildings**, **alterations** and **additions** that comply with the Plan provisions do not require resource consent under this rule.

5.2.10 **Landscaping (see Rules in 5.2.4)**

5.2.10.1 Landscaping shall be provided in accordance with the table below:

Zone	Landscape Requirement
Commercial and Mixed Use and Kakahōroa Drive and Quay Street	a. At least 25 % of the front yard shall be landscape-planted; b. Where there are car-parking or driveway areas between a building and the road boundary , the landscape-planting referred to in (a) shall include a minimum 2m wide planted strip (excluding the area required for vehicular and pedestrian access) to screen the car-parking and driveway areas; and c. Where the site is 2000m ² or greater, a minimum of 5% of the site area shall be landscape planted.
Large Format Retail Development or redevelopment where the road boundary of a site is opposite a Residential, Urban Living or Rural Zone, or if the site adjoins State Highway 30 or is within 4m of it.	a. At least 50% of the front yard shall be landscape-planted; and b. Where there are car-parking or driveway areas between a building and the road boundary , the landscape-planting referred to in a. shall include a minimum 2m wide planted strip excluding the area required for vehicular and pedestrian access to screen the car-parking and driveway areas with plants that grow to a minimum height of 2m, providing that where the site adjoins State Highway 30 or is within 4m of it, the tree species shall be as identified in the Whakatāne Entranceway Stage Two dated 1 October 2008.

Table 5:2 Landscaping Requirements

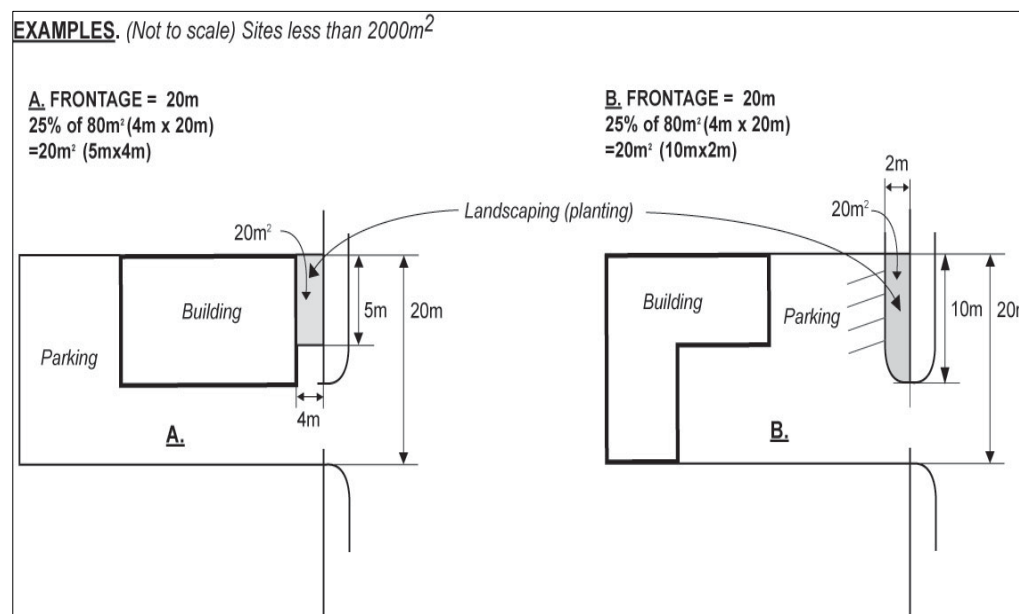


Figure 5.3 Landscaping

5.2.10.2

Alternatively, specimen tree planting shall be undertaken within the site and shall be;

- a. planted at a rate of one tree for every 15m of road frontage of the site (or part thereof);
- b. planted within 5m of the front boundary, but no closer than 1.5m of the front boundary;
- c. of sufficient size at the time of planting to be easily seen from the public street, having a minimum height of 1.5m, and a minimum calliper dimension of 70mm measured at 500mm above the **ground level**;
- d. a species consistent with the **Council's Urban Tree Strategy or Whakatāne Entranceway Stage Two** dated 1 October 2008;

- e. protected from damage by on-site activities and vehicles by raised kerbs, barriers, tree protectors, support staking or a combination of these methods;
- f. planted using good horticultural practice, including root barriers, and shall be maintained and replaced if the tree dies or is severely damaged; and
- g. planted to avoid underground or overhead services, and positioned to, as far as practicable, avoid damage to footpaths, driveways and kerb channels.

Advice Note 1: No front yard is provided in the Business Centre and Taneātua Commercial Zones, therefore no landscaping of the front yard is required.

5.2.10.3 Non-compliance with the rules in 5.2.10 shall be a Controlled activity (see criteria in 5.3.2).

5.2.11 Verandahs along a Pedestrian Street

5.2.11.1 All buildings in the Business Centre and Commercial Zones which adjoin and face a public footpath along a pedestrian street as shown on the Planning Maps, shall be provided with a verandah along their entire frontage, regardless of how far back the building is set from the street boundary. The verandahs shall;

- a. have a minimum depth of 3m except that this width shall be reduced to avoid overhanging a carriageway;
- b. be designed to provide continuity with adjoining verandahs;
- c. be designed to ensure the safety and convenience of pedestrians will not be compromised; and
- d. maintain continuity of coverage over a public footpath where a new building is set back further than adjoining buildings.

5.2.11.2 On other sites verandahs shall be optional, but if erected a verandah shall comply with the minimum depths stated above.

5.2.11.3 Non-compliance with the rules in 5.2.11 shall be a Restricted Discretionary activity (see criteria in 5.4.2).

5.2.12 Visual Amenity in the Business Centre and Commercial Zones

5.2.12.1 Where a site fronts a pedestrian street in the Business Centre and Commercial Zones, shown on a planning map, at least 75% of any ground floor wall adjoining and facing a public footpath shall be of clear glass, providing views of goods and services on display or providing views into the store.

5.2.12.2 Non-compliance with the rules in 5.2.12 shall be a Restricted Discretionary activity if the extent of clear glass referred to in 5.2.12.1 is less than 75% but not less than 50% (see criteria in 5.4.3).

5.2.12.3 Non-compliance with the rules in 5.2.12 shall be a Discretionary activity if the extent of the clear glass referred to in 5.2.12.1 is less than 50% (see Criteria 5.4.7).

5.2.13 Screening of Activities and Storage in the Business Centre, Commercial, Mixed Use and Large Format Retail Zones

5.2.13.1 Any outdoor storage, rubbish collection or storage area visible from neighbouring sites; or from any Residential, Reserve, or Rural Zone; or other reserve, public road or foreshore area, shall be screened from public view by planting, mounding, natural features or the erection of a screen fence.

5.2.13.2 A business or education activity shall be screened from an adjoining residential, **public reserve** or

community activity in a Residential or Urban Living Zone, unless the adjoining landowner(s) provide written consent to waive or vary this requirement along any part of, or the entire common boundary; and that written consent has been lodged with the Council.

5.2.13.3 Visual screening provided in accordance with this rule shall be maintained at all times.

5.2.13.4 Non-compliance with the rules in 5.2.13 shall be a Restricted Discretionary activity (see criteria in 5.4.5)

5.2.14 Retail Activities in the Large Format Retail Zone

5.2.14.1 The minimum GFA of any separate tenancy shall be 1,100m².

5.2.14.2 Despite 5.2.14.1 above, up to four separate tenancies on the development site may be co-occupied by two complementary activities, provided that no complementary activity shall occupy less than 500m² of GFA.

5.2.14.3 Two or more cafes shall be a Non-Complying activity.

5.2.14.4 Above 12 metres:

- a. retail activities shall be non-complying activities; and
- b. warehousing and associated commercial activities shall be permitted activities.

5.2.15 Retail Activities in the Commercial Zone at Whakatāne and Kōpeōpeō (Maps 109B and 110B)

5.2.15.1 Retail activities shall be greater than 500m² except that cafés and dairies must not exceed 100m² in GFA.

5.2.15.2 Retailing activities ancillary to a commercial activity on the same site shall occupy no more than 15% of the GFA of that part of the building which is occupied by the commercial activity, or 100m² GFA, whichever is the lesser.

5.2.16 Fencing

5.2.16.1 A fence shall be no higher than 2m provided that a perforated, netting or mesh fence shall be no higher than 3.6m.

5.2.16.2 Non-compliance with the rules in 5.2.16 shall be a Restricted Discretionary activity (see Criteria 5.4.6).

5.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

5.3.1 Activities in the Large Format Retail Zone (see Activity Status Table 3.4 Items 19, 26, 45 and 48)

5.3.1.1 Council shall exercise its control over;

- a. design development and site layout, the degree to which;
 - i. buildings have been designed and located to minimise any adverse effects, including noise, dust, fumes, and glare;
 - ii. a suitable buffer has been provided where activities adjoin existing industrial or any nuisance producing activities; and
 - iii. where visible from a public road, buildings have been designed to present an attractive

appearance to passing traffic and, in particular;

- large featureless building facades facing the road are avoided;
- any plant or machinery relating to the activity (except where displayed for sale) is not placed at the front of the **building** unless fully screened;
- any loading, storage, or service areas should not be located in an area immediately adjoining the road;
- the location of **buildings**, parking areas and outdoor storage areas has had regard to their potential impact on the amenity of any adjoining land; and

b. vehicular, cycle and pedestrian provision, the degree to which;

- i. car parking areas have been designed to ensure they are, readily accessible and convenient for users and are designed to promote passive surveillance;
- ii. access has been designed and located to allow safe and efficient movement to and from the adjacent road network;
- iii. access has been designed to minimise effects on major arterial roads;
- iv. internal vehicular layout has been designed in order to minimise conflicts between pedestrian, cycle, vehicular, and service access; and

c. landscaping, the degree to which landscaping;

- i. mitigates the impacts of development on the amenity values of the surrounding neighbourhood and on the arterial road network;
- ii. incorporates plants that form a green edge to the site;
- iii. accentuates particular features of plants against a less prominent background;
- iv. uses plants to vary the width of the green edge;
- v. incorporates plants of different heights and textures;
- vi. incorporates a mixture of evergreen and deciduous plants;
- vii. is planted in lines and clumps, depending on visual context, including topography and surface appearance of the surrounds;
- viii. uses established plants (at least 3 years old) to reduce the exposure period and to provide amenity and mitigate potential adverse effects as soon as possible; and

d. retail activities, the degree to which the activity has the potential to compromise by itself, or in combination with other existing or consented activities, the vitality and viability of any Business Centre Zone.

5.3.2 Landscaping (see Rules in 5.2.10)

5.3.2.1 Council shall exercise its control over;

a. site layout and planting - whether the;

- i. proposed planting on the site is directed towards avoiding or mitigating any potential adverse effects on the amenity values of the business area and adjoining sites;
- ii. proposed planting softens the visual appearance of parking and manoeuvring areas, and breaks up or softens the appearance of continuous building forms visible from the road or a public place;
- iii. buildings close to the street are integrated into the planting proposal;
- iv. site layout mitigates or avoids any adverse effects on surrounding sites; and

b. landscape treatment - whether the;

- i. proposed planting comprises specimen trees rather than shrubs or low-profile vegetation;
- ii. planting contains a range of plants to give a variety in vegetation scale and form; and
- iii. building form, planting concept and methods to ensure maintenance of the planting are coordinated.

- c. the extent to which the built form on the site provides, or will provide, views (e.g. views towards the escarpment or river) and a sense of openness, when viewed from the neighbouring sites and adjacent public places, including but not limited to roads.

5.3.3 **New buildings and additions over 400m² in the Business Centre, Commercial and Mixed Use Zones (see Rules in 5.2.9)**

5.3.3.1 Council shall exercise its control over;

- a. design and appearance of **buildings** whether the;
 - i. design and external appearance of buildings or structures is compatible in terms of scale and form with adjoining buildings, and provides a high level of visual amenity and **active frontage**;
 - ii. building will impact on the visual amenity values of properties within the zone and in adjoining zones;
 - iii. buildings and site development respond to the visual character and quality of its surrounds; and
- b. pedestrian amenity, safety and convenience - whether the;
 - i. proposal impacts upon pedestrian amenity, safety and convenience;
 - ii. proposal facilitates pedestrian linkages, permitting access to adjacent sites, streets and public open spaces; and
- c. traffic matters - whether the;
 - i. site layout, parking and vehicle circulation areas avoid adverse effects on any road or adjacent site;
 - ii. development of a site includes the creation of additional car parking and loading and unloading bays; and
 - iii. layout integrates with surrounding parking areas, in particular the safe and efficient entry and exit points onto the surrounding roading system, and pedestrian safety, will be considered, as will the ability to utilise existing or proposed service lanes for goods deliveries.

5.3.4 **New Buildings, External Additions to Buildings and Accessory Buildings with over 10m of Road Frontage in The Strand Character Area (see Rules in 5.2.8).**

5.3.4.1 Council shall exercise its control over;

- a. site layout - whether the;
 - i. site layout ensures that potential effects on the use and enjoyment of the adjoining sites and the wider business centre are avoided or mitigated;
 - ii. proposed **buildings** are well related to existing and potential development on adjacent sites; and
- b. design and appearance of **buildings** - where a new **building** is located on a site within The Strand Character Area, the acceptability or appropriateness of the external appearance and design of the **building** will be assessed having regard to;
 - i. the Strand Character Area Design Guidelines contained in Appendix 22.6;
 - ii. the enhancement of Key Urban Spaces shown on Planning Map 110B including whether the development acknowledges and contributes to the specific characteristics of the key urban spaces: e.g. scale, colour, function and structural materials and the relationships between the individual key urban spaces;
 - iii. the suitability of the scale and design of new buildings within the river and harbour setting

- iv. and The Strand Character Area will be of particular importance; and whether the design and external appearance of **buildings** or structures;
 - is compatible in terms of scale and form with adjoining **buildings**;
 - provides a high level of visual amenity and **active frontage**;
 - is compatible with adjacent heritage **buildings**; and
- c. pedestrian linkages - whether the;
 - i. development of the site is co-ordinated with existing development on adjoining sites and provides internal/external covered pedestrian shelter and linkages; and
 - ii. new **buildings** and/or **additions** contribute towards maintaining the existing character of the business area, and where possible enhance the character for the benefit of the community.

5.3.5 **Two or more dwellings per Lot (see Activity Status Table 3.4 Item 2)**

5.3.5.1 Council exercise its control over;

- a. the bulk and location of each dwelling;
- b. the number, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;
- c. the provision of northerly orientated outdoor living areas;
- d. the fencing or screening of the respective residential areas and outdoor living space;
- e. the degree of natural sun light received in internal living areas of adjacent dwellings;
- f. the provision of exterior service courts;
- g. sight lines from living room windows to retain privacy of adjacent dwellings;
- h. the degree to which architectural elements have been used to;
 - i. Break up the form of the façade to minimise linear form and monoclade surfaces of the building to mitigate the apparent bulk of the building and create a varied design.
 - ii. Modulate the form of the building so that its potential scale and impact is reduced for pedestrians. For example, a building may have a lower height along the frontage to partially screen a set back of a taller form building;
- i. the use of a variety of cladding and colours compatible with the surrounding residential character;
- j. the provision of landscaping; and
- k. the degree to which the building incorporates elements that promotes sustainability, including but not limited to, energy efficiency and water conservation.

5.3.6 **Places of Assembly of 10-50 people (see Activity Status Table 3.4 Item 11b)**

5.3.6.1 Council shall exercise its control over;

- a. design development and site development, the degree to which;
 - i. Buildings have been designed and located to minimise any adverse effects, including noise, dust, fumes, and glare;

- ii. A suitable buffer has been provided where activities adjoin existing dwellings;
- iii. Where visible from a public road, buildings have been designed to present an attractive appearance to passing traffic and, in particular;
 - Large featureless facades facing the road are avoided;
 - Any plant or machinery relating to the activity (except where displayed for sale) is not placed at the front of the building unless fully screened;
 - Any loading, storage, or service areas should not be located in an area immediately adjoining the road;
 - The location of buildings, parking areas and outdoor storage areas has had regard to their potential impact on the amenity of any adjoining land; and
- b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);
- c. on-site stormwater management;
- d. landscaping;
- e. hours of operation.

5.3.7 Educational Facilities of 10-50 people (see Activity Status Table 3.4 Item 12b)

5.3.7.1 Council shall exercise its control over;

- a. design development and site development, the degree to which;
 - i. Buildings have been designed and located to minimise any adverse effects, including noise, dust, fumes, and glare;
 - ii. A suitable buffer has been provided where activities adjoin existing dwellings;
 - iii. Where visible from a public road, buildings have been designed to present an attractive appearance to passing traffic and, in particular;
 - Large featureless facades facing the road are avoided;
 - Any loading, storage, or service areas should not be located in an area immediately adjoining the road;
 - The location of buildings, parking areas and outdoor storage areas has had regard to their potential impact on the amenity of any adjoining land; and
- b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);
- c. on-site stormwater management;
- d. landscaping; and
- e. hours of operation.

5.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY

ACTIVITIES

5.4.1 Natural Light (see Rules in 5.2.3) and Distance to Boundaries (see Rules in 5.2.4)

5.4.1.1 Council shall restrict its discretion to;

- a. the adverse effects on the amenity of sites and public areas nearby (including but not limited to transport corridors) in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting; and
 - vi. traffic safety.
- b. the degree to which terms of the character and amenity of the zone is maintained by;
 - i. variation in building form (including but not limited to building facades and roof forms);
 - ii. spaciousness, as experienced from residential buildings and streets nearby;
 - iii. landscaping; and
 - iv. screening;
- c. safe manoeuvring of vehicles on the site, and the potential for conflict between vehicles and people on the site.

5.4.1.2 In relation to 5.2.4.7, Council shall restrict its discretion to the adverse effects on the amenity of the residential uses on the neighbouring sites referred to in 5.2.4.7, in terms of the elements listed in a (i) – (vi) above.

5.4.2 Verandahs — Business Centre Zone (see Rules in 5.2.11)

5.4.2.1 Council shall restrict its discretion to;

- a. design and appearance – particular site features will be considered as well as the desirability of the verandah on the site in question whether the;
 - i. design of the verandah will give shelter to pedestrians, with reference to the location and details of verandahs on adjoining sites, and the intensity of pedestrian movements and the nature of adjoining activities or facilities such as parking areas or public gathering places;
 - ii. design is compatible with the Strand Character Area Guidelines contained in Appendix 22.6; and
- b. visual amenity values – whether the;
 - i. appearance of the front wall of the proposed building or redesigned building, when viewed from public footpath level, contributes towards maintaining or enhancing the quality of the shopping environment or the attractiveness of the business centre or locality, particularly the amenity values of the streetscape; and
 - ii. reduced amenity resulting from the lack of a verandah is to be off-set by landscaped vegetation on the site.

5.4.3 Visual Amenity in the Business Centre and Commercial Zones (see Rules in 5.2.12)

5.4.3.1 Council shall restrict its discretion to;

- a. visual amenity values – whether the;
 - i. appearance of the front wall of the proposed building or redesigned building, when viewed from public footpath level, contributes towards maintaining or enhancing the quality of the shopping environment or the attractiveness of the business centre or locality, particularly the amenity values of the streetscape;
 - ii. reduced amenity resulting from lack of glazing is to be off-set by landscaped vegetation on the site; and
- b. design and appearance – whether the design is compatible with the Strand Character Area Guidelines contained in Appendix 22.6.

5.4.4 **Outdoor Living Space (see Rules in 5.2.7)**

5.4.4.1 If Rules 5.2.7.1 or 5.2.7.4 are not complied with, Council shall restrict its discretion to;

- a. the availability of public recreation reserve contiguous with the site; and
- b. access to alternative recreation areas, including but not limited to on-site indoor swimming pools.

5.4.4.2 If Rule 5.2.7.2 is not complied with, Council shall restrict its discretion to;

- a. the quality of the view from the residential unit.

5.4.4.3 If Rules 5.2.7.1, 5.2.7.2 or 5.2.7.4 are not complied with, Council shall restrict its discretion to;

- a. compatibility with adjoining uses – whether the location of adjoining uses and **buildings** are such that the degree of modification sought will enable potential adverse effects on the **residential activity** to be mitigated or avoided, and the residential unit will not have an adverse effect on the character of the area, or on surrounding sites.

5.4.5 **Screening of Activities and Storage in the Business Centre, Commercial, Mixed Use, and Large Format Retail Zones (see Rules in 5.2.13)**

5.4.5.1 Council shall restrict its discretion to;

- a. visual amenity values – whether the proposed screening through the erection of appropriate screen fencing or plantings, or other means, ensures that the potential adverse visual effect on the places listed in Rules 5.2.13.1 and 5.2.13.2 will be avoided, remedied or mitigated, and the amenity values of those places will not be lowered; and
- b. whether the activity detracts from the cultural and amenity values of the places listed in Objective Bus1, Policy 8.

5.4.6 **Fencing (see Rules in 5.2.16)**

5.4.6.1 Council shall restrict its discretion to;

- a. the degree to which the character of the zone is maintained or enhanced by the built form of the fence, including the extent to which the built form of the fence;
 - i. minimises physical domination of nearby properties and transport corridors;
 - ii. enables passive surveillance; and
 - iii. promotes a sense of spaciousness and openness.

5.4.7 Four or more dwellings per lot in the Mixed Use Zone

5.4.7.1 Council shall restrict its discretion to;

- a. amenity of the site and adjacent public areas in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. visual character and variety through variation in **building** form and **building** materials (including but not limited to **building** facades and roof forms);
 - vii. the **screening** of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone as outlined in Rule 5.4.5;
 - viii. **traffic safety**;
 - ix. **safe access to, and egress from the site**;
 - x. **safe on-site manoeuvring of vehicles**;
 - xi. **landscaping including vegetation that**
 - will enhance privacy and mitigate physical domination by **buildings**;
 - does not exacerbate shadowing and **vehicle-pedestrian conflict**; and
 - xii. the degree to which the **building** incorporates elements that promote sustainability including but not limited to energy efficiency and water conservation.

5.4.8 Papakāinga Housing in the Mixed Use Zone

5.4.8.1 Council shall restrict its discretion to;

- a. amenity of the site and adjacent public areas in terms of;
 - i. shadowing;
 - ii. physical domination;
 - iii. privacy;
 - iv. noise;
 - v. lighting;
 - vi. visual character and variety through variation in **building** form and **building** materials (including but not limited to **building** facades and roof forms);
 - vii. the **screening** of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone as outlined in Rule 5.4.5;

- viii. traffic safety;
- ix. safe access to, and egress from the site;
- x. safe on-site manoeuvring of **vehicles**;
- xi. landscaping including vegetation that;
 - will enhance privacy and mitigate physical domination by buildings;
 - does not exacerbate shadowing and **vehicle**-pedestrian conflict; and
- xii. the degree to which the **building** incorporates elements that promote sustainability including but not limited to energy efficiency and water conservation.
- xiii. the manner in which the matters identified in section 7.3.1.1a-g are met.

Advice Note: Refer to Rule 3.5.1.1e

5.4.9 **Places of assembly (not provided for by any other category): designed to have a maximum occupancy of between 10 to 50 people in the Large Format Retail Zone**

5.4.9.1 Council shall restrict its discretion to;

- a. design development and site development, the degree to which;
 - i. **buildings** have been designed and located to minimise any adverse effects, including noise, dust, fumes, and glare;
 - ii. a suitable buffer has been provided where activities adjoin existing **dwelling**s;
 - iii. where visible from a public **road**, **buildings** have been designed to present an attractive appearance to passing traffic; and
- b. traffic effects (including but not limited to access, on-site **vehicle** manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and **vehicles**, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic and the practicability of combining **accessways** serving more than one **site** or **lot**);
- c. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, **effluent** and rubbish disposal, electricity, telecommunications, gas, utility;
- d. landscaping; and on-site amenity as outlined in Rule 3.7.1;
- e. signage as outlined in Rule 11.2.19;
- f. noise; and
- g. hours of operation.

5.4.10 **Places of Assembly (not provided for by any other category) in the Mixed Use,**

Business Centre, Commercial and Large Format Retail Zones

5.4.10.1 Council shall restrict its discretion to;

- a. **reverse sensitivity** as outlined in Rule 3.7.41;
- b. the screening of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone as outlined in Rule 5.4.5;
- c. design development and site development;
- d. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- e. the criterion listed in 3.7.10 (Noise Effect);
- f. landscaping as outlined in Rule 3.7.1;
- g. traffic effects as outlined in Rule 3.7.17;
- h. signage as outlined in Rule 11.2.19; and
- i. the intended hours of use.

5.4.11 Car Parking in the Business Centre and Commercial Zones

5.4.11.1 Council shall restrict its discretion to;

- a. traffic effects (including but not limited to access, on-site **vehicle** manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and **vehicles**, traffic volumes and traffic mix, parking and **loading**, pedestrian and cyclist safety, construction traffic and the practicability of combining **accessways** serving more than one site or lot);
- b. landscape and visual effects as outlined in Rule 3.7.1;
- c. site design, including formation and marking;
- d. natural light as outlined in Rule 5.4.1 and lighting;
- e. shadowing and physical domination if the proposal is for a carpark **building**;
- f. signage as outlined in Rule 11.2.19; and
- g. on-site stormwater management.

5.5 ASSESSMENT CRITERIA - DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

5.6 OTHER METHODS

- 5.6.1.1 The Council will gather information about business land development on an on-going basis.
- 5.6.1.2 When reviewing the Whakatāne Ports Operational Plan, Council will;
 - i. recognise opportunities for cluster development in the vicinity of the Port;
 - ii. recognise the strategic significance of the Port in supporting business, recreation and tourism
- 5.6.1.3 Council will plan for the District's economic development
- 5.6.1.4 Council will work with the community to enable the development of a conference centre in Whakatāne town, while managing adverse effects on the environment.