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## 12. TOWN CENTRE ZONE

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### 12.1 ZONE INTRODUCTION

12.1.1 The Town Centre Zone contains the retail and commercial centre of the district. The town centre is the community centre of the district. It provides the focus for retail, commercial, cultural, community, and administrative activities. It is essential to the continued existence of the Town Centre that the qualities and characteristics of the area are maintained, and wherever possible, enhanced. There is a need to balance pedestrian amenity values against those of transportation.

12.1.2 Community expectations for the Town Centre Zone are the adverse effects of; ease of safety of pedestrian movement, convenience and diversity of services, easy access to retail outlets, banks, commercial offices and service industries. Visibility and manoeuvrability of transport and the provision of parking areas are important aspects of safe and unimpeded pedestrian movement.

12.1.3 The location of retail shops on the street and the continuity of verandas are attributes of the town centre that give it character. The strong heritage component of the town centre is unique and requires careful management to ensure its continued contribution to the character of the Zone.

12.1.4 The Town Centre Zone is the area of the district where signs are most abundant. Bright vibrant signs add interest to the Zone but require management. The amenity values of the Town Centre Zone need to be maintained and enhanced to ensure that the Zone is an enjoyable area to visit and use, and that it is an area that functions well for pedestrians, motorists, and service vehicles.

12.1.5 Characteristics that contribute to the character of the zone are:

- High frequency of vehicle movement in a small area
- Strong pedestrian component
- Abundance of bright and vibrant signage on building frontages
- Mixture of activities and services contributing to a focal point for the District
- Higher noise levels than in adjoining residential areas
- Continuity of verandah's along street frontages that provide protection from climatic conditions
- Continuity of retail shops
- Provisions for parking
- Loading and unloading areas provided for service vehicles at the rear of sites
- Screening of storage areas
- Areas of public open space
- Separation of town centre activities from adjoining residential activities

- Abundance of buildings with heritage features

## 12.2 RESOURCE MANAGEMENT STRATEGY

### 12.2.1 *Resource management issues*

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1. Potential for adverse effects of activities to depreciate the unimpeded access the Zone affords to pedestrians.
2. The management of the effects of activities within the Town Centre so that the qualities and characteristics of the area are maintained. This includes managing the height of buildings, screening storage areas, the effects of parking, loading and unloading of service vehicles, the provision of signage, and the generation of noise within the Zone.
3. The ease of traffic movement through the Zone and the provision of parking areas is needed to ensure a safe and efficient retail and commercial area for motorist and pedestrian use.
4. The potential risk of flooding to the Town Centre and the effect of this on present and future activities undertaken in the area.
5. The need to screen storage and service areas, particularly those areas of a site where rubbish awaiting collection is stored, as these areas can depreciate amenity values and can impede travel through the zone.
6. Possible loss of the retail frontage, and the need to maintain continuity of retail verandahs.
7. The effects of activities undertaken within the Zone may adversely affect the amenity values and character of neighbouring zones, particularly the Residential Zone.

### 12.2.2 *Objectives and policies*

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**Objective** 1. The management of the adverse environmental effects of activities undertaken in the Zone to ensure the continued vitality and function of the Town Centre as an attractive and pleasant retail, commercial, cultural, and community focal point.

- Policies**
- 1.1 Ensure those qualities and characteristics that comprise the Zones amenity values are maintained, and wherever possible, enhanced.
  - 1.2 Control activities that locate within the Town Centre Zone to ensure that the qualities and characteristics of the Zone are maintained.
  - 1.3 To maintain the character of the Zone by ensuring that all service and storage areas on sites in the town centre are screened from public view.
  - 1.4 To protect the buildings and facades within the Zone that are of heritage importance.
  - 1.5 Council will make available to the community and developers information on the susceptibility of the Town Centre to flooding, as part of an overall flood assessment to be undertaken for the Opotiki district.

- 1.6 Manage the effects of activities within the Zone where the activity uses or stores hazardous substances.
- 1.7 Manage the potential adverse effects of noise on the surrounding environment so that the qualities and characteristics of the zone are maintained or enhanced.

**Objective 2. Avoid, remedy, or mitigate the adverse effects on the retail character of the Town Centre Zone.**

**Policies 2.1** Development within the Zone 'Policy Area' will be required to provide continuity of retail frontage and of verandahs.

**Objective 3. Management of the effects of activities on pedestrian and vehicle interaction so that the character of the Zone is maintained.**

**Policies 3.1** To reduce the conflict between pedestrians and traffic in Church Street by requiring appropriate building design and the separation of pedestrian and vehicle movements as far as practicable.

**3.2** To ensure that off-street parking is provided at appropriate locations within the Zone where it will not adversely affect pedestrian safety. Financial contributions, in the form of money, will be required in most cases.

**3.3** To manage the effects of the loading and unloading of service vehicles by providing service lanes, where these will not adversely affect pedestrian safety and efficient movement.

### 12.2.3 *Methods of implementation*

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The objectives and policies of this section will be implemented by the following methods:

- 1. Rules
- 2. Other methods

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## 12.3 RULES

The following rules provide for permitted activities, controlled activities, discretionary activities and non-complying activities within the Town Centre Zone.

### 12.3.1 *Permitted activities*

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Subject to compliance with the Zone Standards in Section 12.4, the following activities may be established in the Town Centre Zone, without a resource consent.

1. Buildings and activities accessory to a permitted activity.
2. Commercial services.
3. Restaurants and bars.
4. Retail activities.
5. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
6. Food selling premises.
7. Public car parks, that do not front Church Street.
8. Planting and soil conservation works.
9. Activities on reserves as provided for in the Reserves Act 1977 or an approved Reserve Management Plan.
10. Temporary buildings and activities required for building or construction projects of not more than 12 months duration.
11. Signs, as stated in 12.4.6 SG1.
12. Activities stated in 3.3.1 Section 3 Landscapes and habitats.
13. Activities stated in 4.3.1 Section 4 Heritage.
14. Activities stated in 6.3.1 Section 6 Surface of water activities.
15. Activities stated in 7.3.1 Section 7 Natural hazards.
16. Activities stated in 8.3.1 Section 8 Hazardous substances.
17. Activities stated in 9.3.1 Section 9 Network utilities.
20. Temporary Military training exercises.
21. Any activity that is not listed in the Plan and which complies with the zone standards shall be deemed a permitted activity and does not require a resource consent.
22. Removal of residential dwellings that comply with the Building Act 2004 requirements, and Council's engineering standards.
23. Residential accommodation at the second floor level.
24. The relocation of a building or dwelling, where the following criteria are able to be met:
  - i. Zone standards of the District Plan.
  - ii. The building or dwelling was constructed after 1970.
  - iii. Reinstatement works shall be undertaken within six months of the relocation or occupation (whichever is the sooner).

### 12.3.2 *Controlled activities*

The following activities may be established after a land use consent has been granted by Council. Activities must comply with the Zone Standards stated in Section 12.4.

1. Buildings and activities accessory to a controlled activity.
2. Public conveniences.
3. Temporary buildings and activities not listed as a permitted activity.
4. Subdivision as stated in 12.5.1.
5. Activities stated in 3.3.2 Section 3 Landscapes and Habitats.
6. Activities stated in 4.3.2 Section 4 Heritage.
7. Activities stated in 6.3.2 Section 6 Surface of Water Activities.
8. Activities stated in 7.3.2 Section 7 Natural Hazards.
9. Activities stated in 8.3.2 Section 8 Hazardous Substances.
10. Relocation of a building or dwelling that either:
  - (a) Does not comply with the specified time period for reinstatement work as stated in rule 12.3.1.24 (iii); or
  - (b) Does not comply with the age restriction stated in rule 12.3.1.24 (ii), provided that the application for consent includes a report from a suitably qualified person, being a qualified architect or structural engineer with adequate experience, which report concludes that the building or dwelling is sanitary and has structural integrity.

The Council has reserved control over the following matters.

#### 12.3.2.1 *Design and appearance*

- i. The design and appearance of the activity and how it relates to the amenity values of the zone.
- ii. The manner in which the site is to be landscaped and how effectively it will screen the activities or enhance the amenity values of the area.
- iii. The manner in which any beautification of the site assists in maintaining and enhancing the character of the zone.
- iv. The effects that any residential activity at the ground floor will have on the character of the zone.
- v. The location and appearance of signage associated with the activity.
- vi. Disruption that the activity may cause to the continuity of retail frontage, or continuity of verandahs within the Town Centre Zone Policy area.

#### 12.3.2.2 *Effects of the activity on adjoining properties*

- i. The effects of the activity on adjoining properties, particularly where the activity adjoins a Residential or Mixed Activity Zone boundary.
- ii. The necessity for screening associated with the activity, particularly where the activity adjoins the Residential Zone or Mixed Activity Zone boundary.

12.3.2.3 Vehicle access and site manoeuvrability

- i. The design and location of vehicular access and whether vehicles can leave and enter the site safely.
- ii. The need for car parking, service lanes, and loading and unloading activities associated with the activity.
- iii. The effects that the activity will have on the parking resources available within the Town Centre Zone.

12.3.2.4 Effect on pedestrian access

- i. The effect that the activity will have on pedestrian movement within and throughout the Zone.
- ii. The use of any street furniture or signage that may impede safe and efficient pedestrian movement.

12.3.2.5 Historical, archaeological and cultural resources

- i. The effect of the design and layout of the activities in relation to land, buildings, features and water bodies which have historical and archaeological worth
- ii. The effects of the activity on resources of importance to Maori.
- iii. The effects of the activity on heritage and conservation values, both on the site and on adjoining sites.

12.3.2.6 Natural hazard occurrence

- i. The extent to which the activity may accentuate the adverse effects of natural hazards.
- ii. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards.
- iii. The effects that the activity may have on the Volkners Island and Tarawa Creek ponding areas.

12.3.2.7 Hazardous substances

- i. The type and volume of the hazardous substances to be used or stored on the site.
- ii. The spill containment system proposed for the activity.
- iii. The proposed drainage system for the activity site.
- iv. The degree of risk of spillage and the potential adverse effects of spillage both on and off the site.

2.3.2.8 Temporary buildings

- i. The time that a temporary building may be permitted to be used on a site within the Zone.
- ii. The design and appearance of the temporary building to be placed on the site.
- iii. Restoration of the site once the temporary building has been removed from the site.

Council may impose conditions on a resource consent for a controlled activity only in relation to the matters stated above.

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**12.3.3**      *Discretionary activities*

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The following activities may be established after a land use consent has been granted by Council. Activities must comply with the Zone Standards stated in Section 12.4. The Council may grant or refuse a resource consent for a discretionary activity.

1. Buildings and activities accessory to a discretionary activity.
2. Activities requiring on-site customer car parking.
3. Education facilities.
4. Places of assembly.
5. Community activities.
6. Service industries.
7. Residential accommodation at the ground floor level.
8. Visitor accommodation.
9. Public car parks fronting Church Street.
10. Service station.
11. Activities stated in 3.3.3 Section 3 Landscapes and habitats.
12. Activities stated in 4.3.3 Section 4 Heritage
13. Activities stated in 6.3.3 Section 6 Surface of water activities
14. Activities stated in 7.3.3 Section 7 Natural hazards
15. Activities stated in 8.3.3 Section 8 Hazardous substances
16. Activities stated in 9.3.3 Section 9 Network Utilities
17. Subdivision as stated in 12.5.2.

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**12.3.4**      *Non-complying activities*

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Any activity not specifically stated as a permitted activity, controlled activity, or discretionary activity, and which does not comply with the Zone Standards, shall be a non-complying activity and is allowed only if a resource consent is obtained.

## 12.4 ZONE STANDARDS

These Zone Standards apply to all permitted activities, controlled activities, and discretionary activities and will be used as guidelines when assessing applications for non-complying activities.

### 12.4.1 SITE REQUIREMENTS

#### SR1 *Site coverage*

No limit, subject to compliance with Zone Standards 12.4.2 YA1.

#### SR2 *Height*

The maximum height for structures within the Zone is 9m (refer to Section 9.3.1 and 9.3.3 Network Utilities).

#### SR3 *Daylight protection*

No part of any building shall penetrate a daylight recession plane of 45° from a height of 2.7m above finished ground level at any boundary of a Residential Zone or Mixed Activity Zone (refer to Section 9.3.1 and 9.3.3 Network Utilities).

### 12.4.2 YARDS

#### YA1 *Separation from adjoining properties*

All buildings and activities within the Zone shall be set back at least 4.5m from a Residential Zone or Mixed Activity Zone boundary, except for storage of non-hazardous substances and car-parking areas.

Provided that:

In respect to this rule activities do not include access within sites, on-site carparking, and landscaping.

### 12.4.3 LANDSCAPING

#### LA1 *Screening storage areas*

Any area used for storage shall be screened from any public place, other than service lanes, and from any boundary of a Residential Zone or Mixed Activity Zone so as to mitigate the effects of the storage area.

### 12.4.4 NOISE AND GLARE

#### NG1 *Noise*

a. All activities on site shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any Town Centre Zone site:

Monday to Saturday	7.00 am to 6.00 pm	50 dBA (L10)
Monday to Saturday	6.00 pm to 11.00 pm	50 dBA (L10)
At all other times including Sundays and Public Holidays		40 dBA (L10) 65 dBA (Lmax)

- b. The noise level as measured within the boundary of any adjacent Residential Zone land shall not exceed the following:

Monday to Saturday	7.00 am to 10.00 pm	55 dBA (L 10)
At all other times including Sundays and Public Holidays		40 dBA (L10) 70 dBA (Lmax)

Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound, and assessed in accordance with the provisions of NZS 6802 : 1991 Assessment of Environmental Sound.

Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803P : 1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

**NG2**      *Lighting and glare*

All exterior security lighting shall be designed, installed, and maintained so that the light emitted does not overspill the boundaries of the Residential Zone or Mixed Activity Zone, or will cause distraction or glare which could affect traffic safety on adjacent roads.

**12.4.5**      **PARKING AND ACCESS**

**PA1**      *Parking and loading*

Carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended or where the use is changed, as follows:

1. A financial contribution for customer carparking, in the form of money, will be required, and will be based on the following ratios:

Retail activities	1 space per 20m <sup>2</sup> total floor area
Commercial services	1 space per 40m <sup>2</sup> total floor area
Restaurants and bars	1 space per 20m <sup>2</sup> total floor area
Food selling premises	1 space per 20m <sup>2</sup> total floor area
Service industries	1 space per 50m <sup>2</sup> total floor area
Police stations	1 space per 50m <sup>2</sup> total floor area
Residential accommodation	1 space per dwelling
Places of assembly	1 space per 5 persons
Visitor accommodation (1-4)	1 space per unit
Visitor accommodation (4+)	1 space per unit plus 2 for staff

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Education facilities	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and:	
	Preschool	1 space per staff member
	Primary	2 spaces per 3 staff members
	Secondary	1 space per 20 students
	Tertiary	1 space per 20 students

2. Provision shall be made for the loading and unloading of service vehicles on-site, and at the rear of sites, in such a way that any footpath, road or access to adjoining properties is not blocked.
3. No vehicle access shall be located within 15 metres of an intersection.
4. Car parking dimensions and design standards are set out in Appendix 5.

#### 12.4.6 SIGNS

##### SG1 *Signs*

Signs meeting the following standards are permitted activities in this zone:

1. Maximum aggregate area for signs shall be 0.5m<sup>2</sup> for each 2m of building frontage or site frontage, whichever is the lesser.
2. Signs may be located
  - (i) On the verandah fascia but not above or below the fascia.
  - (ii) Under the verandah at right angles to the building.
  - (iii) On the shop front glazing.
  - (iv) Above verandah level where they are:
    - Attached to the building.
    - Of greater vertical than horizontal portions.
    - Do not protrude more than 1m from the face of the building.
    - Are at least 600mm below the top of the wall to which they are attached.
3. Two free-standing pole-mounted signs shall be permitted on a site where the frontage of the building is set back more than 5m from a road boundary, provided that each sign does not exceed 5m in height and 4m<sup>2</sup> in area.
4. Signs visible from a State Highway where they are :
  - (i) Official signs
  - (ii) One double-sided freestanding sign for each frontage of the site.
  - (iii) Attached to buildings on the site, which do not exceed the profile of the building
  - (iv) Please refer to Appendix 8 for provisions for controlling advertising signs that are visible from the State Highway..

Signs meeting the following standards are discretionary activities in this zone:

Signs visible from a State Highway where they are:

1. Illuminated signs, that are not a permitted activity, and flashing, animated, trivision, revolving lights or lasers, or aerial signs situated adjacent to a State Highway.
2. Free standing signs situated within the boundaries of a State Highway with a speed limit of 50km/h or less.
3. Advance warning signs erected on a road.

**12.4.7 HAZARDOUS SUBSTANCES**

**HS1 *Spillage containment***

The site of any activity which uses, stores or produces potentially contaminating hazardous substances, shall be designed so that stormwater run-off or accidental spillage is contained and disposed of in accordance with Environment Bay of Plenty standards.

**12.4.8 FLOOR LEVELS**

The minimum floor level for residential, retail, commercial, industrial, and public buildings shall be 3.6 metres above Moturiki datum. This shall not apply to carports, implement sheds, garden sheds, garages, or other uninhabited ancillary buildings.

**12.4.9 NON-RESIDENTIAL ACTIVITIES**

Standards for non-residential activities are not applicable in this Zone.

**12.4.10 ON-SITE EFFLUENT DISPOSAL**

Standards for on-site effluent disposal are not applicable in this Zone.

**12.4.11 RETAIL CORE**

**RC1 *Protection of retail frontage***

Within the Town Centre Zone Policy Area, as indicated on Planning Map 3C, all buildings fronting footpaths, arcades, and pedestrian precincts shall provide display windows on the facade. Non-retail activities shall provide a similar appearance to adjacent retail activities.

**RC2 *Pedestrian shelter and continuity of verandah***

1. A continuous pedestrian verandah shall be provided by every building within the Town Centre Zone Policy Area, as identified on Planning Map 3C.
  - (i) The verandah shall have a minimum depth of 3m or terminate no less than 0.5m behind the face of the carriageway kerb, whichever is the lesser.
  - (ii) Where a building is set back further than adjoining buildings, the Council may require a verandah deeper than 3m to maintain the continuity of cover over the public footpath.
  - (iii) The underside of the verandah shall be between 2.6m and 3.6m above the finished level of the footpath and provide continuity of height and cover with adjoining verandahs.

- (iv) Verandah posts are permitted provided that they are not used for structural support of the verandah.

## 12.5 SUBDIVISION

The following rules provide for controlled activities and discretionary activities in relation to subdivision within the Town Centre Zone.

### 12.5.1 *Controlled activities*

The following are controlled activities:

1. Subdivisions which create lots suitable for permitted or controlled activities and which comply with the standards specified in Rule 12.5.3.1, 12.5.3.2 and 12.5.3.5.
2. Subdivisions complying with the boundary adjustment requirements specified in Rule 12.5.3.3.
3. Subdivisions which create lots for public utilities, public works, reserves and open space complying with Rule 12.5.3.4.
4. Subdivisions to create lots suitable for discretionary activities subject to consent being granted to the activity.

*Where a subdivision is a controlled activity, Council may decline a consent application if the circumstances as set out in Section 106 of the Resource Management Act exist (e.g. material damage to land caused by erosion, slippages and inundation).*

The matters over which Council will reserve control are stated in 10.3.2.

### 12.5.2 *Discretionary activities*

The following are discretionary activities:

1. Subdivisions to create lots which do not comply with the standards specified in Rules 12.5.3.1 and 12.5.3.2.

### 12.5.3 *Subdivision standards*

The following are the subdivision standards for the Town Centre Zone.

#### 12.5.3.1 Minimum lot size

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The minimum lot size, exclusive of access, shall be 300m<sup>2</sup>

#### 12.5.3.2 Lot dimensions

1. Frontage

The minimum frontage for any lot shall be 10m.

2. Depth

The minimum depth for any lot shall be 18m

#### 12.5.3.3 Boundary adjustment

The subdivision standards for the Zone will not apply to a subdivision for the adjustment or relocation of boundaries provided no new additional allotments are created, and the subdivision provides for:

- i. The adjustment or relocation of boundaries which will leave the allotments with similar areas to that existing prior to subdivision; or
- ii. The adjustment or relocation of boundaries is more suitable for activities provided by the Zone, where it does not increase the degree of non-conformity of any existing lot or lots.

#### 12.5.3.4 Lots for public utilities, public works, reserves and public open space

The minimum standards for the Zone shall not apply where lots are created for the following purposes:

1. Where land is required by a network utility operator.
2. Where land is required for a public work.
3. Where land is to be set aside or vested as a reserve.
4. Where land is to become a reserve vested in the Council.

#### 12.5.3.5 General subdivision requirements

In addition to Rule 12.5 the general rules for all subdivision specified in Section 10 shall be met.

## 12.6 OTHER METHODS

#### 12.6.1 Other methods for achieving the objectives and policies of this section are:

1. The town centre re-development programme that enhances the character of the zone.
2. The implementation of retailer initiatives to develop the pedestrian nature of the zone, and the integration of landscape features within the area.
3. Development of a heritage programme to ensure that the heritage values of the area are promoted.
4. A 'Main Street' beautification programme developed in partnership with the business community and the Council.
5. Use Land Information Memoranda (LIM) and Property Information Memoranda (PIM) to make potential owners aware of the natural hazard occurrence within the zone.

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6. To develop those public open spaces and reserves administered by the Council within, and adjoining, the Town Centre Zone to ensure that they complement the character of the zone.

## 12.7 EXPLANATION

- 12.7.1 The reasons for the foregoing objectives, policies and methods are stated below.
- 12.7.2 The Opotiki town centre provides a compact and coherent focus for business and community activities of the district. The centre also contains a number of buildings and items of heritage and cultural value to the community.
- 12.7.3 Clustering these activities and providing centralised public carparking enables visitors to the centre to complete transactions efficiently in a pleasant, safe, and convenient pedestrian environment. All these factors contribute to the sustainability of the business centre.
- 12.7.4 Objectives and policies have been developed for the Town Centre Zone which enable commercial and community activities to continue to locate together for the convenience of the people of the District. The rules enable a wide range of activities to locate without compromising amenity values. Zone standards promote the continuation of visually interesting retail frontages, protection of footpaths from the effects of weather, and avoiding the potential conflict between pedestrians and vehicles by controlling on-site parking, and management of the design and location of signs.
- 12.7.5 There is a risk of flooding in extreme events combining heavy rainfall and high tides. The Volkners Island area acts as a natural ponding area which provides a storage capacity in the event of high rainfall. However, continuing to cluster commercial and community activities currently outweighs the potential cost of relocating or re-developing the town centre.
- 12.7.6 The Town Centre Policy Area is an area within the Zone, as identified on Planning Map 3C, where retail frontage and continuity of verandahs must be met. It does not mean that activities presently within these sites need to erect verandahs, but only in the event that the activity on the site changes. If the use of the site changes then the activity will need to provide retail frontage and continuity of verandahs. The Town Centre Policy Area is the 'core' of the Town Centre Zone.

## 12.8 ANTICIPATED ENVIRONMENTAL OUTCOMES

- 12.8.1 Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- 4 A cohesive retail area that functions effectively as the Town Centre Zone.

- 4 A commercial and retail area of the district that meets the needs of pedestrians and motorists.