

Chapter 3

Town Centre Zone



3. TOWN CENTRE ZONE

3.1 RESOURCE MANAGEMENT ISSUES

1. Activities within the zone have the potential to impede pedestrian and vehicular **access** which may compromise safety and therefore limit public **access**.
2. Town Centre activities can adversely affect the amenity, quality and characteristics of the zone. Effects relate to 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. Inadequate and poorly designed parking can adversely affect the purpose of the zone and can impact on safety for pedestrians and motorists.
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. Possible loss of the retail frontage, and the need to maintain continuity of retail verandahs.
6. Effects of activities undertaken within the zone may adversely affect the **amenity values** and character of neighbouring zones, particularly the Residential Zone.

3.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 3.2.1 The Town Centre is vibrant, functional, attractive and pleasant, and is a focal point for retail, commercial, cultural and community activities.**

POLICIES

- 3.2.1.1 Ensure those qualities and characteristics that comprise the zone's **amenity values** are maintained, and wherever possible, enhanced.
- 3.2.1.2 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.
- 3.2.1.3 To protect the **buildings** and facades within the zone that are of heritage importance.
- 3.2.1.4 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

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

POLICIES

3.2.2.1 Development within the zone 'Policy Area' will be required to provide continuity of retail frontage and of verandahs.

3.2.2.2 Development within the Policy Area is to maintain and/or enhance the character of the zone.

OBJECTIVE

3.2.3 Management of the effects of activities on pedestrian and vehicle interaction so that the character of the zone is maintained.

POLICIES

3.2.3.1 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.

3.2.3.2 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.

3.2.3.3 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.

OBJECTIVE

3.2.4 To enable the Town Centre to continue to draw on its natural and cultural heritage and to emphasise its relationship with the river and built heritage features.

POLICIES

3.2.4.1 To recognise the contribution of natural features to the identity and quality of the Ōpōtiki Town Centre environment and facilitate the interconnection between uses and these features. These natural features include the Ōtara and Waioeka River and their adjoining streams and physical and visual **access** to them.

3.2.4.2 To recognise the built **heritage resources** of the Ōpōtiki Town Centre as a unique feature that adds to the character and amenity of the zone.

3.2.4.3 To recognise Whakatōhea as tangata whenua and acknowledge the effect that significant successive occupation and use of the Ōpōtiki Town Centre has had, and the contribution this has had on the heritage values of the zone.

3.2.4.4 To ensure new **buildings** are of a scale and design that enables activities at ground level and street edges to contribute positively to the amenity and the purpose of the zone.

3.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying Activities. Resource consent is not required for all Permitted Activities provided Zone Standards are met.

3.3.1 Additional controls apply in relation to the following activities. Refer to the Chapters identified:

- Activities on the Surface of the Water – refer Chapter 12
- Landscapes and Habitats – refer Chapter 13
- Heritage – refer Chapter 14
- Network Utilities – refer Chapter 17
- Natural Hazards – refer Chapter 18

3.3.2 PERMITTED ACTIVITIES

3.3.2.1 Subject to compliance with the Zone Standards in Section 3.6, the following activities may be established in the Town Centre Zone, without resource consent:

1. **Buildings** and activities **accessory** to a Permitted Activity.
2. **Visitor accommodation** that does not front Church Street.
3. **Visitor accommodation** on the second floor of a **building**.
4. **Commercial activities.**
5. **Restaurants and bars.**
6. **Retail activities.**
7. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
8. **Food selling premises.**
9. **Public carparks** that do not front Church Street.
10. Activities on reserves as provided for in the Reserves **Act** 1977 or an approved Reserve Management Plan.
11. **Temporary buildings** and activities required for **building** or construction projects of not more than 12 months duration.

12. **Signs**, as stated in Rule 3.6.7.
13. **Temporary Military Training Activities** complying with the noise controls in Appendix 3.
14. Any activity that is not listed in the Chapter and which complies with the Zone Standards.
15. Removal of residential **dwelling**s that comply with the Building **Act** 2004 requirements, and **Council's** engineering standards.
16. Residential accommodation at the second floor level.
17. The relocation of a **building** or **dwelling**.
18. Re-siting of a **building** within a **site**.
19. **Factory built dwelling**s.

3.3.3 CONTROLLED ACTIVITIES

3.3.3.1 The following activities may be established after Land Use Consent has been granted by **Council**. Activities must comply with the Zone Standards stated in Section 3.6:

1. **Buildings** and activities **accessory** to a Controlled Activity.
2. Public conveniences.
3. **Temporary buildings** and activities not listed as a Permitted Activity.

3.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

3.3.4.1 The following activities may be established after Land Use Consent has been granted by **Council**. The **Council** may grant or refuse resource consent for a Restricted Discretionary Activity:

1. **Buildings** and activities **accessory** to a Restricted Discretionary Activity.
2. **Visitor accommodation** on the ground floor of a property fronting Church Street.
3. The relocation of a **building** or **dwelling** that cannot comply with Rule 3.6.5.
4. Activities that cannot comply with Rules 3.6.1.2 (*Height*) and 3.6.1.3 (*Daylight Protection*).
5. Activities not complying with Rules 3.6.11 (*Wastewater Connections*), 3.6.12 (*Stormwater Management*) and 3.6.13 (*Water Supply*).

3.3.5 DISCRETIONARY ACTIVITIES

3.3.5.1 The following activities may be established after Land Use Consent has been granted by **Council**. The **Council** may grant or refuse resource consent for a Discretionary Activity:

1. **Buildings** and activities **accessory** to a Discretionary Activity.
2. **Education facilities**.
3. **Places of assembly**.
4. **Community activities**.
5. **Service industries**.

6. Residential accommodation at the ground floor level.
7. Public carparks fronting Church Street.
8. **Service station.**

3.3.6 NON-COMPLYING ACTIVITIES

3.3.6.1 Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity, and which does not comply with the Zone Standards unless otherwise stated shall be a Non-complying Activity and is allowed only if resource consent is obtained.

3.4 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

3.4.1 The **Council** has reserved control over the following matters:

3.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the **amenity values** of the zone.
2. 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.
3. The manner in which any beautification of the **site** assists in maintaining and enhancing the character of the zone.
4. The effects that any residential activity at the ground floor will have on the character of the zone.
5. The location and appearance of signage associated with the activity.
6. Disruption that the activity may cause to the continuity of retail frontage, or continuity of verandahs within the Town Centre Zone Policy Area.

3.4.1.2 Effects of the activity on adjoining properties

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

3.4.1.3 Vehicle access and site manoeuvrability

1. The design and location of vehicular **access** and whether vehicles can leave and enter the **site** safely.
2. The need for carparking, service lanes, and loading and unloading activities associated with the activity.

3. The effects that the activity will have on the parking resources available within the Town Centre Zone.

3.4.1.4 Effect on pedestrian access

1. The effect that the activity will have on pedestrian movement within and throughout the zone.
2. The use of any street furniture or signage that may impede safe and efficient pedestrian movement.

3.4.1.5 Historical, archaeological and cultural resources

1. The effect of the design and layout of the activities in relation to land, **buildings**, features and **waterbodies** which have historical and archaeological worth.
2. The effects of the activity on resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the **site** and on adjoining sites.

3.4.1.6 Natural hazard occurrence

1. The extent to which the activity may accentuate the adverse effects of natural hazards.
2. The susceptibility of the **site** to natural hazards and the measures implemented to mitigate the effects of natural hazards.
3. The effects that the activity may have on the Volkners Island and Tarawa Creek ponding areas.

3.4.1.7 Hazardous substances

1. The type and volume of the **hazardous substances** to be used or stored on the **site**.
2. The spill containment system proposed for the activity.
3. The proposed drainage system for the activity **site**.
4. The degree of risk of spillage and the potential adverse effects of spillage both on and off the **site**.

3.4.1.8 Temporary buildings

1. The time that a **temporary building** may be permitted to be used on a **site** within the zone.
2. The design and appearance of the **temporary building** to be placed on the **site**.
3. Restoration of the **site** once the **temporary building** has been removed from the **site**.

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

3.5 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

3.5.1 The **Council** shall restrict its discretion of the following matters:

3.5.1.1 Visitor accommodation on the ground floor of a property fronting Church Street, buildings and activities accessory to a Restricted Discretionary Activity

1. The design and appearance of the activity and how it relates to the **amenity values** of the zone.
2. 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.
3. The manner in which any beautification of the **site** assists in maintaining and enhancing the character of the zone.
4. The location and appearance of signage associated with the activity.
5. Disruption that the activity may cause to the continuity of retail frontage, or continuity of verandahs within the Town Centre Zone Policy Area.
6. Appearance and connectivity to the existing character of the street.

3.5.1.2 Effect on pedestrian access

1. The effect that the activity will have on pedestrian movement within and throughout the zone.
2. The use of any street furniture or signage that may impede safe and efficient pedestrian movement.

3.5.1.3 Vehicle access and site manoeuvrability

1. The design and location of vehicular **access** and whether vehicles can leave and enter the **site** safely.
2. The need for carparking, service lanes, and loading and unloading activities associated with the activity.
3. The effects that the activity will have on the parking resources available within the Town Centre Zone.

3.5.1.4 Historical, archaeological and cultural resources

1. The effect of the design and layout of the activities in relation to land, **buildings**, features and **waterbodies** which have historical and archaeological worth.
2. The effects of the activity on resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the **site** and on adjoining sites.

3.5.1.5 The relocation of a building or dwelling that cannot comply with 3.6.5

1. Proposed **landscaping**, including opportunities to screen the **building** during reinstatement.
2. Visibility from the **road**, public places and other residential areas.
3. Maintenance of the **site** and surrounds during reinstatement.

3.5.1.6 Activities that cannot comply with Rules 3.6.1.2 (Height) and 3.6.1.3 (Daylight Protection)

1. The adverse effects on the amenity of sites in terms of:
 - (a) Shadowing.
 - (b) Physical domination.
 - (c) Privacy.
 - (d) Lighting.

3.5.1.7 The degree to which the character and amenity of the zone is maintained by

1. Variation in **building** form.
2. **Landscaping**.
3. Screening.

3.5.1.8 Activities not complying with Rules 3.6.11(Wastewater Connections), 3.6.12 (Stormwater Management), 3.6.13 (Water Supply)

Wastewater connections

1. Mitigation of effects on existing infrastructure and the environment from:

- i. Sewerage flow volumes.
- ii. Sewerage flow rates.
- iii. Sewerage flow timing.
- iv. Sewerage connections and on-site reticulation/infrastructure specifications.
- v. Practicality of connection to **Council's** existing infrastructure.

Stormwater connections

1. Mitigation of effects on existing infrastructure, adjacent/downstream properties and the environment:

- (a) Stormwater runoff.
- (b) Stormwater connections and on-site reticulation/infrastructure specifications.

Potable Water connections

1. Management of water supply demand:

- (a) Water flow rates.

- (b) Water flow volumes.
- (c) Water supply connections specifications.

3.5.1.9 Activities not complying with Rule 3.6.2.3 (Building setback from Council pipelines)

- (a) The obstruction of **access** to existing wastewater, water supply or stormwater reticulation.

3.6 ZONE STANDARDS

These Zone Standards apply, unless otherwise stated, to all Permitted and Controlled Activities, and will be used as a guideline when assessing applications for Discretionary and Non-complying Activities.

3.6.1 SITE REQUIREMENTS

3.6.1.1 Site coverage

No limit, subject to compliance with Zone Standards **3.6.2**.

3.6.1.2 Height

The maximum **height** for structures within the zone is 9m. Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

3.6.1.3 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. Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

3.6.2 YARDS/SETBACKS

3.6.2.1 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 carparking areas.

Provided that:

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

3.6.2.2 No **building** shall be located closer of either:

1. 1.5m from the centre of any public sewer or public stormwater line,
2. The sum of depth to the centre of the line plus the diameter of the line plus 0.2m from the centre of that line.

3.6.2.3 **Building setback from Council pipelines**

No **building** shall be located closer than the greater of either:

- (a) 1.5m from the centre of any public sewer or public stormwater line, or
- (b) The sum of depth to the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that line.

Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

3.6.3 **LANDSCAPING**

3.6.3.1 **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.

3.6.4 **NOISE AND GLARE**

3.6.4.1 **Noise**

All activities on a **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**. Provided that at the boundary of a **site** within the Residential Zone the **noise limits** for the Residential Zone shall be complied with.

Noise Limits dB			
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times	
Town Centre	65LAeq	60LAeq 75LAmx	

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:1999 Construction Noise.

3.6.4.2 **Lighting and glare**

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

3.6.5 RELOCATION OF A DWELLING OR BUILDING

1. A **building** inspection report shall accompany the **building** consent for the **building/dwelling**.
2. The report is to identify all **reinstatement works** required to the exterior of the **building/dwelling**.
3. The **building** shall be located on permanent foundations approved by **building** consent, no later than two months of the **building** being moved to the **site**.
4. All work required to reinstate the exterior of any relocated **building/dwelling**, including the siting of the **building/dwelling** on permanent foundations, shall be completed within 12 months of the **building** being delivered to the **site**.

3.6.6 PARKING AND LOADING

3.6.6.1 Carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended or where the **building** use has changed, and the parking ratios require stricter rules 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 ² total floor area
Commercial Activities	1 space per 40m ² total floor area
Service industries	1 space per 50m ² total floor area
Police stations	1 space per 50m ² 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
Food selling premises	1 space per 20m ² total floor area
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 space per 20 students
Secondary	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 15m of an intersection.
4. Carparking dimensions and design standards are set out in **Appendix 1**.
5. Reduction in carparking where bicycle parking is provided:
 - (a) The total required carparking for an activity is reduced where on-site bicycle stands are provided, the reduction being:
 - i. One carparking space for every five bicycle spaces provided:
 - a. For employee parking, where the bicycle stand(s) is secure and well-lit, and shower facilities for staff are provided, the above dispensation rate can be doubled (ie. 2 spaces per 5 bicycle spaces provided).
 - b. The maximum reduction in carparking spaces under these provisions is 10% of the number of carparking spaces.

3.6.7 SIGNS

3.6.7.1 **Signs** meeting the following standards are Permitted Activities in this zone:

1. Maximum aggregate area for **signs** shall be 0.5m^2 for each 2m of **building** frontage or **site** frontage, whichever is the lesser.
2. **Signs** may be located:
 - (a) On the verandah fascia, but not above or below the fascia.
 - (b) Under the verandah at right angles to the **building**.
 - (c) On the shop front glazing.
 - (d) Above verandah level where they are:
 - i. Attached to the **building**.
 - ii. Of greater vertical than horizontal portions.
 - iii. Do not protrude more than 1m from the face of the **building**.
 - iv. 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^2 in area.
4. Approval for **signs** visible from any state highway must be gained from the NZ Transport Agency.

3.6.7.2 **Signs** meeting the following standards are Discretionary Activities in this zone:

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**.

3.6.8 HAZARDOUS SUBSTANCES

3.6.8.1 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 Bay of Plenty Regional Council's standards.

3.6.9 FLOOR LEVELS

- 3.6.9.1 Floor levels shall be sufficient to ensure that water does not enter **buildings** in a 2% AEP (Annual Exceedance Probability) event. Council holds information about flood levels within the Ōpōtiki urban area.

3.6.10 RETAIL CORE

3.6.10.1 Protection of retail frontage

Within the Town Centre Zone Policy Area, as indicated on **Planning Map 5a** 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**.

3.6.10.2 Pedestrian shelter and continuity of verandah

A continuous pedestrian verandah shall be provided by every **building** within the Town Centre Zone Policy Area, as identified on **Planning Map 5a**:

1. 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.
2. 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.
3. 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.
4. Verandah posts are permitted provided that they are not used for structural support of the verandah.

3.6.11 WASTEWATER

3.6.11.1 Wastewater Connections

1. All new developments within any of **Council's** wastewater scheme boundaries shall connect to the **Council's** wastewater system.
2. All new wastewater management systems shall be designed and constructed in accordance with 17.4.2.

3.6.12 STORMWATER

3.6.12.1. Stormwater Management

A stormwater disposal system shall be provided for any residential, community or business activity. The stormwater management system shall be designed and constructed in accordance with Rule 17.4.3.

3.6.13 POTABLE WATER

3.6.13.1 Water Supply

A potable water supply shall be provided to each site and where connected to **Council's** water supply shall be designed and constructed in accordance with Rule 17.4.4.

3.6.14 VEHICLE ENTRANCE DESIGNS

3.6.14.1 Residential and commercial vehicle entrance designs shall comply with Appendix 4.

3.7 OTHER METHODS

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

1. The support of retailer initiatives to develop the pedestrian nature of the zone, and the integration of landscape features within the area.
2. A 'Main Street' beautification programme developed in partnership with the business community and the **Council**.
3. Use Land Information Memoranda (LIM) and Property Information Memoranda (PIM) to make potential owners aware of the natural hazard occurrence within the zone.
4. 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.

3.8 EXPECTED ENVIRONMENTAL RESULTS

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

- A.** A cohesive retail area that functions effectively as the Town Centre Zone.
- B.** A commercial and retail area of the District that meets the needs of pedestrians and motorists.
- C.** A vibrant Town Centre that is a focal point for the District and its community.