

# PART EIGHT - COMMERCIAL

## 1. INTRODUCTION

### 1.1 BACKGROUND

Commercial activities are dynamic in nature, continually subject to changes in the rate of economic growth and to trends in marketing and lifestyle. The retailing, entertainment and office sectors in the Rotorua District are no exception.

Since 1985, a number of retailing trends have been apparent.

There has been a shift from middle-range Department Stores to large branded retail outlets that stock a limited product line. Locations free of the space and parking restrictions of existing Central Business District (CBD) stores tend to be sought for these new stores.

In the food sector, large supermarket chains and retail-oriented service stations have emerged, resulting in the decline of dairies and smaller supermarkets. This has then impacted on the viability of some suburban centres.

There has also been a shift towards warehouse retailing. These retailers require large floor spaces in which to warehouse and display goods, where access by car has become almost a necessity.

These trends are to some extent an indication of increasing car ownership and mobility amongst consumers. They have also come about as a result of policy changes by central government, including the deregulation of petrol prices, extensions in shop trading hours and the removal of import restrictions. The Resource Management Act 1991 reflects the changing focus of the government from an interventionist approach to the promotion of a market-led economy. Rather than restricting the activities themselves, as was the case under previous legislation, emphasis is placed on the minimisation of adverse environmental effects.

Not all retailing trends, however, have been based on this car-borne rise in mobility. Many new shops have been established and the city has been transformed by the number of bars, restaurants and cafes in the CBD. This reflects significant changes in social attitudes and lifestyle over recent years, including changed social attitudes towards saving and spending, a changed attitude towards lifestyle and leisure and a view of spending as recreation rather than just necessity.

The traditional separation between retailing centres/offices and other grouped activities such as residential and industrial estates has blurred. New technology including widespread internet access and a work environment with increasing emphasis on contracted employees has led to increased opportunities for working from home, telecommuting and home businesses.

## 1.2 EMERGING ISSUES

There is a trend within New Zealand for medium and high density housing development to locate within the larger cities, either in new properties or by converting existing buildings. This can enable residents to readily take advantage of the nightlife and entertainment on offer in the city. Residential activities in the inner city can result in the reuse of vacant buildings particularly second and third floors. However the same level of residential amenity as is experienced in suburban areas cannot be achieved in the inner city. Noise levels are higher in the city, sunlight access may be lower due to existing buildings and there may be limited private open space or parking available to inner city residences.

Within New Zealand, there is continued pressure for commercial and retail development to develop outside of identified CBDs. This is often taking the form of large stand-alone mega-shopping centres. This trend has the potential to detract from the core functions and vibrancy of city centres, by drawing people away from the centre to other locations within the town, outside of the town and even other regions. This can result in a loss of support for the private and community facilities and investment in the CBD, resulting in vacant office and retail space. Vacant space can lead to neglect of buildings and declining amenity and a downward cycle can be created.

Council is very much aware that a coordinated approach between the public and private sectors is required if the shopping-as-recreation trend and its links with tourism in existing centres are to be taken advantage of. This approach essentially involves the improvement of amenity values and infrastructural systems in commercial centres to continue to attract customers, businesses and private investment. **Part Four** identifies the enhancement of amenity values in one centre in particular - the Central Business District - as a significant resource management issue, while noting that ad hoc extensions to this centre could result in fragmentation leading in turn to a loss of amenity.

**Part Nine** identifies that there are limited areas of land suitable for industrial activities because of the existing character of the lakes and because industries are encouraged to locate together to facilitate mitigation of adverse effects. This paucity of suitable industrial land means that, if non-industrial activities such as commercial activities locate in industrial areas, there may be a shortage of land for industry.

As industry changes, certain 'clean' industries may appropriately locate within specified commercial areas relieving pressure on scarce industrial land.

These issues are very much inter-related. However, in order to clearly illustrate the links between them and the means for dealing with them, each issue is described in turn in the sections that follow, along with a related Objective, Policy or Policies, a summary of Methods of Implementation and the Anticipated Environmental Results. This arrangement assists in making the rationale for the provisions and Rules of this Part transparent.

## 1.3 COMMERCIAL ISSUES

This Part addresses the following issues relating to commercial activity in the District:

- commercial activities may threaten the amenity of neighbouring residential and other areas; and
- some activities can threaten the amenity of existing commercial centres.

## 2. RESOURCE MANAGEMENT ISSUES

### 1.4 ISSUE ONE

**COMMERCIAL ACTIVITIES MAY THREATEN THE AMENITY OF NEIGHBOURING RESIDENTIAL AND OTHER AREAS**

#### 2.1.1 ISSUE STATEMENT

The Central Business District is comparatively large in relation to the City's population and consequently it has an extensive, low-level character. Nevertheless, certain development pressures are being placed on areas surrounding the Central Business District. Within the CBD, areas have been identified as CBD core (Commercial A) and CBD fringe (Commercial B). Development within the CBD fringe can affect the amenity values of adjacent land, particularly residential land. These amenity values comprise aspects such as noise, traffic, lighting, safety, parking, hard surfaces, signage, visual and residential character.

There are other areas adjacent to the Central Business District which are in somewhat of a transitional development phase. The Ti Street Triangle has taken

on a much more overtly commercial function in the last few years, and has largely lost its former industrial focus.

The Rotorua Central complex is identified as CBD Rotorua Central (Commercial B1). The site is being developed with a mix of specialty shops in a clearly defined area and a limited number of large format retail outlets. Development of the site needs to be controlled to avoid or mitigate effects on the rest of the CBD and off-site amenity effects on nearby residential sites.

The block west of the Central Business District and bounded by Pukuatua, Ranolf and Amohau Streets has for a number of years become a favoured location for office activities, to the extent that the character of the area has changed from primarily residential to residential within a low density commercial area. Some loss of residential amenity has occurred with the parking requirements of the businesses, increasing hard surfaces, signage and a subsequent move away from a residential character, despite many of the original houses being converted to offices.

Within the Rotorua Urban Area there are three other major urban commercial centres, located at Ngongotaha, Te Ngae Road and Westend. The Ngongotaha Shopping Centre is a long-established commercial area, located on public roads in close proximity to housing, and is largely reliant on on-street parking. There are plans to reconfigure the parking as part of the Ngongotaha upgrade to reduce the parking on Ngongotaha Road. The Te Ngae Shopping Centre was built as a comprehensive development in the 1980s, with access onto the State Highway from on-site parking. It is also located close to residential areas. The Westend Shopping Centre is located southwest of the Central Business District at the intersection of Old Taupo and Malfroy Roads, again in close proximity to housing. It includes a major supermarket. The expansion and/or redevelopment of these centres is a possibility which the Plan must take into account, if only to ensure that any adverse effects on the amenity values of residential areas surrounding these centres are minimised and any traffic implications are addressed.

The provision of the Commercial H zone at Eastgate is a major new initiative. The intent of this zone is to provide for a mixed-use area where distribution activities, warehousing and industrial businesses can establish and take advantage of the proximity to Rotorua Airport and the State Highway. Consideration of the amenity of the adjacent rural properties and State Highway was a key component of this zone, and consequently rules relating to landscaping, lighting, buffers and noise are stricter than in other commercial zones.

Other smaller scale commercial centres with a more limited range of convenience shopping and services are distributed throughout the District, in both the Rotorua Urban Area and in rural settlements, close to the communities which they serve. The likelihood of adverse environmental effects on surrounding residential areas is low, but nevertheless an issue which requires consideration in the Plan.

Some extensive retailing activities with large floor space and yard requirements cannot be easily accommodated in the Central Business District or other existing commercial centres, and instead seek high profile locations on major arterial routes. Examples are, the car dealerships and home improvement centres situated along Fairy Springs, Old Taupo and Te Ngae Roads. These areas have become important centres of commercial activity. Where these activities are

larger scale commercial activities with adequate on-site parking, they have little adverse impact on the amenity of the area. However, the paucity of industrial land may be exacerbated by its use for commercial activity. Measures are provided in **Part Nine** to limit commercial activities in Industrial Zones to commercial activities that find difficulty locating in the Central Business District. Furthermore, these types of enterprises and other large scale stand-alone commercial activities can have an adverse effect on surrounding amenity values when they seek a location in those areas in which people reside.

Service stations do not necessarily maintain a close relationship with existing commercial centres, as their main priority is a location along a major traffic route. Characteristically, this activity includes the storage of hazardous substances and generates increased traffic which leads to noise, illumination, glare and general disturbance. Service stations potentially have a major effect on amenity values in residential areas, and a less dramatic, but nevertheless significant, effect in less sensitive locations, such as commercial centres.

To address the adverse environmental effects which concentrated or individual commercial activities can have on amenity values, Objective **2.1.2** seeks the preservation of amenity and environmental quality where commercial activities are concerned.

## 2.1.2 RESOURCE MANAGEMENT OBJECTIVE

***Commercial activities which do not adversely affect the amenity values and environmental quality of neighbouring areas, particularly in those areas where people reside***

## 2.1.3 POLICIES

Objective **2.1.2** will be achieved by way of a two fold policy approach. Policy **2.1.3.1** is concerned with directing commercial activities to locations where their adverse environmental effects can generally be absorbed without detriment to amenity values or environmental quality. In practice, this means that commercial activities are directed away from sensitive locations such as residential areas - where amenity values are less resistant to change - to existing centres of commercial activity.

Policy **2.1.3.1** also seeks to contain the spatial expansion of existing commercial centres to ensure that the adverse effects of incremental change to the amenity values of adjoining residential areas are minimised over time. In doing so, Council recognises that a substantial (re)development potential exists in several centres including the Central Business District. This policy of containment will also act to support Objective **2.2.2** which seeks to protect, maintain and enhance amenity values in existing commercial centres. Placing a limit on spatial expansion can result in a concentration of commercial activity in a tightly focused area where improvements to amenity can be fully realised and pedestrian links can be effectively promoted, thus reducing the need for vehicle movements and their associated adverse environmental effects.

Policy **2.1.3.1** requires such proposals for the expansion of existing commercial centres or the location of commercial activities outside those centres to illustrate that they can mitigate any adverse effects on amenity values and environmental quality.

Where out-of-centre commercial activities are proposed it is important that such enterprises are in locations readily accessible by a variety of transport modes, including public transport. This facilitates the economic and social wellbeing of residents, especially those without access to a private car, and takes into account the adverse external effects of increased traffic generation and associated pollution. It is also important that the Urban Fence is not breached by out-of-centre retailing activities. Those Policies in **Part Twelve** which are aimed at reducing the adverse effects of traffic generation will apply, as will Policies **2.4.3.1** and **2.4.3.2** in **Part Seven**.

#### 2.1.3.1 POLICY

*Commercial activities will be restricted in those areas outside existing centres of commercial activity where the amenity values and environmental quality are less resilient, unless any adverse effects on amenity values and environmental quality are minor.*

## 2.1.4 METHODS OF IMPLEMENTATION

#### 2.1.4.1 ZONING AND RULES

The Commercial A and B Zones apply over the Central Business District's core and fringe (including the Ti Street Triangle). The boundaries of these Zones constitute a form of containment and ensure that retailers will continue to seek locations within the boundaries of the CBD rather than within residential or rural areas.

The Rules for the Commercial B1 Zone in **Part Eight** provide detailed requirements in relation to the development of the Rotorua Central site, including aspects relating to design, landscaping, access and parking. The rules are intending to integrate Rotorua Central into the CBD. The rules also take account of amenity values of nearby residential areas through controls on building form, design and location, landscaping and signage.

The Commercial C Zone provides for the commercial redevelopment of the Ngongotaha, Te Ngae Road and Westend centres described in **2.1.1** which are in close proximity to the Central Business District. However, Performance Standards are established relating to height, buffers, parking and turning, noise, glare and light to ensure that the amenity values of surrounding residential areas are protected.

Similar Performance Standards have also been established for the Commercial C and D Zones to ensure that the amenity values of nearby residential areas are not compromised. Activities in these major urban and suburban commercial centres are required to comply with Performance Standards relating to matters such as height, buffers, parking, on-site turning and noise. Landscaping provisions are particularly stringent when the site abuts a Residential Zone.

The Residential D Zone (the block bounded by Pukuatua, Ranolf and Amohau Streets) to the west of the Central Business District provides for some commercial activity. It seeks to retain the area's residential character by minimising the adverse effects on residential amenity of offices and other home-based activities (see **Part Seven**).

Any commercial development in the Okere Falls Commercial F Zone will be subject to the performance standards and generally with the Traffic Management Plan in Appendix L. This will ensure that commercial development in this zone will not adversely affect the traffic safety and the safety and efficiency of the State Highway and the visual amenity of the adjoining Rural E Zone is maintained.

**Part Nine** provides for specified retailing enterprises not readily suited to Central Business District locations, as Permitted Activities in the Industrial A and B Zones. Such activities are also provided for as of right in the Commercial G Zone. Other forms of retailing and office activities are restricted in the Industrial Zones for the reasons set out in **Part Nine**.

Home-based business enterprises are provided for as Permitted Activities in the Residential Zones and as Controlled Activities in the Rural Zones; the former subject only to the Performance Standards in **2** of **Part Seven**, and the latter subject to the Performance Standards in **2** and **3** of **Part Ten**. It is unlikely that major stand-alone retailing or office activities will conform with the Performance Standards for the Residential or Rural Zones (apart from the Residential D and Rural D Zones), and in these cases they will be assessed as Non-Complying Activities.

The Commercial F Zone provides for commercial activities in rural areas and establishes appropriate Performance Standards.

In all Commercial Zones and certain other zones in the District, commercial activities are categorised as Controlled or Discretionary Activities, because Council considers that additional Performance Standards are required to control the adverse environmental effects of such activities in the zones concerned.

These Performance Standards cover amenity related aspects such as the design and external appearance of buildings and structures, landscape design and site layout, the location and design of vehicular and pedestrian access, parking, the management of minor adverse effects on the environment, cumulative effect, traffic generation and zone interfaces. An example are premises selling liquor until 11.00pm at night, which are provided for as Permitted Activities in the Central Business District, as Controlled Activities in the Commercial C Zone, and as Discretionary Activities in the Commercial D Zone. Bars opening after this time, on the other hand, are a Discretionary Activity in the Commercial A, B and C Zones, and are a Non-Complying Activity in the Commercial D Zone. Wholesale outlets are a Discretionary Activity in the Commercial B, C and D Zones.

#### 2.1.4.2 **PLAN CHANGE**

Applications to extend the existing major urban or suburban commercial centres will be dealt with by way of a Plan Change. In such cases, the protection of surrounding amenity values beyond the extended limits of any such centre (especially those associated with residential areas) will be a consideration and proposals will be assessed against Policy **2.1.3.1**.

Service stations seeking to locate in Residential Zones will require a Plan Change to establish a Commercial E Zone and will be assessed in terms of Policy **2.1.3.1**. This zone establishes Performance Standards intended to minimise the adverse environmental effects of the activity on surrounding residential amenity. Elsewhere, service stations are categorised as a Discretionary Activity in the Industrial and remaining Commercial Zones, with one exception. They are Prohibited in the Commercial A Zone because of the major impacts on amenity values and traffic flows in the unlikely event that such an activity seeks a location in the Central Business District's commercial core. Service stations are a Non-Complying Activity in the Resort Zones, so that Council can determine whether the proposal is contrary to Policy **2.2.3.1** in **Part Six**, which seeks to facilitate the creation of a tourist resort atmosphere in these areas.

Limitations are placed on retailing in the Resort Zones. Retailing activities which would facilitate the creation of a resort atmosphere, such as tourist shops and post offices, are provided for, while those which would adversely affect amenity values in these areas are not.

## **2.1.5 ANTICIPATED ENVIRONMENTAL RESULTS**

The Objective, Policies and methods for maintaining the amenity of areas neighbouring commercial activities are expected to ensure that there are no adverse effects on the amenity values and environmental quality particularly those enjoyed by residents who live in close proximity to commercial activity. This result will provide the basis for monitoring the effectiveness of the Plan.

## **2.2 ISSUE TWO**

***SOME ACTIVITIES CAN THREATEN THE AMENITY OF EXISTING COMMERCIAL CENTRES***

### **2.2.1 ISSUE STATEMENT**

The Central Business District is the focus of urban activity and the most important centre for retailing, business and administration in Rotorua. A critical mass of diverse retail and office activities facilitates this important function, and is complemented by public expenditure. Rotorua serves as a regional service centre for those people living outside the District, particularly to the east and south, as well as catering for a significant number of international and domestic visitors. It is recognised as a world class visitor destination.

The Central Business District represents a significant physical resource, the result of considerable investment made by both private and public organisations, and is the focus of retailing, commercial, administration, cultural and recreational activity for the District. Council is concerned with the maintenance and enhancement of the amenity values that are associated with the Central Business District.

Large scale multi-faceted developments outside the existing Central Business District and other existing commercial centres have the potential to cause significant adverse effects on the amenity values in those established commercial centres. This is because the activities described above, form the nucleus of existing commercial centres and support each other, making the existing centres multi-functional in nature.

Any new commercial activities which result in either the relocation of significant numbers of such activities away from existing commercial centres or their closure from lack of support, may have significant adverse effects on the amenity values of the existing commercial centres, and in particular the Central Business District. These commercial activities may be occurring on the outskirts of the city or CBD, elsewhere in the District or even outside of the region. The perception can be created that the shopping area is inadequate to meet the needs of shoppers and thus lead to new habits in shopping.

Large scale developments can draw customers away from the CBD, resulting in a downward cycle for the CBD. Vacated buildings lead to a less attractive pedestrian environment due to a lack of activity, and possible physical neglect of the vacated buildings which may then be vandalised or poorly maintained. Other businesses in the area may then seek to relocate or close down, leading to more vacant buildings, a less attractive environment and a blighted area.

Council seeks to address this by containing the growth of commercial areas through identification of the CBD's boundaries, and by maintenance of the investment in the city's infrastructure. Rotorua Central has been identified as the CBD fringe and has been designed so that the specialty retail and large format development on the site integrate visually and functionally with the rest of the CBD. Strict controls are also needed to mitigate the effect of development of this site on the adjacent residential area.

The relatively low density of development in the Central Business District has been referred to in **2.1.1** of this Part. This is certainly a contributing factor in terms of the poor integration between various parts of the Central Business District and the general lack of amenity and vibrant atmosphere. Rotorua is one of New Zealand's major visitor destinations with a significant proportion of overseas tourists. Familiar with resort towns having a lively and vibrant atmosphere at night, many tourists may have found Rotorua's Central Business District somewhat lacking in this regard. This is despite the fact that numerous tourist accommodation facilities, restaurants, taverns and bars are located in the

Central Business District. There is potential for conflict between entertainment outlets such as nightclubs and bars and accommodation located in the CBD. It is appropriate to manage adverse effects between neighbouring uses in order to provide certainty to landowners or lessees as to the levels of noise their activities can be reasonably expected to produce or endure.

The fact that Rotorua is a lakeside city is not immediately apparent as commercial activities in the Central Business District have in the past tended to be oriented away from the Lakefront. In the past, the Lakefront primarily served as an isolated park where visitors came to relax, perhaps without realising just how accessible and close the Central Business District was. Likewise, local residents and visitors shopping in the Central Business District have had a common perception that the Lakefront was not within walking distance. The same can be said for the relationship between the Central Business District, the Government Gardens and Kuirau Park. The sheer length of axes in the Central Business District such as Fenton, Tutanekai and Arawa Streets has tended to overshadow the relative proximity of these major local and tourism assets to certain parts of the centre's core.

Those parts of the Central Business District which tend to be a favoured location for tourist accommodation are located between the retailing core and the Lakefront and Government Gardens. Despite this prime position, visual links with the core and those visitor attractions have never been particularly strong.

In the post war era, building developers in the Central Business District have adopted a variety of architectural styles and designs without a common theme, thereby undermining the sense of cohesion and aesthetic appeal which the centre may have enjoyed in earlier times. Attention has been drawn to the fact that many of the old buildings which gave the city a certain character have been replaced in recent years by buildings out of context with their immediate surroundings. There are, however, some examples of sympathetic and coordinated design and appearance in the Central Business District, where certain successful characteristics of existing buildings have been utilised in the design of new ones.

In order to maintain the amenity values of residential neighbourhoods in close proximity to the Central Business District, Council has adopted a policy intended to contain the centre's spatial growth. This will inevitably switch the focus to vertical growth, which is not considered to be an inherent problem, given the relatively extensive nature of the Central Business District. However, multi-floor buildings have the potential to overshadow pedestrian oriented areas - some examples of this already exist. The resulting reduction in sunlit areas can have a considerable effect on pedestrian amenity. In addition, a proliferation of tall buildings may reduce the provincial atmosphere and image which the Central Business District projects.

Rotorua Central has been discussed at 2.1.1 of this part. The controls on development are intended to ensure that the site forms an integral part of the CBD and creates a direct relationship with Tutanekai Street and other retail components of the CBD. Further development of the site must be carefully planned so that Rotorua Central complements the CBD and does not detract from it. One of the characteristics of the Central Business District is its high

level of accessibility to vehicles. The policy for the containment of the Central Business District's spatial growth is likely to be accompanied by an intensification of activity leading to increased traffic volumes and demand for carparking. On the other hand, parts of the Central Business District's core have become increasingly pedestrian oriented in recent years, thereby reducing the need for internal vehicle movements.

Adverse effects on amenity may arise from potential conflicts between pedestrians and vehicles in the Central Business District. The roading infrastructure is very important in that commercial activities are dependant on good road (and therefore customer) access for their survival. Nevertheless, both pedestrian and vehicle counts in the Central Business District are high, and therefore some level of conflict is inevitable.

Some activities, such as car parking buildings and service stations, rely on vehicle access to the extent that their location in the pedestrian oriented core of the Central Business District may cause severe disruption to existing traffic flows and pedestrian safety.

Other activities, especially those trading in bulky goods, require deliveries by large articulated trucks. In cases where no service lanes are available these vehicles can cause major conflicts in terms of traffic flow and pedestrian safety even when only temporarily parked on busy streets in the Central Business District. To some extent, bulky retailers are seeking locations outside the Central Business District due to their large floor space and yard requirements. However, the problem associated with access by large delivery vehicles remains.

A continuation of these trends is not considered to be in the interests of enhancing, or indeed maintaining, existing amenity values in the Central Business District. Neither does it present a positive image to the growing number of tourists visiting Rotorua. The lack of aesthetic appeal and integration between those parts of the Central Business District which focus on retailing and tourist accommodation and attractions has been recognised by Council. Council is also aware that the management of traffic is essential if amenity values in the Central Business District are to be enhanced.

Although the Ngongotaha, Te Ngae and Westend Shopping Centres have quite individual and distinct characters, all three centres fulfil a complementary role to that of the Central Business District in providing a range of specialised goods and services, and have an important function as a focus for community activity. The large number of suburban and rural shops in the District serve smaller, more localised retailing catchments, but have a similar role as community foci. Low levels of amenity and environmental quality in certain situations may detract from the attractiveness of these centres to customers and investors.

The major arterial routes carrying traffic to and from Rotorua pass through areas where display oriented commercial activities are located. These roads serve as major tourist routes and yet often present a cluttered and untidy image. This issue is dealt with in greater detail and is addressed (in terms of Policies and Rules) in **2.2 of Part Six**.

## 2.2.2 RESOURCE MANAGEMENT OBJECTIVE

**2.2.2.1** *Protection, maintenance and enhancement of amenity values in centres of commercial activity*

**2.2.2.2** *To manage noise levels in the Commercial A, B and B1 Zones to achieve a vibrant business and entertainment centre, whilst reducing noise conflict with future residential development or tourist accommodation.*

## 2.2.3 POLICIES

Objectives **2.2.2.1** and **2.2.2.2** recognise that improvements can be made to amenity values in existing commercial centres. Policy **2.1.3.1**, which establishes the basis for sustainably managing the growth and development of these centres, also serves to delineate the areas in which enhanced amenity values are sought. These improvements will be achieved through the application of Policies **2.2.3.1** – **2.2.3.7**. All these aspects will involve Council initiated works as well as the placing of certain requirements and limitations on proposed activities.

Policies **2.2.3.8** and **2.2.3.9** are intended to retain and promote the vibrancy of the core of the CBD. There is the potential for conflict between existing commercial operations that may be sensitive to noise (e.g. accommodation) from other commercial activities that may create greater levels of noise (e.g. bars). These policies seek to address this conflict.

Policy **2.2.3.11** is intent on protecting, maintaining and enhancing amenity values in all the District's centres of commercial activity and places more reliance on the implementation of controls where activities are proposed. This will ensure that commercial activities seeking a location outside established commercial areas will not lead to a decline in amenity values of those centres through a loss in core activities.

2.2.3.1

**Policy**

*To strengthen pedestrian links throughout the CBD.*

2.2.3.2

**Policy:**

*To avoid, remedy or mitigate potential conflicts between pedestrian and vehicular traffic, including the provision of adequate carparking.*

2.2.3.3

**Policy:**

*To encourage the improvement of the visual design and appearance of the CBD including both the public and private realms.*

2.2.3.4

**Policy:**

*To ensure that new development or redevelopment is appropriate to Rotorua and to the particular environs or streetscape.*

- 2.2.3.5 **Policy:**  
*To safeguard the heritage value of buildings in the CBD.*
- 2.2.3.6 **Policy:**  
*To improve legibility within the city with particular consideration of its function as a tourist centre.*
- 2.2.3.7 **Policy:**  
*Commercial activities shall be required to avoid, remedy or mitigate adverse effects on the amenity and environmental quality of the centres of commercial activity in which they are located.*
- 2.2.3.8 **Policy:**  
*To facilitate entertainment and vibrancy in the Commercial A Zone.*
- 2.2.3.9 **Policy:**  
*To avoid, remedy or mitigate the effect of noise through improved design of tourist and residential accommodation in the CBD.*
- 2.2.3.10 **Policy:**  
*To ensure future residential and tourist accommodation in the Commercial A, B and B1 Zones is well insulated against noise or otherwise encouraged to locate in the Resort or Residential Zones provided.*
- 2.2.3.11 **Policy:**  
*To ensure that commercial development and expansion outside existing commercial areas occurs only where adverse effects on the amenity of those commercial areas are avoided.*

## **2.2.4 METHODS OF IMPLEMENTATION**

### **2.2.4.1 ROTORUA CITY REDEVELOPMENT PROJECT**

The Rotorua City Redevelopment Project, adopted in 1992 is the Key Method of Implementation for the objectives and policies relating to the retention and enhancement of amenity values in the Central Business District. The provisions of the District Plan have a supportive role in the context of a range of Council's operations which are carried out through the Annual Planning process. The Redevelopment Project has a number of aims including the enhancement of the general streetscape, improvements in the links between the various parts of the centre, and the enhancement of the operation of the roading network, improved traffic efficiency and increased pedestrian safety.

The Redevelopment Project has achieved through a major investment programme in new street surfaces, kerbing and channelling, street furniture, lighting, landscaping, planting and other pedestrian-oriented facilities, all of which have a positive effect on amenity values. The improvements act as visual aids in strengthening the links between the retailing core of the Central Business District, the tourist accommodations and activities situated on its northern and eastern

edges, and the Lakefront, Government Gardens and Kuirau Park, by creating realistic sight-lines between the areas in question. In addition, vehicular traffic in the Lakefront area has been restricted in speed and Tutanekai Street has become a pedestrian-oriented route where landscaping reduces the perceived distance between the lake, tourist oriented areas and the core.

These street function changes are part of a hierarchy of roading types which in part have been identified by the City Redevelopment Project in the Central Business District and are contained in **Appendix M**. Essentially, the hierarchy is intended to promote the core as a pedestrian-oriented area, while focussing on the fringe as being vehicle-oriented in nature. The improvements to streets described above are also intended to reflect their various functions within the roading hierarchy and address the present lack of integration between the Lakefront and the centre, as well as improving the overall appearance of the Central Business District.

The links between the core and the tourist oriented areas has been enhanced through the identification in the hierarchy of several east/west streets as primarily pedestrian routes, thus making access along them more pleasant for pedestrians. Arawa Street is identified as a major east/west vehicular link between the Government Gardens and Kuirau Park. Activities in the Resort A Zone are subject to the provisions of **Part Six** (notably Policy **2.2.3.1**).

#### 2.2.4.2 **ZONING AND RULES**

To support the Project's intention to promote a pedestrian-oriented core and vehicle-oriented fringe, the Plan establishes three zones for the Central Business District - the Commercial A (Core) Zone, the Commercial B (Fringe) Zone and the Commercial B1 (Rotorua Central) Zone. Certain vehicle oriented activities are provided for in Commercial B Zone in deference to provision in the core. Indeed, service stations are a Prohibited Activity in the Commercial A Zone. The different status given to such activities is intended to assist in avoiding conflicts between pedestrian and vehicle traffic flows. In addition, certain activities in the Commercial B Zone and all activities in the Commercial B1 Zone are subject to an on-site carparking Performance Standard.

Rotorua Central forms part of the CBD and has been designed so that the specialty and large format retail development links visually and functionally with the rest of the CBD. Controls to protect amenity of residential areas are also included.

#### 2.2.4.3 **PERFORMANCE STANDARDS**

The Plan makes the construction of new buildings, external alterations to existing buildings including the construction of verandahs and the erection and display of signs a Controlled Activity in the Commercial A, B and B1 Zones and Resort A Zones. The Rules in **Parts Six, Eight, Eleven and Twelve** include Performance Standards which encourage certain common elements of design to be incorporated into proposals, and provide additional criteria in respect of buildings identified as being of heritage value in **Appendix A**.

Council has introduced *'The Rotorua City Design Principles'* as Appendix AA of the Plan. This sets out the history of the CBD redevelopment and considers what good design is. It outlines the influences on architectural style in Rotorua. The document then goes on to identify the principles that should be applied to development proposals in Rotorua, including themes, with particular emphasis on the consideration of context at both a Rotorua level and a streetscape level. The document identifies recommendations which will help a developer meet the key principles and enhance Rotorua's streetscape. This will ensure that development by the private sector will enhance and complement the works carried out through the City Redevelopment Project.

Specific performance standards for residential and tourist accommodation have been developed. These include the requirement that internal noise attenuation measures are a feature of new and upgraded accommodation.

Height and daylighting Performance Standards have been established in the Commercial A, B and B1 Zones. The height limits are intended to preserve the Central Business District's provincial appearance. The sun ray planes in **Appendix C** will preserve sunlit areas and the amenity for pedestrians.

Performance Standards relating to buffers and landscaping have been established for the Commercial B and B1 Zones. Verandahs over pedestrian routes are required for the majority of activities (excepting activities of an extensive nature) in the Commercial A, and B Zones. Provision is also made for larger retailing outlets to provide recycling facilities and bike stands in the interests of enhancing amenity.

Site specific Performance Standards and Assessment Criteria have been developed for Rotorua Central.

A network of service lanes exists in the Central Business District which are intended to facilitate access to the rear of buildings for delivery and collection purposes. These lanes will reduce on-street traffic conflicts between delivery vehicles and other traffic, and therefore contribute to improved amenity values for all concerned. However, the network is incomplete, and therefore any proposed service lanes identified in **Appendix N** are required to be vested in Council at the time of any subdivision or development approval.

#### 2.2.4.4 **RESOURCE CONSENTS**

People proposing to undertake commercial activities outside commercial areas are required to make an application for a Non-Complying Activity. In such cases, Council will consider whether any adverse effects on the amenity values of established commercial areas, and the immediate environment in which the activity is proposed to locate are minor in nature. Where proposals for commercial activities outside commercial areas are not considered to be minor, a Plan Change will be required.

## **2.2.5 ANTICIPATED ENVIRONMENTAL RESULTS**

The Objective, Policies and methods for maintaining and enhancing the amenity values in commercial centres are expected to achieve a number of results. These results will provide the basis for monitoring the effectiveness of the Plan. For the District's commercial centres, they comprise:

- an overall improvement in the design and appearance of buildings and structures;
- minor commercial activities in areas outside these commercial areas.

For the Central Business District a number of additional results are foreseen. These comprise:

- decreasing traffic congestion arising from conflicts between service vehicles, pedestrians and other traffic;
- an increasing number of pedestrian movements between tourist and retailing oriented areas in the Central Business District, and the Lakefront,
- Government Gardens and Kuirau Park;
- the retention of a provincial atmosphere;
- the maintenance of sunlit areas;
- the maintenance of the heritage value of buildings;
- a lively atmosphere and a high level of amenity; and
- Reduced number of noise complaints.

## **3. OTHER MATTERS**

Provision in the Rules of this Part is also made for: utility services; stockpiling, earthworks and disposal of materials; the use, storage, transportation or disposal of hazardous substances and/or contaminants; the protection of archaeological sites and certain features of natural heritage; the decontamination of contaminated sites; activities on sites that are or have been contaminated; activities in areas subject to natural hazards; helicopter landing areas; and subdivision and developments. The rationale and policy basis for these provisions are found in other parts of the Plan.

**R8 RULES**

## **R8            ACTIVITIES IN THE COMMERCIAL ZONES**

The following Rules specify the status of activities in the specified Zones.

**In Tables R81.1, R8.1.1(a), R8.1.2, R8.1.3, R8.1.4 and R8.1.5:**

P	=	Permitted Activity
C	=	Controlled Activity
RD	=	Restricted Discretionary Activity
D	=	Discretionary Activity
NC	=	Non-Complying Activity
Prohibited	=	Prohibited Activity
NA	=	Not Applicable

Commercial A	=	CBD Core Zone
Commercial B	=	CBD Fringe Zone
Commercial B1	=	CBD Rotorua Central Zone
Commercial C	=	Major Urban Centres Zone
Commercial D	=	Suburban Centre Zone
Commercial D1	=	Wharenui Road Area Commercial Zone
Commercial E	=	Service Station Zone
Commercial F	=	Rural Shop Zone
Commercial G	=	Mixed Enterprise Zone.
Commercial H	=	Commerce Park Zone

Where an activity is not identified this activity shall be a Non-Complying Activity.

The users of this District Plan are advised that, notwithstanding any provision in this Plan, no activity shall contravene any Rule in any relevant regional plan, or proposed regional plan. The administration of these regional plans is the responsibility of Environment BOP and Environment Waikato.

## R8.1 ACTIVITIES IN THE COMMERCIAL A, B, B1, C, D, E, F, G AND H ZONES

### R8.1.1 ACTIVITIES IN THE COMMERCIAL A AND B ZONES

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R8.6.2**.

Notwithstanding any provision in the table below any Activity Sensitive To Aircraft Noise (as defined in Part 19 of this Plan) or additions to such activities for which provision is made in this table as a permitted, controlled, discretionary or non-complying activity are subject to Appendix E and may become a restricted discretionary, discretionary or prohibited activity by reason of the rules in Appendix E if the site of the proposed Activity Sensitive To Aircraft Noise is located within either the Air Noise Area or the Inner Control Area shown on the Planning Maps.

ACTIVITIES	COMMERCIAL ZONES	
	A	B
1. Activities meeting the Performance Standards listed in <b>R8.2</b> except those activities listed below as activities other than Permitted Activities	P	P
2. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993 / Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	P	P
3. The sale of liquor authorised by a Special Licence in accordance with the <i>Sale of Liquor Act 1989</i>	P	P
4. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i> between the hours of 6.00am and 11.00pm	P	P
5. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i> between the hours of 11.00pm and 6.00am	D	D
6. Any activity accessory to any Permitted Activity	P	P
7. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P	P
8. Any Permitted Activity that meets the criteria in <b>R8.3.3.2</b> for the reduction or waiving of the Performance Standards	C	C
9. The construction of new buildings or external alteration to existing buildings, including the construction or alteration of verandahs and the erection and display of	C	C

signs		
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ACTIVITIES	COMMERCIAL ZONES	
	A	B
10. Works for the avoidance of flooding unless otherwise permitted	D	D
11. <b>Intentionally Blank</b>		
12. Convention centres, casinos and community facilities	C	C
13. Car parking accessory to activities carried out on the site	C	C
14. Car parking including car parking buildings not accessory to activities carried out on the site	NC	C
15. <b>Intentionally Blank</b>		
16. Amendments (additions and/or deletions) to the service lane network shown or described in <b>Appendix N</b>	D	D
17. Wholesale outlets and warehouses	NC	D
18. Service stations and motor vehicle repair garages	Prohibited	D
19. Helicopter landing areas	NC	NC
20. Any activity accessory to a Controlled Activity	C	C
21. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P	P
22. An activity listed under 9 for which a waiver of the standards of R8.2.7 is sought	RD	RD
23. Activities otherwise permitted or controlled: (a) on sites which contain an historic building, historic church, historic structure, historic site, archaeological site, Marae or natural heritage site listed in <b>Appendix A</b> ; or (b) within the dripline (branch spread) of a notable tree listed in <b>Appendix A</b>	D	D
24. Sale of unpackaged solid fuel	NC	NC
25. Slaughtering of animals	NC	NC
26. Any activity involving: (a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or (b) interference with the physical structure of a geothermal surface feature; or (c) destruction of a geothermal surface feature including excavation; or (d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature;	P	P

ACTIVITIES	COMMERCIAL ZONES	
	A	B
that is carried out under a consent granted by a regional council provided that the Rotorua District Council has been consulted by the regional council in consideration of the consent as an affected party		
27. Any activity listed under <b>26</b> for which a consent has not been granted by a regional council or where consent has been granted without consulting Rotorua District Council as an affected party	D	D
28. Stockpiling, earthworks involving clean fill, and disposal of materials other than clean fill	Refer to <b>Appendix I</b> to determine the activity status	
29. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to <b>Part Fourteen</b> to determine the activity status	
30. Utility services	Refer to <b>Part Fifteen</b> to determine the activity status	
31. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See <b>Appendix O</b> )	Prohibited	
32. Temporary Military Training	Refer to <b>Appendix J</b> to determine the activity status	
	A	B
33. The construction of new buildings or internal alterations to existing buildings for the purposes of residential or tourist accommodation	C	C

**Note:** Vehicle crossings serving properties in the Commercial A and B Zones are Restricted Discretionary Activities in the Road Zone.

## R8.1.1(a) ACTIVITIES IN THE COMMERCIAL B1 ZONE

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R8.6.2**.

ACTIVITIES	COMMERCIAL B1 ZONE CBD ROTORUA CENTRAL (Refer to the Development Framework Plan)		
	A	B	C
1. Tourist Accommodation	NC	C	NC
2. Retail shops with greater than 400m <sup>2</sup> of gross floor area	NC	P	NC
3. Retail shops with no greater than 400m <sup>2</sup> of gross floor area	Subzone A1:P Subzone A2:NC	NC	NC
4. Offices	P	D	NC
5. Restaurants and cafes with no greater than 400m <sup>2</sup> gross floor area	P	P	NC
6. Restaurants and cafes with greater than 400m <sup>2</sup> gross floor area	NC	P	NC
7. Foodcourt(s)	P	NC	NC
8. The construction of new buildings or external alteration to existing buildings	C	C	NC
9. The erection and display of signs	C	C	C
10. Parking, turning, access, loading and servicing of activities	C	C	C
11. Utilities	Refer to Part Fifteen for activity status		
12. Landscaping	C	C	C
13. Permitted or controlled activities that do not comply with one or more of the Performance Standards for Permitted Activities	D	D	D
14. Recycling drop off centres	NC	P	P
15. Public conveniences	P	P	NC
16. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to Part Fourteen to determine the activity status		
17. Vehicular access to or from Ranolf Street	NC	NC	D

## R8.1.2 ACTIVITIES IN THE COMMERCIAL C AND D ZONES

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R8.6.2**.

ACTIVITIES	COMMERCIAL ZONES	
	C	D
1. Activities meeting the Performance Standards listed in <b>R8.2</b> except those activities listed below as activities other than Permitted Activities	P	P
2. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993 / Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	P	P
3. Any activity accessory to any Permitted Activity	P	P
4. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P	P
5. Any Permitted Activity that meets the criteria in <b>R8.3.3.2</b> for the reduction or waiving of the Performance Standards	C	C
6. Household units in the Commercial D Zone - one per lot, subject to compliance with the Performance Standards for the adjoining Residential Zone	NA	P
7. Additional household units in the Commercial D Zone, subject to compliance with the density standards of <b>R7.3.3.8</b> , and compliance with the other Performance Standards for the adjoining Residential Zone	NA	C
8. Any activity accessory to a Controlled Activity	C	C
9. Supermarkets and comprehensive retail activities	C	C
10. Restaurants	C	C
11. Community facilities	C	C
12. Indoor commercial recreation activities	C	C
13. Outdoor commercial recreation activities	NC	NC
14. Car parking	C	C
15. The sale of liquor authorised by a Special Licence in accordance with the <i>Sale of Liquor Act 1989</i>	P	P

ACTIVITIES	COMMERCIAL ZONES	
	C	D
16. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i> between the hours of 6.00am and 11.00pm	C	D
17. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i> between the hours of 11.00pm and 6.00am	D	NC
18. Remediation of a Contaminated Site (Refer also to Rule <b>R14.5.1</b> )	P	P
19. <b>Intentionally Blank.</b>		
20. Tourist accommodation	D	D
21. Wholesale outlets and warehouses	D	D
22. Works for the avoidance of flooding unless otherwise permitted	D	D
23. Activities otherwise permitted or controlled: (a) on sites which contain an historic building, historic church, historic structure, historic site, archaeological site, Marae or natural heritage site listed in <b>Appendix A</b> ; or (b) within the dripline (branch spread) of a notable tree listed in <b>Appendix A</b>	D	D
24. Service stations and motor vehicle repair garages	D	D
25. Casinos and convention centres	NC	NC
26. Helicopter landing areas	NC	NC
27. Sale of unpackaged solid fuel	NC	NC
28. Slaughtering of animals	NC	NC
29. Any activity involving: (a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or (b) interference with the physical structure of a geothermal surface feature; or (c) destruction of a geothermal surface feature including excavation; or (d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature;  that is carried out under a consent granted by a regional council provided that the Rotorua District Council has been consulted by the regional council in consideration of the consent as an affected party	P	P

ACTIVITIES	COMMERCIAL ZONES	
	C	D
30. Any activity listed under <b>29</b> for which a consent has not been granted by a regional council or where consent has been granted without consulting Rotorua District Council as an affected party	D	D
31. Stockpiling, earthworks involving clean fill, and disposal of materials other than clean fill	Refer to <b>Appendix I</b> to determine the activity status	
32. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to <b>Part Fourteen</b> to determine the activity status	
33. Utility services	Refer to <b>Part Fifteen</b> to determine the activity status	
34. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See <b>Appendix O</b> )	Prohibited	
35. Temporary Military Training	Refer to <b>Appendix J</b> to determine the activity status	

### **R8.1.2(a) ACTIVITIES IN THE COMMERCIAL D1 ZONE**

ACTIVITIES	COMMERCIAL D1 ZONE (SUBJECT TO COMPLIANCE WITH R8.2.18)
1. Activities meeting the Performance Standards listed in <b>R8.2</b> except those activities listed below as activities other than Permitted Activities	P
2. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993 / Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	P
3. Any activity accessory to any Permitted Activity	P
4. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P
5. Any Permitted Activity that meets the criteria in <b>R8.3.3.2</b> for the reduction or waiving of the Performance Standards	C

ACTIVITIES	COMMERCIAL D1 ZONE (SUBJECT TO COMPLIANCE WITH R8.2.18)
6. Any activity accessory to a Controlled Activity	C
7. Car parking	P
8. Restaurants, including takeaways, lunch bars and cafes	C
9. Indoor and outdoor commercial recreation activities and places of assembly (including community facilities, churches, cultural centres, marae and all like activities)	C
10. Retail shops and Office space (including medical centres) with a floor area under 300m <sup>2</sup>	P
11. Remediation of a Contaminated Site (Refer also to R14.5.1)	P
12. Service stations and motor vehicle repair garages	D
14. Transportation Interchange facilities	C
15. Medium Density Housing	C
16. Educational Activities	C
17. Stormwater management reserves, facilities and overland flowpaths not associated with an approved subdivision or land use activity.	RD
18. Public Toilets	C

Note: All activities not listed above or which can not meet relevant standards, criteria or conditions in the Commercial D1 zone are Discretionary Activities and R8.4 applies.

### R8.1.3 ACTIVITIES IN THE COMMERCIAL E ZONE

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R8.6.2**.

ACTIVITIES	COMMERCIAL ZONE
	E
1. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993</i> / <i>Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	P
2. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P

ACTIVITIES	COMMERCIAL ZONE
	E
3. The construction of new service stations and motor vehicle repair garages	C
4. The remodelling and/or expansion of existing service stations and motor vehicle repair garages	C
5. Any activity accessory to a Controlled Activity	C
6. Activities otherwise permitted or controlled: (a) on sites which contain an historic building, historic church, historic structure, historic site, archaeological site, marae or natural heritage site listed in <b>Appendix A</b> ; or (b) within the dripline (branch spread) of a notable tree listed in <b>Appendix A</b>	D
7. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P
8. <b>Intentionally Blank</b>	
9. Slaughtering of animals	NC
10. Works for the avoidance of flooding unless otherwise permitted	D
11. Stockpiling, earthworks involving clean fill, and disposal of materials other than clean fill	Refer to <b>Appendix I</b> to determine the activity status
12. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to <b>Part Fourteen</b> to determine the activity status
13. Utility services	Refer to <b>Part Fifteen</b> to determine the activity status
14. Helicopter landing areas	Prohibited
15. Temporary Military Training	Refer to <b>Appendix J</b> to determine the activity status

#### R8.1.4 ACTIVITIES IN THE COMMERCIAL F ZONE

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R8.6.2**.

ACTIVITIES	COMMERCIAL ZONE
	F
1. Activities meeting the Performance Standards listed in <b>R8.2</b> except those activities listed below as activities other than Permitted Activities	P

ACTIVITIES	COMMERCIAL ZONE
	F
2. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993</i> / <i>Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	P
3. Any activity accessory to any Permitted Activity	P
4. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P
5. Any Permitted Activity that meets the criteria in <b>R8.3.3.2</b> for the reduction or waiving of the Performance Standards	C
6. Any activity accessory to a Controlled Activity	C
7. Car parking	C
8. Restaurants, including takeaways, lunch bars and cafes	D
9. The sale of liquor authorised by a Special Licence in accordance with the <i>Sale of liquor Act 1989</i>	P
10. The sale of liquor authorised by a Club, or On Licence in accordance with the <i>Sale of Liquor Act 1989</i> between the hours of 6.00am and 11.00pm	D
11. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i> between the hours of 11.00pm and 6.00am	NC
12. Community facilities	D
13. Indoor and outdoor commercial recreation activities	D
14. Casinos and convention centres	D
15. Retail shops with a floor area over 200m <sup>2</sup>	NC
16. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P
17. <b>Intentionally Blank.</b>	
18. Service stations and motor vehicle repair garages	D
19. Works for the avoidance of flooding unless otherwise permitted	D
20. Activities otherwise permitted or controlled: <ul style="list-style-type: none"> <li>(a) on sites which contain an historic building, historic church, historic structure, historic site, archaeological site, marae or natural heritage site listed in <b>Appendix A</b>; or</li> <li>(b) within the dripline (branch spread) of a notable tree listed in <b>Appendix A</b></li> </ul>	D

ACTIVITIES	COMMERCIAL ZONE
	F
21. Any activity involving: <ul style="list-style-type: none"> <li>(a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or</li> <li>(b) interference with the physical structure of a geothermal surface feature; or</li> <li>(c) destruction of a geothermal surface feature including excavation; or</li> <li>(d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature;</li> </ul> that is carried out under a consent granted by a regional council provided that the Rotorua District Council has been consulted by the regional council in consideration of the consent as an affected party	P
22. Any activity listed under <b>21</b> for which a consent has not been granted by a regional council or where consent has been granted without consulting Rotorua District Council as an affected party	D
23. Slaughtering of animals	NC
24. Stockpiling, earthworks involving clean fill, and disposal of materials other than clean fill	Refer to <b>Appendix I</b> to determine the activity status
25. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to <b>Part Fourteen</b> to determine the activity status
26. Utility services	Refer to <b>Part Fifteen</b> to determine the activity status
27. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See <b>Appendix O</b> )	Prohibited
28. Helicopter landing areas	Prohibited
29. Temporary Military Training	Refer to <b>Appendix J</b> to determine the activity status

### R8.1.5 ACTIVITIES IN THE COMMERCIAL G ZONE

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R8.6.2**.

ACTIVITIES	COMMERCIAL ZONE
	G
1. Activities meeting the Performance Standards listed in <b>R8.2</b> except those activities listed below as activities other than Permitted Activities	P

ACTIVITIES	COMMERCIAL ZONE
	G
2. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993 / Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	P
3. Any activity accessory to any Permitted Activity	P
4. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P
5. Any Permitted Activity that meets the criteria in <b>R8.3.3.2</b> for the reduction or waiving of the Performance Standards	C
6. Indoor and outdoor commercial recreation activities	C
7. Any activity accessory to a Controlled Activity	C
8. Retail Shops	NC
9. Ancillary retail activities to a Permitted, Controlled or Discretionary Activity	C
10. Dairies	C
11. The sale and hire of: motor vehicles, boats, caravans, motor homes and accessories; motor vehicle spare parts; industrial machinery; firewood and solid fuels; building materials; farm supplies, farm machinery and equipment; demolition goods; carpets and floor coverings; safety equipment; and garden centres; <b>not</b> located on sites adjacent to or abutting a State Highway or a major arterial road as identified in <b>Appendix M</b> or a residential zone	P
12. The sale and hire of: motor vehicles, boats, caravans, motor homes and accessories; motor vehicle spare parts; industrial machinery; firewood and solid fuels; building materials; farm supplies, farm machinery and equipment; demolition goods; carpets and floor coverings; safety equipment; and garden centres; located on sites adjacent to or abutting a State Highway or a major arterial road as identified in <b>Appendix M</b> or a residential zone	D
13. Office activities	NC
14. Office activities that are accessory to a Permitted, Controlled or Discretionary Activity	C

ACTIVITIES	COMMERCIAL ZONE
	G
15. The sale of liquor authorised by a Special Licence in accordance with the <i>Sale of Liquor Act 1989</i>	P
16. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i>	D
17. Community facilities, convention centres and casinos	D
18. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	
19. <b>Intentionally Blank</b>	
20. Service station and motor vehicle repair garages	D
21. Activities otherwise permitted or controlled: <ul style="list-style-type: none"> <li>(a) on sites which contain an historic building, historic church, historic structure, historic site, archaeological site, marae or natural heritage site listed in <b>Appendix A</b>; or</li> <li>(b) within the dripline (branch spread) of a notable tree listed in <b>Appendix A</b></li> </ul>	D
22. Works for the avoidance of flooding unless otherwise permitted	D
23. Helicopter landing areas complying with the Standards of <b>Appendix H</b>	D
24. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See <b>Appendix O</b> )	D
25. Any activity involving: <ul style="list-style-type: none"> <li>(a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or</li> <li>(b) interference with the physical structure of a geothermal surface feature; or</li> <li>(c) destruction of a geothermal surface feature including excavation; or</li> <li>(d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature;</li> </ul> <p>that is carried out under a consent granted by a regional council provided that the Rotorua District Council has been consulted by the regional council in consideration of the consent as an affected party</p>	P
26. Any activity listed under <b>25</b> for which a consent has not been granted by a regional council or where consent has been granted without consulting Rotorua District Council as an affected party	D

ACTIVITIES	COMMERCIAL ZONE
	G
27. Stockpiling, earthworks involving clean fill, and disposal of materials other than clean fill	Refer to <b>Appendix I</b> to determine the activity status
28. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to <b>Part Fourteen</b> to determine the activity status
29. Utility services	Refer to <b>Part Fifteen</b> to determine the activity status
30. Temporary Military Training	Refer to <b>Appendix J</b> to determine the activity status

### R8.1.6 ACTIVITIES IN THE COMMERCIAL H ZONE

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R8.6.2**.

ACTIVITIES	COMMERCIAL H ZONE
1. Activities meeting the Performance Standards listed in <b>R8.2</b> except those activities listed below as activities other than Permitted Activities	P
2. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with any of the following: <i>Wildlife Act 1953, Te Ture Whenua Maori Act 1993 / Maori Land Act 1993, the Conservation Act 1987, the Queen Elizabeth II National Trust Act 1977, the Soil Conservation and Rivers Control Act 1941 or the Reserves Act 1977</i>	P
3. The sale of liquor authorised by a Special Licence in accordance with the <i>Sale of Liquor Act 1989</i>	P
4. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i> between the hours of 6.00 am and 11.00 pm	P
5. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i> between the hours of 11.00 pm and 6.00 am	D
6. Any activity accessory to any Permitted Activity	P
7. Works for the avoidance of flooding unless otherwise permitted	D
8. Convention Centres, Casinos and Community Facilities	C
9. Service Stations and Motor Vehicle and Machinery Repair Garages	C
10. Any activity accessory to a Controlled Activity	C

ACTIVITIES	COMMERCIAL H ZONE
11. Supermarkets and Retail Shops with a floor area exceeding 220m <sup>2</sup>	D
12. Activities otherwise permitted or controlled: (a) on-sites which contain an historic building, historic church, historic structure, historic site, archaeological site, marae or natural heritage site listed in <b>Appendix A</b> , or (b) within the dripline (branch spread) of a notable tree listed in <b>Appendix A</b>	D
13. Buildings not complying with the 25 metre buffers in <b>R8.2.2.5</b>	D
14. Activities requiring a consent from a regional council for a discharge of a contaminant into the air	NC
15. Sale of unpackaged solid fuel	NC
16. Slaughtering of animals	NC
17. Any activity involving: (a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or (b) interference with the physical structure of a geothermal surface feature; or (c) destruction of a geothermal surface feature including excavation; or (d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature;  that is carried out under a consent granted by a regional council provided that the Rotorua District Council has been consulted by the regional council in consideration of the consent as an affected party.	P
18. Any activity listed under <b>17</b> for which a consent has not been granted by a regional council or where consent has been granted without consulting Rotorua District Council as an affected party or involves the modification of geothermal vegetation	D
19. Stockpiling, earthworks involving clean fill, and disposal of materials other than clean fill	Refer to <b>Appendix I</b> to determine the activity status.
20. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to <b>Part Fourteen</b> to determine the activity status
21. Utility Services	Refer to <b>Part Fifteen</b> to determine the activity status
22. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See <b>Appendix O</b> )	Prohibited

ACTIVITIES	COMMERCIAL H ZONE
23. Clearance or modification of indigenous vegetation of up to 500m <sup>2</sup> over any 2 year period where the 500m <sup>2</sup> is either a total for an individual site or for an individual remnant where that remnant covers more than one site, or the felling of any (remnant) indigenous tree (including for the taking of firewood) of up to 100m <sup>3</sup> per year on any one site	P
24. Activities involving the clearance or modification of indigenous vegetation, the drainage or infilling of wetlands, the felling or destruction of any (remnant) indigenous tree, other than provided for as a Permitted Activity	D
25. Remediation of a Contaminated Site (Refer also to rule R14.5.1)	P

## R8.2 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES

The Permitted Activities listed in **R8.1.1** to **R8.1.5** are allowed as of right where they comply in all respects with the Performance Standards listed below. The Performance Standards listed apply to all Commercial Zones unless otherwise stated.

The Performance Standards may be varied by means of a resource consent for a Controlled or Discretionary Activity in accordance with the provisions of **6.4** in **Part Two**.

### R8.2.1 MAXIMUM HEIGHT AND DAYLIGHTING

Any building shall not exceed the standards specified below.

#### R8.2.1.1 COMMERCIAL A ZONE

20 metres above the natural ground level at that point, provided the height also complies with the provisions of **Appendix C**.

#### R8.2.1.2 COMMERCIAL B ZONE

15 metres above the natural ground level at that point, provided the height also complies with the provisions of **Appendix C**.

#### R8.2.1.2(a) COMMERCIAL B1 ZONE

15 metres above the natural ground level at that point, provided the height also complies with the provisions of **Appendix C**.

**R8.2.1.3 COMMERCIAL C ZONE**

10 metres above the natural ground level at that point, provided that where the site adjoins a Residential Zone, the height in relation to the Zone boundary shall be subject to the same controls that apply to that Residential Zone.

**R8.2.1.4 COMMERCIAL D AND E ZONES**

7.5 metres above the natural ground level at that point, provided that where the site adjoins a Residential Zone the height in relation to the Zone boundary shall be subject to the same controls that apply to that Residential Zone.

**Note:** Reference should also be made to the Airport Northern and Southern Approach and Take Off Paths Designation contained in Appendix 18b1.14 which may affect maximum height of buildings, structures, and trees in some areas.

**R8.2.1.4A COMMERCIAL D1 ZONE**

10 metres above natural ground level at that point, provided that where the site adjoins a Residential Zone, the height in relation to the zone boundary shall be subject to the same controls that apply to that Residential Zone.

**R8.2.1.5 COMMERCIAL F ZONE**

7.5 metres above the natural ground level at that point, provided that where the site adjoins a Rural Zone the height in relation to a Zone boundary shall also be subject to the same controls that apply to that Rural Zone.

**Note:** Reference should also be made to the Airport Northern and Southern Approach and Take Off Paths Designation contained in Appendix 18b1.14 which may affect maximum height of buildings, structures, and trees in some areas.

**R8.2.1.6 COMMERCIAL G ZONE**

10 metres above the natural ground level at that point.

**R8.2.1.7 COMMERCIAL H ZONE**

12 metres above the natural ground level at that point.

**Note:** Reference should also be made to the Airport Northern and Southern Approach and Take Off Paths Designation contained in Appendix 18b1.14 which may affect maximum height of buildings, structures, and trees in some areas.

## **R8.2.2 BUFFERS**

No building may be constructed over any part of a site that has been identified for road widening in **Appendix D** without the consent of Council or, in the case where the site adjoins a State Highway, Transit New Zealand.

No buffers are required unless specified.

### **R8.2.2.1 COMMERCIAL B ZONE**

In the area bounded by Arawa Park, Te Ngae Road and Fenton Street only, the following yard requirements apply:

Front yard	10 metres along Fenton Street and Te Ngae Road, and 5 metres along Ti Street.
Side and rear yards	Nil, provided that where the site adjoins Arawa Park, a yard of at least 4.5 metres in width shall be set aside and be planted with suitable trees or shrubs that are capable of growing at least 1.8 metres high, in a manner that provides an effective continuous visual screen.

Pallets, containers, raw materials, machinery or goods of any kind shall, if stored outside, not be stored on the above yard.

#### **R8.2.2.1(a) COMMERCIAL B1 ZONE**

For the CBD Rotorua Central Commercial B1 Zone the yard requirements as shown on the **Development Framework Plan** of R8.2.17 shall apply.

### **R8.2.2.2 COMMERCIAL C, D AND E ZONES**

Buffer provisions between commercial activities are not necessary in these Zones. This is because buildings will continue to be permitted to cover the whole site except where service lane or parking provisions require that part of the site remain free of buildings.

However, a side or rear yard of at least 4.5 metres shall be required when the site adjoins a Residential Zone. This yard shall be landscaped in accordance with the provisions of **R8.2.10.2**. Pallets, containers, raw materials, machinery or goods of any kind shall, if stored outside, be screened from public places and Residential Zones and shall not be stored on any landscaping, parking, loading or turning areas.

#### **R8.2.2.2A COMMERCIAL D1 ZONE**

Buffer provisions between commercial activities are not necessary in this Zone. This is because buildings will be permitted to cover the whole site except where service lane or parking provisions require that part of the site to remain free of buildings.

A side or rear yard of at least 4.5 metres shall be required where the site adjoins a Residential Zone. This yard shall be landscaped in accordance with the provisions of R8.2.10, and where planting is used, low maintenance species shall be selected. Pallets, containers, raw materials, machinery or goods of any kind shall, if stored outside, be screened from public places and Residential Zones and shall not be stored on any landscaping, parking, loading or turning areas.

#### R8.2.2.3 **COMMERCIAL F ZONE**

The following minimum yard requirements shall apply in this Zone.

Front yard	7.5 metres
Side yard	2.5 metres
Rear yard	7.5 metres

#### R8.2.2.4 **COMMERCIAL G ZONE**

The following minimum yard requirements shall apply in this Zone.

Any yard on major arterial routes	10 metres
Any yard on all other roads	5 metres
Side and rear yards	Nil

#### R8.2.2.5 **COMMERCIAL H ZONE**

The following minimum yard requirements shall apply in this Zone.

Any yard abutting a zone other than a Commercial H Zone - 5 metres, except along the eastern and southern zone boundary of the Commercial H Zone where the yard shall be 10 metres.

However, no building or waste disposal facility may be erected within 25 metres of any river or stream, or from any lake, or within 5 metres of any esplanade reserve or strip.

### **R8.2.3 SITE COVERAGE AND SERVICE LANES**

#### R8.2.3.1 **COMMERCIAL A, B, C, D, D1, E, F, G ZONES**

There are no restrictions on site coverage in the Commercial Zones.

However, no building may be constructed over any part of the site identified or described in **Appendix N** as a service lane, whether that service lane is existing or is a proposed service lane as defined in **Part Nineteen**.

### R8.2.3.2 **COMMERCIAL B1 ZONE**

The restrictions to site coverage for this Zone are provided in the activity table in R8.1.1(a) and the **Development Framework Plan** of **R8.2.17**.

Servicing of buildings shall not occur on the areas shown on the **Development Framework Plan** as Open Space (Area C).

All service areas shall be screened from public view from Ranolf Street and Victoria Street.

### R8.2.3.3 **COMMERCIAL H ZONE**

In the Commercial H Zone, building footprints shall not exceed 65% of the total area of the Commercial H Zone.

## **R8.2.4 PARKING AND TURNING**

### R8.2.4.1 **COMMERCIAL A ZONE**

Parking and on-site turning of vehicles for tourist accommodation and household units only shall be provided in accordance with the provisions of **Appendix F**.

### R8.2.4.2 **COMMERCIAL B ZONE**

Parking and on-site turning of vehicles shall be provided in accordance with the provisions of **Appendix F** for all activities in buildings which exceed a total floor area of 1050m<sup>2</sup> and for all tourist accommodation activities and household units.

#### R8.2.4.2(a) **COMMERCIAL B1 ZONE**

- (i) Car-parking, access and turning areas shall be provided as shown on the **Development Framework Plan** of R8.2.17 and shall be developed in conjunction with adjacent building development;
- (ii) Vehicular access to the zone shall be provided only at the vehicular access points where shown on the Development Framework Plan;
- (ii) Car-parking may be provided where possible within the public vehicular thoroughfares where pedestrian and vehicular movement and safety is not compromised;
- (iv) Parking and on-site turning of vehicles shall be provided in accordance with the Provisions of Appendix F;
- (v) An area equivalent to the area of Subzone B1 shall be retained for parking within Subzone B1, in the event that buildings are erected in Subzone B1;

- (vi) Vehicular aisles and circulation routes, including those on which parking is provided, shall be designed to at least satisfy in full, the requirements of the Australian Standard AS2890.1 – 1993;
- (vii) On-site parking shall be laid out to ensure a balanced distribution of supply and to avoid as far as is practicable locations of congestion at peak demand periods;
- (viii) Adequate capacity shall be provided in circulation roadways and aisles to ensure peak demand flows are accommodated with minimum practical delay and further to ensure that there are no related off-site effects;
- (ix) The provision of parking spaces and its management shall ensure site generated parking demands are internalised and that there are no adverse off-site parking effects.

#### R8.2.4.3 **COMMERCIAL C, D, D1, E, F, G AND H ZONES**

Parking and on-site turning of vehicles shall be provided for all activities in accordance with the provisions of **Appendix F**.

### **R8.2.5 NOISE**

Noise levels shall comply with the provisions of **Appendix K**.

**Note:** The “best practicable option” provisions of Section 16 and the “excessive noise” provisions of Section 326 of the *Resource Management Act 1991* also apply.

### **R8.2.6 SIGNS**

R8.2.6.1 Except for the Commercial B1 Zone, the provisions of the Transitional District Plan on signs shall remain in force until such time that a Plan Change on signs is made operative. This Plan Change will include a clause to amend this Rule.

#### R8.2.6.2 **COMMERCIAL B1 ZONE**

- (a) The area of any signs on facades of buildings located within 50 metres of Victoria Street or Ranolf Street and directly facing those streets shall comprise no more than 5% of the area of that façade.
- (b) For all other building surfaces, signs shall not exceed 20% of the building façade.
- (c) One free-standing sign per public thoroughfare (pedestrian or vehicular) as shown on the **Development Framework Plan** is permitted. These signs shall emphasise the advertising of the Rotorua Central commercial centre as a whole.

- (d) Free-standing signs at the public thoroughfare entrances at Amohau and Fenton Streets shall comply with the maximum height provision for the Zone. The maximum area of each face per sign shall not exceed 37.5 m<sup>2</sup>.
- (e) Free-standing signs at the public thoroughfare entrances at Amohau and Fenton Streets shall comply with the maximum height provision for the Zone. The maximum area of each face per sign shall not exceed 37.5m<sup>2</sup>.
- (f) Free-standing signs at the public thoroughfare entrances at Victoria Street and Ranolf Street shall not exceed 9 metres in height. The maximum area of each face per sign shall not exceed 18m<sup>2</sup>.
- (g) For the purpose of this rule “sign” means any symbol, display or device including aerated devices drawing attention with directional or identifying information or advertising and may include free-standing signs, those affixed to the building or structure or person or incorporated in the finish of the building including colour schemes or branding used in the exterior finish of the building provided that a temporary sign is one which advertises sporting, religious, cultural, charitable or educational event or relation to any parliamentary election or any election for any territorial or ad hoc body or other public authority.

## **R8.2.7 VERANDAHS IN THE COMMERCIAL A, B, B1, C, D AND D1 ZONES**

### **R8.2.7.1 COMMERCIAL A, B, C, D AND D1 ZONES**

- (a) Except for Ti Street, Te Ngae Road and Fenton Street south of Te Ngae Road, every building located within 5 metres of a public road, other than a service lane, shall be provided with a verandah the function of which is to provide continuity of shelter between adjoining sites.
- (b) Where a verandah is erected to and abuts an existing verandah, the junction of such a verandah shall be made weatherproof.
- (c) Every verandah or part of a verandah shall be erected at a height of not less than 2.9 metres above the level of the kerb of the pavement.
- (d) At least 60% of the lower outside (kerb) edge of the verandah shall be no greater than 3.2 metres above the level of the kerb of the pavement.
- (e) Any new or refurbished verandah shall provide in its design for a visual continuity between any existing adjoining verandah(s) and the proposed verandah.
- (f) The ends of every verandah shall be at an angle of 90 degrees with the street boundary.

- (g) The verandah shall be constructed from the building to a point 450mm on the building side of the kerbline.
- (h) The roof covering of any verandah shall be of weather-resisting material and any downpipes shall not project beyond the boundary or building line of any lot and shall be connected to the piped street stormwater system.
- (i) Ceilings of verandahs shall be lined and any glazing used shall meet the requirements of the Building Act 1991.
- (j) Any verandahs that use verandah posts on the pavement as a non-structural feature are only permitted where the building is in the Commercial A Zone and is located on Tutanekai Street between Arawa Street and Whakaue Street.
- (k) Any access ways to the site other than service lanes shall be provided with a verandah in accordance with the above standard.

**Note:** Verandahs occupying the air space above the road are subject to approval and air space licences by the Road Controlling Authority under the control of the Local Government Act. No posts or structures are allowed on the Road Reserve without the approval in writing of the Road Controlling Authority.

#### **R8.2.7.2 COMMERCIAL B1 ZONE**

- (a) Continuous open verandahs or colonnades shall be provided along both sides of the pedestrian and vehicular public thoroughfare between Amohau and Victoria Streets and on the alignment of Tutanekai and Eason Streets, except where approved vehicular access is located.
- (b) Verandahs shall be constructed at the same time as the adjoining development or works.
- (c) All verandahs shall provide for continuous shelter for a minimum width of 1.5 metres.
- (d) All verandahs shall be constructed to a height no greater than 4.0 metres above the level of the ground that it is acting to shelter below.

### **R8.2.8 GLARE AND LIGHT**

#### **R8.2.8.1 COMMERCIAL B1 AND D1 ZONE**

Activities within this Zone shall be managed so that direct or indirect illumination measures no more than 10 lux on any Residential Zone boundary.

#### **R8.2.8.2 COMMERCIAL G ZONE**

Activities within this Zone shall be managed so that direct or indirect illumination measures no more than 8 lux on any Residential Zone boundary.

### R8.2.8.3 **COMMERCIAL H ZONE**

Any artificial illumination shall not exceed 20 Lux when measured 15 metres from the façade of any existing dwellinghouse or household unit located in an adjoining Rural Zone or Airport Protection Zone.

Luminance levels shall be measured vertically in accordance with professional illumination engineering practice.

## **R8.2.9 RECYCLING DROP OFF CENTRES AT SUPERMARKETS IN THE COMMERCIAL B, B1 AND C ZONES ONLY**

Recycling drop-off centres which include the following:

- (a) fencing to screen the facility from any public road;
- (b) explanatory signs;
- (c) one aluminium can bank of 2m<sup>3</sup> minimum;
- (d) one glass bottle bank of 2m<sup>3</sup> minimum;
- (e) two plastic banks of 4m<sup>3</sup> minimum; and
- (f) one clothing bank of 2m<sup>3</sup> minimum;

may be provided at supermarkets as a permitted activity.

This provision does not require supermarkets to provide such recycling drop-off centres.

## **R8.2.10 LANDSCAPING**

### R8.2.10.1 **COMMERCIAL B ZONE**

The following standards apply to the Commercial B Zone where it is bound by Arawa Park, Fenton Street and Te Ngae Road:

- (a) not less than 5% of the area of any site shall be landscaped, planted and maintained at all times; and
- (b) front yards shall be landscaped in the following manner:
  - (i) With the exception of areas required for access, or containing existing buildings, a landscaping strip shall be provided along the full street frontage of the site.

- (ii) Such a strip shall be an average of 3 metres wide in the case of frontage to Fenton Street and Te Ngae Road and at least 2 metres wide in the case of frontage to Ti Street.
- (iii) Pallets, containers, raw materials, machinery or goods of any kind shall, if stored outside, be screened from public places and Residential Zones and shall not be stored on any landscaping, parking or turning areas.

#### R8.2.10.1(a) **COMMERCIAL B1 ZONE**

- (i) Landscaping shall be in accordance with the **Development Framework Plan** of R8.2.17. No activity other than landscaping shall be permitted in Open Space areas identified as 'landscaped open space' on the **Development Framework Plan**.
- (iii) Landscaped open space areas shall be developed and completed at the same time as adjoining building development or site works except for the landscaped open space area between the vehicular accessways to Herewini Street and Eason Street, which shall be completed prior to any additional development on the site.
- (iii) Landscaping shall be established within the full width of the buffer identified for the Victoria and Ranolf Street frontages.
- (iv) Landscaped open space areas shall be kept clear of buildings, carparks, vehicular movements, servicing, and storage of pallets, containers, raw materials, machinery or goods of any kind.
- (v) The area of hard landscaping (paving) within landscaped open space areas shall not exceed 25% of the area of landscaped open space.
- (vi) Open carpark areas shall include a minimum of one specimen tree for every 8 carparks provided. Such trees shall be 2 metres minimum height when planted. This rule applies to all existing consented carparking areas on site, except for those sites which are directly accessible by vehicle from Amohau Street.

#### R8.2.10.2 **COMMERCIAL C, D AND E ZONES**

- (a) Except for Commercial D and E Zones on Fairy Springs Road, all activities in the Commercial C, D and E Zones shall be provided with, and maintained with, landscaping in all areas used for parking and servicing equivalent to 5% of that part of the site not covered by buildings.

The landscaping shall consist of trees, shrubs and/or grassed lawn areas. It may also involve fencing, screening and other amenity features.

No such landscaping area may be used for the parking, loading or turning of vehicles except that each activity may have two two-way vehicle crossings not more than 6.5 metres wide over the landscaped area.

- (b) No vegetation capable of growing more than 0.5 of a metre high will be permitted within five metres of any vehicle crossing.

- (c) Pallets, containers, raw materials, machinery or goods of any kind shall, if stored outside, be screened from public places and Residential Zones and shall not be stored on any landscaping, parking or turning areas.
- (d) Where the site abuts a Residential Zone, a yard of 4.5 metres adjoining the Residential Zone boundary shall be planted with suitable trees or shrubs that are capable of growing at least 1.8 metres high in a manner that provides an effective continuous visual screen.

#### R8.2.10.2A **COMMERCIAL D1 ZONE**

For the Commercial D1 zone the following standards shall apply:

- (a) Storage shall be provided on site, to the rear of the site, and screened from adjacent sites to avoid adverse off site visual and odour effects.
- (b) Limiting hours of delivery of goods between 7:00am and 7:00pm, and that the delivery of goods shall be from on the site, and not from the road frontage.
- (c) Landscaping shall be provided in accordance with Appendix **G3.1.6**.
- (d) Goods and services access for a 90 percentile 8m goods delivery vehicle shall be provided to the rear of any commercial premises.

#### R8.2.10.3 **COMMERCIAL F ZONE**

With the exception of areas used for vehicle access, landscaping of any frontage in the Commercial F Zone shall be 2 metres in depth and consist of ground cover plants designed to achieve a height at maturity of 600mm minimum. No such landscaping area may be used for the parking, loading or turning of vehicles.

Where the site abuts a Residential Zone, a yard of 4.5 metres adjoining the Residential Zone boundary shall be planted with suitable trees or shrubs that are capable of growing at least 1.8 metres high in a manner that provides an effective continuous visual screen.

No vegetation capable of growing more than 0.5 of a metre high will be permitted within five metres of any vehicle crossing.

Pallets, containers, raw materials, machinery or goods of any kind shall, if stored outside, be screened from public places and Residential Zones and shall not be stored on any landscaping, parking or turning areas.

For the Okere Falls Commercial F Zone, in addition to the performance standards set out in this Rule (**R8.2.10.3**), side yards of 2.5 metres shall be planted with suitable trees or shrubs that are capable of growing at least 1.8 metres high in a manner that provides a continuous screen or a close board fence of 1.8 metres in height erected where the site abuts a Rural E Zone.

#### **R8.2.10.4 COMMERCIAL G ZONE**

All required yards shall be landscaped. The landscaping shall consist of trees, shrubs and/or grassed lawn areas. It may also involve fencing, screening and other amenity features.

No such landscaped area may be used for the parking, loading or turning of vehicles except that each activity may have two two-way vehicle crossings not more than 6.5 metres wide over the landscaped area.

No vegetation capable of growing more than 0.5 of a metre high will be permitted within 5 metres of any vehicle crossing.

Pallets, containers, machinery or goods of any kind shall, if stored outside, be screened from adjacent sites and public land and shall not be stored on any parking, loading or turning areas.

#### **R8.2.10.5 COMMERCIAL H ZONE**

All required yards shall be landscaped. The landscaping shall consist of trees, shrubs and/or grassed lawn areas. It may also involve fencing, screening and other amenity features.

No such landscaped area may be used for the parking, loading or turning of vehicles except that each activity may have two two-way vehicle crossings not more than 6.5 metres wide over the landscaped area.

No vegetation capable of growing more than 0.5 of a metre high will be permitted within 5 metres of any vehicle crossing.

Pallets, containers, machinery or goods of any kind shall, if stored outside, be screened from adjacent sites and public land and shall not be stored on any parking, loading or turning areas.

Where the site abuts or faces (i.e. across the road from) a Rural or Residential Zone, a 5 metre wide buffer strip within the yard shall be planted with species allowed to reach and to be maintained at a minimum height of 12 metres, in a manner that provides an effective continuous screen in all seasons.

### **R8.2.11 ARCHAEOLOGICAL SITES**

Consent of the New Zealand Historic Places Trust in accordance with the provisions of the *Historic Places Act 1993* shall be obtained before any destruction or modification of archaeological sites (recorded and unrecorded), including those identified on the Planning Maps.

### **R8.2.12 WORKS FOR THE AVOIDANCE OF FLOODING**

Works for the avoidance of flooding are permitted in all Zones provided they:

- (a) Safeguard existing ecological and habitat values and wetlands outside the beds of rivers or lakes or provide compensatory works; and
- (b) Do not adversely affect any permanent or ephemeral watercourse which flows into or across land within the Urban Fence or land zoned Rural B, D or E, Industrial B or C, Airport or Airport Protection outside the Urban Fence; except where a consent for the same activity has been issued by a regional council and where the Rotorua District Council has been consulted as an affected party.

### **R8.2.13 FINANCIAL CONTRIBUTION FOR RESERVES AND HERITAGE PURPOSES**

A financial contribution for reserves and heritage purposes shall be taken for those activities specified in **Appendix U**.

This contribution shall be taken in accordance with the provisions of **Appendix U** as if the activity was subject to an application for a resource consent.

### **R8.2.14 PUBLIC CONVENIENCES IN RETAIL SHOPS AND COMPREHENSIVE RETAIL ACTIVITIES IN THE COMMERCIAL A, B, C AND D ZONES.**

All retail shops and comprehensive retail activities of 4000m<sup>2</sup> and over in the Commercial A, B, C and D Zones shall provide public conveniences to conform with the standards outlined in the *Building Act 1991*.

### **R8.2.15 ROADING : COMMERCIAL H ZONE**

Any road works associated with any development or subdivision of the land within the Zone shall be subject to the approval of Council and where necessary Transit New Zealand.

### **R8.2.16 TRAFFIC MANAGEMENT: OKERE FALLS COMMERCIAL F ZONE**

Traffic management on these sites shall generally be in accordance with the Traffic Management Plan in Appendix L in that there is one way right of way system for access to the properties with single but separate access and egress points from the State Highway.

### **R8.2.17 CBD ROTORUA CENTRAL COMMERCIAL B1 'DEVELOPMENT FRAMEWORK PLAN'**

To achieve the integrated development of the Rotorua Central site, development shall be in accordance with the 'Development Framework Plan'.

All buildings or part thereof shall be located within the Building Development Areas as delineated on the Development Framework Plan, except for open canopies, porticoes, verandahs, colonnades and entry gateway structures which may be located within the public thoroughfares and open space areas.

View shafts from adjacent streets shall be kept clear of buildings as defined by the Building Development Areas shown on the Development Framework Plan, and shall be of a width equal to that of the road reserve opposite and aligned exactly with it. This rule applies opposite the ends of Herewini Street, Union Street, Eason Street and Amohia Street.

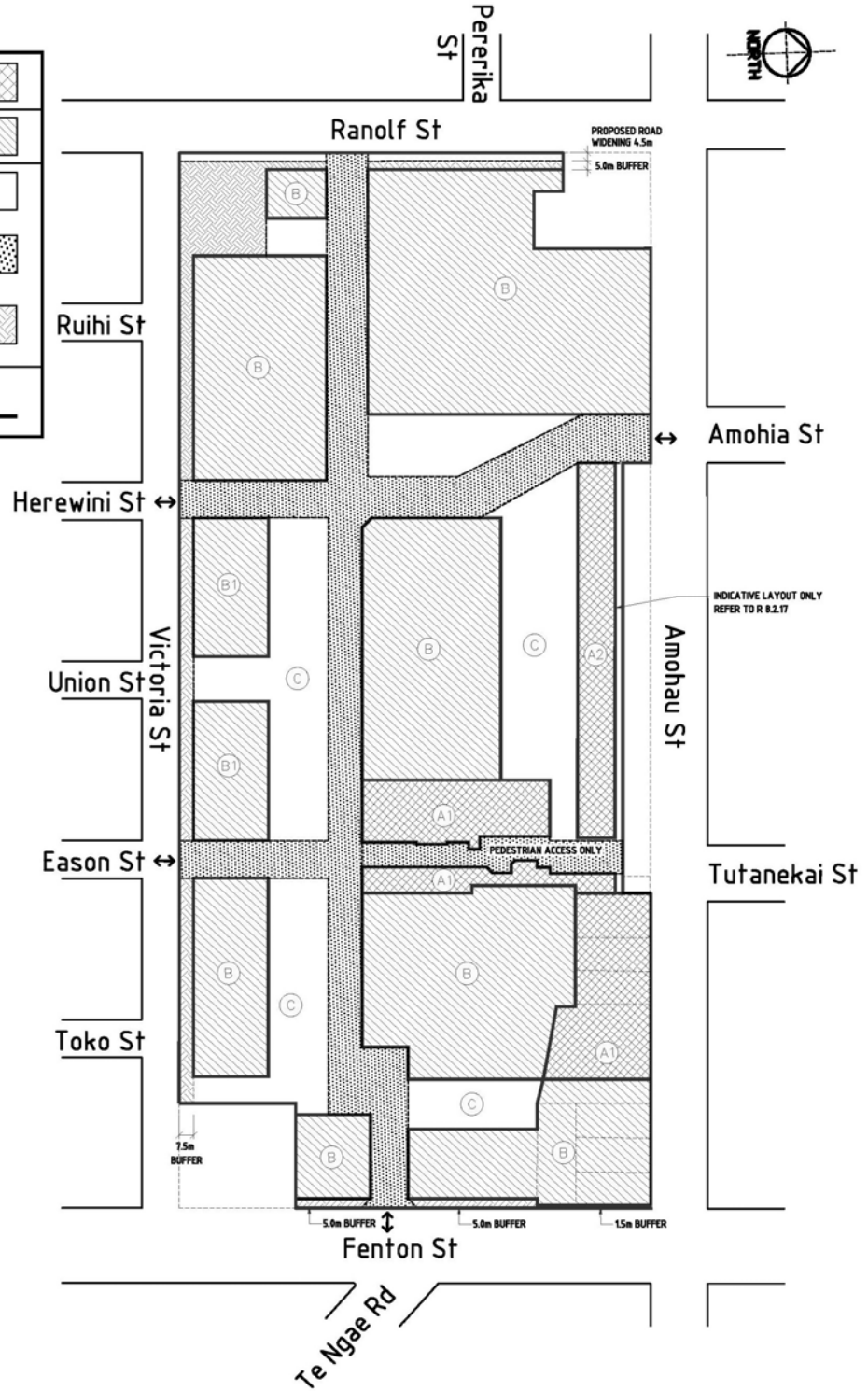
There shall be a minimum of two view-shafts between buildings to be located within Subzone A2. The size, location and spacing of buildings and view-shafts in this area is flexible and is shown on the Development Framework Plan for indicative purposes only.

### **R8.2.18 COMMERCIAL D1 DEVELOPMENT PLAN**

That prior to any land use development occurring within the Commercial D1 zone, a development concept plan for the entire Commercial D1 area shall be submitted to, and approved by, Council. The Commercial D1 zone shall then be developed in general accordance with the approved plan.

NOTES/KEY:

(A1)	SPECIALTY RETAIL	
(A2)	RESTAURANTS / OFFICES	
(B)	LARGE FORMAT	
(B1)		
(C)	OPEN SPACE (AVAILABLE FOR CAR-PARKING)	
	OPEN SPACE (PUBLIC THOROUGHFARE PEDESTRIAN & VEHICULAR)	
	OPEN SPACE (LANDSCAPED OPEN SPACE)	
VEHICULAR ACCESS		
SUB-ZONE BOUNDARY		



# COMMERCIAL BI ZONE DEVELOPMENT FRAMEWORK PLAN

10296-02.DWG

## **R8.3 CONTROLLED ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS**

### **R8.3.1 INTRODUCTION**

Controlled Activities are activities that may in certain circumstances cause adverse effects on the environment in which they are located. Controlled Activities shall comply with the Performance Standards for Permitted Activities in the Zone otherwise provided for in the Rules of this Part.

The general criteria for assessing applications for Controlled Activities are set out in **R8.3.2** below.

For a number of activities identified in **R8.1.1** to **R8.1.5**, specific additional assessment criteria will also be applied. These criteria are set out in **R8.3.3**.

The provisions of **4, 5, 6** and **7** of **Part Two** also apply.

### **R8.3.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR CONTROLLED ACTIVITIES**

#### **R8.3.2.1 DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES**

Conditions may be imposed requiring buildings and structures to be of a similar or complementary design and appearance to existing buildings and structures in the surrounding area, unless those buildings and structures are dilapidated.

#### **R8.3.2.2 LANDSCAPE DESIGN AND SITE LAYOUT**

Conditions may be imposed to ensure that the effects of an activity are internalised on the site and do not unduly affect activities beyond the site boundary. In particular, conditions may be imposed requiring:

- (a) buffers in the form of yards, screening or landscaping or a combination of these; and/or
- (b) specific requirements in terms of the site layout of buildings, parking and vehicle circulation areas.

#### **R8.3.2.3 THE LOCATION AND DESIGN OF VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM THE SITE**

Generally the provisions of **Appendix F** shall apply, however, other conditions may be imposed to:

- (a) ensure adequate sight distances and prevent on-street congestion caused by the ingress and egress of vehicles to and from sites; and/or
- (b) require the activity to be located, where practicable, away from abutting or adjoining activities so as to protect the privacy of those activities.

#### R8.3.2.4 **PARKING AND TURNING**

The Council reserves its control and therefore may attach conditions on the following matters:

The layout and internal circulation of the parking areas to ensure safe and efficient vehicle circulation on the site.

#### R8.3.2.5 **MANAGEMENT OF MINOR ADVERSE EFFECTS ON THE ENVIRONMENT**

Conditions may be imposed to avoid, remedy or mitigate adverse effects on the environment as is appropriate in the circumstances, and in particular in respect of the following matters:

- (a) noise, arising from the congregation of people, and their vehicles. The hours of operation may be restricted during the hours of darkness; and
- (b) earthworks, the control of earthworks, landfilling and other soil retention or removal methods.

#### R8.3.2.6 **OBJECTIVES AND POLICIES OF THIS PART**

Conditions may be imposed to promote the achievement of the relevant Objectives and Policies of this Part.

#### R8.3.2.7 **NATURAL HAZARDS**

Conditions may be imposed to control the effects of activities in order to avoid or mitigate natural hazards.

### **R8.3.3 ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS FOR IDENTIFIED CONTROLLED ACTIVITIES**

#### R8.3.3.1 **INTRODUCTION**

All Controlled Activities identified in **R8.1.1** to **R8.1.5** are to be assessed against the Performance Standards outlined in **R8.2** and the criteria outlined in **R8.3.2**. In addition some specific activities will also be assessed in terms of the additional criteria outlined below, and conditions to ensure compliance with these criteria may be imposed.

#### R8.3.3.2 **PERMITTED ACTIVITIES THAT MEET THE CRITERIA FOR REDUCTION OR WAIVING OF PERFORMANCE STANDARDS**

The Performance Standards in **R8.2.1**, **R8.2.2**, **R8.2.4**, **R8.2.7**, **R8.2.9** and **R8.2.10** may be reduced or waived as a Controlled Activity to the maximum amount stated below subject to compliance with the criteria listed below. In addition, the assessment criteria outlined under **R8.3.2**. and **R8.3.3** apply.

For the Commercial B1 Zone assessment criteria **R8.3.3.2** (1-6) do not apply. Refer to assessment criteria **R8.3.3.5**.

#### R8.3.3.2.1 **Height and Daylighting**

- (a) In all Commercial Zones, the maximum height provided for in **R8.2.1** may be exceeded by a maximum of 1.5 metres where Council considers that the compliance with the height standards would be impractical or unreasonable because:
  - (i) in the case of gable ended buildings, the top of the proposed gable end encroaches the height and daylighting standard; or
  - (ii) of the existence of a non-conforming building; or
  - (iii) the proposed extensions cannot be located in a manner conforming to the Plan because of the existence of an item listed in **Appendix A**.
- (b) In addition, the reduction or waiver in the Commercial C, D, E and F Zones, will be subject to obtaining the written consent of property owner(s) and occupier(s) that Council considers may be affected.
- (c) For the Commercial Zones, no consent shall be granted under this Rule where a building, structure or tree penetrates any of the take-off slopes, approach slopes, transitional slopes, horizontal or conical surfaces as defined and illustrated in the Airport Northern and Southern Approach and Take Off Paths Designation contained in Appendix 18b1.14.

#### R8.3.3.2.2 **Buffers**

- (a) **Commercial B Zone**  
The buffer standards in **R8.2.2** applicable to the area bounded by Arawa Park, Fenton Street and Te Ngae Road may be reduced by up to 5 metres for the purpose of the location of signs, or the construction of buildings and structures, provided that no less than 90% of the street frontages of the site to Te Ngae Road or Fenton Street retain a front yard of 10 metres or more.
- (b) **Commercial G Zone**  
The buffer standards in **R8.2.2** may be reduced or waived where Council considers that compliance with those standards would be impractical or unreasonable because:
  - (i) sections have an unusual or irregular shape or topography; or
  - (ii) rights-of-way, easements or similar land restrictions exist; or
  - (iii) a non-conforming building exists; or
  - (iv) the proposed extension cannot be located in a manner conforming with the Plan due to the existence of an item listed in **Appendix A**; or
  - (v) the adverse effects on the environment will be minor.
- (c) In addition, the reduction or waiver will be subject to obtaining the written consent of property owner(s) and occupier(s) that Council considers may be affected.

**R8.3.3.2.3 Parking and Turning**

- (a) The Performance Standards in **R8.2.4** may be reduced by up to 100% where:
- (i) the sharing of parking between activities on a site or parking provision is made on an alternative site within 250 metres of the site; and
  - (ii) the parking area complies with the rules in Appendix F; and
  - (iii) a joint parking agreement is entered into and is by way of a lease or other legally binding agreement where the parking is on the same site and by a consent notice on both certificates of title with the Council as a party of the parking is on a different site from the activity.
- (b) Council reserves its control and therefore may attach conditions on the following matters:
- (i) the safe and efficient flow of traffic; and
  - (ii) safe and convenient movement of pedestrians; and
  - (iii) the preservation and enhancement of amenity values.
- (c) For retail shops (excluding supermarkets or retail shops that are part of comprehensive retail activities) with between 300m<sup>2</sup> and 1,000m<sup>2</sup> of retail trading area, the Performance Standards in **R8.2.4** may be reduced to 1 car parking space for every 35m<sup>2</sup> trading floorspace over the initial 300m<sup>2</sup>.
- (d) For retail shops (excluding supermarkets or retail shops that are part of comprehensive retail activities) with more than 1,000m<sup>2</sup> of retail trading area, the Performance Standard in **R8.2.4** may be reduced to 1 car parking space for every 40m<sup>2</sup> of trading floorspace over the initial 1,000m<sup>2</sup>.
- (e) Where a site is adjacent to or abutting a State Highway, no reduction or waiving of such requirements will apply unless the written consent of Transit New Zealand is obtained.

**R8.3.3.2.4 Turning Areas**

Performance Standards relating to the provision of on-site turning areas so that light vehicles can enter and exit the site in forward motion, in accordance with the turning areas in figure f1.2.2 in Appendix F may be partly or wholly waived or reduced where it can be demonstrated that vehicles are able to safely turn using a private road or right-of-way so they enter and exit the public road in forward motion.

**R8.3.3.2.5 Verandahs in the Commercial C Zone**

In the Commercial C Zone, Performance Standards **R8.2.7** may be varied in the case of a stand-alone supermarket or a comprehensive retail activity where the entrances do not front on to a public road. In such situations conditions may be imposed on any consent to ensure that adequate shelter is provided for pedestrians.

**R8.3.3.2.6 Landscaping**

The standards listed in **R8.2.10** may be reduced or waived if:

- (a) the provision of landscaping in Council's opinion is impractical or unreasonable; and
- (b) where the written consent of all property owners or occupiers that Council considers may be affected has been obtained.

**R8.3.3.3 CONSTRUCTION OF NEW BUILDINGS OR EXTERNAL ALTERATIONS TO EXISTING BUILDINGS INCLUDING THE CONSTRUCTION OR ALTERATION OF VERANDAHS AND THE ERECTION AND DISPLAY OF SIGNS IN THE COMMERCIAL A AND B ZONES**

- (a) Council will exercise its discretion over the extent to which the construction of new buildings and signs or alterations to existing buildings in the Commercial A and B Zones are in accordance with the '*Rotorua City Design Principles*'.

When assessing applications for the construction of new buildings and signs, or external alterations to existing buildings in the Commercial A, and B Zones, Council will consider the extent to which the proposal meets the provision of '*Rotorua City Design Principles*' and, in particular, the following aspects:

- (i) consideration of how the proposal will fit into the Rotorua context;
  - (ii) consideration of and respect for adjacent buildings and the streetscape in terms of building height, detailing and style;
  - (iv) use of the Rotorua colour palette;
  - (v) incorporation of the human scale in the design of the building including appropriate decoration, detailing, windows and doors and use of materials;
  - (vi) identification of areas for signage.
- (b) In addition the following criteria shall apply to buildings with heritage value as identified in **Appendix A**:
- (i) that any external addition or alteration of any existing building is carried out in a manner and design with materials similar to those originally used and which do not detract from the architectural character of the building;
  - (ii) that as much as possible of the existing building is retained by restoring and/or adapting parts of the existing building rather than replacing them and that alterations and additions shall be in keeping with the architectural and historic form, proportions and style of the existing buildings on the site; and
  - (iii) a requirement that changes to the road facade of the building are as far as possible avoided unless they accurately reproduce original detail.
- (c) The construction of new buildings or external alterations to existing buildings, including signs in the Commercial A and B Zones can have adverse effects on amenity and pedestrian and vehicular safety. Council may impose conditions on the following matters:
- (i) a requirement that the use of unsympathetic materials is avoided;
  - (ii) a requirement that the building design be amended to accord with recommendations within the '*Rotorua City Design Principles*';

- (iii) a requirement that any additions are so positioned or modifications are so designed as not to detract from the existing streetscape including the facade line of the buildings in the vicinity;
- (iv) specifying the colours of the building;
- (v) specifying landscaping;
- (vi) specifying the provision of areas for signage;
- (vii) specifying illumination levels;
- (viii) specifying the direction of any lighting;
- (ix) the imposition of a bond to ensure satisfaction of conditions of consent.

#### R8.3.3.4 **Intentionally Blank**

#### R8.3.3.5 **ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS COMMERCIAL B1 ZONE**

##### R8.3.3.5.1 **Design and external appearance of buildings and structures**

- (i) The design of building facades facing Ranolf Street and Victoria Street and within 50 metres of those streets shall incorporate vertical elements in the form of set-backs and/or different materials, colours, textures, forms and/or other design elements to visually break up long horizontal buildings such that their scale is compatible with that of the existing subdivision and development pattern along the opposite sides of Ranolf and Victoria Streets.
- (ii) Buildings shall be designed in a way that they distinctly define and emphasise the main pedestrian and vehicular entrances to the zone. All main pedestrian and vehicular access points to the Zone shall be visually defined by some form of gateway statement.
- (iii) Public entrances to all buildings shall be distinctly designed so they are easily recognised as public entrances. This may be achieved by change of building form, wall plane, verandah or colonnade, change of colours or similar design elements.
- (iv) Public entrances shall include an exterior open space sheltered from the weather by use of canopy, portico, verandah or similar design element.
- (v) Council control will be related to building form, design and appearance, material, colour schemes, texture and other elements to achieve the above design requirements and to achieve consistency, and compatibility for all development within the Zone and the CBD. The proposal will be also assessed against the extent to which it meets the principles set out in the '*Rotorua City Design Principles*'.

##### R8.3.3.5.2 **Landscape design and site layout**

- (i) Landscaped open space shall be developed with hard and soft landscaping to a high standard of amenity, consistency and coherence throughout the Zone. Soft landscaping may consist of trees, shrubs and/or grass lawn areas.

- (ii) All landscaping shall be designed to be consistent with public space within the Zone and with public street landscape design.
- (iii) Public pedestrian access shall be maximised where practical to create convenient and continuous pedestrian linkages across open space areas to link up all activities within the Zone to the surrounding public pedestrian network.

**R8.3.3.5.3 The location and design of vehicular and pedestrian access to and from the site**

- (i) All public thoroughfares shall be designed and maintained to high amenity and safety standards consistent and compatible with the adjoining public street system.
- (ii) All public thoroughfares shall include continuous and safe and exclusive provision for pedestrian movement throughout the Zone.
- (iii) All vehicular public thoroughfares shall be developed with specimen trees where practical, on both sides of the thoroughfare prior to further building work on the site. The trees shall be 2.5 metres minimum height at planting and capable of growing to 10 metres minimum height. The trees shall be spaced at 15 metre centres. Where the trees are planted within hard surfaces, they shall be protected with appropriate tree grates and guards of a minimum 5m circumference. This rule shall not apply to the central west-east thoroughfare where consent has been given to the planting of Titoki trees.
- (iv) All public thoroughfares shall be developed with artificial lighting to meet appropriate lighting standards for public spaces.

**R8.3.3.5.4 Parking and Turning**

- (i) Carparking areas shall be laid out to provide separation of vehicular and pedestrian movements throughout the site.
- (ii) Carparking areas shall maintain the intent of open space and view-shafts where identified on the **Development Framework Plan**.
- (iii) Carparking areas shall be landscaped where they need to be separated from public thoroughfares.
- (iv) Service access shall be designed to avoid vehicles backing into public thoroughfares.

**R8.3.3.6 SERVICE STATIONS AND MOTOR VEHICLE REPAIR GARAGES, INCLUDING ACTIVITIES ACCESSORY TO ANY CONTROLLED ACTIVITY, IN THE COMMERCIAL E AND H ZONES**

Applications for the above activities will be required to show that the safe and efficient operation of State Highways and other parts of the roading network are not compromised by the location of access points either in close proximity to intersections or on curves or crests where sight distances are restricted.

Driveways are also required to be so designed as to cause the least disruption to frontage road users including pedestrians, and to facilitate ease of access for tanker vehicles. A maximum of two crossings will be permitted on any road frontage.

Applications will also be assessed in terms of the adverse effects on the visual and environmental amenity of the surrounding area associated with the scale, location and height of buildings and structures, and glare and light emanating from the property and from vehicles entering and exiting it.

Such conditions as Council considers appropriate in the circumstances may be imposed in order to address any of the above adverse effects.

**Note:** The provisions of **Part Fourteen** in respect of the use, storage, disposal and transportation of hazardous substances and/or contaminants also apply.

#### R8.3.3.7 **ACOUSTIC REQUIREMENTS FOR HOUSEHOLD UNITS AND TOURIST ACCOMMODATION**

All residential and tourism accommodation created either by new development or the alteration of an existing building within the Commercial A and B Zones and all new tourist accommodation developed in the Commercial B1 Zone shall be designed and constructed to ensure noise from activities on adjacent sites during night time hours will not exceed 35 dBA L10 in rooms used for sleeping (bedrooms) and 40 dBA L10 in other habitable areas (eg living and dining rooms). Transit and utility areas such as corridors, kitchens, bathrooms and storage areas are not habitable under this rule.

If the internal noise criteria cannot be achieved with windows and doors open, then a forced-air ventilation or air conditioning system which complies with the NZ Building Code shall be provided so that the acoustic and ventilation criteria can be achieved simultaneously with windows and doors closed. Noise from any ventilation system shall not cause the internal noise criteria to be exceeded. Prior to building consent, an acoustic design certificate from a suitably qualified and experienced acoustic engineer will be required demonstrating how the internal noise criteria will be achieved

#### R8.3.3.8 **ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS COMMERCIAL D1 ZONE**

##### R8.3.3.8.1 **Medium Density Housing in the Commercial D1 Zone in the Wharenui Road Area**

Assessment Criteria and Conditions listed in **R7.3.3.10** apply. The following criteria also apply:

- (a) The extent to which the location and access arrangement of parking areas does not visually dominate residential areas and can be mitigated through design and/or screening.
- (b) The extent to which rear vehicle access lanes are provided for terrace units to avoid garage dominance on the front street.
- (c) The extent to which areas between residential and commercial retail use are designed through vertical and horizontal separation and separate entries.

- (d) The extent to which privacy is maintained between residential units and between residential units and commercial uses.
- (e) The extent to which private outdoor space, communal open space and outlooks (via balconies) are provided.
- (f) The extent to which fences and walls along any street boundary and between the street and the front face of the closest building should be generally avoided or limited in height.

#### **R8.3.3.8.2 Transportation Interchange Facilities Criteria**

- (a) Sufficient carparking, bus stands, bike stands, and disabled parking areas shall be provided in accordance with best practice guidelines.
- (b) The interchange area shall be designed with health and safety of pedestrians in mind. It shall be suitably landscaped to break up the carpark area and suitable lighting provided to create a safe environment.
- (c) The extent to which the interchange is located on main commuter route and be clear that the scheme is likely to remove downstream car trips.
- (d) The extent to which the interchange is located so as to avoid congestion prior to facility to enable ease of access and encourage use, and be far enough away from main destination to make it worthwhile for drivers to change mode.
- (e) The extent to which the interchange does not undermine existing or planned public transport services that may serve a similar catchment area.
- (f) The extent to which the interchange is based on sound modelling (undertaken by a trained/certified traffic/civil engineer) and cost benefit analysis.
- (g) The extent to which consideration is given to avoiding, remedying or mitigating all adverse effects on neighbouring properties such as noise, glare, light spill and loss of privacy/amenity.

#### **R8.3.3.8.3 General Conditions**

Conditions may be imposed to achieve the following:

- (a) A monotonous streetscape is avoided by:
  - i. Avoiding long sequences of identical designs in adjacent detached structures.
  - ii. Providing for a wide range of uses in the Village to promote employment opportunities with business development, civic and worship facilities, schools and campuses, and integrated Village residential in Medium Density Housing first level and terrace products.
  - iii. Providing variation in scale and façade treatment in attached structures.
  - iv. Providing a range of safe street environments for vehicles and pedestrians
  - v. Legible orientation to neighbourhood and Ngati Whakaue via project signage.

- (b) Front doors on all Village business and public facilities are to be weather protected and easily identified from the street boundary to provide a sense of individual address and identity, and ease of visitor orientation.
- (c) Building design offers visual interest when a building or a group of buildings is viewed from any street and/or any other adjoining public open space, by incorporating design aspects such as varied roof form, articulation in façade treatment, variation in setback, opening design etc.
- (d) Service areas and unarticulated building facades do not dominate the public streetscape.
- (e) Businesses fronting the street include lighted display windows or doors on the front elevation to provide interest and surveillance of the public realm.
- (f) Street treatments are of the highest quality and compatible in design with the Gateway Centre, Resort Centre and/or other featured Centres within the Ngati Whakaue development.

#### **R8.3.3.8.4 General Assessment Criteria**

- (a) The extent to which **R8.3.3.8.4** conditions can be met.
- (b) The extent to which the Village is designed to transition in height and scale with the existing land to best promote valued views toward Lake Rotorua. Additional consideration is given toward transitioning between the Village and neighbouring parcels, roading and open spaces should be provided.

## **R8.3A RESTRICTED DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS**

### **R8.3A.1 INTRODUCTION**

The activities listed as Restricted Discretionary Activities are those which may be appropriate on some sites in those Zones. These activities can, however, have effects which require particular assessment. Council may decline an application for such an activity or grant a resource consent, subject to conditions that will ensure that the activity does not have any significant adverse effects on the environment, and that the relevant Objectives and Policies of this Part are promoted.

## **R8.3A.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES**

### **R8.3A.2.1 VERANDAHS**

Council has restricted the criteria it will use when considering consents for a variation of the performance standards **R8.2.7** (a) – (j) and may impose conditions in respect of the following matters:

- whether adequate shelter is provided for pedestrians on the pavement;
- whether there are adverse effects on the safety or amenity of road users or pedestrians;
- whether the provision of a verandah is impractical;
- whether the provision of a verandah is unreasonable taking into account the use of the building, the size of the building and the street context;
- for verandahs within the CBD, the extent to which the building and/or verandah complies with the '*Rotorua City Design Principles*'.

### **R8.3A.2.2 STORMWATER MANAGEMENT RESERVES IN WHARENUI ROAD AREA**

For additional assessment criteria relating to Stormwater Management Reserves in the Wharenui Road Area refer to **R16.5A.3**.

## **R8.4 DISCRETIONARY ACTIVITIES: ASSESSMENT CRITERIA AND CONDITIONS**

### **R8.4.1 INTRODUCTION**

The activities listed as Discretionary Activities are those which may be appropriate on some sites in those Zones. These activities can, however, have effects which require particular assessment. Council may decline an application for such an activity or grant a resource consent subject to conditions that will ensure that the activity does not have any significant adverse effects on the environment, and that the relevant Objectives and Policies of this Part are promoted.

The provisions of **4, 5, 6** and **7** of **Part Two** also apply.

## **R8.4.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR DISCRETIONARY ACTIVITIES**

The general criteria for assessing applications for Discretionary Activities and conditions that may be imposed are set out below.

For a number of activities identified in **R8.1.1** to **R8.1.5** , specific additional assessment criteria apply. These are set out in **R8.4.3**.

For activity 12 in Table **R8.1.5**, the discretion will be limited to criteria **R8.3.2.1**, **R8.3.2.2**, **R8.4.2.3** and **R8.4.2.5** as set out in **R8.4.4**.

### **R8.4.2.1 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES**

In general, Discretionary Activities will be required to comply with the Performance Standards in **R8.2** unless it is not appropriate to do so because of particular site characteristics, development considerations or unusual environmental factors. Where adverse effects are anticipated from a proposed activity, conditions may be imposed to avoid, remedy or mitigate the adverse effects on the environment, as is appropriate in the circumstances.

### **R8.4.2.2 DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES**

In general, buildings and structures should be of a similar or complementary scale and appearance to that of other buildings within the surrounding area unless those buildings and structures are dilapidated. Where this is not practicable, buildings and structures should not become overly dominant. Methods to mitigate any adverse effects of the building or structure may include conditions requiring separation distances between the proposed activity and adjacent sites and the provision of screening.

### **R8.4.2.3 TRAFFIC GENERATION**

No inappropriate reduction in the capacity of the roading network to service the requirements of the community will be accepted. Any such adverse effects on the roading network may be required to be avoided, remedied or mitigated by upgrading the roading network or by making alterations to the roading design. To enable this to occur a financial contribution up to the maximum of the actual cost of the necessary works may be required as a condition of consent.

### **R8.4.2.4 PARKING AND TURNING**

In general, Discretionary Activities should comply with parking Performance Standards in **Appendix F**, unless it is not appropriate to do so because of inherent site characteristics or extraordinary vehicle or pedestrian movements.

#### R8.4.2.5 **ACCESS**

Particular consideration shall be given to the location of entry and exit points to the site and their relationship with existing intersections, land constraints and adjacent activities. Adverse effects may be avoided, remedied or mitigated by controlling access to the road, by redesign of the road or by installing traffic signals and by taking other traffic management measures. To enable this to occur, financial contributions up to the maximum of the actual cost of the necessary works may be required as a condition of consent.

#### R8.4.2.6 **NOISE**

Activities shall be generally managed so that the noise generated shall not exceed the maximum levels specified in **Appendix K**. Detailed measures for the elimination of objectionable noise may be required.

In particular, conditions may be imposed in respect of the following matters to mitigate the adverse noise effects of activities:

- (a) requiring the provision of sufficient separation distances between the noise generator and affected areas;
- (b) requiring sound proofing of buildings and screening of the noise generator;
- (c) restricting the hours of operation of the activity; and/or
- (d) conditions may also be imposed in accordance with Section 108(4) of the *Resource Management Act 1991*.

#### R8.4.2.7 **NATURAL ENVIRONMENT AND WATER QUALITY**

Conditions may be imposed on activities to avoid, remedy or mitigate any effects of the activity on the natural environment and water quality as are appropriate in the circumstances.

Significant reductions in water quality as a direct result of the activity or as a result of the cumulative effect of an activity or activities will not be permitted.

#### R8.4.2.8 **SERVICING**

Where the existing Council services cannot sustain a proposed new activity, the applicant must demonstrate that the new activity has the ability to meet its own servicing needs, or a condition may be imposed requiring the applicant to upgrade Council services.

To enable this to occur, a condition may be imposed requiring a financial contribution up to the maximum of the actual cost of the necessary works.

**R8.4.2.9 CUMULATIVE EFFECT**

In assessing the appropriateness of allowing an activity to be located in an area, or allowing an activity to proceed, consideration will be given to the activities already located in the area and on the site, and their present effect on the surrounding environment. Of particular concern is the cumulative effect of locating a new activity on a site adjoining or already accommodating an activity that may currently generate traffic, noise, etc, not in keeping with the relevant Objectives and Policies of this Part. The ability of a site to internalise effects, if more than one activity is proposed to operate from it, will be considered.

**R8.4.2.10 ZONE INTERFACE**

Of particular concern is the protection and maintenance of the amenity values of adjoining Zones along the Zone interfaces, and in particular, visual and aural qualities. Various methods can be used to ensure this, including imposing conditions requiring the provision of buffer areas, separation distances and/or screening.

**R8.4.2.11 PUBLIC SAFETY**

Any Discretionary Activity should not adversely affect public safety in a significant manner. Conditions may be imposed on any consent for a Discretionary Activity to avoid any adverse effects on public safety.

**R8.4.2.12 OBJECTIVES AND POLICIES OF THE PART**

The granting of a consent for a Discretionary Activity shall not be contrary to the Objectives and Policies of this Part. Conditions may be imposed to promote the achievement of the relevant Objectives and Policies of this Part.

**R8.4.2.13 NATURAL HAZARDS**

Conditions may be imposed to control the effects of activities in order to avoid or mitigate natural hazards.

**R8.4.3 ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS FOR IDENTIFIED DISCRETIONARY ACTIVITIES**

The following Discretionary Activities have the potential to generate particular adverse effects which require additional assessment against the criteria listed below and may require the imposition of specific conditions in addition to those listed in **R8.4.2** in order to avoid, remedy or mitigate any adverse effects on the environment.

**R8.4.3.1 WHOLESALE OUTLETS AND WAREHOUSES IN THE COMMERCIAL B, C AND D ZONE**

Applications for these activities shall also be assessed in terms of their potential to generate adverse effects on the amenity of the surrounding area due to the scale and design of buildings (often without windows), noise, dust, and the generation of heavy traffic movements.

Council may decline the application or grant it subject to additional conditions to address these adverse effects including conditions on the design and siting of buildings, landscaping, surfacing of yards, and measures to reduce the effects of dust.

**R8.4.3.2 SERVICE STATIONS AND MOTOR VEHICLE REPAIR GARAGES IN THE COMMERCIAL B, C, D, D1, F AND G ZONES**

The above activities will also be assessed in terms of their potential to generate adverse effects on the adjoining roading network, the visual amenity of the particular site, the parking of vehicles, noise and the effects of vehicle movements across pedestrian pavements.

The landscaping standards listed in **R8.2.10** may be reduced or waived where, in Council's opinion, the provisions are impractical and unreasonable.

Council may decline the application or grant it subject to additional conditions relating to vehicle ingress and egress, the design, location and landscaping of buildings and structures and methods to manage the storage, use and transportation of hazardous substances.

**Note:** The provisions of **Part Fourteen** in respect of the storage, use, disposal and transportation of hazardous substances and/or contaminants also apply.

**R8.4.3.3 ACTIVITIES OTHERWISE PERMITTED OR CONTROLLED IN THE ZONE ON SITES WHICH CONTAIN AN HISTORIC BUILDING, HISTORIC CHURCH, HISTORIC STRUCTURE, HISTORIC SITE, ARCHAEOLOGICAL SITE, MARAE OR NATURAL HERITAGE SITE LISTED IN APPENDIX A; OR WITHIN THE DRIPLINE (BRANCH SPREAD) OF A NOTABLE TREE LISTED IN APPENDIX A**

Applications for these activities will also be assessed in terms of:

- (a) whether or not the proposed activity will modify, destroy or adversely affect any item listed in **Appendix A**, and if so, the extent of such modification, destruction or adverse effect;
- (b) the natural and cultural heritage values of any listed item that will be modified, destroyed or adversely affected by the proposed activity; and
- (c) whether the applicant can avoid, remedy or mitigate any adverse effect of the activity on any listed item.

Depending on the nature of the item and the impacts of the proposed activity, Council may decline the application or grant it subject to conditions which will promote its protection. To this end, Council may partly or wholly waive any Rule in this Plan.

**R8.4.3.4 THE SALE OF LIQUOR AUTHORISED BY A CLUB, ON AND/OR OFF LICENCE IN ACCORDANCE WITH THE SALE OF LIQUOR ACT 1989, BETWEEN THE HOURS OF 11.00PM AND 6.00AM IN THE COMMERCIAL A, B AND C ZONES AND BETWEEN THE HOURS OF 6.00AM AND 11.00PM IN THE COMMERCIAL D AND F ZONES, AND AT ALL TIMES IN THE COMMERCIAL G ZONE**

The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the *Sale of Liquor Act 1989* will be assessed in terms of their potential to generate adverse effects on the amenity of surrounding areas because of (late night) noise, light, glare and traffic generation. Such effects may not be appropriate in these commercial areas where a high level of environmental amenity, also in respect of neighbouring Residential, Rural and Resort Zones, is sought.

Conditions may be imposed on the following matters:

- (a) the design of the building and structures;
- (b) the siting of activities;
- (c) the location, design and size of signs;
- (d) noise levels;
- (e) separation distances;
- (f) screening from adjacent sites, and/or
- (g) opening hours.

**Note:** In Commercial A and B Zones Council may waive the requirement to obtain written approval of affected parties, except where in the opinion of Council the activity directly affects a Residential or Resort Zone.

**R8.4.3.5 HELICOPTER LANDING AREAS COMPLYING WITH THE STANDARDS OF APPENDIX H IN THE COMMERCIAL G ZONE**

Applications for helicopter landing areas will also be assessed in terms of their potential to generate adverse vibration, and noise effects on the surrounding area.

Council may decline the application or grant it subject to additional conditions controlling the effects of noise and vibration including controlling the operating hours of the activity, separation distances and buffer planting.

**R8.4.3.6 Intentionally Blank**

**R8.4.3.7 AMENDMENTS (ADDITIONS AND/OR DELETIONS) TO THE SERVICE LANE NETWORK, SHOWN OR DESCRIBED IN APPENDIX N, IN THE COMMERCIAL A AND B ZONES**

Any application to carry out amendments (additions and/or deletions) to the service lane network shown or described in **Appendix N** shall also be assessed in terms of the potential to adversely affect the safe and efficient servicing of any property in the block concerned and to adversely affect the safe and efficient operation of the surrounding road networks. Council may decline an application or grant it, subject to additional conditions to avoid, remedy or mitigate any adverse effects.

**R8.4.3.8 ADDITIONAL ASSESSMENT CRITERIA FOR COMMERCIAL D1 ZONE**

For additional assessment criteria for Stormwater Management Reserves refer to **R16.6A**.

**R8.4.4 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES WHERE COUNCIL WILL RESTRICT ITS DISCRETION**

Council has restricted the criteria it will use when considering consents for the following retailing activities:

the sale and hire of motor vehicles, boats, caravans, motor homes and accessories; motor vehicle spare parts; industrial machinery; firewood and solid fuels; building materials; farm supplies, farm machinery and equipment; demolition goods; carpets and floor coverings; safety equipment and garden centres;

located on sites adjacent to or abutting State Highways and arterial roads as identified in **Appendix M**, and adjacent to or abutting Residential Zones. Discretion will be limited to criteria specified in **R8.3.2.1** Design and External Appearance of Buildings and Structures, **R8.3.2.2** Landscape Design and Site Layout, **R8.4.2.3** Traffic Generation and **R8.4.2.5** Access.

**R8.5 ASSESSMENT OF NON-COMPLYING ACTIVITIES**

An application may be made for a resource consent for a Non-Complying Activity where an activity is listed as a Non-Complying Activity or does not comply with the provisions of this Plan, but is not listed as a Prohibited Activity.

An application for a Non-Complying Activity shall be assessed in accordance with Section 105(2)(b) of the *Resource Management Act 1991*.

The provisions of **4, 5, 6, and 7** of **Part Two** also apply.

## **R8.6 SUBDIVISION AND DEVELOPMENT**

### **R8.6.1 SUBDIVISION**

Subdivisions complying with the provisions of **Part Sixteen** shall be a Controlled Activity. The criteria on which a subdivision application will be assessed, and any conditions that Council may impose, are included in **Part Sixteen**.

### **R8.6.2 DEVELOPMENT**

Any development (as defined in **Part Nineteen**) will also be subject to the Rules outlined in **Part Sixteen**.

