

18.0	COMMERCIAL ZONES	1
18.1	INTRODUCTION	1
18.1.1	City Commercial Zones.....	1
18.1.2	Suburban Commercial Centres.....	4
18.1.3	Commercial Centres in Rural Settlements.....	4
18.1.4	Aviation Commercial Zone.....	5
18.2	ISSUES	5
18.3	OBJECTIVE (FORM).....	5
18.4	POLICIES (FORM).....	6
18.5	OBJECTIVES (AMENITY).....	7
18.6	POLICIES (AMENITY)	8
18.7	OBJECTIVES (ECONOMIC AND SOCIAL).....	12
18.8	POLICIES (ECONOMIC AND SOCIAL)	12
18.9	METHODS OF IMPLEMENTATION	13
18.9.1	Advocacy	13
18.9.2	Economic Instruments	13
18.9.3	Urban Design.....	13
18.9.4	Management.....	14
18.9.5	Regulation.....	14
18.10	RULES FOR COMMERCIAL ZONES.....	15
18.10.2	Lighting and Glare.....	15
18.10.3	Height and Recession plane.....	16
18.10.4	Yard Distances.....	16
18.10.5	Storage.....	17
18.10.6	Building Materials.....	17
18.10.7	Parking.....	17
18.10.8	Verandahs.....	17
18.10.9	Landscaping.....	17
18.10.9.1	Aviation Commercial Zone.....	17
18.10.9.2	Suburban Commercial, Rural Commercial, Fringe Commercial, Amenity Commercial and Outer Commercial Zones	17
18.10.9.3	Landscaping at the Residential/Reserve Interface	19
18.10.9.4	Landscaping for Carparks.....	19
18.10.10	Alterations or additions to external facades of buildings.....	22
18.10.11	Radio Frequency Radiation	22
18.11	INNER COMMERCIAL ZONE.....	22
18.11.1	Permitted Activities	22
18.11.1.1	Residential accommodation both visitor and permanent	22
18.11.1.2	Small retail activities where the gross floor area is less than 500m ²	22
18.11.1.3	Outdoor entertainment and outdoor cafes	22

18.11.1.4	Installation or alteration of antennas, or support structures (other than network utility activities)	23
18.11.1.5	Offices	23
18.11.1.6	Alterations or additions to existing external facades of buildings that comply with the general rules	23
18.11.1.7	Spiritual facilities	23
18.11.1.8	Meteorological activities	23
18.11.1.9	Temporary activities	23
18.11.1.10	Erection of new buildings	23
18.11.1.11	Educational institutions (including early learning and daycare centres)	23
18.11.1.12	Indoor entertainment activities	24
18.11.2	<i>Controlled Activities</i>	24
18.11.2.1	Retail activities where the gross floor area is between 500m ² and 5000m ² inclusive ..	24
18.11.3	<i>Restricted Discretionary Activities</i>	24
18.11.3.1	Activities which do not comply with the General Rules in respect of:	24
18.11.3.2	Erection of new buildings visible from any street, public place or land zoned residential or reserve	25
18.11.3.3	Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules	25
18.11.4	<i>Discretionary Activities</i>	25
18.11.4.1	Commercial parking buildings and parking areas	25
18.11.4.2	Activities which do not comply with the General Rules in respect of:	25
18.11.4.3	Educational institutions (including early learning and daycare centres) not provided for as Permitted	25
18.11.4.4	Recycling depots	25
18.11.4.5	Indoor Entertainment activities not provided for as Permitted activities	26
18.11.5	<i>Non Complying Activities</i>	26
18.11.5.1	Activities listed as Permitted which do not satisfy the General Rules, and are not provided for as Permitted, Restricted Discretionary or Discretionary activities	26
18.11.5.2	Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities	26
18.12	FRINGE COMMERCIAL ZONE	26
18.12.1	<i>Permitted Activities</i>	26
18.12.1.1	Residential accommodation both visitor and permanent	26
18.12.1.2	Educational institutions (including early learning and daycare centres)	26
18.12.1.3	Offices	26
18.12.1.4	Parking areas	26
18.12.1.5	Food outlets (for cooked and uncooked items)	26
18.12.1.6	Service stations and the storage and sale of liquid petroleum gas	26
18.12.1.7	Health and medical centres	26
18.12.1.8	Alterations or additions to existing external facades of buildings that comply with the general rules	26
18.12.1.9	Spiritual facilities	26
18.12.1.10	Meteorological Activities	26

18.12.1.11	Installation or alteration of antennas and support structures (other than network utility activities)	26
18.12.1.12	Temporary activities	26
18.12.1.13	Erection of new buildings	27
18.12.2	CONTROLLED ACTIVITIES	27
18.12.2.1	Retail activities where the gross floor area is between 500m ² and 5000m ² inclusive ..	27
18.12.3	RESTRICTED DISCRETIONARY ACTIVITIES	27
18.12.3.1	Activities listed as Permitted which do not comply with the General Rules in respect of:	27
18.12.3.2	Temporary activities which do not comply with the rules for Permitted activities in respect of:	28
18.12.3.3	In respect of the site legally described as Lots 1 and 3 DP 311292 only, retail activities having a gross floor area greater than 5,000m ²	28
18.12.3.4	Erection of new buildings visible from any street, public place or land zoned residential or reserve	28
18.12.3.5	Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules	28
18.12.4	DISCRETIONARY ACTIVITIES	29
18.12.4.1	Activities listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary	29
18.12.4.2	Retail activities where the gross floor area is less than 500m ²	29
18.12.4.3	Retail activities where the gross floor area is between 5000m ² and 8000m ² (excluding Lots 1 and 3 DP 311292)	29
18.12.4.4	Industrial activities established within the zone prior to 7th December 2002	29
18.12.4.5	Commercial parking buildings	29
18.12.4.6	Light industrial activities	29
18.12.4.7	Warehouses	29
18.12.5	NON COMPLYING ACTIVITIES	29
18.12.5.1	Activities listed as Permitted which do not satisfy the General Rules, and are not provided for as Restricted Discretionary or Discretionary activities	29
18.12.5.2	Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities	29
18.12.5.3	Retail activities where the gross floor area is 8000m ² or greater (excluding Lots 1 and 3 DP 311292)	29
18.13	OUTER COMMERCIAL ZONE	29
18.13.1	PERMITTED ACTIVITIES	29
18.13.1.1	Residential accommodation both visitor and permanent	29
18.13.1.2	Educational institutions (including early learning and daycare centres) for up to 20 pupils	29
18.13.1.3	Offices ancillary to any other permitted activity	30

18.13.1.4	Parking areas	30
18.13.1.5	Light industrial activities	30
18.13.1.6	Warehouses	30
18.13.1.7	Service stations and the storage and sale of liquid petroleum gas	30
18.13.1.8	Health and medical centres.....	30
18.13.1.9	Alterations or additions to existing external facades of buildings that comply with the general rules	30
18.13.1.10	Spiritual facilities	30
18.13.1.11	Meteorological activities.....	30
18.13.1.12	Installation or alteration of antennas and support structures (other than network utility activities)	30
18.13.1.13	Temporary activities.....	30
18.13.1.14	Recycling depots.....	30
18.13.1.15	Erection of new buildings	30
18.13.1.16	Retail activities ancillary to any other permitted activity.....	30
18.13.2	RESTRICTED DISCRETIONARY ACTIVITIES	31
18.13.2.1	Activities listed as Permitted which do not comply with the General Rules in respect of:	31
18.13.2.2	Activities listed as Permitted which do not comply with the General Rules in respect of:	31
18.13.2.3	Temporary activities which do not comply with the rules for Permitted activities in respect of:	31
18.13.2.4	Erection of new buildings visible from any street, public place or land zoned residential or reserve	32
18.13.2.5	Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules	32
18.13.3	DISCRETIONARY ACTIVITIES	32
18.13.3.1	Activities listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary	32
18.13.3.2	Industry	32
18.13.3.3	Commercial parking buildings.....	32
18.13.3.4	Irradiation plants.....	32
18.13.4	NON COMPLYING ACTIVITIES	32
18.13.4.1	Activities listed as Permitted which do not satisfy the General Rules, and are not provided for as Permitted, Restricted Discretionary or Discretionary activities.....	32
18.13.4.2	Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities	32
18.14	SUBURBAN COMMERCIAL ZONE	32
18.14.1	PERMITTED ACTIVITIES	32
18.14.1.1	Residential accommodation both visitor and permanent	33
18.14.1.2	Small retail activities	33

18.14.1.3	Educational institutions (including early learning and daycare centres) for up to 20 pupils.....	33
18.14.1.4	Offices.....	33
18.14.1.5	Places of assembly.....	33
18.14.1.6	Health and medical centres.....	33
18.14.1.7	Outdoor entertainment and outdoor activities.....	33
18.14.1.8	Restaurants.....	33
18.14.1.9	Alterations or additions to existing external facades of buildings that comply with the general rules.....	34
18.14.1.10	Spiritual facilities.....	34
18.14.1.11	Meteorological activities.....	34
18.14.1.12	Installation or alteration of antennas and support structures (other than network utility activities).....	34
18.14.1.13	Temporary activities.....	34
18.14.1.14	Erection of new buildings.....	34
18.14.2	RESTRICTED DISCRETIONARY ACTIVITIES.....	34
18.14.2.1	Activities which do not comply with the General Rules in respect of:.....	34
18.14.2.2	Temporary activities which do not comply with the rules for Permitted activities in respect of:.....	35
18.14.2.3	Erection of new buildings visible from any street, public place or land zoned residential or reserve.....	35
18.14.2.4	Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules.....	35
18.14.3	DISCRETIONARY ACTIVITIES.....	35
18.14.3.1	Activities listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary activities.....	35
18.14.3.2	Facilities for the sale of liquor (excluding retail stores) and / or consumption of liquor.....	35
18.14.3.3	Alterations and additions to existing licensed buildings and the expansion in operation of existing licensed facilities.....	35
18.14.3.4	Service stations and the storage and sale of liquid petroleum gas.....	35
18.14.3.5	Recycling depots.....	35
18.14.3.6	Supermarkets where the gross floor area is between 1500m ² and 5000m ²	35
18.14.4	NON COMPLYING ACTIVITIES.....	36
18.14.4.1	Activities listed as Permitted which do not satisfy the General Rules, and are not provided for as Permitted, Restricted Discretionary or Discretionary activities.....	36
18.14.4.2	Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities.....	36
18.15	RURAL COMMERCIAL ZONE.....	36
18.15.1	Permitted Activities.....	36
18.15.1.1	Residential accommodation both visitor and permanent.....	36
18.15.1.2	Retail activities.....	36

18.15.1.3	Educational institutions (including early learning and daycare centres) for up to 20 pupils.....	36
18.15.1.4	Offices.....	36
18.15.1.5	Places of assembly.....	36
18.15.1.6	Light industrial activities.....	37
18.15.1.7	Warehouses.....	37
18.15.1.8	Health and medical centres.....	37
18.15.1.9	Alterations or additions to existing external facades of buildings that comply with the general rules.....	37
18.15.1.10	Spiritual facilities.....	37
18.15.1.11	Meteorological activities.....	37
18.15.1.12	Installation or alteration of antennas and support structures (other than network utility activities).....	37
18.15.1.13	Temporary activities.....	37
18.15.1.14	Erection of new buildings.....	37
18.15.1.15	Restaurants.....	37
18.15.2	CONTROLLED ACTIVITIES.....	38
18.15.2.1	Erection of new buildings visible from any street, public place or land zoned residential or reserve.....	38
18.15.2.2	Alterations or additions to existing external facades of buildings (not listed in Appendix 4) that do not comply with the general rules.....	38
18.15.3	RESTRICTED DISCRETIONARY ACTIVITIES.....	38
18.15.3.1	Activities which do not comply with the General Rules in respect of:.....	38
18.15.3.2	Temporary activities which do not comply with the rules for Permitted activities in respect of:.....	38
18.15.4	DISCRETIONARY ACTIVITIES.....	39
18.15.4.1	Activities listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary activities.....	39
18.15.4.2	Facilities for the sale of liquor, including alterations and additions to existing licensed buildings and the expansion in operation of existing licensed activities.....	39
18.15.4.3	Transport and road contractor's depots.....	39
18.15.4.4	Outdoor entertainment and outdoor cafes.....	39
18.15.4.5	Irradiation plants.....	39
18.15.4.6	Recycling depots.....	39
18.15.5	NON COMPLYING ACTIVITIES.....	39
18.16	AMENITY COMMERCIAL ZONE.....	39
18.16.1	PERMITTED ACTIVITIES.....	39
18.16.1.1	Residential accommodation both visitor and permanent.....	39
18.16.1.2	Restaurants.....	39
18.16.1.3	Entertainment and outdoor cafes.....	39

18.16.1.4	Historical and cultural facilities including museums	39
18.16.1.5	Tourist centres and facilities associated with tourism	39
18.16.1.6	Retail activities ancillary to other permitted activities	39
18.16.1.7	Installation or alteration of antennas, or support structures (other than network utility activities)	39
18.16.1.8	Alterations or additions to existing external facades of buildings that comply with the general rules	40
18.16.1.9	Temporary activities	40
18.16.2	RESTRICTED DISCRETIONARY ACTIVITIES	40
18.16.2.1	Activities listed as permitted which do not comply with the General Rules in respect of:	40
18.16.2.2	Erection of new buildings visible from any street, public place or land zoned residential or reserve	40
18.16.2.3	Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules	41
18.16.3	DISCRETIONARY ACTIVITIES	41
18.16.3.1	Activities listed as Permitted which do not comply with the rules, and are not provided for as Controlled, Restricted Discretionary activities	41
18.16.3.2	Activities which do not comply with the General Rules in respect of:	41
18.16.4.3	Educational institutions (including early learning and daycare centres)	41
18.16.4.4	Offices	41
18.16.4.5	Small retail activities	41
18.16.4	NON COMPLYING ACTIVITIES	41
18.16.4.2	Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities	42
18.17	AVIATION COMMERCIAL ZONE	42
18.17.1	PERMITTED ACTIVITIES	42
18.17.2	RESTRICTED DISCRETIONARY ACTIVITIES	42
18.17.3	NON COMPLYING ACTIVITIES	43
18.18	ANTICIPATED ENVIRONMENTAL RESULTS	43

18.0 COMMERCIAL ZONES

18.1 Introduction

There are seven distinct commercial zones – the Inner, Fringe, Outer, Amenity, Aviation, Suburban and Rural Commercial zones. This chapter is directed at administering the effects associated with the establishment and operation of commercial activities as a landuse on a district wide basis, which includes the interrelationship between commercial activities as well as between commercial activities and other land uses. Recognition is given to the form, function, character and importance of existing business activities and centres. This is particularly relevant in the city centre where a wide range of activities are undertaken which in turn contribute to the character of the District. In many ways the vitality and diversity of the commercial centres are a measure of the social, economic and cultural well being of the District.

While the Act can be interpreted to favour an open-ended approach regarding the establishment of commercial activities throughout the district (including rural and residential areas) with only an emphasis being placed on the effects of activities on the environment, this would not bring about the 'sustainable management' of the natural and physical resources of the district, having regard to the distribution and characteristics of existing groupings of business and provision of infrastructure services and amenity values associated with specific locations.

18.1.1 City Commercial Zones

The Inner Commercial and the Fringe Commercial zones form the commercial heart of the Gisborne District, the city centre. Together they are the principal core shopping and business centre for the district, with the peripheral areas containing a range of generally larger commercial & light industrial activities. The location, diversity and range of commercial activities are important contributing factors to maintaining and enhancing amenity values, environmental quality and the vitality and vibrancy of the city centre and the Gisborne region as a whole. The key elements of the city commercial zones are:

1. Form
2. Amenity values
3. Heritage
4. Economic and Social

Form

Form is the overall shape that the urban area takes. The city centre comprises the Fringe Commercial and the Inner Commercial zones being the area bounded by Roebuck Road, Leith Street, Palmerston Road, Childers Road, Kahutia and Customhouse Streets and the Turanganui and Taruheru Rivers. It is contained by the physical boundaries of the two rivers and by residential areas to the north and east and by the Outer Commercial and the Amenity Commercial zones to the south and west. A further area zoned Outer Commercial exists in the area encompassed by Awapuni Road, Grey Street, Stanley Road and the Waikanae stream (referred to in the text as the Awapuni Road area).

Activity and development within the Inner Commercial and Fringe Commercial zones is of a type, scale and intensity which clearly distinguishes it from the surrounding areas. The environmental effects that can be generated particularly in terms of traffic, hours of operation, noise, lighting and glare can be substantial.

The most intense activities, primarily of a retail and entertainment nature are located in the Inner Commercial zone from Reads Quay to Derby Street between Palmerston and Childers Roads. This area is principally a pedestrian area, with a focus on maintaining a continuous street frontage. Amenity values are very important to the success of this area. Commercial activities, especially retail tend to be characterised by smaller specialist shops.

Larger commercial activities including retailing are provided for in the Fringe Commercial zone which surrounds the Inner Commercial zone. This area has a low pedestrian function and is characterised by on site parking.

Less intense activities such as light industry, manufacturing facilities, and some bulk retailing and warehouses are established outside the city centre boundaries but generally within the Outer Commercial zone. Activities in the Fringe Commercial and Outer Commercial zones are less intense but are often high traffic generators. Activities can be adequately controlled through appropriate controls such as noise standards. These commercial activities are seldom night-time uses and consequently there is less disturbance to sensitive adjoining residential areas.

The establishment of the Fringe Commercial zone recognises the relationship between the location and scale of bulk retail activities and the sustainable management of the area identified as the Inner Commercial zone.

The establishment of the Amenity Commercial zone acknowledges the unique position of the zone being an area of significant visual and cultural amenity values, with views of Young Nicks Head, Kaiti Hill, the Cook statue and potentially the Cook landing site across the harbour and is adjacent to an area set aside for future amenity and heritage reserve and adjacent to the inner city walkway. The community has expressed a clear desire to see this zone is intended to provide for activities which will take maximum advantage of this unique location which is also adjacent to the Inner Commercial and Fringe Commercial zones. The highest amenity value on an objective basis attaches to that part of the zone which has direct frontage onto the river, but amenity value can be subjective and the Gisborne community has clearly expressed its strong feeling that the whole of the zone is valued as an amenity site. Council's proposals to zone all of the block between Customhouse Street and the river for Amenity Commercial, were over-ruled by the Environment Court in May 2005 because in the Court's view not all of that area has significant amenity values.

Development in the Amenity Commercial zone will continue to take advantage of its location with accommodation and entertainment activities already starting to acknowledge the significance of the location for the future.

Amenity Values

Amenity values are expressed through the attractiveness, pleasantness, aesthetic quality and coherence of natural and physical features (the built form). The amenity reflects the quality of the built environment and is of particular importance in five areas namely:

- a) the pedestrian orientated high intensity Inner Commercial zone which forms the heart of the city centre; and
- b) the Fringe Commercial zone which is oriented to larger commercial activity, particularly retail, being high traffic generators. Proximity to the Inner commercial zone necessitates a higher level of amenity.

- c) the periphery of the city centre, the Outer Commercial zone where activities, being high traffic generators, impact on sensitive land uses particularly those of a residential nature;
- d) the Awapuni Road area zoned Outer Commercial, which has prominence due to its location en route to the urban area's main beach area and its mixed land use character.
- e) the commercial area (the Amenity Commercial zone) situated adjacent to the harbour and Turanganui river mouth, and adjacent to the Outer, Inner & Fringe Commercial zones. This area has unique potential for development which maximises the benefits of the area's high visual amenity and cultural heritage values and the general amenity values attributed to it by the community.

Heritage

The heritage values of the city centre are reflected through:

- a) buildings, spaces, places, precincts and objects (Post European contact);
- b) archaeological sites (European and Maori);
- c) sites of spiritual and cultural significance to tangata whenua;
- d) natural topographical features (Turanganui and Taruheru Rivers and surrounding hills).

The area comprising the city centre is of importance to tangata whenua as it was one of the earliest areas of Maori settlement and is spiritually and culturally significant. It is a microcosm of New Zealand settlement from Pre- European times through to post European settlement (Refer to European and Maori Heritage Studies). The heritage resource provides an identity unique to the people of the region. There is, therefore a responsibility to record the past for the benefit of future generations. It cannot be achieved alone but should be a community effort with particular emphasis placed on finding the balance between legitimate use of land by landowners and the protection and enhancement of the community heritage resource. The benefits can be considerable and long term particularly in respect of education, cultural and spiritual stability, social well-being, community identity and the efficient use of resources.

If the city centre is to be sustainably managed the major elements that comprise it must be protected, revitalised and enhanced, where this is appropriate.

Economic and Social

Traditionally the city centre has served an important community function. It is usually perceived as a politically neutral area that all sectors of the community can utilise. It is a natural centre point for the community, for regional events of entertainment and celebration.

City centres serve broader functions than those of simply providing goods and services. They act as focal points for the community, centres of entertainment and social services and they represent a substantial physical and community resource.

Inappropriate development can create adverse effects on the amenity values of the established city centre. It is relevant to consider the potential adverse effects of new business activity locating away from established centres and establishing at a scale that could threaten the very existence of the established city centre.

Refer to Chapter 3 for city centre, suburban and rural commercial heritage matters.

These include the effects of additional traffic generation on road capacity and effects on transportation patterns and systems, and the overall availability and accessibility of commercial and community services. Competition arising from new business activity is not, in resource management terms, an adverse effect on existing business. However, it is relevant to ensure that other adverse environmental, social, economic and amenity effects resulting from new development are avoided, remedied or mitigated, or offset by positive effects arising from the new development. Gisborne is isolated in location and does not therefore have the ability to compete for spending from other centres. The diversity of operators is an important contributing factor to the amenity value of the Inner Commercial zone.

It is appropriate that the scale and location of retail activities be regulated using methods such as zoning and rules, to enable the Gisborne community to maintain and enhance the community resource that is the city centre, in order to provide for their social and economic well being.

18.1.2 Suburban Commercial Centres

There are a number of small suburban centres spread throughout Gisborne urban area. They include the following:

- Ballance Street Village, Whataupoko
- Elgin
- Kaiti Mall
- Wainui Road Centre
- DeLatour Road
- Te Hapara
- Riverdale
- Lytton West
- Makaraka

A survey of residents in 1995 indicated that the reason for using these facilities was that they were convenient, often within walking distance of homes and provided a range of essential items. The most frequently used centres were Ballance Street Village, Lytton West and Kaiti Mall.

Despite the need for and the convenience nature of these facilities they do have an environmental impact on the residential areas within which they are located. The impacts from facilities of this nature are largely noise from the activity itself, traffic and parking, glare from lighting, and a loss of amenity values for adjoining properties.

The Plan recognises and provides for the continuation of suburban centres as the provider of goods and services generally serving the needs of the surrounding suburban area. This zone is not intended to provide for activities which service the wider community.

18.1.3 Commercial Centres in Rural Settlements

Commercial service centres also exist in the rural settlements of Tolaga Bay and Ruatoria. Similar issues in respect of noise, traffic, parking, glare from lighting and loss of amenity values also exist in these areas. In respect of Ruatoria there is an amenity value issue not only for adjoining land uses but also internally within the commercial area. There has been considerable community support in Ruatoria for the upgrading of the commercial centre in order to improve the amenity value of the centre.

18.1.4 Aviation Commercial Zone

The Aviation Commercial zone is intended to take advantage of the strategic nature of the site, which is adjacent to the Airport and Rural Industrial A zone and also relatively free from the noise and other development restrictions associated with the Airport.

It allows for the establishment of commercial activities relating to the aviation industry that rely on the proximity to the Gisborne Airport.

18.2 Issues

18.2.1 Commercial uses in the Inner Commercial and Fringe Commercial zones are high intensity activities which have the ability to have a substantial environmental impact on each other and on sensitive adjoining land uses.

18.2.2 The amenity value of the city centre, particularly in the Inner Commercial zone, is eroding. The built elements that contribute to its pleasantness and coherence require maintenance and enhancement.

18.2.3 The trend in retailing towards larger purpose built facilities such as malls, if, located in isolation from the city centre, has the potential to threaten the sustainability of the established city centre, which is a valued community resource.

18.2.4 The location of large retail activities has the potential to result in adverse effects on the amenity values of the Inner Commercial zone

18.2.5 There is a loss of the heritage resource to development.

Refer to Chapter 3.1, 3.2.

18.2.6 Loss of visual amenity in the Awapuni Road area due to the historic urban land use patterns.

18.2.7 Compromise of the unique location of the Amenity Commercial zone by commercial activities which do not require or take any advantage of the significant visual amenity and cultural heritage values of the area.

18.2.8 Commercial activities located in suburban areas or rural settlements, zoned either commercial or residential have the potential to adversely affect the amenity values of the Inner Commercial zone and sensitive adjoining land uses.

18.3 Objective (Form)

1. Avoid, remedy or mitigate adverse environmental effects created by commercial activities within the commercial zones.
2. To bring about the sustainable management of the use, development and protection of physical and natural resources within the different commercial areas of the District, recognising the established framework of existing commercial activities, the importance of new business investment and the unique visual amenity and cultural heritage areas within the Inner Commercial, Amenity Commercial and Fringe Commercial zones.
3. Development of the Aviation Commercial zone to provide for a range of commercial activities relating to the aviation industry and which rely on their proximity to Gisborne Airport.

Principal reason (1): The high intensity commercial activities that occur within the commercial zones have an environmental impact particularly in respect of noise, traffic, dust, fumes and the impacts of night lighting and glare and the movement of people. This is best managed by containing activities with similar impacts in the same area. This also applies to suburban and rural commercial centres particularly as these centres tend to be located adjacent to sensitive landuses (residential and rural in most instances). Amenity value is lost due to above mentioned adverse effects as well as being impacted on by the nature and form of the commercial structures and their related parking.

Principal reason (2): The city centre and other commercial zones, comprise a range of commercial activities and public infrastructure. These need to be managed to promote the sustainable development of the district. At the same time other factors such as amenity values and the need to attract new investment must be given appropriate consideration within the resource management context

18.4 Policies (Form)

1. To contain commercial activities in the city centre to the area bounded by the Inner Commercial and Fringe Commercial zones being approximately Roebuck Road, Leith Street, Palmerston Road, Kahutia Street and the Turanaganui Taruheru Rivers in order to manage the environmental effects of intense development.
2. To encourage high intensity pedestrian focused activities such as small retail, to locate in the Inner Commercial Zone in order to protect the vitality of the Inner Commercial zone and to manage the effects of such high intensity activities and to maintain and enhance a pedestrian friendly character.
3. Activities establishing in the Amenity Commercial zone should be restricted to those requiring and fully utilising the unique aspects of the location. In particular bulk retail facilities requiring large gross floor areas and those activities reliant on vehicular traffic and large parking areas are not considered appropriate activities for the zone.
4. To encourage lower intensity, high traffic generating uses to locate within the Fringe Commercial zone where the effects of commercial uses can be managed to avoid impacts on uses within the zone and on sensitive adjoining land uses.
5. To avoid, remedy or mitigate the adverse effects of suburban and rural commercial activities on sensitive landuses by containing the effects within the zone.
6. In the Inner, Fringe and Outer Commercial zones where service lanes have been designated but where they are impractical to construct due to the existence of structures, they will only be required under the following circumstances:
 - when the owner or owners request construction and Council is in agreement;
 - or
 - when through alteration or demolition it becomes practical to do so and Council is in agreement.
7. Subdivision use and development of land zoned Aviation Commercial shall ensure that:
 - Efficient use of the finite and strategic zoning is achieved;
 - The operational safety and functionality of the Airport is maintained; and
 - Direct access to the Airport site for activities which necessitate this is provided in an efficient manner.

Explanation (1): The intensive activities of the city centre are effectively contained within the Inner Commercial and Fringe Commercial zones being approximately contained within the Roebuck Rd, Leith Street, Palmerston Road, Kahutia Street, Turanganui and Taruheru River block. The environmental effects generated by these commercial activities are contained efficiently and effectively within this area with minimal impacts on adjoining land uses.

Explanation (2): The most intensive form of activity, primarily of a retail and entertainment nature are located in the Inner Commercial zone. These activities are located primarily on Gladstone Road between Childers and Palmerston Roads between Derby Street and Reads Quay/Customhouse Street. These activities are pedestrian orientated by day. In order to avoid pedestrian-car conflicts they are encouraged to cluster. In addition many of the main entertainment areas of the city centre are within this zone. This allows these nighttime operations to function without impacting on each other or on sensitive adjoining land uses.

Smaller retail activities are encouraged to locate within this zone and are not provided for in the Fringe Commercial zone, which is designed for less intensive more vehicle orientated activities. This policy seeks to consolidate pedestrian activities within the Inner Commercial zone as far as practical.

Explanation & reasons (3): The Amenity Commercial zone identifies an area of unique visual amenity and cultural heritage. It is important to ensure that activities that locate in this zone take full advantage of the location. Activities such as large retail and/or those requiring very large gross floor areas are not appropriate in the zone. By design such activities do not take advantage of surrounding landscapes, as buildings usually have minimal windows or opportunities to appreciate views and such activities also require substantial areas for parking which do not enhance the amenity of the Amenity Commercial area.

Explanation (4): Less intensive activities such as light industrial activities, manufacturing facilities and warehouses should be encouraged to locate on the Fringe Commercial zone as their daytime activities can be regulated through appropriate controls such as noise standards. These commercial uses are seldom night activities there is less chance of disturbance to the surrounding land uses particularly where these are of a residential nature

Explanation (5): Suburban and rural commercial centres are generally located adjacent to or within sensitive land use areas (primarily rural and residential). The effects of these activities should be contained within the centres.

Principal reasons (1-5): Activity and development within the commercial zones is of a type, scale and intensity which clearly distinguishes it from the surrounding area. Containment will ensure that the effects of such activities do not spill over onto adjoining land uses particularly those of a residential nature.

Explanation and Principal reasons (6): The areas in which service lanes are required would in some instances mean the purchase and demolition of buildings. It is proposed rather, to take the service lane on redevelopment and to construct it when the parties are in agreement.

18.5 Objectives (Amenity)

3. Maintain and enhance the amenity values of the commercial zones.
4. Maintain and enhance the amenity values of land uses adjoining the commercial zones.
5. Maintain a vibrant and sustainable Inner Commercial zone, where the quality and functioning of the environment and the amenity values are maintained and enhanced.
6. Promote an intensive and integrated city centre, thereby maintaining the sense of 'place' and 'identity' this centre offers.
7. Promote the visual and physical link between activities in the Amenity Commercial zone and the surrounding harbour, walkway, Poverty Bay and Kaiti Hill environment.

Principal reasons (3 - 7): Section 7(c) and 7(f) of the Act requires the maintenance and enhancement of amenity values.

18.6 Policies (Amenity)

7. To maintain and enhance the amenity value of the Inner Commercial zone through managing the street environment by:
- maintaining and enhancing the vitality and vibrancy of the city centre;
 - reinforcing the character of the existing built form in the Inner Commercial zone in terms of mass, rhythm, height, pattern and overall character (design guideline principles);
 - providing for infill developments, alterations, additions and modifications which take into account the heritage value of the built fabric;
 - providing for infill developments, alterations and additions which take into account the role the individual building will play with respect to its overall form, street façade and detail particularly in the Inner Commercial zone;
 - encouraging the location of a diverse range of activities provided their adverse effects can be contained;
 - maintaining views from Gladstone Road to the surrounding green spaces through the use of view shafts particularly from Reads Quay, Peel, Bright Grey and Derby Streets out to the river and surrounding hills;
 - improving the relationship between Gladstone Road and the river by enhancing pedestrian linkages;
 - facilitating pedestrian movement;
 - facilitating vehicle movement through the city centre;
 - alleviating pedestrian / vehicle conflicts;
 - improving parking provisions for all likely users;
 - making use of policies contained in Inner Commercial Design Guidelines.
8. To maintain and enhance the amenity value within the Amenity Commercial zone by:
- ensuring the appropriateness of the form, scale, location and visual appearance of structures in the zone;
 - managing the establishment of activities in the zone on the basis of allowing these which:
 - * enhance the visual and pedestrian linkages between the open space areas adjacent to the harbour and the main commercial centre;
 - * require a high visual amenity and will promote greater pedestrian utilisation of the area;
 - * will encourage awareness of the historical context of this location and its significant views;
 - * contribute towards integrated amenity across the whole area.
9. To maintain and enhance the amenity value of activities adjoining the periphery of the Fringe, Outer and Aviation Commercial zones particularly where these are of a residential nature or where rural or open space predominates by:
- reducing contrasts in terms of built form, scale and architecture;
 - screening unsightly structures, areas and activities;
 - merging commercial activities with residential neighbours particularly in respect of the intensity of the activity.

Refer to Appendix 23 – CBD Inner Commercial Design Guidelines.

10. To maintain and enhance the amenity value of the Fringe Commercial zone by:
 - encouraging the location of a diverse range of activities provided their adverse effects can be contained;
 - facilitating vehicle movement through the city centre;
 - alleviating pedestrian / vehicle conflicts;
 - improving parking provisions for all likely users;
 - reducing contrasts in terms of built form, scale and architecture;
 - screening unsightly structures, areas and activities;
 - adopting measures to soften the external appearance of carparks to prevent them from dominating the landscape;
 - enhance the pedestrian linages between open space areas adjacent to the Taruheru River and the main commercial centre;
 - encouraging pedestrian movement between the Fringe and Inner Commercial zones.
11. To improve the visual character of outer commercial areas which are in prominent locations in relation to tourist resorts particularly in the Awapuni Road area.
12. To maintain or enhance the amenity value of activities adjoining suburban commercial zones by:
 - reducing contrasts in terms of built form, scale and architecture;
 - screening unsightly structures, areas and activities;
 - adopting measures to soften the external appearance of carparks to prevent them from dominating the streetscape;
 - siting toilet blocks and other community facilities in locations that do not impinge on residential uses.
13. To maintain and enhance the amenity value of the suburban commercial zones by managing the street environment by:
 - encouraging activities that are of an appropriate scale and intensity for the zone;
 - ensuring the adequate provision of on-street parking;
 - ensuring signage is appropriate to the character of the area in which it is located.
14. To maintain and enhance the amenity values of rural commercial zones by:
 - ensuring that the scale and intensity of the activities are appropriate to the environment;
 - ensuring the adverse effects on adjoining landuses are avoided, remedied or mitigated.
15. To recognise and protect heritage buildings for their historic and amenity value within the Rural Commercial zone at Tolaga Bay.

16. In circumstances where parking cannot be provided in any commercial zone Council in considering whether to grant consent or impose conditions on any resource consent or designation may:

- waive, partially waive or accept a financial contribution in lieu of parking where:
 - * the provision of parking could lead to the loss of a structure listed on a heritage schedule;
 - * the adaptive reuse of a heritage building would be precluded or the efficient use of a building could not be attained;
 - * a financial contribution in lieu of parking will assist Council in purchasing suitable land within reasonable walking distance to an existing or proposed Council carpark;
 - * the owner / developer has the ability to provide a suitable offsite alternative for parking;
 - * the existing parking areas have the capacity to cope with the likely increased demand created by the activity;
 - * the volume of parking likely to be generated by the activity will not place a burden on available parking in the area;
 - * the peak demand of the activity does not coincide with the peak demand of surrounding activities;
 - * the nature of the topography of the site is such that parking cannot be provided;
 - * size of the lot;
 - * where the use does not generate the demand for the required parking or loading requirements;
 - * the creation of formation of on-site parking would contribute loss of visual amenity values;
- adopting measures to soften the external appearance of carparks and to prevent them from dominating the streetscape.

Refer to 15.4 for parking requirements and contributions in lieu of parking.

Refer also to 3.11.2(2)(c) for parking dispensations for heritage items.

17. Where verandahs are required on a continuous street façade and are not provided the Council may grant consent to waive this requirement under the following circumstances:

- pedestrian traffic flows are low and these are unlikely to increase;
- the design and appearance of an existing building is such that a verandah cannot be added without detrimentally affecting appearance;
- the verandahs on adjoining sites are such that the required continuity cannot be achieved except by altering the height, width or depth;
- the provision of verandahs would detrimentally affect the heritage and architectural values of any item identified in Appendix 3 or 4.

Refer to Urban Planning Maps for continuous street façade.

Explanation (7 & 10): The components comprising this policy are those elements that are most important if amenity values are to be maintained or enhanced, and if integration is to be achieved between the two zones. The existing building resources within the Inner Commercial and Fringe Commercial zones are made up of buildings from many time periods and building styles. Similarly all buildings and objects within the Inner Commercial and Fringe Commercial zones will not necessarily be of a common style. All buildings within the Inner and Fringe Commercial Zone should respect the existing built fabric and should make a positive contribution to the amenity value of the city centre.

The backdrop of the Taruheru River and surrounding hills has amenity value by introducing natural heritage elements into the Inner Commercial Zone. These views and linkages should be protected.

The city centre is reliant on vehicular traffic. Traffic on the other hand can also have a substantial impact on the amenity values of the city centre. Careful traffic and parking management can assist in avoiding, remedying or mitigating negative effects on amenity value and on the environment.

The vitality and functioning of the Inner Commercial zone is potentially affected by the establishment of specialty retail activities outside the Inner Commercial zone. It is considered that large developments such as a mall comprising small retail activities would or could be significant in the Gisborne context, in terms of potential adverse effects on the vitality of the Inner Commercial zone

Explanation & reasons (8): The Amenity Commercial zone identifies an area of unique visual amenity and cultural heritage. It is important to ensure that activities that locate in this zone take full advantage of the location. Activities such as bulk retail should be discouraged from such an important local location. By design such activities do not take advantage of surrounding landscapes, as buildings usually have minimal windows or opportunities to appreciate views and such activities also require substantial areas for parking which do not enhance the amenity of the inner harbour area.

New buildings in the Amenity Commercial zone, adjacent to the river, should be designed to ensure frontage to the river, placing windows and doors towards walkways and pedestrian areas. All development should be linked, wherever possible, to the inner commercial zone to encourage pedestrian movement between Gladstone Road and the amenity commercial zone. The Amenity Commercial zone provisions seek to enhance the opportunities for a range of foot oriented activities not specifically related to commercial retail. Boutique type retail outlets with small gross floor areas and retail outlets for Gisborne made quality craft and paintings etc; small scale galleries/artwork are examples of the types of retail activities that could potentially complement the amenity values of the inner harbour area provided such retail does not adversely effect the vitality of the Inner Commercial zone.

Explanation (9): Amenity standards need to be applied to those less intensive Inner Commercial and Fringe Commercial zone activities if the amenity value of surrounding activities are to be maintained or enhanced. Sensitive screening and the reduction in contrasts between land uses can assist in maintaining or enhancing amenity values.

Explanation (11): The Awapuni Road area requires the enhancement of amenity values due to the existing visually obtrusive nature of activities and structures within and adjacent to residential areas and major tourism routes.

The area encompassed by Awapuni Road, Grey Street, Stanley Road and the Waikanae Stream is visually prominent from the main route through the city centre and to Waikanae Beach. The area has had a history of mixed industrial and commercial use particularly timber treatment and storage which has given the area a generally unattractive visual appearance. Due to its close location to residential activities and tourist attractions it is desirable that over time the amenity value of the area is improved.

Explanation (12): The nature and design of structures should be such that they are in keeping with the scale of adjoining activities and should reflect the character of the area. Activities should be screened from sensitive land uses in order to avoid negative impacts on the surrounding residential environment. Car parks, toilet blocks and other community facilities should be located within the commercial zone away from sensitive land uses.

Explanation (13): Amenity value is not only important for adjoining land uses but also is an important factor within the zone. Activities of an appropriate scale and intensity that meet day-to-day needs should be encouraged. A large warehouse or retail centre would not be of an appropriate size and scale to locate in suburban commercial zone. Adequate off street parking should be provided in order to avoid traffic congestion and its related impacts. Signage should be appropriate to the scale of the zone and should not have any adverse environmental impacts on adjoining properties.

Explanation (14): The smaller commercial centres in rural settlements have amenity value but due to the nature of the location it is different from that of the urban environment. The effects of activities should be avoided, remedied or mitigated and should not have a negative impact on the settlement or the surrounding rural area.

Explanation (15): Tolaga Bay in particular has a number of heritage items contained in a heritage register. These historic items contribute substantially to the amenity value of the settlement. The policies and rules specific to them are located in Chapter 3-Cultural Heritage.

Refer to 3.9 – 3.13 for objectives, policies and methods relating to heritage items.

Explanation (16): There are circumstances where the sustainable use of a building will require that the parking requirement be waived. This will only be done in circumstances where Council is confident that any adverse environmental effects can be avoided, remedied or mitigated.

Principal reason (7 & 9, 11 - 16): Commercial activities have an environmental impact on the residential areas within which they are generally located. The effects are noise from the activity itself, traffic and parking, glare from lighting. Amenity value is lost due to these effects as well as being impacted on by the nature and form of the commercial structures and their related parking. The effects of commercial uses should be grouped and thus contained within the centres. Section 7(c)(f) and (f) of the Act.

Explanation and Principal Reason (17): Verandahs provide shelter from weather conditions. In some circumstances such as those set out in the policy the provision of verandahs may not be suitable.

18.7 Objectives (Economic and Social)

8. Maintain and enhance the Inner Commercial zone as the focus of specialist retail and other commercial activity in the District.
9. To ensure that the importance of the Inner Commercial zone as a centre for business, entertainment and community activities is recognised and provided for as a means of maintaining the value of Gisborne's heritage building resource.

Principal reasons (8 and 9): The heritage building resource is principally located within the Inner Commercial zone, and is a significant resource requiring protection and preservation. Ensuring the continued vitality of the Inner Commercial zone, and its importance as a community and entertainment focal point will promote the continued use and preservation of the heritage buildings of Gisborne.

18.8 Policies (Economic and Social)

18. New development to be encouraged to locate on sites where the effects on the physical infrastructure can be avoided, remedied or mitigated.
19. Limit the density of commercial development according to the ability of the stormwater infrastructure system servicing the site to dispose of the potential runoff generated by the coverage of the site with buildings.
20. To avoid, remedy or mitigate the potential cumulative and consequential effects on the vitality and functioning of the Inner Commercial zone, of allowing a mall type development comprising small retail to establish outside the Inner Commercial zone.

Explanation (18): Consideration has been given to the most sustainable use and expansion of the existing infrastructure system, the present boundaries of commercial activities and the signals indicated by the market in terms of preferred locations. It is necessary to ensure that any expansion of commercial areas is coordinated and well located. Principal reason (18): The policy will ensure that the capacity of the infrastructure system as a whole to function is not compromised by the desires of individuals. A coordinated approach will be adopted in determining the location of future commercial development within the region. The capacity of the service infrastructure is a limited resource affected by the location of such development.

Explanation (19): By limiting development according to the capacity of the stormwater system in particular areas, the functioning of the system as a whole is protected. This will avoid any adverse effect on the environment which would result from the failure of the stormwater system. Principal reason (19): The policy will ensure that the capacity of the infrastructure system as a whole to function is not compromised by the desires of individuals.

Explanation & reason (20): The vitality and functioning of the Inner Commercial zone is potentially affected by the establishment of specialty retail activities outside the Inner Commercial zone. It is considered that large developments such as a mall comprising small retail activities would or could be significant in the Gisborne context, in terms of potential adverse effects on the vitality of the Inner Commercial zone.

18.9 METHODS OF IMPLEMENTATION

18.9.1 Advocacy

1. Annual award, in appropriate circumstances, to the developers or owners whom have made the greatest contribution to the enhancement of amenity values in the Inner, Fringe, Amenity and Outer Commercial Zones.

Principal reason (1): Developers who assist in maintaining and enhancing amenity values should be recognised for their contribution to the community.

18.9.2 Economic Instruments

1. Financial incentives namely:
 - a) Waiving of resource consent fees and partial waiving of building consent fees for new developments if the development complies with the design guidelines for the Inner Commercial Zone;
2. Annual Plan provisions:
 - a) Provision of 2 hours free advice from professionals to assist developers in interpreting the Design Guidelines.
 - b) Provision of adequate funding, through the annual plan, process to meet the objectives

Principal reasons (1 and 2): Developers who assist with the protection of amenity values should be assisted and compensated for their contribution to the community. The provision of incentives will encourage the preservation and protection of the heritage resource and the general vitality of the Inner Commercial zone.

Note: Financial incentives will be awarded on application to the Council and at its discretion. Applicants may apply for a package or a single incentive. Only in exceptional instances will a package be granted. Financial incentives will be phased in over the life of the Plan, at the Councils discretion through the annual plan process.

18.9.3 Urban Design

1. Development of a comprehensive urban design strategy for improvements in the city centre in addition to the design guidelines.
2. Encourage public/private partnerships for city centre development projects.
3. Define view shafts and vantage points.

Refer to Appendix 23 – CBD Inner Commercial Design Guidelines.

Principal reason (1): A comprehensive design strategy would assist in identifying and protecting amenity values for important areas.

Principal reason (2): The protection of amenity values in the city centre and other regional centres is not the sole responsibility of the District Council. Joint ventures are required between all the parties involved in the development process if a high standard of amenity is to be achieved.

Principal reason (3): The city centre is a highly modified environment. Certain natural features such as the Taruheru River and surrounding hills contribute substantially to its amenity value. This method ensures the protection of the views of the remaining natural features.

18.9.4 Management

1. Development of an urban design and landscaping strategy for improvements to the Main Street of Ruatoria.

Principal reason (1): Ruatoria is the largest settlement in the area after Gisborne urban area. There have been a number of community initiatives for upgrading to maintain or enhance amenity values. This method is intended to support these initiatives.

18.9.5 Regulation

1. Zones
2. Rules
3. Design Guidelines

Refer to urban and rural planning maps for location of zones.

Refer to Appendix 23 – CBD Inner Commercial Design Guidelines.

Principal reason (1): Zones are a means to contain the effects of the commercial activities within defined areas and to avoid adverse environmental impacts on adjoining land uses.

Seven commercial zones have been created, for Gisborne city – the Inner Commercial, Fringe Commercial, Outer Commercial, Amenity Commercial, Suburban Commercial, Rural Commercial and Aviation Commercial zones.

The Inner Commercial Zone contains the most intensive activities, primarily of a retail and entertainment nature. These activities are located primarily on Gladstone Road between Childers and Palmerston Roads between Derby Street and Reads Quay Customhouse Street and should be contained within this Zone. This area has a distinct form and has the highest amenity value of the city centre.

Larger commercial activities including retailing are provided for in the Fringe Commercial zone which surrounds the Inner Commercial zone. This area has a low pedestrian function and is characterised by on site parking.

The establishment of the Fringe Commercial zone recognises the relationship between the location and scale of bulk retail activities and the sustainable management of the area identified as the Inner Commercial zone.

Less intensive, high traffic generating activities such as light industrial activities, manufacturing facilities and warehouses should be encouraged to locate on the periphery of the city centre, in the Outer Commercial zone, as their daytime activities can be regulated through appropriate controls such as noise standards. These commercial activities are seldom night activities so consequently there is less disturbance to the surrounding land uses particularly where these are of a residential nature.

The establishment of the Amenity Commercial zone acknowledges the unique position of the zone being an area of significant visual and cultural amenity values, with views of Young Nicks Head, Kaiti Hill, the Cook statue and potentially the Cook landing site across the harbour and is adjacent to an area set aside for future amenity and heritage reserve and adjacent to the inner city walkway. This zone is intended to provide for activities which will take maximum advantage of this unique location which is also adjacent to the Inner Commercial and Fringe Commercial zones. Particular emphasis is given to the encouragement of more intensive residential activities in the zone's proximity to both the waterfront and the City Centre

Development in the Amenity Commercial zone will continue to take advantage of its location with accommodation and entertainment activities already starting to acknowledge the significance of the location for the future.

Suburban Commercial zones are intended to generally provide for the local convenience retail needs of the immediate suburban area. The zone is not intended to provide for activities which service the wider community. Such activities are more appropriately provided for in the Inner Commercial and Fringe Commercial zones. The Gisborne district can only support a single major commercial centre and for the foreseeable future this will be the area identified as the Inner Commercial and Fringe Commercial zones.

Suburban and Rural Commercial Zones are generally situated within a sensitive receiving environments often adjacent to residential areas. It is important that the adverse effects of these activities are contained within the zone.

The Aviation Commercial zone is located adjacent to the Airport and is intended to provide for a range of commercial activities relating to the aviation industry that rely on their proximity to the Gisborne Airport.

Principal reason (2): Rules have applied in circumstances where it is unlikely that the adverse effects of activities could be controlled by any other method.

Principal reason (3): It is Council's intention that the guidelines apply to both the Inner Commercial and Amenity Commercial zones where the maintenance and enhancement of amenity values is a priority. However at present guidelines have only been prepared for the Inner Commercial zone.

18.10 RULES FOR COMMERCIAL ZONES

Note:

Activities shall comply, where relevant, with the regional or district rules in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards and Chapter 6-Land, Chapter 9-Contaminated Sites, Chapter 9A-Hazardous Substances, Chapter 10-Signs, and Chapter 12-Subdivision.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

General Rules

The following General Rules shall apply to all permitted activities conducted in commercial zones:

18.10.1 All activities shall comply with rules specified in Chapter 8 – Infrastructure, Works and Services and Chapter 11-Noise and Vibration.

18.10.2 Lighting and Glare

- a) All exterior lighting shall be directed away from adjacent properties and roads so that the spill of light is contained within the boundaries of the property.
- b) Any welding activities (excluding construction activities) shall be screened so that they are not visible from residential or reserve zones and roads.
- c) Activities shall not emit artificial lighting greater than:
 - i) 10 lux spill (horizontal and vertical) of light as measured at or within the boundary of any site zoned residential or the notional boundary of any rural dwelling;

- ii) 20 lux spill (horizontal and vertical) of light as measured at or within the boundary of any property zoned commercial
- iii) 10 lux spill (horizontal and vertical) of light as measured within any road carriageway, other than from road lighting.

18.10.3 Height and Recession plane

- a) Structures (excluding poles, streetlights or aerials and dish antennas and their supporting structures) shall comply with the following height limits:

Zone	Street	Minimum height	Maximum height
Inner Commercial	Gladstone Road/ Peel Street marked as continuous street facade	8m	14m
Fringe, Amenity Commercial & Outer Commercial	Within zone boundary	-	12m
Suburban & Rural Commercial	Within zone boundary	-	10m
Aviation Commercial	Within zone boundary	-	12m

Refer to 8.10.2 and Appendix 14 for additional height controls relating to the Gisborne Airport.

PROVIDED THAT any site having a common boundary with any residential or reserve land, buildings shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.

Refer to Appendix 21 – Recession Plane Indicator.

18.10.4 Yard Distances

- a) Inner Commercial Zone:
 - A continuous building edge is required along areas marked on the planning maps as continuous street facade.
- b) Outer Commercial Zone:
 - Front yard on Awapuni Road between Grey Street and Stanley Road 4.5m
 - Front yard on Grey Street 4.5m
 - All yards adjacent to Customhouse St 4.5m
 - Rear yard on the Waikanae Stream 20m from Mean High Water Mark
- c) Fringe Commercial zone:
 - All yards adjacent to Customhouse St 4.5m
 - Yards adjacent to the Taruheru River 20m
- d) Amenity Commercial zone:
 - All yards adjacent to Customhouse St 4.5m
- e) Aviation Commercial zone:
 - Front yard on Aerodrome Road 4.5m
 - No other yards are required.
- f) All other zones:
 - i) yards are required only where a site adjoins a reserve, rural, residential zone or community facility or a road adjacent to a reserve, rural or residential zone or community facility.
 - ii) front yards: 4.5m

- iii) other yards, including Service areas and outdoor storage areas
and Street boundaries of car parks: 3.0m

18.10.5 Storage

- a) For sites zoned Fringe Commercial, no goods or materials other than those for sale shall be stored on any uncovered portion of the site so that they are visible from a street, public place or residential or reserve zoned land.

18.10.6 Building Materials

- a) For sites zoned Fringe Commercial. The exterior of buildings shall not, after construction, be clad in unpainted corrugated iron or remain as unpainted concrete blocks.

18.10.7 Parking

- a) It shall not be necessary to provide car parking or loading spaces on sites in the Inner Commercial Zones having frontage to streets marked as continuous street facade and not having legal access to any other road.

Refer to Urban Planning Maps for continuous street façade.

18.10.8 Verandahs

- a) Verandahs shall be provided for all buildings located in areas marked as continuous street facade on the Urban planning maps. Verandahs shall:
 - i) be at least 2.9m above the footpath;
 - ii) extend for the full length of the frontage of the site;
 - iii) for those buildings within the areas specified by Appendix 27 the verandah shall cover the width distance specified in that appendix. For other areas, verandahs shall cover the full width of the footpath less 500mm;
 - iv) be related to its neighbour to provide continuity.
 - v) be cantilevered off the building to which it is associated and not be supported by posts at the kerb line if it is located in the legal road reserve.

Refer to Appendix 27 – Verandah requirements.

18.10.9 Landscaping

18.10.9.1 Aviation Commercial Zone

- a) All activities shall comply with the rules for landscaping specified in Appendix 32.

18.10.9.2 Suburban Commercial, Rural Commercial, Fringe Commercial, Amenity Commercial and Outer Commercial Zones

- a) Planting includes both trees and shrubs.
- b) All plants to be in a healthy, disease free state, at time of planting.
- c) All landscape beds shall remain free of impervious materials and surfaces, Where bed are adjacent to storage or vehicle manoeuvring areas, beds shall be protected by wheel stop barriers to prevent damage to plants or the actual bed.
- d) A two year maintenance programme of mulching, watering and weeding is required to ensure the survival or replacement of all trees and at least 80% of shrubs. This level of maintenance shall be continued thereafter.

- e) Tree species shall be capable of attaining a minimum height of 4m.
- f) Trees shall not pose a hazard for adjoining residential neighbours or cars in the road reserve because of their physical characteristics, including susceptibility to wind throw, splitting off of branches and the release or loss of large cones.
- g) Tree species shall not pose a health hazard because of pollen released by them.
- h) Tree species shall be selected and/or located so as to minimise the effects of overshadowing on adjoining residential properties.
- i) Tree species above car parks shall not release honeydew or other liquid residues which can damage paintwork on vehicles.
- j) Trees located so that their canopies will ultimately extend over pedestrian areas shall have a habit (form) that either naturally accommodates the free passage of pedestrians under them or that can be pruned to accommodate such movement.
- k) Where the Council has already adopted a street planting strategy in the surrounding commercial or residential precinct tree species shall be chosen that are compatible with the intent and theme of that programme.
- l) Fencing or walling shall be continuous along residential boundaries and reserve boundaries without breaks.
- m) Gaps between boards shall be closed off either by overlapping boards or by the use of battens.
- n) The style of fencing and its general appearance shall not detract from residential amenity values.
- o) All fencing/walling is to be maintained.
- p) The landscaping rules for yards shall apply in respect of any new development (including service areas and outdoor storage areas if visible from any street, public place or land zoned residential or reserve), or any extension to an existing development comprising a total floor area of 100m² or greater.
- q) With respect to landscaping rules for yards, the rule may be modified or waived at the request of the owner of the affected adjoining site provided that copies of the site plan, elevations, and landscaping plan which have been signed by both the adjoining owner and the owner of the commercial site are deposited with the Council.
- r) Detailed landscape plans and a maintenance schedule covering a two year period after planting shall accompany all restricted discretionary, discretionary and non-complying applications.
- s) Design and implementation of landscaping shall be such that vegetation does not protrude or be allowed to grow in a manner that will adversely affect suitable sight distances for motorists entering and exiting entranceways and intersection onto Awapuni Road. Landscaping shall not be planted in the state highway road reserve. Planting shall be in accordance with sight distances specified in Table 2 of Rule 8.13.8.2(C).

18.10.9.3 Landscaping at the Residential/Reserve Interface

- a) Landscaping shall be provided on sites adjoining recreational or residential zoned land, in accordance with the following rules:

Yard or street front	Minimum Planting Bed Depth & Fencing within the Yard	Trees	Minimum Size at Planting	Shrubs	Minimum Size at Planting & at Maturity
All yards adjoining a reserve, rural or residential zone or a road adjacent to a reserve, rural or residential zone or community facility All yards between a service court or outdoor storage area and an adjoining street front	3m depth Planting to face all boundaries except for actual points of entry to the site - for vehicles, pedestrians, power and gas supply 2.0m close boarded fence or solid wall to line inside edge of planter bed	Minimum of one deciduous or evergreen row Trees at a maximum of 9m centres Trees to be consistent with rules 18.10.9.1 e) - k) specified above.	PB 95 or 2.0 metres tall	Minimum of 2 rows Maximum of 1m spacing	PB 8 or 400mm at planting 1.5m at maturity

Table 1 Rules for Landscaping at the residential/reserve interface

18.10.9.4 Landscaping for Carparks

- a) Landscaping for carparking areas shall not be required where 5 or less parking spaces are provided
- b) Landscaping for carparking areas shall not be required within the Aviation Commercial Zone of the Citrus Grove Development Control Area, in which case Appendix 32 shall apply.
- c) Where landscaping is required carparking areas shall also comply with the following rules:

Yard or street front	Minimum Planting Bed Depth & Fencing within the Yard	Trees	Minimum Size at Planting	Shrubs	Minimum Size at Planting & at Maturity
All yards adjoining a reserve zone or street front.	3m depth Planting to face all boundaries except for actual points of entry to the site - for vehicles, pedestrians, power and gas supply	Minimum of one deciduous or evergreen row Trees at a maximum of 7.5m centres Trees to be consistent with rules e) - k) specified above.	PB 95 or 2.0 metres tall	Minimum of 2 rows Maximum of 1.25m spacing	PB 8 or 400mm at planting 1.0m at maturity
All yards adjoining a residential zone	3m depth Planting to face all boundaries except for actual points of entry to the site - for vehicles, pedestrians, power and gas supply 2.0m close boarded fence or solid wall to line inside edge of planter bed	Minimum of one deciduous or evergreen row Trees at a maximum of 7.5m centres Trees to be consistent with rules e) - k) specified above.	PB 95 or 2.0 metres tall	Minimum of 2 rows Maximum of 1.25m spacing	PB 8 or 400mm at planting 1.0m at maturity

Table 2 Rules for Landscaping of Carparking in commercial zones

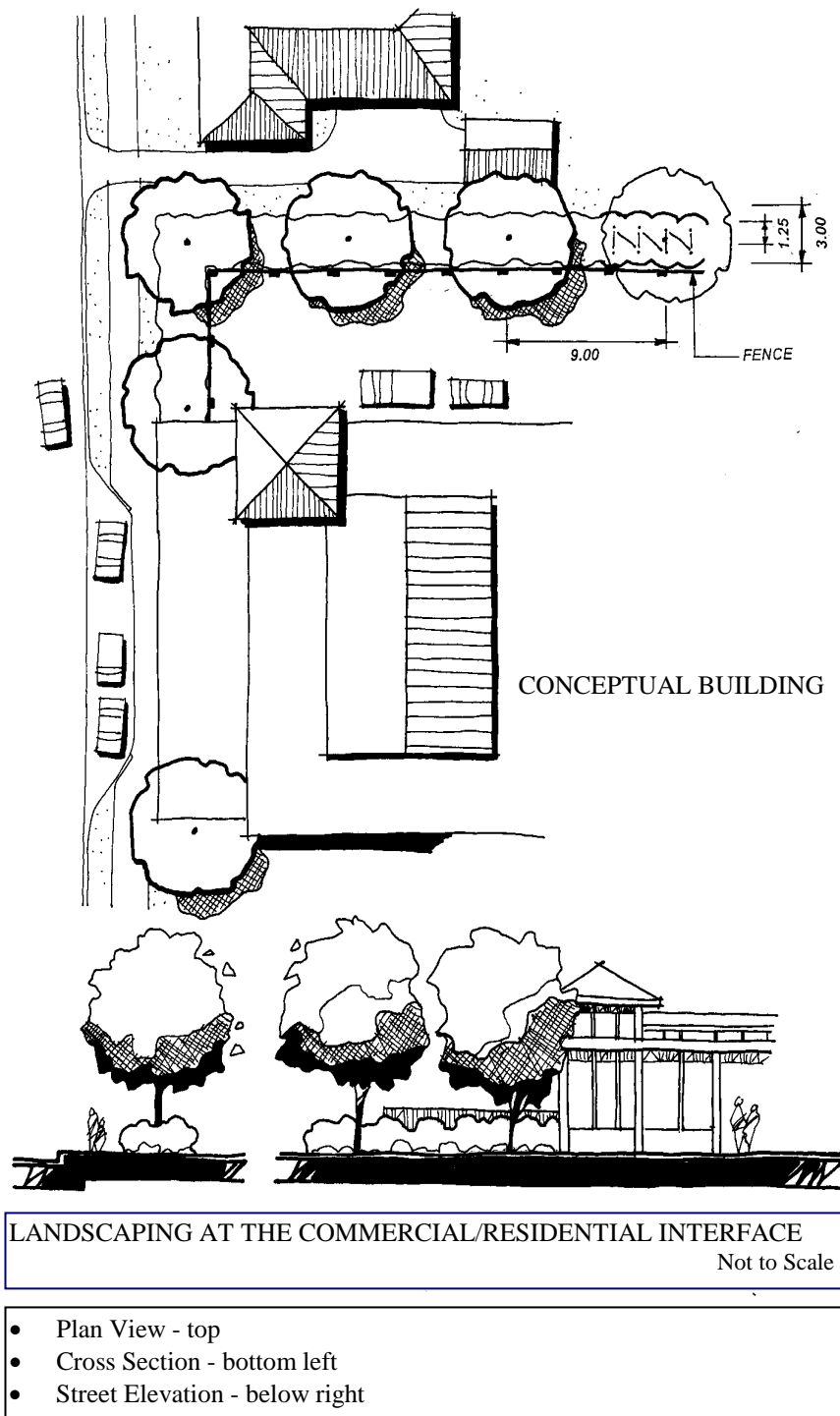


Figure 1 Commercial Landscaping

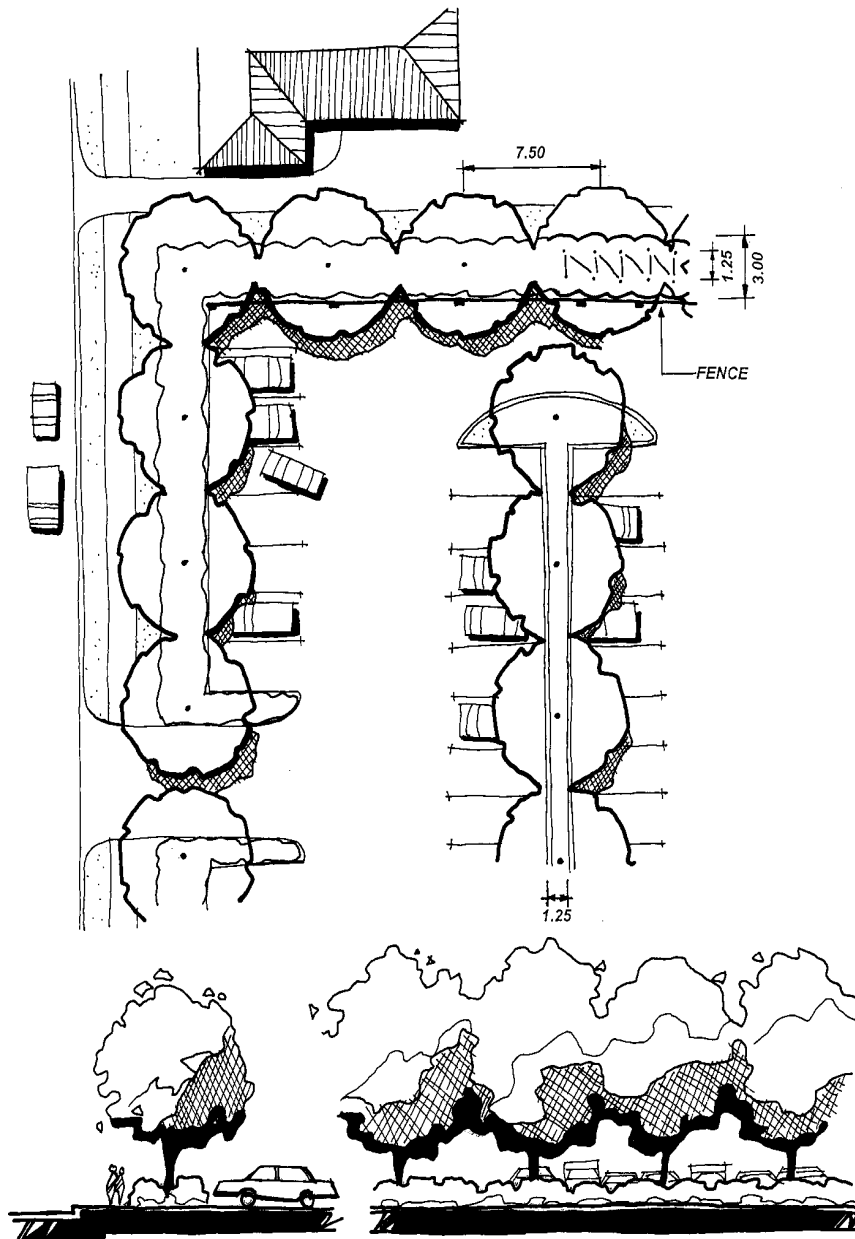


Figure 2 Landscaping Around Carparks

LANDSCAPING AROUND CARPARKS	Not to Scale
<ul style="list-style-type: none"> • Plan View - top • Cross-Section - below left • Street Elevation - below right 	

18.10.10 Alterations or additions to external facades of buildings

- a) The alteration or addition shall not be to a heritage item listed in Appendix 3 or 4.
- b) The alteration or addition to the external facade of the building shall not be greater than 15 square metres in extent or
- c) If the alteration or addition to the external facade of the building is greater than 15 square metres in extent it shall not be visible from a street, public place, or residential or reserve zoned land.

Refer to 3.10 for rules relating to heritage items in Appendix 3 and 4.

Refer to Chapter 10 for rules relating to signs.

18.10.11 Radio Frequency Radiation

- a) All activities shall comply with the New Zealand Standard NZS2772.1 (1999) Radiofrequency Fields: Part 1 Maximum Exposure Levels - 3KHz - 300GHz and with NZS 6609.2:1990 - Radiofrequency radiation: Part 2: Principles and Methods of Measurements 300khz to 100ghz.
- b) All activities shall comply with the International Commission on Non-ionizing Radiation Protection (ICNIRP) Guidelines (1998).

18.11 INNER COMMERCIAL ZONE

18.11.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Rules, where applicable:

18.11.1.1 Residential accommodation both visitor and permanent

PROVIDED THAT:

- a) Accommodation is not situated on the ground floor level;

18.11.1.2 Small retail activities where the gross floor area is less than 500m²

PROVIDED THAT:

- a) Retail activities may include restaurants, facilities for the sale of liquor (including alterations and additions to existing licensed buildings and expansion of existing licensed activities).

18.11.1.3 Outdoor entertainment and outdoor cafes

Note:

Outdoor entertainment and outdoor cafes must also comply with The Public Places Bylaw, 1995.

Refer to Chapter 24 – definition of network utility structure. Refer to the rules for network utilities in Chapter 8.

18.11.1.4 Installation or alteration of antennas, or support structures (other than network utility activities)

18.11.1.5 Offices

Refer to 10.7 and 10.11 for rules relating to signs.

18.11.1.6 Alterations or additions to existing external facades of buildings that comply with the general rules

18.11.1.7 Spiritual facilities

18.11.1.8 Meteorological activities

PROVIDED THAT:

- a) Associated structures shall have a ground coverage of 50m² or less; and have a height not exceeding 15 metres;
- b) Site area shall be 500m² or less.

18.11.1.9 Temporary activities

PROVIDED THAT:

- a) The activity shall be exempt from all the General Rules except noise.
- b) The activity shall comply with rules for noise specified in Rule 11.13.3 (Table 8).
- c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.
- d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.
- e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.

Note:

Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety, can be obtained from the Environmental Health and Building Inspectorates of Council.

18.11.1.10 Erection of new buildings

PROVIDED THAT:

- a) The building is not visible from any street, public place or land zoned residential or reserve.

18.11.1.11 Educational institutions (including early learning and daycare centres)

PROVIDED THAT:

- a) The activity is not located at ground floor level

18.11.1.12 Indoor entertainment activities

PROVIDED THAT:

- a) On sites where a continuous street façade is identified, it shall be maintained. This shall be achieved by the location of other permitted activities, such as cafes, retail or offices on the front facade, with entertainment activities located at the rear of the site. Although an entrance to the entertainment activity shall be permitted at the front of the site.
- b) The activity may include facilities for the sale of liquor (including alterations and additions to existing buildings and expansion of existing licensed activities).
- c) On sites having frontage marked as "continuous street façade" on the urban planning maps, the design capacity of the activity shall not exceed that of retail activities when calculated in terms of the parking requirements set out in Rule 15.4.1 (Table 7).

Refer to Urban Planning maps for continuous street façade.

18.11.2 Controlled Activities

18.11.2.1 Retail activities where the gross floor area is between 500m² and 5000m² inclusive

PROVIDED THAT:

1. The activity satisfies all general rules specified for a Permitted activity.

Council shall limit its control to the matters a) - f) specified below:

- a) Amenity values
- b) Human health and comfort
- c) Financial contributions
- d) Parking, loading and traffic management
- e) Safety, design and appearance
- f) Continuous street façade and pedestrian frontage

18.11.3 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

18.11.3.1 Activities which do not comply with the General Rules in respect of:

- a) Lighting and glare
- b) Roads, accessways and parking
- c) Landscaping in terms of fencing/walling requirements
- d) Financial contributions
- e) Noise
- f) Verandahs

PROVIDED THAT:

1. The activity satisfies all rules (except 18.11.3.1(a) – 18.11.3.1(f) listed above) specified for a Permitted Activity.

Council shall restrict its discretion to the matters a) – g) specified below:

- a) Amenity values
- b) Human health and comfort
- c) Financial contributions
- d) Parking and access
- e) Landscaping, fencing and walling
- f) Safety
- g) Design & appearance

18.11.3.2 Erection of new buildings visible from any street, public place or land zoned residential or reserve

Council shall restrict its discretion to the matters a) - c) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values
- c) External design and appearance

18.11.3.3 Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules

Council shall restrict its discretion to the matters a) - c) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values
- c) External design and appearance

Refer to 3.16 for rules relating to heritage items in Appendix 3 and 4. Refer to 10.7 and 10.11 for rules relating to signs.

18.11.4 Discretionary Activities

The following activities shall be discretionary activities:

18.11.4.1 Commercial parking buildings and parking areas

18.11.4.2 Activities which do not comply with the General Rules in respect of:

- a) Height and Recession plane
- b) Yards

18.11.4.3 Educational institutions (including early learning and daycare centres) not provided for as Permitted

18.11.4.4 Recycling depots

Note:

Design guidelines should be read as policy in conjunction with policy 14.6

18.11.4.5 Indoor Entertainment activities not provided for as Permitted activities**18.11.5 Non Complying Activities**

The following activities shall be non-complying activities:

18.11.5.1 Activities listed as Permitted which do not satisfy the General Rules, and are not provided for as Permitted, Restricted Discretionary or Discretionary activities

18.11.5.2 Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities

18.12 FRINGE COMMERCIAL ZONE**18.12.1 Permitted Activities**

The following activities shall be permitted activities provided they comply with the General Rules, where applicable:

18.12.1.1 Residential accommodation both visitor and permanent

18.12.1.2 Educational institutions (including early learning and daycare centres)

18.12.1.3 Offices

18.12.1.4 Parking areas

18.12.1.5 Food outlets (for cooked and uncooked items)

18.12.1.6 Service stations and the storage and sale of liquid petroleum gas

PROVIDED THAT:

a) The activity does not adjoin a site zoned residential.

18.12.1.7 Health and medical centres

18.12.1.8 Alterations or additions to existing external facades of buildings that comply with the general rules

Refer to 10.7 – 10.9 for rules relating to signs.

18.12.1.9 Spiritual facilities

18.12.1.10 Meteorological Activities

PROVIDED THAT:

a) Associated structures shall have a ground coverage of 50m² or less; and have a height not exceeding 15 metres;

b) Site area shall be 500m² or less.

18.12.1.11 Installation or alteration of antennas and support structures (other than network utility activities)

Refer to Chapter 24 – definition of network utility and utility structure. Refer to Chapter 8 for rules relating to network utilities.

18.12.1.12 Temporary activities

PROVIDED THAT:

a) The activity shall be exempt from all the General Rules except noise.

b) The activity shall comply with rules for noise specified in Section 11.13.3 (Table 8).

- c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.
- d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.
- e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.

18.12.1.13 Erection of new buildings

PROVIDED THAT

- a) The building is not visible from any street, public place or land zoned residential or reserve.

Note:

Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety, can be obtained from the Environmental Health and Building Inspectorates of Council.

18.12.2 Controlled Activities

18.12.2.1 Retail activities where the gross floor area is between 500m² and 5000m² inclusive

Provided that:

1. Only one retail activity or operation shall be permitted per site. The clustering of several independent retail activities or operators is not provided for by the rule.

Council shall limit its control to the matters a) – c) specified below:

- a) External design, appearance and orientation of all buildings and parking areas
- b) Traffic management
- c) Amenity values

18.12.3 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

18.12.3.1 Activities listed as Permitted which do not comply with the General Rules in respect of:

- a) Lighting and glare
- b) Roads, accessways and parking
- c) Landscaping in terms of fencing/walling requirements
- d) Financial contributions
- e) Noise
- f) Height and recession plane
- g) Yards

PROVIDED THAT:

1. The activity satisfies all rules (except 18.12.3.1(a) – 18.12.3.1(g) listed above) specified for a Permitted Activity.

Council shall restrict its discretion to the matters a) – g) specified below:

- a) Amenity values
- b) Human health and comfort
- c) Financial contributions
- d) Parking
- e) Landscaping, fencing and walling
- f) Heritage values in the Heritage Alert Layer
- g) Safety and design and appearance

18.12.3.2 Temporary activities which do not comply with the rules for Permitted activities in respect of:

- a) Noise
- b) Duration of the activity
- c) Frequency of the activity
- d) Hours of operation

Council shall restrict its discretion to the matters a) - d) specified above.

18.12.3.3 In respect of the site legally described as Lots 1 and 3 DP 311292 only, retail activities having a gross floor area greater than 5,000m².

Council shall restrict its discretion to the matters a) – d) specified below:

- a) external design
- b) appearance and orientation of building and parking areas
- c) traffic management
- d) amenity values

18.12.3.4 Erection of new buildings visible from any street, public place or land zoned residential or reserve

Council shall restrict its discretion to the matters a) - c) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values
- c) External design and appearance

18.12.3.5 Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules

Council shall restrict its discretion to the matters a) - c) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values

Refer to 3.16 for rules relating to heritage items in Appendix 3 and 4. Refer to 10.7 and 10.11 for rules relating to signs.

- c) External design and appearance

18.12.4 Discretionary Activities

The following activities shall be discretionary activities:

- 18.12.4.1 Activities listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary
- 18.12.4.2 Retail activities where the gross floor area is less than 500m²
- 18.12.4.3 Retail activities where the gross floor area is between 5000m² and 8000m² (excluding Lots 1 and 3 DP 311292)
- 18.12.4.4 Industrial activities established within the zone prior to 7th December 2002

PROVIDED THAT

- 1. This rule shall include the expansion of such activities onto other sites in the zone.

- 18.12.4.5 Commercial parking buildings
- 18.12.4.6 Light industrial activities
- 18.12.4.7 Warehouses

18.12.5 Non Complying Activities

The following activities shall be non-complying activities:

- 18.12.5.1 Activities listed as Permitted which do not satisfy the General Rules, and are not provided for as Restricted Discretionary or Discretionary activities
- 18.12.5.2 Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities
- 18.12.5.3 Retail activities where the gross floor area is 8000m² or greater (excluding Lots 1 and 3 DP 311292)

18.13 OUTER COMMERCIAL ZONE

18.13.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Rules, where applicable:

18.13.1.1 Residential accommodation both visitor and permanent

PROVIDED THAT:

- a) The activity complies with the rules for the Inner Residential Zone.

18.13.1.2 Educational institutions (including early learning and daycare centres) for up to 20 pupils

Refer to 17.14, 17.15.7.

PROVIDED THAT:

- a) The activity complies with the rules contained in Chapter 17-Residential.

18.13.1.3 Offices ancillary to any other permitted activity

18.13.1.4 Parking areas

18.13.1.5 Light industrial activities

18.13.1.6 Warehouses

18.13.1.7 Service stations and the storage and sale of liquid petroleum gas

PROVIDED THAT:

- a) The activity does not adjoin a site zoned residential.

18.13.1.8 Health and medical centres

18.13.1.9 Alterations or additions to existing external facades of buildings that comply with the general rules

Refer to 10.7 – 10.9 for rules relating to signs.

18.13.1.10 Spiritual facilities

18.13.1.11 Meteorological activities

PROVIDED THAT:

- a) Associated structures shall have a ground coverage of 50m² or less; and have a height not exceeding 15 metres;
b) Site area shall be 500m² or less.

18.13.1.12 Installation or alteration of antennas and support structures (other than network utility activities)

Refer to Chapter 24 – definition of network utility and utility structure.

18.13.1.13 Temporary activities

PROVIDED THAT:

- a) The activity shall be exempt from all the General Rules except noise.
b) The activity shall comply with rules for noise specified in Section 11.13.3 (Table 8).
c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.
d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.
e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.

18.13.1.14 Recycling depots

18.13.1.15 Erection of new buildings

PROVIDED THAT

- a) The building is not visible from any street, public place or land zoned residential or reserve.

Note:

Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety, can be obtained from the Environmental Health and Building Inspectorates of Council.

18.13.1.16 Retail activities ancillary to any other permitted activity

18.13.2 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

18.13.2.1 Activities listed as Permitted which do not comply with the General Rules in respect of:

- a) Lighting and glare
- b) Roads, accessways and parking
- c) Landscaping in terms of fencing/walling requirements
- d) Financial contributions
- e) Noise
- f) Verandahs

PROVIDED THAT:

1. The activity satisfies all rules (except 18.13.3.1(a) – 18.13.3.1(f) listed above) specified for a Permitted Activity.

Council shall restrict its discretion to the matters a) – g) specified below:

- a) Amenity values
- b) Human health and comfort
- c) Financial contributions
- d) Parking
- e) Landscaping, fencing and walling
- f) Heritage values in the Heritage Alert Layer
- g) Safety and design and appearance

18.13.2.2 Activities listed as Permitted which do not comply with the General Rules in respect of:

- a) Height and recession plane
- b) Yards

Provided that:

1. The activity must comply with all rules (except 18.13.3.2(a) – 18.13.3.2(b) listed above) specified for a Permitted Activity.

Council shall restrict its discretion to the matters a) – d) specified below:

- a) Amenity values
- b) Human health and comfort
- c) Heritage values in the Heritage Alert Layer
- d) Financial contributions

18.13.2.3 Temporary activities which do not comply with the rules for Permitted activities in respect of:

- a) Noise
- b) Duration of the activity
- c) Frequency of the activity
- d) Hours of operation

Council shall restrict its discretion to the matters a) - d) specified above.

18.13.2.4 Erection of new buildings visible from any street, public place or land zoned residential or reserve

Council shall restrict its discretion to the matters a) - c) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values
- c) External design and appearance

18.13.2.5 Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules

Council shall restrict its discretion to the matters a) - c) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values
- c) External design and appearance

Refer to 3.16 for rules relating to heritage items in Appendix 3 and 4. Refer to 10.7 and 10.11 for rules relating to signs.

18.13.3 Discretionary Activities

The following activities shall be discretionary activities:

- 18.13.3.1** Activities listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary
- 18.13.3.2** Industry
- 18.13.3.3** Commercial parking buildings
- 18.13.3.4** Irradiation plants

18.13.4 Non Complying Activities

The following activities shall be non-complying activities:

- 18.13.4.1** Activities listed as Permitted which do not satisfy the General Rules, and are not provided for as Permitted, Restricted Discretionary or Discretionary activities
- 18.13.4.2** Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities

18.14 SUBURBAN COMMERCIAL ZONE

18.14.1 Permitted Activities

PROVIDED THAT:

The following activities shall be permitted activities provided they comply with the General Rules, where applicable:

18.14.1.1 Residential accommodation both visitor and permanent

- a) The activity complies with the rules for the General Residential Zone.
- b) The activity does not occur in the Noise Impact Overlay.

Refer to Chapter 7.14, 7.15.2, 17.15.6.

Refer to Appendix 19 – Airport Noise Boundaries.

18.14.1.2 Small retail activities

PROVIDED THAT:

- a) Retail activities shall include the sale of liquor but shall exclude consumption thereof:
- b) Where the retail activity includes the sale of liquor the hours of operation for the sale of liquor shall be limited to Monday-Saturday 0900h to 2300h and Sunday 0900h to 2200h.
- c) The activity does not occur in the Noise Impact Overlay.

Refer to Appendix 19 – Airport Noise Boundaries.

18.14.1.3 Educational institutions (including early learning and daycare centres) for up to 20 pupils

PROVIDED THAT:

- a) The activity complies with the rules contained in Chapter 17-Residential.
- b) The activity does not occur within the Noise Impact Overlay.

Refer to 17.14, 17.15.7.

Refer to Appendix 19 – Airport Noise Boundaries.

18.14.1.4 Offices

PROVIDED THAT:

- a) The activity does not occur in the Noise Impact Overlay

Refer to Appendix 19 – Airport Noise boundaries.

18.14.1.5 Places of assembly

PROVIDED THAT:

- a) The site does not adjoin any site zoned residential.
- b) The hours of operation are limited to 0600 to 2200 hrs.
- c) The activity does not occur in the Noise Impact Overlay.

Refer to Appendix 19 – Airport Noise boundaries.

18.14.1.6 Health and medical centres**18.14.1.7 Outdoor entertainment and outdoor activities**

PROVIDED THAT:

- a) Outdoor entertainment and outdoor activities exclude the consumption of liquor, sale of liquor or facilities for the sale of liquor
- b) The hours of operation are limited to 0800 to 2200 hrs Monday to Saturday
- c) There is no amplified music

Note:

Outdoor entertainment and outdoor activities must also comply with the Public Places Bylaw, 1995.”

18.14.1.8 Restaurants

PROVIDED THAT:

- a) Facilities for the sale of liquor or consumption of liquor (excluding retail stores), shall be excluded
- b) alterations and additions to existing licensed buildings and the expansion in operation of licensed facilities shall be excluded.

18.14.1.9 Alterations or additions to existing external facades of buildings that comply with the general rules

Refer to 10.7 and 10.10 for rules relating to signs.

18.14.1.10 **Spiritual facilities**

18.14.1.11 **Meteorological activities**

PROVIDED THAT:

- a) Associated structures shall have a ground coverage of 50m² or less; and have a height not exceeding 15 metres;
- b) Site area shall be 500m² or less.

18.14.1.12 Installation or alteration of antennas and support structures (other than network utility activities)

18.14.1.13 **Temporary activities**

PROVIDED THAT:

- a) The activity shall be exempt from all the General Rules except noise.
- b) The activity shall comply with rules for noise specified in Section 11.13.3 (Table 8).
- c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.
- d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.
- e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.

18.14.1.14 **Erection of new buildings**

PROVIDED THAT

- a) The building is not visible from any street, public place or land zoned residential or reserve.

Note:

Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety, can be obtained from the Environmental Health and Building Inspectorates of Council.

18.14.2 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

18.14.2.1 Activities which do not comply with the General Rules in respect of:

- a) Lighting and glare
- b) Roads, accessways and parking
- c) Landscaping in terms of fencing/walling requirements
- d) Financial contributions
- e) Noise

PROVIDED THAT:

1. The activity satisfies all rules (except 18.11.3.1(a) – 18.11.3.1(e) listed above) specified for a Permitted Activity.

Council shall restrict its discretion to the matters a) – f) specified below:

- a) Amenity values
- b) Human health and comfort
- c) Financial contributions
- d) Parking
- e) Landscaping, fencing and walling
- f) Heritage values in the Heritage Alert Layer

Refer to Chapter 3.

18.14.2.2 Temporary activities which do not comply with the rules for Permitted activities in respect of:

- a) Noise
- b) Duration of the activity
- c) Frequency of the activity
- d) Hours of operation

Council shall restrict its discretion to the matters a) - d) specified above.

18.14.2.3 **Erection of new buildings visible from any street, public place or land zoned residential or reserve**

Council shall restrict its discretion to the matters a) - c) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values
- c) External design and appearance

18.14.2.4 **Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules**

Council shall restrict its discretion to the matters a) - c) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values
- c) External design and appearance

Refer to 3.16 for rules relating to heritage items in Appendix 3 and 4. Refer to 10.7 and 10.11 for rules relating to signs.

18.14.3 **Discretionary Activities**

The following activities shall be discretionary activities:

18.14.3.1 Activities listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary activities

18.14.3.2 Facilities for the sale of liquor (excluding retail stores) and / or consumption of liquor

18.14.3.3 Alterations and additions to existing licensed buildings and the expansion in operation of existing licensed facilities

18.14.3.4 Service stations and the storage and sale of liquid petroleum gas

18.14.3.5 Recycling depots

18.14.3.6 Supermarkets where the gross floor area is between 1500m² and 5000m²

PROVIDED THAT:

1. The site is located within the area known as Kaiti Mall, situated between Wainui Road and Jackson St.

18.14.4 Non Complying Activities

The following activities shall be non-complying activities:

18.14.4.1 Activities listed as Permitted which do not satisfy the General Rules, and are not provided for as Permitted, Restricted Discretionary or Discretionary activities

18.14.4.2 Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities

18.15 RURAL COMMERCIAL ZONE

18.15.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Rules, where applicable:

18.15.1.1 Residential accommodation both visitor and permanent

PROVIDED THAT:

- a) The activity complies with the rules for the General Residential Zone.

Refer to 17.15.2, 17.14, 17.15.6.

18.15.1.2 Retail activities

PROVIDED THAT:

- a) Retail activities may include the sale of liquor but shall exclude consumption thereof.
- b) Where the retail includes the sale of liquor, the hours of operation for the sale of liquor shall be limited to Monday-Saturday 0900h to 2300h and Sunday 0900h to 2200h.

18.15.1.3 Educational institutions (including early learning and daycare centres) for up to 20 pupils

Refer to Chapter 17.14, 17.15.7.

PROVIDED THAT:

- a) The activity complies with the rules contained in Chapter 17-Residential.

18.15.1.4 Offices

18.15.1.5 Places of assembly

PROVIDED THAT:

- a) The site does not adjoin any site zoned residential.

18.15.1.6 Light industrial activities

18.15.1.7 Warehouses

18.15.1.8 Health and medical centres

18.15.1.9 Alterations or additions to existing external facades of buildings that comply with the general rules

Refer to 10.7, 10.10 for rules relating to signs.

18.15.1.10 Spiritual facilities

18.15.1.11 Meteorological activities

PROVIDED THAT:

- a) Associated structures shall have a ground coverage of 50m² or less; and have a height not exceeding 15 metres;
- b) Site area shall be 500m² or less.

18.15.1.12 Installation or alteration of antennas and support structures (other than network utility activities)

Refer to Chapter 24 – definition of utility structure and network utility. Refer to Chapter 8 for rules relating to network utilities.

18.15.1.13 Temporary activities

PROVIDED THAT:

- a) The activity shall be exempt from all the General Rules except noise.
- b) The activity shall comply with rules for noise specified in Rules 11.13.3 (Table 8).
- c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.
- d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.
- e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.

18.15.1.14 Erection of new buildings

PROVIDED THAT:

- a) The building is not visible from any street, public place or land zoned residential or reserve

Note:

Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety, can be obtained from the Environmental Health and Building Inspectorates of Council.

18.15.1.15 Restaurants

PROVIDED THAT:

- a) Facilities for the sale of liquor or consumption of liquor (excluding retail stores), shall be excluded
- b) Alterations and additions to existing licensed buildings and the expansion in operation of licensed facilities shall be excluded.

18.15.2 Controlled Activities

18.15.2.1 Erection of new buildings visible from any street, public place or land zoned residential or reserve
Council shall limit its control to the matters a) and b) specified below:

- a) External design and appearance
- b) Amenity values

18.15.2.2 Alterations or additions to existing external facades of buildings (not listed in Appendix 4) that do not comply with the general rules
Council shall limit its control to the matters a) and b) specified below:

- a) External design and appearance
- b) Amenity values

Refer to 3.16 for rules relating to heritage items in Appendix 4.

18.15.3 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

18.15.3.1 Activities which do not comply with the General Rules in respect of:

- a) Lighting and glare
- b) Roads, accessways and parking
- c) Landscaping in terms of fencing/walling requirements
- d) Financial contributions
- e) Noise

PROVIDED THAT:

1. The activity satisfies all rules (except 18.12.3.1(a) – 18.12.3.1(e) listed above) specified for a Permitted Activity.

Council shall restrict its discretion to the matters a) – f) specified below:

- a) Amenity values
- b) Human health and comfort
- c) Financial contributions
- d) Parking
- e) Landscaping, fencing and walling
- f) Heritage values in the Heritage Alert Layer

18.15.3.2 Temporary activities which do not comply with the rules for Permitted activities in respect of:

- a) Noise
- b) Duration of the activity
- c) Frequency of the activity
- d) Hours of operation

Council shall restrict its discretion to the matters 18.15.3.2(a) - 18.15.3.2(d) specified above.

18.15.4 Discretionary Activities

The following activities shall be discretionary activities:

- 18.15.4.1 Activities listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary activities
- 18.15.4.2 Facilities for the sale of liquor, including alterations and additions to existing licensed buildings and the expansion in operation of existing licensed activities
- 18.15.4.3 Transport and road contractor's depots
- 18.15.4.4 Outdoor entertainment and outdoor cafes

For sale of liquor in supermarkets, refer to Rule 8.15.1.2.

Note:

Outdoor entertainment and outdoor cafes must also comply with The Public Places Bylaw, 1995 in addition to any planning requirements.

- 18.15.4.5 Irradiation plants
- 18.15.4.6 Recycling depots

18.15.5 Non Complying Activities

The following activities shall be non-complying activities:

- 18.15.5.1 Activities listed as Permitted which do not satisfy the General Rules, and are not provided for as Permitted, Restricted Discretionary or Discretionary activities
- 18.15.5.2 Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities

18.16 AMENITY COMMERCIAL ZONE

18.16.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Rules, where applicable:

- 18.16.1.1 Residential accommodation both visitor and permanent
- 18.16.1.2 Restaurants
- 18.16.1.3 Entertainment and outdoor cafes

Note:

Outdoor entertainment and outdoor cafes must also comply with The Public Places Bylaw, 1995.

- 18.16.1.4 Historical and cultural facilities including museums
- 18.16.1.5 Tourist centres and facilities associated with tourism
- 18.16.1.6 Retail activities ancillary to other permitted activities
- 18.16.1.7 Installation or alteration of antennas, or support structures (other than network utility activities)

Refer to Chapter 24 – definition of utility structure and network utility. Refer to Chapter 8 for rules relating to network utilities

18.16.1.8 Alterations or additions to existing external facades of buildings that comply with the general rules

Refer to 10.7, 10.11 for rules relating to signs.

18.16.1.9 Temporary activities

PROVIDED THAT:

- a) The activity shall be exempt from all the General Rules except noise.
- b) The activity shall comply with rules for noise specified in Section 11.13.3 (Table 8).
- c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.
- d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.
- e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.

Note:

Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety, can be obtained from the Environmental Health and Building Inspectorates of Council.

18.16.2 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

18.16.2.1 Activities listed as permitted which do not comply with the General Rules in respect of:

- a) Lighting and glare
- b) Roads, accessways and parking
- c) Landscaping in terms of fencing/walling requirements
- d) Financial contributions
- e) Noise

PROVIDED THAT:

1. The activity satisfies all rules (except 18.16.3.1(a) – 18.16.3.1(e) listed above) specified for a Permitted Activity.

Council shall restrict its discretion to the matters a) – g) specified below:

- a) Amenity values
- b) Human health and comfort
- c) Financial contributions
- d) Parking and access
- e) Landscaping, fencing and walling
- f) Safety
- g) Design & appearance & orientation to harbor

18.16.2.2 Erection of new buildings visible from any street, public place or land zoned residential or reserve

Council shall restrict its discretion to the matters a) - c) specified below:

- a) Design guidelines in Appendix 23

- b) Amenity values
- c) External design and appearance

18.16.2.3 Alterations or additions to existing external facades of buildings (not listed in Appendix 3 or 4) that do not comply with the general rules

Council shall restrict its discretion to the matters a) - c) specified below:

- a) Design guidelines in Appendix 23
- b) Amenity values
- c) External design and appearance

Refer to 3.16 for rules relating to heritage items in Appendix 3 and 4. Refer to 10.7 and 10.11 for rules relating to signs.

18.16.3 Discretionary Activities

The following activities shall be discretionary activities:

18.16.3.1 Activities listed as Permitted which do not comply with the rules, and are not provided for as Controlled, Restricted Discretionary activities

18.16.3.2 Activities which do not comply with the General Rules in respect of:

- a) Height and recession plane
- b) Yards

18.16.4.3 Educational institutions (including early learning and daycare centres)

18.16.4.4 Offices

18.16.4.5 Small retail activities

The assessment criteria for such proposals shall include:

- a) Amenity values
- b) Interface with other zone activities and building orientation
- c) Parking and access
- d) Landscaping, fencing and walling
- e) Design and appearance, compliance with any design guidelines
- f) Pedestrian access and ease of movement
- g) Financial contribution
- h) Impact on the wellbeing of the existing City Centre
- i) Lighting and glare

18.16.4 Non Complying Activities

The following activities shall be non-complying activities:

18.16.4.1 Activities listed as Permitted which do not satisfy the General Rules, and are not provided for as Permitted, Restricted Discretionary or Discretionary activities

- 18.16.4.2 Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities

18.17 AVIATION COMMERCIAL ZONE

18.17.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Rules, where applicable:

- 18.17.1.1 Aviation Operations
- 18.17.1.2 Aviation Transport Activities
- 18.17.1.3 Offices ancillary to any other permitted activity
- 18.17.1.4 Erection, alterations and additions to buildings for permitted activities
- 18.17.1.5 Meteorological activities
- 18.17.1.6 Installation or alteration of antennas and support structures (other than network utility activities)

18.17.2 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

18.17.2.1 Aviation Training Facilities

PROVIDED THAT:

1. The activity satisfies all rules for a Permitted Activity.

Council shall restrict its discretion to the matters a) – c) specified below:

- a) The noise emissions from any training or circuit flights and compliance with the OCB and ANB contours identified within Appendix 11 – Airport Designation and Noise Conditions
- b) Structure Plan for the Citrus Grove Development Control Area (Appendix 36)
- c) Any measure which may be adopted to manage the noise from training flights. These measures may include – but are not limited to – flight path and flight circuits, hours of operation, flight frequencies, the type of aircraft and mechanical mitigation of engine noise. (Note: it is anticipated that a Management Plan will be developed for this purpose and the opportunity to establish a Community Liaison group shall form part of this Plan.)

18.17.2.2 Activities which do not comply with the General Rules in respect of :

- a) Lighting and glare
- b) Infrastructure, works and services
- c) Financial contributions
- d) Noise
- e) Yards
- f) Height and recession plane, including Airport Height Control Surfaces

PROVIDED THAT:

1. The activity satisfies all rules (except 18.17.2.2a) – 18.17.2.2.f) listed above) for a Permitted Activity.

Council shall restrict its discretion to the matters a) – i) specified below:

- a) Amenity values
- b) Human health, safety and comfort
- c) Financial contributions
- d) Infrastructure, works and services
- e) Structure Plan for the Citrus Grove Development Control Area
- f) Operation of the Airport
- g) Aircraft safety
- h) Reverse sensitivity

18.17.3 Non Complying Activities

The following activities shall be non-complying activities:

- 18.17.3.1** Activities not provided for as Permitted, Restricted Discretionary or Discretionary activities.

18.18 ANTICIPATED ENVIRONMENTAL RESULTS

- a) Maintenance and enhancement of amenity values within the commercial zones particularly in respect of the streetscape.
- b) Maintenance and enhancement of amenity values of residential and other sensitive land uses that adjoin the commercial zones.
- c) Containment of adverse environmental effects within the commercial zones.
- d) A vibrant city centre which meets the major commercial needs of the district.
- e) An Amenity Commercial zone which enables development which takes optimum advantage of and enhances the amenity values and cultural heritage values of the Amenity Commercial zone for the benefit of the wider community.