
SECTION 5: COMMERCIAL ZONE

5.01 CATEGORIES OF ACTIVITIES

5.01.1 PERMITTED ACTIVITIES

The following activities are permitted if they fully comply with the performance standards set out or referred to in Section 5.02.1 - 5.02.9 of the plan and are not listed in Sections 5.01.2, 5.01.3, 5.01.4, 5.01.5 or 5.01.6:

- (a) Retail and Commercial Activities.
- (b) Community Activities and Essential Services.
- (c) Residential Activities.
- (d) Home Occupations.
- (e) Directional Signs including on-site directional signs.
- (f) Signs indicating that a site is the subject of a resource consent application.
- (g) Any activity which may generate unusual heavy vehicle traffic, provided Council is notified in writing of the approximate time, location and volume of such traffic, and the likely type of vehicle(s) involved, at least two years in advance of the occurrence of such traffic.
- (h) Temporary Military Training Activities.
- (i) Postal services.
- (j) Signs, other than those of a moving, flashing, animated or reflective kind adjacent to the state highway system.
- (k) Carparking as provided for on an approved Concept Plan incorporated into this Plan.

5.01.2 CONTROLLED ACTIVITIES

The following activities are controlled activities if they comply with the performance standards set out in section 5.03 of the Plan:

- (a) Temporary Military Training Activities which do not meet one or more of the performance standards for permitted activities.

Matters over which Council may impose conditions:

- (i) Earthworks
- (ii) Heavy vehicle movements and traffic safety
- (iii) Duration of the activity
- (iv) The effects of the activity on amenity values

5.01.3 **LIMITED DISCRETIONARY ACTIVITIES**

- (a) Any new or redeveloping activity within the defined pedestrian area.

Matters over which Council retains discretion:

- (i) Parking
- (ii) Financial contributions

- (b) Any new or redeveloping activity or building which is between 10 and 15 metres in height.

Matters over which Council retains discretion:

- (i) Provision of amenities
- (ii) Height
- (iii) Appearance
- (iv) Financial Contributions

- (c) Any new or redeveloping activity or building in the defined pedestrian area, except in Waverley and Manaia, where continuous verandas are not provided over the full width (less 300 mm along public streets) and length of all public footpaths.

Matters over which Council retains discretion:

- (i) Provision of amenities
- (ii) Appearance
- (iii) Provision of seating
- (iv) Financial Contributions

- (d) Any new or redeveloping activity or building in the defined pedestrian area of Hawera or Eltham where less than 75% of all wall surfaces (except door openings) to the veranda line, facing any pedestrian pathway at ground level is glazed.

Matters over which Council retains discretion:

- (i) Provision of amenities
- (ii) Appearance
- (iii) Financial Contributions

- (e) Any new or redeveloping activity or building where ground floor sites do not have legal access or manoeuvring space on site to a formed road complying with the standards set out in Section 9 of the Plan.

Matters over which Council retains discretion:

- (i) Provision of amenities
- (ii) Access
- (iii) Manoeuvring space
- (iv) Financial Contributions

- (f) Any new redeveloping activity or building which does not comply with the parking provisions in section 9 for permitted activities in the commercial zone.

Matters over which the Council retains discretion:

- (i) Parking
- (ii) Provision of amenities
- (iii) Financial Contributions

- (g) Any new vehicle access, or road, which does not comply with the standards set out in section 9 of this Plan.

Matters over which Council retains discretion:

- (i) Dimensional standards of accessways
- (ii) Separation distances between crossing and/or between intersections and crossings
- (iii) Design speeds and pavement widths
- (iv) Financial Contributions

- (h) Any activity which may generate unusual heavy vehicle traffic.

Matters over which Council retains discretion:

- (i) Need for Bylaws to provide for a route or routes of any associated heavy vehicle traffic
- (ii) Times that heavy vehicle traffic may use the district roading system (other than State Highways)
- (iii) Financial Contributions

- (i) Signs which do not comply with one or more of the performance standards for permitted activities.

Matters over which Council retains a discretion:

- (i) Location of the sign either on or off site
- (ii) Mounting, wording, shape and lighting of the sign
- (iii) Potential effects on traffic safety
- (iv) Operational requirements of the activity
- (v) Visual effects of the sign
- (vi) Amenity values of the locality

- (j) Signs of a moving, flashing, animated or reflective kind adjacent to the State Highway system.

Matters over which Council retains a discretion:

- (i) Size, location and appearance
- (ii) Mounting of the sign
- (iii) Potential effects on traffic safety

(k) Relocated Buildings

Matters over which Council retains discretion:

- (i) Compliance with performance standards for permitted activities
- (ii) External upgrading and painting
- (iii) Financial contributions including bonds for completion of work

(l) Motor vehicle premises, except within the Defined Pedestrian Area.

Matters over which Council retains discretion:

- (i) Appearance
- (ii) Vehicle Access
- (iii) Financial Contributions

5.01.4 DISCRETIONARY ACTIVITIES

- (a) Any retail activity, building or group of buildings which occupies or is designed to occupy over 100 square metres of enclosed floor area, which is not physically linked by a covered footpath to a defined pedestrian area.
- (b) Industrial activities, except in Hawera and Eltham.
- (c) All free standing signs located within the boundary of a legal road.
- (d) Motor vehicle premises within the Defined Pedestrian Area.
- (e) Any activity other than an activity listed in Sections 5.01.5 or 5.01.6 below which does not meet the performance standards set out or referred to in Sections 5.02 or 5.03 below and which has not been granted a resource consent as a Controlled or Limited Discretionary activity.

NOTE: Council may impose Financial Contributions in accordance with Section 16.

5.01.5 NON-COMPLYING ACTIVITIES

- (a) Any retail activity which occupies, or any building or group of buildings which is designed to contain, more than 1000 square metres of enclosed retail floor area, is not physically linked by a covered footpath to a defined pedestrian area, and is not positioned towards that defined pedestrian area.
- (b) Industrial activities in Hawera and Eltham.
- (c) Stockyards.

NOTE: Council may impose Financial Contributions in accordance with Section 16.

5.01.6 PROHIBITED ACTIVITIES

None.

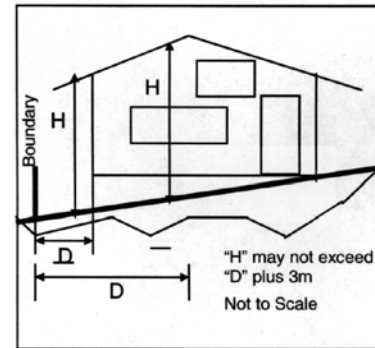
5.02 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES

The following performance standards must be complied with:

5.02.1 Bulk and Location

All Activities

1. No part of any building shall extend more than 10 metres above the ground level of the nearest part of any public street or footpath in the Defined Pedestrian Area within 20 metres or more than 20 metres above the nearest site boundary elsewhere.
2. No part of any building may extend above the natural ground level at the nearest residential or rural zone boundary by more than 3 metres plus the horizontal distance between the part of the building being measured and the nearest rural or residential zone boundary.
3. No part of any structure, vehicle parking area, or material or product storage area shall be located closer than 10m from the boundary with the state highway between Hawera and Normanby.



5.02.2 Access and Rooding

All Activities

1. All ground floor sites shall have legal and practical access to a formed road.
2. All access, including rights-of-way shall be formed to an all weather standard as specified in section 9 of the plan.
3. All access, including rights-of-way, shall comply with the provisions of section 9 of this Plan.

5.02.3 Character and Amenity

All Activities

1. Landscaping (including trees) to a depth of 1.5 metres shall be required on boundaries with Rural and Residential Zones.
2. No commercial building, vehicle parking area for more than four vehicles, or material or product storage area shall be located closer than 4.5 metres to a Residential or Rural Zone boundary.

3. Outdoor storage areas shall be not be visible from residential activities, rural activities and defined pedestrian areas.
4. All exterior light fittings shall be designed, located and installed so that no light passes from the illumination source directly into a dwelling unit.
5. No activity shall emit objectionable spills of light, other than a public street light, which creates a nuisance for dwelling units.
6. Except in Waverley and Manaia, continuous verandas shall be required over the full width (less 300 mm along public streets) and length of all public footpaths in or adjacent to developments which are within the defined pedestrian areas of town centres.
7. In Hawera and Eltham, at least 75 percent of all wall surfaces (except door openings) to the veranda line, facing any pedestrian pathway at ground level in a defined pedestrian area shall be clear glazed. Half of the internal ground level floor area within 3 metres of such glazing shall be used for the display or sales of goods or services available within that building.
8. Landscaping (including low stature planting adjacent to the road reserve) shall be required in the 10m yard adjacent to the boundary with the state highway between Hawera and Normanby.

5.02.4 **Living Environment**

Residential Activities

1. Every dwelling unit shall have access to private outdoor open space at least indirectly from the main living area of the dwelling unit.
2. Every dwelling unit shall be oriented so that its main living area does not look directly into the main living area of another dwelling unit where there is less than 10 metres between main living areas.

5.02.5 **Financial Contributions**

All Activities

1. Financial Contributions must be paid in accordance with Section 16.

5.02.6 **Temporary Military Training Activities**

Temporary Military Training Activities shall comply with the following performance standards:

- (i) The written consent of the owner of the property must have been obtained prior to the activity commencing
- (ii) No permanent structures shall be constructed

- (iii) No earthworks (permanent or mechanical) shall be carried out unless provided for in this plan
- (iv) Flying activity must be in compliance with civil aviation regulations or in agreement with the local controlling authority
- (v) The activity must not exceed a period of 31 days
- (vi) Notice is required to be given to the Council of the date of commencement of the activity.
- (vii) Three days notice is required to be given to the Council where any temporary military exercise involves more than 50 people.

5.02.7 Rules for Signs (other than Directional Signs)

1. All signs shall be located wholly within the property to which the sign relates.
2. For residential activities, one identification sign, not exceeding 0.25 square metres in size shall be allowed per site.
3. For non-residential activities, signs can comprise any of the following:
 - (i) one free standing sign per street frontage up to 7 metres in height, except the state highway frontage between Hawera and Normanby.
 - (ii) signs attached to buildings on the site where signs do not exceed the height of the building profile
 - (iii) any sign contained within the limits of the veranda fascia
 - (iv) under veranda signs subject to a minimum height clearance of 2.5 metres to the ground.
4. Where signs are intended to be viewed from a moving vehicle such signs shall be located so they are fully visible to motorists for 80 metres in a 50 kph speed zone, and 180 metres in a 70 kph speed zone.
5. Signs advertising the sale of the property on which the sign is located or identifying a contractor working on that site, and erected for less than 6 months, shall not exceed 0.6 square metres in area.
6. Signs used for electioneering purposes or announcing community events shall be erected no earlier than 6 months before the election or event and be removed within 7 days of the event concluding, unless otherwise required by statute.
7. Signs advertising the existence of a key tourist attraction that is not on the site where the sign is located shall have the written support of a recognised local tourist promotion organisation such as Information South Taranaki or Tourism Taranaki with regard to its design and location.
8. Signs not located within the site to which they relate shall be located as follows:

- (i) It shall not obstruct or reduce the conspicuity of directional signs
- (ii) It shall be located as far as practicable from known accident locations with an accident record above twice the national average
- (iii) It shall be placed at least 15 metres from any directional sign
- (iv) It shall be erected at right angles to the road
- (v) It shall not obstruct driver visibility along the road and at intersections and entrances
- (vi) The total area of the sign shall not exceed 3 square metres or 4.5 metres above ground level
- (vii) The sign shall not contain more than 6 words and /or symbols provided the lettering is not greater than 300mm or less than 100mm in height.
- (viii) The sign shall not be illuminated.

5.02.8 Rules for On-site directional signs

1. For permitted non-residential activities on-site directional signs shall conform to the same dimension limits set out in Section 5.02.7(2).

5.02.9 Hawera Airport Protection Area – Performance Standards

1. No building, structure, mast, pole, wire, tree or other object or growth shall penetrate the flight path protection plane, or transitional side slopes, or the horizontal surface as shown on the plan AL 42465, and illustrated on the district planning maps (refer to Diagrams 1 – 3 in Appendix I)
2. No road or railway shall be built above or within 4.6 metres vertically of the flight path protection plane, or transitional sides slopes, or the horizontal surfaces as shown on plan AL 42465, and illustrated on the district planning maps (refer to Diagrams 1 – 3 in Appendix I).

5.02.10 General District Wide Performance Standards

Subdivision (See Section 8)
Parking & Transportation (See Section 9)
Noise (See Section 10)
Hazardous Substances (See Section 11)
Natural Hazards (See Section 12)

NOTE: See also:
Designations (See Section 13)
Utilities & Services (See Section 14)
Heritage Protection (See Section 15)
Financial Contributions (See Section 16)

5.03 CONTROLLED ACTIVITIES - PERFORMANCE STANDARDS

5.03.1 Temporary Military Training Activities:

- (i) The written consent of the owner must have been obtained prior to the activity commencing
- (ii) No permanent structures shall be constructed
- (iii) Flying activity must be in compliance with civil aviation regulations or in agreement with the local controlling authority.

5.04 LIMITED DISCRETIONARY AND DISCRETIONARY ACTIVITIES – PERFORMANCE STANDARDS

- #### 5.04.1
- All activities listed in sections 5.01.3 and 5.01.4 shall conform, as far as practicable, with the performance standards set out in section 5.02.