

18 RULES: Commercial 2 Zone

18.1 PERMITTED ACTIVITIES

Any of the following activities is a permitted activity in the Commercial 2 Zone provided:

- It is not a discretionary, limited discretionary, or controlled activity; and
 - It complies with all relevant conditions in Section 18.2 below and Parts 20, 21, 22 and 23 and the definition in Part 25 where applicable.
- (a) **Limited Retail Activities**
 - (b) **Commercial Activities**
 - (c) **Community Activities**
 - (d) **Entertainment Activities**
 - (e) **Residential Activities and Residential Dwelling Units**
 - (f) **Network Utilities and any structures associated with network utilities**
 - (g) **Open Space**
 - (h) **Temporary Activities and buildings associated with that activity**
 - (i) **Accessory Buildings**
 - (j) **Car Parks**
 - (k) **Public Conveniences**
 - (l) **Commercial Garages**
 - (m) **Vehicle Service Stations**
 - (n) **Recreation Facilities**
 - (o) **Visitor Accommodation**
 - (p) **Use of existing community facilities in existence at 1 August 1996 (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.**
 - (q) **Activities for soil conservation, erosion protection, river control or flood protection works undertaken by, or supervised by, the Manawatu-Wanganui Regional Council or other agencies including Tangata Whenua responsible for the management of these works and activities.**
 - (r) **Temporary Training Activities**
 - (s) **Marae and marae based activities.**
 - (t) **Advertising signs located on the site to which the activity relates.**
 - (u) **Official signs.**
 - (v) **The clearance, modification, damage, destruction or removal of indigenous vegetation or habitats of indigenous fauna.**
 - (w) **The minor trimming and maintenance of a Scheduled Notable Tree in order to maintain its state of health.**
 - (x) **The removal of a Scheduled Notable Tree by Council where this is required as an emergency work.**

18 RULES: Commercial 2 Zone

18.2 Conditions for Permitted Activities

The following conditions shall apply to all permitted activities.

18.2.1 Maximum Building Height

No part of any building shall exceed a height of 8.5 metres.

18.2.2 Daylight Setback Envelope

On sites adjoining a residential zone, no building shall encroach outside the daylight setback envelope prescribed for the adjoining residential zone.

18.2.3 Building Setback From Boundaries

For principally residential activities the following shall apply:

- (a) No building shall be located closer than 4.5 metres from any road boundary; and not closer than 3 metres from any other site boundary; except that the setback from one of these other (non-road) boundaries shall be permitted to be reduced to 1.5 metres.
- (b) In mixed activity buildings principally not residential there is no setback requirement.

18.2.4 Screening of Residential Boundaries

All activities immediately abutting a residential site shall incorporate fencing, screening, or site planting along the zone boundary sufficient to screen the site from the residential site.

18.2.5 Safety and Visibility at Road and Rail Intersection

No person shall be permitted to erect any structure, or deposit any materials, or plant any tree that would obscure the sight distances from any road and rail intersection as shown in Diagram 8 (Section 21) (Traffic Sight Lines).

18.2.6 Noise

- (a) No activity shall give rise to any noise which, when measured at any point within the boundary of any **residential or rural zone** exceeds the following noise levels:

On any day

7am - 10pm: 55dBA (L₁₀)

10pm - 7am: 40dBA (L₁₀)

10pm - 7am: 65dBA (A) (L_{max})

- (b) No activity shall give rise to any noise which, when measured at any **commercial or industrial site boundary**, exceeds the following noise level:

On any day

All hours: 65dBA (L₁₀)

The above rules relating to noise shall not apply to fire and civil emergency sirens.

18 RULES: Commercial 2 Zone

(c) Temporary Military Training Activities

- All noise emitted in the course of any temporary military training activities measured from a line 20 metres from and parallel to the facade of any dwelling or the legal boundary where this is closer to the dwelling shall not exceed the following levels:

Time	Limits (dBA)		
	L10	L95	Lmax
(Any day)			
0630-0730	60	45	70
0730-1800	75	60	90
1800-2000	70	55	85
200-0630	55		
Impulse Noise resulting from the use of explosives and small arms is not to exceed 122 dBC.			

- All noise shall be measured and assessed in accordance with N.Z. 6801:1991 "Methods of Measuring Sound" and 6802:1991 "Assessment of Environmental Sound".
- All noise emitted in the course of any construction work shall comply with N.Z.S. 6803:1984.
- Notwithstanding the above rules Section 16 of the Resource Management Act 1991 imposes a duty on every person to avoid unreasonable noise.

18.2.7 Odour

No activity shall give rise to offensive odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in any residential zone.

For the purpose of this condition, an offensive odour is that odour which can be detected and is considered to be offensive by at least two independent observers; including at least one council officer.

18.2.8 Screening of Residential Boundaries

All activities shall incorporate fencing, screening, or site planting of any boundary with any residential zone. Such screening or site planting shall be established and maintained in a manner that does not detract from the amenities of the locality.

18.2.9 Storage Areas

All areas used for the storage of goods, materials, or waste products shall be maintained in a tidy condition and shall be screened from view from residential zones and roads by use of fences or landscape planting or other screen; and such screening shall be constructed and maintained in a manner that does not detract from the amenity of the locality.

18.2.10 Water Supply

All sites shall be provided with a water supply to meet the capacity and quality requirements of the activities undertaken on the site.

18 RULES: Commercial 2 Zone

18.2.11 Wastes Disposal

All wastes (including sewage, effluent, and refuse) that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids any significant adverse effects or nuisance for adjoining residential properties.

18.2.12 Surfacewater Disposal

All activities shall make provision for the collection, treatment, and disposal of surfacewater run-off in a manner that avoids any significant adverse effects on groundwater, air and soil resources to adjoining properties.

18.2.13 Engineering Works

- (i) All activities subdivision and development shall comply with the requirements of Section 20 relating to engineering works and land development.

18.2.14 Development within Stopbanks

No development, including buildings and earthworks shall be permitted within 20 metres from the inland toe of authorised stopbanks. Flood protection works undertaken by Manawatu-Wanganui Regional Council shall be exempt from the 20 metre setback.

18.2.15 Vehicle Access

All activities shall be provided with practicable vehicle access from a public road in accordance with the requirements of Section 21.

18.2.16 Vehicle Parking, Manoeuvring, and Loading

All activities except network utilities on sites less than 200m² shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities as specified in Section 21.

18.2.17 Hazardous Substances

The threshold hazard factor for all activities using or storing hazardous substances shall not exceed “medium” as defined in Section 23.

All activities involving hazardous substances shall comply with the performance conditions specified in Section 23.

18.2.18 Advertising Signs

The following advertising signs may be displayed.

- (a) Any complying temporary sign.
- (b) Any commercial advertising sign located within the site on which the activity occurs or attraction to which the sign relates.

18 RULES: Commercial 2 Zone

provided that:

- (i) Every sign shall comply with the maximum height and daylight setback for the zone.
- (ii) Every sign be designed and constructed in a manner which complements and does not significantly or obtrusively contrast with the amenity and character of the surrounding environment.

18.2.19 Network Utilities

All network utilities and structures associated with network utilities shall comply with the permitted activity conditions set out in Section 22. All other permitted activity conditions in this section of the Plan shall also apply to any network utility or associated structure.

18.2.20 Protection of Areas of Significant Indigenous Vegetation and Significant habitats of Indigenous Fauna

Indigenous vegetation clearance, modification, damage, destruction or removal may not take place in an area which:

- (i) Is within the coastal foredune area (as defined in the proposed Manawatu-Wanganui land and water plan i.e. MHWS to 200 metres inland of the first line of vegetation); or
- (ii) Is an area of 0.5 hectares or greater irrespective of land ownership which has an actual or emerging predominance of indigenous tree species of any height located landward of the coastal foredune area as defined in paragraph (i) above and less than 100 metres in elevation above sea level. For the purpose of this rule, if the greater part of the area to be cleared is below 100 metres in elevation above sea level, then this rule applies; or
- (iii) Is an area of 1 hectare or greater irrespective of land ownership which has an actual or emerging dominance of indigenous tree species of any height located more than 100 metres in elevation above sea level. For the purpose of this rule, if the greater part of the area to be cleared is above 100 metres in elevation above sea level. Then this rule applies.
- (iv) contains indigenous trees (excluding manuka/kanuka) over 6 metres in height, unless the area to be cleared is less than 500 square metres in any 10 year period; or
- (v) contains manuka or kanuka over 6 metres in height in the coastal environment as identified on Maps 32 and 33, unless the area to be cleared is less than 500 square metres in any 10 year period; or
- (vi) is a wetland over 100 square metres in area with an average width of at least 5 metres; or
- (vii) is within 10 metres or a third or higher order stream/river (mapped at 1:50,000) or a lake or wetland, or a permanent flowing stream or river that feeds a wetland(s) or lake(s) within the coastal environment as identified on Planning Maps 32 or 33. What constitutes a third or higher order stream is to be determined pursuant to Strahler's 1952 Classification System and as otherwise defined in Part 25 of the Plan under the heading "Stream Order"; or
- (viii) contains rare or threatened species defined in Schedule 3; or

18 RULES: Commercial 2 Zone

Indigenous vegetation clearance, modification, damage, destruction or removal does not include:

- vegetation that has grown under the canopy of a plantation forest

- scattered trees, shrubs and scrub amongst pasture or horticultural land or production forestry land; or

- actions necessary for the avoidance of imminent danger to human life; or

- actions necessary for the current operation and maintenance of existing infrastructure, including roads, tracks, drains, stream or river access, structures and fence lines and the maintenance, replacement and upgrading of network utilities consistent with rule 22.1.9 of this Plan; or
- the disturbance or damage (but not destruction) of indigenous vegetation as the consequence of harvesting of plantation forest; including where the harvesting involves:
 - (i) the lifting and/or dragging of logs, and/or
 - (ii) the construction and maintenance of forestry roads and stream crossings.

- and the modification is temporary and minor and does not compromise the ecological functioning of the area;

- diseased vegetation that creates an environmental or ecological risk.

18.2.21 Protection of Heritage Features

- (i) No activity or development work shall result in any modification, demolition, alteration or removal of any heritage feature identified in Schedule Two of this Plan. However, normal maintenance and repair work will be permitted.

- (ii) No activity is permitted within the dripline of a Scheduled Notable Tree where that activity could result in any adverse effect on the tree.

- (iii) No person may remove, destroy or damage a tree that may adversely affect the values for which it was considered worthy of protection.

Council may grant consent as a discretionary activity where it is satisfied that one or more of the following circumstances exist:

- The tree is dead or diseased
- The tree has become a danger to life, is causing damage to property, or is likely to do so.

18.2.22 Temporary Military Training Activities

All Temporary Military Training Activities shall, in addition to condition 18.2.6 also comply with the following conditions:

- (i) The written consent of the owner shall have been obtained.
- (ii) No permanent structures may be constructed.
- (iii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
- (iv) Flying activity shall be in compliance with civil aviation regulations or in agreement with the local controlling authority.
- (v) The activity shall be limited to a period not exceeding 31 days.

18 RULES: Commercial 2 Zone

- (vi) Noise from any temporary military training shall not exceed the noise levels provided for the activity in the Noise Conditions for permitted activities for the particular zone.

18.2.23 Sites of significance to Tangata Whenua

No activity or development shall lead to the modification, demolition or removal of any site of significance to Maori where such site has been identified to Council prior to the time that any activity or development is proposed.

18.2.24 Unsightly Buildings

No building shall ever be left unfinished, or constructed, or become in such a state, so that its external appearance is a detraction from the amenities of the neighbourhood in which it is situated.

18.2.25 Vibration

No activity shall create any vibration which exceeds the limits in NZS/ISO 2631.2:1989 – Continuous and Shock-Induced Vibration in Buildings and NZS 4403:1976 – Code of Practice for Storage, Handling and Use of Explosives, and any subsequent amendments.

18.3 CONTROLLED ACTIVITIES

The following shall be controlled activities in the Commercial 2 Zone.

- (a) **The subdivision of land (18.4.1).**
- (b) **The placement of any re-located building residential dwelling unit and/or accessory building (18.4.2).**
- (c) **Any temporary military activity that is not a permitted activity (18.4.3).**

18.4 Controlled Matters and Minimum Conditions

The matters over which Council may reserve its control and the required conditions standards are detailed below for each controlled activity.

18.4.1 Subdivision of Land

Controlled matters

- (i) The provision of:
 - Vehicular and Pedestrian Access;
 - Water supply;
 - Sewage disposal;
 - Surface water disposal;
 - Lighting of Vehicle Access Ways and Roads;
 - Electricity supply and telecommunication connections;to the subdivision, within the subdivision, and to other land in the vicinity which is expected to be developed in the future.

18 RULES: Commercial 2 Zone

- (ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, and seismic event or inundation.
- (iii) The degree to which any subdivision and subsequent development of the land is likely to adversely affect any natural habitat, Significant Natural Area, Outstanding Landscape or Natural Feature or Cultural Feature located on the land being subdivided or developed, Conditions for the protection of such habitats, areas or features may include:
 - The protection of any habitat;
 - Covenanteeing an area;
 - Creation of an esplanade strip or reserve
 - Creation of a buffer zone to avoid any “edge effects” associated with the development. In determining the buffer zone requirement, consultation will be had with the Department of Conservation and horizons.mw.
- (iv) The practicality of the boundaries having regard to the likely future use of the allotment/s.

18.4.2 Re-located Buildings

Controlled Matters

The matters over which Council reserves it's control are as follows:

- The length of time taken to re-construct, repair, or refurbish the building.
- Conditions for upgrading the exterior of the building and upgrading and reinstating the site, including any one or more of the following:
 - redecoration or reinstatement of any roof or exterior cladding
 - reinstatement of any porches, terraces, baseboards and steps
 - replacement of broken window panes, broken or rotten timber, guttering, drainpipes
 - reinstatement of that part of a dwelling where a chimney has been removed
 - reinstatement of the site and access to the site
 - details and length of time to complete site landscaping
- A bond, of the nature provided for in the Resource Management Act 191, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District Council, to ensure compliance with consent conditions. The bond is to be paid prior to the movement of the building to its new site, and shall be to the value of the work required, as assessed by a suitably qualified person approved by the Environmental Services Manager at the cost of the applicant. The required work will be expected to be completed within a 12 month period. Portions of the bond may be refunded as substantial portions of the work are completed.
- The payment of administrative charges.

Conditions

Re-located buildings shall comply, in all respects, with the conditions specified for permitted activities in other relevant parts of the Plan.

18 RULES: Commercial 2 Zone

18.4.3 Temporary Military Training Activities

Controlled Matters

The matters over which Council reserves its control are as follows:

The avoidance, remedying or mitigating any adverse effects on the environment.

18.5 LIMITED DISCRETIONARY ACTIVITIES

- (a) Any permitted or controlled activity which fails to comply with any condition in Clauses 18.2 and 18.4 and Sections 20-24 of this Plan shall be a limited discretionary activity.

The matters over which Council will exercise its discretion shall be limited to the effect of the particular non-compliance on the environment. All other aspects of the activity shall comply with any applicable performance conditions or standards.

18.6 DISCRETIONARY ACTIVITIES

Any activity that is not a permitted, controlled, or limited discretionary activity shall be considered as a discretionary activity.

18.7 Conditions for Discretionary Activities

The conditions specified for permitted activities shall, where appropriate, be referred to as a guideline when determining whether or not any resource consent should be granted and any conditions of such consent.

18 RULES: Commercial 2 Zone
