

17. COMMERCIAL ZONE

17.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Commercial Zone provided activities comply with all relevant conditions in Rule 17.6 and Chapters 21, 22, 23 and 24.

- (a) Retail activities.
- (b) Commercial activities.
- (c) Entertainment activities.
- (d) Visitor accommodation.
- (e) Commercial garages.
- (f) Vehicle service stations.
- (g) Community activities.
- (h) Marae and Marae-based activities.
- (i) Recreation facilities.
- (j) Public conveniences.
- (k) Open space.
- (l) Car parks.
- (m) Relocated buildings up to and including 40m² in gross floor area.
- (n) The construction, alteration of, addition to, and demolition of buildings and structures for any permitted activity.
- (o) The following types of signs:
 - (i) Advertising signs, including public facility or information signs identifying a building, property or business.
 - (ii) Remote advertising signs.
 - (iii) Official signs.
 - (iv) Temporary signs.
 - (v) Signs advertising sale or auction of land or premises.
 - (vi) Health and safety signs.
- (p) The following network utilities and energy activities:

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- (i) The construction, operation, maintenance and upgrading of network utilities.
- (ii) Domestic scale renewable energy devices.
- (q) Within the Flood Hazard Overlay Areas only the following activities:
 - (i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of ~~supervised by~~, Horizons Regional Council.
 - (ii) Maintenance or minor upgrading of existing network utilities.
 - (iii) Installation of underground network utilities.
 - (iv) New above ground lines including support poles.
 - (v) New network utility masts.
 - (vi) New network utility cabinets/buildings.
- Notes:
 - For the definitions of 'maintenance' and 'minor upgrading' refer to Rules 22.1.10(a) and (c) in relation to existing network utilities.
 - Refer to rules in Horizons Regional Council's Proposed One Plan relating to activities in the bed of lakes and rivers, for land adjacent to rivers ~~zoned for river and flood control~~, all land use activities in the coastal marine area, coastal foredunes, areas with flood control and drainage schemes, and erosion protection works that cross or adjoin mean high water springs.
- (r) Within the Foxton Beach, Waitarere Beach and Manakau Pedestrian Overlay Areas, residential activities.
- (s) Within the Levin, Foxton and Shannon Pedestrian Overlay Areas, residential activities above ground floor.
- (t) Within the Foxton and Shannon Town Centre Character/Heritage Overlay Areas, the redevelopment, alteration, and repair of existing buildings which do not change the external building form (floor area and height) of the existing building.
- (u) Within the Foxton and Shannon Town Centre Character/Heritage Overlay Areas, the total or partial demolition or removal of buildings and structures (where not listed in Schedule 2 - Historic Heritage).
- (v) Where a building or structure is listed in Schedule 2 – Historic Heritage, the following are permitted activities:
 - (i) The maintenance, redecoration and repair of the interior and exterior of a Group 1 or 2 building or structure.
 - (ii) Internal alteration of a Group 2 building.
- (w) Where a site is listed in Schedule 2 – Historic Heritage, the following are permitted activities:

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- (i) Maintenance and repair of existing lawns, gardens, structures (including fences), buildings and signage on any site.
 - (ii) Removal of vegetation on any site.
 - (x) Where a tree is listed in Schedule 3 – Notable Trees the following are permitted activities:
 - (i) The removal or partial removal of a Notable Tree.
 - (ii) Any activities within the drip line of a Notable Tree.
 - (iii) Any trimming and maintenance of a Notable Tree.
- Note: The above activities must comply with all Conditions for Permitted Activities specified in Rule 17.6.23.
- (y) Temporary activities.
 - (z) Temporary military training activities.
 - (aa) Earthworks (Refer to Rule 17.4(h)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure and Rule 17.4(i)(ii) Earthworks within a site that is listed in Schedule 2 - Historic Heritage).
 - (bb) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.

National Environmental Standards:

- For any activities on contaminated or potentially contaminated land, refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
- For any Telecommunication or Radiocommunication facilities / activities that are located within a legal road reserve, refer to the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.
- For any activities involving the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation, refer to the National Environmental Standards for Electricity Transmission Activities Regulations 2009. The regulations contain a separate code of rules for those activities listed. Except as provided for by the regulation, no rules in this District Plan apply to such activities.

17.2 CONTROLLED ACTIVITIES

The following activities shall be controlled activities in the Commercial Zone provided activities comply with all relevant conditions in Rule 17.7 and Chapters 21, 22, 23 and 24. Refer to Rule 17.7 for matters of control and conditions.

- (a) Any subdivision of land. (Refer Rule 17.7.1).

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- (b) Any boundary adjustment subdivision within the Flood Hazard Overlay Areas. (Refer Rule 17.7.2)
 - (c) The placement of any relocated building. (Refer Rule 17.7.3)
Except
Any relocated buildings up to and including 40m² in gross floor area.
 - (d) Earthquake strengthening of any Group 2 building listed in Schedule 2 - Historic Heritage. (Refer Rule 17.7.4)
 - (e) Any temporary filming activity that does not comply with the permitted activity duration condition in Rule 17.6.25(b)(i). (Refer Rule 17.7.5)
 - (f) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 17.6.26. (Refer Rule 17.7.6)
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17.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities shall be restricted discretionary activities in the Commercial Zone provided activities comply with all relevant conditions in Rule 17.8. Refer to Rule 17.8 for matters of discretion and conditions.

- (a) Any permitted activity which does not comply with any conditions in Rule 17.6 and Chapters 21, 22, 23 and 24. (Refer Rule 17.8.1)
- (b) Any controlled activity which fails to comply with any controlled activity condition in Rule 17.7 and Chapter 21, 22, 23 and 24 of this District Plan shall be a restricted discretionary activity (Refer Rule 17.8.2).
- (c) Within the Foxton and Shannon Town Centre Character/Heritage Overlay Areas and the Foxton Tourism Overlay Area the following activities:
 - (i) The development of new buildings (Refer Rule 17.8.3)
 - (ii) Any external additions and alterations to existing buildings that do not comply with the permitted activity conditions. (Refer Rule 17.8.3)
- (d) Supermarkets with a gross floor area exceeding 3,000m² within a Large Format Retail Overlay Area. (Refer Rule 17.8.4)
- (e) Within a Flood Hazard Overlay Area, any permitted activity that does not comply with the permitted activity conditions in Rule 17.6.22. (Refer Rule 17.8.5)
- (f) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Refer Rule 17.8.6)
- (g) Any signs attached to, or within the heritage setting of, a building, structure or site listed in Schedule 2 – Historic Heritage that do not comply with the relevant permitted activity conditions. (Refer Rule 17.8.7)

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Note: Refer to Chapter 25 for Assessment Criteria as a guide for preparing an assessment of environmental effects to accompany a resource consent application for any of the above activities.

17.4 DISCRETIONARY ACTIVITIES

The following activities shall be discretionary activities in the Commercial Zone:

- (a) Any activity that is not a permitted, controlled, restricted discretionary or non-complying activity is a discretionary activity.
- (b) Retail activity with a gross floor area exceeding 1,000m² outside of a Large Format Retail Overlay Area.
- (c) Retail activity (excluding supermarkets) with a gross floor area exceeding 3,000m² within a Large Format Retail Overlay Area.
- (d) Within Levin, Foxton and Shannon Pedestrian Overlay Areas, any residential activities at ground floor level.
- (e) Within a Pedestrian Overlay Area:
 - (i) Vehicle service stations
 - (ii) Commercial garages
- (f) Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV.
- (g) Any activity within the Flood Hazard Overlay Area that is not listed as a permitted or restricted discretionary activity, including but not limited to the following:
 - (i) Any erection, placement, alteration of, or addition to, any habitable building or structure.
 - (ii) Any new network utilities (except installation of underground network utilities, above ground lines, network utility masts, and network utility cabinets/buildings which are a permitted activity under Rule 17.1(p)).
 - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 17.2(b)).
 - (iv) Any activity involving storage of hazardous substances.
 - (v) Visitor accommodation.
- (h) Where a building or structure is listed in Schedule 2 – Historic Heritage the following are discretionary activities:
 - (i) Alteration to, or relocation of, a Group 1 or 2 building or structure.
 - (ii) Demolition of a Group 2 building or structure.
 - (iii) Subdivision within the heritage setting of a Group 1 or 2 building or structure.

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- (iv) New building or additions to an unlisted building located within the heritage setting of a Group 1 or 2 building or structure.
 - (v) Earthworks within the heritage setting of a Group 1 or 2 building or structure.
 - (i) Where a site is listed in Schedule 2 – Historic Heritage, the following are discretionary activities:
 - (i) New building or the extension of the footprint of an existing building or structure on a site.
 - (ii) Earthworks.
 - (iii) Subdivision of land.
 - (j) Any permitted work to a listed tree in Schedule 3 - Notable Trees, or any activity within the drip line of a listed Notable Tree, that does not comply with the permitted activity conditions in Rule 17.6.23.
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17.5 NON-COMPLYING ACTIVITIES

The following activities shall be non-complying activities in the Commercial Zone:

- (a) Demolition or destruction of a Group 1 building or a site listed in Schedule 2 – Historic Heritage.
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17.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

17.6.1 Maximum Building Height

- (a) Within the Pedestrian Overlay Area in Levin, no part of any building shall exceed a height of 15 metres.
- (b) Within the Pedestrian Overlay Area in all other towns, no part of any building shall exceed a height of 8.5 metres.
- (c) Outside of the Pedestrian Overlay Area in all towns, no part of any building shall exceed a height of 8.5 metres.

17.6.2 Building Frontage and Size

- (a) Within the Pedestrian Overlay Areas in Levin, Foxton and Shannon, the following conditions apply:
 - (i) All buildings shall be built to the front road boundary of the site.
 - (ii) All buildings shall have display windows along the ground floor road frontage. At least 60% of ground floor facade surface shall be display space or

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transparent window or doors. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.

- (iii) No building shall have a continuous featureless façade/blank wall on the ground floor road frontage wider than 6 metres. A featureless façade or blank wall is a flat or curved wall surface without any openings, glazing or columns, recesses, niches or other architectural detailing.
 - (iv) All buildings shall have a maximum ground floor road frontage width for individual tenancies of 15 metres.
 - (v) Within the Pedestrian Area Overlay in Levin, all building frontages shall have a minimum height of 6 metres.
- (b) In Levin, Outside the Pedestrian Overlay Area in Levin, the following conditions apply:
- (i) Minimum building setback of 3 metres from the front road boundary, except no minimum building setback is required for the front boundary on Oxford Street, Levin. For sites fronting Oxford Street, Levin, where a building is not built up to the front boundary, the space between the building and front boundary shall be landscaped along the frontage of the site in compliance with the standard below.
 - (ii) The area between the building or carpark and front road boundary shall include a landscaping strip. This landscaping strip shall comply with the following conditions:
 - A minimum width of 2 metres.
 - Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 7 metres of site frontage.
 - At least 75% of the landscaping shall be covered by shrubs.
 - The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.
 - (iii) No building shall have a continuous featureless façade/blank wall on the ground floor road frontage wider than 10 metres. A featureless façade or blank wall is a flat or curved wall surface without any openings, glazing or columns, recesses, niches or other architectural detailing.
- (c) In Foxton, Outside the Pedestrian Overlay Area in Foxton, the following conditions apply:
- (i) No minimum building setback applies to the front boundary.
 - (ii) The maximum gross floor area of any building shall not exceed 500m².
 - (iii) All buildings shall have display windows along the ground floor road frontage. At least 60% of ground floor facade surface shall be display space or

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transparent window or doors. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.

- (iv) The area between any on-site carpark and the front road boundary shall include a landscaping strip. This landscaping strip shall comply with the following conditions:
- A minimum width of 2 metres.
 - Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 7 metres of site frontage.
 - At least 75% of the landscaping strip shall be covered by shrubs.
 - The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.
- (v) No building shall have a continuous featureless façade/blank wall on the ground floor road frontage wider than 10 metres. A featureless façade or blank wall is a flat or curved wall surface without any openings, glazing or columns, recesses, niches or other architectural detailing.
- (d) In Foxton Beach, Waitarere Beach and Manakau, the following conditions apply:
- (i) No building shall be setback more than 5 metres from the front road boundary.
- (ii) All buildings, except for residential dwelling units, shall have display windows along the ground floor road frontage. At least 50% of ground floor facade surface shall be display space or transparent window or doors. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.
- (iii) The area between the front road boundary and any on-site carpark and the front road boundary with a frontage of more than 6 metres shall include a landscaping strip. This landscaping strip shall comply with the following conditions:
- A minimum width of 2 metres.
 - Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 7 metres of site frontage.
 - The landscaping strip shall be covered by at least 75% of shrubs.
 - The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.

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- (iv) No building shall have a continuous featureless façade/blank wall on the ground floor road frontage wider than 10 metres. A featureless façade or blank wall is a flat or curved wall surface without any openings, glazing or columns, recesses, niches or other architectural detailing.

17.6.3 Verandahs

- (a) Any parts of a building fronting a street or other public space shall have a verandah. The verandah shall comply with the following conditions:
 - (i) A minimum clearance of 2.5 metres directly above the footpath or formed ground surface.
 - (ii) A maximum clearance of 4 metres (measured at the base of the verandah fascia) directly above the footpath or from ground surface.
 - (iii) Extend for the full length of the building.
 - (iv) Extend outwards from the front of the building to the far side of the kerbing less than 450mm, or the verandah extends out 3 metres whichever is the lesser.
 - (v) Provide continuous shelter with any adjoining verandah or pedestrian shelter.
- (b) Or where a building is setback from the front boundary, a canopy of at least 2 metres in depth shall be provided over the full width of the main entrance to the building.

17.6.4 Sites Adjoining Residential Zone or Open Space Zone

- (a) Where a site adjoins the Residential Zone or Open Space Zone, the following conditions shall apply:
 - (i) All buildings and structures shall comply with the daylight setback envelope of the adjoining Residential Zone or Open Space Zone.
 - (ii) All buildings and structures shall be setback 4.5 metres from the Residential Zone or Open Space Zone boundary.
 - (iii) All outdoor carparking, storage, servicing and loading areas shall be screened by a close-boarded fence made of solid material with a minimum height of 1.2 metres and a maximum height of 2 metres.
 - (iv) Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.

17.6.5 Signs

- (a) All permitted signs shall comply with the following:
 - (i) All signs on a site shall comply with the maximum height, and where applicable daylight setback for the Zone.
 - (ii) All signs attached to buildings shall not exceed the highest point of the roof.

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- (iii) All signs extending over a footpath shall be a minimum of 2.2 metres above the footpath and setback 450mm from the kerb of a road.
 - (iv) Any temporary sign shall be displayed for no longer than two (2) calendar months of a 12 month period every calendar year and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.
 - (v) Signs advertising the sale or auction of land or premises shall be removed within 10 days of the property being sold, leased or withdrawn from the market.
- (b) Any permitted signs within the Foxton and Shannon Town Centre Character/Heritage Overlay Areas; or attached to any building or structure, or within the heritage setting of any Group 1 or 2 building or structure, or site listed in Schedule 2 – Historic Heritage; shall comply with the conditions in Rule 17.6.5(a) above as well as the following:
- (i) All signs shall have a total combined maximum face area of 6m².
 - (ii) All signs shall not extend above the building parapet.

17.6.6 Noise

- (a) Noise from any activity shall not exceed the following limits when measured at, or within, any point in any site in the Residential, Greenbelt Residential, or Rural Zones:
- (i) On any day:
 - 7.00am – 7.00pm: 55dB L_{Aeq} (15mins).
 - 7.00pm – 10.00pm: 50dB L_{Aeq} (15mins).
 - 10.00pm - 7.00am: 40dB L_{Aeq} (15mins).
 - 10.00pm – 7.00am: 65dB L_(max).
- (b) Noise from any activity shall not exceed 65dB L_{Aeq} at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.
- (c) Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics – Environmental noise.
- (d) Construction, maintenance and demolition works work shall be measured, assessed, managed and controlled by in accordance with the provisions of NZS6803:1999 Acoustics – Construction noise.
- (e) The noise limits in Rule 17.6.6(a), ~~and~~ 17.6.6(b) and 17.6.6(c) shall not apply to the following activities:
- (i) Fire and civil emergency sirens.
 - (ii) Construction, maintenance and demolition work.

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- (iii) The operation of the Main North Island Trunk Railway.
- (iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), ~~or within a site as part of or compatible with a normal residential activity.~~
- (v) Temporary Military Training Activities.
- (vi) Temporary events.

Notwithstanding the above rules, Section 16 of the Resource Management Act 1991 imposes a duty on every occupier of land and any person carrying out an activity in, on or under a water body to adopt the best practicable option to avoid unreasonable noise.

17.6.7 Noise Insulation

- (a) Any habitable room in a building used by a noise sensitive activity shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

- (i) $D_{nT,w} + C_{tr} > 25 \text{ dB}$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- (ii) ~~a~~Accords with the schedule of typical building construction set out in Commercial Zone, Appendix 1 "Noise Insulation Construction Schedule"; or
 - (iii) ~~a~~Accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.
- (b) Ventilation: Where bedrooms with unopenable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

17.6.8 Vibration

- (a) No activity shall create any vibration which exceeds the limits in the following standards:
 - (i) AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – General requirements.
 - (ii) AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and Shock-Induced Vibration in Buildings (1 to 80 Hz).
 - (iii) DIN 4150-3:1999 Effects of vibration on structures.
 - (iv) NZS 4403:1976 Code of Practice for Storage, Handling, and Use of Explosives, and any subsequent amendments.

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17.6.9 Odour

- (a) No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in any Residential Zone.

Note: For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the “FIDOL factors” may be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

17.6.10 Light Spill

- (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

17.6.11 Unsightly Buildings

- (a) No building shall be left unfinished, ~~or constructed,~~ or be permitted to deteriorate such become in such a state so that its external appearance adversely affects the amenity ~~is a distraction from the amenities~~ of the neighbourhood in which it is situated.

17.6.12 Storage Areas

- (a) All areas used for the storage of goods, materials, or waste products shall be screened from view from the Residential Zone, Open Space Zone, roads and other public spaces by solid screening such as fences or planting.

17.6.13 Water Supply

- (a) All sites shall be provided with a water supply to meet the capacity and the quality requirements of the activities undertaken on the site in accordance with Chapter 24.

17.6.14 Wastes Disposal

- (a) 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 for adjoining properties.

17.6.15 Surfacewater Disposal

- (a) All activities shall make provision for the management of stormwater as means of dealing with water quantity and water quality to avoid significant adverse effects or nuisance.

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17.6.16 Engineering Works

- (a) All activities, subdivisions and developments shall comply with the permitted activity conditions in Chapter 24.

17.6.17 Vehicle Access

- (a) All activities shall be provided with practicable vehicle access from a public road in accordance with the permitted activity conditions in Chapter 21.

17.6.18 Vehicle Parking, Manoeuvring, and Loading

Note: Activities within any Pedestrian Overlay Area are not required to provide on-site vehicle parking spaces, but where parking is provided compliance is required with the conditions in Chapter 21 (except the minimum number of carparks).

- (a) Outside of any Pedestrian Overlay Area, the following conditions apply:
- (i) All activities, ~~except network utilities on sites less than 200m²~~, shall provide on-site vehicle parking, manoeuvring areas and loading facilities as required in Chapter 21.
 - (ii) Any surface or ground level parking area shall not exceed a maximum width of 10 metres along the site road frontage or 40% of the site frontage whichever is the lesser. Where the parking area is located on the site frontage, the area between the carpark and front road boundary shall include a landscaping strip. This landscaping strip shall comply with the following conditions
 - A minimum width of 2 metres.
 - Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 7 metres of site frontage.
 - The landscaping strip shall be covered by at least 75% of shrubs.
 - The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.

17.6.19 Safety and Visibility at Road and Rail Intersection

- (a) No building or structure shall be erected, no materials shall be ~~deposited~~ placed, or vegetation planted that would obscure the railway level crossing approach sight distances triangles from any road and rail intersection as shown detailed in Rule 21.1.11 in Diagram 4 (Chapter 21-Traffic Sight Lines at Road and Rail Intersections).

17.6.20 Network Utilities

- (a) All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Chapter 22.

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- (b) All other permitted activity conditions specified in this Chapter of the District Plan shall also apply to any network utility or associated structure.

17.6.21 Hazardous Substances

- (a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Commercial Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

17.6.22 Flood Hazard Overlay Area

- (a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- (b) Within a Flood Hazard Overlay Area, the erection, placement, alteration of, or addition to, any non-habitable structure, with an unsealed or permeable floor shall not exceed a gross floor area of 40m² per site.

Except the above two standards (a) and (b) do not apply to any soil conservation and river/flood control works carried out by or on behalf of Horizons Regional Council.

- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.

17.6.23 Notable Trees

- (a) Any removal or partial removal of a tree listed in Schedule 3 - Notable Trees shall comply with the following conditions:
- (i) Council has confirmed the tree is dead; or
 - (ii) Removal or partial removal is required as an emergency work to safeguard life or habitable buildings from immediate danger (as confirmed by a qualified arborist).
- (b) Within the drip line of any tree listed in Schedule 3 - Notable Trees, any activities shall not involve the following works:
- (i) The construction of any building or structure.
 - (ii) The laying of overhead or underground services.
 - (iii) Any sealing, paving, soil compaction, or any other impervious surfaces.

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- (iv) The alteration of existing ground levels by excavation or deposition of soil including thrust boring and directional drilling.
- (v) The discharge of any toxic hazardous substance.
- (c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:
 - (i) Minor trimming necessary to maintain the health of the tree where the work is carried out by, or under the supervision of, a qualified arborist who has advised the Council in advance of the work to be carried out.
 - (ii) The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.
 - (iii) The removal of broken branches, dead wood or diseased vegetation (as confirmed by a qualified arborist).
 - (iv) Required as an emergency work.

17.6.24 Sites of Significance to Tangata Whenua

- (a) No activity or development shall ~~lead to the modification, demolition or removal of~~ modify, demolish or remove any sites of significance to Māori where such site has been identified to Council and recorded by the Council in a register of sites prior to the time that any activity or development is proposed.

17.6.25 Temporary Activities

- (a) In addition to the permitted activity conditions, temporary events, such as, but not limited to festivals, sports events, and markets, shall comply with following standards:
 - (i) The duration of any temporary event shall not exceed seven (7) consecutive days. For the purpose of this rule, 'day' means a whole day, or part of a day.
 - (ii) Any temporary event shall operate between the hours of 7.00am – 10.00pm.
 - (iii) The duration of a series of temporary events shall not exceed a cumulative period of 30 days in a calendar year.
 - (iv) All temporary buildings and structures are exempt from the maximum building height, building frontage and size, and verandah standards set out in Rules 17.6.1, 17.6.2 and 17.6.3.
 - (v) Noise from any temporary event shall not exceed the following noise levels, at any site in the Residential Zone, at the notional boundary of any noise sensitive activity within the Rural Zone, or anywhere within the site boundary of any noise sensitive activity within the Commercial, Industrial, Open Space or Greenbelt Residential Zones:

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- Amplified Sound including sound testing: 80dB L_{Aeq} (10 mins)
 - Activities other than amplified sound: 70dB L_{Aeq} (10 mins)
 - Crowd noise is exempt from these limits.
- (b) In addition to the other permitted activity conditions, temporary filming activities, shall comply with the following conditions:
- (i) The total occupation of the site for filming activities shall not exceed seven (7) consecutive days.
 - (ii) All temporary filming buildings and structures are exempt from the maximum building height, building frontage and size, and verandah standards set out in Rules 17.6.1, 17.6.2 and 17.6.3.

17.6.26 Temporary Military Training Activities

- (a) All temporary military training activities shall comply with the following conditions:
- (i) No permanent structures shall be constructed.
 - (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
 - (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days.
 - (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction Noise. when applied at the notional boundary of any noise sensitive activity
Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise.
 - (v) Noise generated from any fixed source (other than weapons firing and use of explosives) shall not exceed the following limits when measured at the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary:
 - On any day -
 - 7.00am – 7.00pm: 55 dB $L_{Aeq(15min)}$
 - 7.00pm – 10.00pm: 50 dB $L_{Aeq(15min)}$
 - 10.00pm – 7.00am: 45 dB $L_{Aeq(15min)}$
 - 10.00pm – 7.00am: 75 dB L_{AFmax}

Noise levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.

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- (vi) Noise generated from the use of helicopters shall be assessed in accordance with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and comply with the limits set out therein.

Noise levels shall be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.

- (vii) Any training activities involving the use of explosives and/or firing of weapons shall comply with either:

- The separation distances identified in Table 17-1; or
- If minimum separation distances in Table 17-1 cannot be met:
 - Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary; and
 - Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at or within the 20 metre notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary; and
 - Provided the New Zealand Defence Force produces and undertakes the activity in accordance with a Noise Management Plan submitted to the Council at least 15 working days prior to the activity being undertaken (Refer 28.2.6 for information requirements for Noise Management Plan).

Table 17-1: Separation Distances for Temporary Military Training Activities involving explosives and weapons.

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any residential dwelling unit or building used for noise sensitivity activities in any Zone, and any site within the Residential Zone or Greenbelt Residential Zone</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>7.00am to 7.00pm (daytime)</u>	<u>At least 1500m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 4500m</u>

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2. Firing of blank ammunition	7.00am to 7.00pm (daytime)	At least 750m
	7.00pm to 7.00am (night time)	At least 2250m

17.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES

The matters over which Council reserves its control and the conditions are detailed below for each controlled activity.

17.7.1 Subdivision of Land. (Refer Rule 17.2(a))

(a) Matters of Control

- (i) The design and layout of the subdivision, including the size, shape and position of any lot, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.
- (ii) The amalgamation of any proposed allotments or balance areas to existing titles of land.
- (iii) The provision of any new roads, cycleways, footpaths, provision of linkages to existing roads, access over or under railway lines, the diversion or alteration of any existing roads, the provision of access, passing bays, parking and manoeuvring areas, and any necessary easements.
- (iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable gas.
- (v) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
- (vi) Effects on significant sites and features, including natural, ecological, cultural, archaeological and historical sites.
- (vii) Site contamination remediation measures and works.
- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
- (ix) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (x) Staging of the subdivision.

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(xi) Compliance with the Councils Subdivision and Development Principles and Requirements (Version: November 2012).

(xii) Those matters described in Sections 108 and 220 of the RMA.

(b) Conditions

(i) All lots shall demonstrate compliance with the relevant permitted activity conditions, except no minimum lot area requirement applies.

(ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.

(iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.

17.7.2 Boundary Adjustments - Flood Hazard Overlay Area. (Refer Rule 17.2(b))

(a) Matters of Control

(i) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events.

(ii) The location, nature, scale and design of the allotments, their intended use, and the degree to which people or property are put at risk as a result of the subdivision.

(iii) Avoidance or mitigation measures to address the risks from natural hazards.

(iv) The effects of the mitigation measures in terms of any increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude on the site and to other properties which may or may not currently be at risk from the effects of the natural hazards.

17.7.3 Relocated Buildings. (Refer Rule 17.2(c))

(a) Matters of Control

(i) The length of time taken to re-construct, repair, or refurbish the building;

(ii) 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 baseboards and steps;
- replacement of broken window panes, broken or rotten timber, guttering, drainpipes;
- reinstatement of the site and access to the site; and
- details and length of time to complete site landscaping.

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- (iii) A bond, of the nature provided for in the Resource Management Act 1991, 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.
- (b) Conditions
- (i) Relocated buildings shall comply, in all respects, with the relevant permitted activity conditions in other parts of the District Plan.
- (c) Non-Notification
- (i) Under section 77D of the RMA, an activity requiring resource consent under Rule 17.7.3 shall not be publicly notified, except where:
- The Council decides special circumstances exist (pursuant to Section 95A(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

17.7.4 Historic Heritage – Buildings. (Refer Rule 17.2(d))

- (a) Matters of Control
- (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

17.7.5 Temporary Filming Activities. (Refer Rule 17.2(e))

- (a) Matters of Control
- (i) The hours of operation of the temporary filming activity;
- (ii) The size and positioning of temporary buildings and structures;
- (iii) The provisions of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public;
- (iv) Where appropriate, the provision of safe pedestrian entry and exit;
- (v) The provision for waste collection, storage and site cleanup;
- (vi) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects;
- (vii) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects; and

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- (viii) The actual and potential adverse effects on the recreation, ecological, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
 - (i) The duration of the temporary filming activity shall not exceed 31 consecutive days. For the purpose of this rule, 'day' means a whole day, or part of a day.
 - (ii) Submit a draft management plan demonstrating how the temporary filming activity avoids, remedies or mitigates adverse effects on local amenity. The scale and detail of this draft management plan is to be commensurate with the scale of the temporary filming activity and the nature of the potential effects on local amenity.

17.7.6 Temporary Military Training Activities. (Refer Rule 17.2(f))

- (a) Matters of Control
 - (i) ~~The avoidance, remedying or mitigating of any adverse effects on the environment.~~
 - (ii) The size and positioning of buildings and structures;
 - (iii) The measures used to avoid, remedy or mitigate adverse effects from excavation.
 - (iv) Methods to manage effects on the amenity and character of the area as a result of non-compliance with the noise and duration permitted activity conditions;
 - (v) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and
 - (vi) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

17.8 MATTERS OF DISCRETION AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES

The matters over which Council has restricted its discretion for each restricted discretionary activity, and the conditions for each activity, are detailed below:

17.8.1 Non-compliance with Permitted Activity Conditions (Rule 17.6) Permitted Activity Conditions in Chapters 21, 22, 23 and 24 of this Plan. (Refer Rule 17.3(a))

- (a) Matters of Discretion

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- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met except where specified in Rules below:

17.8.2 Non-Compliance with Controlled Activity Conditions. (Refer Rule 17.3(b))

(a) Matters of Discretion

- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in rules below:

17.8.3 New buildings, additions and alterations to existing buildings in the Foxton and Shannon Town Centre Character/Heritage Overlay Areas and the Foxton Tourism Area. (Refer Rule 17.3(c))

(a) Matters of Discretion

- (i) Design, external appearance and siting of the building or structure.
- (ii) Matters in the Foxton and Shannon Town Centre Character/Heritage Overlay Area Design Guide in Schedule 5.

(b) Under section 77D of the RMA, an activity requiring resource consent in relation to Rule 17.8.3 shall not be publicly notified, except where

- (i) The Council decides special circumstances exist (pursuant to Section 95A(4)), or
- (ii) The applicant requests public notification (pursuant to Section 95A(2)(b)).

17.8.4 Supermarkets within the Large Format Retail Overlay Area. (Refer to Rule 17.3(d))

(a) Matters of Discretion

- (i) Design, external appearance and siting of the building, including the space around buildings.
- (ii) Landscaping.
- (iii) Location and design of site access (pedestrian and vehicular), parking and servicing.
- (iv) Traffic effects, including effects on the transport network from the volume and type of traffic generated.
- (v) Effects on the vitality and vibrancy of the town centres.

17.8.5 Flood Hazard Overlay Area. (Refer Rule 17.3(e))

(a) Matters of Discretion

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- (i) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events.
- (ii) The location, nature, scale and design of the buildings, earthworks or allotments, its intended use, including whether the building, earthworks or use is temporary or permanent, and the degree to which people or property are put at risk as a result of the activity.
- (iii) Avoidance or mitigation measures to address the risks from natural hazards.
- (iv) The effects the mitigation measures in terms of increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude, including to other properties which may or may not currently be at risk from the effects of the natural hazards.
- (v) The effects on the effectiveness of existing flood hazard avoidance or mitigation measures, including works and structures within river and drainage schemes, natural landforms that protect against inundation, and overland stormwater flow paths.

17.8.6 Historic Heritage – Buildings. (Refer Rule 17.3(f))

- (a) Matters of Discretion
 - (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

17.8.7 Historic Heritage – Signs. (Refer Rule 17.3(g))

- (a) Matters of Discretion
 - (i) The colour and materials of any sign;
 - (ii) The design of any sign;
 - (iii) The location of any sign;
 - (iv) The size of any sign; and
 - (v) The number of any signs.

17.8.8 Temporary Activities. (Refer Rule 17.3(a))

- (a) Matters of Discretion:
 - (i) The duration of the temporary activity, including daily hours of operation;
 - (ii) The size and positioning of temporary buildings and structures;
 - (iii) The provisions of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public;

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- (iv) Where appropriate, the provision of safe pedestrian entry and exit;
 - (v) The provision for waste collection, storage and site cleanup;
 - (vi) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects;
 - (vii) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects; and
 - (viii) The actual and potential adverse effects on recreation, ecological, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
- (i) Submit a draft management plan demonstrating how the temporary activity avoids, remedies or mitigates adverse effects generated by the activity.

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Appendix 1: Commercial Zone - Noise Insulation Construction Schedule

Under Rule 17.6.7, any habitable room in a building used by a noise sensitive activity shall achieve a minimum external sound insulation level. This schedule describes the minimum requirements necessary to achieve an external sound insulation level of $D_{nT,w} + C_{tr} > 30$ dB.

Building Element	Minimum Construction Requirement	
External Walls of Habitable Rooms	Stud Walls: Exterior cladding:	20 mm timber or 9mm compressed fibre cement sheet over timber frame (100 mm x 50 mm). *
	Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m^3) required in cavity for all exterior walls. Minimum 90 mm wall cavity.
	Interior lining:	One layer of 12 mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25 kg/m^2 (e.g. brick veneer or minimum 25 mm stucco plaster), internal wall linings need to be no thicker than 10 mm gypsum plasterboard.
	Combined superficial density:	Minimum not less than 25 kg/m^2 being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10 kg/m^2 on each side of structural elements.
	Mass Walls:	190 mm concrete block, strapped and lined internally with 10 mm gypsum plaster board, or 150 mm concrete wall.
Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6 mm glazing single float
	Glazed areas between 10% and 35% of floor area:	6 mm laminated glazing
	Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be aluminum window frames with compression seals.	
Skillion Roof	Cladding:	0.5 mm profiled steel or 6 mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking:	17mm plywood (no gaps).
	Frame:	Minimum 100 mm gap with fibrous acoustic blanket (batts or similar of a mass of 9 kg/m^3).
	Ceiling:	Two layers of 10 mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m^3).
	Combined Superficial density:	Combined mass of cladding and lining of not less than 25 kg/m^2 with no less than 10 kg/m^2 on each side of structural elements.

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Building Element	Minimum Construction Requirement	
Pitched Roof (all roofs other than skillion roofs)	Cladding:	0.5 mm profiled steel or tiles, or membrane over 15mm thick ply.
	Frame:	Timber truss with 100 mm fibrous acoustic blanket. (batts or similar of a minimum mass of 9 kg/m ³) required for all ceilings.
	Ceiling:	12 mm gypsum plaster board.
	Combined Superficial density:	Combined mass with cladding and lining of not less than 25 kg/m ² .
Floor areas open to outside	Cladding:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12 mm ply
	Combined superficial density:	Floors to attain a combined mass not less than 25kg/m ² for the floor layer and any external cladding (excluding floor joists or bearers).
External Door to Habitable Rooms	Solid core door (min 25 kg/m ²) with compression seals (where the door is exposed to exterior noise).	

Notes:

- The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.
- In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.
- To satisfy compliance with this Schedule a certificate from a suitably qualified person will be required confirming compliance.