



COMMERCIAL ZONE - RULES

CM3.1 Rule Statement

The following rules shall apply to all land shown as being within the Commercial Zone in the District Plan Maps. These rules shall be read in conjunction with all other rules in the District Plan and, in particular:

- (a) Transport Infrastructure and Car Parking – Rules.
- (b) Subdivision – Rules.
- (c) Signage – Rules.
- (d) Financial Contributions – Rules.
- (e) Hazardous Substances – Rules.
- (f) Relocated Buildings – Rules.
- (g) Special Activities – Rules.
- (h) Network Utilities.
- (i) Heritage – Rules.
- (j) District Wide Rules.

Consideration shall also be made to all Objectives and Policies which may be relevant to any proposed activity subject to this section, and in particular those outlined in the Commercial Zone – Policy section.

Advice Note:

Should any human remains or archaeological items be exposed while undertaking works, all activity shall cease immediately. The New Zealand Historic Places Trust and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained. The NZ Police shall be contacted also when human remains are exposed.

The line owner should be consulted if a building or structure within 20 metres of any power lines is proposed to ensure that compliance with the New Zealand Code of Compliance for Electrical Safe Distances 34:2001 can be achieved.

CM3.2 Rules

CM3.2.1 Permitted Activities

The following activities are Permitted Activities provided they comply with the General Conditions outlined in Section CM3.3 and the relevant Specific Conditions outlined in Section CM3.4 below.

- (a) Commercial Activity.
- (b) Recreation and Community Activity.
- (c) Healthcare Services Activity.
- (d) Hospital Activity.
- (e) Visitor Accommodation Activity.
- (f) Education Activity.
- (g) Residential Activity.
- (h) Earthworks Activity.
- (i) Car parks not associated with other permitted activities.
- (j) Service Station Activity.
- (k) Domestic Scale Renewable Energy Activity.



Except for land fronting State Highway 4 National Park, between Waimarino Tokaanu Road and Carroll Street, where Controlled Activity Rule CM3.2.2 applies.

CM3.2.2 Controlled Activities

The following activities are Controlled Activities provided they comply with the General Conditions outlined in Section CM3.3 and the relevant Specific Conditions outlined in Section CM3.4 below.

Such activities shall be considered without the need to obtain the written approval from affected parties and without the need for notification. Applications will be assessed and conditions imposed only in respect of the matters of control specified below.

On land fronting State Highway 4, National Park, between Waimarino Tokaanu Road and Carroll Street, Controlled Activities are limited to:

- (a) Visitor Accommodation Activity.
- (b) Residential Activity.
- (c) Earthworks Activity.
- (d) Domestic Scale Renewable Energy.

In addition, on SEC 14 BLK VIII WAIMARINO TN, Commercial Activity (this is the property on the south western corner of State Highway 4 and Carroll Street).

Council has reserved control over the following matters:

- (a) Landscape and protection of existing trees.
- (b) Building Design with reference to the Alpine Design Features in Appendix 9.
- (c) Colour of buildings.
- (e) Layout of Parking, Access and Egress.

CM3.2.3 Discretionary Activities

The following activities are Discretionary Activities.

Applications will be assessed against but not limited to, the relevant Assessment Criteria outlined in Section CM3.5 below.

- (a) Industrial Activity, except on the land fronting State Highway 4, National Park and between the Waimarino Tokaanu Road and Carroll Street.

Relevant Objectives and Policies – CM2.2, CM2.3, CM2.4 and CM2.5.

- (b) Emergency Services Facilities that comply with the General Conditions outlined in Section CM3.3 and the relevant Specific Conditions outlined in Section CM3.4.

Relevant Objectives and Policies – CM2.3, CM2.4 and CM2.5.

- (c) Any activity that is provided for as a Permitted Activity by Rule CM3.2.1 or a Controlled Activity by Rule CM3.2.2 but fails to meet one or more of the General Conditions outlined in Section CM3.3 or the Specific Conditions outlined in Section CM3.4.

Relevant Objectives and Policies – CM2.2, CM2.3, CM2.4 and CM2.5.



CM3.2.4 Non-Complying Activities

The following activities are Non-Complying Activities.

Applications will be assessed against, but not limited to, the relevant Assessment Criteria outlined in Section CM3.5 below.

- (a) Industrial Activity, on the land fronting State Highway 4, National Park and between the Waimarino Tokaanu Road and Carroll Street.

Relevant Objectives and Policies – CM2.2, CM2.3, CM2.4 and CM2.5.

- (b) Any land use or activity not specifically referred to in Rules CM3.2.1 and CM3.2.2.

Relevant Objectives and Policies – CM2.2, CM2.3, CM2.4 and CM2.5.

- (c) Forestry Activities

Relevant Objectives and Policies – CM2.2, CM2.3, CM2.4 and CM2.5.

CM3.3 General Conditions

Compliance with the following General Conditions is required for all Permitted Activities as outlined in Rule CM3.2.1, all controlled activities as outlined in Rule CM3.2.2 and the Discretionary Activity outlined in Rule CM3.2.3(c) above.

CM3.3.1 Height

- (a) No part of any building shall exceed a height of 2m plus the horizontal distance from the nearest Residential, Urban Settlement or Protected Areas Zone and shall not exceed a maximum height of:
- (i) 12m within Taumarunui, Ohakune and Waiouru.
 - (ii) 8m within National Park, Owthango and Raetihi.

Relevant Assessment Criteria: CM3.5.1 (a), (i), (k) and (l).

CM3.3.2 Verandahs

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- (a) Every building shall, on its erection or substantial reconstruction, provide a verandah across the front of the building, in the following areas:
- (i) Taumarunui
 - (1) State Highway 4 (Hakiaha Street) between Katarina Street and Turaki Street.
 - (2) Katarina Street from State Highway 4 (Hakiaha Street) to Miriama Street.
 - (3) Marae Street from State Highway 4 (Hakiaha Street) to Miriama Street.
 - (4) Manuauete Street from State Highway 4 (Hakiaha Street) to Miriama Street.
 - (5) Hikaia Street from State Highway 4 (Hakiaha Street) to Miriama Street.
 - (6) Turaki Street from State Highway 4 (Hakiaha Street) to Morero Terrace.
 - (7) Miriama Street from Katarina Street to Hikaia Street on the northern side.
 - (8) Morero Terrace from Hikaia Street to Turaki Street.
 - (9) Miriama Street from Lot 5 Blk II DP 20591 to Hikaia Street on the southern side.



- (ii) Ohakune
 - (1) State Highway 49 (Clyde Street) between Arawa Street and Rata Street.
 - (2) Rata Street, Goldfinch Street and Miro Street from State Highway 49 (Clyde Street) to Ayr Street.
 - (3) Ayr Street between Rata Street and Miro Street.
 - (4) Thames Street from Mangawhero Terrace to Miro Street.
 - (5) Mangawhero Terrace from Thames Street to Tyne Street.
 - (6) Tyne Street from Mangawhero Terrace to Rimu Street (this applies to retail premises only).
 - (7) 5-9 Rimu Street.
- (iii) Waiouru
 - (1) State Highway 1.
 - (2) Service Stations along State Highway 1 in Waiouru are exempt from the requirement to install a verandah.
- (iv) Raetihi
 - (1) Seddon Street between Duncan Street and State Highway 4.
- (b) The verandah shall meet the following standards:
 - (i) Have a minimum height of 2.4m (measured from the pavement to the underside of the verandah).
 - (ii) The proposed verandah must be set 0.5m back from the kerblin.
 - (iii) Unless the footpath is less than 3.5m wide, the proposed verandah must be at least 3m wide. **Except along Hakiaha Street in Taumarunui, where the verandah must extend over the full footpath to within 0.5m back from the kerblin.**
 - (iv) Where the footpath is less than 3.5m wide, the verandah must extend out a distance equal to the width of the footpath less 0.5m.

Advice Note:

Please note the Public Places Bylaw also applies, including restrictions on the height of a sign above the footpath.

Relevant Assessment Criteria: CM3.5.1(b).

CM3.3.3 Noise

- (a) The L_{eq} noise level and maximum noise level (L_{max}) arising from any activity measured at the boundary of any commercially zoned site, except State Highway 4 at National Park, other than the site generating the noise shall not exceed the following limit:
 - (i) 65 dBL_{Aeq} (15 min)
- (b) The L_{eq} noise level and maximum noise level (L_{max}) arising from any activity measured at or within the boundary of any residentially zoned site or within the Commercial Zone alongside State Highway 4 at National Park, shall not exceed the following limits:
 - (i) Monday to Saturday 7.00am to 10.00pm inclusive – 55 dBL_{Aeq} (15 min);
 - (ii) All other times and on public holidays - 45 dBL_{Aeq} (15 min);
 - (iii) 10.00pm to 7.00am and on public holidays: maximum noise 65dB L_{AFmax}
- (c) Measurement and assessment of noise levels shall be in accordance with New Zealand Standards NZS 6801:2008 *Acoustics – Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics – Environmental Noise*.

Relevant Assessment Criteria: CM3.5.1(c) and (d).



CM3.3.4 Lighting and Glare

- (a) At no time between 7.00am and 10.00pm shall any outdoor lighting be used in a manner that causes an added illuminance in excess of 125 lux, measured horizontally or vertically at the boundary of any neighbouring residential zoned site or any neighbouring site used for residential and / or visitor accommodation purposes.
- (b) At no time between the hours of 10.00pm and 7.00am shall any outdoor lighting be used in a manner that causes:
 - (i) Any added illuminance in excess of 3 lux measured horizontally or vertically at any point along any residential zone boundary or at any window of any visitor or residential accommodation.
- (c) Street lights are exempt from the requirements of this Condition.

Relevant Assessment Criteria: CM3.5.1(d) and (i).

CM3.3.5 Transportation

- (a) All activities shall demonstrate compliance with the relevant provisions of the "Transport Infrastructure and Car Parking - Rules" section of the District Plan.

Relevant Assessment Criteria: Refer "Transport Infrastructure and Car Parking - Rules" section

CM3.3.6 Dust

- (a) Activities must not create a dust nuisance. A dust nuisance will occur if:
 - (i) There is visible evidence of suspended solids in the air beyond the site boundary; and/or
 - (ii) There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site or water.Dust nuisance will be determined by a Council Officer taking into account the frequency, intensity, duration, nature and location of the dust nuisance and any previously validated dust complaints relating to the same site.

Relevant Assessment Criteria: CM3.5.1(i).

CM3.3.7 Odour

- (a) There shall be no offensive odour able to be detected at the boundary of an adjoining property. For the purpose of this condition an offensive odour is defined as that which can be detected and is defined as offensive by two observers, including at least one council officer.

Relevant Assessment Criteria: CM3.5.1(i).

CM3.3.8 Screening

All rubbish and storage areas shall be screened from view from the following:

- (a) Street level of neighbouring properties which are zoned as Residential or Protected Areas.
- (b) Street level of neighbouring properties within the Commercial Zone alongside State Highway 4 at National Park.
- (c) Public Roads.

Relevant Assessment Criteria: CM3.5.1 (i).

*Advice Note:*

If it is possible that archaeological sites may be affected by the proposed work then the site is subject to a consenting process under the Historic Places Act 1993.

Human Remains or Archaeological Items

Should any human remains or archaeological items be exposed while undertaking works, all activity shall cease immediately. The New Zealand Historic Places Trust and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained. The NZ Police shall be contacted also when human remains are exposed

Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.

If any activity associated with this proposal, such as earthworks, fencing or landscaping may modify, damage or destroy any archaeological site(s) an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The applicant is advised to contact the New Zealand Historic Places Trust for further information.

CM3.4 Specific Conditions

The following Specific Conditions shall apply to the Permitted, Controlled and Discretionary Activities specified below. Should these Specific Conditions differ from the requirements of the General Conditions in Section CM3.3 above, the Specific Condition shall be applicable.

CM3.4.1 Visitor Accommodation, Education, and Service Station Activities

- (a) Location
 - (i) Visitor Accommodation, Service Station and/or Education Activity shall not be established on the ground floor on sites fronting the following:
 - (1) State Highway 4 between Katarina Street and Turaki Street, Taumarunui.
 - (2) State Highway 49 between Miro Street and Rata Street, Ohakune.

Relevant Assessment Criteria: CM3.5.1(e) and (f).

CM3.4.2 Residential Activities

- (a) Scale
 - (i) Any residential activity shall not be located on the ground floor of any building, except along State Highway 4 at National Park.
 - (ii) Any residential development along State Highway 4 in National Park shall comply with the Residential Zone Rules, specifically:
 - (1) RE3.2.1(a) Residential Activity; or
 - (2) RE3.2.3(f) Comprehensive Residential Development Activity.

And the relevant General and Specific Conditions set out in RE3.3 and RE3.4.
- (b) Acoustic Insulation
 - (i) Residential buildings shall be designed to meet the following internal noise standards with the doors and windows closed:



- (1) Habitable rooms at all times: 45 dBL_{Aeq} (15 min)
- (ii) Residential buildings will be required to have forced air ventilation so the occupants do not need to open windows in habitable rooms. The abovementioned noise limits will be required to be achieved while the forced air ventilation is in operation.
- (iii) An acoustic design report prepared by a suitably qualified person, shall be provided to demonstrate compliance with the abovementioned noise limits.

Relevant Assessment Criteria: CM3.5.1(c), (d) and (e); and RE3.5.1.

CM3.4.3 Earthworks Activities

- (a) Noise
 - (i) Noise from earthworks shall comply with Condition CM3.3.3.
 - (ii) Earthworks shall only occur between 7:00am and 8:00pm Monday to Saturday inclusive, excluding public holidays.
- (b) Appearance
 - (i) All earthworks sites shall be kept tidy and shall be reinstated as soon as practically possible so as to avoid a prolonged visual change in the character of the area.
- (c) Separation
 - (i) No earthworks activity, including stockpiling, shall occur within 20m of the banks of a water body.
- (d) Volume
 - (i) No more than 50m³ of material measured in its non-compacted form, within one certificate of title, shall be removed from or relocated within the site in any calendar year, unless the earthworks are identified in and provided for through and approved subdivision or land use consent.
- (e) Vegetation Removal
 - (i) Where vegetation clearance occurs in association with earthworks, disturbed areas shall be revegetated within 12 months of the earthworks being undertaken.
- (f) Standards
 - (i) all earthworks shall comply with the requirements of NZS 4431:1989 "Code of Practice for earth fill for residential development".

Advice Note:

Any earthworks, soil sampling or the removal of fuel storage systems on land which could be potentially contaminated (see HAIL list) needs to be assessed in relation to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

It is recommended that earthworks comply with the requirements of NZS 4431:1989 "Code of Practice for earth fill for residential development."

The New Zealand Electrical Code of Practice provides for statutory safe separation distances from electrical lines. The code sets out the minimum separation distances for excavation and construction near conductors and their support structures (towers and poles). The primary purpose of these distances is to protect persons and property from harm caused by electrical hazards, such as flashovers.

Consent may be required from the Regional Council for earthworks and/or vegetation clearance.

Any person undertaking earthworks must comply with the requirements of the New Zealand Electrical Code of Practice (NZECP) 34:2001

Relevant Assessment Criteria: CM3.5.1(d) and (h).



CM3.4.4 Emergency Services Facilities

- (a) Noise
 - (i) Subject to the best practicable option always being adopted to minimise noise levels, emergency service sirens and call-out sirens for volunteer brigades shall not be subject to the noise limits outlined in Section CM3.3.3.

Relevant Assessment Criteria: CM3.5.1(c), (d), (e) and (i).

CM3.4.5 Retail Activities – Roller Doors

- (a) No roller doors may be installed on the front of any retail premises, except roller doors to enable vehicles to access the premises.

For the purpose of clarification, security grills which allow views from the street into premises are not classed as roller doors.

Relevant Assessment Criteria: CM3.5.1(a) and (j).

CM3.4.6 Domestic Scale Renewable Energy

- (a) Shall not exceed the height limit for the Zone by more than 3m.
- (b) Limited to two mini wind turbines per site.
- (c) No turbine shall have a generating capacity of more than 10kW.

Relevant Assessment Criteria: CM3.5.1(a) and (d).

CM3.4.7 State Highway 4, National Park between Waimarino Tokaanu Road and Carroll Street

- (a) Yards

The minimum yards provided on any site shall be:

(i) State Highway 4	5m
(ii) Front yards facing a street other than State Highway 4	3m
(iii) Side Yards	3m
(iv) Rear	6m

Residential Activities are not subject to Conditions CM3.4.7(a) ii-iv above, but are subject to RE3.3.5 Yards.

Note:- RE3.3.5 requires:

- | | |
|------------|------|
| (i) Front | 3.0m |
| (ii) Side | 1.5m |
| (iii) Rear | 3.0m |

- (b) Landscaping and retention of existing trees

At least 10% of the site shall be landscaped by the planting of specimen trees and other vegetation suitable to the alpine environment and including the retention of existing trees.
- (c) All buildings shall incorporate:
 - (i) A minimum of 40% of the external building cladding on elevations fronting a road, shall comprise natural timber or stone.
 - (ii) At least five Alpine Design Features as detailed in Appendix 9 excluding storage sheds.
 - (iii) All buildings which are painted:



- (1) Exterior walls and surfaces, including roofs, shall be painted from Groups A to D of the British Standard 5252 colour range (or equivalent colour range from an alternative colour chart) provided that:
 - (A) Architectural details such as fascias, doors and window frames may be from any colour within this range.
 - (B) Exterior walls shall use paints with a light reflectance value rating of up to 60 for Groups A and B, and up to 40 for Group C and D.
 - (C) Roofs shall use paints with a light reflectance value rating of up to 40 for Groups A, B, and C.
- (2) Any other colours which use recessively toned paints and avoid paints with high light reflectance values approved in writing by the Council.

Advice Note:

The British Standard 5252 is a widely used independent standard that categorises paint colours using several characteristics. These include light reflectance value or LRV, which is how much a colour reflects light back. It also includes greyness groups, with Group A having the most grey; other groups have progressively less grey, and Group D being nearly clear and including bright colours. Reflectivity and greyness are the colour attributes with the most impact on the visibility of buildings in a landscape.

- (d) All glazing shall be clear or tinted glass but not be reflective or mirror glass.
- (e) Noise Insulation
All new buildings and extensions to buildings which will be used for either Tourist Accommodation or Residential Activities (but excluding ancillary buildings which are not used for sleeping), shall also comply with Condition CM3.4.2(b) relating to noise insulation.

Advice Note:

Any access onto the State Highway will require approval from the New Zealand Transport Authority (NZTA). It is recommended that access is provided off a side road.

Relevant Assessment Criteria: CM3.5.1(a), (d), (f), (j), (k), and (l).

CM3.5 Assessment Criteria

CM3.5.1 Discretionary and Non-Complying Activities

Discretionary and Non-Complying Activities will be assessed against, but not limited to, the assessment criteria below.

Reference to relevant assessment criteria in other sections of the District Plan may be required as stated for the General and Specific Conditions above.

- (a) Whether the scale and design of the buildings and structures will maintain the character and amenity of the surrounding environment.
- (b) Whether the activity will enhance pedestrian shopping amenities by maintaining continuity of display window frontage and pedestrian shelter along identified pedestrian frontages.
- (c) Whether the activity will generate noise levels to an unreasonable degree that is inconsistent with the character of the existing noise environment. In the case of Emergency Services Facilities, the essential and temporary nature of the noise shall be taken into consideration.
- (d) Whether remediation and/or mitigation measures are proposed and the effectiveness of such measures.



- (e) The extent to which the activity promotes the optimum and efficient use of the commercial land resource and does not detract from the vibrancy and vitality of the commercial area.
- (f) Whether the activity can be integrated into the District and regions transportation networks through the location and design of access points.
- (g) The extent to which the position and design of a dwelling interfere with or compromise existing or possible future commercial activities, including, but not limited to, access and reverse sensitivity.
- (h) Whether earthworks can be undertaken in a manner that will ensure:
 - (i) Access to and along watercourses and water bodies is maintained.
 - (ii) Visual impacts, effects on surface drainage patterns, any likely sedimentation or dust nuisance, or adverse effects on adjoining buildings and properties are avoided.
- (i) Whether the activity will detract from the amenity of the area or adjoining properties.
- (j) Whether the proposal will encourage a safe environment.
- (k) Whether the building or activity will enhance the character of National Park and will complement the surrounding landscape.
- (l) Whether buildings in National Park incorporate Alpine Design Features.
- (m) Whether internal noise levels are adequately mitigated for the proposed use.