

C1.1 DESCRIPTION OF THE ZONE

The Commercial Zone is characterised by areas of retail, administrative, commercial, community and service activities. The zone has been ‘split’ into three distinct areas due to differing amenity values present in each of the areas.

Commercial Zone Area 1 is the town centre which is characterised by the traditional central business district functions of facilities such as shopping, offices, entertainment and community facilities. The area is generally low rise with extensive pedestrian areas linking the various activities. Carparking is confined to the outer perimeter of the area and to parking precincts. The pedestrian areas are sunny and well landscaped and are also used for various community activities.

Commercial Zone Area 2 is the previous light industrial area in Liverpool Street. The area is characterised by service-type activities which serve the day to day needs of people and industry in the district. The area is very active during the daylight hours with many vehicle movements and other general activity. Most sites are almost entirely covered with buildings of utilitarian design and function. To maintain the availability of service industry and to avoid diminishing the retail focus of Area 1, a maximum floor area for retail development has been set.

Commercial Zone Area 3 includes the previous Accommodation zone on Tamarangi Drive, the previous Club Zone on Onslow Street, the previous Ballantrae Centre commercial zone and the neighbourhood dairies from the previous Neighbourhood Service Zone. All these areas exhibit similar amenity values to the residential areas in the scale of buildings, amount of open space on individual sites, levels of landscaping and intensity of use. The current activities in these areas also serve the needs of the local population as well as that of the travelling public.

C1.2 OBJECTIVES AND POLICIES

C1.2.1 Objectives

C1.2.1.1 Provide for the commercial viability and cohesiveness of Commercial Zone locations.

C1.2.1.2 Maintain and enhance the role of Commercial Zone Area 1

as the town centre of Kawerau.

C1.2.2 Policies

- C1.2.2.1 Prevent the establishment of commercial activities within non-commercial zone areas where these activities may degrade the commercial viability of established commercial areas.
- C1.2.2.2 Recognise that the pattern of land use within Kawerau is highly sensitive to the potential cumulative adverse effect of commercial activities on non-commercial land.
- C1.2.2.3 Prevent the establishment of large scale retail activities within Commercial Zone Area 2.
- C1.2.2.4 Maintain and enhance the town centre character and amenity of Commercial Zone Area 1, and promote its role as the central business area of Kawerau.
- C1.2.2.5 Enhance the pedestrian character and amenity of Commercial Zone Area 1 as an attractive and safe environment for pedestrians.

C1.3 ACTIVITY STATUS IN THE COMMERCIAL ZONE

Permitted Activities

In the Commercial Zone any activities which meet all the standards in C1.4 are permitted activities.

Restricted Discretionary Activities

In the Commercial Zone any activities which cannot meet any standard shall be assessed as restricted discretionary activities only in relation to the standard which cannot be met. Furthermore Council shall restrict its discretion to those matters set out in C1.5.

C1.4 RULES OF THE COMMERCIAL ZONE

C1.4.1 Height

- a) The maximum height of any building or structure shall not exceed the following:
 - (i) Commercial Zone Area 1 and 2; 14.0 metres
 - (ii) Commercial Zone Area 3; 9.0 metres

Note: see definition of height.

- b) No part of any building or structure in the Commercial Zone and which also adjoins the Residential Zone shall exceed a height of 2.0 metres plus the shortest horizontal distance between that part of the building and the nearest site or allotment boundary.

C1.4.2 Yards

- a) Commercial Zone Area 1

Any building must be adjoining the front boundary of the site and occupy the entire width of the site.

- b) Commercial Zone Area 2

Minimum Side and Rear Yard where the allotment adjoins a residentially zoned allotment shall be 7.5 metres.

- c) Commercial Zone Area 3

- (i) Minimum Front Yard 5 metres
- (ii) Minimum Side and Rear Yard 3 metres

C1.4.3 Density/Coverage

In order to achieve the Objectives and Policies of the Plan in relation to Density/Coverage the following rules shall apply:

- a) In the Commercial Zone Area 3 the maximum area of the site covered by buildings shall not exceed 40%.

C1.4.4 Retail Floor Area: Commercial Zone Area 2

The maximum floor area for retail development in Commercial Zone Area 2 is 400m².

C1.4.5 Licensing Hours

Any premises or part of a premises within the Commercial Zone that is subject to a Liquor License under the Sale of Liquor Act 1989 and located within 50 metres of a residential zone property boundary shall be subject to the following operating hours:

Monday – Thursday	7.00 am to 11.00 pm
Friday and Saturday	7.00 am to 12.00 midnight
Sunday, Good Friday and Christmas Day	9.00 am to 11.00 pm

C1.4.6 Verandahs

The following rules shall apply in the Commercial Zone Area 1:

- a) Every building shall be provided with a verandah the function of which is to provide continuity of shelter between adjoining sites.
- b) Where a verandah is erected to abut an existing verandah, the junction of such verandah shall be made weatherproof.
- c) Any new or refurbished verandah shall provide in its design for a visual continuity between any existing adjoining verandah(s) and the proposed verandah.
- d) The roof covering any verandah shall be weather resistant material and shall be connected to the piped street storm water system.
- e) Ceilings of verandas shall be painted and any glazing used shall meet the requirements of the New Zealand Building Code 2005.

C1.4.7 Traffic Management

The rules set out in Section C10 shall apply except that in the Commercial Zone Area 1, the parking requirements shall not apply.

Certain activities relating to traffic management are controlled activities.

Off-site signs which are located so as to be visible from the State Highway, are an exception to these rules, and shall be classed as a discretionary activity. The New Zealand Transport Agency (NZTA) will be considered an affected party for off-site signs visible from the State Highway.

Note: NZTA has its own standards that regulate the placement of signs in the State Highway reserve.

C1.4.8 Signs

a) Commercial Zone Areas 1 and 2

All signs are to be located within the boundaries of the property to which they relate (with the exception of temporary signs) and may not exceed:

Area: 25m² maximum area of all signs

b) Commercial Zone Area 3

All signs are to be located within the boundaries of the property and may not exceed:

- (i) Area: 10m² maximum area of all signs
- (ii) Height: 2.0m maximum height of any sign

c) Any sign that can be viewed from the state highway shall meet the following standards:

- (i) Any sign erected on site shall be located in a position that will not prevent the driver of a vehicle from having a clear and unobstructed view along the state highway.
- (ii) Any sign can be erected on site that is visible from the state highway shall meet the following standards, subject to C1.4.8 a) and b):
 - The message on the sign should be clear, concise and easy to read.
 - The minimum lettering height of all words shall be no less than 160mm for a 70km/h speed limit or greater and 120mm for under 70km/h speed limit.
 - There shall be no more than six words and/or symbols, with a maximum of 40 characters.
 - Colour combinations, legends and symbols, shall not be similar to those used for traffic signs.
 - The sign shall not incorporate reflective materials or use flashing illumination.

- The sign shall not be an aerial display, animated display, moving display or any other non-static two or three dimensional mechanism designed.
- The sign shall comply with wind load criteria specified in either NZS 4203 or Road Safety Manufacturers' Association "Compliance Standard for Traffic Signs".
- All signs within 9m of a state highway, where the posted road speed limit is 70kp/h or over, shall comply with the Road Safety Manufacturers' Association "Compliance Standard for Traffic Signs" with respect to foundation design and impact performance.

C1.4.9 Natural, Cultural and Heritage Features

In order to achieve the Objectives and Policies of the Plan in relation to Natural, Cultural and Heritage Features, the Natural, Cultural and Heritage Features Rules set out in Chapter 8 shall apply.

C1.4.10 Noise

- Every activity, other than a residential activity, shall be conducted to ensure noise from the site shall not exceed the following limits when measured at or within the boundary of any residential zoned site or the notional boundary of any rural lifestyle zoned site:
 - 0700 to 2200 hours 50dBA L_{Aeq}
 - 2200 to 0700 hours 40dBA L_{Aeq}
 - 65dBA L_{Amax}
- The noise shall be measured in accordance with the requirements of *NZS6801:2008 Acoustics – Measurement of Environmental Sound* and assessed in accordance with the requirements of *NZS6802:2008 Acoustics – Environmental Noise*.
- Construction noise from sites shall not exceed the limits set out in *NZS6803:1999 Acoustics – Construction Noise*.

C1.4.11 Transmission Lines

- No buildings or structures shall be located within 32 metres either side of the centreline of a high voltage electricity transmission line shown on Council's Planning Maps.

- No vegetation (over 2 metres height at maturity) shall be planted within 12 metres of the centre line of a high voltage electricity transmission line shown on Council's Planning Maps.
- No earthworks shall be carried out within 12 metres of the closest visible edge of the foundation of a high voltage transmission line support structure.
- No earthworks shall be carried out within 12 metres of the centreline of a high voltage electricity transmission line shown on Council's Planning Maps that result in an increase in ground level (i.e. that reduces the clearance distance from conductor to ground).

C1.5 RESTRICTED DISCRETIONARY ACTIVITIES

Matters to which council will restrict its discretion

C1.5.1 Height

When assessing an application to exceed the Height rules Council will restrict the exercise of its discretion to the following matters:

- the distance of any building or structure from the boundary
- the bulk of any building or structure in relation to the bulk of the buildings in the immediate vicinity
- the potential for any building or structure to overshadow or overlook other buildings.

C1.5.2 Yards

When assessing an application to reduce the minimum specified yards the Council will restrict the exercise of its discretion to the following matters:

- the continuity of building frontages
- the existing character and amenity of the streetscape
- the location and density of landscaping
- the distance between the proposed building or structure and any other buildings
- the effect of the building on traffic safety
- the maintenance of visual and aural privacy.

C1.5.3 Density/Coverage

In assessing an application to increase the maximum density/coverage of a site the Council will restrict the exercise of its discretion to the following matters:

- the amount of open space on the site
- the provision of on-site parking and landscaping
- the ability of the site to cater for the increased servicing requirements caused by an increase in density/coverage.

C1.5.4 Verandahs

In assessing an application to not comply with any of the rules relating to verandahs as the Council will restrict the exercise of its discretion to the following matters:

- the practicality of providing a verandah
- the need to provide continuity of shelter between sites
- how the proposed verandah provides for visual continuity between adjoining verandahs
- whether the function of providing shelter has been met.

C1.5.5 Signs

In assessing an application to increase the maximum area of heights of signs, the Council will restrict the exercise of its discretion to the following matters:

- the size, design, construction, location and illumination of the sign
- the nature of information displayed on the sign.

C1.5.6 Traffic Management

Refer to Section C10: Traffic Management.

C1.5.7 Natural, Cultural and Heritage Features

Refer to Section C8: Natural, Cultural and Heritage Features.

C1.5.8 Noise

When assessing an application to dispense with the noise standard the Council will restrict the exercise of its discretion to the following matters:

- the noise environment of the locality
- the practicality of reducing noise from the activity
- any relevant New Zealand Noise Standards
- New Zealand Standard 6806:2010.
- an acoustic assessment of the effects of proposed activity prepared by an Acoustic Engineer.

C1.5.9 Licensing Hours

When assessing an application to exceed the standard for Licensing Hours, the Council will restrict the exercise of its discretion to the following matters:

- the proximity of dwelling houses and other activities to the proposed activity
- the noise environment of the locality
- the number of people anticipated on site
- provision for carparking
- management systems in place to control antisocial behaviour of any persons associated with the activity
- any “best practice” guidelines issued by the District Licensing Agency or the Liquor Licensing Authority.

C1.5.10 Transmission Lines

- The risk to the structural integrity of the line;
- The effects on the ability of the transmission line owner to operate, maintain and upgrade the high voltage transmission network;
- The proximity of buildings and structures to electrical hazards;
- The risk of electrical hazards affecting public safety, and the risk of property damage;
- The risk of electrical faults causing disruption to electricity supply;
- The risk of electrical hazards due to the mature height of any associated vegetation, including within landscaped areas;
- The siting of buildings in relation to transmission lines to minimise visual effects from transmission lines (reverse sensitivity effects);
- The risk of radio interference or earth potential rise;
- Compliance with NZECP34:2001.

For the planting of vegetation that will reach over 2 metres in height at maturity within 12 metres of the centreline of a high voltage electricity transmission line:

- Any effects on the operation or integrity of the transmission line;
- Ongoing maintenance plans;

- Compliance with the Electricity (Hazards from Trees) Regulations 2003.

For earthworks within 12 metres of the centreline of a high voltage electricity transmission line and which alter the ground level beneath the transmission line or are within 12 metres of the closest visible edge of the foundation of a high voltage support structure:

- Any effects on the integrity of the transmission line;
- Volume, area and location of the works, including temporary activities such as stockpiles;
- Timing of the works;
- Site remediation;
- The use of mobile machinery near transmission line which may put the line at risk;
- Compliance with NZECP34:2001.

The relevant network utility operator will be considered an affected party for applications for non-compliance with rules contained in C1.4.11.