

## **3 COMMERCIAL ZONES**

### **3.1 ISSUE 1**

The adverse effects of commercial activities on adjacent sensitive areas eg residential or natural areas.

#### *Explanation*

*Commercial activities may produce significant environmental effects eg noise, odour or dust emissions and generate high traffic volumes. There is some potential danger where hazardous substances are used by commercial activities.*

#### **3.1.1 OBJECTIVES**

- 3.1.1.1 Minimise the situations where there is conflict between commercial activities and other land uses.

#### *Principal Reason*

*Throughout the District there are a number of existing commercial areas. This objective aims to confine those situations where there is conflict between commercial activities and nearby more sensitive uses to as few areas as possible.*

- 3.1.1.2 Mitigate the adverse effects of activities in the Commercial Zones and on adjoining Residential Zones.

#### *Principal Reason*

*Reduces the impact on neighbouring activities.*

#### **3.1.2 POLICIES**

- 3.1.2.1 To use the following Zones to separate commercial activities from residential areas and other sensitive activities having regard to the location of existing commercial areas.

#### *Explanation and Principal Reason*

*The following zones recognises the existing physical resources within commercial areas. They provide a degree of certainty about the character of activities in specified areas of the District and the environmental effects these activities may produce. Enables planning for the provision of an efficient servicing infrastructure and avoids duplication.*

*Those activities which Council has identified as likely to give rise to some adverse effects are made the subject of rules. Where rules can be specified with precision they are included as performance standards. Where the effects are likely to vary according to the location and scale of the activity on land use, consent for a controlled or discretionary activity is generally required. Those activities which are non-complying are either of a type which are individually, or cumulatively with other proposals of the same or similar nature, anticipated to have inappropriate adverse effects within the zone.*

(1) Commercial 1 (Inner Urban)

*Explanation and Principal Reason*

*The inner urban zone shall include the commercial centres of Geraldine, Pleasant Point, Temuka and Timaru. This zone is characterised by the presence of historic buildings and other features of cultural or historical importance in Temuka and Timaru.*

*In Timaru the zone is in three parts:*

- Commercial 1A which includes those parts of the main retail area of the Inner City with the highest heritage and townscape values which should be retained to provide an attractive environment for comparison retailing;*
- Commercial 1B includes the area adjoining the Commercial 1A Zone of the Inner City where a wide range of commercial activities should be encouraged with a moderate standard of amenity;*
- Commercial 1C includes areas on the outer edge of the Inner City where provision should be made for a mix of large-scale convenience retailing activities which cannot be easily accommodated more centrally within the Inner City, and industrial activities without significant adverse effects on adjoining activities.*

*(Comparison retailing requires small stores, depends on high pedestrian flows in the locality and good pedestrian access, whereas convenience retailing requires large stores, depends on high vehicle flows and good vehicle access).*

(2) Commercial 2 (Suburban; Timaru only)

*Explanation and Principal Reason*

*The Commercial 2 Zone includes suburban shopping areas of Ashbury, Le Cren/Wilson Streets, and Highfield. These areas are*

*distinguished by the presence of a supermarket which generates large volumes of pedestrian and vehicle traffic. These zones also provide for a range of commercial activities which can meet the performance standards for this zone.*

(3) Commercial 3 (Neighbourhood; Timaru only)

*Explanation and Principal Reason*

*The Commercial 3 Zone includes the many small commercial areas scattered through the Residential 1 Zone of Timaru and is intended to provide a location for commercial activities within suburban areas while providing sufficient flexibility to enable residential activities to also make use of this land.*

- 3.1.2.2 To concentrate commercial activities where they will have limited adverse effects on nearby more sensitive activities unless the adverse effects of commercial activities can be mitigated.

*Principal Reason*

*Commercial activities, especially retailing can have adverse effects on residential areas in particular because of the large number of pedestrian and traffic movements, the hours of operation, and associated noise effects.*

- 3.1.2.3 To allow for more permissive noise and light levels in commercial areas than provided for in Residential Zones of the District while acknowledging that some restriction on noise levels is required where sensitive land uses share a boundary with a commercial activity.  $L_{max}$  limits will apply at night time.

*Principal Reason*

*Acknowledges that many commercial activities which are provided for in commercial areas of the District generate effects from noise and light. Residential activities locating in Commercial Zones must anticipate higher noise and spill light levels characteristic of Commercial Zones.*

- 3.1.2.4 To limit the occurrence of activities producing odour or dust emissions in commercial areas.

*Principal Reason*

*Provides for a limited range of odour or dust producing activities.*

- 3.1.2.5 To control the occurrence of activities using hazardous substances locating in Commercial Zones.

### *Principal Reason*

*Reduces the threat of conflict between activities using hazardous substances and other more sensitive commercial and non commercial activities where large numbers of people are present on a regular basis.*

### **3.1.3 METHODS**

3.1.3.1 Provide for different performance standards or rules within the different Commercial Zones having regard to the:

- location of existing commercial activity
- visual appearance of shop frontages and storage areas
- previous zoning controls
- pedestrian amenity
- location of utility services
- bulk and location requirements
- adjoining residential and other sensitive land uses
- roading system, traffic generation and car parking
- adverse effects of commercial activities on neighbouring zones (see Rules for Commercial Zones)
- level of exposure to natural hazards

### *Principal Reason*

*That sensitive land use including natural areas, residential areas or recreational areas may be adversely affected by commercial activities. Performance standards establish maximum levels of effects acceptable in specific areas while giving recognition to the character of existing activities.*

*These standards will include measures to address noise; storage, use or transportation of hazardous substances; traffic effects; and visual appearance eg landscaping. Where people choose to live within Commercial Zones they must anticipate more noise and other adverse effects than will occur in Residential Zones.*

3.1.3.2 Use rules to exclude those activities most likely to give rise to odour or dust from commercial areas (see Rules for Commercial Zones).

### *Principal Reason*

*Ensures activities producing odour or dust emissions are located away from more sensitive land uses and situated in less sensitive localities unless these effects can be mitigated.*

- 3.1.3.3 Use rules with Performance Standards to limit scale and range of hazardous goods use and storage in these zones (see General Rule 6.9).

*Principal Reason*

*Enables a limited range of activities using hazardous substances to locate in these areas.*

- 3.1.3.4 Specify landscaping requirements to be provided for in association with open spaces or parking spaces for new allotments or development proposals (see performance standards for the Industrial L Zone and General Rule 6.19).

*Principal Reason*

*Ensures these areas are adequately enhanced or screened to mitigate any adverse visual effects.*

- 3.1.3.5 Require compliance with Performance Standards for bulk and location (see Rules for Commercial Zones).

*Principal Reason*

*Limits the adverse effects of commercial development on the townscape character and visual qualities of an area and natural areas.*

## 3.2 ISSUE 2

The level of amenity in retail (commercial) areas both in terms of the enjoyment, comfort, safety and security experienced by shoppers and other people in those areas. The visual interest, character and coherence created by a continuity of display windows is important.

*Explanation*

*The areas are a focal point of the main settlements of Geraldine, Pleasant Point, Temuka and Timaru because they attract high numbers of people to the shopping, entertainment, and business activities in these areas.*

### 3.2.1 OBJECTIVE

- 3.2.1.1 Provide for the amenity and quality of the environment in retail areas.

### *Principal Reason*

*To protect characteristics of visual interest, and cultural importance in areas of prime retail importance.*

### **3.2.2 POLICY**

- 3.2.2.1 To protect amenity enjoyed by the public while providing for the development of retail areas.

#### *Explanation and Principal Reason*

*Ensures the viability of retail areas while retaining the need for amenity values to be recognised and provided for.*

- 3.2.2.2 To take account of public safety in public space and building design.

#### *Explanation and Principal Reason*

*A large proportion of violent crime occurs in urban public places. Such spaces should be designed to improve safety and minimise crime and the fear of crime.*

- 3.2.2.3 To avoid the clustering of businesses of prostitution where there is potential to cause nuisance or serious offence to ordinary members of the public, and be incompatible with the existing character and use of an area.

#### *Explanation and Principal Reason*

*With the legalisation of prostitution there is potential for the number of businesses of prostitution to increase and to cluster together to form “red light” areas where there are lower amenity values. This may result in a withdrawal from further investment by property owners in such areas, a loss of business confidence and the subsequent relocation of some existing activities thereby providing additional opportunities for businesses of prostitution to cluster in such areas.*

### **3.2.3 METHODS**

- 3.2.3.1 Require the provision of a verandah to cover pedestrian ways in front of retail (commercial) buildings in principal shopping areas, and where a verandah is used, ensure that the character of the building and/or street is maintained (see performance standards for Commercial 1 Zone).

### *Principal Reason*

*Provides protection from weather in areas of prime retail importance and shading of shop displays.*

- 3.2.3.2 Ensure commercial developments of a non-retail nature in main street retail areas provide for display windows (see performance standards for Commercial 1 Zone).

### *Principal Reason*

*To discourage the occupation of street level retail space by non-retail businesses and to protect and enhance the visual appeal and interest of principal retail areas.*

- 3.2.3.3 When considering proposals to alter the facade of buildings, street frontages, pavements and roading that these changes reflect the policies in the Amenity Values section of this Plan (see Part B, 11 and General Rule 6.12).

### *Principal Reason*

*To ensure all aspects of the amenity and heritage values associated with these areas are given due consideration.*

## **3.3 ISSUE 3**

Heritage values in Timaru and Temuka commercial areas may be threatened by future commercial development.

### *Explanation*

*Changes to heritage facades, important townscape features, or demolition of heritage buildings in commercial areas may have a considerable impact on the visual quality and coherence of commercial areas and the cultural or heritage values of these areas.*

### **3.3.1 OBJECTIVE**

- 3.3.1.1 Recognition and protection of heritage values in commercial areas of the District.

### *Principal Reason*

*Addresses community concerns for the recognition and preservation of heritage values in commercial areas.*

### 3.3.2 POLICIES

- 3.3.2.1 To promote the protection and enhancement of heritage resources including historic places and other features of historic or cultural value in Timaru's inner city and Temuka's main street area.

*Explanation and Principal Reason*

*There is a need to retain the important cultural and entertainment facilities in the centre of Timaru to ensure the vitality of the area is maintained and enhanced. Recognises the importance the community places on historic places and other features of cultural or heritage value in Commercial Zones.*

- 3.3.2.2 To protect the most important heritage resources in commercial areas from development which threatens the visual, cultural or heritage values of these areas.

*Explanation and Principal Reason*

*Provides protection for the most important heritage resources in these areas.*

- 3.3.2.3 To protect the heritage character and visual quality of Commercial Zones in the District by ensuring new buildings in identified areas of Timaru and Temuka are of an appropriate scale to retain the continuity of areas with townscape values and that buildings in such areas are not demolished until a consent for a replacement building has been approved.

*Explanation and Principal Reason*

*Ensures that where buildings are replaced in Commercial Zones that the character and scale of redevelopment is sympathetic to adjacent buildings and the heritage character of the area. The areas to which this applies are identified in the Rules for Commercial Zones.*

### 3.3.3 METHODS

- 3.3.3.1 Require any alteration to, or removal of, important heritage and townscape resources from commercial areas to require a resource consent (see Rules for Commercial Zones and General Rule 6.12).

*Principal Reason*

*Aims to protect important heritage resources and ensure that the visual quality or cultural values of these areas are protected or enhanced while providing for the development and viable use of historic places.*

- 3.3.3.2 Implement proposed revitalisation of commercial centres through Long Term Council Community Plan programmes in Timaru, Temuka and Geraldine and design guidelines in Timaru and Temuka.

*Principal Reason*

*Provides a commitment by Council to funding for enhancement of public areas and town centres which are the focus for their communities and encourages property owners to initiate enhancement measures.*

- 3.3.3.3 Use rules in the District Plan to provide for the retention of heritage resources and heritage character (see General Rule 6.12 and Volume II).

*Principal Reason*

*A Heritage Audit has been prepared for Timaru and a Plan Change will be considered by the Council for the Inner City area when it has the recommendations of the Community Advisory Group on those issues for Timaru. Consideration shall also be given to instituting similar provisions in Temuka.*

*Aims to protect those most important areas of heritage commercial buildings while providing for the viable use of historic places in Commercial Zones. Acknowledges the value the community places on heritage resources and provides an opportunity for community involvement in the assessment process.*

### **3.4 ISSUE 4**

Some use and development may compromise the existing physical resources in Commercial Zones.

*Explanation*

*Throughout the urban areas of the District and especially in the centre of Timaru there are many physical resources in the form of buildings, community facilities, the roading network and other services. The Council considers it important to encourage the efficient use and development of those physical resources in existing urban areas and to avoid, remedy and mitigate any actual and potential effects on the environment within those areas.*

#### **3.4.1 OBJECTIVE**

Promote the sustainable use and development of physical resources in Commercial Zones.

*Principal Reason*

*Promoting the sustainable use and development of physical resources in Commercial Zones will assist the Council in the maintenance and development of a focal point for the community.*

**3.4.2 POLICIES**

3.4.2.1 (See Policy 3.1.2.2).

3.4.2.2 To provide for commercial activities and development and encourage the sustainable use and development of physical resources in Commercial Zones.

*Principal Reason*

*The Council wishes to ensure that there is an opportunity for all businesses to establish in the District. In many instances this will require the redevelopment of existing commercial land guided by performance standards.*

3.4.2.3 To ensure road access is available to new commercial allotments subject to compliance with Performance Standards.

*Principal Reason*

*Gives certainty to new developers and ensures a minimum standard for roading development is maintained.*

3.4.2.4 To set more permissive minimum standards of environmental effects such as noise and hazardous substances for commercial areas than for residential or natural areas of the District.

*Principal Reason*

*Establishes areas where commercial activities which produce some adverse environmental effects can be located without being in conflict with other land uses. Those people choosing to reside in Commercial Zones cannot expect the same level of amenity as occurs in Residential Zones.*

3.4.2.5 To promote the efficient use of existing services and the efficient servicing of future commercial development.

*Principal Reason*

*Servicing of commercial development can be more efficiently provided for where commercial activities are concentrated or limited*

*to specific areas of the District. Commercial land that is fully serviced is itself a resource which should not be unnecessarily duplicated.*

### **3.4.3 METHODS**

3.4.3.1 (See Method 3.1.3.1).

3.4.3.2 Use zoning and performance standards to centre commercial activities in and around existing commercial areas. (See Rules for the Commercial Zones).

#### *Principal Reason*

*Maximises the use of existing physical resources in the form of buildings and the capacity of services including the roading network, water supplies and waste water services.*

3.4.3.3 Financial contributions shall be required to recover the cost of providing services (see General Rules 6.5-6.8).

#### *Principal Reason*

*Requires those activities using the servicing infrastructure to contribute to the cost of providing and maintaining these services and encourages the efficient use of the servicing infrastructure.*

3.4.3.4 Require a high standard of roading and the safe and efficient ingress and egress of vehicles to commercial allotments except where there will be conflict with significant pedestrian flows or heritage values (see General Rules 6.6-6.8).

#### *Principal Reason*

*Acknowledges the responsibility Council has to provide all road users with safe and efficient roading.*

3.4.3.5 Other than major pedestrian routes ensure adequate access to a formed legal road is achieved for any new building or allotment, or the cost of upgrading is met (see General Rule 6.7).

#### *Principal Reason*

*Provides for a reasonable standard of access while minimising potential pedestrian/vehicle conflicts.*

3.4.3.6 Take into account any risk of natural hazards when identifying the expansion of Commercial Zones (see Part B(4) and General Rule 6.16).

*Principal Reason*

*Aims to reduce the level of exposure of people and property to natural hazards in areas of high risk. Council has liaised with the Canterbury Regional Council when identifying these areas.*

## **3.5 RULES FOR COMMERCIAL ZONES**

### **3.5.1 COMMERCIAL 1A (TIMARU)**

#### **1.A.1 PERMITTED ACTIVITIES**

The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules:

- 1.1 Shops.
- 1.2 Offices.
- 1.3 Household Units.
- 1.4 Boarding or Lodging Houses, or Hostels or Community Care Facilities (unrestrained) or Travellers' Accommodation.
- 1.5 Consulting Rooms for Health Practitioners.
- 1.6 Day-care Centres.
- 1.7 Banks (see Rules 5.5(4)-5.5(6)).
- 1.8 Bakeries.
- 1.9 Personal Services.
- 1.10 Utility Services.
- 1.11 Public Toilets.
- 1.12 Road and bridge construction and maintenance within road reserves.
- 1.13 Theatres, Cinemas or Places of Assembly.
- 1.14 Brothel(s), Business(es) of Prostitution, Small owner-operated brothel(s).
- 1.15 Accessory Buildings to any of the above.
- 1.16 Those activities provided for in the General Rules as permitted activities.

#### **1.A.2 CONTROLLED ACTIVITIES**

The following are controlled activities subject to complying with all the Performance Standards for this zone and the General Rules with the exercise of Council's discretion restricted to the matter(s) specified:

- 2.1 Restaurants or Licensed Premises. Council shall restrict its discretion to the environmental effects associated with noise and cleansing of the locality.
- 2.2 Telecommunication facilities and radio communication facilities. The Council shall restrict its discretion to potential visual effects.
- 2.3 Those activities provided for in the General Rules as controlled activities.

### **1.A.3 DISCRETIONARY ACTIVITIES**

The following are discretionary activities in this zone subject to complying with the General Rules:

- 3.1 Public Utilities.
- 3.2 The demolition of any building visible from a street frontage.
- 3.3 The erection of any new building along a street frontage.
- 3.4 Carparking provided access is not from Stafford Street
- 3.5 Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone
- 3.6 Open Space.
- 3.7 Those activities provided for in the General Rules as discretionary activities.
- 3.8 Telecommunication facilities and radio communication facilities, which do not meet the performance standards for the zone. The Council shall restrict its discretion to potential visual effects.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for this zone.

### **1.A.4 NON-COMPLYING ACTIVITIES**

- 4.1 All other activities in this zone are non-complying unless they are provided for by a General Rule.

### **1.A.5 PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THIS ZONE**

- **Sunlight and Outlook**

- 5.1 New buildings shall not be set back from the street frontage on sites adjoining Stafford Street, the Bay Hill, Church Street (east of Sophia Street), George Street, Cains Terrace, Beswick Street and Strathallan Street.
- 5.2 For sites north of Sefton Street the maximum building height is 20 metres. The maximum building height for all other parts of this zone is 12 metres.
- 5.3 The recession plane in Appendix 2 shall apply to any site boundary which adjoins a Residential Zone.
- 5.4 A set back of a minimum depth of 3 metres shall be required on any boundary which adjoins a Residential Zone.

- **Ground Floor Frontage**

5.5 The following shall apply to every building fronting Stafford Street, Timaru, between the Port Loop Road and Cains Terrace on the east, and between Sarah Street and George Street on the west:

- (1) At least the front 6 metres of the full length of the ground floor frontage shall be limited to shops, Banks, restaurants and licensed premises, and reasonable means of access for other activities.
- (2) No vehicle crossings across footpaths or pedestrian areas shall be permitted on this portion of Stafford Street.
- (3) The external wall of every building for the full length of its road frontage shall, as far as is practicable, be in the form of shop windows or be otherwise suitable for the display of goods on this portion of Stafford Street.
- (4) In the case of “Bank” premises such premises shall not be permitted to locate adjoining another “Bank” premise on the ground floor frontage. Premises shall be considered to be adjoining even if separated by an accessway, service lane or access to other permitted activities.
- (5) “Banks” may adjoin when located more than 6 metres from Stafford Street.
- (6) The external wall of any “Bank” premise, for its full length along Stafford Street shall, as far as is practicable, be in the form of shop windows and display facilities, with provision for access.

- **Verandahs**

5.6 Every building on land fronting Stafford Street in this zone shall, on its erection or on being reconstructed or altered in any way that substantially changes the face of the building, be provided with a verandah along the full frontage of the building. These verandahs and all other verandahs built over a public space shall comply with the following:

- (1) The height of the underside of the external edges of any verandah shall be a minimum of 2.7 metres and a maximum of 3 metres above the footpath.
- (2) Verandahs shall extend from the supporting building to a distance of 600 millimetres from the vertical line of the face of the kerb.

- (3) If a fascia is provided, it shall have a maximum vertical dimension of 450 millimetres.
- (4) Verandahs shall be of a related design and be attached to adjoining verandahs so as to provide continuous cover for pedestrians.
- (5) Where there is no kerb line that is over a closed road or other public space, the verandah shall extend from the supporting building a distance of 3 square metres and no further and may be supported by posts.

- **Obtrusive Light**

- 5.7 All exterior lighting on commercially zoned sites shall be directed away from residentially zoned land and from the carriageway of any roads.
- 5.8 Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane at the boundaries of any other sites in Residential Zones, between the hours 10.00pm and 7.00am and 20 lux at all other times.

- **Utility Services**

- 5.9 Lines and pipes associated with utility services and telecommunication facilities shall be placed underground.

- **Noise**

- 5.10 Noise levels from any activity shall not exceed the following unless specific noise levels are provided for the activity elsewhere in the Plan:

50 dBA  $L_{10}$  at the nearest Residential 1 Zone boundary between 7.00am and 10.00pm on any day, and 40 dBA  $L_{10}$  and 70 dBA  $L_{max}$  at all other times; and

55 dBA  $L_{10}$  at the nearest Residential 2 Zone boundary between 7.00am and 10.00pm on any day, and 45 dBA  $L_{10}$  and 75 dBA  $L_{max}$  at all other times.

- 5.11 See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.

- **Location of Brothel(s), Business(es) of Prostitution, Small Owner-Operated Brothel(s)**

5.12 No brothel(s), business(es) of prostitution, and/or small owner-operated brothel(s) shall be established or operated:

(a) Within 75 metres distance in any direction of:

- (i) a day care centre, primary school, intermediate school, secondary school;
- (ii) a place of worship;
- (ii) community facilities.

(b) Within 75 metres of an existing brothel, business(es) of prostitution, and/or small owner-operated brothel (measured both vertically or horizontally).

**6 ATTENTION IS DRAWN TO THE FOLLOWING GENERAL RULES**

(a) **Vehicle Access and Loading**

See General Rule 6.7 (see in particular Discretionary Activity 6.7.5 (2) which controls some new vehicle access to state highways).

(b) **Parking**

See General Rule 6.8.

(c) **Hazardous Substances**

See General Rule 6.9.

(d) **Signs**

See General Rule 6.15.

(e) **Heritage**

See General Rule 6.12.

(f) **Natural Hazards**

See General Rule 6.16.

(g) **Filled Sites**

See General Rule 6.18.

### **3.5.2 COMMERCIAL 1B (TIMARU)**

#### **1.B.1 PERMITTED ACTIVITIES**

The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules:

- 1.1 Shops.
- 1.2 Offices.
- 1.3 Banks.
- 1.4 Household Units, Boarding or Lodging Houses, Travellers' Accommodation, Hostels or Community Care Facilities (unrestrained).
- 1.5 Consulting Rooms for Health Practitioners.
- 1.6 Day Care Centres.
- 1.7 Personal Services.
- 1.8 Utility Services.
- 1.9 Public Utilities.
- 1.10 Public Toilets.
- 1.11 Meteorological Activities.
- 1.12 Restaurants or Licensed Premises.
- 1.13 Museums, Libraries or Galleries.
- 1.14 Carparking.
- 1.15 Plant Nurseries, Bakeries or Auction Rooms.
- 1.16 Theatres, Cinemas or Places of Assembly.
- 1.17 Veterinary Clinics.
- 1.18 Undertakers' Premises and Chapels.
- 1.19 Vehicle and Boat Sales.
- 1.20 Sales of Building, Electrical, Plumbing and Automotive Parts.
- 1.21 Printing.
- 1.22 Storage.
- 1.23 Hire of Equipment.
- 1.24 Emergency Services Facilities.
- 1.25 Postal Services.
- 1.26 Brothel(s), Business(es) of Prostitution, Small owner-operated brothel(s).
- 1.27 Buildings Accessory to any of the foregoing.
- 1.28 Road and bridge construction and maintenance within road reserves.
- 1.29 Those activities provided for in the General Rules as permitted activities.
- 1.30 Telecommunication and radio communication facilities.

#### **1.B.2 CONTROLLED ACTIVITIES**

The following are controlled activities subject to complying with all the Performance Standards for this zone and the General Rules, with the exercise of Council's discretion restricted to the matter(s) specified:

- 2.1 Those activities provided for in the General Rules as controlled activities.

### **1.B.3 DISCRETIONARY ACTIVITIES**

The following are discretionary activities in this zone subject to complying with the General Rules:

- 3.1 Service Stations.  
3.2 Vehicle Repair Garages.  
3.3 Depots for Couriers, Taxis and freight forwarding companies.  
3.4 Accessory Buildings to any discretionary activity.  
3.5 All permitted or controlled activities on sites fronting State Highway 1 unless all access is provided to or from alternative roads.  
3.6 Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.  
3.7 Those activities provided for in the General Rules as discretionary activities.  
3.8 Telecommunication facilities and radio communication facilities, which do not meet the performance standards for the zone. The Council shall restrict its discretion to potential visual effects.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for this zone.

### **1.B.4 NON-COMPLYING ACTIVITIES**

All other activities in this zone are non-complying unless they are provided for by a General Rule.

### **1.B.5 PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THIS ZONE**

- **Sunlight and Outlook**

- 5.1 The maximum building height is 10 metres except that Church towers and spires may be erected to 30 metres and communication and hose drying towers for Emergency Services Facilities may be erected to 20 metres.  
5.2 The recession plane in Appendix 2 shall apply to any site boundary which adjoins a Residential Zone.  
5.3 A set back of a minimum depth of 3 metres shall be required on any boundary which adjoins a Residential Zone.  
5.4 When a building is erected or reconstructed adjacent to an intersection or on a corner site then the intersection or corner shall be cut off and dedicated as road by a diagonal line joining the points

on each frontage at a distance of not less than 3 metres from the point of intersection or corner.

- **Obtrusive Light**

5.5 All exterior lighting on commercially zoned sites shall be directed away from residentially zoned land and from the carriageway of any roads.

5.6 Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane, at the boundaries of any other sites in Residential Zones, between the hours 10.00pm and 7.00am and 20 lux at all other times.

- **Visual Amenity**

5.7 Any outdoor storage areas, except for the display of goods for retail sale, shall be screened from adjoining sites, including public spaces of the same or a lower elevation, by a fence of not less than 2 metres in height.

5.8 Lines and pipes associated with utility services and telecommunication facilities shall be placed underground.

- **Noise**

5.9 Noise levels from any activity shall not exceed the following unless specific noise levels are provided for the activity elsewhere in this Plan:

50 dBA  $L_{10}$  at the nearest Residential 1 Zone boundary between 7.00am and 10.00pm on any day, and 40 dBA  $L_{10}$  and 70 dBA  $L_{max}$  at all other times; and

55 dBA  $L_{10}$  at the nearest Residential 2 Zone boundary between 7.00am and 10.00pm on any day, and 45 dBA  $L_{10}$  and 75 dBA  $L_{max}$  at all other times.

5.10 See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.

- **Location of Brothel(s), Business(es) of Prostitution, Small Owner-Operated Brothel(s)**

5.11 No brothel(s), business(es) of prostitution, and/or small owner-operated brothel(s) shall be established or operated:

- (a) Within 75 metres distance in any direction of:
  - (i) a day care centre, primary school, intermediate school, secondary school;
  - (ii) a place of worship;
  - (ii) community facilities.
- (b) Within 75 metres of an existing brothel, business(es) of prostitution, and/or small owner-operated brothel (measured both vertically or horizontally).

### **1.B.6 ATTENTION IS DRAWN TO THE FOLLOWING GENERAL RULES**

#### **(a) Vehicle Access and Loading**

See General Rule 6.7 (see in particular Discretionary Activity 6.7.5 (2) which controls some new vehicle access to state highways).

#### **(b) Parking**

See General Rule 6.8.

#### **(c) Hazardous Substances**

See General Rule 6.9.

#### **(d) Signs**

See General Rule 6.15.

#### **(e) Natural Hazards**

See General Rule 6.19.

#### **(f) Filled Sites**

See General Rule 6.18.

#### **(g) Landscaping**

See General Rule 6.19.

### 3.5.2.1 COMMERCIAL 1C (TIMARU)

#### 1.C.1 PERMITTED ACTIVITIES

The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules:

- 1.1 Shops\*.
- 1.2 Offices.
- 1.3 Consulting Rooms for Health Practitioners.
- 1.4 Day Care Centres.
- 1.5 Utility Services.
- 1.6 Public Utilities.
- 1.7 Public Toilets.
- 1.8 Road Works within Road Reserves.
- 1.9 Restaurants or Licensed Premises.
- 1.10 Postal Facilities.
- 1.11 Carparking.
- 1.12 Plant Nurseries, Bakeries or Auction Rooms.
- 1.13 Places of Assembly.
- 1.14 Veterinary Clinics.
- 1.15 Undertakers' Premises and Chapels.
- 1.16 Vehicle and Boat Sales.
- 1.17 Sales of Building, Electrical, Plumbing and Automotive Parts in premises of less than 500 square metres floor area\*.
- 1.18 Emergency Services Facilities.
- 1.19 Storage.
- 1.20 Hire of Equipment.
- 1.21 Household units.
- 1.22 Telecommunication and radio communication facilities.
- 1.23 Brothel(s), Business(es) of Prostitution, Small owner-operated brothel(s).
- 1.24 Personal Services.
- 1.25 Buildings Accessory to any of the foregoing.
- 1.26 Those activities provided for in the General Rules as permitted activities.

(\* See Performance Standard 4.1 for this Zone).

#### 1.C.2 CONTROLLED ACTIVITIES

The following are controlled activities subject to complying with all the Performance Standards for this zone and the General Rules, with the exercise of Council's discretion restricted to the matter(s) specified:

- 2.1 Those activities provided for in the General Rules as controlled activities.

### 1.C.3 DISCRETIONARY ACTIVITIES

The following are discretionary activities in this zone subject to complying with the General Rules:

- 3.1 Any industry or goods storage which does not require consent for a discharge to air and does not require an Offensive Trade Licence under the Health Act 1956.
- 3.2 Any shop, carpark, day care centre, place of assembly or sales outlet with direct vehicle access to State Highway 1.
- 3.3 Service Stations.
- 3.4 Vehicle Repair Garages.
- 3.5 Depots for Couriers, Taxis and freight forwarding companies.
- 3.6 Accessory Buildings to any discretionary activity.
- 3.7 Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.
- 3.8 Those activities provided for in the General Rules as discretionary activities.
- 3.9 Telecommunication facilities and radio communication facilities, which do not meet the performance standards for the zone. The Council shall restrict its discretion to potential visual effects.

NOTE: When considering applications for discretionary activities, regard should be had to the Performance Standards for this zone.

### 1.C.3 NON-COMPLYING ACTIVITIES

All other activities in this zone are non-complying unless they are provided for by a General Rule.

### 1.C.4 PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THIS ZONE

- **Shop floor area**

- 4.1.1 In all areas of the Commercial 1C Zone excluding that part of the zone bounded by North, Stafford and Browne Streets, no individual shop (except for sales of building, electrical, plumbing and automotive parts) shall occupy less than 500 square metres.
- 4.1.2 In that part of the zone bounded by North, Stafford and Browne Streets, excluding that area bounded by Heaton, Victoria and Browne Streets, no individual shop (except for sales of building, electrical, plumbing and automotive parts) shall occupy less than 2000 square metres
- 4.1.3 In that part of the zone bounded by Heaton, Victoria and Browne Streets, no individual shop (except for sales of building, electrical, plumbing and automotive parts) shall occupy less than 500 square

metres, but that only one shop shall be permitted on that area of land legally described as part sections 181, 182 and 183, Town of Timaru shown on the site plan in Appendix 1 as Lot 1.

- 4.1.4 Shop floor area can include ancillary storage, office and staff facilities. This space may not be sublet or hired in any form to another shop with a floor area of less than 500 square metres or in the case of Performance Standard 4.1.2, 2000 square metres.

- **Sunlight and Outlook**

- 4.2 The maximum building height is 10 metres.
- 4.3 The recession plane in Appendix 2 shall apply to any site boundary which adjoins a Residential Zone.
- 4.4 A set back of a minimum depth of 3 metres shall be required on any boundary which adjoins a Residential Zone.
- 4.5 When a building is erected or reconstructed adjacent to an intersection or on a corner site then the intersection or corner shall be cut off and dedicated as road by a diagonal line joining the points on each frontage at a distance of not less than 3 metres from the point of intersection or corner.

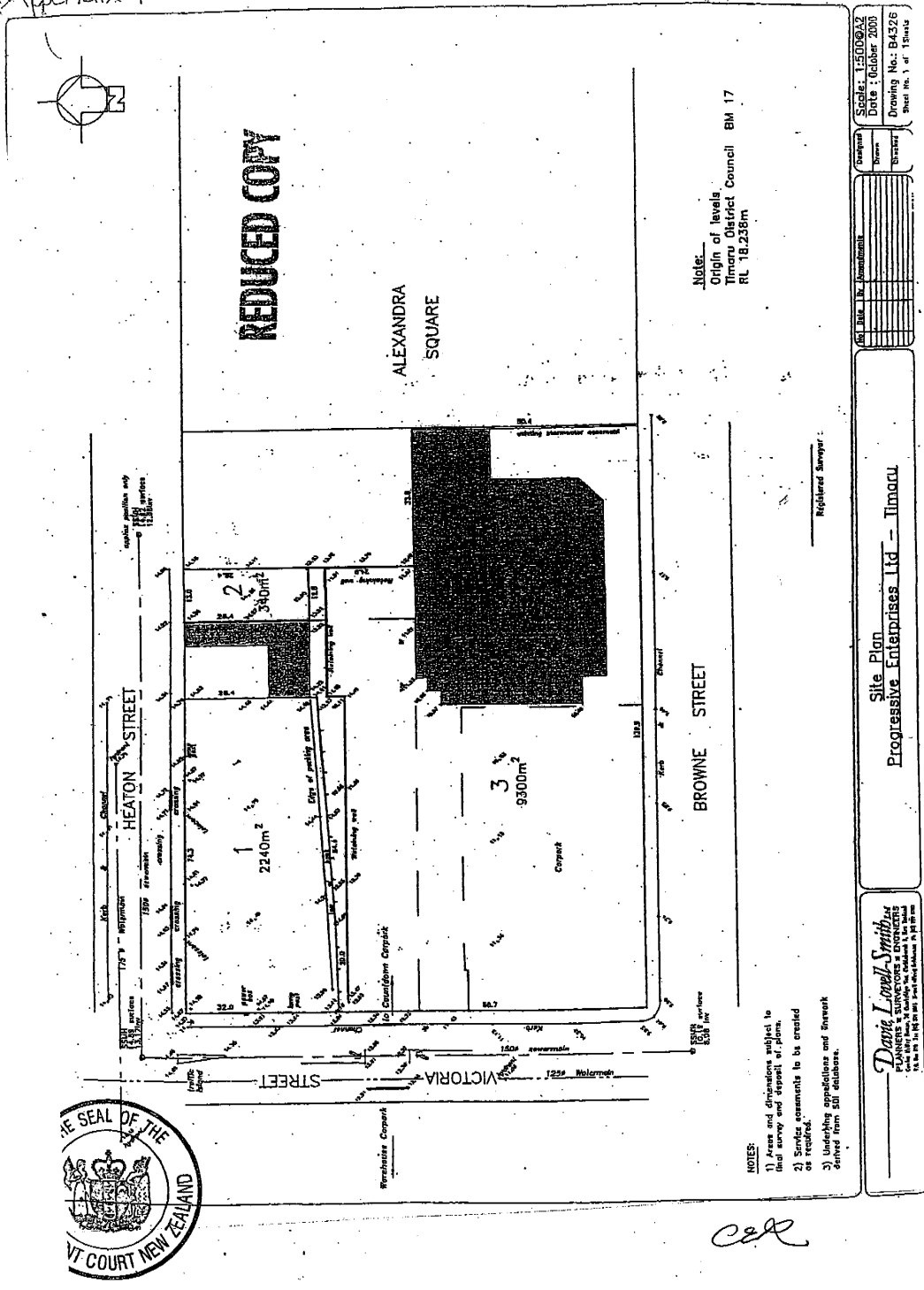
- **Glare**

- 4.6 All exterior lighting on commercially zoned sites shall be directed away from residentially zoned land and from the carriageway of any roads.
- 4.7 Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane, at the boundaries of any other sites in Residential Zones, between the hours 10.00pm and 7.00am, and 20 lux at all other times.

- **Visual Amenity**

- 4.8 Any outdoor storage areas, except for the display of goods for retail sale, shall be screened from adjoining sites, including public spaces of the same or a lower elevation, by a fence of not less than 2 metres in height.
- 4.9 Lines and pipes associated with utility services and telecommunication facilities shall be placed underground.

Appendix 1



- **Noise**

- 4.10 Noise levels from any activity shall not exceed the following unless specific noise levels are provided for the activity elsewhere in this Plan:

50 dBA  $L_{10}$  at the nearest Residential 1 Zone boundary between 7.00am and 10.00pm on any day, and 40 dBA  $L_{10}$  and 70 dBA  $L_{max}$  at all other times; and

55 dBA  $L_{10}$  at the nearest Residential 2 Zone boundary between 7.00am and 10.00pm on any day, and 45 dBA  $L_{10}$  and 75 dBA  $L_{max}$  at all other times.

- 4.11 See General Rule 6.21 for measurement and assessment of noise and standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.

- **Location of Brothel(s), Business(es) of Prostitution, Small Owner-Operated Brothel(s)**

- 4.12 No brothel(s), business(es) of prostitution, and/or small owner-operated brothel(s) shall be established or operated:

(a) Within 75 metres distance in any direction of:

- (i) a day care centre, primary school, intermediate school, secondary school;
- (ii) a place of worship;
- (ii) community facilities.

(b) Within 75 metres of an existing brothel, business(es) of prostitution, and/or small owner-operated brothel (measured both vertically or horizontally).

### 1.C.5 ATTENTION IS DRAWN TO THE FOLLOWING GENERAL RULES

(a) **Vehicle Access and Loading**

See General Rule 6.7 (see in particular Discretionary Activity 6.7.5 (2) which controls some new vehicle access to state highways).

(b) **Parking**

See General Rule 6.8.

(c) **Hazardous Substances**

See General Rule 6.9.

(d) **Signs**

See General Rule 6.15.

(e) **Natural Hazards**

See General Rule 6.19

(f) **Filled Sites**

See General Rule 6.18.

(g) **Landscaping**

See General Rule 6.19.

### **3.5.3 COMMERCIAL 1 (TEMUKA)**

#### **1.T.1 PERMITTED ACTIVITIES**

The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules:

- 1.1 Shops.
- 1.2 Offices.
- 1.3 Cinemas, Theatres or Places of Assembly.
- 1.4 Household units or Boarding or Lodging Houses, Travellers' Accommodation or Hostels or Community Care Facilities (unrestrained).
- 1.5 Consulting Rooms for Health Practitioners.
- 1.6 Personal Services.
- 1.7 Utility Services.
- 1.8 Restaurants or Licensed Premises.
- 1.9 Bakeries.
- 1.10 Banks.
- 1.11 Day Care Centres.
- 1.12 Road and bridge construction and maintenance within road reserves.
- 1.13 Meteorological Activities.
- 1.14 Emergency Services Facilities.
- 1.15 Public Toilets.
- 1.16 Brothel(s), Business(es) of Prostitution, Small owner-operated brothel(s).
- 1.17 Buildings Accessory to the above uses.
- 1.18 Those activities provided for in the General Rules as permitted activities.

#### **1.T.2 CONTROLLED ACTIVITIES**

The following are controlled activities subject to complying with all the Performance Standards for this zone and the General Rules, with the exercise of Council's discretion restricted to the matter(s) specified:

- 2.1 Telecommunication facilities and radio communication facilities. The Council shall restrict its discretion to potential visual effects.
- 2.2 Those activities provided for in the General Rules as controlled activities.

#### **1.T.3 DISCRETIONARY ACTIVITIES**

The following are discretionary activities in this zone subject to complying with the General Rules:

- 3.1 Public Utilities.
- 3.2 Auction Rooms.

- 3.3 The demolition of any building fronting onto King Street.
- 3.4 The erection of any new building or structure fronting onto King Street.
- 3.5 Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.
- 3.6 Carparking.
- 3.7 Those activities provided for in the General Rules as discretionary activities.
- 3.8 Telecommunication facilities and radio communication facilities, which do not meet the performance standards for the zone. The Council shall restrict its discretion to potential visual effects.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for this zone.

### **1.T.4 NON-COMPLYING ACTIVITIES**

All other activities in this zone are non-complying unless they are provided for by a General Rule.

### **1.T.5 PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THIS ZONE**

- **Sunlight and Outlook**

- 5.1 The maximum building height is 10 metres except that church towers and spires may be erected to 30 metres and communication and hose drying towers for Emergency Services Facilities may be erected to 20 metres.
- 5.2 The recession plane in Appendix 2 shall apply to any site boundary which adjoins a Residential Zone.
- 5.3 A set back of a minimum depth of 3 metres shall be required on any site which adjoins the Residential 1 Zone.

- **Carparking**

- 5.4 No carparking shall be required where the only access to the site would require forming a new vehicle crossing on to King Street (see General Rule 6.8.4).

- **Vehicle Access and Loading**

- 5.5 No new vehicle crossings shall be installed across footpaths on King Street.
- 5.6 When a building is erected adjoining to an intersection or on a corner site then the intersection or corner shall be cut off and dedicated as

road by a diagonal line joining the points on each frontage at a distance of not less than 3 metres from the point of intersection or corner.

- **Obtrusive Light**

5.7 All exterior lighting on commercially zoned sites shall be directed away from residentially zoned land and from the carriageway of any roads.

5.8 Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane at the boundaries of any other sites in Residential Zones, between the hours 10.00pm and 7.00am and 20 lux at all other times.

- **Visual, Amenity, Landscaping and Utility Services**

5.9 Any outdoor storage areas, except for display of goods for retail sale, shall be screened from adjoining sites, including roads of the same or lower elevation, by a fence of not less than 2 metres in height.

5.10 Lines and pipes associated with utility services and telecommunication facilities shall be placed underground.

- **Verandahs**

5.11 Every building on land fronting King Street in this zone shall, on its erection or on being reconstructed or altered in any way that substantially changes the face of the building, be provided with a verandah along the full frontage of the building. These verandahs and all other verandahs built over a public space shall comply with the following:

(1) The height of the external edges of any verandah shall be a minimum of 2.7 metres and a maximum of 3 metres above the footpath.

(2) Verandahs shall extend from the supporting building to a distance of 600 millimetres from the vertical line of the face of the kerb and no further.

(3) If a fascia is provided, it shall have a maximum vertical dimension of 450 millimetres.

(4) Verandahs shall be related to adjoining verandahs so as to provide continuous cover for pedestrians.

- (5) Notwithstanding the above a verandah shall not be required if the building is set back from the road boundary a distance equal to the width of a complying verandah; or
- (6) Where there is no kerb line ie over closed road or other public space, the verandah shall extend from the supporting building a distance of 3 metres and no further and may be supported by posts.

- **Noise**

- 5.12 Noise levels from any activity shall not exceed the following unless specific noise levels are provided for the activity elsewhere in this Plan:

50 dBA  $L_{10}$  at the nearest Residential 1 Zone boundary between 7.00am and 10.00pm on any day, and 40 dBA  $L_{10}$  and 70 dBA  $L_{max}$  at all other times.

- 5.13 See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.

- **Location of Brothel(s), Business(es) of Prostitution, Small Owner-Operated Brothel(s)**

- 5.14 No brothel(s), business(es) of prostitution, and/or small owner-operated brothel(s) shall be established or operated:

- (a) Within 75 metres distance in any direction of:

- (i) a day care centre, primary school, intermediate school, secondary school;
- (ii) a place of worship;
- (ii) community facilities.

- (b) Within 75 metres of an existing brothel, business(es) of prostitution, and/or small owner-operated brothel (measured both vertically or horizontally).

### 1.T.6 ATTENTION IS DRAWN TO THE FOLLOWING GENERAL RULES

- (a) **Vehicle Access and Loading**

See General Rule 6.7 (see in particular Discretionary Activity 6.7.5 (2) which controls some new vehicle access to state highways).

- (b) **Parking**

See General Rule 6.8.

(c) **Hazardous Substances**

See General Rule 6.9.

(d) **Signs**

See General Rule 6.15.

(e) **Natural Hazards**

See General Rule 6.16.

(f) **Filled Sites**

See General Rule 6.18.

(g) **Landscaping**

See General Rule 6.19.

### **3.5.4 COMMERCIAL 1 (GERALDINE)**

#### **1.G.1 PERMITTED ACTIVITIES**

The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules:

- 1.1 Shops.
- 1.2 Offices.
- 1.3 Restaurants or Licensed Premises.
- 1.4 Banks.
- 1.5 Cinemas, Theatres or Places of Assembly.
- 1.6 Consulting Rooms for Health Practitioners.
- 1.7 Household Units.
- 1.8 Open Space.
- 1.9 Utility Services.
- 1.10 Bakeries.
- 1.11 Day Care Centres.
- 1.12 Personal Services.
- 1.13 Meteorological Activities.
- 1.14 Emergency Services Facilities.
- 1.15 Road and bridge construction and maintenance within road reserves.
- 1.16 Brothel(s), Business(es) of Prostitution, Small owner-operated brothel(s).
- 1.17 Buildings Accessory to the above.
- 1.18 Those activities provided for in the General Rules as permitted activities.

#### **1.G.2 CONTROLLED ACTIVITIES**

The following are controlled activities subject to complying with all the Performance Standards for this zone and the General Rules, with the exercise of Council's discretion restricted to the matter(s) specified:

- 2.1 Telecommunication facilities and radio communication facilities. The Council shall restrict its discretion to potential visual effects.
- 2.2 Those activities provided for in the General Rules as controlled activities.

#### **1.G.3 DISCRETIONARY ACTIVITIES**

The following are discretionary activities in this zone subject to complying with the General Rules:

- 3.1 Public Utilities.
- 3.2 Vehicle, Boat or Agricultural Equipment Sale and Hire.
- 3.3 Auction Rooms.
- 3.4 Storage.

- 3.5 Carparking.
- 3.6 Printing.
- 3.7 Veterinary Clinics.
- 3.8 Service Stations.
- 3.9 Buildings accessory to land or buildings for any discretionary activity.
- 3.10 Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.
- 3.11 Those activities provided for in the General Rules as discretionary activities.
- 3.12 Telecommunication facilities and radio communication facilities, which do not meet the performance standards for the zone. The Council shall restrict its discretion to potential visual effects.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for this zone.

### **1.G.4 NON-COMPLYING ACTIVITIES**

- 3.1 Any other activities in this zone are non-complying unless they are provided for by a General Rule.

### **1.G.5 PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THIS ZONE**

- **Sunlight and Outlook**

- 5.1 The maximum building height shall be 10 metres except that church towers and spires may be erected to 30 metres.
- 5.2 The recession plane in Appendix 2 shall apply to any site boundary which adjoins a Residential Zone.
- 5.3 A set back of a minimum depth of 3 metres shall be required on any boundary which adjoins a Residential Zone.
- 5.4 Notwithstanding any other provision in the Plan no person shall construct or reconstruct any building, accessory building, structure, erection, or fence, or shall plant or permit to grow a hedge, tree, or other growth, whether on the boundary or not, over 900 millimetres in height above the average ground level within 6 metres of a road intersection, except for clear stemmed trees, which are pruned to maximise visibility.

- **Obtrusive Light**

- 5.5 All exterior lighting on commercially zoned sites shall be directed away from residentially zoned land and from the carriageway of any roads.

- 5.6 Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane at the boundaries of any other sites in Residential Zones, between the hours 10.00pm and 7.00am and 20 lux at all other times.
- **Visual Amenity**
- 5.7 Lines and pipes associated with utility services and telecommunication facilities shall be placed underground.
- **Verandahs**
- 5.8 Every building on land fronting Talbot Street in this zone shall on its erection or on being reconstructed or altered in any way that substantially changes the face of the building, be provided with a verandah along the full frontage of the building. These verandahs and all other verandahs built over a public space shall comply with the following:
- (1) The height of the external edges of any verandah shall be a minimum of 2.7 metres and a maximum of 3 metres above the footpath.
  - (2) Verandahs shall extend from the supporting building to a distance of 600 millimetres from the vertical line of the face of the kerb and no further.
  - (3) If a fascia is provided, it shall have a maximum vertical dimension of 450 millimetres.
  - (4) Verandahs shall be related to adjoining verandahs so as to provide continuous cover for pedestrians.
  - (5) Notwithstanding the above a verandah shall not be required if the building is set back from the road boundary a distance equal to the width of a complying verandah; or
  - (6) Where there is no kerb line that is over a closed road or other public space, the verandah shall extend from the supporting building a distance of 3 metres and no further.
- **Noise**
- 5.9 Noise levels from any activity shall not exceed the following unless specific noise levels are provided for the activity elsewhere in this Plan:

50 dBA  $L_{10}$  at the nearest Residential 1 Zone boundary between 7.00am and 10.00pm on any day, and 40 dBA  $L_{10}$  and 70 dBA  $L_{max}$  at all other times.

- 5.10 See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.

- **Traffic Safety at Intersections**

- 5.11 Notwithstanding any other provision in the Plan no person shall construct or reconstruct any building, accessory building, structure, erection, or fence, or shall plant or permit to grow a hedge, tree, or other growth, whether on the boundary or not, over 900 millimetres in height above the average ground level within 6 metres of a road intersection, except for clear stemmed trees, which are pruned to maximise visibility for traffic safety.

- **Location of Brothel(s), Business(es) of Prostitution, Small Owner-Operated Brothel(s)**

- 5.12 No brothel(s), business(es) of prostitution, and/or small owner-operated brothel(s) shall be established or operated:

(a) Within 75 metres distance in any direction of:

- (i) a day care centre, primary school, intermediate school, secondary school;
- (ii) a place of worship;
- (ii) community facilities.

(b) Within 75 metres of an existing brothel, business(es) of prostitution, and/or small owner-operated brothel (measured both vertically or horizontally).

### 1.G.6 ATTENTION IS DRAWN TO THE FOLLOWING GENERAL RULES

(a) **Vehicle Access and Loading**

See General Rule 6.7 (see in particular Discretionary Activity 6.7.5 (2) which controls some new vehicle access to state highways).

(b) **Parking**

See General Rule 6.8.

(c) **Hazardous Substances**

See General Rule 6.9.

(d) **Signs**

See General Rule 6.15.

(e) **Natural Hazards**

See General Rule 6.16.

(f) **Filled Sites**

See General Rule 6.18.

(g) **Landscaping**

See General Rule 6.19.

### **3.5.5 COMMERCIAL 1 (PLEASANT POINT)**

#### **1.P.1 PERMITTED ACTIVITIES**

The following are permitted activities subject to complying with all of the Performance Standards for this zone and the General Rules:

- 1.1 Shops.
- 1.2 Household Units.
- 1.3 Travellers' Accommodation.
- 1.4 Offices.
- 1.5 Banks.
- 1.6 Consulting Rooms for Health Practitioners.
- 1.7 Bakeries.
- 1.8 Tradesmen's Workshops and Stores.
- 1.9 Open Space.
- 1.10 Carparking.
- 1.11 Storage.
- 1.12 Vehicle, Boat or Equipment Sales or Hire.
- 1.13 Places of Assembly.
- 1.14 Personal Services.
- 1.15 Utility Services.
- 1.16 Meteorological Activities.
- 1.17 Emergency Services Facilities.
- 1.18 Road and bridge construction and maintenance within road reserves.
- 1.19 Brothel(s), Business(es) of Prostitution, Small owner-operated brothel(s).
- 1.20 Accessory Buildings to the above.
- 1.21 Those activities provided for in the General Rules as permitted activities.

#### **1.P.2 CONTROLLED ACTIVITIES**

The following are controlled activities subject to complying with all the Performance Standards for this zone and the General Rules, with the exercise of Council's discretion restricted to the matter(s) specified:

- 2.1 Telecommunication facilities and radio communication facilities. The Council shall restrict its discretion to potential visual effects.
- 2.2 Those activities provided for in the General Rules as controlled activities.

#### **1.P.3 DISCRETIONARY ACTIVITIES**

The following are discretionary activities in this zone subject to complying with the General Rules:

- 3.1 Restaurants or Licensed Premises.

- 3.2 Service Stations.
- 3.3 Public Utilities.
- 3.4 Any industry which complies with all of the performance standards for this zone.
- 3.5 Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.
- 3.6 Those activities provided for in the General Rules as discretionary activities.
- 3.7 Telecommunication facilities and radio communication facilities, which do not meet the performance standards for the zone. The Council shall restrict its discretion to potential visual effects.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for this zone.

### **1.P.4 NON-COMPLYING ACTIVITIES**

All other activities in this zone are non-complying unless they are provided for by a General Rule.

### **1.P.5 PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THIS ZONE**

- **Sunlight and Outlook**

- 5.1 The maximum building height shall be 10 metres except that communication and hose drying towers for Emergency Services Facilities may be erected to 20 metres.
- 5.2 The recession plane in Appendix 2 shall apply to any site boundary which adjoins a Residential Zone.
- 5.3 A set back of a minimum depth of 3 metres shall be required on any boundary which adjoins a Residential Zone.

- **Traffic Safety at Intersections**

- 5.4 Notwithstanding any other provision in the Plan no person shall construct or reconstruct any building, accessory building, structure, erection, or fence, or shall plant or permit to grow a hedge, tree, or other growth, whether on the boundary or not, over 900 millimetres in height above the average ground level within 6 metres of a road intersection, except for clear stemmed trees, which are pruned to maximise visibility for traffic safety.

- **Obtrusive Light**

- 5.5 All exterior lighting on commercially zoned sites shall be directed away from residentially zoned land and from the carriageway of any roads.
- 5.6 Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane at the boundaries of any other sites in Residential Zones, between the hours 10.00pm and 7.00am and 20 lux at all other times.

- **Visual Amenity**

- 5.7 Lines and pipes associated with utility services and telecommunication facilities shall be placed underground.

- **Noise**

- 5.8 Noise levels from any activity shall not exceed the following unless specific noise levels are provided for the activity elsewhere in the Plan:

50 dBA  $L_{10}$  at the nearest Residential 1 Zone boundary between 7.00am and 10.00pm on any day, and 40 dBA  $L_{10}$  and 70 dBA  $L_{max}$  at all other times.

- 5.9 See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.

- **Location of Brothel(s), Business(es) of Prostitution, Small Owner-Operated Brothel(s)**

- 5.10 No brothel(s), business(es) of prostitution, and/or small owner-operated brothel(s) shall be established or operated:

(a) Within 75 metres distance in any direction of:

- (i) a day care centre, primary school, intermediate school, secondary school;
- (ii) a place of worship;
- (ii) community facilities.

(b) Within 75 metres of an existing brothel, business(es) of prostitution, and/or small owner-operated brothel (measured both vertically or horizontally).

**1.P.6 ATTENTION IS DRAWN TO THE FOLLOWING GENERAL RULES**

(a) **Vehicle Access and Loading**

See General Rule 6.7 (see in particular Discretionary Activity 6.7.5 (2) which controls some new vehicle access to state highways).

(b) **Parking**

See General Rule 6.8.

(c) **Hazardous Substances**

See General Rule 6.9.

(d) **Signs**

See General Rule 6.15.

(e) **Natural Hazards**

See General Rule 6.16.

(f) **Filled Sites**

See General Rule 6.18.

(g) **Landscaping**

See General Rule 6.19.

### **3.5.6 COMMERCIAL 2 ZONE**

#### **1 PERMITTED ACTIVITIES**

The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules:

- 1.1 Shops.
- 1.2 Offices.
- 1.3 Banks.
- 1.4 Consulting Rooms for Health Practitioners.
- 1.5 Day Care Centres.
- 1.6 Personal Services.
- 1.7 Utility Services.
- 1.8 Road works within Road Reserves.
- 1.9 Carparking.
- 1.10 Plant Nurseries.
- 1.11 Veterinary Clinics.
- 1.12 Meteorological Activities.
- 1.13 Emergency Services Facilities.
- 1.14 Accessory Buildings to the above.
- 1.15 Those activities provided for in the General Rules as permitted activities.

#### **2 CONTROLLED ACTIVITIES**

The following are controlled activities subject to complying with all the Performance Standards for this zone and the General Rules, with the exercise of Council's discretion restricted to the matter(s) specified:

- 2.1 Telecommunication facilities and radio communication facilities. The Council shall restrict its discretion to potential visual effects.
- 2.2 Those activities provided for in the General Rules as controlled activities.

#### **3 DISCRETIONARY ACTIVITIES**

The following activities are discretionary activities in this zone subject to complying with the General Rules:

- 3.1 Service Stations.
- 3.2 Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.
- 3.3 Those activities provided for in the General Rules as discretionary activities.
- 3.4 Public Utilities.
- 3.5 Vehicle Repair Garages.
- 3.6 Restaurants or Licensed Premises.

- 3.7 Public Toilets.
- 3.8 Places of Assembly
- 3.9 Hire of Tools or General Equipment.
- 3.10 Repair and Servicing of personal household or garden equipment, appliances or cycles excluding: general engineering, fibreglassing, panelbeating, spray painting, or sand, steam or shot blasting.
- 3.11 Buildings accessory to the foregoing.
- 3.12 Telecommunication facilities and radio communication facilities, which do not meet the performance standards for the zone. The Council shall restrict its discretion to potential visual effects.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for this zone.

#### **4 NON-COMPLYING ACTIVITIES**

All other activities in this zone are non-complying activities unless they are provided for by a General Rule.

#### **5 PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THIS ZONE**

- **Sunlight and Outlook**

- 5.1 The maximum height of buildings shall be 10 metres except that communication and hose drying towers for Emergency Services Facilities may be erected to 20 metres.
- 5.2 A building set back of 5 metres shall be required along the site boundary where it adjoins with Residential or Recreational Zones.
- 5.3 All buildings shall be contained within a building envelope constructed by recession planes as set out in Appendix 2.

- **Visual Amenity**

- 5.4 Any outdoor storage areas, except for the display of goods for retail sale, shall be screened from adjoining sites, including roads of the same or a lower elevation, by a fence of not less than 2 metres in height.
- 5.5 For any future development on sites legally described as Lot 1 DP 45192, Lot 2 DP 19458 and Lot 1 DP 19458, the following shall apply:
  - (1) a minimum building setback of 5 metres from any site boundary adjoining a road;

- (2) landscaping with a minimum width of 5 metres shall be included within the 5 metre setback from any site boundary adjoining a road. This landscaping may include hard areas between the building and the road, eg cobbles for a café area, of up to 25% but cannot be used for vehicle parking or vehicle access purposes;
  - (3) landscaping of a minimum width of 2 metres shall be provided around all site boundaries adjoining Residential Zones;
  - (4) trees required to be planted under General Rule 6.19 shall increase to 1 tree per 5 car parks and shall be planted both within the parking area and around it;
  - (5) the minimum height of any trees at any time of planting shall be 1.5 metres;
  - (6) retain the existing three large trees along the Hobbs Street frontage of Lot 1 DP 45192 and in the south east corner of the site as identified on the Outline Development Plan attached to the Commercial 2 Zone rules;
  - (7) provide acoustic fencing along the western and southern boundaries of Lot 1 DP 19458 and Lot 1 DP 45192 which is a minimum height of 2 metres and constructed of 25 millimetre overlapped timber with no gaps between either the vertical boards or at ground level.
- 5.6 In association with any future development on sites legally described as Lot 1 DP 45192, Lot 2 DP 19458 and Lot 1 DP 19458, any windows above 3 metres in height above ground level on buildings and located within 10 metres of a Residential 2 Zone boundary shall be opaque.
- **Obtrusive Light**
- 5.7 All exterior lighting on commercially zoned sites shall be directed away from residentially zoned land and from the carriageway of any roads.
- 5.8 Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane at the boundaries of any other site in Residential Zones, between the hours 10.00pm and 7.00am, and 20 lux at all other times.

- **Traffic Safety at Intersections**

- 5.9 Notwithstanding any other provision in the Plan no person shall construct or reconstruct any building, accessory building, structure, erection, or fence, or shall plant or permit to grow a hedge, tree, or other growth, whether on the boundary or not, over 900 millimetres in height above the average ground level within 6 metres of a road intersection, except for clear stemmed trees, which are pruned to maximise visibility for traffic safety.

- **Noise**

- 5.10 Any loading dock shall be enclosed within buildings (other than the entrance/exit to the dock) and the entrance/exit door shall be kept closed where practicable so that noise is generally contained within a building during loading and unloading operations.

- 5.11 Noise levels from any activity shall not exceed the following unless specific noise levels are provided for the activity elsewhere in the Plan:

50 dBA  $L_{10}$  at the nearest Residential 1 Zone boundary between 7.00am and 10.00pm on any day, and 40 dBA  $L_{10}$  and 70 dBA  $L_{max}$  at all other times; and

55 dBA  $L_{10}$  at the nearest Residential 2 Zone, or Rural Zone boundary, between 7.00am and 10.00pm on any day, and 45 dBA  $L_{10}$  and 75 dBA  $L_{max}$  at all other times.

- 5.12 See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.

- **Outline Development Plan**

- 5.13 In association with any future development on sites legally described as Lot 1 DP 45192, Lot 2 DP 19458 and Lot 1 DP 19458, the Outline Development Plan for Hobbs Street, Timaru shall apply and includes the following:

- (1) a minimum 5 metre building setback along the Residential 2 Zone boundaries;
- (2) within the 5 metre building setback a minimum 2 metre landscape strip shall be provided along the Residential 2 Zone boundaries;

- (3) provision for a visitor parking area on the western side of the site and staff car parking along the southern side between any future building and the Residential 2 Zone boundaries;
- (4) the location of the building footprint is shown abutting the eastern boundary of Lot 1 DP 45192.

NOTE: Any deviation from the Outline Development Plan shall require resource consent approval.

### **6 ATTENTION IS DRAWN TO THE FOLLOWING GENERAL RULES**

#### **(a) Vehicle Access and Loading**

See General Rule 6 (see in particular Discretionary Activity 6.7.5 (2) which controls some new vehicle access to state highways).

#### **(b) Parking**

See General Rule 6.8.

#### **(c) Hazardous Substances**

See General Rule 6.9.

#### **(d) Signs**

See General Rule 6.15.

#### **(e) Natural Hazards**

See General Rule 6.16.

#### **(f) Filled Sites**

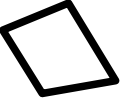






See General Rule 6.18.

#### **(g) Landscaping**

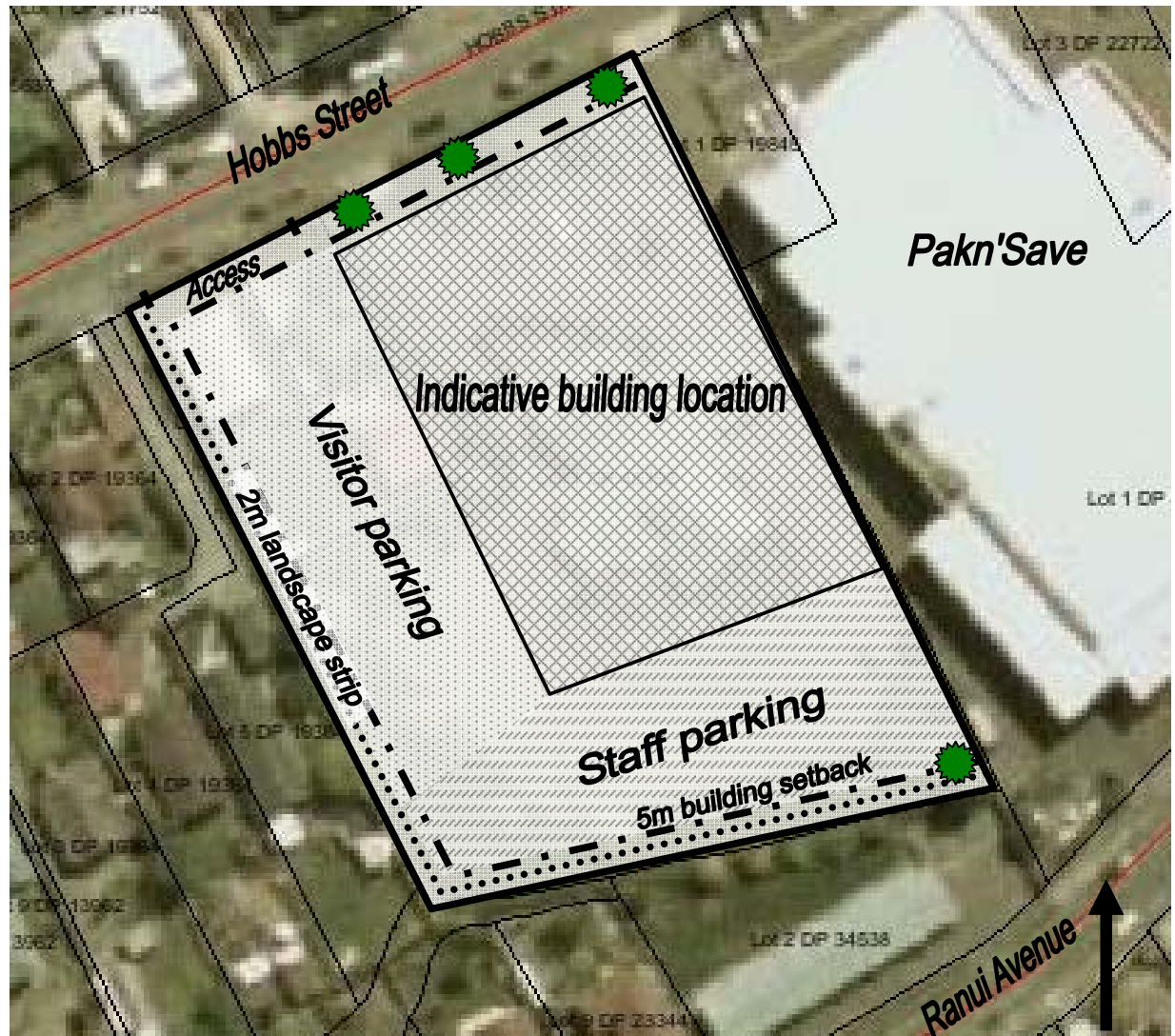
See General Rule 6.19.

## OUTLINE DEVELOPMENT PLAN HOBBS STREET, TIMARU

### Legend:

-  Site boundary
-  Indicative building area
-  Staff car parking area
-  Visitor car parking area
-  Existing tree to be retained
-  5m building setback
-  2m landscaping strip

Scale= 1:100 at A4



### 3.5.7 COMMERCIAL 3 ZONE

#### 1 PERMITTED ACTIVITIES

The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules:

- 1.1 New household units\*.
- 1.2 Boarding or lodging houses, travellers accommodation or hostels, or community care facilities (unrestrained) with up to 10 beds\*.
- 1.3 Shops up to 300 square metres in retail floor area\*.
- 1.4 Consulting rooms for health practitioners\*.
- 1.5 Veterinary Clinics\*.
- 1.6 Banks\*.
- 1.7 Home occupations\*.
- 1.8 Personal services\*.
- 1.9 Dressmaking or tailoring.
- 1.10 Offices or studios\*.
- 1.11 Day care establishments\*.
- 1.12 Utility services.
- 1.13 Meteorological Activities.
- 1.14 Road and bridge construction and maintenance within road reserves.
- 1.15 Accessory buildings for any of the above.
- 1.16 Those activities provided for in the General Rules as permitted activities.

(\* See Discretionary Activity 3.11)

#### 2 CONTROLLED ACTIVITIES

The following are controlled activities subject to complying with all the performance standards for this zone and the General Rules with the exercise of Council's discretion restricted to the matter(s) specified:

- 2.1 Conversion of commercial premises to household units. Council shall restrict its discretion to the environmental effects associated with visual appearance.
- 2.2 Telecommunication facilities and radio communication facilities. The Council shall restrict its discretion to potential visual effects.
- 2.3 Those activities provided for in the General Rules as controlled activities.

#### 3 DISCRETIONARY ACTIVITIES

The following are discretionary activities in this zone subject to complying with the General Rules:

- 3.1 Travellers' accommodation.
- 3.2 Restaurants or licensed premises.
- 3.3 Public utilities.
- 3.4 Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.
- 3.5 Repair and servicing of personal household or garden equipment, appliances, or cycles excluding: general engineering, fibreglassing, panelbeating, spray painting, or sand, steam or shot blasting.
- 3.6 Hire of tools or general equipment.
- 3.7 Storage.
- 3.8 Those activities provided for in the General Rules as discretionary activities.
- 3.9 Emergency Services Facilities.
- 3.10 Service Stations.
- 3.11 Any commercial activity on the sites at 99-111 Evans Street\*.
- 3.12 Telecommunication facilities and radio communication facilities, which do not meet the performance standards for the zone. The Council shall restrict its discretion to potential visual effects.

NOTE: When considering applications for discretionary activities regard shall be had to the Performance Standards for this zone.

#### **4 NON-COMPLYING ACTIVITIES**

All other activities in this zone are non-complying unless they are provided for by a General Rule.

#### **5 PERFORMANCE STANDARDS FOR ALL ACTIVITIES IN THIS ZONE**

- **Sunlight, Outlook and Visual Amenity**

- 5.1 The maximum height of buildings shall be 10 metres.
- 5.2 All buildings shall be contained within a building envelope constructed by recession planes as set out in Appendix 2.
- 5.3 The recession plane in Appendix 2 shall apply between any two detached household units on the same site and will be calculated from a point equidistant between adjoining detached household units.
- 5.4 Non-residential activities shall be set back a minimum of 3 metres from boundaries with adjoining residential activities except when destroyed by accident.
- 5.5 A building sited within 6 metres of a boundary on the subject site shall not exceed an overall dimension of 30 metres measured parallel to any site boundary, excluding a 600 millimetre projection of eaves.

- 5.6 Lines and pipes associated with utility services and communication facilities to three or more sites or household units shall be placed underground. Replacement of existing overhead services of more than 50 metres in length shall be located underground.
- 5.7 The storage of goods or materials on non-residential sites shall be screened from adjoining sites, by a fence of not less than 2 metres in height.
- **Open Space**
- 5.8 All household units shall have a minimum area of open space of 35 square metres with minimum dimension of 3 metres, and:
- (a) Doors from adjoining household units shall not open onto the open space area provided for another household unit on the same site.
  - (b) Open space areas shall be provided for the exclusive use of the subject household unit and shall remain unobstructed by vehicular access, manoeuvring, parking or service areas.
  - (c) Up to half of the open space area may be occupied by an attached structure which is predominantly made of glass and which has the purpose of providing for indoor/outdoor utilisation of this area eg conservatories/glasshouse.
  - (d) For multiple household units entirely above ground floor level a balcony of a minimum area of 12 square metres shall be provided adjoining the north, west or east side of the household unit for the exclusive use of that household unit. Doors from adjacent units may not open onto the balcony open space of an adjoining household unit.
  - (e) Open space shall be unobstructed from the ground level upwards except where a roof or other part of a building which is a minimum of 2 metres above the ground level of the open space may overhang the open space by up to 1 metre.
- **Obtrusive Light**
- 5.9 All exterior lighting on commercially zoned sites shall be directed away from residentially zoned land and from the carriageway of any roads.
- 5.10 Other than street lighting, no spill light from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane at the boundaries of any other sites in Residential Zones,

between the hours 10.00pm and 7.00am and 20 lux at all other times.

- **Traffic Safety at Intersections**

- 5.11 Notwithstanding any other provision in the Plan no person shall construct or reconstruct any building, accessory building, structure, erection, or fence, or shall plant or permit to grow a hedge, tree, or other growth, whether on the boundary or not, over 900 millimetres in height above the average ground level within 6 metres of a road intersection, except for clear stemmed trees, which are pruned to maximise visibility for traffic safety.

- **Noise**

- 5.12 Noise levels from any activity shall not exceed the following unless specific noise levels are provided for the activity elsewhere in the Plan:

50 dBA  $L_{10}$  at the nearest Residential 1 Zone boundary between 7.00am and 10.00pm on any day, and 40 dBA  $L_{10}$  and 70 dBA  $L_{max}$  at all other times; and

55 dBA  $L_{10}$  at the nearest Residential 2, Residential 4, or Rural Zone boundary, between 7.00am and 10.00pm on any day, and 45 dBA  $L_{10}$  and 75 dBA  $L_{max}$  at all other times.

- 5.13 See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.

## 6 **ATTENTION IS DRAWN TO THE FOLLOWING GENERAL RULES**

(a) **Water, Sewer, Stormwater and Reserves Contributions**

See General Rule 6.5.

(b) **Vehicle Access and Loading**

See General Rule 6.7 (see in particular Discretionary Activity 6.7.5 (2) which controls some new vehicle access to state highways).

(c) **Parking**

See General Rule 6.8.

(d) **Hazardous Substances**

See General Rule 6.9.

(e) **Signs**

See General Rule 6.15.

(f) **Natural Hazards**

See General Rule 6.16.

(g) **Filled Sites**

See General Rule 6.18.

(h) **Landscaping**

See General Rule 6.19.