

31.0 Town Commercial Zone

31.1 Permitted Activities

The following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions for Permitted Activities as well as the general rules:

- Any hazardous facility with an effects ratio no greater than 0.2;
- Commercial activities;
- Community activities, facilities;
- Domestic sewage, greywater, stormwater and air discharges;
- Emergency services facilities;
- Land disturbance;
- Motor vehicle parking lots and car parking buildings;
- Parks and reserves owned and administered by public authorities;
- Residential dwelling units associated with any Permitted Activity;
- Service stations; and
- Visitor accommodation.

Conditions for Permitted Activities

31.1.1 Infrastructure and Services

31.1.1.1 Parking

31.1.1.1.1 The following provisions shall apply when:

- a) An activity is established on a site;
- b) There is a change of activity; or
- c) A building(s) is constructed, substantially reconstructed, altered or added to. For the purposes of this rule altered or added to shall mean an addition or alteration of more than 25% of the gross floor area.

31.1.1.1.2 Where a particular site supports more than one activity, the parking requirement for each activity shall be separately determined where the gross floor area of an activity exceeds 10% of the total gross floor area. In order for different parking ratios to be applied, it must be demonstrated that different activities are separated by permanent partitions, otherwise the activities will be assessed as one use. Where the gross floor area of any ancillary activity occupies less than 10% of the total gross floor area, the ancillary activity shall be assessed as part of the main use.

31.1.1.1.3 If any activity is not represented in the list below, the activity closest in nature to the new activity should be used, or where there are two or more similar activities the activity with the higher parking rate shall apply. Alternatively, application may be made to find a new rate.

Activity	Parking Spaces Required
Bulk store	One for every 100m ² gross floor area plus one for every 100m ² of outdoor storage.
Buildings used for Recreation and recreational facilities	One for every four people the facility (including grandstands) is designed to accommodate.
Care Centre	One for every member of staff plus one for every 10 children or people the facility is designed to accommodate.
Community Welfare Facility	One for every employee.
Drive-through facility	Five queuing spaces per booth or facility.
Entertainment Facility	One for every four people the facility is designed to accommodate.
Health Care Services	One for every employee plus one for every 26m ² of gross floor area.
Hospital	One for each patient the facility is designed to accommodate.
Motels	One for every two employees plus one for every motel unit, or, one for every three residents the boarding house is designed to accommodate.
Offices	One for every 35m ² of gross floor area.
Places of Assembly	One space for every four people a community facility is designed to accommodate, or for churches, one for every 4.5m ² of floor area of the auditorium of the church or one for every 4.5m ² of the total floor area of all meeting rooms (whichever is the greater). Provided that the term auditorium shall mean the primary place of assembly (including any nave/ congregational seating area) and any adjoining gallery or room which is separated by non-permanent partitions, but shall not include any chancel, sanctuary or stage.
Premises for cultural activity or natural display	One space for every five people the facility is designed to accommodate.
Restaurants, cafés, wine bars and other eating places	One for every 10m ² of gross floor area, plus one for every 15m ² of outdoor eating area.
Retail Premises	One for every 17m ² of gross floor area, plus one for every 17m ² of outdoor retail.
Service Stations	Two spaces per three employees, one space per repair bay, one space per air hose and three queuing spaces per car wash.
Licensed premises other than restaurants, wine bars. Up to 100 persons design occupancy	Minimum parking: Nil Maximum parking: One for every four persons designed to be accommodated.
Between 101 persons and 150 persons design occupancy	Minimum parking: One for every 15 persons designed to be accommodated. Maximum parking: One for every six persons designed to be accommodated.
Between 151 and 200 persons design occupancy.	Minimum parking: One for every eight persons designed to be accommodated. Maximum parking: One for every five persons designed to be accommodated.

Activity	Parking Spaces Required
Between 201 and 250 persons design occupancy	Minimum parking: One for every six persons designed to be accommodated. Maximum parking: One for every four persons designed to be accommodated.
Between 251 and 300 persons design occupancy	Minimum parking: One for every five persons designed to be accommodated. Maximum parking: One for every three persons designed to be accommodated.
Tourist Complex	One space for every room plus one for every two employees plus one for every 10m ² of gross floor area of restaurant and one for every 8m ² of conference facility.

31.1.2 Amenities

31.1.2.1 Lighting

31.1.2.1.1 All exterior lighting shall be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and on traffic safety.

31.1.2.1.2 No activity shall result in greater than a 10 Lux spill (horizontal and vertical) of light onto any adjoining property within the zone, measured 2 metres inside the boundary of any adjoining property.

31.1.2.1.3 No activity shall result in a greater than 2.5 Lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Urban Residential.

31.1.2.2 Maximum Height

The maximum permitted height of any building shall be 12 metres.

31.1.2.3 Building Envelope

For properties which adjoin an Urban Residential Zone all buildings shall be confined within a height envelope in respect of the common boundary. The height envelope shall have the dimensions specified for recession planes in the Urban Residential Zone.

31.1.2.4 Building Setbacks

All proposed buildings and structures shall be set back a minimum of at least 5 metres where the site abuts an Urban Residential Zone and shall be 20 metres from the margin of the coastal marine area.

31.1.2.5 Site Coverage

Up to 100% of the site may be covered in building.

31.1.2.6 Verandahs

31.1.2.6.1 Every building fronting a formed legal road shall, on its erection, reconstruction, or alteration, provide a pedestrian shelter, in the form of verandahs for footpaths along that frontage.

- 31.1.2.6.2 Each required verandah shall, as far as is practicable, conform with adjoining verandahs in regard to height, width, and depth of fascia, unless otherwise permitted by the Council.
- 31.1.2.6.3 Every such verandah, or part of a verandah shall be erected to a height of not less than 2.9 metres or more than 3.5 metres above the level of the kerb of the footway. It shall extend from the supporting building to a distance of 0.45 metres inside a vertical line drawn from the face of the kerb unless otherwise permitted by the Council. Where street widening is proposed this vertical line shall be drawn from the face of the future kerb line.
- 31.1.2.6.4 The depth of fascia of the verandah shall be not less than 0.3 metres nor more than 0.45 metres in depth unless otherwise approved by the Council.

31.1.2.7 Hazards/Riparian Management

- 31.1.2.7.1 Except for internal alterations within an existing structure, building activity is not a Permitted Activity within the coverage of the Natural Hazards overlay identified on the Planning Maps.
- 31.1.2.7.2 Unless specified in the schedule of water bodies and Table 1 in Appendix I and the Ecology Maps in Volume Three, or to the contrary elsewhere in the Plan, all proposed buildings and structures shall be set back at least 8 metres from the top of any bank of any river, or where there is a stopbank at least 8 metres from the landward toe of that stopbank, except that this shall not apply to road structures across rivers. Buildings and structures shall be set back at least 20 metres from the coast, lakes and wetlands.

31.1.3 Noise

- 31.1.3.1 The hours of operation for licenced premises shall be 0800 hours one day to 0100 hours the following day. All permitted activities shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits at or within the boundary of any other site zoned Town Commercial:

- At any time 65 dBA L₁₀
- On any day between 2200 hours - 0700 hours the following day 75 dBA L_{max}
- On any day between 0700 hours - 2200 hours No L_{max} limits

Provided noise arising from activities shall not exceed the following noise limits at or within the boundary of any land zoned Urban Residential:

- 0700 hours - 2200 hours Monday to Friday 55 dBA L₁₀
- and 0700 hours - 1200 hours Saturday
- At all other times including any public holiday 45 dBA L₁₀ and 75 dBA L_{max}

31.1.3.2 Exception

Residential dwelling units associated with any permitted activity shall be permitted where the siting and construction of any dwelling is designed to reduce the exposure of the occupants to external noise. Such dwellings shall be constructed to achieve an indoor design sound level of 53 dBA L_{max} in any habitable room based on a designed sound level of 75 dBA L_{max} at the boundary of the site, or 10 metres from the dwelling whichever is the closer to the dwelling. The indoor design level shall be achieved with windows and doors open unless adequate alternative ventilation means is provided.

31.1.4 Land Disturbance

31.1.4.1 Land Disturbance General

Any land disturbance activity which meets the conditions below is a Permitted Activity.

31.1.4.1.1 Conditions

- a) Any increase in the concentration of suspended sediment shall not be more than 20% as measured by the 'black disk' method, notwithstanding that the concentration of suspended sediment in run-off water shall not exceed 200 grams/cubic metre at any point of discharge to any receiving water. The effects on the receiving water are to be measured at a distance downstream of two widths of the receiving watercourse or 50 metres, whichever is the lesser;
- b) No woody material of greater than 100mm diameter shall be left in any permanently flowing river, lake, wetland or sea as a result of a land disturbance operation; or
- c) All land disturbance sites are to be stable when subject to a storm event of 10% probability or less.

31.1.4.1.2 Exception

Except any land disturbance activity in an area identified as a hazard area that is required for the purposes of constructing or providing access to any structure requiring a building permit under the Building Act 1991, shall not be a Discretionary Activity, with no restriction on the exercise of Council's discretion.

31.1.4.2 Excavation and Filling

31.1.4.2.1 Conditions

- a) The maximum volume for either excavation or filling shall not exceed 20m³ in any continuous ten year period;
- b) The gradient of any side cut excavation must not exceed an average of 9.5 (1:6) and must not exceed 11.3 (1:5) along any length of more than 20 metres;
- c) Stormwater controls, watertable cut-offs, and culverts are to be installed to ensure that erosion does not occur on the inside edge of the cut. No culvert size less than 300mm may be used to drain any side-cut excavation;

- d) Batters and side castings are to be established by appropriate measures such as seeding, compacting, drainage and/or other methods of revegetation;
- e) Run-off from watertables or surfaces of side-cut excavations is to be directed to stable land areas; and
- f) Except for direct approaches to bridges, crossings and fords; maintenance of rail and public roads; and trenching for cable laying, no excavation or filling must take place within riparian management zones as specified in the schedule of water bodies and Table 1 in Appendix I and as mapped in Ecology Maps in Volume Three, or in a manner or location where the General Conditions for Land Disturbance above can not be complied with.

31.1.4.2.2 Fill Content

In addition to compliance with the conditions relating to the volume of fill material any filling of land or depressions is a Non-Complying Activity where the fill contains:

- a) Putrecible, inflammable or hazardous components;
- b) Material other than rubble, ballast, stones, soily material and demolition material; or
- c) Vegetation which is not incidental to the clearing of sites, and which comprises more than 5% of the fill material, by volume.

31.1.4.2.3 Exemptions

The following activities are exempt from control on the volume of material:

- a) Any works involving the repair or replacement of any utilities; and
- b) Support structures for any permitted or approved buildings, signs, fences and works.

31.1.5 Hazardous Facilities (District Function)

31.1.5.1 Effects Ratio

Any activity having an 'effects ratio' no greater than 0.2 shall be a Permitted Activity. The 'effects ratio' shall be calculated in accordance with the Hazardous Facility Screening Procedure set out in Appendix C.

31.1.5.2 Site Design

31.1.5.2.1 Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be effectively sealed with materials which are resistant to the substance(s).

31.1.5.2.2 Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be sealed and banded so that the equivalent of the maximum of the largest container within the banded area could be contained and excluded from the stormwater system if a spill occurs. In areas where drums are stored, the banded area shall be able to contain half of the maximum amount of the material stored.

- 31.1.5.2.3 Any bunds shall be constructed from materials which are resistant to the substance that the bund is designed to contain, so as to prevent the substance entering the soil.
- 31.1.5.2.4 All stormwater grates shall be clearly marked.
- 31.1.5.2.5 Storage of petroleum products in underground tanks shall comply with the most recent version of the Code of Practice for 'Design, Installation and Operation of Underground Petroleum Storage Systems.'
- 31.1.5.2.6 Any part of the site where solid or liquid hazardous or environmentally damaging substances are loaded or unloaded shall be sealed, banded, and drained to the satisfaction of the Council.
- 31.1.5.2.7 All vehicle accessways onto that part of a hazardous facility site where hazardous and environmentally damaging substances are loaded or unloaded shall have cut off drains installed which are not directly connected to the stormwater system.
- 31.1.5.2.8 Any part of the site where vehicles, equipment or containers that have or may have become contaminated with hazardous or environmentally damaging substances are washed, shall be sealed, banded and drained so that process effluent (run-off) from the washdown area is discharged into the foulwater system, or collected and stored in tanks for removal by a suitable trade waste contractor.
- 31.1.5.2.9 A record will be kept of the quantities of hazardous wastes stored on-site, or taken away to disposal.
- 31.1.5.3 Waste Management**
- 31.1.5.3.1 Conditions**
- a) The storage of hazardous waste on the site shall be in suitable containers that are either sited to the rear of buildings and/or screened from public view by a solid wall or close boarded fence with a minimum height of 2 metres;
 - b) A waste audit shall be undertaken for all premises generating waste hazardous substances in volumes greater than 6m³/week;
 - c) All sites where waste hazardous substances or waste containing hazardous substances is, or may be generated must provide appropriate and sustainable disposal procedures. Hazardous waste disposal in or outside the district may only be to facilities which are formally approved by the Council; and
 - d) A record will be kept of the quantities of hazardous wastes stored on the site, or taken away to disposal.
- 31.1.5.4 Fire Safety**
- All hazardous facilities where flammable hazardous substances are either used or stored shall have adequate fire safety equipment in place in compliance with the requirements of the Dangerous Goods Regulations.
- 31.1.5.5 Signage**
- All hazardous facilities shall be adequately signposted according to the most recent version of the Code of Practice for 'Warning Signs for Premises Storing Hazardous Substances of the New Zealand Chemical Industry Council.'

31.1.5.6 Emergency and Evacuation Plan

All hazardous facilities shall have in place an emergency and evacuation plan which deals with possible on-site accidents involving hazardous substances. A current copy of the Plan may be lodged with the Council.

31.1.6 Discharges

31.1.6.1 Effluent Disposal

Provision must be made for the satisfactory disposal of the effluent and greywater in accordance with the requirements of the plan. The requirements of the Plan are deemed to have been met where all effluent and greywater is connected to a public system expressly designed for this purpose.

31.1.6.2 Stormwater Discharges (Point source and Non Point Source)

The discharge of point source stormwater, to land or natural water, by gravity and/or; the discharge of non point source stormwater, to land or any natural water; shall be a Permitted Activity provided that:

- a) The discharge shall not cause any significant erosion or inundation of land;
- b) The discharge shall not have any significant adverse effect on water quality;
- c) The discharge shall not have any adverse effect on any fisheries, wildlife habitats or recreational values of any waterbody; and
- d) The discharge does not contain stormwater from an area where hazardous substances are stored unless:
 - Hazardous substances cannot enter the stormwater; or
 - There is an interceptor system in place to collect hazardous contaminants or diverted contaminated stormwater to a trade waste system;
- e) The above provisions do not apply to the drainage of naturally occurring wetlands or lakes.

Note: The discharge of stormwater into the Coastal Marine Area is dealt with by the rules in the Coastal Marine Zone.

31.1.6.3 Swimming Pool

The discharge of swimming pool wastewater into natural water is a Permitted Activity subject to the following:

- a) That wherever practicable swimming pool wastewater is discharged into a sewerage system otherwise:
- b) The rate of discharge shall not exceed 5 litres per second;
- c) That the discharge does not have an adverse effect on the water quality of the receiving environment;
- d) The discharge of swimming pool wastewater shall not have any adverse effect on fisheries, wildlife habitats, or recreational values of any waterbody; and
- e) The discharge shall contain no algaecides.

31.1.6.4 Incineration

31.1.6.4.1 The discharge of contaminants to air from incineration of untreated wood, vegetation, newspapers, magazines and cardboard shall be a Permitted Activity provided that:

- a) The waste is incinerated in an incinerator.
- b) The waste is generated on the property where incineration occurs.
- c) The waste being incinerated shall not include:
 - Car tyres;
 - Plastic agrichemical containers; and
 - Hazardous substances or containers of hazardous substances.
- d) The Waste does not cause offensive or objectionable smoke or particulate deposition beyond the boundary of the property.

31.1.6.5 Discharge for the Purpose of Ventilation

31.1.6.5.1 The discharge from any premise for the purpose of ventilation or from a fume cupboard shall be a Permitted Activity provided that:

- a) There is no objectionable odour or dust at or beyond the property boundary, or beyond 20 metres from any point of discharge when it is sited on public land;
- b) There is no offensive, adverse, or objectionable health effects beyond the property boundary; and
- c) Any fume cupboard installed prior to 1 October 1993 shall have existing rights of operation, provided it complies with the Building Act 1991, and the Health and Safety in Employment Act 1992. New fume cupboards in buildings undergoing significant building alteration, shall comply with New Zealand Standard 7203:1992.

31.1.6.6. Discharges of Water Vapour

Any discharge into air of condensed water vapour, including steam shall be a Permitted Activity provided that:

- a) Any plume does not impair visibility on any road or in any aircraft flight path; and
- b) There is no drift of an objectionable plume onto an adjacent property; and
- c) There is no venting of steam or water vapour directly above footpaths or onto other properties.

31.1.6.7. Discharge From Small Scale Fuel Burning Equipment

The discharge into air from an industrial trade premise, or from a non-moving source that is not an industrial or trade premise, of:

- Products of combustion from fuel burning equipment using coal, oil, or untreated wood at a rate not exceeding 40 kilowatts; or
- Methane, or natural or liquefied petroleum gas at a rate not exceeding 5 Megawatts

shall be a Permitted Activity provided that:

- a) The discharge is from a chimney or exhaust flue;
- b) There is no objectionable smoke at or beyond the property boundary;
- c) Smoke does not adversely affect visibility on any road;
- d) There is no objectionable odour at or beyond the property boundary; and
- e) There is no objectionable deposition of particulate matter from smoke onto any land or structure at or beyond the property boundary.

31.1.6.8 Discharges of Displaced Air

The discharge into air of any contaminant from tanks used for the storage of liquids (including petrol and diesel oil) or from the venting of gas pipelines, pumps, compressors or tanks shall be a Permitted Activity provided that:

- a) There is no objectionable odour or dust at or beyond the property boundary, or beyond 20 metres from the point of discharge whichever distance is less.

31.1.6.9 Discharges from Particular Industrial or Trade Premises

The discharges of contaminants into air from:

- Premises for the manufacture of beverages, including soft drinks, extraction of fruit juices, fermentation of wine, distillation of spirits, and alcoholic beverages;
- Premises used as or associated with funeral parlours, chapels, stonemasons;
- Premises used as or associated with the manufacture of household, industrial, electrical and garden equipment and appliances, excluding the manufacture of concrete products, rubber goods, processes involving the galvanising of steel;
- Premises used for food processing by deep fat frying or oil frying of any animal or vegetable matter where the processes have either singly or together a raw material capacity of less than five tonnes an hour;
- Premises used for joinery, including the manufacture, restoration or finishing of furniture and wood crafts, and cabinet making;
- Premises used for powder coating and spraypainting;
- Premises used for the application of surface coating, including printing or manufacture of packaging materials, and printing of paper;
- Premises used for the drying of grain and vegetable matter;
- Premises used for the manufacture of furnishings, clothing, carpets, but excluding rubber underlay;
- Premises used for the operation of drycleaning, dyeing, laundering and cleaning facilities;
- Premises used for the processing of food including baking, cooking, freezing and canning, but excluding the production of milk powders;

- Premises used for the retail and wholesale distribution of automotive fuels, oils, liquefied gases and gases;
- Premises used for the retail and wholesale distribution of fuels used for industrial processing and home heating;
- Premises used for the sale, servicing or repairs to motor vehicles, trains, trailers, boats or like equipment, including body and engine repairs, panel beating, fibre-glassing, and painting, when carried out in a booth or enclosure that has been designed to contain any emission of paint overspray;
- Premises used for the storage of food in refrigerated units;
- Premises used for the storage, blending and distribution of bulk products, including fertiliser, animal feeds, roading materials, gardening materials, and concrete processing materials; and
- Premises used solely for animal slaughtering.

is a Permitted Activity provided that:

- a) There is no objectionable odour at or beyond the property boundary; and
- b) There is no objectionable deposition of dust at or beyond the property boundary; and
- c) There is no offensive, adverse, or objectionable health effects beyond the property boundary.

31.2 Controlled Activity

31.2.1 Residential Activity

Any residential activity complying with the requirements of the Town Commercial Zone as to bulk and location is a Controlled Activity.

31.2.2 Matters Over Which Control is Reserved

Those matters necessary to ensure the protection of the Town Commercial Zone environment from the imposition of Residential Zone values.

31.2.3 Conditions

The Council reserves the right to impose conditions with respect to:

- a) Parking requirements;
- b) Noise (eg; the degree of insulation required to minimise noise nuisance from commercial noise standards); and
- c) Admission of daylight and retention of privacy to residential units.

31.3 Limited Discretionary Activities

- Minor Non Compliance; and
- Activities within Riparian Management Zones (specified in Appendix I and Ecology Maps in Volume Three).

31.3.1 Minor Non Compliance

Minor non-compliance with the conditions for Permitted Activities may be permitted to the extent specified below and will be considered by way of a Limited Discretionary Consent:

- Buildings encroaching the height envelope created by the recession plane angles by a maximum of 1.0 metre in any direction;
- Buildings exceeding the maximum height by 20% of the specified condition;
- Erection of a verandah; and
- Parking requirements.

31.3.2 Limits to the Council's Discretion

In each of the above cases the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from the proposed non-compliance; together with such matters listed in Rule 31.3.3 below as are relevant to the non-compliance.

All applications for minor non-compliance shall be non-notified, however, the Council may require the written approval of every person who may in the Council's judgement be adversely affected by the granting of the consent for non-compliance unless it is considered unreasonable in the circumstances to require such approval.

31.3.3 Matters for Consideration in the Exercise of Council's Discretion

31.3.3.1 In considering any application for minor non-compliance the Council will in the exercise of its discretion give consideration to the following matters:

31.3.3.2 The non-compliance should not:

- a) Diminish the overall character of the locality;
- b) In the case of a verandah whether it will in the circumstances existing serve a useful function for providing pedestrian shelter;
- c) Adversely affect privacy enjoyed on adjoining residential properties;
- d) Significantly diminish the daylight available to adjoining properties or cause shading of outdoor living areas, service courts, open space or habitable rooms on adjoining properties;
- e) Adversely affect on-site vehicle manoeuvring or car parking areas or affect the safe flow of traffic on adjoining roads;

- f) Whether or not it is physically practicable to provide the required parking on the site in terms of the existing location of buildings, availability of access to the road, and other similar matters;
- g) Whether there is an adequate alternative supply of parking in the vicinity eg; public carpark, formed angle road parking. In general on-street parallel parking, particularly in residential roads is not considered a viable alternative;
- h) Whether there is another site in the immediate vicinity that has available parking spaces which are not required at the same time as the proposed activity; and
- i) Whether a demonstrably less than normal incidence of parking will be generated by the proposal eg; due to specific business practice, operating method, type of customer.

31.3.4 Conditions

31.3.4.1 With respect to a waiver of parking requirements, either wholly or in part any application may be subject to conditions on the following matters:

- a) Restrictions on intensity and scale of activity so as to keep traffic generation in the vicinity within the capacity and safety limits of the adjoining roading system;
- b) Measures to be implemented in order to increase the capacity and/or safety of the roading system in order to accommodate the proposed traffic generation and ensure adequate allowances for future traffic growth. This may require financial contributions on behalf of the applicant to achieve these measures;
- c) A financial contribution (not exceeding the total land value and formation of the parking spaces concerned) may be required by the Council, to be used for the purchase, provision and maintenance of a public carpark in the near vicinity of the site or to be used to undertake road works which improve the on-street parking capacity of the centre; and
- d) Where there is an existing public parking area in the vicinity, the Council may impose a condition requiring the applicant to lease a certain number of parking spaces within it, so as to mitigate the effects of the lack of parking provision on the applicant's site.

31.3.5 Activities within Riparian Management Zones (specified in Appendix I and Ecology Maps in Volume Three)

- Excavation and filling.

31.3.5.1 Matters to which Council has restricted the exercise of its discretion:

- a) The effects on the natural clarity of any river, lake, wetland or the sea;
- b) The effects of the entry of any woody material into any river, lake, wetland or the sea;

- c) The effects on natural hazard management, including stability of riparian management zones and river control matters;
- d) Protection of riparian habitat diversity;
- e) Protection of in-stream habitat; and
- f) Provision of physical public access where legal public access is provided for.

31.4 Discretionary Activities

Application must be made for a Resource Consent for a Discretionary Activity for the following:

- **Activities listed as permitted activities which do not comply with conditions or with the provisions for minor non-compliance dealt with as limited discretionary activities;**
- **Any activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area; and**
- **Any hazardous facility with an effects ratio greater than 0.2;**
- **Building construction in riparian management zones as identified in Appendix I and the Ecology Maps in Volume Three.**

31.4.1 General Assessment Criteria

Any application for a Discretionary or Non-Complying Activity shall generally comply with the conditions for Permitted Activities. In addition they shall be considered in terms of the following assessment criteria. For some activities specific standards also apply.

31.4.1.1 Matters the Subject of Assessment

- a) The effect of the proposal on the town's landscape context and the landscape and visual quality of the town when viewed from the sea approach;
- b) The effect of the proposal on important view shafts to surrounding hills and of the sea enjoyed from residential areas;
- c) The provision of continuous pedestrian shelter within the town centre;
- d) Integration of built form with foreshore development;
- e) Design and appearance;
- f) The privacy and residential amenities enjoyed on nearby residential properties and on the applicant's own site;
- g) Daylight and shading of adjoining properties;
- h) The usual background noise characteristics of the locality and the likely extent and significance of any increase in noise;
- i) The safety and convenience of vehicle, cycle and pedestrian traffic on adjacent roads; and the need for safe on-site provision for vehicle access servicing, loading and parking;

- j) The need for on-site landscaping of grounds surrounding buildings or of car parking areas or for fencing and other site works; and
- k) The effect of the proposal on the safety, convenience, and vitality of the town centre.

31.4.2.2 Hazardous Facilities (District Function)

31.4.2.2.1 Criteria for Assessment

- a) The location of any special natural features, or other environmentally sensitive areas, to be protected;
- b) The possibility of exposure to natural hazards;
- c) The density of surrounding development;
- d) The availability of and access to suitable transport routes;
- e) The risks associated with transportation to or from the site;
- f) Compliance with any relevant Codes of Practice or guidelines;
- g) Specific requirements may be imposed to ensure that any undue risk posed by the facility is avoided or mitigated. Particular regard will be given to site layout, site management and emergency procedures and monitoring systems;
- h) Provision for site management (operational) plans and emergency plans;
- i) Proposals for monitoring the storage, use and transportation of hazardous substances; and
- j) Consideration of practicable alternative operating methods or sites.

31.4.3 Resource Consent Conditions

31.4.3.1 Any resource consent may include conditions relating to any one or more of the following:

- a) All those matters contained in section 108 of the Act;
- b) The bulk and location of buildings;
- c) The protection or enhancement of amenity values;
- d) The protection or enhancement of the quality and quantity of natural waters or water systems;
- e) The protection of any significant environmental feature;
- f) The protection of any iwi, heritage or archaeological sites or features;
- g) The design and appearance of any buildings;
- h) Financial contributions in accordance with the requirements of the Plan;
- i) Bonds or covenants to secure the performance of consent conditions;
- j) Landscape design and appearance, and site layout;
- k) The protection of future roading options and the management of traffic impacts; and
- l) Any adverse effect on the environment.

31.5 Non-Complying Activities

- Any activity other than a Prohibited Activity which is neither a Permitted Activity, Controlled Activity, Limited Discretionary Activity nor a Discretionary Activity shall be deemed to be a Non-Complying Activity.

31.6 Prohibited Activities - being activities for which no resource consent shall be granted

- The disposal of waste hazardous substances to land or water.
- The combustion of:
 - materials associated with the recovery of metals from insulated electrical cables; or
 - materials and metals used in motor vehicles; or
 - any other PVC plastic, or rubber tyres, treated timber, or agricultural chemical wastes.