

Chapter 36**RURAL COMMERCIAL ZONE - RULES****INTRODUCTION**

This Chapter contains rules managing land uses in the Rural Commercial Zone. The boundaries of this zone are shown on the planning maps.

All rules apply throughout the Rural Commercial Zone unless otherwise stated.

36.1 Summary of Rural Commercial Zone Rules

The following is a quick reference guide that summarises the Rural Commercial Zone Activity Table and Condition Table. It is intended to be a guide only and should not be used in place of the Rural Commercial Zone Activity Table and Condition Table elsewhere in this Chapter.

Rule Number and Description		Classification	Page Number
Rule 36.2	Any land use not identified by a rule in this Plan as a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity and it complies with all the relevant conditions.	Permitted	2
Rule 36.3	Scheduled sites.	Permitted	2
Rule 36.4	Land development (including subdivision but excluding Multi Unit Development for Residential and Industrial Activities).	Controlled	2
Rule 36.5	Relocation of a building from another site.	Controlled	2
Rule 36.6	Any subdivision, use or development of land referred to in Rules 36.2 to 36.5 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	3
Rule 36.7(a)	Industrial activities.	Discretionary	3
Rule 36.7(b)	Residential activities.	Discretionary	3
Rule 36.7(c)	Agricultural activities.	Discretionary	3
Rule 36.7(d)	Viticulture activities	Discretionary	3
Rule 36.7(e)	Home occupations.	Discretionary	3
Rule 36.7(f)	Licensed premises (including expansion of any licensed premises).	Discretionary	3
Rule 36.7(g)	Places of assembly.	Discretionary	3
Rule 36.7(h)	Retirement complexes.	Discretionary	3
Rule 36.7(i)	Camping grounds.	Discretionary	4
Rule 36.7(j)	Landfills.	Discretionary	4
Rule 36.7(k)	Use of explosives, other than for temporary military training purposes.	Discretionary	4
Rule 36.7(l)	Roadside Stalls	Discretionary	4
Rule 36.7(m)	Any business of prostitution	Discretionary	4

RURAL COMMERCIAL ZONE – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>36.2 Land Uses Generally</p> <p>1. Any land use is a permitted activity provided that:</p> <p>a) It complies in all respects with the relevant conditions in the Rural Commercial Zone activity table and condition table.</p> <p>b) It is not specified by a rule elsewhere in this Plan as a controlled activity, a restricted discretionary activity, a discretionary activity or a prohibited activity.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 36.6.</p>
<p>36.3 Scheduled Sites</p> <p>1. Any scheduled land use on a scheduled site is permitted provided that:</p> <p>a) It complies in all respects with the rules in Chapter 55 (Scheduled Sites).</p>	<p>The Council will restrict its discretion to the matters referred to in Chapter 55 (Scheduled Sites) of this Plan.</p>
CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>36.4 Land Development (including Subdivision, but excluding Multi Unit Development for Residential and Industrial Activities)</p> <p>1. Land development, including subdivision but excluding multi unit development for residential and industrial activities, is a controlled activity provided that:</p> <p>a) It complies in all respects with the standards and terms specified in Chapter 66 (Volume II) of this Plan.</p> <p>b) It complies in all respects with the relevant conditions in the Rural Commercial Activity Table and Condition Table.</p> <p>c) That it is assessed according to the matters in Chapter 66 (Volume II) over which the Council has reserved its control.</p> <p>2. Applications for resource consent will not be publicly notified in respect of land development (including subdivision) that fully complies with the standards and terms, and notice of applications need not be served.</p>	<p>The Council will exercise its discretion over the assessment criteria specified in Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</p>
<p>36.5 Relocation of Buildings</p> <p>1. Relocation of a building from another site is a controlled activity provided that:</p> <p>a) The relocation of the building complies in all respects with the relevant conditions specified elsewhere in the Rural Commercial Zone activity table and condition table.</p> <p>b) A written assessment must be submitted with each application which must:</p> <p>i) Include a statement from a building certifier or registered engineer that the building is structurally sound.</p> <p>ii) State the condition of the building and the reinstatement works needed to bring the building up to an external visual appearance that is compatible with other buildings in the vicinity.</p> <p>iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 36.6, including the following:</p> <ul style="list-style-type: none"> - The structural integrity of the building. - The imposition of a performance bond. - The timing of reinstatement works. - The effects on the built character of the surrounding area. - The effects on amenity values. - The effects on infrastructural services.

<p>of consent.</p> <p>iv) Provide clear photographs of the building in its current state.</p> <p>v) Provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of reinstatement work.</p> <p>The Council shall exercise its control over the following:</p> <p>c) The design, materials and timetable of the proposed reinstatement works.</p> <p>d) The imposition of any financial contributions in accordance with Chapter 65 (Financial Contributions) of this Plan.</p> <p>e) The imposition of a performance bond to complete the reinstatement of the building.</p> <p>2. Applications for resource consent will not be publicly notified in respect of relocated buildings that fully comply with the standards and terms, and notice of applications need not be served.</p>	
<p>RESTRICTED DISCRETIONARY ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>36.6 Land Uses Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land in rules 36.2 to 36.5 that does not comply with all of the relevant conditions in the Rural Commercial Zone activity table and condition table, is a restricted discretionary activity, unless stated by a Rule elsewhere in this Chapter.</p>	<p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Rural Commercial Zone activity table and/or condition table. - The cumulative effect of non-compliance with more than one condition. - In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over. - The matters set out in Chapter 1.6.5. - The assessment criteria in Chapter 39 of this Plan where applicable.
<p>DISCRETIONARY ACTIVITIES</p>	
<p>36.7 Discretionary Activities</p> <p>1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 37. The Council's discretion is unrestricted.</p> <p>a) Industrial activities.</p> <p>b) Residential activities.</p> <p>c) Agricultural activities.</p> <p>d) Viticulture activities.</p> <p>e) Home occupations.</p> <p>f) Licensed premises, including any increase in the gross floor area of any existing licensed premises.</p> <p>g) Places of assembly, unless stated by a rule elsewhere in this Chapter.</p> <p>h) Retirement complexes.</p>	

<ul style="list-style-type: none"> i) Camping grounds. j) Landfills. k) Use of explosives, other than for temporary military training purposes. l) Roadside Stalls. m) Any business of prostitution. 	
PROHIBITED ACTIVITIES	
<p>36.8 Prohibited Activities</p> <ul style="list-style-type: none"> 1. There are no land uses that are a prohibited activity within the Rural Commercial Zone. 	

RURAL COMMERCIAL ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>36.9 Yards</p> <p>1. The following yard conditions shall apply to all land uses:</p> <p>a) Front Yards</p> <p>There is no front yard requirement.</p> <p>b) Other yards</p> <p>Where a site adjoins the Rural Settlement Zone, any part of a building (including eaves and guttering) must not be erected closer than 1 metres from any side or rear site boundary.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the existing streetscape. - The effects of shading. - The effects on the amenity values of the area.
<p>36.10 Height</p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <p>a) Any part of a building or structure must not exceed 8 metres in height, except that:</p> <p>b) Any part of a building, structure or tree must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 36.10.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans meet the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Height must be measured using the rolling height method.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The scale and bulk of the building or structure in relation to the site. - The extent to which the effects of the height can be mitigated by setbacks, planting, design or topography of the site. - The effects on landscape values. - The effects of shading. - The effects on amenity values. - The effects on air traffic safety.
<p>36.11 Height in Relation to Boundary</p> <p>1. The following height in relation to boundary conditions shall apply to all land uses:</p> <p>a) Any part of a building or structure must not project beyond a building envelope constructed by drawing planes along all site boundaries. The planes must commence 3.0 metres above ground level at the site boundary and must be inclined at an angle of 45 degrees to the horizontal.</p> <p>b) Provided that:</p> <p>i) In relation to multi-unit development, the building envelope must be constructed by drawing planes along all parts of all building site boundaries and must commence at the building site boundary.</p> <p>ii) The height in relation to boundary condition does not apply to the length of common wall between two or more attached buildings.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The availability of daylight to adjacent properties. - The effects on the privacy of adjacent properties and occupiers. - The effects on amenity values. - The effect on landscape values. <div data-bbox="943 1682 1505 2033" style="border: 1px solid black; padding: 10px;"> </div>

<p>iii) Where the site abuts an entrance strip or access lot the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of applying the height in relation to boundary condition.</p> <p>iv) No account will be taken of aërials, lines, support structures, solar heating devices, air conditioning units and similar structures used for housing electronic or mechanical equipment, or chimneys, no more than 1 metre wide in any horizontal direction and less than 2.5 metres in height beyond the building envelope.</p>											
<p>36.12 Noise</p> <p>1. The following noise conditions shall apply to all land uses, other than those exempted in Rule 57.9:</p> <p>a) The following noise limits must not be exceeded at any point within the notional boundary of any dwelling unit on any other site within a rural environment, or at any point within any Residential Environment, Rural Settlement Zone, Lifestyle Character Zone or Jervoisstown Zone, except where expressly provided for elsewhere in this Plan:</p> <table border="0" data-bbox="225 1099 863 1234"> <tr> <td>Control Hours</td> <td>Noise Level</td> </tr> <tr> <td>0700 to 1900 hours</td> <td>55 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>1900 to 2200 hours</td> <td>50 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>45 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>75 dB L_{AFmax}</td> </tr> </table> <p>b) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p>	Control Hours	Noise Level	0700 to 1900 hours	55 dB L _{Aeq} (15 min)	1900 to 2200 hours	50 dB L _{Aeq} (15 min)	2200 to 0700 hours the following day	45 dB L _{Aeq} (15 min)	2200 to 0700 hours the following day	75 dB L _{AFmax}	<p>Matters:</p> <ul style="list-style-type: none"> - The sound level likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility within the neighbourhood. - The effects of noise on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation. - Matters referred to in Chapter 57 (Noise).
Control Hours	Noise Level										
0700 to 1900 hours	55 dB L _{Aeq} (15 min)										
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2200 to 0700 hours the following day	75 dB L _{AFmax}										
<p>36.13 Light Spill</p> <p>1. The following light spill condition shall apply to all land uses other than for the purposes of illuminating a road:</p> <p>a) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance of excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 metres above ground level) at any point beyond the zone boundary.</p> <p>b) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space in a building within a residential zone or a rural settlement zone).</p> <p>c) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users or aircraft.</p> <p>NOTE:Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers is of a similar nature which are not affected by such</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The orientation, strength, intensity, colour and frequency of any light. - The effects on traffic safety. - The positive effects on pedestrian safety. - The effects on amenity values. - The effects on the health, safety, security and wellbeing of people. 										

<p>outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurement should be made in clear sky conditions, or should take into account the effect of weather conditions on illuminance.</p>	
<p>36.14 Vibration</p> <p>1. The following vibration conditions shall apply to all land uses:</p> <p>a) Any land use must not generate a vibration that causes an unreasonable adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effect on public health and safety. - The effects on the structural integrity of adjacent buildings and facilities. - The effect on amenity values of the area.
<p>36.15 Odour and Dust</p> <p>NOTE: The discharge of contaminants (including odour and dust) onto or into air, land or water is regulated by the Hawke's Bay Regional Resource Management Plan and may require resource consent approval. Contact the Hawke's Bay Regional Council for advice.</p>	
<p>36.16 Fences</p> <p>1. Any fence erected within front, side and rear yards must not exceed 2 metres in height.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects of shading. - The effects on amenity values. - The effects on public health and safety.
<p>36.17 Aerials, Lines and Support Structures</p> <p>1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation:</p> <p>a) Aerials, lines and/or support structures must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>b) Aerials, lines and/or support structures must not exceed 15 metres in height.</p> <p>c) Where there is conflict between any of the height control lines or limits in (a) and (b) above, the lowest height must prevail.</p> <p>d) Dish antenna must not exceed 1.2 metres in diameter.</p> <p>e) Where an aerial, line or support structure exceeds 7 metres in height above the point of its attachment or base support, it must also comply with the following conditions:</p> <p>i) The distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction.</p> <p>ii) There is only one such structure on the site.</p> <p>f) The aerial, line and/or support structure must comply with the conditions relating to yards in the Rural Commercial Zone condition table.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The scale in relation to adjacent buildings. - The bulk and form of the aerial, line and/or supporting structures. - The effects of shading. - The extent to which heritage or cultural values are adversely affected. - The cumulative effect of additional aerials, lines and/or support structures. - The prominence of the site taking into account significant public views and any significant landscapes. - The effects on public health and safety. - The effects on air traffic safety.
<p>36.18 Earthworks</p> <p>1. The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 52A (Earthworks) of this Plan.</p>
<p>36.19 Heritage</p> <p>1. The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 56 (Heritage) of this Plan.</p>
<p>36.20 Signs</p> <p>1. The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 58 (Signs) of this Plan.</p>

36.21 Transport 1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with.	Matters: Refer to matters in Chapter 61 (Transport) of this Plan.
36.22 Natural Hazards 1. The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.	Matters: Refer to Chapter 62 (Natural Hazards) of this Plan.

<p>36.23 Hazardous Substances</p> <p>1. The relevant provisions of Chapter 63 (Hazardous Substances) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 63 (Hazardous Substances) of this Plan.</p>
<p>36.24 Activities on the Surface of Water</p> <p>1. The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62A (Activities on the Surface of Water) of this Plan.</p>
<p>36.25 Contaminated Sites</p> <p>1. The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 64 (Contaminated Sites) of this Plan.</p>
<p>36.26 Financial Contributions</p> <p>1. The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 65 (Financial Contributions) of this Plan.</p>
<p>36.27 Code of Practice for Subdivision and Land Development</p> <p>1. The relevant provisions of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</p>