

COMZ – Commercial zone

Objectives

COMZ-O1 Commercial function and purpose

- (1) Commercial activity is focused within a differentiation of commercial zones and development ~~(comprising the Business Town Centre Zone, the Business Zone, the Business Zone Tamahere and neighbourhood centres).~~

COMZ-O2 ~~Business COMZ – Commercial~~ zone – Character

- (1) The commercial scale, form of buildings and character of the Business Zone is maintained.

COMZ-O3 ~~Business COMZ – Commercial~~ zone ~~and Business Town Centre Zones~~ – Amenity

- (1) The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the Business and Business Town Centres Zones.

Policies

COMZ-P1 Commercial function and purpose

- (1) Commercial activity develops in a way that:
 - (a) Ensures the ~~business~~ town centre within each town is maintained as the primary focal point for retail, administration, commercial services and civic functions;
 - (b) Provides for larger scale commercial activities within the ~~Business Zone COM – Commercial zone;~~
 - (c) Provides for small scale convenience retail and community activities within the ~~BTZ – Business Tamahere zone~~ and neighbourhood centres.

COMZ-P2 Commercial purpose: ~~Business COMZ – Commercial~~ zone

- (1) The role of the ~~Business COMZ – Commercial~~ zone is to support the local economy and the needs of businesses by:
 - (2) Providing for a wide range of commercial activities; and
 - (3) Providing for commercial activities at a scale that supports the commercial viability of towns and villages; and
 - (4) Ensuring that commercial activities complement and support the role of ~~business~~ town centres.

COMZ-P3 Commercial purpose: Neighbourhood Centres

- (1) Ensure that within neighbourhood centres convenience retail and commercial activities are carried out in a way that meets the needs of the local communities they are intended to serve.

COMZ-P4 Commercial purpose: Neighbourhood Centres in Structure Plans

- (1) Neighbourhood centres within new residential areas that are identified through structure plans or master plans are to provide

COMZ-P5 Role and function of the Business Zone

- (1) Ensure the role of the **Business COMZ – Commercial** zone is complementary to the **Business TCZ – Town centre Zone** by:
 - (a) Enabling a wide range of commercial activities including large format retail activities within the **Business COMZ – Commercial** zone; and
 - (b) Discouraging small scale retail activities, administration and commercial services within the **Business COMZ – Commercial** zone.

COMZ-P6 Employment opportunities: **COMZ - Commercial** zone

- (1) Commercial development within the **COMZ - Commercial** zone increases employment opportunities within the district.

COMZ-P7 Retail: **Business COMZ – Commercial zone**

- (1) Locate large scale retail and commercial activities to within the **Business COMZ – Commercial**.

COMZ-P8 Residential upper floors: **Business TCZ – centre zone** and **Business COMZ – Commercial zone**

- (1) Maintain the commercial viability of the **Business TCZ – Town centre zone** and **Business COMZ – Commercial** zone while:
 - (a) Providing for mixed use developments, ensuring residential activities are located above ground floor; and
 - (b) Avoiding residential activity located at ground level.

COMZ-P9 Landscaping of onsite parking areas – **Business COMZ – Commercial**

- (1) Provide a degree of amenity for onsite parking areas within the Business Zone by ensuring a planting strip is established and maintained.

COMZ-P10 Front setback – **Business COMZ – Commercial**

- (1) Ensure buildings within the **Business COMZ – Commercial** are designed and setback from roads by:
 - (a) Retaining the predominant building setback within the street; and
 - (b) Allowing sufficient space for the establishment of landscaping on the site.

COMZ-P11 Height: **Business COMZ – Commercial zone**

- (1) Ensure the height of new buildings is complementary to, and promotes, the existing character of the Business Zone and adjoining **GRZ – General** residential and **village LLRZ – Large lot residential** zones

COMZ-P12 New buildings: **Business COMZ – Commercial zone**

- (1) New buildings within the Business Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3), and in particular:
 - (a) Responds to the specific site characteristics and wider street;

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- (b) Promotes architectural form, building features and placement;
- (c) Provides landscape and open space design that responds to the characteristics and qualities of the area;
- (d) Minimises visual and amenity impacts of accessways and parking facilities; and
- (e) Accommodates pedestrian access and safety.

COMZ-PI3 Reverse sensitivity

- (l) Reverse sensitivity within **Business COMZ – Commercial** and **Business TCZ – Town centre zones** is managed by ensuring residential activities and development are acoustically insulated to mitigate the adverse effects of noise.

COMZ-PI4 Adjoining site amenity

- (l) Maintain amenity of adjoining residential or **OSZ – Open space Reserve** zoned properties by:
 - (a) Requiring buildings within the **Business COMZ – Commercial** and **Business TCZ – Town centre zones** to be setback from boundaries adjoining residential and **OSZ – Open space Reserve** zoned land; and
 - (b) The progressive reduction in the height of buildings in **Business COMZ – Commercial** and **Business TCZ – Town centre zones** the closer they are located to boundaries adjoining residential and **OSZ – Open space Reserve** zoned land.

COMZ-PI5 Reverse sensitivity

- (l) Reverse sensitivity is managed by ensuring residential activities and development within the **Business TCZ – Town centre zone** and **Business COMZ – Commercial** zone are acoustically insulated to mitigate the adverse effects of noise.

COMZ-PI6 Outdoor storage

- (l) The adverse visual effects of outdoor storage in the within **Business Town centre zone** and **Business COMZ – Commercial** zone are mitigated through appropriate location, screening or landscaping.

COMZ-PI7 Objectionable odour

- (l) Within the **Business Town centre zone** and **Business COMZ – Commercial** ensure that the adverse effects of objectionable odour from activities do not detract from the amenity of other sites.

COMZ-PI8 Adjoining site amenity

- (l) Maintain amenity of adjoining properties by:
 - (a) In the **Business COMZ – Commercial** Zone:
 - (i) Requiring buildings to be setback from boundaries adjoining all zones except **GIZ – General** industrial and **HIZ – Heavy Industrial** zoned land.

Rules

Note: For certain activities, consent may be required by rules in more than one chapter in the Plan, i.e. the District-wide chapters. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part I, HPW – How the Plan Works.

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Land use – activities

COMZ-R1	Commercial activity	
(1) Activity status: PER	Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a
COMZ-R2	Commercial services	
(1) Activity status: PER	Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a
COMZ-R3	Community activity	
(1) Activity status: PER	Activity-specific conditions: (a) Excluding a cemetery	(2) Activity status where compliance not achieved: DIS
COMZ-R4	Residential activity	
(1) Activity status: PER	Activity-specific conditions: (a) Located above ground floor level	(2) Activity status where compliance not achieved: NC
COMZ-R5	Education facility	
(1) Activity status: PER	Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a
COMZ-R6	Child care facility	
(1) Activity status: PER	Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a
COMZ-R7	Office	
(1) Activity status: PER	Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a
COMZ-R8	Public amenity	
(1) Activity status: PER	Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a
COMZ-R9	Place of assembly	

(1) Activity status: PER Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a
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COMZ-RI10 Health facility	
(1) Activity status: PER Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a

COMZ-RI11 Hauroa	
(1) Activity status: PER Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a

COMZ-RI12 Traveller's accommodation	
(1) Activity status: PER Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a

COMZ-RI13 Public transport facility	
(1) Activity status: PER Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a

COMZ-RI14 Servicing of boats at Raglan Wharf	
(1) Activity status: PER Activity-specific conditions: Nil	(2) Activity status where compliance not achieved: n/a

COMZ-RI15 A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	
(1) Activity status: PER Activity-specific conditions: <ul style="list-style-type: none"> (a) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application: <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court; and (ii) A Licence to Occupy. (b) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to 	(2) Activity status where compliance not achieved: DIS

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<p>Council at the time of lodgement of the building consent:</p> <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court; and (ii) A lease, or an Occupation Order of the Māori Land Court. <p>(c) The following Land Use – Effects rules in Rule 17.2 do not apply:</p> <ul style="list-style-type: none"> (d) Rule COMZ-S10 (Dwelling); (e) Rule COMZ-R17 (Multi-unit development). 	
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COMZ-R16 Cultural event on Maori Freehold Land containing a Marae Complex	
<p>(1) Activity status: PER</p> <p>Activity-specific conditions:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

COMZ-R17 A multi-unit development	
<p>(1) Activity status: RDIS</p> <p>Activity-specific conditions:</p> <ul style="list-style-type: none"> (a) A multi-unit development that meets all of the following conditions: <ul style="list-style-type: none"> (i) Land Use – Effects rules in the COMZ – Commercial zone and relevant district-wide chapters; (ii) Land Use – Building rules in the COMZ – Commercial zone and relevant district-wide chapters, except the following rules do not apply: <ul style="list-style-type: none"> (1) Rule COMZ-S10 Dwelling; (2) Rule COMZ-S11 Living court; (iii) The multi-unit development must be located above the ground floor level; (iv) A detailed site plan depicting the proposed lot boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with SUB-R20 (Subdivision of multi-unit housing developments); (v) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in APP1 – Acoustic Insulation Application – Table 14; (vi) A communal service court is provided comprising: 	<p>(2) Activity status: DIS</p> <p>Where:</p> <p>Any multi-unit development that does not comply with one or more conditions for a restricted discretionary activity under COMZ-R17(1)</p> <p>(3) Activity status: NC</p> <p>Where:</p> <p>Multi-unit development that does not comply with a condition for a restricted discretionary activity under Rule COMZ-R17(1)(a)(iii).</p>

- (1) a minimum of 20m²; and
- (2) a minimum dimension of 3m;
- (vii) Living court areas are provided above ground floor level to meet the following minimum requirements for each residential unit:

Residential Unit	Minimum Area	Minimum Dimension
Studio unit or 1 bedroom	10m ²	2m
2 or more bedroom	15m ²	2m

Council's discretion is restricted to the following matters:

- (b) The extent to which the development is consistent with Town Centre Guidelines contained in **APP12 – Design Guidelines: Town Centre Guidelines**;
- (c) The extent to which the development is consistent with the Multi-unit design guidelines contained in **APP13 – Design Guidelines: Multi-Unit Development**;
- (d) The extent to which the development contributes to and engages with adjacent streets and public open space;
- (e) The extent to which the development creates visual quality and interest through the separation of buildings, variety in built form and architectural detailing, glazing, and materials;
- (f) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles;
- (g) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;
- (h) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner;
- (i) Avoidance or mitigation of natural hazards;
- (j) Geotechnical suitability for building.

COMZ-R18	Any activity that does not comply with the Land use – effects standards, Land use – building standards in the COMZ – Commercial zone unless the activity is specified as a controlled, restricted discretionary or non-complying activity
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(1) Activity status: DIS

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COMZ-R19	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.
(1) Activity status: NC	

COMZ-R20	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to APP20 – Rangitahi Structure Plan).
(1) Activity status: PR	

Land use – effects

COMZ-S1	Servicing and hours of operation
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the GRZ – General residential and LLRZ – Large lot residential zones may occur between 6.30am and 7.30pm.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values on adjoining sites within the GRZ – General residential zone and LLRZ – Large lot residential zone;</p> <p>(b) Timing, duration and frequency of adverse effects;</p> <p>(c) Location of activity in relation to zone boundary;</p> <p>(d) Location of activity in relation to dwellings on adjoining sites; and</p> <p>(e) The means to avoid, remedy or mitigate adverse effects on adjoining sites.</p>

COMZ-S2	Onsite parking areas - Landscaping
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following conditions:</p> <p>(i) The car parking area must be separated from the road by a 1.5m wide planting strip, with the exception of vehicle access points;</p> <p>(ii) Plants within the planting and pedestrian strip must be maintained to a height no greater than 1 metre</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

COMZ-S3	Outdoor storage
<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

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<p>(a) Outdoor storage of goods or materials must:</p> <ul style="list-style-type: none"> (i) Be associated with the activity operating from the site; (ii) Not encroach on required parking or loading areas; and (iii) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any: <ul style="list-style-type: none"> (1) Public road; (2) Public reserve; and (3) Adjoining site in another zone. 	<p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Visual amenity; (b) Effects on loading and parking areas; (c) Size and location of storage area; and (d) Measures to mitigate adverse effects.
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Land use – building

COMZ-S4 Height – Building general	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) The maximum height of any building must not exceed 10m. 	<p>(2) Activity status where compliance not achieved: DIS</p>

COMZ-S5 Height - Buildings, structures and vegetation within an airport obstacle limitation surface	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any building, structure or vegetation must not protrude through the airport obstacle limitation surfaces as shown on the planning maps. 	<p>(2) Activity status where compliance not achieved: DIS</p>

COMZ-S6 Daylight admission	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins a: <ul style="list-style-type: none"> (i) GRZ – General residential zone; (ii) LLRZ – Large lot residential zone; (iii) RLZ – Rural lifestyle zone; or (iv) OSZ – Open space zone. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (a) Height of building; (b) Design and location of the building; (c) Level of shading on an adjoining site; (d) Privacy on other site; (e) Amenity values of the locality.

COMZ-S7 Building setbacks - Zone boundaries
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<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any building must be set back at least:</p> <p>(i) 7.5m from rear and side boundaries adjoining the:</p> <p style="padding-left: 40px;">(1) GRZ – General residential zone;</p> <p style="padding-left: 40px;">(2) LLRZ – Large lot residential zone;</p> <p style="padding-left: 40px;">(3) RLZ – Rural lifestyle zone; or</p> <p style="padding-left: 40px;">(4) OSZ – Open space zone; and</p> <p>(ii) 1.5m from rear and side boundaries adjoining the:</p> <p style="padding-left: 40px;">(1) GRUZ – General rural zone; or</p> <p style="padding-left: 40px;">(2) GIZ – General industrial zone.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
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COMZ-S8 Building setbacks - Water bodies	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any building must be setback a minimum of:</p> <p>(i) 23m from the margin of any:</p> <p style="padding-left: 40px;">(1) Lake;</p> <p style="padding-left: 40px;">(2) Wetland.</p> <p>(ii) 23m from the bank of any river (other than the Waikato River and Waipa River); and</p> <p>(iii) 28m from the margin of either the Waikato River and the Waipa River;</p> <p>(iv) 23m from mean high water springs.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

COMZ-S9 Building setbacks - Water bodies	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A public amenity of up to 25m² or a pump shed within building setback identified in Rule COMZ-S8(1)(a).</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

COMZ-S10 Dwelling	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) One dwelling on the CFR must comply with all of the following conditions:</p> <p>(i) The dwelling must not be located at ground level;</p> <p>(ii) The dwelling is designed and constructed to achieve the internal</p>	<p>(2) Activity status: DIS</p> <p>Where:</p> <p>A residential activity that does not comply with conditions of Rule COMZ-S10(1).</p> <p>(3) Activity status: NC</p> <p>Where:</p>

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<p>design sound levels specified in APP1 – Acoustic Insulation: Application – Table 8.</p> <p>(iii) Rule Rule COMZ-S10(1) does not apply to multi-unit development (refer to Rule COMZ-R17 (Multi-Unit Development)).</p>	<p>A dwelling that does not comply with Rule COMZ-S10(1).</p>
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<p>COMZ-S11 Living court</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A living court shall be provided for each dwelling that meets all of the following conditions:</p> <p>(i) It is for the exclusive use of the occupants of the dwelling;</p> <p>(ii) It is readily accessible from a living area of the dwelling; and</p> <p>(iii) It is located on a balcony containing at least 15m² and a circle with a diameter of at least 2.4m.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>