

# Waitomo District Council

Hearing on submissions on the Proposed Waitomo District Plan

## Report and Decisions of the Independent Hearing Commissioners

Decision Report:

Chapter 46. Commercial Zone

19 June 2025

Commissioners

Greg Hill (Chair)

**Wikitōria Tāne**

Allan Goddard

Phil Brodie

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# 1. Introduction

1. This Decision Report relates to all the submissions received by the Waitomo District Council (Council) on Chapter 46. Commercial zone (COMZ) and the spatial extent of that zone.
2. **The COMZ chapter identifies and manages the COMZ land in Te Kūiti and Piopio.** These towns are the areas in the district which have a defined central business area, providing commercial services and retail activities to residents, visitors and the travelling public. **Te Kūiti is the primary commercial area of the district.**
3. Economic analysis undertaken for the Proposed District Plan (PDP) indicates that 51% of the retail spend generated within the district is spent outside the district **in other retail centres and over a quarter of Te Kūiti's retail space is vacant. To respond to this issue, this Plan identifies the Te Kūiti commercial zone** called the 'Te Kūiti CBD precinct'. **The purpose of this precinct is to create a consolidated,** vibrant area where retail activities and commercial services are encouraged to locate. This will help to increase commercial and pedestrian amenity values and provide a destination for shoppers.
4. The existing commercial area of Piopio is a well-known rest stop for the travelling public and is located in close proximity to several well-known tourist activities. A number of activities have developed to meet this demand and there is considerable potential for Piopio to act as a local tourism hub, providing increased visitor accommodation and tourism facilities.
5. The Plan also provides for two commercial precincts, being Te Kūiti commercial precinct (PREC2) and Mokau commercial precinct (PREC4). These are provided for in the Residential zone and the Settlement zone respectively and are addressed in those decision reports.
6. The COMZ objectives and policies relate to the commercial zone generally with specific policies for Te Kūiti CBD Precinct, Te Kūiti commercial zone and Piopio commercial zone.

# 2. Hearing arrangements

7. The hearing was held in person and online on 16 and 17 July 2024 in **Council's** offices at 15 Queen Street, Te Kūiti. All of the relevant information pertaining to this hearing (i.e., section 42A reports, legal submissions and evidence) is **contained on Council's website.**
8. The following parties submitted on this chapter.

Submission no	Submitter
16	Fire and Emergency New Zealand
17	Waka Kotahi
20	Ara Poutama- Department of Corrections
24	Ministry of Education

9. No submitters for the COMZ attended the hearing.

### 3. Submitter evidence

10. The only evidence from submitters for the COMZ was from Fire and Emergency NZ (FENZ). The submission from FENZ sought an amendment to COMZ-O2 to provide for emergency service facilities in the Commercial zone. Emergency service facilities are a permitted activity, expressly allowed for by COMZ-R13.
11. COMZ-O2 is an unusual objective in that it acts more as a policy by identifying appropriate activities in the COMZ. By COMZ-O2 performing the role of a policy rather than an objective, it has resulted in a gap in the policy framework.
12. The s42A report recommended a number of amendments in response to the FENZ submission. This includes the redrafting of COMZ-O2 to focus on activities that support the community and converting COMZ-O2 into a policy that provides for the establishment of specific activities including emergency service facilities within the Commercial Zone.
13. The evidence from FENZ supported the redrafting of COMZ-O2 and inclusion of a new policy that enables emergency service facilities.

### 4. Panel decision

14. The Panel agrees with the amendments to the COMZ provisions as set out above. The Panel consider the amendments improve the clarity of the plan and ensure that emergency services are provided for in an appropriate manner.
15. For all other matters concerned with the COMZ maps and provisions not otherwise covered above, the Panel has adopted the recommendations in the Section 42A Report.

### 5. Conclusion

16. The Panel accepts the recommendations in the section 42A report. The reasons for this are those set out in the section 42A reports, the evidence, and provided in this Decision; collectively forming the section 32AA assessment informing this Decision.
17. Overall, the Panel is satisfied that the provisions of chapter, as amended, will provide a suitable framework for managing the ongoing use and development of COMZ, whilst managing any adverse effects.
18. The Panel accepts, accepts in part, or rejects the submissions as set out in the section 42A reports.

For the Hearing Panel

A handwritten signature in dark ink, appearing to read "Greg Hill", followed by a period.

Greg Hill, Chair

Dated: 19 June 2025

## 6. Appendix 1 – Submission Table

## COMMERCIAL ZONE

Submission no	Submitter	Support / in part /	Plan section	Plan provision	Relief sought	Accept/Accept in part/Reject
16.62	FENZ	Oppose	46. Commercial zone	COMZ-O2	Amend as follows:  COMZ-O2. Provide for community facilities, educational facilities, <u>emergency service facilities</u> and marae complexes in the commercial zones.	Accept in part
16.63	FENZ	Support	46. Commercial zone	COMZ-P9	Retain as notified.	Accept in part
16.64	FENZ	Support	46. Commercial zone	COMZ - Table 1 Activities Rules COMZ-R13	Retain as notified.	Accept
16.65	FENZ	Support in part	46. Commercial zone	COMZ-R33	Amend as follows:  1. All sites/developments must be connected to the Council's reticulated wastewater and water supply system.  2. <u>Where a connection to Council's reticulated water supply system compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice is not available, or additional level of service is required, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water source provisions of SNZ PAS 4509:2008;</u> <u>Note: Further advice and information about managing fire risk and storage of water for firefighting purposes can be obtained from Fire and Emergency New Zealand and SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice (refer Table 1 and</u>	Accept

16.66	FENZ	Support	46.Commercial zone	COMZ - Table 3 – Activities Rules – Te Kuiti CBD Precinct	Retain as notified.	Accept
17.138	Waka Kotahi	Support	46.Commercial zone	COMZ-P5	Retain as notified.	Accept
17.139	Waka Kotahi	Support in part	46.Commercial zone	COMZ-P9	Amend COMZ-P9 as follows: Ensure new development does not <u>compromise the safety of the transport network or exceed</u> available capacities for servicing and infrastructure.	Accept
17.140	Waka Kotahi	Support	46.Commercial zone	COMZ-R20	<b>Retain as notified.</b>	<b>Accept</b>
17.141	Waka Kotahi	Oppose	46.Commercial zone	COMZ-R30	Waka Kotahi seek that this rule is deleted and replaced in the Noise Chapter with the rule drafted in Appendix B.	To be addressed in the s42A report for Infrastructure and Transport
17.142	Waka Kotahi	Support	46.Commercial zone	Landscaping	<b>Retain as notified.</b>	<b>Accept</b>
20.10	Ara Poutama- Department of Corrections	Support	46. Commercial zone	Rules for 'residential units'	Retain the permitted activity rules applying to "residential units" in the Commercial Zone. These include: <ul style="list-style-type: none"> <li>• COMZ-R10</li> <li>• COMZ-R11</li> <li>• PREC5-R8</li> </ul>	Accept



20.11	Ara Poutama-Department of Corrections	Neutral	46.	Rules for 'residential units'	<p>Remove the references relating to “<b>managed care facilities</b>” from the relevant rules in the Commercial Zone, which includes: COMZ-R20 PREC5-R19 but</p> <p>If Council are to retain the “<b>managed care facilities</b>” definition, then delete the restricted discretionary and non-complying activity rules applying to “<b>managed care facilities</b>”, and amend the associated permitted activity rules, to provide a <b>permitted status</b> for “<b>managed care facilities</b>” in the Commercial Zone, as follows:</p> <table><tr><th colspan="2">COMZ-R19. Residential units and managed care facilities above ground floor level</th></tr><tr><td><p><b>Activity status: PER</b></p><p><b>Where:</b></p><p>1. All of the performance standards in COMZ – Table 2 are complied with.</p><p><i>Note: Where the building is listed in SCHEDULE 1 – Heritage Buildings and Structures, also see the historic heritage chapter.</i></p></td><td><p><b>Activity status where compliance is not achieved with COMZ-R28 to COMZ-R38: RDIS</b></p><p><b>Activity status where compliance is not achieved with COMZ-R31 to COMZ-R37: DIS</b></p><p>Where the activity is RDIS, the matters over which discretion is restricted are:</p><p>(a) The matters of discretion associated with any performance standard which cannot be complied with in COMZ -Table 2.</p></td></tr><tr><td><p><b>Activity status: NC</b></p><p><b>Where:</b></p><p>2. Residential units, minor residential units and duplex dwellings at ground level proposed to locate in the Piopio commercial zone; or</p><p>3. Compact housing developments proposed to locate in the Piopio commercial zone.</p></td><td><p><b>Activity status where compliance is not achieved: N/A</b></p></td></tr></table> <table><tr><th>COMZ-R20. Retirement villages and, boarding houses and managed care facilities</th></tr></table> <p><b>Activity status: RDIS</b></p> <p><b>Where:</b></p> <p>1. The activity is not located in the Piopio commercial zone.</p> <p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></p> <p>(a) The size, design, location, construction and materials used; and</p> <p>(b) Effects on the streetscape and amenity of the area; and</p> <p>(c) The level of on-site amenity, landscaping and outdoor living space provided to residents; and</p> <p>(d) Adverse effects on the safe, efficient and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and</p> <p>(e) Parking, manoeuvring and access; safety and efficiency, including the</p>	COMZ-R19. Residential units and managed care facilities above ground floor level		<p><b>Activity status: PER</b></p> <p><b>Where:</b></p> <p>1. All of the performance standards in COMZ – Table 2 are complied with.</p> <p><i>Note: Where the building is listed in SCHEDULE 1 – Heritage Buildings and Structures, also see the historic heritage chapter.</i></p>	<p><b>Activity status where compliance is not achieved with COMZ-R28 to COMZ-R38: RDIS</b></p> <p><b>Activity status where compliance is not achieved with COMZ-R31 to COMZ-R37: DIS</b></p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <p>(a) The matters of discretion associated with any performance standard which cannot be complied with in COMZ -Table 2.</p>	<p><b>Activity status: NC</b></p> <p><b>Where:</b></p> <p>2. Residential units, minor residential units and duplex dwellings at ground level proposed to locate in the Piopio commercial zone; or</p> <p>3. Compact housing developments proposed to locate in the Piopio commercial zone.</p>	<p><b>Activity status where compliance is not achieved: N/A</b></p>	COMZ-R20. Retirement villages and, boarding houses and managed care facilities	Reject
COMZ-R19. Residential units and managed care facilities above ground floor level													
<p><b>Activity status: PER</b></p> <p><b>Where:</b></p> <p>1. All of the performance standards in COMZ – Table 2 are complied with.</p> <p><i>Note: Where the building is listed in SCHEDULE 1 – Heritage Buildings and Structures, also see the historic heritage chapter.</i></p>	<p><b>Activity status where compliance is not achieved with COMZ-R28 to COMZ-R38: RDIS</b></p> <p><b>Activity status where compliance is not achieved with COMZ-R31 to COMZ-R37: DIS</b></p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <p>(a) The matters of discretion associated with any performance standard which cannot be complied with in COMZ -Table 2.</p>												
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COMZ-R20. Retirement villages and, boarding houses and managed care facilities													

20.12	Ara Poutama-Department of Corrections	Support	46.Commercial zone	Rule for “community corrections activities”	Retain the permitted activity rule applying to “community corrections activities” in the Commercial Zone – Rule COMZ-R3.	Accept
24.59	MoE	Support	46. Commercial zone	COMZ-O2	Retain COMZ-O2 as notified.	Reject
24.60	MoE	Amend	46. Commercial zone	New	<p>Add a new policy to the Commercial zone as follows:</p> <p><u>COMZ – PX</u>  <u>Provide for a mix of activities within the Commercial Zone which meet the needs of the local community with convenient access to goods and services, while ensuring adverse effects on the environment, human health and safety are avoided, remedied or mitigated.</u></p> <p>And</p> <p>Any consequential amendments required to give effect to the matters raised in this submission.</p>	Accept in part
24.61	MoE	Support	46. Commercial zone	CMZ-R6	Retain COMZ-R6 as notified.	Accept
24.62	MoE	Support	46. Te Kūiti CBD Precinct	PREC5-R16	Retain PREC-R16 as notified.	Accept

## 7. Appendix 2 – Decisions Version of the Chapter

## Commercial Zone | Ngā Rohe Arumoni

### Overview

The commercial zone is located in Te Kūiti and Piopio. Te Kūiti has a population of around 4,300 and close to 400 people live in Piopio. These towns are the places in the district which have a defined central business area, providing commercial services and retail activities to residents, visitors and the travelling public.

Waitomo District Council's main goal for its central business areas is to have 'vibrant town centres'. A pathway to achieve this goal has been mapped out in a series of town concept plans produced as complementary documents to this plan. People are encouraged to read the Town Concept Plans alongside this plan to understand Council and community aspirations and methods proposed to implement the strategic directions and actions in these documents.

The central business district of Te Kūiti is the primary commercial area of the district. The retail, office, social, administrative and service functions provided by the Te Kūiti central business district are important to the district as a whole. Economic analysis undertaken for this plan indicates that 51% of the retail spend generated within the district is spent outside the district in other retail centres and over a quarter of Te Kūiti's retail space is vacant. These figures indicate the Te Kūiti central business area is struggling to perform at its current size. Council considers this to be a significant issue for the district as a whole. The Council is concerned that if this trend continues, there is the potential for some critical services to be relocated outside of the district, making it difficult for some people to continue to live here. The economic analysis also found that the Te Kūiti business zone in the previous district plan was too large at 10.1 hectares, for the catchment it served. The economic analysis found that only 4 hectares of commercially zoned land is required in Te Kūiti, based on current and projected demand out to 2038. The large size of the centre is a key reason why some existing shops have remained vacant for some time.

To respond to this issue, this plan identifies the Te Kūiti commercial zone called the 'Te Kūiti CBD precinct'. The purpose of this precinct is to create a consolidated, vibrant area where retail activities and commercial services are encouraged to locate. This will help to increase commercial and pedestrian amenity values and provide a destination for shoppers. This plan supports this outcome by providing for a range of retail and commercial services within the precinct and restricting retailing outside of the pedestrian frontage area to retail activities that are more than 300 m<sup>2</sup> in area. In supporting this outcome, it is vital that the capacity of ground floor areas adjoining road frontages are retained for retail and commercial services. Shopkeeper's dwellings are provided for on the ground floor only at the rear of commercial activities, and residential units are permitted at first floor level. Outside of the precinct, a wider range of residential activities are anticipated including residential units and retirement villages at ground floor level. Increasing the number of people living in the commercial zone will add to its vibrancy and also assist in increasing levels of safety. To encourage businesses to occupy premises within the precinct, this plan has less restrictive carparking and integrated transport assessment requirements and permits temporary uses of premises for activities such as pop up shops.

The existing commercial area of Piopio is a well-known rest stop for the travelling public and is located in close proximity to several well-known tourist activities. A number of

activities have developed to meet this demand and there is considerable potential for Piopio to act as a local tourism hub, providing increased visitor accommodation and tourism facilities. Additionally, the Piopio commercial area also provides a range of services to residents and the surrounding rural community. This plan seeks to support further growth and development of the commercial sector and local employment opportunities. The plan also makes limited provision for industrial activities to locate in the Piopio commercial zone if there is no capacity in the Piopio industrial zone and the effects of the activity can be appropriately managed.

The plan also provides for two commercial precincts. The Te Kumi commercial precinct (PREC2) sits in the residential zone in the northern gateway area of Te Kūiti on State Highway 3. The precinct provides limited services for tourists and travellers. This plan seeks to provide for the ongoing operation of the existing businesses without the limitations of residential zoning, while avoiding further commercial development outside of this precinct area in order to protect Te Kūiti's town centre. The Mokau commercial precinct (PREC4) provides for commercial activities in the Mokau township. Assessment concluded that Mokau could not support a full commercial zone, but retail activities might be hindered by the nature of the settlement zone provisions. Accordingly, a precinct approach was selected and endorsed by the Mokau community through their Town Concept Plan process. Provisions for the Te Kumi and Mokau commercial precincts sit in the residential and settlement zones respectively.

## Objectives

*Refer also to the relevant objectives in Part 2 District - Wide Matters*

- COMZ-O1. Actively encourage commercial and retail development and employment opportunities in the commercial zone.
- COMZ-O2. Activities in the Commercial zone support the needs of the community.
- COMZ-O3. Ensure new development and activities are both consistent with, and implement the key moves outlined in the Te Kūiti and Piopio Town Concept Plans.
- COMZ-O4. Increase the vitality and maintain the viability of Te Kūiti as the district's primary commercial centre.
- COMZ-O5. Create a vibrant, consolidated commercial area in the Te Kūiti CBD precinct which attracts retail and commercial activities, and offers a high amenity pedestrian environment.
- COMZ-O6. Support growth and development within the Piopio commercial zone.
- COMZ-O7. **In Te Kūiti**, restrict the expansion of existing industrial activities and, unless there are exceptional circumstances, direct new industrial activities to the industrial zone.
- COMZ-O8. Increase the number of people living in the commercial zone.
- COMZ-O9. Manage adverse effects at the interface between zones.
- COMZ-O10. Maintain amenity values to a level that is commensurate with the nature of the commercial zone.

## Policies

*Refer also to the relevant policies in Part 2 District - Wide Matters*

### All commercial zones

- COMZ-P1. Recognise the positive effects that the establishment of commercial development has in providing local employment opportunities and attracting people to live, work and shop in the district.
- COMZ-P2. Promote the community aspirations identified in the Town Concept Plans by encouraging all new activities and redevelopment to implement the key moves and actions they contain.
- COMZ-P3. Recognise the positive effects from an increased number of people living in the commercial zone, including an increase in vitality and vibrancy of the area and a reduction in the potential for crime.
- COMZ-P4. Recognise the positive effects of allowing a wide range of short term and temporary retail activities and community events within the commercial zone.
- COMZ-P5. Ensure that amenity and safety is maintained within the zone and that reverse sensitivity effects are minimised by:
1. Ensuring residential activities within and adjacent to the commercial zones have adequate access to daylight and privacy; and
  2. Specifying where activities and structures need to be set back from road and internal boundaries and incorporate landscaping; and
  3. Requiring noise sensitive activities located close to State Highways and/or railways to provide sufficient acoustic treatment to protect their level of amenity; and
  4. Controlling the scale, dominance and visual effect of commercial buildings by requiring buildings to be setback from adjacent sites in the residential and open space zones; and
  5. Minimising the effects of activities that detract from the amenity of other sites within the surrounding environment; and
  6. Providing for home businesses where these are of a nature, scale and location that does not adversely affect adjoining properties or the character of the area; and
  7. Avoiding the establishment of fortified sites.
- COMZ-P6. Industrial activities are generally not compatible with the anticipated level of amenity in the commercial zone and:
1. Must not locate within the Te Kūiti CBD precinct; and
  2. Should be avoided in the Te Kūiti commercial zone unless the activity can fully internalise actual and potential effects including visual effects, noise, odour, traffic generation and parking; and
  3. May only locate in the Te Kūiti commercial zone if the future capacity of the commercial zone to meet projected demand is not significantly affected; and

4. May locate in the Piopio commercial zone if there is no capacity in the Piopio industrial zone and the actual and potential effects of the activity can be appropriately managed.

COMZ-P7. Ensure that development adjoining heritage items listed in SCHED1 – Heritage Buildings and Structures does not result in adverse effects on the scheduled site, its setting and vistas to the building.

COMZ-P8. Adequate assessment of the natural hazard risk must be undertaken prior to the establishment of new development. Some areas may not be appropriate for development if the natural hazard risk cannot be appropriately managed.

COMZ-P9. Ensure new development does not compromise the safety of the transport network or exceed available capacities for servicing and infrastructure.

- COMZ-P10.
- a. Provide for the establishment of community facilities, educational facilities, emergency service facilities and marae complexes; and
  - b. Recognise the positive benefits and contributions made by these activities.

Te **Kūiti** CBD precinct

COMZ-P11. Create an active and lively town centre that supports social and community wellbeing by:

1. Reinforcing a vibrant pedestrian environment through building design and site layout; and
2. Clustering retail and commercial activities to provide for pedestrian shopping convenience; and
3. Providing for dwellings above ground floor level to maximise capacity for permitted commercial and retail activities at ground level; and
4. Providing flexible working and living options by enabling home businesses and shopkeeper's dwellings only where there is commercial or retail activity fronting the road boundary of the site; and
5. Considering whether the design of the building contributes to a pedestrian oriented environment where a building is of a greater height and scale than those existing; and
6. Actively providing for commercial amenity and community safety by ensuring:
  - (i) Verandahs are provided; and
  - (ii) The front entrance of buildings to face the street; and
  - (iii) Outdoor storage areas are adequately screened; and
  - (iv) Avoidance in the first instance, and where this is not possible, minimising the erection of windowless walls which reduce commercial amenity and the potential for passive surveillance; and
  - (v) That new parking areas and new vehicle access ways which fragment this pedestrian-focused area are restricted.

COMZ-P12. Encourage the use of vacant buildings and sites by providing for a wider range of activities where a building or site has been vacant for 2 years, as long as there is no significant effect on the viability of the Te **Kūiti** CBD

precinct. In cases where an activity is more appropriately located outside of the Te Kūiti CBD precinct, a consent of a limited term may be considered.

#### Te Kūiti commercial zone

- COMZ-P13. Enable the development of a residential and commercial mixed-use environment provided that reverse sensitivity issues are appropriately managed given the level of amenity anticipated across a diverse range of activities.
- COMZ-P14. Structures of a greater height and scale than those existing are anticipated, provided that the design of the structure contributes to the amenity of the environment. Developments which reinforce the key moves outlined in the Te Kūiti Town Concept Plan in innovative and creative ways are preferred.
- COMZ-P15. Provide for a range of residential activities, including dwellings and retirement villages where these developments positively contribute to anticipated commercial amenity and the overall streetscape.
- COMZ-P16. Avoid the fragmentation of retail and commercial activities by only providing for larger scale retail activities and activities that do not impact the role and function of the Te Kūiti CBD precinct as a vibrant, high amenity, retail-focused town centre.

#### Piopio commercial zone

- COMZ-P17. Provide for the growth and redevelopment of the Piopio commercial centre, in a way and at a rate that does not compromise the role and function of Te Kūiti CBD precinct.
- COMZ-P18. Ensure the height and scale of any new structures is in keeping with its surroundings. New buildings of more than two storeys should be avoided.
- COMZ-P19. Encourage new and innovative tourism and retail activities, whether these are temporary or permanent. Developments which reinforce the key moves outlined in the Piopio Town Concept Plan are preferred.

## Rules

The rules that apply to the commercial zone are contained in the tables listed below. To undertake any activity, it must comply with the rules listed in:

- COMZ - Table 1 - Activities Rules; and
- COMZ - Table 2 - Performance Standards; and
- COMZ - Table 3 - Activities Rules – Te Kūiti CBD Precinct (PREC5); and
- Any relevant provision in Part 2 District-Wide Matters.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

[Refer to Part 1 - How the Plan Works](#) for an explanation of how to use this plan, including activity status abbreviations.



The rules in this table apply to the commercial zone outside of Te Kūiti CBD precinct (PREC5)	
COMZ-R1.	Retail activities and pop up shops
COMZ-R2.	Large format retail and outdoor retail activities
COMZ-R3.	Commercial services, tourism facilities, community corrections activities and indoor fitness centres
COMZ-R4.	Theatres and cinemas
COMZ-R5.	Cafes, restaurants, clubrooms and licensed premises, coffee carts and food trucks
COMZ-R6.	Educational facilities, community facilities and Marae Complex
COMZ-R7.	Libraries and museums
COMZ-R8.	Healthcare facilities
COMZ-R9.	Visitor accommodation and residential based visitor accommodation
COMZ-R10.	Residential units above ground floor level
COMZ-R11.	Residential units, minor residential units and duplex dwellings
COMZ-R12.	Compact housing developments in the Te Kūiti commercial zone only
COMZ-R13.	Emergency services facilities
COMZ-R14.	Motor vehicle repair garages
COMZ-R15.	Accessory buildings ancillary to any permitted activity

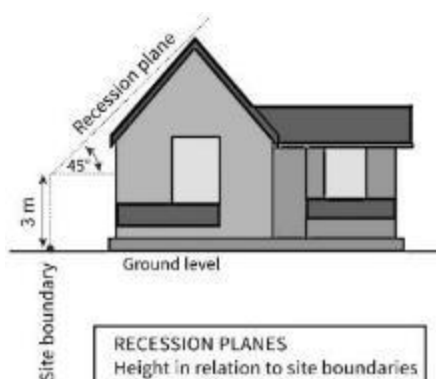
COMZ-R16.	Construction, additions and alteration of <a href="#">buildings</a> for any permitted activity	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All of the performance standards in COMZ –Table 2 are complied with.</li> </ol> <p><i>Note: Where the building is listed in <a href="#">SCHED1 - Heritage Buildings and Structures</a>, also see the <a href="#">historic heritage chapter</a>.</i></p>	<p>Activity status where compliance is not achieved with COMZ-S1 to COMZ-S3: RDIS</p> <p>Activity status where compliance is not achieved with COMZ-S4 to COMZ-S10: DIS</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <p>(a) The matters of discretion associated with any performance standard which cannot be complied with in COMZ -Table 2.</p>	
<p>Activity status: NC</p> <p>Where:</p> <ol style="list-style-type: none"> <li>2. Residential units, minor residential units and duplex dwellings at ground level proposed to locate in the Piopio commercial zone; or</li> <li>3. Compact housing developments proposed to locate in the Piopio commercial zone.</li> </ol>	<p>Activity status where compliance is not achieved: N/A</p>	
COMZ-R17.	<a href="#">Home businesses</a>	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any outdoor storage must be visually screened from any road or public space; and</li> <li>2. A home business may include home based childcare but must not be any of the following activities: motor vehicle wrecking, activities involving scrap metal or demolition materials or hazardous waste substances, activities involving fish or meat processing, boarding and/or breeding kennels or catteries. In the commercial zone these activities are industrial activities.</li> </ol>	<p>Activity status where compliance is not achieved: DIS</p>	
COMZ-R18.	Housing and keeping of animals	
<p>Activity status: PER</p> <p>Where:</p>	<p>Activity status where compliance is not achieved: DIS</p>	

1. Only domestic pets may be housed and kept in the commercial zone. Poultry, pigs, horses, farm animals and beehives are not permitted.	
COMZ-R19.	Demolition and/or removal of <a href="#">buildings</a> and <a href="#">structures</a>
<p>Activity status: PER</p> <p><i>Note: Where the building is listed in <a href="#">SCHED1 - Heritage Buildings and Structures</a>, see the <a href="#">historic heritage chapter</a>.</i></p>	Activity status where compliance is not achieved: N/A
COMZ-R20.	<a href="#">Retirement villages</a> , <a href="#">boarding houses</a> and <a href="#">managed care facilities</a>
<p>Activity status: RDIS</p> <p>Where:</p> <p>1. The activity is not located in the Piopio commercial zone.</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <ul style="list-style-type: none"> <li>(a) The size, design, location, construction and materials used; and</li> <li>(b) Effects on the streetscape and amenity of the area; and</li> <li>(c) The level of on-site amenity, landscaping and outdoor living space provided to residents; and</li> <li>(d) Adverse effects on the safe, efficient and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and</li> <li>(e) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and</li> <li>(f) Consideration of reverse sensitivity effects; and</li> <li>(g) The extent to which the key moves in the relevant Town Concept Plan have been considered and provided for.</li> </ul> <p>Activity status when compliance is not achieved: NC</p>	
COMZ-R21.	Service stations and <a href="#">takeaway food outlets with a drive through facility</a>
Activity status: DIS	Activity status where compliance is not achieved: N/A
COMZ-R22.	<a href="#">Industrial activities</a> in the Piopio commercial zone
Activity status: DIS	Activity status where compliance is not achieved: N/A
COMZ-R23.	New <a href="#">buildings</a> adjacent to heritage items listed in <a href="#">SCHED1 – Heritage Buildings and Structures</a>

COMZ-R24.	Activities not otherwise listed in COMZ - Table 1	
Activity status: DIS		Activity status where compliance is not achieved: N/A
COMZ-R25.	<a href="#">Industrial and trade waste</a> and <a href="#">hazardous substances</a> processing or disposal	
COMZ-R26.	<a href="#">Industrial activities</a> in the <b>Te Kūiti commercial zone</b>	
COMZ-R27.	<a href="#">Fortified sites</a>	
Activity status: NC		Activity status where compliance is not achieved: N/A

COMZ-S1.	Minimum <b>setback</b> from internal boundaries
<p>1. Outside of the <b>Te Kūiti CBD precinct (PREC5)</b>, the minimum setback for buildings from internal boundaries as measured from the outer edge of the eave must be 1.5 m where:</p> <ul style="list-style-type: none"> <li>(i) The site is adjacent to the residential or open space zones; and/or</li> <li>(ii) The site is adjacent to a residential unit, duplex dwelling or compact housing development in the commercial zone.</li> </ul> <p>AND</p> <p>2. In all other circumstances there is no minimum setback provided that no building or eave shall encroach into any vehicle accessway, service lane, driveway, or other vehicle access point; and</p> <p>3. Structures may be erected up to any common boundary with an adjoining site which is in the same holding; and</p> <p>4. This rule does not apply to common walls.</p> <p><i>Note: All buildings and structures, must also comply with NATC-R2.</i></p>	<p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> <li>(a) Visual effects including bulk, scale and location of the structure; and</li> <li>(b) The provision of daylight and sunlight into neighbouring buildings; and</li> <li>(c) Effects on surrounding properties <b>and/or zone's</b> character and amenity; and</li> <li>(d) Ability to soften the visual impact of the structure from nearby residential properties and adjoining road boundaries, including retention of any existing mature trees and landscaping; and</li> <li>(e) The potential effects of the structure or eave encroaching into any vehicle accessway, service lane, driveway, or other vehicle access point; and</li> <li>(f) Potential reverse sensitivity effects on any adjoining activities.</li> </ul>
COMZ-S2.	Height in relation to boundary
<p>1. <b>Outside of the Te Kūiti CBD precinct (PREC5)</b>, where the site is adjacent to the residential or open space zones or it is adjacent to a residential activity in the commercial zone, no building or stored materials shall penetrate a recession plane at right angles to a boundary inclined inwards and upwards at an angle of 45° from 3 m above the ground level of the front, side or rear boundaries of a site. See Figure - COMZ 1; and</p> <p>2. In all other circumstances there is no building height in relation to boundary requirement.</p>	<p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> <li>(a) Visual effects including bulk, scale and location of the structure; and</li> <li>(b) The provision of daylight and sunlight into neighbouring buildings; and</li> <li>(c) Effects on surrounding properties, character and amenity; and</li> <li>(d) Ability to soften the visual impact of the structure from nearby residential properties and adjoining road boundaries, including retention of any existing mature trees and landscaping; and</li> <li>(e) Potential reverse sensitivity effects on any adjoining activities.</li> </ul>

Figure – COMZ 1 – Height in relation to boundary



COMZ-S3.	Minimum setback from the designation boundary of a rail corridor	
Refer to TRAN-R9.		
COMZ-S4.	Height	
<ol style="list-style-type: none"> <li>1. In Te Kūiti, structures must not exceed 10 m in height as measured from ground level; and</li> <li>2. In Piopio, structures must not exceed 9 m in height as measured from ground level; and</li> <li>3. Hose drying and siren towers associated with fire stations must not exceed 15 m in height as measured from ground level.</li> </ol>		Activity status where compliance is not achieved: DIS
COMZ-S5.	Screening outdoor storage	
<ol style="list-style-type: none"> <li>1. Any outdoor storage must be fully screened by landscaping or solid walls or fences 2 m in height as measured from ground level.</li> </ol>		Activity status where compliance is not achieved: DIS
COMZ-S6.	Servicing	
<ol style="list-style-type: none"> <li>1. All sites/developments must be connected to the Council's reticulated wastewater and water supply system; and</li> </ol>		Activity status where compliance is not achieved: DIS

2. In Te Kūiti, all sites/developments must be connected to the Council's reticulated stormwater system; and
3. In Piopio, all developments must be on a site of sufficient size to enable on site detention and disposal of stormwater (as measured in a 10% AEP), and
4. Where a connection to Council's reticulated water supply system compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice is not available, or additional level of service is required, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water source provisions of SNZ PAS 4509:2008.

*Note: Further advice and information about managing fire risk and storage of water for firefighting purposes can be obtained from Fire and Emergency New Zealand and SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice (refer Table 1 and 2).*

*Note: Stormwater and wastewater disposal, and ground and surface water takes may require a resource consent from the Waikato Regional Council or the Manawatu Whanganui Regional Council. Also see the Waikato Regional Council Stormwater Management Guidelines.*

COMZ-S7.	Requirements within the Te Kūiti CBD precinct (PREC5)
<p>On front, corner and through sites within the Te Kūiti CBD precinct:</p> <ol style="list-style-type: none"> <li>1. All buildings must be constructed on the road boundary of a site; and</li> <li>2. The main public entrance into any building must be orientated so that it is parallel to the road boundary of the site; and</li> <li>3. All buildings must have transparent display windows extending over at least 50% of the area of the ground floor façade, comprising clear glass; and</li> <li>4. No site may have a vehicle crossing over the front boundary, providing that existing vehicle crossings may be retained; and</li> </ol>	<p>Activity status where compliance is not achieved: DIS</p>

<p>5. All buildings must provide a verandah designed in relation to its neighbouring buildings that:</p> <ul style="list-style-type: none"> <li>(i) Is continuous along the entire length of the property frontage and provides a waterproof connection to the adjoining property; and</li> <li>(ii) Has a minimum depth of 3 m and stops at least 0.5 m short of the road kerb, except that where the distance between the building and road kerb is less than 3.5 m, the verandah depth must be narrower to enable it to stop 0.5 m short of the kerb; and</li> <li>(iii) Does not penetrate a height plane 4 m parallel to the ground; and</li> <li>(iv) Has a minimum ground level stud height of 3 m;</li> </ul> <p>AND</p> <p>6. Any building listed in <a href="#">SCHED1 – Heritage Buildings and Structures</a> does not require a verandah where it was not part of the original design of the building.</p>	
COMZ-S8.	Floor space requirements in the <b>Te Kūiti</b> commercial zone (excluding PREC5)
<p>1. Retail activities, cafes, restaurants, licensed premises and tourism facilities must be in a single tenancy and/or ownership and must be greater than 300 m<sup>2</sup> gross floor area.</p>	Activity status where compliance is not achieved: DIS
COMZ-S9.	Maximum number of <a href="#">residential units</a> in the <b>Te Kūiti</b> commercial zone (excluding PREC5)
<p>The maximum number of buildings per site is:</p> <ul style="list-style-type: none"> <li>1. One residential unit per 450 m<sup>2</sup> of net site area, except sites less than 450 m<sup>2</sup> existing on 20 October 2022 may erect one residential unit on the site; and</li> <li>2. Either one minor residential unit with a maximum gross floor area of 70 m<sup>2</sup> excluding garaging per site;</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>3. One set of duplex dwellings per 800 m<sup>2</sup> of net site area; or</li> <li>4. A compact housing development comprising no more than 6 residential units where 300 m<sup>2</sup> of net site area is provided per unit.</li> </ul>	Activity status where compliance is not achieved: DIS

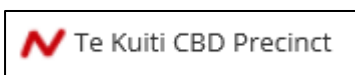


<p><i>Note: Residential units, minor residential units and duplex dwellings at ground level and compact housing developments in the Piopio commercial zone or in PREC5 are non-complying activities.</i></p>	
COMZ-S10.	<p><a href="#">Compact housing developments</a> in the <b>Te Kūiti</b> commercial zone</p>
<ol style="list-style-type: none"> <li>1. At least 30% of the net site area of any site or unit site area must be grassed or otherwise landscaped in a manner that retains the permeable nature of the surface; and</li> <li>2. Each development must provide one communally accessible outdoor service space with a minimum area of 10 m<sup>2</sup> which must be screened so that it is not visible from the road boundary of the site.</li> </ol> <p><i>Note: Compact housing developments in the Piopio commercial zone or in PREC5 are non-complying activities.</i></p>	<p>Activity status where compliance is not achieved: DIS</p>

# AREA SPECIFIC MATTERS Commercial Zone

## Te Kuiti CBD Precinct (PREC5)

COMMERCIAL



COMZ - Table 3 – Activities Rules – Te Kuiti CBD Precinct (PREC5)

The rules in this table <b>apply to the Te Kūiti CBD precinct (PREC5)</b>	
PREC5-R1.	Retail activities and pop up shops
PREC5-R2.	Commercial services, tourism facilities and indoor fitness centres
PREC5-R3.	Theatres and cinemas
PREC5-R4.	Cafes, restaurants, clubrooms and licensed premises, coffee carts and food trucks
PREC5-R5.	Libraries and museums
PREC5-R6.	Healthcare facilities
PREC5-R7.	Visitor accommodation

PREC5-R8.	Residential units and residential based visitor accommodation above ground floor level	
PREC5-R9.	Accessory buildings ancillary to any permitted activity	
PREC5-R10.	Construction, additions and alteration of buildings for any permitted activity	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All of the performance standards in COMZ – Table 2 are complied with.</li> </ol> <p><i>Note: Where the building is listed in <a href="#">SCHED1 - Heritage Buildings and Structures</a>, also see the <a href="#">historic heritage chapter</a>.</i></p>		<p>Activity status where compliance is not achieved with COMZ-S1 to COMZ-S3: RDIS</p> <p>Activity status where compliance is not achieved with COMZ-S4 to COMZ-S10: DIS</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <ol style="list-style-type: none"> <li>The matters of discretion associated with any performance standard which cannot be complied with in COMZ -Table 2.</li> </ol>
PREC5-R11.	Home businesses	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>No outdoor storage associated with a home business is permitted; and</li> <li>A home business can only be conducted in a <b>shopkeeper's dwelling</b> or in a residential unit above ground level; and</li> <li>A home business may include home based childcare but must not be any of the following activities: motor vehicle wrecking, activities involving scrap metal or demolition materials or hazardous waste substances, activities involving fish or meat processing, boarding and/or breeding kennels or catteries. In the commercial zone these activities are industrial activities.</li> </ol>		<p>Activity status where compliance is not achieved: DIS</p>
PREC5-R12.	<b>Shopkeeper's dwellings</b>	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>All of the performance standards in COMZ –Table 2 are complied with; and</li> <li><b>For shopkeeper's dwellings the use of ground floor space, or land at the rear of a building is permitted to provide one residential unit per building for staff (and their families) working on that site; and</b></li> <li>The residential unit must not be located in any shop frontage at ground level</li> </ol>		<p>Activity status where compliance is not achieved: NC</p>

Note: Where the building is listed in <a href="#">SCHED1 - Heritage Buildings and Structures</a> , also see the <a href="#">historic heritage chapter</a> .	
PREC5-R13.	Housing and keeping of animals
Activity status: PER Where: 1. Only domestic pets may be housed and kept in the commercial zone. Poultry, pigs, horses, farm animals and beehives are not permitted.	Activity status where compliance is not achieved: DIS
PREC5-R14.	Demolition and/or removal of <a href="#">buildings</a> and <a href="#">structures</a>
Activity status: PER Note: Where the building is listed in <a href="#">SCHED1 - Heritage Buildings and Structures</a> , see the <a href="#">historic heritage chapter</a> .	Activity status where compliance is not achieved: N/A
PREC5-R15.	<a href="#">Large format retail</a> and <a href="#">outdoor retail activities</a>
PREC5-R16.	<a href="#">Educational facilities, community facilities</a> and <a href="#">Marae complex</a>
Activity Status: RDIS Where: 1. The building or site has been vacant for more than 2 years. Where the activity is RDIS, the matters over which discretion is restricted are: (a) The size, design, position, construction and materials used; and (b) Effects on the streetscape and amenity of the area; and (c) The level of on-site amenity provided including the provision of verandahs, the percentage of transparent display windows proposed in the street facing façade(s), the use of design features to improve interface with the pedestrian environment and the location of the main public entrance into the building; and (d) Adverse effects on the safe, efficient and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and (e) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and (f) The positive effects of repurposing the building or site. (g) The extent to which the key moves in the Te Kūiti Town Concept Plan have been considered and provided for. Activity status where compliance is not achieved: DIS	
PREC5-R17.	New <a href="#">buildings</a> adjacent to heritage items listed in <a href="#">SCHED1 – Heritage Buildings and Structures</a>
PREC5-R18.	Activities not otherwise listed in COMZ - Table 1
Activity status: DIS	Activity status where compliance is not achieved: N/A
PREC5-R19.	<a href="#">Retirement villages, boarding houses</a> and <a href="#">managed care facilities</a>

PREC5-R20.	Industrial activities
PREC5-R21.	Industrial and trade waste and hazardous substances processing or disposal
PREC5-R22.	Service stations and takeaway food outlets with a drive through facility
PREC5-R23.	Fortified sites
Activity status: NC	
Activity status where compliance is not achieved: N/A	

## Advice notes

## Accidental discovery protocol

*In the event that an unidentified archaeological site or a wāhi tapu site is located during works, the following applies:*

- Work must cease immediately at that place and within 20m around the site;
- Heritage New Zealand Regional Archaeologist must be notified and apply for the appropriate authority if required;
- Notify the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (New Zealand Pouhere Taonga Act 2014);
- If human remains (koiwi) are uncovered then the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative must be notified. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded;
- Works affecting the archaeological site and any human remains (koiwi) must not resume until appropriate authority and protocols are completed.

*If the protocol is not adhered to then Heritage New Zealand can take out prosecution proceedings under the New Zealand Pouhere Taonga Act 2014.*

## Contaminated land

*If the site is contaminated or potentially contaminated refer to the contaminated land chapter and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) 2011.*

## Regional Council consents

*A resource consent for some earthworks may also be required from the Waikato Regional Council.*

## Works in close proximity to any electricity line

*Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Plan does not ensure compliance with the Code.*

## Landscaping

*Where the site is adjacent to a State Highway, consultation with the New Zealand Transport Agency on appropriate tree species and the location of planting is advisable.*

## 8. Appendix 3 – Section 32AA Evaluation

19. There were no additional changes requiring a Section 32AA evaluation. The section 32AA evaluation is enclosed with the section 42A Report and section 42A Addendum.