

# **SECTION 42A REPORT**

Report on submissions and further submissions

## **Topic: Chapter 46 - Commercial Zone**

**Report prepared by: Carolyn Wratt**

**Dated: 7 June 2024**

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## List of submitters and further submitters addressed in this report

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

# **1. Introduction**

## **1.1 Qualifications and Experience**

1. My name is Carolyn Wratt. I am a Principal Policy Planner and Director of the consultancy firm Wratt Resource Management Planning Ltd. I am contracted by Waitomo District Council (**WDC**) to assist with the Proposed Waitomo District Plan
2. I hold the degrees of Bachelor of Science (Geography and Resource Management) (1997) and Masters of Science (Hons) in Coastal Geomorphology and Resource Management (1999), both from the University of Auckland. I am a full member of the New Zealand Planning Institute and an accredited Resource Management Commissioner under the Ministry for the Environment programme Making Good Decisions.
3. I have over 25 years experience in planning – both regulatory and policy, including working primarily for local and regional authorities around New Zealand. In my capacity as both a consultant and council planner, I have provided policy advice to a number of clients. Of most relevance I have assisted various councils with their district plan reviews including Hamilton City Council, Auckland Council, Kapiti Coast District Council, Selwyn District Council, Taupo District Council, Kaipara District Council and Christchurch City Council. Most recently I have been involved in all of the processes associated with the Proposed Waikato District Council, which has now progressed to the stage of working through appeals.

## **1.2 Code of Conduct**

4. I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

## **1.3 Conflict of Interest**

6. I confirm that I have no real or perceived conflict of interest.

## **1.4 Preparation of this report**

7. I am the author of this report.

8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2 Scope of Report**

### **2.1 Matters addressed by this report**

9. The scope of this report is to consider the submissions and further submissions made in respect of the provisions in the Commercial zone (**COMZ**) chapter of the Waitomo Proposed District Plan (**PDP**) and make recommendations.
10. This report is prepared in accordance with section 42A of the RMA. The purpose of a section 42A report such as this is to guide submitters and the independent hearings panel, but the contents are just the recommendations of the author. The decision ultimately lies with the independent hearings panel.
11. Provisions relating to management of the COMZ include land use activities and buildings are addressed in this report. Activities may be addressed in other section 42A reports such as earthworks and subdivision.

### **2.2 Overview of the chapter**

12. 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.
13. Economic analysis undertaken for the 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.
14. 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.

15. The Plan also provides for two commercial precincts, being Te Kumi 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 section 42A reports.
16. The COMZ has proposed 10 objectives and a number of policies that relate to the commercial zone generally with specific policies for Te Kuiti CBD Precinct, Te Kuiti commercial zone and Piopio commercial zone.

## **2.3 Statutory Requirements**

17. The PDP has been prepared in accordance with the Council's functions under the Resource Management Act (**RMA**), specifically section 31, Part 2 and the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses this zone sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato Regional Policy Statement, the Manawatū-Whanganui One Plan, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered.
18. There are provisions in the Waikato Regional Policy Statement (RPS) which are particularly relevant to COMZ. UFD-O1 seeks for the built environment to be developed in an integrated, sustainable and planned manner. In particular (11) is to provide for a range of commercial development to support the social and economic wellbeing of the region while (12) is for councils to strategical plan for growth and development to create responsive and well-functioning urban environments. UFD-P18 applies to new urban development in Tier 3 local authority areas outside the Future Proof Strategy and of note are clauses 1 and 2 that require development to be managed in a way that recognises and provides for council approved strategies and plans and contributes towards sufficient development capacity to meet expected demand for housing and business land as set out in the National Policy Statement on Urban Development.

## **2.4 Procedural matters**

19. No submitter, prehearing or Clause 8AA meetings have been undertaken.
20. There has been no further consultation undertaken since notification.

### **3 Consideration of submissions received**

#### **3.1 Overview of submissions**

21. Seventeen primary submissions were received and there was a high degree of support for the provisions. The submissions that sought changes addressed the following matters:
  - a. Policies that support a mix of activities to meet the needs of the local community;
  - b. Removing reference to managed care facilities;
  - c. Broadening policies to apply to the transport network;
  - d. Sufficient water supply for firefighting; and
  - e. Enabling emergency service facilities.
22. Two submission points were received relating to the objectives, and one supported the objectives as notified. Four submissions relating to policies, of which two submission points supported the policies as notified.
23. Where there is only support for a provision with no contrary view expressed by any other submitters, that provision is not discussed further in this report.

#### **3.2 Structure of this report**

24. Given the number, nature and extent of the submissions and further submissions received, I have structured the Section 42A report based largely on topics as follows:
  - Topic 1: Objective and policy framework for the zone
  - Topic 2: Transport provisions
  - Topic 3: Water supplies for firefighting
  - Topic 4: Managed care facilities
25. See Appendix 2 for the corresponding section 32AA evaluation for any recommended amendments to provisions.

## Topic 1: Objective and policy framework for the zone

### Introduction

26. Fire and Emergency New Zealand (**FENZ**) [16.62] seek 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. Ministry of Education (**MoE**) [24.59] seeks to retain COMZ-O2 as notified as it enables educational facilities, which also are a permitted activity in COMZ-R6.
27. MoE [24.60] seeks inclusion of a new policy that provides for a mix of activities within the commercial zone which meet the needs of the local community with access to goods and services. While the wording provided encompasses all activities, MoE seeks policy support for various educational facilities that may need to locate within the commercial area for convenience.

### Analysis and recommendations

28. 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. My preference would be to redraft COMZ-O2 to make it more about activities that support the community and convert COMZ-O2 to a policy which includes the amendments sought by FENZ, however there is no express scope to do that.
29. The only potential scope for this action would be the submission from MoE which seeks inclusion of a new policy. The policy sought by MoE tries to cover a lot of bases however with the following words:

#### COMZ – PX

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.

30. Although this alternative was not sought by any submissions, I would support any opportunity to improve clarity of the Plan. If the Panel consider there is scope provided by the MoE submission point, then I would recommend redrafting COMZ-O2 to focus on activities that support the community and converting COMZ-O2 into a policy along the following lines:

#### COMZ-O2.

~~Provide for community facilities, educational facilities and marae complexes in the commercial zones.~~

Activities in the Commercial zone support the needs of the community.

#### COMZ-PX



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.

31. However if the Panel feel there is insufficient scope for the changes I have recommended above, then I support:
- a. the amendments sought by FENZ as emergency service facilities are clearly enabled in the zone; and
  - b. Inclusion of a new policy as sought by MoE, but with a more clearly articulated focus.

## **Topic 2: Transport provisions**

### **Introduction**

32. The submission from Waka Kotahi [17.141] seeks deletion of COMZ-R30 which establishes a rule framework for noise sensitive activities in close proximity to the state highway and rail in favour of this issue being addressed in the NOISE chapter. Similar submissions were received by Waka Kotahi on other zones, and this matter will be addressed comprehensively in the Infrastructure and Transport s42A reports and hearings.
33. Waka Kotahi [17.139] also seeks amendments to COMZ-P9. This policy is focused on ensuring development is able to be serviced appropriately by infrastructure. FENZ [16.63] support this policy as notified.

### **Analysis and recommendations**

34. COMZ-P9 focuses on development not exceeding available capacities for servicing and infrastructure. Waka Kotahi considers that the policy should be amended to provide for the safety of the transport network. Currently, the policies do not ensure that the safety of the transport network will not be compromised by new development within the commercial zone.
35. While the transport network is undoubtedly part of infrastructure, the wording of the policy lends itself more to piped and cabled infrastructure, whereas transport is different. I therefore support the amendment sought by Waka Kotahi:

COMZ-P9

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

## **Topic 3: Water supplies for firefighting**

36. FENZ [16.65] seeks to amend COMZ-R33 Servicing to require water systems to be sufficient and accessible for firefighting. COMZ-R33 is a standard that is applicable to all land use activities in the zone and ensures

all development is connected to Council's reticulated water, wastewater and stormwater network.

### **Analysis and recommendations**

37. While FENZ acknowledge that the effect of the standard is for development to connect to Council's reticulate network for the three water, it is not confident that the Council can guarantee this system will have sufficient capacity and pressure to service these developments in accordance with the Code of Practice (i.e. provide a level of service greater than FW2).
38. It seems to me that this is a check and balance sought by FENZ to cover the scenario where the water supply system is not compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. The standard would not impose additional demands on landowners if the reticulated system is sufficient. Council's water services have advised that it can meet the standard, and they are currently undertaking testing for firefighting purposes. Those results will be available ahead of the hearings. I therefore support the amendment sought by FENZ:

COMZ-R33 Servicing

1. All sites/developments must be connected to the Council's reticulated wastewater and water supply system; and
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.

## **Topic 4: Managed care facilities**

### **Introduction**

39. Ara Poutama-Department of Corrections [20.11] seek that the references relating to "managed care facilities" are deleted and considers that a separate definition is not required. Managed care facilities are defined in the Plan as:

means land or buildings in which residential accommodation, supervision, assistance, care and/or support are provided by an agency for residents. For the avoidance of doubt, managed care facilities include women's refuges, night shelters, emergency housing and housing with associated rehabilitation activities, but excludes custodial facilities managed by the Department of Corrections.

40. In the COMZ, managed care facilities are a restricted discretionary activity in COMZ-R20 and a non-complying activity in PREC5-R19 (which is the Te Kuiti CBD precinct).

### **Analysis and recommendations**

41. As primary relief, Ara Poutama-Department of Corrections seek deletion of the term “managed care facilities” from the rules and definitions. Ara Poutama’s position is that the definition of “residential activity” entirely captures supported and transitional accommodation activities, such as those provided for by Ara Poutama i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama, and therefore a separate definition of “managed care facilities” is unnecessary. However if Council opts to retain a distinction from residential activities, the submission seeks as secondary relief that managed care facilities are a permitted activity in the COMZ.
42. I understand that Ara Poutama consider it to be an artificial distinction between residential activities and managed care facilities. While there are similarities between the activities, there are also differences in that managed care facilities may have staff and give rise to different effects. Given that the COMZ is intended to be the central commercial hub for the District, I consider a restricted discretionary activity status is appropriate for managed care facilities. This would enable the building as well as effects of the activity to be considered.
43. I therefore recommend rejecting the submission point from Ara Poutama-Department of Corrections [20.11].
44. In my consideration of the management of residential activities in the COMZ, I noticed an apparent duplication where residential units appears twice: once in COMZ-R10 as residential units above ground floor and secondly in COMZ-R11 which relates to residential units, minor residential units and duplex dwellings. I understand the intention for COMZ-R10 was to enable mixed use development with commercial on the ground floor and residential above. Although this matter was not addressed by any submissions, I would support any opportunity to improve clarity of the Plan.

## **4 Conclusion**

45. For the reasons included in this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.
46. Appendix 1 contains recommended amendments to the COMZ chapter and Appendix 2 contains the s32AA evaluation.

# APPENDIX 1 RECOMMENDED AMENDMENTS

**\*\*tracked changes provisions\*\***

## 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-01.** Actively encourage commercial and retail development and employment opportunities in the commercial zone.
- COMZ-02.** ~~Provide for community facilities, educational facilities and marae complexes in the commercial zones.~~  
Activities in the Commercial zone support the needs of the community.<sup>1</sup>
- COMZ-03.** 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-04.** Increase the vitality and maintain the viability of Te Kūiti as the district's primary commercial centre.
- COMZ-05.** 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-06.** Support growth and development within the Piopio commercial zone.

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<sup>1</sup> Fire and Emergency New Zealand [16.62], Ministry of Education [24.59]

- COMZ-07.** 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-08.** Increase the number of people living in the commercial zone.
- COMZ-09.** Manage adverse effects at the interface between zones.
- COMZ-010.** 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<sup>2</sup> exceed available capacities for servicing and infrastructure.  
COMZ-P9

**COMZ-PX.** 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.<sup>3</sup>

### Te Kūiti CBD precinct

**COMZ–P10.** 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

<sup>2</sup> Waka Kotahi [17.139]

<sup>3</sup> Fire and Emergency New Zealand [16.62], Ministry of Education [24.59]



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–P11.** 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–P12.** 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–P13.** 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–P14.** 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–P15.** 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–P16.** 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–P17.** 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–P18.** 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 all 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.

**COMZ - Table 1 - Activities Rules**

<b>The rules in this table apply to the commercial zone outside of Te Kūiti CBD precinct (PREC5)</b>	
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.	<b>Emergency services facilities</b>
COMZ-R14.	<b>Motor vehicle repair garages</b>
COMZ-R15.	<b>Accessory buildings</b> ancillary to any permitted activity
COMZ-R16.	<b>Construction, additions and alteration of buildings</b> for any permitted activity

<p><b>Activity status: PER</b></p> <p><b>Where:</b></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><b>Activity status where compliance is not achieved with COMZ-R28 to COMZ-R30: RDIS</b></p> <p><b>Activity status where compliance is not achieved with COMZ-R31 to COMZ-R37: DIS</b></p> <p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></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>
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<p><b>Activity status: NC</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>Residential units, minor residential units and duplex dwellings at ground level proposed to locate in the Piopio commercial zone; or</li> <li>Compact housing developments proposed to locate in the Piopio commercial zone.</li> </ol>	<p><b>Activity status where compliance is not achieved: N/A</b></p>
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COMZ-R17.	<b>Home businesses</b>
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<p><b>Activity status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>Any outdoor storage must be visually screened from any road or public space; 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 <b>industrial activities</b>.</li> </ol>	<p><b>Activity status where compliance is not achieved: DIS</b></p>
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COMZ-R18.	<b>Housing and keeping of animals</b>
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<p><b>Activity status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>Only domestic pets may be housed and kept in the commercial zone. Poultry, pigs, horses, farm animals and beehives are not permitted.</li> </ol>	<p><b>Activity status where compliance is not achieved: DIS</b></p>
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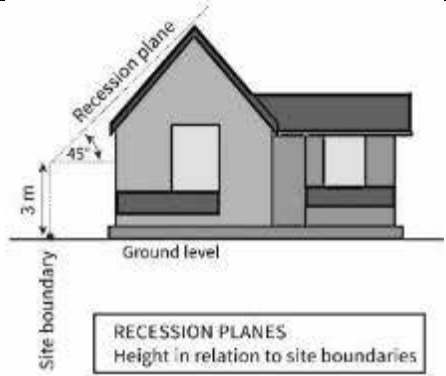
<b>COMZ-R19. Demolition and/or removal of buildings and structures</b>	
<b>Activity status: PER</b>  <i>Note: Where the building is listed in <a href="#">SCHED1 - Heritage Buildings and Structures</a>, see the <a href="#">historic heritage chapter</a>.</i>	<b>Activity status where compliance is not achieved: N/A</b>
<b>COMZ-R20. Retirement villages, boarding houses and managed care facilities</b>	
<b>Activity status: RDIS</b>  <b>Where:</b>  1. The activity is not located in the Piopio commercial zone.  <b>Where the activity is RDIS, the matters over which discretion is restricted are:</b>  (a) The size, design, location, construction and materials used; and (b) Effects on the streetscape and amenity of the area; and (c) The level of on-site amenity, landscaping and outdoor living space provided to residents; 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) Consideration of reverse sensitivity effects; and (g) The extent to which the key moves in the relevant Town Concept Plan have been considered and provided for.	
<b>Activity status when compliance is not achieved: NC</b>	
<b>COMZ-R21. Service stations and takeaway food outlets with a drive through facility</b>	
<b>Activity status: DIS</b>	<b>Activity status where compliance is not achieved: N/A</b>
<b>COMZ-R22. Industrial activities in the Piopio commercial zone</b>	
<b>Activity status: DIS</b>	<b>Activity status where compliance is not achieved: N/A</b>
<b>COMZ-R23.</b>	<b>New buildings adjacent to heritage items listed in <a href="#">SCHED1 – Heritage Buildings and Structures</a></b>
<b>COMZ-R24.</b>	<b>Activities not otherwise listed in COMZ - Table 1</b>
<b>Activity status: DIS</b>	<b>Activity status where compliance is not achieved: N/A</b>
<b>COMZ-R25.</b>	<b>Industrial and trade waste and hazardous substances processing or disposal</b>
<b>COMZ-R26.</b>	<b>Industrial activities in the Te Kūiti commercial zone</b>
<b>COMZ-R27.</b>	<b>Fortified sites</b>
<b>Activity status: NC</b>	<b>Activity status where compliance is not achieved: N/A</b>

**COMZ - Table 2 - Performance Standards**

COMZ-R28.	Minimum setback from internal boundaries
<p>1. Outside of the Te Kūiti CBD precinct (PREC5), 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><b>Matters over which discretion is restricted:</b></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 and/or zone's 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-R29.	Height in relation to boundary
<p>1. Outside of the Te Kūiti CBD precinct (PREC5), 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><b>Matters over which discretion is restricted:</b></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**

COMMERCIAL



COMZ-R30.	<b>Noise insulation for noise sensitive activities</b>
<p>1. All new buildings accommodating noise sensitive activities must be insulated to achieve a noise level of 40dB LAeq inside habitable rooms where it is proposed to be located within:</p> <ul style="list-style-type: none"> <li>(i) 40 m of State Highway 3 (as measured from the edge of the carriageway) where the posted speed limit is equal to or less than 70km/hour; or</li> <li>(ii) 40 m of a railway track;</li> </ul> <p>AND</p> <p>2. A report from an experienced acoustic practitioner must be submitted at the time of application to demonstrate compliance with this rule; and</p> <p>3. This rule does not apply to any item listed in <a href="#">SCHED1 – Heritage Buildings and Structures</a>.</p>	<p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>(a) The time and duration of the noise effect and the impact of any vibration; and</li> <li>(b) The extent to which the activity can be relocated to meet setback requirements; and</li> <li>(c) The layout, design and location of the activity, including consideration of wind and climate patterns and the ability to maintain on-site amenity; and</li> <li>(d) Topographical and geographical features affecting the receiving environment in respect of vibration and noise: and</li> <li>(e) Outcomes of the acoustic report.</li> </ul>
COMZ-R31.	<b>Height</b>
<ul 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> </ul>	<p><b>Activity status where compliance is not achieved: DIS</b></p>
COMZ-R32.	<b>Screening outdoor storage</b>
<p>1. Any outdoor storage must be fully screened by landscaping or solid walls or fences 2 m in height as measured from ground level.</p>	<p><b>Activity status where compliance is not achieved: DIS</b></p>
COMZ-R33.	<b>Servicing</b>

<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> <li>2. In Te Kūiti, all sites/developments must be connected to the Council's reticulated stormwater system; and</li> <li>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)-, <u>and</u></li> <li>4. <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></li> </ol> <p><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.<sup>4</sup></u></p>	<p><b>Activity status where compliance is not achieved: DIS</b></p>
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<b>COMZ-R34.</b>	<b>Requirements within the Te Kūiti CBD precinct (PREC5)</b>
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<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> <li>5. All buildings must provide a verandah designed in relation to its neighbouring buildings that:</li> </ol>	<p><b>Activity status where compliance is not achieved: DIS</b></p>
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<sup>4</sup> Fire and Emergency New Zealand [16.65]

<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>	
<b>COMZ-R35.</b>	<b>Floor space requirements in the Te Kūiti commercial zone (excluding PREC5)</b>
<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>	<p><b>Activity status where compliance is not achieved: DIS</b></p>
<b>COMZ-R36.</b>	<b>Maximum number of residential units in the Te Kūiti commercial zone (excluding PREC5)</b>
<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> <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>	<p><b>Activity status where compliance is not achieved: DIS</b></p>
<b>COMZ-R37.</b>	<b>Compact housing developments in the Te Kūiti commercial zone</b>



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
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.

*Note: Compact housing developments in the Piopio commercial zone or in PREC5 are non-complying activities.*

**Activity status where compliance is not achieved: DIS**

AREA SPECIFIC MATTERS  
**Commercial Zone**

**Te Kuiti CBD Precinct (PREC5)**

COMMERCIAL



**N** Te Kuiti CBD Precinct

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

The rules in this table apply to the Te Kūiti CBD precinct (PREC5)	
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

<b>PREC5-R9.</b>	<b>Accessory buildings ancillary to any permitted activity</b>
<b>PREC5-R10.</b>	<b>Construction, additions and alteration of buildings for any permitted activity</b>

<p><b>Activity status: PER</b></p> <p><b>Where:</b></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><b>Activity status where compliance is not achieved with COMZ-R28 to COMZ-R30: RDIS</b></p> <p><b>Activity status where compliance is not achieved with COMZ-R31 to COMZ-R37: DIS</b></p> <p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></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>
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<b>PREC5-R11.</b>	<b>Home businesses</b>
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<p><b>Activity status: PER</b></p> <p><b>Where:</b></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 shopkeeper's dwelling 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 <b>industrial activities</b>.</li> </ol>	<p><b>Activity status where compliance is not achieved: DIS</b></p>
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<b>PREC5-R12.</b>	<b>Shopkeeper's dwellings</b>
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<p><b>Activity status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>All of the performance standards in COMZ –Table 2 are complied with; and</li> <li>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</li> <li>The residential unit must not be located in any shop frontage at ground level</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><b>Activity status where compliance is not achieved: NC</b></p>
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PREC5-R13.	<b>Housing and keeping of animals</b>	
<b>Activity status: PER</b>  <b>Where:</b>  1. Only domestic pets may be housed and kept in the commercial zone. Poultry, pigs, horses, farm animals and beehives are not permitted.		<b>Activity status where compliance is not achieved: DIS</b>
PREC5-R14.	<b>Demolition and/or removal of buildings and structures</b>	
<b>Activity status: PER</b>  <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>		<b>Activity status where compliance is not achieved: N/A</b>
PREC5-R15.	<b>Large format retail and outdoor retail activities</b>	
PREC5-R16.	<b>Educational facilities, community facilities and Marae complex</b>	
<b>Activity Status: RDIS</b>  <b>Where:</b>  1. The building or site has been vacant for more than 2 years.		
<b>Where the activity is RDIS, the matters over which discretion is restricted are:</b>		
(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.		
<b>Activity status where compliance is not achieved: DIS</b>		
PREC5-R17.	<b>New buildings adjacent to heritage items listed in <a href="#">SCHED1 – Heritage Buildings and Structures</a></b>	
PREC5-R18.	<b>Activities not otherwise listed in COMZ - Table 1</b>	
<b>Activity status: DIS</b>		<b>Activity status where compliance is not achieved: N/A</b>
PREC5-R19.	<b>Retirement villages, boarding houses and managed care facilities</b>	
PREC5-R20.	<b>Industrial activities</b>	
PREC5-R21.	<b>Industrial and trade waste and hazardous substances processing or disposal</b>	

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) 2012*

##### 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.*

# APPENDIX 2 SECTION 32AA EVALUATION

## 1 Introduction

This section 32AA evaluation relates to the recommended amendments to the Commercial zone and supports the discussion, analysis and recommendation in the section 42A report. A section 32AA evaluation is only required for changes recommended since notification; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in this report needs to be at a level of detail that corresponds to the scale and significance of the changes recommended.

### 1.1 Format of the report

The section 32AA evaluation report is structured in a similar order to the topics in the s42A to enable the reports to be read together. In accordance with the requirements of section 32, the tests for objectives are different from provisions.

## 2 Objective and policy framework for the zone

This section 32AA evaluation relates to the objective and policy framework for the zone and supports the discussion, analysis and recommendation in section 4.

### 2.1 Appropriateness of Objectives

Below are the objectives that are recommended to be added, amended or deleted. Having considered a range of options including retaining unchanged the notified objectives of the PDP, these objectives are the most appropriate way to achieve the purpose of the RMA, as demonstrated in the table below.

Objective or group of objectives
Amendments to COMZ-O2

<b>Evaluation of objectives</b>	
<b>Part 2 RMA</b>	<b>Comment</b>
Section 5 Purpose	The Commercial zone is the centre of the community with a concentration of commercial and community facilities. The redrafting of the objective provides for the social, cultural and economic well-being of the community by recognising the purpose of the Commercial zone. It also allows for the health and safety of people and the community by providing a suitable location for these in the Commercial zone.

## **2.2 Identification of Options to Achieve the Objectives**

The following reasonably practicable options have been identified for the new policy COMZ-PX:

Option 1 – No additional policies

Option 2 – Include a new policy to recognise the community activities that are appropriate in the Commercial zone.

### **Preferred Option**

Option 2 is the preferred option. The newly created policy sets out the activities which are appropriate to support the community.

## 2.3 Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

<b>Evaluation of Preferred Option Against Objective(s)</b>		
	<b>Costs</b>	<b>Benefits</b>
<b>Environmental</b>	There are no environmental costs	There are no environmental benefits
<b>Economic</b>	There are no economic costs	Results in a more vibrant and economically viable Commercial zone
<b>Social</b>	There are no social costs	More explicitly identifies the range of activities which are required in the Commercial zone to support the community.  Enables community facilities, educational facilities, emergency service facilities and marae complexes
<b>Cultural</b>	There are no cultural costs	More explicitly enables cultural activities which supports the vitality of the town centres.
<b>Economic growth</b>	No change in economic growth opportunities as a result of this amendment.	



<b>provided or reduced</b>	
<b>Employment opportunities</b>	No change in employment opportunities as a result of this amendment.
<b>Uncertain or insufficient info</b>	There is sufficient information to support the proposed changes.
<b>Risk of acting or not acting</b>	There is sufficient information to act.
<b>Effectiveness</b>	
The inclusion of a new policy will more readily achieve COMZ-O2 which seeks to enable activities in the Commercial zone which support the needs of the community. The proposed provisions are the most appropriate method of meeting the objectives as they provide for a wide range of activities while at the same time giving clear direction and guidance towards the expected mix activities in the zone. They provide a high level of certainty to landowners, residents, developers, the community and Council.	
<b>Efficiency</b>	
The new policy is efficient because it clearly sets out the activities which support the town centres. The proposed provision is the most efficient method of meeting the objectives as the benefits outweigh the costs and the provisions will not impose significant additional costs onto landowners. The policies set out clearly how the objectives will be achieved. The benefits from the provisions are largely economic ones with flow-on environmental and social benefits resulting from commercial areas performing successfully. These benefits will outweigh any more localised economic costs resulting from greater restrictions on specific activities and directing particular types of commercial activities to specific zones / areas.	

## Summary

The proposed provisions are considered to be the most effective means of achieving the objectives as together they will:

- provide for a wide range of activities while providing clear guidance on the anticipated mix of activities for each area within the zone.
- give effect to the RPS to enable business activities in appropriate locations, and to locate and design development so that it functions in a way that encourages sustainable economic development.
- implement the Town Centre Concept Plans.
- provides for activities which reflect and support the function and role of these towns.
- enable the Council to fulfil its statutory obligations, including ensuring the efficient use and development of the existing physical resources within the district's commercial areas.
- enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner.
- assist in achieving the relevant Strategic Directions, including ensuring activities within centres align with the character, scale and intensity anticipated by their role and encourages self-sufficiency and sustainable economic growth.

### **3 Transport provisions**

This section 32AA evaluation relates to the objective and policy framework for the zone and supports the discussion, analysis and recommendation in section 5.

#### **3.1 Appropriateness of Objectives**

Objective TRAN-O2 is relevant to this topic. The appropriateness of this objective has been assessed previously, and no changes are proposed through the s42A recommendations.

#### **3.2 Identification of Options to Achieve the Objectives**

The following reasonably practicable options have been identified for COMZ-P9:

Option 1 – Retain the policies as notified

Option 2 – Amend COMZ-P9 which to manage impacts on the transport network

##### **Preferred Option**

Option 2 is the preferred option. COMZ-P9 addresses capacities for servicing and infrastructure, but does not explicitly refer to transport. Amending the policy will ensure traffic generated by new development does not compromise the safety of the transport network.

### 3.3 Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
<b>Environmental</b>	No environmental costs are identified for this option.	No environmental benefits are identified for this option.
<b>Economic</b>	The scale of new development may be constrained to manage traffic generation  Costs to developers to undertake an integrated transport assessment	No economic benefits are identified for this option.
<b>Social</b>	Wear and tear on the roading network will increase.	The safety of the transport network is maintained.  Commute and travel times are not significantly reduced.  Enables alternative transport methods to be considered.
<b>Cultural</b>	No cultural costs are identified for this option.	No cultural benefits are identified for this option.

<b>Economic growth provided or reduced</b>	No change in economic growth opportunities as a result of this amendment.
<b>Employment opportunities</b>	No change in employment opportunities as a result of this amendment.
<b>Uncertain or insufficient info</b>	There is sufficient information to support the proposed changes.
<b>Risk of acting or not acting</b>	There is sufficient information to act.
<b>Effectiveness</b>	
The amended policy will more readily achieve TRAN-O2 which ensures the transport system is safe, efficient and effective in moving people and goods within and beyond the district and enables a range of mobility options. The amended policy ensures the safety of the transport network is maintained.	
<b>Efficiency</b>	
The amended policy explicitly addresses the generation of traffic movements as a result of new development. While there will be additional costs incurred as a result of the amendment to undertake an integrated transport assessment, the benefit to the wider community is greater.	
<b>Summary</b>	

The proposed provisions are considered to be the most effective means of achieving the objectives as together they will:

- Give effect to higher order policy documents.
- Enable the Council to fulfil its statutory obligations, including by promoting active modes of travel and access to public transport to promote environmental, economic, and social wellbeing and reduce adverse effects relating to carbon emissions and the inefficient use and development of natural and physical resources.
- Support the sustainable transport and integrated development outcomes expressed in a range of regional and local plans and strategies.
- Effectively manage the potentially significant adverse effects of High Trip Generating activities on the transport network.

## **4 Water supplies for firefighting**

This section 32AA evaluation relates to the objective and policy framework for the zone and supports the discussion, analysis and recommendation in section 6.

### **4.1 Appropriateness of Objectives**

Objective NU-O1 is relevant to this topic. The appropriateness of this objective has been assessed previously, and no changes are proposed through the s42A recommendations.

### **4.2 Identification of Options to Achieve the Objectives**

The following reasonably practicable options have been identified for the amendments to COMZ-R33 and the standards for water supply

Option 1 – Retain COMZ-R33 as notified

Option 2 – Add an additional rule requiring water supply to be compliant with the New Zealand Fire Service Firefighting Water Supplies Code of Practice

#### **Preferred Option**

Option 2 is the preferred option.

This is a check and balance sought by Fire and Emergency New Zealand to cover the scenario where the water supply system is not compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. The standard would not impose additional demands on landowners if the reticulated system is sufficient. Council's water services have advised that it can meet the standard, and they are currently undertaking testing for firefighting purposes. The new standard will ensure not only that each site / development is serviced for water, but also that the water supply is sufficient for firefighting.

### 4.3 Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
<b>Environmental</b>	No environmental costs are identified for this option.	No environmental benefits are identified for this option.
<b>Economic</b>	Upgrading the water supply to this standard may cost.  Chance that there is surplus water being stored in the unlikely event of a fire.	Decreases the costs of a fire through having a sufficient water supply for firefighting.
<b>Social</b>	No social costs are identified for this option.	Ensures that development is appropriately serviced for water.  Ensures the health and safety of people.  Decreases the risk to people through a sufficient water supply for firefighting.
<b>Cultural</b>	No cultural costs are identified for this option.	No cultural benefits are identified for this option.



<b>Economic growth provided or reduced</b>	No change in economic growth opportunities as a result of this amendment.
<b>Employment opportunities</b>	No change in employment opportunities as a result of this amendment.
<b>Uncertain or insufficient info</b>	There is sufficient information to support the proposed changes.
<b>Risk of acting or not acting</b>	There is sufficient information to act.
<b>Effectiveness</b>	
The additional standard will more readily achieve NU-O1 which ensures essential and secure services are provided, including in emergencies. The additional standard ensures the health and safety of people and property with sufficient water for firefighting.	
<b>Efficiency</b>	
The additional standard explicitly requires connection to Council's reticulated water network, or alternative servicing for water that achieves the standard appropriate for firefighting.	
<b>Summary</b>	

The proposed provisions are considered to be the most effective means of achieving the objectives as together they will:

- Give effect to higher order policy documents.
- Enable the Council to fulfil its statutory obligations, including by supporting the health and safety of people.

## APPENDIX 3 ACCEPT / REJECT RECOMMEDATIONS

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</u>	Accept

Submission no	Submitter	Support / in part /	Plan section	Plan provision	Relief sought	Accept/Accept in part/Reject
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	Retain as notified.	Accept
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	Retain as notified.	Accept
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 “managed care facilities” from the relevant rules in the Commercial Zone, which includes: COMZ-R20 PREC5-R19 but</p> <p>If Council are to retain the “managed care facilities” definition, then delete the restricted discretionary and non-complying activity rules applying to “managed care facilities”, and amend the associated permitted activity rules, to provide a permitted status for “managed care facilities” in the Commercial Zone, as follows:</p> <table border="1" data-bbox="1111 632 1496 1090"> <tr> <td colspan="2" data-bbox="1111 632 1496 655"><b>COMZ-R10. Residential units and managed care facilities above ground floor level</b></td> </tr> <tr> <td colspan="2" data-bbox="1111 655 1496 679">---</td> </tr> <tr> <td data-bbox="1111 679 1312 927"> <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><b>Note: Where the building is listed in SCHED1 – Heritage Buildings and Structures, also see the historic heritage chapter.</b></p> </td> <td data-bbox="1312 679 1496 927"> <p><b>Activity status where compliance is not achieved with COMZ-R28 to COMZ-R30: RDIS</b></p> <p><b>Activity status where compliance is not achieved with COMZ-R31 to COMZ-R37: DIS</b></p> <p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></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 data-bbox="1111 927 1312 1090"> <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 data-bbox="1312 927 1496 1090"> <p><b>Activity status where compliance is not achieved: N/A</b></p> </td> </tr> </table> <table border="1" data-bbox="1111 1142 1749 1201"> <tr> <td data-bbox="1111 1142 1256 1201"><b>COMZ-R20.</b></td> <td data-bbox="1256 1142 1749 1201"><b>Retirement villages and boarding houses and managed care facilities</b></td> </tr> </table> <hr/> <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>	<b>COMZ-R10. Residential units and managed care facilities above ground floor level</b>		---		<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><b>Note: Where the building is listed in SCHED1 – Heritage Buildings and Structures, also see the historic heritage chapter.</b></p>	<p><b>Activity status where compliance is not achieved with COMZ-R28 to COMZ-R30: RDIS</b></p> <p><b>Activity status where compliance is not achieved with COMZ-R31 to COMZ-R37: DIS</b></p> <p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></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>	<b>COMZ-R20.</b>	<b>Retirement villages and boarding houses and managed care facilities</b>	Reject
<b>COMZ-R10. Residential units and managed care facilities above ground floor level</b>																
---																
<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><b>Note: Where the building is listed in SCHED1 – Heritage Buildings and Structures, also see the historic heritage chapter.</b></p>	<p><b>Activity status where compliance is not achieved with COMZ-R28 to COMZ-R30: RDIS</b></p> <p><b>Activity status where compliance is not achieved with COMZ-R31 to COMZ-R37: DIS</b></p> <p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></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>															
<b>COMZ-R20.</b>	<b>Retirement villages and boarding houses and managed care facilities</b>															

Submission no	Submitter	Support / in part /	Plan section	Plan provision	Relief sought	Accept/Accept in part/Reject
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