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Recommended changes in response to submissions are shown in ~~strike through~~ and underline.

Recommended amendments to the provisions following the hearing – right of reply are shown in ~~strike through~~ and underline.

## COMZ Commercial Zone - Te Takiwā Pakihi

### Overview

The COMZ - Commercial Zone applies to areas near to but outside of the town and local centres, where a range of different types of commercial activities - from small stores to supermarkets, service stations, bulk retail and offices occur. Because there is little public transport within towns on the West Coast/Te Tai o Poutini, these activities are often accessed by car, although people may also walk and cycle from nearby residential areas.

The largest area of COMZ - Commercial Zone is located in the Greymouth/Māwhera South area, with smaller areas of Commercial Zone associated with towns and settlements across the West Coast/Tai o Poutini.

The COMZ - Commercial Zone areas are locations for economic activity and places for employment. The economic activity within the Commercial Zone also supports town and settlement viability as workers shop, use public spaces and contribute to the area's vibrancy.

The Commercial and Mixed Use Zones objectives, policies and Commercial Zone rules provide the framework for managing the effects of development and ensuring that a reasonable standard level of amenity and environmental quality is retained within the zone, while ensuring that there are not significant adverse effects on the amenity and quality of the environment in surrounding areas.

### Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities, in the Commercial Zone including:

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
  - **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters**- there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Commercial Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
  - **Natural Hazards** - in some locations zoned Commercial Zone there are areas of natural hazards which need to be considered for new development or expansion of existing development. Information on natural hazard overlays and provisions can be found in the natural hazards chapter.
  - **Subdivision** - The Subdivision Chapter sets out the requirements for the development of
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new infrastructure and connections as part of subdivision activities.

- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Commercial Zone.

#### Commercial Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

#### Permitted Activities

COMZ - R1	<u>New Buildings, and External Additions and or Alterations to Existing Buildings, Landscaping, and External Storage</u> <sup>1</sup> <del>Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings</del>
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<sup>1</sup> Waka Kotahi (S450.213)

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<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The maximum height above ground level is <del>42</del> <sup>15</sup> metres except that this standard does not apply to hose drying towers at Emergency Service Facilities;</li> <li>2. Any building or structure is set back: <ol style="list-style-type: none"> <li>i. 3m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and</li> <li>ii. 3m from the road boundary, except for; sites with frontage to two roads in the COMZ - Commercial Zone can have a 3m setback on one road boundary and 1.5m setback on the other road boundary;</li> <li>iii. <a href="#">1.5m from the railway corridor boundary, excluding accessory buildings and structures</a><sup>3</sup>.</li> </ol> </li> <li>3. Landscaping shall be provided as follows: <ol style="list-style-type: none"> <li>i. The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip <del>that will, within two years of being planted, reach a minimum height of 1m;</del><sup>4</sup></li> <li>ii. <del>On sites adjoining a RESZ – Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ – Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and</del><sup>5</sup></li> <li>iii. The planting of 1 tree per 20 carparking spaces is <del>encouraged</del> <sup>required</sup><sup>6</sup> within any carparking area; and</li> <li>iv. Stormwater facilities that provide water quality treatment and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.</li> </ol> </li> <li>4. The maximum building length is 20m where this abuts a RESZ - Residential Zone;</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary where <a href="#">rules standards 2 to 5 and 6</a> are not complied with.</p> <p>Discretionary where <a href="#">rule 1 is standards 1-4</a> are not complied with.<sup>7</sup></p>
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<sup>2</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.014), Chris & Jan Coll (S558.352), Chris J Coll Surveying (S566.352), William McLaughlin (S567.410), Laura Coll McLaughlin (S574.352)

<sup>3</sup> [Letter from KiwiRail dated 28 May 2024](#)

<sup>4</sup> Buller District Council (S538.396)

<sup>5</sup> Buller District Council (S538.396)

<sup>6</sup> David Ogilvie & Partners (S465.035)

<sup>7</sup> Ministry of Education (S456.033), Foodstuffs (S464.023)

~~5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place; and~~

5. No building projects beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~<sup>8</sup>. This standard does not apply to:
- i. Road boundaries;
  - ii. Buildings on adjoining sites that have a common wall along the boundary;
  - iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
  - iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (eg finials, spires) provided these do not exceed the recession plane by more than 3m vertically;
  - v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

**Advice Notes:**

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
2. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.<sup>9</sup>
3. ~~The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE – R3 also apply.~~

**Commented [B&A1]:** Relocated to COMZ-R4A. Consequential to the hearing notes of Ms Inta (S553) in relation to the rule structure of the NCZ, GIZ, and LIZ.

<sup>8</sup> Buller District Council (S538.396)

<sup>9</sup> Buller District Council (S538.396)

COMZ - R2	Minor Structures	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>All performance standards for <a href="#">Standard 2 for Rule COMZ - R1.2</a> <sup>10</sup> are complied with;</li> <li>Masts, poles, aerials and pou whenua must not exceed 7m in height;</li> <li>Any antenna dish must be less than 1m in diameter;</li> <li>Any ornamental or garden structure must not exceed 2.4 m in height; and</li> <li>Any other structure must not exceed 10m<sup>2</sup> and 2m in height.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>	
COMZ - R3	Fences, Walls and Retaining Walls	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>Fences, walls and retaining walls are a maximum 2m height above ground level; and</li> <li>The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.</li> </ol> <p><b>Advice Note:</b> Retaining walls greater than 1m in height should be subject to engineered design and meet the Building Code.</p>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>	

<sup>10</sup> 112. Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.015), Chris & Jan Coll (S558.353), Chris J Coll Surveying Limited (S566.353), William McLaughlin (S567.411), Laura Coll McLaughlin (S574.353)

COMZ - R4	Relocated Buildings	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All performance standards for Rule COMZ - R1 are complied with;</li> <li>2. Any relocated building intended for use as a dwelling must have been designed, and built, and to be used as a dwelling;</li> <li>3. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;</li> <li>4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and</li> <li>5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><u>Refer to COMZ – R1 for where standard 1 is not complied with.</u></p> <p><u>Restricted Discretionary where standards 2 to 5 are not complied with.</u></p>	
<p><b>COMZ – R54A</b> <u>Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities<sup>11</sup></u></p>		
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. <del>All performance standards for Rule COMZ – R1 are complied with.</del></li> <li>1. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place.</li> </ol> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li>2. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>	

**Commented [B&A2]:** Consequential to the hearing notes of Ms Inta (S553) in relation to the rule structure of the NCZ, GIZ, and LIZ.

**Commented [B&A3]:** Relocated from COMZ-R1. Consequential to the hearing notes of Ms Inta (S553) in relation to the rule structure of the NCZ, GIZ, and LIZ.

<sup>11</sup> Consequential to Waka Kotahi (S450.213)

COMZ - R5	Residential Buildings and <sup>12</sup> Activities
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. <del>All performance standards for Rule COMZ - R1 are complied with;</del><sup>13</sup></li> <li>2. This is ancillary to a Commercial Activity;</li> <li>3. It is not ancillary to a Commercial Activity, the activity is located above the ground floor level of a Commercial Activity; and</li> <li>4. Each residential unit shall be provided with: <ol style="list-style-type: none"> <li>i. <del>An outdoor service space of 3 m<sup>2</sup> and a waste management area of 2 m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area or 9m<sup>2</sup> with a minimum dimension of 2.8m in a communal area</del><sup>14</sup>;</li> <li>ii. A single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metre;</li> <li>iii. Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; and</li> <li>iv. Each residential unit shall be provided with an outdoor living space of: <ol style="list-style-type: none"> <li>1. <del>68m<sup>2</sup> minimum area and 4.5 2<sup>15</sup> metres minimum dimension for a studio or 1 bedroom unit;</del></li> <li>2. <del>10m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;</del></li> <li>3. <del>15m<sup>2</sup> minimum area and 1.5 metres minimum dimension for 3 or more bedrooms;</del></li> </ol> </li> <li>v. Each residential unit shall be provided with outlook space from each habitable room from the largest window in the room as follows: <ol style="list-style-type: none"> <li>1. A principal living room must have an outlook space with a minimum dimension of 3 metres in width <u>and depth</u>;</li> <li>2. All other habitable rooms must have an outlook space with a minimum dimension of 1m in width <u>and depth</u>;</li> </ol> </li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Non-complying</p>

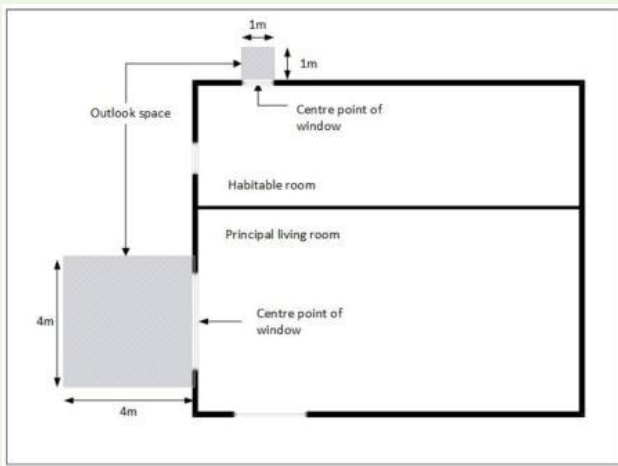
<sup>12</sup> Consequential to Waka Kotahi (S450.213)

<sup>13</sup> Consequential to Waka Kotahi (S450.213)

<sup>14</sup> Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)

<sup>15</sup> Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)

3. The width of the outlook species spaces is measured from the centre point of the largest window on the building face to which it applies;
4. Outlook spaces may be within the same site or over a public street or other public open space;
5. Outlook spaces required from different rooms within the same building may overlap;
6. Outlook spaces must:
  - a. Be clear and unobstructed by buildings; and
  - b. Not extend over an outlook space or outdoor living space required by another dwelling.



<sup>16</sup>

**Advice Note:**

1. In meeting the outdoor living space requirements, decks and balconies will be included within the calculation.
2. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

<sup>16</sup> Consequential to Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)



Restricted Discretionary Activities	
COMZ - R6	<del>Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and New Buildings and External Additions and Alterations to Existing Buildings not meeting the External Storage, Building Length or Recession Plane performance standards of Rule COMZ - R1<sup>17</sup></del>
<b>Activity Status Restricted Discretionary</b> Where: 1. <del>All performance standards for Rule COMZ – R1.1 is other than those that relate to External Storage and Recession Planes are Performance standard 1 for Rule COMZ-R1 is</del> complied with. <b>Discretion is restricted to:</b> a. <del>Materials being stored;</del> b. <del>Period of time for storage;</del> c. <del>Distance from boundary; and</del> d. <del>Bulk, location and design of storage, buildings and structures.</del> a. <u>Bulk, location and design of storage, buildings and structures;</u> b. <u>Effects on the safety, amenity and attractiveness of the street or public places;</u> c. <u>Visual dominance, privacy and shading effects on neighbouring sites; and</u> d. <u>Materials being stored and the period of time for storage.</u>	<b>Activity status where compliance not achieved:</b> Discretionary
COMZ – R6A	<u>Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities not meeting Rule COMZ-R4A</u>
<b>Activity Status Restricted Discretionary</b> <b>Discretion is restricted to:</b> a. <u>Effects on the safety, amenity and attractiveness of the street or public places;</u> b. <u>Materials being stored and the period of time for storage.</u>	<b>Activity status where compliance not achieved:</b> N/A

**Commented [B&A4]:** Consequential to hearing notes of Ms Inta (S553) in relation to the rule structure of the NCZ, GIZ, and LIZ. The new rule applies to assessment of non-compliance with COMZ-R4A, with the relevant matters duplicated from COMZ-R6.

<sup>17</sup> Consequential to Ministry of Education (S456.033), Foodstuffs (S464.023).

<b>COMZ - R7</b>	<b>Relocated Buildings not meeting Rule COMZ - R4 or Recession-Plane performance standards of Rule COMZ - R1</b>
<b>Activity Status Restricted Discretionary</b> Where: 1. <del>All performance standards for Rule COMZ - R1 are complied with.</del> <b>Discretion is restricted to:</b> <ol style="list-style-type: none"> <li>Design and location of structures;</li> <li>Landscape measures; and</li> <li>Appearance of buildings <u>and the completion of any building reinstatement works identified in a building inspection report<sup>18</sup>.</u></li> </ol>	<b>Activity status where compliance not achieved: Discretionary</b> N/A

**Commented [B&A5]:** Consequential to hearing notes of Ms Inta (S553) in relation to the rule structure of the NCZ, GIZ, and LIZ. Building height, and compliance with other standards are managed under COMZ-R1.

**Discretionary Activities**

<b>COMZ - R8</b>	<b>Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, Visitor Accommodation Activities and Buildings, Relocated Buildings, Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted or Restricted Discretionary Activity Standards</b>
<b>Activity Status Discretionary</b> Where: 1. The maximum height is 15m; 2. Maximum building length abutting a residential zone is 35m; and 3. Any building or structure is set back 3m from any Residential Zone or Open Space Zone.	<b>Activity status where compliance not achieved: Non-complying</b>

**Non-complying Activities**

<b>COMZ - R9</b>	<b>Residential Activities and Buildings not meeting the standards in Rule COMZ - R5</b>
<b>Activity Status Non-complying</b>	<b>Activity status where compliance not achieved: N/A</b>
<b>COMZ - R10</b>	<b>Industrial Activities</b>
<b>Activity Status Non-complying</b>	<b>Activity status where compliance not achieved: N/A</b>

<sup>18</sup> Consequential to the statement of Jonathan Bhana-Thomson on behalf of New Zealand Heavy Haulage Association Inc.

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<b>COMZ - R11</b>	<b>Any activity not provided for by another Rule in the zone</b>
<b>Activity Status Non-complying</b>	<b>Activity status where compliance not achieved: N/A</b>

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