

# **TAI POUTINI PLAN COMMITTEE**

## **Hearing of Submissions on the Proposed Te Tai O Poutini Plan**

### **Recommendation Report of Hearing Panel**

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#### **Recommendation Report**

#### **Commercial and Industrial Zones**

#### **Ngā Takiwā Pakihi me ngā Takiwā Hanumi**

#### **Ngā Takiwā Ahumahi**

**Hearing Dates: 1 & 2 July 2024**

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#### **HEARING PANEL**

Dean Chrystal (Chair)

Paul Rogers

Anton Becker

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## **PART A – INTRODUCTORY MATTERS**

### **1. PRELIMINARY MATTERS**

#### **1.1. Introduction**

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel’s recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or ‘the Plan’) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to the Commercial and Industrial Zones - Ngā Takiwā Pakihi me ngā Takiwā Hanumi and Ngā Takiwā Ahumahi sections of the pTTPP; and contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections in Part 1 (Definitions) Part 3, Appendix 3 and the planning maps.
3. The Section 32 Reports<sup>1</sup> provided an evaluation of the Commercial and Mixed Use Zones (CMUZ) and Industrial Zones (INZ) and how they were managed through the combined Plan, including the regulatory framework, resource management issues, the evidence base, consultation, information and analysis undertaken and evaluation of the options.
4. The Section 42A Officer’s Report<sup>2</sup> (‘s42A Report’), authored by Ms Briar Belgrave, a planner with Barker & Associates Consultancy acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendices 1A–1N and Appendix 3 (planning maps) and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2. It also contained urban design advice from Ms Alicia Lawrie, an Urban Designer with Barker & Associates Consultancy
5. Ms Belgrave subsequently provided an Addendum s42A Report<sup>3</sup> prepared to address key matters raised by submitters in evidence filed before the hearing. The Addendum Report included five attachments relating to further recommendations on provisions and submissions.
6. The s42A Report assessed a total of 735 submission points and 71 further submission points on the CMUZ and INZ Chapters, Appendix Three: Design Guidelines, and relevant definitions and the planning maps. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions.
7. The matters raised by submitters were generally grouped in the s42A Report in relation to each of the following key issues for each of the two chapters:
  - Definitions (for both Chapters)
  - General Submissions;
  - Overview;

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<sup>1</sup> Te Tai o Poutini Plan – Section 32 Evaluation Reports Eight and Nine

<sup>2</sup> Te Tai o Poutini Plan Section 42A Officer’s Report Commercial and Industrial Zones - Ngā Takiwā Pakihi me ngā Takiwā Hanumi and Ngā Takiwā Ahumahi

<sup>3</sup> Addendum to Section 42A Report on Commercial and Industrial Zones

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- Objectives;
  - Policies;
  - Rules;
  - Rezonings
  - Associated Planning Maps; and
  - Town Centre Design Guidelines
8. A s32AA Evaluation for the changes was provided at the end of the s42A Report.
  9. This Recommendation Report follows the same structure as the s42A Report. It provides a summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.
  10. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the pTTPP provisions forms an integral part of the decision. It records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining**, indicating additions and strikethrough, indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.
  11. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.
  12. Where the Panel recommends the pTTPP provisions should remain as notified, it is because:
    - (a) The Panel has adopted the reasoning and recommendation of the s42A Report or addendum to retain the provision as notified; or
    - (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified, as recommended in the Reporting Officer's reply evidence; or
    - (c) The Panel has recommended retaining the provision as notified for reasons set out in this Recommendation Report.
  13. Where there is a recommended change to a notified provision of the pTTPP, it is because:
    - (a) The Panel has recommended an amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or
    - (b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or
    - (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

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- (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).
14. Where there may be a different recommendation between the s42A Report and the Reporting Officer’s addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report’s reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.
15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
16. If any changes are recommended to the provisions (since the Section 32A Report was completed), a further evaluation, if required pursuant to section 32AA of the RMA, has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate that a further evaluation was undertaken.
17. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel’s recommendations below, each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

**1.2. Terminology in this Report**

18. Throughout this Report, the following abbreviations will be used:

Department of Corrections	Ara Poutama Aotearoa, Department of Corrections
BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
COMZ	Commercial Zone
CMUZ	Commercial and Mixed-Use Zones
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
GIZ	General Industrial Zone

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INZ	Industrial Zones
KiwiRail	KiwiRail Holdings Limited
LIZ	Light Industrial Zone
MOE	Ministry of Education
MUZ	Mixed Use Zone
NCZ	Neighbourhood Centre Zone
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
pTTPP	Proposed Te Tai Poutini Plan
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SFF	Silver Fern Farms Limited
TCZ	Town Centre Zone
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council
WMP	Westland Milk Products

### **1.3. Hearing Arrangements**

19. The hearing was held at the West Coast Regional Council Building on the 1st & 2nd of July 2024. Some submitters appeared by internet connection.
20. At the hearing, Ms Belgrave tabled a Planning Summary Statement to her s42A Report and an Addendum Report.

### **1.4. Appearances**

21. The following submitters appeared at the hearing:

**Mr Steve Tuck**, Planner for Silver Fern Farms Limited

**Mr Kevin Scanlon** for Martin & Co Westport Ltd and Lumberland Building Market Westport

**Mr Jonathan Bhana-Thomson** for New Zealand Heavy Haulage Association Inc

**Ms Frida Inta** for Buller Conservation Group and herself

**Mr Richard Black** for Westland Milk Products

### **1.5. Overview of submitter evidence received**

22. No legal submissions were received.
23. For those appearing at the hearing, the following evidence and/or statements were received:
  - (a) Mr Steve Tuck, planner for Silver Fern Farms Limited (dated 30 May 2024 and a summary statement dated 26 June 2024);
  - (b) Mr Kevin Scanlon, for Martin & Co Westport Ltd and Lumberland Building Market Westport (received 1 July 2024);
  - (c) Mr Jonathan Bhana-Thomson, Chief Executive of the New Zealand Heavy Haulage Association Inc (dated 14 June 2024);
  - (d) Mr Martin Kennedy, planner for Westpower Limited (dated 12 February 2024);
  - (e) Ms Frida Inta (received 1 July 2024) on behalf of Buller Conservation Group and herself; and
  - (f) Mr Richard Black, Planner for Westland Milk Products (dated 29 July 2024 [sic]).
24. Following the receipt of the s42A Report and the Addendum to the s42A Report, the following were received:
  - (a) Robert Kinney, Chief Executive Officer of Isaac Construction Limited, provided the statement of evidence dated 30 May 2024. In his evidence, he outlines the current and future activities on the Isaac Construction landholdings at Kaiata, which supports the submission to rezone part of their site from LIZ to GIZ.
  - (b) Kim Seaton, Consultant Planner on behalf of Isaac Construction Limited, provided a statement of evidence dated 30 May 2024. Her evidence addressed the submission to rezone part of the Isaac Construction site at Kaiata from LIZ to GIZ.
  - (c) Darran Humpheson, Acoustic Consultant on behalf of Silver Fern Farms, provided the statement of evidence dated 7 March 2024. His evidence addressed the potential for reverse sensitivity from noise in relation to the Silver Fern Farms site at Hokitika.
  - (d) Fire and Emergency New Zealand (FENZ) advised<sup>4</sup> it did not intend to appear at the hearing and that it accepted the recommendations by the reporting officer on many of the submission points. The letter provided additional discussion on those submission points that the reporting officer rejected.

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<sup>4</sup> Letter from George van Pelt, Consultants Planner dated 21 June 2024.

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- (e) The Ministry of Education confirmed<sup>5</sup> that they would not be attending the hearing. The letter indicated their support for various recommendations in the S42A report and reiterated their submission point regarding noise.
- (f) KiwiRail provided a letter<sup>6</sup> confirming that they would not be attending the hearing. The letter indicated that KiwiRail continued to seek amendments to building setback requirements from the rail corridor.
- (g) Terra Firma Mining Limited (Terra Firma) provided a letter<sup>7</sup> confirming it would not be filing evidence and did not wish to be heard at the hearing. The letter responded to the Reporting Officers' recommendations on Terra Firma's submission points, which were essentially in support of the changes proposed.
- (h) Pauline Hadfield, Consultant Planner on behalf of Griffen & Smith Ltd provided a statement of evidence dated 14 June 2024. The evidence responded to a point of clarification requested by the Reporting Officer.
- (i) A Memorandum of Counsel on behalf of Foodstuffs (South Island) Limited (Foodstuffs) was received on 30 May 2024. The memorandum provided Foodstuffs' response to the Officer's recommendations in the section 42A report. It indicated support for the Officer's recommendation to accept/accept in part many of the submission points. It provided additional discussion on those submission points that the reporting officer rejected.

### **1.6. Right of Reply**

- 25. Ms Belgrave provided a written Right of Reply (dated 3 October 2024) that included updated appendices showing tracked changes (and a clean version) to the notified provisions. Other appendices included a wiring assessment of objectives, policies and rules for the Industrial Zones.
- 26. Joint rights of reply were also received in response to submissions from KiwiRail<sup>8</sup> and Silver Fern Farms<sup>9</sup>.

### **1.7. Procedural Steps and Issues**

- 27. No procedural issuing arose from this hearing.

### **1.8. Site Visits**

- 28. As part of this hearing, we undertook site visits as follows:
  - (a) The Silver Ferns Farm site at Hokitika
  - (b) The Westland Dairy site at Hokitika
  - (c) Kaiata Industrial area

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<sup>5</sup> Letter from Daly Williams, Consultants Planner dated 1 July 2024

<sup>6</sup> Letter from Michelle Grinlinton-Hancock dated 28 May 2024

<sup>7</sup> Letter from Lucy Smith, Managing Director dated 30 May 2024

<sup>8</sup> Dated 7 October 2024

<sup>9</sup> Dated 17 October 2024

**PART B - STATUTORY REQUIREMENTS AND DOCUMENTS**

29. Part 3 - Area-Specific Matters - Te Wāhanga 3 - Ngā Take a Ia Rohe of the pTTPP contains a Zones - Ngā Takiwā section. The Zones section contains the two subsections relevant to this decision. Commercial and Mixed Zones - Ngā Takiwā Pakihi me ngā Takiwā Hanumi and Industrial Zones - Ngā Takiwā Ahumahi. These subsections comprise eight chapters, including the CMUZ, COMZ, MUZ, NCZ, TCZ, INZ, GIZ, and LIZ chapters. The CMUZ chapter contains objectives and policies for the four commercial and mixed-use zones, i.e., COMZ, MUZ, NCZ and TCZ, while the INZ chapter does the same for the industrial zones, i.e. GIZ and LIZ. Whereas the COMZ, MUZ, NCZ, TCZ, GIZ and LIZ chapters each contain rules to manage activities within their respective zone, and activity-specific standards with the Permitted Activity rules.
30. The Section 32 Report outlined the relevant statutory considerations applicable to commercial, mixed-use and industrial land, and the relationships between the sections of the RMA and higher order documents.
31. The section 42A Report highlighted the relevant sections of the RMA, and higher order statutory documents and relevant documents. The Panel notes in particular the following:
- (a) New Zealand Coastal Policy Statement 2010 (**NZCPS**);
  - (b) National Policy Statement for Freshwater Management 2020 (**NPSFM**);
  - (c) National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**);
  - (d) Iwi Management Plans, Mana Whakahono a Rohe; and
  - (e) West Coast Regional Policy Statement 2020 (**RPS**).
32. It is also noted there are three iwi management plans on the West Coast – the Te Rūnanga o Mākaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.
33. Clause 10 of the First Schedule of the RMA, states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of the requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for the recommendation. References to relevant submissions are made in the footers.
34. The National Planning Standards set out the zones allowed for use in the Plan and provide the following information for the zones addressed in this decision:
- (a) Commercial Zone - Areas used predominantly for a range of commercial and community activities;
  - (b) Mixed Use Zone - Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.
  - (c) Neighbourhood Centre Zone - Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.
  - (d) Town Centre Zone - Areas used predominantly for:

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- i. in smaller urban areas, a range of commercial, community, recreational and residential activities.
    - ii. in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.
  - (e) General Industrial Zone - Areas used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities.
  - (f) Light Industrial Zone - Areas used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and smoke) that are reasonable to residential activities sensitive to these effects.
35. The Panel are satisfied that the proposed Commercial, Mixed Use and Industrial Zones are consistent with this national direction.

## PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

### 2. DEFINITIONS

#### Submissions and Further Submissions

36. Thirteen submission points and two further submission points relating to definitions were summarised in a Table on pages 15-16 of the s42A Report. Six submissions sought to retain the definition for 'industrial activity'. Seven submissions sought amendments to other definitions.
37. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

#### Section 42A Report

38. Ms Belgrave acknowledged the support from the six submission points<sup>10</sup> to retain the definition for 'industrial activity'. She supports the relief sought as the definition is in accordance with the Planning Standards.
39. In response to the submission point made by BDC that sought to either delete all references to 'large format retail activities' and 'retail activities' from the pTTPP or define them, Ms Belgrave supported the relief in part. She recommends amending the definition for 'retail activity' to include a detailed definition for the type of activities that are anticipated, which is in keeping with the definition for 'commercial activity':

*Retail activity:*

***means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public. Excludes service stations, trade retail and trade suppliers, car sales and drive-through restaurants.***

40. Ms Belgrave does not support the relief sought with respect to 'large format retail'. This is because the term is only used in GRUZ-R30, and she sees an opportunity to consider the need for a definition in the Rural Zones hearing stream.
41. Ms Belgrave supports the submission point from Foodstuffs to include a definition for 'supermarket'. She agrees that the wording sought in the submission is appropriate. It is:

*'A retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.'*

42. In response to the submission point made by Birchfield Coal Mines Limited that sought the addition of 'firewood and coal supplies' to the definition of 'trade retail and trade suppliers', Ms Belgrave does not support the relief sought. She considers that the sale of firewood and coal supplies would fall within the definition of 'commercial activity' and the proposed definition of 'retail activity'. On that basis, she does not consider it necessary for inclusion in the 'trade retail and trade suppliers' definition.

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<sup>10</sup> Silver Fern Farms (S441.003), Birchfield Coal Mines Ltd (S601.007), BRM Developments Limited (S603.007), Birchfield Ross Mining Limited (S604.007), Phoenix Minerals Limited (S606.007), and Whyte Gold Limited (S607.007)

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43. In response to two submission points made by GDC that sought the addition of a definition for 'waste management area' and 'indoor storage space', Ms Belgrave does not support the relief sought as the submitter has not provided preferred wording for either term. Additionally, she considers that the ordinary meaning of the terms provides sufficient clarity.
44. In response to another submission point made by GDC that sought to add a definition for 'outdoor service space', Ms Belgrave advises that, as it is her recommendation to delete the requirements for an outdoor storage space in the CMUZ, she does not support including a definition for the term.
45. In response to a further submission point made by GDC that sought to add a definition for 'outlook space', Ms Belgrave recommends that, in the absence of preferred wording from the submitter, she does not support including a definition. She notes that 'outlook space' is a requirement for residential units in the COMZ, and subject to the amendments recommended for COMZ-R5, the rule will provide sufficient clarity. Ms Belgrave also comments that this term is not defined in other second-generation plans or in the Medium Density Residential Standards.
46. The S42A report recommends that the Definitions be amended as follows:

*Retail Activity:*

**means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.** Excludes service stations, trade retail and trade suppliers, car sales and drive-through restaurants.

**Supermarket**

**A retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.**

**Hearing and Submitter Evidence**

47. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accept the S42A report recommendation relating to the definition of 'supermarket'.
48. Despite not making any submissions on the definitions, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. She does not support the inclusion of a definition for 'supermarket'.
49. No other evidence was presented at the hearing in relation to the submission points about the definitions.

**Reporting Officer Reply Evidence**

50. In response to questions from the Panel, Ms Belgrave considered the need for the inclusion of definitions for 'offices' and 'services'.
51. In response to these questions, she considers that the definition for 'commercial activity' is sufficiently clear that an additional definition for 'services' is not necessary.

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52. Notwithstanding matters related to scope, she does consider that a definition for ‘offices’ will provide helpful clarification to plan users, noting that the term is used in NCZ-R1 and NCZ-R11. It will also align with the definition for ‘commercial activity’.
53. Ms Belgrave recommends that the following definition be included for ‘offices’:

**Offices**

**“means a commercial activity where administrative, clerical, professional, management, or government activities are conducted”**

54. In response to Ms Frida Inta’s comments in her statement that question the need for ‘supermarket’ to be defined, Ms Belgrave considers that the inclusion of the definition will provide a helpful clarification.
55. In response to questions from the Panel as to whether a definition of ‘contaminated’ is required, Ms Belgrave advises that, due to other recommended amendments in the GIZ and LIZ, the word ‘contaminated’ has been deleted. As such, the need for the word to be defined is no longer relevant.

**Hearing Panel’s Evaluation**

56. The Panel agree with Ms Belgrave’s recommendation and her justification not to include new definitions for ‘waste management area’, ‘indoor storage space’, ‘outdoor service space’ or ‘outlook space’. We also agree with her recommendation not to amend the definition of ‘trade retail and trade suppliers’.
57. The Panel accept Ms Belgrave’s recommendation to amend the definitions of ‘Retail activity’ and to add a definition for ‘Supermarket’ based on the submissions from BDC and Foodstuffs, respectively. We consider these to be appropriate amendments.
58. The Panel accept Ms Belgrave’s justification in her right of reply not to include a definition for ‘services’.
59. The Panel accepts that adding a definition of ‘offices’ would be helpful, but since we have not been able to find a submission to provide support and scope for that addition, we cannot accept Ms Belgrave’s recommendation to include that definition. This addition could be the subject of a future plan change.

**Hearing Panel’s Recommendation**

60. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are either accepted or accepted in part, and recommends the following changes to the **Definitions**:

Definitions - Ngā Tautuhinga	
Term	Definition

RETAIL ACTIVITY	<b><u>means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.</u></b> <sup>11</sup> Excludes service stations, trade retail and trade suppliers, car sales and drive through restaurants.
<b><u>SUPERMARKET</u></b>	<b><u>means a retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.</u></b> <sup>12</sup>

### 3. COMMERCIAL AND MIXED USE ZONE

#### 3.1. Whole Chapter

##### Submissions and Further Submissions

61. Four submissions points and two further submission points relating to general matters or the Commercial and Mixed-Use Zones collectively were summarised in a Table on page 8 of the s42A Report. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

##### Section 42A Report

62. In response to the submission points made by Foodstuffs to make amendments throughout the CMUZ provisions to provide for supermarkets, Ms Belgrave supports this submission in part. While she does not recommend specific provisions (particularly rules), she considers that amendments to definitions and other submission points made by Foodstuffs provide some relief to these general submission points.
63. In response to the submission points made by Ngāi Tahu that sought amendments to include Poutini Ngāi Tahu values as a matter for consideration for controlled and restricted discretionary activities and as a new objective, Ms Belgrave notes that this is a common submission point across multiple hearing streams. It has particularly been addressed in the Strategic Directions hearing stream, with the recommended amendment to UFD-O1. As to whether a new matter for control or discretion should be included in the provisions, Ms Belgrave assesses this issue when considering the relevant Plan provisions.
64. Ms Belgrave also acknowledges that sites and areas of significance to Māori are mapped, and that there are some within the urban environment. She also notes that existing objectives and policies refer to maintaining and enhancing amenity values (noting that this includes cultural attributes). On this basis, she does not recommend an additional objective.
65. Ms Belgrave did not make any recommendations to amend the provisions in response to these submission points.

##### Hearing and Submitter Evidence

66. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate submission point S464.011 that express provisions are needed for supermarkets due to the restrictive

<sup>11</sup> Buller District Council (S538.013)

<sup>12</sup> Foodstuffs (South Island) Properties Limited and Foodstuffs South Island (S464.006)

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permitted activity standard, which does not consider supermarket activity. These provisions, he submitted, should recognise the functional and operational needs of supermarkets and allow for design mitigation, rather than operation minimisation.

**Reporting Officer Reply Evidence**

67. There was no specific consideration of these general matters in the reply evidence.

**Hearing Panel's Evaluation**

68. The Panel agrees with Ms Belgrave's recommendations regarding submissions received on the Chapter as a Whole. We accept that an amendment relating to Poutini Ngāi Tahu values is relevant and that this has been appropriately addressed across multiple Hearing Streams. We also accept that no additional objective relating to cultural attributes is necessary in this part of the Plan.
69. The Panel agrees with Ms Belgrave's recommendation that the addition of a definition (discussed above) for 'supermarket' partly but in our view sufficiently addresses the submission point made by Foodstuffs.

**Recommendation**

70. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes in relation to the general matters raised in submissions and further submissions across the CMUZ.

**3.2. Commercial and Mixed-Use Overview**

**Submissions and Further Submissions**

71. No submissions or further submissions were received with respect to the CMUZ Overview.

**3.3. Commercial and Mixed-Use Objectives**

**Submissions and Further Submissions**

72. Eight submission points relating to the Commercial and Mixed-Use Zone Objectives (as a whole) were summarised in a Table on pages 19-20 of the s42A Report. Seven submission points sought to retain the objectives as notified. The eighth submission sought to add a new objective.
73. Six submission points and two further submission points relating to **CMUZ-01** were summarised in a Table on page 21 of the s42A Report. Three submissions supported the retention of the objective as notified, and the other three sought amendments.
74. Two submission points and two further submission points relating to **CMUZ-02** were summarised in a Table on page 22 of the s42A Report. One submission supported the retention of the objective as notified, and the other one sought an amendment, which was opposed by the two further submissions.
75. Two submission points relating to **CMUZ-03** were summarised in a Table on page 23 of the s42A Report. One submission supported the retention of the objective as notified, and the other sought an amendment.

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76. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

**Section 42A Report**

*Objectives (General)*

77. In relation to the objectives (as a group), Ms Belgrave acknowledged the support from the submitters that seek to retain the objectives as notified. The acknowledgement is subject to recommended amendments that arise from other submissions on specific objectives.
78. In response to the submission point made by the TPPP Committee that sought to add a new objective to the CMUZ, Ms Belgrave supports the relief sought to include an objective that outlines the role of each zone and the overall approach to the zoning framework. Because of the recommended objective, consequential amendments to CMUZ-O2 are also proposed to avoid repetition and to consolidate the two objectives.
79. The S42A report recommends that a new objective be added to the CMUZ chapter and that consequential amendments be made to CMUZ-O2 as follows:

**CMUZ – OX**

**The region’s commercial needs are provided for via a suite of commercial zones that:**

- (a) recognise the importance of the West Coast/Te Tai o Poutini town centres;**
- (b) serve the immediate need of the local community;**
- (c) provide for mixed use and redevelopment opportunities at Greymouth; and**
- (d) provide for larger scale commercial activities in appropriate locations.**

**CMUZ - O2**

**To ~~recognise the importance of the West Coast/Te Tai o Poutini town centres and~~ maintain ~~their~~ the integrity of the West Coast/Te Tai o Poutini town centres as a place of high-quality built environment character, community and visitor focus and identity.**

*Objective 1*

80. In relation to CMUZ-O1, Ms Belgrave acknowledged the support from the submitters that seek to retain the objective as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.
81. Ms Belgrave does not support the relief sought by Foodstuffs to make amendments to refer to managing amenity effects on adjoining sensitive activities in place of minimising adverse effects on amenity within and adjoining commercial areas. She does not support an amendment to only refer to adjoining sensitive activities. However, she does acknowledge the concerns raised by Foodstuffs as to the restrictive nature of the objective. Therefore, she recommends rewording CMUZ-O1 into two separate objectives as follows:

**To maintain and enhance the character and amenity values of commercial areas and town centres ~~while enabling in a way that enables~~ commercial and other activities to support the local community and visitors, ~~while minimising adverse effects on amenity within and adjoining the commercial areas.~~**

**Avoid, remedy, and mitigate adverse effects of commercial and other activities within and adjoining the commercial areas.**

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82. In response to the two submission points made by Buller Conservation Group and Frida Inta that sought amendments to recognise historical heritage, Ms Belgrave does not support the relief sought. This is because these values are managed in the Historic Heritage chapter and in Schedule One. The duplication sought by the submission is considered unnecessary.
83. The S42A report recommends that CMUZ-O1 be amended as follows:

***CMUZ-O1***

*To maintain and enhance the character and amenity values of commercial areas and town centres ~~while enabling in a way that enables~~ commercial and other activities to support the local community and visitors. ~~while minimising adverse effects on amenity within and adjoining the commercial areas.~~*

***CMUZ-O2A***

***Avoid, remedy, and mitigate adverse effects of commercial and other activities within and adjoining the commercial areas.***

*Objective 2*

84. In relation to CMUZ-O2, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the objective as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.
85. Ms Belgrave does not support the relief sought by Forest and Bird to amend the objective to ensure that a 'high quality urban environment' is one where natural values and biodiversity are maintained. She considers that these values are appropriately provided for elsewhere in the Plan and duplication is not necessary.
86. In response to the submission point made by the TTPP Committee and considered above as part of the objectives more generally, Ms Belgrave recommends consequential amendments to CMUZ-O2.
87. The S42A report recommends that CMUZ-O2 be amended as follows:

*CMUZ - O2*

*To ~~recognise the importance of the West Coast/Te Tai o Poutini town centres and~~ maintain ~~their~~ ~~the~~ integrity ~~of the West Coast/Te Tai o Poutini town centres~~ as a place of high-quality built environment character, community and visitor focus and identity.*

*Objective 3*

88. In relation to CMUZ-O3, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the objective as notified.
89. In response to the submission point made by Forest and Bird (that is the same as that made regarding CMUZ-O2), Ms Belgrave reiterates that she does not support the relief sought.
90. The S42A report recommends retaining CMUZ-O3 as notified.

**Hearing and Submitter Evidence**

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91. The joint statement presented by Frida Inta and Buller Conservation Group raised questions regarding what type of adverse effect the recommended new objective (CMUZ-O2A) is seeking to manage. The recommended new objective is a result of a submission point by Foodstuffs on CMUZ-O1, and both Ms Inta and the BCG submitted CMUZ-O1. The joint statement considers that the wording sought by Foodstuffs to *'manage amenity effects on adjoining sensitive activities'* is more appropriate.
92. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accept the S42A report recommendation relating to CMUZ-O1 and CMUZ-O2A.
93. No other evidence was presented at the hearing in relation to the submission points on the CMUZ objectives.

**Reporting Officer Reply Evidence**

94. In response to the statement presented by Ms Inta at the hearing regarding CMUZ-O2A, Ms Belgrave clarified that the types of potential effects that might occur in the CMUZ could include amenity effects, particularly as the zones provide for residential units as a permitted activity, or visual and dominance effects associated with buildings that exceed the permitted building envelope. She also reiterated that she does not support the amendment to only refer to sensitive activities for the reasons set out in the S42A report.

**Hearing Panel's Evaluation**

95. The Panel agree with Ms Belgrave's recommendation to add a new objective to the CMUZ that sets out the purpose of each zone in the Chapter. We agree with the wording in the S42A report and the consequential amendments to CMUZ-O2.
96. The Panel agree with Ms Belgrave's recommended wording for CMUZ-O1 and the recommendation to separate it into two separate objectives. We acknowledge that Foodstuffs have confirmed their agreement with the wording in their legal submissions.
97. The Panel agree with Ms Belgrave's recommendation to retain CMUZ-O3 as notified.
98. We note that the addition of the new objectives results in a renumbering of these provisions, and we have revised them accordingly.
99. In relation to the remainder of the submissions on the Objectives, the Panel agree that these should be rejected based on the conclusions reached by Ms Belgrave.

**Hearing Panel's Recommendation**

100. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part and recommends that the following amendments be made to the **Commercial and Mixed-Use Zone Objectives**:

<b>Commercial and Mixed Use Zones Objectives</b>	
<b>CMUZ – O1</b>	To maintain and enhance the character and amenity values of commercial areas and town centres <b>while enabling</b> <del>in a way that enables</del> commercial and other

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	activities to support the local community and visitors while minimising adverse effects on amenity within and adjoining the commercial areas. <sup>13</sup>
<b>CMUZ – O2</b>	<b><u>Avoid, remedy, or mitigate adverse effects of commercial and other activities within and adjoining the commercial areas.</u></b> <sup>14</sup>
<b>CMUZ – O23</b> <sup>15</sup>	To recognise the importance of the West Coast/Te Tai o Poutini town centres and maintain their <b>the integrity of the West Coast/Te Tai o Poutini town centres</b> <sup>16</sup> as a place of high-quality built environment character, community and visitor focus and identity.
<b>CMUZ – O34</b> <sup>17</sup>	To recognise that Greymouth/Māwhera is the principal commercial and urban centre on the West Coast/Te Tai o Poutini and support its redevelopment through providing for a range of commercial and mixed use zones and activities within a high-quality urban environment.
<b>CMUZ – O5</b>	<b>The region’s commercial needs are provided for via a suite of commercial zones that:</b> <b>(a) recognise the importance of the West Coast/Te Tai o Poutini town centres;</b> <b>(b) serve the immediate need of the local community;</b> <b>(c) provide for mixed use and redevelopment opportunities at Greymouth; and</b> <b>(d) provide for larger scale commercial activities in appropriate locations.</b> <sup>18</sup>

### 3.4. Commercial and Mixed Use Policies

#### Submissions and Further Submissions

101. Four submission points relating to the Commercial and Mixed Use Zone Policies (as a whole) were summarised in a Table on pages 23-24 of the s42A Report. All submissions supported the policies. However, three sought a point of clarification.
102. Three submission points relating to **CMUZ-P1** were summarised in a Table on pages 24-25 of the s42A Report. One submission point supported the retention of the policy as notified. Two submission points sought amendments.
103. Ten submission points relating to **CMUZ-P2** were summarised in a Table on pages 25-26 of the s42A Report. All submission points supported the retention of the policy as notified.
104. Six submission points relating to **CMUZ-P3** were summarised in a Table on page 26 of the s42A Report. All submission points supported the retention of the policy as notified.
105. Seven submission points and four further submission points relating to **CMUZ-P4** were summarised in a Table on page 27 of the s42A Report. One submission point supported the retention of the policy as notified. Six submission points sought amendments.

<sup>13</sup> Foodstuffs (S464.012)

<sup>14</sup> Foodstuffs (S464.012)

<sup>15</sup> Consequential numbering amendment

<sup>16</sup> Consequential to Te Tai o Poutini Plan Committee (S171.007)

<sup>17</sup> Consequential numbering amendment

<sup>18</sup> Te Tai o Poutini Plan Committee (S171.007)

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106. Three submission points relating to **CMUZ-P5** were summarised in a Table on page 27 of the s42A Report. All submission points supported the retention of the policy as notified.
107. Two submission points relating to **CMUZ-P6** were summarised in a Table on page 30 of the s42A Report. One submission point supported the retention of the policy as notified, and the other sought amendments.
108. Two submission points and one further submission relating to **CMUZ-P7** were summarised in a Table on page 31 of the s42A Report. One submission point supported the retention of the policy as notified, and the other (and further submission) sought amendments.
109. Two submission points relating to **CMUZ-P8** were summarised in a Table on pages 31 - 32 of the s42A Report. Both submission points supported the retention of the policy as notified.
110. Three submission points relating to **CMUZ-P9** were summarised in a Table on page 32 of the s42A Report. One submission point supported the retention of the policy as notified, and the others sought amendments.
111. One submission point relating to **CMUZ-P10** was summarised in a Table on page 33 of the s42A Report. The submission point supported the retention of the policy as notified.
112. Three submission points relating to **CMUZ-P11** were summarised in a Table on page 33 of the s42A Report. Two submission points supported the retention of the policy as notified, and the other sought amendments.
113. Three submission points relating to **CMUZ-P12** were summarised in a Table on page 34 of the s42A Report. All the submission points supported the retention of the policy as notified.
114. Nine submission points and one further submission relating to **CMUZ-P13** were summarised in a Table on pages 34-36 of the s42A Report. Three submission points supported the retention of the policy as notified, and the others, including the further submission, sought amendments.
115. One submission point relating to **CMUZ-P14** was summarised in a Table on page 37 of the s42A Report. The submission point supported the retention of the policy as notified.
116. Four submission points and one further submission relating to **CMUZ-P15** were summarised in a Table on pages 37-38 of the s42A Report. Two submission points supported the retention of the policy as notified, and the others, including the further submission, sought amendments.
117. Two submission points relating to **CMUZ-P16** were summarised in a Table on page 40 of the s42A Report. Both submission points supported the retention of the policy as notified.
118. One submission point relating to **CMUZ-P17** was summarised in a Table on page 40 of the s42A Report. The submission point supported the retention of the policy as notified.
119. One submission point relating to **CMUZ-P18** was summarised in a Table on page 40 of the s42A Report. The submission point supported the retention of the policy as notified.
120. One submission point relating to **CMUZ-P19** was summarised in a Table on page 41 of the s42A Report. The submission point supported the retention of the policy as notified.

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121. One submission point relating to **CMUZ-PREC1-P1** was summarised in a Table on page 41 of the s42A Report. The submission point supported the retention of the policy as notified.
122. One submission point relating to **CMUZ-PREC1-P2** was summarised in a Table on page 41 of the s42A Report. The submission point supported the retention of the policy as notified.
123. One submission point relating to **CMUZ-PREC1-P3** was summarised in a Table on page 42 of the s42A Report. The submission point supported the retention of the policy as notified.
124. One submission point relating to **CMUZ-PREC1-P4** was summarised in a Table on page 42 of the s42A Report. The submission point supported the retention of the policy as notified.
125. Two submission points and one further submission point relating to **CMUZ-PREC1-P5** were summarised in a Table on pages 42-43 of the s42A Report. The submission points sought an amendment to the policy.
126. One submission point relating to **CMUZ-PREC1-P6** was summarised in a Table on page 44 of the s42A Report. The submission point sought an amendment to the policy.
127. One submission point relating to **CMUZ-PREC2-P7** was summarised in a Table on page 44 of the s42A Report. The submission point sought an amendment to the policy.
128. Two submission points relating to **CMUZ-PREC2-P8** were summarised in a Table on page 45 of the s42A Report. The submission points supported the retention of the policy as notified.
129. Two submission points and one further submission point relating to **CMUZ-PREC2-P9** were summarised in a Table on page 45 of the s42A Report. The submission points sought amendment to the policy.
130. One submission point relating to **CMUZ-PREC3-P10** was summarised in a Table on page 42 of the s42A Report. The submission point supported the retention of the policy as notified.
131. One submission point relating to **CMUZ-PREC3-P11** was summarised in a Table on page 46 of the s42A Report. The submission point sought an amendment to the policy.
132. Two submission points and one further submission point relating to **CMUZ-PREC3-P12** were summarised in a Table on page 47 of the s42A Report. The submission points sought amendment to the policy.
133. One submission point relating to **CMUZ-PREC4-P13** was summarised in a Table on page 47 of the s42A Report. The submission point supported the retention of the policy as notified.
134. One submission point relating to **CMUZ-PREC4-P14** was summarised in a Table on page 48 of the s42A Report. The submission point supported the retention of the policy as notified.
135. One submission point and one further submission point relating to **a new policy** were summarised in a Table on page 48 of the s42A Report. The submission points sought to add a new policy.
136. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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*Policies (General)*

137. Ms Belgrave acknowledged the support from the submitters who generally support the policies as notified. The acknowledgement is subject to recommended amendments that arise from other submissions on specific policies.
138. In response to the three submission points made by BDC that sought clarification with respect to the terms 'precincts' and 'town centres', Ms Belgrave advises that each of the Town Centres is also subject to a Precinct, with provisions specific to each town (Westport, Greymouth, Reefton and Hokitika). Unfortunately, there is an error in the mapping, and the Precinct Overlays have not been mapped. However, to clarify the provisions, the COMZ objectives and policies apply across all TCZ's and then the suite of specific policies applies for each of the four Precincts.
139. The S42A report recommends amending the planning maps to include the four precincts overlaid with each spatial extent of the TCZs for Westport, Greymouth, Reefton and Hokitika.

*CMUZ - Policy 1*

140. In relation to CMUZ-P1, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.
141. Ms Belgrave supports the submission point made by Waka Kotahi that sought to amend the typo (CUMZ to CMUZ) in the heading above the CMUZ policies.
142. In response to the submission point made by Ngāi Tahu that sought to ensure Poutini Ngāi Tahu values are considered as part of the urban environment, Ms Belgrave considered that, as this policy relates to the protection of cultural landscapes, the relief sought by the submission point is already achieved. Additionally, the submitter offered no specific wording with respect to this policy.
143. The S42A report recommends the following amendments to CMUZ – P1.

***Activities and Development in ~~CUMZ~~ CMUZ – Commercial and Mixed Use Zones***

***CMUZ – P1***

*Where cultural landscapes are identified in commercial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including;*

- a. Protection of wāhi tapu and taonga sites in Schedule Three of the Plan using Poutini Ngāi Tahu culturally appropriate methods;*
- b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Ngāi Tahu; and*
- c. Protection of the relationship of Poutini Ngāi Tahu with freshwater, including cultural wellbeing and use opportunities.*

*CMUZ - Policy 2*

144. In relation to CMUZ-P2, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.
145. Ms Belgrave recommends that CMUZ-P2 be retained as notified.

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*CMUZ - Policy 3*

146. In relation to CMUZ-P3, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.
147. Ms Belgrave recommends that CMUZ-P3 be retained as notified.

*CMUZ - Policy 4*

148. In relation to CMUZ-P4, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions on specific policies.
149. In response to the submission point made by Foodstuffs that sought various amendments to the policy, Ms Belgrave supports the relief sought in part. The submission sought three areas of relief:
- a. Deleting the reference to managing the effects of carparking; and
  - b. Including a consideration for operational and functional requirements of activities; and
  - c. Deleting the words '*and is expected to*'.
150. Ms Belgrave does not support deleting the reference to managing the effects of carparking. However, she does recommend replacing '*minimised*' with '*mitigated*'.
151. Ms Belgrave supports including a matter that recognises the functional and operational requirements of activities, particularly as a broad range of activities are provided for and anticipated within the CMUZ. She also supports deleting '*and is expected to*' as it simplifies the wording of the policy.
152. In response to the five submission points<sup>19</sup> that sought to delete clauses a - d from the policy, Ms Belgrave does not support the relief sought. This is because the clauses are relevant considerations for new developments within the CMUZ, achieving the policy and CMUZ-O2.
153. The S42A report recommends the following amendments to CMUZ – P4.

**CMUZ – P4**

*New development in CMUZ - Commercial and Mixed Use Zones should have quality design outcomes ~~which and is expected to:~~*

- a. *Acknowledge, and respond to, the context of the site and the surrounding environment;*
- b. *Ensure the bulk, form and siting of new buildings maintains and enhances the quality of the environment;*
- c. *Provide a quality street frontage with visual interest and connection with the street; and*
- d. *Ensure visual effects from car parking areas are ~~mitigated minimised; and~~*
- e. **Recognises the functional or operational need of activities.**

*CMUZ - Policy 5 to Policy 8*

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<sup>19</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.011), Chris & Jan Coll (S558.346), Chris J Coll Surveying (S566.346), William McLaughlin (S567.405), and Laura Coll McLaughlin (S574.346)

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154. Before considering the content of the submissions relating to these policies, Ms Belgrave sets out that CMUZ-P5, CMUZ-P6, CMUZ-P7 and CMUZ-P8 all relate to establishing new commercial zones rather than managing buildings and activities within the existing zones. She considers that these policies would be more appropriately located in the Strategic Direction chapter of the PTTTP. There is no specific submission seeking this relief. However, there are submission points by BDC seeking this relief for similar policies in the INZ. As such, Ms Belgrave considers there is consequential scope to delete these policies from the CMUZ chapter and relocate them (with any amendment resulting from relevant submissions) to the Strategic Direction chapter.
155. The S42A report recommends relocating CMUZ-P5, CMUZ-P6, CMUZ-P7 and CMUZ-P8 to the SD chapter.

*CMUZ – Policy 5*

156. In relation to CMUZ-P5, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.
157. Ms Belgrave recommends that CMUZ-P5 be retained as notified, although relocated to the Strategic Direction chapter under Urban Form and Development as an objective:

**UFD-O2**

**Support the redevelopment of brownfield sites for mixed use activities where:**

- a. **A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements;**
- b. **The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities;**
- c. **There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks;**
- d. **The anticipated amenity values of the adjoining commercial or industrial zone are not compromised;**
- e. **If necessary, contaminated land is remediated in accordance with national and regional standards; and**
- f. **The redevelopment does not impact on:**
  1. **The vitality and strategic role of town centres as the focal points for commercial and other activities;**
  2. **The efficient and effective use of land; and**
  3. **Community and transport infrastructure investment in centres.**

*CMUZ – Policy 6*

158. In relation to CMUZ-P6, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.
159. In response to the submission point made by Foodstuffs that sought to delete the words 'rather than pulling activity away from the centre', Ms Belgrave supports the relief sought as she considers the words to be superfluous, and deletion simplifies the policy.

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160. The S42A report recommends deleting CMUZ-P6 from the CMUZ chapter and relocating an amended version in the SD chapter under Urban Form and Development as an objective.

**UFD – 03**

**Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres rather than pulling activity away from the centre.**

**CMUZ – Policy 7**

161. In relation to CMUZ-P7, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.
162. Ms Belgrave does not support the relief sought in the submission point made by Foodstuffs. The submission sought to amend the wording of the policy as follows:

*New CMUZ - Commercial and Mixed Use Zones should ~~not be restricted located~~ in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.*

163. Ms Belgrave considers that the policy, as notified, does not prevent the rezoning of land in an urban zone when the relevant considerations are made.
164. The S42A report recommends deleting the CMUZ-P7 from the CMUZ and relocating it into the SD chapter under Urban Form and Development as an objective.

**UFD – 04**

**New CMUZ - Commercial and Mixed Use Zones should not be located in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.**

**CMUZ – Policy 8**

165. In relation to CMUZ-P8, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.
166. Ms Belgrave recommends that CMUZ-P8 be retained as notified, although relocated to the Strategic Direction chapter under Urban Form and Development as an objective:

**UFD – 05**

**Where new CMUZ - Commercial and Mixed Use Zones are developed these should fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.**

**CMUZ – Policy 9**

167. In relation to CMUZ-P9, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.
168. In response to the submission points made by Waka Kotahi and GDC that sought to delete 'parking' from the policy on the basis that it is not a mode of transport, Ms Belgrave supports

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the relief sought in part. In the context of the policy, 'parking' refers to cycle parking to encourage pedestrian-friendly streets. Therefore, Ms Belgrave recommends amendments to the policy to clarify the intention.

169. The S42A report recommends the following amendments to CMUZ – P9:

*CMUZ – P9*

*Provide a range of transport modes to and from the town centres including public transport, cycling routes and **associated cycle** parking and encouraging more pedestrian friendly streets.*

*CMUZ – Policy 10*

170. In relation to CMUZ-P10, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

171. Ms Belgrave recommends that CMUZ-P10 be retained as notified.

*CMUZ – Policy 11*

172. In relation to CMUZ-P11, Ms Belgrave acknowledged the support from Te Mana Ora and Grey District Council that sought to retain the policy as notified.

173. Ms Belgrave does not support the relief sought by FENZ, whose submission sought to have the words 'with sufficient capacity for firefighting purposes' added after the reference to water supply. She does not consider that this level of detail is necessary in this policy, as the references to three waters infrastructure are only to identify the types of infrastructure that should be vested with the Council.

174. Ms Belgrave recommends that CMUZ-P11 be retained as notified.

*CMUZ – Policy 12*

175. In relation to CMUZ-P12, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

176. Ms Belgrave recommends that CMUZ-P12 be retained as notified.

*CMUZ - Policy 13*

177. In relation to CMUZ-P13, Ms Belgrave acknowledged the support from the submitters that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

178. In response to the five submission points<sup>20</sup> that sought to delete the reference to enhance the amenity of commercial areas, Ms Belgrave does not support the relief sought. She considers that while it is not always feasible or practical to enhance these values in a commercial setting, the policy also provides for their maintenance, and that it is relevant to include this in the policy.

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<sup>20</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.012) Chris & Jan Coll (S558.347), Chris J Coll Surveying (S566.347), William McLaughlin (S567.406), and Laura Coll McLaughlin (S574.347)

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179. In response to the submission point made by Foodstuffs to make various amendments, Ms Belgrave supports the relief sought in part. The submission sought to add '*significant*' to clause (a) of the policy in reference to adverse effects to relax the policy. Ms Belgrave does not consider that the wording will enable non-compliance with the performance standards to be appropriately managed. She has recommended deleting the reference to the performance standards.
180. Foodstuffs also sought to amend clause (c) to '*encourage compact urban form*' of town centres. Ms Belgrave supports the requested amendment as it provides a clearer direction on the use and development outcomes anticipated in the zones.
181. The S42A report recommends the following amendments to CMUZ – P13:

*CMUZ – P13*

*Activities in the COMZ – Commercial, MUZ – Mixed-Use and NCZ – Neighbourhood Centre Zones should:*

- a. ~~Meet performance standards on development and land use that maintain~~ **Maintain** or enhance the amenity of the commercial areas and **avoid, remedy, or mitigate** ~~do not create~~ adverse effects beyond the boundaries of these areas, particularly in respect of residential areas;*
- b. Provide safe urban design (including pedestrian and vehicle safety); and*
- c. **Encourage compact urban form** ~~Avoid the fragmentation~~ of town centres.*

*CMUZ - Policy 14*

182. In relation to CMUZ-P14, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.
183. Ms Belgrave recommends that CMUZ-P14 be retained as notified.

*CMUZ - Policy 15*

184. In relation to CMUZ-P15, Ms Belgrave acknowledged the support from the submitters that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.
185. In response to the submission point made by Foodstuffs that sought to amend clause (k) and delete clause (l), Ms Belgrave supports the submission in part. Foodstuffs sought to have the words '*standard up to the street frontage and predominantly with verandahs over the footpath*' deleted from clause (k). The S42A report acknowledges that this amendment will simplify the policy. It also acknowledges that requirements for verandahs are specified for three of the precinct areas, while design requirements are specified for all of them. Additionally, this clause relates to buildings, while the policy generally is about activities. For these reasons, Ms Belgrave recommends deleting clause (k) in its entirety.
186. Ms Belgrave also supports deleting clause (l) that requires activities to be reliant on pedestrian movement as sought by Foodstuffs. In the submission, Foodstuffs identifies that supermarket customers rely on vehicles to transport their groceries and that the TCZ provides for a range of commercial activities that are not solely reliant on pedestrian movement. While town centres can be accessed on foot, not all activities will be. Ms Belgrave considers the clause of

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the policy to be onerous and, in some cases, impractical. Therefore, she recommends that it be deleted.

187. In response to the submission point made by Te Mana Ora to make additions to clause (g) of the policy, Ms Belgrave does not support the additions. She acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

188. The S42A report recommends the following amendments to CMUZ – P15:

*CMUZ – P15*

*Activities within the TCZ – Town Centre Zones should:*

- a. Maintain or enhance natural and historic features and built form;*
- b. Adaptively reuse existing heritage buildings where practicable;*
- c. Recognise and implement good urban design;*
- d. Provide for low-speed vehicle movement;*
- e. Allow for noise associated with commercial activities including bars and restaurants;*
- f. Provide for commercial signs associated with on-site activities;*
- g. Provide a high-quality pedestrian environment, with pedestrian oriented street layout;*
- h. Have consolidated on-street parking;*
- i. Have efficient wastewater, water supply and stormwater infrastructure that maximises the use of existing services;*
- j. Allow for a range of transport options;*
- ~~*k. Have new buildings built to a high standard up to the street frontage and predominantly with verandahs over the footpath; and*~~
- ~~*l. Be activities reliant on pedestrian movement.*~~

*CMUZ - Policy 16*

189. In relation to CMUZ-P16, Ms Belgrave acknowledged the support from Te Mana Ora and the Ministry of Education that both sought to retain the policy as notified.

190. Ms Belgrave recommends that CMUZ-P16 be retained as notified.

*CMUZ - Policy 17*

191. In relation to CMUZ-P17, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

192. Ms Belgrave recommends that CMUZ-P17 be retained as notified.

*CMUZ - Policy 18*

193. In relation to CMUZ-P18, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

194. Ms Belgrave recommends that CMUZ-P18 be retained as notified.

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*CMUZ - Policy 19*

195. In relation to CMUZ-P19, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

196. Ms Belgrave recommends that CMUZ-P19 be retained as notified.

*CMUZ – PREC 1 - Policy 1*

197. In relation to CMUZ-PREC1-P1, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

198. Ms Belgrave recommends that CMUZ-PREC1-P1 be retained as notified.

*CMUZ – PREC 1 - Policy 2*

199. In relation to CMUZ-PREC1-P2, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

200. Ms Belgrave recommends that CMUZ-PREC1-P2 be retained as notified.

*CMUZ – PREC 1 - Policy 3*

201. In relation to CMUZ-PREC1-P3, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

202. Ms Belgrave recommends that CMUZ-PREC1-P3 be retained as notified.

*CMUZ – PREC 1 - Policy 4*

203. In relation to CMUZ-PREC1-P4, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

204. Ms Belgrave recommends that CMUZ-PREC1-P4 be retained as notified.

*CMUZ – PREC 1 - Policy 5*

205. In response to the submission point made by Te Mana Ora to make additions to clause (d) of the policy, Ms Belgrave does not support the additions. The submission is similar to that relating to CMUZ-P15 and Ms Belgrave acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

206. In response to the submission point made by Foodstuffs that sought additions to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional need in CMUZ-P4<sup>21</sup> which applies to all CUMZ's, including the Town Centre Precincts.

207. Ms Belgrave recommends that CMUZ-PREC1-P5 is retained as notified.

*CMUZ – PREC 1 - Policy 6*

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<sup>21</sup> The Panel notes that this policy was referred to as COMZ-P4 in the S42A report and record that this is a typo.

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208. In response to the submission point made by Te Mana Ora to make additions to the policy to specify that access refers to walking and cycling, Ms Belgrave supports the addition as it is a helpful clarification.

209. The S42A report recommends the following amendments to CMUZ – PREC1 – P6:

*CMUZ – PREC1 – P6*

*Encourage **walking and cycling** access to and along the Grey/Māwhera River to the adjacent MUZ-Mixed Use Zone, the West Coast Wilderness Trail and Māwheranui Walkway.*

*CMUZ – PREC 2 - Policy 7*

210. In response to the submission point made by Te Mana Ora to make additions to the policy, Ms Belgrave does not support the additions. The submission is similar to that relating to CMUZ-P15, and Ms Belgrave acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

211. Ms Belgrave recommends that CMUZ-PREC2-P7 be retained as notified.

*CMUZ – PREC 2 - Policy 8*

212. In relation to CMUZ-PREC2-P8, Ms Belgrave acknowledged the support from Ngāi Tahu and Te Mana Ora that both sought to retain the policy as notified.

213. Ms Belgrave recommends that CMUZ-PREC2-P8 be retained as notified.

*CMUZ – PREC 2 - Policy 9*

214. In response to the submission point made by Te Mana Ora to make additions to the policy referring to cycling, Ms Belgrave supports the addition.

215. In response to the submission point made by Foodstuffs that sought the addition of a new policy to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional needs in CMUZ-P4, which applies to all CUMZs, including the Town Centre Precincts.

216. The S42A report recommends the following amendments to CMUZ – PREC2 – P9:

*CMUZ – PREC2 – P9*

*Promote pedestrian **and cycling** links and pedestrian **and cycling** focused activity to link the Hokitika town centre to the Gibson Quay/Hokitika River and to the Hokitika beachfront.*

*CMUZ – PREC 3 - Policy 10*

217. In relation to CMUZ-PREC3-P10, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

218. Ms Belgrave recommends that CMUZ-PREC3-P10 be retained as notified.

*CMUZ – PREC 3 - Policy 11*

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219. In response to the submission point made by Te Mana Ora to make additions to the policy, Ms Belgrave does not support the additions. The submission is like that relating to CMUZ-P15 and Ms Belgrave acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.
220. Ms Belgrave recommends that CMUZ-PREC3-P11 be retained as notified.

*CMUZ – PREC 3 - Policy 12*

221. In response to the submission point made by Te Mana Ora to make additions to the policy referring to cycling, Ms Belgrave supports the addition.
222. In response to the submission point made by Foodstuffs that sought the addition of a new policy to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional needs in CMUZ-P4, which applies to all CUMZs, including the Town Centre Precincts.
223. The S42A report recommends the following amendments to CMUZ – PREC3 – P12:

*CMUZ – PREC3 – P12*

*Promote pedestrian **and cycling** links and pedestrian **and cycling** focused activity to link Victoria Square to the Buller/Kaiwatiri Riverfront.*

*CMUZ – PREC 4 - Policy 13*

224. In relation to CMUZ-PREC4-P13, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.
225. Ms Belgrave recommends that CMUZ-PREC4-P13 be retained as notified.

*CMUZ – PREC 4 - Policy 14*

226. In relation to CMUZ-PREC4-P14, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.
227. Ms Belgrave recommends that CMUZ-PREC4-P14 be retained as notified.

*CMUZ – PREC 4 - Policy 15 (New Policy)*

228. In response to the submission point made by Foodstuffs that sought the addition of a new policy to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional needs in CMUZ-P4, which applies to all CUMZs, including the Town Centre Precincts.
229. Ms Belgrave does not recommend the addition of the new policy.

**Hearing and Submitter Evidence**

230. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accept the S42A report recommendation relating to CMUZ-P4 (with respect to operational and functional need), CMUZ-P13 (with respect to clause (c) and the addition of avoid, remedy and mitigate) and CMUZ-P15.

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231. The legal submissions also accept the recommendation to relocate CMUZ-P6 to UFD-O3 and to amend the wording to delete *'rather than pulling away from the centre'*.
232. Ms Booker reiterates that for all other submission points made by Foodstuffs relating to the CMUZ policies, the position set out in the original submission is maintained.
233. The joint statement presented by Frida Inta and Buller Conservation Group requests that the words *'three waters'* be removed from CMUZ-P11 on the basis that it is an obsolete term.
234. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation not to make any changes to CMUZ-P11 as initially sought in the submission.
235. No evidence was presented at the hearing by any submitter relating to the policies of the CMUZ.

**Reporting Officer Reply Evidence**

236. In response to questions from the Panel regarding whether the precincts (PREC1-PREC4) were identified and mapped during notification, Ms Belgrave advised that they were not identified on the planning maps. However, there is reference to them in the text of the pTTPP in the rule headings. She confirmed that the spatial extent of each Precinct is the same as the land covered by the Town Centre zoning, noting that including the Precincts on the planning maps will not introduce any new information. The Panel note that the Overview in the CMUZ provides;

*"The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ -[Town Centre Zone](#); however, each town centre has a Precinct where specific additional policies and rules apply."*

We consider this to be of some assistance in clarifying that each Precinct covers the same area as the Town Centre zoning.

237. It is Ms Belgrave's recommendation to include the Precincts on the planning maps in response to submission point S538.395 by Buller District Council. It will also correct an error in the plan to cross-reference the rules to the maps.
238. Ms Belgrave provided a further assessment responding to discussions during the hearing and questions from the Panel regarding the recommendation in the S42A report to relocate several policies from the CMUZ (and INZ) chapters to the SD chapter. She reiterates the opinion set out in the S42A report that CMUZ-P5 to CMUZ-P8 are relevant to a plan change process and not for the direction of activities in the existing commercial zones. Additionally, she notes that the rules in these zones do not give effect to these policies.
239. Ms Belgrave's further assessment has resulted in the consolidation of the provisions proposed for relocation to the SD chapter. Ms Belgrave recommends that the following new objectives be added to the UFD part of the SD chapter:

**UFD-OX:**

**Enable rezoning of brownfield sites for mixed use activities where:**

- d. *The rezoning supports the effective and efficient use of land;*
- e. *A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements;*
- f. *The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities;*
- g. *There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks; and*
- h. *The anticipated amenity values of the adjoining commercial or industrial zone are not compromised.*

**UFD-OX2:**

**Require new CMUZ – Commercial and Mixed Use Zones and INZ – Industrial Zones to demonstrate the following:**

- a. *Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres.*
- b. *Locate outside of areas subject to significant risks from natural hazards, in wāhi tapu and sites and areas of significance to Māori, or significant natural areas.*
- c. *Development maximises the efficient use of existing infrastructure where this is available.*
- d. *All necessary infrastructure is funded and installed to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.*

**UFD-OX3:**

**The vitality and strategic role of town centres is reinforced as the focal points for commercial and social activities.**

240. Ms Belgrave's further assessment also considers the scope for making the recommended changes, noting that there is no specific submission that sought relocating the CMUZ policies to the SD chapter. Nevertheless, Ms Belgrave points to submissions<sup>22</sup> that sought to simplify and condense the pTTPP, and she considers the recommended changes to be in accordance with this relief.

241. Ms Belgrave has specifically considered the statement presented by Ms Inta at the hearing and comments that while she does not consider 'three waters' to be an obsolete term, she does agree that deleting this phrase will simplify the policy. If the Panel agrees, she identifies that a consequential amendment to RESZ-P10 would also be appropriate to achieve consistency.

### **Hearing Panel's Evaluation**

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<sup>22</sup> Gina Hogart (S304.003), Suzanne Hills (S443.001), Shaun and Carissa du Plessis (S402.001).

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242. The Panel has considered the submissions, further submissions and the various amendments proposed to the Commercial and Mixed Use policies.
243. In the first instance, the Panel agree with Ms Belgrave that no amendments are required to policies CMUZ-P1, CMUZ-P2, CMUZ-P3, CMUZ-P10, CMUZ-P11, CMUZ-P14, CMUZ-P16, CMUZ-17, CMUZ-P18, CMUZ-P19, CMUZ-PREC1-P1, CMUZ-PREC1-P2, CMUZ-PREC1-P3, CMUZ-PREC1-P4, CMUZ-PREC1-P5, CMUZ-PREC2-P7, CMUZ-PREC2-P8, CMUZ-PREC3-P10, CMUZ-PREC3-P11, CMUZ-PREC4-P13 and CMUZ-PREC4-P14.
244. With respect to CMUZ-P11, the Panel acknowledges Ms Inta's statement presented at the hearing that suggested removing the words *'three waters'* from the policy, and Ms Belgrave's right of reply evidence on the matter. However, as neither Mr Inta nor the Buller Conservation Group submitted on this policy, we have no scope to make any amendment. In any event, we do not consider the removal of the words is necessary.
245. The Panel accepts the evidence from Ms Belgrave that there is a mapping error insofar as the Precincts in each Town Centre have not been mapped. We also accept that the spatial extent of the four Precincts is the same as the TCZ for each location, based on Ms Belgrave's right of reply evidence which includes a further assessment that explains that each Precinct is referred to in each TCZ rule heading. Lastly, we observe that the last paragraph of the Overview in the CMUZ chapter provides the following guidance:
- "The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ - Town Centre Zone, however each town centre has a Precinct where specific additional policies and rules apply."*
246. The Panel agree with Ms Belgrave to correct the typo in the Zone abbreviation at the start of the policies.
247. The Panel agree with Ms Belgrave's reasoning to amend CMUZ-P4 based on the submission from Foodstuffs, and we acknowledge that Foodstuffs has confirmed their agreement with the wording related to functional and operational needs in their legal submissions. We accept that there are situations where the actual functional and operation needs of a commercial development should be taken into account. We also agree to delete the words *'and is expected to'* and to replace *'minimised'* with *'mitigated'* in relation to visual effects from car parking areas.
248. The Panel has considered Ms Belgrave's recommendation to relocate CMUZ-P5 to CMUZ-P8 to the Strategic Directions Chapter. We disagree with this recommendation, as in our view the policies are too specific to be relocated to that part of the Plan. Regardless of this, we have recommended amendments to the Urban Form and Development section of the Strategic Directions Chapter, which will broadly provide context for the Commercial and Industrial provisions.
249. The Panel also acknowledges that no submissions were made to seek changes to CMUZ-P5 or CMUZ-P8, and that the submissions received in relation to CMUZ-P6 and CMUZ-P7 sought minor wording amendments by Foodstuffs. The Panel agrees with the amendment sought regarding CMUZ-P6. However, like Ms Belgrave, we do not consider the requested amendment to CMUZ-P7 to be necessary.

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250. Notwithstanding that the Panel does not agree to relocate these policies, we have considered Ms Belgrave's right of reply evidence to simplify and consolidate these policies, relying on generalised submissions that sought to simplify and condense the pTTPP. In our view, the recommended redrafted policies remain lengthy and are no simpler than what was notified. We also consider that the scope to make these changes is tenuous. As such our recommendation is only to make the minor change sought by Foodstuffs to CMUZ-R6.
251. The Panel agree with Ms Belgrave's recommendation to clarify that the reference to '*parking*' in the context of CMUZ-P9 relates to cycle parking.
252. The Panel agree with Ms Belgrave's recommendation to remove the reference to the performance standards in clause (a) of CMUZ-P13 and to add the words '*avoid, remedy or mitigate*'. We also agree with the recommended amendment to clause (c) of the same policy. We acknowledge that the legal submissions for Foodstuffs accept the changes regarding the second and third matters. With respect to the reference to performance standards, we agree with Ms Belgrave that the notified wording will not enable non-compliances with the performance standards to be appropriately managed and so support the recommended wording.
253. The Panel agree with Ms Belgrave's recommendations to delete clauses (k) and (l) from CMUZ-R15. We acknowledge that the legal submissions for Foodstuffs accept these changes.
254. The Panel agree with Ms Belgrave that the additional wording of '*walking and cycling*' suggested by Te Mana Ora in CMUZ-PREC1-P6 is a helpful clarification, as is the addition of '*cycling*' in CMUZ-PREC2-P9 and CMUZ-PREC3-P12.
255. In relation the CMUZ-P12 the Panel note we have made an amendment to refer to regionally significant infrastructure which represents a Plan wide amendment.
256. In relation to the remainder of the submissions on the Policies, the Panel agree that these should be rejected based on the conclusions reached by Ms Belgrave.

**Hearing Panel's Recommendation**

257. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting in part the submission point made by Buller District Council (S538.395) to amend the Planning Maps as follows:
- (a) Include a Westport Town Centre Precinct mapping overlay over the TCZ at Westport/Kawatiri;
  - (b) Include a Greymouth Town Centre Precinct mapping overlay over the TCZ at Greymouth/Māwhera;
  - (c) Include a Reefton Town Centre Precinct mapping overlay over the TCZ at Reefton; and
  - (d) Include a Hokitika Town Centre Precinct mapping overlay over the TCZ at Hokitika.
258. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part and that the following amendments be made to the **Commercial and Mixed Use Zone Policies**:

Commercial and Mixed Use Zones Policies	
<b>Activities and Development in <del>CMUZ</del> CMUZ<sup>23</sup> – Commercial and Mixed Zones</b>	
<b>CMUZ – P1</b>	Where cultural landscapes are identified in commercial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including; <ul style="list-style-type: none"> <li>a. Protection of wāhi tapu and taonga sites in Schedule Three of the Plan using Poutini Ngāi Tahu culturally appropriate methods;</li> <li>b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Ngāi Tahu; and</li> <li>c. Protection of the relationship of Poutini Ngāi Tahu with freshwater, including cultural wellbeing and use opportunities.</li> </ul>
<b>CMUZ – P2</b>	A range of activities are anticipated within CMUZ - Commercial and Mixed Use Zones which meet the needs of the local community with convenient and safe access and opportunities for economic growth and social interaction.
<b>CMUZ – P3</b>	Residential activities and visitor accommodation may occur in the TCZ - Town Centre and MUZ - Mixed Use Zones particularly where this enables the redevelopment of important landmark and heritage buildings.
<b>CMUZ – P4</b>	New development in CMUZ - Commercial and Mixed Use Zones should have quality design outcomes <del>and is expected to</del> <b>which</b> <sup>24</sup> : <ul style="list-style-type: none"> <li>a. Acknowledge, and respond to, the context of the site and the surrounding environment;</li> <li>b. Ensure the bulk, form and siting of new buildings maintains and enhances the quality of the environment;</li> <li>c. Provide a quality street frontage with visual interest and connection with the street; and</li> <li>d. Ensure visual effects from car parking areas are <del>minimised</del> <b>mitigated; and</b><sup>25</sup></li> <li>e. <b>Recognises the functional need or operational need of activities.</b><sup>26</sup></li> </ul>
<b>New Locations for CMUZ – Commercial and Mixed Use Zones</b>	
<b>CMUZ – P5</b>	Support the redevelopment of brownfield sites for mixed use activities where: <ul style="list-style-type: none"> <li>a. A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements;</li> <li>b. The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities;</li> <li>c. There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks;</li> </ul>

<sup>23</sup> Waka Kotahi NZ Transport Agency (S450.207)

<sup>24</sup> Foodstuffs (S464.013)

<sup>25</sup> Foodstuffs (S464.013)

<sup>26</sup> Foodstuffs (S464.013)

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	<p>d. The anticipated amenity values of the adjoining commercial or industrial zone are not compromised;</p> <p>e. If necessary, contaminated land is remediated in accordance with national and regional standards; and</p> <p>f. The redevelopment does not impact on:</p> <ol style="list-style-type: none"> <li>1. The vitality and strategic role of town centres as the focal points for commercial and other activities;</li> <li>2. The efficient and effective use of land; and</li> <li>3. Community and transport infrastructure investment in centres.</li> </ol>
<b>CMUZ – P6</b>	Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres. <del>rather than pulling activity away from the centre</del> <sup>27</sup>
<b>CMUZ – P7</b>	New CMUZ - Commercial and Mixed Use Zones should not be located in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.
<b><i>Infrastructure in Commercial and Mixed Use Zones</i></b>	
<b>CMUZ – P8</b>	Where new CMUZ - Commercial and Mixed Use Zones are developed these should fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
<b>CMUZ – P9</b>	Provide a range of transport modes to and from the town centres including public transport, cycling routes and <b>associated cycle</b> <sup>28</sup> parking and encouraging more pedestrian friendly streets.
<b>CMUZ – P10</b>	The use of energy efficient systems and products, low impact stormwater design and other environmentally sustainable elements in new building and development is encouraged.
<b>CMUZ – P11</b>	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to service new commercial areas across multiple properties then this should be vested with the Council rather than be retained as private infrastructure.
<b>CMUZ – P12</b>	Avoid reverse sensitivity effects on <b>regionally significant</b> strategic infrastructure <sup>29</sup> including: <ol style="list-style-type: none"> <li>a. Hokitika and Westport Airports and Greymouth Aerodrome;</li> <li>b. The rail network;</li> <li>c. The State Highway Network;</li> <li>d. The Ports of Westport and Greymouth;</li> </ol>

<sup>27</sup> Foodstuffs (S464.014)

<sup>28</sup> Waka Kotahi NZ Transport Agency (S450.210), Grey District Council (S608.697)

<sup>29</sup> Consequential Plan wide amendment stemming from Energy, Infrastructure and Transport recommendation

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	<p>e. Community wastewater treatment and water supply plants;</p> <p>f. The National Grid.</p>
<p><b><i>Policies for Specific Commercial and Mixed Use Zones</i></b></p>	
<b>CMUZ – P13</b>	<p>Activities in the COMZ - Commercial, MUZ - Mixed-Use and NCZ - Neighbourhood Centre Zones should:</p> <p>a. <del>Meet performance standards on development and land use that maintain</del> <b>Maintain</b> or enhance the amenity of the commercial areas and <del>do not create</del> <b>avoid, remedy or mitigate</b><sup>30</sup> adverse effects beyond the boundaries of these areas, particularly in respect of residential areas;</p> <p>a. Provide safe urban design (including pedestrian and vehicle safety); and</p> <p>b. <del>Avoid the fragmentation</del> <b>Encourage compact urban form</b><sup>31</sup> of town centres.</p>
<b>CMUZ – P14</b>	<p>Trade retail and trade suppliers should locate in existing COMZ - Commercial Zone or MUZ - Mixed Use Zone but not within the TCZ - Town Centre Zone or in the NCZ - Neighbourhood Centre Zone.</p>
<b>CMUZ – P15</b>	<p>Activities within the TCZ - Town Centre Zones should:</p> <p>a. Maintain or enhance natural and historic features and built form;</p> <p>b. Adaptively reuse existing heritage buildings where practicable;</p> <p>c. Recognise and implement good urban design;</p> <p>d. Provide for low-speed vehicle movement;</p> <p>e. Allow for noise associated with commercial activities including bars and restaurants;</p> <p>f. Provide for commercial signs associated with on-site activities;</p> <p>g. Provide a high-quality pedestrian environment, with pedestrian oriented street layout;</p> <p>h. Have consolidated on-street parking;</p> <p>i. Have efficient wastewater, water supply and stormwater infrastructure that maximises the use of existing services;</p> <p>j. Allow for a range of transport options;</p> <p>k. <del>Have new buildings built to a high standard up to the street frontage and predominantly with verandahs over the footpath; and</del></p> <p>l. <del>Be activities reliant on pedestrian movement.</del><sup>32</sup></p>
<b>CMUZ – P16</b>	<p>The NCZ - Neighbourhood Centre Zone should provide for retail and community facilities which serve the immediate local community and should not undermine town centre function and identity.</p>
<b>CMUZ – P17</b>	<p>COMZ - Commercial Zoned areas within small settlements should primarily provide access to local shopping and community facilities to serve that settlement.</p>

<sup>30</sup> Foodstuffs (S464.016)

<sup>31</sup> Foodstuffs (S464.016)

<sup>32</sup> Foodstuffs (S464.017)

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<b>CMUZ – P18</b>	Encourage the redevelopment of sites within the MUZ - Mixed Use Zone.
<b>CMUZ – P19</b>	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in CMUZ - Commercial and Mixed Use Zones to INZ - Industrial Zoned areas
<b><i>Additional Policies for Town Centre Precincts</i></b>	
<b><i>Town Centre Zone - Greymouth/Māwhera Town Centre Precinct Policies</i></b>	
<b>CMUZ – PREC1 – P1</b>	Activities and development within the TCZ - PREC1 -Greymouth/Māwhera Town Centre Precinct should reflect the Greymouth/Māwhera CBD Redevelopment Plan and any subsequent plans for the town centre redevelopment and invigoration.
<b>CMUZ – PREC1 – P2</b>	Seek to intensify activity within the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct by fully utilising the existing building stock – including allowing offices, cafes and restaurants, residential apartments and visitor accommodation in upper floors above street level.
<b>CMUZ – PREC1 – P3</b>	Celebrate Greymouth/Māwhera’s unique historic and Poutini Ngāi Tahu heritage and identity by repurposing existing landmark and heritage buildings and the use of the Greymouth/Māwhera Town Centre Design Guidelines.
<b>CMUZ – PREC1 – P4</b>	Promote the development of green corridors connecting the Grey/Māwhera River to Victoria Park, Sawyers Creek Wetlands and the lagoon.
<b>CMUZ – PREC1 – P5</b>	Require high quality design outcomes in the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct which adhere to the Greymouth/Māwhera Town Centre Design Guidelines. In particular, new development and additions and alterations to existing buildings are expected to: <ul style="list-style-type: none"> <li>a. Acknowledge, and respond to, the context of the site and the surrounding environment;</li> <li>b. Create visual interest and be in keeping with streetscape values;</li> <li>c. Address Poutini Ngāi Tahu and historic heritage values and design elements;</li> <li>d. Create a vibrant, active pedestrian environment;</li> <li>e. Take into account sustainable building design and Crime Prevention through Environmental Design (CPTED) principles;</li> <li>f. Utilise the Greymouth Pounamu and Māori Heritage paint palette on building frontages; and</li> <li>g. Ensure continuous verandah coverage on the Main Street Frontage of the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct.</li> </ul>
<b>CMUZ – PREC1 – P6</b>	Encourage <b>walking and cycling</b> <sup>33</sup> access to and along the Grey/Māwhera River to the adjacent MUZ- Mixed Use Zone, the West Coast Wilderness Trail and Māwheranui Walkway.
<b><i>Town Centre Zone - Hokitika Town Centre Precinct Policies</i></b>	

<sup>33</sup> Te Mana Ora (S190.710)

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<b>CMUZ – PREC2 – P7</b>	Reinforce the pedestrian priority in the TCZ - PREC2 - Hokitika Town Centre Precinct by requiring verandahs, active street frontage and a high quality pedestrian environment which reflects the Hokitika Town Centre Design Guidelines.
<b>CMUZ – PREC2 – P8</b>	Provide for and enable the inclusion of elements of Poutini Ngāi Tahu culture in the design of buildings and structures in the TCZ - PREC2 - Hokitika Town Centre Precinct.
<b>CMUZ – PREC2 – P9</b>	Promote pedestrian <b>and cycling</b> links and pedestrian <b>and cycling</b> <sup>34</sup> focused activity to link the Hokitika town centre to the Gibson Quay/Hokitika River and to the Hokitika beachfront.
<b><i>Town Centre Zone – Westport/Kawatiri Town Centre Precinct Policies</i></b>	
<b>CMUZ – PREC3 – P10</b>	Ensure that the design, scale and layout of commercial development and buildings in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct is compatible with the character of the town.
<b>CMUZ – PREC3 – P11</b>	Reinforce Palmerston Street between Henley St and Rintoul St as the heart of Westport/Kawatiri by requiring verandahs, active street frontage and a high quality pedestrian environment.
<b>CMUZ – PREC3 – P12</b>	Promote pedestrian <b>and cycling</b> links and pedestrian <b>and cycling</b> <sup>35</sup> focused activity to link Victoria Square to the Buller/Kaiwatiri Riverfront.
<b><i>Town Centre Zone – Reefton Town Centre Precinct Policies</i></b>	
<b>CMUZ – PREC4 – P13</b>	Ensure that the design, scale, location and layout of development and buildings in the TCZ - PREC4 - Reefton Town Centre Precinct are compatible with the historic character of this area.
<b>CMUZ – PREC4 – P14</b>	Require new development and additions to exterior facades of buildings on the Main Street Frontage of the TCZ - PREC4- Reefton Town Centre Precinct to adhere to the Reefton Historic Town Centre Design Guidelines.

### **3.5. Commercial and Mixed Use Zones (Zoning and Rezoning)**

#### **Submissions and Further Submissions**

259. Twenty-four submission points relating to the zoning of land in the Commercial and Mixed Use Zone were summarised in a Table on pages 48-50 of the s42A Report. Eleven submissions supported the zoning. Thirteen submissions sought an amendment to the zoning of land.

260. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions.

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<sup>34</sup> Te Mana Ora (S190.713)

<sup>35</sup> Te Mana Ora (S190.716)

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261. Ms Belgrave acknowledges that as no substantive technical evidence was provided to support any commercial zoning requests, any recommended rezonings reflect clear errors in the zoning maps or where there are clear reasons with respect to achieving the zone objectives and policies and other higher order directives.
262. In relation to the zoning of specific properties, Ms Belgrave acknowledged the support from numerous submission points<sup>36</sup> to retain the zoning as notified.
263. In response to the four submission points<sup>37</sup> that sought to retain the CMUZ zoning as notified other than for the amendment sought regarding Lot 1 DP 16517, Pt Sec 104 Town of Westport/Lot 2 A 444, and Lot 1 DP 475753, Ms Belgrave acknowledged the support.
264. In response to the submission points made by the Avery Brothers and Te Mana Ora, Ms Belgrave acknowledges the more general support for the CMUZ zoning as notified.
265. In response to the submission point made by Griffen & Smith Limited that has queried the COMZ zoning of land northeast of Raleigh Street and west of the railway line Ms Belgrave agrees that this land is unlikely to be developed due to its topography and the presence of the stop bank. She recommends that it be rezoned to Open Space zone.
266. In response to the submission point made by the TTPP Committee to rezone three properties<sup>38</sup> that are all occupied by corner dairies or takeaway shops to NCZ from GRZ, Ms Belgrave supports the relief sought. These sites were accidental omissions from the notified zoning and in terms of consistency across the pTTPP, rezoning to NCZ will align with the rest of the region.
267. In response to the submission point made by Lara Kelly that sought to rezone land from GRZ to COMZ on the eastern side of SH6 from Weld Street to Stafford Street, Hokitika, Ms Belgrave supports the relief sought in part. She supports rezoning the four properties<sup>39</sup> that front Fitzherbert Street (SH6) to COMZ as they are currently being used for commercial purposes (petrol station, mechanics, motel and Kiwi Camps). She does not support rezoning all properties in the block.
268. In response to the five submission points<sup>40</sup> that sought to rezone land<sup>41</sup> on the corner of Russell and Pakington Street in Westport from GRZ to COMZ, Ms Belgrave supports the relief sought in part. She supports rezoning the land that is currently occupied by Mitre 10 (Lot 1 DP 16517, Pt Sec 104 Town of Westport/Lot 2 A 444) as there are inefficiencies in having a split zone for an existing land use. However, Ms Belgrave does not support the rezoning of Lot 1 DP 475753 on the southern side of Pakington Street. The land is currently being used for car parking, and without any technical evidence or aspirations for the future use of the site, Ms Belgrave considers the notified zoning should be retained.
269. In response to the submission made by Griffen & Smith Limited (S253.004) that sought to rezone the land within the road and rail corridors around the Mitre 10 site in Greymouth from

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<sup>36</sup> Leonie Avery (S507.079), Jared Avery (S508.079), Kyle Avery (S509.079), Avery Bros (S510.079), Bradshaw Farms (S511.079), Paul Avery (S512.079), Brett Avery (S513.079), Griffen & Smith Ltd (S253.001), Griffen & Smith Ltd (S253.002)

<sup>37</sup> Chris and Jan Coll (S558.349), Chris J Coll Surveying Limited (S566.349), William McLaughlin (S567.408), Laura Coll McLaughlin (S574.349)

<sup>38</sup> 23 Marine Parade, Donaldos Store, Carter's Beach; Lot 7 DP 16517, 46 Derby Street, Luffy's Corner Dairy and Grumpy's Takeaways, Westport; Section 675 TN OF Westport, 21 Disraeli Street, Arkwrights Dairy and Takeaways, Westport

<sup>39</sup> Lot 1 DP 3569, Lot 2 DP 3710, Lot 1 DP 1188, Lot 1 DP 2480 & Lot 2 DP 2480

<sup>40</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.013), Chris & Jan Coll (S558.348), Chris J Coll Surveying Limited (S566.348), William McLaughlin (S567.407) and Laura Coll McLaughlin (S574.348)

<sup>41</sup> Lot 1 DP 16517, Pt Sec 104 Town of Westport/Lot 2 A 444, Lot 1 DP 475753

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GRZ to COMZ, Ms Belgrave does not support the relief sought. This is because, the submission is unclear as to what land is to be rezoned. She invited the submitter to clarify their position.

270. In Ms Belgrave's addendum to the S42A report, she acknowledged the planning evidence from Ms Pauline Hadfield in relation to the Griffen & Smith submission and advises that it has been reallocated to the Rural Zones hearing stream for consideration.

**Hearing and Submitter Evidence**

271. A statement presented by Mr Kevin Scanlon on behalf of Martin & Co Westport Ltd and Lumberland Building Market Westport acknowledged and supported the S42A report recommendation to rezone the land occupied by Mitre 10 (Lot 1 DP 16517, Pt Sec 104 Town of Westport/Lot 2 A 444) to COMZ.
272. Mr Scanlon provided background to the use of the land on the southern side of Pakington Street (Lot 1 DP 475753). He confirmed that it is currently being used as a car park and that this is a condition of the resource consent that relates to the garden centre in the Mitre 10. On that basis, he reiterates that the land should also be rezoned to COMZ. Additionally, all the land is rated as one property.
273. Ms Hadfield evidence for Griffen & Smith Limited provided a map that identifies and clarifies the land in the vicinity of the Griffen & Smith Mitre 10 and the Blaketown Lagoon that she considers should be zoned to be in keeping with the adjoining zoning.

**Reporting Officer Reply Evidence**

274. In response to the information presented at the hearing by Mr Scanlon relating to the land on the southern side of Pakington Street (Lot 1 DP 475753), Ms Belgrave agrees that the clarification supports the rezoning of the land to COMZ and she supports the relief sought by the submitter.

**Hearing Panel's Evaluation**

275. The Panel agrees with the zoning amendments recommended by Ms Belgrave in her S42A report.
276. Additionally, following Mr Scanlon's statement to the Panel, we are satisfied that the land on the southern side of Pakington Street (Lot 1 DP 475753) is being used as a car park, which is a condition of the resource consent that relates to the garden centre in the Mitre 10. Therefore, we (and Ms Belgrave in her right of reply) recommend that this land should also be rezoned to COMZ.
277. In relation to the remainder of the submissions on rezoning, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

**Hearing Panel's Recommendation**

278. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes in zoning on the **Planning Maps** to the properties detailed in the Table below:

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<b>Zoning</b>	
Precincts	Greymouth/Māwhera (PREC1) Hokitika (PREC2) Reefton (PREC4) Westport/Kawatiri (PREC3) <sup>42</sup>
Open Space Zone	Raleigh Street <sup>43</sup>
Neighbourhood Centre Zone	23 Marine Parade 46 Derby Street 21 Disraeli Street <sup>44</sup>
Commercial Zone	Properties between Weld Street and Stafford Street on SH6, being Lot 1 DP 16517, Pt Sec 104 Town of Westport/Lot 2 A 444, Lot 1 DP 475753 <sup>45</sup> 7 Pakington Street and 34 Russell Street <sup>46</sup> 8 Pakington Street and 36 Russell Street <sup>47</sup>

#### **4. COMMERCIAL ZONE**

##### **4.1. General/Whole Chapter**

###### **Submissions and Further Submissions**

279. Four submission points relating to general matters concerning the Commercial Zone were summarised in a Table on page 55 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

280. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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281. Ms Belgrave acknowledges the submission point made by Karen Lippiatt that sought to enable people to live in the COMZ. The submission sought no specific relief.

282. In response to the submission point made by the New Zealand Motor Caravan Association that sought to provide for camping and campgrounds as a permitted activity, Ms Belgrave does not support the relief sought. This is due to the potential for adverse amenity and character impacts within the COMZ and any surrounding residential areas.

283. In response to the submission point made by Martin & Co Westport Limited and Lumberland Building Market that sought to allow for building development as a permitted activity, such as

<sup>42</sup> Buller District Council (S538.395)

<sup>43</sup> Griffen & Smith Limited (S253.003)

<sup>44</sup> Te Tai o Poutini Plan Committee (S171.019)

<sup>45</sup> Lara Kelly (S421.003)

<sup>46</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.013), Chris & Jan Coll (S558.348), Chris J Coll Surveying Limited (S566.348), William McLaughlin (S567.407) and Laura Coll McLaughlin (S574.348)

<sup>47</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.013), Chris & Jan Coll (S558.348), Chris J Coll Surveying Limited (S566.348), William McLaughlin (S567.407) and Laura Coll McLaughlin (S574.348)

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the buildings owned by the submitter in Westport, Ms Belgrave does not support the relief sought. This is mainly because the submitter has not identified specific activities for inclusion in the rules.

284. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams. She also notes that the activities that fall into the controlled and restricted discretionary activity categories are varied, and without any specific drafting from the submitter, it is unclear what values may be impacted as a result of the non-compliances with the rules. Therefore, Ms Belgrave does not support the relief sought in the submission point.

285. Ms Belgrave did not make any recommendations to amend the provisions in response to these submission points.

**Hearing and Submitter Evidence**

286. No evidence was presented at the hearing in relation to these general submission points.

**Reporting Officer Reply Evidence**

287. There was no specific consideration of these general matters in the reply evidence.

**Hearing Panel's Evaluation**

288. The Panel agree with Ms Belgrave that no amendments to the COMZ are necessary in response to the general submission points and agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

**Hearing Panel's Recommendation**

289. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that no changes be made to the provisions in relation to the general matters raised in submissions across the COMZ and that the relevant submission points be rejected.

**4.2. Commercial Zone Overview**

**Submissions and Further Submissions**

290. One submission point and one further submission point relating to the Commercial Zone Overview were summarised in a Table on page 56 of the s42A Report. Both submission points sought to retain the overview as notified.

291. The Panel adopts this summary, having considered all relevant submissions and further submissions.

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292. In relation to the submission point made by Foodstuffs and the supporting further submission made by Martin & Co Westport Limited and Lumberland Building Market Westport, Ms Belgrave acknowledged the support from the submitters that seek to retain the overview as notified.

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293. Ms Belgrave recommends that the Commercial Zone Overview is retained as notified.

**Hearing and Submitter Evidence**

294. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accepts the S42A report recommendation relating to the Overview.

295. No other evidence was presented at the hearing in relation to the Overview.

**Reporting Officer Reply Evidence**

296. There was no specific consideration of these general matters in the reply evidence.

**Hearing Panel's Evaluation**

297. The Panel agree with Ms Belgrave to accept the submission points that sought to retain the COMZ Overview as notified, and therefore no changes are necessary. We agree that the submission points be accepted based on the conclusions reached by Ms Belgrave.

**Hearing Panel's Recommendation**

298. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting the submission from Foodstuffs (S464.002) and further submission from Martin & Co Westport Limited and Lumberland Building Market Westport (FS140.015) and that no changes be made to the **Commercial Zone Overview**.

**4.3. Commercial Zone – Rules**

**Submissions and Further Submissions**

299. Eighteen submission points and three further submission points relating to **COMZ-R1** were summarised in a Table on pages 57-62 of the S42A Report. Two submission points supported the retention of the rule as notified. Thirteen submission points sought amendments.

300. Eight submission points and one further submission point relating to **COMZ-R2** were summarised in a Table on page 65 of the S42A Report. Two submission points supported the retention of the rule as notified. Six submission points sought amendments.

301. Nine submission points and one further submission point relating to **COMZ-R3** were summarised in a Table on page 66 of the S42A Report. Eight submission points supported the retention of the rule as notified. One submission point sought amendments.

302. Fourteen submission points and one further submission point relating to **COMZ-R4** were summarised in a Table on pages 69-71 of the S42A Report. Three submission points supported the retention of the rule as notified. Ten submission points sought to delete the rule, and the remaining one submission point sought amendments.

303. Ten submission points and one further submission point relating to **COMZ-R5** were summarised in a Table on page 66 of the S42A Report. Three submission points supported the retention of the rule as notified. Seven submission point sought amendments.

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304. Eight submission points and one further submission point relating to **COMZ-R6** were summarised in a Table on pages 73-75 of the S42A Report. Two submission points supported the retention of the rule as notified. Six submission points sought amendments.
305. Seven submission points relating to **COMZ-R7** were summarised in a Table on pages 77-78 of the S42A Report. One submission point supported the retention of the rule as notified. Six submission points sought to delete the rule.
306. Eighteen submission points relating to **COMZ-R8** were summarised in a Table on page 76 of the S42A Report. Two submission points supported the retention of the rule as notified. Ten submission points sought to delete the rule, while the remaining six submission points sought to amend the rule.
307. Seven submission points relating to **COMZ-R9** were summarised in a Table on pages 79-80 of the S42A Report. All the submission points supported the retention of the rule as notified.
308. Seven submission points relating to **COMZ-R10** were summarised in a Table on page 80 of the S42A Report. Two submission points supported the retention of the rule as notified and five submissions sought amendment to the rule.
309. Seven submission points relating to **COMZ-R11** were summarised in a Table on page 81 of the S42A Report. Two submission points supported the retention of the rule as notified and five submissions sought to delete the rule.
310. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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*COMZ-R1: Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings*

311. Ms Belgrave acknowledged the support from Te Mana Ora and the Department of Corrections that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.
312. Ms Belgrave supports the relief sought in the submission point made by Waka Kotahi. The submission sought clarification as to whether the requirements of the rule are to be considered as performance standards, and if so, the activities listed in the heading should be a separate rule. Ms Belgrave acknowledges the confusion regarding the terminology used throughout the rules in this chapter. She therefore recommends that the rule heading be amended so it applies to all new buildings, additions and alterations to existing buildings, landscaping, and external storage and the activities be moved to a new separate rule.
313. The two submission points from the Ministry of Education and Foodstuffs both sought to amend the activity status of an activity that does not comply with the permitted standards of the rule. MOE sought that non-compliance with COMZ-R1.1 – 6 all be restricted discretionary, while Foodstuffs sought a restricted discretionary activity status apply when there is non-compliance with COMZ-R1.3 – 6. Ms Belgrave supports the relief sought by these submissions in part. She recommends that a restricted discretionary activity status should apply to COMZ-R1.2 – 6. This is because the potential effects associated with these infringements can be readily identified and a restricted discretionary activity status will provide improved efficiency and certainty for applicants. She recommends retaining the discretionary activity status for

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any height infringement due to a greater range of potential effects on character and amenity. This recommendation creates a consequential amendment to COMZ-R6 to add additional matters of discretion.

314. In response to the submission point made by BDC that sought amendments to simplify the landscaping requirements on the basis that the notified controls are not workable for smaller-scale commercial development, Ms Belgrave supports the relief sought in part. She supports deleting COMZ-R1.3(ii), which relates to landscaping along a Residential Zone boundary, as other rules manage the form and location of buildings at this interface. Additionally, she also supports the deletion of the minimum height requirement for landscaping in COMZ-R1.3(i). Ms Belgrave recommends retaining clauses (iii) and (iv) as these will only apply to larger-scale developments.
315. In response to the second part of the submission point made by BDC to make minor amendments to COMZ-R1.5 and COMZ-R1.6, Ms Belgrave does not support the relief sought to COMZ-R1.5 as she does not consider the specificity to be necessary. Regarding COMZ-R1.6 Ms Belgrave agrees that the reference to a written approval is more appropriately included as an advice note. However, she recommends that the word 'setbacks' be replaced by 'rules'.
316. In response to the submission point made by Griffen & Smith Ltd to delete COMZ-R1.4 Ms Belgrave does not support the relief sought. The rule restricts the building length when it adjoins a Residential Zone and Ms Belgrave considers that long uninterrupted building elevations have the potential to adversely affect residential character.
317. Ms Belgrave supports the relief sought by Davis Ogilvie & Partners in their submission to change the word 'encouraged' to 'required' in COMZ-R1.3(iii) as it provides greater certainty.
318. In response to the five submission points<sup>48</sup> that sought to make the landscaping rules less onerous, Ms Belgrave considers that the proposed provisions for landscaping within COMZ-R1.3 are generally in keeping with landscaping requirements within commercial zones and areas and therefore does not support the relief sought. Additionally, the submitters have not suggested alternative wording.
319. In response to the five submission points<sup>49</sup> that sought to increase the maximum building height from 12m to 15m, Ms Belgrave supports the relief sought as it is consistent with the commercial zones in the operative District Plans.
320. Ms Belgrave does not support the relief sought by FENZ in their submission point to request amendments to COMZ-R1.5 so that screening of external storage areas does not obscure or obstruct access of emergency signage or response facilities such as hydrants. This is because she considers that it adds unnecessary complexity to the rule and that any screening (that is controlled by COMZ-R3) would be required on privately owned land.
321. The S42A report recommends that COMZ-R1 be amended as follows:

**COMZ-R1 New Buildings, External Additions and Alterations to Existing Buildings, Landscaping, and External Storage ~~Commercial Activities, Community Facilities, Emergency Service Facilities,~~**

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<sup>48</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.014), Chris & Jan Coll (S558.350), Chris J Coll Surveying (S566.350), William McLaughlin (S567.409), and Laura Coll McLaughlin (S574.350)

<sup>49</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), and Laura Coll McLaughlin (S574.352)

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~~Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings~~

Activity Status Permitted

Activity status where compliance not achieved:

Restricted Discretionary where ~~rules standards 2-6 5 and 6~~ are not complied with.  
Discretionary where ~~rule 1 is standards 1-4~~ are not complied with.

Where:

1. The maximum height above ground level is ~~12 15~~ metres except that this does not apply to hose drying towers at Emergency Service Facilities;
2. ...
3. Landscaping shall be provided as follows:
  - i. The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip ~~that will, within two years of being planted, reach a minimum height of 1m;~~
  - ii. ~~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~~
  - iii. ...
4. ...
5. ...
6. 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~~. This standard does not apply to:
  - i. Road boundaries;
  - ii. Buildings on adjoining sites that have a common wall along the boundary;
  - iv. 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;
  - v. 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;
  - vi. 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.
3. ~~The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE-R3 also apply~~

322. The S42A report also recommends the addition of a new rule as follows:

COMZ-R2A Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities

**Activity status Permitted**

**Activity status when compliance not achieved: Restricted Discretionary**

**Where:**

1. **All performance standards for Rule COMZ - R1 are complied with.**

**Advice Notes:**

1. **The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply**

*COMZ-R2: Minor Structures*

323. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.
324. In response to the six submission points<sup>50</sup> that sought to delete COMZ-R2.1 Ms Belgrave supports the relief in part. She supports amendments to simplify the rule to only refer to COMZ-R1.2 which relates to setbacks. The remaining clauses of COMZ-R2 set out the height requirements for minor structures.
325. The S42A report recommends that COMZ-R2 be amended as follows:

***COMZ-R2 Minor Structures***

*Activity Status Permitted*

*Activity status where compliance not achieved: Discretionary*

*Where:*

1. ~~All performance standards for Rule COMZ - R1.2 is are~~ complied with;
2. *Masts, poles, aerials and pou whenua must not exceed 7m in height;*
3. ...

*COMZ-R3: Fences, Walls and Retaining Walls*

326. Ms Belgrave acknowledged the support from the eight submitters that support the rule as notified.
327. Ms Belgrave does not support the relief sought by Griffen & Smith Ltd that to amend the rule so that fences (or parts of fences) greater than 2m and adjoin a residential zone or road are required to be visually permeable. This is because she considers it more appropriate to consider these matters as part of a resource consent process for any fencing over 2m.
328. The S42A report recommends that COMZ-R3 be retained as notified.

*COMZ-R4: Relocated Buildings*

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<sup>50</sup> Buller District Council (S538.397), 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), and Laura Coll McLaughlin (S574.353)

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329. In response to the ten submission points<sup>51</sup> that sought to delete COMZ-R4, Ms Belgrave supports the relief sought. She agrees with these submitters that the rule is unnecessary and creates duplication, as there is still a requirement to comply with COMZ-R1 and the Building Act.
330. Ms Belgrave notes that TCZ-R13 allows for relocated buildings as a restricted discretionary activity in the TCZ, which she considers an appropriate way to assess the amenity effects. Subject to scope, she suggests introducing a similar rule in the COMZ.
331. As a consequence of the recommendation to delete this rule, Ms Belgrave does not support the relief sought from the other four submission points to either amend or retain the rule.
332. The S42A report recommends that COMZ-R4 be deleted.

*COMZ-R5: Residential Buildings and Activities*

333. Ms Belgrave acknowledged the support from the three submitters that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.
334. In response to the six submission points<sup>52</sup> that sought amendments to the rule to make it less prescriptive, complex and onerous, Ms Belgrave considers that the intent of the rule is appropriate to achieve good quality amenity outcomes for residents, and able to co-locate with commercial activities in the COMZ. Nevertheless, she agrees that the rules can be simplified to reduce complexity, and she recommends the following amendments:
- a. Deleting the requirements to provide an outdoor service space as this creates duplication with the requirements for outdoor living space; and
  - b. Amending the requirements for waste management space where it applies to a multi-unit developments; and
  - c. Reducing the size requirements for outdoor living spaces for residential units with two or more bedrooms; and
  - d. Amending the size requirements for outlook spaces to include a minimum depth in addition to a minimum width. (Ms Belgrave recommends the inclusion of a diagram to assist with interpretation).
335. Ms Belgrave supports the relief sought by GDC to correct the typo in COMZ-R5.4(v)(3) from 'species' to 'spaces'.
336. Ms Belgrave also recommends deleting 'buildings' from the rule heading as a consequential amendment to the Waka Kotahi submission point (S450.213).
337. The S42A report recommends that COMZ-R5 be amended as follows:

***COMZ-R5 Residential Buildings and Activities***

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<sup>51</sup> Chris and Jan Coll (S558.003, S558.355), Chris J Coll Surveying Limited (S566.003, S566.355), William McLaughlin (S567.003, S567.413) and Laura Coll McLaughlin (S574.003, S574.355), Buller District Council (S538.399), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.017)

<sup>52</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), and Laura Coll McLaughlin (S574.356)

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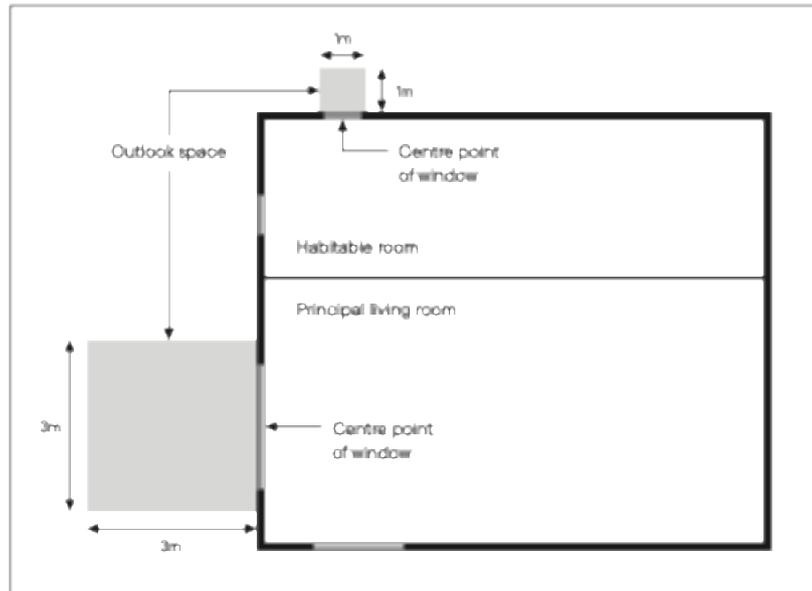
*Activity Status Permitted*

*Activity status where compliance not achieved: Non-complying*

*Where:*

1. ~~All performance standards for Rule COMZ – R1 are complied with;~~
2. ...
3. ...
4. Each residential unit shall be provided with:
  - i. ~~An outdoor service space of 3m<sup>2</sup> and a~~ A waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in ~~either a private or communal~~ or 9m<sup>2</sup> with a minimum dimension of 2.8m in a communal area;
  - ii. A single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metre
  - 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
  - iv. Each residential unit shall be provided with an outdoor living space of:
    1. ~~6 8m<sup>2</sup> minimum area and 1.5 2 metres minimum dimension for a studio or 1 bedroom unit~~
    2. ~~10m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~
    3. ~~15m<sup>2</sup> minimum area and 1.5 metres minimum dimension for 3 or more bedrooms~~
  - v. Each residential unit shall be provided with outlook space from each habitable room from the largest window in the room as follows:
    1. A principal living room must have an outlook space with a minimum dimension of 3 metres in width and depth;
    2. All other habitable rooms must have an outlook space with a minimum dimension of 1m in width and depth;
    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 space must:
      - a. Be clear and unobstructed by buildings; and
      - b. Not extend over an outlook space or outdoor living space required by another dwelling.

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*COMZ-R6: Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and Buildings not meeting the External Storage, Building Length or Recession Plane performance standards of Rule COMZ-R1*

338. Ms Belgrave acknowledged the support from Te Mana Ora and Griffen & Smith Ltd that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

339. Ms Belgrave reiterates the consequential amendment to add extra matters of discretion to this rule that arises from the recommendation responding to the MOE submission in relation to COMZ-R1:

- a. *Bulk, location and design of storage, buildings and structures;*
- b. *Effects on the safety, amenity and attractiveness of the street or public places;*
- c. *Visual dominance, privacy and shading effects on neighbouring sites; and*
- d. *Materials being stored and the period of time for storage.*

340. In response to the submission point made by BDC, (and an opposing further submission from Martin & Co) that sought to add two matters of discretion relating to shading, loss of sunlight and character and amenity, Ms Belgrave supports the relief sought in the original submission. This is because it will assist with making a full assessment of character and amenity effects as part of the resource consent process.

341. In response to the five submission points<sup>53</sup> that sought to amend COMZ-R6.1 to enable activities that do not create any increase in existing non-compliance, Ms Belgrave does not support the relief sought. This is because she considers it more appropriate that any non-compliance be considered thoroughly either to determine existing use rights or as a resource consent.

<sup>53</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.019), Chris & Jan Coll (S558.357), Chris J Coll Surveying (S566.357), William McLaughlin (S567.415), and Laura Coll McLaughlin (S574.357)

342. The S42A report appendix recommends that COMZ-R6 be amended as follows:

~~COMZ-R6 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~~

*Activity Status Restricted Discretionary*

*Activity status where compliance not achieved: Discretionary*

*Where:*

1. ~~All performance standards for Rule COMZ - R1.1 is other than those that relate to External Storage and Recession Planes are~~ *complied with.*

*Discretion is restricted to:*

~~a. Materials being stored;~~

~~b. Period of time for storage;~~

~~c. Distance from boundary; and~~

~~d. Bulk, location and design of storage, buildings and structures.~~

a. *Bulk, location and design of storage, buildings and structures;*

b. *Effects on the safety, amenity and attractiveness of the street or public places;*

c. *Visual dominance, privacy and shading effects on neighbouring sites; and*

d. *Materials being stored and the period of time for storage.*

*COMZ-R7: Relocated Buildings meeting Rule COMZ-R4 or Recession Plane performance standards of Rule COMZ-R1*

343. In response to the six submission points<sup>54</sup> that sought to delete the rule, Ms Belgrave supports the relief sought as it is consequential to the recommendation to delete COMZ-R4.

344. Ms Belgrave rejects the relief sought to retain the rule by Te Mana Ora.

345. The S42A report recommends that COMZ-R7 be deleted.

*COMZ-R8: 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*

346. In response to the ten submission points<sup>55</sup> that sought to delete the rule, Ms Belgrave supports the relief sought as it follows the recommendations to COMZ-R1 and COMZ-R6.

347. The recommendation to delete the rule also achieves the relief sought by the submission points<sup>56</sup> to delete provisions related to relocated buildings.

<sup>54</sup> Buller District Council (S538.402), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.020), Chris & Jan Coll (S558.004), Chris J Coll Surveying (S566.004), William McLaughlin (S567.004), and Laura Coll McLaughlin (S574.004)

<sup>55</sup> Ministry of Education (S456.034), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.021), Chris & Jan Coll (S558.358, S558.359), Chris J Coll Surveying Limited (S566.358, S566.359) William McLaughlin (S567.416, S567.417), and Laura Coll McLaughlin (S574.358, S574.359)

<sup>56</sup> Chris & Jan Coll (S558.005), Chris J Coll Surveying Limited (S566.005), William McLaughlin (S567.005), and Laura Coll McLaughlin (S574.005)

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348. Given the recommendation to delete the rule, Ms Belgrave rejects the submission points to either retain the rule or make amendments to it.

349. The S42A report recommends that COMZ-R8 be deleted.

*COMZ-R9: Residential Activities and Buildings not meeting the standards in Rule COMZ - R5*

350. In response to the seven submission points<sup>57</sup> that sought to retain the rule, Ms Belgrave acknowledges the relief sought. However, as the non-complying activity status is already provided for in COMZ-R5, she recommends deleting COMZ-R9 to simplify the chapter.

351. The S42A report recommends that COMZ-R9 be deleted.

*COMZ-R10: Industrial Activities*

352. Ms Belgrave acknowledged the support from Te Mana Ora and Buller District Council that support the rule as notified.

353. In response to the five submission points<sup>58</sup> that sought to amend the non-complying activity status to discretionary, Ms Belgrave does not support the relief sought. This is because the location of industrial activities within the COMZ is not anticipated and has the potential to undermine the intended purpose to accommodate commercial and residential activities and may also generate a range of effects that adversely affect the higher level of amenity anticipated within the COMZ.

354. The S42A report recommends that COMZ-R10 be retained as notified.

*COMZ-R11: Any activity not provided for by another Rule in the zone*

355. Ms Belgrave acknowledged the support from Te Mana Ora and Buller District Council that support the rule as notified.

356. In response to the five submission points<sup>59</sup> that sought to delete the rule, Ms Belgrave does not support the relief sought. This is because she considers a catch all rule is the most efficient and effective way to manage activities that are not anticipated within the zone. Further, she considers a non-complying activity status to be appropriate given the activities are not anticipated and variable nature of potential effects.

357. The S42A report recommends that COMZ-R11 be retained as notified.

**Hearing and Submitter Evidence**

358. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accepts the S42A report recommendation relating to COMZ-R1 and COMZ-R8.

359. Ms Hadfield's evidence for Griffen & Smith Limited confirms that all recommendations in the S42A report relating to the rules in the COMZ are accepted by the submitter.

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<sup>57</sup> S538.404; S190.728; S543.022; S558.360; S566.360; S567.418; S574.360

<sup>58</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.023), Chris & Jan Coll (S558.361), Chris J Coll Surveying Limited (S566.361), William McLaughlin (S567.419) and Laura Coll McLaughlin (S574.361)

<sup>59</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.024), Chris & Jan Coll (S558.363), Chris J Coll Surveying Limited (S566.363), William McLaughlin (S567.420) and Laura Coll McLaughlin (S574.363)

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360. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation to not make any changes to COMZ-R1.5 as originally sought in the submission.
361. A letter from Ms Daly Williams on behalf of the Ministry of Education was tabled at the hearing. The letter accepts the separation of COMZ-R1 into two rules (one for buildings and one for activities). However, the Ministry sought to add an exemption for educational facilities in reference to the advice note and having to consider NOISE-R3.
362. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream, and as a result the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the COMZ a setback of 4.5m is sought<sup>60</sup>.
363. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.
364. Despite not making any submissions on the rules of the COMZ, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. With respect to COMZ-R1, Ms Inta sought an addition to the end of COMZ-R1.3(i):

*The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip ~~that will, within two years of being planted, reach a minimum height of 1m to provide for shrubbery.~~*

365. Ms Inta does not agree with the S42A recommendation to delete COMZ-R1.3(ii). She considers that landscaping is necessary to soften the angular lines of buildings, create aesthetic appeal and ameliorate wind tunnelling. Her suggested amendment is as follows:

*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. to provide for flora.~~*

366. Ms Inta's statement questions the permitted maximum 10m<sup>2</sup> area set in COMZ-R2.5 for minor structures, when she notes that the building code allows structures to be 30m<sup>2</sup> before a building consent is required.
367. The evidence presented by Mr Jonathan Bhana-Thomson on behalf of the NZ Heavy Haulage Association reiterated the relief sought in the original submission to provide for relocated buildings as a permitted activity. The statement sets out that the Association does not support the deletion of rules relating to relocated buildings.
368. Mr Bhana-Thomson's evidence sets out the process for relocating a building. It states that in his experience, the relocation of a building generally involves less construction disturbance than the on-site construction of a building. Other benefits include lower labour costs and the reuse of existing buildings. Additionally, he advises that there is no requirement in the

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<sup>60</sup> As set out in evidence for Topic 1, to align with the road boundary setback rules.

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Building Act to complete the relocation or reinstatement of a building within a particular timeframe.

369. Ms Inta's statement considers that if COMZ-R4 is to be deleted (as recommended by the reporting planner in the S42A report), then it would be necessary to include a reference to relocated buildings in COMZ-R1. She also considers that this would necessitate consequential changes to other rules throughout the CMUZs. Notwithstanding this, Ms Inta, considers that it is necessary to include rules for relocated buildings.
370. Ms Inta's statement does not agree with the S42A recommendation to delete '*buildings*' from the heading of COMZ-R5, as she considers that '*activities*' does not cover the spatial requirements in the rule.

**Reporting Officer Reply Evidence**

371. In relation to the recommended changes to COMZ-R1 and in response to questions from the Panel regarding the addition of a new rule, Ms Belgrave reconsidered the scope to enable this amendment. She explains that the new rule is consequential to the submission point made by Waka Kotahi. In order to respond to the relief sought to separate performance standards from specific activities, a new rule is necessary to provide for the activities listed in the notified version of the rule.
372. Consequential to the separation of COMZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports a number of amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.
373. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The planners also note that the railway designation is considerably wider than the railway line itself and so there is already an effective buffer between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.
374. With regard to the COMZ, the reporting planners do not support the relief sought by KiwiRail for a 4.5m building setback from the railway corridor. They consider that a 4.5m setback would have a significant impact on the land available for development, and that it is excessive in this zone (as well as the Mixed Use Zone). Notwithstanding that the reporting planners consider that it is more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be setback 1.5m from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

COMZ-R1

2. *Any building or structure is set back:*

iii. **1.5m from the railway corridor boundary, excluding accessory buildings and structures**

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375. In response to the evidence presented by Mr Bhana-Thomson on behalf of the NZ Heavy Haulage Association Ms Belgrave reconsidered the rules for relocated buildings in the COMZ, MUZ and NCZ. She also considered recommendations made for similar rules in the Residential Zones. Ms Belgrave understands that the purpose of the permitted activity standards for relocatable buildings is to manage potential amenity effects generally associated with achieving an acceptable exterior building quality within a specified timeframe.
376. On the understanding that the purpose of COMZ-R4 (and similar rules in MUZ and NCZ) is to address amenity effects and particularly through standards which require the timely finishing of building works, Ms Belgrave agrees that the standards can address the existing concerns for relocatable buildings and their visual appearance. Furthermore, she considers that a permitted activity status (and compliance with the relevant standards) will encourage redevelopment and revitalisation within the relevant Commercial and Mixed Use zones.
377. In regard to the restricted discretionary activity rule that applies to relocated buildings (COM-R7), Ms Belgrave considers it appropriate to include an additional matter of discretion that will relate to the timing of completing necessary building or reinstatement work. The recommended wording is:

*Appearance of buildings **and the completion of any building reinstatement works identified in a building inspection report.***

378. Subject to the addition of the above matter of discretion, Ms Belgrave recommends it appropriate to retain COMZ-R4 for relocated buildings (with minor amendments to Standard 2, consistent with the NZ Heavy Haulage Association submission). She notes that this is also consistent with the recommendations in the Residential Zone hearing stream.
379. The recommended wording is as follows:

*COMZ-R4 Relocated Buildings*

*Activity Status Permitted*

*Where:*

1. *All performance standards for Rule COMZ - R1 are complied with;*
  2. *Any relocated building intended for use as a dwelling must have been designed, **and built, and to be** used as a dwelling;*
  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;*
  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*
  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.*
380. The right of reply considers the question of whether there are provisions in the COMZ that will create opportunities for greater residential development. Ms Belgrave identifies rules COMZ-R1 and COMZ-R5 that provide for new buildings and residential activities as permitted activities. She comments that these permitted standards will encourage residential development by removing costs associated with a resource consent process.

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381. The right of reply considers the letter tabled by Ms Williams on behalf of the Ministry of Education and specifically the relief sought to include an exclusion from the noise provisions for education facilities. Ms Belgrave maintains her view that such an exclusion is not necessary. She does not consider it efficient to reiterate the exclusions that apply to designations, and that if education facilities establish outside of a designated site, then the noise provisions should be relevant for consideration.

**Hearing Panel's Evaluation**

*COMZ-R1*

382. The Panel agree with Ms Belgrave regarding her recommendation to separate COMZ-R1 into two rules (one for building controls and one for activities). We agree that this addresses the concerns raised by Waka Kotahi in their submission point. Furthermore, we accept Ms Belgrave's right of reply, evidence that the addition of a new rule is consequential to the submission point, and that it is necessary to provide for the activities listed in the notified version of the rule.

383. The new rule reference is COMZ-R5, and the Panel notes that because of the addition, there is a change to the numbering sequence throughout the chapter.

384. We acknowledge Ms Inta's statement (presented at the hearing) that commented on the recommended changes to COMZ-R1, and the separation of the rule into two. We are also aware that neither Ms Inta nor the Buller Conservation Group submitted to this rule. Notwithstanding that, the Panel agree with Ms Belgrave's right of reply evidence that recommends restructuring and relocating standards between the rules, ensuring that building related standards are in COMZ-R1 and that activity related standards are in the new rule, being COMZ-R5. However, we disagree that Ms Inta's statement provides scope for these changes, and we consider it more appropriate that these changes are consequential to the Waka Kotahi submission.

385. The Panel agree with Ms Belgrave's recommended response to the submission points made by the Ministry of Education and Foodstuffs to make non-compliance with clauses COMZ-R1 (2) – (5) a restricted discretionary activity, while retaining a full discretionary activity status for non-compliance with the building height clause. We acknowledge that the legal submissions for Foodstuffs accept these changes.

386. The Panel agree with Ms Belgrave's recommendation to delete the second part of COMZ-R1(3)(i) that relates to ensuring landscaping planting reach 1m in height. We acknowledge Ms Belgrave's recommendation also to delete COMZ-R1(3)(ii), citing the submission from BDC. However, the submission did not seek deletion of this clause, and therefore, we consider we have no scope to agree with Ms Belgrave's recommendation on this particular amendment.

387. The Panel agree with Ms Belgrave and the BDC that the exception in COMZ-R1(6) relating to the written approval is better included as an advice note. We also agree with Ms Belgrave's recommendation to refer to boundary '*rules*' (rather than '*setbacks*') to ensure all rules that are subject to the deemed permitted boundary activity process are captured.

388. The Panel acknowledges that Ms Pauline Hadfield's evidence on behalf of Griffen & Smith Limited accepts the recommended amendments made to the COMZ rules, and so effectively resolves their submission points.

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389. The Panel agree with Ms Belgrave and Davis Ogilvie & Partners that replacing *'encouraged'* with *'required'* in COMZ-R1.3(iii) provides greater certainty and clarity.
390. The Panel agree with Ms Belgrave's reasons and recommendation to accept the relief sought in the multiple submission points to increase the maximum building height in the COMZ to 15m.
391. The Panel acknowledge that KiwiRail's submission points were not recorded or reported on in the S42A report. We have considered the submission, the letter tabled at the hearing and the joint right of reply prepared on the matter by Ms Belgrave and Ms Easton. We agree with the right of reply evidence that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended in the right of reply, more appropriate and would, we consider, still address the safety concerns around building maintenance. We also consider that the rule should refer to the setback being from the *'rail designation'* rather than the *'rail corridor'* to provide a definitive point of measurement.
392. In relation to the remainder of the submissions on COMZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

*COMZ-R2*

393. The Panel agree with Ms Belgrave's recommendation to amend the wording of COMZ-R2(1) to ensure that the setback standards of COMZ-R1 apply. We also agree with the right of reply wording, which reflects a standardised approach for referencing rules and has been applied throughout the Plan.
394. In relation to the remainder of the submissions on COMZ-R2, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

*COMZ-R3*

395. The Panel agree with Ms Belgrave's recommendation to make no changes to COMZ-R3. We acknowledge that the only submitter that sought any amendment was Griffen & Smith Limited and we refer to Ms Pauline Hadfield's evidence on behalf of this submitter that accepts the recommended amendments made to the COMZ rules, and so effectively resolves their submission point.

*COMZ-R4*

396. The Panel acknowledge Ms Belgrave's revised position concerning the NZ Heavy Haulage Association Inc submission and statement presented at the hearing, and we accept her right of reply recommendation to retain COMZ-R4 with minor amendments.

*COMZ-R5*

397. The Panel agrees with Ms Belgrave's recommendations to amend clause 4 of the rule to simplify and reduce complexity regarding the requirements for residential units in the COMZ. We also agree with the inclusion of a diagram to illustrate and help with the interpretation of the outlook space part of the rule. However, we recommend amending the diagram so that the larger outdoor space has dimensions of 3m x 3m to reflect the wording of the rule. We also recommend consolidating COMZ-R5.4(iv) into a single clause, as the deletion of the

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alternative dimensions for different-sized residential units makes the list structure of the clause redundant.

398. The Panel also agrees to correct the typo in COMZ-R5.4(v)(3) and to delete '*buildings*' from the rule heading as a consequential amendment to the Waka Kotahi submission point (S450.213).
399. The Panel acknowledge Ms Inta's statement that was presented at the hearing, which made a comment about the recommended changes to this rule. However, as neither Ms Inta nor the Buller Conservation Group made a submission on this rule, there is no scope to consider Ms Inta's statement.
400. In relation to the remainder of the submissions on COMZ-R5, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.
401. Due to the changes to the numbering sequence, this rule becomes COMZ-R6 in our recommendation.

*COMZ-R6*

402. The Panel agree with Ms Belgrave that there is a need for consequential changes to this rule given the recommended separation of COMZ-R1 in response to the submission point from Waka Kotahi. We also agree with the recommended amendments to the matters of discretion that arise from the MOE submission in relation to COMZ-R1.
403. We also agree with separating COMZ-R6 into two restricted discretionary activity rules (in the same vein as the separation of COMZ-R1), and we agree with the recommended wording of the rule as set out in Ms Belgrave's right of reply evidence.
404. In relation to the remainder of the submissions on COMZ-R6, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.
405. Due to the changes to the numbering sequence, these two rules become COMZ-R7 and COMZ-R8 in our recommendation.

*COMZ-R7*

406. The Panel acknowledge Ms Belgrave's revised position concerning the NZ Heavy Haulage Association Inc submission and statement presented at the hearing, and we accept her right of reply recommendation to retain COMZ-R7 with minor amendments.
407. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects*' throughout the chapter.
408. In relation to the remainder of the submissions on COMZ-R7, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.
409. Due to the changes to the numbering sequence, this rule becomes COMZ-R9 in our recommendation.

*COMZ-R8*

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410. Having reviewed COMZ-R8 in an overall context the Panel disagree with Ms Belgrave that the rule should be deleted. This is because of the fundamental structure of the rules in the Plan which requires there to be a corresponding rule when an activity status is escalated. Therefore, in this case we consider a discretionary activity rule is necessary to address the activities that would otherwise be a controlled or restricted discretionary activity where one or more of the performance standards are not complied with.
411. Subsequently, we have turned our minds to the performance standards of the rule and the appropriateness of retaining them, particularly as multiple submissions seek their deletion. With respect to standards 1 and 3, these are the same as the permitted standard and therefore there is nothing to be gained by retaining them in the discretionary activity rule. In terms of standard 2, as there is no policy that would direct or support the retention of the standard controlling the length of a building abutting a residential zone, and more particularly to support the escalation of any non-compliance with this to non-complying, we also recommend deleting this clause.
412. The Panel note that this aligns with our plan wide recommendation that the catch-all rule have an activity status of discretionary. We consider that the escalation of the construction of buildings, minor structures, fences, walls and retaining walls to a non-complying activity in the COMZ when activities that are not provided for is a discretionary activity to be inappropriate, especially in the context of the policy direction.
413. In relation to the remainder of the submissions on COMZ-R8, the Panel accepts the submission points that sought to delete the references to relocated buildings<sup>61</sup>, as our previous recommendations on this matter mean that an activity status cannot escalate beyond restricted discretionary.
414. In relation to the remainder of the submissions on COMZ-R8, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.
415. Due to the changes to the numbering sequence, this rule becomes COMZ-R10 in our recommendation.

*COMZ-R9*

416. For the same reasons that we do not support the recommendation to delete COMZ-R8, the Panel also disagrees with Ms Belgrave that COMZ-R9 should be deleted. This is because the permitted rule for Residential Activities escalates non-compliance to a non-complying activity status and therefore to be consistent with the structure of the rules in the Plan, the rule should be retained. Therefore, we accept the submission points made regarding this rule.
417. However, the Panel recommends consequential changes to the wording of the rule heading to ensure co-ordination with the other rules in the table.

*COMZ-R10*

418. The Panel agree with Ms Belgrave's recommendation to retain this rule and agrees that the submission points that sought to change the activity status to discretionary should be rejected based on the conclusions reached by Ms Belgrave.

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<sup>61</sup> Chris & Jan Coll (S558.005), Chris J Coll Surveying Limited (S566.005), William McLaughlin (S567.005), and Laura Coll McLaughlin (S574.005)

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419. Notwithstanding our recommendation, the Panel notes that there is a gap in the policy direction to support this rule, and we are conscious that there is an absence of “avoid”, or other suitably worded policy, that would indicate industrial activities should not be established in this zone. However, CMUZ-P19 does support the relocation of existing industrial activities already established in the zone to be moved in Industrial Zoned areas.

**COMZ-R11**

420. The Panel acknowledges that COMZ-R11 is a catch-all rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter. We rely on the submissions of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

**Hearing Panel’s Recommendation**

421. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **Commercial Zone Rules**:

Commercial Zone Rules	
<p><b>Note:</b> 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.</p>	
Permitted Activities	
<b>COMZ - R1</b>	<p><b><u>New Buildings and External Additions or Alterations to Existing Buildings</u></b>  <del>Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings</del><sup>62</sup></p>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>The maximum height above ground level is <del>12</del> <b>15</b><sup>63</sup> metres except that this standard does not apply to hose drying towers at Emergency Service Facilities;</li> <li>Any building or structure is set back:</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Restricted Discretionary where standards <del>5 and 2 – 5 6</del> are not complied with.</p>

<sup>62</sup> Waka Kotahi (S450.213)

<sup>63</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)

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<p>i. 3m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and</p> <p>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;</p> <p>iii. <b><u>1.5m from the railway designation boundary, excluding accessory buildings and structures.</u></b><sup>64</sup></p> <p>3. Landscaping shall be provided as follows:</p> <p>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>65</sup>;</p> <p>ii. 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</p> <p>iii. The planting of 1 tree per 20 carparking spaces is <del>encouraged</del> <b><u>required</u></b><sup>66</sup> within any carparking area.</p> <p>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.</p> <p>4. The maximum building length is 20m where this abuts a RESZ - Residential Zone; <b><u>and</u></b></p> <p><del>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</del><sup>67</sup></p> <p>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 <del>except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.</del><sup>68</sup> This standard does not apply to:</p>	<p>Discretionary where standards 1-4 are <del>is</del><sup>71</sup> not complied with.</p>
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<sup>64</sup> KiwiRail (S442.093)

<sup>65</sup> Buller District Council (S538.396)

<sup>66</sup> Davis Ogilvie & Partners (S465.035)

<sup>67</sup> Consequential to Waka Kotahi (S450.213)

<sup>68</sup> Buller District Council (S538.396)

<sup>71</sup> Ministry of Education (S456.033) and Foodstuffs (S464.023)

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<ul style="list-style-type: none"> <li>i. Road boundaries;</li> <li>ii. Buildings on adjoining sites that have a common wall along the boundary;</li> <li>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;</li> <li>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;</li> <li>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.</li> </ul> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. <b><u>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.</u></b><sup>69</sup></li> <li><del>3. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</del><sup>70</sup></li> </ol>	
<p><b>COMZ – R2      Minor Structures</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. <del>All performance standards for</del> <b>Standard 2 for</b> Rule COMZ - R1 <b>is are</b><sup>72</sup> complied with;</li> <li>2. Masts, poles, aerials and pou whenua must not exceed 7m in height;</li> <li>3. Any antenna dish must be less than 1m in diameter;</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>

<sup>69</sup> Buller District Council (S538.396)

<sup>70</sup> Waka Kotahi (S450.213)

<sup>72</sup> Buller District Council (S538.397), 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)

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<p>4. Any ornamental or garden structure must not exceed 2.4 m in height; and</p> <p>5. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.</p>	
<p><b>COMZ – R3      Fences, Walls and Retaining Walls</b></p>	
<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>
<p><b>COMZ – R4      Relocated Buildings</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>All performance standards for Rule COMZ - R1 are complied with;</li> <li>Any relocated building intended for use as a dwelling must have been designed, and built, <u>and to be used as a dwelling;</u><sup>73</sup></li> <li>A building pre-inspection report <b><u>in accordance with Appendix 11</u></b><sup>74</sup> 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 <b><u>exterior reinstatement works including connections to infrastructure services and closing in and ventilation of the foundations</u></b> shall be completed within a 12-month period <b><u>of the building being delivered to the site; and</u></b><sup>75</sup>;</li> <li>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.;<del>and</del></li> <li><del>All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any</del></li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><b><u>Refer to COMZ-R1 for where standard 1 is not complied with.</u></b></p> <p>Restricted Discretionary <b><u>where standards 2 to 5 are not complied with.</u></b><sup>77</sup></p>

<sup>73</sup> New Zealand Heavy Haulage Association Inc (S616.001)

<sup>74</sup> New Zealand Heavy Haulage Association Inc (S616.002)

<sup>75</sup> Chris and Jan Coll (S558.003, S558.355), Chris J Coll Surveying Limited (S566.003, S566.355), William McLaughlin (S567.003, S567.413), Laura Coll McLaughlin (S574.003, S574.355), Buller District Council (S538.399), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.017)

<sup>77</sup> Consequential to Waka Kotahi (S450.213)

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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. <sup>76</sup>		
<b>COMZ – R5</b>	<b>Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities<sup>78</sup></b>	
<p><b><u>Activity status Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><b>1. <u>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.</u></b></p> <p><b><u>Advice Note:</u></b></p> <p><b>1. <u>The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</u></b></p>		<p><b><u>Activity status when compliance not achieved:</u></b> <b><u>Restricted Discretionary<sup>79</sup></u></b></p>
<b>COMZ – R5<sup>80</sup></b>	<b>Residential Buildings and<sup>81</sup> Activities</b>	
<p><b><u>Activity Status Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><del>1. All performance standards for Rule COMZ R1 are complied with;<sup>82</sup></del></p> <p><b>1. This is ancillary to a Commercial Activity;</b></p> <p><b>2. It is not ancillary to a Commercial Activity, the activity is located above the ground floor level of a Commercial Activity; and</b></p> <p><b>3. Each residential unit shall be provided with:</b></p> <p><b>i. <u>An outdoor service space of 3 m<sup>2</sup> and a <b>A</b> waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area <b>or 9m<sup>2</sup> with a minimum dimension of 2.8m in a communal area;</b></u><sup>83</sup></b></p>		<p><b><u>Activity status where compliance not achieved:</u></b> <b><u>Non-complying</u></b></p>

<sup>76</sup> Chris and Jan Coll (S558.003, S558.355), Chris J Coll Surveying Limited (S566.003, S566.355), William McLaughlin (S567.003, S567.413), Laura Coll McLaughlin (S574.003, S574.355), Buller District Council (S538.399), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.017)

<sup>78</sup> Consequential to Waka Kotahi (S450.213)

<sup>79</sup> Waka Kotahi (S450.213)

<sup>80</sup> Consequential numbering amendment resulting from Waka Kotahi (S450.213)

<sup>81</sup> Consequential to Waka Kotahi (S450.213)

<sup>82</sup> Consequential to Waka Kotahi (S450.213)

<sup>83</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)

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<p>ii. A single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metre;</p> <p>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</p> <p>iv. Each residential unit shall be provided with an outdoor living space of <b><u>8m<sup>2</sup> minimum area and 2 metres minimum dimension;</u></b></p> <p style="padding-left: 20px;"><del>1. 6m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit;</del></p> <p style="padding-left: 20px;"><del>2. 10m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;</del></p> <p style="padding-left: 20px;"><del>3. 15m<sup>2</sup> minimum area and 1.5 metres minimum dimension for 3 or more bedrooms;<sup>84</sup></del></p> <p>v. Each residential unit shall be provided with outlook space from each habitable room from the largest window in the room as follows:</p> <p style="padding-left: 20px;">1. A principal living room must have an outlook space with a minimum dimension of 3 metres in width <b><u>and depth</u></b><sup>85</sup>;</p> <p style="padding-left: 20px;">2. All other habitable rooms must have an outlook space with a minimum dimension of 1m in width <b><u>and depth</u></b><sup>86</sup>;</p> <p style="padding-left: 20px;">3. The width of the outlook <b><u>spaces</u></b><sup>87</sup> is measured from the centre point of the largest window on the building face to which it applies;</p> <p style="padding-left: 20px;">4. Outlook spaces may be within the same site or over a public street or other public open space;</p> <p style="padding-left: 20px;">5. Outlook spaces required from different rooms within the same building may overlap;</p> <p style="padding-left: 20px;">6. Outlook spaces must:</p>	
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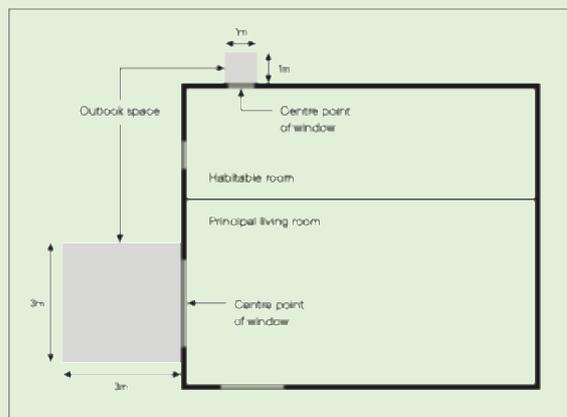
<sup>84</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)

<sup>85</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>86</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>87</sup> Grey District Council (S608.098)

- a. Be clear and unobstructed by buildings; and
- b. Not extend over an outlook space or outdoor living space required by another dwelling.



**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.

**Restricted Discretionary Activities**

**COMZ – R67<sup>88</sup>** 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>89</sup>**

**Activity Status Restricted Discretionary**

Where:

- 1. All performance standards for Rule COMZ – R1 other than those that relate to External Storage and Recession Planes are **Performance standard 1 for Rule COMZ-R1 is<sup>90</sup>** complied with.

**Discretion is restricted to:**

- a. Materials being stored;
- b. Period of time for storage;

**Activity status where compliance not achieved:**  
 Discretionary

<sup>88</sup> Consequential numbering amendment resulting from Waka Kotahi (S450.213)

<sup>89</sup> Consequential to Waka Kotahi (S450.213)

<sup>90</sup> Consequential to Waka Kotahi (S450.213)

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<p><del>c. Distance from boundary; and</del></p> <p>a. Bulk, location and design of storage, buildings and structures.</p> <p>b. <u>Effects on the safety, amenity and attractiveness of the street or public places; and</u></p> <p>c. <u>Visual dominance, privacy and shading effects on neighbouring sites</u><sup>91</sup></p>	
<p><b>COMZ – R8</b><sup>92</sup> <u>Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities not meeting Rule COMZ-R5</u></p>	
<p><b>Activity Status Restricted Discretionary</b></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Effects on the safety, amenity and attractiveness of the street or public places; and</u></p> <p>b. <u>Materials being stored and the period of time for storage.</u></p>	<p><u>Activity status where compliance not achieved:</u> <b>N/A</b><sup>93</sup></p>
<p><b>COMZ – R79</b><sup>94</sup> <u>Relocated Buildings not meeting Rule COMZ - R4 or Recession Plane performance standards of Rule COMZ – R1</u><sup>95</sup></p>	
<p><b>Activity Status Restricted Discretionary</b></p> <p><del>Where:</del></p> <p><del>1. All performance standards for Rule COMZ – R1 are complied with.</del><sup>96</sup></p> <p><b>Discretion is restricted to:</b></p> <p>a. Design and location of structures;</p> <p>b. <del>Landscape measures</del> <u>Measures to mitigate landscape effects,</u><sup>97</sup> and</p> <p>c. Appearance of buildings <u>and the completion of any building reinstatement works identified in a building inspection report.</u><sup>98</sup></p>	<p><b>Activity status where compliance not achieved:</b> <del>Discretionary</del> <b>N/A</b><sup>99</sup></p>
<p><b>Discretionary Activities</b></p>	

<sup>91</sup> Consequential to Ministry of Education Te Tāhuhu o Te Mātauranga

<sup>92</sup> Consequential numbering amendment resulting from Waka Kotahi (S450.213)

<sup>93</sup> Consequential to Waka Kotahi (S450.213)

<sup>94</sup> Consequential numbering amendment resulting from Waka Kotahi (S450.213)

<sup>95</sup> Consequential to Waka Kotahi (S450.213)

<sup>96</sup> Consequential to Waka Kotahi (S450.213)

<sup>97</sup> Consequential Plan-wide amendment stemming from Manawa (S438.100)

<sup>98</sup> Consequential to New Zealand Heavy Haulage Association Inc (S616.001)

<sup>99</sup> Consequential to Waka Kotahi (S450.213)

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<b>COMZ – R810<sup>100</sup></b>	<del>Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, Visitor Accommodation Activities and <b>New Buildings and External Additions and Alterations to Existing Buildings</b>, Relocated Buildings, Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted or Restricted Discretionary Activity Standards</del>
<b>Activity Status Discretionary</b>  Where:  1. <del>The maximum height is 15m;</del>  2. <del>Maximum building length abutting a residential zone is 35m, and</del>  3. <del>Any building or structure is set back 3m from any Residential Zone or Open Space Zone.</del> <sup>101</sup>	<b>Activity status where compliance not achieved:</b> <del>Non-complying</del> <b>N/A</b> <sup>102</sup>
<b>COMZ – R11</b>	<b>Any activity not provided for by another Rule in the zone</b>
<b>Activity Status Discretionary</b>	<b>Activity status where compliance not achieved:</b> <b>N/A</b> <sup>103</sup>
<b>Non-complying Activities</b>	
<b>COMZ – R912<sup>104</sup></b>	<del>Residential Activities and Buildings</del> <sup>105</sup> <b>not meeting the standards in Rule COMZ - R56<sup>106</sup></b>
<b>Activity Status Non-complying</b>	<b>Activity status where compliance not achieved:</b> N/A
<b>COMZ – R1013<sup>107</sup></b>	<b>Industrial Activities</b>
<b>Activity Status Non-complying</b>	<b>Activity status where compliance not achieved:</b> N/A
<b>COMZ – R11</b>	<b>Any activity not provided for by another Rule in the zone</b>

<sup>100</sup> Consequential numbering amendment resulting from Waka Kotahi (S450.213)

<sup>101</sup> Griffen & Smith (S253.010), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.021), Chris & Jan Coll (S558.358 & S558.359), Chris J Coll Surveying Limited (S566.358 & S566.359), William McLaughlin (S567.416 & S567.417), Laura Coll McLaughlin (S574.358 & S574.359)

<sup>102</sup> Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.021), Chris & Jan Coll (S558.358 & S558.359), Chris J Coll Surveying Limited (S566.358 & S566.359), William McLaughlin (S567.416 & S567.417), Laura Coll McLaughlin (S574.358 & S574.359)

<sup>103</sup> William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

<sup>104</sup> Consequential numbering amendment resulting from Waka Kotahi (S450.213)

<sup>105</sup> Consequential to Waka Kotahi (S450.213)

<sup>106</sup> Consequential numbering amendment resulting from Waka Kotahi (S450.213)

<sup>107</sup> Consequential numbering amendment resulting from Waka Kotahi (S450.213)

Activity Status Non-complying	Activity status where compliance not achieved: N/A <sup>108</sup>
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## 5. MIXED USE ZONE

### 5.1. Mixed Use Zone Overview

#### Submissions and Further Submissions

422. One submission point relating to the Overview of the Mixed Use Zone was summarised in a Table on pages 80-81 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

#### Section 42A Report

423. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams and has also been considered in relation to the CMUZ and COMZ. Ms Belgrave does not support the relief sought in the submission point.

424. Ms Belgrave did not make any recommendations to amend the provisions in response to this submission point.

#### Hearing and Submitter Evidence

425. No evidence was presented at the hearing in relation to this submission point.

#### Reporting Officer Reply Evidence

426. There was no specific consideration of this matter in the reply evidence.

#### Hearing Panel's Evaluation

427. The Panel agree with Ms Belgrave to retain the MUZ Overview as notified, and therefore no changes are necessary. We agree that the submission point received in relation to this part of the Plan be rejected based on the conclusions reached by Ms Belgrave.

#### Hearing Panel's Recommendation

428. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends rejecting the submission from Ngāi Tahu (S620.219) and that no changes be made to the **Mixed Use Zone Overview**.

### 5.2. Mixed Use Zone Rules

#### Submissions and Further Submissions

<sup>108</sup> William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

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429. One submission point relating generally to the **MUZ Rules** was summarised in a Table on page 82 of the S42A Report. The submission sought amendments to the rules.
430. Five submission points relating to **MUZ-R1** were summarised in a Table on pages 82-84 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought amendments.
431. Four submission points relating to **MUZ-R2** were summarised in a Table on page 86 of the S42A Report. All the submission points supported the retention of the rule as notified.
432. Four submission points relating to **MUZ-R3** were summarised in a Table on pages 86-87 of the S42A Report. Two of the submission points supported the retention of the rule as notified. Two submission points sought amendments.
433. Seven submission points relating to **MUZ-R4** were summarised in a Table on pages 87-88 of the S42A Report. Five of the submission points supported the retention of the rule as notified. Two submission points sought amendments.
434. Four submission points relating to **MUZ-R5** were summarised in a Table on pages 89-90 of the S42A Report. Three of the submission points supported the retention of the rule as notified. One submission point sought amendments.
435. Three submission points relating to **MUZ-R6** were summarised in a Table on page 91 of the S42A Report. Two of the submission points supported the retention of the rule as notified. One submission point sought amendments.
436. Two submission points relating to **MUZ-R7** were summarised in a Table on page 91 of the S42A Report. All the submission points supported the retention of the rule as notified.
437. Nine submission points and one further submission relating to **MUZ-R8** were summarised in a Table on page 94 of the S42A Report. Three of the submission points supported the retention of the rule as notified, five submission points sought its deletion, and one submission point sought amendments.
438. Two submission points relating to **MUZ-R9** were summarised in a Table on page 94 of the S42A Report. All the submission points supported the retention of the rule as notified.
439. Two submission points relating to **MUZ-R10** were summarised in a Table on page 95 of the S42A Report. All the submission points supported the retention of the rule as notified.
440. Two submission points relating to **MUZ-R11** were summarised in a Table on page 95 of the S42A Report. All the submission points supported the retention of the rule as notified.
441. Two submission points relating to **MUZ-R12** were summarised in a Table on page 96 of the S42A Report. All the submission points supported the retention of the rule as notified.
442. Two submission points relating to **MUZ-R13** were summarised in a Table on page 96 of the S42A Report. All the submission points supported the retention of the rule as notified.
443. Two submission points relating to **MUZ-R14** were summarised in a Table on page 96 of the S42A Report. All the submission points supported the retention of the rule as notified.

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444. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

**Section 42A Report**

*MUZ - General*

445. In response to the submission point from the NZ Motor Caravan Association that sought to provide for campgrounds and camping as a permitted activity, Ms Belgrave reiterates her comments set out in relation to the COMZ that she does not support the relief sought. This is because the potential for adverse amenity and character effects within the MUZ are more appropriately considered through the resource consent process.

446. The S42A report recommends no changes in response to this submission.

*MUZ – R1 New Buildings and External Additions or Alterations to Existing Buildings*

447. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

448. In response to the submission point made by Waka Kotahi, which sought clarification as to whether the requirements of the rule are to be considered as performance standards, and if so, the activities listed in the heading should be a separate rule, Ms Belgrave generally supports the relief sought. That said, MUZ-R1 only sets out the rules that apply to all new buildings and external additions or alterations to existing buildings, and that specific activities are managed under other rules. It is this format that is consistent with other rules throughout the pTTPP, and as such Ms Belgrave recommends that the general rule structure be retained for MUZ-R1. However, she does recommend the inclusion of ‘external storage’ in the rule title to be consistent with other amendments to the COMZ.

449. Ms Belgrave partially supports the relief sought by the Ministry of Education, which sought a restricted discretionary activity status where the rules are not complied with. Similar to the consideration of the COMZ rule, she considers that a restricted discretionary activity status can be appropriately applied to non-compliances with the relevant rules (except building height) as the associated effects can be readily identified. This recommendation requires consequential amendments to MUZ-R9 as well as the addition of a new rule.

450. In response to the submission point made by BDC to reduce the maximum ground floor area of a building from 500m<sup>2</sup> to 300m<sup>2</sup>, Ms Belgrave does not support the relief sought. This is because no detail is provided to justify the reduction, and 500m<sup>2</sup> is considered to retain flexibility and encourage new development within the MUZ.

451. In response to the other submission points made by BDC, Ms Belgrave does not support the fencing amendment but agrees that an advice note relating to the deemed permitted activity process is appropriate.

452. In response to the submission point made by Fire and Emergency NZ that sought amendments to MUZ-R1.5 similar to those in the COMZ relating to the screening of external storage areas, Ms Belgrave does not support the relief sought. This is because she considers that it adds unnecessary complexity to the rule.

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453. Ms Belgrave's recommendation also includes deleting MUZ-R1.6, as this is consequential to her recommendation for the equivalent rule in the COMZ.
454. The S42A report recommends that MUZ-R1 be amended as follows:

**MUZ-R1 New Buildings, ~~and~~ External Additions and Alterations to Existing Buildings and External Storage**

*Activity Status Permitted*

*Activity status where compliance not achieved:*

**Restricted Discretionary where rules 1 and 3-7 are not complied with.**  
**Discretionary where rule 2 is not complied with.**

*Where:*

...

~~6. 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~~

7. No building shall protrude beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.~~ This standard does not apply to:

...

**Advice Notes:**

1. **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.**

455. The S42A report also recommends the addition of a new rule as follows:

**MUZ-R9A New Buildings and External Additions or Alterations to Existing Buildings not meeting Rule MUZ-R1**

**Activity Status Restricted Discretionary**

**Activity status where compliance not achieved: Discretionary**

**Where:**

1. **Rule MUZ-R1.2 is complied with.**

**Discretion is restricted to:**

- a. **Bulk, location and design of storage, buildings and structures;**
- b. **Effects on the safety, amenity and attractiveness of the street or public places;**
- c. **Visual dominance, privacy and shading effects on neighbouring sites; and**
- d. **Materials being stored and the period of time for storage**

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*MUZ – R2 Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities*

456. Ms Belgrave acknowledged the support from the four submitters<sup>109</sup> that sought to retain the rule as notified.
457. The S42A report recommends that MUZ-R2 be retained as notified.

*MUZ – R3 Carparking and Vehicle Service Access*

458. Ms Belgrave acknowledged the support from Te Mana Ora and Waka Kotahi that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.
459. Ms Belgrave does not support the submission point made by BDC to delete MUZ-R3 or to include the requirements in TRN-S12. This is because Ms Belgrave considers that MUZ-R3 is focused on design matters that are directly relevant to the effects of new development in the MUZ, while TRN-S12 is focused on the construction requirements of carparking.
460. In response to the submission point made by Fire and Emergency NZ that sought to exclude emergency service activities from the design requirements for parking and access, Ms Belgrave agrees that as emergency services have operational needs that limit the location of parking and access relative to their building and because there will be a limited number of emergency service facilities being established in the MUZ, it is appropriate to exclude them from the requirements of the rule.
461. The S42A report recommends that MUZ-R3 be amended as follows:

***MUZ-R3 Carparking and Vehicle Service Access***

...

**6. *Emergency service facilities are excluded from Rules MUZ-R3.1 – MUZ-R3.5***

*MUZ – R4 Residential Activities and Papakāinga*

462. Ms Belgrave acknowledged the support from the five submission points<sup>110</sup> that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.
463. In response to the submission point from Davis Ogilvie and Partners Ltd that requested amendments to MUZ-R4.5 to enable side or rear access to residential accommodation, Ms Belgrave does not support the relief sought. This is because providing access from publicly accessible places will contribute to achieving positive built outcomes in relation to amenity and safety. Nevertheless, amendments to the rule are recommended that will enable secondary accesses to be provided from the rear or side of a building.
464. In response to the submission point from BDC that sought the following relief, Ms Belgrave supports the submission in part:

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<sup>109</sup> Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.733), Buller District Council (S538.409), Fire and Emergency New Zealand (S573.085), Department of Corrections (S349.010)

<sup>110</sup> Ngāi Tahu (S620.220), Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.735), Waka Kotahi (S450.218), Fire and Emergency New Zealand (S573.087), and Grey District Council (S608.703)

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- a. A cross-reference to MUZ-R1; and
  - b. Delete the requirement for residential units to be above street level; and
  - c. Delete the waste management part of the rule; and
  - d. Amendments to enable access from public frontage (other than a street).
465. Ms Belgrave does not consider it necessary to cross-reference MUZ-R1, as the rule will be relevant to all new buildings, including residential buildings.
466. Ms Belgrave does not support deleting the requirement for residential units to be above street level, as she considers that ground-floor space is more efficiently used to accommodate commercial activities, and it is appropriate to protect the ground floor in the MUZ for commercial activities.
467. Ms Belgrave supports the simplification of the waste management rules. However, she does not support the complete deletion of the rule, as requested by BDC. Rather, she supports an amendment similar to the COMZ recommendation.
468. Ms Belgrave considers that the recommended amendments to MUZ-R4.5 that respond to the Davis Ogilvie submission point will also address the BDC submission.
469. The S42A report recommends that MUZ-R4 be amended as follows:

***MUZ-R4 Residential Activities and Papakāinga***

*Where:*

1. ...
2. *Each residential unit shall be provided with a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in ~~either a private or communal~~ **or 9m<sup>2</sup> with a minimum dimension of 2.8 metres in a communal area.***
3. ...
4. ...
5. **The principal residential** ~~Residential~~ *accommodation entrances shall be provided directly from ~~a the public street~~ **or open space.***

***MUZ – R5 Visitor Accommodation***

470. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and Fire and Emergency that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.
471. In response to the submission point made by BDC, which sought amendments similar to those for MUZ-R4, Ms Belgrave makes identical recommendations. She reiterates that living accommodation should not be on the ground level and that cross-reference to MUZ-R1 is not considered necessary. She also continues to support amendments to increase the flexibility for the location of entrances.
472. The S42A report recommends that MUZ-R5 be amended as follows:

***MUZ-R5 Visitor Accommodation***

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Where:

4. ~~The principal visitor~~ ~~Visitor~~ accommodation entrances shall be provided directly from a the public street or open space.

*MUZ – R6 Minor Structures*

473. Ms Belgrave acknowledged the support from Te Mana Ora, and Fire and Emergency that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission point.
474. In response to the submission made by BDC that sought to delete MUZ-R6.1 and add a new rule, Ms Belgrave supports the inclusion of additional setbacks for minor structures. She also recommends including the requirements from MUZ-R1.4 into MUZ-R6, which includes setback requirements for structures adjacent to other zones. It is her view that these setback requirements are also relevant to minor structures.
475. The S42A report recommends that MUZ-R6 be amended as follows:

***MUZ-R6 Minor Structures***

Where:

- ~~1. All performance standards for Rule MUZ – R2 are complied with;~~

...

- x. Any structure is set back:

- i. 3m from any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary;
- ii. 4.5m from the road boundary; and
- iii. 1m from internal boundaries.

*MUZ – R7 Fences, Walls and Retaining Walls*

476. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified.
477. The S42A report recommends that MUZ-R7 be retained as notified.

*MUZ – R8 Relocated Buildings*

478. In response to the five submission points<sup>111</sup> that sought to delete MUZ-R8, Ms Belgrave supports the relief sought. She reiterates the reasons set out regarding COMZ-R4 and agrees with the submitters that the rule is unnecessary and creates duplication, as there is still a requirement to comply with MUZ-R1 and the Building Act.
479. Because of the recommendation to delete this rule, Ms Belgrave does not support the relief sought from the other four submission points to either amend or retain the rule.

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<sup>111</sup> Chris & Jan Coll (S558.006), Chris J Coll Surveying (S566.006), William McLaughlin (S567.006), Laura Coll McLaughlin (S574.006) and Buller District Council (S538.415)

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480. The S42A report recommends that MUZ-R8 be deleted.

*MUZ – R9 Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and Buildings not meeting Permitted Activity Standards*

481. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter and as a consequential amendment to MUZ-R1 and the addition of the restricted discretionary activity rule (MUZR9A) in response to the Ministry of Education submission (S456.035).

482. The recommended amendments will result in a restricted discretionary and discretionary activity status to non-compliance with rules under MUZ-R1. The discretionary activity status for an infringement of building height will provide a broad scope to consider relevant effects. For these reasons, Ms Belgrave considers that a non-complying activity status is not necessary.

483. The S42A report recommends that MUZ-R9 be deleted.

*MUZ – R10 Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted Activity Standards*

484. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter, as a discretionary activity status is already provided for non-compliance with the permitted standard in MUZ-R6 and MUZ-R7.

485. The Ministry of Education submission (S456.035) provides scope as a consequential amendment.

486. The S42A report recommends that MUZ-R10 be deleted.

*MUZ–R11 New Buildings and External Additions to Buildings not meeting Rule MUZ-R1*

487. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter as a consequential amendment to the amendments to MUZ-R1 and MUZ-R9A.

488. The S42A report recommends that MUZ-R11 be deleted.

*MUZ – R12 Residential Activities not meeting Permitted Activity standards*

489. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter, as a discretionary activity status is already provided for non-compliance with the permitted standard in MUZ-R4 and MUZ-R5.

490. The S42A report recommends that MUZ-R12 be deleted.

*MUZ – R13 Industrial Activities*

491. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified.

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492. The S42A report recommends that MUZ-R13 be retained as notified.

*MUZ – R14 Any activity not provided for by another Rule in the zone*

493. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified.

494. The S42A report recommends that MUZ-R14 be retained as notified.

**Hearing and Submitter Evidence**

495. A letter from Ms Daly Williams on behalf of the Ministry of Education was tabled at the hearing. The letter appears to accept the wording of MUZ-R1 and the consequential amendments to add a restricted discretionary activity rule.

496. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation not to make any changes to MUZ-R1.5 as initially sought in the submission. The letter also confirms that FENZ accept the S42A recommendations regarding MUZ – R2, MUZ – R3, MUZ – R4, MUZ – R5 and MUZ – R6.

497. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream. As a result, the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the MUZ a setback of 5m is sought<sup>112</sup>.

498. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.

499. The evidence presented by Mr Jonathan Bhana-Thomson on behalf of the NZ Heavy Haulage Association reiterated the relief sought in the original submission to provide for relocated buildings as a permitted activity. The statement sets out that the deletion of rules relating to relocated buildings is not supported by the Association.

500. Mr Bhana-Thomson's evidence sets out the process for relocating a building and states that in his experience the relocation of a building generally involves less construction disturbance than the on-site construction of a building. Other benefits include lower labour costs, and the reuse of existing buildings. Additionally, he advises that there is no requirement in the Building Act to complete the relocation or reinstatement of a building within a particular timeframe.

**Reporting Officer Reply Evidence**

501. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration, the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The

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<sup>112</sup> As set out in evidence for Topic 1, to align with the road boundary setback rules.

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planners also note that the railway designation is considerably wider than the railway line itself. So there is already an effective buffer between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.

502. Concerning the MUZ, the reporting planners do not support the relief sought by KiwiRail for a 5m building setback from the railway corridor. They consider that a 5m setback would have a significant impact on the land available for development, and that it is excessive in this zone. Notwithstanding that the reporting planners consider that it is more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be setback 1.5m from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

*MUZ-R1*

4. *Any building or structure is set back:*

i. *3m from any RESZ – Residential Zone OSRZ – Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary; and boundary;*

ii. ***1.5m from the railway corridor boundary, excluding accessory buildings and structures***

503. Consequential to the separation of MUZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

504. In response to the evidence presented by Mr Bhana-Thomson on behalf of the NZ Heavy Haulage Association, Ms Belgrave reconsidered the rules for relocated buildings in the COMZ, MUZ and NCZ. She also considered recommendations made for similar rules in the Residential Zones. Ms Belgrave understands that the purpose of the permitted activity standards for relocatable buildings is to manage potential amenity effects generally associated with achieving an acceptable exterior building quality within a specified timeframe.

505. On the understanding that the purpose of MUZ-R8 (and similar rules in COMZ and NCZ) is to address amenity effects, particularly through standards that require the timely completion of building works, Ms Belgrave agrees that the standards can address the existing concerns regarding relocatable buildings and their visual appearance. Furthermore, she considers that a permitted activity status (and compliance with the relevant standards) will encourage redevelopment and revitalisation within the relevant Commercial and Mixed Use zones.

506. Ms Belgrave recommends it is appropriate to retain MUZ-R8 for relocated buildings (with minor amendments to Standard 2, consistent with the NZ Heavy Haulage Association submission). She notes that this is also consistent with the recommendations in the Residential Zone hearing stream.

507. The recommended wording is as follows:

***MUZ-R8 Relocated Buildings***

*Activity Status Permitted*

*Where:*

1. *All performance standards for Rule MUZ - R1 are complied with;*

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2. Any relocated building intended for use as a dwelling must have been designed, ~~and built, and to be~~ used as a dwelling;
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;
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
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.

508. Attachment C of the right of reply sets out the tracked changes to the rules for the MUZ. In this, Ms Belgrave changes her S42A recommendation regarding MUZ-R9 and recommends retaining a version of the rule. This is because it applies a non-complying activity status to buildings exceeding 20m, and this requirement is not duplicated in MUZ-R1.

509. The recommended wording is as follows:

**~~MUZ-R9 Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and Buildings not meeting Permitted Activity Standards~~**

*Activity Status Discretionary*

*Where:*

1. *The maximum height is 20m.*

*Activity Status where compliance not achieved: Non-complying*

510. The right of reply considers the question of whether there are provisions in the MUZ that will create opportunities for greater residential development. Ms Belgrave identifies rules MUZ-R1 and MUZ-R4 that provide for new buildings and residential activities as permitted activities. She comments that these permitted standards will encourage residential development by removing costs associated with a resource consent process.

### **Hearing Panel's Evaluation**

#### *MUZ - General*

511. The Panel agree with Ms Belgrave's recommendation to reject the submission point made by the New Zealand Motor Caravan Association and not provide for campgrounds and camping as a permitted activity in the MUZ.

#### *MUZ – R1*

512. The Panel agree with Ms Belgrave's recommended response to the submission point made by the Ministry of Education to make non-compliance with clauses MUZ-R1 (2) – (5) a restricted discretionary activity, while retaining a full discretionary activity status for non-compliance with the building height clause. This is consistent with the approach taken in the COMZ Chapter.

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513. The Panel agree that due to the addition of the restricted discretionary activity status, the appropriate rule needs to be added to the rule table, and we agree with the wording in Ms Belgrave's right of reply evidence. This rule will be MUZ-R9.
514. We acknowledge the letter from Ms Daly Williams on behalf of the Ministry of Education that was tabled at the hearing that accepts the changes to MUZ-R1 and the addition of what will be MUZ-R9.
515. We acknowledge Ms Inta's statement (presented at the hearing) relating to the separation of activities and buildings within the rules. Her comments spanned the zones in this hearing stream. We are also aware that neither Ms Inta nor the Buller Conservation Group made a submission specifically on this rule. Notwithstanding that, the Panel agree with Ms Belgrave's right of reply evidence that recommends restructuring and relocating standards between the rules. In the case of this rule, that has amounted to transferring the performance standard relating to external storage to MUZ-R2. However, we do not agree that Ms Inta's statement provides scope for these changes, and we consider it more appropriate that these changes are consequential to the Waka Kotahi submission (S450.213).
516. The Panel agree with Ms Belgrave and the BDC that the exception in MUZ-R1(7) relating to the written approval is better included as an advice note. As set out in relation to the COMZ rule, we also agree to refer to boundary '*rules*' (rather than '*setbacks*') to ensure all rules that are subject to the deemed permitted boundary activity process are captured.
517. The Panel disagrees with Ms Belgrave regarding the consequential deletion of MUZ-R1(6), as we have not recommended deleting the equivalent rule in COMZ-R1 due to the lack of scope.
518. The Panel acknowledge that KiwiRail's submission points were not recorded or reported on in the S42A report. We have considered the submission, the letter tabled at the hearing and the joint right of reply prepared on the matter by Ms Belgrave and Ms Easton. We agree with the right of reply evidence that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended in the right of reply, more appropriate and would still address the safety concerns around building maintenance. We also consider that the rule should refer to the setback from the '*rail designation*' rather than the '*rail corridor*' to provide a definitive point of measurement.
519. In relation to the remainder of the submissions on MUZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

*MUZ-R2*

520. The Panel acknowledges that all submissions made directly regarding this rule sought that it be retained as notified. However, we agree and acknowledge that the relocation of the performance standard from MUZ-R1 to MUZ-R2, which relates to external storage, generates consequential changes to the rule. Accordingly, we agree with the recommended wording in Ms Belgrave's right of reply and reject the submission points that all sought to retain the rule as notified.
521. We also agree that, due to the activity status escalating to a restricted discretionary activity if external storage is not appropriately screened, the addition of the restricted discretionary rule should be made to the rule table. We agree with the wording in Ms Belgrave's right of reply evidence. This rule will be MUZ-R10.

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522. We record that these changes are all consequential to the Waka Kotahi submission (S450.213).

*MUZ-R3*

523. The Panel agree with Ms Belgrave's recommendation to reject the submission point made by Buller District Council to delete the rule. We agree that this rule is design-driven, rather than focused on the construction requirements, which TRA-S12 is centred on.

524. The Panel agree with Ms Belgrave's recommendation to accept the submission point from FENZ, and we agree with the wording as set out in her right of reply evidence.

525. In relation to the remainder of the submissions on MUZ-R3, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

*MUZ-R4*

526. The Panel agrees with Ms Belgrave's recommendation in response to the submission points made by BDC and Davis Ogilvie & Partners.

527. In relation to the remainder of the submissions on MUZ-R4, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

*MUZ-R5*

528. The Panel agree with Ms Belgrave's recommendation for MUZ-R5, except for MUZ-R5(4) where it appears that the word '*visitor*' has been transposed for '*residential*'. This is clearly a typographical error in the context of the rule. We acknowledge that the recommendation is consistent with the recommendation for MUZ-R4.

529. In relation to the remainder of the submissions on MUZ-R5, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

*MUZ-R6*

530. The Panel agree with Ms Belgrave's recommendation to include a performance standard related to setbacks which responds to the submission point from BDC. However, we disagree with the structure of how this is recommended to be incorporated into the rule. We instead prefer to be consistent with the equivalent COMZ rule and require that Standard 4 of MUZ-R1 be complied with.

531. We note that MUZ-R1 does not include a setback from the road boundary or internal boundaries, as recommended by Ms Belgrave in response to the BDC submission. However, we consider that these setbacks are not necessary for a minor structure in the MUZ, especially when they are not required for a building. Lastly, we also note that a reference to Standard 4 of MUZ-R1 will require a setback from a railway designation boundary, and we consider that to be appropriate.

*MUZ-R7*

532. The Panel agree that this rule should remain as notified, as there were no submissions that sought its amendment.

*MUZ-R8*

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533. The Panel acknowledge Ms Belgrave’s revised position concerning the NZ Heavy Haulage Association Inc submission and evidence presented at the hearing, and we accept her right of reply recommendation to retain MUZ-R8 with minor amendments.

*MUZ-R9*

534. The Panel agree with Ms Belgrave’s right of reply recommendation to retain this rule, with the minor amendment to the title, which is consequential to the Ministry of Education submission on MUZ-R1.
535. The Panel also notes that due to the addition of the restricted discretionary activity rules, there is a change to the numbering sequence, and this rule becomes MUZ-R11 in our recommendation.

*MUZ-R10 to MUZ-R12*

536. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address the activities where one or more of the performance standards in the corresponding permitted rule are not complied with. Therefore, we accept the submission points made regarding these rules which were all to retain them.
537. Due to the changes to the numbering sequence, these rules become MUZ-R12 to MUZ-R14 in our recommendation.

*MUZ-R13*

538. The Panel accept the submission points to retain this rule and agrees with Ms Belgrave’s recommendation not to make any changes to this rule. However, we note that the rule number will change to MUZ-R16.

*MUZ-R14*

539. The Panel acknowledge that MUZ-R14 is a catch-all rule that is intended to manage activities that have not been specifically provided for in the other rules. The Panel has considered this matter plan wide and we agree with submitters that such rules are better placed as discretionary, otherwise they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter. We rely on the submissions of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

**Hearing Panel’s Recommendation**

540. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **Mixed Use Zone Rules**:

**Mixed Use 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 is provided in General Approach.

**Permitted Activities**

**MUZ - R1      New Buildings and External Additions or Alterations to Existing Buildings**

**Activity Status Permitted**

Where:

1. The maximum ground floor area of the building is 500m<sup>2</sup>;
2. The maximum height above ground level is 12m except that this standard does not apply to hose drying towers at Emergency Service Facilities;
3. Any building on a Facade Control Street must have:
  - i. A cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One;
  - ii. 20% of the facade devoted to display windows or transparent glazing; and
  - iii. The principal public entrance to the building must be located on the front boundary;
4. Any building or structure is setback a minimum of:
  - i. 3m from any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary; **and**
  - ii. **1.5m from the railway designation boundary, excluding accessory buildings and structures.**<sup>113</sup>
- ~~5. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;~~<sup>114</sup>
5. 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,

**Activity status where compliance not achieved:**

**Restricted Discretionary where standards 1 and 3 to 6 are not complied with**

Discretionary **where standard 2 is not complied with.**<sup>117</sup>

<sup>113</sup> KiwiRail (S442.093)

<sup>114</sup> Consequential to Waka Kotahi (S450.213)

<sup>117</sup> Ministry of Education (S456.035)

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<p>which at maturity, will screen the buildings from the adjoining sites; and</p> <p>6. No building shall protrude beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary <del>except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.</del><sup>115</sup> This standard does not apply to:</p> <ul style="list-style-type: none"> <li>i. Road boundaries;</li> <li>ii. Buildings on adjoining sites that have a common wall along the boundary;</li> <li>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;</li> <li>iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and</li> <li>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.</li> </ul> <p><b>Advice Note:</b></p> <p><b>1. <u>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.</u></b><sup>116</sup></p>	
<p><b>MUZ – R2      Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>1. This is not visitor accommodation subject to Rule MUZ-R5;</li> <li><del>2. Performance standards for Rule MUZ – R1 are complied with;</del> and</li> </ul>	<p><b>Activity status where compliance not achieved:</b></p> <p>Refer Rule MUZ – R5 for Visitor Accommodation</p> <p><b><u>Restricted discretionary where standard 3 is not complied with</u></b></p>

<sup>115</sup> Buller District Council (S538.408)

<sup>116</sup> Buller District Council (S538.408) – **maybe also Cl 16**

<p><b>2.</b> This is not a commercial garage, service station or emergency service activity located on a Facade Control Street; <u>and</u></p> <p><b>3.</b> <u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u><sup>118</sup></p>	<p>Activities not complying with Standard 2 or 3 are Discretionary <u>where standard 2 is not complied with.</u><sup>119</sup></p>
<p><b>MUZ – R3      Carparking and Vehicle Service Areas</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Provision for carparking and vehicle service access is made at the side or rear of the building;</li> <li>2. If available all vehicle access should be from service lanes or streets other than those subject to Facade Controls;</li> <li>3. No parking areas are located between the frontage of buildings and the street;</li> <li>4. No carpark is provided on a Facade Control Street; <u>and</u></li> <li>5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site; <u>and</u>;</li> <li>6. <u>Standards 1 to 5 of Rule MUZ-R3 do not apply to Emergency service facilities</u><sup>120</sup></li> </ol> <p><b>Advice Note:</b> Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.</p>	<p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<p><b>MUZ – R4      Residential Activities and Papakāinga</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The residential activity or papākainga is:                     <ol style="list-style-type: none"> <li>i. Located above street level; or</li> <li>ii. Located at street level but with no frontage to public open spaces or streets except for access;</li> </ol> </li> <li>2. Each residential unit shall be provided with a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in <del>either a private or communal</del> area</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>

<sup>118</sup> Consequential to Waka Kotahi (S450.213)

<sup>119</sup> Consequential to Waka Kotahi (S450.213)

<sup>120</sup> Fire and Emergency New Zealand (S573.086)

<p><u>or 9m<sup>2</sup> with a minimum dimension of 2.8 metres in a communal area</u>.<sup>121</sup></p> <p>3. Any space designed 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;</p> <p>4. Residential accommodation entrances shall be clearly separated and distinguished from commercial entrances;</p> <p>5. <u>The principal residential</u> Residential accommodation entrances shall be provided directly from <del>a</del> the public street <u>or open space</u>.<sup>122</sup></p> <p><b>Advice Note:</b></p> <p>The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</p>	
<p><b>MUZ – R5</b>      <b>Visitor Accommodation</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p>1. The visitor accommodation is located</p> <p style="padding-left: 20px;">i. In a Heritage Building listed in Schedule One; or</p> <p style="padding-left: 20px;">ii. Above street level; or</p> <p style="padding-left: 20px;">iii. At street level but with no frontage to public open spaces or streets except for access</p> <p>2. Any space designed 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;</p> <p>3. Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and</p> <p>4. <u>The principal visitor</u> Visitor accommodation entrances shall be provided directly from <del>a</del> the public street <u>or open space</u>.<sup>123</sup></p> <p><b>Advice Note:</b></p>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>

<sup>121</sup> Buller District Council (S538.411)

<sup>122</sup> Davis Ogilvie & Partners Ltd (S465.034) and Buller District Council (S538.411)

<sup>123</sup> Consequential to Davis Ogilvie & Partners Ltd (S465.034) and Buller District Council (S538.411)

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The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.		
<b>MUZ – R6</b>	<b>Minor Structures</b>	
<b>Activity Status Permitted</b>  <b>Where:</b>  1. All performance standards for <del>Standard 4 of</del> Rule MUZ - R21 <del>is</del> are complied with; <sup>124</sup>  2. Masts, poles, aerials and pou whenua must not exceed 7m in height;  3. Any antenna dish must be less than 1m in diameter;  4. Any ornamental or garden structure must not exceed 2.4 m in height; and  5. Any other structure must not exceed 10m <sup>2</sup> and 2m in height.		<b>Activity status where compliance not achieved:</b> Discretionary
<b>MUZ – R7</b>	<b>Fences, Walls and Retaining Walls</b>	
<b>Activity Status Permitted</b>  <b>Where:</b>  1. Fences, walls and retaining walls are a maximum 2m height above ground level; and  2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.		<b>Activity status where compliance not achieved:</b> Discretionary
<b>MUZ – R8</b>	<b>Relocated Buildings</b>	
<b>Activity Status Permitted</b>  <b>Where:</b>  1. All performance standards for Rule MUZ - R1 are complied with;  2. Any relocated building intended for use as a dwelling must have been designed, and built, <del>and</del> <b>and</b> to be used as a dwelling; <sup>125</sup>  3. A building pre-inspection report <b>in accordance with Appendix 11</b> <sup>126</sup> shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement		<b>Activity status where compliance not achieved:</b>  <u>Refer Rule MUZ – R1 for where standard 1 is not complied with.</u>  Discretionary <b>where standards 2 to 5 are not complied with.</b> <sup>129</sup>

<sup>124</sup> Buller District Council (S538.413)

<sup>125</sup> New Zealand Heavy Haulage Association Inc (S616.002)

<sup>126</sup> New Zealand Heavy Haulage Association Inc (S616.002)

<sup>129</sup> Consequential to Waka Kotahi (S450.213)

<p>works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the <b>exterior</b> reinstatement works <b>including connections to infrastructure services and closing in and ventilation of the foundations</b> shall be completed within a 12-month period <b>of the building being delivered to the site; and</b><sup>127</sup></p> <p>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</p> <p>5. <del>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.</del><sup>128</sup></p>		
<b><u>Restricted Discretionary Activities</u></b>		
<b>MUZ – R9</b>	<b><u>New Buildings and External Additions or Alterations to Existing Buildings not meeting Rule MUZ-R1</u></b> <sup>130</sup>	
<p><b><u>Activity Status Restricted Discretionary</u></b></p> <p><b><u>Where:</u></b></p> <p>1. <b><u>Performance standard 2 for Rule MUZ-R1 is complied with.</u></b></p> <p><b><u>Discretion is restricted to:</u></b></p> <p>a. <b><u>Bulk, location and design of storage, buildings and structures</u></b></p> <p>b. <b><u>Effects on the safety, amenity and attractiveness of the street or public places; and;</u></b></p> <p>c. <b><u>Visual dominance, privacy and shading effects on neighbouring sites.</u></b><sup>131</sup></p>	<p><b><u>Activity status where compliance not achieved: Discretionary</u></b></p>	
<b>MUZ – R10</b>	<b><u>Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities not meeting Rule MUZ-R2</u></b> <sup>132</sup>	

<sup>127</sup> Chris & Jan Coll (S558.006), Chris J Coll Surveying (S566.006), William McLaughlin (S567.006), Laura Coll McLaughlin (S574.006), Buller District Council (S538.415)

<sup>128</sup> Chris & Jan Coll (S558.006), Chris J Coll Surveying (S566.006), William McLaughlin (S567.006), Laura Coll McLaughlin (S574.006), Buller District Council (S538.415)

<sup>130</sup> Consequential to Ministry of Education (S456.035)

<sup>131</sup> Consequential to Ministry of Education (S456.035)

<sup>132</sup> Consequential to Waka Kotahi (S450.213)

<b><u>Activity Status Restricted Discretionary</u></b>		<b><u>Activity status where compliance not achieved: Discretionary</u></b>
<b><u>Where:</u></b>		
1. <b><u>Performance standard 2 for Rule MUZ-R2 is complied with</u></b>		
<b><u>Discretion is restricted to:</u></b>		
a. <b><u>Effects on the safety, amenity and attractiveness of the street or public places; and;</u></b>		
b. <b><u>Materials being stored and the period of time for storage.</u></b> <sup>133</sup>		
<b>Discretionary Activities</b>		
<b><u>MUZ – R911</u></b>	<b><u>Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and Buildings not meeting Permitted Activity Standards</u></b> <sup>134</sup>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b>
<b>Where:</b>		<b>Non-complying</b>
1. The maximum height is 20m.		
<b><u>MUZ – R12</u></b>	<b><u>Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted Activity Standards</u></b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b>
		<b>N/A</b>
<b><u>MUZ – R113</u></b>	<b><u>New Buildings and External Additions to Buildings not meeting Rule MUZ - R1</u></b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b>
		<b>N/A</b>
<b><u>MUZ – R124</u></b>	<b><u>Residential Activities not meeting Permitted Activity standards</u></b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b>
		<b>N/A</b>
<b><u>MUZ-R15</u></b>	<b><u>Any activity not provided for by another Rule in the zone</u></b>	

<sup>133</sup> Consequential to Waka Kotahi (S450.213)

<sup>134</sup> Consequential to Ministry of Education (S456.035)

<u>Activity Status Discretionary</u>	<u>Activity status where compliance not achieved:</u> N/A <sup>135</sup>
<b>Non-complying Activities</b>	
<b>MUZ – R136 Industrial Activities</b>	
<b>Activity Status Non-complying</b>	<b>Activity status where compliance not achieved:</b> N/A
<b>MUZ – R14 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:</b> N/A <sup>136</sup>

## 6. TOWN CENTRE ZONE

### 6.1. Town Centre Zone Overview

#### Submissions and Further Submissions

541. One submission point and one further submission point relating to the Overview of the Town Centre Zone was summarised in a Table in pages 97-98 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

#### Section 42A Report

542. In response to the submission point made by Foodstuffs that sought to make additions to the Overview text, Ms Belgrave supports the relief in part.

543. Ms Belgrave supports the addition of the word '*generally*' in reference to the heights of buildings in the TCZ.

544. Ms Belgrave does not support the requested additions to recognise existing supermarkets and existing individual activities in the Overview, and the additional text referencing natural hazard risk does not change or add to the meaning of the Overview.

545. Ms Belgrave recommends that the TCZ Overview text is amended as follows:

...

*The four centres are **generally** characterised by 2-3 storey buildings located up to the street with verandahs and retail display windows. These town centres are pedestrian oriented and parking is*

<sup>135</sup> Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

<sup>136</sup> Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

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*available on the street. Residential living above ground floor and mixed use activities are provided for.*

...

**Hearing and Submitter Evidence**

546. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate the original submission, and she continues to seek the requested amendments to the Overview in the TCZ.

**Reporting Officer Reply Evidence**

547. There was no specific consideration of this matter in the reply evidence.

**Hearing Panel’s Evaluation**

548. The Panel has considered the wording suggested by Foodstuffs for the Town Centre Zone Overview, and we agree with the reasoning and amendments proposed by Ms Belgrave, recommending that they be included.

**Hearing Panel’s Recommendation**

549. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part and recommends the following changes to the **Town Centre Zone Overview**.

TCZ	Town Centre Zone – Te Takiwā o te Pokapū o te Tāone
<p><b>Overview</b></p> <p>The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ - Town Centre Zone, however each town centre has a Precinct where specific additional policies and rules apply.</p> <p>The four centres are <b>generally</b><sup>137</sup> characterised by 2-3 storey buildings located up to the street with verandahs and retail display windows. These town centres are pedestrian oriented and parking is available on the street. Residential living above ground floor and mixed use activities are provided for.</p> <p>The architectural quality of buildings and the quality of the public realm (public spaces and the interaction between individual buildings and the public pedestrian environment) will strongly influence the attractiveness of the TCZ - Town Centre Zone and MUZ - Mixed Use Zone as places to visit, undertake business and live. The objectives, policies and rules for both zones enable a broad range of activities, in order to provide the flexibility necessary to accommodate future growth and change. More importantly, they also focus on the quality of buildings and the impact of new buildings on the public realm and on the walkability and pedestrian access within the town centres. This focus is important to enhancing the attractiveness of the town centres and encouraging new businesses, visitors and inner city living.</p>	

<sup>137</sup> Foodstuffs (S464.028)

As the largest centre on the West Coast/Te Tai o Poutini, Greymouth/Māwhera is expected to provide for a diverse range of commercial, retail, community and recreation activities and offer a variety of employment and living opportunities. In Greymouth/Māwhera higher density residential developments such as apartments above ground floor are anticipated that will contribute to providing wider housing choices for the community. The MUZ - Mixed Use Zone in Greymouth/Māwhera is adjacent to the TCZ - Town Centre Zone.

The Town Centre and Mixed Use Design Guidelines seek to ensure that new building development in the town centres is of a high standard and that it enhances the characteristics and qualities that contribute to each town centre's unique sense of place.

The location of the Hokitika, Greymouth/Māwhera and Westport/Kawatiri town centres on the coast and adjacent to large rivers, means parts of the town centres are subject to risk from existing and future flood and coastal inundation. Te Tai o Poutini Plan enables development within the TCZ - Town Centre Zone and MUZ - Mixed Use Zone that responds to and manages the risk. However, it is also acknowledged that over time a movement away from the most hazardous locations is desired, and this is reflected in other parts of the Te Tai o Poutini Plan through the NH - Natural Hazards provisions.

#### **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 Town Centre 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 Town Centre 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 Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Town Centre Zone. 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 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 Town Centre Zone.

## **6.2. Town Centre Zone Rules and Design Guidelines**

**Submissions and Further Submissions**

550. Two submission points relating generally to the **TCZ Rules** were summarised in a Table on page 99 of the S42A Report. Both submissions sought amendments to the rules.
551. Six submission points and one further submission point relating to **TCZ-R1** were summarised in a Table on pages 99-102 of the S42A Report. Two submission points supported the retention of the rule as notified. Four submission points sought amendments.
552. Three submission points relating to **TCZ-R2** were summarised in a Table on pages 104-105 of the S42A Report. Two submission points supported the retention of the rule as notified. One submission point sought amendments.
553. Four submission points relating to **TCZ-R3** were summarised in a Table on page 106 of the S42A Report. Two submission points supported the retention of the rule as notified. Two submission points sought amendments.
554. Four submission points relating to **TCZ-R4** were summarised in a Table on pages 107-108 of the S42A Report. Three submission points supported the retention of the rule as notified. One submission point sought amendments.
555. Three submission points relating to **TCZ-R5** were summarised in a Table on page 108 of the S42A Report. All submission points supported the retention of the rule as notified.
556. Five submission points relating to **TCZ-R6** were summarised in a Table on page 109 of the S42A Report. Three submission points supported the retention of the rule as notified. One submission point sought to delete it, and one sought amendment.
557. Three submission points relating to **TCZ-R7** were summarised in a Table on page 110 of the S42A Report. All submission points supported the retention of the rule as notified.
558. Four submission points relating to **TCZ-R8** were summarised in a Table on page 111 of the S42A Report. Three submission points supported the retention of the rule as notified. One submission point sought amendments.
559. Two submission points relating to **TCZ-R9** were summarised in a Table on page 112 of the S42A Report. One submission point supported the retention of the rule as notified, and one submission point sought amendments.
560. Three submission points and two further submissions relating to **TCZ-R10** were summarised in a Table on pages 112-113 of the S42A Report. Two submission points supported the retention of the rule as notified. One submission point and two further submissions sought amendments.
561. Two submission points relating to **TCZ-R11** were summarised in a Table on page 113 of the S42A Report. All submission points supported the retention of the rule as notified.
562. Two submission points relating to **TCZ-R12** were summarised in a Table on page 114 of the S42A Report. All submission points supported the retention of the rule as notified.
563. Six submission points relating to **TCZ-R13** were summarised in a Table on page 114 of the S42A Report. One submission point supported the retention of the rule as notified. Five submission points sought it be deleted.

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564. Two submission points relating to **TCZ-R14** were summarised in a Table on page 115 of the S42A Report. All submission points supported the retention of the rule as notified.
565. Four submission points relating to **TCZ-R15** were summarised in a Table on pages 115-116 of the S42A Report. One submission point supported the retention of the rule as notified. Three submission points sought amendments.
566. Two submission points relating to **TCZ-R16** were summarised in a Table on pages 116-117 of the S42A Report. All submission points supported the retention of the rule as notified.
567. Two submission points relating to **TCZ-R17** were summarised in a Table on page 117 of the S42A Report. One submission point supported the retention of the rule as notified, and the other sought an amendment.
568. Four submission points relating to **TCZ-R18** were summarised in a Table on page 118 of the S42A Report. One submission point supported the retention of the rule as notified. Two submission points sought amendments, and one sought to delete the rule.
569. Two submission points relating to **TCZ-R19** were summarised in a Table on page 119 of the S42A Report. All submission points supported the retention of the rule as notified.
570. Two submission points relating to **TCZ-R20** were summarised in a Table on page 119 of the S42A Report. One submission point supported retaining the rule as notified, and the other sought to delete the rule.
571. Two submission points relating to **TCZ-R21** were summarised in a Table on page 120 of the S42A Report. All submission points supported the retention of the rule as notified.
572. Fifteen submission points and one further submission point relating to **Appendix 3 – Town Centre Design Guidelines** were summarised in a Table on pages 120-125 of the S42A Report. Three submission points supported the retention of the Appendix as notified. One submission point sought to delete the Appendix. Eleven submission points sought amendments.
573. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

**Section 42A Report**

*TCZ - General*

574. In response to the submission point from Foodstuffs that sought to make specific provision for supermarkets, Ms Belgrave does not consider this necessary, as supermarkets are provided for as commercial activities in the TCZ.
575. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams and for other zones in this stream. She reiterates her opinion regarding CMUZ and COMZ and does not support the relief sought in the submission point.
576. The S42A report recommends that no amendments be made to the TCZ chapter in response to these submissions.

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*TCZ – R1 Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities*

577. Ms Belgrave acknowledged the support from Te Mana Ora and the Department of Corrections that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.
578. Ms Belgrave generally supports the relief sought in the submission point made by Waka Kotahi. The submission point is similar to those made in relation to the COMZ and the MUZ. It sought clarification as to whether the requirements of the rule should be considered performance standards, and if so, whether the activities listed in the heading should be addressed in a separate rule. Ms Belgrave acknowledges the confusion regarding the terminology used throughout the rules in this chapter. She therefore recommends that the rule heading be amended to apply to all new buildings, additions and alterations to existing buildings, landscaping, and external storage, and that the activities be moved to a new, separate rule.
579. In response to the submission point made by Foodstuffs that sought amendments to exclude existing supermarkets from TCZ-R1.1, TCZ-R1.4, and TCZ-R1.5, Ms Belgrave does not support the relief sought. This is because existing use rights will apply to existing buildings and activities, and so the requested exemption is not necessary.
580. In response to the submission point made by BDC that sought amendments to the glazing part of the rule, Ms Belgrave agrees that the amendment will simplify the rule but also recommends the inclusion of *'at the frontage'* to ensure that glazing is not required at the side and rear of building facades. Additionally, Ms Belgrave supports deleting TCZ-R1.5 as TCZ-R1.4 will appropriately manage streetscape amenity outcomes.
581. In response to the other parts of the submission point made by BDC that sought amendments related to fencing and the exceptions related to when a written approval is obtained, Ms Belgrave reiterates the recommendations she made on the same matter for the COMZ. That is to include an advice note but not to change the wording of the rule.
582. In response to the submission point made by FENZ, which sought amendments to exclude emergency services facilities from the ground floor façade controls, Ms Belgrave did not support the relief sought, as no specific assessment was provided with the submission.
583. In response to the other parts of the submission point made by FENZ that requested the inclusion of a new rule relating to water supply servicing, Ms Belgrave did not support the relief sought. She noted that it is uncommon to include general servicing controls in the zone chapters; instead, these are usually part of subdivision provisions. Furthermore, water supply servicing arrangements for new buildings are more appropriately managed under the requirements of the Building Code.
584. Ms Belgrave recommends that TCZ-R1 be amended as follows:

**TCZ-R1 New Buildings, External Additions or Alterations to Existing Buildings, and External Storage ~~Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities~~**

*Activity Status Permitted*

*Non-complying where ~~rules standards~~ 1-3 are not complied with*

*Discretionary where ~~rules standards~~ 4 to 6 are not met*

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...

4. The ground floor façade of all buildings with a Main Street Frontage must have:

- a. ~~A minimum of 50% of the building façade at ground level must comprise clear glazing 50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage; and~~

~~5. No building shall create a featureless facade or blank wall on a Main Street Frontage at ground floor level wider than 3m.~~

6. No building shall project beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.~~ This standard does not apply to:

...

**Advice Notes:**

- 1. 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.**

*TCZ – R2 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct*

585. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ, which supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission point.

586. In response to the submission point made by Foodstuffs that sought amendments to exclude existing supermarkets from TCZ-R2.4 and TCZ-R2.5, Ms Belgrave did not support the relief sought. This is because existing use rights will apply to existing buildings and activities; therefore, the requested exemption is not necessary.

587. In response to submissions received relating to Appendix 3 – Town Centre Design Guidelines, Ms Belgrave recommends consequential amendments to TCZ-R2.

588. Ms Belgrave recommends that TCZ-R2 be amended as follows. The recommendations also take into account recommendations made in response to submissions received relating to the Hokitika Design Guidelines:

***TCZ-R2 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct***

...

4. ~~Every New buildings and additions and alterations to any building~~ with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; and

~~5. New buildings and additions and alterations to any Main Street Frontage façade must demonstrate that they meet the Hokitika Town Centre Urban Design Guidelines.~~

**Advice Note:**

**2. When designing new buildings in Hokitika Town Centre developers are encouraged to use the Hokitika Town Centre Urban Design Guidelines.**

*TCZ – R3 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ – PREC1 Greymouth/Māwhera Town Centre Precinct*

589. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ, which supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.
590. In response to the submission point made by Ngāi Tahu that sought to include compliance with the design guidelines as a rule instead of an advice note, Ms Belgrave did not support the relief sought. This is because it would be difficult to demonstrate and enforce compliance with the guidelines; therefore, she recommended retaining it as an advice note.
591. In response to the submission point made by Foodstuffs that sought amendments to exclude existing supermarkets from TCZ-R3.3, Ms Belgrave did not fully support the relief sought. This is because existing use rights will apply to existing buildings and activities; therefore, the requested exemption is not necessary. Notwithstanding this, Ms Belgrave did support amendments to TCZ-R3.3 to clarify that the rule applies to new buildings, as well as any additions and alterations.
592. Ms Belgrave recommends that TCZ-R3 be amended as follows, noting that the recommendation includes consequential amendments following recommendations to TCZ-R1:

***TCZ-R3 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the CZ - PREC1 Greymouth/Māwhera Town Centre Precinct***

*Activity Status Permitted*

*Activity status where compliance not achieved:*

*Discretionary where standard 2 is not complied with.*

*Non-complying where standard 3 is not complied with.*

**~~Refer Rule TCZ – R1 where there is non-compliance with these standards~~**

...

- 3. Every New buildings and additions and alterations to any building with a Main Street Frontage must erect a cantilevered continuous verandah (with no decorative poles) to extend from the shop frontage to be 400mm inside the kerbline. This requirement for a verandah does not apply to Historic Heritage buildings identified in Schedule One.**

*TCZ – R4 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ – PREC3 Westport/Kawatiri Town Centre Precinct*

593. Ms Belgrave acknowledged the support from Te Mana Ora, Buller District Council, and FENZ for the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

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594. In response to the submission point made by Ngāi Tahu that sought to include compliance with the design guidelines as a rule instead of an advice note, Ms Belgrave does not support the relief sought. This is because it would be difficult to demonstrate and enforce compliance with the guidelines; therefore, she recommended retaining it as an advice note.
595. Ms Belgrave recommends that TCZ-R4 be amended to take account of consequential amendments following recommendations to TCZ-R1:

***TCZ-R4 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the CZ – PREC3 Westport/Kawatiri Town Centre Precinct***

*Activity Status Permitted*

...

***Refer Rule TCZ – R1 where there is non-compliance with these standards***

***TCZ – R5 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ – PREC4 Reefton Town Centre Precinct***

596. Ms Belgrave acknowledged the support from Te Mana Ora, BDC and FENZ that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.
597. Ms Belgrave recommends that TCZ-R5 be amended to take account of recommendations made in response to submissions received relating to the Reefton Design Guidelines and consequential amendments following recommendations to TCZ-R1:

***TCZ-R5 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the CZ – PREC4 Reefton Town Centre Precinct***

*Activity Status Permitted*

...

***Refer Rule TCZ – R1 where there is non-compliance with these standards***

*Where:*

...

***~~5. New buildings and additions and alterations to the exterior facade with frontage to SH7 (Broadway) must demonstrate they meet the Reefton Heritage Town Design Guidelines.~~***

***Advice Note:***

***1. When designing new buildings in Reefton Town Centre developers are encouraged to use the Reefton Town Centre Urban Design Guidelines.***

***TCZ – R6 Carparking and Vehicle Service Access***

598. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi, and GDC, which supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.
599. Similar to the recommendation made in response to the submission point made by BDC regarding the MUZ carparking rule, Ms Belgrave did not support the submission point made by BDC to delete TCZ-R6 or to include the requirements in TRN-S12. This is because Ms

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Belgrave considers that TCZ-R6 is focused on design matters that are directly relevant to the effects of new development in the TCZ, while TRN-S12 focuses on the construction requirements for car parking.

600. In response to the submission point made by Fire and Emergency NZ that sought to exclude emergency service activities from the design requirements for parking and access, Ms Belgrave agrees (as also set out with respect to the MUZ) that, as emergency services have operational needs that limit the location of parking and access relative to their building. Additionally, a limited number of emergency service facilities will be established in the TCZ; therefore, Ms Belgrave supported excluding emergency service facilities from the requirements of the rule.

601. The S42A report recommends that TCZ-R6 be amended as follows:

***TCZ-R6 Carparking and Vehicle Service Access***

...

**7. Emergency service facilities are excluded from Rules TCZ-R6.1 – TCZ-R6.6**

***TCZ – R7 Residential Activities in Existing Buildings***

602. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and BDC that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from consequential changes relating to other submission points.

603. Ms Belgrave recommends amendments that apply to waste management and residential accommodation entrances, which will achieve consistency with the recommendations to the equivalent rules in the COMZ and MUZ chapters.

604. The S42A report recommends that TCZ-R7 be amended as follows:

***TCZ-R7 Residential Activities in Existing Buildings***

...

2. *Each residential unit shall be provided with a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in ~~either a private or communal~~ **or 9m<sup>2</sup> with a minimum dimension of 2.8 metres in a communal area.***

3. ...

4. ...

5. **The principal residential Residential** ~~accommodation entrances are shall be~~ *accommodation entrances shall be provided directly from ~~a the~~ public street **or open space.***

***TCZ – R8 Visitor Accommodation Activities and Buildings***

605. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and FENZ that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

606. In response to the submission point made by BDC that sought to delete TCZ-R8.3 on the basis that it duplicates Standards in TCZ-R1, Ms Belgrave did not support the relief sought, as she considers that TCZ-R8 includes additional requirements specific to managing visual effects associated with the provision of waste management areas, separate from those in TCZ-R1.

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Notwithstanding this, recommendations for amendments to the rules governing waste management and residential accommodation entrances are outlined below to ensure consistency with the proposed amendments to other CMUZ chapters.

607. The S42A report recommends that TCZ-R8 be amended as follows:

***TCZ-R8 Visitor Accommodation Activities and Buildings***

...

5. ~~The principal visitor~~ ~~Visitor~~ accommodation entrances ~~shall be provided~~ ~~pedestrian access~~ directly from ~~a~~ ~~the~~ public street or open space.<sup>138</sup>

***TCZ – R9 Demolition of Existing Buildings***

608. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

609. In response to the submission point made by BDC that sought to make a minor grammatical amendment and remove the percentage reference, Ms Belgrave supported the relief sought. She agreed that the rule, as notified, will be confusing and create difficulties when determining compliance.

610. The S42A report recommends that TCZ-R9 be amended as follows:

***TCZ-R9 Demolition of Existing Buildings***

...

3. If the building to be demolished is on a Main Street Frontage ~~that then~~ a pedestrian weather cover must be provided over the adjacent footpath ~~for 80% of the frontage~~. Where the site is to be redeveloped then a temporary structure can be provided for a maximum of 6 months in the TCZ - PREC1 - Greymouth/Māwhera and TCZ - PREC2 - Hokitika Town Centre Precincts and a maximum of 12 months in the TCZ - PREC3 - Westport and TCZ - PREC4 - Reefton Town Centre Precincts.

***TCZ – R10 Minor Structures***

611. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

612. In response to the submission point made by FENZ that sought amendments to enable hose drying towers up to a maximum height of 15m, Ms Belgrave supported the relief sought. This is because the inclusion of a maximum height for hose drying towers under TCZ-R10 will provide helpful clarification. It is considered that a maximum height of 15m is appropriate, having regard to the maximum permitted building height within the Town Centre Precincts, and that the establishment of emergency service facilities in the Zone will be limited.

613. The S42A report recommends that TCZ-R10 be amended as follows:

***TCZ-R10 Minor Structures***

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<sup>138</sup> The S42A report and tracked versions of the rule appears to use wording from TCZ-R7 – Residential Activities and so incorrectly referred to ‘residential accommodation’, and different phrasing. This is a typo. The recommended phrasing is the same as the S42A report, with ‘visitor’ replacing ‘residential’.

...

**4. Hose drying towers do not exceed 15m in height; and**

...

*TCZ – R11 Fences, Walls and Retaining Walls*

614. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

615. The S42A report recommends retaining TCZ-R11 as notified.

*TCZ – R12 Demolition of Buildings not meeting Permitted Activity Standards*

616. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

617. The S42A report recommends retaining TCZ-R12 as notified.

*TCZ – R13 Relocated Buildings*

618. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified.

619. In response to the five submission points<sup>139</sup> that sought to delete the rule, Ms Belgrave did not support the relief sought. She considered that the matters of discretion under TCZ-R13 relate to the design, location, and appearance of buildings, as well as the extent to which the relevant Design Guidelines are met. It was her view that these matters are relevant to ensuring high-quality built form outcomes in the TCZ and are separate from considerations under the Building Act.

620. The S42A report recommends retaining TCZ-R13 as notified.

*TCZ – R14 Visitor Accommodation Activities and Buildings and Residential Activities in Existing Buildings not meeting Permitted Activity Standards*

621. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

622. Despite the support for this rule, Ms Belgrave recommended that the rule be deleted to simplify the TCZ chapter. Discretionary and non-complying activity status for non-compliance with the relevant rules is provided for under TCZ-R7 and TCZ-R8, and therefore, this rule is an unnecessary duplication.

623. The S42A report recommends deleting TCZ-R14.

*TCZ – R15 Commercial Activities and Buildings Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted Activity Standards for Ground Floor Facade, Recession Plane or Height*

624. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified.

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<sup>139</sup> Chris and Jan Coll (S558.010), Chris J Coll Surveying Limited (S566.010), William McLaughlin (S567.010) and Laura Coll McLaughlin (S574.010) Buller District Council (S538.434)

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625. In response to the submission points made by Foodstuffs and the BDC to delete the non-complying activity status, and in the case of the BDC submission, the deletion of TCZ-R15.1, Ms Belgrave recommended deleting the rule in its entirety to simplify the chapter. Discretionary and non-complying activity statuses are already provided for under TCZ-R1-TCZ-R5.
626. In response to the submission points made by BDC and GDC to correct the typo in the rule heading, given that Ms Belgrave recommended to delete the rule, these submission points are recommended to be rejected.
627. The S42A report recommends deleting TCZ-R15.

*TCZ – R16 Minor Structures and Fences, Walls and Retaining Walls not meeting the Permitted Activity Standards*

628. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.
629. Despite the support for this rule, Ms Belgrave recommended that the rule be deleted to simplify the TCZ chapter. Discretionary and non-complying activity status for non-compliance with the relevant rules is provided for under TCZ-R10 and TCZ-R11, and therefore, this rule is an unnecessary duplication.
630. The S42A report recommends deleting TCZ-R16.

*TCZ – R17 Residential Activities and Buildings in New Buildings*

631. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.
632. In response to the submission point from BDC to insert a discretionary activity status, Ms Belgrave notes the submission and comments that no amendment is necessary as the notified rule includes a discretionary activity status.
633. Ms Belgrave did recommend amendments to the waste management and outdoor living space part of the rule to achieve consistency with recommended amendments to the equivalent provisions in the COMZ and MUZ chapters. She also recommended deleting ‘*and Buildings*’ from the rule title, as this appears to be an error.
634. The S42A report recommends that TCZ-R17 be amended as follows:

***TCZ-R17 Residential Activities ~~and Buildings~~ in New Buildings***

*Where:*

1. *The ground floor is used for Commercial or Community Activities ~~and complies with the Performance Standards for Rule TCZ – R1;~~*
2. *Each residential unit is provided with ~~an outdoor service space of 3m<sup>2</sup> and~~ a waste management area of 2m<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 2.8 metres in a communal area;*
3. ...
4. ...

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5. Each residential unit shall be provided with an outdoor living space of

- ~~a. 68m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit;~~
- ~~b. 10m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~
- ~~c. 15m<sup>2</sup> minimum area and 1.5 metres minimum dimension for 3 or more bedrooms.~~

*TCZ – R18 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted or Discretionary Activity Standards*

635. In response to the submission point from BDC that sought to delete the rule, Ms Belgrave supported the relief sought as the rule is unnecessary following recommended amendments to TCZ-R1 and TCZ-R15.

636. Given the recommendation to delete the rule, Ms Belgrave did not support the relief sought by the other submitters.

637. The S42A report recommends deleting TCZ-R18.

*TCZ – R19 Residential and Visitor Accommodation Activities not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards*

638. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

639. The S42A report recommends retaining TCZ-R19 as notified.

*TCZ – R20 Carparking and Vehicle Service Access not meeting the Permitted Activity Standards*

640. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

641. Ms Belgrave supports the relief sought by BDC to delete this rule, which would simplify the TCZ Chapter. The non-complying activity status is already provided in relation to this activity under TCZ-R6.

642. The S42A report recommends deleting TCZ-R20.

*TCZ – R21 Industrial Activities*

643. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

644. The S42A report recommends retaining TCZ-R21 as notified.

*Appendix Three: Design Guidelines*

645. The technical design evidence from Ms Alicia Lawrie has informed Ms Belgrave's recommendations regarding the Design Guidelines.

646. Ms Belgrave acknowledged the support from Ngāi Tahu that supports the Design Guidelines as notified, particularly those sections that relate to Poutini Ngāi Tahu Cultural Landscapes.

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The acknowledgement is subject to recommended amendments that arise from the other submission points.

647. Ms Belgrave did not support the submission point made by the Proprietors of Mawhera Tiamana Mawhera Incorporation that opposed paragraphs in Sections 2.1 and 2.2 of the Design Guidelines. The submitter did not provide reasons for opposing the paragraphs; therefore, Ms Belgrave recommended rejecting the submission.
648. In response to the submission point made by Martin & Co Westport and Lumberland Building Market Westport, which sought to delete the reference to the Mitre 10 building and the supporting statement, Ms Belgrave supported the relief sought. This is because the building is located outside of the TCZ, and its inclusion in the Design Guideline could create confusion.
649. In response to the six submission points<sup>140</sup> that sought various relief in relation to the colour controls, Ms Lawrie considered this in her evidence, and Ms Belgrave has made recommendations based on that evidence.
650. Ms Belgrave agrees with Ms Laurie that the assessment of colour is subjective, and based on this, it creates inefficiencies and a lack of clarity, especially in the cases of Hokitika and Reefton, where the notified rules require compliance with the Design Guidelines to be a permitted activity. Notwithstanding this, implementing the colour controls will be difficult to enforce, regardless of whether the Guidelines are referenced as a permitted activity or an advisory note. Additionally, the colour guidelines would only apply if resource consent were required, so it would not capture a landowner simply painting their commercial building.
651. It is relevant to record that existing heritage buildings are subject to separate provisions in the Historic Heritage Chapter.
652. Ms Belgrave did not support the relief sought by Richard Arlidge to add a new indigenous colour palette specific to all Design Guidelines.
653. Based on the above, Ms Belgrave recommended deleting the colour controls from the Design Guidelines as they were notified. Her recommendation also includes amendments that identify and provide guidance to plan users on how colour may be used and applied to achieve high-quality built form and design outcomes. This includes referring to the existing photograph figures as examples of where colour has been used successfully to highlight specific design elements such as window details and entrances.
654. In response to the four submission points from Foodstuffs that sought to exempt supermarkets from the Design Guidelines, Ms Belgrave did not support the relief sought based on the evidence of Ms Lawrie. They both consider that the management of design outcomes is appropriate due to the scale of these activities and their potential to create effects on character and amenity. Ms Belgrave recommended amendments to the Design Guidelines for Hokitika and Westport/Kawatiri under GF6, and consequential amendments to Greymouth/Māwhera under GF7, to recognise a range of architectural design methods that may be utilised to achieve outcomes related to articulation and detail.

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<sup>140</sup> Jan and Heward (S353.002), Grey District Council (S608.483), Kirsty Dittmer (S412.001), Joanne and Ken Dixon (S213.002), Robert Burdekin (S378.008) and Richard Arlidge (S419.006)

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655. Furthermore, recommending alternative design approaches as an advisory note rather than a rule for the Hokitika and Reefton Guidelines will achieve the desired outcomes, and this will partly address the matters raised by Foodstuffs.
656. In response to the submission point made by Kirsty Dittmer that sought multiple amendments to the Greymouth/Māwhera Guidelines, Ms Belgrave partially supported the relief sought. The specific considerations are set out below:
- (a) Ms Belgrave did not support deleting the Existing Built Character from 2.1 Context as it provides relevant context to the Greymouth/Māwhera Town Centre.
  - (b) Ms Belgrave agreed that GC1 is unclear, and she supports the inclusion of referring to neighbouring properties, although she recommends alternative language.
  - (c) Ms Belgrave supported the amendment to delete the reference to 'other buildings'. However, she recommended retaining the examples of natural features.
  - (d) In response to IW6, Ms Belgrave agreed that the guideline is unclear. She recommended amendments to improve clarity in response to this submission point.
  - (e) Ms Belgrave did not support deleting the second sentence in BF1. However, she recommended minor amendments to refer to '*smaller vertical forms*' in place of '*smaller storefronts*'.
  - (f) Ms Belgrave did not support the requested changes to remove the references to two-story buildings in BF4. She considered that taller buildings would create opportunities for visual interest and contribute to a defined street edge. It is also appropriate in the context of the rules that allow building heights of up to 20m.
  - (g) Ms Belgrave did not support deleting references to symmetrically located windows in GF1 as this is a design element that contributes to the character of the Town Centre as set out in "2.1 Context". Notwithstanding, minor amendments are recommended to provide greater flexibility to achieve the desired built form outcomes.
  - (h) In response to GF2, Ms Belgrave agreed that the reference to full glazed facades is unclear, and she supports deleting the reference to requiring vertical solid breaks at frequent intervals at fully glazed facades. However, she recommended retaining the reference to not obscuring glazing or the visual connection from the outside into the building, as this achieves visual permeability.
  - (i) Ms Belgrave did not support the addition of the words '*where feasible*' to the end of GF3. She considered that an active reception and waiting area should be located on the ground floor and along the main street frontage to be a relevant design consideration.
  - (j) Ms Belgrave did not support the addition of the words '*is preferred*' in reference to the upper area in GF5, as she noted that symmetry has been identified as a feature that contributes to the character of the Town Centre.
  - (k) Ms Belgrave supported the inclusion to allow for consideration of sufficient clearance for taller vehicles, and she considered this relevant to the design and location of verandahs within the Town Centre. However, she did not support deleting the bullet point to avoid obscuring windows or architectural details, as this could encourage structures and signage to be located above verandahs.

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(l) Ms Belgrave did not support deleting GL1 in its entirety. This is because this guideline identifies location-specific requirements for Mackay Street and Māwhera Quay, which are subject to controls for main street frontage and façade control. Nevertheless, she did recommend some amendments to encourage buildings to achieve cohesiveness with the port warehouse character and to ensure that GL1 reads as a guideline rather than a rule.

657. Consequential to the recommended amendments to the Greymouth/Māwhera Design Guidelines, Ms Belgrave recommended several related amendments to the Hokitika, Reefton, and Westport/Kawatiri Design Guidelines to achieve consistency.

**Hearing and Submitter Evidence**

658. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate the original submission, and she continued to seek the requested amendments to TCZ-R1. She commented that, for operational and functional reasons, it may not always be appropriate for a supermarket to be built up to the front boundary; in such cases, any new supermarket not complying with the setback would be considered a non-complying activity.

659. Ms Booker reiterated the above in relation to TCZ-R2 as well. She also made comments that it is unclear whether the Council will approve licences to occupy airspace for verandahs.

660. Ms Booker accepted the recommended amendments to TCZ-R3 and the deletion of TCZ-R15.

661. Ms Booker reiterates the original submission concerning TCZ-R18, and she continued to seek that the non-complying activity status where non-compliances exist for commercial activities (and in particular supermarkets) be changed to discretionary.

662. Ms Booker accepted the recommended amendments to the Town Centre Urban Design Guidelines.

663. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepted the S42A recommendation not to make any changes to TCZ-R1. They accept the recommendation regarding TCZ-R1.4. While they acknowledged that they will not pursue the submission point relating to the provision of a water supply, it is noted that the Building Act 2004 alone does not adequately provide for the provision of a water supply (including firefighting water supply) to new developments.

664. Mr van Pelt's letter also accepts the recommended wording for TCZ-R10.

665. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream. As a result, the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the TCZ, a setback of 5m is sought.<sup>141</sup>

666. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network, as it is nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.

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<sup>141</sup> As set out in evidence for Topic 1, to align with the road boundary setback rules.

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667. Despite not making any submissions on the rules of the TCZ, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. With respect to TCZ-R13, Ms Inta raised questions regarding the activity status of restricted discretionary noting that in the other Mixed-Use Zones, there were permitted rules for relocated buildings.
668. Ms Inta also observes that the heading for TCZ-R17 should have the words '*and Buildings*' removed. Ms Belgrave identified this error in the S42A report.
669. Ms Inta disagrees with the S42A recommendation regarding the appropriateness of the green building in GF8 of the Westport/Kawatiri Design Guidelines.

**Reporting Officer Reply Evidence**

670. In relation to the recommended changes to TCZ-R1 and in response to questions from the Panel regarding the addition of a new rule, Ms Belgrave reconsidered the scope to enable this amendment. She explains that the new rule is consequential to the submission point made by Waka Kotahi. In order to respond to the relief sought to separate performance standards from specific activities a new rule is necessary to provide for the activities listed in the notified version of the rule.
671. Consequential to the separation of COMZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.
672. Following questions from the Panel in relation to the interpretation of the glazing requirements at TCZ-R1.4 Ms Belgrave made recommendations to amend the wording to improve the clarity of the rule. She recommended deleting the phrase '*of the building façade at ground level*' as the phrase '*ground floor façade*' is in the first part of the rule:
4. *The ground floor façade of all buildings with a Main Street Frontage must have:*
- a. ~~***A minimum of 50% of the building façade at ground level must comprise comprising of clear glazing 50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage***~~
673. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration, the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The planners also note that the railway designation is considerably wider than the railway line itself. So, there is already an effective buffer between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.
674. Concerning the TCZ, the reporting planners do not support KiwiRail's request for a 5m building setback from the railway corridor. They consider that a 5m setback would have a significant impact on the land available for development and is excessive in this zone. Notwithstanding that the reporting planners consider it more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be set back 1.5m

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from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

*TCZ-R1*

3. *Any building or structure is set back:*

b. *3m from any RESZ – Residential Zone boundary;*

c. **1.5m from the railway corridor boundary, excluding accessory buildings and structures**

675. Ms Belgrave has further considered the wording of TCZ-R9 in her Right of Reply with respect to clarifying where the pedestrian weather cover is to be provided. She recommends adding the word '*immediately*' to the rule that will ensure that there is no disruption to the continued provision of verandas for pedestrians.

676. The right of reply considers the question of whether there are provisions in the TCZ that will assist in achieving revitalisation (including in the Greymouth Town Centre) as identified in the section 32 report. Ms Belgrave identifies rules TCZ-R1, TCZ-R3 and TCZ-R9 that, in her opinion, will encourage revitalisation through providing for new development without the need for resource consent. She also considers that rules TCZ-R1 and TCZ-R7 will also encourage residential development in the TCZ.

*Town Centre Urban Design Guidelines*

677. Ms Belgrave's right of reply outlined some discussion regarding the Design Guidelines in response to questions from the Panel that were asked during the hearing. She confirmed that there are existing '*revitalisation plans*' that apply to both Greymouth and Westport, which act as a form of design guideline. Neither of these plans has any statutory weight. Ms Belgrave understands that a similar plan was being prepared for Hokitika, but that was paused given the progression of the pTTPP.

678. Ms Belgrave comments that the development outcomes achieved in Reefton are the result of voluntary commitments generally made by one landowner who was guided by Design Guidelines prepared by Heritage NZ for Reefton.

679. Ms Belgrave's right of reply addressed the question of whether, if the Design Guidelines are voluntary, an application in Reefton would be assessed, should it pull firmly against the heritage fabric of the town. She notes that there are no scheduled historic heritage areas within the Reefton Town Centre, and that all sites and areas identified in Schedule One are located in the adjoining Residential Zone. Ms Belgrave confirms that the Guidelines would be voluntary in the case of a new build or alteration in the Reefton Town Centre that complies with TCZ-R5. However, in the case of any application requiring resource consent, it will be necessary to consider the Design Guidelines.

680. Ms Belgrave reviewed other District Plans that include supporting Design Guidelines. There is a variety in the approach. Some of these documents are located outside the District Plan and are referenced through advice notes; others are appendices, over which discretion is reserved. Other methods to consider in urban design include requiring an Urban Design Assessment as part of a resource consent application.

681. In her consideration for the most appropriate method for the pTTPP, Ms Belgrave reiterates her support for the approach set out in the notified pTTPP. This includes references to the

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Design Guidelines as advice notes for permitted activities, references to them in policies, and as a matter of discretion in relevant rules.

682. The Panel asked questions regarding the relationship between the heritage provisions and the Design Guidelines in Reefton. Ms Belgrave commented that when the desire is to protect historic heritage values, the Historic Heritage Chapter and Schedule One are the more appropriate methods for achieving this. Nevertheless, the Design Guidelines will still provide a helpful guide.
683. In response to questions as to whether guidelines help with assessing resource consent applications, Ms Belgrave advises that, in her experience, they can be a helpful inclusion in the District Plan. This is because they assist in making a quantitative, design-based assessment, and they can provide certainty to both applicants and decision-makers on the anticipated design outcomes.
684. The Panel asked questions regarding the scope for making the recommended changes set out in the S42A report. Ms Belgrave's right of reply advises that the amendments have been recommended in response to, and consequential to, submissions received that addressed the following themes:
- (a) Colour controls<sup>142</sup>; and
  - (b) Not recognising alternative urban design methods<sup>143</sup>; and
  - (c) Matters of detail in the Greymouth/Māwhera Guidelines<sup>144</sup>.
685. Ms Belgrave advises that each of the recommended amendments has been linked to a submission point, and these have been identified by footnote. To achieve consistency across all four Design Guidelines, Ms Belgrave has recommended consequential amendments based on the recommendations responding to Ms Dittmer's submission across the Design Guidelines for Hokitika, Reefton, and Westport/Kawatiri.
686. Ms Belgrave did not recommend any additional amendments to the Design Guidelines as part of her right of reply.

**Hearing Panel's Evaluation**

*TCZ – R1*

687. The Panel agree with Ms Belgrave and supports the submission point made by Waka Kotahi to redraft this rule to separate buildings from activities. We acknowledge that this follows our recommendations for the COMZ and the MUZ, and so is a consistent approach. We acknowledge that this involves relocating the maximum height controls from TCZ-R2 to TCZ-R5. We disagree with Ms Belgrave that the scope for enabling this comes from Ms Inta's hearing notes, as neither she nor Buller Conservation Group submitted these rules. Instead, we rely on the submission from Waka Kotahi (S450.221).
688. The Panel agree with Ms Belgrave's recommendation to accept parts of the submission point made by BDC related to glazing. We agree with the wording as set out in the right of reply

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<sup>142</sup> Jan and Heward (S353.002), Grey District Council (S608.483), Kirsty Dittmer (S412.001), Joanne and Ken Dixon (S213.002), Robert Burdekin (S378.008)

<sup>143</sup> Foodstuffs (S464.003, S464.053, S464.054, S464.055)

<sup>144</sup> Kirsty Dittmer (S412.001)

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evidence at paragraph 56 (as opposed to Attachment 1D). We agree that it is not necessary to repeat at *ground level* in point (a) of the rule. We also agree to move the exceptions related to obtaining written approval to an advice note in the same manner as addressed in the COMZ and MUZ.

689. The Panel acknowledge that KiwiRail's submission points were not recorded or reported on in the S42A report. We have considered the submission, the letter tabled at the hearing and the joint right of reply prepared on the matter by Ms Belgrave and Ms Easton. We agree with the right of reply evidence that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended in the right of reply, more appropriate and would still address the safety concerns around building maintenance. We also consider that the rule should refer to the setback from the *'rail designation'* rather than the *'rail corridor'* to provide a definitive point of measurement.
690. In relation to the remainder of the submissions on TCZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

*TCZ – R2 to TCZ – R5*

691. The Panel agree with the consequential changes to these rules as set out in Ms Belgrave's right of reply recommendation. Although we rely on the submission from Waka Kotahi (S450.221) to relocate the provisions to reflect the separation of buildings from activities.
692. In relation to the remainder of the submissions on rules TCZ-R2 to TCZ-R5, the Panel agree that these be rejected based on the conclusions reached by Ms Belgrave.

*TCZ – R6*

693. The Panel agree that it is appropriate to exclude emergency service facilities from the parking and access design requirements and recommends an addition to the rule to reflect this.
694. In relation to the remainder of the submissions on rule TCZ-R6, the Panel agree that these should be rejected based on the conclusions reached by Ms Belgrave.

*TCZ – R7*

695. The Panel agree with Ms Belgrave's recommendation to make consequential amendments to this rule arising from the BDC submission (S538.411) in relation to waste management. This is consistent with the recommendations made in the COMZ and MUZ chapters.
696. The Panel disagrees with Ms Belgrave's right of reply recommendation that a non-complying activity status should be added to the rule when standard 1 is not complied with. Ms Belgrave's recommendation for this rule is consequential to her recommendation to delete the corresponding discretionary and non-complying rules for the same activity. As outlined in the COMZ and MUZ, the fundamental structure of the rules in the Plan necessitates the inclusion of corresponding rules when an activity status is escalated, and we recommend incorporating these rules into the Plan. Therefore, in this case, any non-compliance with the standards of this rule will result in the activity status being escalated to discretionary. Then, from that rule, it will be determined if the activity becomes non-compliant.
697. In relation to the remainder of the submissions on MUZ-R7, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

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*TCZ – R8*

698. The Panel agree with Ms Belgrave’s recommendation to make consequential amendments for TCZ-R8, except for TUZ-R8(5), where it appears that the word ‘*visitor*’ has been transposed for ‘*residential*’. This is clearly a typographical error in the context of the rule.
699. The Panel disagrees with Ms Belgrave’s right of reply recommendation that a non-complying activity status should be added to the rule when standard 1 is not complied with. This is for the same reasons as set out above in relation to TCZ-R7.
700. In relation to the remainder of the submissions on MUZ-R8, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

*TCZ – R9*

701. The Panel agrees with the minor amendments recommended by Ms Belgrave to this rule in response to the BDC submission, including those set out in her right of reply. The amended wording simplifies the rule, and we also recommend these amendments.

*TCZ – R10*

702. The Panel agree with the recommendation to make an addition to the rule in response to the submission point from FENZ to provide for hose drying towers. We acknowledge that FENZ accept the wording in their letter presented at the hearing.

*TCZ – R11*

703. The Panel agree that the submission points to retain this rule should be accepted, and that no amendments be made to the rule based on the conclusions reached by Ms Belgrave.

*TCZ – R12 and TCZ – R13*

704. The Panel notes that as part of a Plan-wide amendment stemming from a submission by Manawa (\$438.100) references to ‘*landscape measures*’ and ‘*landscape treatment*’ have been removed from the matters of control and discretion and replaced with ‘*measures to mitigate landscape effects*’ throughout the chapter. We recommend that this amendment be made to both these rules.

*TCZ – R14, TCZ – R15 and TCZ – R16*

705. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is due to the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address activities where one or more of the performance standards in the corresponding permitted rule are not met. Therefore, we accept the submission points made regarding these rules to retain them.
706. As a consequence of retaining the rules, and due to the recommendations to amend the permitted activity rules separating buildings from activities, it is necessary to make similar amendments to TCZ-R15. We rely on the submission from Waka Kotahi to make these amendments.

*TCZ – R17*

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707. The Panel agree with Ms Belgrave's recommendation to amend the waste management and outdoor living space part of the rule to achieve consistency with recommended amendments to the equivalent provisions in the COMZ and MUZ chapters.
708. We also agree with the recommendation to delete "*and Buildings*" from the title of the rule, as we agree it appears to be an error.
709. In the case of this rule, the Panel disagrees that the reference to TCZ-R1 should be deleted. We consider that 'new buildings' primarily associated with a residential activity would need to address the standards in Rule 1. We consider that if reference to Rule 1 is removed, a building, in this case, would be able to be undertaken without meeting the Rule 1 standards.
710. The Panel also notes that there appears to be an error in Clause 4, which references compliance TCZ-R8. We consider this should be TCZ-R7 and recommend this amendment be made using Clause 16(2) of the RMA.

*TCZ - R18*

711. The Panel notes that BDC sought to delete the rule, which Ms Belgrave supported, considering it unnecessary following recommended amendments to TCZ-R1 and TCZ-R15. Given the recommendation to delete the rule, Ms Belgrave did not support the relief sought by the other submitters.
712. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address activities where one or more of the performance standards in the corresponding permitted rule are not met. Therefore, we accept the submission points made regarding these rules which were all to retain them.
713. The Panel agrees with BDC that relocated buildings should be included in this rule, as TCZ-R13 defaults to discretionary but then requires meeting TCZ-Rule 1 to maintain this status.
714. The Panel agrees that this rule should remain non-complying.

*TCZ – R19*

715. The Panel recommends TCZ-R19 be retained as notified.

*TCZ – R20*

716. As referred to above, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address activities where one or more of the performance standards in the corresponding permitted rule are not met. Therefore, we accept the submission points made regarding these rules, which were all to retain them.

*TCZ – R21 Industrial Activities*

717. The Panel notes that there are two TCZ-R21 rules which is clearly an error. In terms of the first rule relating to Industrial Activities, the Panel recommends it be retained as notified.

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*TCZ – R21 Any activity not provided for by another Rule in the zone*

718. In terms of the second TCZ-R21 rule, the Panel acknowledges that it is a ‘catch-all’ rule intended to manage activities that have not been specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter. We rely on the submissions of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

*Appendix Three: Design Guidelines*

719. The Panel has considered the matter of the design guidelines. The fundamental problem we have identified is that a permitted activity rule cannot include a standard that requires subjective assessment. Other than relying on voluntary application, if the Plan were seeking to apply the design guidelines, this could only be achieved by changing the status of the current permitted activity rules to controlled activity or restricted discretionary. Those changed rules would include the design guidelines as a matter to be assessed via a resource consent process. We have reviewed all submissions on this matter and do not consider that any are seeking to elevate the status of the design guidelines beyond a permitted status. We do acknowledge that relocated buildings are subject to consideration of the design guidelines at a restricted discretionary status.
720. The Panel accept that the design guidelines have a place in the Plan and, in our opinion, that can only be as guidance via an advice note given the above. We acknowledge that they play an important role in ensuring retention of the heritage design themes of both Reefton and Hokitika, which supports tourism in those towns. We also accept that they address amenity aspects in all four main centres. Accordingly, we support their retention in the Plan, and we agree with Ms Belgrave that this can only be at the advice note level, given submissions and the Plan structure.
721. The Panel agrees that Mitre 10 building in Westport should be deleted from the guidelines because the building is located outside of the TCZ and its inclusion in the Design Guideline could create confusion.
722. Regarding the remainder of the guidelines, the Panel acknowledges the changes sought, in particular, by submitters K. Dittmers, Foodstuffs, and J. Heward. Many of the changes sought both refinements and limitations. We generally accept the recommendations of Ms Belgrave, which principally stem from, and reflect at least in part, the amendments sought by those submitters, and which were informed by Ms Laurie’s expert input.
723. The Panel has made some further refinements to increase the clarity of the guidelines, and we recommend the changes as detailed below.
724. The Panel notes that there are some matters we are unable to amend. In this context, we note that there appear to be guidelines missing in relation to the Westport section, such as Building Signage and Building Entries. We also note that there appears to be a double-up in photos under BF 5 in the Greymouth section.
725. In relation to the remainder of the submissions on the Guidelines, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

**Hearing Panel’s Recommendation**

726. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **Town Centre Zone Overview**:

Town Centre Zone Rules	
<p><b>Note:</b> 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.</p>	
Permitted Activities	
TCZ - R1	<p><b><u>New Buildings, External Alterations or Alterations to Existing Buildings</u></b>  <del>Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities</del><sup>145</sup></p>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. <b><u>The maximum height above ground level is;</u></b> <ol style="list-style-type: none"> <li>a. <b><u>20 metres in TCZ – PREC1 - Greymouth/Māwhera Town Centre Precinct.</u></b></li> <li>b. <b><u>12 metres in TCZ – PREC2 – Hokitika Town Centre Precinct.</u></b></li> <li>c. <b><u>15 metres in TCZ – PREC3 – Westport/Kawatiri Town Centre Precinct.</u></b></li> <li>d. <b><u>12 metres in TCZ – PREC4 – Reefton Town Centre Precinct.</u></b></li> </ol> <p><b><u>Except that hose drying towers at Emergency Service Facilities are exempt from this standard;</u></b><sup>146</sup></p> </li> <li>2. Any building is located:                     <ol style="list-style-type: none"> <li>a. On the front boundary of the site;</li> <li>b. With no setback from the street boundary, except that a recess of up to 0.5m within the facade of the building is permitted;</li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Non-complying where standards <del>1</del> <b>2-3</b> are not complied with.</p> <p>Discretionary where standards <b>1 and 4 to 5</b> <del>6</del> are not met <b>complied with.</b><sup>154</sup></p>

<sup>145</sup> Waka Kotahi (S450.221)

<sup>146</sup> Consequential to Waka Kotahi (S450.221)

<sup>154</sup> Ministry of Education (S456.036)

<p>3. Any building is setback a minimum of</p> <ul style="list-style-type: none"><li>a. 3m from any RESZ - Residential Zone boundary;</li><li>b. <b><u>1.5m from the railway corridor designation, excluding accessory buildings and structures</u></b><sup>147</sup></li></ul> <p><del>3. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;<sup>148</sup></del></p> <p>4. The ground floor facade of all buildings with a Main Street Frontage must have:</p> <ul style="list-style-type: none"><li>a. <del>50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage</del> <b><u>A minimum of 50% comprising of clear glazing;</u></b><sup>149</sup> and</li><li>b. One public entrance with glazing comprising at least 40% of the doors; except that Any Heritage Building in Schedule One is exempt from this requirement.</li></ul> <p><del>5. No building shall create a featureless facade or blank wall on a Main Street Frontage at ground floor level wider than 3m;<sup>150</sup></del></p> <p>5. No building shall project beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary <del>except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing</del><sup>151</sup>. This standard does not apply to:</p> <ul style="list-style-type: none"><li>a. Road boundaries;</li><li>b. Buildings on adjoining sites that have a common wall along the boundary;</li><li>c. 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;</li><li>d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and</li></ul>	
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<sup>147</sup> KiwiRail (S442.093)

<sup>148</sup> Consequential to Waka Kotahi (S450.221)

<sup>149</sup> Buller District Council (S538.424)

<sup>150</sup> Buller District Council (S538.424)

<sup>151</sup> Buller District Council (S538.424)

<p>e. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.</p> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li>1. <b><u>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.</u></b><sup>152</sup></li> <li>2. <b><u>When designing new buildings or additions and alterations to existing buildings in the Town Centre Zone, developers are encouraged to use the relevant Design Guidelines:</u></b> <ol style="list-style-type: none"> <li>a. <b><u>the Hokitika Town Centre Urban Design Guidelines; or</u></b></li> <li>b. <b><u>Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines; or</u></b></li> <li>c. <b><u>Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines; or</u></b></li> <li>d. <b><u>Reefton Town Centre Urban Design Guidelines.</u></b><sup>153</sup></li> </ol> </li> </ol>	
<p><b>TCZ – R2</b></p>	<p><b>Commercial Activities and Buildings<sup>155</sup>, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct</b></p>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li><del>1. All performance standards from Rule TCZ – R1 are complied with;</del><sup>156</sup></li> <li>1. Any commercial activity on a Main Street Frontage does not include:             <ol style="list-style-type: none"> <li>a. Motor vehicle sales yards;</li> <li>b. Service stations;</li> <li>c. Yard based retail;</li> <li>d. Trade retail and trade suppliers;</li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary where standard 3 is not complied with.<sup>161</sup></p> <p>Non-complying where standards 2, 4 and 5 are not complied with.<sup>162</sup></p> <p>Refer Rule TCZ – R1 where there is non-compliance with these standards<sup>163</sup></p>

<sup>152</sup> Buller District Council (S538.424)  
<sup>153</sup> Consequential to Waka Kotahi (S450.221)  
<sup>155</sup> Waka Kotahi (S450.221)  
<sup>156</sup> Waka Kotahi (S450.221)  
<sup>161</sup> Consequential to Waka Kotahi (S450.221)  
<sup>162</sup> Consequential to Foodstuffs (S464.053)  
<sup>163</sup> Waka Kotahi (S450.221)

<p>e. Drive through restaurants.</p> <p><del>3. The maximum height above ground level is 12 metres except that hose drying towers at an Emergency Service Facility are exempt from this standard;</del><sup>157</sup></p> <p>2. <b>Every <u>New buildings and additions and alterations to any building</u></b><sup>158</sup> with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; and</p> <p>3. <b><u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u></b><sup>159</sup></p> <p><del>5. New buildings and additions and alterations to any Main Street Frontage facade must demonstrate that they meet the Hokitika Town Centre Urban Design Guidelines.</del><sup>160</sup></p>	
<p><b>TCZ – R3 Commercial Activities and Buildings<sup>164</sup>, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC1 Greymouth/Māwhera Town Centre Precinct</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p><del>1. All performance standards from Rule TCZ – R1 are complied with;</del><sup>165</sup></p> <p><del>2. The maximum height above ground level is 20 metres</del><sup>166</sup>;</p> <p>1. <b>Every <u>New buildings and additions and alterations to any building</u></b><sup>167</sup> with a Main Street Frontage must erect a cantilevered continuous verandah (with no decorative poles) to extend from the shop frontage to be 400mm inside the kerbline. This requirement for a verandah does not apply to Historic Heritage buildings identified in Schedule One; <b>and</b></p>	<p><b>Activity status where compliance not achieved:</b></p> <p><del>Discretionary where standard 2 is not complied with.</del><sup>170</sup></p> <p><del>Non-complying where standard 3 is not complied with.</del><sup>171</sup></p> <p><del>Refer Rule TCZ – R1 where there is non-compliance with these standards.</del><sup>172</sup></p>

<sup>157</sup> Consequential to Waka Kotahi (S450.221)

<sup>158</sup> Consequential to Foodstuffs (S464.030)

<sup>159</sup> Consequential to Waka Kotahi (S450.221)

<sup>160</sup> Consequential to Foodstuffs (S464.053)

<sup>164</sup> Waka Kotahi (S450.221)

<sup>165</sup> Waka Kotahi (S450.221)

<sup>166</sup> Consequential to Waka Kotahi (S450.221)

<sup>167</sup> Consequential to Foodstuffs (S464.030)

<sup>170</sup> Consequential to Waka Kotahi (S450.221)

<sup>171</sup> Consequential to Foodstuffs (S464.053)

<sup>172</sup> Waka Kotahi (S450.221)

<p><b>2. <u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u></b><sup>168</sup></p> <p><b>Advice Note:</b></p> <p>1. The verandah shall extend from the shop frontage to be 400mm inside the kerbline. The verandah, if on a corner, shall be splayed so as to be 400mm back from the kerbline.</p> <p><del>2. When designing new buildings in Greymouth/Māwhera Town Centre developers are encouraged to use the Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines.</del><sup>169</sup></p>	
<p><b>TCZ – R4 Commercial Activities and Buildings<sup>173</sup>, Community Facilities and Emergency Service Facilities in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p><del>1. All performance standards from Rule TCZ – R1 are complied with;</del><sup>174</sup></p> <p>1. Any commercial activity on a Main Street Frontage does not include:</p> <ul style="list-style-type: none"> <li>a. Motor vehicle sales yards;</li> <li>b. Service stations;</li> <li>c. Yard based retail;</li> <li>d. Trade retail and trade suppliers;</li> <li>e. Drive through restaurants.</li> </ul> <p><del>3. The maximum height above ground level is 15 metres</del><sup>175</sup>;</p> <p>2. Every building with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath. This requirement to provide a verandah does not apply to Heritage Buildings identified in Schedule One; <b>and</b></p>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary where standards 3 is not complied with<sup>178</sup></p> <p>Non-complying where standard 2 or 4 is not complied with<sup>179</sup></p> <p>Refer Rule TCZ – R1 where there is non-compliance with these standards<sup>180</sup></p>

<sup>168</sup> Consequential to Waka Kotahi (S450.221)

<sup>169</sup> Consequential to Waka Kotahi (S450.221)

<sup>173</sup> Waka Kotahi (S450.221)

<sup>174</sup> Waka Kotahi (S450.221)

<sup>175</sup> Consequential to Waka Kotahi (S450.221)

<sup>178</sup> Consequential to Waka Kotahi (S450.221)

<sup>179</sup> Consequential to Foodstuffs (S464.053)

<sup>180</sup> Waka Kotahi (S450.221)

<p><b>3. <u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u></b><sup>176</sup></p> <p><b>Advice Note:</b></p> <ol style="list-style-type: none"> <li>When erecting a cantilevered verandah, poles are encouraged for decorative purposes.</li> <li><del>When designing new buildings for the Westport/Kawatiri Town Centre developers are encouraged to use the Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines</del><sup>177</sup>.</li> </ol>		
<b>TCZ – R5</b>	<b>Commercial Activities and Buildings<sup>181</sup>, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC4 - Reefton Town Centre Precinct</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li><del>All performance standards from Rule TCZ R1 are complied with;</del><sup>182</sup></li> <li><del>The maximum height above ground level is 12 metres except that hose drying towers at Emergency Service Facilities are exempt from this standard</del><sup>183</sup>;</li> <li>Every building with a frontage to SH7 (Broadway) must erect a continuous verandah to cover the full width of the footpath with a timber frame and a roof supported on timber poles;</li> <li>Any commercial activity does not include: <ol style="list-style-type: none"> <li>Car sales yards;</li> <li>Service stations;</li> <li>Yard based retail;</li> <li>Trade retail and trade suppliers;</li> <li>Drive through restaurants; and</li> </ol> </li> </ol>		<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary where standard 2 is not complied with.<sup>185</sup></p> <p>Non-complying where standards 3, 4 and 5 are not complied with.<sup>186</sup></p> <p>Refer Rule TCZ – R1 where there is non-compliance with these standards.<sup>187</sup></p>

<sup>176</sup> Consequential to Waka Kotahi (S450.221)

<sup>177</sup> Consequential to Waka Kotahi (S450.21)

<sup>181</sup> Waka Kotahi (S450.221)

<sup>182</sup> Waka Kotahi (S450.221)

<sup>183</sup> Consequential to Waka Kotahi (S450.221)

<sup>185</sup> Consequential to Waka Kotahi (S450.221)

<sup>186</sup> Consequential to Foodstuffs (S464.053)

<sup>187</sup> Waka Kotahi (S450.221)

<p>5. <del>New buildings and additions and alterations to the exterior facade with frontage to SH7 (Broadway) must demonstrate they meet the Reefton Heritage Town Design Guidelines.<sup>184</sup></del></p>		
<b>TCZ – R6</b>	<b>Carparking and Vehicle Service Access</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Provision for carparking and vehicle service access is made at the side or rear of the building;</li> <li>2. If available all vehicle access should be from service lanes;</li> <li>3. No parking areas are located between the frontage of buildings and the street;</li> <li>4. No carpark is provided on a Main Street Frontage;</li> <li>5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site; and</li> <li>6. Where the entire site is developed as a carpark, this must incorporate pedestrian wet weather cover for the footpath, planting and landscape measures which have been assessed as meeting the requirements of the relevant Town Centre Design Guidelines</li> <li>7. <b><u>Emergency service facilities are excluded from Standards 1 to 6 of Rule TCZ-R6.</u></b><sup>188</sup></li> </ol> <p><b>Advice Note:</b> Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.</p>		<p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<b>TCZ – R7</b>	<b>Residential Activities in Existing Buildings</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The residential activity is located                         <ol style="list-style-type: none"> <li>a. Above street level; except</li> <li>b. Where this is a Heritage Building listed in Schedule One, then the activity may occur at street level;</li> </ol> </li> <li>2. Each residential unit shall be provided with a waste management area of 2m<sup>2</sup> per unit, each with a minimum</li> </ol>		<p><b>Activity status where compliance not achieved:</b> Discretionary</p>

<sup>184</sup> Consequential to Foodstuffs (S464.053)

<sup>188</sup> Fire and Emergency New Zealand (S573.706)

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<p>dimension of 1.5 metres in <del>either a private or communal area</del> <b>or 9m<sup>2</sup> with a minimum dimension of 2.8m in a communal area</b>.<sup>189</sup></p> <p>3. Any space designed 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.</p> <p>4. Residential accommodation entrances are clearly separated and distinguished from commercial entrances; and</p> <p>5. <del>The principal residential Residential</del> accommodation entrances <del>are</del> <b>shall be</b> provided directly from <del>a the</del> public street <b>or open space</b>.<sup>190</sup></p> <p><b>Advice Note:</b></p> <p>1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</p>	
<p><b>TCZ – R8</b>      <b>Visitor Accommodation Activities and Buildings</b><sup>191</sup></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p><del>1. All performance standards from Rule TCZ – R1 are complied with;</del><sup>192</sup></p> <p>1. The visitor accommodation activity is located;</p> <p style="padding-left: 20px;">a. Above street level; except</p> <p style="padding-left: 20px;">b. At street level and above street level in any Heritage Building listed in Schedule One;</p> <p>2. Any space designed 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;</p> <p>3. Visitor accommodation entrances are clearly separated and distinguished from commercial entrances; and</p>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary</p>

<sup>189</sup> Consequential to Buller District Council submission (S538.411)

<sup>190</sup> Consequential to Davis Ogilvie & Partners Ltd (S465.034), Buller District Council (S538.411)

<sup>191</sup> Waka Kotahi (S450.221)

<sup>192</sup> Waka Kotahi (S450.221)

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<p>4. <b>The principal visitor</b> Visitor accommodation entrances <b>shall be provided pedestrian access</b> directly from <b>a the public street or open space</b>.<sup>193</sup></p> <p><b>Advice Note:</b></p> <p>1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</p>	
<p><b>TCZ – R9      Demolition of Existing Buildings</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. These are not Heritage Buildings identified in Schedule One;</li> <li>2. Where the building is not replaced within 12 months:             <ol style="list-style-type: none"> <li>a. Then the site is completely cleared of demolition materials and a level surface with cover sufficient to ensure no dust nuisance created within 3 months of demolition; and</li> <li>b. A landscaping strip of 1.5m width is provided;</li> </ol> </li> <li>3. If the building to be demolished is on a Main Street Frontage <del>that</del> <b>then</b> a pedestrian weather cover must be provided over the <b>immediately</b> adjacent footpath <del>for 80% of the frontage</del><sup>194</sup>. Where the site is to be redeveloped then a temporary structure can be provided for a maximum of 6 months in the TCZ - PREC1 - Greymouth/Māwhera and TCZ - PREC2 - Hokitika Town Centre Precincts and a maximum of 12 months in the TCZ - PREC3 - Westport and TCZ - PREC4 - Reefton Town Centre Precincts.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Controlled where Standards 2 and 3 are not complied with.</p> <p>Refer to Rule HH - R9 for Demolition of Historic Heritage buildings listed in Schedule One.</p>
<p><b>TCZ – R10      Minor Structures</b></p>	
<p><b>Activity Status Permitted</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Masts, poles, aerials and pou whenua does not exceed 7m in height;</li> <li>2. Any antenna dish is less than 1m in diameter;</li> <li>3. Any ornamental structure does not exceed 2.4m in height; <del>and</del></li> <li>4. <b><u>Hose drying towers do not exceed 15m in height; and</u></b><sup>195</sup></li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary</p>

<sup>193</sup> Consequential to Davis Ogilvie & Partners Ltd (S465.034), Buller District Council (S538.411)

<sup>194</sup> Buller District Council (S538.430)

<sup>195</sup> Fire and Emergency New Zealand (S573.101)

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5. Any other structure does not exceed 10m <sup>2</sup> and 2m in height.		
<b>TCZ – R11 Fences, Walls and Retaining Walls</b>		
<b>Activity Status Permitted</b>  Where:  1. Fences, walls and retaining walls are a maximum 2m height above ground level; and  2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.		<b>Activity status where compliance not achieved:</b> Discretionary
<b>Controlled Activities</b>		
<b>TCZ – R12</b>	<b>Demolition of Buildings not meeting Permitted Activity Standards</b>	
<b>Activity Status Controlled</b>  Where:  1. These are not Heritage Buildings identified in Schedule One.  <b>Matters of control are:</b>  a. Site rehabilitation and <del>landscape measures</del> <b>measures to mitigate landscape effects</b> <sup>196</sup> ; and  b. Weather protection for pedestrians.		<b>Activity status where compliance not achieved:</b> Discretionary under Rule HH – R9.
<b>Restricted Discretionary Activities</b>		
<b>TCZ – R13</b>	<b>Relocated Buildings</b>	
<b>Activity Status Restricted Discretionary</b>  Where:  1. Permitted Activity performance standards for TCZ - R1 are complied with; and  2. Relevant Permitted Activity performance standards for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5 are complied with.  <b>Discretion is restricted to:</b>  a. Design and location of buildings;  b. Appearance of buildings;		<b>Activity status where compliance not achieved:</b> Discretionary

<sup>196</sup> Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

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<p>c. The extent to which the building meets any relevant Town Centre Design Guidelines; and</p> <p>d. <del>Landscape Measures</del> <u>Measures to mitigate landscape effects</u>.<sup>197</sup></p>		
<b>Discretionary Activities</b>		
<b>TCZ – R14</b>	<b>Visitor Accommodation Activities and Buildings<sup>198</sup> and Residential Activities in Existing Buildings not meeting Permitted Activity Standards</b>	
<p><b>Activity Status Discretionary</b></p> <p>Where:</p> <p>1. Except where this is Heritage Building listed in Schedule One, the ground floor is used for Commercial or Community Activities.</p> <p><b>Advice Note:</b></p> <p>1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</p>		<p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<b>TCZ – R15</b>	<b><del>Commercial Activities and</del> <u>New Buildings, External Alterations or Alterations to Existing Buildings</u> <del>Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities</del><sup>199</sup> <u>and Relocated Buildings</u><sup>200</sup> not meeting the Permitted Activity Standards for Ground Floor Facade, Recession Plane or Height</b>	
<p><b>Activity Status Discretionary</b></p> <p>Where:</p> <p>1. All other performance standards for Rule TCZ - R1 <del>and where relevant for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5</del><sup>201</sup> are complied with.</p>		<p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<b>TCZ – R16</b>	<b>Minor Structures and Fences, Walls and Retaining Walls not meeting the Permitted Activity Standards</b>	
<p><b>Activity Status Discretionary</b></p>		<p><b>Activity status where compliance not achieved:</b> N/A</p>
<b>TCZ – R17</b>	<b>Residential Activities and Buildings<sup>202</sup> in New Buildings</b>	

<sup>197</sup> Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

<sup>198</sup> Waka Kotahi (S450.221)

<sup>199</sup> Waka Kotahi (S450.221)

<sup>200</sup> Grey District Council (S608.099)

<sup>201</sup> Waka Kotahi (S450.221)

<sup>202</sup> Clause 16(2) of the RMA

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<p><b>Activity Status Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>The ground floor is used for Commercial or Community Activities and complies with the Performance Standards for Rule TCZ - R1;</li> <li>Each residential unit is provided with <del>an outdoor service space of 3m<sup>2</sup> and</del> a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private <del>or communal</del> area <b>or 9m<sup>2</sup> with a minimum dimension of 2.8 metres in a communal area,</b><sup>203</sup></li> <li>Each residential unit is provided with a single indoor storage space of 4m<sup>2</sup> with a minimum dimension of 1 metre;</li> <li>All performance standards for Rule TCZ - R8<del>7</del><sup>204</sup> are complied with; and</li> <li>Each residential unit shall be provided with an outdoor living space of <b>8m<sup>2</sup> minimum area and 2 metres minimum dimension;</b> <ol style="list-style-type: none"> <li><del>6m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit;</del></li> <li><del>10m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;</del></li> <li><del>15m<sup>2</sup> minimum area and 1.5 metres minimum dimension for 3 or more bedrooms.</del><sup>205</sup></li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<p><b>TCZ – R18      <u>Any activity not provided for by another Rule in the zone</u></b></p>	
<p><b><u>Activity Status Discretionary</u></b></p>	<p><b><u>Activity status where compliance not achieved:</u></b> N/A<sup>206</sup></p>
<p><b>Non-complying Activities</b></p>	
<p><b>TCZ – R18<del>9</del>      <u>Commercial Activities and Relocated</u><sup>207</sup> Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted or Discretionary Activity Standards</b></p>	
<p><b>Activity Status Non-complying</b></p> <p><b>Activity status where compliance not achieved: N/A</b></p>	

<sup>203</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>204</sup> Clause 16(2) of the RMA

<sup>205</sup> 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>206</sup> Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335), Vance and Carol Boyd (S447.003)

<sup>207</sup> Grey District Council (S608.100)

<b>TCZ – R1920</b>	<b>Residential and Visitor Accommodation Activities not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards</b>
<b>Activity Status Non-complying</b>	
Activity status where compliance not achieved: N/A	
<b>TCZ – R201</b>	<b>Carparking and Vehicle Service Access not meeting the Permitted Activity Standards</b>
<b>Activity Status Non-complying</b>	
Activity status where compliance not achieved: N/A	
<b>TCZ – R212</b>	<b>Industrial Activities</b>
<b>Activity Status Non-complying</b>	
Activity status where compliance not achieved: N/A	
<del><b>TCZ – R21</b></del>	<del><b>Any activity not provided for by another Rule in the zone</b></del>
<del><b>Activity Status Non-complying</b></del>	
<del>Activity status where compliance not achieved: N/A<sup>208</sup></del>	

727. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to **Appendix 3: Design Guidelines**:

<b>Greymouth/Māwhera Town Centre and Mixed Use Zone Urban Design Guidelines</b>
<b>1.0 Introduction</b>
This document has been developed to provide direction to those planning, design and reviewing development proposals in the Greymouth/Māwhera town centre and new mixed use area. This guide seeks to achieve high quality building design that:
<ul style="list-style-type: none"> <li>• Responds to the context</li> <li>• Is visually interesting and in keeping with the streetscape values</li> <li>• Addresses cultural and built heritage values and design elements</li> <li>• Creates a vibrant, active pedestrian environment</li> <li>• Incorporates new and innovative design where appropriate</li> <li>• Takes into account Poutini Ngāi Tahu values.</li> </ul>
<b>1.1 When does the Design Guide apply?</b>

<sup>208</sup> Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335), Vance and Carol Boyd (S447.003)

Under Te Tai o Poutini Plan rules, all new buildings within the Greymouth/Māwhera Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged**<sup>209</sup> to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

## **2.0 Greymouth/Māwhera Design Guidelines**

### **2.1 Context**

#### *Connection with the Natural Environment*

The Grey/Māwhera River provides a natural edge to the town centre and a link to its cultural heritage. The vegetated hills behind Greymouth/Māwhera are an important backdrop to the town and an acknowledged outstanding natural landscape. Keeping access to the Grey/Māwhera River and a visual link between the town centre and the surrounding hills is essential.

#### *Existing built character*

The core of Greymouth/ Māwhera's town centre retains a coherent collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the West Coast/Te Tai o Poutini.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone and Façade Control Streets in the Mixed-Use Zone which provide shelter for pedestrians.
- Main Street frontage streets in the Greymouth/Māwhera Town Centre Zone are: Māwhera Quay, Mackay Street, Tainui Street, Guinness Street, Albert Street, Werita Street, Custom Street and Tarapuhi Street
- Façade Control Streets in the Greymouth/Māwhera Mixed Use Zone are: Mackay Street, Boundary Street, Richmond Quay, Gresson Street, Herbert Street, Guinness Street and Tarapuhi Street.
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet
- Rhythm and repetition – windows are often at regular intervals, symmetry of façade features
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

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<sup>209</sup> Foodstuffs (S464.053)

### *Poutini Ngāi Tahu Cultural Landscapes*

Many buildings within the town centre reflect Greymouth/Māwhera's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Greymouth/Māwhera is solely located within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngāi Tahu contacts for designers of buildings in Greymouth/Māwhera.

Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, Pokeka Environmental – their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

## **2.2 Guidelines**

### *Context*

**GC1** Complement the ~~existing bulk and form of the existing~~ built context ~~with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as scheduled historic heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these scheduled buildings and structures.<sup>210</sup>

**GC2** Take into account the wider surroundings, including natural features, such as views to ~~other buildings,~~ the mountains and the Māwhera/Grey River.<sup>211</sup>

### *Poutini Ngāi Tahu Cultural Landscapes*

**IW1 Mana/authority** – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

**IW2 Te Reo, whakapapa/naming** – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

<sup>210</sup> Kirsty Dittmer (S412.001)

<sup>211</sup> Kirsty Dittmer (S412.001)

**IW3 Tohu/landmarks** – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

**IW4 Taiao/environment** – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

**IW5 Mauri Tū/environmental health** - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

**IW6 Mahi Toi/creative expression** – When Poutini Ngāi Tahu narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building design, integrated artwork. ~~and~~ Te Rūnanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in such this processes<sup>212</sup>.

**IW7 Ki uta ki tai/from the mountains to the sea.** Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

#### *Built Form*

**BF1 Mass/Scale** - New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up by ~~vertical~~ divisions into several smaller “storefronts” visually smaller vertical forms – something commonly used in the existing Greymouth/Māwhera building stock. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.<sup>213</sup>



This long low building shape should be avoided. Two storey rather than one storey buildings give better containment to the streetscape. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of

<sup>212</sup> Kirsty Dittmer (S412.001)

<sup>213</sup> Kirsty Dittmer (S412.001)



character with other buildings in the vicinity

An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

**BF2 Location to front** – Buildings are to be positioned so their front walls abut the (footpath) boundary.

**BF3 Continuity** – on Main Street Frontage and Façade Control Streets buildings are to extend across the full width of the site frontage to ensure that the street’s “built” edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage and Façade Control Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

**BF4 Height** – New buildings should ideally be at least two storeys in height, but at a minimum, shall appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade are to be potentially usable space rather than a false façade.

**BF5 Corner buildings.** Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets, cornice, pediment or similar features that wrap around the building.



This building expresses well to the corner with a specific corner facade.



This building does not include any corner features to emphasise its position.

#### Location Specific Guidance

**BF6 Pedestrian Access Lanes** – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes shall have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

**BF7 Roofs/Down pipes** – Roofs are encouraged to sit below the height of the parapet and not be visible from the street. Drainpipes should be designed so they are a discrete part of the building and not visually intrusive.

#### *Facades*

**GF1 Openings** – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. ~~Symmetrically located windows~~ **Create visual interest and symmetry by positioning windows at regular intervals** are required above ground level, and main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.<sup>214</sup>

**GF2 Visual permeability** – The ground floor window of buildings (including glazed doors) in Main Street Frontages must be no less than 50% of the frontage in the Town Centre Zone and on Façade Control Streets in the Mixed Use Zone must have a minimum 20% glazing. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.<sup>215</sup>

**GF3 Office/Commercial Activity** – where the ground floor is used for offices/commercial activity in Main Street Frontage Streets, the display area immediately behind the windows should be designed as reception and waiting areas.

**GF4 Shop fronts and entries** – Building entries and shop fronts in Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

**GF5 Four elements** – Building facades are to show the following distinct elements:

<sup>214</sup> Kirsty Dittmer (S412.001)

<sup>215</sup> Kirsty Dittmer (S412.001)

*Base (Ground)* – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

*Verandah/Canopy/Balcony* – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF6)

*Upper Area* – symmetrical placement of windows.

*Parapet/Top* – top outline of the façade extended or modulated by elements reflecting the building structure and roof form, and generally masking the roof.

**GF6 Verandah/canopy/balcony** -Verandahs are a requirement in Main Street Frontage Streets and Façade Control Streets and are subject to performance standards in the rules. Verandahs should:

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**<sup>216</sup>
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Be fully cantilevered with no decorative poles or obstructions of the footpath
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage or Façade Control Street).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

**GF7 Articulation and Detail** – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing, **such as** Façade articulation ~~may include~~ setbacks, projected bays, balconies **and fencing and landscaping.** etc. Building facades should have detail and depth and not be on a flat plane.<sup>217</sup>

**GF8 Material and Colour** – **use materials, texture and colour to highlight the building’s form and details** building colours, whether a painted finish or natural materials should highlight features such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre and be consistent with the Pounamu and Māori Heritage colour palette developed as part of the CBD Redevelopment Plan.~~
- ~~Side and rear walls should be painted in the same colours as the building’s main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building’s main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~

<sup>216</sup> Kirsty Dittmer (S412.001)

<sup>217</sup> Foodstuffs (464.055)

- ~~Painting the whole building one block colour as a “sign” to brand the building is not acceptable.~~<sup>218</sup>



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional colour palette suitable for other buildings in the town centre. The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.<sup>219</sup>



~~Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette suitable for other buildings in the town centre.~~ The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.<sup>220</sup>

**GF9 Building Signage** - Signage should not project above the roofline or obscure architectural features.

**GF10 Lighting** – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

**GF 11 Building entries** (non-Main Street Frontage or Façade Control Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

**GF12 Outdoor dining areas.** – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

**GF13 Mechanical equipment** – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

<sup>218</sup> Kirsty Dittmer (S412.001), J & R Heward (S353.002) Grey District Council (S608.483)

<sup>219</sup> Kirsty Dittmer (S412.001), J & R Heward (S353.002) Grey District Council (S608.483)

<sup>220</sup> Kirsty Dittmer (S412.001), J & R Heward (S353.002) Grey District Council (S608.483)

### *Strengthening and Restoration*

**GS1 External strengthening** – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

**GS2 Façade retention** – For heritage and landmark buildings, retaining a building’s street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

### *Location Specific Requirements*

**GL1 Mackay Street and Māwhera Quay** a focus is on restoration and repurposing of existing buildings. Any replacement ~~Replacement~~ buildings should consider ~~have~~ a scale and style that reflects port warehouses in keeping with Mackay Street and Mawhera Quay’s ~~the~~ riverfront position.<sup>221</sup>

## Hokitika Town Centre Urban Design Guidelines

### 1.0 Introduction

This document has been developed to provide direction to those planning, designing and reviewing development proposals in the Hokitika town centre. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropriate
- Takes into account CPTED principles and the Poutini Ngāi Tahu values.

#### 1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Hokitika Town Centre Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.<sup>222</sup>

### 2.0 Hokitika Design Guidelines

#### 2.1 Context

Hokitika means ‘return directly’ in Māori. The name embraces the story of a battle of control of the pounamu source. Invading Ngāi Tahu who wanted control of the pounamu source were devastatingly defeated at Lake Mahinapua by local tribe Ngāti Wairangi. The sole surviving chief Hikautae turned back here and ‘returned directly’ to Kaiapoi. Several battles later Ngāi Tahu won,

<sup>221</sup> Kirsty Dittmer (S412.001)

<sup>222</sup> Foodstuffs (464.055)

but at a truly heavy price. Today Poutini Ngāi Tahu honour their role as rangatira, carvers and traders of this revered stone.

The town of Hokitika grew from the discovery of another precious resource - gold. The West Coast's gold rushes, many led by Maori, attracted thousands of gold-seekers. Between 1864 and 1867 ships brought 37,000 seekers into Hokitika Port through its treacherous river mouth resulting in countless shipwrecks. Carved out of the rainforest wilderness, Hokitika grew from the 'Crooked Mile' of Revell Street on the dunes to a wide-streeted goldfields capital,

#### *Defined Centre*

Hokitika is a well defined centre with a grid layout and natural edges from the Hokitika River and Hokitika Beach and a human edge created by the railway line. There is a strongly defined entrance into the town, with the town clock creating a core focal point.

#### *Connection with the Natural Environment*

The Hokitika River/Gibson Quay and Beachfront provide natural edges to the town centre and a link to its cultural and natural heritage. Alongside this Hokitika is notable for its views towards the Southern Alps. Maintaining visual connections and improving access to the beach and Gibson Quay are essential.

#### *Existing built character*

Hokitika Town Centre has an interesting mix of historic nineteenth and early twentieth century buildings as well as more modern, but largely sympathetic, buildings. The historic heritage represents an important part of the historic heritage resource of Westland and the West Coast and is centred around Revell Street.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone which provide shelter for pedestrians.
  - Main Street frontage streets in the Hokitika Town Centre Zone are: Weld Street, Sewell Street, Hamilton Street, Revell Street, Tancred Street, Camp Street, Wharf Street, Gibson Quay
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet

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- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building’s façade

*Revell Street Heritage Character Area*

The Revell Street Heritage Area (From Ocean View/110 Revell Street to Camp Street) is characterised by having a large number of late nineteenth and early twentieth century buildings which recall the late Victorian era mining town character.



*Revell Street Heritage Character Area Buildings*

While only a handful of these are listed historic buildings, retaining the other character buildings from this era, and ensuring that new buildings are sympathetic to the area is very important.

In terms of character, buildings that contribute positively to the character of Revell Street

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although some of the large hotels do not and historically many did not)
- Have similar alignment of parapets and shopfronts
- Are constructed of timber with timber shopfronts

The shop front design of buildings contributing to the character of Revell Street also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located

- A bulkhead, or base to the shopfront, which is panelled on the older shops

### *Poutini Ngāi Tahu Cultural Landscapes*

Many buildings within the town centre reflect Hokitika's colonial and settler history, however there is limited representation of a much longer iwi history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Ngāti Waewae and Ngāti Māhaki oMakaawhio, Pokeka Environmental - their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

## **2.2 Guidelines**

### *Context*

**GC1** Complement the ~~existing bulk and form of the existing buildings~~ context with visual links through similarity of overall bulk and form. ~~New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall aim to complement and support, rather than dominate these listed buildings.<sup>223</sup>

**GC2** Take into account the wider surroundings, including natural features, such as views to Ngā Tiritiri-o-te-Moana/Southern Alps and links to the beach and the river.

### *Poutini Ngāi Tahu*

**IW1 Cultural Landscapes** – A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

**IW2 Te Reo, whakapapa/naming** – Consultation with the relevant Poutini Ngāi Tahu Papatipu Rūnanga on the use of appropriate ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

**IW3 Tohu/landmarks** – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives approved by Poutini Ngāi Tahu

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<sup>223</sup> Kirsty Dittmer (S412.001)

are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

**IW4 Taiao/environment** – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

**IW5 Mauri Tū/environmental health** - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

**IW6 Mahi Toi/creative expression** – When iwi iwi/hapū narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork, ~~and~~ Poutini Ngāi Tahu Papatipu Rūnanga mandated design professionals and artists are appropriately engaged in ~~such~~ **this** processes.<sup>224</sup>

**IW7 Ki uta ki tai/from the mountains to the sea.** Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe’s culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

#### *Built Form*

**BF1 Mass/Scale** -New buildings should relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions~~ into several smaller “storefronts” **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories should be stepped back from the line of view from the street.<sup>225</sup>



This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity

<sup>224</sup> Kirsty Dittmer (S412.001)

<sup>225</sup> Kirsty Dittmer (S412.001)

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An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

**BF2 Location to front** – Buildings are to be positioned so their front walls abut the (footpath) boundary

**BF3 Continuity** – on Main Street Frontage streets buildings are to extend across the full width of the site frontage to ensure that the street’s “built” edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

**BF4 Height** – New buildings should ideally be at least two storeys in height, but at a minimum, should appear similar in height to the existing neighbouring buildings

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

**BF5 Corner buildings.** Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets.



This building expresses well to the corner with the second story providing height, and the window facing into the corner.

**BF6 Pedestrian Access Lanes** – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes should have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

**BF7 Roofs**– Roof form in Hokitika town centre is variable with some below the parapet and others pitched and visible from the street. Either is acceptable except there are some specific requirements for the Revell Street heritage area



Rooflines hidden behind a parapet



Mixed rooflines

**GF1 Openings** – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e. not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

**GF2 Visual permeability** – The ground floor window area of buildings (including glazed doors) in Main Street Frontage must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.<sup>226</sup>

**GF3 Shop fronts and entries** – Building entries and shop fronts on Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

**GF4 Four elements** – Building facades are to show the following distinct elements:

*Base (Ground)* – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

*Verandah/Canopy/Balcony* – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF5)

*Upper Area* – windows if building is more than 1 storey in height.

*Parapet/Roof* – Parapet with top outline of the façade extended or modulated by elements reflecting the building structure and roof form masking the roof, or roof form clearly evident.

**GF5 Verandah/canopy/balcony** -Verandahs are a requirement on Main Street Frontage streets and are subject to performance standards in the rules. Verandahs should:

<sup>226</sup> Kirsty Dittmer (S412.001)

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**<sup>227</sup>
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

**GF6 Articulation and Detail** – building facades should **achieve visual interest to support the pedestrian experience.** This may include articulation and detailing. ~~Facade articulation may include setbacks, projected bays, balconies~~ **and fencing and landscaping** etc. Building facades should have detail and depth and not be on a flat plane.<sup>228</sup>

**GF7 Material and Colour** – **use materials, texture and colour to highlight the building’s form and details** building colours, whether a painted finish or natural materials should highlight features such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~Side and rear walls should be painted in the same colours as the building’s main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building’s main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a “sign” to brand the building is not acceptable.~~

<sup>229</sup>



**Before**



**After**

*Colour and Signage are key to achieving a good design outcomes. This building has been transformed by the change to a sympathetic colour and incorporation of a well designed sign reflecting Poutini Ngāi Tahu values.*

<sup>227</sup> Kirsty Dittmer (S412.001)

<sup>228</sup> Foodstuffs (464.055)

<sup>229</sup> J & R Heward (353.002)



*Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette suitable for other buildings in the town centre.<sup>230</sup>*



*Colour has been inappropriately used on these shops. They are not in keeping with the surrounding area, and also being used as a “sign” to advertise a product. The colours used on these buildings are very bold and not consistent with the other building colours in the vicinity.<sup>231</sup>*

**GF8 Building Signage** -Signage should not project above the roofline or obscure architectural features.

**GF9 Lighting** – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

**GF10 Building entries (non-Main Street Frontage Streets)** – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

**GF11 Outdoor dining areas.** – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

**GF12 Mechanical equipment** – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

### *Strengthening and Restoration*

<sup>230</sup> J & R Heward (353.002)

<sup>231</sup> J & R Heward (353.002)

**GS1 External strengthening** – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

**GS2 Façade retention** – For heritage and landmark buildings, retaining a building’s street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

#### *Revell Street Heritage Character Area*

**GR1 Adapting existing historic buildings** – when making additions, these should be on elevations not visible from the street and compatible with the architectural character of the building. Additions should not dominate the original building or contrast harshly with the original materials, building and roof form, proportions, colour or scale.

**GR2 New Buildings** - New buildings should be in sympathy with the historic building stock. Key aspects that will assist this are:

- Building to the street (footpath boundary)
- Above verandah having a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street
- The parapet should be simple with simplified or modern interpretation of existing detailing
- The verandah should extend the full width of the footpath
- Awnings are discouraged
- Shopfronts should be made of timber
- Entries should be recessed and angled
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

#### **GR3 - New Two-storied buildings**

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor.

### **Reefton Heritage Town Design Guidelines**

#### **1.0 Introduction**

This document has been developed to provide guidance to those preparing and reviewing development proposals in the Reefton town centre. This guide seeks to achieve high quality building design that:

- Responds to the historical context
- Is visually interesting and in sympathy with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment

### **1.1 When does the Design Guide apply?**

Under Te Tai o Poutini Plan rules within the Reefton Town Centre Zone, all new buildings and alterations to the exterior facade of existing buildings are ~~required~~ **encouraged**<sup>232</sup> to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

These guidelines however have been developed to support the wider heritage character of Reefton and developers of new buildings or those undertaking alterations of existing character buildings are encouraged to use them.

## **2.0 Reefton Heritage Town Design Guidelines**

### **2.1 Context**

The historic significance of Reefton and its heritage values is recognised by the registration of parts of Reefton as an historic area under the Historic Places – Pouhere Taonga Act. The main commercial street, Broadway, retains a number of mid to late nineteenth and early twentieth century buildings contributing to its late Victorian era mining town character.

Reefton has such high heritage and recreation values that retaining the existing heritage buildings is essential and any new buildings should be designed to be sympathetic with and enhance the existing character and values.

Within this design guide there are three main categories of building – each with a different approach to new building works.

- Historic buildings - these include listed historic heritage buildings [refer Schedule 1 of Te Tai o Poutini Plan] but also unscheduled historic buildings centred around Bridge St and Broadway such as the BNZ Bank, Broadway Supplies Building, Caples/Conlon Villa (Bellbird Motel), Homemakers Hardware Shop, Old National Bank, Wilson’s Hotel and Hotel Reefton. These should be retained, with modifications kept to a minimum.
- Contributory buildings – these should be retained but can be modified to a greater degree in a sympathetic manner.
- Non-contributory – which are neutral or intrusive in the street and can be demolished or modified to be more in sympathy with the character of the street (a nod to the past).

#### Broadway Character

Broadway is a long wide, open street with single and two storied commercial buildings lining it. Generally the buildings that contribute positively to the character of Broadway

- Are built to the street boundary

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<sup>232</sup> Foodstuffs (S464.053)

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- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although one or two do not and historically many did not)
- Are connected or are joined by fences on the street boundary
- Are long and narrow
- Are of different heights, with little or no alignment of parapets or shopfronts
- Are constructed of timber with timber shopfronts

Verandahs are of different designs:

- Unadorned or decorated posts
- With or without brackets
- With or without signage on the fascia
- With or without fascias
- With or without cheeks
- Skillion or bullnosed roofs

The shop front design of buildings contributing to the character of Broadway also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

## **2.2 Design Guidelines**

### **2.2.1 Historic buildings**



1. **General Principles:** Generally visible external work should be limited to repairs, maintenance, restoration or reconstruction. Key principles are:

- To maintain rather than repair

- To repair rather than replace
- If replacement is essential try and use materials that match the original as closely as possible (like for like)
- Use a date stamp so that replacements can be identifiable on close inspection.
- Restore original colour schemes where possible [Refer to Resene heritage colours for the period pre – 1920 and note this does not include blue].
- Painting the whole building one block colour as a “sign” to brand the building is not acceptable.

**2. Adaptation:** When adapting the exterior of a historic building:

- Retain, repair and maintain all significant external fabric
- Avoid removal or obscuring significant external fabric, elements and features
- Respect the style, form, planning, materials, craftsmanship, scale and patina of the building

**3. Additions:** When making additions, these should

- Be on elevations not visible from the street
- Avoid additions on significant elevations, including the roof
- Be compatible with the architectural character of the building
- Not dominate the original building
- Not contrast harshly with original materials, building and roof form, proportions, colour or scale
- Maintain the same orientation and proportions of building composition as the original
- If a large addition, be separate from the original building and follow the guidelines for new buildings

**4. New Elements:** Where removal or replacement of non-original elements is proposed try and restore or reconstruct the original elements.

**5. Strengthening** Strengthening work for earthquake protection should be installed on the interior or within the existing structure. Where this is not possible locate it away from the front elevation.

**2.2.2 Contributory Buildings**



**1. General Principles:** The general principles are similar to those of heritage buildings except that retention of original fabric on non-visible elevations is less important.

**2. Additions:** When additions are proposed, these should:

- Be on elevations not visible from the street
- Be compatible with the architectural character of the building
- Not dominate the original building
- Not contrast harshly with original materials, building and roof form, proportions, colour, or scale
- Maintain the same orientation, proportions and rhythm of building composition as the original
- If a large addition, be separate from the original building and follow the guidelines for new buildings
- Not negatively affect the setting of or views to or from the building
- Should be of a respectful new design based on a simplified modern interpretation of the original
- Where the original verandah design is suspended or cantilevered from the wall, do not install “dummy” verandah posts.

### **2.2.3 Non-contributory buildings**

Demolition is acceptable and encouraged when possible. The design guides for new buildings and for additions and alterations to existing buildings should be followed. Where additions and alterations are to be carried out, the intention is to design modifications to regain greater consistency with the existing significant and heritage buildings.



## 2.2.4 New single storied buildings

### 1. Location

- The building should be constructed up to the street (footpath) boundary
- Where the building does not extend the full width of the site there should be a fence from the building to the boundary.
- If there is an existing neighbouring building, it is acceptable to locate the new building against the existing building.

### 2. Form

- The building should be rectangular in plan and face the street
- The façade of the building should be rectangular with the proportion elongated or tall.

### 3. Above verandah design

- The building should have a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street,
- Where the building is to be constructed alongside an existing building, the parapet should be of a different height to the neighbouring building but no taller than existing Victorian or Edwardian buildings.
- The parapet for single story buildings should be between one-third to one half the total elevation height.
- The parapet should be simple with simplified or modern interpretation of existing detailing and not copy original detailing.

### 4. Verandah

- Buildings on Broadway are required to have a verandah (refer Plan rules) which should have a timber frame with a roof supported on timber posts

- The verandah should extend the full width of the footpath Setback the verandah to allow clearance for taller vehicles.<sup>233</sup>
- Awnings are discouraged.
- Cast iron filigree is discouraged.
- Non-alignment of verandahs with neighbouring buildings is encouraged.

#### **5. Shopfront design.**

- Shopfronts should be made of timber.
- Entries should be recessed and angled.
- In wide shops entries should be central, in narrow shops entries next to the side boundary wall is preferred.
- The stall board should be 300-600mm high,
- Windows should extend from the stall board to the underside of the verandah framing. The street pane should be divided vertically and horizontally with glazing bars.
- Recessed entry glazing should match the design of street glazing.
- The door should be glazed and panelled with a toplight.
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

#### **6. Roofs**

- The roof should be hidden behind a parapet. A pitch of between 30-45 degrees is ideal, with corrugated metal or timber shingles.

#### **7. Materials**

- Wall materials should be painted corrugated metal or timber weatherboard.
- Joinery should be timber

#### **8. Corner buildings**

- Corner buildings can be chamfered or square
- Parapets to corner buildings should return around the corner for the full length of the building.
- Entries to corner buildings should be at the corner.

#### **9. Signage**

- Signage on buildings should be symmetrical about the face of the element on which it is located and generally extend the full width.
- Signage in upper case lettering is encouraged.
- Signage should relate to the business or owner- not advertising products.
- Antique, Fat Clarendon, San serif lettering styles or similar are encouraged so as to give the impression of traditional hand sign writing.

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<sup>233</sup> Kirsty Dittmer (S412.001)

- Other acceptable styles are Tuscan, Fat -faces, Fat Italics, Fat Gothic and Sans Serif compressed.

#### **10.Fencing**

- Fencing should be sympathetic to the era.

#### **11.Colours**

- Colours should be taken from the Resene or Aalto Heritage colour chart and be a three or four colour scheme. Note these should be the pre-1920s colours.

#### **12.Lights**

- Lighting should highlight the architectural character and lighting under the verandah is encouraged.

#### **2.2.5 New two-storied buildings**

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor. One of the openings should be a door and this can be wider than other openings.

### **Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines**

#### **1.0 Introduction**

This document has been developed to provide direction to those planning, design and reviewing development proposals in the Westport/Kawatiri town centre and new mixed use area. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropriate
- Takes into account Poutini Ngāi Tahu values.

#### **1.1 When does the Design Guide apply?**

Under Te Tai o Poutini Plan rules, all new buildings within the Westport/Kawatiri Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged**<sup>234</sup> to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

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<sup>234</sup> Foodstuffs (S464.055)

## 2.0 Westport/Kawatiri Design Guidelines

### 2.1 Context

#### *Connection with the Natural Environment*

The Buller/Kawatiri River provides a natural edge to the town centre and a link to its cultural heritage and the Kawatiri River Trail. Improving access to the Buller/Kawatiri River is important. Victoria Park lies directly behind the town centre - visual and access links through to Victoria Park should be improved.

#### *Existing built character*

Palmerston Street retains a mixed collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the Buller and West Coast.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs of similar heights and shapes with decorative poles – this is a key feature in Palmerston Street which provides shelter for pedestrians.
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

#### *Poutini Ngāi Tahu Cultural Landscape*

Many buildings within the town centre reflect Westport/Kawatiri's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future. Westport/Kawatiri is entirely within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngāi Tahu contacts for designers of buildings in Westport/Kawatiri.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, their mandated

design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

## 2.2 Guidelines

### *Context*

**GC1** Complement the existing **bulk and form of the existing** built context with visual links through similarity of overall bulk and form. New development should attempt to complement, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan. New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.<sup>235</sup>

**GC2** Take into account the wider surroundings, including natural features, such as views to buildings, the mountains and the river.<sup>236</sup>

### *Poutini Ngāi Tahu Cultural Landscapes*

**IW1 Mana/authority** – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

**IW2 Te Reo, whakapapa/naming** – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

**IW3 Tohu/landmarks** – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

**IW4 Taiao/environment** – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

**IW5 Mauri Tū/environmental health** - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

**IW6 Mahi Toi/creative expression** – When Poutini Ngāi Tahu narratives are creatively reinscribed through architectural design and building design, integrated artwork, and Te Runanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in this such processes.<sup>237</sup>

<sup>235</sup> Kirsty Dittmer (S412.001)

<sup>236</sup> Kirsty Dittmer (S412.001)

<sup>237</sup> Kirsty Dittmer (S412.001)

**IW7 Ki uta ki tai/from the mountains to the sea.** Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

#### *Built Form*

**BF1 Mass/Scale** -New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up by vertical divisions into several smaller “storefronts” **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.<sup>238</sup>



*This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity and are part of a sign to brand the building.*<sup>239</sup>

**BF2 Location to front** – Buildings are to be positioned so their front walls abut the (footpath) boundary

**BF3 Continuity** – on Palmerston Street buildings are to extend across the full width of the site frontage to ensure that the street's “built” edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. Beyond Palmerston Street, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

**BF4 Height** – New buildings should appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

**BF5 Corner buildings.** Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are encouraged to be visually emphasised with architectural elements such as taller forms, or parapets.

<sup>238</sup> Kirsty Dittmer (S412.001)

<sup>239</sup> Martin and Co Westport Ltd and Lumberland Building Market Westport (S543.002)

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*This building expresses well to the corner with the second story providing height, and the door facing into the corner.*



*This building was not built with any corner features to emphasise its position. The more recent sign and verandah modifications have tried to address its corner position.*

**BF6 Roofs**– Westport/Kawatiri has a variable range of rooflines with some below the height of the parapet and others pitched and visible from the street. Either is acceptable.



*Roofline hidden behind parapet*



*Mixed rooflines*

**GF1 Openings** – Buildings are to have windows on all street facades with minimum 50% glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations

that are visible from the street or any other public space should be consistent with the design of the main building frontage.

**GF2 Visual permeability** – The ground floor window area of buildings (including glazed doors) in Palmerston Street must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.<sup>240</sup>

**GF3 Office/Commercial Activity** – where the ground floor is used for offices/commercial activity on Palmerston Street, the display area immediately behind the windows should be designed as reception and waiting areas.

**GF4 Shop fronts and entries** – Building entries and shop fronts in Palmerston Street should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance. Glazed areas should be partitioned with glazing bars rather than single sheet/plate glass display windows.



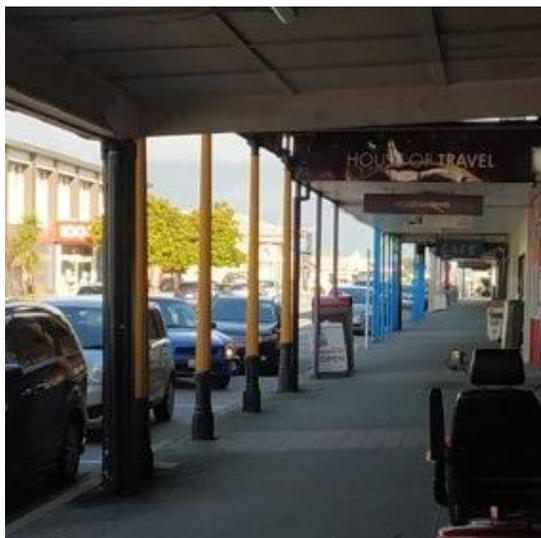
*Window facades with glazing bars are a typical feature of the Westport shop frontages.*

**GF5 Verandah/canopy/balcony** -Verandahs are a requirement on Palmerston Street and are subject to performance standards in the rules. Verandahs should:

- Complement the style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**<sup>241</sup>
- Include decorative poles where possible
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages.

<sup>240</sup> Kirsty Dittmer (S412.001)

<sup>241</sup> Kirsty Dittmer (S412.001)



*Decorative Street Poles from the verandahs give a sense of safety and enclosure and are a particular character of Westport town centre*

**GF6 Articulation and Detail** – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing. ~~Facade articulation may include setbacks, projected bays, balconies, and fencing and landscaping etc.~~ Building facades should have detail and depth and not be on a flat plane.<sup>242</sup>

**GF8 Material and Colour** – **use materials, texture and colour to highlight the building’s form and details** building colours, whether a painted finish or natural materials should highlight features such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~Side and rear walls should be painted in the same colours as the building’s main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building’s main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a “sign” to brand the building is not acceptable.~~<sup>243</sup>



*Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette **suitable for other buildings in the town centre.***<sup>244</sup>

<sup>242</sup> Foodstuffs (464.005)

<sup>243</sup> J & K Dickson (S213.002), R Burdekin (378.008), J Heward (S535.002)

<sup>244</sup> J & K Dickson (S213.002), R Burdekin (378.008), J Heward (S535.002)



~~Colour has been used inappropriately on this building. It does not fit with the character of the town and also is used to brand the building for sale of a particular product. **The colours on this building are very bold and not consistent with other building colours in the vicinity.**~~<sup>245</sup>

**GF9 Lighting** – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

**GF10 Outdoor dining areas.** – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout needs to take into account public access, pedestrian circulation and the safety of patrons and motorists.

**GF13 Mechanical equipment** – Maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

#### *Strengthening and Restoration*

**GS1 External strengthening** – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows or modulation.

**GS2 -Façade retention** – For heritage and landmark buildings, retaining a building’s street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings where possible. Keep the new structure below the façade height and give the visual appearance of retained floors.

## 7. NEIGHBOURHOOD CENTRE ZONE

### 7.1. Neighbourhood Centre Zone Rules

#### Submissions and Further Submissions

728. One submission point relating generally to the **NCZ Rules** was summarised in a Table on page 129 of the S42A Report. The submission sought amendments to the rules.
729. Five submission points relating to **NCZ-R1** were summarised in a Table on pages 130-134 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought amendments.

<sup>245</sup> J & K Dickson (S213.002), R Burdekin (378.008), J Heward (S535.002)

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730. Two submission points and one further submission relating to **NCZ-R2** were summarised in a Table on page 136 of the S42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.
731. One submission point relating to **NCZ-R3** was summarised in a Table on page 137 of the S42A Report. The submission point supported the retention of the rule as notified.
732. Eight submission points and one further submission relating to **NCZ-R4** were summarised in a Table on pages 137-138 of the S42A Report. Three submission points supported the retention of the rule as notified. Four submission points sought to delete the rule, and one submission point sought amendments.
733. One submission point relating to **NCZ-R5** was summarised in a Table on page 139 of the S42A Report. The submission point supported the retention of the rule as notified.
734. One submission point relating to **NCZ-R6** was summarised in a Table on page 139 of the S42A Report. The submission point supported the retention of the rule as notified.
735. Five submission points relating to **NCZ-R7** were summarised in a Table on page 140 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought it be deleted.
736. One submission point relating to **NCZ-R8** was summarised in a Table on page 141 of the S42A Report. The submission point supported the retention of the rule as notified.
737. Two submission points relating to **NCZ-R9** were summarised in a Table on page 141 of the S42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.
738. One submission point relating to **NCZ-R10** was summarised in a Table on page 142 of the S42A Report. The submission point supported the retention of the rule as notified.
739. Two submission points relating to **NCZ-R11** were summarised in a Table on page 143 of the S42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.
740. Five submission points relating to **NCZ-R12** were summarised in a Table on page 144 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought it be deleted.
741. One submission point relating to **NCZ-R13** was summarised in a Table on page 144 of the S42A Report. The submission point supported the retention of the rule as notified.
742. One submission point relating to **NCZ-R14** was summarised in a Table on page 145 of the S42A Report. The submission point supported the retention of the rule as notified.
743. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

**Section 42A Report**

*NCZ – General- Overview*

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744. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values considered as part of the urban environment and as part of controlled and restricted discretionary activities, Ms Belgrave noted that this is a common submission point across multiple hearing streams and for other zones in this stream. She reiterated her opinion regarding the previous zones and did not support the relief sought in the submission point.
745. The S42A report recommends that no amendments be made to the NCZ chapter in response to this submission.

*NCZ – R1 Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities*

746. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.
747. Ms Belgrave reiterated her recommendations from previous zones in response to the submission point made by Waka Kotahi. The submission sought clarification on whether the rule's requirements should be considered performance standards. They requested that the performance standards under NCZ-R1 are included in a separate rule or relocated as standards. Ms Belgrave supported amendments to NCZ-R1 so that the rule applies to all new buildings, additions and alterations to existing buildings, external and heavy vehicle storage, and hours of operation. She recommended that these be transferred to a new rule to improve clarity and differentiate between NCZ-R1 and the new rule NCZ-R5A
748. In response to the submission point made by the Ministry of Education that sought to include education facilities as a permitted activity and that a restricted discretionary activity status applies to all non-compliances with the rule, Ms Belgrave supported the relief sought in part. She recommended including education facilities as a permitted activity in a new rule (NCZ-R4A), provided the activity does not exceed 250m<sup>2</sup> GFA. Ms Belgrave reiterated previous recommendations to retain a discretionary activity status for non-compliances for those standards where there is a greater range of potential effects on character and amenity, particularly to adjacent residential zones.
749. In response to the submission point made by Foodstuffs that sought to increase the permitted GFA for supermarkets to 1,000m<sup>2</sup>, Ms Belgrave did not support the relief sought. This is because larger-scale activities may have potential effects, such as those associated with building bulk and scale, and the character and amenity of adjacent residential areas, which can be assessed through the resource consent process, particularly given the spatial extent and purpose of the NCZ.
750. Ms Belgrave supported the relief sought by FENZ to exclude vehicles associated with emergency service activities from the restrictions placed on the number of heavy vehicles stored on a site, which she recommended be included in the new rule NCZ-R5A.
751. Ms Belgrave acknowledged and recommended consequential changes to notified NCZ-R1.11 in response to a submission point by BDC that sought amendments related to when a written approval is obtained. Ms Belgrave reiterated the recommendations she made on the same matter for the other zones. That is to move the detail to an advice note.
752. Ms Belgrave recommended that NCZ-R1 is amended as follows:

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**NCZ-R1 ~~New Buildings, External Additions or Alterations to Existing Buildings, and External Storage Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities~~**

Activity Status Permitted

Activity status where compliance not achieved:

Restricted discretionary where ~~standards rules 9 to 11~~ **3 to 11** are not complied with.

Discretionary where ~~standards rules 1-2 to 8~~ are not complied with.

Where:

1. **Education Facilities**, Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m<sup>2</sup> gross floor area per activity provided;

~~2. The activity does not include:~~

~~i. Drive through restaurants;~~

~~ii. Service stations;~~

~~iii. Motor vehicle sales;~~

~~iv. Yard based retail activities;~~

~~v. Trade retail and trade suppliers; or~~

~~vi. Bars/taverns~~

...

5. No more than one heavy vehicle is stored on the site, **excluding heavy vehicles ancillary to emergency service facilities**;

...

10. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential site boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~. This standard does not apply to:

...

**Advice Note:**

1. **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.**

~~2. The acoustic insulation requirements for noise sensitive activities set out in Rule ~~NOISE - R3~~ also apply.~~

753. The S42A report also recommends the addition of a new rule as follows:

**NCZ-R5A Commercial Activities and Buildings, Community Facilities, Education Facilities and Emergency Service Facilities**

**Activity status Permitted**

**Activity status when compliance not achieved:**

**Restricted Discretionary where standard 1 is not complied with**

**Non-complying where standard 2 is not complied with**

**Where:**

1. **All performance standards for Rule NCZ - R1 are complied with, and**

2. **The activity does not include:**

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- i. Drive through restaurants;*
- ii. Service stations;*
- iii. Motor vehicle sales;*
- iv. Yard-based retail activities;*
- v. Trade retail and trade suppliers; or*
- vi. Bars/taverns*

**Advice Notes:**

- 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply**

*NCZ – R2 Minor Structures*

754. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.
755. In response to the submission point made by FENZ that sought amendments to enable hose drying towers up to a maximum height of 15m, Ms Belgrave supported the relief sought in part. She agreed that the inclusion of a maximum height for hose drying towers under NCZ-R2 will provide helpful clarification. Ms Belgrave considered the requested maximum height of 15m to be inappropriate in this zone and instead recommends a height of 12m. She considered this appropriate, having regard to the maximum permitted building height of 10m within the NCZ, the spatial extent of the zone, the proximity of residential areas and that the establishment of emergency service facilities in the Zone will be limited.
756. Ms Belgrave acknowledged and recommended consequential changes to NCZ-R2.1 to refer to the relevant rule in NCZ-R1 that relates to the required setbacks for buildings and structures. She notes that this will achieve consistency with submission points made by BDC. The S42A report recommends that NCZ-R2 be amended as follows:

***NCZ-R2 Minor Structures***

~~All performance standards for Rule NCZ - R1.9 is are~~ complied with;

...

**5. Hose drying towers do not exceed 12m in height; and**

...

However, we note that until the final form of NCZ-R1 is finalised, other rule numbers and cross-references will change.

*NCZ – R3 Fences, Walls and Retaining Walls*

757. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.
758. The S42A report recommends retaining NCZ-R3 as notified.

*NCZ – R4 Relocated Buildings*

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759. In response to the four submission points<sup>246</sup> that sought to delete NCZ-R4, Ms Belgrave supported the relief sought. She reiterated the reasons set out regarding the Relocated Building rules for the previous zones. She agreed with the submitters that the rule is unnecessary and creates duplication, as there is still a requirement to comply with the Building Act.

760. As a consequence of the recommendation to delete this rule, Ms Belgrave did not support the relief sought from the other four submission points to either amend or retain the rule.

761. The S42A report recommends that NCZ-R4 be deleted.

*NCZ – R5 Residential Activities and Residential Units*

762. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

763. Ms Belgrave recommended consequential changes to delete NCZ-R5.1, as the listed performance standards in NCZ-R5.1 are no longer relevant due to the recommended changes to NCZ-R1.

764. The S42A report recommends making consequential changes to NCZ-R5 as follows:

***NCZ-R5 Residential Activities and Residential Units***

***Activity status Permitted***

*Where:*

1. ~~Performance standards 1, 3 and 6 of Rule NCZ – R1 are complied with;~~

...

*NCZ – R6 Demolition of Buildings*

765. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

766. The S42A report recommended retaining NCZ-R6 as notified.

*NCZ – R7 Relocated Buildings not meeting Permitted Activity Standards*

767. In response to the four submission points<sup>247</sup> that sought to delete NCZ-R7, and consequential to the recommendation to delete NCZ-R4, Ms Belgrave supported the relief sought.

768. As a consequence of the recommendation to delete this rule, Ms Belgrave did not support the relief sought from the other submission point to retain the rule.

769. The S42A report recommends that NCZ-R7 be deleted.

*NCZ – R8 Demolition of Buildings not meeting Permitted Activity Standards*

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<sup>246</sup> Chris and Jan Coll (S558.007), Chris J Coll Surveying Limited (S566.007), William McLaughlin (S567.007) and Laura Coll McLaughlin (S574.007)

<sup>247</sup> Chris and Jan Coll (S558.008), Chris J Coll Surveying Limited (S566.008), William McLaughlin (S567.008), and Laura Coll McLaughlin (S574.008)

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770. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

771. The S42A report recommends retaining NCZ-R8 as notified.

*NCZ – R9 Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities not meeting Permitted Activity Standards*

772. Ms Belgrave acknowledged the support from Te Mana Ora of the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

773. In response to the submission point made by Foodstuffs that sought to increase the permitted GFA for supermarkets to 1,000m<sup>2</sup>, Ms Belgrave did not support the relief sought for the same reasons as set out with respect to NCZ-R1.

774. Ms Belgrave recommended amendments to NCZ-R9 that are consequential to the amendments sought by the Ministry of Education to apply a restricted discretionary activity status to non-compliances under NCZ-R1. As such, Ms Belgrave recommended additions to the matters for discretion.

775. Ms Belgrave also recommended amending the title of the rule, which is consequential to the changes recommended to NCZ-R1.

776. The S42A report recommends making consequential changes to NCZ-R9 as follows:

**~~NCZ-R9 Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting NCZ-R1 Permitted Activity Standards**

**Activity status Restricted Discretionary**

Where:

- ~~The gross floor area is greater than 250m<sup>2</sup> per activity but all other Performance Standards for 1-8 for Rule NCZ - R1.1 and NCZ – R1.2 are complied with.~~

**Discretion is restricted to:**

- ~~Design and location of buildings;~~
- ~~Design and location of parking, loading and access areas; and~~
- ~~Landscape measures~~
- Bulk, location and design of storage, buildings and structures;
- Effects on the safety, amenity and attractiveness of the street or public places;
- Visual dominance, privacy and shading, and nuisance effects on neighbouring sites; and
- Materials being stored and the period of time for storage.

*NCZ – R10 Residential Activities and Residential Units not meeting Permitted Activity Standards*

777. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

778. The S42A report recommends retaining NCZ-R10 as notified.

*NCZ – R11 Commercial Activities, Community Facilities, Emergency Service Activities and Visitor Accommodation Activities not meeting the Permitted or Restricted Discretionary Activity Standards*

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779. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified. However, the acknowledgement is subject to the recommendation to delete the rule.
780. Ms Belgrave sets out that the recommendation to separate the notified version of NCZ-R1 into two rules (one for activities, and one for buildings), in response to the submission by Waka Kotahi, will ensure that the activities identified in NCZ-R11.2 will be non-complying if compliance is not met.
781. In response to the submission point made by Foodstuffs that sought to exclude expansions or redevelopment of supermarkets from NCZ-R11.1, Ms Belgrave partially supported the relief sought. Foodstuffs considers that a non-complying activity status for a supermarket exceeding 250m<sup>2</sup> is inappropriate. They noted that this would effectively render all supermarkets a non-complying activity due to the gross floor area restrictions. Ms Belgrave noted that there is an inconsistency between the notified versions of rules NCZ-R1 and NCZ-R11, where non-compliance with the GFA would be a discretionary activity in NCZ-R1 and non-compliant under NCZ-R11. She considered that a discretionary activity status is appropriate to evaluate potential effects associated with building bulk and scale in the NCZ and potential effects on the character and amenity of adjacent residential areas. Therefore, she recommended deleting NCZ-R11 and retaining NCZ-R1.
782. The S42A report recommends deleting NCZ-R11 as notified.

*NCZ – R12 Residential Activities, Residential Units, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting the Permitted or Restricted Discretionary Standards*

783. Ms Belgrave acknowledged the support from Te Mana Ora of the rule as notified. However, the acknowledgement is subject to the recommendation to delete the rule. Ms Belgrave noted that a discretionary activity status for non-compliance with the relevant rules is already provided for under NCZ-R2, NCZ-R3, and NCZ-R10
784. As a consequence of the recommendation to delete this rule, Ms Belgrave partially supported the relief sought from the four submission points<sup>248</sup> to delete part of the rule heading.
785. The S42A report recommends that NCZ-R12 be deleted.

*NCZ – R13 Industrial Activities*

786. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.
787. The S42A report recommends retaining NCZ-R13 as notified.

*NCZ – R14 Any activity not provided for by another Rule in the zone*

788. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.
789. The S42A report recommends retaining NCZ-R14 as notified.

**Hearing and Submitter Evidence**

790. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate the original submission to allow a 1,000m<sup>2</sup> GFA for supermarkets, and she continues to seek the requested

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<sup>248</sup> Chris and Jan Coll (S558.009), Chris J Coll Surveying Limited (S566.009), William McLaughlin (S567.009), and Laura Coll McLaughlin (S574.009)

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amendments to NCZ-R1 and NCZ-R9. She commented that a supermarket cannot operate with a GFA of 250m<sup>2</sup> or less.

791. Ms Booker does accept the S42A recommendation to delete NCZ-R11.
792. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation to NCZ-R1 as initially sought in the submission.
793. A letter from Ms Daly Williams on behalf of the Ministry of Education was tabled at the hearing. The letter does not explicitly refer to the NCZ rules, but it does accept the separation of COMZ-R1 into two rules (one for buildings and one for activities). It also continues to seek an exemption for educational facilities in reference to the advice note and the need to consider NOISE-R3. It is assumed that the same applies to the NCZ.
794. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream. As a result, the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the NCZ a setback of 5m is sought<sup>249</sup>.
795. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network, as it is nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.
796. Despite not making any submissions on the rules of the NCZ, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. With respect to NCZ-R1, Ms Inta observed that, despite the reporting officer recommending separating activities from performance standards (as sought by Waka Kotahi), the S42A recommendation for the rule continues to refer to both. In particular, she suggests that references to vehicle storage and hours of operation be relocated to the new rule.
797. The evidence presented by Mr Jonathan Bhana-Thomson on behalf of the NZ Heavy Haulage Association reiterated the relief sought in the original submission to provide for relocated buildings as a permitted activity. The evidence sets out that the Association does not support the deletion of rules relating to relocated buildings.
798. Mr Bhana-Thomson's evidence sets out the process for relocating a building. It states that, in his experience, relocating a building generally involves less construction disturbance than on-site construction. Other benefits include lower labour costs and the reuse of existing buildings. Additionally, he advises that there is no requirement in the Building Act to complete the relocation or reinstatement of a building within a particular timeframe.

**Reporting Officer Reply Evidence**

799. Consequent to the separation of NCZ-R1 into two rules (one for building controls and one for activities) and in response to Waka Kotahi's submission and to Ms Inta's statement that was presented at the hearing, which sought to simplify plan provisions, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the

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<sup>249</sup> As set out in evidence for Topic 1, to align with the road boundary setback rules.

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wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

800. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration, the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The planners also note that the railway designation is considerably wider than the railway line itself. Therefore, an effective buffer already exists between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.

801. Concerning the NCZ, the reporting planners do not support the relief sought by KiwiRail for a 5m building setback from the railway corridor. They consider that a 5m setback would have a significant impact on the land available for development and is excessive in this zone. Notwithstanding that the reporting planners consider it more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be set back 1.5m from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

*NCZ-R1*

4. Any building or structure, **excluding buildings for residential activities and residential units**, is set back:

iv. **1.5m from the railway corridor boundary, excluding accessory buildings and structures**

5. Buildings for residential activities and residential units, are set back:

ii. **1.5m from the railway corridor boundary, excluding accessory buildings; and**

802. In response to the evidence presented by Mr Bhana-Thomson on behalf of the NZ Heavy Haulage Association, Ms Belgrave reconsidered the rules for relocated buildings in the COMZ, MUZ and NCZ. She also considered recommendations made for similar rules in the Residential Zones. Ms Belgrave understands that the purpose of the permitted activity standards for relocatable buildings is to manage potential amenity effects generally associated with achieving an acceptable exterior building quality within a specified timeframe.

803. On the understanding that the purpose of NCZ-R4 (and similar rules in COMZ and MUZ) is to address amenity effects, particularly through standards that require the timely completion of building works, Ms Belgrave agrees that the standards can address the existing concerns regarding relocatable buildings and their visual appearance. Furthermore, she considers that a permitted activity status (and compliance with the relevant standards) will encourage redevelopment and revitalisation within the relevant Commercial and Mixed Use zones.

804. Ms Belgrave recommends it is appropriate to retain NCZ-R4 for relocated buildings (with minor amendments to Standard 2, consistent with the NZ Heavy Haulage Association submission). She notes that this is also consistent with the recommendations in the Residential Zone hearing stream.

805. The recommended wording is as follows:

***NCZ-R4 Relocated Buildings***

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*Activity Status Permitted*

*Where:*

1. All performance standards for Rule NCZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and built, and to be~~ used as a dwelling;
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;
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
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.

806. Consequent to the above recommendation to retain NCZ-R4, Ms Belgrave also recommends retaining NCZ-R7. She recommends additions to the matters of control that respond to Mr Bhana-Thomson's letter.

807. The recommended wording is as follows:

***NCZ-R7 Relocated Buildings not meeting Permitted Activity Standards***

*Activity Status Controlled*

*Where:*

1. All performance standards for Rule NCZ - R1 are complied with.

*Matters of control are:*

- d. Design and location of structures;
- e. Landscape measures; and
- f. Appearance of buildings ***and the completion of any building reinstatement works identified in a building inspection report***

808. In response to the discussion during the hearing regarding Airbnb, Ms Belgrave reviewed the S32 report on the Commercial and Mixed Zones. She did not identify any specific issues relating to them. Notwithstanding, she did identify a need to reinforce a hierarchy of West Coast centres that are suitable for visitor accommodation.

809. Additionally, she identified an error in the NCZ chapter where, as notified, NCZ-R11 provides for visitor accommodation activities that do not meet the permitted standard. However, there is no permitted standard for visitor accommodation in the NCZ. Furthermore, it is recommended that NCZ-R11 be deleted to reduce duplication across the rules. At the time of the hearing, the rules did not provide for visitor accommodation in the NCZ, and so visitor accommodation would default to a non-complying activity under NCZ-R14.

810. Ms Belgrave considers it relevant to provide for visitor accommodation as a permitted activity in the NCZ, subject to performance standards, similar to those in the COMZ, MUZ and TCZ. She has therefore recommended a new rule to make provision for this. The recommended wording is as follows:

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***NCZ-R5A Visitor Accommodation***

***Activity Status Permitted***

*Where:*

1. *The visitor accommodation is located*
  - i. *In a Heritage Building listed in Schedule One; or*
  - ii. *Above street level; or*
  - iii. *At street level but with no frontage to public open spaces or streets except for access*
2. *Any space designed 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;*
3. *Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and*
4. *The principal residential accommodation entrance shall be provided directly from a public street or open space.*

***Advice Note***

1. *The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.*

***Activity status where compliance not achieved: Discretionary***

811. Overall, Ms Belgrave considers that the pTTPP includes several provisions that adequately manage the potential design and amenity effects of Airbnb and visitor accommodation.
812. The right of reply considers the question of whether there are provisions in the NCZ that will create opportunities for greater residential development. Ms Belgrave identifies rules NCZ-R1 and NCZ-R5 that provide for new buildings and residential activities in existing buildings as permitted activities. She comments that these permitted standards will encourage residential development by removing costs associated with the resource consent process.
813. The right of reply considers the letter tabled by Ms Williams on behalf of the Ministry of Education, and specifically the relief sought to include an exclusion from the noise provisions for education facilities. Ms Belgrave maintains her view that such an exclusion is not necessary. She does not consider it efficient to reiterate the exclusions that apply to designations, and that if education facilities are established outside of a designated site, then the noise provisions should be relevant for consideration.

**Hearing Panel's Evaluation**

**Overview**

814. In relation to the Overview, the Panel agrees, for the reasons provided by Ms Belgrave, that no amendments to the Overview are required and recommends that the Overview be retained as notified.

***NCZ-R1***

815. In relation to NCZ-R1, Ms Belgrave recommends many amendments to that rule, as well as creating a new rule and recommending additional changes to other rules. We have carefully

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considered the scope available to support making those amendments. We consider the Waka Kotahi submission s450.220 to provide sufficient scope. We note the submission seeks to;

*Amend the rule to clarify the intent of the rule as to whether these are considered as performance standards, and if so, a new separate rule should be created for the activities listed in the heading, or move the standards for the zone into a separate standards table, with all rules referring to those standards.*

816. In particular, we consider that part of the Waka Kotahi submission, which addresses moving the standards for the zone into a separate table with all rules referring to those standards, provides significant flexibility in moving standards from the various rules. We agree with her that her reply recommendations do not alter the intent of the rules, nor does the shifting of multiple standards between the rules make complying with the rules more onerous.
817. In reaching our recommendations, we have given more weight to the Waka Kotahi submission than to the evidence provided by Ms Inta at the hearing. We do accept, though, that the evidence did reference the Waka Kotahi submission, and it was critical that the Officer had not recommended sufficient changes to give effect to that submission. Additionally, Ms Initas' own submission, albeit a general one, sought to simplify Plan provisions, and to a limited extent, we rely on that submission to support our recommendations set out below.
818. Taking into account the above and Ms Belgrave's reasons, particularly those in her reply, we recommend that NCZ-R1 be amended as set out below, including the removal of standards to other rules and the addition of standards from different rules, as well as including new rules.
819. Given the issue addressed in submissions from Foodstuffs, we record that we agree with Ms Belgrave that the maximum gross floor area for a supermarket should be 250 m<sup>2</sup>, even though that standard ultimately resides in NCZ-R4A.
820. The Panel agrees with Ms Belgrave's recommendation and supporting reasons to reposition advice note 2 to another rule consequent upon the recommended changes to NCZ-R1 and the transfer of notified standards between rules, noting this repositioning of advice notes occurs in the equivalent rules in COMZ, MUZ, and TCZ chapters.

*NCZ-R2*

821. In relation to NCZ-R2, the Panel agrees with Ms Belgrave's recommendation, for the reasons she provides, to include a new standard 5. relating to hose drying towers as sought by Fire and Emergency. We agree with the consequential amendment to standard 1. arising from the recommended amendments to NCZ-R1 for the reasons Ms Belgrave provides.

*NCZ-R3*

822. In relation to NCZ-R3, the Panel agrees with Ms Belgrave's recommendation, for the reasons she provides, that this rule be retained as notified.

*NCZ-R4*

823. In relation to NCZ-R4, the Panel agrees with Ms Belgrave's recommendation, as outlined in her reply, paragraphs 100 to 115, to reverse her earlier recommendation to delete this rule and retain it, including other notified rules for this zone related to relocated buildings.

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824. However, The Panel records that we have already addressed relocated buildings in other chapters in the Plan. Ms Easton, as reporting for those other chapters has already provided revised wording for the rules dealing with relocated buildings. We consider we should utilise her wording for Plan consistency while at the same time addressing the submission of New Zealand Heavy Haulage Association. The full discussion on this issue is covered in the Settlement chapter recommendation.

*New Rule*

825. In relation to NCZ-4A, the Panel agrees with Ms Belgrave's recommendations to amend this rule, which are consequential on the amendments to NCZ-R1. We agree with the recommendation to include Education facilities up to a maximum of 250m<sup>2</sup>. In relation to the inclusion of education facilities, we note that the purpose of the NCZ is to serve surrounding residential areas by providing for the day-to-day needs of residents. In our view, the location of small-scale education facilities, such as childcare services, within the NCZ is appropriate and will have comparable effects to community facilities, which are provided for as a permitted activity. The remaining amendments to this rule result from the relocation of standards previously included in NCZ-R1 at the time of notification. We agree with Ms Belgrave's recommendations and her reasons to relocate them to this rule.

826. The Panel notes however that we have had to address the activity status cascade of as a result of these amendments which has resulted in the Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities defaulting to discretionary and/or non-complying depending on which standards are not met. We have identified a particular concern with the non-complying status which is driven from the notified Plan – in short, the notified Plan contained a major error in that a list of activities in NCZ-R1 - Standard 2 defaulted to discretionary and then straight to non-complying. We consider this major error has had flow on effects in Ms Belgrave's assessment which has not been identified. We also note that there is very little within the policy framework which would support a non-complying status for these activities.

827. On the basis of the above, the Panel considers that the activities in notified NCZ-R1 - Standard 2 should default to discretionary status and we recommend this amendment.

*NCZ-R5*

828. In relation to NCZ-R5, the Panel agrees with Ms Belgrave's recommendations and the reasons for them, which result from recommended amendments to NCZ-R1 and relocation of standards between this rule and NCZ-R1.

*New Rule*

829. In relation to NCZ-R5A, the Panel agrees with Ms Belgrave's recommendation and her reasons to include a new rule addressing visitor accommodation. She noted that visitor accommodation is permitted in the COMZ R1 as notified and in COMZ-R5A as recommended, permitted in the MUZ at R5, and in the TCZ as per rule 8. She advised that it was an error to notify the NCZ chapter, as NCZ-R11 provided for visitor accommodation that did not meet permitted activity standards, but there were no notified rules providing for visitor accommodation as a permitted activity. She further informed us that the intention is to delete NCZ-R11 due to duplication, with the result that NCZ-R14 would apply to visitor accommodation with a status of non-compliant. Including a permitted activity status rule for

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visitor accommodation would result in a consistent approach to that activity across NCZ, COMZ, MUZ, and TCZ, which would be appropriate.

*NCZ-R6*

830. In relation to NCZ-R6, the Panel agree with Ms Belgrave's recommendation and her reasons for recommending this rule be retained as notified.

*NCZ-R7*

831. In relation to NCZ-R7, the Panel agrees with Ms Belgrave's recommendation and her reasons detailed in her reply at paragraphs 110 to 115 that retaining this rule in the NCZ and in COMZ and MUZ, however we did not agree with the amended matters of control, in particular to ensure completion of building reinstatement works. We have amended the matters of control to include landscape mitigation and to refer to the reasons for non-compliance with Standards 3 and 4 of NCZ-R4 as a matter of control.

*NCZ-R8*

832. In relation to NCZ-R8, the Panel agrees with Ms Belgrave's recommendation and her reasons for it that this rule be retained as notified.

*NCZ-R9*

833. In relation to NCZ-R9, the Panel agrees with Ms Belgrave's recommendation and her reasons for it that this rule be amended consequent to the amendments sought by the Ministry of Education (S456.036) to apply a restricted discretionary activity status to non-compliances with NCZ-R1. Similar to the COMZ and MUZ, we consider that the following matters of discretion will ensure that the relevant effects of non-compliance with the rules under NCZ-R1, excluding infringements to maximum gross floor area and building height and the activities not provided for, can be addressed through the resource consent process:

- Bulk, location, and design of storage, building and structures;
- Effects on the safety, amenity and attractiveness of the street or public places;
- Visual dominance, privacy and shading, and nuisance effects on neighbouring sites; and
- Materials being stored and the period of time for storage.

834. We support the recommendation to delete the notified clauses a to c and replace them with the above assessment matters. Consequently, we also recommend that NCZ-R9 be applied to new buildings and external additions and alterations to existing buildings not meeting NCZ-R1. This recommendation results in an amendment to the rule heading.

*New Rule*

835. In regard to NCZ-R9A, the Panel agrees with Ms Belgrave's recommendation and her reasons for adding this new rule. Effectively, this new rule serves as the default rule when NCZ-R5A is not complied with, drawing on NCZ-R9 and NCZ-R4 for the relevant matters.

*NCZ-R10*

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836. In regard to NCZ-R10, the Panel agrees with Ms Belgrave’s recommendation, and her reasons for it, to retain this rule as notified, with the exception of adding the word *‘building’* to clause 3. Immediately after the word maximum and before the word height so as to ensure rule clarity. We accept this recommendation as a clause 16 amendment.

*NCZ-R11*

837. In regard to NCZ-R11 (now NCZ-R14), the Panel notes Ms Belgrave’s recommendation within her s42A is to delete this rule to simplify the NCZ chapter, as a discretionary activity status for non-compliance with the relevant rules is already provided for under NCZ-R2, NCZ-R3, and NCZ-R10. However, we disagree and recommend retaining this rule to ensure consistency across the Plan, where a default rule is provided.

838. The Panel also note that Education Facilities was missing from the original rule and we have added it in as a Clause 16(2) of the RMA recommendation.

839. The Panel has also deleted reference to the list of activities previously referred to and contained in new NCZ-R5. We consider the way the rules are now structured referencing these activities is unnecessary because the default activity status in Rule NCZ-R5 for these activities is discretionary.

*NCZ-R12*

840. In regard to NCZ-R12 (now NCZ-R15), the Panel again notes Ms Belgrave’s recommendation within her s42A is to delete this rule to simplify the NCZ chapter, as a discretionary activity status for non-compliance with the relevant rules is already provided for under NCZ-R2, NCZ-R3, and NCZ-R10. However, we disagree and recommend retaining this rule to ensure consistency across the Plan, where a default rule is provided.

*NCZ-R13*

841. In regard to NCZ-R13 (now NCZ-R17), the Panel agrees with Ms Belgrave’s recommendation, and her reasons for it, as detailed in her s42A, to retain this rule as notified.

*NCZ-R14*

842. The Panel acknowledges that NCZ-R14 (now NCZ-R16) is a ‘catch-all’ rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter.

**Hearing Panel’s Recommendation**

843. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **Neighbourhood Centre Zone Rules**:

**Neighbourhood Centre Zone**

## Overview

The NCZ - Neighbourhood Centre Zone provides for a range of small-scale commercial, retail and community activities that provide for day-to-day needs of the surrounding residential neighbourhood. Neighbourhood Centres provide a limited range of services, employment and living opportunities at a scale appropriate to the residential neighbourhood they are located in. In general, Neighbourhood Centres are of low to medium density.

Neighbourhood Centres are generally located near the street edge, sometimes with verandahs and retail display windows along the frontage. Typically, buildings are 1-2 storeys high. Parking is usually available on the street.

## 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 Neighbourhood Centre 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 Neighbourhood 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 Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Neighbourhood Centre Zone. 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 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 Neighbourhood Centre Zone.

## Neighbourhood Centre 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 is provided in General Approach.

## Permitted Activities

NCZ - R1

**New Buildings, External Additions and Alterations to Existing Buildings**  
**Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities**<sup>250</sup>

**Activity Status Permitted**

Where:

- ~~1. Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m<sup>2</sup> gross floor area per activity provided;~~
2. The activity does not include:
  - ~~i. Drive through restaurants;~~
  - ~~ii. Service stations;~~
  - ~~iii. Motor vehicle sales;~~
  - ~~iv. Yard-based retail activities;~~
  - ~~v. Trade retail and trade suppliers; or~~
  - ~~vi. Bars/taverns;~~
1. The maximum height above ground level is 10 metres except that this standard does not apply to hose drying towers at Emergency Service Facilities;
- ~~2. 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;~~
2. Maximum site coverage is 60%;
- ~~3. No more than one heavy vehicle is stored on the site;~~
4. Activities other than Emergency Services shall be limited to the following hours of operation:
  - ~~i. 6am – 11pm weekdays; and~~
  - ~~ii. 7am – 10 pm weekends and public holidays; except where~~
    - ~~a. The entire activity is located within a building; and~~
    - ~~b. There are no visitors, customers or deliveries outside the above hours.~~<sup>251</sup>
3. The maximum building length is 20m where this abuts a RESZ - Residential Zone;
4. Any building or structure, **excluding buildings for residential activities and residential units**<sup>252</sup> is set back
  - i. 2m from a RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone boundary;
  - ii. 3m from the road boundary; or
  - iii. For sites with frontage to two roads in the NCZ - Neighbourhood Centre Zone:

<sup>250</sup> Waka Kotahi (S450.220)

<sup>251</sup> Waka Kotahi (S450.220)

<sup>252</sup> Waka Kotahi (S450.220) consequent on relocate of NCZ-R5

- a. 3m on one road boundary; and
- b. 1.5m on the other road boundary;

iv. 1.5m from the railway designation boundary, excluding accessory buildings and structures<sup>253</sup>

**5. Buildings for residential activities and residential units are set back:**

i. 5m from road boundaries, except that a roof overhang may encroach 750mm into the setback

ii. 1 m from all other site boundaries, except that Duplexes do not require a setback from the side boundary of the other duplex unit; and<sup>254</sup>

iii. 1.5m from the railway designation boundary, excluding accessory buildings; and<sup>255</sup>

6. A landscape buffer of 1m width must be provided along the frontage between the street and any car parking, loading or service areas which are visible from the street frontage. This rule excludes access points;

7. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential site boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.~~<sup>256</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 (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
- 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 Note:**

~~1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE-R3 also apply.~~<sup>257</sup>

**1. 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>258</sup>

**Activity status where compliance not achieved:**

<sup>253</sup> KiwiRail (S442.51)

<sup>254</sup> Waka Kotahi (S450.220) consequent relocation from NCZ-R5

<sup>255</sup> KiwiRail (S442.51)

<sup>256</sup> Buller District Council (S538.458)

<sup>257</sup> Waka Kotahi (S450.220)

<sup>258</sup> Buller District Council (S538.458)

Discretionary where standards 1 to ~~2 &~~ are not complied with.

Restricted Discretionary where standards 3 to 7 ~~9-11~~ are not complied with.<sup>259</sup>

#### NCZ – R2 Minor Structures

##### Activity Status Permitted

Where:

1. All performance standards for Rule NCZ - R1.6 ~~are~~ is<sup>260</sup> complied with;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~
5. Any other structure must not exceed 10m<sup>2</sup> and 2m in height; and
6. Hose drying towers must not exceed 12m in height.<sup>261</sup>

**Activity status where compliance not achieved:** Discretionary

#### NCZ – R3 Fences, Walls and Retaining Walls

##### Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

**Activity status where compliance not achieved:** Discretionary

#### NCZ – R4 Relocated Buildings

##### Activity Status Permitted

Where:

1. All performance standards for Rule NCZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built, and to be used as a dwelling;<sup>262</sup>

<sup>259</sup> Waka Kotahi (S450.220)

<sup>260</sup> Consequent stemming from Buller District Council (S538.413)

<sup>261</sup> Fire and Emergency New Zealand (S573.092)

<sup>262</sup> New Zealand Heavy Haulage Association Inc (S616.003)

3. A building pre-inspection report **in accordance with Appendix 11**<sup>263</sup> 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 **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and**<sup>264</sup>
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~~
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.~~<sup>265</sup>

Activity status where compliance not achieved: Controlled

**NCZ – R5** **Commercial Activities, Community Facilities, Education Facilities**<sup>266</sup>  
**and Emergency Service Facilities**<sup>267</sup>

**Activity Status Permitted**

**Where:**

1. **Education Facilities,**<sup>268</sup> **Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m<sup>2</sup> gross floor area per activity;**
2. **The activity does not include:**
  - i. **Drive through restaurants;**
  - ii. **Service stations;**
  - iii. **Motor vehicle sales;**
  - iv. **Yard-based retail activities;**
  - v. **Trade retail and trade suppliers; or**
  - vi. **Bars/taverns**
3. **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**
4. **No more than one heavy vehicle is stored on the site, excluding heavy vehicles ancillary to emergency service facilities**<sup>269</sup>
5. **Activities other than Emergency Services shall be limited to the following hours of operation:**

<sup>263</sup> New Zealand Heavy Haulage Association Inc (S616.003)

<sup>264</sup> Chris and Jan Coll (S558.007), Chris J Coll Surveying Limited (S566.007), William McLaughlin (S567.007), Laura Coll McLaughlin (S574.007)

<sup>265</sup> Chris and Jan Coll (S558.007), Chris J Coll Surveying Limited (S566.007), William McLaughlin (S567.007), Laura Coll McLaughlin (S574.007)

<sup>266</sup> Ministry of Education (S456.036)

<sup>267</sup> Consequential to Waka Kotahi (S450.220)

<sup>268</sup> Ministry of Education (S450.036)

<sup>269</sup> Fire and Emergency New Zealand (S573.091)

- i. 6am – 11pm weekdays; and
- ii. 7am – 10 pm weekends and public holidays; except where
  - a. The entire activity is located within a building; and
  - b. There are no visitors, customers or deliveries outside the above hours.

**Advice Note:**

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

**Activity status where compliance not achieved:**

Restricted Discretionary where standards 3 to 5 are not complied with.

Discretionary where standard 1 and 2 is not complied with<sup>270</sup>

**NCZ – R6**

**Visitor Accommodation**

**Activity Status Permitted**

**Where:**

1. The visitor accommodation is located
  - i. In a Heritage Building listed in Schedule One; or
  - ii. Above street level; or
  - iii. At street level but with no frontage to public open spaces or streets except for access
2. Any space designed 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;
3. Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and
4. The principal residential accommodation entrance shall be provided directly from a public street or open space.

**Advice Note**

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

**Activity status where compliance not achieved: Discretionary**<sup>271</sup>

**NCZ – R57**

**Residential Activities and Residential Units**

<sup>270</sup> Consequential to Waka Kotahi (S450.220)

<sup>271</sup> Clause 16 Reporting Officer recommendation as Visitor Accommodation omitted in error

### Activity Status Permitted

Where:

~~1. Performance standards 1, 3 and 6 of Rule NCZ – R1 are complied with;~~<sup>272</sup>

1. Residential unit density is no more than

a. 1 unit per 350m<sup>2</sup> net site area; or

b. 1 unit per 300m<sup>2</sup> net site area where two or more adjoining sites are developed;

~~2. Maximum building height above ground level of 10m;~~

~~3. Maximum site coverage is 60%;~~

~~4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback;~~

~~5. Buildings are setback a minimum of 1m from all other site boundaries, except that:~~

~~a. Duplexes do not require a setback from the side boundary of the other duplex unit; and~~

~~b. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council 10 working days ahead of the work commencing;~~<sup>273</sup>

2. There is no more than 1 minor residential unit with a maximum gross floor area of 65m<sup>2</sup> per 500m<sup>2</sup> net site area; ~~and~~

3. A minimum of 30m<sup>2</sup> of outdoor living space is provided per residential unit and 12m<sup>2</sup> per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas; and

**4. No more than one heavy vehicle is stored on the site.**<sup>274</sup>

**Activity status where compliance not achieved:** Restricted Discretionary

**NCZ – R68**

**Demolition of Buildings**

### Activity Status Permitted

Where:

1. There is no redevelopment then the site is completely cleared of demolition materials and re-grassed within 12 months.

**Activity status where compliance not achieved:** Controlled

### Controlled Activities

<sup>272</sup> Consequential to Waka Kotahi (S450.220)

<sup>273</sup> Consequential to Waka Kotahi (S450.220)

<sup>274</sup> Consequential to Waka Kotahi (S450.220)

<b>NCZ – R79</b>	<b>Relocated Buildings not meeting Permitted Activity Standards</b>
<b>Activity Status Controlled</b>	
Where:	
1. All performance standards for Rule NCZ - R1 are complied with.	
<b>Matters of control are:</b>	
a. Design and location of structures;	
b. <del>Landscape measures;</del> <b><u>Measures to mitigate landscape effects</u></b> <sup>275</sup>	
c. Appearance of buildings; <b><u>and</u></b>	
d. <b><u>Reasons for non-compliance with Standards 3 and 4 of NCZ-R4.</u></b> <sup>276</sup>	
Activity status where compliance not achieved: Discretionary	
<b>NCZ – R810</b>	<b>Demolition of Buildings not meeting Permitted Activity Standards</b>
<b>Activity Status Controlled</b>	
<b>Matters of control are:</b>	
a. Timing and scope of landscape and site reinstatement measures.	
Activity status where compliance not achieved: N/A	
<b>Restricted Discretionary Activities</b>	
<b>NCZ – R911</b>	<b><del>Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities</del> <b><u>New Buildings and External Additions and Alterations to Existing Buildings not meeting NCZ-R1 Permitted Activity Standards</u></b><sup>277</sup></b>
<b>Activity Status Restricted Discretionary</b>	
Where:	
1. <del>The gross floor area is greater than 250m<sup>2</sup> per activity but all other Performance Standards for 1-8 for Rule NCZ - R1 are</del> is complied with. <sup>278</sup>	
<b>Discretion is restricted to:</b>	
a. <del>Design and location of buildings;</del>	
b. <del>Design and location of parking, loading and access areas; and</del>	

<sup>275</sup> Consequential Plan-wide amendment stemming from Manawa (S438.100)

<sup>276</sup> NZ Heavy Haulage Association (S616.014)

<sup>277</sup> Consequential to Ministry of Education (S456.036)

<sup>278</sup> Ministry of Education (S456.036)

- a. ~~Landscape measures.~~ Measures to mitigate landscape effects<sup>279</sup>
- b. Bulk, location and design of storage, buildings and structures;
- c. Effects on the safety, amenity and attractiveness of the street or public places;
- d. Visual dominance, and privacy and shading, effects on neighbouring sites,<sup>280</sup>

Activity status where compliance not achieved: Discretionary

**NCZ-R12** Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities not meeting Permitted Activity Standards 3-5 of NCZ-R5

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. Effects on the safety, amenity and attractiveness of the street or public places;
- b. Visual dominance and nuisance effects on neighbouring sites;
- c. Design and location of parking, loading and access areas;
- d. Location and design of storage; and
- e. The materials being stored and the period of time for storage.

Activity status where compliance not achieved: N/A<sup>281</sup>

**NCZ – R103** Residential Activities and Residential Units not meeting Permitted Activity Standards

**Activity Status Restricted Discretionary**

Where:

1. The minimum net site area is 200m<sup>2</sup>;
2. The maximum building<sup>282</sup> height is 10m;
3. Maximum building coverage is 50%; and
4. All Permitted Activity performance standards for Rules NOISE - R1, - R2, - R3 and - R6, LIGHT - R4 and SIGN - R17 are complied with.

**Discretion is restricted to:**

<sup>279</sup> Consequential Plan-wide amendment stemming from Manawa (S438.100)

<sup>280</sup> Consequential to Ministry of Education (S456.036)

<sup>281</sup> Consequential on Waka Kotahi (S450.220)

<sup>282</sup> Clause 16(2) of the RMA

- a. The extent to which there is sufficient availability and capacity in the water supply, wastewater, stormwater and transport networks to service the development or the need for development of a suitable alternative;
- b. Design and location of parking and access;
- c. Design and location of buildings and compliance with the Medium Density Housing Design Guidelines in Appendix Three; and
- d. ~~Landscape measures~~ **Measures to mitigate landscape effects** <sup>283</sup>.

**Activity status where compliance not achieved:** Discretionary

**Discretionary Activities**

<b>NCZ – R114</b>	<b>Commercial Activities, Community Facilities, Education Facilities</b> <sup>284</sup> <b>Emergency Service Activities not meeting Standard 1 or 2 of NCZ-R5 or Visitor Accommodation <del>the Permitted or Restricted Discretionary Activity Standards</del></b> <sup>285</sup>
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**Activity Status Discretionary**

- ~~1. Retail and office activities are a maximum of 250m<sup>2</sup> gross floor area per activity;~~
- ~~2. The activity does not include:
 
  - ~~i. Drive through restaurants;~~
  - ~~ii. Service stations;~~
  - ~~iii. Yard-based retail activities;~~
  - ~~iv. Motor vehicle sales; or~~
  - ~~v. Trade retail and trade suppliers.~~ <sup>286</sup>~~

**Activity status where compliance not achieved:** N/A

<b>NCZ – R125</b>	<b>Residential Activities, Residential Units, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting the Permitted or Restricted Discretionary Standards</b>
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**Activity Status Discretionary**

**Activity status where compliance not achieved:** N/A

<b>NCZ – R146</b>	<b><u>Any activity not provided for by another Rule in the zone</u></b>
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**Activity Status Discretionary**

<sup>283</sup> Consequential Plan-wide amendment stemming from Manawa (S438.100)

<sup>284</sup> Clause 16(2) of the RMA

<sup>285</sup> Consequential on Waka Kotahi (S450.220)

<sup>286</sup> Consequential on Waka Kotahi (S450.220)

<u>Activity status where compliance not achieved: N/A<sup>287</sup></u>	
Non-complying Activities	
<b>NCZ – R137</b>	<b>Industrial Activities</b>
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
<b>NCZ – R14</b>	<b>Any activity not provided for by another Rule in the Zone</b>
<del>Activity Status Non-complying</del>	
<del>Activity status where compliance not achieved: N/A<sup>288</sup></del>	

## 8. INDUSTRIAL ZONES

### 8.1. Industrial Overview

#### Submissions and Further Submissions

844. One submission point relating to the Overview was summarised in a Table on page 145 of the s42A Report. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions.

#### Section 42A Report

845. Ms Belgrave acknowledged the support from Silver Fern Farms that supports the Overview as notified.

846. The S42A report recommends retaining the Industrial Zone Overview as notified.

#### Hearing and Submitter Evidence

847. No evidence was presented at the hearing in relation to this submission point.

#### Reporting Officer Reply Evidence

848. There was no specific consideration of this matter in the reply evidence.

#### Hearing Panel's Evaluation

849. The Panel accept that no amendments as necessary as a result of the above submission.

#### Hearing Panel's Recommendation

850. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the **Industrial Zone Overview**.

<sup>287</sup> Consequential amendment stemming from William McLaughlin (S567.449), Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394) Laura Coll McLaughlin (574.394)

<sup>288</sup> Consequential amendment stemming from William McLaughlin (S567.449), Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394) Laura Coll McLaughlin (574.394)

## 8.2. General/Whole Chapter

### Submissions and Further Submissions

851. Five submissions points and one further submission point concerning the Industrial Zones were summarised in a Table on pages 145-146 of the s42A Report. The Panel adopts these summaries and has considered to all of the relevant submissions and further submissions.

### Section 42A Report

852. Ms Belgrave acknowledges the submission point made by Westland District Council that supported the objectives and policies as notified and sought their retention.

853. Ms Belgrave does not support the relief sought in the submission point made by Forest and Bird. The submission sought amendment to the zone provisions to be clear that the Natural Environment and District Wide chapters all apply, and that no lesser standard of effects management is applied, in particular on biodiversity values. Ms Belgrave does not consider amendments necessary as is common for these matters to be managed outside of the zone chapters. Notwithstanding, cross references are included in the Overview text in the GIZ and LIZ.

854. In response to the submission point made by GDC that sought to remove all references to 'Site or Area of Significance to Māori' Ms Belgrave does not support the relief sought as the submitter provides no justification for the request. Ngāi Tahu oppose the submission by way of further submission.

855. In response to the submission points made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams and has also been considered in relation to the other zones. Ms Belgrave does not support the relief sought in the submission points.

856. Ms Belgrave did not make any recommendations to amend the INZ provisions in response to these submission points.

### Hearing and Submitter Evidence

857. No evidence was presented at the hearing in relation to this submission point.

### Reporting Officer Reply Evidence

858. There was no specific consideration of this matter in the reply evidence.

### Hearing Panel's Evaluation

859. In relation to the Forest and Bird submission the Panel generally agrees with Ms Belgrave. We consider that the word '*including*' in the zone overviews ensures that consideration can be given to any other District wide chapters.

860. In relation to the remainder of the submissions on the General/Whole Chapter, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

### Hearing Panel's Recommendation

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861. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the general matters raised in submissions and further submission across the **Industrial Zone**.

### **8.3. Industrial Objectives**

#### **Submissions and Further Submissions**

862. Six submission points and three further submission points relating to **INZ-O1** were summarised in a Table on pages 147-148 of the s42A Report. Two submissions supported the retention of the objective as notified, three sought amendments and one sought to add a new policy.

863. Six submission points relating to **INZ-O2** were summarised in a Table on pages 149-150 of the s42A Report. Four submissions supported the retention of the objective as notified, one sought amendment and one sought its deletion.

864. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

#### **Section 42A Report**

##### *Objective 1*

865. In relation to INZ-O1, Ms Belgrave acknowledged the support from the submitters that seek to retain the objective as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

866. In response to the submission point made by Silver Ferns Farms that sought to delete the words 'and does not compromise the amenity of adjoining areas' from the end of the objective, Ms Belgrave does not support the relief sought. Silver Fern Farms seeks an objective that enables and promotes the operation of industry in their designated zones by imposing amenity values which are compatible with the purpose of the zoning. Reverse sensitivity concerns are also raised. It is Ms Belgrave's view that the management of the interface with more sensitive zones is a relevant matter under INZ-O1 and the rules of the GIZ and LIZ provide context and certainty to plan users as to the appropriate level of amenity to be achieved. Notwithstanding, Ms Belgrave does recommend amending '*adjoining areas*' to '*adjoining zones*'.

867. In response to the similar submission points made by the Director General and Fire and Emergency NZ that sought additional wording to the objective to provide for compatible non-industrial activities, Ms Belgrave does not support the relief sought of either submitter. She does not consider it necessary for the objective to recognise all permitted activities as the primary purpose of the zone is to provide for industrial activities.

868. Ms Belgrave recommends partly accepting the submission made by Westland Milk Products that sought the addition of a new policy to recognise the economic and employment contributions industrial activities provide. Ms Belgrave acknowledges that the benefits of industrial activities is a relevant matter for consideration in the INZ chapter. However, she considers that the recognition of the benefits is more appropriately provided in INZ-O1 and she recommends the following:

#### ***INZ-O1***

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~~*To provide for the efficient and effective operation and development of industrial activities*~~  
***Recognise that industrial activities contribute to economic and social wellbeing, and are enabled*** in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining ~~areas~~ ***zones***.

869. After having reviewed Mr Black's evidence for Westland Milk Products, Ms Belgrave acknowledged the relevance of providing for the efficient and effective operation of activities in the INZ. However, she does not consider a new objective is required. She recommends the following wording in response to Mr Black's evidence.

**INZ-01**

~~*To provide for the efficient and effective operation and development of industrial activities*~~  
***Recognise that industrial activities contribute to economic and social wellbeing, and provide for their efficient and effective operation and development are enabled*** in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining ***zones*** ~~areas~~.

**Objective 2**

870. In response to the submission point made by BDC that sought to delete this objective Ms Belgrave supports the relief sought. She agrees that the objective provides direction for new industrial zoned land, and in that respect is more appropriately located in the Strategic Directions Chapter.
871. In response to the clarification sought by BDC as to what activities constitute 'light' and 'heavy' industries, Ms Belgrave explains that the pTTPP does not include a Heavy Industry zone, and that the Planning Standards include a description for each industrial zone which is included in the pTTPP. As such, additional clarification is not necessary.
872. In response to the submission point made by Waka Kotahi that sought to change 'encourage' to 'require', Ms Belgrave supports the relief sought subject to the objective being relocated to the SD Chapter. She agrees that 'require' provides greater certainty.
873. As a consequence of the recommendation to relocate the objective, Ms Belgrave does not support the relief sought by the submissions to retain the objective as notified.
874. The S42A report recommends deleting INZ-02 from the INZ Chapter and relocating an amended version in the Strategic Direction Chapter, under Urban Form and Development:

***UFD-06 To require ~~encourage~~ new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses ensure that this development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.***

**Hearing and Submitter Evidence**

875. Ms Lucy Smith tabled a letter on behalf of Terra Firma Mining Limited. The letter set out that Terra Firma supported the notified version of INZ-01 as it referred to the 'efficient and effective operation and development of industrial activities'. The S42A recommendation deleted this phrase and replaced it with 'recognise that industrial activities contribute to economic and social wellbeing and are enabled'. Ms Smith considers that both phrases are relevant and they should be included as separate objectives.

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876. Mr Steve Tuck's evidence for Silver Fern Farms reiterates the submission point relating to INZ-O1 with reference to the existing meat processing facility in Hokitika. He identifies that the notified version of LIZ-O1 places obligation on industry to manage cross-zone effects. In the case of the Hokitika site where it is also proposed to re-zone adjoining land GRZ, Mr Tuck considers that this obligation overrides the strategic outcomes sought for industrial zones. He considers that the objective prioritises residential amenity considerations despite the existing well established industrial activity. He seeks amendment to the objective to ensure that existing industry is not obliged to adapt to incompatible encroachments. His suggested wording is as follows:

***INZ-O1 Recognise that industrial activities contribute to economic and social wellbeing, and are enabled in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining zones, excepting amenity effects generated by the meat processing facility located at Lot 1 DP 545864 and Lot 2 DP 545864 on adjacent residential zones.***

877. Mr Tuck's evidence in relation to INZ-O2, he supports relocating the objective to the Strategic Directions chapter. However, he recommends additions to the wording to capture the outcome of the related policy (INZ-P2) regarding natural hazard risk and sites of significance to Māori. His suggested wording is as follows:

***INZ-O2 UFD-O6 To ~~require encourage~~ new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses, ensure that this land is free of significant constraints and that development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.***

878. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation not to make any changes to INZ-O1, in accordance with what was originally sought in the submission.

879. Mr Richard Black's evidence for Westland Milk Products supports the S42A recognition of economic and social well-being within INZ-O1 (rather than a new policy as sought in the submission). However, he does not support deleting 'the efficient and effective operation and development of industrial activities' as this is a critical outcome for industrial zones. It is his recommendation to include this wording as a separate objective:

***INZ-O3 The contribution of industrial activities to economic and social wellbeing is recognised.***

**Reporting Officer Reply Evidence**

880. As part of the right of reply, Ms Belgrave has completed a 'wiring assessment' of the objectives, policies and rules in the INZ, GIZ and LIZ Chapters. She notes that given the recommendation to relocate INZ-O2 to the SD Chapter, the INZ Chapter includes a single objective:

***INZ-O1***

***~~To provide for the efficient and effective operation and development of industrial activities~~  
Recognise that industrial activities contribute to economic and social wellbeing, and provide for their efficient and effective operation and development ~~are enabled~~ in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining zones ~~areas~~.***

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881. Her wiring assessment confirms that the objective is well aligned to the policies and rules relating to the range of industrial activities and managing the effects of these activities, but it does not align with INZ-P5, INZ-P7 and INZ-P11 that are focused on managing sites of significance to Māori, avoiding incompatible activities or managing the effects of stormwater runoff. She also identifies that there is a gap in the policies in terms of managing amenity effects within the INZ.

882. To address the identified gaps, Ms Belgrave recommends the various amendments, (some of which relate to the policies of the INZ and will be addressed in the relevant section of this decision). In terms of the objectives, she recommends the following:

***~~INZ-O1: Recognise that industrial activities contribute to the economic and social wellbeing, and provide for their efficient and effective operation and development in the INZ- Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining zones areas.~~***

***INZ-OX: Require activities in the INZ – Industrial Zones to maintain a standard of amenity appropriate to these areas and which does not compromise the amenity of adjoining zones.***

***INZ-OX: Manage the effects generated by industrial activities on waterbodies and coastal water.***

***INZ-OX: The role and function of the INZ – Industrial Zones is not compromised through the establishment of incompatible activities.***

883. With respect to scope for the recommended changes, Ms Belgrave considers that the changes fall within the ambit of clause 16(2). Additionally, the amendments will simplify the wording which is within the scope of three submission points<sup>289</sup> that sought the general simplification of the whole Plan.

884. Ms Belgrave's right of reply also provides a response to questions from the Panel regarding the relocation of some objectives to the Strategic Direction Chapter (in this instance INZ-O2). She considers that INZ-O2 is applicable to areas where a new Industrial zoning is proposed through a plan change process and is less applicable to live zoned Industrial land managed by the GIZ and LIZ Chapters. Therefore, she reiterates that the SD Chapter is the appropriate location for the objective, and that the proposed new objective (UFD-OX2) as set out in the CMUZ part of this decision consolidates the intent of INZ-O2. Therefore, it is Ms Belgrave's recommendation that the S42A recommendation to insert UFD-O6 be deleted.

885. A joint right of reply has been prepared in response to the Silver Fern Farms evidence as the issues traverse various hearing streams. The joint right of reply acknowledges that the rationale for many of the submission points made by Silver Fern Farms relate to reverse sensitivity. Notwithstanding that, the reporting planners do not support the specific 'carve out' provisions that look to provide exemptions for the Hokitika site. This is because it is not in accordance with best practice for plan drafting nor is it considered that it will resolve the issues Silver Fern Farms raise as the subdivision has been approved and the development of houses is already taking place.

886. The joint right of reply also considers the relocation of INZ-O2 to the SD chapter and the amended wording offered by Mr Tuck. It is Ms Belgrave's opinion that the additional words are unnecessary.

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<sup>289</sup> Gina Hogart (S304.003), Suzanne Hills (S443.001), Shaun and Carissa du Plessis (S402.001).

### Hearing Panel's Evaluation

887. As indicated in the Commercial zones, the Panel does not support moving objectives and/or Policies into the Strategic Directions chapter on the basis that the provisions are too specific to be relocated to that part of the Plan. Regardless of this, we have recommended amendments to the Urban Form and Development section of the Strategic Directions Chapter, which will broadly provide context for the Commercial and Industrial provisions.
888. In terms of INZ-O1, the Panel agree that recognising that benefits of industrial activities in appropriate in the policy framework as sought by Westland Milk Products. We therefore agree with the rewording of the objective as proposed by Ms Belgrave in the s42A report and recommend it be included.
889. The Panel agree with Waka Kotahi's submission to amend 'encourage' to 'require' in Objective 2 and recommend this amendment.
890. In term of Silver fern Farms submissions we note that reserve sensitivity in terms of industrial development has now been addressed in Strategic Direction policy UFD-P1.

### Hearing Panel's Recommendation

891. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following changes to the **Industrial Zone Objectives**:

<b>INZ – O1</b>	<del>To provide for the</del> <b>Recognise that industrial activities contribute to economic and social wellbeing and provide for their</b> efficient and effective operation and development of industrial activities <sup>290</sup> in the INZ - Industrial Zones, in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining <del>zones</del> <b>areas</b> . <sup>291</sup>
<b>INZ – O2</b>	To <del>encourage</del> <b>require</b> <sup>292</sup> new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses ensure that this development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.

## **8.4. Industrial Policies**

### Submissions and Further Submissions

892. Six submission points relating to **INZ-P1** were summarised in a Table on pages 150-151 of the s42A Report. One submission point supported the retention of the policy as notified. Five submission points supported the retention of the policy as notified. One submission sought it be deleted.
893. Three submission points relating to **INZ-P2** were summarised in a Table on pages 151-152 of the s42A Report. Two submission points supported the retention of the policy as notified. One submission sought it be deleted.

<sup>290</sup> Westland Milk Products (S63.008)

<sup>291</sup> Silver Firm Farms (S441.043)

<sup>292</sup> Waka Kotahi (S450.225)

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894. Five submission points relating to **INZ-P3** were summarised in a Table on page 152 of the s42A Report. Four submission points supported the retention of the policy as notified. One submission sought it be deleted.
895. Five submission points and one further submission points relating to **INZ-P4** were summarised in a Table on page 153 of the s42A Report. Three submission points supported the retention of the policy as notified. Two submission points sought it be deleted.
896. Three submission points relating to **INZ-P5** were summarised in a Table on page 154 of the s42A Report. All submission points supported the retention of the policy as notified.
897. Four submission points relating to **INZ-P6** were summarised in a Table on page 155 of the s42A Report. Three submission points supported the retention of the policy as notified and one submission point sought amendments.
898. Three submission points relating to **INZ-P7** were summarised in a Table on pages 155-156 of the s42A Report. Two submission points supported the retention of the policy as notified and one submission point sought amendments.
899. Three submission points relating to **INZ-P8** were summarised in a Table on page 157 of the s42A Report. One submission point supported the retention of the policy as notified and one submission point sought amendments.
900. Three submission points relating to **INZ-P9** were summarised in a Table on page 158 of the s42A Report. One submission point supported the retention of the policy as notified and two submission points sought amendments.
901. Three submission points relating to **INZ-P10** were summarised in a Table on page 159 of the s42A Report. Two submission points supported the retention of the policy as notified and one submission point sought to delete it.
902. Five submission points and one further submission relating to **INZ-P11** were summarised in a Table on page 160 of the s42A Report. Three submission points supported the retention of the policy as notified and two submission points sought amendment.
903. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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*INZ – Policy 1*

904. In response to the submission point made by BDC that sought to delete this policy Ms Belgrave supports the relief sought. She agrees that similar to INZ-O2, INZ-P1 does not relate to the existing Industrial Zones but instead provides direction for new industrial zoned land. Therefore, she recommends it be relocated to the Strategic Directions Chapter.
905. As a consequence of the recommendation to relocate the policy, Ms Belgrave does not support the relief sought by the other submissions to retain the objective as notified.
906. The S42A report recommends deleting INZ-P1 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O7.

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*INZ – Policy 2*

907. In response to the submission point made by BDC that sought to delete this policy Ms Belgrave supports the relief sought. This is for similar reasons to those already set out and she recommends that it be relocated to the Strategic Directions Chapter.
908. As a consequence of the recommendation to relocate the policy, Ms Belgrave does not support the relief sought by the other submissions to retain the objective as notified.
909. The S42A report recommends deleting INZ-P2 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O8.

*INZ – Policy 3*

910. In response to the submission point made by BDC that sought to delete this policy Ms Belgrave supports the relief sought. This is for similar reasons to those already set out and she recommends that it be relocated to the Strategic Directions Chapter.
911. As a consequence of the recommendation to relocate the policy, Ms Belgrave does not support the relief sought by the other submissions<sup>293</sup> to retain the objective as notified.
912. The S42A report recommends deleting INZ-P3 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O9.

*INZ – Policy 4*

913. In response to the submission points made by BDC and Westland Farm Services that sought to delete this policy Ms Belgrave supports the relief sought. This is for similar reasons to those already set out as well as an acknowledgement that the availability of suitable Industrially zoned land is difficult to determine with certainty. In this case it is not recommended that the policy be relocated to the Strategic Directions Chapter.
914. As a consequence of the recommendation to delete the policy, Ms Belgrave does not support the relief sought by the other submissions<sup>294</sup> to retain the objective as notified.
915. The S42A report recommends deleting INZ-P4 from the INZ Chapter.

*INZ – Policy 5*

916. Ms Belgrave acknowledged the support from Te Mana Ora, Silver Fern Farms and Ngāi Tahu that supports the policy as notified.
917. The S42A report recommends retaining INZ-P5 as notified.

*INZ – Policy 6*

918. Ms Belgrave acknowledged the support from Te Mana Ora, the Department of Corrections and Terra Firma that supports the rule as notified. This is subject to the recommended amendments that are set out below.

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<sup>293</sup> Te Mana Ora (S190.790), Silver Fern Farms (S441.047), Waka Kotahi (S450.227), Grey District Council (S608.709)

<sup>294</sup> Te Mana Ora (S190.791), Silver Fern Farms (S441.048), Waka Kotahi (S450.228)

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919. In response to the submission point from Silver Fern Farms that sought to change the wording of the policy on the basis that the word ‘acceptable’ is vague, Ms Belgrave does not support the proposed wording. However, she does agree that ‘acceptable’ does not provide sufficient certainty.

920. The S42A report recommends amending INZ-P6 as follows:

*Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while **maintaining the amenity values of any adjacent RESZ – Residential Zone, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone** ~~ensuring an acceptable level of environmental quality and amenity within the zones.~~*

921. As a result of the statement from Terra Firma, Ms Belgrave reconsidered the wording of INZ-P6 in her addendum to the S42A report. She agrees that a duplication is created by INZ-P6 and INZ-P8, and as such supports the amended wording suggested by Ms Smith (and Silver Ferns Farms) for INZ-P6, which is:

*Provide for a wide range of industrial and compatible activities **and corresponding environmental quality and amenity**, within the INZ – Industrial Zones, ~~while ensuring an acceptable level of environmental quality and amenity within the zones.~~*

*INZ – Policy 7*

922. Ms Belgrave acknowledged the support from Te Mana Ora, and Waka Kotahi that supports the policy as notified. This is subject to the recommended amendments that are set out below.

923. In response to the submission point made by Silver Fern Farms that sought amendments to delete ‘other’ industrial activities and to recognise that ancillary residential activities are not to be excluded from the Industrial zones under INZ-P7(a), Ms Belgrave supports the relief sought. However, she recommends alternative wording to clarify the wording.

924. The S42A report recommends amending INZ-P7 as follows:

*Avoid activities that may be incompatible with ~~other~~ industrial activities from establishing in the INZ - Industrial Zones, to ensure the safe and efficient operation of industrial activities. This includes:*

*(a) Excluding activities (such as residential **activities** and visitor accommodation **that are not ancillary to an industrial activity,**) that conflict with the intended purpose of the zone through the potential for reverse sensitivity effects; or by reducing the land available for industrial and service activities;*

*(b) ...*

*(c) ...*

*INZ – Policy 8*

925. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. This is subject to the recommended amendments that are set out below.

926. In response to the submission point from Silver Fern Farms that sought to replace INZ-P8 with a policy that seeks to manage the effects of the adverse effects within the zone to maintain the character and amenity of adjoining zones Ms Belgrave supports the relief in part. She considers that the word ‘protects’ in the notified policy does not effectively recognise and

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provide for the nature of industrial activities. She also does not consider that the notified wording will enable non-compliance with the performance standards to be appropriately managed. As such she has recommended deleting the reference to the performance standards, which aligns with her recommendation for CMUZ-P13.

927. In response to the submission point made by Westland Milk Products that sought to include the words ‘*where necessary*’ to the policy, Ms Belgrave does not support the relief sought. She does not consider the addition appropriate as the requirement to avoid, remedy, or mitigate adverse effects is applicable to all development.

928. The S42A report recommends the following amendments to INZ-P8:

*INZ-P8*

~~*Impose performance standards on*~~ ***Avoid, remedy or mitigate adverse effects of*** development and land use in the INZ - Industrial Zones ~~*to maintain that protects*~~ the amenity values of the commercial, residential and rural areas surrounding the INZ - Industrial Zones.

929. Consequential to the statement from Terra Firma relating to INZ-P6 and how it duplicates INZ-P8, Ms Belgrave reconsidered the wording of both INZ-P6 and INZ-P8 in her addendum to the S42A report. She recommends amendments to INZ-P8 that are consequential to the recommended changes to INZ-P6. The recommended wording in the addendum is:

*INZ-P8*

~~*Impose performance standards on*~~ ***Avoid, remedy or mitigate adverse effects of*** development and land use in the INZ - Industrial Zones ~~*to maintain that protects*~~ the amenity values of the commercial, residential ***open space and recreation,*** and rural areas surrounding the INZ - Industrial Zones.

*INZ – Policy 9*

930. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. This is subject to the recommended amendments that are set out below.

931. In response to the submission point made by Silver Fern Farms that sought to clarify the subjectivity of the policy, Ms Belgrave agrees that the policy creates uncertainties for plan users and she recommends amendments to the policy to improve clarity.

932. In response to the submission point made by Waka Kotahi that sought an addition to maintain the safe function of the road, Ms Belgrave supports the relief sought.

933. The S42A report recommends the following amendments to INZ-P9:

*INZ-P9*

~~*Industrial sites at the gateways to Hokitika (SH6), Reefton (SH7 and SH69), Greymouth/Māwhera (SH6) and Westport/Kawatiri (SH 67), and where in close proximity to residential areas, should not detract from the visual amenity of the road frontage, through the inclusion of landscaping and tree planting.*~~

***Manage effects on visual amenity along road frontages of the INZ – Industrial Zones that are adjacent to state highways and residential areas with landscaping and tree planting, while ensuring the safe function of the road.***

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*INZ – Policy 10*

934. In response to the submission point made by Buller District Council that sought to delete this policy Ms Belgrave supports the relief sought. She agrees that similar to a number of other objectives and policies, INZ-P10 does not relate to the existing Industrial Zones but instead provides direction for new industrial zoned land. Therefore, she recommends it be relocated to the Strategic Directions Chapter.
935. As a consequence of the recommendation to relocate the policy, Ms Belgrave supports the relief in part sought by the other submissions to retain the objective as notified.
936. The S42A report recommends deleting INZ-P10 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O10.

*INZ – Policy 11*

937. Ms Belgrave acknowledged the support from Te Mana Ora, GDC and Ngāi Tahu that supports the rule as notified. This is subject to the recommended amendments that are set out below.
938. In response to the submission point made by Silver Fern Farms that sought to narrow the focus of the policy so that it focuses on the stormwater network Ms Belgrave considers that INZ-P11 is appropriate and provides for the management of effects that are separate to regional council functions. Nevertheless, Ms Belgrave does recommend minor amendments to refer to the management of adverse effects on any waterbody or coastal water as this will achieve consistency with RMA terminology
939. The proposed additions sought by Westland Milk Products is not supported by Ms Belgrave, as she considers that they have the potential to change the intent of the policy.
940. The S42A report recommends the following amendments to INZ-P11:

*INZ-P11*

*Require the careful on-site management and treatment of stormwater from industrial buildings and sites **so that adverse effects on any waterbody or coastal water are avoided, remedied, or mitigated in order to safeguard the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.***

**Hearing and Submitter Evidence**

941. Mr Steve Tuck's evidence for Silver Fern Farms he supports relocating INZ-P1 to INZ-P3 to the Strategic Directions chapter. However, he recommends that they continue to be policies in which case they will implement UFD-O6.
942. Mr Tuck accepts and supports the deletion of INZ-P4 as he agrees that the policy is redundant given the combination of directions in non-industrial zones discouraging industry and the enabling of industry in GIZ and LIZ.
943. Mr Tuck's evidence regarding INZ-P6 and INZ-P8 makes the same points that he made in relation to INZ-O1. He identifies that the S42A (prior to the addendum) versions of the policies places obligation on industry to manage cross-zone effects. In the case of the Hokitika site where it is also proposed to re-zone adjoining land GRZ, Mr Tuck considers that this obligation overrides the strategic outcomes sought for industrial zones. He considers that the policies

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prioritise residential amenity considerations despite the existing well established industrial activity. He seeks amendment to the policies to ensure that existing industry is not obliged to adapt to incompatible encroachments. His suggested wording is as follows:

***INZ-P6 Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while maintaining the amenity values of any adjacent RESZ – Residential Zone, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone, excepting the residential zone located adjacent to the meat processing facility located at Lot 1 DP 545864 and Lot 2 DP 545864.***

***INZ-P8 Avoid, remedy or mitigate adverse effects of development and land use within the INZ – Industrial Zones to maintain the amenity values of the commercial, residential and rural areas adjoining the INZ- Industrial Zones, excepting the residential zone located adjacent to the meat processing facility located at Lot 1 DP 545864 and Lot 2 DP 545864.***

944. Furthermore, Mr Tuck also proposes a new policy as he considers that there is an absence of management for cross-zone reverse sensitivity effects. The proposed policy will protect strategically important industry from the reverse sensitivity effects of incompatible zones encroaching nearby. He considers this necessary to prevent the erosion of industrial zones by incompatible zones and activities, which would in his view exacerbate the key issues identified in the section 32 report. He suggests the following:

***INZ-P(XX) Protect industrial zones and activities from the reverse sensitivity effects of incompatible zones and activities in adjacent locations.***

945. Mr Tuck’s evidence generally supports the amendments recommended to INZ-P7. However, he also suggests that the word ‘custodial’ be deleted from part (c) of the policy. He considers that this would better align sub-clause (c) with the direction in sub-clause (a). Sub-clause (a) contemplates residential activities ancillary to industry, whether or not they are “custodial” residential activities. So to avoid difficulties in applying the relevant rule to non-custodial activities with a residential component that are ancillary to industry, (such as seasonal worker accommodation), the policy would be improved if ‘custodial’ is deleted.
946. Mr Tuck’s evidence supports the amendments to INZ-P9.
947. In reference to INZ-P10, Mr Tuck supports the deletion of the policy but does not consider it necessary that it be relocated to the SD Chapter.
948. Mr Tuck’s evidence accepts that INZ-P11 could be useful in the context of the District Council’s role as the operator of the reticulated stormwater network, and at Appendix 1 of his evidence he considers that the policy should be retained as notified.
949. Ms Lucy Smith’s statement on behalf of Terra Firma Mining Limited considers that the recommended amendments to INZ-P6 changes the focus of the policy from the environmental quality and amenity within the zones to the amenity of adjacent zones. Ms Smith notes that this duplicates the intent of recommended amendments to INZ-P8. As such, she supports the amended wording sought by Silver Fern Farms in their original submission.
950. Mr Richard Black’s evidence for Westland Milk Products confirms that he generally supports the S42A wording for INZ-P11 despite it not being the same as sought in Westland Milk Products’ submission.

**Reporting Officer Reply Evidence**

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951. As set out regarding the INZ Objectives, Ms Belgrave's right of reply responds to questions from the Panel regarding the relocation of some policies to the Strategic Direction Chapter. She considers that INZ-P1, INZ-P2 and INZ-P3 apply to areas where a new Industrial zoning is proposed through a plan change process and are less applicable to live-zoned Industrial land managed by the GIZ and LIZ Chapters. Therefore, she reiterates that the SD Chapter is the appropriate location for these policies, and that the proposed new objective (UFD-OX2) as set out in the CMUZ part of this decision consolidates their intent. Therefore, Ms Belgrave recommends that the S42A recommendation to insert UFD-O7 to UFD-O9 be deleted.
952. As part of the wiring assessment, Ms Belgrave identified that INZ-P5 did not correlate to INZ-O1. As such, she considers it appropriate to delete this policy from the INZ Chapter. She considers that it is appropriate for SASM to be managed within the SASM Chapter, which is in accordance with Section 7 of the National Planning Standards. As both the GIZ and LIZ chapters include a cross-reference to the SASM Chapter, where the outcomes sought under INZ-P5 are provided for in accordance with SASM-P1 – SASM-P4, no other changes are recommended.
953. The wiring assessment also identified a gap in policies relating to the management of amenity effects within the INZ. As such, Ms Belgrave recommends amendments to INZ-P8 to ensure that amenity values within the INZ are managed and to improve the clarity of this policy
954. Like policies INZ-P1 to INZ-P3, Ms Belgrave recommends that INZ-P10 should be relocated to the Strategic Directions Chapter as it is more likely to apply to areas where a new Industrial zoning is proposed through a plan change process than locations where the zoning already exists. Ms Belgrave reconsidered this in her right of reply following questions from the Panel as to the necessity of the policy. She maintains that the policy is relevant, noting that it may apply to resource consent applications that seek to relocate existing activities, or to plan change applications that seek to establish new industrial zoning in appropriate locations to facilitate the relocation of existing activities.
955. A joint right of reply has been prepared in response to the Silver Fern Farms evidence as the issues traverse various hearing streams. The joint right of reply acknowledges that the rationale for many of the submission points made by Silver Fern Farms relate to reverse sensitivity. Notwithstanding that, the reporting planners do not support the specific 'carve out' provisions that look to provide exemptions for the Hokitika site.
956. The joint right of reply points out that including site specific detail in the objectives and policies is not in accordance with best practice plan drafting. Furthermore, as the subdivision of the land adjacent to the Hokitika site has been approved and the development of houses has already taken place, the suggested worded for the objectives and policies is not considered to resolve the issues Silver Fern Farms raised.
957. The joint right of reply supports deleting the word 'custodial' from INZ-P7(c).
958. Ms Belgrave considers in the joint right of reply that INZ-P10 provides high-level strategic direction on the location of industrial activities; therefore, in response to Mr Tuck's view that it is not relocated to the SD Chapter, she remains of the view that its relocation is appropriate. Furthermore, she also considers that the combination of INZ-O1, INZ-OX1, INZ-P6 and INZ-P7 will provide adequate direction to protect industrial zones from incompatible activities, and the additional policy proposed by Mr Tuck is unnecessary.

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959. A legal memorandum prepared by Wynn Williams was provided as part of the right of reply to specifically consider and respond to questions from the Panel related to the lawfulness of the stormwater treatment provisions. The memo confirms that it is permissible for there to be overlaps between regional and district plans, provided that each is consistent with the respective council's functions.

**Hearing Panel's Evaluation**

960. The Panel disagrees with Ms Belgrave regarding the relocation of Policies 1-3 into the Strategic Directions Chapter, as already indicated. We further consider that it is appropriate to have 'rezoning' type policies contained within the appropriate zone chapters, because a plan change will need to be considered in conjunction with other zone policies.

961. In terms of INZ-P4, the Panel acknowledges that the policy is a little unusual. As we understand it is seeking to encourage industrial activities to locate within industrial zones where suitable land is available. We accept that industrial zones are likely to better provide the necessary infrastructure and enable better management of effects. On this basis we consider the policy has some merit in considerations where activities are seeking to locate out-of-zone. On balance therefore we recommend it should be retained as sought by some submitters.

962. The Panel disagrees with Ms Belgrave in terms of deleting INZ-P5. We note that no submitter sought its deletion so therefore there is no scope for its deletion. Further, there are a number of industrially zoned areas within a SASM. We therefore recommend the policy be retained.

963. In terms of INZ-P6 (and INZ-P8), the Panel agrees with the statement from Terra Firma Mining Ltd that the focus of policy 6 should be environmental quality and amenity within the zones and that it is policy 8 that deals with amenity effects at the zone boundary as sought by Silver Fern Farms. We have therefore made amendments to ensure that this is the case in terms of both INZ-P6 and INZ-P8. We recommended these amendments be adopted.

964. The Panel agrees with the amendment to INZ-P7 proposed by Ms Belgrave in response to the Silver Fern Farms submission. We accept ancillary residential units are anticipated in the Industrial zones to support industrial activities. We recommend the amendments are adopted.

965. The Panel agrees with the reworded INZ-P9 proposed by Ms Belgrave. We acknowledge that the notified wording is somewhat cumbersome and that the revised wording addresses the submissions of both Silver Fern Farms and Waka Kotahi. We recommend these amendments be included.

966. In terms of INZ-P10, the Panel do not agree with Ms Belgrave that this should be moved to Strategic Directions. We recommend this policy be retained as notified.

967. In relation to INZ-P11, the Panel has closely considered the issue of stormwater management. While we acknowledge the Wynn Williams legal opinion confirming that district plans can regulate stormwater quality prior to discharge district councils, we consider there would be a high level of duplication. We note that Silver Fern Farms has sought that the policy be narrowed so that it focuses on discharges of stormwater into the Council controlled stormwater network. However, in our view these are essentially subdivision and building consent matters.

968. The Panel has considered stormwater alongside the reality of how developments take place, we do not consider there is a need to regulate stormwater within these provisions. When

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development such as a subdivision is consented conditions imposed by the Regional Council and District Council relating to stormwater and its quality before discharge will be considered and included. The Panel notes that BDC have sought to delete the rules stemming from this policy and we agree and note that our recommendations are to delete the provisions and related advice notes associated with stormwater.

969. Finally, the Panel does not support the carving out of the Silver Ferns site in terms of policy provisions. We agree with the planners JWS that there is no justification for this approach. We also note that reserve sensitivity in terms of industrial development has been addressed in Strategic Direction policy UFD-P1.

**Hearing Panel’s Recommendation**

970. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following changes to the **Industrial Zone Policies**:

<b>Industrial Zone Policies</b>	
<b>INZ – P1</b>	Recognise the substantial investment in infrastructure by ensuring that any new industrial areas are located where they support the efficient use of infrastructure.
<b>INZ – P2</b>	New industrial areas should not be located in areas subject to significant risks from natural hazards, or in sites and areas of significance to Māori.
<b>INZ – P3</b>	Where new industrial areas are developed the developers of these areas shall fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
<b>INZ – P4</b>	Where suitable land for industrial use is available within INZ - Industrial Zones, industrial activities should in the first instance be located in those zones, and not proliferate through the rural areas and settlements.
<b>INZ – P5</b>	Where sites or areas of significance to Māori are identified in industrial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including: <ul style="list-style-type: none"> <li>a. Protection of wāhi tapu and taonga sites identified in Schedule Three of the Plan using culturally appropriate methods; and</li> <li>b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Poutini Ngāi Tahu; and</li> <li>c. Protection of the relationship of tangata whenua with freshwater, including cultural use opportunities.</li> </ul>
<b>INZ – P6</b>	Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while <b><u>maintaining the amenity values.</u></b> <del>ensuring an acceptable level of environmental quality and amenity within the zones.</del> <sup>295</sup>

<sup>295</sup> Terra Firma Mining Ltd (S537.023), Silver Fern Farms (S441.050)

<b>INZ – P7</b>	<p>Avoid activities that may be incompatible with <del>other</del><sup>296</sup> industrial activities from establishing in the INZ - Industrial Zones, to ensure the safe and efficient operation of industrial activities. This includes:</p> <ol style="list-style-type: none"> <li>Excluding activities (such as residential <b>activities</b> and visitor accommodation <b>that are not ancillary to an industrial activity</b>)<sup>297</sup> that conflict with the intended purpose of the zone through the potential for reverse sensitivity effects; or by reducing the land available for industrial and service activities;</li> <li>Excluding retail and commercial activities from GIZ - General Industrial Zoned land that do not support or are not related to industrial and service activities, and to minimise the development of GIZ - General Industrial Zoned land for non-industrial purposes; and</li> <li>Restricting residential activities in the INZ - Industrial Zones to only <b>custodial</b><sup>298</sup> units for people whose duties require them to live on site.</li> </ol>
<b>INZ – P8</b>	<p><del>Impose performance standards on</del> <b>Avoid, remedy or mitigate adverse effects of development and land use in the INZ - Industrial Zones to maintain</b> <del>that protects</del> the amenity values of <del>the</del> commercial, residential, <b>open space and recreation</b> and rural areas <b>located at zone boundaries</b> <del>surrounding the INZ - Industrial Zones.</del><sup>299</sup></p>
<b>INZ – P9</b>	<p><del>Industrial sites at the gateways to Hokitika (SH6), Reefton (SH7 and SH69), Greymouth/Māwhera (SH6) and Westport/Kawatiri (SH 67), and where in close proximity to residential areas, should not detract from the visual amenity of the road frontage, through the inclusion of landscaping and tree planting.</del></p> <p><b><u>Manage effects on visual amenity along road frontages of the INZ – Industrial Zones that are adjacent to state highways and residential areas with landscaping and tree planting, while ensuring the safe function of the road.</u></b><sup>300</sup></p>
<b>INZ – P10</b>	<p>Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in residential, commercial and rural areas to industrial zoned areas.</p>
<b>INZ – P11</b>	<p><del>Require the careful on-site management and treatment of stormwater from industrial buildings and sites in order to safeguard the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.</del><sup>301</sup></p>

## 8.5. Industrial Zones (General and Light) (Zoning and Rezoning)

### Submissions and Further Submissions

971. Nineteen submission points relating to the zoning of land in the General Industrial Zone and Light Industrial Zone were summarised in a Table on pages 161-163 of the s42A Report. Twelve submissions supported the zoning. Seven submissions sought an amendment to the zoning of land.

<sup>296</sup> Silver Fern Farms (S441.051)

<sup>297</sup> Silver Fern Farms (S441.051)

<sup>298</sup> Silver Fern Farms (S441.051)

<sup>299</sup> Silver Fern Farms (S441.052)

<sup>300</sup> Waka Kotahi (S450.230), Silver Fern Farms (S441.053)

<sup>301</sup> Silver Fern Farms (S441.052) and Consequential stemming from Buller District Council (S538.458)

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972. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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973. Ms Belgrave's approach to the consideration of these submissions is the same as how she considered the commercial zoning requests. She acknowledges that, as no substantive technical evidence was provided to support any industrial zoning requests, any recommended rezonings reflect clear errors in the zoning maps or where there are clear reasons for achieving the zone objectives, policies, and other higher-order directives.

974. In relation to the zoning of specific properties, Ms Belgrave acknowledged the support from twelve submission points<sup>302</sup> to retain the zoning as notified.

975. Lara Kelly's submission point sought a review of the industrial zoned land in Hokitika to ensure that sufficient land is available to accommodate future growth, specifically querying the industrial zoning of land at Kaniere (Lot 3, DP 2887). She also made requests that alternative sites be considered for rezoning at Adair Road and north of Hokitika, between West Drive and along State Highway 6 to One Mile Line Road. In lieu of any technical evidence, Ms Belgrave recommends that the industrial zoning be retained in Kaniere. Regarding the request to consider alternative locations for industrial zoning at Adair Road, Ms Belgrave advises that the council has consented to rural lifestyle development in this area, which has resulted in land fragmentation and the potential for reverse sensitivity effects. Therefore, she considers that it is not a feasible alternative. Similarly, in the West Drive area, a residential plan change has occurred, which creates the potential for reverse sensitivity effects. Ms Belgrave does not support industrial zoning in this area.

976. In Ms Belgrave's S42A Addendum report, she advises that she has been made aware of a submission from Ngāi Tahu (S620.014) that relates to Lot 3 DP 2887 and which was not previously considered. The submission sought to change the zoning of the property to General Rural to reflect the existing use of the property, which is forestry. Ms Belgrave also identifies topographical constraints on the site, and as such, she agrees with Ngāi Tahu that the site is best zoned GRZ as it would be unlikely to support industrial activities. For clarity, Ms Belgrave continues to support the LIZ zoning along the road on Pt RS 4520.

977. In response to the submission point made by Isaac Construction that sought to split zone Lot 2 DP 508311 between GIZ and LIZ, in the absence of any technical evidence, Ms Belgrave does not support the relief sought.

978. However, in her addendum to the S42A report and after considering the statement and evidence presented in support of the submission made by Isaac Construction, Ms Belgrave agrees that retaining 50m of LIZ on Lot 2 DP 508311 as it adjoins the eastern and southeastern

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<sup>302</sup> Isaac Construction (S258.001), Westland Milk Products (S63.001, S63.002, S63.006, S63.005 and S63.007), Peter Haddock (S417.001), Lara Kelly (S421.002), Durham Havill (S431.001), Terra Firma Mining Limited (S537.034), Cape Foulwind Stape 1 Ltd (S557.002), T Croft (S460.001)

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boundary and rezoning the remainder of the property as GIZ would provide more flexibility and consistency with the application of industrial zones than is currently proposed.

979. In response to the submission point made by Neville Higgs that sought to rezone Pt Lot 116 DP 359532 on the western side of Marsden Road south of Pope Road and between Marsden Road and Sawyers Creek from GIZ to SPZ- FUZ, Ms Belgrave does not support the relief sought. This is because there is a lack of technical information to support the request, and the requested rezoning would create an unusual zoning pattern. Notwithstanding the recommendation, Ms Belgrave acknowledges that the shape of the property is unlikely to be used for industrial purposes; it could potentially create some reverse sensitivity issues with the surrounding residential uses, and the adjoining waterbody also creates potential concerns. Therefore, she acknowledges that the request to rezone the property to FUZ has potential merit and she suggests that the submitter provide technical evidence to allow further consideration.
980. In response to the submission points made by Terra Firma Mining Limited that sought to rezone the access lot adjacent to Reefton Engineering, being Sec 3 SO 12150 to GIZ, Ms Belgrave supports the relief sought. This is because the land is in the same ownership as the surrounding GIZ land, and the existing use means that it is more appropriate for the land to be GIZ than GRZ.
981. In response to the submission point made by Westland Milk Products that sought to rezone Lots 1 and 2 DP 1431 (66 Livingstone Street, Hokitika) from GRZ to LIZ, Ms Belgrave does not support the relief sought. Notwithstanding, she acknowledges that a dairy currently occupies the property, and while not owned by Westland Milk Products, is surrounded by the company's operations on two sides. Ms Belgrave considers that the NCZ would more appropriately align with the existing use of the site. However, she believes that there is currently insufficient information to recommend changing the zone of the property.
982. Ms Belgrave supports the submission point made by Westdrest Limited, which sought to rezone RT WS3A/2 from GIZ to LIZ, on the basis that activities associated with LIZ are likely to have a lesser effect on the adjoining residential land.
983. In response to the submission point made by Joan Blacktopp, which sought amendments to have Lots 2, 3, and 4 DP 459988 zoned either GIZ or LIZ, Ms Belgrave notes that the land is proposed to be zoned LIZ in the pTTPP and, as such, records that no amendment is necessary.

**Hearing and Submitter Evidence**

984. Isaac Construction Limited presented evidence at the hearing from Ms Kim Seaton and a statement from their Chief Executive Officer, Mr Robert Kinney, in support of their submission to rezone part of the site in Kaiata from LIZ to GIZ. The evidence reiterated the relief sought in the submission, namely that the majority of the site be rezoned to GIZ, while retaining a 50m wide strip on the eastern and southeastern boundaries as LIZ. Mr Kinney's statement set out the existing and anticipated future activities for the site, all of which best align with the GIZ. While Ms Seaton's evidence, which included a S32 evaluation, confirms that the change from LIZ to GIZ is an efficient and effective proposal, with the benefits of rezoning to GIZ outweighing the potential costs, and that GIZ is the more appropriate option for the majority of the site. Her evidence also considers that the retention of a 50m strip of land as LIZ on the eastern and southeastern boundaries will avoid the potential for GIZ activities to generate reverse sensitivity effects on the neighbouring more sensitive zones.

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985. Mr Black's evidence for Westland Milk Products provides additional detail about the land at 66 Livingstone Street in Hokitika. The submission sought to rezone this land to LIZ (from GRZ), while Ms Belgrave's S42A report suggested that the NCZ may be more appropriate given the existing use of the property (a corner dairy). Mr Black has considered the S42A suggestion and agrees that NCZ is the most appropriate zone for the land at 66 Livingstone Street.

**Reporting Officer Reply Evidence**

986. In response to Mr Black's evidence for Westland Milk Products relating to 66 Livingstone Street, Ms Belgrave's recommendation to retain the notified zoning of the property is unchanged. She advises that this is because there is no technical evidence to support rezoning or any advice (from the property owner) as to the aspirations for the site.

**Hearing Panel's Evaluation**

987. In relation to Lara Kelly's submission point that sought a review of the industrial zoned land in Hokitika to ensure that sufficient land is available to accommodate future growth, specifically querying the industrial zoning of land at Kaniere (Lot 3, DP 2887) and her requests that alternative sites be considered for rezoning at Adair Road and north of Hokitika, between West Drive and along State Highway 6 to One Mile Line Road, the Panel agrees with Ms Belgrave not to support the submission in particular we agree that the industrial zoning be retained in Kaniere. We accept Ms Belgrave's reasons for not rezoning the additional land the submitter sought to be rezoned.

988. In relation to the submission from Ngāi Tahu (S620.014) that relates to Lot 3 DP 2887 and sought to change the zoning of the property to General Rural to reflect the existing use of the property, which is forestry, the Panel agrees with Ms Belgrave's recommendation and the reasons for it that Lot 3 DP 2887 be rezoned to GRZ.

989. In relation to the submission point made by Isaac Construction that sought to split zone Lot 2 DP 508311 between GIZ and LIZ the Panel agrees with Ms Belgrave's recommendation and the reasons for it to rezone Lot 2 DP 508311, as detailed in Ms Seaton's evidence, to GIZ and LIZ with the retention of a 50m strip of land as LIZ on the eastern and southeastern boundaries, which will avoid the potential for GIZ activities to generate reverse sensitivity effects on the neighbouring more sensitive zones.

990. In relation to the submission point made by Neville Higgs that sought to rezone Pt Lot 116 DP 359532 on the western side of Marsden Road south of Pope Road and between Marsden Road and Sawyers Creek from GIZ to SPZ-FUZ, the Panel agrees with Ms Belgrave that there is merit for this site in considering rezoning to SPZ-FUZ. We appreciate Ms Belgrave expressed concern about the sufficiency of information available to support the request; however, taking the context of the site into account, we considered we had sufficient information to support the rezoning request and recommend it.

991. In relation to the submission points made by Terra Firma Mining Limited, which sought to rezone the access lot adjacent to Reefton Engineering, being Section 3, SO 12150, to GIZ, Ms Belgrave supports the relief sought. This is because the land is in the same ownership as the surrounding GIZ land, and the existing use makes it more suitable for the land to be used by GIZ than GRZ. The Panel agrees with that recommendation and reasoning.

992. In relation to the submission point made by Westland Milk Products that sought to rezone Lots 1 and 2 DP 1431 (66 Livingstone Street, Hokitika) from GRZ to LIZ, the Panel accepts Mr

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Blacks evidence provides sufficient information to support rezoning the site to NCZ. We have therefore recommended the site be rezoned.

993. In relation to the submission point made by Westdrest Limited that sought to rezone RT WS3A/2 from GIZ to LIZ on the basis that activities associated with LIZ are likely to have a lesser effect on the adjoining residential land, the Panel agrees with Ms Belgrave’s recommendation to rezone the site for the reasons she provides.

994. In relation to the submission point made by Joan Blacktopp, which sought amendments to have Lots 2, 3, and 4 DP 459988 zoned either GIZ or LIZ, Ms Belgrave notes that the land is proposed to be zoned LIZ in the pTTPP and, as such, records that no amendment is necessary. The Panel agrees with her recommendation for the reasons she provides.

**Hearing Panel’s Recommendation**

995. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and recommends the following changes to the **Planning Maps**:

<b>Zoning</b>	
Kaniere (Lot 3 DP 2887)	Rezone to GRZ <sup>303</sup>
Fairhall Road, Kaiata, Greymouth	Rezone to GIZ retaining a 50m wide strip LIZ <sup>304</sup>
Marsden Road, Greymouth (Pt Lot 116 DP 359532)	Rezone from LIZ to FUZ <sup>305</sup>
Elizabeth Street, Reefton (Sec 3 SO 12150)	Rezone to GIZ from GRZ <sup>306</sup>
66 Livingstone Street, Hokitika	Rezone from GRZ to NCZ. <sup>307</sup>
West Drive, Arahura Valley, Hokitika (Pt RS 1151)	Rezone from GIZ to LIZ <sup>308</sup>

**8.6. General Industrial Zone Overview**

**Submissions and Further Submissions**

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<sup>303</sup>Poutini Ngāi Tahu (S620.014)  
<sup>304</sup> Isaac Construction (S258.002)  
<sup>305</sup> Neville Higgs (S329.002)  
<sup>306</sup> Terria Firma Ltd (S537.034)  
<sup>307</sup> Westland Milk Products (63.003)  
<sup>308</sup> Westdrest Ltd (S93.001)

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996. Two submission points relating to the Overview of the General Industrial Zone were summarised in a Table on page 169 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

**Section 42A Report**

997. In response to the submission points made by Silver Fern Farms and Ngāi Tahu that both sought to retain the Overview text as notified for the General Industrial Zone, Ms Belgrave acknowledges the support.

998. The S42A report recommends that the GIZ Overview text be retained as notified.

**Hearing and Submitter Evidence**

999. No evidence was presented at the hearing in relation to this submission point.

**Reporting Officer Reply Evidence**

1000. There was no specific consideration of this matter in the reply evidence.

**Hearing Panel's Evaluation**

1001. The Panel accepts Ms Belgrave's recommendation for the reasons she provides to retain the General Industrial Zone overview as notified.

**Hearing Panel's Recommendation**

1002. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the **General Industrial Zone Overview**.

**8.7. General Industrial Zone Rules**

**Submissions and Further Submissions**

1003. Three submission points relating generally to the **GIZ Rules** were summarised in a Table on page 170 of the S42A Report. One submission sought amendments to the rules, and two submissions supported the discretionary activities.

1004. Twenty submission points and eleven further submission points relating to **GIZ – R1** were summarised in a Table on pages 170-174 of the s42A Report. Five submission points supported the retention of the rule as notified. Fifteen submissions sought amendments. Nine further submissions support the amendments sought by the submissions, and two further submissions oppose the amendments sought by the submissions.

1005. Eight submission points relating to **GIZ–R2** were summarised in a Table on page 177 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submissions sought amendments. One submission sought the deletion of the rule.

1006. Seven submission points relating to **GIZ–R3** were summarised in a Table on page 178 of the s42A Report. All submission points supported the retention of the rule as notified.

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1007. Eleven submission points relating to **GIZ–R4** were summarised in a Table on pages 179-180 of the s42A Report. Two submission points supported the retention of the rule as notified. Nine submissions sought amendments.
1008. Thirteen submission points relating to **GI - R5** were summarised in a Table on pages 181-182 of the s42A Report. Three submission points supported the retention of the rule as notified. Ten submissions sought amendments.
1009. Eight submission points and three further submissions relating to **GIZ – R6** were summarised in a Table on pages 183-184 of the s42A Report. Three submission points supported the retention of the rule as notified. Five submissions sought amendments.
1010. Six submission points relating to **GIZ – R7** were summarised in a Table on pages 184-185 of the s42A Report. One submission point supported the retention of the rule as notified. Five submissions sought amendments.
1011. Six submission points relating to **GIZ – R8** were summarised in a Table on page 186 of the s42A Report. One submission point supported the retention of the rule as notified. Five submissions sought amendments.
1012. Ten submission points and two further submissions relating to **GIZ – R9** were summarised in a Table on pages 187-189 of the s42A Report. Three submission points supported the retention of the rule as notified. Six submissions sought amendments. One submission sought that the rule be deleted.
1013. Seven submission points and one further submission relating to **GIZ – R10** were summarised in a Table on page 190 of the s42A Report. Five submission points supported the retention of the rule as notified. One submission sought amendments, while another sought its deletion.
1014. Two submission points relating to **GIZ – R11** were summarised in a Table on page 191 of the s42A Report. One submission point supported the retention of the rule as notified. One submission sought amendments.
1015. Six submission points relating to **GIZ – R12** were summarised in a Table on pages 191-192 of the s42A Report. Five submission points supported the retention of the rule as notified. One submission sought amendments.
1016. Two submission points relating to **GIZ – R13** were summarised in a Table on page 193 of the s42A Report. One submission point supported the retention of the rule as notified, while another sought to delete it.
1017. Four submission points and one further submission relating to **GIZ – R14** were summarised in a Table on pages 193-194 of the s42A Report. Three submission points supported the retention of the rule as notified, and one submission sought to delete it.
1018. Six submission points and two further submissions relating to **GIZ – R15** were summarised in a Table on pages 194-195 of the s42A Report. One submission point supported the retention of the rule as notified, and five submissions sought to amend it.
1019. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

**Section 42A Report**

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*GIZ - General*

1020. Ms Belgrave acknowledged the support from William McLaughlin and Laura Coll McLaughlin who both support the discretionary activity rules in the GIZ as notified.
1021. In response to the submission point from Ngāi Tahu that sought to include a new matter of discretion to consider the effects on sites and areas of significance to Māori for all restricted discretionary activities, Ms Belgrave does not support the relief sought. This is because new buildings and structures within sites and areas of significance to Māori require resource consent under SASM-R6 unless a written approval is provided. Therefore, the concerns raised in the submission from Ngāi Tahu are managed by SASM-R6, and the inclusion of the requested matter of discretion is not necessary in the GIZ.
1022. The S42A report recommends no changes in response to these submissions.

*GIZ – R1 Industrial Activities and Industrial Buildings*

1023. Ms Belgrave acknowledged the support from the five submission points<sup>309</sup> who support the rule as notified. This is subject to the recommended amendments outlined below.
1024. Ms Belgrave acknowledges the submission point from GDC that sought to ensure the standards do not create unrealistic or unsuitable requirements. She recommends various amendments to the rule based on other submissions and notes this submission.
1025. In response to the submission point made by Waka Kotahi, which sought clarification on whether the requirements of the rule should be considered performance standards, and if so, whether the activities part of the rule should be separate from the buildings, Ms Belgrave generally supports the relief sought. The submission is similar to others made by Waka Kotahi in other zones, and Ms Belgrave's recommendation for a new rule that provides for the activities referred to in GIZ-R1 aligns with her previous recommendations.
1026. In response to the submission point made by Westland Milk Products that sought to make non-compliance with GIZ-R1(8) a restricted discretionary activity, Ms Belgrave supports the relief sought in part. Four further submissions also support the submission<sup>310</sup>. This is because the potential effects associated with non-compliance with GIZ-R1(2)-(8) can be readily identified. However, she maintains that any non-compliance with the height rule (GIZ-R1(1)) should remain as a discretionary activity. Because of this recommendation, Ms Belgrave has recommended that additional matters of discretion be included at GIZ-R9.
1027. As a result of the evidence from Mr Richard Black, Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule. She revised her position on the basis that there is a functional need for industrial activities to exceed the permitted height limit. Additionally, other rules will manage the potential effects associated with building bulk and industrial sites, which generally tend to be larger in size, thereby providing opportunities to internalise potential effects. Consequential amendments to GIZ-R9 are also proposed in the form of matters of discretion.
1028. In response to the submission points made by Westland Milk Products and BDC, which sought various amendments to the building setback rules, Ms Belgrave supports the reduction in the

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<sup>309</sup> Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (\$190.800), Chris & Jan Coll (\$558.364), Chris J Coll Surveying Limited (\$566.364), William McLaughlin (\$567.421), and Laura Coll McLaughlin (\$574.364)

<sup>310</sup> Silver Fern Farms (FS.101.034), Isaac Construction Ltd. (FS106.004), and CMP Kokiri (FS135.001, FS135.011)

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setback from a road boundary from 5m to 2m, as sought by Westland Milk Products. Consequently, she does not support the increase in setback from roads from 5m to 10m, as sought by BDC. The BDC submission also sought to increase the setback from 5m to 10m with respect to adjoining sensitive zones. Ms Belgrave does not support this relief either.

1029. In response to the submission point from BDC that sought to make amendments to GIZ-R1(4), adding a minimum fence height and ensuring it is solid, Ms Belgrave does not support the relief sought.
1030. Ms Belgrave supports the relief sought by BDC concerning GIZ-R1(5) to delete the words '*beyond the zone boundary*' as it will improve the clarity of the rule.
1031. In response to the three submission points<sup>311</sup> that sought to delete GIZ-R1(6) on the basis that air discharges are a regional council function, Ms Belgrave supports the relief sought. This recommendation will also address the submission points from BDC and Birchfield Mining Limited, which sought a correction to the LIZ reference. Consequent to the recommendation to delete GIZ-R1(6), Ms Belgrave does not support the relief sought in the submission points made by Buller Conservation Group and Frida Inta to make additions relating to odour or air pollution.
1032. Ms Belgrave supports the relief sought by Westland Milk Products to amend GIZ-R1(7) to exclude access points from the landscaping requirements.
1033. In response to the submission points<sup>312</sup> that relate to GIZ-R1(8) Ms Belgrave agrees that the discharge of stormwater is a regional council function. However, the rule relates to the treatment of stormwater prior to discharge and is therefore relevant under the district plan. Nevertheless, she recommends amendments to the wording of the rule.
1034. As a result of the evidence from Mr Richard Black regarding the management of stormwater, Ms Belgrave reconsidered her recommendation for the wording of GIZ-R1(8) in her addendum to the S42A report. She agrees that stormwater treatment can be required by other rules in the pTTPP and that GIZ-R1(8) should not create unnecessary duplication. On that basis, she recommends amendments to confirm that treatment is required for car parking areas greater than 1,000m<sup>2</sup> and to exclude areas that discharge lawfully into a trade waste system. While Ms Belgrave does not support excluding the treatment of stormwater from roof areas, she does recommend deleting the word '*contaminated*' as it creates uncertainty for when treatment is necessary.
1035. In response to the submission point made by BDC, which sought amendments to GIZ-R1(9) to include a reference to written approvals as an advice note, Ms Belgrave agrees that this is more appropriately included as such, similar to her previous recommendations on the same matter. She does recommend that the word '*setbacks*' be replaced by '*rules*'.
1036. Ms Belgrave also makes a recommendation that is consequential to the submission made by BDC in relation to LIZ-R1(9) to include a reference to Appendix 2 instead of a 35 degree recession plane.
1037. In response to the submission points made by Fire and Emergency NZ that sought the inclusion of two new rules relating to water supply servicing, Ms Belgrave does not support the relief

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<sup>311</sup> Buller District Council (S538.443), Birchfield Ross Mining Limited (S604.073), and Whyte Gold Limited (S607.058)

<sup>312</sup> Silver Fern Farms (S441.057), Buller District Council (S538.443), Birchfield Ross Mining Limited (S604.120), and Whyte Gold Limited (S607.094)

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sought. This is for the same reasons set out with respect to other zones in this decision that respond to similar submissions from FENZ.

1038. The S42A report (including the addendum) recommends amending GIZ-R1 as follows:

**GIZ-R1 New Buildings and External Additions and Alterations to Existing Buildings, Landscaping, External Storage, and Blasting and Vibration Industrial Activities and Industrial Buildings**

Activity Status Permitted

Activity status where compliance not achieved:

~~Discretionary where Standards 1-8 are not complied with.~~

Restricted discretionary where **Rules 1-8 are Standard 9** is not complied with.

Where:

...

3. Buildings are setback a minimum:

- a. 10m from State Highways; ~~and~~
- b. **2m from road boundaries; and**
- c. 5m from ~~road boundaries~~, any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone or SETZ - Settlement Zone boundary and the Rail Corridor.

...

5. No blasting or vibration ~~beyond the zone boundary~~ shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;

~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~

7. The area adjoining the road frontage of all sites (**excluding access points**), and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space or MUZ - Mixed Use Zone shall contain landscaping with a minimum width of 2 metres, of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;

8. ~~Contaminated~~ stormwater run-off associated with any industrial activity, ~~or building, and associated impermeable parking areas greater than 1,000m<sup>2</sup> including stormwater runoff from any earthworks,~~ shall be collected and treated prior to discharge. **This rule does not apply to areas that discharge lawfully into an authorised trade waste system. to ensure there are no significant adverse effects on water quality;**

9. No building shall project beyond a building envelope **in accordance with Appendix Two defined by a 35 degree recession plane** to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sport and Recreation Zone, MUZ - Mixed Use or SETZ - Settlement Zone 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.~~ This standard does not apply to:

a. ...

...

Advice Notes:

...

**4. 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.**

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1039. The S42A report also recommends the addition of a new rule as follows:

**GIZ-R2A Industrial Activities**

**Activity Status Permitted**

**Activity status where compliance not achieved: Restricted Discretionary**

**Where:**

**1. All performance standards for Rule GIZ - R1 are complied with.**

*GIZ – R2 Minor Structures*

1040. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ who support the rule as notified. This is subject to the recommended amendments outlined below.

1041. In response to the five submission points<sup>313</sup> that sought GIZ-R2(1) be deleted, Ms Belgrave supports the relief sought. This is because the potential effects of structures can be appropriately managed through the other rules for maximum height and area, and that compliance with the rules within GIZ-R1 is not necessary or applicable. Additionally, GIZ-R2.1 specifically excludes any setback requirement.

1042. In response to the submission point made by Silver Fern Farms that sought to delete GIZ-R2 in full, Ms Belgrave does not support the relief sought. The submitter considers that the implementation of the rule is unclear in the context of GIZ-R1. Ms Belgrave considers that the rule provides exemptions for minor structures and is helpful in this context.

1043. The S42A report recommends amending GIZ-R2 as follows

***GIZ-R2 Minor Structures***

*Activity Status permitted*

*Activity status where compliance not achieved: Restricted Discretionary*

*Where:*

**~~1. All performance standards for Rule GIZ – R1 are complied with – except that compliance with standard 3 (setbacks) is not required.~~**

...

*GIZ – R3 Fences, Walls and Retaining Walls*

1044. Ms Belgrave acknowledged the support from the submitters<sup>314</sup> who support the rule as notified.

1045. The S42A report recommends retaining GIZ-R3 as notified.

*GIZ – R4 Commercial Activities*

<sup>313</sup> Buller District Council (S538.444), Chris & Jan Coll (S558.365), Chris J Coll Surveying Limited (S566.365), William McLaughlin (S567.422), and Laura Coll McLaughlin (S574.365)

<sup>314</sup> Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.802), Chris & Jan Coll (S558.366), Buller District Council (S538.445), Chris J Coll Surveying Limited (S566.366), William McLaughlin (S567.423), Fire and Emergency New Zealand (S573.106), and Laura Coll McLaughlin (S574.366)

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1046. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ who support the rule as notified. This is subject to the recommended amendments that are set out below.
1047. In response to the five submission points<sup>315</sup> that sought to change the activity status for non-compliance from non-complying to discretionary, Ms Belgrave does not support the relief sought. She recommends retaining the non-complying activity status for GIZ-R4(2) which seeks to limit the scale of commercial activities in the GIZ, as large-scale commercial activities have the potential to undermine the primary purpose of the zone. With respect to non-compliance with GIZ-R4(1), Ms Belgrave recommends a restricted discretionary activity status which is consequential to the relief sought by Westland Milk Products in relation to GIZ-R1.
1048. Ms Belgrave does not support the relief sought by the four submission points<sup>316</sup> that sought to amend GIZ-R4(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards. This is because she considers it more appropriate that any non-compliance be considered thoroughly either to determine existing use rights or as a resource consent. Her recommendation aligns with similar submissions in relation to COMZ-R6.
1049. The S42A report recommends amending GIZ-R4 as follows, noting that these recommendations also include consequential changes related to the recommendations to GIZ-R1:

***GIZ-R4 Commercial Activities***

*Activity Status permitted*

*Activity status where compliance not achieved:*

**Restricted Discretionary where standard 1 is not complied with**

*Non-complying where standard 2 is not complied with*

*Where:*

1. *All performance standards for Rule GIZ - R1.4 to GIZ – R1.7 are complied with; and*

...

***GIZ – R5 Ancillary Residential Activities***

1050. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and FENZ who support the rule as notified. This is subject to the recommended amendments outlined below.
1051. In response to the submission point made by BDC that sought to delete the word 'single' from GIZ-R5(2), Ms Belgrave supports the relief sought as it simplifies the rule.
1052. Ms Belgrave does not support the submission point made by Silver Fern Farms that sought to delete GIZ-R5(2), which limits ancillary residential units to one per site. She considers that the restriction is appropriate as it will ensure that any residential units are of a scale and intensity that is ancillary to a commercial or industrial activity.

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<sup>315</sup> Buller District Council (S538.446), Chris & Jan Coll (S558.368), Chris J Coll Surveying Limited (S566.368), William McLaughlin (S567.425), and Laura Coll McLaughlin (S574.368)

<sup>316</sup> Chris & Jan Coll (S558.367), Chris J Coll Surveying Limited (S566.367), William McLaughlin (S567.424), and Laura Coll McLaughlin (S574.367)

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1053. In response to the four submission points<sup>317</sup> that sought to amend GIZ-R5(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to GIZ-R4 (and other rules).

1054. In response to the four submission points<sup>318</sup> that sought to change the activity status for non-compliance from non-complying to discretionary, Ms Belgrave does not support the relief sought. This is because she considers a non-complying activity status is appropriate as large-scale residential activities, or a proliferation of residential activities have the potential to undermine the purpose of the GIZ and are not anticipated within the GIZ.

1055. The S42A report recommends amending GIZ-R5 as follows:

***GIZ-R5 Ancillary Residential Activities***

*Activity Status permitted*

*Activity status where compliance not achieved: Non-complying*

*Where:*

1. ...
2. One ~~single~~ residential unit per site is provided; and
3. ...

*GIZ – R6 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility*

1056. Ms Belgrave acknowledged the support from Te Mana Ora, Department of Corrections and FENZ, who support the rule as notified.

1057. In response to the submission point made by BDC that sought to add a definition for ‘*public transport facility*’, Ms Belgrave does not support the relief sought on the basis that the ordinary meaning of the term provides sufficient certainty.

1058. In response to the four submission points and three further submission points<sup>319</sup> that sought to amend GIZ-R6(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1059. The S42A report recommends retaining GIZ-R6 as notified.

***GIZ – R7 Agricultural, Pastoral and Horticultural Activities***

1060. Ms Belgrave acknowledged the support from Te Mana Ora, who support the rule as notified.

1061. In response to the four submission points<sup>320</sup> that sought to amend GIZ-R7(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant

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<sup>317</sup> Chris & Jan Coll (S558.369), Chris J Coll Surveying Limited (S566.369), William McLaughlin (S567.426), and Laura Coll McLaughlin (S574.369)

<sup>318</sup> Chris & Jan Coll (S558.370), Chris J Coll Surveying Limited (S566.370), William McLaughlin (S567.427), and Laura Coll McLaughlin (S574.370)

<sup>319</sup> Chris & Jan Coll (S558.371), Chris J Coll Surveying Limited (S566.371), William McLaughlin (S567.428), and Laura Coll McLaughlin (S574.371), International Panel and Lumber (West Coast) Ltd (FS98.002, FS98.003, FS98.004)

<sup>320</sup> Chris & Jan Coll (S558.372), Chris J Coll Surveying Limited (S566.372), William McLaughlin (S567.429), and Laura Coll McLaughlin (S574.372)

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performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous similar rules.

1062. In response to the submission point made by BDC that sought to add definitions to the pTTPP, Ms Belgrave comments that the terms do not apply to this rule.

1063. The S42A report recommends retaining GIZ-R7 as notified.

*GIZ – R8 Aquacultural Activities*

1064. Ms Belgrave acknowledged the support from Te Mana Ora, who support the rule as notified.

1065. In response to the submission point made by BDC that sought to add a definition for ‘aquaculture activities’, Ms Belgrave does not support the relief sought on the basis that the term is defined in the RMA, and duplication in the pTTPP is not considered necessary.

1066. In response to the four submission points<sup>321</sup> that sought to amend GIZ-R8(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1067. The S42A report recommends retaining GIZ-R8 as notified.

*GIZ – R9 Industrial Activities and Buildings not meeting Permitted Activity Standards*

1068. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and Grey District Council who support the rule as notified. This is subject to the recommended amendments outlined below.

1069. In response to the submission points<sup>322</sup> that sought to change details relating to the activity status for non-compliance with this rule, Ms Belgrave considers that a restricted discretionary activity status is appropriate, except for building height. As such, Ms Belgrave does not support BDC’s submission to have all non-compliances assessed as a discretionary activity. Furthermore, she does partially support Westland Milk Products’ submission to have the restricted discretionary activity status apply to most non-compliances with GIZ-R1 (the only exception being height). However, she does not support the addition of the matters of discretion sought by Westland Milk Products, and instead recommends the following matters:

- *Bulk, location, and design of buildings.*
- *Effects on the safety, amenity and attractiveness of the street or public places.*
- *Visual dominance, shading, and nuisance effects on neighbouring sites.*
- *Design and location of parking and access.*
- *Landscape treatment.*

1070. As a result of the evidence from Mr Richard Black for Westland Milk Products, (and as set out in relation to GIZ-R1), Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule, and ultimately has recommended that as there is a functional need for industrial activities to exceed the permitted height limit it is appropriate in this zone to include all non-compliances with GIZ-R1 as a restricted discretionary activity.

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<sup>321</sup> Chris & Jan Coll (S558.374), Chris J Coll Surveying Limited (S566.374), William McLaughlin (S567.430), and Laura Coll McLaughlin (S574.374)

<sup>322</sup> Westland Milk Products (S63.012) & Buller District Council (S538.451)

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Consequential amendments to GIZ-R9 are also proposed in the form of matters of discretion as follows:

- *Bulk, location, and design of buildings.*
- *Effects on the safety, amenity and attractiveness of the street or public places.*
- **Amenity**, *visual dominance, shading, and nuisance effects on neighbouring sites.*
- *Design and location of parking and access.*
- *Landscape treatment.*
- **Characteristics of the site and development that are relevant to the rule.**

1071. In response to the submission point made by Silver Fern Farms that sought to delete the matter of discretion relating to hazardous substances (GIZ-R9(c)), Ms Belgrave supports the deletion as it does not have a clear relationship with the rules as notified in GIZ-R1.

1072. In response to the four submission points<sup>323</sup> that sought to amend GIZ-R9(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1073. The S42A report (including the addendum) recommends amending GIZ-R9 as follows:

**GIZ-R9 Industrial Activities and New Buildings and External Additions and Alterations to Existing Buildings not meeting Permitted Activity standards**

*Activity Status Restricted Discretionary*

*Activity status where compliance not achieved: Discretionary*

*Where:*

**1. The building projects in the recession plane; and**

**2. All other performance standards for Rule GIZ – R1.1 are is complied with.**

*Discretion is restricted to:*

**a. Design and location of buildings;**

**b. Design and location of parking and access;**

**c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and**

**d. Landscape treatment.**

**a. Bulk, location, and design of buildings.**

**b. Effects on the safety, amenity and attractiveness of the street and public places.**

**c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites.**

**d. Design and location of parking and access.**

**e. Landscape treatment.**

**f. Characteristics of the site and development that are relevant to the rule**

*GIZ – R10 Minor Structures not meeting Permitted Activity Standards*

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<sup>323</sup> Chris & Jan Coll (S558.375), Chris J Coll Surveying Limited (S566.375), William McLaughlin (S567.431), and Laura Coll McLaughlin (S574.375)

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1074. Ms Belgrave acknowledged the support from five submitters<sup>324</sup> who support the rule as notified.

1075. In response to the submission point made by Silver Fern Farms that sought to delete GIZ-R10 as a consequence of their submission to delete GIZ-R2, Ms Belgrave does not support the submission as her recommendation regarding GIZ-R2 is to retain the rule.

1076. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion to be sufficiently clear and the amendment unnecessary.

1077. The S42A report recommends retaining GIZ-R10 as notified.

*GIZ – R11 Fences, Walls and Retaining Walls not meeting Permitted Activity Standards*

1078. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified.

1079. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion to be sufficiently clear and the amendment unnecessary.

1080. The S42A report recommends retaining GIZ-R11 as notified.

*GIZ – R12 Industrial Activities and Buildings, Aquaculture Activities, Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards*

1081. Ms Belgrave acknowledged the support from the five submitters<sup>325</sup> who support the rule as notified. This is subject to the recommended amendments outlined below.

1082. In response to the submission point made by BDC that sought to delete GRZ-R12, Ms Belgrave supports the relief sought, given the recommendations to amend GIZ-R1 and GRZ-R9. Additionally, a discretionary activity status is already provided for under GIZ-R7 and GIZ-R8 for those particular activities.

1083. The S42A report recommends deleting GIZ-R12.

*GIZ – R13 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility and Bulk Fuel Supply Infrastructure not meeting Permitted Activity Standards*

1084. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified.

1085. In response to the submission point made by BDC that sought to delete GRZ-R13, Ms Belgrave supports the relief sought, as a discretionary activity status is already provided for under GIZ-R6 for these activities.

1086. The S42A report recommends deleting GIZ-R13.

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<sup>324</sup> Te Mana Ora (S190.809), Chris & Jan Coll (S558.376), Chris J Coll Surveying Limited (S566.376), William McLaughlin (S567.432), and Laura Coll McLaughlin (S574.376)

<sup>325</sup> Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.811), Chris & Jan Coll (S558.377), Chris J Coll Surveying Limited (S566.377), William McLaughlin (S567.433), and Laura Coll McLaughlin (S574.377)

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*GIZ – R14 Community Facilities and Educational Facilities*

1087. Ms Belgrave acknowledged the support from Te Mana Ora, the Ministry of Education and Chris & Jan Coll, who support the rule as notified. This is subject to the recommended amendments outlined below.

1088. In response to the submission point from BDC that sought to delete GRZ-R14 and replace it with an alternative rule that would result in Community Facilities and Educational Activities being non-complying activities, Ms Belgrave supports the relief sought in part. She considers that in some instances, some educational facilities may have an operational need to locate within the GIZ and be close to other industrial activities. However, she agrees with the BDC that community facilities are generally not anticipated in the GIZ, and she recommends that the catch-all rule under GIZ-R15 be used to manage this activity.

1089. In Ms Belgrave's addendum report, she acknowledges the evidence of Mr Tuck for Silver Fern Farms, who made a further submission to support the retention of the rule partially. The matter raised was with respect to educational activities, and Ms Belgrave agrees that the terminology should be amended to '*educational facilities*' to be in line with the National Planning Standards. Furthermore, the addition of '*tertiary*' to describe the type of educational facilities that might be appropriate in the GIZ responds to the concerns in Mr Tuck's evidence.

1090. The S42A report (including the addendum) recommends amending GIZ-R14 as follows:

***GIZ-R14 ~~Community Facilities~~ and Tertiary Education Facilities Activities***

*Activity Status Discretionary*

*Activity status where compliance not achieved: N/A*

*GIZ – R15 Any Activities not provided for by another Rule in the zone*

1091. Ms Belgrave acknowledged the support from Te Mana Ora, who support the rule as notified. This is subject to the recommended amendments outlined below.

1092. In response to the four submission points<sup>326</sup> that sought to amend the non-complying activity status to discretionary, Ms Belgrave does not support the relief sought as she considers a non-complying activity status is more appropriate to manage activities that are not anticipated within the GIZ. This also addresses the consequential matter of the BDC submission, which sought to amend the non-complying rule to apply only to residential activities, community facilities, education facilities, and health facilities, while all other activities would remain discretionary. As set out in relation to GIZ-R14, Ms Belgrave agrees that some educational facilities are discretionary, but she considers all others are non-compliant with the GIZ.

1093. The S42A report recommends retaining GIZ-R15 as notified.

**Hearing and Submitter Evidence**

1094. Ms Richard Black's evidence for Westland Milk Products acknowledges that the S42A report accepts in part the change in activity status for any non-compliance with rules in GIZ-R1. He comments on the S42A recommendation for GIZ-R9. While he generally agrees with the recommendation, he reiterates the submission point that a restricted discretionary activity

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<sup>326</sup> Chris & Jan Coll (S558.379), Chris J Coll Surveying Limited (S566.379), William McLaughlin (S567.435), and Laura Coll McLaughlin (S574.379)

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status should also apply to any non-compliance with the height limit. He accepts the amended list of matters that discretion is restricted to, but seeks to add one additional matter being:

- *Effects on built form and character of the surrounding area.*

1095. Mr Richard Black's evidence for Westland Milk Products confirms that he generally supports the amendments to the stormwater standard as it provides for the appropriate management of contaminated stormwater runoff. However, he remains concerned that the rule may require treating stormwater where the risk of contaminants entering stormwater runoff is no greater than that for non-industrial uses. Therefore, he suggests the following wording for GIZ-R1(8):

*Contaminated stormwater run-off associated with any industrial activity or building, ~~including stormwater runoff from any earthworks,~~ shall be collected and treated prior to discharge ~~to ensure there are no significant adverse effects on water quality.~~ **This requirement applies only in areas where an activity may result in the discharge of environmentally hazardous substances and excludes the following areas:***

- **all areas that discharge lawfully into an authorised trade waste system;**
- **areas not used for the industrial or trade process, including vehicle access and car parking areas; and**
- **building roof areas.**

1096. Mr Steve Tuck's evidence for Silver Fern Farms discusses the stormwater management controls of GIZ-R1(8)<sup>327</sup>. He reiterates that the management of stormwater discharges is regulated by the Regional Council and, as such, supports deleting GIZ-R1(8) in its entirety to avoid duplication of regulation.

1097. Mr Tuck's evidence discusses GIZ-R14 and whether educational activities/facilities should be a discretionary or non-complying activity in the GIZ. His position comes from managing reverse sensitivity effects. He acknowledges that in some instances it could be appropriate for educational facilities to be in the GIZ, but a non-complying activity status is an efficient way to manage these activities. Nevertheless, he does offer an alternative that would apply a discretionary activity status to specific educational facilities, such as trade training or laboratories.

1098. Mr Tuck's evidence also suggests using the term '*educational facilities*', which is in line with the National Planning Standards.

1099. Mr Tuck's evidence for Silver Fern Farms accepts the S42A recommendation with respect to GIZ-R5, GIZ-R9, GIZ-R10 and GIZ-R15.

1100. The joint statement presented by Ms Frida Inta and Buller Conservation Group reiterates their previous comments regarding the confusion between the matters GIZ-R1 seeks to control. The statement notes that, despite the intention to separate spatial controls (activities) from performance standards (building controls), this has not been completely achieved.

1101. Ms Inta's statement also reiterates her submission that odour should be included in GIZ-R1(6). She considers that both dust and odour can result from activities taking place in the GIZ, and therefore it is appropriate for a district plan to include rules to manage these effects.

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<sup>327</sup> Renumbered to GIZ-R1(7) in the S42A report

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1102. Mr Tuck's evidence for Silver Fern Farms accepts the S42A report recommendation concerning GIZ-R2.
1103. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. While the letter acknowledges that they will not pursue the submission point relating to the provision of water supply, it does note that the Building Act 2004 alone does not adequately provide for the provision of water supply (including firefighting water supply) to new development.

**Reporting Officer Reply Evidence**

1104. Consequential to the separation of GIZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.
1105. For the amendments to GIZ-R1, as with the Commercial and Industrial chapters, Ms Belgrave has relied upon the Waka Kotahi submissions, which for this chapter is, S450.231, to bring about significant changes to GIZ-R1 and subsequent rules, particularly the reallocation of standards between the rules in this chapter. which sought,

*However, the rule has been identified as the performance standards for subsequent rules, but R1 does not state that it is a performance standard and only relates to the activities listed in the heading. The subsequent rules don't always relate back to the activities in the headings, e.g., minor structures, fences, walls, or retaining walls. It is recommended that GIZ-R1 be amended to clarify the intent of the rule as to whether these are considered as performance standards, and if so, a new separate rule should be created for the activities listed in the heading.*

1106. In response to the Panel's discussion and questions regarding whether odour can be an amenity issue and therefore a matter for consideration in the pTTPP, Ms Belgrave advises that she considers it to be relevant. Notwithstanding that, she does not think it appropriate to manage these effects in the GIZ (or the LIZ) as the purpose of these zones is to accommodate industrial activities that are recognised to generate adverse amenity effects, including odour. Therefore, Ms Belgrave continues to support the deletion of GIZ-R1(6) and rejecting the submission points made by Ms Frida Inta and Buller Conservation Group. She notes that the environmental effects of air discharges are appropriately managed under the West Coast Regional Air Quality Plan.
1107. During the hearing, the Panel queried the lawfulness of the stormwater rules as well as whether a definition of 'contaminated' was needed. As set out in the right of reply, Ms Belgrave confirms that Wynn Williams has confirmed it is lawful for there to be an overlap in provisions between the pTTPP and the Regional Land and Water Plan. Specifically, as GIZ-R1(7) seeks to manage the effects of land use on water quality (rather than the actual discharge), the rule is lawful.
1108. Ms Belgrave's right of reply sets out that she considers rules related to stormwater in the GIZ are appropriate, particularly as impervious areas within the Industrial Zones have the most significant risk of pollutants entering the reticulated network through stormwater runoff flows when compared to other urban zones. She confirms that she considers that the rule will not create duplication with the Regional Plan. Further, she believes that the rule gives effect to

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provisions related to water quality in the NPS-FW and the West Coast Regional Policy Statement.

1109. In response to the Panel's question as to the need for a definition of '*contaminated*', Ms Belgrave advises that the reworded stormwater rule no longer includes the word, negating the need (or otherwise) for a definition. It is her view that the revised wording improves the clarity of the rule.
1110. In her right of reply, Ms Belgrave offered additional assessment and consideration of the term '*residential unit*' concerning GIZ-R5 (and LIZ-R3). She reiterates that, in her opinion, only one residential unit should be permitted in the GIZ.
1111. Ms Belgrave's right of reply reconsiders the activity status for '*community facilities*' and '*educational facilities*' in the GIZ (and the LIZ) and whether they are equal in terms of effects. Ms Belgrave has recommended that only tertiary educational facilities be provided for as a discretionary activity where there is an operational need to do so. It is Ms Belgrave's opinion that all other educational facilities and community facilities could have reverse sensitivity effects in the GIZ. As such she reiterates that a non-complying activity status is appropriate.
1112. Ms Belgrave's recommended wording for GIZ-R9 includes a correction consequential to Mr Black's evidence on behalf of Westland Milk Products to delete GIZ-R9(2) completely.

**Hearing Panel's Evaluation**

*GRZ-R1*

1113. In relation to GIZ-R1, Ms Belgrave recommends many amendments to that rule, as well as creating a new rule and recommending additional changes to other rules. We have carefully considered the scope available to support making those amendments. We consider the Waka Kotahi submission s450.231the Waka Kotahi submission, which addresses moving the standards for the zone into a separate table with all rules referring to those standards, provides significant flexibility in moving standards from the various rules. We agree with her that her reply recommendations do not alter the intent of the rules, nor does the shifting of multiple standards between the rules make complying with the rules more onerous.
1114. In reaching our recommendations, we have given more weight to the Waka Kotahi submission than to the evidence provided by Ms Inta at the hearing. We do accept, though, that the evidence did reference the Waka Kotahi submission, and it was critical that the Officer had not recommended sufficient changes to give effect to that submission. Additionally, Ms Initas' own submission, albeit a general one, sought to simplify Plan provisions, and to a limited extent, we rely on that submission to support our recommendations set out below.
1115. Taking into account the above and Ms Belgrave's reasons, particularly those in her reply, the Panel recommend that GIZ-R1 be amended, including its heading, as set out below, including the removal of standards to other rules and the addition of standards from different rules, as well as including new rules. We consider the approach of differentiating between Industrial and Commercial activities and building is appropriate in the context of the Industrial zones. We note that this generates a number of amendments to the rules.
1116. In relation to the setback rules the submission points made by Westland Milk Products and BDC, sought various amendments. Ms Belgrave supported the reduction in the setback from a road boundary from 5m to 2m, as sought by Westland Milk Products. Consequently, she does not support the increase in setback from roads from 5m to 10m, as sought by BDC. The

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BDC submission also sought to increase the setback from 5m to 10m with respect to adjoining sensitive zones. Ms Belgrave does not support this relief either. The Panel agrees with her recommendations on setbacks for the reasons she provides.

1117. The Panel agrees with Ms Belgrave's recommendation to relocate both standards 4 and 5, as notified, to GIZ-R3A and GIZ-R4, respectively. She recommends relocation to address the submission point made by Waka Kotahi.
1118. In response to the three submission points<sup>328</sup> that sought to delete GIZ-R1(6), as notified, on the basis that air discharges are a regional council function, Ms Belgrave supports the relief sought. This recommendation will also address the submission points from BDC and Birchfield Mining Limited, which sought a correction to the LIZ reference. Consequent to the recommendation to delete GIZ-R1(6), Ms Belgrave does not support the relief sought in the submission points made by Buller Conservation Group and Frida Inta to make additions relating to odour or air pollution. The Panel agrees with this recommendation and the reasons Ms Belgrave provides to support it.
1119. The Panel agrees with Ms Belgrave's recommendation to support the relief sought by Westland Milk Products to amend GIZ-R1(7), as notified, to exclude access points from the landscaping requirements as a practical outcome.
1120. The Panel acknowledges Ms Belgrave's recommendation arising from her consideration of the evidence from Mr Richard Black regarding the management of stormwater. We also acknowledge the Wynn Williams legal opinion confirming that a district plan can regulate stormwater quality prior to discharge.
1121. However, when the Panel considers the proposed rules which deal with stormwater alongside the reality of how developments take place, we do not consider there is a need to regulate stormwater. When development such as a subdivision is consented conditions imposed by the Regional Council and District Council relating to stormwater and its quality before discharged will be considered and included. If the recommended rule remained in place that would result in further resource consents in some cases being required to discharge stormwater from building and hard stand development following subdivisions. This causes a doubling up leading to inefficiencies. In this context we agree with Buller District Council and recommend that the provisions and related advice notes associated with stormwater be deleted.
1122. In response to the submission point made by BDC, which sought amendments to GIZ-R1(9), as notified, to include a reference to written approvals as an advice note, Ms Belgrave agrees that this is more appropriately included as such, similar to her previous recommendations on the same matter. She does recommend that the word '*setbacks*' be replaced by '*rules*'. Ms Belgrave also recommends that, as a consequence of the submission made by BDC in relation to LIZ-R1(9), a reference to Appendix 2 instead of a 35-degree recession plane be included. The Panel agrees with these recommendations for amendment for the reasons Ms Belgrave provides

*GIZ-R2*

1123. In relation to GIZ-R2 in response to the five submission points<sup>329</sup> that sought GIZ-R2(1) be deleted, Ms Belgrave supports the relief sought. This is because the potential effects of

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<sup>328</sup> Buller District Council (S538.443), Birchfield Ross Mining Limited (S604.073), and Whyte Gold Limited (S607.058)

<sup>329</sup> Buller District Council (S538.444), Chris & Jan Coll (S558.365), Chris J Coll Surveying Limited (S566.365), William McLaughlin (S567.422), and Laura Coll McLaughlin (S574.365)

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structures can be appropriately managed through the other rules for maximum height and area, and compliance with the rules within GIZ-R1 is not necessary or applicable. Additionally, GIZ-R2.1 specifically excludes any setback requirement. The Panel agrees with these recommendations for the reasons Ms Belgrave provides.

*GIZ-R3 and New Rule*

1124. In relation to GIZ-R3, the Panel agrees with Ms Belgrave for the reasons she provides that this rule be retained as notified.

1125. In relation to proposed new rule GIZ-R3A (now GIZ-R4), the Panel agrees with Ms Belgrave's recommendation for the rule heading to be '*Industrial Activities*' this stems from the changes referred to in GIZ-R1. Additionally, the Panel agrees there is no need to include the requirement to meet the performance standards in GIZ-R1 and the inclusion of the relevant Standards from GIZ-R1 that apply to Industrial Activities all of which are consequent upon the relief Waka Kotahi sought in its submission S450.231.

1126. The Panel agrees with the amendment to Standard 1 sought by Buller District Council to include a solid fence as an option.

1127. The Panel recommends the above amendment be adopted.

*GIZ-R4*

1128. In relation to rule GIZ-R4 (now GIZ-R5), the Panel generally agrees with Ms Belgrave's recommendation to delete the notified Standard 1 with the relevant Standards that apply to commercial activities being included as new Standards. However, the Panel considers blasting is extremely unlikely to occur in conjunction with a Commercial Activity in the GIZ and therefore we do not recommend it is included in these provisions. Therefore, we consider Standard 1 (a) and (b), be included with Standard 3 (renumbered Standard 2) being retained. We consider this gives effect to the relief sought by Waka Kotahi.

*GIZ-R5*

1129. In relation to rule GIZ-R5 (now GIZ-R6), the Panel agrees to the deletion of the word '*single*' from Standard 2, as sought by BDC, for the reasons provided by Ms Belgrade, namely that the deletion simplifies the rule.

*GIZ-R6*

1130. In relation to rule GIZ-R6 (now GIZ-R7), the Panel agrees with Ms Belgrave's recommendation to retain the rule as notified for the reasons she provides.

*GIZ-R7*

1131. In relation to rule GIZ-R7 (now GIZ-R8), the Panel agrees with Ms Belgrave's recommendation to retain the rule as notified for the reasons she provides.

*GIZ-R8*

1132. In relation to rule GIZ-R8 (now GIZ-R9), the Panel agrees with Ms Belgrave's recommendation to retain the rule as notified for the reasons she provides.

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*GIZ-R9*

1133. In relation to rule GIZ-R9 (now GIZ-R10), the Panel agrees with Ms Belgrave's recommendations to amend the rule. We note that she has given close consideration to the evidence presented by Mr Black on behalf of Westland Milk Products, particularly as it relates to changes in the matters of discretion. We agree with those changes for the reasons she provides, including the new suite of matters of discretion numbered (a) to (f), which result in the deletion of notified clauses (a) and (b). We consider these matters to be appropriate for assessment matters associated with building development. We agree with Ms Belgrave when she supports the submission of Silver Fern Farms to delete the notified clause (c), as hazardous substances do not have a clear relationship with the rules as notified in GIZ-R1. We therefore recommend that the revised rule be adopted.

1134. The Panel notes that new rule GIZ-R11 is a consequential amendment associated with the changes above which introduces a restricted discretionary status for Industrial and Commercial activities and we recommend it be adopted.

*GIZ-R10*

1135. The Panel notes in terms of GIZ-R10 (now GIZ-R12) that Ms Belgrave does not support deleting the rule as sought by Silver Fern Farms based on her recommendation to retain GIZ-R2. We note that Mr Tuck for Silver Fern Farms supports the recommendation.

1136. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects*' throughout the chapter.

*GIZ-R11*

1137. Other than the amendment to landscape treatment referred to above no amendments to GIZ-R11 (now GIZ-R13) are recommended.

*GIZ-R12 and GIZ-R13*

1138. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address the activities where one or more of the performance standards in the corresponding permitted rule are not complied with. Therefore, we accept the submission points made regarding these rules which were all to retain them.

1139. The Panel notes the removal of Industrial Activities from rule GIZ-R12 (now GIZ-R14) as they are recommended to be covered in new rule GIZ-R11 and default is to restricted discretionary activities where compliance is not achieved.

*GIZ-R14 (now GIZ-R16)*

1140. The Panel accept Ms Belgrave's contention that some educational facilities may have an operational need to locate within the GIZ and be close to industrial activities particularly for training purposes. However, we agree with BDC that Community Facilities are not an anticipated activity within the GIZ and have the potential to create reverse sensitivity effects

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on existing industrial activities. We also accept that the addition of the term ‘tertiary’ to describe the types of educational facilities, such as some trade training facilities or laboratories that might be appropriate in the GIZ responds to the concerns expressed by Mr Tuck’s in evidence. We recommend Community Facilities be deleted from the rule and tertiary be added to Education Facilities.

*GIZ-R15*

1141. The Panel acknowledges that GIZ-R15 is a ‘catch-all’ rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter (now GIZ-R17).

*GIZ-R18 New Rule*

1142. The Panel has recommended the inclusion of a new rule GIZ-R18 to provide for those non-complying activities (Residential and larger Retail) which are identified in the previous rules in line with our determination that such rules are required in terms of the Plan’s structure. We also agree with Ms Belgrave that a non-complying status is appropriate for Community Facilities, Non-Tertiary Education Facilities which are not anticipated or appropriate within the General Industrial zone, particularly for reasons of reverse sensitivity. In that category we have also included Health Facilities as sought by BDC.

**Hearing Panel’s Recommendation**

1143. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **General Industrial Zone Rules**:

<b>General Industrial Zone Rules</b>	
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 is provided in General Approach.	
<b>Permitted Activities</b>	
<b>GIZ - R1</b>	<b><u>New Buildings, External Additions and Alterations to Existing Buildings</u></b> <del>Industrial Activities and Industrial Buildings</del> <sup>330</sup>
<b>Activity Status Permitted</b>	
Where:	
1. The maximum building height above ground level is 20m;	

<sup>330</sup> Waka Kotahi (S450.231)

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2. Maximum site coverage is 80%;
3. Buildings are setback a minimum:
  - a. 10m from State Highways; and
  - b. **2m from road boundaries; and**<sup>331</sup>
  - c. 5m from ~~road boundaries,~~<sup>332</sup> any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone or SETZ - Settlement Zone boundary and the Rail Corridor;
- ~~4. All external storage and car parking areas shall be screened by a fence or landscaping so that:~~
  - ~~a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and~~
  - ~~b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~
- ~~5. No blasting or vibration beyond the zone boundary shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;~~<sup>333</sup>
- ~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~<sup>334</sup>
4. The area adjoining the road frontage of all sites (**excluding access points**),<sup>335</sup> and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space or MUZ - Mixed Use Zone shall contain landscaping with a minimum width of 2 metres, of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;
- ~~7. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~<sup>336</sup>
5. No building shall project beyond a building envelope defined by a 35-degree recession plane **in accordance with Appendix Two** to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sport and Recreation Zone, MUZ - Mixed Use or SETZ - Settlement Zone 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.~~ This standard does not apply to:<sup>337</sup>
  - a. Road boundaries;
  - b. Buildings on adjoining sites that have a common wall along the boundary;

<sup>331</sup> Westland Milk Products (S63.013)

<sup>332</sup> Westland Milk Products (S63.013)

<sup>333</sup> Waka Kotahi (S450.231)

<sup>334</sup> Buller District Council (538.443), Birchfield Ross Mining Ltd (S604.073), Whyte Gold Ltd (S607.058)

<sup>335</sup> Westland Milk Products (S63.014)

<sup>336</sup> Buller District Council (538.443), Westland Milk Products (S63.011)

<sup>337</sup> Buller District Council (538.443)

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- c. 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;
- d. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
- e. 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. Stormwater facilities that support multiple uses such as water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~
- ~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.<sup>338</sup>~~

**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>339</sup>**

**Activity status where compliance not achieved:**

~~Discretionary where Standards 1-8 are not complied with.~~

~~Restricted Discretionary where Standard 9 is not complied with.<sup>340</sup>~~

**GIZ – R2                      Minor Structures**

**Activity Status Permitted**

Where:

- ~~1. All performance standards for Rule GIZ – R1 are complied with except that compliance with standard 3 (setbacks) is not required.<sup>341</sup>~~
1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
3. Any ornamental or garden structure must not exceed 2.4 m in height; and

<sup>338</sup> Buller District Council (538.443), Westland Milk Products (S63.011)

<sup>339</sup> Buller District Council (538.443)

<sup>340</sup> Waka Kotahi (S450.231)

<sup>341</sup> Buller District (538.444) Chris & Jan Coll (S558.365), Chris J Coll Surveying Limited (S566.365), William McLaughlin (S567.422), and Laura Coll McLaughlin (S574.365)

4. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

**Activity status where compliance not achieved:** Restricted Discretionary

**GIZ – R3                      Fences, Walls and Retaining Walls**

**Activity Status Permitted**

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

**Activity status where compliance not achieved:** Restricted Discretionary

**GIZ – R4                      Industrial Activities**

**Activity Status Permitted**

**Where:**

1. **All external storage and car parking areas shall be screened by a minimum 1.8m high solid fence<sup>342</sup> or landscaping so that:**
  - a. **It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and**
  - b. **The fence or landscaping is set back from the road boundary so that it does not restrict visibility;**
2. **No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;**

**Activity status where compliance not achieved:** Restricted Discretionary<sup>343</sup>

**GIZ – R4<sub>5</sub>                      Commercial Activities**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GIZ – R1 are complied with; and
1. **All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:**
  - a. **It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and**

<sup>342</sup> Buller District Council (538.443)

<sup>343</sup> Consequential to Waka Kotahi (S440.231), Buller District Council (538.443)

**b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;**

2. Any retail activity shall occupy no more than 250m<sup>2</sup> or 25% of the Gross Floor Area of all buildings on the same site, whichever is the lesser.

**Activity status where compliance not achieved:**

**Restricted Discretionary where standard 1 is not complied with**

Non-complying **where standard 2 is not complied with**<sup>344</sup>

**GIZ – R56 Ancillary Residential Activities**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GIZ - R1 are complied with;
2. One single residential unit per site is provided; and<sup>345</sup>
3. The residential activity is ancillary to the commercial or industrial activity on the site.

**Advice Note:**

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

**Activity status where compliance not achieved:** Non-complying

**GIZ – R67 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GIZ - R1 are complied with.

**Activity status where compliance not achieved:** Discretionary

**GIZ – R78 Agricultural, Pastoral and Horticultural Activities**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GIZ - R1 are complied with.

<sup>344</sup> Consequential to Waka Kotahi (S440.231)

<sup>345</sup> Buller District Council (538.447)

**Activity status where compliance not achieved:** Discretionary

**GIZ – R89 Aquaculture Activities**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GIZ - R1 are complied with.

**Activity status where compliance not achieved:** Discretionary

**Restricted Discretionary Activities**

**GIZ – R910 ~~Industrial Activities and New Buildings and External Additions and Alterations to Existing Buildings~~ not meeting Permitted Activity standards<sup>346</sup>**

**Activity Status Restricted Discretionary**

Where:

- ~~1. The building projects into the recession plane; and~~

1. All other performance standards for Rule GIZ – R1 are complied with.

**Discretion is restricted to:**

- ~~a. Design and location of buildings;~~
- ~~b. Design and location of parking and access;~~
- ~~c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~
- ~~d. Landscape treatment.~~

**a. Bulk, location, and design of buildings;**

**b. Effects on the safety, amenity and attractiveness of the street or public places;**

**c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites;**

**d. Design and location of parking and access;**

**e. Measures to mitigate landscape effects; and**

**f. Characteristics of the site and development that are relevant to the rule.**

**Activity status where compliance not achieved:** Discretionary **N/A**<sup>347</sup>

<sup>346</sup> Waka Kotahi (450.231)

<sup>347</sup> Westland Milk Products (63.012)

<b>GIZ – R11</b>	<b><u>Industrial Activities and Commercial Activities not meeting Permitted Activity Standards</u></b>
<b>Activity Status Restricted Discretionary</b>	
<b><u>Discretion is restricted to:</u></b>	
a. <b><u>Effects on the safety, amenity and attractiveness of the street or public places.</u></b>	
b. <b><u>Amenity and nuisance effects on neighbouring sites.</u></b>	
c. <b><u>Measures to mitigate landscape effects.</u></b>	
<b>Activity status where compliance not achieved: N/A<sup>348</sup></b>	
<b>GIZ – R102</b>	<b>Minor Structures not meeting Permitted Activity standards</b>
<b>Activity Status Restricted Discretionary</b>	
<b>Discretion is restricted to:</b>	
a. Design and location of structures; and	
b. Landscape treatment <b><u>Measures to mitigate landscape effects.</u></b> <sup>349</sup>	
<b>Activity status where compliance not achieved: N/A</b>	
<b>GIZ – R113</b>	<b>Fences, Walls and Retaining Walls not meeting Permitted Activity standards</b>
<b>Activity Status Restricted Discretionary</b>	
<b>Discretion is restricted to:</b>	
a. Design and location of structures; and	
b. Landscape treatment <b><u>Measures to mitigate landscape effects.</u></b> <sup>350</sup>	
<b>Activity status where compliance not achieved: N/A</b>	
<b>Discretionary Activities</b>	
<b>GIZ – R124</b>	<b><del>Industrial Activities and</del> <u>New Buildings and External Additions and Alterations to Existing Buildings,</u> Aquaculture Activities, Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards<sup>351</sup></b>
<b>Activity Status Discretionary</b>	

<sup>348</sup> Waka Kotahi (450.231)

<sup>349</sup> Consequential Plan wide amendment to Manawa Energy Limited S438.100

<sup>350</sup> Consequential Plan wide amendment to Manawa Energy Limited S438.100

<sup>351</sup> Waka Kotahi (450.231)

**Advice Note:** When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

**Activity status where compliance not achieved:** N/A

**GIZ – R135**      **Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility and Bulk Fuel Supply Infrastructure not meeting Permitted Activity Standards**

**Activity Status Discretionary**

**Advice Note:** When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

**Activity status where compliance not achieved:** N/A

**GIZ – R146**      **~~Community Facilities and Tertiary Educational Facilities Activities~~<sup>352</sup>**

**Activity Status Discretionary**

**Activity status where compliance not achieved:** N/A

**GIZ – 17**      **Any Activity not provided for by another Rule in the zone**

**Activity Status Discretionary**

**Activity status where compliance not achieved:** N/A<sup>353</sup>

**Non-complying Activities**

**GIZ – R158**      **Residential Activities, Community Facilities, Non-Tertiary Education Facilities Retail Activities (greater than 250m<sup>2</sup> or 25% of the gross area of the building on the site whichever is the lesser) and Health Facilities**

**Activity Status Non-complying**

**Activity status where compliance not achieved:** N/A<sup>354</sup>

## 8.8. Light Industrial Zone Rules

### Submissions and Further Submissions

1144. Six submission points relating generally to the **LIZ Rules** was summarised in a Table on pages 195-196 of the S42A Report. Four submission points sought amendments to the rules and two submission points supported the discretionary activities.

1145. Fourteen submission points and four further submission points relating to **LIZ – R1** were summarised in a Table on pages 197-200 of the s42A Report. Five submission points supported the retention of the rule as notified. Nine submission points sought amendments.

<sup>352</sup> Silver Fern Farms (FS101.035)

<sup>353</sup> William McLaughlin (S567.435), Chris & Jan Coll (S558.379), Chris J Coll Surveying Limited (S566.379) Laura Coll McLaughlin (574.379)

<sup>354</sup> Consequential Amendment resulting from Waka Kotahi (450.231), Buller District Council (538.457)

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1146. Seven submission points relating to **LIZ – R2** were summarised in a Table on pages 202-203 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submission points sought amendments.
1147. Eleven submission points relating to **LIZ – R3** were summarised in a Table on pages 204-205 of the s42A Report. Two submission points supported the retention of the rule as notified. Nine submission points sought amendments.
1148. Eight submission points relating to **LIZ – R4** were summarised in a Table on pages 206-207 of the s42A Report. Four submission points supported the retention of the rule as notified. Four submissions sought amendments.
1149. Six submission points relating to **LIZ – R5** were summarised in a Table on page 207 of the s42A Report. One submission point supported the retention of the rule as notified. Five submission points sought amendments.
1150. Six submission points relating to **LIZ – R6** were summarised in a Table on page 208 of the s42A Report. All submission points supported the retention of the rule as notified.
1151. Six submission points relating to **LIZ – R7** were summarised in a Table on page 209 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points sought amendments.
1152. Six submission points relating to **LIZ – R8** were summarised in a Table on page 210 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points sought amendments.
1153. Eight submission points and two further submission points relating to **LIZ – R9** were summarised in a Table on pages 211-212 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submission points sought amendments. One submission point sought the rule be deleted.
1154. Seven submission points relating to **LIZ – R10** were summarised in a Table on page 213 of the s42A Report. Six submission points supported the retention of the rule as notified. One submission point sought amendments.
1155. Seven submission points relating to **LIZ – R11** were summarised in a Table on page 214 of the s42A Report. Six submission points supported the retention of the rule as notified. One submission point sought amendments.
1156. Two submission points relating to **LIZ – R12** were summarised in a Table on page 215 of the s42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.
1157. Two submission points relating to **LIZ – R13** were summarised in a Table on page 216 of the s42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.
1158. Three submission points relating to **LIZ – R14** were summarised in a Table on pages 216-217 of the s42A Report. One submission point supported the retention of the rule as notified. Two submission points sought amendments.

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1159. Six submission points relating to **LIZ – R15** were summarised in a Table on page 218 of the s42A Report. One submission point supported the retention of the rule as notified. Five submission points sought amendments.

1160. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

**Section 42A Report**

*LIZ - General*

1161. Ms Belgrave acknowledged the support from William McLaughlin and Laura Coll McLaughlin who both support the discretionary activity rules in the GIZ as notified.

1162. In response to the submission point made by GDC that sought to delete the references to a Heavy Industrial Zone, Ms Belgrave supports the relief sought, as this zone does not exist in the pTTPP and is therefore an error.

1163. In response to the submission points made by Ngāi Tahu<sup>355</sup> that sought amendments to include 'effects on sites and areas of significance to Māori' as a matter of discretion for all restricted discretionary rules, Ms Belgrave does not support the relief sought. This is because she refers to SASM-R6 which requires all buildings and structures within sites and areas of significance to Māori to obtain written approval from the relevant Poutini Ngāi Tahu rūnanga. She considers that any relevant effects generated by activities in the LIZ can be managed under SASM-R6 where necessary.

1164. In response to the submission point made by the New Zealand Motor Caravan Association that sought to provide for campgrounds and camping as a restricted discretionary activity, Ms Belgrave does not support the relief sought. This is because she considers the activity may generate reverse sensitivity effects that have the potential to undermine the integrity of the INZ/LIZ.

1165. The S42A report states that it makes no amendments in response to these submissions. However, the tracked changes in the appendix delete the reference to HIZ in the Overview.

*LIZ – R1 Industrial Activities and Industrial Buildings*

1166. Ms Belgrave acknowledged the support from the five submission points<sup>356</sup> who support the rule as notified. This is subject to the recommended amendments outlined below.

1167. Ms Belgrave acknowledges the submission point from GDC that sought to ensure the standards do not create unrealistic or unsuitable requirements. She recommends various amendments to the rule based on other submissions and notes this submission.

1168. In response to the submission point made by Waka Kotahi that sought clarification as to whether the requirements of the rule are to be considered as performance standards, and if so, the activities part of the rule should be separate from the buildings, Ms Belgrave generally supports the relief sought. The submission is similar to others made by Waka Kotahi in other

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<sup>355</sup> Ngāi Tahu (S620.232, S620.233)

<sup>356</sup> Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.816), Chris & Jan Coll (S558.380), Chris J Coll Surveying Limited (S566.380), William McLaughlin (S567.436), and Laura Coll McLaughlin (S574.380)

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zones, and Ms Belgrave's recommendation for a new rule that provides for the activities referred to in LIZ-R1 aligns with her previous recommendations.

1169. In response to the submission point made by Westland Milk Products that sought to make non-compliance with LIZ-R1(8) a restricted discretionary activity, Ms Belgrave supports the relief sought in part. The submission is also supported by a further submission from Isaac Construction. This submission point is like that made in relation to GIZ-R1(8) and Ms Belgrave makes the same recommendation. She considers that because the potential effects associated with non-compliance with LIZ-R1(2)-(8) can be readily identified, non-compliance with these rules should be restricted discretionary. She maintains that any non-compliance with the height rule (LIZ-R1(1)) should remain as a discretionary activity. As a consequence of this recommendation, Ms Belgrave has recommended additional matters of discretion be included at LIZ-R9.
1170. As a result of the evidence from Mr Richard Black, Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule. She revised her position on the basis that there is a functional need for industrial activities to exceed the permitted height limit. Additionally, there are other rules that will manage the potential effects associated with building bulk and industrial sites generally tend to be larger in size so there are opportunities to internalise potential effects. Consequential amendments to LIZ-R9 are also proposed in the form of matters of discretion.
1171. In response to the submission points made by Westland Milk Products and BDC that sought amendments to the building setbacks, Ms Belgrave supports the reduction in the road boundary setback as sought by Westland Milk Products. This is because a 2m setback aligns with the landscaping requirements and enables the efficient use of LIZ land. However, she does not support increasing the building setback from a residential zone from 5m to 10m as sought by BDC.
1172. In response to the submission point from BDC that sought to make amendments to LIZ-R1(4) adding a minimum fence height and ensuring it be solid, Ms Belgrave does not support the relief sought.
1173. In response to the submission points from BDC and Birchfield Ross Mining Limited that sought to delete LIZ-R1(6) on the basis that air discharges are a regional council function Ms Belgrave supports the relief sought, and recommends the rule be deleted.
1174. Ms Belgrave supports the relief sought by Westland Milk Products to amend LIZ-R1(7) to exclude access points from the landscaping requirements.
1175. Ms Belgrave supports in part the submission point made by BDC that sought to delete LIZ-R1(7)(a) in relation to tree planting on the basis that the term 'encourages' does not provide sufficient certainty. Rather than deleting the rule, Ms Belgrave recommends replacing 'encourages' with 'required' which is consistent with the CMUZ provisions.
1176. In response to the submission point from Birchfield Coal Mines Limited that relate to LIZ-R1(8) Ms Belgrave agrees that the discharge of stormwater is a regional council function. However, (and as discussed with reference to the similar rule in the GIZ), the rule relates to the treatment of stormwater prior to discharge and is therefore relevant under the district plan. Nevertheless, she recommends amendments to the wording of the rule.

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1177. As a result of the evidence from Mr Richard Black for Westland Milk Products regarding the management of stormwater in the GIZ, Ms Belgrave reconsidered her recommendation for the wording of LIZ-R1(8) as a consequential amendment in her addendum to the S42A report. She agrees that stormwater treatment can be requirement by other rules in the pTTPP and that LIZ-R1(8) should not create unnecessary duplication. On this basis she recommends amendments to confirm that treatment is required for car parking areas greater than 1,000m<sup>2</sup> and to exclude areas that discharge lawfully into a trade waste system. While Ms Belgrave does not support excluding the treatment of stormwater from roof areas she does recommend deleting the word 'contaminated' as it creates uncertainty for when treatment is necessary.
1178. In response to the submission point made by BDC that sought amendments to LIZ-R1(9) to include the reference to written approvals as an advice note, Ms Belgrave agrees that this is more appropriately included as such, similar to her previous recommendations on the same matter. She does recommend that the word 'setbacks' be replaced by 'rules'.
1179. In response to the submission point made by the BDC that sought to include a reference to Appendix 2 instead of a 35 degree recession plane, Ms Belgrave comments that LIZ-R1(9) already includes this reference and so no amendment is necessary.
1180. In response to the submission points made by Fire and Emergency NZ (FENZ) that sought the inclusion of two new rules relating to water supply servicing, Ms Belgrave does not support the relief sought. This is for the same reasons set out with respect to other zones in this decision that responds to similar submissions from FENZ.
1181. The S42A report (including the addendum) recommends amending LIZ-R1 as follows:

**LIZ-R1 New Buildings, External Additions and Alterations to Existing Buildings, Landscaping, External Storage, and Blasting and Vibration Industrial Activities and Industrial Buildings**

*Activity Status Permitted*

*Activity status where compliance not achieved:*

**~~Discretionary where Standards 1-8 are is not complied with.~~**

*Restricted discretionary where **Rules 1-8 are Standard 9 is** not complied with.*

*Where:*

...

*3. Buildings are setback a minimum:*

- i. 10m from state Highways; ~~and~~*
- i. **2m from road boundaries; and***
- ii. 5m from ~~road boundaries~~, any Residential Zone, Open Space Zone or Settlement Zone boundary and the Rail Corridor.*

...

**~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ – Light Industrial Zone boundary as result of the activity.~~**

*6. The area adjoining the road frontage of all sites (**excluding access points**), and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space, SARZ - Sport and Recreation Zone or MUZ - Mixed Use Zone shall contain landscaping as follows:*

...

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- c. The planting of 1 tree per 20 carparking spaces is **required encouraged** within any carparking area.
7. ~~Contaminated~~ stormwater run-off associated with any industrial activity ~~or building~~ **and associated impermeable parking areas greater than 1,000m<sup>2</sup>, including stormwater runoff from earthworks**, shall be collected and treated prior to discharge. **This rule does not apply to areas that discharge lawfully into an authorised trade waste system. ~~to ensure there are no significant adverse effects on water quality;~~ and**
8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sports and Active Recreation, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:

...

Advice Notes:

...

- 4. 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.**

1182. The S42A report also recommends the addition of a new rule as follows:

**LIZ-R2A Industrial Activities**

**Activity Status Permitted**

**Activity status where compliance not achieved: Restricted Discretionary**

**Where:**

- 1. All performance standards for Rule LIZ - R1 are complied with.**

*LIZ – R2 Commercial Activities*

1183. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ who support the rule as notified. This is subject to the recommended amendments that are set out below.

1184. In response to the submission made by BDC that sought to replace 'retail' with 'commercial' in LIZ-R2(2), on the basis that some of the activities in the list are specifically excluded from the definition of 'retail activity'. Ms Belgrave supports the relief sought by deleting the word 'retail'. She does not support its replacement with 'commercial'.

1185. Ms Belgrave does not support the four submission points<sup>357</sup> that sought to amend LIZ-R2(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards. This is because she considers it more appropriate that any non-compliance be considered thoroughly either to determine existing use rights or as a resource consent. Her recommendation aligns with similar submissions in relation to COMZ-R6 and rules in the GIZ.

1186. Ms Belgrave recommends consequential amendments to the activity status for non-compliances with the rules as a result of the Westland Milk Products submission to LIZ-R1.

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<sup>357</sup> Chris & Jan Coll (S558.381), Chris J Coll Surveying Limited (S566.381), William McLaughlin (S567.437), and Laura Coll McLaughlin (S574.381)

1187. The S42A report recommends amending LIZ-R2 as follows:

***LIZ-R2 Commercial Activities***

*Activity Status Permitted*

*Activity status where compliance not achieved:*

***Restricted discretionary where standard 1 is not complied with.***

*Discretionary **where standard 2 is not complied with.***

*Where:*

1. ...

2. Any ~~Retail A~~ activities are:

***LIZ – R3 Ancillary Residential Activities***

1188. Ms Belgrave acknowledged the support from Te Mana Ora and Waka Kotahi who support the rule as notified. This is subject to the recommended amendments that are set out below.

1189. In response to the submission point made by BDC that sought to delete the word ‘single’ from LIZ-R3(2), Ms Belgrave supports the relief sought as it simplifies the rule.

1190. In response to the four submission points<sup>358</sup> that sought to amend LIZ-R3(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to GIZ-R5 and LIZ-R2 (and other rules).

1191. In response to the four submission points<sup>359</sup> that sought to change the activity status for non-compliance from non-complying to discretionary, Ms Belgrave does not support the relief sought. This is because she considers a non-complying activity status is appropriate as large scale residential activities, or a proliferation of residential activities have the potential to undermine the purpose of the LIZ and are not anticipated within the LIZ.

1192. The S42A report recommends amending LIZ-R3 as follow:

***LIZ-R3 Ancillary Residential Activities***

*Activity Status Permitted*

*Activity Status where compliance not achieved: Non-Complying*

*Where:*

1. All performance standards for Rule LIZ - R1 are complied with;

2. One ~~single~~ residential unit per site is provided; and

...

***LIZ – R4 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility***

<sup>358</sup> Chris & Jan Coll (S558.382), Chris J Coll Surveying Limited (S566.382), William McLaughlin (S567.438), and Laura Coll McLaughlin (S574.382)

<sup>359</sup> Chris & Jan Coll (S558.383), Chris J Coll Surveying Limited (S566.383), William McLaughlin (S567.439), and Laura Coll McLaughlin (S574.383)

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1193. Ms Belgrave acknowledged the support from the four submission points<sup>360</sup> that supported the rule as notified.

1194. In response to the four submission points<sup>361</sup> that sought to amend LIZ-R4(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1195. The S42A report recommends retaining LIZ-R4 as notified.

*LIZ – R5 Minor Structures*

1196. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1197. In response to the five submission points<sup>362</sup> that sought LIZ-R5(1) be deleted, Ms Belgrave supports the relief sought. This is because the potential effects of structures can be appropriately managed through the other rules for maximum height and area, and that compliance with the rules within LIZ-R1 is not necessary or applicable. Additionally, LIZ-R5.1 specifically excludes any setback requirement.

1198. Ms Belgrave recommends a consequential amendment that responds to a FENZ submission point to include a maximum height for hose drying towers to achieve consistency with the recommended amendments in the CMUZ.

1199. The S42A report recommends amending LIZ-R5 as follows:

***LIZ-R5 Minor Structures***

*Activity Status Permitted*

*Activity status where compliance not achieved: Restricted Discretionary*

*Where:*

- ~~All performance standards for Rule LIZ – R1 are complied with except that compliance with standard 3 (setbacks) is not required.~~**

...

- 5. Hose drying towers do not exceed 15m in height; and**

...

*LIZ – R6 Fences, Walls and Retaining Walls*

1200. Ms Belgrave acknowledged the support from the six submission points<sup>363</sup> who support the rule as notified.

1201. The S42A report recommends retaining LIZ-R4 as notified.

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<sup>360</sup> Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.819), Buller District Council (S538.461), Fire and Emergency New Zealand (S573.112), and Department of Corrections (S349.010)

<sup>361</sup> Chris & Jan Coll (S558.385), Chris J Coll Surveying Limited (S566.385), William McLaughlin (S567.440), and Laura Coll McLaughlin (S574.385)

<sup>362</sup> Buller District Council (S538.462), Chris & Jan Coll (S558.386), Chris J Coll Surveying Limited (S566.386), William McLaughlin (S567.441), and Laura Coll McLaughlin (S574.386)

<sup>363</sup> Buller District Council (S538.463), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.821), Chris & Jan Coll (S558.387), Chris J Coll Surveying Limited (S566.387), William McLaughlin (S567.442) and Laura Coll McLaughlin (S574.387)

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*LIZ – R7 Agricultural, Pastoral and Horticultural Activities*

1202. Ms Belgrave acknowledged the support from BDC and Te Mana Ora who support the rule as notified.

1203. In response to the four submission points<sup>364</sup> that sought to amend LIZ-R7(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1204. The S42A report recommends retaining LIZ-R7 as notified.

*LIZ – R8 Aquaculture Activities*

1205. Ms Belgrave acknowledged the support from BDC and Te Mana Ora who support the rule as notified.

1206. In response to the four submission points<sup>365</sup> that sought to amend LIZ-R8(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1207. The S42A report recommends retaining LIZ-R8 as notified.

*LIZ – R9 Industrial Activities and Buildings not meeting Rule LIZ-R1*

1208. Ms Belgrave acknowledged the support from Te Mana Ora and Waka Kotahi who support the rule as notified.

1209. In response to the submission points<sup>366</sup> that sought to change details relating to the activity status for non-compliance with this rule, Ms Belgrave considers that a restricted discretionary activity status is appropriate, with the exception of building height. As such, Ms Belgrave does not support BDC's submission to have all non-compliances assessed as a discretionary activity. Furthermore, she does partially support Westland Milk Product's submission to have the restricted discretionary activity status apply to most non-compliances with LIZ-R1 (the only exception being height). However, she does not support the addition of the matters of discretion sought by Westland Milk Products, and instead recommends the following matters:

- *Bulk, location, and design of buildings.*
- *Effects on the safety, amenity and attractiveness of the street or public places.*
- *Visual dominance, shading, and nuisance effects on neighbouring sites.*
- *Design and location of parking and access.*
- *Landscape treatment.*

1210. As a result of the evidence from Mr Richard Black for Westland Milk Products, (and as set out in relation to LIZ-R1), Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule, and ultimately has recommended that as there is a functional need for industrial activities to exceed the permitted height limit it is appropriate in this zone

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<sup>364</sup> Chris & Jan Coll (S558.388), Chris J Coll Surveying Limited (S566.388), William McLaughlin (S567.443), and Laura Coll McLaughlin (S574.388)

<sup>365</sup> Chris & Jan Coll (S558.389), Chris J Coll Surveying Limited (S566.389), William McLaughlin (S567.444), and Laura Coll McLaughlin (S574.389)

<sup>366</sup> Westland Milk Products (S63.016) and Buller District Council (S538.466)

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to include all non-compliances with LIZ-R1 as a restricted discretionary activity. Consequential amendments to LIZ-R9 are also proposed in the form of matters of discretion as follows:

- *Bulk, location, and design of buildings.*
- *Effects on the safety, amenity and attractiveness of the street or public places.*
- ***Amenity***, *visual dominance, shading, and nuisance effects on neighbouring sites.*
- *Design and location of parking and access.*
- *Landscape treatment.*
- ***Characteristics of the site and development that are relevant to the rule.***

1211. In response to the four submission points<sup>367</sup> that sought amend LIZ-R9(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1212. The S42A report (including the addendum) recommends amending LIZ-R9 as follows:

**LIZ-R9 ~~Industrial Activities and New Buildings and External Additions and Alterations to Existing Buildings not meeting Rule LIZ - R1~~**

*Activity Status Restricted Discretionary*

*Activity status where compliance not achieved: Discretionary*

*Where:*

- ~~1. The building projects into the recession plane; and~~
- ~~2. All other performance standards for Rule LIZ-R1.1 are is complied with.~~

*Discretion is restricted to:*

- ~~a. Design and location of buildings;~~
- ~~b. Design and location of parking and access; and~~
- ~~c. Landscape treatment.~~
- a. Bulk, location, and design of buildings.***
- b. Effects on the safety, amenity and attractiveness of the street or public places.***
- c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites.***
- d. Design and location of parking access.***
- e. Landscape treatment.***
- f. Characteristics of the site and development that are relevant to the rule***

***LIZ – R10 Minor Structures not meeting Rule LIZ-R5***

1213. Ms Belgrave acknowledged the support from six submitters<sup>368</sup> who support the rule as notified.

1214. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion is sufficiently clear and the amendment is unnecessary.

<sup>367</sup> Chris & Jan Coll (S558.390), Chris J Coll Surveying Limited (S566.390), William McLaughlin (S567.445), and Laura Coll McLaughlin (S574.390)

<sup>368</sup> Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.825), Waka Kotahi (S450.237), Chris & Jan Coll (S558.391), Chris J Coll Surveying Limited (S566.391), William McLaughlin (S567.446) and Laura Coll McLaughlin (S574.391)

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1215. The S42A report recommends retaining LIZ-R10 as notified.

*LIZ – R11 Fences, Walls and Retaining Walls not meeting Rule LIZ-R6*

1216. Ms Belgrave acknowledged the support from six submitters<sup>369</sup> who support the rule as notified.

1217. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion is sufficiently clear and the amendment is unnecessary.

1218. The S42A report recommends retaining LIZ-R11 as notified.

*LIZ – R12 Industrial Activities and Buildings, Commercial, Aquaculture and Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards*

1219. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1220. In response to the submission point made by BDC that sought to delete LRZ-R12, Ms Belgrave supports the relief sought given the recommendations to amend LIZ-R1 and LRZ-R9. Additionally, a discretionary activity status, is already provided for under LIZ-R2, LIZ-R7 and LIZ-R8 for those particular activities.

1221. The S42A report recommends deleting LIZ-R12.

*LIZ – R13 Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility not meeting Permitted Activity Standards*

1222. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1223. In response to the submission point made by BDC that sought to delete LRZ-R13, Ms Belgrave supports the relief sought as a discretionary activity status is already provided for under LIZ-R4 for these activities.

1224. The S42A report recommends deleting LIZ-R13.

*LIZ – R14 Community Facilities and Educational Facilities*

1225. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1226. In response to the submission point from BDC that sought to delete LRZ-R14 and replace it with an alternative rule that would result in Community Facilities and Educational Activities being non-complying activities, Ms Belgrave supports the relief sought in part. She considers that in some instances some educational facilities may have an operational need to locate within the LIZ and be close to other industrial activities. However, she agrees with the BDC

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<sup>369</sup> Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (\$190.826), Waka Kotahi (\$450.238), Chris & Jan Coll (\$558.392), Chris J Coll Surveying Limited (\$566.392), William McLaughlin (\$567.447) and Laura Coll McLaughlin (\$574.392)

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that community facilities are generally not anticipated in the LIZ, and she recommends that this activity be managed by the catch-all rule under LIZ-R15.

1227. In response to the submission point made by the MOE that sought a restricted discretionary activity status for community facilities and educational facilities, Ms Belgrave does not support the relief sought. As above, she recommends a non-complying activity status for community facilities but acknowledges that some forms of educational facilities may be appropriate in the LIZ. However, not as a restricted discretionary activity.

1228. In Ms Belgrave's addendum report she acknowledges the evidence of Mr Tuck for Silver Fern Farms who made a further submission in relation to this matter in the GIZ to partially support the retention of the rule. The matter raised was with respect to educational activities and Ms Belgrave considers that the addition of 'tertiary' to describe the type of educational facilities that might be appropriate in the GIZ responds to the concerns in Mr Tuck's evidence. Ms Belgrave considers that these amendments should also apply in the LIZ as a consequential amendment.

1229. The S42A report (including the addendum) recommends amending LIZ-R14 as follows:

***LIZ-R14 ~~Community Facilities~~ and Tertiary Education Facilities***

*Activity Status Discretionary*

*Activity status where compliance not achieved: N/A*

*LIZ – R15 Any Activities not provided for by another Rule in the zone*

1230. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified.

1231. In response to the four submission points<sup>370</sup> that sought to amend the non-complying activity status to discretionary, Ms Belgrave does not support the relief sought as she considers a non-complying activity status is more appropriate to manage activities that are not anticipated within the LIZ. This also addresses the consequential matter of the BDC submission that sought the amendment to the non-complying rule so that it only apply to residential activities, community facilities, education facilities, and health facilities, while all other activities be discretionary. As set out in relation of LIZ-R14, Ms Belgrave agrees that some educational facilities be discretionary, but she considers all others be non-complying in the LIZ.

1232. The S42A report recommends retaining LIZ-R15 as notified.

**Hearing and Submitter Evidence**

1233. Ms Richard Black's evidence for Westland Milk Products acknowledges that the S42A report accepts in part the change in activity status for any non-compliance with rules in LIZ-R1. He comments on the S42A recommendation for LIZ-R9, and while he generally agrees with the recommendation, he reiterates the submission point that a restricted discretionary activity status should also apply to any non-compliance with the height limit. He accepts the amended list of matters that discretion is restricted to, but seeks to add one additional matter being:

- *Effects on built form and character of the surrounding area.*

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<sup>370</sup> Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394), William McLaughlin (S567.449), and Laura Coll McLaughlin (S574.394)

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1234. Mr Richard Black's evidence for Westland Milk Products confirms that he generally supports the amendments to the stormwater standard as it provides for the appropriate management of contaminated stormwater runoff. However, he remains concerned that the rule may capture a requirement to treat stormwater where the risk of contaminants entering stormwater runoff is no greater than non-industrial uses. Therefore, he suggests the following wording for LIZ-R1(8):

*Contaminated stormwater run-off associated with any industrial activity or building, ~~including stormwater runoff from any earthworks,~~ shall be collected and treated prior to discharge ~~to ensure there are no significant adverse effects on water quality.~~ This requirement applies only in areas where an activity may result in the discharge of environmentally hazardous substances and excludes the following areas:*

- *all areas that discharge lawfully into an authorised trade waste system;*
- *areas not used for the industrial or trade process, including vehicle access and car parking areas; and*
- *building roof areas.*

1235. The joint statement presented by Ms Frida Inta and Buller Conservation Group reiterates their previous comments regarding the confusion between the matters GIZ-R1 seeks to control. The statement notes that despite the intention to separate spatial controls (activities) from performance standards (building controls), that has not completely happened. The statement indicates that the concerns also relate to the LIZ.

1236. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. While the letter acknowledges that they will not pursue the submission point relating to the provision of water supply, it does note that the Building Act 2004 alone does not adequately provide for the provision to water supply (including firefighting water supply) to new development.

**Reporting Officer Reply Evidence**

1237. Consequential to the separation of LIZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports a number of amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

1238. The comments with respect to the lawfulness of the stormwater rules as set out in response to the GIZ also apply with regard to the LIZ.

1239. The discussion in the right of reply, regarding the term 'residential unit' with regard to GIZ-R5 also apply with respect to LIZ-R3. As above, Ms Belgrave reiterates that only one residential unit should be permitted in the LIZ.

1240. The comments set out in the GIZ right of reply summary regarding 'educational facilities' and community facilities' is also relevant with respect to the LIZ.

1241. Ms Belgrave's recommended wording for LIZ-R9 includes a correction consequential to Mr Black's evidence on behalf of Westland Milk Products to completely delete LIZ-R9(2).

**Hearing Panel's Evaluation**

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1242. Recognising the strong similarity between the GIZ and LIZ plan provisions and commonality of submissions in the two zones and to avoid repetition, the Panel has decided to restrict its evaluation of the LIZ plan provisions to only those situations where those provisions differ and to where different outcomes have been sought via submission. In all other instances both the evaluation and the outcome detailed in the GIZ section applies to LIZ section. We note that submission points on GIZ and LIZ differ, but we have provided for that by utilising footnotes to reference the relevant submission point for the plan provision within the recommendation box below.

*LIZ-R2 (now LIZ-R3) – Commercial Activities*

1243. The Panel has looked closely at the screening provision and on balance we consider that for Commercial Activities car parking area do not need to be screened. The effects of having car parks visible is we consider appropriate for commercial activities within the LIZ. We consider the visibility of car parking activity associated with a commercial activity building is an expected outcome because the car parks support and signals the presence of a commercial activity.

1244. The Panel has reviewed the BDC submission on deleting Retail from notified standard 3. (2 as renumbered) and replacing it with Commercial. We consider this will have unintended consequences because it would limit Commercial Activities to only those listed in subparagraphs i-iv., which could not have been the intent of the submitter.

1245. The Panel understands the submitter intent was to limit retail activities to those listed in subparagraphs i-iv. However, the definition of Retail Activities specifically excludes those activities listed in the subparagraph. These activities are defined as Commercial Activities under the Plan. We consider retaining the word Retail, deleting subparagraphs i-iv. and retaining subparagraph v. supports the submitters intent. This amendment results in any Retail Activity that is not a convenience store, restaurant, cafe and takeaway food outlet with a maximum gross floor area of 250m<sup>2</sup> is not a permitted activity, and would require a discretionary resource consent.

*LIZ-R5 (renumbered LIZ-R6) – Minor Structures*

1246. The Panel acknowledges Ms Belgrave's recommended amendment to include a maximum height for hose drying towers, so as to achieve consistency with amendments proposed in the CMUZ. The Panel supports that recommendation.

*LIZ-R9 (renumbered LIZ-R10) - New Buildings and External Additions and Alterations Existing Buildings not meeting Rule LIZ - R1*

1247. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

*LIZ-R13 (renumbered LIZ-15) - Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility Retail Activities not meeting Permitted Activity Standards*

1248. The Panel has noted that there is no default status reference to Retail Activities stemming from LIZ-R2 (renumbered LIZ-R3). Rule LIZ-R2 indicates that the default status for Retail Activities is discretionary however there is no rule associated with this. We consider this is an

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error and we have utilised clause 16(2) of the RMA to rectify this by including Retail Activities in LIZ-R13 (renumbered LIZ-15).

*LIZ-R15 (renumbered LIZ-R17) - Any Activity not provided for by another Rule in the zone*

1249. The Panel acknowledges that LIZ-R15 is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter (now LIZ-R17).

*LIZ-R18 - Residential Activities, Community Facilities, Non Tertiary Educational Facilities and Health Facilities*

1250. The Panel has recommended the inclusion of a new rule LIZ-R18 to provide for those non-complying activities (Residential) which is identified in the previous rules in line with our determination that such rules are required in terms of the Plan's structure. We also agree with Ms Belgrave that a non-complying status is appropriate for Community Facilities, Non-Tertiary Education Facilities which are not anticipated or appropriate within the General Industrial zone, particularly for reasons of reverse sensitivity. In that category we have also included Health Facilities as sought by BDC.

**Hearing Panel's Recommendation**

1251. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **Light Industrial Zone Rules**:

**Overview**

The LIZ - Light Industrial Zone complements the ~~HIZ - Heavy and~~<sup>371</sup> GIZ - General Industrial Zones by specifically providing for industrial activities that are unlikely to produce objectionable environmental effects but there may still be some adverse effects including those associated with odour, dust or noise.

Activities within this zone may include light manufacturing, contractors' depots and automotive repair and service industries and some compatible commercial activities. Aquaculture activities such as fish or seaweed farming and processing are also appropriate in this zone.

It may also provide a buffer between other INZ - Industrial Zones and RESZ - Residential or MUZ - Mixed Use Zones.

The National Policy Statement on Urban Development (NPSUD) imposes a responsibility to ensure that there is sufficient business land to meet the future demands of the district and that this development is in the right location and appropriately serviced.

The INZ - Industrial Objectives and Policies and the LIZ - Light Industrial Zone Rules provide the framework for managing the effects of development and ensuring that a reasonable standard of

<sup>371</sup> Grey District Council (S608.102)

amenity and environmental quality is retained within the zone, and 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 Light Industrial 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 Light Industrial 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** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Light Industrial Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Natural Character and Margins of Waterbodies** - in some locations areas of Light Industrial Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of 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 Light Industrial Zone.

#### Light Industrial 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 is provided in General Approach.

#### Permitted Activities

LIZ - R1	<b><u>New Buildings, External Additions and Alterations to Existing Buildings</u></b> <b><u>Industrial Activities and Industrial Buildings</u></b> <sup>372</sup>
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#### Activity Status Permitted

Where:

<sup>372</sup> Waka Kotahi (S450.234)

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1. The maximum building height above ground level is 12m;
2. Maximum site coverage is 65%;
3. Buildings are setback a minimum:
  - i. 10m from State Highways; and
  - ii. **2m from road boundaries; and**
  - iii. 5m from ~~road boundaries~~,<sup>373</sup> any Residential Zone, Open Space Zone or Settlement Zone boundary and the Rail Corridor;
4. ~~All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:~~
  - i. ~~It is not visible from any adjacent RESZ – Residential Zone or SETZ – Settlement Zone boundary or adjacent public place; and~~
  - ii. ~~The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~
5. ~~No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;~~<sup>374</sup>
6. ~~There shall be no offensive or objectionable dust nuisance at or beyond the LIZ – Light Industrial Zone boundary as a result of the activity;~~<sup>375</sup>
7. The area adjoining the road frontage of all sites (**excluding access points**),<sup>376</sup> and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space, SARZ - Sport and Recreation Zone or MUZ - Mixed Use Zone shall contain landscaping as follows:
  - a. A minimum width of 2 metres that will, within two years of being planted, reach a minimum height of 1m, provided that lower heights are acceptable where this will otherwise restrict visibility within the State Highway corridor; and
  - b. On sites adjoining a RESZ - Residential Zone shall be planted with species, which at maturity, will provide screening from the adjoining sites; and
  - c. The planting of 1 tree per 20 carparking spaces is encouraged within any carparking area.
8. ~~Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~<sup>377</sup>
9. No building shall project beyond a building envelope defined by a recession plane as<sup>378</sup> defined in Appendix Two to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ -

<sup>373</sup> Consequential amendment from Westland Milk Products (S63.013) Buller District Council (S538.458)

<sup>374</sup> Waka Kotahi (S450.234)

<sup>375</sup> Buller District Council (S538.458), Birchfield Ross Mining Ltd (S604.083)

<sup>376</sup> Westland Milk Products (S63.018)

<sup>377</sup> Buller District Council (S538.458)

<sup>378</sup> Buller District Council (S538.447)

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Sports and Active Recreation, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:<sup>379</sup>

- 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 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
- 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. Stormwater facilities that support multiple uses such as water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~
- ~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.<sup>380</sup>~~

**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>381</sup>

**Activity status where compliance not achieved:**

~~Discretionary where Standards 1-8 are not complied with.~~

~~Restricted Discretionary where Standard 9 is not complied with<sup>382</sup>~~

**LIZ – R2                      Industrial Activities**

**Activity Status Permitted**

**Where:**

1. **All external storage and car parking areas shall be screened by a minimum 1.8m high solid fence or landscaping so that:**<sup>383</sup>

<sup>379</sup> Buller District Council (S538.458)

<sup>380</sup> Buller District Council (S538.458)

<sup>381</sup> Buller District Council (S538.458)

<sup>382</sup> Waka Kotahi (S450.234)

<sup>383</sup> Buller District Council (S538.458)

- a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and
  - b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;
2. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;

**Activity status where compliance not achieved: Restricted Discretionary<sup>384</sup>**

**LIZ – R23 Commercial Activities**

**Activity Status Permitted**

Where:

~~1. All performance standards for Rule GIZ – R1 are complied with; and~~

1. All external storage shall be screened by a 1.8m fence<sup>385</sup> or landscaping so that:
  - a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and
  - b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;<sup>386</sup>
2. Any Retail Activities are:
  - i. ~~Motor vehicle sales yards~~ Convenience stores;
  - ii. ~~Service stations~~ Restaurants;
  - iii. ~~Trade retail and trade suppliers~~ Cafes;
  - iv. ~~Drive through restaurants~~ Takeaway food outlets; or  
with a maximum gross floor area of 250m<sup>2</sup>.<sup>387</sup>

**Activity status where compliance not achieved:**

**Restricted Discretionary where standard 1 is not complied with**

Discretionary **where standard 2 is not complied with<sup>388</sup>**

**LIZ – R34 Ancillary Residential Activities**

<sup>384</sup> Waka Kotahi (S450.234)

<sup>385</sup> Buller District Council (S538.458)

<sup>386</sup> Waka Kotahi (S450.234)

<sup>387</sup> Buller District Council (S538.459)

<sup>388</sup> Waka Kotahi (S450.234)

### Activity Status Permitted

Where:

1. All performance standards for Rule LIZ-R1 are complied with;
1. One ~~single~~ residential unit per site is provided; and<sup>389</sup>
2. The residential activity is ancillary to the commercial or industrial activity on the site.

### Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

**Activity status where compliance not achieved:** Non-complying

**LIZ – R45**      **Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ - R1 are complied with except that hose drying towers associated with an Emergency Service Facility are exempt from height standards.

**Activity status where compliance not achieved:** Discretionary

**LIZ – R56**      **Minor Structures**

Activity Status Permitted

Where:

- ~~1. All performance standards for Rule LIZ – R1 are complied with except that compliance with standard 3 (setbacks) is not required.<sup>390</sup>~~
1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
3. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~
- 4. Hose drying towers do not exceed 15m in height; and<sup>391</sup>**
5. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

<sup>389</sup> Buller District Council (S538.460)

<sup>390</sup> Buller District (538.462) Chris & Jan Coll (S558.386), Chris J Coll Surveying Limited (S566.386), William McLaughlin (S567.441), and Laura Coll McLaughlin (S574.386)

<sup>391</sup> Fire and Emergency New Zealand (S517.101)

**Activity status where compliance not achieved:** Restricted Discretionary

**LIZ – R67 Fences, Walls and Retaining Walls**

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

**Activity status where compliance not achieved:** Restricted Discretionary

**LIZ – R78 Agricultural, Pastoral and Horticultural Activities**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ - R1 are complied with.

**Activity status where compliance not achieved:** Discretionary

**LIZ – R89 Aquaculture Activities**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ - R1 are complied with.

**Activity status where compliance not achieved:** Discretionary

**Restricted Discretionary Activities**

**LIZ – R910 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Rule LIZ - R1<sup>392</sup>**

Activity Status Restricted Discretionary

Where:

- a. ~~The building projects into the recession plane; and~~
- b. ~~All other performance standards for Rule LIZ - R1 are complied with.~~

**Discretion is restricted to:**

- a. ~~Design and location of buildings;~~

<sup>392</sup> Westland Milk Products (S63.016)

b. ~~Design and location of parking and access; and~~

e. ~~Landscape treatment.~~

a. **Bulk, location, and design of buildings;**

b. **Effects on the safety, amenity and attractiveness of the street or public places;**

c. **Amenity, visual dominance, shading, and nuisance effects on neighbouring sites;**

d. Design and location of parking and access;

e. **Measures to mitigate landscape effects; and**

f. **Characteristics of the site and development that are relevant to the rule**

Activity status where compliance not achieved: ~~Discretionary~~ N/A<sup>393</sup>

**LIZ – R11 Industrial Activities and Commercial Activities not meeting Permitted Activity Standards**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

a. **Effects on the safety, amenity and attractiveness of the street or public places;**

b. **Amenity and nuisance effects on neighbouring sites; and**

c. **Measures to mitigate landscape effects.**

Activity status where compliance not achieved: **N/A**<sup>394</sup>

**LIZ – R102 Minor Structures not meeting Rule LIZ - R56**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects.**<sup>395</sup>

Activity status where compliance not achieved: N/A

**LIZ – R113 Fences, Walls and Retaining Walls not meeting Rule LIZ - R67**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

<sup>393</sup> Westland Milk Products (S63.016)

<sup>394</sup> Consequential amendment stemming from Waka Kotahi (S450.234)

<sup>395</sup> Consequential Plan wide amendment to Manawa Energy Limited S438.100

- a. Design and location of structures; and
- b. ~~Landscape treatment~~ Measures to mitigate landscape effects<sup>396</sup>

Activity status where compliance not achieved: N/A

**Discretionary Activities**

**LIZ – R124** Industrial Activities and Buildings, Commercial, Aquaculture and Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards

Activity Status Discretionary

Activity status where compliance not achieved: N/A

**LIZ – R135** Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility Retail Activities<sup>397</sup> not meeting Permitted Activity Standards

Activity Status Discretionary

Activity status where compliance not achieved: N/A

**LIZ – R146** ~~Community Facilities and~~ Tertiary Educational Facilities<sup>398</sup>

Activity Status Discretionary

Activity status where compliance not achieved: N/A

**LIZ – R157** Any Activity not provided for by another Rule in the zone

Activity Status Discretionary<sup>399</sup>

**Non-complying Activities**

**LIZ – R18** Residential Activities, Community Facilities, Non Tertiary Educational Facilities and Health Facilities

Activity Status Non-Complying

Activity status where compliance not achieved: N/A<sup>400</sup>

<sup>396</sup> Consequential Plan wide amendment to Manawa Energy Limited S438.100

<sup>397</sup> Clause 16(2) of the RMA

<sup>398</sup> Silver Fern Farms (F101.035)

<sup>399</sup> William McLaughlin (S567.449), Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394) Laura Coll McLaughlin (574.394)

<sup>400</sup> Buller District Council (S538.471)

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**Dean Chrystal**  
**Hearings Panel - Chair**



**Anton Becker**  
**Hearings Panel Member**



**Paul Rogers**  
**Hearings Panel Member**

**Date: 5 September 2025**

## APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions - Ngā Tautuhinga	
Term	Definition
RETAIL ACTIVITY	<b><u>means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.</u></b> Excludes service stations, trade retail and trade suppliers, car sales and drive through restaurants.
<b>SUPERMARKET</b>	<b><u>means a retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.</u></b>

Commercial and Mixed Use Zones Objectives	
<b>CMUZ – O1</b>	To maintain and enhance the character and amenity values of commercial areas and town centres <b><u>while enabling</u></b> <del>in a way that enables</del> commercial and other activities to support the local community and visitors <del>while minimising adverse effects on amenity within and adjoining the commercial areas.</del>
<b>CMUZ – O2</b>	<b><u>Avoid, remedy, or mitigate adverse effects of commercial and other activities within and adjoining the commercial areas.</u></b>
<b>CMUZ – O23</b>	To recognise the importance of the West Coast/Te Tai o Poutini town centres and maintain their <b><u>the integrity of the West Coast/Te Tai o Poutini town centres</u></b> as a place of high-quality built environment character, community and visitor focus and identity.
<b>CMUZ – O34</b>	To recognise that Greymouth/Māwhera is the principal commercial and urban centre on the West Coast/Te Tai o Poutini and support its redevelopment through providing for a range of commercial and mixed use zones and activities within a high-quality urban environment.
<b>CMUZ – O5</b>	<b><u>The region’s commercial needs are provided for via a suite of commercial zones that:</u></b>  <b>(e) <u>recognise the importance of the West Coast/Te Tai o Poutini town centres;</u></b> <b>(f) <u>serve the immediate need of the local community;</u></b> <b>(g) <u>provide for mixed use and redevelopment opportunities at Greymouth; and</u></b> <b>(h) <u>provide for larger scale commercial activities in appropriate locations.</u></b>

Commercial and Mixed Use Zones Policies	
<b>Activities and Development in <del>CUMZ</del> <u>CMUZ</u> – Commercial and Mixed Zones</b>	
<b>CMUZ – P1</b>	Where cultural landscapes are identified in commercial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including;

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	<ul style="list-style-type: none"> <li>a. Protection of wāhi tapu and taonga sites in Schedule Three of the Plan using Poutini Ngāi Tahu culturally appropriate methods;</li> <li>b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Ngāi Tahu; and</li> <li>c. Protection of the relationship of Poutini Ngāi Tahu with freshwater, including cultural wellbeing and use opportunities.</li> </ul>
<b>CMUZ – P2</b>	A range of activities are anticipated within CMUZ - Commercial and Mixed Use Zones which meet the needs of the local community with convenient and safe access and opportunities for economic growth and social interaction.
<b>CMUZ – P3</b>	Residential activities and visitor accommodation may occur in the TCZ - Town Centre and MUZ - Mixed Use Zones particularly where this enables the redevelopment of important landmark and heritage buildings.
<b>CMUZ – P4</b>	<p>New development in CMUZ - Commercial and Mixed Use Zones should have quality design outcomes <del>and is expected to</del> <b>which:</b></p> <ul style="list-style-type: none"> <li>a. Acknowledge, and respond to, the context of the site and the surrounding environment;</li> <li>b. Ensure the bulk, form and siting of new buildings maintains and enhances the quality of the environment;</li> <li>c. Provide a quality street frontage with visual interest and connection with the street; and</li> <li>d. Ensure visual effects from car parking areas are <del>minimised</del> <b>mitigated; and</b></li> <li>e. <b><u>Recognises the functional need or operational need of activities.</u></b></li> </ul>
<b><i>New Locations for CMUZ – Commercial and Mixed Use Zones</i></b>	
<b>CMUZ – P5</b>	<p>Support the redevelopment of brownfield sites for mixed use activities where:</p> <ul style="list-style-type: none"> <li>a. A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements;</li> <li>b. The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities;</li> <li>c. There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks;</li> <li>d. The anticipated amenity values of the adjoining commercial or industrial zone are not compromised;</li> <li>e. If necessary, contaminated land is remediated in accordance with national and regional standards; and</li> <li>f. The redevelopment does not impact on: <ul style="list-style-type: none"> <li>4. The vitality and strategic role of town centres as the focal points for commercial and other activities;</li> <li>5. The efficient and effective use of land; and</li> <li>6. Community and transport infrastructure investment in centres.</li> </ul> </li> </ul>

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<b>CMUZ – P6</b>	Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres. <del>rather than pulling activity away from the centre</del>
<b>CMUZ – P7</b>	New CMUZ - Commercial and Mixed Use Zones should not be located in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.
<b><i>Infrastructure in Commercial and Mixed Use Zones</i></b>	
<b>CMUZ – P8</b>	Where new CMUZ - Commercial and Mixed Use Zones are developed these should fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
<b>CMUZ – P9</b>	Provide a range of transport modes to and from the town centres including public transport, cycling routes and <b>associated cycle</b> parking and encouraging more pedestrian friendly streets.
<b>CMUZ – P10</b>	The use of energy efficient systems and products, low impact stormwater design and other environmentally sustainable elements in new building and development is encouraged.
<b>CMUZ – P11</b>	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to service new commercial areas across multiple properties then this should be vested with the Council rather than be retained as private infrastructure.
<b>CMUZ – P12</b>	Avoid reverse sensitivity effects on <b>regionally significant</b> strategic infrastructure including: <ul style="list-style-type: none"> <li>a. Hokitika and Westport Airports and Greymouth Aerodrome;</li> <li>b. The rail network;</li> <li>c. The State Highway Network;</li> <li>d. The Ports of Westport and Greymouth;</li> <li>e. Community wastewater treatment and water supply plants;</li> <li>f. The National Grid.</li> </ul>
<b><i>Policies for Specific Commercial and Mixed Use Zones</i></b>	
<b>CMUZ – P13</b>	Activities in the COMZ - Commercial, MUZ - Mixed-Use and NCZ - Neighbourhood Centre Zones should: <ul style="list-style-type: none"> <li>a. <del>Meet performance standards on development and land use that maintain</del> <b>Maintain</b> or enhance the amenity of the commercial areas and <del>do not create</del> <b>avoid, remedy or mitigate</b> adverse effects beyond the boundaries of these areas, particularly in respect of residential areas;</li> <li>b. Provide safe urban design (including pedestrian and vehicle safety); and</li> <li>c. <del>Avoid the fragmentation</del> <b>Encourage compact urban form</b> of town centres.</li> </ul>

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<b>CMUZ – P14</b>	Trade retail and trade suppliers should locate in existing COMZ - Commercial Zone or MUZ - Mixed Use Zone but not within the TCZ - Town Centre Zone or in the NCZ - Neighbourhood Centre Zone.
<b>CMUZ – P15</b>	Activities within the TCZ - Town Centre Zones should: <ul style="list-style-type: none"> <li>a. Maintain or enhance natural and historic features and built form;</li> <li>b. Adaptively reuse existing heritage buildings where practicable;</li> <li>c. Recognise and implement good urban design;</li> <li>d. Provide for low-speed vehicle movement;</li> <li>e. Allow for noise associated with commercial activities including bars and restaurants;</li> <li>f. Provide for commercial signs associated with on-site activities;</li> <li>g. Provide a high-quality pedestrian environment, with pedestrian oriented street layout;</li> <li>h. Have consolidated on-street parking;</li> <li>i. Have efficient wastewater, water supply and stormwater infrastructure that maximises the use of existing services;</li> <li>j. Allow for a range of transport options;</li> <li><del>k. Have new buildings built to a high standard up to the street frontage and predominantly with verandahs over the footpath; and</del></li> <li><del>l. Be activities reliant on pedestrian movement.</del></li> </ul>
<b>CMUZ – P16</b>	The NCZ - Neighbourhood Centre Zone should provide for retail and community facilities which serve the immediate local community and should not undermine town centre function and identity.
<b>CMUZ – P17</b>	COMZ - Commercial Zoned areas within small settlements should primarily provide access to local shopping and community facilities to serve that settlement.
<b>CMUZ – P18</b>	Encourage the redevelopment of sites within the MUZ - Mixed Use Zone.
<b>CMUZ – P19</b>	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in CMUZ - Commercial and Mixed Use Zones to INZ - Industrial Zoned areas
<b><i>Additional Policies for Town Centre Precincts</i></b>	
<b><i>Town Centre Zone - Greymouth/Māwhera Town Centre Precinct Policies</i></b>	
<b>CMUZ – PREC1 – P1</b>	Activities and development within the TCZ - PREC1 -Greymouth/Māwhera Town Centre Precinct should reflect the Greymouth/Māwhera CBD Redevelopment Plan and any subsequent plans for the town centre redevelopment and invigoration.
<b>CMUZ – PREC1 – P2</b>	Seek to intensify activity within the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct by fully utilising the existing building stock – including allowing offices, cafes and restaurants, residential apartments and visitor accommodation in upper floors above street level.
<b>CMUZ – PREC1 – P3</b>	Celebrate Greymouth/Māwhera’s unique historic and Poutini Ngāi Tahu heritage and identity by repurposing existing landmark and heritage buildings and the use of the Greymouth/Māwhera Town Centre Design Guidelines.

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<b>CMUZ – PREC1 – P4</b>	Promote the development of green corridors connecting the Grey/Māwhera River to Victoria Park, Sawyers Creek Wetlands and the lagoon.
<b>CMUZ – PREC1 – P5</b>	Require high quality design outcomes in the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct which adhere to the Greymouth/Māwhera Town Centre Design Guidelines. In particular, new development and additions and alterations to existing buildings are expected to: <ul style="list-style-type: none"> <li>a. Acknowledge, and respond to, the context of the site and the surrounding environment;</li> <li>b. Create visual interest and be in keeping with streetscape values;</li> <li>c. Address Poutini Ngāi Tahu and historic heritage values and design elements;</li> <li>d. Create a vibrant, active pedestrian environment;</li> <li>e. Take into account sustainable building design and Crime Prevention through Environmental Design (CPTED) principles;</li> <li>f. Utilise the Greymouth Pounamu and Māori Heritage paint palette on building frontages; and</li> <li>g. Ensure continuous verandah coverage on the Main Street Frontage of the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct.</li> </ul>
<b>CMUZ – PREC1 – P6</b>	Encourage <b>walking and cycling</b> access to and along the Grey/Māwhera River to the adjacent MUZ- Mixed Use Zone, the West Coast Wilderness Trail and Māwheranui Walkway.
<b><i>Town Centre Zone - Hokitika Town Centre Precinct Policies</i></b>	
<b>CMUZ – PREC2 – P7</b>	Reinforce the pedestrian priority in the TCZ - PREC2 - Hokitika Town Centre Precinct by requiring verandahs, active street frontage and a high quality pedestrian environment which reflects the Hokitika Town Centre Design Guidelines.
<b>CMUZ – PREC2 – P8</b>	Provide for and enable the inclusion of elements of Poutini Ngāi Tahu culture in the design of buildings and structures in the TCZ - PREC2 - Hokitika Town Centre Precinct.
<b>CMUZ – PREC2 – P9</b>	Promote pedestrian <b>and cycling</b> links and pedestrian <b>and cycling</b> focused activity to link the Hokitika town centre to the Gibson Quay/Hokitika River and to the Hokitika beachfront.
<b><i>Town Centre Zone – Westport/Kawatiri Town Centre Precinct Policies</i></b>	
<b>CMUZ – PREC3 – P10</b>	Ensure that the design, scale and layout of commercial development and buildings in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct is compatible with the character of the town.
<b>CMUZ – PREC3 – P11</b>	Reinforce Palmerston Street between Henley St and Rintoul St as the heart of Westport/Kawatiri by requiring verandahs, active street frontage and a high quality pedestrian environment.
<b>CMUZ – PREC3 – P12</b>	Promote pedestrian <b>and cycling</b> links and pedestrian <b>and cycling</b> focused activity to link Victoria Square to the Buller/Kaiwatiri Riverfront.
<b><i>Town Centre Zone – Reefton Town Centre Precinct Policies</i></b>	

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<b>CMUZ – PREC4 – P13</b>	Ensure that the design, scale, location and layout of development and buildings in the TCZ - PREC4 - Reefton Town Centre Precinct are compatible with the historic character of this area.
<b>CMUZ – PREC4 – P14</b>	Require new development and additions to exterior facades of buildings on the Main Street Frontage of the TCZ - PREC4- Reefton Town Centre Precinct to adhere to the Reefton Historic Town Centre Design Guidelines.

Commercial Zone Rules	
<p><b>Note:</b> 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.</p>	
Permitted Activities	
<b>COMZ - R1</b>	<p><b><u>New Buildings and External Additions or Alterations to Existing Buildings</u></b>            Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings</p>
<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>12</del> <b>15</b> 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. <b><u>1.5m from the railway designation boundary, excluding accessory buildings and structures.</u></b></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></li> <li>ii. 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</li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Restricted Discretionary where standards <del>5 and 2 – 5 6</del> are not complied with.</p> <p>Discretionary where standards <del>1-4</del> are <b>is</b> not complied with.</p>

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<p>iii. The planting of 1 tree per 20 carparking spaces is <del>encouraged</del> <b>required</b> within any carparking area.</p> <p>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.</p> <p>4. The maximum building length is 20m where this abuts a RESZ - Residential Zone; <b>and</b></p> <p><del>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</del></p> <p>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 <del>except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.</del> This standard does not apply to:</p> <ul style="list-style-type: none"> <li>i. Road boundaries;</li> <li>ii. Buildings on adjoining sites that have a common wall along the boundary;</li> <li>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;</li> <li>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;</li> <li>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.</li> </ul> <p><b>Advice Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>2. <b><u>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.</u></b></li> <li><del>3. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</del></li> </ul>	
<p><b>COMZ – R2</b></p>	<p><b>Minor Structures</b></p>

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<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All performance standards for <b>Standard 2 for</b> Rule COMZ - R1 <del>is</del> are complied with;</li> <li>2. Masts, poles, aerials and pou whenua must not exceed 7m in height;</li> <li>3. Any antenna dish must be less than 1m in diameter;</li> <li>4. Any ornamental or garden structure must not exceed 2.4 m in height; and</li> <li>5. 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>
<p><b>COMZ – R3      Fences, Walls and Retaining Walls</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Fences, walls and retaining walls are a maximum 2m height above ground level; and</li> <li>2. 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>
<p><b>COMZ – R4      Relocated Buildings</b></p>	
<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, <b>and</b> to be used as a dwelling;</li> <li>3. A building pre-inspection report <b>in accordance with Appendix 11</b> 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 <b>exterior</b> reinstatement works <b>including connections to infrastructure services and closing in and ventilation of the foundations</b> shall be completed within a 12-month period <b>of the building being delivered to the site; and;</b></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.;<del>and</del></li> <li>5. <del>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</del></li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><b>Refer to COMZ-R1 for where standard 1 is not complied with.</b></p> <p>Restricted Discretionary <b>where standards 2 to 5 are not complied with.</b></p>

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to include connections to all infrastructure services and closing in and ventilation of the foundations.		
<b>COMZ – R5</b>	<b>Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities</b>	
<b>Activity status Permitted</b> <b>Where:</b> <ol style="list-style-type: none"> <li><u>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</u></li> </ol> <b>Advice Note:</b> <ol style="list-style-type: none"> <li><u>The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</u></li> </ol>		<b>Activity status when compliance not achieved:</b> <b>Restricted Discretionary</b>
<b>COMZ – R56</b>	<b>Residential Buildings and Activities</b>	
<b>Activity Status Permitted</b> <b>Where:</b> <ol style="list-style-type: none"> <li><del>All performance standards for Rule COMZ – R1 are complied with;</del></li> <li>This is ancillary to a Commercial Activity;</li> <li>It is not ancillary to a Commercial Activity, the activity is located above the ground floor level of a Commercial Activity; and</li> <li>Each residential unit shall be provided with: <ol style="list-style-type: none"> <li><del>An outdoor service space of 3 m<sup>2</sup> and a A waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area</del> <b><u>or 9m<sup>2</sup> with a minimum dimension of 2.8m in a communal area;</u></b></li> <li>A single, indoor storage space of 4m<sup>3</sup> with a minimum dimension of 1 metre;</li> <li>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>Each residential unit shall be provided with an outdoor living space of <b><u>8m<sup>2</sup> minimum area and 2 metres minimum dimension;</u></b> <ol style="list-style-type: none"> <li><del>6m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit;</del></li> <li><del>10m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;</del></li> </ol> </li> </ol> </li> </ol>		<b>Activity status where compliance not achieved:</b> <b>Non-complying</b>

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<p><del>3. 15m<sup>2</sup> minimum area and 1.5 metres minimum dimension for 3 or more bedrooms;</del></p> <p>v. Each residential unit shall be provided with outlook space from each habitable room from the largest window in the room as follows:</p> <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 <b>and depth</b>;</li> <li>2. All other habitable rooms must have an outlook space with a minimum dimension of 1m in width <b>and depth</b>;</li> <li>3. The width of the outlook <del>spaces</del> <b>spaces</b> is measured from the centre point of the largest window on the building face to which it applies;</li> <li>4. Outlook spaces may be within the same site or over a public street or other public open space;</li> <li>5. Outlook spaces required from different rooms within the same building may overlap;</li> <li>6. Outlook spaces must:             <ol style="list-style-type: none"> <li>c. Be clear and unobstructed by buildings; and</li> <li>d. Not extend over an outlook space or outdoor living space required by another dwelling.</li> </ol> </li> </ol> <div data-bbox="422 1099 920 1469" data-label="Diagram"> </div> <p><b>Advice Note:</b></p> <ol style="list-style-type: none"> <li>1. In meeting the outdoor living space requirements, decks and balconies will be included within the calculation.</li> <li>2. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</li> </ol>	
<p><b>Restricted Discretionary Activities</b></p>	
<p><b>COMZ – R67</b></p>	<p><del>Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and <b><u>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</u></b></del></p>

<b>Activity Status Restricted Discretionary</b> Where: 1. <del>All performance standards for Rule COMZ – R1 other than those that relate to External Storage and Recession Planes are</del> <b><u>Performance standard 1 for Rule COMZ-R1</u></b> is 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. Bulk, location and design of storage, buildings and structures. e. <b><u>Effects on the safety, amenity and attractiveness of the street or public places; and</u></b> f. <b><u>Visual dominance, privacy and shading effects on neighbouring sites</u></b>		<b>Activity status where compliance not achieved:</b> Discretionary
<b>COMZ – R8</b>	<b><u>Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities not meeting Rule COMZ-R5</u></b>	
<b>Activity Status Restricted Discretionary</b> <b>Discretion is restricted to:</b> a. <b><u>Effects on the safety, amenity and attractiveness of the street or public places; and</u></b> b. <b><u>Materials being stored and the period of time for storage.</u></b>		<b>Activity status where compliance not achieved:</b> <b><u>N/A</u></b>
<b>COMZ – R79</b>	<b><u>Relocated Buildings not meeting Rule COMZ - R4 or Recession Plane performance standards of Rule COMZ – R1</u></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> a. Design and location of structures; b. <del>Landscape measures</del> <b><u>Measures to mitigate landscape effects;</u></b> and c. Appearance of buildings <b><u>and the completion of any building reinstatement works identified in a building inspection report.</u></b>		<b>Activity status where compliance not achieved:</b> Discretionary- <b><u>N/A</u></b>
<b>Discretionary Activities</b>		
<b>COMZ – R&amp;10</b>	<del>Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, Visitor Accommodation Activities and</del> <b><u>New Buildings and External Additions and Alterations to Existing Buildings,</u></b> <del>Relocated Buildings,</del> <b><u>Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted or Restricted Discretionary Activity Standards</u></b>	

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<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> Non-complying <u>N/A</u>
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>COMZ – R11</b>	<b>Any activity not provided for by another Rule in the zone</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> <u>N/A</u>
<b>Non-complying Activities</b>		
<b>COMZ – R912</b>	<b>Residential Activities and Buildings not meeting the standards in Rule COMZ - R56</b>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>COMZ – R1013</b>	<b>Industrial Activities</b>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b> N/A
<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:</b> N/A

<b>Mixed Use Zone Rules</b>		
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 is provided in General Approach.		
<b>Permitted Activities</b>		
<b>MUZ - R1</b>	<b>New Buildings and External Additions or Alterations to Existing Buildings</b>	
<b>Activity Status Permitted</b>		<b>Activity status where compliance not achieved:</b>
Where: 1. The maximum ground floor area of the building is 500m <sup>2</sup> ; 2. The maximum height above ground level is 12m except that this standard does not apply to hose drying towers at Emergency Service Facilities;		<b><u>Restricted Discretionary where standards 1 and 3 to 6 are not complied with</u></b>

<p>3. Any building on a Facade Control Street must have:</p> <ul style="list-style-type: none"> <li>i. A cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One;</li> <li>ii. 20% of the facade devoted to display windows or transparent glazing; and</li> <li>iii. The principal public entrance to the building must be located on the front boundary;</li> </ul> <p>4. Any building or structure is setback a minimum of:</p> <ul style="list-style-type: none"> <li>i. 3m from any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary; <b>and</b></li> <li>ii. <b><u>1.5m from the railway designation boundary, excluding accessory buildings and structures.</u></b></li> </ul> <p><del>5. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;</del></p> <p>5. 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</p> <p>6. No building shall protrude beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary <del>except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.</del> This standard does not apply to:</p> <ul style="list-style-type: none"> <li>i. Road boundaries;</li> <li>ii. Buildings on adjoining sites that have a common wall along the boundary;</li> <li>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;</li> <li>iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and</li> <li>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.</li> </ul> <p><b><u>Advice Note:</u></b></p>	<p>Discretionary <b><u>where standard 2 is not complied with.</u></b></p>
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<p>1. <u>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.</u></p>		
<b>MUZ – R2</b>	<b>Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities</b>	
<p><b>Activity Status Permitted</b>  Where:</p> <ol style="list-style-type: none"> <li>This is not visitor accommodation subject to Rule MUZ-R5;</li> <li><del>Performance standards for Rule MUZ – R1 are complied with;</del> and</li> <li><del>This is not a commercial garage, service station or emergency service activity located on a Facade Control Street;</del> <b>and</b></li> <li><u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u></li> </ol>		<p><b>Activity status where compliance not achieved:</b>  Refer Rule MUZ – R5 for Visitor Accommodation  <b><u>Restricted discretionary where standard 3 is not complied with</u></b>  <del>Activities not complying with Standard 2 or 3 are</del> Discretionary <b><u>where standard 2 is not complied with.</u></b></p>
<b>MUZ – R3</b>	<b>Carparking and Vehicle Service Areas</b>	
<p><b>Activity Status Permitted</b>  Where:</p> <ol style="list-style-type: none"> <li>Provision for carparking and vehicle service access is made at the side or rear of the building;</li> <li>If available all vehicle access should be from service lanes or streets other than those subject to Facade Controls;</li> <li>No parking areas are located between the frontage of buildings and the street;</li> <li>No carpark is provided on a Facade Control Street; <del>and</del></li> <li>For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site; <b>and</b></li> <li><b><u>Standards 1 to 5 of Rule MUZ-R3 do not apply to Emergency service facilities</u></b></li> </ol> <p><b>Advice Note:</b> Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.</p>		<p><b>Activity status where compliance not achieved:</b>  Non-complying</p>
<b>MUZ – R4</b>	<b>Residential Activities and Papākāinga</b>	
<p><b>Activity Status Permitted</b>  Where:</p> <ol style="list-style-type: none"> <li>The residential activity or papākāinga is: <ol style="list-style-type: none"> <li>Located above street level; or</li> </ol> </li> </ol>		<p><b>Activity status where compliance not achieved:</b>  Discretionary</p>

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<p>ii. Located at street level but with no frontage to public open spaces or streets except for access;</p> <p>2. Each residential unit shall be provided with a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area <b>or 9m<sup>2</sup> with a minimum dimension of 2.8 metres in a communal area;</b></p> <p>3. Any space designed 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;</p> <p>4. Residential accommodation entrances shall be clearly separated and distinguished from commercial entrances;</p> <p>5. <b>The principal residential</b> Residential accommodation entrances shall be provided directly from <del>a</del> the public street <b>or open space.</b></p> <p><b>Advice Note:</b> The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</p>	
<p><b>MUZ – R5      Visitor Accommodation</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p>1. The visitor accommodation is located</p> <p>    i. In a Heritage Building listed in Schedule One; or</p> <p>    ii. Above street level; or</p> <p>    iii. At street level but with no frontage to public open spaces or streets except for access</p> <p>2. Any space designed 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;</p> <p>3. Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and</p> <p>4. <b>The principal visitor</b> Visitor accommodation entrances shall be provided directly from <del>a</del> the public street <b>or open space.</b></p> <p><b>Advice Note:</b> The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</p>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>
<p><b>MUZ – R6      Minor Structures</b></p>	

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<p><b>Activity Status Permitted</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>All performance standards for <u>Standard 4 of Rule MUZ - R21</u> is 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>
<p><b>MUZ – R7      Fences, Walls and Retaining Walls</b></p>	
<p><b>Activity Status Permitted</b></p> <p><b>Where:</b></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>Activity status where compliance not achieved:</b> Discretionary</p>
<p><b>MUZ – R8      Relocated Buildings</b></p>	
<p><b>Activity Status Permitted</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>All performance standards for Rule MUZ - R1 are complied with;</li> <li>Any relocated building intended for use as a dwelling must have been designed, <del>and built,</del> <b>and</b> to be used as a dwelling;</li> <li>A building pre-inspection report <b><u>in accordance with Appendix 11</u></b> 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 <b><u>exterior</u></b> reinstatement works <b><u>including connections to infrastructure services and closing in and ventilation of the foundations</u></b> shall be completed within a 12-month period <b><u>of the building being delivered to the site; and</u></b></li> <li>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;<del>;</del> <b>and</b></li> <li><del>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</del></li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><b><u>Refer Rule MUZ – R1 for where standard 1 is not complied with.</u></b></p> <p>Discretionary <b><u>where standards 2 to 5 are not complied with.</u></b></p>

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infrastructure services and closing in and ventilation of the foundations.		
<b>Restricted Discretionary Activities</b>		
<b>MUZ – R9</b>	<b>New Buildings and External Additions or Alterations to Existing Buildings not meeting Rule MUZ – R1</b>	
<b>Activity Status Restricted Discretionary</b> <b>Where:</b> <b>1. Performance standard 2 for Rule MUZ-R1 is complied with.</b> <b>Discretion is restricted to:</b> <ol style="list-style-type: none"> <li><b>Bulk, location and design of storage, buildings and structures</b></li> <li><b>Effects on the safety, amenity and attractiveness of the street or public places; and</b></li> <li><b>Visual dominance, privacy and shading effects on neighbouring sites.</b></li> </ol>		<b>Activity status where compliance not achieved: Discretionary</b>
<b>MUZ – R10</b>	<b>Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities not meeting Rule MUZ-R2</b>	
<b>Activity Status Restricted Discretionary</b> <b>Where:</b> <b>1. Performance standard 2 for Rule MUZ-R2 is complied with</b> <b>Discretion is restricted to:</b> <ol style="list-style-type: none"> <li><b>Effects on the safety, amenity and attractiveness of the street or public places; and</b></li> <li><b>Materials being stored and the period of time for storage.</b></li> </ol>		<b>Activity status where compliance not achieved: Discretionary</b>
<b>Discretionary Activities</b>		
<b>MUZ – R911</b>	<b>Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and Buildings not meeting Permitted Activity Standards</b>	
<b>Activity Status Discretionary</b> <b>Where:</b> <b>1. The maximum height is 20m.</b>		<b>Activity status where compliance not achieved: Non-complying</b>
<b>MUZ – R12</b>	<b>Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted Activity Standards</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved: N/A</b>
<b>MUZ – R113</b>	<b>New Buildings and External Additions to Buildings not meeting Rule MUZ - R1</b>	

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Activity Status Discretionary	Activity status where compliance not achieved: N/A
<b>MUZ – R124</b>	<b>Residential Activities not meeting Permitted Activity standards</b>
Activity Status Discretionary	Activity status where compliance not achieved: N/A
<b>MUZ-R15</b>	<b>Any activity not provided for by another Rule in the zone</b>
Activity Status Discretionary	Activity status where compliance not achieved: N/A
<b>Non-complying Activities</b>	
<b>MUZ – R136</b>	<b>Industrial Activities</b>
Activity Status Non-complying	Activity status where compliance not achieved: N/A
<b>MUZ – R14</b>	<b>Any activity not provided for by another Rule in the zone</b>
<del>Activity Status Non-complying</del>	<del>Activity status where compliance not achieved: N/A</del>

<b>TCZ</b>	<b>Town Centre Zone – Te Takiwā o te Pokapū o te Tāone</b>
<b>Overview</b>	
<p>The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ - Town Centre Zone, however each town centre has a Precinct where specific additional policies and rules apply.</p> <p>The four centres are <b>generally</b> characterised by 2-3 storey buildings located up to the street with verandahs and retail display windows. These town centres are pedestrian oriented and parking is available on the street. Residential living above ground floor and mixed use activities are provided for.</p> <p>The architectural quality of buildings and the quality of the public realm (public spaces and the interaction between individual buildings and the public pedestrian environment) will strongly influence the attractiveness of the TCZ - Town Centre Zone and MUZ - Mixed Use Zone as places to visit, undertake business and live. The objectives, policies and rules for both zones enable a broad range of activities, in order to provide the flexibility necessary to accommodate future growth and change. More importantly, they also focus on the quality of buildings and the impact of new buildings on the public realm and on the walkability and pedestrian access within the town centres. This focus is important to enhancing the attractiveness of the town centres and encouraging new businesses, visitors and inner city living.</p> <p>As the largest centre on the West Coast/Te Tai o Poutini, Greymouth/Māwhera is expected to provide for a diverse range of commercial, retail, community and recreation activities and offer a variety of employment and living opportunities. In</p>	

Greymouth/Māwhera higher density residential developments such as apartments above ground floor are anticipated that will contribute to providing wider housing choices for the community. The MUZ - Mixed Use Zone in Greymouth/Māwhera is adjacent to the TCZ - Town Centre Zone.

The Town Centre and Mixed Use Design Guidelines seek to ensure that new building development in the town centres is of a high standard and that it enhances the characteristics and qualities that contribute to each town centre's unique sense of place.

The location of the Hokitika, Greymouth/Māwhera and Westport/Kawatiri town centres on the coast and adjacent to large rivers, means parts of the town centres are subject to risk from existing and future flood and coastal inundation. Te Tai o Poutini Plan enables development within the TCZ - Town Centre Zone and MUZ - Mixed Use Zone that responds to and manages the risk. However, it is also acknowledged that over time a movement away from the most hazardous locations is desired, and this is reflected in other parts of the Te Tai o Poutini Plan through the NH - Natural Hazards provisions.

#### **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 Town Centre 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 Town Centre 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 Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Town Centre Zone. 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 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 Town Centre Zone.

#### **Town Centre 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**

TCZ - R1	<b>New Buildings, External Alterations or Alterations to Existing Buildings</b> Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. <b>The maximum height above ground level is;</b> <ol style="list-style-type: none"> <li>e. <b><u>20 metres in TCZ – PREC1 - Greymouth/Māwhera Town Centre Precinct.</u></b></li> <li>f. <b><u>12 metres in TCZ – PREC2 – Hokitika Town Centre Precinct.</u></b></li> <li>g. <b><u>15 metres in TCZ – PREC3 – Westport/Kawatiri Town Centre Precinct.</u></b></li> <li>h. <b><u>12 metres in TCZ – PREC4 – Reefton Town Centre Precinct.</u></b></li> </ol> <p><b><u>Except that hose drying towers at Emergency Service Facilities are exempt from this standard;</u></b></p> </li> <li>2. Any building is located:                     <ol style="list-style-type: none"> <li>a. On the front boundary of the site;</li> <li>b. With no setback from the street boundary, except that a recess of up to 0.5m within the facade of the building is permitted;</li> </ol> </li> <li>3. Any building is setback a minimum of                     <ol style="list-style-type: none"> <li>a. 3m from any RESZ - Residential Zone boundary;</li> <li>b. <b><u>1.5m from the railway corridor designation, excluding accessory buildings and structures</u></b></li> </ol> </li> <li><del>4. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;</del></li> <li>4. The ground floor facade of all buildings with a Main Street Frontage must have:                     <ol style="list-style-type: none"> <li>a. <del>50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage</del> <b><u>A minimum of 50% comprising of clear glazing;</u></b> and</li> <li>b. One public entrance with glazing comprising at least 40% of the doors; except that Any Heritage Building in Schedule One is exempt from this requirement.</li> </ol> </li> <li><del>5. No building shall create a featureless facade or blank wall on a Main Street Frontage at ground floor level wider than 3m;</del></li> <li>5. No building shall project beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Non-complying where standards <del>1-3</del> <b><u>2-3</u></b> are not complied with.</p> <p>Discretionary where standards <b><u>1 and 4 to 5</u></b> <del>6</del> are not met <b><u>complied with.</u></b></p>	

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<p>boundary <del>except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.</del> This standard does not apply to:</p> <ol style="list-style-type: none"> <li>a. Road boundaries;</li> <li>b. Buildings on adjoining sites that have a common wall along the boundary;</li> <li>c. 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;</li> <li>d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and</li> <li>e. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.</li> </ol> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li>1. <b><u>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.</u></b></li> <li>2. <b><u>When designing new buildings or additions and alterations to existing buildings in the Town Centre Zone, developers are encouraged to use the relevant Design Guidelines:</u></b> <ol style="list-style-type: none"> <li>a. <b><u>the Hokitika Town Centre Urban Design Guidelines; or</u></b></li> <li>b. <b><u>Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines; or</u></b></li> <li>c. <b><u>Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines; or</u></b></li> <li>d. <b><u>Reefton Town Centre Urban Design Guidelines.</u></b></li> </ol> </li> </ol>	
<b>TCZ – R2</b>	<b>Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct</b>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li><del>1. All performance standards from Rule TCZ – R1 are complied with;</del></li> <li>1. Any commercial activity on a Main Street Frontage does not include: <ol style="list-style-type: none"> <li>a. Motor vehicle sales yards;</li> <li>b. Service stations;</li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><del>Discretionary where standard 3 is not complied with.</del></p> <p><del>Non-complying where standards 2, 4 and 5 are not complied with.</del></p>

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<ul style="list-style-type: none"> <li>c. Yard based retail;</li> <li>d. Trade retail and trade suppliers;</li> <li>e. Drive through restaurants.</li> </ul> <p><del>2. The maximum height above ground level is 12 metres except that hose drying towers at an Emergency Service Facility are exempt from this standard;</del></p> <p>2. Every <b><u>New buildings and additions and alterations to any building</u></b> with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; and</p> <p>3. <b><u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u></b></p> <p><del>4. New buildings and additions and alterations to any Main Street Frontage facade must demonstrate that they meet the Hokitika Town Centre Urban Design Guidelines.</del></p>	<p>Refer Rule TCZ – R1 where there is non-compliance with these standards</p>
<p><b>TCZ – R3      Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC1 Greymouth/Māwhera Town Centre Precinct</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li><del>1. All performance standards from Rule TCZ – R1 are complied with;</del></li> <li><del>2. The maximum height above ground level is 20 metres;</del></li> <li>1. Every <b><u>New buildings and additions and alterations to any building</u></b> with a Main Street Frontage must erect a cantilevered continuous verandah (with no decorative poles) to extend from the shop frontage to be 400mm inside the kerbline. This requirement for a verandah does not apply to Historic Heritage buildings identified in Schedule One;<b><u>and</u></b></li> <li>2. <b><u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u></b></li> </ul> <p><b>Advice Note:</b></p> <ul style="list-style-type: none"> <li>1. The verandah shall extend from the shop frontage to be 400mm inside the kerbline. The verandah, if on a corner, shall be splayed so as to be 400mm back from the kerbline.</li> <li><del>2. When designing new buildings in Greymouth/Māwhera Town Centre developers are encouraged to use the Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines.</del></li> </ul>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary where standard 2 is not complied with.</p> <p>Non-complying where standard 3 is not complied with.</p> <p>Refer Rule TCZ – R1 where there is non-compliance with these standards.</p>

<b>TCZ – R4</b>	<b>Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct</b>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li><del>1. All performance standards from Rule TCZ – R1 are complied with;</del></li> <li>1. Any commercial activity on a Main Street Frontage does not include: <ol style="list-style-type: none"> <li>f. Motor vehicle sales yards;</li> <li>g. Service stations;</li> <li>h. Yard based retail;</li> <li>i. Trade retail and trade suppliers;</li> <li>j. Drive through restaurants.</li> </ol> </li> <li><del>2. The maximum height above ground level is 15 metres;</del></li> <li>2. Every building with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath. This requirement to provide a verandah does not apply to Heritage Buildings identified in Schedule One; <b>and</b></li> <li>3. <b><u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u></b></li> </ol> <p><b>Advice Note:</b></p> <ol style="list-style-type: none"> <li>1. When erecting a cantilevered verandah, poles are encouraged for decorative purposes.</li> <li>2. <del>When designing new buildings for the Westport/Kawatiri Town Centre developers are encouraged to use the Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines.</del></li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><del>Discretionary where standards 3 is not complied with</del></p> <p><del>Non-complying where standard 2 or 4 is not complied with</del></p> <p><del>Refer Rule TCZ – R1 where there is non-compliance with these standards</del></p>
<b>TCZ – R5</b>	<b>Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC4 - Reefton Town Centre Precinct</b>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li><del>1. All performance standards from Rule TCZ – R1 are complied with;</del></li> <li><del>2. The maximum height above ground level is 12 metres except that hose drying towers at Emergency Service Facilities are exempt from this standard;</del></li> <li>3. Every building with a frontage to SH7 (Broadway) must erect a continuous verandah to cover the full width of the footpath with a timber frame and a roof supported on timber poles;</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><del>Discretionary where standard 2 are not complied with.</del></p> <p><del>Non-complying where standards 3, 4 and 5 are not complied with.</del></p> <p><del>Refer Rule TCZ – R1 where there is non-compliance with these standards.</del></p>

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<p>4. Any commercial activity does not include:</p> <ul style="list-style-type: none"> <li>f. Car sales yards;</li> <li>g. Service stations;</li> <li>h. Yard based retail;</li> <li>i. Trade retail and trade suppliers;</li> <li>j. Drive through restaurants; and</li> </ul> <p>5. <del>New buildings and additions and alterations to the exterior facade with frontage to SH7 (Broadway) must demonstrate they meet the Reefton Heritage Town Design Guidelines.</del></p>		
<b>TCZ – R6</b>	<b>Carparking and Vehicle Service Access</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Provision for carparking and vehicle service access is made at the side or rear of the building;</li> <li>2. If available all vehicle access should be from service lanes;</li> <li>3. No parking areas are located between the frontage of buildings and the street;</li> <li>4. No carpark is provided on a Main Street Frontage;</li> <li>5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site; and</li> <li>6. Where the entire site is developed as a carpark, this must incorporate pedestrian wet weather cover for the footpath, planting and landscape measures which have been assessed as meeting the requirements of the relevant Town Centre Design Guidelines</li> </ol> <p><b>7. <u>Emergency service facilities are excluded from Standards 1 to 6 of Rule TCZ-R6.</u></b></p> <p><b>Advice Note:</b> Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.</p>		<p><b>Activity status where compliance not achieved:</b>  Non-complying</p>
<b>TCZ – R7</b>	<b>Residential Activities in Existing Buildings</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The residential activity is located <ul style="list-style-type: none"> <li>a. Above street level; except</li> <li>b. Where this is a Heritage Building listed in Schedule One, then the activity may occur at street level;</li> </ul> </li> <li>2. Each residential unit shall be provided with a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in either a private or communal area</li> </ol>		<p><b>Activity status where compliance not achieved:</b>  Discretionary</p>

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<p><u>or 9m<sup>2</sup> with a minimum dimension of 2.8m in a communal area;</u></p> <p>3. Any space designed 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.</p> <p>4. Residential accommodation entrances are clearly separated and distinguished from commercial entrances; and</p> <p>5. <u>The principal residential</u> Residential accommodation entrances <del>are</del> <b>shall be</b> provided directly from <u>a</u> <del>the</del> public street <b>or open space</b>.</p> <p><b>Advice Note:</b></p> <p>1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</p>		
<b>TCZ – R8</b>	<b>Visitor Accommodation Activities and Buildings</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p><del>1. All performance standards from Rule TCZ – R1 are complied with;</del></p> <p>1. The visitor accommodation activity is located;</p> <p>c. Above street level; except</p> <p>d. At street level and above street level in any Heritage Building listed in Schedule One;</p> <p>2. Any space designed 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;</p> <p>3. Visitor accommodation entrances are clearly separated and distinguished from commercial entrances; and</p> <p>4. <u>The principal visitor</u> <del>Visitor</del> accommodation entrances <b>shall be</b> provided <del>pedestrian access</del> directly from <u>a</u> <del>the</del> public street <b>or open space</b>.</p> <p><b>Advice Note:</b></p> <p>1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.</p>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary</p>	
<b>TCZ – R9</b>	<b>Demolition of Existing Buildings</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p>1. These are not Heritage Buildings identified in Schedule One;</p>	<p><b>Activity status where compliance not achieved:</b></p>	

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<p>2. Where the building is not replaced within 12 months:</p> <p>c. Then the site is completely cleared of demolition materials and a level surface with cover sufficient to ensure no dust nuisance created within 3 months of demolition; and</p> <p>d. A landscaping strip of 1.5m width is provided;</p> <p>3. If the building to be demolished is on a Main Street Frontage <del>that</del> <b>then</b> a pedestrian weather cover must be provided over the <b>immediately</b> adjacent footpath <del>for 80% of the frontage</del>. Where the site is to be redeveloped then a temporary structure can be provided for a maximum of 6 months in the TCZ - PREC1 - Greymouth/Māwhera and TCZ - PREC2 - Hokitika Town Centre Precincts and a maximum of 12 months in the TCZ - PREC3 - Westport and TCZ - PREC4 - Reefton Town Centre Precincts.</p>	<p>Controlled where Standards 2 and 3 are not complied with.</p> <p>Refer to Rule HH - R9 for Demolition of Historic Heritage buildings listed in Schedule One.</p>
<p><b>TCZ – R10      Minor Structures</b></p>	
<p><b>Activity Status Permitted</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Masts, poles, aerials and pou whenua does not exceed 7m in height;</li> <li>2. Any antenna dish is less than 1m in diameter;</li> <li>3. Any ornamental structure does not exceed 2.4m in height; <del>and</del></li> <li>4. <b><u>Hose drying towers do not exceed 15m in height; and</u></b></li> <li>5. Any other structure does not exceed 10m<sup>2</sup> and 2m in height.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>
<p><b>TCZ – R11      Fences, Walls and Retaining Walls</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Fences, walls and retaining walls are a maximum 2m height above ground level; and</li> <li>2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>
<p><b>Controlled Activities</b></p>	
<p><b>TCZ – R12      Demolition of Buildings not meeting Permitted Activity Standards</b></p>	
<p><b>Activity Status Controlled</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. These are not Heritage Buildings identified in Schedule One.</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>a. Site rehabilitation and <del>landscape measures</del> <b><u>measures to mitigate landscape effects</u></b>; and</li> <li>b. Weather protection for pedestrians.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary under Rule HH – R9.</p>

Restricted Discretionary Activities	
<b>TCZ – R13</b>	<b>Relocated Buildings</b>
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>Permitted Activity performance standards for TCZ - R1 are complied with; and</li> <li>Relevant Permitted Activity performance standards for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5 are complied with.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>Design and location of buildings;</li> <li>Appearance of buildings;</li> <li>The extent to which the building meets any relevant Town Centre Design Guidelines; and</li> <li><del>Landscape Measures</del> <b>Measures to mitigate landscape effects.</b></li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>
Discretionary Activities	
<b>TCZ – R14</b>	<b>Visitor Accommodation Activities and Buildings and Residential Activities in Existing Buildings not meeting Permitted Activity Standards</b>
<p><b>Activity Status Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>Except where this is Heritage Building listed in Schedule One, the ground floor is used for Commercial or Community Activities.</li> </ol> <p><b>Advice Note:</b></p> <ol style="list-style-type: none"> <li>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> Non-complying</p>
<b>TCZ – R15</b>	<b><del>Commercial Activities and</del> <u>New Buildings, External Alterations or Alterations to Existing Buildings</u> Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities <u>and Relocated Buildings</u> not meeting the Permitted Activity Standards for Ground Floor Facade, Recession Plane or Height</b>
<p><b>Activity Status Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>All other performance standards for Rule TCZ - R1 <del>and where relevant for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5</del> are complied with.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<b>TCZ – R16</b>	<b>Minor Structures and Fences, Walls and Retaining Walls not meeting the Permitted Activity Standards</b>
<p><b>Activity Status Discretionary</b></p>	<p><b>Activity status where compliance not achieved:</b> N/A</p>
<b>TCZ – R17</b>	<b>Residential Activities <del>and Buildings</del> in New Buildings</b>

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<p><b>Activity Status Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>The ground floor is used for Commercial or Community Activities and complies with the Performance Standards for Rule TCZ - R1;</li> <li>Each residential unit is provided with <del>an outdoor service space of 3m<sup>2</sup></del> and a waste management area of 2m<sup>2</sup> per unit, each with a minimum dimension of 1.5 metres in <del>either a private or communal area</del> <b>or 9m<sup>2</sup> with a minimum dimension of 2.8 metres in a communal area;</b></li> <li>Each residential unit is provided with a single indoor storage space of 4m<sup>2</sup> with a minimum dimension of 1 metre;</li> <li>All performance standards for Rule TCZ - R<del>87</del> are complied with; and</li> <li>Each residential unit shall be provided with an outdoor living space of <b>8m<sup>2</sup> minimum area and 2 metres minimum dimension;</b> <ol style="list-style-type: none"> <li><del>6m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit;</del></li> <li><del>10m<sup>2</sup> minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;</del></li> <li><del>15m<sup>2</sup> minimum area and 1.5 metres minimum dimension for 3 or more bedrooms.</del></li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<p><b>TCZ – R18      <u>Any activity not provided for by another Rule in the zone</u></b></p>	
<p><b><u>Activity Status Discretionary</u></b></p>	<p><b><u>Activity status where compliance not achieved:</u></b> <u>N/A</u></p>
<p><b>Non-complying Activities</b></p>	
<p><b>TCZ – R<del>189</del>      Commercial Activities <u>and Relocated</u> Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted or Discretionary Activity Standards</b></p>	
<p><b>Activity Status Non-complying</b> Activity status where compliance not achieved: N/A</p>	
<p><b>TCZ – R<del>19</del><u>20</u>      Residential and Visitor Accommodation Activities not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards</b></p>	
<p><b>Activity Status Non-complying</b> Activity status where compliance not achieved: N/A</p>	
<p><b>TCZ – R<del>201</del>      Carparking and Vehicle Service Access not meeting the Permitted Activity Standards</b></p>	
<p><b>Activity Status Non-complying</b> Activity status where compliance not achieved: N/A</p>	
<p><b>TCZ – R<del>21</del><u>2</u>      Industrial Activities</b> Activity Status Non-complying</p>	

Activity status where compliance not achieved: N/A

~~TCZ – R21~~ ~~Any activity not provided for by another Rule in the zone~~

~~Activity Status Non-complying~~

~~Activity status where compliance not achieved: N/A~~

## Greymouth/Māwhera Town Centre and Mixed Use Zone Urban Design Guidelines

### 1.0 Introduction

This document has been developed to provide direction to those planning, design and reviewing development proposals in the Greymouth/Māwhera town centre and new mixed use area. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropriate
- Takes into account Poutini Ngāi Tahu values.

#### 1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Greymouth/Māwhera Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

### 2.0 Greymouth/Māwhera Design Guidelines

#### 2.1 Context

##### *Connection with the Natural Environment*

The Grey/Māwhera River provides a natural edge to the town centre and a link to its cultural heritage. The vegetated hills behind Greymouth/Māwhera are an important backdrop to the town and an acknowledged outstanding natural landscape. Keeping access to the Grey/Māwhera River and a visual link between the town centre and the surrounding hills is essential.

##### *Existing built character*

The core of Greymouth/ Māwhera's town centre retains a coherent collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the West Coast/Te Tai o Poutini.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.

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- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone and Façade Control Streets in the Mixed-Use Zone which provide shelter for pedestrians.
- Main Street frontage streets in the Greymouth/Māwhera Town Centre Zone are: Māwhera Quay, Mackay Street, Tainui Street, Guinness Street, Albert Street, Werita Street, Custom Street and Tarapuhi Street
- Façade Control Streets in the Greymouth/Māwhera Mixed Use Zone are: Mackay Street, Boundary Street, Richmond Quay, Gresson Street, Herbert Street, Guinness Street and Tarapuhi Street.
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet
- Rhythm and repetition – windows are often at regular intervals, symmetry of façade features
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building’s façade

*Poutini Ngāi Tahu Cultural Landscapes*

Many buildings within the town centre reflect Greymouth/Māwhera’s colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Greymouth/Māwhera is solely located within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngāi Tahu contacts for designers of buildings in Greymouth/Māwhera.

Poutini Ngāi Tahu culture and identity highlight the West Coast’s point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, Pokeka Environmental =their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

## **2.2 Guidelines**

### *Context*

**GC1** Complement the existing **bulk and form of the existing** built context with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as scheduled historic heritage items in Te Tai o Poutini Plan. New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these scheduled buildings and structures.

**GC2** Take into account the wider surroundings, including natural features, such as views to other buildings, the mountains and the Māwhera/Grey River.

*Poutini Ngāi Tahu Cultural Landscapes*

**IW1 Mana/authority** – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

**IW2 Te Reo, whakapapa/naming** – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

**IW3 Tohu/landmarks** – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

**IW4 Taiao/environment** – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

**IW5 Mauri Tū/environmental health** - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

**IW6 Mahi Toi/creative expression** – When Poutini Ngāi Tahu narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building design, integrated artwork. ~~and~~ Te Rūnanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in ~~such~~ this processes.

**IW7 Ki uta ki tai/from the mountains to the sea.** Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe’s culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

*Built Form*

**BF1 Mass/Scale** - New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions~~ into several smaller “storefronts” – visually smaller vertical forms – something commonly used in the existing Greymouth/Māwhera building stock. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.

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This long low building shape should be avoided. Two storey rather than one storey buildings give better containment to the streetscape. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

**BF2 Location to front** – Buildings are to be positioned so their front walls abut the (footpath) boundary.

**BF3 Continuity** – on Main Street Frontage and Façade Control Streets buildings are to extend across the full width of the site frontage to ensure that the street’s “built” edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage and Façade Control Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

**BF4 Height** – New buildings should ideally be at least two storeys in height, but at a minimum, shall appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade are to be potentially usable space rather than a false façade.

**BF5 Corner buildings.** Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets, cornice, pediment or similar features that wrap around the building.



This building expresses well to the corner with a specific corner facade.



This building does not include any corner features to emphasise its position.

#### Location Specific Guidance

**BF6 Pedestrian Access Lanes** – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes shall have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

**BF7 Roofs/Down pipes** – Roofs are encouraged to sit below the height of the parapet and not be visible from the street. Drainpipes should be designed so they are a discrete part of the building and not visually intrusive.

#### Facades

**GF1 Openings** – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. ~~Symmetrically located windows~~ **Create visual interest and symmetry by positioning windows at regular intervals** are required above ground level, and main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

**GF2 Visual permeability** – The ground floor window of buildings (including glazed doors) in Main Street Frontages must be no less than 50% of the frontage in the Town Centre Zone and on Façade Control Streets in the Mixed Use Zone must have a minimum 20% glazing. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.

**GF3 Office/Commercial Activity** – where the ground floor is used for offices/commercial activity in Main Street Frontage Streets, the display area immediately behind the windows should be designed as reception and waiting areas.

**GF4 Shop fronts and entries** – Building entries and shop fronts in Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

**GF5 Four elements** – Building facades are to show the following distinct elements:

*Base (Ground)* – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

*Verandah/Canopy/Balcony* – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF6)

*Upper Area* – symmetrical placement of windows.

*Parapet/Top* – top outline of the façade extended or modulated by elements reflecting the building structure and roof form, and generally masking the roof.

**GF6 Verandah/canopy/balcony** -Verandahs are a requirement in Main Street Frontage Streets and Façade Control Streets and are subject to performance standards in the rules. Verandahs should:

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Be fully cantilevered with no decorative poles or obstructions of the footpath
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage or Façade Control Street).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

**GF7 Articulation and Detail** – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing, **such as** Façade articulation ~~may include~~ setbacks, projected bays, balconies **and fencing and landscaping.** etc. Building facades should have detail and depth and not be on a flat plane.

**GF8 Material and Colour** – **use materials, texture and colour to highlight the building’s form and details** building colours, whether a painted finish or natural materials should highlight features such as joinery, decoration or repetition of the building form

- ~~• Use colours that are consistent with the existing range of colours in the town centre and be consistent with the Pounamu and Māori Heritage colour palette developed as part of the CBD Redevelopment Plan.~~
- ~~• Side and rear walls should be painted in the same colours as the building’s main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building’s main façade.~~
- ~~• Bright colours designed to call attention to the building are not acceptable~~
- ~~• Painting the whole building one block colour as a “sign” to brand the building is not acceptable.~~



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional colour palette suitable for other buildings in the town centre. The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.

~~Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette suitable for other buildings in the town centre.~~ The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.

**GF9 Building Signage** - Signage should not project above the roofline or obscure architectural features.

**GF10 Lighting** – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

**GF 11 Building entries** (non-Main Street Frontage or Façade Control Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

**GF12 Outdoor dining areas.** – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

**GF13 Mechanical equipment** – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

#### *Strengthening and Restoration*

**GS1 External strengthening** – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

**GS2 Façade retention** – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

### *Location Specific Requirements*

**GL1 Mackay Street and Māwhera Quay** a focus is on restoration and repurposing of existing buildings. **Any replacement** Replacement buildings should **consider** have a scale and style that reflects port warehouses in keeping with **Mackay Street and Mawhera Quay's** the riverfront position.

## **Hokitika Town Centre Urban Design Guidelines**

### **1.0 Introduction**

This document has been developed to provide direction to those planning, designing and reviewing development proposals in the Hokitika town centre. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropriate
- Takes into account CPTED principles and the Poutini Ngāi Tahu values.

#### **1.1 When does the Design Guide apply?**

Under Te Tai o Poutini Plan rules, all new buildings within the Hokitika Town Centre Zone are required **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

### **2.0 Hokitika Design Guidelines**

#### **2.1 Context**

Hokitika means 'return directly' in Māori. The name embraces the story of a battle of control of the pounamu source. Invading Ngāi Tahu who wanted control of the pounamu source were devastatingly defeated at Lake Mahinapua by local tribe Ngāti Wairangi. The sole surviving chief Hikaturae turned back here and 'returned directly' to Kaiapoi. Several battles later Ngāi Tahu won, but at a truly heavy price. Today Poutini Ngāi Tahu honour their role as rangatira, carvers and traders of this revered stone.

The town of Hokitika grew from the discovery of another precious resource - gold. The West Coast's gold rushes, many led by Maori, attracted thousands of gold-seekers. Between 1864 and 1867 ships brought 37,000 seekers into Hokitika Port through its treacherous river mouth resulting in countless shipwrecks. Carved out of the rainforest wilderness, Hokitika grew from the 'Crooked Mile' of Revell Street on the dunes to a wide-streeted goldfields capital,

#### *Defined Centre*

Hokitika is a well defined centre with a grid layout and natural edges from the Hokitika River and Hokitika Beach and a human edge created by the railway line. There is a strongly defined entrance into the town, with the town clock creating a core focal point.

#### *Connection with the Natural Environment*

The Hokitika River/Gibson Quay and Beachfront provide natural edges to the town centre and a link to its cultural and natural heritage. Alongside this Hokitika is notable for its views towards the

Southern Alps. Maintaining visual connections and improving access to the beach and Gibson Quay are essential.

*Existing built character*

Hokitika Town Centre has an interesting mix of historic nineteenth and early twentieth century buildings as well as more modern, but largely sympathetic, buildings. The historic heritage represents an important part of the historic heritage resource of Westland and the West Coast and is centred around Revell Street.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone which provide shelter for pedestrians.
  - Main Street frontage streets in the Hokitika Town Centre Zone are: Weld Street, Sewell Street, Hamilton Street, Revell Street, Tancred Street, Camp Street, Wharf Street, Gibson Quay
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

*Revell Street Heritage Character Area*

The Revell Street Heritage Area (From Ocean View/110 Revell Street to Camp Street) is characterised by having a large number of late nineteenth and early twentieth century buildings which recall the late Victorian era mining town character.



#### *Revell Street Heritage Character Area Buildings*

While only a handful of these are listed historic buildings, retaining the other character buildings from this era, and ensuring that new buildings are sympathetic to the area is very important.

In terms of character, buildings that contribute positively to the character of Revell Street

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although some of the large hotels do not and historically many did not)
- Have similar alignment of parapets and shopfronts
- Are constructed of timber with timber shopfronts

The shop front design of buildings contributing to the character of Revell Street also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

#### *Poutini Ngāi Tahu Cultural Landscapes*

Many buildings within the town centre reflect Hokitika's colonial and settler history, however there is limited representation of a much longer iwi history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Ngāti Waewae and Ngāti Māhaki oMakaawhio, Pokeka Environmental - their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

## 2.2 Guidelines

### *Context*

**GC1** Complement the existing **bulk and form of the existing buildings**. ~~Context with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.

**GC2** Take into account the wider surroundings, including natural features, such as views to Ngā Tiritiri-o-te-Moana/Southern Alps and links to the beach and the river.

### *Poutini Ngāi Tahu*

**IW1 Cultural Landscapes** – A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

**IW2 Te Reo, whakapapa/naming** – Consultation with the relevant Poutini Ngāi Tahu Papatipu Rūnanga on the use of appropriate ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

**IW3 Tohu/landmarks** – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives approved by Poutini Ngāi Tahu are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

**IW4 Taiao/environment** – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

**IW5 Mauri Tū/environmental health** - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

**IW6 Mahi Toi/creative expression** – When iwi ~~hapū~~ narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork, ~~and~~ Poutini Ngāi Tahu Papatipu Rūnanga mandated design professionals and artists are appropriately engaged in ~~such~~ **this** processes.

**IW7 Ki uta ki tai/from the mountains to the sea.** Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's

culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

*Built Form*

**BF1 Mass/Scale** -New buildings should relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up by vertical divisions into several smaller “storefronts” visually smaller vertical forms. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories should be stepped back from the line of view from the street.



This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

**BF2 Location to front** – Buildings are to be positioned so their front walls abut the (footpath) boundary

**BF3 Continuity** – on Main Street Frontage streets buildings are to extend across the full width of the site frontage to ensure that the street’s “built” edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

**BF4 Height** – New buildings should ideally be at least two storeys in height, but at a minimum, should appear similar in height to the existing neighbouring buildings

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

**BF5 Corner buildings.** Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets.

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This building expresses well to the corner with the second story providing height, and the window facing into the corner.

**BF6 Pedestrian Access Lanes** – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes should have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

**BF7 Roofs**– Roof form in Hokitika town centre is variable with some below the parapet and others pitched and visible from the street. Either is acceptable except there are some specific requirements for the Revell Street heritage area



Rooflines hidden behind a parapet



Mixed rooflines

**GF1 Openings** – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e. not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

**GF2 Visual permeability** – The ground floor window area of buildings (including glazed doors) in Main Street Frontage must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.

**GF3 Shop fronts and entries** – Building entries and shop fronts on Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

**GF4 Four elements** – Building facades are to show the following distinct elements:

*Base (Ground)* – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

*Verandah/Canopy/Balcony* – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF5)

*Upper Area* – windows if building is more than 1 storey in height.

*Parapet/Roof* – Parapet with top outline of the façade extended or modulated by elements reflecting the building structure and roof form masking the roof, or roof form clearly evident.

**GF5 Verandah/canopy/balcony** -Verandahs are a requirement on Main Street Frontage streets and are subject to performance standards in the rules. Verandahs should:

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

**GF6 Articulation and Detail** – building facades should **achieve visual interest to support the pedestrian experience.** This may include articulation and detailing. ~~Façade articulation may include setbacks, projected bays, balconies~~ **and fencing and landscaping** etc. Building facades should have detail and depth and not be on a flat plane.

**GF7 Material and Colour** – **use materials, texture and colour to highlight the building’s form and details** building colours, whether a painted finish or natural materials should highlight features such as joinery, decoration or repetition of the building form

- ~~• Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~• Side and rear walls should be painted in the same colours as the building’s main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building’s main façade.~~
- ~~• Bright colours designed to call attention to the building are not acceptable~~
- Painting the whole building one block colour as a “sign” to brand the building is not acceptable.

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**Before**



**After**

*Colour and Signage are key to achieving a good design outcomes. This building has been transformed by the change to a sympathetic colour and incorporation of a well designed sign reflecting Poutini Ngāi Tahu values.*



*Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette suitable for other buildings in the town centre.*



~~Colour has been inappropriately used on these shops. They are not in keeping with the surrounding area, and also being used as a “sign” to advertise a product. The colours used on these buildings are very bold and not consistent with the other building colours in the vicinity.~~

**GF8 Building Signage** -Signage should not project above the roofline or obscure architectural features.

**GF9 Lighting** – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

**GF10 Building entries (non-Main Street Frontage Streets)** – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

**GF11 Outdoor dining areas.** – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

**GF12 Mechanical equipment** – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

*Strengthening and Restoration*

**GS1 External strengthening** – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

**GS2 Façade retention** – For heritage and landmark buildings, retaining a building’s street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

*Revell Street Heritage Character Area*

**GR1 Adapting existing historic buildings** – when making additions, these should be on elevations not visible from the street and compatible with the architectural character of the building. Additions should not dominate the original building or contrast harshly with the original materials, building and roof form, proportions, colour or scale.

**GR2 New Buildings** - New buildings should be in sympathy with the historic building stock. Key aspects that will assist this are:

- Building to the street (footpath boundary)
- Above verandah having a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street
- The parapet should be simple with simplified or modern interpretation of existing detailing
- The verandah should extend the full width of the footpath
- Awnings are discouraged
- Shopfronts should be made of timber
- Entries should be recessed and angled
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

**GR3 - New Two-storied buildings**

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor.

**Reefton Heritage Town Design Guidelines**

**1.0 Introduction**

This document has been developed to provide guidance to those preparing and reviewing development proposals in the Reefton town centre. This guide seeks to achieve high quality building design that:

- Responds to the historical context
- Is visually interesting and in sympathy with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment

### **1.1 When does the Design Guide apply?**

Under Te Tai o Poutini Plan rules within the Reefton Town Centre Zone, all new buildings and alterations to the exterior facade of existing buildings are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

These guidelines however have been developed to support the wider heritage character of Reefton and developers of new buildings or those undertaking alterations of existing character buildings are encouraged to use them.

## **2.0 Reefton Heritage Town Design Guidelines**

### **2.1 Context**

The historic significance of Reefton and its heritage values is recognised by the registration of parts of Reefton as an historic area under the Historic Places – Pouhere Taonga Act. The main commercial street, Broadway, retains a number of mid to late nineteenth and early twentieth century buildings contributing to its late Victorian era mining town character.

Reefton has such high heritage and recreation values that retaining the existing heritage buildings is essential and any new buildings should be designed to be sympathetic with and enhance the existing character and values.

Within this design guide there are three main categories of building – each with a different approach to new building works.

- Historic buildings - these include listed historic heritage buildings [refer Schedule 1 of Te Tai o Poutini Plan] but also unscheduled historic buildings centred around Bridge St and Broadway such as the BNZ Bank, Broadway Supplies Building, Caples/Conlon Villa (Bellbird Motel), Homemakers Hardware Shop, Old National Bank, Wilson’s Hotel and Hotel Reefton. These should be retained, with modifications kept to a minimum.
- Contributory buildings – these should be retained but can be modified to a greater degree in a sympathetic manner.
- Non-contributory – which are neutral or intrusive in the street and can be demolished or modified to be more in sympathy with the character of the street (a nod to the past).

#### Broadway Character

Broadway is a long wide, open street with single and two storied commercial buildings lining it. Generally the buildings that contribute positively to the character of Broadway

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles

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- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although one or two do not and historically many did not)
- Are connected or are joined by fences on the street boundary
- Are long and narrow
- Are of different heights, with little or no alignment of parapets or shopfronts
- Are constructed of timber with timber shopfronts

Verandahs are of different designs:

- Unadorned or decorated posts
- With or without brackets
- With or without signage on the fascia
- With or without fascias
- With or without cheeks
- Skillion or bullnosed roofs

The shop front design of buildings contributing to the character of Broadway also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

## **2.2 Design Guidelines**

### **2.2.1 Historic buildings**



1. **General Principles:** Generally visible external work should be limited to repairs, maintenance, restoration or reconstruction. Key principles are:

- To maintain rather than repair
- To repair rather than replace
- If replacement is essential try and use materials that match the original as closely as possible (like for like)
- Use a date stamp so that replacements can be identifiable on close inspection.

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- Restore original colour schemes where possible [Refer to Resene heritage colours for the period pre – 1920 and note this does not include blue].
- Painting the whole building one block colour as a “sign” to brand the building is not acceptable.

**2. Adaptation:** When adapting the exterior of a historic building:

- Retain, repair and maintain all significant external fabric
- Avoid removal or obscuring significant external fabric, elements and features
- Respect the style, form, planning, materials, craftsmanship, scale and patina of the building

**3. Additions:** When making additions, these should

- Be on elevations not visible from the street
- Avoid additions on significant elevations, including the roof
- Be compatible with the architectural character of the building
- Not dominate the original building
- Not contrast harshly with original materials, building and roof form, proportions, colour or scale
- Maintain the same orientation and proportions of building composition as the original
- If a large addition, be separate from the original building and follow the guidelines for new buildings

**4. New Elements:** Where removal or replacement of non-original elements is proposed try and restore or reconstruct the original elements.

**5. Strengthening** Strengthening work for earthquake protection should be installed on the interior or within the existing structure. Where this is not possible locate it away from the front elevation.

**2.2.2 Contributory Buildings**



**1. General Principles:** The general principles are similar to those of heritage buildings except that retention of original fabric on non-visible elevations is less important.

**2. Additions:** When additions are proposed, these should:

- Be on elevations not visible from the street
- Be compatible with the architectural character of the building
- Not dominate the original building
- Not contrast harshly with original materials, building and roof form, proportions, colour, or scale
- Maintain the same orientation, proportions and rhythm of building composition as the original
- If a large addition, be separate from the original building and follow the guidelines for new buildings
- Not negatively affect the setting of or views to or from the building
- Should be of a respectful new design based on a simplified modern interpretation of the original
- Where the original verandah design is suspended or cantilevered from the wall, do not install “dummy” verandah posts.

**2.2.3 Non-contributory buildings**

Demolition is acceptable and encouraged when possible. The design guides for new buildings and for additions and alterations to existing buildings should be followed. Where additions and alterations are to be carried out, the intention is to design modifications to regain greater consistency with the existing significant and heritage buildings.



**2.2.4 New single storied buildings**

**1. Location**

- The building should be constructed up to the street (footpath) boundary
- Where the building does not extend the full width of the site there should be a fence from the building to the boundary.
- If there is an existing neighbouring building, it is acceptable to locate the new building against the existing building.

**2. Form**

- The building should be rectangular in plan and face the street
- The façade of the building should be rectangular with the proportion elongated or tall.

### **3. Above verandah design**

- The building should have a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street,
- Where the building is to be constructed alongside an existing building, the parapet should be of a different height to the neighbouring building but no taller than existing Victorian or Edwardian buildings.
- The parapet for single story buildings should be between one-third to one half the total elevation height.
- The parapet should be simple with simplified or modern interpretation of existing detailing and not copy original detailing.

### **4. Verandah**

- Buildings on Broadway are required to have a verandah (refer Plan rules) which should have a timber frame with a roof supported on timber posts
- The verandah should extend the full width of the footpath **Setback the verandah to allow clearance for taller vehicles.**<sup>401</sup>
- Awnings are discouraged.
- Cast iron filigree is discouraged.
- Non-alignment of verandahs with neighbouring buildings is encouraged.

### **5. Shopfront design.**

- Shopfronts should be made of timber.
- Entries should be recessed and angled.
- In wide shops entries should be central, in narrow shops entries next to the side boundary wall is preferred.
- The stall board should be 300-600mm high,
- Windows should extend from the stall board to the underside of the verandah framing. The street pane should be divided vertically and horizontally with glazing bars.
- Recessed entry glazing should match the design of street glazing.
- The door should be glazed and panelled with a toplight.
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

### **6. Roofs**

- The roof should be hidden behind a parapet. A pitch of between 30-45 degrees is ideal, with corrugated metal or timber shingles.

### **7. Materials**

- Wall materials should be painted corrugated metal or timber weatherboard.

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<sup>401</sup> Kirsty Dittmer (S412.001)

- Joinery should be timber

#### **8. Corner buildings**

- Corner buildings can be chamfered or square
- Parapets to corner buildings should return around the corner for the full length of the building.
- Entries to corner buildings should be at the corner.

#### **9. Signage**

- Signage on buildings should be symmetrical about the face of the element on which it is located and generally extend the full width.
- Signage in upper case lettering is encouraged.
- Signage should relate to the business or owner- not advertising products.
- Antique, Fat Clarendon, San serif lettering styles or similar are encouraged so as to give the impression of traditional hand sign writing.
- Other acceptable styles are Tuscan, Fat -faces, Fat Italics, Fat Gothic and Sans Serif compressed.

#### **10.Fencing**

- Fencing should be sympathetic to the era.

#### **11.Colours**

- Colours should be taken from the Resene or Aalto Heritage colour chart and be a three or four colour scheme. Note these should be the pre-1920s colours.

#### **12.Lights**

- Lighting should highlight the architectural character and lighting under the verandah is encouraged.

#### **2.2.5 New two-storied buildings**

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor. One of the openings should be a door and this can be wider than other openings.

### **Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines**

#### **1.0 Introduction**

This document has been developed to provide direction to those planning, design and reviewing development proposals in the Westport/Kawatiri town centre and new mixed use area. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values

- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropriate
- Takes into account Poutini Ngāi Tahu values.

### **1.1 When does the Design Guide apply?**

Under Te Tai o Poutini Plan rules, all new buildings within the Westport/Kawatiri Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

## **2.0 Westport/Kawatiri Design Guidelines**

### **2.1 Context**

#### *Connection with the Natural Environment*

The Buller/Kawatiri River provides a natural edge to the town centre and a link to its cultural heritage and the Kawatiri River Trail. Improving access to the Buller/Kawatiri River is important. Victoria Park lies directly behind the town centre - visual and access links through to Victoria Park should be improved.

#### *Existing built character*

Palmerston Street retains a mixed collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the Buller and West Coast.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs of similar heights and shapes with decorative poles – this is a key feature in Palmerston Street which provides shelter for pedestrians.
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

#### *Poutini Ngāi Tahu Cultural Landscape*

Many buildings within the town centre reflect Westport/Kawatiri's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future. Westport/Kawatiri is entirely within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngāi Tahu contacts for designers of buildings in Westport/Kawatiri.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

## **2.2 Guidelines**

### *Context*

**GC1** Complement the existing **bulk and form of the existing** built context with visual links through similarity of overall bulk and form. New development should attempt to complement, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan. New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.

**GC2** Take into account the wider surroundings, including natural features, such as views to buildings, the mountains and the river.

### *Poutini Ngāi Tahu Cultural Landscapes*

**IW1 Mana/authority** – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

**IW2 Te Reo, whakapapa/naming** – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

**IW3 Tohu/landmarks** – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

**IW4 Taiao/environment** – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

**IW5 Mauri Tū/environmental health** - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

**IW6 Mahi Toi/creative expression** – **When** Poutini Ngāi Tahu narratives are creatively reinscribed through architectural design and building design, integrated artwork, and Te Runanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in **this** such processes.

**IW7 Ki uta ki tai/from the mountains to the sea.** Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

*Built Form*

**BF1 Mass/Scale** -New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up by vertical divisions into several smaller “storefronts” **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.



*This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity and are part of a sign to brand the building.*

**BF2 Location to front** – Buildings are to be positioned so their front walls abut the (footpath) boundary

**BF3 Continuity** – on Palmerston Street buildings are to extend across the full width of the site frontage to ensure that the street's “built” edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. Beyond Palmerston Street, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

**BF4 Height** – New buildings should appear similar in height to the existing neighbouring buildings. Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

**BF5 Corner buildings.** Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are encouraged to be visually emphasised with architectural elements such as taller forms, or parapets.



*This building expresses well to the corner with the second story providing height, and the door facing into the corner.*

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*This building was not built with any corner features to emphasise its position. The more recent sign and verandah modifications have tried to address its corner position.*

**BF6 Roofs**– Westport/Kawatiri has a variable range of rooflines with some below the height of the parapet and others pitched and visible from the street. Either is acceptable.



*Roofline hidden behind parapet*



*Mixed rooflines*

**GF1 Openings** – Buildings are to have windows on all street facades with minimum 50% glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

**GF2 Visual permeability** – The ground floor window area of buildings (including glazed doors) in Palmerston Street must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.

**GF3 Office/Commercial Activity** – where the ground floor is used for offices/commercial activity on Palmerston Street, the display area immediately behind the windows should be designed as reception and waiting areas.

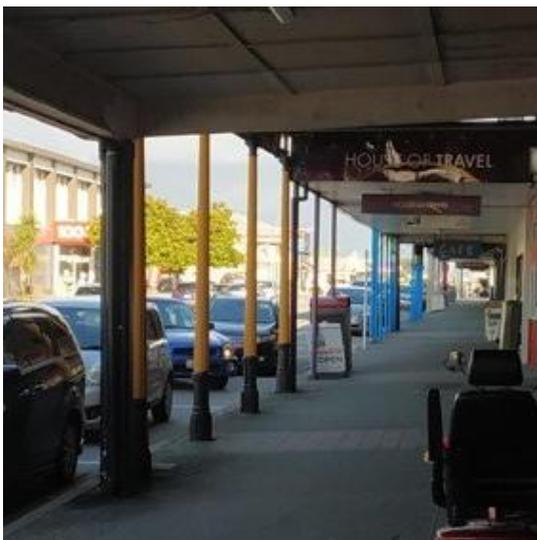
**GF4 Shop fronts and entries** – Building entries and shop fronts in Palmerston Street should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance. Glazed areas should be partitioned with glazing bars rather than single sheet/plate glass display windows.



*Window facades with glazing bars are a typical feature of the Westport shop frontages.*

**GF5 Verandah/canopy/balcony** -Verandahs are a requirement on Palmerston Street and are subject to performance standards in the rules. Verandahs should:

- Complement the style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**
- Include decorative poles where possible
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages.



*Decorative Street Poles from the verandahs give a sense of safety and enclosure and are a particular character of Westport town centre*

**GF6 Articulation and Detail** – building facades should **achieve visual interest to support the pedestrian experience.** This may include articulation and detailing. ~~Facade articulation may include setbacks, projected bays, balconies,~~ **and fencing and landscaping** etc. Building facades should have detail and depth and not be on a flat plane.

**GF8 Material and Colour** – use materials, texture and colour to highlight the building’s form and details building colours, whether a painted finish or natural materials should highlight features such as joinery, decoration or repetition of the building form

- Use colours that are consistent with the existing range of colours in the town centre.
- Side and rear walls should be painted in the same colours as the building’s main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building’s main façade.
- Bright colours designed to call attention to the building are not acceptable
- Painting the whole building one block colour as a “sign” to brand the building is not acceptable.



*Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette suitable for other buildings in the town centre.*



*Colour has been used inappropriately on this building. It does not fit with the character of the town and also is used to brand the building for sale of a particular product. The colours on this building are very bold and not consistent with other building colours in the vicinity.*

**GF9 Lighting** – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

**GF10 Outdoor dining areas.** – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout needs to take into account public access, pedestrian circulation and the safety of patrons and motorists.

**GF13 Mechanical equipment** – Maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

#### *Strengthening and Restoration*

**GS1 External strengthening** – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows or modulation.

**GS2 -Façade retention** – For heritage and landmark buildings, retaining a building’s street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the

façade features – reusing window and door openings where possible. Keep the new structure below the façade height and give the visual appearance of retained floors.

### **Neighbourhood Centre Zone**

#### **Overview**

The NCZ - Neighbourhood Centre Zone provides for a range of small-scale commercial, retail and community activities that provide for day-to-day needs of the surrounding residential neighbourhood. Neighbourhood Centres provide a limited range of services, employment and living opportunities at a scale appropriate to the residential neighbourhood they are located in. In general, Neighbourhood Centres are of low to medium density.

Neighbourhood Centres are generally located near the street edge, sometimes with verandahs and retail display windows along the frontage. Typically, buildings are 1-2 storeys high. Parking is usually available on the street.

#### **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 Neighbourhood Centre 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 Neighbourhood 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 Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Neighbourhood Centre Zone. 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 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 Neighbourhood Centre Zone.

#### **Neighbourhood Centre 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 is provided in General Approach.

#### **Permitted Activities**

NCZ - R1

**New Buildings, External Additions and Alterations to Existing Buildings Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities**

**Activity Status Permitted**

Where:

- ~~1. Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m<sup>2</sup> gross floor area per activity provided;~~
2. The activity does not include:
  - ~~vii. Drive through restaurants;~~
  - ~~viii. Service stations;~~
  - ~~ix. Motor vehicle sales;~~
  - ~~x. Yard-based retail activities;~~
  - ~~xi. Trade retail and trade suppliers; or~~
  - ~~xii. Bars/taverns;~~
1. The maximum height above ground level is 10 metres except that this standard does not apply to hose drying towers at Emergency Service Facilities;
- ~~2. 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;~~
2. Maximum site coverage is 60%;
- ~~3. No more than one heavy vehicle is stored on the site;~~
4. Activities other than Emergency Services shall be limited to the following hours of operation:
  - ~~iii. 6am – 11pm weekdays; and~~
  - ~~iv. 7am – 10 pm weekends and public holidays; except where~~
    - ~~c. The entire activity is located within a building; and~~
    - ~~d. There are no visitors, customers or deliveries outside the above hours.~~
3. The maximum building length is 20m where this abuts a RESZ - Residential Zone;
4. Any building or structure, **excluding buildings for residential activities and residential units** is set back
  - i. 2m from a RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone boundary;
  - ii. 3m from the road boundary; or
  - iii. For sites with frontage to two roads in the NCZ - Neighbourhood Centre Zone:
    - a. 3m on one road boundary; and
    - b. 1.5m on the other road boundary;
  - iv. **1.5m from the railway designation boundary, excluding accessory buildings and structures**
- 5. Buildings for residential activities and residential units are set back:**
  - i. **5m from road boundaries, except that a roof overhang may encroach 750mm into the setback**

- ii. 1 m from all other site boundaries, except that Duplexes do not require a setback from the side boundary of the other duplex unit; and
  - iii. 1.5m from the railway designation boundary, excluding accessory buildings; and
6. A landscape buffer of 1m width must be provided along the frontage between the street and any car parking, loading or service areas which are visible from the street frontage. This rule excludes access points;
7. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential site boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.~~ 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 (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
  - 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 Note:**

~~1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE -R3 also apply.~~

**1. 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.**

**Activity status where compliance not achieved:**

Discretionary where standards 1 to ~~2 &~~ are not complied with.

Restricted Discretionary where standards ~~3 to 7 9-11~~ are not complied with.

**NCZ – R2**

**Minor Structures**

**Activity Status Permitted**

Where:

- 1. All performance standards for Rule NCZ - R1.6 are is complied with;
- 2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
- 3. Any antenna dish must be less than 1m in diameter;
- 4. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~
- 5. Any other structure must not exceed 10m<sup>2</sup> and 2m in height; and
- 6. **Hose drying towers must not exceed 12m in height.**

**Activity status where compliance not achieved:** Discretionary

**NCZ – R3**

**Fences, Walls and Retaining Walls**

**Activity Status Permitted**

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

**Activity status where compliance not achieved:** Discretionary

**NCZ – R4**

**Relocated Buildings**

**Activity Status Permitted**

Where:

1. All performance standards for Rule NCZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, and built, **and to be used as a dwelling;**
3. A building pre-inspection report **in accordance with Appendix 11**<sup>402</sup> 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 **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and**
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~~
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.~~

**Activity status where compliance not achieved:** Controlled

**NCZ – R5**

**Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities**

**Activity Status Permitted**

**Where:**

1. **Education Facilities,**<sup>403</sup> **Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m<sup>2</sup> gross floor area per activity;**
2. **The activity does not include:**
  - i. **Drive through restaurants;**
  - ii. **Service stations;**
  - iii. **Motor vehicle sales;**
  - iv. **Yard-based retail activities;**
  - v. **Trade retail and trade suppliers; or**

<sup>402</sup> New Zealand Heavy Haulage Association Inc (S616.003)

<sup>403</sup> Ministry of Education (S450.036)

vi. Bars/taverns

3. 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
4. No more than one heavy vehicle is stored on the site, excluding heavy vehicles ancillary to emergency service facilities
5. Activities other than Emergency Services shall be limited to the following hours of operation:
  - i. 6am – 11pm weekdays; and
  - ii. 7am – 10 pm weekends and public holidays; except where
    - a. The entire activity is located within a building; and
    - b. There are no visitors, customers or deliveries outside the above hours.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved:

Restricted Discretionary where standards 3 to 5 are not complied with.

Discretionary where standard 1 and 2 is not complied with

**NCZ – R6**

**Visitor Accommodation**

**Activity Status Permitted**

**Where:**

1. The visitor accommodation is located
  - i. In a Heritage Building listed in Schedule One; or
  - ii. Above street level; or
  - iii. At street level but with no frontage to public open spaces or streets except for access
2. Any space designed 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;
3. Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and
4. The principal residential accommodation entrance shall be provided directly from a public street or open space.

**Advice Note**

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

**Activity status where compliance not achieved: Discretionary**

**NCZ – R57**

**Residential Activities and Residential Units**

**Activity Status Permitted**

**Where:**

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- ~~1. Performance standards 1, 3 and 6 of Rule NCZ – R1 are complied with;~~
1. Residential unit density is no more than
    - c. 1 unit per 350m<sup>2</sup> net site area; or
    - d. 1 unit per 300m<sup>2</sup> net site area where two or more adjoining sites are developed;
  - ~~2. Maximum building height above ground level of 10m;~~
  - ~~3. Maximum site coverage is 60%;~~
  - ~~4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback;~~
  - ~~5. Buildings are setback a minimum of 1m from all other site boundaries, except that:~~
    - ~~c. Duplexes do not require a setback from the side boundary of the other duplex unit; and~~
    - ~~d. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council 10 working days ahead of the work commencing;~~
  2. There is no more than 1 minor residential unit with a maximum gross floor area of 65m<sup>2</sup> per 500m<sup>2</sup> net site area; ~~and~~
  3. A minimum of 30m<sup>2</sup> of outdoor living space is provided per residential unit and 12m<sup>2</sup> per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas; and
  - 4. No more than one heavy vehicle is stored on the site.**

**Activity status where compliance not achieved:** Restricted Discretionary

**NCZ – R68**

**Demolition of Buildings**

**Activity Status Permitted**

Where:

1. There is no redevelopment then the site is completely cleared of demolition materials and re-grassed within 12 months.

**Activity status where compliance not achieved:** Controlled

**Controlled Activities**

**NCZ – R79**

**Relocated Buildings not meeting Permitted Activity Standards**

**Activity Status Controlled**

Where:

1. All performance standards for Rule NCZ - R1 are complied with.

**Matters of control are:**

- a. Design and location of structures;
- b. Landscape measures; **Measures to mitigate landscape effects**
- c. Appearance of buildings; and
- d. Reasons for non-compliance with Standards 3 and 4 of NCZ-R4.**

**Activity status where compliance not achieved:** Discretionary

**NCZ – R810**

**Demolition of Buildings not meeting Permitted Activity Standards**

**Activity Status Controlled**

**Matters of control are:**

- a. Timing and scope of landscape and site reinstatement measures.

**Activity status where compliance not achieved:** N/A

**Restricted Discretionary Activities**

<b>NCZ – R911</b>	<b><u>Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities New Buildings and External Additions and Alterations to Existing Buildings not meeting NCZ-R1 Permitted Activity Standards</u></b>
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**Activity Status Restricted Discretionary**

Where:

- 1. ~~The gross floor area is greater than 250m<sup>2</sup> per activity but all other Performance Standards for 1-8 for Rule NCZ - R1 are~~ is complied with.

**Discretion is restricted to:**

- a. ~~Design and location of buildings;~~
- b. ~~Design and location of parking, loading and access areas; and~~
- e. ~~Landscape measures.~~ **Measures to mitigate landscape effects**
- f. **Bulk, location and design of storage, buildings and structures;**
- g. **Effects on the safety, amenity and attractiveness of the street or public places;**
- h. **Visual dominance, and privacy and shading, effects on neighbouring sites;**

**Activity status where compliance not achieved:** Discretionary

<b>NCZ-R12</b>	<b><u>Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities not meeting Permitted Activity Standards 3-5 of NCZ-R5</u></b>
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**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. **Effects on the safety, amenity and attractiveness of the street or public places;**
- b. **Visual dominance and nuisance effects on neighbouring sites;**
- c. **Design and location of parking, loading and access areas;**
- d. **Location and design of storage; and**
- e. **The materials being stored and the period of time for storage.**

**Activity status where compliance not achieved:** N/A

<b>NCZ – R103</b>	<b>Residential Activities and Residential Units not meeting Permitted Activity Standards</b>
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**Activity Status Restricted Discretionary**

Where:

- 1. The minimum net site area is 200m<sup>2</sup>;

2. The maximum **building** <sup>404</sup>height is 10m;
3. Maximum building coverage is 50%; and
4. All Permitted Activity performance standards for Rules NOISE - R1, - R2, - R3 and - R6, LIGHT - R4 and SIGN - R17 are complied with.

**Discretion is restricted to:**

- a. The extent to which there is sufficient availability and capacity in the water supply, wastewater, stormwater and transport networks to service the development or the need for development of a suitable alternative;
- b. Design and location of parking and access;
- c. Design and location of buildings and compliance with the Medium Density Housing Design Guidelines in Appendix Three; and
- d. Landscape measures **Measures to mitigate landscape effects**.

**Activity status where compliance not achieved:** Discretionary

**Discretionary Activities**

<b>NCZ – R114</b>	<b>Commercial Activities, Community Facilities, Education Facilities</b> <sup>405</sup> <b>Emergency Service Activities not meeting Standard 1 or 2 of NCZ-R5 or Visitor Accommodation <del>the Permitted or Restricted Discretionary Activity Standards</del></b>
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**Activity Status Discretionary**

1. ~~Retail and office activities are a maximum of 250m<sup>2</sup> gross floor area per activity;~~
2. ~~The activity does not include:~~
  - i. ~~Drive through restaurants;~~
  - ii. ~~Service stations;~~
  - iii. ~~Yard-based retail activities;~~
  - iv. ~~Motor vehicle sales; or~~
  - v. ~~Trade retail and trade suppliers.~~

**Activity status where compliance not achieved:** N/A

<b>NCZ – R125</b>	<b>Residential Activities, Residential Units, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting the Permitted or Restricted Discretionary Standards</b>
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**Activity Status Discretionary**

**Activity status where compliance not achieved:** N/A

<b>NCZ – R146</b>	<b>Any activity not provided for by another Rule in the zone</b>
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**Activity Status Discretionary**

**Activity status where compliance not achieved:** N/A

**Non-complying Activities**

<b>NCZ – R137</b>	<b>Industrial Activities</b>
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<sup>404</sup> Clause 16(2) of the RMA

<sup>405</sup> Clause 16(2) of the RMA

<b>Activity Status Non-complying</b>
Activity status where compliance not achieved: N/A
<b>NCZ – R14 Any activity not provided for by another Rule in the Zone</b>
<del>Activity Status Non-complying</del>
<del>Activity status where compliance not achieved: N/A</del>

Industrial Zones

<b>INZ – O1</b>	To provide for the <b>Recognise that industrial activities contribute to economic and social wellbeing and provide for their</b> efficient and effective operation and development of industrial activities in the INZ - Industrial Zones, in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining <del>zones</del> areas.
<b>INZ – O2</b>	To encourage <b>require</b> new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses ensure that this development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.

<b>Industrial Zone Policies</b>	
<b>INZ – P1</b>	Recognise the substantial investment in infrastructure by ensuring that any new industrial areas are located where they support the efficient use of infrastructure.
<b>INZ – P2</b>	New industrial areas should not be located in areas subject to significant risks from natural hazards, or in sites and areas of significance to Māori.
<b>INZ – P3</b>	Where new industrial areas are developed the developers of these areas shall fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
<b>INZ – P4</b>	Where suitable land for industrial use is available within INZ - Industrial Zones, industrial activities should in the first instance be located in those zones, and not proliferate through the rural areas and settlements.
<b>INZ – P5</b>	Where sites or areas of significance to Māori are identified in industrial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including: <ul style="list-style-type: none"> <li>d. Protection of wāhi tapu and taonga sites identified in Schedule Three of the Plan using culturally appropriate methods; and</li> <li>e. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Poutini Ngāi Tahu; and</li> <li>f. Protection of the relationship of tangata whenua with freshwater, including cultural use opportunities.</li> </ul>

<b>INZ – P6</b>	Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while <b>maintaining the amenity values</b> . <del>ensuring an acceptable level of environmental quality and amenity within the zones</del>
<b>INZ – P7</b>	Avoid activities that may be incompatible with other industrial activities from establishing in the INZ - Industrial Zones, to ensure the safe and efficient operation of industrial activities. This includes: <ul style="list-style-type: none"> <li>d. Excluding activities (such as residential <b>activities</b> and visitor accommodation <b>that are not ancillary to an industrial activity</b>) that conflict with the intended purpose of the zone through the potential for reverse sensitivity effects; or by reducing the land available for industrial and service activities;</li> <li>e. Excluding retail and commercial activities from GIZ - General Industrial Zoned land that do not support or are not related to industrial and service activities, and to minimise the development of GIZ - General Industrial Zoned land for non-industrial purposes; and</li> <li>f. Restricting residential activities in the INZ - Industrial Zones to only <del>custodial</del> units for people whose duties require them to live on site.</li> </ul>
<b>INZ – P8</b>	<del>Impose performance standards on</del> <b>Avoid, remedy or mitigate adverse effects of</b> development and land use in the INZ - Industrial Zones <del>to maintain that protects</del> the amenity values of the commercial, residential, <b>open space and recreation</b> and rural areas <del>located at zone boundaries surrounding the INZ – Industrial Zones.</del>
<b>INZ – P9</b>	<del>Industrial sites at the gateways to Hokitika (SH6), Reefton (SH7 and SH69), Greymouth/Māwhera (SH6) and Westport/Kawatiri (SH 67), and where in close proximity to residential areas, should not detract from the visual amenity of the road frontage, through the inclusion of landscaping and tree planting.</del>  <b><u>Manage effects on visual amenity along road frontages of the INZ – Industrial Zones that are adjacent to state highways and residential areas with landscaping and tree planting, while ensuring the safe function of the road.</u></b>
<b>INZ – P10</b>	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in residential, commercial and rural areas to industrial zoned areas.
<b>INZ – P11</b>	<del>Require the careful on-site management and treatment of stormwater from industrial buildings and sites in order to safeguard the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.</del>

### General Industrial 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 is provided in General Approach.

#### Permitted Activities

**GIZ - R1**            **New Buildings, External Additions and Alterations to Existing Buildings**  
**Industrial Activities and Industrial Buildings**

#### Activity Status Permitted

Where:

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
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1. The maximum building height above ground level is 20m;
2. Maximum site coverage is 80%;
3. Buildings are setback a minimum:
  - a. 10m from State Highways; and
  - b. **2m from road boundaries; and**
  - c. 5m from road boundaries, any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone or SETZ - Settlement Zone boundary and the Rail Corridor;
- ~~4. All external storage and car parking areas shall be screened by a fence or landscaping so that:
  - a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and
  - b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~
- ~~5. No blasting or vibration beyond the zone boundary shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;~~
- ~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~
4. The area adjoining the road frontage of all sites **(excluding access points)**, and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space or MUZ - Mixed Use Zone shall contain landscaping with a minimum width of 2 metres, of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;
- ~~5. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~
5. No building shall project beyond a building envelope defined by a 35 degree recession plane **in accordance with Appendix Two** to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sport and Recreation Zone, MUZ - Mixed Use or SETZ - Settlement Zone 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. This standard does not apply to:
  - a. Road boundaries;
  - b. Buildings on adjoining sites that have a common wall along the boundary;
  - c. 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;
  - d. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
  - e. 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. Stormwater facilities that support multiple uses such as water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~
- ~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.~~

**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.**

**Activity status where compliance not achieved:**

Discretionary where Standards 1-8 are not complied with.

Restricted Discretionary where Standard 9 is not complied with.

**GIZ – R2                      Minor Structures**

**Activity Status Permitted**

Where:

- ~~1. All performance standards for Rule GIZ – R1 are complied with – except that compliance with standard 3 (setbacks) is not required.~~
1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
3. Any ornamental or garden structure must not exceed 2.4 m in height; and
4. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

**Activity status where compliance not achieved:** Restricted Discretionary

**GIZ – R3                      Fences, Walls and Retaining Walls**

**Activity Status Permitted**

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

**Activity status where compliance not achieved:** Restricted Discretionary

**GIZ – R4                      Industrial Activities**

**Activity Status Permitted**

Where:

1. **All external storage and car parking areas shall be screened by a minimum 1.8m high solid fence or landscaping so that:**
  - a. **It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and**
  - b. **The fence or landscaping is set back from the road boundary so that it does not restrict visibility;**

2. **No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;**

**Activity status where compliance not achieved: Restricted Discretionary**

**GIZ – R45 Commercial Activities**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GIZ – R1 are complied with; and
1. **All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:**
  - a. **It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and**
  - b. **The fence or landscaping is set back from the road boundary so that it does not restrict visibility;**
2. Any retail activity shall occupy no more than 250m<sup>2</sup> or 25% of the Gross Floor Area of all buildings on the same site, whichever is the lesser.

**Activity status where compliance not achieved:**

**Restricted Discretionary where standards 1 are not complied with**

Non-complying **where standard 2 is not complied with**

**GIZ – R56 Ancillary Residential Activities**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GIZ - R1 are complied with;
2. One single residential unit per site is provided; and
3. The residential activity is ancillary to the commercial or industrial activity on the site.

**Advice Note:**

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

**Activity status where compliance not achieved: Non-complying**

**GIZ – R67 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GIZ - R1 are complied with.

**Activity status where compliance not achieved: Discretionary**

**GIZ – R78 Agricultural, Pastoral and Horticultural Activities**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GIZ - R1 are complied with.

**Activity status where compliance not achieved:** Discretionary

**GIZ – R89 Aquaculture Activities**

**Activity Status Permitted**

Where:

1. All performance standards for Rule GIZ - R1 are complied with.

**Activity status where compliance not achieved:** Discretionary

**Restricted Discretionary Activities**

**GIZ – R910 ~~Industrial Activities and New Buildings and External Additions and Alterations to Existing Buildings~~ not meeting Permitted Activity standards**

**Activity Status Restricted Discretionary**

Where:

~~1. The building projects into the recession plane; and~~

~~1. All other performance standards for Rule GIZ – R1 are complied with.~~

**Discretion is restricted to:**

~~a. Design and location of buildings;~~

~~b. Design and location of parking and access;~~

~~c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~

~~d. Landscape treatment.~~

**a. Bulk, location, and design of buildings.**

**b. Effects on the safety, amenity and attractiveness of the street or public places.**

**c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites.**

**d. Design and location of parking and access.**

**e. Measures to mitigate landscape effects.**

**f. Characteristics of the site and development that are relevant to the rule.**

**Activity status where compliance not achieved:** Discretionary N/A

**GIZ – R11 Industrial Activities and Commercial Activities not meeting Permitted Activity Standards**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

**a. Effects on the safety, amenity and attractiveness of the street or public places.**

**b. Amenity and nuisance effects on neighbouring sites.**

**c. Measures to mitigate landscape effects.**

**Activity status where compliance not achieved: N/A**

**GIZ – R102 Minor Structures not meeting Permitted Activity standards**

**Activity Status Restricted Discretionary**

Discretion is restricted to:

- a. Design and location of structures; and
- b. ~~Landscape treatment~~ **Measures to mitigate landscape effects.**

Activity status where compliance not achieved: N/A

**GIZ – R113 Fences, Walls and Retaining Walls not meeting Permitted Activity standards**

**Activity Status Restricted Discretionary**

Discretion is restricted to:

- a. Design and location of structures; and
- b. ~~Landscape treatment~~ **Measures to mitigate landscape effects.**

Activity status where compliance not achieved: N/A

**Discretionary Activities**

**GIZ – R124 ~~Industrial Activities and New Buildings and External Additions and Alterations to Existing Buildings,~~ Aquaculture Activities, Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards**

**Activity Status Discretionary**

**Advice Note:** When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

**GIZ – R135 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility and Bulk Fuel Supply Infrastructure not meeting Permitted Activity Standards**

**Activity Status Discretionary**

**Advice Note:** When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

**GIZ – R146 ~~Community Facilities and Tertiary Educational Facilities Activities~~**

**Activity Status Discretionary**

Activity status where compliance not achieved: N/A

**GIZ – 17 Any Activity not provided for by another Rule in the zone**

**Activity Status Discretionary**

Activity status where compliance not achieved: N/A

**Non-complying Activities**

**GIZ – R158 Residential Activities, Community Facilities, Non-Tertiary Education Facilities Retail Activities (greater than 250m<sup>2</sup> or 25% of the gross area of the building on the site whichever is the lesser) and Health Facilities**

**Activity Status Non-complying**

Activity status where compliance not achieved: N/A

**Overview**

The LIZ - Light Industrial Zone complements the ~~HIZ - Heavy~~ and GIZ - General Industrial Zones by specifically providing for industrial activities that are unlikely to produce objectionable environmental effects but there may still be some adverse effects including those associated with odour, dust or noise.

Activities within this zone may include light manufacturing, contractors' depots and automotive repair and service industries and some compatible commercial activities. Aquaculture activities such as fish or seaweed farming and processing are also appropriate in this zone.

It may also provide a buffer between other INZ - Industrial Zones and RESZ - Residential or MUZ - Mixed Use Zones.

The National Policy Statement on Urban Development (NPSUD) imposes a responsibility to ensure that there is sufficient business land to meet the future demands of the district and that this development is in the right location and appropriately serviced.

The INZ - Industrial Objectives and Policies and the LIZ - Light Industrial Zone Rules provide the framework for managing the effects of development and ensuring that a reasonable standard of amenity and environmental quality is retained within the zone, and 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 Light Industrial 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 Light Industrial 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** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Light Industrial Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Natural Character and Margins of Waterbodies** - in some locations areas of Light Industrial Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of 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 Light Industrial Zone.

### Light Industrial 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 is provided in General Approach.

### Permitted Activities

#### LIZ - R1 New Buildings, External Additions and Alterations to Existing Buildings ~~Industrial Activities and Industrial Buildings~~

#### Activity Status Permitted

Where:

1. The maximum building height above ground level is 12m;
2. Maximum site coverage is 65%;
3. Buildings are setback a minimum:
  - i. 10m from State Highways; and
  - ii. **2m from road boundaries; and**
  - iii. 5m from ~~road boundaries~~, any Residential Zone, Open Space Zone or Settlement Zone boundary and the Rail Corridor;
4. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:
  - iii. ~~It is not visible from any adjacent RESZ – Residential Zone or SETZ – Settlement Zone boundary or adjacent public place; and~~
  - iv. ~~The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~
5. ~~No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;~~
6. ~~There shall be no offensive or objectionable dust nuisance at or beyond the LIZ – Light Industrial Zone boundary as a result of the activity;~~

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4. The area adjoining the road frontage of all sites (**excluding access points**), and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space, SARZ - Sport and Recreation Zone or MUZ - Mixed Use Zone shall contain landscaping as follows:
  - a. A minimum width of 2 metres that will, within two years of being planted, reach a minimum height of 1m, provided that lower heights are acceptable where this will otherwise restrict visibility within the State Highway corridor; and
  - b. On sites adjoining a RESZ - Residential Zone shall be planted with species, which at maturity, will provide screening from the adjoining sites; and
  - c. The planting of 1 tree per 20 carparking spaces is encouraged within any carparking area.
- ~~5. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~
5. No building shall project beyond a building envelope defined by a recession plane as<sup>406</sup> defined in Appendix Two to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sports and Active Recreation, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ 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 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
  - 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. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~
- ~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.~~

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<sup>406</sup> Buller District Council (S538.447)

**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.**

**Activity status where compliance not achieved:**

Discretionary where Standards 1-8 are not complied with.

Restricted Discretionary where Standard 9 is not complied with

**LIZ – R2 Industrial Activities**

**Activity Status Permitted**

**Where:**

1. **All external storage and car parking areas shall be screened by a minimum 1.8m high solid<sup>407</sup> fence or landscaping so that:**
  - a. **It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and**
  - b. **The fence or landscaping is set back from the road boundary so that it does not restrict visibility;**
2. **No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;**

**Activity status where compliance not achieved: Restricted Discretionary**

**LIZ – R23 Commercial Activities**

**Activity Status Permitted**

**Where:**

- ~~1. All performance standards for Rule GIZ – R1 are complied with; and~~
1. **All external storage shall be screened by a 1.8m fence or landscaping so that:**
  - a. **It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and**
  - b. **The fence or landscaping is set back from the road boundary so that it does not restrict visibility;**
2. Any Retail Activities are:
  - i. ~~Motor vehicle sales yards~~ Convenience stores;
  - ii. ~~Service stations~~ Restaurants;

<sup>407</sup> Buller District Council (S538.458)

- iii. ~~Trade retail and trade suppliers~~ Cafes;
- iv. ~~Drive through restaurants~~ Takeaway food outlets; or  
with a maximum gross floor area of 250m<sup>2</sup>.

**Activity status where compliance not achieved:**

**Restricted Discretionary where standard 1 is not complied with**

Discretionary **where standard 2 is not complied with**

**LIZ – R34 Ancillary Residential Activities**

**Activity Status Permitted**

Where:

1. All performance standards for Rule LIZ-R1 are complied with;
2. One single residential unit per site is provided; and
3. The residential activity is ancillary to the commercial or industrial activity on the site.

**Advice Note:**

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

**Activity status where compliance not achieved:** Non-complying

**LIZ – R45 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility**

**Activity Status Permitted**

Where:

1. All performance standards for Rule LIZ - R1 are complied with except that hose drying towers associated with an Emergency Service Facility are exempt from height standards.

**Activity status where compliance not achieved:** Discretionary

**LIZ – R56 Minor Structures**

**Activity Status Permitted**

Where:

1. ~~All performance standards for Rule LIZ – R1 are complied with except that compliance with standard 3 (setbacks) is not required.~~

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1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
3. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~
4. **Hose drying towers do not exceed 15m in height; and**
5. Any other structure must not exceed 10m<sup>2</sup> and 2m in height.

**Activity status where compliance not achieved:** Restricted Discretionary

**LIZ – R67 Fences, Walls and Retaining Walls**

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

**Activity status where compliance not achieved:** Restricted Discretionary

**LIZ – R78 Agricultural, Pastoral and Horticultural Activities**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ - R1 are complied with.

**Activity status where compliance not achieved:** Discretionary

**LIZ – R89 Aquaculture Activities**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ - R1 are complied with.

**Activity status where compliance not achieved:** Discretionary

**Restricted Discretionary Activities**

**LIZ – R910 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Rule LIZ - R1**

Activity Status Restricted Discretionary

Where:

- a. ~~The building projects into the recession plane; and~~
- b. ~~All other performance standards for Rule LIZ - R1 are complied with.~~

**Discretion is restricted to:**

- a. ~~Design and location of buildings;~~
- b. ~~Design and location of parking and access; and~~
- c. ~~Landscape treatment.~~
- a. **Bulk, location, and design of buildings;**
- b. **Effects on the safety, amenity and attractiveness of the street or public places;**
- c. **Amenity, visual dominance, shading, and nuisance effects on neighbouring sites;**
- d. Design and location of parking and access;
- e. **Measures to mitigate landscape effects; and**
- f. **Characteristics of the site and development that are relevant to the rule**

**Activity status where compliance not achieved:** ~~Discretionary~~ N/A

**LIZ – R11 Industrial Activities and Commercial Activities not meeting Permitted Activity Standards**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. **Effects on the safety, amenity and attractiveness of the street or public places;**
- b. **Amenity and nuisance effects on neighbouring sites; and**
- c. **Measures to mitigate landscape effects.**

**Activity status where compliance not achieved: N/A**

**LIZ – R102 Minor Structures not meeting Rule LIZ - R56**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. Design and location of structures; and
- b. ~~Landscape treatment~~ **Measures to mitigate landscape effects.**

Activity status where compliance not achieved: N/A	
<b>LIZ – R113</b>	<b>Fences, Walls and Retaining Walls not meeting Rule LIZ - R67</b>
<b>Activity Status Restricted Discretionary</b>	
Discretion is restricted to:	
a. Design and location of structures; and	
b. <del>Landscape treatment</del> <b><u>Measures to mitigate landscape effects</u></b>	
Activity status where compliance not achieved: N/A	
<b>Discretionary Activities</b>	
<b>LIZ – R124</b>	<b>Industrial Activities and Buildings, Commercial, Aquaculture and Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards</b>
<b>Activity Status Discretionary</b>	
Activity status where compliance not achieved: N/A	
<b>LIZ – R135</b>	<b>Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility <u>Retail Activities</u> not meeting Permitted Activity Standards</b>
<b>Activity Status Discretionary</b>	
Activity status where compliance not achieved: N/A	
<b>LIZ – R146</b>	<b><del>Community Facilities and</del> <u>Tertiary Educational Facilities</u></b>
<b>Activity Status Discretionary</b>	
Activity status where compliance not achieved: N/A	
<b>LIZ – R157</b>	<b><u>Any Activity not provided for by another Rule in the zone</u></b>
<b><u>Activity Status Discretionary</u></b>	
<b>Non-complying Activities</b>	
<b>LIZ – R18</b>	<b><u>Residential Activities, Community Facilities, Non Tertiary Educational Facilities and Health Facilities</u></b>
<b>Activity Status Non-Complying</b>	
Activity status where compliance not achieved: N/A	

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Show Precincts on the Maps	Greymouth/Māwhera (PREC1) Hokitika (PREC2) Reefton (PREC4) Westport/Kawatiri (PREC3)
Rezone to Open Space Zone	Raleigh Street
Rezone to Neighbourhood Centre Zone	23 Marine Parade 46 Derby Street 21 Disraeli Street
Rezone to Commercial Zone	Properties between Weld Street and Stafford Street on SH6, being Lot 1 DP 16517, Pt Sec 104 Town of Westport/Lot 2 A 444, Lot 1 DP 475753 7 Pakington Street and 34 Russell Street 8 Pakington Street and 36 Russell Street
Rezone to GRZ	Kaniere (Lot 3 DP 2887)
Rezone to GIZ retaining a 50m wide strip LIZ	Fairhall Road, Kaiata, Greymouth
Rezone from LIZ to FUZ	Marsden Road, Greymouth (Pt Lot 116 DP 359532)
Rezone to GIZ from GRZ	Elizabeth Street, Reefton (Sec 3 SO 12150)
Rezone from GRZ to NCZ	66 Livingstone Street, Hokitika
Rezone from GIZ to LIZ	West Drive, Arahura Valley, Hokitika (Pt RS 1151)

