

Section 45 – Commercial Zone

45.1 Zone Description

The Commercial Zone is found within the settlements of Coromandel Town, Matarangi, Pauanui, Tairua, Thames, Whangamata and Whitianga. Commercial zones provide a significant economic and community resource and host a wide range of general commercial activities. These zones are often located adjacent to main collector roads within the settlements, on the fringes of Pedestrian Core zones. They are fully serviced by Council infrastructure and have good transport links.

On-site vehicle parking is usually provided for workers, customers, and goods transport vehicles. The commercial activities found in the Commercial Zone such as bulk retailing, warehouses and servicing depots are often larger in scale than those found in the Pedestrian Core Zone. Some Commercial Zones also contain residential activities that existed before the Commercial Zone was in place.

The Zone incorporates a former Whitianga zone called General Activities Zone, which covered: 1A-28 Lee Street, 10-31 Coghill Street West, 9-34 Campbell Street, 10-38 Owen Street, 2A-28 Bryce Street, 65-69 Cook Drive, Mary Street and Isabella Street. The former General Activities Zone permitted one house per lot. The Plan keeps that provision to maintain the mixed-use element and to allow for changes over time.

45.2 Zone Purpose

Commercial sites should be functional and provide for efficient and safe pedestrian and vehicle movements. Permanent residential activities are less desirable in this Zone due to potential reverse sensitivity issues. The Zone's objectives, policies and rules, along with the activities in the Zone, help sustain its economic vitality and define its commercial character.

It is essential that the Commercial Zone allows for continued development to accommodate a changing economy and the nature and form of commercial activities, while maintaining the amenity values of the Zone.

45.3 Activity Table and User Information

The Activity Table groups activities under broad headings and provides a rule and section number to go to as a starting point. In the table the following abbreviations are used:

R =	Rule
S =	Section

The zone rules are part of a hierarchy of rules. There may be overlay rules, district-wide rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules, the rule hierarchy applies to the extent of the conflict (see [Section 1 Background and How to Use the Plan](#) for more information).

Activity Table				
Activity	PER (S 45.4)	RDIS (S 45.5)	DIS (S 45.6)	NC (S 45.7)
Activities not provided for				
Activities not provided for in the Plan			R 15	
Activities not provided for in Section 45				R 17
Building removal				
Demolition	R 10			
Partial demolition	R 10			
Removal	R 10			
Commercial				
Animal boarding or breeding facility			R 16	
Animal sale yards			R 16	
Campground	R 1			
Commercial recreation/event facility	R 2			
General commercial	R 2			
Produce stall	R 2			
Restaurant	R 2			
Service station	R 13			
Visitor accommodation	R 3			
Community				
Community facility	R 2			
Emergency service training, military training	R 4			
Festival, event	R 5			
Formal recreation	R 2			
Informal recreation	R 4			
Public amenity	R 2			
Residential care facility		R 14		
Scientific equipment, navigational aid	R 4			
Earthworks				
Earthworks	R 6			
Industrial				
Industrial	R 8			
Noise				
Noise not covered by another rule in Section 45	R 9			
Residential				
Accessory building	R 2			
Home business	R 12			
One dwelling per lot	R 11			

Activity Table				
Activity	PER (S 45.4)	RDIS (S 45.5)	DIS (S 45.6)	NC (S 45.7)
Temporary living place	R 4			
Two or more dwellings per lot			R 16	
Water, Wastewater, Stormwater and Solid Waste				
Other water, wastewater, stormwater infrastructure	R 7			
Refuse transfer station, recycling operation			R 16	

Note:

1. Works in close proximity to any electricity line can be dangerous. Compliance with the [New Zealand Electrical Code of Practice for Electrical Safe Distances \(NZECP 34:2001\)](#) is mandatory for all buildings and mobile plant within close proximity to all electricity lines.
2. Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in the vegetation breaching the [Electricity \(Hazards from Trees\) Regulations 2003](#).

45.4 Permitted Activities

Rule 1: Campground

1. A campground is a permitted activity provided:
 - a) All vehicle parking and manoeuvring is provided for on-site; and
 - b) It meets the standards in Table 3 at the end of Section 45.
2. An activity that is not permitted under Rule 1.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1 and 3 in Table 4 at the end of Section 45.

Rule 2: Accessory building; Commercial recreation/event facility; Community facility; Formal recreation; General commercial; Produce stall; Public amenity; Restaurant

1. An activity listed in Rule 2 is a permitted activity provided it meets the standards in Table 3 at the end of Section 45.
2. An activity that is not permitted under Rule 2.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1 and 3 in Table 4 at the end of Section 45.

Note:

1. Rules controlling vehicle access, parking and manoeuvring are in Section 42 Transport.
2. An accessory building or other structure may need a building consent. Contact the Council to check this.

Rule 3: Visitor accommodation

1. Visitor accommodation is a permitted activity provided:
 - a) There are no more than 12 tariff-paid visitors staying on-site at any one time; and
 - b) It meets the standards in Table 3 at the end of Section 45.
2. Visitor accommodation that is not permitted under Rule 3.1 a) and/or b) is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1, 2, 3 and 5 in Table 4 at the end of Section 45.

Note:

1. *Rules controlling vehicle access, parking and manoeuvring are in [Section 42 Transport](#).*

Rule 4: Emergency service training, military training; Informal recreation; Scientific equipment, navigational aid; Temporary living place

1. An activity listed in Rule 4 is a permitted activity.

Note:

1. *Temporary living places are controlled under the [Bylaw for Standards of Camping on Private Property 2015](#).*

Rule 5: Festival, event

1. A festival, event, and any noise from it, is a permitted activity provided:
 - a) Electronically amplified noise and vehicle noise at the notional boundary of adjacent sites from 10 pm to 7 am the following day is no louder than 40 dB $L_{Aeq(15min)}$ and 70 dB L_{AFmax} ; and
 - b) The noise of any helicopter associated with the festival, event complies with the standards in NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding Section 5: Land Use Planning); and
 - c) No buildings are erected (under this rule) that remain after the festival, event finishes; and
 - d) It lasts no longer than 24 consecutive hours.
2. A festival, event that is not permitted under Rule 5.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1 - 3 and 5 - 7 in Table 4 at the end of Section 45.

Note:

1. *After 10 pm, the Council may apply excessive noise provisions under sections 326 - 328 of the [RMA](#) if noise, particularly electronically amplified noise, is excessive for the location and event.*
2. *The Council recommends event planners contact the Area Manager prior to the festival, event.*
3. *Where a Festival, event has direct access onto or adjoins a State highway, the event organisers should contact the NZ Transport Agency to determine their traffic management requirements.*

Rule 6: Earthworks

1. Earthworks are a permitted activity provided:
 - a) They are for flood defences, or maintenance of those structures, commissioned by the Waikato Regional Council; or
 - b) They are for drainage works installed below ground level where the ground surface is fully restored and planted within 3 months from when work started; or
 - c) They are for gardening; or
 - d) They are for utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator; or
 - e) They are to establish a building platform, and the earthworks are completed, and covered by a building or stabilised, within 3 months from when work started; or
 - f) They meet the following standards:
 - i) The standards in Table 1; and
 - ii) Silt and sediment resulting from the earthworks remains within the site; and
 - iii) Any surplus excavated material is reused on the site or is removed from the site within 3 months from when work started; and
 - iv) The earthworks are stabilised within 3 months from when work started; and
 - v) For fills/cuts to be assessed separately for the purpose of the Table 1 standards, a flat 'terrace' between fills/cuts must have a width perpendicular to the adjoining fill/cut that is more than twice the height of the adjoining fill/cut above the terrace. Otherwise, the earthworks are treated as one fill/cut.
2. Earthworks not a permitted activity under Rule 6.1 are a restricted discretionary activity.
3. The Council restricts its discretion for earthworks under Rule 6.2 to matters 1 and 4 in Table 4 at the end of Section 45.

Table 1 – Earthworks Standards

1. Maximum area per site per calendar year is 300 m².
2. Maximum volume per site per calendar year is 350 m³.
3. Maximum height of any fill and/or cut is 1.5 m.
4. Maximum height of any cut or fill that is retained by a legally established retaining wall is 2.5 m.
5. Maximum duration of work within any calendar year is 3 months.

Minimum Setback Distance of Earthworks

- | | |
|--|---|
| 6. From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the toe of a fill (without a legally established retaining wall) | Equal to the maximum <u>height</u> of the fill |
| 7. From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the toe of a cut (without a legally established retaining wall) | Equal to 1.5 times the maximum depth of the cut (also see 8. below) |
| 8. From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the crest of a cut (without a legally established retaining wall) | 0.3 m (also see 7. above) |

<p>9. From a <u>site</u> boundary, a <u>building</u> foundation, or a cliff (1:2 gradient or steeper) to the top or bottom of a legally established retaining wall supporting a cut or a fill</p>	<p>Equal to the maximum <u>height</u> of the retaining wall</p>
<p>10. From buried Council-owned wastewater, stormwater or water pipe</p>	<p>The depth of the pipe plus the pipe radius (i.e. a 45° setback zone either side of the pipe)</p>

Note:

1. For diagrams illustrating the above setback distances, refer to 'Earthworks' in Section 3 Definitions.
2. Building Act 2004 requirements may be triggered for some earthworks, such as where work is needed because land instability threatens a building and retaining walls.
3. All earthworks must comply with Heritage New Zealand Pouhere Taonga Act 2014 which protects recorded, suspected and unrecorded archaeological sites from destruction, damage and modification.
4. Consent may be required from the Waikato Regional Council. You are advised to check the Waikato Regional Plan prior to starting the earthworks.
5. Guidelines to avoid the discharge of earth material are available in: Erosion and Sediment Control - Guidelines for Soil Disturbing Activities. Waikato Regional Council Technical Report No. 2009/02. January 2009. Available at www.waikatoregion.govt.nz.
6. Earthworks in close proximity to any electricity distribution line can be dangerous. The New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) applies to all earthworks and the operation of mobile machinery within close proximity to all electric lines.
7. Section 330 of the RMA provides for emergency works for preventative or remedial action.

Rule 7: Other water, wastewater, stormwater infrastructure

1. Other water, wastewater, stormwater infrastructure is a permitted activity provided the ground surface and any vegetation that has been disturbed is reinstated upon completion of works unless covered by a building/structure or landscaping.
2. Other water, wastewater, stormwater infrastructure that is not permitted under Rule 7.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1, 3 and 4 in Table 4 at the end of Section 45.
4. A resource consent application under Rule 7.2 shall be assessed without public notification under Sections 95 and 95A of the RMA.

Rule 8: Industrial

1. Industrial is a permitted activity provided:
 - a) It meets the standards in Table 3 at the end of Section 45; and
 - b) If present, any office component of the building is located adjacent to the front yard or a publicly accessible driveway, and:
 - i) Has a pedestrian entrance facing the street or driveway that is directly accessible from the street or driveway; and
 - ii) Has prominent windows facing the street; and
 - iii) Has no loading bay or storage of materials or waste between the office and the street or driveway; and
 - c) The aggregate quantity of any hazardous substance is within the range specified in Section 38.7 Table 3; and
 - d) It does not involve more than 250 vehicle movements per day.
2. Industrial that is not permitted under Rule 8.1 a) or b) is a restricted discretionary activity.
3. The Council restricts its discretion to matter 1 in Table 4 at the end of Section 45.
4. Industrial that is not a permitted activity under Rule 8.1 c) or d) is a discretionary activity.

Rule 9: Noise not covered by another rule in Section 45

1. Noise not covered by another rule in Section 45 is a permitted activity provided:
 - a) It is from a temporary site or building maintenance activity between 7 am and 8 pm; or
 - b) It is from emergency service training or emergency response activities; or
 - c) It is from military training; or
 - d) It is from the temporary use of an emergency electricity generator; or
 - e) It is from a temporary construction activity that complies with NZS 6803:1999 Acoustics – Construction noise; or
 - f) It meets the noise standards in Table 2.
2. Noise not covered by another rule in Section 45 that is not permitted under Rule 9.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1 and 2 in Table 4 at the end of Section 45.

Table 2 - Maximum Noise Level Standards			
Time period	L _{Aeq} (15 min)	L _{AF max}	Measured at
1. At all times	70 dB	For Pedestrian Core Zone only: 70 dB from 10 pm to 7 am the following day	The receiving <u>site</u> at any point within the: <ul style="list-style-type: none"> • <u>Airfield Zone</u> • <u>Commercial Zone</u> • <u>Gateway Zone</u> • <u>Light Industrial Zone</u> • <u>Marine Service Zone</u> • <u>Pedestrian Core Zone</u> • <u>Recreation Active Zone</u> • <u>Road Zone</u>
2. Monday to Saturday 7 am to 10 pm	60 dB	N/A	At any point within the <u>notional boundary</u> of a <u>site</u> within any other zone not listed above
3. Sunday 7 am to 6 pm	60 dB	N/A	
4. At all other times	50 dB	65 dB	

Note:

1. Rule 9.1 a) includes noise from lawn mowing, waterblasting, leaf blowing, and similar temporary maintenance activities. It does not include home business activities.
2. Noise will be measured and assessed in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.

Rule 10: Demolition; Partial demolition; Removal

1. Demolition, partial demolition or removal of a building is a permitted activity.

Rule 11: One dwelling per lot

1. One dwelling per lot is a permitted activity provided:
 - a) It meets the standards in Table 3 at the end of Section 45;

AND

 - b) It is accessory to four or more visitor accommodation units on-site and used as a manager's residence; or
 - c) It is located in the former General Activities Zone as described in Section 45.1; or
 - d) It existed and was occupied as a dwelling on 1 April 1986; or
 - e) It is located above the ground floor and the privacy buffer is 8 m.
2. One dwelling per lot that is not permitted under Rule 11.1 a) is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1 and 3 in Table 4 at the end of Section 45.
4. One dwelling per lot that is not permitted under Rule 11.1 b), c), d) or e) is a discretionary activity.

Rule 12: Home business

1. A home business is a permitted activity provided:
 - a) It meets the standards in Table 3 at the end of Section 45; and
 - b) No building is established under this Rule; and
 - c) No noxious or dangerous odour, fumes, dust, smoke, liquid, spray or objects are discharged from the site; and
 - d) No electronic interference affects television or radio reception in adjacent sites; and
 - e) The home business is carried out by a resident(s) of the dwelling and no more than two people who do not reside in the dwelling.
2. A home business that is not permitted under Rule 12.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1, 2 and 3 in Table 4 at the end of Section 45.

Rule 13: Service station

1. A service station is a permitted activity provided:
 - a) It meets the standards in Table 3 at the end of Section 45; and
 - b) It does not adjoin a Residential Area.
2. A service station that is not permitted under Rule 13.1 is a controlled activity.
3. The Council reserves its control to odour, noise and vibration effects on the adjoining Residential Area.

Note:

1. *Rules controlling vehicle access, parking and manoeuvring are in Section 42 Transport.*
2. *If a service station does not need resource consent for the commercial component under this Rule, it will still need resource consent under Section 38 Hazardous Substances.*

45.5 Restricted Discretionary Activities

Rule 14: Residential care facility

1. A residential care facility is a restricted discretionary activity provided it meets the standards in Table 3.
2. The Council restricts its discretion to matters 2 and 3 in Table 4 at the end of Section 45.
3. A residential care facility that is not a restricted discretionary activity under Rule 14.1 is a discretionary activity.

45.6 Discretionary Activities

Rule 15: Activities not provided for in the Plan

1. An activity not listed in the Activity Table at the beginning of Section 45, and not in the Activity Summary Table (in Section 1.8) is a discretionary activity.

Rule 16: Animal boarding or breeding facility; Animal sale yards; Refuse transfer station, recycling operation; Two or more dwellings per lot

1. An activity listed in Rule 16 is a discretionary activity.

45.7 Non-Complying Activities

Rule 17: Activities not provided for in Section 45

1. An activity that is not listed in the Activity Table at the beginning of Section 45, but is listed in the Activity Summary Table (in Section 1.8) and is not a district-wide activity is a non-complying activity.

45.8 Assessment Standards, Matters and Criteria

Table 3 – Standards

1. Recreation Area yard is 1.5 m.
2. Residential Area yard if in Whitianga is 5 m.
3. Garage door yard if the garage door fronts a road (but not a service lane) is 5 m.
4. Maximum building height is 10 m.
5. Maximum height in relation to boundary of the Residential Area is 3 m & 45°
6. Maximum site coverage is 80%.
7. Maximum fence height is 2 m.
8. Maximum solid fence height in a yard fronting a street, walkway or the Recreation Area is 1.2 m.
9. Maximum lux level received at any point beyond the site, as measured vertically and horizontally is 5 lux.
10. Vehicle crossings to the site use no more than 6 m per 20 m of street frontage. If a street frontage is less than 20 m wide, no more than one vehicle crossing occurs and the vehicle crossing is less than 6 m wide.
11. All street frontages, excluding service lanes and vehicle crossings, either:
 - a) Have a building adjoin the street, or
 - b) Have a landscaped strip no less than 1 m wide adjoining the street. The landscaping must include vegetation such as individual shrubs or trees, but not hedges over 1.2 m high.
12. Any wall area from ground level to 2.5 m high fronting the street is at least 30% windows, if the wall area is wider than 5 m and is within 10 m of the boundary of the following streets: (Coromandel Town) Kapanga, Tiki, Wharf; (Pauanui) Centre Way; (Tairua) Manaia, Main; (Thames) Cochrane, Grey, Mary, Pollen, Sealey; (Whangamata) Port.
13. Activities that use water and produce wastewater are connected to the Council's water and wastewater utility networks where a connection point is available at or adjacent to the site.
14. Outdoor waste storage and disposal are located at the side or rear of buildings, not between a building and the road (excluding service lanes).

Table 4 – Restricted Discretionary Activity Matters

1. Effects of not meeting the standard(s).

- a) Whether actions (if any) taken to avoid, remedy, or mitigate the adverse effects of not meeting the standard(s) are appropriate and effective.

2. Positive and adverse effects on adjacent sites and the local community

- a) The extent to which any adverse effects from the activity affect neighbouring sites, and any dwellings on-site, such as: odour, fumes, dust, smoke, liquid, spray, vibration, bulk, glare, stormwater runoff, shading, or electromagnetic interference.
- b) Whether the frequency and duration of the activity and any effects in 2 a) above are tolerable.
- c) Whether these effects are appropriate to occur in the Commercial Zone, and whether any spill-over of effects into adjacent zones is appropriate.
- d) Whether any outdoor activities that may create unwanted noise (including loading/unloading) are located to be as far away as possible from a residential boundary.
- e) The extent to which positive effects from the activity contribute to the economic, social and cultural wellbeing of the local community.

3. Utility infrastructure provision and location (including easements) for water, wastewater, solid waste, stormwater, electricity, telecommunications

- a) Whether the provision and location of utility infrastructure on-site is appropriate.
- b) Whether the provision and location of utility infrastructure will constrain future planned development.
- c) The extent to which the activity may impact on the capacity or integrity of reticulation networks.
- d) Whether the activity should be connected to existing reticulation networks.
- e) The extent to which the proposed infrastructure improves the resilience and security of the network.
- f) Whether easements are appropriate.
- g) Whether there is technical and practical potential for co-location of utility infrastructure on a site.
- h) The extent to which technical and functional needs require the proposed location of the utility infrastructure.
- i) The extent to which the utility infrastructure contributes to the functioning and well-being of the community.
- j) Whether the extension of existing above ground utility infrastructure is appropriate.
- k) Whether stormwater discharge incorporates Low Impact Urban Design and Development principles to reduce runoff volume and increase soil recharge.
- l) The extent to which the activity will contribute to central and regional government energy policy objectives and renewable energy targets.

4. Off-site effects from earthworks

- a) Whether existing infrastructure and utilities are protected.
- b) The extent to which changes in water drainage to and from adjacent sites because of the earthworks may cause adverse effects, such as ponding, erosion, drainage or flooding.

Table 4 – Restricted Discretionary Activity Matters

- c) Whether mitigation measures are implemented to avoid earthwork debris being carried into adjacent properties, waterways, estuaries and harbours, also taking into account cumulative effects.

5. Building bulk and design at the street level

- a) The extent to which the building is designed to reflect the built form of adjacent buildings and to take into account its wider surroundings.
- b) The extent to which the street frontage provides interest and access for pedestrians.
- c) Whether the building/s have a viable use beyond the festival, event.
- d) The extent to which the building/s comply with the standards in Table 3.

6. The suitability of the site for the scale of the proposed activity.

- a) The extent to which the site can accommodate all aspects of the activity without causing adverse effects that are more than minor.
- b) The location of noise sensitive activities in relation to the proposed activity and the extent to which they will be affected.
- c) Whether the provision of wastewater, water and solid waste is adequate for the number of people anticipated and the duration of the activity.

7. Rooding, vehicle parking and access

- a) Whether adequate consideration has been given to parking and where this is provided.
- b) Whether traffic associated with the activity will have an adverse effect on the safety and efficiency of the rooding network.
- c) Whether consultation and approval is needed from the rooding authority.
- d) Where the activity involves use of roads, whether an approved traffic management plan is in place.