

## COMZ - Commercial Zone

Kaikōura township is the principal commercial and service centre of the District, containing a wide range of retail outlets, offices, mixed industry, traveller's accommodation, restaurants and tourist ventures. The principal commercial areas are located within the West End and along Beach Road. In addition, commercial activity exists in the vicinity of Yarmouth Street, Brighton Street and at Wakatu Quay.

The Commercial Zone applies to the Yarmouth/Brighton Street area and to the West End which is currently the primary commercial area of the Kaikōura township.

The type of commercial activities undertaken in the zone includes a broad range of business and associated activities including retailing, entertainment, offices, health, education and community facilities.

Building activity within the zone is subject to a set of performance standards which seek to maintain the existing character and form of each of these areas by retaining the existing height and setback of buildings. Other performance standards aim to create an environment which is amenable to residents and visitors through controls on noise, lighting, outdoor storage, and maintenance of amenity adjoining residential areas and reserves.

The Mixed Use Precinct incorporates the areas of commercial development along Beach Road and at Wakatu Quay. This zone provides for those activities where there is no clear distinction between commercial and light industrial activities. Businesses may have combined service, retail, wholesale and office functions.

Performance standards will discourage the establishment of heavy or noxious industries within the precinct.

Key defined terms for this chapter	
Term	Definition
Amenity or Amenity Values	<p>has the same meaning as defined in Section 2 of the Resource Management Act 1991, which at the notification date of this Plan, means:</p> <p><i>"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."</i></p>

<p>Building (NPS)</p>	<p>Means a temporary or permanent movable or immovable physical construction that is:</p> <ul style="list-style-type: none"> <li>a. partially of fully roofed; and</li> <li>b. fixed or located on or in land;</li> </ul> <p>but excludes any motorised vehicle or other mode of transport that could be moved under its own power.</p>
<p>Building Coverage (NPS)</p>	<p>Means the percentage of the net site area covered by the building footprint.</p>
<p>Commercial Activity (NPS)</p>	<p>Means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).</p>
<p>Community Activity</p>	<p>means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, research, culture and/or spiritual well-being, but excludes recreational activities. A community activity includes schools, hospitals, rest homes, doctors' surgeries and other health professionals, churches, marae, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres.</p>
<p>Educational Facility (NPS)</p>	<p>Means any land or buildings used for teaching or training by childcare services, school, or tertiary education services, including any ancillary activities.</p>
<p>Gross Floor Area (GFA) (NPS)</p>	<p>Means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, lift wells or stairwells) measured:</p> <ul style="list-style-type: none"> <li>a. where there are exterior walls, from the exterior faces of those exterior walls;</li> <li>b. where there are walls separating two buildings, from the centre lines of the walls separating the two buildings;</li> </ul> <p>where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.</p>
<p>Height (NPS)</p>	<p>Means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.</p>

<p>Height in relation to boundary (NPS)</p>	<p>Means the height of a structure, building or feature, relative to its distance from either the boundary of:</p> <ul style="list-style-type: none"> <li>a. a site; or</li> <li>b. another specified reference point.</li> </ul>
<p>Net Site Area (NPS)</p>	<p>in relation to a site or lot, means the total area of the site or lot less any area subject to a designation for any purpose, and/or any area contained in any access to any site or lot, and/or any strip of land less than 6m in width.</p>
<p>Office</p>	<p>means any of the following:</p> <ul style="list-style-type: none"> <li>a. Administrative offices where the administration of any entity, whether trading or not, and whether incorporated or not, is conducted;</li> <li>b. Commercial offices such as banks, insurance agents, typing services, duplicating services and real estate agents, being places where trade (other than that involving the immediate exchange for goods or the display or production of goods) is transacted;</li> <li>c. Professional offices such as the offices of accountants, solicitors, architects, surveyors and engineers.</li> </ul> <p>Also refer to the definition commercial activity.</p>
<p>Outdoor Storage Area</p>	<p>means any area not enclosed by walls which is used principally for the storage of goods, produce, products or other materials.</p>
<p>Residential Activity (NPS)</p>	<p>Means the use of land and building(s) for people's living accommodation.</p>
<p>Retail Sales / Retail / Retailing</p>	<p>means the direct sale or hire to the public from any site and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes recreational activities.</p>
<p>Reverse Sensitivity</p>	<p>means a situation:</p> <ul style="list-style-type: none"> <li>a. where an existing lawfully established activity has the potential to adversely affect a proposed or subsequent activity which is in the vicinity of, or adjacent to, the existing activity; or</li> </ul>

	<p>b. where a proposed activity restricts, or has the potential to restrict, the operation of a lawfully established existing activity.</p>
<p>Sign (NPS)</p>	<p>Means any device, character, graphic or electronic display, whether temporary or permanent, which:</p> <ul style="list-style-type: none"> <li>a. is for the purposes of: <ul style="list-style-type: none"> <li>i. identification of or provision of information about any activity, property or structure or an aspect of public safety;</li> <li>i. providing directions; or</li> <li>ii. promoting goods, services or events; and</li> </ul> </li> <li>b. is projected onto, or fixed or attached to, any structure or natural object; and</li> <li>c. includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.</li> </ul>
<p>Site (NPS)</p>	<p>Means:</p> <ul style="list-style-type: none"> <li>a. an area of land comprised in a single record of title under the Land transfer Act 2017; or</li> <li>b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or</li> <li>c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land transfer Act 2017 could be issued without further consent of the Council; or</li> </ul> <p>despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.</p>

<p>Zone description</p>
<p>Areas used predominantly for a range of commercial and community activities.</p>

Cross-references

In addition to the zone chapters, several district-wide and overlay chapters also contain provisions that may be relevant to the Commercial Zone, including:

HAZS - Hazardous Substances

CE - Coastal Environment

TRAN - Transport

HH - Historic Heritage

EW - Earthworks

LIGHT - Light

NOISE - Noise

SIGN - Signs

SUB - Subdivision

## Issues

**COMZ-I1**

**Protecting the *amenity* within the Commercial Zone and Mixed Use Precinct and in adjoining areas**

A reasonable standard of *amenity* is required in commercial and mixed-use areas to ensure that they are pleasant places to visit and work and that the *amenity* of neighbours is not adversely affected.

## Objectives

**COMZ-O1**

**Protecting the *amenity* within the Commercial Zone and Mixed Use Precinct and in adjoining areas**

To provide for a Commercial Zone and Mixed Use Precinct where the standard of *amenity* is consistent with the principal activities undertaken in the area and which do not detract from the *amenity* enjoyed by neighbours.

## Policies

<b>COMZ-P1</b>	<b>Activities on the boundary of the Commercial Zone and Mixed Use Precinct</b>
<p>To ensure that <i>commercial</i> and mixed use activities adjacent to the boundary of a recreation or residential area do not adversely affect the <i>amenity</i> enjoyed within these areas.</p>	
<b>COMZ-P2</b>	<b>Co-location of <i>commercial</i> and mixed use activities</b>
<p>To encourage <i>commercial</i> and mixed use activities which have similar effects and have similar <i>amenity</i> requirements to establish in close proximity to one another.</p>	
<b>COMZ-P3</b>	<b>Improve visual <i>amenity</i></b>
<p>To improve the visual <i>amenity</i> and street environment of the Commercial Zone and Mixed Use Precinct by requiring landscaping along site boundaries and by the use of performance standards to control matters such as <i>height</i>, <i>site coverage</i>, <i>setback</i> and size of <i>outdoor storage areas</i>.</p>	
<b>COMZ-P4</b>	<b>Standards for <i>commercial activities</i></b>
<p>To ensure that activities within <i>commercial</i> and mixed use areas do not adversely affect the <i>amenity</i> of these areas and adjoining areas through the application of standards in respect of the use or storage of hazardous substances, lighting spill, noise and screening.</p>	
<b>COMZ-P5</b>	<b>Retain traditional appearance of the West End</b>
<p>To retain the traditional commercial appearance of the West End commercial area, through the use of performance standards to control matters such as <i>height</i>, <i>site coverage</i>, <i>setback</i> and verandas.</p>	
<b>COMZ-P6</b>	<b>Relocation of vehicle-generating activities</b>
<p>To encourage the relocation of vehicle-generating activities in West End to other areas in the Commercial Zone and Mixed Use Precinct and to encourage replacement of those activities with pedestrian-friendly activities such as cafes, craft shops and service businesses.</p>	

<b>COMZ-P7</b>	<b>Recognise and manage flood risk</b>
To recognise the flood risk which exists in West End through appropriate provisions in the Natural Hazards section.	
<b>COMZ-P8</b>	<b>Continue street enhancement programmes</b>
To continue with programmes for street enhancement, public facilities and open space within the business areas of Kaikōura.	
<b>COMZ-P9</b>	<b>Maintain <i>amenity</i> of Yarmouth Street and Brighton Street</b>
To ensure that the Yarmouth Street/Brighton Street Commercial Zone area provides for a range of appropriate <i>commercial activities</i> and that the area continues to be a pleasant place for people to visit and work.	
<b>COMZ-P10</b>	<b>Airport <i>reverse sensitivity</i> effects</b>
To ensure that the take-off and landing of aircraft does not adversely affect the <i>amenity</i> enjoyed within business areas.	
<b>COMZ-P11</b>	<b>Discourage activities that generate nuisance effects</b>
To discourage the establishment of service stations within the Commercial Zone due to potential effects of the use and storage of hazardous substances, fumes, traffic generation and noise typically associated with service stations.	
<b>COMZ-P12</b>	<b>Promote Zero Waste policy</b>
To promote Council’s “Zero Waste” policy by promoting and encouraging the reduction, reuse and recycling of unwanted materials.	
<b>COMZ-P13</b>	<b>Effects of activities on traffic safety and efficiency</b>
To ensure that the establishment of high traffic generating activities does not adversely affect the safety and efficiency of adjoining roads.	
<b>COMZ-P14</b>	<b>Discourage incompatible land uses</b>

To discourage the establishment of forestry, farming, mineral extraction and factory farming within business areas, as these activities are likely to have effects which are not compatible with the commercial use of these areas.

**COMZ-P15 Recognise activities that need to be located in the coastal environment**

To recognise existing activities and enable the establishment of new activities which need to be located in the coastal environment and close to marine facilities at Wakatu Quay within the Mixed Use Precinct.

## Rules

COMZ-R1	All activities not otherwise listed as a Restricted Discretionary or a Discretionary activity
	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is achieved with COMZ-S1 to COMZ-S15.</li> <li>b. Where the activity is visitor accommodation, the length of any one stay by one party is limited to 3 months (cumulative) per year.</li> </ul>
	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with any standard COMZ-S1 to COMZ-S15.</li> <li>b. Compliance is not achieved with COMZ-R1(1)(b).</li> </ul> <p>Matters of discretion:</p> <ul style="list-style-type: none"> <li>5. The matters of discretion of any standard not complied with</li> <li>6. Noise</li> <li>7. Effects on <i>amenity</i> values</li> <li>8. Landscaping</li> <li>9. Scale of the activity</li> <li>10. Compatibility with surrounding activities</li> <li>11. Traffic safety and parking provision.</li> </ul>



<b>COMZ-R2</b>		<b>Industrial activities</b>
	<b>Mixed Use Precinct</b>	<p>1. Activity status: Restricted discretionary.</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> <li>1. The matters of discretion of any standard not complied with</li> <li>2. Noise</li> <li>3. Effects on <i>amenity</i> values</li> <li>4. Landscaping</li> <li>5. Scale of the activity</li> <li>6. Compatibility with surrounding activities</li> <li>7. Traffic safety and parking provision.</li> </ol>
	<b>Commercial Zone</b>	<p>2. Activity status: Discretionary.</p>

<b>COMZ-R3</b>		<b>Service stations</b>
		<p>1. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> <li>a. Located within the Commercial Zone</li> <li>b. Located within the Wakatu Quay section of the Mixed Use Precinct.</li> </ol>

<b>COMZ-R4</b>		<b>Activities requiring an Offensive Trades Licence under the Health Act 1956 (or its amendment or replacement)</b>
		<p>1. Activity status: Discretionary.</p>

<b>COMZ-R5</b>		<b>Storage or sale of demolition material or scrap metal</b>
		<p>1. Activity status: Discretionary.</p>

<b>COMZ-R6</b>		<b>Automobile and boat dismantlers</b>
		<p>1. Activity status: Discretionary.</p>

<b>COMZ-R7</b>	<b>Commercial, protection, and conservation forestry</b>
	1. Activity status: Discretionary.

<b>COMZ-R8</b>	<b>Farming activities</b>
	1. Activity status: Discretionary.

<b>COMZ-R9</b>	<b>Mineral extraction</b>
	1. Activity status: Discretionary.

## Standards

Note: Enforcement provisions under the Act are available to be used by the Council, where any activity produces vibration, smell or dust or manufactures, stores, uses, transports or disposes of hazardous substances in such a way that has or is likely to be either noxious, dangerous, offensive or objectionable, to such an extent that it has or is likely to have an adverse effect on the environment.

<b>COMZ-S1</b>	<b><i>Building coverage</i></b>	
<ol style="list-style-type: none"> <li>1. For Residential Units in the Commercial Zone and Mixed Use Precinct - 35% maximum</li> <li>2. For buildings other than Residential Units:                             <ol style="list-style-type: none"> <li>a. Commercial Zone: 60% maximum</li> <li>b. Mixed Use Precinct: 80% maximum</li> </ol> </li> </ol>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>	
<b>COMZ-S2</b>	<b>Outdoor living space</b>	
<p>Outdoor living space shall be provided as follows:</p> <ol style="list-style-type: none"> <li>1. 70m<sup>2</sup> minimum area with minimum dimension of 5m for each residential unit</li> </ol>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>	

<p>2. 10m<sup>2</sup> minimum area with minimum dimension of 2m for each visitor accommodation unit</p> <p>3. 10m<sup>2</sup> minimum area and minimum dimension of 2m for each elderly person's housing unit</p>	
<p><b>COMZ-S3</b></p>	<p><b><i>Height of buildings</i></b></p>
<p>10m maximum, except that this rule does not apply to fire station training and hose drying towers located on Lot 1 DP 5184 (42 The Esplanade) provided that the <i>height</i> of any such towers does not exceed a maximum <i>height</i> of 15m.</p>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<p><b>COMZ-S4</b></p>	<p><b><i>Hours of operation</i></b></p>
<p>Except for <i>Community Activities</i>, no activity located adjacent to a residential <i>site</i>, shall operate outside the hours of 0700 to 2100 Monday to Friday and 0900 to 1700 Saturday, Sunday and Public Holidays.</p>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<p><b>COMZ-S5</b></p>	<p><b><i>Outdoor storage</i></b></p>
<p>1. <i>Outdoor storage areas</i> shall not exceed 10% of the total area of any <i>site</i> except that this rule does not apply to storage of vehicles or the display of goods for sale.</p> <p>2. <i>Outdoor storage areas shall be screened from public view and from adjoining residential sites by a solid wall, close boarded fence, landscaping or any combination of these to a minimum height of 1.8m.</i></p>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<p><b>COMZ-S6</b></p>	<p><b><i>Landscaping</i></b></p>

<p>Except for vehicle crossings and <i>Residential Activities</i>, Landscaping shall be provided as follows:</p> <ol style="list-style-type: none"> <li>1. Mixed Use Precinct: 2m minimum width along road boundaries with a minimum of 1 tree or shrub per 10m road frontage (min <i>height</i> 1.5m or min age 3 years) and;</li> <li>2. Commercial Zone and Mixed Use Precinct: 1m minimum width and 1.8m min height along the boundary of an adjoining site which contains a reserve or a residential activity.</li> </ol>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<p><b>COMZ-S7</b></p>	<p><b><i>Height in relation to boundaries</i></b></p>
<p>No part of any <i>building</i> shall intrude into a <i>height in relation to boundary</i> plane constructed from points measured 2.5m above internal boundaries which adjoin residential <i>sites</i> as shown in Appendix 3, unless exempt under Appendix 3.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> <li>a. Chimneys, solar panels, ventilation shafts, roof water tanks, lift and stair shafts and spires, poles and masts, provided they do not exceed any relevant <i>height</i> limits specified in the District-Wide or Zone rules, and provided that their maximum dimension measured parallel to the boundary under consideration does not exceed 3m.</li> <li>b. A gable or hip end may penetrate the recession lines in Residential, Ocean Ridge Comprehensive Living Zone and Settlement Zones where a single gable or hip end with a base of 7.5m or less (excluding eaves) is parallel to a boundary and a recession line</li> </ol>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>

strikes no lower than halfway between the eaves and ridge line.		
<b>COMZ-S8</b>	<b>Density</b>	
No residential unit shall be located on a <i>site</i> having a <i>net site area</i> less than 500m <sup>2</sup> .		<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<b>COMZ-S9</b>	<b>Internal boundary separation</b>	
<p>No <i>building</i> shall be located closer than 5m in the Mixed Use Precinct, or 2m in the Commercial Zone, to the boundary of an adjoining <i>site</i> which contains any of the following:</p> <ul style="list-style-type: none"> <li>a. <i>residential activity</i></li> <li>b. <i>educational facility</i></li> <li>c. <i>reserve.</i></li> </ul>		<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<b>COMZ-S10</b>	<b>Road boundary separation</b>	
<ol style="list-style-type: none"> <li>1. No <i>building</i> in the Commercial Zone shall be located closer than 2m to The Esplanade road boundary.</li> <li>2. No <i>building</i> in the Mixed Use Precinct shall be located closer than 4.5m to the Beach Rd road boundary.</li> </ol>		<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<b>COMZ-S11</b>	<b>Verandas (excluding in the Mixed Use Precinct)</b>	
<ol style="list-style-type: none"> <li>1. Except for fire station buildings located on Lot 1 DP 5184 (42 The Esplanade), every <i>building</i> with road frontage to The Esplanade or the West End shall be provided with a veranda. This rule shall apply to any reconstruction or alteration which substantially changes the exterior appearance of an existing building.</li> </ol>		<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>

<p>2. Verandas shall be constructed along the full length of all parts of the <i>building</i> facing the road and for the full width of the footpath.</p> <p>3. The <i>height</i>, width and fascia of verandas shall be consistent with any adjoining verandas to provide continuity of veranda coverage, except where access or a driveway is provided to the rear of the building.</p> <p>4. Each veranda shall extend a minimum of 2m from the face of the <i>building</i> provided that the front edge of the veranda is no closer than 0.5m to the kerb-line of the carriageway.</p>	
<p><b>COMZ-S12</b></p>	<p><b>Sewage disposal systems separation</b></p>
<p>1. Sewage disposal systems shall comply with the following minimum separation distances:</p> <ul style="list-style-type: none"> <li>a. 50m separation up gradient, or 30m separation in any other direction, between any sewerage disposal system with treatment to a standard of 1000 or less faecal coliforms per 100ml and any domestic water supply intake;</li> <li>b. where the treatment standard specified in (a) above is not met, 500m separation up gradient, or 300m separation in any other direction, between any sewerage disposal system not specified in (a) and any domestic water supply intake;</li> <li>c. 20m between any sewage disposal system and any stream, river, lake, wetland or coastal water.</li> </ul> <p>2. Sewage disposal systems shall be separated from any dwelling or habitable</p>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>

<p><i>building</i> not on the same <i>site</i> as the disposal system, by a minimum of 100m upgradient of the dwelling or habitable <i>building</i> or 50m on any other direction.</p>	
<b>COMZ-S13</b>	<b>Waterbody separation</b>
<p>No <i>building</i> or utility building which exceeds 9m<sup>2</sup> <i>Gross Floor Area</i> or 2m in <i>height</i> shall be located closer than 10 metres to the edge of the bed of any river, or the edge of any wetland, whichever is the further</p>	<p>Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<b>COMZ-S14</b>	<b>Waste management</b>
<p>All activities, other than <i>residential activities</i>, shall comply with the Waste Management Protocol in Appendix 2.</p>	<p>Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<b>COMZ-S15</b>	<b>Drinking water</b>
<p>All residential units and visitor accommodation units shall be connected to a potable water supply in accordance with “NZ Drinking Water Standards 2000” or any subsequent amendment or replacement to those standards</p>	<p>Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>

## Methods Other Than Rules

<b>COMZ-M1</b>	<b>Identify differences in <i>amenity</i> between areas</b>
<p>To identify the following zones in the District Plan where different standards of <i>amenity</i> will be applied:</p> <ul style="list-style-type: none"> <li>a. Commercial Zone providing for a broad range of <i>retail, office, commercial</i> and other business activities at the West End and Yarmouth/Brighton Street;</li> </ul>	

<p>b. Mixed Use Precinct along Beach Road and at Wakatu Quay providing for a mixture of light and other industries and service stations (on Beach Road), where possible separated from public open space and residential areas.</p>	
<b>COMZ-M2</b>	<b>Use rules and performance standards</b>
<p>To include rules in the District Plan specifying performance standards such as street and neighbour <i>setback</i>, <i>height in relation to boundaries</i>, <i>height</i>, landscaping, noise, lighting spill, screening and waste management.</p>	
<b>COMZ-M3</b>	<b>Include landscaping and inter-zone standards</b>
<p>To include rules specifying performance standards at the interface between business, public open space and residential <i>sites</i> including:</p> <ul style="list-style-type: none"> <li>a. landscaping of business <i>sites</i> adjacent to public open space and residential <i>sites</i>;</li> <li>b. residential standards for setback and admission of sunlight for activities adjoining residential areas;</li> <li>c. residential standards for noise from activities adjoining residential <i>sites</i>;</li> <li>d. control of light spillage onto residential <i>sites</i>.</li> </ul>	
<b>COMZ-M4</b>	<b>Resource consents</b>
<p>To require resource consents to be obtained in respect of activities such as forestry, farming, mineral extraction and factory farming within business areas.</p>	
<b>COMZ-M5</b>	<b>Promote waste management guidelines</b>
<p>To include guidelines to promote and encourage the reduction, reuse and recycling of unwanted materials – refer to the Waste Management Guidelines – All Zones in Appendix 2.</p>	
<b>COMZ-M6</b>	<b>Annual planning process</b>
<p>Through the Council's annual planning process to continue to initiate and finance projects for street enhancement, public open space, and the provision of public facilities, including community car-parking and traffic calming in the West End area of the Commercial Zone.</p>	



## Principal Reasons

COMZ-PR1	<b><i>Amenity of commercial activities and areas</i></b>
<p>The grouping of activities with similar effects enables areas of different <i>amenity</i> to be maintained or created. The grouping of activities within areas can take into account existing development, the proximity to recreation and residential areas, the quality of environmental and <i>amenity</i> standards sought, and the nature of activities provided for.</p> <p>Commercial and mixed use environments require a reasonable standard of <i>amenity</i> to make them pleasant and enjoyable to work within. The standards of <i>amenity</i> will be influenced by the nature of activities undertaken in these areas. The commercial and mixed use areas of Kaikōura can be broadly classified as commercial, mixed business and marine facility areas on the basis of the <i>amenity</i> which exists, and the activities currently undertaken within these areas.</p> <p>The West End is dominated by <i>commercial activities</i> and is characterised by one and two storey buildings which are built up to boundaries, often with large display windows, verandas and advertising <i>signs</i>. In comparison with residential areas, increased noise, fumes and traffic movements are a characteristic of the West End.</p> <p>The Yarmouth/Brighton Street area currently contains a range of business activity, interspersed with <i>residential activity</i> and vacant land. The commercial zoning of the Yarmouth/Brighton Street area has been extended due to existing business use of this area and the lack of space for expansion of <i>commercial activities</i> within the West End.</p> <p>A high standard of <i>amenity</i> is appropriate within the West End, and Yarmouth/Brighton Street area due to the numbers of people who work and visit these areas.</p> <p>It is important to enhance and maintain the natural and physical qualities and characteristics of areas where <i>commercial activity</i> occurs as these qualities make them enjoyable places to visit, work and meet, for social and cultural events.</p> <p>Industrial activities involve the processing, manufacturing or servicing of a product. They do not generally attract the same number of people as <i>commercial activities</i> and usually generate more heavy traffic than <i>commercial activities</i>. Industrial activities are characterised by large utilitarian buildings often surrounded by <i>outdoor storage areas</i> or car parking. Buildings are often enclosed by security fencing and <i>signs</i> are often displayed in conjunction with a business.</p> <p>Industrial activities are more likely to affect air quality and create lighting spill, noise, electrical interference, vibration and dust than most activities in the Commercial Zone. While it is considered appropriate for the range of activities which currently exist within Beach Road to continue to be permitted, new industrial activities should not be permitted as of right as they have the potential to adversely affect the <i>amenity</i> of Beach Road. For</p>	

this reason, new industrial activities along Beach Road are a restricted discretionary activity and require resource consent.

The Council seeks to protect *amenity* standards at the interface of residential environments and business environments. Effects of business activity such as noise, glare, and visual appearance may lower the standard of *amenity* on adjoining *sites* and may impact upon residential privacy and *amenity*. The Council will encourage effective separation of these activities through planning controls such as screening, setback and recession lines and by limiting activities such as forestry, farming, mineral extraction and factory farming within business areas.

Service stations are listed as discretionary activities in the Commercial Zone, due to the potential effects of the use and storage of hazardous substances, fumes, traffic generation and noise which are typically associated with service stations.

## Anticipated Environmental Results

COMZ-A1	Anticipated environmental results for the Commercial Zone and Mixed Use Precinct
	<ol style="list-style-type: none"> <li>1. The creation of attractive, safe and pleasant commercial areas, as places in which to work and visit.</li> <li>2. Enhanced street appearance, pedestrian access, public facilities and open space in commercial areas.</li> <li>3. Preservation of the amenities of residential environments adjacent to business areas in terms of light admission, noise, odour and lighting spill.</li> <li>4. Pedestrian areas within the West End with minimal exposure to traffic noise and fumes.</li> <li>5. A commercial area in the vicinity of Yarmouth and Brighton Streets which is a pleasant place for people to visit and work.</li> <li>6. A mixture of residential, <i>commercial</i>, service and industrial activities within the Mixed Use Precinct area of Beach Road and at Wakatu Quay, and a level of <i>amenity</i> reflecting this mix.</li> <li>7. The replacement of vehicle-generating activities in West End with pedestrian-friendly activities.</li> <li>8. Avoidance of activities within Commercial Zone or Mixed Use Precinct which have the potential to produce significant adverse effects such as odour, noise, dust, airborne contaminants and vibration.</li> </ol>

## Commercial Zone: Specific Controls for New Wharf

Scheduling provides for land use activities which require special recognition and some scope for development, but which do not necessarily justify specialised zoning. These activities are generally characterised by one or more of the following:

- a. Isolated from zones where such activities would normally comply with the standards specified;
- b. Distinctly different in character and effects from surrounding activities;
- c. Provided for by zoning or listing as permitted activities in the Transitional District Plan.

Scheduled activities in the Commercial Zone and Mixed Use Precinct are limited to the Pacifica Seafoods factory on the New Wharf, Wakatu Quay.

Scheduling goes beyond existing use right status, to provide for specified activities as permitted activities on identified sites, and to allow some scope for expansion and redevelopment.

### Activities

The rules in this part of the Plan replace those zone rules which would otherwise apply to the activity, in respect of the Scheduled Activity only. All District Wide rules still apply to the scheduled activity.

Any activity on the site, other than the Scheduled Activity, shall be subject to the normal standards applicable to the zone which applies to the site.

1. Permitted Activity: Scheduled Activities listed below which comply with the Performance Standards in this part of the plan shall be a Permitted Activity.
2. Restricted Discretionary Activity: Scheduled Activities listed below which do not comply with any one or more of the Performance Standards in this part of the plan shall be a Restricted Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in the Site Standard which is (are) not complied with.

### Scheduled Activities

Site No.	Business	Location	Legal Description
S2	Pacifica Seafoods	New Wharf, Wakatu Quay	Lots 1, 2, and 3, DP 5303

## Permitted Activities

The following activities shall be Permitted on the site occupied by the Pacifica Seafoods S2, provided that they comply with all of the Performance Standards:

1. Loading, unloading, processing, storage, packaging and distribution of sea products including wet fish, shellfish, crayfish and seaweed.
2. Aquaculture and marine farming.
3. *Retail* sales of seafood products.
4. Activities ancillary to the activities listed in a, b and c, including but not limited to, parking, canteens, ablution facilities, laboratories, research facilities, maintenance facilities, wash down facilities, waste treatment and disposal facilities, medical *offices*, and administrative *offices*.

## Performance Standards for New Wharf

<b>WHARF-S1</b>	<b>Road boundary separation</b>	
No building shall be located closer than 2m to any road boundaries unless it is not practicable to provide such a separation, in which case buildings shall be separated as far as practicable from the road boundary.	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.	
<b>WHARF-S2</b>	<b>Internal boundary separation</b>	
No building shall be located closer than 2m to any adjoining Residential Zone.	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.	
<b>WHARF-S3</b>	<b>Height of buildings</b>	
Buildings shall not exceed a maximum height of 10m.	Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.	
<b>WHARF-S4</b>	<b>Height in relation to boundaries</b>	

<p>No part of any building shall intrude into a <i>height in relation to boundary plane</i> constructed from points measured 2.5m above internal boundaries which adjoin Residential Zones (refer Appendix 3)</p>	<p>Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<p><b>WHARF-S5</b></p>	<p><b>Lighting</b></p>
<ol style="list-style-type: none"> <li>1. Exterior lights shall be shielded or directed away from adjacent sites and roads.</li> <li>2. Exterior lights shall not result in lux spill which exceeds:             <ol style="list-style-type: none"> <li>a. 3 lux maximum (horizontal and vertical) onto adjoining residential sites or</li> <li>b. 10 lux maximum (horizontal and vertical) onto adjoining non-residential sites.</li> </ol> </li> <li>3. Light spill shall be measured at any point more than 2m inside the boundary of the adjoining site.</li> </ol>	<p>Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>
<p><b>WHARF-S6</b></p>	<p><b>Noise</b></p>
<p>Except as provided in the NOISE - Noise chapter, all activities shall be conducted so that the following noise limits are not exceeded during any time period for assessment within the time frames stated at the measurement and assessment location specified for each of the following areas:</p> <ol style="list-style-type: none"> <li>1. Within the Commercial Zone, or at the boundary of the Mixed Use Precinct and the Commercial Zone, excluding a boundary shared with a Residential Zone:             <ol style="list-style-type: none"> <li>a. On any day from 7am to 11pm:                 <ol style="list-style-type: none"> <li>i. 65dBA Leq</li> <li>ii. 85dBA Lmax</li> </ol> </li> </ol> </li> </ol>	<p>Matters of discretion: The effects of not meeting the standard. Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>

<p>b. At all other times:</p> <ul style="list-style-type: none"> <li>i. 55dBA Leq</li> <li>ii. 75dBA Lmax</li> </ul> <p>2. At the boundary between any Commercial Zone or Mixed Use Precinct and any Residential Zone, or within any residential site located within a Commercial Zone or Mixed Use Precinct:</p> <ul style="list-style-type: none"> <li>a. Monday to Saturday from 7am to 11pm: 55dBA Leq</li> <li>b. At all other times: 40dBA Leq</li> <li>c. On any day between 11pm and 7am the following day: 70dBA Lmax</li> </ul> <p>For the purpose of this rule, the measurement and assessment position shall be at any point within any other site in the Business Zone, or at any point within the boundary of any residential site within the Residential Zone, or within the notional boundary of any residential site in the Rural Zone.</p> <p>Note: Refer to the NOISE - Noise chapter for a list of noise provisions relating to construction, blasting and watercraft, and for a list of exemptions to the noise provisions.</p>	
<p><b>WHARF-S7</b></p>	<p><b>Waste management</b></p>
<p>All activities, other than <i>residential activities</i>, shall comply with the Waste Management Protocol in Appendix 2.</p>	<p>Matters of discretion:</p> <p>The effects of not meeting the standard.</p> <p>Refer to Appendix 6: Assessment Matters for guidance on what matters may be relevant to consider for the proposed activity.</p>