

## COMZ – Commercial zone

*The relevant district-wide chapter provisions apply in addition to this chapter.*

### **Purpose**

The COMZ - Commercial zone identifies areas used predominantly for a range of commercial and community activities.

### **Objectives**

COMZ-O1 Economic growth of industry.

Commercial activity is focussed within a differentiation of commercial zones (comprising the TCZ – Town centre zone, LCZ – Local centre zone, COMZ – Commercial zone, and the BTZ – Business Tamahere zone.

COMZ-O2 Commercial zone character.

The commercial scale, form of buildings and character of the zone is maintained.

COMZ-O3 Commercial zone amenity.

The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the zone.

### **Policies**

COMZ-P1 Commercial function and purpose.

Larger scale commercial activities are provided for within the zone.

COMZ-P2 Commercial purpose.

- (I) The role of the zone is to support the local economy and the needs of businesses by:
- (a) Providing for a wide range of commercial activities; and
  - (b) Providing for commercial activities at a scale that supports the commercial viability of towns and villages; and
  - (c) Ensuring that commercial activities complement and support the role of business town centres.

COMZ-P3 Role and function of the zone.

- (I) Ensure the role of the zone is complementary to the TCZ – Town centre zone by:
- (a) Enabling a wide range of commercial activities including large format retail activities within the zone; and
  - (b) Discouraging small scale retail activities, administration and commercial services within the zone.

COMZ-P4 Employment opportunities.

Commercial development within the zone increases employment opportunities within the district.

COMZ-P5 Retail.

- (1) Locate small scale retail activities within the TCZ – Town centre zone and LCZ – Local centre zone and discourage large scale activities with the exception of supermarkets from establishing within the TCZ – Town centre zone.
- (2) Locate large scale retail and commercial activities within the COMZ – Commercial zone.

COMZ-P6 Residential upper floors.

- (1) Maintain the commercial viability of the zone while:
  - (a) Providing for mixed use developments, ensuring residential activities are preferably located above ground floor; and
  - (b) Avoiding residential activity located at ground level, where it could undermine commercial activity and frontage.

COMZ-P7 Landscaping of onsite parking areas.

Provide a degree of amenity for onsite parking areas within the zone by ensuring a planting strip is established and maintained.

COMZ-P8 Strategic infrastructure setback.

- (1) Ensure buildings within the zone are designed and set back from strategic infrastructure by:
  - (a) Retaining the predominant building setback within the street; and
  - (b) Allowing sufficient space for the establishment of landscaping on the site.

COMZ-P9 Height.

Ensure the height of new buildings is complementary to, and promotes, the existing character of the zone and adjoining residential zones.

COMZ-P10 Reverse sensitivity.

Development within the zone is acoustically insulated to mitigate the adverse effects of noise.

COMZ-P11 Adjoining site amenity.

- (1) Maintain amenity of adjoining GRZ – General residential zone, MRZ – Medium density residential zone or OSZ – Open space zone by:
  - (a) Requiring buildings within the zone to be set back from boundaries adjoining GRZ – General residential, MRZ – Medium density residential and OSZ – Open space zoned land; and
  - (b) The progressive reduction in the height of buildings in the zone, the closer they are located to boundaries adjoining GRZ – General residential, MRZ – Medium density residential and OSZ – Open space zoned land.

## Rules

*Land use – activities*

Part 3: Area-specific matters / Zones / Commercial and mixed use zones / COMZ – Commercial zone

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use effects standards and Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

<b>COMZ-R1</b>	Commercial activity
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> (a) Any individual tenancy must have a gross floor area of greater than 350m <sup>2</sup> .	<b>(2) Activity status where compliance not achieved: DIS</b>
<b>COMZ-R2</b>	Supermarket
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> Nil.	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>COMZ-R3</b>	Community facility
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> (a) Excluding a cemetery.	<b>(2) Activity status where compliance not achieved: DIS</b>
<b>COMZ-R4</b>	Residential activity, unless specified below  This includes occupation of a single residential unit for short term rental.
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> (a) Located above ground floor level.	<b>(2) Activity status where compliance not achieved: RDIS</b> <b>Council's discretion is restricted to the following matters:</b>  (a) The extent to which the residential activity effects the primary purpose of the zone to provide for commercial activities.
<b>COMZ-R5</b>	Educational facility
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> Nil.	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>COMZ-R6</b>	Child care facility
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> Nil.	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>COMZ-R7</b>	Office
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> Nil.	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>COMZ-R8</b>	Public amenity
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> Nil.	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>COMZ-R9</b>	Health facility
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> Nil.	<b>(2) Activity status where compliance not achieved: n/a</b>

<b>COMZ-RI0</b>	Visitor accommodation
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> Nil.	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>COMZ-RI1</b>	Public transport facility
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> Nil.	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>COMZ-RI2</b>	Servicing of boats at Raglan Wharf
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> Nil.	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>COMZ-RI3</b>	Community corrections activity
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> Nil.	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>COMZ-RI4</b>	Buildings, structures and sensitive land use within the National Grid Yard on sites existing as of 18 July 2018
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> (a) Within National Grid Yard: (i) Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or (ii) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991; or (iii) Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or (iv) Non-habitable horticultural buildings; or (v) Artificial crop protection and support structures (excluding commercial greenhouses and Pseudomonas syringae pv. Actinidiae (Psa) disease control structures); (vi) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure; and	<b>(2) Activity status where compliance not achieved: NC</b>

<p>(vii) Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</p> <p>(b) All buildings or structures permitted by Rule COMZ-RI4(1)(a) must:</p> <p>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</p> <p>(1) Locate a minimum 12m from the outer visible foundation of any National Grid support structure foundation and associated stay wire, unless it is:</p> <p>(2) A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or</p> <p>(3) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5m from the nearest National Grid support structure foundation; or</p> <p>(ii) Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</p> <p>(iii) Not permanently physically impede existing vehicular access to a National Grid support structure;</p> <p>(c) Artificial crop protection structures and support structures between 8m and 12m from a pole support structure but not a tower and any associated guy wire that:</p> <p>(i) Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 for</p>	
---	--

<p>separation distances from the conductor;</p> <ul style="list-style-type: none"> <li>(ii) Are no higher than 2.5m;</li> <li>(iii) Are removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes;</li> <li>(iv) Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.</li> </ul>	
<p><b>COMZ-RI5</b>   Construction or alteration of a building for a sensitive land use</p>	
<p><b>(1) Activity status: PER</b>  <b>Activity-specific standards:</b></p> <ul style="list-style-type: none"> <li>(a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: <ul style="list-style-type: none"> <li>(i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</li> <li>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</li> </ul> </li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b>  <b>Council's discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) Effects on the amenity values of the site;</li> <li>(b) The risk of electrical hazards affecting the safety of people;</li> <li>(c) The risk of damage to property; and</li> <li>(d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</li> </ul>
<p><b>COMZ-RI6</b>   Construction or demolition of, or alteration or addition to, a building or structure</p>	
<p><b>(1) Activity status: PER</b>  <b>Activity-specific standards:</b>  Nil.</p>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
<p><b>COMZ-RI7</b>   A multi-unit development</p>	
<p><b>(1) Activity status: RDIS</b>  <b>Activity-specific standards:</b></p> <ul style="list-style-type: none"> <li>(a) A multi-unit development that meets all of the following standards: <ul style="list-style-type: none"> <li>(i) Land use – effects standards for the zone;</li> <li>(ii) Land use – building standards for the zone, except the following rules do not apply; <ul style="list-style-type: none"> <li>(1) COMZ-S9 (Residential units) does not apply;</li> <li>(2) COMZ-S10 (Outdoor living space) does not apply;</li> </ul> </li> </ul> </li> </ul>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

- (b) A detailed site plan depicting the proposed Record of Title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule SUB-R93 (Subdivision of multi-unit developments);
- (c) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in APP1 – Acoustic insulation, Table 25 – Internal sound levels;
- (d) A communal service court is provided comprising;
  - (i) minimum area of 20m<sup>2</sup>; and
  - (ii) minimum dimension of 3m.
- (e) Outdoor living space areas are provided to meet the following minimum requirements for each residential unit:

Residential Unit	Minimum outdoor Living space area	Minimum Dimensions
Studio unit or 1 bedroom	10m <sup>2</sup>	2m
2 or more bedrooms	15m <sup>2</sup>	2m

- (f) Each residential unit must meet the following minimum unit size:

Unit or Apartment Area	Minimum Unit
Studio Unit	35m <sup>2</sup>
1 or more bedroom unit	45m <sup>2</sup>

**Council's discretion is restricted to the following matters:**

Design:

- (g) The extent to which that portion of the building or site which fronts a road or public space:
  - (i) Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels.
  - (ii) Avoids the use of impermeable screens or fencing that obstruct visual connections.
  - (iii) Avoids unrelieved and blank façades.
  - (iv) Creates visual interest through the use of cladding materials, colour and articulation of the façade.
  - (v) Utilises soft or hard landscape elements to contribute positively to streetscape amenity.

<p>(vi) Minimises vehicle garaging/parking or manoeuvring areas.</p> <p>(vii) Service courts are screened or obscured.</p> <p><u>On-site amenity:</u></p> <p>(h) The extent to which the design:</p> <p>(i) Maximises opportunities for accessibility, privacy between units, access to daylight and shelter, including outdoor living spaces.</p> <p>(ii) Incorporates measures that may be required to mitigate the potential for reverse sensitivity effects.</p> <p>(iii) Maximises opportunities for passive solar gain within units.</p> <p><u>Infrastructure:</u></p> <p>(i) The extent to which the design can be efficiently serviced with 3 waters infrastructure.</p> <p><u>Natural hazards:</u></p> <p>(j) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.</p> <p><u>Staging:</u></p> <p>(k) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.</p>	
<b>COMZ-R18</b>	Commercial activities within in the Motorway service centre specific control
<p><b>(1) Activity status: RDIS</b></p> <p><b>Activity-specific standards:</b></p> <p>Nil.</p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>(a) Effects on amenity of the locality;</p> <p>(b) Landscaping;</p> <p>(c) Design and layout;</p> <p>(d) Effects on efficiency and safety of the land transport network, including the Waikato Expressway;</p> <p>(e) Access design; and</p> <p>(f) Potential reverse sensitivity effects.</p>	<p><b>(2) Activity status: NC</b></p> <p><b>Where:</b></p> <p>(a) Any other activity within the Motorway service centre specific control area.</p> <p>Advice note: The other land-use activities listed within the COMZ – Commercial zone do not apply to the Motorway service centre specific control area, however the land-use effects and land-use standards do apply.</p>
<b>COMZ-R19</b>	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity
<b>(1) Activity status: DIS</b>	
<b>COMZ-R20</b>	Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard
<b>(1) Activity status: NC</b>	



<b>COMZ-R21</b>	Any change of use of an existing building to a sensitive land use within the National Grid Yard
<b>(1) Activity status: NC</b>	
<b>COMZ-R22</b>	The establishment of any new sensitive land use within the National Grid Yard
<b>(1) Activity status: NC</b>	
<b>COMZ-R23</b>	Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, Pseudomonas syringae pv. Actinidiae (Psa) disease control structures, or buildings for intensive farming within the National Grid Yard
<b>(1) Activity status: NC</b>	
<b>COMZ-R24</b>	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (APP8 – Raglan navigation beacon).
<b>(1) Activity status: PR</b>	

Land use – effects

<b>COMZ-S1</b>	Servicing and hours of operation	
<b>(1) Activity status: PER</b>		<b>(2) Activity status where compliance not achieved: RDIS</b>
<b>Where:</b>		<b>Council's discretion is restricted to the following matters:</b>
(a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the GRZ - General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone or SETZ – Settlement zone must only occur between 6.00am and 8.00pm.		(a) Effects on amenity values on adjoining sites within the GRZ - General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone or SETZ – Settlement zone;
		(b) Timing, duration and frequency of adverse effects;
		(c) Location of activity in relation to zone boundary;
		(d) Location of activity in relation to residential units on adjoining sites;
		(e) The means to avoid, remedy or mitigate adverse effects on adjoining sites.
<b>COMZ-S2</b>	Onsite parking areas – landscaping	
<b>(1) Activity status: PER</b>		<b>(2) Activity status where compliance not achieved: RDIS</b>
<b>Where:</b>		<b>Council's discretion is restricted to the following matters:</b>
(a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following standards:		(a) Design and location of the parking area and landscaping strip; and
(i) The car parking area must be separated from the road by a 1.5m wide planting strip, with the exception of vehicle access points; and		(b) Effects on streetscape amenity.
(ii) Plants within the planting and pedestrian strip must be maintained to a height no greater than 1m.		
<b>COMZ-S3</b>	Outdoor storage	

<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) Outdoor storage of goods or materials must comply with all of the following standards:</p> <p>(i) Be associated with the activity operating from the site;</p> <p>(ii) Not encroach on parking or loading areas;</p> <p>(iii) Standards COMZ-S4 Height and COMZ-S7 Height in relation to boundary; and</p> <p>(iv) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any:</p> <p>(1) Public road;</p> <p>(2) Public reserve; and</p> <p>(3) Adjoining site in another zone.</p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>(a) Visual amenity;</p> <p>(b) Effects on loading and parking areas;</p> <p>(c) Size and location of storage area; and</p> <p>(d) Measures to mitigate adverse effects.</p>
--	---

*Land use – building*

<b>COMZ-S4</b>	Building height	
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 12m;</p> <p>(b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 14m measured from the natural ground level immediately below the structure;</p> <p>(c) The maximum height of hose drying towers associated with emergency service facilities measured from the natural ground level immediately below that part of the structure must not exceed 15m.</p>		<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>(a) Height of the building;</p> <p>(b) Design and location of the building</p> <p>(c) Extent of shading on an adjoining site; and</p> <p>(d) Privacy on adjoining sites.</p>
<b>COMZ-S5</b>	Height in relation to boundary	
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) Any building or structure must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins the:</p> <p>(i) GRZ – General residential zone;</p>		<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>(a) Height of the building;</p> <p>(b) Design and location of the building;</p> <p>(c) Level of shading on any other adjoining sites;</p> <p>(d) Privacy on other sites; and</p>

<ul style="list-style-type: none"> <li>(ii) MRZ – Medium density residential zone;</li> <li>(iii) LLRZ – Large lot residential zone;</li> <li>(iv) SETZ – Settlement zone;</li> <li>(v) RLZ – Rural lifestyle zone; or</li> <li>(vi) OSZ – Open space zone.</li> </ul>	<p>(e) Amenity values of the locality.</p>
<p><b>COMZ-S6</b>   Building setbacks – zone boundaries</p>	
<p><b>(1) Activity status: PER</b> <b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) A building must be set back a minimum of at least: <ul style="list-style-type: none"> <li>(i) 3.0 m from rear and side boundaries adjoining any: <ul style="list-style-type: none"> <li>(1) GRZ – General residential zone;</li> <li>(2) MRZ – Medium density residential zone;</li> <li>(3) LLRZ – Large lot residential zone;</li> <li>(4) SETZ - Settlement zone;</li> <li>(5) RLZ – Rural lifestyle zone; or</li> <li>(6) OSZ – Open space zone.</li> </ul> </li> <li>(ii) 1.5m from rear and side boundaries adjoining any: <ul style="list-style-type: none"> <li>(1) GRUZ – General rural zone;</li> <li>(2) GIZ – General industrial zone; or</li> <li>(3) HIZ – Heavy industrial zone.</li> </ul> </li> <li>(iii) 15m from SH23 for any site between Greenslade Road and Hills Road, Raglan.</li> </ul> </li> <li>(b) COMZ-S6(1)(a) does not apply to a structure which is not a building.</li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b> <b>Council’s discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) Height, design and location of the building relative to the boundary;</li> <li>(b) Impacts on the privacy for adjoining site(s);</li> <li>(c) Impacts on amenity values, including main living areas, outdoor living space of adjoining site(s); and</li> <li>(d) Landscaping and/or screening.</li> </ul>
<p><b>COMZ-S7</b>   Building setback – waterbodies</p>	
<p><b>(1) Activity status: PER</b> <b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) A building that is set back a minimum of: <ul style="list-style-type: none"> <li>(i) 27.5m from the margin of any lake;</li> <li>(ii) 27.5m from the margin of any wetland;</li> <li>(iii) 27.5 from the bank of any river (other than the Waikato River and Waipa River);</li> <li>(iv) 32.5m from the margin of either the Waikato River and the Waipa River;</li> <li>(v) 27.5m from mean high water springs;</li> <li>(vi) 10m from any artificial wetland;</li> </ul> </li> <li>(b) A public amenity of up to 25m<sup>2</sup> or pump shed (private or public) within any building setback identified in Standard COMZ-S7(1)(a);</li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b> <b>Council’s discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body;</li> <li>(b) Adequacy of erosion and sediment control measures;</li> <li>(c) The functional or operational need for the building to be located close to the waterbody;</li> <li>(d) Effects on public access to the waterbody;</li> <li>(e) Effects on the amenity of the locality; and</li> <li>(f) Effects on natural character values.</li> </ul>

(c) COMZ-S7(1)(a) does not apply to a structure which is not a building.		
<b>COMZ-S8</b>	Horotiu acoustic area	
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) Construction, addition to or alteration of a building for a noise-sensitive activity within the Horotiu Acoustic Area must be designed and constructed to achieve the internal design sound level specified in APPI – Acoustic insulation, Table 22 – Internal design sound levels</p>		<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>(a) On-site amenity values;</p> <p>(b) Noise levels received at the notional boundary of the residential unit;</p> <p>(c) Timing and duration of noise received at the notional boundary of the residential unit;</p> <p>(d) Potential for reverse sensitivity effects.</p>
<b>COMZ-S9</b>	Residential units	
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) One residential unit on the Record of Title must comply with all of the following standards:</p> <p>(i) The residential unit must not be located at ground level;</p> <p>(ii) The residential unit is designed and constructed to achieve the internal design sound levels specified in APPI – Acoustic insulation, Table 22 – Internal design sound levels.</p> <p>(b) Standard COMZ-S9(1)(a) does not apply to multi-unit development (refer to Rule COMZ-R17 (Multi-unit development)).</p>		<p><b>(2) Activity status where compliance not achieved: DIS</b></p>
<b>COMZ-S10</b>	Outdoor living space	
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) An outdoor living space must be provided for each residential unit that meets all of the following standards:</p> <p>(i) It is for the exclusive use of the occupants of the residential unit;</p> <p>(ii) It is readily accessible from a living area of the residential unit; and</p> <p>(iii) It is located on a balcony containing at least 15m<sup>2</sup> and a circle with a diameter of at least 2.4m.</p>		<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>(a) Design and location of the building;</p> <p>(b) Provision of outdoor living including access to daylight and open space and the useability and accessibility of the outdoor living space proposed;</p> <p>(c) Privacy on adjoining sites;</p> <p>(d) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</p>