



## 12.8.35

### SPECIAL 35 (HIBISCUS COAST GATEWAY) ZONE

The following provisions relate to the Hibiscus Coast Gateway Zone. This zone is located at Silverdale in the area bounded by State Highway 1 to the west, Hibiscus Coast Highway to the north, and East Coast Road to the east. The Zone adjoins the Special 26 (Hibiscus Coast Gateway Recreation and Entertainment) Zone to the south and the Special 25 (Hibiscus Coast Gateway Specialist Retail) Zone to the north east.

The zone comprises two Policy Areas the Gateway Business Policy Area and the Gateway Residential Policy Area. These are described further below in the Zone descriptions.

#### 12.8.35.1

#### Issues

##### Issue

##### 12.8.35.1.1

The Hibiscus Coast Gateway zone is located at the Silverdale entry to the Hibiscus Coast. The opportunity exists to create a high quality gateway experience whilst providing for a range of business and residential activities. Subdivision and development needs to be designed and staged so that it creates an attractive; functional urban landscape and visual environment, while successfully managing the operation of the transport system and other infrastructure at this important location.

##### Issue

##### 12.8.35.1.2

Growth in residential and business activities is forecast for the Hibiscus Coast and this location has the potential to assist in meeting these demands and should do so without adversely affecting the viability and functioning of the Silverdale Town Centre.

##### Issue

##### 12.8.35.1.3

Due to the elevated topography of the land the area is highly visible from State Highway 1. Poorly designed large footprint, low rise buildings with no or limited vegetation has the potential to adversely affect the gateway visual amenity and quality of this environment.

##### Issue

##### 12.8.35.1.4

The topography of the land and its location adjacent to the motorway is an important element that contributes to the gateway at Silverdale. Earthworks undertaken in a piecemeal way have the potential to adversely affect the overall visual form.

##### Issue

##### 12.8.35.1.5

The Weiti River catchment is a potentially vulnerable receiving environment which may be adversely affected by stormwater runoff during and post development.

##### Issue

##### 12.8.35.1.6

The development of this land has the potential to generate adverse effects on the surrounding road network, particularly Hibiscus Coast Highway and the Silverdale motorway interchange.



<i>Issue</i> 12.8.35.1.7	<p>Development of this land for business and residential activities has the potential to avoid adverse effects of development in other areas of the peninsular given its proximity to the motorway network and the Hibiscus Coast Busway Station adjoining the Hibiscus Coast Highway.</p>
<i>Issue</i> 12.8.35.1.8	<p>There is potential for reverse sensitivity effects to arise from residential land use activities establishing in close proximity to business activities within the zone and adjoining recreation and entertainment activities.</p>
<b>12.8.35.2</b>	<b>Objectives</b>
<i>Objective</i> 12.8.35.2.1	<p>To create a high quality urban environment on the southern side of the Hibiscus Coast Highway contributing to a strong sense of arrival at Silverdale.</p>
<i>Objective</i> 12.8.35.2.2	<p>To efficiently utilise the land resource by identifying specific land areas for a Gateway Business Policy Area and a Gateway Residential Policy Area with a Work/Live business overlay established around the Hibiscus Coast Busway Station</p>
<i>Objective</i> 12.8.35.2.3	<p>To achieve high quality built form and landscape outcomes within the zone that includes providing for a gradation in building height and form, from larger footprint commercial buildings to smaller footprint, residential buildings.</p>
<i>Objective</i> 12.8.35.2.4	<p>To manage the range of activities that are specifically enabled, to those business and residential land uses that can be undertaken without generating significant adverse effects on the road network and which would support the Hibiscus Coast Busway Station.</p>
<i>Objective</i> 12.8.35.2.5	<p>To ensure that the modification and development of the existing natural environment achieves high quality built form and landscape outcomes.</p>
<i>Objective</i> 12.8.35.2.6	<p>To ensure that access to the zone occurs in a safe, effective and efficient manner to appropriately manage the operation of State Highway 1, and the surrounding arterial road network, taking account of the traffic generation likely to arise from the Silverdale North, Silverdale South and other related development catchments.</p>
<i>Objective</i> 12.8.35.2.7	<p>To ensure the development and operation of walking and cycling networks within the zone and that these connect in an effective, efficient and safe manner to the existing or proposed public transport network and other key destinations, particularly those adjacent to the zone.</p>
<i>Objective</i> 12.8.35.2.8	<p>To ensure that development occurs within an overall vegetated urban framework that provides a cohesive visual structure to the Gateway Zone.</p>



Objective  
12.8.35.2.9

To ensure that water quality in the catchment is maintained and where possible enhanced.

Objective  
12.8.35.2.10

To manage the interrelationship of the Business and Residential Policy Areas with each other and the surrounding Recreation and Entertainment Zone.

**Objectives from the following chapters are also relevant:**

*Chapter 5 – Natural Hazards*

*Chapter 10 – Open Space and Recreation*

*Chapter 14 – Scheduled Activities*

*Chapter 17 – Cultural Heritage*

*Chapter 18 – Urban Land Modification and Vegetation Removal*

*Chapter 19 – Utilities*

*Chapter 20 – Hazardous Substances and Contaminated Sites*

*Chapter 21 – Transportation and Access*

*Chapter 23 – Subdivision and Servicing*



#### 12.8.35.2.2

##### Policy

##### 12.8.35.2.2.1

#### General Zone Policies

The Gateway Zone shall be developed in a comprehensive way demonstrating an integrated approach to subdivision, development and urban design based on the Outline Plan in Appendix 21 – Figure 1.

*This Policy seeks to achieve all Objectives*

##### Policy

##### 12.8.35.2.2.2

Development within the Gateway Zone shall be undertaken generally in accordance with the Outline Plan at Appendix 21 - Figure 1 to the Planning Maps and given effect to through the detailed Development Concept Plan and any necessary resource consents process so that:

- There is a defined structure for roading patterns and other connections ensuring effective, efficient and safe, passenger transport, pedestrian and cycleway networks.
- Bulk earthworks are designed and / or undertaken comprehensively and the provision of necessary infrastructure; including waste water, water supply, stormwater and reserves are provided for.
- There is a clear definition between business areas, residential areas and the Work/Live area.
- Urban amenity and environmental values will be provided for through the design and layout of land use activities.

*This Policy seeks to achieve all Objectives*

##### Policy

##### 12.8.35.2.2.3

A Development Concept Plan shall be prepared to ensure the comprehensive development and high quality urban design outcomes for the zone including:

- road design and connectivity that provides for, pedestrians, cyclists; vehicles; passenger transport and street tree planting to assist in achieving the vegetated framework required for the zone;
- the integrated provision of services and infrastructure including stormwater management; wastewater reticulation; water supply;
- integrated management of bulk earthworks;
- open space areas; and
- staging of subdivision and subsequent site development.

*This Policy seeks to achieve all Objectives*

##### Policy

##### 12.8.35.2.2.4

Development shall be restricted ahead of the specific improvements required to be made to the arterial road network and connections to East Coast Road to ensure that development does not create unacceptable adverse effects on the



	arterial road network.  <i>This policy seeks to achieve Objectives 12.8.35.1.4, 12.8.35.2.1.6, 12.8.35.2.1.7 and 12.8.35.2.1.10</i>
Policy 12.8.35.2.2.5	Development shall comprise a mix of land use activities that support the Hibiscus Coast Busway Station, while the operation of this Station shall enable a greater proportion of the land within the Zone to be developed by providing access to high quality public transport and reducing vehicle trip rates.  <i>This policy seeks to achieve Objectives 12.8.35.2.1.4, 12.8.35.2.1.6, 12.8.35.2.1.7 and 12.8.35.2.1.10</i>
Policy 12.8.35.2.2.6	A quality gateway experience will be achieved through the establishment of sensitively designed prominent buildings located within a vegetated framework.  <i>This Policy seeks to achieve Objectives 12.8.35.2.1.1, 12.8.35.2.1.3, 12.8.35.2.1.5, 12.8.35.2.1.8</i>
Policy 12.8.35.2.2.7	Development shall emphasise the underlying natural landform by recognising and reinforcing, as far as practicable, the integrity of the East Coast Road ridgeline, natural watercourses, views and access to sunlight.  <i>This Policy seeks to achieve Objective 12.8.35.2.1.5</i>
Policy 12.8.35.2.2.8	Create a planted interface with tall trees along the western edge of the zone adjacent to State Highway 1 (the motorway) providing filtered views to assist in integrating the development into the wider landscape when viewed from the motorway and complement the high quality built form.  <i>This Policy seeks to achieve Objectives 12.8.35.2.1.1, 12.8.35.2.1.3, 12.8.35.2.1.5, 12.8.35.2.1.8</i>
Policy 12.8.35.2.2.9	The location, scale, materials and colours of buildings, structures and signs shall be designed to achieve the high quality visual and landscape outcomes sought for the zone.  <i>This Policy seeks to achieve Objectives 12.8.35.2.1.1, 12.8.35.2.1.3, 12.8.35.2.1.5, 12.8.35.2.1.8</i>
Policy 12.8.35.2.2.10	Buildings, development and site layout should exhibit a high standard of architectural and urban design, and integrate with the broader landscape concept within the zone.  <i>This Policy seeks to achieve Objectives 12.8.35.2.1.1, 12.8.35.2.1.3, 12.8.35.2.1.5</i>
Policy 12.8.35.2.2.11	Built form within the zone should achieve a gradation in building height and form from larger footprint buildings providing a strong urban edge to the



motorway and Hibiscus Coast Highway to smaller footprint residential buildings.

*This Policy seeks to achieve Objectives 12.8.35.2.1.1, 12.8.35.2.1.3*

Policy  
12.8.35.2.2.12

Activities which have potential to cause objectionable or noxious effects, or be dangerous, or have extensive storage yards should not be located within the Special 35 (Hibiscus Coast Gateway) zone.

*This Policy seeks to achieve Objectives 12.8.35.2.1.1, 12.8.35.2.1.10*

Policy  
12.8.35.2.2.13

Retail activities that generate high numbers of customers shall generally not be located within the Hibiscus Coast Gateway zone.

*This Policy seeks to achieve Objectives 12.8.35.2.1.4*

Policy  
12.8.35.2.2.14

Vehicular access to the area shall occur from a limited number of defined access points on East Coast Road and the Hibiscus Coast Highway.

*This Policy seeks to achieve Objectives 12.8.35.2.1.4, 12.8.35.2.1.6*

Policy  
12.8.35.2.2.15

A low speed high amenity transport network shall be provided within the zone area with sufficient room for street trees and for pedestrian and cycle movement.

*This Policy seeks to achieve Objectives 12.8.35.2.1.6, 12.8.35.2.1.7*

Policy  
12.8.35.2.2.16

Activities within the zone shall not cause unacceptable adverse effects on the transport network, taking account of the traffic generation likely to arise from the Silverdale North, Silverdale South and other related development catchments.

*This Policy seeks to achieve Objectives 12.8.35.2.1.4, 12.8.35.2.1.6*

Policy  
12.8.35.2.2.17

Predevelopment stormwater flows from the zone shall generally be retained.

*This Policy seeks to achieve Objectives 12.8.35.2.1.9*

Policy  
12.8.35.2.2.18

Water quality in the catchment will be maintained or enhanced by adopting a comprehensive approach to the management and treatment of stormwater consistent with the principles of the Silverdale South Integrated Catchment Management Plan.

*This Policy seeks to achieve Objectives 12.8.35.2.1.9*

Policy  
12.8.35.2.2.19

Existing streams identified on the Silverdale South Integrated Catchment Management Plan and their riparian margins shall be retained and enhanced to



#### Policy

12.8.35.2.2.20

contribute to the amenity of the area whilst providing a stormwater function.

*This Policy seeks to achieve Objectives 12.8.35.2.1.5, 12.8.35.2.1.9*

Bulk earthworks shall be designed and managed so that the outcomes are consistent with the Silverdale South Integrated Catchment Management Plan.

*This Policy seeks to achieve Objective 12.8.35.2.1.9*

**Note: Policies from the following chapters are also relevant:**

*Chapter 5 – Natural Hazards*

*Chapter 10 – Open Space and Recreation*

*Chapter 14 – Scheduled Activities*

*Chapter 17 – Cultural Heritage*

*Chapter 18 – Urban Land Modification and Vegetation Removal*

*Chapter 19 – Utilities*

*Chapter 20 – Hazardous Substances and Contaminated Sites*

*Chapter 21 – Transportation and Access*

*Chapter 23 – Subdivision and Servicing*

12.8.35.3

#### Zone Description

The Hibiscus Coast Gateway Zone is applied to approximately 41ha of land located between East Coast Road and the Motorway (SH 1). The land is bounded in the north by Hibiscus Coast Highway and in the south by the Special 26 (Hibiscus Coast Gateway Recreation and Entertainment) Zone. The site is located on the urban edge of the Hibiscus Coast and forms part of the 'gateway' to the region from State Highway 1 and East Coast Road. The Hibiscus Coast Gateway Zone will therefore provide for a new "front door" to the Hibiscus Coast. Objectives, policies and rules will assist in creating a well landscaped environment complemented by sensitive, high quality design of built elements. All development within the Zone will require careful management to assist in creating a high quality gateway to the Hibiscus Coast. Due to the location of the land directly adjacent to State Highway 1 and the Hibiscus Coast Busway Station the land is ideally suited to achieve a number of regional objectives relating to the integration of transport and landuse activities, as well as providing some additional land for complementary business and residential activities within an identified growth area. The provisions of the zone seek to achieve a high quality design outcome; within a visually strong vegetated framework.

Rule 12.8.35.4

#### Zone Wide Rules

#### Rule

12.8.35.4.1

#### Development Concept Plans

#### Rule

12.8.35.4.1.1

#### Development Controls

(a) Any resource consent shall either:

- (i) include a Development Concept Plan for the entire Special 35 (Hibiscus Coast Gateway) Zone in which the application site is located; or



- (ii) demonstrate that the activity applied for is in accordance with the most recent Development Concept Plan submitted as part of a prior application that has received consent.
- (b) A Development Concept Plan (DCP) for the entire Special 35 (Hibiscus Coast Gateway) Zone shall be prepared and submitted to Council with the first earthworks, land use, development or subdivision application.
- (c) Any application for subdivision, earthworks, land development and /or building works where a Development Concept Plan has not been submitted as part of a prior application that has obtained consent and there is no Development Concept Plan included as part of the current application, shall be a Non-complying Activity.
- (d) The DCP shall:
  - (i) Detail existing site boundaries;
  - (ii) Detail Policy Area Boundaries in accordance with the Outline Plan in Appendix 21;
  - (iii) Detail and identify the location of sites for Comprehensively Designed Development and provide detail of the subdivision and development controls to be applied to this form of development;
  - (iv) Identify areas for the subdivision of sites for the development of single household units and provide detail of the subdivision and development controls to be applied to this form of development;
  - (v) Provide an Integrated Transport Assessment (ITA), or updated ITA as appropriate, which addresses:
    - pedestrian and cycle connectivity,
    - street and intersection layout and design,
    - road connections,
    - possible public transport routes and integration with the Hibiscus Coast Busway Station, and
    - staging recommendations to ensure development is commensurate with planned internal and external improvements to transport infrastructure; including those outlined in Rule 12.8.35.4.2
    - the safe, effective and efficient operation of the transport network
    - confirms that the range, scale and forecast traffic generation of the stages of development is in line with the vehicle trip thresholds noted in Rule 12.8.35.4.2.
  - (vi) A feasibility study of the design and construction of the northern most intersection with East Coast Road. This should be based on a concept design showing proposed vertical and horizontal alignments, intersection layouts and proposed traffic control measures as well as pedestrian and cycle facilities. This concept would need to be based on the following:
    - LIDAR ground terrain information (contours)
    - A preliminary geotech (desk top) study
    - Stage 1 safety audit.



The feasibility study would need to demonstrate that the proposed concept is capable of meeting the appropriate AUSTROADS design standards and creates a road corridor environment that is compatible with the future envisaged land use and travel demand. It would ideally also demonstrate the requirement for, and availability of, any land to accommodate the concept design

- (vii) Provide a geotechnical assessment detailing land stability, bulk earthworks design and construction methodology, building platform design and requirements; roading layout and design requirements.
- (viii) The location and widths of all proposed streets, cycle and pedestrian routes including the Spine Road and other roads shown on the Outline Plan in Appendix 21 - Figure 1 to the Planning Maps;
- (ix) The location and dimensions of public reserves and open space networks in accordance with the Outline Plan in Appendix 21 - Figure 1 to the Planning Maps;
- (x) Detail of the proposed landscape concept for the Special 35 Zone, including street tree planting, open space areas and the Hibiscus Coast Gateway vegetated framework;
- (xi) Detail of how utility services will be supplied within the Special 35 Zone;
- (xii) Detail of a comprehensive design for managing stormwater within the Special 35 Zone, including a sediment management plan and provision for the protection of riparian areas;
- (xiii) Demonstration as to how the proposal integrates with surrounding development and zones, including how all sites within the Special 35 Zone will be provided with frontage to Painton Drive and Spine Road (the indicative road extending to the south west).
- (xiv) Details on measures proposed to manage reverse sensitivity and adverse amenity effects.

Note:

The Council shall use the Development Concept Plan to assess resource consent applications and will as necessary or appropriate require compliance with the Development Concept Plan through conditions of consent and / or consent notices.

Rule  
12.8.35.4.1.2

#### **Assessment Criteria – Development Concept Plan**

When considering any application that requires the provision of a Development Concept Plan, and any application that alters or amends the most recent Development Concept Plan, the Council will have regard to the Outline Plan in Appendix 21 - Figure 1, Rule 12.8.35.4.2 and the following assessment criteria:



- (a) The extent to which the Development Concept Plan is consistent with the Objectives and Policies of the Special 35 Zone and the Outline Plan in Appendix 21 – Figure 1.
- (b) The extent to which the layout proposed provides for housing densities in appropriate locations. This assessment will include consideration of whether higher density housing areas are located adjacent to open space or business areas to ensure that a sense of spaciousness is maintained and that development enhances the Gateway.
- (c) The extent to which the sites proposed for Comprehensively Designed Development have sufficient street frontage to allow household units to face the street with 'active frontage', have sufficiently large sites to enable the provision of tree planting, open space areas, car parking areas and amenity areas.
- (d) The extent to which the roading network is well connected.
- (e) The extent to which significant natural and heritage features are retained and incorporated into new development.
- (f) The extent to which significant views will be retained by the pattern of development and housing densities.
- (g) The extent to which the location proposed for non-residential activities will be compatible with the Gateway Concept to be implemented through the Special 35 Zone; and also other surrounding land uses.
- (h) The extent to which the bulk earthworks are designed so that earthworks to enable built development will be minimised and will not generate the need for unnecessary benching or retaining works.
- (i) The extent to which the development proposed is able to be serviced by existing wastewater infrastructure.
- (j) The extent to which effects on the safe, effective and efficient operation of the transport system are understood and managed including through the use of staging implementation tools as outlined in Rule 12.8.35.4.2 (Vehicle Movements in the PM Peak). This should include the extent to which the staging of land development, including the intensity of expected activities, is consistent with the traffic generation numbers referred to in Rule 12.8.35.4.2.
- (k) The extent to which services are designed to be provided in accordance with the Councils Standards for Engineering Design and Construction and Auckland Transport's Code of Practice (or any other relevant Codes of Practice)
- (l) The extent to which the management of stormwater flows is consistent with the Silverdale South Catchment Management Plan.
- (m) The extent to which the Development Concept Plan complies with the Hibiscus Coast Gateway Outline Plan in Appendix 21 - Figure 1 to the Planning Maps.



- (n) The extent to which a Sediment Management Plan (SMP) has been submitted for approval as part of the Development Concept Plan. The SMP should address the management of earthworks over the area, and may include techniques to reduce sediment discharge that exceed ARC Technical Publication 90 controls, monitoring of sediment ponds, a technical analysis of the extent of restrictions on winter earthworks necessary, overall management of earthworks and any future controls required for future subdivision and / or small site earthworks in the precinct.
- (o) The extent to which the Development Concept Plan provides for an appropriate mixture of site sizes and locations appropriate for the range of activities provided for in the zone.
- (p) The extent to which the visual impact of development will positively affect the visual amenity values of the area as a backdrop to the Hibiscus Coast gateway, and/or specifies with sufficient detail the proposed design, height, colour, materials, form and scale of the future buildings and associated development to ensure that built development achieves the outcomes sought for the zone.
- (q) The extent to which the Development Concept Plan provides appropriately for the protection of existing riparian vegetation.
- (r) The extent to which the Development Concept Plan provides appropriate connections between the Policy Areas, to all sites within the Special 35 Zone; to the Hibiscus Coast Busway Station and to the wider road network, residential and business environments.
- (s) The extent to which the Development Concept Plan provides for clusters of buildings in a vegetated framework.

*Rule*

12.8.35.4.2

**Development Controls – Vehicle Movements in the PM Peak (4 – 6pm weekdays)**

*Rule*

12.8.35.4.2.1

**Permitted Activity:**

- (a) Development of up to a maximum of 15% of the land area of the Gateway Business Policy Area and 15% of the Gateway Residential Policy Area within the Special 35 Zone.

**Note:**

*This standard is based on traffic analysis and modelling demonstrating that this level of development can occur without collectively generating more than 136 vehicle trips onto East Coast Road and the Hibiscus Coast Highway in any one hour of the PM Peak (4pm to 6pm week days) from the Special 35 Zone.*

- (b) Development of greater than 15% and up to a maximum of 25% of the land area of the Gateway Business Policy Area and greater than 15% and up to a maximum of 25% of the Gateway Residential Policy Area within the Special 35 Zone when the following transport requirements are met:
  - (i) The Road 1 connection to East Coast Road has been constructed and



connected to the "Spine Road" as (shown on Appendix 21); or will be constructed and connected to the "Spine Road" as part of a proposed development above 15%;

- (ii) Physical construction of the Hibiscus Coast Busway Station has commenced. If construction of the Hibiscus Coast Busway Station has not commenced by 30 June 2018 this requirement no longer applies.

Note:

*This standard is based on traffic analysis and modelling demonstrating that this level of development can occur without collectively generating more than 227 vehicle trips onto East Coast Road and the Hibiscus Coast Highway in any one hour of the PM Peak (4pm to 6pm week days) from the Special 35 Zone.*

*Hibiscus Coast Busway Station is a public transport interchange on land with legal title: Section 1 SO 469067.*

- (c) Development of greater than 25% and up to a maximum of 50% of the land area of the Gateway Business Policy Area and greater than 25% and up to 50% of the Gateway Residential Policy Area within the Special 35 Zone when the following transport requirements are met:

- (i) The transport network requirements in Rule 12.8.35.4.2.1 (b) are met, or will be met as part of the development; and

- (ii) The Road 2 connection has been constructed and connected to the "Spine Road" (as shown in Appendix 21); or will be constructed and connected to the "Spine Road" as part of a development above 25%; and

- (iii) A third eastbound exclusive through lane on the Hibiscus Coast Highway at the East Coast Road intersection has been provided, including:

- retaining the existing exclusive left-turn lane into Brian Smith Road (approximately 60m), and a downstream merge lane length of at least 200m; or
- an alternative form of mitigation is provided, or is to be provided as part of the development, and the alternative form of mitigation has been certified by Auckland Transport as achieving an equivalent or higher level of mitigation as the works otherwise required.

Note:

*This standard is based on traffic analysis and modelling demonstrating that subject to the above road network improvements greater than 227 vehicle trips in any one hour of the PM Peak (4pm to 6pm week days) but not more than 461 vehicle trips collectively onto East Coast Road and the Hibiscus Coast Highway in any one hour of the PM Peak (4pm to 6pm week days) from the Special 35 Zone is acceptable in terms of effects on the external road network.*

*The additional third eastbound lane should be designed to maximise efficiency with lane arrangements that seek to maximise lane utilisation. The purpose of the short exclusive left-turn lane into Brian Smith Road is to avoid left turn vehicles blocking through vehicles.*



(d) Development of over 50% of the land area of the Gateway Business Policy Area and 50% of the Gateway Residential Policy Area within the Special 35 Zone when the following transport requirements are met:

- (i) The transport network requirements of (b) and (c) (ii) above have been met; and
- (ii) That physical construction works of PENLINK between Weiti River and Whangaparaoa Road has commenced.

Note:

*This rule does not oblige the Council to fund or Auckland Transport to construct PENLINK in any particular timeframe.*

Rule

12.8.35.4.2.2

### **Restricted Discretionary Activity**

Any land use activity, other than temporary construction activity, in the Business Policy Area and / or the Residential Policy Area that does not meet Rule 12.8.35.4.2.1 (a) or (b) or (c) above, and which in combination with permitted and consented development within the Special 35 Zone:

- (a) Results in no more than 136 vehicles per hour in the PM peak ; or
- (b) Results in no more than 227 vehicles per hour in the PM peak, where the transport requirements of 12.8.35.4.2.1(b) are met; or
- (c) Results in no more than 461 vehicles per hour in the PM peak, where the transport requirements of 12.8.35.4.2.1(c) are met.

Rule

12.8.35.4.2.2.1

### **Matters for Discretion**

When considering an application that meets Rule 12.8.35.4.2.2 (a) or (b) or (c) above, the Council will have regard to the ITA required in Rule 12.8.35.4.1.1d(iv) as well as the Matters for Discretion and assessment criteria below:

- (a) Trip generation

Rule

12.8.35.4.2.2.2

### **Assessment Criteria**

- (a) Whether the proposed activity results in combined vehicle movements in the PM peak from the Special 35 Zone onto the Hibiscus Coast Highway and East Coast Road that are less than or equal to the specified vehicle movements per hour and meeting the transport requirements of either Rule 12.8.35.4.2.2 (a) or (b) or (c).
- (b) The effectiveness of any conditions proposed to ensure trip generation does not exceed the applicable pm peak vehicle movement limits in Rule 12.8.35.4.2.2.
- (c) Whether the traffic generated will adversely affect the safe and efficient operation of the external road network in the PM Peak to a level where the



effects are deemed unacceptable; including having regard to the cumulative effects of traffic from the Special 35 Zone accessing the external road network in the PM Peak.

- (d) The extent to which the proposal will generate traffic effects and whether or not those effects are able to be avoided, or mitigated by improvements to; or extension of the indicative road network, to ensure that any traffic effects are acceptable.

Rule  
12.8.35.4.2.3

#### **Discretionary Activity**

Any land use activity, other than temporary construction activity, in the Business Policy Area and / or the Residential Policy Area that does not comply with Rule 12.8.35.4.2.1 or Rule 12.8.35.4.2.2 above, is a Discretionary Activity.

Rule  
12.8.35.4.2.3.1

#### **Assessment Criteria**

Activities not complying with Rule 12.8.35.4.2.1 or 12.8.35.4.2.2 Vehicle movement in the PM Peak

Without limiting the exercise of its discretion, for Discretionary Activity resource consent applications the Council will have regard to the following assessment criteria, and those in 12.8.35.4.2, and any relevant Discretionary Activity Criteria in other chapters of this Plan, and the relevant matters set out in section 104 of the Act.

- (a) The extent to which the additional vehicle movements greater than those referred to as Permitted or Restricted Discretionary activities in Rule 12.8.35.4.2 generated by the proposed activity in the PM Peak will adversely affect the safe, effective and efficient functioning of the external road network in this locality having regard to the cumulative effects of traffic from the Special 35 Zone and whether any interim traffic effects arising from the extent to which the indicative road network is in place at the time of establishment of an activity.
- (b) The effectiveness of mitigation measures proposed to address any effects of the proposed activity on the external road network during the PM Peak.
- (c) The degree to which the effects of the additional vehicle movements greater than those referred to in Rule 12.8.35.4.2 onto the external road network in the PM Peak are able to be avoided or mitigated by conditions imposed on any resource consent.
- (d) The extent to which the timing and sequencing of transport system improvements that are certain to be implemented can provide appropriate mitigation of effects.
- (i) The extent to which traffic monitoring is implemented to provide up to date and accurate information supporting the existing vehicle movements in and out of the Special 35 Zone; and
- (ii) the effects of any additional movements identified in the monitoring above those anticipated by resource consent are able to be avoided or



mitigated by conditions imposed on any resource consent.

*Rule*

12.8.35.4.3

**Indicative Roads**

These rules apply to both the Gateway Business Policy Area and the Gateway Residential Policy Area.

- (a) Where an indicative road shown on the Planning Maps and the Outline Plan in Appendix 21 – Figure 1 traverses land that is the subject of an application for activities or development, the developer shall form the road over the land in accordance with the lines indicated on the Planning Maps and the Outline Plan subject to Rules in 23.8.13.1.
- (b) For the avoidance of doubt, Rules 23.8.13.1.2(a) and 23.8.13.1.2(b) shall apply except for the purposes of Rule 23.8.13.1.2:
  - (i) the alignment of those indicative roads specifically identified on the Outline Plan in Appendix 21 - Figure 1 may be varied by more than 20m.
  - (ii) the alignment of the indicative Spine road extending south west from Painton Road shown on the Planning Maps and the Outline Plan in Appendix 21 - Figure 1, shall not be moved westward or eastward away from the western boundary of Lot 1 DP 200971.
- (c) Connections to the existing road network shall occur at the Key Access Points shown on the Outline Plan in Appendix 21 – Figure 1.
- (d) New roads intersecting with East Coast Road shall be formed and vested so as to connect to the indicative Spine road extending south west from Painton Road shown on Planning Maps and the Outline Plan in Appendix 21 - Figure 1.
- (e) Non-compliance with Rule 12.8.35.4.3 is a Restricted Discretionary Activity. The Matters for Discretion and Assessment Criteria are set out in Chapter 23 – Subdivision and Servicing, Rule 23.8.13.1.6 and 23.8.13.1.7.

12.8.35.5

**Gateway Business Policy Area**

12.8.35.5.1

**Gateway Business Policy Area Objectives**

*Objective*

12.8.35.5.1.1

To enable a mix of business and employment activities without generating adverse effects on the function of existing local town centres as community focal points.

*Objective*

12.8.35.5.1.2

To provide opportunities to establish residential activity in the business area within the defined Work/Live policy overlay area.

12.8.35.5.2

**Gateway Business Policy Area Policies**



<i>Policy</i> 12.8.35.5.2.1	<p>Provide for a range of business activities complementary to the activities enabled in surrounding areas that will provide employment opportunities in close proximity to the Hibiscus Coast Busway Station and Silverdale Town Centre.</p> <p><i>This Policy seeks to achieve Objective 12.8.35.5.1.1</i></p>
<i>Policy</i> 12.8.35.5.2.2	<p>Retail activity in the Business Policy area is limited so as to not adversely affect the viability of the Silverdale Town Centre, and to assist in managing traffic effects on the external roading network.</p> <p><i>This Policy seeks to achieve Objective 12.8.35.5.1.1</i></p>
<i>Policy</i> 12.8.35.5.2.3	<p>Activities within the Business Policy Area shall be managed to ensure they do not generate adverse amenity effects relating to noise, odour, dust, glare or vibration at a level unacceptable for the surrounding environment.</p> <p><i>This Policy seeks to achieve Objective 12.8.35.2.1.10</i></p>
<i>Policy</i> 12.8.35.5.2.4	<p>The Work/Live area shall be designed to provide opportunities for business and residential activities to co-locate on the same site; to achieve a flexible, vibrant and diverse community; and reduce the need for commuting to and from working environments; and to support the Hibiscus Coast Busway Station. The Work/Live overlay prioritises the work component with residential activities ancillary to that activity.</p> <p><i>This Policy seeks to achieve Objective 12.8.35.5.1.2</i></p>
<i>Policy</i> 12.8.35.5.2.5	<p>The Business Interface Control shall provide for employment activities in buildings that have a strong and defined built and vegetative interface with State Highway 1 and Hibiscus Coastal Highway to reinforce the Gateway Concept and to provide a high quality urban environment.</p> <p><i>This Policy seeks to achieve Objectives 12.8.35.2.1.1, 12.8.35.2.1.5</i></p>
12.8.35.5.2	<p><b>Gateway Business Policy Area Description</b></p> <p>The purpose of the Business Policy Area is to provide for a range of business and employment activities to establish that will:</p> <ul style="list-style-type: none"><li>(a) support the residential, passenger transport; recreation and entertainment activities;</li><li>(b) provide employment opportunities for residents;</li><li>(c) utilise the benefits of the close proximity of the land to State Highway 1, the Hibiscus Coast Highway; and the Hibiscus Coast Busway Station and integrate with this infrastructure</li><li>(d) provide opportunities for people to live and work on the same site in</li></ul>



buildings specifically designed for that purpose;

- (e) ensure that reverse sensitivity effects are no more than minor.
- (f) ensure that business development adjoining State Highway 1 and Hibiscus Coast Highway achieves a quality built urban form within a vegetated framework.

The Work/Live overlay is part of the greater business policy area and as such seeks to prioritise the commercial function of the zone whilst allowing an ancillary residential component. Unlike Live/Work that provides for commercial activities ancillary to the residential function (often home office type activities) the Work/Live overlay can offer a much broader range of business activities as it is those activities that take precedence over the residential function.

*Rule*

12.8.35.5.4

#### **Activity Rules Gateway Business Policy Area**

All activities in the Gateway Business Policy Area shall comply with the following:

- (a) All Permitted Activities in Activity Table in Rule 12.8.35.5.4.1 shall comply with the Development Controls and Performance Standards in Rule 12.8.35.5.5 and any other relevant Rule in the District Plan.
- (b) All Controlled Activities in Activity Table in Rule 12.8.35.5.4.1 shall be assessed against the relevant criteria for Controlled Activities, Matters for Control and Assessment Criteria and shall comply with the Development Controls and Performance Standards in Rule 12.8.35.5.5 and any other relevant Rule in the District Plan.
- (c) All Restricted Discretionary Activities in Activity Table in Rule 12.8.35.5.4.1 shall be assessed against the relevant criteria for Restricted Discretionary Activities, Matters for Discretion and Assessment Criteria and shall comply with the Development Controls and Performance Standards in Rule 12.8.35.5.5 (except where the application is required for non-compliance with the Development Controls and Performance Standards) and any other relevant Rule in the District Plan.
- (d) All Discretionary Activities in Activity Table in Rule 12.8.35.5.4.1 shall be assessed against the criteria set out in Rule 12.8.35.5.8 Discretionary Activities: Assessment Criteria, any other relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters in section 104 and 104B of the Act.
- (e) All Non-complying Activities in Activity Tables in Rule 12.8.35.5.4.1 shall be assessed against the relevant matters in Section 104 and 104D of the Act.
- (f) Except as provided for by section 95A(4) of the Act, all Controlled Activities; and Restricted Discretionary Activities marked with #, will be considered without public notification or limited notification.
- (g) Any activity not listed in the Activity Tables in Rule 12.8.35.5.4.1 is a Non Complying Activity.



*Rule*  
12.8.35.5.4.1

**Activity Table**

In the following table:

<b>P</b>	<b>=</b>	<b>Permitted Activity</b>
<b>C</b>	<b>=</b>	<b>Controlled Activity</b>
<b>RD</b>	<b>=</b>	<b>Restricted Discretionary Activity</b>
<b>NC</b>	<b>=</b>	<b>Non-complying Activity</b>

Note: Words in Capitals are defined in Chapter 3 - Definitions



ACTIVITY	ACTIVITY STATUS
Additions to or alterations to buildings existing at 31 January 2015 that will not be inconsistent with the Outline Plan in Appendix 21 - Figure 1.	RD
Any Permitted or Restricted Discretionary Activity in this Table, that when combined with permitted and consented development within the Special 35 Zone, does not comply with the Vehicle Movement PM Peak Development Controls in Rule 12.8.35.4.2.1 but complies with Rule 12.8.35.4.2.2	RD
Any Permitted or Restricted Discretionary Activity in this Table that when combined with permitted and consented development within the Special 35 Zone, does not comply with the Vehicle Movement PM Peak Development Controls in Rule 12.8.35.4.2.1 or Rule 12.8.35.4.2.2.	D
Any Permitted or Restricted Discretionary Activity in this Table that does not comply with the Development Controls in Rule 12.8.35.5.5.	RD
Any activity not listed in the Activity Table	NC
The ERECTION, addition to or alteration of BUILDINGS and ACCESSORY BUILDINGS.	RD#
The demolition or removal of BUILDINGS <b>except</b> those protected by any Rule in this Plan.	P
Car parking areas ancillary to a Permitted or Restricted Discretionary Activity	C#
CHILDCARE FACILITIES for not more than 10 children at any one time.	P
CHILDCARE FACILITIES for more than 10 children at any one time.	RD
COMMERCIAL RECREATION	RD
Conference Centres (including ancillary restaurants)	D
DAIRIES	RD#
DRIVETHROUGH ACTIVITIES	RD



EDUCATIONAL FACILITIES	D
FARMING	P
HEALTH AND WELFARE SERVICES	RD
HOME OCCUPATIONS	P
HOSPITALS	D
HOUSEHOLD UNITS, on sites identified in approved Work/Live Units in the Work/Live Overlay.	P
INDUSTRY which does not involve: (i) discharges to air categories listed in Appendices 9A and 9B; (ii) any discharge to air which requires a resource consent from the Auckland Regional Council; (iii) outdoor storage; (iv) vehicle servicing and vehicle component and accessory fitting which is not ancillary to a permitted activity; and excluding DEPOTS.  (Note: this is an activity rule only and does not cover buildings associated with this activity)	RD
INDUSTRY which does not involve: (i) discharges to air categories listed in Appendices 9A and 9B; (ii) any discharge to air which requires a resource consent from the Auckland Regional Council; (iii) vehicle servicing and vehicle component and accessory fitting which is not ancillary to a permitted activity; but which involves outdoor storage.	D
WORK/LIVE UNITS in areas identified for this purpose on the Outline Plan in Appendix 21 Figure 1.	RD
OFFICES on sites identified for such activities on the most recent Development Concept Plan.	RD
OUTDOOR RECREATION or RESERVES	P
PLACES OF ASSEMBLY	RD#
RESTAURANTS	RD#



SERVICE STATIONS	D
SHOPS for the sale of goods ancillary to the main activity on the SITE provided that the retail sales area does not exceed 25% of the GROSS FLOOR AREA set aside for the activity, or 200m2, whichever is the lesser *	RD#
SHOPS for the sale of goods ancillary to the main activity on the SITE where the retail sales area exceeds 25% of the GROSS FLOOR AREA set aside for the activity, or 200m2.	D
SHOWROOMS  Note: This is an activity rule only and does not cover buildings associated with this activity	P
TAKEAWAY FOOD BAR  (Note: This is an activity rule only and does not cover buildings associated with this activity)	P
VISITOR ACCOMMODATION	D
District Wide Activities including SIGNS	Refer to <i>Chapter 16 - General Rules. Rule 16.16.2.7 Signs in the Special 26 Zone – Recreation and Entertainment Zone and the Special 35 (Hibiscus Coast Gateway) Zone Gateway Business Policy Area shall apply for the Gateway Business Policy Area.</i>
Urban Land Modification and Vegetation Removal	Refer to <i>Chapter 18 - Urban Land Modification and Vegetation Protection</i>
Transportation Activities	Refer to <i>Chapter 21 - Transportation and Access</i>
Use and storage of HAZARDOUS SUBSTANCES	Refer to <i>Chapter 20 - Hazardous Substances and Contaminated Sites</i>
UTILITIES	Refer to <i>Chapter 19 - Utilities</i>



## Rule 12.8.35.5.5

Rule  
12.8.35.5.5.1

Rule  
12.8.35.5.5.2

## Development Controls – Gateway Business Policy Area

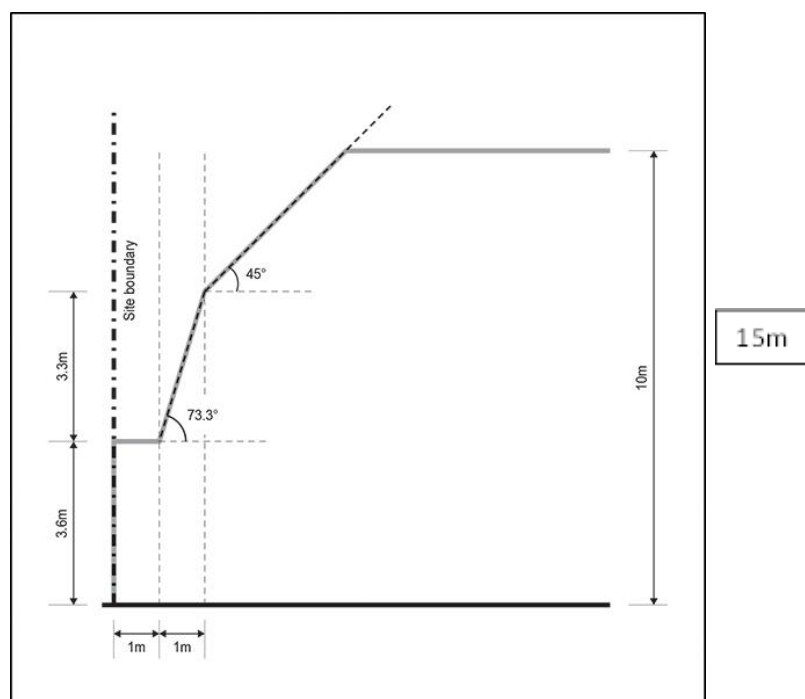
### Maximum Height

The maximum height of any building shall be 15 metres.

### Height in Relation to Boundary

- (a) Buildings shall not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings shall be set back one metre, and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m, and then one metre for every additional metre in height (45 degrees).

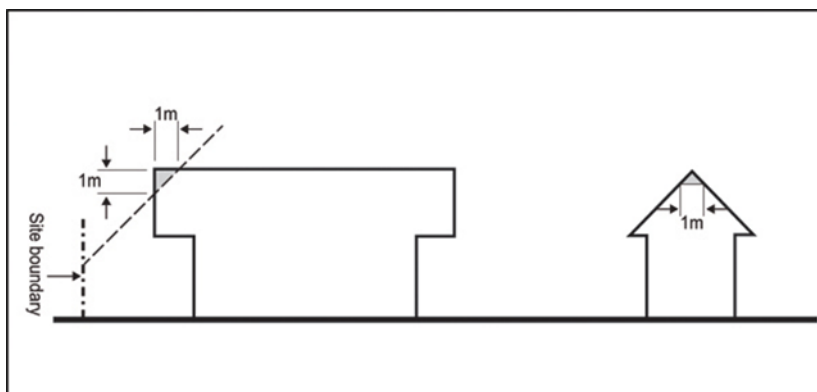
Figure 1: Height in relation to boundary



- (b) The exceptions to the permitted height in relation to boundary control illustrated in Figure 2 apply.



**Figure 2 Exceptions for gable ends and dormers**



- (c) No more than two gable end or dormer projections are allowed for every 6m length of site boundary.

**Explanation and Reasons**

*This rule is to enable the efficient use of the site by providing design flexibility at the upper floors of a household unit.*

**Rule**

12.8.35.5.5.3

**Building Coverage**

The maximum building coverage shall be 50%.

**Rule**

12.8.35.5.5.4

**Built Form Frontage Control**

- (a) Building Frontage Control (Appendix 21 – Figure 1 - green line)

This rule applies to sites identified as being subject to a Building Frontage Control in Appendix 21 - Figure 1.

- (i) At least part of the main pedestrian entrance to a building must be on or within 3m of the site frontage.
- (ii) verandahs or other cover along the full extent of the building frontage shall be provided. The verandah shall:
  - be related to its neighbours as to provide continuous pedestrian cover of the public footpath;
  - have a minimum clearance of 3 metres and a maximum clearance of 4.5 metres above the footpath immediately below;
  - have a minimum width of 2.5 metres and a maximum width of 3.5 metres;
  - be located no closer than 600 millimetres of the kerbline.

**Explanation and Reasons**

*This rule is to ensure that pedestrian entrances –*

- *are easily visible from the street*
- *are located sufficiently close to the street to reinforce pedestrian movement along the street*



- *provide convenient and direct access between the street and building for people of all ages and abilities.*

(b) Gateway Frontage Control (Appendix 21 – Figure 1 - red line)

This rule applies to sites identified as being subject to Frontage Control in Appendix 21 – Figure 1.

- (i) Front yards shall not be used for the storage of rubbish, materials, machinery or servicing.
- (ii) Buildings on sites subject to the Frontage Control shall not have blank facades.

**Explanation and Reasons**

*These rules seek to avoid blank walls facing State Highway 1 (the motorway) and the Hibiscus Coats Highway. It is acknowledged that typically it will be the rear of buildings that will front these roads as the main pedestrian and vehicle access will be from the internal road network.*

Rule  
12.8.35.5.5.5

**Glazing**

Glazing to Buildings on Sites with a Building Frontage Control

This rule applies to sites identified Appendix 21 - Figure 1 with a Building Frontage Control.

- (a) The ground floor of a building subject to Building Frontage Control overlay the ground floor of a building must have glazing for:
  - (i) at least 50 per cent of its facade, of which a minimum of 50% of the width of the ground floor (being floor to ceiling) facing the street, or streets;
  - (ii) at least 30 per cent of its width and 75 per cent of its height where it fronts a public open space which is on the side or rear boundary.
- (b) Where a publicly accessible through-site link is provided through a site or block as part of a development, the ground floor of those buildings with facades facing the through-site link must have clear glazing for at least 30 per cent of the length of the ground floor building facade that faces the through-site link and 75 per cent of its height.

**Explanation and Reasons**

*These rules seek to avoid blank walls at the ground floor to:*

- *create an attractive streetscape environment and enhance the amenity of streets and public open space*
- *provide a high degree of visibility between the street / public open space and the building interior and positively contribute to pedestrian amenity*
- *enable passive surveillance of the street from the ground floor of buildings.*

Rule  
12.8.35.5.5.6

**Yards**

All sites except for those identified as having a Frontage Control on Appendix 21 - Figure 1.



- (a) The minimum front yard shall be 2m except where sites are opposite Residential or Open Space land or Reserve the minimum yard shall be 7.5m
- (b) The minimum side yard shall be 3m for one yard and nil for the other;
- (c) The minimum rear yard shall be Nil, except for sites that adjoin the Work / Live Overlay the rear yard shall be 4m.

All sites identified as having a Frontage Control on Appendix 21 - Figure 1.

- (d) Front yard –  
Sites with Gateway Frontage Control- 5m minimum, Sites with Building Frontage Control, a maximum of 2m.
- (e) The minimum side yard shall be 3m for one yard and nil for the other;
- (f) The minimum rear yard shall be Nil, except for sites that adjoin the Work / Live Overlay the rear yard shall be 4m.

Rule  
12.8.35.5.5.7

#### Use of Yards

- (a) All yards shall be unoccupied and unobstructed by any buildings, parts of buildings, except that:
  - (i) eaves may overhang any yard by not more than 0.3 metres;
  - (ii) parking, access and manoeuvring areas may occur in those parts of yards not required for landscape planting in Rule 12.8.35.5.5.9.
- (b) Front yards shall not be used for the storage of materials.

Rule  
12.8.35.5.5.8

#### Landscaping

- (a) Yards, excluding land in a front yard required for vehicle crossings, shall include a strip planted with trees and shrubs of the following minimum widths:
  - (i) Front yard  
Nil — except where a yard setback is required under Rule 12.8.35.5.5.7 where the planted area shall be a minimum width of 2m.
  - (ii) Front yard on a front site opposite Residential, Open Space, or Reserves the planted area shall be an average width of 3m and a minimum width of 2m.
  - (iii) Side and rear yards adjoining Residential, Open Space Zones or Reserves the planted area shall be a minimum width of 3m
- (b) The planting in side and rear yards adjoining Residential, Open Space Zones or Reserves shall comprise plants of which 50% are capable of reaching a height of at least 3 metres.
- (c) For sites of at least 10 metres in width with road frontage, or frontage to an indicative road shown on the Planning Maps, and opposite Residential,



Open Space Zones or Reserves, the front yard planting:

- (i) shall include a minimum of one tree, plus one additional tree for every 10 metres of road frontage (eg. 10 metres frontage - 2 trees, 20 metres frontage - 3 trees, etc.);
- (ii) where three or more trees are required these trees shall not be planted more than 15 metres apart, or closer than 5 metres apart.
- (d) Any trees required by 12.8.35.5.5.9(c) shall be of a species capable of reaching a minimum height of not less than 8 metres and shall be not less than 1.5 metres high at the time of planting.
- (e) No security or other fence shall be constructed along the front boundary of, or within landscape planting required in a front yard.

Rule  
12.8.35.5.5.9

#### **Protection and Maintenance of Trees**

- (a) Any landscape planting required by these rules shall be maintained, and if diseased, or damaged, shall be repaired and if dead shall be replaced.
- (b) Any trees required under Rule 12.8.35.5.5.9(b) or (c) shall be located within a planting protection area around each tree, with a minimum dimension or diameter of 1.5 metres.
- (c) No more than 10% of any planting protection area shall be covered with impervious surfaces.
- (d) Planting protection areas and landscaping adjacent to a road boundary, access or manoeuvring area, or adjacent to a carparking area shall be provided with wheel stop barriers to prevent damage from vehicles. Such wheel stop barriers shall be located at least 1m from the trunk of any tree.

Rule  
12.8.35.5.5.10

#### **Roof Types**

All roofs shall be made of materials other than uncoated galvanized material.

#### ***Explanation and Reasons***

*The run-off from uncoated galvanised roofs has the potential to cause harm to eco-systems within streams and other receiving waters.*

Rule  
12.8.35.5.5.11

#### **Impervious Areas**

Maximum impervious area in the Gateway Business Policy Area - 80 per cent.

Rule  
12.8.35.5.5.12

#### **Security Doors / Grills**

Security door or grills on street facing ground floor facades must be:



- (a) located inside the building facade (i.e. behind glazing)
- (b) at least 75 per cent transparent.

**Explanation and Reasons**

*Integrating security devices (e.g. grills/roller doors) into the design of the building will:*

- *create an attractive streetscape environment and enhance the amenity of streets and public open space*
- *provide a high degree of visibility between the street / public open space and the building interior and contribute to pedestrian amenity and safety.*

Rule

12.8.35.5.5.13

**Vehicle Access to Activities and Sites**

No site or activity in the Gateway Business Policy Area shall have direct vehicle access to the Hibiscus Coast Highway. The only access to the Hibiscus Highway shall be via Painton Road shown in the Planning Maps and the Outline Plan in Appendix 21 - Figure 1.

**Explanation and Reasons**

*Direct access to the Hibiscus Coast Highway may have adverse effects on the operation of the highway and on the Silverdale Interchange and State Highway 1.*

Rule

12.8.35.5.5.14

**Work Live Overlay**

These rules are in addition to, or vary the Gateway Business Policy Area rules and apply to the Work Live Overlay shown in Appendix 21 - Figure 1. For the avoidance of doubt, if there is a conflict between the rules, the rules in this section take precedence in the Work Live Overlay.

Rule

12.8.35.5.5.14.1

**Height**

The maximum height of any building shall be 11.5 metres.

Rule

12.8.35.5.5.14.2

**Ancillary Residential Floor Area**

Ancillary Residential Gross Floor Area shall be a minimum size of 40m<sup>2</sup> and a maximum of 80m<sup>2</sup>; and shall only occur in addition to a business premise with a minimum GLA of 80m<sup>2</sup>.

**Explanation and Reasons**

*The primary function of the zone is business activity of various types compatible with an ancillary residential element. Ancillary Residential is defined as one unit per business established.*

Rule

12.8.35.5.5.14.3

**Outlook Space**

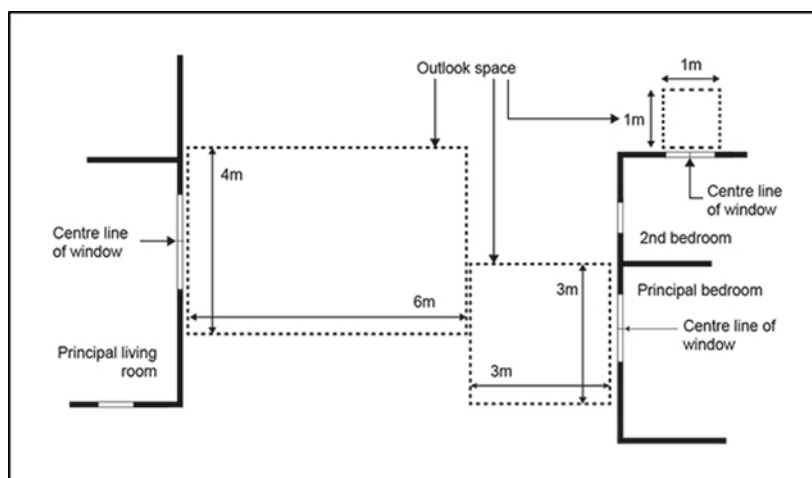
- (a) An external outlook space shall be provided from the external face of habitable rooms containing windows or balconies within a building of a habitable room. Where the room has two or more external faces with



windows or balconies the outlook space shall be provided from, in order of priority, the face with the largest balcony or largest area of glazing.

- (b) The minimum dimensions for a required outlook space are as follows:
  - (i) living room, dining room or kitchen: 6m in depth and 4m in width
  - (ii) bedrooms: 3m in depth and 3m in width
  - (iii) all other habitable rooms: 1m in depth and 1m in width.
- (c) The depth of the outlook space is measured at right angles to and horizontal from the window or outside edge of a balcony to which it applies.
- (d) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies or from the centre point of the largest balcony.
- (e) Outlook spaces may be within the site, over a public street, or other public open space.
- (f) Outlook spaces required from different rooms within the same household unit may overlap.
- (g) Outlook spaces shall:
  - (i) be clear and unobstructed by buildings or fences over 1.5m in height;
  - (ii) not extend over adjacent sites or overlap with outlook spaces required by another household unit.

**Figure 4: Required Outlook Space**



**Explanation and Reasons**

*These rules are to ensure a reasonable standard of visual and acoustic privacy between different household units, including their outdoor living space, on the same*



Rule  
12.8.35.5.5.14.4

or adjacent sites.

*They also encourage the placement of habitable room windows to the site frontage or to the rear of the site in preference to side boundaries, to maximise both passive surveillance of the street and privacy, and to avoid overlooking of neighbouring sites.*

#### **Yards**

- (a) The minimum rear yard shall be 4m if no residential activity occurs on the site.
- (b) The minimum rear yard shall be 6m for any residential activity that has ground floor habitable rooms and is directly related to the rear yard.
  - (i) Front yard - 1m. 50% of which shall be planted with shrubs.
  - (ii) Side and rear yards adjoining Residential, Open Space Zones or Reserves the planting shall be a minimum of 3m for 100% of boundary length.

Rule  
12.8.35.5.5.14.5

#### **Outdoor Living Space**

- (a) Where a household unit has the principal living room at ground level, part of the required outdoor living space must be able to contain a delineated area measuring at least 20m<sup>2</sup> that:
  - (i) has no dimension less than 4m
  - (ii) is directly accessible from the principal living room
  - (iii) has a gradient not exceeding 1 in 20.
  - (iv) is free of buildings, parking spaces, servicing and manoeuvring areas.
- (b) Where a household unit has the principal living room above ground level, part of the required outdoor living space must include a balcony or roof terrace that:
  - (i) is directly accessible from the principal living room
  - (ii) has a minimum area of 8m<sup>2</sup>
  - (iii) has a minimum depth of 2.4m.
- (c) Where an entire household unit is above ground level, it must have an outdoor living space in the form of a balcony or roof terrace that is at least 10m<sup>2</sup> and has a minimum depth of 2.4m.

#### **Explanation and Reasons**

*These rules provide household units with outdoor living space that is of a useable size and dimension for the type of household unit and accessible from the principal living room.*



Rule  
12.8.35.5.5.14.6

### **Pedestrian Access to Buildings**

- (a) All developments shall provide for legible separate pedestrian access to business and residential components. Examples include but may not be restricted to:-
- (i) Sales areas
  - (ii) Office areas
  - (iii) Residential
- (b) External pedestrian access shall be provided as a defined footpath of a minimum width of 1.5m.

#### ***Explanation and Reasons***

*These rules are to ensure that pedestrian access to the business or residential areas are –*

- *legible from the street*
- *are located sufficiently close to the street to reinforce pedestrian movement along the street*
- *provide convenient and direct access between the street and building for people of all ages and abilities.*

Rule  
12.8.35.5.5.15

### **Relevant Rules in Other Chapters of the Plan**

Relevant rules in other Chapters of the District Plan shall also be complied with:

*Chapter 5 - Natural Hazards*

*Chapter 16 - General Rules (including signs) Rule 16.16.2.6 Signs in the Special 26 Zone shall apply for the Gateway Business Policy Area.*

*Chapter 17 - Cultural Heritage*

*Chapter 18 - Urban Land Modification and Vegetation Protection*

*Chapter 19 - Utilities*

*Chapter 20 - Hazardous Substances and Contaminated sites*

*Chapter 21- Transportation and Access*

*Chapter 23 – Subdivision and Servicing*

Rule  
12.8.35.5.6

### **CONTROLLED ACTIVITIES: Matters for Control and Assessment Criteria**

In accordance with sections 77B(4) and 104C of the Act the Council will restrict its discretion to the matters listed against each specified activity when considering resource consent applications for Controlled Activities.

Rule  
12.8.35.5.6.1

### **Car parking areas ancillary to a Permitted or Restricted Discretionary Activity.**

Rule  
12.8.35.5.6.1.1

### **Matters for Control**



The Council reserves control over the following matters:

- (a) Compliance with the Outline Plan in Appendix 21 – Figure 1.
- (b) Design and external appearance;
- (c) Site Layout and development
- (d) Landscape elements
- (e) Servicing
- (f) The allocation and management of parking and associated signage and marking

In order to exercise its discretion the Council will require applicants to provide information addressing the matters set out in the Assessment Criteria including (but not limited to).

- (g) a detailed landscape plan (including earthworks, planting and fencing) and a site layout plan. The landscape plan shall detail the vegetated framework which shall be designed in a manner that contributes to the ecological, functional and aesthetic values of the site).

The vegetated framework shall integrate development through:

- modulating and visually breaking building mass;
- screening utility areas and carpark areas;
- enhancing the microclimate;
- establishing spatial boundaries;
- establishing a visual relationship to the wider landscape;
- contributing to the site legibility through reinforcing entranceways and delineating public and private areas;
- creating a visual buffer between incompatible activities;
- screening insensitive earthworks or retaining walls;

- (h) In order to exercise its discretion the Council will require applicants to provide information addressing the matters set out in the Assessment Criteria including (but not limited to).

*Rule*

12.8.35.5.6.1.2

#### **Assessment Criteria**

When assessing an application for this activity the Council will have regard to the following assessment criteria:

- (a) Whether the proposal is consistent with the Outline Plan in Appendix 21 – Figure 1 and the most recent Development Concept Plan.
- (b) Design and external appearance
  - (i) Whether the design and appearance of the car parking area and its visual impact will contribute to high levels of amenity within the Zone.
  - (ii) The use of high quality permanent materials and street furniture will



contribute towards high levels of amenity within the Zone.

(c) Site layout

- (i) Whether the site size and dimensions enable a strong vegetated framework to be accommodated, as set out in Rule 12.8.35.6.1.1 (g) to mitigate any potential adverse visual effects of car parking areas when viewed from any public road or open space.
- (ii) Whether the parking is screened and punctuated by landscaped areas and provides for safe pedestrian movement.

(d) Landscape elements

- (i) Whether the landscape design will create a strong vegetated framework, as set out in Rule 12.8.35.6.1.1 (g).
- (ii) Whether landscaping is proposed that will integrate the car parking areas with the site and surrounding area in such a way that it assists with the visual screening of car parking

(e) Adverse Effects

- (i) Whether the location, orientation and extent of carparking, access and manoeuvring areas are designed to protect the amenity values of nearby Residential or Open Space areas.

(f) Parking management

- (i) Whether parking areas are appropriately marked, signposted and managed to ensure safe and efficient traffic and pedestrian movement.

**Explanation and Reasons**

*Achieving the objectives of the Special 35 Zone requires giving careful consideration to the design and external appearance of parking areas and how they fit into the environment.*

Rule  
12.8.35.5.7

**RESTRICTED DISCRETIONARY ACTIVITIES: Matters for Discretion and Assessment Criteria**

In accordance with sections 77B(4) and 104C of the Act the Council will restrict its discretion to the matters listed against each specified activity when considering resource consent applications for Restricted Discretionary Activities.

*Note: For activities that do not comply with Rule 12.8.35.4.2.1, refer to Rules 12.8.35.4.2.2 and 12.8.35.4.2.3.*

Rule  
12.8.35.5.7.1

**Earthworks and the erection, addition to or alteration of buildings and accessory buildings for any Permitted, Controlled or Restricted Discretionary Activity and Earthworks on a site in the Gateway Business Policy Area**

Rule  
12.8.35.5.7.1.1

**Matters for Discretion**



The Council will restrict its discretion to the following matters:

- (a) Compliance with the Outline Plan in Appendix 21 - Figure 1 and approved development concept plan.
- (b) building design and external appearance
- (c) topography, site orientation and earthworks
- (d) design of landscaping
- (e) design of parking and access
- (f) infrastructure and servicing
- (g) interface with riparian areas and public access.

In order to exercise its discretion the Council will require applicants to provide the following:

- (a) Location plan illustrating how the site and proposed development complies with the approved DCP
- (b) Site plan
- (c) accurate elevations and plans of buildings,
- (d) a perspective sketch or photomontage showing the proposed building when viewed from State Highway 1. The viewpoints for the photomontage or sketch shall be agreed with the Manager, Resource Consents, Auckland Council.
- (e) Details of all external lighting
- (f) A detailed landscape plan including earthworks, hardworks, planting and fencing. The landscape plan shall detail the vegetated framework which shall be designed in a manner that contributes to the ecological, functional and aesthetic values of the site.
- (g) Proposed earthworks plan, illustrating existing and proposed levels, cut and fill areas, any retaining walls, road long and cross sections.
- (h) Proposed sewer and stormwater reticulation and systems.

The vegetated framework shall integrate development through:

- modulating and visually interrupt building mass;
- screening utility areas and large carpark areas;
- establishing spatial boundaries;
- establishing a visual relationship to the wider landscape;
- contributing to the site legibility through reinforcing entranceways and delineating public and private areas;
- creating a visual buffer between incompatible activities;
- screening insensitive earthworks or retaining walls;
- creating a coherency within the site and to the wider landscape context.



Rule  
12.8.35.5.7.1.2

### Assessment Criteria

When assessing an application for this activity the Council will have regard to the following assessment criteria:

- (a) The extent to which the proposal is consistent with the Outline Plan in Appendix 21 - Figure 1 and complies with the most recent DCP.
- (b) The extent to which the proposal is consistent with the Outline Plan in Appendix 21 - Figure 1 and complies with the most recent DCP.
- (c) Design and external appearance of buildings
  - (i) Whether the design, scale and orientation of the building, and any related earthworks are appropriate for the site; character and amenity outcomes sought for the Policy Area, and whether the building presents an attractive facade, avoiding the use of blank walls, to State Highway 1 or the Hibiscus Coast Highway and to streets.

#### *Sense of place*

- (ii) The design and location of buildings should contribute to the local streetscape and sense of place by responding to the planned future form and character of the surrounding area.
- (iii) The silhouette of the buildings as viewed from surrounding areas should positively contribute to the skyline and provide an attractive edge to the wider zone and urban environment.

#### *Creating a positive frontage*

- (iv) Buildings should have clearly defined public frontages that address the street and public open spaces to positively contribute to the public realm and pedestrian safety.
- (v) Pedestrian entrances to businesses should front the street; be clearly identifiable and be conveniently accessible from the street.
- (vi) Separate pedestrian entrances that are clearly visible from the street should be provided for residential use.
- (vii) The extent to which internal space at all levels within buildings maximises outlook onto streets and public open spaces.
- (viii) Whether servicing elements are avoided on building facades unless integrated into the facade design such as waste water pipes, air conditioning units and pipework.
- (ix) Whether the façade of buildings subject to Frontage Control facing the Hibiscus Coast Highway or State Highway 1 has strong architectural form and a high quality visual appearance suitable for its Gateway location.



(x) The extent of glazing utilized in the façade of buildings that are subject to Frontage Control and that face either the Hibiscus Coast Highway or State Highway 1.

(xi) Whether buildings subject to Frontage Control are setback behind vegetation planted to achieve the vegetated framework that is a key feature of the Gateway.

*Visual interest and variation in building form*

(xii) Buildings should be designed to:

- avoid long, uninteresting frontages and excessive bulk and scale when viewed from streets and public open spaces
- differentiate the ground level from upper levels and the roof
- Techniques to achieve this include the use of recesses, variation in building height and roof form, horizontal and vertical rhythms and facade modulation and articulation, materials, colour, ratio of glazing to solid walls.
- Colour variation and landscaping, without the use of other design techniques, should not be used to mitigate a lack of building articulation or design quality.

(xiii) Where the proposed development is an extension or alteration to an existing building, it should be designed with consideration to the architecture of the original building and respond positively to the visual amenity of the surrounding area.

(xiv) Side or rear walls without windows or access points should be used as an opportunity to introduce creative architectural solutions that provide interest in the façade including modulation, relief or surface detailing.

(xv) Roof profiles should be designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and the surrounding area. This includes integrating plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design.

(xvi) For residential development:

- the unrelieved repetition of the same architectural design of more than 5 units should be avoided.
- balconies should be designed as an integral part of the building. A predominance of cantilevered balconies should be avoided.

*Signage*

(xvii) Where provided, signage should be designed as an integrated part of the building façade and shall not be the dominant element.

*Residential activities in the Work/live overlay*

(xviii) Site layout and building design shall minimise potentially adverse reverse sensitivity effects (such as noise, odour and dust) of business



activities on adjacent residential land uses.

- (xix) Site layout and building design should ensure that positive and compatible environments are created for both the residential and the work activities proposed.

*Lighting*

- (xx) Whether the proposed lighting on site and / or buildings has been designed to avoid or minimise glare and light overspill to ensure that adverse effects of lighting on traffic safety and is no more than minor.

(d) Development Layout

- (i) Whether the development layout is designed in such a way as to mitigate any potential adverse effects of car parking, storage areas and outdoor activities and provides for legible and safe access for pedestrians.

(e) Landscape elements

- (i) Whether the landscape design will contribute to a strong vegetated framework, as set out in Rule 12.8.35.7.1.1.
- (ii) Whether landscaping is proposed to maintain or enhance the overall cohesiveness of the urban landscape for the Business Policy area.
- (iii) Where practicable retain mature vegetation and large trees on site. Retention of mature trees is particularly encouraged where their size, location or species makes a significant contribution to the streetscape or where they could be logically incorporated to enhance on-site amenity.

The vegetated framework shall integrate development through:

- modulating and visually interrupt building mass;
- screening utility areas and large carpark areas;
- establishing spatial boundaries;
- establishing a visual relationship to the wider landscape;
- contributing to the site legibility through reinforcing entranceways and delineating public and private areas;
- creating a visual buffer between incompatible activities;
- screening insensitive earthworks or retaining walls;
- creating a coherency within the site and to the wider landscape context.

(f) Stormwater

- (i) Whether structures are outside of the flood plain areas.
- (ii) Whether low impact design solutions are used.

(g) Parking



- (i) Parking areas should be designed as an integrated component of the development. Layout, landscape planting and hard surface specification shall be designed to achieve a high amenity environment with consistent landscape themes integrating development with the surrounding area.
- (ii) Vehicle crossings and access ways should be designed to reduce vehicle speed, be visually attractive and clearly signal to both vehicles and pedestrians the presence of a crossing or access way.
- (iii) Surface parking should be visually interrupted with plants, including tree planting. As a guide, one tree should be planted every sixth parking bay.
- (iv) Pedestrian access between parking areas, building entrances/lobbies and the street should provide equal physical access for people of all ages and physical abilities and provide a high level of pedestrian safety.
- (v) Separate vehicle and pedestrian access should be provided within parking areas, and between parking areas, buildings and the street. Shared pedestrian and vehicle access may be appropriate where a lane or street is proposed within a development site. The shared access should prioritise pedestrian movement.
- (vi) Where ramps are necessary they should be minimal in length and integrated into the design of the building.

(h) Servicing

Provision should be made for on-site rubbish storage and sorting of recyclable materials that:

- is a sufficient size to accommodate the rubbish generated by the proposed activity
- is accessible for rubbish collection.

Where it is not possible to locate the storage area within the building, is located in an area not visible from the street or public open spaces.

***Explanation and Reasons***

*Achieving the objectives of the Special 35 Zone requires giving careful consideration to the design and external appearance of buildings and how they fit into the environment.*



Rule  
12.8.35.5.7.2

**Commercial Recreation, Childcare Facilities, Health and Welfare Services, Hospitals, Industry, Offices, Places of Assembly, Restaurants, Shops, Visitor Accommodation (in addition to the matters set out for buildings in Rule 12.8.35.5.6.1 and in addition to the matters set out for trip generation in Rule 12.8.35.4.2.1 – PM Peak)**

Rule  
12.8.35.5.7.2.1

#### **Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Compliance with the Outline Plan in Appendix 21 - Figure 1 and the most recent DCP
- (b) Design and Location
- (c) Amenity
- (d) Transportation

In order to exercise its discretion the Council will require applicants to provide information addressing the matters set out in the Assessment Criteria including (but not limited to):

- (e) A traffic assessment and management plan, or where appropriate an Integrated Transport Assessment outlining the traffic likely to be generated by the activity, the effects of this on the transport network and traffic and traffic demand management measures proposed to be put in place to mitigate or manage any adverse traffic effects.

12.8.35.5.7.2.1

#### **Assessment Criteria**

When considering an application the Council will have regard to the following criteria:

- (a) The extent to which the proposal complies with the most recent DCP, and whether any non-compliance with the DCP is appropriate in terms of the effects of the proposal on the environment in relation to urban design matters, traffic, and amenity effects.
- (b) Whether the location and scale of proposed activities is suitable in the existing or proposed context as identified in the most recent DCP. This could be achieved by:
  - (i) Offices located towards the State Highway 1 and Hibiscus Coast Highway
  - (ii) Restaurants/cafes/shops located adjacent to the Hibiscus Coast Busway Station, focusing on Painton Road and Small Road
  - (iii) Childcare/places of assembly/ hospitals/health and welfare services located where they can benefit from areas of higher landscape amenity



such as any stormwater management area or reserve.

(c) Whether the scale and location of activities is designed to ensure adverse amenity effects with respect to neighbouring residential areas are acceptable Whether the proposal provides for the safe movements of pedestrians using the facilities as well as those passing by and moving between sites.

(d) Traffic and Transport Effects:

- (i) Whether the traffic generated will adversely affect the safe and efficient operation of the external road network including having regard to the cumulative effects of traffic from the Special 35 Zone whether any interim traffic effects arise from the extent to which the indicative road network is in place at the time of establishment of an activity.
- (ii) Whether there is sufficient space on site for queuing, parking and manoeuvring of vehicles using the site.
- (iii) Whether the location and width of entry and exit points to the site, and on-site parking areas, will have an adverse effect on the amenity values of adjoining sites.
- (iv) The extent to which the proposal includes travel demand measures, as appropriate, that optimise the use of modes such as shared parking arrangements, cycling, walking and carpooling in order to reduce the use of single purpose/occupant vehicle trips.
- (v) Whether the proposal is designed to provide for the safe movement of pedestrians using the facilities as well as those passing by and moving between sites.
- (vi) Whether adequate cycle facilities are provided on site and located to encourage cycle use having regard to anticipated levels of demand.
- (vii) Whether the parking areas provided are managed, marked, and signposted so as to give effect to the criteria above and the recommendation contained within any submitted traffic assessment and management plan or ITA.
- (viii) Where there is a parking shortfall whether the proposal includes provisions for the ongoing monitoring of parking supply and demand and the effectiveness of any travel demand measures. For the avoidance of doubt this may entail the imposition of review conditions.

**Explanation and Reasons**

*Achieving the objectives of the Special 35 Zone requires giving careful consideration to how activities fit within the overall Outline Plan and the potential adverse traffic and transport effects.*

Rule  
12.8.35.5.7.4

**Any Permitted or Restricted Discretionary Activity in Activity Table that does not comply with Rule 12.8.35.5.5.1 Height or Rule 12.8.35.5.5.2 Height in Relation to Boundary.**

Rule  
12.8.35.5.7.4.1

**Circumstances**

Any

Rule  
12.8.35.5.7.4.2

**Matters for Discretion**



Rule  
12.8.35.5.7.4.3

The Council will restrict its discretion to the following matters:

- (a) Scale, siting and design of buildings.

#### **Assessment Criteria**

When considering an application the Council will have regard to the following criteria:

- (a) The assessment criteria in Rule 12.8.35.5.6.1.
- (b) Whether the proposed yard reduction, and the scale and design of the buildings adversely affect the amenity values and visual character of adjacent sites or streetscape
- (c) Whether landscaping requirements are able to be met with the yard reduction.
- (d) Whether the yard reduction will have an adverse effect on the access of direct sunlight and daylight to adjoining sites.
- (e) Whether the yard reduction will have an adverse effect on site access or providing services to the site.
- (f) Whether the yard reduction will have any adverse effects on stormwater disposal.
- (g) Whether the yard reduction contributes to a continuous building edge to the street frontage.

#### **Explanation and Reasons**

*Increasing the height of buildings beyond the permitted level could have an adverse effect on the admission of direct sunlight and daylight to adjoining sites, on the amenity values of the area and on the visual character of adjacent sites. It could also affect wind movement and create an unpleasant environment at street level. There may be some location where additional height could have a positive effect on the character of the area. Conditions placed on the design of buildings could avoid, remedy or mitigate such adverse effects.*

Rule  
12.8.35.5.7.5

**Any Permitted or Restricted Discretionary Activity in Activity Table 12.8.35.5.4.1 that does not comply with Rule 12.8.35.5.5.9 Landscaping.**

Rule  
12.8.35.5.7.5.1

#### **Circumstances**

Any

Rule  
12.8.35.5.7.5.2

#### **Matters for Discretion**

The Council will restrict its discretion to the following matters:



*Rule*

12.8.35.5.7.5.3

- (a) The nature, type area and dimensions of landscaping provided, including any earthworks proposed as a component of the landscaping

**Assessment Criteria**

When considering an application the Council will have regard to the following criteria:

- (a) The assessment criteria in Rule 12.8.35.5.6.1.
- (b) Whether the proposed landscaping reduction will adversely affect the visual amenity values and visual character of adjacent sites.
- (c) Whether the proposed landscape reduction will adversely affect the amenity of the site and surrounding sites.
- (d) Whether the provision of public open space or the provision of landscaping in common with one or more adjoining sites achieves a similar level of landscaping as a complying situation.
- (e) Whether the proposed reduction in landscaping is offset by other proposals to ensure there is no diminution of amenity values or the overall requirement to create a vegetated framework within which built development is sited in the Special 35 Zone.

*Rule*

12.8.35.5.7.6

**Activities that do not comply with Rule 12.8.35.5 5.11 Roof types**

When considering an application the Council will have regard to the following criteria:

- (f) The assessment criteria in Rule 12.8.35.5.6.1.
- (g) Whether the proposed landscaping reduction will adversely affect the visual amenity values and visual character of adjacent sites.
- (h) Whether the proposed landscape reduction will adversely affect the amenity of the site and surrounding sites.
- (i) Whether the provision of public open space or the provision of landscaping in common with one or more adjoining sites achieves a similar level of landscaping as a complying situation.
- (j) Whether the proposed reduction in landscaping is offset by other proposals to ensure there is no diminution of amenity values or the overall requirement to create a vegetated framework within which built development is sited in the Special 35 Zone.

*Rule*

12.8.35.5.7.6.1

**Circumstances**

Any



Rule  
12.8.35.5.7.6.2

#### **Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) The effects of water runoff on the stormwater disposal system and receiving waters.
- (b) The nature of any roofing material.

Rule  
12.8.35.5.7.6.3

#### **Assessment Criteria**

When considering an application the Council will have regard to the following criteria:

- (a) Whether treatment of stormwater is provided on site to remove adverse effects on receiving waters.

Rule  
12.8.35.5.7.7

**Any Permitted or Restricted Discretionary Activity in Activity Table 12.8.35.5.4.1 that does not comply with Rule 12.8.35.5.5.13 Vehicle Access to Activities and Sites**

Rule  
12.8.35.5.7.7.1

#### **Circumstances**

Any

Rule  
12.8.35.5.7.7.2

#### **Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Traffic effects

Rule  
12.8.35.5.7.7.3

#### **Assessment Criteria**

When considering an application the Council will have regard to the following criteria:

- (a) Whether it is consistent with the most recent DCP
- (b) Whether the access will adversely affect the safe and efficient operation of the Hibiscus Coast Highway; the Silverdale Interchange; State Highway 1 or the new road shown in the Planning Maps and the Outline Plan in Appendix 21 - Figure 1.



Rule  
12.8.35.5.7.8

**Any Permitted or Restricted Discretionary Activity in Activity Table 12.8.35.5.4.1 that does not comply with Rule 12.8.35.5.5. Work Live Overlay Rules**

Rule  
12.8.35.5.7.8.1

#### **Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) For Rule 12.8.35.5.5.15.1 Height, see the matters in Rule 12.8.35.5.7.3.2.
- (b) For Rule 12.8.35.5.5.15.3 Yards see the matters in Rule 12.8.35.5.7.4 2.
- (c) For Rule 12.8.35.5.5.15.4 Outdoor Living Space see the matters in Rule 12.8.35.6.6.3.2.2.
- (d) For Rule 12.8.35.5.5.2 Ancillary Residential Floor Area:
  - (i) Scale of building
- (e) For Rule 12.8.35.5.5.15.5 Pedestrian Access to Buildings:
  - (i) Building design and external appearance.

Rule  
12.8.35.5.7.8.2

#### **Assessment Criteria**

When considering an application the Council will have regard to the following criteria:

- (a) For Rule 12.8.35.5.5.15.1 Height, see the criteria in Rule 12.8.35.5.7.3.3.
- (b) For Rule 12.8.35.5.5.15.3 Yards see the criteria in Rule 12.8.35.5.7.4 3.
- (c) For Rule 12.8.35.5.5.15.4 Outdoor Living Space see the criteria in Rule 12.8.35.6.6.3.2.2.
- (d) For Rule 12.8.35.5.5.2 Ancillary Residential Floor Area:
  - (i) Whether the floor area is of a scale and location suitable for residential living purposes and whether the residential component is ancillary to the work component.
- (e) For Rule 12.8.35.5.5.15.5 Pedestrian Access to Buildings:
  - (i) Whether the pedestrian movement and access is compromised.
  - (ii) Whether the location of the access is safe and appropriate having regard to CPTED principles.
  - (iii) Whether the access is suitably differentiated and legible with respect to access to adjoining, or neighbouring business premises.



Rule  
12.8.35.5.8

### **Discretionary Activities Assessment Criteria**

#### **Assessment Criteria**

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications:

- (a) the Council will have regard to the assessment criteria in sections 12.8.35.4.2 and 12.8.35.5.6; and
- (b) the specific criteria in 12.8.35.5.8.1.
- (c) any relevant Discretionary Activity Criteria in other chapters of this Plan, and
- (d) the relevant matters set out in section 104 of the Act.
- (e) All assessment criteria are applicable and provide guidance.

Rule  
12.8.35.5.8.1

#### **Assessment Criteria**

Shops for the sale of goods ancillary to the main activity on the site where the retail sales area exceeds 25% of the gross floor area set aside for the activity, or 200m<sup>2</sup>.

Without limiting the exercise of its discretion, for Discretionary Activity resource consent applications the Council will have regard to the following assessment criteria in 12.8.35.4.2, 12.8.35.5.6 and 12.8.35.5.7 and any relevant Discretionary Activity Criteria in other chapters of this Plan, and the relevant matters set out in section 104 of the Act.

- (a) Whether the activity will attract large numbers of people who would not already be visiting the Policy Area.
- (b) Whether the activity would generate adverse effects which would compromise the function and amenity values of existing local town centre business areas which act as community focal points.

Rule  
12.8.35.5.9

### **Subdivision Gateway Business Policy Area**

Rule  
12.8.35.5.9.1

#### **Subdivision Activities**

- (a) Development and subdivision within the Business Policy Area shall comply with the layout shown on the Outline Plan in Appendix 21 - Figure 1 and the most recent DCP.
- (b) The subdivision of land shall comply with the Development Controls in



	Rule 12.8.35 5.9.2 and the relevant rules in Chapter 23 – Subdivision and Servicing.
	(c) Any subdivision not complying with the Development Controls in Rule 12.8.35.5.9.2 shall be a Discretionary Activity
Rule 12.8.35.5.9.2	<b>Subdivision Standards</b>
Rule 12.8.35.5.9.2.1	<b>Site Size</b>  The minimum site size is as defined in the most recent DCP.
Rule 12.8.35.5.9.2.2	<b>Site Frontage</b>  The minimum widths of site frontage are as defined in the most recent DCP.  <b><i>Explanation and Reasons</i></b> <i>(Rules 12.8.35.5.9.2.1 and 12.8.35.5.9.2.2)</i> <i>It is desirable to ensure that sites are created which are of sufficient dimensions and scale to accommodate most activities' needs, including parking, loading and manoeuvring areas, as well as buildings. The creation of, for example, long narrow sites, can result in parking on streets and reversing onto the road and not allow enough room for landscaping.</i>
Rule 12.8.35.5.9.2.3	<b>Shape Factor</b>  Front, corner and rear sites in the Gateway Business Policy Area shall be of such a shape as to contain a rectangle having an area equal to half the area of the site and having the longer side not greater than twice the length of the shorter side.
Rule 12.8.35.5.9.3	<b>Restricted Discretionary Activities (Subdivision) Matters for Discretion and Assessment Criteria</b>  In accordance with sections 77B(4) and 104C of the Act the Council will restrict its discretion to the matters listed in addition to the matters set out in Chapter 23 - Subdivision and Servicing when considering resource consent applications for the subdivision of land.
Rule 12.8.35.5.9.3.1	<b>Matters for Discretion</b>  The Council will restrict its discretion to the following matters:  (a) Compliance with the most recent DCP  (b) Site Layout and Development  (c) Roading Construction and Layout



(d) Earthworks

(e) Landscape Elements

(f) Servicing

(g) Staging

In order to exercise control over these matters the Council will require applicants to provide:

(h) appropriate plans showing the proposed staging of the subdivision

(i) sufficient engineering and other plans to allow the Council to check the consistency of the application against the development controls and the rules in Chapter 23 – Subdivision and Servicing

## 12.8.35.6

## Gateway Residential Policy Area

### 12.8.35.6.1

#### Objective

#### 12.8.35.6.1.1

### Gateway Residential Policy Area Objectives

To achieve a living environment with a high level of urban amenity encouraging social interaction within a landscaped environment that creates a vegetated framework for urban development; close to employment opportunities, recreation opportunities, schools, Silverdale Town Centre and public transport.

#### Objective

#### 12.8.35.6.1.2

To provide for a variety of housing types, densities and site sizes in the Hibiscus Coast Gateway Residential Policy Area delivering an average net density of 25-30 household units per hectare.

### 12.8.35.6.2

### Gateway Residential Policy Area Policies

#### Policy

#### 12.8.35.6.2.1

To the extent practicable residential development shall achieve an average net density of 25-30 household units per hectare.

*This Policy seeks to achieve Objective 12.8.35.6.1.2*

#### Policy

#### 12.8.35.6.2.2

Create a compact built form on the more gentle slopes with open space retained, and locate less dense development on the steepest slopes that are less suitable for residential development.

*This Policy seeks to achieve Objective 12.8.35.6.1.1*

#### Policy

#### 12.8.35.6.2.3

An inter connected network of public streets and pedestrian walkways shall be provided. The use of cul de sacs in layout design shall be discouraged.

*This Policy seeks to achieve Objectives 12.8.35.6.1.1, 12.8.35.6.1.3*



*Policy*

12.8.35.6.2.4

Buildings within the Policy Area shall be sited and designed to avoid adverse effects on landscape and amenity values, having particular regard to:

- (a) Protection of the topographical form of the East Coast Road ridgeline, either through retaining its existing form, or with the location of sensitive planting and/or buildings.
- (b) The construction of well-designed and appropriately proportioned buildings that address public spaces.
- (c) Requiring the establishment of trees that will achieve a height that will ensure that buildings are viewed as sitting within a vegetated framework.

*This Policy seeks to achieve Objectives 12.8.35.2.1, 12.8.35.2.3, 12.8.35.2.5, 12.8.35.6.1.1*

*Policy*

12.8.35.6.2.5

A Development Concept Plan will be required prior to subdivision or landuse consent. This plan shall identify density targets, any staging required, road and open space networks; stormwater management areas, and servicing.

*This Policy seeks to achieve Objective 12.8.35.6.1.2*

*Policy*

12.8.35.6.2.6

Higher intensity development should locate around activity centres (e.g. shops and parks), and places of high amenity value. Such development shall be designed in a way that it helps define the street edge, providing opportunities for informal surveillance, particularly to areas of open space.

*This Policy seeks to achieve Objectives 12.8.35.6.1.1, 12.8.35.6.1.3*

*Policy*

12.8.35.6.2.7

Residential activities shall be designed to avoid, remedy or mitigate reverse sensitivity impacts between land uses.

*This Policy seeks to achieve Objectives 12.8.35.2.10, 12.8.35.6.1.1*

12.8.35.6.3

**Gateway Residential Policy Area Description**

The Gateway Residential Policy Area provides for the development of a compact neighborhood comprising a variety of housing types and site sizes. An average density of 25-30 household units per hectare is expected. The Residential Policy Area seeks to create an environment where there are both living and working opportunities in close proximity to the Hibiscus Coast Busway Station. The scale and nature of other non-residential activities within the Policy Area is limited to ensure that reverse sensitivity effects on residents will be minor.

The Gateway Residential Policy Area forms part of the backdrop to the Hibiscus Coast Gateway and as such built development will be constructed to a high standard of architectural design, including requirements for landscaping, street tree planting and open space areas.

The key outcomes for the Policy Area are:



- (a) A compact urban form within a vegetated framework to create park like open spaces
- (b) Comprehensively designed subdivision and development
- (c) An appropriately landscaped environment
- (d) Roads which serve as greenways as well as transport functions;
- (e) Opportunities for working from home;
- (f) Provision for higher intensities of residential development in appropriate places;
- (g) Provision for small scale non-residential activities which support function of the residential policy area.

Rule  
12.8.35.6.4

#### **Activity Rules Gateway Residential Policy Area**

All activities in the Gateway Residential Policy Area shall comply with the following:

- (a) All Permitted Activities in Activity Tables in Rule 12.8.35.6.4.1 shall comply with the Development Controls and Performance Standards in Rule 12.8.35.10 and any other relevant Rule in the District Plan.
- (b) All Controlled Activities in Activity Tables in Rule 12.8.35.6.4.1 shall be assessed against the relevant criteria for Controlled Activities, Matters for Control and Assessment Criteria and shall comply with the Development Controls and Performance Standards in Rule 12.8.35.6.5 and any other relevant Rule in the District Plan.
- (c) All Restricted Discretionary Activities in Activity Tables in Rule 12.8.35.6.4.1 shall be assessed against the relevant criteria for Restricted Discretionary Activities, Matters for Discretion and Assessment Criteria and shall comply with the Development Controls and Performance Standards in Rule 12.8.35.6.5 (except where the application is required for non-compliance with the Development Controls and Performance Standards) and any other relevant Rule in the District Plan.
- (d) All Discretionary Activities in Activity Tables in Rule 12.8.35.6.4.1 shall be assessed against the criteria set out in Rule 12.8.35.6.7 Discretionary Activities: Assessment Criteria, any other relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters in section 104 and 104B of the Act.
- (e) All Non-complying Activities in Activity Tables in Rule 12.8.35.6.4.1 shall be assessed against the relevant matters in Section 104 and 104D of the Act.
- (f) Except as provided for by section 95A(4) of the Act, all Controlled Activities; and Restricted Discretionary Activities marked with #, will be considered without public notification or limited notification.



Rule  
12.8.35.6.4.1

- (g) Any activity not listed in the Activity Tables in Rule 12.8.35.6.4.1 is a Non Complying Activity.

**Activity Table Gateway Residential Policy Area**

In the following table:

**P = Permitted Activity**  
**C = Controlled Activity**  
**RD = Restricted Discretionary Activity**  
**D = Discretionary Activity**  
**NC = Non-complying Activity**

Note: Words in capitals are defined in *Chapter 3 – Definitions*

ACTIVITY	ACTIVITY STATUS
Additions to or alterations to buildings existing at February 2015 that will not be inconsistent with the Outline Plan in Appendix 21 - Figure 1.	RD
Any Permitted or Restricted Discretionary Activity in this Table that does not comply with the Development Controls in Rule 12.8.35.6.5.	RD
Any Permitted or Restricted Discretionary Activity in this Table that when combined with permitted and consented development within the Special 35 Zone, does not comply with the Vehicle Movement PM Peak Development Controls in Rule 12.8.35.4.2 1 but complies with Rule 12.8.35.4.2.2.	RD
Any Permitted or Restricted Discretionary Activity in this Table that when combined with permitted and consented development within the Special 35 Zone, does not comply with the Vehicle Movement PM Peak Development Controls in Rule 12.8.35.2.1 or Rule 12.8.35.4.2.2.	D
Any activity not listed in the Activity Table	NC
The ERECTION, addition to or alteration of BUILDINGS and ACCESSORY BUILDINGS.	RD#
The demolition or removal of BUILDINGS <b>except</b> those protected by any Rule in this Plan.	P
Car parking areas ancillary to a Permitted or Restricted Discretionary Activity	P



CHILDCARE FACILITIES for not more than 10 children at any one time.	P
CHILDCARE FACILITIES for more than 10 children at any one time.	RD
Comprehensively Designed Development for more than one household unit on sites identified for this purpose on the most recent DCP	RD
DAIRIES	RD
HOMESTAY ACCOMMODATION for not more than 10 guests accommodated within an existing household unit.	P
HOME OCCUPATIONS	P
HOMES FOR THE AGED and DAY-CARE FACILITIES FOR THE ELDERLY AND DISABLED.	P
HOUSEHOLD UNITS, constructed in accordance with an approved COMPREHENSIVELY DESIGNED DEVELOPMENT on sites identified for such activities on the most recent Development Concept Plan.	P
HOUSEHOLD UNITS on sites identified for this purpose on the most recent Development Concept Plan.	P
OUTDOOR RECREATION or RESERVES	P
RESTAURANTS	D
VISITOR ACCOMMODATION	D
District Wide Activities including SIGNS	Refer to <i>Chapter 16 - General Rules</i> . Rule 16.16.2.3 Signs in Residential Zones shall apply for the Gateway Residential Policy Area.
Urban Land Modification and Vegetation Removal	Refer to <i>Chapter 18 - Urban Land Modification and Vegetation Protection</i>
Transportation Activities	Refer to <i>Chapter 21 - Transportation and Access</i>



Use and storage of HAZARDOUS SUBSTANCES	Refer to <i>Chapter 20 - Hazardous Substances and Contaminated Sites</i>
UTILITIES	Refer to <i>Chapter 19 - Utilities</i>

Rule

12.8.35.6.5

Rule

12.8.35.6.5.1

## Development Controls - Gateway Residential Policy Area

### Density

The number of Household Units on a site shall not exceed:

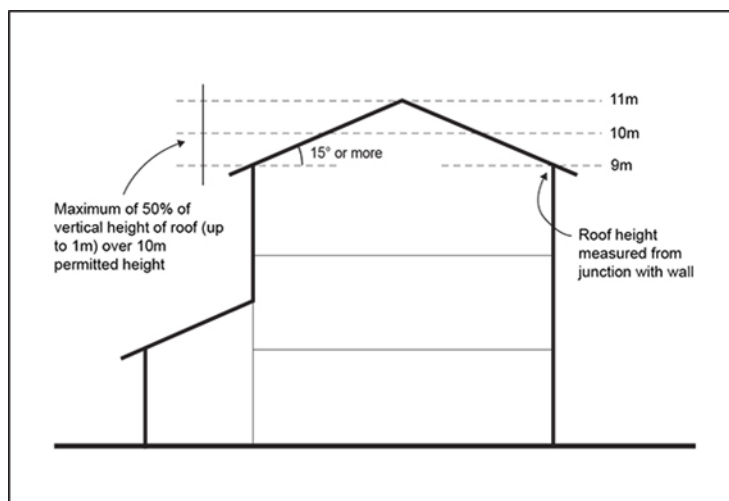
- (a) One Household Unit per 300m<sup>2</sup> net site area, or
- (b) One household unit per 250m<sup>2</sup> net site area where each proposed site has a frontage of at least 7.5m in width for each household unit and is the same width for the length required to accommodate the proposed density.
- (c) No density limit applies where four or more household units are proposed and the site is comprehensively designed and has a minimum net site area 2500m<sup>2</sup>.

Rule

12.8.35.6.5.2

### Height

Maximum building height is 9m with an allowance of an additional 2 metres maximum for roof form as indicated in the diagram below.



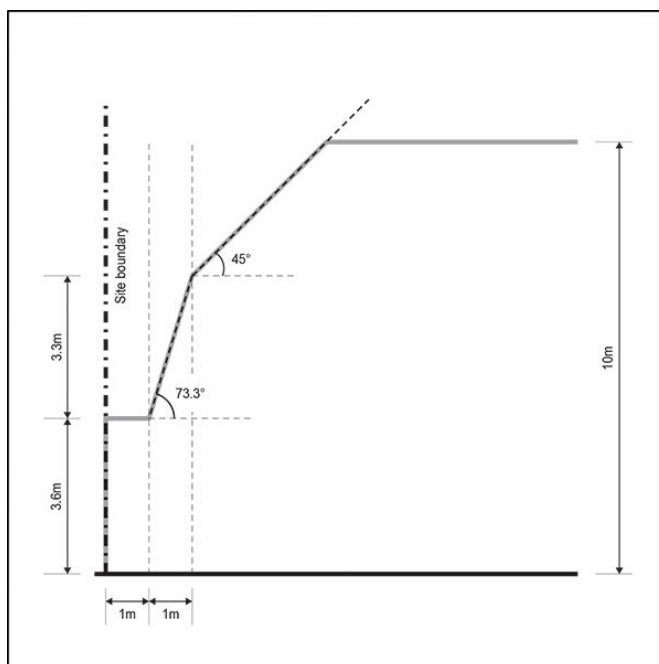


Rule  
12.8.35.6.5.3

**Height in Relation to Boundary**

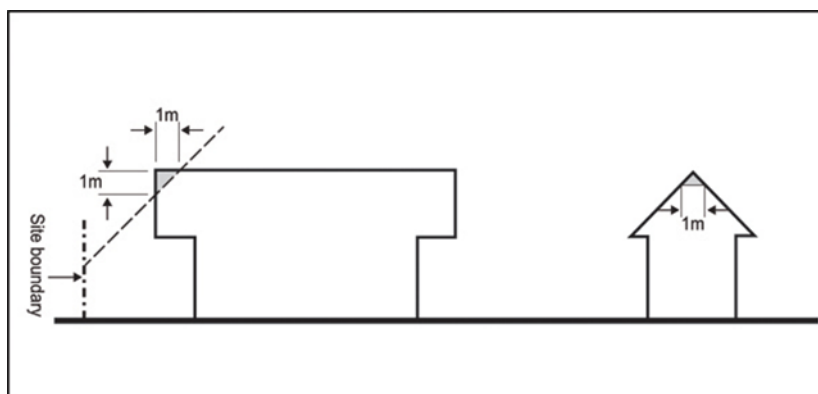
- (a) Buildings shall not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings shall be set back one metre, and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m, and then one metre for every additional metre in height (45 degrees).

**Figure 2: Height in relation to boundary**



- (b) The exceptions to the permitted height in relation to boundary control illustrated in Figure 3 apply.

**Figure 3: Exceptions for gable ends and dormers**



- (c) No more than two gable end or dormer projections are allowed for every 6m length of site boundary.



Rule  
12.8.35.6.5.4

**Explanation and Reasons**

*This rule is to enable the efficient use of the site by providing design flexibility at the upper floors of a household unit.*

**Common Walls**

The height in relation to boundary and yard development controls do not apply where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

Rule  
12.8.35.6.5.5

**Yards**

**Yard**

Front	2.5m minimum, 5m maximum
Side	1m minimum
Rear	1m minimum
Riparian	10m from the edge of all other permanent and intermittent streams

**Explanation and Reasons**

*These rules seek to create a transition from the front facade of the household unit to the street that contributes to the quality of the streetscape and ensures household units are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards.*

Rule  
12.8.35.6.5.6

**Maximum Impervious Surface**

- (a) Maximum impervious area for proposed sites with a density less than or equal to one household unit per 300m<sup>2</sup>:
- 60 per cent.
- (b) Maximum impervious area for proposed sites with a density greater than one household unit per 300m<sup>2</sup>
- 70 per cent

Rule  
12.8.35.6.5.7

**Maximum Building Coverage**

- (a) Maximum building coverage for proposed sites with a density less than or equal to one household unit per 300m<sup>2</sup> - 40 per cent.
- (b) Maximum building coverage for proposed sites with a density greater than one household unit per 300m<sup>2</sup> - 50 per cent.

**Explanation and Reasons**

*These rules are to manage the density of buildings on the site consistent with the urban residential character of the zone.*



Rule  
12.8.35.6.5.8

**Landscaping**

- (a) For proposed sites with a density greater than or equal to one household unit per 300m<sup>2</sup> at least 30 per cent shall comprise landscaped area.
- (b) For proposed sites with a density less than one household unit per 300m<sup>2</sup> at least 40 per cent shall comprise landscaped area.
- (c) For clauses (a) and (b) above, the following shall be met:
  - (i) At least 10 per cent of the required landscaped area shall be planted with shrubs including at least one tree that is pB95 or larger at the time of planting.
  - (ii) At least 50 per cent of the front yard shall comprise landscaped area.

**Explanation and Reasons**

*These rules are to provide for on-site amenity and an attractive streetscape character and improve stormwater absorption on-site.*

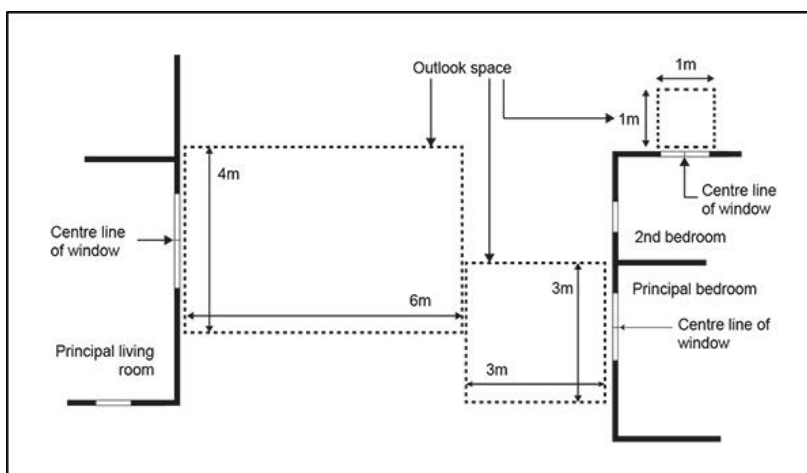
Rule  
12.8.35.6.5.9

**Outlook Space**

- (a) An external outlook space shall be provided from the external face of habitable rooms containing windows or balconies within a building of a habitable room. Where the room has two or more external faces with windows or balconies the outlook space shall be provided from, in order of priority, the face with the largest balcony or largest area of glazing.
- (b) The minimum dimensions for a required outlook space are as follows:
  - (i) living room, dining room or kitchen: 6m in depth and 4m in width
  - (ii) Bedrooms: 3m in depth and 3m in width
  - (iii) all other habitable rooms: 1m in depth and 1m in width.
- (c) The depth of the outlook space is measured at right angles to and horizontal from the window or outside edge of a balcony to which it applies.
- (d) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies or from the centre point of the largest balcony.
- (e) Outlook spaces may be within the site, over a public street, or other public open space.
- (f) Outlook spaces required from different rooms within the same household unit may overlap.
- (g) Outlook spaces shall:
  - (i) be clear and unobstructed by buildings or fences over 1.5m in height;
  - (ii) not extend over adjacent sites or overlap with outlook spaces required by another household unit.



**Figure 4: Required Outlook Space**



**Explanation and Reasons**

*These rules are to ensure a reasonable standard of visual and acoustic privacy between different household units, including their outdoor living space, on the same or adjacent sites.*

*They also encourage the placement of habitable room windows to the site frontage or to the rear of the site in preference to side boundaries, to maximise both passive surveillance of the street and privacy, and to avoid overlooking of neighbouring sites.*

Rule  
12.8.35.6.5.10

**Outdoor Living Space**

- (a) A household unit at shall have an outdoor living space measuring at least 50m<sup>2</sup> that:
  - (i) is free of buildings, parking spaces, servicing and manoeuvring areas
  - (ii) excludes any area with a dimension less than 2m.
- (b) Where a household unit has the principal living room at ground level, part of the required outdoor living space shall be able to contain a delineated area measuring at least 20m<sup>2</sup> that:
  - (i) has no dimension less than 4m
  - (ii) is directly accessible from the principal living room
  - (iii) has a gradient not exceeding 1 in 20.
- (c) Where a household unit has the principal living room above ground level, part of the required outdoor living space shall include a balcony or roof terrace that:
  - (i) is directly accessible from the principal living room
  - (ii) has a minimum area of 8m<sup>2</sup>



(iii) has a minimum depth of 2.4m.

- (d) Where an entire household unit is above ground level, it shall have an outdoor living space in the form of a balcony or roof terrace that is at least 10m<sup>2</sup> and has a minimum depth of 2.4m.

**Explanation and Reasons**

*These rules are to provide household units with outdoor living space that is of a usable size and dimension for the type of household unit and is accessible from the principal living room.*

Rule  
12.8.35.6.5.11

**Household units Facing the Street**

- (a) Any household unit on sites abutting a street boundary, or any household unit on a site addressing a private access lot shall be designed with the front façade addressing the street or access lot.
- (b) The front facade of a household unit shall contain:
- (i) glazing associated with habitable rooms that is cumulatively at least 30 per cent of the area of the front façade.
  - (ii) a door that is the main entrance to the household unit.

**Explanation and Reasons**

*These rules are to ensure household units are orientated to provide for passive surveillance of the street or similar space within a site and contribute to streetscape amenity.*

Rule  
12.8.35.6.5.12

**Maximum Building Length (Comprehensively Designed Development only)**

For Comprehensively Designed Developments, the maximum length of a building along a rear boundary is 30m, and along a side boundary is 15 metres; after which there shall be a separation of at least 5m along the same boundary to any other building on the same site.

**Explanation and Reasons**

*These rules manage the length of buildings along side and/or rear boundaries and the separation between buildings on the same site to visually integrate them into the surrounding neighbourhood.*

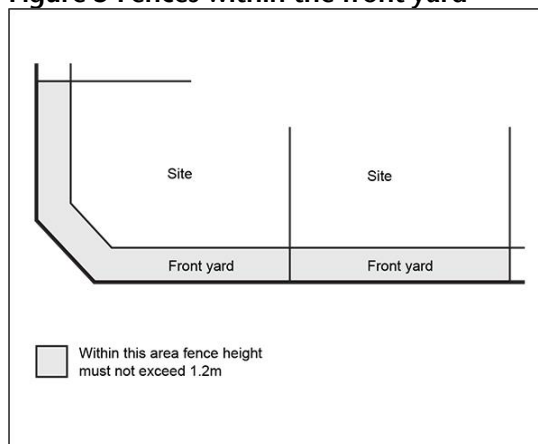
Rule  
12.8.35.6.5.13

**Fencing**

Fences in a front yard shall not exceed 1.2m in height.



**Figure 5 Fences within the front yard**



*Rule*  
12.8.35.6.5.14

### **Garages**

- (a) A garage door facing a public or private street or lane shall be no greater than 40 per cent of the width of the front façade of the household unit to which the garage relates.
- (b) Garage doors shall not project forward of the front façade of a household unit.
- (c) The garage door shall be set back at least 5m from the site's frontage and 1.0m from the front building façade.

#### ***Explanation and Reasons***

*These rules are to reduce the dominance of garages as viewed from the street and avoid parked cars over-hanging the footpath.*

*Rule*  
12.8.35.6.5.15

### **Household unit Size**

Household units shall have a minimum net internal floor area as follows:

- (a) 40m<sup>2</sup> for studio household units
- (b) 45m<sup>2</sup> for one bedroom household units

#### ***Explanation and Reasons***

*These rules are to ensure household units are of a sufficient size to provide for the day-to-day needs of residents.*

*Rule*  
12.8.35.6.5.16

### **Household unit Mix (Comprehensively Designed Developments only)**

In a single development containing more than 10 household units, the combined number of studio and one bedroom household units must not exceed 50 per cent of the total number of household units within the development.



Rule  
12.8.35.6.5.16

### **Relevant Rules in Other Chapters of the Plan**

Relevant rules in other Chapters of the District Plan shall also be complied with:

*Chapter 5 - Natural Hazards*  
*Chapter 16 - General Rules (including signs) Rule 16.16.2.3 Signs in Residential Zones shall apply for the Gateway Residential Policy Area.*  
*Chapter 17 - Cultural Heritage*  
*Chapter 18 - Urban Land Modification and Vegetation Protection*  
*Chapter 19 - Utilities*  
*Chapter 20 - Hazardous Substances and Contaminated sites*  
*Chapter 21 - Transportation and Access*  
*Chapter 23 - Subdivision and Servicing*

Rule  
12.8.35.6.6

### **Restricted Discretionary Activities**

Matters for Discretion and Assessment Criteria

In accordance with sections 77B(4) and 104C of the Act the Council will restrict its discretion to the matters listed against each specified activity when considering resource consent applications for Restricted Discretionary Activities.

Rule  
12.8.35.6.6.1

### **Childcare Facilities for more than 10 children, Dairies**

Rule  
12.8.35.6.6.1.1

### **Matters for Discretion**

The Council restricts its discretion over the following matters:

- (a) Compliance with the Outline Plan in Appendix 21 - Figure 1 and the most recent Development Concept Plan.
- (b) noise, lighting and hours of operation
- (c) Number and type of vehicle movements, timing of vehicle movements and parking.
- (d) Effects associated with the scale of the activity in relation to the existing, or intended amenity of the site and surrounding environment.

Rule  
12.8.35.6.6.1.2

### **Assessment Criteria**

When considering an application the Council will have regard to the following criteria:

- (a) Whether the proposal is consistent with the most recent Development Concept Plan
- (b) Intensity and scale



Rule  
12.8.35.6.6.2

- i. The intensity and scale of the activity, in particular the number of people involved and traffic generated by the activity, size and location of buildings and associated car parking should be compatible with the planned future form and character of the area.
- ii. Whether the activity will have adverse environmental effects on neighbours. Such effects may include noise, odour, vibration.
- iii. Whether the street network is capable of accommodating the additional traffic generated by the activity in a safe and efficient manner

**Earthworks, the Erection, Addition to or Alteration of Buildings and Accessory Buildings, including Comprehensively Designed Development**

The Council restricts its discretion over the following matters:

- (a) Compliance with the Outline Plan in Appendix 21 - Figure 1 and the most recent Development Concept Plan.
- (b) building design and external appearance; including the interrelationship between buildings in comprehensively designed developments
- (c) design and scale of buildings
- (d) topography, site orientation and earthworks
- (e) the scale of any retaining structures and measures for integrating retaining structures into the landscape
- (f) design, location and extent of landscaping
- (g) design and location of parking and access and circulation areas
- (h) infrastructure and servicing
- (i) interface with riparian areas and public access.

In order to exercise its discretion the Council will require applicants to provide the following:

- (j) Location plan illustrating how the site and proposed development complies with the most recent DCP.
- (k) Site plan detailing topographical features, vegetation, watercourses, location of buildings, parking areas and any other impervious surface, proposed landscaping,
- (l) accurate elevations and plans of buildings,



- (m) a perspective sketch or photomontage showing the proposed building when viewed from State Highway 1.
- (n) Details of the type and location of all external lighting, including sensor lights
- (o) A detailed landscape plan addressing earthworks, hardworks, planting and fencing. The landscape plan shall detail the vegetated framework which shall be designed in a manner that contributes to the ecological, functional and aesthetic values of the site.
- (p) Proposed earthworks plan, detailing existing and proposed levels, areas and volume of cut and fill, any retaining walls, road long and cross sections.
- (q) Proposed sewer and stormwater reticulation and systems.

The vegetated framework shall integrate development through:

- modulating and visually interrupt building mass;
- screening utility areas and large carpark areas;
- establishing spatial boundaries;
- establishing a visual relationship to the wider landscape;
- contributing to the site legibility through reinforcing entranceways and delineating public and private areas;
- creating a visual buffer between incompatible activities;
- creating a coherency within the site and to the wider landscape context.

Rule  
12.8.35.6.6.2

#### **Assessment Criteria**

When assessing an application the Council will have regard to the following criteria:

Compliance with the Outline Plan in Appendix 21 - Figure 1 the most recent Development Concept Plan.

- (a) Whether the proposal complies with the most recent Development Concept Plan.
- (b) The extent to which the proposal does not comply with the most recent Development Concept Plan and the extent to which the proposal achieves the outcomes intended in that plan or in the Outline Plan in Appendix 21 - Figure 1.

#### Building design and external appearance

- (c) Contributing to a sense of place
  - i. Residential developments of density greater than one unit per 300m<sup>2</sup> should be designed and located on the site to be closest to amenities such as open spaces and reserves.
  - ii. The alignment, form and location of household units should



consider and respond to the urban pattern envisaged by the DCP. Development should be organised into definable neighbourhoods where individual buildings form an element of a coherent and safe street scene.

(d) Visual interest and variation in building form:

i Buildings should be designed to:

- avoid long unrelieved frontages when viewed from streets and public open spaces;
- visually break up their mass into distinct elements, particularly when they are of a greater height or bulk than surrounding buildings, to ensure a human scale and be sympathetic to the typical pattern of development in the area.

*Note: Techniques to achieve this include the use of physical separation, variations in building height and roof form (flat roofs are discouraged), horizontal and vertical rhythms, façade modulation and articulation and building materials.*

- ii. Walls fronting streets should be designed to provide visual interest through articulation and modulation of the facade, use of surface detailing, fenestration and design features to retain a human scale.
- iii. Side or rear walls should be designed to provide interest in the facade including modulation, relief or surface detailing.
- iv. For any developments:
  - the repetition of one unit type should be avoided;
  - balconies should be designed as an integral part of the building and a predominance of cantilevered balconies should be avoided;
  - internal access to apartments is encouraged. Breezeway or deck access arrangements are discouraged.

Topography, site orientation and earthworks

- (e) The topography, orientation, size and proportions of the site should be suitable to accommodate the housing type proposed. In particular, development on steep land with poor solar orientation or narrow sites is discouraged unless sites are carefully designed to optimise on-site amenity values and complement the surrounding neighbourhood landform
- (f) Building platforms, outdoor living spaces, car parking areas and driveways should be located and designed to respond to the landform and site orientation in an integrated manner.
- (g) Earthworks should be minimised and the need for retaining avoided where possible. However, where retaining or earthworks are required they should be incorporated as a positive landscape or site feature by:



- i. integrating retaining as part of the building design stepping and landscaping any earthworks or retaining structures over 1m in height, to avoid the adverse visual effects of large retaining structures or overshadowing effects;
- ii. ensuring all earthworks or retaining visible to the public, including neighbours, is attractively designed and incorporates modulation, quality materials to provide visual interest. Using planting to minimise the extent of the wall visibility.

#### Design and layout of household units, and visitor accommodation

- (h) Household units should be located, proportioned and orientated within a site to maximise the amenity of future residents by:
  - i clearly defining communal, semi-private and private areas, including outdoor living space, within the development;
  - ii. maximising passive sunlight access, particularly for higher density development by methods including maximising north facing windows, while balancing the need for household units to front the street;
  - iii. providing for natural cross ventilation by window openings facing different directions.
- (i) Household units should be designed to provide a good standard of internal amenity.

#### Outdoor living space

- (k) Outdoor living space should balance the need to achieve the following, in order of priority:
  - avoid a southerly orientation and be located on site to maximise the number of hours that the majority of the outdoor living space receives winter sunlight.
- (l) Maintain privacy between the outdoor living space of adjacent household units and between outdoor living space and the street. Outdoor living space should be located away from street frontages, where practicable, and:
  - be sheltered from the prevailing wind;
  - be located to take advantage of any views of public spaces or outlook from or within the site.
- (m). In addition to the above, any communal open spaces should be designed to:
  - provide an attractive, functional and high quality outdoor environment, located within the site to form a focus of the development;
  - be conveniently accessible to all residents;
  - be overlooked by the principal living rooms and balconies of



household units, where at ground or lower levels, to enhance safety.

- (n) The size of the communal outdoor living space should be adequate for the number of people the development is designed to accommodate.
- vi. Appropriate management and maintenance systems should be provided for communal outdoor living space dependent on the scale of development and the extent of communal access to ensure it is available for all residents of the development.

#### Design of landscaping

- (o) Development should integrate and retain significant natural features including trees, streams and ecological areas where practicable.
- (p) Site landscaping should be located and designed to:
- (i) assist with blending new developments with the surrounding streetscape and/or any adjacent public open space;
  - (ii) allow space for the planting of large trees;
  - (iii) enhance energy efficiency and stormwater management, including shading and swale systems;
  - (iv) enhance on-site amenity and improve privacy between household units.

#### Design of parking and access

- (q) Connections to the neighbourhood
- (i) Developments on larger sites with frontages to two or more streets should extend and connect pedestrian and cycle links or where practicable, a public street through the site.
  - (ii) Cul-de-sacs should be avoided unless there is no design alternative available.
- (r) Location and design of parking
- (i) Individual or communal car parking areas should be located and designed to:
    - be close and convenient to household units;
    - be secure, well lit, or visible from household units;
    - be well ventilated if enclosed;
    - minimise noise and fumes by providing separation from bedroom windows;
    - avoid surface car parking areas fronting streets and public open spaces;
    - provide visual interest and an attractive appearance, including the use of paving patterns and different material types in combination with landscaping.



- (ii) Parking areas and garages should be designed and grouped to make efficient use of land.
- (iii) Parking areas should be attractively landscaped.
- (iv) Where practicable, parking should be located underground, or in semi-basements projecting no more than 1m above ground.
- (s) Location and design of vehicle and pedestrian access
  - (i) Vehicle crossings and access ways should be designed to reduce vehicle speed, be visually attractive, using quality paving and landscaping and clearly signal to pedestrians the presence of a vehicle crossing or access way.
  - (ii) Vehicle crossings and access ways should be clearly separated from pedestrian access. The spaces may be integrated where designed as a shared space with pedestrian priority.
  - (iii) The design of pedestrian routes between household unit entries, carpark areas, private and communal open space and the street should provide equal physical access for people of all ages and physical abilities and provide a high level of pedestrian safety and convenience.
  - (iv) Ramps, where necessary, should be minimal in length and integrated into the design of the building and landscaping.

#### Accessibility of common areas

- (t) Common areas within buildings should be designed to provide equal physical access for people of all ages and abilities. Common areas should also allow for standard household furniture to be easily moved in and out. This includes providing corridors and circulation spaces of sufficient dimension and minimising stairs where possible.

#### Infrastructure and servicing

- (u) There should be adequate capacity in the existing stormwater, water supply and wastewater network to service the proposed development.
- (v) Required infrastructure should integrate into the design of the site. This includes low impact stormwater design devices, overland flow paths/floodplains, wastewater systems, and water supply.
- (w) Rubbish storage areas should be either incorporated into the design of the building or screened from public view.
- (x) Plant, exhaust, intake units and other mechanical and electrical equipment located on the roof of a building should be integrated into the overall design and be contained in as few structures as possible.



Rule  
12.8.35.6.6.3

### **Non-compliance with Development Controls**

Certain activities – Restricted Discretionary Activities

- (a) Where the Development Controls in Rule 12.8.35.10 are not met, the following are deemed to be Restricted Discretionary Activities. Restricted Discretionary Activity status applies only where the circumstances specified in each Rule are met.
- (b) In all other cases non-compliance with the Development Controls is deemed to be a Non-complying Activity.

Rule  
12.8.35.6.6.3.1

**Any Permitted or Restricted Discretionary Activity in Activity Table that does not comply with Rule 12.8.35.6.5.2 Height or Rule 12.8.35.6.5.3 Height in Relation to Boundary, Maximum Building Length Rule 12.8.35.6.5.12**

Rule  
12.8.35.6.6.3.1.1

### **Circumstances**

- (a) Where steep slopes make compliance difficult; or
- (b) Where the boundary adjoins a public reserve, accessway, road or similar area of permanent open space.

Rule  
12.8.35.6.6.3.1.2

### **Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Compliance with the Outline Plan in Appendix 21 - Figure 1.and the most recent Development Concept Plan
- (b) building design and external appearance
- (c) design and scale of buildings
- (d) topography, site orientation and earthworks
- (e) design and location of landscaping
- (f) design and location of parking and access
- (g) infrastructure and servicing
- (h) interface with riparian areas and public access.
- (i) shading and visual quality

Rule  
12.8.35.6.6.3.1.2

### **Assessment Criteria**

When assessing an application the Council will have regard to the following



criteria:

- (a) The relevant assessment criteria in Rule 12.8.35.4.2
- (b) Whether the proposed height; scale and design of the buildings will adversely affect the amenity values and visual character of adjacent sites and / or the neighbourhood.

**Explanation and Reasons**

*Increasing the height of buildings beyond the permitted level could have an adverse effect on the admission of direct sunlight and daylight to adjoining sites, on the amenity values of the area and on the visual character of adjacent site and its neighbourhood. It could also affect wind movement and create an unpleasant environment at street level. Conditions placed on the design of buildings could avoid, remedy or mitigate such adverse effects.*

Rule  
12.8.35.6.6.3.2

**Any Permitted or Restricted Discretionary Activity in Activity Table that does not comply with Rule 12.8.35.6.5.5 Yards, Rule 12.8.35.6.5.9 Outlook Space, Rule 12.8.35.6.5.10 Outdoor Living Space, Rule 12.8.35.6.5.11 Household units Facing the Street, Rule 12.8.35.6.5.13 Fencing, Rule 12.8.35.6.5.14 Garages.**

Rule  
12.8.35.6.6.3.2.1

**Circumstances**

All

Rule  
12.8.35.6.6.3.2.2

**Matters for Discretion**

- (a) Compliance with the Outline Plan in Appendix 21 – Figure 1 and the most recent Development Concept Plan
- (b) Amenity
- (b) building design and external appearance
- (c) design and scale of buildings
- (d) topography, site orientation and earthworks
- (e) design and location of landscaping
- (f) interface with riparian areas and public access.

Rule  
12.8.35.6.6.3.2.3

**Assessment Criteria**

When assessing an application the Council will have regard to the following criteria:

- (a) Whether the infringement will have an adverse effect on privacy and amenity.



*Rule*

12.8.35.6.6.3.3

- (b) The relevant assessment criteria in Rule 12.8.35.4.2.

**Any Permitted or Restricted Discretionary Activity in Activity Table that does not comply with Rule 12.8.35.6.5.15 Household Unit Size, Rule 12.8.35.6.5.16 Household unit Mix.**

*Rule*

12.8.35.6.6.3.3.1

**Matters for Discretion**

- (a) Compliance with the Outline Plan in Appendix 21 - Figure 1 and the most recent Development Concept Plan
- (b) building design and external appearance
- (c) design and scale of buildings
- (d) topography, site orientation and earthworks
- (e) design and location of landscaping
- (f) design and location of parking and access
- (g) infrastructure and servicing
- (h) interface with riparian areas and public access.

12.8.35.6.6.3.3.2

**Assessment Criteria**

When assessing an application the Council will have regard to the following criteria:

- (a) Whether the infringement will have an adverse effect on privacy and amenity and whether the design is appropriate for the intended use.
- (b) The relevant assessment criteria in Rule 12.8.35.4.2

12.8.35.6.7

**Discretionary Activities - Assessment Criteria**

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications:

- (a) the Council will have regard to the assessment criteria in sections 12.8.35.4.2 and 12.8.35.6.6; and
- (b) any relevant Discretionary Activity Criteria in other chapters of this Plan, and
- (c) the relevant matters set out in section 104 of the Act.
- (d) All assessment criteria are applicable and provide guidance.



#### 12.8.35.6.7.1

- (a) The extent to which the proposal complies with the most recent DCP, and whether any non-compliance with the DCP is appropriate in terms of the effects of the proposal on the environment in relation to urban design matters, traffic, and amenity effects.
- (b) Whether the scale and location of activities is designed to ensure adverse amenity effects with respect to neighbouring residential areas are acceptable.
- (c) Traffic and Transport Effects:
  - (i) Whether the traffic generated will adversely affect the safe and efficient operation of the external road network including having regard to the cumulative effects of traffic from the Special 35 area and whether any interim traffic effects arise from the extent to which the indicative road network is in place at the time of establishment of an activity.
  - (ii) Whether there is sufficient space on site for queuing, parking and manoeuvring of vehicles using the site.
  - (iv) Whether the location and width of entry and exit points to the site, and on-site parking areas, will have an adverse effect on the amenity values of adjoining sites.
  - (iv) The extent to which the proposal includes travel demand measures, as appropriate, that optimise the use of modes such as shared parking arrangements, cycling, walking and carpooling in order to reduce the use of single purpose/occupant vehicle trips.
  - (v) Whether the proposal is designed to provide for the safe movement of pedestrians using the facilities as well as those passing by and moving between sites.
  - (vi) Whether adequate cycle facilities are provided on site and located to encourage cycle use having regard to anticipated levels of demand.
  - (vii) Whether the parking areas provided are managed, marked, and signposted so as to give effect to the criteria above and the recommendation contained within any submitted traffic assessment and management plan or ITA.
  - (viii) Where there is a parking shortfall whether the proposal includes provisions for the ongoing monitoring of parking supply and demand and the effectiveness of any travel demand measures. For the avoidance of doubt this may entail the imposition of review conditions.

#### **Explanation and Reasons**

*Achieving the objectives of the Special 35 Zone requires giving careful consideration to how activities fit within the overall Outline Plan and the potential adverse traffic and transport effects.*

Rule



12.8.35.6.8

*Rule*

12.8.35.6.8.1

## **Subdivision Gateway Residential Policy Area**

### **Subdivision Activities**

- (a) The subdivision of land is a Restricted Discretionary Activity.
- (b) Development and subdivision within the Special Policy Area shall comply with the layout shown on the Outline Plan in Appendix 21 – Figure 1 and/or with the most recent Development Concept Plan.
- (c) The subdivision of land shall comply with the Standards in Rule 12.8.35.6.7.2 and the relevant rules in Chapter 23 – Subdivision and Servicing.
- (d) Any subdivision not complying with the Development Controls in Rule 12.8.35.6.7.2 shall be a Discretionary Activity.
- (e) Any application for subdivision, where a Development Concept Plan has not been submitted as part of a prior resource consent application that has obtained consent, shall be a Non-complying Activity.
- (f) An integrated land use / subdivision consent is required for the subdivision of land resulting in site sizes of less than 300m<sup>2</sup> or a residential density of more than one dwelling for every 300m<sup>2</sup> of net site area.

*Rule*

12.8.35.6.8.2

### **Subdivision Standards**

#### **Site Size**

- (a) The minimum freehold site size is 300m<sup>2</sup>.
- (b) Subdivision involving a density of greater than one household unit / 300m<sup>2</sup> of site area and / or subdivision not involving the creation of freehold sites shall be consented by way of an integrated land use / subdivision consent.
  - i. Sites for comprehensive developments shall have a minimum site area of 2,500m<sup>2</sup>; and
  - ii. density shall not exceed one Household Unit for every 250m<sup>2</sup> of net site area.

*Rule*

12.8.35.6.8.2.2

#### **Site Frontage**

The minimum widths of site frontage are:

#### **Rear Sites**

3 metres providing access for a maximum of 5 household units



Rule  
12.8.35.6.8.2.3

#### **Explanation and Reasons**

(Rules 12.8.35.6.7.2.1 and 12.8.35.6.7.2.2)

*Minimum site frontages are specified to ensure that sites are designed in order to front the street, provide surveillance; have an appropriate shape to provide for private outdoor living and the placement of buildings on the site with appropriate access.*

#### **Cul-de-sacs**

- (a) No lots may be served by a cul-de-sac.

#### **Explanation and Reasons**

*A connected street pattern is encouraged to provide for permeability, legibility and a residential character. Rear lots are also discouraged.*

Rule  
12.8.35.6.8.3

#### **Subdivision Restricted Discretionary Activities**

##### **Matters for Discretion and Assessment Criteria**

In accordance with sections 77B(4) and 104C of the Act the Council will restrict its discretion to the matters listed in addition to the matters set out in *Chapter 23 - Subdivision and Servicing* when considering resource consent applications for the subdivision of land.

Rule  
12.8.35.6.8.3.1

#### **Matters for Discretion**

- (a) Any Development Concept Plan provided with the application or compliance with the most recent approved Development Concept Plan.
- (b) Site size, shape and orientation.
- (c) Site contour.
- (d) Site access and frontage.
- (e) Reserve provision.
- (f) The layout and width of streets and sites
- (g) The provision of street trees.
- (h) The relationship of buildings to sites where relevant.
- (i) Servicing and infrastructure including overland flow paths.

Rule  
12.8.35.6.8.3.2

#### **Assessment Criteria**

When assessing an application for this activity the Council will have regard to the most recent Development Concept Plan, the assessment criteria specific to Development Concept Plans set out in Rule 12.8.35.4.2 if relevant and the following assessment criteria:



- (a) Whether the subdivision is consistent with the most recent Development Concept Plan.
- (b) Whether the subdivision is designed to minimize the number of rear sites and avoid the need for cul-de-sacs. Where avoidance of cul-de-sacs is not achievable due to topographical constraints or other physical limitations; the number of cul-de-sacs and the length of any cul-de-sac is minimized.
- (c) Whether the number of sites with a northern orientation to the public street is minimised.
- (d) Whether the roading layout is consistent with and gives effect to the Outline Plan in Appendix 21 - Figure 1.
- (e) Whether the subdivision is designed to achieve a high level of connectivity and permeability of access through streets, pedestrian access ways and other public spaces.
- (f) Whether the street pattern has been designed in accordance with the proposed contours to avoid large cut faces and retaining structures and ensure that the overall development of the Plan Change 35 area is well connected.
- (g) Whether the street layout pattern is legible, easy to understand, continuous and generally consistent with the primary street pattern shown on the Hibiscus Business Gateway Outline Plan in Appendix 21 - Figure 1 to the Planning Maps and the most recent Development Concept Plan.
- (h) Whether footpaths and bridle/cycle ways are located within the public street space, and have been designed to ensure the personal safety and security of users and residents i.e. through passive surveillance and the avoidance of narrow pathways.
- (i) Whether the design, location and layout of sites, roads and public spaces will facilitate walking and cycling and the use of public transport.
- (j) Whether where a cycle/ pedestrian only link is unavoidable, or the benefits are significant:
  - The link is as short and straight as practicable does not exceed 20m in length unless bounded by significant public open space.
  - The link is well lit.
- (k) The extent to which any existing trees are retained and incorporated into the pattern and alignment of the street network creating a functional and attractive street network.
- (l) The extent to which street trees are to be planted to enhance amenity and assist in achieving the vegetated framework sought for the Plan Change 35 area; and whether the trees are of a species that when mature do not obscure informal surveillance of the street from within the residential properties fronting onto the street.



- (m) Whether tree species are appropriate to the urban context and the proposed landscape theme.
- (n) Whether all bus stops, pedestrian crossings, (if known) sign posts and road intersections will remain clearly visible and are not obscured by street trees or planting.
- (o) Whether the subdivision includes the provision of all services, infrastructure and utilities necessary to provide for the intended use and manage the environmental effects of the subdivision.
- (p) Whether a riparian margin is provided on each side of the perennial streams identified in the Outline Plan in Appendix 21 - Figure 1.
- (q) Whether piping of streams (other than road crossings) is avoided, and if not avoided, the extent to which piping causes adverse effects on ecological values, visual amenity and cultural values.
- (r) Whether structures are avoided below RL 15 to avoid location in a flood area, or the extent to which mitigation is proposed to avoid adverse effects on structures as a result of flooding.
- (s) Whether the proposal includes an appropriate stormwater system for the site and the receiving environment. Consideration should be given to the use of low impact stormwater techniques such as swales and rain gardens,
- (t) Whether the management of stormwater flows is consistent with the Silverdale South Catchment Management Plan and whether, more specifically, an integrated approach has been taken towards the provision of stormwater management giving consideration to a number of neighbouring and nearby sites utilising one catchment management pond, rather than the provision of individual on site stormwater mechanisms.