

## **10a.12 Land unit - Commercial 2 (Ostend village)**

### **10a.12.1 Introduction**

Ostend village is an existing commercial centre centrally located on Waiheke. It is bounded by Waitai, Wharf, Putiki, Ostend and Whakarite Roads.

The characteristics of the land unit are:

- Commercial buildings which are mainly stand alone with no continuous building frontage to the street.
- Most site sizes being over 1000m<sup>2</sup> in area.
- A mix of commercial, residential and community facilities.
- An administrative service centre for Waiheke.
- Belgium Street as the predominant road.
- Its close proximity to the Tahī Road industrial area.

Overall, Ostend village is seen as the administrative centre of Waiheke. It is further evolving a range of commercial, residential and community functions which indicates the consolidation of a significant activity centre for Waiheke.

### **10a.12.2 Resource management issues**

The significant resource management issues which need to be addressed in the Plan are:

1. How to enable and enhance a range of activities within Ostend village.
2. How to facilitate further development in a manner that achieves good design outcomes.

### **10a.12.3 Objective and policies**

#### **10a.12.3.1 Objective**

To enable and consolidate commercial and community facilities and residential uses within the existing village.

#### **Policy**

1. By providing for a wide range of commercial, residential and community activities throughout the land unit.

#### **10a.12.3.2 Objective**

To ensure that new development within Ostend village achieves good design and safety outcomes and enhances general amenity values.

#### **Policies**

1. By controlling the construction and alteration of buildings within the land unit so that the design and appearance is integrated in terms of form and location.
2. By using specific bulk and location rules so that built development is integrated in terms of scale and intensity.
3. By requiring new developments to be designed to enable surveillance within and through the area, to provide for clear sightlines, to avoid the creation of potential hiding places, and to encourage use by the public of public and semi-public places.
4. By requiring landscaping to enhance the built environment at the business and residential land unit interface.

### 10a.12.3.3 Objective

To ensure that any environmental effect of commercial activity on other activities within the land unit or on adjoining island residential land units is avoided, remedied or mitigated.

Deleted: or no more than minor in extent.

#### Policies

1. By requiring noise standards on all activities and internal noise controls for dwellings within the land unit.
2. By specifying side and rear yards where the boundary of the site adjoins another land unit.

### 10a.12.4 Resource management strategy

The resource management strategy is to provide for a mix of activities that enhances and consolidates the existing village. In order to achieve this, a wide range of activities are provided for within the land unit.

In addition, good design outcomes are sought so that development enhances the safety and amenity values of the area. To achieve this, the council will require resource consent for all new buildings and additions to buildings so that these matters can be assessed.

### 10a.12.5 Rules - activity table

Activities	Status
The construction and relocation of buildings, including buildings used for any of the other activities listed in this table <sup>1</sup>	RD
Alterations and additions to the exterior of existing buildings including buildings used for any of the other activities listed in this table. However this does not apply to minor alterations and additions as defined in <a href="#">part 14 - Definitions</a> <sup>1</sup>	RD
Accommodation for care	<del>P</del>
Accommodation for retired, elderly or disabled people	<del>P</del>
Art galleries and museums	P
Boarding house or hostel	D
Care centre	P
Commercial carparking	D
Community facilities	P
Dwellings (one per site)	P
Educational facilities	P
Entertainment facilities	D
Function facilities	D
Funeral parlour	P
Healthcare services	P
Home occupations	P
Homestay	P
Motor vehicle sales	D
Multiple dwellings	D
Office	P
<u>Park and ride facilities</u>	<del>D</del>
Residential accessory buildings	P

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Deleted: D

Activities	Status
Restaurant, cafe and other eating places	P
Retail premises	P
Service station	D
Tavern	P
Tourist complex	D
Visitor accommodation	D

#### Legend

P = Permitted

RD= Restricted discretionary

D = Discretionary

#### Notes:

1. In this land unit, the activities of constructing or relocating buildings, or undertaking exterior alterations and additions to existing buildings, are to be treated as separate from the activity of using buildings for any of the permitted activities listed in the table. Therefore, even when an activity is permitted in this table, a resource consent may still be required for any construction or relocation of, or any exterior alteration or addition to, the building used for the activity. The relationship between buildings and other activities listed in activity tables is explained further in [clause 4.3](#).
2. The activities of earthworks and vegetation clearance are treated as development controls and are therefore not listed in this table.

#### 10a.12.6 Rules - standards and terms for multiple dwellings

An application for multiple dwellings will only be considered as a discretionary activity where one or more of the following criteria are met:

1. The resulting number of dwellings on the site will be no more than that which would occur if the site were subdivided in accordance with the rules in [part 12 - Subdivision](#) applying to this land unit (with one dwelling per site).
2. An application is made at the same time for subdivision resulting in the amalgamation of sites such that the number of dwellings on the new site created would be no greater than that which could be achieved through locating a dwelling on each of the original sites.
3. The dwellings are for papakainga housing.
4. The land has been owned co-operatively by a number of individuals since prior to 29 September 1992.

Proposals which do not meet these standards are a non-complying activity.

#### 10a.12.7 Rules - development controls

The development controls listed below apply to all activities whether or not those activities are otherwise permitted, restricted discretionary, discretionary or non-complying. Infringements to these development controls will be considered as development control modifications as set out in [clause 10c.3](#).

As well as the specific controls set out below, there are additional controls set out in [part 10c - Development controls for land units and settlement areas](#) which also apply to this land unit.

##### 10a.12.7.1 Location of activities

The following rule applies to properties fronting onto Belgium Street:

1. Dwelling(s) must be located above ground floor (street) level, unless:
  - Retail or other commercial activity fronts the street and the dwelling(s) and/or any car parking areas are located behind this retail or commercial activity.

- Development incorporating other activities (eg dwellings) above or behind a retail or other commercial frontage must have small but clearly identifiable pedestrian entries from the street (as well as from the rear, when parking is provided at the rear) in order to provide pedestrian amenity and access to these other uses.
- Where carparking areas are located at ground level they must be designed so that vehicles cannot be seen from the street.

**Explanation**

This rule seeks to ensure that non-retail activities are located appropriately to maintain an active commercial ground floor along Belgium Street to enhance the retail character of Ostend village.

This rule will enhance the vitality, connectiveness and interaction of Ostend village while allowing residential activity and carparking areas in appropriate locations.

**10a.12.7.2 Internal noise controls for residential units**

- All dwellings must be designed and constructed so as to provide an indoor design level of balanced noise criterion (NCB) 30 in any habitable room assuming the building is exposed to a noise level of 55dBA  $L_{eq}$  at the boundary of the site.
- The NCB level of 30 must be achieved with windows and doors open unless adequate alternative ventilation is provided to the requirements of clause G4 of the New Zealand Building Code.
- Building elements (ie walls, floors) which are common between different activities must be constructed to prevent noise transmission to the requirements of clause G6 of the New Zealand Building Code.
- After completion of the construction of the dwelling(s), and before the issue of the code compliance certificate, the consent holder must submit a report to the satisfaction of the council, which is signed by a suitably qualified acoustic engineer, which certifies that the dwelling(s) have been built in compliance with the noise and ventilation requirements above.

**Explanation**

Residential development within Ostend village is to be designed to ensure that a level of acoustic amenity is provided within the bedrooms and other habitable rooms of residential activities from other activities within the same development and activity in the surrounding area.

**10a.12.7.3 Noise controls between activities**

- The  $L_{eq}$  noise levels and maximum level ( $L_{max}$ ), arising from any activity, measured at or within the boundary of any adjacent site (not held in common ownership) which is also classified as commercial 2 must not exceed:

Hours	Noise levels
7am - 10pm	$L_{eq}$ 60dBA
10pm - 7am	$L_{eq}$ 55dBA $L_{max}$ 75dBA

- Where the activity affects a residential use in another land unit, the noise controls in [clause 10c.5.4](#) apply.

**Explanation**

Excessive noise occurring for a continuous period or duration can be damaging to public health and can have an adverse effect on the amenity of the receiving environment.

**10a.12.7.4 Front yards**

- For sites fronting Belgium Street: 2m.
- For all other sites: 4m.

No part of a parking or loading space can be located in a required front yard or in the landscaped area required under [clause 10a.12.7.5](#).

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Deleted: a. . 0m; or  
b. . 2m

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## Explanation

The purpose of this rule is to ensure that buildings ~~are set back from the Belgium Street frontage to allow space for amenity landscaping. The 4m front yard rule for sites not fronting Belgium Street will function as an amenity setback between the Ostend village land unit and adjacent residential properties.~~

**Deleted:** can be built up to the Belgium Street property frontage so that it reinforces Belgium Street as the main road for commercial activities in Ostend.

### 10a.12.7.5 Landscape amenity controls

The following rules apply to all sites.

**Deleted:** Buildings

#### 1. Planting along the street frontage:

**Deleted:** are required to provide a minimum 2m front yard

- a. ~~At least one specimen tree (Pb95 at the time of planting) must be provided along the front boundary of the site for every 7m of site frontage.~~
- b. The trees must be well developed specimen trees (Pb95 at the time of planting), capable of growing to a height of 5m within 10 years of planting.
- c. Where trees are planted in a strip, the strip must have a minimum width of 2m.
- d. Where trees are planted individually along a frontage, the trees must be planted in an area of not less than 4m<sup>2</sup> for each tree.

**Deleted:** where the buildings are set back in accordance with clause 10a.12.7.4(1)(b) and (2):

#### 2. Landscaped area:

**Deleted:** Where a building is located adjacent to or opposite an island residential site and is not built to the street frontage, a

- a. Each site must have a total landscaped area of not less than the frontage length multiplied by 2m. The landscaped area must be located at the street frontage.
- b. A minimum of two-thirds of any area proposed to meet part or all of the landscaped area must comprise planting.
- c. Planting must include a variety of shrubs not less than 1m high and with not less than half of the required planted area covered by such shrubs.
- d. Any landscaped area is not to be less than 4m<sup>2</sup> in area with a minimum dimension of 1.5m.

No part of a parking or loading space can be located in a landscaped area which is required under this clause.

## Explanation

The landscape amenity control is an important contributor to the provision and maintenance of adequate amenity at the business and residential interface. In addition to its amenity contribution, landscaping also provides a useful technique for mitigating adverse effects through, for example, softening the appearance of development (e.g. monotonous building form, parking areas), separating pedestrian and vehicle activities taking place on the site from those taking place on the street, and providing form, scale and texture that complement development.

### 10a.12.7.6 Screening

Where any outdoor storage, refuse disposal area, service or parking area adjoins or directly faces a road or land that is classified as island residential or recreation, such areas must be screened from the road or the island residential or recreation land unit by:

1. A solid wall or fence not less than 1.8m in height, built of concrete, brick, stone, timber or other solid material, or;
2. Densely planted indigenous vegetation which is capable of reaching a minimum height of 1.8m and will screen the area throughout the year.

## **Explanation**

Imposing a screening control on common boundaries between these areas can lessen the amount of noise, dust, glare and litter spreading from the generating site. It can reduce the visual impact of unsightly areas of storage and parking, and can establish a sense of privacy from visual and physical intrusion.

### **10a.12.8 Assessment matters**

For applications for resource consent refer to [part 11 - Assessment matters](#) for:

- Matters of discretion and notification requirements applying to the construction and relocation of buildings and to exterior alterations and additions to existing buildings.
- Assessment criteria for discretionary activities.

### **10a.12.9 Relationship with rules in other parts of the Plan**

[Part 14 - Definitions](#) must be referred to as it is likely to contain definitions of terms used in this part of the Plan.

The following parts of the Plan should also be referred to as they may contain rules which apply to a particular site or proposal:

[Part 4 - General rules](#)

[Part 5 - Network utility services](#)

[Part 6 - Financial contributions](#)

[Part 7 - Heritage](#)

[Part 8 - Natural hazards](#)

[Part 9 - Hazardous facilities and contaminated land](#)

[Part 10c - Development controls for land units and settlement areas](#)

[Part 12 - Subdivision](#)

[Part 13 - Connectivity and linkages](#)