

## **10a.13 Land unit - Commercial 3 (local shops)**

### **10a.13.1 Introduction**

This land unit applies to the small scale neighbourhood shops on Waiheke at Surfdale, Onetangi, Rocky Bay, Palm Beach, Little Oneroa and Ostend. Land at Beatty Parade which is currently used for a range of semi-industrial uses has been classified as commercial 3 to provide for a more appropriate range of uses in an area surrounded by residential activity.

These shops have a smaller scale than retail activities within the main commercial centres of Oneroa and Ostend, and generally service the retail requirements of the surrounding local community.

These shops play a role as a place where residents of the local community can meet and interact.

### **10a.13.2 Resource management issue**

The significant resource management issue which needs to be addressed in the Plan is:

- How to enable small scale retail and restaurant opportunities outside the main commercial areas of Oneroa and Ostend without compromising the character and amenity of the surrounding residential areas.

### **10a.13.3 Objectives and policies**

#### **10a.13.3.1 Objective**

To provide for small scale retail, and certain non-retail activities, in close proximity to residential areas, to service the needs of local residents.

##### **Policies**

1. By providing for retail activities as permitted activities in the land unit.
2. By providing for certain non-retail activities, through a resource consent process, when the activity supports the primary retail function of the land unit, and services the needs of local residents.

#### **10a.13.3.2 Objective**

To enable a vibrant, varied and safe retail environment within the land unit where the scale, form and location of buildings provides a high level of amenity.

##### **Policies**

1. By requiring retail activities to locate on the ground floor to ensure an active and continuous retail frontage is maintained.
2. By requiring, on sites which adjoin a road, that new buildings adjoin and face this road, to ensure an active and continuous retail frontage.
3. By requiring verandahs to be provided as shelter for pedestrians.

#### **10a.13.3.3 Objective**

To ensure that any adverse effect of business activity on adjoining residential land units is avoided or mitigated.

##### **Policies**

1. By adopting controls which limit development to that of a similar scale and intensity as that of adjacent residential activities.
2. By requiring appropriate noise standards to be met at the interface between residential and business activity.
3. By imposing additional controls on the location and size of buildings where they adjoin or face island residential or recreation land units.

#### 10a.13.4 Resource management strategy

The resource management strategy is to provide for small scale retail activity outside the main retail centres of Oneroa and Ostend, which services the needs of local residents, without compromising the residential amenity which is predominant within these areas.

This strategy is achieved by listing retail activities as permitted activities and certain non-retail activities as restricted discretionary or discretionary activities.

#### 10a.12.5 Rules - activity table

Activities	Status
Accommodation for care	D
Accommodation for retired, elderly or disabled people	D
Art galleries and museums	D
Boarding house or hostel	D
Care centre	D
Community facilities	D
Dwelling (one per site) (except for sites identified as contaminated land within the Beatty Parade part of the land unit, refer <a href="#">clause 10a.13.6.5</a> .)	P
Educational facilities	<del>P</del>
Entertainment facilities	D
Healthcare services	D
Restaurant, cafe and other eating places	RD
Retail premises	P
Tavern	D

Deleted: P

#### Legend

P = Permitted

RD= Restricted discretionary

D = Discretionary

#### Notes:

1. The relationship between buildings and other activities listed in activity tables is explained in [clause 4.3](#).
2. The activities of earthworks and vegetation clearances are treated as development controls and are therefore not listed in this table.

#### 10a.13.6 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.13.6.1 Building location

Buildings on sites with frontage to a road must:

1. Be built up to the road boundary for the entire length of the road frontage of the site.
2. Provide a verandah along the full extent of the site frontage. The verandah must:
  - a. Be so related to its neighbours as to provide continuous pedestrian cover.

- b. Have a minimum height of 3m and a maximum height of 4m above the footpath immediately below.
- c. Be set no further back than 600mm in plan view from the kerbline.

This provision is supplementary to and not in substitution for any of the council's bylaw requirements relating to verandahs.

- 3. Contain display areas or windows on a minimum of 75 per cent of the site frontage at road level.

**10a.13.6.2 Retail frontage control**

Within buildings on sites with frontage to a road, non-retail activities must not be located at street level (except for entrances or access to such activities) unless retail fronts the street and the non- retail activity is located behind it.

Restaurants, cafes and other eating places are considered to be retail for the purpose of this rule.

**Explanation**

The retail frontage control seeks to ensure that non-retail activities are located appropriately to maintain an active retail ground floor and to ensure the retail character of the land unit is maintained.

**10a.13.6.3 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) classified as commercial 3 must not exceed:

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

**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.13.6.4 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 reduces the visual impact of unsightly areas of storage and parking, and can establish a sense of privacy from visual and physical intrusion.

### **10a.13.6.5 Contamination at Beatty Parade**

Dwellings within the Beatty Parade part of the land unit, on sites identified as contaminated or potentially contaminated on the planning maps, are a non-complying activity and cannot be established until any existing soil contamination is appropriately remediated. Refer to [part 9 - Hazardous facilities and contaminated land](#).

### **10a.13.7 Assessment matters**

#### **1. Matters of discretion for restaurants, café and other eating places**

When considering an application for resource consent for restaurants, café and other eating places, the council has restricted its discretion to considering the following matters:

- traffic generation
- noise generation
- hours of operation
- the effect of the activity on the amenity of surrounding residential uses with respect to the above.

#### **2. Other listed activities**

For other applications for resource consent refer to [part 11 - Assessment matters](#) for assessment criteria for discretionary activities.

### **10a.13.8 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](#)