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## **Report and recommendations on submissions to the Auckland City District Plan: Hauraki Gulf Islands Section – Proposed 2006**

**Topic: Commercial 1 (Oneroa village) land unit and Appendix 12 (Oneroa village design guidelines)**

**Report to:** The council

**From:** The chairperson, hearings panel

**Date:** 27 March 2009

**Group file:** 314/274016-001

### **1.0 Introduction**

This report considers submissions and further submissions ('submissions') that were received by the council in relation to commercial 1 (Oneroa village) land unit and appendix 12 (Oneroa village design guidelines) of the Auckland City District Plan: Hauraki Gulf Islands Section - Proposed 2006 ('the Plan').

This report provides an analysis of the decisions requested in submissions and the supporting evidence presented at the hearings on this matter. The report recommends whether each submission should be accepted or rejected (in full or in part) and what amendments (if any) should be made to the Plan to address matters raised in submissions. Further submissions are not specifically addressed but are dealt with in conjunction with the submissions to which they relate.

### **2.0 Statutory framework**

This section of the report briefly sets out the statutory framework within which the council must consider the submissions. In preparing this report the submissions and, in particular, the decisions requested in the submissions, together with the supporting evidence presented at the hearing, have been considered in light of the relevant statutory matters. These were summarised by the Environment Court in *Eldamios Investments Limited v Gisborne District Council* W047/05 where the court set out the following measures for evaluating objectives, policies, rules and other methods in district plans:

1. The objectives of the Plan are to be evaluated by the extent to which they:
  - a. Are the most appropriate way to achieve the purpose of the RMA (s32(3)(a)); and
  - b. Assist the council to carry out its functions in order to achieve the purpose of the RMA (s72); and
  - c. Are in accordance with the provisions of part 2 of the RMA (s74(1)).

2. The policies, rules, or other methods in the Plan are to be evaluated by the extent to which they:
  - a. Are the most appropriate way to achieve the objectives of the Plan (s32(3)(b)); and
  - b. Assist the council to carry out its functions in order to achieve the purpose of the RMA (s72); and
  - c. Are in accordance with the provisions of part 2 of the RMA (s74(1)); and
  - d. (If a rule) achieve the objectives and policies of the Plan (s76(1)(b)).

The purpose of the RMA is “to promote the sustainable management of natural and physical resources”, and “sustainable management” is defined in section 5(2) as meaning:

“... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

Along with section 5, part 2 of the RMA includes sections 6 (matters of national importance), 7 (other matters) and 8 (Treaty of Waitangi), which set out a range of matters that the council needs to recognise and provide for in achieving the purpose of the RMA. Those matters are also relevant when considering submissions.

The Plan must assist the council to carry out its functions under section 31 of the RMA. These functions are:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
- (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
  - (i) the avoidance or mitigation of natural hazards; and
  - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
  - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;
  - (iii) the maintenance of indigenous biological diversity;
- (c) ...
- (d) The control of the emission of noise and the mitigation of the effects of noise:
- (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.”

In addition to the matters listed above from the Eldamos decision:

1. The Plan must “give effect to” any national policy statement and any New Zealand coastal policy statement (s75(3)(a) and (b)).
2. The Plan must “give effect to” the regional policy statement (made operative after 10 August 2005) (s75(3)(c)).
3. The Plan must be “not inconsistent with” any regional plan (s75(4)).
4. The council must ensure that the Plan does not conflict with sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (“the HGMPA”). Section 10 of the HGMPA requires that sections 7 and 8 of that Act be treated as a New Zealand coastal policy statement under the RMA.

## 3.0 Background

This section of the report sets out background information about the topic under consideration. It identifies how the Plan deals with commercial 1 (Oneroa village) land unit and appendix 12 (Oneroa village design guidelines).

### 3.1 Commercial 1 (Oneroa village) land unit

This land unit applies to the retail and commercial area of Oneroa village on Waiheke.

“The characteristics of the land unit are:

- generally small scale retail and other commercial activities (shops, cafés, restaurants, community facilities and offices) located in one to two storey buildings on small sites.
- a variety of small to medium scale tenancies.
- most buildings are located on or close to Ocean View Road (and often include verandahs and landscaping).
- relatively high volumes of traffic.
- most of the activities within the land unit are connected to, or able to be connected to, the Owhanake wastewater treatment plant.

Oneroa village is a busy shopping centre, which is a focal point for local residents, shopping, recreation and socialising. Its location within walking distance of Matiatia and on a major transport route to the eastern parts of the island means that it has a major role in servicing the needs of residents, commuters and visitors.

Oneroa is situated in a dominant location on a ridge overlooking, and with pedestrian and vehicle connections to, Oneroa beach.

The above characteristics contribute to the high amenity value of the village.”

“The resource management strategy for the land unit is to allow a diverse range of retailing and commercial activities while controlling the design, scale and form of buildings to ensure that they are of a high amenity value and do not adversely affect adjoining island residential land units.”

The land unit includes several sites which were classified as residential in the Operative Plan, these include 102-108 and 131-137 Ocean View Road.

### 3.2 Appendix 12 (Oneroa village design guidelines)

“These guidelines have been prepared to define the physical attributes that form Oneroa, and suggest ways to maintain and enhance its character.

They also play a role in providing guidance about the acceptable type of development within Oneroa village. In this regard, these guidelines will support the Plan assessment criteria in describing the type of development envisaged within the commercial 1 (Oneroa village) land unit. New building development in Oneroa requires resource consent as a restricted discretionary activity. In assessing such applications, the Council will expect adherence to the principles of the design guidelines.

These guidelines identify the following elements as essential to Oneroa in the future:

- unique beach/village atmosphere
- closely connected to the sea
- trees and vegetation in and around the town centre
- convenient access and parking
- managed traffic
- clean healthy environment
- strong sense of community”

## 4.0 Analysis of submissions

### 4.1 Introduction

This section of the report discusses the decisions requested in submissions about commercial 1 (Oneroa village) land unit and appendix 12 (Oneroa village design guidelines) and recommends how the council should respond to the matters raised and decisions requested in submissions. The submissions are addressed under subject headings. While the relevant statutory matters (identified in section 2.0 of this report) will not necessarily be referred to directly, the discussion and recommendations have given appropriate consideration to these and any other relevant matters.

Evidence presented at the hearing is directly referred to in this report where the panel believes it is of particular assistance in understanding the decision requested or the reasons for the panel's recommendation. These references are not intended to be exhaustive, and some evidence presented at the hearing may not be directly referred to in this report. However in reaching its recommendations the panel has considered all submissions, any written or verbal evidence presented in support of those submissions and the council planner's report.

A list of the submissions considered in this report together with the related further submissions is contained in **appendix 1** of this report. Any amendments to the Plan recommended in response to submissions are identified in this section of the report and are further detailed in **appendix 2** of this report.

### 4.2 General submissions about the commercial 1 (Oneroa village) land unit

Submissions dealt with in this section: 593/6, 600/3, 601/3, 603/4, 1552/11, 2291/1, 2291/3, 3061/81, 3061/85, 3574/16 & 3709/1

#### 4.2.1 Decisions requested

Submissions 593/6 and 603/4 seek the rewrite of the commercial 1 (Oneroa village) land unit or appendix 12 (Oneroa design guidelines) to ensure that they do not conflict and there is certainty for landowners.

Submissions 600/3 and 601/3 states that retail activity is only part of the essence of Oneroa.

Submission 1552/11 relief seeks to introduce an intensity control (of 1 person per 185m<sup>2</sup> area of site) for accommodation for retired, elderly and disabled people to allow for non-notified restricted discretionary and discretionary activities.

Submission 2291/1 seeks further rules and assessment criteria to remove through traffic from Oneroa and enhance public space.

Submission 2291/3 seeks that all service activities including through traffic, banks, video parlours, land agents, dry cleaners, doctor's surgeries and professional offices be prevented from locating on the main street of Oneroa and require these to locate as in the present Operative Plan.

Submission 3061/81 states that:

“The commercial 1 (Oneroa village) land unit appears draconian and excessive.”

Submission 3061/85 states that the overriding consideration is that the land unit does not contain provisions which permit development / subdivision that is contrary to maintaining the essential character and heritage of the island and the type, style and scale of buildings recognised within that character and island scale in particular.

Submission 3574/16 states that retail and residential expansion at Oneroa should indeed be restricted to small-scale development only.

Submission 3709/1 seeks:

The Plan is focused about the motor car, and in these village shopping centres (i.e. Oneroa village) or places does not seek to enhance visitor activity. Provide for viable businesses in these areas by making those places, places of great enjoyment quality public spaces. Encourage retail shopping in the various villages. This will involve negative incentives to the use of the motor car, and provide positive incentives to provide for quality public space. Including, traffic separation, mixed use development, design and appearance of streetscape and matters that enhance retail ambience and profitability, including achieving a separation of retail activities from other activities such as land agents, in the operative Plan for Oneroa.

#### **4.2.2 Panel's analysis and recommendations**

##### **4.2.2.1 Submissions 593/6 and 603/4 – conflict between appendix 12 and the commercial 1 (Oneroa Village) land unit**

The panel notes that the commercial 1 (Oneroa village) land unit and Appendix 12 (Oneroa village design guidelines) are intended to be read together. The commercial 1 land unit provisions contain issues, objectives, policies and resource management strategies, which are set to enhance the social and economic wellbeing of the community while ensuring that commercial activities within the land unit do not adversely affect the amenity of other activities within the land unit or any adjoining land units. The Oneroa village design guidelines (Appendix 12) provide guidance about the type of development acceptable within Oneroa. These guidelines also support the Plan assessment matters, in particular, clause 11.5.3.4(7) to describe the type of future development envisaged within Oneroa.

The Plan and the design guidelines seek to enhance the amenity and character of the ‘village’ by ensuring that linkages with the surroundings are encouraged through public open spaces, indented setbacks, courtyards and landscaping while the views to the coast are maximised with walkways between building and public terraces. These matters can be taken into account by the Council when assessing resource consent applications for the construction of buildings in commercial 1 and exterior alterations and additions.

The panel acknowledges that there are some conflicts between the principles set out in the design guidelines and some of the development controls applying in commercial 1.

The panel also acknowledge that the northern and southern sides of Ocean View Road have different features and characteristics through their topography and orientation to the coast and therefore it is recognised that these areas need to be addressed and provided for separately within the Plan. The panel recommend including a new figure into the Plan to identify which areas of the land unit are considered ‘northern’ and which are considered ‘southern’ to provide clarity for Plan users. This new figure will be inserted into the text for the decision version of the Plan.

The panel considers that the northern side of Ocean View Road, the areas marked North on the Plan provided in Appendix 4, need to be designed and built in order to protect and enhance the coastal aspect of the village. Buildings on the northern side need to be low rise and those with beach facing facades need to apply sensitive treatment to these due to their critical location when viewed from the foreshore. It is also noted that each building must make a conscious effort to provide a visual connection with the coast from the site, whether this be, for example, through the site via windows, or through an area of open space created by a balcony on the coastal side of the building. This will ensure that the unique and important connection with the coast is maintained.

The buildings on the southern side of Ocean View Road can be generally larger in scale, particularly in height to make the most of the view out across the water. It is also considered that the southern side of the road has the opportunity to provide ‘public spaces’ within the sites in order to enhance and maintain the public use and village character of the area.

In order to formally recognise the difference in the two areas, the panel considers it is appropriate to make the following amendments:

1. To amend clause 10a.11.3.2 Objective to include the following wording:

“3. By recognising the differences in the northern and southern sides of Ocean View Road through specific development controls.”

2. To amend clause 10a.11.7 to include the following wording:

“For the purposes of applying some development controls, the land unit has been divided into the northern and southern sides of Ocean View Road. The location of these two areas is identified on figure 10a.1(a).”

### **Building location**

Clause 10a.1.7.1 Building location within the Plan, requires that new buildings are built up to the road frontage for the length of the site and that a verandah is provided for the length of the frontage. The design guidelines however, refer in 7.0 Building detail, to the need for the “future street form to be discontinuous” and walkways and views visible between buildings and “indented set-backs and courtyards”.

The panel recognises that there is inconsistency in the advice relating to the desired location of buildings within the village. As discussed above, the panel consider that it is important that both the northern and southern sides of the main road are addressed for their individual characteristics.

The panel therefore recommends that the approach from the Plan, as notified, be implemented for the northern side of the road, which requires a more uniform approach in order to ensure that the low rise and relatively small scale nature of development is continued to maintain and enhance the existing linkages with the coastal environment.

Accordingly, the Plan should be altered for the northern side to read the following:

#### **“10a.11.7.1 Building location – Northern Side**

Buildings on sites with frontage to the northern side of Ocean View Road must:

1. Be built up to the Ocean View 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.
- 4. Provide a visual connection with the coast and foreshore by incorporating at least one of the following:
  - a. A balcony or terrace which fronts the coast and foreshore and is accessible from the footpath
  - b. A view through the building, from the road frontage to the coast and foreshore
  - c. Any other building feature that preserves and enhances the connection with the coast for the public.

### Explanation

The building location controls seek to ensure that buildings on the northern side of Ocean View Road maintain and enhance the connection with the coast. It is intended that a continuous frontage be achieved with verandahs required as protection for pedestrians. The purpose of the visual connection requirement is to maintain a public link with the coast and to ensure that buildings are designed with attention to both the coastal aspect and the road frontage.

The submitter attended the hearings and spoke further to the submission in relation to building location. The panel recognise from the submitter's comments that the use of the terminology "viewshaft through the building" (as was proposed in the officer's report) was not clear in its intention and therefore the panel consider that the wording proposed above clarifies the intention of the clause.

In addition to the recommended wording above, the panel also consider it necessary to ensure that particular attention is paid to the coastal frontage of the properties on the northern side of Ocean View Road. The panel recommend that an additional bullet point, added to clause 11.5.3.4(7), is appropriate to emphasise to the importance of this coastal location and the following wording is suggested:

“7. In relation to Oneroa village only:

- Ensuring that public views from Ocean View Road to the beach are maximised.
- Adherence to the principles of the design guidelines for Oneroa village (contained in appendix 12 – Oneroa village design guidelines).
- Ensuring that the scale, form and location of facades facing the beach are not visually prominent when viewed from the foreshore.”

The panel considers that the requirements for building location on the southern side of the road should encourage variable building location with the inclusion of open spaces.

### **“10a.11.7.1 Building location – Southern Side**

Buildings on the sites with frontage to the southern side of Ocean View Road must:

- 1. Maintain a discontinuous and varied frontage.
- 2. Contain display areas or windows on a minimum of 75 per cent of the site frontage at road level.
- 3. Provide a minimum of 5% of the site area for public use as open space in the form of courtyards, landscaped plaza(s) or arcades to maximise the connection with the coast and to create useable space.

### **Retail frontage control**

Clause 10a.11.7.2 of the Plan, as notified, outlines requirements of buildings with a frontage to Ocean View Road to ensure that non-retail activities are not located at street level. The panel consider that this control unnecessarily restricts some non-retail activities which would achieve and maintain an active and continuous frontage alongside retail activities.

The restriction of activities on the frontage should be limited to residential activities as it is considered that residential activities on the ground floor level, fronting Ocean View Road, would not be in keeping with the active and continuous frontage sought for the village.

Therefore, the panel recommends that this control be amended as suggested in order to clearly outline the need for a frontage control in commercial 1 (Oneroa Village). As a result, it is also recommended that the clause be renamed from “Retail frontage control” to “Frontage control” as it no longer only addresses the retail frontage.

The submitter attended the hearing and sought further clarification in the Plan on the activities that were considered appropriate to front Ocean View Road and the panel consider that the changes suggested below clarify this matter.

#### **“10a.11.7.2 Retail Frontage control- Northern Side**

~~Within For buildings on the northern side of Ocean View Road, non-retail residential activities must not be located at street level (except for entrances or access to such activities) unless retail commercial activity fronts the street and the non-retail residential activity is located behind it.~~

~~Restaurants, cafes and other eating places will be considered as retail for the purpose of this rule.~~

#### **Explanation**

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

This rule will retain the vitality, connectiveness and interaction of Oneroa village while allowing residential non-retail activity in appropriate locations.”

The same alterations should be made to the frontage controls for the southern side of Ocean View Road. Therefore, the following wording is recommended by the panel for the southern side:

#### **“10a.11.7.2 Retail Frontage control – Southern side**

For buildings on sites with frontage to Ocean View Road, residential activities must not be located at street level (except for entrances or access to such activities) unless retail commercial activity fronts the street and the residential activity is located behind it.

#### **Explanation**

The frontage control seeks to ensure that residential activities are located appropriately to maintain an active ground floor and to ensure the character of Oneroa village is maintained.

This rule will retain the vitality, connectiveness and interaction of Oneroa village while allowing non-retail activity in appropriate locations.”

## Height

When considering heights that are suitable within Oneroa Village, the panel recommends that the northern and southern sides of Ocean View Road be addressed separately.

The topography of the village plays an important role in the character of the village. The northern side of the road is lower in topography than the southern and the land slopes downward towards the coast, away from the road.

The panel considers that in order to ensure that the views to the coast are maximised, buildings on the northern side of the road are kept to a low level to allow views to be created over the buildings from the southern side of the road.

The southern side of the road also slopes away from the road although there is a general rise in topography towards the western end of the village. This provides the southern side of the road with the opportunity to use the raised topography to access view of the coast.

It is therefore considered by the panel that the height controls for the northern side of the road should remain relatively the same as currently worded in the Plan:

### **10a.11.7.5 Height- Northern Side**

1. Buildings on the northern side of Ocean View Road:
  - a. Must not exceed a maximum height of 6.5m, where the building adjoins the Ocean View Road frontage.
  - b. This may be increased to a maximum height of 9m where the ground level is greater than 3m below that at the boundary with Ocean View Road.
  - c. In all instances, a single storey frontage at street level must be maintained
2. ~~All other buildings must not exceed a maximum height of 8m.~~

### **Explanation**

As the topography drops away to the northeast there is potential for greater building heights, which will not affect views of Oneroa Beach and Oneroa Bay. The purpose of this rule is to encourage terraced buildings which follow the topography of the site.”

For the southern side of the road the panel considers that the height allowance of 8m maximum should be maintained:

### **“10a.11.7.5 Height - Southern Side**

1. Buildings on the ~~northern~~ southern side of Ocean View Road must not exceed a maximum height of 8m.
  - a. ~~Must not exceed a maximum height of 6.5m, where the building adjoins the Ocean View Road frontage.~~
  - b. ~~This may be increased to a maximum height of 9m where the ground level is greater than 3m below that at the boundary with Ocean View Road.~~
2. ~~All other buildings must not exceed a maximum height of 8m.~~

### **Explanation**

As the topography drops away to the northeast there is potential for greater building heights, which will not affect views of Oneroa Beach and Oneroa Bay. The purpose of this rule is to encourage terraced buildings which follow the topography of the site.”

## Access and Screening

The panel considers that the requirements for access and screening are appropriate for inclusion within the Plan for both the northern and southern sides of Ocean View Road.

The panel recognise that the provision of access to the service lanes, which are located on both the northern and southern sides of the road, is important to promote the use of the service lanes. This will reduce the vehicle traffic within the village and encourage parking to rear of the buildings, enhancing the village amenity.

Screening requirements are important to ensure that any adverse effects from storage, refuse, service and parking areas are mitigated. The panel considers that this rule should be retained in the Plan in order to ensure that these mitigation measures are achieved.

Therefore the panel recommends that submissions 593/6 and 603/4 are accepted in part.

### 4.2.2.2 Submissions 600/3 and 601/3 – retail activity in Oneroa

The panel agrees that retail activity is only part of the essence of Oneroa. The activity table for the land unit provides for a large number of activities, including retail. For example, art galleries and museums, care centres, community facilities, dwellings, educational facilities, healthcare services, offices, restaurants, cafés and other eating places, retail premises and taverns are provided for within the commercial 1 land unit as permitted activities. Other activities are also provided for as discretionary activities.

It is therefore considered by the panel that the Plan and in particular, the commercial 1 land unit does reflect that the character of Oneroa comprises retail and other commercial activities. Therefore the panel recommends that the submissions be accepted in part with no changes to the Plan required.

### 4.2.2.3 Submission 1552/11 – intensity control

Submission 1552/11 seeks to add an intensity control to distinguish between developments of different sizes to allow for less intense developments to be considered as restricted discretionary activities (and non-notified), while still using the discretionary assessment.

The rationale for imposing an intensity control of 1 person per 185m<sup>2</sup> was related to the minimum site area of the land unit and the maximum number of persons found in a household unit.

To illustrate this further within the commercial 1 land unit the minimum site area is 1500m<sup>2</sup>. The term 'household unit' is defined in part 14 as:

**"Household unit** means a separate housekeeping unit consisting of any one of the following:

1. One person; and up to five other people unassociated with the household.
2. Two or more people related by blood, marriage (whether legal or defacto), civil union, adoption or legal guardianship; and up to five other people unassociated with the household.
3. A group of not more than eight people unrelated by blood, marriage whether legal or defacto, civil union, adoption or legal guardianship.

It includes any of the normal domestic household activities, which may occur on the site."

Using part 3 of this definition the submission has calculated the appropriate intensity level (person per area of site) as being  $1500 \div 8 = 187.50\text{m}^2$ . It is assumed that the intensity level has been rounded down to an intensity level of  $185\text{m}^2$  per person.

Applying an intensity control as a method of managing the effects of accommodation for retired, elderly and disabled people is not supported by the panel for the following reasons:

- The submission does not identify how an intensity rule would be used to distinguish between developments of different sizes. It is assumed that the submission seeks that developments, which complied with the intensity control of 1 person per  $185\text{m}^2$  of site area, be considered as restricted discretionary activities and those that infringed this rule as discretionary. However, it is not clear how this relates to the request in 1552/6 for permitted activity status.
- Clause 1.6.2.3 of the Plan explains how restricted discretionary activities are dealt with in the Plan. This clause states:

**"A resource consent is required for a restricted discretionary activity. The Plan must specify the matters over which the council has restricted its discretion. The council's ability to refuse the application and impose conditions is restricted to these matters.**

A restricted discretionary activity is a more limited type of discretionary activity. The Plan uses this approach in circumstances where it is possible to identify a limited range of effects, which need to be assessed.

In some circumstances, the Plan specifically provides that restricted discretionary activities do not require public notification or service of notice. "

It is very difficult to identify a limited range of effects associated with the accommodation for retired, elderly and disabled people. This is recognised in clause 11.3 general assessment criteria for discretionary activities where 17 matters are required to be considered for these activities. Therefore, it is inappropriate to apply a restricted discretionary status to this activity.

- Within the Plan there is potential for restricted discretionary activities to be notified, the exceptions are when it is explicitly stated as being a non-notified activity. It is considered that there may be times when it is appropriate to notify this activity even if it complies with the intensity levels sought by the submitter.
- A discretionary activity is not considered too restrictive due to the fact that a development with lesser generated effects has the potential to be processed without notice through section 94 of the RMA assessment. Those developments, which don't meet these tests, will be required to be notified. Utilising this statutory process to determine which applications should be notified is considered appropriate.

Due to the recommendation further in the report (section 4.6.2.6) for accommodation for care and accommodation for elderly, retired or disabled people to be permitted activities within the commercial 1 land unit, it is recommended that submission 1552/11 be rejected.

#### **4.2.2.4 Submission 2291/1 – removal of traffic and enhance public spaces**

##### **Remove through traffic from Oneroa village**

As part of the consultation undertaken prior to the development of the Plan some people raised the removal of through traffic from Oneroa and allowing for a bypass around Oneroa.

It was also discussed within the “planning for the future” focus group. This was a minority viewpoint with most consultation feedback and people within the focus group not supporting this.

The panel recognise that through traffic is an operational issue and is therefore better dealt with outside of the Plan review. A full assessment of the effects of removing through traffic from Oneroa, including potential economic effects, effect on the roading network where the traffic would be relocated to and the necessity and cost of such a measure would have to be considered.

The panel considers that the removal of through traffic from Oneroa would result in increased traffic on surrounding roads, which border mainly residential land units. It is more desirable that the main route for traffic be through Ocean View Road, with parking and access to the village from rear service lanes in behind this main road.

The panel consider that the submission has provided few supporting reasons justifying the removal of through traffic from Oneroa village. In addition, traffic is able to bypass Oneroa currently by travelling on Mako Street from Ocean View Road.

### **Enhance public open space in Oneroa village**

The provisions of the commercial 1 land unit provide for the enhancement of the streetscape of Oneroa by controlling the design, scale and form of buildings to ensure that they are of a high amenity value.

The development controls within the land unit, for example the building location, retail frontage and screening rules and in addition, the guidelines within Appendix 12 – Oneroa village design guidelines, provide further control on buildings to ensure that they are of a high amenity value. There is no need to alter the Plan to give effect to this submission.

Therefore, it is recommended by the panel that submission 2291/1 should be accepted with no changes to the Plan required to give effect to this submission.

#### **4.2.2.5 Submission 2291/3 – service activities**

The submission seeks that all service activities including through traffic, banks, video parlours, land agents, dry cleaners, doctor's surgeries and professional offices be prevented from locating on the main street of Oneroa and require these to locate as in the present Operative Plan.

As discussed in section 4.2.2 above, the panel considers that the Proposed Plan, as notified, is unnecessarily restrictive on the activities which can locate on the Ocean View Road frontage. The panel has recommended that the wording of the retail frontage control be amended in order to more clearly represent the need for the commercial 1 (Oneroa village) to maintain and active and continuous frontage with retail or any other activities which achieve this.

Clause 7.5.3.3(I) of the Operative Plan contains the following assessment criteria for controlled activities in policy area 5: *“non-retail premises are deemed to be a controlled activity unless they are listed as a discretionary activity in the land unit rules.”*

Clause 10a.11.5 Rules – activity table in the Proposed Plan lists the activities that are deemed suitable for inclusion within the land unit, while the amended frontage control (as detailed in section 4.2.2.1 above) indicates the intention of the land unit to restrict the location of residential activities within the land unit from being on ground level at the road frontage.

It is recognised by the panel that a wide range of activities make up a village and that provision for a range of activities within the commercial 1 land unit maintains and enhances the village character of Oneroa.

It is therefore recommended by the panel that the submission be rejected.

#### **4.2.2.6 Submission 3061/81 – land unit draconian and excessive**

The provisions under clause 10a.11 land unit-commercial 1 identify the characteristics of Oneroa as being a generally small scale mix of retail and commercial development with high amenity value and a ‘village’ character. The objectives and policies within this part seek to maintain the area as a focal point for residents and visitors for shopping, recreation and socialising.

Key within the land unit are the objectives to maintain the high amenity value of the village while enhancing social and economic development of the area with appropriate retail and commercial activities. The objective and policies outlined are essential in order to achieve an acceptable level of development within the land unit, and ensure that further development does not adversely affect surrounding land units.

It was not clear from the written submission exactly what relief the submitter was seeking in relation to this matter. The submitter attended the hearing to further expand on the submission and clarified that the main concerns with the provisions for the land unit were in relation to noise and in support of submissions 1055/53 and 1055/54 in relation to service lanes within Oneroa Village (addressed in section 4.12.2.2 of this report). The submitter considered that the officer’s report provided for improvements and therefore the panel recommend that the submission be accepted in part.

#### **4.2.2.7 Submission 3061/85 – overriding consideration of the land unit**

The provisions under clause 10a.11 identify the characteristics of Oneroa as being a generally small-scale mix of retail and other commercial activities. The objectives and policies within the land unit seek to maintain and enhance the high amenity value of the village and to enable a vibrant, varied and safe retail environment.

The key resource management strategies within the land unit are to enable retail and employment opportunities within Oneroa and ensuring that the uses contained within commercial 1 do not negatively influence adjoining island residential land units.

It is clear to the panel that the aim of the land unit is to preserve and enhance the character of the area and to prevent development/subdivision in the area that would be contrary to the promotion of enhanced economic and social wellbeing for the community. The panel considers that the level and type of development provided for in the land unit is appropriate for the island.

The submitter attended the hearing but did not specifically address this subsection of the submission and therefore it is still not clear what relief the submitter was seeking. Therefore the panel recommend that the submission be rejected.

#### **4.2.2.8 Submission 3574/16 – small-scale development**

It is not clear to the panel whether this submission seeks any amendments to the Plan or supports the existing provisions and it is therefore recommended that submissions 3574/16 should be accepted as far as it supports specific provisions within clause 10a.11.

#### **4.2.2.9 Submission 3709/1 – focus of the Plan**

The panel considers that the Plan, and in particular the commercial 1 (Oneroa Village) provisions are focussed on maintaining, protecting and enhancing the high amenity and character of the busy shopping village at Oneroa and not the motorcar as the submitter suggests. Clause 10a.11 also seeks to enhance visitor activity in Oneroa Village by encouraging a diverse range of retailing and commercial activities with specific design requirements such as verandahs to provide continuous all-weather pedestrian cover. The Oneroa village design guidelines (Appendix 12) aim to ensure the connection from the village to the sea via walkways, views, ambience and activities are maintained and enhance the seaside nature of the village, making it a pleasant and interesting area for visitors.

Traffic separation is encouraged where possible in commercial 1 through the requirement in Clause 10a.11.7.6 Access, which requires that all buildings on sites along Ocean View Road with front, rear or side access to the northern or southern service lanes must be designed, constructed and maintained to achieve full service access from the adjacent service lane. This is also addressed in the vehicle access and parking section of the Oneroa village design guidelines where parking and servicing in particular are encouraged in service lanes and parking areas with pedestrian linkages to shops.

While the panel recognise that retail development in Oneroa is predominant, appropriate commercial growth and development is encouraged in the land unit and a range of activities are provided for and are set out in the activity table (10a.11.15). The resource management issues raised in the Plan seek to enable retail and employment opportunities within Oneroa while maintaining and enhancing the high amenity value and village character of the centre. These issues also address the need for commercial development within Oneroa not to negatively impact other activities in the land unit, or adjoining land units.

The design and appearance of the streetscape is addressed in both the commercial 1 provisions (where matters relating to building location, retail frontages, height and screening are covered) and the Oneroa village design guidelines (Appendix 12) which addresses items including the prevailing development pattern, building materials and building detail. Commercial 1 requires that non-retail activities are not located at street level, unless a retail unit fronts the street and the non-retail activity is located behind it. This rule seeks to ensure that non-retail activities are appropriately located to maintain an active retail ground floor and that the retail character in Oneroa is maintained.

It is therefore recommended by the panel that submission 3709/1 be rejected.

### **4.3 Submissions about the classification of land within the Commercial 1 land unit.**

Submissions dealt with in this section: 82/1, 82/2, 84/1, 84/2, 775/1, 2078/1, 2078/2, 2103/4, 3615/1, 3615/2, 3617/1, 3804/1

#### **4.3.1 Decisions requested**

Submissions 82/1, 84/1, 84/2, 3615/1, 3617/1 seek to reclassify properties at 3, 5, 7 & 9 Tui Street, Oneroa from island residential to the commercial 1 land unit.

Submission 82/2 seeks to reclassify 3 & 5 Tui Street, Oneroa from island residential to commercial 1 land unit.

Submission 775/1 requires that the westward extension of the commercial 1 land unit along Ocean View Road be removed while submission 3615/2 seeks to extend the commercial 1 land unit to Tui Street rather than the Ocean View Road extension

Submissions 2078/1, 2078/2 and 2103/4 seek to reclassify 2 & 4 Korora Road, Oneroa from island residential to the commercial 1 land unit

Submission 3804/1 supports the classification of 3 Oue Street, Oneroa as commercial 1

#### **4.3.2 Panel's analysis and recommendations**

##### **4.3.2.1 Submissions 82/1, 82/2, 84/1, 84/2, 3615/1, 3617/1 - 3, 5, 7 and 9 Tui Street**

Tui Street is located off Ocean View Road and currently, 1 & 2 Tui Street are located within the commercial 1 land unit. 1 Tui Street fronts Ocean View Road while the service station and garage located at 2 Tui Street, faces onto Tui Street.

The properties in question in the above submissions are located on the west side of the road and are directly opposite the BP service station at 2 Tui Street.

The panel notes that the properties (i.e. 3, 5, 7 and 9 Tui Street) are currently classified as island residential 1 (traditional residential) and each of the properties contains some form of residential dwelling however, the panel notes that currently 3 Tui Street is occupied by a veterinary clinic. All of the properties are through properties, with a frontage on both Tui Street and Weka Road. Some of the land opposite the subject sites on Weka Road is contained within the commercial 1 land unit and opposite 9 Tui Street, on Weka Road, the land unit is island residential 1 (traditional residential)

The submissions are from the owners of 3 Tui St and 9 Tui Street.

The panel notes that the properties are of a similar size to most of the sites located within the commercial 1 land unit but are located away from the main shopping area and do not front Ocean Beach Road. It is considered that while the sites would significantly increase the size of the commercial 1 land unit, the location of the sites is such that it would not add significantly to Oneroa village as a whole.

The submitter attended the hearings to speak further to the above submissions. The panel considered the matters raised when deliberating on this topic however it was considered that further extension of the commercial 1 (Oneroa Village) land unit was not necessary and therefore the panel recommends that the above submission be rejected and that the properties at 3, 5, 7 & 9 Tui Street remain within the Island Residential 1 land unit.

##### **4.3.2.2 Submissions 775/1 and 3615/2 –extension of land unit**

Submission 775/1 raises concern over the extension to the commercial 1 land unit westward along Ocean View Road. The panel notes that the Proposed Plan contains additional sites that were not considered as retail in the Operative Plan. This includes the following sites:

- 1 & 3 Oue Road
- 102 - 108 Ocean View Road

- 131 - 137 Ocean View Road

The panel considers that whilst the current use of the land may not be suitable for retail or other commercial activities, the future development potential for the sites is such that they are considered a valuable extension to Oneroa Village. It is also considered by the panel that linking the existing village to the 'Artworks' site and the Village butchers provides sufficient space to allow retail and other commercial activities to cater for the increasing number of residents and tourists who utilise and enjoy Oneroa village.

One of the submitters attended the hearing to talk further to the submissions and the panel considered the submitter's concerns during deliberations. The submitter raised concern that the extension of the land unit would result in a loss of amenity for residential properties with boundaries adjoining land reclassified as commercial 1. While the panel acknowledge the submitters concern, it is recognised that objectives 10a.11.3.3 of the land unit specifically seeks to ensure that adverse effects from activities in commercial 1 on neighbouring residential and recreation land units are avoided or no more than minor. The panel do recommend that the wording in clause 10a.11.3.3 be amended to be consistent with the wording in other objectives in the land unit. The following amendment is recommended:

**"10a.11.3.3 Objective**

To ensure that any adverse environmental effect of ~~business~~ commercial activity on other activities within the land unit or on adjoining island residential or recreation land units is avoided or no more than minor in extent."

Submission 3615/2 seeks to extend the Oneroa Village towards Tui Street (eastwards along Ocean View Road) rather than the current extension discussed above. The panel notes that the submitter is the owner of property on Tui Street and seeks this amendment as an alternative to including the properties at 3, 5, 7 & 9 Tui Street in the land unit.

The extension of the land unit to the west creates linkage to the already established facilities located at the 'Artworks' site. It is considered by the panel that this is an important link to be made in order to incorporate the 'Artworks' into the Oneroa village. The 'Artworks' site provides valuable facilities for the community such as the library and is a great place for local artists to exhibit their work.

Although it is recognised that the eastward end of Oneroa village also contains facilities that are important to the community such as the post office and doctor's clinic, the panel considers that the westward extension provides a linear extension to the land unit on both sides of the road and provides adequate space for future development.

It is therefore recommended by the panel that the above submissions be rejected.

#### **4.3.2.3 Submissions 2078/1, 2078/2 and 2103/4 – 2 & 4 Korora Road**

Submissions 2078/1, 2078/2 and 2103/4 seek to reclassify 2 & 4 Korora Road, Oneroa from island residential 1 to the commercial 1 land unit

The Artworks site, located at 2 Korora Road, Oneroa is owned by the Auckland City Council and contains community facilities including the public library, a theatre, information centre and various other small-scale art and craft retailers. It is considered by the panel that the use of this site, along with the adjacent site at 4 Korora Road, which is also a vital part of the 'Artworks' site, qualify to be reclassified as commercial 1 from their current classification within the island residential 1 land unit.

As part of this reclassification, Sheet 2 Map 1 needs to be altered accordingly to correctly show the amended extent of the commercial 1 land unit. It is noted by the panel that the map (attached as appendix 6 to the hearings report) does not adequately amend the map to include 4 Korora Road. It is therefore recommended by the panel that the planning maps be correctly amended to indicate the inclusion of both 2 and 4 Korora Road within the commercial 1 (Oneroa Village) land unit.

#### **4.3.2.4 Submission 3804/1 – 3 Oue Street**

Submission 3804/1 is accepted by the panel as it specifically supports the classification of 3 Oue Street, Oneroa within the commercial 1 land unit

### **4.4 Submissions seeking the removal of policies from clause 10a.11.3.1 Objective**

Submissions dealt with in this section:

**Group 1 593/1, 603/1**

**Group 2 593/2, 603/1, 772/1, 772/3, 779/1, 790/1, 790/2, 3172/1, 3173/1**

**Group 3 593/3, 603/1, 772/1, 779/1, 790/1, 3172/1, 3173/1**

**Group 4 593/4, 603/1, 772/1, 779/1, 790/1, 3172/1, 3173/1**

#### **4.4.1 Decisions requested**

Group 1 submission request the removal of Clause 10a.11.3.1(1) – By requiring new building or additions and alterations to existing buildings to be assessed to ensure consistency with design guidelines for Oneroa (refer to appendix 12 – Oneroa village design guidelines).

Group 2 submissions request the removal of Clause 10a.11.3.1(2) – By requiring retail activities to locate on the ground floor to ensure an active and continuous retail frontage is maintained

Group 3 submissions request the removal of Clause 10a.11.3.1(3). – By requiring, on sites which adjoin Ocean View Road, that new buildings adjoin and face this road, to ensure an active and continuous retail frontage.

Group 4 submissions request the removal of Clause 10a.11.3.1(4) – By requiring verandahs to be provided as shelter for pedestrians.

#### **4.4.2 Panel's analysis and recommendations**

Clause 10a.11.3.1 of the Plan currently reads:

##### **“10a.11.3.1 Objective**

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

##### **Policies**

1. By requiring new buildings or additions and alterations to existing buildings to be assessed to ensure consistency with design guidelines for Oneroa (refer to [appendix 12](#) - Oneroa village design guidelines).
2. By requiring retail activities to locate on the ground floor to ensure an active and continuous retail frontage is maintained.

3. By requiring, on sites which adjoin Ocean View Road, that new buildings adjoin and face this road, to ensure an active and continuous retail frontage.
4. By requiring verandahs to be provided as shelter for pedestrians."

The submission raises concern that the Plan and the Oneroa village design guidelines do not currently provide a clear picture of the desired outcomes for the land unit. The land unit provisions and the guidelines are designed to be read together and enable a clearer picture for users of the Plan of the aims for the land unit. This matter is addressed and rectified throughout this report. Some of the submitters attended the hearing to speak further to their submissions on these topics.

The panel considers that the policies addressed in the submission are key to ensuring that the character of Oneroa is maintained and enhanced and a high level of amenity is provided. It is considered by the panel that the first policy relating to new buildings and additions and alterations to existing buildings being assessed to ensure consistency with the design guidelines in Appendix 12 ensures that a consistent approach is applied to all new development in the village. The panel also considers that the scale, form and location of new buildings and additions and alterations to existing buildings are an important means of ensuring that new buildings integrate with the village character of Oneroa. It is therefore considered that it is important to reference both the development controls contained within the Plan and the guidelines provided in Appendix 12.

Policy 2 in relation to the location of retail activities on the ground floor is recognised by the panel as being important to ensure that a continuous active frontage maintained throughout the village. It is noted that restaurants, cafés and other eating places are considered as retail, as detailed in clause 10a.11.7.2 but it is also considered that some activities other than retail activities can also contribute to an active frontage. Residential activities do not achieve an active frontage and therefore it is considered important to restrict the location of these activities and ensure that residential activities are not located at street level.

It is therefore recommended by the panel that policy 2 be amended as follows:

2. By requiring ~~retail that residential activities to are not located on the ground floor level to ensure an active and continuous retail frontage is maintained.~~

Policy 3, which requires buildings to adjoin and face Ocean View Road builds on policy 2 in order to maintain an active and continuous frontage for the village. It is noted by the panel, as discussed in section 4.2.2 above, that buildings on the northern side of Ocean View Road should address any frontage to the coast as well as the road frontage. The panel also notes that the southern side of Ocean View Road could contain a front yard, as discussed in 4.2.2 above, but the panel consider it necessary to maintain the requirement for buildings to face the road in order to maintain the continuity of the village character.

Policy 4, which requires verandahs to be provided as shelter for pedestrians has been discussed in 4.2.2 above. The panel considers that verandahs are an important inclusion for buildings on the northern side of Ocean View Road to provide protection for pedestrians. The southern side of the road however, with the aim of encouraging a discontinuous and varied frontage, does not have the same need for verandahs. It is considered by the panel that this policy could therefore be removed to allow for the subject of verandahs to be dealt with under the building location clause for each side of the road.

It is therefore recommended by the panel that the submissions in Groups 1 and 3 be rejected, that Group 2 submissions be accepted in part and that policy 2 be amended as detailed above

and that the submissions in Group 4 be accepted and that policy 4 of clause 10a.11.3.1 be removed.

## 4.5 Submissions about the Owhanake Treatment Plant

Submission dealt with in this section: 1596/20 and 3521/93

### 4.5.1 Decisions requested

Submission 1596/20 states that the reference to development in commercial 1 (Oneroa Village) (clause 10a.11.3.2) no longer being constrained by wastewater disposal needs due to the Owhanake treatment plant should be reworded to remove open-ended proposition

Submission 3521/93 (from the Auckland Regional Council) asks for Clause 10a.11.3.2(1) to read : “By recognising that the scale of development within Oneroa village ~~is no longer constrained should not be constrained in future, up to the limit of the capacity of the consent and by the physical capacity of the plant~~, by wastewater disposal due to the Owhanake plant.”

### 4.5.2 Panel’s analysis and recommendations

#### 4.5.2.1 Submissions 1596/20 and 3521/93 – Owhanake Wastewater Treatment Plant

The panel recognises the current system in place is not adequate for unlimited growth and therefore wording of the policy should be altered accordingly.

It is therefore recommended by the panel that the submissions be accepted in part and that the wording of Clause 10a.11.3.2(1) be amended to read

- “1. By recognising that ~~the scale of development~~ within Oneroa village, ~~is no longer constrained by~~ wastewater disposal ~~is not a constraint to future development as long as any waste disposal needs can be met within the terms of the notice of requirement for due to~~ the Owhanake wastewater treatment plant.

The Auckland Regional Council tabled evidence at the hearing in support of the officer’s recommendation to accept the submission in part and alter the wording as detailed above.

## 4.6 Submissions about clause 10a.11.5 Rules -activity table

Submissions dealt with in this section: 518/18, 537/5, 598/1, 599/1, 753/23, 821/25, 836/14, 1190/22, 518/16, 753/21, 821/27, 836/12, 1190/20, 1077/1, 1552/5, 2733/9,

### 4.6.1 Decisions requested

Submissions 518/18, 753/23, 821/25, 836/14 and 1190/22 seek that Oneroa become more visitor oriented with commercial use (e.g. real estate) being moved to Ostend.

Submission 537/5 from the New Zealand Fire Service Commission seeks to provide for emergency service facilities as a permitted activity within the commercial 1 land unit. The submission does not explain which sort of activities would be encompassed in the term emergency services facilities but it does refer in particular to fire stations.

The submission notes that no specific provision has been made for emergency services in the activity table for commercial 1 and the submitter considers it important that the existing and future operational needs of the fire service be considered as a permitted activity at the specified site within commercial 1, namely 3 Weka Street, Oneroa. A further subpart of this

submission (i.e. 537/17) the fire service has required a definition for emergency services facilities within section 14 of the Plan. This along with submissions from the NZ Police (1071/1) will be covered in the hearing report for part 14.

Submissions 598/1 and 599/1 that residential dwellings be encouraged in the commercial area of Oneroa to increase the advantages of mixed use and encourage people into the seaside village. The submitters feel that the restriction to one dwelling per site is unnecessarily restrictive and that this does not provide certainty to landowners. It is also mentioned in the submission that this restriction may prevent appropriate development as centres of retail change on the Island and demand changes.

Submissions 518/16, 753/21, 821/27, 836/12, 1190/20 seek to exclude Motor Vehicle Sales from Oneroa and submission 1190/20 seeks that the activity is removed from the activity table as a discretionary activity.

Submission 1077/1 from the New Zealand Police, expresses their support for the activity table at clause 10a.11.5 which classifies offices and community facilities as permitted within the commercial 1 land unit.

Submission 1552/5 seeks alteration to the activity table by way of altering the discretionary status of accommodation for care and accommodation for retired, elderly or disabled people.

Submission 2733/9 seeks a base status be applied to activities within the commercial 1 land unit such as an amendment to the Activity Table (10a.11.5) to provide for the construction and alteration of buildings (activities 1 &2 in table 10a.11.5) as a controlled activity. In the event that the development controls required within the Plan are not complied with, the submitters suggest that these activities should be classified as restricted discretionary activities.

## 4.6.2 Panel's analysis and recommendations

### 4.6.2.1 Submissions 518/18, 753/23, 821/25, 836/14 and 1190/22 – visitor oriented

The panel acknowledge that the commercial 1 land unit recognises that the scale of retail and commercial activities are key to maintaining the 'village' character and high amenity of the area and it is also recognised that within the village an appropriate mix of retail and commercial activities are important to enable the community to provide for their social and economic wellbeing.

The Plan takes into account that the land unit is located adjacent to residential and recreational land units and there is a need to ensure commercial activity within Oneroa does not negatively impact on these neighbouring land units.

Activities that are considered acceptable within the land unit are identified in the activity table as permitted. Activities which the Council considers should be assessed on a case by case basis on have the status of restricted discretionary, discretionary or non-complying. This allows conditions on resource consent to be imposed in order to avoid, remedy and mitigate potential adverse effects from the activity. These statuses also allow any applications that the Council considers have adverse effects, which cannot be avoided or mitigated through consent conditions, the option of being refused.

In order to preserve the mixed use nature of Oneroa and to ensure that the social and economic wellbeing of the community is addressed it is recommended by the panel that appropriate commercial activities, such as those included in the activity table be retained in Oneroa and that the submissions on this matter be rejected.

#### 4.6.2.2 Submission 537/5 – Oneroa Fire Station

It is acknowledged by the panel that the Plan could make better provision for some emergency service facilities – in particular fire stations, police stations and ambulance stations. These activities do not fit into any of the existing definitions within part 14 of the Plan. The panel notes that medical emergency services such as hospitals and doctors' surgeries fit within the definition of health care services and are therefore appropriately provided for in the Plan.

In order to make better provision for emergency services facilities, one option is to broaden the definition of community facilities to specifically include police stations, ambulance stations and fire stations. However, this approach is not recommended by the panel as the definition currently focuses on activities which involve the gathering of people. Emergency services facilities are likely to have particular characteristics and effects which differ from those activities which involve the gathering of people. Many emergency services facilities involve some degree of 24 hour operation which can be disruptive to surrounding areas.

The panel recommends that a separate definition for emergency service facilities be added to part 14 of the Plan. The fire service commission have suggested the following definition (in subpart of this submission, namely 537/17):

**“Emergency services facilities** means those facilities or authorities which are responsible for the safety and physical welfare of the people or property in the community and includes fire stations, ambulance stations and police stations.”

However, this definition is considered by the panel to be too broad as it is not confined to fire stations, ambulance stations or police stations. The following definition is recommended instead:

**“Emergency services facilities** means land and buildings used for a fire station, ambulance station or police station. This may include administration, vehicle and equipment storage and maintenance, and training.”

The panel further recommends that emergency services facilities be provided for as a restricted discretionary activity within the commercial 1 land unit. The table for assessment criteria for particular discretionary activities (Table 11.1) will also need to be amended. ‘Emergency services facilities’ should be added, with all items (1 to 18) identified with an asterisk.

It is therefore recommended by the panel that this submission be accepted in part and that emergency services facilities be provided for as a restricted discretionary activity within the activity table. The submitter tabled evidence at the hearing in support of this.

In commercial 1, 2 and 5, it is recommended by the panel that the council should restrict its discretion to considering the following matters:

- access for emergency vehicles
- noise

#### 4.6.2.3 Submissions 598/1 and 599/1 – encouraging residential dwellings

The panel notes that residential development within the commercial 1 land unit is permitted to the intensity of one dwelling per site (as stated in the activity table 10a.11.5). Multiple dwellings are included in the activity table as a discretionary activity for which a resource consent must be obtained and are referred to in the definitions section of the Plan (Part 14) as “meaning more than one dwelling per site”.

The submitter attended the hearing to speak further to these submission and considered that a density control of 1 dwelling per 185m<sup>2</sup> should be introduced. The submissions states that one dwelling per site is unnecessarily restrictive to landowners and does not provide certainty. One dwelling per site is uniform throughout the Plan in land units where residential dwellings are permitted. The panel consider that this is a clear and consistent approach and clearly outlines for landowners what is an acceptable level of residential development.

The submissions also state that the restriction of one dwelling per site may prevent appropriate development of centres of retail change on the Island. It is considered by the panel that whilst residential development is permitted within the land unit, it is not considered the primary use of land and instead the Plan seeks to promote and encourage mixed uses of both retail and appropriate commercial development within the land unit.

It is therefore recommended by the panel that these submissions be rejected.

#### **4.6.2.4 Submissions 518/16, 753/21, 821/27, 836/12 and 1190/20 – Motor vehicle sales**

Motor Vehicle Sales are defined in Part 14 of the Plan as:

**"Motor vehicle sales** means any of the following:

1. The sale, hire or lease of motor vehicles, trailer boats, caravans, or trailers.
2. The sale of spare parts for motor vehicles, outboard motors or trailer boats."

Currently motor vehicle sales are provided for within the commercial 1 land unit as a discretionary activity which means that resource consent is required prior to the establishment of a motor vehicle sales yard and the council has the ability to refuse any development that is deemed unsuitable.

It is considered by the panel that the narrow frontage for most of the sites on Ocean View Road would not be suitable as a motor vehicle sales yard, however it is considered that the larger sites, along Kuaka Street could be a suitable location for this type of activity.

The definition for motor vehicle sales includes hire and lease as well as sale. The panel therefore considers that both tourists and local residents have the potential to benefit from this type of activity.

The panel recognises that the nature of the sites in Ostend may be more suitable for this type of activity. However the panel considers that the activity is not suitable for all sites within the commercial 1 land unit, and therefore that the discretionary status applied to the activity allows the Council to consider all aspects of the individual application on a case by case basis. It is therefore recommended by the panel that the submission be rejected and that motor vehicle sales retain a discretionary activity status within the commercial 1 land unit.

#### **4.6.2.5 Submission 1077/1 – Offices and Community Facilities**

It is recommended that submission 3574/16 is accepted as far as it supports specific provisions within clause 10a.11.5.

#### **4.6.2.6 Submission 1552/5 – accommodation for care and accommodation for retired, elderly or disabled people**

Submission 1552/5 states that the discretionary status placed on accommodation for care and accommodation for retired, elderly or disabled people activities within the land unit is too restrictive. The submitter considers that commercial 1 is a good location for such activities on Waiheke due to the links to public transport, social services and employment opportunities.

The submitter also raises that dwellings are permitted activities within the land unit and the submitter considers that dwellings and accommodation for care/community houses generate the same range of effects and accordingly the activities should hold the same activity status.

The panel considers that accommodation for care and accommodation for retired, elderly and disabled people have a greater range of effects than dwellings because these activities are often of a larger scale than a single residential dwelling. For example, a large retirement village or rest home is of a considerably different scale and intensity than a single dwelling. It is considered however that the effects could be suitably avoided, remedied or mitigated within the commercial 1 land unit due to the generally large site sizes, the development controls and the commercial nature of the land unit and the other development controls that apply. It is therefore recommended by the panel that a permitted activity status, in line with the status of dwellings, be applied within the commercial 1 land unit to allow for both accommodation for care and accommodation for retired, elderly and disabled people.

The panel therefore recommends that this submission be accepted and that the activity table 10a.11.5 be amended to reflect this altered status of these activities.

#### **4.6.2.7 Submissions 2733/9 & 2733/10 – construction and alteration of buildings**

Currently within the commercial 1 land unit the construction of, and external alterations to, any building is a restricted discretionary activity.

The panel recognise that the reason for requiring this restricted discretionary status within the land unit is to recognise and maintain the high amenity value and village character of the Oneroa Village. The submitter attended the hearing and spoke further to this submission. The submitter outlined that the main concern was not with the overall status of the activity being restricted discretionary, but that non-compliance with some of the development controls can result in the status of the activity becoming discretionary.

The Council has intentionally omitted the controlled activity status from the Plan. In the past, the Council has used the controlled activity status in the Isthmus Plan, the Central Area Plan and in the operative Hauraki Gulf Islands Plan. Considerable experience has led the Council to the view that, in the main, the use of the controlled activity status does not provide the Council with sufficient discretion to address the adverse effects associated with particular proposals. This is because the council is not able to decline an application for a controlled activity but can only impose conditions relating to matters over which it has reserved control. Not all proposals can be adequately mitigated by the use of conditions. Some proposals need to be declined or substantially modified.

Restricted discretionary activities are provided for within part 77B of the Resource Management Act (1991) (RMA) and are defined as;

“If an activity is described in this Act, regulations, or a plan or proposed plan as a restricted discretionary activity,—  
(a) a resource consent is required for the activity; and

- (b) the consent authority must specify in the plan or proposed plan matters to which it has restricted its discretion; and
- (c) the consent authority's powers to decline a resource consent and to impose conditions are restricted to matters that have been specified under paragraph (b); and
- (d) the activity must comply with the standards, terms, or conditions, if any, specified in the plan or proposed plan."

As stated in the definition, a resource consent is required for a restricted discretionary activity and the Council has the power to decline the application and to impose conditions on the matters to which discretion has been restricted in the Plan. A controlled activity, as requested by the submitter (and defined by the RMA below) also requires a resource consent for the activity, and the Council is able to impose conditions on the consent, but is unable to decline the consent should the development be deemed inappropriate.

Controlled activity:

"If an activity is described in this Act, regulations, or a plan or proposed plan as a controlled activity,—

- (a) a resource consent is required for the activity; and
- (aa) the consent authority must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and
- (b) the consent authority must specify in the plan or proposed plan matters over which it has reserved control; and
- (c) the consent authority's power to impose conditions on the resource consent is restricted to the matters that have been specified under paragraph (b); and
- (d) the activity must comply with the standards, terms, or conditions, if any, specified in the plan or proposed plan."

It is considered by the panel that the potential effects of the construction of, and alteration to, buildings within the commercial 1 land unit are such that they may not be adequately controlled by just conditions on a resource consent. The need to control the scale, form and appearance of buildings are characteristics of development that are essential in order to maintain the 'village' character of the land unit and resource consent conditions alone may not provide adequate mitigation for effects of development not in keeping with these key design principles. It is therefore considered by the panel, more effective to retain a restricted discretionary status and therefore it is recommended that the submissions be rejected.

## **4.7 Submissions about Clause 10a.11.7.1 Building location**

Submissions dealt with in this section: 779/2, 603/2, 1073/1, 1250/40, 2074/1, 2075/1

### **4.7.1 Decisions requested**

Submission 779/2 seeks the encouragement of setbacks and innovative and vibrant public spaces (in Oneroa village)

Submission 603/2 seeks to remove the building location rules for Oneroa Village.

Submission 1073/1 seeks to remove the clause 10a.11.7.1 while submission 2074/1 seeks that provision of freely accessible, suitably landscaped public space between the road boundary and the frontage of buildings is permitted in relation to this same clause.

Submission 2075/1 requests that the compulsory requirement for verandahs is removed and that verandahs be considered as a matter for which the Council can apply its discretion.

Submission 1250/40 seeks that the Plan provides for building setback for all sites fronting Ocean View Road.

#### **4.7.2 Panel's analysis and recommendations**

The removal of this clause has been addressed earlier in section 4.2.2 of this report.

The panel consider that the removal of the building location rule 10a.11.7.1 would result in development that could potentially impact on the village character and high amenity of Oneroa. Building location controls ensure that the look of new development within Oneroa takes on a consistent approach while the Oneroa village design guidelines and the assessment criteria contained within clause 11.5.3.4 further support and enhance the principles behind this rule.

Allowing for landscaped public space and building setbacks within the building location clause, as requested in submissions 2074/1 and 1250/40 is in keeping with the guidelines laid out in the Oneroa village design guidelines. It would allow flexibility for landowners when considering design for new developments. It is mentioned in the submissions, due to road curves, sloping boundaries and property heights in relation to the road that the requirements to build up to the road frontage and provide a continuous verandah are not a feasible approach in some cases along Ocean View Road.

As discussed in section 4.2.2, the panel recognise that separate treatment is required for the northern and southern sides of Ocean View Road with respect to development controls.

Therefore, it is recommended by the panel that the above submissions be accepted in part and that clause 10a.11.7.1 Building location be amended as addressed in section 4.2.2.

### **4.8 Submissions about clause 10a.11.7.2 - Retail frontage control**

**Submissions dealt with in this section:** 507/1, 507/2, 600/1, 600/2, 601/1, 601/2, 1073/2, 2076/1

#### **4.8.1 Decisions requested**

Submission 507/1 seeks to include specific wording in the clause to specify non-retail activities while submission 507/2 seeks clarification of what is considered an Ocean View Road frontage.

Submission 600/1, 600/2, 601/1, 601/2 and 1073/2 seeks deletion of the clause altogether.

Submission 2076/1 asks that community facilities be included as retail for the purpose of this clause.

#### **4.8.2 Panel's analysis and recommendations**

##### **4.8.2.1 Submissions 507/1, 507/2, 600/1, 600/2, 601/1, 601/2, 2076/1 – retail frontage control**

The panel consider that this control unnecessarily restricts some non-retail activities which would achieve maintain an active and continuous frontage alongside retail activities.

The panel also considers that the restriction of activities on the frontage needs to be limited to residential activities as it is considered that residential activities on the ground floor level,

fronting Ocean View Road, would not be in keeping with the active and continuous frontage sought for the village.

Some of the submitters attended the hearings and spoke further in relation to these submissions, the panel consider that the amendments to the control suggested in section 4.2.2 will more clearly outline the frontage controls in commercial 1 (Oneroa Village) for Plan users and the panel therefore recommend that these submissions be accepted in part.

#### **4.8.2.2 Submission 1073/2 – police station**

Submission 1073/2, from the New Zealand Police, requests that clause 10a.11.7.1 and clause 10a.11.7.2 be deleted as they interfere with the operation of the police station located at 104 Ocean View Road, Oneroa. This site is designated for police use and is not subject to the restrictions and rules contained in the land unit. The panel notes that the conditions attached to the designation for the police station (map reference 2-12) are contained in Appendix 7 of the Plan.

It is therefore recommended by the panel that this submission be rejected.

### **4.9 Submissions about noise - clauses 10a.11.7.3 and 10a.11.7.4**

**Submissions dealt with in this section: 537/6, 830/2, 1275/2, 3074/4, 3300/2, 3399/3, 3707/1, 3707/2, 3707/3, 3707/4**

#### **4.9.1 Decisions requested**

Submission 537/6 seeks that an exclusion note be added to the table 10a.11.7.5 stating Emergency Services sirens and call out sirens are excluded from needing to meet the above noise controls.

Submission 830/2 requests that there be no noise increase at all within the land unit.

Submission 1275/2 seeks lower noise levels in the land unit

Submission 3300/2 seeks to retain the noise level of the Operative Plan

Submission 3399/3 seeks to reduce commercial noise levels day and night time.

Submission 3707/1 seeks to delete the wording “not held in common ownership” from clause 10a.11.7.4

Submission 3707/2 request a change to make noise levels between 10pm and 7am 45dBA

Submissions 3707/3 & 3707/4 seek to make noise rules that reverse the burden of proof, (the burden should be on the originator of the noise to show a defence)

#### **4.9.2 Panel's analysis and recommendations**

Clause 10a.11.7.4 relates to allowable noise levels between activities within the commercial 1 land unit. The panel notes that this control is not included in the Operative Plan and provides additional protection for the mixed use of activities within the land unit.

The panel acknowledge that this control is to manage any excessive noise levels that may arise as a result of activities being carried out within the land unit. The controls allows for items

such as refrigeration units, music in cafés and restaurants, machinery etc to be used within the land unit but to be controlled to a level that is acceptable and is not considered damaging to public health.

Submissions 830/2, 1275/2, 3300/2, 3399/3 and 3707/2 all seek a reduction in the noise levels of the land unit, or that the noise levels be returned to the levels of the Operative Plan.

The panel recognise that due to the size and population of Waiheke, noise levels experienced on the island are generally less than those experienced within parts of the Isthmus. The panel also consider that commercial 1 is a mixed use land unit and can therefore contain activities which create a higher level of noise than a purely residential land unit.

The noise levels allowed in this clause are taken from recommendations of the New Zealand standard 6802:1999 (Acoustic- Assessment of Environmental sound). The Standard is concerned with background sound and the assessment of sound from steady and time-varying sources. The population of Waiheke has increased since the current plan was made operative in 1996. The allowable noise levels contained in the standard have also increased. The panel considers that an increase in noise levels is appropriate for Waiheke and particularly the commercial 1 land unit and the levels contained within the Plan are in line with the national standard.

It is considered that the noise levels contained within Clause 10a.11.7.3 represent a realistic level of noise for activities within the land unit. This is in view of the land unit being a commercial land unit, that the levels relate to the noise between activities within the land unit and that residential use in another land unit is provided with controls that are more stringent which are outlined in Clause 10c.5.4 of the Plan. It is therefore recommended that submissions 830/2, 1275/2, 3300/2, 3399/3 and 3707/2 be rejected.

Submission 3707/1 seeks that the words “not in common ownership” be deleted from the clause

“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 1 must not exceed...”

It is considered that removal of this clause would mean that an activity operating over a number of sites (in common ownership) for example, would be subject to controls within the activity which would create unnecessary restrictions for large sites. It is also considered that this would result in little or no benefit to the public as the noise levels between activities would still be controlled under the Plan. It is therefore recommended that submission 3707/1 be rejected.

Submission 3707/3 and 3707/4 requires that rules regarding noise include a reverse burden of proof. This would place the onus of the complaint on the alleged offender and not on the Council to prove that the rules were being breached. The issues raised in the submission are really about monitoring and enforcement methods. “Burden of proof” is a legal term which is not addressed through the Plan.

People who generate noise have an obligation to comply with the RMA and the Plan while the Council has an obligation to monitor and enforce the rules contained within the Plan. It is considered that where resource consent is required for a potentially noisy activity, the Council may require that applicant to provide information from an acoustic expert showing that compliance is practicable.

It is therefore recommended that submissions 3707/3 and 3707/4 be rejected

Submission 537/6 seeks that emergency services sirens be exempt from complying with the noise controls within the land unit. The panel do not consider that an exception is necessary as it is generally recognised that sirens and in particular, those which alert emergency services volunteers, are an essential factor in ensuring the safety of the community.

It is therefore recommended by the panel that the submission be rejected.

## **4.10 Submissions about clause 10a.11.7.5 Height**

Submissions dealt with in this section: 583/1, 583/2, 583/3, 602/1, 605/1, 605/4, 776/1, 776/2, 776/3, 782/1, 782/2, 782/3, 1250/41, 1596/21, 1596/22, 2077/1, 3164/1, 3164/2, 3164/3, 3174/1, 3174/2, 3174/3,

### **4.10.1 Decisions requested**

Submissions 583/1, 776/1, 782/1, 3164/1, 3174/1 seek to remove clause 10a.11.7.5 Height

Submissions 583/2, 776/2, 782/2 seek that development on the northern side should be no higher than allowed for in the operative Plan, and should be limited to single storey height which has already been established.

Submissions 583/3, 776/3, 782/3, 3164/3, 3174/3 seeks that all provision in the Operative Plan protecting this visual amenity and public access (in Oneroa village) should be retained.

Submissions 602/1, 605/1 seek clarification that only single story buildings are allowed on the northern side of the street and that view shafts are mandatory (specifically in regards to clause 10a.11.7.5).

Submissions 776/2, 782/2, 3164/2, 3174/2 seek development on the northern side of Ocean View Road should be no higher than allowed for in the Operative Plan, and should be limited to heights already established.

Submission 1250/41 seeks to retain clause 10a.11.7.5 with no increase in the allowable height of buildings from that specified.

Submission 1596/21 opposes allowing building at road level on the northern side of Ocean View Road in commercial 1 (Oneroa village) to be built on 6m - two storeys.

Submissions 1596/22 seeks buildings on the southern side of Ocean View Road in commercial 1 (Oneroa village) should be allowed to develop to three storeys (9m+)

Submission 2077/1 seeks that the height restriction (clause 10a.11.7.5) be limited to buildings to the East of the roundabout in Oneroa Village.

### **4.10.2 Panel's analysis and recommendations**

#### **4.10.2.1 Submissions 583/1, 776/1, 782/1, 3164/1, 3174/1 – removal of clause 10a.11.7.5**

Clause 10a.11.7.5 currently reads:

##### **“10a.11.7.5 Height**

- Buildings on the northern side of Ocean View Road:

- a. Must not exceed a maximum height of 6.5m, where the building adjoins the Ocean View Road frontage.
- b. This may be increased to a maximum height of 9m where the ground level is greater than 3m below that at the boundary with Ocean View Road.

2. All other buildings must not exceed a maximum height of 8m.

#### **Explanation**

As the topography drops away to the northeast there is potential for greater building heights which will not affect views of Oneroa Beach and Oneroa Bay. The purpose of this rule is to encourage terraced buildings which follow the topography of the site.

Some of the submitters attended the hearings and spoke further on these submissions. As discussed in section 4.2.2 the panel consider that the northern and southern sides of Ocean View Road, due to their topography and location with respect to the coast, require separate development controls in order to enhance and protect the village character of Oneroa.

The panel notes that currently the height controls within the land unit address the northern and southern sides of the village separately.

It is considered by the panel that the height limitations for the northern side of Ocean View Road accurately represent the intention for buildings on these sites to be low rise in order to protect and enhance the views to the coast and maintain the village character of Oneroa.

The panel also consider that the height limitation for the southern side of the road represent the intention for these buildings to be 2 level buildings in order to maximise their view to the coast.

It is therefore recommended by the panel that submissions 583/1, 782/1, 3164/1, 3174/1 requesting removal of the clause be rejected.

#### **4.10.2.2 Submissions 583/2, 583/3, 776/2, 776/3, 782/2, 782/3, 1250/41, 3164/2, 3164/3, 3174/2, 3174/3 – retain Operative Plan provisions**

The panel recognise that in the Operative Plan, what is now considered to be Oneroa Village was made up of land units 11(traditional residential), 12 (bush residential) and 13 (retailing). All of these land units contained a maximum height of 8m.

Some of the submitters attended the hearing and spoke further to this submission. As discussed in section 4.10.2 above, the panel considers that in order to protect and enhance the views to the coast and foreshore from Oneroa village, buildings on the northern side of Ocean View Road need to be kept to low level buildings. It is also considered by the panel that 8m, which allows for 2-storey buildings, is not low level and would not maintain the views to the coast and the village amenity of Oneroa.

It is for this reason that the Proposed Plan has restricted the height on the northern side of Ocean View Road to a maximum height of 6.5m.

It is therefore recommended by the panel that submissions be rejected.

#### **4.10.2.3 Submissions 602/1 and 605/1 – single storey buildings**

The submissions seek clarification that only single story buildings are allowed on the northern side of the street. The panel considers that because a building requires a minimum height of

3m per floor and a minimum height of 1.5m for a roof, an allowance of 6.5m does not allow for anything more than a single storey building at street level.

It is considered by the panel that the 6.5m allows for the design of the building to maximise the use of interesting shapes and rooflines in order to create an interesting view of the building from the street.

The submitter attended the hearings and spoke further to the submissions on this topic. The panel acknowledge that the wording within the rule could clarify this point further and therefore as discussed in section 4.2.2 above, it is recommended that the following wording be included in the clause for the northern side of Ocean View Road

"c. In all instances, a single storey frontage to street level must be maintained."

The submissions also seek that view shafts are mandatory (specifically in regards to clause 10a.11.7.5). The panel considers that the development controls within the Plan, along with the objectives and policies and, in the case of Oneroa village, Appendix 12 – Oneroa village design guidelines, provide the necessary guidance to ensure that the important views to the coast are maintained, therefore making the need for view shafts redundant.

The panel consider it necessary to remove reference to viewshafts from the design guidelines and in particular, reference to viewshafts in section 3 – prevailing development pattern should be removed as follows:

~~"Maintaining a linear mainstreet and retail heart along the ridge with buildings dominating the landscape; an interesting roofline along the ridge, and frequent viewshafts allowing varied while maintaining views to the bay, beach and distant headlands."~~

Also the references under part 7 – building detail to the viewshafts (see below) should be removed.

~~"The future street form is intended to be discontinuous with view shafts and walkways between buildings and indented set-backs and courtyards."~~

~~"Buildings which occur within view shafts need to be incidental within the overall scene, merging into the background as part of a seaside village with an appropriate scale and roofscape."~~

It is therefore recommended by the panel that submissions 602/1, 605/1 be accepted in part.

#### **4.10.2.4 Submission 1596/21 – 6m height on northern side of Ocean View Road**

The submitter opposes the allowance for buildings on the northern side of the road and particularly, that buildings could be over 1 storey high.

The panel agree that the buildings on the northern side of Ocean View Road should be single storey to maximise the views to the coast. It is noted by the panel that the land slopes down away from the road on the northern side and therefore there is potential for buildings to be more than one storey high in total, with only one storey visible from street level.

As discussed in sections 4.2.2, 4.10.2, 4.10.2.3 above, each storey of a building requires a height of at least 3m and a roof requires a minimum of height 1.5m. It is therefore considered by the panel that a 6m building will still be single level, but the provisions allow for an interesting roof space

The panel therefore recommends that the submission be accepted in part in that it is agreed that only single level buildings should be allowed on the Ocean View Road frontage.

#### 4.10.2.5 Submission 1596/22 – Height for southern side to be increased

The submitter seeks that the height limit for buildings on the southern side of Ocean View Road be increased to three storeys (9m+) from the current restriction to a maximum height of 8m.

As discussed in sections 4.2.2, 4.10.2, 4.10.2.3 above, the panel recognise that building height is based on providing a minimum height of 3m per floor and a minimum height of 1.5m for the roof space. The panel consider that a maximum height of 8 allows for two storeys (6m) and then an additional 2m for roof space.

Based on the allowances above, the panel considered that 9m would not be enough to create a 3-storey building. Instead, the panel recognise that a height of around 11 or 12m would allow for this.

The panel consider that while the sites on the southern side of Ocean View Road may be able to accommodate large buildings, and therefore an increase to 9m+ or three storeys, it is also considered that an increase in the allowed height would result in building, which could be dominant and overbearing on the ‘village’ character of Oneroa.

It is therefore recommended by the panel that the submission be rejected.

#### 4.10.2.6 Submission 2077/1 – Height to the west of the roundabout on Ocean View Road.

The submitter raises concern with properties to the west of Ocean View Road being restricted to a height of 6.5m. The submitter states that due to the topography of the sites, which have a ground level which is above the level of the road, the buildings on the sites could be restricted to 4m in height.

Height is defined in Part 14 of the Plan as:

**“Height”**

in relation to a building means the vertical distance between ground level at any point and the highest part of the building immediately above that point (as shown on [figure 14.2: Height](#)).

When determining the highest part of the building, parapets will be taken into account but not any of the following:

1. Radio and television antennas which do not exceed the maximum height normally permitted by the rules for the land unit or settlement area by more than 3m.
2. Chimneys which:
  - a. Do not exceed 1.1m in any horizontal direction; and
  - b. Do not exceed the maximum height normally permitted by the rules for the land unit or settlement area by more than 1.5m.
3. Finials which do not exceed the maximum height normally permitted by the rules for the land unit or settlement area by more than 1.5m.”

Ground level is defined in Part 14 as:

**“Ground level”** means the finished level of the ground at the time the council issued a completion certificate under s224c of the RMA for the most recent subdivision applying to the site. However where there has been no such subdivision since 18 September 2006,

the ground level will be taken to be the finished level of the ground on 18 September 2006."

It is therefore considered by the panel that the 6.5m height restriction is taken from the ground level on each individual site and therefore the submitter is incorrect in their assumption that properties to the west of the roundabout on Ocean View Road would be further restricted due to their topography.

The panel understands, from further information provided by the submitter that the original concern for the submitter relates to properties on Ocean View Road, to the west of the roundabout where the topography of the property is such that the frontage of the property is above street level. It is considered that the rolling height controls (as detailed in Figure 14.2 Height in Part 14 of the Proposed Plan) apply and therefore the height controls apply from the ground level of each individual property over the whole of the site.

It is therefore recommended by the panel that the submission be rejected.

## **4.11 Submissions about clause 10a.11.7.6 - Access**

Submissions dealt with in this section: 1596/23

### **4.11.1 Decisions requested**

The submission strongly supports the provision for service access to buildings fronting Ocean View Road via the adjacent service lane.

### **4.11.2 Panel's analysis and recommendations**

It is recommended that submission 1596/23 be accepted as far as it supports specific provisions within clause 10a.11.6.

## **4.12 Submissions about Appendix 12 – Oneroa village design guidelines**

Submissions dealt with in this section: 603/5, 604/1, 606/1, 1055/53, 1055/54, 1250/42

### **4.12.1 Decisions requested**

Submissions 604/1 and 606/1 seek that the area behind Ocean View Road on Kuaka Street be used for larger scale developments that need larger floor areas by nature of their operations and would not be appropriate on the street frontage of Ocean View Road.

Submission 1055/53 and 1055/54 seek inclusion of Section 6.0 Vehicle access and parking, with the strengthening of some wording within the guidelines.

Submission 603/5 suggests a rewrite of the design guidelines so there is no conflict with the Plan requirements.

Submission 1250/42 supports the inclusion of viewshafts of the beach and ocean and requests, in addition to the viewshafts, that public access to views of the beach and ocean should be provided for from the buildings.

## 4.12.2 Panel's analysis and recommendations

### 4.12.2.1 Submissions 604/1 and 606/1 – land fronting Kuaka Street

The design guidelines, under part 3.0 – prevailing development pattern states:

“Oneroa exhibits a natural development pattern related to its geography.

This should be reinforced by:

...More fragmented, generally small lot development between Ocean View Road and Kuaka Street with the landscape dominating the built form.”

The panel considers however, that the land between Ocean View Road and Kuaka Street is not necessarily only suitable for smaller scale development. Whilst it is recognised by the panel that the frontage to Ocean View Road requires a consistent approach in the scale and form of buildings, which has been addressed in the Plan through the development controls, it is considered that the land to the rear of these front sites could have the potential for larger scale commercial development.

The panel considers that as this rear area does not front the main village thoroughfare of Ocean View Rd, it does not significantly alter the village character of the land unit. It is also considered that part of the area can be accessed from the designated service lane, which currently runs parallel with Ocean View Road which providing a link with the existing village

The activity table in clause 10a.11.5, requires that the construction and relocation of buildings obtain resource consent as a restricted discretionary activity. As discussed in 4.6.2.7, a restricted discretionary activity allows the Council to assess any application for resource consent against the matters to which they have restricted their discretion, for example, intensity and scale (see clause 11.3.2 of the Plan).

Therefore, any new building proposed would be assessed against these criteria and could be declined or conditions imposed if the Council deem that it is not suitable.

It is therefore considered by the panel that removal of bullet point 3 from part 3 – prevailing development controls would allow for larger lot developments to be considered for the sites to the rear of the Ocean View Road frontage.

As a consequence of this, the panel recommends that figure a12.3 be also deleted as it does not accurately represent the development pattern of Ocean View Road.

It is therefore recommended by the panel that the submissions be accepted in part.

### 4.12.2.2 Submissions 1055/53 and 1055/54 – vehicle access and parking

The submissions are generally supportive of the inclusion of the controls within Part 6 of the Oneroa village design guidelines but seek strengthened wording to the vehicle access and parking guidelines which seeks to encourage servicing and parking via off street lanes.

It is noted by the panel that while ideally all sites would have access to an off-street lane in which to provide customer parking undertake servicing, it is not the case for all sites within Oneroa village.

The panel considers that clause 10a.11.7.6 of the Plan supports the design guidelines further by requiring that buildings with an access to the service lands must be designed to maintain full service access to these lanes.

The panel therefore consider that it is not appropriate to alter the wording for part 6 of the Oneroa village design guidelines as it is not possible for all sites within the village to be accessed from the service lanes.

It is recommended by the panel that the submissions be accepted in part in so far as it supports the general guidance of the Part in the design guidelines.

#### **4.12.2.3 Submission 603/5 – rewrite design guidelines**

The submission seeks a rewrite of the entire guidelines in Appendix 12 in order to remove any conflicting ideas with the Plan.

This matter has been partially addressed in section 4.2.2 of this report above, where changes to the Plan have been recommended in order to clarify the intended direction for development within the village.

The panel recognises however that there are areas within the design guidelines which also require amendment in order to achieve a consistent approach with the Plan.

The submitter attended the hearing to speak further to these matters and it is noted by the panel that elsewhere in this report, and in particular sections 4.10.2.3 and 4.12.2, amendments to the design guidelines have been recommended, with respect to references to viewshafts which are no longer applicable to the land unit and development at the rear of sites on Ocean View Road.

It is considered by the panel that the following additional change is required to the land unit:

**“Part 5 - Building form and pattern**

...Retail development on the ~~south~~ north side of Ocean View Road will be low rise and lineal to protect existing views. ~~although exceptions may be made, subject to other criteria being met.~~

The panel do not consider it appropriate to allow exceptions to the height restrictions for properties on the northern side of Ocean View Road as it is vital to the village's linkage to the coast through the views.

It is therefore recommended by the panel that the submission be accepted in part and that the change above be implemented, along with other changes recommended throughout the report to both the design guidelines and the Plan in order to achieve a consistent and non-conflicting guide for landowners.

#### **4.12.2.4 Submission 1250/42 - viewshafts**

As discussed in section 4.10.2.3, the panel considers that the development controls within the Plan, along with the objectives and policies and the Appendix 12 – Oneroa village design guidelines, provide the necessary guidance to ensure that the important views to the coast are maintained, therefore making the need for view shafts redundant.

It is therefore recommended by the panel that the submission be rejected and the amendments proposed in section 4.10.2.3 be implemented.

## 5.0 Conclusion

This report has considered the decisions requested in submissions lodged regarding commercial 1 (Oneroa village) and appendix 12 (Oneroa Village design guidelines) of the Proposed Auckland City District Plan: Hauraki Gulf Islands Section 2006. The report recommends whether submissions should be accepted or rejected and how associated further submissions should be dealt with, and how the Plan should be modified as a result. It is concluded that the recommendations set out in section 6.0 below should be implemented for the reasons set out in section 4.0 of this report. This includes amendments to the Plan as outlined in **appendix 2** of this report.

## 6.0 Recommendations

For the reasons set out in section 4.0 of this report:

1. Reject submissions 82/1, 82/2, 84/1, 84/2, 507/1, 507/2, 518/16, 518/18, 537/6, 583/1, 583/2, 583/3, 593/1, 593/2, 593/3 598/1, 599/1, 753/21, 753/23, 775/1, 776/1, 776/2, 776/3, 782/1, 782/2, 782/3, 821/25, 821/27, 830/2, 836/12 836/14, 1073/2, 1190/20, 1190/22, 1250/41, 1250/42, 1275/2, 1552/11, 1596/22, 2076/1, 2077/1, 2291/3, 2733/9, 3061/85, 3074/4, 3164/1, 3164/2, 3164/3, 3300/2, 3399/3, 3174/13174/2, 3174/3, 3707/1, 3707/2, 3707/3, 3707/4, 3574/16, 3709/1, 3615/1, 3615/2, 3617/1
2. Accept submissions 537/5, 593/2, 593/4, 593/6, 600/2, 600/1, 601/1, 601/2, 602/1, 603/1, 603/2, 603/5, 604/1, 605/1, 606/1, 772/1, 772/3, 779/1, 779/2, 790/1, 790/2, 1055/53, 1055/54, 1073/1, 1250/40, 1596/20, 1596/21, 2074/1, 2075/1, 3061/81, 3172/1, 3173/1, 3521/93 in part and amend the Plan accordingly as set out in **appendix 2** of this report.
3. Accept submissions 600/3, 601/3, 1077/1, 1552/5, 1596/23, 2078/1, 2078/2, 2103/4, 2291/1, 3574/16, 3804/1 and amend the Plan accordingly as set out in **appendix 2** of this report.
4. Accept in full or in part, or reject accordingly further submissions made in support or opposition to the primary submissions listed above.
5. Amend the Proposed Auckland City District Plan: Hauraki Gulf Islands Section as set out in **appendix 2** of this report.

Name and title of signatories	Signature
Councillor Graeme Mulholland Chairperson, hearings panel	



## **Appendix 1**

### **List of submissions and further submissions**



**List of submissions and further submissions for commercial 1 and appendix 12 (314/274016-001)**

Submission/ Sub Part	Submitter	Further Submission	Support/ Oppose	Further Submitter Name
82/1	Mary Evans			
82/2	Mary Evans			
84/1	Mary Evans			
84/2	Mary Evans			
507/1	Errolyn Jones			
507/2	Errolyn Jones			
518/16	Garth Spencer			
518/18	Garth Spencer			
537/5	New Zealand Fire Service Commission			
537/6	New Zealand Fire Service Commission			
583/1	J M Sanderson			
583/2	J M Sanderson			
583/3	J M Sanderson			
593/1	M and CML Poland	1019	Support	Elizabeth Waters
593/2	M and CML Poland	1019	Support	Elizabeth Waters
593/3	M and CML Poland	1019	Support	Elizabeth Waters
593/4	M and CML Poland	1019	Support	Elizabeth Waters
593/6	M and CML Poland	1019	Support	Elizabeth Waters
598/1	Alberon Trust			
599/1	M and CML Poland			
600/1	M and CML Poland			
600/2	M and CML Poland			
600/3	M and CML Poland			
601/1	Alberon Trust			
601/2	Alberon Trust			
601/3	Alberon Trust			
602/1	M and CML Poland	2893	Support	Craig Turner
		2890	Support	Iain Bremner, Joanne Bremner and The Bremner Family Trust
603/1	Alberon Trust			
603/2	Alberon Trust			
603/4	Alberon Trust			
603/5	Alberon Trust			
604/1	M and CML Poland			
605/1	Alberon Trust			
606/1	Alberon Trust			
753/21	Robyn Ann Jones			
753/23	Robyn Ann Jones			

Submission/ Sub Part	Submitter	Further Submission	Support/ Oppose	Further Submitter Name
772/1	Elizabeth Waters			
772/3	Elizabeth Waters			
775/1	David Waters			
776/1	Adele Eakins			
776/2	Adele Eakins			
776/3	Adele Eakins			
779/1	David Waters			
779/2	David Waters			
782/1	David Waters			
782/2	David Waters			
782/3	David Waters			
790/1	Adele Eakins			
790/2	Adele Eakins			
821/25	Waiheke Island Practice Support Group			
821/27	Waiheke Island Practice Support Group			
830/2	Sharon A O'Brien			
836/12	Jeffery A LePoidevin			
836/14	Jeffery A LePoidevin			
1055/53	Waiheke Community Board	310	Support	Diana Worthy
		2885	Support	The Waiheke Island Community Planning Group Inc
		1263	Support	Thomas de Vere Hunt
		1246	Support	Craig Brown
		1231	Support	Grey Power Waiheke and Gulf Islands Association Inc
1055/54	Waiheke Community Board	310	Support	Diana Worthy
		2885	Support	The Waiheke Island Community Planning Group Inc
		1263	Support	Thomas de Vere Hunt
		1246	Support	Craig Brown
		1231	Support	Grey Power Waiheke and Gulf Islands Association Inc
1073/1	Minister of Police			
1073/2	Minister of Police		Support	Kenneth W Sloss
		874	Support	Kenneth W Sloss
1077/1	Minister of Police			
1190/20	Lapp and Toft Architecture	1433	Support	Flora South Holdings Limited
1190/22	Lapp and Toft Architecture	1433	Support	Flora South Holdings Limited
1250/40	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited
		1582	Oppose	Mary Evans
		2893	Oppose In Part	Craig Turner
1250/41	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited

Submission/ Sub Part	Submitter	Further Submission	Support/ Oppose	Further Submitter Name
		1582	Oppose	Mary Evans
1250/42	Kristin Lewis	1583	Oppose	Santa Monica Investments Limited
		1582	Oppose	Mary Evans
		2893	Support	Craig Turner
		2890	Support	Iain Bremner, Joanne Bremner and The Bremner Family Trust
1275/2	Susan Pockett			
1552/5	Housing New Zealand Corporation			
1552/11	Housing New Zealand Corporation			
1596/20	Gulf Vision Limited	2529	Oppose	Flora South Holdings Limited
		2525	Support	Inga Muller
		2885	Support	The Waiheke Island Community Planning Group Inc
1596/21	Gulf Vision Limited	2529	Oppose	Flora South Holdings Limited
		2525	Support	Inga Muller
		2885	Support	The Waiheke Island Community Planning Group Inc
1596/22	Gulf Vision Limited	2529	Oppose	Flora South Holdings Limited
		2525	Support	Inga Muller
		2885	Support	The Waiheke Island Community Planning Group Inc
1596/23	Gulf Vision Limited	2529	Oppose	Flora South Holdings Limited
		2525	Support	Inga Muller
		2885	Support	The Waiheke Island Community Planning Group Inc
2074/1	GHD			
2075/1	GHD			
2076/1	GHD			
2077/1	GHD	2605	Support	Christopher G.Aiken
2078/1	GHD			
2078/2	GHD			
2103/4	Auckland City Council			
2291/1	R A Walden			
2291/3	R A Walden			
2733/9	Progressive Enterprises Limited	2016	Oppose	R A Walden
		2890	Oppose	Iain Bremner, Joanne Bremner and The Bremner Family Trust
		2893	Oppose	Craig Turner
3061/81	The Waiheke Island Community Planning Group Inc	1613	Support	Leith Duncan
		1698	Support	Grey Power Waiheke and Gulf Islands Association Inc
		1700	Oppose	Thomas de Vere Hunt
3061/85	The Waiheke Island Community Planning Group Inc	1613	Support	Leith Duncan
		1698	Support	Grey Power Waiheke and Gulf Islands Association Inc
		1700	Oppose	Thomas de Vere Hunt
		2890	Support	Iain Bremner, Joanne Bremner and The Bremner Family Trust

Submission/ Sub Part	Submitter	Further Submission	Support/ Oppose	Further Submitter Name
		2893	Support	Craig Turner
3164/1	Elizabeth Waters			
3164/2	Elizabeth Waters			
3164/3	Elizabeth Waters			
3172/1	Elizabeth Waters			
3173/1	Frances B A Waters			
3174/1	Frances B A Waters			
3174/2	Frances B A Waters			
3174/3	Frances B A Waters			
3300/2	Anne Woodley and Peter Muir			
3399/3	Susan Washington			
3521/93	Auckland Regional Council	2320	Oppose	Answer Services Holdings Limited
		2321	Oppose	David Hill Estate
		2322	Oppose	Santa Monica Investments Limited
		2885	Support	The Waiheke Island Community Planning Group Inc
3574/16	Auckland Conservation Board	2328	Support	David Hill Estate
3615/1	Mary Evans			
3615/2	Mary Evans			
3617/1	Hresta Stjepan	2353	Support	Mary Evans
3707/1	R A Walden			
3707/2	R A Walden			
3707/3	R A Walden			
3707/4	R A Walden			
3709/1	R A Walden			
3804/1	Sheryl D Newdick and Terry Quedly	2948	Support In Part	New Zealand Fire Service Commission

## **Appendix 2**

### **Amendments to the Plan**

Figure 10a.0 Oneroa Village

[DR16-1]



**Decision report  
Auckland City District Plan  
(Proposed Hauraki Gulf Islands Section 2006)**

alteration under clause 10 of schedule 1 of the Resource Management Act 1991

**1. Amendment to planning map no. 1 sheet no. 2 (Maps volume 1 - Inner Islands)**

**Location: 2 & 4 Korora Road, Waiheke Island**

The land shown  to be reclassified from Island residential 1 (traditional residential) ("tr") to Commercial 1 (Oneroa Village) ("ov")



## Schedule of amendments

1. Amend clause 10a.11 Land unit - Commercial 1 (Oneroa village) as set out in the attached marked up copy.
2. Amend clause 11.5.3.4(7) to read:

"7. In relation to Oneroa village only:
  - Ensuring that public views from Ocean View Road to the beach are maximised.
  - Adherence to the principles of the design guidelines for Oneroa village (contained in appendix 12 – Oneroa village design guidelines).
  - Ensuring that the scale, form and location of facades facing the beach are not visually prominent when viewed from the foreshore."
3. Amend appendix 12 - Oneroa village design guidelines as set out in the attached marked up copy.
4. Amend the planning maps in accordance with the attached diagrams.

**This marked up copy of part 10a.11 shows the amendments resulting from the council's decision on submissions to part 10a.11 (decision report no.16-1)**

Insertions are shown with underlining and deletions with ~~strikethrough~~.

## 10a.11 Land unit - Commercial 1 (Oneroa village)

### 10a.11.1 Introduction

This land unit applies to the retail and commercial area of Oneroa village on Waiheke.

The characteristics of the land unit are:

- Generally small scale retail and other commercial activities (shops, cafés, restaurants and offices) located in one to two storey buildings on small sites.
- Some community facilities (Artworks, Red Cross).
- A variety of small to medium scale tenancies.
- Most buildings are located on or close to Ocean View Road (and often include verandahs and landscaping).
- Relatively high volumes of traffic.
- Most of the activities within the land unit are connected to, or able to be connected to, the Owhanake wastewater treatment plant.

Oneroa village is a busy shopping centre which is a focal point for local residents, shopping, recreation and socialising. Its location within walking distance of Matiatia and on a major transport route to the eastern parts of the island means that it has a major role in servicing the needs of residents, commuters and visitors.

Oneroa is also situated in a dominant location on a ridge overlooking, and with pedestrian and vehicle connections to, Oneroa Beach.

The above characteristics contribute to the high amenity value of the village.

Overall, Oneroa is an important retail and commercial centre with a high level of amenity.

### 10a.11.2 Resource management issues

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

1. How to enable retail and employment opportunities within Oneroa in a manner which protects and enhances the high amenity value and 'village' character of the centre.
2. How to ensure that commercial activity within Oneroa village does not negatively impact on other activities within the land unit or adversely affect the character and amenity of adjoining island residential land units.

### 10a.11.3 Objectives and policies

#### 10a.11.3.1 Objective

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

##### Policies

1. By requiring new buildings or additions and alterations to existing buildings to be assessed to ensure consistency with design guidelines for Oneroa (refer to [appendix 12 - Oneroa village design guidelines](#)).

2. By requiring ~~retail~~ that residential activities ~~to are not~~ located on the ground floor level to ensure an active and continuous ~~retail~~ frontage is maintained.
3. By requiring, on sites which adjoin Ocean View Road, that new buildings adjoin and face this road, to ensure an active and continuous retail frontage.
4. By requiring verandahs to be provided as shelter for pedestrians on the northern side of Ocean View Road.

#### 10a.11.3.2 Objective

To allow for appropriate commercial growth and development within Oneroa village.

##### Policies

1. By recognising that ~~the scale of development~~ within Oneroa village, ~~is no longer constrained by wastewater disposal~~ is not a constraint to future development as long as any waste disposal needs can be met within the terms of the notice of requirement for due to the Owhanake wastewater treatment plant.
2. By providing for a range of commercial and residential activity within the village.
3. By recognising the differences in the northern and southern sides of Ocean View Road through specific development controls.

#### 10a.11.3.3 Objective

To ensure that any adverse environmental effect of ~~business~~commercial activity on other activities within the land unit or on adjoining island residential or recreation land units is avoided 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 imposing additional controls on the location and size of buildings where they adjoin or face island residential or recreation land units.

#### 10a.11.4 Resource management strategy

The resource management strategy for the land unit is to allow a diverse range of retailing and commercial activities while controlling the design, scale and form of buildings to ensure that they are of a high amenity value and do not adversely affect adjoining island residential land units.

This will be undertaken by requiring that the construction of, or addition to, buildings within the land unit undergo a resource consent process.

#### 10a.11.5 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 <b>part 14 - Definitions<sup>1</sup></b>	RD
Accommodation for care	DP
Accommodation for retired, elderly or disabled people	DP
Art galleries and museums	P
Boarding house or hostel	D
Care centre	P

Activities	Status
Commercial carparking	D
Community facilities	P
Dwelling (one per site)	P
Educational facilities	P
<b>Emergency services facilities</b>	<b>RD</b>
Entertainment facilities	D
Function facilities	D
Funeral parlour	D
Healthcare services	P
Motor vehicle sales	D
Multiple dwellings	D
Office	P
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.11.6 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.11.7 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.

For the purpose of applying some development controls, the land unit has been divided into the northern and southern sides of Ocean View Road. The location of these two areas is identified on figure 10a.0.

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.

[Figure 10a.0 will be inserted here]

#### 10a.11.7.1 Building location – northern side

Buildings on sites with frontage to the northern side of Ocean View Road must:

1. Be built up to the Ocean View 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.
4. Provide a visual connection with the coast and foreshore by incorporating at least one of the following:
  - a. A balcony or terrace which fronts the coast and foreshore and is accessible from the footpath.
  - b. A view through the building, from the road frontage to the coast and foreshore.
  - c. Any other building feature that preserves and enhances the connection with the coast for the public.

#### Explanation

The building location controls seek to ensure that buildings on the northern side of Ocean View Road maintain and enhance the connection with the coast. It is intended that a continuous frontage be achieved with verandahs required as protection for pedestrians. The purpose of the visual connection requirement is to maintain a public link with the coast and to ensure that buildings are designed with attention to both the coastal aspect and the road frontage.

#### 10a.11.7.2 Retail frontage control – northern side

Within buildings on sites with frontage to the northern side of Ocean View Road, non-retailresidential activities must not be located at street level (except for entrances or access to such activities) unless retailcommercial activity fronts the street and the non-retailresidential activity is located behind it.

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

### Explanation

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

This rule will retain the vitality, connectiveness and interaction of Oneroa village while allowing ~~non-retail~~residential activity in appropriate locations.

#### **10a.11.7.53 Height – northern side**

1. Buildings on the northern side of Ocean View Road:
  - a1. Must not exceed a maximum height of 6.5m, where the building adjoins the Ocean View Road frontage.
  - b2. This may be increased to a maximum height of 9m where the ground level is greater than 3m below that at the boundary with Ocean View Road.
  3. Must maintain a single storey frontage at street level.
2. ~~All other buildings must not exceed a maximum height of 8m.~~

### Explanation

As the topography drops away to the northeast there is potential for greater building heights which will not affect views of Oneroa Beach and Oneroa Bay. The purpose of this rule is to encourage terraced buildings which follow the topography of the site.

#### **10a.11.7.4 Building location – southern side**

Buildings on the sites with frontage to the southern side of Ocean View Road must:

1. Maintain a discontinuous and varied frontage.
2. Contain display areas or windows on a minimum of 75 per cent of the site frontage at road level.
3. Provide a minimum of 5 per cent of the site area for public use as open space in the form of courtyards, landscaped plaza(s), or arcades to maximise the connection with the coast and useable space.

#### **10a.11.7.5 Frontage control – southern side**

Within buildings on sites with frontage to the southern side of Ocean View Road, residential activities must not be located at street level (except for entrances or access to such activities) unless commercial activity fronts the street and the residential activity is located behind it.

### Explanation

The frontage control seeks to ensure that residential activities are located appropriately to maintain an active ground floor and to ensure the character of Oneroa village is maintained.

This rule will retain the vitality, connectiveness and interaction of Oneroa village while allowing residential activity in appropriate locations.

#### **10a.11.7.6 Height – southern side**

Buildings on the southern side of Ocean View Road must not exceed a maximum height of 8m.

### Explanation

As the topography drops away to the northeast there is potential for building heights to be greater than those on the northern side. This will not affect views of Oneroa Beach and Oneroa Bay. The purpose of this rule is to encourage terraced buildings which follow the topography of the site.

### 10a.11.7.37 Internal noise control for residential units

1. 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.
2. 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.
3. 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.
4. 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 Oneroa 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.11.7.48 Noise control between activities

1. 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 1 must not exceed:

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

2. 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.11.7.69 Access

All buildings on sites along Ocean View Road with front, rear or side access to the northern or southern service lanes must be designed, constructed and maintained to achieve full service access from the adjacent service lane.

#### Explanation

The intent of this control is to avoid the proliferation of driveways accessing sites directly from Ocean View Road which has the potential to adversely affect the pedestrian amenity of the village.

### 10a.11.7.710 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.11.8 Assessment matters**

### **1. Matters of discretion for emergency services facilities**

When considering an application for emergency services facilities, the council has restricted its discretion to the following matters:

- Access for emergency vehicles
- noise

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

For other 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.11.9 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**

# Appendix 12

## Oneroa village design guidelines

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**This marked up copy of appendix 12 shows the amendments recommended in response to submissions to appendix 12 (decision report no.16-1)**

**Insertions are shown with underlining and deletions with ~~strikethrough~~**

Figure A12.1 Oneroa from the air – appears here but is not shown



## 1.0 Introduction

These guidelines have been prepared to define the physical attributes that form Oneroa, and suggest ways to maintain and enhance its character.

They also play a role in providing guidance about the acceptable type of development within Oneroa village. In this regard, these guidelines will support the Plan assessment criteria in describing the type of development envisaged within the Oneroa village land unit (commercial 1). Any development within this land unit will require assessment against these criteria and guidelines.

In this way the council hopes to encourage the enthusiasm of property owners, developers and design professionals to work in partnership with itself and with each other to the benefit of the overall village environment and its users.

These guidelines identify the following elements as essential to Oneroa in the future:

- unique beach/village atmosphere
- closely connected to the sea
- trees and vegetation in and around the town centre
- convenient access and parking
- managed traffic
- clean healthy environment
- strong sense of community.

**Figure A12.2 Oneroa village - appears here but is not shown**

## 2.0 Scale

In order to retain the unique village character and small scale, Oneroa village needs to be contained within a defined landscaped edge which clearly identifies its boundaries. This in turn needs to be part of the natural surrounding landscape which relates it to the coast.

## 3.0 Prevailing development pattern

Oneroa exhibits a natural development pattern related to its geography.

This should be reinforced by:

- Maintaining a linear mainstreet and retail heart along the ridge with buildings dominating the landscape; an interesting roofline along the ridge, ~~and frequent viewshafts~~ allowing varied views to the bay, beach and distant headlands.
- Terraced development below the ridgeline on the seaward side, taking advantage of the coastal environment by optimising views and pedestrian spaces eg. boardwalks, balconies, terraces, landscaped roofs.
- ~~More fragmented, generally small lot development between Ocean View Road and Kuaka Street with the landscape dominating the built form.~~

~~This is illustrated on figure A12.3: development pattern.~~

**Figure A12.3 Development pattern – has been deleted**

Commercial activities should be varied, supporting the village as a strong retail centre for the residents of Waiheke and providing the right blend of seaside attractions for visitors.

Retail will be concentrated close to the main street at pavement level and on pedestrian linkages.

Fundamental to development patterns, activities and built form is the connection of the village to the sea - through walkways, views, ambience and activities. These should all enhance the seaside nature of the village.

Existing views in particular are to be protected, recognising that they are not static to be viewed from a single location, but change as one walks along the road, contrasting narrow glimpses of the beach and coast with ever changing expansive views of the island headlands and the gulf (see figure A12.4).

**Figure A12.4 Views of the coast – has been deleted**

## 4.0 Materials checklist

The following are suggested as materials for use in the village based on traditional materials appropriate to a seaside village:

Timber	rough sawn, left to weather, natural stains cedar macrocarpa
Metal	brass wrought iron steel tube
Stone	bluestone local quarry stone and aggregates
Plaster	cement renders integral (natural) colours
Joinery	wood powdercoated aluminium
Cladding	timber, plaster board and batten cedar weather boards plastered blockwork
Roofs	corrugated iron timber shingles colour steel
Seats	stone wood concrete
Bollards/barriers	boulders timber baulks recycled wharf piles, steel banding chains and ropes
Paving	concrete - brushed, intaglio, coloured pebbles, insets shell aggregates, shell designs timber decking limited modular paving

### Colours

Earth	brown, ochre, yellow, green
Sea	blue, green, turquoise
Sky	blue, grey

## 5.0 Building form and pattern

The nature of the buildings is an important part of Oneroa's character to be protected and enhanced. This is defined by the scale and massing of the buildings (see **clause 3.0 Prevailing development pattern**), and the detailed design including style, materials and colour.

New buildings should exhibit quality of design, detailing and materials with each elevation carefully treated. This is particularly important where buildings are next to open space.

Most buildings in the village will be accessed from front and rear, requiring any service area to be discreetly screened. Facades facing the beach will also need sensitive treatment due to their critical location when viewed from the foreshore.

Retail development on the south-north side of Ocean View Road will be low rise and lineal to protect existing views. ~~although exceptions may be made, subject to other criteria being met.~~

Development on this coastal side of the street will favour terraced forms with broken roof shapes and ridges perpendicular to the coast. ~~(see figure A12.5).~~

**Figure A12.5 Coastal development – terraced forms – has been deleted**

Mixed use development is to be encouraged on the south side of Ocean View Road, consistent with retail at pavement level. Development here should be broken by accessways and open spaces linking to parking areas.

## 6.0 Vehicle access and parking

Servicing and parking is encouraged via off-street service lanes and parking areas with pedestrian linkages to shops.

It is hoped that eventually service lanes and parking areas will have the appearance of the public realm - with planting, seating, lighting and paths connecting safely and conveniently with retail on Ocean View Road.

## 7.0 Building detail

The detailed design of the buildings and landscape is critical to the character and appearance of the village as a whole.

Creating open landscaped space within developments is encouraged, and may increase retail opportunities. Courtyards, through-site links and set-backs can incorporate walkways, seats, pergolas and planting, and should enhance views.

Public terraces and balconies will extend the amenities of open space.

Buildings and signs should not overshadow significant open spaces or obstruct significant views.

Verandahs, awnings and other detail design elements will provide visual continuity to facades and all-weather pedestrian access. They should wrap around public open space, breaking up the street frontage, rather than following boundaries.

Buildings should generally have a narrow frontage with modulated facades and small areas of clear glass.

The future street form is intended to be discontinuous with ~~view shafts and~~ walkways between buildings, and indented set-backs and courtyards.

Roofs should be similarly modulated and broken with gables, hips and verandahs.

Building style should reflect the existing - either simple utilitarian or modern colonial, with some decoration welcome. Materials should be used innovatively - see **clause 4.0 Materials checklist**.

~~Buildings which occur within viewshafts need to be incidental within the overall scene, merging into the background as part of a seaside village with an appropriate scale and reefscape.~~

The general scene should be one of sea and coastline with a predominantly coastal landscape and clear, convenient and attractive walkways down to the beach and back up to the village centre. Public open spaces should provide passive recreation with a natural appearance, creating pleasant, safe, outdoor meeting places for residents and visitors.

## 8.0 Landscape pattern

Spaces between and around buildings should connect back to the wider landscape, physically linking with walkways and the pedestrian network, and providing environmental links with the natural coastal habitat.

Such spaces will form natural meeting places and should be a continuation of the public realm, providing through site links to shops, carparking and beach. Incorporate seats, lighting and planting and enhance views.

Seats and other furniture should be integrated into their setting, specifically designed for their location rather than a proprietary product, and using materials related to adjacent buildings and structures (see [clause 4.0 Materials checklist](#)).

## 9.0 Planting

Planting helps provide the coastal context of the village.

Pohutukawa should be used where there is adequate space and views will not be compromised.

Other suitable indigenous species are:

- Karaka
- Taupata
- Karo
- Manuka
- Hebes
- Kowhai
- Mahoe
- Karamu
- Lemonwood
- Nikau palm
- Cabbage tree.

Not all of these will withstand salt or wind and advice should be sought for each particular situation. Tree ferns are suited to small spaces and provide filtered shade and interesting patterns when viewed from above or below, while palms and cabbage trees have dramatic silhouettes.

There is also a wide range of exotic coastal flowers useful on banks and in sun as groundcover under trees.

Other suitable indigenous species are identified in [appendix 13 - Planting guide](#).