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**SECTION 5 - COMMERCIAL ZONES**

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## STATEMENT - COMMERCIAL - STRATEGY

5A STRATEGY1. General Statement

Land is required in the district for commercial and related activities. As the communities vary greatly in size and function so do the commercial facilities needed to service them.

In the past, areas have developed for commercial use without having been designed for that purpose. Often the original subdivision was better suited for residential purposes and problems have occurred in trying to adapt it to a commercial function. Any future commercial development will be required to make adequate provision for such features as service areas, parking and open space.

It is important that additional zoning of commercial land does not "blight" existing commercial development. There is a large investment in existing development and overzoning may detrimentally affect the economic use of all of the commercial development in the area. Consequently a case will have to be made for any major extension to commercial zonings.

2. Hibiscus Coast

The Hibiscus Coast has the largest concentration of commercial facilities in the district. The distribution of the existing commercial areas forms a well developed network. The Council supports the further development of this network as a hierarchy or graded system of commercial areas, believing that this will provide the resident population with the best access to commercial and community facilities. This hierarchy is reflected in the commercial zonings of the District Plan and is based on:

- (a) small shop groups, including isolated dairies, serving local households and passing traffic.
- (b) three intermediate centres ranging from groups of 20 or so shops to centres which may ultimately have up to 5,000 m<sup>2</sup> of gross floor area, including a supermarket.
- (c) two larger district centres at Orewa and Whangaparaoa Town Centre.

The Council considers that at this stage in the development of the Hibiscus Coast developers of supermarkets and larger stores serving an area wider than a local retail trade catchment should be directed towards the developing district centres of Orewa and Whangaparaoa, in order to reinforce the position of these centres in the commercial hierarchy. For this reason the commercial zonings applied to Silverdale, Red Beach and Manly all specify a maximum size for individual shops.

Orewa

Orewa is by far the largest centre in the Hibiscus Coast and already exceeds the average size for district centres in the Auckland region. It is expected to grow further as the population of the Hibiscus Coast increases, although as a retail centre (as opposed to a centre for administrative and other non-retail functions) Orewa may in time be overtaken by Whangaparaoa Town Centre. The commercially-zoned land at Orewa currently provides scope for an increase in floorspace estimated to be sufficient until the later 1990's. However likely longer term demand for land zoned commercial is met by the provision of land zoned Residential 2A to the west of the Commercial 1B Zone. The zone ordinances for Residential 2A are generally similar to those of the Residential 2 Zone except for modifications designed to ensure that future commercial development of the land can occur when it is required.

## STATEMENT - COMMERCIAL - STRATEGY

The existing pattern of subdivision, which was designed for housing, coupled with fragmentation of ownership, creates problems in redeveloping Orewa for commercial use. The Council is attempting to overcome these problems by using the special Commercial 1B zoning provisions, and by providing for service lanes to improve accessibility within the centre. These service lanes are designated, but in particular cases it may be possible to achieve their purpose by establishing access easements across land that remains in private ownership as an alternative to acquisition and dedication of the service lane by the Council. The Council also intends acquiring land to provide for car parking, to facilitate the aggregation of larger blocks for redevelopment, and to give the Council greater ability to influence the form of redevelopment.

The Council wishes to promote a pleasant pedestrian environment and compact development. While site coverage controls ensure that sufficient land is available for on-site parking, the Council would rather see the development of an additional large parking area central to the expanded commercial zone complementing the existing large parking area in Moana Avenue. To this end it will consider acquiring land on Tamariki Avenue in the vicinity of the designated service lanes, and will encourage developers to purchase spaces on additional land. Where smaller areas for parking are provided on-site the Council will encourage their aggregation with adjacent parking areas. Parking areas behind buildings will be discouraged unless they are to cater for staff or are part of a clearly visible block of parking.

#### Whangaparaoa Town Centre

The trading area of the Town Centre is likely to be largely limited to the Hibiscus Coast and the Peninsula in particular. Thus the growth of the centre is largely dependent on growth of the population of the Peninsula. At the time of the 1986 census the populations of Orewa and Whangaparaoa were much the same, but in time the Peninsula's population will far outstrip that of Orewa. Thus despite the outboard location of the Whangaparaoa Town Centre, its retail space is expected to exceed that of Orewa.

The Whangaparaoa Town Centre Urban Design Study Final Report dated March 1993 forms the basis for the future development of this centre. The study identified the desirability of protecting land immediately to the west of the existing centre to enable the future expansion of the centre. While previously as land owner the Council was in a position to ensure this land would remain available for such future expansion, a specific zoning can achieve the same result without the need for the Council to retain the ownership of the land. A comprehensive development zoning has been applied to ensure any development on this land will facilitate the expansion of the existing centre, and new buildings retail floor space, parking areas and pedestrian access will be physically integrated with the existing centre.

A specific zoning has also been applied to land on the western side of Link Crescent to restrict activities to the retailing of bulky goods which are characteristically located in warehouse style premises.

#### Silverdale

The Silverdale centre is unusual in having a commercial catchment made up of the locally-employed labour force, a residential population almost entirely resident in the rural hinterland, and a large clientele drawn from a much wider area by Silverdale's specialisation in inexpensive goods. The commercial centre at Silverdale has been given a Commercial 1 zoning to cater for these different markets. There is also significant commercial activity on industrially zoned land adjacent to the commercial area in the form of "factory shops". This reinforces the commercial importance of Silverdale. [Amendment 55 as modified by ENV-2006-AKL-000105] The Council does not wish the centre to develop in a way that generates adverse effects on the ability of Orewa and Whangaparaoa Town Centre to act as community focal points.

## STATEMENT - COMMERCIAL - STRATEGY

With the development of the Silverdale North area there is a need for increased commercial activity at Silverdale. There have also been a number of trends which influence business in Rodney including major changes in retailing formats eg. "large format" retailing.

Land at Silverdale North has been zoned Commercial 6A. This zone has been designed to enable larger-format stores to locate in Silverdale without adversely affecting the existing Silverdale Town Centre. [Amendment 55 as modified by ENV-2006-AKL-000105]

#### Red Beach

Because of its position the present shopping centre has the potential to become larger. The commercially zoned area, which takes in all the land not committed to other uses, is likely to be sufficient for its ultimate growth.

#### Manly

The centre has a limited commercial catchment and relatively poor exposure to passing trade. It will also face competition from the new centre anticipated to the east (Hobbs Bay). Its growth may therefore be modest, but ample undeveloped commercially-zoned land is available.

#### Gulf Harbour

The Gulf Harbour centre although zoned at a scale to provide for a suburban centre is likely to require only a smaller neighbourhood sized centre. The zoning therefore allows for flexibility in determining the interface with the adjoining boat harbour/residential area and provides for a mix of commercial, boat harbour and residential activities.

#### Isolated Dairies and Small Shop Groups

Commercial trends generally are making it hard for the traditional small dairy to remain commercially viable, especially if it is isolated from other shops and/or away from main traffic routes. Commercial 3 zonings have therefore been applied only to those existing dairies and small shop groups which are located where they can confidently be expected to continue trading or, in the case of Manly Park, are in a purpose-built commercial building, which makes continuing non-residential use of some sort likely. A site has also been reserved for a future dairy adjacent to Stanmore Bay Park. Existing dairies which have not been zoned Commercial 3 are protected by existing use rights. The provision within the Residential 2 and 3 Zone rules which allows for isolated dairies as discretionary activities gives these businesses additional security. It also allows for the establishment of further dairies where entrepreneurs consider that a commercially viable business could be set up on a particular site of their choosing.

### 3. Kumeu - Huapai

Whilst there are two areas zoned commercial in this centre, neither one is considered dominant. The two areas are a result of historical development rather than an overall planning strategy. The available commercial zones are designed to serve both the urban area and the surrounding rural areas. There are no plans at present to increase the area of commercial zoning in this centre.

## STATEMENT - COMMERCIAL - STRATEGY

4. Warkworth

Warkworth is a district centre which serves both the township and a large rural hinterland. There are two commercial zones providing for a wide range of activities. The principal zone emphasises commercial uses while the other allows for an additional range of industrial uses.

It is the Council's policy that future developments complement or harmonise with the colonial character of Warkworth's most notable buildings. While it is not the Council's intention to insist upon development of a colonial town replica, the Council does expect that consideration will be given to architectural style and materials so that new developments do not dominate or subjugate Warkworth's key buildings. This policy will be applied with particular attention to developments located on the Queen Street and Elizabeth Street frontages, or along the riverside. Larger-scale buildings with extensive car parks are encouraged to locate away from these particularly sensitive areas.

Although the Mahurangi River has largely determined the shape and character of the main shopping area, developments have not capitalised on its high level of visual amenity. The Council is attempting to reverse this by encouraging developers to provide courtyards, patios, and balconies in sunny sheltered areas so that the tranquility of the river and bush backdrop can be brought into the shopping environment.

5. Wellsford

Wellsford is a district centre which serves both the town and a large rural hinterland.

There is adequate land zoned for general commercial use. As at Warkworth provision is made for a normal commercial zone and a mixed commercial/industrial zone in recognition of the mixed nature of business activities in the area.

6. Snells Beach

For some years some 4 hectares of land at Snells Beach has had a Deferred Commercial zoning. This land has now been zoned Commercial 5 which allows for its further development on a comprehensive basis.

The four lots originally earmarked for commercial use at Mahurangi East Road are zoned Commercial 1.

7. Waimauku

Land has been zoned in this settlement for a future small comprehensively developed centre.

8. Rural Settlements

At Leigh an area of mixed commercial/industrial zoning has been provided. In the other rural townships where a wider mixture of uses can be tolerated than in larger and more settled urban units, there is no need for separate shopping areas. Shops are allowed as a discretionary activity anywhere within the Rural Settlement 2 zoning applied to these areas. An area of mixed commercial/industrial zoning has been provided at each of the small business centres at Dairy Flat and Coatesville.

## STATEMENT - COMMERCIAL - ZONING

5B ZONING1. General Objectives and PoliciesGeneral Objectives

- (a) To make provision for the growth of commercial activity and related uses in the district.
- (b) To encourage commercial areas to become focal points for community activities.
- (c) To make provision for a range of commercial, community and compatible activities appropriate to each specific location.

General Policies - Zoning

- (a) To make provision for land zoned for commercial and allied activities and for community activities, the location and extent of such land being determined by reference to:
  - (i) the distribution of existing commercial areas,
  - (ii) the anticipated need for expansion of these areas,
  - (iii) the anticipated need for new commercial areas,
  - (iv) the anticipated function of each existing and proposed commercial area,
  - (v) the need to minimise conflict with other land uses, and traffic.
- (b) To require commercially-zoned land to be developed comprehensively or within a pre-determined framework where this is necessary to bring about a coherent commercial and community centre.
- (c) To ensure that land which may be required for commercial use in the longer term is not compromised by development that will prevent such future commercial usage.

2. Commercial 1 (General Commercial) ZoneZone Objective

To make provision for a wide range of commercial services and activities and community facilities.

Policies

- (a) To allow for a wide range of commercial and community activities.
- (b) To create safe and pleasant shopping environments.
- (c) To make provision for continuous shopping frontages or frontages with a high degree of interest.
- (d) To make provision for adequate and convenient car parking facilities within commercial areas.

## STATEMENT - COMMERCIAL - ZONING

3. Commercial 1A (Warkworth Commercial) ZoneZone Objectives

To make provision for a wide range of commercial services and activities and community facilities whilst ensuring that the scale and character of central Warkworth is maintained and protected.

To make provision for both visual and physical access to the banks of the Mahurangi River for the pleasure of the general public.

Policies

In addition to the policies for the Commercial 1 Zone:

- (a) To control development to ensure that new buildings are compatible with the character of the existing town centre, and in particular its better 19th and early 20th Century buildings.
- (b) To encourage developments between the river and the main shopping area to be landscaped and otherwise developed to utilise and enhance the visual amenity of the river bank, and increase its accessibility to the public.
- (c) To ensure that buildings in the main shopping streets are sited to provide an interesting and unbroken frontage, with verandahs to provide for pedestrian shelter.
- (d) To encourage the establishment of a pedestrian link between the vicinities of Elizabeth Street and the town hall.
- (e) To prevent development which is likely to endanger any protected building or tree.

4. Commercial 1B (Central Orewa) ZoneZone Objective

To make provision for a wide range of commercial services and activities and community facilities.

To ensure that the redevelopment of the subdivision does not produce fragmented development.

Policies

In addition to the policies for the Commercial 1 Zone:

- (a) To control most new buildings with the aim of achieving integrated development.
- (b) To encourage the provision of pedestrian links which will facilitate pedestrian circulation through the centre.
- (c) To promote the linking of parking areas to ensure safe and convenient parking.

## STATEMENT - COMMERCIAL - ZONING

5. Commercial 2 (Suburban Centre) ZoneZone Objective

To make provision for a limited range of commercial services and activities appropriate to the suburban location of these zones.

Policies

- (a) To allow for commercial activities with the emphasis on convenience goods.
- (b) To make provision for community activities.
- (c) To encourage parking for customers to be provided on site in front of or beside shops for convenience.

6. Commercial 3 (Neighbourhood Commercial) ZoneZone Objective

To make provision for neighbourhood commercial facilities such as isolated dairies and small local groups of shops.

Policies

- (a) To allow commercial services serving the immediate residential neighbourhood.
- (b) To limit the floor area of the commercial services that are allowed.
- (c) To make provision for convenient parking facilities.

7. Commercial 4 (Commercial/Industrial) ZoneZone Objective

To make provision for both commercial and industrial activities in one zone in the smaller business centres serving rural communities, especially where no separate industrially zoned area would be viable.

Policies

- (a) To allow for both commercial and industrial activities serving the community.
- (b) To ensure that industrial activities provided for will not have a detrimental effect on properties in the locality or the environment in general.

8. Commercial 4A (Warkworth Commercial/Industrial) ZoneZone Objective

To make provision for a range of light industrial activities on the periphery of Warkworth's central business area to complement the range of commercial services in Warkworth, whilst protecting the scale and character of central Warkworth.

## STATEMENT - COMMERCIAL - ZONING

Policy

In addition to the policies for the Commercial 4 Zone:

- (a) To control development to ensure new buildings are compatible with the character of the existing town centre.

9. Commercial 5 (Comprehensive Development) ZoneZone Objective

To make provision for comprehensive development where land to be developed for commercial activities is wholly or largely in one subdivided holding.

Policies

In addition to the policies for the Commercial 1 Zone:

- (a) To require the centres to be developed within a pre-determined framework where this is necessary to bring about a coherent commercial and community centre.
- (b) To allow for a mix of commercial and boat harbour/residential development at Gulf Harbour.
- (c) To manage the effects of development on Lot 1 and Part Lot 3 DP 370122 Woodcocks Road, Warkworth, to ensure that landscaping and building design creates an urban environment of high visual quality. Of particular importance is managing the visual integration of buildings and structures, and providing areas of pedestrian interest in a way which enhances the adjoining Mahurangi River environment. Subdivision and land use activities should also be carried out in a manner which avoids the adverse effects of stormwater runoff on receiving environments. [Amendment 92 as modified by appeal ENV-2006-AKL-000254]

10. Commercial 5A (Waimauku Comprehensive Development) ZoneZone Objective

To make provision for comprehensive development of a small commercial centre at Waimauku on land largely in one holding.

Policies

In addition to the policies for the Commercial 1 Zone:

- (a) To require the centre to be developed within a predetermined framework to the extent necessary to bring about a coherent commercial and community centre.
- (b) To limit the amount of commercial floor space in the zone to approximately that required for the anticipated medium-term needs of consumers in the Waimauku commercial catchment area (i.e. to about the year 2000).
- (c) To require any future Plan change to increase the maximum floor space for the zone to be supported by an evaluation of: the needs of the commercial catchment for commercial services; the likely effect on the commercial centres of Kumeu and Huapai;

## STATEMENT - COMMERCIAL - ZONING

compatibility with any relevant regional planning policies; and any limitations on development due to sewage disposal requirements or flooding.

11. Commercial 5B (Whangaparaoa Town Centre Comprehensive Development) Zone Objective

Zone Objective

To make provision for the expansion and comprehensive development of the Whangaparaoa Town Centre.

Policies

In addition to the policies for the Commercial 1 Zone:

- (a) To require the centre to be developed within a predetermined framework to the extent necessary to bring about a coherent commercial and community centre.
- (b) To physically integrate new buildings, retail floor space, parking areas and pedestrian access with the existing centre.

12. Commercial 6 (Retail Warehouse) Zone

Zone Objective

To make specific provision for retail warehouse premises adjacent to the Whangaparaoa Town Centre.

Policies

- (a) To limit the range of activities permitted to the sale of goods (other than food and clothing) from large warehouse style premises.
- (b) To recognise the existing garden centre as a compatible activity within this zone.

13. Commercial 6A (Silverdale North Large Format Retailing) Zone [\[Amendment 55 as modified by ENV-2006-AKL-000105\]](#)

Zone Objectives

- (a) To enable comprehensively planned large format retailing premises to be located adjacent to the Silverdale Town Centre so that such facilities are accessible within the district to meet the needs of its resident community.
- (b) To ensure large format retailing, associated developments and other activities locating in the zone develop in a way that contributes to a high level of visual amenity in the urban landscape.
- (c) To ensure large format retailing design, associated developments and other activities locating within the zone contribute to civic amenity within the development.



## STATEMENT - COMMERCIAL - ZONING

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- (d) To develop, maintain and enhance the amenity values of the pedestrian areas and carparking associated with large format retailing.
  - (e) To ensure that potential adverse effects on the environment from traffic generation and parking demand are avoided, remedied or mitigated.
  - (f) To ensure that the development within the zoned area is designed to provide for complementary connections to activities on adjoining sites and the existing Silverdale Town Centre.

Zone Policies

- (a) Large format retailing and associated buildings and developments should be designed and located so that they result in a form and arrangement of buildings which allows for diversity and variety in their presentation, breaking up the visual bulk of building, and creating pedestrian-friendly environments along shop frontages.
- (b) Site development should occur in a way that results in a site contour and landform that allows the development on the site to "fit" into the finished landscape and integrate with the adjoining road network as far as practicable.
- (c) The architectural design of the buildings including scale, bulk, form, proportions, structure, materials and colour should create a positive contribution to the identity, aesthetics and amenity values of the area.
- (d) Bright corporate colours should be used sensitively to minimize the adverse visual impact of the development.
- (e) Development should provide pedestrian connections with Silverdale Street at or near the Silverdale Street-Wainui Road intersection to provide a pedestrian-friendly interaction with and connection to and visual, physical and functional continuation of the established part of Silverdale Street.
- (f) The siting, layout and materials of any carparking areas should be of a design and scale that includes safe, convenient and attractive provision for pedestrians.
- (g) Development should include landscaping of a high visual quality that contributes to a quality urban environment, noting that:
  - (i) the impact of buildings and roof forms along the Hibiscus Coast Highway should be buffered by dense landscaping that contributes to the 'gateway' theme for the Hibiscus Coast, and
  - (ii) landscaping should be used to mitigate the visual impact of car parking within and beyond the site, and
  - (iii) the visual amenity values and views of the entrance to the development should make a positive contribution to the streetscape.

STATEMENT - COMMERCIAL - ZONING

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- (h) The impact of large car parking areas on visual amenity values should be mitigated by careful use of planting, materials and design, and the provision of an integrated network of pedestrian routes and refuges.
- (i) Structures such as, seats, lighting, rubbish bins, “street furniture” and signage should be designed and located to maintain the visual amenity values of the site and safety of the site.” [\[Amendment 55 as modified by ENV-2006-AKL-000105\]](#)

STATEMENT - COMMERCIAL - ZONING

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## STATEMENT - COMMERCIAL - ACTIVITIES

5C ACTIVITIES1. General Objective

To make provision for appropriate ranges of commercial, professional, commercial service and community activities in commercially-zoned areas.

2. Policies - Permitted Activities

Subject to compliance with the relevant development controls, to permit as of right those activities which are consistent with existing development and expectations.

- (a) To permit a full range of commercial, professional, commercial service and community activities in the main commercial centres in each urban area.
- (b) To permit a more limited range of such activities in the intermediate-sized commercial centres.
- (c) To permit dairies at intervals throughout the urban areas.
- (d) To complement the provision of commercially-zoned land by allowing for some commercial activities in other zones, provided that the activities are compatible with the primary functions and nature of those zones.
- (e) To permit some small-scale commercial activities as home occupations in residential and rural areas.
- (f) In rural areas to permit a defined range of commercial activities with a need for a rural location.
- (g) In industrial areas to permit a range of retail activities with a requirement for extensive open yard space, limited retailing of products made on the premises, and commercial activities servicing industries or their staff.
- (h) To permit the establishment of retail warehouse premises adjacent to the Whangaparaoa Town Centre.

3. Policies - Controlled Activities

Those activities listed as controlled activities are considered to be appropriate ones for all sites, provided that:

- (a) the design and external appearance of buildings; and/or
- (b) landscape design and site layout; and/or
- (c) the location and design of vehicular access to and from the site;

are in accordance with the relevant assessment criteria to ensure that any adverse effects of such activities are minimised.

In most cases the purpose of the assessment criteria is to ensure that new buildings are designed, sited and landscaped to enhance or fit well with the established character of an area. Greater care needs to be taken where the established character is particularly strong.

STATEMENT - COMMERCIAL - ACTIVITIES

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4. Policies - Discretionary Activities

Those activities listed as discretionary activities are considered to be generally appropriate within the relevant zoning, but not appropriate on every site. In general terms the activities listed will require detailed consideration in terms of the impact of the activities on surrounding sites and public services.

- (a) To make provision for a wide range of compatible commercial activities without compromising the integrity of the individual commercial centre.
- (b) In assessing discretionary activity applications the general assessment criteria contained in Section 19.2.5 shall apply. In addition however, specific assessment criteria have been identified for those uses where additional concerns exist, in order to assist in the determination of site suitability.

## STATEMENT - COMMERCIAL - DEVELOPMENT CONTROLS

5D DEVELOPMENT CONTROLS1. General Objective

To protect and promote the environmental quality and amenity of commercial zones and adjoining areas, and to provide for efficient and convenient access to commercial areas for vehicles and pedestrians.

2. Policies - Development Controls

The purposes of the development controls are:

(a) Maximum Height

- (i) To promote compatibility between activities at the zone interface.
- (ii) To protect privacy.
- (iii) To protect a reasonable standard of daylight and sunlight admission.
- (iv) To place an upper limit on the intensity of development.

(b) Yards

To ensure reasonable standards of daylight and sunlight admission and privacy between sites, and to contribute to the open space requirements, whilst allowing for flexibility in building design and location.

In addition:

(i) Front Yards

To promote compatibility with adjoining residential development.

To allow space for on-site vehicle parking and manoeuvring clear of the road and footpath.

(ii) Side and Rear Yards

To protect the amenities of uses in adjoining non-commercial zones.

(c) Maximum Site Coverage

- (i) To make provision for sufficient space about buildings to allow for staff and visitor parking, access for goods vehicles, landscaping and the provision of public areas for pedestrians circulation and relaxation.
- (ii) To encourage developers to provide public amenities by offering bonuses in the form of additional site coverage.

(d) Appearance of Sites and Rubbish Storage

To make provision for separation between commercial and residential or reserve land, and to ensure specific and visually satisfactory arrangements are made for storage of rubbish prior to disposal.

STATEMENT - COMMERCIAL - DEVELOPMENT CONTROLS

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(e) Provision of Pedestrian Shelter

To create a network of covered ways in each commercial area such that pedestrians can move throughout the area with protection from rain and sun.

STATEMENT - COMMERCIAL - SUBDIVISION

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**5E SUBDIVISION**1. General Objective

To make provision for subdivision of land appropriate to the development proposed and the nature of the land being subdivided.

2. Policies - Subdivision Controls

(a) To use subdivision controls in combination with land use controls in order to encourage the best use of land.

(b) To ensure that when land is subdivided, satisfactory building sites, access, utility services, drainage arrangements and areas for outdoor activity associated with the anticipated activity will be achieved.

(c) The purposes of the subdivision controls are:

(i) Minimum Site Area

To make provision for sites sufficiently large to accommodate expected building and other site requirements.

(ii) Minimum Frontage

To make provision for adequate site width for on-site vehicle access and manoeuvring.

STATEMENT - COMMERCIAL - DISPENSATIONS AND WAIVERS

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**5F DISPENSATIONS AND WAIVERS**1. General Objective

To make provision for a degree of flexibility from district rule controls to recognise that on some sites the general standards may not be entirely appropriate.

2. Policies - Dispensations and Waivers

To consider applications for dispensations and waivers from all the provisions of the Commercial rules that the Council is legally entitled to.

When considering applications the prime concern of the Council will be the effect or impact of granting consent rather than the actual degree or extent of any relaxation. In particular the effect on adjoining properties, the existing level of amenity in the vicinity of the site, and also the objectives and policies of the District Plan.

Reasonable adherence to the rules is expected however, and in most cases the greater the relaxation sought the greater the adverse effects when compared to a fully complying development. It is not the Council's intention to permit by way of dispensation or waiver any development which is substantially different in form or effect from a fully complying development.

Although the Council will consider applications from a wide range of district rules, consent will not be given automatically. Each case will be considered on its merits. However, the Council must be satisfied that circumstances out of the usual exist before consent will be granted. These circumstances must relate to specific site factors which in planning terms warrant a relaxation from the expected standards.

As a general rule dispensations will only be granted for alterations and additions to existing buildings, or where additional buildings are proposed on a site. Where a vacant site is being developed, full compliance is normally expected except where difficult topographical conditions or unusually small or irregular shaped sites, or other unusual conditions exist.

DISTRICT RULES - COMMERCIAL - ZONE STATEMENTS

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5.1 **ZONE STATEMENTS**5.1.1 **COMMERCIAL 1 (GENERAL COMMERCIAL) ZONE**

This is a general commercial zone, providing for a wide range of commercial services, community facilities and some forms of residential activity.

The form of development in the zone will be determined by the requirements of the commercial user within the limitations imposed by the bulk and location controls of the rules and the constraints on the design and location of parking and loading areas set out in Rule 13.

Since the principal activity in the zone is retailing, features sought in a shopping area by shoppers and retailers are of great importance. Among these features are the availability of continuous shelter for pedestrians and the existence of continuous shopping frontages and frontages with a high level of interest to shoppers. Commercial activities which are likely to lack these features are to be assessed as discretionary activities.

The existence of convenient parking areas is another feature of importance. Except where developers are able to create or add to common parking areas (e.g. via the Council accepting money in lieu of parking space and applying that money to purchase of common parking areas) they will normally be required to provide for customer parking in front of or beside their commercial buildings so that this parking will be attractive and convenient to users.

The limit placed on the maximum size of shop at Silverdale is to ensure that land in the zone at Silverdale is not taken up by large shops or supermarkets. The Council considers such enterprises should be located in the district centres of Orewa and Whangaparaoa.

5.1.2 **COMMERCIAL 1A (WARKWORTH COMMERCIAL) ZONE**

The zone allows for the same wide range of commercial uses as the Commercial 1 Zone. However it recognises that Warkworth is an attractive town with buildings of architectural interest from the late 19th century and early years of the 20th century (notably Broomfield House, The Masonic Lodge, The Establishment and Bridge House) and is designed to ensure that new commercial development acknowledges and adds to this character. It is not the Council's intention to over-emphasise development of a colonial town replica, but it will require that new development shall not dominate or subjugate Warkworth's key buildings, and will expect developers to use architectural styles and materials that result in buildings with the small-scale, intimate and intricate qualities characteristic of early New Zealand architecture. This policy will be applied with particular attention to developments located on the Queen Street and Elizabeth Street frontages, or along the riverside. Larger-scale buildings with extensive car parks are encouraged to locate away from these particularly sensitive areas.

5.1.3 **COMMERCIAL 1B (CENTRAL OREWA) ZONE**

The zone allows for the same wide range of commercial activities as the Commercial 1 Zone, but provides for tighter control on development with the aim of creating an attractive and convenient centre in an area where the existing pattern of subdivision is otherwise likely to produce fragmented development.

Within the zone are several new or substantial household units which in time may be taken over for commercial use or redeveloped. The rule allows for alterations and minor extensions to existing household units as a permitted activity to provide flexibility in their continued residential use in the interim.

## DISTRICT RULES - COMMERCIAL - ZONE STATEMENTS

**5.1.4 COMMERCIAL 2 (SUBURBAN COMMERCIAL) ZONE**

This zone provides for the development of intermediate centres such as Manly and Red Beach as focal points of commercial and community activity for their localities.

The type and size of shop allowed is limited by comparison with the Commercial 1 Zone, as is the range of non-retail uses. This is to ensure that the land available is used for purposes which will primarily serve the locality, and also to steer retailers with a wider potential market towards sites in the developing district centres at Orewa and Whangaparaoa.

As with the Commercial 1 Zone the customer parking spaces required by Rule 13 will normally have to be located in front of or beside the buildings in order to be convenient and attractive to users.

**5.1.5 COMMERCIAL 3 (NEIGHBOURHOOD COMMERCIAL) ZONE**

This zone is designed to provide for the operation, development and redevelopment of the small shop groups that provide primarily for the needs of their immediate residential neighbourhood. Both the range of goods able to be sold and the size of shops for permitted activities are limited to ensure that the few sites with the zoning are used for purposes of value to the neighbourhood. The floor space limit of 220 m<sup>2</sup> is designed to provide for a modern dairy and the lower figure for other small shops.

As with the Commercial 1 Zone the customer parking spaces required by Rule 13 will normally have to be located in front of or beside the buildings in order to be convenient and attractive to users.

**5.1.6 COMMERCIAL 4 (COMMERCIAL/INDUSTRIAL) ZONE**

This zone is designed to provide for a range of both commercial and small-scale industrial activities which require ready access to the public but do not need a main shopping street frontage.

The zone is applied to land in Wellsford, Leigh, Coatesville and Dairy Flat.

**5.1.7 COMMERCIAL 4A (WARKWORTH COMMERCIAL/INDUSTRIAL) ZONE**

This mixed zone is very similar to the Commercial 4 Zone. However it is also similar to the Commercial 1A Zone in that it recognises that Warkworth is an attractive town with buildings of architectural interest from the late 19th century and early years of the 20th century (notably Broomfield House, The Masonic Lodge, The Establishment and Bridge House) and is designed to ensure that new commercial development acknowledges and adds to this character. It is not the Council's intention to over-emphasise development of a colonial town replica, but it will require that new development shall not dominate or subjugate Warkworth's key buildings, and will expect developers to use architectural styles and materials that result in buildings with the small-scale, intimate and intricate qualities characteristic of early New Zealand architecture. This policy will be applied with particular attention to developments located on the Queen Street and Elizabeth Street frontages, or along the riverside. Larger-scale buildings with extensive car parks are encouraged to locate away from these particularly sensitive areas.

**5.1.8 COMMERCIAL 5 (COMPREHENSIVE DEVELOPMENT) ZONE**

This zone allows for the development of commercial centres on land wholly or largely in single holdings at the eastern end of Whangaparaoa Peninsula, Snells Beach and on land adjacent to Woodcocks Road, Warkworth. [Amendment 92 as modified by appeal ENV-2006-AKL-00254]

The zone allows for the same wide range of commercial activities as the Commercial 1 Zone but provides for control on development to ensure that an attractive, convenient and co-ordinated centre is achieved. This control takes the form of a requirement that all development be the subject of either controlled or discretionary activity applications. These applications are to be judged against a list of matters that must be recognised or for which provision must be made. Since it will generally not be possible to make the necessary judgement in the absence of a comprehensive plan for the development of all the land in the zone, it will be necessary for the developer to draw up such a plan and submit it in support of the earliest consent applications. While the Council will not insist that such a plan remain unchanged for the whole period over which the commercial zone is developed it will expect that any amendments to the plan will illustrate an equally comprehensive approach.

The principal activity in the zone will be retailing, hence features sought in a shopping area by shoppers and retailers are of great importance. Among these features are the availability of continuous shelter for pedestrians and the existence of continuous shopping frontages and frontages with a high level of interest to shoppers. Commercial activities which are likely to lack these features are to be assessed as discretionary activities.

At Gulf Harbour on the Whangaparaoa Peninsula the Commercial 5 zone is at a scale to enable a supermarket-led suburban centre to establish. This is acknowledged to be generous and that a smaller neighbourhood scale centre (approximately 1,000 m<sup>2</sup> total floor space) is more realistic. Any commercial development is not likely to occur in the near future and in the interim local services can operate from the service area on the marina. The boat harbour residential zoning, which provides for a combined marina/residential form of development, adjoins the commercial area. Extending the boat harbour/residential activities into the commercial area is an appropriate form of development for the "spare" area.

As the development of a boat harbour in the residential zone is likely to occur before the commercial area is required, the zoning recognises that some flexibility is desirable to allow for the efficient construction of the boat harbour prior to the development of commercial facilities, and to allow for a mix of activities to reflect the changing needs of the area over time.

At Woodcocks Road, Warkworth, the Commercial 5 Zone provides for large footprint retail development which is designed to complement Warkworth's retail offering. The scale of the development is such that the total gross leasable area (GLA) used for retail purposes is foreseen as being no more than 25,000m<sup>2</sup>.

Included in the retail development is provision for up to 3 internal concessionaire stores and/or cafes, 2 larger stand-alone restaurants, and other ancillary areas for the retail development on the site (such as toilets, yards, storage and administration areas). The floor area of concessionaire stores will be restricted, as will their ability to operate independently of the larger retail stores.

Development will be constructed in stages in order to avoid, remedy, or mitigate adverse effects on the social and economic functioning of the existing Warkworth Town Centre. [Amendment 92 as modified by appeal ENV-2006-AKL-00254]

## DISTRICT RULES - COMMERCIAL - ZONE STATEMENTS

**5.1.9 COMMERCIAL 5A (WAIMAUKU COMPREHENSIVE DEVELOPMENT) ZONE**

This zone allows for the development of a small commercial centre on land largely in one holding at Waimauku.

The second and third paragraphs of the zone statement for the Commercial 5 Zone apply equally to this zone. However, because the extent of commercial development in the medium term is to be limited, the required comprehensive plan of development will need to focus on how the 800 m<sup>2</sup> of new floor space allowed for permitted and controlled activities is to be accommodated, but give only a general indication of how any further development could be integrated with it.

**5.1.10 COMMERCIAL 5B (WHANGAPARAOA TOWN CENTRE COMPREHENSIVE DEVELOPMENT) ZONE**

This zone allows for the expansion of the existing Whangaparaoa Town Centre.

The second and third paragraphs of the zone statement for the Commercial 5 Zone apply equally to this zone. The purpose of this zone is to prevent development which will not result in the expansion of the existing centre in an integrated and comprehensive manner.

**5.1.11 COMMERCIAL 6 (RETAIL WAREHOUSE) ZONE**

This zone is designed to provide for retail activities seeking larger sites where warehouse style holdings can be developed in association with substantial car parking areas. Shops are permitted provided that each shop is at least 500 m<sup>2</sup> gross floor area and no food or clothing is sold or displayed. The rationale for this approach being to ensure that activities complementary to, rather than in direct competition with the existing centre are developed.

**5.1.12 COMMERCIAL 6A (SILVERDALE NORTH LARGE FORMAT RETAILING) ZONE**

[Amendment 55 as modified by ENV-2006-AKL-000105]

This zone is designed to provide mainly for retail activities which require large floor areas, and substantial car parking which is conveniently located for the customer.

Development within the zone is to occur in accordance with the underlying urban design principles described in the concept plan set out in Appendix 5A. The development should occur in a way that provides strong pedestrian connections with the old Silverdale Town Centre via the Silverdale Street-Wainui Road intersection. It should also occur in a way that contributes to a high visual quality recognising the high visibility of the site to residential areas to the north west.

Accordingly, earthworks and new buildings are controlled activities where they are in accordance with the concept plan. The controlled activity status is considered appropriate in this case because of the inclusion of the detailed concept plan which gives a level of certainty to the expected outcomes. Where they are not in full accordance with the concept plan, but are in general accordance with the concept plan, they are restricted discretionary activities. Where a proposal is not in accordance with the concept plan at all then the activity is non-complying.

These levels of control are exercised to ensure that landform, contours and buildings are designed in such a way that they create an integrated development that includes an attractive efficient and safe layout for parking, access, vehicle circulation and pedestrian movement. It is intended that the landform and architectural design, scale, bulk, form, proportions, colour and materials of the buildings contribute to achieving an environment of high visual quality.

DISTRICT RULES - COMMERCIAL - ZONE STATEMENTS

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The development of the site depends on the construction of the Silverdale Street extension and that part of the Silverdale Parkway from the Silverdale Street extension to the Hibiscus Coast Highway opposite Whangaparaoa Road as shown in Appendix 5A. This is to ensure that safe and efficient access to the site and the adjoining road network is in place before trading begins. Therefore, the development shall not trade until access is provided to the zone via the Silverdale Parkway and the Silverdale Street extension. [\[Amendment 55 as modified by ENV-2006-AKL-000105\]](#)

DISTRICT RULES - COMMERCIAL - ZONE STATEMENTS

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5.2 **PERMITTED ACTIVITIES**

The following shall be permitted activities in the zones indicated.

Commercial 1 (General Commercial) Zone

Commercial 1A (Warkworth Commercial) Zone

Note: New buildings in this zone are a controlled activity - see Rule 5.3.

Commercial 1B (Central Orewa) Zone

Note: New buildings in this zone are a controlled activity - see Rule 5.3.

Commercial 2 (Suburban Commercial) Zone

Commercial 3 (Neighbourhood Commercial) Zone

Commercial 4 (Commercial/Industrial) Zone

Commercial 4A (Warkworth Commercial/Industrial) Zone

Note: New buildings in this zone are a controlled activity - see Rule 5.3.

Commercial 5 (Comprehensive Development) Zone

Note: New buildings in this zone are a controlled activity - see Rule 5.3.

Commercial 5A (Waimauku Comprehensive Development) Zone

Note: New buildings in this zone are a controlled activity - see Rule 5.3.

Commercial 5B (Whangaparaoa Town Centre Comprehensive Development) Zone

Note: New buildings in this zone are a controlled activity - see rule 5.3.

Commercial 6 (Retail Warehouse) Zone.

Commercial 6A (Silverdale North Large Format Retailing) Zone [Amendment 55 as modified by ENV-2006-AKL-000105]

**ZONES**

	1	1A	1B	2	3	4	4A	5/5 A	5B	6	6A
<b><u>AMUSEMENT CENTRES</u></b>	1	1A	1B			4	4A	5/5 A	5B		
<b><u>BOAT REPAIRS AND/OR MAINTENANCE</u></b> (at Gulf Harbour only) provided that where any repair or maintenance involves the scraping down of the boat hull, facilities shall be installed for the safe and complete collection and containment of antifouling hull scrapings.								5			
<b><u>BUILDINGS AND USES ACCESSORY</u></b> to any Permitted Activity except as listed as Controlled Activities at Rule 5.3. [Amendment 55 as modified by ENV-2006-AKL-000105]	1		1B	2	3	4					6A
<b><u>CHILDCARE FACILITIES</u></b>	1	1A	1B	2		4	4A	5/5 A	5B		
<b><u>COMMERCIAL SERVICES</u></b>	1	1A	1B	2		4	4A	5/5 A	5B		
<b><u>DAIRIES</u></b>					3						
<b><u>DEPOTS</u></b> excluding those activities which involve substances exceeding the threshold values listed in Appendix 6F, or involving hazardous substances which are, or under any conditions may become dangerous in relation to adjacent sites.						4	4A				

Note: New buildings, alterations and additions for permitted activities in the Commercial 1A, 1B, 4A, 5 and 5A Zones are controlled activities unless marked thus \* in the zone column see Rule 5.3.

## DISTRICT RULES - COMMERCIAL - PERMITTED ACTIVITIES

	<u>ZONES</u>										
	1	1A	1B	2	3	4	4A	5/5A	5B	6	6A
<u>EDUCATION ESTABLISHMENTS</u>	1	1A	1B			4	4A	5/5A	5B		
<u>EXCAVATION AND/OR DEPOSITING</u> (at Gulf Harbour only) of 50m <sup>3</sup> or less of material								5			
<u>GARDEN CENTRES</u> [Amendment 55 as modified by ENV-2006-AKL-000105]				2		4	4A				6A
<u>GARDEN CENTRE</u> on Part Lot 2 DP 8623										6	
<u>HEALTH AND WELFARE SERVICES</u>	1	1A	1B	2		4	4A	5/5A	5B		
<u>HIRE PREMISES</u>						4	4A				
<u>HOTELS</u> (except at Snells Beach)	1	1A	1B			4	4A	5			
<u>HOUSEHOLD UNITS AT OR ABOVE FIRST FLOOR LEVEL</u> provided that ground level floor space on the road frontage is not used for any purposes ancillary to the household units other than an entry lobby or access to parking. [Amendment 55 as modified by ENV-2006-AKL-000105]	1	1A	1B					5/5A	5B		
<u>HOUSEHOLD UNITS AT OR ABOVE FIRST FLOOR LEVEL</u> provided that ground level floor space is not used for any purposes ancillary to the household units other than an entry lobby or access to parking. [Amendment 55 as modified by ENV-2006-AKL-000105]											6A
<u>HOUSEHOLD UNITS</u> ancillary to a non-residential activity that is allowed on the same site and not exceeding one household unit per site or tenancy of non-residential activity.				2	3	4	4A				
<u>HOUSEHOLD UNITS</u> in existence on, or for which building permits had been issued by 1 April 1985, and their reinstatement, provided that additions and accessory buildings shall not increase the area of any unit and its accessory buildings by more than 10% of their combined floor area as existing at that date.	1	1A	1B*			4	4A				
<u>MARINA BERTHAGE</u> (at Gulf Harbour only) including facilities for the launching and retrieval of boats.								5			
<u>OFFICES</u>	1	1A	1B	2		4	4A	5/5A	5B		

Note: New buildings, alterations and additions for permitted activities in the Commercial 1A, 1B, 4A, 5 and 5A Zones are controlled activities unless marked thus \* in the zone column - see Rule 5.3.

DISTPLAN/DP05

Rodney District Plan Review No 2, 1993  
as amended by Change Nos. 23, 25 & 55

## DISTRICT RULES - COMMERCIAL - PERMITTED ACTIVITIES

	<u>ZONES</u>											
	1	1A	1B	2	3	4	4A	5/5A	5B	6	6A	
<u>OFFICES ancillary to a Permitted Activity</u> [Amendment 55 as modified by ENV-2006-AKL-000105]											6A	
<u>PLACES OF ASSEMBLY</u>	1	1A	1B			4	4A	5/5A	5B			
<u>PROFESSIONAL SERVICES</u>	1	1A	1B	2		4	4A	5/5A	5B			
<u>RESERVES</u> , provided that all buildings on a reserve other than public utilities shall be a discretionary activity.	1	1A	1B	2		4	4A	5/5A	5B			
<u>RESTAURANTS</u> [Amendment 55 as modified by ENV-2006-AKL-000105]	1	1A	1B	2		4	4A	5/5A	5B		6A	
<u>RETAIL WAREHOUSES</u>										6		
<u>SALE OF CRAFT FROM A MARAE</u>	1	1A	1B			4	4A	5				
<u>SHOPS</u> , provided that at Silverdale the maximum gross floor area of any shop, including all ancillary storage space within the same or ancillary buildings, shall be 250 m2.	1	1A	1B			4	4A	5/5A	5B			
<u>SHOPS</u> , with a maximum gross floor space, including all ancillary storage space within the same or ancillary buildings, of 500 m2 in the case of dairies and 250 m2 in all other cases.				2								
<u>SHOPS</u> , with a maximum floor space of 110 m2 (including all ancillary storage space within the same or accessory buildings).					3							
<u>SHOPS</u> , except shops with outdoor display or storage areas, with a minimum gross leasable area of 200m2 provided that the minimum average gross leasable area for shops within the whole development shall be 400m2.  (In determining the minimum average gross leasable area, the floor area of any store with a floor area greater than 8000m2 shall not be included in the calculation. Tenancies accessible only from within any store with a gross floor area greater than 8,000m2 shall be treated as part of the floor area of the main store provided that the total number of such areas shall not exceed 6 and a total floor area of 600m2). (See Chapter 20 Definitions for definition of Gross Leasable Area) [Amendment 55 as modified by ENV-2006-AKL-000105]											6A	

Note: New buildings, alterations and additions for permitted activities in the Commercial 1A, 1B, 4A, 5 and 5A Zones are controlled activities unless marked thus \* in the zone column - see Rule 5.3

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DISTRICT RULES - COMMERCIAL - PERMITTED ACTIVITIES

	1	1A	1B	2	3	4	4A	5/5A	5B	6	6A
<u>SHOW HOME SITES</u> (except in Warkworth and the Whangaparaoa, Orewa and Wainui Wards).	1					4					
<u>SIGNS</u> complying with the Development Controls in rule 5.5.12(i) [Amendment 55 as modified by ENV-2006-AKL-000105]											6A
<u>TAKEAWAY FOOD BAR</u> [Amendment 55 as modified by ENV-2006-AKL-000105]											6A
<u>TAVERNS</u> (except at Snells Beach).	1	1A	1B			4	4A	5			
<u>TELEPHONE AND CABLE DEPOTS AND WORKSHOPS AND ASSOCIATED BUILDINGS</u>						4	4A				
<u>TELEPHONE EXCHANGES</u> and associated plant and equipment.						4	4A				
<u>TRADES AND LIGHT INDUSTRIES</u> serving the day to day needs of the area such as laundries, bakeries, tradesmen's workshops, light machinery repair workshops and warehouses.						4	4A				
<u>TRAVELLERS ACCOMMODATION AT OR ABOVE FIRST FLOOR LEVEL</u> provided that ground level floor space on the road frontage is not used for any purposes ancillary to travellers accommodation other than an entry lobby or access to parking.	1	1A	1B			4	4A	5/5A	5B		
<u>VEHICLE SALES AND HIRE PREMISES</u>						4	4A				
<u>VEHICLE SERVICE PREMISES</u>						4	4A				
<u>WHOLESALE LIQUOR OUTLETS</u>	1	1A	1B			4	4A	5/5A	5B		
<u>WORKROOMS</u> (including kitchens) provided that each workroom is incidental to a shop of which it forms a part, and serves that shop only. [Amendment 55 as modified by ENV-2006-AKL-000105]	1	1A	1B	2	3	4	4A	5/5A	5B		6A

**Note:** New buildings, alterations and additions for permitted activities in the Commercial 1A, 1B, 4A, 5 and 5A Zones are controlled activities unless marked thus \* in the zone column - see Rule 5.3

5.3 **CONTROLLED ACTIVITIES**

General Note

The Council is eager to establish an effective communication link between its technical officers and developers so that a desirable design solution is obtained prior to a formal application being lodged.

The following shall be controlled activities in the zones indicated.

- Commercial 1 (General Commercial) Zone
- Commercial 1A (Warkworth Commercial) Zone
- Commercial 1B (Central Orewa) Zone
- Commercial 2 (Suburban Commercial) Zone
- Commercial 3 (Neighbourhood Commercial) Zone
- Commercial 4 (Commercial/Industrial) Zone
- Commercial 4A (Warkworth Commercial/Industrial) Zone
- Commercial 5 (Comprehensive Development) Zone
- Commercial 5A (Waimauku Comprehensive Development) Zone
- Commercial 5B (Whangaparaoa Town Centre Comprehensive Development) Zone
- Commercial 6 (Retail Warehouse) Zone
- Commercial 6A (Silverdale North Large-format Retailing) Zone

[Amendment 55 as modified by ENV-2006-AKL-000105]

ZONES

	1	1A	1B	2	3	4	4A	5/5A	5B	6A
<u>CAR PARKS AND PARKING BUILDINGS</u> other than as ancillary to a permitted activity.	1	1A	1B	2		4	4A	5/5A	5B	
<u>CONSTRUCTION</u> of any new building or alteration or additions to existing buildings, for an activity that is a permitted activity in the zone.		1A					4A	5/5A	5B	
<u>CONSTRUCTION</u> of any new building or alterations or additions to existing buildings (other than as provided for as a permitted activity) for use for a permitted activity, <u>provided that</u> : - for Lots 6, 7 and 8 DP 18948 (13, 15, 17 Moana Avenue) and - for all lots south of Moana Avenue (other than those fronting State Highway 1) the minimum site size shall be 2,000 m <sup>2</sup> . (See Rule 5.4 for sites smaller than 2,000 m <sup>2</sup> .)			1B							
<u>DEVELOPMENTS</u> incorporating or providing for the features specified in Rule 5.5.4.2(a) and exceeding the standard coverage figures <u>but not</u> exceeding the additional coverage figures allowed for as bonuses by Rule 5.5.4.2(a).	1		1B	2		4		5/5A	5B	

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DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

<p>FREE STANDING FRONT YARD SIGNS up to 9m in height and an area of 21.5 m2, except on the Wainui Road or Hibiscus Coast Highway frontage. Amendment 55 as modified by ENV-2006-AKL-000105]</p>	6A
<p><u>MULTIPLE HOUSEHOLD UNITS</u> (at Gulf Harbour only) not exceeding one unit for each 275 m2 of net site area (refer assessment criertia 5.3.1).</p>	5
<p>SHOW HOME SITES (Warkworth, Whangaparaoa, Orewa and Wainui Wards only.) Note: The erection of show homes themselves on an approved show home site and in accordance with an approved plan is a permitted activity.)</p>	1          1B    2          4A
<p>SINGLE HOUSEHOLD UNIT (at Gulf Harbour only) on each site (refer assessment criteria 5.3.1)</p>	5
<p>ANY EARTHWORKS AND DEVELOPMENT,including the erection of any new building or external alteration or additions to existing buildings or individual element of a development, in accordance with the Concept Plan in Appendix 5A, for any activity that is a Permitted Activity in the zone Amendment 55 as modified by ENV-2006-AKL-000105]</p>	6A

## DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

5.3.1 ASSESSMENT CRITERIA

In assessing a controlled activity application the Council shall consider the matters outlined in Section 15, Conservation and Environment, those parts of the appropriate Zone Statement that concern the design and landscaping of development, and the extent to which the proposed development recognises or provides for the following objectives:

(a) Commercial 1, 2 and 4 ZonesCar Parks and Parking Buildings

- (i) To ensure that entry and exit points are so located as to avoid conflict with pedestrian and vehicle traffic in affected streets.

(b) Commercial 1A Zone

All Buildings and Activities (including car parks, parking buildings and show home sites)

- (i) To achieve development that is compatible in style with the character and scale of the town centre, and in particular its better nineteenth and twentieth century buildings.
- (ii) To achieve developments between the river and main shopping area that are landscaped and otherwise developed (e.g. by the use of courtyards, balconies and malls) so as to enhance and capitalise upon the amenity value of the river and its banks, and to increase opportunities for people using the commercial area to reach and be aware of these natural assets.
- (iii) To achieve interesting and unbroken frontages, with continuous verandahs for pedestrian shelter, on the main streets.
- (iv) To ensure that shops are not separated from shopping streets by intervening car parks.
- (v) To achieve a direct pedestrian route linking the eastern end of Elizabeth Street with Neville Street in the vicinity of the town hall.
- (vi) To have developments so designed that the continuing existence of any protected buildings or trees is safeguarded.
- (vii) To have landscaping used in developments in such a way as to soften and screen areas such as car parks and storage yards, and to contribute to the appearance of developments and the general amenity of the commercial area.
- (viii) To ensure that entry and exit points to car parks and parking buildings are so located as to avoid conflict with pedestrian and vehicle traffic in affected streets.

(c) Commercial 1B Zone

All Buildings and Activities (including car parks, parking buildings and show home sites)

DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

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- (i) To achieve co-ordinated development between sites.

## DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

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- (ii) To achieve high architectural and landscaping standards in order to create a pleasant shopping environment and to promote interest in the centre as a whole.
  - (iii) To obtain convenient and safely located parking areas, where possible on a pooled rather than a lot-by-lot basis. Specifically to encourage the linking of parking areas to existing or potential parking on adjacent sites where pooling is not possible.
  - (iv) To encourage the provision of pedestrian links which will facilitate pedestrian movement throughout the commercial area, to adjacent car parks, and to adjacent and nearby land uses to which people are likely to walk in significant numbers.
  - (v) To incorporate small scale pedestrian precincts adjacent to pedestrian ways and shopping areas to provide for public rest areas, shade trees and play areas for children.
  - (vi) To preserve existing trees and encourage the planting of additional large trees for both appearance and shade and to reduce the impact of buildings and open parking areas.
  - (vii) To have power and telephone lines located underground.
  - (viii) To encourage the development of west-facing frontages to the rear of the existing shops on State Highway 1 between Moana and Moenui Avenues.
- (d) Commercial 1B Zone - For developments taking advantage of Bakehouse Lane Development Incentive Scheme (applies only to Lots 15, 16 and Pt Lots 17, 18, 19, DP 18948).

All new buildings

- (i) To achieve a continuous shopping frontage on the west facing frontages to the rear of the existing shops on State Highway 1. (Refer to specific design criteria in (viii) below.)
- (ii) To encourage first floor development particularly for residential purposes. (Refer to specific design criteria in (viii) below.)
- (iii) To require new development to be built up to the proposed road on the western boundary. (Refer to specific design criteria in (viii) below.)
- (iv) Carparking shall be prohibited from locating between any new development and the proposed road.
- (v) To achieve co-ordinated development between sites.
- (vi) Vehicle crossings from the proposed road shall be prohibited.
- (vii) To retain a continuous shopping frontage on the State Highway (eastern) boundary of the sites.

## DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

## (viii) Specific Design Criteria

- The facade of the building at both the ground and first floor level should be located immediately adjacent to the boundary.
- The facades of such buildings should be broken by either structural features such as brick pillars or inset doorways so as to remove visual blandness along the street frontage. (Refer to examples in diagram below.)
- For single storey development the height of the facade on the Bakehouse Lane frontage should extend to at least a height of 6 metres above the footpath level.

(e) Commercial 4A Zone

All Buildings and Activities (including car parks, parking buildings and show home sites)

- (i) The assessment criteria at 5.3.1(b)(i), (vii) and (viii) for the Commercial 1A Zone.

## DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

(f) Commercial 5, 5A and 5B Zones

All Buildings and Activities (including car parks, parking buildings and show home sites)

- (i) The assessment criteria at 5.3.1(c)(ii), (iv), (v) and (vii) for the Commercial 1B Zone.
- (ii) To achieve co-ordinated development (for which purpose a plan of development for the land in the zone will be required, as explained in the Zone Statement).
- (iii) To obtain conveniently and safely located parking areas generally on a pooled basis.
- (iv) To encourage the planting of large trees for both appearance and shade and to reduce the impact of buildings and open parking areas.
- (v) With respect to the Commercial 5B zone any development plan shall be assessed in terms of the general development principles and development options of the Whangaparaoa Town Centre Urban Design Study Final Report dated March 1993.

All Buildings and Activities in the Commercial 5 Zone at Gulf Harbour

- (i) Building Form - Whether the proposal is sensitive in terms of scale and form with respect to adjoining sites and to the boat harbour. The Council will discourage design where the bulk, unrelieved mass, or repetitive nature of the buildings will detract from adjoining sites or adversely affect the visual amenities of the boat harbour; and
- (ii) The Relationship between Outdoor Space and Buildings - Outdoor living courts and balconies should be designed and located to provide privacy to the users, and to be able to receive sunshine in mid-winter; and
- (iii) Visual and Functional Relationship to Boat Harbour - The layout and design of the buildings should establish visual and functional relationships between the residential use of the buildings and the activities within the boat harbour.

(g) Controlled Activities in the Commercial 6A (Silverdale North Large Format Retailing) Zone [Amendment 55 as modified by ENV-2006-AKL-000105]

(Note: See also the rules in Section 5.5.12 SPECIAL PROVISIONS FOR THE COMMERCIAL 6A (SILVERDALE NORTH LARGE FORMAT RETAILING) ZONE WAINUI ROAD, SILVERDALE )

Matters for Control

The Council will restrict its control to the following matters:

- (i) Urban design elements including scale and architectural design, including bulk, form, proportions, colour and materials, the visual and spatial relationship and interface of buildings with Silverdale Street, Wainui Road and

DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

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the Hibiscus Coast Highway, legibility, and the relationship of buildings to each other.

- (ii) Street interface, parking layout and pavement design and materials.
- (iii) Pedestrian connections and facilities.
- (iv) Landform and landscaping.
- (v) Earthworks
- (vi) Signs

### Assessment Criteria

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

- Accurate perspective images of views from Leigh Road, the Silverdale Street-Wainui Road intersection, the Hibiscus Coast Highway from the north and south and Manuel Road describing the three dimensional modelling of all structures and associated colours and materials and detailing. The viewpoints for the perspectives shall be agreed with the Manager, Resource Consents and the Senior Advisor Urban Design Rodney District Council.
- Drawings of architectural characteristics and details.
- Drawings of building entry spaces.
- Artists perspectives should accurately reflect the detailed plans.
- An urban design assessment by a suitably qualified professional particularly taking into account the assessment criteria below.
- A landscape plan by a suitably qualified professional particularly taking into account the assessment criteria below.

Council encourages applicants to liaise with Council in the early stages of design, prior to the above being commissioned, so that proposals can be worked through in a collaborative manner.

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

#### Earthworks and Landform

- (i) Whether the site earthworks and site development occurs in a way that results in a site contour and landform that allows the development on the site to “fit” both aesthetically and functionally into the landscape and integrate with the adjoining road network.
- (ii) Whether the ‘wings’ of smaller scaled building forms present active edges to the car park.
- (iii) Whether the western and northern ends of the ‘wings’ of the buildings are created to enable highly attractive and ‘active edge’ activities such as café/restaurant facilities and provide a pedestrian friendly interaction, and in the case of the western wing, with connection to and visual, physical and functional continuation of the older part of Silverdale Street.

## DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

Building Design

- (iv) Whether building design, form, materials and structure demonstrate good urban design principles and architectural merit and create a positive contribution to the identity and amenity values of the area including, but not limited to:
- **Human Scale**  
Whether the bulk, location and scale of buildings sympathetically accommodates pedestrian environments and whether buildings consist of a variety of architectural methods, materials and details to assist in breaking down the scale of the development to that suitable for a pedestrian.
  - **Pedestrian Pathways.**  
Whether foot paths fronting the buildings are of sufficient width to provide safe and convenient access and opportunities for amenity features such as seating, planting or lighting.
  - Whether building frontages to pedestrian pathways provide variety and relief. The edges and views into buildings created should provide interest to passers-by and make the function of buildings apparent.
  - **Legibility**  
Whether the development includes definable points of reference (for example, significant features, such as the plaza and gateway entry statement)
- (v) Whether signage and the use of bright corporate colours have been designed and used sensitively to reduce the adverse visual impact of the developments.
- (vi) Whether there is adequate provision at convenient locations of structures such as signs, lighting, rubbish bins, "street furniture" and that they are designed and located to maintain the visual amenity values and safety of the site.
- (vii) Whether signs on the Wainui Road or Hibiscus Coast Highway frontages are located and designed to minimize any adverse visual impact on the "gateway theme" for the Hibiscus Coast Highway and do not dominate the frontage or adversely affect the landscaping addressed in (xi) below. Amendment 55 as modified by ENV-2006-AKL-000105]

Access and Street Interface

- (viii) Whether quality planting is established and attractive retaining and landform contours are provided to define the edge of Silverdale Street and provide visual amenity values from the street and contain the car park area, including pedestrian access from the carpark down to Silverdale Street.

Parking and Pedestrian Movement and Areas

- (ix) Whether internal vehicle circulation is safe and encourages the separation of goods vehicles from customer vehicle traffic and pedestrian movements.

## DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

- (x) Whether the siting, layout, materials and landscaping of any carparking, pedestrian and access areas (plazas) is of a design, durability and scale that provides safe, convenient and attractive provision for pedestrians and integrates well with open space, including safe clearly defined and signposted pedestrian connections and traffic circulation. Such a design may include carparking that is punctuated by pedestrian pathways, precincts, sculptural elements, trees and landscaping to break up or soften the appearance of the carparking area.

Landscaping

- (xi) Whether the site is designed and landscaped in such a way that the amenity values of neighbouring sites are not diminished by effects such as glare from vehicle lights or noise from vehicles stopping or starting.
- (xii) Whether the development includes landscaping that creates an urban environment of a high visual quality including whether the buildings and roof forms along the Hibiscus Coast Highway are buffered by dense landscaping that contributes to the 'gateway' theme for the Hibiscus Coast. Species such as pohutukawa, fan palms, nikau and hibiscus hedging, including a proportion of mature specimens sized at PB 95 or larger should be used and planted in a patterned avenue manner that allows for an appropriate depth, canopy width and potential tree height of 8 metres. [Amendment 55 as modified by ENV-2006-AKL-000105]

**5.3A RESTRICTED DISCRETIONARY ACTIVITIES IN THE COMMERCIAL 6A (SILVERDALE NORTH LARGE FORMAT RETAILING ) ZONE**

[Amendment 55 as modified by ENV-2006-AKL-000105]

- (i) Any earthworks and development, including the erection of any new building or external alteration or additions to existing buildings or individual element of a development, in general (but not full) accordance with the Concept Plan in Appendix 5A, for any activity that is a Permitted Activity in the zone.
- (ii) Signs not complying with the Development Controls in Rule 5.5.12(5).
- (iii) Building development **not** including the western wing with frontage to Silverdale Street-Wainui Road intersection.

**5.3A1 RESTRICTED DISCRETIONARY ACTIVITY MATTERS FOR DISCRETION AND ASSESSMENT CRITERIA FOR THE COMMERCIAL 6A (SILVERDALE NORTH LARGE FORMAT RETAILING ) ZONE**

[Amendment 55 as modified by ENV-2006-AKL-000105]

In accordance with sections 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the following matters when considering resource consent applications for Restricted Discretionary Activities.

Pursuant to section 94D of the Act applications for Restricted Discretionary Activities under this rule do not need to be notified and notice of such applications does not need to be served.

(Note: See also the rules in Section 5.5.12 SPECIAL PROVISIONS FOR THE COMMERCIAL 6A (SILVERDALE NORTH LARGE FORMAT RETAILING) ZONE, WAINUI ROAD, SILVERDALE )

DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

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### Matters for Discretion

The Council will restrict its discretion to the following matters:

- (i) Urban design elements including site layout, scale, building siting, and architectural design, including bulk, form, proportions, colour and materials, the visual and spatial relationship and interface of buildings with Silverdale Street, Wainui Road and the Hibiscus Coast Highway, legibility, and the relationship of buildings to each other.
- (ii) Access, street interface, parking layout and pavement design and materials.
- (iii) Pedestrian connections and facilities.
- (iv) Landform and landscaping.
- (v) Earthworks.
- (vi) Signs.

### Assessment Criteria

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

- Accurate perspective images of views from Leigh Road, the Silverdale Street-Wainui Road intersection, the Hibiscus Coast Highway from the north and south and Manuel Road describing the three dimensional modelling of all structures and associated colours and materials and detailing. The viewpoints for the perspectives shall be agreed with the Manager, Resource Consents and the Senior Advisor Urban Design Rodney District Council.
- Drawings of architectural characteristics and details.
- Drawings of building entry spaces.
- Artists' perspectives should accurately reflect the detailed plans.
- An urban design assessment by a suitably qualified professional particularly taking into account the assessment criteria below.
- A landscape plan by a suitably qualified professional particularly taking into account the assessment criteria below.

Council encourages applicants to liaise with Council in the early stages of design, prior to the above being commissioned, so that proposals can be worked through in a collaborative manner.

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

#### Site Layout, Earthworks and Landform

- (i) Whether the proposal is in general accordance with underlying design principles described in the concept plan set out in Appendix 5A.
- (ii) Whether the site earthworks and site development occurs in a way that results in a site contour and landform that allows the development on the site to "fit"

## DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

both aesthetically and functionally into the landscape and integrate with the adjoining road network.

- (iii) Whether the buildings are tucked as far as possible back against the southern and south-eastern boundaries of the site to provide protection from the wind and to not 'overshadow' or 'dominate' the north-western boundary and outlook of the site immediately to the west.
- (iv) Whether a harmonious and visually balanced three-part composition of built forms is created which establishes the largest building as the 'centre piece' of the development flanked on either side with 'wings' of smaller scaled building forms presenting active edges to the car park.
- (v) Whether the southern and northern ends of the 'wings' of the buildings are created to enable highly attractive and 'active edge' activities such as café/restaurant facilities.
- (vi) Whether a public plaza is established at the western (Silverdale Town Centre) end of the site which is generous in scale, sunny and sheltered from the wind, to provide for pedestrian and visual amenity values.
- (vii) Whether the development provides strong pedestrian connections at the Silverdale Street-Wainui Road intersection to provide a pedestrian-friendly interaction with connection to and visual, physical and functional continuation of the older part of Silverdale Street.

#### Building Design

- (viii) Whether building design, form, materials and structure demonstrate good urban design principles and architectural merit and create a positive contribution to the identity and amenity values of the area, including but not limited to:
  - Human Scale  
Whether the bulk, location and scale of buildings sympathetically accommodate pedestrian environments and whether buildings consist of a variety of architectural methods, materials and details to assist in breaking down the scale of the development to that suitable for a pedestrian.
  - Pedestrian Pathways.  
Whether footpaths fronting the buildings are of sufficient width to provide safe and convenient access and opportunities for amenity features such as seating, planting or lighting.  
  
Whether building frontages to pedestrian pathways provide variety and relief. The edges and views into buildings created should provide interest to passers-by and make the function of buildings apparent.
  - Legibility  
Whether the development includes definable points of reference (for example, significant features, such as the plaza and gateway entry statement) .

## DISTRICT RULES - COMMERCIAL - CONTROLLED ACTIVITIES

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- (ix) Whether signage and the use of bright corporate colours have been designed and used sensitively to reduce the adverse visual impact of the developments.
  - (x) Whether there is adequate provision at convenient locations of structures such as signs, lighting, rubbish bins, "street furniture", and that they are designed and located to maintain the visual amenity values and safety of the site.
  - (xi) Whether signs on the Wainui Road or Hibiscus Coast Highway frontages are located and designed to minimize any adverse visual impact on the "gateway theme" for the Hibiscus Coast Highway and do not dominate the frontage or adversely affect the landscaping addressed in (xvii) below.

Access and Street Interface

- (xii) Whether quality planting is established and attractive retaining and landform contours are provided to define the edge of Silverdale Street and provide visual amenity values from the street and contain the car park area, including pedestrian access from the carpark down to Silverdale Street.
- (xiii) Whether the design and location of vehicular access points will provide for safe and attractive vehicular and pedestrian access to the site consistent with the attractive, safe and efficient operation of the adjoining street network.

Parking and Pedestrian Movement and Areas

- (xiv) Whether internal vehicle circulation is safe and encourages the separation of goods vehicles from customer vehicle traffic and pedestrian movements.
- (xv) Whether the siting, layout, materials and landscaping of any carparking, pedestrian and access areas (plazas) is of a design, durability and scale that provides safe, convenient and attractive provision for pedestrians and integrates well with open space, including safe clearly defined and signposted pedestrian connections and traffic circulation. Such a design may include carparking that is punctuated by pedestrian pathways, precincts, sculptural elements, trees and landscaping to break up or soften the appearance of the carparking area.

Landscaping

- (xvi) Whether the site is designed and landscaped in such a way that the amenity values of neighbouring sites are not diminished by effects such as glare from vehicle lights or noise from vehicles stopping or starting.
- (xvii) Whether the development includes landscaping that creates an urban environment of a high visual quality, including whether the buildings and roof forms along the Hibiscus Coast Highway are buffered by dense landscaping that contributes to the 'gateway' theme for the Hibiscus Coast. Species such as pohutukawa, fan palms, nikau and hibiscus hedging, including a proportion of mature specimens at PB 95 or larger should be used and planted in a patterned avenue manner that allows for an appropriate depth, canopy width and potential tree height of 8 metres. [\[Amendment 55 as modified by ENV-2006-AKL-000105\]](#)

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**5.3A2 NON-COMPLYING ACTIVITY FOR THE COMMERCIAL 6A (SILVERDALE NORTH LARGE FORMAT RETAILING ) ZONE** [\[Amendment 55 as modified by ENV-2006-AKL-000105\]](#)

Earthworks and the erection of any new building, or external alteration or additions to existing buildings, **not** in general accordance with the Concept Plan in Appendix 5A, for any activity that is a Permitted Activity in the zone.

## DISTRICT RULES - COMMERCIAL - DISCRETIONARY ACTIVITIES

5.4 **DISCRETIONARY ACTIVITIES**

The following shall be discretionary activities in the zones indicated.

Commercial 1 (General Commercial) Zone  
 Commercial 1A (Warkworth Commercial) Zone  
 Commercial 1B (Central Orewa) Zone  
 Commercial 2 (Suburban Commercial) Zone  
 Commercial 3 (Neighbourhood Commercial) Zone  
 Commercial 4 (Commercial/Industrial) Zone  
 Commercial 4A (Warkworth Commercial/Industrial) Zone  
 Commercial 5 (Comprehensive Development) Zone  
 Commercial 5A (Waimauku Comprehensive Development) Zone  
 Commercial 5B (Whangaparaoa Town Centre Comprehensive Development) Zone  
 Commercial 6 (Retail Warehouse) Zone

ZONES

	1	1A	1B	2	3	4	4A	5/5A	5B
<u>BUILDINGS</u> exceeding 10.5 m in height for any permitted or controlled activity ( <u>but</u> not exceeding 18 m on any site on the Whangaparaoa Peninsula). (Refer assessment criteria 5.4.1(b) and (g).)	1	1A	1B					5/5A	5B
<u>BUILDINGS</u> on reserves other than public utilities.	1	1A	1B	2		4	4A	5/5A	5B
<u>CONSTRUCTION</u> of any new building or alterations or additions to existing buildings (other than as provided for as a controlled activity) for use for a permitted activity on the following sites: <ul style="list-style-type: none"> <li>- Lots 6, 7 and 8 DP 18948 (13, 15, 17 Moana Avenue) and</li> <li>- All lots south of Moana Avenue (other than those fronting State Highway 1</li> </ul> if the site is smaller than 2,000 m <sup>2</sup> . (Refer assessment criteria 5.4.1(g).)			1B						
<u>EXCAVATIONS AND/OR DEPOSITING</u> (at Gulf Harbour only) of more than 50 m <sup>3</sup> of material.  (The Council will restrict its discretion to those matters set out under Assessment Criteria as appropriate. Where the development complies with the Development Controls an application for resource consent will not be notified or require the approval of affected persons.)								5	
<u>FLOODLIGHTING TOWERS</u> between 10.5m and 15m high (Refer to assessment criteria 5.4.1(k).)	1	1A	1B			4	4A	5/5A	
<u>FUNERAL PARLOURS</u> (Refer assessment criteria 5.4.1(c) and (g).)	1		1B			4	4A	5/5A	5B
<u>GARDEN CENTRES</u> (Refer assessment criteria 5.4.1(c) and (g).)	1	1A	1B						
<u>HOTELS</u> (Snells Beach only).								5	

## DISTRICT RULES - COMMERCIAL - DISCRETIONARY ACTIVITIES

	<u>ZONES</u>									
	1	1A	1B	2	3	4	4A	5/5A	5B	
<u>HOUSEHOLD UNITS</u> ancillary to a non-residential activity that is allowed on the same site and not provided for as a permitted activity. (Refer assessment criteria 5.4.1(d) and (g).)	1	1A	1B			4	4A	5/5A	5B	
<u>HOUSEHOLD UNITS</u> (at Manly only) ancillary to a non-residential activity on the same site and not exceeding one household unit per unit or tenancy of non-residential activity. (Refer assessment criteria 5.4.1(d).)				2						
<u>INDUSTRIES, STORAGE OR WAREHOUSING</u> excluding:  (a) those listed in Appendix 6A, 6B and 6E, and  (b) excluding those activities which involve substances exceeding the threshold values listed in Appendix 6F, or involving hazardous substances which are, or under any conditions may become dangerous in relation to adjacent sites.  (Refer assessment criteria 5.4.1(a).)						4	4A			
<u>LPG INSTALLATIONS</u> not exceeding 15,000 litres water capacity. (Refer assessment criteria 5.4.1(f) and (g).)	1	1A	1B	2		4	4A	5/5A	5B	
<u>MULTIPLE HOUSEHOLD UNITS</u> (at Gulf Harbour only) not defined as a permitted or controlled activity.  (The Council will restrict its discretion to those matters set out under Assessment Criteria, as applicable to multiple household units at Gulf Harbour. Where the development complies with the Development Controls an application for resource consent will not be notified or require the approval of affected persons.)									5	
<u>PLACES OF ASSEMBLY</u> (Refer assessment criteria 5.4.1(e).)				2						
<u>PROFESSIONAL SERVICES</u> (Refer assessment criteria 5.4.1(e).)					3					
<u>PUBLIC UTILITIES</u> not allowed as permitted or controlled activities or by Section 64 of the Town and Country Planning Act 1977. (Refer assessment criteria 3.4.1(i) and 5.4.1(g) as appropriate.)	1	1A	1B	2	3	4	4A	5/5A	5B	
<u>RESTAURANTS</u> (Refer assessment criteria 5.4.1(e).)					3					

## DISTRICT RULES - COMMERCIAL - DISCRETIONARY ACTIVITIES

	<u>ZONES</u>									
	1	1A	1B	2	3	4	4A	5/5A	5B	
<u>SALE OF CRAFT</u> from a Marae.	2									
<u>SERVICE STATIONS</u> (Refer assessment criteria 5.4.1(f) and (g).)	1	1A	1B	2		4	4A	5/5A	5B	
<u>SHOPS</u> not provided for as a permitted activity. (Refer assessment criteria 5.4.1(e).)	3									
<u>SHOPS</u> (other than dairies) with a maximum gross floor space, including all ancillary storage space within the same or ancillary buildings, exceeding 250 m2 but not exceeding 500 m2. (Refer assessment criteria 5.4.1(h).)	2									
<u>TAVERNS</u> (Snells Beach only).	5									
<u>TRAVELLERS ACCOMMODATION</u> not allowed as a permitted activity. (Refer assessment criteria 5.4.1(c) and (g).)	1	1A	1B			4	4A	5/5A	5B	
<u>VEHICLE SALES AND HIRE PREMISES</u> (Refer assessment criteria 5.4.1(c) and (g).)	1	1A	1B					5/5A	5B	
<u>VEHICLE SERVICE PREMISES</u> (Refer assessment criteria 5.4.1(c).)		1A				4	4A	5/5A		

5.4.1 **ASSESSMENT CRITERIA**

In addition to the requirements of the Act relating to discretionary activities, and the general matters listed in Section 19.2.5 of this Plan relating to discretionary activity applications, and the assessment criteria listed for controlled activities at Rule 5.3.1, the following assessment criteria shall apply to the uses listed. Compliance with the standards set out will be sought in all but the most exceptional circumstances.

(a) **Industries, Storage and Warehousing**

- Any activity should be of a nature and scale which will not detract from the amenities of the locality or cause environmental pollution. In particular regard shall be given to the environmental controls contained in Rule 6.5.5 of the Industrial Section of the District Plan.
- Vehicle generation should not be of a type and scale likely to significantly affect the surrounding community or the capacity of the roads.
- Buildings should not be visually incongruous in terms of their scale, materials or design.
- The ability to provide on site landscaping.

DISTRICT RULES - COMMERCIAL - DISCRETIONARY ACTIVITIES

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(b) Buildings Exceeding 10.5 m in Height

Applications will be assessed for the impact of the proposed building on the surrounding area and in particular wind effects, and shadows cast on residential properties and public areas used by pedestrians.

In the case of proposed buildings in Warkworth, buildings taller than 10.5 m will generally be approved only where a minor increase beyond 10.5 m is involved and it can be shown that the increased height is necessary for functional reasons such as providing for unusual floor-to-ceiling heights.

(c) Vehicle Sales Premises, Garden Centres, Travellers Accommodation, Vehicle Service Premises and Funeral Parlours

An important feature of successful commercial centres is the availability of continuous shelter for pedestrians and the existence of frontages with a high level of interest to shoppers. The above activities often lack these features.

Assessment of applications will include consideration of the extent to which these features are to be provided for by the proposal and if they are not provided, the impact this is likely to have on the commercial area.

## DISTRICT RULES - COMMERCIAL - DISCRETIONARY ACTIVITIES

(d) Household Units

The concerns described at (c) above also apply to this activity.

In addition the development should not fragment the commercial area by introducing ground floor residential accommodation or ancillary parking on the main commercial frontages.

(e) Places of Assembly, Restaurants, Shops (not a permitted activity) and Professional Services

Applications will be measured against the traffic generating characteristics of the proposed activity and its acceptability in relation to neighbouring residential properties.

In respect of restaurants on upper floors, any likely effect on nearby residentially zoned properties in terms of noise and loss of privacy will be considered.

In respect of places of assembly, the hours of operation and provision of adequate off-street parking will be important factors to be considered.

Consideration will also be given to the matters set out at Rule 5.4.1(c).

(f) Service Stations, LPG Installations

The Council will use the following criteria as a guide in assessing service station and LPG applications:

- (i) The matters set out in Rule 5.4.1(c).
- (ii) The site should be of adequate size and frontage to accommodate the activity, in particular:
  - sufficient parking to accommodate the requirements of the activity should be provided on-site.
  - where there is a shop associated with the service station, parking required for the shop should be conveniently located and separate from vehicles standing for refuelling.
  - sufficient manoeuvring room should be provided on-site to accommodate vehicles likely to visit the service station. Designs necessitating the reverse manoeuvring of vehicles, particularly motor spirits or LPG tankers, should be avoided. No reverse manoeuvring onto the street will be allowed.
  - landscaping should be provided wherever practicable. Frontage landscaping will be required, the extent dependent upon the nature of activities in the vicinity.
- (iii) The site should be sufficiently clear of intersections, corners and road crests to ensure adequate sight distances and to prevent congestion caused by the ingress and egress of vehicles to and from the site.
- (iv) The entry/exit points should be so designed as to give easy access to the site and to prevent on-site congestion. The entry/exit points should be situated in

## DISTRICT RULES - COMMERCIAL - DISCRETIONARY ACTIVITIES

positions which will not interfere with the safe operation of other driveways in the near vicinity.

- (v) The Council will generally be guided by the published recommendations of the Ministry of Transport with respect to sight distances, minimum depth of forecourt, width of frontage, location and width of footpath crossings and pedestrian refuges. The Council will consider maximum crossing widths in excess of the 9 m recommended by the Ministry of Transport only where the service station is likely to service large numbers of trucks or where the width of the street makes a wider crossing desirable for safe operation of the service station.
- (vi) The development should be in conformity with the bulk and location controls for the zone. However, canopies will be allowed to extend to the front boundary of the site or to the landscaping strip on the frontage.
- (vii) Lighting will be considered as part of the application. It should be in keeping with the intent of the zone and have regard to existing development in the area.
- (viii) Adequate arrangements for firefighting should be provided.

If LPG is proposed for the site - the following matters will also be considered:

- (ix) The gas dispersion properties of the site and surrounding locality.
- (x) The need for isolation from high densities of population and distance from sensitive land uses such as residential uses, institutions, schools and community facilities which accommodate large numbers of people.
- (xi) The compatibility of the activity with nearby activities and restrictions on the use of adjoining land which may be imposed by the activity.
- (xii) The following exclusion areas (as defined by the District Plan) are recommended:
  - a 15 m radius from the LPG storage tank's surface fittings (relief valve, filling point, liquid outlet, pump).
  - a 15 m radius from the LPG dispenser(s).
  - a 17 m radius from the LPG road tanker fittings at the normal unloading location.

There should be no schools, rest homes, hospitals or residential institutional buildings within a 50 m radius of the proposed tank.

- (g) Construction of new Buildings, Alterations or Additions in Defined Parts of the Commercial 1B Zone on Sites Smaller than 2,000 m<sup>2</sup>

Applications will be assessed for the extent to which the proposal can be integrated with adjoining existing and likely future commercial development and the extent to which it will conflict with the Council's objective of ensuring that redevelopment in the Commercial 1B Zone produces an integrated, pleasant and efficient commercial centre.

## DISTRICT RULES - COMMERCIAL - DISCRETIONARY ACTIVITIES

- (h) Shops (Other Than Dairies) with Gross Floor Space Exceeding 250 m<sup>2</sup> but not Exceeding 500 m<sup>2</sup>

Applications will be assessed against the objectives for the zone expressed in the zone statement in paragraph 5.1.4.

- (i) Excavations and/or depositing at Gulf Harbour only of more than 50 m<sup>3</sup> of material
- (a) The objectives and policies of the District Plan, in particular Part 15A.1.
- (b) The particular amenities of the area, the effect on those amenities of the alteration to land form, trees or bush, or the excavation or deposition of natural, and any proposals for replacing vegetation or reforming the land, or mitigating the effects of the excavation/deposition.
- (c) The need to carry out the activities allowed.
- (d) The size of the site in relation to the activity to be undertaken and other options available regarding alternative siting of proposed site activities.
- (e) That it is demonstrated that the siting and nature of the activity avoids the adverse effects of sedimentation and soil erosion, or that it is designed in a way in which such effects are to be remedied or mitigated.

- (j) Multiple household units at (Gulf Harbour Only) not defined as a permitted or controlled activity

The matters set out in 5.3.1 (f) and:

- (a) The impact of the proposed activity on the surrounding area in terms of protection of views, external appearance and visual obtrusiveness.
- (b) The effect of the proposed activity on on-site and adjacent activities including adequate sunlight penetration, shadowing, visual and acoustic privacy, standards of open space and outlook, and likely wind effects.
- (k) Floodlighting
- (i) Consideration of the matters raised in Rule 5.5.10
- (ii) Any application will need to demonstrate that suitable measures eg screening, buffer areas, separation distances are proposed to be used to ensure that no adverse effects on the visual privacy of adjoining residential properties occur.
- (iii) The topography of the site in relation to adjoining residential properties will be taken into account to ensure that there are no adverse effects on the amenities of the residential properties.
- (iv) All reticulation to the poles to be underground and that all wiring and control equipment be completely enclosed.
- (v) Where the use of floodlighting will extend the duration of activities on the site beyond normal hours and/or night time use the Council may impose conditions relating to noise and hours of operation to protect adjoining residential amenities.

DISTRICT RULES - COMMERCIAL - DISCRETIONARY ACTIVITIES

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- (vi) All exterior lighting including floodlighting shall not cause a distraction which could create a traffic hazard on any arterial road or state highway.

## DISTRICT RULES - COMMERCIAL - DEVELOPMENT CONTROLS

5.5 **DEVELOPMENT CONTROLS**

The following requirements relate to all permitted and controlled activities and restricted discretionary activities in the Commercial 6A Zone.

[Amendment 55 as modified by ENV-2006-AKL-000105]

5.5.1 **MAXIMUM HEIGHT**(a) **Commercial 1, 1A, 1B, 2, 4, 4A, 5, 5A, 5B and 6 Zones**

No part of any building shall exceed a height equal to 3 m plus the shortest horizontal distance between that part of the building and any site boundary where that boundary adjoins a Rural, Residential or Recreation Zone, provided that the maximum height of any building shall not exceed 10.5 m.

(b) **Commercial 3 Zone**

As above except that the maximum height of any building shall not exceed 9 m.

(c) **Commercial 6A Zone**

As above in (a) except that the maximum height of any building shall not exceed 12.5m.

[Amendment 55 as modified by ENV-2006-AKL-000105]

5.5.2 **YARDS**(a) **Standards**

**Shoreline Yard** (Warkworth only) 6 m

(i) **Front Yard**

Commercial 1, 1A, 1B, 2, 4,  
4A, 5, 5A, 5B, 6 and 6A Nil

[Amendment 55 as modified by ENV-2006-AKL-000105]

Commercial 3 6 m

(ii) **Rear Yard**

All zones Nil except in respect of boundaries adjoining a Residential, Rural or Recreation Zone, in which case:

3 m

Commercial 5 at Gulf Harbour only Nil

(iii) **Side Yard**

All zones Nil except in respect of boundaries adjoining a reserve or a Rural, Residential or Recreation Zone, in which case:

1.2 m in the Commercial 3 Zone, and 3 m in all other zones.

Commercial 5 at Gulf Harbour only Nil

(b) **Yards to be Left Unobstructed**

Yards are to be unoccupied and unobstructed by any buildings, parts of buildings, decks, terraces or steps, except that:

DISTRICT RULES - COMMERCIAL - DEVELOPMENT CONTROLS

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- Eaves may overhang any yard by not more than 0.3 m.

## DISTRICT RULES - COMMERCIAL - DEVELOPMENT CONTROLS

5.5.3 **APPEARANCE OF SITES AND RUBBISH STORAGE**All Zones

- (a) Prior to the commencement of the activity the applicant shall screen activities on the site from adjoining residential zoned land by providing a close boarded fence or wall 1.8 m in height, or planting trees and shrubs to provide equivalent privacy. Where planting is used it shall be maintained and any plants or trees dying shall be replaced by the owner. Details of landscaping and planting, including the number and species to be planted and their location shall form part of any plan lodged for consent. Once established the planting and landscaping shall be maintained in general accordance with the approved plan at all times.
- (b) On the construction or substantial reconstruction of commercial floorspace, a suitable area to be used only for the storage of rubbish be nominated and thereafter used for that purpose.
- (c) Rubbish may be stored within any building on any part of a site including a yard, provided that where the rubbish would otherwise be visible from an adjoining residential zone, reserve or other public place, it shall be properly contained to prevent its blowing about or spilling and shall be screened either by a screen wall, fence or planting or by being contained within a purpose-made container with a secure cover.

5.5.4 **MAXIMUM SITE COVERAGE**5.5.4.1 **Commercial 1A and 4A**

60%.

5.5.4.2 **Commercial 1, 1B, 4, 5, 5B, 6 and 6A** [Amendment 55 as modified by ENV-2006-AKL-000105](a) **All Buildings other than Vehicle Parking Buildings**

50%, provided that the Council may allow additional coverage on a controlled activity application for proposals incorporating or providing for one or more specified features as follows:

- (i) Where the proposal features one or a combination of the following. (Additional coverage in respect of this clause limited to 25% in total):
- Parking spaces provided above the minimum standard on the same site. (Maximum additional coverage: 25 m2 per additional car space provided.)
  - All or part of the parking spaces required formed on other land convenient to users of the development, which land is vested in Council free of charge. (Maximum additional coverage: 25 m2 per car space formed on such land.)
  - All or part of the parking spaces required by the development provided within or on top of the building on the site. (Maximum additional coverage: 25 m2 per car space provided within or in top of the building.)

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- A cash sum equivalent to the cost of both acquiring the land for and forming a parking area required for the development to be paid into the Council's Off-Street Parking Account for the purchase and formation of off-street parking. (The amount of land required shall be calculated on the basis of 25 m<sup>2</sup> per car space and the value determined as equivalent to the average value per square metre of the development site. Maximum additional coverage: 25 m<sup>2</sup> per car space for which payment is made.
- (ii) Where a formed and dedicated service lane is provided. (Maximum additional coverage equivalent to the area of the lane.)
- (iii) Where outdoor seating areas (in sunny sheltered locations), shade tree planting, wide footpaths or other open spaces for public use, or malls at ground floor level providing access through buildings are incorporated. (Maximum additional coverage equivalent to the area of the feature provided.)
- (iv) Where toilets for public use are provided, comprising as a minimum two standard cubicles, one cubicle for the disabled, and a urinal. (Maximum additional coverage equivalent to the floor space of the toilets plus 175 m<sup>2</sup>.)
- (v) In addition the Council may discount any coverage that takes the form of overhanging (e.g. cantilevered or arcaded) upper level floor space provided that the clear height beneath the overhang is at least 2.4 m.
- (b) Vehicle Parking Buildings  
100%.

5.5.4.3 **Commercial 2**

As for Commercial 1, 1B, 4 and 5 except that no additional coverage will be granted in respect of the arrangement specified as the fourth option in paragraph (i).

5.5.4.4 **Commercial 3**(a) All Buildings

40% maximum but with up to 10% more to accommodate ground floor household units.

5.5.5 **MAXIMUM GROSS FLOOR SPACE**(a) Commercial 5A Zone(i) Part Lots 24 DP 11482, Lot 1 DP 60217 and Lot 1 DP 49986

- Floor space as existing or approved on 28 September 1989, plus 10%.

(ii) Lots 1, 2 and 10 DP 105420

- For all permitted and controlled activities except childcare centres, education establishments and places of assembly. - 800 m<sup>2</sup>

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- For childcare centres, educational establishments and places of assembly
- no maximum floor space

5.5.6 **PROVISION OF PEDESTRIAN SHELTER**Commercial 1, 1A, 1B, 2, 5 and 5A Zones

- (a) Every building fronting any street in the Commercial 1, 1A, 1B, 2 and 5 Zones shall, on its erection or on being reconstructed or altered in any way that substantially changes the appearance of its street faces, provide continuity of pedestrian shelter in the form of verandahs or other cover to the satisfaction of the Council. This provision does not apply to household unit buildings in the Commercial 5 zone at Gulf Harbour.

5.5.7 **SPECIAL PROVISIONS FOR BAKEHOUSE LANE DEVELOPMENT INCENTIVE SCHEME (applies only to Lots 15, 16 and Pt Lots 17, 18, 19 DP 18948)**

Note: New buildings, alterations and additions for permitted activities in the Commercial 1B Zone are a Controlled Activity.

- (a) For development proposals which wish to take advantage of development incentives the following development controls shall replace the standard provisions in Rules 5.3.1(c) (assessment criteria) 5.5.4 (maximum site coverage) and 5.5.6 (vehicle parking, loading and access).

(i) Design Criteria

Refer to Controlled Activity assessment criteria in Rule 5.3.1(d).

(ii) Site Coverage

The Council will allow additional coverage up to 100% as a Controlled Activity, for proposals which provide the following features:

- Developments which involve a continuous commercial frontage directly abutting to the proposed road

and

- That a cash in lieu payment for carparking required by the development (refer (iii) below) be paid into the Council's Off Street Parking Account for the purchase and formation of off-street parking, or All or part of the parking spaces required are formed on other land convenient and available to users of the development.

(iii) Vehicle Parking, Loading and Access(a) Carparking

- Existing Development

Credit will be given for existing required carparking on the basis of floor space existing as of 1 May 1992. This is as follows:-

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	<u>Existing Floor Area m2</u>	<u>Parking Credit at 1:25</u>
Lot 15	526	21
Lot 16	495	20
Pt Lot 17	480	19
Pt Lot 18	604	24
Pt Lot 19	582	23

New Development

New developments shall provide a cash in lieu of carparking contribution (after allowing for any credit under Existing Development) based on the number of carparks required according to the following:-

Ground Floor

All uses - 50% of that normally required under Rule 13.

First Floor

Residential Use - no carparking shall be required for the first two residential units per Lot. Any additional units shall provide carparking in accordance with Rule 13.

Any other Use - 50% of that normally required under Rule 13.

Additional Floors

Residential Use - no carparking shall be required for the first two residential units per lot. Any additional units shall provide carparking in accordance with Rule 13.

Any other use - as required by Rule 13.

Value of Cash in Lieu Contribution

The per carpark space value of any cash in lieu payment will be determined by the following formula:-

The average value of 1 m2 of land of the subject site (or sites) and at least 4 immediately adjoining or adjacent sites of like physical circumstances within the same zoning, at least one of which has frontage to the same street as the subject site (or sites);

Multiplied by 25 (normal area for carpark plus manoeuvring area)

Plus

The current cost of construction of 25 m2 of carpark to a permanent dustfree (not metal) surface including earthworks, pavement, kerbing, drainage and marking.

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Provided that where the Council provides the carparking on land of lower value than the development site prior to the commencement of the use, then the average value of the Council carpark land will be taken as the per square metre value to be paid.

The value of the cash payment shall be calculated by a registered valuer (at the applicants expense) and submitted to the Council as part of the Controlled Activity application.

- Land Vested

Additional carparking credit will be given on the following basis for land which is vested as road, for which the Council will take responsibility for formation and maintenance:-

	<u>Land to be Vested as Road m2</u>	<u>Parking Credit at 1:50</u>
Lot 15	253	5
Lot 16	253	5
Pt Lot 17	254	5
Pt Lot 18	254	5
Pt Lot 19	254	5

(b) Loading and Access

No off street loading spaces shall be required.

5.5.8 **SPECIAL PROVISIONS FOR POST OFFICE SITE OREWA (LOT 1 DP 121843)**

Note: New buildings, alterations and additions for permitted activities in the Commercial 1B Zone are a Controlled Activity.

The following development controls shall replace the standard provisions in Rules 5.5.4 (maximum site coverage) and 5.5.6 (vehicle parking, loading and access).

(a) Site Coverage

The Council will allow additional site coverage up to 100%.

(b) Vehicle Parking, Loading and Access

(i) Carparking

A carparking credit of 21 spaces shall apply to the site having regard to the land area to be vested for road (220m<sup>2</sup>) and the floor area of the existing building (288m<sup>2</sup>).

Any redevelopment of the site that requires more than 21 carparks shall provide for the additional carparks by either a combination of:

All or part of the additional parking spaces required being formed on other land convenient and available to the users of the development;

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With the agreement of the Council payment of cash in lieu of carparking contribution to be paid into Council's Off Street Parking Account for the purchase and formation of off street parking.

Value of Cash in Lieu Contribution

The per carpark space value of any cash in lieu payment shall be determined by the following formula:-

The average value of 1m<sup>2</sup> of land of the subject site and at least 4 immediately adjoining or adjacent sites of like physical circumstances within the same zoning, at least one of which has frontage to the same street as the subject site;

Multiplied by 25 (normal area for carpark plus manoeuvring area)

Plus

The current cost of construction of 25m<sup>2</sup> of carpark to a permanent (not metal) surface including earthworks, pavement, kerbing, drainage and marking.

Provided that where the Council provides the carparking on land of lower value than the development site prior to the commencement of the use, then the average value of the Council carpark land will be taken as the per square metre value to be paid.

The value of the cash payment shall be calculated by a registered valuer (at the applicants expense) and submitted to the Council as part of the Controlled Activity application.

(ii) Loading and Access

No off street loading spaces will be required.

5.5.9 ADDITIONAL CONTROLS RELATING TO HOUSEHOLD UNITS IN THE COMMERCIAL 5 ZONE AT GULF HARBOUR(a) Outdoor Living Court

Each household unit shall be provided with an outdoor living court which:

- (i) has a total area of not less than 65 m<sup>2</sup>; and
- (ii) is able to contain a square of 6 m x 6 m or a 6 m diameter circle; and
- (iii) is to remain clear of any vehicle access, parking and manoeuvring areas; and
- (iv) is to remain clear of any building, provided that:
  - eaves of any building and balconies may project over any court; and
  - such structures as will enhance the use and enjoyment of such court for outdoor living purposes are allowed.

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(b) Service Area

Each household unit shall be provided with a service court which:

- (i) has a minimum area of 20 m<sup>2</sup>; and
- (ii) is able to contain a square 3 m x 3 m; and
- (iii) is to remain unobstructed by vehicle access, parking and manoeuvring area.

(c) Building Form

Multiple household units may be either:

- (i) In one building. Where household units are joined in one building then the connection shall be permanent and continuous such as a common party wall, attached garage or carport. Partial connections such as a single fence or wall, or a pergola will not be allowed; or
- (ii) Separate buildings. Where household units are separate, then no part of one household unit shall be closer than 6 m to the buildings of any other household unit including any accessory buildings on the same site provided that eaves may overhang the separation distance by not more than 0.3 m.

5.5.10 **EXTERIOR LIGHTING** (including floodlighting)

- (a) All exterior light fittings shall at all times be located, adjusted, directed or screened to ensure that:
  - (i) No direct light rays fall onto land zoned residential;
  - (ii) Reflected light from any such fittings falling onto any land zoned residential shall be minimised such that it does not disrupt the amenities of that land;
  - (iii) All reticulation to the poles to be underground and that all wiring and control equipment be completely enclosed.
- (b) Where floodlights are on land which adjoins land zoned residential the use of floodlights shall be restricted to 0900 - 2200 hours daily. Carpark lighting, security lighting and amenity lighting are excluded from this rule.

5.5.11 **SPECIAL PROVISIONS FOR MANLY VILLAGE SHOPPING CENTRE, RAWHITI ROAD,** (applies only to Lots 377, 378 DP 17817 Pt 2 DP 44878 and the commercially zoned portion of Lot 1 DP 44878)

- (a) The following development control shall replace the standard provision in Rule 5.5.4.3 (maximum site coverage).
  - (i) Site Coverage

100% of gross site area (being the area remaining after deducting the land vested in Council for the Service Lane and the widening of Rawhiti Road).
- (b) The following special provisions shall relate to carparking credits and the loading and access provision.

## DISTRICT RULES - COMMERCIAL - DEVELOPMENT CONTROLS

(i) Vehicle Parking

The following carparking credits shall be given (recognising existing use rights and the land vested as service lane) and shall be off set against the requirements of Rule 13.

<u>Site</u>	<u>Parking Credit</u>
Lot 378 DP 17817	17 carparks
Lot 377 DP 17817	22 carparks
Pt Lot 2 DP 44878	22 carparks

Note: For the purpose of determining the number of required carparks under Rule 13 the existing and proposed floor area shall be combined.

Development proposals whose carparking requirements exceed the stated credits shall provide carparking in accordance with Rule 13.

(ii) Loading and Access

No off street loading spaces shall be required.

Vehicle Parking, Loading and Access

Refer to Rule 13, modified where relevant by specific provisions of Rules 5.5.7, 5.5.8 and 5.5.10.

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5.5.12 SPECIAL PROVISIONS FOR THE COMMERCIAL 6A (SILVERDALE NORTH LARGE FORMAT RETAILING) ZONE WAINUI ROAD, SILVERDALE, (Applies to Lot 8 DP322954)  
 [Amendment 55 as modified by ENV-2006-AKL-000105]

5.5.12.1 Controlled Activities

(a) A development (or stage of development) will be in accordance with the Concept Plan set out in Appendix 5A when the following are provided as set out in the Concept Plan shown in Appendix 5A:

- (i) site layout
- (ii) building platforms
- (iii) site access
- (iv) parking location
- (v) pedestrian routes
- (vi) public areas
- (vii) landscape areas

Where those features are not provided as set out in the Concept Plan, the individual elements not in accordance will be assessed as a Restricted Discretionary Activity.

- (b) No premises in the zone shall trade until that part of the Silverdale Parkway from the Silverdale Street extension to the Hibiscus Coast Highway, and the Silverdale Street extension, are operational.
- (c) The first stage of building development shall include the western wing with frontage to the Silverdale Street- Wainui Road intersection.
- (d) The first stage of building development shall include all landscaping along road frontages.
- (e) Any proposal not complying with Rule (b) or (d) above, shall be a Non-complying Activity.

5.5.12.2 Restricted Discretionary Activities

- (a) Building development not including the western wing with frontage to Silverdale Street-Wainui Road intersection shall form and landscape pedestrian access from the buildings constructed, to the Silverdale Street-Wainui Road intersection.
- (b) Any proposal that does not provide the pedestrian access required in (a), shall be a Non-complying Activity.
- (c) Any feature or element of the development not provided as shown on the Concept Plan shall be a Restricted Discretionary Activity..

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### 5.5.12.3 Household Units

- (a) Each household unit without a ground floor level shall provide an area of open space comprising either an unenclosed balcony, deck, garden or terrace which shall:
- (i) be a minimum area of 6m<sup>2</sup> and a minimum dimension of 2 metres:
  - (ii) be provided :
    - in the form of individual balconies and decks directly adjacent to, accessible from, and for the sole use of an individual household unit; or,
    - in the form of one or more shared outdoor living spaces with a minimum area of 24m<sup>2</sup> and a minimum dimension of 5 metres directly adjacent to, accessible from, and overlooked by a majority of the household units served; or,
    - any combination of (i) and (ii) which provides the required total area of outdoor living spaces on a site.
  - (iii) not be obstructed by buildings, parking spaces, shared vehicle access or manoeuvring areas.

### 5.5.12.4 Financial Contributions

#### 5.5.12.4.1 General Rules: Financial Contributions

Note: Terms in bold are defined for the purpose of these rules in Rule 5.5.12.4.6.

- (i) All financial contributions, works and services for subdivision and/or development within the area identified in the Plan in Appendix 5A, referred to as the “**Development Area**”, shall be calculated in accordance with the requirements set out in Rules (ii) to (xvi). All financial contribution amounts set out in or required by these rules are exclusive of GST.
- (ii) All development within the “**Development Area**”, unless otherwise specified, shall be exempt from the financial contributions requirements of Section 14D of the Rodney District Plan, provided that where development occurs within the “**Development Area**” in excess of 25,250 square metres of “**gross business area**” or in a different form to that indicated in the Plan in Appendix 5A or in a manner not provided for by these rules, the provisions of Section 14A of the District Plan shall apply. Financial contributions shall be payable on any subdivision in the “**Development Area**” in accordance with Section 14D of the Rodney District Plan.
- (iii) No financial contributions shall be payable within the “**Development Area**” for Community Facilities, Neighbourhood Reserves or Sportsfields.
- (iv) Where resource consent is granted for development within the “**Development Area**” the financial contributions, calculated under Rules (ix) – (xvi), may be taken:
  - in full, on the basis of a maximum “**gross business area**” (GBA) of 25,250 square metres permitted to be developed pursuant to these rules: or
  - progressively, (other than for Stormwater – See Rule 5.5.12.4.5 (xvi)) on the basis of the “**gross business area**” to be developed in square metres, pursuant to any resource consent issued for part of the development up to a maximum of 25,250 square metres.

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- (v) Financial contributions shall be payable (other than for Stormwater – See Rule 5.5.12.4.5 (xvi)), as a condition of resource consent and prior to the activity commencing. For the purposes of this rule, the issue of a building consent shall be deemed to be the commencement of the activity.
- (vi) All money contributions payable for the “**Development Area**” shall, until such time as they have been paid, be subject to adjustment by applying to them any change in the “**Producer Price Index – Construction**”, from a date one year after the issue of the first resource consent issued for development of the “**Development Area**” and the most recent anniversary of the granting of that resource consent, prior to the payment of the contribution.
- (vii) In the event that payment of any financial contribution occurs later than five years after the date of granting of the first resource consent issued for development of the “**Development Area**”, the contribution calculated under Rules (ix) – (xvi) shall be amended by the Council to be the contribution payable under the applicable financial contribution rules in the District Plan at the time for the particular infrastructure type and for the catchment area in which the resource consent falls.
- (viii) All inputs used in the calculation of financial contributions are exclusive of Goods and Services Tax (GST) and all financial contributions are subject to GST in terms of the Goods and Services Tax Act 1985.

5.5.12.4.2 Financial Contributions for Roothing

- (ix) A financial contribution for Roothing shall be paid for any development in the “**Development Area**” in accordance with Table 1.

**Table 1: Financial Contributions – Roothing**

	GBA(m2)	Household Unit Equivalent Factor	Household Unit Equivalent (HUE)	Financial Contribution per HUE created	Total
Contribution payable on development of maximum “ <b>gross business area</b> ”	25,250m2	0.0020	50.5	\$2,814	\$142,107
Contribution payable per square metre of development in the case of any resource consent issued for part of the development up to a maximum “ <b>gross business area</b> ” of 25,250 square metres	1m2	0.0020	0.0020	\$2,814	\$5.63/m2

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- (x) The Council shall deduct an amount of \$2,814 from the financial contribution payable on the first resource consent granted in the "**Development Area**", this being the amount deemed to have been paid previously for a Roothing contribution on the creation of the site on which the development is occurring.

## 5.5.12.4.3 Financial Contributions for Water Supply

- (xi) A financial contribution for Water Supply shall be paid for any development in the "**Development Area**" in accordance with Table 2.

**Table 2: Financial Contributions - Water Supply**

	GBA(m2)	Household Unit equivalent Factor	Household Unit Equivalent (HUE)	Financial Contribution per HUE created	Total
Contribution payable on development of maximum " <b>gross business area</b> ".	25,250m2	0.0016	40.4	\$2,201	\$88.920
Contribution payable per square metre of development in the case of any resource consent issued for part of the development up to a maximum " <b>gross business area</b> " of 25,250 square metres	1m2	0.0016	0.0016	\$2,201	\$3.52/m2

- (xii) The Council shall deduct an amount of \$2,201 from the financial contribution payable on the first resource consent granted in the "**Development Area**", this being the amount deemed to have been paid previously for a Water Supply contribution on the creation of the site on which the development is occurring.

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## 5.5.12.4.4 Financial Contributions for Sewerage

- (xiii) A financial contribution for Sewerage shall be paid for any development in the "Development Area" in accordance with Table 3.

Table 3: Financial Contributions – Sewerage

	GBA(m2)	Household Unit equivalent Factor	Household Unit Equivalent (HUE)	Financial Contribution per HUE created	Total
Contribution payable on development of maximum " <b>gross business area</b> ".	25,250m <sup>2</sup>	0.0016	40.4	\$3,338	\$134.855
Contribution payable per square metre of development in the case of any resource consent issued for part of the development up to a maximum " <b>gross business area</b> " of 25,250 square metres	1m <sup>2</sup>	0.0016	0.0016	\$3,338	\$5.34/m <sup>2</sup>

- (xiv) The Council shall deduct an amount of \$3,338 from the financial contribution payable on the first resource consent granted in the "**Development Area**", this being the amount deemed to have been paid previously for a Sewerage contribution on the creation of the site on which the development is occurring.

## 5.5.12.4.5 Financial Contributions for Stormwater

- (xv) A financial contribution for Stormwater shall be paid for development of the "**Development Area**" in accordance with the following formula:

$$\text{Financial contribution} = \text{"Total cost of pond"} \times \frac{\text{"Development Area sub-catchment volume"}}{\text{"Total pond volume"}}$$

- (xvi) A financial contribution for Stormwater shall be paid in full for development of the "**Development Area**" at the time of issuing the first resource consent for that development.

5.5.12.4.6 Definitions

The definitions listed below apply for the purposes of the Rules in section 5.5.12.4 relating to Financial Contributions.

**Gross business area -**

means the sum of the gross floor area of a building measured from the outer faces of the exterior walls plus the area of such parts of the site used solely or principally for the storage, sale, display or servicing of goods on the site but shall not include:

- (a) any floor or site area used entirely for electrical or mechanical equipment or other areas required for utilities servicing the activity;

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- (b) uncovered steps, balconies, terraces or porches where not more than 50% of the perimeter is enclosed;
- (c) permanently designated vehicle parking, manoeuvring, loading and landscaping areas, the conversion of which to another use would require resource consent.

**Household unit equivalent -**

means the relative effect of a development on a service type, compared with the effect of one household unit on that service type and measured as a multiple of one household unit. The “**household unit equivalent**” of an activity is calculated by multiplying the “**gross business area**” in the “**Development Area**” by the applicable factors in Tables A of the definition of “**household unit equivalent factor**”.

**Household unit equivalent factor” -**

means a factor in Table A by which the “**gross business area**” of a development is multiplied in order to determine the likely effect of that development relative to the effect of one household unit of residential development on that service type.

Table A	
Service Type	“Household unit equivalent factor”
Roading	0.0020 per m2 of “gross business area” on the “ Development Area”
Water Supply	0.0016 per m2 of “gross business area” on the “ Development Area”
Sewerage	0.0016 per m2 of “gross business area” on the “ Development Area”

**Producer Price Index - Construction -**

means the Statistics New Zealand Producer Price Index – Construction (PPIQ.SNE) or its successor.

**Total cost of pond -**

means the total cost of the stormwater pond that will be installed to fully service stormwater from the “**Development Area**” comprising:

- land costs – including both the area of the pond surface and land areas required to form stable batters, embankments, retaining walls and as required for landscaping purposes;
- pond construction costs including the necessary pipe work infrastructure, including pipe work necessary to provide connection from contributing sub-catchments;
- retaining wall costs;
- landscaping and planting costs;
- consultants fees; and
- ARC and RDC consents costs.

**Development Area -**

means the area identified in the Plan in Appendix 5A.



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**Development Area sub-catchment volume -**

means the water quality volume (QV) plus the extended detention volume (EDT), as calculated using the method set out in ARC TP10, generated by the “ **Development Area**”.

**Total pond volume -**

means the water quality volume (QV) plus the extended detention volume (EDT), as calculated using the method set out in ARC TP10, generated by all sub-catchments (including the “**Development Area**” sub-catchment), connected to the stormwater pond that has to be installed to fully service those catchments.

5.5.12.5 Signs

- (i) General
  - (a) A sign shall relate to a lawful activity undertaken on, or service provided from that site.
  - (b) Signs attached to buildings within the Commercial 6A Zone shall:
    - (i) be within the profile of the building unless clause (iii) below applies; and
    - (ii) be perpendicular or parallel to the building; and
    - (iii) be contained on one sign for each business premises with a have a maximum area of 2.16m<sup>2</sup> and a maximum width of 200 millimetres if perpendicular to the building; and if parallel then Rule (c) shall apply; and
    - (iv) be at least 2.75 metres above ground level if a sign protrudes more than 50 millimetres over a public place.
  - (c) Signs on a building facade within the Commercial 6A Zone shall be such that no more than 50% of the area of a building facade shall be occupied by lettering. (The area is defined by an imaginary best-fit box enclosing the lettering).
- (ii) Signs on Verandahs
  - (a) Signs positioned under a verandah shall:
    - (i) be perpendicular to the façade; and
    - (ii) be contained within the depth of the verandah; and
    - (iii) be not less than 2.75 metres above the footpath below; and
    - (iv) be spaced at least 1.5 metres apart.
  - (b) Signs on the fascia of a verandah shall:
    - (i) be contained within the profile of the building; and
    - (ii) be contained within the profile of the fascia to a maximum height of 600 millimetres except that subject to (a) above, up to 20% of the length of any verandah fascia sign may extend above the fascia by up to 600 millimetres to facilitate sign design and detailing; and
    - (iii) not protrude more than 200 millimetres from the fascia façade.

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(c) Signs positioned above and attached to the verandah shall:

- (i) be contained within the profile of the building;
- (ii) be positioned perpendicular to the building façade;
- (iii) not exceed a maximum height of 1.2 metres above the verandah;
- (iv) be positioned not more than 0.3 metres from the façade;
- (v) be set back at least 0.3 metres from the verandah fascia;
- (vi) be limited to one such sign per shop frontage; and
- (vii) not be positioned in front of a window.

(d) Where verandah signs comply with the above Performance Standards and fall within a public place, they shall not require the approval of the Council to occupy public land.

(iii) Flags

(a) Up to three free standing flag poles may be erected on a site :

- (i) with one pole not exceeding 9 metres and the remaining two poles not exceeding 6 metres in height; and
- (ii) with flags mounted so that no part of any flag rests at a point lower than 2.75 metres above ground level; and
- (iii) with no flag being suspended between two flag poles or between a flag pole and a building.

(iv) Illuminated Signs

(a) Signs related to business activity may be illuminated but illuminated signs shall not contain:

- (i) any flashing light; or
- (ii) any lighting device (such as a spotlight) that directs a beam of light away from the sign toward surrounding properties and roads.

(v) Footpath/Kerb-Side Advertising Signs

Footpath kerb-side advertising signs shall:

- (a) Only be permitted in the Commercial 6A Zone where any legally established business is situated;
- (b) Be limited to one per ground floor premise;
- (c) Be limited to one per public entranceway to other than a ground floor premise:
  - (i) where the sign is positioned directly outside the public entranceway;
  - (ii) regardless of the number of businesses using the entranceway.

## DISTRICT RULES - COMMERCIAL - DEVELOPMENT CONTROLS

(d) Comply with all of the following:

- (i) be self supporting;
- (ii) be no higher than 1 metre nor wider than 750 millimetres, or if of a footpath banner type, no higher than 2 metres nor greater than 0.9m<sup>2</sup> in area;
- (iii) be positioned only in front of the advertising premises;
- (iv) only contain information and advertising directly related to the business undertaken at the premises;
- (v) be positioned securely, no more than 3 metres directly outside the retailing premises frontage and the sign shall be positioned in such a way as to leave not less than 1.5 metres of footpath clear at all times; and
- (vi) be removed from the public place when the business is closed.

(vi) Tethered Blimps/Balloons in Business Zones

A tethered blimp or balloon in any Business Zone area shall:

- (a) not be displayed for more than 42 days within any 12 month period;
- (b) not be flown higher than 60 metres above the ground; and
- (c) other than a cold-air filled balloon fixed to a building or the ground, shall not be flown within 5 kilometres of an airport or aerodrome and shall not be flown outside daylight hours.

(vii) Signs in Public Places or on Roads Controlled by the Council

No signs are permitted in any public place unless the written approval of the Council to occupy public land is obtained, except for signs under a verandah, on the fascia of a verandah, or above a verandah pursuant to Rules (ii) above.

(viii) Signs Construction and Appearance

- (a) All signs shall be structurally safe and comply with the requirements of the Building Act 1991 and any relevant provisions in the District Plan.
- (b) All signs shall be finished to a high standard. In particular signs shall not be roughly painted or poorly made.
- (c) All signs shall be maintained in a safe condition, in good order and free of graffiti.

## DISTRICT RULES - COMMERCIAL - DEVELOPMENT CONTROLS

## (ix) Traffic Safety

- (a) No sign shall detrimentally affect traffic safety or traffic control. A sign shall not:
- (i) unreasonably obstruct the line of sight of any corner, bend, intersection or vehicle crossing;
  - (ii) unreasonably obstruct, confuse, impair, or distract from the view of any road control signs and traffic signals;
  - (iii) produce glare, or dazzle road users;
  - (iv) display any flashing or revolving lights which would distract a road user's attention;
  - (v) invite drivers to turn so close to the turning point that there is no time to signal and turn safely; or
  - (vi) result in a cumulative effect of compromising any of (i), (ii), (iii) and (iv) above.
- (b) Signs shall not be positioned alongside any road or state highway so that it results in a cumulative effect of dominating the visual characteristics of an area.

## (x) Temporary Signs

## Signs Advertising Land Other than Signs on Subdivision or Development Projects

- (a) For signs advertising the sale, lease, or tenancy of the land or premises on which the sign is situated, other than signs on subdivision and development projects where any new site or unit has been created:
- (i) no sign may be displayed for more than six months in any consecutive 12 month period;
  - (ii) no sign may exceed 3m<sup>2</sup>, provided that up to three signs, none of which may exceed 0.54m<sup>2</sup> in area, are permitted on site instead of the single sign otherwise provided for.

## (xi) Kerbside Signs

- (a) One kerbside sign no higher than 1.2 metres and no wider than 1.2 metres, positioned securely (so as not to blow over or fall into the path of vehicles or pedestrians) and directly outside the premises and in a position that does not block any footpath and shall not be placed so as to interfere with vehicle site lines or be a hazard to pedestrians; or
- (b) One kerbside banner pole which may not exceed 2 metres in height above the ground and may not exceed 0.9m<sup>2</sup> in area.
- (c) Any sign under (a) or (b) may be illuminated but shall not contain any flashing light, or any lighting device (such as a spotlight) that directs a beam of light away from the sign toward surrounding properties or roads.

[Amendment 55 as modified by ENV-2006-AKL-000105]

DISTRICT RULES - COMMERCIAL - SUBDIVISION

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**5.6 SUBDIVISION**

Subject to the requirements of Section 14 relating to land subdivision and development, the standards for subdivision in the commercial zones shall be as follows:

**5.6.1 GENERAL REQUIREMENTS**

Refer to Rule 14.1.

**5.6.2 MINIMUM SITE AREA**

2,000 m<sup>2</sup>. (See also \* Note below).

Except that in addition, in the Commercial 5 and 5A Zones:

- (a) Subdivision shall make provision for such covenants and easements as are necessary to enable the remaining undeveloped land within the zone to be developed and used in accordance with the comprehensive development plan submitted in support of the development proposal for the site.
- (b) A Section 306 Certificate under the Local Government Act 1974 will not be issued until the building(s) on the land to be subdivided have been completed.

**5.6.3 MINIMUM FRONTAGE**

40 m. (See also \* Note below).

**5.6.4 OTHER MATTERS**

Boundary relocations and subdivisions for reserves and public works within the meaning of the Public Works Act 1981, or any Act in substitution therefore, are allowed notwithstanding the above requirements.

\* Note

As an alternative to the 2,000 m<sup>2</sup> minimum site area and 40 m minimum frontage above, the Council may approve subdivisions providing lots of lesser area and/or frontage if it is satisfied that the lots provided will permit the erection of buildings complying with bulk and location requirements (or buildings for which planning consent has been given) and will include sufficient space for ancillary functions, including parking, access, loading and drainage.

## DISTRICT RULES - COMMERCIAL - DISPENSATIONS AND WAIVERS

5.7 **DISPENSATIONS AND WAIVERS**5.7.1 **PROVISIONS FROM WHICH DISPENSATIONS AND WAIVERS MAY BE GRANTED**

The Council may grant an application for the dispensation wholly or partly from, or waiver of any of the following provisions of the Commercial Section of the District Plan:

- (a) All parts of Rule 5.5 (Development Controls), except the provisions relating to Maximum Site Coverage at 5.5.4.
- (b) All parts of Rule 5.6 (Subdivision).
- (c) All parts of Rule 13 (Vehicle Parking, Loading and Access).

5.7.2 **CIRCUMSTANCES UNDER WHICH APPLICATIONS MAY BE CONSIDERED**

The Council expressly reserves the discretion to dispense or waive wholly or partly any of the above provisions, however the Council must be satisfied that circumstances out of the ordinary exist. In addition to the general circumstances contained in the policies of Part 5F Dispensations and Waivers the circumstances under which the Council may grant a dispensation or waiver are:

(a) **Site Characteristics**

Where the site in question is unusual in respect of site characteristics, including such matters as shape, size, contour, access, vegetation, susceptibility to flooding, land stability, or other physical constraints.

(b) **Site Development**

Where the existing buildings on site constrain reasonable development, in particular such matters as the location and/or design and appearance of existing sound buildings, the need to comply with bylaw or engineering standards, or the design and arrangement of buildings to facilitate access for the disabled.

(c) **Adjoining Sites**

Where the site characteristics, development, use, or zoning of adjoining land is out of the ordinary.

(d) **Intensity of Use**

Where the number of persons to be employed on the site, or the amount of service, delivery, staff and visitor traffic likely to be generated, is substantially less than envisaged by the rules.

(e) **Multiple Use of Parking or Loading Space**

Where persons employed at or visiting the site will have access to public or private parking or loading spaces that are convenient to the site and are unlikely to be in use at the time they would be required.

DISTRICT RULES - COMMERCIAL - DISPENSATIONS AND WAIVERS

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(f) Provision of Pedestrian Shelter

Where the building is free standing and where the verandah or other form of shelter required by Rule 5.5.5 would not contribute to providing cover over routes likely to be used by pedestrians.

5.7.3 **EXTENT OF DISPENSATION OR WAIVER**

In all such cases applications will only be granted where the extent of dispensation or waiver is such that:

- (a) The proposal will not result in development being substantially different from a fully complying development.
- (b) The effect on neighbouring properties will not be appreciably different from a fully complying development.
- (c) The stated objectives and policies of the Commercial Section are not compromised.
- (d) The requirements of Section 76 of the Town and Country Planning Act 1977 are satisfied.

5.7.4 **CONDITIONS WHICH MAY BE IMPOSED**

In granting consent to an application the Council may impose such conditions, restrictions and prohibitions it thinks fit to achieve the objectives and policies of the District Plan. Such limitations will apply to the circumstances of the particular case and may relate to:

- (a) General compliance with the submitted plans;
- (b) Compliance with Council bylaw requirements;
- (c) Reduction in the extent of dispensation sought;
- (d) The design and appearance of the building(s);
- (e) The retention of existing vegetation;
- (f) Screen fencing, planting and landscaping;
- (g) The exact number of car parking or loading spaces to be provided;
- (h) Restriction on the type of activity allowed;
- (i) Such other matters as are appropriate in the particular circumstances existing.

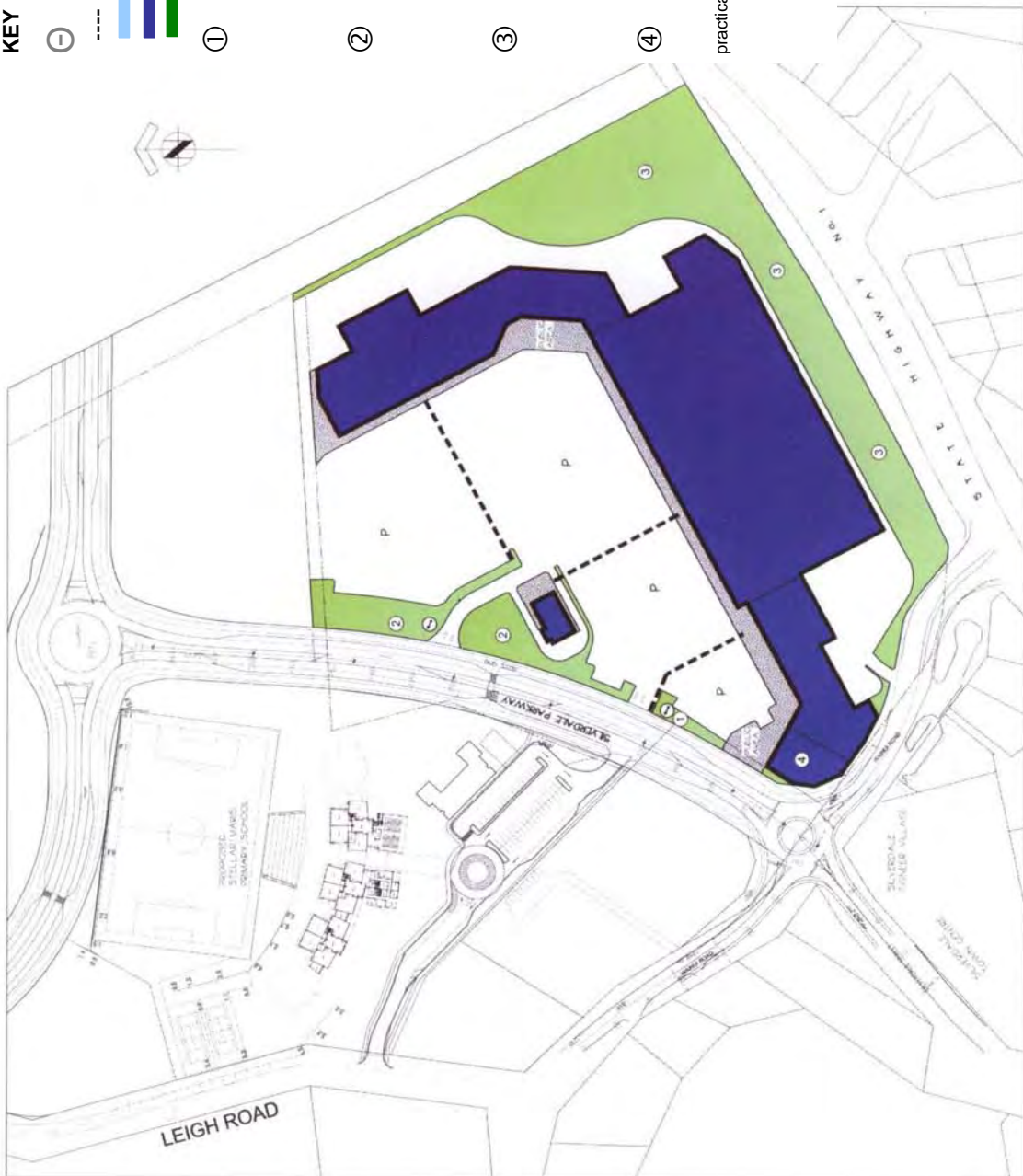
APPENDIX 5A: SILVERDALE COMMERCIAL 6A CONCEPT PLAN [Amendment 55 as modified by ENV-2006-AKL-000105]

General Note: This concept plan provides the intended form of the site Layout and identifies a number of features that are to be provided for

**KEY**

- ① 9.0m pylon sign
- Pedestrian route
- Two way access points
- Building platform
- Landscaping

- ① The landscaping area either side of the principal customer entry shall be designed to strengthen and complement the entry and make a strong landscape statement that will contribute to the overall character of the centre.
- ② Landscaping along the main frontage to the Silverdale Street Extension shall create a detailed park-like environment that will provide a transition between the street environment of the site whilst at the same time helping to frame it.
- ③ Landscaping in this area shall be dense and provide a planted screen between the State Highway and the buildings. Planting in the north-eastern part of this area may be less dense and should be appropriate to the buffer slopes.
- ④ Development in area 4 adjacent to the intersection shall be designed to provide a visual pedestrian and, to the extent practicable, an activity link to commercial development in the older part of Silverdale Street. This may include building up to the street frontage, use of windows facing the road frontage, provision



**SILVERDALE  
COMMERCIAL 6A  
CONCEPT PLAN**

**SK16**  
SCALE: A3 1:2000