



12.8.34

12.8.34.1

12.8.34.1.1

Issue

12.8.34.1.1.1

Issue

12.8.34.1.1.2

Issue

12.8.34.1.1.3

SPECIAL 34 (KUMEU TOWN CENTRE) ZONE [Amendment 158]

Zone Issues, Objectives, Policies and Description

Issues

There is insufficient zoned land at Kumeu to address the demand for commercial activities and to support the role of Kumeu-Huapai as a focus for growth.

Kumeu-Huapai was identified in the Northern and Western Sectors Agreement as a centre for growth in the western part of Rodney District with the population forecast to increase more than four-fold by 2021. With a growing population comes demand for commercial uses and it has been evident from the establishment of commercial activities on industrial properties that there has been insufficient appropriately land zoned for those activities at Kumeu. A number of strategic and local context investigations have identified a clear direction and desire for a town centre serving Kumeu-Huapai to be established at Kumeu adjacent to the existing Kumeu Village.

Unplanned, piecemeal development of a town centre at Kumeu is unlikely to lead to good urban design outcomes or an appropriate level of amenity.

Kumeu and Huapai have historically lacked a core town centre and commercial development in the area has therefore tended to be scattered along State Highway 16. In order to maximise the social, economic and amenity benefits that would be generated by a new town centre, it should be comprehensively planned in a way that ensures new development is integrated both in the Special 34 Zone and with its surroundings, and so that site-specific constraints and opportunities are taken into account. Such planning is essential to achieve good urban design outcomes and a high level of urban amenity for those who visit, work at and live in the centre. Constraints on development of the Special 34 Zone include the floodway that has been developed along the Kumeu River and the high voltage transmission lines that cross the north-eastern corner of the zone.

In order for the town centre to function as a community focal point and to address the needs of the surrounding population, its composition should encompass a wide range of commercial activities and a choice of residential types, as well as space for recreation.

A town centre is an urban area characterised by a mixture of functions including intensive residential, community, recreational, retail and other business activities. A town centre should function as a community focal point and provide a wide range of facilities and services to address the needs of the surrounding population. Retail activity is invariably the lifeblood of a town centre and provision for shops, cafés, restaurants and associated services should be commensurate with the size of the population served. The wider the range of the retail offer, the stronger the centre will be. Incorporation of residential activities contributes to the vitality and viability of a town centre by providing benefits such as after-hours activity and surveillance as well as a customer base to support local businesses. A resident population will also contribute to travel efficiencies and provide support for public transport services.



Issue
12.8.34.1.1.4

The Kumeu River is a valuable asset which has good potential to contribute to town centre amenity but the area adjacent to the river is prone to flooding.

Development adjacent to the Kumeu River should recognise it as a natural resource which can contribute to the amenity of the town centre. This may be achieved by creating viewshafts through developed areas, providing connections for public access to and along the waterway, ensuring that development addresses the river rather than faces away from it, and ensuring that stormwater runoff from the surrounding properties is treated to a standard that avoids a reduction in the quality of water in the river. The section of Kumeu River at Kumeu is prone to flooding and implemented mitigation works (Stages 1 and 2 of the Kumeu River floodway) together with the Council's proposed works to complete the floodway (Stages 3 and 4 of the floodway project) will combine to reduce the impact of flooding over time. While permanent structures should not be located in areas set aside for flood mitigation, a large part of the area of the floodway will be suitable for active and passive recreation and for other activities that will not impede the flow of flood waters. Following completion of the initial floodway works, much of the Special 34 Zone falls within the 100 year ARI flood plain. This is an interim state pending completion by the Council of the final two stages of the floodway works, and residential development within the flood plain will be considered on a case by case basis prior to completion of those works.

Issue
12.8.34.1.1.5

Vehicle access to and from properties adjoining State Highway 16 could potentially affect the safety and efficiency of this strategic route.

There are multiple access points along State Highway 16 as it passes through Kumeu. Consolidating the access arrangements has potential to be positive for the safety of those using the Highway and those accessing properties along the Highway. However, concentrating access also has potential to adversely affect the safety and efficiency of State Highway 16. For this reason, any proposal to alter the existing access arrangements, particularly the establishment of activities or groups of activities that contribute to a high traffic generation rate, should require an assessment of effects to be carried out and mitigation measures identified to ensure that the safety and efficiency of State Highway 16 will not be compromised. From time to time, long term planning for the road network through Kumeu will identify potential future connections to enable local traffic to avoid travelling on State Highway 16. Development on sites adjacent to the highway where such connections have been identified should be planned, where practicable, to avoid compromising the potential connections.

Issue
12.8.34.1.1.6

There is potential for reverse sensitivity effects to arise from sensitive uses establishing in close proximity to land zoned for industrial activities, within the identified high voltage electricity line corridors, or close to State Highway 16.

When sensitive uses are able to establish adjacent to land with an industrial zoning, within a high voltage electricity line corridor, or close to State Highway 16, the potential for reverse sensitivity effects to occur should be recognised and provision made for those effects to be avoided, remedied or mitigated.



Issue
12.8.34.1.1.7

The Council plans to extend public wastewater and water services to Kumeu by December 2011 and late 2013 respectively.

At present Kumeu is not currently served by wastewater or public water supply systems, but it is anticipated that these services will be available in the area by December 2011 and late 2013 respectively. While it is possible for such services to be provided by property owners on a site-by-site basis, it is more desirable in terms of water quality, and would provide support for the viability of proposed infrastructure, if new development is required to utilise the public systems when connections are available.

Issues in the following chapters are also relevant:

Chapter 5 – Natural Hazards
Chapter 6 - Highly Valued Natural Resources
Chapter 8 – Residential
Chapter 9 – Business
Chapter 10 – Open Space and Recreation
Chapter 11 – Inland Waters
Chapter 18 – Urban land Modification and Vegetation Removal
Chapter 19 – Utilities
Chapter 20 – Hazardous Substances and Contaminated Sites
Chapter 21 – Transportation and Access
Chapter 22 – Financial Contributions
Chapter 23 – Subdivision and Servicing

12.8.34.1.2

Objectives

Objective
12.8.34.1.2.1

To enable the provision of a comprehensively developed town centre on Part Lot 1 DP 2611, Lot 4 DP 81928, Lot 3 DP 81928, and Lot 1 DP63841 zoned Special 34 Zone adjacent to the existing Kumeu Village.

(This objective relates to Issue 12.8.34.1.1.1)

Objective
12.8.34.1.2.2

To ensure that the activities and buildings in the zone are designed and developed in a way that ensures the achievement of appropriate urban design outcomes and urban amenity, and integrate with the physical and natural environment surrounding the Special 34 Zone.

(This objective relates to Issue 12.8.34.1.1.2)

Objective
12.8.34.1.2.3

To ensure that the composition of the town centre encompasses the range of facilities and services required to serve the needs of the surrounding population.

(This objective relates to Issue 12.8.34.1.1.3)

Objective
12.8.34.1.2.4

To provide for the range of retail types and formats typically found in and around town centres.

(This objective relates to Issue 12.8.34.1.1.3)



<p><i>Objective</i> 12.8.34.1.2.5</p>	<p>To enable the establishment of a range of types of residential activity in the Special 34 Zone.</p> <p><i>(This objective relates to Issue 12.8.34.1.1.3)</i></p>
<p><i>Objective</i> 12.8.34.1.2.6</p>	<p>To recognise Kumeu River as a valuable asset with potential to contribute to the amenity of the town centre.</p> <p><i>(This objective relates to Issue 12.8.34.1.1.4)</i></p>
<p><i>Objective</i> 12.8.34.1.2.7</p>	<p>To manage stormwater flows across and through the Special 34 Zone and to ensure that development in the town centre can occur without adversely affecting the function of the Kumeu River floodway.</p> <p><i>(This objective relates to Issue 12.8.34.1.1.4)</i></p>
<p><i>Objective</i> 12.8.34.1.2.8</p>	<p>To avoid adverse effects on the quality of water in the Kumeu River.</p> <p><i>(This objective relates to Issues 12.8.34.1.1.4 and 12.8.34.1.1.7)</i></p>
<p><i>Objective</i> 12.8.34.1.2.9</p>	<p>To ensure potential adverse effects on the safety and efficiency of State Highway 16 from the consolidation of access points are avoided, mitigated or remedied.</p> <p><i>(This objective relates to Issue 12.8.34.1.1.5)</i></p>
<p><i>Objective</i> 12.8.34.1.2.10</p>	<p>To consider any planned street connections between the town centre site and State Highway 16 or parallel to State Highway 16 when locating streets and buildings in the town centre.</p> <p><i>(This objective relates to Issue 12.8.34.1.1.5)</i></p>
<p><i>Objective</i> 12.8.34.1.2.11</p>	<p>To avoid reverse sensitivity effects arising from the location of sensitive activities adjacent to industrial zoned land, within a high voltage electricity line corridor, or close to State Highway 16.</p> <p><i>(This objective relates to Issue 12.8.34.1.1.6)</i></p>
<p><i>Objective</i> 12.8.34.1.2.12</p>	<p>To avoid, remedy or mitigate adverse effects on existing and planned services infrastructure.</p> <p><i>(This objective relates to Issue 12.8.34.1.1.7)</i></p>
	<p>Objectives in the following chapters are also relevant:</p> <ul style="list-style-type: none">Chapter 5 – Natural HazardsChapter 6 - Highly Valued Natural ResourcesChapter 8 – ResidentialChapter 9 – BusinessChapter 10 – Open Space and RecreationChapter 11 – Inland WatersChapter 18 – Urban land Modification and Vegetation RemovalChapter 19 – UtilitiesChapter 20 – Hazardous Substances and Contaminated SitesChapter 21 – Transportation and Access



Chapter 22 – Financial Contributions
Chapter 23 – Subdivision and Servicing

12.8.34.1.3

Policies

Policy
12.8.34.1.3.1

Development of the town centre should be generally in accordance with the Outline Plan at Appendix 19 to the Planning Maps.

(This policy seeks to achieve Objective 12.8.34.1.2.1)

Policy
12.8.34.1.3.2

Policy Area A should be predominantly occupied by large shops which require ready road access and/or yards for outdoor display of merchandise, and which are relatively insensitive to industrial activities on adjoining properties.

(This policy seeks to achieve Objective 12.8.34.1.2.1)

Policy
12.8.34.1.3.3

Policy Area B should be developed in depth from State Highway 16 to the Kumeu River to accommodate predominantly fine grained buildings housing town centre activities.

(This policy seeks to achieve Objective 12.8.34.1.2.1)

Policy
12.8.34.1.3.4

Policy Area C should be predominantly occupied by housing at a density commensurate with its location adjacent to town centre activities.

(This policy seeks to achieve Objective 12.8.34.1.2.1)

Policy
12.8.34.1.3.5

Policy Area D should be maintained as a floodway for the Kumeu River but may be utilised for active and passive recreation, as well as other activities that do not impact on the function of the floodway.

(This policy seeks to achieve Objective 12.8.34.1.2.7)

Policy
12.8.34.1.3.6

Development and subdivision of Policy Areas B, C and D should take place in accordance with an approved Development Concept Plan that clearly delineates the extent of these three policy areas.

(This policy seeks to achieve Objective 12.8.34.1.2.2)

Policy
12.8.34.1.3.7

The design of streets, buildings, parking areas and public open spaces should address the principles of good urban design such as those outlined in the New Zealand Urban Design Protocol.

(This policy seeks to achieve Objective 12.8.34.1.2.2)

Policy
12.8.34.1.3.8

The Development Concept Plan for Policy Areas B, C and D should address such matters as access; street layout and design; planned road connections through the Special 34 Zone; stormwater and wastewater management; current and future flood hazard areas; building location; provision for parking and servicing in Policy Area B; residential typologies in Policy Area C; and integration with Policy Area A, Policy Area D and with the existing Kumeu Village.

(This policy seeks to achieve Objectives 12.8.34.1.2.2, 12.8.34.1.2.5, 12.8.34.1.2.7 and 12.8.34.1.2.10)



Policy
12.8.34.1.3.9

Large shops which are predominantly accessed by car because of the bulky nature or quantity of goods typically purchased should be located only in Policy Area A and where a high level of pedestrian amenity is not anticipated, unless it can be demonstrated that these large shops can be accommodated in Policy Area B without adversely affecting pedestrian safety and urban amenity.

(This policy seeks to achieve Objectives 12.8.34.1.2.2 and 12.8.34.1.2.4)

Policy
12.8.34.1.3.10

Policy Area B should be developed in depth between State Highway 16 and the Kumeu River in a way that integrates visually and functionally with the adjoining river environment and, to the extent practicable, with the existing Kumeu Village. It should also incorporate a wide range of commercial activities that are not incompatible with residential activity.

(This policy seeks to achieve Objectives 12.8.34.1.2.2, 12.8.34.1.2.3, 12.8.34.1.2.4, 12.8.34.1.2.6 and 12.8.34.1.2.11)

Policy
12.8.34.1.3.11

A range of types of residential activity should be enabled in Policy Area C and residential units should also be enabled in Policy Area B to provide a variety of development opportunities to accommodate prospective residents of the town centre.

(This policy seeks to achieve Objectives 12.8.34.1.2.2 and 12.8.34.1.2.5)

Policy
12.8.34.1.3.12

Development in Policy Areas B and C should address Policy Area D and the Kumeu River such that visual and physical linkages encourage its use for active and passive recreation.

(This policy seeks to achieve Objectives 12.8.34.1.2.2 and 12.8.34.1.2.6)

Policy
12.8.34.1.3.13

Development in Policy Areas B and C along the boundary with Policy Area D should be designed to enable passive surveillance of Policy Area D so that a high level of amenity and a safe environment is provided.

(This policy seeks to achieve Objectives 12.8.34.1.2.2 and 12.8.34.1.2.6)

Policy
12.8.34.1.3.14

Subdivision and land use activities should be carried out in a manner which has regard to the management of stormwater flows from high intensity storm events, avoids adverse effects on flood plains, and avoids the adverse effects of stormwater runoff on receiving environments.

(This policy seeks to achieve Objectives 12.8.34.1.2.7 and 12.8.34.1.2.8)

Policy
12.8.34.1.3.15

Adverse effects on the safety and efficiency of the operation of State Highway 16 arising from the provision of access to the Special 34 Zone that are more than minor should be avoided, remedied or mitigated.

(This policy seeks to achieve Objective 12.8.34.1.2.9)

Policy
12.8.34.1.3.16

The location of buildings and the design of the proposed internal street layout should consider any planned street connections through the site to the north of State Highway 16, including the indicative connections to the west and east shown on the Outline Plan in the Planning Maps (in Appendix 19).



Policy
12.8.34.1.3.17

(This policy seeks to achieve Objective 12.8.34.1.2.10)

Reverse sensitivity effects associated with residential and other sensitive activities shall be avoided or mitigated by controlling the location of activities, the treatment of the interface between Policy Areas and zones, and building design.

(This policy seeks to achieve Objective 12.8.34.1.2.11)

Policy
12.8.34.1.3.18

New development should connect to the public water supply and wastewater networks when reticulation is provided to the Special 34 Zone.

(This policy seeks to achieve Objective 12.8.34.1.2.12)

Policy
12.8.34.1.3.19

Adverse effects on activities from the high voltage transmission lines that cross the Special 34 Zone and any impact on the operation and maintenance of the lines should be avoided.

(This policy seeks to achieve Objective 12.8.34.1.2.11)

Policies in the following chapters are also relevant:

- Chapter 5 – Natural Hazards
- Chapter 6 - Highly Valued Natural Resources
- Chapter 8 – Residential
- Chapter 9 – Business
- Chapter 10 – Open Space and Recreation
- Chapter 11 – Inland Waters
- Chapter 18 – Urban land Modification and Vegetation Removal
- Chapter 19 – Utilities
- Chapter 20 – Hazardous Substances and Contaminated Sites
- Chapter 21 – Transportation and Access
- Chapter 22 – Financial Contributions
- Chapter 23 – Subdivision and Servicing

12.8.34.1.4

Description of the Zone

The Special 34 (Kumeu Town Centre) Zone applies to properties adjacent to the Kumeu Village and extends from State Highway 16 to the Kumeu River. The provisions are intended to enable the establishment of a town centre to serve the Kumeu-Huapai area with a strong commercial core and associated residential and recreational areas.

The area able to be developed in the Special 34 Zone area is constrained by a floodway alongside the Kumeu River and this is recognised by the provisions. Pending completion by the Council of the Kumeu River floodway works downstream of the Special 34 Zone, the 100 year ARI flood plain also imposes constraints on development. Until those works have been completed, a risk assessment will be required to accompany resource consent applications for development incorporating residential units. The provisions also recognise the need for new development to integrate with existing development and for reverse sensitivity effects arising from the establishment of residential and other sensitive activities in close proximity to industrial activities on adjacent



properties to be managed.

A town centre should provide for a wide range of activities and the major categories provided for are shops, commercial services, health, community services, offices, residential development and recreation. Each of these categories is represented in the activity schedule by a range of activities. A relatively high density of residential development is anticipated in the Special 34 Zone to recognise the town centre status of Kumeu-Huapai in regional planning documents. Residential activity is therefore provided for in an area where non-residential activities are discouraged, as well as being recognised in the commercial core of the town centre.

To take account of site constraints and opportunities, and to ensure compatible activities are grouped together, four Policy Areas have been identified in an Outline Plan corresponding to four areas with differing characteristics.

Policy Area A – Large Format Retail

Policy Area A is anticipated primarily to accommodate large format retail (“LFR”) activity. The Policy Area occupies a single site and on its western side abuts properties zoned Industrial. It is considered that LFR is an appropriate activity to function as a transition between the industrial activities to the west and the commercial core of the town centre. Because LFR is typically accessed by car, and has operational characteristics that make it a less desirable form of development than smaller shops in the town centre core, this type of activity warrants a separate location with a lower expectation in terms of urban amenity. For these reasons Policy Area A can be developed independently of the balance of the town centre. Because of the relatively high traffic generation rates of some forms of LFR, such as supermarkets, traffic effects are specifically required to be assessed through a restricted discretionary resource consent application. The area of Policy Area A is approximately 2.11 ha.

Policy Area B – Town Centre Mixed Use

Policy Area B is the commercial core of the town centre and will provide a mix of activities to serve the wider Kumeu-Huapai area in a street-based pedestrian environment. A well connected movement network is to be established which will support a ‘main street’ and a range of public open spaces. A high level of pedestrian amenity is required in the town centre core to support its function in the Special 34 Zone. Features contributing to pedestrian amenity will include the spatial enclosure of streets by way of built form supported by structural planting, the use of canopies or verandahs for weather protection, shops and restaurants fronting streets, narrow frontages creating a fine-grained character, generous footpath widths for movement and other activities, and architectural detailing and planting to provide visually interesting building facades.

Most town centre activities are permitted in Policy Area B and it is also possible for large shops to establish there provided they can satisfy specific criteria. Residential activity is encouraged in order to increase the vitality of the town centre over an extended period each day and to provide surveillance opportunities. Dwellings are expected to be in the form of apartments and are anticipated to occupy the upper levels of buildings rather than the ground floor level. The area of Policy Area B as shown on the Outline Plan is



approximately 3.41 ha.

Policy Area C – Residential

Policy Area C is the location for the bulk of residential activity. A relatively high intensity of development is expected with the building forms including single dwellings or multiple unit residential development. Development controls and assessment criteria provide for an outcome that is highly pedestrian friendly and safe. Non-residential development is discouraged by applying discretionary or non-complying activity status to those activities. The potential for reverse sensitivity effects arising from the common boundary with properties zoned Industrial along the south-eastern boundary is recognised and provided for with specific controls on the design of residential units to minimise noise effects. The area of Policy Area C as shown on the Outline Plan is approximately 4.15 ha.

Policy Area D – Floodway

Policy Area D is defined by the Kumeu River floodway within which buildings are generally not permitted because of their potential to impede flood flows. Part of the area is also traversed by high voltage power lines. The Policy Area is therefore unsuitable for any residential and most commercial activity. The river itself is potentially a significant natural resource and the adjacent area has potential to provide a high level of amenity for the residents of the town centre and for visitors. Development in Policy Areas B and C is required to integrate visually and functionally with Policy Area D. The area of Policy Area D is approximately 2.50 ha.

An “adjustable” boundary is provided between Policy Areas B and C. This is to enable some flexibility to the Policy Areas and their activities.

A Development Concept Plan (“DCP”) is required to have been approved by the Council prior to the establishment of activities and buildings in Policy Areas B, C and D. It will ensure that the town centre is designed to a high standard of urban design and amenity values, while integrating visually and functionally with its surrounding environment and activities. Policy Area A is not included in the DCP process because this site is appropriate for stand-alone large buildings. The nature of large format retail activity is such that a high level of pedestrian amenity is difficult to achieve. It is therefore an appropriate form of retail activity to act as a buffer between the existing industrial activities to the west and the town centre core.

The Development Concept Plan Process

Approval of a Development Concept Plan is a prerequisite for the activity status of most activities in Policy Areas B, C and D changing from non-complying. All applications for resource consent for activities that involve earthworks, subdivision or the erection of buildings in Policy Areas B, C or D are required to be consistent with an approved DCP covering all of those Policy Areas.

It is expected that an application for approval of a DCP will be lodged prior to or alongside the first land use or subdivision consent application for an activity (earthworks, building or subdivision) in Policy Areas B, C or D.. Such an



application will be assessed as a restricted discretionary activity. The assessment of subsequent resource consent applications will include an assessment of the consistency of the proposal with the approved DCP.

An application for a new DCP updating the original will also be assessed as a restricted discretionary activity and if more than one DCP has previously been approved, the Council will assess resource consent applications for consistency with the most recently approved DCP.

Where an application is for subdivision consent, future compliance with the DCP will be required by way of a consent notice applied to each lot created by the subdivision, including any balance lot.

Where no DCP has been approved prior to processing of the first resource consent application for an activity in Policy Areas B, C or D, or a proposal is advanced that conflicts with the most recently approved DCP, resource consent applications for land use or subdivision will be assessed as a non-complying activity.

Rule 12.8.34.2

Rule 12.8.34.2.1

Activity Rules

Activities in the Special 34 (Kumeu Town Centre) Zone shall comply with the following:

- a) All permitted activities in the Activity Table in rule 12.8.34.2.2 shall comply with rule 12.8.34.3 Development Controls, 12.8.34.4 Special Development Controls, and any other relevant rule in the District Plan.
- b) All controlled activities in the Activity Table in rule 12.8.34.2.2 shall comply with rule 12.8.34.3 Development Controls, 12.8.34.4 Special Development Controls, and any other relevant rule in the District Plan. All controlled activities shall be assessed against the criteria in rule 12.8.34.7.
- c) All restricted discretionary activities in the Activity Table in rule 12.8.34.2.2 shall comply with rule 12.8.34.3 Development Controls and 12.8.34.4 Special Development Controls, and shall be assessed against those matters over which discretion is retained as set out in rule 12.8.34.8.
- d) All discretionary activities in the Activity Table in rule 12.8.34.2.2 shall be assessed against the criteria set out in 12.8.34.9, any other relevant discretionary activity assessment criteria in any other chapter of this Plan, and the relevant matters in section 104 of the Act.
- e) All non-complying activities shall be assessed in terms of sections 104 and 104D of the Act.
- f) Development Concept Plan applications shall be assessed against the criteria set out in rule 12.8.34.6 *Development Concept Plan: Assessment Criteria*.



Rule
12.8.34.2.2

Activity Table

In the following table:

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

Note:

Words in capitals are defined in Chapter 3 – Definitions

Policy Areas are identified in the Outline Plan – Appendix 19 of the Planning Maps

ACTIVITY	SPECIAL 34 (KUMEU TOWN CENTRE) ZONE			
	POLICY AREA A (Large Format Retail)	POLICY AREA B (Town Centre Mixed Use)	POLICY AREA C (Residential)	POLICY AREA D (Floodway)
Any activity not listed in this Activity Table	NC	NC	NC	NC
Any activity prior to approval of a Development Concept Plan with the exception of additions to or alterations to buildings existing at 3 November 2011 and the storage of materials, goods, BUILDINGS and equipment in Policy Areas B or C.	N/A	NC	NC	NC
Any activity not in accordance with an approved Development Concept Plan with the exception of additions to or alterations to BUILDINGS existing at 3 November 2011.	N/A	NC	NC	NC
Any activity in this table that does not comply with the Development Controls in rule 12.8.34.3	RD	RD	RD	RD
Storage of materials, goods, BUILDINGS and equipment in Policy Areas B or C prior to the approval of a Development Concept Plan	N/A	P	P	N/A
The ERECTION, addition to or external alteration of BUILDINGS and ACCESSORY BUILDINGS	C	C	C	C
Internal alterations to BUILDINGS and ACCESSORY BUILDINGS	P	P	P	P
The addition to or external alteration of BUILDINGS and ACCESSORY BUILDINGS for any activity existing at 21 August 2012	P	P	P	NC
BOARDING HOUSES	NC	RD	P	NC



ACTIVITY	SPECIAL 34 (KUMEU TOWN CENTRE) ZONE			
	POLICY AREA A (Large Format Retail)	POLICY AREA B (Town Centre Mixed Use)	POLICY AREA C (Residential)	POLICY AREA D (Floodway)
DEMOLITION or removal of BUILDINGS except those protected by any rule in this Plan	P	P	P	P
Carparking areas ancillary to a permitted, restricted discretionary or discretionary activity. For clarity, this carparking may be located in a Policy Area other than that where the primary activity is located.	P	P	P	P
CHILD CARE FACILITIES for not more than 10 children at any one time except those within 20m of an INDUSTRIAL ZONE	RD	P	P	NC
CHILD CARE FACILITIES for more than 10 children at any one time except those within 20m of an INDUSTRIAL ZONE	RD	P	D	NC
CHILD CARE FACILITIES within 20m of an INDUSTRIAL ZONE	RD	RD	D	NC
COMMERCIAL SERVICES ²	P	P	NC	NC
DEVELOPMENT CONCEPT PLAN or changes to an approved DEVELOPMENT CONCEPT PLAN for Policy Areas B, C and D	N/A	RD	RD	RD
DRIVE-THROUGH ACTIVITIES ²	P	RD	NC	NC
EDUCATIONAL FACILITIES except those within 20m of an INDUSTRIAL ZONE	RD	P	D	NC
EDUCATIONAL FACILITIES within 20m of an INDUSTRIAL ZONE	RD	RD	D	NC
ENTERTAINMENT FACILITIES ²	RD	P	NC	NC
FIRE SERVICE EMERGENCY SERVICES	RD	RD	D	NC
FUNERAL PARLOURS except those within 20m of an INDUSTRIAL ZONE	RD	P	NC	NC
FUNERAL PARLOURS within 20m of an INDUSTRIAL ZONE	RD	RD	NC	NC
GARDEN CENTRES	P	D	NC	NC
Grazing of animals	P	P	P	P



ACTIVITY	SPECIAL 34 (KUMEU TOWN CENTRE) ZONE			
	POLICY AREA A (Large Format Retail)	POLICY AREA B (Town Centre Mixed Use)	POLICY AREA C (Residential)	POLICY AREA D (Floodway)
HEALTH AND WELFARE SERVICES except those within 20m of an INDUSTRIAL ZONE ²	RD	P	D	NC
HEALTH AND WELFARE SERVICES within 20m of an INDUSTRIAL ZONE ²	RD	RD	D	NC
HIRE PREMISES	P	NC	NC	NC
HOMES FOR THE AGED, and DAY-CARE FACILITIES FOR THE ELDERLY AND DISABLED and ancillary facilities, accommodating <u>not more than</u> 10 persons inclusive of owner, family and staff	NC	D	P	NC
HOMES FOR THE AGED, retirement villages and DAY-CARE FACILITIES FOR THE ELDERLY AND DISABLED and ancillary facilities, accommodating <u>more than 10 persons</u> inclusive of owner, family and staff	NC	D	D	NC
HOMESTAY, accommodating not more than 10 persons inclusive of owner, family and staff	NC	P	P	NC
HOME OCCUPATIONS	NC	P	P	NC
Hostels and PRIVATE HOTELS accommodating not more than 10 persons inclusive of owner, family and staff	NC	P	P	NC
HOSPITALS except those within 20m of an INDUSTRIAL ZONE	RD	P	NC	NC
HOSPITALS within 20m of an INDUSTRIAL ZONE	RD	RD	NC	NC
HOUSEHOLD UNITS except those within 20m of an INDUSTRIAL ZONE ³	NC	RD	P	NC
HOUSEHOLD UNITS within 20m of an INDUSTRIAL ZONE ³	NC	RD	RD	NC
HOUSEHOLD UNITS at ground floor level	NC	RD	P	NC
INTEGRATED RESIDENTIAL DEVELOPMENT and ancillary facilities for the use of people residing in the development ³	NC	D	P	NC
OFFICES ancillary to a permitted, controlled, restricted discretionary, discretionary activity ²	P	P	P	NC



ACTIVITY	SPECIAL 34 (KUMEU TOWN CENTRE) ZONE			
	POLICY AREA A (Large Format Retail)	POLICY AREA B (Town Centre Mixed Use)	POLICY AREA C (Residential)	POLICY AREA D (Floodway)
OFFICES which are not ancillary to a permitted, controlled, restricted discretionary, discretionary activity* ²	RD	P	NC	NC
OUTDOOR RECREATION	P	P	P	P
PLACES OF ASSEMBLY	RD	P	D	NC
RESTAURANTS (excluding DRIVE-THROUGH ACTIVITIES)* ²	RD	P	D	NC
SHOPS with a GROSS FLOOR AREA of 600m ² or less, except SHOPS with OUTDOOR DISPLAY or storage areas in Policy Area B* ²	RD	P	NC	NC
SHOPS other than SUPERMARKETS with a GROSS FLOOR AREA greater than 600m ² , except SHOPS with OUTDOOR DISPLAY or storage areas in Policy Area B* ²	P	RD	NC	NC
SHOPS with OUTDOOR DISPLAY AREAS or storage areas in Policy Area B* ²	NA	D	NA	NA
SHOWROOM and SHOW HOME SITES	P	D	D	NC
SUPERMARKETS* ^{1*2*4}	RD	D	NC	NC
TAKEAWAY FOOD BARS except DRIVE-THROUGH ACTIVITIES* ²	P	P	NC	NC
TRANSPORT CENTRES	P	P	NC	NC
VISITOR ACCOMMODATION except within 20m of an INDUSTRIAL ZONE	RD	P	D	NC
VISITOR ACCOMMODATION within 20m of an INDUSTRIAL ZONE	RD	RD	D	NC
VEHICLE SALES AND HIRE PREMISES	P	NC	NC	NC
WORKROOMS (including kitchens) provided that each WORKROOM is incidental to a SHOP of which it forms a part and serves that SHOP only	P	P	NC	NC
District-wide Activities	Refer to Chapter 16 – General Rules			



ACTIVITY	SPECIAL 34 (KUMEU TOWN CENTRE) ZONE			
	POLICY AREA A (Large Format Retail)	POLICY AREA B (Town Centre Mixed Use)	POLICY AREA C (Residential)	POLICY AREA D (Floodway)
	<p><i>Business zone rules apply to Policy Area A and B, residential rules apply to Policy Area C, and open space rules apply to Policy Area D.</i></p> <p><i>The rules in Chapter 16 shall apply except where they conflict with the rules of the Special 34 Zone, in which case the rules of the Special 34 Zone shall apply.</i></p>			
EARTHWORKS and Vegetation and WETLAND MODIFICATION Activities	Refer to Chapter 18 – Urban Land Modification and Vegetation Protection			
Transport Activities	Refer to Chapter 21 – Transportation and Access			
Use and Storage of HAZARDOUS SUBSTANCES	Refer to Chapter 20 – Hazardous Substances and Contaminated Sites			
UTILITIES	Refer to Chapter 19 - Utilities			

- *1 Rule 12.8.34.4.1 Maximum Supermarket Gross Floor Area shall apply
- *2 Rule 12.8.34.4.2 Maximum Retail/Commercial Gross Floor Area shall apply
- *3 Rule 12.8.34.4.3 Maximum Number of Household Units shall apply
- *4 For the purposes of this Special 34 Zone, SUPERMARKET:
Means a SHOP greater than 600m² in GROSS FLOOR AREA primarily selling a wide range of fresh produce, meat and other foodstuffs, and a wide range of packaged food and non-food grocery items.

Rule 12.8.34.3

Development Controls and Performance Standards

The following development controls and performance standards apply to the respective Policy Areas, except where otherwise altered by an approved Development Concept Plan.

Height

The maximum height of any building in Policy Area A, B and D shall be 12.5m.

In Policy Area C, the maximum height of any building shall be 11.5m with a maximum of 3 storeys.

The maximum height shall be determined using the rolling height method as defined in Chapter 3 – Definitions.

The exclusions in paragraph (iii) under the definition of Height in Chapter 3 – Definitions shall apply to the Special 34 Zone and the exclusions applying to any BUSINESS ZONE (paragraphs (iv), (v), (vi) and (vii)) shall apply to Policy Areas A and B. In addition, satellite dishes less than 1 metre in diameter shall be excluded from any HEIGHT determination in the Special 34 Zone.

Rule
12.8.34.3.1



Rule
12.8.34.3.2

Height in Relation to Boundary

- a) No part of any building shall exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and any site boundary:
 - i) Adjoining an Open Space zone; or
 - ii) Adjoining Policy Area C or D; or
 - iii) Adjoining a site in Policy Area C or D.
- b) In Policy Area C, where a common wall:
 - i) Exists between two buildings on adjacent sites; and/or
 - ii) Is proposed between an existing building and a proposed building on an adjacent site; and/or
 - iii) Is proposed between two buildings on adjacent sites then the height in relation to boundary control will not apply along the length of that common wall.
- c) Rule 12.8.34.3.2(a) shall not apply to:
 - i) Chimneys, radio and television aerials, domestic satellite dishes less than 1 metre in diameter;
 - ii) The apex of any roof or gable end not exceeding 1m² in area;
 - iii) Dormers not exceeding 2 metres in width (not more than two per building facing the same boundary).

Explanation and Reasons

This explanation and reasons relate to rules 12.8.34.3.1 and 12.8.34.3.2.

High buildings in the zone have potential to adversely affect non-business activities due to overshadowing and overlooking. The maximum height rule controls the height of buildings to avoid such effects while encouraging a variety of building heights and building forms (such as a multi storey building, or a single storey large format retail building), and ensuring that a mixture of activities can locate in the zone. The Height in Relation to Boundary Rule complements the Maximum Height Rule in relation to shading and privacy and will assist in maintaining the admission of direct sunlight to non-business activities. The exemption to the Height in Relation to Boundary control for common walls is intended to enable terrace type housing development.



Rule
12.8.34.3.3

Yards

The following minimum yards shall apply.

a) Front Yard

(i)	Policy Area A and B	Nil	for sites with front boundary adjoining State Highway 16
(ii)	Policy Area A and B	Nil	for sites fronting other streets in the Special 34 Zone
(iii)	Policy Area A and B	2m	where the front of a site or part of the site frontage is occupied by a carpark or carparking building.
(iv)	Policy Area C	3m	for sites fronting streets in the Special 34 Zone except rear sites.
(v)	Policy Area D	Nil	

For the purpose of this rule, front yard applies to both public and private roads/streets.

b) Side and Rear Yard

(i)	Policy Area A	Nil	Except where adjoining any Open Space Zone, in which case the required yard shall be 6m.
(ii)	Policy Area B	Nil	Except where adjoining any sites in Policy Area C and/or an Open Space Zone, in which case the required yard shall be 1.2m.
(iii)	Policy Area C	1.2m	Along the boundary between sites in Policy Area C and/or with Policy Area D or an Open Space Zone, except where there is a common wall along the common boundary, in which case the required yard shall be Nil.
(iv)	Policy Area D	Nil	

c) Shoreline Yard: 23m

Use of Yards

- a) All yards shall remain unobstructed by buildings except as provided for below.
- b) The following may be built in all yards other than a Shoreline Yard:
 - i) Decks, unroofed terraces, landings, steps or ramps with a maximum height of 0.6 metres provided they do not prevent

Rule
12.8.34.3.4



vehicle access to a parking space.

- c) The following may be built in all yards:
 - i) Fascia, gutters, downpipes, and eaves; masonry chimney backs, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services; light fittings, electricity or gas meters, aerials or antennas, pergolas or sun blinds provided they do not encroach into the yard by more than 0.3 metres.
 - ii) In Policy Areas A and B, access and manoeuvring areas may occur in those parts of yards not required for landscape planting by rule 12.8.34.3.5.
- d) In addition to the exemptions listed in (b) and (c) the following applies to the front yard in Policy Area C:
 - i) Bay windows, steps, verandahs, porches and balconies may protrude into the front yard but shall not be closer than 1.5m to the front boundary.
- e) No parking areas shall be located in the Shoreline Yard in Policy Area D.

Landscaping in Yards

- a) Front yards shall have a minimum planted area as follows:

(i)	Policy Area A and B	100% of the yard area for yards required under 12.8.34.3.3(a)(iii), except for vehicle crossings and pedestrian access. A minimum of one tree, plus one additional tree for every 10m of street frontage excluding the length of frontage for vehicle crossings and pedestrian access.
(ii)	Policy Area C	50% of the yard area

- b) For any side or rear yards in Policy Area A where adjoining any open space zone, a 3m minimum strip shall be planted with trees, shrubs and grass.
- c) Where three or more trees are required these trees shall not be planted further than 15m apart or closer than 5m apart.
- d) Trees shall be capable of reaching a minimum height of 8m, not be less than 1.5m in height at the time of planting, and have a root ball no less than PB95 in size.

Elements in the Front Yard in Policy Area C and/or on any yard adjoining an Open Space Zone or reserve or Policy Area D

- a) No fence, wall or screen located in the front yard and/or on any yard adjoining an area of open space zone or reserve or Policy Area D, shall exceed a height of 1.2m.

Rule
12.8.34.3.5

Rule
12.8.34.3.6



- b) No planting in the front yard and/or on any yard adjoining an area of open space zone or reserve or Policy Area D shall exceed 1.2m in height except that individual trees spaced a minimum of 5m apart shall be permitted.

Explanation and Reasons

This explanation and reasons relate to rules 12.8.34.3.3 to 12.8.34.3.6.

In Policy Areas A and B, landscaped front yards are required on sites where a parking area is located in the front part of a site in order to mitigate adverse effects on visual amenity. Otherwise, no front yard is required to reflect the desirability of maintaining a building frontage right up to the street boundary. Side and rear yards are required in these Policy Areas only on sites which adjoin sites in Policy Areas C or D. This will help maintain the amenity values of the adjoining sites by providing a degree of separation.

In residential areas, the set back of dwellings from the street influences the streetscape character, residents' privacy and the size of the open space at the rear. In Policy Area C the relatively small front yard requirement will enable sites to be used efficiently.

For the safety of residents, pedestrians and cyclists using the street space, the design of front yards in Policy Area C should provide a high degree of mutual surveillance between the street and dwelling frontages. Front yards should therefore not be screened by a fence, wall or hedge more than 1.2 metres high. Providing for various permitted intrusions into the front yard is intended to encourage variety in street front elevations and opportunities to increase passive surveillance of the street.

Side and rear yards in Policy Area C allow for open space between buildings for site access, building maintenance, privacy, noise reduction and the like. Side yards in particular provide practical access to the building wall and to the rear of the site.

No yards are required for sites in Policy Area D because no buildings are anticipated there.

The Shoreline Yard provides for any future 20m wide esplanade reserve and a 3m wide yard.

Garage Setback

In Policy Area C, where garage doors face the front boundary, the front façade of a garage shall be:

- i) Set back a minimum of 5.5m from the front boundary.
- ii) Set back a minimum of 2m from the front wall of a household unit, and
- iii) Shall occupy a maximum of 35% of the active building frontage or 7m, whichever is the lesser.

For the purpose of this rule, active building frontage is defined as:
The front façade of a dwelling including any attached or detached garage that faces the street but excludes -

- Any vertical faces that are located more than 3m to the rear of the garage door.

Rule
12.8.34.3.7



Rule
12.8.34.3.8

- Any roof.

Explanation and Reasons

Garages should be designed and positioned so that they do not dominate the street and discourage parking vehicles over a footpath.

Street Frontages

- a) For Policy Area A:

Buildings located along the interface between Policy Areas A and B shall either comply with rule 12.8.34.3.8(b), or provide a 3m front yard to achieve partial screening of buildings and amenity enhancement.

- b) For Policy Area B:

- i) Where a site abuts a primary street, any building façade shall occupy a minimum of 70% of that street frontage of the site at ground level.
- ii) Where the building façade is set back from the primary street frontage, it shall be located no more than 5m at any point from the street frontage at ground level.
- iii) Where the building is set back from the primary street frontage, the space between the building and the street frontage shall be occupied by activities or amenities such as outdoor dining, landscape planting, or pedestrian amenities.
- iv) A minimum of 70% of the façade of buildings facing streets at ground level shall comprise clear glazing and pedestrian entries.
- v) The minimum height of building facades facing streets shall be 6m.
- vi) Glazing or balconies shall comprise no less than 30% of the façade of the upper levels of the buildings.

Explanation and Reasons

Buildings in Policy Area A could adversely affect the amenity values of Policy Area B if inappropriately designed. These rules ensure an appropriate interface between Policy Areas A and B is achieved and thus maintain or enhance the amenity values of Policy Area B.

In some parts of Policy Area B it is particularly important to optimise pedestrian amenity values. These are areas of existing and proposed high levels of pedestrian traffic in the vicinity of commercial shops and services, community services and facilities, and recreational and natural values. The relationship between buildings and public open space can either support or detract from the quality of the pedestrian environment.

Locating buildings close to the street with a high percentage of openings (and conversely limited blank walls) reinforces the existing pattern of development in town centres, provides for easy pedestrian access to shops and services, provides visual interest for pedestrians from shop fronts, cafes and adjacent activities, and



enhances the vitality of both the pedestrian environment and adjoining commercial businesses.

Requiring buildings to occupy a high percentage of their street frontage, with parking and service functions located behind or within the building (and accessed wherever possible from service lanes) provides a continuous edge of commercial activities fronting onto the public open space of the street. The requirement for façade modulation or articulation ensures that the buildings have some human scale features, such as the provision of a change in building mass, features such as pilasters, entrances, windows, shutters, balconies, changes in surface texture or detail. This adds to the pedestrian character of the entire street frontage.

Enabling buildings to be set back from part of the street frontage allows for the effective widening of the footpath and extension of the pedestrian environment, and encourages enhancements in the form of seating and outdoor dining areas, display space, supplementary street planting, rubbish bins, mail boxes, phone booths, automatic teller and takeaway windows etc. within this space. This has the added benefit of reduced obstructions on footpaths, and allows for articulation, e.g. periodic offsets or indentations of buildings along the street frontage, for visual variety and avoids a continuous wall of development.

A height minimum has been applied to the building frontage to create sufficient height to provide street definition and provide a sense of containment which contributes to the pedestrian amenity values of the street.

For the purpose of this rule, primary and secondary streets are defined in 12.8.34.5.4.

Rule
12.8.34.3.9

Pedestrian Shelter

Pedestrian shelter shall be provided along building facades fronting primary streets in Policy Area B to provide continuous weather protection. Along building facades fronting secondary streets in Policy Area B, pedestrian shelter shall be provided at building entrances as a minimum.

Explanation and Reasons

This rule is intended to enhance the amenity values of main pedestrian routes throughout the Policy Area. Continuous shelter will provide weather protection for pedestrians as well as a consistent, horizontal building element which will functionally connect individual buildings in the pedestrian area.

Rule
12.8.34.3.10

Maximum Building Coverage

The maximum building coverage of a site in Policy Area C shall be 50% of the net site area.

Explanation and Reasons

Residential areas in former Rodney district are characterised by spaciousness and green open space around buildings. This rule is intended to ensure that these characteristics are retained. The Council recognises that open space is less of an issue in Policy Area C due to its proximity to the town centre, the river in Policy Area D, and the desire to provide a higher density living environment in Policy Area C. A maximum of 50% building coverage will enable a higher density while providing for



private outdoor space and space for planting trees, stormwater drainage, and ensuring a high level of amenity values on residential sites.

Rule
12.8.34.3.11

Maximum Impervious Surfaces

For Policy Area C:

Not more than 60% of the net site area of any site (post-subdivision and not including streets or reserves) may be covered by an impervious surface.

Explanation and Reasons

This rule limits the amount of stormwater runoff by restricting impervious surfaces. By limiting paved surfaces, an appropriate amount of open space is also available for planting and landscaping. This will contribute to the residential amenity values in Policy Area C.

Rule
12.8.34.3.12

Outdoor Living Space

- a) Each household unit located at ground floor level shall provide an area of outdoor open space. The outdoor open space area shall:
 - i) Have a minimum dimension of 4m and be capable of containing a rectangle of 4m by 6m;
 - ii) Not be obstructed by buildings, parking spaces, shared vehicle access or manoeuvring areas;
 - iii) Be directly accessible from the main living room of the household unit;
 - iv) Be located to the north, east or west of the household unit, but not south of east or west measured from the southernmost part of the household unit.

- b) Each household unit without a ground floor level shall provide an area of outdoor open space comprised of an unenclosed balcony, deck, garden or terrace which shall:
 - i) Be a minimum area of 8m² and a minimum dimension of 2m.
 - ii) Be provided:
 - a. In the form of individual balconies and decks directly adjacent to, accessible from, and for the sole use of an individual household unit; or,
 - b. In the form of one or more shared outdoor living spaces with a minimum area of 24m² and a minimum dimension of 5m directly adjacent to, accessible from, and overlooked by a majority of the household units served; or,
 - c. Any combination of (i) and (ii) to provide 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.

Explanation and Reasons

In Policy Area B residential units will most likely be located above shops and other commercial activities. The prime amenity values are proximity to shops,



community services, public transport, and recreational features. For this reason, the rules require a minimum amount of outdoor living space only, in essence an area equivalent to a large balcony.

In Policy Area C, residential units will mostly likely be single dwellings or multi-unit housing and the rule provides for a range of solutions for the various dwelling types. Multi-unit housing would likely include Homes for the Aged or retirement villages where the individual outdoor space requirements would probably be smaller than those for an average family.

At the same time there will be some occupants, including families, who require a greater area of outdoor living space. The rules are therefore flexible in terms of where and how outdoor space may be provided. Outdoor living spaces may be provided in direct proximity to each unit, 'pooled' in a central easily accessible location, or a combination of both.

The outdoor living spaces are to be free of buildings and vehicles since these would diminish the amenity values these areas are intended to provide.

Residential areas in the district are characterised by spaciousness and green open space around buildings. The rules for ground level units will ensure that these characteristics are retained. Open space also plays an important part in providing room for planting trees, stormwater drainage, and ensuring high levels of amenity values on residential sites. This rule will ensure open space is provided on sites in a form that is useable.

Rule
12.8.34.3.13

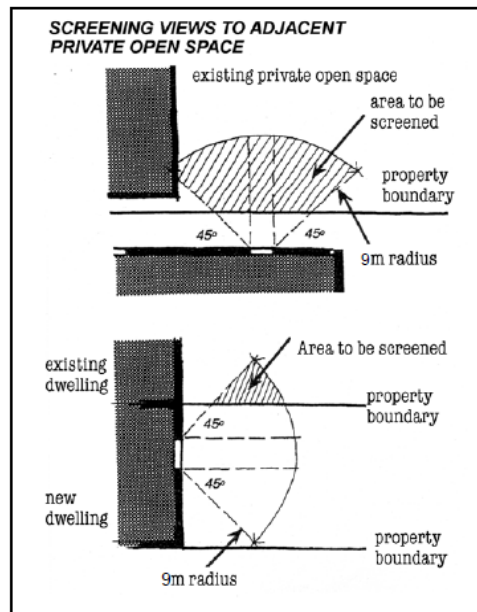
Privacy and Outlook

- a) Where any proposed habitable room window, or balcony of a household unit in Policy Area B or C is less than 6m from, and has direct views into, a habitable room or balcony of another residential unit the windows or balconies shall:
 - i) Be offset a minimum of 1m from the edge of one window or balcony to the edge of the other window or balcony; or
 - ii) Have a windowsill or non-transparent screen to a height of 1.6m above floor level; or
 - iii) Have fixed obscure glazing in the window below 1.6m above floor level;
 - iv) Be on the ground floor level and separated by a fence of 1.6m minimum height.
- b) Direct views from any rooms of a building other than household units in Policy Area B and C into the principal areas of adjoining private open space of residential units should be screened or obscured within a 9m radius and 45 degrees of the wall containing the window, or from a balcony by either:
 - i) A solid wall or screen not less than 1.8m in height; or
 - ii) Planting



The following are exempt from (b) above:

- i) A laundry, bathroom or toilet;
- ii) Any room designed to be used solely as an entrance hall, passage way, storeroom, or private garage;
- iii) Any room which does not comply with the minimum areas and HEIGHTS specified in the Council's BUILDING bylaws.



Explanation and Reasons

This rule provides a balance between allowing the windows of upper storeys of new developments to have reasonable daylight and outlook while limiting intrusive overlooking of the habitable rooms and private open space of existing units on adjoining sites. Planting should be selected to ensure that when mature it achieves a similar level of privacy to a 1.8 metre high fence or wall.

Rule
12.8.34.3.14

Building Block

In Policy Area C:

No building block shall exceed a length equal to 5 household units or 40m whichever is the lesser.

Explanation and Reasons

This rule avoids the adverse visual effects of long uninterrupted building facades and encourages planting vegetation between buildings.

Rule
12.8.34.3.15

Appearance of Sites

In Policy Areas A and B:

- a) Any storage or service areas (including mechanical, electrical and utility equipment, refuse and recycling activities) not enclosed in a building shall be screened from view from public streets, reserves or other public spaces and from residential areas by walls not less than 1.8m in height, or any other form of screening which will achieve the equivalent screening of a 1.8m high wall.



- b) Rubbish stored in any building or on any part of a site shall be contained in a purpose-made container with a secure cover which shall be screened from any adjoining reserve, Policy Area C, Policy Area D, or other public place.
- c) On the construction or substantial reconstruction of business floorspace, a suitable area to be used only for the storage of rubbish shall be provided and thereafter used for that purpose.

Explanation and Reasons

The physical appearance of a site can have an adverse visual impact on adjacent residential and open space areas and can adversely impact on the amenity values of such sites. The rules minimise the adverse visual effects of business activities on adjoining activities by screening areas used for rubbish storage. The rules will also assist in minimising the effects of noise, dust and litter on adjoining sites.

Rule
12.8.34.3.16

Noise

- a) Noise in Policy Areas A and B:

The noise level from any activity shall not exceed the levels specified in Table A, when measured on any site in Policy Area A or B.

Table A Noise Received in Policy Areas A and B (L_{eq})

	Noise Limits dBA Leq
Policy Area	At all Times
Policy Area A	65
Policy Area B	60

- b) Noise in Policy Area C
 - i) The noise level from any activity shall not exceed the levels specified in Table B, when measured on any site in Policy Area C, except for noise generated within the permitted noise limits from an Industrial Zone.



Table B Noise Received in Policy Area C (L_{eq})

	Noise Limits dBA L_{eq}			
	Mon-Sat 7am – 7pm	Mon-Sat 7pm- 10pm	Sundays and Public Holidays 7am-10pm	At all other times
Low Background Noise Level ⁽¹⁾	50dBA	50dBA	50dBA	40dBA 55dBA @ 63Hz 50dBA @ 125Hz and 70 dBA $L_{(max)}$
High Background Noise Level ⁽²⁾	55dBA	50dBA	50dBA	45dBA 60dBA @ 63Hz 55dBA @ 125Hz and 75dBA $L_{(max)}$

⁽¹⁾ Low background noise level sites include all those not specified as having a high background noise level.

⁽²⁾ High background noise level sites are those having a common boundary with Policy Area A, B and Industrial Zones, or where the site is located within 70m of any strategic route, regional arterial road, future arterial road or district arterial.

- ii) When measured noise levels are assessed against the limits of Table B, no adjustment shall be made for tonality as referred to in NZS 6802:1999 Appendix A.A6.2.
 - iii) Noise generated in Policy Area C which is intermittent and/or limited in duration and is associated with household activities shall be exempt from the provisions of 12.8.34.3.13(b)(i) between the hours 7:00am – 6:00pm. For example: lawn mowing and other customary property and house maintenance activities, but not including playing or amplification of music.
- c) Noise in any habitable rooms shall comply with the following:
- i) New dwellings in Policy Area B and C shall be designed and constructed to ensure that the internal noise level shall not exceed a level of 35dBA (L_{eq}) 24 hours in bedrooms and 40dBA (L_{eq}) 24 hours in other habitable rooms. The limits shall be complied with at the same time as the relevant ventilation requirements of the Building Code are met. Where mechanical ventilation is required, a combined noise level from the mechanical ventilation system and from other external activity on other sites shall not exceed the limits in Table C.
 - ii) Such rooms shall be designed to achieve the required internal noise level, based on the external noise level incident at the site boundary as set out in Table C.



Table C Sound Pressure Levels

Octave Band (Hz)	63	125	250	500	1k	2k	4k	dBA L _{eq}
	Sound Pressure Level							
From Policy Area B	57	65	61	57	53	53	49	60
From the Industrial Zone	67	77	71	67	63	63	59	70

d) Noise in Policy Area D

The noise level from any activity on sites in Policy Areas A, B and C shall not exceed 55dBA L_{eq} at any time when measured on any land in Policy Area D.

e) In respect of compliance with 12.8.34.3.16(a), (b), (c) and (d):

- i) Noise levels shall be measured and assessed in accordance with the provisions of New Zealand Standard NZS 6801:2008 *Acoustics – Measurement of Environmental Sound* and New Zealand Standard NZS 6802:2008 *Acoustics – Environmental Noise*.
- ii) Where a building is required to comply with an internal noise limit, acoustic certification from a qualified and experienced person shall be provided with any building consent application.
- iii) Notwithstanding the above performance standards, the Council reserves the right to use its powers under the Resource Management Act 1991 to control any unreasonable noise.
- iv) The noise limits of rules 12.8.34.3.16(a), (b), (c) and (d) shall not apply to any noise generated from use of warning devices and sirens utilised for public emergency service activities.

f) For the avoidance of doubt, rule 16.9.2.2 applies to the Special 34 Zone.

Explanation and Reasons

Noise at a level above those permitted could have an adverse effect on the amenity values and on the health of people subject to any infringement. These rules anticipate a variety of activities in the different policy areas and provide appropriate protection, particularly for residential activity. The rules also acknowledge and manage potential reverse sensitivity issues regarding noise generated in the existing adjoining Industrial Zone which has higher noise limits.

Roof Materials

All roofs and associated external drainage fixtures shall be made of materials other than uncoated galvanised, zinc-alum and copper materials.

Rule
12.8.34.3.17



Rule
12.8.34.3.18

Explanation and Reasons

This rule ensures that stormwater runoff from galvanised materials will not adversely affect the ecology of the receiving environment.

Flood Prone Areas

- a) Buildings shall not be located within an overland flow path.
- b) No buildings containing habitable rooms shall be located within the 100 year ARI floodplain.
- c) All floors containing habitable rooms shall have a minimum freeboard of at least 0.5m above the level of the 100 year ARI floodplain.
- d) Loose items or materials capable of floating and potentially blocking flood flow paths shall not be stored within overland flow paths or below the level of the 100 year ARI floodplain based on predicted flood levels at the time of development.
- e) Hazardous substances shall not be stored within overland flow paths or below the level of the 100 year ARI floodplain based on predicted flood levels at the time of development. This rule shall not apply to the storage of the hazardous substances listed in rule 20.9.3.1. (s6.16.4(i))

Explanation and Reasons

For the avoidance of doubt, although no buildings may be located within an overland flow path, buildings may be located over the line of an historic flow path that has been relocated or culverted (subject to engineering approval).

Consistent with the Network Discharge Consent for the Kumeu River Catchment (granted on 19 July 2011) buildings containing habitable rooms are not to be located below the level of the 100 year ARI floodplain while 500mm freeboard to that flood level is required for floors containing habitable rooms. However, where it can be demonstrated that the completion of the Kumeu River floodway will remove the 100 year ARI floodplain from the area proposed for buildings it is anticipated that an application may be made for resource consent in the interim. Such an application is required to address the full extent of flood risk and effects that may arise, including the risk that completion of the Kumeu River floodway is delayed.

Buildings and business activities, such as storage yards, located in flood prone areas can be adversely affected by flooding but can also exacerbate the flood hazard. Loose material can float and block flood flow paths making flooding worse upstream.

To ensure that the efficiency of the Kumeu River floodway is not compromised, most buildings are to be located outside Policy Area D.

Rule
12.8.34.3.19

On-site Parking

This rule relates to on-site parking. For rules relating to on-street parking see Chapter 23 – Subdivision and Servicing.

- a) Except as set out in 12.8.34.3.19(b) and (c), Chapter 21 applies to the Special 34 Zone.



b) Parking Space Numbers:

All activities in any Policy Area in the Special 34 Zone shall provide the number of parking spaces specified in Appendix 21B, except for household units in Policy Area B and C where the following shall apply:

Household Units in Policy Area B	Dwelling Size	Spaces per dwelling
	1 Bedroom	1.0
	2 Bedrooms	1.5
	3 Bedrooms or more	2.0
	Added spaces for visitors per dwelling	0.25
Household Units (Single or Multiple in Policy Area C)	<p>2 for every household unit, at least 1 of which must be sited so that a complying private garage or carport of 3 metres x 6 metres can be erected.</p> <p>At least 1 car park space shall be allocated to each household unit, which includes the visitor parking requirement.</p>	

c) Landscaping of Parking Areas:

- (i) In Policy Area A, at least one tree shall be required for every 10 outdoor parking spaces provided. Trees shall be planted in or adjacent to the parking area.
- (ii) In Policy Area B, at least one tree shall be required for every 5 outdoor parking spaces provided. Trees shall be planted in or adjacent to the parking area.

Explanation and Reasons

This rule ensures that all activities make adequate provision on-site for parking demands that they generate so that the safety, efficiency and amenity values of the adjacent road network are not diminished. Minimum standards avoid individual activities shifting their parking demand onto adjacent public roads.

The requirement for tree planting is to provide some visual relief to the expanse of paved car park areas.

Rule 12.8.34.4

Rule
12.8.34.4.1

Special Development Controls

Maximum Supermarket Gross Floor Area

The total supermarket GFA in the Special 34 Zone shall not exceed 4,000m².

Non-compliance with this rule is a discretionary activity.

Explanation and Reasons

Supermarkets are predominantly accessed by car because of the nature of the merchandise and the quantity of items purchased. These factors, together with frequency of customer visits, mean that they typically generate significantly more



Rule
12.8.34.4.2

traffic (on a floor area basis) than other shops. To limit potential adverse traffic effects, the provisions provide for one medium sized supermarket in the Special 34 Zone by way of a floor area limitation.

Maximum Retail/Commercial Gross Floor Area

The total GFA of activities identified in the Activity Table in rule 12.8.34.2.2 marked with *2 shall not exceed 20,000m².

Shops for the sale of builders', tradesmen's, engineers', farmers' and handymen's supplies, or motor vehicle and machinery parts and tools are exempt from this rule.

Non-compliance with this rule is a discretionary activity.

Explanation and Reasons

Activities within the 20,000m² development cap are the commercial and other activities typically found in a town centre. At that level of development, any adverse traffic effects, or adverse effects arising from the economic impact of the establishment of the Kumeu Town Centre on other centres, will be no more than minor.

Shops selling builders', tradesmen's, engineers', farmers' and handymen's supplies, or motor vehicle and machinery parts and tools, are exempt from this rule because they are not typical town centre activities and they also generate relatively low levels of traffic.

Rule
12.8.34.4.3

Maximum Number of Household Units

The maximum number of household units permitted in the Special 34 Zone is 150.

Non-compliance with this rule is a discretionary activity.

Explanation and Reasons

150 household units represents the realistic development potential of the Special 34 Zone at an appropriate density for the town centre. This maximum has been calculated assuming all of Policy Area C is developed for residential activity and further dwellings are developed on the upper levels of buildings in Policy Area B. At this intensity of development, traffic effects (residential and commercial activities combined) will be no more than minor.

Rule
12.8.34.4.4

No-build Zone

- a) No buildings shall be erected in Policy Area D except structures associated with outdoor recreation, lighting, and carparking areas (excluding carparking buildings) if it can be demonstrated that the structures will not obstruct the flow of water or reduce flood storage.
- b) The area occupied by parking in Policy Area D shall not exceed 30% of the area of the Policy Area.



Rule
12.8.34.4.5

Non-compliance with this rule is a non-complying activity.

Explanation and Reasons

Policy Area D is the floodway that has been constructed alongside the Kumeu River. No buildings are allowed in that area because they potentially obstruct flows and affect the efficiency of the floodway to alleviate flooding. Slender structures which come under the definition of building, such as light standards or goal posts, may be appropriately located within the floodway provided it can first be shown that their effect on flood flows will be negligible.

Activities within a high voltage transmission line corridor

The following activities are restricted discretionary activities. Applications will be assessed against, and conditions imposed, only in respect of the matters over which discretion has been retained in rule 12.8.34.8.16.1.

- a) New buildings or structures located within 12-32 metres either side of the centreline of an electricity transmission line shown on the Planning Maps and the Outline Plan.
- b) Earthworks that occur in and around electricity transmission [National Grid] lines that:
 - (i) are at a greater depth than 300mm within 2.2m of a pole support structure, or
 - (ii) are at a greater depth than 750mm between 2.2m and 5m of a pole support structure, or
 - (iii) are at a greater depth than 300mm within 6m of the outer visible edge of a tower support structure, or
 - (iv) are at a greater depth than 3m between 6m and 12m of the outer visible edge of a tower support structure, or
 - (v) create an unstable batter, or
 - (vi) within 12m either side of the centreline of an electricity transmission line shown on the Planning Maps and the Outline Plan that result in a reduction of the existing conductor clearance distances.

Exceptions:

- (i) and (ii) do not apply to vertical holes, not exceeding 500mm in diameter, beyond 1.5m from a pole support structure.
- These rules do not apply to earthworks undertaken by utilities.
- These rules do not apply to normal agricultural or domestic cultivation or repair, sealing, resealing an existing road, footpath or driveway.

Rule
12.8.34.4.5.1

For any resource consent application for a restricted discretionary or non-complying activity under this rule, notice is to be served on Transpower New Zealand Limited.



Rule
12.8.34.4.5.2

Any new building or structure within 12m of the centreline of an electricity transmission line shown on the Planning Maps and the Outline Plan is a non-complying activity.

Explanation and Reasons

Development and activities located within the high voltage electricity transmission corridor can increase the risk of electrical hazards to the public, to maintenance workers, and to property. These electrical hazards can take the form of arcing, flashovers or, earthing issues and can be caused by people, buildings or vegetation coming into direct contact with transmission lines or support structures. With flashovers or line contact there is also the risk of disruption to the operation of the National Grid, which may in turn result in an outage of electricity supply to communities, people and industry. The rules ensure that these risks are minimised and adverse effects arising from development and activities close to the transmission lines that cross the Special 34 Zone are avoided, remedied or mitigated.

Rule
12.8.34.4.6

Wastewater Servicing

If no public reticulated sewerage system is available at the time of development, on-site treatment systems shall be provided and will be assessed as a restricted discretionary activity.

All activities shall be connected to a public reticulated sewerage system when one becomes available.

Non-compliance with this rule is a non-complying activity.

Explanation and Reasons

The Council anticipates that a public reticulated sewerage system will be available at Kumeu by the end of 2011. The provisions ensure that development is not precluded if the system is delayed. Once the public system is operational, all activities requiring wastewater servicing must be connected to avoid adverse effects on water quality and to support the viability of the public system. A condition of consent will be imposed to ensure activities are connected to the public system when one becomes operational, and that any on-site systems are decommissioned.

Rule
12.8.34.4.7

Water Servicing

If no public water supply system is available at the time of development, on-site systems shall be provided and will be assessed as a restricted discretionary activity.

All activities shall be connected to a public reticulated water supply system when one becomes available.

Non-compliance with this rule is a non-complying activity.

Explanation and Reasons

The Council anticipates that a public reticulated water supply system may be available at Kumeu in 2013. The provisions ensure that development is not precluded if the system is delayed by enabling the installation of on-site systems. Once the public system is available, all activities requiring water supply must be



Rule
12.8.34.4.8

connected to ensure security of supply and to support the viability of the public system. A condition of consent will be imposed to ensure activities are connected to the public system when one becomes operational, and that any on-site systems are decommissioned.

Direct Connections to State Highway 16

No more than one signalised connection providing direct access from the Special 34 zone to State Highway 16 shall be implemented without the prior written approval of the New Zealand Transport Agency.

Non-compliance with this rule is a non-complying activity.

Explanation and Reasons

Four indicative access points to the Special 34 zone are shown on the Outline Plan. The two access points to the west of Access Road would provide direct access onto State Highway 16 and the NZTA considers that installing traffic signals at both locations would generate unacceptable adverse effects on the efficient operation of State Highway 16 as it passes through Kumeu. However, the NZTA has confirmed that signalling the access point into Policy Area A would be satisfactory. An access at the Access Road traffic signals may be considered appropriate, subject to an assessment of traffic effects at the time an application is made for resource consent.

12.8.34.5

Development Concept Plan

Rule
12.8.34.5.1

In Policy Areas B, C and D, subdivision and the erection, of buildings or accessory buildings shall take place only in accordance with an approved Development Concept Plan, failing which a non-complying activity resource consent will be required.

Rule
12.8.34.5.2

Any resource consent application for the erection of buildings or accessory buildings and any application for subdivision in Policy Areas B, C or D shall:

- a) Be accompanied by an application for a DCP for Policy Areas B, C and D where no DCP has been approved at the time of lodgement; or
- b) Be accompanied by an application to change an existing approved DCP; or
- c) Demonstrate that the proposal is in accordance with the most recently approved DCP applying to the land affected; or
- d) Be assessed as a non-complying activity.

The DCP shall cover Policy Areas B, C and D and show in detail the information listed in rule 12.8.34.5.4 in respect of the entire area whether or not that land is owned by the applicant.

Rule
12.8.34.5.3

Evidence of consultation with Auckland Transport and the New Zealand Transport Agency (in relation to transportation and roading) and with Iwi (in relation to planting proposed for Policy Area D), as well as the written approval of, or evidence of consultation with, all landowners in Policy Areas B, C and D, shall be provided when the initial DCP application is lodged or if an application



Rule
12.8.34.5.4

is made to change a DCP.

For the purpose of this zone, the DCP means, in relation to Policy Areas B, C and D, a plan or plans with appropriate explanatory notes and reports, to demonstrate the total expected development for the site or group of sites (even if the development is to proceed in stages) so as to identify the potential integration of all parts of the proposal in Policy Areas B, C and D and with adjacent properties. Such plan(s), explanatory notes and reports shall include the following information:

- a) Existing site boundaries
- b) Street network for Policy Areas B, C and D and widths of all proposed streets and the development blocks created by this street network.
- c) A proposed street hierarchy identifying both primary and secondary streets.
- d) Typical cross sections of the different types of street to be installed.
- e) Access arrangements for the Special 34 zone.
- f) A traffic assessment to accompany the Special 34 zone access proposal.
- g) Identification and incorporation of planned connections through the site.
- h) Proposed pedestrian or cycle network.
- i) The exact delineation between Policy Areas B and C with no more than a 5% change in area of either Policy Area B or C when compared with that illustrated on the Outline Plan.
- j) The indicative location of types of activities listed as permitted activities in rule 12.8.34.2.2 Activity Table.
- k) A demonstration of how a residential density of 30 dwellings per hectare (calculated using the area of Policy Area C) can be achieved in Policy Areas B and C.
- l) The indicative location of activities that are not listed as permitted activities in rule 12.8.34.2.2 Activity Table.
- m) The location and dimensions of public and esplanade reserves.
- n) A landscape concept for public spaces (including main tree species) and for the Kumeu River riparian margin.
- o) Provision for views to Policy Area D from State Highway 16 and within the site.
- p) The location of flood plains and overland flow paths and proposals for stormwater disposal.
- q) The proposed location for stormwater and wastewater infrastructure.



- r) Indicative building footprints and associated carpark areas in Policy Area B.
- s) Typical design of furniture, paving and lighting for public spaces.
- t) Indicative finished ground level contours.
- u) Demonstration as to how the proposal integrates with surrounding development and zones.
- v) Identification of the main public locations in Policy Area B and C where visual connection(s) to the Kumeu River will be provided.
- w) For the avoidance of doubt, it is not anticipated that the following information would be required as a part of a DCP, although it may be required for subsequent or concurrent land use or subdivision applications:
 - All proposed internal site boundaries.
 - Detailed street designs (i.e. kerb shape and dimensions, exact parking location and dimensions).
 - A landscaping plan including, a full list of species PB size, exact location and maintenance schedules.
 - Stormwater details and design for individual sites.
 - Individual permitted land use activities and their location.
 - A Sediment Management Plan.
 - Details of earthworks.

Note: In this special zone, primary streets are the main pedestrian streets. Secondary streets are less pedestrian orientated and are less critical in the establishment of the retail offering.

Rule
12.8.34.5.5

Resource consent applications, for both subdivision and land use for activities in Policy Areas B, C and D will be assessed for consistency with the approved DCP and the relevant provisions of the District Plan, and conditions of consent and consent notices may require compliance with the DCP.

Rule
12.8.34.5.6

For the avoidance of doubt, approval of a DCP will not fetter the Council's ability to grant or to refuse consent for future applications for the use or development of land.



12.8.34.6

Rule
12.8.34.6.1

Rule
12.8.34.6.2

Development Concept Plan: Assessment Criteria

Matters for Discretion

The Council will restrict its discretion to aspects of the DCP relating to the following:

- a) The overall development concept;
- b) Vehicle and pedestrian access to the site;
- c) The relationship of the town centre to the Kumeu River and to adjoining sites;
- d) Concept design for the internal street network, connections, building typologies, parking areas, public spaces and landscaping;
- e) The provision of infrastructure services; and
- f) Stormwater management.

Assessment Criteria

When considering an application that requires the provision of a DCP, the Council will have regard to the following criteria:

Vehicle and Pedestrian Access

- (a) Whether access to the site from the State Highway is logically placed to support the function of the town centre.
- (b) Whether the New Zealand Transport Agency has provided its approval for any direct access to the site from State Highway 16.
- (c) Whether access to the site from the State Highway is safe and efficient.

Relationship to State Highway

- (a) Whether development presents an attractive frontage to the State Highway.
- (b) Whether development precludes the use of land identified for road widening purposes.

Relationship to Kumeu River

- (a) Whether development and open space will actively front the river environment.
- (b) Whether the location of activities and buildings, and the street network, maximise visual and functional linkages with the river.
- (c) Whether the planting proposed for the riparian margin will maintain or enhance natural habitats and the amenity values of the Kumeu River.

Relationship to Adjoining Sites

- (a) Whether any proposed activities are functionally and visually integrated with existing activities on adjoining sites where appropriate.



- (b) Whether pedestrian and vehicular linkages to adjoining activities are provided for where appropriate.

Street Network

- (a) Whether pedestrian and vehicle circulation is safe, legible and efficient.
- (b) Whether a hierarchy of streets is developed suitable for the proposed activities in the zone.
- (c) Whether an appropriate street typology is proposed for each street.
- (d) Whether the street network is designed in such a way as to facilitate any future links through the site from neighbouring land that are proposed by roading authorities, including the indicative connections to the west and east shown on the Outline Plan of the Planning Maps.

Carparking Areas

- (a) Whether carparking areas are located so that they are visually recessive in the street environment.
- (b) Whether carparking areas are located and designed to provide safe and convenient access to activities.
- (c) Whether carparking areas are designed to be safe and convenient for all users, including pedestrians and cyclists, having regard to the nature of these areas as shared spaces.
- (d) Whether appropriate landscape elements are incorporated in the carpark areas to ensure that a good level of visual amenity is achieved.

Pedestrian and Cycle Network

- (a) Whether proposed pedestrian and cycling connections are direct and logical.
- (b) Whether pedestrian connections are clearly identifiable, sheltered, safe and continuous.
- (c) Whether proposed furniture, paving, and lighting are fit for purpose and collectively assist in creating a sense of place and identity.

Buildings

- (a) Whether buildings would allow for a range of tenancy sizes and activity types i.e. a mix of uses.
- (b) Whether buildings in Policy Area B generally front the street and contribute to a fine grained character for the town centre core.

Public Space

- (a) Whether public space is suitable for the intended purpose and contributes to a sense of place and identity.



- (b) Whether public space will support/encourage social interaction.
- (c) Whether public space in Policy Area B is fronted by pedestrian orientated activities.
- (d) Whether the development concept facilitates passive surveillance of publicly accessible space.

Landscape design

- (a) Whether the design of streets incorporates structural planting consisting of trees to provide shade and a sense of enclosure appropriate to the street typology.
- (b) Whether the design of carparking areas incorporates trees to provide shade and mitigate the visual effects of areas of parked vehicles.
- (c) Whether the design of public spaces incorporates planting that contributes to amenity and a safe environment for users.
- (d) Whether the landscape design contributes to a sense of place and identity.

Infrastructure

- (a) Whether any stormwater and wastewater infrastructure is appropriately located and has been designed to take account of potential flood levels.
- (b) Whether services are provided in accordance with the Council's Standards for Engineering Design and Construction. (s6.16.4(l))

Stormwater Management

- (a) Whether overland flowpaths are retained or relocated.
- (b) Whether the operation of retained or relocated overland flowpaths will be affected by the location of buildings or activities.
- (c) Whether development will impede flood flows.
- (d) Whether low impact design concepts are incorporated in stormwater management measures.
- (e) Whether stormwater management is in accordance with the Council's Catchment Management Plan and Network Discharge Consent.

Overall Development

- (a) Whether the development concept facilitates an economic, social and cultural focus for Kumeu and Huapai.
- (b) Whether the DCP will enable a form of development that is consistent with the development controls and performance standards of the zone.



12.8.34.7

Rule

12.8.34.7.1

Controlled Activities: Matters for Control and Assessment Criteria

In accordance with sections 77B and 104A of the Act, the Council will restrict its control to the following matters when considering resource consent applications for controlled activities: For the purpose of section 95A applications for controlled activities under this rule will not be notified and notice of such applications will not be served on any person(s).

Matters for Control

- (a) Extent of compliance or integration with the most recently approved Development Concept Plan for Policy Area B, C and D.
- (b) Vehicle and pedestrian access and connections.
- (c) Site layout including location and design of buildings, floor levels, overland flowpaths, car park areas, activities, vehicle and pedestrian circulation, open space and landscaped areas.
- (d) Form, design, and spatial relationships of buildings and open space.

12.8.34.7.2

Assessment Criteria for Policy Area A

When considering a controlled activity application the Council will have regard to the following criteria:

If a Development Concept Plan has been approved for Policy Areas B, C and D

- (a) Whether the proposed development is visually and functionally integrated with development identified on the approved Development Concept Plan for Policy Areas B, C and D.

If a Development Concept Plan has not been approved for Policy Areas B, C and D

- (a) Whether the development will provide opportunities for future integration of Policy Area A with Policy Area B in relation to legible and safe vehicle and pedestrian linkages.

Access from the State Highway

- (a) Whether access from the State Highway is logically placed to support the function of the town centre.
- (b) Whether access from the State Highway is safe and efficient.

Site Design

- (a) Whether legible and safe access is provided for vehicles and pedestrians from the street network, including streets internal to the zone.
- (b) Whether the layout of Policy Area A is designed in such a way as to facilitate any future links through the site from neighbouring land in the



indicative location shown on the Outline Plan of the Planning Maps.

- (c) Whether service and storage areas are located and screened in a visually appropriate manner to avoid or mitigate adverse effects on pedestrian and public areas and residential development.
- (d) Whether the location of and landscaping around buildings contribute positively to the amenity of the State Highway 16 road environment.
- (e) Whether development precludes the use of land identified for road widening purposes.

Building Design

- (a) Whether development defines and creates a strong edge to public open spaces and streets through the scale of buildings and/or the use of planting.
- (b) Whether the design of each façade of the building contributes to a level of amenity appropriate to the degree of pedestrian activity anticipated, particularly where the building facades front State Highway 16, an internal street, or is the façade which includes the main pedestrian entrance.

Carparking Areas

- (a) Whether carparking areas are located and designed to provide safe and convenient access to activities.
- (b) Whether carparking areas are designed to be safe and convenient for users, including pedestrians and cyclists, having regard to the nature of these areas as shared spaces.

Assessment Criteria for Policy Areas B, C and D

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

Development Concept Plan

- (a) Whether the development is in accordance with the most recently approved Development Concept Plan for Policy Areas B, C and D.

Site Design

- (a) Whether legible and safe access is provided for vehicles and pedestrians from the street network, including streets internal to the zone.
- (b) Whether the scale and position of buildings contributes to creating an enclosed street space as anticipated in the DCP (where applicable).
- (c) Whether carparking areas are located so that they are visually recessive in

12.8.34.7.3



the street environment.

- (d) Whether service and storage areas are adequately screened from pedestrian and public areas and residential development.
- (e) Whether the proposed planting incorporates trees and, together with other landscape elements, contributes to an appropriate level of site amenity.
- (f) Where any building is set back from the street frontage, whether the area of the site between the building and the street is designed to be an extension of the street space.
- (g) In Policy Area B, whether the location of landscaping including around buildings contributes positively to the amenity of the State Highway 16 road environment.
- (h) Whether development precludes the use of land identified for road widening purposes.

Buildings

- (a) Whether the design provides buildings with a fine grain rhythm and provides interesting and varied facades to the street.
- (b) Whether the buildings are of a scale appropriate for the location.
- (c) In Policy Area B, whether buildings allow for a range of tenancy sizes and activity types (i.e. a mix of uses).
- (d) In Policy Area D, whether buildings are designed and located so that they will not adversely affect the efficiency of the operation of the floodway and/or the amenity values of the Kumeu River.
- (e) Whether the development defines and creates a strong edge to public open spaces and streets through the scale of buildings and/or the use of planting.
- (f) Whether the design of each façade of the building contributes to a level of amenity appropriate to the degree of pedestrian activity anticipated, particularly where the building facades front State Highway 16, an internal street, or is the façade which includes the main pedestrian entrance.

Relationship to Kumeu River

- (a) Whether stormwater management is in accordance with the Catchment Management Plan and Network Discharge Consent.
- (b) Whether stormwater management provides for unimpeded overland flowpaths.



12.8.34.8

Restricted Discretionary Activities – Matters for Discretion and Assessment Criteria

In accordance with sections 77B and 104C of the Act the Council will restrict its discretion to the matters listed against each specified activity when considering resource consent applications for restricted discretionary activities. For the purpose of section 95A of the Act, applications for restricted discretionary activities under this rule will not be notified and notice of such applications will not be served on any person(s).

12.8.34.8.1

Any activity that does not comply with rule 12.8.34.3.1 (Height) and 12.8.34.3.2 (Height in Relation to Boundary).

Rule

12.8.34.8.1.1

Matters for Discretion

The Council will restrict its discretion to the following:

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

Rule

12.8.34.8.1.2

Assessment Criteria

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

- (a) Whether the infringement will have an adverse effect on the access of direct sunlight and daylight to household units and open space.
- (b) Whether the infringement will adversely affect the amenity values and visual character of adjacent sites.
- (c) Whether the infringement will influence the wind environment to an extent that it will adversely affect the comfort of pedestrians at street level or areas of public open space.

Explanation and Reasons

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

12.8.34.8.2

Any activity that does not comply with rule 12.8.34.3.3 (Yards), 12.8.34.3.4 (Use of Yards), and 12.8.3.5 (Landscaping in Yards).

Rule

12.8.34.8.2.1

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Scale, siting and design of buildings.
- (b) Location of access and services.
- (c) Elements in yards.
- (d) Adjoining landowner approval.



Rule
12.8.34.8.2.2

Assessment Criteria

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

- (a) Whether the infringement together with the scale and design of the buildings and structures, will adversely affect the amenity and visual character of adjacent sites.
- (b) In Policy Area C, whether the infringement will have an adverse effect on the overall character and amenity values of the area.
- (c) Whether the infringement will have an adverse effect on direct sunlight and daylight to adjoining sites.
- (d) Whether the infringement will have an adverse effect on site access or providing services to the site.
- (e) Whether the proposed planting will maintain or enhance the streetscape, and the visual amenity of the site, and relate positively to the adjoining and adjacent sites.
- (f) Whether parking and manoeuvring areas located in areas required for planting in rule 12.8.34.3.5 are necessary to ensure safe and efficient vehicular movements and whether sufficient planting is provided elsewhere to maintain the amenity values of the site.
- (g) Whether the site layout is designed to minimise any adverse visual effects of fences and other structures in yards.
- (h) Whether adjoining landowner's approval has been obtained for any infringement.

Explanation and Reasons

Non-compliance with these development controls could adversely affect the amenity values and character of the overall zone and on adjoining land. It may be suitable to locate parking and manoeuvring areas in areas required for landscape planting, however it must be demonstrated that planting is provided elsewhere and the visual amenity of the site will still be achieved.

It may be suitable to have a zero side yard on one side and the total side yard width on the opposite which would encourage a variation in the width of side yards and provide an efficient use of space which could minimise the extent of fences and encourage tree planting in the side yards.

12.8.34.8.3

Any activity that does not comply with rule 12.8.34.3.6 (Elements in the Front Yard in Policy Area C and/or any yard adjoining an area of open space zone or reserve or Policy Area D)

Rule
12.8.34.8.3.1

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) The design and location of structures.



Rule
12.8.34.8.3.2

(b) Proposed planting.

Assessment Criteria

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

(a) Whether visual permeability between the site and the adjoining open space zone, reserve, street or Policy Area D is provided.

Explanation and Reasons

Any infringement could have adverse effects on the safety of the open space, reserve, street or Policy Area D as reduced visual permeability could reduce the passive surveillance of public open space from a site.

12.8.34.8.4

Any activity that does not comply with rule 12.8.34.3.7 (Garage Setback)

Rule
12.8.34.8.4.1

Matters for Discretion

The Council will restrict its discretion to the following:

(a) The design of buildings.

Rule
12.8.34.8.4.2

Assessment Criteria

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

(a) Whether the garage will dominate the street frontage.

(b) Whether the layout of buildings and garages discourages cars from parking across the footpath or verge.

Explanation and Reasons

Garages have the potential to dominate the street which can cause adverse effects on the street amenity. Any reduced setback has the potential to encourage vehicles to park over the footpath creating adverse effects on the functionality and amenity of the street.

12.8.34.8.5

Any activity that does not comply with rule 12.8.34.3.8 (Street Frontage)

Rule
12.8.34.8.5.1

Matters for Discretion

The Council will restrict its discretion to the following:

(a) Site layout and building design.

Rule
12.8.34.8.5.2

Assessment Criteria

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

(a) Whether alternative mitigation measures are used to reduce the visual



	<p>effect of large buildings on sites in Policy Area B.</p> <ul style="list-style-type: none">(b) Whether the infringement will adversely affect the amenity values and visual character of adjacent sites.(c) Whether the infringement will adversely affect the establishment of a strong building edge to the street environment.(d) Whether the infringement will adversely affect the ability for activities to contribute positively to an active street environment.(e) Whether blank walls are avoided.(f) Whether other measures are utilised to create an active building frontage. <p>Explanation and Reasons <i>See the explanation and reasons for rule 12.8.34.3.8</i></p>
12.8.34.8.6	<p>Any activity that does not comply with rule 12.8.34.3.9 (Pedestrian Shelter)</p>
<p><i>Rule</i> 12.8.34.8.6.1</p>	<p>Matters for Discretion</p> <p>The Council will restrict its discretion to the following:</p> <ul style="list-style-type: none">(a) Building design and layout.
<p><i>Rule</i> 12.8.34.8.6.2</p>	<p>Assessment Criteria</p> <p>When considering an application the Council will have regard to the following criteria:</p> <ul style="list-style-type: none">(a) Whether alternative building design or architectural features would achieve the equivalent level of shelter for pedestrians.(b) Whether the infringement will cause adverse effects on amenity for users of the street space. <p>Explanation and Reasons</p> <p><i>Shelter significantly enhances the amenity and the spatial structure of a street space. The criteria allow flexibility for the design of the building to provide shelter.</i></p>
12.8.34.8.7	<p>Any activity that does not comply with rule 12.8.34.3.10 (Maximum Building Coverage) and rule 12.8.34.3.11 (Minimum Impervious Surfaces)</p>
<p><i>Rule</i> 12.8.34.8.7.1</p>	<p>Matters for Discretion</p> <p>The Council will restrict its discretion to the following:</p> <ul style="list-style-type: none">(a) Scale, siting and design of buildings, and structures(b) Landscaping(c) Drainage



Rule
12.8.34.8.7.2

Assessment Criteria

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

- (a) Whether the additional coverage will adversely affect the residential scale and character of the site and surrounding area.
- (b) Whether the additional coverage will adversely affect overall residential amenity values in terms of open space provision, vegetation cover and privacy.
- (c) Whether the additional coverage will adversely affect the stormwater drainage system, flooding and overland flow paths.

Explanation and Reasons

There is flexibility where there is a minor deviation from the rules on unusual sites or in unusual circumstances, or where the infringement is likely to have a low level of adverse effects.

12.8.34.8.8

Any activity that does not comply with rule 12.8.34.3.12 (Outdoor Living Space)

Rule
12.8.34.8.8.1

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Building design and layout.
- (b) Sunlight admission.

Rule
12.8.34.8.8.2

Assessment Criteria

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

- (a) Whether the proposed outdoor living space provides an equivalent level of amenity to that provided by compliance with the rule.

Explanation and Reasons

An outcome which infringes the rules could provide an alternative outdoor living space that is suitable and equivalent to that specified.

12.8.34.8.9

Any activity that does not comply with rule 12.8.34.3.13 (Privacy and Outlook)

Rule
12.8.34.8.9.1

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Privacy and outlook.



Rule
12.8.34.8.9.2

Assessment Criteria

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

- (a) Whether adverse effects on privacy and outlook are mitigated by alternative methods.

Explanation and Reasons

This rule limits direct overlooking of habitable rooms or private open space areas of existing residential units on adjacent sites. This will have the effect of creating and maintaining visual privacy for occupants of residential units and there may be alternative suitable methods not considered in this Plan.

Rule
12.8.34.8.10
Rule
12.8.34.8.10.1

Any activity that does not comply with rule 12.8.34.3.14 (Building Block)

Matters for Discretion

The Council will restrict its discretion to the following:

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

Rule
12.8.34.8.10.2

Assessment Criteria

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

- (a) Whether the design of the building and landscape elements mitigate potential adverse visual effects of continuous long facades.
- (b) Whether the design incorporates connections through the building to promote physical permeability.

Explanation and Reasons

Non-compliance with the building block control could adversely affect the visual amenity and character of Policy Area C due to long uninterrupted walls. However it may be suitable to have a building façade exceed this control if it can be demonstrated that appropriate mitigation measures such as façade treatment or building modulation are used to reduce the adverse effects of the building form.

12.8.34.8.11

Any activity that does not comply with rule 12.8.34.3.15 (Appearance of Sites)

Rule
12.8.34.8.11.1

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) The external appearance of buildings.
- (b) The location of storage or service areas.



Rule
12.8.34.8.11.2

Assessment Criteria

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

- (a) Whether the infringement adversely affects the visual amenity of the zone and any adjoining open space and Policy Area C.

Explanation and Reasons

Non-compliance with the rule that requires screening of all storage and service areas will not always adversely affect the visual amenity of public spaces or residential areas.

12.8.34.8.12

Any activity that does not comply with rule 12.8.34.3.16 (Noise)

Rule
12.8.34.8.12.1

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Design of habitable rooms.

Rule
12.8.34.8.12.2

Assessment Criteria

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

- (a) Whether a combination of building design and screening between a noise source and a dwelling will achieve compliance with the required noise level.

Explanation and Reasons

Permanent screening in combination with the design of a dwelling may attenuate noise levels in habitable rooms so that the maximum internal noise levels specified in rule 12.8.34.3.16(c) are achieved.

12.8.34.8.13

Any activity that does not comply with rule 12.8.34.3.17 (Roof Materials)

Rule
12.8.34.8.13.1

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) The effects of runoff on the stormwater disposal system and receiving waters.

Rule
12.8.34.8.13.2

Assessment Criteria

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

- (a) Whether stormwater treatment devices are provided on site to remove zinc contaminants from stormwater runoff.



12.8.34.8.14

Rule

12.8.34.8.14.1

Rule

12.8.34.8.14.2

Explanation and Reasons

If zinc-rich roofing materials are proposed it will be necessary for the applicant to demonstrate that the use of stormwater treatment devices will avoid adverse effects on the stormwater system and receiving waters.

Any activity that does not comply with rule 12.8.34.3.18 (Flood Prone Areas)

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Scale and location of buildings and/or activities
- (b) Risk to public safety from flooding.

Assessment Criteria

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

- (a) Whether the siting or scale of the building or activity or site development will divert flows or create or exacerbate flooding on the site or other property, including public land, either upstream or downstream of the site.
- (b) Whether buoyant material stored in open yards in Policy Areas A and B is secured so as not to float and/or become an obstruction to flood waters.
- (c) Whether the risk to public safety arising from the location of buildings containing habitable rooms is avoided or appropriately mitigated.
- (d) Whether the implementation of the Kumeu floodway will remove the 100 year ARI flood plain from the area in which buildings are proposed.

Explanation and Reasons

It is important to ensure that the effects of proposals to locate buildings and activities, such as storage yards, in flood prone areas are assessed to ensure that they will not exacerbate the flood hazard or compromise public safety. Loose material, such as timber, should be located or secured so as not to float and block flow paths, making flooding worse.

In some circumstances development of land affected by the 100 year ARI flood plain may be sought before the Kumeu floodway is fully implemented. The timing for delivery of the Kumeu floodway is presently uncertain, but modelling indicates that each stage will change parts of the flood plain to varying extents. The criteria enable the effects of development in the 100 ARI floodplain to be assessed where this land will subsequently be removed from the floodplain following the completion of the Kumeu floodway.



12.8.34.8.15

Rule

12.8.34.8.15.1

Any activity that does not comply with rule 12.8.34.3.19 (On-site Parking)

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Number of carparks.

Assessment Criteria

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

- (a) Whether sufficient carparks are provided to meet the expected number of vehicles generated by the activity.

Explanation and Reasons

See explanation for rule 12.8.34.3.19.

12.8.34.8.16

Rule

12.8.34.16.1

Buildings and structures within an electricity transmission corridor

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Effects on electricity transmission networks

Assessment Criteria

- (a) Whether NZECP34:2001 is complied with.
- (b) Whether the location, height, scale, orientation and use of buildings and structures ensure the following matters are addressed:
 - The risk to the structural integrity of the transmission line;
 - The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network;
 - The risk of electrical hazards affecting public or individual safety, and risk of property damage;
 - The extent of earthworks required, and use of mobile machinery near the transmission line which may put the line at risk;
 - Minimising the visual effects from the transmission line, and;
 - Outcomes of any consultation with the relevant line owner.

12.8.34.8.17

Rule

12.8.34.17.1

Earthworks within an electricity transmission line corridor (as shown in Appendix 19 to the Planning Maps)

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Effects of earthworks on electricity transmission networks



Rule
12.8.34.8.17.2

Assessment Criteria

- (a) Whether the integrity of the transmission line is adversely affected by;
 - (i) Volume, area and location of the works, including temporary activities such as stockpiles;
 - (ii) Time of the works;
 - (iii) Proposed site remediation;
 - (iv) The use of mobile machinery near the transmission line which may put the line at risk;
- (b) Whether NZECP 34:2001 is complied with; and
- (c) Outcomes of any consultation with the relevant line owner.

12.8.34.8.18

Rule
12.8.34.8.18.1

New Zealand Fire Service emergency services in Policy Areas A and B

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Traffic movement, parking and pedestrian movement.
- (b) Screening.
- (c) Noise.

Rule
12.8.34.8.18.2

Assessment Criteria

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

- (a) Whether entry and exit points to the site will have an adverse effect on pedestrian safety and the safe and efficient operation of the transport network.
- (b) Whether there is sufficient space on-site for manoeuvring of vehicles and staff parking.
- (c) Whether the facilities incorporate screening to protect land in adjoining residential, open space, and business zones and sites adjoining or in the Special 34 Zone so that the amenity values reasonably expected in those zones are not significantly diminished by activities on the site.
- (d) Whether the operation of the service and/or building design incorporates noise attenuation methods sufficient to ensure that adverse noise effects, excluding noise from emergency sirens, do not detract from the amenity values of any adjacent residential or rural zones, or any sites adjacent/in the Special 34 zone.

Explanation and Reasons

Where fire stations are close to residential and other sensitive uses it is necessary to control the potential adverse effects of vehicle movements, activities and buildings on nearby uses and zones where practicable, while allowing for the design



requirements of an effective and efficient emergency service that is acknowledged as essential in the district and generally appropriate in business areas.

12.8.34.8.19

Child care facilities, educational facilities, entertainment facilities, funeral parlours, health and welfare services, hospitals, offices which are not ancillary to a permitted, controlled, restricted discretionary, discretionary activity, places of assembly, restaurants (excluding drive through activities), and visitor accommodation

Rule
12.8.34.8.19.1

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Building design and layout
- (b) Reverse sensitivity effects
- (c) Health and safety

Rule
12.8.34.8.19.2

Assessment Criteria

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

- (a) Whether building design and layout seeks to protect those activities from the adverse effects of activities in the industrial zone, and whether reverse sensitivity effects are avoided, remedied, or mitigated.

Explanation and Reasons

Assessment against this criterion will ensure that reverse sensitivity effects do not impact on the ability of activities permitted in the industrial zone to establish or continue to operate.

12.8.34.8.20

Household Units and Boarding Houses in Policy Area B

Rule
12.8.34.8.20.1

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Reverse sensitivity effects
- (b) Building design and site layout
- (c) Parking
- (d) Relationship with adjoining activities

Rule
12.8.34.8.20.2

Assessment Criteria

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

- (a) Whether the building is consistent with an approved Development Concept Plan applying to the site.
- (b) Whether building design and site layout seeks to protect people from adverse effects of non-residential activities, and whether reverse sensitivity effects are avoided, remedied, or mitigated.
- (c) Whether the proposal integrates with existing and proposed



development elsewhere on the same site and on adjoining sites.

- (d) Whether the external appearance of buildings enhances the amenity values of the area and is consistent with the objectives and policies for Policy Area B.
- (e) Whether the proposal incorporates any commercial activities with residential activities into one building to minimise the overall footprint and manage potential reverse sensitivity issues.
- (f) Whether privacy for individual units will be achieved, and whether the design anticipates any potential further development adjacent to the site in terms of maintaining privacy.
- (g) Whether access to the site and buildings is logical and intuitive.
- (h) Whether the location and orientation of a building maximises solar access and minimises loss of sun to habitable rooms and outdoor living space.
- (i) Whether the quality of private space will contribute to the amenity of the site and the surrounding environment.
- (j) Whether car parking areas are screened from public view and conveniently located for residents.
- (k) Whether the proposal is compatible with adjoining activities.

Explanation and Reasons

Residential activity in a town centre can be beneficial for the vitality and viability of the centre. However, it is necessary when designing dwellings in a mixed use environment to address matters additional to those addressed for development in a solely residential area. These criteria will assist to ensure that dwellings in Policy Area B are appropriately designed for living in the town centre environment.

12.8.34.8.21

Rule

12.8.34.8.21.1

Supermarkets in Policy Area A

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Traffic.

Assessment Criteria

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

- (a) Whether safe and efficient access can be provided to and from State Highway 16.
- (b) Whether the New Zealand Transport Agency has provided its approval for direct access to the site from State Highway 16.



- (c) Whether adverse effects on the safe and efficient operation of State Highway 16 can be avoided, remedied, or mitigated.

Explanation and Reasons

Supermarkets are high traffic generators and the assessment of traffic effects at the resource consent stage will ensure that the access to the Special 34 zone from State Highway 16 is appropriately designed. The New Zealand Transport Agency is the roading authority for State Highway 16 and its approval is required for any direct connection from the site. The cost of works required to mitigate the effects of traffic generated by activities in the Special 34 zone approved by resource consent may be required to be borne by the consent holder.

12.8.34.8.22

Shops other than supermarkets with a Gross Floor Area greater than 600m², except shops with outdoor display or storage areas in Policy Area B

Rule

12.8.34.8.22.1

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Traffic
- (b) Parking
- (c) Site layout
- (d) Design of buildings

Rule

12.8.34.8.22.2

Assessment Criteria

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

- (a) Whether safe and efficient access can be provided to and from State Highway 16 and the local street network.
- (b) Whether adverse effects on the safe and efficient operation of State Highway 16 can be avoided, remedied, or mitigated.
- (c) Whether the required parking is conveniently located in a manner which minimises adverse visual effects.
- (d) Whether the site layout and the design of buildings provides a fine grain character to primary streets.
- (e) Whether long uninteresting and unactivated walls are avoided on street frontages.

Explanation and Reasons

Large shops generally generate more traffic than smaller shops and their design can have an adverse effect on the urban amenity of a town centre.

12.8.34.8.23

Shops with a Gross Floor Area of 600m² or less in Policy Area A

Rule

12.8.34.8.23.1

Matters for Discretion



Rule
12.8.34.8.23.2

The Council will restrict its discretion to the following:

- (a) Pedestrian circulation
- (b) Building design and layout
- (c) Relationship with adjoining activities

Assessment Criteria

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

- (a) Whether the shops are readily accessible from Policy Area B.
- (b) Whether conflict between vehicles and pedestrians is avoided.
- (c) Whether the location and scale of development provides a transition between Policy Areas A and B.
- (d) Whether the location and individual activities will support rather than detract from the vitality and viability of Policy Area B.

Explanation and Reasons

While it is desirable to incorporate a limited number of small shops in Policy Area A to act as a transition between Policy Areas A and B, this should not be at the expense of adversely affecting pedestrian safety, detracting from the primary purpose of Policy Area A to accommodate large format retail, or diminishing the mix of activities in the commercial core of the town centre in Policy Area B.

12.8.34.8.24

Rule
12.8.34.8.24.1

Any activities requiring on-site wastewater and water supply systems

Matters for Discretion

The Council will restrict its discretion to the following:

- (a) Design of the on-site system
- (b) Scale, siting and location of the proposed system
- (c) Odour and noise

Rule
12.8.34.8.24.2

Assessment Criteria

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

- (a) Whether the proposed system will adequately service the intended activities.
- (b) Whether the proposed system is an appropriate scale and location for the site.
- (c) Whether the proposed system will affect the visual amenity of the surrounding environment.
- (d) Whether the proposed system will generate excessive odour or noise



affecting the amenities of adjacent properties.

- (e) Whether the proposed water supply system complies with the operational requirements of the New Zealand Fire Service for the provision of water for fire fighting purposes

Explanation and Reasons

Although public reticulated systems are proposed in the near future, provision has been made to ensure developments are not precluded before the public systems are operational. The criteria seek to ensure that any on-site systems are appropriate for the activities and location, and that excessive odour and noise is avoided.

12.8.34.9

Rule
12.8.34.9.1

Discretionary Activities – Matters for Discretion and Assessment Criteria

Without limiting the exercise of its discretion, for all discretionary activity resource consent applications, the Council will have regard to the criteria in rules 12.8.34.7 and 12.8.34.8, other relevant provisions of the Plan (including rule 12.9) and the relevant matters set out in section 104 of the Act.

12.8.34.10

12.8.34.10.1

Rule
12.8.34.10.1.1

Rule
12.8.34.10.1.2

Rule
12.8.34.10.1.3

Rule
12.8.34.10.1.4

Rule
12.8.34.10.1.5

Rule
12.8.34.10.1.6

12.8.34.10.2

Rule
12.8.34.10.2.1

Subdivision

Activity Rules

Any subdivision of land in the Special 34 zone is a restricted discretionary activity.

The subdivision of land shall comply with the development controls in rule 12.8.34.10.2 and the relevant rules in *Chapter 23 – Subdivision and Servicing*.

Any subdivision not complying with the development controls in rule 12.8.34.10.2 shall be a restricted discretionary activity.

Any subdivision of land within 32m of the centreline of a high voltage transmission line shall be a restricted discretionary activity. (s6.14.4(i))

Restricted discretionary activity subdivisions shall be assessed against those matters over which discretion is retained, set out in rule 12.8.34.10.4, and the relevant matters set out in *Chapter 23 - Subdivision and Servicing*.

Subdivision in Policy Areas B, C or D prior to an approved DCP and subdivision not in accordance with an approved DCP is a non-complying activity.

Development Controls

Site Size

- a) Policy Areas A, B and D:
The minimum site size is 2,000m².



- b) Policy Area C:
The minimum site size is 200m².

There is no minimum site size where the subdivision is part of an integrated residential development that has been granted resource consent.

Explanation and Reasons

For Policy Areas A and B, the creation of small sites can restrict the ability to accommodate the desired buildings and required parking, manoeuvring and loading areas on site. This can create adverse effects on the road network by roadside parking causing congestion. It can also have an adverse effect on adjoining sites by making access difficult. Inadequate manoeuvring and loading areas can lead to the need for vehicles to reverse into or out of sites, which also creates congestion and safety issues on the roading network. Small sites are not anticipated in Policy Area D.

In Policy Area C, the minimum site size is the basic rule determining the future intensity of development in residential areas. The site size provided for reflects the expectation that a relatively high intensity of residential development will be provided in Policy Area C.

Rule
12.8.34.10.2.2

Site Frontage

- a) Policy Areas A, B and D:

Minimum widths of site frontages area:

Zone	Minimum Width of Site Frontage (m)	
	Front	Rear Site
Policy Area A, B and D	40	9

For rear sites in Policy Area A, up to two sites may gain frontage over a jointly owned access lot, or right of way for the benefit of the sites, or combination of both, of not less than 9m in width.

- b) Policy Area C:
i) Minimum widths of site frontages are:

Zone	Minimum Width of Site Frontage (m)	
	Front	Rear Site
Policy Area C	7	3

- ii) A minimum total of 1m width landscape strip formed either on one side or both sides of the carriageway shall be provided within a jointly owned accessway or right of way accessing rear sites.
- iii) Up to 6 sites or household units may gain frontage over a jointly owned access lot or right of way for the benefit of the sites or a combination of both. Where multiple household units that would gain frontage over a jointly owned access lot or right of way are proposed, that development shall be limited so that a single household unit may be built on each vacant site served by the same



access lot or right of way without contravening this rule.

Explanation and Reasons

For Policy Areas A and B, the creation of sites with a frontage that is too narrow can create access and servicing difficulties.

For Policy Area C, minimum frontages are specified to ensure that adequate access is provided to sites for immediate and later future development. The number of sites that may gain access to lots and rights of way is limited. Streets are an essential element of the residential environment and it is important that sites gain the benefits of facing the street. Shared driveways can also generate adverse effects such as long blank walls along narrow carriageways and parking congestion. Where development is carried out in an integrated manner these adverse effects can be considered as part of the overall assessment of a resource consent application.

Shape Factor

- a) Policy Areas A and B
Each site shall be of such a shape as to contain a rectangle (which has an area equal to half the area of the site) which has its longer sides no greater than twice the length of its shorter sides.

Explanation and Reasons

It is desirable to ensure that sites are created which are of sufficient dimensions and scale to accommodate the needs of most activities, including parking, loading and manoeuvring areas, as well as buildings.

Cross Lease, Unit Titles and Company Leases

In all Policy Areas, the standard for cross lease, unit titles and company leases shall be:

- (a) The subdivision shall be for buildings or activities that comply with the rules in this Plan, or an approved Development Concept Plan (as applicable); or
- (b) A resource consent has been granted for the buildings or activities which are the subject of the proposed subdivision, or an approved Development Concept Plan (as applicable).
- (c) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common purposes, including access or parking.
- (d) The subdivision shall be for development that complies with section 46(4) of the Building Act 1991.
- (e) Where an existing building included in an application for subdivision consent has obtained a resource consent, or is a permitted activity, or complies with an approved Development Concept Plan (as applicable), any proposed covenant, unit or accessory unit boundary shall be

Rule
12.8.34.10.2.3

Rule
12.8.34.10.2.4



consistent with all relevant development controls of the zone or conditions of any resource consent granted.

- (f) Where any building included in the application for subdivision consent has not been constructed at the time of granting consent, the Council will not approve the survey plan under section 223 of the Act until the building is completely framed up to and including the roof level in accordance with the Plan or any resource consent granted. The Council may require the height of the building and its position in relation to the boundaries of the site to be confirmed in a certificate from a registered surveyor.
- (g) A staged unit title or cross lease subdivision shall have sufficient area for further complying development which shall be free from inundation and slippage and capable of adequate servicing. The Council may require any application to show compliance with this rule.

Explanation and Reasons

Where development is permitted or has been granted consent, the provision of cross lease, unit title or company lease titles is appropriate. It is important to ensure that exclusive areas and common areas are identified, particularly parking areas.

12.8.34.10.3

Rules in other Chapters of the Plan

Rules in *Chapter 23 – Subdivision and Servicing* shall also apply except where they conflict with any development control in rule 12.8.34.10.2.

12.8.34.10.4

Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria

In accordance with sections 76(3B) and 105(3A) of the Act, when considering resource consent applications for the subdivision of land the Council will restrict its discretion to the matters listed, in addition to the matters set out in *Chapter 23 Subdivision and Servicing*. Pursuant to section 95A, applications for restricted discretionary activities under this rule will not be notified and notice of such applications will not be served except when specified otherwise in the following rules.

12.8.34.10.4.1

Subdivision in the Special 34 zone

Rule

Matters for Discretion

12.8.34.10.4.1.1

The Council has restricted its discretion to the following:

- (a) Development Concept Plan
- (b) Site size and shape
- (c) Site contours and overland flowpaths
- (d) Site access and frontage
- (e) Reserve provision
- (f) Layout, including pedestrian, cyclist and public transport route connectivity linkages



Rule
12.8.34.10.4.1.2

Assessment Criteria

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

- (a) In Policy Areas B, C or D whether the subdivision is consistent with the most recently approved Development Concept Plan.
- (b) Whether the sites are suitable for the activities proposed or permitted on them by the District Plan and can accommodate the parking, open space and buildings necessary for those activities.
- (c) Whether the size and shape of the sites reflect the intended level of intensity of the zone in which they are located.
- (d) Whether sites have adequate legal and physical frontage to a public street to enable permitted activities to establish and to operate.
- (e) Whether sites are provided with suitable, adequate and sufficient infrastructure including street network and utility services so any adverse environmental effects are avoided or mitigated.
- (f) Whether sites not reticulated for sewage and stormwater disposal are able to collect, treat and dispose of sewage and stormwater on site without generating adverse effects.
- (g) Whether the site will be of such a shape to permit the erection of a household unit which complies with the performance criteria of the building code and with other development controls in the Plan.
- (h) Whether the site will be of such a shape to permit access to any building area on the site to be achieved over the same site, except in the case of a site served by a right of way or jointly owned access lot.
- (i) Whether the convenience and safety of the access for users and adjoining sites is adversely affected.
- (j) Whether any reduction in access width would cause adverse effects to be experienced on nearby sites.
- (k) Whether the ability of the access to be used by vehicles associated with the intended activities is reduced.
- (l) If subdivision relates to an integrated residential development whether the assessment criteria for the integrated residential development are met.
- (m) Whether the subdivision results in sections that are within the floodplain or an overland flow path.
- (n) Whether stormwater management provides for clear, unimpeded overland flowpaths.



12.8.34.10.4.2

Rule

12.8.34.10.4.2.1

Subdivision not complying with rule 12.8.34.10.2.1 Minimum Site Size or rule 12.8.34.10.2.3 Shape Factor

Matters for Discretion

The Council has restricted its discretion to the following:

- (a) Site size
- (b) Site shape

Rule

12.8.34.10.4.2.2

Assessment Criteria

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

Whether the site will be able to accommodate:

- (i) The necessary on-site parking;
- (ii) The necessary manoeuvring areas;
- (iii) The necessary loading areas;
- (iv) Buildings of an appropriate size for the proposed activity

without generating adverse effects on adjoining sites or the street network.

Explanation and Reasons

See the explanation and reasons for rules 12.8.34.10.2.1 and 12.8.34.10.2.2.

12.8.34.10.4.3

Rule

12.8.34.10.4.3.1

Subdivision not complying with rule 12.8.34.10.2.2 Site Frontage

Matters for Discretion

The Council has restricted its discretion to the following:

- (a) Site frontage.

Assessment Criteria

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

(a) Whether the site will be able to accommodate:

- (i) Safe access to the site for vehicles;
- (ii) Services to be provided to the site.

Explanation and Reasons

See the explanation and reasons for rules 12.8.34.10.2.2.

12.8.34.10.4.4

Rule

12.8.34.10.4.4.1

Subdivision within the Transmission Line Corridor

Matters for Discretion



Rule
12.8.34.10.4.4.2

The Council has restricted its discretion to the following:

(a) Effects on the Electricity Transmission Network

Assessment Criteria

- a) Whether the subdivision design avoids, remedies or mitigates conflicts with existing lines, for example through the location and design of roads, reserves, landscaping and building platforms;
- b) The ability for maintenance and inspection of transmission lines, including ensuring access;
- c) Whether the design and development will minimise the risk or injury and/or property damage from such lines;
- d) The ability to provide a platform for a complying building ;
- e) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); and
- f) Outcomes of any consultation with the affected utility operator.