



12.8.11

SPECIAL 11 (HALL FARM DEVELOPMENT AREA) ZONE

12.8.11.1

Zone Issues, Objectives, Policies and Description

12.8.11.1.1

Issues

Refer to section 12.2.

12.8.11.1.2

Objectives

Objective

12.8.11.1.2.1

To enable comprehensively designed rural residential development which retains a rural character and provides a buffer between strictly rural uses to the west, and the urban area of Orewa.

Objective

12.8.11.1.2.2

To enable the balance of the land not used for residential purposes to be used for farming and recreational activities.

Objective

12.8.11.1.2.3

To protect the rural and landscape character of the Zone.

Objective

12.8.11.1.2.4

To protect areas of native vegetation, unstable land and land adjoining waterways.

Objectives from other chapters

Readers should note that Objectives from the following chapters are also relevant:

Chapter 5 - Natural Hazards

Chapter 17 - Cultural Heritage

Chapter 18 - Urban Land Modification and Vegetation Protection

Chapter 19 - Utilities

Chapter 20 - Hazardous Substances and Contaminated Sites

Chapter 21 - Transportation and Access

Chapter 22 - Financial Contributions and Works

Chapter 23 - Subdivision and Servicing

12.8.11.1.3

Policies

Policy

12.8.11.1.3.1

Provision should be made for a diversity of land use, housing and household types, to allow a wide range of residential alternatives and to promote variety and interest in the spatial configurations, and varied social opportunities.

(This policy seeks to achieve Objective 12.8.11.1.2.1)

Policy

12.8.11.1.3.2

A comprehensive approach to the development of the area should be employed, to avoid unfocused peri-urban sprawl and to maintain large areas of open space for dry stock grazing and recreational purposes.

(This policy seeks to achieve Objective 12.8.11.1.2.2)



<p>Policy 12.8.11.1.3.3</p>	<p>Residential development should be grouped in nodes or clusters, each with its own focus, to provide identity for the groupings and structure for the larger development.</p> <p><i>(This policy seeks to achieve Objective 12.8.11.1.2.1 and 12.8.11.1.2.3)</i></p>
<p>Policy 12.8.11.1.3.4</p>	<p>Non-residential activities should be centrally located.</p> <p><i>(This policy seeks to achieve Objective 12.8.11.1.2.1)</i></p>
<p>Policy 12.8.11.1.3.5</p>	<p>The central focus area should be linked to the other clusters of development by a network of roads, paths and trails to allow vehicle, cycle, pedestrian and horseback access.</p> <p><i>(This policy seeks to achieve Objective 12.8.11.1.2.1)</i></p>
<p>Policy 12.8.11.1.3.6</p>	<p>Development should contain a mixture of private and communal property to achieve a variety of site sizes, while maintaining a low overall density.</p> <p><i>(This policy seeks to achieve Objectives 12.8.11.1.2.1 and 12.8.11.1.2.3)</i></p>
<p>Policy 12.8.11.1.3.7</p>	<p>The total number of private lots in the development should not exceed 200 but here is no limit on the number of private lots in a cluster.</p> <p><i>(This policy seeks to achieve Objectives 12.8.11.1.2.1, 12.8.11.1.2.3 and 12.8.11.1.2.4)</i></p>
<p>Policy 12.8.11.1.3.8</p>	<p>Common areas should be used for farming and recreational activities and recreational use should be provided by way of picnic sites, walking and riding trails and viewing areas.</p> <p><i>(This policy seeks to achieve Objectives 12.8.11.1.2.2, 12.8.11.1.2.3 and 12.8.11.1.2.4)</i></p>
<p>Policy 12.8.11.1.3.9</p>	<p>Development should not adversely affect the landscape character of the area, particularly prominent ridges or knolls.</p> <p><i>(This policy seeks to achieve Objectives 12.8.11.1.2.1, and 12.8.11.1.2.3)</i></p>
<p>Policy 12.8.11.1.3.10</p>	<p>Existing native vegetation within the Development Area should be retained as far as possible.</p> <p><i>(This policy seeks to achieve Objectives 12.8.11.1.2.3, and 12.8.11.1.2.4)</i></p>
<p>Policy 12.8.11.1.3.11</p>	<p>Existing watercourses should be retained and enhanced by tree planting and the creation of artificial lakes.</p> <p><i>(This policy seeks to achieve Objective 12.8.11.1.2.4)</i></p>



Policy

12.8.11.1.3.12

Policies from the following chapters are also relevant:

Chapter 5 - Natural Hazards

Chapter 17 - Cultural Heritage

Chapter 18 - Urban Land Modification and Vegetation Protection

Chapter 19 - Utilities

Chapter 20 - Hazardous Substances and Contaminated Sites

Chapter 21 - Transportation and Access

Chapter 22 - Financial Contributions and Works

Chapter 23 - Subdivision and Servicing

Explanation and Reasons

This explanation and reasons relate to Policies 12.8.11.1.3.1 to 12.8.11.1.3.11.

These policies are intended to ensure that the residential development occurs in a way which does not adversely affect the rural character of the area. They also seek to protect the natural character of the area including areas of native vegetation and the margins of water courses.

12.8.11.1.4

Description

This Zone applies to some 253 hectares of land west of Orewa, which adjoins the proposed western edge of urban development in Orewa.

The purpose of the Zone is to provide for a mixture of rural and urban activities at an overall low intensity, but with sufficient grouping of development to promote a sense of community within the Development Area, and to ensure long-term protection of those parts of the Area which are unsuitable for development. This includes areas of native vegetation, areas of unstable land and land adjoining waterways. The Zone is intended to form a clear separation between the urban development in Orewa and the rural activities to the west.

Development will occur following subdivision of the property into private lots which will be individually sold, and common lots which will be held in common by the private lots. Each private lot will be available for use as a residential site, or for any other activity permitted by the rules relating to the Development Area. Private lots will be distributed around the Development Area in clusters which will be surrounded by large areas of commonly owned land.

The common lots are to be used for farming and recreational purposes and may include buildings for these purposes. Areas in native vegetation are to be protected, both by their location within the common land and through restrictions on clearing, but will be available for passive enjoyment by residents. Dams will create artificial lakes on existing watercourses. The dams, the water course, and a strip of land along each side of each watercourse or waterbody, to allow access and for planting to maintain water quality, are to be retained in the common land.

A Concept Plan is included at Appendix 12E, setting out the general layout of the development. While this does not show the precise location of roads, buildings and lot boundaries, the Rules require the development to be generally consistent with the Concept Plan.



Rule 12.8.11.2

Rule 12.8.11.2.1

**Rule 12.8.11.2.2
Activity Table**

Activity Rules

Activities in the Special 11 (Hall Farm Development) Zone shall comply with the following:

- (a) All Permitted and Controlled Activities in the Activity Table in Rule 12.8.11.2.2 shall comply with Rule 12.8.11.3 Development Controls and Performance Standards, and any other relevant Rule in the Plan.
- (b) All Discretionary Activities in the Activity Table in Rule 12.8.11.2.2 will be assessed against the criteria set out in 12.8.11.6 Discretionary Activities: Assessment Criteria, any other relevant Discretionary Activity Assessment Criteria, and the relevant matters in section 104 of the Act.

Activity Table

In the following table:

- P** = Permitted Activity
- C** = Controlled Activity
- D** = Discretionary Activity
- NC** = Non-complying Activity
- PRO** = Prohibited Activity

Note: Words in Capitals are defined in *Chapter 3 - Definitions*

ACTIVITY	ACTIVITY STATUS
Any Permitted or Controlled Activity in this Table which does not comply with the Development Controls and Performance Standards in Rule 12.8.11.3.	D
Any activity not listed in this Activity Table	NC
The ERECTION, addition to or alteration of BUILDINGS and ACCESSORY BUILDINGS for Permitted Activities, excluding OUTDOOR RECREATION and HOME OCCUPATIONS	P
The ERECTION, addition to or alteration of BUILDINGS and ACCESSORY BUILDINGS for Controlled Activities	C
The DEMOLITION or removal of BUILDINGS, except those protected by a Rule in this Plan	P
BOARDING HOUSES, hostels and private hotels accommodating not more than nine persons inclusive of owner, family and staff on any PRIVATE LOT	C



DAMS across any watercourse, where the HEIGHT of the DAM does not exceed 4 metres as measured vertically from the DAM crest to the bed of the WATERCOURSE, and the surface area of the impounded WATER at the spillway level is not greater than 0.3 hectares.	P
FARMING on any SITE over 2000m ² in pasture on 30 June 1993, excluding the operation of GREENHOUSES for commercial gain	P
GREENHOUSE production of plants/plant crops either in the soil or in artificial media where the GREENHOUSE is a maximum of 50m ² in area.	P
GREENHOUSE production of plants/plant crops either in the soil or in artificial media where the GREENHOUSE is greater than 50m ² in area.	PRO
Harvesting and replanting of woodlots planted for FORESTRY purposes prior to 30 June 1993	P
HOME OCCUPATIONS that do not involved the ERECTION of additional BUILDINGS	P
HOUSEHOLD UNIT on any common lot	PRO
INTENSIVE FARMING	PRO
OUTDOOR RECREATION not involving the ERECTION of BUILDINGS or structures	P
HOME OCCUPATIONS that involve the erection of additional BUILDINGS	C
Pedestrian walkways, accessways, cycleways and horse riding trails	P
PIG KEEPING AND PIG FARMING	PRO
SINGLE HOUSEHOLD UNIT per site, on any PRIVATE LOT	P



District Wide Activities	See Chapter 16 - General Rules
EARTHWORKS and Vegetation and WETLAND MODIFICATION Activities	See Rule 7.9.4 - Chapter - 7 Rural as if the land was in the Countryside Living Rural Zone
Transport Activities	See Chapter 21 - Transportation and Access
Use and Storage of HAZARDOUS SUBSTANCES	See Chapter 20 - Hazardous Substances and Contaminated Sites
UTILITIES	See Chapter 19 - Utilities

Rule 12.8.11.3

Development Controls and Performance Standards

**Rule 12.8.11.3.1
Maximum Height**

Maximum Height

No part of any building shall exceed a height of 9 metres.

**Rule 12.8.11.3.2
Height in Relation to Boundary**

Height in Relation to Boundary

No part of any building shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and any site boundary.

**Rule 12.8.11.3.3
Yards**

Yards

The following minimum yards shall apply:

- | | |
|--------------------|-------|
| (a) Front Yard | 4.0m |
| (b) Side Yard | 1.2m |
| (c) Rear Yard | 3.0m |
| (d) Shoreline Yard | 23.0m |



Rule 12.8.11.3.4
Use of Yards

Use of Yards

Subject to Rule 12.8.11.3.5 below, yards are to be unoccupied and unobstructed by any buildings, parts of buildings, decks, terraces or steps, except that eaves may overhang any yard by not more than 0.3 of a metre.

Rule 12.8.11.3.5
Encroachment into Yards

Encroachment into Yards

Household units and their Accessory Buildings can be located within 100mm of site boundaries provided that:

- (a) the written consent of the adjoining owners is obtained; and
- (b) the maximum length of building on any one boundary is 50% of the boundary length or 15 metres, whichever is the lesser.

Rule 12.8.11.3.6
Privacy

Privacy

All windows shall be located so as to comply with the following Rules:

- (a) All windows shall be located not less than a horizontal distance of 1.2 metres from any boundary of an adjoining site or wall of a building.
- (b) All windows of ground floor habitable rooms with a sill height of less than 1.5 metres above floor level, shall be located at least 3 metres (horizontal distance) from land not set aside for the exclusive use of that dwelling. This includes common land and common driveways on the same site, and land on other sites and the street.

Rule 12.8.11.3.7
Maximum Site Coverage for any Private Lot

Maximum Site Coverage for any Private Lot

The maximum coverage for any private lot shall be 40%.

Explanation and Reasons

This explanation and reasons relate to Rules 12.8.11.3.1 to 12.8.11.3.7.

These Rules are intended to ensure that activities in the Zone do not have an adverse effect on adjoining sites, and that amenity values on sites within the Zone itself are maintained.

The height limit is to ensure that buildings are not obtrusive, and remain at a scale where they do not dominate the surrounding landscape. This limit is also intended to minimise the effects of buildings on neighbouring sites.

The height in relation to boundary controls are an attempt to reduce overbearing of buildings on neighbouring sites and to ensure admission of sunlight and daylight to neighbouring sites (both within and outside the Zone).

Yards help to maintain the amenity value of adjoining sites (within and outside the Zone), by providing a degree of separation between buildings and neighbouring



sites. The shoreline yard ensures that buildings are not located within areas that may be taken for esplanade reserve when subdivision occurs. It also ensures a "buffer" along the margins of streams, to protect and retain natural values.

The rule relating to privacy is intended to limit the adverse effects on privacy caused by new development and dwellings in close proximity to one another.

The maximum site coverage Rules are intended to ensure that spaciousness and open space remain intact in the Zone, and that development occurs at an overall low intensity.

Rule 12.8.11.3.8
Earthworks and Vegetation and Wetland Modification Activity

Earthworks and Vegetation and Wetland Modification Activity

Rule 7.9.4 in Chapter 7 - Rural shall apply as if the land was in the Countryside Living Rural Zone.

Rule 12.8.11.3.9
Rules in other Chapters of the Plan

Rules in other Chapters of the Plan

Relevant rules in other chapters of the Plan shall also be complied with.

Chapter 16 - General Rules **except** that in relation to Rule 16.9 Noise and Vibration, Rule 16.9 shall apply as if the Special 11 zone was a Rural Zone.

Chapter 17 - Cultural Heritage

Chapter 19 - Utilities

Chapter 20 - Hazardous Substances and Contaminated Sites

Chapter 21 - Transportation and Access

Chapter 22 - Financial Contributions and Works

Chapter 23 - Subdivision and Servicing

Rule 12.8.11.4

Controlled Activities : Matters for Control and Assessment Criteria

In accordance with section 76(3A) of the Act, the Council will limit its control to the matters listed when considering resource consent applications for Controlled Activities.

Rule 12.8.11.4.1
All Controlled Activities

All Controlled Activities

Rule 12.8.11.4.1.1
Matters for Control

Matters for Control

The Council will limit its control to the following matters:

- (a) Building siting, design scale and external appearance.
- (b) Landscape and landform modification.



12.8.11.4.1.2
Assessment Criteria

Landscape

Rural character

Visual impact

Assessment Criteria

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

- (a) Whether buildings or structures are sited so that they do not require extensive landform modification, but use the existing landform as far as is practicable, to minimise adverse effects on landscape and discharges of silt.
- (b) Whether the scale and form of buildings and structures, including their colour and materials, complement the existing rural character within the Zone, and whether the scale and form of buildings and structures is consistent with that of existing buildings on the same site.
- (c) Whether access and servicing can occur with minimal earthworks and landform modification, so that adverse effects on the visual environment do not occur or are minimal.

Explanation and Reasons

The matters for control and assessment criteria are intended to ensure that the purpose of the Zone can be achieved, taking into account the principles on which the Zone is based, without adverse effects on the landscape, landform and natural features existing within the Zone. The criteria ensure that the effects of development on the landscape and landform are appropriately considered.

Rule 12.8.11.5

Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria

There are no Restricted Discretionary Activities in this Zone, other than the subdivision of land (see Rule 12.8.11.7).

12.8.11.6

Discretionary Activities: Assessment Criteria

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in the Special 11 Zone, the Council will have regard to the following Assessment Criteria and any relevant Discretionary Activity Assessment Criteria in any other chapter of the Plan, and the relevant matters set out in section 104 of the Act.

Refer to the relevant Assessment Criteria in section 12.9.

Rule 12.8.11.7

Subdivision

Rule 12.8.11.7.1

- (a) The subdivision of land is a Restricted Discretionary Activity where Rules 12.8.11.7.2 to 12.8.11.7.7 are met.
- (b) Subject to (c) below, any subdivision not complying with Rules 12.8.11.7.2 to 12.8.11.7.7 shall be a Non-complying Activity.
- (c) The subdivision of common lots and private lots created under Rule 12.8.11.7 shall be a Prohibited Activity.



Rules 12.8.11.7.2
General Requirements

General Requirements

The Rules in *Chapter 23 Subdivision and Servicing*, shall be complied with.

Rules 12.8.11.7.3
Maximum Number of Sites

Maximum Number of Sites

- (a) For all private lots;

The maximum number of private lots created in any subdivision is to be calculated by summing the areas (in square metres) of all Private, Common and Access Lots in the subdivision and dividing by 8,000; and shall not lead to the creation of more than 200 Private Lots within the Zone.

- (b) For private lots not served by a Reticulated Sewerage System;

The maximum number of private lots not served by a reticulated sewerage system in any water sub-catchment, is to be calculated by dividing the area of the sub-catchment within the Zone (in hectares) by 1.

- (c) For common lots;

No more than two (2) common lots may be created in any subdivision.

- (d) For residual lots;

No more than one (1) residual lot may be created in any subdivision.

Rule 12.8.11.7.4
Share of Common Land

Share of Common Land

Each private lot created shall retain an undivided share in a common lot.

Rule 12.8.11.7.5
Site Size and Shape

Site Size and Shape

- (a) For private lots;

- (i) Served by a Reticulated Sewerage System

Sites shall have a minimum area of 1,000m² and maximum area of 3,000m² and be capable of containing a square measuring 15m x 15m.

- (ii) Not Served by a Reticulated Sewerage System

Sites shall have a minimum area of 1,600m² and a maximum of 3,000m² and be capable of containing a square measuring 20m x 20m and an adequate area (including reserve area) for effluent soakage.

- (b) For common lots;

Sites shall have an area of 4 hectares or greater and not be bisected by any legal road.



Rule 12.8.11.7.6
Access/Frontage

- (c) For access lots;

Sites shall meet the minimum access/frontage standards in Rule 12.8.11.7.6.

- (d) For residual lots;

Sites shall have a minimum area of 50 hectares.

Access/Frontage

For private lots;

- (a) A minimum of 3.7 metres where up to 3 sites use the frontage, and a minimum frontage of 6 metres where 4 or 5 sites use the frontage.
- (b) Up to 5 sites may gain frontage over a jointly owned access lot or right of way for the benefit of the sites or a combination of both.

Rule 12.8.11.7.7
Design and Orientation

Design and Orientation

- (a) The layout of roads and private lots shall be in general accordance with the Concept Plan at Appendix 12E.
- (b) The subdivision layout shall provide at least 15 private lots available for individual ownership and development, and common lots owned jointly by all the private lots.
- (c) Any area for future development shall be held in a residual lot which is capable of further subdivision in accordance with the Development Area Rules.
- (d) The subdivision layout shall provide each cluster of private lots with a strong and positive identity, by responding to site characteristics, setting, landmarks and views, and through the design of movement and open space networks.
- (e) Neighbourhood identity is to be reinforced by the clustering of private lots in conjunction with focal points for the local community.
- (f) Each cluster of private lots shall have a layout pattern and size in accordance with the following criteria:
- (i) Each private lot shall be sited to best advantage in terms of topography, accessibility and views.
 - (ii) The layout of private lots and access shall involve the minimum of earthworks.
 - (iii) The layout of private lots shall involve the minimum disturbance to existing significant vegetation.
 - (iv) The layout of private lots shall encourage the efficient provision of utilities to groups of sites, rather than to sporadic or isolated sites.



Explanation and Reasons

This explanation and reasons relate to Rules 12.8.11.7.2 to 12.8.11.7.7.

The purpose of the Zone is to enable clusters of residential development to occur in a rural environment, resulting in an overall low intensity of mixed urban/rural development. The long term protection of those parts of the Zone which are unsuitable for residential or intensive development, is also a major purpose.

The subdivision controls are intended to achieve this, enabling 200 residential sites to be created, whilst ensuring an overall low density of development and ensuring that adverse effects on the environment do not result. The provisions enable the development to occur in a staged manner, and require the common ownership of land associated with private lots. There are controls on subdivision design to ensure that the subdivision is based on the site characteristics, such as natural features and views, and topography.

Rule 12.8.11.7.8
Restricted Discretionary Activities

Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria

In accordance with sections 76(3B) and 105(3A) of the Act, the Council will restrict its discretion to the matters listed, in addition to the matters set out in *Chapter 23 - Subdivision and Servicing*, when considering all applications for Restricted Discretionary Activities.

Rule 12.8.11.7.8.1
Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Site size and shape.
- (b) Site contour.
- (c) Site access and frontage.
- (d) Earthworks and land modification.
- (e) Tree and bush removal/protection.
- (f) Natural hazard avoidance/mitigation.
- (g) Reserve provision.
- (h) Financial contributions and contributions of works or services.
- (i) Utility provision.
- (j) Road safety and efficiency.

12.8.11.7.8.2

Assessment Criteria

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



- | | |
|-----------------------------|--|
| <i>Rural character</i> | (a) Whether the particular subdivision can occur without creating adverse effects on the rural character anticipated within the Zone. |
| <i>Site, size and shape</i> | (b) Whether the site size, shape, contour and access is suitable for the intended purpose of the Zone. |
| <i>Earthworks</i> | (c) Whether the site or sites is/are located so that substantial earthworks or land modification to obtain access or any building area are not required. |
| <i>Visual amenity</i> | (d) Whether the site or sites is/are located so that a household unit can be erected on it without significantly detracting from any features on the site which require protection, or from the visual amenity values present in the vicinity of the site. |
| <i>Landscape</i> | (e) Whether the building area is on a prominent ridge, knoll or skyline, where the erection of buildings would dominate the landscape or detract from the visual amenity values in the area. |
| <i>Natural hazards</i> | (f) Whether the subdivision will exacerbate natural hazards, through earthworks or access provision, or result in building areas subject to natural hazards.

(g) Whether adequate services, including utilities, are provided for the sites created.

(h) Whether there are sufficient financial contributions, or contributions of works or services and reserves, to offset adverse effects generated by the subdivision. |
| <i>Road safety</i> | (i) Whether adequate road access is provided, and no significant adverse effects on the safety and efficiency of the public roading network result. |

Explanation and Reasons

Requiring an assessment of any subdivision proposal is necessary to ensure the objectives of the Zone can be achieved without adverse effects on the environment resulting. Because the Zone is based on clusters of residential sites and the common ownership of the balance land, the nature of the subdivision is a significant element in achieving the purpose of the Zone.

