



## 12.8.22

### 12.8.22.1

#### 12.8.22.1.1

#### 12.8.22.1.2

##### *Structure Plan*

*Issue*  
12.8.22.1.2.1  
*Sense of Place*

*Issue*  
12.8.22.1.2.2  
*Natural Character*

## SPECIAL 22 (POINT WELLS OMAHA FLATS) ZONE

[Amendment 63]

### Zone Issues, Objectives, Policies and Description

#### General Issues

Refer to section 12.2.

#### Specific Zone Issues

The Point Wells and Omaha Flats Structure Plan (Appendix 12 to the Planning Maps) establishes a pattern for land use and development activities within the Zone. It takes into account the wishes of the community, the capacity of infrastructure and the natural resource values of the area and its coastal and rural location. It identifies reserves, walking and vehicle linkages needed for recreation and access in a coastal location and divides the settlement into garden seaside settlement, lifestyle and rural policy areas. It sets limits to the size of the settlement and buffers rural activities from the residential area of the settlement.

**Population growth and change in the community and the need to ensure Point Wells/Omaha Flats remains a contained cohesive community that fosters the character of a garden seaside settlement and rural area.**

The Special Zone area has a varied population made up of long term and mobile or absentee residents, traditional farmers and rural lifestyles; however residents share a significant number of aspirations and concerns for their area. The lifestyle and rural feel of the area is highly valued, along with the quiet way of life and the amenities offered by the local beaches, river and harbours. Concerns with the extent of changes from lifestyle block subdivision, housing development and general commercial development are also shared.

A combination of features and qualities combine to make up the character of Point Wells and Omaha Flats. Natural features such as beaches, the river and harbour and their natural systems alongside rural land uses and a low intensity garden seaside settlement and an informal street network provide character and a sense of place. The attachment of the community to this character makes it an important component of their social, economic and cultural wellbeing. The idea of a garden seaside settlement captures the aspirations for the settlement in terms of a sustainable settlement which grows and changes in a sympathetic way that protects the qualities of the area.

**The potential for subdivision and development to harm or erode the areas' natural character, threaten the sustainability of associated agricultural activities and rural businesses and the recreation and lifestyle benefits provided by the natural character of Point Wells and of Omaha Flats.**

Pastoral farming is giving way to higher intensity activities like orchards, vineyards, plant nursery and market garden activities. Together with traditional farming, these activities provide local jobs and income and also provide the



blend of natural and man-made attractions which make wine tourism, rural restaurants, cafes, rural art and craft studios and tourist accommodation sustainable.

As well as providing an attractive setting that is an important component of the current and future economy, the natural character provides important lifestyle values and recreational opportunities. Pressure for lifestyle blocks, retirement, holiday and conventional residential housing attracted by the character of the area can fragment land uses. The cumulative effects of such developments can bring about a dominance of built elements such as access roads, large dwellings and domestic features which contribute to a loss of natural character.

*Issue*  
12.8.22.1.2.3  
*Future Production*

**The flexibility of prime agricultural and horticultural land at Omaha Flats for a range of productive land use opportunities can be lost as a result of subdivision that reduces the size of rural sites producing suburban development.**

The fragmentation of rural landholdings through subdivision (and speculation about potential future subdivision) can raise land values above levels which are sustainable for farming activities and reduces the range of potential future uses for land parcels. Diversification into niche farming and rural home occupation and visitor related business, and a certain level of lifestyle farming provides opportunities to address this issue. However a predominance of small sites of a suburban character and significant fragmentation of land holdings can ultimately undermine the rural characteristics that these activities can benefit from. The future potential for rural living can therefore be diminished by inadequate controls on lifestyle block subdivision and urban growth in a way that is inconsistent with the sustainable management of resources.

A crucial component of safeguarding the economic base of the area on a sustainable basis therefore includes the need to appropriately limit further subdivision with a high degree of certainty. Limited availability of water for agriculture and data services for rural businesses are additional threats to future agricultural needs in the area.

*Issue*  
12.8.22.1.2.4  
*Reverse Sensitivity*

**The potential for farming and settlement activities to conflict with one another affecting local amenity values and the viability of rural businesses and agricultural activities.**

Residential and rural-residential land uses are by their nature sensitive to the use of agricultural chemicals and dusty, unpleasant smell or noisy farming practices. They can create pressure on primary producers when residents seek to curtail farming activities in the area, making primary production difficult and even untenable. Significant increases in the intensity or industrialisation of farming can also reduce visual amenity values and affect the environment and lifestyle of the area.

It is therefore important that the effects of farming and settlement activities are managed appropriately in a way that avoids or minimises potential conflicts to protect the attractiveness of the settlement for farming, lifestyle development, visitor related businesses, and the local community.

*Issue*  
12.8.22.1.2.5  
*Sustainable Design*

**Poor design, including inappropriate scale, form and location of buildings, and roading infrastructure that does not respond appropriately to the natural character of the coast, the seaside settlement and to the rural**



**environment will adversely affect the amenity values of Point Wells and Omaha Flats.**

The design of buildings and landscaping together with the density and number of dwellings in an area as well as the layout and design of street infrastructure and their potential impact on the character of the area, are important considerations in the sustainable management of the natural and physical resources of the area.

*Issue*  
12.8.22.1.2.6  
*Wastewater Infrastructure*

**Sewerage discharges from failing septic tank fields, exacerbated by a high water table, flat low lying coastal land, limited natural flushing in the Whangateau Harbour and issues with maintenance and the adequacy of drainage infrastructure is adversely effecting the local environment.**

Reticulated sewage and wastewater is available in Point Wells. However wastewater and stormwater disposal and potential coastal inundation issues, are important considerations for any development proposal in the Point Wells settlement and the Omaha Flats area.

12.8.22.1.3

**Objectives**

*Objective*  
12.8.22.1.3.1

To protect and enhance key natural features and the distinctive character of the Point Wells/Omaha Flats Special area from inappropriate or unsympathetic subdivision and development.

*(This objective relates to Issues 12.8.22.1, 2, 3, 4, and 5.)*

*Objective*  
12.8.22.1.3.2

To control the form and intensity of development within the Point Wells/Omaha Flats area.

*(This objective relates to Issue 12.8.22.1.1.2)*

*Objective*  
12.8.22.1.3.3

To establish quality connectivity and improve the experience of moving through into, and around the area through the management of roading and associated utility infrastructure, open space, earthworks, vegetation and walking and cycle links.

*(This objective relates to Issue 12.8.22.1.1.)*

*Objective*  
12.8.22.1.3.4

To manage the size, layout and design of tourism and visitor related activities to protect and enhance the amenity values of the area and surrounding areas, the quality of the natural environment, the safety and efficiency of the transport network and to limit the provision of urban services and functions in locations outside of existing settlements.

*(This objective relates to Issues 12.8.22.1.2.2 and 12.8.22.1.2.3)*

*Objective*  
12.8.22.1.3.5

To ensure that development in the Point Wells / Omaha Flats area achieves high standards of amenity and avoids adverse effects on other buildings on the same site, and on buildings and outdoor spaces on adjacent or nearby sites.

*(This objective relates to Issue 12.8.12.1.1.3)*



**Objectives from the following chapters are also relevant**

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 21 – Transportation and Access*
- Chapter 22 – Financial Contributions and Works*
- Chapter 23 – Subdivision and Servicing*

12.8.22.1.4

**Policies**

*Policy*  
12.8.22.1.4.1

Subdivision and development shall protect and enhance the distinctive characteristics and natural features that are a special part of the Point Wells/Omaha Flats area including:

- The harbour and coastal settings which contribute to the visual amenity and the seaside character of the settlement.
- The spacious, informal, coastal village environment of Pt Wells built on a village scale to defined limits and distinct from the Omaha Flats rural area.
- A range of productive land use opportunities within a settled rural landscape and associated shelter belts.
- Access to a range of informal coastal recreation opportunities.

*(This policy relates to Objective 12.8.22.1.3.1)*

*Policy*  
12.8.22.1.4.2

Subdivision and development, including provision for access and the bulk and location and high of buildings shall protect and enhance the amenity values of the area, including avoiding:

- Infringement of indoor or outdoor privacy; and
- Interference with significant views from public places or undue reductions of sunlight or daylight.

*(This policy relates to Objective 12.8.22.1.3.5)*

*Policy*  
12.8.22.1.4.3

Subdivision and development shall protect and enhance the amenity values, environmental quality and the coherence and character of each Policy Area.

*(This policy relates to Objective 12.8.22.1.3.5)*

*Policy*  
12.8.22.1.4.4

Private and public development in the Point Wells/Omaha Flats area (including roading and reserves acquisition and management) shall make appropriate provision for walking, cycling, water/boating links and the provision of open space and landscaping.

*(This policy relates to Objective 12.8.22.1.3.3)*

*Policy*  
12.8.22.1.4.5

Subdivision and development shall make appropriate provision for the indicative open space network shown in the Outline Plan in Appendix 12 to the Planning Maps including providing appropriate continuity and connections with other parts of the open space network.

*(This policy relates to Objective 12.8.22.1.3.2)*



Policy  
12.8.22.1.4.6

The form, intensity and design of subdivision and development in the Wells/Omaha Flats Special Zone will be controlled by using Policy Areas as a management tool so that activities established in the Zone are consistent with the Outline Plan at Appendix 12 to the Planning Maps.

*(This policy relates to Objective 12.8.22.1.3.1 and Objective 12.8.22.1.3.2)*

**Explanation and Reason**

*This explanation and reason seeks to achieve Policies 12.8.22.1.4.1 – 12.8.22.1.4.6*

*The Point Wells and Omaha Flats area is made up of natural features and characteristics that are important to the identity of the area, and should be protected and, where possible, enhanced.*

*These policies seek to ensure that subdivision and development does not adversely affect the amenity values, natural character or natural features of the Zone*

*Subdivision and development not only needs to address the natural and physical constraints of a site, it must also ensure that the needs of the residents and wider community are recognised by providing appropriate walking, cycling opportunities and open space areas.*

Policy  
12.8.22.1.4.7

Tourism and visitor related activities and development shall be of a scale and intensity that maintains the rural character and amenity values of the site and surrounding areas. This includes;

- restricting the scale, intensity and location of activities on sites;
- ensuring activities and development do not exceed the infrastructural and servicing capacity of the site and surrounding transport network;
- ensuring activities and development are designed to achieve a consistent rural character and shall protect the open space areas and amenity values on the site and local area; and
- ensuring that activities and development not include urban services and functions.

*(This Policy relates to Objective 12.8.22.1.3.4)*

**Explanation and Reasons**

*This explanation and reason relates to Policy 12.8.22.1.4.7.*

*This policy ensures that the activities do not generate adverse visual effects, or significantly alter the key components of the character of Zone. They are also intended to ensure that activities which occur in the Zone do not create adverse effects on the neighbouring land and properties and the landscape values.*

Policy  
12.8.22.1.4.8

Development and subdivision should be designed to protect and enhance sites, historic resources, and taonga which are identified as being significant or of value to the community.

**Explanation and Reasons**

*This explanation and reason relates to Policy 12.8.22.1.4.8.*

*This policy is intended to ensure that subdivision and development does not have an adverse effect on historic resources within the Zone which contribute to the special character of the area.*



Section 6(e) of the Resource Management Act 1991 relates to Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, and this policy seeks to recognise and provide for this.

12.8.22.1.5

#### **Objectives specific to Point Wells Garden Seaside Settlement Policy Area**

*Objective*

12.8.22.1.5.1

- (a) To achieve a built environment characterised by a low intensity of settlement and the dominance of natural features of the area such as the harbour/estuary and beaches, their natural systems, and open space.

*(This objective relates to Issue 12.8.22.1.1)*

- (b) To enable residential development within the Garden Settlement Policy Area, and to control development so that it appropriately reflects the capacity of the infrastructure and natural and physical resources of the area, and the risk of coastal inundation.

*(This objective relates to Issues 12.8.22.1.1 and 12.8.22.2.6)*

- (c) To manage the scale, design and location of buildings and development to ensure that it reinforces the relaxed and informal identity, intimate coastal village environment, defined limits, village scale and seaside character of the area.

*(This objective relates to Issues 12.8.22.1.1.1 and 12.8.22.1.1.2)*

- (d) To require the use of sustainable design techniques to provide for sustainable on-site wastewater and stormwater treatment and disposal, or connection to the reticulated wastewater system.

*(This objective relates to Issue 12.8.22.1.2.6)*

- (e) To retain and enhance the informal and open space character of the street network.

*(This objective relates to Issue 12.8.22.1.2.1)*

12.8.22.1.6

#### **Policies Specific to the Point Wells Garden Seaside Settlement Policy Areas**

*Policy*

12.8.22.1.6.1

Key natural features shall be protected and enhanced by limiting the location of development and by only allowing low intensity development.

*(This policy seeks to achieve Objective 12.8.22.1.5.1(a))*

*Policy*

12.8.22.1.6.2

Subdivision in the Garden Seaside Settlement Policy Area shall not create sites with a net site area of less than 1,000m<sup>2</sup>.

*(This policy relates to Objective 12.8.22.1.5.1(a))*



Policy  
12.8.22.1.6.3

The intensity of development in the Garden Seaside Settlement Policy Area shall be no greater than 1 household per 1,000m<sup>2</sup> of the site area.

*(This policy relates to Objective 12.8.22.1.5.1(a))*

**Explanation and Reasons**

*This explanation and reasons relates to Policy 12.8.22.1.6.1 – 12.8.22.1.6.4*

*Natural features often play an important role in character and amenity values of and area. Within Point Wells the coastal setting places an important role in shaping the quiet seaside village setting, and the intensity of subdivision and development has the potential to adversely affect this.*

*These policies seek to ensure that the open spacious character of Point Wells as a relaxed seaside settlement is retained and amenity values are enhanced. By only allowing low intensity subdivision and development it will ensure that buildings do not dominate the environment and that the pleasant seaside village identity and key natural features are retained.*

Policy  
12.8.22.1.6.4

The built environment and associated infrastructure shall be of a suitable design, location and scale so that the harbour coastal natural features and associated open spaces that characterise the location dominate.

*(This policy seeks to achieve Objective 12.8.22.1.5.1(a))*

Policy  
12.8.22.1.6.5

Buildings and development should be managed so that the reinforces the relaxed and informal identity and character of the area by;

- (a) ensuring that garages do not dominate the street
- (b) ensuring fencing, walls and other structures in the front yards do not dominate the street
- (c) ensure that private outdoor living areas are provided on each site; and
- (d) that the existing informal and open character of the street network remains.

*(This policy seeks to achieve to Objective 12.8.22.1.5.1(c))*

Policy  
12.8.22.1.6.6

Any development within the Garden Settlement Policy Area shall provide sustainable on-site wastewater and stormwater, or shall be connected to the reticulated wastewater system and shall not exceed the capacity of the infrastructure of the area.

*(This policy seeks to achieve Objective 12.8.22.1.5.1(b) and Objective 12.8.22.1.5.1(d)).*

**Explanation and Reasons**

*This explanation and reasons relates to Policies 12.8.22.1.6.4 - 12.8.22.1.6.6.*

*The harbour and coastal area are important features which give Point Wells the relaxed and informal seaside village identity.*

*The scale and intensity of infrastructure and the built environment has the potential to have an adverse effect on the amenity values of surrounding areas and key natural features. Any future development should be at a scale and intensity which matches the existing built environment and reinforces the existing architectural*





styles typical of this seaside bach community/settlement.

*Due to the high water table, failing septic tank fields the flat low lying coastal land and the limited natural flushing in the Whangateau Harbour wastewater and stormwater disposal has been an issue. Therefore, it is essential that development does not exceed the capacity of the infrastructure of the area to ensure that adverse effects on the environment are avoided.*

12.8.22.1.7

#### **Objectives Specific the Point Wells Omaha Flats Lifestyle Policy Area**

*Objective*  
12.8.22.1.7.1

(a) To enable low density residential living close to the existing settlement that will act as a buffer between the settlement and rural area.

*(This objective relates to Issue 12.8.22.1.2.5)*

(b) To retain the open space character and amenity values of sites within the policy area.

*(This Objective relates to Issue 12.8.22.1.2.5)*

(c) To manage subdivision density, arrangement and minimum lot sizes to preserve the rural buffer qualities of the Policy Area

*(This Objective relates to Issue 12.8.22.1.2.5)*

(d) To require sustainable on-site servicing infrastructure for stormwater and wastewater, or connection to the reticulated wastewater system.

*(This Objective relates to Issue 12.8.22.1.2.6.)*

(e) To allow for a mix of rural and visitor activities consistent with a diverse but identifiably rural economy.

*(This Objective relates to Issue 12.8.22.1.2.2 and 12.8.22.1.4)*

12.8.22.1.8

#### **Policies Specific to the Point Wells Omaha Flats Lifestyle Policy Area**

*Policy*  
12.8.22.1.8.1

Allow a minimum site size of 5,000m<sup>2</sup> sites in order to create a green belt buffer between rural and settlement areas.

*(This policy seeks to achieve Objective 12.8.22.1.9.1(a) and (c))*

*Policy*  
12.8.22.1.8.2

Subdivision shall allow for appropriate infrastructure for wastewater, stormwater collection treatment and disposal facilities, water supply, or connection to the reticulated wastewater system.

*(This policy seeks to achieve Objective 12.8.22.1.9.1(d))*

*Policy*  
12.8.22.1.8.3

Buildings and structures shall be sited and designed in a way which complements the rural and coast character of Point Wells and Omaha Flats.





<p>Policy 12.8.22.1.8.4</p>	<p>(This policy seeks to achieve Objective 12.8.22.1.9.1(b))</p> <p>Buildings should be well set back from roads and site boundaries to maintain the open space character.</p>
<p>Policy 12.8.22.1.8.5</p>	<p>(This policy seeks to achieve Objective 12.8.22.1.9.1(b))</p> <p>The intensity of development shall not generally exceed one dwelling per site.</p> <p>(This policy seeks to achieve Objective 12.8.22.1.9.1(c))</p>
<p>Policy 12.8.22.1.8.6</p>	<p><b>Explanation and Reasons</b> <i>This explanation and reasons relates to Policies 12.8.22.18.1. – 12.8.22.1.8.5.</i></p> <p><i>Subdivision and development has the potential to have adverse effects on the amenity values of surrounding areas and the existing character of the zone. These policies seek to ensure that factors such as the scale and intensity of the development, the design, building set backs and appearance of builds do not adversely impact on the existing character of the zone.</i></p> <p>To allow a mix of rural and small scale visitor activities while protecting the rural and coastal landscape character.</p>
<p>Policy 12.8.22.1.8.7</p>	<p>(This policy seeks to achieve Objective 12.8.22.1.2.7(e))</p> <p>Activities shall be sited, designed and operated to avoid, remedy or mitigate adverse noise and traffic effects on the health, safety and amenity values of the people and surrounding landscape.</p> <p>(This policy seeks to achieve Objective 12.8.22.1.2.7(e))</p>
<p>12.8.22.1.9</p>	<p><b>Explanation and Reasons</b> <i>This explanation and reasons relates to Policies 12.8.22.1.8.6 and 12.8.22.1.8.7.</i></p> <p><i>These policies allow for a range of activities which may assist the community in providing for the social, economic and cultural wellbeing and for their health and safety. However, some activities may generate adverse effects such as noise or increased numbers of people and traffic that may require management or limits.</i></p> <p><b>Objectives Specific to the Omaha Flats Rural Policy Area</b></p>
<p>Objective 12.8.22.1.9.1</p>	<p>(a) To protect and enhance agricultural and horticultural land uses as a means of strengthening the economic base for the area, and providing rural living opportunities and a rural, green buffer to the village;</p> <p>(This objective relates to Issues 12.8.22.1.2.2, 12.8.22.1.2.3 and 12.8.22.1.2.4)</p> <p>(b) To manage the size of sites to retain the potential use and versatility of land and soil resources for a range of productive land uses on a sustainable basis;</p> <p>(This Objective relates to Issue 12.8.22.1.2.3)</p> <p>(c) To require sustainable on-site for stormwater and wastewater infrastructure that appropriately addresses the capacity of the infrastructure and natural</p>



and physical resources of the area.

*(This Objective relates to Issue 12.8.22.1.2.6)*

- (d) To protect and enhance the natural function of coastal processes occurring in the Whangateau Harbour, the quality of water and water habitat in streams, high quality bush features and areas of high natural environment value and wildlife habitats.

*(This objective relates to Issue 12.8.22.1.2.1)*

12.8.22.1.10

### **Policies Specific to the Omaha Flats Rural Policy Area**

*Policy*  
12.8.22.1.10.1

Allow a single 4,000 – 5,000m<sup>2</sup> lot to be created on sites over 5 hectares where an application can demonstrate;

- Suitable legal measures to prevent further subdivision of the balance area;
- A landscape management plan is provided for the 4,000 – 5,000m<sup>2</sup> lot to avoid a rural residential appearance; and
- Suitable measures to preserve the productive value of the land resource

*(This policy seeks to achieve objective 12.8.22.1.9.1(a) and (b))*

#### **Explanation and Reasons**

*This explanation and reasons relates to Policy 12.8.22.1.10.1*

*Allow a single small sight to be removed from the large parent site enables the majority of productive land to be retained while offering some opportunity for growth within a rural 'residential context'. This policy therefore seeks to provide a range of appropriate activities and different demands to be accommodated, and also helps to retain the potential use and versatility of land and soil resources for productive land uses.*

*Policy*  
12.8.22.1.10.2

All development shall use sustainable design (low impact) techniques and provide sustainable on-site wastewater, stormwater and energy use efficiency should be encouraged.

*(This policy seeks to achieve objective 12.8.22.1.9.1(c))*

#### **Explanation and Reasons**

*This explanation and reason relates to Policy 12.8.22.1.10.2*

*Omaha Flats is not connected to a reticulated sewage or wastewater system and due to the flat low lying coast land and limited natural flushing in the Whangateau Harbour it is essential that all developments provide for on-site wastewater and stormwater.*

*The efficient use of energy is also encouraged as good practice.*

*Policy*  
12.8.22.1.10.3

Limit earthworks siting of buildings and structures and landform modification in close proximity to the sea so as to protect the natural character of the coastal environment.



*(This policy seeks to achieve objective 12.8.22.1.9.1(d))*

**Explanation and Reasons**

*This explanation and reason relates to Policy 12.8.22.1.10.3 and Policy 12.8.22.1.10.4.*

*The built environment has the potential to have adverse effects on the amenity values of surrounding areas and the existing and the natural coastal environment which is unique to this area. This policy seeks to ensure that subdivision, development and earthworks are carried out so as to mitigate any potential adverse effects on the coastal environment.*

12.8.22.1.11

*Policy*

12.8.22.1.11.1

**General Policies**

Further development within the Point Wells and Omaha Flats Special Zone should generally be in accordance with the Outline Plan at Appendix 12 to the Planning Maps.

*(This policy seeks to achieve Objective 12.8.22.1.2.1)*

*Policy*

12.8.22.1.11.2

The differences of intensity and character for which the different Policy Areas identified in the Outline Plan provide at Appendix 12 to the Planning Maps are to be maintained and reinforced.

*(This policy seeks to achieve to Objectives 12.8.22.1.2.5(a) to 12.8.22.1.2.10.)*

**Explanation and Reasons**

*This explanation and reason relates to Policies 12.8.22.1.11.1 and 12.8.22.1.11.2.*

*The Outline Plan has been prepared to guide development in such a way that retains the existing character of the Special Zone. All development is required to occur in general accordance with the Structure Plan.*

12.8.22.1.12

**Zone Description**

This zone applies to Point Wells and Omaha Flats and is designed to maintain and enhance the relaxed and informal seaside village identity, reinforce a pattern of architectural styles typical of this seaside bach community/settlement, ensure the functionality of streets and a distinction between local 'village' and 'country' landscapes.

Historically Point Wells was a coastal dormitory suburb which has grown in size since the 1950s. Today the settlement is made up of retirees, young families, horticulturalists and bach owners. The settlement is characterised by an informal bach type environment, larger lot sizes and where the streets are typically narrow, without kerbing, wide grass verges and minimal foot paving. The 'hub' of Point Wells has the General Store co-located with Community Hall, Library, Croquet Club and tennis courts.

Omaha Flats is characterised by larger lot sizes and mature vegetation, shelter



belts and agricultural activities. In recent years pastoral farming has given way to higher intensity activities like vineyards, orchards, some specialist plan nursery and market gardens.

The special zone provides for a population of 1,000 people in Point Wells (approximately three times population at the time the Sustainable Development Plan for the area was adopted) the methods contained in the Zone package seek to ensure that this development makes the most of the opportunities of the location and has appropriate regard for the context.

To retain the existing seaside, open space, and rural character of Point Wells and Omaha Flats development within the zone is to occur in accordance with the Outline Plan in Appendix 12 to the Planning Maps.

## Rule 12.8.22.2

### Rule 12.8.22.2.1

### Activity Rules

**All activities in the Special 22 (Point Wells Omaha Flats) Zone shall comply with the following:**

- (a) Development and subdivision within the Special 22 (Point Wells Omaha Flats) Zone shall comply with the Outline Plan at Appendix 12 to the Planning Maps.
- (b) All Permitted and Controlled Activities in the Activity Table in Rule 12.8.22.2.2 and Rule 12.8.22.2.3 shall comply with Rule 12.8.22.3 Development Controls and Performance Standards (as appropriate), and any other relevant Rule in the District Plan.
- (c) All Controlled Activities in the Activity Table in Rule 12.8.22.2.2 and Rule 12.8.22.2.3 shall be assessed against those matters over which control is retained and set out in Rule 12.8.22.4.
- (d) All Restricted Discretionary Activities in the Activity Table in Rule 12.8.22.2.2 and Rule 12.8.22.2.3 shall be assessed against those matters over which discretion is retained and set out in Rule 12.8.22.5.
- (e) All Discretionary Activities in the Activity Table 12.8.22.2.2 shall be assessed against the criteria set out in Rule 12.8.22.6 Discretionary Activities: Assessment Criteria, and any other relevant Discretionary Activity Assessment Criteria in any other chapter in this Plan, and the relevant matters set out in section 104 of the Act.
- (f) All Non-complying Activities in the Activity Table in Rule 12.8.22.2.2 and Rule 12.8.22.2.3 shall be assessed in terms of the relevant matters in Section 104 of the Act.

**Note:** A resource consent to erect or alter a building may be necessary even though the activity to be accommodated in the building is permitted. See the Activity Tables in Rule 12.8.22.2.2 and Rule 12.8.22.2.3



Rule 12.8.22.2.2  
**Activity Table**

**Activity Table**

**Point Wells Garden Seaside Settlement Policy Area and Point Wells Lifestyle Policy Area.**

**In the following table:**

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

**Note: Words in capitals are defined in *Chapter 3 – Definitions***

ACTIVITIES	POLICY AREAS	
	Point Wells Garden Seaside Settlement	Point Wells Omaha Flats Lifestyle
Any activity not listed in this Activity Table	<b>NC</b>	<b>NC</b>
Any Permitted, Controlled or Restricted Discretionary Activity not complying with the Development Controls and Performance Standards in Rule 12.8.22.3 or the circumstances in Rule 12.8.22.6	<b>NC</b>	<b>NC</b>
Any Permitted, Controlled or Restricted Discretionary Activity complying with the Development Controls and Performance Standards in Rule 12.8.22.3 and meets the circumstances in Rule 12.8.22.6	<b>RD</b>	<b>RD</b>
Any activity which meets the standards in Rule 8.9.4 <i>Chapter 8 – Residential</i>	<b>D</b>	<b>D</b>
BOARDINGHOUSES, accommodating not more than 10 persons inclusive of owner family and staff.	<b>P</b>	<b>P</b>
The ERECTION, relocation, addition to, or alteration of BUILDINGS and ACCESSORY BUILDINGS for any Permitted Activity in this Table	<b>P</b>	<b>P</b>
The ERECTION, relocation, addition to, or alteration of BUILDINGS and ACCESSORY BUILDINGS for any Restricted Discretionary Activity in this Table	<b>RD</b>	<b>RD</b>
The ERECTION, relocation, addition to, or alteration of BUILDINGS and ACCESSORY BUILDINGS for any Discretionary Activity in this Table	<b>D</b>	<b>D</b>



ACTIVITIES	POLICY AREAS	
	Point Wells Garden Seaside Settlement	Point Wells Omaha Flats Lifestyle
The DEMOLITION of BUILDINGS and ACCESSORY BUILDINGS except where listed in Appendix 17B Chapter 17 – <i>Cultural Heritage</i>	P	P
CHILD CARE FACILITIES for <u>not</u> more than 10 children at any one time	P	P
CHILD CARE FACILITIES for more than 10 children at any one time	D	D
EDUCATIONAL FACILITIES	D	D
Grazing of animals on sites greater than 2,000m <sup>2</sup> net site area	P	P
The erection of, or alteration to a GREENHOUSE where the greenhouse is a maximum of 50m <sup>2</sup> in area.	NC	P
The erection of, or alteration to a GREENHOUSE where the greenhouse is over 50m <sup>2</sup> in area but covers less than 10% of the NET SITE AREA.	NC	D
The erection, relocation, addition to, or alteration of a GREENHOUSE not otherwise provided for.	NC	NC
HOME OCCUPATIONS	P	P
HOUSEHOLD UNITS: one per SITE.	P	P
HOMESTAY accommodation for not more than 10 guests accommodated within an existing HOUSEHOLD UNIT	P	P
HOMESTAY accommodation not allowed as a Permitted Activity	D	RD
SINGLE HOUSEHOLD UNIT on each area set aside for such a unit and defined on a CROSS LEASE plan on which (or on a copy of which) a certificate had been endorsed by the Principal Officer of the Council, under Section 314(f) of the Local Government Act 1974 prior to 15 January 1988 (“Cross Lease Savings Clause”).	C	N/A



ACTIVITIES	POLICY AREAS	
	Point Wells Garden Seaside Settlement	Point Wells Omaha Flats Lifestyle
MINOR HOUSEHOLD UNIT (a) at a density of one per site where the SITE meets the standards in Rule 8.9.5 <i>Chapter 8 – Residential</i> , and (b) where the development complies with the standard in Rule 8.9.6.1 and the Development Controls in Rule 8.10 <i>Chapter 8 - Residential</i>	<b>C</b>	<b>C</b>
MINOR HOUSEHOLD UNIT (a) at a density of one per site where the SITE meets the standards in Rule 8.9.5, and (b) where the development complies with the standard in Rule 8.9.6.2 and the Development Controls in Rule 8.10, <i>Chapter 8 - Residential</i>	<b>RD</b>	<b>RD</b>
MINOR HOUSEHOLD UNIT that is a Controlled or a Restricted Discretionary Activity and does not comply with the Development Controls and Performance Standards and is acceptable circumstances set out in Rule 8.12.3.2 <i>Chapter 8 – Residential</i>	<b>D</b>	<b>D</b>
PLACES OF ASSEMBLY	<b>D</b>	<b>D</b>
POULTRY KEEPING	<b>P</b>	<b>P</b>
Sales of primary produce grown on the property, honey, or the products of HOME OCCUPATIONS undertaken on the property, provided that: (a) The sales area is served by an access point constructed in compliance with the standard specified in Rule 21.10.1.6. (b) The sales area has parking for at least 4 cars and a turning area, all clear of the ROAD; (c) Sales and display area does not exceed 25m <sup>2</sup> floor area.  (For the purposes of this rule "primary produce grown on the property" does not include plants or animals brought onto the property from elsewhere and sold in generally the same state of development.)	<b>NC</b>	<b>RD</b>
Sales of primary produce, honey or the products of HOME OCCUPATIONS undertaken on the property not provided for as a Permitted Activity	<b>NC</b>	<b>D</b>





ACTIVITIES	POLICY AREAS	
	Point Wells Garden Seaside Settlement	Point Wells Omaha Flats Lifestyle
EARTHWORKS, VEGETATION REMOVAL and/or importation of CLEAN FILL including excavation	Refer to Chapter 18 – Urban Land Modification Rule 18.10.2	
VISITOR ACCOMMODATION for a maximum of 20 guests	NC	RD
WINERIES (which may include SALES and wine tasting areas) where the following criteria are met: (a) An annual output not exceeding 100,000 litres; and (b) 65% of the SITE planted in fruit suitable for use in the WINERY; and (c) Wine sales limited to wine produced on the SITE; and (d) Access points to the WINERY and SALES AREAS constructed in compliance with Rule 21.10.1.7; and (e) Compliance with the NOISE controls specified in <i>Chapter 16 - General Rules</i>	NC	RD
WINERIES (which may include ancillary SALES AREAS, wine tasting areas) not provided for as a controlled or Restricted Discretionary Activity including RESTAURANTS or VISITOR ACCOMODATION.	NC	D

Rule 12.8.22.2.3  
Activity Table

ACTIVITY	Omaha Flats Rural Policy Area
Any activity not listed in this Activity Table	NC
Any Permitted, Controlled or Restricted Discretionary Activity not complying with the Development Controls (other than Rule 12.8.22.3.6.1) and Performance Standards in Rule 12.8.22.3 but meeting the circumstances in Rule 12.8.22.3.6.1. <a href="#">[Amendment 63]</a>	RD
Any Permitted, Controlled or Restricted Discretionary Activity not complying with Rule 12.8.22.3.6.1.	NC
The ERECTION, relocation, addition to, or alteration of BUILDINGS and ACCESSORY BUILDINGS for any Permitted Activity in this Table subject to the Rule 12.8.22.4 Development Controls and Performance Standards.	P
The ERECTION, relocation, addition to, or alteration of BUILDINGS and ACCESSORY BUILDINGS for any Restricted Discretionary Activity in this Table	RD



ACTIVITY	Omaha Flats Rural Policy Area
The ERECTION, relocation, addition to, or alteration of BUILDINGS and ACCESSORY BUILDINGS for any Discretionary Activity in this Table	D
The DEMOLITION of BUILDINGS and ACCESSORY BUILDINGS except where listed in Appendix 17B Chapter 17	P
CAMPING GROUNDS	D
CHILD CARE FACILITIES for <u>not</u> more than 10 children at any one time	P
CHILD CARE FACILITIES for more than 10 children at any one time	D
Cemeteries, URUPA, and Crematoria	D
CLEAN FILL SITES of up to 200m <sup>3</sup> (solid measure) and up to 750m <sup>2</sup> of deposited material excluding DEMOLITION material	P
CLEAN FILL SITES exceeding 200m <sup>3</sup> (solid measure) or 750m <sup>2</sup> of deposited material excluding DEMOLITION material	NC
Breeding and boarding establishments for domestic animals	D
EARTHWORKS and VEGETATION REMOVAL	Refer to Chapter 7 – Rural, Rule 7.9.4 (This Policy Area shall should be treated as if it were a General Rural Zone)
EDUCATIONAL FACILITIES	D
FARMING	P
FARM airstrips used for agricultural horticultural, FORESTRY or similar rural production purposes at least 2 kilometres from any urban zone or Countryside Living Zone	P
FARM airstrips not allowed as a Permitted Activity	D



ACTIVITY	Omaha Flats Rural Policy Area
FARMSTAY OR HOMESTAY accommodation for not more than 10 guests accommodated within an existing HOUSEHOLD UNIT	P
FARMSTAY OR HOMESTAY accommodation not allowed as a Permitted Activity	RD
FIRE SERVICE EMERGENCY SERVICES	D
FORESTRY	P
The erection of, or alteration to a GREENHOUSE where the greenhouse is a maximum of 50m <sup>2</sup> in area.	P
The erection of, or alteration to a GREENHOUSE where the greenhouse is over 50m <sup>2</sup> in area but covers less than 10% of the NET SITE AREA.	P
The erection of, or alteration to a GREENHOUSE where the greenhouse covers more than 10% of the NET SITE AREA, provided that the Greenhouse covers less than 20% of the net site area and the total footprint of all greenhouses on the site does not exceed 1 hectare.	RD
The erection, relocation, addition to, or alteration of a GREENHOUSE not otherwise provided for.	D
HEALTH AND WELFARE SERVICES	D
HOME OCCUPATIONS	P
HORSE RIDING SCHOOLS or HORSE RIDING FACILITIES and support services (such as farrier and specialised veterinary services) or HORSE TRAINING where either the horses are not kept permanently on the SITE or riders do not permanently reside on the SITE	RD
HORSE TRAINING where the horses are kept permanently on the SITE	P
Horse and dog racing, MOTORSPORTS and showgrounds except where a Permitted Activity under "The use of a SITE on not more than a total of three days" in this Table	D



ACTIVITY	Omaha Flats Rural Policy Area
HOUSEHOLD UNITS: one per SITE.	<b>P</b>
HOUSEHOLD UNITS - one HOUSEHOLD UNIT in addition to an existing HOUSEHOLD UNIT per SITE, on: (a) Any established horticultural SITE with more than 8 hectares in PERMANENT CROPS; or (b) Any Greenhouse unit with 2,500m <sup>2</sup> or more growing area permanently under cover.	<b>P</b>
MINOR HOUSEHOLD UNIT (a) at a density of one per SITE and (b) where the development does comply with the Development Controls in Rule 7.10 <i>Chapter 7 - Rural</i>	<b>RD</b>
MINOR HOUSEHOLD UNIT (a) at a density of one per SITE and (b) where the development does not comply with the Development Controls in Rule 7.10	<b>D</b>
INTENSIVE FARMING	<b>D</b>
MINERAL EXTRACTION AND PROCESSING ACTIVITIES	<b>D</b>
OUTDOOR RECREATION not involving BUILDINGS and excluding HORSE RIDING SCHOOLS or HORSE RIDING FACILITIES and HORSE TRAINING FACILITIES	<b>P</b>
OUTDOOR RECREATION not allowed for as a Permitted Activity	<b>D</b>
PIG KEEPING	<b>P</b>
PLACES OF ASSEMBLY	<b>D</b>
Planting and tending of TREES for amenity or conservation purposes	<b>P</b>
POULTRY KEEPING	<b>P</b>
Prospecting and exploration for minerals not involving the use of explosives	<b>P</b>



ACTIVITY	Omaha Flats Rural Policy Area
Prospecting and exploration for minerals not allowed for as a Permitted Activity	D
RESTAURANTS accommodating a maximum of 50 persons	D
RURAL SERVICES wholly serving rural production activities	D
<p>Sales of primary produce grown on the property, honey, or the products of HOME OCCUPATIONS undertaken on the property, provided that:</p> <p>(a) The sales area is served by an access point constructed in compliance with the standard specified in Rule 21.10.1.6.</p> <p>(b) The sales area has parking for at least 4 cars and a turning area, all clear of the ROAD;</p> <p>(c) Sales and display area does not exceed 25m<sup>2</sup> floor area.</p> <p>(For the purposes of this rule "primary produce grown on the property" does not include plants or animals brought onto the property from elsewhere and sold in generally the same state of development.)</p>	RD
Sales of primary produce, honey or the products of HOME OCCUPATIONS undertaken on the property not provided for as a Permitted Activity	D
Use of a SITE on not more than a total of 3 days within any 12 month period for events such as festivals, carnivals, markets, race meetings and rallies (including temporary structures for such activities) provided that the number of persons catered for and attending such events does not exceed 200 for each event	P
Use of a SITE on not more than a total of 3 days within any 12 month period for events such as festivals, carnivals, markets, race meetings, rallies (including temporary structures for such use) provided that the number of persons catered for an attending each event does not exceed 1,000 for each event	RD
VEGETATION REMOVAL and/or WETLAND MODIFICATION	Refer to Chapter 7 Rule 7.9.4
VISITOR ACCOMMODATION for a maximum of 20 guests	RD
<p>WINERIES (which may include SALES and wine tasting areas) where the following criteria are met:</p> <p>(a) An annual output not exceeding 100,000 litres; and</p> <p>(b) 65% of the SITE planted in fruit suitable for use in the WINERY; and</p> <p>(c) Wine sales limited to wine produced on the SITE; and</p> <p>(d) Access points to the WINERY and SALES AREAS constructed in compliance with Rule 21.10.1.7; and</p>	C



ACTIVITY	Omaha Flats Rural Policy Area
(e) Compliance with the NOISE controls specified in <i>Chapter 16 - General Rules</i>	
WINERIES (which may include ancillary SALES AREAS, wine tasting areas) not provided for as a controlled or Restricted Discretionary Activity including RESTAURANTS or VISITOR ACCOMODATION.	<b>D</b>
District Wide Activities	<b>Refer to <i>Chapter 16 - General Rules</i></b>
Transport activities	<b>Refer to <i>Chapter 21 - Transportation and Access</i></b>
Use and Storage of Hazardous Substances	<b>Refer to <i>Chapter 20 – Hazardous Substances and Contaminated Sites</i></b>
UTILITIES	<b>Refer to <i>Chapter 19 – Utilities</i></b>



## Rule 12.8.22.3

### Rule 12.8.22.3.1 Development Controls and Performance Standards

### Rule 12.8.22.3.2 Maximum Building Height

#### Rule 12.8.22.3.2.1 All Policy Areas

### Rule 12.8.22.3.3 Maximum Height in Relation to Boundary

#### Rule 12.8.22.3.3.1 All Policy Areas

## Development Controls and Performance Standards

### Development Controls and Performance Standards for the Special 22 (Point Wells Omaha Flats) Zone.

The Development Controls and Performance Standards in this zone shall be those applying to the Special 22 (Point Wells Omaha Flats) Zone as set out below.

### Maximum Building Height

#### All Policy Areas

The maximum height of any building shall be 9 metres.

#### *Explanation and Reasons*

*The height of buildings can adversely affect the amenity values of the area in which they are located. This Rule is intended to limit the effects of buildings on neighbours and to ensure a relatively low residential character is retained.*

### Maximum Height in Relation to Boundary – All Policy Areas

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 boundary of the site on which the building is to be located, except a front boundary or any boundary between exclusive use areas of dwelling units on the same site. Each application for a resource consent, shall show on the plans submitted with the application such exclusive use areas associated with each dwelling.

#### **This Rule shall not apply to:**

- (a) chimneys, radio and television aerials, domestic satellite dishes less than 1 metre in diameter;
- (b) the apex of any roof or gable end not exceeding 1m<sup>2</sup> in area;
- (c) dormers not exceeding 2 metres in width (not more than two per building facing the same boundary);
- (d) those parts of buildings that share a common wall on a site boundary or on a boundary between exclusive use areas.

#### *Explanation and Reasons*

*High buildings close to common boundaries can have significant adverse effects*





Rule 12.8.22.3.4  
**Maximum Bulk in Relation to Boundary**

Rule 12.8.22.3.4.1

on neighbouring sites, including being overbearing and restricting the admission of daylight. This Rule requires higher buildings to be located further from the boundary.

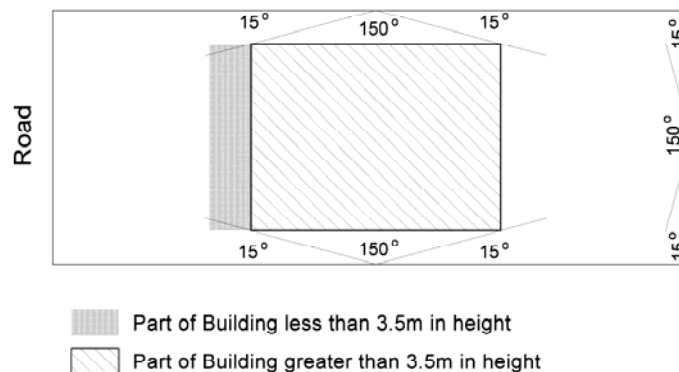
**Maximum Bulk in Relation to Boundary – Point Wells Garden Seaside Settlement and Point Wells Omaha Flats Lifestyle Policy Areas**

Any part of a proposed building that is greater than 3.5 metres above the ground level of the site boundary adjacent to the building, must be confined within the arms of a single 150 degree angle formed by two lines intersecting at a common point on the site boundary, such that each line forms an angle of 15 degrees with that boundary.

This Rule shall not apply:

- (a) To any part of a building located 4 or more metres from the site boundary to which the Rule applies.
- (b) On a front boundary.

*Diagram One - Bulk in Relation to Boundary*



**Explanation and Reasons**

This Rule requires long buildings to be set back from boundaries in proportion to their length. This results in more open space being located around larger buildings, so that their effect on the spaciousness of the residential environment is reduced and allows daylight to penetrate around buildings.

Rule 12.8.22.3.5  
**Maximum Site Coverage**

Rule 12.8.22.3.5.1  
**Maximum building coverage**

**Maximum Site Coverage**

The maximum building coverage of a site shall be:

- (a) Point Wells Garden Seaside Settlement Policy Area – 35% of net site area.
- (b) Point Wells Omaha Flats Lifestyle Policy Area – 1,400m<sup>2</sup> plus 10% of net site area in excess of 4,000m<sup>2</sup>



- (c) Omaha Flats Rural Policy Area – 1,400m<sup>2</sup> plus 10% of net site area in excess of 4,000m<sup>2</sup>.

**Explanation and Reasons**

*These rules are intended to ensure that the characteristics of each policy area are retained. The maximum site coverage requirements ensure that amenity values and the character of each zone is maintained*

*Allowing adequate open space also plays an important part in providing space for the planting of trees, stormwater drainage, and ensuring a high level of amenity values on residential sites.*

**Minimum Yards**

- (a) The minimum Front Yard, Side Yard, Rear Yard and Shoreline Yard in the Special 22 (Point Wells Omaha Flats) Zone shall be as listed below:

Policy Area	Front Yard (metres)	Side Yard (metres)	Rear Yard (metres)	Shoreline Yard (metres)
Point Wells Garden Seaside Settlement Policy Area	5m	1.2m	3m	23m
Point Wells Omaha Flats Lifestyle Policy Area	10m	1.2m	3m	23m
Omaha Flats Rural Policy Area	10m	6m	6m	50m

Rule 12.8.22.3.6  
Minimum Yards

Rule 12.8.22.3.6.1  
Front Yards for new buildings



Rule 12.8.22.3.7  
**Yards to remain unobstructed by buildings**

**Yards to remain unobstructed by buildings**

All yards shall remain unobstructed by buildings except as provided for in Rules 12.8.22.3.7.1 and 12.8.22.3.7.2 below.

Rule 12.8.22.3.7.1

**The following can be built in any yard other than a Shoreline Yard:**

- (a) Decks, unroofed terraces, landings, steps or ramps with a maximum height of 0.3 metres provided they do not prevent vehicular access to a required parking space.

Rule 12.8.22.3.7.2

**The following can be built in all yards:**

- (a) 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 antennae, pergolas or sunblinds provided they do not encroach into the yard by more than 0.3 metres.

Rule 12.8.22.3.8

**Buildings Housing Animals Minimum Separation**

**Buildings Housing Animals Minimum Separation**

Rule 12.8.22.3.8.1

**Buildings housing animals**

Buildings (in excess of 25m<sup>2</sup> in area) housing animals other than horses shall be located a minimum of 100 metres from any site boundary.

**Explanation and Reasons**

*This explanation and reasons relates to Rule 12.8.22.3.6 - 12.8.22.3.8*

*Yards or building set backs allow for open space between buildings for site access, building maintenance, privacy, noise reduction and the like. The shoreline yard makes provision for any future 20 metre wide esplanade reserve and a 3 metre wide yard.*

*Yards have a number of functions. Generally they provide a degree of separation between buildings on adjoining sites to ensure reasonable standards of daylight and sunlight admission, and privacy in addition, front yards function to:*

- (a) *provide a separation between households and road traffic noise and dust.*
- (b) *Provide a set back in case of later road realignment or improvements.*
- (c) *Provide separation from the road to retain amenity value.*
- (d) *Permit manoeuvring of vehicles within the site rather than on roads.*

*Shoreline Yards have the function of protecting the amenity values and natural character of the coastline or shoreline/riverbank, and to act as a precaution against the effects of erosion and inundation by the sea/river. They also ensure*



that future reserve areas are not compromised by the siting of buildings within future reserve areas.

Separation from buildings housing animals is appropriate because concentrations of animals may produce adverse effects such as odour, pests, etc, on adjoining sites. In the case of horses however, the effects such as odours etc are considered to be less likely to cause offence or be considered adverse effects.

#### 12.8.22.3.9

#### 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 for the purposes of Rule 16.9.2, the Point Wells Garden Seaside Settlement and Point Wells Omaha Flats Lifestyle Policy Areas shall be treated as they were a Residential Zone and the Omaha Flats Rural Policy Area as if were a General Rural Zone.

*Chapter 17 - Cultural Heritage*

*Chapter 18 - Urban Land Modification and Vegetation Protection - Point Wells Garden Seaside Settlement and Point Wells Omaha Flats Lifestyle Policy Areas only*

*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*

[Amendment 171]



## Rule 12.8.22.4

## Controlled Activities: Matters for Control and Assessment Criteria

In accordance with section 76(3A) the Council will restrict its control to the matters listed against each specified activity when considering resource consent applications for Controlled Activities. Applications for Controlled Activities under this Rule need not be notified and the written approvals of affected parties will not be required.

### Rule 12.8.22.4.1

#### Wineries

#### Wineries which May Include Sales and Winetasting Areas etc.

### Rule 12.8.22.4.1.1

#### Matters for Discretion

#### Matters for Control

The Council will limit its control to the following matters:

- (a) The location, design and external appearance of buildings and structures.
- (b) Landscaping and screening.
- (c) The location and design of access points to the site, and parking areas on the site.
- (d) The location and design of waste treatment facilities

### 12.8.22.4.1.2

#### Assessment Criteria

#### Assessment Criteria

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

#### *Rural Landscaping*

- (a) Whether the buildings and structures [and parking areas] are visually integrated with the vineyard and rural landscape through techniques such as:

- (i) siting buildings well back from the road;
- (ii) planting the space between the road and the buildings and parking areas with vines or trees;
- (iii) lining entry drives to buildings and parking areas with vines or fruit trees;
- (iv) using topography and screening and backdrop planting to reduce the impact of outdoor storage tanks.

#### *Siting and design of facilities*

- (b) Whether buildings and structures, outdoor processing areas, solid waste storage and disposal areas [and the like] are designed and sited so as to:

- (i) avoid adverse effects on the amenity values of dwellings on neighbouring land;
- (ii) minimise risk of contamination of natural water through accidental leakage of toxic wastes and wash water;
- (iii) provide space for initial and replacement soakage fields for the disposal of treated effluent; and
- (iv) avoid, remedy or mitigate contamination of natural water.

#### *Access and parking*

- (c) Whether the location and design of access and parking areas do not adversely affect the safe and efficient operation of roads in the vicinity of the site.



Rule 12.8.22.4.2  
**A Household Unit to be  
Constructed Using the Cross  
Lease Savings Clause**

Rule 12.8.22.4.2.1

12.8.22.4.2.2

Rule 12.8.22.4.3  
**Minor Household Units in the  
Point Wells Garden Seaside  
Settlement and the Point  
Wells Omaha Flats Lifestyle  
Policy Areas**

Rule 12.8.22.4.3.1  
**Matters For Control**

12.8.22.4.3.2  
**Assessment Criteria**

*External Appearance*

**A Household Unit to be Constructed Using the Cross Lease Savings Clause**

**Matters for Control**

The Council will limit its control to the following matters:

- (a) Privacy of adjoining sites
- (b) Building siting, design, and external appearance.
- (c) Landscaping.

**Assessment Criteria**

- (a) Whether the construction of the household unit will adversely affect the privacy of adjoining existing household units and the extent to which this adverse effect can be mitigated by screening, landscape planting, or window treatment.
- (b) Whether the siting, design and external appearance of the new household unit is of a similar scale and character to residential buildings in the area surrounding the site.
- (c) Whether landscape planting provided in conjunction with the household unit serves to assist in mitigating the effects of the household unit.

**Minor Household Units – Point Wells Garden Seaside Settlement and the Point Wells Omaha Flats Lifestyle Policy Areas**

**Matters for Control**

The Council will limit its control to the following matters:

- (a) Building siting, design and external appearance.
- (b) Servicing.

**Assessment Criteria**

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

- (a) Whether the exterior finish of the Minor Household Unit ensures compatibility with buildings on the site and within the neighbourhood.
- (b) Whether the arrangement of the units, and related facilities such as letter boxes and service areas, are integrated to provide the general impression of a single household unit on a site.



Privacy

Amenity Values

Stormwater

Servicing

(c) Whether the visual privacy of adjoining properties is protected.

(d) Whether the amenity values of the surrounding neighbourhood are safeguarded.

(e) Whether adequate provision can be made for the mitigation of additional stormwater discharge.

(f) Whether the effects on public services resulting from the establishment of the Minor Household Unit are mitigated.

**Explanation and Reasons**

*It is important that the increased intensity of activity resulting from the erection of a minor household unit does not adversely affect the amenity values and privacy of neighbouring sites or the neighbourhood, including the existing character, or result in increased stormwater runoff, or pressure on other public services. To all appearances it should look as though there is only one household unit on a given site.*

**Rule 12.8.22.5**

**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 against each specified activity when considering resource consents applications for Restricted Discretionary Activities.

**Rule 12.8.22.5.1  
Minor Household Units**

**Minor Household Units in the Point Wells Garden Seaside Settlement and Point Wells Omaha Flats Lifestyle Policy Areas Only**

**12.8.22.5.1.2  
Matters for Discretion**

**Matters For Discretion**

The Council will limit its control to the following matters:

- (a) Building siting, design and external appearance.
- (b) Wastewater and stormwater disposal.
- (c) Landscape and landform modification.

**12.8.22.5.1.3  
Assessment Criteria**

**Assessment Criteria**

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

- (a) Whether adverse effects associated with additional stormwater runoff and wastewater generation can be mitigated.
- (b) Whether the location of the Minor Household Unit minimises significant landform modification, sufficient landscape planting, and mitigates adverse

*Landform modification and landscaping*





*Neighbourhood Amenity*

effects on the landscape and amenity values of the site.

(c) Whether the design of the Minor Household Unit, including the cladding and roofing materials, windows, colours and landscaping are consistent with the Principal Household Unit to maintain the appearance of a single household unit on the site.

*Visual Integration*

(d) Whether the design of the Minor Household Unit is visually and spatially integrated with the Principal Household Unit around a shared common area and is not visually separated by physical structures such as fences or walls, or landscaping such as hedges or groups of trees.

Rule 12.8.22.5.1.4

### **Minor Household Units in the Omaha Flats Rural Policy Area Only**

12.8.22.5.1.5  
**Matters for Discretion**

#### **Matters for Discretion**

The Council will limit its discretion to the following matters:

- (a) Building siting, design and external appearance;
- (b) Access; and
- (c) Servicing
- (d) Proximity to principal household unit
- (e) Cumulative effects
- (f) Effect on landscape and rural character

12.8.22.5.1.6  
**Assessment Criteria**

#### **Assessment Criteria**

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

*Rural Character*

(a) Whether it appears that there is only a single household unit on the site, and whether the Minor Household Unit detracts from any view or vista of natural features obtained from any public road, or other public place including parks and reserves.

*External Appearance*

(b) Whether the buildings will be of the same or similar exterior finish and style, including materials and colour, as the Principal Household Unit to maintain a consistent visual appearance on the site complementary to the rural character.

*Landform Modification*

(c) Whether the Minor Household Unit is sited so that it does not require extensive landform modification, but uses the existing landform as far as practicable so as to minimise adverse effects on landscape and discharges of silt.

*Density*

(d) Whether the addition of a Minor Household Unit will create the impression of higher than usual residential density in an area, taking into account the proposed location of the Minor Household Unit in relation to the Principal



	Household Unit, any site or topographical restraints, and related facilities such as letter boxes and service areas.
<i>Visual Impact</i>	(e) Whether the Minor Household unit is in close proximity to the Principal Household Unit so that buildings for living purposes remain close to one another, and are not dispersed over a rural site, leading to separate entrances, driveways, and visual effects, and potential desires to subdivide the land on which the minor household unit is to be located from the land on which the principal unit stands.
<i>Rural Character</i>	(f) Whether the location of the Minor Household Unit will enable the site to retain the feeling of openness and the sense of rural character that exists at present.
<i>Visual Impact</i>	(g) Whether the Minor Household Unit when considered in conjunction with other buildings for living, driveways, and service areas, both on and off the site, will have adverse cumulative effects on rural character and landscape.
<i>Access</i>	(h) 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.
<i>Amenity Values</i>	(i) Whether the Minor Household Unit has an adverse effect on the amenity values of the surrounding area, such as by reducing privacy to neighbouring sites.
<i>Servicing</i>	(j) Whether the method and design of water supply, sewage disposal and site drainage is appropriate to ensure that no adverse effects on the environment (including the surrounding land and waters) result.
<i>Ridgelines</i>	(k) Whether buildings and structures visually intrude on any significant ridgeline or skyline and adversely affect landscape values when viewed from any public road or other public place.

***Explanation and Reasons***

*It is important that the increased intensity of activity resulting from the erection of a minor household unit does not adversely affect the amenity and privacy of neighbouring sites or the neighbourhood, including the existing character, or result in increased stormwater runoff. To all appearances it should look as though there is only one household unit on a given site.*



Rule 12.8.22.5.2  
**Other Restricted Discretionary Activities**

Rule 12.8.22.5.2.1

12.8.22.5.2.2  
**Matters for Discretion**

12.8.22.5.2.3  
**Assessment Criteria**

*Objectives, policies and outline*

**Other Restricted Discretionary Activities**

**Point Wells Lifestyle Settlement Policy Area**

Activity	Matters for Discretion/Assessment Criteria
	<b>See the relevant sub-clauses of Rule 12.8.22.5.2.2 below</b>
Homestay	(a) (f) (g) (h) (i) (k) (l) (m)
Childcare facilities	(a) (f) (g) (h) (i) (j) (k) (l) (m)
Sales of primary produce	(a) (e) (h) (i) (j) (k) (l) (m)
Visitor Accommodation	(a) (c) (f) (g) (h) (i) (j) (k)(m)
Wineries	(a) (b) (c) (d) (e) (f) (g) (h) (i) (k) (l) (m)

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Consistency with the Objectives, Policies and Outline Plan.
- (b) Effects on Water and Soil Values.
- (c) Effects on Coastal Marine Area.
- (d) Effects on Ecosystems.
- (e) Effects on Utility Services.
- (f) Scale, Design and Appearance of structures and/or Arrangement of spaces.
- (g) Visual and Acoustic Privacy.
- (h) Vehicular and Pedestrian Access.
- (i) Traffic.
- (j) Public Transport.
- (k) Vehicle parking.
- (l) Signs.
- (m) Cumulative Effects.

**Assessment Criteria for Other Restricted Discretionary Activities**

- (a) Whether the effects of the activity, including the scale, design and



<i>plan</i>	appearance of any building, and the character and intensity of any building, are consistent with the Objectives and Policies for the Policy Area in which it is to be located, and with the Outline Plan at Appendix 12 to the Planning Maps.
<i>Land modification and vegetation protection</i>	(b) Whether the proposal is consistent with <i>Chapter 21 - Urban Land Modification and Vegetation Protection</i> .
<i>Coastal marine area</i>	(c) Whether adverse effects on resources in the Coastal Marine Area are avoided, remedied or mitigated.
<i>Ecosystems</i>	(d) Whether adverse effects on water quality, ecosystems and habitat values are avoided, remedied or mitigated.
<i>Utility services</i>	(e) Whether adverse effects on utilities are avoided, remedied or mitigated.
<i>Character and amenity values</i>	(f) Whether the size, design and appearance of structures, and/or the provision to be made for the activity, in terms of scale, design and arrangement of buildings and outdoor spaces, in harmony with the character and amenity values of the locality.
<i>Visual and acoustic privacy</i>	(g) Whether buildings are designed, spaces arranged, and visual and acoustic screening provided relative to indoor and outdoor spaces, with regard to the activities for which the spaces are to be used, so that the visual amenities of nearby properties will be maintained and excessive noise effects avoided or mitigated.
<i>Vehicular and pedestrian access</i>	(h) Whether entry and exit points to the site are to be positioned and designed so as to be safe and convenient for pedestrians and vehicles entering or leaving the site, and for pedestrians and vehicles using the street.
<i>Traffic</i>	(i) Whether traffic volumes and frequency/incidence generated by the activity will adversely effect the safe and efficient operation of the road network.
<i>Public transport</i>	(j) Whether activities and provision for access to the road network are located so that use of public transport is encouraged.
<i>Vehicle parking</i>	(k) Whether, that having regard to the Rules of <i>Chapter 21 - Transportation and Access</i> and to any particular circumstances relating to the activity (such as hours of operation giving rise to parking demand which is complementary to that of nearby activities), sufficient provision is made on site for vehicle parking for persons working or living at and visiting the site.
<i>Signs</i>	(l) Whether signage for the facility is in keeping with the character of the locality, in harmony with the streetscape, and does not adversely affect amenity values.
<i>Ridgelines</i>	(m) Whether buildings and structures visually intrude on any significant ridgeline or skyline and adversely affect landscape values when viewed from any public road other public land.
<i>Cumulative Effects</i>	(n) Whether there are adverse cumulative effects of any proposal. In



considering any actual or potential cumulative effects arising from an activity, the Council will have regard to the following:

- (i) The effects of the proposed activity adding to or acting together with the effects of existing activities located in the area.
- (ii) The effects of new activities that may establish in the future which will add to or act together with the proposed activity.
- (iii) In considering the likelihood that activities resulting in cumulative effects may establish in the future, the Council will consider (but will not be limited to) the following:
  - The nature of land in the vicinity of the subject site.
  - The attractiveness of the land in the vicinity of the site for being used for similar, complimentary, or competitive purposes.
  - The historic pattern of the establishment of activities in the area.
  - The provision of infrastructure in the area, including roading and in-ground services.

**Rule 12.8.22.6**

**Rule 12.8.22.6.1**

**Rule 12.8.22.6.2  
Maximum Building Height**

**Rule 12.8.22.6.2.1  
Matters for Discretion**

**12.8.22.6.2.2  
Assessment Criteria**

*Significant views*

*Additional open space*

*Neighbourhood*

**Non-compliance with Development Controls**

**Certain Activities - Restricted Discretionary Activities**

(a) Where the Development Controls in Rule 12.8.22.3 are not met, the following (Rules 12.8.22.6.2 – Rule 12.8.22.6.5) are deemed to be Restricted Discretionary Activities. Restricted Discretionary Activities status applies only where the **circumstances** specified in each Rule are met.

(b) In all other cases non-compliance with the Development Controls is deemed to be a Non-complying Activity.

**Activities Not Complying With Rule 12.8.22.3.2. Maximum Building Height**

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

(a) Scale, siting and design of buildings, structures and landscaping.

**Assessment Criteria**

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

(a) Whether significant views from public places will be adversely affected.

(b) Whether significant additional open space will be provided around buildings to compensate for the added height.

(c) Whether the building will have adverse effects on neighbouring sites or buildings in terms of shadow, being overbearing and in terms of neighbourhood scale.



Rule 12.8.22.6.3

**Maximum Height in Relation to Boundary**

Rule 12.8.22.6.3.1

**Circumstance (1)**

12.8.22.6.3.2

**Matters for Discretion**

12.8.22.6.3.3

**Assessment Criteria**

*Neighbourhood character*

*Streetscape*

*Daylight*

*Overbearing*

Rule 12.8.22.6.3.4

**Circumstance (2)**

Rule 12.8.22.6.3.5

**Matters for Discretion**

12.8.22.6.3.6

**Assessment Criteria**

**Activities Not Complying With Rule 12.8.22.3.3 Maximum Height in Relation to Boundary**

**Circumstance (1)**

- (a) Where an addition is proposed to that part of an existing building, or a minor household unit is proposed, that currently does not comply with the Rule; or
- (b) Where the boundary adjoins a public reserve, accessway or similar area of permanent open space.

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

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

**Assessment Criteria**

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

- (a) Whether the bulk and shape of the building will generally remain in character with the buildings in the neighbourhood.
- (b) Whether the existing character of the streetscape will be retained.
- (c) Whether the level of daylight on adjacent sites or on site will be sufficient to enable normal household activities to be undertaken without the need to use artificial lighting during daylight hours.
- (d) Whether the extent of the overbearing effects will be not more than minor.

**Circumstance (2)**

- (a) Any infringement of the Rule where the non-compliance is less than 1 metre measured vertically.

**Matters for Discretion**

The Council has restricted its discretion to the following matters:

- (a) The approval of affected site owners.

**Assessment Criteria**

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



*Affected site owners*

criteria:

- (a) Whether the affected site owners have granted their approval to the infringement.
- (b) Whether adjoining sites are adversely affected.

Rule 12.8.22.6.4

**Maximum Bulk in Relation to Boundary**

**Activities Not Complying With Rule 12.8.22.3.4 Maximum Bulk in Relation to Boundary**

Rule 12.8.22.6.4.1  
**Circumstances**

**Circumstances**

- (a) Where an addition is proposed to an existing building, or a minor household unit is proposed that does not comply with the Rule; or
- (b) Where the boundary adjoins a public reserve, accessway or similar area of permanent open space.

Rule 12.8.22.6.4.2  
**Matters for Discretion**

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

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

12.8.22.6.4.3  
**Assessment Criteria**

**Assessment Criteria**

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

*Overbearing*

- (a) Whether the building will become overbearing for adjacent sites.

*Neighbourhood*

- (b) Whether the building will have adverse effects on neighbouring sites and buildings in terms of shadow, and in terms of neighbourhood scale.

Rule 12.8.22.6.5

**Maximum Site Coverage**

**Activities Not Complying With Rule 12.8.22.3.5 Maximum Site Coverage**

Rule 12.8.22.6.5.1

**Circumstances**

**Circumstances**

- (a) In all cases.

Rule 12.8.22.6.5.2

**Matters for Discretion**

**Matters for Discretion**



12.8.22.6.5.3

**Assessment Criteria**

*Neighbourhood character*

The Council will restrict its discretion to the following matters:

- (a) Scale, siting and design of buildings, and structures.
- (b) Landscaping.
- (c) Drainage.

**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.
- (d) Whether, where the site is substantially smaller than that allowed by the subdivision rules, it is practicable to locate a complying dwelling on the site.

12.8.22.7

**General Assessment Criteria: All Discretionary Activities**

**General Assessment Criteria: All Discretionary Activities**

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in all of the Policy Areas (other than those applications requiring solely a subdivision consent; see Rule 12.8.22.8) the Council will have regard to the following assessment criteria, other relevant provisions of the Plan, and the relevant matters set out in section 104 of the Act:

*Consistency with objectives, policies and outline plan*

- (a) Whether the effects of the activity, including the scale, design and appearance of any building, and the character and intensity of any activity, structure or building, will be consistent with the Objectives and Policies for the Policy Area in which it is to be located, and with the Outline Plan at Appendix 12 to the Planning Maps.

*Effects on significant wildlife habitats*

- (b) Whether any adverse effects on significant wildlife habitats which may result from the proposed activities or subdivision, are avoided, remedied or mitigated.

*Vegetation clearance and urban land modification*

- (c) Whether any vegetation removal or earthworks are of no greater extent and magnitude than is necessary in order to provide for the activities or subdivision (ie. to create building platforms, or to form site access, roads, etc.) and render the land suitable for its intended use, and that appropriate measures will taken to ensure that adverse effects of siltation on the quality of natural water bodies and that adverse effects on





	streamways (eg. siltation or erosion of banks) are avoided or mitigated.
	(d) Also see the Discretionary Activity Assessment Criteria in <i>Chapter 21 - Urban Land Modification and Vegetation Protection</i> , and when assessing applications in the Omaha Flats Rural Policy Area also see Rule 7.13.1 <i>Chapter 7 - Rural</i> .
<i>Water quality</i>	(e) Whether any adverse effects on the quality of natural water bodies or wetlands, arising from the proposed subdivision and/or activities will be avoided, remedied or mitigated.
<i>Ecosystems</i>	(f) Whether any adverse effects on ecosystems arising from the proposed subdivision and/or activities will be avoided, remedied or mitigated.
<i>Discharge of pollutants</i>	(g) Whether any adverse effects on the environment or amenity values resulting from any discharge of pollutants to air, ground or water, will be minor, or will be the subject of a resource consent granted by the Auckland Council.
<i>Cultural heritage</i>	(h) Whether any adverse effects on cultural heritage resources on or near the site will be avoided or mitigated.
<i>Maori culture</i>	(i) Whether any adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, will be avoided or mitigated.
<i>Effects on landscape values</i>	(j) Whether any adverse effects of a proposed subdivision, activities or structures/buildings on the landscape values are be avoided, or if adverse effects cannot be avoided whether they are remedied or mitigated so far as practicable.
<i>Other adverse effects on amenity values or the environment</i>	(k) Whether activities which are likely to give rise to adverse effects on amenity values or the environment, by way of noise, light overspill, glare, unsightliness, smell, smoke, or other pollutive discharge, are able to be established in the Special 22 (Point Wells Omaha Flats) Zone, without generating those adverse effects.
<i>Scale, design and effects on character</i>	(l) Whether buildings and structures are designed and located so that their scale, layout, external appearance (including the materials and colours used) will be in harmony with the character of the locality and amenity values will be maintained or enhanced.
<i>Privacy</i>	(m) Whether the arrangement of activities, including the design and location of buildings, and the arrangement and use of indoor and outdoor spaces, is such that adverse effects on indoor and outdoor privacy on adjacent and nearby sites are avoided, remedied or mitigated.
<i>Site access and circulation</i>	(n) Whether entry and exit points to the site and circulation are positioned and designed so as to be safe and convenient for pedestrians and vehicles entering, leaving or circulating on the site, and for pedestrians and vehicles using the street.



*Efficiency of infrastructure*

(o) Whether the proposed activities or subdivision have regard to the availability and capacity of utility services, or provide for any necessary extension or upgrading of services in an efficient and effective manner.

*Alignment of roads, and layout and design of subdivision*

(p) Whether the layout, and design of the subdivision, including the size of lots and the width and alignment of streets and the provision for access for all lots with regard to their intended use, should be in accordance with the Objectives and Policies of the Zone, the Outline Plan which is at Appendix 12 to the Planning Maps, and will not give rise to adverse effects on amenity values or the environment.

*Effects on road network*

(q) Whether the proposed activities or the proposed subdivision, will not adversely affect the safety or efficiency of the road network, or that such adverse effects can be avoided, remedied or mitigated.

*Effects on provision of public transport*

(r) Whether activities which will be significant community focal points are located relative to the transport network so that the use of public transport will be encouraged.

*Vehicle Parking*

(s) Whether provision for parking of vehicles in relation to any activity is in accordance with the requirements specified by *Chapter 21 – Transportation and Access*, or that there are special factors (such as hours of operation, or the manner in which any activity or service is operated) which justify a lesser provision being made for parking for that particular activity.

*Intensity of development*

(t) Whether the intensity of the activity(ies), in terms of the size (floor area, height, and site coverage) of any building, and the numbers of people living, working, or assembling on the site, will be in keeping with the established and planned character of the locality.

*Cumulative effects*

(u) Whether there will be adverse cumulative effects of any proposal in considering any actual or potential cumulative effects arising from an activity, the Council will have regard to the following:

- (i) The effects of the proposed activity adding to or acting together with the effects of existing activities located in the area.
- (ii) The effects of new activities that may establish in the future which will add to or act together with the proposed activity.
- (iii) In considering the likelihood that activities resulting in cumulative effects may establish in the future, the Council will consider (but will not be limited to) the following:
  - The nature of land in the vicinity of the subject site.
  - The attractiveness of the land in the vicinity of the site for being used for similar, complimentary, or competitive purposes.
  - The historic pattern of the establishment of activities in the area.
  - The provision of infrastructure in the area, including roading and in-ground services.



**Rule 12.8.22.8**

**Rule 12.8.22.8.1  
Subdivision in the Special 22  
(Point Wells Omaha Flats)  
Zone**

**Subdivision**

**Subdivision in the Special 22 (Point Wells Omaha Flats) Zone**

Subdivision in the Special 22 (Point Wells Omaha Flats) Zone shall comply with the following:

- (a) All Restricted Discretionary Activities in the Subdivision Table shall be assessed against the criteria in Rule 12.8.22.10.1 and Rule 12.8.22.11.3.
- (b) All Discretionary Activities in the Rule 12.8.22.9.2.1 shall be assessed against the criteria set out in Rule 8.16.1.2 *Chapter 8 – Residential Assessment Criteria* and 12.8.22.12 *Discretionary Activities: Assessment Criteria for Subdivision*, and the relevant matters in section 104 of the Act.
- (c) Any Subdivision not listed in Rule 12.8.22.9.2.1 or Rule 12.8.22.9.2 is a Non-complying Activity and will be assessed against the relevant matters in section 104 of the Act.

**Rule 12.8.22.9  
Subdivision Table**

**Subdivision Table**

In the following table:

- RD = Restricted Discretionary Activity
- D = Discretionary Activity
- PRO = Prohibited Activity

**Rule 12.8.22.9.1**

**Subdivision in the Point Wells Garden Seaside Settlement Policy Area and Point Wells Omaha Flats Lifestyle Policy Area**

ACTIVITY	Point Wells Garden Seaside Policy Area and Point Wells Omaha Flats Lifestyle Policy Area
Sites that comply with the Subdivision Standards in Rule 12.8.22.10.	RD
Sites where the site size and shape factors in Rule 12.8.22.10.2 are not met. Provided that in the Point Wells Omaha Flats Lifestyle Policy Area the shape factor shall not be reduced below 30 metres and the site size reduced by more than 10%.	D
Sites that do not comply with minimum frontage standards in Rule 12.8.22.10.3 provided that the number of sites that gain access over a	D



jointly owned lot or right of way shall not be increased.	
<b>Subdivision of a Minor Household Unit</b>	
Any subdivision of a Minor Household Unit from a Principal Household Unit	<b>PRO</b>

Rule 12.8.22.9.2	<b>Subdivision in the Omaha Flats Rural Policy Area</b>
<b>ACTIVITY</b>	<b>Omaha Flats Rural Policy Area</b>
Subdivision of a rural residential site complying with Rule 12.8.22.10.	<b>RD</b>
Subdivision for the Protection of Natural Areas subject to the relevant provisions under Rule 7.14.3 in Chapter 7 – Rural.	<b>RD</b>
Subdivision for Significant Enhancement Planting subject to the relevant provisions under Rule 7.14.4 in <i>Chapter 7 - Rural</i> .	<b>D</b>
Subdivision by way of boundary relocation complying with Rule 12.8.22.10.2(d) and Rule 12.8.22.10.4 and subject to the relevant provisions under Rule 23.8.15 Chapter 23 – Subdivision and Servicing.	<b>D</b>
Any subdivision of a Minor Household Unit from a Principal Household Unit.	<b>PRO</b>
Any subdivision of premises or land used for visitor accommodation and/or associated visitor accommodation facilities.	<b>PRO</b>

**Rule 12.8.22.9.3  
Subdivision**

**Subdivision – Omaha Flats Rural Policy Area**

Subdivision in the Omaha Flats Rural Policy Area shall either be for:

- (i) Subdivision of a rural residential site complying with Rule 12.8.22.10;
- Or
- (ii) Subdivision for the Protection of Natural Areas subject to the relevant provisions under Rule 7.14.3 in Chapter 7 – Rural; and/or
- (iii) Subdivision for Significant Enhancement Planting subject to the relevant provisions under Rule 7.14.4 Chapter 7 – Rural.
- OR
- (iv) On Lots 9 and 10 DP 92086 (271 and 281 Takatu Road respectively), two (2) additional lots on each title over and above any lots that were approved for subdivision prior to November 20, 2010 in accordance



with 12.8.22.9.3 (i) and (ii) provided.

- (a) a balance block of at least 5 hectares shall remain; and
- (b) the additional lots shall be applied for at the same time in relation to each title and shall meet the required rule and assessment criteria for the rule under which each lot is created.

[Amendment 63]

**Explanations and Reasons**

*Subdivision in the Omaha Flats Rural Policy Area shall either be for the creation of one 4,000 – 5,000m<sup>2</sup> lot from sites over 5ha under Rule 12.8.22.10, or for the environmental enhancement subdivision (Protection of Natural Areas and/or Significant Enhancement Subdivision) and not a combination of both. This is to limit the number of additional residential sites that can be created to assist in protecting the productive soils.*

Rule 12.8.22.10	<b>Subdivision Standards</b>
Rule 12.8.22.10.1 <b>Development Controls</b>	<p><b>Development Controls</b></p> <p>The rules in Chapter 23 - Subdivision and Servicing shall apply.</p>
Rule 12.8.22.10.2 <b>Site Size</b>	<p><b>Site Size</b></p> <p>The minimum site sizes shall be as follows (all site areas specified are net site areas).</p> <ul style="list-style-type: none"> <li>(a) Point Wells Garden Seaside Policy Area – sites shall have a minimum area of 1,000m<sup>2</sup> capable of containing a square for building purposes measuring 15 metres x 15 metres.</li> <li>(b) Point Wells Omaha Flats Lifestyle Policy Area – Sites shall have a minimum area of 5,000m<sup>2</sup> and an average of 7,500m<sup>2</sup> across all the sites on a subdivision plan.</li> <li>(c) Omaha Flats Rural Policy Area – one site between 4,000m<sup>2</sup> – 5,000m<sup>2</sup> can be created from sites of over 5 hectares only existing prior to and including 20 November 2010. [Amendment 63]</li> <li>(d) Any sites created using Rule 12.8.22.10.2(c) cannot be used in any boundary relocation subdivision to create sites greater than 4,000m<sup>2</sup> – 5,000m<sup>2</sup>, and any boundary relocation shall not result in:             <ul style="list-style-type: none"> <li>(i) Any rural residential site created under Rule 12.8.22.10.2(c) having a site area of less than 4,000m<sup>2</sup> or greater than 5,000m<sup>2</sup>; and</li> <li>(ii) Any reduction in the size of any balance site created under Rule 12.8.22.10.2(c).</li> </ul> </li> <li>(e) Omaha Flats Rural Policy Area: For Significant Enhancement Planting Rule 7.14.4 in Chapter 7 – Rural shall apply, and for subdivision for the Protection of Natural Areas Rule 7.14.3 shall also apply.</li> </ul>



Rule 12.8.22.10.3  
**Access/Frontage**

Rule 12.8.22.10.3.1  
**Point Well Garden Seaside Settlement Policy Area**

**Access/Frontage**

All sites in the Point Wells Garden Seaside Settlement Policy Area shall have minimum site frontages as follows:

- (a) Minimum frontage and access of 6 metres.
- (b) A minimum 0.5 metre landscape strip shall be provided on each side of a carriageway within a jointly owned accessway or right of way.
- (c) 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.

Rule 12.8.22.10.3.2  
**Point Wells Omaha Flats Lifestyle Policy Area**

All sites in the Point Wells Omaha Flats Lifestyle Policy Area shall have minimum site frontages as follows:

- (a) Minimum frontage and access of 6 metres.
- (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 12.8.22.10.3.3  
**Minimum Frontage and Access**

All sites in the Omaha Flats Rural Policy Area shall have a minimum site frontage as follows.

- (a) The minimum frontage for sites in the Omaha Flats Rural Policy Area shall be 6 metres, provided that up to five 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 6 metres in width.

Rule 12.8.22.10.4  
**Design of Subdivision**

**Design of Subdivision – Omaha Flats Rural Policy Area**

- (a) For any subdivision in this policy area appropriate legal measures shall be put in place to prevent further subdivision of any balance area.
- (b) The site shapes shall be varied so that subdivisions do not result in uniform settlement patterns that are characteristic of urban or suburban development.
- (c) A conservation subdivision plan shall be completed in accordance with Rule 7.14.2.7 *Chapter 7 – Rural*, and shall also include a detailed site design plan to address the relevant matters set out in Rule 12.8.22.10.3.1. The Plan shall be used as the basis for the plans of subdivision and shall be submitted with the plan of subdivision. The plan of subdivision shall provide appropriate legal mechanisms to ensure the avoidance of the constraints and mitigation and/or permanent protection



of the values identified in the conservation subdivision plan and site design plan. [Amendment 63]

**Explanation and Reasons**

*This explanation and reasons relates to Rule 12.8.22.10.3 and Rule 12.8.22.10.4.*

*Minimum site 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 over access lots and rights of way is limited. 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 way these adverse effects can be considered as part of the overall assessment of a resource consent application.*

*In rural areas it is important that the rural character is retained and the settlement pattern is not an urban type settlement, to help achieve this the subdivision design has to be varied and not uniform.*

Rule 12.8.22.10.5  
**Other Sites**

**Other Sites**

In all Point Wells Garden Seaside Settlement Policy Area and Point Wells Omaha Flats Lifestyle Policy Area sites designed to accommodate a single household unit are provided for where:

- (a) the household unit is a Permitted Activity or has had an approved resource consent; and
- (b) is in existence on the land; and
- (c) all land, outdoor and carparking and manoeuvring areas shown to be associated with the household unit on the building consent or resource consent remain associated with the unit; and
- (d) provided that such subdivisions do not result in the creation of vacant sites or sites that have potential for the erection of one or more additional household units.

**Explanation and Reasons**

*Where a household unit exists and there is little or no potential for more development, no adverse environmental effects will result from the subdivision to provide freehold titles.*

Rule 12.8.22.10.6  
**Rules in Other Chapters of the Plan**

**Rules in Other Chapters of the Plan**

Rules in Chapter 23 - Subdivision and Servicing shall also apply.



Rule 12.8.22.11

**Subdivision: 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 resource consent applications for the subdivision of land. Applications for Restricted Discretionary Activities under this rule need not be notified and the written approvals of affected parties will not be required.

Rule 12.8.22.11.1

**Subdivisions in Point Wells Garden Seaside Settlement and Omaha Flats Lifestyle Policy Areas**

**Subdivisions in the Point Wells Garden Seaside Settlement and Omaha Flats Lifestyle Policy Areas**

Rule 12.8.22.11.1.1  
**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) Reserve provision.
- (d) Layout, including pedestrian, cyclist and public transport route connectivity linkages.

12.8.22.11.1.2  
**Assessment Criteria**

**Assessment Criteria**

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

*Site suitability*

- (a) Whether the sites are suitable for the activities proposed on them or permitted on them by the District Plan and can accommodate parking, open space and buildings necessary for those activities.

*Intensity*

- (b) Whether the sites size and shape reflect the intended level of intensity of the Zone in which they are located.

*Trees*

- (d) Whether significant stands of trees and bush are generally retained and protected.

*Frontage*

- (e) Whether sites have adequate legal and physical frontage to a public street to enable permitted activities to establish and operate.





Infrastructure

- (f) Whether sites are provided with suitable, adequate and sufficient infrastructure including roading and utility services so any adverse environmental effects are avoided or mitigated.
- (g) 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.

Site shape and size

- (h) 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 complying with other development controls in the Plan.
- (i) 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.

Frontage

- (j) Whether the convenience and safety of the access for users and adjoining sites is adversely affected.
- (k) Whether any reduction in access width causes adverse effects to be experienced on nearby sites.
- (l) Whether the ability of the access to be used by vehicles associated with residential activities is adversely affected.

Reserves

- (m) Whether adequate reserves are provided and whether it is possible to provide land identified for that purpose in any adopted Council strategy or structure plan.

Layout

- (n) Whether the layout of the subdivision adequately recognises the constraints of the land being subdivided, enables the efficient movement of vehicles, and shows practical street networks including linkages to existing roads.

Public Transport

- (o) Whether provision has been made, or needs to be made, for suitable pedestrian, cycle and public transport routes. This includes enabling pedestrian and cycling connections to main roads and commercial areas using practical routes, and provision of space for servicing public transport such as bus lanes or bus stops where applicable.

**Explanation and Reasons**

*These assessment criteria will assist in ensuring that subdivision sites are suitable for activities expected, that they are adequately serviced, that the natural environment is appropriately protected and adequate reserves are provided in the subdivision process.*

Rule 12.8.22.11.2  
**Additional Criteria  
Subdivision of Point Wells  
Garden Seaside Settlement  
Policy Area sites**

**Additional Criteria for Subdivision in the Point Wells Garden Seaside Settlement Policy Area**

In addition to the criteria in 12.8.22.11.1, when considering an application for subdivision in the Point Wells Garden Seaside Settlement Policy Area the Council will have regard to the following criteria:



Rule 12.8.22.11.2.1  
**Subdivision of Point Wells  
Omaha Flats Lifestyle Policy  
Area**

- (a) Whether the natural features of the area dominate such as the harbour/estuary and beaches and open space rather than the built environment.
- (b) Whether the scale, design and location of buildings reinforces the relaxed and informal identity and coastal environment.
- (c) Whether the development takes into account the potential risks associated with coastal inundation.

**Additional Criteria for subdivision in the Point Wells Omaha Flats Policy Area the Council will have regard to the following criteria:**

In addition to the criteria in 12.8.22.11.1, when considering an application for subdivision in the Point Wells Omaha Flats Policy Area the Council will have regard to the following criteria:

- (a) Whether sites retain the open landscape qualities and protect landscape and landform features.
- (b) Whether links for pedestrians/cycles/horses are provided to Point Wells, the coast line and rural areas
- (c) Whether lot sizes retain the open character and create a buffer between rural and settlement areas.

Rule 12.8.22.11.3  
**Omaha Flats Rural Policy Area**

**Subdivision in the Omaha Flats Rural Policy Area**

Rule 12.8.22.11.3.1  
**Matters for Discretion**

**Matters for Discretion: Omaha Flats Rural Policy Area**

The Council will restrict its discretion to the following matters:

- (a) Site size, shape and number of sites.
- (b) Site contour.
- (c) Site access and frontage.
- (d) Duration and nature of covenants.
- (e) Earthworks and land modification.
- (f) Tree and bush removal/protection.
- (g) Mitigating vegetation planting.
- (h) Natural hazard avoidance/mitigation.



- (i) Reserve provision.
- (j) Financial contributions and contributions of works or services.
- (k) Utility provision.
- (l) Suitability for building and building area location and size within a site.
- (m) Neighbouring land use activities
- (n) Proximity to sites identified on the Planning Maps as a significant aggregate or limestone extraction resource

Rule 12.8.22.11.3.2  
**Assessment Criteria: Omaha Flats Rural Policy Area**

**Assessment Criteria: Omaha Flats Rural Policy Area**

When considering any application for subdivision in the Omaha Flats Rural Policy Area the Council will have regard to the following criteria:

*Rural character*

- (a) Whether the particular subdivision can occur without creating adverse effects, including cumulative effects, on the rural character, and whether the intensity of the subdivision and the arrangement of the sites results in the retention of a rural rather than urban character.

*Objectives and policies*

- (b) Whether the subdivision can occur in accordance with the objectives and policies for the Omaha Flats Rural Policy Area.

*Shape and size of site*

- (c) Whether the site size, shape, contours and access is suitable for the intended use of the site.

*Earthworks*

- (d) Whether the site or sites is located so that it does not require substantial earthworks or land modification to obtain access or any building area.

*Features to be protected*

- (e) Whether the site (or sites) is located so that a household unit can be erected on it without significantly detracting, damaging or destroying from any features on the site required to be protected, or from the visual amenity values present in the vicinity of the site.

*Entranceways*

- (f) Whether the site (or sites) is located so that a proliferation of entranceways along a public road does not result and the effects on the safe and efficient operation of the roading network.

*Vehicle access*

- (g) Whether it is possible to avoid direct vehicle access to a State Highway or a regional arterial road by using alternative access to a lower order road where such access exists or can be readily obtained.

*Visual amenity*

- (h) Whether building area would dominate the natural landscape or detract from the visual amenity values in the area, and whether this could be mitigated or avoided.

- (i) Whether the subdivision, including the location of building platforms, would adversely affect the natural character of the coastal environment.  
[\[Amendment 63\]](#)



<i>Natural hazards</i>	(j) Whether coastal planting is appropriate to mitigate adverse effects on the natural character of the coastal environment. <a href="#">[Amendment 63]</a>
<i>Financial contributions</i>	(k) Whether the subdivision will initiate or exacerbate natural hazards, through earthworks or access provision, or result in building areas being subject to natural hazards.
<i>Services and reserves</i>	(l) Whether there are sufficient financial contributions provided to offset adverse effects generated by the subdivision.
<i>Utilities</i>	(m) Whether there are adequate contributions of water and services and reserves to offset adverse effects generated by the subdivision.
<i>Boundaries and buildings areas</i>	(n) Whether adequate utilities are provided for the subdivision.
<i>Water quality</i>	(o) Whether site boundaries take into account the natural geographic features and whether building areas are unobtrusive and avoid the need to remove areas of native trees and bush.
<i>Wastewater</i>	(p) Whether the works and development associated with the subdivision will adversely impact on the quality of any water bodies, including rivers.
<i>Reverse sensitivity</i>	(q) Whether on-site wastewater systems will be regularly monitored and maintained in accordance with best engineering practice. <a href="#">[Amendment 63]</a>
	(r) Whether the location, or design of the site in the proposed subdivision will adversely impact on the productivity or management of established horticultural or agricultural activities or the ability of neighbouring sites to establish permitted rural activities. <a href="#">[Amendment 63]</a>



Rule 12.8.22.12

12.8.22.12.1  
**General Assessment Criteria –  
All Discretionary Activities**

Rule 12.8.22.12.2  
**Omaha Flats Rural Policy Area**

**Discretionary Activities : Assessment Criteria for Subdivision**

**General Assessment Criteria - All Discretionary Activities**

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in the Point Wells Garden Seaside Settlement Policy Area and Point Wells Omaha Flats Lifestyle policy Area, the Council will have regard to the assessment criteria set out in Rule 8.16.1.2 *Chapter 8 – Residential*, other relevant provisions of the Plan, and the relevant matters set out in section 104 of the Act:

In applying the assessment criteria the Council will generally have to be satisfied that a proposal is positive or neutral in respect of all relevant criteria before it will grant consent.

Omaha Flats Rural Policy Area: In addition to the criteria in 12.8.22.12.1, the Council will have regard to the assessment criteria set out in Rule 7.16.4 as appropriate when considering an application for subdivision for Significant Enhancement Planting.