



12.8.33

12.8.33.1

SPECIAL 33 (OREWA WEST) ZONE [Amendment 137]

Area Description

This Zone applies to approximately 240ha of land bound by Orewa River estuary to the south; Nukumea Stream to the north; State Highway 1 to the west; and the established Orewa urban area to the east.

The provisions enable the application of sustainable design principles to all development to achieve community and environmental outcomes. A key principle is to foster ecologically responsive urban design including identifying key natural features and ensuring their protection to maintain habitat and create variety and uniqueness in this urban area.

An Outline Plan for the Special 33 (Orewa West) Zone (refer to Appendix 13, Figure 1 of the Planning Maps) has been compiled to ensure that the development of Orewa West will be carried out in an “integrated” way.

The majority of the roads and other infrastructure including water, waste water and stormwater services have not yet been constructed in the area. The provision of this infrastructure is expected to require staging of the development and will determine the sequence of development.

The roading pattern, hierarchy and layout are crucial to achieving the intended outcomes for the area. Therefore a number of roads have been shown as indicative roads on the planning maps. There are also specific designs for parts of the roading network. It is intended that the finished cross sections of roads including widths, landscaping, pedestrian and cycle ways etc. and their relationship with site layout, buildings and orientation will contribute to the high level of amenity and character of the area.

The Orewa West area includes an existing school, the presence of which in conjunction with the nearby Orewa Town Centre, provides the potential to facilitate considerable residential development in the area. Further, these elements have provided an opportunity to incorporate a ‘Live, Play and Learn’ environment, potentially reducing car reliance and providing an opportunity to create a community of interest and diversity for a range of people expanding on the existing urban Orewa area.

The area includes a range of residential densities in a flexible arrangement, guided by clear and strong assessment criteria and an extension of the adjoining existing Silverdale North to the south and Orewa urban area to the east. The local community needs will also be met by the inclusion of additional local shops and park areas. The park areas will cater for both active and passive recreation. It is considered that this mix of activities meets the principles for the area (established through the Orewa West Structure Plan adopted in December 2001 and varied in 2009), taking into account the areas development constraints and working with the unique opportunities that the area offers.



12.8.33.2

Approach to the Areas Development

The Special 33 (Orewa West) Zone includes the following Policy Areas:

- Garden Residential Policy Area
- Local Shops Policy Area

The Zone includes rules for the development of the Orewa West area, and where appropriate, cross references to other chapters of the Plan.

12.8.33.3

Area Issues

The following issues apply to all areas within the Orewa West Outline Plan in Appendix 13 of the Planning Maps.

Issue 12.8.33.3.1

The Orewa West area contains a variety of topographical and other landscape constraints and features which are likely to impact on the form of future urban development within the area. If not guided appropriately, development could undermine the contribution that the unique natural features and distinctive natural character makes in enhancing the future urban amenity of the area.

In conjunction with Silverdale North, Orewa West is the largest area of undeveloped land available for urban uses within the Hibiscus Coast area.

The area is bounded to the south by the Orewa Estuary and north by Nukumea Stream making its connection to the water very important given the ecological value of the estuary and stream respectively.

The existing contours are complex and involve dominant ridge lines and rolling hills with natural gullies and watercourses. The Orewa West area is also 'split' into two parts by Grand Drive which runs in an east – west direction between State Highway 1 and the Orewa Town Centre. Land south of Grand Drive is characterized by two east-west orientated ridges separated by a stream which drains into Orewa Estuary. Land north of Grand Drive is dominated by an east – west ridge system which follows Maire Road. A second ridge follows a north – south line along West Hoe Heights. Both areas have rural and sea views which lend themselves to residential development. The land on the northern side of Sunnyheights Road rises slightly to a south west to north east ridge. Beyond this to the north the contour falls steeply through to gullies and a series of scarps and benches to the Nukumea Stream.

There are some areas within Orewa West with soils limitations which may preclude medium density development.

Issue 12.8.33.3.2

The Orewa Estuary and Nukumea catchments are potentially vulnerable receiving environments which may be adversely effected by stormwater runoff during and post development.

The conversion of rural land to urban activities has the potential to generate adverse effects on these receiving environments.



Issue
12.8.33.3.3

Poor urban design, including inappropriate scale of the built form, and architectural design that does not respond appropriately to the natural environment and other built forms will adversely affect the future amenity values experienced both within Orewa West and beyond.

Good urban design can achieve higher levels of urban amenity than that traditionally found in many suburban areas. Part of this issue is a consideration of the measures taken within the Plan to achieve good urban design. To this end the Council is committed to devote more resources to ensuring it is able to respond adequately to development proposals.

Issue
12.8.33.3.4

Public perception of safety and actual safety (personal and otherwise) is affected by subdivision design, the design of buildings, public places (such as road/footpath corridors, shopping areas and parks) and the interfaces between them.

The design of public places can have significant effects on the safety and perceived safety of those areas. The District Plan is able to assist in improving levels of safety in urban areas.

Improved levels of safety will assist in making the Orewa West area a more vibrant urban environment and a more pleasant place to live in and to visit.

Issue
12.8.33.3.5

Coherence and cohesion of neighbourhood communities can be encouraged by physically defining neighbourhoods and providing ready access to public open space and community facilities.

It is important that within the urban structure of Orewa West there are easily identifiable neighbourhoods, each with their own natural boundaries and distinct character, and which are well connected by green walkways to the public open space network.

Issue
12.8.33.3.6

The sameness of building types and the segregation of land uses can lead to a lack of diversity and vibrancy in the urban environment.

Recent developments in many parts of the Region are characterised by a lack of diversity of building types and land uses that are often segregated one from another. If not managed carefully this can lead to sameness in the urban environment especially when an area is developed relatively quickly with a currently fashionable building style.

In Orewa West the Council wishes to encourage a variety of section sizes, and building types and styles (particularly on higher density sites), so that urban neighbourhoods can be more diverse.

Issue
12.8.33.3.7

To ensure that sufficient public open space (including riparian buffer strips) are made available within Orewa West area to contribute to the physical health and social and cultural wellbeing of newly created communities.

Areas of open space play an important role in offsetting some of the adverse effects of development.

Open space can provide a buffer between development and sensitive natural environments including streams and the coast.



Open space can also provide visual amenity and places for recreation. These are especially important where more intensive urban development occurs and a green space within developments and sites is reduced.

A comprehensive open space network has been developed for the Orewa West area based on green linkages and protection of existing vegetated areas and riparian margins.

Issue
12.8.33.3.8

Potential public access to and along the estuary and rivers, and the conservation values of these areas, may be enhanced by subdivision and activities that address the natural river banks and coastline and provide safe and pleasant public access to these areas.

Public open space can become less used and possibly unsafe if development and subdivision turns it back on the open space rather than facing onto the open space and providing good public access to the open space.

Issue
12.8.33.3.9

Development that addresses the street and creates a safe, pleasant environment for pedestrians and cyclists can encourage alternative mobility choices such as walking and cycling.

The use of streets by pedestrians and cyclists is often affected by the perceived safety of the street. Through development addressing the street (ie buildings facing onto the street) the safety of the street can be improved by providing surveillance of the street by people in houses and businesses.

Improved street safety will offer additional opportunities for more people to use the street and support walking and cycling by residents and visitors to Orewa West.

Issue
12.8.33.3.10

Roading corridors (including the road carriageway, reserve area and footpaths), that are not appropriate to their immediate environment; are not attractive or are unsafe can adversely effect the amenity values of neighbourhoods and use of streets by pedestrians and cyclists.

The amenity of neighbourhoods is contributed to, not only by development on sites within the neighbourhood, but by the nature of the street. The nature of the street is determined by various aspects such as its width, landscaping, the amount of open space, the material used on the carriageway and footpaths.

It is therefore desirable for the District Plan provisions to pay attention to the physical environment of the street as well as the environment of sites to ensure high levels of amenity within neighbourhoods.

Issue
12.8.33.3.11

Access to, and convenience of, public transport can be affected by the layout of neighbourhood and streets.

The layout of streets and other parts of the pedestrian movement network can make it difficult or easy for pedestrians to reach a passenger transport route. The time taken for pedestrians to get to passenger transport routes is a key component in improving the efficiency and effectiveness of passenger transport.

In a similar way, having direct passenger transport routes within an urban area



Issue
12.8.33.3.12

contributes to the effectiveness of passenger transport operations.

The Rodney District Council has obligations to provide for additional urban development in terms of the Auckland Regional Growth Strategy and the Northern and Western Sectors Agreement.

Under the Auckland Regional Growth Strategy and Northern and Western Sectors Agreement the Rodney District Council has agreed to zone land within the District to assist in accommodating population growth.

Issue
12.8.33.13

The urban development of Orewa West may generate adverse effects on the surrounding primary road network unless improvements are made to Grand Drive between Flavell Drive and North-South Link Road.

12.8.33.14

Garden Residential Issues

The following issues apply to the Garden Residential Policy Area.

Issue
12.8.33.3.15

Recent residential development has been characterized by larger houses being built on smaller sites. This has led to there being decreased space around houses and greater dominance of the landscape by buildings.

Over recent years the size of residential sections has decreased from the traditional 600m² to 800m² down towards 500m² for single houses and even smaller sites for multi-unit and apartment style housing. At the same time the average size of houses being built has increased from around 170m² in 1995 to 195m² in 2004. This has meant that houses either cover more land on sites or more multi-storey houses are being constructed.

Both these trends have led to a tendency for greater dominance of house buildings in the residential landscape with less room for trees and lawns.

Issue
12.8.33.3.16

Residential areas that are not adequately served by shops and other facilities, and do not contain a range of small scale business activities often lack vitality and convenience.

In newly developed residential areas there is often a lack of shops and other facilities as these sometimes take time to become viable and be established by the private sector. Where such facilities are established in close proximity to or part of residential neighbourhoods they act as neighbourhood centres and can contribute to the quality of living in new neighbourhoods.

Issue
12.8.33.3.17

Residential development that is characterised by similar building styles and designs can result in a bland and uninteresting residential environment that lacks amenity.

Building styles in residential areas can be influenced by trends and fashions. Where urban development is rapid and development of an area occurs over a short period this may lead to houses in that area all being similar to one another.

This "sameness" of building style can lead to monotony in the residential landscape, effectively reducing amenity values.



Issue
12.8.33.3.18

Buildings and activities in residential areas can have significant effects on amenity values and the quality of life experienced by residents and visitors.

Buildings in residential areas can have a range of adverse effects on the amenity values of residents ranging from shading of living areas of neighbours to visual effects on the streetscape and the potential for informal surveillance of the street. These issues fall within the general heading of "Urban Design".

In addition activities that take place within residential areas can have adverse effects on residents. For example certain businesses operating within a residential area can create noise or odours that create a nuisance to others.

Issue
12.8.33.3.19

Parts of the Garden Residential Policy Area contain soils that are unstable and are not suitable for residential development at standard residential densities.

Parts of the Garden Residential Policy Area contain soils that are not suitable for development at standard residential densities without modification. It will be necessary to ensure that only low intensity development occurs on this land unless soils are modified to be more suitable for standard residential densities.

12.8.33.3.20

Commercial Issues

The following issues apply to the Local Shops Policy Area.

Issue
12.8.33.3.21

The high levels of visual appeal and amenity values of commercial areas may be adversely affected by some forms of development within the centres.

Issue
12.8.33.3.22

The amenity values and environmental quality of residential and open space areas may be adversely affected by business activities, through visual impact, noise, dust, odours, glare, overshadowing, encroachments on privacy and traffic.

The interface between commercial and residential activities is the point where the effects of commercial activities are often most keenly felt. In particular, business activities can affect the amenity values of residential areas which have a greater intensity of activities being undertaken.

Tall buildings located within commercial areas have the potential to generate shadows and restrict the access of daylight to adjacent residential areas and areas of public open space. This can significantly detract from the amenity values of the residential or open space land affected.

Tall buildings located in close proximity to residential areas can also reduce the level of privacy currently enjoyed within these areas. Occupants of tall buildings may be able to obtain previously unavailable views into the private open space of the adjoining residential properties or land uses.

An issue which has arisen in some parts of the District is that of noise, particularly loud music from bars and restaurants. Loud noise can affect people's health, especially if it results in sleep deprivation. Noise, vandalism and anti-social behaviour from people congregating outside premises on closing has also been an issue. These actions impact on the amenity values of



Issue
12.8.33.3.23

the adjacent residential and business area.

Traffic effects can include congestion, parking problems and reduced pedestrian safety. Where business activities are adjacent to open space areas (reserves) the issue of maintaining the amenity value of the open space also arises.

Amenity values within commercial areas may be adversely affected by inappropriate urban design and activities that generate noise, dust, odours and traffic.

The maintenance and enhancement of the amenity values is important to the community and to the businesses themselves. Commercial areas should also maintain amenity values, including urban form and in particular the character of the streetscape, the appearance of the site from public areas and the relationship between the buildings and to areas of open space.

Issues relating to amenity values have been identified as weaknesses in some business areas in the District, particularly those relating to parking, access, and the amenity values and quality of public space in the centres. Business activities themselves, such as those which generate high levels of noise, dust or odour, may adversely affect other businesses in an area, for example retail activities.

The movement of people and vehicles is also an issue which can impact on the safety and amenity values of business areas which are not pedestrian oriented. Poorly designed parking areas, and entry and exits are an example. Similarly traffic congestion on adjoining roads can impact on safety and amenity values, by making it difficult to get to the business activities.



12.8.33.4

Special 33 Zone Objectives

The following objectives apply to all areas within the Orewa West Outline Plan in Appendix 13 Figure 1 to the Planning Maps.

Objective
12.8.33.4.1

To enable urban development that will create an outstanding environment in which people can live, work, and play in accordance with the Outline Plan in Appendix 13 of the Planning Maps.

(This objective relates to Issue 12.8.33.3.1)

Objective
12.8.33.4.2

To protect the key natural features and distinctive character of the area from inappropriate subdivision and development.

The key natural features and distinctive character of the area include:

- Rolling topography;
- Streams, wetlands and gullies;
- Riparian vegetation;
- Remnant indigenous vegetation; and
- Estuarine environment.

(This objective relates to Issue 12.8.33.3.1, 12.8.9.3 and 12.8.33.3.8)

Objective
12.8.33.4.3

To avoid the adverse effects of stormwater runoff during and post development on the Orewa Estuary and Nukumea Stream catchments and their contributing streams.

(This objective relates to Issue 12.8.33.3.2)

Objective
12.8.33.4.4

To promote urban development that is in keeping with accepted urban design principles including:

- Clearly defined public and private space;
- Neighbourhood definition;
- Creating attractive and safe streets which encourage walking and cycling;
- Buildings fronting public open space;
- High quality stormwater design;
- Active street frontages;
- Private open space;
- Reducing visual impact of garages;
- Breaking up building mass; and
- High quality landscape planting.

(This objective relates to Issue 12.8.33.3.3)

Objective
12.8.33.4.5

To promote attractive natural and built landscapes in Orewa West.

(This objective relates to Issue 12.8.33.3.3)

Objective
12.8.33.4.6

To enhance public and personal safety in public places (including parks and streets) through design of buildings and spaces that reduce opportunities for crime to occur.



Objective 12.8.33.4.7	<p><i>(This objective relates to Issue 12.8.33.3.4)</i></p> <p>To maintain and enhance public access to and along the Orewa Estuary, Nukumea Stream and other streams and public access between each neighbourhood.</p> <p><i>(This objective relates to Issue 12.8.33.3.5)</i></p>
Objective 12.8.33.4.8	<p>To create definable, identifiable communities and neighbourhoods in both business and residential areas, through unique developments based on the key natural features of each area of Orewa West.</p> <p><i>(This objective relates to Issue 12.8.33.1.5)</i></p>
Objective 12.8.33.4.9	<p>To ensure that development in Orewa West creates a diversity of building types and land uses within each residential 'neighbourhood'.</p> <p><i>(This objective relates to Issue 12.8.33.1.6)</i></p>
Objective 12.8.33.4.10	<p>To provide adequate and appropriate land for public open space and ensure that these areas are treated as integrated features in any development.</p> <p><i>(This objective relates to Issue 12.8.33.3.7)</i></p>
Objective 12.8.33.4.11	<p>To encourage alternative transport modes to car use.</p> <p><i>(This objective relates to Issues 12.8.33.3.8 and 12.8.33.3.9)</i></p>
Objective 12.8.33.4.12	<p>To achieve a high level of amenity within legal roads, public reserves and individual sites.</p> <p><i>(This objective relates to Issue 12.8.33.3.9)</i></p>
Objective 12.8.33.4.13	<p>To ensure that the design of roading corridors provides for a range of travel modes.</p> <p><i>(This objective relates to Issue 12.8.33.3.10)</i></p>
Objective 12.8.33.4.14	<p>To encourage through neighbourhood and street layout design, alternative transport modes including passenger transport, cycling and walking.</p> <p><i>(This objective relates to Issue 12.8.33.3.11)</i></p>
Objective 12.8.33.4.15	<p>To ensure the creation of safe connections for pedestrians and cyclists and other transport users.</p> <p><i>(This objective relates to Issue 12.8.33.3.9)</i></p>
Objective 12.8.33.4.16	<p>The integration of roading, cycle and pedestrian networks across Orewa West in a manner that minimises the adverse effects of traffic.</p> <p><i>(This objective relates to Issue 12.8.33.3.13)</i></p>



Objective
12.8.33.4.17

To ensure that the roading network has the capacity to accommodate new urban development.

(This objective relates to Issue 12.8.33.13)

Objective
12.8.33.4.18

To protect defined views from public places to the Orewa River and the Hauraki Gulf.

(This objective relates to Issue 12.8.33.3.1)

Objective
12.8.33.4.19

The creation of an attractive and visually pleasing urban area appropriate as the gateway to the Hibiscus Coast.

(This objective relates to Issue 12.8.33.3.1)

Garden Residential Policy Area Objectives

(In addition to Objectives 12.8.33.4.1 to 12.8.33.4.19 inclusive)

Objective
12.8.33.4.20

To provide an urban environment which is landscaped and spacious and which has high amenity, environment and social value.

(This objective relates to Issue 12.8.33.3.3, 12.8.33.3.15 and 12.8.33.3.17)

Objective
12.8.33.4.21

To provide for a variety of housing types, densities and site sizes in the Orewa West area, in a manner which will retain the area's landscaped and spacious feel and quality and which responds positively to the natural qualities and challenges within Orewa West.

(This objective relates to Issues 12.8.33.3.3, 12.8.33.3.6 and 12.8.33.3.17)

Objective
12.8.33.4.22

To achieve a high level of urban amenity.

(This objective relates to Issues 12.8.33.3.17 and 12.8.33.3.18)

Objective
12.8.33.4.23

To create a residential environment that enables convenient access to shops, parks, schools and community activities.

(This objective relates to Issues 12.8.33.3.10 and 12.8.33.3.11)

Objective
12.8.33.4.24

To provide opportunities for small scale businesses with minimal adverse effects on the environment to establish in residential areas in order to achieve a vibrant and diverse community. This will reduce the need for commuting.

(This objective relates to Issue 12.8.33.3.3 and 12.8.33.3.16)

Objective
12.8.33.4.25

To avoid, remedy or mitigate the adverse effects of residential development and residential activities on the natural environment, including landform, water courses, significant vegetation and the sea and to maintain key elements of the natural environment.



(This objective relates to Issue 12.8.33.3.1, 12.8.33.3.2 and 12.8.33.3.19)

Local Shops Policy Area Objectives

(In addition to Objectives 12.8.33.4.1 to 12.8.33.4.19 inclusive)

Objective
12.8.33.4.26

To allow the development of small scale retail and commercial services in specific locations distant from larger shopping centres.

(This objective relates to issues 12.8.33.3.16 and 12.8.33.3.21)

Objective
12.8.33.4.27

To ensure that buildings are of a scale and design appropriate for a local community focal point with high levels of urban and pedestrian amenity.

(This objective relates to issues 12.8.33.3.21 and 12.8.33.3.23)

Objective
12.8.33.4.28

To provide for the development of the Local Shops Policy Area in a way that does not generate adverse effects on nearby land uses.

(This objective relates to issue 12.8.33.3.22)

Objectives from the following chapters are also relevant:

Chapter 5 – Natural Hazards

Chapter 6 – Highly Valued Natural Resources

Chapter 10 – Open Space and Recreation

Chapter 14 – Scheduled Activities

Chapter 17 – Cultural Heritage

Chapter 18 – Urban Land Modification and Vegetation Removal

Chapter 22 – Utilities

Chapter 20 – Hazardous Substances and Contaminated Sites

Chapter 21 – Transportation and Access

Chapter 22 – Financial Contributions

Chapter 23 – Subdivision and Servicing



12.8.33.5

Special 33 Zone Policies

The following policies apply to all areas within the Orewa West Outline Plan in Appendix 13 of the Planning Maps.

Policy 12.8.33.5.1

Development within the Orewa West Zone should generally be in accordance with the Outline Plan at Appendix 13 to the Planning Maps and achieved through the Development Concept Plan process, so that:

- (a) the pattern of activities, densities and the layout of sites and buildings respond positively to the natural qualities and challenges of the area including its steep rolling topography, natural watercourses and its coastline; and
- (b) the amenity values and environmental quality (such as the rolling topography, views and open coastal edge) within the area are reinforced or enhanced.

(This policy seeks to achieve Objective 12.8.33.4.1)

Policy 12.8.33.5.2

Key natural features should be protected so that they contribute to a unique urban character and identity. Features of particular importance are:

- (a) Significant view shafts.
- (b) Development should front natural watercourses across public roads.
- (c) The geotechnical and topographical characteristics of much of the land in the zone are such that it will require extensive earthworks with significant modification of landforms in order to achieve appropriate land stability and efficient use of the urban land resource. Within these constraints earthworks should recognise the original topography of the land, in particular ridges and valleys, and this should be reflected as far as practicable in the final landform.
- (d) Riparian vegetation should be retained where practicable.
- (e) Significant watercourses and significant wetlands should be retained and enhanced.

(This policy seeks to achieve Objective 12.8.33.4.2)

Policy 12.8.33.5.3

Subdivision and land use activities should be carried out in a manner which avoids the adverse effects of stormwater runoff on receiving environments. In addition to those aspects of discharge, this can be achieved through practices such as:

- (a) the incorporation of a high level of pervious surfaces on sites.
- (b) the use of roof materials other than uncoated galvanised based products.
- (c) the use of natural contours for stormwater discharge.
- (d) the use of other external devices to slow the runoff and beautify the area.
- (e) the maintenance of a natural flow regime.
- (f) the use of swales, filter strips, wetlands for stormwater treatment and attenuation.



	<ul style="list-style-type: none">(g) implementation of the relevant Integrated Catchment Management Plans.(h) the establishment of WAI care programmes and community monitoring groups. <p><i>(This policy seeks to achieve Objective 12.8.33.4.3)</i></p>
Policy 12.8.33.5.4	<p>Infrastructure and built form should respond to the location's key natural features to avoid adverse effects on amenity values.</p> <p><i>(This policy seeks to achieve Objective 12.8.33.4.2)</i></p>
Policy 12.8.33.5.5	<p>Architectural quality and the location and design of buildings should take account of the following urban design principles:</p> <ul style="list-style-type: none">(a) diversity in the built form.(b) architectural coherence.(c) relationship of building to the street to create clear distinctions between public and private space which provides a positive experience of the public realm.(d) the impact of materials and colours on character of a neighbourhood. <p><i>(This policy seeks to achieve Objective 12.8.33.4.4)</i></p>
Policy 12.8.33.5.6	<p>Landscaping, particularly fronting public areas and in public areas should complement the built form and be of a high quality so as not to adversely effect the amenity of the Orewa West area and other zones which have views of Orewa West. Landscape plans should be provided with subdivision and land use consents and should demonstrate:</p> <ul style="list-style-type: none">(a) the landscape theme.(b) street tree planting.(c) species types that provide identity to neighbourhood and compatibility to the local urban context.(d) in the case of a landuse consent application options for landscaping within private property.(e) provisions for street gardens or ecological corridors, where appropriate. <p><i>(This policy seeks to achieve Objective 12.8.33.4.4 and 12.8.33.4.5)</i></p>
Policy 12.8.33.5.7	<p>Road reserves and carriageways (including berm landscaping, tree planting and footpath and road finishing etc) should be designed as an integral component of any subdivision and development concept plan in order to create functional traffic routes of high amenity value that pedestrians find pleasant and enjoyable to travel along.</p> <p><i>(This policy seeks to achieve Objectives 12.8.33.4.4, 12.8.33.4.12, 12.8.9.4.13)</i></p>
Policy 12.8.33.5.8	<p>Buildings, car parks, public open spaces and road reserves should be sited, designed and managed to ensure that the principles of crime prevention through environmental design have been incorporated, including:</p> <ul style="list-style-type: none">(a) natural surveillance of public and semi-public spaces from surrounding



- activities and buildings; and
- (b) a clear distinction between public, semi-public and private areas through the use of design techniques.

(This policy seeks to achieve Objective 12.8.33.4.6)

Policy
12.8.33.5.9

Pedestrian access should be provided, maintained and enhanced between all areas of Orewa West to assist the creation of an active community and to provide opportunities to easily access a diverse range of live, work, and play environments.

(This policy seeks to achieve Objective 12.8.33.4.7)

Policy
12.8.33.5.10

Development design should acknowledge the key natural features of individual areas as far as practicable to assist the creation of identifiable communities and neighbourhoods throughout Orewa West.

(This policy seeks to achieve Objective 12.8.33.4.8)

Policy
12.8.33.5.11

Small scale business activities that generate few adverse effects on the surrounding environment should be encouraged to locate in residential areas.

(This policy seeks to achieve Objective 12.8.33.4.24)

Policy
12.8.33.5.12

The interface between Local Shops Policy Areas and Garden Residential Policy Areas should be designed to avoid adverse environmental effects resulting from incompatibility of buildings or activities.

(This policy seeks to achieve Objective 12.8.33.4.5 & 12.8.33.4.24)

Policy
12.8.33.5.13

A variety of section sizes and building types should be provided for in order to create interest, diversity, and choice.

(This policy seeks to achieve Objectives 12.8.33.4.9 and 12.8.33.4.21)

Policy
12.8.33.5.14

Open space and recreation areas and land for facilities should be identified at the Development Concept Plan stage of development and should be provided at the time subdivision and development occurs.

(This policy seeks to achieve Objective 12.8.33.4.10)

Policy
12.8.33.5.15

By ensuring public open spaces are an asset to any development and are enhanced by the development in the vicinity.

(This policy seeks to achieve Objective 12.8.33.4.10)

Policy
12.8.33.5.16

Subdivision and development design should seek to ensure that public open spaces are bounded and fronted by streets, unless topographical and/or natural constraints prohibit this, to provide a clear sense of public ownership, a high level of amenity for the general public, and a safe environment for users. Public open spaces adjoining the Orewa Estuary should be bounded for their full perimeter by a combination of the estuary and streets where this is consistent with good environmental outcomes.

(This policy seeks to achieve Objective 12.8.33.4.10)



Policy
12.8.33.5.17

Developments should address the street to increase street amenity and to encourage pedestrians and cyclists.

(This policy seeks to achieve Objective 12.8.33.4.12)

Policy
12.8.33.5.18

Where additional roading is required for a subdivision or development, the design and landscaping of the street should be an integral component of that subdivision or development and be appropriate to the environment being created.

(This policy seeks to achieve Objective 12.8.33.4.5 and 12.8.33.4.14)

Policy
12.8.33.5.19

The front of buildings, and the landscaping and activities within front yards, should complement the environment being created in each specific roading corridor.

(This policy seeks to achieve Objective 12.8.33.4.12)

Policy
12.8.33.5.20

Roads including footpaths and berms should be designed in an integrated manner taking account of:

- (a) a range of transport modes (such as vehicles, cycles, pedestrians and public transport).
- (b) the creation of a street environment that is pleasant and safe for pedestrians to walk along.
- (c) enhancing connectivity and permeability (urban design principles).

(This policy seeks to achieve Objectives 12.8.33.4.12, 12.8.33.4.13 and 12.8.33.4.14)

Policy
12.8.33.5.21

Public transport should be provided for through mechanisms such as development designs incorporating bus routes, direct access to bus routes for pedestrians and the preparation of travel plans.

(This policy seeks to achieve Objectives 12.8.33.4.13 and 12.8.33.4.14)

Policy
12.8.33.5.22

Pedestrian and cycle connections should be a safe alternative to car travel.

(This policy seeks to achieve Objective 12.8.33.4.15)

Policy
12.8.33.5.23

The Council is committed to a collaborative design process in the development of Orewa West in order to achieve good urban design in the area.

(This policy seeks to achieve Objective 12.8.33.4.1)

Policy
12.8.33.5.24

That design of streets within the Orewa West context should achieve an integrated and coherent roading/street network and recognize that the underlying generator to the urban structure and roading pattern is the natural system of watercourses and landform.

(This policy seeks to achieve Objective 12.8.33.4.2 and 12.8.33.4.5)



Policy 12.8.33.5.25

Land disturbing activities which may result in the generation and discharge of elevated levels of sediment will be required to employ methods which avoid, remedy or mitigate adverse effects on the quality of water in waterbodies and coastal water.

(This policy seeks to achieve Objective 12.8.33.4.3)

Garden Residential Policy Area Policies (in addition to Policies 12.8.33.5.1 to 12.8.33.5.25 inclusive, and Policies 12.8.33.5.36 to 12.8.33.5.40 inclusive)

Policy
12.8.33.5.26

The intensity of development over significant parts of the Garden Residential Policy Area should not exceed 1 unit per 650m². Development of a higher intensity should be provided for and should be integrated into the urban landscape in accordance with good urban design outcomes and in the case of the highest intensities of development (Comprehensive Designed Developments) be subject to resource consent.

(This policy seeks to achieve Objective 12.8.33.4.20)

Policy
12.8.33.5.27

A development concept plan will be required prior to subdivision for each precinct (see Appendix 13 Figure 2). This plan should indicate where areas for proposed low, medium and high densities, in terms of subdivision/ landuse are to be located within the precinct.

(This policy seeks to achieve Objectives 12.8.33.4.4, 12.8.33.4.20, 12.8.33.4.25)

Policy
12.8.33.5.28

Where possible, taking into account topographical constraints, higher intensity development should occur around activity centres (e.g. shops and parks), adjacent to potential passenger transport routes and places of high amenity value. It is also intended that high intensity development be designed and located in such a way that it helps define the street edge and provides opportunities for informal surveillance, particularly to areas of open space. Higher intensity development should be comprehensively designed.

(This policy seeks to achieve Objectives 12.8.33.4.22 and 12.8.33.4.25)

Policy 12.8.33.5.29

Apart from initial housing construction within comprehensively designed developments, densities in the Garden Residential Policy Area should not exceed one house per site.

(This policy seeks to achieve Objective 12.8.33.4.20)

Policy
12.8.33.5.30

Development and subdivision in the Garden Residential Policy Area should not result in the removal of significant trees, mature indigenous vegetation and other landscape features. Where such features are removed suitable mitigation should take place.

(This policy seeks to achieve Objective 12.8.33.4.25)

Policy
12.8.33.5.31

Any activity that adversely affects the amenities of residential sites or the sense of residential cohesion from having neighbours close at hand should not be located within the Garden Residential Policy Area.

(This policy seeks to achieve Objective 12.8.33.4.24)



Policy
12.8.33.5.32

While relatively low building coverage is appropriate in the Garden Residential Policy Area the area of a site covered in buildings should be related to site size. On sites larger than 450m², buildings should not exceed 35%. Greater building coverage may be provided in comprehensive developments.

(This policy seeks to achieve Objective 12.8.33.4.20)

Policy
12.8.33.5.33

The proportion of various intensities of residential development in any precinct (see Appendix 13 Figure 2) should be consistent with the following:

Density – site size per household unit	Percentage in Precinct
150m ² – 449.9m ²	10-20%
450m ² – 649.9m ²	60-70%
650m ² +	10-30%

(This policy seeks to achieve Objective 12.8.33.4.21)

Policy
12.8.33.5.34

Development in the Physical Limitations Overlay area should not exceed 1 residential unit per 1500m² of site area with an average of 1 residential unit per 5000m² unless the geotechnical constraints are removed as part of wider development of the area.

(This policy seeks to achieve Objective 12.8.33.4.25)

Policy
12.8.33.5.35

Small scale business activity should be provided for through more liberal provisions than in the standard residential zones for home occupations and other opportunities for small scale retail activities.

(This policy seeks to achieve Objective 12.8.33.4.24)

Local Shops Policy Area Policies (in addition to Policies 12.8.33.5.1 to 12.8.33.5.25 inclusive, and Policies 12.8.33.5.26 to 12.8.33.5.32 inclusive)

Policy
12.8.33.5.36

One small area of local shops to meet the day to day needs of local residents is provided for within the Garden Residential Policy Areas.

(This policy seeks to achieve Objectives 12.8.33.4.26, 12.8.33.4.27 and 12.8.33.28)

Policy
12.8.33.5.37

Shops are to be of a small scale with high levels of urban and pedestrian amenity.

(This policy seeks to achieve Objectives 12.8.33.4.26, 12.8.33.4.27 and 12.8.33.28)

Policy
12.8.33.5.38

While the emphasis is on providing for shops in this Policy Area, other commercial and service activities are provided for to assist in enabling the on-going viability of the small centres.

(This policy seeks to achieve Objectives 12.8.33.4.26, 12.8.33.4.27 and 12.8.33.28)



Policy
12.8.33.5.39

Development in the Local Shops Policy Area is not to generate adverse effects on nearby land uses.
(This policy seeks to achieve Objectives 12.8.33.4.26, 12.8.33.4.27 and 12.8.33.28)

Policy
12.8.33.5.40

Development in the Local Shops Policy Area is to be exempt from the on-site parking requirements of the Plan.

(This policy seeks to achieve Objectives 12.8.33.4.26, 12.8.33.4.27 and 12.8.33.28)

Policies from the following chapters are also relevant:

- Chapter 5 – Natural Hazards*
- Chapter 6 – Highly Valued Natural Resources*
- Chapter 10 – Open Space and Recreation*
- Chapter 14 – Scheduled Activities*
- Chapter 17 – Cultural Heritage*
- Chapter 18 – Urban Land Modification and Vegetation Removal*
- Chapter 22 – Utilities*
- Chapter 20 – Hazardous Substances and Contaminated Sites*
- Chapter 21 – Transportation and Access*
- Chapter 22 – Financial Contributions*
- Chapter 23 – Subdivision and Servicing*



12.8.33.6

Special Policy - Collaborative Design Process

An underlying principle that applies to development within the Special 33 Zone is that good urban design is achieved by way of a consent design assessment process rather than by fixed bulk and location controls which are less responsive to site specific and neighbourhood context. Accordingly much of the subdivision and development in the Orewa West Area requires resource consent. To facilitate good design outcomes, through the resource consent process, the Council is committed to a collaborative development design approach. To achieve this, Council encourages applicants to approach the Council early in the project design process to discuss the project.



12.8.33.7

Rule
12.8.33.8

OREWA WEST GARDEN RESIDENTIAL POLICY AREA

Description

The Orewa West Garden Residential Policy Area applies to the land identified for residential purposes in the Orewa West area, and provides for a variety of housing types and site sizes to provide the residential growth set out in the Auckland Regional Growth Strategy and the Northern and Western Sectors Agreement. The policy area also encourages an associated local shopping area, to create a convenient and suitably self contained neighbourhood, provided that the adverse effects of other activities on residents are minor. The policy area has been named 'Garden Residential' in order to convey the notion that an emphasis should be placed on creating a neighbourhood which provides residents with opportunities for landscaping and outdoor activities on most sites.

The key characteristics of the Policy Area are:

- (a) A proportion of larger site sizes with a single house per site;
- (b) Indoor and outdoor space for family activities;
- (c) Space for landscaping (trees, gardens and lawns) on sites;
- (d) An integrated roading network which serves a range of transport functions;
- (e) Opportunities for working from home;
- (f) Provision for higher intensities of residential development in appropriate places;
- (g) Provision for small scale retail activities.

It is intended that land developers have a high degree of flexibility in determining the appropriate locations of various forms of residential development and in helping to achieve development that meets the outcomes set out above. In particular land developers can decide, through the development concept plan process, where different densities should be located, rather than being specified by strict zones.

Rule
12.8.33.9

Process

The following diagram (Diagram 12.8.33.9.1) sets out the process provided for the development of land in the Orewa West Garden Residential Policy Area. The process is based on a collaborative approach where the Council will work closely with the developers of the land to achieve high quality development of the area.

The Council requires that all applications for resource consents for activities in the Policy Area that involve earthworks, subdivision or the erection of buildings are required to comply with a Development Concept Plan (DCP) covering the precinct in which the site is located (see Appendix 13 Figure 2).



Where the resource consent application is for the first activity on the land (earthworks, building or subdivision), a DCP is to be included with the application and the adequacy of the DCP will be assessed as part of that resource consent application. The resource consent will be conditioned to require the development of the property to be in general accordance with the DCP provided.

Where the resource consent application is for a subsequent activity, the application will be required to demonstrate that the activity applied for is in accordance with the DCP applying to the property. Alternatively, the applicant may choose to lodge a new DCP updating the original. Where more than one DCP has been approved for a property, the Council will require compliance with the most recent DCP.

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

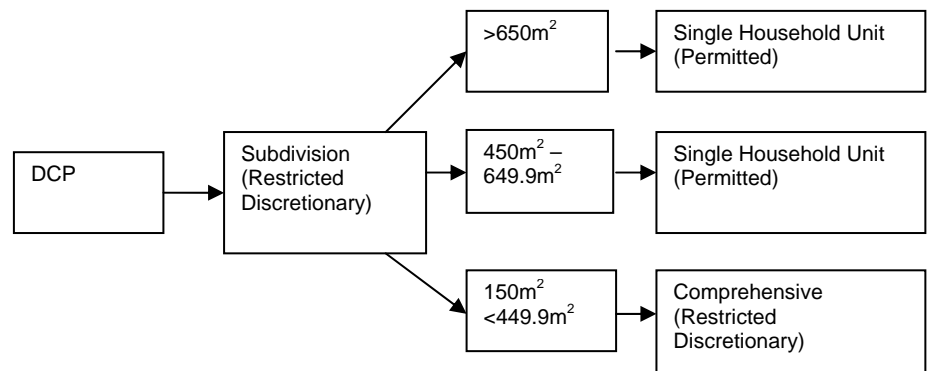
Where an application is made for an activity that is listed as a discretionary activity (unrestricted) the Council will consider the extent to which the activity complies with an approved DCP. Where no DCP has been approved, or no DCP is approved as part of the application, the application will be classified as a non-complying activity.

Any application for an activity that is required by the rules to provide a DCP and which fails to do so will be treated as a non-complying activity.

The process is based on land owners/ developers preparing a development concept plan (DCP) that sets out how each part of the Garden Residential Policy Area is proposed to be developed. Once this is approved by the Council all development shall be in accordance with the DCP. This gives the landowner/ developer a degree of flexibility in designing a development while also allowing the Council to input into the development so as to successfully manage the effects of any development.

The Council is committed to working with land owners/ developers in a collaborative manner as this is expected to best achieve the objectives and policies of the Plan together with the aims of the landowners/ developers.

Diagram 12.8.33.9.1





**Rule
12.8.33.10**

Rule
12.8.33.10.1

Activity Rules

Activities in the Orewa West Garden Residential Policy Area

Activities in the Orewa West Garden Residential Policy Area shall comply with the following:

- (a) All Permitted Activities and Controlled Activities in the Activity Table in Rule 12.8.33.10.2 shall comply with Rule 12.8.33.11 Development Controls, and any other relevant Rule in the District Plan.
- (b) Development and subdivision shall comply with the layout shown on the Orewa West Outline Plan in Appendix 13 Figure 1 to the Planning Maps.
- (c) All Restricted Discretionary Activities in the Activity Table in Rule 12.8.33.10.2 shall be assessed against those matters over which discretion is retained as set out in Rule 12.8.33.13. Household units (including those parts of comprehensively designed developments where specified) shall comply with the development controls in Rule 12.8.33.11.
- (d) All Discretionary Activities in the Activity Table in Rule 12.8.33.10.2 shall be assessed against the criteria set out in 12.8.33.14 Discretionary Activities: Assessment Criteria for Residential Activities, any other relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters in section 104 of the Act.
- (e) All Non-complying Activities in the Activity Table in Rule 12.8.33.10.2 shall be assessed in terms of Section 104 of the Act.
- (f) Except as provided for by section 95A(4) of the Act, all Restricted Discretionary Activities marked # will be considered without public notification or limited notification.
- (g) Any activity marked * , any earthworks that require a resource consent, and any subdivision shall either:
 - (i) include a Development Concept Plan for the entire area of the Precinct (see Appendix 13 Figure 2) in which the application site is located; or
 - (ii) demonstrate that the activity applied for is in accordance with the most recently approved Development Concept Plan applying to that Precinct.

Any application that does not comply with (i) or (ii) will be assessed as a Non-complying Activity.

In the following table:

- P = Permitted Activity**
- C = Controlled Activity**
- RD = Restricted Discretionary Activity**



Rule
12.8.33.10.2

D = Discretionary Activity
NC = Non-complying Activity

Note: Words in capitals are defined in *Chapter 3 - Definitions*.

Activity Table		
ACTIVITY		OREWA WEST GARDEN RESIDENTIAL POLICY AREA
Any activity not listed in the Activity Table		NC
Any Permitted Activity not complying with the Development Controls that meet the circumstances set out in Rule 12.8.33.14		RD
Any Permitted Activity not complying with the Development Controls and Performance Standards that does not meet the circumstances set out in Rule 12.8.33.14.		NC
ACCESSORY BUILDINGS for permitted activities.		P
BOARDINGHOUSES, accommodating not more than 10 persons inclusive of owner family and staff. (Note: this is an activity rule only and does not cover buildings associated with this activity)		P
Buildings	BUILDINGS: The erection, addition to or external alteration to and/or relocation of BUILDINGS associated with a SINGLE HOUSEHOLD UNIT not exceeding 1 unit per SITE at a standard of equal or greater than 650m² per household unit .	P
	BUILDINGS: The erection, addition to or external alteration to and/or relocation of BUILDINGS associated with a SINGLE HOUSEHOLD UNIT not exceeding 1 unit per SITE at a standard of greater than 450m² and not exceeding 649.9m² per household unit that complies with Rule 12.8.33.11. *	P



	BUILDINGS; The erection, addition to or external alteration to and/or relocation of buildings associated with a SINGLE HOUSEHOLD UNIT per SITE not exceeding 1 unit per SITE at a standard of greater than 450m ² and not exceeding 650m ² per household unit that complies with Rule 12.8.33.11 but does not comply with Rule 12.8.33.11.8 *	RD
	BUILDINGS; The erection, addition to or external alteration to and/or relocation of BUILDINGS associated with a COMPREHENSIVE DESIGNED DEVELOPMENT on sites identified for such activities on an approved DEVELOPMENT CONCEPT PLAN. *	RD #
	BUILDINGS; The erection, addition to or external alteration to and/or relocation of BUILDINGS not otherwise listed in this table. *	D
	BUILDINGS; The demolition of BUILDINGS except where listed in Appendix 16A or B.	P
	BUILDINGS; The use of existing BUILDINGS for residential purposes, where the buildings comply with the activity and density rules.	P
	CHILDCARE FACILITIES; and after school care for school age children, for not more than 10 children at any one time based on an existing household unit or existing accessory BUILDINGS, subject to the site containing not less than 650m ² net site area (Note: this is an activity rule only and does not cover buildings associated with this activity).	P



CHILDCARE FACILITIES; and after school care for school age children, for more than 10 children at any one time, subject to the site containing not less than 650m ² net site area (Note: this is an activity rule only and does not cover buildings associated with this activity).	D
EDUCATIONAL FACILITIES (Note: this is an activity and building rule).*	D
HOMES FOR THE AGED and DAY-CARE FACILITIES FOR THE ELDERLY AND DISABLED, accommodating not more than 10 persons inclusive of owner, family and staff within an existing household unit or existing accessory BUILDINGS.	P
Retirement Villages, HOMES FOR THE AGED and DAY-CARE FACILITIES FOR THE ELDERLY AND DISABLED, accommodating more than 10 persons*	D
Alterations and additions to the Retirement Village consented by Council ref RMA 51843 on sites identified in Appendix 13, Figure 1 provided that the buildings comply with the development control rules. (Note: this is an activity and building rule).	RD#
Grazing of animals on sites greater than 2,000m ² net site area	P
HOMESTAYS accommodating not more than 10 persons inclusive of owner family and staff (Note: this is an activity rule only and does not cover buildings associated with this activity).	P
HOME OCCUPATIONS that comply with Rule 16.8	P
HOME OCCUPATIONS that comply with Rule 16.8 but do not comply with the limitations on the number of people employed in a home occupation contained in Rules 16.8.1(c) and (d).	RD
BOARDING HOUSES accommodating not more than 10 persons inclusive of owner family and staff and forming part of an existing household unit or existing accessory BUILDINGS subject to the site containing not less than 650m ² net site area (Note: this is an activity rule only and does not cover buildings associated with this activity).	P
BOARDING HOUSES accommodating more than 10 persons inclusive of owner family and staff subject to the site containing not less than 650m ² net site area (Note: this is an activity rule only and does not cover buildings associated with this	D



activity).		
Household Activities - Density Rules	SINGLE HOUSEHOLD UNIT per SITE not exceeding 1 unit per SITE at a standard of not less than 650m² per household unit. (Note this is a density rule.)	P
	SINGLE HOUSEHOLD UNIT per SITE not exceeding 1 unit per SITE at a standard of greater than 450m² per household unit. (Note this is a density rule).	P
	COMPREHENSIVE DESIGNED DEVELOPMENT at a standard of greater than 150m² of net site area per household unit on sites identified for such activities on approved DEVELOPMENT CONCEPT PLAN *	RD#
PLACES OF ASSEMBLY *		D
Public Reserves		P
SHOPS with a GFA of less than 100m ² .*		RD
SHOPS with a GFA of 100m ² or greater where specifically provided for on a Development Concept Plan that has been granted consent.*		RD
District Wide Activities		Refer to Chapter 16 - General Rules
EARTHWORKS, VEGETATION REMOVAL and importation of CLEAN FILL including excavation		Refer to Chapter 18 — Urban Land Modification and Vegetation Protection <i>See also Rule 12.8.33.29.</i>
Transportation Activities		Refer to Chapter 21 - Transportation and Access



Rule
12.8.33.10.3

Use and storage of HAZARDOUS SUBSTANCES	Refer to <i>Chapter 20 - Hazardous Substances and Contaminated Sites</i>
UTILITIES	Refer to <i>Chapter 22 - Utilities</i>
All subdivision is subject to Rule 12.8.33.16	

Definitions for Orewa West Garden Residential Policy Area Only:

DEVELOPMENT CONCEPT PLAN – means a plan required by Rule 12.8.33.11.1. For the purposes of clarity any reference that requires compliance with a DEVELOPMENT CONCEPT PLAN shall refer to the latest approved DEVELOPMENT CONCEPT PLAN applying to the land in question that has a valid resource consent.

COMPREHENSIVE DESIGNED DEVELOPMENT – means development where more than one household unit is proposed on a site within an area identified for such developments on a DEVELOPMENT CONCEPT PLAN that has been granted consent.

Within a COMPREHENSIVE DESIGNED DEVELOPMENT the design of buildings, their layout, access and relationship to one another and their neighbours is to be planned as a whole.

**Rule
12.8.33.11**

Development Controls

Rule
12.8.33.11.1

Development Concept Plan

Subdivision, earthworks, land development and building works shall only take place in accordance with an approved Development Concept Plan.

Any application for an activity identified in the Table in Rule 12.8.33.10.2 with an *, any earthworks that require a resource consent, and any subdivision shall either:

- (a) include a Development Concept Plan for the entire area of the Precinct (see Appendix 13 Figure 2) in which the application site is located; or
- (b) demonstrate that the activity applied for is in accordance with the most recently approved Development Concept Plan applying to that Precinct.

In Precinct 3 a DCP shall not be required to be prepared for the retirement village granted as part of consent number Council ref RMA 51843. If this consent is not implemented a DCP will be required for Precinct 3.

Any application that does not comply with (a) or (b) will be assessed as a Non-complying Activity.



Rule
12.8.33.11.1.2

Any other rule in this chapter exempting a resource consent application from limited notification shall not apply if the application includes a Development Concept Plan as required by this rule.

Except as provided for by section 95A(4) of the Act, all Restricted Discretionary Activities including a Development Concept Plan will be considered without public notification.

Except as provided for by Rule 12.8.33.11.1.4, development as shown on the Development Concept Plan shall comply with the ranges of lot sizes shown on Table 12.8.33.11.1.2 below and compliance shall be shown on the Development Concept Plan.

Table 12.8.33.11.1.2

Density – site size per household unit	Percentage of household units in Precinct
150m ² – 449.9m ²	10-20%
450m ² – 649.9m ²	60-70%
650m ² +	10-30%

The Development Concept Plan shall also show compliance with (so far as can be known at this stage) with Rule 12.8.33.16 (Subdivision Standards).

Rule
12.8.33.11.1.3

A Development Concept Plan shall cover the whole of the precinct in which the site is located and show in detail the following information in respect of the entire precinct whether or not that land is owned by the applicant. (Where all the land in a precinct is not owned by a single entity only that part of the Development Concept Plan that is owned by the applicant will be granted consent. Landowners are however encouraged to provide joint Development Concept Plans). A Development Concept Plan shall include the following:

- (a) Existing site boundaries.
- (b) The location and widths of all proposed streets, cycle routes and pedestrian routes including those shown in Orewa West Outline Plan in Appendix 13 Figure 1 to the Planning Maps.
- (c) The location and dimensions of public reserves, including those shown in Orewa West Outline Plan in Appendix 13 to the Planning Maps and proposed walkways.
- (d) The distribution of various densities/ site sizes throughout the precinct including sites for comprehensively designed developments in accordance with Table 12.8.33.11.1.2, or Rule 12.8.33.11.1.2.
- (e) The proposed landscape concept for the precinct.
- (f) The existing and proposed finished contours of the precinct at 2m intervals and approximate long sections of roads.
- (g) The general nature of any earthworks proposed.
- (h) Any protected trees and the location of existing significant vegetation.

Note: See Appendix 13 – Figure 1 for areas identified Protected



Rule
12.8.33.11.1.4

- Vegetation to be protected by covenant – area to be defined by survey on the Development Concept Plan.
- (i) The location and extent of proposed trunk utility services.
 - (j) Sites for non-residential activities where these are known.
 - (k) Areas subject to the Physical Limitations Overlay.
 - (l) Any approved Catchment Management Plan details for the precinct.
 - (m) Location of permanent streams.
 - (n) A Precinct Sediment Management Plan. The PSMP shall address the management of earthworks over the precinct, and may include techniques to reduce sediment discharge that exceed ARC Technical Publication 90 controls, monitoring of sediment ponds, overall management of earthworks and any future controls required for future subdivision and / or small site earthworks in the precinct. The detailed design and location of the erosion and sediment control devices is not required as part of the Sediment Management Plan.
 - (o) Location of identified archaeological sites.

The Development Concept Plan shall also show compliance with (so far as is can be known at this stage) with Rule 12.8.33.15 (subdivision standards).

A Development Concept Plan may alter the proportion of households of various densities within a precinct by transferring rights from one precinct into another provided that the following standards are met:

- (a) The number of households within any density band on Table 12.8.33.11.1.2 for any precinct shall not be varied by more than 40% (i.e. 40% of 20% in band 1).
- (b) An equivalent percentage of households offsetting any variance shall be provided in a second precinct under the control of the applicant.
- (c) A Development Concept Plan must be prepared and approved for both precincts.
- (d) The range of household units for the combined precincts must comply with the table.

Applications for activities that invoke this rule shall be treated as a discretionary activity.

Rule
12.8.33.11.1.5

The Council shall use the Development Concept Plan to assess subsequent resource consent applications, for both subdivision and land use consents, and will as necessary or appropriate require compliance with the Development Concept Plan through conditions of consent and consent notices. If consent has not been granted for a Development Concept Plan then any application for subdivision consent will be a non-complying activity.

Rule

For avoidance of doubt, approval of a Development Concept Plan will not fetter



12.8.33.11.1.6

Council's ability to grant or refuse consent for future application for use or development of land.

Rule
12.8.33.11.2

Maximum Site Coverage

Rule
12.8.33.11.2.1

Orewa West Garden Residential Policy Area not part of a Comprehensively Designed Development

The maximum site coverage shall be as follows:

- (a) Sites of 450m² or greater in area - 35% of net site area.
- (b) All sites in the Physical Limitations Overlay - 11.5%, or if the geotechnical constraints are addressed and resolved in a consented Development Concept Plan - 35%.

Rule
12.8.33.11.2.2

Orewa West Garden Residential Policy Area part of a Comprehensively Designed Development (refer to definition of Comprehensively Designed Development)

The maximum site coverage shall be 60% of the net site area.

Explanation and Reasons

The Garden Residential area in Orewa West is intended to be characterised by spaciousness and garden qualities. These rules are intended to ensure that these characteristics are retained. Open space 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.

Rule
12.8.33.11.3

Maximum Height

Rule
12.8.33.11.3.1

Orewa West Garden Residential Policy Area not part of a Comprehensively Designed Development

The maximum height of any residential building shall be 9 metres.

Rule
12.8.33.11.3.2

Orewa West Garden Residential Policy Area part of a Comprehensively Designed Development

- (a) The maximum height of any building with a roof pitch of less than 20% shall be 9m.
- (b) The maximum height of any building with a roof pitch of 20% or more shall be 9m plus an additional non habitable roof space of 2m (total 11 metres).

Explanation and Reasons

The purpose of this rule is to provide for buildings with attractively designed roof lines rather than using as much habitable space within the maximum height.



Rule
12.8.33.11.4

Maximum Height in Relation to Boundary

Rule
12.8.33.11.4.1

Orewa West Garden Residential Policy Area not part of a Comprehensively Designed Development for sites of 650m² or greater in area

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

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 1m² 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.

Explanation and Reasons

This rule assists in preventing over dominance of neighbouring sites and allows day light into sites. A higher building is permitted near the front of the site so that rear yards used for outdoor recreation are protected more from over dominance than the front of the site which will more often contain buildings.

Rule
12.8.33.11.5

Maximum Impervious Surfaces

Rule
12.8.33.11.5.1

Orewa West Garden Residential Policy Area not part of a Comprehensively Designed Development

Not more than 50% of the net site area of any site (this is post subdivision and does not include roads or reserves) may be covered in an impervious surface.

Rule
12.8.33.11.5.2

Orewa West Garden Residential Policy Area part of a Comprehensively Designed Development

Not more than 60% of the net site area of any site (this is post subdivision i.e. does not include roads or reserves) may be covered in an impervious surface.

Explanation and Reasons

This rule assists in limiting the amount of stormwater runoff by limiting impermeable surfaces. In addition, by limiting paved surfaces more open space is available for planting and landscaping. This contributes to the Garden Residential amenity values in Orewa West.

Rule
12.8.33.11.6

Roof Types

All roofs shall be made of materials other than uncoated galvanised material.



Rule
12.8.33.11.7
Rule
12.8.33.11.7.1

Explanation and Reasons

The run-off from uncoated galvanised roofs has the potential to cause harm to eco-systems within streams and other receiving waters.

Yards

Orewa West Garden Residential Policy Area not part of a Comprehensively Designed Development

The minimum yards shall be as follows:

For sites of 650m² or greater in area.

Front Yards

- (a) Minimum Front Yard: 6 metres.

Side Yards

- (b) Minimum Side Yards: One yard of 1 metre and one yard of 3 metres provided that where a yard adjoins a neighbouring house constructed prior to 1 May 2009, that minimum yard shall be 3 metres.

Rear Yards

- (c) Minimum Rear Yard: 6 metres.

Rear Sites

In the case of rear sites, only one yard of a minimum of 6m will be required with all other yards deemed to be side yards, only one of which will be required to be a minimum of 3m, provided that the location and orientation of the rear yard is to the east, west or north, but not south of the dwelling.

Yards To Remain Unobstructed By Buildings

All minimum yards shall remain unobstructed by buildings except as provided for below.

The following can be built in all yards:

- (a) Decks, unroofed terraces, landings, steps or ramps with a maximum height of 0.6 metres provided they do not prevent vehicular access to a required parking space.
- (b) 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 sun blinds provided they do not encroach into the yard by more than 0.6 metres, or 0.3 metres in the case of 1m side yards.

Explanation and Reasons

The setback of dwellings from the street and neighbouring boundaries influences the streetscape character, resident's privacy and the size of private outdoor space at the rear. A site can be used more efficiently and passive surveillance

Rule
12.8.33.11.7.2



Rule
12.8.33.11.8

opportunities maximised if the minimum set back from the front street boundary is less than usually required.

Rear yards are required to provide private open space for the use of residents. It is important that these are private and receive adequate sunlight penetration.

Side yards aid in achieving a spacious urban form and prevents overdominance of neighbouring sites and allows daylight access, Further, these provide practical access to the building wall and rear of the site.

Additional Rules for Orewa West Garden Residential Policy Area not part of a Comprehensively Designed Development on sites of 450m² or greater but less than 650m² in area

Rule
12.8.33.11.8.1

Maximum Height In Relation To Boundary

No part of any building shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and any site boundary, except a front boundary and except that on side boundaries within 14 metres of the road frontage the maximum height of a building shall not exceed a height equal to 5 metres plus the horizontal distance between that part of the building and the side boundary.

This rule shall not apply to:

- chimneys, radio and television aerials, domestic satellite dishes less than 1 metre in diameter;
- the apex of any roof or gable end not exceeding 1m² in area;
- dormers not exceeding 2 metres in width (not more than two per building facing the same boundary);
- those parts of buildings that share a common wall on a site boundary.

Where a site boundary adjoins a site in the Orewa West Garden Residential Policy Area with a site size of 650m² or greater that is not part of a comprehensive development then Rule 12.8.33.11.4.1 shall apply to that boundary.

Explanation and Reasons

This rule assists in preventing over dominance of neighbouring sites and allows day light into sites. A higher building is permitted near the front of the site so that rear yards used for outdoor recreation are protected more from over dominance than the front of the site which will more often contain buildings.

Rule
12.8.33.11.8.2

Front Yards

Minimum Front Yards: 3 metres; provided that the combined depth of front and rear yards shall be a minimum of 9 m; and provided that the siting of the building does not cause vehicles parked on site to protrude over the front boundary of the site.

Notwithstanding the above, the following additional rules also apply.

- (a) Bay windows, steps, verandahs, porches and balconies may protrude into the 3.0 maximum front yard but shall not be closer than 1.5m to



the front boundary.

- (b) No fence, wall, or screen located within the front yard shall exceed 0.8m in height.
- (c) Where a garage faces the street, then the front wall (containing the garage door) of the garage shall be set back a minimum of 6m from the front boundary.

Explanations and reasons:

The set back of dwellings from the street influences the streetscape character, residents' privacy and the size of the private outdoor space at the rear. A site can therefore be used more efficiently if the minimum set back from the front street boundary is less than usually required except where it is required to provide for private open space on the sunny side of the dwelling. In the interests of the safety of residents and pedestrians and cyclists using the public street space, front yards should ensure that a high degree of mutual surveillance takes place between the street and the dwelling frontages. Front yards therefore should not be screened with a boundary fence or wall in excess of 0.8 metre in height. The provision for the various permitted intrusions into the front yard are intended to encourage variety in street front elevations and opportunities to increase passive surveillance of the street.

Rule
12.8.33.11.8.3

Rear Yards / Open Space

Rear Yards

Minimum depth of Rear Yards: 3 metres: provided that the combined depth of the front and rear yards shall be a minimum of 9 m.

Open Space

An open space area of at least 60 m² with a minimum dimension of not less than 4 m shall be provided in either the front or rear yard and is to be located to the east, west or north, but not south of the dwelling.

Explanations and reasons

Front or rear yards are required to provide private open space for residents. It is important that these yards are private and receive adequate daylight. Accordingly flexibility is provided to enable open space to be provided in either the front or rear yard to accommodate sites that have different orientations to the sun.

Rule
12.8.33.11.8.4

Side Yards

Minimum Side Yards – One yard of 1 metre and one yard of 3 metres provided that where a yard adjoins a neighbouring house constructed prior to (Date of Notification 2010, that minimum yard shall be 3 metres.

Explanation and Reasons

Buildings should be set back in order to provide practical access to the building wall and to the rear of the site.

Rule
12.8.33.11.8.5

Yards to Remain Unobstructed by Buildings

All minimum yards shall remain unobstructed by buildings except as provided



for below.

The following can be built in all yards:

- (a) Decks, unroofed terraces, landings, steps or ramps with a maximum height of 0.6 metres provided they do not prevent vehicular access to a required parking space.
- (b) 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 sun blinds provided they do not encroach into the yard by more than 0.6 metres.

Rule
12.8.33.11.8.6

Rear Sites

In the case of rear sites, only one yard of a minimum of 6m will be required with all other yards deemed to be side yards, only one of which will be required to be a minimum of 3m, provided that the location and orientation of the 6m rear yard is to the east, west or north, but not south of the dwelling.

Rule
12.8.33.11.8.7

Buildings Frontages

The total area of all attached or detached garage doors or the open façade of a carport fronting the street shall not occupy more than 35% of the active building frontage.

The active building frontage is defined as:

The front façade of a dwelling including any attached or detached garage that faces the street but excludes:

- Any vertical faces that are located more than 4metres to the rear of the garage door
- Any roof.

Explanation and Reasons

The purpose of this rule is to ensure that the street frontages of houses provide potential for surveillance of the street and are not dominated by garages and car parking.

Rule
12.8.33.11.8

Rules in Other Chapters of the Plan

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

Chapter 16 – General Rules

Chapter 17 – Cultural Heritage

Chapter 18 – Urban Land Modification and Vegetation Protection

Chapter 19 – Utilities

Chapter 20 – Hazardous Substances and Contaminated sites

Chapter 21 – Transportation and Access

Chapter 22 – Financial Contributions and Works

Chapter 23 – Subdivision and Servicing (except that should any rules in Chapter 23 conflict with Rule 12.8.33.16, then Rule 12.8.33.16 shall apply)



**Rule
12.8.33.12**

12.8.33.12.1

Special Assessment Criteria – Development Concept Plan

When considering any application that requires the provision of a Development Concept Plan the Council will have regard to the guidelines in Appendix 12Z(i) and the following criteria:

- (a) Whether the Development Concept Plan is consistent with the Orewa West Outline Plan in Appendix 13 - Figure 1 to the Planning Maps.
- (b) Whether the size, location and layout of sites are in accordance with the following table:

Density – site size per household unit	Percentage of household units in Precinct
150m ² – 449.9m ²	10-20%
450m ² – 649.9m ²	60-70%
650m ² +	10-30%

- (c) Whether the precinct layout provides for housing densities in appropriate locations. This assessment will include consideration of topographical, watercourse and vegetation constraints of individual precincts and site areas. Consideration will also include whether higher density housing areas are spread throughout the precinct, not overly concentrated in a single location, and located adjacent to parks, community facilities or retail areas and whether significant views are retained by the pattern of development and housing types.
- (d) Whether the development concept plan is consistent with the Objectives and Policies of the Special 33 (Orewa West) Zone and the Orewa West Garden Residential Policy Area.
- (e) Whether the sites proposed for comprehensive developments are suitable for such development. Such sites shall have sufficient street frontage (more than 45 metres) to allow dwellings to face the street. Long narrow sites with small street frontages will not be granted consent unless they contain a public street network within the site.
- (f) Whether the street network is well connected taking into account topographical, watercourse and vegetation constraints and road connections between precincts and property boundaries and achieves the intent of street network as shown on the Orewa West Outline Plan in Appendix 13 Figure 1 of the Planning Maps.
- (g) Whether a legible public street pattern has been created. As a guideline, street blocks shall have a maximum plan dimension in any direction of 250m and a maximum block perimeter of 800m. Where public parks and reserves are provided, whether they are bounded by public streets for 75% of their entire perimeter, (excluding any coastal frontage) taking into account topographical, watercourse, vegetation



and economic constraints.

- (h) Whether significant views will be retained by the pattern of development and housing densities.
- (i) Whether non-residential activities are likely to be compatible with the Garden Residential environment desired in Orewa West.
- (j) Whether the design and/or location of development adjacent to strategic routes and district arterial routes addresses potential reserve sensitivity effects.
- (k) Whether the landscape concept is appropriate to the urban and natural context and to the creation of neighbourhood identity.
- (l) Whether indigenous vegetation and significant natural and historic heritage features (including archaeological sites) are able to be retained and incorporated into new development. If this cannot be achieved, whether the removal of indigenous vegetation or the adverse effects on significant natural and historic heritage features (including archaeological sites) can be mitigated.
- (m) Whether the amount of earthworks required to implement the Development Concept Plan is appropriate taking into account the existing topographical constraints and landform, having regard to the matters set out in Policy 12.8.33.5.2(c).
- (n) Whether services can be provided in accordance with the Standards for Engineering Design and Construction.
- (o) Whether the management of stormwater flows is consistent with the relevant Catchment Management Plan.
- (p) Whether the proposed stormwater outlet configuration has been designed to avoid multiple discharge points concentrating flows within sensitive receiving environments.
- (q) Whether the Precinct Sediment Management Plan demonstrates appropriate methods that can be implemented to ensure that sedimentation effects are adequately minimised.
- (r) Whether appropriate low intensity development is to be located within the Physical Limitations Overlay area that retains such physical limitations, or it can be demonstrated that a smaller site area and/or average area can be justified in geotechnical terms.
- (s) Whether the management of stormwater flows is consistent with the relevant Catchment Management Plan and ARC Technical Publication 10.
- (t) Whether the indicated Development Concept Plan subdivision concept (so far as is can be known at this stage) complies with Rule 12.8.33.16 (subdivision standards).
- (u) Whether development avoids the degradation of natural permanent



watercourses and does not destroy or reduce their ability to support in-stream flora and fauna, and adequate riparian buffers are provided.

- (v) Whether areas of open space and walkways are identified.

**Rule
12.8.33.13**

Restricted Discretionary Activities

In accordance with sections 77B and 104C of the Act the Council will restrict its discretion to the matters listed against each specified activity when considering resource consents applications for Restricted Discretionary Activities.

Rule 12.8.33.13.1

Non-compliance With Development Controls

Certain Activities - Restricted Discretionary Activities

- (a) Where the Development Controls in Rule 12.8.33.11 are not met, the following are deemed to be Restricted Discretionary Activities. Restricted Discretionary Activity 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.

Rule
12.8.33.13.1

Activities not complying with Rule 12.8.33.11.2 Building Coverage

Rule
12.8.33.13.1.1

Circumstances

In all cases.

Rule
12.8.33.13.1.2

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application
- (b) Scale, siting and design of buildings, and structures.
- (c) Landscaping.
- (d) Drainage and stormwater generation.

12.8.33.13.1.3

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.12, and the following assessment criteria:

- (a) Whether the additional coverage will adversely affect the residential scale and the Garden Residential character of the site and surrounding area.



	<ul style="list-style-type: none">(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, overland flow paths and stormwater quality.(d) Whether there is any additional stormwater generated over a complying situation and whether any adverse effects are mitigated so as to be equivalent to a complying situation.(e) Whether the building is consistent with the Urban Design Guidelines in Appendix 12Z(i).
Rule 12.8.33.13.2	Activities not complying with Rule 12.8.33.11.3 Maximum Height
Rule 12.8.33.13.2.1	Circumstances <ul style="list-style-type: none">(a) Where steep slopes make compliance difficult.
Rule 12.8.33.13.2.2	Matters for Discretion <p>The Council will restrict its discretion to the following matters:</p> <ul style="list-style-type: none">(a) Any Development Concept Plan provided with the application.(b) Scale, siting and design of buildings, structures and landscaping.(c) The potential effects on adjoining properties.
12.8.33.13.2.3	Assessment Criteria <p>When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.13, and the following assessment criteria:</p> <ul style="list-style-type: none">(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, in terms of neighbourhood scale and in the reduction of views.(d) Whether the building will have adverse effects on privacy.
Rule 12.8.33.13.3	Activities not complying with Rule 12.8.33.11.4 Height in Relation to Boundary
Rule	Circumstances



12.8.33.13.3.1

- (a) Where steep slopes make compliance difficult; or
- (b) Where the boundary adjoins a public reserve, accessway, road or similar area of permanent open space.

Rule
12.8.33.13.3.2

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) Scale, siting and design of buildings and structures.
- (c) Landscaping.

Rule
12.8.33.13.3.3

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.12, and the following assessment criteria;

- (a) Whether the bulk and shape of the building will generally remain in character with the buildings in the neighbourhood.
- (b) Whether the building is consistent with the Urban Design Guidelines in Appendix 12Z(i).
- (c) Whether the level of daylight on adjacent sites will be impaired to more than a minor extent by the height in relation to boundary infringement.
- (d) Whether the extent of any overbearing or dominating effects on adjoining properties will not be more than minor.
- (e) Whether the building will have adverse effects on privacy.
- (f) The effect on the function of any reserve or other land.

Rule
12.8.33.13.4

Activities not complying with Rule 12.8.33.11.5 Impervious Surfaces

Except as provided for by section 95A(4) of the Act, resource consent applications under this rule will be considered without public notification or limited notification.

Rule
12.8.33.13.4.1

Circumstances

Where the total area of impervious surfaces on a site is no more than 60% this area is able to be mitigated to a 50% equivalent.

Rule

Matters for Discretion



12.8.33.13.4.2

The Council will restrict its discretion to the following matters:

- (a) Any development Concept Plan provided with the application.
- (b) The nature and extent of stormwater generated from a site.
- (c) The nature of any mitigating measures.

12.8.33.13.4.3

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.13, and the following assessment criteria:

- (a) Whether the amount of stormwater produced from the site is similar to a complying situation through the use of mitigation and reduction measures.
- (b) Whether the adverse effects of stormwater generation are avoided, remedied or mitigated.

Rule
12.8.33.13.5

Activities not complying with Rule 12.8.33.11.6 Roof Types

Except as provided for by section 95A(4) of the Act, resource consent applications under this rule will be considered without public notification or limited notification.

Rule
12.8.33.13.5.1

Circumstances

Any

Rule
12.8.33.13.5.2

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) The nature of any roofing material.

12.8.33.13.5.3

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.13, and the following assessment criteria:

- (a) Whether treatment of stormwater provided on site avoids, remedies or mitigates adverse effects on receiving waters.



Rule
12.8.33.13.6

Activities not complying with Rule 12.8.33.11.7 Yards

Rule
12.8.33.13.6.1

Circumstance (1)

- (a) Where a wall of any household unit or accessory building infringes the side yard rule and is located closer than 100mm to a site boundary; and
- (b) The maximum length of building on any one boundary is 50% of the boundary length or 15 metres whichever is the lesser.

Rule
12.8.33.13.6.2

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) The approval of affected site owners.
- (c) Scale, siting and design of buildings and structures.
- (d) Landscaping.

Rule
12.8.33.13.6.3

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.13, and the following assessment criteria:

- (a) Whether the affected site owners have granted their approval to the infringement.
- (b) Whether adjoining sites are adversely affected.
- (c) Whether the building is consistent with the criteria in Appendix 12Z(i).
- (d) Whether any encroachment into the yard will adversely affect the safe and efficient operation including maintenance, of any utility or network utility and whether access to such utilities can be maintained at no additional expense than would normally be the case.

Rule
12.8.33.13.6.4

Circumstance (2)

- (a) In all cases except for Circumstance (1) above.

Rule
12.8.33.13.6.5

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) Scale, siting and design of buildings and structures.



Rule
12.8.33.13.6.6

- (c) Landscaping.
- (d) Urban design.

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.13, and the following assessment criteria:

- (a) Whether:
 - (i) The effect of shading on any household unit living area or accessory buildings; or
 - (ii) The loss of or reduction in visual and/ or aural privacy; or
 - (iii) The visual impact; or
 - (iv) Change in the residential character of the area;

is appreciably different from a fully complying development.

- (b) Whether the building is consistent with the Urban Design Guidelines in Appendix 12Z(i).
- (c) Whether any encroachment into the yard will adversely affect the safe and efficient operation including maintenance, of any utility or network utility and whether access to such utilities can be maintained at no additional expense than would normally be the case.
- (d) Whether any encroachment into the yard will adversely affect safety and operation of the road including pedestrian safety (such as sight lines).

Rule
12.8.33.13.7

The erection, addition to or external alteration to and/or relocation of buildings associated with a Single Household Unit per site not exceeding 1 unit per 450m² – 650m² per household unit that complies with Rule 12.8.33.11 but does not comply with Rule 12.8.33.11.8

Rule
12.8.33.13.7.1

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) Building form and design.
- (c) Building materials.
- (d) Landscaping and screening.
- (e) Location and design of roading, access, vehicle parking and circulation.
- (f) Scale, siting and design of buildings and structures.
- (g) Outdoor living space.
- (h) Impervious surfaces.
- (i) The location of front entrances, pathways and fences.



Rule
12.8.33.13.7.2

- (j) Guidelines in Appendix 12Z(i).

Assessment Criteria

In order to assist the Council to consider these applications the Council may undertake an architectural review by a Council appointed architect(s) at the Council's cost.

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.13, and the following assessment criteria:

- (a) The extent to which the proposal is consistent with an approved Development Concept Plan applying to the site.
- (b) Whether the proposal is in general accordance with the Urban Design Guidelines in Appendix 12Z(i).
- (c) Whether the bulk and shape of the building will generally remain in character with the buildings in the neighbourhood and the Garden Residential concept.
- (d) Whether the existing character of the streetscape will be retained or is consistent with the urban design criteria.
- (e) Whether the level of daylight reaching 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.
- (f) Whether the extent of any overbearing effects of the building on neighbouring properties will be not more than minor.
- (g) Whether the building design and bulk has any adverse effects on the public enjoyment of public open space including the street.
- (h) Whether the building design and bulk have any adverse effects on the provision of landscaping on the site, on neighbouring sites or on the street.
- (i) Whether the 'garden residential characteristics' of the site and neighbourhood are able to be retained including the ability to provide landscaping and provide outdoor living in sunny areas.
- (j) Whether the location of buildings results in significant shading effects.
- (k) Whether the location of buildings results in significant loss of or reduction in visual and/ or aural privacy.
- (l) Whether the location of buildings results in significant adverse visual impacts.
- (m) Whether the location of buildings or fences results in adverse effects on the safety of people in the street.



- (n) Whether the location of buildings will adversely affect the safe and efficient operation including maintenance, of any utility or network utility and whether access to such utilities can be maintained at no significant additional expense.
- (o) Whether the usefulness and privacy of rear yards for outdoor living are maintained.
- (p) Whether the location of buildings adversely affect practical access to the rear of the site.
- (q) Whether the location of buildings or fences on the site has adverse effects on the garden residential character of the area.
- (r) Whether garage(s) dominate the street frontage.
- (s) Whether there is variety in street front elevations.
- (t) Whether the layout of buildings and garages discourages cars from parking across the footpath or verge.
- (u) Whether the location of existing or proposed buildings precludes informal surveillance.
- (v) Whether adequate provision is made for visitor car parking.
- (w) Whether the location of suitably screened private open space in front or side yards on north facing sites reduces the need for a larger rear yard.

Explanation and Reasons

It is recognised by the Council that compliance with the development rules may not be possible or appropriate in every individual case. These Restricted Discretionary Activities and assessment criteria are intended to allow deviation from the Rules on unusual sites or in unusual circumstances or where the non-compliance is likely to have a low level of adverse effects.

Rule
12.8.33.13.8

Home Occupations that comply with Rule 16.8 but do not comply with the limitations on the number of people employed in a home occupation contained in Rules 16.8.1(c) and (d).

Rule
12.8.33.13.8.1

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) The scale and character of buildings.
- (c) The effect of the activities on neighbouring properties.
- (d) Car parking and traffic.
- (e) Visual effects.
- (f) The number of people employed in the home occupation.



12.8.33.13.8.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.12, and the following assessment criteria;

- (a) Whether the scale and character of buildings required for the home occupation are in keeping with a residential environment and the neighbourhood character.
- (b) Whether the activity will have adverse environmental effects on neighbours. Such effects may include noise, odour, vibration, congestion and visual effects.
- (c) Whether the traffic generated by the activity (including car parking) is consistent with a residential environment and the neighbourhood character.
- (d) Whether the street network is capable of accommodating the additional traffic generated by the activity in a safe and efficient manner.
- (e) Whether the activity has adverse visual effects on the residential environment and on the neighbourhood character.

Rule 12.8.33.13.9

Shops with a GFA of less than 100m² and Shops with a GFA greater than 100m² where specifically provided for on a development concept plan that has been granted consent.

Rule
12.8.33.13.9.1

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) The scale and character of buildings (including floorspace).
- (c) The effect of the activities on neighbouring properties.
- (d) Car parking and traffic.
- (e) Visual effects.

12.8.33.13.9.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.13, and the following assessment criteria:

- (a) Whether the proposal is consistent with an approved Development Concept Plan applying to the site.
- (b) Whether the scale and character of buildings required for the shop are in keeping with a residential environment and the neighbourhood



character.

- (c) Whether the activity will have adverse environmental effects on neighbours. Such effects may include noise, odour, vibration, congestion and visual effects.
- (d) Whether the traffic generated by the activity (including car parking) is consistent with a residential environment and the neighbourhood character.
- (e) Whether the street network is capable of accommodating the additional traffic generated by the activity in a safe and efficient manner.
- (f) Whether the activity has adverse visual effects on the residential environment and on the neighbourhood character.

Rule 12.8.33.13.10

Comprehensively Designed Development and associated construction and or relocation of buildings and accessory buildings which complies with the Development Controls in 12.8.33.11.

Except as provided for by section 95A(4) of the Act, resource consent applications under this rule will be considered without public notification or limited notification.

Rule 12.8.33.13.10.1

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) Building scale, form and design.
- (c) Landscaping and screening.
- (d) Methods and design of water supply, sewage disposal and drainage.
- (e) Traffic movement on site.
- (f) Location and design of roading, access, vehicle parking and circulation.
- (g) Location, scale, siting and design of buildings and structures.
- (h) The location of fences and screening.
- (i) Privacy
- (j) Urban Design Guidelines in Appendix 12Z(i)

12.8.33.13.10.2

Assessment Criteria

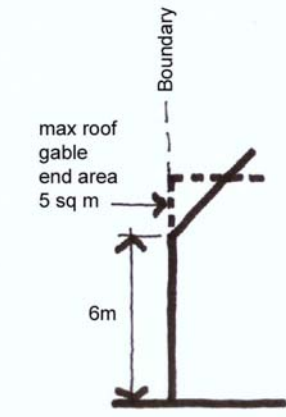
When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.13, and the following assessment criteria.

The following shall apply to the boundaries between exclusive use areas of dwelling units on the same site. Each application for resource consent shall show on plans submitted with the application such exclusive use areas associated with each dwelling.

Note: The following assessment criteria are made up of two columns. The first column sets out the assessment criteria that the Council will have regard to in

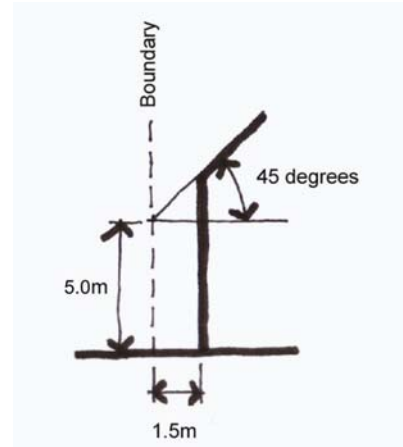


assessing the application. The second column sets out optional complying standards. If a proposal complies with the standards it will be deemed to comply with the associated assessment criteria. However, a proposal that does not comply with the optional standards may be granted consent if it is assessed to be in accordance with the assessment criteria.

Criteria	Preferred Optional Complying Standards and Explanation
<p>Development Concept Plan</p> <p>(a) The extent to which the proposal is consistent with an approved Development Concept Plan applying to the site.</p>	
<p>Maximum Height in Relation to Boundary</p> <p>(b) Whether the bulk and shape of the building will generally remain in character with the buildings in the neighbourhood and the Garden Residential concept.</p> <p>(c) Whether the existing character of the streetscape will be retained or is consistent with the urban design criteria.</p> <p>(d) Whether the level of daylight reaching 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.</p> <p>(e) Whether the extent of any overbearing effects of the building on neighbouring properties will be not more than minor.</p>	<p>Rule 12.8.33.13.10.3 Maximum Height of a building on a boundary</p> <p>No part of a building (where the wall is located in or within 100mm of the development site boundary) shall exceed a height equal to 6 metres plus the shortest horizontal distance between that part of the building and the side boundary.</p>  <p>Rule 12.8.33.13.10.4 Maximum height of a building not on a boundary</p> <p>No part of a building (where the wall is located more than 100mm from the development site boundary) shall exceed a height equal to 5 metres plus the shortest horizontal distance between that part of the building and the side boundary.</p>



- (f) Whether the building design and bulk have any adverse effects on the public enjoyment of public open space including the street.
- (g) Whether building design and bulk have any adverse effects on the provision of landscaping on the site, on neighbouring sites or on the street.
- (h) Whether the 'garden residential characteristics' of the site and neighbourhood are able to be retained including the ability to plant trees and provide outdoor living in sunny areas.

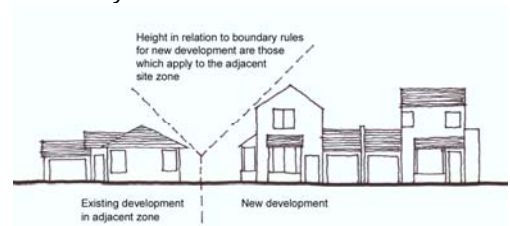


Rules 12.8.33.13.10.3. and 12.8.33.13.10.4 shall also apply to the boundaries between exclusive use areas of dwelling units on the same site. Each application for resource consent shall show on the plans submitted with the application such exclusive use areas associated with each dwelling.

Rule 12.8.33.13.10.5

Interfacing Policy Areas: height in relation to boundary rules where a development site adjoins the Local Shops Policy Area

Where a site adjoins the Local Shops Policy Area (or a site in the Orewa West Garden Residential Policy Area that is not subject to a Comprehensively Designed Development), then the height in relation to boundary rule that applies to the adjoining site shall apply to the common boundary.



The Height to Boundary Rules above shall not apply to:

- (a) a front boundary;
- (b) a rear or side boundary adjoining a rear or side lane;
- (c) chimneys, radio and television aerials, domestic satellite dishes less than 1 metre in diameter;
- (d) the apex of any roof or gable end not exceeding 5m² in area;
- (e) dormers not exceeding 2 metres in



Yards

- (i) Whether the location of buildings results in significant shading effects.
- (j) Whether the location of buildings results in significant loss of or reduction in visual and/ or aural privacy.
- (k) Whether the location of buildings results in significant adverse visual impacts.
- (l) Whether the location of buildings or fences results in adverse effects on the safety of people in the street;
- (m) Whether the location of buildings will adversely affect the safe and efficient operation including maintenance, of any utility or network utility and whether access to such utilities can be maintained at no significant additional expense.
- (n) Whether the usefulness and privacy of rear yards for outdoor living are maintained.
- (o) Whether the location of buildings adversely affects practical access to the rear of the site.
- (p) Whether the location of

- width (not more than two per building facing the same boundary);
- (f) those parts of buildings that share a common wall on a site boundary or on a boundary between exclusive use areas.

Rule 12.8.33.13.10.6

Front Yards

Minimum Front Yards: 1.5 metres;

- (a) provided that the siting of the building does not cause vehicles parked on site to protrude over the front boundary of the site.
- (b) Notwithstanding the above, the following additional rule also applies.
- (c) No fence, wall, or screen located within the front yard shall exceed 0.8m high.
- (d) Where a garage faces the street, then the front wall (containing the garage door) of the garage shall be set back a minimum of 6m from the front boundary.
- (e) Where two double garages are proposed to adjoin one another on the same site or where they are to be less than 3 metres apart, the front walls of the garages shall be offset by a minimum of 1 metre.

Examples



Garages projected forward of the fronts of the dwellings dominate the front yards and detract from the quality and safety of the streetscape.



fences on the site has adverse effects on the open character of the area.

- (q) Whether garage(s) dominate the street frontage.
- (r) Whether there is variety in the street front elevations
- (s) Whether the layout of buildings and garages discourage cars from parking across the footpath or verge.



Garages recessed back behind the fronts of the dwellings enhance the front yards and the quality and safety of the streetscape

Rule 12.8.33.13.10.7

Rear Yards

The minimum rear yards dimensions shall be as follows;

Rule 12.8.33.13.10.8

For lots accessed from street frontages oriented between NW (315°) and NE (45°) of the lot:

- (a) For lots of 8m or less in width the minimum rear yard depth extending across the entire width of the site shall be sufficient to accommodate a 4.5m wide by 10m deep private open space that is directly adjoining and accessible from the living room or kitchen of the associated residential unit.
- (b) For lots over 8m in width the minimum rear yard depth extending across the entire width of the site shall be sufficient to accommodate a 6m wide by 10m deep private open space that is directly adjoining and accessible from the living room or kitchen of the associated residential unit.

Rule 12.8.33.13.10.9

For lots accessed from street frontages oriented between SW (225°) and SE (135°) of the lot :

- (a) For lots of 8m or less in width the minimum rear yard depth extending across the entire width



of the site shall be sufficient to accommodate a 4.5m wide by 6m deep private open space that is directly adjoining and accessible from the living room or kitchen of the associated residential unit.

- (b) For lots over 8m in width the minimum rear yard depth extending across the entire width of the site shall be sufficient to accommodate a 6m wide by 6m deep private open space that is directly adjoining and accessible from the living room or kitchen of the associated residential unit.

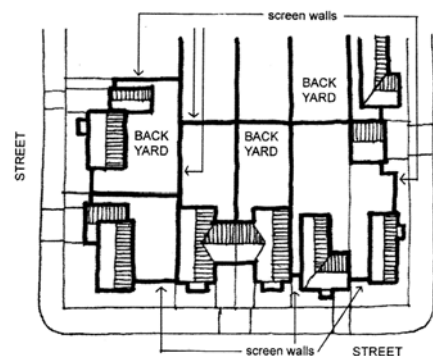
Rule 12.8.33.13.10.10

For lots accessed from street frontages oriented between NE (45°) and SE (135°) and NW (315°) and SW (225°) of the lot:

- (a) For lots of 8m or less in width the minimum rear yard depth extending across the entire width of the site shall be sufficient to accommodate a 4.5m wide by 8m deep private open space that is directly adjoining and accessible from the living room or kitchen of the associated residential unit.
- (b) For lots over 8m in width the minimum rear yard depth extending across the entire width of the site shall be sufficient to accommodate a 4.5m wide by 8m deep private open space that is directly adjoining and accessible from the living room or kitchen of the associated residential unit.

Rule 12.8.33.13.10.11

Walls to screen the rear yard and ensure a high quality streetscape





Rear yards shall be screened by a wall or fence or be landscaped. All such walls, fences or landscaping shall extend across the full width of the rear boundary and along each side boundary to a point 1.0m to the rear of the front elevation of the dwelling or garage and then run at 90 degrees between the side of the dwelling or garage to screen the side yard. Where there is no side yard, then the wall shall extend from the rear of the dwelling or garage on one side boundary, along the full length of the rear boundary, and along the second side boundary to join the rear wall of the dwelling or garage. Access fences are permitted within the fences.

Rule 12.8.33.13.10.12

Side Yards

There is no minimum side yard requirement within a comprehensively designed development provided that the minimum side yard requirement for a building not located on or within 100mm of a boundary shall be 1.5m.

Where a site adjoins the Local Shops Policy Area (or a site in the Orewa West Garden Residential Policy Area that is not subject to a comprehensively designed development), then the side yard rule that applies to the other policy area or site shall apply to both sites.

Rule 12.8.33.13.10.13

Yards To Remain Unobstructed By Buildings

All yards shall remain unobstructed by buildings except as provided for below.

The following can be built in all yards:

- (a) Decks, unroofed terraces, landings, steps or ramps with a maximum height of 0.6 metres provided they do not prevent vehicular access to a required parking space.
- (b) 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 sun blinds provided they do not encroach into the yard by more than 0.3



Active Building Frontages

- (t) Whether garage(s) dominate the street frontage.
- (u) Whether street frontages of houses provide potential for surveillance of the street

Privacy and Private Outdoor Space

- (v) Whether an adequate area of private open space suitable for use and outlook by the occupants of each dwelling is provided.
- (w) Whether the arrangement of buildings and spaces on the site is such that suitable spaces for the likely day to day outdoor activities of residents are provided.
- (x) Whether adequate levels of privacy are maintained within private open space, between adjoining areas of open space and between private open space and other disassociated dwellings.
- (y) Whether the private open space receives adequate levels of sunlight.

metres.

Rule 12.8.33.13.10.14

Buildings Frontages

The total area of all attached or detached garages doors or the open façade of a carport fronting the street shall not occupy more than 35% of the active building frontage.

The active building frontage is defined as;

The front façade of a dwelling including any attached or detached garage that faces the street but excludes;

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

Rule 12.8.33.13.10.15

Private Outdoor Space For Ground Floor Residential Units.

A single area of open space shall be provided for each ground floor residential unit that meets the following standards:

- (a) The area and minimum dimensions of the open space shall be as specified in Rule (Rear Yard).
- (b) The open space shall contain a minimum contiguous area of 16m² that shall not be shaded by buildings on the same site between the hours of 10.00am and 2.00pm throughout the year (note this area may move within the private open space). Applications for resource consent shall illustrate compliance with this rule through shade diagrams.
- (c) The open space shall be directly accessible from a living room, dining room or kitchen of each household unit.
- (d) The open space shall have a maximum average slope in any direction of 1:12.
- (e) The open space shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas provided that any part of a



(z) Whether the open space is appropriate to the type of housing provided.	building which is 2.2m or more above the open space may protrude a maximum of 1.5m over the open space.
(aa) Whether the private open space is directly accessible to and part of the associated household unit.	<p>Rule 12.8.33.13.10.16 Private Open Space For Household Units Above Ground Floor Level</p> <p>Each studio or 1 bedroom apartment or any household unit less than 60m² in area above ground floor level shall be provided with open space that meets the following standards:</p> <p>Either</p> <p>An exclusive use balcony;</p> <ul style="list-style-type: none">(a) with a minimum area of 6m²(b) with a minimum depth of 2m(c) with a weather tight overhang or cover of at least 1m from the face of the building.(d) That is directly accessible from the main living room(e) That has privacy screens projecting across the full depth of the balcony where the balconies are less than 2m apart.(f) That has privacy screens projecting a minimum of 1m from the face of the building where balconies are located between 2m and 5m apart. <p>Or;</p> <p>An exclusive use roof top space;</p> <ul style="list-style-type: none">(a) with a minimum area of 9m²(b) with a minimum depth of 2m(c) that is directly accessible from the main living room.(d) That is screened from other roof top open space within 8m. <p><u>Each 2 or 3 bedroom apartment</u> or any household unit over 60m² in area above ground floor level shall be provided with open space that meets the following standards:</p> <p>Either</p> <p>An exclusive use balcony;</p> <ul style="list-style-type: none">(e) with a minimum area of 10m²



- (f) with a minimum depth of 2.5m
- (g) with a weather tight overhang or cover of at least 1m from the face of the building.
- (h) That is directly accessible from the main living room
- (i) That has privacy screens projecting across the full depth of the balcony where the balconies are less than 2m apart.
- (j) That has privacy screens projecting a minimum of 1m from the face of the building where balconies are located between 2m and 5m apart.

Or

An exclusive use roof top space;

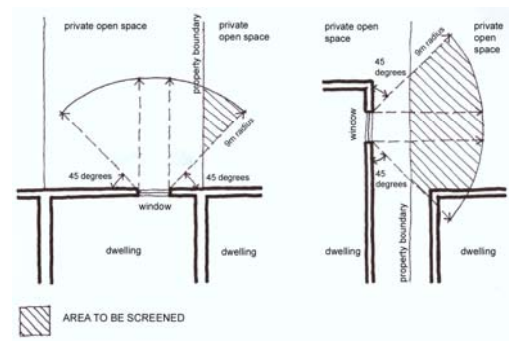
- (a) with a minimum area of 12m²
- (b) with a minimum depth of 2.5m
- (c) that is directly accessible from the main living room.
- (d) That is privacy screened from other roof top open space within 8m.

Explanation and Reasons

Exclusive use private outdoor space is considered necessary to ensure a high standard of residential amenity and to support outdoor eating, small scale gardening and minor play opportunities with some sunlight opportunities throughout the year.

Rule 12.8.33.13.11.17

PROTECTION OF OVERLOOKING OF PRIVATE OPEN SPACE



Screening of views to adjacent private open space

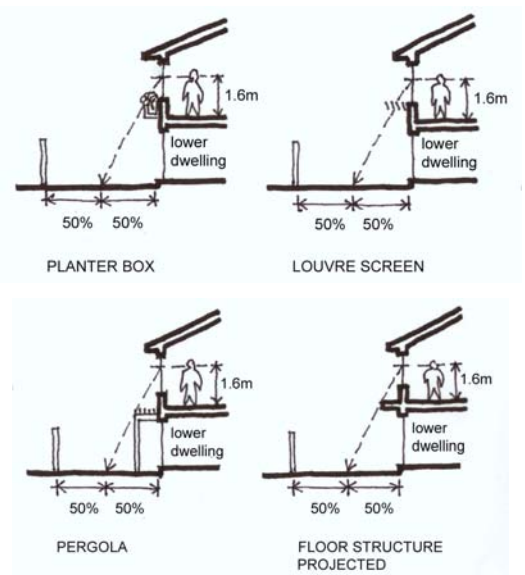


All windows in ground floor habitable room balconies, terraces or patios shall be located and designed to avoid direct views into those parts of the private open space of another existing or proposed household unit that are below 1.5m in height above ground level and within a horizontal distance of 9m.

To comply with this rule views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio and from a height of 1.6m above floor or deck level.

Direct views for the purpose of this rule shall be defined as being views into more than 50% of the private open space of another household unit. (The purpose of the rule is to prevent overlooking of more than 50% of the private open space of another household unit.

Techniques for preventing overlooking of adjacent private open space from a balcony in a household unit above that private open space and within the same development





**Visual Privacy - Protection
Of Privacy Within
Household Units**

Rule 12.8.33.13.10.18

(bb) Whether good levels of privacy are maintained within household units

The windows of a habitable room of a new household unit that are less than 6m from those of a habitable room of another existing or proposed household unit shall;

- (a) be offset a minimum of 1m (horizontally or vertically) from the outer edge of one window to the outer edge of the other, or
- (b) have sill heights of 1.6m or greater above floor level, or
- (c) have fixed obscure glazing in any part of the window below 1.6m above floor level, or
- (d) be on the ground floor and be separated by a fence that has a height of 1.6m or more above floor level.

Provided that this rule shall not apply to windows facing the same direction or where windows are screened by intervening non-transparent fences.

Windows on the front or rear ground floor walls of household units shall be no closer than 12m to windows on the rear or front walls of other household units.

Windows on the front or rear walls above ground floor level of household units shall be no closer than 16m to windows on the rear or front walls of other household units as these are more visible above fences.

Windows of different household units that face each other at angles of greater than 135 degrees shall be no closer than 4m to each other.

**Assessment Criteria –
Landscape Works**

(cc) Whether the landscape works form part of a comprehensive design concept which integrates building



design and private, communal and public land.

- (dd) Whether planting is used to;
 - (i) establish and maintain a treed environment that is compatible with the neighbourhood and the specific planting character of the street.
 - (ii) visually reduce the bulk of new development and mellow the appearance of new buildings.
 - (iii) help provide summer shade, wind breaks and access to winter sun.
 - (iv) help provide and maintain visual privacy.
 - (v) create an attractive environment without prejudicing personal safety.
- (ff) Whether existing mature trees, especially those located near property boundaries, are retained and incorporated into the development.
- (gg) Whether the tree species selected are appropriate to an urban context.

Rule 12.8.33.13.10.19

Building Block

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



Building blocks containing more than one household unit shall be separated from any other building or the Comprehensive Development site boundary by 10m.

Assessment Criteria – Other

- (h) Whether adequate provision is made for visitor car parking.
- (ii) Whether the proposal is consistent with the guidelines in Appendix 12Z(i).

Rule 12.8.33.13.11

Alterations and additions to the Retirement Village consented by Council ref RMA 51843 on sites identified in Appendix 13, Figure 1 provided that the buildings comply with the development control rules.

Rule
12.8.33.13.11.1

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) Building height, shape and bulk.
- (c) The location of building or land uses in relation to neighbouring sites.
- (d) Traffic issues.
- (e) The likely finished contours of the site and land management techniques.
- (f) Landscaping and screening.
- (g) The overall scale of the activity.
- (h) The Urban Design Guidelines contained in Appendix 12Z(i).

12.8.33.13.11.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.13, and the following assessment criteria:

- (a) Whether the proposal is consistent with the Urban Design Guidelines in Appendix 12Z(i).
- (b) Whether the scale and character of buildings are in keeping with a residential environment and the neighbourhood character.
- (c) Whether the activity will have adverse environmental effects on neighbours.
- (d) Whether the traffic generated by the activity (including car parking) is consistent with a residential environment and the neighbourhood character.



**Rule
12.8.33.14**

12.8.33.14.1

- (e) Whether the street network is capable of accommodating the additional traffic generated by the activity in a safe and efficient manner.
- (f) Whether the activity has adverse visual effects on the residential environment and on the neighbourhood character.

Discretionary Activities

General Assessment Criteria - All Discretionary Activities

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in the Orewa West Garden Residential Policy Area (other than those applications requiring solely a subdivision consent) when assessing an application the Council will have regard to the following assessment criteria, any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan and the relevant matters set out in section 104 of the Act:

Effects on the Natural Environment

- (a) The extent to which the proposal is consistent with an approved Development Concept Plan applying to the site.
- (b) Whether any discharges to land, water or air (including dust, smoke, fumes and odour) or the presence of hazardous substances will result in any significant reduction in the quality of the physical environment or detract from the existing or planned amenity values or the Garden Residential character of the area.
- (c) Whether the public utility and servicing requirements of the proposed activity, including water requirements, the provision for waste and stormwater disposal services existing or planned will place undue pressure on the capacity of utilities and services, and whether the development incorporates works that mitigate any such pressures.
- (d) Whether the modification of significant wildlife habitats is avoided or any modification is mitigated.
- (e) Whether any adverse effects from the removal of vegetation, including mature indigenous vegetation, are avoided, remedied or mitigated.
- (f) Whether the Garden Residential character will be adversely affected by the arrangement and layout of buildings, access drives and other development.
- (g) Whether the proposal will be able to avoid, remedy or mitigate any adverse effects of land instability, the presence of swampy land, erosion, or stormwater disposal, or will exacerbate the adverse effects of these (including cumulative effects) on other sites or on receiving waters.
- (h) Whether development avoids the degradation of natural permanent watercourses or reduces the ability to support in-stream flora and



fauna.

Effects on the Neighbourhood

- (i) Whether the scale, design, layout, external appearance and landscaping of buildings and sites are compatible with or will enhance the Garden Residential character and amenity values expected in the Garden Residential Policy Area
- (j) Whether in the case of non-residential activities, the character of the activity and its effects are compatible with the garden residential character and amenity values expected in Orewa West Garden Residential Policy Area.
- (k) Whether non-residential activities break up residential communities and leave residents without close neighbours.
- (l) Whether the activity will have adverse effects on the efficient provision of infrastructure.

Effects on Neighbouring Sites

- (m) Whether the activity is designed and carried out in a way that avoids or mitigates the adverse effects of noise, vibration, electrical interference, visual intrusion and light overspill onto adjacent sites. Particular consideration will be given to maintaining a quiet night time environment, and to minimising risk to people's health and safety.
- (n) Whether the activity is designed and carried out in a way that preserves the privacy of adjacent residential sites.
- (o) Whether the site has a frontage and access to a formed public road of sufficient width so that the activity can be accessed from the street without causing adverse effects on neighbouring sites.
- (p) Whether the activity generally complies with the Development Controls contained in Rule 12.8.33.3.11 so that the effects of buildings are similar to those of permitted buildings.

Effects on the Transportation Network

- (q) Whether the vehicular traffic generated by the activity, including cars parked on roads, can be accommodated without a loss of safety or efficiency of the road network, and without loss of residential amenity.
- (r) Whether the design of the proposal is such that ease of direct movement, by both pedestrians and vehicles is provided for.
- (s) Where the site is located near intended public transport routes or planned significant community focal points, whether the proposal is likely to have positive implications for the provision of public transport.
- (t) Whether in the case of educational facilities a travel management plan has been provided.



- (u) Whether any development will have adverse effects on the character of roads as an open space element.

Residential Densities

- (v) Whether, for proposals involving residential developments, (in addition to these criteria) the proposal meets the assessment criteria for Restricted Discretionary Activities 12.8.33.14.11 for residential development.

Cumulative Effects

- (w) In addition to the above the Council will consider any cumulative effects as defined in the Act.

Urban Design Guidelines Appendix 12Z(i)

- (x) Whether the proposal is consistent with the criteria within Appendix 12Z(i).

Explanation and Reasons

All activities locating in residential areas should be constructed and operated in a way that does not detract from the environmental qualities of residential areas. These criteria are designed to assist the Council in determining how non-residential activities affect residential environments.

**Rule
12.8.33.15**

Rule 12.8.33.15.1

Subdivision

Subdivision in the Orewa West Garden Residential Policy Area

Subdivision in the Residential Policy Areas shall comply with the following:

- (a) All Restricted Discretionary Activities in the Subdivision Table shall be assessed against the criteria in 12.8.33.17.1.
- (b) Any Subdivision not listed in the Subdivision Table is a Non-complying Activity and will be assessed against the relevant matters in section 104 of the Act.
- (c) All subdivision applications must demonstrate compliance with an approved Development Concept Plan or provide a Development Concept Plan as part of the application in accordance with Rule 12.8.33.11.1.
- (d) Subdivision within the Special 33 Zone shall comply with the Orewa West Outline Plan in Appendix 13 Figure 1 to the Planning Maps.
- (e) Except as provided for by section 95A(4) of the Act, the following Restricted Discretionary Activities will be considered without public notification or limited notification.



In the following table:

- RD** = **Restricted Discretionary Activity**
D = **Discretionary Activity**
NC = **Non-complying Activity**
PRO = **Prohibited Activity**

ACTIVITY	Orewa West Garden Residential Policy Area
Creation of new sites that: <ul style="list-style-type: none"> • Have a site area between 450m² and 649m²; and • Are consistent with a Development Concept Plan that has been granted consent (irrespective of whether compliance is achieved with Rule 12.8.33.16) 	RD
Creation of new sites that: <ul style="list-style-type: none"> • Have a site area greater than 650m²; and • Are consistent with a Development Concept Plan that has been granted consent (irrespective of whether compliance is achieved with Rule 12.8.33.16) 	RD
Creation of new sites between 150m ² and 449.9m ² that are part of a Comprehensively Designed Development under Rule 12.8.33.13.11: <ul style="list-style-type: none"> • On land identified for Comprehensively Designed Development on a Development Concept Plan that has been granted consent; and • That is consistent with a Development Concept Plan that has been granted consent (irrespective of whether compliance is achieved with Rule 12.8.33.16) 	RD
All subdivision of land not subject to a Development Concept Plan.	NC
All subdivision not consistent with a Development Concept Plan that has been granted consent.	NC
Subdivision application for sites that do not comply with Rule 12.8.33.16.7 Wastewater Servicing.	PRO
Subdivision application for sites that do not comply with Rule 12.8.33.16.8 Water Servicing.	D



**Rule
12.8.33.16**

Rule
12.8.33.16.1

Rule
12.8.33.16.2

Rule
12.8.33.16.3

Rule
12.8.33.16.4

Subdivision Standards

General

For any subdivision the following rules shall apply.

- (a) The layout of ground floor level units or cross lease flats and their associated exclusive use areas shall comply with the subdivision rules for fee simple subdivisions.
- (b) An application for subdivision consent may be made for all or part of the land contained within a Development Concept Plan.
- (c) In granting consent to any subdivision the Council may impose as a condition of consent, a consent notice stipulating that the site must not be subdivided further.

Total Number of Sites and Site Size

- (a) The total number of sites applied for in any application for subdivision consent shall be in accordance with the number included in the relevant consented Development Concept Plan.
- (b) The sizes of sites shall be in general accordance with the site sizes shown in the relevant consented Development Concept Plan.
- (c) Sites in the Physical Limitations Overlay area shall have a minimum site area of 1500m² with an average area of 5000m² within the overlay area unless the geotechnical constraints are removed as shown on a consented Development Concept Plan or it can be demonstrated that a smaller site area and/or average area can be justified in geotechnical terms.

Site width

The minimum site widths shall be as follows.

- (a) For lots with a site area of greater than 450m² the following shall apply:
 - (i) Lots with side yards facing north of northeast and northwest shall have a minimum width of 14m.
 - (ii) Lots with front yards facing north of northeast and northwest shall have a minimum width of 15m.
- (b) Other lots shall have a minimum width of 8m.

Rear Sites

All sites shall have minimum site frontages as follows:

- (a) Minimum frontage and access of 6 metres.



Rule
12.8.33.16.5

- (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 4 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.

Cross Lease, Unit Titles and Company Leases

The standards for cross lease, unit titles and company leases shall be:

- (a) The subdivision shall be for a development that complies with this Plan; or a resource consent which has been granted for the development which is the subject of proposed subdivision.
- (b) The subdivision shall be for development that complies with section 46(4) of the Building Act 1991.
- (c) Where the land proposed to be subdivided is occupied by one or more existing buildings that has obtained a resource consent or is a Permitted Activity, any proposed covenant, unit or accessory unit boundary shall be consistent with all relevant development controls of the policy area in the case of a permitted activity or the conditions of any resource consent granted.
- (d) Where any building included in the application for subdivision consent has not been constructed at the time of granting consent, the Council will not approve the survey plan under section 223 of the Act, until the building is completely framed up to and including the roof level, and the Council is satisfied that it has been built in accordance with the Plan or any resource consent granted. The Council may require the height of the building and its position in relation to boundaries of the site to be confirmed by a certificate from a registered surveyor.
- (e) A staged unit title or cross lease subdivision shall have sufficient area for further complying development which shall be free from inundation and slippage and capable of adequate servicing. The Council may require any application to show details of compliance with this Rule.

Rule
12.8.33.16.6

Tree Planting

As a minimum, and as a part of the landscaping concept in the Development Concept Plan for the road reserves, one tree shall be planted on each side of the road at 17m intervals and generally aligned between lot boundaries.

Rule
12.8.33.16.7

Wastewater Servicing

All sites shall be connected to a public reticulated sewerage scheme, except:

- (a) sites fully comprising one or more entire precinct; or
- (b) sites for open space or reserve purposes where the open space or reserve status is guaranteed in perpetuity; or



Rule
12.8.33.16.8

- (c) sites to be used exclusively for utility services (eg – stormwater ponds and pump stations) where no occupation will occur; or
- (d) roads and access lots; or
- (e) sites with a minimum site area of 1501m² resulting from the boundary relocation of sites existing at 24 June 2010, but excluding sites identified on a DCP for a Comprehensively Designed Development.

Explanation and Reasons

A public wastewater system is proposed by the Council to serve the whole of Orewa West. It is important to ensure efficient use and viability of that system and the avoidance of adverse effects that could arise from inferior systems, including effects on water quality.

Water Servicing

All sites shall be connected to a public reticulated water supply network except:

- (a) sites fully comprising one or more entire precinct; or
- (b) sites for open space or reserve purposes where the open space or reserve status is guaranteed in perpetuity; or
- (c) sites to be used exclusively for utility services (eg – stormwater ponds and pump stations) where no occupation will occur; or
- (d) roads and access lots.

Explanation and Reasons

A public water system is proposed by the Council to serve the whole of Orewa West. It is important to ensure efficient use and viability of that system

Rule
12.33.16.9

Indicative Roads

The indicative roads shall comply with Rule 23.8.13.1, except, for the purposes of Rule 23.8.13.1.2:

- (a) the alignment of that part of the indicative road specifically identified on the Planning Maps may be varied by more than 20m.
- (b) Rule 23.8.13.1.2(a) need not apply to local road intersections.
- (c) Rule 23.8.13.1.2(b) applies except that site boundary and precinct crossings may be varied with the agreement of the adjoining property owner at the time of the preparation of a DCP.

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
12.8.33.17**

Restricted Discretionary Activities (Subdivision)

Except as provided for by section 95A(4) of the Act, the following Restricted Discretionary Activities will be considered without public notification or limited notification.

**Rule
12.8.33.17.1**

Residential Subdivision in Orewa West Garden Residential Policy Area

All subdivision in the Orewa West Garden Residential Policy Area that is classified as a Restricted Discretionary Activity.

**Rule
12.8.33.17.1.1**

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) Site, size, shape and orientation.
- (c) Site contour.
- (d) Site access and frontage.
- (e) Reserve provision not shown in a DCP.
- (f) The layout of streets and sites.
- (g) The orientation of sites.
- (h) The relationship of buildings to sites where relevant.
- (i) Servicing and infrastructure including overland flow paths.
- (j) Guidelines in Appendix 12Z(i).

12.8.33.17.1.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the criteria specific to Development Concept Plans set out in Rule 12.8.33.13, and the following assessment criteria:

- (a) Whether the subdivision is consistent with a Development Concept Plan that has been granted consent.
- (b) Whether the subdivision provides for various site sizes to be spread throughout a neighbourhood. Layouts that provide for significant grouping together of like site sizes should be avoided.
- (c) Whether streets in the street network are well connected including linkages of proposed streets to existing streets and future streets.
- (d) Whether the street pattern is in sympathy with the existing or proposed topography.
- (e) Whether the street layout pattern is legible, easy to understand and continuous.
- (f) Whether the number of cul-de-sacs is minimized.
- (g) Whether footpaths and cycle ways are located within the public street



space, are safe, and unlikely to compromise the privacy and security of future household units and private open spaces.

- (h) Whether the number of rear sites is minimised.
- (i) Whether the number of sites with a northern orientation to the public street is minimised.
- (j) Whether sites which face towards north to a street have a deeper back yard than those which face south on to a street in order to ensure good solar access to private outdoor space in rear yards.
- (k) Whether cycle ways are located within the road
- (l) Whether where a cycle / pedestrian – only link is unavoidable, or the benefits are significant
 - The link is visible from public streets for its entire length.
 - The link does not exceed 20m in length unless bounded by significant public open space.
 - The link is well lit.
- (m) Whether any existing safe and healthy trees are retained and incorporated into the pattern and alignment of the street network creating a functional safe and attractive street network.
- (n) Whether street trees are to be planted in the berm between the footpath and the kerb and whether the trees are of a species and that when mature does not obscure informal surveillance of the street from within the residential properties fronting onto the street.
- (o) Whether tree species are appropriate to urban context and the proposed landscape theme.
- (p) Whether all bus stops, pedestrian crossings, (if known) sign posts and road intersections will remain clearly visible and are not obscured by street trees or planting.
- (q) Whether adequate site services can be provided.
- (r) Whether the proposal is consistent with the guidelines in Appendix 12Z(i).
- (s) Whether areas of open space and walkways are identified.

Subdivision not complying with Rule 12.8.33.16.2 Site Size

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) The ability of a site to accommodate a complying building.
- (c) Site, size, shape and orientation.

Rule
12.8.33.17.2

Rule
12.8.33.17.2.1



- (d) Site contour.
- (e) Site access and frontage.
- (f) Guidelines in Appendix 12Z(i).

Rule
12.8.33.17.2.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the assessment criteria specific to Development Concept Plans set out in Rule 12.8.33.13, the criteria set out in 12.8.33.17.1.2 and the following assessment criteria:

- (a) Whether the geotechnical constraints are removed.
- (b) Whether the site sizes proposed are appropriate given geotechnical constraints remaining.
- (c) Whether maintenance of the methods to deal with the geotechnical constraint is economic in terms of ongoing Council asset management.

Rule
12.8.33.17.3

Subdivision not complying with Rule 12.8.33.16.3 Site Width

Rule
12.8.33.17.3.1

Matters for Discretion

- (a) Any Development Concept Plan provided with the application.
- (b) The ability of a site to accommodate a complying building.
- (c) Site, size, shape and orientation.
- (d) Site contour.
- (e) Site access and frontage.
- (f) Guidelines in Appendix 12Z(i) and other relevant criteria.

Rule
12.8.33.17.3.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the assessment criteria specific to Development Concept Plans set out in Rule 12.8.33.13, the criteria set out in 12.8.33.16.1.2 and the following assessment criteria:

- (a) Whether the topography of the land makes compliance with the Rule impracticable. Particular regard will be had to whether earthworks are minimised.
- (b) Whether the street pattern is such that compliance is impracticable (for example where a curve in a street reduces site width on the outside of the curve).
- (c) Whether there are urban design considerations that warrant a reduction in the width on any site.



Rule
12.8.33.17.4

Subdivisions not complying with Rule 12.8.33.16.7 Tree Planting

Rule
12.8.33.17.4.1

Matters for Discretion

- (a) Any Development Concept Plan provided with the application.
- (b) The layout of streets and sites.
- (c) Servicing and infrastructure including overland flow paths.
- (d) Landscape.
- (e) Guidelines in Appendix 12Z(i).

12.8.33.17.4.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), where a Development Concept Plan is included with the application, the assessment criteria specific to Development Concept Plans set out in Rule 12.8.33.13, the criteria set out in Rule 12.8.33.17.1.2 and the following assessment criteria:

- (a) Whether the tree planting is consistent with a Development Concept Plan that has been granted consent.
- (b) Whether there are physical constraints, such as other services, or other design constraints that prevent the planting of required trees as required by Rule 12.8.33.16.7.
- (c) Whether alternative planting is provided elsewhere.
- (d) Whether a well treed environment is retained in the street.
- (e) Whether a Garden Residential Environment is retained.

12.8.33.18

OREWA WEST LOCAL SHOPS POLICY AREA

Rule
12.8.33.19

Description

The commercial area provided for in the Special 33 Zone is the Local Shops Policy Area.

The Local Shops Policy Area is located in the southern part of Orewa West west of the north-south road link. This provides a neighbourhood focal point for residents in the Orewa West area. This Policy Area allows for small scale development providing for up to 3 shops. To allow for flexibility in location of the centres within residential areas, the Planning Maps show a general area within which an area can be developed as Local Shops. The area developed must be within the range of 400m² and 1500m². Land not identified in a Development Concept Plan as Local Shops is to be used as Garden Residential land.

There will be no requirement for activities in this Policy Area to provide off-street customer carparking, and the rules will discourage such parking. This



**Rule
12.8.33.20**

will enable the land around the buildings to be developed in a similar way to the land in the adjoining Garden Residential Policy Area.

Process

To achieve development of the Local Shops Policy Area in a way that is integrated well with development on adjoining sites and in adjacent precincts (see Appendix 13 Figure 2), as well as within the applicant's land holding, the Council requires that all applications for resource consents for activities in the Local Shops Policy Area that involve earthworks, subdivision or the erection of buildings comply with a Development Concept Plan (DCP) covering at a minimum all the land of the applicant within the relevant Local Shops Policy Area and relevant precinct of the adjacent Orewa West Garden Residential Policy Area.

Where the resource consent application is for the first activity on the land (earthworks, building or subdivision), a DCP is to be included with the application and the adequacy of the DCP will be assessed as part of that resource consent application. The resource consent will be subject to conditions to require the development of the property to be in general accordance with the consented to DCP (unless it is replaced by another DCP).

The Council is committed to working with land owners/applicants in a collaborative manner in the development of a DCP prior to lodgement to assist this process.

Where the resource consent application is for a subsequent activity, the application will be required to demonstrate that the activity applied for is in accordance with the DCP applying to the property. Alternatively, the applicant may choose to lodge a new DCP updating the original. Where more than one DCP has been approved for a property, the Council will require compliance with the most recent DCP.

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

Where an application is made for an activity that is listed as a discretionary activity (unrestricted) the Council will consider the extent to which the activity complies with an approved DCP.

Where no DCP has been approved, or no DCP is submitted where required as part of any application, the application will be classified as a non-complying activity.

**Rule
12.8.33.21**

Activity Rules

**Rule
12.8.33.22.1**

Activities in the Local Shops Policy Areas shall comply with the following:

- (a) All Permitted Activities in the Activity Table in Rule 12.8.33.22.2 shall comply with Rule 12.8.33.33 Development Controls and any other relevant Rules in the Plan.



12.8.33.22.2

- (b) Development and subdivision shall comply with the layout shown on the Orewa West Outline Plan in Appendix 13 Figure 1 to the Planning Maps.
- (c) All Restricted Discretionary Activities in the Activity Table in Rule 12.8.33.22.2 shall comply with Rule 12.8.33.23 Development Controls, except where the activity is Restricted Discretionary because of noncompliance with the relevant Development Control and any other relevant Rules in the Plan.
- (d) Except as provided for by section 95A(4), all Restricted Discretionary Activities marked # in the Activity Table in Rule 12.8.33.22.2 will be considered without public notification or limited notification.
- (e) All Restricted Discretionary Activities marked * in the Activity Table in Rule 12.8.33.22.2 will be required to comply with an existing Development Concept Plan or with a Development Concept Plan lodged as part of the application or otherwise will be classified as a Non-complying Activity.

Activities in the Local Shops Policy Areas

In the following table:

- P = Permitted Activity**
- RD = Restricted Discretionary Activity**
- D = Discretionary Activity**
- NC = Non-complying Activity**
- NA = Not Applicable**

Note: Words in capitals are defined in *Chapter 3 - Definitions*.

ACTIVITIES	LOCAL SHOPS POLICY AREA
Any activity not listed in the Activity Table	NC
Any Permitted or Restricted Discretionary Activity in this Table that does not comply with the Development Controls in Rule 12.8.33.23 other than Rules 12.8.33.23.1, 12.8.33.33.6, 12.8.33.23.14, 12.8.33.23.15 and 12.8.33.23.16	RD*
The establishment or commencement of any activity that does not comply with Rule 12.8.33.23.6 Size of Shops	D
The ERECTION, addition to or alteration of BUILDINGS and ACCESSORY BUILDINGS	RD#*
The demolition or removal of BUILDINGS except those protected by any Rule in this Plan	P
Car parking areas ancillary to a Permitted, Restricted Discretionary or Discretionary Activity	RD#*



ACTIVITIES	LOCAL SHOPS POLICY AREA
CHILD CARE FACILITIES (Note: this is an activity rule only and does not cover buildings associated with this activity)	D
COMMERCIAL SERVICES (Note: this is an activity rule only and does not cover buildings associated with this activity)	P
DAIRIES (Note: this is an activity rule only and does not cover buildings associated with this activity)	P
Grazing of animals	P
HEALTH AND WELFARE SERVICES (Note: this is an activity rule only and does not cover buildings associated with this activity)	P
HOUSEHOLD UNITS (Note: this is an activity rule only and does not cover buildings associated with this activity)	P
OFFICES ancillary to a Permitted, Restricted Discretionary or Discretionary Activity. (Note: this is an activity rule only and does not cover buildings associated with this activity)	P
OFFICES which are not ancillary to a Permitted, Restricted Discretionary or Discretionary Activity (Note: for permitted activities this is an activity rule only and does not cover buildings associated with this activity)	D
RESTAURANTS (excluding DRIVE-THROUGH ACTIVITIES) not involving the ERECTION, addition to or external alteration of BUILDINGS and ACCESSORY BUILDINGS	D



ACTIVITIES	LOCAL SHOPS POLICY AREA
SHOPS, except SHOPS for the sale of Builders', Tradesmen's, Engineers', Farmers' and Handymen's Supplies, or Motor Vehicle and Machinery Parts and Tools or SHOPS with OUTDOOR DISPLAY or storage areas, subject to Rule 12.8.33.23.6 Size of Shops. (Note: this is an activity rule only and does not cover buildings associated with this activity)	P
SHOWROOM and SHOW HOME SITES	D
TAKEAWAY FOOD BARS except DRIVE-THROUGH ACTIVITIES (Note: this is an activity rule only and does not cover buildings associated with this activity)	P
WORKROOMS (including kitchens) provided that each WORKROOM is incidental to a shop of which it forms a part and serves that shop only (Note: this is an activity rule only and does not cover buildings associated with this activity)	P
District Wide Activities	Refer to Chapter 16 - General Rules
Earthworks and Vegetation and Wetland Modification Activities	Refer to Chapter 18 - Urban Land Modification and Vegetation Protection
Transport Activities	Refer to Chapter 21 - Transportation and Access
Use and Storage of HAZARDOUS SUBSTANCES	Refer to Chapter 20 – Hazardous Substances and Contaminated Sites
UTILITIES	Refer to Chapter 22 – Utilities

Rule 12.8.33.23

Rule
12.8.33.23.1

Development Controls

Development Concept Plan

Subdivision, earthworks, land development and building works shall only take place in accordance with an approved Development Concept Plan.

Development and subdivision in the Local Shops Policy Area can satisfy this



rule by complying with a Development Concept Plan covering the relevant land that has been approved in conjunction with the surrounding Garden Residential Policy Area.

Any application for an activity identified in the Activity Table in Rule 12.8.33.22.2 with an * shall either:

- (a) include a Development Concept Plan for the entire site or for the entire area of the relevant Policy Area held in the same ownership as the site subject to the application; or
- (b) demonstrate that the activity applied for is in accordance with the most recently approved Development Concept Plan applying to the land affected.

Any application that does not comply with (i) or (ii) will be assessed as a non-complying activity.

Definition of Development Concept Plan – refer Orewa West Garden Residential Policy Area Rule 12.8.33.10.3.

Rule
12.8.33.23.2

Height

The maximum height of any building shall be:

- (a) Local Shops Policy Area 9m.
- (b) Local Shops Policy Area adjoining an approved Comprehensive Designed Development 11m.

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

Rule 12.8.33.23.3

Height in Relation to Boundary

No part of any building shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and any site boundary adjoining a Residential, Open Space Zone, Reserve or the Garden Residential Policy Area.

Explanation and Reasons

The height of buildings can adversely affect the amenity values of adjoining non business areas by overshadowing and overlooking. The lower height for the Local Shops Policy Area reflects the desire to retain a pedestrian related scale to development.

It will help ensure that buildings do not have an overbearing effect which could diminish the amenity values of the retail areas. The height in relation to boundary Rules complement the height Rules and will help maintain the admission of direct sunlight to adjoining non-business sites.

Rule 12.8.33.23.4

Yards

- (a) Where any site adjoins the Garden Residential Policy Area or a Residential or Open Space Zone or Reserve a 3.0m



Rule 12.8.33.23.5

minimum side and rear yards shall apply to that common boundary.

Use of Yards

- (a) All required yards shall be unoccupied and unobstructed by any buildings, parts of buildings, decks, terraces, steps, storage of refuse, **except** that:
 - (i) eaves may overhang any yard by not more than 0.3 metres.
 - (ii) parking, access and manoeuvring areas may occur in those parts of yards not required for landscape planting in Rule 12.8.33.23.7.
- (b) Front yards shall not be used for the storage of materials.

Explanation and Reasons

Yards help to maintain the amenity values of adjoining sites by providing a degree of separation between business activities and other adjoining activities. The general requirement for no front yard reflects the desirability of maintaining a building frontage right up to the street boundary.

Rule 12.8.33.23.6

Size of Shops

The gross leasable area of individual ground floor tenancies or units shall be a maximum of 200m².

Any tenancy or unit that cannot meet this standard requires consent as a non-complying activity.

Explanation and reasons

By creating limits on the size of tenancies at ground floor level the Council can control the scale of the shops that establish in the Local Shops Policy Area. The Local Shops Policy Areas are designed for small local shops. The standard is concerned with the size of shops and similar activities which are most likely to locate at ground floor level as it is the size of the individual shops that determine the effects of the activity.

Rule 12.8.33.23.7

Landscaping in Yards

- a) Yards shall include a 2m strip planted with trees, shrubs and grass.

Rule 12.8.33.23.8

Protection and Maintenance of Trees

- (a) Any landscape planting required by these rules shall be maintained, and if diseased, or damaged, shall be repaired and if dead shall be replaced.
- (b) Any trees required under Rule 12.8.33.23.7 shall be located within a planting protection area around each tree, with a minimum dimension or diameter of 1.5 metres.
- (c) No more than 10% of any required landscape area shall be covered with impervious surfaces.



- (d) Required landscape areas and landscaping adjacent to a road boundary, access or manoeuvring area, or adjacent to a car parking area shall be provided with wheel stop barriers to prevent damage from vehicles. Such wheel stop barriers shall be located at least 1m from the trunk of any tree.

Explanation and Reasons

Landscaping is required to provide and maintain the amenity values of business areas particularly adjoining Residential and Open Space Zones and adjacent public roads and reserves. Rules are also included to ensure the ongoing maintenance and protection of required planting.

Rule 12.8.33.23.9

Appearance of Sites

- (a) Any storage or service areas (including mechanical, electrical and utility equipment, refuse and recycling activities) not enclosed within a building, shall be fully enclosed or screened from public view by solid walls not less than 1.8 metres in height constructed of concrete, brick or stone.
- (b) Rubbish stored within any building or on any part of a site shall be contained within a purpose made container with a secure cover, which shall be screened by a wall or fence or hedge not less than 1.8m high from any adjoining Residential Zone (including the Garden Residential Policy Area), Open Space Zone, Reserve or other public place (including roads).
- (c) On the construction or substantial reconstruction of business floor space, a suitable area to be used only for the storage of rubbish shall be provided and thereafter used for that purpose.

Explanation and Reasons

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

Rule
12.8.33.23.10

Household Units

No more than one household unit may be established per shop tenancy on each site. Each household unit shall have a minimum floor area of 50m² excluding the open space required in the rule below.

Each household unit shall provide an area of open space comprising either an unenclosed balcony, deck, garden or terrace which shall:

- (a) be a minimum area of 6m² and a minimum dimension of 2 metres.
- (b) be provided in the form of individual balconies and decks directly adjacent to, accessible from, and for the sole use of an individual household unit.
- (c) not be obstructed by buildings, parking spaces, shared vehicle access



or manoeuvring areas.

Explanation and Reasons

The Council envisages multi-unit housing located above shops and other commercial activities. This form of housing often appeals to individuals who do not wish the maintenance responsibilities associated with traditional single family homes and outdoor living areas. The prime amenity values for these individuals is proximity to shops, community services, public transport, and recreational features. For this reason, the Rules require only a minimum amount of outdoor living space, in essence an area equivalent to a large balcony.

At the same time there will be some occupants, including families, who require a greater area of outdoor living space. These outdoor living spaces are to be free of buildings and vehicles since these would diminish the very amenity values these areas are intended to provide.

Rule
12.8.33.23.11

Maximum Impervious Surfaces

No limit provided landscaping of yards (Rule 12.8.33.23.7) is complied with. Where any reduction in the area of yards required to be landscaped under Rule 12.8.33.23.7 is sought, an equivalent area free of impervious surfaces elsewhere on the site may be required to be set aside.

Rule
12.8.33.23.12

Roof Types

All roofs shall be made of materials other than uncoated galvanised material.

Explanation and Reasons

The run-off from uncoated galvanised roofs has the potential to cause harm to ecosystems within streams and other receiving waters.

Rule 12.8.33.23.13

Verandahs

- (a) Each site shall provide a verandah along the full extent of its frontage. The verandah shall:
 - (i) Be so related to its neighbours as to provide continuous pedestrian cover.
 - (ii) Have a minimum height of 3m and a maximum height of 4m above the footpath immediately below; and shall be set no further back than 600mm in plan from the kerblines.

Rule 12.8.33.23.14

Parking & Loading

- (a) No public or customer parking is to be located at the rear of the buildings.
- (b) Notwithstanding Rules 21.9.2.1, 21.9.2.2, 21.10.2 and 21.10.3 relating to the provision of on-site carparking and loading spaces, all activities in the Local Shops Policy Area except household units shall be exempt from the requirement to provide off-street car parking and loading spaces.



Any activity that cannot comply with these standards requires consent as a Discretionary (unrestricted) Activity.

Rules in other Chapters of the Plan

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

Chapter 5 - Natural Hazards

Chapter 16 – General Rules

Chapter 17 – Cultural Heritage

Chapter 18 – Urban Land Modification and Vegetation Protection

Chapter 19 – Utilities

Chapter 20 – Hazardous Substances and Contaminated Sites

Chapter 21 – Transportation and Access (unless specified in these Rules)

Chapter 22 – Financial Contributions and Works

Chapter 23 – Subdivision and Servicing [Note the subdivision rules in this chapter over-ride any in Chapter 23]

Rule 12.8.33.24

Restricted Discretionary Activities

In accordance with sections 77B (3) and 104C of the Act, the Council will restrict its discretion to the matters listed against each specified activity when considering resource consent applications for Restricted Discretionary Activities.

Except as provided for in section 95A(4) of the Act, applications for Restricted Discretionary Activities under Rule 12.8.33.24.1, Rule 12.8.33.24.3, Rule 12.8.33.24.6 and Rule 12.8.33.24.8 will be considered without public notification or limited notification.

Rule 12.8.33.24.1

Car parking areas ancillary to a Permitted, Restricted Discretionary or Discretionary Activity

Rule 12.8.33.24.1.1

Matters for Discretion

The Council will limit its control to the following matters:

- (a) Car park scale, siting, design.
- (b) Layout and external appearance.
- (c) Landscape and amenity values.
- (d) Traffic management and safety.
- (e) Street frontage and pedestrian shelter and connections.
- (f) Screening from residential areas.
- (g) Crime Prevention Through Environmental Design principles.

12.8.33.24.1.2

Assessment Criteria

When considering the application the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i) and the following criteria:

- (a) Whether the internal access aisles are safely and conveniently integrated with the surrounding road network, and whether the traffic generated will adversely affect the safe and efficient operation of the surrounding road network.



- (b) Whether sufficient parking is provided to meet the expected number of vehicles using the site.
- (c) Whether landscape planting and other design elements are provided to enhance the amenity values of the area and mitigate the adverse visual effects of areas of car parking.
- (d) Whether the car parking area is designed to achieve high levels of safety for pedestrians.
- (e) Whether the siting, layout, design and landscaping of any car parking is of a design and scale able to sustain a pedestrian friendly environment and integrate well with public open space, esplanade reserves, pedestrian spines and traffic circulation and safety. Such a design may include car parking that is punctuated by pedestrian pathways, precincts, trees and landscaping.
- (f) Whether the car parking is integrated with the development which it serves.
- (g) Whether the car parking and access points are located and/or screened in such a way as to minimise glare from vehicle lights and noise from night-time vehicle movements adversely affecting properties within the Garden Residential Policy Area.
- (h) Whether a break in shop frontage or verandah cover will adversely affect either the amenity values of the retail area or pedestrians.

Rule 12.8.33.24.2

The Erection, Addition to or Alteration of Buildings and Accessory Buildings listed as a Restricted Discretionary Activity in Activity Table 12.8.33.22.2

Rule
12.8.33.24.2.1

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Scale, siting, design and external appearance of buildings.
- (b) Roading and parking layout.
- (c) Pedestrian connections and facilities.
- (d) Landscaping.
- (e) Urban design elements.
- (f) Fencing.
- (g) Earthworks.
- (h) Screening of service areas.

12.8.33.24.2.2

Assessment Criteria

When considering the application the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i) and the following criteria:

- (a) Whether the proposal is consistent with an approved Development Concept Plan applying to the site.
- (b) Whether the proposal integrates with existing and proposed development elsewhere on the same site and on adjoining sites.



- (c) Whether the external appearance of buildings enhances the amenity values of the area and is consistent with the objectives and policies for the Policy Area.
- (d) Whether the building provides adequate verandah cover for pedestrians on those frontages used by pedestrians.

Rule 12.8.33.24.3

Any Permitted or Restricted Discretionary Activity in Activity Table 12.8.33.22.2 that Does Not Comply with Rule 12.8.33.23.2 Height or Rule 12.8.33.23.3 Height in Relation to Boundary

Rule 12.8.33.24.3.1

Matters for Discretion

The Council will restrict its discretion to scale, siting and design of buildings.

12.8.33.24.3.2

Assessment Criteria

When considering the application the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i) and the following criteria:

- (a) Whether the increase in height will have an adverse effect on the access of direct sunlight and daylight to adjoining sites, particularly sites in residential and open space areas.
- (b) Whether the proposed height and the scale and design of the buildings will adversely affect the amenity values and visual character of adjacent sites.
- (c) Whether the proposed height and scale of the building will influence the wind environment to an extent that it will adversely affect the comfort of pedestrians at street level or areas of public open space.
- (d) Whether the proposed height and scale of the building will have an adverse effect on the human scale of the development.
- (e) Whether the proposed height and scale of the building will be out of character with the centre and surrounding areas.

Explanation and Reasons

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



Rule 12.8.33.24.4

Rule
12.8.33.24.4.1

12.8.33.24.4.2

Rule 12.8.33.25

12.8.33.25.1

Any Permitted or Restricted Discretionary Activity in Activity Table 12.8.33.22.2 that Does Not Comply with Rule 12.8.33.23.4 Yards, Rule 12.8.33.23.5 Use of Yards and Rule 12.8.33.23.7 Landscaping in Yards

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Scale, siting and design of buildings.
- (b) Location of access and services.
- (c) Provision of landscaping and limitation on impervious surfaces.

Assessment Criteria

When considering the application the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i) and the following criteria:

- (a) Whether the proposed yard reduction, and the scale and design of the buildings and structures, will adversely affect the amenity values and visual character of adjacent sites.
- (b) Whether the reduced yard will have an adverse effect on the access of direct sunlight and daylight to adjoining sites.
- (c) Whether the reduction will have an adverse effect on site access or providing services to the site.
- (d) Whether the reduction will have any adverse effects on stormwater disposal.

Explanation and Reasons

Reducing the width of a yard from that required could have an adverse effect on the amenity values of adjoining sites, through buildings having a dominating effect and reducing the admission of direct sunlight and daylight to adjoining sites. As there is a requirement that a percentage of the yard be landscaped, any reduction in the yard has the potential to reduce the total landscaping on the site and increase the amount of impermeable surfaces. As well as the potential to reduce amenity values, a reduction in landscaped area and an increase in the percentage of impermeable surfaces could adversely affect stormwater disposal.

Discretionary Activities

General Assessment Criteria - All Discretionary Activities

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in the Local Shops Policy Areas when assessing an application the Council will have regard to the assessment criteria specific to Development Concept Plans set out in Rule 12.8.33.12, the following assessment criteria, any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan and the relevant matters set out in section 104 of the Act:



- (a) Whether the activity is consistent with, or integrates into, an approved Development Concept Plan for the land.
- (b) Whether the activity complies with the Development Controls in Rule 12.8.33.23. As a general guide the activity should comply with those controls unless it is not appropriate to do so because of inherent site characteristics, particular site development considerations or unusual environmental factors.
- (c) Whether the activity will have an adverse effect on the amenity values of adjacent Garden Residential Policy Area or Residential, Rural or Open Space Zones or public spaces (roads and reserves).
- (d) Whether the site is screened in such a way that the amenity values of adjacent Garden Residential Policy Area or Residential, Rural or Open Space Zones, or public spaces (roads and reserves) are not diminished by effects such as the glare from vehicle lights or noise from vehicles stopping and starting.
- (e) Whether the activity will have an adverse effect on the amenity values within the business area in which it is proposed to be located.
- (f) Whether noise or vibration will be generated at levels which will be a health hazard to people within the area or will detract from the amenity values of the area and adjacent Garden Residential Policy Area or Residential, Rural or Open Space Zones, or public spaces (roads and reserves).
- (g) Whether amplified music is to be provided and whether measures such as building design incorporate noise attenuation methods, to ensure that adverse noise effects do not detract from the amenity values of the Garden Residential Policy Area or Open Space Zones.
- (h) Whether the proposed hours of operation have the potential to create a nuisance for the Garden Residential Policy Area or Residential Zones from noise and the movement of people entering and leaving the site.
- (i) Whether the activity will expose people to high levels of risk to health or safety.
- (j) Whether any continuous street frontage or verandah cover would be broken.
- (k) Whether the activity would have adverse effects on the safety and convenience of pedestrians.
- (l) Whether sufficient on-site parking is provided to meet the needs of the proposed activity.
- (m) Whether the traffic generated will adversely affect the safe and efficient operation of the adjacent road network.
- (n) Whether the activity will have an adverse effect on water quality including the loss of permanent streams.



- (o) Whether the activity will have an adverse effect on significant areas of vegetation or ecosystems.
- (p) Whether the activity will generate dust, smoke, odours, fumes or other discharges to the air which potentially would detract from the amenity values of the area.
- (q) Whether the proposed activity may be adversely affected by the activities occurring in the surrounding area, particularly the effects of noise, odours and air discharges.
- (r) Whether the adequate measures, such as buffers, separation distances, screening or building design, are proposed to isolate the activity from adjoining activities.
- (s) Whether the proposed activity will compromise the ability of Permitted Activities to operate, by creating an expectation of higher environmental standards than required by the Policy Area.
- (t) Whether the in the case of household units, sufficient private open space is included to provide an acceptable level of amenity to the residents.
- (u) Whether the activity will have an adverse effect on any cultural heritage resources on or near the site.
- (v) See the Discretionary Activity Assessment Criteria in *Chapter 18 - Urban Land Modification and Vegetation Protection*
- (w) See the Discretionary Activity Assessment Criteria in *Chapter 20 – Hazardous Substances and Contaminated Sites*.
- (x) See the Discretionary Activity Assessment Criteria in *Chapter 21 – Transportation and Access*.

Rule 12.8.33.26

Rule 12.8.33.26.1

Subdivision

Activities

Subdivision of land which either:

- (a) is in conformity with a Development Concept Plan lodged with the application for subdivision consent; or
- (b) is in conformity with an existing consented Development Concept Plan for the land;

is a Restricted Discretionary Activity.

Any Development Concept Plan lodged shall cover at minimum all the land in the same ownership in the Policy Area as that to which the application relates.



Rule 12.8.33.26.1.1	The subdivision of land shall comply with the Subdivision Standards in Rules 12.8.33.27 below and the relevant rules in <i>Chapter 23 - Subdivision and Servicing</i> .
Rule 12.8.33.26.1.2	Any subdivision not complying with the Development Controls shall be a Restricted Discretionary Activity with respect to those Rules.
Rule 12.8.33.26.1.4	Restricted Discretionary Activity subdivisions shall be assessed against those matters over which discretion is retained, and those relevant matters set out in <i>Chapter 23 - Subdivision and Servicing</i> .
Rule 12.8.33.26.1.5	Any subdivision of land where there is no consented Development Concept Plan and which does not include as part of the application a Development Concept Plan, is a Non-complying Activity.
Rule 12.8.33.26.1.6	Except as provided for by section 95A(4) of the Act, all Restricted Discretionary Activities will be considered without public notification or limited notification.
Rule 12.8.33.26.1.7	Subdivision application for sites that do not comply with Rule 12.8.33.16.8 Water Servicing shall be a Discretionary Activity.
Rule 12.8.33.26.1.8	Subdivision application for sites that do not comply with Rule 12.8.33.16.7 Wastewater Servicing shall be a Prohibited Activity.

**Rule
12.8.33.27**

Subdivision Standards

Rule 12.8.33.27.1

Site Size

The minimum site size within the Local Shops Policy Area is 200m².

Explanation and Reasons

Small site size requirements within Local Shops Policy Areas provides for business development that is appropriate to the human scale of the surrounding local residential environment and the intended function of activities Local Shops Policy Area.

Rule 12.8.33.27.2

Site Frontage

The minimum width of site frontages within the Local Shops Policy Area is 6.0m.

Explanation and Reasons

The reduced frontages enable development of more pedestrian oriented character.

Rule 12.8.33.27.3

Shape Factor

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

Explanation and Reasons

It is desirable to ensure that sites are created which are of sufficient dimensions and scale to accommodate most activities' needs, including parking, loading and manoeuvring areas, as well as buildings. The creation of, for example, long narrow



Rule 12.8.33.27.4

sites, can result in parking on streets and reversing onto the road.

Cross Lease, Unit Titles and Company Leases

In the each Policy Area the standards for cross lease, unit titles and company lease shall be:

- (a) The subdivision shall be for buildings or activities that comply with the Rules in this Plan; or
- (b) A resource consent has been granted for the buildings or activities which are the subject of the proposed subdivision.
- (c) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common purposes, including access or parking.
- (d) The subdivision shall be for development that complies with section 46(4) of the Building Act 2291.
- (e) Where an existing building, included in an application for subdivision consent, has obtained a resource consent, or is a permitted activity, any proposed covenant, unit or accessory unit boundary shall be consistent with all relevant development controls of the zone or conditions of any resource consent granted.
- (f) Where any building included in the application for subdivision consent has not been constructed at the time of granting consent, the Council will not approve the survey plan under section 223 of the Act, until the building is completely framed up to and including the roof level in accordance with the Plan or any resource consent granted. The Council may require the height of the building and its position in relation to the boundaries of the site to be confirmed by a certificate from a registered surveyor.
- (g) A staged unit title or cross lease subdivision shall have sufficient area for further complying development which shall be free from inundation and slippage and capable of adequate servicing. The Council may require any application to show compliance with this Rule.

Explanation and Reasons

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

Wastewater Servicing

All sites shall be connected to a public reticulated sewerage scheme, except:

- (a) sites fully comprising one or more entire precinct; or
- (b) sites for open space or reserve purposes where the open space or reserve status is guaranteed in perpetuity; or

Rule
12.8.33.27.5



- (c) sites to be used exclusively for utility services (eg – stormwater ponds and pump stations) where no occupation will occur; or
- (d) roads and access lots.

Explanation and Reasons

A public wastewater system is proposed by the Council to serve the whole of Orewa West. It is important to ensure efficient use and viability of that system and the avoidance of adverse effects that could arise from inferior systems, including effects on water quality.

Rule
12.8.33.27.6

Water Servicing

All sites shall be connected to a public reticulated water supply network except:

- (a) sites fully comprising one or more entire precinct; or
- (b) sites for open space or reserve purposes where the open space or reserve status is guaranteed in perpetuity; or
- (c) sites to be used exclusively for utility services (eg – stormwater ponds and pump stations) where no occupation will occur; or
- (d) roads and access lots.

Explanation and Reasons

A public water system is proposed by the Council to serve the whole of Orewa West. It is important to ensure efficient use and viability of that system

Rule
12.8.33.28

Restricted Discretionary Activities (Subdivision)

In accordance with sections 77B(3) and 104C 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.

Except as provided for by section 95A(4) of the Act, applications for Restricted Discretionary Activities will be considered without public notification or limited notification.

Rule 12.8.33.28.1

Subdivision in Local Shops Policy Areas

All subdivision in a Local Shops Policy Area that either:

- (b) includes a Development Concept Plan for the entire site or for the entire area of the relevant Policy Area held in the same ownership as the site subject to the application; or
- (b) demonstrates that the activity applied for is in accordance with the most recently approved Development Concept Plan applying to the land affected.



Rule 12.8.33.28.1.1

Matters for Discretion

The Council will restrict its discretion to the following matters, in addition to the matters set out in Chapter 23 Subdivision and Servicing:

- (a) Site size, shape and orientation.
- (b) Site contour.
- (c) Site access and frontage.
- (d) The layout of streets and sites.
- (e) The relationship of buildings to sites where relevant.
- (f) Servicing and infrastructure including overland flow paths.

The Council will require on-going compliance with the Development Concept Plan approved for the land by attaching a consent notice to each lot in the subdivision, including any balance lot.

12.8.33.28.1.2

Assessment Criteria

When considering the application the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), and the following criteria:

- (a) The extent to which the proposal is consistent with an approved Development Concept Plan applying to the site.
- (b) The extent to which the site and roading layout integrates with existing and proposed development elsewhere in the Policy Area and in adjacent Policy Areas.

Rule 12.8.33.28.2

Subdivision Not Complying With Rule 12.8.33.27.1 Minimum Site Size or 12.8.33.27.3 Shape Factor

Rule
12.8.33.28.2.1

Matters for Discretion

The Council has restricted its discretion to the following matters:

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

12.8.33.28.2.2

Assessment Criteria

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

- (a) Whether the proposed site size and shape is consistent with the subdivision design in the Development Concept Plan applying to the land.
- (b) Whether the site will be able to accommodate:
 - (i) the necessary on-site parking;
 - (ii) the necessary manoeuvring areas;
 - (iii) the necessary loading areas;
 - (iv) buildings of an appropriate size for the proposed activity as provided for in the policy area; without generating adverse effects



on adjoining sites or the road network.

Explanation and Reasons

The purpose of this provision is to enable a degree of flexibility in the design of subdivisions, but require a general overall compliance with the Development Concept Plan applying to the land.

Rule 12.8.33.28.3

Subdivision Not Complying with Rule 12.8.33.27.2 Site Frontage

Rule
12.8.33.28.3.1

Matters for Discretion

The Council has restricted its discretion to the following matters:

- (a) Site Frontage.

12.8.33.28.3.2

Assessment Criteria

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

- (a) Whether the proposed frontage is consistent with the subdivision design in the Development Concept Plan applying to the land.
- (b) Whether the site is wide enough to enable:
 - (i) vehicles to safely access the site;
 - (ii) services to be provided to the site;
 - (iii) practical shop frontages;
 - (iv) the provision of pedestrian access along streets.

Explanation and Reasons

The purpose of this provision is to enable a degree of flexibility in the design of subdivisions, but require a general overall compliance with the Development Concept Plan applying to the land.

12.8.33.29

General Rules

The following rules apply throughout the entire area shown on the Orewa West Outline Plan in Appendix 13 Figure 2 to the Planning Maps.

Rule
12.8.33.29.1

Earthworks

Earthworks will be controlled by the provisions of *Chapter 18 – Urban Land Modification and Vegetation Protection* modified to take into account the particular principles and circumstances of Orewa West. Based on the Issues, Objectives and Policies of the Special 33 Zone the following additional assessment criteria for will be used by the Council to consider resource applications for and involving earthworks within in the Special 33 Zone.

- Existing landforms should be retained as far as is practicable.
- If landform modification is required then the resulting landform should closely reflect the natural landform. This means that ridges may be partially lowered and valleys partially filled but the original pattern of folds and creases in the landform should remain.



Rule
12.8.33.29.2

- All works should comply with the provisions of the relevant Catchment Management Plan.

Note: The Issues, Objectives, Policies, Assessment Criteria and Rules of *Chapter 18 – Urban Land Modification and Vegetation Protection* apply fully to Orewa West.

Road Cross Sections

Rule
12.8.33.29.2.1

All new collector roads shall comply with the diagrams shown in Appendix 12Z(ii).

Rule
12.8.33.29.2.2

The collector roads identified on the Orewa West Outline Plan as Park Edge Roads shall comply with the diagram shown in Appendix 12Z(ii) Orewa West Collector Typical Cross Section Park Edge .

Rule
12.8.33.29.3

Vehicle Access

Rule
12.8.33.29.3.1

No direct vehicle access may be obtained from sites to the North-South Link Road between Grand Drive and the Orewa River.

Rule
12.8.33.30

Restricted Discretionary Activities

Rule
12.8.33.30.1

Collector Roads that do not comply with cross section details in Appendix 12Z(ii) but do comply with overall width.

In accordance with sections 77B(3) and 104C of the Act the Council will restrict its discretion to the matters listed when considering resource consents applications for Restricted Discretionary Activities under this rule. Except as provided for by section 95A(4) of the Act, applications will be considered without public notification or limited notification.

Rule 12.8.33.30.2

Collector Roads that do not comply with cross section details in Appendix 12Z(ii) but do comply with overall width.

Rule
12.8.33.30.2.1

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Any Development Concept Plan provided with the application.
- (b) The details of road cross sections.

12.8.33.30.2.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to the Urban Design Guidelines in Appendix 12Z(i), and where a Development Concept Plan is included with the application, the assessment criteria specific to the Development Concept Plan and the following assessment criteria:



- (a) Whether the road is consistent with the Urban Design Guidelines in Appendix 12Z(i).
- (b) Whether the road cross sections details are consistent with another collector road type that is appropriate to the location.
- (c) Whether the road is able to adequately cater for all expected road, pedestrian and cycle traffic as well as providing for high levels of amenity.
- (d) Whether the road assists in achieving the relevant objectives and policies of the Special 33 Zone.
- (e) Whether the road cross sections details are appropriate to the land uses likely to locate on land adjoining the road.
- (f) Whether the changes in road cross sections details are likely to lead to adverse effects on the environment.