

30.1.8 ASSESSMENT CRITERIA - CONTROLLED, RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES

The following identify those matters which Council may exercise its control over, or matters in respect of which Council may impose conditions.

30.1.8.1 GENERAL ASSESSMENT CRITERIA

1. Structure Plans

Council will have regard to any approved Structure Plan for an Urban Development Area (as identified in Appendices 11, 12, 13, 13A, [13B](#), 14 and 15 and 15A), the Irongate Industrial Area (as identified in Appendix 16), or the Omaha North Industrial Area (as identified in Appendix 17) and any other approved Structure Plan (including Appendices 18, 19, 21, 22, and 23) in regard to the placement of roads, infrastructural elements, reserves and other identified amenity elements. Subdividers and/or developers will be expected to address how the outcomes proposed in any Structure Plan will be achieved by their proposals. If a road, infrastructural elements, reserves and other identified elements have already been provided by another approved subdivision or development and vested in Council, then the need to provide these will not be necessary.

2. Subdivision Design

There are six key elements to the design of subdivisions that the Council focuses its assessment around. These are described below. Guidance on the application of these design elements can be found in the document Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide (Best Practice Design Guide).

<http://www.hastingsdc.govt.nz/files/all/documents/infrastructure/engineering-cop/best-practice-design-guide.pdf>

Council will have regard to whether subdivision applications can successfully implement each of the six key elements, listed (a) to (f) as follows (and improve upon the minimum structure plan requirements for urban development areas where practical):

(a) *Connectivity*

The creation of direct connections between roads and pathways increases the number of routes and transport mode choices available. This is an important component of creating a walkable neighbourhood. By creating a dense network of interconnecting roads, travel distance and times to shops, bus stops, schools, employment and other amenities can be reduced. Poor connections (i.e. the predominance of dead end cul-de-sacs) result in greater travel costs and higher vehicle emissions. See Section D1 (Connectivity) of the above mentioned Best Practice Design Guide.

(b) *Street, Block and Site Orientation*

The layout and design of streets, the size of blocks and orientation of sites within a subdivision will influence the quality and attractiveness of the development and its surrounding area (and thus the value and demand of the development). Primarily the layout of subdivisions should integrate and retain the existing topography and landscape features of a site. Residential streets should follow a north-south axis as much as natural features allow so that sites can be orientated east-west to maximise the amount of sunlight a dwelling will receive. Typically, a 80-100m grid block spacing creates an easily walkable neighbourhood, providing a choice of routes for pedestrians, cyclists and vehicles. Refer Section D2 (Street and Block Orientation) of the



Best Practice Design Guide.

(c) *Site or Lot Design*

Variation in lot size and shape allows for a greater range of house types which meets the needs of a wider proportion of the community and provides interesting and attractive urban landscapes. It also means development appeal to a wider range of potential purchasers. The number of right of ways, access lots and vehicle crossings can have an impact on the character of the streetscape and safety of pedestrians and cyclists. Rear sites with no street frontage can create issues in terms of privacy as the public front or entrance to a site abuts the rear private area of neighbouring sites and therefore reduces privacy. Sites that front or overlook the street improve visibility of the pedestrian environment and the overall safety and amenity of the streetscape. Refer Section D3 (Lot Design) of the Best Practice Design Guide.

(d) *Public Open Space Design*

The placement and integration of public open spaces within a subdivision are one of the most important elements to the long term success of a development. Public open spaces in prominent locations can provide a high level of amenity and character that add significant value to the development and a focal point for the neighbourhood in general. Refer Section D4 (Open Space Design) of the Best Practice Design Guide.

(e) *Stormwater Management*

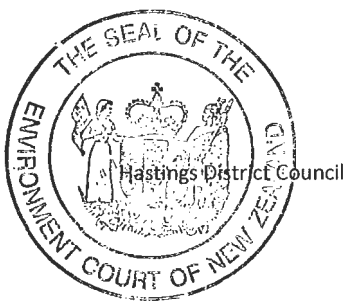
Low impact design solutions for stormwater management can reduce construction costs, long term maintenance costs and future development pressure on existing stormwater infrastructure. Low impact design promotes at source treatment of stormwater run off and involves infiltration of stormwater via swales, rain gardens and tree pits, the use of porous or pervious surfaces and in some cases the provision of rain tanks.

Low impact stormwater design can add value and a point of difference to developments and enhance local amenity and ecology. When combined with appropriate street design and landscaping and/or the development of public open space areas, it can achieve multiple outcomes for the benefit of the subdivider, the community and the environment. Refer Section D5 (Stormwater Management) of the Best Practice Design Guide.

At building stage most development will have to calculate the amount of run off resulting from the activity, which may require on-site attenuation. Implementing low impact stormwater design through subdivision can assist in more easily meeting stormwater requirements at building stage.

(f) *Road/Street Design*

Street design is about much more than just providing good roads for vehicles - it is also about creating quality places, liveable neighbourhoods and sustainable communities. Considering the range of functions a street provides, the time spent on planning and design maximises the potential to create great streets that function well and contribute to quality of life. Great street design can also add significant value to developments and plays an important role in



establishing and maintaining a subdivision's identity and character.
Refer Section E (Road Design) of the Best Practice Design Guide.

3. Property Access

Council will have regard to the following:

- (i) The design and construction of roads, with reference to the Council's District Transport Hierarchy (see Section 2.5 of the District Plan on Transportation and the Road Hierarchy Maps in the District Planning Maps and the guidelines contained in the Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide).
- (ii) The provision, location and design of access for vehicles, pedestrians and cyclists.
- (iii) The design of the subdivision to accommodate the provision of roads identified as being required in the Council's District Transport network strategies.
- (iv) The vesting of roads in the Hastings District Council.
- (v) The requirements of New Zealand Transport Agency (NZTA) and Part IV of the Government Roading Powers Act 1989 with regard to vehicle entrances onto State Highways.
- (vi) How the proposed subdivision may be related to the resubdivision or development of adjoining land and the ability for optimum development for all the land concerned to be realised.
- (vii) The ability to achieve the access separation requirements on the subject site and adjoining sites in the General Industrial Irongate Area and the Omaha North Area
- (viii) In the case of subdivision not complying with Performance Standard 30.1.7Q(f):
 - Whether approval has been provided for any additional access under the Local Government Act 1974;
 - Whether the number of vehicle accesses will have an adverse effect on the safe and/or efficient operation of the road network, pedestrian safety and convenience and/or capacity for on-street parking.

4. Water Supply, Wastewater Disposal, Stormwater Disposal

Council will have regard to the following:

- (i) The location of reticulation facilities to allow suitable servicing of the sites and reasonable access for the maintenance of the facilities.
- (ii) (The need for a local purpose reserve to be set aside and vested in Council as a site for any public water supply, sanitary sewage disposal or stormwater disposal facility required to be provided.
- (iii) When the site is not proposed to be connected to a public water supply, the ability for the site to effectively and efficiently meet fire fighting requirements and the ability to show how the site will be serviced by a water supply for which consent has been obtained (as a Permitted or Controlled Activity) from the Hawkes Bay Regional



Council.

- (iv) When the site is not proposed to be connected to a public wastewater system or public stormwater solution, how the site will be serviced by an on-site wastewater treatment system or stormwater treatment and disposal system that will cause no environmental contamination on or beyond the site.
- (v) The use of low impact design solutions to collect and dispose of stormwater on site.
- (vi) In the Tomoana Food Industry Zone and Te Awanga Downs Urban Development Area, where wastewater, water supply and stormwater disposal infrastructure servicing more than one site that will be privately owned and operated, the mechanisms in place for the management and maintenance of the infrastructure to ensure appropriate level of service is maintained.

5. Natural Hazards

The Council will have regard to the following assessment matters:

- (i) Whether the land, or any potential structure on that land, will be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.
- (ii) Whether there are any methods/measures available to overcome or reduce the risk of any hazard(s), and whether these methods/measures may have any significant adverse effects on the environment.

In assessing the above matters, the Council will have regard to the following:

- (a) Any information held on the Council's Natural Hazard Database and the Natural Hazards Historical Database.
- (b) The Objectives, Policies and Methods of the Natural Hazards Section of the District Plan (see Section 15.1).
- (c) Information by suitably qualified professionals whose investigations are supplied with the subdivision consent applications.

6. Building Platforms

Council will have regard to the following:

- (i) The local ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site.
- (ii) Where a parcel of land may be subject to inundation, whether there is a need to establish minimum floor heights for buildings in order to mitigate potential damage to them.
- (iii) The protection of any listed Wāhi taonga or heritage item.
- (iv) The potential for reverse sensitivity issues where building platforms are proposed to be located within close proximity to existing or Consented Network Utility or Renewable Electricity



Generation Activities.

7. Esplanade Areas (Reserves and Strips)

Council will have regard to the following:

- (i) The creation of the esplanade area (esplanade reserve or esplanade strip) would contribute to the achievement of conservation, recreation, and access, values of the waterbody.
- (ii) The creation of the esplanade area would contribute to the effective management of risk from Natural Hazards in the District.
- (iii) Feedback from Hawke's Bay Regional Council on the strategic value of the esplanade area, and contribution toward providing compensation of the acquisition of the esplanade area.
- (iv) The most appropriate mechanism for securing the esplanade area (esplanade reserve or esplanade strip). Or an alternative means of protection and provision of access offered that is satisfactory to achieve the above assessment criteria (for example conservation covenant)

8. Access Strips

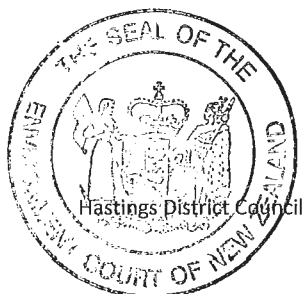
The need for the creation of an Access Strip to achieve any of the following:

- (i) To provide enhanced public access to existing esplanade reserves which are currently landlocked and which have significant natural, cultural or recreational value.
- (ii) To provide public access to areas identified in Appendices 54, and 55, Riparian Land Management and Public Access as having significant natural, cultural or recreational value and which have been set aside for esplanade purposes.

9. General

Council will have regard to the following:

- (i) The necessity for control over other aspects of works associated with the subdivision, including commencement, completion, bonding, damage liability, insurance, maintenance requirements and certification of compliance.
- (ii) Requirements for the provision of fencing adjoining public land, including pedestrian access-ways, service lanes and roads.
- (iii) The creation of easements in favour of the Council for public services.
- (iv) The design standards and guidelines in the Hastings District Council's Subdivision and Infrastructure Development in Hastings: Best Practice Design Guide.
- (v) The landscaping of property access on the site, road reserves and drainage reserves (e.g. tree planting).
- (vi) The design, location, extent and construction of any earthworks associated with the subdivision and development of the land. Where earthworks are proposed, assessment of the application with the relevant Earthworks, Mineral, Aggregate and



Hydrocarbon Extraction assessment criteria in Section 27.1 will be required.

- (vii) Any potential cumulative effects that may occur as a result of the subdivision.
- (viii) Potential constraints to the development of the site such as the National Grid Corridor or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied or mitigated.
- (ix) The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities.
- (x) The provision of electricity to the site boundary for any Urban Zone (Residential, Industrial or Commercial Zones), to be confirmed by the Electricity Network Utility/ Unison Networks Limited as a condition of consent.
- (xi) Consideration to the potential effects on the principles of the Treaty of Waitangi or any sites or taonga of significance to Maori
- (xii) The ability for continued access to National Grid Transmission Lines for maintenance, inspection and upgrading.
- (xiii) The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid Transmission Lines.
- (xiv) Any technical advice provided by the National Grid Transmission Line operator relating to safe electrical clearance distances in NZECP34:2001.

10. Subdivisions with building platforms and/or vehicle access within the National Grid Corridor and 50m of a designated National Grid Substation

Council will have regard to the following:

- (i) The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.
- (ii) The ability for continued access to existing transmission lines for maintenance, inspections and upgrading.
- (iii) The extent to which potential adverse effects (including visual) are mitigated through the location of building platforms.
- (iv) The extent to which the design and construction of the subdivision allows for activities to be set back from high voltage transmission lines to ensure adverse effects on and from the National Grid Transmission Network and on public safety are appropriately avoided, remedied, or mitigated e.g. through the location of roads and reserves under the route of the line.
- (v) The nature and location of any proposed vegetation to be planted in the vicinity of National Grid transmission lines.



- (vi) The provision for the ongoing efficient operation, maintenance and planned upgrade of National Grid transmission lines.
- (vii) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the transmission asset; and
- (viii) The outcome of any Technical advice provided by the line operator.

30.1.8.2 SPECIFIC ASSESSMENT CRITERIA

1. Sites for Special Purposes

Council will have regard to the following:

- (i) Whether the site is of sufficient area and dimensions to facilitate the intended use of the site.
- (ii) A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to Section 221 of the Resource Management Act, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying site for the respective zone.

2. Te Mata and Tuki Tuki Special Character Zones

The following Performance Criteria shall apply to both Controlled and Restricted Discretionary Activities in the Te Mata and Tuki Tuki Special Character Zones:

(a) *Landscape Protection*

The design of the development to ensure that it will not have adverse visual or landscape effects. The following shall be taken into consideration:

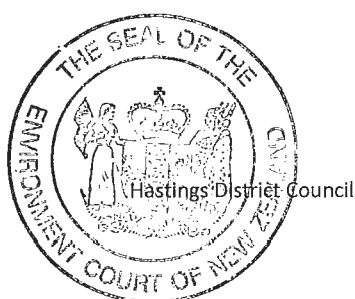
- (i) The location of building platforms so they do not penetrate any ridgeline of the Te Mata foothills as viewed from Te Mata Road, when travelling along it between Fulford Road and Waimarama Road.
- (ii) The retention of existing vegetation on the site as far as practical.
- (iii) The extent of earthworks and filling to not exceed that required for access and a building/garden platform.
- (iv) The location of access and landscaping of access on the site so as to reduce any detracting from the natural landscape quality and visual amenity of the area, including:
 - (a) The ability to landscape the site to harmonise any access with the landscape quality and visual amenity of the area;
 - (b) early re-vegetation of any areas which earthworks lay bare;
 - (c) methods of ensuring successful establishment of plantings.

(b) *Subdivision within 30 metres of the Weleda Property Boundary (Lots 2 & 3, DP 7047)*

The need to control runoff and effluent soakage so as to avoid any contamination of the Weleda property, provided that this criteria shall not apply to that boundary adjoining the accessway for a distance of 250 metres from Te Mata Road. (This criteria will only apply while the property is used for the purpose of growing and processing organic pharmaceuticals)

(c) *Site Performance Standards*

The following criteria shall only apply to Lifestyle Lots in the Te Mata and Tuki Tuki Special Character Zone Lifestyle Area



- (i) The ability of the lifestyle lot to provide at least one designated building area that complies with the standards in 30.1.8.2 2(a) above.
- (ii) Whether the designated building area can be located at least 30 metres from any adjoining property used for or suitable for viticulture or horticultural purposes.

3. Conservation Lots

To assess the significance of the feature being protected, and whether it can be protected successfully, the following Criteria shall be used as a guide:

(a) Natural Areas

(i) Whether the indigenous vegetation:

- (a) consists of a coherent well-developed canopy of indigenous vegetation.
- (b) contains a significant percentage (at least 25%) of mature indigenous trees.
- (c) consists of a range of indigenous species appropriate to that forest type.
- (d) represents a significant or prominent landscape feature.
- (e) may contain indigenous species threatened in the Hastings District.
- (f) has wildlife habitat values, or provides or contributes to a habitat corridor facilitating the movement of wildlife in the local area.
- (g) is of sufficient size and shape to maintain its intrinsic qualities.

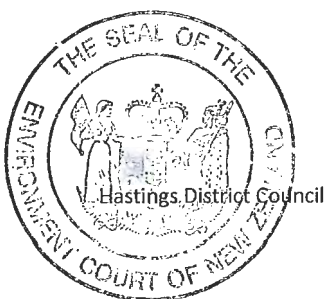
(ii) Area of biological or other scientific importance includes:

- (a) the habitat of rare or endangered (as defined by IUCN criteria) species.
- (b) freshwater wetland.
- (c) uncommon indigenous vegetation community.
- (d) an area of recognised wildlife significance.

(iii) The extent to which the size of the proposed conservation lot(s) might adversely affect the usability of the balance area. There shall be no maximum area for a conservation lot, but as a guide the area exclusive of the protected feature should be no larger than 5,000m².

(iv) In assessing the location and appropriateness of the lot, the effect that a dwelling will have on the protected feature will be considered. Where there is likely to be an adverse effect the Council may decline consent or require that the house site or lot be located elsewhere on the property so as to avoid or mitigate such an adverse effect.

(v) The provision of an appropriate legal protection for the conservation lot, in perpetuity, on the title of the land. All applications shall outline how the conservation feature will be protected, including: an agreement regarding an encumbrance, bond, consent notice or covenant that must be entered into before the issue of the Section 224 Certificate under the Resource Management Act. The covenant, bond, consent notice or encumbrance will as a minimum require that the stand of native



vegetation or other feature of significance be fenced with a stock proof fence where appropriate, kept free of livestock, any specified protective or enhancement measures to maintain or enhance its value or physical security, and shall include monitoring and enforcement provisions.

(b) Heritage Items

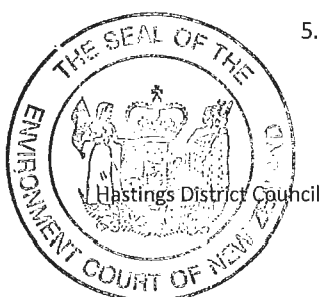
- (i) The ability to effectively protect the heritage item with an appropriate legal protection for the conservation lot, in perpetuity, on the title of the land.
- (ii) Whether sufficient area is provided to enable the heritage item to be sensitively integrated into the site, or locality, particularly where the land contributes significantly to the heritage value of the item.
- (iii) Where an additional residential building is proposed to be co-located with the heritage item, the effect of that dwelling on the protected heritage item will be considered. Where there is likely to be an adverse effect on the heritage item the Council may decline consent.

4. Sites In The Rural Residential SMA/Zone, Where Located On Land Comprising Outstanding Natural Features And Landscapes Or Significant Amenity Landscapes (Refer Section 17.1, Appendices 43 and 44)

The design of the subdivision to ensure that of itself, or as a consequence of the development it will accommodate, it will not have adverse visual or landscape effects. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping and planting. In particular, in assessing the development, regard will be had to the following:

- (i) The scale, design and location of the development is sympathetic to the visual form of rural ridgelines and spurs, and does not dominate the landscape.
- (ii) The avoidance of large scale earthworks on rural ridgelines, hill faces and spurs.
- (iii) (The ability of the development to be sympathetic to the underlying landform and surrounding visual and landscape patterns.
- (iv) The design of the development to minimise cuttings across hill faces and through spurs.
- (v) Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- (vi) Where necessary for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings.
- (vii) The protection of any listed Wāhi taonga.

5. Sites In The Rural SMA/Zone, Where Located On Land Comprising Outstanding Natural Features And Landscapes (Refer Section 17.1 and Appendices 43 and 44)

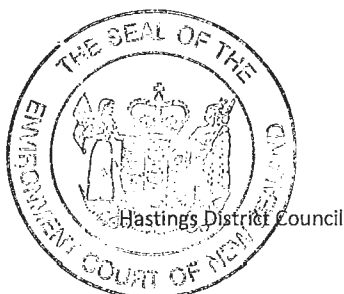


The design of the subdivision to ensure that of itself, or as a consequence of the development it will accommodate, it will not have adverse visual or landscape effects. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping and planting. In particular, the development will be assessed in terms of its ability to achieve the following:

- (i) Be of a scale, design and location that is sympathetic to the visual form of rural ridgelines and spurs, and should not dominate the landscape.
 - (ii) Avoid large scale earthworks on rural ridgelines, hill faces and spurs.
 - (iii) Be sympathetic to the underlying landform and surrounding visual and landscape patterns.
 - (iv) Be designed to minimise cuttings across hill faces and through spurs.
 - (v) Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
 - (vi) Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.
 - (vii) Be sympathetic to the protection of the significance of any listed Wāhi taonga.
6. Lifestyle sites in the Rural Zone, where located on land comprising ONFL5, ONFL6, SAL6, SAL7 or SAL8 (refer Section 17.1 and Appendices 43 and 44) or any other site having frontage to the coastline (including sites separated from the coast only by a legal road (formed or unformed)) and subdivisions in the Rural or Nature Preservation Zone, Where: All or part of a site is located within the coastal environment (as shown on the Hastings District Planning Maps) and where that Subdivision creates any additional development rights on that part of the site located within the coastal environment (as shown indicatively in Appendix 67).

The design of the subdivision and the development it will accommodate, to ensure that of itself, or as a consequence of the development it will accommodate, it will not have adverse visual or landscape effects and will not detract from the natural character of the coastal environment. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping and planting. In particular, the development will be assessed in terms of its ability to achieve the following:

- (i) Be of a scale, design and location that is sympathetic to the visual form of the coastal environment, and should not dominate the landscape.
- (ii) Avoid large scale earthworks on rural skylines, ridgelines, hill faces and spurs
- (iii) Be sympathetic to local character, to the underlying landform, and to surrounding visual and landscape patterns
- (iv) Be designed to minimise cuttings across hill faces and through spurs, and to locate boundaries so that fencing is kept away from visually exposed faces and ridges
- (v) Where planting is proposed, be of a scale, pattern and location that is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities



- (vi) Where necessary for the avoidance or mitigation of adverse effects, include proposals to ensure the successful establishment of plantings.
 - (vii) Consistency with the Hastings Coastal Environment Strategy.
 - (viii) Be designed to avoid, remedy or mitigate any adverse effects on any Wāhi taonga, archaeological site, or any other area of historic or cultural significance.
 - (ix) Be sympathetic to the protection of the significance of any listed Wāhi taonga.
7. Subdivisions to create sites in ONFL1 outside the Prohibited Building Area (Above and including the 240m contour line as shown on the Planning Maps), ONFL 2-8, and SAL 1-10

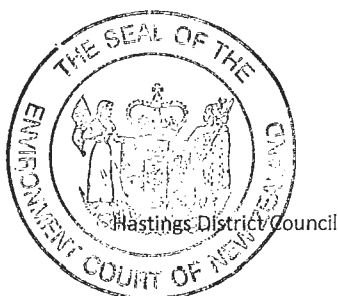
The location, layout and design of the subdivision so that the access, services, and building platforms do not result in cumulative adverse visual or landscape effects.

In particular, the location, layout and design of subdivision should:

- (i) Minimise the impact of any planned building sites on any skyline;
 - (ii) Provide for an intensity of built development in keeping with the character in the local area;
 - (iii) Locate roads and private accessways away from visually exposed faces and ridges;
 - (iv) Locate boundaries so that fencing is kept away from visually exposed faces and ridges;
 - (v) Make provision for a form and scale of vegetation that is in keeping with the character of the local area, including in both public and private space.
8. Esplanades

Council will have regard to the following:

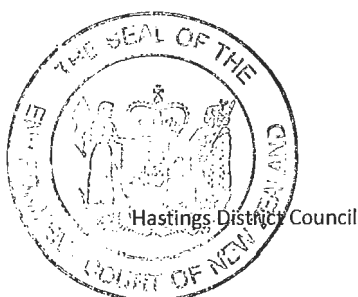
- (i) The purposes for the creation of esplanade reserves and/or esplanade strips set out in Section 229 of the Resource Management Act 1991.
- (ii) Whether any reduction in size or width of an esplanade reserve/esplanade strip will adversely affect:
 - (i) The ecological characteristics of the land that contribute to the maintenance and enhancement of the natural functioning of the adjacent river, lake or sea.
 - (ii) The water quality of the adjoining river, lake or sea.
 - (iii) The land and water-based habitats present on or adjoining the subject land area.
 - (iv) The public's ability to gain access to and along the lake, river edge or sea.
 - (v) The recreational use of the land and adjacent water.
 - (vi) The natural character and visual amenity of the river, lake or sea.
 - (vii) The ability of the Hastings District Council or the Hawke's Bay Regional Council to gain access to and along the margins of the river, lake or sea for maintenance purposes.



- (iii) Whether a waiver or reduction of the width of an esplanade reserve/esplanade strip will:
 - (a) Ensure the security of private property or the safety of people.
 - (b) Maintain or enhance the protection of wāhi taonga including wāhi Tapu and mahinga kai as well as the provision of access to areas of importance to Maori.
 - (iv) Whether the land is within a natural hazard area or in an area where there is an identified risk from one or more natural hazards (see Section 15.1 Natural Hazards).
 - (v) Whether there is another protection mechanism such as QEII Trust Covenant, protective covenant under the Reserves or Conservation Act, or marginal strip under the Conservation Act is in place; or one is proposed to protect a similar area to that as required under 30.1.7H.
9. Sites in the Rural Residential SMA/Zone, Special Character Zones And Lifestyle Lots in the Plains and Rural SMA/Zones, Which adjoin any site used for existing horticultural or Intensive Rural Production activities

The design of the subdivision to ensure that of itself, or as a consequence of the development it will accommodate, cross boundary effects will not be unduly exacerbated. In particular, in assessing the development, regard will be had to the following:

- (i) The scale, design and location of the development is such that the number of sites and potential house sites adjoining the above activities is minimised.
 - (ii) The location of house sites which will avoid any potential for cross boundary effects.
 - (iii) The ability of the development to include methods which will mitigate against cross boundary effects being experienced.
 - (iv) Where these are necessary to achieve the Objectives, Policies and Anticipated Environmental Outcomes for the zone, particularly those relating to the Right to Farm provisions, the offer, if made, for registration of restrictive covenants and/or consent notices against the certificate of title(s) for any site where cross boundary effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided, or mitigated by other conditions of consent.
10. Residential Farm Parks
- Council will have regard to the extent to which the design and layout and management structure of the residential farm park takes into account the following:
- (i) The efficient and effective operation of the balance farm in the long term.
 - (ii) The availability of appropriate mechanisms, including covenants, to secure long term administration and maintenance of common areas and servicing and to prevent further subdivision.
 - (iii) The compatibility of the proposal with the pattern of development on adjoining land and avoidance of conflict with land based activities.



- (iv) (The provision of safe access to the site and within the site.
- (v) Significant landscape features and the potential for adverse visual or landscape effects. Where a site falls within an Outstanding Natural Feature or Landscape or Significant Amenity Landscape, the Assessment Criteria of Section 17.1 will be considered.
- (vi) The protection of areas of indigenous vegetation, habitats of indigenous fauna (including wetlands) and geological sites.
- (vii) The provision of satisfactory stormwater and effluent disposal systems.
- (viii) Geotechnical constraints.
- (ix) Wāhi taonga sites
- (x) The ability of the existing transportation network to sustainably accommodate additional development.

11. Plains Lifestyle Sites

(a) Maximum area exceeded

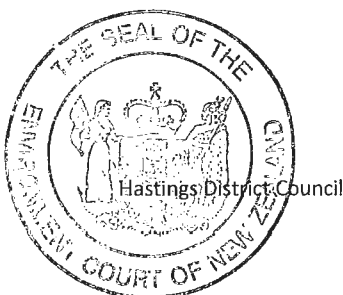
Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 5000m² for a lifestyle site is appropriate:

- (i) Enabling the minimum yard requirements for Plains Lifestyle Lots to be met.
- (ii) Position of topographical features such as rivers, drains, hills, terraces or roads forming physical boundaries for the lifestyle site.
- (iii) Site configuration, where due to the shape of the site before subdivision the excess land incorporated with the lifestyle site could not be effectively utilised as part of the amalgamated balance.
- (iv) Provision for the continued utilisation of existing accessory buildings, gardens and other facilities such as effluent fields, water supply points or accessways relating to the house.
- (v) Soil quality, where the soil of the land incorporated with the lifestyle site is not identified as Class I or II (as defined in the New Zealand Land Resource Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.
- (vi) Provision for buffer areas (greater than the minimum yard requirements) to mitigate reverse sensitivity effects where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining land based primary production activities.

(b) Balance area smaller than 12ha

Council will have regard to the following in deciding whether a Plains Lifestyle Site subdivision creating an amalgamated balance area of less than 12ha is appropriate:

- (i) The amalgamated site has a greater potential for sustained independent production in accordance with the Plains SMA/Zone Policies than either of the sites involved in the amalgamation had prior to the subdivision.
- (ii) An amalgamated site of less than 6ha will not generally be



considered to have any potential under (i) above unless it contains existing capital improvements for an intensive horticultural land use.

(c) Amalgamated Sites Not Adjoining

Council will have regard to whether one or more of the following factors apply in deciding whether a Plains Lifestyle Site subdivision creating an amalgamation of titles not immediately adjoining, is appropriate:

- (i) The titles are only separated by a topographical feature, such as a road, railway, river or drain.
- (ii) The titles are positioned in a manner that allows them to be effectively used together for sustained independent production in accordance with Plains Zone Policy.
- (iii) The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is low.

12. Sites within the Coastal Residential Zone at Tangoio

Council will have regard to an overall subdivision plan specifically for the Tangoio Coastal Residential Zone that incorporates:

- (a) A landscaping plan for the overall development that takes into account the existing coastal character of the area and utilises native coastal grasses, shrubs, and trees to screen service areas, to reduce linearity of the development, to provide for scale and to anchor buildings into the landscape, while taking into account the protection of existing view-shafts. The landscape plan is to be produced by a professional landscape architect.
- (b) Roading design to reflect coastal character i.e. consider alternatives to kerb and channel to avoid hard edges.
- (c) Sufficient provision for a reticulated wastewater system including wastewater treatment and disposal areas.
- (d) Measures to ensure the adverse effects:
 - (i) of diverted stormwater flows; and
 - (ii) stormwater runoff from the raised rezoning area on neighbouring properties are avoided, remedied or mitigated
- (e) Measures to ensure the satisfactory:
 - (i) construction and stability;
 - (ii) future ownership and maintenance; and
 - (iii) legal protection in perpetuity; of the retaining structures required to ensure the minimum ground level of RL 15.2 in meeting standard 30.1.7P (b) is achieved.
- (f) Provision for Tangoio Beach Road to be sealed for its full length from the end of the existing seal to and within the proposed subdivision.
- (g) A sufficient water supply for drinking and fire fighting purposes that has regard to the adverse visual effects of water tanks, where any such tanks are proposed.
- (h) Measures to ensure that adverse effects associated with the undertaking, construction and maintenance of any earthworks required to raise the ground level of the development area to RL 15.2 are avoided, remedied or mitigated,



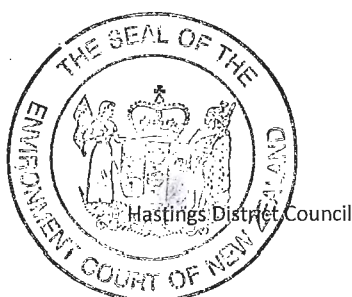
particularly with regard to dust, silt deposition and runoff.

- (i) Measures to ensure that the proposed residential development area is protected from a 1 in 100 year return period flood from the Te Ngaru Stream in accordance with the report titled 'Tangoio Beach District Plan Change - Engineering Evidence Review and Feasibility Report' dated June 2007 by MWH and Barnett & MacMurray (Trim ref: 50488#0001).
- (j) Measures to ensure the adverse effects of reverse sensitivity are avoided or mitigated as far as practicable in relation to surrounding productive rural activities through landscape buffering and no complaints covenants.
- (k) Measures to ensure that the subdivision layout and design generally has regard to the principles of the New Zealand Urban Design Protocol and in particular by ensuring that residential buildings address public spaces and the development respects the context of the landscape and natural coastal character of the area. Also by ensuring that the boundaries of public spaces including walkway access to the beach, the beach reserve itself and road reserve are not closed off visually.

13. Subdivisions within the Rural Zone, subject to Table 30.1.6A (Rural SMA) and the 3 Year Rural Lifestyle and Rural (Residential Farm Park) Provisions in Table 30.1.6B

Council will have regard to the following:

- (a) That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. Regard shall also be given to the ability to manage any potential reverse sensitivity effects generated from the lifestyle site, both within the subject site itself, the balance area of the property and with adjoining properties.
- (b) The ability to mitigate any actual or potential reverse sensitivity effects where specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. In particular (but not limited to) regard shall be given to:
 - (i) The proximity of Network Utility operations and designations (Also refer to designations shown in planning maps and Appendix 66 of the Plan);
 - (ii) Any identified building platform within 1,000m of the Radio Transmitter at Opapa, State Highway 2 (Refer D1 in Appendix 66 of the Plan);
 - (iii) Railway lines and whether access to a lifestyle or a rural site is sought via a private level crossing (This requires the formal approval of the New Zealand Railways Corporation);
 - (iv) Any new access, upgraded access, or additional sites accessing a State highway (*This requires the formal approval of the New Zealand Transport Agency);
 - (v) Any lifestyle site proposed within 400m of an existing Intensive Rural Production activity;
 - (vi) Any rural airstrip;
 - (vii) Any other nearby lawfully established activity, which a residential use of a lifestyle site is likely to be sensitive, or incompatible with.
- (c) Methods to mitigate any potential reverse sensitivity effects. Landowner(s) associated with a lifestyle subdivision application may offer the use of a 'no-complaints covenant' as a condition of consent, to help mitigate potential reverse sensitivity effects. This method is only available if the landowner

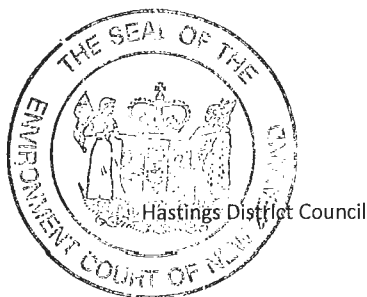


offers it; such covenants cannot be required.

- (d) That the location and shape of any rural site enables it to be farmed efficiently and effectively, with particular regard to boundary shape.
- (e) That the subdivision does not result in any more than 1 lifestyle site being created from the title subject to the subdivision application.
- (f) Whether the proposed lifestyle site is being created within 3 years of any prior lifestyle sites being created from the subject title, or any previous title that has become part of the subject title. If more than 1 lifestyle site is created within the 3 year period the application may be declined on this basis.
- (g) Where multiple sites greater than 20ha are being created in one subdivision or over successive applications, site configuration, shape and timing shall be given particular consideration with regard to appropriateness for land based primary production. Such subdivisions should not be undertaken with the intention of 'setting up' future lifestyle site subdivisions. If this is found to be the case the application may be declined on this basis.
- (h) Whether the design of the subdivision and the development it will accommodate, is designed to avoid, remedy or mitigate any adverse effects on any wāhi taonga, archaeological site or any other area of historic or cultural significance.
- (i) Lifestyle sites proposed in the Rural Zone, where located on land comprising Outstanding Natural Features and Landscapes, Significant Amenity Landscapes, Rural Character Landscapes, or Coastal Character Landscapes (refer Appendices 43, 44, 45, and 46).

The design of the subdivision to ensure that of itself, or as a consequence of the development it will accommodate, it will not have adverse visual or landscape effects. Reference will be made to the proposed nature and location of building platforms, roads and access-ways, earthworks, landscaping and planting. In particular, in assessing the development, regard will be had to the following:

1. The scale, design and location of the development is sympathetic to the visual form of rural skylines, ridgelines and spurs, and does not dominate the landscape.
2. The avoidance of large scale earthworks on rural skylines, ridgelines, hill faces and spurs.
3. The ability of the development to be sympathetic to local character, to the underlying landform, and to surrounding visual and landscape patterns.
4. The design of the development to minimise cuttings across hill faces and through spurs, and to locate boundaries so that fencing is kept away from visually exposed faces and ridges.
5. Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
6. Where necessary for the avoidance or mitigation of adverse effects,



any proposals to ensure the successful establishment of plantings.

14. General Industrial Zone

Irongate Area

Council will have regard to the following:

- i. The feasibility of a conceptual on-site stormwater disposal system for each site;
- ii. The results of infiltration tests to confirm that sufficient soakage is present for a conceptual development on each proposed lot.

15. Subdivisions within the Flaxmere Village Centre (Flaxmere Commercial Zone, Flaxmere Commercial Service Zone, and Flaxmere Community Residential Zone)

Assessment shall consider:

(a) Connections and Roads

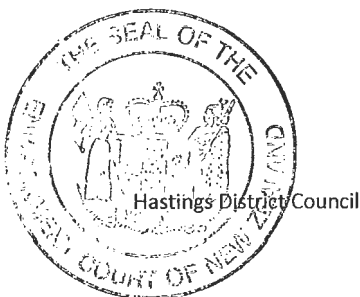
- (i) Ensure (that if applicable to the application) that the indicative road alignments shown in the Flaxmere Concept Plan (Appendix 33) are provided or suitable alternative multi-modal transport connections are provided. Suitable alternatives include connections that have greater positive benefits in terms of relation to other roads/paths/public transport and cycle links in a similar or close position. Cycle links or walkways need to be of sufficient width to ensure consistency with Crime Prevention by Environmental Design (CPTED) principles can be achieved.
- (ii) The creation of direct and logical connections should be maximised between roads and pathways to increase the number of route and transport mode choices available. This is an important component of creating a walkable neighbourhood. By creating a dense network of streets travel distances and times to shops, bus stops, schools, employment and other amenities can be reduced.
- (iii) Compatibility with future surrounding development should be considered to ensure a high level of connectivity.

(b) Street Block and Site Orientation

- (i) The layout and design of streets, the size of blocks and orientation of sites within a subdivision will influence the quality and attractiveness of the development and its surrounding area. Primarily the layout of subdivisions should integrate with the surroundings, including street layout and maximise connections with surrounding uses.
- (ii) Where applicable residential streets should follow a north-south axis so that sites can be orientated east-west to maximise the amount of sunlight a dwelling will receive.
- (iii) Grid block spacing should be designed (80-100m suggested) to create an easily walkable neighbourhood, providing a choice of routes for pedestrians, cyclists and vehicles.

(c) Site or Lot design

- (i) Rear lots should be avoided, particularly for residential sites. Direct pedestrian access off the street to sites/lots ensures a continuous street frontage maximising passive surveillance, neighbourhood safety and amenity. Having only front lots also enables criteria iii) below to be met.



- (ii) Where subdividing residential sites a variety of site/lot sizes should be created to allow for different house designs, and provide for interesting and attractive urban landscapes.
- (iii) Fronts of sites should face fronts (across the street), and backs of sites face backs, to enhance and maintain street amenity, activity, and privacy at the rear of sites.
- (iv) Active street frontages should be provided for and incorporated into the design, for residential, commercial and community use sites.
- (v) The impact of car parking and accessways on the pedestrian environment should be minimised.

(d) Public open spaces

- (i) Public open space (if provided) should ensure ease of accessibility, should front a street/road, and visibility should be maintained across the whole space with CPTED principles considered.
- (ii) Public spaces should provide a high level of amenity and character that adds value to the development and centre generally.
- (iii) Where possible an integrated low impact approach should be taken with the collection and disposal of stormwater.
- (iv) Public open space should connect to the larger network of open space areas and corridors where possible by cycle links and walkways.

16. City Living, Comprehensive Development, Residential Character Subdivisions
Assessment shall be made with the corresponding land use assessment in the relevant SMA in Sections 7.2, 8.2 and 9.2.
17. Subdivisions in the Hastings, Havelock North, and Flaxmere General Residential Zones to create separate titles for existing dwellings (but not including supplementary dwellings) in accordance with Rule SLD7

Council will have regard to the following:

- (i) Any potential effects that may cross over the proposed site boundaries
- (ii) The ability for each site to retain access to off road car parks and to an outdoor living space.

18. Subdivision resulting in the creation of new sites within 100m of the Railway Network
Council will have regard to the following:

- (a) The potential adverse effects of site development on the efficient use and operation of the railway network and the suitability of any mitigation measures relating to noise and vibration to enable the continued operation of the railway network.
- (b) Whether any consultation with KiwiRail has occurred and the outcome of that consultation.
- (c) Whether a consent notice with regard to reverse sensitivity effects on the railway network is proposed.



- (d) Whether any proposed building platform or development should be restricted to parts of the site.
- (e) Whether there are any special topographical features or ground conditions which may mitigate effects on the operation of the railway network.

19. Subdivision within Te Awanga Lifestyle Overlay area

- 1) The design of the overall development will ensure that there are no adverse visual or landscape effects taking into account the existing coastal character of the area and gateway location of the Overlay area in relation to Te Awanga urban area. Specific consideration will be given to the following:
 - a) The location of building platforms so that subsequent development is sympathetic to local character and to surrounding visual and landscape patterns. Development in accordance with the Concept Plan (Appendix 25A) will achieve this.
 - b) The location and design of accesses to the sites to minimise visual impact on the locality and provide safe access. Development in accordance with the Concept Plan (Appendix 25A) will achieve this.
 - c) The consistency of building platforms, allotment and access layout and design and landscape planting and design with Appendix 25A 'Te Awanga Lifestyle Overlay Concept & Landscape Plan'.
- 2) The mitigation of potential surface flooding and ponding issues by:
 - a) the establishment of a minimum floor height for future residential dwellings; and
 - b) the location of building platforms and design of stormwater drainage to accommodate the overland flow from adjoining properties (including care in the design of Lot 6 so as not to impede the overland flow from Lot 1 DP 11389).

Note: Prior to subdivision, a survey is required of the Te Awanga Lifestyle Overlay Area to establish the original ground level.

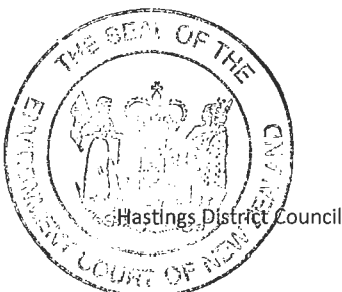
20. Subdivisions in the Cape Kidnappers Building and Infrastructure Development Node Areas shown on Appendix 23: Figure 1

In addition to the relevant General Assessment Criteria in 30.1.8.1, Council will have regard to:

- (a) The framework for the overall development that takes into account the existing character of the area and utilises native coastal grasses, shrubs, and trees to anchor buildings into the landscape, the need to avoid visually prominent locations (in views from public places) including avoidance of skyline ridges, the degree of fit between roads / building sites and landform, and the avoidance of visually prominent earthworking scars.
- (b) Road design to reflect the character of the area (e.g. consideration of alternatives to kerb and channel to avoid hard edges), and the provision of safe access to the site and within the site.



- (c) Measures to demonstrate that the consent holder will have access to sufficient funds to provide on-going financial support to the Cape Sanctuary by one or more of the following measures:
 - (i) an incorporated society, body corporate, association or other entity or organisation (whether incorporated or not) representing the residents, will provide financial support for the ecological restoration of the Cape Sanctuary and has registered an encumbrance against such of the residential and other allotments then created or has undertaken or made arrangements to do so on the first sale of each such allotment to a third party; or
 - (ii) the consent holder has secured such obligations against the land by requesting a condition requiring the consent holder to prepare a covenant that provides for financial support for the ecological restoration of the Cape Sanctuary; or
 - (iii) the consent holder has secured such obligations against the land by entering into a management agreement that provides for financial support for the ecological restoration of the Cape Sanctuary.
- (d) Measures to ensure that the subdivision layout and design generally has regard to the principles of the New Zealand Urban Design Protocol and in particular by, ensuring that residential building sites and the development respects the context of the landscape and natural coastal character of the area.
- (e) Measures to ensure appropriate architectural guidelines are set including:
 - (i) the design principles of the consent holder;
 - (ii) guidelines to architectural form, materials and quality;
 - (iii) Guidelines to curtilage design (access, garaging, landscaping);
 - (iv) The details of the design review process (including composition of review panel, information required, review process, procedure for any disputes)
- (f) Measures to ensure the efficient and effective operation of the balance farm in the long term.
- (g) The protection of areas of indigenous vegetation, habitats of indigenous fauna (including wetlands) and geological sites, including:
 - (i) the protection and/or maintenance and enhancement of the ecological values at Cape Sanctuary through mechanisms such as QEII open space covenants;
 - (ii) mechanisms, such as consent notices, to record on the new eco-residential titles restrictions on domestic pets (i.e. cats and dogs).
- (h) The avoidance of any development on archaeological and wāhi Taonga sites
- (i) Measures to ensure the acknowledgement and maintenance of Maori cultural, archaeological, and historic heritage values.
- (j) Whether or not there is an agreement in place with tangata whenua to provide access to sites or areas with Maori cultural, archaeological, or historic heritage values.
- (k) Measures to ensure that all lighting on the site associated with the eco-residential activities is designed and sited to minimize, to the greatest degree possible, the spill of light beyond the boundaries of the site.
- (l) Measures to ensure that interior and exterior light sources (i.e. the light bulbs



themselves) are not visible from beyond the site.

- (m) Measures to ensure that visibility of development associated with the proposed eco-residential lots is minimized, to the greatest extent possible, from Napier and the open coast whether through the careful siting of development and/or appropriate architectural controls on materials, colour, texture and shadows.

21. Controlled Activity subdivision within the Te Awanga Downs Urban Development Area

The following matters shall be considered:

- i. The proposed mitigation measures and the adequacy of these measures to ensure that any potential nuisance effects (such as noise, dust, odour and spray drift) that could be generated by adjoining agricultural and horticultural activities will not be objectionable to residents of the proposed subdivision. Consideration may be given to the imposition of conditions to ensure the mitigation of these effects including the placement of a consent notice on the titles of any sections, if appropriate in the circumstances.
- ii. The ability to mitigate any actual or potential reverse sensitivity effects where the specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. Methods to mitigate reverse sensitivity effects may include 'no complaints' covenant where this is offered by the applicant.

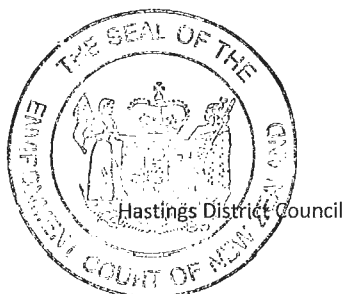
22. Subdivision within the Te Awanga Downs Urban Development Area that does not comply with the performance standards in 30.1.7S.2

In addition to consideration of the general criteria outlined above in 30.1.8.1, applications for restricted discretionary activity subdivision within the Te Awanga Downs Urban Development Area shall also be assessed against the following criteria:

- i. The extent to which the proposed subdivision deviates from the structure plan provisions outlined in Appendix 15A and 15A(i);
- ii. Whether the proposed subdivision will achieve the outcomes sought and the general intent of the structure plan in Appendix 15A and associated documents including the design criteria outlined in Appendix 15A(i);
- iii. The extent to which fundamental aspects of the structure plan will be undermined by the layout and design of the proposed subdivision such as the location and size of the public open space areas and any reduction of the minimum 30m buffer area between the existing residential area and stage 2 of the new urban development area; and
- iv. The extent to which any reverse sensitivity buffers are reduced in size and whether other measures are proposed to compensate for this reduction to ensure that adverse effects in relation to surrounding productive rural activities are avoided or mitigated.

23. In addition to other specified subdivision matters, subdivision within the Deferred Residential Zone A of the Te Awanga Downs Urban Development Area shall specifically consider:

- i. The extent to which earthworks and re-contouring of the two lots that have common boundaries with Lot 12 DP 13296 Blk V Clive SD (9 Tirimoana Place),



Flat 2 DP 19708 on Lot 13 DP 12838 (24B Gordon Road) and Lot 27 DP 12838 (30 Gordon Road) is to occur to reduce ground levels in this area.

24. Subdivision within the Iona Special Character Zone

In addition to the General Assessment Criteria in 30.1.8.1, Council will have regard to the following matters:

- a. Whether the proposed subdivision achieves the design outcomes outlined in the Iona Structure Plan (Appendix 13A Figure 2) for each of the neighbourhood areas;
- b. Whether the proposed development within the Bull Hill Neighbourhood will ensure the retention of existing mature trees within this neighbourhood in addition to those trees identified on the Structure Plan within the existing treelined driveway;
- c. Consideration of the extent of geotechnical investigations undertaken and the level of analysis and specific design requirements arising from the investigation, including any recommendations of these investigations such as whether building platforms should be restricted in certain areas or whether specific foundation designs are required in certain locations within the Zone;
- d. Whether any bulk earthworks activities required to form the Bull Hill or Iona Terraces neighbourhoods including any recontouring of land for the purpose of the conveyance of stormwater will impact on the special landscape character features and values sought to be retained within each of these neighbourhood areas;
- e. Whether the landscaping strip along the south-eastern side of Middle Road (between its intersection with Iona and Gilpin Roads) and shown on the Structure Plan in Appendix 13A Figure 2 will sufficiently assist with addressing the amenity issues associated with rear lotting of these properties;
- f. Whether the access proposed for sections created within the restricted access area along Middle Road and shown on the structure plan Appendix 13A Figure 2, is designed to ensure each property has vehicle access from new internal roads proposed within the subdivision;
- g. Whether the stormwater management devices proposed are sufficient to mitigate the impacts of the proposed subdivision to the extent that the level of effects beyond the site boundaries will achieve stormwater neutrality;
- h. Whether private stormwater management devices (either on-site or on land retained in private ownership) are proposed in the Stormwater Management Plan prepared in accordance with 30.1.7U(1) and if so, whether legal mechanisms such as consent notices are required to ensure the devices are installed and maintained in accordance with the design and performance requirements of the Stormwater Management Plan.
- i. Whether the proposed stormwater management solutions are complementary to the streetscape and road treatments sought to be achieved as outlined in the Structure Plan and/or whether the ponds and wetland areas will contribute positively and not detract from the recreational use and enjoyment of the open space areas;
- j. Where a subdivision will ultimately direct its stormwater to a stormwater



pond/wetland indicated on the Iona Structure Plan in Appendix 13A Figure 2 (or subsequently refined through a Stormwater Management Plan) that has not been constructed and vested in Council, consider the implementation of temporary measures to ensure stormwater is managed to achieve stormwater neutrality and mechanisms to ensure that these subdivisions are subsequently connected to the stormwater pond/wetland once vesting has occurred;

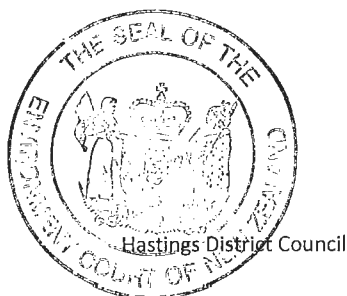
- k. Consideration of the proposed staging of the subdivision and whether this ensures the provision of infrastructure servicing in a logical and efficient manner;
- l. Consideration shall be given to the application of consent notices for conditions relating to the following matters:
 - The requirement that there shall be no vehicle access from Middle Road for sites located on the south eastern side of Middle Road between the intersection with Gilpin Road and the realigned Iona Road and identified in Appendix 13A Figure 2;
- m. Consider whether a traffic management plan is required to mitigate any adverse impacts of heavy traffic from the proposed development on the surrounding area;
- n. Within both the Bull Hill and Iona Terraces Neighbourhoods, the design and layout aspects of subdivision proposals are important considerations in creating character and a sense of place within these new greenfield residential areas. Subdivisions are to provide a variety of lot sizes configured to accommodate different house typologies in a way that contributes to streetscape amenity and a mixed community. The following matters will be taken into account in assessing subdivision design in order to achieve variety within streets and within each of these neighbourhoods:
 - i. A balanced proportion of lot types and sizes in the Bull Hill and Iona Terraces Neighbourhoods. The table below provides guidance on what is considered a balanced proportion of lot sizes in each neighbourhood:
 - ii. The distribution of different lot sizes throughout the neighbourhood so as to avoid monotonous concentrations of uniform lot types.

Bull Hill Neighbourhood				
Site Size	250 - 399m ² (CRD)	400 - 599m ²	600 - 999m ²	1000m ²
House type suited to:	duplex, terrace, and narrow zero-lot-aligned townhouses	stand-alone two-storey townhouses	conventional family homes, one or two-storey	larger single-storey homes in very large gardens
Percentage in Zone:	A minimum of 15% across duplex, terrace and separate townhouse dwelling types	A minimum of 15%	A minimum of 15%	N/A
Iona Terraces Neighbourhood Areas A - C				
Site Size:	350 - 500m ²	600m ² - 799m ²	800-999m ²	1000m ²
Number/perce	A minimum of	A minimum of	A minimum of	A minimum of



ntage in Zone:	8 and a maximum of 13 lots	15%	15%	8 lots
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- iii. The arrangement of lots to contribute to streetscape and open space amenity such as
- Narrow lots shall be located on the northern side of the road;
 - Wider lots shall be located on the southern side of the road;
 - Larger lots should be located in key locations such as prominent corners and adjacent to reserves;
 - Rear lots should be minimised. As a guide, rear lots should make up no more than 5% of the total number of lots proposed; and
 - Comprehensive Residential developments incorporating smaller lots (250m²-400m²) should be located on the opposite sides of streets aligned along the edges of reserves (i.e. so that the lots face the reserve), open space areas or some amenity feature such as an avenue of mature trees or otherwise clusters of small lots shall be distributed amongst larger lots so that small lots do not dominate the streetscape. For example smaller lots located mid-block within a street separated by larger lots;
- o. Within the Bull Hill Neighbourhood, whether the subdivision proposal provides an appropriate development density and whether it will contribute to meeting the required minimum of 19 dwellings per hectare (or the equivalent maximum average site size of 520m²) over the total area of the Bull Hill Neighbourhood; The following matters are relevant considerations when balancing an efficient use of land with the objectives of retaining character, amenity and landscape values:
- Where the subdivision proposal achieves an overall density of less than 19 dwellings per hectare (or the equivalent maximum average site size of 520m²), consider the following:
 - whether such a density is necessary to ensure compatibility with the density and amenity of neighbouring zones, or to ensure the special character features of the neighbourhood and / or zone will be retained;
 - Whether not meeting the minimum density requirement within the Bull Hill Neighbourhood will impact on the achievement of a housing yield of 390 to 400 dwellings across the Iona Special Character Zone and Breadalbane Special Character Areas or the Council's responsibilities as a medium growth area under the National Policy Statement on Urban Development Capacity 2016;
 - Where the subdivision proposal does not meet the 700m² or 600m² minimum site sizes that provide a density buffer to surrounding lower density zones, consider the extent of the increase in density and



corresponding impacts that such an increase will have on the amenity values of properties within these lower density zones, particularly those properties within the adjoining Havelock North Character Residential Zone;

- Where the subdivision proposal does not comply with the minimum site size of 400m² consider the following:
 - Whether achieving a greater yield in this proposal assists in achieving the minimum density requirement overall (ie across the total area of the neighbourhood)
 - Whether as a consequence of the increase in density the retention of special character is achieved in general over the Iona Special Character Zone as a whole or particular special character features are retained in other parts of the Bull Hill Neighbourhood.
- Whether the density proposed will adversely affect amenity values and/or the anticipated outcome of creating a high quality living environment within the Bull Hill Neighbourhood;
- The extent to which the increase in density (over the relevant stated maximum density requirements) reduces the open space available for site landscaping which is an important component of creating character and amenity within the neighbourhood;
- Whether the increase in proposed density will achieve the following outcomes:
 - To provide for greater variety and a range of options in section size and house type in order to create a mixed community;
 - To use land in an efficient manner while creating a high amenity residential neighbourhood that maintains the special character of the zone;
- For all proposals the ability of the water, wastewater, stormwater or roading infrastructure to accommodate the proposed increase in density.
- For all proposals within Blocks 1 and 2 as shown on Appendix 13A, Figure 2, whether the subdivision is consistent with an overall subdivision concept plan submitted in accordance with Rule 30.1.6E(a), in respect of yield and variation in lot size including:
 - the appropriateness of the locations indicated for Comprehensive Residential Development and whether those locations will enable the matters in criteria (n) above, to be satisfied;
 - the percentage of the total development area set aside for Comprehensive Residential Development and larger lot sizes in achieving the need for residential yield target but still achieving a variation in lot size and layout and in enabling criteria (n) above, to be met;
 - that the general site size layout and street network in the Bull Hill Neighbourhood achieves the relevant Design Outcomes, Criteria and Structure Plan Map of Appendix 13A.



- p. Specifically within the Iona Terraces Neighbourhood, the design of the overall development will ensure that adverse visual or landscape effects are avoided or mitigated taking into account the existing rural residential character of the area. Specific consideration will be given to the following:
- i. The location of building platforms so that subsequent development is sympathetic to local character, topography, and to surrounding visual and landscape patterns and in particular to the adjoining rural residential zone.
 - ii. The location and design of accesses to the sites to minimise visual impact on the locality and provide safe access to the main spine road, avoiding Lane Road.
 - iii. A planting plan for the main spine road that reflects an avenue objective and takes into account the existing rural character of the area and gateway location to the Iona Terraces and Upper Plateau Neighbourhoods. The planting plan should take into account the ability of the road berm to accommodate roadside swales.
 - iv. The provision that is made for access from the end of the cul de sacs in the Iona Terraces Neighbourhood to the Open Space Zone
 - v. Roading and lighting design to reflect the transition from general residential densities to less intensive development and the adjoining rural residential zone, for example consideration of alternatives to kerb and channel.
 - vi. The level of geotechnical investigation carried out and the level of analysis and specific design requirements arising from the investigation with particular reference to cut slope behaviour, and slope stability analysis to develop appropriate set back distances from the crest of slopes for building platforms.
 - vii. Consideration shall be given to the application of consent notices for conditions relating to the following matters:
 - The requirement for the dwelling to be single storey (a maximum height of no more than 4m) on the lot shown within Area D of the Iona Terraces Neighbourhood on the Structure Plan Appendix 13A Figure 2.
- q. Specifically within the Iona Plateau Neighbourhood where considering compliance with 30.1.7W the following matters are also relevant:
- i. The level of geotechnical investigation carried out and the level of analysis and specific design requirements arising from the investigation with particular reference to cut slope behaviour, and slope stability analyses to confirm the building platforms identified on the Plateau Master Plan.
 - ii. Consideration will be given to the application of consent notices for conditions relating to the following matters: •Development shall be generally restricted to the nominal 400m² building platform identified in the Masterplan contained in Appendix 13A, Figure 3. The GPS co-ordinates for the centre point and



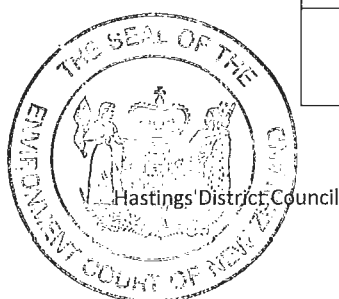
nominated building area for each lot in the plateau neighbourhood is to be identified and recorded on the survey plan and title to issue;

- The prevention of further subdivision to create any additional lots beyond those shown on the Masterplan in Appendix 13A, Figure 3;
- The maximum building height on Lots 1, 2, 13, 14, 15 and 20 as identified as single storey on the Masterplan in Appendix 13A, Figure 3;
- The planting is to proceed and remain in perpetuity, as per the approved landscape plan based on the areas shown in the Masterplan contained in Appendix 13A, Figure 3; and
- That no buildings, structures or earthworks are to occur within the area identified on Lots 12 and 13 and no buildings, structures or earthworks are to occur within the area identified on Lots 14 and 15. Planting within the area identified on Lots 14 and 15 is restricted to ornamental native grass species no greater than 0.6m in height. These restricted planting areas are to be identified on the survey plan and title to issue.

iii. Consideration will include the following matters where consent is sought to alter the placement of building platforms within the Plateau Neighbourhood:

- The degree to which the platforms are being moved and any resultant adverse effects specifically taking into account the existing character and amenity of the adjoining area; and
- These specific criteria will also be considered:

LOT	CRITERIA
1	<ul style="list-style-type: none"> • House site and planting to be configured so as to soften views to house on this lot from the adjoining property to the west and • House site and planting to be configured so as to soften views to the house on this lot from the adjacent reserve area, and to avoid any sense of visual dominance to the reserve.
2 & 20	<ul style="list-style-type: none"> • House sites and planting to be configured so as to soften views to the house on these lots from the adjacent reserve area, and to avoid any sense of visual dominance to the reserve.
3 – 10	<ul style="list-style-type: none"> • House site and planting to be configured so as to soften views to houses on these lots from the adjoining property to the east.
12	<ul style="list-style-type: none"> • Retention of ridge knoll to visually anchor the house on lot 12 (i.e. house to be located below and to the north of the knoll) • Softening of view to house on lot 13 from adjoining property to the west through planting.
13	<ul style="list-style-type: none"> • Retention of the ridge knoll as a buffer between the site and properties to the west; • Screening of the house on Lot 13 from the west through a combination of landform and planting; • Softening of views to house from adjoining property to the south
14	<ul style="list-style-type: none"> • House to be located so as not to impede outlook to the cul-de-sac from cottage on adjoining property to the south
15	<ul style="list-style-type: none"> • House to be located so as not to impede outlook to the cul-de-sac from house on adjoining property to the south; and • House site and planting to be configured so as to soften views to house



	on this lot from the adjoining property to the east.
16 – 19	<ul style="list-style-type: none"> House site and planting to be configured so as to soften views to houses on these lots from the adjoining property to the east.

25. Subdivision around existing dwellings within the Brookvale Structure Plan Area (Appendix 13B, Figure 1)

- (a) Whether the subdivision proposal will have the potential to impede any aspect of the Brookvale Structure Plan Appendix 13B, Figure 1 including a demonstration that all infrastructure and reserves shown can be implemented;
- (b) Whether each lot has access to an HDC reticulated network for all infrastructure services;
- (c) Whether the boundaries created around buildings and curtilage are tight and meet the yard standards for the Havelock North General Residential Zone to ensure land efficiencies result for the balance area and future residential development;
- (d) That the balance area created results in efficient land use outcomes for future residential development; and
- (e) For any properties fronting Davidson Road, within Area C and located opposite the Plains Production Zone, methods to mitigate any potential reverse sensitivity effects, including offer of a 'no-complaints covenant' as a condition of consent, to help mitigate potential reverse sensitivity effects:

One way that the landowner may seek to mitigate reverse sensitivity effects is for a 'no complaints' covenant to be offered, and this is generally considered by Council to be an effective method of mitigation. Such a covenant would acknowledge the horticultural/ agricultural activities carried out in the surrounding area and their potential to create noise, dust, odour and to involve agrichemical spraying, and requiring the owner and subsequent owners not to bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the reasonable and responsible use of these lands for horticultural/ agricultural and purposes, so long as these operations are carried out in accordance with relevant District Plan provisions. An example of this is as follows:

That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be issued by Council and registered against the Certificates of Title to be issued for Lots (insert reference) hereon. The notice shall be registered at the subdivider's expense and shall read as follows:

This property is located near to a productive plains area where a range of horticultural, viticultural, and agricultural management practices such as agrichemical spraying use of farm machinery, the operation of bird scarers and other similar activities may occur.

Where land use activities in the surrounding area are carried out in accordance with the relevant Local Authority requirements, the property owner, or their successor in title shall not:

- Bring any proceedings for damages. Negligence, nuisance, trespass or interference arising from the use of that land; or*
- Make nor lodge; nor*
- Be party to; nor*
- Finance nor contribute to the cost of;*

Any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any plains activity on surrounding land including without limitation any action to require the surrounding landowners/occupiers to modify the plains activities carried out on their land.



26. In addition to the General Assessment Criteria in 30.18.1, Council will have regard to the following matters for any subdivision within the Brookvale Structure Plan area (Appendix 13B, Figure 1):

- (a) Whether the proposed subdivision achieves the design outcomes outlined in the Brookvale Structure Plan (Appendix 13B, Figure 1);
- (b) The degree to which existing trees and vegetation are to be retained to assist integrate new development into the environment. Conditions and consent notices requiring that established trees and shrubs be protected will be considered as part of any subdivision;
- (c) Consideration of any geotechnical investigations undertaken and the level of analysis and specific design requirements arising from the investigation, including any recommendations of these investigations such as whether building platforms should be restricted in certain areas or whether specific foundation designs are required in certain locations within the Zone;
- (d) Consideration of the need for bulk earthworks to mitigate potential flooding effects within low lying areas of the urban development area and how this may impact the conveyance of stormwater, the location and nature of any required wastewater pump stations and any other features shown on the Brookvale Structure Plan Appendix 13B, Figure 1;
- (e) Whether the access proposed for sections created within the restricted vehicle access area (along Napier Road and Romanes Drive) shown on the Structure diagram (Appendix 13B, Figure 1), is designed to ensure each property has vehicle access from new internal roads proposed within the subdivision and that any new lots created are aligned so that their side boundary adjoins these roads rather than the rear property boundary (which would have greater adverse amenity effects on the streetscape);
- (f) Whether the stormwater management devices proposed are sufficient to mitigate the impacts of the proposed subdivision to the extent that the level of effects beyond the site boundaries will achieve stormwater neutrality;
- (g) Whether the proposed stormwater management solutions are complimentary to the streetscape and road treatments sought to be achieved as outlined in the Structure Plan and/or whether any ponds or detention areas will contribute positively and not detract from the recreational use and enjoyment of the open space reserve areas;
- (h) Whether the subdivision proposal is in accordance with and gives effect to the staging of the Brookvale urban development area shown and outlined in the Structure Plan Appendix 13B, Figure 1 and whether this ensures the provision of infrastructure in a logical and efficient manner and in a way that facilitates access to infrastructure services for adjoining property owners;
- (i) Consider whether a traffic management plan is required to mitigate any adverse impacts of heavy traffic from the proposed development on the surrounding area;
- (j) Consideration of the design and layout aspects of subdivision proposals are important considerations in creating character and a sense of place within this new greenfield residential area. Subdivision proposals are to provide a variety of lot sizes configured to accommodate different house typologies in a way that contributes to streetscape amenity and a mixed community. The following matters will be taken into account in assessing subdivision design in order to achieve variety within streets and within each of the staging areas:

- Whether the subdivision provides for a balanced proportion of the range of lot types and sizes shown in the table below:

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<u>Site Size:</u>	<u>250-399m²</u>	<u>400-599m²</u>	<u>600-999m²</u>	<u>1000m²+</u>
<u>House type suited to:</u>	<u>duplex, terrace, and narrow zero-lot aligned townhouses</u>	<u>stand-alone two-storey townhouses</u>	<u>conventional family homes, one or two-storey</u>	<u>larger single-storey homes in very large gardens</u>

- The distribution of different lot sizes throughout the neighbourhood so as to avoid monotonous concentrations of uniform lot types.
- The arrangement of lots to contribute to streetscape and open space amenity such as:
 - Narrow lots should be located on the northern side of the road;
 - Wider lots should be located on the southern side of the road;
 - Larger lots should be located in key locations such as prominent corners and adjacent to reserves;
 - Rear lots should be minimized. As a guide, rear lots should make up no more than 5% of the total number of lots proposed;
 - Comprehensive Residential Developments incorporating smaller lots (250m²-399m²) should be located on the opposite sides of streets aligned along the edges of open space reserves (i.e. so that the lots face the reserve), or some amenity feature. Otherwise clusters of small lots shall be distributed amongst larger lots so that small lots do not dominate the streetscape. For example smaller lots located mid-block within a street separated by larger lots;

(k) Consideration shall be given to the application of consent notices for conditions relating to the following matters:

- a. The requirement that there shall be no vehicle access onto Romanes Drive or Napier Road for any new lot created along the restricted vehicle access edge as identified on the Structure Plan diagram contained in Appendix 13B, Figure 1;
- b. For sites located on Thompson Road and on the boundary of the urban development area adjacent or opposite to the Plains Production Zone, consider the application of a consent notice for a condition to require the maintenance of a 30m reverse sensitivity buffer between the Plains Production Zone and properties within the Brookvale Urban Development area;
- c. Consider the application of a consent notice where sites adjoin any Reserve (includes the Crombie Drainage Reserve, the Reserve in Area A and that in Area B shown on the Structure Plan in Appendix 13B, Figure 1), the boundaries that adjoin it shall be unfenced, or fences on or within 3m of that boundary (excluding side boundary fences) shall have a maximum site of 0.5m, or have fencing that is able to be seen through in the manner of a picket, trellis, wire mesh or steel pool fence construction with a maximum height of 1.8 metres;
- d. Where sites are located within the 75m noise buffer area, consider the application of a consent notice for a condition to require compliance with 25.1.7D 'Noise Sensitive Activities';
- e. The proposed mitigation measures and the adequacy of these measures to ensure that



any potential nuisance effects (such as noise, dust, odour and spray drift) that could be generated by adjoining agricultural and horticultural activities will not be objectionable to residents of the proposed subdivision. Consideration may be given to the imposition of conditions to ensure the mitigation of these effects including the placement of a consent notice on the titles of any sections, if appropriate in the circumstances;

- f. The ability to mitigate any actual or potential reverse sensitivity effects where the specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. Methods to mitigate reverse sensitivity effects may include 'no complaints' covenant where this is offered by the applicant; and
- g. For sites adjoining Lot 1 DP 2466 and Lot 1 DP 17134 Blk IV Te Mata SD (corner of Napier and Thompson Roads) the application of a consent notice requiring compliance with the special building setbacks.

