

PART 36 RULE 36 - KINGSEAT SPECIAL ZONE

For the avoidance of doubt, and notwithstanding the rules which follow, all activities (or applications for consent for such activities) must also comply with such other provisions as may affect the activity or site and which are specified in Parts 7, 8, 10, 11, 12, 15, 22, 26, 50, 51, 52 and 53 of this Plan. Where the activity involves the use of a SIGN erected on private property, the SIGN shall be consistent with matters set out in Rule 15.4.

36.1 PERMITTED ACTIVITIES

The activities listed below are *Permitted* activities provided they comply with Rule 36.4 (CONDITIONS, STANDARDS AND TERMS) and provided also that they occur within or make use of buildings existing on the SITE as at 31 May 1994:

[NOTE: The words in CAPITALS are defined in Part 50]

- AGRICULTURAL ACTIVITIES;
- Residential activities;
- EQUESTRIAN CENTRE;
- GARDEN CENTRE;
- HEALTH CENTRE;
- MARAE and KOKIRI CENTRES;
- SCHOOLS, Universities, Technical Colleges and similar learning institutions or facilities;
- HOSPITAL but not including a Psychiatric Hospital as defined in the Mental Health Act 1969;
- HORSE TRAINING CENTRES;
- SPECIAL HOUSING DEVELOPMENT/S;
- TRAVELLERS' ACCOMMODATION;
- ACTIVE RECREATION;
- CHILDCARE AND LEARNING CENTRES;
- COMMUNITY FACILITY/IES.

36.2 CONTROLLED ACTIVITIES

- i. The activities listed below are *Controlled* activities in this Zone if they comply with Rule 36.4 (CONDITIONS, STANDARDS AND TERMS).
- ii. *Controlled* activities require a resource consent, but consent will be granted. Conditions may be imposed addressing those matters over which the Council has reserved control (see Rule 36.5).
- iii. Applications shall be assessed in terms of Section 104 of the Act and more particularly in terms of those matters over which the Council has reserved control (Rule 36.5)
- iv. The information to be submitted with the application shall be in terms of Rule 52 and to an extent necessary to enable a thorough assessment in terms of the matters set out in Rule 36.5.
- v. An application for a *Controlled* activity may be processed as 'non-notified' (that is, without public notification) where Council so determines in terms of Section 94 of the Act.

- Additions to any existing building for any *Permitted* activity, not exceeding 100 square metres in floor area in any three year period for each such building so altered (the 3 years will run from the date of building consent);
- Alterations to existing buildings which are within existing building envelopes;
- Land development works (including parking areas) and structures which are associated with and ancillary to any *Permitted* activity.

36.3 DISCRETIONARY ACTIVITIES

- i. The activities listed below are *Discretionary* activities in this Zone.
- ii. *Discretionary* activities require a resource consent, and consent may be granted, with or without conditions, or refused in terms of the Act.
- iii. Applications shall be assessed in terms of Section 104 of the Act and more particularly in terms of the Rule 36.5.
- iv. The information to be submitted with the application shall be in terms of Rule 52 and in line with the scale and intensity of the activity and the assessment of effects required by the Act.
- v. An application for a *Discretionary* activity may be processed as 'non-notified' (that is, without public notification) where Council so determines in terms of Section 94 of the Act.

- Any subdivision of land;
- Any *Permitted* or *Controlled* activity which does not comply with Rule 36.4;
- Any other activity not specified above or in Rules 36.1 or 36.2.

36.4 CONDITIONS, STANDARDS AND TERMS FOR PERMITTED AND CONTROLLED ACTIVITIES

- All activities and development must be no closer to the boundaries of the Zone than the existing line of buildings, parking and other ancillary areas of the Zone which are developed as at 31 May 1994;
- No building may be higher than as at 31 May 1994, and no structure may be higher than similar types of structures existing on the site;
- All activities and development must make use of existing crossings or vehicular access points at or to the road;
- All development must comply with the provisions of Rule 51 as appropriate to the activity and:
 - at each and every stage of development it shall be demonstrated that there will be no net loss of parking spaces within the Zone; and
 - for each activity within the Zone that operates or is managed independently from other activities within the Zone, all the parking spaces associated with and allocated to it shall be clearly shown in plan form along with any other spaces within the Zone that are available to that activity during peak times or other periods of high usage.
- No activity shall create a need for any vehicle to be parked outside the Zone;
- Any proposed clearance of mature trees or bush or significant alteration of landscaping must be submitted for approval in plan form prior to any work proceeding and must, as indicated on the plan, be replaced with at least as much planting, vegetation or landscaping as exists, and to achieve the same or similar standard of amenity, general environmental enhancement, or screening, as applies to the circumstances;
- EARTHWORKS unrelated to an activity which has a resource consent shall not exceed a total of 25 cubic metres or a total land area of 250 square metres;
- Any bare ground arising from EARTHWORKS shall be revegetated as soon as practicable.

36.5 MATTERS OVER WHICH CONTROL IS RESERVED

- The effect on services available for the site;
- The design and positioning and illumination of buildings and other structures on the site, including signs, flagpoles, architectural appurtenances, or special apparatus essential to the activity;
- The space between and about building structures, including to those on adjacent sites or outside the Zone;
- The location, design, construction and number of vehicle crossings, driveways, and parking spaces;
- The landscaping provisions of the proposal, and the extent to which they will enhance the appearance of the site, or screen structures which are quite different in style to those which predominate in the area or which could detract from the outlooks enjoyed by residents of the area;
- The extent and impact of any earthworks or vegetation clearance; in particular the extent to which any earthworks would affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes or rivers; whether they would increase any risk of land instability or erosion; whether the proposed activity includes any proposals to revegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff;
- The natural or heritage features of the site which are known or have been recorded, and which are to be protected, altered, removed or destroyed;
- The differences between the appearance of the structures proposed and those adjoining, particularly building bulk, roof slope and materials, wall claddings, window style and position and colour scheme;
- The position and intensity of any outdoor or “spot” lighting;
- The objectives and policies of the Plan relating to the *Coastal Zone*;
- The matters which are the subject of standards for *Permitted* activities both in this Zone and the *Rural* zone and the extent to which those standards are taken into consideration in the proposal;
- The extent to which the activity would affect the character of the locality, whether visually or functionally;
- The suitability of the various methods of servicing the activity, including the management of refuse;
- The screening of any outdoor storage or service areas.
- The type, frequency and duration of any noise generated which is or would be audible outside the Zone, and the extent to which it would be objectionable or unreasonable for other activities or occupants of the Zone or in a rural environment;
- The extent to which the subdivision would detract from or enhance the overall use or management of the Zone, or would give rise to development opportunities which would cause conflict within the Zone or for properties adjoining the Zone.

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