

## 12.28 Kingston Village Special Zone Rules

### 12.28.1 Zone Purpose

The purpose of the Kingston Village Special Zone is to achieve a comprehensively designed settlement that provides a range of residential densities, extensive open space and recreational opportunities and employment land.

### 12.28.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

- |   |                 |
|---|-----------------|
| (i) Heritage Protection                                       | - Refer Part 13 |
| (ii) Transport  | - Refer Part 14 |
| (iii) Subdivision, Development<br>and Financial Contributions | - Refer Part 15 |
| (iv) Hazardous Substances                                     | - Refer Part 16 |
| (v) Utilities   | - Refer Part 17 |
| (vi) Signs  | - Refer Part 18 |
| (vii) Relocated Buildings and Temporary Activities            | - Refer Part 19 |

### 12.28.3 Activities

#### 12.28.3.1 Permitted Activities

Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Discretionary, Non-Complying or Prohibited** Activity, shall be a **Permitted Activity**.

#### 12.28.3.2 Controlled Activities

The following shall be **Controlled Activities** provided that they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site** and **Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

#### i. Visitor Accommodation

Visitor Accommodation within the Visitor Accommodation Precinct in respect of:

- External Appearance of Buildings
- Setback from Internal Boundaries
- Setback from Roads
- Access and Parking
- Landscaping
- Screening of Outdoor Storage and Parking Areas
- Hours of operation
- Signage

#### ii. Buildings located within Activity Area 2 in respect of:

- External appearance and visual impact on streetscape
- Landscaping
- Access, loading and parking
- Scale of building
- Signage

#### iii. Any outdoor storage areas located within the road setback in Activity Area 2 in respect of:

- External appearance and visual impact on streetscape;
- The nature and scale of activities;
- Landscaping;
- Access and parking.

#### iv. Educational facilities in Activity Area 3 in respect of:

- Location and site layout
- External appearance of buildings including signage

- Access, loading and parking
- Landscaping

**v. Commercial activities and commercial recreation activities within Activity Area 2** in respect of:

- Nature and scale of proposed activities;
- Hours of operation;
- Access, loading and parking;
- External appearance of buildings including signage;
- Landscaping.

### 12.28.3.3 Discretionary Activities

The following shall be **Discretionary Activities** provided they are not listed as a **Prohibited or Non-Complying** Activity and they comply with all the relevant **Zone** Standards:

- i. Commercial Recreation Activities within Activity Area 1, 3 and 4.**
- ii. Commercial Activities within Activity Area 4a.**
- iii. Buildings within Activity Area 4a: Village Club House Precinct.**

In respect of:

- (a) External appearance, including bulk and location and signage
- (b) Future uses enabled by building design
- (c) Landscaping
- (d) Access and parking.

**iv. Premises Licensed for the Sale of Liquor** within Activity Areas 1 and 4a

Premises licensed for the sale of liquor under the Sale of Liquor Act 1989, for the consumption of liquor on the premises. This rule shall not apply to the sale of liquor to any person living on the premises, or present on the premises for the purposes of dining.

**v. Educational facilities within Activity Areas 1 and 2**

**vi. Comprehensive housing and retirement villages within Activity Area 1a**

For the purposes of this rule comprehensive housing means a comprehensively planned and designed collection of two or more residential units where:

- (a) the building and subdivision consents are submitted concurrently
- (b) the net area of the site containing all residential units is 1000m<sup>2</sup> or larger
- (c) the minimum net area for each residential unit is no less than 200m<sup>2</sup>

**vii. Any Activity which is not listed as a Non-Complying or Prohibited Activity** and complies with all the **Zone** Standards but does not comply with one or more of the **Site** Standards shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard(s) not complied with.

### 12.28.3.4 Non-Complying Activities

The following shall be **Non-Complying Activities**, provided that they are not listed as a **Prohibited Activity**:

- i. Visitor Accommodation**, except within the Visitor Accommodation Precinct.
- ii. Buildings within Activity Area 4**, except:
  - Buildings within Activity Area 4a: the Village Club House Precinct;
  - Playground equipment; and
  - Public toilets.
- iii. Factory Farming**
- iv. Forestry Activities** except for Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.
- v. Mining Activities**
- vi. Airports**

Airports **other than** the use of land and water for emergency landings, rescues and fire fighting.

- vii. **Residential activities within Activity Areas 2 and 4.**
- viii. **Any activity requiring an Offensive Trade Licence under the Health Act 1956** within Activity Area 2.
- ix. **Commercial activities within Activity Area 4**, except Activity Area 4a
- x. **Industrial and Service Activities within Activity Areas 1, 3 and 4**
- xi. **Comprehensive housing and retirement villages** within Activity Areas 1b and 1c
- xii. **Premises Licensed for the Sale of Liquor** within Activity Area 3  
Premises licensed for the sale of liquor under the Sale of Liquor Act 1989, for the consumption of liquor on the premises. This rule shall not apply to the sale of liquor to any person living on the premises, or present on the premises for the purposes of dining.

Any Activity which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone Standards**, shall be a **Non-Complying Activity**.

## 12.28.3.5 Prohibited Activities

The following shall be a **Prohibited Activity**:

- i. Except within Activity Area 2, Panelbeating, spray painting, motor vehicle dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or fish or meat processing, and any activity requiring an Offensive Trade Licence under the Health Act 1956;
- ii. The planting of the following tree species:
  - Pinus radiata
  - Pinus muricata
  - Pinus contorta
  - Pinus ponderosa
  - Pinus sylvestris

- Pinus nigra
- Douglas Fir
- All Eucalyptus varieties

Except for Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.

## 12.28.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

- (i) All applications for **Controlled Activities**.
- (ii) Applications for the exercise of the Council's discretion in respect of the following Discretionary activities and **Site Standards**:
  - **Industrial and Service Activities within Activity Area 2**
  - **Outdoor Living Space**
  - **Site Standards – Building coverage within Activity Area 1c**

## 12.28.5 Standards

### 12.28.5.1 Site Standards

#### i. Site Density

No more than one residential unit shall be permitted on any site, except

- comprehensive housing and retirement villages approved pursuant to Rule .2.3.3(vi)

#### ii. Setback from Roads

- (a) All buildings shall be setback at least 4.5m from the road boundary. Where the site is bordered by two road boundaries there shall be one setback of 4.5m and one of 3m.
- (b) Within Activity Area 1 all garages and carports must be setback at least 1 metre from the front façade of the residential unit (i.e. the façade that faces the street), except where:
- the legal vehicle access is from the south side of the site, and
  - the garages or carport is located outside any road setback, and
  - the garages or carport is orientated with the vehicle entrance at right angles to the street providing legal vehicle access.
- (c) Setbacks from rear access lanes:  
Where the site has access to a rear access lane:
- All garages must be accessed from the rear access lane.
  - all buildings shall be set back at least 2 metres from the boundary of the rear access lane.

### iii. Setback from Internal Boundaries

Except as provided for below, the minimum setback from any internal boundaries for any building shall be:

- Activity Area 1: one setback of 4.5m, one setback of 3m and one setback of 2m except  
  
where the site is accessed from a rear lane, in which case the setback from the rear lane shall be 2m and in addition there shall be one setback of 2m and one setback of 3m.
  - Activity Area 2: All buildings shall be setback at least 2m from any internal boundary.
- (a) Accessory buildings for residential activities, other than those used for the housing of animals, may be located within the setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does

not exceed 7.5m in length and there are no windows or openings along any walls within 1m of an internal boundary.

- (b) Eaves, porches, balconies, bay or box windows, steps, chimneys and similar parts of residential buildings may be located within the minimum building setbacks as follows:
- eaves up to 0.6m into the setback; and
  - balconies and bay or box windows of less than 4m in length may project into the setback by up to 1m. Only one such balcony or bay or box window intrusion is permitted on each setback of each building; and
  - porches and steps up to 0.6m into a setback; provided they measure no more than 3m parallel to the nearest internal boundary and provided that the floor level of any such porch or the top of any steps shall be no higher than 1m above ground level. Only one such porch or set of steps is permitted on each setback of each building; and
  - chimneys may project into the setback by no more than 0.6m provided the chimney measures no more than 1.2m measured parallel to the nearest internal boundary. Only one chimney is permitted on each setback of each building.

Provided that no part of any balcony or window which is located within a setback shall be higher than 3m above ground level.

- (c) Within Activity Areas 1b and 1c no setback is required where residential or accessory buildings on adjoining sites have a common wall on an internal boundary provided that only one common wall is permitted per residential unit.
- (d) No internal setback is required for comprehensive housing and retirement villages within Activity Area 1a.

### iv. Access

- (a) Each residential unit shall have legal access to a formed road.
- (b) Within Activity Area 1a each residential unit shall be accessed from a rear access lane (excluding that area of Activity Area 1a located on the southern boundary of the golf course, which shall be accessed from the Greenway). Rear access lanes shall have a width of between 4m and 5m (measured from boundary to boundary)

## v. Continuous Building Length

- (a) No unbroken building length shall exceed 16m. Breaks in building length shall be a minimum of 2m in depth and 4m in width for the full height of the wall and shall include a discontinuous eave line and roofline at the break
- (b) The aggregate length along any true elevation of a building, including breaks, shall not exceed 30m.
- (c) An unbroken roof line may extend to 17m in length in order to enable verandahs and decks subject to the verandah or deck containing no external walls.

## vi. Outdoor Living Space- Activity Area 1

- (a) The minimum provision of outdoor living space for each residential unit, contained within the net area of the site, shall be 36m<sup>2</sup> contained in one area with a minimum dimension of 5m.
- (b) The outdoor living space shall be readily accessible from a living area.
- (c) No outdoor living space shall be occupied by any building (other than a deck, outdoor swimming pool or accessory building of less than 8m<sup>2</sup> gross floor area),

Except attached housing

## vii. Building height in Activity Areas 3 and 4a

*Refer Appendix 4 and Definition of Height & Ground Level*

The maximum height for all buildings shall be:

Activity Area	Building Height
3 and 4a	8m

## vii. Nature and Scale of Non-Residential Activities (Except visitor accommodation)

- (a) Non-residential activities within Activity Area 1 shall comply with the following:
  - (i) No more than 40m<sup>2</sup> of the gross floor area of buildings on a site shall be used for non- residential activities; and
  - (ii) No more than one full-time equivalent person who permanently resides elsewhere than on the site may be employed in a non-residential activity on the site.

## viii. Earthworks

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval or any earthworks associated with Plantation Forestry.

1. Earthworks
  - (a) The total volume of earthworks does not exceed **100m<sup>3</sup>** per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.
  - (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m<sup>2</sup>** in area within that site (within a 12 month period).
  - (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m<sup>3</sup>** (notwithstanding provision 17.2.2).

- (d) No earthworks shall:
- (i) expose any groundwater aquifer;
  - (ii) cause artificial drainage of any groundwater aquifer;
  - (iii) cause temporary ponding of any surface water.
2. Height of cut and fill and slope
- (a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.
  - (b) The maximum height of any cut shall not exceed 2.4 metres.
  - (c) The maximum height of any fill shall not exceed 2 metres.
3. Environmental Protection Measures
- (a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.
  - (b) Any person carrying out earthworks shall:
    - (i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
    - (ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a waterbody or where it may dam or divert or contaminate water.
  - (c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
4. Protection of Archaeological sites and sites of cultural heritage
- (a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
  - (b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.
- ix. Fence Heights**
- (a) No fence within Activity Area 1 shall exceed the following heights:
    - (i) Front boundary 1.2m in height;
    - (ii) Side yard boundaries: Between the front boundary and a point 1 metre behind the front façade of the dwelling: 1.2m in height;
    - (iii) All other boundaries: 1.8m in height.
- Except:  
Where the fence is located on or near the boundary between a private allotment and Activity Area 4, it shall be no higher than 1.2m.
- (b) Retaining walls shall be no greater higher than 1.2 metres.
  - (c) No solid or visually opaque fence located along or adjacent to the boundary of any allotment within Activity Area 2 shall exceed 1.2m in height.
- x. Building coverage within Activity Area 1c**
- The maximum building coverage for all activities on any site within Activity Area 1c shall be 30%.

## 12.28.5.2 Zone Standards

### i. Kingston Village Special Zone Structure Plan

All subdivision, use and development shall be undertaken in general accordance with the Kingston Village Special Zone Structure Plan.

### ii. Building Coverage

(a) The maximum building coverage for all activities on any site shall be:

- (i) Activity Area 1a: 40%  
Activity Area 1b: 35%  
Activity Area 1c: 35%
- (ii) Activity Areas 2 and 3: 75%
- (iii) Activity Area 4a: 80%
- (iv) The calculation of building coverage within the Kingston Village Zone shall exclude eaves up to 750mm.

### iii. Building Height

*Refer appendix 4 and Definition of Height & Ground Level*

The maximum height for all buildings shall be:

Activity Area	Building Height
1a and 1b	8m
1c, and 2	7m
4a and 3	10m

- (a) The maximum height for buildings shall be measured at any point and the highest part of the building immediately above that point, and in addition

- (i) no part of any building shall protrude through a recession line inclined towards the site at an angle of 35° and commencing at 2.5m above ground level at any given point on the site boundary, except
  - within Activity Areas 1a and 1b, within which no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° and commencing at 2.5m above ground level at any given point on the site boundary

#### Except

Gable ends may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m<sup>2</sup> with the apex no higher than a point 1 metre below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.

### iv. Maximum site size per residential unit:

A maximum net site area shall apply within Activity Areas 1a and 1b as follows:

- (a) Area 1a: Maximum 500m<sup>2</sup>
- (b) Area 1b: Maximum 700m<sup>2</sup>

### v. Glare

Within Activity Areas 1 and 3

- (a) All fixed exterior lighting shall be directed away from adjacent roads and sites.
- (b) No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light to any other site measured at any point inside the boundary of the other site.

Within Activity Area 2 and 4a

- (a) Fixed exterior lighting shall be directed away from adjacent sites, roads and public places.
- (b) Roofs of buildings shall be finished to avoid glare when viewed from any public place.
- (c) No activity shall result in a greater than 10 lux spill, horizontal and vertical, of light onto any adjoining property within the zone, measured 2m inside the boundary of any adjoining property.
- (d) No activity shall result in a greater than 3 lux spill, horizontal and vertical, of light onto any adjoining zone measured at any point inside the boundary of the adjoining property.

**vi. Noise**

**(a) Activity Areas 1, 3 and 4**

Non-residential activities shall be conducted so that the following noise limits are not exceeded at any point within the boundary of any other site in this zone:

Daytime 0800 - 2000 hours	L10 50dBA
Night time 2000 - 0800 hours	L10 40dBA and Lmax 70dBA

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991.

Construction noise shall comply with and be measured and assessed in accordance with the relevant New Zealand Standard.

**(b) Activity Area 2:**

Activities shall be conducted so that the following noise limits are not exceeded:

At the boundary of Activity Area 2:

0800 - 2000 hrs	L10 60dBA
2000 - 0800 hrs	L10 50dBA and 70 dBA Lmax

Within the boundary of any allotment located within Activity Area 1

0800 - 2000 hrs	L10 50dBA
2000 - 0800 hrs	L10 40dBA and 70 dBA Lmax

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991

(c) Any noise from Plantation Forestry shall be shall be in accordance with the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017.

**vii. Nature and Scale of Non-Residential Activities (except for visitor accommodation and non-residential activities located within Activity Area 2)**

- (a) No more than 60m<sup>2</sup> of the gross floor area of the buildings on a site shall be used for non-residential activities.
- (b) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.
- (c) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.
- (d) No more than three full-time equivalent persons who permanently reside elsewhere than on the site shall be employed in undertaking a non-residential activity on the site.

**viii. Education Precinct**

- (a) Within 15 years from the date at which the Kingston Village Special Zone becomes operative buildings constructed within Activity Area 3 shall be for the purpose of educational facilities only.

- (b) If, 15 years from the date at which the Kingston Village Special Zone is made operative, there is no proven demand for educational facilities within Kingston, this rule shall expire, and Activity Area 3 shall be subject to the provisions of Activity Area 1a.

**ix. Hours of Operation for non-residential activities within Activity Area 1 shall be**

0730 - 2000

**except** that the activity may be carried out outside the above hours where:

- (a) the entire activity is located within a building and occupies not more than 60m<sup>2</sup> of floor space; and
- (b) each person engaged in the activity outside the above hours resides permanently on the site; and
- (c) there are no visitors, clients or deliveries to or from the site outside the above hours; and
- (d) all other relevant zone standards are met.

**x. Heavy Vehicle Storage**

**Except** for visitor accommodation, no more than one heavy vehicle shall be stored or parked overnight on any site within Activity Areas 1, 3 or 4 for any activity. This standard applies to residential and non-residential activities cumulatively and only one heavy vehicle in total shall be stored or parked overnight on any site.

## 12.28.6 Resource Consents - Assessment Matters Kingston Village Special Zone

The Assessment Matters which apply to the consideration of resource consents in the Kingston Village Special Zone are specified as follows:

### 12.28.6.1 General

- (i) The following Assessment Matters are methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- (ii) In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant *Assessment Matters* set out in Clause 12.28.6.2 below.
- (iii) In the case of *Controlled and Discretionary Activities*, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s), the assessment matters taken into account shall only be those relevant to that/these standard(s).
- (iv) In the case of *Controlled Activities*, the assessment matters shall only apply in respect to *conditions* that may be imposed on a consent.
- (v) Where an activity is a *Discretionary Activity* because it does not comply with one or more relevant Site Standards, but is also specified as a *Controlled Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Activity when considering the imposition of conditions on any consent to the discretionary activity.

### 12.28.6.2 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters:

**i. Controlled Activity - Visitor Accommodation within the Visitor Accommodation Precinct**

The extent to which:

- (a) Buildings and structures are designed and located so that they contribute positively to the surrounding amenity values, avoiding the dominance of built form.
- (b) Small building elements are used to break up the bulk of buildings.
- (c) Buildings are sited and designed to contribute positively to the street and neighbouring open space.
- (d) The location and design of vehicle access, parking and loading areas are such as to protect the safe and efficient movement of vehicles on the adjoining roads.
- (e) The location and design of vehicle access, parking and loading areas are such as to avoid adverse effects on neighbouring properties in terms of noise, vibration and glare from vehicles entering and leaving the site, and to encourage on-site parking.
- (f) Landscaping is used to avoid the visual dominance of built form, and to screen any outdoor storage areas.

## ii. **Controlled Activity- Buildings located within Activity Area 2**

The extent to which:

- (a) The external appearance, height and location, is designed to reduce potential effects on
  - street scene;
  - adjoining or surrounding buildings;
  - Amenity of the golf course, surrounding walkways and residential areas.
- (b) Reflective materials that have the potential to impose adverse effects on surrounding activities are avoided;
- (c) The nature and scale of the building and the activities proposed reflect the character of Kingston.

- (d) The building and proposed activities provide for a range of uses important to the provision of a live-work environment within Kingston.

## iii. **Controlled Activity- Outdoor storage areas within the road setback within Activity Area 2**

The extent to which

- (a) Landscaping is used to reduce effects on the streetscape;
- (b) Access and parking is provided on site;
- (c) The type and volume of materials to be stored on the frontage of the site has the potential to detract from the amenity of the street.

## iv. **Controlled Activity- Educational Facilities within Activity Area 3.**

The extent to which

- (a) Buildings are sited and designed so that they front the public street.
- (b) Buildings are designed to complement the surrounding residential neighbourhood and heritage values of Kingston.
- (c) Access and parking is provided on-site to ensure safety and efficiency of the street network
- (d) Landscaping is used to reduce the visual effects of large buildings.

## v. **Controlled activity- Commercial activities and commercial recreation activities in Activity Area 2**

The extent to which

- (a) The nature and scale of the commercial activity supports the service and industrial activities of Activity Area 2, and is consistent with Kingston's urban framework;

- (b) Increases in traffic and pedestrian activity are appropriately managed;
- (c) The nature and scale of commercial recreation activities is appropriate to the character of Kingston.

**vi. Discretionary Activity- Commercial Recreation Activities within Activity Area 1, 3 and 4 and Commercial Activities within Activity Area 4a**

The extent to which:

- (a) The activity is compatible with the amenity values of the residential area and open space, by taking into account;
  - potential effects on the amenity of the street, neighbouring properties and open space;
  - hours of operation;
  - the proximity of outdoor facilities to neighbours and potential noise effects;
  - the ability to use landscaping to mitigate visual and noise effects.

**vii. Discretionary Activity- Buildings within the Village Club House Precinct**

The extent to which:

- (a) The building design contributes positively to the amenity of the Zone, building on and respecting the local character of Kingston;
- (b) The building design provides for a range of future activities and uses, including meetings and functions;
- (c) Landscaping is used to complement the built form, and respects the character and heritage of Kingston;
- (d) Carparking can be provided on the site, and is incorporated into the landscape design such that it is screened from adjacent activities.

**viii. Discretionary Activity- Premises licensed for the sale of liquor within Activity Areas 1 and 4a**

The extent to which:

- (a) The character, scale and intensity of the proposed use is compatible with surrounding activities;
- (b) There are potential adverse effects caused by activities associated with the sale of liquor, including its availability to persons other than those residing on the premises and the maximum number of persons that may be present in any licensed area;
- (c) There is any loss of privacy for nearby sites;
- (d) Outdoor areas are in close proximity to residential neighbours;
- (e) Hours of operation are compatible with the surrounding residential environment;
- (f) Noise emissions beyond the property boundary can be avoided through
  - mitigation measures including the layout of outdoor areas and the ability to screen such areas with vegetation, fencing or buildings; and
  - acoustic insulation and noise attenuation within the premises.

**ix. Discretionary activity- Educational facilities within Activity Areas 1, 2 and 4b**

The extent to which

- (a) The activities, their nature and scale and hours of operation are compatible with the amenity and activities of the surrounding environment.
- (b) Potential adverse effects on surrounding properties are avoided or mitigated.
- (c) Outdoor facilities are located and designed to avoid or mitigate potential effects on residential neighbours.

In addition to the above, within Activity Area 2 the extent to which:

- (d) Location of the activity within Activity Area 2 has the potential to cause reverse sensitivity effects into the future.
- (e) The site can be accessed by pedestrians and vehicles safely and efficiently.
- (f) There may be potential conflict with surrounding uses.

**x. Discretionary Activity- Comprehensive development and retirement villages in Activity Area 1a**

The extent to which:

- (a) The bulk, design and location does not result in a dominance of built form.
- (b) The design builds on and respects the character of Kingston; using a range of materials, and incorporating design elements such as verandahs and porches.
- (c) Attached houses are expressed as separate entities and design elements such as pitched roofs, box windows, verandahs and porches are used to break up built form.
- (d) The site is developed comprehensively, achieving efficient use of space, high amenity values both on and off site and good solar access for all units.
- (e) Living areas front the street, providing positive relationship between private and public space.
- (f) The sites provide adequate space for car parking and manoeuvring.
- (g) Rear lane access is used.
- (h) Landscaping is used to soften built form, enhance amenity values and screen car parking areas while avoiding the shading of living areas.

**xi. Site Standard- Site Density**

The extent to which:

- (a) The character of the site is not dominated by buildings and there is adequate opportunity to provide landscaping
- (b) Adequate on-site parking and manoeuvring can be provided on site.
- (c) Requirements for building coverage and outdoor living space can be achieved.
- (d) The character and size of dwellings is compatible with the surrounding activity area.

**xii. Setback from Roads**

- (a) The extent to which the intrusion into the street scene is necessary in order to allow more efficient, practical and/or pleasant use of the remainder of the site.
- (b) The ability to provide adequate opportunity for landscaping in the vicinity of road boundaries, which will mitigate the effects of the building intrusion into the street scene.
- (c) The ability to provide adequate parking and manoeuvring space for vehicles clear of the road.
- (d) The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback from road boundaries of existing buildings in the vicinity.
- (e) The extent to which the bulk and external appearance of the proposed building is in keeping with those of existing buildings on the site.
- (f) The ability to avoid dominance of built form along the road boundary.

## xiii. Setback from Internal Boundaries

- (a) The extent to which intrusion towards the internal boundary is necessary to enable more efficient, practical and/or pleasant use of the remainder of the site.
- (b) Any adverse effects of the proximity or bulk of the building, in terms of visual dominance of the outlook from adjoining sites and buildings, which is out of character.
- (c) Any adverse effects on adjoining sites in the proximity of the building, in terms of reduced privacy through being overlooked from, or being in close proximity to, neighbouring buildings to an extent which is inconsistent with the suburban living environment.
- (d) Any adverse effects of the proximity or bulk of the building in terms of loss of daylight on adjoining sites.
- (e) The ability to provide adequate opportunities for landscaping.
- (f) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.
- (g) Any adverse effects of the proximity of buildings housing animals in terms of noise, smell, flies or vermin on adjoining sites.
- (h) The ability to mitigate any adverse effects of the proposal on adjoining sites.

## xiv. Access

- (a) The extent to which alternative formed access can be assured to the residential unit in the long-term.
- (b) The extent to which the level and nature of the use of the activity will make it unlikely that access by way of a formed road will ever be necessary.

- (c) The level of financial contribution required to be made to the Council towards the formation of the road to a standard suitable for residential access, taking into account the levels of traffic likely to be generated by the use of the residential unit in relation to the existing use of the road, as referred to in Rule 15.2.5.

## xv. Continuous Building Length

- (a) Any adverse effects of the continuous building length in terms of visual dominance by building(s) on the outlook from the street and adjoining sites, in a manner which is out of character with the local area.
- (b) The extent to which the continuous building length or the external appearance of the building detracts from the pleasantness and openness of the site, as viewed from the street and adjoining site.
- (c) The ability to mitigate any adverse effects on the visual amenities of the area, of the continuous building through increased separation distances, screening or use of other materials.

## xvi. Outdoor Living Space

- (a) The extent to which the reduction in outdoor living space and/or its location will adversely affect the ability of the site to provide for the outdoor living needs of likely future residents.
- (b) Any alternative provision on, or in close proximity to, the site for outdoor living space to meet the needs of likely future residents.
- (c) The extent to which the reduction in outdoor living space or the lack of sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.

## xvii. Coverage

The extent to which:

- (a) The additional coverage does not result in an over-dominance of buildings when viewed from the street and surrounding properties

- (b) The building mass is visually broken using detailed elements such as variation in materials, colours, use of fenestrations and open elements such as porches and verandas
- (c) The overall site layout, building form and landscape treatment maintains a sense of openness and informality.

**xviii Nature and Scale of Non-Residential Activities (Except Visitor Accommodation within the Visitor Accommodation Precinct)-Activity Area 1.**

- (a) The extent to which the scale of the activity and the proposed use of the buildings will be compatible with the scale of other buildings and activities in the surrounding area.
- (b) The extent to which the character of the site will remain dominated by landscaping rather than by buildings and areas of hard surfacing.
- (c) The extent to which the activity will result in the loss of residential activity on the site.
- (d) Any adverse effects of the activity in terms of vibration, glare, loss of privacy, traffic and/or parking congestion.
- (e) The extent to which the activity provides a local function by meeting the needs of residents within the surrounding residential environment or visitors to Kingston.
- (f) The ability to mitigate any adverse effects of the increased scale of activity.
- (g) The extent to which the proposed activity will detract from the pleasantness, coherence and attractiveness of the site and its surrounds.
- (h) Any adverse effects of the activity on the outlook of people on adjoining sites.

- (i) The extent to which the activity will be compatible with the appearance, layout and functioning of other sites in the adjoining area.
- (j) The ability to screen the activity from adjoining roads and sites through landscaping and site design.
- (k) The ability to mitigate any adverse effects of the activity on adjoining roads and sites.

**xix. Earthworks**

**1. Environmental Protection Measures**

- (a) The extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
- (d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.
- (e) Whether appropriate measures to control dust emissions are proposed.
- (f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

**2. Effects on landscape and visual amenity values**

- (a) Whether the scale and location of any cut and fill will adversely affect:

- the visual quality and amenity values of the landscape;
  - the natural landform of any ridgeline or visually prominent areas;
  - the visual amenity values of surrounding sites.
- (b) Whether the earthworks will take into account the sensitivity of the landscape.
- (c) The potential for cumulative effects on the natural form of existing landscapes.
- (d) The proposed rehabilitation of the site.

### 3. Effects on adjacent sites:

- (a) Whether the earthworks will adversely affect the stability of neighbouring sites.
- (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
- (c) Whether cut, fill and retaining are done in accordance with engineering standards.

### 4. General amenity values

- (a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- (c) Whether natural ground levels will be altered.

### 5. Impacts on sites of cultural heritage value

- (a) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgment Area, and whether tangata whenua have been notified.
- (b) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

### xx. Fence heights

The extent to which

- (a) The fence detracts from the pleasantness and safety of the adjacent public space;
- (b) The fence dominates the adjacent open space;
- (c) A positive relationship between the private and public realm is provided.

Within Activity Area 2, in addition to the above; the extent to which:

- (d) The fence screens outdoor storage areas or other activities.
- (e) The fence is necessary to maintain safety and security.

