



12.8.31

12.8.31.1

SPECIAL 31 (KENSINGTON PARK) ZONE [\[Amendment 158\]](#)

Background and Area Description

The Kensington Park Special Zone is located at 290 Centreway Road, Orewa, as identified on Maps 71 and 74 of the Planning Maps.

Located at the corner of Centreway Road and Puriri Avenue at the northern end of Orewa, the 15.76 hectare Zone is readily accessible to the public transport network, the Orewa town centre and the wider Rodney region via SH17 and SH1.

The geography of the surrounding environment naturally delineates the Zone from neighbouring activity. The site is located within a natural bowl (where a stand of Puriri trees forms its central focus), the perimeter of which is bound by rising landform to the west and north, with the Nukumea Stream and Alice Eaves Scenic Reserve to the north, Orewa North Primary School to the south, and traditional suburban residential development and a grove of Puriri trees (Puriri Bush Reserve) to the east.

Kensington Park Special Zone generally corresponds to the site of the former Puriri Park Holiday Resort. The transition from visitor accommodation to residential activity at the Holiday Resort commenced in 2006, through a series of land use and subdivision consents, which have resulted in a number of medium and high density residential detached and attached terrace houses (located primarily towards the north-eastern corner and south-western corner of the zone), together with an associated road network and community facilities, such as a pool house and Council reserves being constructed.

Kensington Park Special Zone is located within the Orewa East Structure Plan. Analysis and consultation undertaken during the formulation of the structure plan determined that whilst the Special Zone's site characteristics offered the opportunity for some taller forms of buildings, the scale, form and intensity of development envisaged in other parts of Orewa closer to the town centre, by way of the Orewa High Intensity Variable Development Zone could not easily be adopted for this land parcel in its entirety. Therefore the recommendation was made that the existing District Plan provisions be retained, while acknowledging that an opportunity exists for taller buildings, subject to a more detailed site appraisal.

The provisions of the Kensington Park Special Zone reflect the analysis that has been undertaken which demonstrates that the land holding is suitable to accommodate a higher density of development with a wide range of building heights, including buildings up to 5 storeys in height on limited parts of the site, that can provide for a range of types and intensities of housing, together with the provision of suitable complementary communal facilities, open spaces, and community focused non-residential activities, through the integrated (comprehensively designed) development of a high amenity residential community, the aesthetics and character of which have been foreshadowed by the development constructed to date.



12.8.31.2

Approach to the Zone's Development

The Kensington Park Special Zone comprises the following Policy Areas:

- Residential Policy Area;
- Mixed Use Policy Area; and
- Communal Activity Policy Area.

Those Policy Areas are divided into six specific Precinct Areas, which generally correlate to distinct areas for development, each with their own development controls.

The Policy Areas are used to direct the appropriate location of residential and non-residential activities within the Zone, whilst the Density Rules and Development Controls specific to each Precinct Area direct the appropriate scale, form and intensity of built form throughout the Zone.

The Policy Areas, as well as the Indicative Reserves, Roads and Visual Amenity Corridors, are shown on the Kensington Park Zone Plan. Building layout, typologies, pedestrian and vehicle accesses and maximum building storeys are shown on the Kensington Park Masterplan, ("KP Masterplan"). In addition, Rule 12.8.31.4.3 requires the preparation of a Kensington Park Landscape Plan, ("KP Landscape Plan") and subsequent Resource Consent Landscape Plans. Building, urban and landscape design are also to be in accordance with the Special 31 (Kensington Park) Design Guidelines.

12.8.31.3

Zone Issues, Objectives, Policies

12.8.31.3.1

Issues

12.8.31.3.1.1

Refer to section 12.2 for general special zone issues

12.8.31.3.1.2

Refer to Chapter 8 – Residential, section 8.2. The issues in 8.2.1 to 8.2.5 apply.

12.8.31.3.1.3

The Auckland Regional Growth Strategy and the Northern (and Western) Sector Agreement provides for additional urban development.

Under the Auckland Regional Growth Strategy and the Northern (and Western) Sector agreement, the Rodney District Council agreed to zone land within the District to assist in accommodating population growth within the Metropolitan Urban Limits.

The key principles of accommodating such growth relate to the ability to manage and sustain high quality living environments while protecting and managing the region's natural and physical resources through the implementation of compact urban form, and the encouragement of other transportation and low impact design efficiencies.

12.8.31.3.1.4

Unplanned variations between the character of activities and between the intensity of development within an area can adversely affect coherence and harmony of character.

Variations in the intensity of development are usually reflected in site coverage



and the height and bulk of buildings, which can give rise to differences in the character of residential areas. Development within the area encompassed by the Kensington Park Special Zone has started, and having regard to both the character of that existing development, and the physical characteristics of the site and the surrounding environment, the Kensington Park Special Zone makes specific provision for developments of different intensities to be contained within a variety of Precincts within the Zone.

12.8.31.3.1.5

Poor urban design, including inappropriate street layout, inappropriate scale and siting of the built form and architectural design may adversely affect the existing amenity values and character experienced within the Kensington Park Special Zone and the existing character of the development constructed to date.

Good urban design can achieve higher levels of urban amenity than that traditionally found in many residential areas. The initial construction stages of Kensington Park already completed demonstrate the application of good urban design principles, and further development should be consistent with the existing high levels of urban amenity, and the architectural character and quality of that existing built form.

12.8.31.3.1.6

Sufficient areas of open space (either vested with Council, or communal areas held under private ownership) are required within the Kensington Park Special Zone to contribute to the physical health, and social and cultural wellbeing of the Kensington Park and Orewa community.

Parks and areas of open space play an important role in offsetting some of the potential adverse effects of development.

Open space can provide a buffer between development and sensitive natural environments, including streams and ecological areas. It can also provide for the enhancement of ecological values and habitat diversity. Open space can also provide for pedestrian linkages into, within and through urban areas, improving connectivity for the wider community and facilitating walking as a mode of transport.

Open space can also provide visual amenity and places for passive and more active recreation. These are especially important where more intensive urban development occurs. Whilst open spaces are generally available for the use and enjoyment of the public, the nature and level of usage of some communal open spaces may be more suitable to be retained for common (private) ownership maintenance and control, either permanently or for temporary events.

12.8.31.3.1.7

Residential areas that are not adequately served by shops and other facilities, often lack vitality and convenience.

In newly developed residential areas, there is often a lack of local shops and other service facilities as these sometimes take time to become viable and be established by the private sector. Where such facilities are established as part of residential neighbourhoods they can act as neighbourhood centres or focal points at which the community can informally meet and can contribute to the quality of living in new neighbourhoods and their local community identity and social dynamic / neighbourliness.



12.8.31.3.1.8

The Nukumea Stream and the wider Orewa catchment may be adversely affected by stormwater runoff and flooding during and post-development.

Parts of the Kensington Park Special Zone have been identified as being potentially subject to Coastal Inundation. The proximity of the area to a short stretch of the Nukumea Stream is such that the increased impervious surfaces resulting from urban development require careful stormwater management.

12.8.31.3.2

Objectives

12.8.31.3.2.a

Refer to Chapter 8 – Residential, section 8.3. Objective 8.3.2 applies to the Special 31 Zone.

12.8.31.3.2.1

To enable higher density living opportunities with a variety of built forms (including residential building types such as: detached houses; semi-detached houses; terraced houses; and apartment buildings), and appropriately scaled mixed use development, while making appropriate provision for the maintenance and enhancement of amenity values that are attributable to the Kensington Park Special Zone, including visual and aural amenity within the Kensington Park Special Zone, and the surrounding environment.

(This objective relates to Issue 12.8.31.3.1.3, 4 and 5)

12.8.31.3.2.1.a

To maintain and enhance the amenity values of Kensington Park and to avoid, remedy or mitigate adverse effects on the environment (including residential units both within Kensington Park and beyond) of higher intensity development.

(This objective relates to Issue 12.8.31.3.1.3, 4 and 5)

12.8.31.3.2.2

To limit the intensity of development that may be carried out within the Kensington Park Special Zone, consistent with the capacity of the infrastructure in this part of the District, together with the capacity of the natural and physical resources of the area.

(This objective relates to Issue 12.8.31.3.1.3 and 4)

12.8.31.3.2.3

To control the form and intensity of development within the Precincts of Kensington Park so that the environmental quality of the Zone and the adjacent areas are maintained, or enhanced.

(This objective relates to Issue 12.8.31.3.1.4 and 5)

12.8.31.3.2.4

To ensure that architectural quality and the location and design of buildings take account of the following urban design principles:

- (a) Diversity in the built form;
- (b) Architectural coherence with the existing development constructed within Kensington Park Special Zone;
- (c) Relationship of buildings to the street to create clear distinctions between public and private space which provides a positive experience of the public realm;
- (d) Provision of outlook areas (including decks, balconies, porches) that activate the building façade; and



	<p>(e) The impact of materials and colours on the character of a neighbourhood.</p> <p><i>(This objective relates to Issue 12.8.31.3.1.4 and 5)</i></p>
12.8.31.3.2.5	<p>To design road reserves and carriageways (including berm landscaping, tree planting and footpath and road finishing etc) so that they are an integral legible component of an integrated residential development in order to provide for functional traffic routes of high amenity value that pedestrians and cyclists find pleasant, safe, convenient and enjoyable to travel along.</p> <p><i>(This objective relates to Issue 12.8.31.3.1.5)</i></p>
12.8.31.3.2.6	<p>To provide adequate and appropriate land for public and private open space, as an integrated feature of development within the Kensington Park Special Zone.</p> <p><i>(This objective relates to Issue 12.8.31.3.1.6)</i></p>
12.8.31.3.2.7	<p>To create a residential environment that enables convenient and safe pedestrian and/or vehicular access to shops, parks, schools, and community activities/facilities.</p> <p><i>(This objective relates to Issues 12.8.31.3.1.6 and 7)</i></p>
12.8.31.3.2.8	<p>To provide opportunities for small scale businesses to create a vibrant and diverse community to service the local area.</p> <p><i>(This objective relates to Issues 12.8.31.3.1.8)</i></p>
12.8.31.3.2.9	<p>To avoid, remedy or mitigate the adverse effects of residential development and residential activities on the natural environment.</p> <p><i>(This objective relates to Issues 12.8.31.3.1.3 and 8)</i></p>
12.8.31.3.2.10	<p>To avoid or mitigate the adverse effects of stormwater runoff and flooding.</p> <p><i>(This objective relates to Issues 12.8.31.3.1.3 and 8)</i></p>
12.8.31.3.2.11	<p>To promote attractive natural and built landscapes in the Kensington Park Special Zone.</p> <p><i>(This objective relates to Issue 12.8.31.3.1.5)</i></p>
12.8.31.3.3	<p>Policies</p>
12.8.31.3.3.1	<p>Development within the Kensington Park Special Zone should:</p> <ul style="list-style-type: none">(a) Concentrate higher intensity development in appropriate building areas and Precincts;(b) Provide for a variety of building heights and forms in a manner that achieves high levels of amenity across the zone;(c) Use the street or other permanent open spaces (not other people's back yards) as outlook areas;(d) Utilise building height to achieve development potential while providing open space within the Kensington Park Special Zone;



- (e) Avoid, remedy or mitigate the effects of impermeable surfaces within the Kensington Park Special Zone;
- (f) Avoid or mitigate adverse effects on the amenity of (individual) residential units including effects of shading, overshadowing, dominance and effects on the admission of daylight and direct sunlight into buildings and outdoor living areas.

(This policy seeks to achieve to Objectives 12.8.31.3.2.1, 5, 10 and 11)

12.8.31.3.3.2

Density of development within the Kensington Park Special Zone should be limited to recognize the nature and characteristics of the site and its location.

(This policy seeks to achieve Objectives 12.8.31.3.2.2 and 10)

12.8.31.3.3.3

To promote urban development that takes account of accepted principles of good urban design including:

- (a) Clearly defined public, communal and private space;
- (b) Creating attractive and safe streets which encourage walking and cycling;
- (c) Buildings activating open space;
- (d) Mixed use (mixing living and business where appropriate);
- (e) Active street frontages;
- (f) Breaking up building mass, and where practicable breaking up the visual impact of garages on the street;
- (g) Quality architectural articulation of building facades; and
- (h) High quality landscape planting, and stormwater design.

(This policy relates to Objective 12.8.31.3.2.3, 4, 5, 7, 10 and 11)

12.8.31.3.3.4

The architectural design of buildings, including scale, bulk, form, proportions, structure, materials and colour, should create a positive contribution to the character, identity, aesthetics and amenity values of the Zone, having regard to the existing built form and the built form provided for within the Zone.

(This policy seeks to achieve Objective 12.8.31.3.2.4)

12.8.31.3.3.5

Open space areas should be developed in an integrated and coherent manner with adjacent development.

(This policy seeks to achieve Objective 12.8.31.3.2.6)

12.8.31.3.3.6

Pedestrian and cyclist accessibility should be provided, and maintained within Kensington Park Special Zone to assist the creation of an active community and to provide opportunities to access a diverse range of live, work, play and learning environments within Kensington Park Special Zone and the wider Orewa East community.

(This policy seeks to achieve Objective 12.8.31.3.2.5)

12.8.31.3.3.7

Small scale business activity should be provided for in the Mixed Use Policy Area, together with appropriate provision for signage as identification.

(This policy seeks to achieve Objective 12.8.31.3.2.7, 8 and 9)



12.8.31.4

Rule
12.8.31.4.1

Activity Rules

Activities in the Kensington Park Special Zone shall comply with the following:

- (a) All Permitted Activities in the Activity Table in Rule 12.8.31.4.2 shall comply with Rule 12.8.31.4.4 Development Controls, and any other rule in the District Plan identified in the Activity Table;
- (b) All Controlled Activities in the Activity Table in Rule 12.8.31.4.2 shall comply with Rule 12.8.31.4.4 Development Controls, and any other rule in the District Plan where identified in the Activity Table. All Controlled Activities shall be assessed against those matters over which control is retained as set out in Rule 12.8.31.5;
- (c) All Restricted Discretionary Activities in the Activity Table in Rule 12.8.31.4.2 shall comply with Rule 12.8.31.4.4 Development Controls. All Restricted Discretionary Activities shall be assessed against those matters over which discretion is retained as set out in Rule 12.8.31.6;
- (d) All Discretionary Activities in the Activity Table in Rule 12.8.31.4.2 shall be assessed in terms of the relevant matters in section 104 of the Act;
- (e) All Non-complying Activities in the Activity Table in Rule 12.8.31.4.2 shall be assessed in terms of section 104 of the Act;
- (f) Except as provided for by section 95A(4) of the Act, all Controlled Activities shall, unless otherwise specified will be considered without public notification or the need to obtain the written approval of, or serve notice on, affected persons.

Rule
12.8.31.4.2

Activity Table

In the following table:

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

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

ACTIVITIES	POLICY AREAS		
	Residential	Mixed Use	Communal Activity
Residential Activity up to a maximum of: <ul style="list-style-type: none"> • 690 HOUSEHOLD UNITS at a standard of not less than 228m² of zone area per household unit; or • 630 HOUSEHOLD UNITS and a maximum of 120 Retirement Units (or a comparable mix) 	P	P	NC
BUILDINGS:			
BUILDINGS: The erection of, addition to, or external	C	C	C



ACTIVITIES	POLICY AREAS		
	Residential	Mixed Use	Communal Activity
alteration to BUILDINGS that comply with activity, density and intensity rules provided that: <ul style="list-style-type: none"> a BUILDING located within a Communal Activity Policy Area is no more than two storeys in height, and has a maximum of 120m² in gross floor area at ground level; and the BUILDING footprints, storey height and typologies comply with that contained in the KP Masterplan 			
BUILDINGS: The erection of, addition to, or external alteration to BUILDINGS that comply with activity, density and intensity rules but which: <ul style="list-style-type: none"> do not comply with the BUILDING footprints, storey height, and typologies contained in the KP Masterplan; or do not comply with the KP Landscape Plan or the relevant Precinct Landscape Plan 	RD	RD	RD
BUILDINGS: The erection of any BUILDING within a Visual Amenity Corridor, unless otherwise provided for below: <ul style="list-style-type: none"> a BUILDING in association with a temporary activity; or a utility structure located within a ROAD; or the Western Tower 	NC	NC	NC
CHILDCARE FACILITIES* #	D	P	NC
Children's playgrounds and associated equipment	P	P	P
HEALTH AND WELFARE SERVICES* #	D	RD	NC
Indoor recreation facilities within existing BUILDINGS	NC	P	NC
OUTDOOR RECREATION and associated structures such as boardwalks, lighting, bridges, gazebos, fencing, picnic and barbecue areas, seating, memorials and sculptures	P	P	P
PLACES OF ASSEMBLY*	D	D	D
RESTAURANTS* # where no individual tenancy is greater than 200m ² gross floor area	D	P	P
Retirement Villages, HOMES FOR THE AGED and day-care facilities for the elderly, accommodating more than 10 persons*	D	P	NC
SHOPS* #	D	P	NC
Use of a SITE on not more than a total of 52 days within any 12 month period, for events such as festivals, markets, public meetings, exhibitions, concerts and sporting events (excluding motorised sports), including temporary structures provided it meets with the rules set out in Chapter 16 of the Plan	NC	P	P
VISITOR ACCOMMODATION*	NC	RD	NC
Western Tower complementary in design to the Eastern Tower	P	NC	NC
TAVERNS and bars, theatres, cinemas, casinos, cabarets, clubs, amusement galleries, and massage parlours.	NC	NC	NC
Unless otherwise specified within the Activity Table, any Permitted activities* provided for in the High Intensity	P	P	NC



ACTIVITIES	POLICY AREAS		
	Residential	Mixed Use	Communal Activity
Residential Zone			
Any Permitted or Controlled activity not complying with the Development Controls that meet the circumstances set out in Rule 12.8.31.6.1	RD	RD	RD
Any Permitted or Controlled activity not complying with the Development Controls that does not meet the circumstances set out in Rule 12.8.31.6.1	NC	NC	NC
Any activity not listed in the Activity Table	NC	NC	NC
District Wide Activities	Refer to Chapter 16 - General Rules where provisions associated with: <ul style="list-style-type: none"> ○ Residential Zones apply to the Residential Policy Area; ○ Business Zones apply to the Mixed Use Policy Area; and ○ Open Space Zones apply to the Communal Activity Area 		
EARTHWORKS, VEGETATION REMOVAL and importation of CLEAN FILL including excavation	Refer to Chapter 18 – Urban Land Modification and Vegetation Protection where provisions associated with: Urban Zones apply to the Kensington Park Special Zone		
Transportation Activities	Refer to Chapter 21 - Transportation and Access unless otherwise provided for in Rule 18.31.*.* Parking Provision		
Use and storage of HAZARDOUS SUBSTANCES	Refer to Chapter 20 - Hazardous Substances and Contaminated Sites		
UTILITIES	Refer to Chapter 19 Utilities		
Note: <ul style="list-style-type: none"> • Activities marked with an * relate to an activity rule. This rule does not cover buildings associated with this activity • For the purposes of the Activity Table, the following activities marked with an # are considered to be a Commercial Activity: <ul style="list-style-type: none"> ○ Childcare Facilities; ○ Health and Welfare Services; ○ Restaurants; and ○ Shops. 			

Rule
12.8.31.4.3

Rule
12.8.31.4.3.1

Required Plans

Kensington Park Landscape Plan

A Kensington Park Landscape Plan (“KP Landscape Plan”) for the entire Special 31 Zone shall be prepared and submitted to Council for its approval as part of the first resource consent application for any activity identified in Table 12.8.31.4.2 made after the Special 31 Zone becomes operative, and the following shall apply:



- (a) Subdivision, earthworks, land development and building works shall only take place in accordance with an approved KP Landscape Plan.
- (b) In the absence of an approved KP Landscape Plan, any new BUILDING is a discretionary activity.
- (c) The KP Landscape Plan must show the landscape concept for the entire zone. Such a concept shall include:
 - (i) planting themes for publicly accessible areas including: public spaces including reserves, road reserves, infrastructure and communal spaces;
 - (ii) the general layout of publicly accessible areas including; pedestrian connections, outdoor furniture and/or structures associated with communal activities; and
 - (iii) clear identification of areas which are accessible to the public and those that will be private.
- (d) Council shall assess all resource consent applications against the KP Landscape Plan.
- (e) The KP Landscape Plan may be amended at any time with the approval of Council as part of subsequent resource consent applications.

Rule
12.8.31.4.3.2

Resource Consent Landscape Plans

All resource consent applications for the erection of BUILDINGS following the approval of the KP Landscape Plan in accordance with Rule 12.8.31.4.3.1 shall be accompanied by a Resource Consent Landscape Plan in accordance with the following:

- (a) Each resource consent landscape plan shall be consistent with the KP Landscape Plan and the Special 31 (Kensington Park) Design Guidelines and shall provide:
 - (i) details of species, sizes, locations and numbers of plants proposed;
 - (ii) details of all hard materials to be used, including paving, steps, walls, fences, play equipment, lighting, other furniture and structures etc;
 - (iii) clear identification of areas which are accessible to the public and those that will be private and how this distinction will be made clear to the public;
 - (iv) identification of on-going maintenance responsibilities, including those areas which are publicly accessible but not vested in Council; and
 - (v) details of how the proposed landscaping is to be integrated with that of existing and approved publicly accessible areas.
- (b) The Council will, as necessary or appropriate, require compliance with the Resource Consent Landscape Plan through conditions of consent and consent notices.



Rule
12.8.31.4.4

Rule
12.8.31.4.4.1

Development Controls and Performance Standards

Intensity

- (a) Except as provided by Rule 12.8.31.6.6, the cumulative gross floor area of Commercial Activity shall not exceed the maximum limits prescribed in the Table below:

Mixed Use Policy Area	1,000m ² of commercial gross floor area where: <ul style="list-style-type: none"> • cumulatively no more than 400m² gross floor area is developed for SHOPS; and provided that • no individual SHOP tenancy is greater than 200m² gross floor area
Communal Activity Policy Area (located on the northern side of Puriri Boulevard)	200m ² of commercial gross floor area

Explanation and Reasons

The intensity of Commercial Activity within the Special Zone is capped, cognisant of the overall infrastructural and traffic (generation and parking) capacity of the site, the relationship of such activities with residential properties and the 'open space' network, and the potential for adverse distributional effects on the Orewa Town Centre.

Rule
12.8.31.4.4.2

Maximum Building Height

The maximum height or number of storeys of any building shall not exceed that shown on the Kensington Park Masterplan. (For avoidance of doubt where a building is subject to both the 9m height overlay and the number of storeys shown on the Kensington Park Masterplan the lower of the two rules shall apply.)

For the purpose of determining the maximum height of a building where this is fixed by the number of storeys:

- A storey relates to habitable floor area (living space).
- Basement/semi-excavated car parking is not included as a storey.
- The floor to floor height of a storey shall be between 2.8 and 4.5 metres provided that the average height of those storeys above ground floor level shall not exceed 3.3m.
- In addition to the storey height a building may include a roof space with a maximum height of 4m.

Explanation and Reasons

Unless otherwise specified, the height limits shown on the Kensington Park Masterplan indicate the maximum height of prospective buildings. This method has been developed in response to the existing and prospective site contours, so



that proposed taller development is embedded within the Kensington Park Special Zone and back-dropped by the rising landform towards the west, while development of a more standard height is located on common boundaries with neighbouring residential zones.

Additional height is provided for where the exterior boundary of the Kensington Park Special Zone adjoins public open space (Alice Eaves Scenic Reserve, and Centreway Road) or other areas of permanent open space (Orewa North Primary School Playing Fields.)

A four storey maximum height is proposed along the Zone's southern boundary with Orewa North Primary School, whilst built form is proposed to step down to three storeys along Centreway Road in order to define the street and the entrance to the Zone.

Rule
12.8.31.4.4.3

Maximum Height in Relation to Boundary

Rule
12.8.31.4.4.3.1

Maximum Height in Relation to Boundary (1)

(THIS RULE SHALL APPLY ONLY TO THE KENSINGTON PARK SPECIAL ZONE BOUNDARY WITH THE EXCEPTION OF BUILT FORM ABUTTING Part Lot 1 DP 64430 Part Lot 1 DP 63838 – OREWA NORTH PRIMARY SCHOOL).

No part of any building shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and the Kensington Park Special Zone boundary on which the building is to be located.

This Rule shall not apply to:

- (a) chimneys, radio and television aerials, domestic satellite dishes less than 1 metre in diameter;
- (b) the apex of any roof or gable end not exceeding 1m² in area; and
- (c) dormer windows not exceeding 2 metres in width (not more than two per building facing the same boundary).

Explanation and Reasons

High buildings close to the Special Zone boundary can have significant adverse effects on sites in neighbouring Zones, including being overbearing and restricting the admission of daylight. This Rule requires higher buildings to be located further from such boundaries.

Rule
12.8.31.4.4.3.2

Maximum Height in Relation to Boundary (2)

(THIS RULE SHALL APPLY ONLY TO BUILT FORM ABUTTING Part Lot 1 DP 64430 Part Lot 1 DP 63838 – OREWA NORTH PRIMARY SCHOOL)

No part of any building shall exceed a height equal to 3 metres plus 60° between that part of the building and the Kensington Park Special Zone Boundary on which the building is to be located.

This Rule shall not apply to:

- (a) chimneys, radio and television aerials, domestic satellite dishes less than 1 metre in diameter;
- (b) the apex of any roof or gable end not exceeding 1m² in area; and



Rule
12.8.31.4.4.4

(c) dormer windows not exceeding 2 metres in width (not more than two per building facing the same boundary).

Explanation and Reasons

High buildings close to the Orewa North Primary School boundary could have significant adverse effects on Orewa North Primary School, including being overbearing and restricting the admission of daylight. This Rule requires higher buildings within the Special Zone to be located further from the Orewa Primary School boundary.

Maximum Bulk in Relation to Boundary

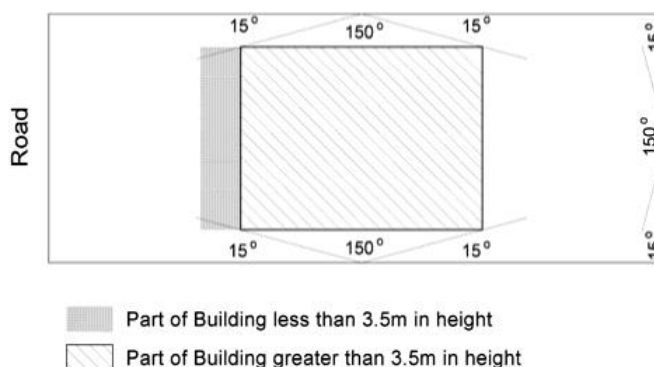
(THIS RULE SHALL APPLY ONLY TO THE KENSINGTON PARK SPECIAL ZONE BOUNDARY)

Any part of a proposed building that is:

- greater than 3.5 metres above the ground level of the Kensington Park Special Zone boundary;
- within 4 metres of the Kensington Park Special Zone Boundary; and
- is not abutting Centreway Road.

must be confined within the arms of a single 150 degree angle formed by two lines intersecting at a common point on the Kensington Park Special Zone boundary, such that each line forms an angle of 15 degrees with that boundary, as shown in Diagram One, below.

Diagram One - Bulk in Relation to Boundary



Explanation and Reasons

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

Rule
12.8.31.4.4.5

Maximum Building Coverage

The maximum coverage of all buildings located within each Precinct identified in the Kensington Park Special Zone Plan shall not exceed: –



1	2	3	4	5	6
33%	27%	21%	23%	36%	49%

Explanation and Reasons

Residential areas in Rodney are characterised by spaciousness and green open space around buildings.

The application of this provision on a Precinct basis (as opposed to a site by site basis) provides for innovative methods in which housing choices for medium and high density residential development can be developed by enabling a combination of private open spaces and communal open spaces in which space for the planting of trees, stormwater drainage, and a high level of amenity values can be achieved for a Precinct.

The maximum building coverage controls for each Precinct provide for an overall maximum building coverage of 35% for the Kensington Park Special Zone as a whole.

Maximum Impervious Surfaces

The maximum impervious surfaces (including buildings, roads, and footpaths) located within each Precinct identified in the Kensington Park Special Zone Plan shall not exceed: –

1	2	3	4	5	6
65%	53%	46%	39%	62%	78%

Explanation and Reasons

This rule assists in controlling the amount of stormwater runoff by limiting impermeable surfaces. In addition, by limiting paved surfaces more open space is available for soft (permeable) landscape areas. This contributes to the amenity values in Kensington Park Special Zone.

As this control applies to a Precinct, the area of impervious surfaces will also include publicly used road and footpath surfaces. This approach is designed to manage the stormwater quality and amenity values of Kensington Park Special Zone on a holistic level by managing the extent of paved surfaces throughout the Zone.

The maximum impervious surface controls for each Precinct provide for an overall maximum impervious surface of 60% for the Kensington Park Special Zone.

Minimum Yards

Zone Yards

(THIS RULE SHALL APPLY ONLY TO THE KENSINGTON PARK SPECIAL ZONE BOUNDARY)

Minimum Yards shall be provided as indicated on the Kensington Park Special Zone Plan

Rule
12.8.31.4.4.6

Rule
12.8.31.4.4.7

Rule
12.8.31.4.4.7.1



Rule
12.8.31.4.4.7.2

Explanation and Reasons

Minimum yards are provided for along the exterior boundary of the Kensington Park Special Zone in order to manage the transition between built development enabled within the Kensington Park Special Zone, and other (residential and public open space) activities abutting the site, where:

- a 6m yard is provided for where the boundary abuts land zoned for Residential Use;
- a 1.2m yard is provided for where the boundary abuts a public reserve, or land previously zoned as a reserve; and
- a 3m yard is provided for where the boundary abuts land that is a 6m wide access lot.

A building setback of 20m from the northern boundary with Nukumea Stream is applied, and will be of a width to provide for the transition between built form and open space regardless of the ownership of the area adjacent to the stream.

Front Yards

Minimum Front Yards for buildings 2 storeys or less: 0.3 metres (300mm)

Minimum Front Yards for buildings greater than 2 storeys: 1.3 metres

- (a) No fence or wall shall be located within a front yard that has a depth of 1.8 metres or less (as measured at 90 degrees to the front boundary of the site).
- (b) No fence or wall located within a front yard shall exceed a maximum height of 0.8 metres.

Except that the height of the fence or wall can be increased to a maximum height of 1.2 metres provided that a minimum of 70% of the entire structure is visually permeable.

“Visually permeable” in this context means the ability to clearly see through the street frontage elevation of the entire structure, and is determined by a comparison of the solid portion of the structure against any gaps provided.

- (c) Where a garage door faces the street, then the front wall (containing the garage door) of the garage shall be set back either:
- a minimum of 5 metres from the kerbline, where no footpath is provided in the adjoining road berm; or otherwise
 - a minimum of 5 metres from the front boundary.

Any attached garage (not fully incorporated into the building design) or detached garage shall be recessed a minimum of 0.5m from the front façade of the building.



Explanation and Reasons

The set back of dwellings from the street influences the streetscape character, residents' privacy and the size of the private outdoor space at the rear. A site can therefore be used more efficiently if the minimum set back from the front street boundary is less than usually required.

It is noted that as the road reserve provides for a minimum 700mm berm adjacent to the boundary within the Kensington Park Special Zone, the front yard building setback provides for a minimum of 1m and 2m landscaped setback respectively. The visual amenity of front yards with these minimum dimensions is dependent on the perception of the berm and the front yard as a single entity. As such, fences or walls within front yards with a depth of 1.8 metres or less are not provided for. Examples of existing residential units with front yards with these minimum dimensions are located within Kensington Park along Kensington and Parkside Drives.

High, solid fences and walls detract from the spaciousness and well-landscaped qualities that are characteristic within Kensington Park. It is considered important that fences and walls are either low in height (where solid) or are sufficiently visually permeable to ensure that: spacious and well-landscaped front yards remain visible from the street; and a high degree of mutual surveillance takes place between the street and the dwelling frontages.

Garage doors in close proximity to the street frontage have the potential to adversely affect the amenity of the streetscape. The provision of a minimum 5.0 metre setback provides for a variety of setbacks whilst also ensuring that any informal parking (a visiting vehicle, courier, or ambulance) in front of garage doors does not block footpaths, or on-street traffic flow.

Rule
12.8.31.4.4.7.3

Yards to Remain Unobstructed by Buildings

All yards shall remain unobstructed by buildings except as provided for below. The following can be built in all yards:

- (a) Unroofed terraces, landings, steps or ramps with a maximum height of 0.6 metres provided they do not prevent vehicular access to a required parking space.
- (b) Decks at First Floor Level and above.
- (c) Fascia, gutters, downpipes, and eaves; masonry chimney backs, flues, pipes, light fittings, aerials or antennae, pergolas or sun blinds provided they do not encroach into the yard by more than 0.3 metres.
- (d) Building canopies/verandahs within the Mixed Use Policy Area.

Rule
12.8.31.4.4.7.4

Building Frontages

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

For the purpose of these rules, the active building frontage is defined as:



Rule
12.8.31.4.4.8

Rule
12.8.31.4.4.8.1

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

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

Explanation and Reasons

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

Private Open Space

Private Open Space (Detached Houses)

A single area of open space shall be provided for each detached house that meets the following standards:

- (a) the minimum area of the open space shall be 50m²; and
- (b) the minimum dimension of the open space shall be 4 metres and be capable of containing a rectangle of 4 metres by 6 metres; and
- (c) the open space shall be directly accessible from a key living area (living room, dining room, or kitchen) and form part of each detached house;
- (d) the open space shall not be obstructed by buildings, parking spaces or shared vehicle access and manoeuvring areas; and
- (e) the open space shall comply with at least one of the following:
 - the entire open space area required by this rule shall be located to the north, east or west of the household unit, but not south of east or west measured from the southern most part of the household unit; or
 - the open space shall contain a minimum contiguous area of 15m² that shall receive a minimum of two hours of direct sunlight between the hours of 9.00am and 3.00pm at mid-winter (i.e. 21st June).

Explanation and Reasons

Detached houses are characterised by spaciousness and green open space around buildings. These Rules are intended to ensure that these characteristics are retained. Open space also plays an important part in providing room for the planting of trees, provision of permeable surfaces, stormwater drainage, and ensuring high levels of amenity values on residential sites. This Rule is intended to ensure open space is provided on sites in a form that is useable and practicable.



Rule
12.8.31.4.4.8.2

Rule
12.8.31.4.4.8.2.1

Private Open Space (Attached Terraced Houses and Apartments)

Each household unit with a gross floor area of less than 60m² located within an attached terraced house or an apartment building shall be provided with open space that meets the following standards:

An exclusive use terrace if on ground level, or a balcony;

- (a) with a minimum area of 6m²;
- (b) with a minimum depth of 2m;
- (c) with a weather tight overhang or cover of at least 1m from the face of the building;
- (d) that is directly accessible from a key living area (living room, dining room, or kitchen) of each household unit;
- (e) that has privacy screen(s) projecting across the full depth of the balcony where the balconies are less than 2m apart;
- (f) that has privacy screen(s) projecting a minimum of 1m from the face of the building where balconies are located between 2m and 5m apart;
- (g) where no privacy screens are required where balconies are located more than 5m apart; and
- (h) the open space shall comply with at least one of the following:
 - the entire open space area required by this rule shall be located to the north, east or west of the household unit, but not south of east or west measured from the southern most part of the household unit; or
 - the open space shall contain a minimum contiguous area of 3m² that shall receive a minimum of two hours of direct sunlight between the hours of 9.00am and 3.00pm at mid-winter (i.e. 21st June).

Rule
12.8.31.4.4.8.2.2

Each household unit comprising:

- 2 bedroom apartment; or
- any attached terraced house with a gross floor area between 60m² and 110m².

shall be provided with open space that meets the following standards:

An exclusive use terrace if on ground level, or a balcony;

- (a) with a minimum area of 10m²;
- (b) with a minimum depth of 2.5m;
- (c) with a weather tight overhang or cover of at least 1m from the face of the building;



Rule
12.8.31.4.4.8.2.3

- (d) that is directly accessible from a key living area (living room, dining room, or kitchen) of each household unit;
- (e) that has privacy screen(s) projecting across the full depth of the balcony where the balconies are less than 2m apart;
- (f) that has privacy screen(s) projecting a minimum of 1m from the face of the building where balconies are located between 2m and 5m apart;
- (g) where no privacy screens are required where balconies are located more than 5m apart; and
- (h) the open space shall comply with at least one of the following:
 - the entire open space area required by this rule shall be located to the north, east or west of the household unit, but not south of east or west measured from the southern most part of the household unit; or
 - the open space shall contain a minimum contiguous area of 5m² that shall receive a minimum of two hours of direct sunlight between the hours of 9.00am and 3.00pm at mid-winter (i.e. 21st June).

Each household unit comprising:

- 3 or more bedroom apartment; or
- any attached terraced house with a gross floor area greater than 110m².

shall be provided with open space that meets the following standards:

An exclusive use terrace if on ground level, or a balcony;

- (a) with a minimum area of 15m²;
- (b) with a minimum depth of 2.5m;
- (c) with a weather tight overhang or cover of at least 1m from the face of the building;
- (d) that is directly accessible from a key living area (living room, dining room, or kitchen) of each household unit;
- (e) that has privacy screen(s) projecting across the full depth of the balcony where the balconies are less than 2m apart;
- (f) that has privacy screen(s) projecting a minimum of 1m from the face of the building where balconies are located between 2m and 5m apart;
- (g) where no privacy screens are required where balconies are located more than 5m apart; and
- (h) the open space shall comply with at least one of the following:
 - the entire open space area required by this rule shall be located to the north, east or west of the household unit, but not south of east or west measured from the southern most part of the household



- unit; or
- the open space shall contain a minimum contiguous area of 7.5m² that shall receive a minimum of two hours of direct sunlight between the hours of 9.00am and 3.00pm at mid-winter (i.e. 21st June).

Explanation and Reasons

It may not always be possible to provide Private Open Spaces at ground level for attached terraced houses or apartment buildings. In these cases, Private Open Spaces may be provided by way of appropriately screened terraces.

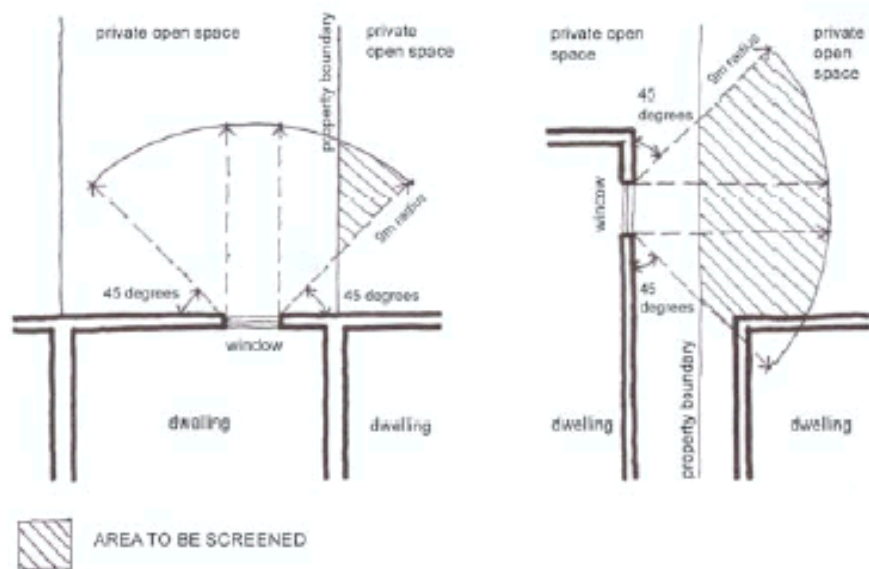
Within Kensington Park Special Zone, the use of a privacy screen to one side of two balconies located next to each other is consistent with achieving the coastal vernacular style.

These Rules are intended to ensure that sufficient Private Open Space is provided relative to the size and function of each household unit.

Rule
12.8.31.4.4.9

Protection from Overlooking of Private Open Space

Diagram Two Screening of views to adjacent private open space



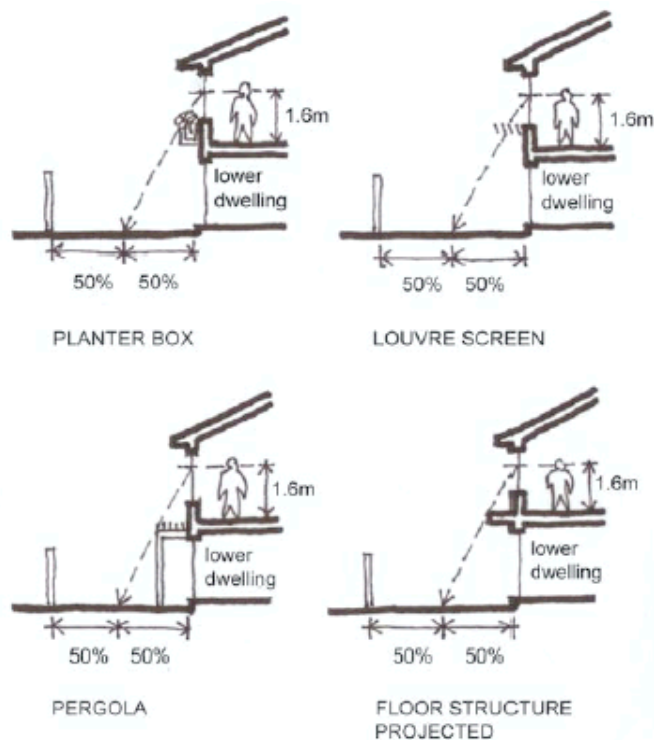
All ground floor habitable room windows, balconies, terraces or patios shall be located and designed to avoid direct views into the private open space of another existing or proposed household unit within a horizontal distance of 9m. To comply with this rule views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio and from a height of 1.6m above floor level, as shown in Diagram Two, above.

Windows and balconies shall be designed to prevent overlooking of more than 50% of the private open space of another household unit.



Techniques for preventing overlooking of adjacent private open space from a balcony in a household unit above that private open space and within the same development are shown in Diagram Three below.

Diagram Three: Techniques to prevent overlooking



Rule
12.8.31.4.4.10

Outlook Space

- (a) An outlook space shall be provided from each face of the building containing windows to principal living areas or bedrooms of any household unit. Where windows to a principal living area or bedroom are provided from two or more faces of a building, outlook space shall be provided to the face with the greatest window area of outlook.

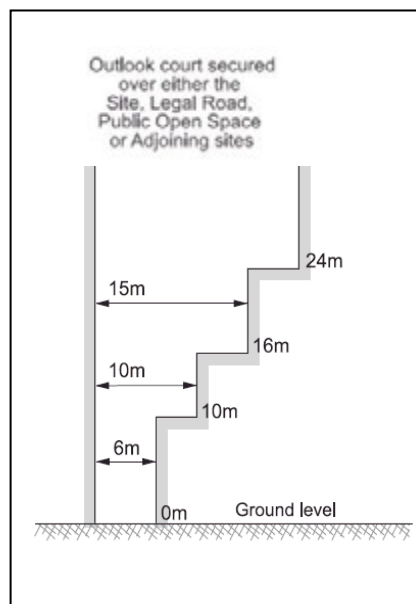
For the purpose of this rule, "principal living area" means the main communal living space within a household unit for entertainment, recreation and relaxation.

- (b) The minimum dimensions for outlook space are:
- (i) For principal living areas, the dimensions of the outlook space, measured perpendicular to the exterior face of the building, shall be in accordance with Diagram Four for the relative height of the floor above the average ground level along each building face.
 - (ii) For bedrooms, the outlook space shall be a minimum of 6m, measured perpendicular to the exterior face of the building.



- (c) The outlook space may be over:
- (i) the site on which the building is located;
 - (ii) legal road;
 - (iii) legal road;
 - (iv) another site,
- provided that in the event of (iv):
- the outlook space shall be secured in perpetuity for the benefit of the building by a legal instrument to be put in place prior to the commencement of construction.
 - written approval of the owner of the adjoining site for the outlook space shall be provided when the application for resource consent is lodged.
 - more than one building may share an outlook space.
- (d) In the situation where an outlook space is provided over a legal road narrower than the width specified in Diagram Four, the street width shall be deemed to satisfy the minimum outlook space requirement.

Diagram Four Outlook Space



- (e) The maximum depth of any apartment shall be 12m from the glazing of the apartment.
- (f) Dual aspect apartments over 15m deep shall be at least 4m wide.



Rule
12.8.31.4.4.11
Rule
12.8.31.4.4.11.1

Building Block

Building Block (within the Residential Policy Area subject to the 9m height overlay).

No building block shall exceed a length equal to 2 household units or 20m whichever is the lesser.

Building blocks containing one household unit shall be separated from any other building by 2.4m.

Building blocks containing more than one household unit shall be separated from any other building by 4.8m.

Explanation and Reasons

In conjunction with the Maximum Building (Storey) Height and the Outlook and Privacy development controls, the application of this development control will ensure that the nature of built form adjacent to the Kensington Park Special Zone boundary will be complementary to the scale and layout of built form in neighbouring adjacent residentially zoned properties. Any separation distances are measured from the face of each respective building.

Rule
12.8.31.4.4.11.2

Building Block (within the Mixed Policy Area Southern Boundary)

No building block adjacent to the southern boundary shall exceed a length of 50m.

Explanation and Reasons

In conjunction with the Maximum Building (Storey) Height and the Minimum Yard development controls, the application of this development control will ensure that the built form proposed to be located adjacent to the southern boundary is of an appropriate scale, length and location such that it will not result in undue adverse shading, dominance and privacy effects on Orewa North Primary School.

Rule
12.8.31.4.4.11.3

Building Block (within the Remainder of the Zone)

No building block shall exceed a length of 60m.

Explanation and Reasons

As demonstrated through the existing buildings within Kensington Park Special Zone, buildings of this length designed to address the architectural and urban design assessment criteria can be appropriately accommodated internal to the Zone.

Rule
12.8.31.4.4.12

Roof Materials

All roofs shall be made of materials other than uncoated galvanised material. All guttering and downpipes shall be made of materials other than copper.

Explanation and Reasons

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



Rule
12.8.31.4.4.13

Parking Provision - Number of Parking Spaces Required by Rule 21.10.2.2

The minimum number of parking spaces shall be provided within the Kensington Park Special Zone in accordance with Table 1 Appendix 21B unless otherwise stated below:

- (a) Household Units (Detached Houses/Attached Terraced Houses) - 2 spaces per unit (with at least one in the form of a garage or carport).
- (b) Household Units (Apartments):
 - 1.0 spaces per 1 bedroom household unit; or
 - 1.2 spaces per 2 bedroom household unit; or
 - 1.5 spaces per 3 bedroom household unit; plus
 - 1 space per 5 units for visitors.
- (c) Retirement Units:
 - 1 space for every 2 employees; plus
 - 1 space for every 5 rest home bedrooms; plus
 - 1 space for every 3 serviced studio/1 bedroom units/apartments; plus
 - 1 space for every other residential or serviced unit/apartment; plus
 - 1 space per 5 units/apartments for visitors.

for parking spaces required for other activities provided as part of the activity refer to the relevant activity classifications.

- (d) No parking shall be required to be provided for those ancillary activities to the prevailing residential activity (such as Recreation Facilities), whose use is restricted to the residents and invited visitors of Kensington Park Special Zone.
- (e) Where the parking or loading space requirement results in a fractional space, any fraction under one half shall be disregarded, except for staff parking, where any fraction under one half shall be counted as one space. Any fractions of one half or more shall be counted as one parking or loading space, as appropriate.

Explanation and Reasons

Kensington Park Special Zone is designed as an integrated planned community, in which residents are encouraged to limit their use of private motor vehicles and use alternate forms of transport other than the private motor vehicle, through measures such as: a reduced speed limit; building and road layout; reduced provision of parking; and the provision of ancillary community and recreation facilities.

Rule
12.8.31.4.4.14

Visual Amenity Corridors

Visual amenity corridors shall be provided, generally in the locations shown in the Kensington Park Zone Plan.



Rule
12.8.31.4.4.15

Explanation and Reasons

Visual Amenity Corridors are designed to provide visual linkages throughout the Kensington Park Special Zone. Roads and open spaces are used to accentuate these visual amenity corridors. Should the alignment of an indicative road or open space corridor change, the alignment of the associated visual amenity corridor shall be altered accordingly.

Street Frontage (Mixed Use Policy Area)

- (a) The building façade shall occupy a minimum of 70% of the street frontage of the site at ground level.
- (b) Commercial building façades shall be set back at least 5 metres from the kerblines.
- (c) Where the building is set back from the kerblines, the space between the building and the kerblines shall incorporate outdoor dining, display, planting or pedestrian amenities in keeping with the style and standard of any adjacent public improvements.
- (d) Ground floor space accommodating non-residential activities in all new buildings abutting any existing or proposed street is to be designed to provide a minimum floor to floor height of 4 metres with a minimum depth of 6 metres.
- (e) The ground floor within all new buildings accommodating non-residential activities shall have clear glazing for at least 70% of the ground floor building frontage (other than vehicle entrances and loading bays and pedestrian entrances and lobbies).
- (f) Any car parking at ground level shall be located behind or within the building and in any case no closer than 6 metres to the street frontage.
- (g) Verandahs or other cover along the full extent of its frontage shall be provided. The verandah shall:
 - (i) be so related to its neighbours as to provide continuous pedestrian cover of the public footpath;
 - (ii) have a minimum clearance of 3 metres and a maximum clearance of 4.5 metres above the footpath immediately below;
 - (iii) have a minimum width of 2.5 metres and a maximum width of 3.5 metres;
 - (iv) be located no closer than 600 millimetres to the kerblines.

Explanation and Reasons

The purpose of this control is to provide a built environment (accommodating non-residential activities) that will encourage active street and public frontages within the Mixed Use Policy Area.



Rule
12.8.31.5

Controlled Activities: Matters for Control and Assessment Criteria

In accordance with sections 77B(2) and 104A of the Act the Council will restrict its control to the matters listed against each specified activity when considering resource consent applications for Controlled Activities. Applications for Controlled Activities under this Rule need not be notified and the written approvals of affected parties will not be required.

Rule
12.8.31.5.1
Rule
12.8.31.5.1.1

Buildings Complying with the Kensington Park Masterplan

Matters for Control

The Council will restrict its control to the following matters:

- (a) Site layout of roading, public open spaces and circulation.
- (b) Location and connectivity of the development within the wider area.
- (c) Provisions of a KP or Resource Consent Landscape Plan.
- (d) Proposed landscape treatment including planting and screening.
- (e) Scale, form, siting and design of buildings and structures.
- (f) Infrastructure.

Rule
12.8.31.5.1.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to the design guidelines in Appendix 12AF and the following assessment criteria.

- (a) Whether the layout of streets and public open spaces (including access, parking, public transport stops, and circulation (pedestrians, cyclists and vehicles)) are consistent and/or complementary to the existing character, scale, and layout of such elements within the Kensington Park Special Zone and the KP Masterplan).
- (b) Whether built form appropriately addresses open spaces (including streets and rear vehicle lanes).
- (c) Whether the proposal provides adequate visual and physical connectivity with the development within Kensington Park Special Zone and the wider area including where relevant:
 - whether adequate provision, through easements or vesting of land, is made for legal public access from Eaves Bush Parade to the esplanade reserve adjoining the Nukumea Stream.
- (d) Whether the proposal (including any Resource Consent Landscape Plan), is consistent with the KP Landscape Plan, and shows appropriate species, sizes, locations and numbers of plants, including responsibility for the ongoing long-term maintenance of all areas together with any appropriate mechanisms for those publicly accessible areas that will not



be vested in the Council as reserve.

- (e) Whether the proposed plant selection and location within the public realm is consistent with the existing landscape character of the Kensington Park Special Zone and the planting theme of Orewa East Vegetation Strategy, and is suitable for the intended uses of such areas (including street planting, wetlands, community orchard, and esplanades).
- (f) Whether appropriately scaled planting, where relevant, is proposed to be used to visually integrate the development with adjoining residential or open space zoned sites.
- (g) Whether the external design, materials, colour, finish and appearance of buildings is consistent and/or complementary to the existing architectural vernacular of Kensington Park Special Zone.
- (h) Whether vertical and horizontal relief has been used to avoid long continuous facades, such as the stepping of individual buildings vertically and in profile horizontally, and include connections via glazed elements and/or alignment forward or back of the line of the façade to break up the scale and potential dominance/solidity.
- (i) Whether the five storey buildings are architecturally proportioned, articulated and modulated to achieve a composition which addresses the height, mass and scale of the buildings, this can include varying the architectural treatment of one or more of the levels within the façade (including the upper levels), whilst retaining an overall sense of a coherent and unified composition within that building. Consideration should also be given to the compositional arrangement of each five storey building to its neighbour(s) to achieve variety within an overall coherent pattern and scale of urban form.
- (j) Whether parking and/or storage facilities for alternative modes of vehicular transport (motorcycles, scooters, or bicycles) are provided, where appropriate.
- (k) Whether the utility servicing requirements of the proposed development, including water requirements, the provision for sewage and stormwater disposal, and drainage (including the location of the overland flow path), places undue pressure on the capacity of utilities and services unless the development incorporates works such as the installation of stormwater treatment and/or detention that mitigates such pressures.
- (l) Whether the proposed building and associated development will adversely affect the stability of the site or neighbouring sites.
- (m) Whether the proposal will adequately provide for the mitigation of construction effects relating to: traffic; noise; dust and silt and sediment control.

Explanation and Reasons

To ensure future development extends and merges with the existing urban, architectural and landscape design of Kensington Park, consistency with the existing development, as well as overall aesthetic coherence will be considered,



including by reference to the *Design Guidelines* appended as Appendix 12AF.

Rule
12.8.31.6

Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria

In accordance with section 77B(4) and 104C of the Act the Council will restrict its discretion to the matters listed against each specified activity when considering resource consent applications for Restricted Discretionary Activities.

Applications for Restricted Discretionary Activities under Rule 12.8.31.4.4.8 Private Open Space, 12.8.31.6.6. Retail in excess of 400m² and 12.8.31.6.7 Resource Consent Landscape Plan need not be notified and the written approvals of affected parties will not be required (unless otherwise specified).

Rule
12.8.31.6.1
Rule
12.8.31.6.1.1

Non-compliance with Development Controls and Performance Standards

Certain Activities – Restricted Discretionary Activities

- (a) Where the Development Controls in Rule 12.8.31.4.4 are not met, the following are deemed to be Restricted Discretionary Activities. Restricted Discretionary Activity status applies only where the circumstances specified in each Rule are met;
- (b) In all other cases non-compliance with the Development Controls is deemed to be a Non-Complying Activity.

Rule
12.8.31.6.1.2
Rule
12.8.31.6.1.2.1

Activities Not Complying with Maximum Building Height

Circumstance

Where non-compliance of the development control is related to the following architectural elements of built form:

- (i) chimneys, radio and television aerials, domestic satellite dishes less than 1 metre in diameter;
- (ii) the apex of any roof or gable end not exceeding 1m² in area; and
- (iii) dormer windows not exceeding 2 metres in width.

Explanation and Reasons

These architectural elements of built form contribute to the coastal architectural vernacular of built form within the Kensington Park Special Zone.

Rule
12.8.31.6.1.2.2

Matters for Discretion

The Council will restrict its discretion to the following matter:

- (a) Siting and design of buildings and structures; and
- (b) Landscaping.

Rule
12.8.31.6.1.2.3

Assessment Criteria

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



Rule
12.8.31.6.1.3
Rule
12.8.31.6.1.3.1

Rule
12.8.31.6.1.3.2

Rule
12.8.31.6.1.3.3

Rule
12.8.31.6.1.4
Rule
12.8.31.6.1.4.1

Rule
12.8.31.6.1.4.2

criteria:

- (a) Whether significant views from public places will be adversely affected.
- (b) Whether the building will have adverse effects on neighbouring sites or buildings in terms of shadow, being overbearing and in terms of neighbourhood scale.

Activities Not Complying With Yard Requirements

Circumstance

In all cases

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Siting and design of buildings and structures; and
- (b) Landscaping.

Assessment Criteria

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

- (a) Whether there are significant effects relating to:
 - (i) the effect of shading of any dwelling living area or accessory buildings; or
 - (ii) the loss of, or reduction in, visual and/or aural privacy; or
 - (iii) the visual impact; or
 - (iv) the change in the character of the area.
- (b) Whether any encroachment into the yard will adversely affect the safe and efficient operation including maintenance, of any utility or network utility and whether access to such utilities can be maintained at no additional expense than would normally be the case.
- (c) Whether any encroachment into the yard will adversely affect safety and operation of the road including pedestrian safety.

Activities Not Complying with Private Open Space

Circumstance

In all cases

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Siting and design of buildings and structures; and
- (b) Landscaping.



Rule
12.8.31.6.1.4.3

Assessment Criteria

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

- (a) Whether an alternative area of open space is suitable for use and outlook by the occupants of the subject site.
- (b) Whether any reduction in open space will adversely affect the stormwater drainage system including receiving waters.
- (c) Whether the arrangement of buildings and spaces on the site is such that suitable spaces for the likely day to day outdoor activities of residents are available.

Rule
12.8.31.6.1.5

Activities Not Complying with Building Block (Residential Policy Area – subject to 9m height overlay)

Rule
12.8.31.6.1.5.1

Circumstance

- (a) The proposed built form is located on land legally described as Lot 16 DP 105562.
- (b) Any infringement of the Rule where the non-compliance is less than 5 metres measured horizontally.

Explanation and Reasons

Amended building typologies may be required in order to respond to the topography and irregular shape of this land parcel.

Rule
12.8.31.6.1.5.2

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Siting and design of buildings and structures; and
- (b) Landscaping.

Rule
12.8.31.6.1.5.3

Assessment Criteria

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

- (a) Whether significant views from public places will be adversely affected.
- (b) Whether additional open space / separation will be provided around buildings to compensate for the added building length.
- (c) Whether the building will have adverse effects on neighbouring sites or buildings in terms of shadow, or being overbearing.



Rule
12.8.31.6.2

Activities Not Complying with Parking Provision

Rule
12.8.31.6.2.1

Circumstance

In all cases

Rule
12.8.31.6.2.2

Matters for Discretion and Assessment Criteria

Refer to the Matters for Discretion and Assessment Criteria as set out in Rule 21.12.1.4 General Rules for Parking and Loading.

Rule
12.8.31.6.3

Activities Not Complying with Street Frontage (Mixed Use Policy Area)

Rule
12.8.31.6.3.1

Circumstance

In all cases

Rule
12.8.31.6.3.2

Matters for Discretion and Assessment Criteria

Refer to the Matters for Discretion and Assessment Criteria as set out in Rule 9.12.2 Pedestrian Town Centre Areas.

Rule
12.8.31.6.4

Other Restricted Discretionary Activities (Health and Welfare Services and Visitor Accommodation)

Rule
12.8.31.6.4.1

Circumstance

In all cases

Rule
12.8.31.6.4.2

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Parking
- (b) Screening
- (c) Hours of operation

Rule
12.8.31.6.4.3

Assessment Criteria

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

- (a) Whether parking areas will have an adverse effect on the amenity values of adjoining sites.
- (b) Whether the site is screened or the buildings are designed and located in such a way that the amenity values of Residential Zones are not diminished by effects such as the glare from vehicle lights or noise from



vehicles stopping and starting.

- (c) Whether the proposed hours of operation have the potential to create a nuisance for Residential Zones from noise and the movement of people entering and leaving the site.

Rule
12.8.31.6.5

Buildings Not Complying with the Kensington Park Masterplan

Rule
12.8.31.6.5.1

Circumstance

In all cases

Rule
12.8.31.6.5.2

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Site layout of roading, public open spaces and circulation.
- (b) Location and connectivity of the development within the wider area.
- (c) Scale, form, siting and design of buildings and structures.
- (d) Infrastructure.
- (e) Construction effects.

Rule
12.8.31.6.5.3

Assessment Criteria

In applying these criteria the Council will balance satisfaction with each criterion with the overall level of effects relevant to the matters for discretion of the proposal and the specific circumstances of the proposal.

Council will have regard to the following criteria with reference to the Design Guidelines in Appendix 12AF:

- (a) Whether the change in built form responds to the qualities of the Masterplan by:
 - (i) retaining the intended long-term diversity of building typologies within the development; and
 - (ii) reflecting the way in which the grain of development relates to location within the overall site (i.e. with the location of finer grain towards the residential boundaries to the west).
- (b) Whether the layout of streets and public open spaces (including access, parking, public transport stops, and circulation (pedestrians, cyclists and vehicles) are consistent and/or complementary to the existing character, scale, and layout of such elements within the Kensington Park Special Zone).
- (c) Whether built form appropriately addresses open spaces (including streets and rear vehicle lanes).



- (d) Whether the proposal provides adequate visual and physical connectivity with the development within Kensington Park Special Zone and the wider area including where relevant:
 - (i) whether adequate provision, through easements or vesting of land, is made for legal public access from Eaves Bush Parade to the esplanade reserve adjoining the Nukumea Stream.
- (e) Whether the external design, materials, colour, finish and appearance of buildings is consistent and/or complementary to the existing architectural vernacular of Kensington Park Special Zone.
- (f) Whether vertical and horizontal relief has been used to avoid long continuous facades, such as the stepping of individual buildings vertically and in profile horizontally, and include connections via glazed elements and/or alignment forward or back of the line of the façade to break up scale and potential dominance/solidity.
- (g) Whether parking and/or storage facilities for alternative modes of vehicular transport (motorcycles, scooters, or bicycles) are provided, where appropriate.
- (h) Whether the utility servicing requirements of the proposed development, including water requirements, the provision for sewage and stormwater disposal, and drainage (including the location of the overland flow path), places undue pressure on the capacity of utilities and services unless the development incorporates works such as the installation of stormwater treatment and/or detention that mitigates such pressures.
- (i) Whether the proposed building and associated development will adversely affect the stability of the site or neighbouring sites.
- (j) Whether the development will have adverse effects on residential amenity of existing development greater than development that complies with the Master Plan.
- (k) Development should take into account and be designed and located to respond to the most recent information on potential inundation by the sea.
- (l) Whether the proposal will adequately provide for the mitigation of construction effects relating to: noise; dust; and silt and sediment control.

Explanation and Reasons

To ensure future development extends and merges with the existing urban, architectural and landscape design of Kensington Park, consistency with the existing development, as well as overall aesthetic coherence will be considered, including by reference to the Design Guidelines appended as Appendix 12AF

Retail Space in Excess of 400m² in Rule 12.8.31.4.3.a

Circumstance

Rule
12.8.31.6.6
Rule
12.8.31.6.6.1



Rule
12.8.31.6.6.2

Where between 400m² and 800m² of SHOP floor space is proposed within the Mixed Use Policy Area. Note any additional shop floor space granted consent under this rule shall be in addition to the 1000m² maximum floor space specified for the Mixed Use Policy Area in Rule 12.8.31.4.4.1 (i.e. the maximum total commercial floor space may go from 1000m² to 1400m²).

Matters for Discretion

The Council will restrict its discretion to the following matters

- (a) Potential for adverse distributional effects on the Orewa Town Centre.

Rule
12.8.31.6.6.3

Assessment Criteria

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

- (a) Whether the additional retail floor area is likely to generate adverse effects which would compromise the function and amenity values of the Orewa town centre business area.

Rule
12.8.31.6.7

Proposals not complying with the Kensington Park Landscape Plan

Rule
12.8.31.6.7.1

Circumstance

In all cases

Rule
12.8.31.6.7.2

Matters for Discretion

The Council will restrict its discretion to the following matters

- (a) The landscape proposal for the zone.

Rule
2.8.31.6.7.3

Assessment Criteria

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

- (a) Whether the landscaping proposed is generally consistent with the KP Landscape Plan, any relevant Resource Consent Landscape Plan, the Objectives and Policies of the Special 31 Zone and the Design Guidelines appended as Appendix 12AF.
- (b) Whether the proposed landscaping details the species, sizes, locations and numbers of plants proposed, and responsibility for the ongoing long-term maintenance of all areas including appropriate mechanisms for those publicly accessible areas that will not be vested in the Council as reserve.
- (c) Whether the proposed plant selection and location of landscaping within the public realm is consistent to the existing landscaped character of Kensington Park Special Zone and the planting theme of Orewa East Vegetation Strategy, in conjunction with the intended uses of such areas (including street planting, wetlands, community orchard, esplanade).



- (d) Whether appropriately scaled planting where relevant is proposed to be used to visually integrate the development with adjoining residential or open space zoned sites.

Rule
12.8.31.7

Discretionary Activities

Rule
12.8.31.7.1

For all Discretionary Activity resource consent applications in the Kensington Park Special Zone, the Council will have regard to the assessment criteria set out in Rule 8.13.1 General Assessment Criteria – All Discretionary Activities (Residential) and the relevant matters set out in section 104 of the Act.

Rule
12.8.31.8

Non-Complying Activities

Rule
12.8.31.8.1

Definition

All Non-Complying activities are listed in the Activity Table set out in Rule 12.8.31.4.2, including (but not limited to) any Permitted or Controlled activity not complying with the Development Controls that does not meet the circumstances set out in Rule 12.8.31.6.1.

For all Non-complying Activity resource consent applications in the Kensington Park Special Zone, the Council will have regard to the relevant matters set out in section 104 of the Act.

Rule
12.8.31.9

Subdivision

Rule
12.8.31.9.1

Subdivision in the Residential Zones shall comply with the following:

- (a) All Controlled Activities in the Subdivision Table shall be assessed against those matters over which control is restricted as set out in Rule 12.8.31.10.
- (b) All Restricted Discretionary Activities in the Subdivision Table shall be assessed against those matters over which discretion is restricted as set out in Rule 12.8.31.11.
- (c) Non-compliance with the Subdivision Standards contained within Rule 12.8.31.9.3 is considered as a Restricted Discretionary Activity with respect to those Rules. All Restricted Discretionary Activities shall be assessed against those matters over which discretion is restricted as set out in Rule 12.8.31.11.
- (d) Any Subdivision not listed in the Subdivision Table is a Discretionary Activity and will be assessed against the relevant matters in section 104 of the Act.
- (e) Except as provided for by section 95A(4) of the Act, all Controlled Activities, unless otherwise specified will be considered without public notification or the need to obtain the written approval of or serve notice on affected persons.



Rule
12.8.31.9.2

Subdivision Table

In the following table:

C = Controlled Activity
RD = Restricted Discretionary Activity
D = Discretionary Activity

	Activity	All Policy Areas
Subdivision to create a vacant lot		
a	Sites that comply with the Subdivision Standards in Rule 12.8.31.9.3	RD
b	Sites that do not comply with the Subdivision Standards in Rule 12.8.31.9.3	D
Subdivision where a Resource (land use) Consent has been granted		
c	All subdivisions where an application has been granted resource (land use) consent	C
Subdivision where Development has been completed (Infill)		
d	Subdivision providing cross lease, unit or company titles that comply with the Subdivision Standards in Rule 12.8.31.9.3	C
e	Sites that do comply with the Subdivision Standards in Rule 12.8.31.9.3	C

Rule
12.8.31.9.3

Subdivision Standards

Rule
12.8.31.9.3.1

Development Controls

With the exception of the following provisions, the rules in Chapter 23 - Subdivision and Servicing shall apply.

Rule
12.8.31.9.3.2

Site Size

Minimum area of 228m² capable of containing a square for building purposes measuring 10 metres x 10 metres.

Explanation and Reasons

If subdivision occurs prior to development on a greenfield site, then the minimum site size shall correspond to the minimum site size of a High Intensity Residential Zoned site.

Rule
12.8.31.9.3.3

Access/Frontage

- (a) Minimum frontage and access of 6 metres.
- (b) A minimum 0.5 metre landscape strip shall be provided on each side of a carriageway within a jointly owned accessway or right of way.
- (c) Up to 6 sites or household units may gain frontage over a jointly owned access lot or right of way for the benefit of the sites or a combination of



Rule
12.8.31.9.3.4

both. Where multiple household units that would gain frontage over a jointly owned access lot or right of way are proposed, that development shall be limited, so that a single household unit may be built on each vacant site served by the same access lot or right of way without contravening this Rule.

Explanation and Reasons

If subdivision occurs prior to development on a green field site, minimum site frontages are specified to ensure that adequate access is provided to sites for immediate and later future development. The number of sites that may gain access over access lots and rights of way is limited. The street is an essential element of the environment and it is important that sites gain the benefits of facing the street. Shared driveways can also generate adverse effects such as long blank walls along narrow carriageways and parking congestion.

Street Network

Roads shall have cross sections as identified in the Table below:

Road Type	Road Reserve	Berm Width	Footpath Width	Berm Width	Parking Bays	Lane Width	Lane Width	Parking Bays	Berm Width	Footpath Width	Berm Width
A	16.2m	0.8m	1.5m	-	2.3m	3.5m	3.5m	2.3m	-	1.5m	0.8m
B	13.3m	0.7m	1.5m	2.4m	-	3.0m	3.0m	-	2.7m	-	-
C	11.6m	0.8m	1.5m	1.0m	-	3.0m	3.0m	-	2.3m	-	-

Provided that for road type C, one side of the carriageway is marked as no parking.

Explanation and Reasons

New roads will be vested with Council upon subdivision.

These three key carriageway cross sections have been determined for use, based on the Rodney Standards for Engineering Design and Construction, and New Zealand Standard NZS 4404:2004, Land Development and Subdivision Engineering documents.

It is noted that where no specific parking bays are provided (Road types B and C), carriageways are wide enough to allow informal parallel parking along at least one side of the street without blocking traffic flow.

Generally the above widths meet all Rodney Standards in relation to lane widths / parking bays however the berm widths are narrower than standard allowing for combined services in keeping with the existing Council approved roads within Kensington Park Special Zone.

Street Trees

Street trees shall be planted in the road berm at a maximum of 20m intervals in general accordance with the KP Landscape Plan and any approved Resource Consent Landscape Plan. They shall be of good health and planted and

Rule
12.8.31.9.3.5



maintained in accordance with good horticultural practice. They shall be at a grade of Pb150 or greater and have a minimum in-ground height of 2m at the time of planting. The tree species selected shall be appropriate for the soils, microclimate and the street environment.

Explanation and Reasons

The KP Landscape Plan will assist in providing architectural and landscape context with regard to the appropriate plant species and location of street trees within Kensington Park Special Zone for any subdivision application. The KP Landscape Plan will also set out specific locations where street trees are not required, in particular where existing mature (protected) trees are located proximate to the road berm, i.e. Puriri trees located on the eastern side of Hibiscus Drive.

Rule
12.8.31.9.3.6

Cross Lease, Unit Titles and Company Leases

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

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

Explanation and Reasons

Where residential development is permitted or has been granted consent the provision of cross lease, unit title or company lease titles is appropriate and the Plan makes provision for this.



Rule
12.8.31.10

Controlled Activities (Subdivision)

In accordance with sections 77B(2) and 104A of the Act the Council will restrict its control to the matters listed against each specified activity when considering resource consent applications for Controlled Activities. Applications for Controlled Activities under this Rule need not be notified and the written approvals of affected parties will not be required.

Rule
12.8.31.10.1

Subdivision where a Resource (land use) Consent has been granted

Rule
12.8.31.10.1.1

Matters for Control

The Council will restrict its control to the following matters:

- (a) Site size and shape:
- Confirmation of compliance with the performance criteria of the building code.
 - Confirmation that the site will be of such a shape to permit access to any building area on the site to be achieved over the same site, except in the case of a site served by a right of way or jointly owned access lot.
- (b) Site access and frontage:
- Whether the convenience and safety of the access for users and adjoining sites is provided for or maintained.
 - Whether any reduction in access width causes adverse effects to be experienced on nearby sites.
 - Whether the ability of the access to be used by vehicles associated with residential activities is reduced.
 - Whether (where relevant) adequate provision, through easements or vesting of land, is made for legal public access from Eaves Bush Parade to the esplanade reserve adjoining the Nukumea Stream.

Explanation and Reasons

Control is restricted to matters relating to compliance with the Building Code and the maintenance of access between sites, as all other adverse effects have been assessed as part of the previous resource consent process.

Rule
12.8.31.10.2

Matters for Control

Rule
12.8.31.10.2.1

The Council will restrict its control to the following matters:

- (a) Site size and shape:
- Confirmation of compliance with the performance criteria of the building code.
 - Confirmation that the site will be of such a shape to permit access to any building area on the site to be achieved over the same site, except in the case of a site served by a right of way or jointly owned access lot.



- (b) Site access and frontage:
- Whether the convenience and safety of the access for users and adjoining sites is provided for or maintained.
 - Whether any reduction in access width causes adverse effects to be experienced on nearby sites.
 - Whether the ability of the access to be used by vehicles associated with residential activities is reduced.

Explanation and Reasons

Control is restricted to matters relating to compliance with the Building Code and the maintenance of access between sites, as all other adverse effects have been assessed as part of the previous resource consent process.

Rule
12.8.31.10.3

Situations where a Development has been completed and complies with the Subdivision Standards in Rule 12.8.31.9.3

Rule
12.8.31.10.3.1

Matters for Control

The Council will restrict its control to the following matters:

- (a) Site size and shape:
- Confirmation of compliance with the performance criteria of the building code.
 - Confirmation that the site will be of such a shape to permit access to any building area on the site to be achieved over the same site, except in the case of a site served by a right of way or jointly owned access lot.
- (b) Site access and frontage:
- Whether the convenience and safety of the access for users and adjoining sites is provided for or maintained.
 - Whether any reduction in access width causes adverse effects to be experienced on nearby sites.
 - Whether the ability of the access to be used by vehicles associated with residential activities is reduced.
 - Whether (where relevant) adequate provision, through easements or vesting of land, is made for legal public access from Eaves Bush Parade to the esplanade reserve adjoining the Nukumea Stream.

Explanation and Reasons

Control is restricted to matters relating to compliance with the Building Code and the maintenance of access between sites, as all other adverse effects have been assessed as part of the previous resource consent process.



Rule
12.8.31.11

Restricted Discretionary Activities (Subdivision)

In accordance with section 77B(4) and 104C of the Act the Council will restrict its discretion to the matters listed against each specified activity when considering resource consent applications for Restricted Discretionary Activities.

Rule
12.8.31.11.1

Subdivisions not complying with Rule 12.8.31.9.3.2 Site Size

Rule 12.8.31.11.1.1

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) The ability of a site to accommodate a building complying with the Development Controls, or one for which resource (land use) consent has been obtained.
- (b) Site, size, shape and orientation.
- (c) Site contour.
- (d) Site access and frontage.

Rule
12.8.31.11.1.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to the following assessment criterion:

- (a) Whether the topography of the land makes compliance with the Rule impracticable. Particular regard will be had to whether earthworks are minimised.

Rule
12.8.31.11.2

Subdivisions not complying with Rule 12.8.31.9.3.3 Access/Frontage

Rule
12.8.31.11.2.1

Matters for Discretion

The Council will restrict its discretion to the following matters.

- (a) Site access and frontage.
- (b) The layout of streets and sites.

Rule
12.8.31.11.2.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to, the following assessment criteria:

- (a) Whether the topography of the land makes compliance with the Rule impracticable. Particular regard will be had to whether earthworks are minimised.



- (b) Whether the street pattern is such that compliance is impracticable (for example where a curve in a street reduces site width on the outside of the curve).
- (c) Whether there are urban design considerations that warrant a reduction in the width on any site.

Rule
12.8.31.11.3

Subdivisions not complying with Rule 12.8.31.9.3.4 Street Network

Rule
12.8.31.11.3.1

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Site access and frontage.
- (b) The layout of streets and sites.

Rule
12.8.31.11.3.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to, the following assessment criteria:

- (a) Whether the topography of the land makes compliance with the Rule unreasonable or impracticable, and whether it is desirable for earthworks to be minimised.
- (b) Whether the street network provides high levels of through access for pedestrians, cyclists and motorists, where necessary due to the function of the street.
- (c) Whether there are any constraints resulting from servicing and infrastructure, including overland flow paths.

Rule
12.8.31.11.4

Subdivisions not complying with Rule 12.8.31.9.3.5 Street Trees

Rule
12.8.31.11.4.1

Matters for Discretion

The Council will restrict its discretion to the following matter:

- (a) Landscape.

Rule
12.8.31.11.4.2

Assessment Criteria

When assessing an application for this activity the Council will have regard to,



Rule
12.8.31.11.5

the following assessment criteria:

- (a) Whether the tree planting is consistent with the existing landscaped character of Kensington Park Special Zone.
- (b) Whether there are physical constraints or other design constraints such as site access points that prevent the planting of trees as required.
- (c) Whether alternative planting is provided elsewhere.
- (d) Whether a well treed environment is created or retained in the street.

Subdivision to create a vacant lot (Greenfield) that complies with the Subdivision Standards in Rule 12.8.31.9.3

All subdivision applications shall be assessed in accordance with the provisions of 12.8.31 Special 31 (Kensington Park) Zone.

Rule
12.8.31.12

Discretionary Activities (Subdivision)

Rule
12.8.31.12.1

Definition

For all Discretionary Activity resource consent applications in the Kensington Park Special Zone, the Council will have regard to the relevant matters set out in section 104 of the Act.