

Chapter 26A**MARINE INDUSTRIAL ZONE****Introduction**

This chapter contains rules managing land uses in the Marine Industrial Zone. The boundaries of this zone are shown on the planning maps.

All rules apply throughout the Marine Industrial Zone unless otherwise stated.

26A.1 Summary of Marine Industrial Zone Rules

The following is a quick reference guide that summarises the Marine Industrial Zone Activity Table and Condition Table. It is intended as a guide only and must not be used in place of the Marine Industrial Zone Activity Table and Condition Table elsewhere in this Chapter.

Rule Number and Description		Classification	Page Number
Rule 26A.2	Marine industrial activities.	Permitted	2
Rule 26A.3	Residential activities (in a caretaker-type role).	Permitted	2
Rule 26A.4	Land development (including subdivision but excluding Multi Unit Development).	Controlled	2
Rule 26A.5	Relocation of a building from another site.	Controlled	3
Rule 26A.6	Any subdivision, use or development of land referred to in Rules 27.2 to 27.5 that does not comply with all the relevant conditions, unless otherwise stated.	Restricted Discretionary	3
Rule 26A.7(a)	Residential activities not accessory to a marine industrial activity.	Discretionary	4
Rule 26A.7(b)	Home occupations.	Discretionary	4
Rule 26A.7(c)	Commercial activities.	Discretionary	4
Rule 26A.7(d)	Use of explosives, other than for temporary military training purposes.	Discretionary	4
Rule 26A.7(e)	Any land use not stated by a rule elsewhere in this Chapter as a permitted activity, controlled activity, a restricted discretionary activity, or a prohibited activity.	Discretionary	4

MARINE INDUSTRIAL ZONE – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>26A.2 Marine Industrial Activities</p> <p>1. The maintenance, replacement and upgrading of any marine industrial activity in existence as at 11 November 2000 is a permitted activity provided that:</p> <p>a) It must comply in all respects with the relevant conditions in the Marine Industrial Zone activity table and condition table.</p> <p>2. Any new marine industrial activity is a permitted activity provided that:</p> <p>a) It must comply in all respects with the relevant conditions in the Marine Industrial Zone activity table and condition table.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 26A.6.</p>
<p>26A.3 Residential Activities (in a caretaking-type role)</p> <p>1. Any residential activity, unless stated by a rule elsewhere in this Plan, is a permitted activity provided that:</p> <p>a) It is used solely by the owner of the business premises or any permanent employee undertaking a caretaking function and their immediate relatives.</p> <p>b) It must be accessory to a marine industrial activity.</p> <p>c) It must comply in all respects with the relevant conditions in the Marine Industrial Zone activity table and condition table.</p> <p>d) Each residential activity must provide for the exclusive use of the occupants:</p> <p>i) A separate entrance and access from the road.</p> <p>ii) An off-road parking space, garage or carport for at least one vehicle which complies with Appendices 17 and 18.</p> <p>iii) A service court with the minimum dimension of 3 metres by 3 metres.</p> <p>e) Service functions, e.g.: washing lines, rubbish bins etc. must not intrude either physically or visually onto the road frontage of the zone.</p> <p>f) The outlook from any window of the unit must not be obscured by any sign erected on the building.</p>	<p>The Council will exercise its discretion over the matters referred to in Rule 26A.6, including the assessment criteria specified in Chapter 31 of this Plan.</p>
CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>26A.4 Land Development (Including Subdivision but excluding Multi Unit Development)</p> <p>1. Land development, including subdivision is a controlled activity provided that:</p> <p>a) It must comply in all respects with the standards and terms specified in Chapter 66 of this Plan.</p> <p>b) It must comply in all respects with the relevant standards and terms in the Marine Industrial Zone Activity Table and Condition Table.</p> <p>c) It is assessed according to the matters in Chapter 66 over which the Council has reserved its control.</p> <p>2. The written approval of affected persons will not be necessary in</p>	<p>The Council will exercise its discretion over the assessment criteria specified in Chapter 66 (Code of Practice for Subdivision and Land Development) of this Plan.</p>

<p>respect of land development (including subdivision) that complies with the standards and terms, and the application need not be notified.</p>	
<p>26A.5 Relocation of Buildings</p> <p>1. Relocation of a building from another site is a controlled activity provided that:</p> <ul style="list-style-type: none"> a) The relocation of the building complies in all respects with the relevant conditions stated elsewhere in the Marine Industrial Zone activity table and condition table. b) A written assessment must be submitted with each application which must: <ul style="list-style-type: none"> i) Include a statement from a building certifier or registered engineer that the building is structurally sound. ii) State the condition of the building and the reinstatement works needed to bring the building up to an external visual appearance that is compatible with other buildings in the vicinity. iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent. iv) Provide clear photographs of the building in its current state. v) Provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of reinstatement work. <p>The Council shall exercise its control over the following:</p> <ul style="list-style-type: none"> c) The design, materials and timetable of the proposed reinstatement works. d) The imposition of any financial contributions in accordance with Chapter 65 (Financial Contributions) of this Plan. e) The imposition of a performance bond to complete the reinstatement of the building. <p>2. The written approval of affected persons will not be necessary in respect of relocated buildings that fully comply with the standards and terms, and the application need not be notified.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 26A.6, including the following:</p> <ul style="list-style-type: none"> - The structural integrity of the building. - The imposition of a performance bond. - The timing of reinstatement works. - The effects on the built character of the surrounding area. - The effects on amenity values. - The effects on infrastructural services.
<p>RESTRICTED DISCRETIONARY ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>26A.6 Land Uses Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land referred to in Rules 26A.2 to 26A.5 that does not comply with all of the relevant conditions in the Marine Industrial Zone activity table and condition table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</p>	<p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Marine Industrial Zone activity table and/or condition table. - The cumulative effect of non-compliance with more than one condition. - In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over. - The matters set out in Chapter 1.6.5. - The assessment criteria in Chapter 31 of this Plan where applicable.

DISCRETIONARY ACTIVITIES	
<p>26A.7 Discretionary Activities</p> <p>1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 31. The Council's discretion is unrestricted.</p> <p>a) Residential activities not accessory to a marine industrial activity.</p> <p>b) Home occupations.</p> <p>c) Commercial activities.</p> <p>d) Use of explosives, other than for temporary military training purposes.</p> <p>e) Any land use not specifically stated by a rule elsewhere in this Chapter as a permitted activity, a controlled activity, a restricted discretionary activity or a prohibited activity.</p>	
PROHIBITED ACTIVITIES	
<p>26A.8 Prohibited Activities</p> <p>1. There are no land uses that are a prohibited activity within the Marine Industrial Zone.</p>	

MARINE INDUSTRIAL ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>26A.9 Yards</p> <p>1. The following yard conditions shall apply to all land uses:-</p> <p>a) Front Yards</p> <p>i) Any part of a building (including eaves and guttering) must not be erected closer than 3 metres to the road frontage.</p> <p>ii) A minimum of a 2 metre wide landscaped area must be provided adjacent to the road frontage except for driveways.</p> <p>b) Other Yards</p> <p>There is no side or rear yard condition.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The scale and bulk of the building(s) in relation to the site. - The effects on traffic and pedestrian safety.
<p>26A.10 Height</p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <p>a) Any part of a building or structure must not exceed 10 metres in height.</p> <p>b) Any part of a building, structure or tree must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 27.10.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Height must be measured using the rolling height method.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The scale and bulk of the building in relation to the site. - The built characteristic of the neighbourhood. - The effects of shading. - The effects on amenity values.
<p>26A.11 Height in Relation to Boundary</p> <p>1. The following height in relation to boundary conditions shall apply to all land uses:</p> <p>a) No part of any building or structure must project beyond a building envelope constructed by drawing planes along all parts of all site boundaries. The planes must commence 7.5 metres above ground level at the site boundary and must be inclined to the horizontal at an angle of 45 degrees.</p> <p>b) Provided that:</p> <p>i) In relation to multi-unit development, the building envelope must be constructed by drawing planes along all parts of all building site boundaries and must commence at the building site boundary.</p> <p>ii) Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of applying</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The availability of daylight to adjacent properties. - The effects on the privacy of adjacent properties and occupiers. - The scale and bulk of the building in relation to the site. - The effects on amenity values.

<p>the height in relation to boundary condition.</p> <p>iii) No account will be taken of aerials, lines, support structures, solar heating devices, air conditioning units and similar structures housing electronic or mechanical equipment or chimneys, no more than 1 metre wide in any horizontal direction and less than 2.5 metres in height beyond the building envelope.</p>													
<p>26A.12 Site Coverage</p> <p>1. The following site coverage conditions shall apply to all land uses:-</p> <p>a) Site coverage (measured from gross building area) must not exceed 75% of the net site area.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The scale and bulk of the building in relation to the site. - The existing built density of the neighbourhood. - The control of stormwater runoff. 												
<p>26A.13 Outdoor Storage</p> <p>1. The following outdoor storage conditions shall apply to all land uses:</p> <p>a) Outdoor storage areas or stockpiles must:</p> <p>i) Comply with the yards, height and height in relation to boundary conditions in Rules 26A.9, 26A.10 and 26A.11.</p> <p>ii) Be screened from the view of any adjacent residential zone or public open place by tree plantings or a fence or hedge at least 1.8 metres high.</p> <p>iii) Not provide a food source for birds or vermin.</p> <p>iv) Be located on sealed and drained areas if they consist of decomposable material likely to generate contaminated leachate.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the shading of adjacent sites. - The effects on the visual amenity of the area. - The effects on people’s health and safety. - The effects on surface and groundwater quality. - The effects on soil contamination. 												
<p>26A.14 Refuse Storage</p> <p>1. The following refuse storage conditions shall apply to all industrial and commercial activities:</p> <p>a) A refuse storage area must be provided that is adequate to store the average volume of trade waste produced on-site over a one week period.</p> <p>b) The refuse storage area must be screened from any adjacent residential activity or public open space by a fence or hedge at least 1.8 metres high.</p> <p>c) The refuse storage area must not provide a food source for birds or vermin.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the visual amenity of the area. - The effects on people’s health and safety 												
<p>26A.15 Noise</p> <p>1. The following noise conditions shall apply to all land uses, other than those exempted in Rule 57.9.</p> <p>a) The following noise limits must not be exceeded at any point beyond the site boundary:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Control Hours</td> <td style="width: 50%;">Noise Level</td> </tr> <tr> <td>On any day at all hours</td> <td>60 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>On any day at all hours</td> <td>85 dB L_{AFmax}</td> </tr> </table> <p>b) Provided that, at any point within any Residential Environment, the following noise limits must not be exceeded:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Control Hours</td> <td style="width: 50%;">Noise Level</td> </tr> <tr> <td>0700 to 1900 hours</td> <td>55 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>1900 to 2200 hours</td> <td>50 dB L_{Aeq} (15 min)</td> </tr> </table>	Control Hours	Noise Level	On any day at all hours	60 dB L _{Aeq} (15 min)	On any day at all hours	85 dB L _{AFmax}	Control Hours	Noise Level	0700 to 1900 hours	55 dB L _{Aeq} (15 min)	1900 to 2200 hours	50 dB L _{Aeq} (15 min)	<p>Matters:</p> <ul style="list-style-type: none"> - The maximum noise level likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility within the neighbourhood. - The effects of noise on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation.
Control Hours	Noise Level												
On any day at all hours	60 dB L _{Aeq} (15 min)												
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<p>2200 to 0700 hours the following day 45 dB L_{Aeq} (15 min) 2200 to 0700 hours the following day 75 dB L_{AFmax}</p> <p>c) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p> <p>d) The following minimum External Sound Insulation Level standards shall apply to all habitable rooms within any noise sensitive activity (including the addition or alteration of a habitable room which exceeds 10% of the existing gross floor area):</p> <p>(i) The habitable room within the noise sensitive activity shall achieve a minimum External Sound Insulation Level of the building envelope of $D_{tr,2m,nTw} + C_{tr} > 30$ dB for outside walls of any habitable rooms.</p> <p>(ii) Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system shall be provided. Any such ventilation system shall be designed to satisfy the requirements of the Building Code and achieve a level of no more than NC30 in any habitable room.</p> <p>(iii) An acoustic design report must be provided to the Council prior to any building consent being granted or where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report is to indicate the means by which the noise limits specified in this rule will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the acoustic design requirements specified in this rule.</p> <p>iv) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the standards in (c) above.</p>	
<p>26A.16 Light Spill</p> <p>1. The following light spill condition shall apply to all land uses other than for the purposes of illuminating a road:</p> <p>a) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance of excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 metres above ground level) at any point beyond the zone boundary.</p> <p>b) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space in a building within a residential zone).</p> <p>c) Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers is of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting.</p> <p>d) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause a significant level of discomfort</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The orientation, strength, intensity, colour and frequency of any light. - The effects on traffic safety. - The positive effects on pedestrian safety. - The effects on amenity values.

<p>to any occupants of residential activities, or a significant traffic hazard to aircraft or vehicles on any road.</p>	
<p>26A.17 Vibration</p> <p>1. The following vibration conditions shall apply to all land uses:</p> <p>a) Land uses must not generate a vibration that causes a significant adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on public health. - The effects on the structural integrity of adjacent buildings and facilities. - The effects on amenity values of the area.
<p>26A.18 Odour and Dust</p> <p>Note: The discharge of contaminants (including odour and dust) onto or into air or water is regulated by the Hawke's Bay Regional Resource Management Plan and may require resource consent approval. Contact the Hawke's Bay Regional Council for advice.</p>	
<p>26A.19 Stormwater Runoff</p> <p>Note: The discharge of stormwater to land and/or water is regulated by the Hawke's Bay Regional Resource Management Plan and may require resource consent. Contact the Hawke's Bay Regional Council for advice. The discharge of stormwater into the public stormwater network is regulated by the Stormwater Bylaw 2012.</p>	
<p>26A.20 Fences</p> <p>1. The following fencing conditions shall apply to all land uses:</p> <p>a) Any fence erected within a front, side or rear yard must not exceed 2 metres in height.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The availability of daylight to adjacent properties. - The effects on the privacy of adjacent properties and occupiers. - The scale and bulk of the building in relation to the site. - The effects on amenity values.
<p>26A.21 Aerials, Lines and Support Structures</p> <p>1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation:</p> <p>a) Aerials, lines and/or support structures must not exceed 15 metres in height.</p> <p>b) Aerials, lines and/or support structures must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 26A.21.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Dish antenna must not exceed 5 metres in diameter.</p> <p>f) Where an aerial, line or support structure exceeds 7 metres in height above the point of its attachment or base support, it must also comply with the following conditions:</p> <p>i) The distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The scale in relation to adjacent buildings. - The bulk and form of the aerial, line and/or supporting structures. - The effects of shading. - The extent to which heritage or cultural values are affected. - The cumulative effect of additional aerials, lines and/or support structures. - The prominence of the site taking into account significant public views and any significant landscapes. - The effects on public health and safety. - The effects on air traffic safety.

<p>ii) There must be no more than one such structure on the site.</p> <p>g) The aerial, line and/or support structure must comply with the conditions relating to yards and height in relation to boundary in the Marine Industrial Zone condition table.</p>	
<p>26A.22 High Volume Water Using Activities</p> <p>NOTE: The maximum rate of wastewater discharge to the Napier City Council wastewater reticulation system is controlled by the Napier City Council Trade Waste Bylaw.</p> <p>There are limitations on the capacity of the wastewater system in some parts of the City which may require restrictions on the rate of discharge.</p> <p>Discussion with the Works Asset Department is recommended.</p>	
<p>26A.23 Roof Surfaces</p> <p>1. The following condition shall apply to all new roofs.</p> <p>a) All new roof surfaces shall be constructed from inert materials or painted with non-metal based paint and thereafter maintained in good order.</p> <p>NOTE: Stormwater may only be discharged to a Council reticulated network in compliance with the Napier City Stormwater Bylaw 2012.</p> <p>All on-site stormwater discharges are regulated by the Hawke's Bay Regional Resource Management Plan and may require resource consent approval. Contact the Hawke's Bay Regional Council for advice.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on public health and safety. - The effect on stormwater discharges associated with the industrial and commercial land use. - The mitigation measures to avoid contamination from stormwater runoff. - The effect on the ecology and aquatic life of the Ahuriri Estuary.
<p>26A.24 Earthworks</p> <p>1. The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 52A (Earthworks) of this Plan.</p>
<p>26A.25 Heritage</p> <p>1. The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 56 (Heritage) of this Plan.</p>
<p>26A.26 Signs</p> <p>1. The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 58 (Signs) of this Plan.</p>
<p>26A.27 Trees</p> <p>1. The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 60 (Trees) of this Plan.</p>
<p>26A.28 Transport</p> <p>1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with.</p> <p>2. A landscaped area with a minimum width of 2 metres must be provided adjacent to all road and reserve boundaries except driveways where carparking areas adjoin roads or reserves.</p>	<p>Matters:</p> <p>Refer to Chapter 61 (Transport) of this Plan.</p>
<p>26A.29 Natural Hazards</p> <p>1. The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62 (Natural Hazards) of this Plan.</p>

<p>26A.30 Activities on the Surface of Water</p> <p>1. The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with</p>	<p>Matters:</p> <p>Refer to Chapter 62A (Activities on the Surface of Water) of this Plan.</p>
<p>26A.31 Hazardous Substances</p> <p>1. The relevant provisions of Chapter 63 (Hazardous Substances) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 63 (Hazardous Substances) of this Plan.</p>
<p>26A.32 Contaminated Sites</p> <p>1. The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 64 (Contaminated Sites) of this Plan.</p>
<p>26A.33 Financial Contributions</p> <p>1. The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 65 (Financial Contributions) of this Plan.</p>
<p>26A.34 Code of Practice for Subdivision and Land Development</p> <p>1. The relevant provisions of Chapter 66 (Code of Practice for Subdivision and Land Development) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 66 (Code of Practice for Subdivision and Land Development) of this Plan.</p>