

Chapter 32 PRINCIPAL REASONS FOR RULES (Industrial Environments)

32.1 Land Uses Generally

Generally, the principal assumption within industrial environments is that any land use is permitted, provided that the conditions in the activity table and condition table are complied with, and that the land use does not require a resource consent, unless no resource consent can be granted (ie: a prohibited activity). Those land uses requiring resource consent typically require careful management in order to avoid, remedy or mitigate any adverse effects associated with its location in an industrial area.

Despite locating within Industrial Environments, tyre storage specifically has the potential to generate significant effects in relation to amenity, fire hazard, vermin issues, and contamination of soil and water. The District Plan allows for this activity where the scale is appropriate and where it is ancillary to another activity on the site.

The District Plan recognizes that the storage of new tyres, and of those ancillary to another activity on the site is appropriate where this is done well, but restricts the storage of end-of-life tyre and tyre products due to the significant impacts this activity may have on the environment.

A number of land uses, sensitive to effects generated by industry, have the potential to impinge upon traditional industrial operations. This reverse sensitivity has the potential to effect the continuation of business in predominantly industrial areas. Given the availability of more suitable locations in other parts of the City for these sensitive land uses, a resource consent is generally required for these activities to locate in Napier's industrial zones.

Some land uses require careful management in order to maintain and enhance the character and heritage values of Ahuriri's industrial areas. The variety of land uses occurring along West Quay contributes to this character. The rules allow this blend to continue, provided the adverse effects of each respective land use are avoided, remedied or mitigated.

Unlike the other industrial zones, the Marine Industrial Zone identifies a limited range of permitted land uses. This recognises the scarcity of industrial land throughout the City from which access to the foreshore is available. Limiting the range of uses in this zone discourages the establishment of industry not requiring access to the foreshore.

The Port Industrial Zone, because of its regional importance, location, area, specialist activities and its ability to manage on-site environmental effects through an Environmental Management Plan, has fewer detailed conditions than applicable in other industrial zones.

32.2 Commercial Activities

Associated with the industrial environment of Napier City are a number of commercial activities. These commercial activities support industry through the provision of goods and services. Offices unrelated to industrial activities that seek premises within Napier's industrial areas are considered to be adequately provided for in other areas throughout the City. This rule recognises that it is necessary for some industrial activities to have administration and financial services on-site. At the same time, ensuring the industrial land resource is used sustainably and ensuring that offices providing professional, administrative and financial services do not restrict the operational requirements of industry.

Retailing and some office accommodation land uses in the industrial environment can cause adverse effects on the roading network due to the increase in vehicle numbers. The increase in vehicle numbers can also add pressure to existing vehicle parking areas and lead to roadside congestion when current on-site parking is not sufficient to meet increased demand.

Retail activity, if left uncontrolled, can also affect the main retailing areas within Napier's Central Business District. This is an inefficient use of physical resources as the Central Business District has been specifically designed to cope with the traffic and parking demands imposed by retailing operations. In addition, uncontrolled retailing in industrial zones has the potential to adversely affect the viability of the inner city's historic art deco buildings via the closure of shops and the possible reduction in the level of maintenance.

However, some retailing in industrial zones is considered appropriate, if the goods offered for sale or trade are actually made or assembled on-site, or if some minor retailing occurs in association with large scale warehousing (such as at traditional farm and building supply enterprises).

Licensed premises can be accommodated within industrial zones with few if any adverse effects, provided a number of conditions are met. In some cases it is preferable to locate these uses within industrial zones where the generation of loud noise is not unduly constrained. Equally, given the proximity of some industrial zones to residences, the hours of operation and effects of noise require careful management to maintain the amenity of neighbouring residential sites.

32.3 Residential Activities

General residential accommodation within the Main Industrial, Suburban Industrial and Port Industrial zones is limited, due to issues of reverse sensitivity and the restrictions this can impose on existing legitimate industrial activities. Residential accommodation has been provided for elsewhere in the City (principally in residential zones) and therefore the use of industrially zoned land for residential purposes is restricted. However, limited residential accommodation within these industrial zones is provided for, to recognise the situation where a manager or caretaker may be required on-site for security or monitoring reasons.

The scope for residential activities in the West Quay Waterfront Zone is less restrictive. This recognises the historical mix of activities occurring in these zones. However, new residential units are required to protect the occupants themselves from the higher noise environment experienced within these zones of industrial and commercial activity.

32.4 Scheduled Sites

The Council recognises that there are some existing uses within Napier City that provide a valuable service to the community. These land uses require recognition in the Plan as a number are not specifically provided for within the rules for permitted activities in the respective zone. Furthermore, the method of scheduling sites provides an opportunity for on-site expansion and modification within certain limits. This is potentially more liberal than the existing use rights that the Act provides in Sections 10, 10A and 10B.

32.5 Land Development and Subdivision

The rules are based on the premise that there is a strong interrelationship between subdivision and future land use. Subdivision of land can have marked effects on land use expectations. Adequate provision of access, water, sewerage, open space, and other requirements is essential to ensure development following subdivision does not have adverse effects on the environment. The provisions for financial contributions and the Code of Practice for Subdivision and Land Development also contribute to these outcomes.

32.6 Relocation of Buildings

To ensure that relocated buildings are reinstated in a timely manner and are consistent with the built characteristics of the surrounding environment, the Council intends to exercise some control over the relocation of buildings throughout most industrial zones in the City.

The relocation of buildings, together with the alteration or demolition of buildings in the West Quay Waterfront Zone has the potential to adversely affect its unique character. Accordingly, with careful management of such effects, the Council intends to retain the discretion to approve or decline such proposals.

It is recognised that relocated buildings in some instances, can have a positive effect on the City's mix of building styles and contribute to the sustainable management of the physical resources of the City.

32.7 Yards

The front yard setback control ensures that neighbours are protected from the bulk of new buildings and additions to existing buildings located in close proximity to boundaries, and to retain some degree of spaciousness and visual amenity in the industrial environment. Setbacks from drains and watercourses will provide for drain maintenance and afford some protection for water quality. The ability to build up to the side and rear boundaries facilitates the efficient use of a site.

Landscaping is not generally required in the industrial environment, other than for those sites fronting roads that convey a high volume of through traffic not necessarily directly related to the surrounding industrial uses. Landscaping is also useful for creating setback areas for parking and visibility for traffic exiting industrial sites onto high volume roads and can screen activities from residential zones and public open places.

The specific yard requirements within the West Quay Waterfront zone serve to maintain the dominance of the southern facade of the Wrightson Woolstore Building, separating the heritage buildings from modern developments. The zero lot lines aims to ensure the interface between existing buildings and the road is maintained, together with preserving the characteristic of buildings erected up to the boundary.

32.8 Height

Restrictions on building heights are required to avoid undue adverse effects on neighbours due to shading, and to preserve visual amenity values. Restrictions upon the height of buildings, structures and trees are required to maintain air traffic safety by ensuring that aviation flight paths are clear of obstructions.

Within the Main Industrial Zone, there have been no height restrictions applicable for at least the past 15 years. The height in relation to boundary condition in particular is considered to adequately avoid, remedy or mitigate adverse effects on the environment. The retention of this condition will also maintain the existing scale and character of the built environment in the industrial zones.

Industrial zones elsewhere in the City have height restrictions which reflect their existing built scale and character. Given the proximity of the Suburban Industrial and Marine Industrial zones to residential zones, the maximum height conditions ensure that no adverse shading or effects on amenity occur. The scale of buildings and their relationship to the road is very important in the West Quay Waterfront Zone. To ensure this scale is retained, alteration or demolition of these buildings requires a resource consent, and any new buildings are required to comply with a specified building outline appended to this Plan.

32.9 Height in Relation to Boundary

The height in relation to boundary condition is intended to prevent buildings from physically dominating the adjacent sites. The height in relation to boundary condition does not concern itself with protecting the amenity of entrance strips or access ways as the function of these is limited and their use transitory.

In general, building to the boundary allows more efficient use to be made of a site. Accordingly, the recession planes start at a level that will allow a industrial-type building to be built up to the boundary of most sites without having to go through a resource consent process for this aspect of the development (note: this is subject to rules relating to yards).

The height in relation to boundary condition does not apply to the coastal marine area boundary, nor lighting poles and cranes within the Port Industrial Zone. This is necessary to allow for buildings and structures vital to Port operations, particularly on the wharves.

The height in relation to boundary condition does not apply to the West Quay Waterfront Zone. The retention of this zone's built character and scale would be difficult to achieve if a height in relation to boundary condition was applicable.

32.10 Site Coverage

The site coverage limits specified are applied to contain increases in stormwater load on the drainage system and to limit building bulk to a level that will maintain the visual amenity of the surrounding environment. Where residential activities are provided for, site coverage conditions, in addition to open space and landscaped area conditions ensure a degree of on-site amenity is retained for the occupants' enjoyment.

32.11 Outdoor Storage Areas and Refuse Storage

The outdoor storage of materials can have adverse visual effects. These can be overcome by appropriate controls on the bulk of the stockpiles and through screening. The bulk storage of some materials could have adverse effects on water quality due to runoff and leachate. These effects can be avoided through appropriate site preparation and drainage.

32.12 Noise

Noise is one of the factors that can affect the appreciation of amenity. It can have an effect on people's health in a psychological sense. It may interfere with communication and disturb concentration. Inappropriate levels of noise can have adverse effects on people's health and wellbeing.

However, industrial zones are inherently noisy places and so it is not practical to impose the same noise level restrictions as might apply in residential or commercial environments. The noise levels selected are based on the general noise limits imposed in similar industrial zones in Napier, Hastings and other parts of New Zealand, consistent with New Zealand Standards. These limits will ensure that adverse health and safety effects are avoided, but will allow most industrial activities to occur. Similarly, controls on new or altered dwelling units have been imposed to ensure that such units are insulated from the higher noise environment of industrial zones.

Noise from regionally significant infrastructure (e.g. State Highways, Airport, Port) has the potential to create issues of reverse sensitivity. It is for this reason that the noise boundaries are included for the Business Park Zone. An acoustic noise condition rule will ensure that any noise effects in relation to any noise sensitive activity can be mitigated against the effects of noise.

Port noise management can be undertaken through a range of methods. This rule provides for noise to be managed primarily through the use of District Plan Rules, a Port Noise Management Plan, and community liaison. The reason for this approach, which derives from Environment Court Decision C150/2003 for Port Otago, is to ensure that port

noise is minimised and mitigation of the effects of port noise is provided to noise sensitive activities while enabling the Port of Napier to continue to operate effectively and efficiently. The approach requires the Port Operator to provide or contribute towards acoustic insulation (and in some cases offer house purchase) depending on the level of noise received as determined by the port noise contours or a specific noise level is reached. Monitoring of noise levels on a regular basis is an important aspect of this approach and will be required.

32.13 Light Spill

Lighting can interfere with the enjoyment of a property and the sleep of occupants. Direct light spill and glare are consequences of outdoor lighting used to illuminate property. The effect of this rule is to state lighting levels that are compatible with the existing character of industrial zones while maintaining traffic and personal safety, and residential amenity. These controls are required to avoid unreasonable levels of artificial light spilling onto neighbouring properties. Different levels of light spill have been allowed for different receiving environments, having regard to the tolerance levels and safety requirements of those environments.

32.14 Vibration

Vibration has nuisance and health effects like noise, and can have major effects on people's enjoyment of their property. This is particularly so for residential properties, therefore the rule is based upon the generation of any unreasonable vibration, given the possible effects on people's amenity values, health and safety, together with effects on the structural integrity of buildings.

32.15 Odour and Dust

Discharges to air are regulated by the Hawke's Bay Regional Council, which has an operative Regional Air Plan and a Proposed Regional Resource Management Plan. This note is included in the Plan as advice and information for Plan users.

32.16 Stormwater Runoff

Conditions on stormwater runoff are required to avoid adverse effects on water quality, particularly from areas using or storing hazardous substances. Stormwater interceptor traps are now readily available, and their use can greatly improve the quality of stormwater leaving a site, prior to it discharging into a reticulated system, open watercourse or the inner harbour.

32.17 Fences

The Council sees little need to control fences up to two metres in height in most areas of the City. However, higher fences can detract from residential amenity, reduce the feeling of open space and potentially affect the safe entry and exit of vehicles from industrial sites. The control ensures residential amenity is not adversely affected by excessively high structures on or near the zone boundary.

In the West Quay Waterfront Zone, there is no fencing condition to ensure the maintenance of the built character and interface that buildings in the zone have with the road and adjacent sites.

While not specifically provided for in this Plan, fortified fences detract from the sense of community wellbeing with their threatening connotations. Such fortifications are subject to control by a Napier City Bylaw.

32.18 Aerials, Lines and Support Structures

The number of aerials, masts, poles, towers and similar support structures in industrial zones is limited to prevent a proliferation of such structures upon any one site, while allowing for the needs of the community to receive and transmit television and radio signals as well as receive electricity. The number and size of dish antenna is limited as these tend to be more visually intrusive than other aerials. Due to the visual intrusion or

dominance that aeriels can have, their location is also controlled.

32.19 High Volume Water Activities

The Napier City reticulated wastewater system has capacity limitations that cannot be exceeded. One way of ensuring that system capacity is not exceeded, is to discourage the further development of heavy water use industries in areas at the head of the wastewater system catchment, and encourage these particular industries to other more appropriate areas such as Awatoto.

32.20 Heritage

Development in an area has the potential to have a negative impact on heritage. The effects of development can often detract from the value of the heritage element and alter the character of the area. Within this Plan, individual and groups of heritage elements (including buildings, structures and places of significance to Maori) have been identified to ensure that the heritage values and character of historic areas are not adversely affected by inappropriate development. In addition, refer to Chapter 56 (Heritage).

32.21 Signs

Signs have the potential to adversely affect the visual amenity of some industrial zones, as well as creating a potential traffic hazard. The location, number and size of signs are therefore controlled in the industrial zones. In addition, refer to Chapter 58 (Signs).

32.22 Trees

Trees are a valuable resource throughout the whole city. They provide amenity benefits, ecological benefits, shading, and can act as a buffer between adjacent land uses. Napier City Council currently protects a number of notable public trees. As education and awareness of the community increases, as to the benefits of protecting trees, private trees may also be added to the notable tree schedule. It is important that the City is aware of which trees are scheduled as notable, so that the relevant conditions can be complied with. A number of options for protecting private trees are available if the owners so desire. Some of these are via regulatory mechanisms, while others include private initiatives.

32.23 Transport

The roading network can have a significant effect on the environment. New roads or the upgrading of existing ones have a multitude of effects from physical effects to the effects on the amenity of a neighbourhood by way of increased noise levels. In order to reduce the need for road upgrading, the Council has imposed requirements relating to on-site carparking, loading and manoeuvring to mitigate the effects of road congestion and business inefficiencies that this causes.

The reduction of on-road parking has positive effects for the amenity of neighbourhoods and improves the efficiency of the roading network. The provision of on-site manoeuvring also reduces the number of reversing vehicles, creating a safer environment for traffic and pedestrians. In addition, refer to Chapter 61 (Transport).

32.24 Natural Hazards

Napier is at risk from a wide range of natural hazards. Controls are required to ensure that development is well managed in the most at risk areas, and that buildings and infrastructure in other areas are designed to a standard appropriate for the actual level of risk in those areas. Those hazards which present a district-wide risk (for example, wind hazards, liquefaction and earthquake amplification) are not intended to be identified in the district plan. However such information will be recorded on the Council's property file system, and used in the preparation of LIMs and PIMs etc. In addition, refer to Chapter 62 (Natural Hazards).

32.25 Hazardous Substances

Controls on the use and storage of hazardous substances are required to avoid adverse

effects on people's health and wellbeing. The use of hazardous substances and genetically modified organisms in New Zealand is primarily managed by the Hazardous Substances and New Organisms Act 1996 (HSNO). The purpose of the HSNO Act is to 'protect the environment, and the health and safety of people and communities by preventing or managing the adverse effects of hazardous substances and new organisms'. The HSNO Act is administered by the Ministry for the Environment and implemented by the Environmental Protection Authority. The new Ministry of Business, Innovation and Employment are also involved with enforcement in terms of hazardous substances. In addition, refer to Chapter 63 (Hazardous Substances).

32.26 Roof Surfaces

The Ahuriri Estuary acts as a receiving environment for stormwater runoff from a number of adjacent zones. Increased development, including stormwater runoff from roofs that are not constructed of inert materials can threaten the sensitive ecology and aquatic life of the Estuary. The rule provides a mechanism to reduce the level of contaminants that may enter the Estuary from those zones that discharge stormwater into the Estuary or Inner Harbour.

32.27 Contaminated Sites

Controls regarding contaminated sites now fall under The National Environment Standards (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health which came into effect on January 2012. In addition, refer to Chapter 64 (Contaminated Sites).

32.28 Financial Contributions

The City's existing amenities and utilities represent a major community investment which should be utilised, protected and managed in a sustainable manner. Promoting the efficient use of the City's network of essential services, community services, utilities, roads and other infrastructural components will aid in reducing the environmental costs of development for present and future generations and sustain the future potential of resources. The collection and end use of financial contributions have an environmental benefit in avoiding, remedying or mitigating the adverse effects of activities resulting from subdivision and land development as the contributions are directly applied to that part of the environment which is affected. In addition, refer to Chapter 65 (Financial Contributions).

32.29 Code of Practice for Subdivision and Land Development

There is a strong interrelationship between subdivision, future land use and land development. In order to manage the effects of subdivision and land development, particularly effects relating to the provision of services, the Council has prepared a document setting out conditions, engineering performance criteria and engineering standards. These conditions and engineering details, due to their technical nature are supplementary to conditions in the activity table and condition table of the respective zone. In addition, refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development).

32.30 Development on Land at Awatoto

The Council considers that an area of land in Awatoto adjacent to Waitangi and Awatoto Roads (being Lot 2 DP 20646 (807 Waitangi Road) and Lot 3 DP 26546 (5 Waitangi Road) should be available for industrial development in the vicinity of the wastewater treatment plant. However, this potential for industrial development is tempered by the need for adequate servicing. Before any permitted, controlled or restricted discretionary activity is commenced on these sites, services to the standards required in the Code of Practice for Subdivision and Land Development are to be provided at the landowner/developer's cost.

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