

Chapter 33**RURAL ENVIRONMENTS****33.1 RESOURCE MANAGEMENT ISSUES**

The following resource management issues have been identified as being significant for Napier's rural environments:

33.1.1 The sustainability of land resources being adversely affected by inappropriate subdivision, use and development.

Agriculture has remained an important economic resource in the Hawke's Bay, with pastoral farming the second most extensive land use in the City, following urban land use. Pastoral farming is predominantly located on the hills to the west of the City. The versatile and productive soils of the Heretaunga Plains has provided a significant resource base for horticultural activities, including the establishment of market gardens and orchard units (the Hawke's Bay is one of the two largest fruit producing regions in the country¹). In recent years, the rural environment has become increasingly popular for vineyards and wineries, with a number established around the Esk Valley, Taradale and Meeanee areas.

Issues relating to the sustainable management of land resources include the following:

- Versatile and productive soils are a limited resource in Napier and need appropriate management to ensure that this land can be used for a variety of land uses in the future.
- Because the City's productive land is often immediately adjacent to urban areas there is pressure for urban development and for the establishment of non-rural uses. This can potentially result in adverse effects on the amenity and character of the rural environment.
- Reducing the size of land holdings through subdivision may reduce the range of possible productive land uses, and in some areas, lead to problems associated with inadequate wastewater disposal, stormwater disposal and water supply systems.
- There is the potential for conflict between rural land uses and neighbouring residential, rural residential and non-rural land uses including restaurants and retirement complexes. This can lead to 'reverse sensitivity' effects on rural land uses.
- The protection of outstanding natural features and significant landscapes from inappropriate subdivision, use and development of land.

33.1.2 Maintaining the character and amenity of rural Napier.

Approximately two thirds of Napier City's land area is rural. While this amount of land within the City is small in a regional context, it contains character and amenity values not available in urban Napier.

There are a number of significant landscape features, that are located in or affected by the rural areas of Napier. These include the Ahuriri Estuary, the Esk and Tutaekuri Rivers and the vegetation and low peaks of the Poraiti hills.² It was considered through the studies that the Poraiti hills could absorb a limited amount of change as a result of rural

¹ Montgomery Watson, 1999, *Urban Growth Strategy Review*, Napier City Council.

² Hawke's Bay Region Natural and Physical Resource Inventory: LA4, 1994, Hawke's Bay Regional Council Napier City Landscape Assessment Study (September, 2000).

development. More generally, the wider Western Hills provide a visual backdrop to Napier and Taradale and inappropriate development can affect the character and amenity associated with this area.

Existing rural character and amenity values are largely the result of traditional rural land uses, but new or more sensitive land uses can demand new amenity levels. There is a need to recognise the need for land uses that cannot establish in an urban environment to continue to operate efficiently and economically in a rural environment. There is also the need for landowners, prospective owners and occupiers of the rural environment to recognise that there will be effects on amenity levels from rural land uses.

Rural character and amenity issues include the following:

- New residents in the rural environment of Napier City need to recognise the rural environment as a productive environment, and as such there will be associated effects on noise, odour, and other amenity levels. Similar levels of amenity as in the urban residential suburbs of Napier cannot be assured within the rural environment.
- Rural amenity and open space is being adversely affected through the increase in buildings, structures and roads in the rural environment.
- Subdivision patterns can compromise the ability to protect and enhance areas with high amenity values.
- The landscape character of the rural environment is affected by roading excavations on exposed slopes, by buildings locating on exposed ridgelines and through development along river corridors.

33.1.3 Traditional rural land uses are being displaced from some areas by residential development.

The Napier Urban Growth Strategy (NUGS) identified a number of areas for future urban development, including Lagoon Farm, the Playing Fields, Park Island, The Loop, Citrus Grove, Riverbend Road, and Serpentine/Boy's High. Of these, Lagoon Farm, Citrus Grove, and Park Island have been rezoned to Main Residential and form the Parklands and Oaklands subdivisions. Serpentine/Boy's High has also been rezoned to Main Residential and forms the Te Awa subdivision. Parklands and Te Awa are yet to be fully subdivided and potential remains for further development. The Loop and Riverbend currently remain as Rural Zone and are yet to be rezoned.

The Heretaunga Plains Urban Development Strategy 2010 (HPUDS) identifies residential greenfield growth areas. These included areas already identified under NUGS, being Park Island, Parklands/Lagoon Farm, Te Awa/The Loop, and identified an additional area in Bay View. Combined with urban intensification of the existing urban area, housing needs are anticipated to be able to be met through to 2045.

In addition, rural residential development and development in rural settlement areas is an increasing type of development in the Rural Environment, (particularly at Bay View, Meeanee, Jervoistown and Poraiti). Physical limitations however, and the lack of services to these areas place constraints on development. There are also pressures for lifestyle development in the general rural area e.g. Western Hills. HPUDS actively discourages further rural residential and residential development of rural land in order to prevent the depletion of the soil resource, preserve the rural character, and ensure the ability for rural activities to continue to operate without undue restriction. HPUDS requires local authorities to identify an urban limit, and for future urban development to not expand beyond this limit through to 2045.

Residential and rural residential issues include:

- The dispersion of residential land uses throughout rural Napier has the potential to inhibit the efficient operation of rural land uses, lead to conflict with neighbouring land uses, changes to rural character and amenity values, and pressures for further subdivision and the associated problems and costs associated with servicing and roading.
- The expansion of and infill within Bay View, Meeanee and Jervoistown is currently constrained by infrastructural servicing problems. The physical characteristics of these areas (soil types, water tables, and low lying nature) combined with the lack of services mean that the adverse effects of any further development would be significant.
- Development of existing small lots in the settlements of Meeanee and Jervoistown has been restricted in the past by the requirement to establish a productive use of the land. This has resulted in a number of vacant residential sized lots in these settlements.
- On-site water supply is a constraint to further development in the Poraiti and Taradale hill areas.

Chapter 3.1B of the Hawke's Bay Regional Policy Statement sets out Issues, Objectives and Policies that seek to provide direction to territorial authorities in the integrated management of the built environment. Among these provisions are those that seek to protect rural, productive land from urban development and identify those rural areas considered inappropriate for residential greenfield growth.

33.1.4 There is pressure for urban related land uses to establish in the rural environment which can adversely affect rural amenity values and result in conflicts with traditional rural land uses.

There are established commercial areas within rural Napier e.g. at Bay View, and some small scale tourist related land uses associated with wineries, arts and crafts in parts of the rural environment. In addition, some buildings exist on high quality soils that are no longer needed for their original purpose of supporting productive rural land uses. These include packhouses and roadside stalls, typically selling fruit and/or vegetables grown on-site and are common along the state highway and main arterial roads e.g. Meeanee Road.

Issues relating to non-rural land uses can be summarised as:

- In areas with high quality soils there is potential pressure for buildings no longer needed for productive purposes to be used for commercial and industrial land uses.
- Roadside stalls and home occupations are important for many rural holdings and may have adverse effects on rural amenity, create traffic safety problems and sometimes potentially affect the sustainability of physical resources in the City's commercial areas.

33.1.5 The efficient functioning of significant infrastructural resources can be compromised by nearby sensitive land uses.

Some areas of rural Napier contain significant facilities that enable the City's people to provide for their wellbeing, manage future growth patterns, and help avoid adverse effects on the environment. The long term viability of infrastructure can be compromised if sensitive land uses are allowed to develop nearby.

Infrastructure of regional significance includes the Hawke's Bay Airport and state highway

network, while the detention dams at Otatara and Kent Terrace, the reservoirs supplying water to urban areas of Napier, and the wastewater treatment plant at Awatoto, and many other network utility operations are considered to be of city-wide significance.

Consequently, the content of the Plan recognises that the use and development of infrastructure can be adversely affected by the location of nearby sensitive land uses. Examples of this would include noise sensitive activities locating near the Hawke's Bay Airport, or sensitive land uses locating in close proximity to the existing and proposed wastewater treatment facilities.

33.1.6 The impact of effects between adjacent land uses and between urban and rural environments.

The rural environment of Napier contains a diverse range of land uses including agriculture, horticulture, viticulture, residential and rural-residential activities. Residential and rural-residential land uses in the rural environments can adversely effect or compromise adjacent rural land uses through complaints about the effects of rural activity. People living in the rural environment need to recognise and make allowance for the accepted management practices of rural land uses, for example: agrichemical spraying, the use of farm machinery, audible bird scaring devices, odour and night harvesting.

In parts of the rural environment where the boundary of rural zones meets the boundary of residential zones, there is the potential for conflict. The effects of land uses in both zones need to be controlled to ensure that they do not adversely effect the amenity of the adjacent zones. At the same time it is necessary to ensure that the continued effective operation of a land use is not adversely effected by a land use in an adjacent zone.

33.1.7 Some land uses have significant adverse effects on natural and physical resources, and on cultural and heritage sites including cumulative effects.

Some land uses may deplete the life supporting capacity, quality and diversity of rural resources. These may include for example, uses such as mining, quarrying and drainage of wetlands. The cumulative effect of development over the long-term continues to place pressures on natural and physical resources and their associated values. If not managed in an integrated manner, they can eventually lead to the gradual diminishing of environmental quality. It is important that the effects of individual proposals are considered in the context of the cumulative effects of other similar proposals. The cumulative effects of residential land uses in the rural environment could pose a significant threat to the amenity and quality of the environment and will be carefully monitored. Similarly rural industries which process produce grown in the rural environment will need monitoring for the same reasons. It is important that the value of cultural and heritage sites in the rural environment is recognised and provided for. It is in the rural environment that significant damage to cultural and heritage sites (including archaeological sites) can occur.

In addition to the effects on the matters identified in the above issues, cumulative adverse effects are of particular concern regarding:

- The control of land uses that have the potential to have adverse effects on the quality of soil and water resources.
- The clearance of trees, removal of vegetation from stream margins, and draining of wetlands.
- Reduced amenity values and safety from increasing vehicular traffic movements on rural roads.

33.1.8 The vertical integration of activities can broaden the economic base of land-based primary production.

Vertical integration of activities refers to the ability of certain industries to add value to a product through various levels or stages of production and marketing, often on the same site. In so doing, it allows people to better provide for their social and economic well-being by reducing their reliance on commodities as being their primary (or even sole) source of income. As an example, vertical integration of the wine industry involves the location of wine making activities and cellar door sales and in some cases associated restaurants/cafes, on the same site as a vineyard (hence the integration of primary production, wine production, retailing, entertainment and tourism activities).

The need to protect and enhance the existing rural amenity is essential to the concept of vertical integration. This concept involves utilising the amenity and ambience of a locality to enable the unique branding of the product being produced. It may therefore be inherent that the buildings and grounds associated with a vertically integrated activity are designed and maintained to enhance the visual amenity of the area. The district plan therefore needs to recognise this concept by enabling the potential environmental effects of a diverse range of activities to be assessed in an integrated manner. The district plan will however also need to ensure that the diversification of activity does not undermine the productive capacity of the soil resource and its inherent ability to meet the needs of future generations or displace legitimately established activities which are reliant on the soil resource.

33.1.9 The cumulative effects of ad hoc residential subdivision and development in certain locations within the Rural Environments are placing unsustainable pressure on infrastructural services.

There is pressure for urban related land uses including subdivision to occur within and adjacent to existing rural settlement areas of Napier which are having adverse effects on existing infrastructure specifically, roads, water supply, and stormwater and sewage disposal. These infrastructural services have been designed on the basis of servicing low intensity residential uses within the Rural Environments but are not capable of supporting ever increasing intensification of residential development without substantial upgrades.

Jervoistown settlement in particular has undergone significant growth since its inclusion within the boundary of Napier City in 1989. Increased demand for subdivision combined with large houses and hard surface areas has placed greater pressure on existing rural services in particular stormwater and waste water disposal and water supply, within the settlement area. Physical limitations and the lack of services to this area now necessitate constraints being placed on future development until suitable infrastructural services capable of supporting the level of demand being placed on them are provided.

In recognition of the fact that the 'rural' standard infrastructural services could not support additional residential intensification in areas of high water tables and heavy ground conditions, only the core residential parts of Jervoistown (and also Bay View and Meeanee) were zoned Rural Settlement while the remaining parts were zoned Main Rural. The intention for this was to allow normal, albeit limited, residential development to occur in the Rural Settlement Zone but to severely limit any further residential intensification in the area.

In terms of Jervoistown however, a series of ad hoc subdivision consents for residential development have been approved within the Main Rural Zone immediately adjacent to the Rural Settlement Zone of Jervoistown. These subdivisions have cumulatively caused ever increasing pressure on infrastructure already under strain and with no mechanism available to obtain means of contributions to mitigate local off site effects the whole of

Jervoistown is at risk from failure of what is now widely recognised as substandard infrastructural services.

The District Plan now needs to recognise the whole of the Jervoistown residential/semi-residential area as a distinct community (Jervoistown Zone) with specific land use characteristics and provide relevant and realistic rules for future development of this area. This translates to a minimum lot size arising from subdivision that recognises the lack of urban infrastructure, an overall structure plan identifying local off-site capital works necessary to support this level of development and the financial contributions required to undertake these works. Subdivision below the permitted minimum lot size will then be prohibited until such time as a clear majority of landowners in the Jervoistown Zone want and agree to pay for full urban services to be put in place. The majority threshold is 75% of land owners and will be determined by one vote per individual site (site being as defined in Chapter 68 (Definitions)). Once full infrastructural services are established a normal (Main) residential zone will then apply.

A second structure plan showing all of the infrastructural works necessary to support a Main Residential Zone and the cost of providing these services are included in the District Plan to give certainty to Jervoistown residents as to the process and cost of moving to a Main Residential Zone, as at 2012. These figures will be reassessed at the time, if and when the rezoning proceeds.

OBJECTIVES, POLICIES AND METHODS

The following objectives, policies and methods apply to all rural zones throughout the district.

Objective 33.2 – Inappropriate Subdivision, Use and Development

To protect the City's outstanding natural features, significant landscapes, and its rural land from the adverse effects of inappropriate subdivision, use and development of land.

This objective relates to Issues 33.1.1; 33.1.2 and 33.1.6.

Policies

To achieve this objective, the Council will:

- 33.2.1 Ensure that on rural land; potential is maintained for a range of current and future productive land uses to occur.
- 33.2.2 Ensure that the rural character of rural land is maintained for future generations.
- 33.2.3 Manage land uses and subdivision to ensure any adverse effects on outstanding natural features and significant landscapes are avoided, remedied or mitigated.
- 33.2.4 Avoid the location and siting of structures on skylines, ridges, hills, and prominent places and natural features.
- 33.2.5 Require specific consideration of the landscape and visual effects of development proposals where they are located on landscapes identified as outstanding or significant in the Napier City Landscape Assessment Study.
- 33.2.6 Avoid, remedy and mitigate the adverse effects of residential and rural land uses on each other.
- 33.2.7 Restrict the location of any business of prostitution to ensure that any adverse effects on the character and amenity of the rural environment are avoided.
- 33.2.8 Establish defined urban limits to retain and protect the versatile and productive soils from ad hoc urban subdivision and development in accordance with the recommendations of the adopted Heretaunga Plains Urban Development Strategy (HPUDS).
- 33.2.9 Discourage the separation of dwellings from the productive use of rural land.
- 33.2.10 Supplementary units, residential care facilities, day care centres, education facilities, travellers' accommodation, or seasonal workers accommodation shall remain incidental to the main use of the land and shall not be subdivided from the remainder of the site.
- 33.2.11 Restrict activities which may cumulatively deplete the versatility and productivity of the soil resource.

Principal Reasons for Adopting Objective and Policies

The protection of productive and versatile soils is a matter of consideration both against the background of Section 5 of the Act and in terms of Section 7 in having particular regard for any finite characteristics of natural and physical resources and their efficient use and development. The Hawke's Bay Regional Policy Statement also recognises that "the versatile land of the region, particularly in the Heretaunga Plains sub-region is a regionally, if not nationally, significant resource for primary production and ultimately underpins the economy of

the Region”, and that “pressure from urban development encroaching on this resource is a regionally significant issue” ISS UD2 of the Hawke’s Bay Regional Resource Management Plan.

The Heretaunga Plains includes some of the most fertile and versatile soils in New Zealand. The subdivision of land holdings into small lots and subsequent land uses can reduce the range of possible uses, compromise the productive use of soil resources and potentially affect the character and amenity of the rural environment. It can also limit the potential for current and future generations to provide for their social, economic and cultural wellbeing. Once land is converted for residential land uses, it is rarely converted back to rural land uses and since versatile soils are a limited resource, any adverse effect on versatile soils shall be avoided, remedied or mitigated. The Council will encourage the amalgamation of small areas of land which are not suitable for sustained, independent production. This will ensure that a more diverse range of productive land uses can occur and will enable the soil resource to be utilised in a sustainable manner. Specified small-scale ‘non-rural’ activities are permitted in order to support the rural use of the land, however these must remain a part of these existing rural sites, and must not be subdivided from the site to create a separate non-rural use.

Productivity and versatility of soils can be improved through modern farming practices and technological improvements. It is important that the finite resource of rural land is preserved from the effects of non-rural uses so that future generations can benefit from the productive capacity of the soils. To ensure the versatile and productive soils of the Heretaunga Plains are not depleted, HPUDS requires local authorities to establish an urban limit and for no new residential and rural residential subdivision and development to occur beyond this limit.

The Act clearly states that the protection of outstanding landscapes and natural features from inappropriate subdivision, use and development is a matter of national importance (Section 6(b)). The values associated with significant landscapes and natural features within Napier City include amenity, historical, cultural and rarity associations. Careful management, including the control of subdivision, land use and/or development, is necessary to ensure such valued areas within the rural environment are maintained, enhanced and protected for current and future generations. An assessment of the landscape values, and the development proposals impacts on these, will be a requirement for any development occurring within an outstanding or significant landscape, as identified in the Napier City Landscape Assessment Study.

The Council aims to avoid the location of any business of prostitution in the Rural environments of the city in order to preserve the existing rural character and amenity.

Methods

- (1) District Plan Rules
 - a) Rural zones are created to include highly productive areas. Residential, rural residential and urban related land uses are focused into zones which have lower levels of productive potential.
 - b) Subdivision conditions reflect the environmental outcomes sought for each zone. The creation of small lots on versatile soils is restricted, particularly on high quality soils at Meeanee, Esk Valley and parts of Bay View.
 - c) Inappropriate land uses are encouraged to locate in different zones.
- (2) Other Methods
 - a) Education and providing information to encourage the amalgamation of small titles on productive and versatile soils in order to avoid, remedy or mitigate the adverse effects of fragmentation of land.

- b) Information will be provided for properties that are within a given proximity of rural land uses, regarding the consequences of living in the rural environment, including any potential land use conflicts.
- c) Education and provision of information to the community, in particular, landowners and developers, could assist in the protection of the City's outstanding natural features and significant landscapes.
- d) The Council will monitor the use and success of transferable development rights in other districts as a possible option for maintaining productive potential.
- e) The Council, along with user groups and the Hawke's Bay Regional Council will promote voluntary compliance with industry codes of practice, including the following:
- NZS 8409:1999 Code of Practice for the Management of Agrichemicals.
 - Poultry Industry Association of New Zealand (Inc.) – Poultry Livestock Production, Environmental Standards: Discussion Document, 12 April 1995.
 - New Zealand Forest Code of Practice, Second Edition, June 1993, New Zealand Logging Industry Research Organisation, (LIRO).
 - Code of Practice for Fertiliser Use – New Zealand Fertiliser Manufacturers Research Association (1998).
- f) The use of LIM's and PIM's to advise of the level of effects associated with everyday rural land uses.
- g) The use of structure plans and associated conditions in any greenfield residential subdivision to provide for the separation distance between rural and urban activities.
- h) The option of the use of non-complaint covenants to avoid reverse sensitivity issues.

Principal Reasons for Methods

The Plan acknowledges that there are parts of the City where effects of land uses are going to have a different level of impact. Accordingly, standards for land uses will differ over various parts of the City. The result is that boundaries have been drawn around areas where certain levels of performance are required - this is known as a zone.

The principal reasons for adopting this type of approach are:

- *The emphasis of the Resource Management Act 1991 is on managing the effects on the environment.*
- *It is necessary to recognise that existing zones do exist where land uses are segregated and different performance standards are expected.*
- *Natural and physical features vary throughout the City, with different effects of land uses being experienced.*

This zoning approach will be complemented by a range of other methods.

The subdivision of small lots on versatile soils can compromise the productive potential of soil resources and restrict the range of possible land uses that lots can be used for. The encouragement of the amalgamation of small lot titles will ensure that a more diverse range of productive land uses can occur and will enable the soil resource to be utilised in a sustainable manner, while maintaining the character and amenity of the rural environment.

Education and provision of information can enhance the community's awareness to the value of the City's natural features and significant landscapes. Furthermore, information in the form of an informative leaflet and publicity about the consequences of living in rural areas will provide information to purchasers and landowners

regarding existing activities in the locality which may cause a nuisance to residents. This will help avoid conflicts between existing and new land uses. Examples of existing rural land uses that people wishing to live in the rural environment should be aware of include, spray-drift, noise from machinery and dust from unsealed roads.

Transferable development rights create incentives to achieve positive environmental outcomes in one location (e.g. erosion protection) in exchange for extra development rights in another location (e.g. subdivision). Because this method is largely untried, the Council will monitor its success in other districts before considering its application in rural Napier.

By promoting Industry Codes of Practice the Council recognises existing attempts by different sectors to manage the environmental effects of their land uses.

LIM's and PIM's are valuable early warning devices to prospective land owners on the type of effects that are likely to be encountered in the rural environment as a result of normal rural land use. One means of mitigating adverse effects is to ensure that any new residential developments includes a separation distance between the two land uses.

Separation distances at the interface of urban and rural boundaries is an accepted practice to avoid remedy or mitigate the effects of rural land uses on residential land uses (e.g. spray drift from orchards noise from bird scaring devices) and can help overcome reverse sensitivity on existing rural operations. Separation buffers will be required for any new greenfield residential subdivision and will be located on the land of the new development. It will be included by means of the structure plan process or as a condition to any Plan Change Request for a residential zoning.

The 'no-complaints' covenant is a method that is starting to gain recognition for its ability to reduce the potential for reverse sensitivity. 'No-complaints' covenants works on the principle that a person moving into a rural environment can do so, if they recognise that there will be some adverse effects from rural activity and agree to make no complaints about them. However this does not mean, the effects of rural activities will not be managed, rural activities must still comply with all of the relevant conditions in the relevant activity table and condition tables.

Objective 33.3 – Rural Character and Amenity

To maintain and enhance the character and amenity values of the rural environment.

This objective relates to Issues 33.1.2, 33.1.6 and 33.1.8.

Policies

To achieve this objective, the Council will:

- 33.3.1 Control the scale and intensity of land use and development (including subdivision) in the rural areas to maintain rural character and amenity, and a sense of openness and privacy.
- 33.3.2 Assist community and interest groups to prepare community vision documents and plans, and have regard to any such documents when making decisions on resource consent applications.
- 33.3.3 Recognise the concept of vertical integration when assessing the effects of land-based primary production activities and any associated 'non-rural' activities intended to complement those activities.
- 33.3.4 Restrict the number and scale of residential dwelling units, supplementary units and other non-rural uses permitted in rural areas.

Principal Reasons for Adopting Objective and Policies

Rural and non-rural land uses need to be managed so that a reasonable standard of amenity is maintained. Controls on the adverse effects of land uses will be imposed to ensure that these effects do not impinge on the amenity of neighbouring properties, and that the general character and sense of place of rural Napier is

maintained.

The productive rural area of Napier forms an important part of the overall character of the City. The Council recognises that where non-rural land uses establish, the productive purpose of the land is removed. It also recognises that non-rural activities can also result in a loss of open space, increased traffic generation, and a proliferation of residential land uses, all of which can reduce the amenity of an area characterised by sparse housing settlement and by primary productive land uses. The Council also wishes to ensure that the cumulative effects of non-rural activities do not have a significant adverse effect on the rural landscape.

The Ahuriri Estuary is an area of high natural value which is bounded in part by the rural-residential zone. The preservation of the natural character and natural values of the Estuary, including its margins is considered to be a fundamental outcome for the area. To fulfil the purpose of the Act it is necessary to safeguard the life-supporting capacity of the ecosystem, in addition the estuary has significant value for tangata whenua.

Other significant landscape features which require protection from inappropriate subdivision, use and development include the Esk and Tutaekuri Rivers, the Poraiti Hills and wider western hill area with particular recognition of the Sugar Loaf hill. The Council includes the lifestyle character zones as areas with high levels of amenity that needs to be maintained. The Council recognises that because this zone immediately adjoins fully residential areas and is serviced there will be pressure for further subdivision. This would have an adverse effect on the amenity of the adjoining rural residential area and directly conflict with the purpose of the zone, which is to be a transition between the rural and residential environments.

The district plan identifies agricultural, horticultural, and viticultural activities as permitted activities in many parts of Napier's rural environment. The vertically integrated nature of some primary production activities can ensure that both the 'industrial' and 'commercial' components of their industry are managed together to ensure the sustainable management of land suitable for production and to help create an ambience under which the products being produced may be identified. For these reasons, some vertically integrated land uses may contribute positively to the efficient and effective use of land and the visual amenity of the area. However, controls are necessary to ensure primary production activities and their associated non-rural land uses do not adversely affect the environment, and any neighbouring landowners.

Methods

(1) District Plan Rules

- a) The rural environment is divided into zones based in part on the character of the existing land use and development in the various areas.
- b) Activity tables and condition tables are applied to manage the potential adverse effects of land uses and developments, in order to maintain and enhance amenity values.
- c) Development of areas identified for future urban expansion is subject to an approved structure plan and resolution of infrastructural servicing constraints.
- d) The District Plan requires financial contributions for certain developments that among other things can be applied to the purchase and upgrading of public reserves.

(2) Other Methods

- a) The Council will work with the Regional Council to provide information and advice to landowners regarding ways to prevent erosion.
- b) Monitor the use of transferable development rights in other districts.
- c) Education and provision of information and advice to community and interest groups to assist those groups in the preparation of community vision documents.

Principal Reason for Methods

Rural character and amenity values have largely been established by traditional rural activities e.g. farming, but new, more sensitive land uses can demand new amenity levels e.g. lifestyle development. The zones in

the Rural Environment recognise the amenity levels associated with the principal land uses in each zone, and that new or emerging land uses must accept these existing amenity levels.

Section 31(d) of the Act places a responsibility on the Council to control the emission of noise and mitigate the effects of noise. A maximum level of acceptable noise will be identified for each zone and implemented through development standards for permitted activities, and as a condition on resource consents for other land uses.

Structure plans will enable the form and direction of future growth of each locality to be managed efficiently and effectively, having regard to the character of the land, the present and future needs of the community e.g. roads and other services, and environmental effects including flooding, water quality and landscape. Poorly planned subdivision of individual land parcels can compromise the long-term efficient development of the wider area.

An average lot size is applied in existing residential and rural residential areas to enable the existing infrastructure to service the areas without a financial commitment from the Council to provide urban services. To ensure sound design, development and appropriate servicing of subdivisions, the Council requires those relevant parts of the Code of Practice for Subdivision and Land Development be complied with.

Raising awareness and providing advice to landowners on options to manage erosion is likely to result in long term positive environmental outcomes.

Transferable development rights create incentives to achieve positive environmental outcomes in one location e.g. erosion protection in exchange for extra development rights in another location e.g. subdivision. Because this method is largely untried, the Council will monitor its success in other districts before considering its application in Napier's Rural Environment.

Objective 33.4 – Residential and Rural Residential Development

To enable residential and rural residential development in a manner that avoids, remedies or mitigates adverse effects on the environment and the rural character of the environment.

This objective relates to Issues 33.1.3; 33.1.5 and 33.1.6.

Policies

To achieve this objective, the Council will:

- 33.4.1 Ensure that residential, lifestyle character and rural residential development avoids, remedies or mitigates any adverse effects on the capacity of existing infrastructure or on the receiving environment.
- 33.4.2 Manage the adverse effects of agricultural, horticultural and viticultural activities in a manner which safeguards the life-supporting capacity of air, water, soil and ecosystems and avoid, remedy or mitigate any adverse effects on peoples' health and safety who reside in residential or rural residential zones.
- 33.4.3 Discourage or avoid rural residential development outside of existing rural residential zones, particularly on soils of high versatility or which have a long term potential for productive use.
- 33.4.4 Encourage rural residents to recognise noise, dust and other amenity issues are part of the rural environment.
- 33.4.5 Ensure that residential, lifestyle character and rural residential development does not adversely effect the long term sustainability and development of natural and physical resources in the rural environment.
- 33.4.6 Ensure the adverse effects of residential and rural activities on one another are avoided, remedied or mitigated by creating a separation distance between the residential and rural

environments where any new greenfield residential subdivision occurs.

- 33.4.7 Restrict the location, scale and extent of lifestyle character development to area located between established residential and rural residential development, and away from highly versatile soils.
- 33.4.8 Ensure that amenity and character values are not adversely affected and/or services over committed by the overall density of development within lifestyle character zones.
- 33.4.9 Within the Rural Zone, avoid residential or rural residential subdivision and development outside of the residential greenfield growth areas identified in Appendix 35.
- 33.4.10 Inappropriate ad hoc subdivision and development within residential greenfield growth areas identified in Appendix 35 prior to rezoning shall be avoided.
- 33.4.11 Encourage the clustering of non-rural buildings in order to retain land for productive use and minimise effects on rural character and amenity.

Principal Reasons for Adopting Objective and Policies

The scale and extent of residential and rural residential development has the potential to create adverse effects on existing infrastructure, in particular sewerage, water supply, stormwater and the roading network. Property owners in rural residential zones must recognise that the level of infrastructure to these areas will fall below that of fully residential zones. The Council makes no commitment to providing a level of services including roads, beyond normal rural standards.

The use of land for lifestyle character and rural-residential development provides a lifestyle choice for people. However, the Council is committed to retaining productive and potentially productive soils for productive use and will direct residential, lifestyle character and rural-residential development away from land with high potential value for primary production and land with versatile soils. To protect the resources of the Rural Zone, residential and rural residential development will be actively discouraged or avoided in areas outside of the residential greenfield growth areas identified in Appendix 35. This is a requirement of HPUDS and of the Hawke's Bay Regional Resource Management Plan. Similarly, ad hoc subdivision within potential residential growth areas that have not yet been rezoned can ultimately compromise future development of the land in an efficient and cost effective manner. Inappropriate subdivision and development must therefore be avoided in these situations at all costs. Such actions are required in accordance with Policy UD10.1A of the Hawke's Bay Regional Resource Management Plan.

The Council also wishes to emphasise that rural residential areas are seen as primarily rural in character, rather than residential in character, and this will influence the assessment of applications and land uses. Rural residential dwellers need to recognise activities do occur that differ from the common perception of the rural environment as being quiet and green. Effects from activities include noise from moving of stock, noise from machinery, and dust from unsealed roads. There can also be the requirement to provide ones own water supply and rubbish disposal services. While the adverse effects of rural activities need to be managed, the above policies seek to recognise the 'Right to Farm' rural and rural residential land and the need to avoid conflicts between incompatible land uses.

Separation distances at the interface of urban and rural boundaries is an accepted practice to avoid remedy or mitigate the effects of rural activity on residential activities and can help overcome issues of reverse sensitivity. Separation buffers will be required for any new greenfield residential subdivision and will be located on the land of the new development. It will be included by means of the structure plan process or as a condition to any Plan Change Request for a residential zoning.

Methods

- (1) District Plan Rules
 - a) Residential and rural residential activities are focused into zones with low or little productive potential at Bay View, Meeanee, Jervoistown, Poraiti and traditional rural activities are focused into areas with versatile and highly productive soils.
 - b) Development of areas identified for future urban expansion is subject to an

approved structure plan and resolution of infrastructural servicing constraints, including through the implementation of financial contributions.

- c) Subject to environmental and servicing constraints, flexible subdivision and building conditions are implemented in existing residential and rural residential zones.

(2) Other Methods

- a) The Council, along with user groups and the Hawke's Bay Regional Council will promote voluntary compliance with industry codes of practice
- b) Information about potential landuse conflicts through informational leaflets and publicity will be provided for properties within a certain distance of a rural productive use, on the consequences of living in rural areas.
- c) Education and provision of information to the community, in particular, landowners and developers, could assist in the protection of the City's outstanding natural features and significant landscapes.
- d) The Council will monitor the use of transferable development rights in other districts.
- e) The Council will utilise its powers under the Act to issue abatement notices and enforcement orders for land uses creating a nuisance or otherwise having an adverse effect on the environment that could be avoided, remedied or mitigated.
- f) The use of LIM's and PIM's to advise of the level of effects associated with everyday rural activities.
- g) The use of structure plans and associated conditions in any greenfield residential subdivision to provide for the separation distance between rural and urban activities.

Principal Reasons for Methods

Areas of land at Bay View, Poraiti and the Taradale Hills that are zoned as rural-residential are not of high productive potential. The comparatively small lot size also limits productive potential. To acknowledge this, the area is intended to remain rural in character but standards relating to land uses will be more flexible than in rural areas. Similarly land zoned as lifestyle character does not have a high productive potential and it will have standards that relate to more rural settlements with a higher level of amenity through lower density development.

The provision of appropriate infrastructural services including water supply, wastewater disposal, stormwater disposal, and a roading network that functions in an efficient and effective manner can manage effects on the environment arising from residential development. However the cost of these services is significant and the Council does not have the financial resources to provide them to Rural Settlement or Rural Residential areas. Any such proposals would require a financial commitment from the community and careful long term financial planning from the Council.

By promoting Industry Codes of Practice, the Council recognises existing methods by different sectors to manage the environmental effects of their land uses.

Education and provision of information can enhance the community's awareness to the value of the City's natural features and significant landscapes. Furthermore, information in the form of an informative leaflet and publicity about the consequences of living in rural areas will provide information to purchasers and landowners regarding existing land uses in the locality which may cause a nuisance to residents. It is hoped that by providing information on the types of activities that occur in the rural environment, landowners and prospective owners and occupiers will gain a realistic view of the rural environment and its associated activities. This information will improve awareness and assist in avoiding conflicts between existing activities and new land uses.

Transferable development rights create incentives to achieve positive environmental outcomes in one location e.g. erosion protection in exchange for extra development rights in another location e.g. subdivision. Because this method is largely untried, the Council will monitor its success before considering its application in rural Napier.

Although the enforcement mechanisms established by the Resource Management Act will be used as a last resort, they are another important method for ensuring adverse effects on the environment are avoided, remedied or mitigated.

LIM's and PIM's are valuable early warning devices to prospective land owners on the type of effects that are likely to be encountered in the rural environment as a result of normal rural activity. One means of mitigating the effects is to ensure that any new residential developments include a buffer / separation distance between the two land use activities.

Objective 33.5 – Services and Infrastructure

To enable the use and development of services and infrastructure in a manner which avoids, remedies or mitigates adverse effects on the environment.

This objective relates to Issue 33.1.5.

Policies

To achieve this objective, the Council will:

- 33.5.1 Carefully manage the subdivision and development of land surrounding and within the flight path of Hawke's Bay Airport, to protect the efficient operation and future expansion of the airport.
- 33.5.2 Maintain a buffer between Ahuriri Estuary and the existing and proposed urban areas to the south, to protect the Ahuriri Estuary ecosystem.
- 33.5.3 Protect and provide for the maintenance and, where necessary, expansion of existing infrastructure, in particular the Hawke's Bay Airport, roads, the wastewater treatment plant and river control works.
- 33.5.4 Ensure that the design, development and servicing of subdivision and land development avoids, remedies or mitigates adverse effects on natural and physical resources.

Principal Reasons for Adopting Objective and Policies

Hawke's Bay Airport is a vital part of the regional economy. Policies for the management of surrounding landuses, including the future development of Lagoon Farm, are necessary to protect its safe and efficient operation and its future expansion.

Parts of Lagoon Farm and the land surrounding the airport, is an important wetland for the Ahuriri Estuary and a large stormwater catchment area. This needs to be recognised in any future development of these areas.

Significant financial investments have been made in existing infrastructure. The wastewater treatment plant at Awatoto will provide for the City's future wastewater treatment needs. Issues of 'reverse sensitivity' may affect the plant if sensitive land uses are located around it. For this reason the Council will discourage residential and rural residential activities from locating near the plant and discourage any further subdivision occurring near the wastewater treatment plant, i.e. areas east of McLeod Road, in order to avoid potential future problems. Similar issues arise in relation to the Hawke's Bay Airport. The objectives and policies of this plan intend to carefully manage the potential of 'reverse sensitivity' effects on the Airport's operation and development. This is primarily addressed through controlling the location of noise sensitive activities.

Failure to provide for the maintenance of the City's infrastructure can result in adverse effects on community wellbeing and the environment. It is also important that lots are subdivided and developed in a manner that avoids, remedies or mitigates adverse effects on natural resources (e.g. ground water contamination from sewage disposal).

Methods

- (1) District Plan Rules
 - a) The Airport zone allows district plan provisions to be specifically included to ensure the efficient operation and expansion of the airport.
 - b) Subdivision and development is restricted on the land surrounding the airport. Development is restricted within airport noise boundary and the airport approach and take-off paths to ensure careful management of noise sensitive activities and potential risks associated with the congregation of people within these areas.
 - c) Subdivision and development is discouraged on land surrounding the area identified for the wastewater treatment plant at Awatoto.
 - d) Rural subdivision and development is subject to environmental and servicing constraints, in particular within rural residential and rural settlement zones.
 - e) Subdivision and development of large land holdings in rural residential zones and new residential zones will be in accordance with an approved structure plan that has regard to environmental and servicing constraints.
 - f) Provision is made for the maintenance and expansion, as appropriate, of existing infrastructure throughout the rural environment.
 - g) Financial contributions will be required for subdivisions, when more than one dwelling is constructed on a site, and for non-rural land uses.
- (2) Other Methods
 - a) The Council will monitor development within residential and rural residential areas to ensure that the infrastructural capacity of these areas is not exceeded.

Principal Reasons for Methods

Zoning, subdivision and restrictions on buildings are an established method for safeguarding the efficient function and operations of Hawke's Bay Airport and surrounding land. Zoning and discouragement of subdivision and land development is an important method for safeguarding the potential efficient function and operation of the wastewater treatment plant and the surrounding land.

A minimum lot size is applied in existing rural settlement and rural residential areas to enable the existing infrastructure to service the areas without a financial commitment from the Council to provide urban services. To ensure sound design, development and appropriate servicing of subdivisions, the Council requires that relevant parts of the Code of Practice for Subdivision and Land Development be complied with.

In addition, structure plans are required from Council before commencement of subdivision of large land holdings in rural residential zones. This is to enable the form and direction of future growth of each locality to be managed efficiently and effectively, having regard to the character of the land, the present and future needs of the community (e.g. roads and other services), and environmental effects including flooding, water quality and landscape. The subdivision of individual land parcels can compromise the long term efficient development of the wider area.

Financial contributions are necessary to mitigate adverse effects of additional development in the rural environment, on services and infrastructure.

Objective 33.6 – Cumulative Effects

To ensure that the cumulative adverse effects of subdivision, use and development of land on rural resources are recognised, and avoided, remedied or mitigated.

This objective relates to Issues 33.1.7 and 33.1.8.

Policies

To achieve this objective, the Council will:

- 33.6.1 Ensure that subdivision, use and development of natural and physical resources are managed in an integrated manner, so that cumulative adverse effects, including effects that range across resources or across jurisdictional boundaries, are avoided, remedied or mitigated.
- 33.6.2 Manage the cumulative adverse effects of subdivision, residential development, and commercial and industrial activities on the character and amenity of the City's rural areas, so that these effects are avoided, remedied or mitigated.
- 33.6.3 Ensure that adverse effects on identified cultural and heritage sites are avoided, remedied or mitigated.
- 33.6.4 Closely monitor the effects of the creation of small allotments in the Rural Residential Zone on the rural amenity, landscape character and land resources such as groundwater.
- 33.6.5 Closely monitor the effects of residential development on the Rural Environment.

Principal Reasons for Adopting Objective and Policies

Impacts of subdivision and land development in the Rural Environment include increased areas of impermeable surfaces and runoff, increased water consumption, higher levels of sewage and waste generation, traffic generation, and the physical take up of land. Unless such development is managed in an integrated manner, the cumulative adverse effects on the City's rural resources are likely to be significant.

Cultural and heritage sites (particularly archaeological sites) are present in the rural environment. Some of these sites have been identified to an exact location, some to a general area, and some have not yet been identified. These sites make up a varied and valuable picture of New Zealand's history and thus it is important that monitoring of the effects of land uses is undertaken, and where appropriate adverse effects are avoided, remedied or mitigated.

The objectives and policies recognise that integrated management is critical to addressing the cumulative adverse effects of subdivision, use and development on the City's rural resources. A City-based approach will not always be sufficient for dealing with all the issues facing the City, and the Regional Council and Hastings District Council have an important complementary role. The consistent administration of the District Plan will also be of key importance for the management of cumulative effects.

Methods

- (1) District Plan Rules
 - a) The District Plan identifies the status of land uses that may be established in the rural environment (e.g. controlled, discretionary). For land uses identified as discretionary, particularly commercial and industrial activities, the assessment criteria require cumulative adverse effects to be considered during the consent process. This is also a requirement of the Resource Management Act 1991.
- (2) Other Methods
 - a) The Council will actively consult with Hawke's Bay Regional Council and Hastings District Council for matters of cross-boundary significance. Where a notified resource consent is required from either of these Councils in addition to

any consent required from Napier City Council, the Council will encourage the use of the joint hearing process.

Principal Reasons for Methods

Cumulative adverse effects will need to be considered for all the issues identified in the District Plan, including versatile soils, rural character and amenity, and infrastructure, and the resource consent process provides an effective mechanism for doing so. Close liaison between authorities is a key part of assessing cumulative effects. Joint hearings are also important to ensure that effects are considered in an integrated manner.

Objective 33.7 – Jervoistown

To ensure that any subdivision and land development within the Jervoistown Zone only occurs in accordance with the relevant structure plan for the provision of key infrastructure in the area and to prohibit all other residential subdivision until such time as the infrastructural services necessary to support residential development as shown on the relevant structure plans are available.

This objective relates to Issues 33.1.1, 33.1.3 and 33.1.9.

Policies

To achieve this objective, the Council will:

- 33.7.1 Prevent full urbanisation of the Jervoistown Zone until such time as a clear majority* of landowners within the Jervoistown Zone agree that they wish such services to be provided and agree to pay for them in which case a normal (Main) residential zone will then apply.

Note

* The majority threshold is 75% of land owners and will be determined by one vote per individual site (site being as defined in Chapter 68 (Definitions)).

- 33.7.2 Ensure that the Structure Plans developed for the Jervoistown Zone form the framework for future subdivision in the Zone.

- 33.7.3 Require the subdivider or developer to meet their proportionate costs of upgrading existing infrastructure where the development/subdivision will necessitate such upgrading of services.

- 33.7.4 Require the subdivider or developer to meet their proportionate costs for the provision of new infrastructure where the development/subdivision will necessitate such new off-site services.

- 33.7.5 Ensure that the design, development and servicing of subdivision and land development avoids, remedies or mitigates adverse effects on natural and physical resources.

- 33.7.6 Prohibit subdivision within the Jervoistown Zone below the minimum lot size.*

Note

* This excludes any boundary adjustment and subdivision for a network utility operation.

- 33.7.7 To only provide for subdivision within the Jervoistown Zone when it complies with the minimum lot size.

- 33.7.8 Control the size of allotments within the Jervoistown Zone until full urban services are established.

- 33.7.9 Ensure that within the Jervoistown Zone that adequate infrastructure is provided by the landowner/developer in a manner that avoids, remedies or mitigates adverse effects on the environment or on neighbouring properties.
- 33.7.10 Avoid, remedy and mitigate the adverse effects of residential and rural land uses on each other.
- 33.7.11 Require acoustic insulation on new noise sensitive activities and the addition of a habitable space to existing noise sensitive activities where they are located within the Hawke's Bay Expressway noise control boundary.

Principal Reasons for Adopting Objective and Policies

The scale and extent of residential development has the potential to create adverse effects on existing infrastructure, in particular sewerage, water supply, stormwater and the roading network. Property owners in the Jervoistown Zone must recognise that the level of infrastructure to the area falls below that of fully residential zones. The Council makes no commitment to providing a level of service including roads, beyond normal rural standards unless the community itself agree they wish these services to be upgraded and are willing to pay for such services.

The use of land in the Jervoistown Zone for residential development provides a lifestyle choice for people. Residents in this zone need to recognise activities do occur that differ from the common perception of the rural environment as being quiet and green. Effects from activities within the adjacent Main Rural Zone could include noise from moving of stock, noise from machinery, and dust from typical rural activities. There can also be the requirement to provide ones own water supply and waste water disposal services. While the adverse effects of rural activities need to be managed, the above policies seek to recognise the 'Right to Farm' rural land and the need to avoid conflicts between incompatible land uses.

Intensification of development within existing rural communities can increase pressure on infrastructural services in particular sewerage, water supply, stormwater and the roading network. In the case of Jervoistown, development has occurred incrementally over the years ahead of any planned urbanisation of the settlement. Residents of this area now need to recognise that any further development will place additional pressure on the existing infrastructure in particular stormwater and sewage disposal resulting in more than minor effects on the environment. Development of an urban nature of the Jervoistown area will be subject of a structure plan process that identifies the services required before full urbanisation of Jervoistown can occur.

Where residential areas are affected by activities of regional significance with particular noise characteristics such as activities associated with the port, airport and Hawke's Bay Expressway, rules are applied to new noise sensitive activities such as dwellings and educational facilities which require mitigation of noise in the receiving environment. This complements rules in the Port Industrial and Airport Zones which control noise generated by land uses within the zones.

The Council is aware that non-residential activities such as the Port, Airport and Hawke's Bay Expressway need certainty to continue to develop in the future. It is important that such development can occur, however, in considering the effects on the environment of any such development, regard must be given to appropriate amenity levels in the surrounding residential zones and how the effects can be avoided, remedied or mitigated where practicable. Residents moving into areas overlooking, or near to the Port, Airport or Hawke's Bay Expressway should be aware that the level of effects will not be the same as in other residential zones.

Methods

- (1) District Plan Rules
 - a) Residential and rural residential activities are focused into zones with low or little productive potential at Bay View, Meeanee, Jervoistown, Poraiti and traditional rural activities are focused into areas with versatile and highly productive soils.
 - b) Subdivision of land in the Jervoistown Zone will be in accordance with an approved structure plan that has regard to environmental and servicing constraints.
 - c) Financial contributions will be required for subdivisions that result in the creation

of new lots and on land development (multi unit development) when more than one dwelling is constructed on a site.

(2) Other Methods

- a) Information will be provided for properties that are within a given proximity of rural land uses, regarding the consequences of living in the rural environment, including any potential land use conflicts.
- b) The Council will monitor development within the Jervoistown Zone to ensure that the infrastructural capacity of the area is not exceeded.
- c) The use of LIM's and PIM's to advise of the level of effects associated with everyday rural land uses.
- d) The option of the use of no-complaint covenants to avoid reverse sensitivity issues.
- e) The use of structure plans and associated conditions in the Jervoistown Zone to provide direction for future urbanisation of the area and eventual integration with the Main Residential Zone.

Principal Reasons for Methods

The Plan acknowledges that there are parts of the City where effects of land uses are going to have a different level of impact. Accordingly, standards for land uses will differ over various parts of the City. The result is that boundaries have been drawn around areas where certain levels of performance are required - this is known as a zone.

The principal reasons for adopting this type of approach are:

- *The emphasis of the Resource Management Act 1991 is on managing the effects on the environment.*
- *It is necessary to recognise that existing zones do exist where land uses are segregated and different performance standards are expected.*
- *Natural and physical features vary throughout the City, with different effects of land uses being experienced.*

This zoning approach will be complemented by a range of other methods.

The subdivision of individual land parcels can compromise the long term efficient development of an area. A minimum lot size is applied in the Jervoistown Zone to enable the existing infrastructure to service the area without a financial commitment from the Council to provide urban services. To ensure sound design, development and appropriate servicing of subdivisions, the Council requires that relevant parts of the Code of Practice for Subdivision and Land Development be complied with.

Structure plans will direct the future growth of Jervoistown in an efficient and effective manner, having regard to the character of the land, the present and future needs of the community (e.g. roads and other services), and environmental effects including flooding, water quality and amenity.

The provision of appropriate infrastructural services including water supply, wastewater disposal, stormwater disposal, and a roading network that functions in an efficient and effective manner can manage effects on the environment arising from residential development. However the cost of these services is significant and the Council does not have the financial resources to provide them to Rural Settlement, Rural Residential or Jervoistown areas. Any such proposals would require a financial commitment from the community and careful long term financial planning from the Council.

Financial contributions are necessary to mitigate adverse effects of additional development in the rural environment, on services and infrastructure.

Education and provision of information can enhance the community's awareness of the consequences of living adjacent to rural areas and will provide information to purchasers and landowners regarding existing activities in the locality which may cause a nuisance to residents. It is hoped that this information will help avoid conflicts between existing and new land uses. Examples of existing rural land uses that people wishing to live in the rural environment should be aware of include spray-drift, noise from machinery and dust associated with cropping land.

LIM's and PIM's are valuable early warning devices to prospective land owners on the type of effects that are likely to be encountered in the rural environment as a result of normal rural land use.

The Expressway Noise Boundary and associated conditions at the interface of residential development within the Jervoistown Zone and the Hawke's Bay Expressway is an accepted practice to avoid remedy or mitigate the effects of noise on residential land uses and can help overcome reverse sensitivity on the Hawke's Bay Expressway. It will be included by means of the structure plan process or as a condition to any Plan Change Request for a residential zoning.

The 'no-complaints' covenant is a method that is starting to gain recognition for its ability to reduce the potential for reverse sensitivity. 'No-complaints' covenants work on the principle that a person moving into a rural environment can do so, if they recognise that there will be some adverse effects from rural activity and agree to make no complaints about them. However this does not mean that the effects of rural activities will not be managed. Rural activities must still comply with all of the relevant conditions in the relevant activity table and condition tables.

33.8 ANTICIPATED ENVIRONMENTAL RESULTS

- (1) To avoid residential and rural residential development in areas, where there are versatile soils suitable for productive production.
- (2) Avoidance or mitigation of conflicts between incompatible land uses.
- (3) To maintain a level of amenity in the rural environment that is consistent with the expectations of residents in Napier City, as measured by a 'satisfaction' survey completed every five years.
- (4) The protection of outstanding natural features and significant landscapes within the City.
- (5) Protection of the environmental qualities of rural Napier, including versatile soils and rural character.
- (6) A concentration of residential and rural residential development in areas with less productive soils and separated from incompatible land uses.
- (7) Safe and efficient operation of services and infrastructure.
- (8) The programmed and timely upgrading or expansion of the City's infrastructure to meet the needs of the City's residents.
- (9) In the rural and rural residential areas, the provision by land owners and developers of on-site stormwater disposal and non-reticulated wastewater systems to cater to the demands of the development without adversely affecting the environment.
- (10) A rural environment where the nuisance effects of businesses of prostitution are avoided.

33.9 ZONE DESCRIPTIONS

1. Introduction

There are seven rural zones: Main Rural; Rural Residential, Rural Settlement, Jervoistown, Rural Commercial; Rural Conservation; and Lifestyle Character. These zones are described in more detail below.

2. Main Rural Zone

This zone applies to the most productive and versatile soils of the City which are north-west of Bay View, pockets of the Western Hills, and the area to the south of the urban areas of the City known as Awatoto/Meeanee. These are characterised by agricultural, horticultural, and viticultural land uses. Bird scaring devices, movement of stock, application of chemicals, noise from machinery (eg: trucks, tractors, harvesters, cultivators, etc.) chemical applicators (eg: helicopters) and stock are examples of the types of activities that are associated with these land uses that may generated adverse effects which are often part of typical rural land use practices.”

3. Rural Residential Zone

This zone applies to the rural residential areas of Poraiti, the elevated parts of the Taradale hills and Bay View. The sites in the Poraiti and Bay View areas are relatively small and the land generally does not have high productive potential. The Taradale hill areas of this zone are currently in larger land holdings and used primarily for pastoral farming. In some areas, development of the land is constrained by servicing difficulties, and can be affected by noise, dust and odour from adjacent rural land uses. The Poraiti and Bay View rural residential areas adjoin the Ahuriri Estuary which is an area of high natural value.

4. Rural Settlement Zone

The Rural Settlement Zone applies to the residential area of Bay View and the core residential area of Meeanee. These areas have a different identity to the residential parts of Napier’s “urban” area, characterised by large sites, deep front yards, more modest building bulk and extensive planting, giving the zone a more spacious feeling, compatible with its rural surrounds. The rural surroundings however also mean that there will be some noise, odour and other effects associated with standard rural land use practices.

5. Rural Commercial Zone

The Rural Commercial zone applies to the Bay View commercial area presently used for commercial activities. The existing development in this zone is generally single storey and relatively small scale compared to that in the urban commercial zones. The land uses are generally targeted towards the local community.

The Bay View commercial area is an integral part of the local community, providing employment and local services, and it is important that this role is retained, and where possible, enhanced.

6. Rural Conservation Zone

This zone covers two large areas of land divided by the Ahuriri Estuary. The northern area of land, immediately adjacent to the airport and running west to the City boundary and north to Onehunga Road, is Crown owned and largely managed by Landcorp as a farming operation. Some of the land is stewardship land under the Conservation Act 1987 and is managed by the Department of Conservation.

The Rural Conservation Zone effectively surrounds the Hawke's Bay Airport. Portions of the zone are identified as being within the airport noise boundary and flight path overlay to adequately manage the effects of the airport itself and any effects of surrounding land uses on the airport.

The southern area of land (commonly known as "Lagoon Farm") is bounded by Ahuriri Estuary. However part of the southern area of the zone has been identified in the Urban Growth Study and adopted by the Council as an area for future residential development. A new link road (Tamatea Link) is proposed to link Tamatea Drive to Puketitiri Road and this will provide a clearly identifiable boundary between the new and existing residential areas of the City and the southern part of the Rural Conservation Zone.

The Ahuriri Estuary, which divides the two areas as well as forming the western boundary of the northern area, is of high ecological, recreational and cultural importance. The estuary comprises a mosaic of aquatic rushlands, sedgelands and herblands occupying a range of sites from saline to freshwater. In addition, the estuary provides a breeding ground and nursery area for native fish species and is used by a large number and wide variety of wading birds. These values need to be recognised and protection provided for them in the management of the adjacent land.

There is the potential for areas within the Rural Conservation zone to be inundated by stormwater during a major storm and/or as the result of pump breakdowns. Some of these areas are also directly within the approach path for aircraft using Hawke's Bay Airport. This makes these areas unsuitable for intensive residential and rural residential development.

7. Lifestyle Character Zone

This zone acts as a transition between established residential development and rural residential areas. The Lifestyle Character zone provides for development on land that is adjacent to the residential environments but has physical characteristics that would have adverse effects on the environment if the density of development normally associated with full residential areas was in place. It provides for large lot residential type development that maintains a high level of amenity by means of a 3000m² minimum average lot size, and the ability to link with existing city services. There will be a range of property sizes within the zone with the minimum lot size being 1000m². To maintain the average lot size larger lots will be created and a mix of activities is likely. A high level of amenity that resembles the rural character of the rural residential zone will be expected.

The zone covers an area of land at the end of Kent Terrace in a valley that runs between Puketapu Road and the back of the Sugar Loaf. The topography of the area and its proximity to services make it suited to this large lot residential style of development. Landscape and geotechnical issues limit its potential for full-scale intensive residential development. Roading constraints are also a factor in restricting the scale of development within this area and for these reasons intensive residential activities such as residential consolidations and retirement complexes are prohibited.

8. Jervoistown Zone

The Jervoistown Zone applies to approximately 53 hectares of land that is situated between the Napier Expressway and properties fronting the eastern side of Napier Street, and between Burness Road and a small strip of properties on the south side of Meeanee Road as far east as Basil Road.

The area known as Jervoistown was a country settlement on the outskirts of Napier before it became part of Napier City in 1989. The area is characterised by roads with high crowns, open roadside stormwater drains, wells and septic tanks on developed sites. Jervoistown has limited infrastructural services and development has traditionally been undertaken in an ad hoc fashion. The rate of development in this area has accelerated since 1989 and this has placed increased pressure on the existing infrastructure.

It is not the intention that Council initiate full urbanisation of this peri-urban settlement unless a clear majority of land owners in the Jervoistown Zone state that they wish and agree to pay for full urbanisation of the area. The majority threshold is 75% of land owners and will be determined by one vote per individual site (site being as defined in Chapter 68 (Definitions)). In other words, costs associated with the upgrade will be met by landowners and developers within the Jervoistown Zone. In the meantime without controls subdivision and development of this area will continue to have a significant impact on the existing infrastructure and on properties. This will include any private plan changes which also have the potential to have significant impact on existing infrastructure if allowed to occur in isolation. On this basis the 75% majority is envisaged to also apply in the case of any private plan change application brought before the Council. Any such application could also only be supported if accompanied with a holistic approach for all of the Jervoistown Zone.

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