

Chapter 42**BOAT HARBOUR ZONE****Introduction**

This chapter contains rules managing land uses in the Boat Harbour Zone. The boundaries of this zone are shown on the Planning Maps.

All rules apply throughout the Boat Harbour Zone unless otherwise stated.

42.1 Summary of Boat Harbour Zone Rules

The following is a quick reference guide that summarises the Boat Harbour Zone Activity Table. It is intended to be a guide only and should not be used in place of the Boat Harbour Zone Activity Table elsewhere in this Chapter.

Rule Number and Description		Classification	Page Number
Rule 42.2.1(a)	Water-related recreational activities.	Permitted	2
Rule 42.2.1(b)	Buildings and structures for community facilities.	Permitted	2
Rule 42.2.1(c)	The maintenance, repair, loading and unloading of water-based vessels including accessory equipment.	Permitted	2
Rule 42.2.1(d)	Maintenance and repair of buildings and structures.	Permitted	2
Rule 42.2.1(e)	Vehicle parking areas.	Permitted	2
Rule 42.2.1(f)	Activities identified within an approved Management Plan for land under the Reserves Act 1977.	Permitted	2
Rule 42.3	Boat and beach related hire activities.	Permitted	2
Rule 42.4	Scheduled sites.	Permitted	2
Rule 42.5	Land development (including subdivision but excluding Multi Unit Development)	Controlled	2
Rule 42.6	Relocation of a building from another site.	Controlled	3
Rule 42.7	Any subdivision, use or development of land referred to in Rules 42.2 to 42.6 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	3
Rule 42.8(a)	The erection of buildings and/or structures crossing the mean high water springs mark.	Discretionary	4
Rule 42.8(b)	Recreational activities.	Discretionary	4
Rule 42.8(c)	Use of clubrooms for the purposes of a commercial activity.	Discretionary	4
Rule 42.8(d)	Premises for the sale of food and drink (including licensed premises).	Discretionary	4
Rule 42.8(e)	Any land use not specifically provided for elsewhere in this Plan as a prohibited activity, a permitted activity, a controlled activity, or a restricted discretionary activity	Discretionary	4
Rule 42.8(f)	Any boundary adjustment that does not comply with the minimum lot size specified in Chapter 66 of this Plan.	Discretionary	4
Rule 42.9(a)	Any subdivision (excluding any boundary adjustment) that does not comply with the minimum lot size specified in Chapter 66 of this Plan	Non-Complying	4
Rule 42.9(b)	Commercial activities, unless stated by a rule elsewhere in this Chapter.	Prohibited	4
Rule 42.9(c)	Industrial activities, unless stated by a rule elsewhere in this Chapter.	Prohibited	4
Rule 42.9(d)	Residential activities.	Prohibited	4

BOAT HARBOUR ZONE - ACTIVITY TABLE

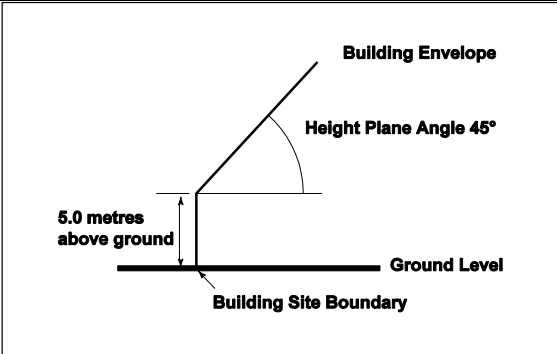
PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>42.2 Land Uses Generally</p> <p>1. The following land uses are permitted activities provided that the land use complies in all respects with the relevant conditions in the Boat Harbour Zone activity table and condition table.</p> <ul style="list-style-type: none"> a) Water related recreational activities. b) Buildings and structures for community facilities. c) The maintenance, repair, loading and unloading of water-based vessels including accessory equipment. d) Maintenance and repair of buildings and structures. e) Vehicle parking areas. f) Activities identified within an approved Management Plan for land under the Reserves Act 1977. <p>Note: Refer to Chapter 62A for Activities on Surface of Water.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 42.7.</p>
<p>42.3 Boat and Beach Related Hire Activities</p> <p>1. Boat and beach related hire activities are a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The land use must not include any permanent buildings. b) The land use must not be undertaken within 6 metres from any site boundary. c) Any sign associated with the land use must be limited to one moveable footpath sign that is removed at the end of each day. 	<p>The Council will restrict its discretion to the matters referred to in Rule 42.7, including the following:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The effects on public access to the foreshore. - The effects on public health and safety. - The effects on ecological values.
<p>42.4 Scheduled Sites</p> <p>1. Any scheduled land use on a scheduled site is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) It complies in all respects with the rules in Chapter 55 (Scheduled Sites). 	<p>The Council will restrict its discretion to the matters referred to in Chapter 55 (Scheduled Sites) of this Plan.</p>
CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>42.5 Land Development, (including Subdivision but excluding Multi Unit Development)</p> <p>1. Land development, including subdivision is a controlled activity provided that:</p> <ul style="list-style-type: none"> a) It complies in all respects with the standards and terms specified in Chapter 66 of this Plan. b) It complies in all respects with the relevant conditions in the Boat Harbour Zone activity table and condition table. c) It is assessed according to the matters in Chapter 66 over which the Council has reserved its control. <p>2. The written approval of affected persons will not be necessary in respect of land development (including subdivision) that fully complies with the standards and terms, and the application need not be notified.</p>	<p>The Council will exercise its discretion over the matters referred to in Rule 42.7, including the assessment criteria specified in Chapter 66 of this Plan.</p>

<p>42.6 Relocation of Buildings</p> <p>1. Relocation of a building from another site is a controlled activity provided that:</p> <ul style="list-style-type: none"> a) The relocation of a building complies in all respects with the relevant conditions in the Boat Harbour Zone activity table and condition table. b) A written assessment must be submitted with each application which shall: <ul style="list-style-type: none"> i) Include a statement from a building certifier or registered engineer that the building is structurally sound. ii) State the condition of the building and the reinstatement works needed to bring the building up to an external visual appearance that is compatible with other buildings in the vicinity. iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent. iv) Provide clear photographs of the building in its current state. v) Provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of reinstatement work. <p>The Council shall exercise its control over the following:</p> <ul style="list-style-type: none"> c) The design, materials and timetable of the proposed reinstatement works. d) The imposition of any financial contributions in accordance with Chapter 65 (Financial Contributions) of this Plan. e) The imposition of a performance bond to complete the reinstatement of the building. <p>2. The written approval of affected persons will not be necessary in respect of relocated buildings that fully comply with the standards and terms and the application need not be notified.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 42.7, including the following:</p> <ul style="list-style-type: none"> - The structural integrity of the building. - The imposition of a performance bond. - The timing of reinstatement works. - The effects on the built character of the surrounding area. - The effects on amenity values. - The effects on infrastructural services.
<p>RESTRICTED DISCRETIONARY ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for Restricted Discretionary Activities.</p>
<p>42.7 Land Uses Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land referred to in rules 42.2 to 42.6 that does not comply with all of the relevant conditions in the Boat Harbour Zone activity table and condition table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</p> <p>NOTE: Any subdivision that does not comply with the minimum lot size specified in Chapter 66 of this plan is a Non-complying Activity under Rule 42.9.1(a). Any boundary adjustment that does not comply with the minimum lot size specified in Chapter 66 of the Plan is a Discretionary Activity under Rule 42.8(f).</p> <p>NOTE: Refer to Chapter 53 Network Utilities for Subdivision for the Purposes of a Network Utility Operation.</p>	<p>The Council will have regard to the relevant objectives and policies of this Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Boat Harbour Zone activity table and/or condition table. - The cumulative effect of non-compliance with more than one condition. - In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over. - The matters set out in Chapter 1.6.5. - The assessment criteria in Chapter 49 of this Plan where applicable.

DISCRETIONARY ACTIVITIES	
<p>42.8 Discretionary Activities</p> <p>1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 49. The Council's discretion is unrestricted.</p> <p>a) The erection of buildings and/or structures crossing the Mean High Water Springs mark.</p> <p>(Note: that part of the building or structure below the M.H.W.S mark is subject to the provisions of the Hawke's Bay Regional Coastal Plan).</p> <p>b) Recreational activities.</p> <p>c) Use of clubrooms for purposes of a commercial activity.</p> <p>d) Premises for the sale of food and drink (including licensed premises).</p> <p>e) Any land use not specifically provided for elsewhere in this Chapter as a prohibited activity, a permitted activity, a controlled activity, or a restricted discretionary activity</p> <p>f) A boundary adjustment that does not comply with the minimum lot size specified in Chapter 66 of the Plan.</p>	
NON-COMPLYING ACTIVITIES	
<p>42.9 Non-complying Activity</p> <p>1. The following subdivisions are non-complying activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 49. The Council's discretion is unrestricted.</p> <p>a) Any subdivision (excluding any boundary adjustment) that does not comply with the minimum lot size specified in Chapter 66 of the Plan.</p>	
PROHIBITED ACTIVITIES	
<p>42.10 Prohibited Activities</p> <p>1. The following land uses are a prohibited activity for which no resource consent shall be granted:</p> <p>a) Commercial activities, unless stated by a rule elsewhere in this Chapter.</p> <p>b) Industrial activities, unless stated by a rule elsewhere in this Chapter.</p> <p>c) Residential activities.</p>	

BOAT HARBOUR ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>42.11 Yards</p> <p>1. The following yard conditions shall apply to all land uses:</p> <p>a) Front Yards</p> <p>i) Any part of a building (including eaves and guttering) must not be erected closer than 2 metres to the road boundary.</p> <p>ii) Any part of a building (including eaves and guttering) must not be erected closer than 3 metres to Pandora Road.</p> <p>b) Front Yard Landscaping</p> <p>i) Front yards must be landscaped for a distance of 2 metres in width, or an equivalent area of landscaping visible from the road must be provided.</p> <p>c) Other Yards</p> <p>i) There is no side or rear yard requirement, except when subdividing where the building fronts onto the waters edge, provision must be made for an esplanade reserve of 20 metres (Refer to Chapter 66 the Code of Practice for Subdivision and Land Development).</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The existing streetscape and protection from road frontage domination. - The outlook and privacy of adjoining and adjacent properties. - The effects of shading of adjoining properties. - The effects on amenity values. - The effects on public access to the coastal marine area. - The effects on protecting conservation values. - The effects on public well being.
<p>42.12 Height</p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <p>a) Any part of a building or structure must not exceed 7.5 metres in height, except that:</p> <p>b) Any part of a building, structure or tree must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 42.11.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Height must be measured using the rolling height method.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The scale and bulk of the building in relation to the site. - The built characteristic of the neighbourhood. - The extent to which the effects of the height can be mitigated by setbacks, planting, design or topography of the site. - The effects on landscape values. - The effects of shading. - The effects on amenity values.
<p>42.13 Height in Relation to Boundary</p> <p>1. The following height in relation to boundary conditions shall apply to all land uses:</p> <p>a) Any part of a building or structure must not project beyond a building envelope constructed by drawing planes along all parts of all site boundaries. The planes must commence 5 metres above ground level at the site boundary and must be inclined to the horizontal at an angle of 45 degrees.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The availability of daylight to adjoining properties. - The effects on privacy of adjoining properties and occupiers and users. - The effects on amenity values.

<p>b) Provided that:</p> <ul style="list-style-type: none"> i) The height in relation to boundary control does not apply to the length of common wall between two or more attached buildings. ii) Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of applying the height in relation to boundary control. iii) No account must be taken of aerials, lines, support structures, solar heating devices, air conditioning units and similar structures housing electronic or mechanical equipment or chimneys, no more than 1 metre wide in any horizontal direction and less than 2.5 metres in height beyond the building envelope. 	 <p>The diagram illustrates a height control rule. A horizontal line represents the 'Ground Level'. A vertical line extends upwards from the ground level to a point labeled '5.0 metres above ground'. From this point, a diagonal line representing the 'Building Envelope' extends upwards and outwards at a 'Height Plane Angle 45°'. A horizontal line is drawn from the 5.0 metre point to the 45-degree line. The area below the ground level and to the left of the 45-degree line is labeled 'Building Site Boundary'.</p>										
<p>42.14 Site Coverage</p> <p>1. The following site coverage conditions shall apply to all land uses:</p> <ul style="list-style-type: none"> a) Site coverage (measured from gross building area) must not exceed 75% of the net site area. 	<p>Matters:</p> <ul style="list-style-type: none"> - The availability of useable open space on site. - The scale and bulk of the building in relation to the site. - The existing built density of the area. - The effect on the open space appearance of the area. - The control of stormwater runoff. 										
<p>42.15 Landscaped Area</p> <p>1. The following landscape area conditions shall apply to all land uses:</p> <ul style="list-style-type: none"> a) A 2 metre wide landscape area must be provided adjacent to all buildings. b) The landscaping in this area must be consistent with the existing Foreshore Reserve Zone and must incorporate an irrigation system. 	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the existing natural character of the landscape. - The effects on landscape values. - The effects on conservation values. - The effects on amenity values. 										
<p>42.16 Noise</p> <p>1. The following noise conditions shall apply to all land uses, other than those exempted in Rule 57.9:</p> <ul style="list-style-type: none"> a) The following noise limits are not to be exceeded at any point beyond the site boundary, except where expressly provided for elsewhere in this Plan: <table border="0" data-bbox="167 1400 845 1534"> <tr> <td>Control Hours</td> <td>Noise Level</td> </tr> <tr> <td>0700 to 1900 hours</td> <td>55 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>1900 to 2200 hours</td> <td>50 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>45 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>75 dB L_{AFmax}</td> </tr> </table> <ul style="list-style-type: none"> b) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan. 	Control Hours	Noise Level	0700 to 1900 hours	55 dB L _{Aeq} (15 min)	1900 to 2200 hours	50 dB L _{Aeq} (15 min)	2200 to 0700 hours the following day	45 dB L _{Aeq} (15 min)	2200 to 0700 hours the following day	75 dB L _{AFmax}	<p>Matters:</p> <ul style="list-style-type: none"> - The maximum noise level likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility within the area. - The effects of noise on amenity values. - The length of time for which specified noise levels are exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation.
Control Hours	Noise Level										
0700 to 1900 hours	55 dB L _{Aeq} (15 min)										
1900 to 2200 hours	50 dB L _{Aeq} (15 min)										
2200 to 0700 hours the following day	45 dB L _{Aeq} (15 min)										
2200 to 0700 hours the following day	75 dB L _{AFmax}										
<p>42.17 Light Spill</p> <p>1. The following light spill conditions shall apply to all land uses other than for the purposes of illuminating a road:</p> <ul style="list-style-type: none"> a) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site). b) Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers is of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine 	<p>Matters:</p> <ul style="list-style-type: none"> - The orientation, strength, intensity, colour and frequency of any light. - The effects on traffic safety. - The effects on pedestrian safety. - The effects on amenity values. - The effects on the health, safety and wellbeing of people. 										

<p>the added illuminance, if any, of the subject lighting.</p> <p>c) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause a significant level of discomfort to any occupants of residential activities, or a significant traffic hazard to aircraft or vehicles on any road.</p>	
<p>42.18 Vibration</p> <p>1. The following vibration conditions shall apply to all land uses:</p> <p>a) Land uses must not generate any vibration that causes a significant adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effect on public health and safety. - The effects on the structural integrity of adjoining buildings and facilities. - The effect on amenity values of the residential area.
<p>42.19 Fencing</p> <p>1. The following fencing conditions shall apply to all land uses:</p> <p>a) Any fence erected within front, side and rear yard must not exceed 2 metres in height.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects of shading. - The effects on amenity values. - The effects on public health and safety.
<p>42.20 Aerials, Lines and Support Structures</p> <p>1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation:</p> <p>a) Aerials, lines and/or support structures must not exceed 12 metres in height.</p> <p>b) Aerials, lines and/or support structures must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 42.19.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Dish antenna must not exceed 1.2 metres in diameter.</p> <p>f) Where an aerial, line or support structure exceeds 7 metres in height above the point of its attachment or base support, it must also comply with the following conditions:</p> <p>i) The distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction.</p> <p>ii) There must be no more than one structure on the site.</p> <p>g) The aerial, line and/or support structure must comply with conditions relating to yards and height in relation to boundary specified elsewhere in the Boat Harbour Zone condition table.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The scale in relation to adjacent buildings. - The bulk and form of the aerial, line and/or supporting structures. - The effects of shading. - The extent to which heritage or cultural values are affected. - The cumulative effect of additional aerials, lines and/or support structures. - The prominence of the site taking into account significant public views and any significant landscapes. - The effects on public health and safety. - The effects on air traffic safety.

<p>42.21 Earthworks</p> <p>1. The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 52A (Earthworks) of this Plan.</p>
<p>42.22 Heritage</p> <p>1. The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 56 (Heritage) of this Plan.</p>
<p>42.23 Signs</p> <p>1. The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 58 (Signs).</p>
<p>42.24 Trees</p> <p>1. The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 60 (Trees) of this Plan.</p>
<p>42.25 Transport</p> <p>1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 61 (Transport) of this Plan.</p>
<p>42.26 Natural Hazards</p> <p>1. The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62 (Natural Hazards) of this Plan.</p>
<p>42.27 Activities on the Surface of Water</p> <p>1. The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62A (Activities on the Surface of Water) of this Plan.</p>
<p>42.28 Hazardous Substances</p> <p>1. The relevant provisions of Chapter 63 (Hazardous Substances) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 63 (Hazardous Substances) of this Plan.</p>
<p>42.29 Contaminated Sites</p> <p>1. The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 64 (Contaminated Sites) of this Plan.</p>
<p>42.30 Financial Contributions</p> <p>1. The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 65 (Financial Contributions) of this Plan.</p>
<p>42.31 Code of Practice for Subdivision and Land Development</p> <p>1. The relevant provisions of Chapter 66 (Code of Practice for Subdivision and Land Development) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 66 (Code of Practice for Subdivision and Land Development) of this Plan.</p>