

Chapter 43**ESTUARY ZONE****Introduction**

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

All rules apply throughout the Estuary Zone unless otherwise stated.

43.1 Summary of Estuary Zone Rules

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

Rule Number and Description		Classification	Page Number
43.2.1(a)	Activities identified in an Approved Management Plan under the Reserves Act 1977.	Permitted	2
43.2.1(b)	Activities identified in an Approved Management Plan under the Conservation Act 1987.	Permitted	2
43.2.1(c)	Maintenance and repair of buildings and structures.	Permitted	2
43.2.1(d)	Vehicle parking areas.	Permitted	2
43.3	Scheduled sites.	Permitted	2
43.4	Land development (including subdivision but excluding Multi Unit Development).	Controlled	2
43.5	Relocation of a building from another site.	Controlled	2
43.6	Any subdivision, use or development of land referred to in rules 43.2 to 43.5 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	3
43.7.1(a)	The erection of buildings and/or structures crossing the M.H.W.S mark.	Discretionary	3
43.7.1(b)	Recreational activities.	Discretionary	3
43.7.1(c)	Use of clubrooms for the purposes of a commercial activity.	Discretionary	3
43.7.1(d)	Premises for the sale of food and drink (including licensed premises).	Discretionary	4
43.7.1(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
43.8.1(a)	Commercial activities (unless stated by a rule elsewhere in this Chapter).	Prohibited	4
43.8.1(b)	Industrial activities (unless stated by a rule elsewhere in this Chapter).	Prohibited	4
43.8.1(c)	Residential activities.	Prohibited	4

ESTUARY ZONE - ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters over which Council may exercise its discretion.
<p>43.2 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 Estuary Zone activity table and condition table:</p> <ul style="list-style-type: none"> a) Activities identified in an approved management plan under the Conservation Act 1987. b) Maintenance and repair of buildings and structures. c) Vehicle parking areas. 	<p>The Council will restrict its discretion to the matters referred to in Rule 43.6</p>
<p>43.3 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>43.4 Land Development (including Subdivision but excluding Multi Unit Development)</p> <p>1. Land development, including subdivision is a controlled activity provided:</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 Estuary 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 43.6, including the assessment criteria specified in Chapter 66 of this Plan.</p>
<p>43.5 Relocation of Buildings</p> <p>1. Relocation of a building from another site is a controlled activity provided that:</p> <ul style="list-style-type: none"> a) The relocation of a building complies in all respects with the relevant conditions in the Estuary Zone activity table and condition table. b) A written assessment must be submitted with each application which must: <ul style="list-style-type: none"> i) Include a statement from a building certifier or registered engineer that the building is structurally sound. ii) State the condition of the building and the reinstatement works needed to bring the building up to an external visual appearance that is compatible with other buildings in the vicinity. 	<p>The Council will restrict its discretion to the matters referred to in Rule 43.6, including the following:</p> <ul style="list-style-type: none"> - The structural integrity of the building. - The imposition of a performance bond. - The timing of reinstatement works. - The effects on the built character of the surrounding area. - The effects on amenity values. - The effects on infrastructural services.

<p>iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent.</p> <p>iv) Provide clear photographs of the building in its current state.</p> <p>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> <p>The Council shall exercise its control over the following:</p> <p>c) The design, materials and timetable of the proposed reinstatement works.</p> <p>d) The imposition of any financial contributions in accordance with Chapter 65 (Financial Contributions) of this Plan.</p> <p>e) The imposition of a performance bond to complete the reinstatement of the building.</p> <p>2. The written approval of affected persons will not be necessary in respect of relocated buildings that fully complies with the standards and terms and the application need not be notified.</p>	
<p>RESTRICTED DISCRETIONARY ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>43.6 Land Uses Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land referred to in rules 43.2 to 43.5 that does not comply with all of the relevant conditions in the Estuary Zone activity table and condition table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</p>	<p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Estuary 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.
<p>DISCRETIONARY ACTIVITIES</p>	
<p>43.7 Discretionary Activities</p> <p>1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 49. The Council's discretion is unrestricted.</p> <p>a) The erection of buildings and/or structures crossing the M.H.W.S 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>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>	

PROHIBITED ACTIVITIES	
<p>43.8 Prohibited Activities</p> <p>1. The following land uses are a prohibited activity for which no resource consent shall be granted:</p> <ul style="list-style-type: none"> a) Commercial activities (unless stated by a rule elsewhere in this Chapter). b) Industrial activities (unless stated by a rule elsewhere in this Chapter). c) Residential activities. 	

ESTUARY ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.										
<p>43.9 Yards</p> <p>1. The following yard condition shall apply to all land uses:</p> <p>a) Any part of a building (including eaves and guttering) or structure must not be erected closer than 6 metres to any site boundary.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The existing streetscape and protection from road frontage domination. - 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>43.10 Height</p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <p>a) Any part of a building or structure must not exceed 4.5 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 43.10.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Height must be measured using the rolling height method.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The scale and bulk of the building in relation to the site. - The built characteristic of the neighbourhood. - The 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>43.11 Landscaped Area</p> <p>1. The following landscaping conditions shall apply to all land uses:</p> <p>a) A two metre wide landscape area must be provided adjacent to all buildings.</p> <p>b) The landscaping in this area must be consistent with the existing Foreshore Reserve Zone and must incorporate an irrigation system.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the existing natural character of the estuarine landscape. - The effects on landscape values. - The effects on conservation values. - The effects on amenity values. 										
<p>43.12 Noise</p> <p>1. The following noise conditions shall apply to all land uses, other than those exempted in Rule 57.9:</p> <p>a) The following noise limits are not to be exceeded at any point beyond the site boundary, except where expressly provided for elsewhere in this Plan:</p> <table border="0" data-bbox="204 1957 879 2092"> <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>	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 natures 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>b) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p>	
<p>43.13 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> <p>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).</p> <p>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 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>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>43.14 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>43.15 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 yards 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>43.16 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 the 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 43.16.1(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>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>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 in the Estuary Zone condition table.</p>	
<p>43.17 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>43.18 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>43.19 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>43.20 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>43.21 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>43.22 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>43.23 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>43.24 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>43.25 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>43.26 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>43.27 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) 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>

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