

**Chapter 51B****MISSION SPECIAL CHARACTER ZONE****51B.1 INTRODUCTION**

The Mission Special Character Zone covers land occupied by the Mission Estate winery and originally purchased by the Marist Mission in 1897. The 289ha property integrates a number of productive land use activities including, sheep and beef farming, forestry, olive growing and bee keeping in conjunction with viticulture and winemaking. Commercial activities include the winery restaurant, conference and wedding venue facilities, concert venue and farm house accommodation. Historic uses included the Marist brother's seminary and the productive rural activities that supported the seminary.

The Mission Special Character Zone seeks to provide for the sustainable and integrated management of these various land uses as well as enabling the residential potential of the hill area of the property to be realised (which includes land that has *previously been zoned 'Western Hills Residential' but never developed under that zoning*) and for its *tourism potential to be further developed. Specifically, the Special Character Zone is divided into precincts based on land use capabilities and landscape and character protection principles.*

The 'Residential Precinct' is designed to have a character reflective of the heritage and landscape setting of the Mission Estate and drawing on historical cues from Napier Hill. It is also designed to respond to the natural topography, including a low impact stormwater system and extensive open space network utilising the gullies and valleys. The precinct will also involve a variety of section sizes and housing types, and have a distinctive street layout in response to topography, resulting in a new place and a community, rather than just a new suburb.

The 'Landscape and Visitor Precinct' includes the existing hub of the Mission Estate in the Grande Maison building and other buildings and facilities, including the concert venue. It also includes the backdrop hills framing the iconic Mission landscape as viewed from Church Road. This precinct accommodates and provides for the hospitality activities of the Mission Estate. In protecting and enhancing the iconic landscape the steep eastern hillside is to be planted as woodland, including deciduous and evergreen trees. The plantings on the lower slopes may be able to be selectively harvested for timber in time and replanted, however the trees on the upper slopes will be retained permanently to ensure the skyline of the landscape as viewed from Church Road is enhanced by vegetation that also screens any visibility of buildings within the Residential Precinct on the hill tops. Walkways are to be established in the Landscape and Visitor Precinct connecting with the Napier City walkway network at either end of the property as well as providing walking access to the Grande Maison and to the hill tops and the walkway and street network within the Residential Precinct. The Landscape and Visitor Precinct also provides opportunity through the resource consent process, for the development of a boutique hotel (potentially via the redevelopment of the accommodation buildings used by the former seminary) and discretely located and designed individual accommodation buildings separately located within or adjacent to the proposed woodland at the base of the hill.

The other two precincts are the 'Productive Rural' and 'Rural Residential' precincts which will be reflective of the previous Main Rural and Rural Residential zones respectively, with specific modifications appropriate to their setting within the wider Mission landscape.

In promoting sustainable management, the new zone recognises and seeks to protect and enhance the landscape significance of the east facing slopes above the vineyard and winery setting, along with the heritage values of the Mission Estate winery including

the Grande Maison building and identified archaeological sites. The zone also seeks to sustainably manage the versatile land of the vineyard flats.

## 51B.2 SIGNIFICANT RESOURCE MANAGEMENT ISSUES

The following resource management issues have been identified as significant in the Mission Special Character Zone.

### 51b.2.1 Potential effects of development on the characteristics that contribute to the heritage and visual amenity values of the Mission Landscape (especially as experienced from Church Road).

The specific characteristics of the mission landscape include:

- Picturesque compositional qualities (foreground, middle-ground, background);
- Coherence of land use to landform (vineyard on valley floor, historic building precinct on terrace);
- Backdrop of undeveloped hill face;
- Landmark and historic qualities of the Grande Maison;
- Landmark qualities of Sugar Loaf;
- Other memorable details (avenue of planes, meandering course of Taipo Stream in juxtaposition to lines of vines).

Some of these characteristics, along with elevated building sites, make the Mission property desirable for residential and tourism development. It is important that such development does not compromise the values of the Mission landscape, which is identified as being significant in the Napier Landscape Assessment (July 2009).

### 51b.2.2 Potential public benefit of a walkway network (between Sugar Loaf and Park Island) along the hills behind the Mission.

Any walkway would need to balance the landscape and recreational experience that it would provide with potential adverse effects on the surrounding Mission property, such as loss of privacy, security and outlook and potentially landscape effects of any earthworks required to form the tracks. As well as the linkage between Sugar Loaf and Park Island there is also potential to link with the Mission building precinct and the tourism and recreational opportunities that such a linkage would provide.

### 51b.2.3 A lack of diversity in the options available for greenfields residential development within the City and the need for an elevated and landform responsive option.

Existing greenfield residential building areas within the City are all located on flat topography with a conventional suburban layout. A supply of elevated and undulating land offering different section sizes would enhance the available residential development options for the City. The Mission property has the potential to offer such a land supply.

### 51b.2.4 Urban development can impact on the sustainability of the City's remaining versatile land resource, including the Mission Estate flats.

The versatile and productive land of the Heretaunga Plains have provided a significant resource base for horticultural activities, and in the case of the Church Road area, vineyards and wineries. Issues relating to the sustainable management of land resources include the following:

- Versatile and productive land is 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.
- There is the potential for conflict between rural land uses and neighbouring residential, rural residential and non-rural land uses. This can lead to 'reverse sensitivity' effects on rural land uses.
- The Mission Estate flats, in their current unurbanised form and viticultural use, contribute to landscape and amenity values.

**51b.2.5 The potential of the Mission property to contribute further to the City as a tourism destination.**

The Mission property currently includes a vertically integrated winery including grape growing, wine making, cellar door sales and a restaurant. There is the potential to add an additional layer to this vertical integration by providing tourist accommodation through both the use of existing former seminary buildings and the development of new standalone accommodation buildings. The potential contribution to the cycle and walkway network would also provide additional tourism opportunities.

Development of new tourism infrastructure has the potential to reduce the values of the landscape, heritage, archaeological and versatile land resources that create the special character of the property. There is also potential for additional tourism development to create off site effects. The size of the Mission property is such however that potential adverse effects on these values or on neighbouring residents can be avoided, remedied or mitigated.

**51b.2.6 Subdivision and development can 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. 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. The cumulative effects of residential land uses in the rural environment could pose a significant threat to the amenity and quality of the environment. Similarly rural industries which process produce grown in the rural environment, or more general industrial and commercial activities, pose a similar threat.

It is important that the value of cultural and heritage sites in the rural environment is recognised and provided for. Significant damage to cultural and heritage sites (including archaeological sites) can occur from inappropriate development.

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

- Land uses with the potential to have adverse effects on the quality of land and water resources.
- Reduced amenity values and safety from increasing vehicular traffic movements on roads.

## OBJECTIVES, POLICIES AND METHODS

**Objective 51b.3**

To provide for the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, cultural, archaeology and versatile land resources that create the special character of the Zone.

*This objective relates to issues 51b.2.1, 51b.2.4 and 51b.2.6.*

**Policies**

To achieve this objective, the Council will:

- 51b.3.1 Ensure that future building and development avoids, remedies or mitigates any adverse effects on the special character of the Mission landscape, particularly as viewed from Church Road. The features that provide this special character include:
- Coherence of land use to landform (rural production vineyard on valley floor, historic building precinct on terrace),
  - Backdrop of unbuilt on hill face;
  - Landmark and historic qualities of the Grande Maison;
  - Proximity to landmark qualities of Sugar Loaf;
  - The entry gates and avenue of plane trees lining entrance road; and
  - Meandering course of Taipo Stream in juxtaposition to lines of vines.
- 51b.3.2 Ensure that the heritage values of the Mission, including the 'Grande Maison' building and its setting are retained.
- 51b.3.3 Ensure that earthworks and building development avoid, remedy and mitigate any adverse effects on identified archaeological sites.
- 51b.3.4 Ensure that kaitiaki status of mana whenua is recognised and provided for through development design that takes into account and reflects the relationship of the site to mana whenua ancestral values.
- 51b.3.5 Protect the versatile land resource of the Mission vineyard flats from urban development and activities unrelated to the productive use of the land resource or the vertical integration of the wine industry (or vertical integration of any other crops grown on the land).
- 51b.3.6 Ensure that the district plan rules and conditions are generally consistent with those applying to other rural and residential environments within the City, but modified where appropriate to achieve the objectives and implement the policies of the Mission Special Character Zone.

**Principal Reasons for Adopting Objective and Policies**

*The Mission landscape is an important part of Napier City and Hawke's Bay. It captures some of the history of the area, the seminary history is most evident in the main building (Grande Maison), but also in the landscape itself, and in particular history relating to wine industry which is part of Hawkes Bay's identity. The landscape, which is identified as being significant in the Napier Landscape Assessment (July 2009) has three main components, these being:*

1. *The corduroy pattern of vines on the flat land (foreground)*
2. *The Mission buildings surrounded by trees on the terrace (middle-ground)*
3. *The backdrop hills (which were forested, now cleared and to be replanted)*

*It is important that subdivision and development within the Residential Precinct does not compromise the significance of this landscape, particularly development on the hill tops and ridgelines above the eastern hill face (or backdrop hills). At the same time these hill tops provide a desirable residential land resource with the coastal views offered. Policy 51b.3.1 ensures that houses in the new development on top of the backdrop hills will not be visible from Church Road, which provides the key views of the Mission's significant landscape. Housing development on these hill tops is possible in conjunction with woodland planting of the backdrop hills, which will have the effect of screening buildings from view from Church Road.*

*Both building and archaeological heritage also add to the Character of the Zone. It is therefore important for the integrity of the Special Character Zone that these values are retained into the future. Similarly, there is a relationship of mana whenua ancestral values to the Zone. It is appropriate for these values to be acknowledged in development design as expressed in Policy 51b.3.6 and further articulated in the Structure Plan Design Outcomes. These mana whenua ancestral values are documented in cultural impact assessments prepared in August 2018 on behalf of both Ngāti Pārau and Te Taiwhenua o Te Whanganui ā Orotū.*

*As mentioned above the 'corduroy pattern' of vines on the flats adds to the significance of the landscape and to the context of the historical winery. The vineyard also uses the versatile land of the flats productively. For the sustainable management of the Zone it is important that the life supporting capacity of this versatile land resource is not lost to urban development. In addition to the vineyard, these flats also accommodate the wine production facility in providing for the vertical integration of the winery. Buildings relating to the vertical integration of the winery or otherwise accessory to the productive use of the land are however considered appropriate on the versatile land of the Productive Rural Precinct.*

*The existing district plan provisions have been tested through the RMA Schedule 1 process as being appropriate for achieving sustainable management. For this reason consistency with existing district plan provisions will be sought except for where different approaches are required to ensure that the objectives of the Mission Special Character Zone can be achieved.*

## Methods

### (1) District Plan Rules

The District Plan provides for development within the Mission Special Character Zone in a manner which protects those values that provide the zone's special character. As well as the Mission Special Character Zone Chapter of the Plan the district plan rules also relate to the Structure Plan for the zone in Appendix 26.

### (2) Other Methods

Liaison with the Tangata Whenua and Heritage New Zealand in regards to the maintenance and enhancement of the identified archaeological sites within the zone and the protection of such sites through the Heritage New Zealand Pouhere Taonga Act 2014. Education and provision of historical information to the community could assist in enhancing the public perception and appreciation and associated tourism potential of this significant landscape.

#### **Principal Reasons for Methods**

*Method 1 recognises that the simplest and most effective means of providing for and managing the environmental effects of appropriate land uses is via the implementation of a concise set of rules which give certainty and are easy to understand, interpret and enforce. The other methods recognise that archaeological sites are not reliant on district plan rules for protection and that the significance of a landscape and place can be related to education and perception of its significance.*

#### **Objective 51b.4**

To enable the use and development of the Mission Special Character Zone and to provide new residential and greater tourism and recreational opportunities, while avoiding, remedying and mitigating adverse effects on the environment.

*This objective relates to issues 51b.2.2, 51b.2.3 and 51b.2.5.*

## Policies

To achieve this objective, the Council will:

51b.4.1 Manage the use and development of the Mission Special Character Zone within four precincts of like character and physical attributes. The precincts consist of:

- a) the Residential Precinct (comprising the north western segment of the zone);
- b) the Productive Rural Precinct (correlating with the boundaries of the former Main Rural Zone on the flats fronting Church Road)
- c) the Landscape and Visitor Precinct (comprising the existing Mission Estate buildings and facilities and the eastern hill face); and
- d) the Rural Residential Precinct (comprising the balance of the zone, being the south western and south eastern corners).

51b.4.2 Within the Residential Precinct:

- a) Provide for residential and reserve development in accordance with the structure plan included in Appendix 26 and land use rules to create a character which responds to the natural topography, provides for a variety of section sizes and house types, and has a distinctive street layout and streetscape.
- b) Ensure the structure plan and subsequent development is consistent with Policies UD10.1 and 10.3 of the Hawke's Bay Regional Resource Management Plan.
- c) Develop rules that enable the development of a place and a community reflecting some of the characteristics of Napier Hill but with a Mission Special Character Zone identity.
- d) Provide for a low impact stormwater design system utilising the gully and valley system of the natural landform in a manner that can be integrated with the planting of indigenous vegetation and walkway networks.
- e) Provide for land use provisions that are generally consistent with the City's other residential zones but appropriate for the Mission Special Character Zone and the unique character and identity sought for residential development within this zone.
- f) Ensure the provision of a buffer of landscaped open space fronting Puketitiri Road and the Zone boundary to the west so as to reduce off site visual impacts and reverse sensitivity effects.

51b.4.3 Within the Productive Rural Precinct:

- a) To enable the sustainable use of the versatile land resource, including appropriate enhancement or expansion of the existing vineyards or wine production facilities.
- b) Provide land use provisions that are generally consistent with the Main Rural Zone but appropriate for achieving the objectives of the Mission Special Character Zone.
- c) To provide for public access via walkways through the Zone and around the Productive Rural Precinct, rather than by reducing the productive use of the versatile land by requiring esplanade reserves adjacent the banks of the Taipo Stream through the midst of this Precinct, except in the circumstances described in Design Outcome 23.

## 51b.4.4 Within the Landscape and Visitor Precinct:

- a) To enable the continued use and development of the cellar door, restaurant, wedding venue, conference and meeting facility, former seminary buildings and the concert venue.
- b) Provide land use controls and structure plan provisions that enables opportunity for the development of additional tourist accommodation in appropriate locations.
- c) Provide for the woodland planting of the background hills (eastern hill face), the development of a lookout reserve on top of these hills, and the development of walking and cycling tracks through the woodland and across the hill providing connections to the wider Napier City walking and cycling network.
- d) Provide land use provisions that are generally consistent with the Rural Residential Zone but make appropriate provision for achieving the objectives of the Mission Special Character Zone and this important precinct in regards to the special character values within that zone.

## 51b.4.5 Within the Rural Residential Precinct:

- a) To enable both rural residential development and on-going farming and forestry activities on land of lower versatility and landscape significance that is unsuitable for full residential development.
- b) Provide land use controls that are generally consistent with the Rural Residential Zone but appropriate for the Mission Special Character Zone.
- c) To enable the efficient use and development of existing building resources.

## 51b.4.6 To enable innovative approaches to land use and development within the Mission Special Character Zone to enhance tourism and / or recreation opportunity provided that such approaches do not undermine the values that contribute to the Character of the Zone.

**Principal Reasons for Adopting Objective and Policies**

*The natural and physical resources of the Mission Special Character Zone have the potential to provide unique and desirable residential development options to the City of Napier, as well as additional tourism development and recreational opportunities. Such opportunities are also able to be provided in a manner that does not adversely affect the landscape, heritage, archaeological and versatile soil values of the area. The district plan therefore seeks to enable the development of these opportunities in a manner that does not detract from the Zone's special character values.*

*The demarcation of different precincts within the Mission Special Character Zone seeks to ensure that the various opportunities that are sought to be provided for, take place within the most appropriate areas of the Zone to ensure that the aforementioned special character values are not undermined. In addition to the precincts, the district plan rules and structure plan seek to ensure that adverse effects on the environment are avoided, remedied and mitigated.*

*The district plan provisions for the residential precinct seek to ensure that each residential allotment can be adequately serviced in a manner that does not reduce the efficiency to the City's network utility infrastructure, as well as ensuring geotechnically stable building platforms and roads and an appropriate reserve provision. Added amenity and ecological value is provided by the low impact storm water network and associated plantings and walking network based on the natural topography of the Zone, in addition to community reserves and street network open space.*

*The development within the Residential Precinct is consistent with the Heretaunga Plains Urban Development Strategy (HPUDS), which identifies this land for future residential growth. HPUDS is implemented by the Regional Policy Statement component of the Hawke's Bay Regional Resource Management Plan, which also identifies this area as being appropriate for residential growth.*

*In terms of tourism and recreation opportunity the 'Landscape and Visitor Precinct' is important as this is where the existing cellar door, restaurant, wedding venue, conference facility and concert venue are located,*

but it is also where there is potential to develop tourist accommodation and walkway cycleway routes. It is important to ensure that the realisation of these opportunities does not impact on the special character values that this portion of the property contributes to the Zone and the City. There is ample land within which careful location of any tourist accommodation and walkway development can ensure that the special character values are not impacted on by such development. The implementation of the woodland planting will help to mitigate any visual effects of walking tracks and buildings (including those on the hill tops within the Residential Precinct) as well as enhancing the special character qualities of the landscape as viewed from Church Road.

The existing Main Rural Zone and Rural Residential Zone district plan rules are generally appropriate to use as a base for ensuring any adverse effects of land use are avoided, remedied, or mitigated within the Productive Rural and Rural Residential precincts respectively. Although some activities permitted in those zones are not appropriate to a special character zone context and are therefore not provided for in seeking to achieve the objectives and implement the policies of the Mission Special Character Zone.

Policy 51b.4.3 c) is implemented through the esplanade reserve requirements in the Code of Practice for Subdivision and Land Development and avoids the health and safety and reverse sensitivity concerns of providing public access via 20m wide esplanade reserves through a working vineyard, providing no subdivision and development of that vineyard is proposed. Public benefit will still be accrued by the woodland planting of the eastern hill face improving water quality entering the Taipo Stream and in regards to public access by the series of walkways across and through the Mission Special Character Zone.

## Methods

### (1) District Plan Rules

The District Plan sets out rules applicable to each precinct within the Mission Special Character Zone in a manner which protects those values that provide the zone's special character in regard to that precinct.

### (2) Other Methods

A partnership approach between the landowner and the Council in the development and construction of the walkway and cycleway network in improving connectivity across and within the Mission Special Character Zone and in providing passive recreational opportunities that will be desirable to locals and tourists alike. This will therefore assist in terms of achieving objective 51b.4 with regard to providing greater tourism and recreational opportunities.

Likewise the provision and planting and enhancement of the low impact stormwater system in utilising natural gullies and valleys for conveying storm water runoff from the residential development and road network to recreated wetlands (as opposed to traditional pipe or drain systems), will provide ecological corridor opportunities in regards to indigenous vegetation and provide interest to walkways as well as enhanced water quality outcomes. Again this will assist in providing tourism and recreational opportunities.

A Design Guide is proposed to promote development that creates characterful streetscapes, high amenity landscapes, and sustainable development. The Design Guide will address details of both public spaces (the streets and reserves) and development of individual lots. This will help ensure that objective 51b.4 is achieved by use and development within the Residential Precinct, as well as the Rural Residential Precinct, by avoiding and mitigating any effects on the special character values of the Zone.

Planting and landscaping of the 'bridle path' adjacent the Puketitiri Road frontage will assist in screening and softening the residential precinct as viewed from Puketitiri Road and from properties on the northern side of that road.

### **Principal Reasons for Methods**

*Method 1 recognises that the simplest and most effective means of managing the environmental effects of*

a wide range of land uses and housing forms is via the implementation of a concise set of rules which give certainty and are easy to understand, interpret and enforce.

The other methods recognise that regulatory techniques can be a blunt instrument and have limitations, unless they are supported by a range of other positive and interactive non-regulatory mechanisms. Education and provision of information, including the development of a design guide has both an educational and self-regulatory function. By promoting consistent design principles in a non-regulatory manner, more flexibility will be maintained through the consent process and potential exists for more innovative, diverse and interesting urban form that enhances the special character of the Zone and creates a character for the new residential suburb.

The walkways and low impact storm water networks help to achieve the tourism and recreational enhancement objectives of the Zone.

### Objective 51b.5

To retain and enhance the contribution of the eastern hill face backdrop to the Mission's significant landscape character.

*This objective relates to issues 51b.2.1 and 51b.2.2.*

### Policies

To achieve this objective, the Council will:

- 51b.5.1 Ensure the landscape value of the eastern hill face backdrop is not adversely affected by building and development.
- 51b.5.2 Ensure implementation and retention of woodland planting to the hill face to retain its undeveloped appearance and to stabilise the slope while softening and adding visual interest to the landscape.
- 51b.5.3 Enable the use of the eastern hill face for the development of a walkway and cycleway network.

#### **Principal Reasons for Adopting Objective and Policies**

*One of the key components of the Mission landscape, which is identified as being significant in the Napier Landscape Assessment (July 2009), is the back drop hills (or eastern hill face) to the view from Church Road. This landscape has changed over time, with the most recent change being from production forest, to a recently harvested hillside. The constant however has been that the hill face above and beside the main Mission buildings (including the Grande Maison) remain free of urban development.*

*Although adding significantly to the landscape amenity of the City of Napier this hill face has remained in private ownership and part of the productive use of the Mission Estate property. The development of the Mission Special Character Zone provides an opportunity for part of this eastern hill face to become part of the City's recreational network in providing a walkway link from Sugar Loaf to Park Island as is detailed on the Structure Plan in Appendix 26. Woodland planting of a mixture of deciduous and evergreen trees on this hill face has the potential to enhance the already significant landscape by softening the exposed hill face and adding seasonal colour as well as screening any minor earthworks in the development of the walkway network. As explained above the woodland planting also has a function on the upper slopes of screening the residential development on the hilltops.*

### Methods

- (1) District Plan Rules

The District Plan rules and associated Mission Special Character Zone Structure Plan help to ensure that objective 51b.5 is achieved by the eastern hill face being softened by landscape plantings and not dominated by buildings.

- (2) Other Methods

A Landscape and Planting Plan is to be developed and implemented in partnership

between Council (given the acknowledged public significance of the landscape values) and the landowner. The planting plan is best developed and implemented in a non-regulatory cooperative manner to best achieve the regulatory outcomes of screening hilltop development and softening and enhancing the landscape. Such an approach provides for flexibility should species choices need to change due to unanticipated effects.

**Principal Reasons for Methods**

*Method 1 recognises that the simplest and most effective means of managing the environmental and landscape effects of future development on the eastern hill face is via district plan rules and the associated Mission Special Character Zone structure plan.*

*The other methods recognise that regulatory techniques can have limitations in regards to flexibility in achieving desired outcomes, unless they are supported by other positive and interactive non-regulatory mechanisms. Collaboration in establishing and implementing a planting plan for the eastern hill face will ensure that the outcome is of the greatest mutual benefit to the public and the landowner.*

## 51B.6 ANTICIPATED ENVIRONMENTAL RESULTS

- (1) A zone contributing to the residential and tourism growth of the City and providing for the social and economic wellbeing of the landowners within it, that has retained the special character values that has made it desirable to new residents, local visitors and tourists alike.
- (2) The view from Church Road is to a significant amenity landscape comprised of:
  - Productive viticulture, horticulture or agriculture on the flat land (foreground);
  - The Mission Estate buildings surrounded by trees on the terrace (middle-ground); and
  - The backdrop hills softened by woodland trees that provide visual interest through their seasonal variation in colour.
- (3) The heritage icon of the Grande Maison building remains and its prominence is respected by the design and location of new buildings.
- (4) The historic heritage values of the significant archaeological sites located in the Zone are retained and cared for.
- (5) A Residential Precinct containing a thriving and sought after new community with its own distinctive identity and character, providing section and housing options not available in other greenfield areas within the City.
- (6) A series of ecological corridors of indigenous vegetation associated with the low impact storm water network servicing the residential development and integrated with the City's walkway network.
- (7) A Landscape and Visitor Precinct containing the Mission Estate commercial hub of the cellar door, restaurant, conference and wedding venue, concert venue and tourist accommodation; that is bustling with visitors enjoying the ambiance of its offerings and the walking and cycle trails that link to it.
- (8) Amongst the formed walking and cycling trails within the Zone are trails linking access between Sugar Loaf hill and Park Island; and Puketitiri Road with a more direct off road access to Church Road towards Taradale.

- (9) A Rural Residential precinct with sought after lifestyle sites and ongoing pastoral farming and horticultural operations adding to variety, open space and character within the Zone and providing productive economic benefit to the landowners.
- (10) The versatile land of the flats fronting Church Road continue to be used productively for wine growing and the vertical integration of wine production, or for other forms of agricultural or horticultural production.

## MISSION SPECIAL CHARACTER ZONE - RULES

### INTRODUCTION

The Rules for the Mission Special Character Zone are structured with summary activity tables for the Productive Rural Precinct, Rural Residential Precinct, and Landscape and Visitor Precinct, followed by combined activity tables and conditions tables for these three precincts. This is followed by a summary activity table, activity table and conditions table for the Residential Precinct. The precincts within the zone are defined by the Structure Plan in Appendix 26 and the Planning Maps which should both be referred to provide visual context to the rules.

### PRODUCTIVE RURAL PRECINCT SUMMARY ACTIVITY TABLE

Rule Number and Description		Classification	Page Number
Rule 51b.7	Agricultural, horticultural and viticultural activities.	Permitted	15
Rule 51b.8	Rural processing industries.	Permitted	15
Rule 51b.9	Residential activities.	Permitted	16
Rule 51b.10	Home occupations.	Permitted	17
Rule 51b.11	Supplementary unit, travellers' accommodation and seasonal workers accommodation.	Permitted	17
Rule 51b.12	Hospitality activities within the 'Winery Buildings' as identified on the Structure Plan Map in Appendix 26B.	Permitted	18
Rule 51b.13	Scheduled sites.	Permitted	20
Rule 51b.14	Relocation of a building from another site.	Controlled	20
Rule 51b.15	Any use or development of land referred to in Rules 51b.7 to 51b.14 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	21
Rule 51b.16(a)	Places of assembly, unless stated by a rule elsewhere within this Chapter.	Discretionary	23
Rule 51b.16(b)	Supplementary unit, Travellers' accommodation or seasonal workers accommodation that does not comply with all the relevant conditions in the Mission Special Character Zone activity table and condition table.	Discretionary	23
Rule 51b.16(c)	Any subdivision for the purposes of a boundary adjustment (not resulting in the creation of any additional titles).	Discretionary	23
Rule 51b.17(a)	Any subdivision (excluding boundary adjustment).	Non-Complying	23
Rule 51b.17(b)	Any land use not identified in the Productive Rural Precinct – Activity Table as a permitted activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.	Non-Complying	23

### RURAL RESIDENTIAL PRECINCT SUMMARY ACTIVITY TABLE

Rule Number and Description		Classification	Page Number
Rule 51b.18	Agricultural, horticultural and viticultural activities.	Permitted	15
Rule 51b.19	Commercial forestry.	Permitted	15
Rule 51b.20	Landfills.	Permitted	16
Rule 51b.21	Residential activities.	Permitted	16
Rule 51b.22	Home occupations.	Permitted	17
Rule 51b.23	Supplementary unit, residential care facilities, day care centres, education facilities, travellers' accommodation and	Permitted	18

	seasonal workers accommodation.		
Rule 51b.24	Travellers' accommodation or education activities within 'Maryknoll' as identified on the Structure Plan Map in Appendix 26B.	Permitted	19
Rule 51b.25	Scheduled sites.	Permitted	20
Rule 51b.26	Land development (including subdivision, but excluding Multi Unit Development).	Controlled	20
Rule 51b.27	Relocation of a building from another site.	Controlled	20
Rule 51b.28	Any subdivision, use or development of land referred to in Rules 51b.18 to 51b.27 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	21
Rule 51b.29	Commercial Activities utilising buildings in existence at 1 January 2017.	Restricted Discretionary	22
Rule 51b.30(a)	Commercial activities	Discretionary	23
Rule 51b.30(b)	Roadside stalls.	Discretionary	23
Rule 51b.30(c)	Rural Processing Industries.	Discretionary	23
Rule 51b.30(d)	Mining and quarrying.	Discretionary	23
Rule 51b.30(e)	Places of assembly, unless stated by a rule elsewhere within this Chapter.	Discretionary	23
Rule 51b.30(f)	Retirement complexes.	Discretionary	23
Rule 51b.30(g)	Camping grounds.	Discretionary	23
Rule 51b.30(h)	Any subdivision or boundary adjustment that does not comply with the minimum lot size specified in Chapter 66 of this Plan.	Discretionary	23
Rule 51b.31(a)	A supplementary unit, residential care facility, day care centre, education facility, travellers' accommodation or seasonal workers accommodation that does not comply with all the relevant conditions.	Non-Complying	23
Rule 51b.31(b)	Any use of land that does not comply with Condition 51b.46 - Density	Non-Complying	23
Rule 51b.31(c)	Any land use not identified in the Rural Residential Precinct - Activity Table as a permitted activity, a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.	Non-Complying	24

## LANDSCAPE AND VISITOR PRECINCT SUMMARY ACTIVITY TABLE

Rule Number and Description	Classification	Page Number
Rule 51b.32	Agricultural, horticultural and viticultural activities.	15
Rule 51b.33	Commercial forestry.	15
Rule 51b.34	Residential activities	16
Rule 51b.35	Home occupations.	17
Rule 51b.36	Commercial Activities including licenced premises and Places of Assembly associated with the Mission Estate Winery within buildings that were existing on 1 January 2017.	19
Rule 51b.37	Concert and Entertainment Events	19
Rule 51b.38	Scheduled sites.	19
Rule 51b.38A	Use and Development of Reserves identified on the Structure Plan Maps in Appendix 26B – 1 & 2.	19
Rule 51b.39	Relocation of a building from another site.	20
Rule 51b.40	Any use or development of land referred to in Rules 51b.32 to 51b.39 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	21
Rule 51b.41	Art Cabins, where located within area identified on Structure Plan in Appendix 26B-1.	22

Rule 51b.42	Commercial Activities associated with the Mission Estate Winery, including Hotel Accommodation and licenced premises, within area identified on the Structure Plan in Appendix 26B-1.	Restricted Discretionary	22
Rule 51b.43(a)	Commercial activities, unless stated by a rule elsewhere within this Chapter.	Discretionary	23
Rule 51b.43(b)	Places of assembly, unless stated by a rule elsewhere within this Chapter.	Discretionary	23
Rule 51b.43(c)	Any subdivision for the purposes of a boundary adjustment (not resulting in the creation of any additional titles).	Discretionary	23
Rule 51b.44(a)	Any subdivision (excluding boundary adjustment).	Non-Complying	23
Rule 51b.44(b)	Any land use not identified in the Landscape and Visitor Precinct - Activity Table as a permitted activity, a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.	Non-Complying	24

**MISSION SPECIAL CHARACTER ZONE: PRODUCTIVE RURAL PRECINCT / RURAL RESIDENTIAL PRECINCT / LANDSCAPE AND VISITOR PRECINCT– ACTIVITY TABLE**

PERMITTED ACTIVITIES	Precinct	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>51b.7, 51b.18 &amp; 51b.32 <b>Agricultural, Horticultural and Viticultural Activities</b></p> <p>1. Any agricultural, horticultural and/or viticultural activity is a permitted activity provided that it complies in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.</p>	<ul style="list-style-type: none"> <li>- Productive Rural</li> <li>- Rural Residential</li> <li>- Landscape &amp; Visitor</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40.</p>
<p>51b.8 <b>Rural Processing Activities</b></p> <p>1. Any rural processing activity is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) Any outdoor storage associated with the rural processing activity must be screened from view of any adjacent sites and public open space.</li> <li>b) Any industrial building associated with a rural processing industry must be a minimum of 15 metres from any site boundary.</li> <li>c) The maximum height of any building or structure used or intended to be used for the purposes of a rural processing industry must not exceed 15 metres. Height must be measured using the rolling height method.</li> <li>d) It must comply in all respects with the relevant conditions in the activity table and condition table relating to the Productive Rural Precinct, unless stated by a rule elsewhere in this Chapter.</li> </ul>	<ul style="list-style-type: none"> <li>- Productive Rural</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40.</p>
<p>51b.19 &amp; 51b.33 <b>Commercial Forestry</b></p> <p>1. Any commercial forestry, including any consequential land preparation or harvesting activities is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) The commercial forestry, including any consequential land preparation or harvesting activities must not be located within 5 metres of a site boundary.</li> <li>b) The commercial forestry, including any consequential land preparation or harvesting activities must not be undertaken within 20 metres from the edge of the Taipo Stream.</li> <li>c) It complies with the relevant conditions in the Mission Special Character Zone activity table and condition table.</li> <li>d) That within the Landscape and Visitor Precinct any harvesting of trees in the 'Eastern Hill Face Woodland' identified on the Structure Plan in Appendix 26B shall only be by way of 'selected logging' where trees of commercial value are harvested one at a time in a manner that does not result in the destruction of other trees in the surrounding woodland, such that the</li> </ul>	<ul style="list-style-type: none"> <li>- Rural Residential</li> <li>- Landscape &amp; Visitor</li> </ul>	<p>The Council will exercise its discretion over the matters referred to in Rule 51b.15 / 51b.28 / 51b.40, including the assessment criteria specified in Chapter 39 of this Plan and the following:</p> <ul style="list-style-type: none"> <li>- The effects on landscape character.</li> <li>- The effects on public health and safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on traffic safety.</li> <li>- The type, frequency and timing of traffic.</li> <li>- The effects of shading.</li> <li>- The effects on stream flows and downstream water use.</li> <li>- The effects on the significant amenity landscape of the Mission Estate as viewed from Church Road.</li> </ul>

<p>eastern hill face retains a permanent woodland vegetation cover at all times.</p>		
<p><b>51b.20 Landfills</b></p> <p>1. Landfills are a permitted activity provided that:</p> <ol style="list-style-type: none"> <li>The total volume is less than 100m<sup>3</sup> per site per year.</li> <li>The material must have been generated on the subject property; or on another property under the same ownership as that used for disposal.</li> <li>There must be no disposal of waste oil or other hazardous substances.</li> <li>It must not be located within 20m of any water body.</li> <li>It must not be located within 30m of any bore or well.</li> <li>Any waste disposal must be no less than 600mm above the winter groundwater table.</li> <li>It must comply in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.</li> </ol> <p>NOTE: The discharge of contaminants onto or into land or into water is regulated by the Hawke's Bay Regional Council and may require resource consent approval. Consultation with HBRC is advised prior to the establishment of any landfill.</p>	<ul style="list-style-type: none"> <li>- Rural Residential</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40, including the following:</p> <ul style="list-style-type: none"> <li>- The cumulative effect of and additional landfill on the environment.</li> <li>- The availability of alternative methods for disposing of the materials.</li> <li>- Proximity to a residential dwelling and any nuisance effects on that dwelling.</li> <li>- Any adverse effect on flora and fauna and any ecosystem.</li> <li>- Any adverse effects on the quality of soil.</li> <li>- Any effects on groundwater quality.</li> </ul>
<p><b>51b.9, 51b.21 &amp; 51b.34 Residential Activities</b></p> <p>1. Any residential activity is a permitted activity provided that it:</p> <ol style="list-style-type: none"> <li>Complies in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.</li> <li>It is not stated by a rule elsewhere in this Chapter as a controlled activity, a restricted discretionary activity, a discretionary activity, a non-complying activity or a prohibited activity.</li> </ol>	<ul style="list-style-type: none"> <li>- Productive Rural</li> <li>- Rural Residential</li> <li>- Landscape &amp; Visitor</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40, including the following:</p> <ul style="list-style-type: none"> <li>- The effects on landscape character.</li> <li>- The effects on public health and safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on traffic safety.</li> <li>- The type, frequency and timing of traffic.</li> <li>- The effects on matters of reverse sensitivity.</li> </ul>
<p><b>51b.10, 51b.22 &amp; 51b.35 Home Occupations</b></p> <p>1. A home occupation is a permitted activity provided that:</p> <ol style="list-style-type: none"> <li>Not more than three full time equivalent jobs are created for persons residing outside the dwelling unit.</li> <li>At all times, the home occupation must remain incidental and secondary to the use of any buildings for residential purposes.</li> <li>The area of the home occupation must not exceed 30% of the gross floor area of the dwelling unit if located within the dwelling unit and/or 80m<sup>2</sup> if located in an accessory building.</li> </ol>	<ul style="list-style-type: none"> <li>- Productive Rural</li> <li>- Rural Residential</li> <li>- Landscape &amp; Visitor</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40, including the following:</p> <ul style="list-style-type: none"> <li>- The effects on landscape character.</li> <li>- The effects on public health and safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on traffic safety.</li> <li>- The type, frequency and timing of traffic.</li> <li>- The effects on matters of reverse sensitivity.</li> </ul>

<p>d) Any external storage associated with the home occupation must be screened from view of any adjacent sites and public open space.</p> <p>e) Retailing of goods must not occur from the site.</p> <p>f) The home occupation must comply in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.</p>		
<p><b>51b.11 Supplementary Units, Travellers Accommodation and Seasonal Workers Accommodation.</b></p> <p>Any one or more of the following are permitted activities:</p> <ol style="list-style-type: none"> <li>1. A supplementary unit</li> <li>2. Travellers accommodation catering for up to 10 guests<sup>1</sup></li> <li>3. Seasonal Workers Accommodation</li> </ol> <p>Provided that:</p> <ol style="list-style-type: none"> <li>a) The combined gross floor area of these activities must not exceed 200m<sup>2</sup> (per site, not per activity)<sup>1&amp;2</sup>.</li> <li>b) Any outdoor storage associated with these activities must be screened from view of any adjacent sites and public open space.</li> <li>c) These activities shall share access with any primary dwelling onsite.</li> <li>d) Any building utilised for these activities shall be located a maximum of 25 metres from any primary dwelling.</li> <li>e) Any building associated with seasonal workers accommodation shall be sited a minimum of 15 metres from any road or adjoining property boundary.</li> <li>f) These activities shall comply in all respects with the relevant conditions in the Mission Special Character Zone activity and condition table.</li> </ol> <p>NOTE 1: Travellers Accommodation within an existing dwelling will be exempt from the 120m<sup>2</sup> maximum floor area, provided that the existing residential activity does not cease. Seasonal Workers Accommodation within an existing dwelling will be exempt from the 200m<sup>2</sup> maximum floor area.</p> <p>NOTE 2: Seasonal Workers Accommodation - refer to the definition for clarification as to what is included within the gross floor area.</p>	<p>- Productive Rural</p>	<p>NOTE: A supplementary unit, traveller's accommodation or seasonal workers accommodation that does not comply in all respects with the relevant conditions is a discretionary activity under Rule 51b.16.</p>
<p><b>51b.12 Hospitality Activities within the 'Winery Buildings' as identified on the Structure Plan Map in Appendix 26B-1.</b></p> <ol style="list-style-type: none"> <li>1. Any hospitality activity within the 'winery buildings' is a permitted activity provided that:</li> </ol>	<p>- Productive Rural</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40.</p>

<p>a) It must comply in all respects with the relevant conditions in the activity table and condition table relating to the Productive Rural Precinct, unless stated by a rule elsewhere in this Chapter.</p>		
<p><b>51b.23 Supplementary Units, Residential Care Facilities, Day Care Centres, Education Facilities, Travellers Accommodation and Seasonal Workers Accommodation.</b></p> <p>Any one or more of the following are permitted activities:</p> <ol style="list-style-type: none"> <li>1. A supplementary unit</li> <li>2. A residential care facility, catering for up to 10 residents</li> <li>3. A day care centre, catering for up to 10 people<sup>1</sup></li> <li>4. An education facility, catering for up to 10 students</li> <li>5. Travellers accommodation catering for up to 5 guests<sup>1</sup></li> <li>6. Seasonal Workers Accommodation</li> </ol> <p>Provided that:</p> <ol style="list-style-type: none"> <li>a) A maximum of one of each of these activities shall be undertaken on any site.</li> <li>b) The combined gross floor area of these activities must not exceed 80m<sup>2</sup> (per site, not per activity)<sup>1&amp;2</sup>.</li> <li>c) Any outdoor storage associated with these activities must be screened from view of any adjacent sites and public open space.</li> <li>d) These activities shall share access with any primary dwelling onsite.</li> <li>e) Any building utilised for these activities shall be located a maximum of 25 metres from the primary dwelling.</li> <li>f) Any building associated with seasonal workers accommodation shall be sited a minimum of 15 metres from any road or adjoining property boundary.</li> <li>g) These activities shall comply in all respects with the relevant conditions in the Mission Special Character Zone activity and condition table.</li> </ol> <p>NOTE 1: Travellers Accommodation or Day Care Centre within an existing dwelling will be exempt from the 80m<sup>2</sup> maximum floor area, provided that the existing residential activity does not cease. Seasonal Workers Accommodation within an existing dwelling will be exempt from the 80m<sup>2</sup> maximum floor area.</p> <p>NOTE 2: Seasonal Workers Accommodation – refer to the definition for clarification as to what is included within the gross floor area.</p>	<p>– Rural Residential</p>	<p>NOTE: A supplementary unit, residential care facility, day care centre, education facility, travellers accommodation or seasonal workers accommodation that does not comply in all respects with the relevant conditions is a non-complying activity under Rule 51b.31(a).</p>
<p><b>51b.24 Use of the Maryknoll buildings as identified on the Structure Plan Map in Appendix 26B-1 for travellers accommodation or education activities</b></p>	<p>– Rural Residential</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40, including the following:</p> <ul style="list-style-type: none"> <li>– The effects on landscape character.</li> </ul>

<p>1. Any use of the Maryknoll buildings for travellers accommodation or education activities is a permitted activity provided that it complies in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.</p> <p>2. This activity may involve the redevelopment of existing buildings provided that any new or redeveloped buildings are located within 20m of the existing (as at 1 January 2017) building footprint.</p>		<ul style="list-style-type: none"> <li>- The effects on public health and safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on traffic safety.</li> <li>- The type, frequency and timing of traffic.</li> <li>- The effects on matters of reverse sensitivity.</li> </ul>
<p><b>51b.36 Commercial Activities associated with the Mission Estate Winery, including licenced premises, within existing buildings (that were existing on 1 January 2017)</b></p> <p>1. Any Commercial Activity associated with the Mission Estate Winery (winery, hospitality or tourism activities) within an existing building is a permitted activity provided that it complies in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.</p>	<ul style="list-style-type: none"> <li>- Landscape &amp; Visitor</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40, including the following:</p> <ul style="list-style-type: none"> <li>- The effects on landscape character.</li> <li>- The effects on public health and safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on traffic safety.</li> <li>- The type, frequency and timing of traffic.</li> <li>- The effects on matters of reverse sensitivity.</li> </ul>
<p><b>51b.37 Concert &amp; Entertainment Events</b></p> <p>1. Any concert event (including associated buildings and structures) is a permitted activity provided that:</p> <ol style="list-style-type: none"> <li>a) It complies in all respects with the relevant conditions in the Mission Special Character Zone activity table and condition table.</li> <li>b) The concert and entertainment event takes place within the 'Concert Venue' or 'Concert Stage' identified on the Structure Plan in Appendix 26B, where permanent structures accessory to concerts and events may be erected.</li> <li>c) The number of concert and entertainment events that may occur in a calendar year must not exceed 5.</li> <li>d) The duration of the event must not exceed a period of: i) 24 hours for concerts.</li> <li>e) Any amplified sound equipment must not be operated during the following hours: Sunday to Thursday inclusive 2200 hours to 1000 hours (the following day) Fridays and Saturdays 2400 hours to 1000 hours (the following day) Except that on 1st January of any calendar year, this is extended from 0100 hours.</li> <li>f) Any sound checks that include testing and balancing of sound systems, sound equipment and vocal checks by performers must not: i) Exceed a cumulative period of 6 hours. ii) Commence before 0900 hours on any day and shall be completed by 1900 hours on any day of the temporary activity.</li> <li>g) Amplified sound equipment operated outside of the hours specified in (e) above, must not exceed 90 dB LAeq (15 min) at any point beyond the Mission Special Character Zone boundary.</li> </ol>	<ul style="list-style-type: none"> <li>- Landscape &amp; Visitor</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40, including the following:</p> <ul style="list-style-type: none"> <li>- The effects on landscape character.</li> <li>- The effects on public health and safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on traffic safety.</li> <li>- The type, frequency and timing of traffic.</li> <li>- The effects on matters of reverse sensitivity.</li> </ul>

<p>51b.13, 51b.25 &amp; 51b.38 <b>Scheduled Sites</b></p> <p>1. Any scheduled land use on a scheduled site is permitted provided that:</p> <p>a) It complies in all respects with the rules in Chapter 55 (Scheduled Sites) of this Plan.</p>	<ul style="list-style-type: none"> <li>- Productive Rural</li> <li>- Rural Residential</li> <li>- Landscape &amp; Visitor</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Chapter 55 (Scheduled Sites) of this Plan.</p>
<p>51b.38A <b>Use and Development of Reserves identified on the Structure Plan Maps in Appendix 26B – 1 &amp; 2.</b></p> <p>1. Use (including recreation) and development of reserves identified on the Structure Plan Maps is permitted provided that:</p> <p>a) Such use and development is consistent with the purpose of the reserve as set out in the Structure Plan Outcomes in Appendix 26A or the name description of the reserve in Appendix 26B – 1 &amp; 2.</p>	<ul style="list-style-type: none"> <li>- Landscape &amp; Visitor</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40</p>
<p><b>CONTROLLED ACTIVITIES</b></p>	<p><b>Precinct</b></p>	<p><b>Matters the Council will restrict its discretion to for restricted discretionary activities.</b></p>
<p>51b.26 <b>Land Development (including Subdivision, but excluding Multi Unit Development)</b></p> <p>1. Land development, including subdivision but excluding multi-unit development, is a controlled activity provided that:</p> <p>a) It complies in all respects with the standards and terms specified in Chapter 66 (Volume II) of this Plan.</p> <p>b) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.</p> <p>c) It is assessed according to the matters in Chapter 66 (Volume II) over which the Council has reserved its control.</p> <p>2. Applications for resource consent will not be publicly notified in respect of land development (including subdivision) that fully complies with the standards and terms, and notice of applications need not be served.</p>	<ul style="list-style-type: none"> <li>- Rural Residential</li> </ul>	<p>The Council will exercise its discretion over the assessment criteria specified in Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</p>
<p>51b.14, 51b.27 &amp; 51b.39 <b>Relocation of Buildings</b></p> <p>1. Relocation of a building from another site is a controlled activity provided that:</p> <p>a) The relocation of the building complies in all respects with the relevant conditions specified elsewhere in the Mission Special Character Zone activity table and condition table.</p> <p>b) A written assessment must be submitted with each application which must:</p> <p>i) Include a statement from a building certifier or registered engineer that the building is structurally sound.</p> <p>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)</p>	<ul style="list-style-type: none"> <li>- Productive Rural</li> <li>- Rural Residential</li> <li>- Landscape &amp; Visitor</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.15 / 51b.28 / 51b.40, including the following:</p> <ul style="list-style-type: none"> <li>- The structural integrity of the building.</li> <li>- The imposition of a performance bond.</li> <li>- The timing of reinstatement works.</li> <li>- The effects on the built character of the surrounding area.</li> <li>- The effects on amenity values.</li> <li>- The effects on infrastructural services.</li> </ul>

<p>State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent.</p> <p>iii) Provide clear photographs of the building in its current state.</p> <p>iv) 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. Applications for resource consent will not be publicly notified in respect of relocated buildings that fully comply with the standards and terms, and notice of applications need not be served.</p>		
<p><b>RESTRICTED DISCRETIONARY ACTIVITIES</b></p>	<p><b>Precinct</b></p>	<p><b>Matters the Council will restrict its discretion to for restricted discretionary activities.</b></p>
<p>51b.15, 51b.28 &amp; 51b.40 <b>Land Uses Not Complying With Conditions</b></p> <p>1. Any subdivision, use or development of land in rules 51b.7 to 51b.14; 51b.18 to 51b.27; and 51b.32 to 51b.39 that does not comply with all of the relevant conditions in the Mission Special Character 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 or boundary adjustment that does not comply with the minimum lot size specified in Chapter 66 of this plan for the Rural Residential Precinct of the Mission Special Character Zone is a Discretionary Activity under Rule 51b.30(h).</p> <p>NOTE: Refer to Chapter 53 Network Utilities for Subdivision for the Purpose of a Network Utility Operation.</p>	<ul style="list-style-type: none"> <li>- Productive Rural</li> <li>- Rural Residential</li> <li>- Landscape &amp; Visitor</li> </ul>	<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"> <li>- The matters identified in the third column of the Mission Special Character Zone activity table and/or the second column of the condition table.</li> <li>- The cumulative effect of non-compliance with more than one condition.</li> <li>- In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over.</li> <li>- The matters set out in Chapter 1.6.5.</li> <li>- The assessment criteria in Chapter 39 of this Plan where applicable.</li> <li>- The Design Outcomes the Mission Special Character Zone Structure Plan in Appendix 26A</li> </ul>
<p>51b.41 <b>Art Cabins, where located within area identified on Structure Plan</b></p> <p>1. Art Cabins, where located within the 'accommodation area' identified on the structure plan, is a restricted discretionary activity provided that:</p> <p>a) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.</p>	<ul style="list-style-type: none"> <li>- Landscape &amp; Visitor</li> </ul>	<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"> <li>- The matters set out in Chapter 1.6.5.</li> <li>- The assessment criteria in Chapter 39 of this Plan where applicable.</li> <li>- The Design Outcomes of the Mission Special Character Zone Structure Plan in Appendix 26A</li> </ul>

<p>b) That the maximum number of individual Art Cabins within the Landscape and Visitor Precinct shall not exceed 10.</p> <p>c) That individual Art Cabins shall not exceed a gross floor area of 80m<sup>2</sup>.</p> <p>d) That individual Art Cabins shall be separated from each other and any other building on the site by a minimum distance of 50m.</p> <p>2. Applications for resource consent will not be publicly notified in respect of Art Cabins that fully comply with the standards and terms, and notice of applications need not be served.</p>		
<p><b>Rule 51b.42 Commercial Activities associated with the Mission Estate Winery, including Boutique Hotel Accommodation and Licenced Premises, within area identified on Structure Plan in Appendix 26B.</b></p> <p>1. Commercial Activities associated with the Mission Estate Winery (winery, hospitality or tourism activities), within the area identified on the Structure Plan in Appendix 26B, are a restricted discretionary activity provided that:</p> <p>a) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.</p> <p>2. Applications for resource consent will not be publicly notified in respect of a commercial activity that fully complies with the standards and terms, and notice of applications need not be served.</p>	<p>– Landscape &amp; Visitor</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"> <li>– The matters set out in Chapter 1.6.5.</li> <li>– The assessment criteria in Chapter 39 of this Plan where applicable.</li> <li>– The Design Outcomes the Mission Special Character Zone Structure Plan in Appendix 26A</li> </ul>
<p><b>Rule 51b.29 Commercial Activities utilising buildings existing on 1 January 2017.</b></p> <p>1. Commercial Activities utilising buildings existing on 1 January 2017, are a restricted discretionary activity provided that:</p> <p>a) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.</p>	<p>– Rural Residential</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"> <li>– The matters set out in Chapter 1.6.5.</li> <li>– The assessment criteria in Chapter 39 of this Plan where applicable.</li> <li>– The Design Outcomes the Mission Special Character Zone Structure Plan in Appendix 26A.</li> </ul>
<b>DISCRETIONARY ACTIVITIES</b>		
<p><b>51b.16, 51b.30 &amp; 51b.43 Discretionary Activities</b></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 39 and the Mission Special Character Zone Structure Plan design outcomes in Appendix 26A. The Council's discretion is unrestricted.</p> <p><u>Productive Rural Precinct</u></p> <p>51b.16(a) Places of Assembly, unless stated by a rule elsewhere in this Chapter.                      51b.16(b) Supplementary Unit, Travellers'</p>		

<p>Accommodation or Seasonal Workers Accommodation. 51b.16(c) Any subdivision for the purposes of a boundary adjustment (not resulting in the creation of any additional titles).</p> <p><u>Rural Residential Precinct</u></p> <p>51b.30(a) Commercial activities. 51b.30(b) Roadside stalls. 51b.30(c) Rural Processing Industries. 51b.30(d) Mining and quarrying. 51b.30(e) Places of assembly, unless stated by a rule elsewhere within this Chapter. 51b.30(f) Retirement complexes. 51b.30(g) Camping grounds. 51b.30(h) Any subdivision or boundary adjustment that does not comply with the minimum lot size specified in Chapter 66 of this Plan.</p> <p><u>Landscape and Visitor Precinct</u></p> <p>51b.43(a) Commercial activities. 51b.43(b) Places of assembly, unless stated by a rule elsewhere within this Chapter. 51b.43(c) Any subdivision for the purposes of a boundary adjustment (not resulting in the creation of any additional titles).</p>		
<p><b>NON-COMPLYING ACTIVITIES</b></p>		
<p>51b.17, 51b.31 &amp; 51b.44 <b>Non-Complying Activities</b></p> <p>1. The following are non-complying activities:</p> <p><u>Productive Rural Precinct</u></p> <p>51b.17(a) Any subdivision (excluding boundary adjustment). 51b.17(b) Any land use not identified in the Productive Rural Precinct – Activity Table as a permitted activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.</p> <p><u>Rural Residential Precinct</u></p> <p>51b.31(a) A supplementary unit, residential care facility, day care centre, education facility, travellers’ accommodation or seasonal workers accommodation that does not comply with all the relevant conditions. 51b.31(b) Any use of land that does not comply with Condition 51b.46 - Density. 51b.31(c) Any land use not identified in the Rural Residential Precinct – Activity Table as a permitted activity, a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.</p> <p><u>Landscape and Visitor Precinct</u></p> <p>51b.44(a) Any subdivision (excluding boundary adjustment). 51b.44(b) Any land use not identified in the Landscape and Visitor Precinct – Activity Table as a permitted activity, a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.</p>		

PROHIBITED ACTIVITIES	Precinct	
<p>51b.45 <b>Prohibited Activities</b></p> <p>1. There are no land uses that are a prohibited activity within the Mission Special Character Zone.</p>	<ul style="list-style-type: none"> <li>- Productive Rural</li> <li>- Rural Residential</li> <li>- Landscape &amp; Visitor</li> </ul>	

**MISSION SPECIAL CHARACTER ZONE: PRODUCTIVE RURAL PRECINCT / RURAL RESIDENTIAL PRECINCT / LANDSCAPE AND VISITOR PRECINCT – CONDITION TABLE**

<b>CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES</b>	<b>Matters the Council will restrict its discretion to for restricted discretionary activities.</b>
<p><b>51b.46 Density</b></p> <p>1. The following density conditions shall apply to all land uses in the Productive Rural, Rural Residential and Landscape and Visitor precincts:</p> <p>a) The maximum density must not exceed one dwelling unit per site or per precinct for a single site, where a single site covers more than one precinct (that is, a single site could have more than one dwelling provided each dwelling on the site was in a different precinct) in the Productive Rural and Landscape &amp; Visitor precincts.</p> <p>b) The maximum density in the Rural Residential Precinct must not exceed one dwelling unit per site or per precinct for a single site, where a single site covers more than one precinct, provided that:</p> <ul style="list-style-type: none"> <li>- the net site area is not less than 2,500m<sup>2</sup>.</li> <li>- One dwelling unit and one building used for the purpose of carrying out one of the ancillary non-rural activities identified in Rule 51b.23 per site, provided the net site area is not less than 5,000m<sup>2</sup>.</li> </ul>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on amenity values.</li> <li>- The effects on the rural character of the area.</li> <li>- The effects on infrastructural servicing.</li> </ul>
<p><b>51b.47 Yards</b></p> <p>1. The following yard conditions shall apply to all land uses in the Productive Rural, Rural Residential and Landscape and Visitor precincts:</p> <p>a) Front Yard:</p> <p>Any part of any building (including eaves and guttering) must not be erected closer than 7.5 metres to the road boundary.</p> <p>b) Side and Rear Yards</p> <p>i) Any part of a building must not be erected closer than 6 metres from any side or rear site boundary.</p> <p>ii) Any building (including eaves and guttering), fence, permanently fixed structure or part thereof must not be erected closer than 6 metres from the top of the bank of any watercourse or open drain.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on the amenity values of the Mission Special Character Zone and environs.</li> <li>- The effects on the open rural character of the zone.</li> <li>- The effects of noise.</li> <li>- The effects of odour.</li> <li>- The visual effects.</li> <li>- The effects on the safety of people and property.</li> <li>- The effects on the maintenance, use and development of a watercourse or open drain.</li> </ul>
<p><b>51b.48 Height</b></p> <p>1. The following maximum height conditions shall apply to all land uses, other than aeriels, lines and support structures in the Productive Rural, Rural Residential and Landscape and Visitor precincts:</p> <p>a) Any part of a building or structure must not exceed 9 metres in height, or for a Boutique Hotel within the area identified on the Structure Plan in Appendix 26B as 'Mission Estate Commercial Activity Areal' must not exceed 3 storeys, except that:</p> <p>b) Any part of a building or structure must not exceed the Airport Height Control Designation in Appendix 7, except where located in a Surface Penetration Area, where the maximum height shall not exceed 9 metres.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The scale and bulk of the building or structure in relation to the site.</li> <li>- The extent to which the effects of the height can be mitigated by setbacks, planting, design or topography of the site.</li> <li>- The effects on landscape values.</li> <li>- The effects of shading.</li> <li>- The effects on amenity values.</li> <li>- The effects on air traffic safety.</li> </ul>

<p>d) Where the Airport Height Control Designation prevails:</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans meet 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>NOTE: Refer to Rule 51b.8 for height conditions relating to rural processing activities.</p>											
<p><b>51b.49 Site Coverage</b></p> <p>1. The following site coverage conditions shall apply to all land uses in the Productive Rural and Landscape and Visitor precincts:</p> <p>a) Site coverage (measured from gross building area) must not exceed 10% of the net site area of the site.</p> <p>b) Where a single site is comprised in more than one precinct, the gross building area in a particular precinct shall not exceed 10% of the net site area of the site within that precinct.</p> <p>2. The following site coverage conditions shall apply to all land uses in the Rural Residential Precinct:</p> <p>a) Site coverage (measured from gross building area) on sites with an area less than 2 hectares must not exceed 1000m<sup>2</sup> or 10% of the net site area, whichever is the lesser.</p> <p>b) Site coverage (measured from gross building area) on sites with an area of 2 hectares or greater must not exceed 10% of the net site area.</p> <p>c) Where a single site is comprised in more than one precinct, the gross building area in a particular precinct shall not exceed 10% of the net site area of the site within that precinct.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The scale and bulk of the building in relation to the site.</li> <li>- The existing built density of the neighbourhood.</li> <li>- The effect on the open space appearance of the neighbourhood.</li> <li>- The control of stormwater runoff.</li> </ul>										
<p><b>51b.50 Noise</b></p> <p>1. The following noise conditions shall apply to all land uses, other than those exempted in Rule 57.9 in the Productive Rural, Rural Residential and Landscape and Visitor precincts:</p> <p>a) The following noise limits must not be exceeded at any point within the notional boundary of any dwelling unit on any other site within a rural environment, or at any point within any Residential Environment, Rural Settlement Zone, Lifestyle Character Zone or Jervostown Zone, except where expressly provided for elsewhere in this Plan:</p> <table border="0" style="margin-left: 40px;"> <tr> <td style="padding-right: 20px;">Control Hours</td> <td>Noise Level</td> </tr> <tr> <td>0700 to 1900 hours</td> <td>55 dB LAeq (15 min)</td> </tr> <tr> <td>1900 to 2200 hours</td> <td>50 dB LAeq (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>45 dB LAeq (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>75 dB LAFmax</td> </tr> </table> <p>b) Audible Bird Scaring Devices – Refer to Rule 57.17.</p> <p>c) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p>	Control Hours	Noise Level	0700 to 1900 hours	55 dB LAeq (15 min)	1900 to 2200 hours	50 dB LAeq (15 min)	2200 to 0700 hours the following day	45 dB LAeq (15 min)	2200 to 0700 hours the following day	75 dB LAFmax	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The sound level likely to be generated.</li> <li>- The nature and frequency of the noise including any special audible characteristics.</li> <li>- The compatibility within the neighbourhood.</li> <li>- The effects of noise on amenity values.</li> <li>- The length of time for which specified noise levels is exceeded, especially at night.</li> <li>- The likely adverse effects on-site and beyond the site.</li> <li>- The mitigation measures to reduce noise generation.</li> <li>- Matters referred to in Chapter 57 (Noise).</li> </ul>
Control Hours	Noise Level										
0700 to 1900 hours	55 dB LAeq (15 min)										
1900 to 2200 hours	50 dB LAeq (15 min)										
2200 to 0700 hours the following day	45 dB LAeq (15 min)										
2200 to 0700 hours the following day	75 dB LAFmax										
<p><b>51b.51 Light Spill</b></p> <p>1. The following light spill condition shall apply to all land uses other</p>	<p>Matters:</p>										

<p>than for the purposes of illuminating a road in the Productive Rural, Rural Residential and Landscape and Visitor precincts:</p> <p>a) Between the hours of 2200 and 0700 the following day, outdoor lighting must not cause an added illuminance in excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 metres above ground level) at any point beyond the zone boundary.</p> <p>b) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space in a building within a residential zone or a rural settlement zone).</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 significant adverse effects on the occupants of residential activities, road users or aircraft.</p> <p>NOTE: 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. Measurement should be made in clear sky conditions, or should take into account the effect of weather conditions on illuminance.</p>	<ul style="list-style-type: none"> <li>- The orientation, strength, intensity, colour and frequency of any light.</li> <li>- The effects on traffic safety.</li> <li>- The positive effects on pedestrian safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on the health, safety, security and wellbeing of people.</li> </ul>
<p><b>51b.52 Vibration</b></p> <p>1. The following vibration conditions shall apply to all land uses:</p> <p>a) Any land use must not generate a vibration that causes an unreasonable adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effect on public health and safety.</li> <li>- The effects on the structural integrity of adjacent buildings and facilities.</li> <li>- The effect on amenity values .</li> </ul>
<p><b>51b.53 Odour and Dust</b></p> <p>NOTE: The discharge of contaminants (including odour and dust) onto or into air, land or water is regulated by the Hawke's Bay Regional Resource Management Plan and may require resource consent approval. Contact the Hawke's Bay Regional Council for advice.</p>	
<p><b>51b.54 Fences</b></p> <p>1. 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"> <li>- The effects of shading.</li> <li>- The effects on amenity values.</li> <li>- The effects on public health and safety.</li> </ul>
<p><b>51b.55 Aerials, Lines and Support Structures &amp; Trees</b></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, and trees must not exceed the Airport Height Control Designation in Appendix 7, except where located in a Surface Penetration Area, where the maximum height shall not exceed 15 metres.</p> <p>b) Aerials, lines and/or support structures must not exceed 15 metres in height.</p> <p>c) Where there is conflict between any of the height control lines or limits in (a) and (b) above, the lowest height must prevail.</p> <p>d) Dish antenna must not exceed 1.2 metres in diameter.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on amenity values.</li> <li>- The scale in relation to adjacent buildings.</li> <li>- The bulk and form of the aerial, line and/or supporting structures.</li> <li>- The effects of shading.</li> <li>- The extent to which heritage or cultural values are adversely affected.</li> <li>- The cumulative effect of additional aerials, lines and/or support structures.</li> <li>- The prominence of the site taking into account significant public views and any significant landscapes.</li> <li>- The effects on public health and safety.</li> <li>- The effects on air traffic safety.</li> </ul>

<p>e) 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 is only one such structure on the site.</p> <p>f) The aerial, line and/or support structure must comply with the conditions relating to yards in this condition table.</p>	
<p><b>51b.56 Trees</b></p> <p>1. The following conditions shall apply to all shelterbelts and plantations:</p> <p>a) Any shelterbelt or plantation greater than 20 metres in length must not be planted within 5 metres of any site boundary, except that:</p> <p>i) Shelterbelts or plantations may be planted within 5 metres of any site boundary, provided that the shelterbelts and/or plantations are maintained at a height not exceeding 9 metres.</p> <p>2. The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects of shading.</li> <li>- The effects on visibility.</li> <li>- The effects on traffic safety.</li> <li>- The effects on air traffic safety</li> <li>- The positive effects of trees on the environment.</li> </ul>
<p><b>51b.57 Heritage</b></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><b>51b.58 Earthworks</b></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><b>51b.59 Signs</b></p> <p>1. The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 58 (Signs) of this Plan.</p>
<p><b>51b.60 Transport</b></p> <p>1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to matters in Chapter 61 (Transport) of this Plan.</p>
<p><b>51b.61 Natural Hazards</b></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><b>51b.62 Hazardous Substances</b></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><b>51b.63 Contaminated Sites</b></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><b>51b.64 Activities on the Surface of Water</b></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><b>51b.65 Financial Contributions</b></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><b>51b.66 Code of Practice for Subdivision and Land Development</b></p> <p>1. The relevant provisions of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan must be complied with.</p> <p>NOTE: 1. The following minimum lot size shall apply within the Rural Residential Precinct of the Mission Special Character Zone:</p> <p style="padding-left: 40px;">a) 5000m<sup>2</sup> minimum lot size with a minimum average lot size of 1.5 hectares. The minimum average lot size, shall be calculated using the parent lot in existence as at 11 November 2000. This parent lot will be the base for any further proposed subdivision</p> <p>2. Volume 2 of the Plan contains relevant Objectives, Policies, Rules and other issues associated with the subdivision of land and must be read in conjunction with this provision.</p>	<p>Matters:</p> <p>Refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</p>

**RESIDENTIAL PRECINCT RULES**

All of the following rules apply throughout the Residential Precinct of the Mission Special Character Zone unless otherwise stated.

NOTE: For location of the Residential Precinct and the features within it, refer to the Mission Special Character Zone Structure Plan Map in Appendix 26B.

**RESIDENTIAL PRECINCT SUMMARY ACTIVITY TABLE**

The following is a quick reference guide that summarises the Residential Precinct Activity Table. It is intended to be a guide only and must not be used in place of the Residential Precinct Activity and Condition Tables that follow.

Rule Number and Description		Classification	Page Number
Rule 51b.67	Residential activities.	Permitted	30
Rule 51b.68	Home occupations.	Permitted	30
Rule 51b.69	A supplementary unit.	Permitted	31
Rule 51b.70	Residential care facilities.	Permitted	31
Rule 51b.71	Day care centres.	Permitted	31
Rule 51b.72	Travellers' accommodation.	Permitted	32
Rule 51b.73	Education facilities.	Permitted	32
Rule 51b.74	Scheduled sites.	Permitted	32
Rule 51b.74A	Use and Development of Reserves identified on the Structure Plan Maps in Appendix 26B – 1 & 2.	Permitted	32
Rule 51b.75	Residential Activities within 'prominent visual development areas' as identified on structure plan	Controlled	32
Rule 51b.76	Relocation of a building from another site.	Controlled	33
Rule 51b.77	Land development (including subdivision but excluding Multi Unit development for Commercial and Industrial Activities).	Restricted Discretionary	33
Rule 51b.78	Commercial activities within the 'Neighbourhood Centre' as identified on the structure plan.	Restricted Discretionary	34
Rule 51b.79	Any use or development of land referred to in Rules 51b.67 to 51b.76 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	34
Rule 51b.80(a)	A supplementary unit that does not comply with all the relevant conditions.	Discretionary	35
Rule 51b.80(b)	Retirement complexes.	Discretionary	35
Rule 51b.80(c)	Place of Assembly	Discretionary	35
Rule 51b.80(d)	Any subdivision or boundary adjustment that does not comply with the minimum lot size specified in Chapter 66 of this Plan or which does not comply with Rule 51b.77 (1)(a),(b) or (d).	Discretionary	35
Rule 51b.80(e)	Any use or development of land referred to in Rule 51b.78 (Commercial Activities within the Neighbourhood Centre) that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Discretionary	35

Rule 51b.81(a)	Any land use not identified in the Mission Special Character Zone, Residential Precinct – Activity Table as a permitted activity, a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.	Non-Complying	35
Rule 51b.81(b)	Any subdivision that does not comply with Rule 51b.77(1)(c)	Non-Complying	35

## MISSION SPECIAL CHARACTER ZONE: RESIDENTIAL PRECINCT – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p><b>51b.67 Residential Activities</b></p> <p>1. Any residential activity is a permitted activity provided that:</p> <p>a) It complies in all respects with the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.79.</p>
<p><b>51b.68 Home Occupations</b></p> <p>1. A home occupation is a permitted activity provided that:</p> <p>a) Not more than one full time equivalent job is created for a person(s) residing outside the dwelling unit.</p> <p>b) At all times, the home occupation must remain incidental and secondary to the use of the dwelling unit for residential purposes.</p> <p>c) The area of the home occupation must not exceed 30% of the gross floor area of the dwelling unit.</p> <p>d) Any outdoor storage associated with the home occupation must be screened from view of any adjacent sites and public places.</p> <p>e) Where the home occupation is located in the required garage, alternative parking spaces must be available on site for two vehicles. One of these sites shall have the dimensions of a notional garage. The notional garage must comply with all the relevant access and manoeuvring conditions in Chapter 61 (Transport) of this Plan.</p> <p>f) Retailing of goods must not occur from the site except for items produced on the site or fruit, vegetables or other natural products grown on the property.</p> <p>g) Vehicle movements generated by the home occupation must not exceed a daily average of 20 and must not attract pedestrian or vehicular traffic between 2200 hours and 0700 hours the following day.</p> <p>NOTE: A Vehicle movement means the arrival and departure of the vehicle from the site.</p> <p>h) The home occupation must comply in all respects with the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.79 including the following:</p> <ul style="list-style-type: none"> <li>- The effects on the residential character of the neighbourhood.</li> <li>- The effects on public health and safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on traffic and pedestrian safety.</li> <li>- The type, frequency, and timing of traffic.</li> </ul>
<p><b>51b.69 Supplementary Units</b></p> <p>1. A supplementary unit is a permitted activity provided that:</p> <p>a) The unit must consist of a single bedroomed dwelling unit.</p> <p>b) No more than one supplementary unit may be located on the same site as one other dwelling unit.</p> <p>c) The gross floor area of the unit must not exceed 80m<sup>2</sup>, including a notional garage.</p> <p>d) The unit need not comply with the open space and density conditions.</p> <p>e) The unit complies in all other respects with the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table.</p>	<p>NOTE: A supplementary unit that does not comply in all respects with the relevant conditions is a discretionary activity. Refer to Rule 51b.80(a)</p>

<p><b>51b.70 Residential Care Facilities</b></p> <p>1. A residential care facility is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) The facility must not cater for more than 10 residents, excluding staff.</li> <li>b) Any outdoor storage associated with the residential care facility must be screened from view of any adjacent sites and public places.</li> <li>c) The facility complies in all respects with the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table.</li> </ul> <p>NOTE: For the purposes of this rule, residential care facilities do not include retirement complexes (see 51b.76(b) in the Residential Precinct activity table).</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.79.</p>
<p><b>51b.71 Day Care Centres</b></p> <p>1. A day care centre is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) The centre must not cater for more than 10 people, excluding staff.</li> <li>b) Any outdoor storage associated with the day care centre must be screened from view of any adjacent sites and public places.</li> <li>c) The centre complies in all respects with the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table.</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.79.</p>
<p><b>51b.72 Travellers' Accommodation</b></p> <p>1. Travellers' accommodation is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) The travellers' accommodation must not cater for more than 5 guests, excluding staff and/or family.</li> <li>b) Any outdoor storage associated with the travellers' accommodation must be screened from view of any adjacent sites and public places.</li> <li>c) The accommodation complies in all respects with the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table.</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.79.</p>
<p><b>51b.73 Education Facilities</b></p> <p>1. Education facilities are a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) The facility must not cater for more than 10 students.</li> <li>b) Any outdoor storage associated with the education facility must be screened from view of any adjacent sites and public places.</li> <li>b) The facility complies in all respects with the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table.</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.79.</p>
<p><b>51b.74 Scheduled Sites</b></p> <p>1. Any scheduled land use on a scheduled site is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) It complies in all respects with the rules in Chapter 55 (Scheduled Sites).</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Chapter 55 (Scheduled Sites) of this Plan.</p>

<p><b>51b.74A Use and Development of Reserves identified on the Structure Plan Maps in Appendix 26B – 1 &amp; 2.</b></p> <p>1. Use (including recreation) and development of reserves identified on the Structure Plan Maps is permitted provided that:</p> <p>a) Such use and development is consistent with the purpose of the reserve as set out in the Structure Plan Design Outcomes in Appendix 26A or the name description of the reserve in Appendix 26B – 1 &amp; 2.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.79.</p>
<p><b>CONTROLLED ACTIVITIES</b></p>	<p><b>Matters the Council will restrict its discretion to for restricted discretionary activities.</b></p>
<p><b>51b.75 Residential Activities within ‘prominent visual development areas’ as identified on structure plan</b></p> <p>1. A Residential Activity within a ‘prominent visual development area’ as identified on the structure plan, is a controlled activity provided that:</p> <p>a) It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.</p> <p>b) That buildings will be screened from view from Church Road by their location and design or by existing vegetation (as at the time the consent is applied for) to be demonstrated by cross section diagrams.</p> <p>2. Applications for resource consent will not be publicly notified in respect of Residential Activities within ‘prominent visual development areas’ that fully comply with the standards and terms, and notice of applications need not be served.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.79, including the following:</p> <ul style="list-style-type: none"> <li>- Effects on the integrity of the woodland landscape of the eastern hill face as viewed from Church Road.</li> </ul>
<p><b>51b.76 Relocation of Buildings</b></p> <p>1. Relocation of a building from another site is a restricted discretionary activity provided that:</p> <p>a) The relocation of a building complies in all respects with the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table.</p> <p>b) A written assessment must be submitted with each application which must:</p> <p>i) Include a statement from a building certifier or registered engineer that the building is structurally sound.</p> <p>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> <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>The Council will restrict its discretion to the matters referred to in Rule 51b.79, including the following:</p> <ul style="list-style-type: none"> <li>- The structural integrity of the building.</li> <li>- The imposition of a performance bond.</li> <li>- The timing of reinstatement works.</li> <li>- The effects on the built character of the surrounding area such that the building makes a positive contribution to amenity values.</li> <li>- The effects on infrastructural services.</li> </ul>

<p>e) The imposition of a performance bond to complete the reinstatement of the building.</p> <p>2. Applications for resource consent will not be publicly notified in respect of relocated buildings that fully comply with the standards and terms, and notice of applications need not be served.</p>	
<b>RESTRICTED DISCRETIONARY ACTIVITIES</b>	<b>Matters the Council will restrict its discretion to for restricted discretionary activities.</b>
<p>51b.77 <b>Land Development (including Subdivision but excluding Multi Unit development for Commercial and Industrial Activities)</b></p> <p>1. Land development, including subdivision but excluding multi-unit development for commercial and industrial activities is a restricted discretionary activity provided that:</p> <p>a) It complies in all respects with the standards and terms specified in Chapter 66 (Volume II) of this Plan except for where specific provisions are specified in the Mission Special Character Zone Structure Plan in Appendix 26A - F, then these shall apply over Chapter 66.</p> <p>b) It complies in all respects with the relevant conditions in the Mission Special Character Zone Residential Precinct Activity Table and Condition Table.</p> <p>c) A resource consent for the discharge of stormwater from development within the Residential Precinct of the Mission Special Character Zone (in the manner shown on Structure Plan Overall Map in Appendix 26B) has been obtained from the Hawke's Bay Regional Council.</p> <p>d) It is assessed according to the matters in Chapter 66 (Volume II) over which the Council has reserved its control and in the Mission Special Character Zone Structure Plan in Appendix 26A – Design Outcomes.</p> <p>2. Applications for resource consent will not be publicly notified in respect of land development (including subdivision) that fully complies with the standards and terms, and notice of applications need not be served.</p>	<p>The Council will exercise its discretion over the matters referred to in Rule 51b.79, including the assessment criteria specified in Chapter 66 (Volume II) of this Plan.</p>
<p>51b.78 <b>Commercial activities within the 'Neighbourhood Centre' as identified on the structure plan</b></p> <p>1. Any Commercial Activity within the 'Neighbourhood Centre' as identified on the structure plan in Appendix 26B, is a restricted discretionary activity provided that:</p> <ol style="list-style-type: none"> <li>1. It complies in all respects with the relevant conditions in the Mission Special Character Zone condition table.</li> <li>2. Maximum of 3 storeys and 12m in height.</li> <li>3. Ground floor to have a minimum floor to floor height to the first floor of 4m.</li> <li>4. Ground floors of buildings must be occupied by commercial activity, residential activities may be located above ground floor level.</li> <li>5. Buildings shall front the street boundary except entrances and architectural treatments may be recessed.</li> <li>6. A minimum of 50% of the ground floor street elevation shall be glazed.</li> </ol>	<p>The Council will restrict its discretion to the matters referred to in Rule 51b.79, including the following:</p> <ul style="list-style-type: none"> <li>- The design and appearance of the buildings such that they reflect the significance of the neighbourhood centre and make a positive contribution to the character and amenity of the Residential Precinct.</li> </ul>

<p>7. A continuous veranda shall be provided on street frontages with a minimum 3.2m clearance above footpaths.</p> <p>2. Applications for resource consent will not be publicly notified in respect of Commercial Activities within the Neighbourhood Centre that fully comply with the standards and terms, and notice of applications need not be served.</p>	
<p><b>51b.79 Land Uses Not Complying With Conditions</b></p> <p>1. Any use or development of land referred to in Rules 51b.67 to 51b.76 that do not comply with all of the relevant conditions in the Mission Special Character Zone Residential Precinct activity table and condition table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</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 the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> <li>- The matters identified in the second column of the Mission Special Character Zone Residential Precinct activity table and/or condition table</li> <li>- The cumulative effect of non-compliance with more than one condition.</li> <li>- In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over.</li> <li>- The matters set out in Chapter 1.6.5.</li> <li>- The assessment criteria in Chapter 12 of this Plan where applicable.</li> <li>- The Design Outcomes in the Mission Special Character Zone Structure Plan in Appendix 26A.</li> </ul>
<b>DISCRETIONARY ACTIVITIES</b>	
<p><b>51b.80 Discretionary Activities</b></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 the Mission Special Character Zone Structure Plan Design Outcomes in Appendix 26 and the assessment criteria in Chapter 12. The Council's discretion is unrestricted.</p> <p>a) A supplementary unit that does not comply with all the relevant conditions.</p> <p>b) Retirement complexes.</p> <p>c) Place of Assembly.</p> <p>d) Any subdivision or boundary adjustment that does not comply with the minimum lot size specified in Chapter 66 of this Plan or which does not comply with Rule 51b.77 (1)(a),(b) or (d).</p> <p>e) Any use or development of land referred to in Rule 51b.78 (Commercial Activities within the Neighbourhood Centre) that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.</p>	
<b>NON-COMPLYING ACTIVITIES</b>	
<p><b>51b.81 Non-Complying Activity</b></p> <p>1. Any land use not identified in the Mission Special Character Zone, Residential Precinct – Activity Table as a permitted activity, a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity.</p> <p>2. Any subdivision that does not comply with Rule 51b.77(1)(c).</p>	

<b>PROHIBITED ACTIVITIES</b>	
<b>51b.82 Prohibited Activities</b>	
1. There are no land uses that are a prohibited activity within the Mission Special Character Zone Residential Precinct.	

## MISSION SPECIAL CHARACTER ZONE: RESIDENTIAL PRECINCT – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p><b>51b.83 Density</b></p> <p>1. The following density conditions shall apply to all residential activities:</p> <p>a) The maximum density must not exceed one dwelling unit per 250m<sup>2</sup> of net site area within the area identified on the Structure Plan in Appendix 26B as 'Indicative Urban Residential Development Extent'.</p> <p>2. A "concept plan" must be submitted to the Council which shows how a single dwelling unit or multiple dwelling unit development is able to fully comply with the conditions for permitted activities if the density exceeds that as set out above.</p> <p>NOTE: For the avoidance of doubt, that area identified on the Structure Plan Map in Appendix 26A as 'Indicative Open Space' is subject to the Conditions Table of the Rural Residential Precinct (as set out above).</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on amenity values of the neighbourhood.</li> <li>- The effects on landscape values.</li> <li>- The cumulative effect of an increase in density.</li> <li>- The effects on neighbouring zones.</li> </ul>
<p><b>51b.84 Yards</b></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 must not be erected closer than:</p> <ul style="list-style-type: none"> <li>• 5 metres to the road boundary of the Main Collector Road; or</li> <li>• 3m to the boundary of any other road;</li> </ul> <p>Except that:</p> <ul style="list-style-type: none"> <li>• Eaves, fascias, balconies, entrance porches, gutters, down pipes, chimneys and flues may encroach on the front yard by a distance of up to 1 metre measured horizontally.</li> <li>• Any part of a garage/carport must not be erected closer than 5m to the road boundary, so as to provide a vehicle standing bay. (Refer to Rule 61.16).</li> </ul> <p>b) Front Yard Landscaping</p> <p>On all sites other than rear sites, 40% of the front yard must comprise landscaped permeable surface.</p> <p>c) Other Yards</p> <p>i) Any part of a building (including eaves and guttering) must not be erected closer than 1 metre to a side or rear site boundary.</p> <ul style="list-style-type: none"> <li>• Provided that where this is the only condition infringement and the written approval of the adjacent landowner(s) is provided at building consent stage, a resource consent application will not be necessary.</li> </ul> <p>ii) Any part of a building, fence or permanently fixed structure must not be erected closer than 6 metres from the top of the bank of any watercourse or open drain.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The existing streetscape and protection from road frontage domination.</li> <li>- The degree to which the building addresses the street.</li> <li>- The topography of the site, if a logical response is a garage in the front yard either below or above the house.</li> <li>- Avoidance of unbroken garage doors dominating the street frontage.</li> <li>- The outlook and privacy of adjacent and adjacent properties.</li> <li>- The effects of shading of adjacent properties.</li> <li>- The effects on amenity values of the neighbourhood.</li> <li>- The effects on the maintenance and enhancement of watercourses and open drains.</li> </ul>

<p><b>51b.85 Height</b></p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <ul style="list-style-type: none"> <li>a) Any part of a building or structure must not exceed 10 metres in height, except that:             <ul style="list-style-type: none"> <li>i) Within the Neighbourhood Centre (as shown on the Structure Plan in Appendix 26B), any part of a building or structure must not exceed 12 metres in height.</li> <li>ii) On a front site or corner site, any part of a building or structure may be erected up to the Streetscape Height determined in accordance with Appendix 8 of this Plan.</li> </ul> </li> <li>b) Any part of a building or structure must not exceed the Airport Height Control Designation in Appendix 7, except where located in a Surface Penetration Area, where the maximum height shall not exceed 10 metres, or where located within the Neighbourhood Centre the maximum height shall not exceed 12 metres.</li> <li>c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</li> <li>d) Where the Airport Height Control Designation prevails in accordance with Rule 51b.85.1(c):             <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> </li> <li>e) Height must be measured using the rolling height method.</li> </ul>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The scale and bulk of the building in relation to the site.</li> <li>- The built characteristic of the neighbourhood.</li> <li>- The extent to which the effects of the height can be mitigated by setbacks, planting, design or topography of the site.</li> <li>- The effects on landscape values.</li> <li>- The effects of shading.</li> <li>- The effects on amenity values.</li> <li>- The effects on air traffic safety.</li> </ul>
<p><b>51b.86 Height in Relation to Boundary</b></p> <p>1. The following height in relation to boundary conditions shall apply to all land uses:</p> <ul style="list-style-type: none"> <li>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 3 metres above ground level at the site boundary and must be inclined to the horizontal at an angle of 45 degrees.</li> <li>b) Provided that:             <ul style="list-style-type: none"> <li>i) In relation to multi-unit development, the building envelope must be constructed by drawing planes along all parts of all building site boundaries and must commence at the building site boundary.</li> <li>ii) The height in relation to boundary control does not apply to the length of common wall between two or more attached buildings.</li> <li>iii) 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.</li> <li>iv) No account must be taken of aerials, lines, support structures, solar heating devices, air conditioning units</li> </ul> </li> </ul>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The availability of daylight to adjacent properties.</li> <li>- The effects on the privacy of adjacent properties and occupiers.</li> <li>- The effects on amenity values.</li> <li>- The effects on landscape values.</li> </ul> <div data-bbox="922 1503 1481 1854" style="border: 1px solid black; padding: 10px; margin-top: 10px;"> </div>

<p>and similar structures housing electronic or mechanical equipment; or chimneys, no more than 1 metre wide in any horizontal direction and less than 2.5 metres in height beyond the building envelope.</p>	
<p><b>51b.87 Site Coverage</b></p> <p>1. The following site coverage conditions shall apply to all land uses:</p> <p>a) Site coverage (measured from gross building area) must not exceed 50% of the net site area.</p> <p>b) Provided that where there is no garage or carport on site, the gross building area must include a notional garage of 18.5m<sup>2</sup> for each dwelling unit on the site.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The availability of useable open space on site.</li> <li>- The scale and bulk of the building in relation to the site.</li> <li>- The existing built density of the neighbourhood.</li> <li>- The effect on the open space appearance of the neighbourhood.</li> <li>- The control of stormwater runoff.</li> </ul>
<p><b>51b.88 Landscaped Area</b></p> <p>1. The following landscaped area conditions shall apply to all land uses:</p> <p>a) All sites must have a landscaped area not less than 30% of the net site area.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effect on the open space appearance of the neighbourhood.</li> <li>- The control of stormwater runoff.</li> <li>- The effects on amenity values.</li> </ul>
<p><b>51b.89 Open Space</b></p> <p>1. The following open space conditions shall apply to all residential activities:</p> <p>a) Each dwelling unit must have an amount of open space on the building site of not less than 50% of the gross floor area of all buildings on the site, except that a minimum of 50m<sup>2</sup> per dwelling unit is to be provided.</p> <p>b) Where there is no garage or carport proposed or existing on the site, the gross floor area must include a notional garage of 18.5m<sup>2</sup> for each dwelling unit on the site</p> <p>c) The maximum area of open space required to be provided on a building site is 100m<sup>2</sup> per dwelling unit.</p> <p>d) Provided that:</p> <p>i) Open space may comprise of more than one area.</p> <p>ii) Open space may take the form of a deck or terrace but must be unobstructed by buildings (other than cantilevered decks), parking spaces, or vehicle manoeuvring areas.</p> <p>iii) Open space must be directly accessible from the unit to which it relates.</p> <p>iv) The open space must:</p> <ul style="list-style-type: none"> <li>• Include at least one area capable of containing a 6 metre diameter circle; and</li> <li>• Have a minimum dimension of 3 metres measured at right angles to the perimeter of the area.</li> </ul>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on privacy and amenity of the occupants on-site.</li> <li>- The effect on the open space appearance of the neighbourhood.</li> </ul> <div data-bbox="922 1048 1444 1384" style="border: 1px solid black; padding: 5px;"> <p><b>For example:</b></p> <p>In this example gross floor area = 180m<sup>2</sup> (including garage) therefore minimum open space required = 90m<sup>2</sup> (180x0.5)</p> </div>
<p><b>51b.90 Noise</b></p> <p>1. The following noise conditions shall apply to all land uses (including noise from fixed plants such as air conditioning units and other similar devices), other than those exempted in Rule 57.9:</p> <p>a) The following noise limits must not be exceeded at any point beyond the site boundary, except where expressly</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The sound level likely to be generated.</li> <li>- The nature and frequency of the noise including any special audible characteristics.</li> <li>- The compatibility within the neighbourhood.</li> <li>- The effects of noise on amenity values.</li> <li>- The length of time for which specified noise levels is exceeded, especially at night.</li> </ul>

<p>provided for elsewhere in this Plan:</p> <table border="0"> <tr> <td>Control Hours</td> <td>Noise Level</td> </tr> <tr> <td>0700 to 1900 hours</td> <td>50 dB L<sub>Aeq</sub> (15 min)</td> </tr> <tr> <td>1900 to 2200 hours</td> <td>45 dB L<sub>Aeq</sub> (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>40 dB L<sub>Aeq</sub> (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>70 dB L<sub>AFmax</sub></td> </tr> </table> <p>b) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p>	Control Hours	Noise Level	0700 to 1900 hours	50 dB L <sub>Aeq</sub> (15 min)	1900 to 2200 hours	45 dB L <sub>Aeq</sub> (15 min)	2200 to 0700 hours the following day	40 dB L <sub>Aeq</sub> (15 min)	2200 to 0700 hours the following day	70 dB L <sub>AFmax</sub>	<ul style="list-style-type: none"> <li>- The likely adverse effects on-site and beyond the site.</li> <li>- The mitigation measures to reduce noise generation.</li> </ul>
Control Hours	Noise Level										
0700 to 1900 hours	50 dB L <sub>Aeq</sub> (15 min)										
1900 to 2200 hours	45 dB L <sub>Aeq</sub> (15 min)										
2200 to 0700 hours the following day	40 dB L <sub>Aeq</sub> (15 min)										
2200 to 0700 hours the following day	70 dB L <sub>AFmax</sub>										
<p><b>51b.91 Light Spill</b></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) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users or aircraft.</p> <p>NOTE: 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. Measurement should be made in clear sky conditions, or should take into account the effect of weather conditions on illuminance.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The orientation, strength, intensity, colour and frequency of any light.</li> <li>- The effects on traffic safety.</li> <li>- The effects on pedestrian safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on the health, safety, security and wellbeing of people.</li> </ul>										
<p><b>51b.92 Vibration</b></p> <p>1. The following vibration conditions shall apply to all land uses:</p> <p>a) Land uses must not generate a vibration that causes an unreasonable adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effect on public health and safety.</li> <li>- The effects on the structural integrity of adjacent buildings and facilities.</li> <li>- The effect on amenity values of the residential area.</li> </ul>										
<p><b>51b.93 Fencing</b></p> <p>1. The following fencing conditions shall apply to all land uses:</p> <p>a) Any fence erected within a front yard shall not exceed 1.2m in height;</p> <p>b) Any fence erected within a side or rear yard must not exceed 2 metres in height.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on streetscape and character values.</li> <li>- The effects of shading.</li> <li>- The effects on amenity values.</li> <li>- The effects on public health and safety.</li> </ul>										
<p><b>51b.94 Aerials, Lines and Support Structures &amp; Trees</b></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 or support structures must not exceed 12 metres in height.</p> <p>b) Aerials, lines or support structures, and trees must not exceed the Airport Height Control Designation in Appendix 7, except where located in a Surface Penetration Area, where the maximum height shall not exceed 12 metres.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on amenity values.</li> <li>- The scale in relation to adjacent buildings.</li> <li>- The bulk and form of the aerial, line and/or supporting structures.</li> <li>- The effects of shading.</li> <li>- The extent to which heritage or cultural values are adversely affected.</li> <li>- The cumulative effect of additional aerials, lines and/or supporting structures.</li> <li>- The prominence of the site taking into account significant public views and any significant landscapes.</li> </ul>										

<p>c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 11.26.1(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 such structure on the site.</p> <p>g) The aerial, line and/or support structure must comply with the conditions relating to yards and height in relation to boundary specified elsewhere in the Western Hills Residential Zone condition table.</p>	<ul style="list-style-type: none"> <li>- The effects on public health and safety.</li> <li>- The effects on air traffic safety.</li> </ul>
<p><b>51b.95 Heritage</b></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><b>51b.96 Earthworks</b></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><b>51b.97 Signs</b></p> <p>1. The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 58 (Signs) of this Plan.</p>
<p><b>51b.98 Trees</b></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><b>51b.99 Transport</b></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><b>51b.100 Natural Hazards</b></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><b>51b.101 Hazardous Substances</b></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><b>51b.102 Contaminated Sites</b></p> <p>1. The relevant provisions of Chapter 64 (Contaminated Sites) of</p>	<p>Matters:</p> <p>Refer to Chapter 64 (Contaminated Sites) of this</p>

<p>this Plan must be complied with.</p>	<p>Plan.</p>
<p><b>51b.103 Activities on the Surface of Water</b></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><b>51b.104 Financial Contributions</b></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><b>51b.105 Code of Practice for Subdivision and Land Development</b></p> <p>1. The relevant provisions of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) must be complied with.</p> <p>NOTE: 1. The following minimum lot size shall apply within the Residential Precinct of the Mission Special Character Zone:</p> <ul style="list-style-type: none"> <li>a) 250m<sup>2</sup> within the area identified on the Appendix26B Structure Plan as 'Indicative Residential Development Extent'.</li> <li>b) For the remainder of the Residential Precinct the Mission Special Character Zone Rural Residential Precinct subdivision rules shall apply.</li> </ul> <p>2. Volume 2 of the Plan contains relevant Objectives, Policies, Rules and other issues associated with the subdivision of land and must be read in conjunction with this provision.</p>	<p>Matters:</p> <p>Refer to Chapter 66 (Volume II – Code of Practice for Subdivision and Land Development) of this Plan.</p>

**MISSION SPECIAL CHARACTER ZONE – ASSESSMENT CRITERIA****51b.106 ASSESSMENT CRITERIA FOR THE PRODUCTIVE RURAL, THE RURAL RESIDENTIAL, AND LANDSCAPE AND VISITOR PRECINCTS**

Some non-complying activity, discretionary activity and restricted discretionary rules refer to assessment criteria to assist the Council in considering resource consent applications. The Council will have regard to the Assessment Criteria outlined in Chapter 39 for the Rural Environments when considering an application under Section 104 of the Act in relation to the Productive Rural Precinct, the Rural Residential Precinct and the Landscape & Visitor Precinct. In addition to the assessment criteria in Chapter 39, the Council will also have regard to the 'Design Outcomes' for the Mission Special Character Zone Structure Plan in Appendix 26A.

**51b.107 ASSESSMENT CRITERIA FOR THE RESIDENTIAL PRECINCT**

Some non-complying activity, discretionary activity and restricted discretionary rules refer to assessment criteria to assist the Council in considering resource consent applications. The Council will have regard to the Assessment Criteria outlined in Chapter 12 for the Residential Environments when considering an application under Section 104 of the Act in relation to the Residential Precinct. In addition to the assessment criteria in Chapter 12 the Council will also have regard to the 'Design Outcomes' for the Mission Special Character Zone Structure Plan in Appendix 26A.

**51b.108 Principal Reasons for Rules**

The reasons for the rules applying to all of the precincts within the Mission Special Character Zone are set out below.

**51b.109 Land Uses Generally**

The general assumption is that any land use that is not listed within the activity table of the Productive Rural, Rural Residential, Landscape and Visitor and Residential precincts is considered to be a non-complying activity. The principal assumption is that the Mission Special Character Zone is sensitive to the effects of activities not anticipated by the District Plan.

**51b.110 Agricultural, Horticultural and Viticultural Activities**

The Council recognises the importance of agricultural, horticultural and viticultural activities to the livelihood and economy of the Hawke's Bay region. Therefore agricultural, horticultural and viticultural activities are permitted throughout the Main Rural and Rural Residential zones (being the previous zonings applying to the Mission Special Character Zone), provided that the land use meets the conditions specified in the respective activity table and condition table. The Mission Estate property has a long history of agricultural, horticultural and viticultural activities being undertaken in conjunction with the seminary. Although the seminary has now closed the productive use of the rural land resource of the property has continued up to the present and the associated open space and vineyard plantings are intrinsic to the special character values of the Zone. Given the above agricultural, horticultural and viticultural activities are permitted within the Productive Rural, Rural Residential, and Landscape and Visitor precincts.

**51b.111 Commercial Forestry**

The Council recognises the importance of commercial forestry to the livelihood and economy of the Hawke's Bay region. Commercial forestry is permitted in the Rural Residential and Landscape and Visitor precincts, but is not provided for in the Productive Rural or Residential precincts. Forestry has been an ongoing activity within the Zone,

with an area of pine forest remaining in the Rural Residential Precinct (up to 2017 at least) and the relatively recent harvesting of other areas of forest from the property. It is important that commercial forestry is also permitted in the Landscape and Visitor Precinct so that the woodland planting of the eastern hill face also has a commercial value. The landscape values that are enhanced by the woodland planting will be protected by the conditions specified in the activity table and condition table specifically applying to commercial forestry in the Landscape and Visitor Precinct and by the Structure Plan Design Outcomes in Appendix 26A.

Forestry is not provided for in the Productive Rural Precinct due to the effects on the value of the significant amenity landscape which is dependent on open foreground views from Church Road over the vineyard (or potentially other horticultural plantings or pasture) plantings.

#### **51b.112 Home Occupations**

Many home occupations can be undertaken without any adverse effect on the surrounding environment. However, the potential for adverse effects increases as the scale of the land use increases. Accordingly, it is considered necessary to apply a threshold to home occupations beyond which the effects of land uses should be assessed on a case by case basis. Home Occupations are permitted in association with residential activities throughout the Mission Special Character Zone.

#### **51b.113 Supplementary Units**

Residential activities may occur in accessory buildings to meet the social and economic needs of the community such as housing dependent relatives, and/or providing accommodation for paying tenants. The effects of supplementary units are not significant, unless certain conditions cannot be satisfied to maintain the amenity and character. A limitation is applied to the size of supplementary units to ensure that effects beyond a certain threshold are appropriately managed. A minimum density is required to ensure that servicing second dwelling units does not have an adverse effect on the environment, including amenity values.

#### **51b.114 Travellers' Accommodation and Camping Grounds**

Small-scale travellers' accommodation is permitted in the Productive Rural, Rural Residential and Residential Precincts. This is due to small scale facilities being able to operate with minimal impact on surrounding properties. Larger-scale travellers' accommodation is a restricted discretionary activity in the Residential Precinct and a discretionary activity in the Productive Rural Precinct. In ensuring consistency with the remainder of the Plan (which was amended via Plan Change 10) however, larger-scale travellers accommodation in the Rural Residential Precinct is a non-complying activity. An increase in the scale of accommodation facilities beyond what might generally be anticipated for a dwelling unit, brings with it an increase in the potential for adverse effects on the surrounding area and rural character. Potential adverse effects on the rural environment include increased traffic generation, noise, external appearance of buildings and extra pressure on existing infrastructural services.

Within the Rural Residential Precinct some additional allowance is made for travellers accommodation where existing buildings are reused or redeveloped, with a specific permitted activity rule (51b.24) applying to the 'Maryknoll' buildings (as identified on the Structure Plan Map in Appendix 26B) and a restricted discretionary activity rule (51b.29) providing for commercial activities within existing buildings. The Maryknoll buildings, due to their position within the Zone could potentially be redeveloped for travellers' accommodation without risk to landscape values or without affecting any neighbours. Similarly allowing for the reuse of other existing buildings for commercial activities (which could include travellers' accommodation) poses no risk to landscape values, while restricted discretionary activity resource consent will ensure that any adverse effects on

the environment can be avoided, remedied or mitigated.

#### **51b.115 Supplementary Unit, Travellers' Accommodation and Seasonal Workers Accommodation within the Productive Rural Precinct**

Although there is general consistency with the permitted activity standards that apply to these activities in other zones, there are several differences due to the relatively large area of the Productive Rural Precinct and the non-complying activity status of subdivision. A maximum gross floor area of 200m<sup>2</sup> (as opposed to 80m<sup>2</sup> elsewhere) recognises that this precinct is all within the one large site and therefore has a greater ability to internalise any adverse effects than would be the case with smaller sites.

Travellers' and Seasonal Workers Accommodation within the Productive Rural Precinct are appropriate activities in regards to the productive use of the soil resource, providing the ability to accommodate seasonal or casual workers on site, or to provide a more rural visitor experience for tourists. Further to this where the permitted activity standards are exceeded a discretionary, rather than non-complying activity assessment is appropriate for assessing any resource consent application given the large area of land available.

#### **51b.116 Commercial Activities**

Commercial activities (including the restaurant, cellar door and conference facilities) are an integral part of the Mission Estate winery operations and help to create the ambiance that contributes to the special character values of the Zone. It is therefore essential for these commercial activities to be permitted within the Landscape & Visitor Precinct of the Mission Special Character Zone. Commercial activities in new buildings unrelated to the Mission Estate Winery could have a number of adverse effects, including effects on amenity values. For this reason the rules establish a hierarchy for the consideration of new commercial activities involving new buildings. Where such activities are associated with the visitor experience offerings of the Mission Estate winery and located within the immediate environs of the existing Mission Estate building (as identified on the Structure Plan Map in Appendix 26B), they will be assessed as a restricted discretionary activity and where located outside of this area as a full discretionary activity.

Commercial activities are also provided for as 'restricted discretionary activities' in the 'Neighbourhood Centre' (as identified on the Structure Plan Map in Appendix 26B) of the Residential Precinct. The reason for the resource consent requirement is to enable an assessment of the building design to ensure that it is of an appropriate quality and character for the visual prominence that the neighbourhood shops and services will have within the Mission Special Character Zone.

Generally, the Council does not wish to see commercial land uses being located within the Productive Rural (aside from that associated with the existing winery buildings) or Rural Residential precincts, given that provision is made for commercial land uses within the Landscape and Visitor Precinct and within the Neighbourhood Centre of the Residential Precinct so as to maximise the co-location benefits of the clustering of commercial activities and to minimise the potential adverse amenity effects and reduced sustainability of dispersed commercial activities within the zone and City. Restricted Discretionary activity provision is however made for existing buildings within the Rural Residential Precinct to be utilised for commercial activities. This enables the potential for more efficient uses to be made of existing underutilised physical resources subject to assessment to ensure there is no impact on the zones special character values.

#### **51b.117 Concert & Entertainment Events**

This activity relates to the Landscape and Visitor Precinct in which the Mission Concert Venue is located. The conditions for this activity largely reflect those applying to temporary events under Chapter 54 of the Plan. In recognition of the long standing status of the Mission Concert and the separation of the stage location from the nearest

property boundary some 250m distant, provision is made for the establishment of permanent facilities (which is not provided for under the District Wide Temporary Events provisions in Chapter 54).

#### **51b.118 ‘ Art Cabins’ & Hotel Accommodation**

This activity relates to the Landscape and Visitor Precinct in which the existing ‘Mission Estate’ commercial activities are located (including the restaurant, conference facilities and concert venue). Increased tourism opportunity provides benefit for the wider Napier City community and the provision of additional accommodation offerings in association with the Mission Estate winery and restaurant would provide such opportunity.

The structure plan identifies a general area towards the base of the hill in which small standalone tourist accommodation units termed ‘Art Cabins’ could be located in a manner that avoids or mitigates any effects on landscape values or the environment in general. Similarly the structure plan identifies an area based on the Mission Estate (and former seminary) building cluster where a hotel could either be developed or redeveloped from former seminary accommodation buildings in a manner that avoids any adverse effects on landscape values or the environment generally. These activities are provided for as a restricted discretionary activity with no public notification or requirement to serve notice. This activity status provides some discretion for the Council to ensure that the location, design and appearance of these activities will not compromise the landscape and other values of the special character zone, while providing certainty to the landowner that there will be no third party involvement in the processing of the consent.

Such an approach will not create any adverse effects on adjoin property due to the large size of the site and the identified location of the Art Cabins (and their small size with an 80m<sup>2</sup> maximum floor area) and Hotel accommodation well away from the closest property boundaries. Where the plan conditions cannot be met, however assessment as a full discretionary activity is required.

#### **51b.119 Roadside Stalls**

Roadside stalls can be important for established productive land uses. However, they can also have adverse effects, particularly in terms of amenity, rural character and traffic safety. It is considered necessary, therefore, for the Council to retain discretion so that the effects of land uses can be assessed on a case by case basis in the Rural Residential Precinct. Roadside Stalls are not anticipated within the other precincts of the Zone due to the provision for commercial activities in the existing Mission Estate buildings and as subdivision is not provided for in the Productive Rural and Landscape & Visitor Precincts these areas are likely to be retained in the same ownership as the Mission Estate.

#### **51b.120 Industrial Activities**

Industrial activities (aside from Rural processing industries) are not appropriate in the Mission Special Character Zone environment and have not therefore been provided for. Establishment would therefore be dependent on demonstrating a consistency with the objectives and policies of the zone and an ability to avoid, remedy or mitigate adverse effects via a non-complying activity assessment.

#### **51b.121 Landfills, Mining and Quarrying**

These land uses can have significant community benefits. However, they can also have significant adverse effects on neighbours, the roading network, the natural environment, and special character values and have not therefore been provided for in the more sensitive (in terms of landscape values and effects on versatile soils) Productive Rural and Landscape and Visitor Precincts. Mining and quarrying are discretionary in the Rural Residential precinct so that the effects on the environment, can be assessed fully. Landfills are permitted in the Rural Residential Precinct provided that all of the conditions are met, which restricts the size of the landfill, location, and the type of material that is

disposed of. In all other precincts, landfills are non-complying.

#### **51b.122 Rural Processing Industries**

Rural processing industries allow production activities to locate close to the where the produce is grown and provides for the existing wine processing facility within the Productive Rural Precinct as a permitted activity. The Council views this as a legitimate rural activity as long as the scale and effects on the environment are controlled. Conditions are included to control these effects. In recognition of the subdivision potential of the Rural Residential precinct and the potential for a higher density of development, rural processing industries have discretionary activity status in this precinct to recognise that such activities may be appropriate in processing crops produced within the precinct but that the effects of such industries will be more difficult to manage on site and therefore need to be assessed through the resource consent process.

#### **51b.123 Residential Care Facilities, Day Care Centres and Educational Facilities**

Small-scale day care centres, educational facilities and health care centres of up to ten people, excluding staff are permitted in the, Rural Residential and Residential precincts. This is due to the low density of existing development in the Rural Residential Precinct and the likely minimal impact on surrounding properties in the Residential Precinct being able to accommodate small-scale facilities being permitted in nature supplementary to the residential use of a property. Where these activities exceed the permitted activity conditions they are classified as restricted discretionary activities in the Residential Precinct and discretionary activities in the Rural Residential Precinct. This reflects the traditional location of such activities is within a residential environment and seeks to ensure that the potential effects of such land uses are adequately assessed. Potential adverse effects on the environment include increased traffic generation, noise, external appearance of buildings and extra pressure on existing infrastructural services.

These activities are not provided for within the Productive Rural and Landscape and Visitor precincts as subdivision is not provided for (and there is therefore no need to supplement residential use) due to the versatile soils and landscape value focus of the Productive Rural Precinct and the landscape value and Mission Estate commercial hospitality focus of the Landscape and Visitor Precinct.

#### **51b.124 Retirement Complexes**

Unlike individual residential care facilities, complexes catering for retired persons have the potential to generate significant environmental effects associated with their large-scale use of land. Through the resource consent process, the Council can assess the merits of the proposed retirement complex. It can either decline consent or grant consent subject to conditions that will ensure any adverse effects associated with the complex are avoided, remedied or mitigated. A retirement complex could subject to resource consent assessment potentially be an appropriate activity within the Rural Residential or Residential precincts and is therefore a discretionary activity within those precincts.

#### **51b.125 Places of Assembly**

Places of assembly are considered to be an important aspect of life in the City and can have positive effects for the community. However, the effects generated by having large numbers of people gathering together in one location, such as traffic and noise, has the potential to detract from the amenities of the surrounding area. In addition, parking on-site and in surrounding roads can detract from the visual amenity of an area. Accordingly, the Council reserves the discretion to approve or decline such proposals within the Mission Special Character Zone. In acknowledging the former seminary on the site however and the existing chapel building and car parking facilities, Places of Assembly within the existing Mission Estate buildings have permitted activity status in the Landscape and Visitor Precinct.

**51b.126 Scheduled Sites**

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

**51b.127 Land Development including Subdivision**

The district plan subdivision rules are generally based on the premise that there is a strong interrelationship between subdivision and land use. Subdivision of land can have marked effects on land use expectations. Adequate provision of access, water, sewerage, open space, and other requirements is essential to ensure development following subdivision does not have adverse effects on the environment.

Subdivision within the Residential Precinct is a restricted discretionary activity (without notification), as opposed to the controlled activity status for complying subdivision generally within the Plan. The reason for this is that the Structure Plan Design Outcomes in Appendix 26A enable subdivision in the Residential Precinct of the Mission Special Character Zone, without full compliance with the enforceable standards and conditions in the Code of Practice for Subdivision and Land Development (particularly in regard to roading). Rather compliance is required with the New Zealand Standard 4404 for Land Development and Subdivision Infrastructure, with a comprehensive design and access statement to be submitted with the subdivision application. Restricted Discretionary Activity status provides a greater degree of certainty to Council that the application will be required to adequately address traffic and pedestrian safety and road efficiency concerns despite not achieving full compliance with the Code. Where there are breaches of the Code the design and access statement will identify the compensating mitigation measures such as a lower speed environment.

Subdivisions not meeting the minimum lot size within the Rural Residential Precinct resource consent as a discretionary activity, while those not meeting the other standards, terms and conditions require resource consent as a restricted discretionary activity. The reason for this difference is that the effects of under-size lots are cumulative in nature, and effects on amenity and character can be difficult to quantify. The reason for subdivisions not meeting the minimum lot size having a discretionary, rather than non-complying (which is the case in the Rural Residential Zone applying to other areas) activity status is that the Mission Special Character Zone is currently one large land holding. Discretionary activity status within the Rural Residential (and Residential Precinct where rules and conditions are not met) precinct provides an opportunity to allow for design led land development where the effects can be managed and mitigated internally to the site as part of one development concept, which will also need to integrate with the residential development. A discretionary activity status for this land, where any subdivision does not meet the minimum lot size and/or the minimum average lot size (other than boundary adjustments), will allow any development to be assessed fully against the conditions of the Plan, Objectives and Policies and any specific assessment criteria were applicable but recognises that subdivision of the land has long been envisaged and accepted by the community in principle, albeit subject to a final specific development proposal. Likewise, the effects of land development need to be carefully managed, particularly in relation to provision of services. The provisions for financial contributions and the Code of Practice for Subdivision and Land Development also contribute to these outcomes.

Subdivision and development within the Productive Rural Precinct and the Landscape and Visitor Precinct could potentially result in adverse effects on the significant amenity landscape values of the Mission Special Character Zone. For this reason, subdivision within these Precincts is non-complying. This does not mean that there is no opportunity

for subdivision at all, particularly if such subdivision is only intended to provide separate certificates of title for existing activities rather than creating new lots for development. In any case to be approved subdivisions would need to satisfy the RMA non-complying activity tests.

#### **51b.128 Relocation of Buildings**

To ensure that relocated buildings are reinstated in a timely manner and are consistent with the built characteristics of the surrounding environment, the Council intends to exercise some control over the relocation of buildings throughout the Mission Special Character Zone. The Council wishes to retain control over relocated buildings (other than minor accessory buildings) to ensure that they are finished or not left unfinished such that their external appearance will not detract from the visual amenity of the surrounding area. It is recognised that relocated buildings in some instances, can have a positive effect on the City's mix of building styles and contribute to the sustainable management of the physical resources of the City.

#### **51b.129 Residential Activities within 'prominent visual development areas'**

Development to the east of the main ridge line has the potential to dominate the skyline as viewed from Church Road. This is not the intention of the Zone and the woodland planting of the eastern hill face is designed to mitigate such effects. To provide a check and balance, particularly in the early stages of development before the landscaping has reached maturity, controlled activity resource consent is required to determine whether the proposed buildings will be visible from Church Road and to ensure that any adverse landscape effects can be mitigated. If cross section diagrams show that the buildings will be visible from Church Road above the woodland plantings, restricted discretionary resource consent would be required to assess the resulting landscape effects.

#### **51b.130 Density**

The restriction on the number of dwellings per site within the Productive Rural, Rural Residential and Landscape & Visitor precincts is to safeguard the character, land versatility and amenity of the zone. The provision for one supplementary unit per site is intended to meet a social need but is not designed to encourage multiple dwellings on a site. The maximum density in these zones has been set at one dwelling per site, provided the net site area is at least 2,500m<sup>2</sup> (which at the time of writing is consistent with the rules under the Hawke's Bay Regional Resource Management Plan for discharges from domestic sewage disposal systems). The density condition aims to maintain the zone character and reduce the likelihood of reverse sensitivity. Sustainability of the productive land is managed by minimum lot size criteria for subdivision, which allows for flexibility of land use.

In the context of the Residential Precinct, the effects of residential development typically derive from building height, coverage and setback, paved versus landscaped area, vehicle access and parking, and a lack of planting of vegetation. They do not derive from density itself (i.e.: the number of dwelling units on a site). Accordingly, a figure has been derived from a number of assumptions to advise plan users of an approximate site area with which a typical residential development may comply. Developments exceeding the advisory figure are to be supported by "concept plans" showing how the proposal fully complies with the relevant conditions for the land use.

#### **51b.131 Yards**

Front yard requirements provide a minimum level of amenity and help to maintain the open rural character of the Productive Rural, Rural Residential, and Landscape and Visitor precincts. Front yard requirements also provide an alternative for the parking of vehicles and machinery on roads adjacent to buildings. Side and rear yards serve a similar purpose to the front yard requirements. In regards to the Residential Precinct, the front yard and front yard landscaping rules seek to promote the development of an

attractive street scape and character.

#### **51b.132 Height**

Height conditions are necessary to retain the amenity within the Zone, to prevent adverse effects on adjacent properties and to ensure compliance with aviation flight path requirements applicable throughout the City. The default height limit allows two storey development. Within the areas of land covered by aviation flight paths, the height of buildings, structures and trees are restricted to ensure the operational requirements of the Hawke's Bay Airport and aircraft movements are clear of obstructions and remain safe for use. Two areas within the zone provide for three storeys, being the Neighbourhood Centre of the Residential Precinct, to enable mixed use commercial development; and the area adjacent the Grand Maison building in the Landscape and Visitor Precinct, to enable the development of a boutique hotel.

#### **51b.133 Height in Relation to Boundary**

The height in relation to boundary condition is intended to prevent buildings from physically dominating adjacent sites and to maintain sunlight access to areas of private open space which, for most people, is essential to their sense of health and wellbeing. The height in relation to boundary condition does not concern itself with protecting the amenity of entrance strips or access ways as the function of these is limited and their use transitory. The height in relation to boundary condition can have the effect of protecting sunlight access to the windows of buildings. In general, in a Residential Precinct context, building to the boundary allows more efficient use to be made of a site. Accordingly, the recession planes start at a level that will allow a single storey building to be built up to the boundary of most sites without having to go through a resource consent process for this aspect of the development (note: this is subject to the rules relating to yards).

#### **51b.134 Site Coverage**

The site coverage restrictions seek to retain the rural character of the Rural Residential precinct. The application of a site coverage limit helps to retain an open and spacious character in terms of building density, while still allowing a reasonable level of development to occur. Site coverage restrictions in terms of a fixed maximum building floor area are not necessary in the Productive Rural Precinct and the Landscape and Visitor Precinct as no subdivision (which increases development rights proportional to the number of new sites created) is provided for in these precincts. With regard to the Residential Precinct the site coverage limits specified are applied to contain increases in stormwater load on the drainage system and to limit building bulk to a level that will maintain the visual amenity of the surrounding area.

#### **51b.135 Landscaped Area**

With regard to the Residential Precinct, the minimum landscaped area control is intended to complement and reinforce the site coverage control. The control will help to contain increases in stormwater load and ensure that sufficient area is available for planting, to improve a site's appearance and to cumulatively maintain amenity values of the neighbourhood.

#### **51b.136 Private Open Space**

Open space contributes greatly to the liveability of dwellings within the Residential Precinct. Open space provides space for children to play, space to entertain guests, space for a garden, an area for clothes drying and storage, and a variety of other functions. The open space rule addresses both the quantity and quality of the private open space, with the quality of the space being determined by its relationship to the dwelling, usability, and dimension to adjacent walls or fences.

**51b.137 Noise**

Noise is one of the factors that can affect the appreciation of amenity throughout the Mission Special Character Zone. It can have an effect on people's health in a psychological sense. It may interfere with communication and disturb concentration. A high level of amenity in respect of noise is required to meet the expectations of the Mission Special Character Zone and nearby residential areas. Section 16 of the Resource Management Act shall apply to noise generated by all land uses in rural areas. This approach ensures that rural character is maintained and that any noise generated is assessed on its merits (for example, timing, duration, sound levels, and the compatibility of the noise with the neighbourhood etc.).

**51b.138 Light Spill**

Lighting can interfere with the enjoyment of a property and the sleep of occupants. Direct light spill and glare are consequences of outdoor lighting used to illuminate property. The effect of this rule is to state lighting levels that are compatible with the existing character of the rural areas, while maintaining traffic and personal safety.

**51b.139 Vibration**

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

**51b.140 Odour and Dust**

Discharges to air are regulated by the Hawke's Bay Regional Council. This note is included in the Plan as advice and information for Plan users.

**51b.141 Fencing**

The Council sees little need to control side and rear fencing up to two metres in height and front yard fences up to 1.2 metres in the Residential Precinct. However, higher fences can detract from amenity and reduce the feeling of open space. The condition ensures residential amenity and character values in the Residential Precinct is not adversely affected by excessively high structures on or near the boundary, but it must also be recognised that fences are an effective means of mitigating noise and visual effects of nearby land uses, particularly traffic.

**51b.142 Aerials, Lines and Support Structures**

The number of aerials, masts, towers, poles and similar support structures is limited to prevent a proliferation of such structures upon any one site, while allowing for the needs of the community to receive television and radio signals, and electricity. The number and size of dish antenna is limited as these tend to be more visually intrusive than other aerials. Due to the visual intrusion or dominance that aerials can have, their location is also controlled.

**51b.143 Trees**

Trees are a valuable resource throughout the Mission Special Character Zone. They provide amenity benefits, ecological benefits, shading, land stabilisation and can act as a buffer between adjacent land uses. The purpose of the condition relating to trees on road boundaries is to minimise traffic safety risks through reduced visibility or shading of roads and to ensure compliance with aviation flight path requirements.

**51b.144 Heritage**

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

**51b.145 Signs**

Signs have the potential to severely affect the visual amenity of Napier's rural and residential areas including the Mission Special Character Zone. They are therefore strictly controlled with limited provision for signs associated with land uses occurring on-site. In addition, refer to Chapter 58 (Signs).

**51b.146 Transport**

The roading network can have significant effects on the environment. New roads or the upgrading of existing ones have a multitude of effects from physical effects to the effects on the amenity of a neighbourhood by way of increased noise levels. In order to reduce the need for road upgrading, the Council has imposed requirements relating to on-site car parking and manoeuvring, to mitigate the effects of road congestion. The reduction of on-road parking has positive effects for the amenity of neighbourhoods and improves the efficiency of the roading network. The provision of on-site manoeuvring also reduces the level of reversing vehicles, creating a safer environment for traffic and pedestrians. In addition, refer to Chapter 61 (Transport).

**51b.147 Natural Hazards**

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

**51b.148 Hazardous Substances**

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

**51b.149 Contaminated Sites**

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

**51b.150 Financial Contributions**

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

**51b.151 Code of Practice for Subdivision and Land Development**

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

In regard to the Mission Special Character Zone the Structure Plan in Appendix 26 also includes 'Design Outcomes' which help define the intentions of the Structure Plan. In some instances the 'Design Outcomes' of the Structure Plan are required to be achieved as an alternative to meeting the Code of Practice for Subdivision and Land Development. In these instances the Design Outcomes are considered to be more appropriate to ensuring that the Special Character of the Zone can be maintained and enhanced as opposed to the more general Code of Practice standards which would dilute this character to be similar to other new subdivision areas around the City.