

Chapter 51**AIRPORT ZONE****51.1 SIGNIFICANT RESOURCE MANAGEMENT ISSUES**

The following resource management issues have been identified as significant in the Airport Zone:

51.1.1 Safe operation and future development of the Hawke's Bay Airport.

The Hawke's Bay Airport services the City and surrounding districts. It has operational and safety requirements which require certain limitations within its vicinity. The airport is a significant transportation resource within the Hawke's Bay region. Adequate provision for its continued operation and future development is essential.

51.1.2 Management of any adverse effects on the environment generated by land uses within the Hawke's Bay Airport area.

The area of land occupied by the operations of the Hawke's Bay Airport and associated activities is generally well buffered from adjoining residential areas by public reserves, rural land and roads. However, some airport operations including roofs that are not constructed of inert materials, may generate effects which require careful management. Performance standards and other conditions relevant to the locality can be imposed to ensure that any adverse effects on the environment generated by land uses at the Hawke's Bay Airport are avoided, remedied or mitigated.

51.1.3 Impacts of sensitive land uses within or adjacent to the Hawke's Bay Airport.

Sensitive land uses locating near the Hawke's Bay Airport have the potential to impinge upon the operating requirements of the airport. Sensitive land uses (such as residential dwellings, day care centres and travellers' accommodation) will be restricted from establishing in close proximity to the Hawke's Bay Airport. This is due to their lower tolerance level for nuisance elements such as noise and light spill which would, over time, impose undesirable constraints on both existing and future development of air traffic operations within the area of land used for airport operations.

Obstructions within close proximity to the approach and take-off flight paths can threaten the safety of air traffic. Civil aviation requirements promote and encourage the use of restrictions on buildings, structures and trees that are within these flight paths.

OBJECTIVE, POLICIES AND METHODS

The following objective, policies and methods apply throughout the Airport Zone.

Objective 51.2

To enable the ongoing operation, maintenance and development of the Hawke's Bay Airport, while avoiding, remedying or mitigating any adverse effects on the environment.

This objective relates to Issues 51.1.1; 51.1.2 and 51.1.3.

Policies

To achieve this objective the Council will:

- 51.2.1 Recognise the importance of the Hawke's Bay Airport for the social, economic and cultural wellbeing of the region.
- 51.2.2 Recognise and provide for the operation, maintenance and development of the Hawke's Bay Airport as a regional physical resource.
- 51.2.3 Ensure that any adverse effects of airport-related activities are avoided, remedied or mitigated.
- 51.2.4 Identify an Airport Zone and control land uses within these areas to ensure any adverse effects on public safety and aircraft flight paths are avoided, remedied or mitigated.
- 51.2.5 Ensure that noise associated with the operation of the Hawke's Bay Airport does not exceed nationally accepted standards and that any new noise sensitive activities provide adequate acoustic insulation.
- 51.2.6 Avoid the location of noise sensitive activities close to the Airport which have the potential to result in reverse sensitivity effects.

Principal Reasons for Adopting Objective and Policies

The Hawke's Bay Airport provides a vital transport link for the region. The provision of such a facility allows for the social and economic wellbeing of the people of the region. The identification of an Airport zone allows this facility, and its future development, to be provided for in a sustainable manner ensuring that the requirements of Section 5 of the Resource Management Act 1991 are met. The operational and safety requirements of the airport mean that the performance standards for land uses in the area need to be controlled. As of necessity, certain land uses will be prohibited in the zone to ensure the avoidance of some adverse effects.

The safe and efficient operation of the Hawke's Bay Airport can be compromised by the establishment of noise sensitive activities. In areas where airport operations may adversely affect sensitive land uses, or other land uses may adversely affect airport operations, the use of an overlay has been employed by the Council to enable more appropriate conditions to be imposed.

The Airport Zone is located adjacent to the Ahuriri Estuary. To avoid contamination, including stormwater runoff from roofs that are not constructed of inert materials, and to ensure the health of the estuarine environment, new commercial activities/buildings in the zone will be required to use inert roofing materials.

Methods

- (1) District Plan Rules.
- (2) National Standards and aviation regulations (for example, NZS6805:1992 "Airport Noise Management and Land Use Planning").

- (3) Hawke's Bay Regional Resource Management Plan

Principal Reasons for Methods

Rules in the district plan enable conditions to be applied to land uses occurring in the Airport Zone to ensure that any adverse effects are avoided remedied or mitigated. Rules in the Plan also ensure certainty for Plan users as to the expected land uses and their possible effects within the Airport Zone.

All on-site stormwater discharges are regulated by the Hawke's Bay Regional Resource Management Plan.

51.3 ANTICIPATED ENVIRONMENTAL RESULTS

- (1) The safe operation and provision for future development of the Hawke's Bay Airport.
- (2) An acceptable level of amenity in areas surrounding the airport.
- (3) An environment surrounding the Hawke's Bay Airport where the risk to the safety of the public is minimised.
- (4) The potential for effects from stormwater discharges associated with industrial land use will be avoided, remedied or mitigated.

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INTRODUCTION TO RULES

The following parts of this chapter contain rules managing land uses in the Airport Zone. The boundaries of this zone and the flight path overlay are shown on the planning maps.

All rules apply throughout the Airport Zone unless otherwise stated.

51.4 Summary of Airport Zone Rules

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

Rule Number and Description		Classification	Page Number
51.5	Land uses necessary for air traffic safety purposes.	Permitted	6
51.6	Land uses ancillary to and related to the primary function of the Hawke's Bay Airport.	Permitted	6
51.7	Scheduled sites.	Permitted	6
51.8	Land development (excluding Subdivision and Multi Unit Development).	Controlled	6
51.9	Relocation of a building from another site related to the primary function of the Hawke's Bay Airport.	Controlled	7
51.10	Any subdivision, use or development of land referred to in Rules 51.5 to 51.9 that does not comply with all the relevant conditions, unless stated elsewhere in this Chapter.	Restricted Discretionary	7
51.11(a)	Industrial activities not related to the primary function of the Hawke's Bay Airport.	Discretionary	8
51.11(b)	Commercial activities not related to the primary function of the Hawke's Bay Airport.	Discretionary	8
51.11(c)	Any new noise sensitive activities.	Discretionary	8
51.11(d)	Roadside stalls.	Discretionary	8
51.11(e)	Any land use not specifically stated by a rule elsewhere in this Chapter.	Discretionary	8
51.11(f)	Use of explosives, other than for temporary military training purposes.	Discretionary	8
51.11(g)	Subdivision	Discretionary	8
51.11(h)	Earthworks undertaken within 30 metres of the Estuary Zone.	Discretionary	8
51.11(i)	Relocation of a building from another site that is not related to the primary function of the Hawke's Bay Airport.	Discretionary	8
51.12(a)	Any new building or structure that exceeds the Airport Height Control Designation in Appendix 7.	Prohibited	8

AIRPORT ZONE – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>51.5 Air Traffic Safety Purposes</p> <p>1. Any land use which is necessary for air traffic safety purposes is a permitted activity provided that:</p> <p>a) It complies in all respects with the conditions in the Airport Zone activity table and condition table.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 51.10.</p>
<p>51.6 Airport Related and Ancillary Land Uses</p> <p>1. Any land use related to the primary function of the airport and land uses and services ancillary to the primary function of the Hawke's Bay Airport is a permitted activity provided that:</p> <p>a) It complies in all respects with the conditions in the Airport Zone activity table and condition table.</p> <p>NOTE: For the purposes of this Rule, land uses related to the airport's primary function and ancillary land uses include, but are not limited to:</p> <ul style="list-style-type: none"> - Aircraft Operations (including maintenance); - Airport Operational Activities (ie: runways, traffic control structures, terminal buildings and aircraft hangars); - Warehouses and other Storage Facilities (including fuel storage); - Vehicle Parking and Servicing; - Retail and Commercial Services directly related to servicing air travel needs; and - Telecommunication facilities. 	<p>The Council will restrict its discretion to the matters referred to in Rule 51.10.</p>
<p>51.7 Scheduled Sites</p> <p>1. Any scheduled land use on a scheduled site is a permitted activity provided that:</p> <p>a) It complies in all respects with the rules in Chapter 55 (Scheduled Sites).</p>	<p>The Council will restrict its discretion to the matters referred to in Chapter 55 (Scheduled Sites) of this Plan.</p>
CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>51.8 Land Development (excluding Subdivision and Multi Unit Development)</p> <p>1. Land development, excluding subdivision and 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 Airport Zone Activity Table and Condition Table.</p> <p>c) It is assessed in accordance with Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) 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 (excluding subdivision) that fully complies with the standards and terms, and notice of applications need not be served.</p>	<p>The Council may 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>51.9 Relocation of Buildings</p> <p>1. Relocation of a building from another site that is related to the primary function of the Hawke's Bay Airport is a controlled activity provided that:</p> <ul style="list-style-type: none"> a) The relocation of a building complies in all respects with the relevant conditions in the Airport Zone activity table and condition table. b) A written assessment must be submitted with each application which must: <ul style="list-style-type: none"> i) Include a statement from a building certifier or registered engineer that the building is structurally sound. ii) State the condition of the building and the reinstatement works needed to bring the building up to an external visual appearance that is compatible with other buildings in the vicinity. iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent. iv) Provide clear photographs of the building in its current state. v) Provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of reinstatement work. <p>The Council shall exercise its control over the following:</p> <ul style="list-style-type: none"> c) The design, materials and timetable of the proposed reinstatement works. d) The imposition of any financial contributions in accordance with Chapter 65 (Financial Contributions) of this Plan. e) The imposition of a performance bond to complete the reinstatement of the building. <p>2. 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>The Council will restrict its discretion to the matters referred to in Rule 51.10, including the following:</p> <ul style="list-style-type: none"> - The structural integrity of the building. - The imposition of a performance bond. - The timing of reinstatement works. - The effects on the built character of the surrounding area. - The effects on amenity values. - The effects on infrastructural services.
<p>RESTRICTED DISCRETIONARY ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>51.10 Land Uses Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land referred to in Rules 51.5 to 51.9 that does not comply with all of the relevant conditions in the Airport Zone activity table and condition table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</p>	<p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Airport Zone activity table and/or condition table. - The cumulative effect of non-compliance with more than one condition. - In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over. - The matters set out in Chapter 1.6.5. - The assessment criteria in Chapter 51.34 of this Plan where applicable.

DISCRETIONARY ACTIVITIES	
<p>51.11 Discretionary Activities</p> <p>1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 51.34. The Council's discretion is unrestricted.</p> <ul style="list-style-type: none"> a) Industrial activities not related to the primary function of the Hawke's Bay Airport. b) Commercial activities not related to the primary function of the Hawke's Bay Airport. c) New noise sensitive activities. d) Roadside stalls. e) Any land use not specifically stated by a rule elsewhere in this Chapter. f) Use of explosives, other than for temporary military training purposes. g) Subdivision. h) Earthworks undertaken within 30 metres of that part of the Estuary Zone south of Watchman Road. i) Relocation of a building from another site that is not related to the primary function of the Hawke's Bay Airport. 	
PROHIBITED ACTIVITIES	
<p>51.12 Prohibited Activities</p> <p>1. The following land uses are a prohibited activity for which no resource consent shall be granted:</p> <ul style="list-style-type: none"> a) Any new building or structure that exceeds the Airport Height Control Designation in Appendix 7. 	

AIRPORT ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>51.13 Yards</p> <p>1. The following yard conditions shall apply to all land uses:</p> <ul style="list-style-type: none"> a) Any part of any building (including eaves and guttering), structure, or paved surface must not be erected closer than 5 metres from that part of the Estuary Zone (Ahuriri Subdistrict) north of Watchman Road and 30 metres from that part of the Estuary Zone (Ahuriri Subdistrict) south of Watchman Road, or any legal site boundary with a scheduled site; and b) Any part of a building (including eaves and guttering) or structure must not be erected closer than 5 metres to any other zone boundary. 	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values of surrounding area. - The effects on the safe and efficient functioning and operation of the Hawke’s Bay Airport. - The effects on ecological and wildlife values. - The effects on public access to conservation areas and the coastal marine area.
<p>51.14 Height</p> <p>1. The following height conditions shall apply to all land uses:</p> <ul style="list-style-type: none"> a) Any part of a building, structure or tree, other than aerials, lines and support structures must not: <ul style="list-style-type: none"> i) Exceed 10 metres in height. Height must be measured using the rolling height method. ii) Exceed the Airport Height Control Designation in Appendix 7. b) Provided that: <ul style="list-style-type: none"> i) Where there is conflict between any of the height control lines or limits, the lowest height must prevail. ii) Any application for a building consent must be accompanied by a registered surveyor’s certificate verifying that the building plans comply with the Airport Height Control Designation in Appendix 7. iii) 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>Matters:</p> <ul style="list-style-type: none"> - The scale and bulk of the building in relation to the surrounding environment. - The effects on air traffic safety. - The effects on the safe and efficient functioning and operation of the Hawke’s Bay Airport. - The effects on amenity values of surrounding areas.
<p>51.15 Height in Relation to Boundary</p> <p>1. The following height in relation to boundary conditions shall apply to all land uses:</p> <ul style="list-style-type: none"> a) Any part of a building or structure must not project beyond a building envelope constructed by drawing planes along all parts of all zone boundaries. The planes must commence at 3.0 metres above ground level at the zone boundary and must be inclined at the horizontal at an angle of 45 degrees. b) Provided that: <ul style="list-style-type: none"> i) No account must be taken of poles, aerials, solar heating devices and chimneys no more than 1 metre wide in any horizontal direction and less than 2.5 metres in height beyond the building envelope. 	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The effects on the safe and efficient functioning and operation of the Hawke’s Bay Airport. <div data-bbox="944 1648 1505 2000" data-label="Diagram"> <p>The diagram illustrates the 'Building Envelope' rule. It shows a horizontal line representing the 'Ground Level'. A vertical line segment of '3.0 metres above ground' starts from the ground level at the 'Site Boundary'. From the top of this segment, a diagonal line representing the 'Building Envelope' extends upwards and outwards at a 'Height Plane Angle 45°'.</p> </div>

<p>51.16 Outdoor Storage</p> <p>1. The following outdoor storage conditions shall apply to all land uses:</p> <p>a) Outdoor storage areas or stockpiles:</p> <p>i) Must comply with the yards, height and height in relation to boundary conditions in Rules 51.13; 51.14 and 51.15.</p> <p>ii) Must be screened from the view of any adjoining residential zone or public open space by a fence at least 1.8 metres high.</p> <p>iii) Must not provide a food source for birds or vermin.</p> <p>iv) Must be located on sealed and drained areas if they consist of decomposable material likely to generate contaminated leachate.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects of shading on adjacent sites. - The effects on the visual amenity of the area. - The effects on people’s health and safety. - The effects on surface and groundwater quality. - The effects on soil contamination. 										
<p>51.17 Refuse Storage</p> <p>1. The following refuse storage conditions shall apply to all land uses:</p> <p>a) A refuse storage area must be provided that is adequate to store the average volume of trade waste produced on-site over a one week period.</p> <p>b) The refuse storage area must be screened from any adjoining residential activity or public place by a fence at least 1.8 metres high.</p> <p>c) The refuse storage area must not provide a food source for birds or vermin.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the visual amenity of the area. - The effects on people’s health and safety. 										
<p>51.18 Noise</p> <p>1. The following noise conditions shall apply to all land uses other than aircraft operations and those exempted in Rule 57.5:</p> <p>a) Land uses within the zone must be conducted so as to ensure the following noise limits are not exceeded at any point within any residentially zoned land:</p> <table border="0" style="margin-left: 40px;"> <tr> <td>Monday to Saturday inclusive</td> <td></td> </tr> <tr> <td>0700 hours to 2200 hours</td> <td style="text-align: right;">L₁₀ 55 dBA</td> </tr> <tr> <td>Sunday and all other times</td> <td style="text-align: right;">L₁₀ 45 dBA</td> </tr> <tr> <td>Monday to Sunday inclusive</td> <td></td> </tr> <tr> <td>2200 hours to 0700 hours the following day</td> <td style="text-align: right;">L_{max} 75 dBA</td> </tr> </table> <p>For the purposes of this rule, land uses include airport ground based activities and aircraft engine testing, but excludes essential unscheduled aircraft testing (refer to rule 57.5).</p> <p>b) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p> <p>2. The following noise conditions shall apply to aircraft operations:</p> <p>a) The Hawke’s Bay Airport must be operated so that noise produced by aircraft operations does not exceed 55 dBA L_{dn} at any point beyond the Airport Noise Boundary, as shown on the planning maps.</p> <p>b) The daily L_{dn} must be measured in accordance with New Zealand Standard 6805:1992 “Airport Noise Management and Land Use Planning” and must be averaged logarithmically over a three month period.</p> <p>c) For the purpose of this Rule, aircraft operations include aircraft</p>	Monday to Saturday inclusive		0700 hours to 2200 hours	L ₁₀ 55 dBA	Sunday and all other times	L ₁₀ 45 dBA	Monday to Sunday inclusive		2200 hours to 0700 hours the following day	L _{max} 75 dBA	<p>Matters:</p> <ul style="list-style-type: none"> - The sound level likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The effects of noise on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation.
Monday to Saturday inclusive											
0700 hours to 2200 hours	L ₁₀ 55 dBA										
Sunday and all other times	L ₁₀ 45 dBA										
Monday to Sunday inclusive											
2200 hours to 0700 hours the following day	L _{max} 75 dBA										

operating during take-offs, landings and taxiing, but does not include:

- i) airport ground-based activities.
- ii) aircraft landing in an emergency or diverted aircraft.
- iii) emergency flights required to rescue people from life threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency.
- iv) the operation of unscheduled flights required to meet the needs of a declared national or civil defence emergency.
- v) military aircraft owned or operated by the Defence Forces of the New Zealand Government or another sovereign state.
- vi) aircraft engine testing.
- vii) essential unscheduled aircraft engine testing.

3. The following acoustic insulation conditions shall apply to the addition of a habitable space to an existing building used for a noise sensitive activity located within the Airport Noise Boundary:

- a) The habitable space must be adequately insulated from aircraft operations associated with the Hawke's Bay Airport.
- b) Adequate sound insulation must be achieved by constructing the habitable space to achieve a spatial average indoor design sound level of 40dBA L_{eq} in any room used for sleeping or 45 dBA L_{eq} in any other habitable space. The indoor design level must be achieved with windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order.
- c) The owner must produce to the Council an acoustic design report prior to the commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report must indicate the means by which the sound levels specified in this rule will be complied with and must contain a certificate by its author that the means given therein will be adequate to ensure compliance with the sound levels specified in this rule.
- d) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be provided to the Council, verifying compliance with this rule as outlined above.
- e) For the purposes of this rule, addition of a habitable space includes the addition of a whole, entire habitable space. It does not include the extension of an existing habitable space where that extension is not entirely self-contained.

4. Where any new noise sensitive activity is established within the airport noise boundary as shown on the planning maps:

- a) All habitable spaces within buildings used for the noise sensitive activity must be adequately insulated from noise arising from aircraft operations associated with the Hawke's Bay Airport.
- b) Adequate sound insulation must be achieved by constructing any building to achieve a spatial average indoor design sound level of 40 dBA L_{eq} in any room used for sleeping and 45 dBA L_{eq} in all other habitable spaces. The indoor design level must be achieved with windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order.
- c) An acoustic design report must be provided to the Council prior to any building consent being granted, or where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a

<p>person qualified and experienced in acoustics. The report is to indicate the means by which the noise limits specified in this rule will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the noise limits specified in this rule.</p> <p>d) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with Rule 51.18.3 above.</p> <p>e) It will be a condition of subdivision of land (as defined in the Act) that a consent notice issued under Section 221 of the Act must be entered into before the issue of a Section 224 Certificate, with such a consent notice to be registered on the Certificate(s) of Title of the relevant lot(s). The consent notice is required to ensure that compliance with the acoustic insulation requirements in 4 above are achieved.</p>	
<p>51.19 Light Spill</p> <p>1. The following light spill conditions shall apply to all land uses other than for the purposes of illuminating a road or aircraft navigation aids associated with the operation of the airport:</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 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 within a building located in a residential 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>	<p>Matters:</p> <ul style="list-style-type: none"> - The orientation, strength, intensity, colour and frequency of any light. - The effects of air traffic safety. - The effects on amenity values. - The effects on the health, safety, security and wellbeing of people. - The effects on vehicular traffic safety.
<p>51.20 Vibration</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"> - The effect on public health and safety. - The effects on the structural integrity of adjoining buildings and facilities. - The effect on amenity values of the area.
<p>51.21 Safety</p> <p>1. Land uses must not generate, emit or create any smoke, dust, glare, electrical interference or other element that may prejudice the safe and satisfactory conduct of airport operations.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the safe and efficient functioning and operation of the Hawke's Bay Airport.
<p>51.22 Odour and Dust</p> <p>NOTE: The discharge of contaminants (including odour and dust) onto or into air, land or water is regulated by the Hawke's</p>	

<p>Bay Regional Resource Management Plan and may require resource consent approval. Contact the Hawke's Bay Regional Council for advice.</p>	
<p>51.23 Fences</p> <p>1. The following fencing conditions shall apply to all land uses:</p> <p>a) Front Yards</p> <p>i) Any fences within front yards must not exceed 2 metres in height.</p> <p>b) Other Yards</p> <p>There is no condition for any fencing within side and rear yards, other than where the site adjoins a residential environment or open space environment, any fence erected must not exceed 2 metres in height.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The availability of daylight to adjoining properties. - The effects on the privacy of adjoining properties and occupiers. - The scale and bulk of the building in relation to the site. - The effects on amenity values.
<p>51.24 Aerials, Lines and Support Structures</p> <p>1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation:</p> <p>a) Aerials, lines and/or support structures must not exceed 15 metres in height.</p> <p>b) Aerials, lines and/ or support structures must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 51.24.1(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 5 metres in diameter.</p> <p>f) Where the aerial, line or support structure exceeds 7 metres in height above the point of its attachment or base support, the distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction.</p> <p>g) The aerial, line and support structure must comply with conditions relating to yards and height in relation to boundary in the Airport Zone condition table.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The scale in relation to adjacent buildings. - The bulk and form of the aerial, line and supporting structures. - The effects of shading. - The extent to which heritage or cultural values are adversely affected. - The cumulative effect of additional aerials, lines and support structures. - The prominence of the site taking into account significant public views and any significant landscapes. - The effects on public health and safety.
<p>51.25 Roof Surfaces</p> <p>1. The following condition shall apply to all new roofs.</p> <p>a) All new roof surfaces shall be constructed from inert materials or painted with non-metal based paint and thereafter maintained in good order.</p> <p>NOTE: Stormwater may only be discharged to a Council reticulated network in compliance with the Napier City Stormwater Bylaw 2012.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on public health and safety. - The effect on stormwater discharges associated with the industrial land use. - The mitigation measures to avoid contamination from stormwater runoff. - The effect on the ecology and aquatic life of the Ahuriri Estuary.

<p>All on-site stormwater discharges are 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>51.26 Heritage</p> <p>1. The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 56 (Heritage) of this Plan.</p>
<p>51.27 Earthworks</p> <p>1. The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 52A (Earthworks) of this Plan.</p>
<p>51.28 Signs</p> <p>1. The construction, erection, placement or painting of a sign must comply in all respects with the following conditions:</p> <p>a) Signs for directional and/or instructional purposes relating to land uses within the zone, must not exceed a maximum area of 2m² per sign.</p> <p>b) Signs for commercial advertising purposes, relating to land uses within the zone, must not exceed a maximum of 6m² and must be limited to one sign per business premises.</p> <p>c) The sign must be contained solely within the boundaries of the zone.</p> <p>d) The sign, including its support structures must comply with the height condition in Rule 51.14 of this Chapter.</p> <p>e) There must be no illuminated signs within this zone.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - Any actual or potential (including cumulative) effects of the sign on the amenity of the area. - The design and appearance of the sign. - The dimensions of the sign. - The location of the sign. - Any hazard (including actual or potential) for vehicular and pedestrian traffic.
<p>51.29 Trees</p> <p>1. The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 60 (Trees) of this Plan.</p>
<p>51.30 Transport</p> <p>1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 61 (Transport) of this Plan.</p>
<p>51.31 Natural Hazards</p> <p>1. The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62 (Natural Hazards) of this Plan.</p>
<p>51.32 Hazardous Substances</p> <p>1. The relevant provisions of Chapter 63 (Hazardous Substances) of this Plan must be complied with.</p> <p>2. Any storage, loading and/or unloading of agricultural chemicals must be restricted to those areas greater than 50 metres from any waterbody, water course or open drain.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on public health and safety. - The effects on surface and groundwater quality. - The effects on air quality. - The effects on soil contamination. - Matters referred to in Chapter 63 (Hazardous Substances).
<p>51.33 Contaminated Sites</p> <p>1. The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 64 (Contaminated Sites) of this Plan.</p>
<p>51.34 Activities on the Surface of Water</p> <p>1. The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62A (Activities on the Surface of Water) of this Plan.</p>

<p>51.35 Financial Contributions</p> <p>1. The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 65 (Financial Contributions) of this Plan.</p>
<p>51.36 Code of Practice for Subdivision and Land Development</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>Matters:</p> <p>Refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</p>

51.37 ASSESSMENT CRITERIA

Some 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 below for the airport zone when considering an application under Sections 104 and 105 of the Act.

51.37.1 GENERAL

The following criteria will be used by the Council in considering a resource consent application for a Discretionary Activity or Restricted Discretionary Activity for non-compliance with one or more conditions in the relevant activity table and/or condition table.

- a) Any unusual circumstances including, but not limited to, those listed below:
 - i) Inherent site considerations: including unusual size, shape, topography, substratum, vegetation or flood susceptibility;
 - ii) Particular site development characteristics: including the location of existing buildings or their internal layout, achievement of architectural harmony, compliance with engineering or bylaw standards, enhancement of private open space, achievement of a better relationship between the site and the road, building renovation or restoration of demonstrable merit, the design and arrangement to facilitate access for the disabled, or legal impediments;
 - iii) Unusual environmental circumstances: including adverse topography, unusual use or location of buildings on adjacent sites, improved amenity for neighbouring sites, the presence of effective on-site screening.
 - iv) Proximity to the rural environment.

51.37.2 ASSESSMENT CRITERIA FOR PARTICULAR LAND USES

The Council will have regard to the relevant objectives and policies of this Plan and in addition will consider:

Scale and Intensity

- a) Whether the land use will contribute to the efficient use and/or development of natural and physical resources within the City and whether any alternative sites, locations or zones have been considered.
- b) Whether the land use provides any positive effects to the area and wider community, including the extent to which the activity may enhance the amenity of the area.
- c) Whether the impact of the scale and intensity of the land use is compatible with surrounding land uses.
- d) Whether the land use will alter the character of the zone.
- e) Whether there are any effects of a low probability, but high potential impact.
- f) Whether the establishment and operation of the land use would adversely affect the amenity of the zone, or result in significant social or economic impacts.

- g) Whether the establishment and operation of the land use would adversely affect the efficient use and/or development of natural and physical resources of any other zone or result in significant social or economic impacts.
- h) Whether the land use's hours of operation would adversely affect the amenity, health and wellbeing of surrounding land uses and residents.
- i) Whether the volume of traffic likely to be attracted to the site is likely to cause disturbance to the neighbouring land uses.
- j) Whether the scale and intensity of the land use will have an adverse effect on flora and fauna, including any adverse effects on the Ahuriri Estuary and its margins.

Site Layout

- k) Whether buildings and structures including vehicle parking and storage areas are sited in a way or adequately screened that minimises any adverse effects on the visual and aural amenity of adjoining land uses, public open places and roads.

Vehicle Parking and Access

- l) Whether the land use will avoid on-road congestion, including vehicle parking, as a result of the ingress and egress of vehicles to and from the site.
- m) Whether adequate sight distances are available for vehicular and pedestrian safety.

The Council will pay particular attention to the adequacy of accessways when the facility is located on a site, as well as to the location of entry and exit points to the site, and their relationship with existing intersections, land constraints and adjacent land uses. The Council will require adverse effects to be avoided, remedied or mitigated by controlling access to the road or site, by redesign of the access or roadway, or by traffic signals and the like.

Noise Mitigation Measures

- n) Whether noise arising from the land use, including the congregation of people and movement and parking of vehicles, will have an adverse effect on the amenity of the surrounding area, residents and people attending other non-residential facilities.

The Council will require noise mitigation measures to be undertaken to protect the aural amenity of adjoining sites and residential areas.

- o) Whether noise sensitive activities have incorporated acoustic insulation into the design of any associated buildings.

Infrastructure

- p) Whether the land use can avoid, remedy or mitigate any adverse effects that it may have on infrastructural services.

Where the existing infrastructure cannot sustain new development, the proposal must provide a satisfactory alternative or level of mitigation. This may be in the form of financial contributions.

Air Traffic Safety

- q) Whether the proposed land use will have an adverse actual or potential effect on the safety, efficiency and operations (including landings and take-offs) of the Hawke's Bay

Airport.

Cumulative Effect

- r) Whether the proposed land use will have an adverse cumulative effect on the surrounding area.

In assessing the appropriateness of allowing a land use to be located in an area or an increase in the scale and intensity of a land use, consideration will be given to the presence of land uses already located in the area and on the site, and their effect on the surrounding residential, rural and estuarine environments. Of particular concern is the cumulative adverse effect of locating a land use on a site adjacent to or already accommodating land uses that may currently generate traffic, noise and other adverse effects not in keeping with the surrounding residential or estuarine areas.

Reverse Sensitivities

- s) Whether the proposed subdivision and/or land use will lead to restraints on the Airport in carrying out its operations.
- t) The location of the site in relation to the Airport and the Airport Noise Boundary and the likely exposure to airport noise.
- u) Whether the location of the site and likely exposure to airport noise will lead to an unreasonable level of amenity for future occupiers.
- v) Whether in the circumstances, (including the number of people to be accommodated), the nature, size and scale of the development is such that it is likely to lead to potential conflict with, and adverse effects on, airport activities.

In assessing the appropriateness of allowing a subdivision and/or land use within the Airport Zone, consideration will be given to whether the proposed activity might in some way constrain the way in which the Airport operates. Of particular concern is the establishment of activities that may over time demand increasingly higher levels of amenity and where such expectations may unduly restrict accepted management practices of normal airport operations.

51.38 PRINCIPAL REASONS FOR RULES**1. Air Traffic Safety Purposes**

This rule ensures that the Plan adequately provides for the operation and development of the Hawke's Bay Airport and its essential activities. It provides certainty for the Hawke's Bay Airport Authority and recognises the Airport Zone is an appropriate area for the continued operation of the Hawke's Bay Airport and its activities necessary for maintaining air traffic safety.

2. Airport Related and Ancillary Land Uses

This rule ensures that the Plan adequately provides for the operation and development of the Hawke's Bay Airport, and land uses related to or ancillary to the airport's primary functions (ie: cafés, car rental services, etc). This approach intends to manage the actual and potential effects of land uses that are not directly related to the airport's primary functions. Management of effects in this manner will enable the continued operation and development of the region's vital air transport resource.

3. Scheduled Sites

The Council recognises that there are some existing uses within Napier City that provide a valuable service to the community. These land uses require recognition in the Plan as a number are not specifically provided for within the rules for permitted activities in the respective zone. 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.

4. Land Development (excluding Subdivision)

The rules are 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. Of particular concern for the Airport Zone is the establishment of activities that may over time demand increasingly higher levels of amenity and where such expectations may unduly restrict accepted management practices of normal airport operations.

The effects of land development also need to be carefully managed, particularly in relation to the provision of services. The provisions for financial contributions and the Code of Practice for Subdivision and Land Development also contribute to these outcomes.

5. Relocation of Buildings

To ensure that the relocation of buildings from another site are reinstated in a timely manner and are consistent with the built characteristics of the surrounding environment, the Council intends to exercise some control over the relocation of buildings throughout most areas of the City. Subsequent use of the building, once reinstated, would be subject to rules elsewhere in the Plan.

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.

6. Noise Sensitive Activities

To manage the potential effects associated with the issue of 'reverse sensitivity', any new land uses that are sensitive to noise, require a resource consent. The consent process will address any actual or potential effects the new noise sensitive activity may have on the operation and development of the Hawke's Bay Airport and its related activities. This approach is consistent with the land use management approach recommended in New Zealand Standard 6805:1992 "Airport Noise Management and Land Use Planning".

7. Roadside Stalls

The proximity of the Airport Zone to State Highways 2 and 50 requires careful management of land uses having direct access or access onto the state highway within a certain distance. Stalls and other retailing land uses adjacent to the state highway require a resource consent to ensure in part, that safe and efficient access to the state highway is available as well as careful management of other adverse effects.

8. Yards

The yard setback condition ensures that new buildings and additions to existing buildings maintain a reasonable setback from adjoining residential and open space zones. This contributes to the maintenance of a reasonable level of amenity in the surrounding areas, and the safeguarding of ecological and wildlife values associated with the adjoining Ahuriri Estuary. There are no yard requirements other than at the zone boundary or a legal site boundary with a scheduled site to enable the most effective use of land within the Airport Zone.

9. Height

The safety of air traffic is crucial to the operation and development of the Hawke's Bay Airport. Due to the nature of land uses occurring within and beyond the Airport Zone, restrictions on the height of buildings, structures, trees and other vertical elements are critical. These height limits recognise the operational requirements of the Hawke's Bay Airport and aircraft flight path requirements. Consequently, the rule ensures that flight paths are clear of obstructions and safe for air traffic use.

In addition, restrictions on the location and elevation of structures ensure air traffic control tower visibility is maintained and approach/take-off flight paths remain unobstructed. Physical obstructions to control tower visibility and approach/take-off paths can severely impact on the continued safe operation and development of the Hawke's Bay Airport and the safety of air traffic.

Similarly, given the open nature of the land occupied by the Hawke's Bay Airport, it is important to maintain the built scale and character of this area. Limits on building and structure height, other than that relating to the flight path requirements, ensures the scale and character of the area is maintained.

10. Height in Relation to Boundary

The height in relation to boundary condition is intended to prevent buildings from physically dominating adjacent residential and open space environments and to maintain the existing built scale. The effects associated with maintaining the built scale of airport related buildings within the Airport Zone are not considered to be significant, hence no height in relation to boundary condition applies to internal site boundaries.

11. Outdoor Storage Areas and Refuse Storage

The outdoor storage of materials can have adverse visual effects. These can be adverse effects can be reduced by appropriate conditions on the bulk of the stockpiles and through screening. To reduce the potential for bird strike in the vicinity of the airport, screening by way of vegetation (eg: hedges and other plantings) is not required as in other areas of the City.

The bulk storage of some materials can have adverse effects on water quality due to runoff and leachate. The Plan aims to avoid the adverse effects associated with the storage of materials through requiring appropriate site preparation and drainage.

12. Noise

Noise is one of the factors that can affect the appreciation of amenity. It can have an effect on people's health in a psychological sense. It may interfere with communication and disturb concentration. A high level of amenity in respect to noise is required to meet the expectations of surrounding residential, rural and open space zones.

The New Zealand Standard 6805:1992 “Airport Noise Management and Land Use Planning” has been established to apply to noise generated by airport-related land uses and other land uses in the vicinity of airports throughout New Zealand. This approach ensures that an Airport Noise Boundary is defined, inside which a higher level of noise should be expected, and outside which the surrounding character of an area is maintained.

13. Light Spill

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

14. Vibration

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

15. Safety

The safe operation of the airport can easily be compromised by smoke, dust, glare, electrical interference or other such elements. The rule ensures that conditions are maintained over land uses that may give rise to such effects, to ensure that the safe and efficient functioning of the Hawke’s Bay Airport is not adversely affected.

16. Aerials, Lines and Support Structures

The Plan specifically provides for aerials, lines and support structures ensuring the airport and community have an ability receive and transmit radio and telecommunication signals and electricity. The 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, particularly in relation to their vertical dimensions.

17. Roof Surfaces

The Ahuriri Estuary acts as a receiving environment for stormwater runoff from adjacent industrial, commercial and airport activities. Increased development, including stormwater runoff from roofs that are not constructed of inert materials can threaten the sensitive ecology and aquatic life of the Estuary. The rule provides a mechanism to reduce the level of contaminants that may enter the Estuary from industrial, commercial and airport activities.

17. 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 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).

18. Signs

Signs have the potential to severely affect the visual amenity of surrounding areas, as well as creating a traffic hazard. Management of signs within the Airport Zone is necessary to ensure advertising does not proliferate throughout the zone, yet can provide information,

including directional advice to travellers. The rule ensures any adverse effects on the visual amenity of the zone and nearby areas arising from the presence of signs are appropriately managed.

19. Trees

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

Within the Airport Zone, the height of trees is limited to ensure any adverse effects on visibility, flight paths etc are minimised.

20. Transport

The roading network can have a significant effect on the environment. New roads or the upgrading of existing ones can have a multitude of effects from physical effects to the effects on the amenity of a neighbourhood such as increased noise levels. In order to reduce the need for road upgrading the Council has imposed requirements relating to on-site carparking 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).

21. 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 this Plan. However such information will be recorded on the Council's property file system, and used in the preparation of LIMs and PIMs. In addition, refer to Chapter 62 (Natural Hazards).

22. 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).

23. 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).

24. 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.

The collection and end use of financial contributions have an 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).

25. Code of Practice for Subdivision and Land Development

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

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