

**Chapter 52****TERTIARY EDUCATION ZONE****52.1 INTRODUCTION**

The Tertiary Education Zone relates to the area of land currently used by the Eastern Institute of Technology (EIT) on the western side of Gloucester Street. The EIT combines a wide range of educational functions and land uses that have been developed over a number of years. As such, the EIT makes an important contribution to Napier City and the wider region. To adequately provide for the wide range of educational activities, the area has been given a separate zoning in the District Plan.

**52.2 SIGNIFICANT RESOURCE MANAGEMENT ISSUES**

The following resource management issues have been identified as significant in the Tertiary Education Zone.

**52.2.1 Effects on neighbouring areas arising from the use and development of the EIT campus.**

Increases in site intensity, coverage and development bulk, through site development and building extensions within the Tertiary Education Zone has the potential to create adverse effects on the roading network, including vehicle parking through increased traffic numbers. Amenity values including noise, privacy and visual domination can also be adversely affected through the expansion and development of EIT if not carefully managed. These factors impact upon the amenity and character of surrounding areas, and in particular, residential and rural environments.

**52.2.2 Recognition of the importance of EIT in providing an essential educational resource for the City and wider region.**

The demand for tertiary education is steadily growing. Consequently there is a need to recognise and provide for the continued operation and development of the EIT as the main tertiary education provider within Napier and Hawke's Bay. The continued development and operation of the EIT, within certain parameters, can provide the Napier and Hawke's Bay communities with social, cultural and economic benefits.

The Council wishes to provide for the continued operation and growth of the EIT while ensuring that any associated adverse effects are avoided, remedied or mitigated.

**OBJECTIVES, POLICIES AND METHODS**

The following objectives, policies and methods apply throughout the Tertiary Education Zone.

**Objective 52.3**

To ensure that any adverse effects on the environment arising from land use and development of the Eastern Institute of Technology are avoided, remedied or mitigated.

*This objective relates to Issue 52.2.1.*

**Policies**

To achieve this objective, the Council will:

- 52.3.1 Ensure that land uses and development are managed to avoid, remedy, or mitigate adverse effects within the zone and surrounding areas.
- 52.3.2 Control the size, type and placement of signs relating to the use of the zone.
- 52.3.3 Control the scale, bulk and location of buildings within the zone.
- 52.3.4 Protect the amenity values in the residential and rural environments adjacent to the zone.
- 52.3.5 Require adequate provision of on-site vehicle parking when the design and construction of new buildings and alterations is undertaken.

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

*Development in the Tertiary Education Zone has the potential to give rise to significant adverse effects in terms of loss of privacy for adjacent land uses, increased demand for vehicle parking and the reduced efficiency of the existing road network. Development of sites within the zone, by the EIT also has the potential to impact on the visual amenity and landscape character of the Western Hills and the skyline. The Council will ensure such effects are avoided, remedied or mitigated by applying appropriate conditions on development within the zone.*

**Methods**

- (1) District Plan Rules.

***Principal Reasons for Methods***

*Rules in the District Plan provide the Council with the mechanism to manage the level of development occurring within the Tertiary Education Zone. The rules relating to the number of car parks required for a development, the appropriate scale of a building etc, set clear thresholds beyond which the effects of the land use are considered to adversely effect the surrounding areas amenity.*

**Objective 52.4**

To enable the use and development of the Eastern Institute of Technology and recognise its significance as an educational resource to the City and wider region.

*This objective relates to Issue 52.2.2.*

**Policies**

To achieve this objective, the Council will:

- 52.4.1 Allow for the use and future development of the EIT while ensuring any adverse effects on the environment are avoided, remedied, or mitigated.
- 52.4.2 Provide for land uses necessary for the future development of the EIT.
- 52.4.3 Provide for a range of ancillary activities associated with the educational function of the zone.

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

*The Council recognises the local and regional significance of the EIT as an educational resource. It is the Council's intention to provide for and enable the continued development and operation of the EIT campus and to allow a range of land uses that reflects the need to cater for the diverse and changing requirements of the student population.*

*The Council also recognises that certain land uses can create adverse effects within the Tertiary Education and on surrounding zones. Such land uses will be managed in terms of their scale and operation, to ensure that any potential or actual effects are avoided, remedied or mitigated.*

**Methods**

- (1) District Plan Rules.

***Principal Reasons for Methods***

*The most effective means of providing for the continued development and operation of the EIT, while managing the effects of the land uses, is through the use of District Plan Rules. The rules clearly state the level of development and type of land use appropriate to the zone, therefore enabling certainty for the continued operation of land uses located within the zone.*

**52.5 ANTICIPATED ENVIRONMENTAL RESULTS**

- (1) Maintenance of the provision of tertiary educational services within the City and Region to meet the needs of current and future generations.
- (2) The continued development of tertiary educational services within the City and Region to meet the needs of current and future generations
- (3) The avoidance, remedying or mitigation of adverse effects on surrounding areas.
- (4) The maintenance and enhancement of amenity values within the zone and surrounding areas.

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**RULES**

This chapter contains rules managing land uses in the Tertiary Education Zone. The boundaries of this zone are shown on the planning maps.

All rules apply throughout the Tertiary Education Zone unless otherwise stated.

**52.6 Summary of Tertiary Education Zone Rules**

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

Rule Number and Description		Classification	Page Number
52.7(a)	Education facilities.	Permitted	6
52.7(b)	Recreational activities and buildings	Permitted	6
52.7(c)	Craft and art centres and workshops.	Permitted	6
52.7(d)	Farming activities, including agriculture, horticulture, viticulture and forestry.	Permitted	6
52.7(e)	Residential accommodation for students and/or staff.	Permitted	6
52.7(f)	Restaurants and dining rooms for students and staff.	Permitted	6
52.7(g)	Day care centres for relatives of students and/or staff.	Permitted	6
52.7(h)	Storage and maintenance buildings related to a permitted activity in this zone.	Permitted	6
52.7(i)	Vehicle parking areas.	Permitted	6
52.8	Retail activities provided that the total gross floor area of all of the activities does not exceed 150m <sup>2</sup> .	Permitted	6
52.9	Scheduled sites.	Permitted	6
52.10	Land development (including subdivision, but excluding Multi Unit Development for Commercial and Industrial Activities).	Controlled	6
52.11	Relocation of a building from another site.	Controlled	7
52.12	Licensed premises.	Controlled	7
52.13	Any subdivision, use or development of land referred to in Rules 52.7 to 52.12 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	8
52.14(a)	Use of explosives, other than for temporary military training purposes.	Discretionary	8
52.14(b)	Any land use not specifically provided for elsewhere in this Chapter.	Discretionary	8

## TERTIARY EDUCATION ZONE – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p><b>52.7 Permitted Activities</b></p> <p>1. The following land uses are a permitted activity provided that they comply in all respects with the relevant conditions in the Tertiary Education Zone activity table and condition table:</p> <ul style="list-style-type: none"> <li>a) Education facilities.</li> <li>b) Recreational activities and buildings.</li> <li>c) Craft and art centres and workshops.</li> <li>d) Farming activities, (including, but not limited to) agriculture, horticulture, viticulture and forestry).</li> <li>e) Residential accommodation for students and/or staff.</li> <li>f) Restaurants and dining rooms for students and staff.</li> <li>g) Day care centres for relatives of students and/or staff.</li> <li>h) Storage and maintenance buildings related to a permitted activity within the Tertiary Education Zone.</li> <li>i) Vehicle parking areas.</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 52.13.</p>
<p><b>52.8 Retail Activities</b></p> <p>1. Retail activities are a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) The gross floor area of the total number of retail activities in the Tertiary Education Zone does not exceed 150m<sup>2</sup>.</li> <li>b) It supplies educational and ancillary goods and services to students and staff.</li> <li>c) It complies in all respects with the relevant conditions in the Tertiary Education activity table and condition table.</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 52.13, including the following:</p> <ul style="list-style-type: none"> <li>- The cumulative affect of an additional retail activity.</li> <li>- Effects on vehicular access, vehicle parking and the roading network.</li> <li>- The need of the retail activity for the efficient functioning of the EIT.</li> <li>- Any effects on amenity values.</li> </ul>
<p><b>52.9 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>
CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p><b>52.10 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 controlled activity provided that:</p> <ul style="list-style-type: none"> <li>a) It complies in all respects with the standards and terms specified in Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</li> <li>b) It complies in all respects with the relevant standards and terms in the Tertiary Education Zone Activity Table and Condition Table.</li> <li>c) It is assessed according to the matters in Chapter 66 (Volume II</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>- 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 (including subdivision) that fully complies with the standards and terms, and notice of applications need not be served.</p>	
<p><b>52.11 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 a building complies in all respects with the relevant conditions in the Tertiary Education 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 a 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>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>The Council will restrict its discretion to the matters referred to in Rule 52.13, 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 heritage values.</li> <li>- The effects on infrastructural services.</li> </ul>
<p><b>52.12 Licensed Premises</b></p> <p>1. A licensed premise is a controlled activity provided that:</p> <p>a) It complies in all respects with the relevant conditions in the Tertiary Education Zone activity table and condition table.</p> <p>The Council shall exercise its control over the following:</p> <p>b) Hours of operation.</p> <p>2. Applications for resource consent will not be publicly notified in respect of a licensed premises 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 52.13.</p>

RESTRICTED DISCRETIONARY ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p><b>52.13 Land Uses Not Complying With Conditions</b></p> <p>1. Any subdivision, use or development of land referred to in Rules 52.7 to 57.12 that does not comply with all of the relevant conditions in the Tertiary Education Zone activity table and condition table is a restricted discretionary activity, unless otherwise 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"> <li>- The matters identified in the second column of the Tertiary Education Zone activity table and 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 this Chapter 52.36 where applicable.</li> </ul>
DISCRETIONARY ACTIVITIES	
<p><b>52.14 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 52.36. The Council's discretion is unrestricted.</p> <p>a) Use of explosives, other than for temporary military training purposes.</p> <p>b) Any land use not specifically stated by a rule elsewhere in this Chapter.</p>	
PROHIBITED ACTIVITIES	
<p><b>52.15 Prohibited Activities</b></p> <p>1. There are no prohibited activities within the Tertiary Education Zone.</p>	

TERTIARY EDUCATION ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.										
<p>52.16 Yards</p> <p>1. The following yard conditions shall apply to all land uses:</p> <p>a) Any part of a building (including eaves and guttering) must not be erected closer than 6 metres to any zone boundary.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The existing streetscape and protection from road frontage domination.</li> <li>- The effects of shading on adjoining zones.</li> <li>- The effects on amenity values of the surrounding areas.</li> <li>- The effects on heritage values.</li> </ul>										
<p>52.17 Height</p> <p>1. The following height conditions shall apply to all land uses, other than poles and aerials:</p> <p>a) Any part of a building or structure below the 25 metre site contour shown on Planning Map J2, must not exceed 20 metres in height. Height must be measured using the rolling height method.</p> <p>b) Any part of a building or structure above the 25 metre site contour shown on Planning Map J2, must not exceed 10 metres in height. Height must be measured using the rolling height method.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The existing streetscape and protection from road frontage domination.</li> <li>- The effects on amenity values of the surrounding areas.</li> <li>- The effects on landscape values and character.</li> </ul>										
<p>52.18 Height in Relation to Boundary</p> <p>1. The following height in relation to boundary conditions shall apply to all land uses:</p> <p>a) Any part of a building or structure must not project beyond a building envelope constructed by drawing planes along all parts of all zone boundaries. The planes must commence 3.0 metres above ground level at the zone boundary and must be inclined to the horizontal at an angle of 45 degrees.</p> <p>b) No account must be taken of radio and television aerials, solar heating devices, 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>Matters:</p> <ul style="list-style-type: none"> <li>- The availability of daylight to adjoining properties.</li> <li>- The effects on the privacy of adjoining properties and occupiers.</li> <li>- The effects on amenity values.</li> <li>- The effects on heritage values.</li> <li>- The effects on landscape values.</li> <li>- The effects on landscape character.</li> </ul> <div data-bbox="943 1218 1505 1570" style="border: 1px solid black; padding: 10px; margin-top: 20px;"> <p>The diagram illustrates the 'Building Envelope' rule. It shows a horizontal line for 'Ground Level' and a vertical line for 'Site Boundary'. A horizontal line is drawn 3.0 metres above ground level. From the end of this line, a diagonal line extends upwards at a 45-degree angle, labeled 'Height Plane Angle 45°'. The area between the ground level and the diagonal line is labeled 'Building Envelope'.</p> </div>										
<p>52.19 Noise</p> <p>1. The following noise conditions shall apply to all land uses, other than those exempted in Rule 57.9:</p> <p>a) The following noise limits are not to be exceeded at any point beyond the zone boundary, except where expressly provided for elsewhere in this Plan:</p> <table border="0" style="width: 100%; margin-left: 40px;"> <tr> <td style="width: 60%;">Control Hours</td> <td>Noise Level</td> </tr> <tr> <td>0700 to 1900 hours</td> <td>55 dB L<sub>Aeq</sub> (15 min)</td> </tr> <tr> <td>1900 to 2200 hours</td> <td>50 dB L<sub>Aeq</sub> (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>45 dB L<sub>Aeq</sub> (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>75 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	55 dB L <sub>Aeq</sub> (15 min)	1900 to 2200 hours	50 dB L <sub>Aeq</sub> (15 min)	2200 to 0700 hours the following day	45 dB L <sub>Aeq</sub> (15 min)	2200 to 0700 hours the following day	75 dB L <sub>AFmax</sub>	<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> </ul>
Control Hours	Noise Level										
0700 to 1900 hours	55 dB L <sub>Aeq</sub> (15 min)										
1900 to 2200 hours	50 dB L <sub>Aeq</sub> (15 min)										
2200 to 0700 hours the following day	45 dB L <sub>Aeq</sub> (15 min)										
2200 to 0700 hours the following day	75 dB L <sub>AFmax</sub>										

<p><b>52.20 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 of 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"> <li>- The orientation, strength, intensity, colour and frequency of any light.</li> <li>- The effects of air traffic safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on heritage values.</li> <li>- The effects on the health, safety, security and wellbeing of people.</li> <li>- The effects on vehicular traffic safety.</li> </ul>
<p><b>52.21 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 adjoining buildings and facilities.</li> <li>- The effect on amenity values of the area.</li> </ul>
<p><b>52.22 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>52.23 Fences</b></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 fences 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"> <li>- The availability of daylight to adjoining properties.</li> <li>- The effects on the privacy of adjoining properties and occupiers.</li> <li>- The scale and bulk of the building in relation to the site.</li> <li>- The effects on amenity values.</li> </ul>
<p><b>52.24 Aerials, Lines and Support Structures</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 must not exceed 15 metres in height.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on amenity values.</li> <li>- The effects on heritage values</li> <li>- The scale in relation to adjacent buildings.</li> <li>- The bulk and form of the aerial, line and supporting structures.</li> </ul>

<p>b) 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>c) Dish antenna must not exceed 1.2 metres in diameter.</p> <p>d) The aerial, line and support structure must comply with conditions relating to yards and height in relation to boundary in the Tertiary Education Zone condition table.</p>	<ul style="list-style-type: none"> <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 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> </ul>
<p><b>52.25 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>52.26 Signs</b></p> <p>1. The following conditions shall apply to the construction, erection, placement or painting of a sign or combination of signs:</p> <p>a) Signs for directional and/or instructional purposes, relating to the land uses within the zone, are unrestricted in size and number, subject to the requirements of (c) and (d) below.</p> <p>b) Signs for commercial advertising purposes, relating to land uses within the zone, must not exceed a maximum of 4.5m<sup>2</sup> and must be limited to one sign per building.</p> <p>c) The sign must be contained solely within the boundaries of the zone.</p> <p>d) The maximum height of a freestanding sign, including its supports, must not exceed 10 metres, and must also comply with Rule 52.18 – Height in Relation to Boundary.</p> <p>e) Any sign must not conflict with the colour combinations and geometric shape of official traffic signs.</p> <p>2. The following sign illumination conditions shall apply to all signs whether illuminated internally, externally, or by other means:</p> <p>a) Any illuminated sign must not visually obstruct traffic control signals.</p> <p>b) The illuminated sign must comply with the conditions relating to light spill contained in condition 52.20 of Chapter 52.</p> <p>c) Lighting for the purpose of external illumination of signs must be securely attached to the veranda roof, building, or sign and must be directed solely at the sign to be illuminated.</p> <p>NOTE: Illuminated signs do not include flashing or animated signs, including revolving lights. Refer to Rule 58.22.</p> <p>3. All other signs not provided for above, must comply with the relevant provisions where applicable of Chapter 58 – Signs.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- Any potential (including cumulative) effects of the sign on the amenity of the area.</li> <li>- The design and appearance of the sign.</li> <li>- The dimensions of the sign.</li> <li>- The location of the sign.</li> <li>- Any hazard (including actual or potential) for vehicular and pedestrian traffic.</li> <li>- The effects on landscape values and character.</li> <li>- The effects on heritage and cultural values.</li> <li>- The impact on the appearance of the building.</li> <li>- The orientation, strength, intensity, and colour of any illuminated sign.</li> </ul>
<p><b>52.27 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>52.28 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>52.29 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>52.30 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>52.31 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>52.32 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>52.33 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>52.34 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>52.35 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>Matters:</p> <p>Refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</p>

**52.36 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 tertiary education zone when considering an application under Sections 104 and 105 of the Act.

**1. GENERAL**

The following criteria will be used by the Council in considering a resource consent application for a Discretionary Activity or a 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.

**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 neighbourhood and wider community, including the extent to which the land use may enhance the amenity of the area.
- c) Whether the impact of the scale and intensity of the use is compatible with surrounding land uses.
- d) Whether the land use will alter the character of the Tertiary Education 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 effect 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 operation of the land use would adversely effect the health, safety and wellbeing of surrounding land uses and residents.

#### *Design and External Appearance*

- k) Whether vehicle parking and storage areas are adequately screened from adjoining sites by fencing and/or landscaping.

#### *Site Layout*

- l) 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 places and roads.
- m) Whether buildings and structures including outdoor entertainment, recreation and play areas are sited in a way that minimises any adverse effects on the visual and aural amenity of adjoining land uses, public open spaces and roads.

#### *Vehicle Parking and Access*

- n) 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.
- o) 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 rear 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. Sites on local roads may be unsuitable for some land uses.

#### *Noise Mitigation Measures*

- p) 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 residential 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.

#### *Infrastructure*

- q) 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.

*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 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 environment. Of particular concern is the adverse cumulative effect of locating a land use on a site adjacent to or already accommodating a land use that may currently generate traffic, noise and other adverse effects not in keeping with the surrounding residential and rural areas.

**52.37 PRINCIPAL REASONS FOR RULES****1. Permitted Activities**

This rule states the listed land uses are permitted in the Tertiary Education Zone provided that the conditions in the activity table and condition table are complied with.

A number of ancillary activities associated to the educational use of the area have effects that are unacceptable in the area without careful management. Some of the ancillary activities that are likely to have no more than minor adverse effects on the area are permitted, provided certain conditions are met.

The potential for adverse effects increases as the scale of the land use increases. Such effects may relate to traffic and noise generation, demands for vehicle parking, increases in activity intensity, and differing building form.

**2. 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 several are not specifically provided for within the rules for permitted activities in the respective zones. 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.

**3. Land Development, including 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.

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.

**4. Relocation of Buildings**

To ensure that relocated buildings are reinstated in a timely manner and are consistent with the built characteristics of the EIT's surrounding environment, the Council intends to exercise some control over the relocation of buildings within the EIT campus.. 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.

**5. Licensed Premises**

It is recognised that some educational functions of EIT require the ability to serve alcoholic beverages. However such an activity has the potential to adversely effect the surrounding area i.e. in terms of noise and traffic generation. It is important that the effects of the land use are properly managed, especially where the adjacent zone is residential. Licensed premises are controlled, so appropriate conditions may be imposed to avoid, remedy or mitigate effects.

**6. Retail Activities**

This rule recognises that a number of ancillary activities associated with the educational use of the zone can have adverse effects. Ancillary activities such as retailing to offer goods and services to students and staff, without careful management, has the potential to generate adverse environmental effects.

Typically, the potential for adverse effects increases as the scale of the land use increases. Such effects may relate to traffic and noise generation, demands for vehicle parking, increases in activity intensity, and differing building form. As such the total area of all the retail activities is not to exceed 150m<sup>2</sup> to minimise such adverse effects.

**7. Radioactive Material**

The EIT is engaged in research and training in a variety of fields. It is necessary to ensure that research and training programmes are not unduly restricted by district plan rules. Unlike most zones throughout the City, the use, storage and disposal of radioactive material with high activity levels is not a prohibited activity. However, it does require a resource consent. The consent process will ensure that adequate measures are taken to avoid, remedy or mitigate any adverse actual or potential effects arising from the use, storage and disposal of radioactive material within the Tertiary Education Zone.

In addition, there are a number of further statutes and regulations beyond the scope of the Plan and the Resource Management Act 1991, that such land uses need to take into account.

**8. Land Uses Generally**

To ensure that natural and physical resources within the Tertiary Education Zone are used and developed in an efficient manner, many land uses not directly associated with the primary function of the EIT are discretionary activities. This not only ensures land uses unrelated to the EIT do not use and develop land that would otherwise be available for EIT's educational and training needs, but also ensures a framework is in place to manage environmental effects associated with land uses not directly related to the EIT's primary functions.

**9. Yards**

The yard condition ensures that new buildings and additions to existing buildings recognise the surrounding zones' streetscape character and amenity levels. The yard condition is in relation to the zone boundary (not site boundary as in other rules in the Plan) to ensure that the adverse effects on surrounding zones are minimised, while allowing flexibility within the EIT zone itself.

**10. Height**

Height conditions are necessary to maintain the amenity of the Tertiary Education Zone and any adverse effects on the surrounding residential and rural residential zones. The height limit will not unduly restrict the construction of buildings in the Tertiary Education Zone. The height condition has been established while having regard to the amenity and landscape character of the Western Hills, which are a backdrop to the Tertiary Education Zone and the City.

**11. Height in Relation to Boundary**

The height in relation to boundary condition provides sufficient flexibility within the zone (ie: the condition does not relate to site boundaries within the zone). As such the height in relation to boundary condition is intended to prevent buildings from physically dominating adjoining properties and also to maintain adequate sunlight access for the adjoining properties.

**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 of noise is required to meet the expectations of adjoining residential areas. Section 16 of the Resource Management Act shall apply to noise generated by land uses in the Tertiary Education Zone. This approach ensures that character of the zone and the surrounding area 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).

**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 existing character of the areas, while maintaining traffic and personal safety.

**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. Aerials, Lines and Support Structures**

The number of aerials, lines and support structures in the zone is limited to prevent a proliferation of such structures upon any one site, while allowing for the needs of land uses to receive and transmit television and radio signals. 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.

**16. 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).

**17. Signs**

Signs have the potential to severely affect the visual amenity of the Tertiary Education Zone and of surrounding residential and rural zones. It is recognised that provision needs to be made for directional and instructional signs throughout the zone so that there is ease of movement within the zone. Signs for commercial advertising purposes are also important, however these are limited in their size and number to avoid adverse effects on the surrounding zones.

**18. 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. 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 others include private initiatives.

**19. Transport**

The roading network can have a significant effect 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 carparking and manoeuvring to mitigate the effects of road congestion.

The reduction of on-road parking has positive effects for the amenity of surrounding areas and improves the efficiency of the roading network. The provision of on-site manoeuvring also reduces the numbers of reversing vehicles, creating a safer environment for traffic and pedestrians. In addition, refer to Chapter 61 (Transport).

**20. 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).

**21. 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).

**22. 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).

**23. 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).

**24. 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 rule table conditions of the respective zone. In addition, refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development).