

**Chapter 55****SCHEDULED SITES****55.1 RESOURCE MANAGEMENT ISSUES**

The following resource management issues have been identified as significant for scheduled sites:

**55.1.1 Management of community activities that may not meet the rules for the zone in which they are established.**

There are a number of existing and planned land uses that because of their effects may not be permitted in certain areas, yet have a high level of community acceptance. This may be due to the length of time that they have been established and/or because they can or do provide a valuable service and contribute to the social wellbeing of the community. These include the likes of churches, halls, cultural facilities, and historic reserves. These could also include limited commercial activities such as health care services and roadside stalls with access onto the State Highway.

The Council wishes to recognise the community acceptance of these land uses by providing for them as permitted activities on specific scheduled sites. The scheduling allows them to operate and, more importantly, expand within the conditions set out in this Chapter of the Plan. The ability to further develop scheduled land uses on scheduled sites is in addition to the existing use rights bestowed upon such land uses by Section 10 of the Act.

It is not the Councils intention to schedule every existing activity that is not provided for as a permitted activity within the zone.

**55.1.2 The need to retain the scale and character of the areas surrounding scheduled sites and protect the environmental standards of the underlying zoning.**

Surrounding uses and land should not be adversely affected by the scheduled sites and any provision for expansion on scheduled sites must recognise the amenity, character and other values of the surrounding area and the accompanying objectives, policies, and anticipated environmental results.

**55.1.3 The cumulative effects of scheduled sites on the other land uses of the zone.**

In creating scheduled sites the Council should recognise, that individually the land use may not have any adverse effects, but that where a number of such sites are established they could significantly affect amenity values and the environmental result sought for a particular zone in which the scheduled site is located.

## OBJECTIVES, POLICIES AND METHODS

The following objectives, policies and methods apply to all scheduled sites throughout the City.

### Objective 55.2

To recognise and provide for community activities that are an existing use or which provide a valuable service to the community or will satisfy a proven community need.

*This objective relates to Issue 55.1.1; 55.1.2.*

### Policies

To achieve this objective the Council will:

- 55.2.1 Introduce the concept of scheduled sites which may be used for the purpose stated.
- 55.2.2. Develop rules for land uses which provide a valuable service to the community or satisfy a proven community need.
- 55.2.3 Avoid, remedy and mitigate the adverse effects of land uses occurring on scheduled sites.

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

*The Council recognises that there are some existing uses in the City that provide a valuable service to the community. However many of these existing uses may not qualify as being permitted under the rules of the zone in which they are located. Many land uses such as churches and buildings of religious worship, Maori community facilities, health care services, and cemeteries provide for the social wellbeing of the community. These land uses need to be recognised in the Plan. The Council, while ensuring any adverse effects these land uses may create are avoided, remedied or mitigated, want to retain these types of facilities.*

*The scheduled sites are identified on the planning maps. The site may be used for the purpose stated on the Planning Maps and must comply with the rules in the Plan. The scheduled site is in addition to the permitted, controlled and discretionary uses provided for in the respective zones.*

### Methods

- (1) District Plan Rules.
- (2) Identification on Planning Maps.

#### **Reasons for Methods**

*The District Plan identifies a number of land uses that do not comply with the performance standards for the zone in which they are located. These land uses have been scheduled and given specific rules relating to avoiding, remedying or mitigating the effects (both potential and cumulative), that the land use may have on the site and the surrounding area. The scheduled site land uses can be easily identified on the planning maps.*

**Objective 55.3**

To avoid, remedy or mitigate the adverse effects of land uses occurring on scheduled sites and maintain and enhance the amenity values of the City.

*This objectives relates to Issues 55.1.2; 55.1.3.*

**Policies**

To achieve this objective the Council will:

- 55.3.1 Ensure scheduled sites are consistent with the character of the area.
- 55.3.2 Consider the cumulative effects of scheduled sites on the surrounding land uses.
- 55.3.3 Impose conditions on the scale of the land uses occurring on scheduled sites.

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

*Maintaining the character and scale of the respective zones in the City is important as the potential adverse effects from scheduled site land uses can significantly alter the character and amenity of an area. Also any changes to the scheduled sites should recognise the character and scale of the area.*

**Methods**

- (1) District Plan Rules.

***Reasons for Methods***

*Method 1 recognises that the simplest and most effective means of managing the environmental effects of a wide range of land uses is via the implementation of a concise set of rules which give certainty and are easy to understand, interpret and enforce.*

**55.4 ANTICIPATED ENVIRONMENTAL RESULTS**

- (1) A built environment which recognises community activities that provide for the social wellbeing of the community.
- (2) The retention of the scale and qualities of the area in which the scheduled sites are located.

**RULES**

All rules apply throughout the City and are in addition to the specific zone rules and district wide rules unless otherwise stated. The following rules manage specific land uses on the respective scheduled site.

NOTE: Any land use that is not the Scheduled Use of the site must comply with the respective zone's activity and condition tables.

## DISTRICT WIDE SCHEDULED SITES – ACTIVITY TABLE

<b>PERMITTED ACTIVITIES</b>	<b>Matters the Council will restrict its discretion to for restricted discretionary activities.</b>
<p>55.5 <b>Scheduled Uses</b></p> <p>1. Any use of a scheduled site for the respective purpose described in Appendix 12 (Scheduled Sites) is a permitted activity provided that it complies with the relevant conditions stated elsewhere in this Chapter.</p>	The Council will restrict its discretion to the matters in Rule 55.7.
<b>CONTROLLED ACTIVITIES</b>	
<p>55.6 <b>Controlled Activities</b></p> <p>1. There are no Controlled Activities in respect of Scheduled Sites.</p>	
<b>RESTRICTED DISCRETIONARY ACTIVITIES</b>	<b>Matters the Council will restrict its discretion to for restricted discretionary activities.</b>
<p>55.7 <b>Land Uses Not Complying With Conditions</b></p> <p>1. Any subdivision, use or development of land referred to in Rules 55.5 that does not comply with all of the relevant conditions in the Scheduled Site Activity Table and Condition Table is a restricted discretionary activity, unless stated by a rule elsewhere in this Plan.</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 Scheduled Site activity table and/or condition table.</li> <li>- The cumulative effect of non-compliance with more than one condition.</li> <li>- In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over.</li> <li>- The matters set out in Chapter 1.6.5.</li> <li>- The assessment criteria in Chapter 55.22 of this Plan where applicable.</li> </ul>
<b>DISCRETIONARY ACTIVITIES</b>	
<p>55.8 <b>Discretionary Activities</b></p> <p>1. 1. There are no Discretionary Activities in respect of Scheduled Sites except that:</p> <p>a) Any activity (includes subdivision) located on Scheduled Site S120 (Lot 1 DP 28557) not associated with the Church or buildings of religious worship shall be a Discretionary Activity.</p>	
<b>PROHIBITED ACTIVITIES</b>	
<p>55.9 <b>Prohibited Activities</b></p> <p>1. There are no Prohibited Activities in respect of Scheduled Sites.</p>	

## DISTRICT WIDE SCHEDULED SITES – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities
<p><b>55.10 Cemeteries</b></p> <p>1. The following conditions shall apply to all scheduled sites for cemeteries as set out in Appendix 12:</p> <p>a) Cemeteries shall comply in all respects with the relevant conditions of the respective zone's activity table and condition table in addition to the following:</p> <p>i) Any part of a building must not be erected closer than 6 metres to any site boundary (including road frontage and side and rear site boundaries).</p> <p>ii) Any part of a building or structure must not exceed 7.5 metres in height. Height must be measured using the rolling height method.</p>	<p>The Council will restrict its discretion to the matters in Rule 55.8, including the following:</p> <ul style="list-style-type: none"> <li>- The bulk and scale of the building or structure in relation to the site.</li> <li>- The built characteristics of the area.</li> <li>- The effects on landscape values of the area.</li> <li>- The effects of shading.</li> <li>- The effects on amenity values.</li> </ul>
<p><b>55.11 Churches and Buildings of Religious Worship</b></p> <p>1. The following conditions shall apply to all scheduled sites for churches and buildings of religious worship as set out in Appendix 12:</p> <p>a) Churches and buildings of religious worship shall comply in all respects with the relevant conditions of the respective zone's condition table. in addition to the following:</p> <p>i) On scheduled site S120 all conditions of resource consent RM080088 dated 21<sup>st</sup> September 2009 and any subsequent consent or amendment thereto, must be fully complied with.</p>	<p>Refer to the respective zone.</p>
<p><b>55.12 Emergency Service Facilities</b></p> <p>1. The following conditions shall apply to all scheduled sites for emergency service facilities as set out in Appendix 12:</p> <p>a) Emergency service facilities shall comply in all respects with the relevant conditions of the respective zone's condition table.</p>	<p>Refer to the respective zone.</p>
<p><b>55.13 Health Care Purposes, Places of Assembly and Emergency Service Facilities</b></p> <p>1. The following conditions shall apply to all scheduled sites for health care purposes, places of assembly and emergency service facilities as set out in Appendix 12:</p> <p>a) The health care centre, place of assembly and emergency service facility shall comply in all respects with the relevant conditions of the respective zone's condition table in addition to the following:</p> <p>i) Any part of a building must not be erected closer than 6 metres to the road frontage.</p> <p>ii) A minimum of a 2 metre wide landscaped area must be provided parallel and adjacent to the road frontage, except for vehicle crossings.</p> <p>iii) Any part of a building must not be erected closer than 1 metre from any side or rear site boundary.</p> <p>iv) A minimum of a 2 metre wide landscaped area must be provided along all site boundaries of any vehicle parking area.</p>	<p>The Council will restrict its discretion to the matters in Rule 55.8, including the following:</p> <ul style="list-style-type: none"> <li>- The effects on amenity values of the area.</li> <li>- The effects of noise on amenity values and the health and wellbeing of people.</li> <li>- The effects on the privacy and amenity of occupants on the site.</li> <li>- The effects of shading on adjacent sites.</li> <li>- The effect on the open space appearance of the neighbourhood.</li> <li>- The effects on the character of the area.</li> <li>- The effects on traffic safety and the safety of the road network.</li> </ul>

<p>v) A refuse storage area must be provided on-site that is adequate to store the average volume of trade waste produced on-site over a one-week period.</p> <p>vi) All refuse storage areas must be screened from any adjoining site zoned as residential or any public place by a fence or hedge at least 1.8 metres high.</p> <p>vii) The refuse storage area must not provide a food source for birds or vermin.</p> <p>viii) The maximum area of a sign or combination of a sign must not exceed the following limits:</p> <ul style="list-style-type: none"> <li>• Parkside Hospital: 8m<sup>2</sup> (excluding signs for purpose of directing motorists to vehicle parking spaces).</li> <li>• Saint Johns Ambulance Station: 6m<sup>2</sup></li> <li>• Other health care centres: Refer to Chapter 58 (Signs) and places of assembly</li> </ul> <p>b) Any new noise sensitive activity must comply with the following acoustic insulation conditions:</p> <p>i) All habitable spaces within buildings used for the noise sensitive activity must be adequately insulated from noise arising from all other land uses within the scheduled site.</p> <p>ii) Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40 dBA L<sub>eq</sub> in any room used for sleeping and 45 dBA L<sub>eq</sub> in all other habitable spaces. The indoor design level must be achieved with all windows and doors open, unless adequate alternative ventilation means is provided, used and maintained in operating order.</p> <p>iii) 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 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>iv) 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 55.14.1(b) above.</p> <p>v) It will be a condition of subdivision of land (as defined in the Act) that any consent notice issued for the purposes of Section 221 of the Act, the Council will require the Certificate of Title to be noted to the effect of the consent notice. The consent notice is required to ensure that compliance with the acoustic insulation requirements in (b) above are achieved.</p>	
<p><b>55.14 Historic Reserve – Te Ihu o te rei</b></p> <p>1. The following conditions shall apply to all scheduled sites for historic reserve purposes as set out in Appendix 12:</p> <p>a) Historic reserves shall comply in all respects with the relevant conditions of the respective zone’s activity table and condition table in addition to the following:</p>	<p>The Council will restrict its discretion to the matters in Rule 55.8, including the following:</p> <ul style="list-style-type: none"> <li>- The effects on heritage values.</li> <li>- The effects on amenity values.</li> <li>- The effects on landscape values.</li> <li>- The prominence of the site taking into account significant public views and any significant landscapes.</li> </ul>

<ul style="list-style-type: none"> <li>i) Any part of a building must not be erected closer than 6 metres to any site boundary (including a road frontage and any side and rear boundary).</li> <li>ii) Any part of a building or structure must not exceed 7.5 metres in height. Height must be measured using the rolling height method.</li> <li>iii) Site coverage (measured from gross building area) must not exceed 75m<sup>2</sup>.</li> <li>iv) Any land development, including subdivision must be for the purposes of a boundary adjustment and/or for the purposes of any earthworks or vegetation removal.</li> </ul>	<ul style="list-style-type: none"> <li>- The extent to which the bulk and scale of any building or structure can be mitigated by setbacks, planting, design and/or topography of the site.</li> </ul>
<p><b>55.15 Maori Community Facilities</b></p> <p>1. The following conditions shall apply to all scheduled sites for Maori community facilities as set out in Appendix 12:</p> <ul style="list-style-type: none"> <li>a) Any part of a building must not be erected closer than the yard conditions in the respective zone, except that: <ul style="list-style-type: none"> <li>i) On scheduled site S87, no part of any building shall be located closer than 6 metres to the road frontage or any side or rear site boundary.</li> </ul> </li> <li>b) Any part of a building for Maori community facilities must not exceed the height conditions in the respective zone, except that: <ul style="list-style-type: none"> <li>i) On scheduled site S87, no building shall exceed 10 metres in height.</li> </ul> </li> <li>c) Site coverage (measured from gross building area) must comply with the site coverage condition in the respective zone.</li> <li>d) On scheduled site S87, buildings need not comply with Rule 48.12 (Floorspace) in the Sports Park Zone.</li> <li>e) All other conditions in the respective zones' condition table must be complied with.</li> </ul>	<p>The Council will restrict its discretion to the matters in Rule 55.8 including the following:</p> <ul style="list-style-type: none"> <li>- The effects of the bulk and scale of buildings in relation to the site.</li> <li>- The built characteristics of the surrounding environment.</li> <li>- The effects on landscape values.</li> <li>- The effects on the character of the Ahuriri Estuary and its surrounds.</li> <li>- The effects on amenity values.</li> <li>- The effects on heritage values.</li> </ul>
<p><b>55.16 Network Utility Operations</b></p> <p>1. The following conditions shall apply to all scheduled sites for network utility operation purposes as set out in Appendix 12:</p> <ul style="list-style-type: none"> <li>a) Network utility operations must comply in all respects with the relevant conditions in Chapter 53 (Network Utility Operations) of this Plan.</li> </ul>	<p>Refer to Chapter 53 (Network Utility Operations) of this Plan.</p>
<p><b>55.17 Roadside Stalls</b></p> <p>1. The following conditions shall apply to all scheduled sites for roadside stall purposes as set out in Appendix 12:</p> <ul style="list-style-type: none"> <li>a) Roadside stalls must comply in all respects with the relevant conditions of the respective zone's condition table in addition to the following: <ul style="list-style-type: none"> <li>i) No more than one roadside stall must be located on each scheduled site described for roadside stall purposes.</li> <li>ii) The gross floor area of the roadside stall must not exceed 30m<sup>2</sup>.</li> <li>iii) Roadside stalls must not sell or offer for sale any goods or services other than produce grown on-site and/or produce grown and processed on-site.</li> </ul> </li> </ul>	<p>The Council will restrict its discretion to the matters in Rule 55.8 including the following:</p> <ul style="list-style-type: none"> <li>- The effects on safe vehicle parking, access and manoeuvring.</li> <li>- The effects on the safety and efficiency of the road network.</li> <li>- The location and design of signs</li> <li>- The location of the stall building.</li> <li>- The effects on the amenity of the area.</li> <li>- In addition, refer to Chapter 61 (Transport) of this Plan.</li> </ul>



<p>2. The following conditions shall also apply to the upgrading of roadside stalls on scheduled sites as set out in Appendix 12:</p> <ul style="list-style-type: none"> <li>a) At least six vehicle parking spaces must be provided on-site and each space must comply with the relevant conditions in Chapter 61 (Transport) of this Plan.</li> <li>b) All access conditions in Chapter 61 (Transport) of this Plan must be complied with.</li> <li>c) Any sign or combination of signs must not exceed an area of 4m<sup>2</sup>.</li> <li>d) The height of any sign and its support structures must not exceed 4 metres.</li> <li>e) Any sign must not be located beyond the site boundaries of the site to which the scheduling applies.</li> </ul>	
<p><b>55.18 Residential and Ancillary Activities</b></p> <p>1. The following conditions shall apply to the scheduled site (55 Watchman Road) for residential and ancillary activities within the Airport Zone as set out in Appendix 12:</p> <p>Residential and ancillary activities shall comply in all respects with the relevant conditions of the Rural Conservation Zone condition table (refer Chapter 37).</p>	<p>Refer to Chapter 37 (Rural Conservation Zone) of this plan.</p>
<p><b>55.19 Service Station, Commercial Garage, LPG Filling Station, Sale and Hire of Vehicles and Machinery, and Rural Servicing and Rural Related Industries</b></p> <p>1. The following conditions shall apply to all scheduled sites for Service Station, Commercial Garage, LPG Filling Station, Sale and Hire of Vehicles and Machinery, and Rural Servicing and Rural Related Industries as set out in Appendix 12:</p> <ul style="list-style-type: none"> <li>a) The service station, commercial garage, LPG filling station, sale and hire of vehicles and machinery, and rural servicing and rural related industries must comply in all respects with the relevant conditions of the respective zone's condition table, other than Rule 34.22, 34.23.1(a) and 34.24 in addition to the following on Lot 1 DP 13302 and Pt Lot 2 DP 9565 (J Young Motors Ltd): <ul style="list-style-type: none"> <li>i) Any building, or permanently fixed structure or part thereof must not be erected closer than 15 metres from any rear boundary, 5 metres from any side boundary or 15 metres from the top of any bank of any watercourse or open drain. A minimum of a 15 metre wide landscaped area must be provided within the rear yard parallel to the site boundary. Landscaped areas must create a visual screen from off-site to a height of at least 1.8 metres.</li> </ul> <p>Provided that:</p> <p>Any building must not be located within 30 metres of the landward toe of any stopbank.</p> <li>ii) Any fence or part thereof shall not be erected closer than 6 metres from the top of the bank of any watercourse or open drain.</li> <li>iii) Any part of a building or structure must not exceed 12 metres in height.</li> <li>iv) The maximum site coverage shall not exceed 5,000m<sup>2</sup></li> </li></ul>	<p>The Council will restrict its discretion to the matters in Rule 55.8 including the following:</p> <ul style="list-style-type: none"> <li>- The effects on the amenity values of the rural environment.</li> <li>- The effects on the open rural character of the zone.</li> <li>- The effects of noise.</li> <li>- The effects of odour.</li> <li>- The visual effects. .</li> <li>- The effects on the safety of people and property.</li> <li>- The effects on the maintenance, use and development of a watercourse or open drain.</li> <li>- The scale and bulk of the building or structure in relation to the site.</li> <li>- The extent to which the effects of the height can be mitigated by setbacks, planting, design or topography of the site.</li> <li>- The effects of shading.</li> <li>- The existing built density of the neighbourhood.</li> <li>- The control of stormwater runoff.</li> <li>- The effects on the capacity of the Napier City Council wastewater reticulation system and other existing discharges to that system.</li> </ul>

<p>v) The maximum rate of wastewater discharge to the Napier City Council wastewater reticulation system must not exceed 0.65 litres per second per hectare of the site.</p>	
<p><b>55.20 Camping Grounds/Travellers Accommodation</b></p> <p>1. The following conditions shall apply to all scheduled sites for Camping Grounds/Travellers Accommodation as set out in Appendix 12:</p> <p>a) The Camping Ground/Travellers Accommodation must comply in all respects with the relevant conditions of the respective zone's condition table in addition to the following:</p> <p>i) On Lot 2 DP 28507 (10 Gill Road, Bay View) a 3 metre wide landscaped yard is required to be maintained along the northern and southern boundaries of the site (except over those areas where vehicle access to the site is gained).</p>	<p>The Council will restrict its discretion to the matters in Rule 55.8, including the following:</p> <ul style="list-style-type: none"> <li>- The effects on amenity values.</li> <li>- The siting of the Landscaping.</li> <li>- The nature and type of planting proposed and means to ensure it survives.</li> </ul>

## 55.21 ASSESSMENT CRITERIA

### 1. Introduction

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 Scheduled Sites when considering an application under Sections 104 and 105 of the Act.

### 2. 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.

### 3. **Cemeteries; Churches and Buildings of Religious Worship; Emergency Service Facilities; Health Care Purposes (including Places of Assembly, and Emergency Service Facilities); Historic Reserve; Maori Community Facilities; Network Utility Operations; Residential and Ancillary Activities, Service Station, Commercial Garage, LPG Filling Station, Sale and Hire of Vehicles and Machinery, and Rural Servicing and Rural Related Industries; Camping Grounds/Travellers Accommodation.**

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 surrounding environment and wider community, including the extent to which the land use may enhance the amenity values of the area.
- c) Whether there are any effects of a low probability, but high potential impact.
- d) 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.

- e) Whether the land use's hours of operation would adversely affect the amenity, health and wellbeing of surrounding land uses and residents.
- f) Whether the volume of traffic likely to be attracted to the site is likely to cause an adverse effect on the neighbouring people and environment including the road network and traffic safety and efficiency.
- g) Whether the land use is in keeping with the status of any land under the Reserves Act and/or the Reserves Management Plan.

#### *Design and External Appearance*

- h) Whether the design of buildings, structures and vehicle parking areas maintains the scale and amenity values of the area.
- i) Whether vehicle parking, storage areas and buildings are adequately screened from adjoining sites by fencing and/or landscaping.
- j) Whether the landscaping is compatible with the landscape character of the surrounding environment.

#### *Site Layout*

- k) Whether buildings and structures including parking and storage areas are sited in a way or adequately screened that minimises any adverse effects on the visual and aural amenity and privacy of adjoining landuses, public 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 the land use will adversely affect vehicular and pedestrian safety and the efficiency of the road network where any access is directly onto a state highway or an arterial road.
- n) Whether adequate sight distances are available for vehicular and pedestrian safety.

The Council will pay particular attention to the adequacy of accessways, the location of entry and exit points 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*

- o) Whether noise arising from the land use, including the congregation of people and movement of vehicles, will have an adverse effect on the amenity of the surrounding environment.

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

#### *Odour and Dust Mitigation*

- p) Whether the land use will create any dust or odour effects that will adversely impact upon the amenity of surrounding land uses.

#### *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 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 an area and on the site, and their adverse effect on the surrounding environment. 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 effects not in keeping with the surrounding environment.

## **4. Roadside Stalls**

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

#### *Scale and Intensity of Land use*

- 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 surrounding environment and wider community, including the extent to which the land use may enhance amenity values 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 have any adverse effects on the rural character and amenity of the surrounding area.

The Council will have particular regard to the potential for visual and noise impacts and will require the provision of landscaping and other mitigation measures over and above those required by the rules within the rural environments.

- 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 effect the amenity of the rural or rural settlement area, 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, safety 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 an effect on the neighbouring people and environment including the road network and traffic safety and efficiency.

#### *Design and External Appearance*

- j) Whether the design of buildings, structures and vehicle parking areas maintains or enhances streetscape qualities, including whether paved areas associated with vehicle manoeuvring or parking dominate the streetscape.
- k) Whether parking and storage areas are adequately screened from adjoining properties by fencing and/or landscaping.

#### *Site Layout*

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

#### *Vehicle Parking and Access*

- m) Whether provision is made for the safe and efficient circulation of vehicles through the site where necessary.
- 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 the land use will adversely effect vehicular and pedestrian safety and the efficiency of the road network where any access is directly onto a state highway or an arterial road.
- p) 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, site 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 the installation of traffic signals and the like. Sites adjacent to local roads may be unsuitable for some land uses.

#### *Noise Mitigation Measures*

- q) Whether noise arising from the land use, including the congregation of people and movement of vehicles will have an adverse effect on the amenity of the surrounding environment.

The Council may require noise mitigation measures to be undertaken to protect the aural amenity of adjoining land uses and residential areas.

*Odour and Dust Mitigation*

- r) Whether the land use will create any dust or odour effects that will adversely impact upon the amenity of surrounding land uses.

*Infrastructure*

- s) 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*

- t) Whether the 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 adverse effect on the surrounding environment. 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 effects not in keeping with the surrounding environment.

**55.2 PRINCIPAL REASONS FOR RULES****1. General**

Some land uses are located in zones where they do not comply with the ordinary zone conditions. The intention of a scheduled site is to ensure the continuation of a service to the community and protect the investment committed to building and site development. Opportunity to expand on site may be provided for land uses, which is a more liberal regime than existing use rights provided for under Section 10 of the Resource Management Act.

**2. Cemeteries**

Cemeteries within the City are considered to be of both historical and cultural importance and cemeteries are considered to contribute to the City's amenity through their landscaped appearance and quiet environment. Accordingly the desired level of effects differs from those of the respective cemeteries' surrounding areas. Scheduling the cemeteries of the City will differentiate these expected levels of effects from those required elsewhere and recognise that the open space character of the cemeteries complements and adds to the amenity of the City and the wellbeing of its residents.

**3. Churches and Buildings of Religious Worship**

It is important to the community wellbeing that existing community resources are sustained. To achieve this, scheduled sites for churches and buildings of religious worship apply to a cross section of this type of community facility in order to ensure that their future use and development continues in a manner that ensures environmental quality is not adversely affected.

**4. Emergency Service Facilities**

Fire Stations provide an important and essential service to the community in ensuring community safety. In order to recognise the importance of fire stations as providing a community benefit and to ensure their efficient and effective future operation, the Council has scheduled the sites on which fire stations are located.

**5. Health Care Purposes (including Places of Assembly and Emergency Service Facilities)**

The scheduled site makes provision for the operation of land uses for health care purposes and neighbouring places of assembly and emergency service facilities. The scheduling provides for normal hospital and related land uses to continue, while ensuring that residential amenity is maintained at the boundaries of the site. The site has been scheduled in addition to the residential zoning rather than being given a separate zoning. This is because in the event that health care purposes cease to be provided on some or all of the sites, the Plan seeks the replacement land use to be residential, rather than for a commercial or industrial operation to establish.

**6. Historic Reserve**

Te Ihu o te rei is a traditional Maori site and includes urupa, midden and terraces. Because of the nature of the site it is important that it is given a level of protection that safeguards the spiritual significance of the site for Maori. The scheduled site method will give the site the required status. It is envisaged the Te Ihu o te rei reserve will be jointly managed by the Napier City Council and the Ahuriri Maori Executive Committee.

**7. Maori Community Facilities**

Section 6(e) of the Act enables the recognition and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The scheduling of Maori community facilities enables the continuation of the use of the facilities and meets the Council's obligations to recognise and provide for such facilities under the Resource Management Act.



**8. Network Utility Operations**

Utility sites including wastewater, stormwater and water supply pumping stations and others occur frequently throughout the City. They are a necessity for the provision of Wastewater, stormwater, water supply and infrastructural services throughout the City. In order to recognise the importance of these utility sites as providing a community benefit and to ensure their efficient and effective future operation, the Council has scheduled the sites on which the utility is located.

**9. Roadside Stalls**

Roadside stalls have an important role in the viability of some rural holdings. These stall holders are subject to restrictions on the type of produce able to be sold from stalls. While the Council is prepared to permit the sale of fresh produce and the sale of items resulting from on-site processing of produce grown on the site, it does not wish to see the proliferation of retailing activities particularly along main roading corridors, and has consequently scheduled the sites from which such land uses can be undertaken.

**10. Residential and Ancillary Uses**

55 Watchman Road (Sec 25 SO Plan 3286) is an established property used for residential and ancillary purposes and is located adjacent to the Hawke's Bay Airport with an underlying zoning of Airport Zone. Previously the site and land surrounding it was located within the Rural Conservation Zone. This zoning however was inconsistent with the use of the property in that the Rural Conservation Zone did not allow for the continued use and development of the site solely for residential activities separate from an accessory rural use. As a result of a rezoning request to rezone the land and the land surrounding it to Airport Zone, Council determined that the site would be better placed within the Airport Zone with the site also being scheduled to allow for the continued use and development of the site for residential and ancillary purposes. This was seen as resulting in a more practical zoning pattern by removing an isolated pocket of Rural Conservation Zoning that had no relevance to the land use occurring on the site.

**11. Service Station, Commercial Garage, LPG Filling Station, Sale and Hire of Vehicles and Machinery, and Rural Servicing and Rural Related Industries**

The J Young Motors Site at 590 Main North Road was established in 1957 and is used for a number of activities including a service station, truck stop, commercial garage and the servicing of rural activities, with an underlying zoning of Main Rural. The Main Rural Zone does not realistically reflect any appropriate potential use of the land and the site does not exhibit any strong rural character given the long history of commercial and industrial uses on the site. As a result of evidence heard in support of submissions and the J Young Motors Development Plan, Council determined that the site should be scheduled to recognise the activities occurring on site and to provide for the future expansion and development of the site.

**12. Camping Grounds/Travellers Accommodation**

The Snapper Park Motor Camp at 10 Gill Road, Bay View is a long established property which provides a service to the community with an underlying zoning of Rural Settlement. The camping ground use is considered compatible with the surrounding residential uses, however its continued use and development is not specifically provided for in this zone. As a result of evidence heard in support of submissions Council determined that this site should be scheduled to ensure the continuation of a community service and to protect the investment committed to building and site development.

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