



NAPIER **The Art Deco City**

OPERATIVE CITY OF
NAPIER DISTRICT
PLAN

DRAFT

MODIFICATION 12

**Review of Ahuriri
Mixed Use Zone**



PUBLIC NOTICE – REVIEW OF THE AHURIRI MIXED USE ZONE

DRAFT PLAN MODIFICATION (12) – TO CITY OF NAPIER DISTRICT PLAN

Public notice is given that the Napier City Council has prepared a draft plan change to the City of Napier District Plan for the Ahuriri Mixed Use Zone. Although not legally required for release, Napier City Council has released the draft plan change in order to obtain feedback on the proposed direction of the document. Please note the draft plan change has no legal status. There is now an opportunity to submit comments on any aspect of the draft plan change.

The Mixed Use Zone provisions of the Operative District Plan – Ahuriri Subdistrict were reviewed in 2013. The review assessed the strengths and weaknesses of the Mixed Use Zone provisions in the District Plan with a view to identify how effective these provisions have been in managing land uses within the zone. A report on the findings of the Mixed Use Zone review was presented to Council in September 2013 ('Review of the Effectiveness of the Ahuriri Mixed Use Zone'). This document can be viewed on Council's website.

Draft Plan Modification 12 (Ahuriri Mixed Use Zone) includes new issues, objectives, policies and rules for the Ahuriri Mixed Use Zone. The draft plan change also includes some adjustments to the zone boundary near the Ahuriri Suburban Commercial Area.

The primary changes proposed in the draft plan change are:

- Amendments to the Issues, Objectives and Policies;
- Change to the rule controlling the maximum permitted height of buildings and structures;
- Change to the rule controlling the height in relation to boundary;
- Change to the rule for outdoor storage;
- Change to the rule controlling the construction of fences;
- Change to the rule for maximum noise levels;
- Consequential changes to the reasons for rules;
- Amendments to the Mixed Use Zone boundary.

Public Inspection

The draft plan change is available for viewing from **Monday 9 June 2014** at the following locations:

- Napier City Council Planning Department Reception (2nd Floor Library Building), Station Street, Napier;
- Napier City and Taradale Public Libraries; and
- www.napier.govt.nz keyword: #dpdraftpm12

Any queries about, or requests for copies of the draft plan change should be made by telephoning a member of the Napier City Council's Policy Planning team on (06) 835-7579.

Comments

Any person may make comment on the draft plan change. Comments must be in writing and preferably in the format as shown on the comment form. These forms are available from the Council's Policy Planning team, downloaded from the council website or comments can be made online at: www.napier.govt.nz keyword: keyword: #dpdraftpm12

The closing date for comments is 12:00 noon Friday 4 July 2014

Public Participation Process

After the informal comments have been received you will be invited to a Council meeting to discuss your views, after which time amendments may be made to the draft document. The statutory process under the Resource Management Act 1991 will then commence and the plan modification will then be publicly notified as Proposed Plan Modification 12.

All written comments should be addressed to the Senior Policy Planner and:

Posted to: Napier City Council, Private Bag 6010, NAPIER, 4142; or

Delivered to: Planning Department Reception (2nd Floor Library Building), Station Street, NAPIER; or

Faxed to: (06) 835 7574 (if you fax your submission, please post or deliver a copy to one of the above addresses).

Alastair Thompson
PLANNING MANAGER

Dated 6 June 2014

DISTRICT PLAN - DRAFT PLAN MODIFICATION 12

REVIEW OF THE AHURIRI MIXED USE ZONE

OPPORTUNITY TO COMMENT



Resource Management Act 1991

Comments on the
Draft Plan Modification:

Ahuriri Mixed Use Zone Plan Modification

Office Use

Comment Number

Date Received Stamp

Database

Date Entered:

Initials: /

COMMENTS DUE:

12:00pm Friday

4 July 2014

Send your comments to:

Senior Policy Planner
Napier City Council
Private Bag 6010
Napier 4142

Fax: (06) 835-7574

Name/Organisation:

Contact Name:

(if different from above)

Address for Service:

Phone Number(s):

Fax Number:

Contact Email:

I have attached pages to these informal comments.

Signature:

Date:

Notes for responders

Anyone is invited to make comment on the Draft Plan Modification. These can be from an individual or on behalf of an organisation. You may either use this form or prepare your own comments being careful to use the same format.

All residents will be given the opportunity to provide formal submissions following notification of the Plan Modification.

DRAFT PLAN MODIFICATION 12 – MIXED USE ZONE

TO PROPOSED PLAN CHANGE 10 TO THE OPERATIVE CITY OF NAPIER DISTRICT PLAN.

Pursuant to the First Schedule of to the Resource Management Act 1991.

Explanatory Statement

(This statement does not form part of the Plan Change; it is for explanatory purposes only).

Background

Proposed Plan Change 10 (PC10) to the Operative Napier District Plan (ODP) integrated the Operative Ahuriri Subdistrict provisions into the ODP so that all planning rules for Napier are held within one planning document. This involved merging a number of different zones into the Napier Plan including the Mixed Use Zone (MUZ). Another primary purpose of PC10 was to harmonise wherever practicable provisions between the Napier and Hastings District Plans in order to achieve consistency between the two authorities.

A new chapter was created in the ODP for the MUZ (Chapter 50A) and the provisions brought across are largely the same as those in the Operative Ahuriri Subdistrict Plan, with the exception of where changes have been made as a result of the proposed harmonisation which include changes to some rules.

Review of the Mixed Use Zone

The Mixed Use Zone provisions of the ODP – Ahuriri Subdistrict were reviewed in 2013 as part of an entirely separate process to PC10. The review assessed the strengths and weaknesses of the MUZ provisions with a view to identify how effective these provisions have been in managing land uses within the zone. A report on the findings of the MUZ review was presented to Council in September 2013 ('Review of the Effectiveness of the Ahuriri Mixed Use Zone').

The changes proposed in Draft Plan Modification 12 (DPM12) below are based on the 'Priority 1' findings from the review. The 'Priority 1' findings are those findings that should be considered and acted upon first due to greater or more immediate concern.

The key findings in the review can be summarised as follows:

- The community generally wish to see the continuation of a diverse range of activities in the MUZ, generally similar to those already existing but excluding industry with adverse amenity impacts,
- It was evident from community consultation that there is a need to tighten several performance standards to achieve the desired redirection of heavy industry to other zones and/or to ensure that industry in the MUZ remains compatible with uses in the adjacent residential zones those uses that can be anticipated to establish within the MUZ.

- To more evenly balance the intent of the MUZ provisions towards both residential and industrial activities, as at present there is weighting towards industrial activities.
- To ensure that the intent of the MUZ to prevent adverse noise effects from inappropriate and/or out of character heavy industrial uses is achieved.
- There is significant and attracting notable concern from the community about height and sunlight/daylighting (height in relation to boundary) and unsightly appearance of some industrial activities.
- That there is a need to ensure that there is appropriate linkage between the rules and objectives, policies and issues for the MUZ.

Summary of changes proposed by Draft Plan Modification 12

- Amendments to the Issues, Objectives and Policies;
- Change to the rule controlling the maximum permitted height of buildings and structures;
- Change to the rule controlling the height in relation to boundary;
- Change to the rule for outdoor storage;
- Change to the rule controlling the construction of fences;
- Change to the rule for maximum noise levels;
- Consequential changes to the reasons for rules;
- Amendments to the MUZ boundary.

Rationale behind proposed changes

Introduction of new issues and changes to objectives and policies

Two new Significant Resource Management Issues are included in DPM12. Chapter 50A of PC10 includes six significant resource management issues for the MUZ. One of the findings in the 2013 review of the MUZ was that the resource management issues identified do remain relevant today. However, an additional finding was that the management of the adverse effects from heavy industry (particularly noise, height-bulk, and visual effects) on more sensitive uses within the MUZ and adjoining residential zones was a significant resource management issue not currently included in the plan.

The MUZ review found that in general terms the MUZ can be considered a success. The principal exception to this is the relatively recent establishment of some more heavy industry in the zone, most notably at 85 Battery Road. The establishment of a shipping container storage and repair facility at this location, even though it appears to be generally in compliance with the provisions of the MUZ, has resulted in a very high number of amenity related complaints to the Council. These complaints are supported by stakeholder and community feedback received as part of this review, and concerns relate to visual effects, overshadowing, noise, dust, odour, traffic-noise, health and safety, vibration, and light spill.

Generally there is also a need to ensure that the adverse noise effects from industrial uses is reasonable and that inappropriate industrial activities be prevented from establishing in the MUZ. The MUZ is a mixed use zone not an industrial zone and activities do need to be of a character which is compatible with the range of uses that can be expected to be present, including more sensitive uses such as residential. With the possible exception of the 'tank-farm' and a small number of dispersed sites, heavy industrial development has not typically been present in the MUZ and is not consistent with the zone's prevalent character. For these reasons heavy industrial uses are encouraged to locate in an Industrial Zone.

However, it does need to be remembered that the MUZ is a 'mixed-use-zone' not a residential zone and the level of amenity can reasonably be anticipated to be different to, and at times lower than, that of a residential zone. Given the nature of the zone, the same level of protection cannot reasonably be afforded to residential properties within a MUZ as might be expected by residential properties in residential zones where residential development is the principal activity present. Additionally residential occupiers within the MUZ zone must expect and allow for a mix of uses to be present. This means that residential development should be aware of the nature of surrounding development and provide for this.

The amendments to the objectives and policies in DPM12 seek to address these new resource management issues identified.

Change to bulk and location rules in DPM12

DPM12 includes options for potential amendments to the maximum height limit and the height in relation to boundary limit in order to get feedback from the public. Feedback from the public will then be considered when evaluating the options before notifying any changes in the proposed version of the PM12. Changes are also included in this draft with respect to outdoor storage and fencing.

Typically the community concerns identified in the MUZ review related to adverse effects of noise, loss of sunlight, and the adverse effects on the character and visual amenity of the area. DPM12 therefore seeks to ensure that new development maintains or enhances the character of the area.

The purpose of maximum height limit rules is to control the built characteristics of the neighbourhood and to control the effects of shading and building dominance.

The purpose of height in relation to boundary rules is to control the availability of daylight and sunlight to adjacent properties and to control the effects on amenity values in terms of building dominance.

The amendments to the outdoor storage rule require that outdoor storage be screened from public open space, a road or a Residential Zone. The proposed change to the fencing rule seeks to soften the visual appearance of fences and walls with vegetation. Both of these rules seek to ensure that the character and visual amenity of the MUZ is maintained or enhanced.

The amended outdoor storage rule will also prevent the stacking of containers as a permitted activity. The rationale behind this rule change is to control the storage (and repair) of shipping containers where the adverse effects on amenity and the character of the area cannot be avoided or mitigated. The rule change will apply to the establishment of new shipping container storage and repair activities and the expansion of such activities. However, the rule will not affect those parts of these activities that enjoy existing use rights under the Resource Management Act 1991.

Changes to the Maximum Noise Limit

The review of the MUZ found that there is a need to ensure that the adverse noise effects from industrial uses are reasonable and that inappropriate industrial activities are prevented from establishing in the MUZ. This is because the zone is a 'mixed use zone' not an industrial zone, and activities need to be of a character that is compatible with the range of uses that can be expected to be present, including more sensitive uses such as residential.

The maximum noise limits need to find an appropriate balance between providing a level of amenity that is appropriate for a range of activities without unreasonably restricting industry from operating within the zone. However, the maximum noise limits will also need to control the establishment of industry with significant adverse noise effects and direct these to an Industrial Zone if their adverse effects cannot be avoided or mitigated.

At the same time it would be both unreasonable and against the intent of the MUZ to penalise industry by establishing a noise environment that provides a similar level of amenity to a Residential Zone.

Five alternative maximum noise rules are included in DPM12. It is intended that this enables feedback from the community about these alternatives before undertaking a more detailed evaluation of the options.

Amendments to the Zone Boundary

Minor alterations are proposed to the zone boundary around the Ahuriri Suburban Town Centre. The alterations simply involve adjusting the MUZ boundary so that it better reflects the activities currently being undertaken.

Proposed amendment to Policy 50A.3.5

The Council wish to maintain the inner city as the focus for retail and office activity in Napier in order to achieve the sustainable management of the inner city's heritage resource and all of the physical built infrastructure that supports it. Policy 50A.3.5 has been included accordingly which seeks to limit office accommodation in the MUZ to ensure that the Inner City and Fringe Commercial Zones of Napier's CBD remain the primary place for these activities.

DRAFT PLAN MODIFICATION 12 - MIXED USE ZONE

TO PLAN CHANGE 10 TO THE CITY OF NAPIER DISTRICT PLAN

SCHEDULE OF AMENDMENTS

1. AMENDMENTS TO SECTION 50A – MIXED USE ZONE

(Note: In relation to the changes proposed by Draft Plan Modification 12, all deletions are ~~struck through~~ and additional text is underlined.

Chapter 50A

MIXED USE ZONE

INTRODUCTION

The Mixed Use Zone contains a diverse mix of land uses occurring north of Napier Hill in Ahuriri. The area is characterised by a mix of industrial, commercial and residential land uses. This blend has been a historical feature of Ahuriri since its early days as a port settlement. Existing industrial buildings are typically large scale, often used for warehousing and manufacturing.

Scattered throughout the Mixed Use Zone are pockets of residential activities, including dwelling units. For decades, these land uses have co-existed. In recent times, there has been greater pressure for commercial, residential and to a lesser extent retail redevelopment. Community consultation indicates that the amenity expectations among residents in the area have increased largely in response to this new development. ~~expectations of residents, have threatened the continued presence of industry in this area.~~ The Plan encourages the retention of mixed uses in the zone, and intends to provide an environment in which industry can also continue to operate subject to the management of adverse environmental effects.

50A.1 SIGNIFICANT RESOURCE MANAGEMENT ISSUES

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

50A.1.1 The retention of a mix of activities within the zone.

Ahuriri has traditionally been an area of mixed uses. This has led to strong and identifiable mixed use ~~an identified~~ character and one which is becoming increasingly popular. When ~~the initial~~ consultation was done for the plan review this element of Ahuriri's character was one which the public wished to see retained. The Council considers that retention of the existing mix of activities which exists in this zone ~~at the present time~~ is important to the character of the area. The effects of retailing on the heritage values and traffic safety in this area have led the Council to impose rules on the scale of retailing.

Additionally the Council has maintained a tight control over the scale of retail activity

outside the inner city area, including what might establish in the Mixed Use Zone. These controls are aimed at maintaining the Inner City as the focus of retail activity in Napier.

A dispersed retail function for Napier could have a significant effect on the continued viability and vibrancy of the inner city commercial area. Much of Napier's heritage and culture are identified in the inner city art deco building resource, a resource that was purpose built for retail activity. Napier's past and future rely on the vibrancy of this area. However, the dynamic face of retailing means that the Council also needs to provide for large format retailing in a form that has the least effect on the historic commercial centre and has done this by zoning land along Prebensen Drive for this purpose.

The Council's Retail Strategy clearly identifies that if small retail units are permitted as part of a large format retail development this will have an adverse effect on the Inner City Art Deco resource. This has resulted in a strategy for retailing that clearly establishes that specialty retailing should locate in the Inner City Commercial Zone, the Fringe Commercial Zone will cater for retail activity with a 200m² minimum floor area and that the Large Format Retail zone will provide for 1000m² and above. The strategy does not support specialty retailing outside of the inner city commercial and suburban commercial zones, and this would include specialty retailing associated with large format retail development. The primary reason is due to the impact on the sustainable management of the inner city heritage resource.

50A.1.2 A noise environment which is realistic for existing industry and a range of activities including industry whilst providing a reasonable level of amenity in adjoining residential zones and for existing sensitive uses in the mixed use zone.

~~The majority of~~ The industry which is currently undertaken in the zone has been long established and has been operating with generally few noise complaints. There is an apprehension among these industries that the amenity expectations of new more sensitive activities, such as residential development, will result in more stringent noise limits and create an new noise provisions will create an environment that will be difficult for them to operate in. It would be both unfair and against the intent of the Mixed Use Zone to penalise ~~the existing industries~~ by establishing a noise environment that provides a similar level of amenity to a Residential Zone. ~~to create a noise environment reflects the residential component of the area especially as the potential for residential development was provided for in the transitional district plan.~~ The Council has therefore established noise provisions that will allow ~~the existing industry~~ to operate at ~~current and~~ reasonable levels whilst providing some protection for sensitive uses in the zone and in the adjoining residential zones. The Council expects any new noise sensitive activity residential development to adopt measures to protect occupiers residents from noise levels that ~~would~~ may be higher than those experienced in a traditional residential environment.

~~The Port of Napier is not located within Ahuriri subdistrict but it is situated near residential zones within this Plan's boundaries. It is important that the district plan allows for the efficient operation of the port, while ensuring any adverse effects on surrounding residential zones and the environment are avoided, remedied or mitigated. While provisions in the City of Napier District Plan manage the operational requirements of the Port of Napier, its effects do extend into areas of land within the Ahuriri subdistrict.~~

~~In the case of noise~~ The Port of Napier is not located within the Mixed Use Zone. However, it is recognised that despite making all reasonable attempts to internalise noise emanating from within the Port Industrial Zone and adjacent coastal marine area, land uses within the Port may at times generate a level of noise outside its zone boundary greater than would otherwise be expected in adjacent zones. For this reason the effects of noise emitted by the Port will be managed by a combination of controls, including district plan rules and the use of a noise management plan and acoustic insulation of new noise sensitive activities and new additions and alterations involving the addition of a

habitable space to existing noise sensitive activities in the Mixed Use Zone. in nearby residential areas.

Residents overlooking or near to the Port of Napier should be aware that the level of effects will not be the same as experienced in other residential areas of the City. Special noise standards and a noise management plan are appropriate, permitting the port to operate while recognising its adverse effects on nearby noise sensitive activities.

50A.1.3 Preservation of the heritage elements which characterise Ahuriri.

The Mixed Use Zone is representative of some of the earlier industrial activities that located in Ahuriri. It is important in heritage terms that a range of activities continues to be provided for in this zone, and that these incorporate activities and/or buildings that have heritage elements historically been present. ~~the range of activities provided for in this zone continues and that the character of these activities is little altered. As an example the Council would not like to see~~ For example the establishment of widespread retailing in this area at the expense of a mix of activities could have a significant impact on the character and heritage of well known heritage features like the woolstores and Rothmans's buildings and jeopardise the mix of activities that the community values and that the Mixed Use Zone is trying to preserve. The scale of the buildings is also an important element in the consideration of heritage values with the woolstores and Rothman's buildings dominating the area. Scattered among the industries are numerous small cottages and bungalows which date back to the earlier part of this century and the Council encourages their preservation. It is this divergent blend and mix of activities and structures that gives Ahuriri its mixed use character and identity.

50A.1.4 Management of traffic within Ahuriri to provide a safe and efficient component of the city's traffic network.

Where there is a mix of activities there is an increased potential for traffic conflict arising. Many of the industries rely on heavy vehicle transportation and they have become used to low traffic environments. This combined with building developments which do not have adequate on-site loading areas and narrow roads mean that there are often vehicles occupying the road that impinge on the free passage of traffic. The Council has established a road hierarchy to encourage through traffic to keep off the local roads and provisions are included in the plan to ensure that any new development provides for on-site loading areas.

50A.1.5 ~~Deciding the~~ Ensuring that an appropriate level of amenity is maintained in the zone. to be met by new development.

The issue of amenity is often subjective in nature. There is even more of a difficulty when there is a range of activities to be provided for and each may have intrinsic amenity values attached. ~~In this instance where a range of activities is provided for it would be unrealistic to expect industrial activities to adhere to amenity provisions that relate to residential values. The Council therefore expects the level of amenity in this zone to reflect that which exists at the present time with provision for general tidiness and the prevention of nuisance elements. In the event of new residential development the level of amenity to be provided should be different to that of West Quay or Hardinge Road where there are smaller sites. The size of sites means that there is no reason why residential activities should not meet the same provisions as in a solely residential zone.~~

The Mixed Use Zone provides for a wide range of activities, including some activities with the potential to experience conflict over amenity expectations. Community consultation undertaken as part of a holistic review of the Mixed Use Zone found that generally residents within and adjoining the Mixed Use Zone wished to see the character of zone retained. However, this consultation also highlighted some conflicts between some

newly established industrial operations and nearby sensitive uses. These were typically concerns in terms of the adverse effects of noise, loss of sunlight, and the adverse effects on the character and visual amenity of the area. For the continued functioning of a mix of activities in the zone it is important that the standards and provisions of the plan allows the continued establishment and operation of industrial and commercial activities whilst providing an appropriate level of amenity for sensitive uses in the zone and for the adjoining residential zones. In addition, there is a need to ensure that new development maintains or enhances the character of the area.

50A.1.6 Recognise the relationship of the Maori people with the natural and physical resources.

The Resource Management Act states that the principles of the Treaty of Waitangi shall be taken into account when managing resources. Hapu/iwi concepts present a different view of managing natural and physical resources. Particular features of natural and physical resources hold significance for tangata whenua. The recognition and identification of specific sites and precincts will ensure that this significance is respected. By acknowledging ancestral relationships with the land and natural world, a basis can be constructed for addressing modern forms of activities. To achieve this and the Treaty of Waitangi principles of consultation, partnership and a shared responsibility for decision making will be undertaken by Council.

OBJECTIVES, POLICIES AND METHODS

Objective 50A.2

To enable a mix of uses to establish and operate maintain an environment in which the reasonable effects of existing industry are recognised, whilst ensuring an acceptable level of amenity for sensitive uses within the zone and adjacent Residential Zones.

This objective relates to Issues 50A.1.1, 50A.1.2, 50A.1.3, 50A.1.5

Policies

To achieve this objective the Council will:

- 50A.2.1 ~~Set standards that recognise~~ Provide for the realistic operational requirements of existing low impact industry ~~are provided for~~ whilst seeking to ensure an acceptable level of amenity for sensitive uses within the Mixed Use Zone and adjacent Residential Zones.
- 50A.2.25 ~~Encourage industry with significant adverse effects to locate in the industrial zones.~~
- 50A.2.36 ~~Seek to ensure that new activities avoid or mitigate the adverse effects of noise and other effects on sensitive uses within the zone and adjacent Residential Zones.~~
- 50A.2.42 ~~Require incoming activities to take into account the effects of existing industry. To ensure that new activities and occupiers in the zone are aware that the zone provides for a mix of activities and that the level of amenity can be expected to be lower than that of a Residential Zone.~~
- 50A.2.53 ~~Ensure that the scale of any new industry is not inconsistent with that of existing industry. Ensure that the bulk and location of new buildings and structures; the density of development; and the provision of outdoor storage maintains or enhances the amenity and character of the area.~~

50A.2.6 Manage the adverse effects of port, industrial and commercial noise by requiring acoustic insulation of new noise sensitive activities and new additions and alterations involving the addition of a habitable space to existing noise sensitive activities.

Method

- (1) Rules in the District Plan.
- (2) Education

Principal Reasons for Adopting Objectives and Policies

~~While acknowledging that encouragement will be given to a mix of activities the Council wishes to acknowledge the rights of existing industry by setting realistic performance standards which reflect the nature of their operations within acceptable environmental limits.~~

Standards have been set which reflect an environment where the desired mix of activities can take place. The objectives, policies and standards for the zone clearly indicate the level of amenity that can be expected within the zone. Those uses which are more amenity-sensitive and wish to reside within the Mixed Use Zone will have to accept this environment. For example a higher level of noise than may be experienced in traditional residential zones. Notwithstanding this, the plan has provided for other more amenity sensitive activities and ensuring an adequate level of amenity is important. Protection is given to the more sensitive uses through standards that limit noise emissions to a significantly lower level than would be allowed in an industrial zone. The blend of activities within the Mixed Use Zone mean that industries generating significant adverse effects will need to locate within a (pure) Industrial Zone otherwise they may struggle to meet all relevant performance standards.

The Port of Napier is of high regional and national importance as one of New Zealand's busiest ports and vital to the Hawke's Bay Economy. It is situated near residential zones, and it operates 24 hours, 7 days a week. It is important that the Port Industrial Zone (within the City of Napier District Plan) allows for the efficient operation of the port, while avoiding, remedying or mitigating any adverse effects on surrounding residential zones, and the environment.

Noise from the Port of Napier is generated by a wide range of activities and for the purpose of this Plan includes all noise generated on land as well as ships at berth and activities on wharves. The Port of Napier may at times generate a level of noise outside its zone boundary greater than would otherwise be expected in adjacent zones, despite making all reasonable attempts to internalise noise emanating from within the Port Industrial Zone.

The effects of noise emitted by the Port will be managed by a combination of controls, including district plan rules on noise generation within the Port area, a noise management plan and acoustic insulation of new noise sensitive activities and new additions and alterations involving the addition of a habitable space to existing noise sensitive activities. Residents near to the Port of Napier should be aware that the level of effects will not be the same as experienced in other residential areas of the City.

Objective 50A.3

To ensure that the existing industrial/mix mixed use character of Ahuriri of the zone is retained.

This objective relates to Issues 50A.1.1, 50A.1.2, 50A.1.3, 50A.1.5

Policies

To achieve this objective the Council will:

50A.3.1 Encourage the mix of activities which contribute to Ahuriri's special character.

50A.3.2 Limit retailing to retain the existing amenity of the mixed use area and ensure that the sustainable management of the inner city heritage resource is maintained as the focus of specialty retailing within the city.

50A.3.3 Encourage new industry that would negatively impact on amenity or the retention with significant effects of a mix of uses to locate in the established industrial zones.

~~50A.3.4 Ensure that the scale, character and intensity of effects of any new industry is not inconsistent with that of existing industry.~~

50A.3.4 Limit office accommodation to retain the existing amenity of the Mixed Use Zone and ensure that the Inner City and Fringe Commercial Zones of Napier's CBD remain the principal place for these activities.

Method

(1) Rules in the District Plan.

Principal Reasons for Adopting Objectives and Policies

~~During the review of the Mixed Use Zone the community clearly indicated to the Council public consultation phase of plan preparation responses received gave a clear message to Council that the mix of activities was part of the character of Ahuriri and should be retained. Unrestrained development of some types of activities could lead to a dominance of that activity and be detrimental to a retention of a mix of activities. For example, if commercial or retail activity in this area would become a prominent use it could have the effect of significantly altering the identified character of Ahuriri that the community and the plan is trying to preserve. It could also undermine Council's objective of maintaining the inner city as the focus for retail and office activity in Napier in order to achieve the sustainable management of the inner city's heritage resource and all of the physical built infrastructure that supports it.~~

~~Objective 50A.4-~~

~~To maintain the existing noise environment in the mixed use zone.~~

~~This objective relates to Issue 50A.1.2~~

Policies

To meet this objective the Council will:

~~50A.4.1 Set noise standards that recognise the level of effects from existing industry within the area.~~

~~50A.4.2 Avoid conflict between residential and industrial activities by recognising that noise levels will be higher than those normally experienced in residential areas.~~

~~50A.4.3 Manage the adverse effects of Port noise by a combination of controls, including district plan rules on noise generation within the Port area, a port noise management plan and acoustic insulation of new noise sensitive activities and new additions and alterations involving the addition of a habitable space to existing noise sensitive activities, in nearby residential areas.~~

Method

(1) Rules in the District Plan.

Principal Reasons for Adopting Objectives and Policies

~~Background noise level studies have been undertaken to determine the operating levels of existing industry in Ahuriri. The Council has used these studies to set appropriate standards which reflect an environment where the desired mix of activities can take place. It is Council's opinion that residents who wish to reside in the mixed uses zone will have to accept a higher level of noise than may be experienced in traditional residential zones however there is some protection given to the residential component by limiting the hours of the higher noise limits.~~

The Port of Napier is of high regional importance, it is situated near residential zones, and it operates 24 hours, 7 days a week. It is important that the Port Industrial Zone (within the City of Napier District Plan) allows for the efficient operation of the port, while avoiding, remedying or mitigating any adverse effects on surrounding residential zones, and the environment.

Noise from the Port of Napier is generated by a wide range of activities and for the purpose of this Plan includes all noise generated on land as well as ships at berth and activities on wharves. The Port of Napier may at times generate a level of noise outside its zone boundary greater than would otherwise be expected in adjacent zones, despite making all reasonable attempts to internalise noise emanating from within the Port Industrial Zone. For this reason, the effects of noise emitted by the Port will be managed by a combination of controls, including district plan rules on noise generation within the Port area, a noise management plan and acoustic insulation of new noise sensitive activities and new additions and alterations involving the addition of a habitable space to existing noise sensitive activities, in nearby residential areas. Residents overlooking or near to the Port of Napier should be aware that the level of effects will not be the same as experienced in other residential areas of the City.

Objective 50A.5

To maintain and enhance the areas of special character and heritage in the Port Ahuriri area.

This objective relates to Issues 50A.1.1, 50A.1.3, 50A.1.6

Policies

To achieve this objective the Council will:

- 50A.5.1 Identify and encourage the retention of the elements which make up the special character of Ahuriri.
- 50A.5.2 Encourage the retention of identified buildings with heritage significance.
- 50A.5.3 Ensure that future development is of the same or similar intensity and scale.
- 50A.5.4. Identify historical, archaeological and Maori sites and ~~recognise~~ give effect to appropriate responsibilities for these.

Methods

- (1) Heritage Study.
Design Guides.
- (2) Rules in the District Plan.

Principal Reasons for Adopting Objectives and Policies

The maritime influence on the heritage resource within the area is unquestioned. The Council wishes to retain this link with the past through the retention of important buildings and groups of buildings. The area is dominated by a series of old warehouses which have both architectural presence and historical links to the port. The design guide will help to reinforce the importance of the existing buildings and encourage developers to incorporate these elements in any new building design. The Council has identified cultural and heritage sites so that the importance of the sites and their meaning and obligations are clearly understood by landowners.

Objective 50A.6

To provide an efficient traffic network that meets the needs of the community and does not have significant adverse effects.

This objective relates to Issue 50A.1.4

Policies

To achieve this objective the Council will:

- 50A.6.1 Minimise the effects of the traffic network through mitigation measures such as landscaping and traffic safety design.
- 50A.6.2 Mitigate the effects of traffic noise which occurs through changes to the traffic network.
- 50A.6.3 Reduce the effects of heavy traffic on the minor roads by encouraging the use of Pandora Road/Bridge Street as a through route.
- 50A.6.4 Require appropriate parking, loading, site-access, and on-site manoeuvring for activities in the zone.

Methods

- (1) Rules in the District Plan.
- (2) Physical changes to the roading network.

Principal Reasons for Adopting Objectives and Policies

There are three main traffic types in Ahuriri:

- (a) Industry and Port bound heavy traffic
- (b) Residential traffic
- (c) Recreational/Tourist traffic
- (d) Retail and Commercial

Much of this traffic has an effect on the mixed uses zone. The Council wishes to redirect heavy through traffic away from areas where it conflicts with the other two traffic groups identified above.

Objective 50A.7

To maintain and enhance the amenity values of the Ahuriri area.

This objective relates to Issue 50A.1.5

Policies

To achieve this objective the Council will:

- 50A.7.1 Ensure that:
 - (a) The Mitigate the visual and other effects of industrial and commercial activities including outdoor storage are avoided or adequately mitigated storage and by-products.
 - (b) Any significant adverse noise and other effects of outdoor storage associated with industrial, commercial and other non-residential activities are avoided.
- 50A.7.27 Ensure that an appropriate level of amenity is maintained for occupiers in adjacent residential zones in terms of access to sunlight/daylight an outlook.

- 50A.7.3 ~~Require landscaping to mitigate~~ Recognise the benefits of landscaping in mitigating the effects of industrial/commercial development where this is adjacent to residential activity or a road boundary.
- 50A.7.45 ~~Require that new development avoid or mitigate the adverse effects of noise, glare, light spill, dust, vibration and odour on adjoining properties or sites within a residential zone.~~
- 50A.7.52 Control the location and size of signs.
- 50A.7.64 Promote simplicity and clarity in the form of a sign and the message it conveys.
- 50A.7.76 Restrict the location of any business of prostitution to ensure that any adverse effects on the character and amenity of the Mixed Uses Zone are avoided.

Methods

- (1) Rules in the District Plan.
- (2) Monitoring

Principal Reasons for Adopting Objectives and Policies

Amenity of the City is an important consideration. Where industrial and commercial activity occurs the adverse effects must be managed particularly where these adjoin a residential zone and to a lesser extent residential activities within the Mixed Use Zone. The level of amenity should reflect the industrial-mixed use character of the zone. ~~The amenity is comprised of the industrial/warehousing scale of buildings, the use of traditional materials, often zero lot boundaries, ready access to light/sunlight and, for the most part, wide roads.~~

The Council aims to avoid the location of any business of prostitution in the Mixed Uses Zone in order to preserve the existing character and amenity of the area.

Objective 50A.8

To provide an efficient services network that does not have significant environmental effects.

This objective relates to Issue 50A.1.4

Policies

To achieve this objective the Council will:

- 50A.8.1 Consider the effects of industrial activities on the wastewater infrastructure.
- 50A.8.2 Consider the effects of activities and their infrastructural requirements on the Ahuriri Estuary.

Methods

- (1) Rules.
- (2) Information on Management Practices.

Principal Reasons for Adopting Objectives and Policies

Some areas of Ahuriri are constrained by the availability of services, particularly stormwater. The effect of some industries on the existing infrastructure could be significant therefore the Council wish to encourage heavy water users

into industrial areas which can accommodate these needs.

Objective 50A.9

To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by the tangata whenua of Ngati Kahungunu.

This objective relates to Issue 50A.1.6

Policies

To achieve this objective the Council will:

50A.9.1 Identify, define and protect sites and precincts of significance to tangata whenua.

50A.9.2 Consult with tangata whenua where activities are to occur in areas identified as significant.

50A.9.3 Provide for the activities relating to the needs of tangata whenua and other Maori by providing the opportunity for establishing places of assembly, papakainga housing, kohanga reo and similar activities in residential areas, provided that the conditions specified in the Plan are met.

Methods

- (1) Rules
- (2) Information

Principal Reasons for Adopting Objectives and Policies

The Resource Management Act states that the principles of the Treaty of Waitangi shall be taken into account when managing resources. Hapu/iwi concepts present a different view of managing resources. It is necessary to recognise the relationships with the natural resources that hapu/iwi hold. Features and sites of the landscape have significance to tangata whenua. The significant sites have been identified to ensure that they are recognised. The Treaty of Waitangi principles include having regard to consultation, partnership and a shared responsibility for decision making. The plan therefore requires consultation in circumstances where activities are in the areas identified as significant.

50A.10 ANTICIPATED ENVIRONMENTAL RESULTS

- (1) A zone where the ~~existing~~ mix of activities which characterises Ahuriri is retained.
- (2) A noise environment which ~~recognises the needs of~~ provides for a mix of compatible uses ~~existing industry located~~ within the zone while maintaining acceptable environmental limits for the zone.
- (3) Preservation of heritage elements in terms of buildings or retention of the scale of existing development.
- (4) A defined through route for heavy traffic where adverse effects are mitigated.
- (5) Recognition of sites of special significance to Maori.
- (6) Recognition and protection of Maori sites and the provision of Maori facilities in the area.
- (7) ~~The maintenance of a level of amenity within the zone that is~~ A level of environmental amenity that reflects the range of activities provided for, but where conflict between activities is avoided. ~~consistent with a predominately residential~~

environment.

- (8) An environment where ~~over time~~ noise sensitive activities are protected from port, industrial and commercial noise through appropriate levels of acoustic insulation.
- (9) Greater understanding by residents of the operational requirements of industrial activities within the Port Industrial Zone and Mixed Use Zone and a consequential reduction in conflict between these activities and noise sensitive activities.
- (10) An area where the nuisance effects of businesses of prostitution are avoided.

MIXED USE ZONE - RULES

All rules apply throughout the Mixed Use Zone unless otherwise stated.

50A.11 Summary of Mixed Use Zone Rules

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

Rule Number and Description		Classification	Page Number
Rule 50A.12	Any land use not stated by a rule as a controlled activity, a restricted discretionary activity, a discretionary activity, or a prohibited activity elsewhere in this Plan and it must comply with all the relevant conditions.	Permitted	
Rule 50A.13	Industrial activities.	Permitted	
Rule 50A.14	Commercial activities (includes office accommodation and retail activities).	Permitted	
Rule 50A.15	Residential activities.	Permitted	
Rule 50A.16	Home occupations.	Permitted	
Rule 50A.17	A supplementary unit.	Permitted	
Rule 50A.18	Residential care facilities.	Permitted	
Rule 50A.19	Day care centres.	Permitted	
Rule 50A.20	Travellers' accommodation.	Permitted	
Rule 50A.21	Education facilities.	Permitted	
Rule 50A.22	Scheduled sites.	Permitted	
Rule 50A.23	Land development (including subdivision and Multi Unit Development)	Controlled	
Rule 50A.24	Relocation of a building from another site.	Controlled	
Rule 50A.25	Licensed premises.	Controlled	
Rule 50A.26	Any subdivision, use or development of land referred to in Rules 50A.12 25.2 to 25.4 <u>50A.25</u> that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	
Rule 50A.27(a)	Places of assembly.	Discretionary	
Rule 50A.27(b)	Health care centres with three or more health care providers.	Discretionary	
Rule 50A.27(c)	A supplementary unit that does not comply with all the relevant conditions.	Discretionary	
Rule 50A.27(d)	Any business of prostitution <u>Service stations and transport depots</u>	Discretionary	
Rule 50A.27(e)	Service stations and transport depots. <u>Camping Grounds</u>	Discretionary	
Rule 50A.27(f)	Camping grounds Use of explosives, other than for temporary military training purposes	Discretionary	
Rule 50A.27(g)	Use of explosives, other than for temporary military training purposes. <u>Any business of prostitution</u>	Discretionary	
Rule 50A.27 (h)	Any multi-unit development which does not comply with any of the District Plan standards and terms including the provisions of the Code of Practice for Subdivision and Land Development, other than driveway widths.	Discretionary	

MIXED USE ZONE – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>50A.12 Land Uses Generally</p> <p>1. Any land use is a permitted activity provided that:</p> <ol style="list-style-type: none"> It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table. It is not stated by a rule elsewhere in this Plan as a controlled activity, a restricted discretionary activity, a discretionary activity or a prohibited activity. 	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426.</p>
<p>50A.13 Industrial Activities</p> <p>1. Any industrial activity is a permitted activity provided that:</p> <ol style="list-style-type: none"> It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table. It is not stated by a rule elsewhere in this Plan as a controlled activity, a restricted discretionary activity, a discretionary activity or a prohibited activity. <p>2. Any storage of tyres is a permitted activity provided that:</p> <ol style="list-style-type: none"> The activity is ancillary to another activity on the site; The tyres must be stored in a single storage area that is either inside a building or at least 10m from the front boundary of the site; The storage area must not exceed 10m² and must <u>not</u> have a maximum dimension of <u>more than</u> 4m; Tyres must not be stored above a height of 1.5m; Outdoor storage areas must be <u>fully</u> screened from all public spaces and adjoining sites; The storage area must be locked at all times when the premises is not in use. 	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426.</p> <p>NOTE: Any storage of tyres activity that does not comply with all of the relevant conditions is a discretionary activity (see Rule 50A.16).</p>
<p>50A.14 Commercial Activities</p> <p>1. Any commercial activity is a permitted activity provided that:</p> <ol style="list-style-type: none"> It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table. It is not stated by a rule elsewhere in this Plan as a controlled activity, a restricted discretionary activity, a discretionary activity or a prohibited activity. <p>2. Any office accommodation is a permitted activity provided that:</p> <ol style="list-style-type: none"> It must relate to the administration and management of an industrial or commercial activity otherwise permitted in <u>the</u> Mixed Use Zone. It must be limited to 20% of the gross floor area of buildings on the site. It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table. It is not stated by a rule elsewhere in this Plan as a controlled activity, a restricted discretionary activity, a discretionary activity or a prohibited activity. 	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426 including the following:</p> <ul style="list-style-type: none"> - The effects on traffic and pedestrian safety. - The effects on amenity values. - The effects on the character of the area. - The need for traffic control, including signs, signals, and traffic islands. - The effects on the heritage values of the Inner City Art Deco resource.

<p>3. Any retail activity is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The goods or services offered must be manufactured, processed, repaired, serviced or warehoused on the site. b) The retailing component is limited to 20% of the gross floor area of buildings on the site. c) It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table. d) It is not stated by a rule elsewhere in this Plan as a controlled activity, a restricted discretionary activity, a discretionary activity or a prohibited activity. 	
<p>50A.15 Residential Activities</p> <p>1. Any residential activity is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table. b) It is not stated by a rule elsewhere in this Plan as a controlled activity, a restricted discretionary activity, a discretionary activity or a prohibited activity. <p>2. A new dwelling unit in a building in existence as at 11th November 2000 is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) Each new dwelling unit must provide for the exclusive use of its occupants: <ul style="list-style-type: none"> i) A notional garage, garage, carport or other vehicle parking space on site for at least one vehicle which complies with Appendices 17 and 18. ii) On site manoeuvring requirements for second and subsequent dwellings as in Chapter 61 (Parking for residential activities). iii) A service court with the minimum dimensions of 3 metres by 3 metres. b) No service functions e.g.: washing lines, rubbish bins etc, must be visible from legal road. c) The outlook from any window of the unit must not be obscured by any sign erected on the building. d) The dwelling unit must comply with all relevant conditions in the Mixed Use Zone activity table and condition table. 	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426, including the following:</p> <ul style="list-style-type: none"> - The effects on the character of the area. - The effects on public health and safety. - The effects on amenity values. - The effects on traffic safety. - The type, frequency and timing of traffic.
<p>50A.16 Home Occupations</p> <p>1. A home occupation is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) Not more than one full time equivalent job is created for a person(s) residing outside the dwelling unit. b) At all times, the home occupation must remain incidental and secondary to the use of the dwelling unit for residential purposes. c) The maximum area of the home occupation must be 30% of the gross floor area of the dwelling unit. d) Any external storage associated with the home occupation must be screened from view of any adjacent sites and public open places. 	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426, including the following:</p> <ul style="list-style-type: none"> - The effects on the character of the area. - The effects on public health and safety. - The effects on amenity values. - The effects on traffic safety. - The type, frequency and timing of traffic.

<ul style="list-style-type: none"> e) Where the home occupation is located in the required garage, an alternative notional garage for the vehicle and an additional vehicle parking space must be provided for elsewhere on the site. The notional garage must comply with all the relevant access and manoeuvring conditions in Chapter 61 (Transport) of this Plan. f) No retailing of goods will occur from the site except for items produced on the site or fruit, vegetables or other natural products grown on the property and must be limited to 20% of the gross floor area of the dwelling unit. g) Vehicle movements generated by the home occupation must not exceed a daily average of 20 vehicle trips to the site and must not attract pedestrian or vehicular traffic between 2200 hours and 0700 hours the following day. h) No objectionable odours must be produced that are able to be detected beyond the site boundary. j) The home occupation must comply in all respects with all the relevant conditions in the Mixed Use Zone activity table and condition table. 	
<p>50A.17 Supplementary Units</p> <p>1. A supplementary unit is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The unit must consist of a single bedroomed dwelling unit. b) No more than one supplementary unit may be located on the same site as one other dwelling unit. c) The gross floor area of the unit must not exceed 80m² including a notional garage. d) The unit need not comply with the open space and density conditions. e) The unit must comply in all other respects with the relevant conditions in the Activity Table and Condition Table. 	<p>NOTE: A supplementary unit that does not comply in all respects with the relevant conditions is a discretionary activity. Refer to Rule 50A.17(c).</p>
<p>50A.18 Residential Care Facilities</p> <p>1. A residential care facility is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The facility must not cater for more than 10 residents, excluding staff. b) Any outdoor storage associated with the residential care facility must be screened from view of any adjacent sites and public open places. c) Any sign or combination of signs must not exceed 0.3m² in total area. c) The facility complies in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table. 	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426.</p>
<p>50A.19 Day Care Centres</p> <p>1. A day care centre is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The centre must not cater for more than 10 people, excluding staff. b) Any sign or combination of signs must not exceed 0.3m² in total area. 	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426.</p>

<ul style="list-style-type: none"> c) Any outdoor storage associated with the day care centre must be screened from view of any adjacent sites and public open places. d) The centre complies in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table. 	
<p>50A.20 Travellers' Accommodation</p> <p>1. Travellers' accommodation is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The travellers' accommodation must not cater for more than 5 guests, excluding staff and/or family. b) Any sign or combination of signs must not exceed 0.3m² in total area. c) Any outdoor storage associated with the travellers' accommodation must be screened from view of any adjacent sites and public open places. d) The accommodation complies in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table. 	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426.</p>
<p>50A.21 Education Facilities</p> <p>1. Education facilities are a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The facility must not cater for in excess of 10 students. b) Any sign or combination of signs must not exceed 0.3m² in total area. c) Any outdoor storage associated with the education facility must be screened from view of any adjacent properties and public open places. d) The facility complies in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table. 	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426.</p>
<p>50A.22 Scheduled Sites</p> <p>1. Any scheduled land use on a scheduled site is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) It must comply in all respects with the rules in Chapter 55 (Scheduled Sites). 	<p>The Council will restrict its discretion to the matters referred to in Chapter 55 (Scheduled Sites) of this Plan.</p>
<p>CONTROLLED ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>50A.23 Land Development (Including Subdivision and Multi Unit Development)</p> <p>1. Land development, including subdivision is a controlled activity provided that:</p> <ul style="list-style-type: none"> a) It must comply in all respects with the standards and terms specified in Chapter 66 of this Plan. b) It must comply in all respects with the relevant standards and terms in the Mixed Use Zone Activity Table and Condition Table c) It is assessed according to the matters in Chapter 66 over which the Council has reserved its control. <p>2. The written approval of affected persons will not be necessary in respect of land development (including subdivision) that fully</p>	<p>The Council will exercise its discretion over the assessment criteria specified in Chapter 66 (Code of Practice for Subdivision and Land Development) of this Plan.</p>

<p>complies with the standards and terms, and the application need not be notified.</p>	
<p>50A.24 Relocation of Buildings</p> <p>1. Relocation of a building from another site is a controlled activity provided that:</p> <ul style="list-style-type: none"> a) The relocation of the building complies in all respects with the relevant conditions stated elsewhere in the Mixed Use Zone activity table and condition table. b) A written assessment must be submitted with each application which must: <ul style="list-style-type: none"> i) Include a statement from a building certifier or registered engineer that the building is structurally sound. ii) State the condition of the building and the reinstatement works needed to bring the building up to an external visual appearance that is compatible with other buildings in the vicinity. iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent. iv) Provide clear photographs of the building in its current state. v) Provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of reinstatement work. <p>The Council shall exercise its control over the following:</p> <ul style="list-style-type: none"> c) The design, materials and timetable of the proposed reinstatement works. d) The imposition of any financial contributions in accordance with Chapter 65 (Financial Contributions) of this Plan. e) The imposition of a performance bond to complete the reinstatement of the building. <p>2. The written approval of affected persons will not be necessary in respect of relocated buildings that fully complies with the standards and terms, and the application need not be notified.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426, including control to the following:</p> <ul style="list-style-type: none"> - The structural integrity of the building. - The imposition of a performance bond. - The timing of reinstatement works. - The effects on the built character of the surrounding area. - The effects on amenity values. - The effects on infrastructural services.
<p>50A.25 Licensed Premises</p> <p>1. A licensed premises is a controlled activity provided that:</p> <ul style="list-style-type: none"> a) It must comply in all respects with the relevant conditions stated elsewhere in the Mixed Use Zone activity table and condition table. <p>The Council shall exercise its control over the following:</p> <ul style="list-style-type: none"> b) The hours of operation. <p>2. The written approval of affected persons will not be necessary in respect of licensed premises that fully comply with the standards and terms, and the application need not be notified.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.426, including control to the following:</p> <ul style="list-style-type: none"> - The hours of operation

<p>RESTRICTED DISCRETIONARY ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>50A.26 Land Uses Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land referred to in Rules 50A.2 to 50A.25 that does not comply with all of the relevant conditions in the Mixed Use Zone activity table and condition table, is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</p>	<p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Mixed Use Zone activity table and/or condition table. - The cumulative effect of non-compliance with more than one condition. - In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over. - The matters set out in Chapter 1.6.5. - The assessment criteria in Chapter 31 of this Plan where applicable.
<p>DISCRETIONARY ACTIVITIES</p>	
<p>50A.27 Discretionary Activities</p> <p>1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 31. The Council's discretion is unrestricted.</p> <ul style="list-style-type: none"> a) Places of assembly. b) Health care centres with three or more health care providers. c) A supplementary unit that does not comply in all respects with the relevant conditions stated in the Mixed Use Zone activity table and condition table. d) Service stations and/or transport depots. e) Camping grounds. f) Use of explosives, other than for temporary military training purposes g) Any business of prostitution (including those that do not comply with all of the relevant conditions as a Home Occupation) h) Any multi-unit development which does not comply with any of the District Plan standards and terms including the provisions of the Code of Practice for Subdivision and Land Development, other than driveway widths 	
<p>PROHIBITED ACTIVITIES</p>	
<p>50A.28 Prohibited Activities</p> <p>1. There are no land uses that are a prohibited activity within the Mixed Use Zone.</p>	

MIXED USE ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>50A.298 Density</p> <ol style="list-style-type: none"> There is no density requirement; subject to compliance with the other conditions for all land uses, unless stated elsewhere in the Mixed Use Zone activity table and condition table. A “concept plan” must be submitted to the Council which shows how a single dwelling unit or residential multi-unit development is able to fully comply with the conditions for permitted activities if the density is greater than one dwelling unit per 250m² of net site area. 	<p>Matters:</p> <ul style="list-style-type: none"> The effects on amenity values of the neighbourhood. The existing built density of the neighbourhood. The effects on the open space appearance of the neighbourhood. The scale and bulk of the building(s) in relation to the site. The effects on infrastructural services.
<p>50A.3029 Yards</p> <ol style="list-style-type: none"> The following yard conditions shall apply to all industrial and commercial activities:- <ol style="list-style-type: none"> Front Yards <p>There is no front yard requirement, except that a minimum 3 metre landscaped yard is required where sites:</p> <ol style="list-style-type: none"> Front onto Pandora Road. Adjoin a site that is zoned residential. Other Yards <p>There is no side or rear yard requirement, except that:</p> <ol style="list-style-type: none"> No part of any building must be located within 6 metres of a residential zone site boundary or Tyne Street drain. Where the site adjoins Pt Tn Sec 601, a 3 metre yard must be provided within the Mixed Use Zone. This yard may be used for the purposes of an accessway. The following yard conditions shall apply to all residential activities:- <ol style="list-style-type: none"> Front Yards <p>There is no front yard requirement, except that a minimum 3 metre yard must be provided where sites:</p> <ol style="list-style-type: none"> Front onto Pandora Road. Adjoin a site that is zoned residential. Other Yards <ol style="list-style-type: none"> Any part of a building must not be erected closer than 1 metre to a side or rear boundary. <p>Provided that where this is the only condition infringement and the written approval of the adjacent landowner(s) is provided at building consent stage, a resource consent application will not be necessary.</p> Where the site adjoins Pt Tn Sec 601 a 3 metre yard must be provided within the Mixed Use Zone. This yard may be used for the purposes of an accessway. 	<p>Matters:</p> <ul style="list-style-type: none"> The effects on heritage values of buildings. The effects on the interface between buildings and the road. The effects on pedestrian and vehicle access. The effects on the clear separation of old and new developments. <div data-bbox="951 831 1505 1137" style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">YARD REQUIREMENT</p> <p>The diagram illustrates the yard requirements between two zones: West Quay Waterfront and Mixed Use. A vertical dashed line represents the Zone Boundary, which is 15.0 metres wide. To the left of the boundary is Pt Tn Sec 601, and to the right is Tn Sec 787. A 3.0 metre yard is required between Pt Tn Sec 601 and Tn Sec 787. Another 3.0 metre yard is required between Tn Sec 787 and Lot 1 DP 10276. The ground level is indicated at the bottom of the diagram.</p> </div>

(Note: Three alternative height options are outlined below for Rule 50A.31 in order to get feedback from the community.)

<p>50A.310 Height – Draft Option A</p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <p>a) Any part of a building or structure must not exceed 12 metres in height, except that:</p> <p>b) Any part of a building, structure or tree must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 50A.231.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Height must be measured using the rolling height method.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the heritage values of buildings. - The scale and bulk of the building in relation to the site <u>and surrounding area</u>. - The built characteristic of the neighbourhood. - The effects of shading. - The effects on amenity values.
<p>50A.31 Height – Draft Option B</p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <p>a) Any part of a building or structure must not exceed <u>10</u> metres in height, except that:</p> <p>b) Any part of a building, structure or tree must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 50A.231.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Height must be measured using the rolling height method.</p>	
<p>50A.31 Height – Draft Option C</p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <p>a) Any part of a building or structure must not exceed <u>8</u> metres in height, except that:</p> <p>b) Any part of a building, structure or tree must not exceed the</p>	

<p>Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 50A.231.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor’s certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor’s certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Height must be measured using the rolling height method.</p>	
---	--

(Note: Three alternative height in relation to boundary options are outlined below for Rule 50A.32 in order to get feedback from the community.)

<p><u>Option A</u></p> <p>50A 324 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 site boundaries. The planes must commence 5 metres above ground level at the site boundary and must be inclined to the horizontal at an angle of 45 degrees.</p> <p>b) Provided that:</p> <p>i) In relation to multi-unit development, the building envelope must be constructed by drawing planes along all parts of all building site boundaries and must commence at the building site boundary.</p> <p>ii) The height in relation to boundary condition does not apply to the length of common wall between two or more attached buildings.</p> <p>iv) Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of applying the height in relation to boundary condition.</p> <p>v) No account will be taken of aerials, lines, support structures, solar heating devices, air conditioning units and similar structures housing electronic or mechanical equipment or chimneys, no more than 1 metre wide in any horizontal direction and less than 2.5 metres in height beyond the building envelope.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The availability of daylight to adjacent properties. - The effects on the privacy of adjacent properties and occupiers. - The effects on amenity values. - <u>The effects of shading.</u> <div data-bbox="949 1153 1508 1500" data-label="Diagram"> <p>The diagram illustrates the height in relation to boundary condition. A horizontal line represents the 'Ground Level'. A vertical line extends upwards from the 'Site Boundary' to a point '5.0 metres above ground'. From this point, a diagonal line representing the 'Building Envelope' extends upwards and outwards at a 'Height Plane Angle 45°'.</p> </div>
<p><u>Option B</u></p> <p>50A 32 Height in Relation to Boundary</p>	

1. The following height in relation to boundary conditions shall apply to all land uses:

- a) Any part of a building or structure must not project beyond a building envelope constructed by drawing planes along all parts of all site boundaries. The planes must commence 5 metres above ground level at the site boundary and must be inclined to the horizontal at an angle of 45 degrees.
- b) Provided that:
 - i) In relation to multi-unit development, the building envelope must be constructed by drawing planes along all parts of all building site boundaries and must commence at the building site boundary.
 - ii) Where the site adjoins any Residential Zoned land ~~zoned other than industrial~~, the planes must commence 3.0 metres above ground level at the site boundary and must be inclined to the horizontal at an angle of 45 degrees.
 - iii) The height in relation to boundary condition does not apply to the length of common wall between two or more attached buildings.
 - iv) Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of applying the height in relation to boundary condition.
 - v) No account will be taken of aerials, lines, support structures, solar heating devices, air conditioning units and similar structures housing electronic or mechanical equipment or chimneys, no more than 1 metre wide in any horizontal direction and less than 2.5 metres in height beyond the building envelope.

Option C

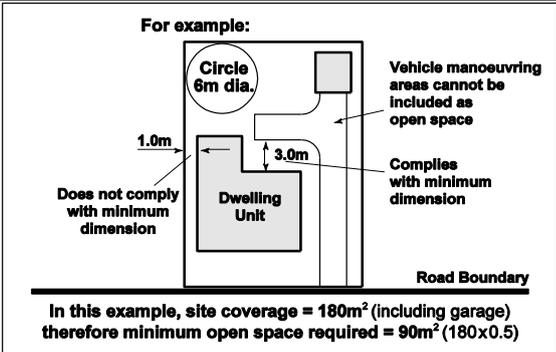
50A 32 Height in Relation to Boundary

1. The following height in relation to boundary conditions shall apply to all land uses:

- a) Any part of a building or structure must not project beyond a building envelope constructed by drawing planes along all parts of all site boundaries. The planes must commence 5 metres above ground level at the site boundary and must be inclined to the horizontal at an angle of 45 degrees.
- b) Provided that:
 - i) In relation to multi-unit development, the building envelope must be constructed by drawing planes along all parts of all building site boundaries and must commence at the building site boundary.
 - ii) Where the site adjoins any Residential Zoned land ~~zoned other than industrial~~, or where a site adjoins a site used principally for existing Residential Activities, Residential Care Facilities, Day Care Centres or Heath care centres within the Mixed Use Zone, the planes must commence 3.0 metres above ground level at the site boundary and must be inclined to the horizontal at an angle of 45 degrees.
 - iii) The height in relation to boundary condition does not apply to the length of common wall between two or more attached

<p>buildings.</p> <p>iv) Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of applying the height in relation to boundary condition.</p> <p>v) No account will be taken of aerials, lines, support structures, solar heating devices, air conditioning units and similar structures housing electronic or mechanical equipment or chimneys, no more than 1 metre wide in any horizontal direction and less than 2.5 metres in height beyond the building envelope.</p> <p>Note - In relation to this rule 'principally' means occupying more than 50 percent of the gross floor area of a site and includes outdoor area used exclusively for that use.</p>	
<p>50A.332 Site Coverage</p> <p>1. The following site coverage conditions shall apply to all industrial and commercial activities:-</p> <p>a) Site coverage (measured from gross building area) must not exceed 75% of the net site area.</p> <p>2. The following site coverage conditions shall apply to all residential activities:-</p> <p>a) Site coverage (measured from gross building area) must not exceed 50% of the net site area.</p> <p>b) Provided that:</p> <p>i) Where there is no garage or carport on site, the gross building area must include a notional garage of 18.5m² for each dwelling unit on the site.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The scale and bulk of the building in relation to the site. - The existing built density of the neighbourhood. - The availability of useable open space on the site for residential activities. - The control of stormwater runoff. - The effect on the mixed use character of the area.
<p>50A.343 Landscaped Area</p> <p>1. The following landscaped area conditions shall apply to all residential activities:</p> <p>a) All sites must have a landscaped area of not less than 20% of the net site area.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effect on the open space and mixed use appearance of the neighbourhood. - The effects on amenity values. - The control of stormwater runoff.
<p>50A.354 Open Space</p> <p>1. The following open space conditions shall apply to all residential activities:</p> <p>a) Every dwelling unit must have an amount of open space on the building site of not less than 50% of the gross floor area of all buildings on the site, except that a minimum of 50m² per dwelling unit is to be provided.</p> <p>b) Where there is no garage or carport proposed or existing on the site, the gross floor area must include a notional garage of 18.5m² for every dwelling unit on the site.</p> <p>c) The maximum amount of open space required to be provided on a building site is 100m² per dwelling unit.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on privacy and amenity of the occupants on-site. - The effect on the open space appearance of the neighbourhood.

- d) Provided that:
- i) Open space may comprise of more than one area.
 - ii) Open space may take the form of a deck or terrace but must be unobstructed by buildings, parking spaces, or vehicle manoeuvring areas.
 - iii) Open space must be directly accessible from the unit to which it relates.
 - iv) The open space must:
 - Include at least one area capable of containing a 6 metre diameter circle; and
 - Have a minimum dimension of 3 metres measured at right angles to the perimeter of the area.



50A.365 Outdoor Storage

~~The following outdoor storage conditions shall apply to all land uses:~~

~~a) Outdoor storage areas or stockpiles:~~

- ~~i) Must comply with the yard, height and height in relation to boundary conditions in conditions 50A.20, 50A.21 and 50A.22.~~
- ~~ii) Must be screened from the view of any adjacent residential activity or public open space by tree plantings or a fence or hedge at least 1.8 metres high.~~
- ~~iii) Must not provide a food source for birds or vermin.~~
- ~~iv) Must be located on sealed and drained areas if they consist of decomposable material likely to generate contaminated leachate.~~

1. The following conditions shall apply to all land uses:

a) Outdoor storage areas or stockpiles:

- i) Must comply with the yard and height in relation to boundary conditions in conditions 50A.2030, 50A.24 and 50A.2232 as if the stockpiles are a building.
- ii) Must not provide a food source or habitat for birds or vermin.
- iii) Must be located on sealed and drained areas if they consist of decomposable material likely to generate contaminated leachate.
- iv) Must not exceed 1.8m in height.

b) Outdoor storage areas or stockpiles must be fully screened from the road or any adjoining site in a Residential Environment zone or public open space by:

- a close-boarded or similar solid fence or wall of a minimum 1.8m in height,

or

- a 2m wide planting strip.

i) The planting strip shall consist of shrubs and hedge or tree plantings.

Matters:

- The effects on the shading of adjacent sites.
- The effects on the visual amenity of the area.
- The effects on people's health and safety.
- The effects on surface and groundwater quality.
- The effects on soil contamination.
- The effects on the safe and efficient use of the transport network.

<p>ii) <u>The planting strip must be visually impermeable and exist before commencement of the use, or the planting shall be selected, located, provided at a density, and maintained in a manner to ensure that, when mature, a visually impermeable screen of planting is achieved along the length of the planting strip.</u></p> <p>iii) <u>Trees and plants within the planting strip shall be selected, located and maintained in a manner so as not to:</u></p> <ul style="list-style-type: none"> • <u>Create traffic safety problems by obscuring visibility for road users or train drivers.</u> • <u>Obstruct traffic, official road, or hazard signage.</u> • <u>Interfere with transport infrastructure or network utilities.</u> • <u>Exceed the height to in relation to boundary Rule 50A.32</u> <p>c) <u>Notwithstanding 50A.36(1)(a)(iv), the outdoor storage (including the repair and distribution) of shipping containers must not exceed a height of 3m and shall comply with all other requirements of 50A.56 except that the screening required 50A.36B must be at least 1.8 metres high.</u></p>	
<p>50A.376 Refuse Storage</p> <p>1. The following refuse storage conditions shall apply to all industrial and commercial activities:</p> <p>a) A refuse storage area must be provided that is adequate to store the average volume of trade waste produced on-site over a one week period.</p> <p>b) The refuse storage area must be screened from any adjacent residential activity or public open space by a fence or hedge at least 1.8 metres high.</p> <p>c) The refuse storage area must not provide a food source for birds or vermin.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the visual amenity of the area. - The effects on people’s health and safety

(Note: Five alternative noise options are outlined below for Rule 50A.38 in order to get feedback from the community.

<p>Option A</p> <p>50A.387 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) All land uses within the zone must be conducted so as to ensure the following noise limits are not exceeded at any point beyond the site boundary, or where two or more sites are held in common ownership which are either contiguous or separated only by road, at any point beyond the outer boundary of that group of sites:</p> <p>Monday to Saturday inclusive</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The maximum noise level likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility within the neighbourhood. - The effects of noise on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and
---	--

<p>0700 hours to 2200 hours 60 dB $L_{Aeq(15min)}$ Sunday and all other times 55 dB $L_{Aeq(15min)}$ Monday to Sunday inclusive 2200 hours to 0700 hours the following day 75dB L_{AFmax}</p> <p>b) Where any land use is conducted within the zone, the noise from the land use must not exceed the following noise limits at any point within any residentially zoned land:</p> <p>Monday to Sunday Saturday inclusive 0700 hours to 1900 hours 55 dB $L_{Aeq(15min)}$ 1900 hours to 2200 hours 50 dB $L_{Aeq(15min)}$ 2200 hours to 0700 hours the following day 45 dB $L_{Aeq(15min)}$ 2200 hours to 0700 hours the following day 75 dB L_{AFmax}</p> <p>c) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p> <p>2. The following minimum External Sound Insulation Level standards shall apply to all habitable rooms within any noise sensitive activity (including the addition or alteration of a habitable room which exceeds 10% of the existing gross floor area):</p> <p>a) The habitable room within the noise sensitive activity shall achieve a minimum External Sound Insulation Level of the building envelope of $DnTw + Ctr > 30$ dB for outside walls of any habitable rooms.</p> <p>b) Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system shall be provided. Any such ventilation system shall be designed to satisfy the requirements of the Building Code and achieve a level of no more than NC30 in any habitable room.</p> <p>c) An acoustic design report must be provided to the Council prior to any building consent being granted or where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a 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 acoustic design requirements specified in this rule.</p> <p>d) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the standards in (c) above.</p> <p>e) 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.</p>	<p>beyond the site. - The mitigation measures to reduce noise generation.</p>
<p>Option B</p> <p>50A.38 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) All land uses within the zone must be conducted so as to ensure the following noise limits are not exceeded at any point beyond the site boundary, or where two or more sites are held in common ownership which are either contiguous or separated only by road, at any point beyond the outer boundary of that group of sites:</p> <p>Monday to Sunday Saturday inclusive 0700 hours to 2200 hours 60 dB $L_{Aeq(15min)}$</p>	

<p>Sunday and all other times 55 dB $L_{Aeq(15min)}$ Monday to Sunday inclusive 2200 hours to 0700 hours the following day 75dB L_{AFmax}</p> <p>b) Where any land use is conducted within the zone, the noise from the land use must not exceed the following noise limits at any point within any residentially zoned land:</p> <p>Monday to Saturday inclusive 0700 hours to 1900 hours 55 dB $L_{Aeq(15min)}$ 1900 hours to 2200 hours 50 dB $L_{Aeq(15min)}$ 2200 hours to 0700 hours the following day 45 dB $L_{Aeq(15min)}$ 2200 hours to 0700 hours the following day 75 dB L_{AFmax}</p> <p>c) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p> <p>2. The following minimum External Sound Insulation Level standards shall apply to all habitable rooms within any noise sensitive activity (including the addition or alteration of a habitable room which exceeds 10% of the existing gross floor area):</p> <p>a) The habitable room within the noise sensitive activity shall achieve a minimum External Sound Insulation Level of the building envelope of $DnTw + Ctr > 30$ dB for outside walls of any habitable rooms.</p> <p>b) Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system shall be provided. Any such ventilation system shall be designed to satisfy the requirements of the Building Code and achieve a level of no more than NC30 in any habitable room.</p> <p>c) An acoustic design report must be provided to the Council prior to any building consent being granted or where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a 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 acoustic design requirements specified in this rule.</p> <p>d) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the standards in (c) above.</p> <p>e) 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.</p>	
<p>Option C</p> <p>50A.38 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) All land uses within the zone must be conducted so as to ensure the following noise limits are not exceeded at any point beyond the site boundary, or where two or more sites are held in common ownership which are either contiguous or separated only by road, at any point beyond the outer boundary of that group of sites:</p> <p>Monday to <u>Saturday</u> inclusive 0700 hours to 2200 hours 60 dB $L_{Aeq(15min)}$ Sunday and all other times 55 dB $L_{Aeq(15min)}$ Monday to Sunday inclusive</p>	

<p>2200 hours to 0700 hours the following day 75dB L_{AFmax}</p> <p>b) Where any land use is conducted within the zone, the noise from the land use must not exceed the following noise limits at any point within any residentially zoned land or any site containing a noise sensitive activity within the Mixed Use Zone:</p> <p>Monday to Sunday Saturday inclusive</p> <p>0700 hours to 1900 hours 55 dB L_{Aeq (15min)}</p> <p>1900 hours to 2200 hours 50 dB L_{Aeq (15min)}</p> <p>2200 hours to 0700 hours the following day 45 dB L_{Aeq (15min)}</p> <p>2200 hours to 0700 hours the following day 75 dB L_{AFmax}</p> <p>c) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p> <p>2. The following minimum External Sound Insulation Level standards shall apply to all habitable rooms within any noise sensitive activity (including the addition or alteration of a habitable room which exceeds 10% of the existing gross floor area):</p> <p>a) The habitable room within the noise sensitive activity shall achieve a minimum External Sound Insulation Level of the building envelope of DnTw + Ctr>30 dB for outside walls of any habitable rooms.</p> <p>b) Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system shall be provided. Any such ventilation system shall be designed to satisfy the requirements of the Building Code and achieve a level of no more than NC30 in any habitable room.</p> <p>c) An acoustic design report must be provided to the Council prior to any building consent being granted or where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a 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 acoustic design requirements specified in this rule.</p> <p>d) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the standards in (c) above.</p> <p>e) 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.</p>	
<p>Option D</p> <p>50A.38 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) All land uses within the zone must be conducted so as to ensure the following noise limits are not exceeded at any point beyond the site boundary, or where two or more sites are held in common ownership which are either contiguous or separated only by road, at any point beyond the outer boundary of that group of sites:</p> <p>Monday to Saturday inclusive</p> <p>0700 hours to 2200 hours 60 dB L_{Aeq (15min)}</p> <p>Sunday and all other times 55 dB L_{Aeq (15min)}</p> <p>Monday to Sunday inclusive</p> <p>2200 hours to 0700 hours the following day 75dB L_{AFmax}</p>	

- b) Where any land use is conducted within the zone, the noise from the land use must not exceed the following noise limits at any point within any residentially zoned located outside of the Ahuriri Buffer Zone:

Monday to Sunday ~~Saturday~~ inclusive

0700 hours to 1900 hours	55 dB $L_{Aeq(15min)}$
1900 hours to 2200 hours	50 dB $L_{Aeq(15min)}$
2200 hours to 0700 hours the following day	45 dB $L_{Aeq(15min)}$
2200 hours to 0700 hours the following day	75 dB L_{AFmax}

- ~~c) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.~~

- c) Where any land use is conducted within the zone, the noise from the land use must not exceed the following noise limits at any point within any residentially zoned land located within the Ahuriri Buffer Zone:

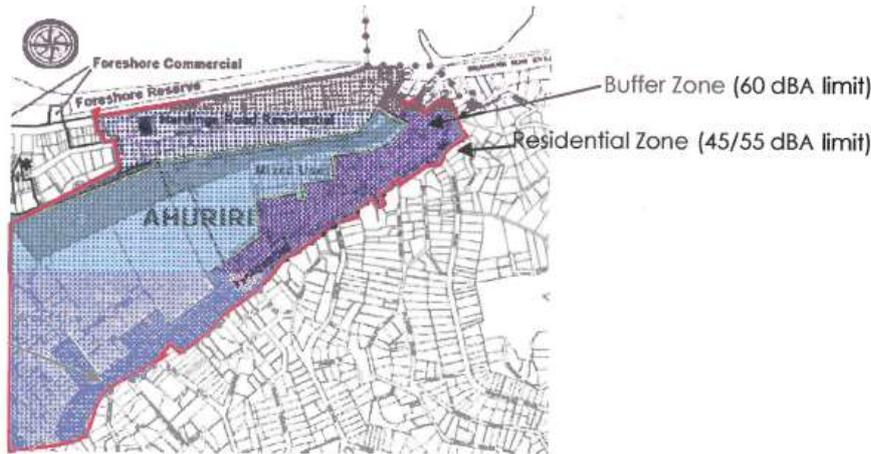
Monday to Sunday inclusive

<u>0700 hours to 1900 hours</u>	<u>60 dB $L_{Aeq(15min)}$</u>
<u>1900 hours to 2200 hours</u>	<u>55 dB $L_{Aeq(15min)}$</u>
<u>2200 hours to 0700 hours the following day</u>	<u>55 dB $L_{Aeq(15min)}$</u>
<u>2200 hours to 0700 hours the following day</u>	<u>75 dB L_{AFmax}</u>

- d) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.

2. The following minimum External Sound Insulation Level standards shall apply to all habitable rooms within any noise sensitive activity (including the addition or alteration of a habitable room which exceeds 10% of the existing gross floor area):

- a) The habitable room within the noise sensitive activity shall achieve a minimum External Sound Insulation Level of the building envelope of $DnTw + Ctr > 30$ dB for outside walls of any habitable rooms.
- b) Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system shall be provided. Any such ventilation system shall be designed to satisfy the requirements of the Building Code and achieve a level of no more than NC30 in any habitable room.
- c) An acoustic design report must be provided to the Council prior to any building consent being granted or where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a 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 acoustic design requirements specified in this rule.
- d) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the standards in (c) above.
- e) 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.



Option E

50A.38 Noise

1. The following noise conditions shall apply to all land uses, other than those exempted in Rule 57.9:

a) All land uses within the zone must be conducted so as to ensure the following noise limits are not exceeded at any point beyond the site boundary, or where two or more sites are held in common ownership which are either contiguous or separated only by road, at any point beyond the outer boundary of that group of sites:

Monday to Saturday inclusive	
0700 hours to 2200 hours	60 <u>55</u> dB LAeq (15min)
Sunday and all other times	55 <u>50</u> dB LAeq (15min)
Monday to Sunday inclusive	
2200 hours to 0700 hours the following day	75 65dB LAFmax

b) Where any land use is conducted within the zone, the noise from the land use must not exceed the following noise limits at any point within any residentially zoned land:

Monday to Saturday <u>Sunday</u> inclusive	
0700 hours to 1900 hours	55 <u>50</u> dB LAeq (15min)
1900 hours to 2200 hours	50 <u>45</u> dB LAeq (15min)
2200 hours to 0700 hours the following day	45 <u>35</u> dB LAeq (15min)
2200 hours to 0700 hours the following day	75 65 dB LAFmax

c) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.

2. The following minimum External Sound Insulation Level standards shall apply to all habitable rooms within any noise sensitive activity (including the addition or alteration of a habitable room which exceeds 10% of the existing gross floor area):

a) The habitable room within the noise sensitive activity shall achieve a minimum External Sound Insulation Level of the building envelope of $DnTw + Ctr > 30$ dB for outside walls of any habitable rooms.

b) Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system shall be provided. Any such ventilation system shall be designed to satisfy the requirements of the Building Code and achieve a level of no more than NC30 in any habitable room.

c) An acoustic design report must be provided to the Council prior to any building consent being granted or where no building consent is

<p>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 acoustic design requirements specified in this rule.</p> <p>d) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the standards in (c) above.</p> <p>e) 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.</p>	
<p>50A.398 Light Spill</p> <p>1. The following light spill condition 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 site boundary.</p> <p>b) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space in a building used for a residential activity).</p> <p>c) Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers is of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting.</p> <p>d) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause a significant level of discomfort to any occupants of residential activities, or a significant traffic hazard to aircraft, or vehicles on any road.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The orientation, strength, intensity, colour and frequency of any light. - The effects on traffic safety. - The positive effects on pedestrian safety. - The effects on amenity values.
<p>50A.4039 Vibration</p> <p>1. The following vibration conditions shall apply to all land uses:</p> <p>a) Land uses must not generate a vibration that causes a significant adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on public health. - The effects on the structural integrity of adjacent buildings and facilities. - The effects on amenity values of the area.
<p>50A.419 Odour and Dust</p> <p>Note: The discharge of contaminants (including odour and dust) onto or into air 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>50A.424 Stormwater Runoff</p> <p>Note: The discharge of stormwater to land and/or water is regulated by the Hawke’s Bay Regional Resource Management Plan and may require resource consent. Contact the Hawke’s Bay Regional Council for advice. The discharge of stormwater into the public stormwater network is regulated by the Stormwater Bylaw 2012.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on water quality. - The effects on ecosystems of the Inner Harbour.
<p>50A.432 Fences</p> <p>1. The following fencing conditions shall apply to all fences and uses:</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The availability of daylight to adjacent

<p>a) Any fence erected within <u>2 metres of</u> a front, side or rear <u>boundary yard</u> must not exceed 2 metres in height.</p> <p>b) <u>Where a fence or wall of more than 1.2m in height is located within 2m of a road boundary, a 1m deep planting strip shall be provided between the fence and the road boundary.</u></p> <p>i) <u>The planting strip shall consist of shrubs and hedge or tree plantings.</u></p> <p>ii) <u>The planting or shall be selected, located, provided at a density, and maintained in a manner to ensure that, when mature, a minimum 1.2m high visually impermeable screen of planting is achieved along the length of the planting strip.</u></p> <p>iii) <u>Trees and plants within the planting strip shall be selected, located and maintained in a manner so as not to:</u></p> <ul style="list-style-type: none"> • <u>Create traffic safety problems by obscuring visibility for road users or train drivers.</u> • <u>Obstruct traffic, official road, or hazard signage.</u> • <u>Interfere with transport infrastructure or network utilities.</u> 	<p>properties.</p> <ul style="list-style-type: none"> - The effects on the privacy of adjacent properties and occupiers. - The scale and bulk of the fence <u>building</u> in relation to the site. - The effects on amenity values. - <u>The effects on the visual amenity of the area.</u>
<p>50A.443 Aerials, Lines and Support Structures</p> <p>1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation:</p> <p>a) Aerials, lines and/or support structures must not exceed 15 metres in height.</p> <p>b) Aerials, lines and/or support structures must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 50A.344.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Dish antenna must not exceed 5 metres in diameter.</p> <p>f) Where an aerial, line or support structure exceeds 7 metres in height above the point of its attachment or base support, it must also comply with the following conditions:</p> <p>i) The distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction.</p> <p>ii) There must be no more than one such structure on the site.</p> <p>g) The aerial, line and/or support structure must comply with the conditions relating to yards and height in relation to boundary in the Mixed Use Zone condition table.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The scale in relation to adjacent buildings. - The bulk and form of the aerial, line and/or supporting structures. - The effects of shading. - The extent to which heritage or cultural values are affected. - The cumulative effect of additional aerials, lines and/or support structures. - The prominence of the site taking into account significant public views and any significant landscapes. - The effects on public health and safety. - The effects on air traffic safety.
<p>50A.454 High Volume Water Using Activities</p> <p>1. The following high volume water user conditions shall apply to all land uses:</p> <p>a) The maximum rate of wastewater discharge to the Napier City Council wastewater reticulation system must not exceed 0.65 litres per second per</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the capacity of the Napier City Council wastewater reticulation system and other existing discharges to that system.

hectare of the site.	
<p>50A.465 Earthworks</p> <p>1. The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 52A (Earthworks) of this Plan.</p>
<p>50A.476 Heritage</p> <p>1. The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 56 (Heritage) of this Plan.</p>
<p>50A.487 Signs</p> <p>1. The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 58 (Signs) of this Plan.</p>
<p>50A.498 Trees</p> <p>1. The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 60 (Trees) of this Plan.</p>
<p>50A.5049 Transport</p> <p>1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 61 (Transport) of this Plan.</p>
<p>50A.519 Natural Hazards</p> <p>1. The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62 (Natural Hazards) of this Plan.</p>
<p>50A.524 Activities on the Surface of Water</p> <p>1. The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62A (Activities on the Surface of Water) of this Plan.</p>
<p>50A.532 Hazardous Substances</p> <p>1. The relevant provisions of Chapter 63 (Hazardous Substances) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 63 (Hazardous Substances) of this Plan.</p>
<p>50A.543 Contaminated Sites</p> <p>1. The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 64 (Contaminated Sites) of this Plan.</p>
<p>50A.554 Financial Contributions</p> <p>1. The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 65 (Financial Contributions) of this Plan.</p>
<p>50A.565 Code of Practice for Subdivision and Land Development</p> <p>1. The relevant provisions of Chapter 66 (Code of Practice for Subdivision and Land Development) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 66 (Code of Practice for Subdivision and Land Development) of this Plan.</p>

Chapter 50A**ASSESSMENT CRITERIA
(Mixed Use Zone)****50A.576 INTRODUCTION**

Some discretionary activity and restricted discretionary activity 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 Mixed Use Zone when considering an application under Sections 104 and 105 of the Act.

50A.587 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.

50A.598 ASSESSMENT CRITERIA FOR PARTICULAR LAND USES**1. Land uses within the Mixed Use Zone**

The Council must be satisfied that the relevant objectives and policies of the Plan will be met. In addition, the Council will consider:

Land Use Nature and Scale

- a) ~~Whether the impact of the scale and intensity of the land use is compatible with surrounding land uses. Whether the scale and intensity of the land use is compatible with surrounding land uses, and whether the land use has the potential to give rise to significant adverse effects on the amenity of other existing or permitted uses in the zone.~~
- b) Whether the land use will contribute to or detract from the mixed use character of the zone.
- c) Whether there are any effects of a low probability, but high potential impact.
- d) Whether the establishment 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.

- e) Whether the volume of traffic likely to be attracted to the site is likely to cause disturbance to the neighbouring land uses, the road network and traffic safety and efficiency.

Site Layout

- f) 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 privacy of adjacent land uses, public open places and roads.

Carparking and Access

- g) 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.
- h) 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 activities. 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 adjacent to local roads may be unsuitable for some land uses.

Noise Mitigation Measures

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

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

- j) Whether noise generated from industrial activities in the area will have an adverse effects on the amenity of the residents, or people attending non-industrial or non-commercial activities, in particular, noise sensitive activities.

The Council will require noise mitigation measures to be undertaken to protect the aural amenity of residents and any people involved with such noise sensitive activities.

Infrastructure

- k) 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

- l) 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 activities already located in the area and on the site, and their 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, an activity that may currently generate traffic, noise and other adverse effects not in keeping with existing surrounding land uses.

Chapter 50A**PRINCIPAL REASONS FOR RULES
(Mixed Use Zone)****50A.6059 PRINCIPAL REASONS FOR RULES****1. Land Uses Generally**

~~A number of land uses, sensitive to effects generated by industry, have the potential to impinge upon traditional industrial operations. This reverse sensitivity has the potential to effect the continuation of legitimately established industrial activities. The Plan encourages the retention of mixed uses in the zone, and intends to provide an environment in which industry can continue to operate subject to the management of adverse environmental effects.~~

Despite locating within a mixed use environment, tyre storage specifically has the potential to generate significant effects in relation to amenity, fire hazard, vermin issues, and contamination of soil and water. The District Plan allows for this activity where the scale is appropriate and where it is ancillary to another activity on the site.

The District Plan recognizes that the storage of new tyres that are ancillary to another activity on the site is appropriate where this is done well, but restricts the storage of end-of-life tyre and tyre products due to the significant impacts this activity may have on the environment.

Some land uses require careful management in order to maintain and enhance the character and heritage values of Ahuriri. The variety of land uses occurring in the Mixed Use Zone contributes to this character. The rules allow this blend to continue, provided the adverse effects of each respective land use are avoided, remedied or mitigated.

2. Commercial Activities

Associated with industrial activities in the Mixed Use Zone are a number of commercial activities. These commercial activities support industry through the provision of goods and services. This rule recognises that it is necessary for some industrial activities to have administration and financial services on-site.

Retailing and some office accommodation land uses can cause adverse effects on the roading network due to the increase in vehicle numbers. The increase in vehicle numbers can also add pressure to existing vehicle parking areas and lead to roadside congestion when current on-site parking is not sufficient to meet increased demand.

Retail activity, if left uncontrolled, can also affect the main retailing areas within Napier's

Central Business District. This is an inefficient use of physical resources as the Central Business District has been specifically designed to cope with the traffic and parking demands imposed by retailing operations. In addition, uncontrolled retailing and office accommodation in non-commercial zones have the potential to adversely affect the viability of the inner city's historic art deco buildings via the closure of shops and/or underutilisation of the existing building resources (particularly stories above ground level). This could result in the reduction in the level of maintenance and the inability to undertake cost effective seismic strengthening.

However, some retailing in the Mixed Use Zone is considered appropriate, if the goods offered for sale or trade are actually made or assembled on-site, or if some minor retailing occurs in association with large scale warehousing (such as at traditional farm and building supply enterprises).

Licensed premises can be accommodated with few if any adverse effects, provided a number of conditions are met. In some cases it is preferable to locate these uses within non-residential zones that are not specifically residential where the generation of loud noise is not unduly constrained. Equally, given the proximity of some licensed premises to residences, the hours of operation and effects of noise require careful management to maintain the amenity of neighbouring residential sites.

3. Residential Activities

~~General residential accommodation within the Main Industrial, Suburban Industrial and Port Industrial zones is limited, due to issues of reverse sensitivity and the restrictions this can impose on existing legitimate industrial activities. Residential accommodation has been provided for elsewhere in the City (principally in residential zones) and therefore the use of industrially zoned land for residential purposes is restricted. However, limited residential accommodation within these industrial zones is provided for, to recognise the situation where a manager or caretaker may be required on-site for security or monitoring reasons.~~

~~The scope for residential activities in the Mixed Use Zone is less restrictive than in the industrial areas in Napier. This recognises the historical mix of activities occurring in the zone. However, The Mixed Use Zone contains a diverse mix of land uses occurring north of Napier Hill in Ahuriri. The area is characterised by a mix of industrial, commercial and residential land uses. This blend has been a historical feature of Ahuriri since its early days as a port settlement. Scattered throughout the Mixed Use Zone are pockets of older residential activities, including dwelling units, as well as more recently constructed apartments. For decades, these land uses have co-existed. The plan encourages the retention of mixed uses in the zone, and intends to provide an environment in which industry can continue to operate subject to the management of adverse environmental effects. New residential and other noise sensitive activities are required to protect themselves from the slightly higher noise environment that can be anticipated within the zone.~~

4. Scheduled Sites

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

5. Land Development and Subdivision

The rules are based on the premise that there is a strong interrelationship between subdivision and future 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 provisions for financial contributions and the Code of Practice for Subdivision and Land Development also contribute to these outcomes.

6. Relocation of Buildings

To ensure that relocated buildings are reinstated in a timely manner and are consistent with the built characteristics of the surrounding environment, the Council intends to exercise some control over the relocation of buildings ~~throughout most industrial zones~~ in the City.

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.

7. Yards

The front yard setback control ensures that neighbours are protected from the bulk of new buildings and additions to existing buildings located in close proximity to boundaries, and to retain some degree of spaciousness and visual amenity in the industrial environment. Setbacks from drains and watercourses will provide for drain maintenance and afford some protection for water quality. The ability to build up to the side and rear boundaries facilitates the efficient use of a site.

~~Landscaping is not generally required, other than for those sites fronting roads that convey a high volume of through traffic not necessarily directly related to the surrounding environment. Landscaping is also useful for creating setback areas for parking and visibility for traffic exiting industrial sites onto high volume roads and can screen activities from residential zones and public open places.~~

The specific yard requirements within the Mixed Use Zone serve to maintain the dominance of the southern facade of the Wrightson Woolstore Building, separating the heritage buildings from modern developments. The zero lot lines aims to ensure the interface between existing buildings and the road is maintained, together with preserving the characteristic of buildings erected up to the boundary.

8. Height in Relation to Boundary

The height in relation to boundary condition is intended to prevent buildings from physically dominating the adjacent sites and resulting in a loss of sunlight/daylight on adjacent properties. The height in relation to boundary condition does not concern itself with protecting the amenity of entrance strips or access ways as the function of these is limited and their use transitory.

In general, building to the boundary allows more efficient use to be made of a site. Accordingly, the recession planes start at a level that will allow an industrial-type building to be built up to the boundary of most sites without having to go through a resource consent process for this aspect of the development (note: this is subject to rules relating to yards).

The height in relation to boundary condition does not apply to the coastal marine area boundary, or lighting poles and cranes within the Port Industrial Zone. This is necessary to allow for buildings and structures vital to Port operations, particularly on the wharves.

9. Site Coverage

The site coverage limits specified are applied to contain increases in stormwater load on the drainage system and to limit building bulk to a level that will maintain the visual amenity of the surrounding environment. Where residential activities are provided for, site coverage conditions, in addition to open space and landscaped area conditions ensure a

degree of on-site amenity is retained for the occupants' enjoyment.

10. Outdoor Storage Areas and Refuse Storage

The outdoor storage of materials can have adverse visual effects. These can be avoided or mitigated ~~overcome~~ by appropriate controls on the location and height ~~bulk of the~~ of the stored materials ~~stockpiles~~ and through screening. The bulk storage of some materials could have adverse effects on water quality due to runoff and leachate. These effects can be avoided through appropriate site preparation and drainage.

11. 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. Inappropriate levels of noise can have adverse effects on people's health and wellbeing.

~~However, Industrial activities can be inherently noisy and so are an intended use within this zone and it is both impractical and unreasonable it is not practical to impose the same noise level restrictions as might apply in residential or commercial environments. Notwithstanding this, the Mixed Use Zone permits residential activities and other noise sensitive activities to establish and operate within the zone and is also immediately adjacent to other residential zones. Therefore a reasonable balance needs to be struck in terms of the permitted levels of noise that allows lighter industries to operate without undue restriction while ensuring a reasonable level of amenity for the noise sensitive activities. An independent assessment of noise provisions in the Napier Plan was commissioned by Napier City Council in 2012. The recommendations from this report (undertaken by Malcolm Hunt Associates) led to the majority of changes made to the noise provisions in the Plan, particularly in regards to methods of measurement and maximum noise levels.~~

~~The noise levels selected in the Mixed Use Zone are based on the recommendations of the Malcolm Hunt Associates recommendations. These limits will ensure that adverse health and safety effects are avoided, but will allow most activities to occur. Similarly, controls on new or altered dwelling units have been imposed to ensure that such units are insulated from the higher noise environment associated with industrial activities.~~

12. 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 Mixed Use Zone while maintaining traffic and personal safety, and residential amenity. These controls are required to avoid unreasonable levels of artificial light spilling onto neighbouring properties. Different levels of light spill have been allowed for different receiving environments, having regard to the tolerance levels and safety requirements of those environments.

13. 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.

14. Fences

The Council sees little need to control fences up to two metres in height in most areas of the City. However, higher fences can detract from ~~residential~~ amenity, reduce the feeling of open space and potentially affect the safe entry and exit of vehicles from industrial sites. The control ensures ~~residential~~ amenity is not adversely affected by excessively

high structures on or near the zone boundary.

While not specifically provided for in this Plan, fortified fences detract from the sense of community wellbeing with their threatening connotations. Such fortifications are subject to control by a Napier City Bylaw.

15. Aerials, Lines and Support Structures

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

16. Heritage

Development in an area has the potential to have a negative impact on heritage. The effects of development can often detract from 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 are not adversely affected by inappropriate development. In addition, refer to Chapter 56 (Heritage).

17. Signs

Signs have the potential to adversely affect the visual amenity of some zones, as well as creating a potential traffic hazard. The location, number and size of signs are therefore controlled in the Mixed Use Zone. In addition, refer to Chapter 58 (Signs).

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 adjacent 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 car parking, loading and manoeuvring to mitigate the effects of road congestion and business inefficiencies that this causes.

The reduction of on-road parking has positive effects for the amenity of neighbourhoods and improves the efficiency of the roading network. The provision of on-site manoeuvring also reduces the number 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. Controls are required to ensure that development is well managed in the most at risk areas, and that buildings and infrastructure in other areas are 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. 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, protected and managed in a sustainable manner. 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 activities 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 conditions in the activity table and condition table of the respective zone. In addition, refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development).

3. AMENDMENTS TO MAP – MIXED USE ZONE

Changes are proposed to the District Plan zoning so that the zone boundary relates better to the activities established on the land. The proposed zone changes are shown on Figure 2 below. The proposed changes are identified by the text box.

Figure 2 – Proposed Zone Changes

