Chapter 10 MARINE PARADE CHARACTER ZONE - RULES

Introduction

This chapter contains rules managing land uses in the Marine Parade Character Zone. The boundaries of this zone are shown on the planning maps. This zone is not typical of a residential environment. Residents should be aware that the Marine Parade is a principal route to the Port of Napier where noise levels and vibration from heavy vehicles will be significant at varying times throughout the year.

All rules apply throughout the Marine Parade Character Zone unless otherwise stated.

10.1 Summary of Marine Parade Character Zone Rules

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

Rule Number and Description		Classification	Page Number
Rule 10.2	Residential activities.	Permitted	2
Rule 10.3	Home occupations.	Permitted	2
Rule 10.4	A supplementary unit.	Permitted	2
Rule 10.5	Residential care facilities.	Permitted	3
Rule 10.6	Day care centres.	Permitted	3
Rule 10.7	Travellers' accommodation.	Permitted	3
Rule 10.8	Education facilities.	Permitted	3
Rule 10.9	Scheduled sites.	Permitted	3
Rule 10.10	Land development (including subdivision but excluding Multi Unit development for Commercial and Industrial Activities)	Controlled	4
Rule 10.11	Relocation of a building from another site.	Controlled	4
Rule 10.12	Any subdivision, use or development of land referred to in Rules 10.2 to 10.11 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	5
Rule 10.13(a)	A supplementary unit that does not comply with all the relevant conditions.	Discretionary	5
Rule 10.13(b)	Retirement Complexes	Discretionary	5
Rule 10.13(c)	Any non-residential activity not specifically provided for elsewhere in this Chapter.	Discretionary	5
Rule 10.13(d)	Use of explosives, other than for temporary military training purposes.	Discretionary	5
Rule 10.13(e)	Any business of prostitution	Discretionary	5

MARINE PARADE CHARACTER ZONE – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
10.2 **Residential Activities** 1. Any residential activity is a permitted activity provided that: a) It complies in all respects with the relevant conditions in the Marine Parade Character Zone activity table and condition table.	The Council will restrict its discretion to the matters referred to in Rule 10.12.
10.3 **Home Occupations** 1. A home occupation is a permitted activity provided that: 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 area of the home occupation must not exceed 30% of the gross floor area of the dwelling unit. d) Any outdoor storage associated with the home occupation must be screened from view of any adjacent sites and public places. e) Where the home occupation is located in the required garage, alternative parking spaces must be available on site for two vehicles. One of these sites shall have the dimensions of a notional garage. The notional garage must comply with all the relevant access and manoeuvring conditions in Chapter 61 (Transport) of this Plan. f) Retailing of goods must not occur from the site except for items produced on the site or fruit, vegetables or other natural products grown on the property. g) Vehicle movements generated by the home occupation must not exceed a daily average of 20 and must not attract pedestrian or vehicular traffic between 2200 hours and 0700 hours the following day. NOTE: A Vehicle movement means the arrival and departure of the vehicle from the site. h) The home occupation must comply in all respects with the relevant conditions in the Marine Parade Character Zone activity table and condition table. 2. Any home occupation used for the purposes of a business of prostitution that does not comply with all of the relevant conditions is a discretionary activity. (Refer Rule 10.13).	The Council will restrict its discretion to the matters referred to in Rule 10.12 including the following: - The effects on the residential character of the neighbourhood. - The effects on public health and safety. - The effects on amenity values. - The effects on traffic and pedestrian safety. - The type, frequency, and timing of traffic.
10.4 **Supplementary Units** 1. A supplementary unit is a permitted activity provided that: 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 80m^2, including a notional garage. d) The unit need not comply with the open space and density conditions. e) The unit complies in all other respects with the relevant conditions in the Marine Parade Character Zone activity table and condition table.	NOTE: A supplementary unit that does not comply in all respects with the relevant conditions is a discretionary activity. Refer to Rule 10.13.

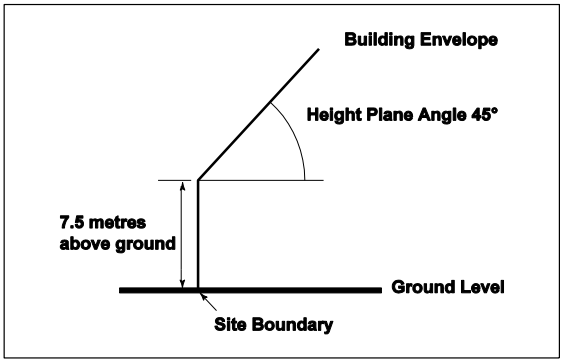
10.5 **Residential Care Facilities** 1. A residential care facility is a permitted activity provided that: a) The facility must not cater for more than 10 residents, excluding staff. b) Any outdoor storage associated with the residential care facility must be screened from view of any adjacent sites and public places. c) The facility complies in all respects with the relevant conditions in the Marine Parade Character Zone activity table and condition table. NOTE: For the purposes of this rule, residential care facilities do not include retirement complexes (see Rule 10.13.1(b) in the Marine Parade Character Zone activity table).	The Council will restrict its discretion to the matters referred to in Rule 10.12.
10.6 **Day Care Centres** 1. A day care centre is a permitted activity provided that: a) The centre must not cater for more than 10 people, excluding staff. b) Any outdoor storage associated with the day care centre must be screened from view of any adjacent sites and public places. c) The centre complies in all respects with the relevant conditions in the Marine Parade Character Zone activity table and condition table.	The Council will restrict its discretion to the matters referred to in Rule 10.12.
10.7 **Travellers' Accommodation** 1. Travellers' accommodation is a permitted activity provided that: a) The travellers' accommodation must not cater from more than 5 guests, excluding staff and/or family. b) Any outdoor storage associated with the travellers' accommodation must be screened from view of any adjacent sites and public places. c) The accommodation complies in all respects with the relevant conditions in the Marine Parade Character Zone activity table and condition table.	The Council will restrict its discretion to the matters referred to in Rule 10.12.
10.8 **Education Facilities** 1. Education facilities are a permitted activity provided that: a) The facility must not cater for more than 10 students. b) Any outdoor storage associated with the education facility must be screened from view of any adjacent sites and public places. c) The facility complies in all respects with the relevant conditions in the Marine Parade Character Zone activity table and condition table.	The Council will restrict its discretion to the matters referred to in Rule 10.12.
10.9 **Scheduled Sites** 1. Any scheduled land use on a scheduled site is a permitted activity provided that: a) It complies in all respects with the rules in Chapter 55 (Scheduled Sites).	The Council will restrict its discretion to the matters referred to in Chapter 55 (Scheduled Sites) of this Plan.

CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
10.10 **Land Development (including Subdivision but excluding Multi Unit development for Commercial and Industrial Activities)** 1. Land development, including subdivision but excluding multi unit development for commercial and industrial activities, is a controlled activity provided that: a) It complies in all respects with the standards and terms specified in Chapter 66 (Volume II) of this Plan. b) It complies in all respects with the relevant standards and terms in the Marine Parade Character Zone Activity Table and Condition Table. c) It is assessed according to the matters in Chapter 66 (Volume II) over which the Council has reserved its control. 2. Applications for resource consent will not be publicly notified in respect of land development (including subdivision) that fully complies with the standards and terms, and notice of applications need not be served.	The Council will exercise its discretion over the matters referred to in Rule 10.12, including the assessment criteria specified in Chapter 66 (Volume II) of this Plan.
10.11 **Relocation of Buildings** 1. Relocation of a building from another site is a controlled activity provided that: a) The relocation of the building complies in all respects with the relevant conditions in the Marine Parade Character Zone activity table and condition table. b) A written assessment must be submitted with each application which must: 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. The Council shall exercise its control over the following: 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. 2. Applications for resource consent will not be publicly notified in respect of relocated buildings that fully comply with the standards and terms, and notice of applications need not be served.	The Council will restrict its discretion to the matters referred to in Rule 10.12, including the following: - 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.

RESTRICTED DISCRETIONARY ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
10.12 **Land Uses Not Complying With Conditions** 1. Any subdivision, use or development of land referred to in Rule 10.2 to 10.11 that does not comply with all of the relevant conditions in the Marine Parade Character Zone activity table and condition table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter. NOTE: Any subdivision (excluding any subdivision that creates separate titles for existing dwellings (not including supplementary units)) that does not comply with the minimum lot size specified in Chapter 66 of this Plan, is a Non-Complying Activity under Rule 10.14(a). Any boundary adjustment or subdivision for the purpose of a network utility operation that does not comply with the minimum lot size specified in Chapter 66 of the Plan is a Discretionary Activity under Rule 10.13(f). Any subdivision that creates separate titles for existing dwellings (not including supplementary units) that does not comply with the minimum lot size specified in Chapter 66 of this plan is a Restricted Discretionary Activity under Rule 10.12.	The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to: - The matters identified in the second column of the Marine Parade Character 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 12 of this Plan where applicable.
DISCRETIONARY ACTIVITIES	
10.13 **Discretionary Activities** 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 12. The Council's discretion is unrestricted. a) A supplementary unit that does not comply with all the relevant conditions. b) Retirement complexes. c) Any non-residential activity not specifically provided for by a rule elsewhere in this Chapter. d) Use of explosives, other than for temporary military training purposes. e) Any business of prostitution (including those that do not comply with all of the relevant conditions as a Home Occupation).	
NON-COMPLYING ACTIVITIES	
10.14 **Non-Complying Activities** 1. There are no land uses that are a non-complying activity within the Marine Parade Character Zone.	
PROHIBITED ACTIVITIES	
10.15 **Prohibited Activities** 1. There are no land uses that are a prohibited activity within the Marine Parade Character Zone.	

MARINE PARADE CHARACTER ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
10.16 **Density** 1. There is no density requirement; subject to compliance with the other conditions for all land uses elsewhere in the Marine Parade Character Zone activity table and condition table. 2. A "concept plan" must be submitted to the Council which shows how a single dwelling unit or multi-unit development is able to fully comply with the conditions for permitted activities if the density is greater than one dwelling unit per 150m^2 of net site area.	
10.17 **Yards** 1. The following yard conditions shall apply to all land uses: a) Front Yards i) Any part of a building must not be erected closer than 1 metre to the road boundary, except that: • Eaves, fascias, gutters, down pipes, chimneys and flues may encroach on the front yard by a distance of up to 1 metre measured horizontally. • Any part of a garage/carport must not be erected closer than 5m to the road boundary, so as to provide a vehicle standing bay. (Refer to Rule 61.16). b) Other Yards i) Any part of a building (including eaves and guttering) must not be erected closer than 1 metre to a side or rear site boundary. • 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. ii) Any part of a building, fence or permanently fixed structure must not be erected closer than 6 metres from the top of the bank of any watercourse or open drain.	Matters: - The existing streetscape and protection from road frontage domination. - The outlook and privacy of adjacent and adjacent properties. - The effects of shading of adjacent properties. - The effects on amenity values of the neighbourhood. - The effects on the maintenance and enhancement of watercourses and open drains.
10.18 **Height** 1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures: a) Any part of a building or structure must not exceed 12 metres in height, except that: i) On a front site or corner site, any part of a building or structure may be erected up to the Streetscape Height determined in accordance with Appendix 8 of this Plan. b) Any part of a building, structure or tree must not exceed the Airport Height Control Designation in Appendix 7. c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail. d) Where the Airport Height Control Designation prevails in accordance with Rule 10.17.1(c): 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	Matters: - The scale and bulk of the building in relation to the site. - The built characteristic of the neighbourhood. - The extent to which the effects of the height can be mitigated by setbacks, planting, design or topography of the site. - The effects on landscape values. - The effects of shading. - The effects on amenity values. - The effects on air traffic safety.

Designation in Appendix 7. 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. e) Height must be measured using the rolling height method.	
10.19 **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 7.5 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) The height in relation to boundary control does not apply to the length of common wall between two or more attached buildings. iii) Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of applying the height in relation to boundary control. iv) No account must 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.	Matters: - The availability of daylight to adjacent properties. - The effects on the privacy of adjacent properties and occupiers. - The effects on amenity values. - The effects on landscape values. 
10.20 **Site Coverage** 1. The following site coverage conditions shall apply to all land uses: a) Site coverage (measured from gross building area) must not exceed 75% of the net site area. b) Provided that where there is no garage or carport on site, the gross building area must include a notional garage of 18.5m^2 for each dwelling unit on the site.	Matters: - The availability of useable open space on site. - The scale and bulk of the building in relation to the site. - The existing built density of the neighbourhood. - The effect on the open space appearance of the neighbourhood. - The control of stormwater runoff.
10.21 **Landscaped Area** 1. The following landscaped area conditions shall apply to all land uses: a) All sites must have a landscaped area not less than 15% of the net site area.	Matters: - The effect on the open space appearance of the neighbourhood. - The control of stormwater runoff. - The effects on amenity values.
10.22 **Open Space** 1. The following open space conditions shall apply to all residential activities: a) Each dwelling unit must have an amount of open space on the building site of not less than 40% of the gross floor area of all buildings on the site, except that a minimum of 50m^2 per	Matters: - The effects on privacy and amenity of the occupants on-site. - The effect on the open space appearance of the neighbourhood.

dwelling unit is to be provided.

b) Where there is no garage or carport proposed or existing on the site, the gross floor area must include a notional garage of 18.5m^2 for each dwelling unit on the site.

c) The maximum area of open space required to be provided on a building site is 100m^2 per dwelling unit.

d) Provided that:

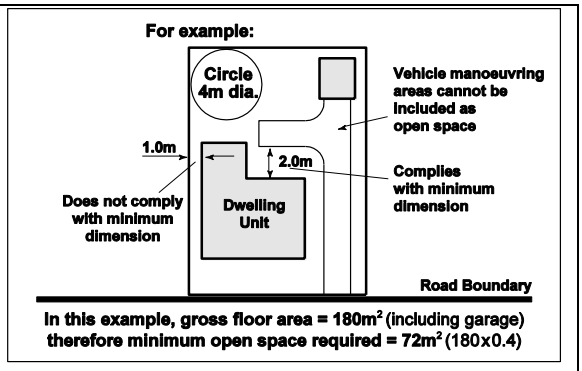
i) Open space may comprise of more than one area.

ii) Open space may take the form of a deck or terrace but must be unobstructed by buildings,(other than cantilevered decks) 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 4 metre diameter circle; and
- Have a minimum dimension of 2 metres measured at right angles to the perimeter of the area.



10.23 **Noise**

1. The following noise conditions shall apply to all land uses (including noise from fixed plants such as air conditioning units and other similar devices), other than those exempted in Rule 57.9:

a) The following noise limits must not to be exceeded at any point beyond the site boundary, except where expressly provided for elsewhere in this Plan:

Control Hours	Noise Level
0700 to 1900 hours	50 dB $L_{Aeq\ (15\ min)}$
1900 to 2200 hours	45 dB $L_{Aeq\ (15\ min)}$
2200 to 0700 hours the following day	40 dB $L_{Aeq\ (15\ min)}$
2200 to 0700 hours the following day	70 dB L_{AFmax}

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

Matters:

- The sound 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 beyond the site.
- The mitigation measures to reduce noise generation.

10.24 **Light Spill**

1. The following light spill conditions shall apply to all land uses other than for the purposes of illuminating a road:

a) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space of a building located on any other site).

b) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause ~~a~~ significant adverse effects on the occupants of residential activities, road users or aircraft.

NOTE:Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers is of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurement should be made in clear sky conditions, or should take into account the effect of weather conditions on illuminance.

Matters:

- The orientation, strength, intensity, colour and frequency of any light.
- The effects on traffic safety.
- The effects on pedestrian safety.
- The effects on amenity values.
- The effects on the health, safety, security and wellbeing of people.

10.25 **Vibration** 1. The following vibration conditions shall apply to all land uses: a) Land uses must not generate a vibration that causes an unreasonable adverse effect on any adjacent land use.	Matters: - The effect on public health and safety. - The effects on the structural integrity of adjacent buildings and facilities. - The effect on amenity values of the residential area.
10.26 **Fencing** 1. The following fencing conditions shall apply to all land uses: a) Any fence erected within front, side and rear yards must not exceed 2 metres in height.	Matters: - The effects of shading. - The effects on amenity values. - The effects on public health and safety.
10.27 **Aerials, Lines and Support Structures** 1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation: a) Aerials, lines or support structures must not exceed 12 metres in height. b) Aerials, lines or support structures must not exceed the Airport Height Control Designation in Appendix 7. c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail. d) Where the Airport Height Control Designation prevails in accordance with Rule 10.26.1(c): 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. 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. e) Dish antenna must not exceed 1.2 metres in diameter. 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: i) The distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction. ii) There must be only one such structure on the site. g) The aerial, line and/or support structure must comply with the conditions relating to yards and height in relation to boundary specified elsewhere in the Marine Parade Character Zone condition table.	Matters: - 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 adversely affected. - The cumulative effect of additional aerials, lines and/or supporting 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.
10.28 **Earthworks** 1. The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.	Matters: Refer to Chapter 52A (Earthworks) of this Plan.
10.29 **Heritage** 1. The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.	Matters: Refer to Chapter 56 (Heritage) of this Plan.

10.31 **Trees** 1. The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.	Matters: Refer to Chapter 60 (Trees) of this Plan.
10.32 **Transport** 1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with.	Matters: Refer to Chapter 61 (Transport) of this Plan.
10.33 **Natural Hazards** 1. The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.	Matters: Refer to Chapter 62 (Natural Hazards) of this Plan.
10.34 **Hazardous Substances** 1. The relevant provisions of Chapter 63 (Hazardous Substances) of this Plan must be complied with.	Matters: Refer to Chapter 63 (Hazardous Substances) of this Plan.
10.35 **Activities on the Surface of Water** 1. The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with.	Matters: Refer to Chapter 62A (Activities on the Surface of Water) of this Plan.
10.36 **Contaminated Sites** 1. The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.	Matters: Refer to Chapter 64 (Contaminated Sites) of this Plan.
10.37 **Financial Contributions** 1. The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.	Matters: Refer to Chapter 65 (Financial Contributions) of this Plan.
10.38 **Code of Practice for Subdivision and Land Development** 1. The relevant provisions of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan must be complied with.	Matters: Refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.
10.30 **Signs** 1. The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.	Matters: Refer to Chapter 58 (Signs) of this Plan.