

**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, pressure for redevelopment and increased 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 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 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. The effects of retailing on heritage values and traffic safety in this area have led Council to impose rules on the scale of retailing.

**50A.1.2 A noise environment which is realistic for existing industry and a range of activities.**

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 new noise provisions will create an environment that will be difficult for them to operate in. It would be unfair to penalise the existing industries to create a noise environment that 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. The Council expects any new residential development to adopt measures to protect residents from noise levels that would be higher than those experienced in a traditional residential environment.

The Port of Napier is not located within the 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 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 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 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 widespread retailing in this area. 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.

#### **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 on the appropriate level of amenity 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.

#### **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 maintain an environment in which the reasonable effects of existing industry are recognised.

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 realistic operational requirements of existing industry.

50A.2.2 Require incoming activities to take into account the effects of existing industry.

### Method

(1) Rules in the District Plan.

### 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.

### Objective 50A.3

To ensure that the existing industrial/mix character of Ahuriri 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.

50A.3.3 Encourage new industry with significant effects to locate in established industrial zones.

50A.3.4 Ensure that the scale of any new industry is not inconsistent with that of existing industry.

### Method

(1) Rules in the District Plan.

**Principal Reasons for Adopting Objectives and Policies**

During the 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 commercial retail activity in this area would have the effect of significantly altering the identified character of Ahuriri.

**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 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

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 Mitigate the visual effects of industrial and commercial storage and by-products.

50A.7.2 Control the location and size of signs.

50A.7.3 Recognise the benefits of landscaping in mitigating the effects of industrial/commercial development adjacent to residential activity.

50A.7.4 Promote simplicity and clarity in the form of a sign and the message it conveys.

50A.7.5 Mitigate the effects of glare, light spill, dust, vibration and odour on adjoining properties or sites within a residential zone.

50A.7.6 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. The level of amenity should reflect the industrial 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.

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 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 consistent with a predominately residential environment.
- (8) An environment where over time noise sensitive activities are protected from port 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 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	10
Rule 50A.13	Industrial activities.	Permitted	10
Rule 50A.14	Commercial activities (includes office accommodation and retail activities).	Permitted	10
Rule 50A.15	Residential activities.	Permitted	11
Rule 50A.16	Home occupations.	Permitted	11
Rule 50A.17	A supplementary unit.	Permitted	12
Rule 50A.18	Residential care facilities.	Permitted	12
Rule 50A.19	Day care centres.	Permitted	12
Rule 50A.20	Travellers' accommodation.	Permitted	13
Rule 50A.21	Education facilities.	Permitted	13
Rule 50A.22	Scheduled sites.	Permitted	13
Rule 50A.23	Land development (including subdivision and Multi Unit Development)	Controlled	13
Rule 50A.24	Relocation of a building from another site.	Controlled	14
Rule 50A.25	Licensed premises.	Controlled	14
Rule 50A.26	Any subdivision, use or development of land referred to in Rules 25.2 to 25.15 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	15
Rule 50A.27(a)	Places of assembly.	Discretionary	15
Rule 50A.27(b)	Health care centres with three or more health care providers.	Discretionary	15
Rule 50A.27(c)	A supplementary unit that does not comply with all the relevant conditions.	Discretionary	15
Rule 50A.27(d)	Service stations and transport depots.	Discretionary	15
Rule 50A.27(e)	Camping grounds.	Discretionary	15
Rule 50A.27(f)	Use of explosives, other than for temporary military training purposes.	Discretionary	15
Rule 50A.27(g)	Any business of prostitution	Discretionary	15
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	15
Rule 50A.27(i)	Tyre storage activities that do not comply with all the relevant conditions.	Discretionary	15

## MIXED USE ZONE – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p><b>50A.12 Land Uses Generally</b></p> <p>1. Any land use is a permitted activity provided that:</p> <ol style="list-style-type: none"> <li>It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table.</li> <li>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.</li> </ol>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.26.</p>
<p><b>50A.13 Industrial Activities</b></p> <p>1. Unless otherwise provided for, any industrial activity is a permitted activity provided that:</p> <ol style="list-style-type: none"> <li>It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table.</li> <li>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.</li> </ol> <p>2. Any storage of tyres is a permitted activity provided that:</p> <ol style="list-style-type: none"> <li>The activity is ancillary to another activity on the site;</li> <li>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;</li> <li>The storage area must not exceed 10m<sup>2</sup> and must not have a dimension of more than 4m</li> <li>Tyres must not be stored above a height of 1.5m;</li> <li>Outdoor storage areas must be fully screened from all public spaces and adjoining sites;</li> <li>The storage area must be locked at all times when the premises is not in use.</li> </ol>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.26.</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.27).</p>
<p><b>50A.14 Commercial Activities</b></p> <p>1. Any commercial activity is a permitted activity provided that:</p> <ol style="list-style-type: none"> <li>It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table.</li> <li>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.</li> </ol> <p>2. Any office accommodation is a permitted activity provided that:</p> <ol style="list-style-type: none"> <li>It must relate to the administration and management of an industrial or commercial activity otherwise permitted in Mixed Use Zone.</li> <li>It must be limited to 20% of the gross floor area of buildings on the site.</li> <li>It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table.</li> </ol>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.26 including the following:</p> <ul style="list-style-type: none"> <li>- The effects on traffic and pedestrian safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on the character of the area.</li> <li>- The need for traffic control, including signs, signals, and traffic islands.</li> <li>- The effects on the heritage values of the Inner City art deco resource.</li> </ul>

<p>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> <p>3. Any retail activity is a permitted activity provided that:</p> <p>a) The goods or services offered must be manufactured, processed, repaired, serviced or warehoused on the site.</p> <p>b) The retailing component is limited to 20% of the gross floor area of buildings on the site.</p> <p>c) It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table.</p> <p>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>	
<p><b>50A.15 Residential Activities</b></p> <p>1. Any residential activity is a permitted activity provided that:</p> <p>a) It must comply in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table.</p> <p>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> <p>2. A new dwelling unit in a building in existence as at 11<sup>th</sup> November 2000 is a permitted activity provided that:</p> <p>a) Each new dwelling unit must provide for the exclusive use of its occupants:</p> <p>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.</p> <p>ii) On site manoeuvring requirements for second and subsequent dwellings as in Chapter 61 (Parking for residential activities).</p> <p>iii) A service court with the minimum dimensions of 3 metres by 3 metres.</p> <p>b) No service functions e.g.: washing lines, rubbish bins etc, must be visible from legal road.</p> <p>c) The outlook from any window of the unit must not be obscured by any sign erected on the building.</p> <p>d) The dwelling unit must comply with all relevant conditions in the Mixed Use Zone activity table and condition table.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.26, including the following:</p> <ul style="list-style-type: none"> <li>- The effects on the character of the area.</li> <li>- The effects on public health and safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on traffic safety.</li> <li>- The type, frequency and timing of traffic.</li> </ul>
<p><b>50A.16 Home Occupations</b></p> <p>1. A home occupation is a permitted activity provided that:</p> <p>a) Not more than one full time equivalent job is created for a person(s) residing outside the dwelling unit.</p> <p>b) At all times, the home occupation must remain incidental and secondary to the use of the dwelling unit for residential purposes.</p> <p>c) The maximum area of the home occupation must be 30% of the gross floor area of the dwelling unit.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.26, including the following:</p> <ul style="list-style-type: none"> <li>- The effects on the character of the area.</li> <li>- The effects on public health and safety.</li> <li>- The effects on amenity values.</li> <li>- The effects on traffic safety.</li> <li>- The type, frequency and timing of traffic.</li> </ul>

<ul style="list-style-type: none"> <li>d) Any external storage associated with the home occupation must be screened from view of any adjacent sites and public open places.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>h) No objectionable odours must be produced that are able to be detected beyond the site boundary.</li> <li>j) The home occupation must comply in all respects with all the relevant conditions in the Mixed Use Zone activity table and condition table.</li> </ul>	
<p><b>50A.17 Supplementary Units</b></p> <p>1. A supplementary unit is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) The unit must consist of a single bedroomed dwelling unit.</li> <li>b) No more than one supplementary unit may be located on the same site as one other dwelling unit.</li> <li>c) The gross floor area of the unit must not exceed 80m<sup>2</sup> including a notional garage.</li> <li>d) The unit need not comply with the open space and density conditions.</li> <li>e) The unit must comply in all other respects with the relevant conditions in the Mixed Use Zone Activity Table and Condition Table.</li> </ul>	<p>NOTE: A supplementary unit that does not comply in all respects with the relevant conditions is a discretionary activity. Refer to Rule 50A.27 1(c).</p>
<p><b>50A.18 Residential Care Facilities</b></p> <p>1. A residential care facility is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) The facility must not cater for more than 10 residents, excluding staff.</li> <li>b) Any outdoor storage associated with the residential care facility must be screened from view of any adjacent sites and public open places.</li> <li>c) Any sign or combination of signs must not exceed 0.3m<sup>2</sup> in total area.</li> <li>c) The facility complies in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table.</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.26.</p>
<p><b>50A.19 Day Care Centres</b></p> <p>1. A day care centre is a permitted activity provided that:</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.26.</p>

<ul style="list-style-type: none"> <li>a) The centre must not cater for more than 10 people, excluding staff.</li> <li>b) Any sign or combination of signs must not exceed 0.3m<sup>2</sup> in total area.</li> <li>c) Any outdoor storage associated with the day care centre must be screened from view of any adjacent sites and public open places.</li> <li>d) The centre complies in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table.</li> </ul>	
<p><b>50A.20 Travellers' Accommodation</b></p> <p>1. Travellers' accommodation is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) The travellers' accommodation must not cater from more than 5 guests, excluding staff and/or family.</li> <li>b) Any sign or combination of signs must not exceed 0.3m<sup>2</sup> in total area.</li> <li>c) Any outdoor storage associated with the travellers' accommodation must be screened from view of any adjacent sites and public open places.</li> <li>d) The accommodation complies in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table.</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.26.</p>
<p><b>50A.21 Education Facilities</b></p> <p>1. Education facilities are a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) The facility must not cater for in excess of 10 students.</li> <li>b) Any sign or combination of signs must not exceed 0.3m<sup>2</sup> in total area.</li> <li>c) Any outdoor storage associated with the education facility must be screened from view of any adjacent properties and public open places.</li> <li>d) The facility complies in all respects with the relevant conditions in the Mixed Use Zone activity table and condition table.</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Rule 50A.26.</p>
<p><b>50A.22 Scheduled Sites</b></p> <p>1. Any scheduled land use on a scheduled site is a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) It must comply in all respects with the rules in Chapter 55 (Scheduled Sites).</li> </ul>	<p>The Council will restrict its discretion to the matters referred to in Chapter 55 (Scheduled Sites) of this Plan.</p>
<p><b>CONTROLLED ACTIVITIES</b></p>	<p><b>Matters the Council will restrict its discretion to for restricted discretionary activities.</b></p>
<p><b>50A.23 Land Development (Including Subdivision and Multi Unit Development)</b></p> <p>1. Land development, including subdivision is a controlled activity provided that:</p> <ul style="list-style-type: none"> <li>a) It must comply in all respects with the standards and terms specified in Chapter 66 of this Plan.</li> <li>b) It must comply in all respects with the relevant standards and terms in the Mixed Use Zone Activity Table and Condition Table</li> </ul>	<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>c) It is assessed according to the matters in Chapter 66 over which the Council has reserved its control.</p> <p>2. The written approval of affected persons will not be necessary in respect of land development (including subdivision) that fully complies with the standards and terms, and the application need not be notified.</p>	
<p><b>50A.24 Relocation of Buildings</b></p> <p>1. Relocation of a building from another site is a controlled activity provided that:</p> <p>a) The relocation of the building complies in all respects with the relevant conditions stated elsewhere in the Mixed Use Zone activity table and condition table.</p> <p>b) A written assessment must be submitted with each application which must:</p> <p>i) Include a statement from a building certifier or registered engineer that the building is structurally sound.</p> <p>ii) State the condition of the building and the reinstatement works needed to bring the building up to an external visual appearance that is compatible with other buildings in the vicinity.</p> <p>iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent.</p> <p>iv) Provide clear photographs of the building in its current state.</p> <p>v) Provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of reinstatement work.</p> <p>The Council shall exercise its control over the following:</p> <p>c) The design, materials and timetable of the proposed reinstatement works.</p> <p>d) The imposition of any financial contributions in accordance with Chapter 65 (Financial Contributions) of this Plan.</p> <p>e) The imposition of a performance bond to complete the reinstatement of the building.</p> <p>2. The written approval of affected persons will not be necessary in respect of relocated buildings 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.26, including the following:</p> <ul style="list-style-type: none"> <li>- The structural integrity of the building.</li> <li>- The imposition of a performance bond.</li> <li>- The timing of reinstatement works.</li> <li>- The effects on the built character of the surrounding area.</li> <li>- The effects on amenity values.</li> <li>- The effects on infrastructural services.</li> </ul>
<p><b>50A.25 Licensed Premises</b></p> <p>1. A licensed premises is a controlled activity provided that:</p> <p>a) It must comply in all respects with the relevant conditions stated elsewhere in the Mixed Use Zone activity table and condition table.</p> <p>The Council shall exercise its control over the following:</p> <p>b) The hours of operation.</p> <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.26.</p>



RESTRICTED DISCRETIONARY ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p><b>50A.26 Land Uses Not Complying With Conditions</b></p> <p>1. Any subdivision, use or development of land referred to in Rules 50A.12 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"> <li>- The matters identified in the second column of the Mixed Use Zone activity table and/or condition table.</li> <li>- The cumulative effect of non-compliance with more than one condition.</li> <li>- In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over.</li> <li>- The matters set out in Chapter 1.6.5.</li> <li>- The assessment criteria in Chapter 31 of this Plan where applicable.</li> </ul>
DISCRETIONARY ACTIVITIES	
<p><b>50A.27 Discretionary Activities</b></p> <p>1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 31. The Council's discretion is unrestricted.</p> <ul style="list-style-type: none"> <li>a) Places of assembly.</li> <li>b) Health care centres with three or more health care providers.</li> <li>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.</li> <li>d) Service stations and/or transport depots.</li> <li>e) Camping grounds.</li> <li>f) Use of explosives, other than for temporary military training purposes</li> <li>g) Any business of prostitution (including those that do not comply with all of the relevant conditions as a Home Occupation)</li> <li>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</li> <li>i) Any tyre storage activity that does not comply in all respects with the relevant conditions.</li> </ul>	
PROHIBITED ACTIVITIES	
<p><b>50A.28 Prohibited Activities</b></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><b>50A.29 Density</b></p> <p>1. 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.</p> <p>2. 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 250m<sup>2</sup> of net site area.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on amenity values of the neighbourhood.</li> <li>- The existing built density of the neighbourhood.</li> <li>- The effects on the open space appearance of the neighbourhood.</li> <li>- The scale and bulk of the building(s) in relation to the site.</li> <li>- The effects on infrastructural services.</li> </ul>
<p><b>50A.30 Yards</b></p> <p>1. The following yard conditions shall apply to all industrial and commercial activities:-</p> <p>a) Front Yards</p> <p>There is no front yard requirement, except that a minimum 3 metre landscaped yard is required where sites:</p> <p>i) Front onto Pandora Road.</p> <p>ii) Adjoin a site that is zoned residential.</p> <p>b) Other Yards</p> <p>There is no side or rear yard requirement, except that:</p> <p>i) No part of any building (including eaves and guttering) must be located within 6 metres of a residential zone site boundary or Tyne Street drain.</p> <p>ii) 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> <p>2. The following yard conditions shall apply to all residential activities:-</p> <p>a) Front Yards</p> <p>There is no front yard requirement, except that a minimum 3 metre yard must be provided where sites:</p> <p>i) Front onto Pandora Road.</p> <p>ii) Adjoin a site that is zoned residential.</p> <p>b) Other Yards</p> <p>i) Any part of a building (including eaves and guttering) must not be erected closer than 1 metre to a side or rear boundary.</p> <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> <p>ii) 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>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on heritage values of buildings.</li> <li>- The effects on the interface between buildings and the road.</li> <li>- The effects on pedestrian and vehicle access.</li> <li>- The effects on the clear separation of old and new developments.</li> </ul> <div data-bbox="951 831 1503 1137" style="border: 1px solid black; padding: 10px;"> <p style="text-align: center;"><b>YARD REQUIREMENT</b></p> <p>The diagram illustrates the yard requirements between two adjacent sites. On the left is 'West Quay Waterfront' (Pt Tn Sec 601) and on the right is 'Mixed Use' (Lot 1 DP 10276). A vertical dashed line represents the 'Zone Boundary' between them. A 3.0 metre yard is required between Pt Tn Sec 601 and the Zone Boundary. Another 3.0 metre yard is required between the Zone Boundary and Lot 1 DP 10276. The total distance between the two sites is 15.0 metres. The ground level is shown at the bottom of the diagram.</p> </div>

<p><b>50A.31 Height</b></p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <ul style="list-style-type: none"> <li>a) Any part of a building or structure must not exceed 12 metres in height, except that:</li> <li>b) Any part of a building, structure or tree must not exceed the Airport Height Control Designation in Appendix 7.</li> <li>c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</li> <li>d) Where the Airport Height Control Designation prevails in accordance with Rule 50A.31.1(c):             <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> </li> <li>e) Height must be measured using the rolling height method.</li> </ul>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on the heritage values of buildings.</li> <li>- The scale and bulk of the building in relation to the site.</li> <li>- The built characteristic of the neighbourhood.</li> <li>- The effects of shading.</li> <li>- The effects on amenity values.</li> </ul>
<p><b>50A.32 Height in Relation to Boundary</b></p> <p>1. The following height in relation to boundary conditions shall apply to all land uses:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b) Provided that:             <ul style="list-style-type: none"> <li>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.</li> <li>ii) Where the site adjoins any 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.</li> <li>iii) The height in relation to boundary condition does not apply to the length of common wall between two or more attached buildings.</li> <li>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.</li> <li>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.</li> </ul> </li> </ul>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The availability of daylight to adjacent properties.</li> <li>- The effects on the privacy of adjacent properties and occupiers.</li> <li>- The effects on amenity values.</li> </ul> <div data-bbox="949 1120 1508 1467" data-label="Diagram"> </div>

<p><b>50A.33 Site Coverage</b></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 18.5m<sup>2</sup> for each dwelling unit on the site.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The scale and bulk of the building in relation to the site.</li> <li>- The existing built density of the neighbourhood.</li> <li>- The availability of useable open space on the site for residential activities.</li> <li>- The control of stormwater runoff.</li> <li>- The effect on the mixed use character of the area.</li> </ul>
<p><b>50A.34 Landscaped Area</b></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"> <li>- The effect on the open space and mixed use appearance of the neighbourhood.</li> <li>- The effects on amenity values.</li> <li>- The control of stormwater runoff.</li> </ul>
<p><b>50A.35 Open Space</b></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 50m<sup>2</sup> 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 18.5m<sup>2</sup> 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 100m<sup>2</sup> per dwelling unit.</p> <p>d) Provided that:</p> <p>i) Open space may comprise of more than one area.</p> <p>ii) Open space may take the form of a deck or terrace but must be unobstructed by buildings, parking spaces, or vehicle manoeuvring areas.</p> <p>iii) Open space must be directly accessible from the unit to which it relates..</p> <p>iv) The open space must:</p> <ul style="list-style-type: none"> <li>• Include at least one area capable of containing a 6 metre diameter circle; and</li> <li>• Have a minimum dimension of 3 metres measured at right angles to the perimeter of the area.</li> </ul>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on privacy and amenity of the occupants on-site.</li> <li>- The effect on the open space appearance of the neighbourhood.</li> </ul> <div data-bbox="949 1122 1506 1473" style="border: 1px solid black; padding: 5px;"> <p><b>For example:</b></p> <p style="text-align: center;">In this example, site coverage = 180m<sup>2</sup> (including garage) therefore minimum open space required = 90m<sup>2</sup> (180x0.5)</p> </div>
<p><b>50A.36 Outdoor Storage</b></p> <p>1. The following outdoor storage conditions shall apply to all land uses:</p> <p>a) Outdoor storage areas or stockpiles:</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on the shading of adjacent sites.</li> <li>- The effects on the visual amenity of the area.</li> <li>- The effects on people's health and safety.</li> <li>- The effects on surface and groundwater quality.</li> </ul>

<ul style="list-style-type: none"> <li>i) Must comply with the yard, height and height in relation to boundary conditions in conditions 50A.30, 50A.31 and 50A.32.</li> <li>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.</li> <li>iii) Must not provide a food source for birds or vermin.</li> <li>iv) Must be located on sealed and drained areas if they consist of decomposable material likely to generate contaminated leachate.</li> </ul>	<ul style="list-style-type: none"> <li>- The effects on soil contamination.</li> </ul>										
<p><b>50A.37 Refuse Storage</b></p> <p>1. The following refuse storage conditions shall apply to all industrial and commercial activities:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>c) The refuse storage area must not provide a food source for birds or vermin.</li> </ul>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on the visual amenity of the area.</li> <li>- The effects on people's health and safety</li> </ul>										
<p><b>50A.38 Noise</b></p> <p>1. The following noise conditions shall apply to all land uses, other than those exempted in Rule 57.9:</p> <ul style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>Monday to Saturday inclusive 0700 hours to 2200 hours                      60 dB <math>L_{Aeq}</math> (15min)</li> <li>Sunday and all other times                      55 dB <math>L_{Aeq}</math> (15min)</li> <li>Monday to Sunday inclusive 2200 hours to 0700 hours the following day   75dB <math>L_{AFmax}</math></li> </ul> </li> <li>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: <table border="0" style="margin-left: 20px;"> <thead> <tr> <th>Control hours</th> <th>Noise Level</th> </tr> </thead> <tbody> <tr> <td>0700 hours to 1900 hours</td> <td>55 dB <math>L_{Aeq}</math> (15min)</td> </tr> <tr> <td>1900 hours to 2200 hours</td> <td>50 dB <math>L_{Aeq}</math> (15min)</td> </tr> <tr> <td>2200 hours to 0700 hours the following day</td> <td>45 dB <math>L_{Aeq}</math> (15min)</td> </tr> <tr> <td>2200 hours to 0700 hours the following day</td> <td>75 dB <math>L_{AFmax}</math></td> </tr> </tbody> </table> </li> <li>c) All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</li> </ul> <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> <ul style="list-style-type: none"> <li>a) The habitable room within the noise sensitive activity shall achieve a minimum External Sound Insulation Level of the</li> </ul>	Control hours	Noise Level	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>Matters:</p> <ul style="list-style-type: none"> <li>- The maximum noise level likely to be generated.</li> <li>- The nature and frequency of the noise including any special audible characteristics.</li> <li>- The compatibility within the neighbourhood.</li> <li>- The effects of noise on amenity values.</li> <li>- The length of time for which specified noise levels is exceeded, especially at night.</li> <li>- The likely adverse effects on-site and beyond the site.</li> <li>- The mitigation measures to reduce noise generation.</li> </ul>
Control hours	Noise Level										
0700 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>building envelope of <math>D_{tr,2m,nTw} + C_{tr} &gt; 30</math> 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><b>50A.39 Light Spill</b></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"> <li>- The orientation, strength, intensity, colour and frequency of any light.</li> <li>- The effects on traffic safety.</li> <li>- The positive effects on pedestrian safety.</li> <li>- The effects on amenity values.</li> </ul>
<p><b>50A.40 Vibration</b></p> <p>1. The following vibration conditions shall apply to all land uses:</p> <p>a) Land uses must not generate a vibration that causes a significant adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on public health.</li> <li>- The effects on the structural integrity of adjacent buildings and facilities.</li> <li>- The effects on amenity values of the area.</li> </ul>
<p><b>50A.41 Odour and Dust</b></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</p>	

Resource Management Plan and may require resource consent approval. Contact the Hawke's Bay Regional Council for advice.'	
<p><b>50A.42 Stormwater Runoff</b></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"> <li>- The effects on water quality.</li> <li>- The effects on ecosystems of the Inner Harbour.</li> </ul>
<p><b>50A.43 Fences</b></p> <p>1. The following fencing conditions shall apply to all land uses:</p> <p style="padding-left: 40px;">a) Any fence erected within a front, side or rear yard must not exceed 2 metres in height.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The availability of daylight to adjacent properties.</li> <li>- The effects on the privacy of adjacent properties and occupiers.</li> <li>- The scale and bulk of the building in relation to the site.</li> <li>- The effects on amenity values.</li> </ul>
<p><b>50A.44 Aerials, Lines and Support Structures</b></p> <p>1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation:</p> <p style="padding-left: 40px;">a) Aerials, lines and/or support structures must not exceed 15 metres in height.</p> <p style="padding-left: 40px;">b) Aerials, lines and/or support structures must not exceed the Airport Height Control Designation in Appendix 7.</p> <p style="padding-left: 40px;">c) Where there is conflict between any of the height control lines or limits, the lowest height must prevail.</p> <p style="padding-left: 40px;">d) Where the Airport Height Control Designation prevails in accordance with Rule 50A.44.1(c):</p> <p style="padding-left: 80px;">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 style="padding-left: 80px;">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 style="padding-left: 40px;">e) Dish antenna must not exceed 5 metres in diameter.</p> <p style="padding-left: 40px;">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 style="padding-left: 80px;">i) The distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction.</p> <p style="padding-left: 80px;">ii) There must be no more than one such structure on the site.</p> <p style="padding-left: 40px;">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><b>50A.45 High Volume Water Using Activities</b></p> <p>NOTE: The maximum rate of wastewater discharge to the Napier City Council wastewater reticulation system is controlled by the Napier City Council Trade Waste Bylaw.</p>	

<p>There are limitations on the capacity of the wastewater system in some parts of the City which may require restrictions on the rate of discharge.</p> <p>Discussion with the Works Asset Department is recommended.</p>	
<p><b>50A.46 Roof Surfaces</b></p> <p>1. The following condition shall apply to all new roofs.</p> <p>a) All new roof surfaces shall be constructed from inert materials or painted with non-metal based paint and thereafter maintained in good order.</p> <p>NOTE: Stormwater may only be discharged to a Council reticulated network in compliance with the Napier City Stormwater Bylaw 2012.</p> <p>All on-site stormwater discharges are regulated by the Hawke's Bay Regional Resource Management Plan and may require resource consent approval. Contact the Hawke's Bay Regional Council for advice.</p>	<p>Matters:</p> <ul style="list-style-type: none"> <li>- The effects on public health and safety.</li> <li>- The effect on stormwater discharges associated with the industrial and commercial land use.</li> <li>- The mitigation measures to avoid contamination from stormwater runoff.</li> <li>- The effect on the ecology and aquatic life of the Ahuriri Estuary.</li> </ul>
<p><b>50A.47 Earthworks</b></p> <p>1. The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 52A (Earthworks) of this Plan.</p>
<p><b>50A.48 Heritage</b></p> <p>1. The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 56 (Heritage) of this Plan.</p>
<p><b>50A.49 Signs</b></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><b>50A.50 Trees</b></p> <p>1. The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 60 (Trees) of this Plan.</p>
<p><b>50A.51 Transport</b></p> <p>1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 61 (Transport) of this Plan.</p>
<p><b>50A.52 Natural Hazards</b></p> <p>1. The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62 (Natural Hazards) of this Plan.</p>
<p><b>50A.53 Activities on the Surface of Water</b></p> <p>1. The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62A (Activities on the Surface of Water) of this Plan.</p>
<p><b>50A.54 Hazardous Substances</b></p> <p>1. The relevant provisions of Chapter 63 (Hazardous Substances) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 63 (Hazardous Substances) of this Plan.</p>
<p><b>50A.55 Contaminated Sites</b></p> <p>1. The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 64 (Contaminated Sites) of this Plan.</p>
<p><b>50A.56 Financial Contributions</b></p>	<p>Matters:</p>

<p>1. The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.</p>	<p>Refer to Chapter 65 (Financial Contributions) of this Plan.</p>
<p><b>50A.57 Code of Practice for Subdivision and Land Development</b></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.58 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.59 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.60 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.
- 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 effect 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.61 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.

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 in non-commercial zones has the potential to adversely affect the viability of the inner city's historic art deco buildings via the closure of shops and the possible reduction in the level of maintenance.

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 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, new residential units are required to protect the occupants themselves from the higher noise environment experienced within these zones of industrial and commercial activity.

### 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. 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 a 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 overcome by appropriate controls on the bulk of the 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 it is not practical to impose the same noise level restrictions as might apply in residential or commercial environments. 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).

**25. Roof Surfaces**

The Ahuriri Estuary acts as a receiving environment for stormwater runoff from a number of adjacent zones. Increased development, including stormwater runoff from roofs that are not constructed of inert materials can threaten the sensitive ecology and aquatic life of the Estuary. The rule provides a mechanism to reduce the level of contaminants that may enter the Estuary from those zones that discharge stormwater into the Estuary or Inner Harbour.