

Chapter 7

Harbour Industrial Zone



7. HARBOUR INDUSTRIAL ZONE

7.1 RESOURCE MANAGEMENT ISSUES

1. There is a potential for adverse effects from activities undertaken within the zone to reduce the *amenity values* of the zone and also adjacent rural land. These adverse effects include higher noise levels, generation of dust, grit, and odour effects, light spill and glare, and higher numbers of heavy transport vehicles.
2. Retail activities within the Harbour Industrial Zone have the potential to generate adverse effects on the Town Centre by detracting from its focus as the primary retail shopping area within Ōpōtiki.
3. Parts of the harbour industrial area can be adversely affected by flooding which may compromise the health and safety of people in adjoining areas and the quality of the Harbour Industrial Zone environment. The vehicle access to the State Highway is particularly vulnerable because it crosses an identified floodway.
4. Storage and servicing areas for the types of activities anticipated within the Harbour Industrial Zone can adversely affect the amenity values of adjoining zones if not appropriately located and screened.
5. Activities can adversely affect the safety, sustainability and efficiency of the transport network.
6. The successful establishment of activities in the zone will be reliant on the development of a wharf and ongoing access to it.
7. The integrity of the stopbank needs to be maintained to provide ongoing flood protection and this may include upgrades if necessary.
8. Potential for increased threats to and adverse effects on indigenous species in adjacent wetland areas.
9. The population and environment could be harmed from unwanted organisms such as flies, mites, ticks, mosquitoes (including exotic mosquitoes capable of carrying disease) or other insects which may cause a health nuisance to nearby residents.

7.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 7.2.1 The infrastructure and operational needs of the aquaculture, fishing and marine industries are provided for in the zone as a matter of priority.**

POLICIES

- 7.2.1.1 Enable aquaculture and marine related industry to establish in the Harbour Industrial Zone with appropriate controls so that the adverse effects on the receiving environment from these activities and associated structures are minimised.
- 7.2.1.2 Control the location and scale of *retail activity* within the zone to ensure that the qualities and characteristics of the zone are maintained.
- 7.2.1.3 Ensure the wharf area is maintained for active operation without *buildings* or other activities adversely affecting its efficient operation as primary port infrastructure.
- 7.2.1.4 Ensure that there is adequate on-site parking and manoeuvring space for vehicles using sites within the zone.
- 7.2.1.5 Ensure that development within the Harbour Industrial Zone does not adversely affect the efficient functioning and capacity of stormwater systems.
- 7.2.1.6 Limit retail activities to those that primarily service other users located within the zone.

OBJECTIVE

- 7.2.2 **The land area within the Harbour Industrial Zone is used principally for those activities that require harbour access or need to use that infrastructure to operate and support the aquaculture, fishing and marine industries.**

POLICIES

- 7.2.2.1 Provide for a range of Harbour Industrial Zone activities that rely on the proximity of the harbour margin and associated infrastructure, together with necessary complementary activities, and ensure that activities that do not require such a location are directed to other zones in the District.

OBJECTIVE

- 7.2.3 **Activities within the zone are undertaken in a manner that avoids, remedies, or mitigates their adverse effects on the receiving environment.**

POLICIES

- 7.2.3.1 Ensure that sites within the zone do not detract from the character of the adjacent area by such methods as requiring service and storage areas to be screened from non-harbour industrial properties and from the harbour.

7.2.3.2 Ensure that potential adverse effects such as noise, litter, glare, and traffic movements are mitigated or avoided.

7.2.3.3 Use buffer zones to mitigate potential adverse effects on sensitive ecological areas and the surrounding rural and harbour environments.

OBJECTIVE

7.2.4. Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of the transport network.

POLICY

7.2.4.1 To avoid remedy or mitigate the adverse effects of the Harbour Industrial Zone activities on the safety and efficiency of the transport network.

OBJECTIVE

7.2.5 **Activities in the zone must have a functional need to locate in proximity to infrastructure located in the Coastal Environment.**

POLICY

7.2.5.1 To recognise and provide for activities that need access to wharf and marine related services in the coastal environment.

7.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

7.3.2 PERMITTED ACTIVITIES

7.3.2.1 Subject to compliance with the Zone Standards in section 7.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. Seafood and marine product processing, packaging and storage factories.
2. *Port Activities*.
3. Wharf structures.
4. Ice manufacturing.
5. Marine equipment sales
6. Boat construction and engineering.
7. Boat maintenance, repair, refuelling and servicing.
8. Boat lifting and storage facilities.
9. Boat ramp and trailer parking facilities.
10. *Retail activities accessory* to a Permitted or Controlled Activity where the *total floor area* related to retailing is the lesser of either 100m² or 20% of the *total floor area*.
11. Maintenance work carried out by Bay of Plenty Regional Council on drainage and flood control scheme works.
12. Maintenance works on wharf structures, travel bay, and boat ramps.
13. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
14. *Accessory buildings* and activities *accessory* to a Permitted Activity.
15. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
16. Signs listed in 7.6.9.1
17. *Temporary Military Training Activities* that comply with Appendix 3.
18. *Emergency services training* and associated management activities.

7.3.3 CONTROLLED ACTIVITIES

7.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The Council may impose conditions only in relation to the matters over which it has reserved control in section 7.4. The activities must comply with the Zone Standards in section 7.6, unless otherwise stated.

1. *Accessory buildings* and activities *accessory* to a Controlled Activity.
2. *Food selling premises* up to 100m² GFA.
3. *Temporary Military Training Activities* not complying with Appendix 3.

7.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

7.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 7.5. The activities must comply with the Zone Standards in Section 7.6, unless otherwise stated.

1. Activities not complying with 7.6.2.2 (Setbacks from roads)

7.3.5 DISCRETIONARY ACTIVITIES

7.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 7.6 will be used as a guideline when assessing the application.

1. Activities not consistent with the Harbour Industrial Zone Structure Plan.
2. Industries not otherwise listed as a Permitted or Controlled Activity.
3. *Boat, vehicle and machinery sales.*
4. Marine Education facilities.
5. *Signs* not provided for as a Permitted Activity.
6. Any Permitted or Controlled Activity which does not comply with Zone Standards, unless otherwise provided above.

7.3.6 NON-COMPLYING ACTIVITIES

7.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 7.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

7.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

7.4.1 The *Council* has reserved control over the following matters:

7.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the *amenity values* of the surrounding areas, including relevant *height*, bulk, colour, materials, and proposed *landscaping* treatment.
2. The visual effect of any activity in relation to its location, *site* boundaries, and topography.
3. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties.
4. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area.
5. The location and appearance of any signs associated with the activity.

7.4.1.2 Effects of the activity on adjoining sites

1. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise, and light spill.

7.4.1.3 Vehicle access and manoeuvrability

1. The design and location of vehicular access, on-site manoeuvrability, and whether vehicles can leave and enter the *site* safely.
2. The need for carparking, service lanes, and loading and unloading activities associated with the activity.

7.4.1.4 Historical, archaeological and cultural values and resources

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.

7.4.1.5 **Natural hazards**

1. The extent to which the activity may accentuate the adverse effects of natural hazards.
2. The susceptibility of the *site* to natural hazards and the measures implemented to mitigate the effects of natural hazards.

7.4.1.6 **Treatment of wastes produced on the site**

1. The programme for the treatment of any effluent and waste from the activity, including:
 - (a) A description of the composition of the effluent and waste.
 - (b) Whether the waste is to be treated on-site, or whether the activity will connect to *Council's* waste treatment networks.
 - (c) Treatment options for the waste.
 - (d) Preferred treatment option to be implemented.
 - (e) A description of the management of the effects from the waste produced by the activity.
 - (f) Pest control measures to prevent any additional threat to human health .
 - (g) Sealed containment of organic waste.

7.4.1.7 **Indigenous biodiversity and ecological value**

1. The degree to which the activity will adversely affect the indigenous biodiversity and ecological values of Huntress Creek sub-estuary and saltmarsh area.
2. The degree to which the activity will adversely affect *habitats* of acutely and chronically threatened species and 'originally rare' *ecosystems*.
3. The degree to which the activity will adversely affect extent and condition of rare and threatened vegetation/*ecosystem* types.
4. The ability to require 'like for like' and 'no net loss' *biodiversity* offsets/compensation or other mitigation.
5. The ability to require an assessment of indigenous *biodiversity* effects by a suitably qualified person.
6. Pest control measures to prevent any additional threat to the adjoining biodiversity areas

7.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

7.5.1 Council has restricted its discretion over the following matters:

7.5.1.2 **Activities that cannot comply with 7.6.2.2 (Setbacks from Roads)**

1. The adverse effects on the amenity of sites in terms of:

- a. Shadowing.
- b. Physical domination.
- c. Privacy.
- d. Lighting.

7.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

7.6.1 SITE REQUIREMENTS

7.6.1.1 Structure Plan

1. All activities shall be sited to be in general accordance with the Harbour Industrial Zone Structure Plan in Appendix 7.9.
2. No *buildings*, structures or hard surfaces shall be located within the ecological and cultural buffers.
3. The eastern ecological and cultural buffer area shall be 25m in width inland from *MHWS*.
4. The western ecological and cultural buffer shall include the land from *MHWS* to the toe of the stopbank at the river edge as identified on the Structure Plan.
5. The inland boundary of the ecological and cultural buffer shall be fenced to exclude vehicles and stock.
6. The ecological and cultural buffers shall be planted with coastal indigenous species sourced from the Ōpōtiki Ecological District. Weed and pest control shall be undertaken as part of the establishment and maintenance of the buffers.
7. Provision shall be made for pedestrian and cycle links through the site in accordance with the Structure Plan.
8. Non-compliance with this Rule shall be considered a Discretionary Activity.

7.6.1.2 Site coverage

No limit, subject to compliance with Zone Standards 7.5.2.1 and 7.5.2.2.

7.6.1.3 **Height**

1. The maximum *height* of *buildings* within the zone shall be 15m except within 5m of the ecological / cultural buffer where the maximum *height* of *buildings* shall be 9m.
2. Notwithstanding the definitions of *height* and *buildings*, aerials, lift towers, lighting poles, cranes, derricks, cargo stacking and lifting devices, conveyors, machinery rooms and flag poles are exempt from this Rule.

7.6.1.4 **Daylight protection**

No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary with a property in the Coastal Zone.

7.6.2 **YARDS**

7.6.2.1 **Separation from adjoining properties**

All *buildings* shall be set back a minimum of 7.5m from a boundary with the Coastal Zone.

7.6.2.2 **Building setbacks from roads**

All *buildings* shall be set back a minimum of 4.5m from the *road* boundary where the land opposite is not zoned Industrial.

7.6.3 **LANDSCAPING**

7.6.3.1 **Screening of storage areas**

Any area used for outdoor storage shall be screened from a public place other than a service lane, and from a Coastal Zone boundary.

7.6.3.2 **Visibility at intersections**

To protect sight distances at the intersection of *roads*, the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet) shall be kept clear of any obstruction over 1m in *height*. This restriction shall not apply to power poles or street lights.

7.6.3.3 **Screening of industrial activities from Coastal Zone sites**

Where a site is adjoining a Coastal zone site a screened buffer must be provided. This may be in the form of a shelter belt.

7.6.4 NOISE AND GLARE

7.6.4.2 Noise

1. All activities on a *site* shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within any other Harbour Industrial zone site. Provided that at the *notional boundary* of a *site* within the Coastal or Rural Zone the noise limits for the relevant Zone shall be complied with. These standards shall not apply to sirens used by *emergency services*.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Harbour Industrial Zone	75LAeq	70LAeq 80LAMax

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
3. Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.

7.6.4.3 Lighting and glare

All exterior security lighting shall be designed, installed, and maintained so that the light emitted does not overspill *site* boundaries or ecological / cultural buffer and cause light pollution, or cause distraction or glare which could affect traffic safety on adjacent *roads*.

7.6.4.4 Reflectivity

The exterior surfaces (including the roof) of any building shall have reflectivity values of between 0% and 37%

7.6.5 PARKING AND ACCESS

7.6.5.1 Parking and loading

Carparking and provision for loading shall be provided in relation to every activity whether new, extended or where the use is changed, as follows:

1. On-site carparking shall be as follows:

<i>Industrial activities</i>	1 space per 50m ² total floor area
<i>Accessory retail activities</i>	1 space per 20m ² total floor area
<i>Commercial activity</i>	1 space per 40m ² total floor area
<i>Service industries</i>	1 space per 50m ² total floor area
<i>Contractor's depots</i>	1 space per 50m ² total floor area

2. The dimensions and design standards are set out in Appendix 1
3. Provision shall be made for the loading spaces on-site, and at the rear of *sites*, in such a way that no footpath or *access* to adjoining properties is blocked.
2. No vehicle *access* shall be located within 15m of an intersection.

7.6.6 VEHICLE ENTRANCES

- 7.6.6.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4.

ADVICE NOTE:

Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

7.6.7 FLOOR LEVELS

- 7.6.7.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP (annual exceedance probability) event. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

7.6.8 FLOOD PROTECTION WORKS

- 7.6.8.1 Prior to any subdivision or development works being undertaken flood protection works shall be designed to ensure that flooding on land between the Harbour Industrial Zone and the State Highway is not exacerbated.

7.6.9 SIGNS

7.6.9.1 The following *signs* shall be permitted:

1. *Signs* located on *buildings* and free standing *signs* up to 4m² and 5m in *height*.
2. *Signs* visible from a State Highway that do not
 - a. Have reflective material or illumination that flashes or moves;
 - b. Obstruct or impair the view of any official traffic sign and signal, or limit the line of sight or any corner, bend, intersection or vehicle crossing
 - c. Physically obstruct or impede traffic or pedestrians
 - d. Resemble or be likely to be confused with any official traffic signs or signals and
 - e. Use support structures which are not frangible.

ADVICE NOTES:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

7.7 OTHER METHODS

7.7.1 Other methods for achieving the objectives and policies of this section are:

1. Information sharing and education through Bay of Plenty Regional Council and *Council's* association with industry.
2. Use of industry codes of practice to enable compliance with the Rules of The Plan.
3. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on existing *site* contamination, potential site contamination, and on adjoining activities that make use of hazardous substances.
4. Use Land information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
5. The use of *Council's* capital works programmes for street paving, street kerbing and channelling.
6. Use Land Information Memoranda to increase awareness of the need to obtain consents from Bay of Plenty Regional Council for discharges to air, land, and water.

7.8 EXPECTED ENVIRONMENTAL RESULTS

The environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A.** A harbour industrial area of the Ōpōtiki Township that accommodates a wide range of activities that efficiently support the aquaculture and fishing industries.

- B.** Conscientious management of activities within the Harbour Industrial Zone where adverse effects on adjoining and nearby properties are minimised.

7.9 APPENDIX

HARBOUR INDUSTRIAL ZONE STRUCTURE PLAN

