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20.0 PORT MANAGEMENT ZONES

20.1 Introduction

The Port Management Zones include the existing Port Gisborne and part of the site of the former meat processing works. The Cook Landing National Historic Reserve is also located within the Port Management Zones.

Port Gisborne is a regionally significant transport facility. A large percentage of the primary produce grown in the District is exported through the Port. So far during 1999 just under 700 000 tonnes of produce (logs and pulp logs, processed forestry products and other primary produce) has been shipped through Port Gisborne. It is projected that the cargo load will increase to approximately 1.3 million tonnes by the year 2007. The Port is an essential facility for the continued economic growth and wellbeing of the District.

The Plan seeks to ensure that a balance is found whereby the continued operation of the Port is enabled while ensuring that adverse effects on the environment are avoided, remedied or mitigated.

The primary purpose of the Port Management Zones is to provide for activities that have a direct relationship with the use of the Port by vessels. This includes the transport of goods into and out of the Gisborne District, the processing and storage of products which pass through the Port, and the storage of materials and equipment related to the operation of any marine based activities. A high level of integration across the jurisdictional boundary of the line of Mean High Water Springs is essential for the safe and efficient operation of the Port. This chapter of the combined Regional Land and District Plan should be read in conjunction with the Port Management section of the Regional Coastal Environment Plan.

20.2 Issues

20.2.1 Port Gisborne falls within the jurisdiction of both the Regional Coastal Environment Plan and the combined Regional Land and District Plan. It is a regionally significant transport and commercial operation with complex infrastructure and continuing development requirements. Sustainable management of the Port zones recognises the continued operation and development of the Port and associated infrastructure and services must be provided for, provided adverse environmental effects are avoided, remedied or mitigated

*Refer to the
Regional Coastal
Environment Plan.*

20.2.2 The Port is centrally located within the Gisborne urban area. Its operation is physically constrained by a limited land resource and this land needs to be sustainably managed to ensure the future economic and social wellbeing of the Gisborne District.

20.2.3 The Port is location bound and generates a range of effects. Landuses that are sensitive to these effects should be discouraged from locating in positions where they will have an adverse impact on the operation of the Port.

20.3 Objectives (Management of Port)

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| <ol style="list-style-type: none">1. Enable continued operation and development of the Port Management Zones recognising the importance of the port as a major regional transport facility.2. Recognise or provide for the operational needs of the Port while ensuring adverse effects of Port activities are avoided, remedied or mitigated. |
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| <p>3. Enable the utilisation of land within the Port Zone that is unsuitable to accommodate Port related activities provided that adverse effects of the introduced activity on the operation of the Port itself, on the sustainability of the city centre and on other landuses are avoided, remedied or mitigated.</p> |
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Principal reason (1-3): The port is a major regional transport facility. It contributes to the economic and social well being of the Gisborne District. Its operation and, development should be enabled provided the adverse environmental effects that are created can be avoided, remedied or mitigated.

The Port is location bound and does, as an activity, have adverse effects. It would be unwise to introduce sensitive activities into the area where they may be affected by existing adverse effects which have been lawfully created.

Consideration needs to be given to ensuring the continued vitality of the Inner Commercial zone, and its importance as a community and entertainment focal point.

20.4 Policies (Management of Port)

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| <p>1. Provide for Port and non Port related activities within the Port zone provided that:</p> <ul style="list-style-type: none">• non Port related activities do not have an adverse effect on the operation of the Port; <i>and</i>• that the effects of Port and non Port related activities on the environment can be avoided, remedied or mitigated; <i>and</i>• non Port related activities do not have any adverse effect on the sustainability of the city centre particularly the area zoned Inner Commercial. <p>2. In respect of residential areas surrounding the Port Management zone ensure that:</p> <ul style="list-style-type: none">• an adequate level of screening either by means of fencing or landscaping or a combination of both is provided to at least maintain the existing level of amenity;• the effects of noise on residential properties are avoided, remedied or mitigated primarily through the acoustic treatment of new dwellings, alterations or additions to habitable rooms of existing dwellings where this is necessary and appropriate. <p>3. In circumstances where parking cannot be provided in any Port Management zone Council in considering whether to grant consent or impose conditions on any resource consent or designation may:</p> <ul style="list-style-type: none">• waive, partially waive or accept a financial contribution in lieu of parking where:<ul style="list-style-type: none">* the provision of parking could lead to the loss of a structure listed on a heritage schedule;* the adaptive reuse of a heritage building would be precluded or the efficient use of a building could not be attained;* adequate on-site vehicle parking and manoeuvring areas are provided for all developments;* a financial contribution in lieu of parking will assist Council in purchasing suitable land within reasonable walking distance to an existing or proposed Council carpark;* the owner / developer has the ability to provide a suitable offsite alternative for parking;* the existing parking areas have the capacity to cope with the likely increased demand created by the activity; |
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Refer also to policies in Chapter 11 – Noise and Vibration.

Refer to 15.4 for parking requirements and contributions in lieu of parking.

Refer also to 3.11.2(2)(c) for parking dispensations for heritage items.

- * the volume of parking likely to be generated by the activity will not place a burden on available parking in the area;
 - * the peak demand of the activity does not coincide with the peak demand of surrounding activities;
 - * the nature of the topography of the site is such that parking cannot be provided;
 - * size of the lot;
 - * where the use does not generate the demand for the required parking or loading requirements.
- the creation of formation of on-site parking would contribute loss of visual amenity values, adopting measures to soften the external appearance of carparks and to prevent them from dominating the streetscape.
4. To ensure that whilst enabling the continued operation of the Port:
- the visual linkage between the landing place of Captain Cook, the waters of Poverty Bay and the outstanding landscape of Te Upoko o te Kuri a Paoa (Young Nick's Head) is preserved;
 - the visual amenity of the Cook "cone of vision" is maintained and enhanced;
 - the cultural symbolism of the Cook landing site is recognised and protected.

Refer to Urban Planning maps for Cook Cone of Vision.

Explanation (1): The purpose of the Port Zone must not be overlooked. It is acknowledged that the Port generates adverse effects but it is location bound and a certain level of effect needs to be tolerated. These effects should, however, be avoided, remedied or mitigated. The introduction of "non Port" related activities, if not carefully controlled could restrict the operation of the Port. The reverse sensitivity argument needs to be addressed if a host of non Port activities are encouraged to encroach on the Port space. The effects on any non Port activity needs to be assessed against the effect the activity could have on the operation of the Port, the sustainability of the city centre and on the environment.

There are still amenity issues that are required to be addressed in the Port specifically in relation to landscaping and noise. The historic location of the Port has unfortunately resulted in a number of residential properties being located on Port boundaries. Provision has been made in the proposed amended rules to provide some landscaping and fencing along these boundaries. There needs to be policy in place that ensures that when the permitted activity standard is not met that adequate policy exists against which an application for resource consent can be assessed. A 55 and 65dBA noise contour is proposed to surround the Port. Policy is required in respect of acoustic treatment of sensitive uses in these areas.

Explanation (2): Many of the activities envisaged in the Port Management Zones are of an industrial nature and while the operation of the Port should not be retarded satisfactory controls need to be in place to ensure that there is suitable screening between sensitive activities. Screening would assist as a remedial measure for noise control, glare and generally assist in avoiding, remedying or mitigating adverse effects. It is important to address the scale of structures on sensitive interfaces particularly residential to ensure that adverse effects such as shading and dominance are avoided, remedied or mitigated. Noise from Port operations has the potential to impact on adjoining residential areas with the consequent loss of amenity or in extreme cases potential adverse health effects.

Refer to Appendix 28 – Map of Noise Contours for the Port Management Zones.

Explanation (3): There are circumstances where the sustainable use of a building will require that the parking requirement be waived. This will only be done in circumstances where Council is confident that any adverse environmental effects can be avoided, remedied or mitigated.

Explanation (4): The Planning Tribunal in their decision of 26 October 1990 regarding the amendment to the operative District scheme stated that "the site is of prime historical significance. The visual relationship between the landing place, the waters of Poverty Bay and the headland of Young Nick's Head is of such importance that it is protected by and amenity yard described in the District Scheme as a "cone of vision". This policy seeks to protect these values.

The cone of vision is culturally symbolic as both a meeting place of the races and of the boundary between land and sea. These associations represent an essential quality of this place as an historic site. British explorers, arrived by sea, as Maori had done centuries before.

The links between this site and the sea therefore reflect an essential basis of New Zealand's history, and to sever these links would be a major loss of essential qualities of this site. The "cone of vision" also serves to protect the view of Young Nick's Head which is an outstanding landscape feature.

Principal reasons (1-4): This policy meets the requirements Section 5, 6(b), 6(c), 6(e), 7(c) and 7(f) of the Act.

20.5 Objectives (Access)

4. Recognition that within operational areas of the Port, continual access by the public to and along the coastal marine area margin may be inappropriate for public health and safety reasons.
5. Free, unhindered and safe vehicular and pedestrian access to the inner harbour area.

Principal reasons (4 and 5): Recent development at Port Gisborne has shown a trend toward recreational and social pursuits. The proposed construction of the boat ramp is likely to increase the use of the inner harbour area as access to the waterway will be improved. The provision of restaurants and wine bars on the quayside to the west of the Esplanade increases the amenity of the area. These pursuits do not contribute to the operation of the Port but rely on the atmosphere and nature of the Port for their commercial and functional viability. Such activities should be provided for as long as they do not interfere with the operational needs of the Port. It is however recognised that the Port is an operational facility and that the safety of the public may best be ensured by limiting access to operational areas.

20.6 Policies (Access)

5. To restrict public access to operational areas of the Port where public safety is at risk.
6. To enable the establishment of commercial and recreational activities within the inner harbour area provided that these activities do not affect the safe and efficient operation of the Port or have any environmental effects on adjoining land uses that cannot be avoided, remedied or mitigated.

Explanation (5 and 6): Port Gisborne is currently undergoing considerable development along lines experienced by many other New Zealand ports. Tourism and associated service industries have identified ports as having an atmosphere suitable for the entertainment market and a number of facilities ranging from marinas to boutique cafe and wine bars are being, or will be developed within the Port Management Zones. Such activities generate issues like car parking and safety issues which have the potential to interfere with the safe and efficient operation of the Port. They should be provided for so long as they do not create a situation where the primary purpose of the Port is compromised. Principal reason (5 and 6): This policy meets the requirements of Section 6(d), 7(c) and 7(f) of the Act.

20.7 Objective (Rail and Road Links)

6. Rail and road access within the Port Management Zones which avoids, remedies or mitigates adverse effects on the natural and physical environment.

Principal reason (6): Ports are regionally important facilities that assist communities to provide for their social, economic and cultural well being. Port Gisborne is the only major export port in the District. Port Gisborne exported 338 092 tonnes of goods (mainly wood products and fresh produce) through Port Gisborne in 1994. It is anticipated that this will increase to 2 162 300 tonnes by the year 2005 provided the growth in the forestry industry continues. The functional

efficiency of the Port is reliant on established supporting infrastructure. This plan must, therefore, recognise the existence of Port Gisborne and provide for its continuing operation.

There are, however, certain environmental implications for the continuation of Port Gisborne. The number of logging trucks entering the Port based on estimates provided by the Port Company is likely to increase to 500 trips per day once it is fully operational. It will be necessary to avoid, remedy or mitigate adverse effects to ensure that there is not a significant impact on the amenity of the area and that public safety is not jeopardised.

20.8 Policies (Rail and Road Links)

7. To locate, design and manage road and rail links to ensure safe and efficient flow of traffic while avoiding, remedying or mitigating adverse effects on the natural and physical environment particularly in respect of new roading and infrastructure.
8. To provide a defined road network to assist in the management of traffic in the Port Management Zones and its immediate roads.

Explanation and Principal reason (7 and 8): It is anticipated that the Port Company will require new roading within the Port Management Zones in order to improve access and traffic flows for heavy duty vehicles particularly logging trucks. The assessment of any new roading would need to consider the safety implications for bypassing traffic as the Port is located at a major access point to the urban area and the activity itself is a generator of vehicular traffic. There are also high pedestrian flows in the area and their safety must be provided for. The location of new roads must take into account the amenity values of residential areas and the need to protect residents from noise, vibration and air pollution. New roads should be located in such a way as not to attract non-residential traffic into residential areas. Road construction itself can result in substantial earthworks and these can impact on the environment. The concern would be primarily on the visual effects that any new roading would have on Titirangi and the reserve as well as the potential to impact on heritage features and archaeological sites.

The Port Management Zones is surrounded on its eastern side by the parts of Kaiti residential area. The residential roads were designed for low intensity traffic and have established special amenity value. There is potential for certain parts of these roads to be used for access to the rear areas of the Port Management Zones. This would place a burden on the roading infrastructure as it was never designed for high intensity use. In addition, the amenity values that exist would be placed under threat. A clearly defined road network would assist in the management of traffic within the Port Management Zones.

20.9 METHODS OF IMPLEMENTATION

20.9.1 Regulation

1. Zones
2. Rules
3. Amenity yards
4. Port Management and Development Plans

Principal reason (1): The Port Management Zones have been divided into areas - Zone A and Zone B, with the Cook "cone of vision" amenity yard in Zone B.

Refer to Urban and Rural Planning Maps for location of zones and amenity yards.

Zone A is the inner harbour basin and applies to that area containing the No 1, 2 and 3 sheds, the boat ramp and the historic three gabled freezing works building. This zone makes provision for non-port related activities such as recreation, cultural, community facilities, retail activities and restaurants. Existing port related activities defined in the permitted activity class for the General Port Management Areas will also be permitted. This area:

- is highly visible from the Central Business District;
- adjoins recreational and residential areas;
- has a high degree of cultural heritage value;
- has high recreational potential.

The type of activities that occur in this area need to be sensitive to the values identified above while taking into account that the Port is an essential operation for the social and economic wellbeing of the Gisborne District.

Zone B is the operational area of the port. It includes those areas adjacent to residentially zoned land. There is an expectation that amenity values for residential dwellers will, at least, be maintained. There is however the potential for the Port to have an impact on the residential dwellings at Kaiti Beach. Sensitive land uses include Titirangi, the “cone of vision” and the Cook Monument. It is envisaged that the adverse effects generated by the Port can be contained within this area and there should be limited impact on the environment. The Zone is of an industrial nature with Port activities interfacing with each other.

Principal reason (2): Rules are the principal means of obtaining compliance to ensure that the adverse effects of Port activities are avoided, remedied or mitigated.

Principal reason (3): An amenity yard, the Cook “cone of vision” is used to ensure the linkage between the landing place of Captain Cook, the waters of Poverty Bay and the outstanding landscape of Young Nick’s Head is preserved. It is symbolic in that it was a meeting place of the races and is also of course a meeting place of land and sea. That association is an essential quality of the place as an historic site. British explorers, arrived by sea, as Maori had done centuries before. The links between this site and the sea therefore reflect an essential basis of New Zealand’s history, and to sever these links would be a major loss of essential qualities of this site. The “cone of vision” also serves to protect the view of Young Nick’s Head which is an outstanding landscape feature.

*Refer to Urban Planning
Maps for Cook Cone of
Vision.*

The 1990 Planning Tribunal decision stated that “provided the placing of unconfined bulk materials including timber, woodchips, stone aggregate and fertiliser prior to shipment will also be permitted within the “cone of vision” until 1 October 2000 or until such earlier time as this district scheme is reviewed... Provided further that on any such review... seeking any continuation of the temporary uses permitted herein it shall be necessary for the need for such continuation to be established before such continuation shall be granted or approved or consented to”. The intent is to protect those identified values within the amenity yard while simultaneously allowing the continued operation of the port.

Principal Reason (4): In the event that the Port Company voluntarily elects to prepare a Port Management and Development plan which results in an environmental management strategy which is compatible with Council’s resource management objectives Council may, after due consideration include, parts of the resultant strategy in its Proposed Combined Regional Land and District Plan.

20.10 RULES FOR THE PORT MANAGEMENT ZONES

Note:

Activities shall comply, where relevant, with the regional or district rules specified in Chapter 3-Cultural Heritage, Chapter 6-Land, Chapter 9-Contaminated sites, Chapter 9A-Hazardous Substances, Chapter 10-Signs, and Chapter 12-Subdivision.

General Rules

The following General Rules shall apply to all permitted activities conducted in the Port Management Zones, where applicable:

20.10.1 All activities shall comply with rules specified in Chapter 8 – Infrastructure, Works and Services and Chapter 11-Noise and Vibration.

20.10.2 Lighting and Glare

- a) All exterior lighting shall be directed away from adjacent properties and roads so as to avoid any adverse glare effects on residential properties or roads.
- b) Any welding activities shall be screened so that they are not visible from residential, or reserve zones and roads.
- c) Activities shall not emit artificial lighting greater than:
 - i) 10 lux spill (horizontal and vertical) of light as measured at or within the boundary of any site zoned residential;
 - ii) 20 lux spill (horizontal and vertical) of light as measured at or within the boundary of any property zoned commercial.

20.10.3 Height

- a) Maximum height for any structure in Zone A: 12m

PROVIDED THAT

- i) structures do not include antennas and their supporting structures and network utility poles and streetlights;
 - ii) on any site having a common boundary with any land zoned residential or reserve, structures shall not project beyond a building envelope constructed by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.
- b) Maximum height for any structure in Zone B (excluding structures associated with essential port activities): 30m

*Refer to Appendix
21 – Recession Plane
Indicator.*

PROVIDED THAT

- i) structures adjoining land zoned reserve and structures to be constructed adjacent to the edge of the “cone of vision” shall not project beyond a recession plane comprising a vertical height on the boundary of 6m and an inclined plane extending from 6m above the ground away from the cone of vision at an angle of 45 degrees.
- ii) on any site having a common boundary with any land zoned residential or reserve, structures shall not project beyond a building envelope constructed

by recession planes from points 2.75m above site boundaries. The angle of such recession planes shall be determined for each site by use of the recession plane indicator.

20.10.4 Yard Distances

Yards are only required where the site adjoins:

- a) a road adjacent to a residential zone): 4.5m
- b) the Hirini Street Cemetery: 3.0m

20.10.5 Parking

- a) Refer to Chapter 15-Parking for details of contributions in lieu of parking in the Port Management Zone A.

*Refer to Chapter
15.4.2.*

20.10.6 Fencing-Cook “Cone of Vision”

- a) Security fencing shall not be located closer than 65m to the south-western boundary of the Cook Memorial Reserve (described as Lot 1 DP7903 and Lot 57 DP 7819).
- b) Fences shall be constructed of open wire mesh with steel poles of 100mm diameter and shall be no higher than 2.4 metres.
- c) No structures shall be erected within or protrude in to the Zone identified as the “Cone of Vision” in the Plan.

20.10.7 Radiofrequency Radiation

- a) All activities shall comply with the New Zealand Standard NZS2772.1 (1999) Radiofrequency Fields: Part 1 Maximum Exposure Levels - 3KHz - 300GHz and with NZS 6609.2:1990 - Radiofrequency radiation: Part 2: Principles and Methods of Measurements 300khz to 100ghz or any subsequent replacement national standard for either of these standards.
- b) All network utility activities shall comply with the International Commission on Non-ionizing Radiation Protection (ICNIRP) Guidelines (1990) and any subsequent replacement guidelines or standards

*Refer to Urban Planning
Maps for Cook Cone of
Vision.*

20.10.8 Landscaping

- a) The landscaping rules for yards shall apply in respect of any new development or any extension to an existing development comprising a total floor area of 100m² or greater.
- b) With respect to landscaping rules for yards, the rule may be modified or waived at the request of the owner of the affected adjoining site provided that copies of the site plan, elevations and landscaping plan which have been sighted by both the adjoining owner and the owner of the industrial site are deposited with the Council.
- c) Detailed landscaping plans and a maintenance schedule covering a two year period after planting shall accompany all Discretionary and Non-complying consent applications.
- d) All sites separated from residentially zoned land by a roadway, shall be planted along the entire frontage. Planting shall comprise a mix of trees, shrubs and ground cover contiguous to and to a minimum depth of 2 metres measured from the road boundary, exclusive of vehicular accessways.

- e) A two metre high solidly clad fence shall be provided and maintained along all boundaries adjoining residentially zoned land (except where separated by a road). All sites shall be planted along the entire boundary. Planting shall comprise a mix of trees, shrubs and ground cover contiguous to and to a minimum depth of 2 metres measured from the residential property boundary

20.11 PORT MANAGEMENT ZONE A

20.11.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Rules:

The construction of wharves, breakwaters and seawalls depending on the nature of the structure may fall partly within the Coastal Marine Area. Refer to the Regional Coastal Environment Plan.

20.11.1.1 Construction, maintenance, repair and use of port operational facilities, including wharves, breakwaters and seawalls

20.11.1.2 Construction, use and maintenance of navigational aids and equipment

20.11.1.3 Roadways, footpaths and railway lines

20.11.1.4 Commercial fishing activities including maintenance and repair of commercial fishing equipment

20.11.1.5 Cargo loading and unloading

20.11.1.6 Retail including restaurants and outlets for the sale of food (including licensed facilities)

20.11.1.7 Offices

20.11.1.8 Hotels and motels and other visitor accommodation

20.11.1.9 Recreational activities and clubrooms

20.11.1.10 \ Community facilities

20.11.1.11 Educational facilities

20.11.1.12 Installation or alteration of, antennas and supporting structures (other than network utility activities)

Refer to Chapter 24 – Definitions of Network Utility and Utility Structure.

20.11.1.13 Service stations and the storage and sale of LPG

20.11.1.14 Any other activities not specifically provided for in any other rule in the Plan

20.11.1.15 Meteorological activities

Provided that:

- a) Associated structures shall have a ground coverage of 50m² or less; and have a height not exceeding 15 metres;
- b) Site area shall be 500m² or less.

Refer to Chapter 8 for rules relating to network utilities.

20.11.1.16 Temporary activities

Provided that:

- a) The activity shall be exempt from all the General Rules except noise.

- b) The activity shall comply with rules for noise specified in Rule 11.13.3 (Table 8).
- c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.
- d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.
- e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.

Note:

Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety, can be obtained from the Environmental Health and Building Inspectorates of Council.

20.11.2 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

20.11.2.1 Activities which do not comply with the rules for Permitted activities in respect of:

- a) **Noise and vibration**
- b) **Lighting and glare**
- c) **Height**
- d) **Yards**
- e) **Infrastructure, Works and Services**
- f) **Landscaping**
- g) **Duration, frequency and hours of operation of the activity**

Council shall restrict its discretion to matters a) – g) specified below:

- a) Amenity values including shading
- b) Health and safety
- c) Landscaping, fencing and walling
- d) Parking & access, including alternative sites, volumes, existing areas
- e) Heritage values in the heritage alter layer
- f) Financial contributions
- g) Infrastructure, Works and Services

In determining an application for resource consent Council shall restrict its discretion to only matters associated with conditions a) – f) above which are unable to be complied with.

20.11.2.2 Light industrial activities, transfer stations and recycling depots

Council shall restrict its discretion to matters a) - f) specified below:

- a) Amenity values including shading
- b) Health and safety
- c) Landscaping, fencing and walling

- d) Parking and access, including alternative sites, volumes, existing areas
- e) Heritage values in the heritage alter layer
- f) Financial contributions

20.11.3 Discretionary Activities

The following activities shall be discretionary activities:

- 20.11.3.1 Activities listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary activities**
- 20.11.3.2 Log debarking, bundling and chipping**
- 20.11.3.3 Industrial activities**
- 20.11.3.4 Open storage, bulk storage and storage facilities including storage for wood and wood products**
- 20.11.3.5 New roading**
- 20.11.3.6 Irradiation plants**

20.11.4 Non Complying Activities

The following activities shall be non-complying activities:

- 20.11.4.1 Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities**

20.12 PORT MANAGEMENT ZONE B (excluding the Cook “Cone of Vision”)

20.12.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the general rules:

20.12.1.1 Any activities not specifically provided for in any other rule in the Plan

20.12.1.2 Installation or alteration of antennas and supporting structures (other than network utility activities)

Refer to Chapter 24 – definition of network utility and utility structure.

Provided that:

- a) Structures adjoining land zoned reserve, constructed adjacent to the edge of the “cone of vision” shall not project beyond a recession plane comprising a vertical height on the boundary of 6m; and an inclined plane extending from 6m above the ground away from the cone of vision at an angle of 45 degrees.

Refer to Chapter 8 for rules relating to network utilities.

20.12.1.3 Meteorological activities

Provided that:

- a) Associated structures shall have a ground coverage of 50m² or less; and have a height not exceeding 15 metres;
- b) Site area shall be 500m² or less.

20.12.1.4 Temporary activities

Provided that:

- a) The activity shall be exempt from all the General Rules except noise.
- b) The activity shall comply with rules for noise specified in Rule 11.13.3 (Table 8).
- c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.
- d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.
- e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.

Note:

Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety, can be obtained from the Environmental Health and Building Inspectorates of Council.

20.12.2 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

20.12.2.1 Activities listed as Permitted which do not comply with the rules in respect of:

- a) **Noise and vibration**
- b) **Lighting and glare**
- c) **Height**
- d) **Yards**
- e) **Infrastructure, works and services**
- f) **Duration, frequency and hours of operation of the activity**

Council shall restrict its discretion to the matters a) – e) specified below:

- a) Amenity values on residential, reserve or commercial land
- b) Health and safety
- c) Traffic flow and traffic safety
- d) Infrastructure, works and services
- e) Financial contributions

In determining an application for resource consent Council shall restrict its discretion to only matters associated with conditions a) - f) above which are unable to be complied with.

20.12.3 Discretionary Activities

The following activities shall be discretionary activities:

20.12.3.1 Activities listed as Permitted which do not comply with the rules, and are not provided for as Restricted Discretionary activities

20.12.3.2 Noise sensitive activities

20.12.3.3 New roading

20.12.3.4 Irradiation plants

20.12.3.5 The erection of any noise sensitive activities within the 65dBA Inner Noise Control Boundary for the Port of Gisborne

20.12.3.6 Activities which are not provided for as Permitted or Restricted Discretionary activities

20.12.3.7 Retail activities

*Refer to Appendix 28 –
Map of Noise Contours for
the Port Management
zones.*

20.13 COOK “CONE OF VISION”

20.13.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the general rules:

- 20.13.1.1 Use and maintenance of breakwaters, breastworks, wharves and training walls (excluding all buildings and structures not otherwise provided for below)**
- 20.13.1.2 Laying down, construction, use and maintenance of roads, footpaths and railway lines and reserves but excluding formal parking areas**
- 20.13.1.3 Aids, lights and equipment required for navigation**
Provided that:
 - a) The location is necessary and essential for safety.
- 20.13.1.4 Ship manoeuvring and berthing**
- 20.13.1.5 Fencing**
- 20.13.1.6 Loading, unloading and provisioning of vessels including:**
 - a) temporary use of mobile cranes and mobile loading and unloading equipment
 - b) cargo aggregation and disaggregation associated with immediate ship loading and unloading

20.13.2 Restricted Discretionary Activities

The following activities shall be restricted discretionary activities:

- 20.13.2.1 Activities listed as Permitted which do not comply with the rules in respect of:**
 - a) **Noise and vibration**
 - b) **Lighting and glare**
 - c) **Yards**
 - d) **Infrastructure, works and services**

Council shall restrict its discretion to the matters a) – h) specified below:

 - a) Visual amenity
 - b) Cultural symbolism
 - c) Visual linkages
 - d) Visual amenity on residential, reserve or land
 - e) Health and safety
 - f) Traffic flow, traffic safety, access and safety
 - g) Infrastructure, works and services

h) Financial contributions

In determining an application for resource consent Council shall restrict its discretion to only matters associated with conditions a) - d) above which are unable to be complied with.

20.13.3 Discretionary Activities

The following activities shall be discretionary activities:

20.13.3.1 Activities listed as Permitted activities which do not comply with the rules, and are not provided for as Restricted Discretionary activities

20.13.4 Non Complying Activities

The following activities shall be non-complying activities:

20.13.4.1 Activities which are not provided for as Permitted, Restricted Discretionary or Discretionary activities

20.14 ANTICIPATED ENVIRONMENTAL RESULTS

- a) Enabling the continued operation of the Port while ensuring that the adverse effects created by the Port are avoided, remedied or mitigated
- b) Maintenance of amenity values of residential properties adjoining the Port Management Zones.
- c) Enable a wide variety of activities in the Port Management Zones provided health and safety are not compromised.
- d) Protection of significant natural features adjacent to the Port Management Zone from visually intrusive development.
- e) Provision of public access provided that health and safety are not compromised.