



12.8.3

**SPECIAL 3 (GULF HARBOUR MARINA SERVICES) ZONE**

12.8.3.1

**Zone Issues, Objectives, Policies and Description**

12.8.3.1.1

**Issues**

Refer to section 12.2.

12.8.3.1.2

**Objectives**

*Objective*

12.8.3.1.2.1

To enable the operation of a boat harbour.

*Objective*

12.8.3.1.2.2

To avoid, remedy or mitigate the adverse effects of activities occurring on the boat harbour site, on adjoining sites.

*Objectives from other chapters*

Readers should note that Objectives from the following chapters are also relevant:

*Chapter 5 - Natural Hazards*

*Chapter 17 - Cultural Heritage*

*Chapter 18 - Urban Land Modification and Vegetation Protection*

*Chapter 19 - Utilities*

*Chapter 20 - Hazardous Substances and Contaminated Sites*

*Chapter 21 - Transportation and Access*

*Chapter 22 - Financial Contributions and Works*

*Chapter 23 - Subdivision and Servicing*

12.8.3.1.3

**Policies**

*Policy*

12.8.3.1.3.1

Activities within the Zone should be sited and designed so that adverse effects on the amenity values of adjoining sites are avoided, remedied and mitigated.

*(This policy seeks to achieve Objective 12.8.3.1.2.2)*

*Policy*

12.8.3.1.3.2

Activities should not prevent public access to the water.

*(This policy seeks to achieve Objective 12.8.3.1.2.2)* [Decision Report 2007]

*Policy*

12.8.3.1.3.3

Activities should not be accessed off the marina access road.

*(This policy seeks to achieve Objective 12.8.3.1.2.2)*





Policy  
12.8.3.1.3.4

Policies from the following chapters are also relevant:

- Chapter 5 - Natural Hazards
- Chapter 17 - Cultural Heritage
- Chapter 18 - Urban Land Modification and Vegetation Protection
- Chapter 19 - Utilities
- Chapter 20 - Hazardous Substances and Contaminated Sites
- Chapter 21 - Transportation and Access
- Chapter 22 - Financial Contributions and Works
- Chapter 23 - Subdivision and Servicing

**Explanation and Reasons**

*This explanation and reasons relate to Policies 12.8.3.1.3.1 to 12.8.3.1.3.3.*

*These policies are intended to ensure that the amenity values of adjoining sites are not adversely affected. It is also important to ensure that the activities on the site do not prevent public access to the coast, which is a matter of national importance. Access to sites from the marina access road is limited to avoid adverse traffic effects on the road and to maintain traffic safety.*

12.8.3.1.4

**Description**

This Zone applies to the area at Hobbs Bay which is authorised by the Rodney County Council (Gulf Harbour) Vesting and Empowering Act 1977, to be reclaimed and developed for the purpose of a boat harbour. The area includes Hobbs Bay and is adjacent to the land which is being developed for residential and ancillary purposes.

**Rule 12.8.3.2**

**Activity Rules**

Rule 12.8.3.2.1

Activities in the Special 3 (Gulf Harbour Marine Services) Zone shall comply with the following:

- (a) All Permitted and Controlled Activities in the Activity Table in Rule 12.8.3.2.2 shall comply with the Rule 12.8.3.3 Development Controls and Performance Standards and any other relevant Rule in the Plan.
- (b) All Controlled Activities in the Activity Table in Rule 12.8.3.2.2 will be assessed against the criteria set out in 12.8.3.4.
- (c) All Discretionary Activities in the Activity Table in Rule 12.8.3.2.2 will be assessed against the criteria set out in 12.8.3.6 Discretionary Activities: Assessment Criteria, any other relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters in section 104 of the Act.





Rule 12.8.3.2.2  
Activity Table

**Activity Table**

In the following table:

- P = Permitted Activity**
- C = Controlled Activity**
- D = Discretionary Activity**
- NC = Non-complying Activity**

**Note: Words in Capitals are defined in Chapter 3 - Definitions**

| ACTIVITY   | ACTIVITY STATUS |
|--|-----------------|
| Any Permitted or Controlled Activity in this Table which does not comply with the Development Controls and Performance Standards in Rule 12.8.3.3. | <b>D</b>        |
| Any Activity not listed in this Activity Table   | <b>NC</b>       |
| The ERECTION, addition to or alteration of BUILDINGS and ACCESSORY BUILDINGS for Permitted and Controlled Activities.                              | <b>C</b>        |
| The ERECTION, addition to an alteration of BUILDINGS   | <b>D</b>        |
| The DEMOLITION or removal of BUILDINGS except those protected by a Rule in this Plan   | <b>P</b>        |
| Any Controlled Activity which does not involve the erection of buildings or any other development works.   | <b>P</b>        |
| Car, trailer and BOAT parking.   | <b>C</b>        |
| Facilities for the hire of BOATS and sailing schools.  | <b>C</b>        |
| HEALTH AND WELFARE SERVICES  | <b>C</b>        |
| Heliport   | <b>D</b>        |
| HOUSEHOLD UNITS for the accommodation of employees whose duties require them to live on the premises.  | <b>C</b>        |





|  |   |
|--|---|
|  |   |
| HOUSEHOLD UNITS which are not a Controlled Activity  | <b>D</b>  |
| Locker and storage facilities for BOATS.   | <b>C</b>  |
| Manufacture or construction of BOATS and boating equipment.  | <b>C</b>  |
| MARINA berthage and the mooring of BOATS, including facilities for the launching and retrieval of BOATS and for the loading and unloading of passengers. | <b>P</b>  |
| Offices associated with the MARINA, including offices for the sale, lease or hire of BOATS.  | <b>C</b>  |
| PLACES OF ASSEMBLY   | <b>C</b>  |
| RESERVES   | <b>P</b>  |
| RESTAURANTS and TAKEAWAY FOOD BARS   | <b>C</b>  |
| Sale of fuels and lubricants for BOATS.  | <b>C</b>  |
| Servicing, maintenance and repair of BOATS.  | <b>C</b>  |
| SHOPS for the sale of goods or services associated with BOATS.   | <b>C</b>  |
| VISITOR ACCOMMODATION  | <b>C</b>  |
| District Wide Activities   | <b>See Chapter 16 - General Rules</b>                                     |
| EARTHWORKS and Vegetation and WETLAND MODIFICATION Activities.   | <b>See Chapter 18 - Urban Land Modification and Vegetation Protection</b> |





|   |   |
|---|---|
| Transport Activities                    | See Chapter 21 -<br>Transportation and<br>Access                      |
| Use and Storage of HAZARDOUS SUBSTANCES | See Chapter 20 -<br>Hazardous Substances<br>and Contaminated<br>Sites |
| UTILITIES                               | See Chapter 19 -<br>Utilities   |

**Rule 12.8.3.3**

**Development Controls and Performance Standards**

**Rule 12.8.3.3.1  
Height**

**Maximum Height and Height in Relation to Boundary**

- (a) The maximum height of any building shall not exceed 12 metres.
- (b) No part of any building shall exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and any site boundary, where that boundary is adjacent to a Residential or Open Space Zone.

**Rule 12.8.3.3.2  
Yards**

**Yards**

The following minimum yards shall apply:

- (a) Foreshore yards and front yard - Nil.
- (b) Side and rear yards
  - (i) Boundaries adjoining a Residential or Open Space Zone - 3.6m
  - (ii) Otherwise Nil

**Rule 12.8.3.3.3  
Use of Yards**

**Use of Yards**

- (a) Yards shall be unoccupied and unobstructed by any buildings, parts of buildings, decks, terraces, or steps, **except** that eaves may overhang any yard by not more than 0.3 metres.

**Explanation and Reasons**

*This explanation and reasons relate to Rules 12.8.3.3.1 to 12.8.3.3.3.*

*These Rules are intended to ensure that the amenity values of adjoining sites are not adversely affected, by providing a degree of separation between the activities on the site and adjoining residential areas, and ensuring that the buffer areas are kept and used in a manner which does not detract from the amenity values of the adjoining sites.*



Rule 12.8.3.3.4  
**Rules in Other Chapters of the Plan**

**Rules in Other Chapters of the Plan**

Relevant rules in other chapters of the Plan shall also be complied with.

*Chapter 16 - General Rules, except that Rule 16.9 shall apply as if this Zone was a Mixed Business Zone.*

*Chapter 17 - Cultural Heritage*

*Chapter 18 - Urban Land Modification and Vegetation Protection*

*Chapter 19 - Utilities*

*Chapter 20 - Hazardous Substances and Contaminated Sites*

*Chapter 21 - Transportation and Access*

*Chapter 22 - Financial Contributions and Works*

*Chapter 23 - Subdivision and Servicing*

Rule 12.8.3.4

**Controlled Activities: Matters for Control and Assessment Criteria**

In accordance with section 76(3A) of the Act, the Council will limit its control to the matters listed when considering resource consent applications for Controlled Activities.

Rule 12.8.3.4.1  
**Matters for Control**

**Matters for Control**

The Council will limit its control to the following matters:

- (a) Design and external appearance of buildings and structures and parking and boat storage areas.
- (b) Public access to the water.

12.8.3.4.2  
**Assessment Criteria**

**Assessment Criteria**

When considering an application the Council will have regard to the following criteria:

*Appearance of buildings*

- (a) Whether the appearance of buildings and structures as viewed from the water or from adjacent land, is compatible with the general character of the locality and other development on the site.
- (b) Whether the design and appearance of buildings and structures does not adversely affect amenity values of land in the vicinity of the site, in particular the visual amenity enjoyed by sites within the residential zones.

*Landscaping*

- (c) Whether there is landscaping of the area and the effective screening of parking areas, boat storage areas and outside storage or service areas.

*Public access to water*

- (d) Whether there is provision of public access to the water.

**Explanation and Reasons**

*The activities which are Controlled could have an adverse effect on the amenity values of adjoining sites. The matters for control will enable the potential effects to be considered and conditions put in place to address them. It is also important to ensure that the activities do not limit public access to the water.*



Rule 12.8.3.5

**Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria**

There are no Restricted Discretionary Activities in this Zone other than the subdivision of land (see Rule 12.8.3.7).

12.8.3.6

**Discretionary Activities: Assessment Criteria**

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in the Special 3 Zone, the Council will have regard to the following Assessment Criteria and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act:

Refer to the relevant Assessment Criteria in section 12.9.

Rule 12.8.3.7

**Subdivision**

Rule 12.8.3.7.1

The subdivision of land in this Zone is a Restricted Discretionary Activity.

Rule 12.8.3.7.2  
**Development Controls**

**Development Controls**

- (a) Each site shall be able to obtain adequate physical access for vehicles to a formed road.
- (b) An amenity planting area shall be provided along the margins of the marina access road.
- (c) No frontage for business activities shall be provided to the marina access road, and access to sites from the marina access road shall be limited to entrances existing on 17 September 1998.

**Explanation and Reasons**

*These Rules are to ensure that safe access is provided and that a high standard of visual amenity will be achieved.*

Rule 12.8.3.7.3  
**Rules in Other Chapters of the Plan**

**Rules in Other Chapters of the Plan**

Rules in *Chapter 23 - Subdivision and Servicing* shall also be complied with.

Rule 12.8.3.7.4  
**Restricted Discretionary Activities**

**Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria; Subdivision**

In accordance with sections 76 (3B) and 105 (3A) the Council will restrict its discretion to the matters listed in addition to the matters set out in *Chapter 23 - Subdivision and Servicing*, when considering resource consent applications for Restricted Discretionary Activities.

Rule 12.8.3.7.4.1  
**Matters for Discretion**

**Matters for Discretion**

The Council will restrict its discretion to the following matters:

- (a) Design and layout of the subdivision.



12.8.3.7.4.2

**Assessment Criteria**

*Comprehensive development*

*Site size and shape*

**Assessment Criteria**

When considering an application the Council will have regard to the following assessment criteria:

- (a) Whether the subdivision secures, or protects the comprehensive and integrated development of the whole of the land in the Zone.
- (b) Whether any site to be created is of such a size and shape that it will accommodate the intended activity and/or enable the erection of buildings in accordance with the bulk and location Rules for the Zone.

***Explanation and Reasons***

*It is important to ensure that sites are created which can be developed for the uses intended.*

