

16. INDUSTRIAL ZONE

16.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Industrial Zone provided activities comply with all relevant conditions in Rule 16.6 and Chapters 21, 22, 23 and 24.

- (a) Industrial activities.
- (b) Wholesale Trade (including building supplies).
- (c) Vehicle service stations.
- (d) Commercial garages.
- (e) Motor vehicle sales yards and premises for vehicle hire.
- (f) Residential accommodation ancillary to, and necessary for, the operation of any permitted activity.
- (g) Veterinary clinics.
- (h) Activities servicing the needs of persons engaged within the zone and including canteens, cafes, dining rooms, recreational facilities and activities.
- (i) Open space.
- (j) Community activities.
- (k) Relocated buildings up to and including 40m² in gross floor area.
- (l) The construction, alteration of, and addition to, and demolition of buildings and structures for any permitted activity.
- (m) The following types of signs:
 - (i) Advertising signs, including public facility or information signs identifying a building, property or business.
 - (ii) Remote advertising signs.
 - (iii) Official signs.
 - (iv) Temporary signs.
 - (v) Signs advertising sale or auction of land or premises.
 - (vi) Health and safety signs.
- (n) The following network utilities and energy activities:
 - (i) The construction, operation, maintenance and upgrading of network utilities.

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- (ii) Domestic scale renewable energy devices.
- (o) Within the Flood Hazard Overlay Areas only the following activities:
 - (i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf supervised by of Horizons Regional Council.
 - (ii) Maintenance or minor upgrading of existing network utilities.
 - (iii) Installation of underground network utilities.
 - (iv) New above ground lines including support poles.
 - (v) New network utility masts.
 - (vi) New network utility cabinets/buildings.

Notes:

- For the definitions of 'maintenance' and 'minor upgrading' refer to Rules 22.1.10(a) and (c) in relation to existing network utilities.
- Refer to rules in Horizons Regional Council's Proposed One Plan relating to activities in the bed of lakes and rivers, for land adjacent to rivers ~~zoned for river and flood control~~, all land use activities in the coastal marine area, coastal foredunes, areas with flood control and drainage schemes, and erosion protection works that cross or adjoin mean high water springs.
- (p) Where a building or structure is listed in Schedule 2 – Historic Heritage, the following are permitted activities:
 - (i) The maintenance, redecoration and repair of the interior and exterior of a Group 1 or 2 building or structure.
 - (ii) Internal alteration of a Group 2 building.
- (q) Where a site is listed in Schedule 2 – Historic Heritage, the following are permitted activities:
 - (i) Maintenance and repair of existing lawns, gardens, structures (including fences), buildings and signage on any site.
 - (ii) Removal of vegetation on any site.
- (r) Where a tree is listed in Schedule 3 – Notable Trees the following are permitted activities:
 - (i) The removal or partial removal of a Notable Tree.
 - (ii) Any activities within the drip line of a Notable Tree.
 - (iii) Any trimming and maintenance of a Notable Tree.

Note: The above activities must comply with all Conditions for Permitted Activities specified in Rule 16.6.21.

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- (s) Temporary activities.
- (t) Temporary military training activities.
- (u) The above list of permitted activities do not apply to the Stevensons Structural Engineers site being all the land zoned Industrial on Karaka Street and State Highway 57, Tokomaru, comprising a total of 1.8593 hectares. (Refer Rule 16.2(h))
- (v) Earthworks (Refer to Rule 16.4(f)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure and Rule 16.4(g)(ii) Earthworks within a site that is listed in Schedule 2 - Historic Heritage).
- (w) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.

National Environmental Standards:

- For any activities on contaminated or potentially contaminated land, refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
- For any Telecommunication or Radiocommunication facilities / activities that are located within a legal road reserve, refer to the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.
- For any activities involving the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation, refer to the National Environmental Standards for Electricity Transmission Activities Regulations 2009. The regulations contain a separate code of rules for those activities listed. Except as provided for by the regulation, no rules in this Plan apply to such activities.

16.2 CONTROLLED ACTIVITIES

The following activities shall be controlled activities in the Industrial Zone provided activities comply with all relevant conditions in Rule 16.7 and Chapters 21, 22, 23 and 24. Refer to Rule 16.7 for matters of control and conditions:

- (a) Any subdivision of land, except within the Tararua Road Growth Area Overlay. (Refer Rule 16.7.1)
- (b) Any boundary adjustment subdivision within the Flood Hazard Overlay Area. (Refer Rule 16.7.2)
- (c) The placement of any Relocated building on any site. (Refer Rule 16.7.3)
Except
Any relocated buildings up to and including 40m² in gross floor area.
- (d) Earthquake strengthening of any Group 2 building listed in Schedule 2 - Historic Heritage. (Refer Rule 16.7.4)

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- (e) Any temporary filming activity that does not comply with the permitted activity duration condition in Rule 16.6.23(b)(i). (Refer Rule 16.7.5)
 - (f) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 16.6.24. (Refer Rule 16.7.6)
 - (g) Within the Tararua Road Growth Area Overlay, all activities identified in Rule 16.1 shall be controlled activities subject to complying with the conditions in Rule 16.6 ~~(apart from Rule 16.6.2(a)(ii)) and complying with conditions in~~ Rule 16.7.7. (Refer Rule 16.7.7)
 - (h) Activities and buildings associated with steel fabrication including the cutting, drilling and welding of steel; industrial processes associated with manipulation and manufacture of steel products including sandblasting and the application of protective coatings; engineering and draftsman work associated with the design and manufacture of structural steel and all ancillary activities connected with primary activities specified above on the Stevensons Structural Engineers site being all the land zoned Industrial on Karaka Street and State Highway 57, Tokomaru, comprising a total of 1.8593 hectares. (Refer Rule 16.7.8)
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16.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities shall be restricted discretionary activities in the Industrial Zone provided activities comply with all relevant conditions in Rule 16.8. Refer to Rule 16.8 for matters of discretion and conditions:

- (a) Any permitted activity which does not comply with any condition in Rule 16.6 and Chapters 21, 22, 23 and 24 of this District Plan shall be a restricted discretionary activity. (Refer Rule 16.8.1)
- (b) Any controlled activity which does not comply with any condition in Rule 16.7 shall be a restricted discretionary activity. (Refer Rule 16.8.2)
- (c) Any permitted activity within a Flood Hazard Overlay Area that does not comply with the permitted activity standards in Rule 16.6.20. (Refer Rule 16.8.3)
- (d) Any subdivision of land within the Tararua Road Growth Area Overlay. (Refer Rule 16.8.5)
- (e) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Refer Rule 16.8.6)
- (f) Any signs attached to, or within the heritage setting of, a building, structure or site listed in Schedule 2 – Historic Heritage that do not comply with the relevant permitted activity conditions. (Refer Rule 16.8.7)

Note: Refer to Chapter 25 for Assessment Criteria as a guide for preparing an assessment of environmental effects to accompany a resource consent application for any of the above activities.

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16.4 DISCRETIONARY ACTIVITIES

The following activities shall be discretionary activities in the Industrial Zone:

- (a) Any activity that is not a permitted, controlled, restricted discretionary activity or a non-complying activity is a discretionary activity.
- (b) Retail activities.
- (c) Residential activities, except residential activities provided for Rule 16.1(f).
- (d) Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV.
- (e) Any activity within the Flood Hazard Overlay Area that is not listed as a permitted or restricted discretionary activity, including but not limited to the following:
 - (i) Any erection, placement, alteration of, or addition to, any habitable building or structure.
 - (ii) Any new network utilities (except installation of underground network utilities, above ground lines, network utility masts, and network utility cabinets/buildings which are a permitted activity under Rule 16.1(j)).
 - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 16.2(b)).
 - (iv) Any activity involving storage of hazardous substances.
 - (v) Visitor accommodation.
- (f) Where a building or structure is listed in Schedule 2 – Historic Heritage, the following are discretionary activities:
 - (i) Alteration to, or relocation of, a Group 1 or 2 building or structure.
 - (ii) Demolition of a Group 2 building or structure.
 - (iii) Subdivision within the heritage setting of a Group 1 or 2 building or structure.
 - (iv) New building or additions to an unlisted building located within the heritage setting of a Group 1 or 2 building or structure.
 - (v) Earthworks within the heritage setting of a Group 1 or 2 building or structure.
- (g) Where a site is listed in Schedule 2 – Historic Heritage, the following are discretionary activities:
 - (i) New building or the extension of the footprint of an existing building or structure on a site.
 - (ii) Earthworks.
 - (iii) Subdivision of land.

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- (h) Any permitted work to a listed tree in Schedule 3 - Notable Trees, or any activity within the drip line of a listed Notable Tree, that does not comply with the permitted activity conditions in Rule 16.6.21.
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16.5 NON-COMPLYING ACTIVITIES

The following activities shall be non-complying activities in the Industrial Zone:

- (a) Demolition or destruction of a Group 1 building or structure or a site listed in Schedule 2 – Historic Heritage.
- (b) Any heavy industrial activity listed in Schedule 13 within the Tararua Road Growth Area Overlay, Low Impact Industrial Area (Schedule 5).
- (c) Any new access to State Highway 57 within the Tararua Road Growth Area Overlay.
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16.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

16.6.1 Maximum Building Height

- (a) No part of any building shall exceed a height of 12 metres.
- (b) Within the Low Impact Industrial Area of the Tararua Road Growth Area Structure Plan, no part of any building shall exceed a height of 10 metres.

16.6.2 Sites Adjoining Residential Zone, Greenbelt Residential Zone, Open Space Zone or Rural Zone

- (a) Where a site adjoins the Residential Zone, Greenbelt Residential Zone, Open Space Zone or Rural Zone, the following conditions shall apply:
- (i) All buildings and structures adjoining either the Residential Zone, Greenbelt Residential Zone, Open Space Zone or Rural Zone shall comply with the daylight setback envelope of the Residential Zone.
- (ii) All buildings and structures shall be setback 4.5 metres from the Residential Zone boundary, Greenbelt Residential Zone boundary, Open Space Zone boundary or Rural Zone boundary.
- (iii) All buildings, outdoor carparking, storage, servicing and loading areas shall be screened by a close-boarded fence made of solid material with a minimum height of 1.2 metres and a maximum height of 2metres.

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16.6.3 Sites with Frontage to State Highway 1

- (a) No building shall be located closer than 10 metres from the State Highway 1 (Oxford Street, or Main Road South, Levin, and Johnston Street and Russell Street, Foxton) road boundary.
- (b) The area between any building or carpark and the front road boundary shall include a landscaping strip. This landscaping strip shall comply with the following conditions:
 - (i) A minimum width of 2 metres.
 - (ii) Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 7 metres of site frontage.
 - (iii) At least 75% of the landscaping strip shall be covered by shrubs.
 - (iv) The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.

16.6.4 Signs

- (a) All permitted signs shall comply with the following:
 - (i) All signs shall comply with the maximum height, and where adjoining a Residential, Greenbelt Residential or Open Space Zone, the applicable daylight setback for the adjoining Zone shall apply.
 - (ii) All signs attached to buildings shall not exceed the highest point of the roof.
 - (iii) All signs extending over a footpath shall be a minimum of 2.5 metres above the foot path and 450mm setback from the kerb of a road or road boundary.
 - (iv) Any temporary sign shall be displayed for no longer than two (2) calendar months of a 12 month period ~~in every calendar year~~ and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.
 - (v) Signs advertising the sale or auction of land or premises shall be removed within 10 days of the property being sold, leased or withdrawn from the market.

16.6.5 Noise

- (a) Noise from any activity shall not exceed the following limits when measured at, or within any point, within any site in the Residential, Greenbelt Residential, or Rural Zones:
 - (i) On any day -
 - 7.00am – 7.00pm: 55dB $L_{Aeq (15mins)}$
 - 7.00pm – 10.00pm: 50dB $L_{Aeq (15mins)}$

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- 10.00pm – 7.00am: 40dB L_{Aeq} (15mins)
 - 10.00pm – 7.00am: 65dB (L_{max})
- (b) Noise from any activity shall not exceed 65dB L_{Aeq} at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.
- (c) Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.
- (d) Construction, maintenance and demolition works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (e) The noise limits in Rule 16.6.5(a), 16.6.5(b) and 16.6.5(c) shall not apply to the following activities:
- (i) Fire and civil emergency sirens.
 - (ii) Construction, maintenance and demolition work.
 - (iii) The operation of the Main North Island Trunk Railway.
 - (iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), ~~or within a site as part of or compatible with a normal residential activity.~~
 - (v) Temporary Military Training Activities.
 - (vi) Temporary events.

Notwithstanding the above rules, Section 16 of the RMA imposes a duty on every occupier of land and any person carrying out an activity in, on or under a water body to adopt the best practicable option to avoid unreasonable noise.

16.6.6 Vibration

- (a) No activity shall create any vibration which exceeds the limits in the following standards:
- (i) AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – General requirements.
 - (ii) AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and Shock-Induced Vibration in Buildings (1 to 80 Hz).
 - (iii) DIN 4150-3:1999 Effects of vibration on structures.
 - (iv) NZS 4403:1976 Code of Practice for Storage, Handling, and Use of Explosives, and any subsequent amendments.

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16.6.7 Odour

- (a) No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in any other zone.

Note: For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the “FIDOL factors” may be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

16.6.8 Light Spill

- (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

16.6.9 Storage Areas

- (a) All areas used for the storage of goods, materials, or waste products shall be screened from view from the Residential, Greenbelt Residential, Rural and Open Space Zones, roads and other public spaces by solid screening such as fences or planting.

16.6.10 Unsightly Buildings

- (a) No building shall be left unfinished, ~~or constructed,~~ or be permitted to deteriorate such become in such a state so that its external appearance adversely affects the amenity ~~is a distraction from the amenities~~ of the neighbourhood in which it is situated.

16.6.11 Water Supply

- (a) All sites shall be provided with a water supply to meet the capacity and quality requirements of the activities undertaken on the site in accordance with Chapter 24.

16.6.12 Wastes Disposal

- (a) All wastes (including sewage, effluent, and refuse) that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids any significant adverse effects or nuisance for adjoining properties.

16.6.13 Surfacewater Disposal

- (a) All activities shall make provision for the management of stormwater as means of dealing with water quantity and water quality to avoid significant adverse effects or nuisance and shall include bunding sufficient to avoid run-off contaminated with hazardous substances, including oil into stormwater drains.

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16.6.14 Engineering Works

- (a) All activities, subdivisions and developments shall comply with the permitted activity conditions in Chapter 24.

16.6.15 Vehicle Access

- (a) All activities shall be provided with practicable vehicle access from a public road in accordance with the permitted activity conditions in Chapter 21.

16.6.16 Vehicle Parking, Manoeuvring, and Loading

- (a) All activities, ~~except network utilities on sites less than 200m²~~, shall be provided onsite vehicle parking, manoeuvring areas, and loading facilities as required in Chapter 21.

16.6.17 Safety and Visibility at Road and Rail Intersection

- (a) No building or structure shall be erected, no materials shall be ~~deposited~~ placed, or vegetation planted that would obscure the railway level crossing approach sight distances triangles from any road and rail intersection as shown detailed in Rule 21.1.11 in Diagram 1(Chapter 21 Traffic Sight Lines at Road and Rail Intersections).

16.6.18 Network Utilities

- (a) All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Chapter 22.
- (b) All other permitted activity conditions specified in this Chapter of the District Plan shall also apply to any network utility or associated structure.

16.6.19 Hazardous Substances

- (a) All activities using, ~~or storing,~~ transporting or disposing of hazardous substances shall comply with the Hazardous Substances Classification parameters for the Industrial Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

16.6.20 Flood Hazard Overlay Area

- (a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

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- (b) Within a Flood Hazard Overlay Area, the erection, placement, alteration of or addition to any non-habitable structure with an unsealed or permeable floor shall not exceed a gross floor area of 40m² per site.

Except the above two standards (a) and (b) do not apply to any soil conservation and river/flood control works carried out by or on behalf of Horizons Regional Council.

- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.

16.6.21 Notable Trees

- (a) Any removal or partial removal of a tree listed in Schedule 3 - Notable Trees shall comply with the following conditions:
- (i) Council has confirmed the tree is dead; or
 - (ii) Removal or partial removal is required as an emergency work to safeguard life or habitable buildings from immediate danger (as confirmed by a qualified arborist).
- (b) Within the drip line of any tree listed in Schedule 3 - Notable Trees, any activities shall not involve the following works:
- (i) The construction of any building or structure.
 - (ii) The laying of overhead or underground services.
 - (iii) Any sealing, paving, soil compaction, or any other impervious surfaces.
 - (iv) The alteration of existing ground levels by excavation or deposition of soil including thrust boring and directional drilling.
 - (v) The discharge of any toxic hazardous substance.
- (c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:
- (i) Minor trimming necessary to maintain the health of the tree where the work is carried out by, or under the supervision of, a qualified arborist who has advised the Council in advance of the work to be carried out.
 - (ii) The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.

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- (iii) The removal of broken branches, dead wood or diseased vegetation (as confirmed by a qualified arborist).
- (iv) Required as an emergency work.

16.6.22 Sites of significance to Tangata Whenua

- (a) No activity or development shall ~~lead to the modification, demolition or removal of~~ modify, demolish or remove any sites of significance to Māori where such site has been identified to Council and recorded by the Council in a register of sites prior to the time that any activity or development is proposed.

16.6.23 Temporary Activities

- (a) In addition to the permitted activity conditions, temporary events, such as, but not limited to, festivals, sports events, and markets, shall comply with following standards:
 - (i) The duration of any temporary event shall not exceed seven (7) consecutive days. For the purpose of this rule, 'day' means a whole day, or part of a day.
 - (ii) Any temporary event shall operate between the hours of 7.00am – 10.00pm.
 - (iii) The duration of a series of temporary events shall not exceed a cumulative period of 30 days in a calendar year.
 - (iv) All temporary buildings and structures are exempt from the maximum height and screening standards set out in 16.6.1 and 16.6.2(a)(iii).
 - (v) Noise from any temporary events shall not exceed the following noise levels, at any site in the Residential Zone, at the notional boundary of any noise sensitive activity within the Rural Zone, or anywhere within the site boundary of any noise sensitive activity within the Commercial, Industrial, Open Space or Greenbelt Residential Zones:
 - Amplified Sound including sound testing: 80dB L_{Aeq} (10 mins).
 - Activities other than amplified sound: 70dB L_{Aeq} (10 mins).
 - Crowd noise is exempt from these limits.
- (b) In addition to the other permitted activity conditions, temporary filming activities shall comply with the following conditions:
 - (i) The total occupation of the site for filming activities shall not exceed seven (7) consecutive days.
 - (ii) All temporary filming buildings and structures are exempt from the maximum height and screening standards set out in 16.6.1 and 16.6.2(a)(iii).

16.6.24 Temporary Military Training Activities

- (a) All temporary military training activities shall comply with the following conditions:
 - (i) No permanent structures shall be constructed.

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- (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
- (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days.
- (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in, Table 2 of NZS 6803:1999 Acoustics - Construction Noise. when applied at the notional boundary of any noise sensitive activity.

Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise.

~~Noise resulting from the use of explosives and small arms weapons shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~

- (v) Noise generated from any fixed source (other than weapons firing and/or use of explosives) shall not exceed the following limits when measured at the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary:

- On any day -

- 7.00am – 7.00pm: 55 dB $L_{Aeq(15min)}$
- 7.00pm – 10.00pm: 50 dB $L_{Aeq(15min)}$
- 10.00pm – 7.00am: 45 dB $L_{Aeq(15min)}$
- 10.00pm – 7.00am: 75 dB L_{AFmax}

Noise levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.

- (vi) Noise generated from the use of helicopters shall be assessed in accordance with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and comply with the limits set out therein.

Noise levels shall be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.

- (vii) Any training activities involving the use of explosives and/or firing of weapons shall comply with either:

- The separation distances identified in Table 16-1; or
- If minimum separation distances in Table 16-1 cannot be met:
 - Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at the notional boundary of any noise

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sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary; and

- Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary; and
- Provided the New Zealand Defence Force produces and undertakes the activity in accordance with a Noise Management Plan submitted to the Council at least 15 working days prior to the activity being undertaken (refer 28.2.6 for information requirements for Noise Management Plan).

Table 16.1: Separation Distances for Temporary Military Training Activities involving explosives and/or weapons.

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any residential dwelling unit or building used for noise sensitivity activities in any Zone, and any site within the Residential Zone or Greenbelt Residential Zone</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>7.00am to 7.00pm (daytime)</u>	<u>At least 1500m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>7.00am to 7.00pm (daytime)</u>	<u>At least 750m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 2250m</u>

16.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES

The matters over which Council reserves its control and the required conditions are detailed below for each controlled activity:

16.7.1 Subdivision of Land (Refer Rule 16.2(a))

- (a) Matters of Control

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- (i) The design and layout of the subdivision, including the size, shape and position of any lot, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.
 - (ii) The amalgamation of any proposed allotments or balance areas to existing titles of land.
 - (iii) The provision of any new roads, cycleways, footpaths, provision of linkages to existing roads, access over or under railway lines, the diversion or alteration of any existing roads, the provision of access, passing bays, parking and manoeuvring areas, and any necessary easements.
 - (iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable gas.
 - (v) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
 - (vi) Effects on significant sites and features, including natural, ecological, cultural, archaeological and historical sites.
 - (vii) Site contamination remediation measures and works.
 - (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
 - (ix) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
 - (x) Staging of the subdivision.
 - (xi) In accordance with any applicable Structure Plan in Schedule 8.
 - (xii) Compliance with the Horowhenua District Council Engineering requirements.
 - (xiii) Those matters described in Sections 108 and 220 of the RMA.
- (b) Conditions
- (i) All lots shall demonstrate compliance with the permitted activity conditions, except no minimum lot area requirement applies.
 - (ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.
 - (iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.

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16.7.2 Flood Hazard Overlay Areas (Refer Rule 16.2(b))

(a) Matters of Control

- (i) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events.
- (ii) The location, nature, scale and design of the allotments, their intended use, and the degree to which people or property are put at risk as a result of the subdivision.
- (iii) Avoidance or mitigation measures to address the risks from natural hazards.
- (iv) The effects of the mitigation measures in terms of increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude on the site and to other properties which may or may not currently be at risk from the effects of the natural hazards.

16.7.3 Relocated Buildings (Refer Rule 16.2(c))

(a) Matters of Control

- (i) The length of time taken to re-construct, repair, or refurbish the building.
- (ii) Conditions for upgrading the exterior of the building and upgrading and reinstating the site, including any one or more of the following:
 - redecoration or reinstatement of any roof or exterior cladding;
 - reinstatement of any porches, terraces, baseboards and steps;
 - replacement of broken window panes, broken or rotten timber, guttering, rainpipes;
 - reinstatement of that part of a dwelling where a chimney has been removed;
 - reinstatement of the site and access to the site;
 - details and length of time to complete site landscaping.
- (iii) A bond, of the nature provided for in the RMA, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District Council, to ensure compliance with consent conditions. The bond shall be paid prior to the movement of the building to its new site, and shall be to the value of the work required, as assessed by a suitably qualified person approved by the Environmental Services Manager at the cost of the applicant. The required work will be expected to be completed within a 12 month period. Portions of the bond may be refunded as substantial portions of the work are completed.

(b) Conditions

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- (i) Relocated buildings shall comply, in all respects, with the relevant permitted activity conditions in other parts of the District Plan.
- (c) Non-Notification
 - (i) Under section 77D of the RMA, an activity requiring resource consent under Rule 16.7.3 shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95A(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b))

16.7.4 Historic Heritage – Buildings (Refer Rule 16.2(d))

- (a) Matters of Control
 - (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

16.7.5 Temporary Filming Activities (Refer Rule 16.2(e))

- (a) Matters of Control
 - (i) The hours of operation of the temporary filming activity;
 - (ii) The size and positioning of temporary buildings and structures;
 - (iii) The provision of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public;
 - (iv) Where appropriate, the provision of safe pedestrian entry and exit;
 - (v) The provision for waste collection, storage and site cleanup;
 - (vi) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects;
 - (vii) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects; and
 - (viii) The actual and potential adverse effects on the recreation, ecological, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
 - (i) The duration of the temporary filming activity shall not exceed 31 consecutive days. For the purpose of this rule, 'day' means a whole day, or part of a day.
 - (ii) Submit a draft management plan demonstrating how the temporary filming activity avoids, remedies or mitigates adverse effects on local amenity. The scale and detail of this draft management plan is to be commensurate with the

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scale of the temporary filming activity and the nature of the potential effects on local amenity.

16.7.6 Temporary Military Training Activities (Refer Rule 16.2(f))

(a) Matters of Control

- ~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~
- (ii) The size and positioning of buildings and structures;
- (iii) The measures used to avoid, remedy or mitigate adverse effects from excavation;
- (iv) Methods to manage effects on the amenity and character of the area as a result of non-compliance with the noise and duration permitted activity conditions;
- (v) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and
- (vi) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

16.7.7 Tararua Road Growth Area Overlay (Refer Rule 16.2(g))

(a) Matters of Control

In addition to the other rules in Rule 16.7, the matters over which Council reserves its control for the Tararua Road Growth Area Overlay are as follows:

- (i) Site design, landscape design, lighting, signage and stormwater; and,
- (ii) Construction method and management plan, which will include but not be limited to consideration of traffic routing, hours of operation, noise, dust and vibration suppression measures, erosion and sediment control plans and site screening / hoarding.
- (iii) In exercising its control Council shall have regard to the extent that the proposal is consistent with the Tararua Growth Area Design Guide and Tararua Road Growth Area Structure Plan (Refer Schedule 5) and the manner in which amenity of existing businesses and residential properties is affected during construction.

(b) Conditions

- (i) Buildings shall be set back 10 metres from Tararua Road and Arapaepae Road (State Highway 57) within the Tararua Road Growth Area Overlay.
- ~~(ii) Retail and commercial activities shall be subject to the following conditions:~~

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- ~~No more than 250m² or 25% whichever is the smaller, of the gross floor area of a building or part of a building used by an activity shall be used for retailing; and,~~
 - ~~No more than 40% of the gross floor area of a building or part of a building used by any activity shall be used for retailing and office purposes combined.~~
- ~~(iii) Any building fronting onto Tararua Road, or adjoining or facing across a road from the Tararua Road Growth Area Overlay residential area shall be set back from the boundary by not less than:~~
- ~~15 metres from Tararua Road.~~
 - ~~8 metres from Tararua Road Growth Area Residential Area.~~

16.7.8 Stevensons Structural Engineers Site (Refer Rule 16.2(h))

(a) Matters of Control

- (i) The location of points of access to ensure any adverse effects on traffic efficiency and safety are adequately avoided, remedied or mitigated.
- (ii) The height, location, colour and design of buildings to ensure that adverse visual effects and impact on amenity of neighbours is adequately avoided, remedied or mitigated.
- (iii) To impose controls on outdoor activities together with other conditions necessary to ensure compliance with the District Plan's noise standards and otherwise avoid, remedy or mitigate adverse effects of noise.
- (iv) The imposition of requirements in the form of conditions for landscaping and fencing and controls on the activity to avoid, remedy or mitigate adverse visual effects.
- (v) To mitigate adverse effects associated with signage.
- (vi) The imposition of conditions to avoid, remedy or mitigate on-site effects including stormwater runoff, potential hazards or contamination and the provision of network services.
- (vii) The imposition of conditions under Section 108 RMA.

(b) Conditions

- (i) The performance conditions under Rule 16.6 excluding Rule 16.6.5 are met.
- (ii) The following noise standard is met:
 - No activity shall give rise to noise which, when measured at the notional boundary of any residential dwelling existing as at 1 September 2010 and located outside the Industrial Zone, exceeds the following noise limits:

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On any day:

- 7.00am to 10.00pm – 60dB $L_{Aeq(15mins)}$
- 10.00pm to 7.00am – 60dB $L_{Aeq(15mins)}$
- 10.00pm to 7.00am – 65dBA L_{max}

All noise levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics –Measurement of environmental sound; and assessed in accordance with the provisions of NZS 6802:2008 Acoustics – Environmental noise.

- (iii) No vehicular access shall be on to State Highway 57.
 - (iv) The hours of operation shall be limited to 6.00am – 7.00pm (Monday – Sunday).
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16.8 MATTERS OF DISCRETION AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES

The matters over which Council has restricted its discretion for each restricted discretionary activity, and the conditions for each activity are detailed below:

16.8.1 Non-compliance with Permitted Activity Conditions (Rule 16.6), and Permitted Activity Conditions in Chapters 21, 22, 23 and 24. (Refer Rule 16.3(a))

(a) Matters of Discretion

- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met except where specifically identified in other rules below.

16.8.2 Non-Compliance with Controlled Activity Conditions. (Refer Rule 16.3(b))

(a) Matters of Discretion

- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) not met, except where specifically identified in other rules below.

16.8.3 Flood Hazard Area Overlay (Refer Rule 16.3(c))

(a) Matters of Discretion

- (i) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events.

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- (ii) The location, nature, scale and design of the buildings, earthworks or allotments, its intended use, including whether the building, earthworks or use is temporary or permanent, and the degree to which people or property are put at risk as a result of the activity.
- (iii) Avoidance or mitigation measures to address the risks from natural hazards.
- (iv) The effects the mitigation measures in terms of increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude, including to other properties which may or may not currently be at risk from the effects of the natural hazards.
- (v) The effects on the effectiveness of existing flood hazard avoidance or mitigation measures, including works and structures within river and drainage schemes, natural landforms that protect against inundation, and overland stormwater flow paths.

16.8.4 Within the Tararua Road Growth Area Overlay non-compliance with Permitted Activity Conditions (Rule 16.6), Controlled Activity Conditions (Rule 16.7) and Permitted Activity Conditions in Chapters 21, 22, 23 and 24. (Refer Rule 16.3(a))

- (a) Matters of Discretion
 - (i) Matters in Schedule 5 – Tararua Road Growth Area Structure Plan and Design Guide.
 - (ii) The location, layout, design and appearance of the development, including buildings.
 - (iii) The management of stormwater, wastewater, water supply and other servicing.
 - (iv) The maintenance of amenity values and reverse sensitivity effects at the growth area boundary and management of adverse effects on adjoining and adjacent properties, particular adjoining residential and rural areas.
 - (v) The provision of adequate carparking, manoeuvring and safe access to the site.
 - (vi) The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
 - (vii) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met;
 - ~~(viii) Where performance standards in respect of floor space for retail, showrooms and commercial activities are exceeded or that space is used for the retail of products not manufactured on the premises, then discretion will also include:~~
 - ~~Traffic effects;~~
 - ~~The effect of the non-compliance on the role and function of the commercial centre as an important community and social resource and as employment location for the community of Horowhenua; and,~~

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- ~~Townscape and amenity effects.~~

(b) Conditions

- (i) All other aspects of the activity shall comply with any relevant conditions.

16.8.5 Subdivision within the Tararua Road Growth Area Overlay (Refer Rule 16.3(d))

(a) Matters of Discretion

- (i) Matters listed in Rule 16.7.1 Subdivision of Land;
- (ii) Matters in Schedule 5 - Tararua Road Growth Area Structure Plan and Design Guide;
- (iii) Those matters specified in Chapters 21~~2~~ and 24;
- (iv) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events;
- (v) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider;
- (vi) The design and layout of proposed urban areas;
- (vii) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57;
- (viii) The amenity effects on existing ~~and proposed~~ residential areas should design standards contained in the Design Guide not be complied with or should proposals not be consistent with the Structure Plan; and,
- (ix) The transportation, movement, streetscape and community effects of not providing the internal roading network and accesses to the external roading network~~all residential accesses~~, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide.
- (x) In the Tararua Growth Area Overlay The design and positioning of any vehicular access on to Tararua Road, Winiata Street and Perth Street, landscape design and signage.

In exercising this control Council shall have regard to the extent that the proposal is consistent with the Tararua Growth Area Structure Plan and complies with the Tararua Road Growth Area Design Guide (refer Schedule 5).

(b) Conditions

- (i) All lots shall demonstrate compliance with the permitted activity conditions, except no minimum lot area requirement applies.
- (ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.

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- (iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.
- (c) Non-Notification
 - (i) Under section 77D of the RMA, an activity requiring resource consent in relation to Rule 16.8.5 shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95A(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

16.8.6 Historic Heritage – Buildings (Refer Rule 16.3(e))

- (a) Matters of Discretion
 - (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

16.8.7 Historic Heritage – Signs (Refer Rule 16.3(f))

- (a) Matters of Discretion
 - (i) The colour and materials of any sign;
 - (ii) The design of any sign;
 - (iii) The location of any sign;
 - (iv) The size of any sign; and
 - (v) The number of any signs.

16.8.8 Temporary Activities (Refer Rule 16.3(a))

- (a) Matters of Discretion
 - (i) The duration of the temporary activity, including daily hours of operation;
 - (ii) The size and positioning of temporary buildings and structures;
 - (iii) The provisions of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public;
 - (iv) Where appropriate, the provision of safe pedestrian entry and exit;
 - (v) The provision for waste collection, storage and site cleanup;
 - (vi) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects;

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- (vii) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects; and
 - (viii) The actual and potential adverse affects on the recreation, ecological, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
- (i) Submit a draft management plan demonstrating how the temporary activity avoids, remedies or mitigates adverse effects generated by the activity.