

**PART 29B RULE 29B – INDUSTRIAL 2 ZONE**

For the avoidance of doubt, and notwithstanding the rules which follow, all activities (or applications for consent for such activities) must also comply with such other provisions as may affect the activity or site and which are specified in Parts 7, 8, 10, 11, 12, 15, 22, 26, 50, 51, 52, 53 and 54 of this Plan. Where the activity involves the use of a SIGN erected on private property, the SIGN shall be consistent with matters set out in Rule 15.4.

**29B.1 PERMITTED ACTIVITIES – INDUSTRIAL 2 ZONE**

The activities listed below are *Permitted*, and do not require a resource consent, if they comply in all respects with Rules 29B.4, 29B.5 and 29.8.

(NOTE: Within the following list, the words in CAPITALS are defined in Rule 50)

1. The following are permitted activities provided they comply with Rules 29B.4, 29B.5 and 29.8:
  - a) INDUSTRY: Manufacturing, processing, assembling and distribution of products.
  - b) Storage, WHOLESale and freight of goods.
  - c) Processing, storage, distribution and sale (wholesale or retail) of aggregates.
  - d) Transport Depots.
  - e) Hire centres.
  - f) SERVICE STATIONS.
  - g) Refuse Transfer Stations.
  - h) OFFICE ancillary to an activity listed above.
  - i) BUILDINGS for the activities listed above.

<b>29B.2 RESTRICTED DISCRETIONARY ACTIVITIES – INDUSTRIAL 2 ZONE</b>
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- i. *Restricted Discretionary* activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed in terms of the matters set out in Rule 29B.6, and any conditions of consent will only relate to those matters (or other matters as provided by the Act).
- iii. The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 29B.6. The application must also clearly demonstrate compliance with any stated standards applicable to the activity.
- iv. Except as provided for by Section 94C of the Resource Management Act 1991, applications for Restricted Discretionary Activities (except Rules 29B.5 and 29.8) will be considered without notification.
- v. Except as provided for by Section 94C of the Resource Management Act 1991, applications for Restricted Discretionary Activities (except where required as a result of non-compliance with Rules 29B.4.1.2, 29B.4.2.2, 29B.4.3.2, 29B.5 and 29.8) will be considered without notification or the need to obtain approval of, or serve notice on affected persons.

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

1. Any Permitted Activity not complying with one or more Development Standards or PERFORMANCE STANDARDS in Rules 29B.4 (except 29B.4.1.1) or 29B.5 or Rule 29.8.

Council has restricted its discretion to consideration of the extent of the infringed standard and its specific effect, and may impose conditions in relation to these.

Refer 29B.6.1, 29B.6.2 and 29B.6.5 – 29B.6.12 for Assessment Criteria, as relevant.

2. Any Permitted Activity, including a BUILDING located within 30 metres of a Residential, Residential 2, Rural-Residential, Village.

Council has restricted its discretion to consideration of site layout, design and external appearance with regard to potential adverse effects on neighbouring residents.

Refer 29B.6.4 for Assessment Criteria.

3. Any BUILDING with a HEIGHT exceeding 20 metres, as specified in 29B.4.1.1, but no greater than 25 metres.

Council has restricted its discretion to consideration of the visual appearance of the building(s) as viewed from publicly accessible locations, and may impose conditions in relation to this.

Refer 29B.6.3 for Assessment Criteria.

4. The construction of any BUILDING on a SITE within a Structure Plan Area, where the site existed at the date of notification of the relevant Plan Change (which introduced that Structure Plan) and where a structural element of a Structure Plan is located within that SITE.

5. Council has restricted its discretion to consideration of potential adverse effects on the achievement of the relevant Structure Plan.

Refer 29B.6.13 for Assessment Criteria.

**29B.3 NON-COMPLYING ACTIVITIES – INDUSTRIAL 2 ZONE**

- i. *Non-complying* activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed in terms of the matters set out in Rule 53, and where consent is granted, conditions of consent may be imposed.
- iii. The information submitted with the application must be in terms of Rule 52.
- iv. The activities listed below are *Non-complying* activities in the *Industrial 2 Zone*.

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

1. Any activity not otherwise provided for by Rules 29B.1 or 29B.2 above.

**29B.4 DEVELOPMENT STANDARDS FOR PERMITTED ACTIVITIES – INDUSTRIAL 2 ZONE**

- i. All activities in the *Industrial 2 Zone* shall comply with the standards set out below.
- ii. In order to ascertain compliance, the Council may request such information and plans as may be necessary, including any technical data or expert assessment as is appropriate to the circumstances.

**29B.4.1 HEIGHT**

**1. BUILDING HEIGHT**

The maximum HEIGHT of BUILDINGS shall be 20m.

Refer to definitions of "BUILDING" and "HEIGHT", Rule 50.

*Explanation:*

*This standard maintains a scale of development compatible with the surrounding land uses and manages the visual impact of the Industrial 2 Zone on more sensitive zones while maintaining opportunities for the development of industrial activities.*

**2. BUILDING HEIGHT RELATIVE TO BOUNDARIES**

No part of any BUILDING or SIGN shall exceed a height of 3 metres plus the shortest horizontal distance between that part of the BUILDING and the nearest boundary of any SITE zoned Rural, Recreation, Residential, Residential 2, Rural-Residential, Village.

This rule shall not apply:

- i. where the written consent/s of the owners and occupiers of the abutting sites or notional lots that would be directly affected by the encroachment have been obtained.

*Explanation:*

*This standard is intended to reduce any physical impacts arising from building bulk close to a boundary and to ensure adequate daylight or sunlight for adjoining properties.*

**29B.4.2 YARDS**

**1. FRONT YARD**

A FRONT YARD of 7.5 metres shall be provided across the entire length of all ROAD boundaries.

*Explanation*

*A front yard is required in order to avoid visual dominance of large-scale industrial buildings over the street. In some instances a smaller scale or aesthetics of design of buildings, or the detailing of any planting in the front yard, may lessen or make this setback unnecessary.*

**2. Amenity YARDS**

Where a SITE has a common boundary with any SITE zoned Recreation, Residential, Residential 2, Rural-Residential, Village an amenity YARD of 5 metres shall be provided across the entire length of the boundary of the SITE.

*Explanation*

*An amenity yard is required in order to avoid visual dominance of large-scale industrial buildings over adjoining properties. In some instances a smaller scale or aesthetics of design of buildings, or the detailing of any planting in the amenity yard, may lessen or make this setback unnecessary.*

## 3. Riparian YARD - Set Back From Water

The minimum distance between any BUILDING and the edge of a stream identified on the Structure Plan Map as "perennial stream requiring riparian margin" shall be 12 metres, and EARTHWORKS within the Riparian YARD shall not exceed a total volume of 25 cubic metres or a total area of 250 square metres.

*Explanation*

*The Riparian YARD maintains separation of BUILDINGS from the streams identified on a Structure Plan as requiring riparian margins. The purpose of this YARD is to reduce the impact of activities on water quality and water flows and in particular to provide a permeable area between the streams and impermeable surfaces.*

*There may be circumstances where the Riparian YARD can be reduced due to site characteristics.*

*The earthworks standard is intended to avoid the adverse effects on water and the riparian environment. It may reduce the risk of damage from erosion or flooding.*

**29B.4.3 PLANTING**

## 1. FRONT YARD

A FRONT YARD identified in Rule 29B.4.2.1 shall have a minimum depth of planted vegetation of 3 metres adjoining the road boundary across the entire frontage of the site excluding only those areas used for vehicle and pedestrian access.

## 2. Amenity YARD

An Amenity YARD identified in Rule 29B.4.2.2 shall have a minimum depth of planted vegetation of 4 metres across entire length of the boundary of the SITE.

For the avoidance of doubt no storage of materials, loading or car parking shall occur within the amenity YARD.

## 3. Riparian YARD

A Riparian YARD identified in Rule 29B.4.2.3 shall have a minimum depth of planted vegetation of 10 metres from the edge of a stream across the entire length of the Riparian YARD.

For the avoidance of doubt no storage of materials, loading or car parking shall occur within the riparian YARD.

## 4. A planting plan shall accompany any application for a building consent, compliance certificate or resource consent.

No activity which is otherwise permitted by this Plan shall be deemed to be lawfully established unless the required "planting plan" has been approved by the Chief Executive or officer(s) acting under delegated authority and the planting has been established to his/her satisfaction.

Effect Required in Amenity YARD: The planting must at maturity achieve a significant visual screening effect, and significantly soften the appearance of the building and any parking/loading/driveway areas.

Effect Required in FRONT YARD: The planting must at maturity achieve a significant amenity-enhancing effect, particularly if the site faces non-Industrial sites, and complements the design and

significantly softens the appearance of the building or front yard and any parking/loading/driveway or service areas when viewed from the road.

**Effect Required in Riparian YARD:** The planting must at maturity enhance the stream habitat and assist in stormwater management and be in general accordance with an existing Catchment Management Plan or have reference to a regional technical publication.

**Submit Plan:** A planting/landscaping plan to scale must accompany any application for a building consent, or compliance certificate, resource consent or any other form of written application to the Council. It must clearly show the location and areas of the amenity planting areas and:

- the direction of fall of the land and approximate contours;
- the existing vegetation which may qualify as meeting this standard;
- any proposed earth filling or cutting;
- include a list of the plants proposed to be established and their botanical name, maturity height, width and density;
- a statement as to when the plants will be planted, and how they will be nurtured to maturity and maintained thereafter.

**Species:** All plants must be pre-grown, long-life, and low maintenance species.

**Planting:** All required plants must be in the ground no later than August of the planting season following the date of building consent. A bond may be required to ensure that the work is completed and also maintained for up to two years thereafter.

**Explanation:**

*Planting in the front yard can significantly improve the streetscape and amenity value in industrial areas which may otherwise have a utilitarian appearance. The provision of a front yard landscaped with trees and shrubs can soften the appearance of the streetscape.*

*In some instances the smaller scale or aesthetics of design of buildings may lessen or make unnecessary the need for set backs and planting.*

*The Council has targeted its landscaping requirements to protect the amenities of adjoining non-business areas and roads. The standard is as specific as it can be without completely restricting the options of individual businesses to achieve the Plan's amenity objectives. The Council acknowledges that the most attractive sites are where planting and landscaping are an integral part of the design of the development and where there is a commitment on the part of the owners/occupiers to achieve a 'smart' appearance for the good of the business as well as the locality.*

#### **29B.4.4 FENCES AND WALLS**

Any fences erected within an area of planting required by Rule 29B.4.3.1 FRONT YARD shall be of a transparent nature.

*Explanation*

*Fencing is a likely requirement of many uses in the Zone, for reasons that include security, screening and containment of dust and noise. Within or at the front of an area of planting required by Rule 29B.4.3.1 FRONT YARD, fencing shall be of a transparent nature so that the landscaping can be viewed from the adjoining ROAD.*

**29B.4.5 PARKING SPACES**

1. Parking spaces (and associated manoeuvring/driveway areas) shall be provided on-site in accordance with Part 51:
2. (Construction): All parking and manoeuvring areas shall be formed, drained and maintained to at least a compacted metal (rock chip) surface, in accordance with accepted practice for "commercial" loadings, and such that:
  - a) stormwater will in all circumstances leave the site in a controlled manner so as to have no potential to cause damage to roads, service lanes, or adjoining properties; and
  - b) metal will not be washed or carried onto any road, service lane or adjoining property.

**29B.4.6 LOADING SPACES**

1. Subject to the requirements of Rule 51 all activities shall, on the same site as that activity, have the number of loading spaces as determined in accordance with the following requirements:
  - i. One space per site, but not less than two spaces for any site having a total building gross floor area of over 1000 square metres.
2. (Design) All loading spaces and associated manoeuvring areas shall comply with the following design requirements:
  - i. No loading space may be sited in such a way that vehicles have no option but to reverse onto or off the site.
  - ii. All loading spaces or areas shall not be less than 8 metres in depth, 4 metres in width, and 4.25 metres in height
  - iii. All loading spaces or areas shall be provided with an access path that complies with Diagram 51.F.
3. (Construction): All loading and manoeuvring areas shall be formed, drained and maintained to at least a compacted metal (rock chip) surface, in accordance with accepted practice for "commercial" loadings, and such that:
  - i) stormwater will in all circumstances leave the site in a controlled manner so as to have no potential to cause damage to roads, service lanes, or adjoining properties; and
  - ii) metal will not be washed or carried onto any road, service lane or adjoining property.

*Explanation*

*The provision of loading spaces is essential to the effective operation of the vast majority of businesses. These spaces must be designed and located on-site to be able to be used safely and efficiently.*

**29B.4.7 VEHICLE CROSSINGS AND DRIVEWAYS**

Rule 29.5.8 applies.

**29B.4.8 LPG STORAGE**

Rule 29.5.9 applies.

**29B.4.9 LOCATION OF FUEL DISPENSERS**

Rule 29.5.16 applies.

**29B.4.10 STORMWATER MANAGEMENT – VOLUME CONTROL**

Rule 29.5.17 applies.



<b>29B.5 PERFORMANCE STANDARDS FOR ALL ACTIVITIES – INDUSTRIAL 2 ZONE</b>
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- i. All activities in the *Industrial 2 Zone* shall comply with the standards set out below. In order to ascertain compliance, the Council may request such information and plans as may be necessary, including any technical data or expert assessment as is appropriate to the circumstances.
- ii. Where a standard is not being achieved the person/s having responsibility for the activity or the generation of the effect shall immediately advise Council of the action to be taken and shall as soon as practicable take all necessary steps to ensure compliance. Nothing herein shall preclude the Council from taking any enforcement action that is deemed necessary and appropriate in the circumstances.

### 29B.5.1 NOISE

1. No activity within the Zone shall cause the following NOISE levels to be exceeded, for the stated times, at or within the boundary of any other SITE, where the other site is:

- a) Industrial 2 Zone:

70 dBA  $L_{eq}$

- b) Residential, Residential 2, Rural-Residential, Village or the notional boundary of any existing dwelling house as of 18 December 2008 in the Rural Zone (Note: the notional boundary is defined as 20 metres from any side of a dwelling house):

Area	The noise level measured within the boundary of a site within the area described in column 1 of this table shall not exceed the following limits:		
	7.00am – 10.00pm	10.00pm – 7.00am	
	(dBA $L_{eq}$ )	(dBA $L_{eq}$ )	dBA $L_{max}$
High Background Noise Area (refer Planning Maps 107)	55	45	75
All other areas	50	40	70

- c) Business Zone:

7.00am – 10.00pm	10.00pm – 7.00am	
(dBA $L_{eq}$ )	(dBA $L_{eq}$ )	dBA $L_{max}$
60	50	75

- d) Light Industrial Zone

65 dBA  $L_{eq}$ .

2. Clause 1. above does not apply to construction noise.
3. The NOISE levels shall be measured and assessed in accordance with the requirements of NZS 6801: 2008 Measurement of Environmental Sound and NZS 6802: 2008 Environmental Noise respectively, or any standards that supersede these standards.
4. The NOISE shall be measured by a sound level meter complying with the International Standard IEC (1979): Sound Level Meters, Type 1 or any standard that supersedes that standard.

#### *Explanation*

*The main purpose of the noise controls is to protect Residential and Business Zones from the adverse effects of intrusive noise. As well as providing noise protection on Residential and Business Zone boundaries it is also appropriate that some acoustic control is provided between sites within the Industrial 2 Zone itself.*

**29B.5.2 ODOUR, DUST FUMES AND SMOKE**

1. No activity shall cause an objectionable or offensive odour to the extent that it causes an adverse effect at or beyond the boundary of the site of that activity. In the event of an offensive or objectionable odour occurring to such an extent that it has, or is likely to have an adverse effect on people, places or resources, such action shall be taken as may be necessary by the owner or occupier to remedy the situation to the satisfaction of the Council.
2. Activities, apart from those authorised by a resource consent for a discharge of contaminants to air, shall not create a dust, fume or smoke nuisance. A dust, fume or smoke nuisance will be deemed to have occurred if:
  - a) There is visible evidence of suspended solids/particulate matter in the air beyond the site boundary; and/or
  - b) There is visible evidence of noxious, dangerous, offensive or objectionable deposited particulate matter traceable to a dust source, settling on the ground, building or structure on an adjoining site or waterbody.

*Explanation*

*The reason for adopting dust, fume, smoke and odour controls is to provide a practicable means of controlling situations which are not satisfactorily regulated by controls on air discharges.*

*Flexibility is needed so that various alternatives can be used to avoid or reduce the problem. The control adopted recognises both the subjective nature of the task and the need to provide for flexibility to take whatever action is needed to solve the problem.*

**29B.5.3 LIGHT SPILL AND GLARE**

1. All exterior lighting must be designed, located and at all times directed, screened, adjusted and maintained to ensure that the direct luminance from the lighting shall not exceed:
  - a) 10 lux (lumens per square metre) at or within the boundary of all affected residential sites between the hours of 10:00pm and 7:00am;
  - b) 20 lux at or within the boundary of all affected residential sites at all other times when lighting is required.
2. For exterior lighting near to any residential zone, and in any other case where the applicant, or the Council is unsure as to the ability of the lighting to comply with these performance standards, the applicant shall provide the Council with a report from a Professional Illumination Engineer confirming that the lighting installation has been designed, installed and aimed in a manner that will ensure compliance with this RULE. In the case of a new installation design, information must be provided at the time of applying for a building consent.

*Explanation*

*While sunlight is perceived in a positive way, other artificial sources of light because of quantitative, directional or spectral features can cause annoyance, discomfort, distraction, loss of sleep, loss of amenity or a reduction in the ability to see.*

*The rules reflect the need to control these adverse effects of light spill and glare within residential environments.*

**29B.5.4 VIBRATION**

- a) No activity shall be permitted to create vibration levels which affect occupants of adjacent buildings by exceeding the provisions of International Standard ISO 2631–2:1989 – Evaluation of human exposure to whole body vibration – Part 2 Continuous and shock induced vibration in buildings (1 to 80 Hz) or any standards that supersede these standards.
- b) Annex A and Table 2 of ISO 2631–2:1989 shall be used for the assessment of continuous, intermittent and transient (impulsive) vibrations or any standards that supersede these standards.
- c) Instruments to measure such vibration and methods of measurement shall comply with Australian Standard AS 4273:1987 and AS 2187.2:1993 or any standards that supersede these standards.

*Explanation*

*This standard is intended to alert business activities to the need to avoid sites, whether inside the Zone or not, where vibration is likely to be an issue, or to locate plant and machinery on-site where it is least likely to cause concern for neighbours. It is therefore a reinforcement of the general statutory duty to avoid, mitigate or remedy adverse effects.*

**29B.5.5 CONTAMINANTS**

Rule 29.6.5 Applies.

**29B.5.6 MAINTAINING AMENITY PLANTINGS**

Rule 29.6.6 applies.

**29B.5.7 VEHICLE SERVICING ACTIVITIES**

Rule 29.6.8 applies.

**29B.6 ASSESSMENT OF RESTRICTED DISCRETIONARY ACTIVITIES – INDUSTRIAL 2 ZONE**

In assessing applications for consent for *Restricted Discretionary* activities the Council will, in making a decision, restrict its assessment and the exercise of its discretion to the following matters as relevant:

1. Whether the DEVELOPMENT is consistent with the policies of the Plan concerning industrial activities or concerning the particular area or road in which the activity is to be located;
2. Whether the infringement will result in any significant adverse effects, having particular regard to the purpose of the Development Standard or PERFORMANCE STANDARD as set out in its explanation, and to what extent the effects can be avoided, remedied or mitigated.

3. HEIGHT

Where there is an infringement of Rule 29B.4.1.1, whether the area of additional height of the BUILDING significantly impacts publicly accessible views.

4. Activities Adjoining Certain Other Zones

For any Permitted Activity located within 30 metres of a Residential, Residential 2, Rural-Residential, Village:

a) Site Layout, Design and External Appearance

Whether the SITE layout and BUILDING and external appearance will avoid or mitigate potential adverse effects on neighbouring residential sites including the effects of overshadowing, visual dominance, NOISE and odours. Particular regard will be given to landscaping and screening at the residential interface and the location and orientation of storage areas, access points from the ROAD network, cooling and ventilation equipment or facilities. Where it is not practical to screen business activities from adjacent residential areas, consideration will be given to whether the design and external appearance of the BUILDING or structure is compatible in terms of scale and form with adjacent DWELLING HOUSES.

5. Vehicular and pedestrian access, crossings and driveways

Whether vehicular access to the SITE provides for safe and convenient access, including regard to any effects on the safe and efficient operation of the ROAD network and the extent to which compliance with the access standards for state highways recommended by the New Zealand Transport Agency would avoid or minimise any adverse effects. Whether the proposed access has a minimal adverse effect on pedestrian access and safety.

6. Carparking and loading

- a) Whether the location and design of the carparking areas provides for convenience, a safe and efficient internal circulation pattern and the avoidance of the detrimental visual effects of large areas of sealed parking unrelieved by landscaping.
- b) The extent to which the proposal would affect the availability and convenience of parking and loading spaces in the locality, the safe and efficient movement of vehicles on adjacent roads, or the capacity of the site, once developed, to be used in the future for a wide range of activities;

7. Hours of Operation

Whether the proposed hours of operation has the potential to create a NOISE or lighting nuisance for adjoining residential properties. As a guide additional controls may be placed on activities, including servicing and deliveries, that operate between the hours of 10.00pm to 7.00am.

## 8. NOISE, Lighting

Whether measures designed to ensure that the NOISE and light spill and glare standards applicable are able to be met or whether limits on the hours of operation will be required to ensure that the amenity values of adjoining residential properties are protected.

## 9. LPG

The extent to which there are unacceptably high risks or potential impacts arising from some aspect of an LPG installation;

## 10. Planting

Whether there are some aspect/s of an activity or unusual characteristics of a locality or adjoining sites that make it unnecessary or inappropriate to provide amenity planting in full or in part.

## 11. Stormwater Management

The extent to which the following factors of the catchment and sites influence, inhibit or adversely affect the effective functioning of the stormwater management system, such that the stormwater has an adverse effect on any other site or property:

- the relationship of the individual site and stormwater system to the location of other sites and properties within the locality, and the location of the point of discharge into the public stormwater management system or the receiving environment;
- the change, from the site prior to development to the site once it has been developed, in the position of the point of discharge of the stormwater management system into the public stormwater management system;
- the change, from the site prior to development to the site once it has been developed, in volume and rate of stormwater discharged;
- the potential for an increase in impervious surface cover of the site/s;
- the stability of the site/s;
- natural drainage conditions of the site/s and locality, such as ground levels, presence of natural watercourses, and soil soakage potential;
- the extent to which any modification of natural watercourses including overland flow paths maintains the continuity of water flows and maintains the capacity of the floodplain; Conditions of consent may be utilised to manage the location of fences, buildings and structures to avoid modification of overland flow paths.

## 12. HAZARDOUS SUBSTANCES QUANTITY THRESHOLDS

For any activity not complying with RULE 29.8 (HAZARDOUS SUBSTANCES QUANTITY THRESHOLDS)

- a) the appropriateness of the assessment of environments and risks carried out and the accuracy and completeness of the presented information
- b) the scale and significance of environments and risks associated with the hazardous substances proposed to be used, stored, transported or disposed of including the potential for cumulative risks
- c) the appropriateness of the proposed risk control and mitigation measures
- d) the adequacy of proposed site management systems and plans in relation to hazardous substances
- e) proposed measures for the management and disposal of hazardous wastes
- f) scale and significance of off-site transport of hazardous substances, and proposed measures for control

- g) the scope and suitability of the emergency management proposals
  - h) separation distances from site boundaries
13. The construction of any BUILDING on a SITE within a Structure Plan Area, where the SITE existed at the date of notification of the relevant Plan Change (which introduced that Structure Plan) and where a structural element of a Structure Plan is located within that SITE.

Whether the design and layout of the proposed BUILDING, access, Earthworks and associated DEVELOPMENT will prejudice the achievement of the structural element of the Structure Plan within that SITE or (where relevant) the connection or co-ordination of the structural element with development on adjoining sites.