

## PART 39A TUAKAU INDUSTRIAL SERVICES ZONE (TISZ): LAND USE PROVISIONS

Network Utilities are subject to the provisions in 15.1 NETWORK AND OTHER UTILITIES AND ESSENTIAL SERVICES and not the following provisions.

For the avoidance of doubt, and notwithstanding the rules that follow, all 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, 19, 22, 50, 51, 52 and 53 of this Plan.

### 39A.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the TISZ:

Additions and alterations to an **existing** building accommodating a controlled activity listed in Rule 39A.2, where the addition or alteration complies with Rules:

- 39A.6 (Development Standards for Permitted and Controlled Activities)
- 39A.7 (Performance Standards for Permitted and Controlled Activities)
- 39A.11 (Hazardous Substances Quantity Thresholds)

**AND** the extent of the alteration or addition will not increase the gross floor area of the building by more than **10%**.

Note: For the avoidance of doubt, this rule excludes any stand-alone building irrespective of its size. In addition, to meet the requirement of this rule that a building is an existing building, the building, including any previous additions and alterations that have been constructed under this rule, must be completed with a code of compliance certificate having been issued under the Building Act before further additions and alterations may be undertaken.

#### *Explanation*

*The Controlled Activities set out in Rule 39A.2 are those generally suited to the TISZ. However, Council wants to impart some control upon them to ensure suitable environmental outcomes. Therefore, once such an activity is established, it is not considered appropriate that resource consent should be required for any minor alteration to the building in which the activity takes place.*

*However, in respect of all other activities such as Discretionary and Non-complying activities, any building works shall have the same activity status as the activity itself because it is agreed that the activity and any buildings supporting it may not be appropriate in the local environment.*

**39A.2 CONTROLLED ACTIVITIES**

- i. The following activities are controlled activities in the TISZ
- ii. Controlled activities require a resource consent, but the consent shall be granted.
- iii. An application must be submitted in the prescribed format (available from the Council). The information submitted with the application must comply with the requirements of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 39A.8 (Assessment Criteria for Controlled Activities). The application must also clearly demonstrate compliance with the standards applicable to the activity set out in 39A.6 Development Standards for Permitted and Controlled Activities and 39A.7 Performance Standards for Permitted and Controlled Activities.
- iv. Applications will be assessed in terms of the matters set out in Rule 39A.8 Assessment Criteria for Controlled Activities and any conditions of consent will relate to those matters to which the Council has restricted its control in the foregoing criteria.
- v. An application for a Controlled Activity must be considered on a non-notified basis as provided for under the provisions of section 95 and the Council need not serve notice of any application to any persons under section 95 of the Act.

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

All Controlled activities must comply with:

- 39A.6 (Development Standards for Permitted and Controlled Activities)
- 39A.7 (Performance Standards for Permitted and Controlled Activities)
- 39A.11 (Hazardous Substances Quantity Thresholds)

The following are Controlled activities:

1. SERVICE RETAIL and ANCILLARY ACTIVITIES to SERVICE RETAIL.

SERVICE RETAIL activities include, but are not limited to, stationery shops, photocopy shops, sale of engineering supplies, small-scale\* equipment sales and repairs, small-scale\* machinery and equipment hiring and leasing, sale of feed and medicines for livestock, couriers, banks, companies that provide security and surveillance to business premises, SERVICE STATIONS, FITNESS CENTRES, DAIRIES, CAFÉS, RESTAURANTS, TAKE-AWAY food premises, pharmacies and laundries providing services to the business sector.

There shall be no more than one TAKEAWAY premises or one CAFÉ or one RESTAURANT established in any one BLOCK OF LAND. There shall be no more than one DAIRY established along any one BLOCK OF LAND. Thus, a total of 2 of these activities may be established in any one BLOCK OF LAND as follows:

TAKEAWAY <u>or</u> CAFÉ <u>or</u> RESTAURANT	1
DAIRY	1
<b>TOTAL</b> established along any one BLOCK OF LAND	<b>2</b>

Rule 39A.2.1 does not apply to areas identified as "Agricultural services activities" in Part 54.

2. With respect to any area identified as “Agricultural services activities”, SERVICE RETAIL activities will be limited to the following activities:
- small-scale\* AGRICULTURAL equipment repairs
  - small scale\* RETAILING of AGRICULTURAL equipment and supplies, including the sale of feed and medicines for livestock and including the RETAILING of AGRICULTURAL motor vehicles
  - CAFÉS\*\* as ANCILLARY ACTIVITIES; such CAFÉS shall be situated within the same building as the primary activity.

\* Small-scale means an individual RETAIL UNIT with a gross floor area of 400m<sup>2</sup> or less.

\*\* A CAFÉ as referred to in c) above shall not be regarded as an individual RETAIL UNIT. It shall be regarded as part of the primary RETAIL UNIT. Thus, the CAFÉ shall be incorporated into the same small scale building (being a building with a gross floor area of 400m<sup>2</sup> or less) as the primary activity.

#### *Explanation*

*The restriction with respect to TAKEAWAY, CAFÉ, RESTAURANT and DAIRY (39A.2.1) is aimed at limiting the number of food outlets in the TISZ to ensure the range of services this zone seeks to provide for is not undermined by a proliferation of this type of activity. Each additional TAKEAWAY, CAFÉ, RESTAURANT and DAIRY will be considered as a non-complying activity.*

*With respect to “Agricultural services activities” (39A.2.2), the SERVICE RETAIL activities are restricted to AGRICULTURAL activities because it is not the intention that “Agricultural services areas” become areas for general business. The intention is to acknowledge their role as a provider of AGRICULTURAL goods and services.*

*CAFÉS are provided for in areas identified as “Agricultural services activities” but RESTAURANTS, DAIRIES AND TAKE-AWAYS are not provided for. This is because the primary function of the “Agricultural services activities” areas is to provide agricultural services. An ancillary activity is the activity of providing refreshments and sustenance to those visiting the “Agricultural services area”. CAFÉS fulfill this function without being the primary attraction to the area. On the other hand, DAIRIES AND TAKE-AWAYS are more likely to be destinations in themselves. As such they will generally attract customers that are not supporting the “Agricultural services activities” and they are thus not required as ANCILLARY activities supporting the primary activity. RESTAURANTS provide fuller meals than CAFÉS and are open at night; they are not necessary to provide a supporting service to “Agricultural services activities”. The “Agricultural services activities” areas are scarce resources that should not be utilised by activities that are not supporting the primary function of the area and which are more appropriately located elsewhere.*

3. WHOLESale activities where each individual WHOLESale UNIT has a gross floor area of 400m<sup>2</sup> or less.

With respect to areas identified for “Agricultural services activities” in Part 54, WHOLESale activities will be limited to the WHOLESale of AGRICULTURAL goods.

#### *Explanation*

*WHOLESale activities often require large tracts of land and often require large buildings. These requirements mean that many WHOLESale premises would be inconsistent with the small-scale character (see Part 37A) that is sought by the TISZ. However, the essential nature of WHOLESale activity, i.e. the sale of goods, is similar to SERVICE RETAIL activity. Consequently, it is appropriate that small-scale (less than 400m<sup>2</sup> gross floor area) WHOLESale activities that comply with the Performance and Development standards of the TISZ should be able to locate in the TISZ; WHOLESale activities are thus a Controlled activity in the TISZ.)*

*With respect to areas identified for “Agricultural services activities”, the WHOLESALE activities are restricted to AGRICULTURAL activities because it is not the intention that these areas become areas for general business. The intention is to acknowledge their role as providers of AGRICULTURAL goods and services.*

4. Manufacturing, processing, assembly, storage and distribution activities where each individual MANUFACTURING, PROCESSING, ASSEMBLY, STORAGE AND DISTRIBUTION UNIT has a gross floor area of 400m<sup>2</sup> or less.

With respect to areas identified as “Agricultural services activities” in Part 54, manufacturing, processing, assembly, storage and distribution activities will be limited to the manufacturing, processing, assembly, storage and distribution of AGRICULTURAL goods.

*Explanation*

*Manufacturing, processing, assembly, storage and distribution activities sometimes require large tracts of land and large buildings and sometimes give rise to significant adverse environmental effects, especially where they occur on a large scale. This means that some of these activities would be inconsistent with the character (see Part 37A) that is sought by the TISZ. However, the effects of small-scale manufacturing, processing, assembly, storage and distribution activities can be managed effectively in the TISZ, because the TISZ is primarily a business zone. Consequently, it is appropriate that small-scale manufacturing, processing, assembly, storage and distribution activities that comply with the Performance and Development standards of the TISZ should be provided for in the TISZ.*

*With respect to areas identified for “Agricultural services activities”, the manufacturing, processing, assembly, storage and distribution activities are restricted to AGRICULTURAL activities because it is not the intention that these areas become areas for general business. The intention is to acknowledge their role as providers of AGRICULTURAL goods and services.*

5. BUILDINGS used by New Zealand Police for the purposes of policing activities.
6. The construction, addition or alteration of any building accommodating the foregoing Controlled Activities and complying with Rule 39A.6 Development Standards except where that activity is specifically identified in Rules 39A.1, 39A.3, 39A.4 or 39A.5.

**39A.3 RESTRICTED DISCRETIONARY ACTIVITIES**

The following Restricted Discretionary activities require resource consent. Applications will be assessed in terms of the matters set out in 39A.9. Subject to the relevant provisions of the Act, the Council may grant or refuse consent. In the event that Council grants consent, conditions may be imposed. The conditions can only relate to the matters set out in 39A.9.

1. Activities within 20 metres of a TRANSMISSION GAS PIPELINE where written approval has not been obtained from the service provider.
2. Permeable driveways, parking spaces and loading spaces.

### 39A.4 DISCRETIONARY ACTIVITIES

- i. The activities listed 1 - 3 below are discretionary activities in the TISZ.
- ii. Discretionary activities require a resource consent, and the consent may be granted or refused. In the event that Council grants consent conditions may be imposed in accordance with section 108 of the Act.
- iii. An application must be submitted in the prescribed format (available from the Council). The information submitted with the application must meet the requirements of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 39A.10 Assessment Criteria for Discretionary Activities). The application must also clearly demonstrate compliance with the standards set out in Rules 39A.6 Development Standards for Permitted and Controlled Activities and 39A.7 Performance Standards for Permitted and Controlled Activities so that the relative size, scale and outputs of the activity can be assessed against those envisaged in the TISZ.
- iv. Applications will be assessed in terms of the matters set out in Rule 39A.10 Assessment Criteria for Discretionary Activities, the purpose and character of the TISZ (Part 37A), the Objectives and Policies of the Plan, especially the objectives and policies set out in Part 37A, Section 53 of the District Plan as well as the other matters stated section 104 and 104B of the Act.
- v. An application for a discretionary activity will be considered under the relevant sections of the Act, including Section 95, and may be processed on a notified basis or with notice being served if the Council considers the adverse effect on the environment to be more than minor or it deems people to be potentially adversely affected.

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

1. Any activity that would be a permitted or controlled activity except that it does not comply with one or more of the provisions in:
  - 39A.6 (Development Standards for Permitted and Controlled Activities)
  - 39A.7 (Performance Standards for Permitted and Controlled Activities)
  - 39A.11 (Hazardous Substances Quantity Thresholds)

except where the activity is specifically identified in Rules 39A.3 or 39A.5.
2. Education / training facilities:
  - a) providing INDUSTRY training and/or teaching INDUSTRY courses and
  - b) where INDUSTRY machinery is operated on SITE and
  - c) where the following are complied with:
    - 39A.6 (Development Standards for Permitted and Controlled Activities)
    - 39A.7 (Performance Standards for Permitted and Controlled Activities)
    - 39A.11 (Hazardous Substances Quantity Thresholds)
3. Any increase in the size, scale and intensity of any established Discretionary activity, including the construction of any additional buildings as well as additions and alterations to existing buildings increasing gross floor area.

### 39A.5 NON-COMPLYING ACTIVITIES

- i. Any activity not provided for in Rules 39A.1, 39A.2, 39A.3 and 39A.4 is a Non-complying activity
- ii. Non-complying activities require resource consent, and the consent may be granted or refused.
- iii. An application must be submitted in the prescribed format (available from the Council).
- iv. Applications will be assessed in terms of the matters set out in Part 53, the purpose and character of the TISZ (Part 37A), the Objectives and Policies of the Plan, especially those set out in Part 37A and where appropriate, the matters applying to Controlled and Discretionary Activities. Where consent is granted, conditions of consent may be imposed.
- v. The information submitted with the application must meet the requirements of Part 52.
- vi. An application for a non-complying activity will be considered under the relevant sections of the Act, including section 95, and may be processed on a notified basis or with notice being served if the Council considers the adverse effect on the environment to be more than minor or it deems people to be potentially adversely affected.
- vii. Once a non-complying activity has been established, the ongoing consent of the Council is required to undertake any changes on site.

Any activity not provided for in Rules 39A.1, 39A.2 and 39A.3 and 39A.4 is a Non-complying activity. Non-complying activities include but are not limited to the activities listed below:

1. Manufacturing, processing, assembly, storage and distribution activities
2. WHOLESALE
3. OFFICES (e.g. lawyers' OFFICES, estate agents' OFFICES, accountants' OFFICES, travel agents' OFFICES) that are not ANCILLARY ACTIVITIES
4. AGRICULTURE
5. Residential activities e.g. RESIDENTIAL BUILDINGS, DWELLING HOUSES, accommodation for the aged, retirement accommodation, residential care facilities, PAPAKAINGA HOUSING and MULTI-UNIT HOUSING.
6. RETAIL. Examples of RETAIL activities which are non-complying activities are listed below.
  - a) Laundries (except laundries providing services to the business sector, as opposed to providing services to HOUSEHOLDS)
  - b) A TAKEAWAY or a RESTAURANT or a CAFÉ which is additional to one established TAKEAWAY or RESTAURANT or CAFÉ per BLOCK OF LAND as set out in Rule 39A.2.1
  - c) A DAIRY which is additional to one DAIRY per BLOCK OF LAND as set out in Rule 39A.2.1
  - d) VARIETY DISCOUNT (SUPERMARKET) MERCHANDISING
  - e) Liquor RETAILERS
  - f) FUNERAL SERVICES, PREMISES and FUNERAL PARLOURS
  - g) Taverns, bars (explanation for non-complying status: TAKEAWAYS, RESTAURANTS, CAFÉS and DAIRIES provide sustenance required by those working in the TISZ. Taverns and bars perform an entertainment/recreational/relaxation function and are more appropriately located in town centres)
  - h) Hairdressers and barbers

- i) Beauty salons (except as an ANCILLARY ACTIVITY to a FITNESS CENTRE)
- j) Video and DVD hire outlets
- k) HIRE CENTRES undertaking personal and HOUSEHOLD goods hiring
- l) Betting shops
- m) GARDEN CENTRES
- n) RETAILING of motor vehicles, including AGRICULTURAL motor vehicles
- o) Motor vehicle RETAILING and motor vehicle RETAILING as an Ancillary Activity
- p) Educational facilities and services not associated with the teaching of INDUSTRY skills
- q) CHILD CARE AND LEARNING CENTRES, CHURCH, COMMUNITY FACILITIES
- r) GREENHOUSES
- s) Mining and extraction
- t) CAMPING GROUNDS or TEMPORARY LIVING PLACES
- u) EQUESTRIAN CENTRES, HORSE TRAINING CENTRES
- v) KENNELS, CATTERIES
- w) HEALTH CENTRES, HOSPITALS, dentists' rooms, doctors' rooms, VETERINARY CENTRES
- x) MARAE
- y) MOTELS, MOTOR CAMPS, TRAVELLERS' ACCOMMODATION
- z) SHOW HOMES
- aa) Motor vehicle body repair premises and activities
- bb) Car parking areas and buildings that are not ancillary to a permitted or consented activity
- cc) Any increase in the size, scale and intensity of any established non-complying activity, including the construction of any additional buildings as well as additions and alterations to existing buildings increasing gross floor area



<b>39A.6</b>	<b>DEVELOPMENT STANDARDS FOR PERMITTED AND CONTROLLED ACTIVITIES</b>
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- i. All Permitted and Controlled activities in the TISZ shall comply with the standards set out below.
- ii. The intention of these standards is to:
  - achieve the character sought by the relevant Structure Plans in Part 54
  - achieve the character sought by Part 37A
  - achieve the objectives and policies of the Plan, especially those in Part 37A
- iii. In order to ascertain compliance, the Council may request such information and plans as may be necessary, including any technical data or expert assessment that Council deems to be appropriate to the circumstances.

### **39A.6.1 BUILDING HEIGHT**

#### 1. Maximum Building Height

No building shall exceed a height of 12m.

(Height shall be determined by the rolling height method whereby the height measurement is applied from the natural ground level directly below.)

#### *Explanation*

*A maximum height limit is appropriate, given the location of the zone close to residential and rural areas, as height is a significant factor in establishing the character of an area and its compatibility with its surroundings. This standard also helps to maintain a scale of development compatible with the nearby residential and rural land uses, which in turn manages the visual impact of the TISZ on non-business zones. This is of critical importance in achieving a balance between:*

- *Providing for appropriate development and*
- *Retaining the amenity of the Franklin District, in both business zones and non-business zones.*

*This standard helps to ensure adequate sunlight in the TISZ and surroundings.*

#### 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, Village Business, Recreation, Residential, Rural-residential, Rural Village, Coastal Village, Coastal, Village Countryside Living, Wetland Conservation, Kingseat Special Zone, Proposed Esplanade Reserve and Forest Conservation.

#### *Explanation*

*This standard helps to maintain a scale of development compatible with the surrounding land uses and manages the visual impact of the TISZ on nearby areas. This is of critical importance in achieving a balance between:*

- *providing for appropriate development and*
- *retaining the amenity of the Franklin District, in both business zones and non-business zones.*

*This standard helps to ensure adequate sunlight in the areas near to the TISZ.*

**39A.6.2 YARDS**

1. Where a TISZ SITE has a common boundary with any of the following (listed as 1a) – e) below), an amenity YARD with a minimum depth of 5 metres shall be observed along the entire length of that boundary. Pedestrian ways (Rule 39A.6.16) can be located within the amenity YARD.
  - a) a public road except in the TISZ along Road J, in which case a YARD with a minimum depth of 7.5 metres shall be observed
  - b) open space reserve/recreation reserve/covenanted bush
  - c) any SITE not zoned TISZ or TIZ
  - d) land designated for motorway/state highway purposes
  - e) railway reserve
2. All amenity YARDS shall be planted in accordance with Rule 39A.6.3.
3. YARDS shall not be used for storage purposes.

*Explanation*

*The separation of business buildings and business activities in the TISZ from transport corridors, open spaces, parks and potentially more sensitive zones, is essential to maintain an acceptable level of amenity along and adjacent to the latter elements.*

*The separation of business buildings and business activities in the TISZ from zones which have the potential to create adverse effects in the TISZ, is essential to maintain an acceptable level of amenity in the TISZ.*

*YARDS serve to enhance the amenity of an area by:*

- *insulating the effects of various activities*
- *promoting an 'open' and uncluttered perspective*
- *avoiding a 'tunnel view corridor'.*

*YARDS also enable comprehensive vegetative planting to occur on SITES. This planting serves to maintain an acceptable level of amenity:*

- *along transport corridors, open spaces and parks*
- *in other potentially more sensitive zones*
- *in the TISZ itself.*

*With respect to Rule 39A.6.2(1)(b) and (c), the separation of business buildings and business activities in the TISZ from more sensitive land uses, such as residential and reserve land, is essential to maintain an acceptable level of amenity in these more sensitive areas. The separation distance also enables an appropriate degree of landscaping to be provided on SITE to further aid the visual insulation of the business area/SITE and maintain surrounding amenity levels.*

*With respect to Rule 39A.6.2(1)(c), the separation of business buildings and business activities in the TISZ from activities that potentially have greater adverse effects, is essential to maintain an acceptable level of amenity within the TISZ and to manage potential REVERSE-SENSITIVITY effects of the TISZ on those other zones. The separation distance also enables an appropriate degree of landscaping to be provided on SITE to further aid the visual insulation of the business area/SITE and maintain amenity levels in the TISZ.*

*Storage has the potential to significantly compromise the positive outcomes of amenity planting.*

4. Road widening designations

Where a "road widening" designation applies, the YARD requirement will apply in addition to the "road widening" designation requirement. For "road widening" designations refer to Plan Map 101.

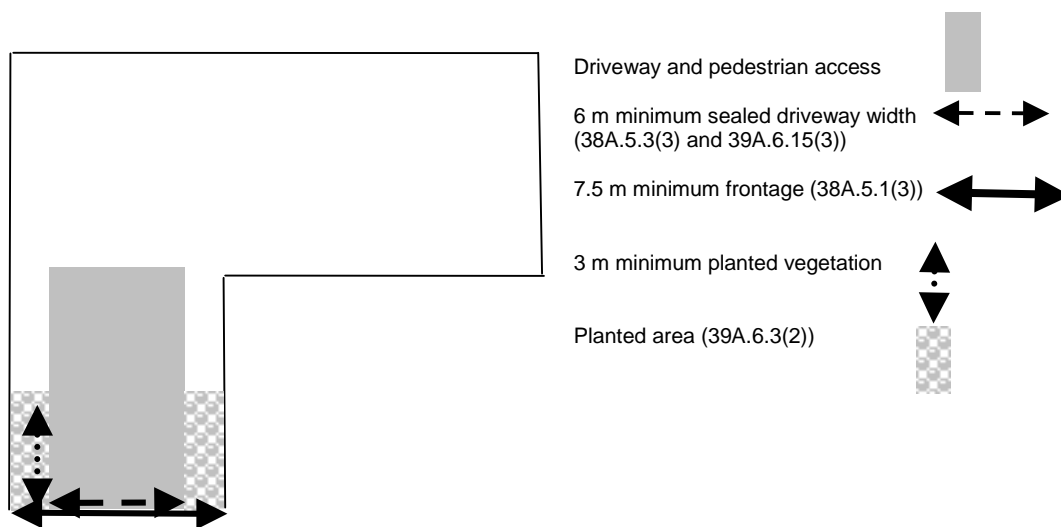
*Explanation*

*The 5 metre YARD required by Rule 39A.6.2 should be maintained, even if roads are widened.*

**39A.6.3 AMENITY PLANTING**

1. YARDS required by Rule 39A.6.2(1) shall have a minimum depth of planted vegetation of 3 metres adjoining the boundary which is the common boundary referred to in Rule 39A.6.2(1) across the entire boundary of the SITE, excluding only those areas used for DRIVEWAYS (Rule 39A.6.15) and pedestrian ways (Rule 39A.6.16).
2. For rear SITES, except for the area occupied by a DRIVEWAY (Rule 39A.6.15) and pedestrian access (Rule 39A.6.16), an area of planted vegetation shall extend for at least 3.0m from the road boundary into the ENTRANCE STRIP.

**Figure 39A.6.3 Amenity planting (rear SITES)**



3. Notwithstanding the above, a minimum of 15% of every SITE shall be planted with vegetation.
4. The area to be planted in accordance with 1 – 3 above shall at all times be kept free of temporary SIGNS.
5. Where planting is to occur under or adjacent to overhead electricity lines, all planting shall be undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.

*Explanation*

*The separation of business buildings and business activities in the TISZ from the public domain of the road way is essential to maintain an acceptable level of amenity along the road way. The required planting forms a vegetative screen and serves to soften the impact of business buildings on the streetscape and to promote an 'open' and uncluttered street perspective and avoid a 'tunnel view corridor', which significantly diminishes the amenity of an area.*

*The separation of business buildings and business activities in the TISZ from more sensitive land uses, such as residential and reserve land, is essential to maintain an acceptable level of amenity on these neighbouring uses. The required dense planting provides a vegetative screen and aids the visual insulation of the business area/SITE and helps to maintain surrounding amenity levels.*

*It is recognised that an unobstructed area along the façade of any building might be required so that the building can be maintained from time to time without damaging the planting in the amenity YARD. Hence, the planting depth required is less than the YARD depth required.*

*Vegetated areas aid in the mitigation of adverse stormwater effects.*

*Vegetated areas on-site enhance the amenity for those utilizing the SITE.*

*SIGNS have the potential to significantly compromise the positive outcomes of amenity planting.*

## 6. Submitting a Plan

A planting/landscaping plan to scale must accompany the building consent, or compliance certificate, or the resource consent application submitted to the Council for any development. It must clearly show the location and size of the amenity planting areas and:

- the direction of fall of the land and contours at 0.5 metre intervals
- 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, their botanical name, maturity height and width
- shall provide a planting plan showing locations in which the foregoing plants are to be planted
- shall provide a statement as to when the plants will be planted, and how they will be nurtured to maturity and maintained thereafter

## 7. Species

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

## 8. Planting

All required plants must be planted no later than August of the planting season following the date of building consent.

9. A bond may be required to ensure that the work is completed and also maintained for up to two years thereafter.

10. 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.

## *Explanation*

*Planting and landscaping can mitigate potential adverse visual and dust effects on nearby properties and roads. The positive effect of landscaping is best achieved where planting and landscaping are an integral part of the design of the development.*

*The landscaping required by this rule is the minimum standard considered appropriate to providing an acceptable standard of amenity for the SITE and its surroundings. Any departure from this rule must demonstrate that special circumstances exist to warrant the departure and must demonstrate that high quality alternative landscaping, that maintains or enhances the amenity of the local environment, will be implemented.*

**39A.6.4 FENCES / WALLS**

1. No fence or wall exceeding a height of 1 metre may be erected in a YARD required by 39A.6.2.1(a).
2. No fence or wall may exceed a height of 2 metres.
3. Any fence or wall erected within a YARD required by 39A.6.2.1(b) - (e) shall be of a transparent nature (i.e. wire mesh or similar) so that the landscaping of the amenity YARD can be viewed outside the SITE.

*Explanation*

*The Council recognises the need for business premises to be secured but this must be balanced with maintaining amenable and safe public spaces; this balance will be achieved by adhering to both the fencing and vegetative plating rules.*

*Walls and fences can alienate, visually and functionally, business activities and business buildings from public places and spaces. Where business activities and buildings are visually and functionally integrated with, and form an holistic entity with, public places, the following positive results are attained:*

- *passive surveillance, and thus safety, is increased*
- *the public places are more easily accessed and utilised by those involved in the business activities aesthetic values are enhanced*

*Where a fence (or wall serving the same purpose as a fence) in an amenity YARD is of a transparent nature, the landscaping of the amenity YARD can be viewed from outside the SITE.*

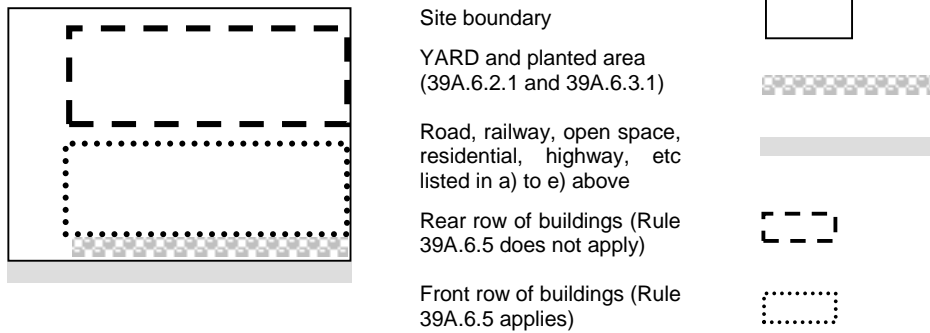
**39A.6.5 BUILDING FAÇADES**

1. With respect to the building façades described in a) to e) below, at least 60% of the surface area shall be glazed with glass that does not cause glare and the building façades shall incorporate at least one ARCHITECTURAL FEATURE that, to the satisfaction of Council, introduces variation into the façade.
  - a) all building façades that are located on a SITE whose boundary is contiguous with a road and where the façade is facing the road, whether or not the road is identified as a planted-median road in a structure plan in Part 54
  - b) all building façades that are located on a SITE whose boundary is contiguous with railway reserve land and where the façade is facing the railway reserve land
  - c) all building façades that are located on a SITE whose boundary is contiguous with an open space or recreation reserve or covenanted bush and where that façade is facing the open space/recreation reserve/covenanted bush
  - d) all building façades that are located on a SITE whose boundary is contiguous with any SITE zoned Rural, Village Business, Recreation, Residential, Rural-residential, Rural Village, Coastal Village, Coastal, Village Countryside Living, Wetland Conservation, Kingseat Special Zone, Proposed Esplanade Reserve and Forest Conservation and where the façade is facing the other SITE
  - e) all building façades that are located on a SITE whose boundary is contiguous with land designated for motorway/state highway purposes and where the façade is facing the land designated for motorway/state highway purposes

*Note: A façade shall be deemed to be facing an element listed in a) – e) above even if it is not parallel to the element, i.e. if it is located at any angle less than 90 degrees to the element, it shall be deemed to be facing that element.*

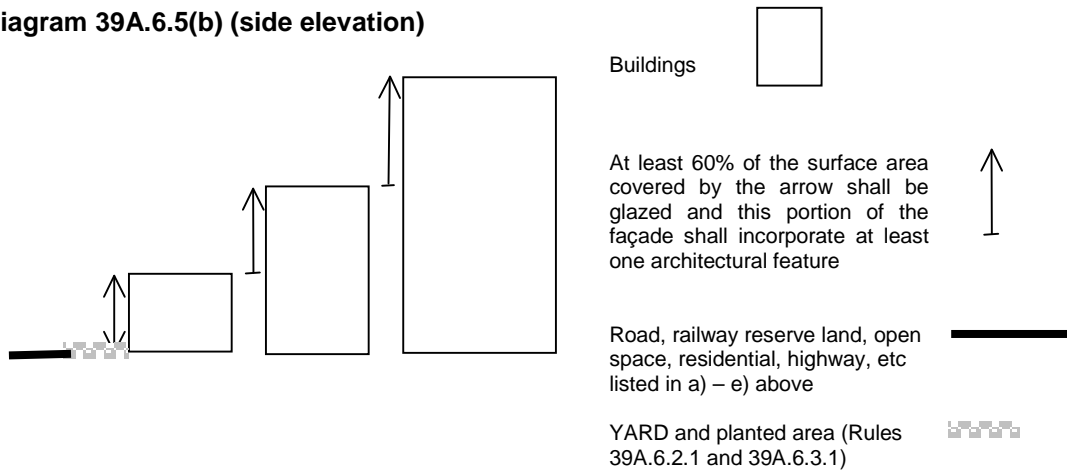
2. Where the proposed development consists of more than one row of buildings, one behind the other, and where the buildings are the same height, 39A.6.5(1) shall apply only to the buildings closest to the road, railway line, open space, etc listed in a) – e) above (see diagram 39A. 6.5(a) below)

**Diagram 39A.6.5(a)**



- Where the proposed development consists of more than one row of buildings, one behind the other, and where a building is lower than any of the buildings behind it, (or if the buildings are the same height but the topography of the land causes part of one building to be elevated above another building) then the following applies: those portions of the façades of any rear buildings that protrude above buildings in front, shall be glazed and shall incorporate at least one ARCHITECTURAL FEATURE (in the manner set out above) (see diagram 39A.6.5(b) below).

**Diagram 39A.6.5(b) (side elevation)**



**Explanation**

The appearance of buildings, as viewed from transport corridors and other areas, significantly affects the amenity and character of an area. Monotonous outward facing solid walls, particularly when occurring on successive SITES, adversely affect the visual amenity of an area.

Outward facing solid walls also reduce opportunities for passive surveillance, thereby undermining the safety of an area.

The intent of this rule is to create building frontages that:

- maintain the visual amenity of the area
- provide an interesting façade
- prevent the likelihood of crime occurring in the area

Where the proposed development consists of more than one row of buildings, the rule only need apply to those parts of the rear buildings that are visible from the elements listed in 1(a) – (e) above.

**39A.6.6 AERIALS**

1. Subject to compliance with the other controls of this Zone, AERIALS must comply with the provisions of Part 15.1 of the Plan.
2. Where an AERIAL which does not comply with this Plan only affects one abutting property, which shall be deemed to be the case if it is at least 10 metres from all other abutting sites or *notional* lots, then it is Permitted where the written consent/s of the owners and occupiers of the one affected property are obtained and submitted to Council for verification.

*Explanation*

*Aerials could detract from the pleasantness or outlook of adjoining properties and should be kept within specified limits unless consent is obtained.*

**39A.6.7 OUTDOOR STORAGE AREAS**

1. Effect on business zones and transport corridors in business zones

The following stored goods:

- materials
- engines or parts of engines
- machinery or parts of machinery
- equipment or pieces of equipment
- motor vehicle bodies
- motor vehicle parts
- containers

shall be **substantially (at least 75%)** screened, by walls, fences, mature vegetation or other permanent means, from any other SITE zoned Business Zone, TIZ, TISZ and Village Business Zone and from any transport corridor within any of these zones.

This standard does not apply to:

- mechanical equipment and vehicles that are in full working order
- landscaping products and plants

2. Effect on non-business zones and transport corridors in non-business zones

- a) In addition to compliance with Rule 39A.6.7 (1) above, all stored materials or goods of whatever kind shall be **completely (100%)** screened from view from:
  - i. any SITE zoned Rural, Recreation, Residential, Rural-residential, Rural Village, Coastal Village, Coastal, Village Countryside Living, Wetland Conservation, Kingseat Special Zone, Proposed Esplanade Reserve and Forest Conservation
  - ii. any transport corridor within these zones
  - iii. any open space/recreation reserve/covenanted bush
- b) Notwithstanding Rule 39A.6.7 (2)(a), where the elements listed in i. – iii. above are elevated above the storage area such that this standard is not practicable, the screening shall comprise the planting and maintaining of plants or trees which can reach a maturity height which will achieve at least a 75 per cent screening of the storage area.
- c) This standard does not apply to storage areas for vegetation.

*Explanation*

*Outdoor storage areas can be unsightly and the community should be protected from their potential adverse visual effects.*

*The amenity of non-business zones requires greater protection than business zones.*

**39A.6.8 GROSS FLOOR AREA OF RETAIL UNITS**

1. The gross floor area of any individual RETAIL UNIT provided for in Rules 39A.2, 39A.3 and 39A.4 shall not exceed 400m<sup>2</sup>.

*Explanation*

*A maximum gross floor area limit is appropriate, given the location of the TISZ close to more sensitive zones, as the bulk of a building is a significant factor in establishing the character of an area and its compatibility with its surroundings.*

*By maintaining smaller scale development, and hence a decreased scale of activity, closer to non-business zones, this standard helps to maintain a scale of development compatible with the nearby residential and rural land uses, which in turn manages the visual, traffic and other impacts within the TISZ and on its surroundings. This standard also helps to retain the small-scale, small-town character of the area; this character is worth retaining because it is what the Franklin community values.*

*This is of critical importance in achieving a balance between:*

- *Providing for appropriate development and*
- *Retaining the amenity of the Franklin District, in both business zones and non-business zones.*

*This standard helps to ensure adequate sunlight in the TISZ and surroundings.*

*This standard is also intended to ensure that supermarkets and chain stores are excluded from the TISZ because such developments:*

- *attract shoppers from further afield than the nearby INDUSTRIAL area, creating an expectation that Council will undertake amenity upgrades such as those that take place in town centres; Council's policy is to focus resources on upgrades in the town centres of Pukekohe, Tuakau and Waiuku*
- *attract shoppers from further afield than the nearby INDUSTRIAL area, creating the potential for traffic congestion and mitigating against the principle of reducing the number of vehicle trips and the length of vehicle trips*
- *use space that is required for business activities that support the INDUSTRIAL activities nearby*

**39A.6.9 SETBACK FROM WATER**

Subject to Rule 39A.7.5, no building shall be situated closer than 30 metres back from mean high water springs or 10 metres back from the edge of any stream or river, and EARTHWORKS within these setbacks shall not exceed a total volume of 25 cubic metres or a total area of 250 square metres.



*Explanation*

*This standard is intended to achieve the following:*

- *avoid contamination of water and the coastal or riparian environment*
- *protect the land/water interface from the adverse visual impact of structures that in the context of the TISZ often have a utilitarian appearance*
- *provide space for planting*
- *reduce the risk of damage from erosion or flooding*

**39A.6.10 SETBACK FROM ELECTRICITY TRANSMISSION LINES**

All buildings and other works shall comply with the provisions of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 (NZECP 34) or equivalent replacement Code or Standard.

*Explanation*

*This standard is intended to:*

- *Ensure safety from electrical shock and long-term exposure*
- *Minimise visual intrusiveness*
- *Enable line maintenance*
- *Enable future upgrades*

**39A.6.11 SITE COVERAGE**

The maximum permitted building coverage is 85%. The calculation of coverage shall be based on net SITE area.

*Explanation*

*Together with the parking, YARD, landscape and stormwater management requirements and the provision of the open space systems identified in the relevant structure plans in Part 54, this rule aims to enhance amenity by reducing the extent of the built environment and achieving a degree of openness.*

**39A.6.12 PARKING SPACES**

1. The number of parking spaces provided will be as set out in 29.5.6 PARKING SPACES.
2. All parking and manoeuvring areas shall be sealed with tar or concrete or materials that have the same (or superior) sealing effect. All work shall be in accordance with accepted practice for commercial loadings, and such that stormwater will, in all weathers, leave the site in a controlled manner so as to have no potential to cause damage to roads or adjoining properties.
3. One demarcated cycle parking space and accompanying cycle stand (39A.6.18) shall be provided for every 2 car parking spaces.

*Explanation*

*The purpose of this standard is:*

- *To provide the appropriate number of parking spaces to serve the activity and so ensure that the function and safety of the road is not compromised by vehicles parking in the street or executing*

*extra manoeuvres on the road due to a lack of space*

- *To ensure that the amenity of other zones is not compromised by traffic generated by the TISZ*
- *To provide for cyclists*

*The size or bulk of a building in the TISZ is partly governed by the SITE's ability to accommodate the parking required for the building. Therefore, parking requirements, in the absence of SITE coverage rules, play an integral role in the retention of open space on SITE and the effect of the building on the amenity of the area. Therefore, failure to meet the required number of parking spaces on SITE caused, by an 'oversized' building not only jeopardises the ability of the SITE to be used for subsequent potentially more intensive activities but also adversely affects the scale and intensity of the SITE relative to its surroundings.*

**39A.6.13 LOADING SPACES**

1. Number of loading spaces

All activities shall, on the same SITE as that activity, provide 1 loading space per 400 m<sup>2</sup>, or part thereof, of gross floor area.

2. Design of loading spaces and associated manoeuvring areas

All loading spaces and associated manoeuvring areas shall comply with the following design requirements, unless otherwise set out in the relevant structure plan:

- a) No loading space may be situated in such a way that vehicles have no option but to reverse onto or off the SITE.
- b) No loading spaces or areas shall be less than 8 metres in depth, 4 metres in width, and 4.25 metres in height
- c) All loading spaces or areas shall be provided with an access path that enables a 90 percentile truck to manoeuvre on SITE.

3. Construction

All loading and associated manoeuvring areas shall comply with Rule 39A.6.12 (2) as if the reference to "parking" was to "loading" spaces.

*Explanation*

*The provision of loading spaces is essential to the efficient (safety is included in the concept of efficiency) operation of the activities provided for in the TISZ.*

**39A.6.14 VEHICLE CROSSINGS**

1. All SITES

Each SITE shall have no more than one vehicle crossing. The following dimensions shall apply to the vehicle crossing:

Maximum width at SITE boundary	Maximum width at the curb of the road
6 metres	Width at boundary + 3 metres

2. Council's policy

Unless otherwise stated, vehicle crossings between SITES and the edge of the formation (kerb-line) of any road or service lane shall comply with Council's policy, set out in Rule 29.5.8 (1).

### 3. Vehicle crossings and state highways

Before any access onto a State Highway is acquired, the written approval of New Zealand Transport Agency shall be obtained.

#### *Explanation*

*To enhance the amenity, functioning and safety of the road way, it is necessary to control the number and width of vehicle crossings.*

*Vehicle crossings pose potential safety risks to vehicles, pedestrians and cyclists moving along the road; they create points of potential vehicular, pedestrian and cycle conflict.*

*Vehicle crossings reduce the availability of on-road parking.*

*Increased numbers of vehicle crossings also preclude the establishment of comprehensive, well-designed SITE frontages and hence a proliferation of vehicle crossings can appreciably detract from the amenity of the streetscape.*

*The nature of the activities for which the TISZ is intended is such that SITES are relatively small and hence only one vehicle crossing is required on each road frontage.*

*Wider vehicle crossings would compromise the ability to cater for the under-grounding of services. The relationship between minimum frontage and maximum vehicle crossing enables under grounding of services*

*These standards provide for vehicle crossings that are wide enough to enable the efficient movement of large vehicles.*

### **39A.6.15 DRIVEWAYS**

1. The gradient of driveways shall not exceed 12%.

#### *Explanation*

*Driveways with a gradient in excess of 12% significantly reduce the functionality of lots.*

*Driveways with a gradient in excess of 12% significantly reduce a lot's versatility for a range of activities.*

2. No driveway serving a rear SITE shall have a length exceeding 50 metres.

#### *Explanation*

*Within the context of the relatively small-scale character of the TISZ (see Part 37A), driveways in excess of 50 metres significantly reduce the relationship of the rear SITE to the road way creating lengthy spaces that may not be readily observed and so are inconsistent with crime prevention by design.*

3. DRIVEWAYS shall have a formed/sealed width of at least 6 metres and shall serve no more than 4 lots or 4 BUSINESS UNITS. Where more than 4 lots or more than 4 BUSINESS UNITS are to be served, a road constructed to public standards and in accordance with Rule 38A.5.7 shall be provided.

#### *Explanation*

*Where no more than 4 lots are served the formed/sealed driveway should not be narrower than 6 metres because this width is required to enable the efficient (including safe) movement of the vehicles that are typically required for SERVICE RETAIL activities.*

*Where more than 4 lots are served, a road constructed to public standards and in accordance with Rule 38A.5.7 will enhance the amenity, functioning and safety of the road way.*

4. Notwithstanding any other Rule in this Plan, the entire length of all driveways shall be sealed with tar or concrete or materials that have the same (or superior) sealing effect. All work shall be to the satisfaction of the Chief Executive or officer(s) acting under delegated authority.

*Explanation*

*Seal is required for long-term effective and safe operation of the business area. The sealing of the driveway is necessary to avoid the nuisance and potential danger to motorists, pedestrians and cyclists, of loose gravel and dust coming out over the road, particularly from large vehicles. Gravel can accelerate damage to roads and clog drains.*

5. There shall be no DRIVEWAY onto a limited access road identified in a structure plan in Part 54.

*Explanation*

*This rule intends to promote the safe ingress and egress from properties; this is best achieved if DRIVEWAYS are located on roads internal to the business area.*

### **39A.6.16 PEDESTRIAN WAYS**

1. Each front or corner SITE may provide pedestrian ways perpendicular to the front boundary extending through the front YARD and extending through the required area of planting provided that there is no more than 1 pedestrian way for every 30 metres (or part thereof) of frontage.
2. YARDS may contain pedestrian ways.
3. Each REAR SITE may provide one pedestrian way adjacent to the driveway.
4. The width of any pedestrian way shall not exceed 1.5 metres.

*Explanation*

*Pedestrian access is required to the SITE itself and may also be required to an adjacent SITE, e.g. .a recreation reserve. It is thus appropriate to provide dedicated pedestrian access. However, pedestrian ways should not be so wide as to compromise the integrity of YARDS and amenity planting requirements. More than one pedestrian way is appropriate where the boundary of a SITE is long.*

### **39A.6.17 SHOWERS AND CHANGING ROOMS**

At least one shower and one changing room shall be provided for every 15 persons (or part thereof) that the facility is designed to employ. Every facility shall have at least 1 shower and 1 changing room.

*Explanation*

*The TISZ is designed to facilitate cycling and walking to and from work. It is also designed to facilitate passive and active recreation in the open space system that traverse the area during free time. Showers and changing facilities are necessary if cycling, walking and exercise are to become commonplace.*

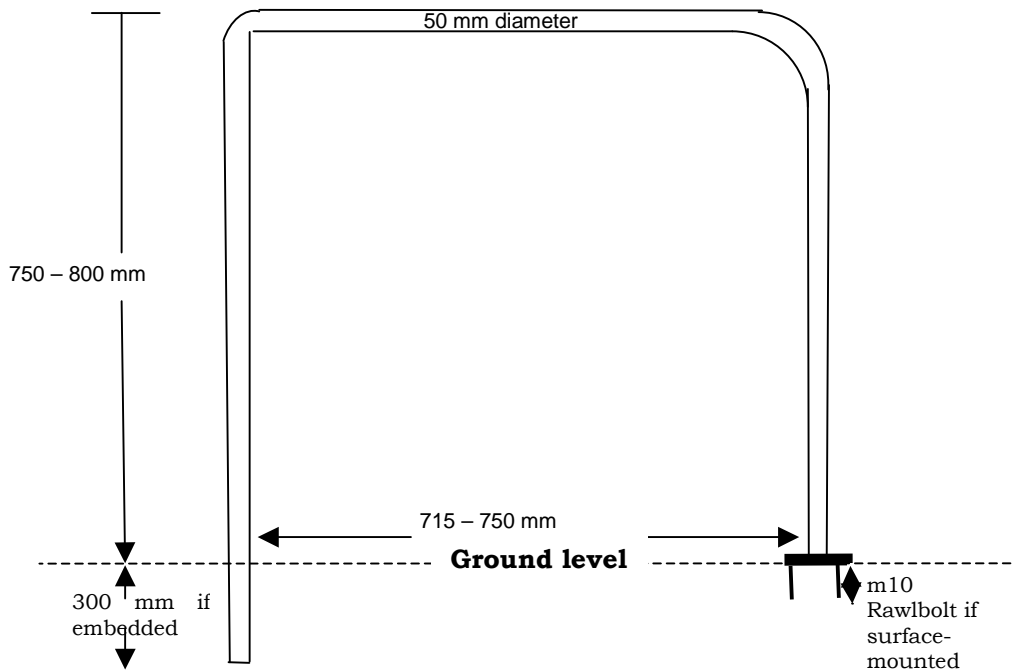
### **39A.6.18 CYCLE PARKING**

Cycle stands shall be designed and constructed according to the specifications set out in diagram 39A.6.18 (a) and as set out in 1 to 7 below

or

Cycle stands shall be designed and constructed in a way that achieves the intentions set out in the explanations in 39A.6.18.

**Diagram 39A.6.18 (a)**



1. Width  
715 - 750 mm
2. Height  
If surface mounted: 750 mm – 800 mm  
If embedded into concrete: 1050 – 1100 mm (300 mm to be embedded)
3. Outer diameter of tubing  
50 mm

#### *Explanation*

*This standard provides for cycle stands that give adequate support to cycles because:*

- *the cycle frame and at least one wheel can be secured to the cycle stand*
- *the cycle stand is the right height (if the stand is too low, cycles can fall over easily and if the stand is too high some cycles will not be able to be secured to cross-bar of the stand) thus the stand can be used by variety of standard cycle sizes and shapes*

*This standard is intended to enhance efficiency because:*

- *the specified stands can be produced, installed and maintained cost-effectively.*
- *each stand provides a secure parking place for 2 cycles*

*This standard is intended to enhance convenience because all popular types of locks can be used with the specified stands.*

*The use of concrete blocks and any other forms of slots that hold only wheels is not acceptable because:*

- *they do not enable the cycle to be adequately secured to prevent theft*
- *the wheels of the cycles stored in them can be damaged*
- *the cycles stored in them can fall over easily.*

#### 4. Construction materials

Cycle stands shall be constructed of the following materials:

- Hot dipped galvanized to BS EN ISO 1461:1999 (or any amendments or updates) or
- Stainless steel or
- Duracast polyurethane

#### Explanation

These materials are durable and easy to maintain and thus using them promotes efficiency.

These materials are strong and thus promote cycle security.

These materials are unlikely to damage cycles; duracast polyurethane is a polymer and thus provides maximum protection against damaging the cycle.

#### 5. Securing the stand (diagram 39A.6.18 (a))

Stands shall be either:

- surface-mounted into concrete using at least 2 security bolts (m10 Rawlbolts) through the base-plates
- embedded into concrete to a depth of 300 mm.

#### Explanation

*This standard is intended to enhance the security of both stands and cycles. Stands bolted into asphalt are not acceptable because they are susceptible to vandalism.*

#### 6. Spacing between cycle stands

Where more than one cycle stand is to be installed, the space between each stand shall be a minimum of 1000 mm.

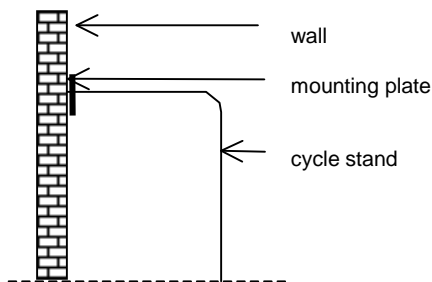
#### Explanation

*This standard is intended to ensure that both sides of the stand can be used to park and secure a cycle.*

#### 7. Distance of cycle stands from walls

Each cycle stand shall be at least 550 mm from all walls unless:

- a wall forms part of the design of the cycle stand, as indicated in diagram 39A.6.18(b) or
- a wall forms part of the design of the storage device, e.g. the storage device might be a bracket attached to a wall.

**Diagram 39A.6.18 (b) Wall as part of Cycle Stand Design***Explanation*

*This standard is intended to ensure that:*

- *cycles are easy to access*
- *cycles do not get damaged.*

**39A.6.19 HAZARDOUS SUBSTANCES MONITORING**

Where any activity is deemed to be permitted in terms of Rule 39A.11 (Hazardous substances quantities thresholds) and the SITE of that activity is within 75 metres of a SITE zoned Rural, Village Business, Recreation, Residential, Rural-residential, Rural Village, Coastal Village, Coastal, Village Countryside Living, Wetland Conservation, Kingseat Special Zone, Proposed Esplanade Reserve and Forest Conservation, then the:

- type/s
- quantities
- location/s on SITE and/or position within the building/s
- emergency response plans or procedures which are to be put in place in respect of the hazardous substance/s

must be submitted to the Council in writing, with such drawings as may be requested, prior to the activity commencing.

*Explanation*

*This requirement is to ensure that the Council can fulfill its monitoring responsibilities and so that it could in the light of new information, or new Regional rules, or changes in the legislation, discuss ways to ensure that any environmental risks are kept within tolerable limits. Emergency planning is considered an integral component of the responsible use of hazardous substances and a precautionary approach to avoiding or minimising environmental damage.*

**39A.6.20 LOCATION OF FUEL DISPENSERS**

Where any activity involves the dispensing of vehicle fuels by RETAIL, the dispensing units or points must be at least 12 metres from the midpoint, on the boundary, of any vehicle crossing provided that for "truck stops" this distance must be at least 18 metres.

*Explanation*

*This requirement is to ensure that vehicles can park well clear of entrances, and that in the case of service stations there is space for queuing.*

**39A.6.21 LPG STORAGE**

Up to and including 6 tonnes of liquified petroleum gas (single vessel storage) may be stored per SITE provided that between 2 and 6 tonnes may only be stored where the installation is in accordance with the separation distances specified in Rule 39A.12.

*Explanation*

*While mishaps involving LPG would be classified as “low probability” they have the potential to cause significant adverse environmental effects. The effects of mishaps in relation to installations up to 2 tonnes would be relatively contained and, consequently, such installations are permitted activities in the District Plan. These installations are, however, subject to regulation under the Hazardous Substances and New Organisms Act 1996.*

*Installations between 2 and 6 tonnes are permitted activities subject to compliance with standards for separation of the installation and the “people intensive” activities specified in Rule 39A.11 Hazardous Substances Quantities Threshold. Installations over 6 tonnes capacity demand a more extensive assessment of SITE suitability, including the terrain and drainage systems of the locality, given the propensity of LPG (which is heavier than air) to move to and concentrate in low places which could be a considerable distance from the SITE of a leakage, depending on drainage patterns. Installations over 6 tonnes are therefore assessed as Discretionary (RA) Activities.*

**39A.6.22 STORMWATER MANAGEMENT – VOLUME CONTROL**

All activities shall be served by a stormwater management system that is deemed to be effective and appropriate by Council. The provisions below apply unless otherwise stated in the relevant structure plan in Part 54. The landowner shall be responsible for the ongoing maintenance of private on-site stormwater systems upon their implementation.

In the case of an alteration or addition to an existing activity, the applicant must show that the standard of stormwater management provided is effective and appropriate.

An effective and appropriate stormwater management system shall be achieved by providing for either A, B or C following:

- A. An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site detention structure to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the SITE equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the SITE). The detention structure must be able to completely empty via an orifice-controlled outlet over a 24 hour period.

OR:

- B. An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site soakage system to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the SITE equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the SITE). The soakage system must be able to completely empty via soakage within a 24 hour period.

OR:

- C. An alternative method of stormwater management of the SITE/s, which achieves a standard of stormwater management equal to or better than that achieved by compliance with A or B above, such that the adverse effects of stormwater are avoided, remedied or mitigated.

The stormwater management system shall be maintained to achieve the standard of management provided for under A, B or C.



Where sustainable methods and alternatives are part of the development proposal, annual stormwater drainage fees may be discounted at the discretion of Council.

#### *Explanation*

*The following factors should not detract from the effective functioning of any stormwater management system. These factors should not have an adverse effect, including any downstream effect, on any SITE.*

- i. 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*
- ii. the post-development point of discharge into the public stormwater management system*
- iii. the post-development volume and rate of stormwater discharged*
- iv. the post-development extent of impervious surface cover of the SITE/s*
- v. the stability of the SITE/s*
- vi. natural drainage conditions of the SITE/s and locality, such as ground levels, presence of natural watercourses, and soil soakage potential*
- vii. obstruction of any overland flow-path*

*Council must be satisfied that the potential adverse effects of stormwater discharge can and will be mitigated, avoided or remedied. Infrastructure to manage stormwater run-off must serve to maintain amenity, effective functioning, safety and well-being. Low-impact design, in accordance with regional council standards, shall be implemented where practicable.*

*This standard is intended to promote good urban design and consequently to enhance the form and function of the built environment. Its intention is also to enhance the visual character of the area and surroundings.*

### **39A.6.23 TRANSMISSION GAS PIPELINES**

All development activities within 20 metres of a TRANSMISSION GAS PIPELINE shall require the written approval of the relevant service provider prior to commencement of any physical works.

#### *Explanation*

*A standard that requires written approval before an activity can establish in the vicinity of gas infrastructure is required to ensure:*

- public safety*
- the safety of property*
- the safety of the environment*

### 39A.7 PERFORMANCE STANDARDS FOR PERMITTED AND CONTROLLED ACTIVITIES

- i. All permitted and controlled activities in the TISZ 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. The intention of these standards is to:
  - achieve the character sought by the relevant Structure Plans in Part 54
  - achieve the character sought by Part 37A
  - to achieve the objectives and policies for the TISZ
- iii. 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.

#### 39A.7.1 NOISE

##### 39A.7.1.1 Noise limits pertaining to non-business zones

All activities within the TISZ shall be designed and conducted so that the noise limits set out in Table 39A.7.1.1 are not exceeded at any location, within any of the zones listed in i – xii below, during the stated time periods:

- i. Rural Zone
- ii. Recreation Zone
- iii. Residential Zone
- iv. Rural-residential Zone
- v. Coastal Zone
- vi. Village Zone
- vii. Wetland Conservation Zone
- viii. Kingseat Special Zone
- ix. Proposed Esplanade Reserve
- x. Forest Conservation Zone

**Table 39A.7.1.1 Noise Limits: Non-Business Zones**

Time/hours	L <sub>10</sub> (defined)	L <sub>max</sub> (defined)
0700 -1900	50 dBA	unspecified
1900 - 2200	45 dBA	unspecified
All other times	40 dBA	65 dBA

October 2010 update

**39A.7.1.2 Noise Limits pertaining to the TISZ, the Village Business Zone and Town Centres**

All activities within the TISZ shall be designed and conducted so that the noise limits set out in Table 39A.7.1.2 are not exceeded at any location within any of the zones or SITES listed in i – iii below, during the stated time period:

- i. TISZ
- ii. Village Business Zone
- iii. any SITE within the business centres (Map 104) of the Business Zone

**Table 39A.7.1.2 Noise limits: TISZ, Village Business Zone and Town Centres**

Time/hours	L <sub>10</sub> (defined)	L <sub>max</sub> (defined)
At all times	55 dBA	75 dBA

**39A.7.1.3 Noise Reduction: Offices and Education / Training Facilities**

The following BUILDINGS:

- OFFICES as ANCILLARY activities
- education and training facilities

shall incorporate noise reduction materials to ensure that, with all windows and doors closed, external noise does not create a greater effect within the building than that set out in Table 39A.7.1.3.

**Table 39A.7.1.3 Noise Reduction: Offices and Education / Training Facilities**

Time/hours	L <sub>10</sub> (defined)	L <sub>max</sub> (defined)
At all times	35 dBA	65 dBA

(Note: NZS 6802 provides for the reduction of these performance standards by 5 dBA where the measured noise has a special audible characteristic).

**Explanation**

*Every occupier of land and every person carrying out an activity in the TISZ has a duty to keep noise levels within reasonable limits. Noise levels must not reduce the pleasantness of other properties. The above noise levels set a benchmark by which the acceptability of any noise might be considered. Where these levels are not being achieved the influence of many other factors will need to be considered, such as traffic noise and general background noise levels due to the range of activities in the locality. Conversely, where these noise levels are being achieved there may still be a potential nuisance situation due to the frequency, duration or type of noise that is being generated.*

*An L<sub>max</sub> noise limit is not set during 0700 – 2200 in Table 39A.7.1.1 above because L<sub>max</sub> noise limits are normally only set where sleep protection is required and therefore usually only apply during later night-time hours.*

*An L<sub>max</sub> noise limit is set in Table 39A.7.1.3 above, even during day-time hours, because external noise sources could reduce speech intelligibility. The nature of office and education/training activities requires L<sub>max</sub> noise limits to be set so that speech intelligibility is maintained.*

**39A.7.2 ODOUR**

No activity or land use 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 or land use.

**39A.7.3 VIBRATION**

1. 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).
2. Annex A and Table 2 of ISO 2631 – 2: 1989 shall be used for the assessment of continuous, intermittent and transient (impulsive) vibrations.
3. Instruments to measure such vibration and methods of measurement shall comply with Australian Standard AS 3973: 1987 and AS 2187.2: 1993.

*Explanation*

- i. This control deals with human response to building vibration. Standards formulated to control vibration are generally related to the tolerance of a sitting or standing person.*
- ii. Annex A and Table 2 of the Standard give consideration to the time of the day and use made of the occupied space in the building.*
- iii. Situations might exist where vibration levels above those specified can be tolerated for temporary disturbances and infrequent events of short-term duration, e.g. blasting, construction and excavation projects.*
- iv. The reason for adopting the ISO and Australian Standards is to ensure that a consistent and internationally recognised assessment procedure is used.*

*This standard is intended to alert businesses to the need to avoid SITES where vibration is likely to cause adverse effects, and to locate plant and machinery on SITES where it is least likely to cause adverse effects for neighbours. It is therefore a reinforcement of the general statutory duty to avoid, mitigate or remedy adverse effects.*

**39A.7.4 LIGHT SPILL AND GLARE**

1. No welding activity shall be visible from any public road, open space/recreation reserve or any SITE zoned Rural, Village Business, Recreation, Residential, Rural-residential, Rural Village, Coastal Village, Coastal, Village Countryside Living, Wetland Conservation, Kingseat Special Zone, Proposed Esplanade Reserve and Forest Conservation. In addition, no welding activity shall be visible from any other SITE in the TISZ.
2. All outdoor lighting shall be positioned, mounted and directed in such a way that light coming directly or indirectly from it:
  - is not a serious distraction or danger to motorists, and
  - is not a serious distraction or annoyance to occupants of other SITES at any time, which shall be deemed to be the case where once an effect is brought to the Council's attention the condition continues for more than 30 minutes in any 24 hour period and the affected person/s have no ready means of relief from it.

Compliance with the following standards will be considered the minimum acceptable to ensure that a nuisance situation or adverse effect does not eventuate:

- a) Where a property is deemed to have "bright" surrounds, all lighting shall be installed and operated such that the direct component of illuminance for the stated hours is less than the stated lux (lumens per square metre) on or at any point inside the closest boundary of every affected SITE:

- 0600 hours to 2230 hours: 25 lux
- 2230 to 0600 hours: 10 lux

(A property is considered to have "bright" surrounds where it has any land zoned Rural, Village Business, TISZ, Recreation, Residential, Rural-residential, Rural Village, Coastal Village, Coastal, Village Countryside Living, Wetland Conservation, Kingseat Special Zone, Proposed Esplanade Reserve and Forest Conservation abutting it which fits the following description: The land is within 60 metres of a road or length of road which is illuminated to the minimum standard set out in NZS 6701 for intermediate and main road street lighting.)

- b) Where a property is deemed to have "dark" surrounds, all lighting shall be installed and operated such that the direct component of illuminance for the stated hours is less than the stated lux (lumens per square metre) on or at any point inside the closest boundary of every affected SITE:

- 0600 hours to 2230 hours: 10 lux
- 2230 to 0600 hours: 5 lux

(A subject property is considered to have "dark" surrounds where abutting land zoned Rural, Village Business, TISZ, Recreation, Residential, Rural-residential, Rural Village, Coastal Village, Coastal, Village Countryside Living, Wetland Conservation, Kingseat Special Zone, Proposed Esplanade Reserve and Forest Conservation does not fit the description above for "bright" surroundings.)

- c) All artificial lighting shall be installed and operated such that the luminous intensity of any light source is less than 1000 candelas in the direction of any affected property or road.

#### *Explanation*

*This standard is intended to alert those undertaking business activities to the potential for adverse effects from outdoor lighting and glare. It gives business operators and owners adequate notice of those aspects which may cause the Council to take enforcement action. For comparison, an illuminance of 10 lux is usually bright enough for public amenity lighting, and most local street-lighting produces an average illuminance of 2 to 4 lux.*

### **39A.7.5 CONTAMINANTS**

(Note: This Rule must be read subject to the relevant provisions of the Act, which includes Section 10 (Certain existing activities allowed); Section 15 (Discharge of contaminants into environment); Section 17 (Duty to avoid, remedy, or mitigate adverse effects); Section 20 (Certain existing lawful activities allowed); Section 418 (Certain existing permitted uses may continue); and related Statutory Regulations.)

1. Subject to the provisions of the Act, no activity shall cause or contribute to the contamination of any water, soil or air, either directly or indirectly, unless it is permitted in terms of:
  - a Regional Rule; or
  - a resource consent; or
  - regulations; or
  - some other District or Regional approval which is still valid.
2. Subject to Rule 39A.7.5(1) above, no water blasting, sand blasting, steam cleaning or other form of cleaning or stripping is to occur other than on, or in, a sealed or banded area which is formed in such a way that all the waste products can be collected for treatment and/or reuse and/or disposal and in accordance with any instructions or approvals which have been issued by the Council or a Regional Council.

3. Subject to Rule 39A.75(1) above, no storage of substances or materials (such as treated timber products), equipment or refuse shall occur in such a way that any contaminant could spill or be released into the air, water, or soil through the effects of the weather or any reasonably predictable circumstance or condition.
4. Subject to Rule 39A.7.5(1) above, no storage of potentially hazardous liquids shall occur within 100 metres of any natural water body unless such storage is in approved double-skinned containers and, where such storage is above-ground, must be within a bunded area which can accommodate the total quantity or volume of stored liquid.

(Further note: The following methods, or any combination thereof, may be necessary and/or effective towards ensuring that the requirements of 39A.7.5(1) to (4) above can be complied with:

- waste minimisation
- cleaner production methods
- staff education of SITE management practices and their environmental responsibilities
- SITE management practices including: good house keeping; preventative maintenance; stock inventory and rationalisation; spill prevention systems; spill contingency and response procedures review of past problems or incidents
- the use of containment systems that are designed, constructed and managed to ensure that any direct spill or release of potentially contaminating substances, or any stormwater that may become contaminated, is prevented from getting onto land, into groundwater, or into any stormwater system
- roofing over areas where potentially contaminating substances are stored, used, or may drip, such as from treated timber or vehicles or waste products
- compliance with recognised industry standards or codes, such as "The Design, Installation and Operation of Underground Storage Systems" and "The Safe Use of Timber Preservatives and Antisapstain Chemicals".)

#### *Explanation*

*This standard is intended to ensure that contaminants do not enter the environment in an uncontrolled or harmful way. This could occur through activities such as:*

- *the manufacture, mixing or blending of substances*
- *the storage of materials, whether inside or outside*
- *loading or unloading materials into and out of buildings*
- *transferring materials between containers whether portable or non portable*
- *transferring liquids from tankers to storage vessels*

*The management and control of discharges is primarily a Regional function but land use activities should not commence or continue other than in accordance with authorised practices. Businesses are encouraged to consult the Councils as to the best practicable options for dealing with these activities.*

#### **39A.7.6 MAINTAINING AMENITY PLANTINGS**

Where any area of planting has been required to be established, it shall be maintained at all times thereafter to ensure that it performs the desired amenity and/or screening function. "Maintained" shall include cultivating and conditioning the soil, replacing soil that has been contaminated by previous activities on the SITE, watering, adding fertiliser, replacing dead or damaged plants, weeding and releasing, and pruning in accordance with accepted horticultural practices. Where planting is to occur under or adjacent to overhead electricity lines, all planting shall be undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.

*Explanation*

*The requirement to establish plantings Rule 39A.6.3 is only beneficial if it is maintained.*

**39A.7.7 HOURS OF OPERATION FOR LICENSED PREMISES**

Any activity that requires the operation of an "on-licence" or "club licence" and which is on a SITE, any part of which is within 75 metres of any SITE zoned:

- Rural Zone
- Residential Zone
- Rural-Residential Zone
- Coastal Zone
- Kingseat Special Zone

shall not operate or occur between the hours of 11 pm one day and 7 am the next day.

*Explanation*

*The amenities of non-business areas, especially residential areas, can be seriously affected by the general activity noise that accompanies people exiting licensed premises, getting into cars, and driving away from the SITE. This standard ensures that places that seek to operate at times when background noise levels are usually at their lowest can be individually assessed in terms of the likely impact on the locality. The assessment criteria include consideration of the roading pattern and the characteristics of other activities in the area.*

**39A.7.8 MAINTENANCE OF CYCLE STANDS**

Cycle 'carcasses' and broken locks shall be cut off and removed as soon as practicable to avoid a 'broken window' effect that may deter users and signal 'insecurity here' to prospective offenders.

<b>39A.8 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES</b>
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In assessing consent applications for controlled activities, the Council will, in making a decision, restrict the exercise of its control to the following matters, which are also the relevant assessment criteria:

1. The character statements for the TISZ (Part 37A).
2. The issues, objectives and policies of the Plan, especially those set out in Part 37A.
3. Consistency of any proposal with the intent of the relevant structure plan as set out in Part 54.
4. The extent to which the activity is likely to serve the general public, rather than those working in the TISZ, by having regard to, amongst other things, floor area size and the nature of merchandise/services offered for sale/hire.
5. The extent to which the activity is likely to serve the general public, rather than serving the activities provided for in the TIZ, by having regard to, amongst other things, floor area size and the nature of merchandise/services offered for sale/hire.
6. Hours of operation and the effect the operation will have on surrounding land uses.
7. The extent to which the assessment requirements of relevant transport authorities have been undertaken at the appropriate level.
8. The extent to which the planning requirements of relevant transport authorities have been undertaken at the appropriate level.
9. Efficient movement of all modes of transport.
10. The potential effects on the efficient operation of roads.
11. The extent to which compliance with the access standards for state highways recommended by Transit New Zealand (February 1994) would avoid or minimise any adverse effects.
12. The potential effects of proposed parking areas on the amenity and character of the SITE and surrounding areas (which might include areas outside the TISZ).
13. Reverse-sensitivity effects on surrounding land-uses (including nearby TIZ activities).
14. The location, size, shape, construction and number of signs and their effect on the visual appearance of the SITE and their effect on the visual amenity of the immediate and broader area. For example, the effect of the positioning of a sign on the contour of a building.
15. The location, size, shape, construction and number of signs and their effect on traffic safety and traffic movement. For example, the effect of the sign's position on visibility for pedestrians, cyclists and motorists.
16. The location, size, shape and construction of fences (and walls serving the same purpose as fences) and their effect on the visual appearance of the SITE and its surroundings.
17. The extent to which ARCHITECTURAL FEATURES are incorporated into the façade of a building, to
  - enhance the appearance of the building
  - introduce variety

as viewed from transport corridors and other areas, thereby enhancing the amenity and character of the environment.
18. The extent to which ARCHITECTURAL FEATURES are incorporated into the façade of a building to promote passive surveillance from the building, e.g. the extent to which balconies overlooking public places are part of the design of the building.
19. The extent to which roof design introduces variety.
20. With respect to areas identified as "Agricultural services activities" in Part 54, the extent to which the proposed activities are focused on AGRICULTURAL goods and services.



**39A.9 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES**

1. Applications for activities within 20 metres of a TRANSMISSION GAS PIPELINE where written approval has not been obtained from the service provider shall be assessed in terms of the extent to which the TRANSMISSION GAS PIPELINE can be safely and efficiently operated to ensure public safety, safety of property and safety of the environment.
2. Applications for permeable driveways, parking spaces and loading spaces shall be assessed in terms of the extent to which they will:
  - Contribute to the detention of stormwater volume
  - Reduce stormwater contaminants
  - Increase the time of concentration of the stormwater discharge to the receiving environment
  - Not have the potential to result in:
    - a nuisance to motorists, pedestrians and cyclists, of loose gravel or dust or other material coming out over the road
    - damage to roads and clogging of drains.

**39A.10 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES**

Applications will be assessed in terms of:

- the matters set out in Rule 39A.8 Assessment Criteria for Controlled Activities
- the matters set out in this rule, Rule 39A.10
- Section 53 of the District Plan
- matters stated in section 104 of the Act, and/or any amendments and updates to section 104

**A. GENERAL CRITERIA**

1. Compliance with Rules 39A.6 Development Standards, 39A.7 Performance Standards and 39A.11 Hazardous Substances Quantity Thresholds. Where compliance is not obtained with one or more standards set out in Rules 39A.6 Development Standards, 39A.7 Performance Standards or 39A.11 Hazardous Substances Quantity Thresholds, assessment shall have regard to the intent of the standard, as stated in the explanation accompanying the standard.
2. The potential effects on the use and operation of railway lines and the potential effects on railway corridors, including the effects on views and vistas from railway lines.
3. The potential effects on the use and operation of Whangarata Road and the road corridor, including effects on views and vistas from the road.
4. The application shall be assessed in terms of the extent to which the small-town, rural and natural landscape character, as viewed from transport corridors and the general area, can and will be retained or enhanced.
5. The extent to which any aspect of the development, for example bulk, height, style, finish, colour and texture of buildings, will soften the visual appearance of the structures on the SITE as viewed from within and from outside the TISZ.
6. The extent to which any aspect of the development physically dominates the local environment and is therefore intrusive and inconsistent with the character of the surrounding area.
7. The extent to which the proposal serves to create varied façades.
8. The extent to which buildings have a visual appearance, including façade and roof form, which compliments small-scale, small-town character.
9. The extent to which the proposed development is of a compatible profile with developments in non business zones.
10. The extent to which the proposed development is likely to have reverse-sensitivity effects on the ability of surrounding land uses to continue to operate lawfully and unencumbered.
11. The extent to which views and vistas are retained and/or created and/or enhanced.
12. The extent to which any aspect of the proposed development allows reasonable sunlight onto the SITE and into the surrounding area.
13. The extent to which the proposal aims to minimise wind funnelling between buildings.
14. The extent to which the design or any aspect of the proposal conflicts with or compromises the achievement of any Council-endorsed design guideline or design theme that has been developed for the area.
15. The extent to which the design of the proposal or nature of the activity would detract from or diminish the functional efficiency and coherence of the area or its versatility for a range of business activities, given the purpose of the TISZ.
16. The suitability of the SITE for the activity given the intended purpose and character of the TISZ, and given that the area may lack a level of amenity suitable for the occupiers of the proposed activity or development, assuming normal occupier expectations.

17. The potential for pedestrians to contribute to reverse-sensitivity effects on business activities as a result of one or more aspects of the proposal.
18. The extent to which HOUSEHOLD traffic from outside the TISZ would be attracted to the TISZ.

*(Note: The primary purpose of the TISZ is to provide for activities that support the TIZ. Thus, traffic between the TIZ and TISZ is expected and acceptable. Within the TISZ, it is expected that relationships develop between businesses therefore traffic within the TISZ is acceptable. However, it is not intended that HOUSEHOLDS from outside the TISZ will generally make use of services in the TISZ. Thus, activities locating in the TISZ should not generate HOUSEHOLD traffic that emanates from outside the TISZ. For example, VARIETY DISCOUNT (SUPERMARKET) MERCHANDISING has the potential to attract significant HOUSEHOLD traffic from outside the TISZ).*

19. The potential for any aspect of the proposal to adversely affect the availability and convenience of parking and loading spaces in the locality, and the efficient movement of vehicles, cyclists and pedestrians on adjacent roads or in service lanes.
20. The extent to which technological improvements have altered the way the activity interacts with the environment or makes demands on the public resources of the District.
21. The potential for any aspect of the proposed development to cause people working in the area to experience unacceptably high risks arising from some aspect of an LPG installation
22. The extent to which the design of the building or the type or layout of the activity does or does not incorporate special features which compensate for the lack of compliance with the rules for the TISZ.
23. The extent to which the Council already has information that can be utilised in terms of complying with the requirements of the TISZ.
24. The extent to which emergency planning has been incorporated into the design, layout or modus operandi of the proposed activity, and the effectiveness of the measures proposed given the nature of the activity and the locality in terms of avoiding or minimising any likely adverse effect.
25. The potential for earthworks to affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes and rivers; whether they would increase any risk of land instability or erosion; whether the proposed activity includes any proposals to re-vegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff.
26. The extent to which more than minor adverse effects can be off-set by a financial or development contribution to be used for off-SITE management of the effects.

## **B. ADDITIONAL ASSESSMENT CRITERIA FOR SPECIFIC DISCRETIONARY ACTIVITIES**

### **1. Education and Training Facilities**

The extent to which the proposed development provides internal and external amenity areas where students and staff can undertake passive recreation. The areas shall be of a size and minimum dimension commensurate with the total number of persons to be accommodated on the SITE. Public open space that is easily accessible and available to be used by students and staff can be deemed to form part of the amenity area for passive recreation. External amenity areas must be screened from neighbouring INDUSTRIAL activities and the roadway by appropriate landscaping.

**39A.11 HAZARDOUS SUBSTANCES QUANTITY THRESHOLDS**

There shall be no manufacture, storage or use of any hazardous substance which is not listed below.

There shall be no use of, storage at any one time of, a greater amount of any of the substances listed below.

(Note: For the avoidance of doubt: Any manufacture, storage or use of any substance must also be in accordance with such other Acts, Regulations or Codes as may for the time being apply to the substance, location, or activity. For instance, the underground storage of petroleum must be in accordance with the "Code of Practice for Design, Installation and Operation of Underground Petroleum", Department of Labour (Occupational Safety and Health).)

**Notes explaining Abbreviations and Symbols**

1	very toxic	*	fertiliser grade
2	toxic	#	no radioactive material with a level of activity in excess of 1 peta becquerel (10 <sup>15</sup> ) shall be permitted
3	highly reactive		
4	explosive		
5	highly flammable	>	greater than
D.	dust	g	grams
E.	explosive	kg	kilograms
F.	flammable	t	tonne
G.	gas	l	litre
L.	liquid	bec	becquerel
O.	strong oxidiser or supporter of combustion	H <sub>2</sub> O	water
S.	solid	TNT	trinitrotoluene
T.	toxic		

SUBSTANCES	PROPERTIES	QUANTITY
Acetonecyanohydrin	2, F, L	1t
Acetylene	3, F, G	1t
Acrolein	2, F, L	500 kg
Acrylamide	2, S	1t
Acrylonitrile	2, L	500 kg
Aldicarb	1, S	100 kg
Allyl alcohol	2, F, L	2t
Allyl amine	2, F, L	1t
Ammonia	2, L or G	1t
Ammonium nitrate *	3, O, S	250t
Arsenic (III) compounds	1, S or L	50 kg
Arsenic (V) compounds	1, S or L	250 kg
Azide (barium or lead)	4, S	100 kg
Azinphos ethyl	1, S	50 kg
Azinphos methyl	1, S	50 kg
AzocylcSITEin	1, S	50 kg
Benzidine	1, S	0.1kg
Beryllium (powder,Compounds)	1,S,E,D	10 kg
Bromine	2,G	400 kg
Cadmium, salts	2,S	500 kg
Carbofuran	1,S	50 kg
Carbon disulphide	2, F, L	200 kg
Carbophenothion	1, L	50 kg

SUBSTANCES	PROPERTIES	QUANTITY
Cellulose nitrate (containing > 12.6% N)	4,s	1t
Chlorine	2,G	200 kg
Class 3a flammable liquid in above		
Ground storage	5	2,000 l
Class 3a flammable liquid in under		
Ground storage	5	100,000 l
Class 3b flammable liquid in above		
Ground storage	5	4,000 l
Class 3c flammable liquid in above		
Ground storage	5	10,000 l
Class 3c flammable liquid in under		
Ground storage	5	50,000 l
CNG 5	5	2,000 l (H <sub>2</sub> O equiv)
Cobalt (powder, compounds)	1,S	50 kg
Cycloheximide	1,S	50 kg
Dialifos	4,S	50 kg
Dimethylcarbamoyl chloride	1,L	1 kg
Dimentylphosphoramidocyanidic acid	1,L	50 kg
Diphacinone	1,S	50 kg
Disulphoton	1,L	10 kg
Ephichlorhydrin	3, T, F, E, G	500 kg
EPN (O-ethyl-o-p-nitrophenyl phenyl phosphorothioate)	1, S	50 kg
Ethylene	3, F, G	2t
Ethyleneimine	2, F, L	250 kg
Ethylene oxide	3, T, F, G	500 kg
Ethyl nitrate	3, T, L	500 kg
Explosive (not listed elsewhere)	4	0.5 t (TNT equiv)
Fensulphothion	1,1	10 kg
Fluoroacetic acid, salts (1080 poison)	1, S	50 kg
Fluorine	1, G	10 kg
Formaldehyde (> 90% concentration)	2, F, G	500 kg
Formaldehyde (> 45% concentration)	2, L	2.5t
Glycolonitrile (Hydroxyacetonitrile)	1, E, L	10 kg
Hexamethyl phosphoramidate	1, L	1 kg
Hydrazine	3, T, F, L	250 kg
Hydrogen	3, F, G	250 kg
Hydrogen chloride (liquidified)	2, G	500 kg
Hydrogen cyanide, acid, salts	1, F, G, L or S	10 kg (G) 100 kg (L & S)
Hydrogen fluoride	2, G	200 kg
Hydrogen peroxide	3, L	500 l
Hydrogen selenide	1, F, G	1 kg
Hydrogen sulphide	2, F, G	500 kg
Mercaptans	2, F, G or L	100 kg
Mercury, salts	2, 4, S	500 kg
Methyl bromide (Bromomethane)	2, G	500 kg
4, 4' - Methylenebis (2-chloroaniline)	1, L	10 kg
Methyl isocyanate	1, F, G	5 kg

SUBSTANCES	PROPERTIES	QUANTITY
Mevinphos	1, E, or L	50 kg
2-Naphthylamine	1,S	1 kg
Nickel (powders, compounds)	1,S	250 kg
Nitrogen dioxide	2,G	500 kg
Organic peroxides (individually or cumulatively)	3, O, F, 1	50 kg
Oxygen (liquid)	3, O, G	200 l
Parathion	1, L	15 kg
Parathion methyl	1, L	50 kg
Pentaborane	1, F, L	25 kg
Phorate	1, L	10 kg
Phosgene	1, G	5 kg
Phosphamidon	1, L	50 kg
Phosphorus	2, F, S	100 kg
Promurit	1, S	10 kg
Propylene oxide	3, T, F, G	1t
Radioactive substances#		1 bec/g any activity
Selenium hexafluoride	1, G	1 kg
Sodium chlorate	3, O, S	2t
Sodium selenate	2, S	250 kg
Sodium selenite	1, S	50 kg
Sulphur dioxide	2, G	1t
Thallium, salts	2, S	250 kg
Tellurium hexafluoride	1, G	1 kg
Terbufos	1, S	100 kg
2, 3, 7, 8 - Tetrachlorodibenzo-p-dioxin (TCDD)	1, S	Nil
Tetraethyl lead	1, S	200 kg
Tetramethyl lead	1, S	200 kg
Tetramethylene disulphotetramine	1, S	1 kg
Toluene diisocyanate, 2, 4-or 2,6-	1, 1	50 l
Trichloromethane sulphenyl chloride	1, L	50 kg
Triethylenemelamine	1, S	1 kg
Vanadium, salts	2, S	500 kg
Warfarin	1, S	250 kg

**39A.12 SEPARATION DISTANCES FOR LPG INSTALLATIONS**

Separation distances specified in the table below shall be centred on specific items of LPG equipment, and storage facilities shall be located so as to achieve the minimum separation distances from defined uses, as shown in the table. The three types of defined activities are “sensitive activities”, “residential activities” and “commercial and recreational activities”. These activities are defined in the interpretation section below.

<b>SEPARATION DISTANCES FROM LPG INSTALLATIONS</b>				
LPG Storage Capacity	Item of Equipment	Separation Distance from Sensitive Activities	Separation Distance from Residential Activities	Separation Distance from Commercial and Recreational Activities
		<b>Metres</b>	<b>Metres</b>	<b>Metres</b>
2 tonnes up to 3.5 tonnes	• Dispenser	15	15	15
	• Pump	55	15	10
	• Tank	55	15	10
	• Remote fill point	55	15	10
	• LPG road tanker vehicle standing area *	55	15	10
3.5 tonnes up to and including 6 tonnes	• Dispenser	15	15	15
	• Pump	55	15	10
	• Tank	85	15	10
	• Remote fill point	55	15	10
	• LPG road tanker vehicle standing area*	55	15	10

\* Separation distances are positioned on the tank centre for LPG road tanker vehicle standing areas.

**INTERPRETATION (for the purpose of interpreting Rule 39A.12 only)**

“Sensitive Activities” means establishments such as schools, hospitals, aged persons’ accommodation, child care facilities and other facilities where people who may be difficult to evacuate rapidly are concentrated.

“Residential Activities” means dwellings and “places of regular occupancy” on properties used for residential purposes.

“Commercial, Community and Recreational Activities” means commercial, community and recreational facilities and “places of regular occupancy” on properties used for commercial, community or recreational purposes.

“Places of Regular Occupancy” means an area, not necessarily a building, where people may be present on a regular basis. Places of regular occupancy are typically easily accessible areas such as access ways, gardens, lawns, work sheds, swimming pools and barbecue areas. Areas subject to less frequent access such as private ornamental rockeries, storage sheds and boat or wood storage areas would generally not be classed as places of regular occupancy.

Car parks for business properties are not considered to be places of regular occupancy given the normal hours of operation and limited vehicular use of these areas. However, car parks associated with consumer activities such as RESTAURANTS and CAFÉS and similar activities where people are present a significant proportion of the time would normally be classified as places of regular occupancy.

Council officers may need to visit particular areas to assess if they are to be classified as places of regular occupancy.

**Note:** Rule 39A.12 is based on extracts from Australian/New Zealand Standard - Storage and Handling of LP Gas (AS/NZS 1596:1997).

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