

5.12 INDUSTRIAL ZONE

5.12.1 ZONE PURPOSE

- (1) For the most part, industrial activities have developed in the urban areas within clear functional areas separate from, but alongside, other urban activities such as residential. This plan seeks to maintain that clear separation in order that the specific requirements and effects of industrial activities can be maintained and managed.
- (2) The Industrial Zone provides for an extensive range of industrial and service activities. The potential adverse environmental impacts of industrial activity can be significant. For the natural environment, emissions of heat, dust, fumes and waste material can all have detrimental effects on the air, water and ground quality. The impacts of noise, vibration, dust, fumes, glare and traffic have the potential to detrimentally affect the amenities of residential, commercial and community environments.
- (3) The Amenity Protection Area (APA) has been provided primarily in those locations where the zone boundary is adjoining the Residential and Reserve Zones and covers those properties located immediately within the Industrial Zone. Industrial activities are provided for in the APA with the majority of activities treated as Controlled Activities, in order that conditions can be imposed on an activity to minimise or avoid any negative effects of the industrial activity on adjoining activities.
- (4) The Controlled Activity status has also been used for those parts of the Industrial Zone that are visible from and/or have vehicular access to the main roads into and out of towns. The Controlled Activity conditions can relate to the design and appearance of buildings, the manner in which outside areas are used, areas to be landscaped and design of access to minimise conflicts with traffic flows.
- (5) Land that is suitable and available for industrial activities is a finite resource. This land resource is further constrained by the need to carefully locate industrial activities due to the potential for adverse environmental effects. Accordingly, activities which could locate in other zones, especially retailing, are non-complying activities. The Industrial Zone is to be used mainly for activities that cannot be readily accommodated elsewhere.
- (6) The Industrial Zone has been provided in the following locations:
 - (a) **Ngatea – Kohunui Street** - due to its separation from the rest of the town and the existing activities, some less restrictive controls apply.
 - (b) **Kerepehi** – the area to the east of the town provides the majority of greenfield land for industrial purposes in the District and it has been developed in order that less restrictive controls can apply. However, additional landscaping to mitigate the potential impacts of industrial activities on the adjoining rural amenities is provided for. To the north of Kerepehi Town Road, a 20 metre wide strip of land along the western boundary of the Industrial Zone has been zoned Reserve (Passive). A twelve metre width of this is to be landscaped to form dense screening along the western boundary. To the south of Kerepehi Town Road, the former dairy factory site provides for industrial activities to establish within existing buildings or by redevelopment of the site. A Structure Plan applies to manage development of the land in order to address

residential and reserve amenity values, and ensure an appropriate level of amenity in relation to the state highway, while recognising the existing industrial character.

- (c) **Paeroa** – the established industrial areas around Grey Street and Coronation Street/Opukeko Road provide for industrial activities. There is potential for further industrial expansion towards State Highway 2 and north of Opukeko Road if demand, flood hazard mitigation and infrastructure availability permits.
- (d) **Waihi** – existing industrial areas in the vicinity of Dean Crescent and Victoria Street accommodate the majority of the existing industrial activities. No additional industrial land has been zoned as part of this review. Given the established nature of development within the Waihi town boundaries, if there were any demand for industrial development it is anticipated it would be outside the existing Waihi urban area.

5.12.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To provide for industrial and associated activities that support and strengthen the economic base of the District generally, and the main urban areas in particular, and to provide for future employment opportunities.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Recognise areas presently used for industrial activity.
- (ii) Restrict from the industrial areas those activities that would hinder industrial activities establishing and/or would be more suitably located in other areas.
- (iii) Recognise that there are other legislation, organisations and procedures that will to a certain degree control the adverse effects of industrial activities.
- (iv) Industrial, service and limited retailing activities located and provided for in a manner that avoids, remedies or mitigates any adverse environmental effects on adjoining land and activities, the viability of town centres and the traffic function of main traffic routes.
- (v) Industrial activities that involve noxious, hazardous or offensive elements located and provided for in a manner that avoids, remedies or mitigates the adverse environmental effects of those activities on adjoining activities and zones, and on the traffic function of main traffic routes.

(2) OBJECTIVE 2

To promote and safeguard the health, safety, convenience, amenity and general welfare of inhabitants, workers and road users within industrial zones and in adjacent non-industrial zones.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

- (i) Recognise that there are other legislation, organisations and procedures that will to a certain degree control the adverse effects of industrial activities.
- (ii) Industrial, service and limited retailing activities located and provided for in a manner that avoids, remedies or mitigates any adverse environmental effects on adjoining land and activities, the viability of town centres and the traffic function of main traffic routes.
- (iii) Industrial activities that involve noxious, hazardous or offensive elements located and provided for in a manner that avoids, remedies or mitigates the adverse environmental effects of those activities on adjoining activities and zones, and on the traffic function of main traffic routes.

(3) OBJECTIVE 3

To consolidate the Town Centres.

(a) Policies

Objective 3 will be achieved by implementation of the following policies:

- (i) Recognise areas presently used for industrial activity and provide for expansion of industrial activities into appropriate areas.
- (ii) Restrict from the industrial areas those activities that would hinder industrial activities establishing and/or would be more suitably located in other areas.

(b) Reasons for all Objectives and Policies

- (i) The site and environmental requirements for industrial activities are specific. It is therefore appropriate to provide for these activities in a way that allows them to operate, without creating a detriment to the environment or amenity of adjoining areas.
- (ii) Zoning, along with activity listing, is a valid technique to use to exclude activities that would inhibit the establishment and ongoing operation of industrial activities.
- (iii) Recognition must be given to the fact that industrial activities have the potential to significantly impact on the environment and amenity of the District. Control and management of the external effects of these activities is a function required under the Resource Management Act 1991 that can be carried out through the District Plan.

5.12.3 ENVIRONMENTAL RESULTS

- (1) To maintain and enhance an industrial resource (including land, buildings and services) for future generations.

- (2) Operation of industrial activities managed and controlled to ensure that the amenities of the environment, which are enjoyed by people and communities (eg clean air, quiet), are continually enhanced and improved.
- (3) Particular attention given to ensuring the pollution of air, water and the ground is avoided, in order to protect and improve the physical environment.
- (4) The efficient movement of traffic on the main traffic routes through the industrial area is not compromised by vehicles gaining access to and from individual industrial sites. The objective of creating an attractive entrance to the towns for persons using main traffic routes should not be compromised by poorly planned or untidy industrial buildings and activities.

5.12.4 ACTIVITY STATUS

Activities and their *accessory uses*, and *buildings* (unless otherwise stated) are *Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying* or *Prohibited* according to the Activity Status Table below:

5.12.4.1 PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity* unless otherwise specified*, subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.12.5;
- Activity Specific Standards specified in Rule 5.12.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1*	<i>INDUSTRIAL AND WAREHOUSE ACTIVITIES</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.12.6(1)) EXCEPT ON LOT 2 DPS 84298 (OPUKEKO ROAD, PAEROA)
P2*	<i>SERVICE STATIONS</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.12.6(1))
P3*	CAR, CARAVAN AND BOAT SALES/SERVICE/REPAIRS AND VALET (REFER TO ACTIVITY SPECIFIC STANDARD 5.12.6(1))
P4*	FARM MACHINERY SALES AND REPAIR (REFER TO ACTIVITY SPECIFIC STANDARD 5.12.6(1))
P5*	TRADE DEPOTS (PLUMBING, ELECTRICAL, CABINET MAKING, BUILDING ETC) NOT ASSOCIATED WITH A <i>RETAIL ACTIVITY</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.12.6(1))
P6*	<i>FACTORY SHOPS AND ANCILLARY RETAIL OUTLETS TO INDUSTRIAL, TRADE DEPOT AND WAREHOUSE ACTIVITIES</i> (REFER TO ACTIVITY SPECIFIC STANDARDS 5.12.6(1) & (2))
P7	<i>PROSPECTING</i>
P8	<i>EXPLORATION INVOLVING NOT MORE THAN 20M³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.12.6(1))

P9	<i>TEMPORARY USES AND BUILDINGS</i> (INCLUDING <i>TEMPORARY MILITARY TRAINING</i>) (REFER TO ACTIVITY SPECIFIC STANDARD 5.12.6(1))
P10	DEMOLITION AND REMOVAL OF <i>BUILDINGS</i>

* *Permitted Activities* P1 to P6 are a *Controlled Activity* (refer to Rule 5.12.4.2) where located on *sites* within an *Amenity Protection Area* and/or where located on *sites* fronting and/or having access to a *state highway* or *arterial road*, except on PT Sec 16 Blk VII Kerepehi Township, *Permitted Activities* P1 to P6 are permitted where in accordance with the Structure Plan in 8.6.8 Appendix 7 Kerepehi South (Industrial).

5.12.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity* unless otherwise specified and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.12.5;
- *Activity Specific Standards* specified in Rule 5.12.6;
- *Conservation and Heritage provisions* in Section 6.0
- *Specific and District Wide provisions* in Section 7.0; and
- *District Wide Performance Standards* in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

C1	<p><i>PERMITTED ACTIVITIES</i> P1 to P6 LISTED ABOVE ON <i>SITES</i> FRONTING AND/OR HAVING ACCESS TO A <i>STATE HIGHWAY</i> OR <i>ARTERIAL ROAD</i> - REFER TO PLANNING MAPS L1 TO L3, EXCEPT ON PT SEC 16 BLK VII KEREPEHI TOWNSHIP, <i>PERMITTED ACTIVITIES</i> P1 TO P6 ARE PERMITTED WHERE IN ACCORDANCE WITH THE STRUCTURE PLAN IN 8.6.8 APPENDIX 7 KEREPEHI SOUTH (INDUSTRIAL). (REFER TO ACTIVITY SPECIFIC STANDARD 5.12.6(1))</p> <p>Matters over which Council has reserved control are:</p> <p>(1) Design and appearance of buildings</p> <p>(a) The extent to which the <i>buildings</i> are designed to front the <i>road</i>, and include such features as the main public entrance, advertising and window display. In particular, features such as the service or loading entrance, extractor and air conditioning units should be located on side or rear walls.</p> <p>(2) Site Layout</p> <p>(a) The extent to which <i>buildings</i> and outdoor activities have been set back from front boundaries to allow room on the front of the property for <i>landscaping</i>, access and parking areas, and also to ensure that <i>buildings</i> do not visually dominate the streetscape as viewed from the <i>road</i>;</p> <p>(b) Whether parking and loading areas have been located to be readily visible to drivers and conveniently accessible in order to minimise disruption to traffic flows on the <i>road</i>, or disruption to activities on site;</p> <p>(c) Whether storage yards and servicing areas are sited away from the <i>road</i> or screened from the <i>road</i> to minimise visual impact.</p>
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<p>(3) Location and design of vehicle access</p> <p>(a) Whether access to and from <i>sites</i> has been located and designed to minimise any detrimental effects on the safety and efficiency of the transport network;</p> <p>(b) Whether the access points are located so as to be readily visible to drivers thereby enabling safe slowing and acceleration distances;</p> <p>(4) Landscape Design</p> <p>(a) Whether the <i>site</i> has been landscaped in a manner that:</p> <p>(i) enhances the appearance of industrial <i>development</i> from the <i>state highway</i> or <i>arterial road</i>;</p> <p>(ii) visually softens any hard or bleak surfaces;</p> <p>(iii) screens unsightly parts of the <i>development</i>;</p> <p>(iv) complements the design and appearance of <i>buildings</i> to present an attractive façade to the <i>road</i>;</p> <p>(v) does not screen the drivers view of access points or <i>signs</i> identifying the business located on the <i>site</i>;</p> <p>(vi) contributes to an avenue effect through the planting of trees of a type and in a location to produce such an effect.</p>
<p>C2 PERMITTED ACTIVITIES P1 to P6 LISTED ABOVE ON SITES LOCATED WITHIN AN AMENITY PROTECTION AREA. (REFER TO ACTIVITY SPECIFIC STANDARD 5.12.6(1))</p> <p>Matters over which the Council has reserved control are:</p> <p>(1) Design and appearance of buildings</p> <p>(a) The extent to which <i>buildings</i> are designed in a manner which is complementary and sensitive to the existing and potential <i>amenities</i> of the surrounding Residential and Reserve Zone <i>environments</i> in terms of scale, form and harmony;</p> <p>(b) Whether building features such as major entranceways, doors and windows, and service uses such as extractor fans and airconditioning units, are located so as to direct the transmission of any nuisance elements such as noise, dust, glare and smell away from any residential and reserve areas;</p> <p>(c) Whether building features such as windows, balconies and outside access to second level and higher have been located or designed to minimise any adverse effect on the privacy and outlook of neighbouring residential <i>buildings</i> and property.</p> <p>(2) Site Layout</p> <p>(a) Whether <i>buildings</i>, outdoor activities including storage areas, refuse and waste holding areas, loading/unloading areas, parking and servicing areas have been sited so as to minimise the transmission of any nuisance elements such as noise, dust, glare or smell to any Residential or Reserve Zone;</p> <p>(b) To what extent have factors such as wind direction, <i>landscaping</i>, and <i>yards</i> been used to assist in the minimising of nuisance elements (eg noise, odours, particulates).</p>

<p>(3) Location and design of vehicle access</p> <p>(a) The extent to which access to and from a <i>site</i> been located as far as practicable, or as appropriate in the circumstances, from the boundary of an adjoining Residential Zone.</p> <p>(4) Landscape Design</p> <p>(a) Whether the <i>site</i> has been landscaped in a manner that:</p> <p>(i) softens the visual impact of industrial uses on the Residential or Reserve Zone;</p> <p>(ii) provides a permanent physical buffer between the Residential or Reserve Zone and Industrial Zone;</p> <p>(iii) screens unsightly parts of <i>development</i>;</p> <p>(iv) reduces undesirable elements of <i>industrial activities</i> such as particulates and glare;</p> <p>(v) reduces the scale of <i>buildings</i> (particularly their <i>height</i>) by incorporating trees capable of growing to a height similar to the <i>buildings</i>.</p>
<p>C3 SERVICE INDUSTRIAL ACTIVITY ON LOT 2 DPS 84298 (OPUKEKO ROAD, PAEROA)</p> <p>Matters over which the Council has reserved control are:</p> <p>(1) Design and appearance of buildings</p> <p>(a) The extent to which <i>buildings</i> are designed in a manner which is complementary and sensitive to the existing and potential <i>amenities</i> of the adjoining Residential Zone <i>environment</i> in terms of scale, form and harmony and present an attractive facade to the <i>road</i> in terms of the Paeroa gateway location;</p> <p>(b) Whether <i>building</i> features such as major entranceways, doors and windows, and service uses such as extractor fans and airconditioning units, are located so as to direct the transmission of any nuisance elements such as noise, dust, glare and smell away from any Residential Zone;</p> <p>(c) Whether <i>building</i> features such as windows, balconies and outside access to second level and higher have been located or designed to minimise any adverse effect on the privacy and outlook of neighbouring residential <i>buildings</i> and property.</p> <p>(2) Site Layout</p> <p>(a) Whether <i>buildings</i>, outdoor activities including loading/unloading areas, parking and servicing areas have been sited so as to minimise the transmission of any nuisance elements such as noise, dust, glare or smell to any Residential Zone;</p> <p>(b) To what extent have factors such as wind direction, <i>landscaping</i>, and <i>yards</i> been used to assist in the minimising of nuisance elements (eg noise, odours, particulates).</p> <p>(3) Location and design of vehicle access</p> <p>(a) To what extent has access to and from a <i>site</i> been located as far as practicable, or as appropriate in the circumstances, from the boundary of an adjoining Residential Zone.</p>

<p>(4) Landscape Design</p> <p>(a) Whether the <i>site</i> has been landscaped in a manner that:</p> <p>(i) softens the visual impact of industrial uses on the Residential Zone;</p> <p>(ii) provides a permanent physical buffer between the Residential Zone and Industrial Zone;</p> <p>(iii) screens unsightly parts of <i>development</i>;</p> <p>(iv) reduces undesirable elements of <i>industrial activities</i> such as particulates and glare;</p> <p>(v) reduces the scale of <i>buildings</i> (particularly their <i>height</i>) by incorporating trees capable of growing to a height similar to the <i>buildings</i>.</p> <p>(5) Location and Screening of Outdoor Storage/Display Areas</p> <p>(a) To what extent the outdoor storage/display areas will be visible from the <i>state highway</i> and/or mitigation measures are proposed to maintain the visual <i>amenity</i> of the Paeroa gateway location.</p>	
<p>C4 <i>EXPLORATION INVOLVING MORE THAN 20M³ AND NO MORE THAN 50M³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR (REFER TO ACTIVITY SPECIFIC STANDARD 5.12.6(1))</i></p> <p>Matters over which Council has reserved control are:</p> <p>(1) Location and Duration</p> <p>(a) The location of the <i>exploration</i> activities to ensure the stability of adjacent land/<i>buildings</i> and <i>network utility</i> infrastructure is protected.</p> <p>(b) The duration of the <i>exploration</i> activities to minimise disturbance on adjacent industrial and town centre activities, and on recreational and residential <i>amenities</i>.</p> <p>(2) Management and rehabilitation</p> <p>(a) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the <i>exploration</i> activity.</p> <p>(b) The extent to which existing <i>indigenous</i> or other vegetation which contributes to visual <i>amenity</i> and/or biodiversity values is retained, the reasons why clearance is proposed and the ability to rehabilitate the area to similar values.</p> <p>(c) Whether earthworks and/or tracks associated with the activity have been located or minimised to reduce any adverse visual impact.</p>	

5.12.4.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a *Restricted Discretionary Activity* subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and

- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *Restricted Discretionary Activity* listed below.

RD1	<p>ANY PERMITTED ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.12.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.12.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY</p> <p>The <i>Council</i> will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the <i>Zone Development Standards</i> in Rule 5.12.5 for which compliance is not met, and the relevant assessment criteria below.</p> <p>Matters over which <i>Council</i> has restricted its discretion are:</p> <p>(1) <i>Height and Daylighting</i></p> <p> (a) The extent that topographical and <i>site</i> conditions (including easements) restrict the area or shape of the <i>site</i> that is suitable and available for building.</p> <p> (b) The desirability of maintaining consistency in design and appearance with existing <i>buildings</i> on the <i>site</i>.</p> <p> (c) The need to preserve existing trees, vegetation or important physical characteristics of the <i>site</i>.</p> <p> (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual <i>amenity</i>.</p> <p> (e) Whether the property adjoining the <i>site</i> is sufficiently higher and therefore the adjoining property will not be detrimentally affected.</p> <p> (f) Where the standard(s) is/are not met due to penetration by a dormer window, gable or similar roof feature, whether that will have a minor effect on the <i>amenities</i> of the neighbouring site.</p> <p> (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.</p> <p> (h) The degree to which <i>amenity</i> value and privacy of adjoining properties is affected by matters such as shading and loss of daylight.</p> <p> (i) The extent to which the <i>building</i> visually intrudes on any significant ridgeline or skyline or significant landscape, and what measures are proposed to reduce the visual effects of that intrusion.</p> <p> (j) Whether the <i>building</i> will detract from any view or vista which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.</p> <p>(2) <i>Yard</i></p> <p> (a) The extent that topographical and <i>site</i> conditions restrict the area or shape of the <i>site</i> that is available and suitable for building.</p> <p> (b) The degree to which the functioning of the <i>site</i> and/or the activity can be improved by not meeting the standard.</p>
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<ul style="list-style-type: none"> (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the <i>site</i>. (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected. (e) The extent to which the safe and efficient functioning of the street or <i>road</i> will be significantly compromised. (f) Whether the detrimental effects of building in the <i>yard</i> can be reduced or avoided. (g) Whether the <i>yard</i> functions (including separation, <i>landscaping</i> and service provision) will be provided on the <i>site</i> by other means, or are they unnecessary. <p>(3) Site coverage</p> <ul style="list-style-type: none"> (a) The ability of the existing stormwater and/or sewerage systems or on-site disposal methods to cope with additional stormwater and/or disposal of wastewater. (b) Whether there are known stormwater/sewage disposal problems in the area. (c) The degree to which negative effects, in terms of changing the character or visual <i>amenity</i> of the area, can be mitigated or removed through the use of such techniques as <i>landscaping</i>, building design, exterior finish, set back from boundaries or reduced <i>height</i>. (d) The extent to which open space within the <i>site</i> and/or in the near vicinity can reduce the impact of the <i>building(s)</i> in terms of character or visual <i>amenity</i>.
<p>RD2 ANY <i>PERMITTED ACTIVITY</i> OR <i>CONTROLLED ACTIVITY</i> THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.12.6(1) IN THE AREA IDENTIFIED ON THE PLANNING MAPS AS “<i>SUBJECT TO INUNDATION</i>”</p> <p>Matters over which the Council has restricted its discretion are:</p> <p>(1) Design of buildings</p> <ul style="list-style-type: none"> (a) Whether the <i>building</i> or extension to the <i>building</i> and associated access is designed in such a manner that the <i>building</i> and access to the <i>building</i> will be free from inundation. (b) Whether the <i>building</i> or extension to the <i>building</i> and access to it will have any consequential flooding effects on the remainder of the <i>site</i> and other sites also subject to potential inundation. <p>(2) Earthworks/impermeable covering</p> <ul style="list-style-type: none"> (a) Whether the excavation or placement of fill is carried out in a manner that ensures erosion of the exposed ground and/or fill face during inundation will be minor and not cumulatively affect the functioning of the Flood Ponding Zone. (b) Will the extension of the impermeable covering (<i>building</i> and/or hard surfaces) and access have any consequential inundation effects on the remainder of the <i>site</i> and other sites also subject to potential inundation and any other adjacent sites. (c) Whether any fill material will leach into the water and create a pollution

	hazard (particularly where vegetation is removed).
(3)	Planting
	(a) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone.
	(b) Whether the planting will inhibit the ability of the Flood Ponding Zone to achieve that purpose and/or have a consequential adverse effect on other sites also subject to potential inundation. For example vegetation should not impede the free flow of water during the flood ponding/inundation process (both filling and emptying).

5.12.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.12.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

D1	ANY <i>PERMITTED</i> OR <i>CONTROLLED</i> ACTIVITY THAT DOES NOT COMPLY WITH THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.12.6(1) & (2)
D2	<i>EXPLORATION</i> NOT PROVIDED FOR AS A <i>PERMITTED</i> OR <i>CONTROLLED</i> ACTIVITY
D3	<i>UNDERGROUND MINING</i> AND <i>MINING OPERATIONS</i>
D4	RESIDENTIAL ACCOMMODATION IN ASSOCIATION WITH ANY <i>PERMITTED</i> AND/OR <i>CONTROLLED</i> ACTIVITY, BUT NOT EXCEEDING ONE <i>DWELLING</i> PER ACTIVITY
D5	<i>COMMUNITY FACILITY</i>
D6	INDOOR SPORTS FACILITY
D7	<i>EDUCATION / TRAINING ACTIVITIES AND FACILITIES</i>
D8	ANY <i>INDUSTRIAL ACTIVITY</i> ON LOT 2 DPS 84289 (OPUKEKO ROAD, PAEROA) NOT PROVIDED FOR AS A <i>CONTROLLED</i> ACTIVITY

5.12.4.5 NON COMPLYING ACTIVITIES

Those activities listed below are a *Non Complying Activity*.

NC1	ANY ACTIVITY NOT PROVIDED AS A <i>PERMITTED</i> , <i>CONTROLLED</i> , <i>RESTRICTED</i> , <i>DISCRETIONARY</i> , <i>DISCRETIONARY</i> OR <i>PROHIBITED</i> ACTIVITY
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5.12.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1	<i>SURFACE MINING</i>
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5.12.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant *Zone Development Standards* shall be met by all *Permitted* and *Controlled Activities* unless otherwise stated.
- (2) For *Controlled Activities*, where *Council* has reserved control over specified matters in Rule 5.12.4.2, and for *Restricted Discretionary Activities* in Rule 5.12.4.3, where *Council* has restricted its discretion to specific matters, more restrictive development standards than those specified in the table below, may be imposed as *conditions* of consent.
- (3) The following relevant *Zone Development Standards* shall be used as a guide in assessing any *Discretionary* and *Non Complying Activities*.

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum <i>Height</i>	15.0 metres, except for the following locations: No maximum: (a) Ngatea (properties immediately fronting Orchard West Road (SH 2) as shown on Planning Map C), and (b) Kerepehi (whole zone), and (c) Dean Crescent, Waihi	No maximum	To ensure that the <i>height</i> of <i>buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <i>amenity</i> and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
<i>Daylight Control</i> (refer to definition for explanatory diagram)	No <i>building</i> or <i>structure</i> shall project above 2.0 metres in <i>height</i> at any <i>zone</i> boundary and not project above a 45° plane into the <i>site</i> up to the maximum <i>height</i> .	No restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring property in another <i>zone</i> , thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum <i>Yards</i>	<i>Front Yard</i> : Nil Except that: For the Kerepehi South Industrial area covered by the Structure Plan in 8.6.8 Appendix 7, the <i>yard</i> shall be as specified on the Structure Plan map.	<i>Front Yard</i> : Nil	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>site</i> and adjoining sites.

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Minimum <i>Yards</i>	<i>Other Yards: Nil</i> Except that: Where the boundary of the Industrial Zone adjoins a Residential Zone or Reserve Zone, the <i>yard</i> shall be 3.0 metres, or the <i>yard</i> as specified on the Structure Plan map for the Kerepehi South Industrial area (refer to 8.6.8 Appendix 7).	<i>Other Yards: Nil</i>	
<i>Site/Zone Coverage</i>	85% of the <i>site</i>	100% of the <i>site</i>	To limit the scale and intensity of <i>building development</i> to a level appropriate to the character and <i>amenity</i> of an area.

*These *Zone Development Standards* shall not apply to “*Temporary Uses and Buildings*” covered by clause (b) of the definition in Section 4 for “*Temporary Uses and Buildings*” and to “*Prospecting*” and “*Exploration*”.

5.12.6 ACTIVITY SPECIFIC STANDARDS

(1) LAND SUBJECT TO INUNDATION AS IDENTIFIED ON THE PLANNING MAPS

- (a) No more than 45% of the area within the *site* that is *subject to inundation* as identified on the planning maps shall be covered by *buildings* and/or covered in an impermeable surface or vegetation (other than grass or similar), or otherwise made unavailable to inundation (eg by bunding or solid fencing), or be subject to *exploration*, excavation and filling.

(2) ANCILLARY FACTORY SHOPS AND RETAIL OUTLETS (P6)

- (a) The maximum *gross floor area* of an *ancillary factory shop* or *retail outlet* shall not exceed 100m² or 25% of the *gross floor area* of the principal activity, whichever is the lesser; or
- (b) Where the *ancillary factory shop* or *retail outlet* occurs predominantly outdoors, the maximum gross combined site and floor area of an *ancillary factory shop* or *retail outlet* shall not exceed 100m² or 25% of the *net site area* (excluding any required vehicle *parking* and *manoeuvring* space) whichever is the lesser.

5.12.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, Council shall have regard to the relevant *development standards*, activity specific standards, environmental results and assessment criteria for *Permitted*, *Controlled* and *Restricted Discretionary Activities* in Rules 5.12.4 to 5.12.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.12.7.1 GENERAL ASSESSMENT CRITERIA

- (1) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the *road* concerned;
 - (b) the ability of the *site* to accommodate the activity requirements for on-site parking, loading and *manoeuvring areas*;
 - (c) the means by which any likely adverse traffic effects can be avoided, remedied or mitigated;
 - (d) the access, parking and loading standards for *Permitted Activities* that shall be used as a guideline in assessing applications for *Discretionary Activities*;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the *state highway* network.
- (2) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the District or locality.
- (3) The degree to which the location of *buildings* is such as to retain clear visibility along *roads* and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (4) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust, which cannot effectively or practically be controlled by mitigation measures.
- (5) The extent to which exterior storage areas of vehicles, equipment, machinery, materials, waste etc is located, or suitably screened from neighbouring properties and any public *road*, to avoid, remedy or mitigate any detriment to *amenity*.
- (6) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.

5.12.7.2 FACTORY SHOP/ANCILLARY RETAIL ACTIVITY

- (1) Whether the proposal conflicts with *Council's* objectives relating to the protection of the function of major traffic routes (ie *state highways* and *arterial roads*) and in particular will it lead to strip commercial development of an ad hoc nature.
- (2) Whether a location on a major traffic route is reasonably necessary to serve the surrounding industrial area or in respect of those commercial uses appropriate to an industrial *zone*, to best serve the general public.
- (3) The anticipated traffic volumes generated by the proposal, the means of access to and from the *site* and the capacity of the adjacent transport network to safely accommodate the anticipated traffic, provided that in the case of *state highways* and *arterial roads*, preference shall be given to alternative access arrangements.
- (4) The ease of entry and exit to the *site* including the visibility of access points.
- (5) Whether the proposal significantly conflicts with *Council's* objectives relating to the sustainability of the Town Centres of Waihi and Paeroa.
- (6) The availability of appropriately located commercially *zoned* land able to accommodate such uses.
- (7) Whether the public interest would be best served by an industrial location.
- (8) Whether the bulky nature of the goods or other such characteristics makes it more appropriate that they be sold in industrial rather than commercial areas.
- (9) Whether any *ancillary retail activity* is clearly subsidiary to and reasonably associated with the principal use of the *site*.

5.12.7.3 UNDERGROUND MINING AND EXPLORATION

- (1) Whether public safety and security is adequately provided for.
- (2) Whether acceptable plans for the rehabilitation of all disturbed areas have been provided, including implementation programmes.

5.12.7.4 RESIDENTIAL ACCOMMODATION/ COMMUNITY FACILITY/ INDOOR SPORTS FACILITY/ EDUCATION/TRAINING ACTIVITIES AND FACILITIES

- (1) The extent to which the activity serves the need of an *industrial/warehouse activity* or is more appropriate in an industrial location than in other areas.
- (2) Whether the establishment of the activity would adversely effect the efficient functioning of the *zone*.
- (3) The scale and intensity of the activity and its compatibility with surrounding activities.
- (4) The extent to which adequate measures have been undertaken to separate the activity from the actual and potential effects of the surrounding *industrial activities* (both on the same and adjacent sites).
- (5) The extent to which alternative *sites* or locations have been considered.

- (6) The extent to which the internal noise of the residential accommodation or facility meets the requirements of AS/NZS 2107:2000, with the doors and windows shut and alternative ventilation provided and in operation.

5.12.7.5 INDUSTRIAL ACTIVITY ON LOT 2 DPS 84289 (OPUKEKO ROAD, PAEROA)

- (1) The extent to which the *building(s)* and/or outdoor activities are designed, laid out and landscaped in a manner which is complementary and sensitive to the existing and potential *amenities* of the adjoining Residential Zone *environment* in terms of scale, form and harmony and present an attractive appearance to the *road* in terms of the Paeroa gateway location.