

## PART 42 WAIUKU INDUSTRIAL ZONE (WIZ): 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.

### 42.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the WIZ:

1. Additions and alterations to an **existing** building accommodating a controlled activity listed in Rule 42.2, where the addition or alteration complies with Rules:
  - 42.6 (Development Standards)
  - 42.7 (Performance Standards)
  - 42.11 (Hazardous Substances Quantity Thresholds)

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

2. In respect to Lot 2 DP 328757, Allot 357 PARISH OF Waiuku East and Pt Allot 61 PARISH OF Waiuku East, additions and alterations to an **existing** building accommodating a controlled or restricted discretionary activity listed in Rule 42.3.3, where the addition or alteration complies with Rules:
  - 42.6(Development Standards)
  - 42.7(Performance Standards)
  - 42.11(Hazardous Substances Quantity Thresholds)

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

AND the addition/alteration does not generate more than 200 vehicles per day or more than 50 trucks per day.

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 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:*

*Controlled activities are those generally suited to the INDUSTRIAL environment, but 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 where the activity takes place.*

*However, in respect of all other activities such as Discretionary and Non-complying activities, any building works should be considered as having 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.*

## 42.2 CONTROLLED ACTIVITIES

- i. The following activities are Controlled activities in the WIZ.
- 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 42.8 Assessment criteria for Controlled activities. The application must also clearly demonstrate compliance with the stated standards applicable to the activity.
- iv. Applications will be assessed in terms of the matters set out in Rule 42.8 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)

1. Manufacturing, processing, assembly, storage and freighting of goods as long as the activity complies with:
  - Rule 42.6 (Development standards)
  - Rule 42.7 (Performance standards)
  - Rule 42.11 (Hazardous substances quantity thresholds);

except where the activity is specifically identified in Rules 42.1, 42.3, 42.4 or 42.5.
2. BUILDINGS used by New Zealand Police for the purposes of policing activities.
3. In respect to Lot 2 DP 328757, Allot 357 PARISH OF Waiuku East and Pt Allot 61 PARISH OF Waiuku East, manufacturing, processing, assembly, storage and freighting of goods, with access from a roundabout where the access is established generally in accordance with Maps 54.12.5 and 54.12.6, and as long as the activity complies with:
  - Rule 42.5.6 (Development standards)
  - Rule 42.6.7 (Performance standards)
  - Rule 42.9.11 (Hazardous substances quantity thresholds);

except where the activity is specifically identified in Rules 42.1, 42.3, 42.4 or 42.5.

In addition to the above, the following activities are Controlled Activities in Precinct A (Map 54.12.1):

4. PUBLIC GARDENS
5. GARDEN CENTRES
6. MUSEUMS/GALLERIES
7. CONFERENCE FACILITY
8. Arrival/departure railway platform
9. CAFÉS and RESTAURANTS ANCILLARY to the above

10. Access to and from the above activities via Shakespeare Road
11. The construction of, or addition or alteration to, any building accommodating the foregoing controlled activities and complying with Rule 42.6 Development Standards, except where the activity is specifically identified in 42.1, 42.3, 42.4 or 42.5.

**42.3 RESTRICTED DISCRETIONARY ACTIVITIES**

The following Restricted Discretionary activities require resource consent. Applications will be assessed in terms of the matters set out in 42.9. 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 42.9.

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.
3. Any activity that generates more than 200 vehicles per day or more than 50 trucks per day.
4. Activities (including subdivision) within 20 metres of an iron sand slurry pipeline easement where written approval has not been obtained from the iron and slurry pipeline operator.
5. Activities (including subdivision) within 20 metres of a water pipeline easement where written approval has not been obtained from the water pipeline operator.

#### 42.4 DISCRETIONARY ACTIVITIES

- i. The activities listed below are discretionary activities in the WIZ.
- 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 42.10 Assessment Criteria for Discretionary Activities. The application must also clearly demonstrate compliance with any stated standards applicable to the activity.
- iv. Applications will be assessed in terms of the matters set out in Rule 42.10 Assessment Criteria for Discretionary Activities, the Purpose and Character of the WIZ (Part 40.1) and the objectives and policies of the Plan, especially the objectives and policies set out in Part 40, Part 53 of the District Plan as well as the other matters stated in 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.
- vi. Once a discretionary activity has been established, the ongoing consent of the Council is required to undertake any changes on site.

(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:
  - Rule 42.6 (Development Standards)
  - Rule 42.7 (Performance Standards)
  - Rule 42.11 Hazardous Substances Quantity Thresholds
 except where the activity is specifically identified in Rules 42.3 or 42.5.
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:
    - Rule 42.6 (Development standards)
    - Rule 42.7 (Performance standards)
    - Rule 42.11 (Hazardous substances quantity thresholds)
3. HIRE CENTRES (excluding Personal and HOUSEHOLD goods hiring and excluding video and DVD hire outlets) providing equipment and machinery for temporary use off-site and complying with:
  - Rule 42.6 (Development standards)
  - Rule 42.7 (Performance standards)
  - Rule 42.11 (Hazardous substances quantity thresholds)
4. SERVICE STATIONS complying with:
  - Rule 42.6 (Development standards)
  - Rule 42.7 (Performance standards)
  - Rule 42.11 (Hazardous substances quantity thresholds)

5. WHOLESALE activities complying with:
  - Rule 42.6 (Development standards)
  - Rule 42.7 (Performance standards)
  - Rule 42.11 (Hazardous substances quantity thresholds)
6. Kennels and catteries complying with:
  - Rule 42.6 (Development standards)
  - Rule 42.7 (Performance standards)
  - Rule 42.11 (Hazardous substances quantity thresholds)
7. RETAILING of AGRICULTURAL and INDUSTRIAL motor vehicles and machinery complying with:
  - 42.6 (Development standards)
  - 42.7 (Performance standards)
  - 42.11 (Hazardous substances quantity thresholds)
8. 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.
9. In respect to Lot 2 DP 328757, Allot 357 PARISH OF Waiuku East and Pt Allot 61 PARISH OF Waiuku East, manufacturing, processing, assembly, storage and freighting of goods prior to the construction of a roundabout which will provide access to and from the site.
10. Non-compliance with the YARD/S specified in 42.6.2 (7), provided that the written consent of the land owner/s adjoining the YARD/S being infringed upon, altered or removed (namely the owner/s of Lot 1 DP 328757, Pt Allot 53 PARISH OF Waiuku East or Lot 1 DP 140821), has been obtained.

## 42.5 NON-COMPLYING ACTIVITIES

- i. The activities listed below are Non-complying activities in the WIZ.
- ii. Non-complying activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- iii. Applications will be assessed in terms of the matters set out in Part 53, the purpose and character of the WIZ (Part 40), the objectives and policies of the Plan, especially those set out in Part 40 and where appropriate, the matters applying to Controlled and Discretionary Activities. Where consent is granted, conditions of consent may be imposed.
- iv. The information submitted with the application must meet the requirements of Part 52.
- v. 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.
- vi. 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 otherwise provided for in Rules 42.1, 42.2, 42.3 and 42.4, including but not limited to the activities listed below:

1. RESIDENTIAL activities, e.g. RESIDENTIAL BUILDINGS, DWELLING HOUSES, PAPAKAINGA HOUSING and MULTI-UNIT HOUSING
2. RETAILING ACTIVITIES, e.g.
  - VARIETY DISCOUNT (SUPERMARKET) MERCHANDISING
  - FUNERAL SERVICES, PREMISES and FUNERAL PARLOURS
  - GARDEN CENTRES
  - FITNESS CENTRES
  - Entertainment, leisure and eating facilities and services
  - Any type of shop
  - Hairdressing and barbers
  - Beauty salons
  - Video and DVD hire outlets
  - Motor vehicle RETAILING and Motor vehicle RETAILING as an ANCILLARY activity
  - Professional services, e.g. the services provided by lawyers, engineers, financial consultants, banks
3. Educational facilities and services not associated with the teaching of INDUSTRIAL skills
4. CHILD CARE AND LEARNING CENTRES, CHURCHES, COMMUNITY FACILITIES, SCHOOLS
5. Community services
6. AGRICULTURE
7. GREENHOUSES

8. Mining and EXTRACTION
9. CAMPING GROUNDS
10. EQUESTRIAN CENTRES, HORSE TRAINING CENTRES
11. HEALTH CENTRES, HOSPITALS, dentists' rooms, doctors' rooms, VETERINARY CENTRES
12. MARAE
13. MOTEL, MOTOR CAMP, TRAVELLERS' ACCOMMODATION
14. SHOW HOME
15. Car parking areas and buildings that are not ANCILLARY to a Permitted or Consented activity
16. OFFICES that are not ANCILLARY to a permitted or consented activity
17. Betting shops
18. Taverns, bars
19. 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.
20. For Precinct A, access to and from Shakespeare Road for activities associated with manufacturing, processing, assembly, storage and freighting.



## 42.6 DEVELOPMENT STANDARDS FOR PERMITTED AND CONTROLLED ACTIVITIES

- i. All permitted and controlled activities in the WIZ shall comply with the standards set out below.
- ii. The intention of these standards is to:
  - achieve the character sought by the Structure Plans in section 54
  - achieve the character sought by Part 40
  - achieve the objectives and policies of the Plan, especially those in Part 40.
- 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.

### 42.6.1 BUILDING HEIGHT

#### 1. Maximum height

No building shall exceed a height of 18 metres except in Precinct A (Map 54.12.1) where no building shall exceed a height of 9 metres.

(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 more sensitive areas, e.g. WISZ, Residential Zone, Rural-residential Zone and Rural Zone, 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 surrounding land uses and manages the visual impact of the WIZ on more sensitive 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 WIZ and surrounds.*

#### 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, WISZ, Village Business, Recreation, Residential, Rural-residential, Village, Coastal, Wetland Conservation, 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 WIZ 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 WIZ.*

### 42.6.2 YARDS

1. A FRONT YARD with a depth of at least 7.5 metres shall be observed along the entire length of all road boundaries.
2. Where a WIZ SITE has a common boundary with any of the following (listed as a – d below), an amenity YARD with a minimum depth of 5 metres shall be observed along the entire length of the boundary of the WIZ SITE:
  - a) open space reserve/recreation reserve/covenanted bush
  - b) any SITE zoned Rural Zone, Village Business Zone, WISZ, Recreation Zone, Residential Zone, Rural-residential Zone, Village Zone, Coastal Zone, Wetland Conservation Zone, Proposed Esplanade Reserve, Forest Conservation Zone.
  - c) land designated for motorway/state highway purposes
  - d) railway reserve

*Explanation:*

*The separation of business buildings and business activities in the WIZ from transport corridors, open spaces, parks and other more sensitive zones is essential to maintain an acceptable level of amenity along and adjacent to those elements. For example the separation of business buildings from recreation reserves serves to protect the open-space quality of reserves.*

*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 zone.*

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

*Explanation:*

*The depth of a YARD should not be decreased in instances where roads are widened. If a YARD was incorporated in the area of the building line designation, and if a road was widened into the area of the designation, then the depth of the YARD would be decreased.*

4. YARDS shall not be used for storage purposes. YARDS shall be kept free of temporary SIGNS.
5. Where a WISZ / WIZ SITE has a common boundary with the Glenbrook Vintage Railway, an amenity YARD of 20 metres shall be observed along that boundary of that SITE.
6. A YARD with a depth of at least 20 metres shall be observed on the corner of Glenbrook-Waiuku Road and Shakespeare Road, as shown on Map 54.12.5.

7. A YARD with a depth of at least 20 metres shall be observed adjacent to the boundaries of:

- 16 Shakespeare Road, Lot 1 DP 328757
- 104 Cornwall Road, Pt Allot 53 PARISH OF Waiuku East
- 72 Glenbrook-Waiuku Road, Lot 1 DP 140821

on Lot 2 DP 328757, Allot 357 PARISH OF Waiuku East and Pt Allot 61 PARISH OF Waiuku East as shown on Map 54.12.5.

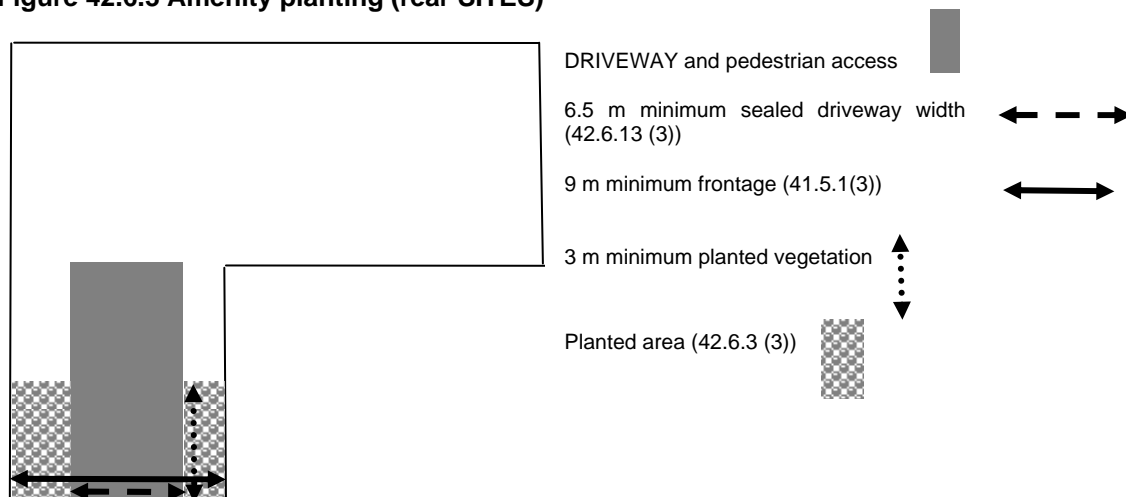
In addition to the explanations above, the purpose of the YARDS in Precinct A is to provide for aesthetic enhancement, visual separation and planting of vegetation to:

- reinforce Precinct A's gateway function
- provide amenity along the Glenbrook Vintage Railway
- provide amenity along Shakespeare, Glenbrook-Waiuku and Cornwall Roads
- provide amenity for adjacent and nearby properties

### 42.6.3 AMENITY PLANTING

1. YARDS required by Rule 42.6.2(1) shall have a minimum depth of planted vegetation of 3 metres adjoining the road boundary across the entire frontage of the site, excluding only those areas used for vehicle and pedestrian access in accordance with 42.6.14.
2. YARDS required by Rule 42.6.2(2) shall have a minimum depth of planted vegetation of 3 metres adjoining the boundary which is the common boundary referred to in 42.6.2(2) across the entire boundary of the SITE, excluding only those areas used for pedestrian ways (Rule 42.6.14 (2)).
3. For rear sites, except for the area occupied by DRIVEWAYS (42.6.13) and pedestrian access (42.6.14 (3)), an area of planted vegetation shall extend for at least 3.0m from the road boundary into the ENTRANCE STRIP.

**Figure 42.6.3 Amenity planting (rear SITES)**



4. A minimum of 15% of every SITE shall contain amenity planting, which may include the planting required in 1, 2 and 3 foregoing.
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 WIZ 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 WIZ 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.*

*Vegetative areas also aid in the mitigation of adverse stormwater effects.*

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

6. **SUBMIT PLAN:** A landscaping and planting 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.

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

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.

9. In addition to 42.6.3 (5) – (8) above, the amenity planting set out on Maps 54.12.5 and 54.12.6 and the following shall apply to Precinct A:

Along the following boundaries:

- the railway reserve of the Glenbrook Vintage Railway
- 16 Shakespeare Road, Lot 1 DP 328757
- 104 Cornwall Road, Pt Allot 53 PARISH OF Waiuku East
- 72 Glenbrook-Waiuku Road, Lot 1 DP 140821

the YARDs on Lot 2 DP 328757, Allot 357 PARISH OF Waiuku East and Pt Allot 61 PARISH OF Waiuku East shall be planted as set out in i – iv below:

- i. The YARDs shall be planted with multiple species of vegetation to an average depth of at least 15 metres.
- ii. The YARDs shall be planted with multiple species of vegetation to a minimum depth of 7 metres, except where a stormwater pond is required within Precinct A closer than 7 metres to the boundary, in which case the area between the pond and the Precinct A boundary will be fully planted with vegetation, provided that Council access to any stormwater pond shall be provided for, to the satisfaction of Council.
- iii. The YARD shall be planted to the satisfaction of Council and will not cause undue shading of neighbouring properties.
- iv. The plan required by 42.6.3 (6) will be prepared by a suitably qualified professional, such as Landscape Architect, landscape designer or horticultural specialist, including those qualified in arboriculture.

*Explanation:*

*Planting and landscaping 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 to appropriate to providing an acceptable standard of amenity for the site and its surrounds. 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.*

#### **42.6.4 FENCES / WALLS**

1. No fence or wall exceeding a height of 1 metre may be erected in a YARD required by 42.6.2(1).
2. No fence or wall may exceed a height of 2 metres.
3. Any fence or wall erected within a YARD required by 42.6.2(2)(a) - (d), 5, 6 and 7 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 INDUSTRIAL premises to secure their sites but this must be balanced with maintaining amenable and safe public spaces, which will be achieved by adhering to both the fencing and landscaping 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:*

- *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*

**42.6.5 BUILDING FAÇADES**

1. At least 50% of the surface area of the following building façades must be glazed with glass that does not cause glare:
  - a) all building facades that are located on a SITE whose boundary is contiguous with a road and where the façade is facing the road
  - b) all building facades that are located on a SITE whose boundary is contiguous with land designated for motorway/state highway purposes and where the facade is facing the land designated for motorway/state highway purposes
  - c) all building facades that are located on a SITE whose boundary is contiguous with a railway reserve and where the façade is facing the railway reserve
  - d) all building facades that are located on a SITE whose boundary is contiguous with an open space/recreation reserve/covenanted bush and where the facade is facing the open space/recreation reserve/covenanted bush
  - e) all building facades that are located on a SITE whose boundary is contiguous with a site zoned Rural, WISZ, Village Business, Recreation, Residential, Rural-residential, Village, Coastal, Wetland Conservation, Proposed Esplanade Reserve and Forest Conservation and where the façade is facing the other SITE.

**OR**

At least 25% of the surface area of the aforementioned building facades must be glazed and the façade shall incorporate at least one ARCHITECTURAL FEATURE that introduces, to the satisfaction of Council, variation into the façade.

*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. 42.6.5 (1)(e) shall not apply in the Fernleigh Business Park (Part 54.12) where the façade is a side or rear façade and is facing a Rural Zone. In the Fernleigh Business Park (Part 54.12) where the façade is a side or rear façade and is facing a Rural Zone the following shall apply:

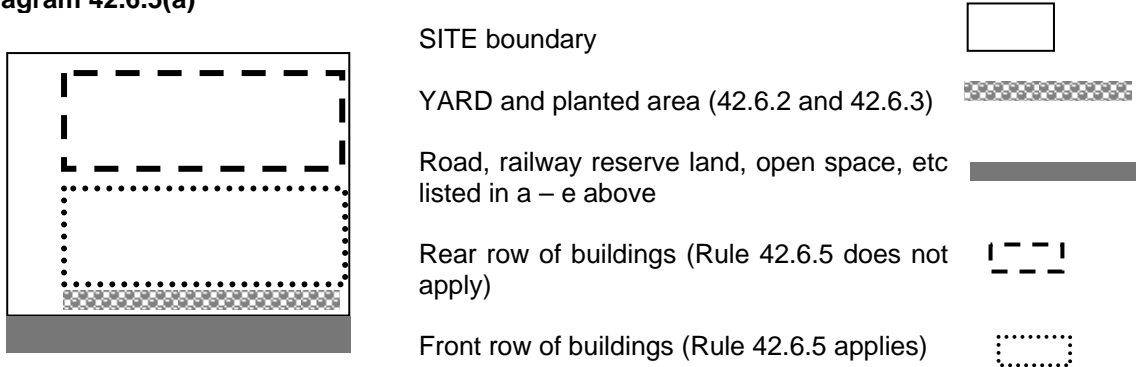
At least 25% of the surface area of the aforementioned building facades shall comprise at least one ARCHITECTURAL FEATURE that introduces, to the satisfaction of Council, variation into the façade.

***Explanation:***

*Glass is not required where a WIZ side or rear façade faces the Rural Zone because opportunity for passive surveillance is essentially lost due to the absence of passers-by and vehicle movement. In addition, the rural surroundings do not warrant the same extent of amenity on an external wall.*

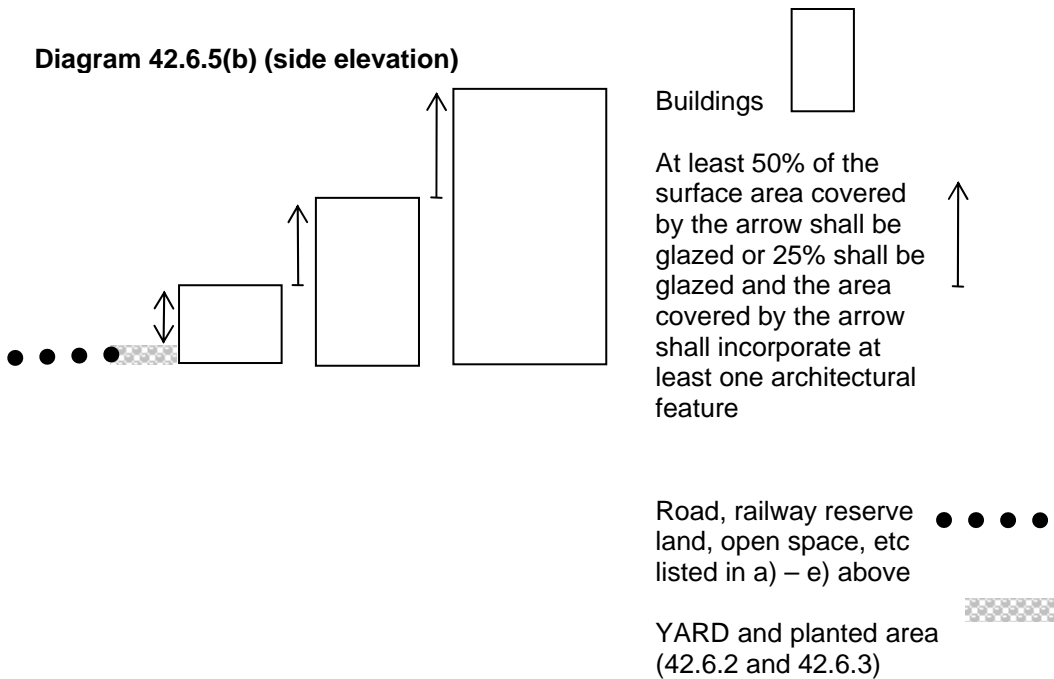
- Where a proposed development consists of more than one row of buildings, one behind the other, and where the buildings are the same height, this rule shall apply only to the buildings closest to the road, railway line, open space, etc listed in a) – e) above (see diagram 42.6.5 a below)

**Diagram 42.6.5(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, then the following applies: those portions of the façades of any rear buildings that protrude above buildings in front, shall be glazed (in the manner set out above) (see diagram 42.6.5(b) below).

**Diagram 42.6.5(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. Outward facing solid walls, particularly when occurring on successive sites, adversely affect the visual amenity of a locality and prevent passive surveillance of the street and open space, thereby undermining the safety of an area.*

*The intent of this rule is to create building frontages that maintain the amenity of the area and surrounds and that are designed to reduce crime occurring in the area.*

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

## 42.6.6 OUTDOOR STORAGE

### 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, WIZ, WISZ, 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 42.6.6(1) above, all stored materials or goods of whatever kind shall be **completely screened (100%)** from view from:
  - i. any site zoned Rural, Recreation, Residential, Rural-residential, Village, Coastal, Wetland Conservation, Proposed Esplanade Reserve and Forest Conservation
  - ii. any transport corridor within these zones
  - iii. any open space/recreation reserve/covenanted bush
- b) Notwithstanding Rule 42.6.6(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 from the non business-zone site.
- 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.*

*Sites that are further than 250 metres away need not (because of the greater distance) have the same protection as sites closer than 250 metres.*



#### 42.6.7 SETBACK FROM WATER

Subject to Rule 42.7.5, 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:*

- *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 INDUSTRIAL context often have a utilitarian appearance; it provides space for planting*
- *reduce the risk of damage from erosion or flooding*

#### 42.6.8 SETBACK FROM ELECTRICITY TRANSMISSION LINES

All buildings and other works shall be sited to 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*

#### 42.6.9 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.*

#### 42.6.10 PARKING STANDARDS

1. Parking shall be provided on-SITE as follows:

Activity	Parking requirement
Storage and freight handling facilities, warehouses, manufacturing, processing and assembly of goods / products	One for every 100m <sup>2</sup> gross floor area plus 1 for every 100m <sup>2</sup> of open space used for the manufacturing, processing and assembly, but no additional parking is required for storage and freight handling that occurs in open space, i.e. outside.

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 rack shall be provided for every 2 car parking spaces.

*Explanation:*

*The purpose of these rules is:*

- *To provide the appropriate number of parking spaces on site to serve the activity 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 WIZ*
- *To provide for cyclists*

*The size of a building is also governed by its ability to accommodate the parking required for a building of a particular size and use on-site. Therefore, parking requirements, in the absence of site coverage rules, also 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 jeopardizes 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.*

#### **42.6.11 LOADING SPACES**

##### **1. Number of loading spaces**

All activities shall, on the same SITE as that activity, provide 1 loading space per 400 square metres, 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 sited in such a way that vehicles have no option but to reverse onto or off the site.
- b) All loading spaces or areas shall not 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 complies with Diagram 51.F or a 90 percentile trucking path, depending on the type of activity being undertaken on the SITE.

##### **3. Construction**

All loading and associated manoeuvring areas shall comply with Rule 42.6.10 (2) as if the reference to "parking" was to "loading" spaces.

*Explanation:*

*The provision of loading spaces is essential to the effective, safe and efficient operation of the activities provided for in the WIZ.*

#### **42.6.12 VEHICLE CROSSINGS**

##### **1. Front and corner SITES**

- a) Each front or corner SITE (having a minimum frontage of 40 metres and 30 metres respectively; see Rule 41.5.1) may have **either** (i) or (ii) below for each frontage of the SITE:

	Maximum width at SITE boundary of each vehicle crossing	Maximum width, at the curb of the road, of each vehicle crossing
i. Single vehicle crossing	9 metres	Width at boundary + 4.6 metres
ii. Two vehicle crossings located at least 15 metres apart	6 metres	Width at boundary + 4.6 metres

b) Where a front site or corner site has a frontage less than 40m and 30m respectively, only one crossing per frontage is allowed. The dimensions of the crossing shall be as follows:

Maximum width at SITE boundary	Maximum width at the curb of the road
6 metres	Width at boundary + 4.6 metres

## 2. Rear SITES

a) Each rear SITE (having a minimum frontage of 9 metres; see Rule 41.5.1) may have only 1 vehicle crossing. The dimensions for a vehicle crossing serving a rear SITE shall be as follows:

Maximum width at SITE boundary	Maximum width at the curb of the road
7.5 metres	Width at boundary + 4.6 metres

b) Where a rear site has a frontage than less 9 metres, the dimensions shall be as follows:

Maximum width at SITE boundary	Maximum width at the curb of the road
6 metres	Width at boundary + 4.6 metres

## 3. Council's policy

Unless otherwise stated in the provisions for the WIZ, 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).

## 4. Vehicle crossings and state highways

Before any access onto a State Highway is acquired, the written approval of the 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. In addition, they reduce the availability of on-road parking.*

*Increased numbers and widths 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.*

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

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

**42.6.13 DRIVEWAYS**

1. The gradient of a driveway 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 exceed a length of 75 metres.

*Explanation:*

*Driveways in excess of 75 metres significantly reduce the relationship of the rear SITE to 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 6.5 metres and shall serve no more than 4 SITES or 4 different enterprises. Where more than 4 SITES or enterprises are to be served, a road constructed to public standards and in accordance with Rule 41.5.5 shall be provided.

*Explanation:*

*Where no more than 4 lots are served the formed/sealed driveway should not be narrower than 6.5 metres because this width is required to enable the efficient (including safe) movement of the vehicles that are typically required for INDUSTRIAL activities.*

*Where more than 4 lots are served, a road constructed to public standards and in accordance with 41.5.5 will enhance the amenity, functioning and safety of the roadway.*

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.*

**42.6.14 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 areas. More than one pedestrian way is appropriate where the boundary of a SITE is long.*

**42.6.15 SHOWERS AND CHANGING ROOMS**

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

*Explanation:*

*The WIZ 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.*

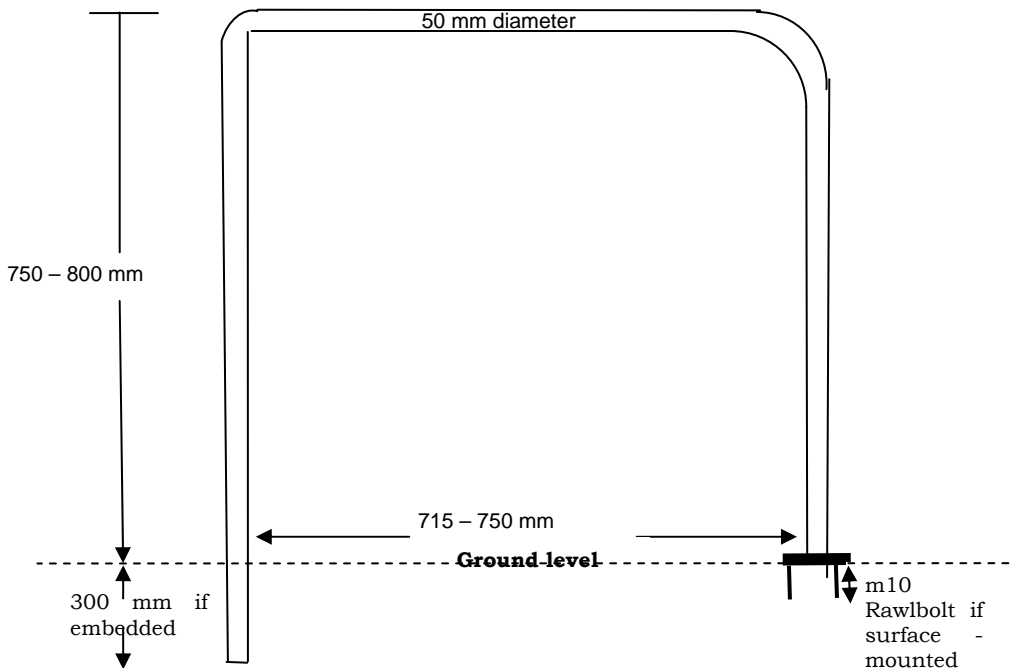
**42.6.16 CYCLE STANDS**

Cycle stands shall be designed and constructed according to the specifications set out in diagram 42.6.16(a) and as set out in 1 – 7 below

or

cycle stands shall be designed and constructed in a way that achieves the intentions set out in the explanations given in 42.6.16.

**Diagram 42.6.16(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, thus using them promotes efficiency.*

*These materials are strong, 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 42.6.16(a))

Stands shall be either:

- surface-mounted into concrete using at least 2 security bolts (m10 Rawlbolts or similar) through the base-plates, or
- 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.

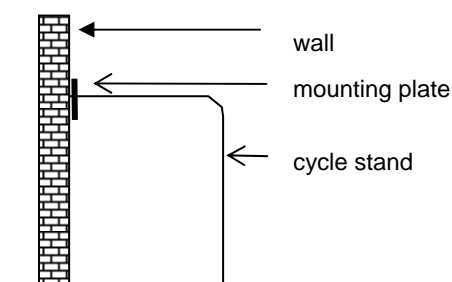
**Explanation:**

*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 42.6.16(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 42.6.16(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.*

**42.6.17 HAZARDOUS SUBSTANCES MONITORING**

Where any activity is deemed to be permitted in terms of Rule 42.9 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, Village, Wetland Conservation, 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.*

**42.6.18 LOCATION OF FUEL DISPENSERS**

Where any activity involves the retail dispensing of vehicle fuels, 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.*

**42.6.19 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 42.12.

*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 42.12. 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 Restricted Discretionary Activities.*

**42.6.20 STORMWATER MANAGEMENT – VOLUME CONTROL**

All activities shall have 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 the private on-site stormwater system upon its implementation.

Where the activity involves 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, B or C 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.*

#### 42.6.21 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*

#### 42.6.22 IRON SAND SLURRY PIPELINES

All development or subdivision activities within 20 metres of an iron sand slurry 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 iron sand slurry pipeline is required to ensure:*

- *public safety*
- *the safety of property, including the safety of the iron sand slurry pipeline*
- *the safety of the environment*

#### 42.6.23 WATER PIPELINES

All development activities within 20 metres of a water 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 a water pipeline is required to ensure:*

- *public safety*
- *the safety of property, including the safety of the water pipeline*
- *the safety of the environment*

## 42.7 PERFORMANCE STANDARDS FOR ALL PERMITTED AND CONTROLLED ACTIVITIES

- i. All permitted and controlled activities in the WIZ 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 Structure Plans in section 54
  - achieve the character sought by Part 40
  - achieve the objectives and policies of the Plan, especially those in Part 40.
- 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.

### 42.7.1 NOISE

#### 42.7.1.1 Noise Limits pertaining to Non-Business Zones

All activities within the WIZ shall be designed and conducted so that the noise limits set out in Table 42.7.1.1 are not exceeded at any location, within any of the zones listed in i – ix below, during the stated time periods:

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

**Table 42.7.1.1 Noise Limits: Non-Business Zones**

Time/hours	L <sub>10</sub> (defined)	L <sub>max</sub> (defined)
0700 -1900	50 dBA	75 dBA
1900 - 2200	45 dBA	75 dBA
All other times	40 dBA	65 dBA

#### 42.7.1.2 Noise Limits pertaining to the WISZ, the Village Business Zone and Town Centres

All activities within the WIZ shall be designed and conducted so that the noise limits set out in Table 42.7.1.2 are not exceeded at any location, within any of the zones or SITES listed in i – iii below, during the stated time period:

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

**Table 42.7.1.2 Noise Limits: WISZ, 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

**42.7.1.3 Noise Limits pertaining to the Business Zone (excluding Town Centres)**

All activities within the WIZ shall be designed and conducted so that the noise limits set out in Table 42.7.1.3 are not exceeded at any location, within any SITES listed below, during the stated time period:

- any SITE that is zoned Business Zone but which is located outside the business centres (Map 104)

**Table 42.7.1.3 Noise Limits: Business Zone (excluding Town Centres)**

Time/hours	L <sub>10</sub> (defined)	L <sub>max</sub> (defined)
At all times	60 dBA	75 dBA

**42.7.1.4 Noise Limits within the WIZ**

All activities within the WIZ shall be designed and conducted so that the noise limits set out in Table 42.7.1.4 are not exceeded at the boundary of the SITE during the stated time period:

**Table 42.7.1.4 Noise Limits within the WIZ**

Time/hours	L <sub>10</sub> (defined)	L <sub>max</sub> (defined)
At all times	60 dBA	75 dBA

**42.7.1.5 Noise Reduction: Offices and Education / Training Facilities**

All offices and education/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 the following Table 42.7.1.5.

**Table 42.7.1.5 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 WIZ 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 will 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 42.7.1.1 above because L<sub>max</sub> noise limits are only prescribed where sleep protection is required and therefore usually only apply during night-time hours.

*An  $L_{max}$  noise limit is set in Table 42.7.1.5 above, even during day-time hours, because external noise sources could reduce speech intelligibility. The sensitivity of office and education/training activities to external noise requires  $L_{max}$  noise limits to be set so that speech intelligibility is maintained.*

#### **42.7.2 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.

#### **42.7.3 VIBRATION**

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

#### *Explanations and reasons:*

- 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-site 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.*

#### **42.7.4 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, WISZ, Recreation, Residential, Rural-residential, Village, Coastal, Wetland Conservation, Proposed Esplanade Reserve and Forest Conservation. .
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
  - 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 SITE zoned Rural, Village Business, WISZ, Recreation, Residential, Rural-residential, Village, Coastal, Wetland Conservation, 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 any abutting land zoned Rural, Village Business, WISZ, Recreation, Residential, Rural-residential, Village, Coastal, Wetland Conservation, Proposed Esplanade Reserve and Forest Conservation does not fit the description above for "bright" surrounds).

- 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 protect public places and spaces and more sensitive zones from the adverse effects of outdoor lighting and glare emanating from within the WIZ.*

*Note: 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.*

#### **42.7.5 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 42.7.5(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 42.7.5(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 42.7.5(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.

Note: The following methods, or any combination thereof, may be necessary and/or effective towards ensuring that the requirements of Rules 42.7.5(1) – (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.*

#### **42.7.6 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.

The planting required in the YARDS of Precinct A will be undertaken by a competent person and a progress report on the development of the planting shall be submitted to Council within 24 months of the completion of planting.

*Explanation:*

*The requirement to establish plantings is only beneficial if it is maintained.*

*The requirement for a progress report in relation to Precinct A will help to achieve positive environmental outcomes for the community at this strategic gateway location.*

**42.7.7 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.



## 42.8 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

In assessing consent applications for controlled activities, the Council will, in making a decision, restrict the exercise of its control to the following matters. These matters are also the relevant assessment criteria.

1. The character statements for the WIZ (Part 40).
2. The issues, objectives and policies of the Plan, especially those set out in Part 40.
3. Consistency of any proposal with the relevant structure plan as set out in Part 54, including, but not limited to, Maps 54.12.5 and 54.12.6.
4. Effect on the form and function of the WIZ as well as other zones.
5. Hours of operation and the effect the operation will have on surrounding land uses.
6. The extent to which the assessment requirements of relevant transport authorities have been undertaken at the appropriate level.
7. The extent to which the planning requirements of relevant transport authorities have been undertaken at the appropriate level.
8. The impact on the safe and efficient operation of the road and 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
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 the proposed parking areas on the amenity and character of the SITE and surrounding areas (which might include areas outside the WIZ).
13. Reverse-sensitivity effects on surrounding land uses, particularly reverse-sensitivity effects on manufacturing, processing, storage and freighting activities, which are the prime purpose of the WIZ.
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 positioning of a sign 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 surrounds.
17. The extent to which ARCHITECTURAL FEATURES are incorporated into the facade 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 windows overlooking public places are part of the design of the building.
19. The extent to which roof design introduces variety
20. In addition to the above, controlled activities 4 - 9 in Precinct A will be assessed against the following criteria:
  - The extent to which buildings associated with or accommodating controlled activities 4 -9 incorporate noise reduction materials/mechanisms to ensure that noise from other SITES does not cause

adverse effects to be experienced within the buildings, thereby minimising the potential for reverse-sensitivity effects to be experienced on other SITES, particularly those carrying out manufacturing, processing, assembly, storage and freighting of goods.

- The extent to which the hours of operation reflect the sensitivity, character and amenity of the surrounding rural environment and those residing within it.
  - The extent to which the number of vehicle movements on and off the site reflects the sensitivity, character and amenity of the surrounding rural environment and those residing within it.
21. In addition to the above, access to and from controlled activities 4 - 9 via Shakespeare Road will be assessed against the following criteria:
- Safe and efficient transport access to, and transport movement along, Shakespeare and Hall Roads, including but not limited to pedestrian and vehicle safety on, or in the vicinity of, the bridge.
  - The extent to which the hours of operation reflect the sensitivity, character and amenity of the surrounding rural environment and those residing within it.
  - The extent to which the number of vehicle movements on and off the site reflects the sensitivity, character and amenity of the surrounding rural environment and those residing within it.
22. Development on Lot 1 DP328757 shall be assessed in terms of the extent to which it is accompanied by a gateway feature within the 20 metre YARD shown on Map 54.12.5. The gateway feature will:
- contribute to the character and image of Waiuku as a well-functioning, well-designed and attractive rural town
  - reflect the locality's character as a place of transition between rural and urban

## 42.9 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.
3. Activities that generate more than 200 vehicles per day or 50 trucks per day will be required to submit a Traffic Impact Assessment (TIA). The scope of the TIA will be advised by the Franklin District Council Development Engineer, and will be restricted to a level sufficient to assess the safety and efficiency effects on the road system caused by the development activity traffic generation. The assessment of these effects will be restricted to some or all of the following issues:
  - Access to public roads
  - Road safety
  - Pavement rehabilitation and maintenance
  - Traffic operation
  - Environmental (e.g. acoustic, flooding)
  - Public utilities and services.

In assessing the above issues, Council will have regard to the following matters:

- Impact on the local community,
  - Regional Council objectives, and
  - Franklin District Council's planning documents and current LTCCP
4. Applications for activities within 20 metres of a iron sand slurry pipeline where written approval has not been obtained from the iron and slurry pipeline operator shall be assessed in terms of the following:
    - The extent to which the proposal for the activity adversely affects the on-going safe, efficient and practicable operation of any iron sand slurry pipeline.
    - The extent to which the activity and/or subdivision design mitigates the effects on the iron sand slurry pipeline through the location of roads and reserves. Reserves, roads, walkways and cycle ways shall be considered preferable land-uses over the iron sand slurry pipeline.
    - The ability for continued maintenance and inspections of the iron sand slurry pipeline.
    - The outcome of consultation with the operator of the iron sand slurry pipeline.
    - The extent to which the activity (including construction of any buildings) will comply with the Health and Safety in Employment (Pipelines) Regulations 1999 and the operating code Standard NZ/AS2885 Pipelines – Gas and Liquid petroleum.

5. Applications for activities within 20 metres of a water pipeline where written approval has not been obtained from the water pipeline operator shall be assessed in terms of the following:
- The extent to which the proposal for the activity adversely affects the on-going safe, efficient and practicable operation of any water pipeline.
  - The extent to which the activity mitigates the effects on the water pipeline through the location of roads and reserves. Reserves, roads, walkways and cycle ways shall be considered preferable land-uses over the water pipeline.
  - The ability for continued maintenance and inspections of the water pipeline.
  - The outcome of consultation with the operator of the water pipeline.
  - The extent to which the activity (including construction of any buildings) will comply with the Health and Safety in Employment (Pipelines) Regulations 1999 and the operating code Standard NZ/AS2885 Pipelines – Gas and Liquid petroleum.

<b>42.10 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES</b>
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Applications will be assessed in terms of:

- the matters set out in Rule 42.8 Assessment Criteria for Controlled Activities
- the matters set out in this rule, Rule 42.10
- Section 53 of the District Plan
- matters stated in section 104 of the Act

#### **A. GENERAL CRITERIA**

1. Compliance with rule 42.6 Development Standards, 42.7 Performance Standards and 42.11 Hazardous Substances Quantity Thresholds. Where compliance is not obtained with one or more standards set out in Rules 42.6 Development Standards, 42.7 Performance Standards or 42.11 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 Waiuku Road and the potential effects on the road corridor, including the 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 that transport corridor and the general area, can and will be retained or enhanced.
5. The extent to which any aspect of the development, e.g. bulk, height, style, finish, colour and texture of buildings will soften the appearance of the structures on the sites as viewed from within and from outside the WIZ.
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 the proposal minimises wind funnelling between buildings.
9. 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 or accepted for the area.
10. 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 WIZ.
11. The suitability of the SITE for the proposed activity given the intended purpose and character of the WIZ, 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.
12. The potential for pedestrians to contribute to reverse-sensitivity effects on business activities as a result of one or more aspects of the proposal.
13. The extent to which any aspect of the proposed development allows reasonable sunlight onto the SITE and into the surrounding area.
14. 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 safe and efficient movement of vehicles, cyclists and pedestrians on adjacent roads or in service lanes.
15. The extent to which the proposed development is likely to have adverse reverse-sensitivity effects on the ability of surrounding land uses to continue to lawfully operate unencumbered.
16. The extent to which views and vistas are retained and/or created.
17. 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.

18. 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.
19. 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 WIZ.
20. The extent to which the Council already has information that can be utilised in terms of complying with the requirements of the WIZ.
21. The extent to which emergency planning has been incorporated into the design, layout or modus operandi of the 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.
22. 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 revegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff.
23. The extent to which the following factors of the catchment, subdivision and sites within that subdivision influence, inhibit or adversely affect the effective functioning of the stormwater management system, such that the stormwater has an adverse effect on the subdivision and any other site or property:
  - a) 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
  - b) the change, from the site prior to development to the site once it has been developed, in the position of the point of discharge of the stormwater management system into the public stormwater management system
  - c) the change, from the site prior to development to the site once it has been developed, in volume and rate of stormwater discharged
  - d) the potential for an increase in impervious surface cover of the SITE/s
  - e) the stability of the SITE/s
  - f) natural drainage conditions of the site/s and locality, such as ground levels, presence of natural watercourses, and soil soakage potential
  - g) obstruction of any overland flow-path
  - h) The extent to which more than minor adverse effects can be off-set by a financial contribution to be used for off-site management of the effects.
24. In addition to the above, in respect to Lot 2 DP 328757, Allot 357 PARISH OF Waiuku East and Pt Allot 61 PARISH OF Waiuku East, applications to establish manufacturing, processing, assembly, storage and freighting of goods prior to the construction of a roundabout which will provide access to and from the site, will be assessed in terms of the following:
  - Amenity of the area, including but not limited to amenity of surrounding and nearby properties and amenity along transport corridors
  - Access to and from public roads, including but not limited to access between roads and private properties
  - Safety for all road users, including but not limited to pedestrians & cyclists
  - Pavement rehabilitation and maintenance
  - Traffic operation
  - Environmental effects (e.g. acoustic, flooding)
  - Public utilities and services
  - Convenience of other road users
  - Width of road being adequate to incorporate required design components

- Regional Council objectives
- Future needs of the roading system in the vicinity and general area
- Franklin District Council's planning documents, including and current LTP

25. Applications for activities that infringe upon or result in the alteration or removal of amenity planting within the YARD/S specified in 42.6.2(7) shall be assessed against the following:

- Whether retaining the YARD/S (in full or in part) is the best way of achieving the character and objectives set out in Part 40.
- Whether retaining the YARD/S (in full or in part) is consistent with the policies set out in Part 40.
- Whether the activities on the properties adjoining the YARD/S being infringed upon, altered or removed (namely activities on Lot 1 DP 328757, Pt Allot 53 PARISH OF Waiuku East or Lot 1 DP 140821), are compatible with the activities on Lot 2 DP 328757, Allot 357 PARISH OF Waiuku East and Pt Allot 61 PARISH OF Waiuku East and whether physical separation or screening is required.

## **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. The external amenity area must be screened from neighbouring INDUSTRIAL activities and the roadway by appropriate landscaping.

2. With respect to WHOLESALE activities, certainty that there will be no sale of goods to the general public, i.e. that the activities are in fact WHOLESALE activities and not general RETAIL activities.

## 42.11 HAZARDOUS SUBSTANCES QUANTITY THRESHOLDS

No activity may:

- manufacture, store or use any hazardous substance which is not listed below; or
- make use of, or have in storage at any one time, 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	>	greater than
5.	highly flammable	g	grams
D.	dust	kg	kilograms
E.	explosive	t	tonne
F.	flammable	l	litre
G.	gas	bec	becquerel
L.	liquid	H <sub>2</sub> O	water
O.	strong oxidiser or supporter of combustion	TNT	trinitrotoluene
S.	solid		
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



SUBSTANCES	PROPERTIES	QUANTITY
Cadmium, salts	2,S	500 kg
Carbofuran	1,S	50 kg
Carbon disulphide	2, F, L	200 kg
Carbophenothion	1, L	50 kg
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 underground 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 underground 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
Dimethylphosphoramidocyanidic 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)
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
Mevinphos	1, E, or L	50 kg
2-Naphthylamine	1,S	1 kg
Nickel (powders, compounds)	1,S	250 kg

SUBSTANCES	PROPERTIES	QUANTITY
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

**42.12 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 42.12 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 42.12 is based on extracts from Australian/New Zealand Standard - Storage and Handling of LP Gas (AS/NZS 1596:1997).

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