

PART NINE - INDUSTRIAL

1. INTRODUCTION

1.1 BACKGROUND

Industrial activities are important to the Rotorua District's economy. In 1991 employment in industry accounted for one third of the total local workforce. Industry provides for important economic opportunities, and the creation of wealth. Most of the industrial activities in the District occur within urban Rotorua, although there are significant industrial sites processing forest or agricultural products within rural areas.

Because of their perceived and actual adverse effects on the environment, urban industrial activities in the past have largely been segregated from more sensitive activities. This segregation was reinforced by the use of zoning techniques in previous District Schemes so as to isolate industries and reduce the likelihood of adverse effects on residential areas, for example. Zoning was also considered to be of advantage to industrial activities as it facilitated convenience of servicing and economies of scale.

It is clear that industrial activities will continue to play an important role in the economy of the Rotorua District. One of the most important industries in the Rotorua District is forestry processing. The large scale harvesting of the exotic forests of the Central North Island is predicted within the life of this Plan. Additional downstream processing capacity will be required at some point between the forest resource and the final market or dispatch point such as the Port of Tauranga.

It is unlikely that major pulp mills will establish in the District. Expansion is more likely to occur at the existing Kawerau and Kinleith plants.

The adverse effects of industrial activities have the potential to be more substantial than those generated by other types of activities. These effects are discussed below in more detail, but include:

- The use of hazardous substances;
- The production of hazardous wastes in larger quantities than other activities;
- Generation of high levels of heavy traffic;

- Unacceptable levels of noise, often over extended hours and at night;
- Buildings out of scale with surrounding non-industrial activities; and
- Lower levels of visual amenity.

These issues are very much interrelated. Thus issues are described in the sections that follow, each with related Objectives and Policies. The Methods of Implementation to deal with all the issues are developed together. Linkages between the Policies and the Methods are made clear.

2. RESOURCE MANAGEMENT ISSUES

2.1 ISSUE ONE

THREATS TO THE AMENITY VALUES AND ENVIRONMENTAL QUALITY OF SENSITIVE AREAS FROM INDUSTRIAL ACTIVITIES

2.1.1 ISSUE STATEMENT

Part Seven recognises the values which the residents of Rotorua place on the quality of their living environment. It identifies the maintenance of residential amenity and environmental quality as an issue, and develops Objectives, Policies and Methods of Implementation to deal with it. Industrial activities can have significant adverse effects on the amenity values and environmental quality of nearby residential areas. These adverse effects may include loss of privacy, overshadowing, buildings being out of scale and character with their surroundings, noise, vibration, odour, visual effects, glare and light, and traffic generation. This last one may also impact on the safe and efficient operation of the roading network, including State Highways.

There are examples within the Urban Area of industrial and residential activities located in close proximity to one another, eg in Ngapuna and Ngongotaha. In these cases the conflicts between the effects of industry and the expectations of the residents are acute. The village of Ngapuna is of particular concern, as it is surrounded on three sides by industrial activities.

The future of the 16.5 hectare Owhatiura Block (Lot 2 DPS 57621 Owhatiura South) between the industrial land at Ngapuna and the residential area in Browning Crescent was considered by Council in the period prior to the notification of this Plan. Council then felt that an industrial zoning was not appropriate because of the potential adverse effects of industrial activities on the amenity values and quality of the environment of adjoining residential areas. However, its attractiveness for residential activities is affected because of the

level of adverse effects generated by the neighbouring industrial activities and the major arterial routes that straddle the site.

Other areas east of Fairy Springs Road are in a transitional phase where light industries are replacing older residences. In these areas the incoming uses materially change the character and amenity, and can have considerable adverse effects on the remaining residents.

The major arterial routes such as Te Ngae, Fairy Springs, Lake and Old Taupo Roads carry traffic into and out of the Rotorua Urban Area and pass through industrial areas. They also function as transport routes for people and goods associated with industrial activities. Industrial activities can detrimentally effect visual amenity if their effects are not managed. Of particular relevance are that these routes are also used by tourists.

Although hazardous substances are used throughout the District, the level of use by industrial activities tends to be higher than by other activities. In addition, industries may also produce significant volumes of hazardous wastes. Both hazardous substances and hazardous wastes have a potential for significant adverse effects on the environment and on human health if storage, use and disposal is not adequate. The potential for adverse effects is increased where industries are located within a lake basin as most are in the District.

In addition to adverse effects on residential areas and tourist-oriented routes, industrial activities can adversely affect rural amenity and environmental values. Matters such as areas for outside storage, building height, bulk and form can intrude into rural landscapes and affect rural character. Other adverse effects result from industrial plants generating additional traffic, noise, use of hazardous substances and generation of wastes including hazardous ones. Although industrial noise will affect fewer rural residents, the noise will have a higher contrast with ambient rural noise levels.

Future industrial growth is likely to be into rural areas in proximity to urban Rotorua. Because these areas are within the lakes basins most industrial growth is likely to be in an environmentally sensitive landscape. This sensitivity comes from the fact that much of the basins are rural and are within the visual catchments of the lakes. The lakes basins are identified elsewhere in this Plan (eg **Parts Four, Ten and Eleven**) as being particularly vulnerable to adverse effects on landscapes, water quality, rural character, and natural values such as habitats. Thus the adverse effects of industrial uses on environmental values are likely to be more pronounced where they occur close to, and in sight of, the lakes. Land used for industrial activities needs to be relatively flat, within reasonable proximity to existing services such as industrial sewers and transport routes, not in close proximity to lake edges, and in areas that will not intrude visually into the largely rural environs of the lakes.

These environmental constraints mean that there is a significant shortage of land suitable for industrial growth but which is situated so that adverse effects can be readily avoided or mitigated. Most of that land considered suitable within and around Rotorua is already occupied by industrial or residential uses. This means that there is a need to not allow certain activities in Industrial Zones that can be accommodated elsewhere, such as retailing and office development. This will

help to retain the land zoned Industrial for industrial activities with (potentially) adverse effects on the environment.

2.1.2 RESOURCE MANAGEMENT OBJECTIVE

Industrial activities which do not adversely effect the amenity values and environmental quality of more sensitive areas in a significant manner

2.1.3 POLICIES

Objective **2.1.2** will be achieved through Policies **2.1.3.1**, **2.1.3.2** and **2.1.3.3** which require industries to effectively avoid, remedy or mitigate adverse effects of their activities. Because of the sensitivity of the lakes basins, Council will encourage avoidance of adverse effects by requiring industrial activities which cannot, or are not readily able to, satisfactorily remedy or mitigate their adverse effects, to locate in the least sensitive areas.

This will be assisted by Council identifying land that is relatively less environmentally sensitive, and developing criteria and standards that encourage industrial activities to locate in these areas. Encouraging activities to locate together makes the provision of services such as industrial sewers more effective and efficient. Industrial sewerage is a method to collect wastes, including some hazardous ones, that could otherwise severely impact on the environment, to enable their treatment.

2.1.3.1 Policy:

To protect the amenity values and environmental quality of the District by requiring industrial activities to avoid, remedy or mitigate their adverse effects and by locating in areas that are least sensitive to environmental degradation.

2.1.3.2 Policy:

To actively pursue the identification of sufficient areas of industrial land in locations that ensure the separation of industry from sensitive locations and to optimise the use of that land.

2.1.3.3 Policy:

To allow industry to establish in Rural Zones provided it can adequately avoid or mitigate any adverse effects on rural amenity, character and environmental values.

2.1.3.4 Policy:

To restrict retail and office activities in Industrial Zones, so that these Zones, which are limited in their extent, can accommodate those industrial activities that have (potentially) adverse effects on the wider environment.

Methods of Implementation to achieve this Objective and related Policies are set out in **3** of this Part.

2.2 ISSUE TWO

THREATS TO AMENITY VALUES AND ENVIRONMENTAL QUALITY WITHIN INDUSTRIAL AREAS

2.2.1 ISSUE STATEMENT

Industrial areas generally have lower levels of amenity and often present an untidy and cluttered appearance. Noise and odour levels within industrial areas are also higher than elsewhere in the District. While there is some general acceptance of lower amenity levels in industrial areas and these areas would not be suitable for residential activities, these values are still regarded as important. Noise, odour and visual quality are important for staff and visitors.

Industrial activities can also adversely affect matters identified in Part II of the *Resource Management Act 1991*. These matters include outstanding natural features, significant habitats, and heritage values of sites, buildings, places and areas. Such features are as worthy of protection in industrial areas as in other areas of the District.

2.2.2 RESOURCE MANAGEMENT OBJECTIVE

Maintained and enhanced amenity values and environmental quality within industrial areas

2.2.3 POLICIES

Objective **2.2.2** recognises that industrial areas, as with other areas within the District, can benefit from promoting and encouraging the improvement of amenity values and environmental quality, which includes those matters covered in Part II of the *Resource Management Act 1991*. The Objective will be achieved through Policies **2.2.3.1** and **2.2.3.2**.

2.2.3.1 Policy:

To promote and encourage the improvement of amenity values both in existing and new industrial areas within the District.

2.2.3.2 Policy:

To protect natural and cultural heritage in industrial areas.

Methods of Implementation to achieve this Objective and related Policies are set out in **3** of this Part.

2.2.4 OTHER RELEVANT POLICIES AND RULES OF THE PLAN

Policies relating to natural and cultural heritage are set out in **Part Eleven**.

Policies in **Part Twelve** apply where traffic generated by a proposal is likely to have adverse effects on the safe and efficient operation of State Highways and other parts of the roading network.

Policies in **Part Six** establish a basis for improving the visual amenity of arterial routes through landscaping and design requirements for public land and activities on adjoining sites.

Provisions relating to hazardous substances and facilities are set out in **Part Fourteen**.

Objectives, Policies and Methods of Implementation covering these subjects are found in these Parts.

3. METHODS OF IMPLEMENTATION

The Policies of this Part are intended to be achieved by the following Methods of Implementation.

3.1 SEPARATION OF INDUSTRIAL ACTIVITY

3.1.1 The principal Method of Implementation used in this Plan is separating industrial activities from more sensitive areas by the use of zones. This Method includes the identification of industrial land, the zoning of such land and the application of Rules and Performance Standards to zones to ensure that industry remains relatively confined and that its adverse effects are limited.

3.1.2 However, because of the limited amount of land suitable for industrial activities in the vicinity of Rotorua, it is also necessary to discourage uses that could be accommodated elsewhere, from establishing within these zones. Thus the establishment of activities in Industrial Zones, whether industrial in nature or not, that do not need to locate because they do not generate industrial-type adverse effects, will be restricted. Hence the Rules are designed to maximise the industrial use of identified land and to limit non-industrial uses.

3.1.3 In this Plan, Performance Standards are developed for a range of urban and rural environments. In situations, however, industrial activities may not be able to comply with these standards. The use of Industrial Zones is intended to cater for these activities in locations separated from more sensitive environments so that amenity values and environmental qualities are maintained. In this way industrial activities that produce similar types and levels of adverse effects can be grouped together. The following zones will apply:

- (a) **Industrial A**
This Zone accommodates light industrial activities having adverse effects that are not great or can be readily mitigated or avoided. For this reason the Industrial A Zone is used as a buffer between heavier Industrial Zones and Residential Zones.
- (b) **Industrial B**
This is a general Industrial Zone located within the Rotorua Urban Area and in the rural areas.
- (c) **Industrial C**
This is a Zone located in areas physically separated from other urban areas and outside the visual catchment of the lakes. The zone is suited to accommodate heavy industry.
- (d) **Transitional Development Zone**
This is a Zone where there is a transition from residential use to light industry. Provisions for this zone are designed to protect the residential amenity that exists both within it and in the immediately surrounding area. Provisions relating to this zone including Performance Standards are contained in **Part Seven**.

Most of the Industrial A, B, and C Zones are within the Rotorua Urban Area or on rural sites already being used or zoned in the previous District Plan for industrial activities.

- 3.1.4 In the case of Ngapuna Village, Council has made undertakings to improve residential amenity to the residents of Ngapuna through the document *Ngapuna: Towards a Better Residential Environment*. For this reason, most of the industrial areas around Ngapuna Village and Hinemihi Marae have been rezoned Industrial A. Industrial activities in the area north of Hamiora Place will only be able to establish in this area after obtaining a resource consent for a Discretionary Activity. Council will promote the amenity values of Ngapuna where this is practical.
- 3.1.5 In the Rural A Zone, industrial activities will be Discretionary Activities thereby providing scope for industries, particularly those related to rural production activities to locate close to production sources, subject to conditions being imposed to minimise adverse environmental effects.
- 3.1.6 The Industrial Zones contain Rules that will both allow industrial activities in conformity with suitable standards, and restrict activities that do not need to locate in these areas.
- 3.1.7 In addition, to encourage the efficient use of the available industrial land, the site coverage and height provisions have been relaxed compared to the previous District Plan. Thus there are no requirements for buffer yards, except where the zones abut arterial roads or residential zones. Higher buildings are allowed except where they will shade or visually intrude into other areas.
- 3.1.8 As discussed in **Part Six**, visual amenity is important where major arterial routes traverse industrial areas. In the Plan, the majority of industrial land within the

Urban Area, located along State highways and arterial routes, is zoned Industrial A. Activities in this zone are subject to Performance Standards which include requirements for landscaping.

3.1.9 In addition, Council intends to promote the availability of land suitable for industrial activities by:

- (a) Evaluating land suitable for larger scale industry within or outside the Urban Area. This land will be evaluated on criteria that recognise the environmental values that have been identified for the District and especially for the lakes basins. Any land so identified will have attached to it provisions requiring the protection of environmental and amenity values.
- (b) Exploring, in conjunction with the Maori owners of the Peka Block and with the owners of other Maori land, the possibilities of using this land for industrial activities. This exploration may include the desirability of joint ventures between Council and the owners and will include provisions designed to protect environmental and amenity values. The Peka Block, is outside the visual catchment of Lake Rotorua, is close to urban Rotorua and existing services such as industrial sewers, and is relatively flat. However, it is still within the water catchment of Lake Rotorua and it contains numerous streams and seepages. It also abuts the southern entrance to Rotorua. Part of it has recently been planted in forestry and its owners may not be interested in industrial uses.
- (c) Developing in conjunction with affected parties, provisions for appropriate activities on the Owhatiura Block that takes into account its location adjacent to residential and industrial areas. These provisions may result in a Plan Change.
- (d) Generally within the Zones, retailing and office activities have been restricted. Exceptions include those retailing activities that cater predominantly for people working in the Industrial Zones, and those retailing activities that can not be easily accommodated in Commercial Zones. The special nature of Fairy Springs Road, as a tourist arterial, has been recognised by allowing tourist shops to be located along this road as a Discretionary Activity.

3.1.10 It should be realised that Performance Standards have been developed for industrial areas to enable industrial activities to operate with a minimum of Council control. While there are some activities, such as residential activities, that are able to locate in industrial areas because they comply with the industrial Performance Standards, amenity within industrial areas is unlikely to equate to the amenity that could be expected within either Residential or Rural Zones. Council will endeavour to advise any applicant for a building consent for household units in Industrial Zones of the above.

3.2 INDUSTRIAL AMENITY RULES

- 3.2.1 The Zones set out above have provisions to maintain and improve amenity values and environmental quality within existing industrial areas for users and visitors. Similarly, with the development of new industrial areas, including the establishment of industrial activities in the Rural Zones, there are opportunities to improve amenity by taking into account landscape and vegetation features by imposing conditions on resource consents for Discretionary Activities.
- 3.2.2 Council will promote improvements in environmental amenity in all established Industrial Zones through the Rules of this Plan and in its Annual Plan.
- 3.2.3 Council may promote through the Annual Plan process environmentally cleaner production methods in industrial areas by providing information and advice on cleaner production, waste minimisation and pollution prevention as factors in industrial processes.

4. ANTICIPATED ENVIRONMENTAL RESULTS

The Objectives, Policies and Methods of Implementation are expected to result in:

- Maintained or improved amenity values in existing industrial areas;
- A range of Industrial Zones with specified amenity levels, and ranked according to their level of adverse effects on the wider environment, where by the:
 - Industrial A Zone provides for lighter industrial activities, and acts as a buffer between the general Industrial Zone and non-industrial zones, and provides for higher visual amenity along State Highways and arterial routes;
 - Industrial B Zone provides for general industrial activities; and
 - Industrial C Zone provides for a range of larger scale and heavy industrial activities that cannot easily be accommodated elsewhere.
- Limited adverse effects of industrial activities on sensitive environments, particularly rural and residential areas;
- Protection of natural and cultural heritage values;
- Maintained and enhanced visual amenity along tourist oriented routes; and

- The identification of new areas suitable for industrial use and their development to a high level of amenity.

R9 RULES

R9 ACTIVITIES IN THE INDUSTRIAL ZONES

The following Rules specify the status of activities in the specified Zones.

In Table **R9.1**:

P	=	Permitted Activity
C	=	Controlled Activity
D	=	Discretionary Activity
NC	=	Non-Complying Activity
Prohibited	=	Prohibited Activity
NA	=	Not Applicable
Industrial A	=	Light Industry Zone
Industrial B	=	General Industry Zone
Industrial C	=	Heavy Industry Zone

Where an activity is not identified this activity shall be a Non-Complying Activity.

The users of this District Plan are advised that, notwithstanding any provision in this Plan, no activity shall contravene any Rule in any relevant regional plan, or proposed regional plan. The administration of these regional plans is the responsibility of Environment BOP and Environment Waikato.

R9.1 ACTIVITIES IN THE INDUSTRIAL A, B AND C ZONES

Notwithstanding any provision in the Table below, any development as defined in **Part Nineteen** is also subject to the provisions of **R9.6.2**.

Notwithstanding any provision in the table below any Activity Sensitive To Aircraft Noise (as defined in Part 19 of this Plan) or additions to such activities for which provision is made in this table as a permitted, controlled, discretionary or non-complying activity are subject to Appendix E and may become a restricted discretionary, discretionary or prohibited activity by reason of the rules in Appendix E if the site of the proposed Activity Sensitive To Aircraft Noise is located within either the Air Noise Area or the Inner Control Area shown on the Planning Maps.

ACTIVITIES	INDUSTRIAL ZONES		
	A	B	C
1. Activities meeting the Performance Standards listed in R9.2 , except those activities listed below as activities other than Permitted Activities	P	P	P
2. Scientific, historic, recreation, nature conservation, or water and soil conservation activities or works for the avoidance of flooding carried out in accordance with the <i>Wildlife Act 1953</i> , <i>Te Ture Whenua Maori Act 1993 / Maori Land Act 1993</i> , the <i>Conservation Act 1987</i> , the <i>Queen Elizabeth II National Trust Act 1977</i> , the <i>Soil Conservation and Rivers Control Act 1941</i> or the <i>Reserves Act 1977</i>	P	P	P
3. The sale of liquor authorised by a Special Licence in accordance with the <i>Sale of Liquor Act 1989</i>	P	P	P
4. Navigational aids and beacons and the establishment, operation and maintenance of meteorological services	P	P	P
5. The sale of liquor authorised by a Club, On and/or Off Licence in accordance with the <i>Sale of Liquor Act 1989</i>	D	D	D
6. Any activity accessory to any Permitted Activity	P	P	P
7. Retail shops (other than those listed in 8, 9, 10, 11 and 12 below)	NC	NC	NC
8. Ancillary retail activities to a Permitted, Controlled or Discretionary Activity	C	C	C
9. Dairies	C	C	C

ACTIVITIES	INDUSTRIAL ZONES		
	A	B	C
10. The sale and hire of: motor vehicles, boats, caravans, motor homes and accessories; motor vehicle spare parts; industrial machinery; firewood and solid fuels; building materials; farm supplies, farm machinery and equipment; demolition goods; carpets and floor coverings; safety equipment; and garden centres; not located on sites adjacent to or abutting a State Highway or a major arterial route as identified in Appendix M or a Residential Zone	P	P	NC
11. The sale and hire of: motor vehicles, boats, caravans, motor homes and accessories; motor vehicle spare parts; industrial machinery; firewood and solid fuels; building materials; farm supplies, farm machinery and equipment; demolition goods; carpets and floor coverings; safety equipment; and garden centres; located on sites adjacent to or abutting a State Highway or a major arterial route as identified in Appendix M or a Residential Zone	D	D	NC
12. Tourist shops on sites adjacent to or abutting Fairy Springs Road	D	NA	NA
13. Any Permitted Activity that meets the criteria in R9.3.3.2 for the reduction or waiving of the Performance Standards	C	C	C
14. Office activities	NC	NC	NC
15. Office activities that are accessory to a Permitted, Controlled or Discretionary Activity	C	C	C
16. Remediation of a Contaminated Site (Refer also to Rule R14.5.1)	P	P	P
17. Intentionally Blank			
18. Any activity accessory to a Controlled Activity	C	C	C
19. Carriers and transport operators' depots on sites adjacent to or abutting a Residential Zone or adjacent to or abutting a State Highway or major arterial route as identified in Appendix M	D	D	D

ACTIVITIES	INDUSTRIAL ZONES		
	A	B	C
20. Carriers and transport operators' depots on sites not adjacent to or abutting a Residential Zone or not adjacent to or abutting a State Highway or major arterial route as identified in Appendix M	C	C	C
21. Any activity listed as an offensive trade in terms of the Third Schedule to the <i>Health Act 1956</i> (See Appendix O)	D	D	D
22. Restaurants	D	D	D
23. Helicopter landing areas complying with the standards of Appendix H	D	D	D
24. Any activity otherwise permitted or controlled on the sites with legal descriptions Lot 1 DPS 25497, 1D2C2C2, Ngapuna 1F and 1G on ML 22174 Blk I Tarawera SD, Pt Ngapuna 1D2A2B Block, Pts Ngapuna 1D2A3 and Pt 1D2A	D	NA	NA
25. Stock saleyards	D	D	D
26. Service stations and motor vehicle repair garages except as specified below for activity 27	D	D	D
27. Motor vehicle repair garages not located adjacent to or abutting a Residential Zone or adjacent to or abutting a State Highway, or major arterial route as identified in Appendix M	P	P	P
28. Pulpmills	D	D	D
29. Activities otherwise permitted or controlled: (a) on sites which contain an historic building, historic church, historic structure, historic site, archaeological site, marae or natural heritage site listed in Appendix A ; or (b) within the dripline (branch spread) of a notable tree listed in Appendix A	D	D	D
30. Works for the avoidance of flooding unless otherwise permitted	D	D	D

ACTIVITIES	INDUSTRIAL ZONES		
	A	B	C
<p>31. Any activity involving:</p> <p>(a) interference with the natural geothermal fluid outflow from a geothermal surface feature; or</p> <p>(b) interference with the physical structure of a geothermal surface feature; or</p> <p>(c) destruction of a geothermal surface feature including excavation; or</p> <p>(d) placement or deposition of any substance, including fill or waste material on, into or under any geothermal surface feature;</p> <p>that is carried out under a consent granted by a regional council provided that the Rotorua District Council has been consulted by the regional council in consideration of the consent as an affected party</p>	P	P	P
32. Any activity listed under 31 for which a consent has not been granted by a regional council or where consent has been granted without consulting Rotorua District Council as an affected party	D	D	D
33. Stockpiling, earthworks involving cleanfill, and disposal of materials other than cleanfill	Refer to Appendix I to determine the activity status		
34. Any activity that involves the use, storage, transportation or disposal of hazardous substances and/or contaminants	Refer to Part Fourteen to determine the activity status		
35. Utility Services	Refer to Part Fifteen to determine the activity status		
36. Temporary Military Training	Refer to Appendix J to determine the activity status		

R9.2 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES

R9.2.1 INTRODUCTION

The Permitted Activities listed in **R9.1** are allowed as of right where they comply in all respects with the Performance Standards listed below. The Performance Standards listed apply to all Industrial Zones unless otherwise stated.

The Performance Standards may be varied by means of a resource consent for a Controlled or Discretionary Activity in accordance with the provisions of **6.4** in **Part Two**.

R9.2.2 MAXIMUM HEIGHT AND DAYLIGHTING

Any building shall not exceed the standards specified below.

Note: Reference should also be made to the Airport Northern and Southern Approach and Take Off Paths Designation contained in Appendix 18b1.14 which may affect maximum height of buildings, structures, and trees in some areas.

R9.2.2.1 INDUSTRIAL A ZONE

10 metres above the natural ground level at that point, provided that where the site adjoins a Residential Zone, the height in relation to the Zone boundary shall be subject to the same controls that apply to that Residential Zone.

R9.2.2.2 INDUSTRIAL B AND C ZONES

15 metres above the natural ground level at that point, provided that for the Industrial B Zone only, that where the site adjoins a Residential Zone, the height in relation to the Zone boundary shall be subject to the same controls that apply to that Residential Zone;

provided that for the Industrial B Zone located on State Highway 5 at Reporoa and known as the Reporoa Dairy Factory, the following applies:

25 metres above the natural ground level at that point, provided that where the Zone adjoins a Rural D Zone, the height in relation to the Zone boundary shall be subject to the same controls that apply to the Industrial B Zone where it adjoins a Residential B Zone. Buildings with a height between 25 and 50 metres will require consent for a Discretionary Activity.

R9.2.3 BUFFERS

No building may be constructed over any part of a site that has been identified for road widening in **Appendix D** without the consent of Council or, in the case where the site adjoins a State Highway, Transit New Zealand.

No building may be erected within 20 metres of any river or stream with an average width of 3 metres or more, or a lake of 8 hectares or more. This 20 metre buffer shall not be used for the storage of pallets, containers, raw materials, machinery or goods of any kind.

R9.2.3.1 INDUSTRIAL A ZONE

- Minimum front yard - 5 metres.
- Minimum side, rear and rear site yards - Nil, except where the site adjoins a Residential Zone in which case a side, rear or rear site yard adjoining the Residential Zone of 5 metres shall be required and be landscaped in accordance with the provisions outlined in **R9.2.8**.

R9.2.3.2 INDUSTRIAL B ZONE

- Minimum front yard - Nil, except where the site has frontage to Clayton Road, Fairy Springs Road, Old Taupo Road, Lake Road, Te Ngae Road or Vaughan Road in which case a 5 metre front yard shall be required.
- Minimum side, rear and rear site yards - Nil, except where the site adjoins a Residential Zone or is wholly or partly located within 25 metres of a Residential Zone in which case a side, rear or rear site yard of 5 metres shall be required and be landscaped in accordance with the provisions outlined in **R9.2.8**.
- Minimum front yard for the Industrial B Zone situated outside the Urban Fence - 10 metres.

R9.2.3.3 INDUSTRIAL C ZONE

Minimum front, side or rear site yard - 20 metres. These yards shall be landscaped in accordance with the landscaping provisions outlined in **R9.2.8**.

R9.2.4 SITE COVERAGE

There are no restrictions on site coverage in the Industrial A, B and C Zones. However, other requirements may dictate coverage of the site such as those for buffers, parking, on-site turning of vehicles and landscaping provisions.

R9.2.5 PARKING AND TURNING

Parking and on-site turning of vehicles shall be provided in accordance with the provisions of **Appendix F**.

R9.2.6 NOISE

Noise levels shall comply with the provisions of **Appendix K**.

Note: The "best practicable option" provisions of Section 16 and the "excessive noise" provisions of Section 326 of the *Resource Management Act 1991* also apply.

R9.2.7 SIGNS

The provisions of the Transitional District Plan on signs shall remain in force until such time that a Plan Change on signs is made operative. This Plan Change will include a clause to amend this Rule.

R9.2.8 LANDSCAPING

R9.2.8.1 INDUSTRIAL A AND B ZONES

(a) Except for the Industrial A Zones on Fairy Springs Road all required front yards shall be landscaped with a minimum depth of 3 metres. No such landscaped area may be used for the parking, loading or turning of

vehicles, except that every site may have two two-way vehicle crossings not more than 6.5 metres wide over the landscaped area.

In the Industrial A Zone on the eastern side of Ngongotaha Road, there shall be a 5 metre wide landscaping provision on all sites abutting the road.

The landscaping shall consist of trees, shrubs and/or grassed lawn areas. It may also involve fencing, screening and other amenity features. No vegetation capable of growing more than 0.5 metres high will be allowed within 5 metres of any vehicle crossing.

- (b) Where the site abuts a Residential Zone, a yard adjoining the Zone boundary of 4.5 metres shall be planted with suitable trees or shrubs that are capable of growing at least 1.8 metres high, in a manner that provides an effective continuous visual screen.
- (c) Pallets, containers, raw materials, machinery or goods of any kind shall, if stored outside, be screened from public places and Residential Zones and shall not be stored on any landscaping, parking, loading or turning areas.

In addition to the above, the landscaping provisions contained in **Appendix P** also apply.

R9.2.8.2 **INDUSTRIAL C ZONE**

The depth of landscaping along any State Highway or rural arterial route shall be 20 metres. No landscaped area may be used for the parking, loading or turning of vehicles except that every industrial site may have two two-way vehicle crossings not more than 6.5 metres wide.

No vegetation capable of growing more than 0.5 metres high will be allowed within 5 metres of any vehicle crossing.

Pallets, containers, raw materials, machinery or goods of any kind shall, if stored outside, be screened from public places and Residential Zones and shall not be stored on any landscaping, parking, loading or turning area.

In addition to complying with the above performance standards, the following landscaping provisions shall apply at the site at Broadlands Road identified as Section 30, Block VI Takapau Survey District, zoned Industrial C:

- (a) The existing double row of large specimen trees located on the northern boundary of the site, running perpendicular to Broadlands Road, will be supplemented and extended along the entire length of this boundary, to provide a buffer that will be 5 metres in depth;
- (b) A single row of large specimen trees will be planted along the western boundary of the site which lies perpendicular to Ohaaki Road, to provide a buffer that will be 5 metres in depth.

Requirements (a) and (b) above apply only to the main part of the site where industrial plant and buildings are located, and not to the access road which connects the site to Broadlands Road.

R9.2.9 GLARE AND LIGHT

Activities within the Zone shall be managed so that direct or indirect illumination measures not more than 8 lux on any Residential Zone boundary.

R9.2.10 ARCHAEOLOGICAL SITES

Consent of the New Zealand Historic Places Trust in accordance with the provisions of the *Historic Places Act 1993* shall be obtained before any destruction or modification of archaeological sites (recorded and unrecorded), including those identified on the Planning Maps.

R9.2.11 FINANCIAL CONTRIBUTION FOR RESERVES AND HERITAGE PURPOSES

A financial contribution for reserves and heritage purposes shall be taken for those activities specified in **Appendix U**.

This contribution shall be taken in accordance with the provisions of **Appendix U** as if the activity was subject to an application for a resource consent.

R9.2.12 WORKS FOR THE AVOIDANCE OF FLOODING

Works for the avoidance of flooding are permitted in all zones provided they:

- (a) Safeguard existing ecological and habitat values and wetlands outside the beds of rivers or lakes or provide compensatory works; and
- (b) Do not adversely affect any permanent or ephemeral watercourse which flows into or across land within the Urban Fence or land zoned Rural B, D or E, Industrial B or C, Airport or Airport Protection outside the Urban Fence; except where a consent for the same activity has been issued by a regional council and where the Rotorua District Council has been consulted as an affected party.

R9.3 CONTROLLED ACTIVITIES : ASSESSMENT CRITERIA AND CONDITIONS

R9.3.1 INTRODUCTION

Controlled Activities are activities that may in certain circumstances cause adverse effects on the environment in which they are located. Controlled Activities shall comply with the Performance Standards for Permitted Activities in the Zone unless otherwise provided for in the Rules of this Part.

The general criteria for assessing applications for Controlled Activities are set out in **R9.3.2** below.

For a number of activities identified in **R9.1**, specific additional criteria will also be applied. These criteria are set out in **R9.3.3**.

The provisions of **4, 5, 6** and **7** of **Part Two** also apply.

R9.3.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR CONTROLLED ACTIVITIES

R9.3.2.1 DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES

Conditions may be imposed requiring buildings and structures to be of a similar or complementary design and appearance to existing buildings and structures in the surrounding area, unless those buildings and structures are dilapidated.

R9.3.2.2 LANDSCAPE DESIGN AND SITE LAYOUT

Conditions may be imposed to ensure that the effects of an activity are internalised on the site and do not unduly affect activities beyond the site boundary. In particular, conditions may be imposed requiring:

- (a) buffers in the form of yards, screening or landscaping or a combination of these; and/or
- (b) specific requirements in terms of site layout of buildings, parking and vehicle circulation areas.

The provisions of **Appendix P** may be taken into account in imposing conditions for landscaping adjacent arterial routes.

R9.3.2.3 THE LOCATION AND DESIGN OF VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM THE SITE

Generally, the provisions of **Appendix F** shall apply, however, other conditions may be imposed to:

- (a) ensure adequate sight distances and prevent on-street congestion caused by the ingress and egress of vehicles to and from sites; and/or
- (b) require the activity to be located, where practicable, away from abutting or adjoining activities so as to protect the privacy of those activities.

R9.3.2.4 PARKING AND TURNING

The Council reserves its control and therefore may attach conditions on the following matters:

The layout and internal circulation of the parking areas to ensure safe and efficient vehicle circulation on the site.

R9.3.2.5 MANAGEMENT OF MINOR ADVERSE EFFECTS ON THE ENVIRONMENT

Conditions may be imposed to avoid, remedy or mitigate adverse effects on the environment as is appropriate in the circumstances, and in particular in respect of the following matters:

- (a) noise, arising from the congregation of people, and their vehicles. The hours of operation may be restricted during the hours of darkness; and
- (b) earthworks, the control of earthworks, landfilling and other soil retention or removal methods.

R9.3.2.6 OBJECTIVES AND POLICIES OF THIS PART

Conditions may be imposed to promote the achievement of the relevant Objectives and Policies of this Part.

R9.3.2.7 NATURAL HAZARDS

Conditions may be imposed to control the effects of activities in order to avoid or mitigate natural hazards.

R9.3.3 ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS FOR IDENTIFIED CONTROLLED ACTIVITIES

R9.3.3.1 INTRODUCTION

All Controlled Activities identified in **R9.1** are to be assessed against the Performance Standards outlined in **R9.2** and the criteria outlined in **R9.3.2**. In addition some specific activities will also be assessed in terms of additional criteria as outlined below, and conditions to ensure compliance with these criteria may be imposed.

R9.3.3.2 PERMITTED ACTIVITIES THAT MEET THE CRITERIA FOR REDUCTION OR WAIVING OF PERFORMANCE STANDARDS

The Performance Standards in **R9.2.2**, **R9.2.3**, **R9.2.5** and **R9.2.8** may be reduced or waived up to the maximum amount stated below subject to compliance with the criteria listed below. In addition, the assessment criteria outlined under **R9.3.2** apply.

R9.3.3.2.1 **Height and Daylighting**

(a) Industrial A and B Zones

The maximum heights provided for in **R9.2.2.1** and **R9.2.2.2** may be exceeded by a maximum of 2.5 metres inside the Urban Fence where Council considers that compliance with the height standards would be impractical or unreasonable because of the need to comply with the daylighting standard of any adjoining Residential Zone, where the site adjoins such a Zone.

This reduction or waiver will be subject to obtaining the written consent of property owner(s) and occupier(s) that Council considers may be affected.

For the Industrial B Zone situated outside the Urban Fence the maximum height provisions provided for in **R9.2.2.2** may be exceeded by a maximum of 5 metres where Council considers that compliance with the height standards would be impractical or unreasonable and subject to obtaining the written consent of property owner(s) and occupier(s) that Council considers may be affected.

For the Industrial A and B Zones, no consent shall be granted under this Rule where a building, structure or tree penetrates any of the take-off slopes, approach slopes, transitional slopes, horizontal or conical surfaces as defined and illustrated in the Airport Northern and Southern Approach and Take Off Paths Designation contained in **Appendix 18b1.14**

(b) Industrial C Zone

The maximum height provided for in **R9.2.2.2** may be exceeded by 10 metres in the part of the Industrial C Zone located east of State Highway 5, provided that the adverse effects on visual amenity of the Whakarewarewa Forest, the surrounding rural area and the residential area of Tihiotonga, are in the opinion of Council, minor. Buildings with a height exceeding 25 metres in the part of the Industrial C Zone east of State Highway 5, will require consent for a Discretionary Activity.

No consent shall be granted under this Rule where a building, structure or tree penetrates any of the take-off slopes, approach slopes, transitional slopes, horizontal or conical surfaces as defined and illustrated in the Airport Northern and Southern Approach and Take Off Paths Designation contained in **Appendix 18b1.14**.

R9.3.3.2.2 **Buffers**

(a) Industrial A and B Zones

Within the Urban Fence the buffer standards in **R9.2.3.1** and **R9.2.3.2** may be reduced or waived where Council considers that compliance with those standards would be impractical or unreasonable because :

- (i) sections have an unusual or irregular shape or topography; or

- (ii) of the existence of rights-of-way, easements or similar land restrictions; or
- (iii) of the existence of a non-conforming building; or
- (iv) the proposed extension cannot be located in a manner conforming with the Plan due to the existence of an item listed in **Appendix A**; or
- (v) where the adverse effects on the environment will be minor.

This reduction or waiver will be subject to obtaining the written consent of property owner(s) and occupier(s) that Council considers may be affected.

For the Industrial B Zone situated outside the Urban Fence, the buffer standards in **R9.2.3.2** may be reduced or waived for the display of signs. It may also be reduced or waived for other buildings and structures where Council considers the standard is impractical or unreasonable. These provisions do not apply where the buffer is located between industrial activities and any State Highway or rural arterial route.

(b) Industrial C Zone

The buffer standards in **R9.2.3.3** may be reduced or waived for the display of signs. It may also be reduced or waived for other buildings and structures where Council considers the standard is impractical or unreasonable. These provisions do not apply when the buffer is located between industrial activities and any State Highway or rural arterial route.

R9.3.3.2.3 Parking and Turning

- (a) The requirement for the provision of parking spaces may be reduced by up to 100% provided that:
 - (i) the sharing of parking between activities on a site or parking provision is made on an alternative site within 250 metres of the site; and
 - (ii) the parking area complies with the rules in Appendix F; and
 - (iii) a joint parking agreement is entered into by way of a lease or other legally binding agreement where the parking is on the same site and by a consent notice on both certificates of title with the Council as a party if the parking is on a different site from the activity.
- (b) Council reserves its control and therefore may attach conditions on the following matters:
 - (i) the safe and efficient flow of traffic; and
 - (ii) safe and convenient movement of pedestrians; and
 - (iii) the preservation and enhancement of amenity values.

R9.3.3.2.4 Turning Area

Performance Standards relating to the provision of on-site turning areas so that light vehicles can enter and exit the site in forward motion, in accordance with the turning areas in figure f1.2.2 in Appendix F may be partly or wholly waived or reduced where it can be demonstrated that vehicles are able to safely turn using a private road or right-of-way so they enter and exit the public road in forward motion.

R9.3.3.2.5 Landscaping

Industrial A and B Zones

The Performance Standards in **R9.2.8**, may be reduced or waived in circumstances where:

- (a) an office or showroom, glazed for more than 70 percent of that part of the structure facing the road, is located within 10 metres of the front of the site;
- (b) the front yard is used for the display of goods for sale or hire;
- (c) the site is used as a motor vehicle repair garage or service station; or
- (d) the landscaping provision is, in the opinion of Council, impractical or unreasonable.

R9.3.3.3 CARRIERS AND TRANSPORT OPERATORS' DEPOTS NOT ADJACENT TO OR ABUTTING A RESIDENTIAL ZONE, STATE HIGHWAY OR MAJOR ARTERIAL ROUTE

These activities may create an adverse effect on the surrounding areas in terms of traffic movement, traffic safety, noise, exhaust fumes and visual impact. Council will endeavour to avoid, remedy or mitigate such effects as is appropriate.

Conditions may be imposed on the location, design and landscaping or screening of buildings, car parking and on-site storage areas. Conditions may also be imposed relating to the sealing of yards and the location of vehicle ingress and egress and the erection and display of signs.

**R9.4 DISCRETIONARY ACTIVITIES :
ASSESSMENT CRITERIA AND CONDITIONS****R9.4.1 INTRODUCTION**

The activities listed as Discretionary Activities are those which may be appropriate on some sites in those Zones. These activities can, however, have effects which

require particular assessment. Council may decline an application for such an activity or grant a resource consent subject to conditions that will ensure that the activity does not have any significant adverse effects on the environment, and that the relevant Objectives and Policies of this Part are promoted.

The provisions of **4, 5, 6** and **7** of **Part Two** also apply.

R9.4.2 GENERAL ASSESSMENT CRITERIA AND CONDITIONS FOR DISCRETIONARY ACTIVITIES

The general criteria for assessing applications for Discretionary Activities and conditions that may be imposed are set out below.

For a number of activities identified in **R9.1**, specific additional assessment criteria apply. These are set out in **R9.4.3**.

For activity 11 in Table **R9.1**, the discretion will be limited to criteria **R9.3.2.1**, **R9.3.2.2**, **R9.4.2.3** and **R9.4.2.5** as set out in **R9.4.4**.

R9.4.2.1 PERFORMANCE STANDARDS FOR PERMITTED ACTIVITIES

In general, Discretionary Activities will be required to comply with the Performance Standards **R9.2** unless it is not appropriate to do so because of particular site characteristics, development considerations or unusual environmental factors. Where adverse effects are anticipated from a proposed activity, conditions may be imposed to avoid, remedy or mitigate the adverse effects on the environment, as is appropriate in the circumstances.

R9.4.2.2 DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS AND STRUCTURES

In general, buildings and structures should be of a similar or complementary scale and appearance to that of other buildings within the surrounding area unless those buildings and structures are dilapidated. Where this is not practicable, buildings and structures should not become overly dominant. Methods to mitigate any adverse effects of the building or structure may include conditions requiring separation distances between the proposed activity and adjacent sites and the provision of screening.

R9.4.2.3 TRAFFIC GENERATION

No inappropriate reduction in the capacity of the roading network to service the requirements of the community will be accepted. Any such adverse effects on the roading network may be required to be avoided, remedied or mitigated by upgrading the roading network or by making alterations to the roading design. To enable this to occur a financial contribution up to the maximum of the actual cost of the necessary works may be required as a condition of consent.

R9.4.2.4 PARKING AND TURNING

In general, Discretionary Activities should comply with parking Performance Standards in **Appendix F**, unless it is not appropriate to do so because of inherent site characteristics or extraordinary vehicle or pedestrian movements.

R9.4.2.5 ACCESS

Particular consideration shall be given to the location of entry and exit points to the site and their relationship with existing intersections, land constraints and adjacent activities. Adverse effects may be avoided, remedied or mitigated by controlling access to the road, by redesign of the road or by installing traffic signals and by taking other traffic management measures. To enable this to occur, financial contributions up to the maximum of the actual cost of the necessary works may be required as a condition of consent.

R9.4.2.6 NOISE

Activities shall be generally managed so that the noise generated shall not exceed the maximum levels specified in **Appendix K**. Detailed measures for the elimination of objectionable noise may be required.

In particular, conditions may be imposed in respect of the following matters to mitigate the adverse noise effects of activities;

- (a) requiring the provision of sufficient separation distances between the noise generator and affected areas;
- (b) requiring sound proofing of buildings and screening of the noise generator;
- (c) restricting the hours of operation of the activity; and/or
- (d) conditions may also be imposed in accordance with Section 108(4) of the *Resource Management Act 1991*.

R9.4.2.7 NATURAL ENVIRONMENT AND WATER QUALITY

Conditions may be imposed on activities to avoid, remedy or mitigate any effects of the activity on the natural environment and water quality as are appropriate in the circumstances.

Significant reductions in water quality as a direct result of the activity or as a result of the cumulative effect of an activity or activities will not be allowed.

R9.4.2.8 SERVICING

Where the existing Council services cannot sustain a proposed new activity, the applicant must demonstrate that the new activity has the ability to meet its own servicing needs, or a condition may be imposed requiring the applicant to upgrade Council services.

To enable this to occur, a condition may be imposed requiring a financial contribution up to the maximum of the actual cost of the necessary works.

R9.4.2.9 CUMULATIVE EFFECT

In assessing the appropriateness of allowing an activity to be located in an area, or allowing an activity to proceed, consideration will be given to the activities already located in the area and on the site, and their present effect on the surrounding environment. Of particular concern is the cumulative effect of locating a new activity on a site adjoining or already accommodating an activity that may currently generate traffic, noise, etc, not in keeping with the relevant Objectives and Policies of this Part. The ability of a site to internalise effects, if more than one activity is seeking to operate from it, will be considered.

R9.4.2.10 ZONE INTERFACE

Of particular concern is the protection and maintenance of the amenity values of adjoining Zones along the Zone interfaces, and in particular, visual and aural qualities. Various methods can be used to ensure this, including imposing conditions requiring the provision of buffer areas, separation distances and/or screening.

R9.4.2.11 PUBLIC SAFETY

Any Discretionary Activity should not adversely affect public safety in a significant manner. Conditions may be imposed on any consent for a Discretionary Activity to avoid any adverse effects on public safety.

R9.4.2.12 OBJECTIVES AND POLICIES OF THIS PART

The granting of a consent for a Discretionary Activity shall not be contrary to the Objectives and Policies of this Part. Conditions may be imposed to promote the achievement of the relevant Objectives and Policies of this Part.

R9.4.2.13 NATURAL HAZARDS

Conditions may be imposed to control the effects of activities in order to avoid or mitigate natural hazards.

R9.4.2.14 LANDSCAPE

Discretionary Activities in the Industrial B and C Zones where they are located outside the Urban Fence should not lead to significant adverse effects on landscapes.

Council has undertaken a landscape assessment for the District as part of its Section 32 analysis. This assessment will be referred to as part of the criteria for

assessing applications for Discretionary Activities and subdivisions as to their effects on landscapes and applications for both may be declined, particularly in areas which are sensitive or highly sensitive.

Council may also impose conditions on Discretionary Activity and subdivision applications to avoid, remedy or mitigate any adverse effects on landscapes.

The provisions of **Appendix P** may be taken into account in imposing conditions for landscaping adjacent to State Highways.

R9.4.3 ADDITIONAL ASSESSMENT CRITERIA AND CONDITIONS FOR IDENTIFIED DISCRETIONARY ACTIVITIES

The following Discretionary Activities have the potential to generate particular adverse effects which require additional assessment against the criteria listed below and may require the imposition of specific conditions in addition to those listed in **R9.4.2** in order to avoid, remedy or mitigate any adverse effects on the environment.

R9.4.3.1 ANY ACTIVITY LISTED AS AN OFFENSIVE TRADE IN TERMS OF THE THIRD SCHEDULE TO THE HEALTH ACT 1956 (SEE APPENDIX O)

The above activities will also be assessed in terms of their potential to generate adverse effects on the amenity of the surrounding area due to, discharges into the air, offensive odours and the disposal of waste products.

Council may decline the application or grant it subject to additional conditions requiring these activities to be located away from areas used for residential or recreational purposes or subject to other conditions to avoid, remedy or mitigate the adverse effects of the proposed activity. Conditions may also be imposed relating to the operation and scale of offensive trades and the installing of equipment to reduce the effects of odour.

R9.4.3.2 HELICOPTER LANDING AREAS COMPLYING WITH THE STANDARDS OF APPENDIX H

Applications for helicopter landing areas will also be assessed in terms of their potential to generate adverse vibration and noise effects on the surrounding area. Council may decline the application or grant it subject to additional conditions controlling the effects of noise and vibration, including controlling the operating hours of the activity, separation distances and buffer planting.

R9.4.3.3 **SERVICE STATIONS AND MOTOR VEHICLE REPAIR GARAGES**

The above activities will also be assessed in terms of their potential to generate adverse effects on the adjoining roading network, the visual amenity of the particular site, the parking of vehicles, noise and the effects of vehicle movements across pedestrian pavements.

Council may decline the application or grant it subject to additional conditions relating to vehicle ingress and egress, the design, location and landscaping of buildings and structures and methods to manage the storage, use and transportation of hazardous substances.

Note: The provisions of **Part Fourteen** in respect of the storage, use, disposal or transportation of hazardous substances and/or contaminants also apply.

R9.4.3.4 **ACTIVITIES OTHERWISE PERMITTED OR CONTROLLED IN THE ZONE ON SITES WHICH CONTAIN AN HISTORIC BUILDING, HISTORIC CHURCH, HISTORIC STRUCTURE, HISTORIC SITE, ARCHAEOLOGICAL SITE, MARAE OR NATURAL HERITAGE SITE LISTED IN APPENDIX A; OR WITHIN THE DRIPLINE (BRANCH SPREAD) OF A NOTABLE TREE LISTED IN APPENDIX A**

Applications for these activities will also be assessed in terms of:

- (a) whether or not the proposed activity will modify, destroy or adversely affect any item listed in **Appendix A**, and if so, the extent of such modification, destruction or adverse effect;
- (b) the natural and cultural heritage values of any listed item that will be modified, destroyed or adversely affected by the proposed activity; and
- (c) whether the applicant can avoid, remedy or mitigate any adverse effect of the activity on any listed item.

Depending on the nature of the item and the impacts of the proposed activity, Council may decline the application or grant it subject to conditions which will promote its protection. To this end, Council may partly or wholly waive any Rule in this Plan.

R9.4.3.5 **STOCK SALEYARDS**

Stock saleyards have the potential to generate adverse effects such as noise, odours, disposal of animal sewage, effects on water quality and a large number of heavy traffic movements. Conditions relating to the scale of stock saleyards, such as hours of operation, ingress and egress points from the site, location, design and size of signs, and specific methods to dispose of animal sewage may be imposed as measures to avoid, remedy or mitigate adverse effects, as is appropriate in the circumstances.

R9.4.3.6 PULPMILLS

Pulpmills have the potential to generate major adverse effects on the environment such as discharging contaminants into the air, soil and water, noise, glare and heavy traffic movement.

Conditions relating to the nature and scale of operation, chemical processes used, noise, ingress and egress points from the site, hours of operation, location, design and size of signs and illumination may be imposed as measures to avoid, remedy or mitigate such effects, as is appropriate in the circumstances.

R9.4.3.7 ANY ACTIVITY OTHERWISE PERMITTED OR CONTROLLED ON THE SITES WITH LEGAL DESCRIPTIONS LOT 1 DPS 25497, 1D2C2C2 NGAPUNA 1F AND 1G ON ML 22174 BLK I TARAWERA SD, AND PT NGAPUNA 1D2A2B BLOCK, PTS NGAPUNA 1D2A3 AND PT 1D2A

Industrial activities may have adverse effects on the nearby Hinemihi Marae and the amenity of the Ngapuna residential area.

Council is also concerned about the geothermal activity prevalent on some of the sites.

In order to give effect to the above concerns, Council may decline an application for industrial activities or grant it subject to conditions that avoid, remedy or mitigate its adverse effects on the surrounding environment.

In particular, because of the unstable ground conditions and vapours, conditions may be imposed on the siting, design and/or construction of any building, and in order to avoid adverse traffic effects on Hona Road and the Ngapuna residential area. The access of heavy vehicles to Hona Road may not be allowed.

R9.4.3.8 Intentionally Blank**R9.4.3.9 THE SALE OF LIQUOR AUTHORISED BY A CLUB, ON AND/OR OFF LICENCE IN ACCORDANCE WITH THE SALE OF LIQUOR ACT 1989**

The application will be assessed in terms of the potential to generate adverse effects on the amenity of surrounding areas because of (late night) noise, light and glare and traffic generation. Such effects may not be appropriate in areas where a high level of environmental amenity, is sought, including neighbouring Residential, Rural and Resort Zones.

Conditions may be imposed on the following matters:

- (a) the design of the building and structures;
- (b) the siting of activities;
- (c) the location, design and size of signs;

- (d) noise levels;
- (e) separation distances;
- (f) screening from adjacent sites; and/or
- (g) opening hours.

R9.4.3.10 CARRIERS AND TRANSPORT OPERATORS' DEPOTS ADJACENT TO OR ABUTTING A RESIDENTIAL ZONE, STATE HIGHWAY OR MAJOR ARTERIAL ROUTE

These activities may create an adverse effect on the surrounding areas in terms of traffic movement, traffic safety, noise, exhaust fumes and visual impact. Council will endeavour to avoid, remedy or mitigate such effects as is appropriate.

Conditions may be imposed on the location, design and landscaping or screening of buildings, car parking and on-site storage areas. Conditions may also be imposed relating to the sealing of yards and the location of vehicle ingress and egress and the erection and display of signs.

R9.4.4 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES WHERE COUNCIL WILL RESTRICT ITS DISCRETION

Council has restricted the criteria it will use when considering consents for the following retailing activities:

- the sale and hire of motor vehicles, boats, caravans, motor homes and accessories; motor vehicle spare parts; industrial machinery; firewood and solid fuels; building materials; farm supplies, farm machinery and equipment; demolition goods; carpets and floor coverings; safety equipment and garden centres;

on sites located adjacent to or abutting State Highways and arterial roads as identified in **Appendix M**, and adjacent to or abutting Residential Zones. Discretion will be limited to criteria specified in **R9.3.2.1** Design and External Appearance of Buildings and Structures, **R9.3.2.2** Landscape Design and Site Layout, **R9.4.2.3** Traffic Generation and **R9.4.2.5** Access.

R9.5 ASSESSMENT OF NON-COMPLYING ACTIVITIES

An application may be made for a resource consent for a Non-Complying Activity where an activity is listed as a Non-Complying Activity or does not comply with the provisions of this Plan, but is not listed as a Prohibited Activity.

An application for a Non-Complying Activity shall be assessed in accordance with Section 105(2)(b) of the *Resource Management Act 1991*.

The provisions of **4, 5, 6, and 7 of Part Two** also apply.

R9.6 SUBDIVISION AND DEVELOPMENT

R9.6.1 SUBDIVISION

Subdivisions complying with the provisions of **Part Sixteen** shall be a Controlled Activity. The criteria on which a subdivision application will be assessed, and any conditions that Council may impose, are included in **Part Sixteen**.

R9.6.2 DEVELOPMENT

Any development (as defined in **Part Nineteen**) will also be subject to the Rules outlined in **Part Sixteen**.