

7. INDUSTRIAL ZONE

7.1 ZONE STATEMENT

Section 4 of Part 1 of this Plan discusses the resource management issues arising from industrial types of activity. Although there is a place for 'low impact' activities traditionally classified as 'industry' in all the zones defined in this Plan, the Section referred to above explains the need for specific 'Industrial' Zones. This Section of the Plan sets out the Rules applying to activities in these Industrial Zones.

The Industrial Zones are shown on the Planning Maps. They are:

1. the Carters Flat industrial area in Cambridge;
2. the Hautapu industrial area;
3. the Mars factory site at Bruntwood;
4. Aotearoa Park west of Leamington;
5. the industrial areas in Te Awamutu between Ohaupo Road and Te Rahu Road, and around the dairy factory;
6. the area proposed for industrial expansion to the northwest of Te Awamutu; and
7. the areas on both sides of the Hamilton Airport Designation.

The circumstances of these Industrial Zones vary markedly and thus some differences in the standards of development and operation of industrial activities are necessary. To avoid repetition however, a single set of Rules are set out in this Section of the Plan, with site-specific provisions noted.

As noted in Section 4 of Part 1, the strategy of this Plan towards industrial activities is to:

1. concentrate industrial activities in areas providing some separation from sensitive activity areas such as residential areas;
2. stage the development of industrial land so it can be efficiently (in terms of resource use) serviced without the risk of adverse environmental effects;
3. set minimum performance standards on the effects of industrial activity (noise, visual screening etc.) either in this Plan, in by-laws, or where necessary on a case by case basis through the resource consent process; and
4. exclude from Industrial Zones activities such as residential and retail activities which

require higher amenity standards (noise, air quality, effects of heavy vehicles etc.) than can reasonably be achieved in industrial areas.

This strategy for industrial activities underpins the objectives and policies set out in Section 4 of Part 1, which in turn provide the basis for the Rules in this Section. It must be emphasised that the Rules are inevitably to some extent arbitrary - they set standards designed to meet the concerns expressed in the objectives and policies but they are not necessarily the only means of meeting these concerns, and in some circumstances it will be appropriate to apply different or lesser standards. The Rules make provision for applications for consent to different or lesser standards and specify criteria to be taken into account.

7.2 ANTICIPATED ENVIRONMENTAL RESULTS

1. Efficient use of land needed for industry (through concentration) and efficient provision of services to industry.
2. Preservation of options for the use of rural land and the encouragement of productive rural activity through the reduction of uncertainty about the location of future industrial development.
3. Creation of new industrial areas with high standards of amenity, consistent with the reasonable needs of industry for utilitarian structures, and the improvement of the amenities of existing industrial areas through redevelopment to standards set out in this Plan.
4. Maintenance of the amenities of areas surrounding industrial areas.
5. Prevention and minimisation of adverse environmental effects of industry such as noise, odour and visual detracting.

7.3 ACTIVITIES

7.3.1 Rule - Categories of Activities

(Refer to Policies AD4(1), CO18, CO19, IN5, IN8, IN11)

Subject to the detailed provisions of the Rules in this Section, the following are the categories of activities allowed in Industrial Zones.

1. Any activity which complies with all the Site Performance Standards shall be a **Permitted Activity** except that:

- a) in the case of residential activities (see definition in Section 13 Definitions) only accommodation provided primarily for security purposes is permitted;
- b) in the case of retail activities (see definition in Section 13 Definitions) only the following are permitted:
- motor vehicle, caravan, and/or boat sales and/or hire pools (see definition in Section 13 Definitions);
 - building supply outlets, farm supply outlets;
 - garden centres, plant nurseries, landscaping supply outlets;
 - coal and wood outlets;
 - demolition yards, recycling depots;
 - service stations, gas filling stations, tyre and/or battery outlets;
 - takeaway food outlets;
 - wholesale shops (see definition in Section 13 Definitions); and
 - certain activities within the Hamilton Airport Industrial Zones as listed in Rule 7.4.22.
- c) travellers' accommodation, hospitals and places of assembly (churches, funeral parlours, indoor sports facilities etc. - see definition in Section 13 Definitions) are not permitted.
- NOTE: See Discretionary Activities for the Zone.*
- d) activities providing services to the general public such as travel agents, hairdressers, banks and professional offices are not permitted.
2. Any activity otherwise permitted which does not comply with any one or more of the Conditions for Permitted Activities shall be a **Controlled Activity, Discretionary Activity or Non-Complying Activity** in respect of that standard or standards, whichever is specified in the relevant Rule.
3. The following shall be **Controlled Activities**:
- a) Resiting of existing buildings other than those permitted by Rule 7.4.5;

(Refer to Rule 7.5)

4. The following shall be **Discretionary Activities**:

- a) places of assembly (churches, funeral parlours, indoor sports facilities etc. - see definition in Section 13 Definitions);
- b) camping grounds; and
- c) hospitals.

(Refer to Rule 7.6.20)

5. The following shall be **Non Complying Activities**:

- a) Fortified Site(s).

(Refer to Policies RU54A, RU54B, IN15, IN15A, CO24, CO24A)

6. The following shall be **Prohibited Activities**:

- a) Any activity listed in Administration Rule 1.4.4.

7.4 CONDITIONS FOR PERMITTED ACTIVITIES

NOTE: In addition to the following standards, special restrictions apply to particular sites identified on the Planning Maps, such as historic sites. Attention is also drawn to known physical hazards which are recorded on separate hazard maps maintained by the Council.

(Refer to Objective IN6 and Policies AD4, IN5, IN6, RC7, RS30)

7.4.1 RULE - Minimum Site Areas

A minimum site area (excluding access strips) of 1,000m² is required for the following activities:

1. motor vehicle, caravan and/or boat sales and/or hire;
2. hire pools;
3. building supply outlets, farm supply outlets;
4. garden centres, plant nurseries, landscaping supply outlets; and
5. coal and wood outlets.

Activities not complying with Rule 7.4.1 shall be **Discretionary Activities** and shall be considered under Rule 7.6.2.

(Refer to Policy IN5)

7.4.2 RULE - Building Set-back from Road Boundaries

(Corresponding Rules 1.7.11, 1.7.12, 1.7.13)

Buildings shall be set back a minimum of 3.0 metres from road boundaries except for sites fronting State Highways and Primary Roads where the setback shall be a minimum of 5.0 metres,

Activities not complying with Rule 7.4.2 shall be **Discretionary Activities** and shall be considered under Rule 7.6.3.

(Refer to Policy IN6)

7.4.3 RULE - Building Set-Back from Internal Boundaries

(Corresponding Rules 1.7.11, 1.7.12, 1.7.13)

Buildings shall be set back a minimum of 5.0 metres from internal boundaries adjoining a Residential Zone.

Activities not complying with Rule 7.4.3 shall be **Discretionary Activities** and shall be considered under Rule 7.6.4.

(Refer to Policy IN6)

7.4.4 RULE - Building Set-back from Watercourses

(Corresponding Rule 1.7.16)

Buildings and other structures including fences shall be set back a minimum of 5.0 metres from watercourses.

Activities not complying with Rule 7.4.4 shall be **Discretionary Activities** and shall be considered under Rule 7.6.5.

(Refer to Policy IN6, RU18-RU21, RU32-RU34, Rule 10.5.2)

7.4.5 RULE - Resiting of Existing Buildings

No building shall be resited and used for any purpose in the Industrial Zone except by resource consent, provided that this Rule shall not apply to new pre-fabricated buildings or previously used single storey buildings of less than 40m² floor space.

Buildings which do not meet the requirements of Rule 7.4.5 shall be **Controlled Activities** and shall be considered under Rule 7.5.1.

(Refer to Policies IN5, IN6)

7.4.6 RULE - Site Layout

Except on rear sites, offices and showrooms shall be sited at the street side of buildings. Outdoor storage areas visible from any Residential Zone, road or other public place shall be screened by landscaping or solid walls or fences.

Activities not complying with Rule 7.4.6 shall be **Discretionary Activities** and shall be considered under Rule 7.6.6.

(Refer to Policy IN6)

7.4.7 RULE - Landscaping

Site boundaries adjoining or facing a Residential Zone shall be landscaped to a minimum depth of 3.0 metres except for required access/egress points. Other street boundaries shall be landscaped to a minimum depth of 2.0 metres except for required access/egress points.

NOTES:

1. See definition of 'landscaped' in Section 13 Definitions.
2. The provision of a few large trees in keeping with the scale of industrial buildings is encouraged in preference to flower beds.

Activities not complying with Rule 7.4.7 shall be **Discretionary Activities** and shall be considered under Rule 7.6.7.

(Refer to Policies IN6, IN14)

7.4.8 RULE - Security Fencing

Security fences over 1.8 metres high shall be set back a minimum of 2.0 metres from road boundaries and the road boundaries landscaped so as to substantially screen the security fences.

Activities not complying with Rule 7.4.8 shall be **Discretionary Activities** and shall be considered under Rule 7.6.8.

(Refer to Policies IN5, IN6)

7.4.9 RULE - Off-Street Parking and Loading

1. General

Where any change of use or intensification of activity on a site occurs, off-street parking and loading facilities shall be provided. An obligation to provide or increase provision for parking and loading may arise under this Rule even if no building consent or resource consent is required - for example when a Permitted Activity is intensified through the

metres from the corner of the site in the case of crossings servicing non-residential activities and 8.0 metres in the case of residential activities.

Where a site has frontage to a Primary Road and a Secondary Road, all vehicle access shall be from the Secondary Road.

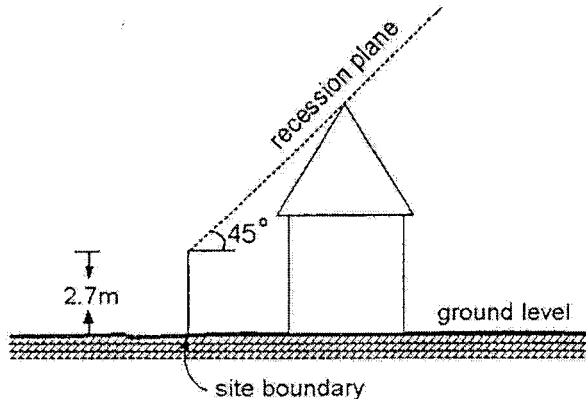
There shall be no restriction on the number, length or location of vehicle crossings to public or private service lanes.

Vehicle access to Industrial Zones shall not cross other zones.

Activities not complying with Rule 7.4.10 shall be **Discretionary Activities** within the limits prescribed in Rule 7.6.10.

(Refer to Policies IN12, TR2, TR9)

7.4.11 RULE - Height of Buildings and Other Structures



Buildings and other structures (with the exception of chimneys, cyclones, flagpoles and aerials) and stored material such as containers shall not penetrate a recession plane at right angles to any boundary with a Residential Zone or General Zone inclined inwards at an angle of 45 degrees from 2.7 metres above finished ground level at each point along such boundary and shall not exceed 20.0 metres in height or 45.0 metres in height within the Tall Building Areas defined within the Hautapu and Te Awamutu Specialised Industrial Zones (see Planning Maps).

Activities not complying with Rule 7.4.11 shall be **Discretionary Activities** within the limits prescribed in Rule 7.6.11.

(Refer to Policies RS82-RS84)

7.4.12 RULE - Signs

No sign shall be obtrusively visible from outside the Industrial Zone and streets bounded on both sides by industrial zoning. In particular, signs shall not protrude above the eaves or parapet of buildings. Signs visible from Primary Roads

shall meet the signs standards for the General Zone.

Signs shall be directly related to the activities undertaken on the site on which they are located, except that signs advertising that the property is for sale may be erected, and temporary (up to 3 months) signs advertising forthcoming elections or other events may be erected.

NOTE: See wide definition of 'sign' in Rule 13 Definitions.

Activities not complying with Rule 7.4.12 shall be **Non-Complying Activities**.

(Refer to Policy IN6, TR9)

7.4.13 RULE - Noise

1. General

Except as provided for below (industrial areas containing the two existing dairy factories and the Airport Industrial Zone), all activities shall be conducted and buildings located, designed and used to ensure that noise levels do not exceed the following limits:

- a) Within the boundary of any site zoned Residential

Monday to Friday	7.00am to 10.00pm	50dBA (L10)
Saturday	7.00am to 6.00pm	50dBA (L10)
At all other times including public holidays		40dBA (L10)
- b) Within the boundary of any site zoned General

Monday to Saturday	7.00am to 10.00pm	50dBA (L10)
At all other times including public holidays		40dBA (L10)
- c) Within the boundary of any site zoned Town Centres

Monday to Saturday	7.00am to 10.00pm	55dBA (L10)
At all other times including public holidays		45dBA (L10)
- d) Within the boundary of any site zoned Industrial

Monday to Saturday		60dBA (L10)
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Industrial Zone Rules

7.00am to 10.00pm

At all other times
including public holidays 45dBA (L10)

- e) Within the boundary or notional boundary of any site zoned Rural

Monday to Saturday
7.00am to 7.00pm 50dBA (L10)

At all other times
including public holidays 35dBA (L10)

- f) No single event noise level L_{max} shall exceed 70dBA or exceed the background noise level by more than 30dBA at night time (10.00pm to 7.00am) during the periods covered by 'all other times'.

2. Te Awamutu and Hautapu Special Dairy Factory Industrial Zones

Within the Te Awamutu and Hautapu Dairy Special Industrial Zones, all activities shall be conducted and buildings located, designed and used to ensure that noise levels do not exceed the following limits:

- a) Within the boundary of any site zoned Residential

Monday to Friday
7.00am to 10.00pm 55dBA (L10)

Saturday
7.00am to 6.00pm 55dBA (L10)

At all other times
including public holidays 45dBA (L10)

- b) Within the boundary of any site zoned Industrial

Monday to Saturday
7.00am- to 10.00pm 60dBA (L10)

At all other times
including public holidays 45dBA (L10)

- c) Within the boundary or notional boundary of a site zoned Rural

Monday to Saturday
7.00am to 7.00pm 55dBA (L10)

At all other times
including public holidays 45dBA (L10)

3. Airport Industrial Zone

- a) All activities within the Airport Industrial Zone, excluding engine testing, shall be

conducted and buildings located, designed and used to ensure the noise levels do not exceed the following limits when measured in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Sound:

- i) Within the boundary or notional boundary of any site zoned Rural:

Monday to Saturday
7.00am to 10.00pm 55dBA(L10)

At all other times
including public holidays 45dBA(L10)

- ii) Within the boundary of any site zoned Airport Industrial:

At all times 60dBA(L10)

No single event noise level L_{max} shall exceed 70dBA at night time (10.00pm to 7.00am) during the periods covered by 'all other times'.

NOTE: The Rule does not include noise generated by aircraft in flight, taxiing or pre-flight checks.

- b) Noise from the maintenance and testing of aircraft shall not exceed the following noise limits when measured in accordance with the requirements of NZS 6801:1991 Measurement of Sound:

	L_{eqn}	L_{max}
Within the boundary of the residential properties east of SH3 (as identified on Planning Map 23)	50dBA	80dBA

Within the notional boundary of any other dwelling	45dBA	75dBA
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L_{eqn} is defined as the logarithmic average of the hourly L_{eqn} values from 10.00pm to 7.00am the following day, calculated as a rolling average over the last seven nights.

Noise from night time engine testing shall be monitored by the operator to determine the total noise dose from engine testing that has been generated over the last seven days. A summary of these results shall be provided to the Council once a year and be available to the Council for inspection at any

reasonable time and upon reasonable notice.

NOTE: Monitoring may be undertaken by calculation based on field measurements.

4. General - All Industrial Zones

Vibration emanating from a site shall meet the limits recommended in, and be measured and assessed in accordance with New Zealand Standard NZS 4403:1976 Code of Practice for Storage, Handling, and Use of Explosives.

Construction noise emanating from a site where construction is ancillary to the principal use shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.

Prior to any activity being established or building consent being granted, evidence that these standards will be met may be required by Council.

NOTE: For some common activities it will be sufficient to simply indicate the intended use (e.g. warehousing); for others, evidence from a suitably qualified person will be required.

Activities not complying with Rule 7.4.13 shall be **Discretionary Activities** within the limits prescribed in Rule 7.6.12 with the exception of activities controlled by Rule 7.4.13.3 (b) which shall be **Non-Complying Activities**.

(Refer to Policies NS1, NS2, NS7)

7.4.14 RULE - Odour

Activities shall not produce any odour discernible without instruments from a Residential, General or Town Centres Zone.

Activities not complying with Rule 7.4.14 shall be **Discretionary Activities** and shall be considered under Rule 7.6.13.

(Refer to Policy IN6)

7.4.15 RULE - Smoke, Fumes and Dust

NOTE: No specific standards are included for this Zone. Attention is drawn to the obligation under Section 15 of the Resource Management Act to comply with any rules in the Regional Plan or Proposed Regional Plan, or to obtain consent from the Regional Council to discharge any 'contaminant' (as broadly defined in the Act) into air from industrial or trade premises.

7.4.16 RULE - Electrical Interference

The provisions of Regulation 48 of the Electricity Regulations 1993 apply to the use of any fittings or electrical appliance.

Activities not complying with Rule 7.4.16 shall be **Non-Complying Activities**.

(Refer to Policy IN6)

7.4.17 RULE - Glare

No activity shall result in greater than a 10 lux spill (horizontal and vertical) of light on to any property in a Residential, General or Town Centres Zone, measured 1.5m inside the boundary of the neighbouring property, provided that this Rule shall not apply to headlights of moving vehicles or vehicles which are stationary for less than 5 minutes.

No operation or activity shall be conducted so that direct or indirect illumination creates a nuisance to occupants of adjoining or nearby sites.

Activities not complying with Rule 7.4.17 shall be **Discretionary Activities** and shall be considered under Rule 7.6.14.

(Refer to Policy IN6)

7.4.18 RULE - Potentially Hazardous Substances

NOTE: See also Rule 1.7.21

The presence of potentially hazardous substances on sites wholly or partly within 75 metres of a Residential or General Zone shall be limited to the maximum quantities specified in Appendix 9.

Activities not complying with Rule 7.4.18 shall be **Discretionary Activities** within the limits prescribed in Rule 7.6.15.

(Refer to Policy SW7)

7.4.19 RULE - Utility Services

Each site shall be served by reticulated sewerage, reticulated water, an authorised stormwater disposal system, and a sealed road.

Where these are to be committed within a definite timeframe, site development work may be carried out but no buildings or activities may be established until the services are available.

Notwithstanding the above, the activities permitted within the Industrial Zone at Hamilton Airport (which is not fully serviced) may be established without consent from the District Council provided evidence is provided to show that the requirements of the Regional Council for discharges have been met.

Activities not complying with Rule 7.4.19 shall be **Discretionary Activities** and shall be considered under Rule 7.6.16.

NOTE: The Council's sewerage systems, particularly in certain localities, have limited capacity. Developers are advised to consult Council engineering staff before committing to proposals for activities producing greater than domestic equivalent flows on a site area basis.

(Refer to Policies SU17, SU20)

7.4.20 RULE - Multiple Units on a Site

Where more than one serviced building (excluding accessory buildings) is erected on a site, all services shall comply with services that would be required if the site was being subdivided to create separate titles for each serviced building.

Activities not complying with Rule 7.4.20 shall be **Discretionary Activities** and shall be considered under Rule 7.6.1 and 7.6.16.

(Refer to Policies SU17, SU20)

7.4.21 RULE - Special Provisions, Mars Site at Bruntwood

In addition to the Rules applying to all Industrial Zones, the following special provisions apply to the Mars site at Bruntwood:

1. only activities which use dairy produce as a major ingredient in the manufacture of food products are **Permitted**, and residential accommodation is limited to accommodation provided primarily for security purposes;
2. the site shall be landscaped in accordance with the landscape plan approved by the Council prior to construction of the factory, and any amendments to that plan shall require approval as a **Discretionary Activity**;

NOTE: A copy of the landscape plan approved as part of a Plan Change to the

Transitional Waipa District Plan (Waikato Section) is available at Council Offices.

3. any additional access points or relocation of existing access points shall require approval as a **Discretionary Activity**;
4. the maximum coverage by buildings as a percentage of site area shall be 4.5%;
5. buildings shall be set back a minimum of 20.0 metres from site boundaries;
6. buildings shall not exceed 12.0 metres in height except for minor intrusions for pipes, vents, silos and other similar structures up to a maximum of 15.0 metres; and
7. all land uses and activities shall be conducted and buildings located, designed and used to ensure that noise levels at or within the notional boundary or property boundary of any dwellinghouse, public or community facility, do not exceed the following limits:

Monday to Friday:	7.00am-10.00pm	50dBA(L10)
Saturday:	7.00am-6.00pm	50dBA(L10)
At all other times including public holidays		40dBA(L10) 60dBA(Lmax)

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.

Prior to any building consent being granted for industrial buildings in the Zone an acoustic report prepared by a suitably qualified professional shall be submitted to the Council.

Except as provided for in the Rule, activities not complying with Rule 7.4.21 shall be **Non-Complying Activities**.

(Refer to Policy IN6)

7.4.22 RULE - Special Provisions, Location within the Hamilton Airport Industrial Zones

The **Permitted Activities** within the Hamilton Airport Industrial Zones:

1. buildings to accommodate air freight handling and temporary storage of goods carried by air;
2. commercial and general aviation including buildings and facilities for aircraft maintenance, servicing, restoration and testing, cabin services, catering, aviation industries (such as top dressing and aero

surveying), airline and military force depots, offices and warehouses ancillary and accessory to Airport uses;

3. navigation aids and control towers;
4. emergency services;
5. aviation schools and associated accommodation;
6. manufacture and assembly of aircraft or components;
7. manufacture, maintenance and testing of electronic equipment used in the aircraft industry or for aircraft safety;
8. storage and sale of aircraft fuel and lubricants;
9. helicopter pads and facilities for servicing and management;
10. aeroclub facilities; and
11. aviation museums.

All other activities with Permitted Activity status in the Industrial Zone generally shall be **Discretionary Activities** and shall be considered under Rule 7.6.17.

(Refer to Policy IN4)

7.4.23 Rule - Special Provisions, Location Within The Hautapu Industrial Zone And The Industrial Zone Around The Te Awamutu Dairy Factory

Activities relating to the processing of milk and milk products shall be **Permitted Activities** within the Hautapu Industrial Zone and the Industrial Zone around the Te Awamutu Dairy Factory.

All other activities with Permitted Activity status in the Industrial Zone generally shall be **Discretionary Activities** and shall be considered under Rule 7.6.18.

(Refer to Policy IN1, IN3)

7.4.24 RULE- Special Provisions, Location within Flood Risk Areas, Te Awamutu

Activities requiring buildings within the broad flood risk areas shown on the Planning Maps shall be **Discretionary Activities** and shall be considered under Rule 7.6.19.

(NOTE: More detailed information about flood risk is available from the Regional Council and

from hazard maps maintained by the District Council)

(Refer to Policies IN7, RS22)

7.4.25 RULE Reserve Contributions

1. Where one or more dwellinghouses are erected on any allotment, a financial contribution for the provision of reserves shall be made to Council for each dwellinghouse.
2. The value of the contribution shall be \$1,889 including GST (as at 30 September 2005) and adjusted annually by the CPI Index published by the Department of Statistics.
3. This Rule shall not apply to any dwellinghouse for which a financial contribution has been paid to the Council under Rule 10.7 for the creation of a separate allotment on which a dwellinghouse is located.

Activities which do not comply with Rule 7.4.25 shall be **Non-Complying Activities**.

(Refer to Policies IN14, RC8, RC9, SU23)

7.5 CONTROLLED ACTIVITIES - MATTERS OVER WHICH COUNCIL EXERCISES CONTROL

(Refer to Policy AD4(3))

7.5.1 RULE - Resiting of Existing Buildings

1. All buildings shall comply with Rule 7.4 - Conditions for Permitted Activities (except Rule 7.4.5).
2. In assessing applications the Council may impose conditions in relation to the following matters:
 - a) the condition of materials used in its construction;
 - b) the requirements of the Building Act 1991 and whether or not any defects in the building can be rectified;
 - c) the appearance and finish of the building on its new site; and
 - d) landscaping.
3. In cases where Council considers it necessary that certain essential works be carried out to improve the external appearance of the building:
 - a) a bank guaranteed performance bond may be imposed by Council equal to 200% of

the estimated cost of any work required to be carried out as a condition of approval; and

- b) a time limit may be set in which the work will be required to be completed.

(Refer to Policies IN5, IN6)

7.6 CRITERIA FOR ASSESSING DISCRETIONARY ACTIVITIES

(Refer to Policies IN10, AD4(4))

7.6.1 RULE - General

In addition to the provisions of Rule 1.6.2, the criteria to be used in considering an application for any Discretionary Activity shall include the following matters:

1. The objectives and policies for the Industrial Zones.
2. Whether any adverse effects or cumulative effects will occur from non-compliance and whether they can be avoided or mitigated by conditions on any resource consent.
3. The existence of buildings and/or plant which could not be readily relocated or converted for a complying activity.
4. The site topography.

7.6.2 RULE - Reduction in Minimum Site Areas

Consent to establish activities for which a minimum site area is required under Rule 7.4.1 on smaller sites may be granted where it can be demonstrated that the nature of the particular activity will attract visitors to the Zone at a lower rate (relative to site area) than is normal for the type of activity listed, or where the particular circumstances of the site are such that the number of visitors are not a significant concern.

(Refer to Policy IN5)

7.6.3 RULE - Reduction of Building Set-back from Road Boundaries

Consent for buildings to be set back less than the minimum standard from road boundaries may be granted where the particular circumstances of the site and/or the buildings and landscaping, or the circumstances of the surrounding land uses are such that the required set-back is not necessary.

(Refer to Policy IN6)

7.6.4 RULE - Reduction of Building Set-back from Internal Boundaries

Consent for buildings to be set back less than the minimum 5.0 metres from internal boundaries adjoining a Residential Zone specified in Rule 7.4.3 may be granted where the particular circumstances of the site and/or the buildings and landscaping, or the circumstances of the Residential Zone, are such that the required set-back is not necessary.

(Refer to Policy IN6)

7.6.5 RULE - Reduction of Building Set-back from Watercourses

Reduction in the 5.0 metre minimum set back from watercourses specified in Rule 7.4.4 may be granted where it can be demonstrated that the set-back is not necessary to allow maintenance of the watercourse, proposed buildings or other structures would not impede the passage of flood flows, and the riparian area concerned is of little ecological or amenity value.

(Refer to Policy IN6, RU18-RU21, RU32-RU34, corresponding Rule 1.7.16, Rule 10.5.2)

7.6.6 RULE - Site Layout

Consent for offices or showrooms to be sited other than at the street side of buildings may be granted where the scale and design of buildings, site layout and/or landscaping ensure that the facade of buildings visible from the street do not detract from the visual amenities of the area.

(Refer to Policy IN6)

7.6.7 RULE - Reduction in Landscaping

Consent to dispense with or reduce the minimum depth of landscaping of site boundaries may be granted where an acceptable alternative method of protecting the amenities of the affected land is proposed, such as planting further back from the boundary.

(Refer to Policies IN6, IN14)

7.6.8 RULE - Security Fencing

Consent to reduce or dispense with the boundary set-back and/or planting requirement in Rule 7.4.8 may be granted where an acceptable alternative method of ensuring that a security fence does not detract from the amenities of the area is proposed.

(Refer to Policies IN5, IN6)

7.6.9 RULE - Off-Street Parking and Loading

Consent to meet the off-street parking requirements of a site by providing parking on a

site nearby may be granted where, because of its proximity, it could be expected to meet the parking demand generated.

Consent for a lesser standard of design of parking and loading facilities may be granted where, because of the circumstances of the site, it is impractical to meet the normal standards, or where the particular type of activities and/or type of vehicles associated with those activities are such that a lesser standard would not lead to inconvenience for visitors to the site or greater use of the street for parking than would otherwise be the case.

Consent for parking or loading areas to be metalled rather than sealed may be granted where dust created will not cause a nuisance on adjoining land.

(Refer to Policy TR6)

7.6.10 RULE - Vehicle Access to Sites

Consent to the provision of a vehicle crossing less than 6.0 metres wide but no less than 3.6 metres wide excluding splays and the kerb may be granted where it is impractical to provide a wider crossing, where crossings are for one-way traffic or where the number of vehicle movements through the crossing is likely to be no more than 20 per day.

Consent may be granted for a site which has frontage to a road which is not a State Highway for one crossing additional to the crossing or crossings permitted by Rule 7.4.10 providing this would not compromise traffic safety or the functioning of the roading system.

Where a site is at an intersection, consent may be granted for two vehicle crossings on one frontage where the length of frontage is no less than 50 metres provided there shall be no crossing on the other frontage.

Consent may be granted for crossings servicing non-residential activities with the nearest part of the crossing between 8.0 and 15.0 metres from an intersection where this would not compromise traffic safety or the function of Primary Roads.

Where a site has frontage to a Primary Road and a Secondary Road, consent may be granted for vehicle access from the Primary Road where vehicle access from the Secondary Road would be unsafe.

Consent may also be granted for service stations and other 'drive-in' activities to take vehicle access from a Primary Road where in the particular circumstances this would not

compromise traffic safety or the functioning of the Primary Road.

Consent may be granted for service stations and other 'drive-in' activities for a vehicle crossing or a crossing greater than 7.5 metres wide excluding splays and the kerb where this would not compromise traffic safety or the functioning of Primary Roads.

Consent for vehicle access to Industrial Zones to cross other zones may be granted where such access would not detract from the amenities of those other zones.

(Refer to Policies IN12, TR2, TR9)

7.6.11 RULE - Additional Height for Buildings and Other Structures

Consent may be granted for buildings and other structures to penetrate the height plane and/or the recession plane defined in Rule 7.4.11 by not more than 10.0 metres in the following circumstances:

1. where the boundary to which the control relates is a common boundary with a site the use of which will not be detrimentally affected by any increased shading;
2. where the site adjoining the application site is generally higher than the application site and an exception will not adversely affect the use of the adjoining site; or
3. where topographical and/or site conditions severely restrict the area of the site that is available and suitable for building.

In considering applications the Council shall have regard to the potential visual impact of buildings exceeding the normal height limits.

(Refer to Policies RS82-RS84)

7.6.12 RULE - Noise

In considering a resource consent application for an exception from the maximum noise levels of Rule 7.4.13, the Council shall have regard to the following matters:

- a) the maximum noise levels of the proposed activity;
- b) the frequency that the noisy activity takes place;
- c) the length of time that the noise continues;
- d) special characteristics of the noise;

- e) the likely adverse effects of noise on other activities in the locality (includes cumulative effects);
- f) any possible means of mitigating the effects of the noise; and
- g) the objectives for noise control.

In granting any consent the Council may impose conditions including maximum noise levels and the days and the times during the day on which the noise may be created, and requirements for the mitigation of the effects of noise.

(Refer to Policies NS1, NS2, NS7)

7.6.13 RULE - Odour

In assessing applications the Council shall have regard to the offensiveness or otherwise of the particular odours to be generated, and the likely adverse impact on existing activities likely to be affected in the general locality.

(Refer to Policies IN6)

7.6.14 RULE - Glare

Consent may be granted to increase the amount of light spilled onto a neighbouring property where:

1. there is a particular need for the lighting, and
2. the light spill is unavoidable, and/or
3. the circumstances of the neighbouring property are such that the light spill will not have a significant adverse effect.

(Refer to Policy IN6)

7.6.15 RULE - Potentially Hazardous Substances

Consent may be granted for the presence of potentially hazardous substances on sites wholly or partly within 75.0 metres of a Residential or General Zone up to a maximum of twice the quantities specified in Appendix 9 where:

1. there is a particular need to store and/or use greater quantities of potentially hazardous substances; and
2. proposed safety measures are considered by the Council to be adequate in the particular circumstances. The Council shall take into account the location of the area within the site where potentially hazardous substances are to be stored and/or used relative to the Zone boundary.

(Refer to Policy SW7)

7.6.16 RULE - Urban Services

In assessing applications for activities on sites not served by reticulated sewerage, authorised stormwater disposal systems, or sealed roads, the Council shall consider the adequacy of proposed arrangements for the disposal of sewage and stormwater and the provision of vehicle access, and the potential adverse affects of these proposals.

NOTE: Effluent disposal proposals will normally require resource consent (discharge permit) from the Regional Council and this should be obtained prior to or simultaneously with consent from the District Council for land use consent.

(Refer to Policies SU17, SU20)

7.6.17 RULE - Location within Hamilton Airport Industrial Zones

In assessing applications for activities not permitted under Rule 7.4.22 within the Hamilton Airport Industrial Zone the Council shall have regard to the necessity for the particular activities to locate at the Airport rather than within another Industrial Zone. Conditions may be imposed to limit activities to those needing to locate at the Airport and/or to minimise the impact of activities on Airport operations.

(Refer to Policy IN4)

7.6.18 RULE - Location within the Hautapu Industrial Zone and the Industrial Zone around the Te Awamutu Dairy Factory

In assessing applications for activities which are not Permitted Activities under Rule 7.4.23 within the Hautapu Industrial Zone and the Industrial Zone around the Te Awamutu dairy factory the Council shall have regard to the compatibility of the activities with food processing activities carried out in the Zone. Conditions may be imposed to ensure that proposed activities are compatible.

(Refer to Policy IN1, IN3)

7.6.19 RULE - Location within Flood Risk Areas

In assessing applications for activities within the flood risk areas defined on the Planning Maps the Council shall have regard to the extent to which proposals recognise the flood risk with measures such as land filling and raised floor levels. Conditions may be imposed to ensure that the flood risk is adequately recognised.

(Refer to Policies IN7, RS22)

**7.6.20 RULE - Places of Assembly, Camping
Grounds, Hospitals**

In assessing applications for consent the Council shall have regard to:

1. the separation of the application site from existing and potential industrial activities and the nature of those activities;
2. the number of visitors likely to be attracted to the application site;
3. the potential for conflict between industrial and non-industrial traffic; and
4. design features of the proposed activity that would minimise the likely impact of nearby industrial activities.

(Refer to Policies IN5, IN8)

