

9.3 RULES

Note: In considering a resource consent application under rules in this Plan, in the absence of specific policy in this Plan the Council may have regard to other policies related to assessment matters, including relevant policies in the Regional Policy Statement for Otago, and regional plans.

See also Sections 3 and 14 – Manawhenua and Heritage Buildings, Places, Sites, Objects and Trees.

9.3.1 PERMITTED ACTIVITIES

(i) **Compliance with Standards**

Any activity that is not listed as either a controlled, discretionary (restricted) or discretionary activity and that complies with the rules and standards set out in Sections 12 to 15 of the Plan, and the standards set out in Section 9.3.5 is a permitted activity.

Cross Reference
Policies 9.2.1,
9.2.2, 9.2.3

Reason

The Industrial Resource Areas are areas within which environmental standards are set at a lower level than in other resource areas. The standards set out in Section 9.3.5 will ensure that existing amenity values are maintained and adjoining resource areas are not adversely affected. These standards relate to the following matters:

1. Retail activity
2. Bulk and location of buildings
3. Noise
4. Screening
5. Signs
6. Off road loading
7. Carparking
8. Lightspill

Note: Sections 12 to 15 contain a number of general rules that apply across the district. Section 12 addresses access, parking, noise, signs and lightspill. Section 13 addresses the development of infrastructure, energy production facilities and utilities while Section 14 addresses general heritage issues. Section 15 deals with matters relating to financial contributions. Section 16 that relates to subdivision and Section 17 that relates to hazards contain general provisions to complement Resource Area rules. Section 18 contains the definitions of terms used throughout this plan.

(ii) **Scheduled Activities and Existing Community Facilities**

Any scheduled activity identified in Clause 19.3.1 of Schedule 19.3 and identified as a scheduled activity on the planning maps and any other community facility lawfully established prior to notification of this plan is a permitted activity.

Reason

See reference at Section 1.2.9 of this Plan (page 1:12)

9.3.2 CONTROLLED ACTIVITIES

*Cross Reference
Policies 9.2.1,
9.2.5*

(i) **Subdivision**

Subdivision in the Industrial Resource Area shall be a controlled activity.

Council shall exercise its control in respect of the following matters:

1. The location, design and construction of access and its adequacy for the intended use of the subdivision.
2. Earthworks necessary to prepare the site for development, occupation and/or use.
3. Subdivisional design including the shape and arrangement of allotments to:
 4. Facilitate convenient, safe and efficient access.
 5. Mitigate adverse effects on adjoining resource areas, and areas of public open space.
 6. With respect to unreticulated areas, the size of the allotment and its ability to effectively dispose of effluent within the site. Note: this may involve consents from the Otago Regional Council.
 7. The provision of or contribution to the open space and recreational needs of the community.
 8. The provision of adequate network utility services (including roading) and in particular, the location, design and construction of these services.
 9. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.
 10. Any amalgamations and easements that are appropriate.
 11. Any other matter identified in section 220 of the Act.

Note: see Section 16.7 General Standards (pg 16:14) for the standards that are likely to be imposed as conditions of consent.

Any application made under this rule will generally not be notified or require the written approval of affected persons except that where a State highway is affected the written comment of Transit New Zealand will be required.

Reason

The adverse effects of subdivision can generally be overcome by appropriate conditions and standards. Provided these are met, consent cannot be refused under controlled activity status.

(ii) **Scheduled Activities and Existing Community Facilities**

Any extension, upgrade or expansion that changes the character or increases the intensity or scale of the effects of a use that has status as a scheduled activity identified in Clause 19.3.1 of Schedule 19.3 and identified as a scheduled activity on the planning maps or any other community facility lawfully established prior to the notification of this plan is a controlled activity.

Council shall restrict the exercise of its control to the following matters:

1. The provision of access, parking, loading and manoeuvring areas.
2. The size, design and location of any signs.
3. Methods to avoid, remedy or mitigate effects on existing activities including the provisions of screening, landscaping and noise control.
4. Impact on landscape values.

9.3.2(ii)
(cont'd)

Any application made under this rule will generally not be notified where the written consent of affected parties is received.

9.3.3 DISCRETIONARY (RESTRICTED) ACTIVITIES

Cross Reference
Policies 9.2.2,
9.2.5

Any activity that fails to comply with the standards set out in Rule 9.3.5 shall be a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following matters:

1. The effect on the safe and efficient operation of the roading network.
2. The effect on the health, safety and convenience of people and communities.
3. The effect on amenity values of adjoining properties and adjoining resource areas.
4. The effect on network utility services.

Any application made under this rule will generally not be notified where the written approval of affected persons is received.

Reason

Failure to conform with these standards results in discretionary (restricted) activity status to enable Council to assess these activities in terms of section 105 of the Act. Council has flexibility in terms of whether to notify any application made under these rules. In some instances discretionary (restricted) activities will only have a minor effect and do not justify notification. Applicants have greater certainty in that attention can be focused upon the matters identified for consideration. This in turn will increase efficiency in processing such applications.

9.3.4 DISCRETIONARY ACTIVITIES

Cross Reference
Policies 9.2.3,
17.4.5 (pg 17:6)

Any activity that requires an offensive trade licence under the Health Act 1956 and/or any activity that requires a permit in terms of the Crown Minerals Act 1991 shall be a discretionary activity.

Reason

These activities have the potential to generate significant adverse effects that need assessment through the resource consent process.

9.3.5 STANDARDS

*Cross Reference
Policy 9.2.2*

The following standards relate specifically to activities which occur within the Industrial Resource Area. There are other rules and standards contained in Sections 12, 13, 14, 15 and 16 of this plan which may also apply to activities which occur in the Industrial Resource Area.

(i) Retail Activity

Retail activity (excluding retail activity at a service station) shall be ancillary to and form an integrated and complementary part of any industrial activity and shall not occupy more than 10% of the gross floor space of the building or 50m², whichever is the greater.

*Breach:
discretionary
(restricted)
activity see Rule
9.3.3*

Reason

Retail activity not ancillary to industry would have the potential effect of attracting large numbers of the public to these areas. The prevailing amenity values of these areas are not conducive to this type of activity. Road standards and access to these areas are not conducive to the steady flow of traffic associated with retail activities; they are generally not conveniently located, footpaths and street furniture is lacking, noise, dust and odours are often generated that are not conducive to a pleasant shopping environment, buildings are generally large and not aesthetically pleasant. Furthermore, high levels of car traffic may conflict with the manoeuvring heavy vehicles that service these areas.

(ii) Bulk and Location of Buildings

Front yards

No front yards are required

Note: See also Rule 12.7.7

Side and Rear Yards

Rear and side yards of 5 metres shall be provided where a site adjoins a Residential or Business Resource Area or any area of public open space, without the intervention of a road.

Height

The maximum height for buildings shall be 1.5 times the distance from the boundary of any adjacent Resource Area or 10 metres whichever is the lesser.

Reason

Council considers that yards are only necessary in the Industrial Resource Area where the site adjoins a sensitive environment such as Residential or Business Resource Area or public open space. Yard and height requirements in these circumstances will minimise adverse effects on adjoining properties.

*Breach:
discretionary
(restricted)
activity see Rule
9.3.3*

(iii) Noise

(a) All activities shall be conducted so as to ensure the following noise limits are not exceeded at any point within any Industrial Resource Area,

On any day	7:00am - 10:00pm	65dBA L ₁₀
	10:00pm - 7:00am the following day	45dBA L ₁₀
		85dBA L _{max}

*Cross Reference
Policies 9.2.2,
9.2.4*

*Breach:
discretionary
(restricted)
activity see Rule
9.3.3*

Provided that the following noise limits shall not be exceeded at any point within the Residential Resource Area:

On any day	7:00am - 10:00pm	55dBA L ₁₀
	10:00pm - 7:00am the following day	45dBA L ₁₀
		70dBA L _{max}

9.3.5(iii)(a)
(cont'd)

Provided that the above noise limits shall not apply to any temporary activity (as defined).

- (b) Where any new activity locates within any part of the Industrial Resource Area and that activity includes any noise sensitive activity, the activity or any building associated with the noise sensitive activity shall be sited, oriented and constructed so as to ensure that habitable spaces within the building shall be adequately isolated from any noise source on another site. Adequate sound isolation shall be achieved by siting and constructing the building to achieve an indoor design sound level of 45 dBA L_{max} within any habitable room where the exterior noise source is within any Industrial Resource Area. The indoor design level shall be achieved with windows and doors open unless adequate alternative ventilation means is provided, used, and maintained in operating order.

Reason

The noise standards selected reflect the traditional and accepted noise levels permitted in the District. It was also considered appropriate that non-industrial activities which locate in the Industrial Area should be required to take steps to mitigate the effects of any noise generated by industrial activities in the area.

(iv) **Screening**

- (a) All site boundaries adjacent to Residential or Business Resource Areas, shall have a solid fence of not less than 2 metres in height.

Such fencing shall be erected to adequately mitigate:

1. Any adverse visual effects of the site or activity.
2. Any adverse effects of noise, dust or lightspill emitted from the site.

Cross Reference
Policies 9.2.2,
9.2.4

Breach:
discretionary
(restricted)
activity see Rule
9.3.3

PROVIDED THAT

- a. Any fencing shall not impede visibility on roads or at access points and intersections.
 - b. All fencing shall be maintained, at all times, in a tidy condition.
- (b) The perimeter of any open space (excluding carparking or service courts) associated with any residential activity adjacent to any industrial or trade premises shall be screened in a manner that mitigates the visual impact of any adjoining activity.

Reason

Industrial and trade premises can have adverse visual effects on the amenity values of the District. The provision of landscaping can soften the visual impact of these buildings. Council also considers it appropriate to require residential activities which locate within the industrial resource area to screen their own property from adverse visual effects of adjoining activities.

9.3.5(iv)
(cont'd)

(v) Signs

Signs shall conform with the following standards:

- (a)** No sign shall be erected or painted on a building in a position that is higher than the road facade of that part of the building upon which the sign is placed or affixed.
- (b)** Any sign suspended under a verandah shall have a minimum clearance of 2.5 metres from the footpath.
- (c)** Signs shall have a minimum clearance of 450mm from the kerb line.
- (d)** Free standing signs shall comply with the following:
 - i) Not more than three freestanding signs shall be erected per site except as provided for in (v) and (vi) below.
 - ii) One double sided sign with a maximum height of 7.5 metres and a maximum area of 14m² per side and two smaller double sided signs with a maximum height of 2.5 metres are permitted.
 - iii) Signs shall be located completely within the site to which the sign relates.
 - iv) Notwithstanding (a) above a freestanding sign may be higher than the highest point of the roof.
 - v) Freestanding signs are permitted for the purpose of directing traffic within the site provided that they:
 - Do not exceed 1 metre in height.
 - Do not exceed 0.5m² in area.
 - Are limited to directional arrows and “entry” or “exit” or similar technology.
 - Are located completely within the site.
 - vi) One information sign not exceeding 2.8m² in area associated with any on-site carwash facility is permitted.
- (e)** Signs may be illuminated but shall not be moving or flashing.
- (f)** Signs shall not obscure driver visibility to and from access ways.

Cross Reference
Policy 9.2.2

Breach:
*discretionary
(restricted)
activity see Rule
9.3.3*

Reason

These standards will ensure the amenity values of adjoining resource areas are not adversely affected by signs associated with industrial activities.

(vi) **Off Road Loading**

Off road loading facilities shall be provided for each site, in accordance with Rule 12.7.3 page 12:17 provided that off road loading facilities together with access and turning space shall be designed so that it is not necessary to reverse vehicles either onto or off the following roads;

1. Boundary Road, Alexandra
2. Barry Avenue, Cromwell
3. McNulty Road, Cromwell
4. All State highways

The area and layout required shall conform with the standards contained in Figure 12.8 on page 12:32 for a 90 percentile design truck.

Reason

The provision of off road loading facilities will minimise conflict between the roading network and adjacent land uses.

Cross Reference
Policy 9.2.2

Breach:
discretionary
(restricted)
activity see Rule
9.3.3

(vii) **Carparking**

Refer to Rule 12.7.2 page 12:16.

Cross Reference
Policy 9.2.2

Breach vii & viii:
discretionary
(restricted)
activity see Rule
9.3.3

(viii) **Lightspill**

Refer to Rule 12.7.6 page 12:23.

Cross Reference
Policy 9.2.2