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Amenity

4C. Amenity

Explanatory Statement

Amenity values have been defined by the *RMA* as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Activities can be offensive to amenity either because of the nature of the activity or the sensitivity of the surrounding environment. However the acceptable levels of amenity within the *District* will vary according to each zone and the activities that are provided for within that zone. Generally a higher level of amenity is afforded to the Residential Zone than to the Industrial Zone while the amenity of the Rural Zone provides for the effects generated by rural production activities which may be considered inappropriate in other zones.

The activities that *Council* seek to manage for amenity purposes are noise and vibration, storage and disposal of solid waste, lighting and welding, offensive odours, effluent aerosols, spray drift and screening. The thresholds for these activities have been set to provide a level of amenity which is appropriate in each zone. Activities that may impact on the amenity of the zone are best located in a more appropriate zone.

4C.1 Noise and Vibration

Explanatory Statement

Council's aim is to maintain a reasonable balance between the objective of maintaining a high quality living environment free from unreasonable noise and the need to recognise that permitted and lawfully established activities in the Rural and Industrial Zones may have associated noise levels that are acceptable as part of the principal activity such as farming.

In some areas the loading/unloading of materials at night and the movement onsite of vehicles 24 hours a day is an issue for adjoining landowners. The noise levels of the District Plan are intended to control this type of adverse effect.

Vibration from activities has not been an issue in the *District*. In many cases *Council* can manage vibration effects through the management of noise emissions or through the provisions of the Health Act. Specific standards to manage vibration are therefore not proposed.

Reverse sensitivity is a matter that requires management throughout the *District*. This is done in a number of ways.

The Post Harvest Zone and the Tara Road Rural Residential Zone each have specific buffer provisions, as does the Cameron Quarry site which is located at Otamarakau within the Rural Zone. In the latter case, a *Quarry Effects Management Area (QEMA)* has been identified on the District Planning maps over land surrounding the site.

4C.1.1 Significant Issues

1. The potential for the operation of non-residential activities within residential areas to generate noise which detracts from existing amenity.
2. The potential for the operation of non-rural activities in rural and isolated natural environment areas to generate noise which detracts from existing amenity.
3. The potential for activities within one zone to generate noise which detracts from the existing amenity of nearby zones.
4. The perception of the rural area as being a quiet environment does not reflect the realities of the Rural Zone as a productive working environment and increases the potential for *reverse sensitivity* issues.
5. The potential for noise emissions within the Industrial Zone to adversely affect the health and safety of people within and adjacent to that zone.

4C.1.2 Objective and Policies

4C.1.2.1 Objective

An environment free of unreasonable noise in accordance with the character and amenity of the zone within which the noise is generated and received.

4C.1.2.2 Policies

1. Ensure activities do not generate noise levels inconsistent with the character and amenity of the zone in which the generated noise is received.
2. Exempt from the maximum permitted noise level requirements are those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities clearly of a temporary nature (e.g. *construction* works, military training exercises).
3. Have regard to any relevant New Zealand legislation, standards, guidelines and codes of practice, in the assessment of applications for resource consents.

4C.1.3 Activity Performance Standards

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities. Any Permitted Activity which fails to comply with any of these standards shall be deemed a Discretionary Activity for the particular non-compliance.

4C.1.3.1 Construction Noise

Construction noise shall not exceed the noise limits in, and shall be measured and assessed in accordance with the requirements of NZS 6803:1999 Acoustics – Construction Noise.

4C.1.3.2 Noise Limits

(a) **Noise limits for activities in Residential, Rural-Residential, Future Urban, Rural and Lifestyle Zones**

- (i) All activities located within these zones shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* in a Rural, Lifestyle or Rural-Residential Zone, or at any point within the boundary of any property within a Residential or Future Urban Zone (other than the site of the activity);

Time Period		Sound Level Not to be Exceeded	
Day	Hours	LAeq	LAmx
Monday to Saturday	7am to 10pm	50dB	N/A
Sunday	7am to 6pm	50dB	N/A
At all other times and on public holidays		40dB	65dB

- (ii) Any new *dwelling* to be erected or the addition of habitable space to an existing *dwelling* within 200m of a Post Harvest Zone boundary shall be designed and constructed so as to ensure that with respect to the night time noise levels permitted within the Post Harvest Zone, internal noise levels do not exceed LAeq(15min) 30dB in bedroom and LAeq(15min) 40dB in other habitable rooms. Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the *dwelling* concerned. Where the windows of the *dwelling* are required to be closed to achieve compliance with the aforementioned noise limits, alternative means of ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.

- (iii) Any new *dwelling* to be erected, or the addition of *habitable space* to an existing *dwelling*, within 300m of any *existing* or *approved* frost protection fan(s) on a title separate to that of the subject site and in different ownership shall be designed and constructed so as to ensure that, with respect to noise emitted by any existing or *approved* frost protection fan(s), internal noise levels do not exceed LAeq(15min) 30dB in any bedroom and LAeq(15min) 40dB in other habitable rooms.

Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the *dwelling* concerned. Where the windows of the *dwelling* are required to be closed to achieve compliance with the aforementioned noise limits, alternative means of ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.

For the purposes of this rule:

Dwelling includes *minor dwelling*.

Existing means any frost protection fan which was both physically and lawfully established on a site prior to lodgement of a building consent application for the *dwelling* concerned.

Approved means any frost protection fan that is not *existing* but for which; resource consent has been granted; or certificate of compliance for a permitted activity has been granted; or written certification of compliance with noise limits has been provided to *Council* in accordance with Rule 4C.1.3.6(b); prior to lodgement of a building consent application for the *dwelling* concerned.

Explanatory Notes:

To achieve the required internal noise levels for *dwellings* and the addition of *habitable space* to existing *dwellings* under this rule, consideration will need to be given to the permitted noise limits in Rule 4C.1.3.6 and to the actual noise limits that any existing or approved frost protection fan(s) are able to emit in accordance with their lawful establishment and/or approval.

(b) Noise limits for activities in Industrial and Commercial Zones

- (i) All activities located within Industrial and Commercial Zones shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* in a Rural Zone or Rural-Residential Zone, nor at any point within the boundary of any property within a Residential or Future Urban Zone:

Time Period		Sound Level Not to be Exceeded	
Day	Hours	LAeq	LAmx
Monday to Saturday	6am to 10pm	55dB	N/A
Sunday and Public Holidays	9am to 6pm	55dB	N/A
At all other times		45dB	70dB

- (ii) All activities located within Industrial Zones (excluding emergency service sirens) shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the boundary of any other property within an Industrial Zone:

Time Period	Sound Level Not to be Exceeded	
	LAeq	LAmx
Daytime 7am-10pm	65dB	N/A
Night time 10pm-7am	65dB	85dB

(c) Noise sensitivity

- (i) For potentially noise-sensitive activities such as commercial offices, *places of assembly*, *medical*, *veterinary* or *scientific facilities* and *dwelling*s and *accommodation facilities*, an acoustic design certificate shall be provided at the time of building consent demonstrating the *building* has been designed so that the internal noise limits set out in the following table are not exceeded;
- (ii) Where windows and doors must be closed in order to meet the internal noise standards, an alternative means of ventilation shall be provided which meets all relevant requirements of the Building Code.

	Sound Level Not to be Exceeded	
	Daytime period	Night time period
	LAeq	LAeq
Offices not accessory to any industry, storage or warehousing	45dB	N/A
Residential units (habitable spaces)	45dB	30dB

(d) Acoustic certification

The following provisions shall apply to Industrial Zoned sites that are either:

- (i) within 100m of a *dwelling* in the Rural Zone that existed as at December 2005; or
- (ii) within 200m of a *dwelling* within the Ranguru Business Park that existed as at December 2005;
- (iii) those lots within the Te Puke West Industrial Zone that are within 50m of Manoeka Road as indicated on the Te Puke West Structure Plan:
- (iv) those *lots* within the Comvita Campus Structure Plan area that are zoned Industrial and located within 50m of Wilson Road South as indicated on the Comvita Campus Structure Plan.

Prior to commencement of activities on the site or building consent being approved an acoustic design report prepared by a suitably qualified and experienced acoustical engineer shall be required by the *Council*.

The report shall outline the range of activities, their potential noise levels and any noise mitigation/management measures which will be implemented to ensure compliance with the relevant noise performance standards.

(e) Noise limits for activities in the Post Harvest Zone

All activities located within the Post Harvest Zone shall be conducted so as to ensure that noise from the zone shall not exceed the following noise limits within the *notional boundary* of any *dwelling* in a Rural Zone or at any point within the boundary of any property within a Residential, Rural-Residential, or Future Urban Zone:

Time Period	Sound Level Not To Be Exceeded	
	<i>LAeq</i>	<i>LAm_{ax}</i>
Daytime 7am – 10pm	55dB	N/A
Night time 10pm – 7am	45dB	65dB

Provided that:

- (i) Night time levels may exceed LAeq 45dB where it is demonstrated that a noise level not exceeding LAeq (15min) 30dB ('the internal level') can be achieved within all bedroom and LAeq (15min) 40dB in other habitable rooms of any *dwelling* (existing as at 7 February 2009), located in any of the zones specified above. Before the externally measured LAeq 45dB noise limit can be exceeded, any necessary mitigation measures shall be installed in the *dwelling(s)* concerned and compliance with the internal level shall be certified by a suitably qualified and experienced acoustic engineer;

- (ii) Any new *dwelling* or any addition of *habitable space* to an existing *dwelling* to be erected in a Rural, Lifestyle, Rural Residential, Residential or Future Urban Zone within 200m of a Post Harvest Zone boundary shall be designed and constructed so as to ensure that the internal noise levels do not exceed LAeq(15min) 30dB in bedrooms and LAeq(15min) 40dB in other habitable rooms. Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the *dwelling* or alteration concerned. Where the windows of the *dwelling* are required to be closed to achieve compliance with the noise limits, alternative means of ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.

(f) Noise limits for activities in the All Terrain Park Zone

- (i) All activities in the All Terrain Park (the Park) (except for those involving gunshot noise) shall be conducted so as to ensure that noise shall not exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* existing at 7 February 2009 located outside the zone.

Time Period		Sound Level Not to be Exceeded	
Day	Hours	LAeq	LAm _{ax}
Monday to Sunday	7am to 10pm	50dB	N/a
At all other times and Christmas Day, Good Friday and Easter Sunday	7am to 6pm	40dB	65dB

- (ii) Firing from any shooting range shall be only within the hours of 7am to 10pm and shall be so conducted as to ensure that gunshot noise does not exceed a composite noise rating (CNR) of 90 at any point within the *notional boundary* of any *dwelling* in regard to the properties in private ownership to the east of the subject site in a Rural Zone:

$$\text{CNR} = Y - 25 + 10 \log (N) + 10 \log (R);$$

Where: CNR=composite noise rating;

Y=dB linear peak level of the burst;

N=number of single shots or bursts per day;

R=number of rounds, or detonations, (acoustic events) per burst.

- (iii) Noise shall be measured and assessed in accordance with NZS6801:2008 and NZS6802:2008. Adjustments for special audible characteristics shall not apply to the assessment of gunshot noise.

(g) Written approval

- (i) The noise levels set out in 4C.1.3.2 (a) – (f) above may be exceeded where the written approval is provided by all owners or occupiers of those properties or *dwelling*s affected by the non-compliance.

4C.1.3.3 Exemptions from Noise Limits

(a) Exemptions from noise limits for short-term activities

Subject to Rule 4C.1.6, the noise limits in Rule 4C.1.3.2 shall not apply to temporary or short-term activities as listed below, provided that the best practicable option pursuant to Section 16 of the *RMA* and manufacturers specifications for machinery, shall be adopted to ensure noise received off-site is reasonable.

The exemptions do not apply to long-term activities, and in the case of residential activities apply to domestic activities rather than commercial or business activities carried out from residential premises.

(b) Exemptions for residential activities in all zones

- (i) Warning Devices used by Emergency Services;
- (ii) Short-term domestic activities e.g. lawn mowing.

(c) Exemptions for rural activities in Rural Zones

- (i) Warning Devices used by Emergency Services;
- (ii) Activities required for primary production activities, including agricultural and horticultural vehicles and equipment; aircraft used for agricultural and horticultural purposes; and portable equipment (excluding portable sawmills and frost protection fans and audible bird scaring devices) associated with agricultural and horticultural activities such as: spraying, harvesting, etc;
- (iii) Livestock.

(d) Other exemptions

- (i) Noise from *construction, maintenance* and demolition (see Rule 4C.1.3.1);
- (ii) Temporary Military Training Activity;
- (iii) Temporary Activities (see Rule 4A.2.3.1 (iv)).

(e) Noise from traffic on public roads that are legally formed and maintained is exempt from the zone rules of the District Plan

Explanatory Note:

Some roads may have specific conditions imposed by resource consent or designation.

(f) Exemptions for roadside cabinets housing telecommunication equipment

Noise from roadside cabinets housing telecommunication equipment is subject to the requirements of the National Environmental Standard (NES) for Telecommunication Facilities. Such noise is not subject to rules in this District Plan.

4C.1.3.4 Noise Measurement and Assessment

- (a) For the purposes of Rule 4C.1.3.2, subject to the express provisions of these rules, sound levels should be measured in accordance with the requirements of NZS 6801:2008 Measurement of Environmental Sound, and assessed in accordance with the requirements of NZS6802:2008 Assessment of Environmental Sound;
- (b) The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979): Sound Level Meters, Type 1.

Explanatory note:

Council may require any Discretionary or Non-Complying resource consent application in any zone to provide as part of the resource consent documentation evidence from an appropriately qualified independent person that the proposal shall comply with the District Plan noise levels for the site. *Council* shall consider the noise insulation methods associated with the use of generators, fans, blowers, refrigeration equipment, forklifts, outdoor loading operations, and any activity that operates between 7.00pm and 7.00am.

4C.1.3.5 Audible Bird Scaring Devices – Performance Standard for Permitted Activity

Audible bird scaring devices shall be a Permitted Activity subject to compliance with the following performance standards.

An audible bird scaring device:

- (a) Shall only be operated from half an hour before sunrise to half an hour after sunset.
- (b) Shall be set to operate at no greater frequency than 12 times in any period of one hour, that is 12 single discharges or four groups of three discharges.
- (c) Shall not be operated for any continuous period exceeding two seconds.
- (d) Shall only be operated when the horticultural crop is at risk from bird damage.
- (e) Shall not exceed 65dB ASEL at the *notional boundary* of any Rural, Rural Residential, Future Urban or Lifestyle *dwelling* or at the boundary of any Residential Zone (excluding any *dwelling/s* located on the same site as the device is being operated).
- (f) Where those persons who experience noise levels over 65dB ASEL as described in (e) above, have provided written approval to *Council* then the activity shall be permitted.

Use of any audible bird scaring device not in compliance with the above performance standards shall fall to be considered as a Restricted Discretionary Activity.

4C.1.3.6 Frost Protection Fans – Performance Standard for Permitted Activity

Frost protection fans (including portable non-fixed type) shall be a Permitted Activity subject to compliance with the following performance standards. Any frost protection fan(s) (including portable non-fixed type) that fail to meet these performance standards shall be a Restricted Discretionary Activity.

- (a) Noise limits

Noise from the operation of a frost protection fan or fans shall not exceed 55dB *LAeq* or 65dB *LMax* when measured:

Rural and lifestyle zones

- (i) At the *notional boundary* of any *dwelling* in the Rural or Lifestyle Zone that:

- is or will be located on a title separate to that of the subject site and in different ownership; and
 - was *existing* or *approved* prior to the date that certification is provided to the *Council* in accordance with (b), below;
- (ii) At any point at or within the boundary of a property in the Rural or Lifestyle Zone that:
- is located on a title separate to that of the subject site and in different ownership; and
 - did not have an *existing* or *approved dwelling* prior to the date that certification is provided to the Council in accordance with (b) below;

Other zones

- (iii) At any point at or within the boundary of any property within a Residential, Rural-Residential, Medium Density Residential or Future Urban Zone.

For the purposes of (i) and (ii) above:

Dwelling includes *minor dwelling*.

Existing means any *dwelling* both physically and lawfully established on a site.

Approved means any *dwelling* that is not *existing* but for which; resource consent has been granted; or certificate of compliance for a permitted activity has been granted; or building consent has been granted.

- (b) Certification that noise limits are met

Evidence of the ability to meet (a) above shall be provided to *Council* prior to the installation of the frost protection fan(s) and shall include:

- (i) Certification from an appropriately qualified and experienced acoustic engineer that the noise limits in (a) above will be met; and
- (ii) A plan showing the location, and Global Positioning System co-ordinates, of the frost protection fan(s) to which the certification applies.

- (c) Operating times for frost protection

When a frost protection fan is in operation for frost protection the frost protection fan must not start up until the air at canopy height drops to 2°C, and shall cease operation when the rising temperature reaches 4°C at canopy height.

(d) Operating times for maintenance and testing

When a frost protection fan is operating for maintenance purposes the machine shall only be used from Monday to Friday 8am to 5pm. Testing outside these hours may only take place for urgent unforeseen maintenance purposes or for testing operational readiness.

Except that:

(e) Written approval for exceeding noise limits

Noise from the operation of a frost protection fan or fans may exceed the noise levels described in (a) above, if:

- (i) The noise to be produced by the operation of the frost protection fan(s) is assessed and determined by an appropriately qualified and experienced acoustic engineer.

The assessment shall include:

- the noise levels to be produced by the operation of the frost protection fan(s);
- identification of the non-compliances with the noise levels specified in (a) above;
- a plan showing the location, and the Global Positioning System co-ordinates, of the frost protection fan(s) to which the assessment applies;

and

- (ii) The written approval of the owners of the land, and owners and occupiers of the *dwelling(s)* to which the non-compliances apply have provided their written approval for the non-compliances identified in the assessment provided in (i) above.

and

- (iii) The information in (i) and (ii) above is provided to *Council* prior to the installation of the frost protection fan(s).

Explanatory Notes:

Fan Type - The distance required to achieve 55dB *LAeq* and 65dB *LAmx* will vary depending on the noise performance of the frost protection fan(s).

For portable frost protection fans, determination and/or certification of noise to be emitted must take into account the full range of possible operating locations for the device.

4C.1.4 Matters of Discretion

4C.1.4.1 Restricted Discretionary Activity – Audible Bird Scaring Devices

Council shall restrict its discretion to the noise levels and the consequential affect on amenity of the neighbouring properties. Notification of the application is not required. For the purposes of identifying affected persons, written approval shall be required from persons who will experience noise levels above 65dBA *SEL* (excluding a residential dwelling on the same property as the audible bird scaring device). Should any written approvals not be obtained from an affected person(s) notice will be served on those persons.

4C.1.4.2 Restricted Discretionary Activity - Frost Protection Fans

Council shall restrict its discretion to the following:

- (a) The level of noise that is to be emitted from the frost protection fan(s).
- (b) The effect of noise on the owners of land, and owners and occupiers of *dwellings* who will be affected by noise levels over 55dB *LAeq* and/or 65dB *LAm_{ax}*.
- (c) The hours of operation, duration and frequency of use of the frost protection fan(s).
- (d) The best practicable option for preventing or minimising adverse effects associated noise emissions. This may include, but is not limited to consideration of alternative options for frost protection, effectiveness of those alternative options, affordability, cumulative effects of existing frost protection fans in the vicinity, effects on established land uses, and proposed mitigation.
- (e) The operational requirements of the frost protection fan(s).

4C.1.5 Other Methods

- (a) Application of other statutory powers

Notwithstanding the foregoing clauses the *Council* reserves the right to use its more general statutory and regulatory powers (e.g. under relevant resource management, environmental, and health legislation and *Council's* own bylaws) to exercise appropriate control over noise in the environment.

- (b) Vibration

Where significant vibration effects are experienced *Council* may deal with the matter as a nuisance under the Health Act.

4C.2 Storage and Disposal of Solid Waste

Explanatory Statement

Council wishes to more effectively manage the private storage and disposal of solid waste as an adjunct to its Solid Waste Management Strategy.

Provision is made to enable onsite storage and disposal of non-toxic or non-hazardous solid wastes without resource consent, subject to meeting performance standards designed to mitigate any potential adverse effects.

The disposal of *hazardous substances* unless properly managed can cause major adverse environmental effects. Accordingly provision is made to dispose of such materials at authorised facilities only.

4C.2.1 Significant Issue

The potential for the storage and disposal of solid wastes to generate adverse environmental effects including, for example:

- (a) Effects on the amenity values of the surrounding area;
- (b) Effects on the *transportation network* and other *infrastructure and network utilities*; and
- (c) Effects on the safety of road users and vehicle accessways.

4C.2.2 Objective and Policies

4C.2.2.1 Objective

Protecting the environment from the adverse effects of the storage and disposal of solid wastes.

4C.2.2.2 Policy

1. Ensure the management of solid waste storage and disposal so as to avoid or minimise adverse environmental effects.
2. To encourage waste minimisation and disposal of waste only to an authorised landfill.
3. Manage the adverse effects of *cleanfill* activities on the *transportation network, infrastructure and network utilities*, safety and convenience of road and access users, and on the amenity of residential activities and other *sensitive sites*.

4C.2.3 Activity Lists

4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones

(a) Permitted Activities

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

- (i) *Cleanfill* material originating from off the disposal site where the total volume of material does not exceed 1,000m³ within any 12 month period;
- (ii) *Cleanfill* material originating from off the disposal site where the total volume of material is more than 1,000m³ but not greater than 5,000m³ within any 12 month period subject to meeting both (a) and (b) below or obtaining written approval under (c) below;
 - (a) Vehicle access to the site, and the *cleanfill* disposal area, being located no less than 300m from:
 - any existing or consented *dwelling, minor dwelling, accommodation facility or education facility* on a separate site in different ownership to the disposal site;
 - any identified building site assessed as part of an approved subdivision consent in accordance with Rule 12.4.1(b) on a separate site in different ownership to the disposal site;
 - the boundary of any *sensitive site* in different ownership to the disposal site.
 - (b) Vehicle access to the disposal site not being via an accessway, right of way / *privateway*, access lot, private road, roadway over Maori Land, or any other shared driveway.
 - (c) Where all owners and occupiers of land affected by (a) and (b) provide written approval to the *Council*.
- (iii) *Cleanfill* material originating from the same site on which it is to be disposed;
- (iv) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.

(b) Restricted Discretionary Activities

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

- (i) *Cleanfill* material originating from off the disposal site where the total volume of material is more than 1,000m³ but not greater than 5,000m³ and which does not qualify as a permitted activity under Rule 4C.2.3.1 (a) (ii).
- (ii) *Cleanfill* material originating from off the disposal site where the total volume of material exceeds 5,000m³ within any 12 month period.

(c) Discretionary Activities

Storage or disposal on private land (but not to a *quarry* or authorised landfill) of solid waste (excluding *cleanfill* material) that does not originate from the site on which it is located, whether man-made or natural.

Explanatory Notes:

- (i) These rules do not apply to the disposal of solid waste at authorised municipal or privately managed landfills and organic waste facilities (see Rule 10.3(ay)).
- (ii) The volume of *cleanfill* material is calculated as a solid measure when the material is compacted in place on the disposal site.
- (iii) Disposal of all solid waste on private land (including *cleanfill*) is subject to the provisions of the Bay of Plenty Regional Natural Resources Plan.
- (iv) The term “consented” within Rule 4C.2.3.1 above refers to activities that have been approved through a building consent and/or resource consent (if required) and where the relevant consent or consents have not lapsed.

4C.2.3.2 All Other Zones (Residential, Medium Density, Commercial, Commercial Transition, Industrial, Post Harvest, All Terrain Park)

(a) Permitted Activities

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

- (i) *Cleanfill* material whether originating from the site on which it is disposed or not;
- (ii) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.

(b) Discretionary Activities

Storage or disposal on private land (but not to a *quarry* or authorised landfill) of solid waste (excluding *cleanfill* material) that does not originate from the site on which it is located, whether man-made or natural.

Explanatory Notes:

- (i) These rules do not apply to the disposal of solid waste at authorised municipal or privately managed landfills and organic waste facilities (see Rule 10.3(ay)).
- (ii) Disposal of all solid waste on private land (including *cleanfill*) is subject to the provisions of the Bay of Plenty Regional Natural Resources Plan.

4C.2.4 Activity Performance Standards

4C.2.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities. Unless specified otherwise, any Permitted or Controlled Activity which fails to comply with any of these standards shall be deemed a Discretionary Activity for the particular non-compliance.

(a) Screening

All stand alone or ancillary outdoor solid waste storage and disposal areas shall be screened from adjacent Residential, Future Urban, Rural-Residential, Lifestyle and Rural Zones, recreation reserves and the public road. Screening shall be as required in Section 4C.5

Except that:

Mineral exploration, mining and *quarrying* activities will be exempt from this rule as the visual mitigation of these activities shall be in accordance with Rule 18.5.9(g).

The disposal of *cleanfill* materials permitted under Rules 4C.2.3.1(a) (i) and (ii) shall be exempt from this screening rule (4C.2.4.1 (a)).

(b) Wind mitigation

All solid waste material shall be stored and disposed of in a manner that ensures it will not be blown beyond the boundaries of the site.

(c) Disposal of hazardous substance

The disposal of *hazardous substances* (excluding from *dwelling*s) shall be to authorised landfills that have been specifically approved to receive *hazardous substances* or to approved industry collectors such as AgRecovery or in accordance with the provisions of NZS 8409:2004 Management of Agrichemicals Appendix S 5.1.

(d) Processing of cleanfill material sourced off site

All *cleanfill* material sourced from off the site shall be ready for disposal without the need for mechanical crushing and/or screening on the site where it is to be disposed.

4C.2.5 Matters of Discretion

4C.2.5.1 Restricted Discretionary Activities

Council shall restrict its discretion to the following matters and shall use them as a guide for Discretionary Activities:

- (a) Effects on the amenity values of the surrounding area, including effects associated with noise and disturbance, vibration, visual amenity, traffic movements, hours of operation and duration of the activity.
- (b) Effects associated with vehicle access to and from the site, including safety and convenience for other road and access users.
- (c) Effects of traffic movements on the safety, efficiency and maintenance of the *transportation network*.
- (d) Effects on *infrastructure and network utilities*.
- (e) Effects on the State Highway Network and the views of the New Zealand Transport Agency.
- (f) The requirement for financial contributions for capacity consumption and pavement consumption as assessed in accordance with Section 11.
- (g) Measures to avoid, remedy or mitigate adverse effects in matters identified (a) to (f).

4C.3 Lighting and Welding

Explanatory Statement

Lighting and welding can have adverse effects on visual and amenity values. In particular the residential and rural environments should be protected from adverse lighting and welding effects. In addition, lighting can also create traffic safety issues, which should be avoided. Objectives, policies and rules are required to ensure that appropriate limits are applied to Permitted Activities and that appropriate assessment criteria are included for resource consent applications.

4C.3.1 Significant Issues

1. Indiscriminate lighting can have an adverse effect on adjacent properties, particularly in residential and rural areas, and on the safety of traffic movement on public roads.

2. The extension of leisure activities into the evening hours and the presence of more commercial and industrial activities in residential and rural areas has increased the demand for outdoor lighting and the potential for adverse effects on adjacent properties.

4C.3.2 Objective and Policy

4C.3.2.1 Objective

An environment free from the adverse effects of intrusive lighting and welding.

4C.3.2.2 Policy

Ensure that floodlights, security lights and welding do not detract from the amenity values of other properties, or compromise traffic safety.

4C.3.3 Activity Performance Standards

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities. Any Permitted Activity or Controlled Activity, which does not meet the performance standards, shall be deemed a Restricted Discretionary Activity and will be assessed in accordance with the Restricted Discretionary Assessment Criteria.

4C.3.3.1 Spill Light: Day Time Standards

- (a) A person shall not use on any premises between the hours of 7.00am to 10.00pm any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 10/lux, measured horizontally or vertically at any point on or directly above the boundary of any land which is zoned Rural, Lifestyle, Rural Residential, Future Urban or Residential.
- (b) A person shall not use on any premises between the hours of 7.00am to 10.00pm any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 100/lux, measured horizontally or vertically at any point on or directly above the boundary of any land which is zoned Commercial or Industrial.

4C.3.3.2 Spill Light: Night Time Standards

- (a) A person shall not use on any premises between the hours of 10.00pm to 7.00am the following day any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 5/lux, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned Rural, Lifestyle, Rural-Residential or Future Urban.
- (b) A person shall not use on any premises between the hours of 10.00pm to 7.00am the following day any artificial lighting in such a

manner that the use of such lighting causes an added *illuminance* in excess of 5*lux*, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned Residential.

- (c) A person shall not use on any premises between the hours of 10.00pm to 7.00am any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 25*lux*, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned Commercial or Industrial.
- (d) A person shall not use on any premises between the hours of 10.00pm to 7.00am any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 35*lux* measured horizontally or vertically at any point on or directly above a street kerb line.

Explanatory Note

Added *illuminance* means that added by the use of the artificial lighting in question above the background lighting level in the absence of that artificial lighting. In circumstances where measurements of any added *illuminance* cannot be made due to the fact that the owner will not turn off artificial lighting, measurements may be made in areas of a similar nature which are not affected by the artificial light. The result of these measurements may be used for the purposes of determining the effect of the artificial light.

4C.3.3.3 Glare: Day Time Standards

The exterior lighting on any property in the vicinity of a road or land on which there is a residential use shall be so selected, located, aimed, adjusted and screened as to ensure that the maximum luminous intensity emitted by any one *luminaire* does not exceed the limits listed in the following table:

Description		
Size of Area	Controlling dimension (Refer Fig 5.1 of AS 4282)	Maximum Intensity *
Large	>75m	7,500 cd
Medium	>25m <75m	7,500 cd
Small	<25m	2,500 cd

*Only Level 1 control *luminaries* are to be used (refer AS4282 Table 2.2. Note 1)
This table is adapted from Table 2.2 Australian Standard AS4282 – 1997 (Control of the Obtrusive Effects of Outdoor Lighting). Section 5 of AAS 4284 – 1997 can be used to determine the luminous intensity.

4C.3.3.4 Glare: Night Time Standards

The exterior lighting on any property in the vicinity of a road or land on which there is a residential use shall be so selected, located, aimed, adjusted and

screened as to ensure that the maximum luminous intensity emitted by any one *luminaire* does not exceed the limits listed in the following table;

Conditions	Recommended maximum values		
	In Commercial or Industrial zones or at a boundary of Commercial or Industrial and Residential zones	Urban and Residential zones	Rural, Lifestyle, Rural Residential, Future Urban, All Terrain Park and Post Harvest zones
Limits apply in all directions where views of bright surfaces of <i>luminaires</i> are likely to be troublesome to residents, from positions where such views are likely to be maintained, i.e. not where momentary or short term viewing is involved.	2,500 cd	1,000 cd	500 cd

This table is adapted from Table 2.1 Australian standard AS 4282 – 1997 (Control of the Obtrusive Effects of Outdoor Lighting). Section 5 of AS 4282 – 1997 shall be used to determine the luminous intensity.

4C.3.3.5 Artificial Lighting

The maximum *illuminance* of any artificial light shall be 150/*lux* measured at any point on the site in a horizontal or vertical plane at ground level and shall comply with the following criteria;

- (a) the light source (lamp) shall be shielded in such a manner that all light emitted by the *luminaire* is projected below the horizontal plane running through the lowest point of the *luminaire* from where the light is emitted;

Or

the light source shall be shielded in such a manner that the highest point of the light emitting surface of the *luminaire* is lower than the light source (lamp) and the upward wasted light output ratio (UWLOR) does not exceed 4%;

And

- (b) The light source shall comply with the latest revision of AS/NZS 1158 where applicable, e.g. car parks and public areas.

4C.3.3.6 Street Light Exemption

Street lighting approved by a local authority or a requiring authority shall be exempt from the provisions of Rule 4C.3.3.1 to Rule 4C.3.3.5.

4C.3.4 Matters of Discretion

4C.3.4.1 Restricted Discretionary Activity Criteria

Where an application is deemed to be a Restricted Discretionary Activity in accordance with Rule 4C.3.3, the application shall be considered in relation to the following criteria:

- (a) The extent of adverse effects generated by the lighting activity.
- (b) The surrounding land uses and anticipated future land uses provided for within the zone.
- (c) The potential mitigation measures and alternative lighting methods.

4C.4 Offensive Odours, Effluent Aerosols and Spray Drift

Explanatory Statement

Under the *RMA* responsibility for controlling discharges to air lies with the *Regional Council*, particularly as air quality is not a matter confined to local authority boundaries. *The Regional Council's* Air Plan will be the key method for addressing concerns related to odour and spray drift. Complaints about such activities should be directed to the *Regional Council* in the first instance.

However, the interrelationship between land use and air quality means that there are issues which need to be addressed under the District Plan.

Council wishes to protect residents in Residential, Rural-Residential, Lifestyle and Rural Zones from offensive odours and effluent aerosols that may be produced from activities such as oxidation ponds and intensive farming.

Activities with such effects can degrade the amenity values of the environment. *Council* may also have to protect the activity itself from more intensive and closer activities and the potential for complaints. The issue of conflicts caused by spray drift is addressed through information sheets attached to Land Information Memoranda in the Rural Zone.

4C.4.1 Significant Issues

1. The potential for odours generated by industrial and *intensive farming activities* to adversely impact on existing amenity.
2. The potential for agrichemical spray drift to adversely impact on the amenity of adjoining or neighbouring properties.

3. The management of the air resource under the *RMA* is the primary responsibility of the *Regional Council*, however *Council* has responsibility for the control of the adverse effects of land use activities and there is potential for overlapping regulation of this resource. In order to provide for the sustainable management of the resource *Council* needs to ensure that it complements rather than duplicates the role of the *Regional Council* and other agencies such as the Ministry of Health who may have legislative responsibilities in relation to this resource.

4C.4.2 Objective and Policy

4C.4.2.1 Objective

Minimisation of the adverse environmental effects on amenity of activities which generate odours, effluent aerosols and spray drift.

4C.4.2.2 Policy

Activities which generate odours, effluent or chemical aerosols should not adversely affect the amenity of neighbouring properties or the environment generally.

4C.4.3 Matters of Discretion

These matters of discretion shall only apply to those activities which have been listed as Discretionary Activities within their relevant zone.

4C.4.3.1 Discretionary Activities – Rural Zones and Industrial Zones

- (a) *Council* shall consider each application on its merits having regard to (but not restricted to) the current, recognised New Zealand Guidelines and Industry Codes of Practice such as pig farming, poultry farming and the utilisation of sewage and effluent on land.
- (b) *Council* shall also consider the following information supplied by the applicant:
- (i) An assessment of the effects of the proposal and alternatives for:
- raw materials to be used;
 - methods of waste handling and disposal;
 - process plant and *buildings*;
 - instrumentation and control systems;
 - ancillary plant *buildings*;
 - by-products handling and disposal;
 - odour treatment;

- containment measures to reduce wind dispersal.
- (ii) Description of local topographical, meteorological and land use data;
- (c) As a condition of consent *Council* may require an annual monitoring report from the applicant that monitors and reports on complaints.
- (d) Future activities about the site

When considering proposals for activities or to rezone land from Rural to Future Urban or Residential, *Council* shall protect the lawfully established existing land uses in the locality and the separation distances that are required by adopted Codes of Practice to avoid, remedy or mitigate the adverse effects of odour and effluent aerosols from such uses.

- (e) Certification

Council may require any Discretionary or Non-Complying resource consent applications in any zone to provide as part of the resource consent documentation evidence from an appropriately qualified independent person that the proposal shall mitigate any potential odour problems.

Council shall consider odour management associated with human and animal effluent, activities involving animal and fish or parts thereof, fertiliser, paint varnish and chemical manufacture including the cleaning of containers, and solid waste storage and disposal.

4C.4.4 Other Methods

- (a) Land Information Memoranda, other education and information tools as (and if) suitable for improving the communities knowledge and awareness of sensitivities to the types of effects possibly generated from these activities.
- (b) The *Regional Council's* Regional Air Plan.

4C.5 Screening

Explanatory Statement

The adverse visual impacts from activities can be reduced and mitigated by the use of planting, mounding and fencing. Such measures can assist in maintaining the amenity values and character of an area whilst allowing a degree of flexibility in the location of certain activities.

4C.5.1 Significant Issue

The potential for activities adjacent to residential areas and the main entrances to towns to create adverse visual effects.

4C.5.2 Objective and Policy

4C.5.2.1 Objective

Avoidance or mitigation of the potential adverse visual effects of activities situated in prominent locations or adjacent to residential areas.

4C.5.2.2 Policy

Ensure appropriate landscaping and screening is established in conjunction with activities so as to minimise potential adverse visual impact.

4C.5.3 Activity Performance Standards

4C.5.3.1 General

The following performance standards shall be used as a guide for all Discretionary and Non-Complying Activities. At Omokoroa Stage 2, such screening is additional to the 10m buffer landscaping required about Industrial Zones.

- (a) Screening shall be by either:
- (i) A solid *wall* of not less than 2m in *height*, or
 - (ii) Landscape planting to a minimum depth of 3m and a minimum *height* of not less than 2m (the screen must be a minimum of 1.2m high at time of planting, but must have achieved a *height* of 2m within 2 years), or
 - (iii) A permeable fence (i.e. trellis or chain mesh) in conjunction with planting (i.e. vines and creepers) which will fully screen the site.

Such screening is to be maintained in good order at all times and maintenance planting shall be undertaken in the current or next planting season to achieve this.

- (b) Where an activity proposes landscape planting as a form of screening a landscape plan shall be submitted for *Council's* consideration. In considering an application *Council* shall have regard to the following:

- (i) Landscaping must have a minimum width of 3m exclusive of site access for pedestrians and vehicles at the frontage including provision for sight lines;
- (ii) There must be a variety of vegetation both in size and character having considered:
 - The character of the *building/structure* or activity on site;
 - The character of adjacent properties;
 - The scale of any parking areas to be screened;
 - Potential shadowing in winter of adjacent residential or rural properties or public reserves;
 - Underground and overground services;
 - Suitability of the species to the location;
 - Suitability of the species to the maintenance and watering plan;
 - Effects on the safety and efficiency of the roading network.
- (iii) The proposed landscape plan is to be certified by an appropriately qualified person as being an appropriate screening and one that will be hardy;
- (iv) *Council* shall apply a bond for three years to ensure the establishment and maintenance of the landscaping. The bond shall be directly related to the actual capital and labour costs of the work.

4C.5.3.2 Screening in Industrial and Commercial Zones

The following landscape areas and requirements will be implemented either at the time of subdivision or *development* as the case may require.

- (a) Unless otherwise required by a rule in the District Plan any activity which has a common boundary with a Residential, Rural-Residential, Future Urban or Rural Zone, or a public reserve shall be screened by landscape planting to a minimum depth of 3m and a minimum *height* of not less than 2m.

The screen must be a minimum of 1.2m high at the time of planting and be capable of achieving a *height* of 2m within two years.

- (b) Unless otherwise required by a rule in the District Plan any activity in an Industrial Zone adjoining Jellicoe Street north of the Ohineangaanga Stream bridge to Collins Lane; or State Highway 2 adjoining Wilson Road North, Maketu, shall be screened by landscape planting to a minimum depth of 3m and a minimum *height* of not less than 2m.

(c) Katikati Industrial Zone

- (i) Where a property adjoins the State Highway, a 10m yard is required to be vested in *Council* along the State Highway boundary. Within this 10m *yard*, a 5m landscape strip is to be provided. A landscape plan for the landscape strip must be submitted to *Council* for consideration in accordance with the requirements in Rule 4C.5.3.1. The 5m landscape strip shall be in the half of the *yard* which is furthest away from the *road reserve*;
- (ii) The 5m of yard closest to the *road reserve* shall be kept clear of any landscaping other than grass lawn, paving or other flat surfacing.
- (iii) The landscape strip shall be planted and established by the landowner prior to vesting in *Council*, and *Council* will be responsible for ongoing maintenance of the entire 10m *yard* (landscape strip and remaining 5m of flat area), to be paid for through a targeted rate on the Katikati Industrial Area.

Provided that:

Notwithstanding paragraph (c) of the definition of “*Yard*” in the District Plan, the following activities are not permitted in the 10m *yard* required under this Rule:

- the parking of vehicles;
- barbeques;
- playground equipment;
- *signs*.

Except that:

The above rule will not apply to the section of the State Highway from Marshall Road to Phillip Walter Drive where landscape screening shall be a minimum depth of 3m and a minimum *height* of 2m.

(d) Omokoroa Industrial Zone

- (i) A 10m minimum width landscape strip shall be provided along the perimeter of the Industrial Zone or adjacent to Omokoroa, Hamurana and Francis Road as shown in the Omokoroa Stage 2 Structure Plan maps. The landscape strip is to be at least 10m wide and densely planted evergreen plants, with a minimum *height* of 1.2m at the time of planting and 8m at maturity;

- (ii) A 10m planted median within the *road reserve* of the road leading east off the Francis Road roundabout and vested in *Council* shall be provided in Lot 2 DPS 68390. Such planting shall be in evergreen trees with an average *height* of at least 5m and a *height* at maturity of at least 10m and be sufficient to screen industrial *development* within Lots 2 DPS 68390 and Pt Lot 4 DPS 72370 from State Highway 2;
- (iii) Use or *development* (excluding *earthworks*) of Lot 3 DPS 28670 for industrial purposes shall occur only after landscape planting described in (i) above adjacent the Stormwater and Private Conservation Reserve adjacent State Highway 2 has reached a *height* of 3m.

(e) Te Puke West Industrial Zone

- (i) At the time of subdivision or comprehensive site redevelopment of land in the Te Puke Industrial Area, a 10m corridor adjacent the Te Puke Highway/Jellicoe Street will be vested in *Council* for provision of a landscape strip in keeping with the Te Puke West Industrial Area Landscape Concept. This landscape strip is to be vested in *Council* for ongoing maintenance. Where a property adjoins the Te Puke Highway, the landscape strip may be provided in the 10m *yard*.
- (ii) The landscaping required for each stage of the Te Puke West Industrial Zone is to be as shown on the Te Puke West Structure Plan contained in Appendix 7.
- (iii) At the time of subdivision or *development* of land within Stage 1A of the Te Puke West Industrial Zone (as shown on the Staging Plan contained in Appendix 7), a 10m wide corridor adjacent to the Te Puke Highway shall be vested in *Council* so as to provide for a landscape strip consistent with the Te Puke West Structure Plan in Appendix 7. This landscape strip shall constitute the 10m *yard* adjoining the Te Puke Highway.
- (iv) Any subdivision or *development* of land shall provide landscape plans and planting species, at the time of subdivision of *development* in accordance with the Te Puke West Structure Plan in Appendix 7 for the particular area of land to be developed. Such planting shall be established by the developer and where on land to be vested in *Council* shall be subject to a

maintenance bond to ensure successful establishment of the plantings concerned.

- (v) Provision shall be made for a wire mesh or other physical barrier at least 1.2m but no greater than 2m in *height* to be erected at the time of subdivision and thereafter maintained so as to prevent encroachment of any industrial activity into any esplanade or landscape strip area identified in the Te Puke West Structure Plan contained in Appendix 7.

(f) Te Puna Industrial Zone

- (i) Any subdivision or *development* of land within the zone shall be designed, approved and developed to incorporate and illustrate amenity screen landscaping, acoustics earth bunds/fences and a stormwater collection system in accordance with the Te Puna Rural Business Park Structure Plan in Appendix 7;

- (ii) The area of the planted land around the zone boundary, the area of land subject to the Te Puna Station Road roadscape planting, and the stormwater ponds and overland flow path/*wetland* as shown in the Te Puna Rural Business Park Structure Plan shall all be established and vested in *Council* prior to commencement of any industrial or business activity within the zone.

The plantings and the stormwater ponds and the overland flow path/*wetland* shall be maintained for a period of three years with maintenance secured by way of an appropriate legal mechanism to *Council's* satisfaction;

- (iii) Secondary planting shall be provided on boundaries between land parcels in accordance with the *Structure Plan*.

- (iv) Landscape plans for the zone boundary, Te Puna road roadscape, and stormwater ponds and overland flowpath/*wetland* shall be prepared by a qualified landscape designer and approved by *Council*. The plan for the overland flowpath/*wetland* shall be prepared in consultation with Pirirakau.

- (v) Except to the extent already provided, additional amenity screen planting shall be provided to the satisfaction of *Council* for each new *building* over

100m². To that end, a landscape plan by a qualified landscape designer shall be submitted with the application. The plan shall specifically identify the plant species. The plan shall also include a landscape maintenance programme for three years.

(g) Comvita Campus Structure Plan

- (i) Any subdivision or *development* of land within the Comvita Campus Structure Plan area shall incorporate amenity screen landscaping in accordance with the requirements of the Comvita Campus Structure Plan in Appendix 7 for the particular area of land to be developed.

Except that:

For new or replacement landscaping along the boundary adjoining the State Highway, within 9 metres of the carriageway, species must be of a type that the trunk diameter shall not exceed 100mm at maturity.

- (ii) Prior to any *building/structure* being established a landscape plan shall be prepared by a suitably qualified landscape architect and be provided to the consent authority for approval. The landscape plan shall be assessed by the consent authority in accordance with the requirements of Rule 4C.5.3.1(b).
- (iii) For (i) and (ii) above, where the existing shelterbelt is retained for screening, it shall be lowered and maintained at a *height* of 6m.

4C.5.3.3 Screening in the Post Harvest Zone

- (a) All existing screening shall be retained on site, and if replaced, shall be by screening of a similar *height* and scale.
- (b) A landscape strip shall be provided on all road frontages in accordance with 4C.5.3.1(a)(ii) and 4C.5.3.1(b).
- (c) Shelterbelt planting comprising tree species which will attain a minimum *height* of 8m at maturity shall be provided on the remaining boundaries.

Provided that:

Screening may be reduced in *height*, or located other than on the boundary, or may not be required at all where the written approval of the owner(s) of the immediately adjoining land is obtained.