

# South Taranaki District Plan Rules Analysis

## Ballance Plant

District Plan Section	Parameter	Rules, Standards, Activity and Assessment	Status
Rural Industrial Zone Rules			
8.1.1	Permitted Activities	<p>Rule / Standard:</p> <p>The following activities are permitted activities in the Rural Industrial Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 8.2 and all other Sections of the District Plan:</p> <ul style="list-style-type: none"> <li>(a) The manufacturing, processing and/or treatment of products.</li> <li>(b) The packaging, storage and distribution of any products and goods derived from the rural environment, including the operation of warehouses, silos, coolstores and other associated activities.</li> <li>(c) Laboratories and research facilities ancillary to manufacturing, processing and/or treatment activities.</li> <li>(d) The operation of transport depots ancillary to manufacturing, processing and/or treatment activities.</li> <li>(e) Ancillary activities associated with the operation of any permitted activity, including the provision of canteens, dining rooms, ablution, medical, administrative office facilities, parking, loading and unloading of tankers and other service vehicles, rail facilities, water treatment facilities, outdoor storage areas and retail activities</li> <li>(f) Farming and intensive farming activities.</li> <li>(g) Energy generation activities (including petroleum exploration and production) associated with the manufacturing, processing and/or treatment processes.</li> <li>(h) Existing effluent and waste treatment and disposal facilities associated with the manufacturing, processing and/or treatment process and shown on the relevant concept plans.</li> <li>(i) Stock holding areas, including loading and unloading facilities.</li> <li>(j) Activities and facilities involving or associated with the recovery, treatment and/or processing of petroleum or its derivatives.</li> <li>(k) The construction, alteration of, addition to, removal and demolition of buildings and structures for any permitted activity.</li> </ul> <p>Activity and Assessment:</p> <p>The proposed activities at the Ballance Plant involve a) the manufacturing, processing and/or treatment of products, e) ancillary activities associated with the operation of any permitted activity, including the provision of canteens, dining rooms, ablution, medical, administrative office facilities, parking, loading and unloading of tankers and other service vehicles, rail facilities, water treatment facilities, outdoor storage areas and retail activities, g) Energy generation activities (including petroleum exploration and production) associated with the manufacturing, processing and/or treatment processes and k) the construction, alteration of, addition to, removal and demolition of buildings and structures for any permitted activity. The above activities are all permitted provided they comply with performance standards in Section 8.2 and all other sections of the District Plan.</p>	Does not comply

District Plan Section	Parameter	Rules, Standards, Activity and Assessment	Status
		Although the proposed activities are permitted activities, they are not in accordance with the Concept Plan as per the assessment against the performance standards below.	
8.1.4	Discretionary Activities	<p>Rule / Standard:</p> <p>(a) Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.</p> <p>(b) Unless listed elsewhere in the District Plan, any permitted activity listed in Section 8.1.1 which does not meet one or more of the performance standards for permitted activities in Sections 8.2 - 8.11.</p> <p>(c) Any buildings, works, structures or activities that is not in accordance with the relevant Concept Plan in the Appendix of this section.</p> <p>Activity and Assessment:</p> <p>The proposed facilities are not in accordance with the Concept Plan. The proposed activities are therefore Discretionary. Additionally, the proposed vehicle accesses do not comply with the performance standards and some of the buildings are within the minim setback from the road boundary which also makes the proposed facilities a discretionary activity. Consent is required under rule 8.1.4 (b) and (c).</p>	Discretionary
<b>Rural Industrial Zone Performance Standards – Permitted Activities</b>			
8.2.1	Concept Plans	<p>Rule / Standard:</p> <p>1. All activities, buildings, works, structures and landscaping shall comply with the requirements shown on the relevant concept plan(s) contained in the Appendix of this section.</p> <p>Activity and Assessment:</p> <p>The proposed buildings (with the exception of the electrolyser) are proposed to be outside of the areas designated as 'Future Building Envelope' or 'Existing Building Envelope' on the Concept Plan.</p>	Does not comply
8.2.2	Bulk and Location	<p>Rule / Standard:</p> <p>1. No part of any building, including poles, structures and fixtures associated with outdoor lighting, shall extend more than 20m above natural ground level.</p> <p>2. All buildings shall not project beyond the building recession plane from points 3m above site boundaries as shown in Section 4: Residential Zone Appendix 1.</p> <p>3. No outdoor storage area, parking area, building or structure (other than a fence) shall be located within 20m of a Rural Zone boundary, or a public road.</p> <p>Activity and Assessment:</p> <p>The electrolyser building is permitted to be up to 45 m high as per the Concept Plan.</p> <p>The buildings associated with the refuelling, storage and offtake activities will not exceed 20 m high. No building will project above the recession plane specified.</p> <p>Areas for the storage of hydrogen for offtake, loading of trucks (via offtake and/or refuelling), and the buildings and structures to facilitate these activities will be within 20 m of Palmer Road (12 m setback proposed between buildings and the road) and therefore do not comply.</p>	Does not comply

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8.2.3	Landscaping and Screening	<p>Rule / Standard:</p> <ol style="list-style-type: none"> <li>1. Any outdoor storage areas for goods, materials, product, plant, machinery or equipment, and waste shall be screened from view from any site in a Residential or Rural Zone or adjoining any public place (including a public road).</li> <li>2. Landscaping (including trees) shall be required in any yard along road frontages.</li> <li>3. Where a parking area contains more than four spaces, it shall be designed, contoured and landscaped, where visible, from any adjacent residential activity that is in a Residential or Rural Zone.</li> </ol> <p>Activity and Assessment:</p> <p>Landscaping will be provided along the road frontage between the vehicle crossings servicing the refuelling facility, which will provide screening which will comply with the above rules /standards.</p>	Complies
8.2.4	Lighting	<p>Rule / Standard:</p> <ol style="list-style-type: none"> <li>1. The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measured horizontally and vertically) when measured at the boundary of a site zoned Residential in separate ownership, or at the notional boundary of an existing dwelling unit on a site in separate ownership in any other zone.</li> </ol> <p>Activity and Assessment:</p> <p>There are no residential zones or dwellings in proximity of the proposed facilities. Light will be controlled such that the above standard is complied with.</p>	Complies
8.2.5	Odour	<p>Rule / Standard:</p> <ol style="list-style-type: none"> <li>1. No activity shall result in offensive or objectionable odours to the extent that it causes an adverse effect at or beyond the boundary of the site in which the activity is located. Note 1: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL factors" shall be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of where the odour is measured (i.e. the sensitivity of the receiving environment). Note 2: This performance standard shall not apply if the discharge of odour is authorised by a discharge permit granted by the Regional Council.</li> </ol> <p>Activity and Assessment:</p> <p>The proposed activities will not generate offensive or objectionable odours to the extent that it would cause an adverse effect beyond the boundary of the Ballance site.</p>	Complies

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8.2.6	Roads, Access, Parking and Loading Areas	<p>Rule / Standard:</p> <p>1. All activities shall be provided with vehicle access from a road, and on-site parking, manoeuvring areas and loading facilities in accordance with the permitted activity standards in Section 10: Parking and Transportation. Except that:</p> <p>(i) Fonterra Co-operative Group Ltd's Whareroa and Kapuni Sites, Ballance Agri- Nutrients Kapuni Site, Shell Todd Oil Services Kapuni Production Station and Maui Production Station sites are exempt from the Minimum Number of Parking Spaces under Rule 10.5.1 provided no vehicles are parked on road reserve.</p> <p>Activity and Assessment:</p> <p>The proposal is assessed against Section 10 below and does not comply with all permitted activity performance standards.</p>	Does not comply
<b>Parking and Transportation Rules</b>			
10.1.1	Permitted Activities	<p>Rule / Standard:</p> <p>(a) Any activity which complies with the performance standards in Sections 10.2 - 10.7.</p> <p>Activity and Assessment:</p> <p>The relevant Performance Standards are assessed below in this table.</p>	Does not comply
10.1.3	Restricted Discretionary Activities	<p>Rule / Standard:</p> <p>(a) Unless listed elsewhere in the District Plan, any activity which does not comply with one or more of the performance standards in Sections 10.2- 10.7.</p> <p>Activity and Assessment:</p> <p>The performance standards are assessed below and the proposal does not comply.</p>	Restricted Discretionary
<b>Vehicle Crossings and Parking Performance Standards – Permitted Activities</b>			
10.3.1	New Vehicle Crossings	<p>Rule / Standard:</p> <p>1. All new vehicle crossings in any Zone shall comply with the crossing standards set out in Part 3 of NZS 4404:2010 Land Development and Subdivision Infrastructure and NPDC and STDC Local Amendments to NZS 4404:2010 (August 2013) and Performance Standards below.</p> <p>Activity and Assessment:</p> <p>The crossings will be designed to comply with NZS 4404. Assessment against the performance standards is completed below and the width of the proposed crossings does not comply, causing this subject performance standard to be breached.</p>	Does not comply

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10.3.2	Distance of Vehicle Crossings from Intersections	<p>Rule / Standard:</p> <p>1. No part of any vehicle crossing shall be located closer to the intersection of any roads than the minimum distances specified in Table 3 below:</p> <p><b>Table 3: Minimum Distance of Vehicle Crossings from Intersections</b></p> <table border="1"> <thead> <tr> <th rowspan="2">Frontage Road</th> <th colspan="6">Intersecting Road Type (distances in metres)</th> </tr> <tr> <th>Arterial and Primary Collector</th> <th>Urban Secondary Collector</th> <th>Local</th> <th>Arterial and Primary Collector</th> <th>Rural Secondary Collector</th> <th>Local</th> </tr> </thead> <tbody> <tr> <td>Arterial and Primary Collector</td> <td>30m</td> <td>30m</td> <td>30m</td> <td>200m</td> <td>200m</td> <td>200m</td> </tr> <tr> <td>Secondary Collector</td> <td>20m</td> <td>20m</td> <td>15m</td> <td>60m</td> <td>50m</td> <td>50m</td> </tr> <tr> <td>Local</td> <td>20m</td> <td>15m</td> <td>10m</td> <td>60m</td> <td>50m</td> <td>50m</td> </tr> </tbody> </table> <p>Activity and Assessment:</p> <p>Palmer Road is a Secondary Collector Road. The proposed vehicle crossings to the proposed facilities are over 500 m from the nearest intersection (Palmer Road and Skeet Road). The proposed vehicle crossings comply.</p>	Frontage Road	Intersecting Road Type (distances in metres)						Arterial and Primary Collector	Urban Secondary Collector	Local	Arterial and Primary Collector	Rural Secondary Collector	Local	Arterial and Primary Collector	30m	30m	30m	200m	200m	200m	Secondary Collector	20m	20m	15m	60m	50m	50m	Local	20m	15m	10m	60m	50m	50m	Complies
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10.3.4	Sight Distances from Vehicle Crossings	<p>Rule / Standard:</p> <p>1. Minimum unobstructed sight distances from all vehicle crossings shall be in accordance with the distances specified in Table 4 below:</p> <p><b>Table 4: Minimum Sight Distance from Access</b></p> <table border="1"> <thead> <tr> <th>Legal Speed Limit for Road (km/hr)</th> <th>Minimum Sight Distance (m)</th> </tr> </thead> <tbody> <tr> <td>0-50</td> <td>45m</td> </tr> <tr> <td>51-60</td> <td>65m</td> </tr> <tr> <td>61-70</td> <td>85m</td> </tr> <tr> <td>71-80</td> <td>105m</td> </tr> <tr> <td>81-100</td> <td>160m</td> </tr> </tbody> </table> <p>2. All sight distance measurements shall be undertaken in accordance with the diagram in Appendix 3: Sight Distance Measurement Diagram.</p> <p>Activity and Assessment:</p> <p>Palmer Road has a 70 km/h speed limit in the location of the Ballance site. The proposed vehicle crossings achieve greater than 85 m sight distances in both directions, as does the Ballance Plant main site entrance. All crossings comply.</p>	Legal Speed Limit for Road (km/hr)	Minimum Sight Distance (m)	0-50	45m	51-60	65m	61-70	85m	71-80	105m	81-100	160m	Complies																						
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10.3.5	Design and Construction of Vehicle Crossings onto Arterial, Primary Collector and Secondary Collector Roads	<p>Rule / Standard:</p> <p>1. The width of any vehicle crossing shall be in accordance with dimensions set out in (2.) Table 5 below:</p> <p><b>Table 5: Vehicle Crossing Width</b></p> <table border="1"> <thead> <tr> <th></th> <th>Minimum</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>3m</td> <td>7.5m</td> </tr> <tr> <td>Other</td> <td>4m</td> <td>9m</td> </tr> </tbody> </table> <p>3. The vehicle crossing width shall be measured along the road boundary of the property.</p> <p>4. All vehicle crossings on to Arterial, Primary Collector and Secondary Collector Roads where the speed limit exceeds 50km/hr shall be designed and constructed in accordance with the diagrams included in Appendices 4 and 5, except for vehicle crossings to farming activities in the Rural Zone; this standard shall only apply where a vehicle crossing provides access or a driveway to building(s).</p> <p>Activity and Assessment:</p> <p>The proposed vehicle crossings will both exceed 9 m at approximately 13 m wide. They will exceed the maximum vehicle crossing width.</p>		Minimum	Maximum	Residential	3m	7.5m	Other	4m	9m	Does not comply
	Minimum	Maximum										
Residential	3m	7.5m										
Other	4m	9m										
10.5.1	Minimum Number of Parking Spaces and Cycle Parking	<p>Activity and Assessment:</p> <p>As per assessment against standard 8.2.6 earlier in the table (associated with the Rural Industrial Rules), the site is exempt from the Minimum Number of Parking Spaces under Rule 10.5.1 provided no vehicles are parked on road reserve.</p> <p>No vehicles will park on road reserve; heavy vehicles and any other vehicles visiting the site for offtake or refuelling will undertake their loading activities on-site near the buildings.</p>	N/A									
<b>Noise Rules</b>												
11.1.1	Permitted Activities	<p>Rule / Standard:</p> <p>It is noted Section 8: Rural Industrial Zone contains site-specific noise provisions, which are in addition to the provisions in this Section.</p> <p>(a) All activities provided that they comply with the relevant performance standards in Section 11.2.</p> <p>Activity and Assessment:</p> <p>The relevant performance standards are assessed below and the proposal complies.</p>	Permitted									
<b>Performance Standards - Noise</b>												

District Plan Section	Parameter	Rules, Standards, Activity and Assessment	Status
11.2.6	Rural Industrial Zone	<p>Rule / Standard:</p> <ol style="list-style-type: none"> <li>1. The noise standards set out in the Appendix of Section 8 shall apply to activities in the areas of the Rural Industrial Zone referred to and described in that Appendix.</li> <li>2. Where these standards specifically refer to previous versions of NZS 6801:2008 and NZS 6802:2008 then measurement and assessment shall continue to be made in accordance with those versions, otherwise measurement and assessment shall be made in accordance with the 2008 version of those standards, ie NZS 6801:2008 and NZS 6802:2008 respectively.</li> <li>3. All other activities in the Rural Industrial Zone shall be subject to the provisions in Section 11.2.2 except those that are exempt under Section 11.2.1 and except the 1968 Decision Area as shown on the Vector, Kāpuni Decision Areas Plan (Appendix 1 of Section 8).</li> </ol> <p>The relevant Appendix from Section 8 is Appendix 5 (the Concept Plan and Site Specific Performance Standards. They require the following:</p> <p>8.7.1 Noise</p> <p>(a) Noise Levels</p> <p>(i) The level of noise emanating from the zone shall not exceed the following level at a distance in any direction of 1,000 metres from the intersection of coordinates 66.1950 metres north and 29.4625 metres east:</p> <ol style="list-style-type: none"> <li>a. 43 dBA at all times</li> </ol> <p>The Council accepted that the noise levels set out in the paragraph above will be exceeded on certain occasions due to the type of plant and the method and nature of operation carried on the site. These occasions are as follows:</p> <ol style="list-style-type: none"> <li>a. Plant start up following routine shut downs, maximum duration of 3-5 days per year.</li> <li>b. Abnormal operations, maximum of six times per year for a duration of 12 hours each.</li> </ol> <p>Provided that on these occasions the noise levels shall not exceed 48dBA and no one measuring point shall exceed this level by more than 5dBA at the stated measuring points.</p> <p>There are also standards (b and c) with regard to the Measurement of Noise and the Adjustment of Noise Levels, which are not repeated here.</p> <p>Activity and Assessment:</p> <p>Noise from all proposed facilities and activities on the site will not be greater in scale or intensity than existing noise sources and will comply with the 43 dBA standard and special occasions standards stated above, having been measured or adjusted in accordance with the other standards (b) and (c) of Appendix 5.</p>	Complies

District Plan Section	Parameter	Rules, Standards, Activity and Assessment	Status
12.1.1	Permitted Activities	<p>Rule / Standard:</p> <p>(a) In the Rural Industrial Zone, significant hazardous facilities.</p> <p>(b) In the Rural Industrial Zone for sites with a Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities provided:</p> <p>(i) the new 1 x 10<sup>-6</sup> individual fatality risk contour does not extend beyond the Petroleum Production Activity Risk Contour shown on the Planning Maps for the subject site; and</p> <p>(ii) there are no existing sensitive activities within the new 1 x 10<sup>-6</sup> individual fatality risk contour.</p> <p>(c) In the Rural Industrial Zone for sites with a Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities provided the new 1 x 10<sup>-6</sup> individual fatality risk contour does not extend outside of the Petroleum Activity Risk Contour.</p> <p>(d) In the Rural Industrial Zone for sites with no Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities where the new 1 x 10<sup>-6</sup> individual fatality risk contour does not extend beyond the Rural Industrial Zone.</p> <p>Activity and Assessment:</p> <p>The proposed facilities will become part of the significant hazardous facility that is the Ballance Plant evidenced by the fact that Worksafe have directed that the Safety Case for the Plant should be updated to include the proposed facilities.</p> <p>The proposal does not involve petroleum activities or sensitive activities so does not impact on any Petroleum Production Risk Contour.</p>	Permitted



District Plan Section	Parameter	Rules, Standards, Activity and Assessment	Status
14.1.1	Permitted Activities in All Zones	<p>Rule / Standard:</p> <p>The development, operation, maintenance and upgrading of the following activities are permitted activities, provided that they comply with the performance standards in Section 14.2:</p> <p>(iii) Household, commercial and industrial connections to electricity, telecommunications, gas, water, drainage and sewer pipes.</p> <p>(viii) Pump stations or electricity substations, provided that new or enlarged pump stations or electricity substations do not exceed 50m<sup>2</sup> in gross floor area.</p> <p>(ix) Underground and overhead electricity lines and cables, associated support structures (and incidental equipment) not exceeding 110kV.</p> <p>Activity and Assessment:</p> <p>Proposed facilities to be installed on the Ballance site will have connections to the electrical cable, which will be partly installed within the site, plus an electricity substation of 12 m x 4 m which complies with the maximum gross floor area.</p>	Permitted
<b>Network Utilities Performance Standards – Permitted Activities</b>			
14.2.1	Bulk and Location	<p>Rule / Standard:</p> <p>1. Network utility buildings or buildings that are ancillary to network utilities shall not exceed a gross floor area of 50m<sup>2</sup>, or a maximum height of 3.5 m.</p> <p>2. Network utility buildings or buildings that are ancillary to network utilities shall not project beyond a building recession plane from points measured 3m above site boundaries as shown in Section 3: Residential Zone Appendix 1.</p> <p>Activity and Assessment:</p> <p>The proposed substation has a maximum of 48 m<sup>2</sup> gross floor area, being 12 m x 4 m in diameter. It will not exceed 3.5 m high, nor will it project above a specified recession place as it will be approximately 16 m from the nearest boundary (road boundary). The substation will comply.</p>	Complies
14.2.3	Site Reinstatement	<p>Rule / Standard:</p> <p>1. Any ground disturbance to the site shall be reinstated as close as practicable to its original condition at the completion of works.</p> <p>Activity and Assessment:</p> <p>The ground will be reinstated to the specified state after completion of cable and substation installation.</p>	Complies
14.2.4	Lighting	<p>Rule / Standard:</p> <p>1. The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measured horizontally and vertically) when measured at the boundary of a site zoned Residential in separate ownership, or at the notional boundary of an existing dwelling unit on a site in separate ownership in any other Zone.</p> <p>Activity and Assessment:</p> <p>Any lighting on the substation will be managed such that the standard is complied with, noting that there are no Residential Zones nor dwellings in close proximity to the substation.</p>	Complies

District Plan Section	Parameter	Rules, Standards, Activity and Assessment	Status
14.2.6	Noise	<p>Rule / Standard:</p> <p>1. All network utilities shall comply with the noise standards for the Zone in which it is located, in accordance with Section 11.</p> <p>Activity and Assessment:</p> <p>The cable will not generate noise, and the substation will generate low levels of noise, able to be absorbed into the existing Ballance Plant activities in compliance with the noise standards for the site.</p>	Complies
District Wide Rules			
18.1.1	Permitted Activities	<p>Rule / Standard:</p> <p>(a) Relocated buildings (including the removal of a building from its original site).</p> <p>(b) Temporary buildings ancillary to a building or other construction project.</p> <p>(c) Temporary activities.</p> <p>(d) Temporary military training activities.</p> <p>Activity and Assessment:</p> <p>There may be temporary buildings on-site during construction of the proposed facilities. They will comply with the performance standards below.</p>	Permitted
District Wide Performance Standards – Permitted Activities			
18.2.2	Temporary buildings ancillary to a building or other construction project	<p>Rule / Standard:</p> <p>1. All temporary buildings ancillary to a building or other construction project shall meet the following requirements:</p> <p>(i) Maximum gross floor area: 50m<sup>2</sup> per site and</p> <p>(ii) The duration of the temporary building shall not exceed the duration of the project, or 12 month period, whichever is the lesser.</p> <p>Activity and Assessment:</p> <p>The use of temporary buildings for construction will comply with the above standards.</p>	Complies
Sign Rules			

District Plan Section	Parameter	Rules, Standards, Activity and Assessment	Status
19.1.1	Permitted Activities	<p>Rule / Standard:</p> <p>The following activities are permitted in all zones, provided activities comply with the relevant Performance Standards in Section 19.2:</p> <p>(a) Except where specifically provided for as restricted discretionary or discretionary activities, the erection of signs in all zones.</p> <p>(b) Signs installed purely for health and safety reasons or to comply with legislative requirements (e.g. hazardous substances signage).</p> <p>Note: Signs in 19.1.1(b) are not subject to any performance standards in Section 19.2.</p> <p>Activity and Assessment:</p> <p>Signs will be used for health and safety reasons during construction on the site. Any signage requirements for the refuelling station are yet to determined and will either be designed to comply with the relevant performance standards or a separate resource consent for signage will be sought.</p>	Permitted