

BEFORE THE MANAWATU DISTRICT COUNCIL

IN THE MATTER the sectional review of the Manawatu
District Plan

AND

IN THE MATTER of Plan Change 55

COMMISSIONERS' DECISION

Dated: 22 February 2017

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Terms

MDC	=	Manawatu District Council.
MDP	=	Operative Manawatu District Plan.
RMA	=	Resource Management Act 1991.
NZDF	=	New Zealand Defence Force.
TMTAs	=	Temporary Military Training Activities.
ONFLs	=	Outstanding Natural Features and Landscapes.

Versions of PC55 promoted by MDC

[1] Plan making is an iterative process. Along the journey there are a number of changes expected in response to submissions and in response to information obtained at the hearing. This also happened with PC55. The planning witness for MDC on PC55 was Andrea Harris from Opus Consultants Ltd and she provided versions using the nomenclature that we proposed in our Commissioner Minute dated 2 November 2016. Recapping, the following terms apply:

- (a) PC55(N) = the version of PC55 notified by MDC;
- (b) PC55(R1) = the version proposed by MDC in its s 42A report. In this case this was Appendix 2 to the s 42A report by Ms Harris;
- (c) PC55(R2) = this is the final version recommended by Ms Harris, in her right of reply after the hearing and is also called “Appendix 2 – 16 December 2016”;
- (d) PC55(C) = the version we the Commissioners approve in this decision using PC55(R2) as a template.

- [2] We attach as **Appendix 4** to this decision, the final marked up text which is PC55(C). Changes in yellow are those changes recommended by Ms Harris as part of her s 42A report in PC55(R1). The changes in green and double underlined are further changes proposed by Ms Harris in her reply as a result of the evidence presented at the hearing (i.e. PC55(R2)). In addition, PC55(R2) was extensively footnoted to identify the provenance of the plan change. In particular, what submissions it is responding to. This has been enormously helpful to satisfy us about scope and the reasoning for the changes. Our final changes on Appendix 1 are highlighted in blue while retaining the footnoting in PC55(R2).

Background

- [3] PC55 reviews and amends the MDP in accordance with MDC's obligations under RMA, s 79. The MDP has an existing Section A2 that contains rules that apply district wide. PC55 seeks to replace most of Section A2 and do the job that Section A2 presently does in a manner that reflects the improved layout and structure of the intended final product of MDC's second generation district plan. In addition, the purpose is to ensure these provisions reflect current best practice and to recognise and implement national and regional policy. PC55 addresses the following district wide activities in a new Section 3:

- (a) Network Utilities – Section 3A;
- (b) Transport – Section 3B;
- (c) Noise – Section 3C;
- (d) Earthworks – Section 3D;
- (e) Signs – Section 3E;
- (f) Temporary Activities – Section 3F;
- (g) Relocated Buildings – Section 3G

It also makes changes to Section 2 of the MDP containing definitions by adding and amending definitions.

- [4] A comprehensive s 32 report was prepared in respect of PC55 and that is on MDC's website.
- [5] MDC received 29 submissions. PC55 was notified with PC's 52 and 60 in May 2016. Submission points relating to PC55 were identified. Of the 29 submissions received, 19 submissions received on the combined plan changes related to PC55. 16 further submissions were then received in respect of those original submissions.
- [6] The issues identified in the submissions are set out at [4.7] onwards of the s 42A report from Ms Harris dated 18 November 2016.

Matters in contention at the hearing

- [7] The attraction of bedding down the district wide rules at an early stage in the sectional review of the District Plan are obvious, including setting those rules that will apply across the district and therefore do not need to be readdressed with each zone. Equally there are some dis-benefits, including the risk of unintended changes to other parts of the Plan that need correction once the totality of the Plan can be seen. The benefits far outweigh the dis-benefits and in any event addressing the review in bite sized chunks is the only logistically feasible way for MDC to complete its review. We say this because it is acknowledged by MDC that at the end of the sectional review the loose ends will need to be tidied up as part of an omnibus plan change.
- [8] Ms Harris, in her s 42A report at Appendix 1, goes through each provision which is the subject of a submission and identifies the submission point, the decision requested, MDC's assessment and recommendations. Where changes are recommended as part of that analysis, these found their way into the tracked changes version in PC55(R1).
- [9] The matters in contention before us were substantially narrower than the matters in contention and the scope of provisions contested on the face of the submissions. That is because to a large extent PC55(R1) satisfactorily addresses the concerns in a large number of submitter submission points. This is testament to the quality of engagement by MDC and Ms Harris and

we expressly acknowledged that this has made our task much easier than it otherwise may have been.

[10] It is necessary to set out the major matters in contention in this decision and to resolve them rather than to quote chapter and verse about everything that we heard at the hearing. In relation to matters that are not identified, we mean no disrespect to the submitter or the submission point by not mentioning it. It is simply that we consider that the conclusions of Ms Harris on these submission points in her right of reply (which is on MDC's website), and in particular, in Section C is sufficient to respond to that submission point and does not warrant any further deliberation by us. We adopt the reasoning of Ms Harris.

[11] The major matters in contention in some cases concern a basket of issues identified by individual submitters. In other cases the issue is a topic that was addressed by multiple submitters. We set out the major headings for the matters in contention that will be addressed in this decision in the following way:

- (a) Issue 1 - The treatment of relocated buildings;
- (b) Issue 2 - The regulatory treatment of network utilities within ONFL's;
- (c) Issue 3 - A stand-alone network utilities chapter;
- (d) Issue 4 - Amendments sought by Powerco;
- (e) Issue 4 - Provision for telecommunication facilities requested by Spark and Chorus;
- (f) Issue 6 - Provision for the National Grid as proposed by Transpower;
- (g) Issue 7 – Noise related issues other than in relation to TMTAs;
- (h) Issue 8 - Basket of matters identified by NZDF relating to TMTAs and other issues relating to defence facilities; and

- (i) Issue 9 - A basket of matters raised by Federated Farmers relating to rural interests;
- (j) Issue 10 – Issues raised by Horticulture New Zealand and Federated Farmers; and

Issue 1 – The treatment of relocated buildings

Overview

- [12] Relocated buildings are a district wide resource management issue and are therefore addressed in the district wide section of the Plan.
- [13] MDC considered that relocated buildings are a resource management issue that requires regulation. The relocation of residential buildings is common place throughout the various zones in the Manawatu district. There are problems with the state of some of those buildings, the quality of reinstatement and the timing of reinstatement. These problems all have an impact on the amenity of residents within the district. The risk of adverse amenity effects is most acute, by reason of density, in the Residential and Village Zones. This is an area where community concern has been identified.
- [14] PC55(R1) proposed a bi-furcated rule stream depending on the zone in which the building is to be located. In the case of relocated buildings in the Outer-Business, Industrial, Residential and Village Zones, buildings could only be relocated as a permitted activity if they did not exceed 40m² in gross floor area (“gfa”) as provided in R3G.4.1. Otherwise, they defaulted to the controlled activity class under R3G.4.3. In the Rural Zone, relocated buildings are permitted activities provided the performance standards in R3G.4.2 are met. R3G.4.2 contains the permitted activity standards. These standards are designed to ensure that MDC receives a building pre-inspection report of sufficient quality to identify the reinstatement works that are required to bring the building up to a workmanlike standard and tidy appearance. To ensure the quality of the report, one performance standard requires that building pre-inspection report is prepared by a licensed building practitioner or building inspector. Other performance

conditions require a commitment to complete those works within 12 months and for the owner to complete a certificate that the work has been complete. Another standard is that any *“relocated building must be installed on permanent foundations immediately upon delivery to the destination site”*.

- [15] The reason MDC wished to retain control through the requirement for consent in the Residential, Village, Industrial and Outer Business Zones (for buildings larger than 40m² gfa) is because the performance standards in R3G.4.3 may not be sufficient to protect the amenity of the area in which the building will be situated and there is a need to respond to the specific site context when deciding the requirements for any particular relocated building.

Evidence in support of the submission by the New Zealand Heavy Haulage Association Inc

- [16] The New Zealand Heavy Haulage Association Inc, and in particular the House Movers section (**“House Movers”**), was the main submitter on this issue. A member of House Movers is the well-known Whanganui based business called Britton House Movers Limited that operates throughout the lower North Island which was also a submitter.
- [17] The thrust of the House Movers submission was that all relocated buildings should be permitted activities. House Movers accept that there needs to be performance standards applying to that activity. Some of the performance standards were contested, as were some of the requirements of the pre-inspection report prescribed by the new Appendix 3G.1 of PC55. This proposed building pre-inspection report contained information requirements in order to achieve a robust management regime outside a resource consent that also created enforceable obligations.
- [18] The evidence for House Movers was given by Paul Britton. He emphasised the importance of the relocated buildings in the lower North Island, and in particular, the Manawatu. He identified how the industry was important to move residential properties to meet housing demand. Mr Britton said that in many cases relocation was less disturbing than where there is

construction of a new dwelling because of the shorter construction period.

At [21] Mr Britton said:

When a relocatable home arrives on site, it may (depending on size) arrive in two sections. Generally the aim will be to get the house to the section around day break. The roof may have been lowered and draped with tarpaulins. The initial visual impact can be unexpected for neighbours. It can trigger calls to councils. However, this is temporary and typically within a few days the home will have been placed on a new foundation, re-joined and roof reinstated. There is a need to get this work quickly so that the house is made weatherproof.

[19] Mr Britton considered that all relocated buildings can be addressed by way of permitted performance standards and treated as a permitted activity. Mr Britton said that reinstatement work required by performance standards should work in with Building Act 2004 controls, which the territorial authority also administers.

[20] Submissions were presented on behalf of House Movers by Rowan Ashton. He cited the Environment Court decision *New Zealand Heavy Haulage Association Incorporated v Central Otago District Council*,¹ as authority for the proposition that relocated buildings should be dealt with as a permitted activity. In that case, the Environment Court rejected plan provisions proposed by the territorial authority that control relocated buildings as a restricted discretionary activity. Instead, the Environment Court endorsed a permitted activity rule with performance conditions that, amongst other things, required a pre-inspection building report and completion of the work identified in that report within six months.

[21] Mr Ashton also argued that a one month period to place the building on permanent foundations was appropriate.

MDC's evidence in reply

[22] Ms Harris worked with Brittons to revise the building pre-inspection report template (in Appendix 3G.1), and to refine its wording so that what was required was clear, able to be monitored and enforceable. There did not

¹ Decision No. C45/2004.
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seem to be any dispute that these sorts of characteristics were essential for the permitted performance standards to work.

- [23] In PC55(R2) Ms Harris changed the rules so that controlled activity resource consent was only required for buildings in excess of 40m² gfa in the Residential and Village Zone. Not the Industrial and Outer Business Zones. She did not support a permitted activity standard for relocated buildings in all cases in the Residential and Village Zones. She also did not support a one month period of grace to establish permanent foundations as proposed by House Movers. Ms Harris considered that obtaining a building consent in advance and ensuring that foundations were permanent as part of the building relocation process were significant steps in ensuring amenity was adequately protected and to ensure that foundation design had been addressed at the outset. If it became apparent that special foundation design was required after the building was on site, then that may delay the period when the building is placed on proper foundations. In most situations, while the building is not on permanent foundations, it is likely to appear as a significantly incongruous element in its setting.

Our conclusion on Issue 1

- [24] The parties are in agreement about the information required by the building pre-inspection report template in Appendix 3G.1. We agree that the wording changes make the requirements clearer and more enforceable. They provide an assurance that better quality information is obtained both on what is required to reinstate the building and also ensuring adequate information is provided to demonstrate it is done. We therefore support the changes to Appendix 3G.1 in PC55(R2).
- [25] We do not agree with House Movers that there should be a one month grace period for establishing the relocated buildings on permanent foundations for the following reasons:
- (a) Mr Britton's own evidence said that it was normal to place the building on permanent foundations promptly;

- (b) There is an appreciable risk that if the issue of foundations is not addressed prior to relocation, then greater adverse effects may arise from the unanticipated requirements relating to foundation design;
- (c) Site contouring and management generally occurs alongside foundation preparation. It is desirable that these issues occur as a single 'transaction'; and
- (d) Mr Britton said that the performance standards should tie in with the Building Act requirements. This is best achieved by the performance standard requiring the building to be placed on permanent foundations immediately.

[26] We doubt that inclement weather conditions would make the proposed performance condition unworkable in some cases. The requirement of the conditions means that some planning and foresight is required which is desirable to achieve amenity protection. The word "immediately" in the standard does not mean "instantaneously".

[27] We did not receive from House Movers the final decision of the Environment Court in the *Central Otago* decision recording the final terms of the approved permitted activity rule. It is unclear whether House Movers' proposed grace period is consistent with that decision or not. Mr Ashton's submissions suggested that that grace period was completely new because it is identified as bold at [3.1] of his submissions.

[28] We support the view of Ms Harris that the controlled activity standards should continue to apply for relocated buildings in the Residential and Village Zones. We accept that the dataset of complaints is somewhat incomplete about relocated buildings. The collective experience of the Panel is that the issue is real for some communities where land is zoned Residential or Village. The Environment Court in the *Central Otago* decision did acknowledge that to some extent these sorts of controls were for the community to determine, and in this case the Panel, using its collective experience, does consider that there is a need for a further level of control

beyond the performance activity standards for permitted activities in the case of relocated buildings in the Residential and Village Zones.

[29] We note that the *Otago* decision set a performance standard of six months rather than 12 months to complete work. This reinforces the point made by Ms Harris, that in the Residential and Village Zones, it may be appropriate for MDC through the controlled activity control to set a shorter period (rather than the default 12 months in other zones) within which reinstatement works must be complete. In addition, we accept the evidence of Ms Harris that the site, locality and context may mean that specific requirements are appropriate to protect amenity, which are not achieved by generic performance standards across all zones. The controlled activity status is not unreasonable. Ms Harris has quite properly conceded that this consent would be dealt with on a non-notified basis and appropriate changes to PC55 have been made in PC55(R2) to ensure non-notification of an application.

[30] Overall, we are satisfied with the treatment of relocated buildings as amended in PC55(R2).

Issue 2 – The regulatory treatment of network utilities within ONFLs

[31] Section 3A of PC55 addresses network utilities. Network utilities are developed, operated and upgraded district wide. Proposed Objectives 1 and 2 set the goals for enabling and protecting network utilities. Objective 3, and its implementing policy, addresses network utilities in three special classes of natural or physical resources:

- (a) Outstanding Natural Features and Landscapes in Appendix 1C of MDP;
- (b) Historic heritage scheduled in Appendix 1E of the MDP; and
- (c) Heritage sites in Appendix 1F in MDP.

Overview

[32] Through the sectional review, MDC has not notified the plan change that identifies all outstanding natural features and landscapes in the Manawatu district using current best practice. That is a separate work stream currently under consultation through the draft PC53. So, the Appendix 1C list is quite short at present and addresses only outstanding features. The likely ONFLs that will be identified in the future in PC53 are in the draft report by Hudson Associates dated 25 February 2013.² This report was commissioned by MDC to enable MDC to fulfil its statutory responsibilities to implement Chapter 6 of Part 1 of the Horizons Regional Council One Plan, and in particular Policy 6-6 and 6-7. Mr Hudson's report uses assessment factors as contemplated by Table 6.1 of the One Plan. For each feature or landscape, the values are recorded.

[33] The relatively small areas that may qualify as ONFLs based on Mr Hudson's assessment in the Manawatu District is seen in **Appendix 1**.

[34] The major ONFL is Ruahine State Forest Park. The risk of any material adverse effects on that natural resource is low. A number of the areas identified in **Appendix 1** are identified generally as potential regionally significant ONFLs in Schedule G to the One Plan. In his statement of evidence, Mr Hudson summarised the situation in this way:

The situation we now have is that; there are OF's listed in the Operative District Plan, there are ONFLs listed in One Plan Schedule G, and there are ONFLs proposed as part of the Manawatu District Council PC53. The full extent of proposed ONFL areas and the reasons for their conclusion are detailed in the Manawatu Landscape Assessment draft.

The One Plan

[35] The One Plan is the most specific policy instrument in relation to ONFLs. Policy 6-6 is set out below:

Policy 6-6: Regionally outstanding natural features and landscapes

² Hudson Associates: "Manawatu District Landscape Assessment" MDC 25 February 2013. Commissioners' Decision – PC55

- (a) The natural features and landscapes listed in Schedule G Table G.1 must be recognised as regionally outstanding and must be spatially defined in the review and development of district plans. All subdivision, use and development directly affecting these areas must be managed in a matter which: Avoids significant adverse effects on the characteristics and values of those outstanding natural features and landscapes; and
- (b) Except as required under (a), avoids adverse effects as far as reasonably practicable and, where avoidance is not reasonably practicable, remedies or mitigates adverse effects on the characteristics and values of those outstanding natural features and landscapes.

[36] Policy 6-6 was finalised through the Environment Court process after considerable debate.

[37] Chapter 3 of the One Plan governs infrastructure, energy waste and hazardous substances. Policy 3-1 identifies the National Grid as being of regional or national importance.

[38] Policy 3-3 is the most applicable policy in relation to new infrastructure of regional or national importance. The provisions of Policy 3-3 are set out below:

Policy 3-3: Adverse effects of infrastructure and other physical resources of regional or national importance on the environment

In managing any adverse environmental effects arising from the establishment, operation, maintenance and upgrading of infrastructure or other physical resources of regional or national importance, the Regional Council and Territorial Authorities must:

- (a) Recognise and provide for the operation, maintenance and upgrading of all such activities once they have been established,
- (b) Allow minor adverse effects arising from the establishment of new infrastructure and physical resources of regional or national importance, and
- (c) Avoid, remedy or mitigate more than minor adverse effects arising from the establishment of new infrastructure and other physical resources of regional or national importance, taking into account:
 - (i) The need for the infrastructure or other physical resources of regional or national importance,

- (ii) Any functional, operational or technical constraints that require infrastructure or other physical resources or regional or national importance to be located or designed in the manner proposed,
- (iii) Whether there are any reasonably practical alternative locations or designs, and
- (iv) Whether any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.

The essence of the dispute

- [39] The cascade of rules in Section 3A4 of PC55 for network utilities is generally enabling as anticipated by the One Plan. All network utility activities are permitted under R3A4.1 subject to compliance with permitted activity standards in R3A4.2. Activities that are not permitted because of non-compliance with the performance standard default to restricted discretionary class with the matters of discretion confined to the extent that any relevant standard is not met.
- [40] A permitted activity standard (Standard I) requires that the works must not be located in areas scheduled in Appendix 1A, 1B, 1C, 1D, 1E and 1F. Appendix 1C refers to ONFLs. If that standard is not met, then R3A.4.3 concerning restricted discretionary activities is engaged. Assessment criteria (vi) in that rule requires consideration of the extent of impacts on values of the listed item in either Appendix 1A, 1B, 1C, 1D or 1E and the extent to which those impacts are remedied.
- [41] R3A.4.5 however states that any network utility located within an ONFL is non-complying. Rule 3A.4.5 states:
- Any network utility located within an Outstanding Natural Feature or Landscape in Appendix 1C is a Non-Complying Activity.
- [42] Mr Hudson drew a distinction between linear and non-linear infrastructure. Linear infrastructure includes such things as transmission lines. Non-linear infrastructure includes such things as pylons and masts for telecommunications.

- [43] Submitters with interests in linear and non-linear infrastructure sought a discretionary status (rather than non-complying) for network utilities in ONFLs in Appendix 1C. The reasoning varied. For example:
- (a) Powerco argue that discretionary classification is appropriate because sometimes network utilities are located within road corridors or other locations where the potential impact on ONFL values was small and a non-complying activity status was inappropriate;
 - (b) Transpower argued that the national benefits of their infrastructure, if required in an ONFL, could outweigh the dis-benefits and therefore make the use appropriate. The non-complying activity status was argued to be too restrictive; and
 - (c) Spark and Chorus argued that small infrastructure, such as telecommunications in ONFLs, may be useful for emergencies such as to enable search and rescue.
- [44] Much of the debate concerning the appropriate activity classification relied on planning evidence and was argued in the abstract. That is because the amount of network utility infrastructure already in ONFLs (excluding that within road corridor) is small and there were no plans by any network operator to take new infrastructure in a known ONFL either listed in Appendix 1C now, or proposed in draft PC53.
- [45] There was also argument regarding the appropriate wording for Objective 3 and its implementing policies. Of course, with activity classification and the requirements of RMA, s 104 (and in particular for non-complying activities where there are two gateways) the significance of policy can be great.
- [46] We therefore had to address the issue as one of planning principle and were obliged, amongst other things, to:
- (a) Recognise and provide for RMA Part 2, s 6(b); and

- (b) Give effect to the National Policy Statement on Electricity Transmission (NPSET);³ and
- (c) Give effect to Part 1 of the One Plan and in particular Policy 6-6 and Policy 3-3.

How should Objective 3 and its implementing policy read?

[47] The amendments to objective 3 and implementing policies proposed by Ms Harris in her reply in PC55(R2) are set out below:

Objective 3

To protect the values that are important to significant heritage and landscape areas from the inappropriate development of network utilities. To restrict, except within an existing road carriageway, the development of network utilities within areas of significant heritage and landscape value recognising the values of these important areas.

Policies

3.1 Subject to Policy 3.2, to protect the values that cause an Outstanding Natural Feature and Landscape to be identified—scheduled in Appendix 1C (Outstanding Natural Features) or a site of historic heritage scheduled in Appendix 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) from inappropriate subdivision, use and development.

3.2 To restrict the development of network utilities, except within an existing road ~~corridor~~carriageway, within areas scheduled of significant heritage and landscape value in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) unless there is no practicable alternative location; and

³ Gazetted on 13 March 2008.
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the infrastructure is of national or regional importance; and the development substantially protect the values of the scheduled resource.

3.3 To seek to avoid the adverse effects generated by the National Grid on Outstanding Natural Features and Landscapes while taking into account the locational, technical and operational requirements and constraints of the National Grid and the contribution it makes to the functioning and well-being of the community and beyond.

- [48] So far as Objective 3 (in PC55(R2)) is concerned, the focus is on the protection of the important values. A values based approach to the protection of ONFLs is important and ordained by the One Plan in Policy 6-6. The values will vary depending on the ONFL. Values are to be identified to give effect to the One Plan. These values are described in the Draft Manawatu District Landscape Assessment. The introduction of the word “inappropriate” in Ms Harris’ objective 3 (in PC55(R2)) provides the pathway to her proposed Policy 3.2 that explains what might be appropriate in limited circumstances. Consequently, the qualifier “inappropriate subdivision use and development” in Policy 3.1 in PC52(R1) is removed. This change is necessary since policy in a district plan should resolve what is appropriate and what is not.
- [49] Policy 3.1 (in PC55(R2)) now contains an unqualified outcome statement, only *subject to Policy 3.2*, to protect the values of the specific ONFLs listed in Appendix 1C and the other resources identified in that Policy.
- [50] Policy 3.2 (in PC55(R2)), in achieving Policy 3.1, restricts development of network utilities (except within the existing road corridor) unless three requirements are met:
- (a) There is no practicable alternative location; and
 - (b) The infrastructure is of national and regional importance; and

- (c) The development substantially protects the values of the scheduled resource.

[51] Ms Harris also proposed Policy 3.3 as a specific mechanism to give effect to Policy 8 in the NPSET.

[52] In our view, the environmental bottom lines, which must be implemented by the provisions of PC55, can be found in Policy 6-6 of the One Plan that also implements RMA Part 2 and NPSET. The thrust of Policy 6-6 is:

- (a) Avoiding significant adverse cumulative effects on values; and
- (b) Subject to (a), avoid adverse effects unless the avoidance is not reasonably practicable.

[53] Proposed Policy 3.1 in PC55(R2), in our view, more than implements Policy 6-6(a) of the One Plan by demanding, subject to Policy 3.2, the protection of ONFL values from network utilities and hence avoidance of adverse effects on them. Policy 3.2 implements Policy 6-6(b) of the One Plan, by restricting network utilities in ONFLs and other key sites and further clarifying what is “reasonably practicable” and appropriate for the purpose of One Plan Policy 6-6(b) by specifying three estimable requirements:

- (a) First, there must be no practicable alternative location. That is also a prerequisite under One Plan, Policy 6.6;
- (b) The second requirement is that the infrastructure is of national or regional importance. This further limits the eligible development that can rely on the exception so that only development which confers significant national or regional benefits can meet the exception; and
- (c) Finally, the bottom line is that the values of the scheduled resource are protected so that in practical terms Policies 6-6(a) and (b) of the One Plan are achieved.

[54] Our overall assessment is that Objective 3 and Policies 3-1 and 3-2 are appropriate and should be confirmed.

- [55] The next question is whether or not Policy 3.3 in PC55(R2) (specifically directed at the National Grid) should be adopted. Policy 3.1 is only made subject to Policy 3.2. Therefore, the National Grid would need to qualify under the exceptions in Policy 3.2. It would certainly meet the second limb as being nationally or regionally important. Does Policy 3.3 in PC55(R2) add anything? Probably not.
- [56] Ms Eng emphasised for Transpower, that Policy 8 in NPSET is not an absolute avoidance policy. Policy 8 reads:

In rural environments, planning and development of the transmissions system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

- [57] We agree. But Policy 3.2 is not absolute either. The problem with Policy 3.3 as proposed is that it is not outcome based. It is also redundant given our recommended change to Objective 1 later in this decision. Objective 1, Objective 3 and Policy 3.3 as we propose in PC55(C) more comfortably sit together. We have deleted Policy 3.3 in PC55(R2).

What activity class should be applied to new network utilities?

- [58] It will be recalled some submitters opposed the non-complying classification in R3A4.5.
- [59] Before we address that classification issue, it appears to us there is some ambiguity about the relationship between R3A.4.3 and R3A.4.5. On our reading of the rules, a new network utility in an ONFL does not meet performance standard R3A.4.2(l). It then defaults to restricted discretionary under R3A.4.3 and assessment criteria (vi) applies. On the other hand, R3A.4.5 makes the same activity non-complying. Our assessment is that there is an error here and that R3A.4.3 should be amended so that it excludes network utilities within ONFLs that are not minor upgrades. Minor upgrades is a defined term.
- [60] The non-complying activity status is employed in planning to protect resources by jurisdictionally barring consideration of activities, unless one

of two gateways are met in RMA, s 104D. A non-complying classification implements a protection orientated policy framework by placing gateway barriers to consideration of activities. Anyone considering the Plan has to ask an *antecedent* question before assessing RMA, s 104 matters and answer it affirmatively before considering the activity. Are the effects minor? Is the proposal consistent with the objectives and policies of the Plan?

[61] The assessment of whether or not the effects are minor is necessarily evaluative, but that doesn't mean to say it isn't an appropriate question to address at the outset. Given the framework of objectives and policies, it is quite straightforward also to assess whether or not, for example, a particular proposal falls within the cumulative requirements in Policy 3.2 to be classed as a possible exception to the direction in Policy 3.1 subject to a full RMA, s 104 evaluation.

[62] We consider that the non-complying activity status for network utilities in ONFLs is appropriate. This provides a clear signal that ONFLs are a special class of resource and their values cannot be compromised by general recourse to the evaluation under RMA, s 104 *unless* one of those two gateways are met.

Issue 3 – A stand-alone network utilities section of the District Plan

[63] PC55 contains a district wide policy suite for network utilities as an activity class. But PC55 does not contain an exhaustive set of rules applying to that activity class. R3A.4 states:

Rules in this chapter apply district wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone.

[64] A number of submitters, including Powerco, Spark and Chorus sought a stand-alone utilities chapter in the District Plan. Ms Blair for Powerco addressed that in detail in Section 4 of her statement of evidence. Para 4.3 of her evidence in particular states:

4.3 There are in my opinion, a number of factors that in combination make network utilities unique activities and which justify them being dealt with separately. These include:

a) Network utilities are essential functions that form part of the fabric of modern society;

b) Due to their nature and function there is difficulty in avoiding, remedying or mitigating adverse effects (e.g. it is not possible to readily screen electricity poles), hence choice of location (route) is usually the primary means to reduce effects;

c) Utilities are of strategic importance to the district and if society is to enjoy the benefits of such facilities it has to be prepared and most often does accept a greater level of effect from such facilities than for other types of developments;

d) Existing utilities have to be maintained and upgraded to meet increasing demand;

e) The unique role and function of network utilities and the problems they face is recognised in the RMA by allowing network utility operators to become requiring authorities;

f) A standalone chapter would make the approach to the management of such network utilities more consistent and certain across the district particularly when seeking to manage linear network utilities that traverse multiple zones; and

g) It is inappropriate to apply zone based provision that have been drafted with development of that nature in mind (e.g.: residential zone provisions are drafted with a view to managing residential development and industrial zone provisions with a view to managing industrial development). While I accept that some zone based provisions may be relevant, for example noise, I consider that these should be specifically identified as such, and cross referenced in the utilities chapter.

[65] All these points made by Ms Blair are valid and in the end Section 3A may function entirely stand-alone (even if not in a separate section of the Plan entirely) in the way that Ms Blair wanted once the sectional review is complete. Ms Blair's concern at the potential for policy in other zones to apply to network utilities, as well as the policy applying in 3A is a somewhat overstated concern. The Policy suite in Section 3A is the most specific policy applying to network utilities.

- [66] The most significant area of concern was the potential overlap in relation to height and setback requirements. Ms Harris, in her PC55(R2) proposed a change to R3A4.2 to make it plain that the permitted activity standards for height and setback for network utilities overrode the requirements of any zone chapter. In other words, Ms Harris was satisfied that in respect of these two requirements, those in Section 3A of PC52 could operate as standalone requirements. Ms Harris was not able to satisfy herself that other zone requirements could be excluded. She also doubted whether or not such a change to zone requirements was within the scope of the plan change.
- [67] Our predicament is that we cannot determine the question of scope without knowing what the implications of the stand-alone chapter, Ms Blair suggests, might be. That is essential to determining the question of scope, including the potential fairness implications of such a change. As we were not assisted by the submitters' evidence on this question (or what that replacement standalone chapter might look like), we prefer to take the conservative course of retaining PC55 as notified with the amendment to R3A4.2 in PC55(R2).

Issue 4 – Amendments sought by Powerco

- [68] Ms Blair, on behalf of Powerco, sought a number of changes to Section 3A that can be described as “tweaking” beyond the issues that she addressed in her evidence concerning Issue 2 and 3.
- [69] Ms Harris, for MDC, in her right of reply addresses each of these matters by submission number. Ms Harris recommended changes that she considered appropriate to PC52(R1) and PC52(R2) as set out in the fifth column of evidence in reply. In most cases, Ms Harris consulted with Ms Blair and the wording was agreed.
- [70] These matters in contention were therefore substantially resolved and we adopt the amended wording in PC52(R2).

Issue 5 – Provision for telecommunication facilities requested by Spark and Chorus

Overview

- [71] In addition to addressing Issues 2 and 3, Spark and Chorus, sought changes to elements of Section 3A in PC55.
- [72] Generally speaking, Spark and Chorus were supportive of the enabling framework for network utilities in PC55. We gratefully received the body of evidence from experts concerning the importance of network communication facilities to enable social, economic and cultural well-being. We were left in no doubt also that this was a dynamic field where significant changes occur over a relatively short timeframe.
- [73] A new National Environmental Standard for Telecommunication Facilities replaces the 2008 National Environmental Standard in 1 January 2017 called the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulation 2016 (NESTF). This new standard was made by Order in Council in November 2016, but comes into force in January 2017. Spark and Chorus were particularly anxious to ensure that the District Plan provisions cited NESTF and that the Plan was explicit that the provisions of NESTF would override the requirements of the District Plan in the event of conflict. Ms Harris in her right of reply agreed that these changes to the District Plan referred to the most recent standard. We agree.
- [74] There are a number of changes in PC55(R1) to the specifications stated in R3A.4.2(i) in relation to antennae dishes. These changes respond to the requests of Spark and Chorus.
- [75] Additionally, in R3A.4.2 Ms Harris proposed a change to the guidance note to refer to NESTF. This change is made at the request of Spark and Chorus.
- [76] Spark in submission point 17/025 and submission point 18/026 requested the maintenance, replacement and minor upgrading of existing utilities in ONFLs. A similar request was made by Powerco and the amendment to

R3A.4.2(l) proposed in PC52(R2) by Ms Harris addresses this request. Ms Harris supported the change to enable the maintenance, replacement and minor upgrading of existing utilities in ONFLs and said that the lack of provision for this was an omission in the drafting of provisions. The term “minor upgrading” is carefully defined in a new definition section that forms part of PC55.

[77] Finally, Spark and Chorus sought an amendment to the rules to enable temporary utility structures. Spark cited the example of temporary structures for Manfield Park to accommodate the Central Districts Fieldays. Spark noted that there was an operational need for the facility to remain onsite longer than the period the event is operational. Ms Harris agreed with the submission that they proposed in PC55(R2) amendment to R3F.4.2(a) so that structures need not be removed from the site upon completion of the temporary activity where they are *temporary network utility structures supporting an event*.

Conclusion on Issue 5

[78] We support the proposed amendments to respond to Spark and Chorus’ submissions as recommended by Ms Harris in PC52(R2).

Issue 6 – Provision for the National Grid as proposed by Transpower

Overview

[79] A number of the submission points in Transpower’s submission were already adopted in PC52(R1) to the satisfaction of Transpower. The remaining issues were addressed by two witnesses for Transpower.

[80] Ms Eng gave thoughtful planning evidence for Transpower seeking further amendments to PC52(R1) in relation to:

- (a) Objectives 1, 2 and 3;
- (b) Policy 2.4;
- (c) Policy 3.1;

- (d) Definition of Earthworks, “minor upgrading” and “network utilities”;
- (e) Rule 3A.4.5: Non-complying activity status for network utilities;
- (f) Rule 3D.4.3; and
- (g) Rule 3F4.3.

[81] Some of the matters listed (including the amendment to Objective 3, and R3A.4.5) related to Issue 2 in this decision and will not be readdressed in this part of the decision.

[82] Mr Dougall Campbell provided extensive operational evidence on the importance of the National Grid and the requirements of Transpower to efficiently manage, operate and upgrade the National Grid.

[83] There are significant National Grid assets in the Manawatu district. These are illustrated in **Appendix 2** to this decision.

[84] In this decision we will not address every matter raised by Transpower. In some cases, PC55(R2) changes PC55 in the manner sought by Transpower so that there is no remaining issue.

Objective 1 – Section 3A

[85] Ms Eng considered that recognition of nationally and regionally significant infrastructure and in particular the National Grid was required to give effect to the One Plan. She sought wording for Objective 1 as follows:

Regionally significant infrastructure, including the National Grid and other network utilities, are able to operate, upgrade and develop efficiently and effectively while managing any adverse effects in the environment having regard to their locational, technical and operational constraints.

[86] The s 42A report said Ms Eng’s wording unduly narrowed the objective from that which was originally intended.

[87] Ms Eng’s criticisms of Objective 1 in PC52(R1) (Section 3A) boil down to three things:

- (a) Objective 1 is not a sufficient outcome statement for the National Grid or other regionally or nationally significant infrastructure. This special infrastructure requires a distinct outcome statement in the first objective; and
- (b) Objective 1 does not give effect to NPSET; and
- (c) Objective 1 does not give effect to the One Plan, Chapter 3.

[88] We agree with Ms Eng to the extent that there are nationally and regionally significant resources, including the National Grid in the Manawatu district and that these need specific recognition in the primary objective governing network utilities. After all, the National Grid is specifically recognised in policy and rules that should have their provenance in an objective. We consider that an appropriate pathway is to retain the existing Objective 1, but divide it into two parts, with special recognition for the National Grid and other regionally significant infrastructure in the manner proposed by Ms Eng. Therefore, Objective 1 will read:

To ensure:

- (a) Nationally and regionally significant infrastructure, including the National Grid are able to operate, upgrade and develop efficiently and effectively while managing any adverse effects in the environment having regard to locational, technical and operational constraints of the infrastructure; and
- (b) Network utilities generally are designed, located, constructed, operated, upgraded and maintained in a manner that ensures the efficient use of natural and physical resources, while recognising the environment they are located in.

Objective 2 – Section 3A

[89] Transpower proposes a change to Objective 2 to make plain the outcome that is to be achieved. Currently, Objective 2 and PC55(R2) reads:

To protect the operation, maintenance, replacement and upgrade of existing network utilities, including infrastructure of regional and national importance and the plan development of new network utilities, from the potential adverse effects of subdivision use and development and other land use activities.

[90] Ms Eng proposed a new Objective 2 that reads:

To avoid the establishment of subdivision, development and land use activities that could adversely affect (including through reverse sensitivity) the safe, effective and efficient operation, maintenance, upgrading and development of infrastructure of regional or national importance and other network utilities, including the National Grid.

[91] The benefits of Ms Eng's version are the following:

- (a) It specifically identifies reverse sensitivity as a potential effect of concern, whereas the current Objective 2 does not;
- (b) It uses the terminology of the One Plan (infrastructure of national or regional importance);
- (c) It specifically refers to the National Grid and thereby gives effect to the One Plan and NPSET; and
- (d) It provides a specific outcome statement by requiring the avoidance of activities that could adversely affect that infrastructure.

[92] To some extent a statement that one will *protect* a particular physical resource has, as its natural corollary, the *avoidance* of adverse effects on the operation, maintenance, replacement and upgrading of that facility. We therefore do not agree with Ms Eng that Objective 2 in PC55(R1) is bereft of an outcome statement. We accept however that it is desirable to improve the wording of Objective 2 by a mix of the existing wording and her suggested wording,

[93] We therefore propose that Objective 2 be amended to read:

To protect network utilities in the district, and in particular regionally and nationally significant infrastructure, including the National Grid, by avoiding the adverse effects of subdivision use and development and other land use activities on the maintenance, replacement, and upgrading of the existing network utilities and planned development of new network utilities.

[94] It is noted that the term "planned development" is defined in the definitions section of the District Plan as amended by PC55. It may be

useful as part of the omnibus change to the District Plan that defined terms are identified in a similar manner to that which is achieved in the One Plan.

Minor upgrading

[95] Minor upgrading is a defined term in the Plan and it is important because the rules treat minor upgrading as a distinct activity and in most cases a permitted activity in Section 3A. The definition of minor upgrading has the following inclusive definition at (i):

Relocation and replacement of support structures, such as poles supporting electricity and tele-communication lines up to 3m from their original location.

[96] Ms Eng considers that that 3m standard is more restrictive than the Standard in NESETA (regulation 14) which provides for 5m. This, Ms Eng says, is contrary to RMA, s 43B(1) which precludes rules that are more restrictive than NESETA.⁴

[97] We consider that there should be consistency with NESETA and that flexibility should be provided recognising the importance of the National Grid. Therefore, we recommend an amendment to the definition of “minor upgrading” in (i) so that it reads:

Relocation and replacement of support structures, such as poles supporting electricity and tele-communication lines up to 3m from their original location and in the case of the National Grid, relocation and replacement of support structures up to 5m.

[98] The other definition of minor upgrading refers to support structure height. The sub paragraph (j) defines a minor upgrade as including:

An increase in support structure height required to achieve compliance with NZECP 34: 2001.

[99] Ms Eng recommended a definition that reads:

An increase in support structure height required to comply with NZECP 34: 2001 by not more than 15% of the base height of the support structure, and where the base height is defined is the height of the structure at the date of publication of the Plan.

⁴ Resource Management (National Environment Standards for Electricity Transmission Activities) Regulations 2009.
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[100] Ms Eng considered that this standard derived directly from Regulation 14(3)(a) of the NESETA and was an appropriate threshold.

[101] Ms Harris, in her right of reply, recommended a new clause and the definition as follows:

In the case of electricity transmission lines, an increase by not more than 15% of the base height of the support structure where the base height is defined as the height of the structure established as at January 2010.

[102] The reason for the reference to January 2010 is that that is the date the provisions of NESETA came into force.

[103] We support the additional clause in the definition that is proposed by Ms Harris in her PC55(R2) as set out in the paragraph above.

Definition of "Network Facilities"

[104] PC55(R1) proposed a definition that included New Zealand Defence Force Facilities as coming under the definition of Network Utilities. Ms Eng queried the use of the term network facilities to describe all defence infrastructure. Particularly when defence infrastructure is dealt with separately in Policy 3-1(a) and (b) of the One Plan. Transpower's particular concern is that defence facilities could fall within the National Grid yard with limited controls.

[105] Ms Harris in PC55(R2) narrows down the inclusive definition of Network Utilities to include only the NZDF Ohakea Airbase. It is still curious to call the airbase a network utility. We did not hear argument on that matter from the interested parties. Suffice it to say that Ms Harris' amendment addresses the concern that Transpower has.

[106] Given those matters and the uncontested evidence before us regarding enabling the NZDF Ohakea Airbase as a network utility, we adopt PC55(R2) on this point.

Rule 3D.4.5 – Non-complying activity status with earthworks

[107] Ms Eng proposed a new set of provisions to deal with earthworks district wide. In particular, a new standard for permitted earthworks in relation to the National Grid with a new Rule 3D.4.4. Ms Harris in her right of reply proposed those provisions. Ms Harris also in PC55(R2) proposed an amendment to R3D.4.5 making it a non-complying activity if standard 3D.4.2(f)(v) or (vi) are not achieved. We support those changes.

Conclusion on Issue 6

[108] Ms Eng's persuasive evidence has had a significant impact on the form of PC55(R2) as recommended by Ms Harris.

[109] After considering her evidence on Objectives 1 and 2 we have also suggested changes.

Issue 7 – Noise related issues other than in relation to Temporary Military Training Activities (TMTAs)*Overview*

[110] PC55 proposes new district wide rules governing noise. These are found in a new Section 3C. This new Section 3C was introduced following a technical review of noise control in the district by the experienced acoustic consultant, Mr Lloyd. Mr Lloyd's final report following pre-notification consultation is dated 26 April 2016. Mr Lloyd's report addresses a range of issues that arose and makes recommendations that largely found their way in PC55(N).

[111] There were a number of submissions on noise. NZDF addressed noise in relation to TMTAs. We address that in Issue 8. The only issue we address in this part of the decision arising from NZDF's submissions, relates to the use of the notional boundary to measure noise as proposed in PC55(N). This is Submission point SH/010, NZDF.

[112] Mr Lloyd addressed submission points on noise in a statement of evidence dated 17 November 2016. Mr Lloyd recommended some changes, but

otherwise recommended rejection of those submission points. Other than NZDF, no submitter called expert evidence on noise. Other than NZDF, no person appeared before us and argued in evidence against the conclusions of Mr Lloyd in his statement of evidence, or against the provisions of PC55(R1). In most cases the submitters appeared to be satisfied with PC55(R1). This is true, for example, of NZTA on the proposed separation distances recommended in PC55 from State Highways. It was also true in large part for the submissions by the oil companies and Spark. Federated Farmers and Horticulture New Zealand sought some clarification around the wording to make it plain that rural production was exempted from the noise rules. We consider the Plan provisions are sufficiently clear in PC55(R2) on that point. We also agree with Mr Lloyd's recommendation that intensive farming be subject to the noise limits as proposed in PC55, rather than the hours changed as proposed by Federated Farmers. Again, we did not have any contradictory evidence on that point.

- [113] The main issues that we need to identify and resolve (other than in relation to TMTAs) appeared to come down to the following:
- (a) The point of measurement used in Table 3C.1 in PC55; and
 - (b) Whether helicopter noise for rural production should be exempted.

Measuring at the boundary or the notional boundary

- [114] Table 3C.1 in PC55 sets noise levels and in the right hand column states the following: *"Potentially affected zone – measured at any point of the boundary of any other site in the zone."*
- [115] The effect of those words is that all parts of the property in any zone adjoining the activity receives the benefit of that noise limit. In all other respects R3C.4.2 directs that noise levels should be measured in accordance with NZS6801:2008. In his assessment of this issue, Mr Lloyd refers in his statement of evidence to NZS6802:2008 at [59], not NZS6801:2008. We therefore assume that the reference in the District Plan to NZS6801:2008 in R3C4.2 is erroneous. This tends to be confirmed by Section 3 of the report of Mr Lloyd dated 29 April 2016, that says: *"It is proposed to apply noise*

limits in accordance with NZS6802:2008 We have amended Rule 3C.4.2.a to remove this ambiguity.

- [116] In relation to the location noise measurement, NZS6802:2008 recommends that the notional boundary be used. This is supported by NZDF in its submission point S8/O10. In his report in April 2016, Mr Lloyd said:

“The notional boundary is a line 20m from the side of a rural dwelling or the legal boundary, where this is closer to the dwelling. The use of a notional boundary technique enables the Council to apply the residential protection criteria at the appropriate location. However, the use of a notional boundary concept is poor as a future planning tool because it does not protect land in a situation where an owner has the existing right to building a noise sensitive activity such as a dwelling. Section 8.4.4 of the NZS6802:2008 discusses the locations at which noise emissions from a site are required to comply with the noise limit and states – “whether rural land not used for human habitation deserves protection against noise may depend on the suitability of the land for future residential development and the existing or potential recreational amenity of the land.”

- [117] Mr Lloyd noted that noise limits are set at the boundary by other councils including Palmerston North City Council, South Taranaki District Council and Hutt City Council.

- [118] At [57] of his statement of evidence, Mr Lloyd states:

By applying the noise limits at the site boundary, this protects the land itself from external noise, and if necessary, allows a further assessment be made of the future use of neighbouring land to determine whether there are any conflicts between a neighbour's right to construct a noise sensitive activity against the need, if any, to exceed District Plan noise limits on that land.

- [119] The submission point was not pursued by NZDF at the hearing except in relation to noise limits for TMTAs.

- [120] The issue was also not pursued in planning evidence for NZDF.

- [121] We consider that the property or site boundary is the appropriate point for triggering the requirement for a resource consent. We reached that conclusion on the following grounds:

- (a) It better protects the amenity afforded by the use of all the property in the zone;

- (b) It recognises the potential for future development that may be anticipated for the property in the adjoining zone, even though that activity might not be permitted. For example, it may be a controlled or restricted discretionary activity. In such cases, development of the land may still be anticipated by the Plan. If the notional boundary is used, this erodes the amenity that would be afforded to future development that is anticipated by the District Plan; and
- (c) Measurement and the location of measurement is a control and a tool that triggers the need for a resource consent if breached. It is not an unreasonable requirement to ensure that future development is considered through the resource consent process before a noise emitting activity is consented where granting consent may affect future development.

Controlling noise generated by helicopter use for rural production

[122] Federated Farmers and Horticulture New Zealand considered that helicopter noise for rural production should be provided for. In particular, helicopter landing areas and rural airstrips used on an intermittent or infrequent basis should be exempted.

[123] In addressing this submission point, it is important to identify what the noise standards in R3C.4.2 control and do not control. Rule 3C.4.2(d) makes it plain that the following are not controlled by the Rule:

- (a) Aircraft being operated during or immediately before or after flight; and
- (b) Rural production activities, except for intensive farming.

[124] Therefore, infrequent intermittent use of rural land, when a helicopter is not in flight, will not be caught by R3C.4.2. If the helicopter uses a landing area that meets that definition of a helicopter landing area (and that would not be the case for the type of infrequent and transient use identified by the submitters), then the guidance note makes plain that such land areas

will be controlled by NZS6807:1994 – Noise Management and Land Use Planning of Helicopter Landing Areas.

- [125] Mr Lloyd considered that if a helicopter landing area was proposed (because it was not intermittent use purely for rural production), then it is appropriate that the activity is subject to R3C.4.2 and that any application is assessed in accordance with NZS6807:1994 - Noise Management and Land Use Planning of Helicopter Landing Areas. Accordingly the submitters' requests on this point are not accepted.

Issue 8 - Basket of matters identified by the New Zealand Defence Force (NZDF) relating to TMTAs and other issues relating to defence facilities

Overview

- [126] The New Zealand Defence Force (**NZDF**) has a significant interest in the Manawatu. Within the Manawatu District there is the Ohakea Airbase. It has recently undergone significant improvements as a result of a wider defence strategic planning initiative. Of course, Linton Army Base is located within Palmerston North City and is also nationally important. Giving effect to RMA, Part 2 and Section 3 of Part 1 of the One Plan, this infrastructure must be acknowledged and provided for in planning documents.
- [127] At the more mundane level, PC55 is a plan change humbly conceived to address a number of district wide issues. It is not a plan change for addressing all interests of NZDF, including the Ohakea Air Base which is a district physical resource. We note that there is a Memorandum of Understanding (MOU) between NZDF and MDC and Palmerston North City Council. In our view, the laudable objectives of that MOU would be advanced by positive engagement between NZDF and MDC so that through the sectional review process, all of NZDF's interests are directly addressed through the sectional review process. At the moment, the approach seems somewhat disjointed as will be seen from our analysis of the issues raised by NZDF.

Reverse sensitivity

[128] The submission by NZDF dated 10 August 2016 proposed as Point 11, a new definition of reverse sensitivity that reads as follows:

Reverse Sensitivity – occurs when existing activities are affected by newer uses establishing it may have sensitivity to and subsequently complain about the effects of the existing activity; and seek to limit the ability of existing activities to continue. Common examples are new residential development establishing next to farming or industrial operations, which can lead to new residents complaining about noise, odour or other nuisance effects from those established activities.

[129] The purpose of including that definition is that NZDF considers that reverse sensitivity is a significant issue for it, and in particular it wants to protect the defence facilities in the Manawatu District. This includes the Ohakea Airbase.

[130] Oddly, however, other than introducing a new definition, no other changes are proposed.

[131] In the absence of rules that use the term, we see no benefit in the introduction of a definition to explain the well-known planning concept of reverse sensitivity. We accept that reverse sensitivity is an issue that needs to be managed around the Ohakea Airbase. We accept that the Ohakea Airbase is a regionally and nationally significant defence facility. We accept that reverse sensitivity will inform planning controls in relation to activities that may impact on Ohakea Airbase. These issues, however, are best dealt with as a single planning work-stream. Indeed, we encourage NZDF and MDC to coordinate their planning activity to ensure that the Ohakea Airbase is not constrained or affected by reverse sensitivity.

*Temporary Military Training Activities*What NZDF wanted

[132] NZDF's submission sought a bespoke definition of TMTAs as follows:

Temporary Military Training Activity – means a temporary military training activity undertaken for defence purposes. The term 'defence purposes' is as defined in the Defence Act 1990.

- [133] NZDF also proposed an amendment to Policy (d) to the effect that “the Plan needs to provide for temporary land uses that only have minor effects as permitted activities (Policy (d)) including TMTAs”.
- [134] NZDF proposed that Chapter 3 in PC55 provide for TMTAs subject only to compliance with a specific noise standard for those activities. If the Standard is not met, then the activity would default to restricted discretionary. NZDF proposed a set of specific noise rules for TMTAs as set out in Attachment 1 to NZDF’s submission.
- [135] Curiously, Attachment 1 to NZDF’s submission in relation to weapons firing and explosives detonation in Table 1 says that some noise control variables are “TBC”, which means “to be confirmed”. These values were only introduced later in the further submission by NZDF dated 28 September 2016.

The status quo

- [136] In addressing the submission of NZDF on TMTAs, Ms Harris in her s 42A report at Section 5 said:

5.1 New Zealand Defence Force (NZDF) in their submission seek the inclusion of a new definition for Temporary Military Training Activities and district wide provisions for these activities in the District Wide Rules Chapter. The submitter also sought the inclusion of new noise provisions for their activities.

5.2 As outlined Appendix 1, PPC55 does not review the existing temporary military training activity provisions in the District. Temporary Military Training Activities are currently specifically provided for under Rule 2.2, and in the Manfeild Park Zone. These provisions have not been reviewed through PPC55 and the section 32 report does not address the provisions at all. To the contrary, the section 32 stated that the provisions relating to the Temporary Military Training Activities would be reviewed as part of the Rural Zone Plan Change (and other zone reviews as they occur). As no change is proposed to these provisions by PPC55, there is a real risk that persons directly or indirectly affected by the relief sought by NZDF would be denied an effective opportunity to respond to the changes. These provisions should be addressed as part of later plan changes as the zone provisions are reviewed, starting with the Rural Zone review.

- [137] We reviewed the existing MDP provisions and we also checked the consequential changes that were made to the MDP as a result of PC55.

These consequential changes are located on MDC's website as a separate document but part of PC55. It can be seen at page 10 of that document at [32], that RA2 is largely replaced by PC55 as it relates to temporary activities. But, R2.2.1 as it relates to Military Training Activities is not changed. R2.2.1 now reads:

(A) For the purpose of this Rule "temporary activity" means any short-term use of land for any of the following purposes:

Military Training Activities.

[138] Rule 2.2.2 permits those temporary activities as defined in R2.2.1.

[139] In Section 3F however, temporary activities are controlled by permitted activity R3F.4.1 which requires compliance with performance standards 3F.4.2. PC55 also introduces a new definition of "temporary activities".

[140] The regulatory picture is confusing, but appears to be the following:

- (a) Temporary activities are defined both in PC55 (and MDP as a result of PC55), but Military Training Activities (not defined) remain as a temporary activity under A2.2 in the MDP. As far as we can tell, MTAs cover most TMTAs requiring specific regulatory attention beyond the normal noise rules which should apply to any other defence activities that are not an emergency and not a MTA. We therefore treat TMTAs and MTAs as more or less interchangeable classes of activity and use the terms interchangeably; and
- (b) Permitted activity standards do not apply to Military Training Activities in the MDP, but standards do apply to all other temporary activities now defined in PC55 which does not include Military Training Activities or TMTA.

[141] The s 32 report for PC55 makes it plain that TMTAs were not intended to be addressed by PC55, which is the reason that RA2 continues to provide for them. The transitional situation is however not particularly well handled by PC55. There are in fact two definitions of temporary activities, and it is arguable that R3F.4.1 will apply to Military Training Activities even though this is not intended.

[142] We consider that a guidance note should be added under R3F.4.2 as (g) that reads: “*This rule applies to Temporary Activities as defined and does not include Military Training Activities in Rule A2 which is a separate class of Temporary Activity dealt with by the Rule.*”

[143] Manfield Park Zone has its own definition of TMTAs and it enables what are termed “Military Exercises” that has a zone specific definition that reads:

For the purpose of the Manfield Park Zone, means Military Training Activities which are temporary in nature and are restricted to orienteering exercises, communication training, tactical exercises, escape and evasion exercises which are undertaken by the NZDFs provided that these activities do not involve the discharge of explosives, guns or other weapons, or the use of explosive simulators.

[144] The upshot is:

- (a) Under the MDP and PC55, TMTAs that are Military Training Activities are a permitted activity without any performance standards;
- (b) There are special provisions for TMTAs in the Manfield Park Zone;
- (c) NZDF seeks a more restrictive set of rules than the *status quo* for military training activities (MTAs) that are TMTAs; and
- (d) PC55 expressly did not address MTAs and TMTAs as a resource management issue.

Acoustic evidence on TMTAs

[145] Mr Hunt gave evidence for NZDF. He explained that the basic noise controls proposed by NZDF were divided into four activity components:

- (a) Noise controls around weapon firing to control single and multiple explosions provided for as minimum setback distances;
- (b) Noise controls from mobile sources;
- (c) Noise from fixed noise sources; and

(d) Control around helicopter landing areas.

[146] Mr Hunt considered that this division into four classes allows a comprehensive and more appropriate method of controlling noise from TMTAs.

[147] In relation to explosives, NZDF submission proposes a tiered approach. The first tier is based on separation distance, and the alternative second tier contains noise limits when the separation distances cannot be achieved.

[148] These noise controls were attached as Attachment 2 to the evidence of Ms Bevin. Ms Bevin gave planning evidence.

[149] Mr Lloyd in his supplementary evidence responded as follows:

(a) The noise controls could not be fully examined and tested. We understood his point to be that this needed to be examined by the community through the plan change process, as well as properly analysed by MDC through the s 32 method; and

(b) Contrary to the contention of NZDF, its proposal was not a nationally consistent approach. Mr Lloyd pointed out that the Auckland Unitary Plan has different setback distances and distinguishes between live firing and blanks.⁵ Mr Lloyd noted that Ms Bevin's proposed rules makes no differentiation between live firing and blanks;

(c) Mr Lloyd pointed out that if the separation distances proposed for the use of explosives and firing were applied, then most of the activities could not occur other than in the Rural Zone. We attach his plans using MDC, GIS system based on various set-back scenarios in **Appendix 3**;

(d) If the setback rules could not be achieved in non-rural areas, then under MDF proposed noise controls, the noise was only controlled by peak sound limits. These limits are different than those set out

⁵ See Supplementary SOE by Mr Lloyd at [28].
Commissioners' Decision – PC55

in the Auckland Unitary Plan. These limits would permit extremely loud activities that would be disconcerting to the wider population;

- (e) The recommended setback distances by Mr Hunt,⁶ in 2013 correspond to the setback distances set by the Auckland Unitary Plan and are more restrictive than those advanced to us; and
- (f) Mr Lloyd did not agree with providing for night time battle simulations as permitted activities, as these would have a significant and disconcerting effect on the community.

Planning evidence on TMTAs

[150] Planning evidence for NZDF was given by Ms Bevin. She explained the reasons why specific provision is requested for TMTAs in the new Section 3 of the Plan. She proposed a new permitted activity rule with those activities subject to the permitted activity standards in her Attachment 2. These were not inserted in an amended text version of PC55(R1) so that we could see how the provisions she proposed would work. For example, she did not propose a permitted activity rule in PC55(R1). In addition, there was no evidence on her part that NZDF's proposal met the requirements Section 32. She did not provide us with evidence that her analysis was sufficient to meet the statutory tests.

[151] Ms Harris, in her right of reply evidence, addressed the submission points and reiterated her earlier position that PC55 did not attempt to address TMTAs and that the issue was best addressed in a subsequent plan change.

Our assessment of the TMTA issue

[152] There are a number of respects where we thought the parties were talking at cross purposes and we have already suggested a more collaborative approach on issues relevant to the NZDF. One area where the parties seem to be particularly at cross purposes was the issue of how and when the issue of TMTAs would be addressed in the future by MDC through the

⁶ NZDF, Reassessing Noise from Temporary Military Training New Zealand District Plan Recommendations. Malcolm Hunt & Associates Ref 932-OF3, Jan 2013.
Commissioners' Decision – PC55

sectional review process. MDC said it was appropriate to deal with it as part of the Rural Zone review because that is where most of the activities requiring control, such as weapons use will occur. This can be seen from the diagrams in **Appendix 3**. We understood that the rationale for that was that the likelihood was that the activities would occur in the Rural Zone which makes up more than 90% of the district. MDC did not mean, necessarily, that a zone by zone approach would be taken to TMTAs. Maybe, as part of the review of TMTAs, and in particular the review of RA2.2 , MDC may introduce a district wide rule as part of Chapter 3 controlling TMTAs. This change could still be made as part of the Rural Zone review. NZDF has interpreted MDC's proposal to leave TMTAs to the Rural Zone review as a decision to only provide for TMTAs in the Rural Zone, or only address them as zone specific provisions. This is not necessarily intended. The intended treatment of TMTAs is probably undetermined.

- [153] TMTAs have been dealt with in the MDP on a district wide basis and it may well be sensible to address them in the future in that way. If they are not, then the debate can be had at that point. The logical point where that debate is to be had is when MDC introduces a plan change that specifically addresses TMTAs and consequently reviews (and possibly deletes) the existing provisions relating to those activities in the MDP.
- [154] The *status quo* is that Military Training Activities are permitted activities and not subject to any performance standards including noise performance standards. This *status quo* is not changed by PC55. Those TMTA activities that might not fall within the meaning of Military Training Activities, if there are any, are unlikely to breach the noise standards of the Plan set by PC55.
- [155] The question that we have to answer is whether or not we should at this stage introduce rules to provide specifically for TMTAs with the noise performance standards proposed by NZDF. Our conclusion is that it is not appropriate to do so. Our reasons are:
- (a) We do not have jurisdiction to remove rules that are not changed by PC55. Therefore, the remnant of RA2.2 cannot be changed. If

we allowed NZDF's submission, then there would be two rules governing broadly the same activity. Duplication of rules in relation to the same or similar activity is not appropriate; and

- (b) MDC expressly said its s 32 analysis, that was available for public inspection, that it was not dealing with the issue of TMTAs. Allowing TMTAs, including discharge of firearms and explosives, has the potential to cause significant effects and we consider that it would be inappropriate to address the issue of TMTAs in PC55(N). We are satisfied that that issue can be picked up in response to the plan change that addresses RA2 and TMTAs;
- (c) We have not been provided with sufficient analysis by NZDF to satisfy ourselves that we can properly undertake a s 32AA evaluation of the regime proposed by NZDF;
- (d) We are concerned that NZDF's proposed regime is significantly more enabling than the regime adopted in respect of the Auckland Unitary Plan. This justification for the differences was not explained;
- (e) We are not convinced that the distinction between mobile and non-mobile sources of noise is as easy to apply as Mr Hunt thinks. These are all temporary activities which means that most sources of noise are mobile in some form; and
- (f) In the meantime (that is before any change to R2.2 in MDP), NZDF has the benefit of a relatively permissive regime.

[156] The claim by MDC is that PC55 does not address TMTAs. To ensure there is no confusion about this Rule 3C.4.2 controlling noise should include in 3C.4.2d a statement that Table 3.1c does not apply to Military Training Activities. A reference to the existing operative rule is also appropriate.

Issue 9 – Issues raised by Horticulture New Zealand and Federated Farmers

[157] In addition to the issues that we have already identified, there are a number of ancillary issues raised by Federated Farmers and Horticulture

New Zealand. Neither party appeared before us. Their written evidence was addressed in the evidence in reply by Ms Harris. There were consequential changes made to some of the matters raised. Both Federated Farmers and Horticulture New Zealand made the valid point that earthworks in the Rural Zone should not be addressed as part of PC55, and should be addressed as part of the Rural Zone review. Ms Harris proposed amendments to RB3.1.1A(xv) for the Rural Zone and a similar change for the Flood Channel Zone. This addresses that concern by both Horticulture New Zealand and Federated Farmers. Ms Harris also, in response to a submission by Horticulture New Zealand, proposed an amendment to Policy 2.4b.

[158] We are satisfied that no further changes are required to PC55(R2) to address the remaining submission points by these parties. We adopt the reasoning of Ms Harris in her evidence in reply in that regard.

Overall conclusion

[159] Our role is to make decisions under RMA, Schedule 1.

[160] We consider, after hearing the evidence and testing the evidence, that the provisions proposed in **Appendix 4 (PC52(C))** meet the statutory tests of plan making in the RMA.

[161] This decision addresses the major points in contention. To the extent that there are modifications between PC52(N) and PC52(C), then our further evaluation comprises this decision, supported by the following items of evidence:

- (a) The s 42A report and supporting technical papers; and
- (b) The evidence received at the hearing as noted in this decision.

[162] Beyond that, given the nature of the changes since PC55(N) and their environmental scale and significance, we consider under s 32AA(1)(c) that no further evaluation is required.

[163] We adopt the recommendations to adopt or reject in whole or in part the submissions as set out in the Schedule to Ms Harris' s 42A report, except to the extent we agree to the further modifications in PC55(R2) and PC55(C).

[164] The final form of PC55 in our decision is therefore in **Appendix 4** as PC55(C).

Addendum

[165] An effect of R 3E4.2 c xi is that real estate signage is significantly restricted and this may unreasonably affect property for sale with multiple-listings. The Panel note there is no submission on this point and they do not intend to change it through the Schedule 1 process. However, this is regulation the Council may wish to monitor for its effectiveness and efficiency over time and may be an unintended consequence of the plan change as notified.

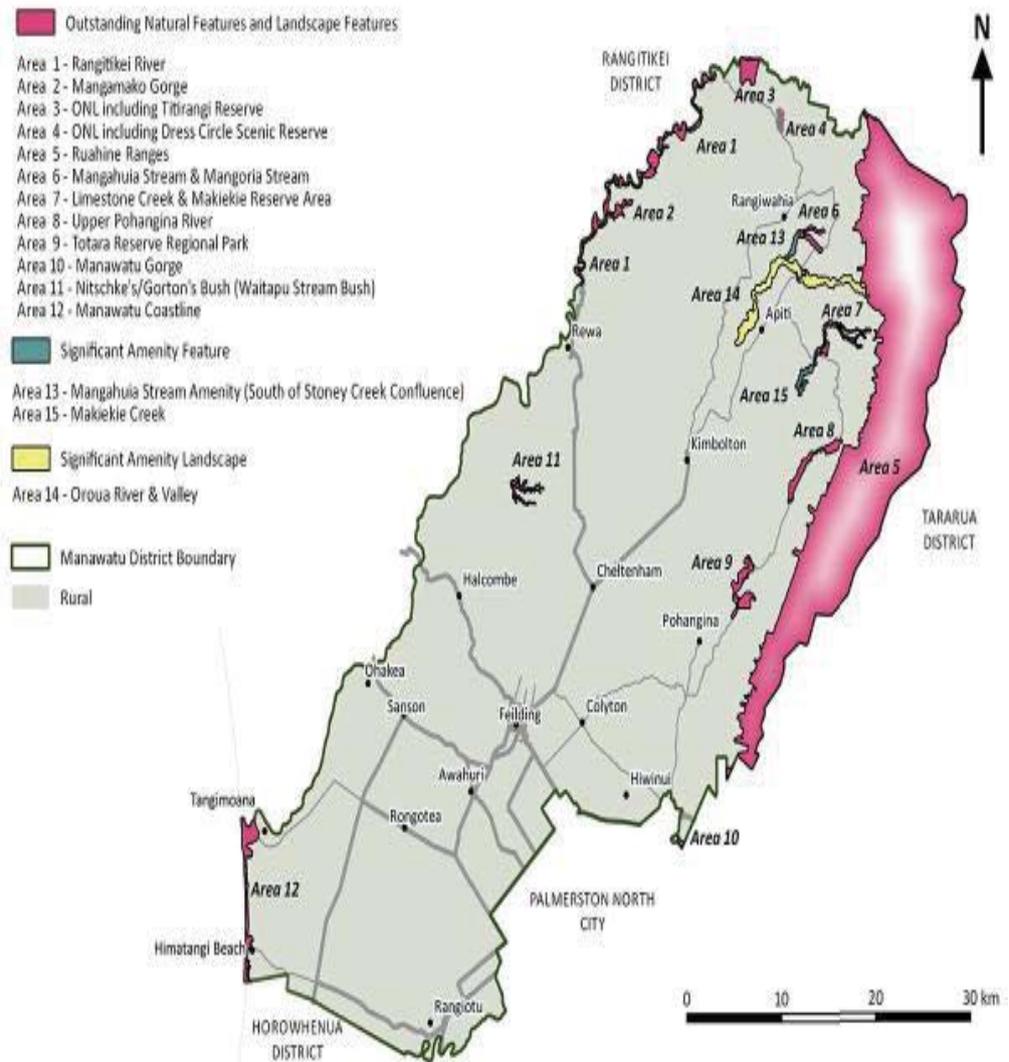


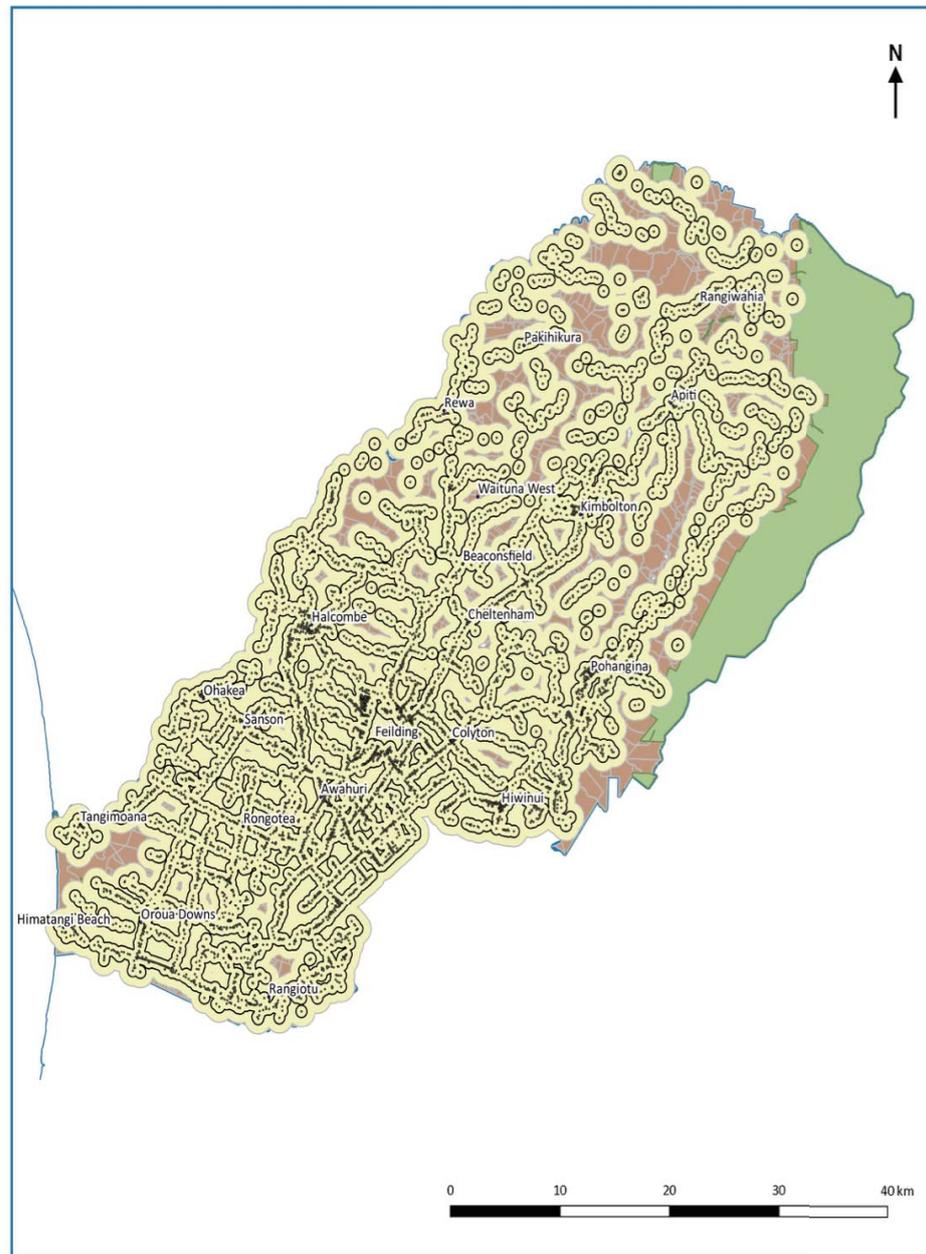
John Maassen
Chair

Howard Voss
Commissioner

Shane Casey
Commissioner

APPENDIX 1 - ONFL IN DRAFT ASSESSMENT





Manawatu District Plan

NZ Defence Force - Noise Setback in Rural Zone

- Rural Houses (approx location)
- Rural Zone
- Day 500m Setback
- Night 1250m Setback
- Public Land - Dept of Conservation
- Manawatu District



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Manawatu District Plan

NZ Defence Force - Noise Setback in Urban Zones

- Residential & Village Zoning
- Day 500m Setback
- Night 1250m Setback
- Public Land - Dept of Conservation
- Manawatu District



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APPENDIX 4 – PC 55(C)

NOTE: Text highlighted in grey refer to Definitions that have been reviewed

(Additions underlined, deletions strikethrough)

2 DEFINITIONS

ACCESSORY BUILDING

means a building, that is secondary and incidental to any dwelling on the site and includes, without limitation:

- a. Aviaries
- b. Garages and carports
- c. Glasshouses
- d. Pump sheds
- e. Tool and garden sheds
- f. Water tanks

For the purposes of the Manfeild Park and Special Development Zones, accessory building means a building or structure which is detached from, and the use/operation of which is incidental to that of, any other principal building(s) on the same site. In relation to a site on which no principal building has been erected, is incidental to the use which may be permitted on the site.

ACT

means the Resource Management Act 1991, and its amendments.

ADDITIONS AND ALTERATIONS

means the change to a building, structure, or memorial that alters its size and/or volume or results in changes to the finishes or materials. Additions and alterations specifically exclude “maintenance and minor repair” and “seismic strengthening” as defined by this Plan.

AMENITY VALUES

means 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. The term “amenities” has a corresponding meaning.

ANCILLARY ACTIVITIES

means an activity that is located on the same site as the primary activity which is permitted on that site, is secondary and incidental to the primary activity and serves a supportive function to the primary activity.

For the purpose of the Manfeild Park Zone and Special Development Zone, means an activity which is incidental to and associated with the primary activity undertaken in Manfeild Park

ANTENNA

and which has the sole purpose of providing a necessary service to enhance the overall functioning of Manfeild Park.

means any **radiocommunication** and/or **telecommunication** apparatus used for transmission or reception, including the antenna mounting but not any **mast** or supporting structure. It includes any satellite dish.

ARTERIAL ROAD

~~means any national arterial route, regional arterial route, or district arterial route shown in Appendix 2B (Pages 192 and 193).~~

ASSISTED LIVING ACCOMMODATION

means land and buildings used or designed to be used for supervised residential care and accommodation by 5 or more people (exclusive of the manager and the managers family) and includes, without limitation:

- a. Boarding Houses
- b. Nursing homes
- c. Retirement village

AVIARIES

means any building used for housing birds as a hobby, but does not include poultry keeping or intensive farming.

BUILDING

means any structure whether temporary or permanent, movable or immovable and specifically excludes:

- a. any deck or terrace, in whole or part, under 1.5m in height
- b. fences or walls under 1.8m in height
- c. deer fences or cattle yards
- d. retaining walls under 1.5m in height
- e. pools under 1m in height
- f. tents or marquees erected for less than 30 consecutive days
- g. satellite dishes less than 1m in diameter
- h. pergolas with a permanently open roof.

BUILDING FOOTPRINT

means the area of ground covered by a single building.

COLLECTOR ROAD

means roads that provide circulation in local areas and links to arterial roads, while balancing these needs with pedestrian and local amenity values. These roads provide access for all modes of transport including public transport. Typical traffic flows are between 3,000 and 10,000 vehicles per day. These include a number of central roads through the town of Feilding, Pohangina Road, Newbury Line and the main roads to the beaches and tourist routes like the Apiti-Rangiwahia route. Refer to Appendix 3B.1 for those roads that are identified in the District as being a Collector Road.

<u>COLLECTOR ROAD (TOURIST)</u>	means those roads that currently carry traffic volumes below that of a Collector Road, but serve a similar function in that they link areas of population together. Refer to Appendix 3B.1 for those roads that are identified in the District as being a Collector Road (Tourist).
COMMERCIAL SERVICES	<p>means land and buildings used to provide administrative, commercial or healthcare services and includes, without limitation:</p> <ol style="list-style-type: none"> a. Commercial artists, signwriting, and engraving. b. Dry-cleaning, laundries, dyeing and cleaning services. c. Hospitals d. Medical practitioners premises e. Offices f. Servicing and repair of household appliances and garden equipment, excluding vehicles.
COMMUNITY EVENTS	for the purposes of the Manfeild Park Zone, means land and/or buildings used for public or private recreation, entertainment, meetings or social events.
COMMUNITY FACILITIES	<p>means land and buildings used for public or community use and includes, without limitation:</p> <ol style="list-style-type: none"> a. Facilities for the operation of emergency services b. Places used for the gathering of people for recreation, worship, cultural and spiritual instruction c. Libraries d. Marae e. Public halls
CONTROLLED ACTIVITIES	are defined in Section 2 of the Act.
COUNCIL	means the Manawatu District Council or any Committee, Subcommittee, or person to whom the Council's powers, duties and discretions have been lawfully delegated.
DEFERRED RESIDENTIAL ZONING	is the zoning that applies to land in the Growth precinct Structure plans in Appendix 9A, 9B and 9C as Deferred Residential Zoning Density 1 or Density 2. The existing Rural Zone or Flood Channel Zone provisions continue to apply to all subdivision and development of land zoned Deferred Residential until that zoning is uplifted in accordance with Rule B1A. When the Deferred Residential Zone is uplifted in accordance with Rule B1A, then the land becomes residentially zoned. Until such time as the Deferred Residential Zoning is uplifted, none of the

DERELICT VEHICLE

subdivision rules applying to land within Growth Precinct will apply. Land will only be able to be treated as within a Growth Precinct when the Deferred Residential Zoning is uplifted. [PC45]

means any car or other vehicle which is not currently registered and/or not currently warranted, and which for the time being is unable to be driven under its own power. [PC39]

DIRECTIONAL SIGNS

means signs used to indicate parking areas, access and egress from a site, queuing lanes and maps.

DISCRETIONARY ACTIVITIES

are defined in Section 2 of the Act.

DWELLING

means any building, whether permanent or temporary, that is occupied or intended to be occupied, in whole or in part, as a single residence. It includes any motor vehicle that is occupied on a permanent or long-term (6 months or longer) basis.

EARTHWORKS

means the removal, deposit or relocation of soil that results in alteration between to the existing and finished ground level. This includes but is not limited to, soil movement associated with subdivision and site works as defined in the Building Act 2004.

For the purposes of this Plan, earthworks excludes the following:

- work associated with the forming, (unless within the National Grid Yard or within a site of Heritage Value) upgrade of maintenance of farm tracks
- fences and fence lines, including their post holes, unless within the National Grid Yard
- trenching and backfilling ancillary to the installation of network utilities and services (unless within a site of Heritage Value)
- the minor upgrading, replacement or maintenance of network utilities
- cultivation, including harvesting and maintaining of crops
- aggregate extraction, unless within the National Grid Yard.

~~includes the construction and maintenance of driveways, building platforms, loading areas, tracks, drainage works and dams MWRC. NB Earthworks near roads are subject to the Local~~

EDUCATION FACILITIES

~~Government Act 1974, refer Page 76.~~

means land or buildings used as a kindergarten, primary, intermediate or secondary school or tertiary institution and includes, without limitation:

- a. Day care centres/Kohanga Reo
- b. Home-schooling of more than two children not resident on the site
- c. Outdoor education centres
- d. Sports training establishments
- e. Work skills training centres

EFFECT

is defined in Section 3 of the Act.

ENTERTAINMENT FACILITIES

means land and buildings used for recreation and entertainment and includes, without limitation:

- a. Cinemas and theatres
- b. Casino and electronic gaming facilities
- c. Function centres
- d. Gymnasiums
- e. Premises licensed under the Sale of Liquor Act (1989)
- f. Premises authorised by the Prostitution Reform Act (2003)
- g. Restaurants, café's and other eating places

ENTRANCE STRIP

means a lot, a part of a lot, or a right of way, which provides access to a **road** for one or more sites.

ENVIRONMENT

is defined in Section 2 of the Act.

ESPLANADE RESERVE, and ESPLANADE STRIP

are explained fully in Part 6.2 of the Plan Strategy (Page 60).

EXTERIOR 'A' WEIGHTED AIRCRAFT NOISE LEVELS

used in any assessment of aircraft noise insulation shall be calculated using those 'A' weighted relative band levels as defined by Table G1 "Australian Standard AS 2021 – 1994 Acoustics – Aircraft noise intrusion – Building Siting and Construction"

EXTERNAL SOUND INSULATION LEVEL (DnT,w + Ctr)

means the standardised level difference (outdoor to indoor) and is a measure of the airborne sound insulation provided by the external building envelope (including windows, walls, ceilings and floors where appropriate) described using *DnT,w + Ctr* as defined in the following Standards:

ISO 717-1:1996 *Acoustics – Rating of Sound Insulation in Buildings & Building Elements* using spectrum No.2 (A-weighted

FAMILY FLAT

traffic noise spectrum).

ISO 140-5:1998 *Acoustics - Measurement Of Sound Insulation in Buildings and of Building Elements - Part 5: Field Measurements Of Airborne Sound Insulation of Facade Elements and Facades.*

means a self contained dwelling unit located on the same property and in the same ownership as the main dwelling unit and used or capable of being used for the accommodation of non-paying guests or family members who are dependent upon the occupiers of the main dwelling unit. [PC40]

FARM BUILDINGS

means **buildings** used in connection with **farming** practices on the land concerned, such as hay barns, farm implement sheds, and greenhouses. It does not include buildings used for accommodation, milking sheds, pens housing animals or for **intensive farming** activities.

FARMING

means a land based activity, having as its main purpose the production of any livestock or vegetative matter except as excluded below. Farming includes:

- a. Grazing, cropping and the cultivation of land necessary and appropriate to normal agricultural and horticultural activity.
- b. Keeping farm working dogs and puppies.
- c. Keeping, raising or breeding pigs where the productive processes are not carried out within **buildings**, or not within closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover.

Farming does not include:

- a. **Intensive farming.**
- b. **Pig Farming.**
- c. Planting, tending and harvesting forests, woodlots, specialised tree crops or shelter belts.
- d. **Kennels** or catteries.
- e. The processing of farm produce beyond cutting, cleaning, grading, chilling, freezing, packaging and storing produce grown on the farming unit.

NB – processing produce beyond that permitted as “farming” may come within the definition of “**Rural Industry**”.

FARMING AND AGRICULTURAL SUPPLIER

For the purpose of the Special Development Zone, means a business primarily engaged in selling goods for consumption or use in the business operations of primary producers or animal

	<p>husbandry and without limiting the generality of this term, includes:</p> <ul style="list-style-type: none"> • Equestrian and veterinary suppliers; • Farming and horticultural equipment suppliers; • Seed and grain merchants; and • Stock and station outlets.
FUNERAL PARLOUR	<p>means land and buildings used for the purpose of directing or conducting funerals and includes, without limitation:</p> <ol style="list-style-type: none"> a. mortuary facilities b. a place for holding funeral services
GREENFIELDS	<p>means land in the Residential zone or areas within the growth precinct structure plans in Appendix 9A-9C that has not previously been subdivided for urban purposes.[PC45]</p>
GROSS FLOOR AREA	<p>means the combined total area of all internal floor space of all buildings on a site and includes, without limitation:</p> <ol style="list-style-type: none"> a. Basement space. b. Elevator shafts and stairwells. c. Floor space in interior balconies and mezzanines.
GROWTH PRECINCT	<p>means the area identified in the Structure Plan Growth Precinct 1-3 in Appendix 9A-9C.[PC45]</p>
HABITABLE ROOM	<p>A space used for activities normally associated with domestic living, but excludes any bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes airing room or other space of a specialised nature occupied neither frequently nor for extended periods.</p>
HEIGHT	<p>in relation to any building, means the vertical distance between the ground level at any point and the highest part of the building immediately above that point.</p> <p>Height measurements specifically exclude:</p> <ol style="list-style-type: none"> a. antennas b. chimneys c. flagpoles d. <u>lightning rods</u>
HOME OCCUPATION	<p>means an occupation, craft, profession or service carried out in a dwelling unit or an associated accessory building, by an occupant</p>

INDIGENOUS FOREST

of that dwelling that meets all of the following

- a. Is incidental and secondary to the residential use of the property
- b. Is undertaken or operated by a member(s) of the household residing on the property where the home occupation occurs and can include up to a maximum of two (2) other persons who do not reside on the property
- c. Involves no exterior storage, display or other indication of the home occupation (other than advertising sign permitted by this Plan)
- d. Involves no visits, delivery or collection of goods, materials or wastes outside the hours of 7am to 8pm
- e. Does not result in significant adverse effects including noise, odour, traffic movements

The following activities are specifically excluded from home occupation:

- f. any industry
- g. any light industry
- h. catteries and kennels
- i. motor vehicle sales and servicing
- j. waste/recycling collection and storage.

INDIGENOUS VEGETATION

includes any area of vegetation which has an actual or emerging dominance of naturally-occurring indigenous tree species which attain a diameter at breast height of at least 30 centimetres.

INDUSTRY

means any naturally occurring association of indigenous plant species, and includes **indigenous forest**.

means the use of land or buildings for the purpose of manufacturing, fabricating, processing, repair, packaging, storage, collection, distribution including the wholesale or retail sale of goods manufactured or processed onsite and includes, without limitation:

- a. Animal and animal-product processing
- b. Abrasive blasting
- c. Cool stores and pack houses
- d. Engineering works
- e. Fibre-glassing
- f. Grain drying and processing
- g. Waste material collection, processing and disposal (excluding the day-to-day removal of refuse, by Council or an

	<ul style="list-style-type: none"> authorised contracting agency) h. Panel beating and spray painting i. Timber processing and treatment j. Vehicle wrecking and scrap yards
INFILL	means the subdivision of land previously subdivided for urban purposes.
<u>INFRASTRUCTURE OF REGIONAL AND NATIONAL IMPORTANCE</u>	<u>in relation to network utilities, has the same meaning as the infrastructure of regional and national importance listed in Policy 3-1 of the Manawatu-Wanganui Regional Council One Plan.</u>
INTENSIVE FARMING	means the breeding or rearing of animals (including birds) where the productive processes are carried out year-round within buildings , or within closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover. Intensive farming includes mushroom farming but does not include catteries, pig farming, kennels or aviaries .
KENNELS	means any site used for housing more than two dogs, excluding farm working dogs and puppies.
LANDFILL	means a site used for disposal of solid waste onto land, and includes all ancillary activities associated with the operation of a landfill.
LARGE FORMAT RETAIL	means retail activity with a gross floor area of greater than 2000m ² .
LEGAL COVENANT	means a covenant with Council under the Reserves Act 1977, an Open Space covenant with the QEII National Trust, or a covenant with the Department of Conservation under the Conservation Act 1987.
LIGHT INDUSTRY	means the use of land or buildings for small-scale local industries including, without limitation: <ul style="list-style-type: none"> a. Cabinet making, furniture manufacture and restoration and upholstery b. Depots for trades people such as painters, plumbers, builders, glaziers or electricians c. Hire of vehicles and general equipment d. Printing and packaging e. Relocated building storage and repair yards f. Storage and warehousing.

LIVING COURT	<p>means a landscaped and planted area which is required by this Plan to be unoccupied and unobstructed from the ground upwards, and which is adjacent to the main living area of the dwelling unit.</p> <p>Structures which will enhance the use and enjoyment of the court and special modifications to houses to suit the needs of those with disabilities (eg ramps) will be permitted.</p>
<u>LOCAL ROAD</u>	<p><u>means roads that provide access and connectivity within a local area. Local roads in urban areas typically carry up to 3,000 vehicles per day, have low vehicle speeds, have two lanes and provide for on-street parking, property access and pedestrian needs. Local roads in rural areas typically carry less than 1,000 vehicles per day.</u></p>
MAIN LIVING AREA	<p>means either a living room, dining room or rumpus room.</p>
MAINTENANCE AND MINOR REPAIR	<p>in relation to significant historic built heritage, means the repair of materials by patching, piecing in, splicing and consolidating existing materials. It includes replacement of minor components such as individual bricks, cut-stone, timber sections, tiles and slates where these have been damaged beyond reasonable repair or are missing.</p> <p>Original replacement material should be sourced where possible otherwise, the replacement must be of the same or similar material, colour, texture, form and design as the original it replaces. The number of components replaced must be substantially less than existing.</p>
<u>MAJOR ARTERIAL ROAD</u>	<p><u>means roads of strategic importance to the Region. They provide interconnections between areas within the District and distribute traffic from major intercity links. Access is generally at grade but may be limited. Urban traffic volumes are typically greater than 20,000 vehicles per day and rural 5,000 vehicles per day with a significant number of heavy vehicles. Typical urban operating speeds are 50 to 70km/h and rural 80 to 100km/h. Major Arterial Routes are State Highways 54, 56, Milson Line, Saddle Road and Camerons Line. Refer to Appendix 3B.1 for those roads that are identified in the District as being a Major Arterial Road.</u></p>
MAORI LAND	<p>has the meaning set out in the Te Ture Whenua Act 1993.</p>
MAST	<p>means any pole, tower, or similar structure designed to carry antennas to facilitate radiocommunication and/or telecommunication. It excludes equipment attached to any mast</p>

MILITARY EXERCISES

to conduct lightning.

for the purposes of the Manfeild Park Zone, means military training activities which are temporary in nature and are restricted to orienteering exercises, communications training, tactical exercises, escape and evasion exercises which are undertaken by the New Zealand Defence Forces provided that these activities do not involve the discharge of explosives, guns or other weapons or the use of explosive simulators.

MILKING SHED

means buildings used in the process of collecting milk from animals.

MINOR ARTERIAL ROAD

means roads that provide access between Collector and Major Arterial Roads. These roads have a dominant through vehicular movement and carry the major public transport routes. Access to property may be restricted and rear servicing facilities may be required. Urban traffic volumes are typically 8,000 to 20,000 vehicles per day and rural from 1,000 to 5,000 vehicles per day with a higher proportion of heavy vehicles. Typical urban operating speeds are 40 to 60km/h and rural 80 to 100 km/h. Minor arterial roads include Rongotea-Longburn Road to the north of Kairanga-Bunnythrope Road, Green Road, and the Cheltenham-Mangaweka routes. Refer to Appendix 3B.1 for those roads that are identified in the District as being a Minor Arterial Road.

MINOR UPGRADING

in relation to network utilities means increasing the carrying capacity or efficiency of an existing utility while the effects of that utility remain the same or similar in character, intensity and scale. Minor upgrading shall not include an increase in the voltage of an electricity line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage. Examples of minor upgrading may include:

- a. Adding circuits and conductors to electricity and **telecommunication** lines.
- b. Reconductoring lines with higher capacity conductors.
- c. Resagging conductors.
- d. Bonding of conductors.
- e. Adding longer or more efficient insulators.
- f. Adding earthwires to electricity lines, which may contain telecommunication lines, earthpeaks and lightning rods.
- g. Adding electrical or telecommunication fittings.
- h. Replacement of cross arms with cross arms of an alternative

MOTOR CARAVAN SITES

means the parking of up to two self contained motor caravans /campervans/caravans for a period of up to two days.

MOTOR SPORT ACTIVITIES

Means an event involving an automobile or motorbike which has a competitive nature or is given a competitive nature by the publication of results and includes:

- a. A race including any practice session
- b. A rally
- c. A club sport event
- d. A trial (navigational, sporting or regularity)
- e. A sprint
- f. A rally cross, which is a motor sport for cars run on an approved circuit at least 800 metres long, of which one quarter and not more than one half of the track must be sealed
- g. A rally sprint
- h. A motorkhana, which is a motorsport event for cars that is a test primarily of driver skill (rather than outright speed) in which competitors negotiate a precise course defined by flags or cones
- i. A record attempt
- j. An economy run or
- k. An autocross, which is a motorsport event for cars on a marked out course on an unsealed or sealed surface.

MOTOR VEHICLE

has the same meaning as defined in the Land Transport Act (1998).

MOTOR VEHICLE SALES AND SERVICING

means any of the following:

- a. The sale, servicing, hire or lease of caravans, farm vehicles, farm machinery, motor vehicles, trailers, or trailer boats

design.

- i. Relocation and replacement of support structures, such as poles supporting electricity and telecommunication lines up to 3m from the original location and in the case of the National Grid, relocation and replacement of support structures up to 5m.
- j. An increase in support structure height required to achieve compliance with NZECP34:2001.
- k. In the case of electricity transmission lines, an increase by not more than 15% of the base height of the support structure where the base height is defined as the height of the structure established as at January 2010.

NATIONAL GRID

- b. The sale of spare parts for caravans, farm vehicles, farm machinery, motor vehicles, trailers, or trailer boats

means the assets used or owned by Transpower NZ Limited.[PC45]

NATIONAL GRID CORRIDOR

means the area measured either side of the centreline of above ground National Grid lines (see definition of **National Grid Yard**) as follows:

- a. 14m for 110kV lines on single poles
- b. 32m for 110kV lines on towers
- c. 37m for 220kV lines on towers.

Note: the National Grid Corridor and Yard setbacks do not apply to underground cables or any transmission lines (or sections of lines) that are designated.

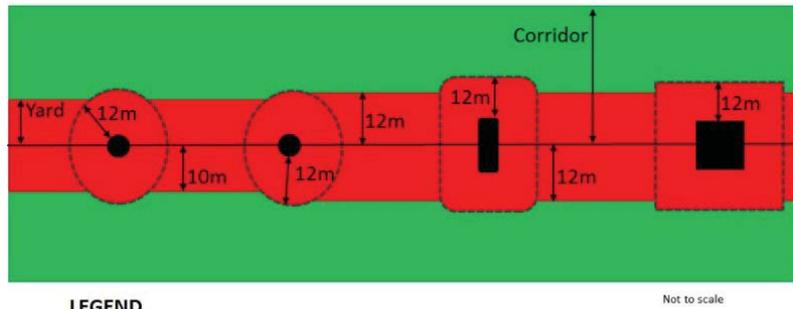
~~means the area measured either side of the centreline of above ground National Grid lines as follows: 32m for the 110kV National Grid lines on towers located within Growth Precinct 1 (Appendix 9A). (NB — see diagram under definition of National Grid Yard).[PC45]~~

NATIONAL GRID YARD

means:

- a. The area located 12m in any direction from the outer edge of a National Grid support structure; and
- b. The area located 10m either side of the centreline of an overhead 110kV National Grid line on single poles; or
- c. The area located 12m either side of the centreline of any overhead National Grid line on towers.

~~within Growth Precinct 1 (Appendix 9A) the area located 12 metres in any direction from the outer visible edge of a National Grid support structure foundation; and the area located 12 metres either side of the centreline of any overhead National Grid line on towers.[PC45]~~



LEGEND

— Centreline ● Single Pole ■ Pi Pole ■ Tower

Not to scale

NATURAL AND PHYSICAL RESOURCES

are defined in Section 2 of the Act.

NATURAL AREA

means any wetland, lake or river and its margin, any area of indigenous vegetation, or any other outstanding natural feature.

NET SITE AREA

means the total area of the **site**, less any area of the site used as an **entrance strip**.

NETWORK UTILITY

means an activity or operation of a network utility operator (as defined under section 166 of the Resource Management Act) and **also** includes those facilities which provide an essential service to the public including:

- a. telecommunications,
- b. radiocommunications,
- c. transformation, transmission or distribution of electricity
- d. distribution or transmission or pipeline of gas or petroleum,
- e. water supply (including treatment),
- f. sewerage reticulation,
- g. sewage treatment and disposal,
- h. drainage and stormwater control or irrigation systems,
- i. roads,
- j. railway,
- k. fire stations,
- l. airports,
- m. navigational aids, and
- n. meteorological facilities,
- o. solid waste facilities, and
- p. RNZAF Base Ohakea New Zealand Defence Force facilities.

NODAL AREA

means any land within the Feilding, Rangiwahia or Hiwinui subdivision nodes identified in Appendix 5A (Pages 217-219) and any land within 1km of any of the following places:

- a) Colyton School.
- b) Taikorea Hall.
- c) Glen Oroua School.
- d) Apiti Village Zone boundary.
- e) Utuwai School.
- f) Pohangina Hall.
- g) Rongotea Village Zone boundary.
- h) Bunnythorpe Village Zone boundary.
- i) Cheltenham Village Zone boundary.
- j) Sanson Village Zone boundary.
- k) Kimbolton Village Zone boundary.
- l) Halcombe Village Zone boundary.
- m) Waituna West School.

NOISE SENSITIVE ACTIVITY

means any of the following:

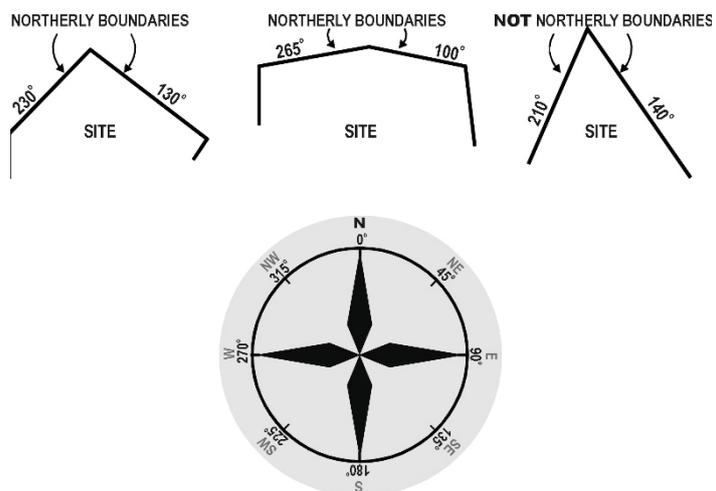
- a. Assisted living accommodation
- b. Community facilities
- c. Dwelling **and other residential activities**
- d. Education facilities
- e. Visitor Accommodation
- f. **Hospitals.**

NON-COMPLYING ACTIVITIES

are defined in Section 2 of the Act.

NORTHERLY BOUNDARY

in relation to a **site** means any boundary which has part of that site abutting to the south of it, and which is oriented between 90 degrees and 135 degrees, or between 225 degrees and 270 degrees, in relation to true north. (Examples below):



OFFICES

for the purpose of the Special Development Zone, means an activity which involves the use of land or buildings for administrative or professional activity that is ancillary to

	activities occurring at Manfeild Park.
OFFICIAL SIGN	means any regulatory traffic and official signs approved by <u>Council</u> a road controlling authority or provided under any legislation and which are erected on a road .
OUTLINE PLAN	means an outline plan showing a public work, project, or work to be constructed on designated land, submitted to Council under Section 176A of the Act to allow Council to request changes before construction is commenced.
PENS HOUSING ANIMALS	means land and buildings used for the housing, whether temporary or permanent, of animals. It includes feed pads whether covered or uncovered, yards used for holding and sorting animals and facilities used for animal rearing such as calf sheds.
PERMITTED ACTIVITIES	are defined in Section 2 of the Act.
PIG FARMING	means keeping, raising or breeding pigs, where the productive processes are carried out within buildings , or within closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover.
PLANNED DEVELOPMENT	<u>means network utility infrastructure that is the subject of a lodged or granted application for certificate of compliance or resource consent, or a notice of requirement, or a confirmed designation.</u>
PLANT PESTS	mean any plants listed as Total Control, Boundary Control, Aquatic or National Surveillance Plant pests by the Regional Council .
PORTABLE SAWMILL	means a small scale sawmill not permanently established on a site, and which is capable of being removed from the site on wheels or via a trailer unit.
POULTRY KEEPING	includes geese, ducks, chickens, turkeys and domestic fowls of all descriptions, except as defined as Intensive Farming .
RADIOCOMMUNICATION	means a transmission, emission, or reception of signs, signals, writing, images, sounds, or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz and 3,000 gigahertz, propagated in space without artificial guide.
RADIOCOMMUNICATION AND/OR TELECOMMUNICATION	includes any line, mast , pole, aerial, tower, antenna , antenna dish, fixed radio station, radio apparatus or other structure,

FACILITIES	facility or apparatus intended for, associated with, or ancillary to, effecting radiocommunication or telecommunication.
RADIOCOMMUNICATION, TELECOMMUNICATION AND ANCILLARY PURPOSES AND LAND USES	includes installing, operating, maintaining, removing and replacing radiocommunication or telecommunication facilities and carrying out ancillary land uses.
RECREATION ACTIVITIES	means land and buildings used by the public for active and passive recreation activities and includes structures and landscaping required to enable the following: <ul style="list-style-type: none"> a. Clubrooms and halls b. Grandstands and stadia c. Public Toilets d. Playgrounds e. Sealed courts and turf f. Sports fields g. Swimming pools
REGIONAL COUNCIL	means the Manawatu-Wanganui Regional Council, also known as horizons.mw.
RELOCATED BUILDING	<u>means any second hand building which is transported in whole or in parts and relocated from its original site to its final destination site, but excludes a pre-fabricated building which is delivered dismantled to a site, for erection on that site.</u>
REPLACEMENT	<u>for the purpose of network utilities, means the repair or putting new components back in place of existing components of the network utility infrastructure so that where it the network utility infrastructure remains the same or similar in character, intensity and scale as what was originally in that location.</u>
RESTRICTED DISCRETIONARY ACTIVITIES	are defined in Section 2 of the Act.
RETAIL ACTIVITIES	means the use of land or buildings where goods, equipment or services are sold, displayed, hired or offered for sale or direct hire to the public and includes, without limitation: <ul style="list-style-type: none"> a. Bakeries b. Dairies c. Garden centres d. Hardware stores

ROAD

The following are specifically excluded from retail activities:

- a. Commercial Services
- b. Industry
- c. Large format retail
- d. Motor vehicle sales and servicing
- e. Service stations
- f. Supermarkets

RURAL AND ANIMAL SERVICES

has the same meaning as Section 315 of the Local Government Act (1974).

means land and buildings used for the provision of sales and services associated with the rural sector and includes, without limitation:

- a. Animal grooming
- b. Farming, agricultural and horticultural supplies
- c. Veterinary clinics

SAWMILL

means a **site** used for cutting, chipping, shaping or de-barking timber, including ancillary storage. Sawmills do not include chemical preservation processes, lamination, wood pulping, fibreboard manufacture or any similar timber processing.

SCHEDULE P

is a schedule of materials and general construction techniques for building elements that, for the purposes of this Plan are deemed to reduce the **exterior 'A' weighted aircraft noise levels** by 20 decibels with respect to the interior 'A' weighted sound levels.

SCHEDULE Q

is a schedule of materials and general construction techniques for building elements that, for the purposes of this Plan are deemed to reduce the **exterior 'A' weighted aircraft noise levels** by 25 decibels with respect to the interior 'A' weighted sound levels.

SCHEDULE R

is a schedule of materials and general construction techniques for building elements that, for the purposes of this Plan are deemed to reduce the **exterior 'A' weighted aircraft noise levels** by 30 decibels with respect to the interior 'A' weighted sound levels.

SEISMIC STRENGTHENING

means works undertaken to improve the structural performance of a building by modifying, or adding to, the structure of a building to meet the requirements of the Building Act (2004), any subsequent amendments to that Act and any current Council

SENSITIVE ACTIVITIES

Earthquake-Prone building policy.

Works that are deemed seismic strengthening shall be identified by a chartered professional engineer who has knowledge of the structural characteristics and earthquake performance of the type of building being assessed.

has the same meaning as **Noise Sensitive Activity** defined earlier in this chapter.

~~means those activities that are particularly sensitive to the National Grid high voltage transmission lines. Such activities include residential accommodation, educational facilities (excluding tertiary facilities), early childcare facilities, hospitals and homes for the aged.[PC45]~~

SERVICE COURT

means an area of land which is required by the Plan for the provision of servicing facilities to each **dwelling unit**. Special modifications to houses to suit the needs of those with disabilities (eg ramps) are permitted in this area.

SERVICE STATION

means a business engaged in refuelling and servicing motor vehicles, selling petroleum products and accessories for motor vehicles (including convenience goods for motorists) and may include the cleaning and mechanical repair of motor vehicles and the repair of domestic equipment.

The following activities are specifically excluded from service station:

- a. panel-beating
- b. spray painting
- c. heavy engineering such as engine re-boring and crankshaft grinding.

SIGN

means any advertising matter used to give information on a product, service, event or location. It includes the frame, supporting device and any associated ancillary equipment where the principal function is to support the advertising matter. Any advertising material located within shop window displays in the Inner and Outer Business Zones and the Special Development Zone are excluded.

~~means any advertising matter of whatever kind, and includes any board or structure which supports advertising matter. It also includes any advertising matter on parked vehicles or trailers which is in addition to the structure of that vehicle or trailer.~~

SIGN FACE AREA

~~Signs do not include any advertising matter within a shop display window. Doublesided signs shall be measured on one side only for the purpose of determining sign size under this Plan.~~

means the measurement of the area covered by advertising matter and does not include the area of the support device.

SIGNIFICANT HISTORIC BUILT HERITAGE

means any building (identified as Category A or B), or memorial, or object that is listed in a schedule in the District Plan due to its historic heritage value.

SITE

means an area of land capable of being disposed of separately.

SITE COVERAGE

means that portion of the **net site area**, expressed as a percentage, which may be covered by **buildings**, including eaves, balconies and verandahs in excess of 0.6m wide.

The following are not included in the calculation of site coverage:

- a) Eaves, balconies and verandahs less than 0.6m wide.
- b) Pergolas and other similar open structures.
- c) Conservatories encroaching into any **living court** required by this Plan.
- d) Outdoor swimming pools.
- e) Special modifications to houses to suit the needs of those with disabilities, eg ramps.

SOUND TRANSMISSION PATH

means any possible sound path from outside the building to inside the room concerned but where the building construction option is both part of the outside envelope of the building and also part of the room itself.

SPECIAL EVENT

For the purpose of noise standards in the Manfeild Park Zone, means an event that is not a motorsport activity taking place at the Motorsport Park and circuit (that are controlled by reference to separate resource consent conditions). But which otherwise meets the permitted activity status for the zone except that it exceeds the noise limits in Rule B8.3.1 F.

STORMWATER NEUTRALITY

means post development runoff that equals the pre development runoff; so despite an increase in hard surfaces from roads, roofs and other impervious surfaces associated with development, the design of the subdivision enables runoff to be managed on-site (individual properties) and within the boundary of the subdivision using swales on roads for conveyance and detention ponds. [PC45]

STREET FURNITURE	means any structures and equipment lawfully located on or over the legal road reserve. It includes public telephones, litter bins, (not skip bins), street lighting, bus shelters, roadside rest areas and toilets, information centres and weigh stations, street trees and landscaping.
STREET USER	means any street stall, street appeal, busker, preacher, parade, or public gathering, pamphlet distributor, street photographer, or mobile shop, operating in a public place. NB – Such operations require Council’s permission under the District Bylaws.
STREETScape	means the visual elements, within and adjoining the street, including the road, structures, trees and open spaces and adjoining buildings that combine to form the street’s character.
SUPERMARKET	means any premises that are principally used for the retail sale of groceries and other associated food and drink items and household goods and that has a retail floor area of over 300 square metres.
TELECOMMUNICATION	means the conveyance from one device to another of any signal, sign, impulse, writing, image, sound, instruction, information or intelligence of any nature, whether for the information of any person using the device or not.
<u>TEMPORARY ACTIVITIES</u>	<p>means <u>any short term activity that does not occur more than four times a year on the same site and any buildings and structures associated with that activity and includes, but is not limited to:</u></p> <ul style="list-style-type: none"> • <u>Sporting events, public meetings, galas, market days, and recreational and festive events</u> • <u>Temporary buildings and structures</u> • <u>Any temporary storage of goods for materials</u> • <u>Demolition and removal of buildings.</u>
<u>TEMPORARY SIGN</u>	<p>means <u>any sign that is of a temporary nature advertising any forthcoming activity. It includes, without limitation:</u></p> <ul style="list-style-type: none"> • <u>Any parliamentary or local authority election signs</u> • <u>Construction or development signage on any building or demolition site</u> • <u>Exhibition or event signage</u> • <u>Real estate signs advertising the sale, rent or auction of land or premises.</u> <p><u>Temporary signs do not include a permanent structure whereby the advertising matter is altered regularly.</u></p>

TOURIST FACILITIES	means land and buildings used for the education and entertainment of domestic or international tourists.
UNDERGROUND PIPES, CABLES AND LINES	includes pipes, cables and lines (including any wire, cable and associated equipment used or placed in position for the conveyance of electricity) which are above ground but fixed to permitted structures such as bridges.
UNFORMED ROAD	means any road below full metalled road standard, ie any road without proper base-course and top-course layers which are able to be graded.
<u>URBAN AREA</u>	<u>means any land zoned Residential, Village, Inner or Outer Business, Industrial, Recreation, Manfeild Park or Special Development.</u>
UTILITIES	means any activity relating to: <ul style="list-style-type: none"> <li data-bbox="614 884 1409 929">a) Lighthouses, navigational aids and beacons. <li data-bbox="614 929 1409 974">b) Roads and railways, and incidental equipment. <li data-bbox="614 974 1409 1041">c) Generation, transformation, transmission, or distribution of electricity. <li data-bbox="614 1041 1409 1131">d) Distribution or transmission by pipeline of gas, petroleum or steam. <li data-bbox="614 1131 1409 1176">e) Water or sewerage reticulation, or treatment. <li data-bbox="614 1176 1409 1220">f) Land drainage, stormwater control or irrigation works. <li data-bbox="614 1220 1409 1332">g) Construction, operation and maintenance of an airport as defined by the Airport Authorities Act including the provision of any approach control services. <li data-bbox="614 1332 1409 1422">h) Radiocommunication and/or telecommunication equipment and lines. <li data-bbox="614 1422 1409 1512">i) Recycling depots, refuse transfer stations and refuse disposal facilities. <li data-bbox="614 1512 1409 1556">j) Meteorological instruments and facilities. <li data-bbox="614 1556 1409 1601">k) Soil conservation and river control works. <li data-bbox="614 1601 1409 1646">l) Fire Stations.
VISITOR ACCOMMODATION	means places used for accommodating tourists and residents away from their normal place of residence and includes any ancillary service or amenity provided on the site such as a restaurant, café or other eating place, swimming pool or playground. <p data-bbox="598 1892 1409 1937">It includes, without limitation, any of the following:</p> <ul style="list-style-type: none"> <li data-bbox="614 1960 1409 2004">a. Hotels <li data-bbox="614 2004 1409 2038">b. Motels

WETLAND

- c. Motor camps, camping grounds and caravan parks
- d. Self catering accommodation
- e. Tourist lodges, backpackers

“includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.”
Wetlands do not include artificially created wetlands or areas of rushes within wet pasture.

YARD

means a part of a site that is unoccupied and unobstructed by buildings from the ground upwards, except as otherwise provided by this Plan. The width must be measured in the horizontal plane.

Front Yard means a **yard** between the road boundary and a line parallel thereto and extending across the full width of the site. Where the planning maps show a proposed road, the proposed road line shall be a road boundary for the purposes of front yard requirements.

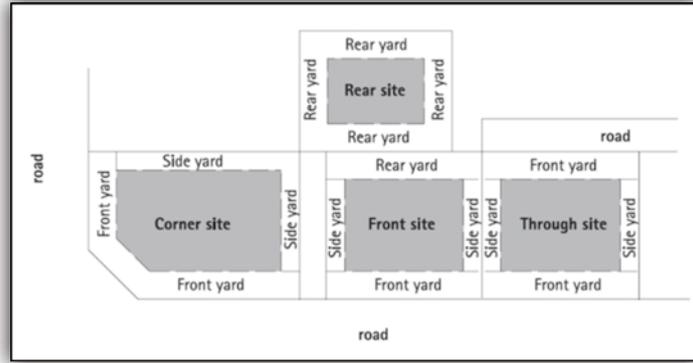
Rear Yard means a yard bounded by the rear boundary of the site and a line parallel thereto and extending across the full width of the site.

A rear yard in respect of any rear site means a continuous yard bounded by all the boundaries of the site. Corner sites do not have rear yards.

Side Yard means a yard which except for any portion of the site comprised in a front or rear yard lies between the full length of a side boundary and a line parallel thereto. In respect of a corner site every boundary not being a road frontage shall be a side boundary.

The location of front, rear and side yards is shown in the Figure below:

ZONE



means an area identified on the District Planning Maps, for which the District Plan specifies rules and standards for development.

3.0 DISTRICT WIDE RULES

3.1 Introduction

This chapter contains provisions that apply in the Manawatu District relating to:

- Network utilities:
- Transport
- Noise
- Earthworks
- Signage
- Temporary activities
- Relocated buildings

This chapter ~~is intended to be read in conjunction should be read along~~ with the relevant zoning provisions. If the ~~relevant~~¹ zoning rules are more ~~specific restrictive~~ than the provisions contained in this chapter, then ~~the zone rules they~~ shall apply.²

3A NETWORK UTILITIES

3A.1 Introduction

Network utilities, including infrastructure of regional and national importance, are an essential part of the District's infrastructure. Communities rely on network utilities to function. It is therefore critical the development, operation, upgrading and maintenance of these essential services are managed appropriately to ensure the social, economic and cultural wellbeing of those in the District ~~and beyond. Such infrastructure, services and facilities can also create significant direct or indirect adverse environmental effects, some of which may be quite specific to the utility. Due to their locational, technical and operational constraints, some utilities may generate adverse effects that cannot be practically avoided, remedied or mitigated. As such, these effects need to be balanced against the essential nature of facilities and the benefits these utilities provide to the social, economic, health and safety and wellbeing of people and communities in the Manawatu District and beyond.~~³

The National Grid is managed and regulated in part by the National Policy Statement on Electricity Transmission 2008 (NPSET) and the Resource Management (National Environmental Standards for Electricity Transmission Activities (NESETA). The NPSET came into effect on 13 March 2008 and recognises the national significance of the National Grid in its entirety. The NPSET facilitates the operation, maintenance and

¹ S16/004 by Transpower

² S3/007 by Heritage New Zealand Pouhere Taonga and S11/008 by Transpower NZ

³ S16/005 by Powerco and S11/009 by Transpower NZ

upgrade of the existing National Grid network and the establishment of new National Grid assets. The District Plan is required to give effect to the NPSET.

The NESETA came into effect on 14 January 2010. The NESETA sets out a national framework for permissions and consent requirements for activities on National Grid lines existing at 14 January 2010. Activities include the operation, maintenance and upgrading of existing lines but exclude the development of new lines and substations. The NESETA must not be in conflict with nor duplicate the provisions of the NESETA.

Telecommunication and Radiocommunication facilities are in part managed under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 ~~2008~~ (NESTF). The NESTF provides a nationally consistent planning framework for a wide range of telecommunication facilities in locations inside and outside the road reserve. Telecommunication facilities not covered by the NESTF 2016 are controlled under the District Plan. ~~radiofrequency fields of all telecommunication facilities, and for some telecommunication infrastructure that is located in the road reserve, such as cabinets and antennas.~~⁴

The Manawatu Wanganui Regional Council's One Plan also recognises provides for⁵ the regional and national importance of a range of infrastructure in the region. The Regional Policy Statement section of the One Plan (RPS) requires that councils recognise, and⁶ have regard to the benefits that derive from regionally and nationally important infrastructure and utilities, and that the establishment, operation, maintenance and upgrading of such infrastructure be provided for in the District Plan. The RPS also requires that the Council ensure that adverse effects from other activities on network utility infrastructure are avoided as reasonably practicable.

This chapter provides clarification to network utility operators for activities that can be undertaken without a resource consent, and the parameters these activities must comply with. The District Plan provides for a large range of works to be permitted subject to performance standards.

Subdivision, use and development can adversely impact surrounding network utilities. Therefore, additional provisions relating to setbacks from key network utilities are included in the Chapter 8 - Subdivision. Earthworks when undertaken in proximity to network utilities can undermine the infrastructure asset. Provisions restricting earthworks near some network utilities are contained in the earthworks section of this chapter.

3A.2 Resource Management Issues

The following resource management issues have been identified in relation to network utilities:⁷

⁴ S17/005 by Spark and S18/006 by Chorus

⁵ S5/046 by Heritage NZ Pouhere Taonga

⁶ S5/046 by Heritage NZ Pouhere Taonga

⁷ Support all issues S20/007 by First Gas and S8/005 by NZ Defence Force

1. To provide for the safe, effective and efficient operation, **maintenance, replacement⁸ and upgrade⁹** of network utilities, including infrastructure of regional and national importance.¹⁰
2. Recognising that network utilities have technical and operational requirements that may dictate their location and design.¹¹
3. The safe, effective and efficient operation, **upgrading and maintenance, replacement and upgrading¹² and planned development¹³** of network utilities can be put at risk by inappropriate subdivision, use and development.¹⁴
4. The need to balance the visual amenity effects of network utilities against their locational needs.
5. The need to manage the disposal of solid waste material by reusing and recycling where possible, while avoiding the use of contaminated soils.
6. Recognising the constraints on existing network utilities when considering new development.¹⁵
7. Potential effects from electromagnetic and other forms of radiation.
8. **The location, operation and maintenance, replacement and upgrading of network utilities can create adverse effects on the environment.**^{16, 17}

3A.3 Objectives and policies

Objective 1

To ensure network utilities are designed, located, constructed, operated, upgraded and maintained in a manner that ensures the efficient use of natural and physical resources while recognising the environment they are located in.¹⁸

To ensure:

- (a) **Network utility infrastructure of national and regional importance, including the National Grid, is able to operate, upgrade and develop efficiently and effectively**

⁸ S16/006 by Powerco

⁹ S11/010 by Transpower and S16/006 by Powerco

¹⁰ Support issue 1 S7/005 NZ Transport Agency

¹¹ Support issue 2 S11/011 by Transpower

¹² S16/006 by Powerco

¹³ S16/007 by Powerco

¹⁴ Support issue 3 S7/006 by NZ Transport Agency

¹⁵ Support issue 6 S2/002 by Kiwirail

¹⁶ S16/006 by Powerco

¹⁷ S23/001 by Horticulture NZ, S1/003 by Federated Farmers and S3/008 by NZ Defence Force

¹⁸ Support S5/010 by Horizons

while managing any adverse effects in the environment having regard to the locational, technical and operational constraints of the infrastructure.

- (b) All other network utilities are designed, located, constructed, operated, upgraded and maintained in a manner that ensures the efficient use of natural and physical resources while recognising the environment they are located in.¹⁹

Policies

- 1.1 To enable the establishment, operation, maintenance, replacement,²⁰ and minor upgrading of network utilities.
- 1.2 To encourage network utility operators to coordinate and co-locate services or to locate within the existing roading network where practicable possible²¹ to minimise potential cumulative effects.²²
- 1.3 To ~~require that encourage~~²³ all new cables and lines, including electricity distribution lines (but not the National Grid) are installed underground.
- 1.4 To recognise the locational, technical and operational requirements and constraints of network utilities and the contribution they make to the functioning and wellbeing of the community and beyond when assessing their location, design and appearance.²⁴
- 1.5 To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located.²⁵

Objective 2

To protect the operation, maintenance, replacement and upgrading of existing network utilities, including infrastructure of regional and national importance and the planned development of new network utilities, from the potential adverse effects of subdivision, use, development and other land use activities.²⁶

To protect network utilities in the district, and in particular nationally and regionally important infrastructure, including the National Grid, by avoiding the adverse effects of subdivision use and development and other land use activities on the operation,

¹⁹ Support S5/010 by Horizons

²⁰ S11/018 by Transpower

²¹ S16/011 by Powerco

²² S17/006 by Spark and S18/007 by Chorus

²³ S17/007 by Spark and S18/008 by Chorus

²⁴ S11/021 by Transpower, S16/013 by Powerco and S20/010 by First Gas

²⁵ Support S5/015 by Horizons

²⁶ S11/023 by Transpower, S16/015 by Powerco and S20/011 by First Gas

maintenance, replacement, and upgrading of the existing network utilities and planned development of new network utilities.

Policies

- 2.1 To ensure that any vegetation is planted and maintained to avoid interference with network utilities, including transmission lines and the National Grid Yard.²⁷
- 2.2 To require that appropriate separation of activities is maintained to enable the safe operation, maintenance, replacement and upgrading²⁸ of network utilities, and avoid reverse sensitivity and/or manage risk²⁹ issues.
- 2.3 To ensure all subdivision and development is designed to avoid adverse effects on the operation, access, maintenance, replacement and upgrading of existing or planned development of network utilities.³⁰
- 2.4 To manage the effects of subdivision, development and land use on the safe, effective and efficient operation, maintenance, replacement³¹ and upgrading of the National Grid by ensuring that:
 - a. Areas are identified in the Plan to establish safe buffer distances for managing subdivision and land use development near the National Grid.
 - b. Sensitive activities, and intensive farming and farm buildings³² are excluded from establishing within the National Grid Yard.
 - c. Subdivision is managed around the National Grid Corridor to avoid subsequent land use from restricting the operation, maintenance and upgrading of the National Grid.
 - d. Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance and upgrading of the National Grid.³³

Objective 3

To protect the values that are important to significant heritage and landscape areas from the inappropriate³⁴ development of network utilities. ~~To restrict, except within an existing road carriageway, the development of network utilities within areas of~~

²⁷ Support S7/008 by NZ Transport Agency, S8/007 by NZ Defence Force, S5/017 & 018 by Horizons and S20/012 by First Gas

²⁸ S16/017 by Powerco

²⁹ S16/017 by Powerco

³⁰ S16/018 by Powerco

³¹ S16/006 by Powerco

³² S11/027 by Transpower

³³ S11/027 by Transpower

³⁴ S16/019 by Powerco

significant heritage and landscape value recognising the values of these important areas.³⁵

Policies

- 3.1 ~~Subject to Policy 3.2,~~ to protect the characteristics and values that cause an Outstanding Natural Feature and Landscape to be ~~identified~~ scheduled in Appendix 1C (Outstanding Natural Features) or a site of historic heritage scheduled in Appendix 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value)³⁶ ~~from inappropriate subdivision, use and development.~~³⁷
- 3.2 To restrict the development of network utilities, except within an existing road ~~corridor~~ carriageway,³⁸ within areas scheduled ~~of significant heritage and landscape value~~³⁹ in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value)⁴⁰ and 1F (Sites with Heritage Value) unless
- there is no practicable⁴¹ alternative location; and
 - the infrastructure is of national or regional importance; and⁴²
 - the development substantially protects the values of the scheduled resource.⁴³
- ~~3.3 To seek to avoid the adverse effects generated by the National Grid on Outstanding Natural Features and Landscapes while taking into account the locational, technical and operational requirements and constraints of the National Grid and the contribution it makes to the functioning and well being of the community and beyond.~~⁴⁴

³⁵ S3/009 by Heritage NZ Pouhere Taonga, S11/028 by Transpower, S16/019 by Powerco and S20/015 by First Gas

³⁶ S3/010 by Heritage NZ Pouhere Taonga

³⁷ S16/019, S16/020 and S16/036 by Powerco

³⁸ S16/019, S16/020 and S16/036 by Powerco

³⁹ S3/001 by Heritage NZ Pouhere Taonga

⁴⁰ S3/001 by Heritage NZ Pouhere Taonga and S7/011 by NZ Transport Agency

⁴¹ S16/021 by Powerco and S20/016 by First Gas

⁴² S16/019, S16/020 and S16/036 by Powerco, S17/011 and S17/012 by Spark, S18/012 and S18/013 by Chorus, S3/010 by Heritage NZ

⁴³ S16/019, S16/020 and S16/036 by Powerco, S17/011 and S17/012 by Spark, S18/012 and S18/013 by Chorus, S3/010 by Heritage NZ

⁴⁴ S11/029 by Transpower

3A.4 Rules

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone.

3A.4.1 Permitted Activities

The following network utilities are Permitted Activities throughout the District, provided that they comply with the standards in Rule 3A.4.2 below:

- a. The operation, maintenance, **replacement**,⁴⁵ **or** minor upgrading ~~or repair~~ of **lawfully established or consented** network utilities, **or those that are** existing as at **22 February 2017** ~~or which have been lawfully established~~.⁴⁶
- b. Construction, operation, maintenance, realignment and upgrading of roads and railway lines within the road reserve or railway corridor.⁴⁷
- c. **The construction, operation, maintenance, replacement**⁴⁸ **and minor upgrading** ~~of~~⁴⁹ **Radiocommunication and/or telecommunication facilities, cables and lines, including those underground.**⁵⁰
- d. Underground pumping stations and pipe networks for the conveyance or drainage of water or sewage, and necessary incidental equipment.
- e. Water storage tanks, reservoirs and wells, including pump stations.
- f. Pipes for the distribution (but not transmission) of natural or manufactured gas at a gauge pressure not exceeding 2000kPa including any necessary ancillary equipment such as household connections and compressor stations.⁵¹
- g. The construction, operation, maintenance, **replacement**⁵² and upgrading of any new electricity lines up to and including 110kV and associated transformers and switchgear.
- h. Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of the Manawatu Wanganui Regional Council.
- i. Land drainage, stormwater control or irrigation works including pump stations.

⁴⁵ S20/019 by First Gas and S16/024 by Powerco

⁴⁶ S16/036 by Powerco and Further Submissions FS13/020 and FS13/021

⁴⁷ Support S2/010 by Kiwirail

⁴⁸ S16/006 by Powerco

⁴⁹ S17/014 by Spark and S18/015 by Chorus

⁵⁰ S16/025 by Powerco

⁵¹ Support S16/028 by Powerco

⁵² S16/026 by Powerco

- j. Railway crossing warning devices and barrier arms.⁵³
- k. Trig stations and survey marks.⁵⁴
- l. Navigational aids, lighthouses and beacons.
- m. Meteorological instruments and facilities.
- n. Decommissioning and removal of utilities.⁵⁵
- o. Electric vehicle charging stations.
- p. The trimming and removal of any vegetation that is required to maintain safe separation distances or the ongoing efficient operation of the telecommunication or electricity line.⁵⁶

Guidance Notes:

1. The provisions of the National Environmental Standard for Telecommunications Facilities (2016~~2008~~) apply and resource consent may be required under those Standards. In the event of a conflict between them the provisions of the National Environmental Standard override the District Plan.⁵⁷
2. Water takes, diversions, new tracks, drilling of bores, offal pits, farm dumps and earthworks are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the One Plan.⁵⁸
3. The National Environmental Standard for Electricity Transmission Activities (2010) (NESETA) sets out a national framework of permission and consent requirements for activities on National Grid lines existing at 14 January 2010. Activities include the operation, maintenance and upgrading of existing lines but exclude the development of new lines (post 14 January 2010) and substations. The District Plan must not be in conflict with nor duplicate the provisions of the NESETA.⁵⁹
4. Vegetation and planting around Transmission all electricity lines (including the National Grid) shall comply with the Electricity (Hazards from Trees) Regulations 2003.⁶⁰

⁵³ Support S2/011 by Kiwirail

⁵⁴ Support S2/026 by Kiwirail

⁵⁵ Support S16/029 by Powerco

⁵⁶ S11/032 by Transpower and S16/030 by Powerco

⁵⁷ S17/015 by Spark and S18/016 by Chorus

⁵⁸ S5/042 by Horizons

⁵⁹ Support S11/035 by Transpower

⁶⁰ S16/031 by Powerco

5. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the lines, and must be complied with.⁶¹

6. Early consultation with Heritage New Zealand Pouhere Taonga is encouraged where a development may adversely affect an item listed on the New Zealand Heritage List/Rarangi Korero. Works near or within areas of historic heritage may also require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act (2014). It is an offence to modify or destroy an archaeological site or demolish/destroy a whole building if the person knows or reasonably suspects it to be an archaeological site. An archaeological site is any place, including any building or structure (or part of), that:

- was associated with human activity or the site of a wreck of a vessel that occurred before 1900; and
- provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.⁶²

3A.4.2 Standards for Permitted Activities

For all zones, the permitted activities specified in Rule 3A.4.1 above must comply with the following standards and need not comply with the height and setback rules in the zone chapters.⁶³

- a. New network utilities and minor upgrading⁶⁴ must not exceed a maximum height of
- i. 9m within the Residential or Village Zone, or
 - ii. 25m within the Rural Zone, or
 - iii. 2022m for all other zones.⁶⁵

Guidance Note: antennas (including any ancillary equipment) or lightning rods that do not extend 3m above the height of the building or mast are excluded from the 9m, 22m or 25m ~~or 20m~~ limit above. The mast heights provided in i, ii and iii above can be increased by 5m if the mast is used by more than one

⁶¹ S16/032 by Powerco

⁶² S3/013 by Heritage NZ Pouhere Taonga

⁶³ S16/004, S16/022, S16/023, S16/033, and S16/034 by Powerco, S17/013 by Spark, S18/014 by Chorus, and S20/005 and S20/018 by First Gas

⁶⁴ S16/033 by Powerco

⁶⁵ S17/016 by Spark and S18/017 by Chorus

telecommunications provider. Lightning rods may exceed the maximum height. Refer also to Clause f relating to transmission line requirements.⁶⁶

- b. Any mast with a height of more than 9m must not be located within 20m of any site zoned Residential or Village.
- c. All masts must be set back 20m from a road reserve on any site zoned Rural or Flood Channel.
- d. No mast, building or structure may be located closer than 5m to any site boundary. This 5m yard does not apply to buildings with a floor area of less than 10m², or to overhead lines and cables.
- e. Telecommunication cabinets must not exceed 10m² in area in all zones, except in Flood Channel Zone where cabinets must not exceed 5m² in area.
- f. ~~Poles or towers associated with~~ Electricity transmission and distribution must not with the exception of minor upgrading activities,⁶⁷ exceed a height of:
 - i. 12m in the Residential and Inner Business Zones, or
 - ii. 250m in all other zones.⁶⁸
- g. Buildings and structures within an electricity transmission corridor, including the National Grid Yard must:
 - i. Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP34:2001) (Note: compliance with the permitted activity standard of the Plan does not ensure compliance with NZECP34:2001); and⁶⁹
 - ii. Not exceed a maximum height of 2.5m and an area of 10m².
- ~~h. Any radiocommunication and/or telecommunication facility must be designed and operated to comply with the maximum exposure levels (3kHz to 300 GHz) as prescribed by NZ Standard NZS2772.1:1999 Radiofrequency Fields.⁷⁰~~
- i. No dish antenna will exceed the following dimensions a diameter of:
 - i. 2.5 metres in diameter (dish antenna), or a face area of 1.5m² (other antenna) in the Residential Zone, or

⁶⁶ S17/017 by Spark and S18/018 by Chorus

⁶⁷ S16/033 by Powerco

⁶⁸ S16/034 by Powerco

⁶⁹ S11/038 by Transpower

⁷⁰ S17/022 by Spark and S18/023 by Chorus

- ii. 5 metres in diameter (dish antenna), or a face area of 2.5 m² (other antenna) in all other zones.⁷¹
- j. Where network utilities are located underground, any disturbance of the ground surface and any vegetation (apart from vegetation compromising the operational integrity of the network utility)⁷² must be reinstated or replaced upon completion of the works within the first available planting season.

Guidance Note: The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) also applies to earthworks and a resource consent may be required under those provisions.

~~k. For any construction work associated with any infrastructure that is undertaken in the legal road, the person responsible for that work must be able to demonstrate compliance with the National Code of Practice for Utility Operators Access to Transport Corridors (2011).⁷³~~

- l. Works associated with any network utility, except that are undertaken outside of within an existing road corridor carriageway, or that are not operation, maintenance, replacement or minor upgrading works⁷⁴ must not be located within the areas scheduled must not result in adverse effects on the values or characteristics for any significant historic built or natural heritage specified in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) of this Plan.⁷⁵
- m. Exterior lighting must be directed away from public places and adjoining sites, and must avoid any spill of light that may result in safety concerns for road users.
- n. Metal cladding or fences must be painted or otherwise treated to mitigate reflection.
- o. All road/rail level crossings must be kept clear of buildings and other obstructions which might block sight lines in accordance with Appendix 3B.5.⁷⁶
- p. All network utilities must meet the noise standards relevant to the zone they are located in.

⁷¹ S18/024 by Chorus and S17/023 by Spark

⁷² S20/021 by First Gas

⁷³ S18/025 by Chorus

⁷⁴ S16/036 by Powerco and Further submissions FS13/020 and FS13/021 by Powerco

⁷⁵ S3/012 by Heritage NZ Pouhere Taonga, S16/036 by Powerco, S17/025 by Spark, S18/026 by Chorus and S20/022 by First Gas

⁷⁶ Support S2/012 by Kiwirail

- q. All activities that result in vibration must be managed in accordance with the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration guide (August 2013) to manage so that no vibration is discernible beyond site boundaries.⁷⁷
- r. Electric vehicle charging stations must not exceed 1.5m² in area and 1.8m in height per charging station in all zones.

Guidance Notes:

1. Vegetation planted within an electricity transmission corridor, including the National Grid Yard and distribution lines⁷⁸ should be selected and managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.
2. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the lines.
3. Buildings, structures and other activities near transmission gas lines should be managed according to the Operating Code Standard for Pipelines – Gas and Petroleum (NZS/AS 2885) and the Gas Distribution Networks (NZS 5258:2003).
4. Compliance with the permitted activity standards in Rule 3A.4.2 does not necessarily ensure compliance with the relevant code of practice identified above.
5. Sounds generated by construction, maintenance and demolition activities will be assessed, predicted, measured, managed and controlled by reference to NZS6803:1999 Acoustics – Construction Noise.
6. For any construction work associated with any infrastructure that is undertaken in the legal road, the person responsible for that work must be able to demonstrate compliance with the National Code of Practice for Utility Operators Access to Transport Corridors (2011).⁷⁹
7. Radiocommunication and/or telecommunication facilities that emit radiofrequency fields are required to comply with the radiofrequency regulations in the NESTF 2016.⁸⁰

⁷⁷ S16/037 by Powerco, S17/026 by Spark and S18/027 by Chorus

⁷⁸ S23/007 by Horticulture NZ

⁷⁹ S18/025 by Chorus

⁸⁰ S17/002 by Spark and S18/023 by Chorus

3A.4.3 Restricted Discretionary

The following activities are Restricted Discretionary Activities in respect to network utilities:

- a. Any permitted activity that does not comply with any of the relevant standards in Rule 3A.4.2). This rule does not apply to activities that do not meet standard (l) in Rule 3A.4.2 unless it meets the definition of minor upgrading, maintenance or replacement.

For these activities, the Council has restricted its discretion to considering the following matters, only to the extent that they are relevant to the standard that is not met:⁸¹

- o scale of built form and location on site, including height
- o screening, storage and landscaping
- o traffic generation, site access and parking
- o noise and vibration
- o signage
- o lighting
- o effects on heritage
- o known effects on the health and safety of nearby residents.

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of the Network Utilities section and the relevant zone, assess any application in terms of the following assessment criteria:

- i. the proposed benefits of the network utility proposal to the wider community and beyond.⁸²
- ii. whether the activity will result in any adverse effects on amenity values of neighbouring properties or the character of the zone in which the activity is proposed.
- iii. whether the application remains consistent with the intention of the standard(s) it infringes.

⁸¹ S16/038 by Powerco

⁸² S11/040 by Transpower

- iv. the degree to which the non-compliance can be mitigated to ensure the effects are internalised to the site.
- v. the degree to which co-location has been considered and is ~~possible~~ practicable⁸³.
- vi. whether the activity impacts on the scheduled heritage values of the District in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves)), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) of this Plan and, if so, how such impacts are remedied or mitigated.⁸⁴
- vii. the degree to which the proposed location, site or route is better than alternative locations, sites, or routes have been assessed and any operational, locational or technical constraints considered.⁸⁵
- viii. the degree to which the proposed facility may affect the performance of other utilities nearby.
- ix. the technical and operational needs for the efficient functioning of the network utility.

3A.4.4 Discretionary

Any network utility not otherwise specified as Permitted, Restricted Discretionary or Non-Complying Activity, or is not specifically provided for in this Plan, shall be a Discretionary Activity.

3A.4.5 Non-Complying

Any network utility located within an Outstanding Natural Feature or Landscape in Appendix 1C is a Non-Complying Activity unless it is minor upgrading, maintenance or replacement in which case Rule 3A.4.3 applies.

⁸³ S16/043 by Powerco

⁸⁴ S16/043 by Powerco

⁸⁵ S11/041 by Transpower, S16/044 by Powerco and S20/023 by First Gas

3B TRANSPORT

3B.1 Introduction

The transport network is vital infrastructure in the District, which physically connects the Manawatu District communities and the wider Manawatu Region enabling economic growth. The transport network in this chapter refers to both the road and rail networks throughout the Manawatu District.

Traffic generated by new land uses has the potential to increase the risk of accidents. Careful planning of access ways, land use development near key roads and controlling the type and location of vehicle intensive activities establishing near highways or key roads within the District can ensure efficient through movement.

Primary industry relies heavily on key transportation routes in the District. The Roding Hierarchy identifies these routes and the District Plan seeks to manage activities to avoid unnecessary conflict. A number of State Highways traverse the District and recognition of the role of NZ Transport Agency⁸⁶ in managing these routes is noted throughout the chapter. There are some instances where approval from NZ Transport Agency⁸⁷ as the road controlling authority for the State Highway network is required.

Most of the State Highways running through the District are “Limited Access Roads”. This means that the NZ Transport Agency (or the Council for State Highways within urban areas) has control over the number and location of new vehicles crossings and over new subdivision adjoining these roads. If a proposal meets this Plan’s standards, however, approval from the NZ Transport Agency will be a formality.

Increasing national priority is being given to recognising and providing for alternative transportation methods, such as cycling, walking and passenger transport.

3B.2 Resource Management Issues

The following resource management issues have been identified in relation to transportation:

1. Potential effects from development on the safety and efficiency of the transport network.⁸⁸
2. The need to plan for and design roads to ensure they function in accordance with their status in the Roding Hierarchy.

⁸⁶ S7/012 by NZ Transport Agency

⁸⁷ S7/012 by NZ Transport Agency

⁸⁸ Support S2/013 by Kiwirail

3. Providing for alternative transport modes such as walking, cycling and passenger transport in urban areas to reduce car dependency where possible.

3B.3 Objectives and policies

Objective 1

To maintain and enhance the safe, efficient and integrated operation of the transport network within the District.⁸⁹

Policies

- 1.1 To ensure that the adverse effects of vehicle movements to and from roads are managed by:⁹⁰
 - a. Requiring appropriate sight lines for vehicles at railway crossings, at intersections and at property entrances and exits.
 - b. Ensuring that vehicle crossings are formed to a safety standard appropriate to the function, as defined in the Rooding Hierarchy in Appendix 3B.1, of the road concerned.
 - c. Preventing vegetation, signs and structures from obscuring official signs or posing a risk to road users.
 - d. Providing appropriate facilities for pedestrians and cyclists, particularly in urban areas.
 - e. Ensuring that new vegetation plantings are managed to maintain adequate visibility at road intersections and property accesses, and to minimise icing of roads.
- 1.2 To ensure that the adverse effects of vehicle movements associated with access ways are managed by:⁹¹
 - a. Limiting the number of new vehicle crossings onto all roads.
 - b. Requiring all accesses onto roads to be built to a standard that is appropriate for their intended use.
 - c. Ensuring that property accesses are spaced, constructed and used in a manner which does not disrupt traffic flows.

⁸⁹ Support S2/014 by Kiwirail and S7/013 by NZ Transport Agency

⁹⁰ Support S2/015 by Kiwirail and S7/014 by NZ Transport Agency

⁹¹ Support S7/015 by NZ Transport Agency

- d. Ensuring that traffic generation to and from sites is managed through car equivalent movements to ensure traffic, including heavy vehicles, are compatible with the roading network.
- 1.3 To ensure development setbacks near railway level crossings are achieved to maintain sight distances as specified in Appendix 3B.5.⁹²

Objective 2

To protect the roading network, as identified in Appendix 3B.1, from the potential adverse effects of all land use activities.⁹³

Policies

- 2.1 To establish and maintain a roading hierarchy for roads in the District.⁹⁴
- 2.2 To recognise the importance of maintaining the safety and efficiency of the District’s roading network.⁹⁵
- 2.3 To restrict the through movement of traffic where this can have adverse effects on visual, noise and safety on adjacent residential uses.⁹⁶
- 2.4 To promote corridor management for key road routes within the District **to ensure that they are constructed and managed in a way that is safe and efficient, and** which may include restricting or encouraging the **flow of**⁹⁷ through movement of vehicles.⁹⁸
- 2.5 To enable the development of network utilities in the road reserve only where the roading network has the capacity to accommodate them.⁹⁹

Objective 3

To mitigate the adverse effects of roads and vehicles on amenity values of the District.¹⁰⁰

Policies

- 3.1 To ensure all roads are designed to achieve form and function consistent with the Roding Hierarchy and road cross sections in Appendix 3B.1 and Appendix 3B.2 respectively.¹⁰¹

⁹² Support S2/016 by Kiwirail and S7/016 by NZ Transport Agency

⁹³ Support S7/017 by NZ Transport Agency and S5/022 by Horizons

⁹⁴ Support S7/018 by NZ Transport Agency and S5/023 by Horizons

⁹⁵ Support S7/019 by NZ Transport Agency and S20/013 by First Gas

⁹⁶ Support S7/020 by NZ Transport Agency

⁹⁷ S21/003 by Oil Companies

⁹⁸ Support S7/021 by NZ Transport Agency and S21/003 by the Oil Companies

⁹⁹ Support S7/022 by NZ Transport Agency

¹⁰⁰ Support S7/023 by NZ Transport Agency

¹⁰¹ Support S7/024 by NZ Transport Agency

- 3.2 To mitigate the effects of roads and parking areas on visual amenity values through the provision of landscaping.¹⁰²
- 3.3 To support and encourage walking and cycling as alternative modes of transport.¹⁰³
- 3.4 To require that building materials and exterior lighting do not cause reflection or light spill that distracts road users.¹⁰⁴
- 3.5 To ensure roads are designed recognising alternative modes and the need to provide local road amenity.¹⁰⁵
- 3.6 To ensure development of new roads is integrated into the existing roading network in a coordinated manner.¹⁰⁶

3B.4 Rules

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone. This section includes some rules and some performance standards that relate to permitted activities within each zone in the District.

3B.4.1 Roads – Permitted Activity

All roads are a Permitted Activity.

Guidance Note: Roads other than State Highways are not designated under this Plan and are zoned instead. The zoning of roads must be the same as that of the adjoining land. If the zoning on opposite sides of the road is different, then the road centreline is the zone boundary.

3B.4.2 Access – Permitted Activity

The formation of vehicle crossings onto roads is a Permitted Activity in all zones provided that they comply with the standards in Rule 3B.4.3 below.

¹⁰² Support S7/025 by NZ Transport Agency

¹⁰³ Support S7/026 by NZ Transport Agency

¹⁰⁴ Support S7/027 by NZ Transport Agency

¹⁰⁵ Support S7/028 by NZ Transport Agency

¹⁰⁶ Support S7/029 by NZ Transport Agency

Guidance Note: All vehicle crossings must be constructed according to Council policy and that Council’s vehicle crossing application form is completed and submitted for approval.

3B.4.3 Access – Standards for Permitted Activities

For all zones the formation of vehicle crossings onto all roads must comply with the following standards:

- a. All vehicle crossings must be sited in accordance with the minimum sight distances and intersection spacing’s as defined in Appendix 3B.3.
- b. Vehicle crossings may only be constructed on Major Arterial Road or Minor Arterial Road identified in Appendix 3B.1 if there is no alternative legal access from the site to another road.
- c. In the Outer Business Zone, vehicle access to sites from SH54/Aorangi Street, between Gladstone St and Eyre Street, must be left turn in and left turn out only.
- d. No new vehicle crossings will be located within 30m of any railway level crossing.¹⁰⁷
- e. Existing vehicle crossings that are within 30m of a railway level crossing must be maintained to ensure the sightline standards detailed in Appendix 3B.5 are met.¹⁰⁸
- f. No dwelling or accessory building will have access via an unformed legal road (paper road).
- g. Onsite manoeuvring must be provided for vehicles to enter and exit in a forward direction.
- h. Vehicle crossing movements must not exceed 100 car equivalent movements per day and the car equivalent movements must be calculated in accordance with Appendix 3B.4.
- i. Accessways and vehicle crossings must comply with the sight distances and minimum spacing identified in Appendix 3B.3 Measurement of Sight Distances and Minimum Spacing.

3B.4.4 Glare – Standards for Permitted Activities

¹⁰⁷ Support S2/017 by Kiwirail

¹⁰⁸ Support S2/018 by Kiwirail

Any Permitted Activity within any zone in the District Plan must also comply with the following glare standards:

- a. Exterior lighting must be directed away from public places and adjoining premises and must avoid any spill of light that may distract road users.
- b. There must be no sun-strike effect on road users resulting from mirrored glazing or unpainted corrugated iron fences.

3B.4.5 Car Parking – Standards for Permitted Activities

Any activity in the District must also comply with the following car parking standards:

Assessment of Car Parking Requirements

- a. Car parking requirements must be determined using Table 3B.1 Car Parking Standards, provided onsite and must be assessed in accordance with the following matters:
 - i. Where two or more buildings are located on the same site, car parking requirements for potential activities within each building must be achieved, and
 - ii. For a multi-purpose site where all facilities may be used at one time, the total parking requirements for each facility will have to be provided.
 - iii. Any fraction under one half resulting from car parking space calculations will be disregarded. Fractions of one half or more will be counted as one car parking space, and
 - iv. Car parking requirements based on staff numbers will be calculated using fulltime equivalent staff members for the activity concerned.

Car Parking and Manoeuvring Spaces, and Access

- b. Sites outside the area shown in Appendix 3B.6 must provide onsite car parking in accordance with Table 3B.1 Car Parking Standards.
- c. Car parking spaces required under Table 3B.1 Car Parking Standards must be provided onsite.
- d. Manoeuvring space and car parking spaces must comply with the minimum dimensions set out in NZS 2890.1:2004 Parking Facilities – Off-Street Car Parking and NZS 4121 (2001): Design for Access and Mobility – Buildings and Associated Facilities.

Change of Use or Additional Development

- e. Where a change of use occurs requiring a higher number of car parks or where the floor area of an existing building is increased, additional car parking must be provided to achieve the requirements of Table 3B.1 Car Parking Standards.

Formation and Screening of Car Parking Areas

- f. For all activities except dwellings, car parking and manoeuvring spaces in the Outer Business, Residential, and Village zones required by Table 3B.1 Car Parking Standards must be formed, surfaced in seal or concrete and marked out to the Council's standard.
- g. For all activities in the Rural and Industrial zones, except dwellings, car parking and manoeuvring spaces required by Table 3B.1 Car Parking Standards must be formed, surfaced in seal, concrete or permeable surfacing and marked out to the Council's standard.
- h. Car parking areas adjoining sites zoned Residential must be screened from the Residential Zone by a solid screen wall or fence at least 2m high.
- i. Car parking in the Recreation Zone must not be located within 3m of the front boundary of the site, or within 4.5m of any property zoned Residential or Village.

Table 3B.1 - Car Parking Standards

Activity	Car parking Requirements
Assisted living accommodation	1 carpark for every two staff members plus 1 carpark for every three people accommodated.
Catteries and Boarding Kennels	No less than four car-parking spaces.
Commercial Services	Medical practitioners – 1 carpark per staff member and 2 patient carparks per practitioner. Hospitals – 0.7 carparks per bed Offices and other commercial services – 1 carpark per 40m ² gross floor area.
Community Facilities	1 carpark per 10 m ² gross floor area.
Dwelling and Family Flats	2 carparks per dwelling and 1 park per family flat.
Education Facilities	For Pre-Schools and Day Care Centres – 1 carpark per staff member, plus 1 park per 4

	<p>children if there is a requirement for parental supervision.</p> <p>For Primary Schools – 0.7 of a carpark per staff member.</p> <p>For Secondary Schools – 0.7 of a carpark per staff member plus 1 carpark per 20 students.</p> <p>For Tertiary Education Facilities – 1 carpark per 10m² gross floor area.</p>
Entertainment facilities	1 carpark per 4 seats provided.
Funeral parlour	<p>Chapels – 1 carpark for every 10 seats provided.</p> <p>Other Rooms – 1 carpark per 65 m² gross floor area.</p>
Home occupations	<p>In addition to parking associated with the dwelling – 1 carpark per staff member.</p> <p>Where retail or services are provided from the home occupation, 2 carparks for visitors.</p>
Light Industry and Industry	<p>1 car park per 100 m² gross floor area.</p> <p>Where retail or services are provided, 2 car parks for visitors.</p>
Supermarkets and large format retail activity exceeding 2,000m² gross floor area	1 carpark per 25m ² gross floor area.
Motor vehicle sales and servicing (office space only)	1 carpark per 40 m ² gross floor area.
Retail Activities under 2000m² gross floor area	1 carpark per 40 m ² gross floor area.
Rural and Animal Services	1 carpark per staff member, plus 1 carpark per 50m ² of gross floor area.
Restaurants	1 carpark per 4 seats.
Service stations	3 carparks per workshop service bay plus 2 per 100m ² of remaining gross floor area.
Visitor Accommodation	1 carpark per staff member plus 1 carpark per room accommodation to let.

Guidance Note: Where an activity is not specified in Table 3B.1 Car Parking Standards above, then car parking requirements will be assessed against those activities listed that most closely matches the proposed activity.

3B.4.6 Restricted Discretionary Activities

The following activities are Restricted Discretionary Activities in respect to transportation:

- a. Any Permitted Activity that does not comply with any of the relevant standards in Rules 3B.4.3, 3B.4.4, and 3B.4.5.

For these activities, the Council has restricted its discretion to considering the following matters, **only to the extent that they are relevant to the standard that is not met:**¹⁰⁹

- the safe, efficient and integrated operation of the transport network
- design and appearance of parking areas
- glare
- access
- visual amenity effects on adjoining residential zoned properties and surrounding streetscape.
- traffic generation, site access and parking
- effects on walking and cycling and other alternative modes such as passenger transport.

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of the Transport section and the relevant zone, assess any application in terms of the following assessment criteria:¹¹⁰

- i. the degree of non-compliance with the particular performance standards that the proposal fails to meet.
- ii. whether the application remains consistent with the intention of the standard(s) it infringes.

¹⁰⁹ S16/038 by Powerco

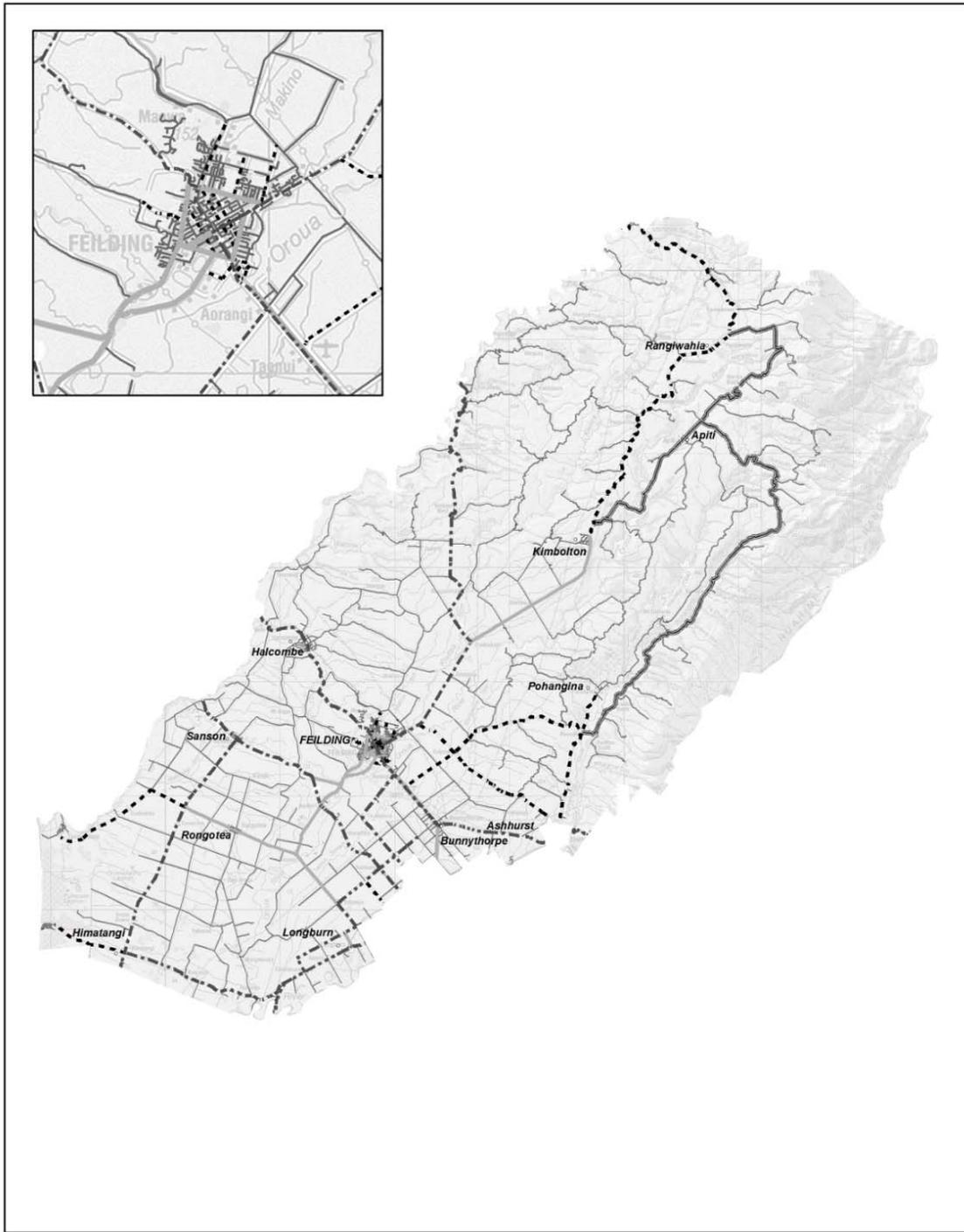
¹¹⁰ Support S2/019 by Kiwirail

- iii. whether the application will result in any adverse effects on amenity values of neighbouring properties or the character of the zone in which the activity is proposed.
- iv. whether the application will result in any adverse effects on streetscape character as anticipated under Appendix 3B.2.
- v. the degree to which the non-compliance can be mitigated to ensure any effects are internalised to the site.
- vi. whether there is a reasonably practicable alternative for legal access to a road other than a Major Arterial Road or Minor Arterial Road.
- vii. the degree to which the proposal contains sufficient onsite parking to meet the needs of the activity.
- viii. whether alternative transport modes such as walking, cycling and passenger transport have been provided for.

3B.4.7 Discretionary Activities

Any activity not otherwise specified as Permitted or Restricted Discretionary, or is not specifically provided for in this Plan, shall be a Discretionary Activity.

Appendix 3B.1 Roding Hierarchy



Legend

- Major Arterial Road
- Collector Road
- Minor Arterial Road
- Local Road
- Collector Road

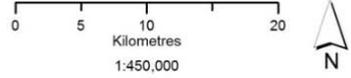
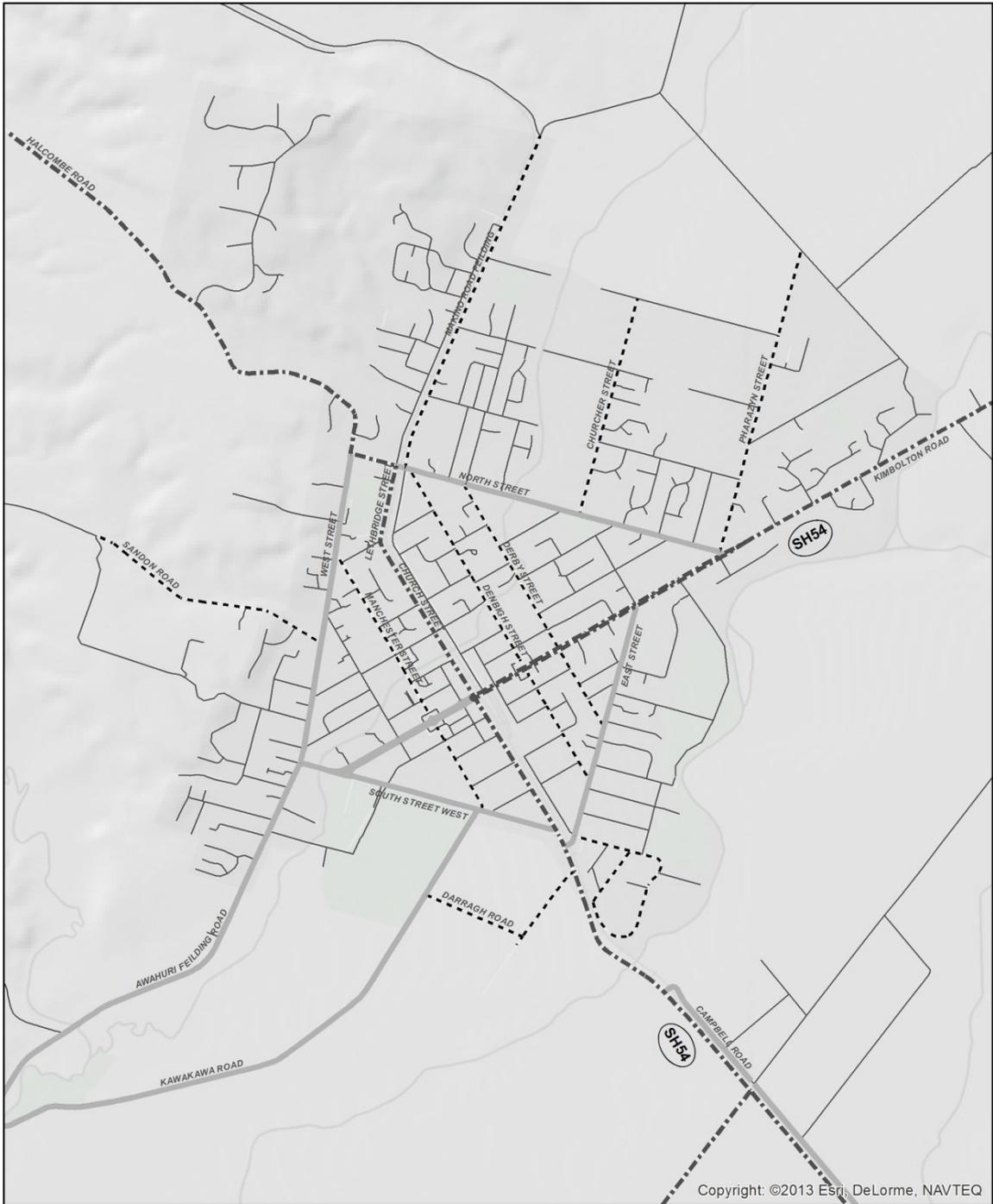


Diagram 1 Manawatu District Roding Hierarchy¹¹¹

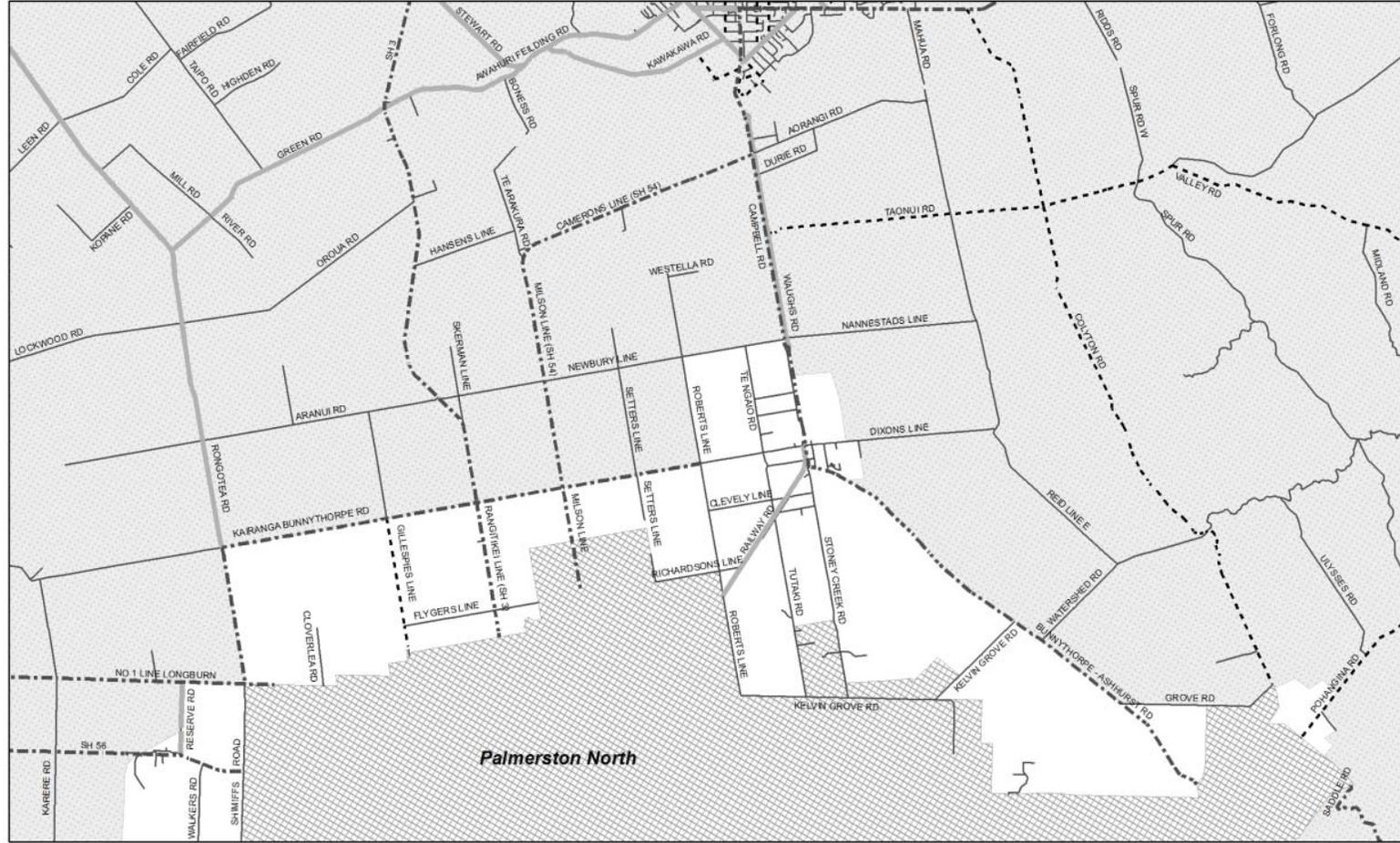
¹¹¹ Support S7/032 by NZ Transport Agency and S5/021 by Horizons



Legend

- Major Arterial Road
- Collector Road (Tourist)
- Minor Arterial Road
- Local Road
- Collector Road

Diagram 2 Feilding Roading Hierarchy



The roads shown within the boundary change area will no longer be subject to the Manawatu District Plan, following adoption of a Palmerston North City District Plan Change to incorporate these roads.

Legend

- Major Arterial Road
- Collector Road (Tourist)
- Former PNCC boundary
- Minor Arterial Road
- Local Road
- Collector Road
- Manawatu District



Diagram 3 Manawatu District Roding Hierarchy – Boundary Change Area

Appendix 3B.2 Road Cross Sections

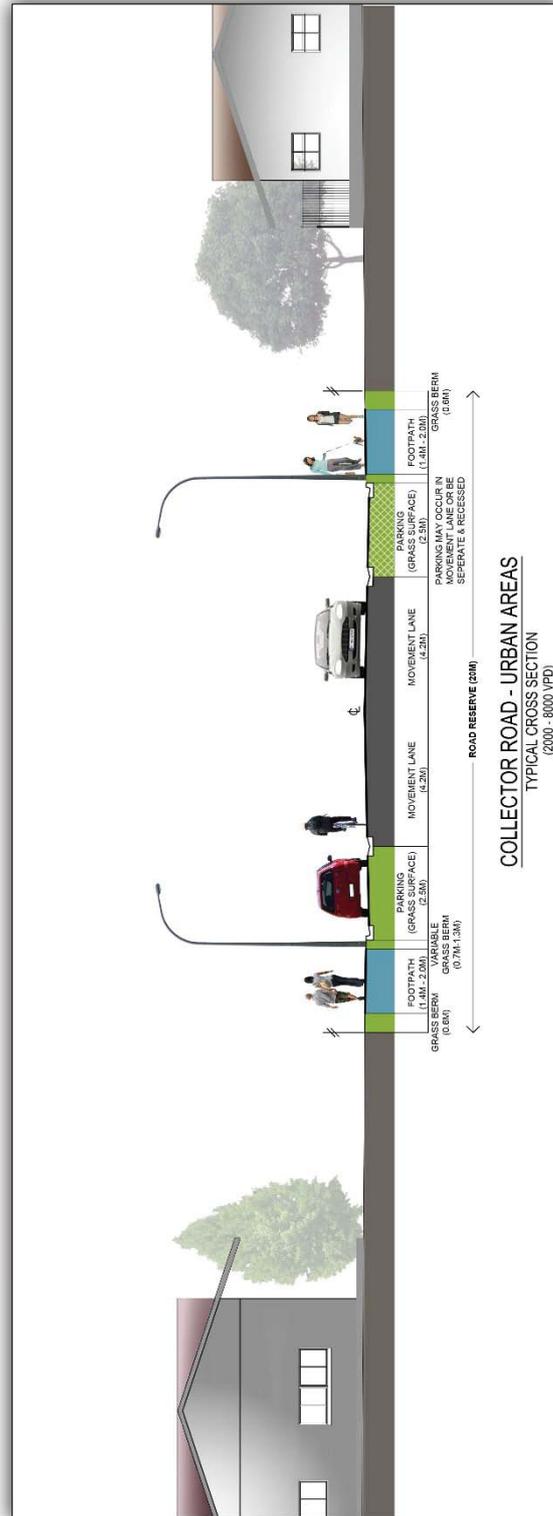


Figure 1

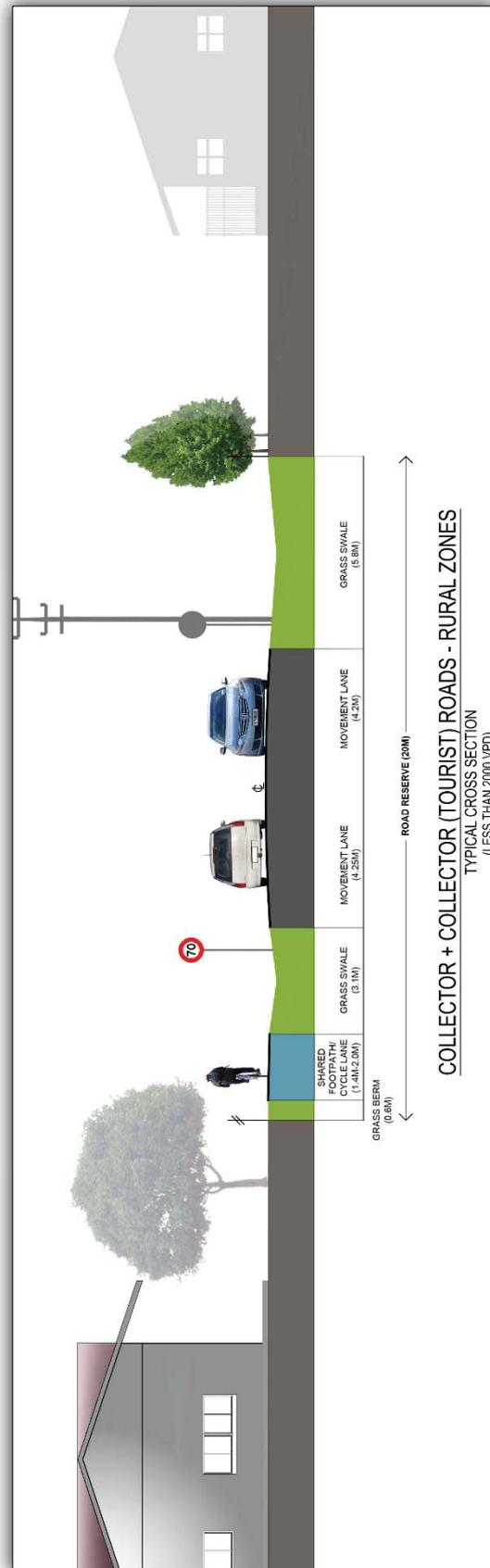


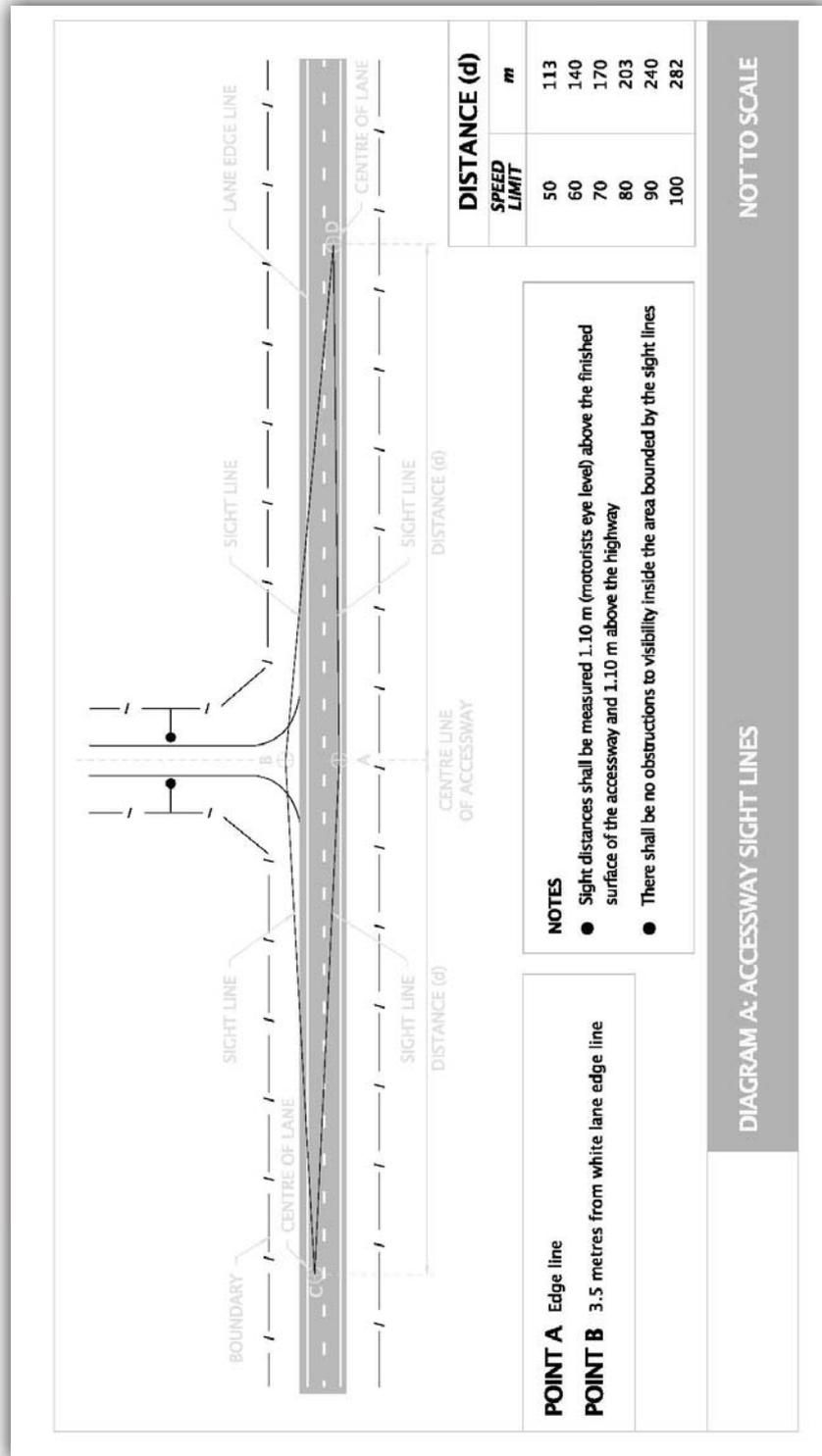
Figure 2



Figure 3

Appendix 3B.3 Measurement of Sight Distances and Minimum Spacing

Minimum Sight Distances from Vehicle Crossings



Minimum spacing between Intersections and between vehicle crossings

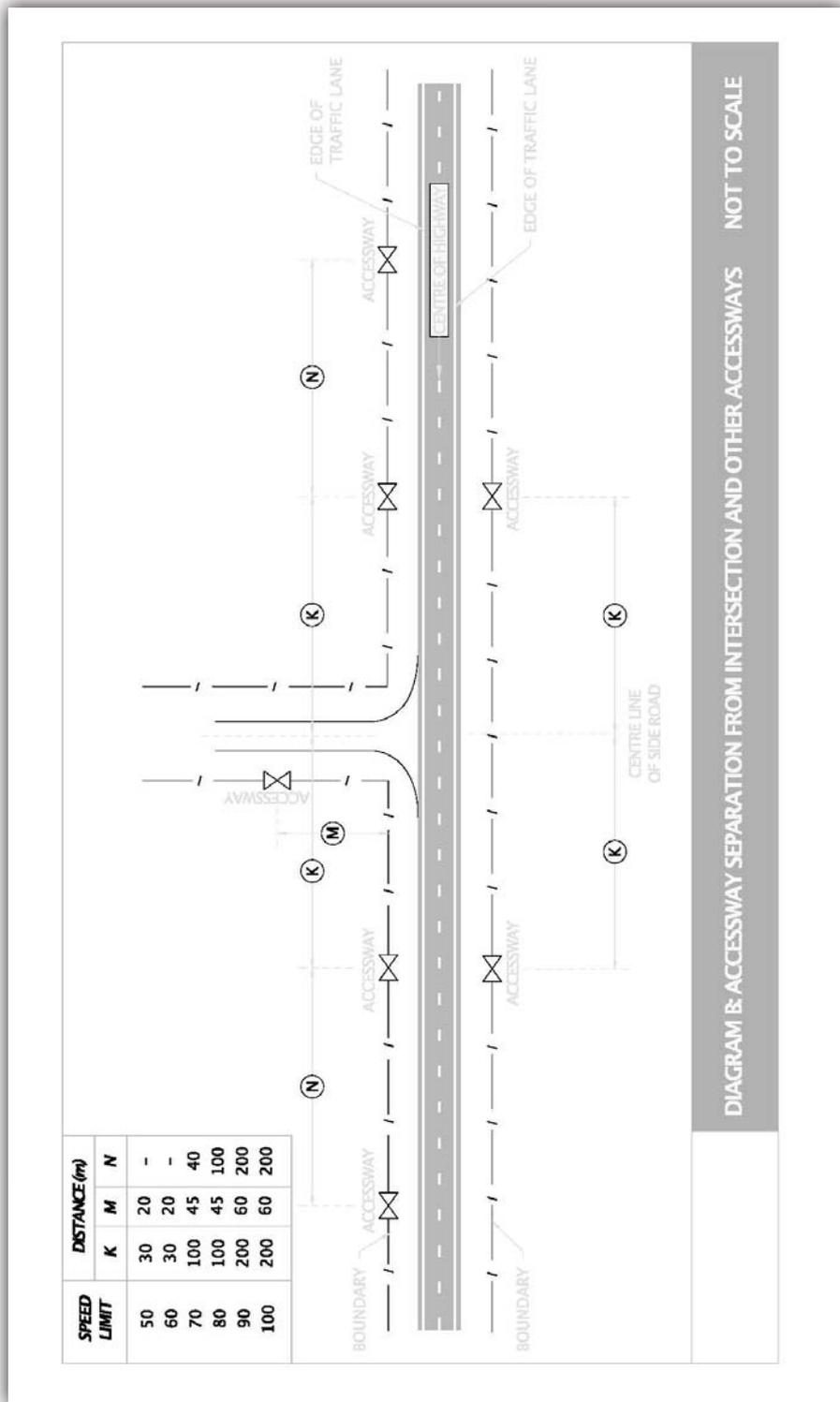
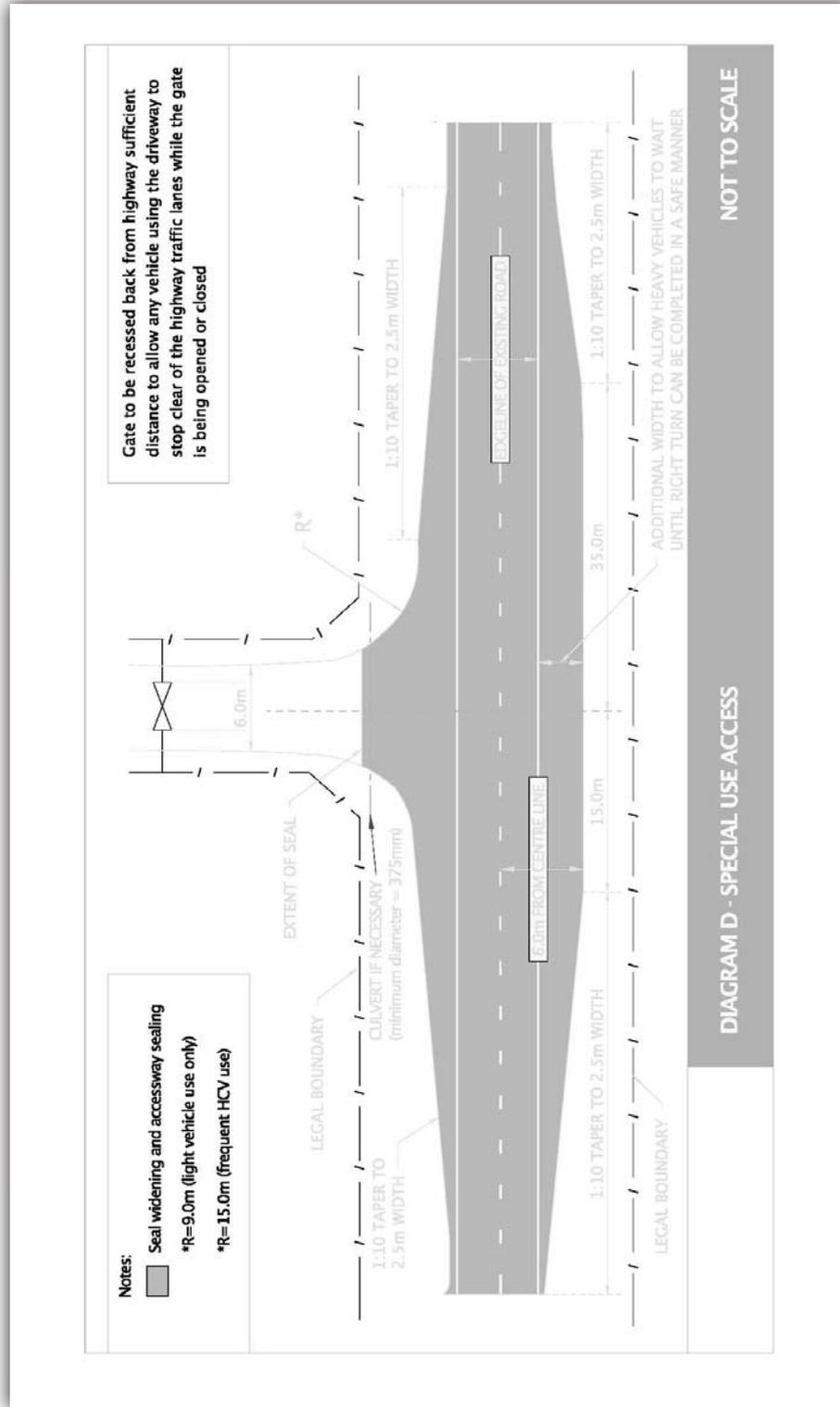


DIAGRAM B: ACCESSWAY SEPARATION FROM INTERSECTION AND OTHER ACCESSWAYS NOT TO SCALE

Accessway formation



Appendix 3B.4 Calculation of car equivalent vehicle movements

- A Car equivalent movements are defined as being the following within any given day:
- i. one car to and from the site 2 car equivalent movements
 - ii. one truck to and from the site 6 car equivalent movements
 - iii. one truck and trailer to and from the site 10 car equivalent movements
 - iv. a dwelling is deemed to generate 8 car equivalent movements
- B The number of car equivalent movements will be deemed to be less than 30 if they exceed 30 on no more than two days per week, provided that they do not exceed 60 on any given day.
- C The number of car equivalent movements will be deemed to be less than 100 if they exceed 100 on no more than two days per week.

Appendix 3B.5 Traffic Sight Lines at Road/Rail Level Crossings ¹¹²

Approach sight triangles at level crossings with Stop or Give Way signs

On sites adjacent to rail level crossings controlled by Stop or Give Way signs, no building, structure or planting must be located within the shaded areas shown in Figure 1. These are defined by a sight triangle taken 30 metres from the outside rail and 320 metres along the railway truck.

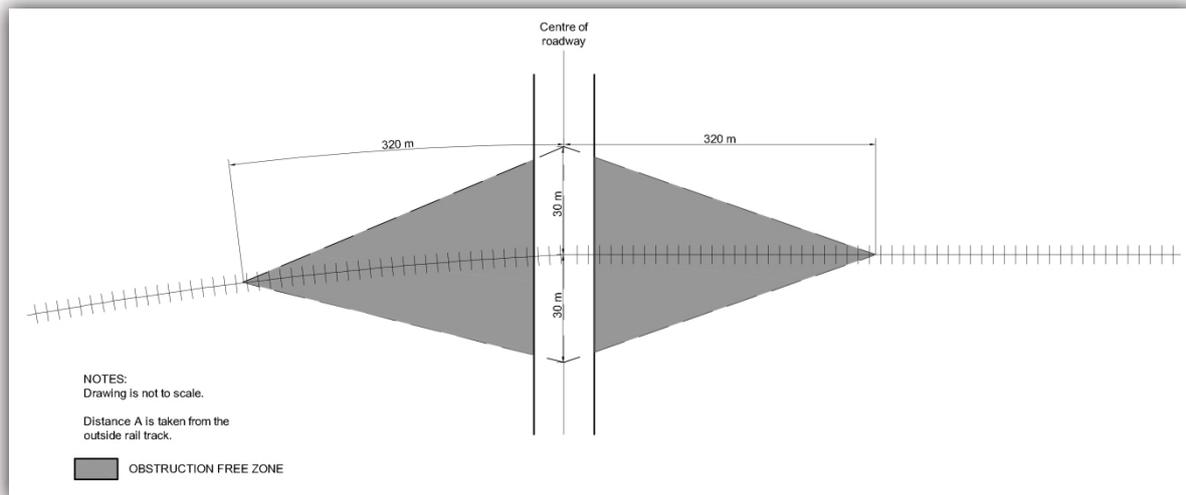


Figure 1 Approach sight triangles for Level Crossings with “Stop” or “Give Way” signs.

Guidance Note:

The approach sight triangles ensure that clear visibility is achieved around rail level crossings with Stop or Give Way signs so that a driver approaching a rail level can either:

- See a train and stop before the crossing; or
- Continue at the approach speed and cross the level crossing safely.

Of particular concern are developments that include shelter belts, tree planting, or a series of building extensions. These provisions apply irrespective of whether any visual obstructions already exist.

No approach sight triangles apply for level crossings fitted with alarms and/or barrier arms. However, care should be taken to avoid developments that have the potential to obscure visibility of these alarm masts. This is particularly important where there is a curve in the road on the

¹¹² Support S2/020 by Kiwirail

approach to the level crossing, or where the property boundary is close to the edge of the road surface and there is the potential for vegetation growth.

Restart sight triangles at level crossings

On sites adjacent to all rail level crossings, no building, structure or planting must be located within the shaded areas shown in Figure 2. These are defined by sight triangle taken 5 metres from the outside rail and distance A along the railway track. Distance A depends on the type of control in Table 1 below.

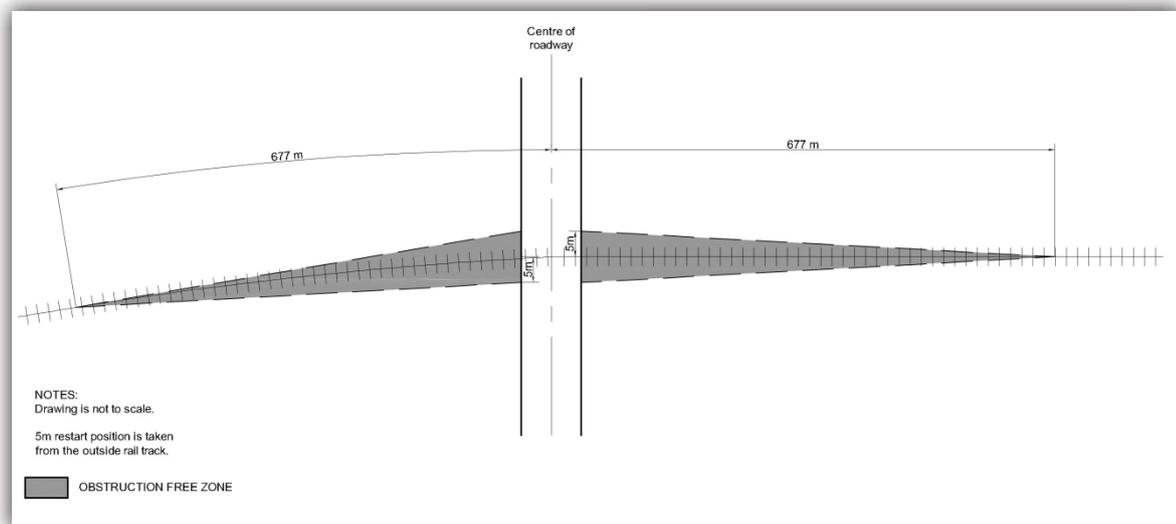


Figure 2 Restart Sight Triangles for all Level Crossings

Table 1 Required restart sight distances for Figure 2

Signs only	Alarms only	Alarms and barriers
677m	677m	60m

Guidance Note:

The restart sight line triangles ensure that a road vehicle driver stopped at a level crossing can see far enough along the railway to be able to start off, cross and clear the level crossing safely before the arrival of any previously unseen train.

Of particular concern are developments that include shelter belts, tree planting, or series of building extensions. These conditions apply irrespective of whether any visual obstructions already exist.

Guidance Notes:

1. Figures 1 and 2 show a single set of rail tracks only. For each additional set of tracks add 25 m to the along track distance in Figure 1, and 50m to the along track distances in Figure 2.
2. All figures are based on the sight distance formula used in New Zealand Transport Agency Traffic Control Devices Manual 2008, Part 9 Level Crossings. The formulae in this document are performance based however the rule contains fixed parameters to enable easy application of the standard. Approach and restart distances are derived from a:
 - Train speed of 110km/h
 - Vehicle approach speed of 20km/h
 - Fall of 8% on the approach to the level crossing and a rise of 8% at that level crossing
 - 25m design truck length
 - 90° angle between road and rail.

Appendix 3B.6 Parking Central Feilding



Figure 1

 Area in Central Feilding where onsite car parking is not required

3C NOISE

3C.1 Introduction

Noise can create issues and may impact people’s health and their enjoyment of the District. Noise can vary in its source, character, duration and time of occurrence creating a range of adverse environmental effects.

Noise provisions in this section provide certainty to the community around what levels of noise are acceptable when taking account of the noise producer and the receiving environment.

~~There is a growing trend towards country living. Traditional agriculture and horticulture activities, which are the predominant activities in the District, may be subject to an increasing number of complaints on the day to day activities they undertake. Rural production activities are the predominant activities in the rural area of the District. There is pressure for increased rural lifestyle living which can seek different expectations for the rural area. This can lead to complaints about the noise generated by rural production activities as part of day to day activities.~~¹¹³

Residential amenity is especially sensitive to adverse noise effects. Noise provisions have been established to protect residential communities from such adverse effects, especially during night-time hours.

Specific noise limits are covered in Manfeild Park Zone and the Special Development Zone. Those provisions appear in the respective chapters, and are not reproduced below.

3C.2 Resource Management Issues

The following resource management issues have been identified in relation to noise:

1. Noise can result in significant adverse environmental effects on the existing environment.
2. Noise sensitive activities can be adversely affect by noisy uses and activities in the District.
3. Recognising that evening noise levels typically reduce in all zones compared with daytime noise and contribute to local amenity.
4. Noise levels generated by land use activities can vary within a zone and between zones.

¹¹³ S23/010 by Horticulture NZ

5. Rural and rural lifestyle uses can have different amenity expectations which can result in complaints.¹¹⁴

3C.3 Objectives and Policies

Objective 1

To ensure noise generated from activities is appropriate to the character and level of amenity anticipated in the surrounding environment and human health and safety.

Policies

- 1.1 To ensure noise level standards protect dwellings and other noise sensitive activities from unreasonable noise levels.
- 1.2 To ensure noise levels within the Inner and Outer Business Zones and the Industrial Zone enable the functioning of these activities without resulting in significant adverse environmental effects on adjacent residential activities.
- 1.3 To consider appropriate mitigation measures where noise levels exceed the zone or zone interface noise limits.
- 1.4 To provide for noise associated with rural production activities in the rural zone.¹¹⁵

3C.4 Rules

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone.

3C.4.1 Permitted Activities

All activities are permitted provided they comply with the performance standards in Rule 3C.4.2.

3C.4.2 Standards for Permitted Activities

For all zones, the permitted activities specified in Rule 3C.4.1 above must comply with the following standards:

- a. ~~Noise levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics — Measurement of environmental sound unless otherwise specified.~~ Noise levels shall be measured in accordance with of NZS 6801:2008 *Measurement of Environmental Sound* and assessed in accordance with NZS 6802:2008 *Acoustics - Environmental Noise* unless otherwise specified.

¹¹⁴ S23/011 by Horticulture NZ

¹¹⁵ S23/012 by Horticulture NZ

- b. All activities must comply with the following noise levels for the zone the activity is located in:

Table 3C.1 – Noise levels

Zone the activity is located in	Time Period	Potentially affected zone – measured at any point within the boundary of any other site in the zone		
		Residential/ Village	Rural	Inner and Outer Business
Residential/ Village – these apply only to home occupations and non-residential activities	7am – 10pm 10pm – 7am 10pm – 7am	45dB L _{Aeq} (15 mins) 35dB L _{Aeq} (15 mins) 55dB L _{Amax}		
Recreation	7am – 7pm 7pm – 10pm 10pm – 7am 10pm – 7am	55dB L _{Aeq} (15 mins) 50dB L _{Aeq} (15 mins) 40dB L _{Aeq} (15 mins) 70dB L _{Amax}		
Rural	7am – 7pm 7pm – 10pm 10pm – 7am 10pm – 7am	55dB L _{Aeq} (15 mins) 50dB L _{Aeq} (15 mins) 40dB L _{Aeq} (15 mins) 70dB L _{Amax}	55dB L _{Aeq} (15 mins) 50dB L _{Aeq} (15 mins) 40dB L _{Aeq} (15 mins) 70dB L _{Amax}	
Industrial	7am – 7pm 7pm – 10pm 10pm – 7am 10pm – 7am	55dB L _{Aeq} (15 mins) 50dB L _{Aeq} (15 mins) 45dB L _{Aeq} (15 mins) 75dB L _{Amax}	55dB L _{Aeq} (15 mins) 50dB L _{Aeq} (15 mins) 45dB L _{Aeq} (15 mins) 75dB L _{Amax}	
Inner and Outer Business	7 am – 7pm 7pm – 10pm 10pm – 7am 10pm – 7am At any time 10pm – 7am	55dB L _{Aeq} (15 mins) 50dB L _{Aeq} (15 mins) 45dB L _{Aeq} (15 mins) 75dB L _{Amax}		65dB L _{Aeq} (15 mins) 85dB L _{Amax}

Guidance Note: The noise provisions for Manfeild Park Zone and the Special Development Zone are contained in the specific zone chapters.

- c. Sounds generated by construction, maintenance and demolition activities will be assessed, predicted, measured, managed and controlled by reference to NZS6803:1999 Acoustics – Construction Noise.

- d. Noise from the following activities are not controlled by Rule 3C.4.21.b¹¹⁶ in this Plan:
- i. Aircraft being operated during or immediately before or after flight.
 - ii. Vehicles being driven on a road, excluding the use of airbrakes on trucks.
 - iii. Trains other than when being tested (when stationary), maintained, loaded or unloaded.¹¹⁷
 - iv. Rural production activities, except for intensive farming.
 - v. Crowd noise at any area zoned recreation.
 - vi. Emergency Services Sirens.
 - vii. Military Training Activities covered by Rule A2.2.

Guidance Notes:

1. Sound from commercial renewable energy generation will be assessed, predicted, measured and controlled by reference to the NZS6808:1998 Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators.
2. Noise from Helicopters using separate helicopter landing areas that are not part of an airport will be assessed according to NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.
3. Noise associated with aircraft operations will be assessed by NZS 6805:1992 Airport Noise Management and Land Use Planning.
4. Unreasonable or excessive noise can be controlled by reference to the specific provisions of the Resource Management Act (1991), specifically sections 16 and 327.

3C.4.3 Discretionary Activities

Any activity that does not meet the noise standards for a Permitted Activity specified in Rule 3C.4.2, or is not specifically provided for in this plan, shall be a Discretionary Activity.

¹¹⁶ Cross referencing error

¹¹⁷ Support S2/021 by Kiwirail

3D EARTHWORKS

3D.1 Introduction

Earthworks are often carried out in conjunction with subdivision and development including through construction of a structure or building, the establishment of a site access and when completing landscaping. Earthworks are also undertaken in the rural environment in conjunction with rural production activities, **and for biosecurity purposes to dispose of unwanted organisms.**¹¹⁸

Without appropriate management, earthworks have the potential to affect land stability and cause erosion. Rehabilitation and design have an important role in the mitigation of potential adverse effects such as land stability and visual amenity.

Earthworks can also affect archaeological sites and care should be taken to ensure those sites are protected and not destroyed.

3D.2 Resource Management Issues

The following resource management issues have been identified in relation to earthworks:

1. Potential adverse effects resulting from earthworks **do not can**¹¹⁹ detract from the amenity values of the District.
2. Earthworks can result in or increase the risk of land instability.¹²⁰
3. Earthworks can result in adverse effects on **historic heritage values features or areas of cultural, historical or landscape significance.**¹²¹
4. Earthworks can result in adverse effects on the values that cause a natural feature or landscape to be outstanding.
5. Increased risk of natural hazards when overland flow paths or stormwater drains/swales are changed through earthworks.¹²²
6. **Earthworks can compromise the safe, efficient and effective functioning of established network utilities including regionally and nationally significant infrastructure.**¹²³

¹¹⁸ S23/015 by Horticulture NZ and S16/047 by Powerco

¹¹⁹ S11/044 by Transpower

¹²⁰ Support S5/024 by Horizons

¹²¹ S3/015 by Heritage NZ Pouhere Taonga

¹²² Support S5/025 by Horizons

¹²³ S16/047 by Powerco, S20/025 by First Gas and S11/045 by Transpower

3D.3 Objectives and Policies

Objective 1

To ensure earthworks do not result in adverse effects on the visual amenity, landscape, or historic heritage or cultural values of the area.¹²⁴

Policies

- 1.1 To mitigate any visual amenity effects arising from earthworks.
- 1.2 To restrict earthworks within the area of items scheduled sites identified in this Plan as containing significant heritage values, particularly those identified in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value).¹²⁵
- 1.3 To restrict earthworks in Outstanding Natural Features or Landscapes as scheduled in Appendix 1C,¹²⁶ except where earthworks are necessary to eliminate manage¹²⁷ risk to human health and safety.
- 1.4 To avoid, remedy or mitigate the effects of earthworks which could disturb or destroy the intrinsic cultural and natural heritage values associated with an identified site or object.¹²⁸
- 1.4 To ensure the scale of earthworks are appropriate for the site they are located on to avoid visual amenity effects on or beyond the site.¹²⁹

Objective 2

To ensure that earthworks are designed and undertaken in a manner to minimise the risk of land instability and accelerated erosion visual amenity effects.¹³⁰

Policies

- 2.1 To ensure the scale of earthworks are appropriate for the site they are located on to avoid visual amenity effects on or beyond the site.¹³¹

¹²⁴ S3/016 by Heritage NZ Pouhere Taonga

¹²⁵ S3/018 by Heritage NZ Pouhere Taonga

¹²⁶ S3/019 by Heritage NZ Pouhere Taonga

¹²⁷ S16/048 by Powerco

¹²⁸ S3/020 by Heritage NZ Pouhere Taonga

¹²⁹ S16/050 by Powerco and S21/011 by the Oil Companies

¹³⁰ S16/049 by Powerco and S21/010 by the Oil Companies

¹³¹ S16/050 by Powerco and S21/011 by the Oil Companies

- 2.2 To manage the scale of earthworks on sites susceptible to erosion and land instability.¹³²
- 2.3 To require rehabilitation measures be undertaken to avoid accelerated erosion following earthworks.¹³³
- 2.4 To ensure all adverse effects from earthworks including dust and sediment run-off are managed onsite¹³⁴ so that particulate matter does not cause a nuisance or affect the safety or operation of other activities.¹³⁵
- 2.5 To ensure that earthworks do not affect the functioning of¹³⁶ known overland flow paths.

Objective 3

To protect the operation of the National Grid and infrastructure of regional and national importance by avoiding earthworks that could undermine their integrity and functioning.¹³⁷

Policies

- 3.1 To control earthworks within the National Grid Yard to ensure the continued safe, effective and efficient access to and operation, maintenance and upgrading of the National Grid.¹³⁸
- 3.2 To control earthworks near infrastructure of regional and national importance to ensure their safe and efficient operation, maintenance and upgrading.¹³⁹

3D.4 Rules

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone.

3D.4.1 Permitted Activities

¹³² Support S5/032 by Horizons

¹³³ Support S5/033 by Horizons

¹³⁴ Support S5/034 by Horizons

¹³⁵ S16/051 by Powerco

¹³⁶ S5/035 by Horizons

¹³⁷ Support S5/036 by Horizons and S11/046 by Transpower

¹³⁸ S11/047 by Transpower

¹³⁹ Support S5/038 by Horizons and S20/027 by First Gas

The following are Permitted Activities in all zones, except the Rural and Flood Channel zones provided that they comply with the standards in Rule 3D.4.2 below.

- a. Earthworks, other than in an Outstanding Natural Feature or Landscape.
- ~~b. Earthworks within the National Grid Yard undertaken:~~
- ~~i. by a network utility operator within a transport corridor as part of a transmission activity or for electricity infrastructure, or~~
 - ~~ii. as part of agricultural or domestic cultivation, or~~
 - ~~iii. repair, sealing or resealing of a road, footpath driveway or farm track, or~~
 - ~~iv. any vertical holes not exceeding 500mm in diameter provided they are:~~
 - ~~a. more than 1.5m from the outer edge of a pole support structure or stay wire; or~~
 - ~~b. a post hole for a farm fence or horticulture structure and more than 65m from the visible edge of a tower support structure foundation.~~¹⁴⁰¹⁴¹
- c. Earthworks for the purposes of burying material infected by unwanted organisms as declared by the Minister under the Biosecurity Act 1993.¹⁴²

Guidance Notes:

1. Water takes, diversions, discharges and eEarthworks are also regulated by the Manawatu-Wanganui Regional Council and a resource consent maybe required under the rules of the One Plan.¹⁴³
2. Earthworks near or within areas of cultural and natural heritage values may also require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act (2014). It is an offence to modify or destroy an archaeological site or destroy an archaeological site or demolish/destroy a whole building if the person knows or reasonably suspects it to be an archaeological site. An archaeological site is any place, including any building or structure (or part of), that:

¹⁴⁰ S11/048 by Transpower

¹⁴¹ S11/048, S11/049, S11/050 and S11/054 by Transpower

¹⁴² S23/018 by Horticulture NZ

¹⁴³ S5/043 by Horizons

- was associated with human activity or the site of a wreck of a vessel that occurred before 1900; and
- provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.¹⁴⁴

3. The disposal of contaminated material, including unwanted organisms, may require trigger¹⁴⁵ resource consent from the Manawatu-Wanganui Regional Council under the rules of the One Plan.¹⁴⁶

3D.4.2 Standards for Permitted Activities

The Permitted Activities specified above must comply with the following standards:

- Any sediment run-off from earthworks must be contained within the subject site.
- All dust and sedimentation control measures must be installed prior to earthworks commencing, maintained during the construction works, and only removed once stabilisation occurs.¹⁴⁷
- Earthworks must not be undertaken closer than 20m of the banks of the Oroua River or Kiwitea Stream.
- Earthworks must not be undertaken closer than 10m of the banks of the Makino Stream.
- Earthworks must not be undertaken within any area identified in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1D (Trees with Heritage Value) and 1F (Sites with Heritage Value).
- Earthworks undertaken in the National Grid Yard do not

For National Grid support poles and stay wires:

- depth shall be no greater than 300mm within 2.2m of the pole or stay wire; and
- depth shall be no greater than 750mm between 2.2m and 5m of the pole or stay wire.

¹⁴⁴ S3/021 by Heritage NZ Pouhere Taonga

¹⁴⁵ S23/018 by Horticulture NZ

¹⁴⁶ S23/018 by Horticulture NZ

¹⁴⁷ S16/052 by Powerco and S21/012 by the Oil Companies

For National Grid support towers (including any tubular steel tower that replaces a steel lattice tower):

- iii. depth shall be no greater than 300mm within 6m of the outer edge of the visible foundation of the tower; and
- iv. depth shall be no greater than 3m between 6m and 12m of the outer edge of the visible foundation of the tower; and
- v. Shall not compromise the stability of a National Grid support structure; and
- vi. Shall not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001.

Provided that the following earthwork activities are exempt from the provisions above:

- i. by a network utility operator within a transport corridor as part of a transmission activity or for electricity infrastructure, or
- ii. as part of agricultural or domestic cultivation, or
- iii. repair, sealing or resealing of a road, footpath driveway or farm track, or
- iv. any vertical holes not exceeding 500mm in diameter provided they are:
 - a. more than 1.5m from the outer edge of a pole support structure or stay wire; or
 - b. a post hole for a farm fence or horticulture structure and more than 65m from the visible edge of a tower support structure foundation.¹⁴⁸
- ~~vii. Exceed a depth (measured vertically) of 300mm within a distance measured 12m from the outer visible edge of any National Grid Tower, and~~
- ~~viii. Create an unstable batter that will affect a transmission support structure, and~~
- ~~ix. Result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001.~~

Guidance Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) contains restrictions on the location of structures and activities in relation to all electricity lines. Compliance with the Code of Practice

¹⁴⁸ S11/048 by Transpower

is mandatory. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice.¹⁴⁹

- g. No earthworks, buildings or structures can be undertaken or erected within 20m of a natural gas transmission pipeline.¹⁵⁰
- h. Earthworks must comply with the standards specified in Table 3D.1 Earthwork Volumes.
- i. Earthworks must not block any stormwater or overland flow paths.¹⁵¹

Table 3D.1 Earthwork Volumes

Zone	Minimum setback from site boundary		Maximum area per site exposed at any one time	Maximum permitted volume per site in any 12 month period	Maximum change to existing ground level
	1.5m	3m	500m ²	500m ³	1.5m
Residential, Village & Inner Business Zones	✓		✓		✓
Outer Business & Industrial Zones		✓		✓	✓
Manfeild Park & Special Development Zones		✓		✓	✓
Recreation Zone	✓			✓	✓

Guidance Notes:

1. The restrictions above do not apply to land based quarrying activities which are managed in the Rural Zone of this Plan.

¹⁴⁹ Support S16/054 by Powerco

¹⁵⁰ Support S20/028 by First Gas

¹⁵¹ Support S5/044 by Horizons

2. Earthworks are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the One Plan, or any subsequent Regional Plan.¹⁵² The One Plan requires Erosion and Sediment Control measures to comply with the Greater Wellington Regional Council’s Erosion and Sediment Control Guidelines dated September 2002.
3. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) also applies to earthworks and a resource consent may be required under those provisions.
4. Where earthworks are to be undertaken within 20m of any electricity line or high pressure gas transmission line, the owners of the electrical or gas¹⁵³ network should be advised of the intention to carry out the works not less than 5 working days prior to their commencement.
5. Earthworks that may or will modify or destroy an archaeological site near or within areas of cultural and natural heritage values may also require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act (2014). It is an offence to modify or destroy an archaeological site or demolish/ destroy a whole building if the person knows or reasonably suspects it to be an archaeological site. An archaeological site is any place, including any buildings or structure (or part of), that:
 - was associated with human activity or the site of a wreck of a vessel that occurred before 1900; and
 - provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.¹⁵⁴

3D.4.3 Restricted Discretionary Activities

The following activities are Restricted Discretionary Activities:

- a. Any earthworks undertaken in the National Grid Yard that do not comply with the standards for permitted activities under Rule 3D.4.2 f (i) – (iv) above.

For this activity, the Council has restricted its discretion to considering the following matters, only to the extent that they are relevant to the standard that is not met.¹⁵⁵

- Any effects on the operation of the National Grid
- Volume, area and location of the works, including temporary activities such as stockpiles

¹⁵² S5/045 by Horizons

¹⁵³ S20/029 by First Gas

¹⁵⁴ S3/022 by Heritage NZ Pouhere Taonga

¹⁵⁵ S16/038 by Powerco

- Hours of operation and time of year the proposed works will occur
- Site remediation
- The use of mobile machinery within the National Grid Yard
- Demonstrated compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001).

3D.4.4 Discretionary Activities

Any earthworks that do not meet the Permitted Activity standards, or is not specifically provided for in this Plan, shall be a Discretionary Activity.

Guidance Note: The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) also applies to earthworks and a consent may be required under those provisions.

3D.4.5 Non-Complying Activities

Any earthworks within an Outstanding Natural Feature or Landscape identified in Appendix 1C, except within an existing road corridor carriageway¹⁵⁶, or in the Natural Grid Yard that do not comply with 3D.4.2(f) (v) or (vi)¹⁵⁷ is a Non-Complying Activity.

¹⁵⁶ S16/019, S16/020 and S16/036 by Powerco

¹⁵⁷ S11/048 by Transpower

3E SIGNS

3E.1 Introduction

Signs are an important part of commercial and promotional activities. The role of a sign is predominantly to promote or draw attention to an activity or an event. Signs are often auxiliary to another activity, however can still generate adverse effects on the environment. These effects can be attributed to mostly visual amenity, but can also adversely affect the efficient operation of the transport network.

It is critical to ensure all signs are managed appropriately to avoid, mitigate and remedy potential adverse effects on the environment. **Legislation can require that hazard or risk identification and site safety signage is provided on a site. For avoidance of doubt, these signs are not controlled by the Plan, provided the legislative requirements are met.**¹⁵⁸

3E.2 Resource Management Issues

The following resource management issues have been identified in relation to signs:

1. The need to ensure that signs do not detract from the existing amenity of the District.
2. The need to ensure signage does not create visual obstructions or pose safety concerns for road users and pedestrians.
3. The occurrence of advertising signs that do not relate to the activity on the site the sign is located on, causing visual clutter and loss of amenity for the surrounding environment.

3E.3 Objectives and policies

Objective 1

To ensure the erection of any sign does not result in adverse effects on the visual amenity values of the environment.

Policies

- 1.1 To maintain the low frequency of signage existing in the District by restricting the number, size and type of signs erected to ensure visual amenity is maintained.
- 1.2 To restrict the illumination of signs to ensure adverse amenity effects from glare, light spill or distractions to road users and the surrounding environment are avoided.

¹⁵⁸ S16/056 by Powerco and S21/013 by the Oil Companies

- 1.3 To distinguish between permanent and temporary signs and provide for them separately given the difference in their duration.
- 1.4 To manage the location, appearance and frequency of temporary signs to ensure they are of limited duration.
- 1.5 To manage the cumulative effect of a proliferation of advertising signs on rural amenity.
- 1.6 To ensure signage is in keeping with the character of the area or building where it is located.
- 1.7 To ensure the erection of advertising signs is only on the site where the activity is occurring.

Objective 2

To ensure signs do not detract from the safety of road users and pedestrians.

Policies

- 2.1 To ensure that only official signs and information signs are located within the road reserve.
- 2.2 To restrict the number, size and type of signs erected to ensure safety of road users and pedestrians.
- 2.3 To avoid the use of trivision or flashing signs where this could lead to road user distraction.
- 2.4 To avoid distraction to road users from the occurrence of signs not relating to an activity undertaken on the site.

3E.4 Rules

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone.

3E.4.1 Permitted Activities

The following are a Permitted Activity provided that they comply with the standards in Rule 3E.4.2 below:

- a. Signs and official signs
- b. Temporary signs

3E.4.2 Standards for Permitted Activities

- a. Signs located within the road reserve must comply with the following standards:
 - i. One information sign and one official “welcome to” sign erected at each entrance to a township.
 - ii. No sign may result in visual obstruction or cause confusion for road users, pedestrians or cyclists.
 - iii. The maximum sign face area of an information sign or official “welcome to” sign must not exceed 3m². Where a sign is double sided, it may have 3m² on each sign face area.
 - iv. One sign placed on the footpath per business premise in the Inner and Outer Business Zones. These signs must:
 - a. not exceed 0.8m² in size, and
 - b. relate to a product, service or event offered within the premises and must only be placed adjacent to the kerbline outside the premises that they relate to.

Guidance Note: Signs on roads will also need approval from the New Zealand Transport Agency or the Council’s Roading Team.¹⁵⁹

- b. Except as provided for in Rule 3E.4.2.a and Rule 3E.4.2.c, all signs must comply with the following standards:¹⁶⁰
 - i. One sign may be displayed per site. This includes any sign that is freestanding, or is written on or affixed to a building.
 - ii. Signs must relate to the predominant activity on a site, or be associated with an activity otherwise permitted by this Plan or Resource Consent has been granted.
 - iii. A sign may be LED, backlit or spot lit but must not be flashing, animated, trivision, or contain revolving lights or lasers.
 - iv. Any sign that is LED, backlit or spot lit must not result in light spill into any adjoining property zoned Residential.
 - v. No sign may be painted or located on a building roof.
 - vi. Signs must not obstruct the clarity of official signs.

¹⁵⁹ Support S7/030 by NZ Transport Agency

¹⁶⁰ Support S7/031 by NZ Transport Agency

- vii. Signs must not create an obstruction or cause safety concerns for road users.
- viii. Signs must also comply with any permitted activity conditions of the zone in which it is located in.
- ix. The maximum sign face area of any sign must not exceed 0.6m², except that signs within the Inner and Outer Business Zones and Industrial Zone must not exceed a maximum sign face area of 3m².

Guidance Note: The Inner and Outer Business Zones, Manfeild Park Zone and the Special Development Zone have additional signage provisions contained in the relevant zone chapters.

- c. All Temporary Signs must comply with the following standards:
 - i. The maximum sign face area of any sign must not exceed 1.5m², except for electioneering signs which must not exceed a maximum sign face area of 3m².
 - ii. The erection of a temporary sign must not be for more than two months in any 12 month period.
 - iii. Signs must not create an obstruction or cause safety concerns for road users.
 - iv. Signs must not be located on Council property or within the legal road reserve.
 - v. A sign may be LED, backlit or spot lit but must not be flashing, animated, trivision, or contain revolving lights or lasers.
 - vi. Any sign that is LED, backlit or spot lit must not result in light spill into any adjoining property.
 - vii. Signs must not obstruct official signs.
 - viii. Signs for electioneering are only permitted in the two month period prior to the election, and must be removed before the day of the election.
 - ix. Signs for sporting events, public meetings, galas, market days, and other recreational and festive events must only be permitted in the two month period prior to the event, and must be removed no later than one week after the conclusion of the activity.
 - x. All signs must be removed from the site no later than one week after the completion of the activity or event the sign was promoting.

- xi. Only one sign advertising the sale, rent or auction of a property must be located on the property to which they relate and must be removed no later than one month after settlement.

3E.4.3 Discretionary Activities

Any sign that does not meet the Permitted Activity standards, or is not specifically provided for in this Plan, shall be a Discretionary Activity.

3F TEMPORARY ACTIVITIES

3F.1 Introduction

Temporary activities vary in their nature and scale; they are usually of short duration, intermittent and can involve activities outside of normal working hours. Temporary activities are necessary to meet a range of social, cultural and economic needs within the community and are provided for where any resulting adverse effects can be appropriately managed.

3F.2 Resource Management Issues

The following resource management issue has been identified for temporary activities:

1. The need to recognise the short term nature of effects that are associated with temporary activities.
2. To recognise the role of temporary activities in promoting the social and cultural wellbeing of the communities of the Manawatu.

3F.3 Objectives and Policies

Objective 1

To provide for a wide range of temporary activities within the District while ensuring any adverse effects are managed.

Policies

- 1.1 To restrict the scale, intensity, location, duration and frequency of temporary activities to manage any adverse effects on the surrounding environment.

- ~~1.2 To ensure temporary activities do not result in adverse amenity effects on noise sensitive activities.¹⁶¹~~

3F.4 Rules

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone.

¹⁶¹ S16/057 by Powerco and S21/014 by Oil Companies

3F.4.1 Permitted Activities

Temporary activities are a Permitted Activity provided they comply with the performance standards in Rule 3F.4.2.

3F.4.2 Standards for Permitted Activities

Temporary activities must comply with the following standards:¹⁶²

- a. For sporting events, public meetings, galas, market days, and other recreational and festive events:
 - i. Hours of operation occur between 7am – 10pm, and
 - ii. Duration not exceeding 3 consecutive days, and
 - iii. No more than 4 events of a similar nature on the same site, in any 12 month period, and
 - iv. Temporary buildings and structures except temporary network utility structures supporting an event¹⁶³ must be readily moveable, meet all yard setback requirements of this Plan and must be removed from the site upon the completion of the temporary activity.

Temporary network utility structures supporting an event must be easily moveable, and erected for a duration not exceeding 5 consecutive weeks.¹⁶⁴

- b. Temporary buildings and structures must:
 - i. be readily moveable;
 - ii. meet all yard setback requirements of this Plan;
 - iii. be removed from the site within 6 months of the commencement of the activity;
 - iv. not occupy a site for more than one 6 month period in any 12 months.

Guidance Note: Consideration must also be given to the requirements of the Building Act (2004) and the Building Code for temporary buildings and structures.

- c. The temporary storage of materials and goods must not exceed a period of more than 6 calendar months.

¹⁶² Support S11/051 by Transpower

¹⁶³ S17/030 by Spark and S18/031 by Chorus

¹⁶⁴ S17/030 by Spark and S18/031 by Chorus

- d. The demolition of buildings, excluding those buildings identified in Chapter 4 – Historic Heritage, provided the materials and debris from the demolition are removed from the site no later than one month after the completion of the demolition.
- e. Noise associated with temporary activities must comply with the noise provisions relating to the zone it is located in.
- f. All temporary activities, including buildings and structures, shall be located outside of the National Grid Yard.
- g. This rule applies to Temporary Activities as defined and does not include Military Training Activities in Rule A2 which is separate class of Temporary Activity dealt with by that rule.

Guidance Note: For guidance on vibration Council recommends District Plan users refer to the NZ Transport Agency State highway construction and maintenance noise and vibration guide dated August 2013 for best practice.¹⁶⁵

3F.4.3 Discretionary Activities

Any temporary activity that does not meet the Permitted Activity standards, or is not specifically provided for in this Plan, shall be a Discretionary Activity.

¹⁶⁵ S21/015 by the Oil Companies, S16/058 by Powerco and S18/031 by Chorus

3G RELOCATED BUILDINGS

3G.1 Introduction

Relocating buildings provides for the sustainable and economic reuse of buildings that are no longer required in their current location. Buildings may have been previously used, or purpose built for relocation. The age and condition of previously used buildings that are commonly relocated within the Manawatu District often means that remedial and upgrading works are required to be undertaken. These works ensure that the building does not result in adverse visual effects on the surrounding environment. It is therefore important that relocated buildings are managed to ensure amenity values are maintained.

The relocation of significant historic built heritage scheduled in Schedule 4a and Appendix 1E (Buildings and Objects with Heritage Value)¹⁶⁶ is a separate matter not addressed through this chapter. Consideration of these buildings is required under the provisions of Chapter 4 – Historic Heritage.

3G.2 Resource Management Issues

The following resource management issues have been identified:

1. The need to recognise the sustainable use and economic benefits associated with the reuse of buildings by relocating them to a new site
2. The need to manage the adverse visual effects that can occur from relocating buildings to a new site.
3. New buildings that are small scale and purpose built to be relocated are less likely to result in adverse visual effects on the environment.

3G.3 Objectives and policies

Objective 1

To enable the relocation and establishment of relocated buildings only where reinstatement remedial¹⁶⁷ works will ensure the building maintains the visual amenity values of the surrounding area.

Policies

- 1.1 To ensure any reinstatement remedial¹⁶⁸ and upgrading works undertaken are completed in a timely and efficient manner.

¹⁶⁶ S3/025 by Heritage NZ Pouhere Taonga

¹⁶⁷ S9/001 by House Movers

¹⁶⁸ S9/001 by House Movers

- 1.2 To ensure any **reinstatement remedial**¹⁶⁹ and upgrading works will result in a relocated building achieving a level of visual amenity the same or better than the surrounding area.
- 1.3 To encourage relocated buildings that are of an age, character and condition that requires minimal **reinstatement remedial**¹⁷⁰ work.

3G.4 Rules

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone.

3G.4.1 Permitted Activities

The following are permitted activities provided that they comply with the standards in Rule 3G.4.2:

- a. In the ~~Outer Business, Industrial,~~ Residential and Village zones
 - i. Relocated buildings up to and including 40m² in gross floor area.
 - ii. New buildings that are designed and purpose built to be relocated.
- b. All relocated buildings in the Rural Zone, ~~Outer Business and Industrial zones~~.¹⁷¹

3G.4.2 Standards for Permitted Activities

The permitted activities specified in Rule 3G.4.1 above must comply with the following conditions:

- a. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- b. The relocated building must be installed on permanent foundations immediately upon delivery to the destination site.
- c. The relocated building is not located within the Flood Channel Zone.
- d. Compliance with all standards specified for permitted activities in the relevant zone and other parts of this Plan.
- e. A building pre-inspection report shall be submitted by the owner of the relocated building to the Council at the same time as an application is made for a building consent for the relocated building. That report shall be on the form contained in

¹⁶⁹ S9/001 by House Movers

¹⁷⁰ S9/001 by House Movers

¹⁷¹ S9/001 by House Movers

Appendix 3G.1 and is to identify all reinstatement works that are to be completed to the exterior of the building to achieve a workmanlike standard and tidy appearance.¹⁷²

- f. The building pre-inspection report shall be prepared by:
- A licenced building practitioner (carpenter or design category); or
 - A building inspector from the local authority where the building is being relocated from.
- g. All reinstatement work required by the Condition Table in Section 2.0 of the building pre-inspection report (in Appendix 3G.1) to reinstate the exterior of any relocated building shall be completed within 12 months of the building being delivered to the destination site.
- h. The owner must complete the Owner Certificate and Declaration in Section 7.0 of the building pre-inspection report (in Appendix 3G.1) to certify to the Council that all the reinstatement work will be completed within 12 months of the building being delivered to the destination site.¹⁷³
- i. The relocated building owner will supply to the Council photos showing the exterior of the building 12 months after relocation to show the reinstatement works required by Condition Table 2.0 of the Building Pre-Inspection Report have been achieved.¹⁷⁴

3G.4.3 Controlled Activities

Any relocated building that is not provided for as a permitted activity under Rule 3G.4.1 or does not meet the Performance Standards in Rule 3G.4.2 is a controlled activity, provided they comply with the following standards:

- a. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- b. The relocated building is not located within the Flood Channel Zone.
- c. Compliance with all standards specified for permitted activities in the relevant zone and other parts of this Plan.
- d. A building pre-inspection report shall be submitted by the owner of the relocated building to the Council at the same time as an application is made for a building consent for the relocated building. That report shall be on the form contained in Appendix 3G.1 and is to identify all reinstatement works that are to be completed to the exterior of the building to ensure the visual amenity of the area where the building is to be located is maintained.

¹⁷² S9/001 by House Movers

¹⁷³ S9/001 by House Movers

¹⁷⁴ S9/001 by House Movers

e. The owner must complete the Owner Certificate and Declaration in Section 7.0 of the building pre-inspection report (in Appendix 3G.1) to certify to the Council that all the reinstatement work will be completed within 12 months of the building being delivered to the site.¹⁷⁵

Any relocated building is a Controlled Activity in any zone provided they comply with the following standards:

a. All applications for a relocated building must provide a building pre-inspection report prepared by a suitably qualified and experienced person, acceptable to the Council. That report must include:

i. All remedial and upgrading works that are to be completed to the exterior of the building following relocation to the destination site;

ii. The timeframes for completing all remedial or upgrading works after the installation of the building on its destination site;

iii. An itemised estimate of the value of the works to the exterior of the building that are outlined in 3G.4.3 a. i. above;

iv. Photographs of the building to be relocated including each elevation and the roof clearly showing any areas where remedial and upgrading works are required.

v. Photographs of the wider receiving environment and site where the relocated building will be located.

b. Relocated buildings for future residential use must have been previously used as a dwelling.

c. The relocated building is not located in the Flood Channel Zone.¹⁷⁶

d. Compliance with all standards specified for permitted activities in the relevant zone and other parts of this Plan.¹⁷⁷

For this activity, Council has reserved its control over, and may impose conditions on a resource consent when considering, the following matters:

- o Requirements for remedial reinstatement¹⁷⁸ works and upgrading the exterior of the building to ensure visual amenity of the surrounding area is maintained.

¹⁷⁵ S9/001 by House Movers

¹⁷⁶ Support S5/039 by Horizons

¹⁷⁷ S9/001 by House Movers

¹⁷⁸ S9/001 by House Movers

- The time allowed for **remedial reinstatement**¹⁷⁹ works and upgrading of the exterior of the building to be completed once the relocated building is located on its destination site.
- ~~A bond, of the nature provided for in the Resource Management Act (1991), further secured by deposits of cash with the District Council, to ensure compliance with consent conditions. The bond must be paid prior to the movement of the building to its new site, and shall be to the value of any remedial or upgrading work as identified in 3G.4.1(a), as assessed by a suitably qualified and experienced person.~~¹⁸⁰
- The immediate installation of the relocated building onto permanent foundations upon delivery to the destination site.
- The suitability of the relocated building for the intended reuse.
- How the age and character of the building is consistent with the level of amenity in the surrounding environment.
- How the standards for permitted activities in the relevant zone and other parts of this Plan have been met.

3G.4.42 Non-Notification of Controlled Activities

Under section 77D of the Resource Management Act (1991), an activity requiring resource consent under Rule 3G.4.3 will not be publicly **or limited** notified ~~except where:~~

- ~~The applicant requests public notification (in accordance with Section 95A(2)(b)), or~~
- ~~The Council decides special circumstances exist (in accordance with Section 95A(4)).~~¹⁸¹

3G.4.53 Restricted Discretionary Activities

The following activities are a Restricted Discretionary Activity, in all zones, in respect to relocated buildings:

- Any relocated building that does not meet the **Permitted and**¹⁸² Controlled Activity standards or does not comply with the relevant Permitted Activity standards in all other parts of the District Plan.

¹⁷⁹ S9/001 by House Movers

¹⁸⁰ S9/001 by House Movers

¹⁸¹ S9/001 by House Movers

¹⁸² S9/001 by House Movers

For this activity, **the** Council has restricted its discretion to considering the following matters, **only to the extent that they are relevant to the standard that is not met.**¹⁸³

- Scale of built form and location on site
- Exterior remedial and upgrading works
- Time for remedial and upgrading works to be completed
- The extent of non-compliance with the standard(s) in the Plan

~~○ Provision of a bond to ensure remedial and upgrading works are completed.~~¹⁸⁴

In determining whether to grant a resource consent and what conditions to impose, the Council will, in addition to the objectives and policies of the Relocated Buildings section and the relevant Zone, assess any application in terms of the following assessment criteria:

- i. Whether the application remains consistent with the intention of the standard(s) it infringes.
- ii. The extent to which there will be adverse effects where an application does not meet the standards.
- iii. Whether the application will result in adverse effects on the character and visual amenity values of the immediate surroundings or wider streetscape.
- iv. The need for **remedial reinstatement**¹⁸⁵ works and upgrading to ensure visual amenity of the surrounding area is maintained, **including landscaping proposed.**¹⁸⁶
- v. The proposed time for **remedial reinstatement**¹⁸⁷ works and upgrading to be completed once the relocated building is located on its destination site.
- vi. ~~Whether the bond proposed to be lodged with Council is of sufficient value to cover the cost of completing the required remedial and upgrading works.~~¹⁸⁸

3G.4.64 Discretionary Activities

¹⁸³ S16/038 by Powerco

¹⁸⁴ S9/001 by House Movers

¹⁸⁵ S9/001 by House Movers

¹⁸⁶ S9/001 by House Movers

¹⁸⁷ S9/001 by House Movers

¹⁸⁸ S9/001 by House Movers

Any relocated building not provided for as a **Permitted,**¹⁸⁹ Controlled or Restricted Discretionary Activity or is located in the Flood Channel Zone is a Discretionary Activity.¹⁹⁰

¹⁸⁹ S9/001 by House Movers

¹⁹⁰ Support S5/040 by Horizons

Building Pre-Inspection Report

Building Pre-Inspection Report

[insert new location address]

[insert District]

For: Manawatu District Council

[insert date of report]

1.0 GENERAL INFORMATION

1.1 Introduction

This Building Pre-Inspection Report (Report) has been prepared in accordance with the requirements of the Manawatu District Plan. It accurately records the external condition of the [dwelling house/garage/ancillary building] to be relocated and sets out to establish all reinstatement works required to the exterior of the building after it has been relocated relocation to a workmanlike standard and to achieve a tidy appearance to meet requirements of the District Plan.

Limited inspection of the interior has been undertaken for the purpose of the building consent application which must be lodged with the Manawatu District Council at the same time as this Report is submitted to the Council.

The Condition Table set out in Section 2 of this Report and associated photographs assist in providing a representation of the condition of the building prior to the commencement of the relocation.

The Report confirms whether the building is considered Safe and Sanitary.

The Report also identifies site specific requirements including but not limited to the requirement for; the construction of the new foundations, new retaining walls, service connections, water and sewerage treatment (if applicable).

The Report also provides photographs of the surroundings of the destination site. These photos provide context for the standard to be achieved in reinstating the relocated building.

The Report must be read in conjunction with the condition table and photographs provided, which assist in providing a representation of the condition of the premises prior to the commencement of the relocation.

The Report has been prepared by [Name] of [Company Name] as per our instruction/agreement dated [date] on behalf of our clients [Name] in accordance with the requirements of the Manawatu District Plan.

1.2 Applicants Contact Details

Applicant:	[Applicant (clients) name]
Contact address:	[Contact address]
Telephone:	
Email:	
Any Additional information:	

Agent:	<i>[Authorised agent's name]</i>
Contact address:	<i>[Contact address]</i>
Telephone:	
Email:	
Any Additional information:	

1.3 Building details

Type of building	<i>[Dwelling house, garage, ancillary building]</i>
Approximate age of building:	<i>[Provide date range i.e. 1940-1950]</i>
Brief Description:	<i>[Number of storeys, approximate size, roof, walls, floor construction, additional features]</i>
Proposed site address:	<i>[Address of the intended site of the relocated building]</i>
Site address where the building was inspected:	<i>[Address...]</i>
Proposed Use of Building	<i>[Dwelling house, residential garage, ancillary]</i>
Previous Use of the Building	<i>[Relocated building must have been previously designed, built and used as a dwelling (Except previously used garage and ancillary buildings)]</i>
Is the building being split for transportation	<i>[Yes/No]</i>
Will the split affect wall cladding	<i>[Yes/No – details, number of sections, identify the location of the cut(s)]</i>
Will the split affect roof cladding	<i>[Yes/No – details, number of sections, identified the location of the cuts(s)]</i>
Inspection Dates & Weather:	<i>[Date and weather at the time of inspection]</i>
Inspection by:	<i>[Name of inspector]</i>
Other persons present:	<i>[Name of other parties present]</i>
Building Consent Status	<i>[Has Building Consent documentation been prepared for the relocation works.]</i>

1.4 Site characteristics (this section may be filled in by the owner of the destination site)¹⁹¹

<u>Existing character of the site</u>	<u>[Description of the site where the relocated building is to be located]</u>
<u>Topography of the surrounding environment</u>	<u>[Description of the surrounding environment, is it hilly, flat, building concealed from the road, etc]</u>
<u>Areas of Vegetation on and around the site</u>	<u>[Description of the vegetation on site, proximity of the building location to any areas of indigenous vegetation]</u>
<u>Areas of any cultural or heritage value identified in the District Plan</u> ¹⁹²	<u>[Description of any cultural or heritage values on or near the site.]</u>

1.5 Areas assessed by Licensed Building Practitioner

Describe how the building was inspected.

Example:

The external envelope of the subject building viewed from ground floor level and where safely accessed by ladder from ground level.

Internally, our inspection was limited to those parts of the buildings that could be safely accessed and a head and shoulders inspection of the roof space.

Access was gained into the subfloor space....]

1.64 Reporting Conditions

This Report has been prepared under the following conditions of engagement:

- The building inspection undertaken for the purpose of this Report survey is based on a visual inspection only; therefore it is not possible to guarantee that all concealed areas containing defects will be accessible (floor voids, roof voids, etc). No intrusive investigation will therefore be undertaken.
- Signs of water ingress will be searched for during the building inspection undertaken for the purpose of this Report completion of the survey, however the Report cannot warrant that the building is free from water penetration, from defective roofing, cladding, rainwater goods, rising damp or the like unless evident at the time of our visual survey.
- Only areas where safe access is possible have been inspected.
- The Report is provided for the use of the client-applicant identified in section 1.1 of this Report and the Manawatu District Council and may not be used by others without written permission by those parties. The writer of this Report accepts no liability to third parties who may act on the report.
- This Report must be read in conjunction with photograph and condition tables provided.

¹⁹¹ S9/001 by House Movers

¹⁹² S9/001 by House Movers

- This Report is for the purposes of meeting the requirements of the Manawatu District Plan. It is not a Report to address matters required by the Building Act 2004. A building consent is required for the relocation of this building and all subsequent works as a consequence. The building work must be designed and undertaken by Licensed Building Practitioners. The Report also requires a safe and sanitary declaration for the purposes of the Building Act 2004.

1.75**Exclusions**

This report **does not** include comment about the following:

- The structure of the building unless otherwise commented upon;
- ~~The surrounding neighbourhood;~~
- The value of the property;
- Illegal Works; and
- Internal condition of the building unless otherwise commented upon.

Additionally, no search has been made of:

- Local Authority rates;
- Government Valuation; or
- LIM or PIM reports.

1.86**Definitions**

The following defines the condition comments of the elements surveyed:

- Good: Items that have suffered minimal weathering, wear or decay and are free from any visual defects.
- Reasonable: Items that have worn through 'normal' use and weathering, and is in commensurate condition to the building age and use.
- Poor: Items that are worn, decayed or weathered either due to the age, abnormal use or lack of maintenance.

1.7 ~~Areas Accessed~~***Example:***

~~The external envelope of the subject building viewed from ground floor level and where safely accessed by ladder from ground level.~~

~~Internally, our inspection was limited to those parts of the buildings that could be safely accessed and a head and shoulders inspection of the roof space.~~

~~Access was gained into the subfloor space....~~

2.0 Condition Table

RMA 1991 – Mandatory External Reinstatement					
Item	Construction Element	Description	Condition	Required Upgrades & Comments	Photograph
1	Roof	[Corrugated iron/fibre cement sheet, concrete tile, metal tile, butynol membrane, other]	[Good/Reasonable/Poor]	[None/ Repaint/ Re-roof etc Additional comments required if the roof was removed during relocation]	[Insert multiple photographs if/as required under any of the below sub-headings.]
2	Spouting and Downpipes	[PVC, metal, butynol membrane, other]	[Good/Reasonable/Poor]	[None/ Repaint/ Replace etc Example: Repair all timber fascias, barges as well as rainwater goods to ensure surface moisture discharges into new Council approved outlet at new site location.]	
3	Wall Cladding	[Fibre cement weatherboard/ sheet, timber weatherboard, Board and batten, metal sidings, other]	[Good/Reasonable/Poor]	[None/ Repaint/ Replace etc]	
4	Foundation cladding	[Baseboards (likely to have been removed)]NA	NA[Good/ Reasonable/ Poor]	[Foundation cladding is to be installed as specified in the Building Consent]	
5	Window and Door Joinery	[Powder coated aluminium, timber, steel, single glazed, double glazed]	[Good/Reasonable/Poor]	[None/ Install new joinery/Repair and redecorate existing joinery Example: Repair and repaint window and door joinery. Replace all broken glass immediately after relocation.]	

3.0 BUILDING ACT REQUIREMENTS

This Report is for purposes required by the District Plan. It is not a report to address matters required by the Building Act.

A building consent is required for the relocation of this building and all subsequent works as a consequence. The building work must be designed and undertaken by Licensed Building Practitioners with the appropriate category of licence (certain homeowner exemptions may apply). This Pre-inspection Report must be submitted to council with an application for building consent.

The building consent documents must be provided to council along with the appropriate fees and proof of ownership (Certificate of Title less than 3 months old or sale and purchase agreement for the proposed site).

The site specifics must be appropriately designed to include foundations, considering, layout, sizing, position, bracing, ventilation, access etc.

3.1 SAFE AND SANITARY

Comment is required.

Building Surveyor MUST give a declaration regarding whether the building is/isn't Safe and Sanitary.

Note:

If the building is not considered safe and sanitary then give reasons. (example: evidence of leaky building)

3.2 HEALTH & SAFETY

Set out below is a description of the health and safety concerns identified.

Example:

Building materials identified are suspected to contain asbestos. This includes, but not limited to fibre cement claddings, vinyl flooring and soffit linings. Asbestos is relatively safe when encapsulated, but is dangerous to health when fibres become air borne. This can occur when the building materials are damaged or become degraded.

No specialist laboratory testing has been carried out to confirm the presence or absence of asbestos or any other material hazardous to health. All comments are based upon a visual inspection only.

It is recommended that a specialist asbestos surveyor be instructed to identify the risks present.

4.0 ESTIMATE OF COSTS OF EXTERNAL REINSTATEMENT WORKS

The estimate of costs of external reinstatement works is the sum of [to insert]

Note:

Allow a contingency sum for any damage in transit

“Reinstatement Works” means the extent of the work required to the exterior of the Relocated Building as specified in the Building Pre Inspection Report for the purposes of the District Plan. The exterior reinstatement works will not include matters regulated by the building legislation or connection to foundations; but may include matters required by the District Plan for work to be undertaken and completed to the exterior of the building to a workmanlike standard and to achieve a tidy appearance, including, without limitation:

(a) Repair of broken windows and window frames;

(b) Repair of rotten weatherboards or other damaged wall cladding;

(c) Necessary replacement or repair of roof materials;

(d) Cleaning and/or painting of the exterior where necessary e.g. roof, walls, window frames etc;

(e) Repair of transit damage; and/or

(f) Replacement and painting of baseboards or other foundation cladding.

35.0 LICENSED BUILDING SURVEYORS PRACTITIONER SIGNATURE

I, certify that the information provided is true and correct and that the building described above appears to have complied applied¹⁹³ with the relevant Building Regulations at the time of its construction, and (if a dwelling) the building has been previously designed, built and used as a dwelling (Except previously used garage and ancillary buildings).

Author

[name]

Signed:

Peer Reviewer

[name]

If undertaken/available

Qualifications LBP Category, BOINZ, RICS, NZIBS,
ANZIA etc

¹⁹³ S9/001 by House Movers

For and On Behalf of *Company Name*

Address

Inspectors business address

Telephone

Telephone business number

Email

*Email business address***46.0****OWNER CERTIFICATE AND DECLARATION**

As a requirement of the [insert council name] Manawatu District Plan/Resource Consent, I/we _____ CERTIFY that I/we will ensure that within 12 months from the building being delivered to the destination site the reinstatement work required in the Condition Table in Section 2.0 of this Report will be completed. buildings external reinstatement, infrastructure, closing in, ventilation of foundations, and connections to services (mains or private) will be completed.

I acknowledge that failure to complete any reinstatement mandatory work identified in the Condition Table in Section 2.0 'Mandatory Condition Table' relating to the reinstatement of the building may lead to the Manawatu District Council council taking action under the terms of the Relocated Buildings Bond and/or enforcement action under the Building Act 2004, or Resource Management Act 1991, including by way of a notice to fix, infringement notice, abatement notice, enforcement order, or prosecution. This report does not restrict the Council to undertake enforcement action under other legislation.

I acknowledge that Council can charge a fee to cover the costs of monitoring inspections necessary to ensure the reinstatement work required in the Condition Table in Section 2.0 of this Report is completed. This fee is stated in the Council's Fees and Charges Schedule. Should the reinstatement work not be completed within 12 months of the building being delivered to the destination site I/we understand that a resource consent application is required for the relocated building. I acknowledge that where reinstatement work is not completed within 12 months of the building being delivered to the destination site that a resource consent application will be required for the relocated building. I understand that the Council may charge fees from time to time for activities relating to relocated buildings, as set out in its Annual Fees and Charges.¹⁹⁴

I certify that the description of the destination site and accompanying photos are true and correct.¹⁹⁵

I will provide to the Council photos showing the exterior of the building 12 months after relocation to show the reinstatement works required by Condition Table 2.0 of the Building Pre-Inspection Report have been achieved.¹⁹⁶

¹⁹⁴ S9/001 by House Movers

¹⁹⁵ S9/001 by House Movers

¹⁹⁶ S9/001 by House Movers

Signed:..... (PRINT).....

Owner

Signed:..... (PRINT).....

Owner

Signed:..... (PRINT).....

Owner

<i>Elevation description i.e. Front Elevation</i>	<i>Elevation description i.e. Rear Elevation</i>	<i>Elevation description</i>
<i>Elevation description</i>	<i>Elevation description</i>	<i>Elevation description</i>

Destination Site Photographs

Additional Comments and Notes