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**BEFORE THE HEARINGS PANEL**

**In the Matter of:** The Resource Management Act 1991

**And** Proposed Plan Change 55:  
District Wide Rules

Manawatu District Council

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**STATEMENT OF EVIDENCE BY  
Andrea Harris**

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Dated: 18 November 2016

## 1. Introduction

- 1.1 My name is Andrea Michelle Harris. I have over 20 years' experience as a planner and have worked for a regional authority and various local authorities as a consultant. I am employed by Opus International Consultants Limited as a Principal Planner/Planning Work Group Leader, based in the Palmerston North Office. I have a Bachelor of Resource and Environmental Planning from Massey University. I am a full member of the New Zealand Planning Institute. I have been engaged by Manawatu District Council to assist them with this Plan Change Hearing.
- 1.2 I have worked on a number of plan changes for Manawatu District Council (Council) and other local authority clients. I have also prepared and processed a number of resource consent applications, Notice of Requirement to Designate applications, and Outline Plans. I am therefore familiar with the issues associated with preparing and applying District Plan provisions.
- 1.3 The purpose of this report is to assess the proposed plan change in terms of the relevant statutory considerations and obligations, taking into account those issues raised by submissions.
- 1.4 I have read the Code of Conduct for Expert Witnesses (Section 5 of the Environment Court Consolidated Practice Note 2014) and I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on evidence from another expert. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.5 The Council has commissioned Mr Nigel Lloyd of Acousafe Consulting & Engineering Ltd to provide his expert opinion on noise matters relating to the development of the District Wide Chapter and to present technical evidence at the plan change hearing on acoustic matters.
- 1.6 The Council has also commissioned Mr John Hudson of Hudson Associates to provide his expert opinion on Outstanding Natural Features and Landscapes (ONFLs). Mr Hudson has reviewed the current ONFLs in the District Plan as part of the Rural Plan Change and provides his opinion on those submissions relating to ONFL provisions.
- 1.7 The following is a list of abbreviations referred to throughout my report:
- PPC55 – Proposed Plan Change 55: District Wide Rules
  - RMA or the Act – Resource Management Act 1991
  - Plan – District Plan
  - Outstanding Natural Features and Landscapes – ONFL
- 1.8 This report outlines:
- The submissions and further submissions received
  - Identifies areas which remain in dispute
  - An assessment of the submissions, based on sections of the District Plan
  - A recommendation for the submissions received

- Whether any changes to the District Plan are proposed as a result of the submissions and an additional assessment under S32AA of the Act.

1.9 The following appendices are also included:

- Appendix 1 – Officer Recommendation on all submissions
- Appendix 2 – District Wide Rules chapter – PCN1 Plan Change Recommended version
- Appendix 3 – Definitions chapter - PCN1 Plan Change Recommended version
- Appendix 4 – Noise Evidence
- Appendix 5 – Landscape Evidence
- Appendix 6 – Draft Outstanding Natural Features and Landscapes maps showing network utility provider assets in relation to the draft ONFL areas

1.10 The panel have been provided with a submissions bundle. I have therefore not provided copies of all submissions and further submissions as part of my evidence.

## **2. Background**

2.1 Proposed Plan Change 55 District Wide Rules (PPC55) was prepared and notified in accordance with Section 74 of the RMA, and the first part of Schedule 1 which outlines the requirements for changing a District Plan. PPC55 is a plan change under the Manawatu District Councils Sectional District Plan Review.

2.2 As part of the Sectional District Plan Review, Council has decided to reformat and reconstruct the way the District Plan is written. The new structure was introduced through Plan Change 45 Town Centre in 2014.

2.3 PPC55 seeks to review the existing objectives, policies and methods of Section A2 (Rules applying throughout the District) and rules in the various zones. A specific focus has been to remove duplication within the Plan. The proposed changes have been made to improve the functioning of the District Plan and introduce a District Wide Rules Chapter, to bring the provisions and rules up to date with best practice, and account for changes in the national, regional and local policy statutory frameworks. Section A2 and many of the zone provisions have not been subject to any reviews since they were made operative in 2002.

2.4 I do not intend to provide a detailed description of PPC55, as this has already been provided for by the Section 32 Report.

## **3. Submissions**

### **Submissions – May – June 2016**

3.1 Council notified three proposed plan changes at the same time on 2 May 2016, being Proposed Plan Change 52 (Industrial Zone), Plan Change 60 (Designations) and Plan Change 55 (District Wide Rules).

3.2 Council received a total of 13 submissions to the three plan changes notified. Of these submissions eight (8) made specific comment on the PPC55. Further submissions were

notified on 13 June 2016 and a total of eight (8) further submissions were received by the closing date of 24 June 2016.

### Submissions – August – September 2016

- 3.3 Manawatu District Council on 7 July 2016 resolved to withdraw Proposed Plan Changes 52, 55, and 60 due to a procedural error which resulted in the public notice of the Proposed Plan Changes not being published in the newspaper as scheduled on 2 May 2016. To rectify the error, Council resolved that Proposed Plan Changes 52, 55, and 60 be re-notified.
- 3.4 No changes were made to the three Plan Changes when notified on 14 July 2016. Submitters were contacted by phone to explain the issue, and letters sent to submitters outlining the re-notification, and assuring them that the discussions had on the submissions received would not be lost.
- 3.5 Council subsequently notified Proposed Plan Changes 52, 55 and 60 on 14 July 2016. Submissions closed on 10 August 2016.
- 3.6 A total of 29 submissions were received by the closing date. No late submissions were received on PPC55.
- 3.7 Further submissions were notified on 15 September 2016. A total of sixteen (16) further submissions were received by the closing date of 28 September 2016.
- 3.8 The re-notified plan changes attracted original submissions from the following parties. I have highlighted where the submission is of relevance to PPC55 for ease of reference.

Original Submitter		PPC55
S01	Federated Farmers	√
S02	KiwiRail Holdings Limited (KiwiRail)	√
S03	Heritage New Zealand Pouhere Taonga	√
S04	Feilding and District Promotion Inc	
S05	Manawatu-Wanganui Regional Council (Horizons)	√
S06	H W Richardson Group (HWRG)	
S07	New Zealand Transport Agency	√
S08	New Zealand Defence Force	√
S09	House Movers Section of NZ Heavy Haulage Association (Inc), Britton Housemovers Ltd, Central Housemovers Ltd (collective House Movers)	√
S11	Transpower New Zealand Limited	√
S12	Manawatu District Council	

Original Submitter		PPC55
S13	Progressive Enterprises Limited	√
S14	Overseers Feilding Baptist Church	√
S15	Central House Movers Limited	√
S16	Powerco	√
S17	Spark	√
S18	Chorus New Zealand Limited	√
S19	Maree Docherty	√
S20	First Gas (formerly Vector Gas) Limited	√
S21	Z Energy Ltd, BP Oil NZ Ltd, Mobile Oil NZ Ltd	√
S22	Paul Britton	√
S23	Horticulture New Zealand	√
S24	Stacy Waugh	
S25	Annette Waugh	
S26	Dennis and Carrolyn Waugh	
S27	Kerry and Barbara Quigley	
S28	Mark Taylor	
S29	Melanie Taylor	

3.9 Sixteen (16) further submissions were received on the Proposed Plan Changes, as follows:

Original Submitter		PPC55
FS1	Forest and Bird	√
FS2	Stacy Waugh	
FS3	New Zealand Defence Force	√
FS4	Horizons Regional Council	√
FS5	Heritage New Zealand Pouhere Taonga	√
FS6	NZ Transport Agency	√

Original Submitter		PPC55
FS7	Transpower New Zealand Limited	√
FS8	Jean Kahui	√
FS9	Federated Farmers	√
FS10	Horticulture New Zealand	√
FS11	First Gas Limited	√
FS12	Z Energy Ltd, BP Oil NZ Ltd, Mobile Oil NZ Ltd	√
FS13	Powerco	√
FS14	Keith Marriott	√
FS15	Tim Fitz-Herbert	√
FS16	Andy McDonald	√

3.10 The focus of this report is to assess the issues raised in submissions received in August and September 2016 to determine whether the decisions requested are appropriate, taking into account:

- Good planning practice
- The requirements of the RMA
- The relationship with the broader planning framework under the District Plan and its implementation and consistent administration, and
- The direction set by other plan changes in the Sectional District Plan Review.

#### 4. Analysis of submissions

4.1 Before a Plan Change can be incorporated into a District Plan it must fulfil a number of statutory requirements set down in the RMA, including:

- Part 2, comprising Section 5, *Purpose and Principles of the Act*, Section 6, *Matters of National Importance*; Section 7, *Other Matters*; and Section 8, *Treaty of Waitangi*;
- Section 31 *Functions of Territorial Authorities*;
- Section 32 *Duty to consider alternatives, assess benefits and costs*;
- Section 32AA *Requirements for undertaking and publishing further evaluations*;
- Section 74 *Matters to be considered by territorial authorities*; and
- Section 75 *Contents of district plans*.

- 4.2 The assessment of the Plan Change must also include an evaluation of the provisions of PPC55 to determine their adequacy in terms of:
- a. Their relationship and workability with other District Plan provisions, and
  - b. The appropriateness of such provisions (for example, their reasonableness and consistency).
- 4.3 The decisions requested by the submissions are considered in the same order as the PPC55. A copy of all submission points and my comments and recommendations in response to each submission point are found in Appendix 1.
- 4.4 The section 32 report has not be reproduced in my evidence; but can be found in the bundle of material notified as PPC55.
- 4.5 Where I have recommended substantive changes to provisions I have assessed those changes in terms of s32AA of the RMA in my evidence below.
- 4.6 To assist the hearing panel I have produced a revised District Wide Rules Chapter and extract of the Definitions Chapter showing recommended changes to provisions, and where submitters have supported the provisions. The recommended changes to Chapter 3 District Wide Rules are found in Appendix 2; while the recommended changes to the Definitions Chapter are found in Appendix 3. Reference to the submission number for each recommended change is included as a footnote to assist the Hearing Panel identify under which submission changes are being made.
- 4.7 To avoid duplication, I do not repeat all submissions in the body of my evidence below. The matters or topics identified in the table below are those that I consider to be in 'dispute'. By this I mean where there remains a difference of opinion between the parties. Other provisions are recommended to change and these have not been covered in the paragraphs below. The table is based on the same order as the table in Appendix 1.

<b>Topic/ Matter</b>	<b>No.</b>	<b>Section of the Plan</b>	<b>Submitter</b>
Temporary Military Training Activities	1, 12, 13, 271	Whole of Plan Chapter 2 –Definition 3.0 District Wide Rules	New Zealand Defence Force
Earthworks Definition	3	Chapter 2 – Earthworks Definition	Federated Farmers, KiwiRail, Heritage New Zealand, Transpower, Powerco, First Gas, Z Energy, Mobil Oil NZ and BP NZ (collectively known as the oil companies), Horticulture NZ, Spark and Chorus.

<b>Topic/ Matter</b>	<b>No.</b>	<b>Section of the Plan</b>	<b>Submitter</b>
Reverse Sensitivity	10, 14, 69	Chapter 2 Definitions 3.0 District Wide Rules 3A.3 Policy 2.2	Horticulture NZ, New Zealand Defence Force
Network utilities as a standalone chapter	16, 94	3.1 Introduction 3A.4 Rules	First Gas, Heritage NZ, Transpower, Powerco, Spark, Chorus
Outstanding Natural Features and Landscapes	76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 136, 137, 138, 140, 155, 156, 157, 158, 159	3A.3 Objective 3 3A.3 Objectives and policies 3A.3 Policy 3.1 3A.3 Policy 3.2 3A.4.2 Standards for Permitted Activities (I) Rule 3A.4.4 Discretionary Activity Rule 3A.4.5 Non-Complying Activity	Heritage NZ, Transpower, Powerco, Spark, Chorus, First Gas
New Rule	89	3A.4 Rules	Federated Farmers
National Environmental Standard for Telecommunication Facilities	22, 112, 125, 132, 197	3A.1 Introduction 3A.4.1 Permitted Activity Guidance Note 1 3A.4.2 Standards for Permitted Activities (C) and (h) 3C.4.2 Standards for Permitted Activities Table 3C.1	Spark, Chorus
Lineal vs Non-Lineal Network Utilities	151, 156, 158	3A.4.3 Restricted Discretionary Activity (a-iv) 3A.4.4 Discretionary Activity 3A.4.5 Non-Complying Activity	Powerco
Setbacks from State Highway Network	188	3C Noise	NZ Transport Agency
Noise time periods in the Rural Zone	195	3C.4.1 Permitted Activities	Federated Farmers

Topic/ Matter	No.	Section of the Plan	Submitter
Noise limits in Residential/ Village Zone	197	3C.4.2 Standards for Permitted Activities	Spark, Chorus
Helicopter use	200, 201	3C.4.2 Standards for Permitted Activities (d) 3C.4.2 Standards for Permitted Activities Guidance Note 2	Horticulture NZ
Oil and Gas Exploration	203	3D Earthworks	Maree Docherty
Exclusions of the Rural Zone from earthworks provisions	204, 234	3D.1 Introduction 3D.4 Rules	Federated Farmers
Earthworks near the National Grid Yard	251, 252	3D.4.3 Restricted Discretionary Activities 3D.4.5 Non-Complying Activities	Transpower
Signs on Heritage Buildings	255	3E.4.2 Rules	Heritage New Zealand
Temporary Activities in the National Grid Yard	258	3F Temporary Activities	Transpower
Excluding Temporary Network Utilities	260, 262	3F.4.1 Permitted Activities	Spark, Chorus
Relocated Buildings	264, 266, 268	3G Relocated Buildings 3G.4 Rules	House Movers, Paul Britton, Central House Movers Limited

4.8 I cover these matters of dispute by plan chapter below.

## 5. Whole of Plan

### Temporary Military Training Activities

- 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 activity provisions in the District. Temporary military 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.

## **6. Definitions**

### **Earthworks**

- 6.1 Ten submissions made specific submissions on the definition of earthworks, being Federated Farmers, KiwiRail, Heritage New Zealand, Transpower, Powerco, First Gas, Z Energy, Mobil Oil NZ and BP NZ (collectively known as the oil companies), Horticulture NZ, Spark and Chorus.
- 6.2 Changes are proposed to the earthworks definition which resolves the majority of submissions. These changes are set out in Appendix 1. Not all requested changes have been recommended for the reasons stated in that Appendix.
- 6.3 I am aware of discussions between Transpower and Federated Farmers regarding the definition of earthworks. Transpower has also confirmed that they seek that the definition exclusion relates to the National Grid Yard, not the National Grid Corridor as originally submitted. The changes I recommend in Appendix 1 largely reflect the agreements made between the two parties. I anticipate the parties will expand on this in their evidence.
- 6.4 Heritage New Zealand seek amendment to the definition of earthworks by removing reference to alteration in existing and finished ground level. This change is considered to capture unintended earthworks. While earthworks can potentially uncover human remains or areas of previous human occupation, there is a need to be pragmatic in how earthworks are managed in the District. The definition is also consistent with neighbouring council district plans, which ensures greater plan user certainty.

## **7. Chapter 3 District Wide Rules**

### **Reverse Sensitivity**

- 7.1 NZDF seek specific provisions to address reverse sensitivity by way of appropriate objectives, policies, rules and land zoning. They also suggested a definition of reverse sensitivity. A definition for reverse sensitivity has been introduced in the District Plan under Plan Change 52. It is understood that no submissions were received on that definition.
- 7.2 Care has been taken in drafting the District Plan to avoid generalised statements for reverse sensitivity. I consider the concept of reverse sensitivity to be broadly understood and accepted. Instead the approach taken in drafting this plan change has been to include specific provisions to manage the adverse effects of concern/potential issues. For example to require setback distances, or restrict the height of utility structures. I do not consider that generic statements assist in decision making when assessing resource consents, and can in fact, cause problems due to ambiguous wording and subjective views at the time of implementation. On that basis, including generic objectives, policies, rules and zoning of land to address these matters is not considered appropriate as it does not provide plan users with sufficient certainty when considering the District Plan.

### **Network utilities as a standalone chapter**

- 7.3 There are eight submissions which seek that the network utilities sub-chapter be a standalone chapter and seek that the various references in section 3.1 and in 3A.4 clearly state that the zone rules do not apply.
- 7.4 In drafting the provisions, it was my intention that the zone rules also apply, particularly relating to noise, restrictions of activities in the National Grid Yard, and restrictions in the Flood Channel Zone and Historic Heritage Chapter.
- 7.5 As outlined in my response to these submissions in Appendix 1, to enable the chapter to be standalone, additional provisions would need to be included in the network utilities sub-chapter to cover the matters above. For example, conditions relating to noise, heritage, and earthworks in the National Grid Yard. I therefore do not consider there to be sufficient scope to make such additions to the rules as part of PPC55.
- 7.6 Once the zone rules are reviewed in their entirety, the Council could, as part of the final sectional district plan review, make these changes to create a standalone sub-chapter in the District Wide Rules chapter.

## **8. Chapter 3A Network Utilities**

### **Outstanding Natural Features and Landscapes**

- 8.1 A number of submissions have raised concerns regarding the proposed objective, policies and rules relating to ONFLs and network utilities.
- 8.2 The operative District Plan has only two identified ONFLs. Council has initiated a review of ONFLs in the District as part of the Sectional District Plan Review (PPC53). Mr Hudson has completed the review to date, and he describes the work undertaken in his evidence attached in Appendix 5. The ONFLs identified in the review are found in the Report prepared entitled "Manawatu District Landscape Assessment" (dated 25 February 2013). It is intended that the Rural Plan Change will be the vehicle for introducing the new ONFL areas into the District Plan. The provisions in Chapter 3, are designed to protect the identified two areas in Appendix 1 C now; and will ultimately provide the basis for the new ONFLs when introduced into the District Plan at a later date.
- 8.3 In reviewing the submissions Council has mapped the location of key network utility providers against the draft ONFL areas. These maps are contained in Appendix 6. These maps show that few of the proposed areas are impacted by existing network utilities. On that basis, and to give effect to the One Plan (particularly Policy 6-6), the provisions proposed by PPC55 are considered to be appropriate.
- 8.4 Mr Hudson, in his evidence, states that *"Based on both the existing and soon to be proposed extent of ONFLs in the Manawatu District, it is considered that there is ample scope for new or expanded network utilities to be located in a manner which does not require access through the identified ONFLs. Where this is not possible, a non-complying activity status is appropriate so that the values and characteristics can be protected."*
- 8.5 Mr Hudson concludes that the approach proposed is consistent with that taken by Palmerston North City Council and appropriately responds to the One Plan direction. *"A benefit of the Non-Complying activity status is that it provides a clear intention as to the protection of these important areas (ONFLs) and indicates to developers of network utilities where new or expanded infrastructure is not anticipated."*

- 8.6 As a result of submissions the Objectives and Policies have been amended to provide additional guidance for plan users regarding the protection of ONFLs.

#### **New Rule**

- 8.7 Federated Farmers have requested a new rule for land use activities within the National Grid Yard. As stated in Appendix 1, the intent of the Rules in section 3A.4 are to manage network utilities, not to enable all land use activities. Rules managing land use activities form part of the zone chapters, and particularly the rural zone provisions in the context of the Federated Farmers submission. On that basis the submission is not supported.

#### **National Environmental Standard for Telecommunication Facilities**

- 8.8 Spark and Chorus have requested that provisions in the District Plan are changed to reflect the intended outcomes from the upcoming change to the National Environmental Standard for Telecommunication Facilities (NESTF). At the time of preparing my evidence, the proposed amendments have no statutory weight. The new NESTF is expected to be ratified in early 2017. Council will at that time be able to assess the changes and identify where any changes to the District Plan are necessary. This submission is not supported at this time.

#### **Lineal vs Non-lineal Network Utilities**

- 8.9 A number of submissions have sought a distinction between lineal and non-lineal network utilities, particularly in relation to ONFLs.
- 8.10 Mr Hudson in his evidence addressed this issue and states that *“both linear and non-linear infrastructure have the ability to compromise the identified characteristics and values of a landscape if they are out of scale with the receiving environment. The dominance of infrastructural elements can occur as either a result of their size/length, or through the clearance of natural areas that is required to accommodate their installation and ongoing maintenance.”*
- 8.11 Overall Mr Hudson considers that the potential adverse effects of linear infrastructure are just as likely as non-linear. I agree with the comments by Mr Hudson and do not support creating a distinction in the District Plan as requested by the submitters.

### **9. Chapter 3B Transport**

- 9.1 There are considered to be no matters of dispute for this chapter.

### **10. Chapter 3C Noise**

#### **Setbacks from the State Highway network**

- 10.1 The New Zealand Transport Agency have requested that a setback be included in the District Wide Rules to restrict development near the State Highway network. Mr Lloyd had reviewed the request from the NZ Transport Agency prior to the notification of PPC55 and agreed that controls were appropriate in the Rural Zone of the District. On that basis the provisions were not included in the District Wide Rules and they will instead be considered as part of the Rural Zone review.
- 10.2 As discussed in Appendix 1, a review of the extent of the State Highway where speeds are 70km/h or greater identified that there is only a small area of Feilding on Kimbolton Road

and an area at Cheltenham where the zoning is not rural and would be captured by the setback provisions that the NZ Transport Agency has requested. Discussions with NZ Transport Agency have resulted in agreement that these provisions would appropriately sit in the Rural Zone (see my comments below regarding a Memorandum of Understanding (MoU). Mr Lloyd has considered a simplified version of the NZ Transport Agency rule for inclusion in the Rural Zone review to be considered at that time.

- 10.3 At the time of preparing my evidence, Council and the NZ Transport Agency had agreed on wording for a MoU to reflect the approach above, but it was not signed by both parties. I will update the Hearing Panel with any developments at the hearing.

#### **Noise time periods in the Rural Zone**

- 10.4 Federated Farmers have requested changes to the noise time periods to allow for longer daytime limits. Mr Lloyd has considered the request for Council and does not support the change. As outlined in Appendix 1, the noise limits are designed to protect against sleep disturbance. Mr Lloyd considers that the time of 7am is a reasonable hour to protect the rural community against the start-up of a noisy neighbouring activity. Changing the time periods would form the permitted baseline for all activities in the Rural Zone, not just farming. The submission is therefore not supported.

#### **Noise limits in Residential/Village Zone**

- 10.5 Spark and Chorus seek changes to the noise limits for the Residential and Village zones to reflect the NESTF. Mr Lloyd has considered this submission and acknowledges that telecommunication cabinets do not need to meet the District Plan noise limits because of the NESTF, reflecting their importance. He notes that the Residential and Village noise limits are deliberately strict to provide for a quiet and peaceful community with noisy activities encouraged elsewhere. On that basis the request is not supported.

#### **Helicopter use**

- 10.6 Horticulture NZ seek exemptions in the Noise chapter for helicopter use. As discussed in Appendix 1, Mr Lloyd does not support the changes sought by the submitter. There are existing New Zealand Standards that address helicopter use. An exemption would apply to intermittent use and regular use. He considers the difference is between the occasional use of the paddock purely for agricultural use and the establishment of a rural airstrip for regular use by aircraft and helicopters. The latter activity could have a significant impact on residential neighbours and the noise needs to be controlled through the NZ standards.

### **11. Chapter 3D Earthworks**

#### **Oil and Gas exploration**

- 11.1 Ms Docherty has submitted concern over oil and gas exploration and the need to dispose of great quantities of contaminated waste. As discussed in Appendix 1, management and control of oil and gas exploration is currently addressed by the catch-all rule in Section A2 2.1 as a Non-Complying Activity. This is because there is no other provision in the District Plan for this activity. I understand that this activity will be considered as part of the Rural Plan Change.

### **Exclusion of the Rural Zone from earthworks provisions**

- 11.2 Federated Farmers seek that the Rural Zone be made exempt from the earthworks provisions on the basis that earthwork activities are covered by the One Plan. However, the One Plan does not address all effects arising from earthworks that are of concern in the Manawatu District. The effects that Horizons is responsible for managing are different from those effects the Council manages.
- 11.3 Earthwork volumes will be assessed for the Rural Zone as part of the Rural Zone plan change. It is anticipated that any restrictions for earthworks in the Rural Zone will be introduced into the District Plan through that Plan Change. It is not the intention that the Rural Zone is exempt from the provisions of the earthworks sub-chapter of the District Wide Rules chapter.

### **Earthworks near the National Grid Yard**

- 11.4 Transpower have opposed the Restricted Discretionary Activity rule for earthworks in the National Grid Yard and request that this is made a Non-Complying Activity. As outlined in Appendix 1, earthworks near the National Grid Yard are currently provided for in the District Plan as a Restricted Discretionary Activity under Rule B1 1.4. The proposed rules retain this classification, with more specific guidance for plan users. Requiring a Non-Complying Activity consent is considered to be unnecessarily onerous for landowners. The restricted discretionary activity status still allows Council to decline consent if the works would compromise the safe, efficient and effective operation of the National Grid.

## **12. Chapter 3E Signs**

### **Signs on Heritage Buildings**

- 12.1 Heritage NZ Pouhere Taonga seek a new rule for any signage attached to a heritage item to be a Restricted Discretionary Activity. The proposed sign rules only permit relatively small signs that relate to the activity on the site. The restrictions on signs is designed to avoid the proliferation of signage in the District.
- 12.2 The submitter seeks reference to the relevant heritage items, including 'within the site of the item', in Appendix 1E and 1F of the existing District Plan. Reference to 'within the site of the item' is vague and does not provide certainty for plan users. The contents of Appendix 1E relate to a few commercial buildings in the smaller townships in the District, houses, rural buildings, churches, objects and memorials, and marae buildings. Appendix 1F relates to waahi tapu sites. Requiring a Restricted Discretionary Activity consent for signs in these areas is considered to be onerous for the landowner. Commercial buildings within the town centre of Feilding, where most signage is anticipated is already covered by the Business Zone. No change is therefore recommended in response to this submission.

## **13. Chapter 3F Temporary Activities**

### **Temporary Activities in the National Grid Yard**

- 13.1 Transpower seek that temporary activities in the National Grid Yard be a Non-Complying Activity. The proposed provisions already provide for these activities as a Discretionary Activity which allows for all potential effects to be considered. The increase in activity status to Non-Complying is considered unnecessary.

### **Excluding temporary network utilities**

- 13.2 Spark and Chorus seek changes to the rules that exclude temporary network utility structures from the provisions requiring those structure to be readily movable, meet yard setback requirements, removed from site within 6 months of the commencement of the activity and not occupy to the site for more than 6 months in any 12 months.
- 13.3 As stated in Appendix 1, the rules are to reflect activities that are temporary in scale and duration. The requested additions to the rule do not reflect what are considered to temporary activities. Sporting and recreational events that need a temporary structure to boost cell phone coverage are already provided for by the rule. In the event a new permanent site is required, the proposed rules allow for a temporary activity or structure for 6 months. This is considered sufficient time to enable development of a permanent site. If the equipment is on a site for a longer duration, then the effects of the temporary equipment should be assessed through a resource consent process.

## **14. Chapter 3G Relocated Buildings**

### **Providing for relocated buildings as a permitted activity**

- 14.1 House Movers Section of NZ Heavy Haulage Association, Britton Housemovers Ltd, and Central House Movers (collectively House Movers) seek that relocated buildings are provided for as a permitted activity.
- 14.2 The House Movers submission seek that all provisions for relocated buildings are deleted from the chapter, or identified as permitted, subject to time limits for reinstatement works that are identified within a building pre-inspection report submitted to Council. This request has been considered against the intent of Council to maintain or improve amenity outcomes in the District.
- 14.3 Comparisons are often made between new builds and relocated buildings. The key issue with relocated buildings is where they are not placed on permanent foundations, or reinstatement works taking long periods of time. Some buildings are run down and in poor condition which can affect visual amenity of the surrounding area. On that basis Council seeks to manage relocated buildings differently from new builds with respect to the District Plan.
- 14.4 Since 2002, the Council has granted 81 consents for relocated buildings, with over half in the rural zones. There is a strong trend towards more relocated buildings within the District in the last 4 years (a total of 63 consents from 2013). Having reviewed the complaints information, of the 16 complaints Council has received, 14 have been in the residential or village areas.
- 14.5 However, as discussed in Appendix 1, there is considered to be greater tolerance of relocated buildings in the Rural Zone, given that neighbours are generally more dispersed. The Rural Zone also makes up 96% of the District. There also should be recognition of the growing industry involving buildings and dwellings being purpose built for relocation.
- 14.6 There is a philosophical issue in my mind as to the workability of a permitted activity condition that relies on actions being undertaken up to 12 months into the future. It has always been my understanding that a plan user must be able to confirm on any specific day that they can meet all permitted activities without any doubt. This is not quite the same for relocated buildings as reinstatement works can take up to 12 months. However, as I discuss

below, the proposed certification process that certain works will be (and are capable of being) undertaken within a specified time provides greater certainty.

- 14.7 I have turned my mind to whether requiring the building pre-inspection report is similar to an engineer who completes earthwork calculations to determine whether that activity meets the limits in the District Plan. While slightly different, in that the District Plan rules for relocated buildings do not have specified limits, there is in my view a similarity. In this instance, the building pre-inspection report provides the evidence that Council can have certainty that the reinstatement works identified within the pre-inspection report (which is only able to be prepared by specified persons) will be completed within a 12 month timeframe. In the event that the reinstatement works do not occur then the Council can undertake enforcement action and a resource consent would be required as the permitted activity standard is no longer met.
- 14.8 Having reviewed the various submissions on relocated buildings, and considering all of the matters above, a different approach has been considered to that originally notified in PPC55. The new approach would involve:
- a. Permitting purpose built dwellings for relocation and smaller relocated buildings (under 40m<sup>2</sup>) in the Outer Business, Industrial, Residential and Village Zones.
  - b. Permitting all relocated buildings within the rural zone.
  - c. Requiring a controlled activity consent for dwellings not meeting permitted rules or relocated buildings over 40m<sup>2</sup> in the Outer Business, Industrial, Residential and Village Zones.
  - d. Requiring a restricted discretionary activity consent for all other buildings, and buildings not previously used as a dwelling.
  - e. Requiring a discretionary activity consent for any relocated building not otherwise provided for and for those within the Flood Channel Zone.
- 14.9 This approach does mean that there is greater reliance placed on Council on enforcement action due to assessing whether the relocated building owner has done what they said they would do during the period in which the activity is deemed to be permitted; rather than assessing a consent at the beginning of the activity (which is currently the case). I recognise that for the Manawatu District Council, the compliance team is small and the changes to the permitted activity could have resourcing implications.
- 14.10 The recommended approach recognises the information Council has regarding where relocated buildings are occurring, the complaints that Council have received, and the growing trend for purpose built homes being relocated in the District.
- 14.11 The submitters suggest a building pre-inspection report is submitted to Council for all relocated buildings. There are considered to be a lot of sections within their proposed report that relate specifically to Building Act requirements, such as to be 'safe and sanitary'. In the context of Chapter 3G the report required is for the purpose of the RMA, so on that basis changes are recommended to ensure the report required covers only those matters that relate to the RMA. For instance, removing aspects relating to the building being safe and sanitary, and including requirements to define the surrounding environment, which helps to address the key amenity value issue that can arise from this activity. This change removes any blurring of the lines between the two relevant pieces of legislation (i.e. the RMA and the Building Act), and any potential confusion for Council planners and the public.

14.12 Overall, having considered various issues raised by submitters, the evidence Council has before it as to the growing demand for relocates, amenity related concerns (particularly in residential and village areas), and the implications for assessing, monitoring and enforcing compliance of relocated buildings within the Manawatu District, I recommend in Appendix 1, a new approach to relocated building provisions.

## **15. Whole Plan submissions**

15.1 There are considered to be no matters of dispute relating to the Whole Plan submissions that have not already been discussed above.

## **16. Statutory Considerations**

16.1 Under Section 32AA of the Act any proposed changes are required to be subject to further evaluation. As a result of considering the various submission points, I have identified a number of recommended changes throughout my assessment of submissions in Appendix 1. Rather than repeat the reasons and evaluation for each of the changes in this section, I have included my additional assessment under each of the provisions in the table. This approach is considered appropriate to reflect the scale and significance of the changes relating to the decisions requested by the submissions.

16.2 The majority of changes are recommended to improve the certainty and clarity of the provisions for plan users. Unless otherwise stated, the original assessment in the section 32 report still applies and no changes are considered necessary, including the Statutory Evaluation section.

### **3A Network Utilities**

#### **3A.3 Objectives and Policies – Objective 1 and associated policies**

16.3 Changes are recommended to Policies 1.1, 1.2, 1.3 and 1.4. All are considered to be minor clarifications to better reflect the intent of the policies. The changes still enable network utilities in the District, and in a manner similar to what is currently provided for under the operative District Plan. The recommended changes do not change the intent of the provisions, nor the contents of the original section 32 report for these provisions. The changes to the policies are considered to achieve alignment with Objective 1 and the planning outcomes sought for the District.

#### **3A.3 Objectives and Policies – Objective 2 and associated policies**

16.4 Changes are recommended to Objective 2. The intention of Objective 2 was to recognise the importance of the operation of utilities to the economic and social wellbeing of the District. Through submissions the need to recognise the other aspects of network utilities, e.g. their maintenance, replacement and upgrading was noted and supported. The recommended addition to planned development of new network utilities recognises the environment can include those network utility operations that have been approved through designation or resource consent but not yet built. The addition of these matters provide plan users with greater clarity and certainty when considering activities under the District Plan. The recommended changes are considered to be an efficient and effective addition to the Objective as notified, and will achieve the purpose of the Act.

16.5 Policies 2.2 and 2.3 included recommended changes to recognise the same additions made to the objective. It is considered that these additions do not materially change the original intent of the provisions as notified. They provide further clarity for plan users that these

ongoing aspects of the operation of network utilities are important to ensure their continued functioning. The changes continue to be consistent with achieving the outcomes sought by Objective 2.

- 16.6 Policy 2.4 is a new recommended policy to specifically recognise the importance of the National Grid. While the provisions are in part covered by proposed policies 2.1, 2.2 and 2.3, the addition of the recommended policy would provide clarity for plan users, recognising the reliance New Zealanders place on the ongoing operation of the National Grid. The purpose of the recommended policy is to ensure that existing infrastructure can operate in an efficient and effective manner, recognising the need to manage some land use activities nearby. The recommended policy is considered to be consistent with achieving the outcomes sought by Objective 2 and giving effect to the provisions of the One Plan.

### **3A.3 Objectives and Policies – Objective 3 and associated policies**

- 16.7 A number of submissions raised concerns over the drafting of Objective 3. The Objective as notified did not provide sufficient guidance when assessing consent applications as it largely repeated the permitted activity performance standard. In reviewing the submissions, consideration was given to the overall intent of the Objective which is to protect the values of those significant heritage and landscape areas in the District. These areas are identified in Appendix 1 of the operative District Plan (as stated in the associated policies). The recommended changes to Objective 3 provide greater clarity for plan users and decision makers. The original intent of Objective 3 outlined in the section 32 report has been retained. The recommended changes are considered to be an appropriate response to submissions, while still giving effect to the requirements of Part 2 of the Act.
- 16.8 Policies 3.1 and 3.2 have also been amended as a result of submissions. These changes assist plan users to understand those areas which are of most concern from the effects of the development of network utilities. While the contents of Appendix 1 of the operative District Plan have largely yet to be reviewed, the recommended changes ensure the areas are provided with an appropriate level of protection. Reference to scheduled sites in the District Plan also provides greater clarity for plan users.
- 16.9 In Policy 3.2 reference to ‘practicable alternative location’ has been recommended. This recognises that in some circumstances it is not possible to completely avoid a heritage site. For instance, electricity lines that traverse the Rangitikei River ONFL. This addition does not reduce the level of protection afforded to heritage and landscape sites, but does seek to recognise some functional needs of network utility operators. The reasons outlined in the section 32 report continue to apply. The changes are considered to retain the efficient and effective approach notified to achieve the outcomes sought by the Objective.

### **3A.4.1 Permitted Activity**

- 16.10 Minor changes are recommended to the list of permitted activities in clauses a, c, g and p. These changes are consistent with the recommended changes made in the objectives and policies. The changes do not materially change the rule as notified. There was an inconsistency with how radiocommunication and telecommunication facilities were permitted. The same approach, as afforded to other network utilities, has been recommended. This provides clarity to those specific utility providers, and ultimately all plan users. The addition of a new activity relating to the trimming and removal of vegetation is critical to the ongoing operation of most network utilities and this provides additional clarity for plan users. This also recognises the Electricity (Hazards from Trees) Regulations 2003. These changes are all considered to be consistent with, and gives effect to, the Objectives.

Additional matters have been recommended to the guidance notes for the permitted activity rule. These changes are to guide and add clarity for plan users.

#### **3A.4.2 Standards for Permitted Activities**

- 16.11 Height changes have been recommended in clauses a and f, to recognise that there is often a need for higher towers in the Rural Zone which is an area where there is often a greater tolerance, than when compared to residential areas. An increase in height in the Rural Zone enables greater coverage for some network utilities which could mean a reduction in the need for multiple masts, for example. The increase in height also recognises that the District comprises 96% rurally zoned land. These changes are considered to be consistent with and give effect to Objectives 1, 2 and 3.
- 16.12 Changes are also recommended to the dish antenna provisions. The introduction of a face area restriction enables different types of antenna to be used and reflects advances in technology. These changes are not considered to alter the original section 32 assessment and gives effect to the Objectives and Policies in this chapter.
- 16.13 Changes are recommended to clause l, to provide greater clarity for plan users. As outlined in Appendix 1 of this report, the condition has been worded more clearly to avoid any doubt for plan users that activities within a scheduled area are not permitted. These changes are considered to be appropriate to ensure the protection of the scheduled areas, and ultimately give effect to the One Plan, and ensure consistency with the Act.
- 16.14 As a result of submissions regarding vibration, changes are recommended to provide clarity to plan users. As outlined in Appendix 1, New Zealand does not have a Standard for Vibration. Industry best practice is to recognise the guide developed by the NZ Transport Agency. The inclusion of this reference into the District Plan provides certainty to the plan users, and does not impact on the original section 32 assessment.

#### **3A.4.3 Restricted Discretionary**

- 16.15 Minor changes are also recommended to Rule 3A.4.3 to provide greater certainty and clarity for plan users. The changes do not change the intent of the rule as notified, nor change the assessment in the section 32 report. Reference in the rule stem to the Council restricting its discretion to matters only where they are relevant to the standard that is not met is appropriate. The rule stem as notified enabled a broad consideration of matters beyond just those standards that are not being met. This was not the intention. The recommended changes provide greater certainty and ensure the District Plan provisions are efficient and effective at addressing those issues the plan seeks to manage. Consequential changes to the rule stem in the other parts of Chapter 3 are also recommended.

### **3B Transport**

- 16.16 There was widespread support for the provisions in the Transport chapter. The original assessment in the section 32 report still applies and no changes are considered necessary.

### **3C Noise**

#### **3C.3 Objectives and Policies**

- 16.17 A new policy is recommended for this chapter. As outlined in Appendix 1, there are provisions in Rule 3C.4.2.d where the noise from rural production activities, except for intensive farming are not controlled by the provisions of the Plan. The new recommended

policy provides a framework for this. The rationale for the policies in this section of the Chapter are considered to be relevant and appropriate as outlined in the section 32 report. The new policy is considered to be consistent with the outcomes sought by the Objective which is to ensure noise is appropriate to the character and amenity anticipated in each zone.

### **3D Earthworks**

#### **3D.3 Objectives and Policies – Objective 1 and associated policies**

- 16.18 Changes are recommended to Objective 1 and its associated policies to ensure consistency with other changes made in Chapter 3A. The changes provide greater clarity for plan users. Policy 1.4 as notified in PPC55 is recommended to be deleted as the changes to Policy 1.2 provide for the same outcome. This removes any confusion or potential duplication from the District Plan.
- 16.19 There was confusion in the notified provisions for the Objectives and policies in this chapter as both Objectives 1 and 2 covered matters associated with visual amenity. Policy 2.1 has been moved to under Objective 1 (new Policy 1.4). This ensures visual amenity is provided solely by Objective 1 and its associated policies. This is considered to be a minor change and does not alter the intent of the original section 32 report for these matters.

#### **3D.3 Objectives and Policies – Objective 2 and associated policies**

- 16.20 As outlined in Appendix 1, changes are recommended to remove duplication and confusion for plan users. The changes do not alter the overall intent of the provisions. On that basis the assessment contained in the section 32 report remains relevant and appropriate.

#### **3D.3 Objectives and Policies – Objective 3 and associated policies**

- 16.21 Minor changes are recommended to Policy 3.1 to provide greater certainty for plan users, and to recognise the importance of the National Grid. These changes are not considered to alter the original assessment in the section 32 report. On that basis the assessment contained in the section 32 report remains relevant and appropriate.

#### **3D.4.1 Permitted Activities and 3D.4.2 Standards for Permitted Activities**

- 16.22 Minor changes are recommended to the permitted activity rule and associated guidance notes. These changes are all designed to provide plan users with greater clarity and guidance. For the avoidance of doubt a guidance note is recommended that recognises resource consent could be required from the Regional Council relating to the discharge of contaminants, which is a matter beyond the scope of the District Plan.
- 16.23 A small change has been added to clause b in Rule 3D.4.2 to recognise that sedimentation measures must be maintained during construction works and only removed once soil has been stabilised. This small change provides clarity for plan users and does not change the intent of the provision, nor the assessment in the original section 32 report. The changes are consistent with achieving the outcomes sought by the Objective.
- 16.24 Minor changes are recommended to the guidance notes for Rule 3D.4.2 to provide additional certainty for plan users as well as ensuring consistency with other changes recommended in this report.

### **3E Signs**

- 16.25 No changes are recommended to the Objectives, Policies or Rules to the Signs chapter. On that basis the assessment contained in the section 32 report remains relevant and appropriate.

### **3F Temporary Activities**

#### **3F.4.2 Standards for Permitted Activities**

- 16.26 A new guidance note has been recommended to highlight industry best practice for managing vibration in New Zealand. As outlined in Appendix 1, New Zealand does not have a Standard for Vibration. Industry best practice is to recognise the guide developed by the NZ Transport Agency. The inclusion of this reference into the District Plan provides certainty to the plan users. The addition of this guidance note does not alter the overall assessment contained in the section 32, which remains relevant and appropriate.

### **3G Relocated Buildings**

#### **3G.4.1, 3G.4.2, and 3G.4.3 Relocated Buildings**

- 16.27 The relocated building provisions have seen the greatest recommended changes. A minor change is proposed to the objectives and policies to replace 'remedial' with 'reinstated' or 'reinstatement'. This ensures consistency with the wording of the recommended building pre-inspection report. It is not considered that this minor change alters the original section 32 assessment. On that basis the contents of the section 32 report remains relevant and appropriate.
- 16.28 With regards to the rules, and based on the information discussed earlier, a revised rule structure is recommended. Refer to the discussion in section 14 of my evidence above and Appendix 1.
- 16.29 New rules for Permitted Activities (Rule 3G.4.1) and Standards for Permitted Activities (Rule 3G.4.2) would enable small relocates and buildings purpose built for relocation in most zones and all relocated buildings in the Rural Zone. Providing for these activities as a permitted activity is considered to be a pragmatic approach to address the issue of relocated buildings in the Manawatu District; recognising that the zone provisions will still apply and will address bulk, scale and location effects within the Rural Zone.
- 16.30 Over half of all consents Council has received in the last 14 years have been in the Rural Zone which comprises 96% of the District. The new permitted activity rule is considered to be an efficient and effective approach when considering the evidence Council has regarding issues with relocated buildings in the various areas of the District. The permitted activity rule requires compliance with a number of conditions which seek to manage any potential effects of the relocated building on amenity of the surrounding area. Relocated buildings must still comply with the specific zone provisions, such as bulk, location and setback rules; and must be buildings which have previously been used as a dwelling. The recommended performance standards also seek to ensure that the amenity outcomes sought by the District Plan are achieved through reinstatement to a standard recommended by a licenced building practitioner within 12 months.
- 16.31 The inclusion of the building pre-inspection report is new. The intent of this report is that the owner of the relocated building must provide a declaration to Council that the reinstatement measures identified within the report will be done within 12 months. This

provides Council with some assurance that the relocated building will not sit on the site in a state of disrepair, thereby negatively impacting on the amenity values of the area. Should the specified works not be completed as identified, then Council has the enforcement action available to it and resource consent is required. The contents of the building pre-inspection report (which was provided with the House Movers submission) has been amended to remove any confusion and duplication with the provisions of the Building Act requirements. The Building Act seeks to ensure that buildings are safe and sanitary, and do not put at risk people's health and wellbeing. This can be compared with the amenity effects of relocation which are linked to the reinstatement period, and the quality of the exterior finish. Building consent will still be required in accordance with standard practice.

- 16.32 Overall the new permitted rule is considered to be consistent with and seeks to achieve the outcomes sought by Objective 1.
- 16.33 The revised Controlled Activity rule (Rule 3G.4.2) essentially covers relocated buildings in the other zones of the District. The activity status recognises that consent will be granted, but provides for the Council to retain limited control over the recognised amenity effects of relocated buildings. The difference in requiring consent in the residential and village zones reflects the complaints received by Council to date. Residential areas by their very nature have people living closer together, with amenity able to be impacted by effects associated with the time period for reinstatement works, and the quality of the exterior finish. The controlled activity status gives Council the ability to impose conditions in relation to timeframes, amongst others.
- 16.34 As with the permitted activity rule, reference is retained to requiring relocated buildings to comply with the specific zone provisions, such as bulk, location and setback rules; and requiring that buildings to be used as a dwelling where previously used as a dwelling. The performance standards seek to ensure the amenity outcomes sought by the District Plan are achieved. Reference to bounds has been removed due to administrative complexities.
- 16.35 Overall the recommended changes to the Controlled Activity rule are considered to be consistent with and seeks to achieve the outcomes sought by Objective 1.
- 16.36 No changes are proposed to the Non-Notification of Controlled Activities rule (Rule 3G.4.4), so the assessment contained in the section 32 remains relevant and appropriate.
- 16.37 Minor changes are recommended to the Restricted Discretionary and Discretionary Rules to reflect the new permitted activity rule. However, in my view, the assessment contained in the section 32 remains relevant and appropriate for these rules.
- 16.38 In considering these recommended provisions I have also considered the benefits and costs of these changes. The minor changes to the objective and policies does not alter the assessment in the section 32 report. The changes to the rules, and introducing a permitted activity rule for all relocated buildings in the Rural Zone will reduce compliance costs for plan users. There is likely to be an increase in the compliance costs for Council to confirmed that the reinstatement works are completed, and undertake enforcement if required.

## **17. Conclusion and Recommendations**

- 17.1 Overall, the integrated package of objectives, policies and rules, including the proposed amendments, for the reasons discussed earlier in this report are the most appropriate option to achieve the objectives of PPC55. The plan change is considered to be consistent with the wider resource management approach of the Sectional District Plan Review process and the most appropriate way in which to achieve the purpose of the Act.

17.2 In my assessment of PPC55, having regard to the submissions received, and drawing on the technical analysis of experts in noise and visual landscape, I am satisfied that the Plan Change is the most appropriate means of sustainably managing the physical and natural resources of the Manawatu District.

17.3 The principal reasons for my conclusion are:

- a. The changes proposed, including those recommended in this report, continue to provide guidance for the activities that occur District wide;
- b. The PPC55 has been developed following a variety of consultation meetings, including discussions with some submitters to clarify the intent of submissions;
- c. The form of control for development and use of physical and natural resources provides an effective and efficient management framework for managing potential adverse effects;
- d. The evidence of Mr Lloyd on the importance of appropriate noise levels to avoid sleep interference and overall noise management; and
- e. The evidence of Mr Hudson on the importance of protecting Outstanding Natural Features and Landscapes in relation to network utilities.

17.4 It is recommended that:

- Proposed Plan Change 55 be approved as notified and amended as outlined in Appendix 1; and
- The relief sought by the submitters be accepted or rejected for the reasons outlined in this report.

Andrea Harris

***Consultant Planner***

**For Manawatu District Council**

**18 November 2016**

### **Appendices**

Appendix 1 – Recommendations on submissions

Appendix 2 – District Wide Rules chapter – PCN1 Plan Change Recommended version

Appendix 3 – Definitions chapter - PCN1 Plan Change Recommended version

Appendix 4 – Noise Evidence

Appendix 5 – Landscape Evidence

Appendix 6 – Draft Outstanding Natural Features and Landscapes maps showing network utility provider assets in relation to the draft ONFL areas



# **Proposed Plan Change 55: District Wide Rules Hearing Report**

## **Appendix 1**

## Officer Recommendations on Submissions – Plan Change 55

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
<b>The Whole Plan</b>							
1	The whole plan	New Zealand Defence Force - S8/015	Support in part	Due to the temporary and specialised nature of temporary military training activities, NZDF considers that it is generally appropriate that they be exempt from the rules in other chapters of the District Plan such as transportation.	If temporary military training activities are to be subject to specific chapters or rules, such as for earthworks or permanent structures, NZDF requests that this is clearly noted in the relevant parts of the District Plan.	<p>No changes are proposed to the provisions of temporary military training activities in the District Plan through this Plan Change. The plan change expressly states that it is not addressing the requirements of temporary military training activities. Existing Rule 2.2 which covers temporary military training activities was not proposed to be amended by the plan changes, was not addressed as part of the section 32 assessment and was clearly deferred for review as part of the Rural Zone Plan Change (and other zone reviews as they occur). It is therefore considered that this submission is outside the extent of PPC55 and should be directed to the plan change which will consider temporary military training activities.</p> <p>A discussion has taken place with representatives of the New Zealand Defence Force to explain this approach, and confirm that Council's approach is that the zone reviews were the appropriate location to determine the provisions and appropriateness of temporary military training activities in recognition of the various receiving environments.</p> <p>As the proposed plan change was clear in its notified form that these activities were to be assessed as part of the Rural Zone plan change and therefore no change is proposed to the existing provisions in the Plan for temporary military training activities. Any other approach may raise issues of fairness and due process when considering the risk that some people may be denied opportunity to be heard on this matter.</p>	Recommend that submission S8/015 by NZ Defence Force is rejected.
2	The whole plan	Progressive Enterprises Limited - S13/001	Neither support nor oppose	The proposed signage rules do not currently recognise the typical signage requirements of a 21st century Countdown supermarket. Signage is usually up to 55m <sup>2</sup> of wall signage and at least one 9m high by 3.3m wide free standing pylon (monolith) sign with a face area of 29.7m <sup>2</sup> .	Discussions with Council officers with regard to signage requirements for supermarkets. Amendment of section 3E to acknowledge the signage requirements of supermarkets. Progressive would accept restricted discretionary activity status for supermarket signage.	The proposed signs chapter has specifically sought to retain the low occurrence and number of signs in the District. In the event a new supermarket is proposed in the District, then a resource consent for additional signage would be required, in the same manner as currently exists under the operative District Plan.	Recommend that submission S13/001 by Progressive is rejected.
<b>Chapter 2 Definitions</b>							
3	2. Definitions - Earthworks	Federated Farmers - S1/001	Not stated	Agree that normal production activities that involve earthmoving are excluded but activities such as tilling or cultivation, harvesting and maintaining crops, post holes, drilling bores, offal pits, forming farm tracks, burial of dead stock and installation of water pipes and troughs should also be provided for in the exclusion.	<p>Amend the definition of earthworks as follows:</p> <p>Earthworks means the removal, deposit or relocation of soil that results in alteration between 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.</p> <p>For the purposes of this Plan, earthworks excludes the following:</p> <ul style="list-style-type: none"> <li>work associated with the <u>forming</u>, <u>upgrade</u> or maintenance of farm tracks</li> <li>fences and fence lines, <u>including their post holes</u></li> <li><u>harvesting and maintaining of crops</u></li> </ul>	<p>It is appropriate to include some additional items in the list of exclusions. For instance, cultivation is excluded but the harvesting and soil preparation is not. A number of submissions have requested that post holes be included in the list of exclusions. While the reference to fence lines was intended to cover post holes as well, including them in the list provides greater clarity for plan users.</p> <p>Bore drilling and offal pits are regulated by Horizons Regional Council.</p> <p>The installation of services is a term that could be widely interpreted and is not supported to be included in the exclusion list in the definition.</p>	<p>Recommend that submission S1/001 by Federated Farmers is accepted in part, and FS1/003 by Forest and Bird is rejected, and FS4/011 by Horizons is rejected, and FS5/006 by Heritage NZ is rejected, and FS7/001 by Transpower is rejected, and FS12/002 by the Oil Companies is accepted in part, and FS13/029 by Powerco is accepted in part, with the definition amended as follows:</p> <p>Earthworks means the removal, deposit or relocation of soil that results in alteration between 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.</p> <p>For the purposes of this Plan, earthworks excludes the following:</p> <ul style="list-style-type: none"> <li>work associated with the <u>forming</u>, upgrade or maintenance of farm tracks</li> <li>fences and fence lines, <u>including their post holes, unless within the National Grid Yard</u></li> </ul>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
					<ul style="list-style-type: none"> <li>• <u>drilling bores</u></li> <li>• <u>offal pits and burial of dead stock</u></li> <li>• <u>installation of services such as water pipes and troughs and drainage for overflow or pipes</u></li> <li>• trenching and backfilling ancillary to the installation of network utilities and services</li> <li>• the minor upgrading or maintenance of network utilities</li> <li>• <u>tilling and</u> cultivation</li> <li>• aggregate extraction.</li> </ul> <p>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 Government Act 1974, refer Page 76.</p> <p>Further Submission by Forest and Bird (FS1/003) opposing this submission.</p> <p>Further Submission by Horizons (FS4/011) neither supporting nor opposing this submission.</p> <p>Further Submission by Heritage NZ (FS5/006) opposing in part this submission.</p> <p>Further Submission by Transpower (FS7/001) opposing this submission.</p> <p>Further Submission by the Oil Companies (FS12/002) supporting in part this submission.</p> <p>Further Submission by Powerco (FS13/029) supporting in part this submission.</p>		<ul style="list-style-type: none"> <li>• trenching and backfilling ancillary to the installation of network utilities and services</li> <li>• the minor upgrading, <u>replacement</u>, or maintenance of network utilities</li> <li>• cultivation, <u>including harvesting and maintaining of crops</u></li> <li>• aggregate extraction, <u>unless within the National Grid Yard.</u></li> </ul>
3	2. Definitions - Earthworks	KiwiRail Holdings Limited (KiwiRail) - S2/023	Support	Support that earthworks associated with the upgrading and maintenance of network utilities are exempt from the definition of earthworks and thereby the rules proposed specifically on earthworks. KiwiRail note that the definition of Network Utilities includes rail.	Retain as notified.	Support is noted. Changes are recommended as a result of another submission.	<p>Recommend that submission S2/023 by KiwiRail is accepted in part and the definition amended as follows:</p> <p>Earthworks means the removal, deposit or relocation of soil that results in alteration between 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.</p> <p>For the purposes of this Plan, earthworks excludes the following:</p> <ul style="list-style-type: none"> <li>• work associated with the <u>forming</u>, upgrade or maintenance of farm tracks</li> <li>• fences and fence lines, <u>including their post holes, unless within the National Grid Yard</u></li> <li>• trenching and backfilling ancillary to the installation of network utilities and services</li> <li>• the minor upgrading, <u>replacement</u>, or maintenance of network utilities</li> <li>• cultivation, <u>including harvesting and maintaining of crops</u></li> <li>• aggregate extraction, <u>unless within the National Grid Yard.</u></li> </ul>
3	2. Definitions - Earthworks	Heritage New Zealand Pouhere Taonga - S3/006	Oppose	Definition would make an activity where earth is removed, deposited, or relocated not considered	Amend the definition as follows: means the removal, deposit or relocation of soil that results in alteration between to the	Requested change would capture many activities that are not intended to be covered by the definition such as gardening and farming. It is important that the definitions are clear and provide certainty to plan users. The reference to alteration of ground level	Recommend that submission S3/006 by Heritage NZ is rejected and FS9/001 by Federated Farmers is accepted and FS10/001

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				earthworks where the finished ground level is the same as the existing ground level. Potentially makes many activities that could cause significant adverse effects not considered earthworks. E.g. digging a trench where ground level is the same in the end could have adverse effect through uncovering human remains.	<del>existing and finished ground level.</del> This includes but is not limited to, soil movement associated with subdivision and site works as defined in the Building Act 2004. <i>Further Submission by Federated Farmers (FS9/001) opposing this submission.</i> <i>Further Submission by Horticulture NZ (FS10/001) opposing this submission.</i> <i>Further Submission by the Oil Companies (FS12/001) opposing this submission.</i>	is to avoid minor earthworks from being captured unnecessarily. The definition is consistent with provisions elsewhere, such as the neighbouring Rangitikei District Plan and the Palmerston North City District Plan. The provisions relating to archaeological discovery still apply. On that basis the request of the submitter is not supported.	by Horticulture NZ accepted, and FS12/001 by the Oil Companies is accepted.
3	2. Definitions - Earthworks	Transpower New Zealand Limited - S11/001	Support in part	Is generally supportive of the definition of earthworks but seeks three minor amendments to ensure that the National Grid is adequately protected from third party activities.	Amend the definition as follows: Means the removal, deposit or relocation of soil that results in alteration between 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: <ul style="list-style-type: none"> <li>work associated with the upgrade or maintenance of farm tracks <u>unless within the National Grid Corridor</u></li> <li>fences and fence lines <u>unless within the National Grid Corridor</u></li> <li>trenching and backfilling ancillary to the installation of network utilities and services</li> <li>the minor upgrading or maintenance of network utilities</li> <li>cultivation</li> <li>aggregate extraction <u>unless within the National Grid Corridor.</u></li> </ul> <i>Further Submission by Federated Farmers (FS9/002) opposing this submission.</i> <i>Further Submission by Horticulture NZ (FS10/003) opposing in part this submission.</i>	It is understood that Transpower and Federated Farmers have discussed the content of this submission. With regards to farm tracks, Rule 3D.4.1 permits the repair, sealing or resealing of a farm track in the National Grid Yard. Therefore excluding the National Grid Corridor in the definition does not unnecessarily restrict the maintenance and repair of farm tracks. On that basis reference to the National Grid Yard is considered unnecessary. Regarding fences and fence lines, Rule 3D.4.1 permits vertical holes for farm fence subject to specific sizes. This enables the activity of post holes that Federated Farmers is seeking. On advice from Transpower the request in the submission should refer to an exclusion in the National Grid Yard, not the National Grid Corridor. Based on the other provisions already provided for in Chapter 3 reference to the National Grid Yard is supported. Similarly Transpower is only seeking aggregate extraction to be restricted in the definition to the National Grid Yard. This again is supported.	Recommend that submission S11/001 by Transpower is accepted in part, FS9/002 by Federated Farmers is rejected, FS10/003 by Horticulture NZ is rejected and the definition of earthworks amended as follows: Earthworks means the removal, deposit or relocation of soil that results in alteration between 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: <ul style="list-style-type: none"> <li>work associated with the <u>forming</u>, upgrade or maintenance of farm tracks</li> <li>fences and fence lines, <u>including their post holes, unless within the National Grid Yard</u></li> <li>trenching and backfilling ancillary to the installation of network utilities and services</li> <li>the minor upgrading, <u>replacement</u>, or maintenance of network utilities</li> <li>cultivation, <u>including harvesting and maintaining of crops</u></li> <li>aggregate extraction, <u>unless within the National Grid Yard.</u></li> </ul>
3	2. Definitions - Earthworks	Powerco - S16/001	Support in part	Considers that post holes should be specifically excluded in addition to fences and fence lines (as opposed to being specifically associated with them). Post holes are required for a variety of activities, such as erection of clotheslines and support structures for power lines. Maintenance works often involve repair and replacement of assets and earthworks may be required. Replacement and repair are all standard maintenance type activities that focus on retaining the integrity of the infrastructure. While repair is commonly viewed as a maintenance activity, it needs	Amend the definition of earthworks to exclude post holes and replacement works as follows: Earthworks means the removal, deposit or relocation of soil that results in alteration between 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: <ul style="list-style-type: none"> <li>work associated with the upgrading or maintenance of farm tracks</li> <li>fences and fence lines</li> <li><u>post holes</u></li> <li>trenching and backfilling ancillary to the installation of network utilities and services</li> </ul>	It is appropriate to include some additional items in the list of exclusions. For instance, cultivation is excluded but harvesting and soil preparation (which is considered part of cultivation) is not. A number of submissions have requested that post holes be included in the list of exclusions. While the reference to fence lines was intended to cover post holes as well, including them in the list provides greater clarity for plan users. The rules relating to earthworks control post holes within the National Grid Yard. Replacement of network utilities is an important part of the maintenance of infrastructure and should be included in the definition of earthworks. To avoid any confusion for plan users the term 'replacement' is also recommended to be defined in the Plan.	Recommend that submission S16/001 by Powerco is accepted and FS7/002 by Transpower is rejected and the definition of earthworks is amended and a new definition for replacement is added to Chapter 2 as follows: Earthworks means the removal, deposit or relocation of soil that results in alteration between 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: <ul style="list-style-type: none"> <li>work associated with the <u>forming</u>, upgrade or maintenance of farm tracks</li> <li>fences and fence lines, <u>including their post holes, unless within the National Grid Yard</u></li> <li>trenching and backfilling ancillary to the installation of network utilities and services</li> </ul>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				to be clear that replacement is also a maintenance activity, and this should be reflected in the definition.	<ul style="list-style-type: none"> <li>the minor upgrading, <u>replacement</u>, or maintenance of network utilities</li> <li>cultivation</li> <li>aggregate extraction.</li> </ul> <p><i>Further Submission by Transpower (FS7/002) opposing this submission.</i></p>		<ul style="list-style-type: none"> <li>the minor upgrading, <u>replacement</u>, or maintenance of network utilities</li> <li>cultivation, <u>including harvesting and maintaining of crops</u></li> <li>aggregate extraction, <u>unless within the National Grid Yard.</u></li> </ul> <p><u>Replacement for the purposes of network utilities, means the repair or putting back in place the components of the network utility infrastructure so that it remains the same or similar in character, intensity and scale as what was originally in that location.</u></p>
3	2. Definitions – Earthworks	First Gas (formerly Vector Gas) Ltd - S20/001	Support	The exclusion of trenching and backfilling ancillary to the installation of network utilities and services and the minor upgrading or maintenance of network utilities is considered appropriate to the extent that it provides an enabling framework for essential services and network utilities.	Retain the definition of earthworks	Support for the definition is noted. Changes are proposed as a result of other submissions, but do not change the overall intent of the definition.	Recommend that submission S20/001 by First Gas is accepted in part, noting the changes proposed to the definition as a result of submissions S1/001 and S16/001.
3	2. Definitions – Earthworks	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/001	Support in part	Support insofar as it is intended to relate to works that will change the ground level. However specifically seek to permit (or exclude) the maintenance and replacement of network utilities, underground infrastructure and/or services, including tanks and associated pipework because it needs to be clear that installation does not relate only to new equipment. It is appropriate to include a reference to underground infrastructure as that is not necessarily covered by the definition of network utilities and services, but is similar in nature, character and effect.	<p>Amend the definition of earthworks as follows:</p> <p>Means the removal, deposit or relocation of soil that results in alteration between 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:</p> <ul style="list-style-type: none"> <li>work associated with the upgrade or maintenance of farm tracks</li> <li>fences and fence lines</li> <li>trenching and backfilling ancillary to the <u>repair, maintenance, upgrade or</u> installation of network utilities, <u>underground infrastructure</u> and/or services</li> <li>the upgrade or maintenance of the roading network</li> <li>cultivation</li> <li>aggregate extractions.</li> </ul> <p><i>Further Submission by Heritage NZ (FS5/029) opposing this submission.</i></p> <p><i>Further Submission by Transpower (FS7/003) opposing this submission.</i></p>	It is unclear what the reference to ‘underground infrastructure’ relates to if it is not part of the network utility in the first place. The changes sought by the submitter are considered to be already covered by the definitions of earthworks which excludes the minor upgrading or maintenance of network utilities.	Recommend that submission S21/001 by the Oil Companies is rejected and FS5/029 by Heritage NZ is accepted and FS7/003 by Transpower is accepted.

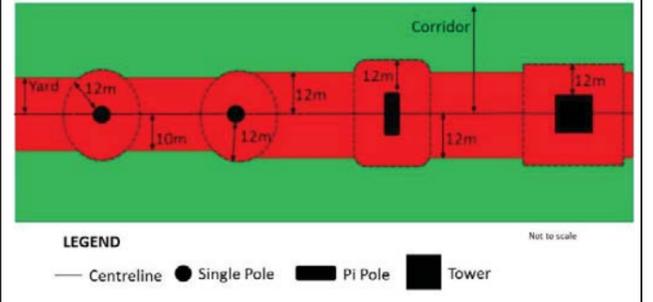
No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
3	2. Definitions – Earthworks	Horticulture New Zealand - S23/019	Support	Horticulture NZ supports the definition of earthworks with the list of exclusions, including cultivation. However harvesting should also be included along with cultivation. For instance harvesting of root vegetable crops will disturb the soil. Given that the cultivation for the crop is not classed as an earthwork the harvesting of the crop should also be included in the exclusions.	Amend the definition of earthworks by adding to the list of exclusions: Cultivation <u>and harvesting of crops</u> . <i>Further Submission by Federated Farmers (FS9/003) supporting in part this submission.</i>	The harvesting of crops is appropriate to include in the definition. Other submissions have also requested similar changes and have been recommended for inclusion.	Recommend that submission S23/019 by Horticulture NZ is accepted and FS9/003 by Federated Farmers is accepted in part and the definition amended as follows: Earthworks means the removal, deposit or relocation of soil that results in alteration between 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: <ul style="list-style-type: none"> <li>work associated with the <u>forming</u>, upgrade or maintenance of farm tracks</li> <li>fences and fence lines, <u>including their post holes, unless within the National Grid Yard</u></li> <li>trenching and backfilling ancillary to the installation of network utilities and services</li> <li>the minor upgrading, <u>replacement</u>, or maintenance of network utilities</li> <li>cultivation, <u>including harvesting and maintaining of crops</u></li> <li>aggregate extraction, <u>unless within the National Grid Yard</u>.</li> </ul>
3	2. Definitions – Earthworks	Spark - S17/001	Not stated	Definition should be expanded to exclude all earthworks required for maintenance and upgrading of network utilities. Earthworks associated with maintenance and upgrading of telecommunications are generally minimal compared with roading, yet that is excluded.	Amend the definition as follows: For the purposes of this Plan, earthworks excludes the following: <ul style="list-style-type: none"> <li><del>trenching and backfilling ancillary to</del> <u>The works necessary for the installation, upgrading or maintenance</u> of network utilities and services.</li> </ul> <i>Further Submission by Heritage NZ (FS5/020) opposing this submission.</i>	The change requested by the submitter changes the intent of the exclusion and is not supported. The intention of this provision was to cover installation. Earthworks associated with minor upgrading and maintenance are already excluded in the definition in the next bullet point to the definition. Additional changes have been made to the definition which are considered to address the submitters concerns.	Recommend that submission S17/001 by Spark is accepted in part and FS5/020 by Heritage NZ is rejected and the definition amended as follows: Earthworks means the removal, deposit or relocation of soil that results in alteration between 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: <ul style="list-style-type: none"> <li>work associated with the <u>forming</u>, upgrade or maintenance of farm tracks</li> <li>fences and fence lines, <u>including their post holes, unless within the National Grid Yard</u></li> <li>trenching and backfilling ancillary to the installation of network utilities and services</li> <li>the minor upgrading, <u>replacement</u>, or maintenance of network utilities</li> <li>cultivation, <u>including harvesting and maintaining of crops</u></li> <li>aggregate extraction, <u>unless within the National Grid Yard</u>.</li> </ul>
3	2. Definitions – Earthworks	Chorus New Zealand Limited - S18/002	Not stated	Definition should be expanded to exclude all earthworks required for maintenance and upgrading of network utilities. Earthworks associated with maintenance and upgrading of telecommunications are generally minimal compared with roading, yet that is excluded.	Amend the definition as follows: For the purposes of this Plan, earthworks excludes the following: <ul style="list-style-type: none"> <li><del>trenching and backfilling ancillary to</del> <u>the works necessary for the installation, upgrading or maintenance</u> of network utilities and services.</li> </ul> <i>Further Submission by Heritage NZ (FS5/001) opposing this submission.</i>	The change requested by the submitter changes the intent of the exclusion and is not supported. The intention of this provision was to cover installation. Earthworks associated with minor upgrading and maintenance are already excluded in the definition in the next bullet point to the definition. Additional changes have been made to the definition which are considered to address the submitters concerns.	Recommend that submission S17/001 by Chorus is accepted in part and FS5/001 by Heritage NZ is rejected and the definition amended as follows: Earthworks means the removal, deposit or relocation of soil that results in alteration between 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: <ul style="list-style-type: none"> <li>work associated with the <u>forming</u>, upgrade or maintenance of farm tracks</li> <li>fences and fence lines, <u>including their post holes, unless within the National Grid Yard</u></li> </ul>

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							<ul style="list-style-type: none"> <li>trenching and backfilling ancillary to the installation of network utilities and services</li> <li>the minor upgrading, <u>replacement</u>, or maintenance of network utilities</li> <li>cultivation, <u>including harvesting and maintaining of crops</u></li> <li>aggregate extraction, <u>unless within the National Grid Yard</u>.</li> </ul>
4	2. Definitions – Height	Spark - S17/002	Support	Support exclusions in particular antennas and lightning rods.	Retain the definition of height as notified.	Support is noted.	Recommend that submission S17/002 by Spark is accepted.
4	2. Definitions – Height	Chorus New Zealand Limited - S18/003	Support	Support exclusions in particular antennas and lightning rods.	Retain the definition of height as notified.	Support is noted.	Recommend that submission S18/003 by Chorus is accepted.
5	2. Definitions - Infrastructure of Regional and National Importance	KiwiRail Holdings Limited (KiwiRail) - S2/024	Support	Support the recognition in the definition for infrastructure of regional and national importance and the consistency with the One Plan proposed through the definition.	Retain as notified.	Support is noted.	Recommend that submission S2/024 by KiwiRail is accepted.
5	2. Definitions - Infrastructure of Regional and National Importance	New Zealand Defence Force - S8/004	Support	Current definition refers to Policy 3-1 of the One Plan. NZDF facilities are included within the definition of Infrastructure of regional and national importance.	Retain definition of Infrastructure of Regional and National Importance.	Support is noted.	Recommend that submission S8/004 by NZ Defence Force is accepted.
5	2. Definitions - Infrastructure of Regional and National Importance	Transpower New Zealand Limited - S11/002	Support	Supports the proposed definition.	Support.	Support is noted.	Recommend that submission S11/002 by Transpower is accepted.
5	2. Definitions - Infrastructure of Regional and National Importance	Spark - S17/003	Support in part	Support but amendment is needed as the One Plan may be subject to a separate plan change which could adversely influence the definition in the District Plan.	Amend the definition of Infrastructure of Regional and National Importance as follows: in relation to network utilities, <del>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</del> <u>includes the following physical resources:</u> <ul style="list-style-type: none"> <li><u>facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks</u></li> <li><u>the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, subtransmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity</u></li> <li><u>pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas</u></li> </ul>	Support is noted. The definition is consistent with the approach taken in the District Plan for other definitions where reference is made to the One Plan or legislation. It is considered unnecessary to duplicate the provisions of the One Plan. When the One Plan is reviewed/amended in the future an assessment will be made to ensure the District Plan continues to give effect to it, with any changes made at that time.	Recommend that submission S17/003 by Spark is accepted in part.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
					<ul style="list-style-type: none"> <li>the road and rail networks as mapped in the Regional Land Transport Strategy</li> <li>the RNZAF airport at Ohakea</li> <li>telecommunications and radiocommunication facilities</li> <li>public or community sewage treatment plants and associated reticulation and disposal systems</li> <li>public water system intakes, treatment plants and distribution systems</li> <li>public or community drainage systems, including stormwater systems.</li> </ul>		
5	2. Definitions - Infrastructure of Regional and National Importance	First Gas (formerly Vector Gas) Ltd - S20/002	Support	The gas transmission network (specifically 'pipelines' and 'gas facilities') is infrastructure of regional and national importance, as recognised in Policy 3-1 of the RPS. It is appropriate that the District Plan recognise this and include appropriate provisions to have regard to the benefits derived from such infrastructure (i.e. give effect to the RPS).	Retain the definition of Infrastructure of Regional and National Importance.	Support is noted.	Recommend that submission S20/002 by First Gas is accepted.
5	2. Definitions - Infrastructure of Regional and National Importance	Chorus New Zealand Limited - S18/004	Support in part	Support but amendment is needed as the One Plan may be subject to a separate plan change which could adversely influence the definition in the District Plan.	<p>Amend the definition of Infrastructure of Regional and National Importance as follows:</p> <p>in relation to network utilities, <del>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</del></p> <p><u>includes the following physical resources:</u></p> <ul style="list-style-type: none"> <li><u>facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks</u></li> <li><u>the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, subtransmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity</u></li> <li><u>pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas</u></li> <li><u>the road and rail networks as mapped in the Regional Land Transport Strategy</u></li> <li><u>the RNZAF airport at Ohakea</u></li> </ul>	Support is noted. The definition is consistent with the approach taken in the District Plan for other definitions where reference is made to the One Plan or legislation. It is considered unnecessary to duplicate the provisions of the One Plan. When the One Plan is reviewed/amended in the future an assessment will be made to ensure the District Plan continues to give effect to it, with any changes made at that time.	Recommend that submission S18/004 by Chorus is accepted in part.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
					<ul style="list-style-type: none"> <li>telecommunications and radiocommunication facilities</li> <li>public or community sewage treatment plants and associated reticulation and disposal systems</li> <li>public water system intakes, treatment plants and distribution systems</li> <li>public or community drainage systems, including stormwater systems.</li> </ul>		
6	2. Definitions - Military Exercises	New Zealand Defence Force - S8/001	Oppose	Current definition restricts temporary military training activities to the Manfeild Park Zone only and does not allow for the discharge of explosives, guns or other weapons or the use of explosive simulators.	Delete the proposed definition and replace with a new definition for Temporary Military Training Activities. Suggested wording is as follows: <u>Temporary Military Training Activity means a temporary military activity undertaken for defence purposes. The term defence purposes is as defined in the Defence Act 1990.</u> <i>Further Submission by NZ Defence Force (FS3/001) supporting in part this submission.</i>	The current definition specifically relates to the provisions introduced to the Manfeild Park Zone through Plan Change 35 which sought to enable the military training activities that already occur in that Zone. This provision was not the subject of this plan change.  As highlighted earlier in response to other submissions, no changes are proposed to the provisions of temporary military training activities in the District Plan through this Plan Change. As outlined in the Section 32 report, the provisions relating to temporary military training activities have been specified excluded from this plan change and are to be reviewed as part of the Rural Zone Plan Change (and other zones as they are reviewed).	Recommend that submission S8/001 by NZ Defence Force is rejected and FS3/001 by NZ Defence Force is rejected.
7	2. Definitions - Minor Upgrading	Spark - S17/004	Not stated	As part of minor upgrading support structures associated with lines need replacing and this should be explicitly recognised in the definition.	Amend the definition as follows: <u>f. relocation and replacement of support structures, such as poles supporting electricity and telecommunication lines up to 3m from the original location.</u>	The definition of upgrading is intended to enable maintenance activities to ensure infrastructure can be effective and efficient. There is a need to relocate and replace support structures over time. A 3m distance is considered to be small and appropriate.	Recommend that submission S17/004 by Spark is accepted and the definition is amended as follows: <u>i. relocation and replacement of support structures, such as poles supporting electricity and telecommunication lines up to 3m from the original location.</u>
7	2. Definitions - Minor Upgrading	First Gas (formerly Vector Gas) Ltd - S20/003	Support	Supports the definition to the extent that it applies to existing network utilities where the effects of that utility remain the same or similar in character, intensity and scale.	Retain the definition of minor upgrading	Support is noted. Minor changes are proposed to the definition as notified by other submissions. These do not change the intent of the definition which the submitter supports.	Recommend that submission S20/003 by First Gas is accepted.
7	2. Definitions - Minor Upgrading	Powerco - S16/002	Not stated	The definition as it applies to electricity or telecommunication lines should be amended to provide further clarity on the scope of activities that can be undertaken as minor upgrading. The definition states 'examples of upgrading may include' and therefore it is not 'limited to'. For clarity Powerco seek to include additional examples into the definition, e.g. tower or pole replacement and increase in tower or pole height.  Tower and pole replacement does not happen regularly and likely to be required for foundation reasons. If Powerco has to modify the alignment of any line, it is required to obtain easements in accordance with the	Amend the definition to include more specific examples of works that do not have an adverse effect on the environment as follows:  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 of 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: ...  (g) Adding electrical <u>or telecommunication</u> fittings  (h) Replacement of cross arms with cross arms of an alternative design  (i) <u>Support structure replacement within the existing alignment of the line or within 5m of the existing support structures being replaced.</u>	Inclusion of electrical or telecommunication fittings adds clarity to what is anticipated to occur under this activity and definition in the District.  The replacement of support structures is also supported, however the 3m distance requested by other submitters is considered to be appropriate.  Recognition of the NZECP safe distances from conductors is an important consideration. Agree with the submitter request to add an additional element to the definition of minor upgrading to reflect the changes that could be required to ensure community safety.  With regards to the increase in height by 15% there is no supporting evidence on why is this required, or why the provision relating to the safe distances as required by the NZECP are not sufficient.	Recommend that submission S16/002 by Powerco is accepted in part and the definition is amended as follows:  g. adding electrical <u>or telecommunication</u> fittings. ... <u>i. relocation and replacement of support structures, such as poles supporting electricity and telecommunication lines up to 3m from the original location.</u>  <u>j. an increase in support structure height required to achieve compliance with NZECP 34:2001.</u>

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				<p>Electricity Act, which in turn is likely to address potentially affected parties.</p> <p>The requirement to increase pole height to meet the requirements of NZECP 34:2001 is often driven by building activities under or in close proximity to existing infrastructure. May also be required where the resulting increase in sag cannot be addressed on an ongoing basis by resagging the line.</p>	<p>(j) <u>An increase in support structure height required to achieve compliance with NZECP 34:2001</u></p> <p>(k) <u>An increase in support structure height by no more than 15% of the base height of the support structure, and where the base height is defined as height of the structure at the date of public notification of the Plan.</u></p>		
7	2. Definitions - Minor Upgrading	Horticulture New Zealand - S23/020	Not stated	Horticulture NZ seeks to ensure that growers are not adversely affected by increases in voltage of lines that cross horticultural properties.	Retain definition of minor upgrading. <i>Further Submission by Federated Farmers (FS9/004) supporting this submission.</i>	Support is noted. Some changes have been recommended as a result of other submissions.	Recommend that submission S23/020 by Horticulture is accepted in part and FS9/004 by Federated Farmers is accepted in part recognising changes recommended by other submissions.
7	2. Definitions - Minor Upgrading	Chorus New Zealand Limited - S18/005	Not stated	As part of minor upgrading support structures associated with lines need replacing and this should be explicitly recognised in the definition.	Amend the definition as follows: <u>f. relocation and replacement of support structures, such as poles supporting electricity and telecommunication lines up to 3m from the original location.</u>	The definition of upgrading is intended to enable maintenance activities to ensure infrastructure can be effective and efficient. There is a need to relocate and replace support structures over time. A 3m distance is considered to be small and appropriate.	Recommend that submission S18/005 by Chorus is accepted and the definition is amended as follows: <u>i. relocation and replacement of support structures, such as poles supporting electricity and telecommunication lines up to 3m from the original location.</u>
7	2. Definitions - Minor Upgrading	Transpower New Zealand Limited - S11/003	Support in part	Is generally supportive of this definition but seeks amendments to ensure that the National Grid is appropriately enabled.	<p>Amend definition as follows:</p> <p>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:</p> <ol style="list-style-type: none"> <li>adding circuits and conductors to electricity and telecommunication lines.</li> <li>reconductoring lines with higher capacity conductors.</li> <li>resagging conductors.</li> <li>bonding of conductors.</li> <li>adding longer or more efficient insulators.</li> <li>adding earthwires to electricity lines, which may contain telecommunication lines, earthpeaks and lightning rods.</li> <li>adding electrical fittings.</li> <li>replacement of cross arms with cross arms of an alternative design.</li> <li><u>support structure replacement including tower replacement within the existing alignment of the National Grid Corridor or pole replacement in adjacent locations.</u></li> <li><u>increase in support structure height required to comply with NZECP34:2001</u></li> </ol>	<p>The definition of upgrading is intended to enable maintenance activities to ensure infrastructure can be effective and efficient. There is a need to relocate and replace support structures over time. A 3m distance is considered to be small and appropriate.</p> <p>Recognition of the NZECP safe distances from conductors is an important consideration. Agree with the submitter request to add an additional element to the definition of minor upgrading to reflect the changes that could be required to ensure community safety.</p> <p>With regards to the increase in height by 15% there is no supporting evidence on why is this required, or why the provision relating to the safe distances as required by the NZECP are not sufficient.</p>	Recommend that submission S11/003 by Transpower is accepted in part and the definition is amended as follows: <u>i. relocation and replacement of support structures, such as poles supporting electricity and telecommunication lines up to 3m from the original location.</u> <u>ii. an increase in support structure height required to achieve compliance with NZECP 34:2001.</u>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
					<u>by not more than 15% of the base height of the support structure, and where the base height is defined as the height of the structure at the date of public notification of the Plan.</u>		
8	2. Definitions - National Grid	Horticulture New Zealand - S23/022	Not stated	There should be a definition for the National Grid so it is clear the lines that are being referred to. The NPSET defines the National Grid as the assets used or owned by Transpower NZ Ltd	Include a definition for National Grid: <u>National Grid means the assets used or owned by Transpower NZ Limited.</u> <i>Further Submission by Transpower (FS7/007) supporting this submission.</i>	The District Plan already includes a definition for the National Grid in the form requested by the submitter. The definition was added through Plan Change 45.	Recommend that submission S23/022 by Horticulture is rejected and FS7/007 by Transpower is rejected.
8	2. Definitions - National Grid Corridor	Transpower New Zealand Limited - S11/004	Support	Supports the proposed definition of National Grid Corridor because it provides an appropriate buffer area around National Grid Lines that have been determined in accordance with technical considerations such as conductor swing.	Support. <i>Further Submission by First Gas (FS11/004) supporting this submission.</i>	Support is noted.	Recommend that submission S11/004 by Transpower is accepted and FS11/004 by First Gas is accepted.
8	2. Definitions - National Grid Corridor	Horticulture New Zealand - S23/023	Not stated	The c applies when subdivision is undertaken so it is appropriate to call the Corridor a 'subdivision corridor' so it is clear the intent of the corridor.	Amend the definition of National Grid Corridor to 'National Grid <u>Subdivision</u> Corridor'.	The term National Grid Corridor is already used in the operative District Plan in relation to both subdivision and land use. On that basis it would be inappropriate to make the change in definition as requested, as this would cause confusion for plan users.	Recommend that submission S23/023 by Horticulture NZ is rejected.
8	2. Definitions - National Grid Yard	Transpower New Zealand Limited - S11/005	Not stated	To properly reflect the range of National Grid assets that are located within the Manawatu District and to enable proper interpretation of the District Plan.	Transpower seeks that an alternative diagram is included within the definition of National Grid Yard, to replace the diagram included within the notified plan change. New diagram provided in original submission. <i>Further Submission by Horticulture NZ (FS10/004) supporting in part this submission.</i>	Support a clearer diagram to be inserted in the District Plan to provide greater certainty and clarity for plan users.	Recommend that submission S11/005 by Transpower is accepted and FS10/004 by Horticulture NZ is accepted and a new diagram is included in the District Plan as follows: 
9	2. Definitions - Network Utility	KiwiRail Holdings Limited (KiwiRail) - S2/025	Support	Support that rail is included at point (j) of the proposed definition.	Retain as notified.	Support is noted.	Recommend that submission S2/025 by KiwiRail is accepted.
9	2. Definitions - Network Utility	New Zealand Defence Force - S8/003	Oppose in part	A network utility is defined as an activity or operation of a network utility operator and includes those facilities which provide an essential service to the public. Defence facilities and activities are critical to the health, safety and wellbeing of people and communities. This is recognised in Policy 3.1 of the One Plan. To give effect to this plan, NZDF considers it appropriate for 'defence	Add 'defence facilities' to the list of network utilities. <i>Further Submission by Transpower (FS7/004) opposing this submission.</i>	Defence facilities are not included in the definition of a Network Utility Operation under the Resource Management Act. However the One Plan (in Policy 3-1) identifies infrastructure of national and regional significance. The infrastructure in Policy 3-1 includes those network utilities under the Act and other regionally important facilities such as New Zealand Defence Force facilities and solid waste facilities. To give effect to the One Plan, it is recommended to extend the definition of network utilities to also include NZDF facilities.	Recommend that submission S8/003 by NZ Defence Force is accepted in part and FS7/004 by Transpower is rejected and the definition amended as follows: means an activity or operation of a network utility operator (as defined under section 166 of the Resource Management Act) and <u>also</u> 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 oy pipeline of gas or petroleum, e. water supply (including treatment), f. sewerage reticulation, g. sewage treatment and disposal,

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				facilities' to be added as a bullet point on this list.			h. drainage and stormwater control or irrigation systems, i. roads, j. railway, k. fire stations l. airports m. navigational aids <del>and</del> n. meteorological facilities o. <u>solid waste facilities, and</u> p. <u>New Zealand Defence Force facilities.</u>
9	2. Definitions - Network Utility	Transpower New Zealand Limited - S11/006	Support	Support definition as it includes part 'c' transformation, transmission or distribution of electricity. This captures the activities of the National Grid.	Support.	Support is noted.	Recommend that submission S11/006 by Transpower is accepted.
9	2. Definitions - Network Utility	Powerco - S16/003	Support	The definition is appropriate insofar as it refers to 'electricity and gas transmission and distribution'.	Retain the definition, without further modification, insofar as it refers to 'electricity and gas transmission and distribution'.	Support is noted.	Recommend that submission S16/003 by Powerco is accepted.
9	2. Definitions - Network Utility	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/002	Support in part	Supported insofar as it includes distribution or transmission of pipeline of gas or petroleum.	Retain matter d distribution or transmission [by] pipeline of gas or petroleum, in the definition of network utility.	Support is noted.	Recommend that submission S21/002 by the Oil Companies is accepted.
9	2. Definitions - Network Utility	First Gas (formerly Vector Gas) Ltd - S20/004	Support in part	Supports the definition as it relates to gas transmission activities, but seeks the definition be amended to clarify that incidental equipment is also part of the network utility operation. By definition in the RPS and District Plan (as proposed), regionally and nationally significant infrastructure are utilities inclusive of 'pipelines' and 'gas facilities'. They are not solely restricted to pipelines.  Inclusion of the term incidental equipment in the definition will provide clarity on this matter and cover non-pipeline elements of the gas transmission network which are integral to the functioning of the network.	Amend the definition of Network Utility as follows:  d) Distribution or transmission by pipeline of gas or petroleum <u>inclusive of incidental equipment and facilities.</u>  <i>Further Submission by Powerco (FS13/030) opposing in part this submission.</i>	The additional words are not included in the definition of network utility operation under the RMA. However, the definition in the Act is inclusive of the words requested by the submitter and are therefore considered unnecessary.	Recommend that submission S20/004 by First Gas is rejected and FS13/030 by Powerco is accepted.
10	2. Definitions - Reverse Sensitivity (new) [PC52]	Horticulture New Zealand - S23/024	Not stated	Horticulture NZ seeks that a definition is added for reverse sensitivity so it is clear what is meant by the term.	Include a definition for reverse sensitivity as follows:  <u>Reverse sensitivity occurs when occupants of a new development (for example, a lifestyle block) complain about the effects of an existing, lawfully established activity (for example, noise or smell from industry or farming). This can have the effect of imposing economic burdens operational limitations or other constraints on the existing activity thereby reducing its viability.</u>	A definition for reverse sensitivity has been introduced through PC52 Industrial Zone which was notified at the same time as PC55. The proposed definition reads:  <b>REVERSE SENSITIVITY</b> means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities, which are sensitive to the adverse environmental effects being generated by the pre-existing activity.  It is understood that no submissions were made on this definition. The approach taken in the District Plan is to avoid generalized statements for reverse sensitivity, and instead include specific provisions to manage and address any issues. For example to require setback distances, or restrict the height of certain	Recommend that submission S23/024 by Horticulture NZ is rejected and FS7/005 by Transpower, and FS9/006 by Federated Farmers is rejected, and FS13/031 by Powerco is accepted.

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					<p><i>Further Submission by Transpower (FS7/005) supporting this submission.</i></p> <p><i>Further Submission by Federated Farmers (FS9/006) supporting this submission.</i></p> <p><i>Further Submission by Powerco (FS13/031) opposing this submission.</i></p>	structures. The zone provisions within the District Plan address the issues raised in this submission. For instance the setback distances between the industrial zone and residential zone.	
11	2. Definitions - Sensitive Activities	Transpower New Zealand Limited - S11/007	Oppose in part	Transpower supports the inclusion of a definition for 'sensitive activities' and is not opposed to the principle of cross referencing this definition to the definition of 'noise sensitive activities'. However, opposes the definition of noise sensitive activities and requests amendments to ensure that the full range of sensitive activities (as defined in the NPSET) are suitably distanced from the National Grid operation and activities.	<p>Amend the definition of Noise Sensitive Activity as follows: means any of the following:</p> <p>(a) assisted living <u>and retirement village</u> accommodation</p> <p>(b) community facilities</p> <p>(c) dwelling <u>and other residential activities</u></p> <p>(d) education facilities, <u>including childcare and pre-school facilities</u></p> <p>(e) <u>family flats</u></p> <p>(f) <u>sleepouts</u></p> <p>(g) visitor accommodation</p> <p>(h) <u>hospitals.</u></p> <p><i>Further Submission by Horticulture NZ (FS10/005) supporting in part this submission.</i></p> <p><i>Further Submission by the Oil Companies (FS12/003) supporting this submission.</i></p>	It is understood that the inclusion of the definitions listed is consistent with the NPSET, however many of the changes are actually already part of the definitions in the District Plan. For instance, the assisted living accommodation definition in the Plan includes retirement villages; and education facilities includes day care centres and kohanga reo. Family flats and sleepouts are not terms currently used in the District Plan. While there are no hospitals in the Manawatu District, there could be a 'hospital' wing in a retirement complex. Therefore the inclusion of hospital would be appropriate.	<p>Recommend that submission S11/007 by Transpower is accepted in part and FS10/005 by Horticulture NZ and FS12/003 by the Oil Companies is accepted and the definition amended as follows:</p> <p>Noise Sensitive Activity means any of the following:</p> <p>(a) assisted living accommodation</p> <p>(b) community facilities</p> <p>(c) dwelling <u>and other residential activities</u></p> <p>(d) education facilities</p> <p>(e) visitor accommodation</p> <p>(f) <u>hospitals.</u></p>
11	2. Definitions - Sensitive Activities	Horticulture New Zealand - S23/021	Not stated	Horticulture NZ considers that the purpose of the definition for sensitive activities in respect of the National Grid is different to the sensitivity to noise and that the terms should be separately defined. The term sensitive activities is used and defined in the NPS Electricity Transmission and the plan should be consistent.	<p>Include a definition of sensitive activities that is consistent with the NPSET.</p> <p><u>Sensitive activities means those activities that are sensitive to the National Grid including schools, residential buildings, and hospitals.</u></p> <p><i>Further Submission by Federated Farmers (FS9/005) supporting this submission.</i></p>	There is an existing definition in the District Plan for noise sensitive activities which covers the activities of concern to the submission. As a result of another submission, minor additions have been made to the existing definition.	Recommend that submission S23/021 by Horticulture NZ is accepted in part and FS9/005 by Federated Farmers is accepted, recognising the changes recommended under submission S11/007.
12	2. Definitions - Temporary Activities	New Zealand Defence Force - S8/002	Support in part	Supports temporary military training activities being deleted from the definition of temporary activities. Temporary military training activities are unique and the effects are distinct from other temporary activities. It is appropriate for them to have their own specific definition.	<p>Delete temporary military training activities from the definition of temporary activities. Include a definition for temporary military training activities as follows:</p> <p><u>Temporary Military Training Activity means a temporary military activity undertaken for defence purposes. The term defence purposes is as defined in the Defence Act 1990.</u></p>	As highlighted in response to an earlier submission, no changes are proposed to the provisions of temporary military training activities in the District Plan through this Plan Change. As outlined in the Section 32 report, the provisions relating to temporary military training activities have been specifically excluded from the plan change, were not addressed in the section 32 report, and are to be reviewed as part of the Rural Zone Plan Change (and other zone changes).	Recommend that submission S8/002 by NZ Defence Force is rejected.
<b>Chapter 3 District Wide Rules</b>							
13	3.0 District Wide Rules	New Zealand Defence Force - S8/012	Oppose in part	Request that temporary military training activities are provided for under Chapter 3 as it is inappropriate to confine these to a particular zone due to the varied nature of the activities. Also, other than weapons firing and the use of explosives, the effects	Provisions for temporary military training activities need to be included under Chapter 3 - District Wide Rules. Temporary military training activities added as an additional bullet point under 3.1 Introduction. There should then be a subsection added for temporary military training activities, including the noise provisions for them as the permitted activity standard. Temporary	As highlighted in response to an earlier submission, no changes are proposed to the provisions of temporary military training activities in the District Plan through this Plan Change. As outlined in the Section 32 report, the provisions relating to temporary military training activities have been specifically excluded from the plan change, were not addressed in the section 32 report, and are to be reviewed as part of the Rural Zone Plan Change (and other zone changes).	Recommend that submission S8/012 by NZ Defence Force is rejected and FS7 and FS7/009 by Transpower are accepted.

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				of these activities are very limited to negligible and not distinguishable from a broad range of other day to day activities. Provisions should acknowledge the variety of activities that are undertaken, including search and rescue training, classroom based learning, potable water training and bomb detonation in urban areas, as well as munitions training and orienteering. An example list of activities undertaken in the District is found in the original submission.	military training activities which do not comply with the permitted activity standards should be provided for as restricted discretionary activities. Discretion should be restricted to the timing/duration of the activity and noise effects.  <i>Further Submission by Transpower (FS7/006, FS7/009) opposing this submission.</i>		
14	3.0 District Wide Rules	New Zealand Defence Force - S8/014	Oppose	Reverse sensitivity is a significant issue for NZDF as well as other infrastructure providers, industrial operators and rural uses and activities. The District Plan needs to provide a framework for avoiding reverse sensitivity effects as far as practicable, and otherwise remedying or mitigating such effects. It is important that the defence facilities in the Manawatu District are adequately protected from incompatible land uses in the District Plan to avoid reverse sensitivity effects. This includes the Ohakea Air Base which is both a regionally and nationally significant defence facility	Include more comprehensive and robust provisions to address reverse sensitivity by way of appropriate objectives, policies, rules and land zoning including in the sections of the plan which address subdivision, land use management, the rural zone and network utilities. Include a definition for reverse sensitivity. Suggested wording as follows:  <u>Reverse sensitivity occurs when existing activities are affected by newer uses establishing that may have sensitivity to, and subsequently complain about, the effects of the existing activity; and seek to limit the ability of the 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.</u>  <i>Further Submission by Transpower (FS7/008) supporting in part this submission.</i>  <i>Further Submission by Federated Farmers (FS9/008) supporting this submission.</i>  <i>Further Submission by Horticulture NZ (FS10/006) supporting in part this submission.</i>  <i>Further Submission by the Oil Companies (FS12/004) opposing this submission.</i>	A definition for reverse sensitivity has been introduced through PC52 Industrial Zone which was notified at the same time as PC55. The proposed definition reads:  <b><i>REVERSE SENSITIVITY</i></b> means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities, which are sensitive to the adverse environmental effects being generated by the pre-existing activity.  It is understood that no submissions were made on this definition.  The approach taken in the District Plan is to avoid generalized statements for reverse sensitivity, and instead include specific provisions to manage and address any issues. For example to require setback distances, or restrict the height of certain structures. The zone provisions within the District Plan address the issues raised in this submission. For instance the setback distances between the industrial zone and residential zone.  No changes to the provisions relating to Ohakea Air Base are proposed through this Plan Change. It is understood that Council has been in discussions with the NZ Defence Force regarding review of the provisions relating to the Ohakea Air Base.	Recommend that submission S8/014 by NZ Defence Force is rejected and FS7/008 by Transpower is rejected, FS9/008 by Federated Farmers is rejected, FS10/006 by Horticulture NZ is rejected and FS12/004 by the Oil Companies is accepted.
15	1. Introduction	First Gas (formerly Vector Gas) Ltd - S20/006	Support	The introductory text, particularly in paragraphs one and four, is considered appropriate in that it recognises the importance of network utilities (including regionally and nationally significant infrastructure) to the social, economic and cultural well-being of people, as well as the need to protect those utilities from others' activities.	Retain the introductory text	Support is noted.	Recommend that submission S20/006 by First Gas is accepted in part.

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16	1. Introduction	First Gas (formerly Vector Gas) Ltd - S20/005	Oppose	<p>The introduction states that the chapter should be read along with the relevant zoning provisions and if the zone rules are more specific than the provisions contained in the district wide rules then they shall apply. First Gas' strong preference is that the rules in the district-wide chapter be a stand-alone rule framework for network utilities.</p> <p>First Gas notes the 5th paragraph to the network utilities introduction that the chapter is to provide clarification to network utility operators for activities that can be undertaken without a resource consents. Presently there is ambiguity because of the applicability of other chapters, making it difficult for users to interpret the provisions.</p>	<p>Provide for stand-alone network utilities rules in the district wide chapter.</p> <p><i>Further Submission by Powerco (FS13/004) supporting this submission.</i></p>	<p>The submission seeks that all relevant rules for utilities are moved to a standalone chapter within the District Plan. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. For example, compliance with the noise levels in each zone, restrictions of activities in the National Grid Yard in the Residential Zone and Flood Channel Zone and provisions in the Heritage Chapter. In the event that the zone rules were more restrictive, then those provisions were intended to apply.</p> <p>To enable a standalone network utilities chapter, additional matters would need to be included into the provisions of Chapter 3A. This is considered to be beyond the scope of the current plan change as notified.</p> <p>Submission S3/007 proposed changes that provide additional clarity that the zone rules do apply. The recommendation to accept these changes should go some way to addressing the concerns raised in the submission.</p>	<p>Recommend that submission S20/005 by First Gas is rejected and FS13/004 by Powerco is rejected.</p>
16	3.1 Introduction	Heritage New Zealand Pouhere Taonga - S3/007	Oppose in part	<p>The clause stating that if zoning rules are more specific than the provisions in this chapter then the zoning rules shall apply is ambiguous and does not address situations where there is an equal degree of specificity. A simpler approach is to state that where there is conflict between rules, the more restrictive rule applies.</p>	<p>Amend reference in the introduction as follows:</p> <p>This chapter should be read along with the relevant zoning provisions. If the zoning rules are more <del>specific</del> <u>restrictive</u> than the provisions contained in this chapter, then they shall apply.</p> <p><i>Further Submission by Transpower (FS7/0010) supporting in part this submission.</i></p> <p><i>Further Submission by First Gas (FS11/001) supporting this submission.</i></p>	<p>The submitter correctly identifies that the zoning rule provisions are also to be considered when reviewing this chapter. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. For example, compliance with the noise levels in each zone, restrictions of activities in the National Grid Yard in the Residential Zone and Flood Channel Zone and provisions in the Heritage Chapter. In the event that the zone rules were more restrictive, then those provisions were intended to apply.</p>	<p>Recommend that submission S3/007 by Heritage NZ is accepted and FS7/0010 by Transpower is accepted and FS11/001 by First Gas is accepted and the introduction amended as follows:</p> <p><del>This chapter is intended to be read in conjunction should be read along</del> with the relevant zoning provisions. If the zoning rules are more <del>restrictive</del> <u>specific</u> than the provisions contained in this chapter, then <del>they</del> <u>the zone rules</u> shall apply.</p>
16	3.1 Introduction	Transpower New Zealand Limited - S11/008	Oppose	<p>Transpower opposes this statement as it is unclear. It is not clear what is meant by 'more specific' and 'they shall apply'. It is assumed that 'they' refers to the zoning rules, however it is not explicit. Request this statement is replaced with a statement that more clearly described the relationship between the zone rules and the District Wide rules.</p>	<p>This chapter should be read along with the relevant zoning provisions. If the zoning rules are more specific than the provisions contained in this chapter, then they shall apply.</p> <p><i>Further Submission by NZ Defence Force (FS3/002) supporting this submission.</i></p> <p><i>Further Submission by First Gas (FS11/002) supporting this submission.</i></p> <p><i>Further Submission by Powerco (FS13/001) supporting in part this submission.</i></p>	<p>The submission seeks that all relevant rules for utilities are moved to a standalone chapter within the District Plan. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. For example, compliance with the noise levels in each zone, restrictions of activities in the National Grid Yard in the Residential Zone and Flood Channel Zone and provisions in the Heritage Chapter. In the event that the zone rules were more restrictive, then those provisions were intended to apply.</p> <p>To enable a standalone network utilities chapter, additional matters would need to be included into the provisions of Chapter 3A. This is considered to be beyond the scope of the current plan change as notified.</p> <p>Submission S3/007 proposed changes that provide additional clarity that the zone rules do apply. The recommendation to accept these changes should go some way to addressing the concerns raised in the submission.</p>	<p>Recommend that submission S11/008 by Transpower is accepted in part and FS3/002 by NZ Defence Force is accepted in part and FS11/002 by First Gas is accepted in part and FS13/001 by Powerco is accepted in part and the introduction amended as follows:</p> <p><del>This chapter is intended to be read in conjunction should be read along</del> with the relevant zoning provisions. If the zoning rules are more <del>restrictive</del> <u>specific</u> than the provisions contained in this chapter, then <del>they</del> <u>the zone rules</u> shall apply.</p>
16	3.1 Introduction	Powerco - S16/004	Not stated	<p>Intent of chapter is unclear insofar both the district wide and zone rule provisions appear to apply and the relationship between those zone rules and district wide</p>	<p>Amend the Introduction to provide clarity to the relationships between the Zone rules and the District Wide rules, and to ensure that the District Wide provisions only apply to utilities as follows:</p>	<p>The submission seeks that all relevant rules for utilities are moved to a standalone chapter within the District Plan. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. For example, compliance with the noise levels in each zone, restrictions of activities in the National Grid Yard in the Residential Zone and Flood Channel Zone and provisions in the Heritage</p>	<p>Recommend that submission S16/004 by Powerco is rejected and FS7/011 by Transpower is rejected and FS11/003 by First Gas is rejected and FS12/006 by the Oil Companies is rejected.</p>

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				rules is not clear. Seek that the existing statement be replaced with one that very clearly states that the district wide rules prevail, and that the development standards of the zone are not relevant to utilities.	<p><del>This chapter should be read along with the relevant zoning provisions. If the zoning rules are more specific than the provision contained in this chapter, then they shall apply</del></p> <p><u>The provisions in this chapter supersede the zone provisions. The zone provisions shall only apply if specifically stated within this chapter.</u></p> <p><i>Further Submission by Transpower (FS7/011) supporting in part this submission.</i></p> <p><i>Further Submission by First Gas (FS11/003) supporting this submission.</i></p> <p><i>Further Submission by the Oil Companies (FS12/006) supporting this submission.</i></p>	<p>Chapter. In the event that the zone rules were more restrictive, then those provisions were intended to apply.</p> <p>To enable a standalone network utilities chapter, additional matters would need to be included into the provisions of Chapter 3A. This is considered to be beyond the scope of the current plan change as notified.</p> <p>Submission S3/007 proposed changes that provide additional clarity that the zone rules do apply. The recommendation to accept these changes should go some way to addressing the concerns raised in the submission.</p>	
<b>Chapter 3A Network Utilities</b>							
17	3A Network Utilities	Manawatu-Whanganui Regional Council (Horizons) - S5/041	Not stated	While Section 3A mentions infrastructure of regional and national importance, and includes generally enabling provisions which give effect to the second aspect of Policy 3-1 of the One Plan, the proposed provisions do not appear to explicitly recognise all the applicable infrastructure, facilities and assets in the section.	<p>That Section 3A Network Utilities be amended to give effect to One Plan Policy 3-1 by recognising applicable infrastructure, facilities and assets as physical resources of regional or national importance.</p> <p><i>Further Submission by NZ Defence Force (FS3/003) supporting in part this submission.</i></p>	<p>The One Plan in Policy 3.1 identifies infrastructure of national and regional significance which includes Ohakea Air Base, and facilities and assets as being physical resources of regional or national importance, which includes New Zealand Defence Force facilities.</p> <p>To give effect to the One Plan, it is recommended to extend the definition of network utilities to also include NZDF facilities.</p>	<p>Recommend that submission S5/041 by Horizons is accepted and FS3/003 by NZ Defence Force is accepted in part and the definition of network utilities is amended as follows:</p> <p>means an activity or operation of a network utility operator (as defined under section 166 of the Resource Management Act) and <u>also</u> includes those facilities which provide an essential service to the public including:</p> <ol style="list-style-type: none"> <li>a. telecommunications,</li> <li>b. radiocommunications,</li> <li>c. transformation, transmission or distribution of electricity,</li> <li>d. distribution or transmission oy pipeline of gas or petroleum,</li> <li>e. water supply (including treatment),</li> <li>f. sewerage reticulation,</li> <li>g. sewage treatment and disposal,</li> <li>h. drainage and stormwater control or irrigation systems,</li> <li>i. roads,</li> <li>j. railway,</li> <li>k. fire stations,</li> <li>l. airports,</li> <li>m. navigational aids, <del>and</del></li> <li>n. meteorological facilities,</li> <li>o. <u>solid waste facilities, and</u></li> <li>p. <u>New Zealand Defence Force facilities.</u></li> </ol>
18	3A.1 Introduction	Manawatu-Whanganui Regional Council (Horizons) - S5/046	Neither support nor oppose	While Section 3A mentions infrastructure of regional and national importance, and includes generally enabling provisions which give effect to the second aspect of Policy 3-1 the provisions do not appear to consistently recognise all applicable infrastructure, facilities and assets within the section.	<p>Amend the 4th paragraph in the introduction as follows:</p> <p>The Manawatu-Wanganui Regional Council's One Plan also <del>recognises</del> <u>provides for</u> 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 <u>recognise, and</u> have regard to the benefits that derive from, regional and nationally important infrastructure and utilities, and 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.</p> <p><i>Further Submission by Transpower (FS7/012) supporting this submission.</i></p>	<p>Suggested changes to the 4<sup>th</sup> paragraph are supported as they provide greater clarity for Plan users.</p>	<p>Recommend that submission S5/046 by Horizons is accepted and FS7/012 by Transpower is accepted and the 4<sup>th</sup> paragraph of the introduction is amended as follows:</p> <p>The Manawatu-Wanganui Regional Council's One Plan also <del>recognises</del> <u>provides for</u> 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 <u>recognise, and</u> have regard to the benefits that derive from, regional and nationally important infrastructure and utilities, and 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.</p>

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19	3A.1 Introduction	Transpower New Zealand Limited - S11/009	Support in part	Support the approach to the introduction in principle but request that additional explanatory text is included to acknowledge that network utilities can have adverse effects on the environment, and that it may not always be possible to avoid, remedy or mitigate these effects. It has been proposed here as a general statement applicable to all types of network utilities, but is derived from the NPSET and is therefore directly relevant to the National Grid, particularly where new National Grid infrastructure is proposed.	<p>Add the following text to Clause 3A.1 Introduction</p> <p>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 <u>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, functional, 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.</u></p> <p><i>Further Submission by Federated Farmers (FS9/0010) supporting in part this submission.</i></p> <p><i>Further Submission by Horticulture NZ (FS10/009) supporting in part this submission.</i></p> <p><i>Further Submission by Powerco (FS13/002) supporting in part this submission.</i></p>	There are instances where network utilities can have effects due to their locational, operational or technical requirements. There is often a need to balance the needs of the network utility operation, the need to manage environmental effects and the benefits to the community and beyond. Agree with the submitter that additional commentary in the plan to reflect this would be appropriate.	<p>Recommend that submission S11/009 by Transpower is accepted in part and FS9/0010 by Federated Farmers is accepted and FS10/009 by Horticulture NZ is accepted and FS13/002 by Powerco is accepted and the introduction is amended as follows:</p> <p>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 <u>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, functional, 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.</u></p>
20	3A.1 Introduction	Federated Farmers - S1/002	Not stated	There is little recognition that the development, operation and maintenance of network utilities can create adverse effects on amenity, natural character and public health and safety, nor that it can also create adverse effects on the efficient use of land for primary production purposes. We consider that these issues need to be given more attention given how significant the adverse effect can be, and the responsibility Council has towards its communities.	<p>That the introduction to 3A.1 is amended to include the following paragraph:</p> <p><u>Utility Networks can create adverse effects on landholders trying to operate their legitimate businesses on land legally held by them. The District Plan seeks to manage these adverse effects and ensure planning provisions do not supplant Utility Network operator's obligations towards landowners who host their infrastructure.</u></p> <p><i>Further Submission by Transpower (FS7/013) opposing this submission.</i></p> <p><i>Further Submission by Horticulture NZ (FS10/008) supporting this submission.</i></p> <p><i>Further Submission by Powerco (FS13/003) opposing in part this submission.</i></p>	In response to another submission additional explanatory text has been recommended for the Introduction. Part of this explanation includes reference to the fact that infrastructure, services and facilities can also create significant direct or indirect adverse environmental effects, some of which may be quite specific to the utility. The definition of environment includes people and therefore the request of the submitter is considered to be covered by the other changes recommended.	Recommend that submission S1/002 by Federated Farmers is rejected and FS7/013 by Transpower is accepted and FS10/008 is rejected and FS13/003 is accepted.
21	3A.1 Introduction	Powerco - S16/005	Not stated	It is appropriate to acknowledge that network utilities can have adverse effects on the environment, that these effects cannot always be avoided, remedied or mitigated, and that this will need to be weighed in the decision making process along with other relevant	<p>Amend clause 1 of section 3A.1 to acknowledge the potential adverse effects network utilities could have on the environment, as follows:</p> <p>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</p>	There are instances where network utilities can have effects due to their locational, operational or technical requirements. There is often a need to balance the needs of the network utility operation, the need to manage environmental effects and the benefits to the community and beyond. Agree with the submitter that additional commentary in the plan to reflect this would be appropriate.	<p>Recommend that submission S16/005 by Powerco is accepted in part and FS3/004 by NZ Defence Force is accepted and the introduction is amended as follows:</p> <p>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 <u>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</u></p>

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				matters such as the benefits of infrastructure and locational/operational constraints.	maintenance of these essential services are managed appropriately to ensure the social economic and cultural wellbeing of those in the District. <u>Where such infrastructure cannot practicably avoid, remedy or mitigate potential adverse environmental effects, their technical, locational and operational constraints should be recognised and balanced against their benefits.</u>  <i>Further Submission by NZ Defence Force (FS3/004) supporting in part this submission.</i>  <i>Further Submission by First Gas (FS11/005) supporting this submission.</i>		<u>the utility. Due to their locational, functional, 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.</u>
22	3A.1 Introduction	Spark - S17/005	Support in part	Support standalone network section. Given specific reference to the national planning tools in relation to electricity transmission (NPSET and NESETA), specific recognition should also be given to the NES for Telecommunications Facilities (NESTF) as this has an equally important role in providing for telecommunications facilities in the Manawatu.	Add the following paragraph beneath Paragraph 3: <u>Telecommunication and radiocommunication facilities are in part provided for under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (NESTF). The NESTF provides a nationally consistent planning framework for radiofrequency fields of all telecommunication facilities, and for some telecommunication infrastructure that is located in road reserve, such as cabinets and antennas.</u> [Note this statement will need to be amended if the proposed amendments to the NESTF are made operative prior to Plan Change 55 being made operative].	Agree with submitter that given the inclusion of some references to national planning documents in the Introduction it would be appropriate to include the NES for Telecommunication Facilities. These are also important and relevant for the District. It is noted that the 2008 National Standard has been reviewed and a revised version is expected in the near future. It is acknowledged that changes may be required once the revised standards come into force. A standalone network utilities section is not supported for the reasons set out above for submission S20/005 and S3/007.	Recommend that submission S17/005 by Spark be accepted and the following paragraph is inserted in the introduction after the existing 3 <sup>rd</sup> paragraph as follows:  <u>Telecommunication and radiocommunication facilities are in part managed under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (NESTF). The NESTF provides a nationally consistent planning framework for radiofrequency fields of all telecommunication facilities, and for some telecommunication infrastructure that is located in the road reserve, such as cabinets and antennas.</u>
22	3A.1 Introduction	Chorus New Zealand Limited - S18/006	Support in part	Support standalone network section. Given specific reference to the national planning tools in relation to electricity transmission (NPSET and NESETA), specific recognition should also be given to the NES for Telecommunications Facilities (NESTF) as this has an equally important role in providing for telecommunications facilities in the Manawatu.	Add the following paragraph beneath Paragraph 3: <u>Telecommunication and radiocommunication facilities are in part provided for under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (NESTF). The NESTF provides a nationally consistent planning framework for radiofrequency fields of all telecommunication facilities, and for some telecommunication infrastructure that is located in road reserve, such as cabinets and antennas.</u> [Note this statement will need to be amended if the proposed amendments to the NESTF are made operative prior to Plan Change 55 being made operative].	Agree with submitter that given the inclusion of some references to national planning documents in the Introduction it would be appropriate to include the NES for Telecommunication Facilities. These are also important and relevant for the District. It is noted that the 2008 National Standard has been reviewed and a revised version is expected in the near future. It is acknowledged that changes may be required once the revised standards come into force. A standalone network utilities section is not supported for the reasons set out above for submission S20/005 and S3/007.	Recommend that submission S18/006 by Chorus be accepted and the 3 <sup>rd</sup> paragraph of the introduction is amended as follows:  <u>Telecommunication and radiocommunication facilities are in part managed under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (NESTF). The NESTF provides a nationally consistent planning framework for radiofrequency fields of all telecommunication facilities, and for some telecommunication infrastructure that is located in the road reserve, such as cabinets and antennas.</u>
23	3A.2 Resource Management Issues	First Gas (formerly Vector Gas) Ltd - S20/007	Support	Supports the resource management issues as proposed. The issues identify the need to both enable and protect network utilities, inclusive of regionally and national significant infrastructure.	Retain the Resource Management Issues for network utilities.	Support is noted. Other submissions request changes to the issues but do not change the reasons for the support.	Recommend that submission S20/007 by First Gas is accepted.
24	3A.2 Resource Management Issues	Horticulture New Zealand - S23/001	Not stated	There should be recognition that network utilities often traverse private land and can have adverse effects on landowners which should be	Add an additional issue in 3A.2 <u>8. The location, operation, maintenance and upgrading of network utilities can create adverse effects on landowners</u>	There are instances where network utilities can have effects due to their locational, operational or technical requirements. However this often needs to be balanced with the need to manage environmental effects and impacts on surrounding uses. Reference to landowners is narrow. A more appropriate reference would be	Recommend that submission S23/001 by Horticulture NZ is accepted in part and FS7/015 by Transpower is accepted and FS9/007 by Federated Farmers is accepted and FS11/006 by First Gas is rejected and a new issue is included as follows:

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				taken into account when providing for network utilities	<i>Further Submission by Transpower (FS7/015) supporting in part this submission.</i> <i>Further Submission by Federated Farmers (FS9/007) supporting this submission.</i> <i>Further Submission by First Gas (FS11/006) opposing this submission.</i>	adverse effects on the environment which is defined to include people.	<u>8. The location, operation, maintenance and upgrading of network utilities can create adverse effects on the environment.</u>
25	3A.2 Resource Management Issues	Federated Farmers - S1/003	Not stated	There is little recognition that the development, operation and maintenance of network utilities can create adverse effects on amenity, natural character and public health and safety, nor that it can also create adverse effects on the efficient use of land for primary production purposes. We consider that these issues need to be given more attention given how significant the adverse effect can be, and the responsibility Council has towards its communities.	Add a new issue as follows: <u>The adverse effects of network utilities on adjacent land uses such as farming are avoided, remedied or mitigated.</u> <i>Further Submission by Heritage NZ (FS5/007) supporting in part this submission.</i> <i>Further Submission by Transpower (FS7/014) opposing this submission.</i> <i>Further Submission by Horticulture NZ (FS10/011) supporting this submission.</i> <i>Further Submission by First Gas (FS11/007) opposing this submission.</i> <i>Further Submission by Powerco (FS13/005) opposing this submission.</i>	There are instances where network utilities can have effects due to their locational, operational or technical requirements. However this often needs to be balanced with the need to manage environmental effects and impacts on surrounding uses. Reference to landowners is too narrow. A more appropriate reference would be adverse effects on the environment which is defined to include people, social and economic considerations.	Recommend that submission S1/003 by Federated Farmers is accepted in part and FS5/007 by Heritage NZ is accepted and FS7/014 by Transpower is rejected and FS10/011 by Horticulture NZ is accepted and FS11/007 by First Gas is rejected and FS13/005 by Powerco is rejected and a new issue is included as follows: <u>8. The location, operation, maintenance and upgrading of network utilities can create adverse effects on the environment.</u>
26	3A.2 Resource Management Issues	Heritage New Zealand Pouhere Taonga - S3/008	Support in part	Support subject to new issue. Network utilities have potential to cause significant adverse effects on cultural, historical, and natural heritage values. E.g. vibrations from road construction and operation could damage a heritage building. This issue should be recognised. Also links to Objective 3 and its relevant policies.	Add a new issue as follows: <u>The subdivision, use and development of network utilities can result in adverse effects on natural, cultural, and historic heritage values.</u> <i>Further Submission by First Gas (FS11/008) opposing this submission.</i> <i>Further Submission by Powerco (FS13/006) opposing this submission.</i>	There are instances where network utilities can have effects due to their locational, operational or technical requirements. However this often needs to be balanced with the need to manage environmental effects and impacts on surrounding uses. Reference to natural, culture and historic heritage is too narrow. A more appropriate reference would be adverse effects on the environment which is defined to include natural and physical resources.	Recommend that submission S3/008 by Heritage NZ is accepted in part and FS11/008 by First Gas is rejected and FS13/006 by Powerco is rejected and a new issue is included as follows: <u>8. The location, operation, maintenance and upgrading of network utilities can create adverse effects on the environment.</u>
27	3A.2 Resource Management Issues	New Zealand Defence Force - S8/005	Support	NZDF support the provisions for network utilities.	Retain provisions as notified or wording to similar effect.	Support is noted. There are some recommended changes as a result of other submissions, however they do not change the overall intent of the provisions.	Recommend that submission S8/005 by NZ Defence Force is accepted in part recognising changes are recommended in response to other submissions.
28	3A.2 Resource Management Issues (Issue 1)	Transpower New Zealand Limited - S11/010	Oppose in part	Seeks the addition of text to recognise that network utilities (including infrastructure of regional and national importance) may create adverse effects on the environment. This is consistent with NPSET Policy.	Amend Issue 1 as follows: <del>To provide for</del> The safe, effective and efficient operation, <u>maintenance, upgrade and development</u> of network utilities, including infrastructure of regional and national importance, <u>which support the economic and social wellbeing of the district, may create adverse effects on the environment.</u> <i>Further Submission by Federated Farmers (FS9/011) supporting in part this submission.</i> <i>Further Submission by Horticulture NZ (FS10/0010) supporting in part this submission.</i> <i>Further Submission by First Gas (FS11/009) supporting this submission.</i>	The maintenance and upgrading of existing network utilities is essential to maintain the levels of service expected by the community. This should also be included in the issue. With the recommended addition of a new issue through submissions S23/001, S1/003, S3/008 the need for the last addition to Issue 1 is considered unnecessary.	Recommend that submission S11/010 by Transpower is accepted in part FS9/011 by Federated Farmers is accepted and FS10/0010 by Horticulture NZ is accepted and FS11/009 by First Gas is accepted and Issue 1 is amended as follows: To provide for safe, effective and efficient operation, <u>maintenance, and upgrade</u> of network utilities, including infrastructure of regional and national importance.
29	3A.2 Resource Management Issues (Issue 1)	NZ Transport Agency - S7/005	Support	Support issue 1.	Retain as notified.	Support is noted. Other submissions request changes to the issue, however they do not change the reasons for the support.	Recommend that submission S7/005 by NZ Transport Agency is accepted.

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30	3A.2 Resource Management Issues (Issue 1)	Powerco - S16/006	Not stated	It is important to recognise a balance between adverse environmental effects and the benefits network utilities provide to the social, economic and wellbeing of a community (given locational and operational constraints).	Amend Issue 1 as follows: To provide for the safe, effective and efficient operation of network utilities, including infrastructure of regional and national importance <u>which support the economic and social wellbeing of the district, recognising that this infrastructure may create adverse effects on the environment.</u>	The maintenance and upgrading of existing network utilities is essential to maintain the levels of service expected by the community. This should also be included in the issue. With the recommended addition of a new issue through submissions S23/001, S1/003, S3/008 the need for the last addition to Issue 1 is considered unnecessary.	Recommend that submission S16/006 by Powerco is accepted in part and Issue 1 is amended as follows: To provide for safe, effective and efficient operation, <u>maintenance, and upgrade</u> of network utilities, including infrastructure of regional and national importance.
31	3A.2 Resource Management Issues (Issue 2)	Transpower New Zealand Limited - S11/011	Support	Support and seeks that it is retained.	Retain.	Support is noted. Other submissions request changes to the issue but do not change the reasons for the support.	Recommend that submission S11/011 by Transpower is accepted recognising recommended changes in response to other submissions.
32	3A.2 Resource Management Issues (Issue 3)	Transpower New Zealand Limited - S11/012	Oppose in part	Seeks issue is amended to include the word 'development'. In relation to existing National Grid assets 'development' applies to situations where Transpower is required to move an existing line to facilitate third party development. An example would be to facilitate a NZTA project.	Amend Issue 3 as follows: The safe, effective and efficient operation, upgrading, <u>and</u> maintenance <u>and</u> <u>development</u> of network utilities can be put at risk by inappropriate subdivision, use and development. <i>Further Submission by First Gas (FS11/0010) supporting this submission.</i>	Reference to development is open ended and could mean different things to different plan users. For instance does development refer to upgrades or changes in location that are approved via consent or designation, or development that is in concept stage? Development could be understood to mean the construction of new infrastructure which is not intended by this provision. The term lacks clarity in how it is used within the issue statement.	Recommend that submission S11/012 by Transpower is rejected and FS11/0010 by First Gas is rejected.
33	3A.2 Resource Management Issues (Issue 3)	NZ Transport Agency - S7/006	Support	Support Issue 3.	Retain as notified.	Support is noted.	Recommend that submission S7/006 by NZ Transport Agency is accepted.
34	3A.2 Resource Management Issues (Issue 3)	Powerco - S16/007	Not stated	It is important to recognise a balance between adverse environmental effects and the benefits network utilities provide to the social, economic and wellbeing of a community (given locational and operational constraints).	Amend issue 3 as follows: The safe and efficient operation, upgrading, <u>and</u> maintenance <u>and</u> <u>development</u> of network utilities can be put at risk by inappropriate subdivision, use and development. <i>Further Submission by First Gas (FS11/011) supporting this submission.</i>	Reference to development is open ended and could mean different things to different plan users. For instance does development refer to upgrades or changes in location that are approved via consent or designation, or development that is in concept stage? Development could be understood to mean the construction of new infrastructure which is not intended by this provision. The term lacks clarity in how it is used within the issue statement.	Recommend that submission S16/007 by Powerco is rejected and FS11/011 by First Gas is rejected.
35	3A.2 Resource Management Issues (Issue 4)	Transpower New Zealand Limited - S11/013	Not stated	Transpower seeks that Issue 4 is deleted because issue 1 adequately identifies adverse effects.	Delete Issue 4.	Issue 1 is not considered to identify adverse effects, rather it is about providing for network utilities. This issue was originally included when considering those sites of significance that often have high visual amenity, for instance, outstanding natural landscapes and features. It is therefore appropriate to retain this issue.	Recommend that submission S11/013 by Transpower is rejected.
35	3A.2 Resource Management Issues (Issue 4)	Powerco - S16/008	Not stated	Issue 4 is framed narrowly, referring only to a balance between visual amenity effects and locational needs. The balancing required extends beyond visual amenity effects and can be addressed by changes Powerco seeks to Issue 1.	Delete issue 4 as this is addressed by Powerco's submission to issue 1.	Issue 1 is not considered to identify adverse effects, rather it is about providing for network utilities. This issue was originally included when considering those sites of significance that often have high visual amenity, for instance, outstanding natural landscapes and features. It is therefore appropriate to retain this issue.	Recommend that submission S16/008 by Powerco is rejected.
36	3A.2 Resource Management Issues (Issue 5)	Transpower New Zealand Limited - S11/014	Neither support nor oppose	Transpower is neutral with respect to Issue 5.	Neutral.	Submission is noted.	Recommend that submission S11/014 by Transpower is accepted.
37	3A.2 Resource Management	KiwiRail Holdings Limited (KiwiRail) - S2/002	Support	Council is supported in seeking to ensure constraints on existing network utilities are recognised when	Retain as notified.	Support is noted.	Recommend that submission S2/002 by KiwiRail is accepted.

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	Issues (Issue 6)			considering new developments. KiwiRail note that no reference to reverse sensitivity is provided for in the issue statements, however this issue is reflected within subsequent objectives and policies in Chapter 3A.			
38	3A.2 Resource Management Issues (Issue 6)	Transpower New Zealand Limited - S11/015	Neither support nor oppose	Transpower is neutral with respect to issue 6.	Neutral.	Submission is noted.	Recommend that submission S11/015 by Transpower is accepted.
39	3A.2 Resource Management Issues (Issue 7)	Transpower New Zealand Limited - S11/016	Oppose	Delete issue 7 because issue 1 adequately identifies adverse effects. Electromagnetic and other forms of radiation are a perceived health effect and the NPSET/NESETA set out appropriate limits based on International Commission on Non-Ionizing Radiation Protection and the World Health Organisation monograph.	Delete Issue 7.	Issue 1 is not considered to identify adverse effects, rather it is about providing for network utilities. This issue was originally included to recognise that some network utilities can emit electromagnetic and other forms of radiation. While the NPSET and NESETA covers the submitter's obligations, there are other operators who do not fall under these provisions. It is considered appropriate to retain this issue without amendment.	Recommend that submission S11/016 by Transpower is rejected.
40	3A.3 Objectives and Policies (Objective 1)	Transpower New Zealand Limited - S11/017	Oppose	The intent of the additions and amendments in the issues seek to better align and give effect to the provisions of the NPSET. The changes acknowledge that some network utilities are regionally and nationally significant infrastructure which by their nature may generate adverse effects but are essential to the district (and beyond). Much of this infrastructure is linear and crosses the district, therefore there are often constraints on location, design, and appearance which needs to be considered in decision making processes.	Replace Objective 1 as follows: <u>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 on the environment, having regard to locational, technical and operational constraints.</u> <i>Further Submission by NZ Defence Force (FS3/005) supporting in part this submission.</i> <i>Further Submission by Horticulture NZ (FS10/015) opposing in part this submission.</i> <i>Further Submission by Powerco (FS13/008) supporting this submission.</i>	The requested wording narrows the focus of the objective from what was originally intended. The requested wording also removes reference to the environment the infrastructure is located in which was considered to be a key aspect of the objective. There is a policy under this objective about the locational, technical and operational requirements of network utilities. It is considered unnecessary to repeat this within the objective.	Recommend that submission S11/017 by Transpower is rejected and FS3/005 by NZ Defence Force is rejected and FS10/015 by Horticulture NZ is accepted and FS13/008 by Powerco is rejected.
40	3A.3 Objectives and Policies (Objective 1)	Federated Farmers - S1/004	Not stated	The establishment and maintenance of network utilities can have significant adverse effects on adjoining land uses. While this objective provides for the establishment of these utilities, reference should be made to the environment, or existing land use that will host the utility.	That Objective 1 is amended to read: To ensure network utilities are designed, located, constructed, operated and maintained in a manner that ensures the efficient use of natural and physical resources, <u>while also avoiding, remedying or mitigating any significant adverse effects on adjoining land uses.</u> <i>Further Submission by Heritage NZ (FS5/008) supporting in part this submission.</i> <i>Further Submission by Transpower (FS7/017) opposing this submission.</i> <i>Further Submission by Horticulture NZ (FS10/014) supporting this submission.</i> <i>Further Submission by First Gas (FS11/012) opposing this submission.</i>	The requested provisions merely repeat the wording in the Act. The originally proposed wording includes reference to recognising the environment they are located in. The environment is defined in the Resource Management Act to include people. Therefore the concerns of the submitter are already provided for.	Recommend that submission S1/004 by Federated Farmers is rejected and FS5/008 by Heritage NZ is rejected and FS7/017 by Transpower is accepted and FS10/014 by Horticulture NZ is rejected and FS11/012 by First Gas is accepted and FS13/007 by Powerco is rejected.

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					<i>Further Submission by Powerco (FS13/007) supporting in part this submission.</i>		
41	3A.3 Objectives and Policies (Objective 1)	Manawatu-Whanganui Regional Council (Horizons) - S5/010	Support	Support the intent.	Retained as drafted in PPC55.	Support is noted.	Recommend that submission S5/010 by Horizons is accepted.
42	3A.3 Objectives and Policies (Objective 1)	Powerco - S16/009	Support in part	Support intent, however is drafted in the manner of a policy rather than objective. Seek rewording to retain intent and better represent an objective. Appropriate to recognise that network utilities can create adverse effects and to acknowledge they cannot always be avoided, remedied or mitigated.	Amend Objective 1 as follows: <del>To ensure network utilities are designed, located, constructed, operated and maintained in a manner that ensures the efficient use of natural and physical resources while recognising the environment they are located in.</del> <u>To recognise and provide for the on-going operation, maintenance, replacement, upgrading and development of network utilities, whilst avoiding, remedying or mitigating significant adverse effects.</u> <i>Further Submission by Horticulture NZ (FS10/016) opposing in part this submission.</i>	The requested wording narrows the focus of the objective from what was originally intended. The requested wording also removes reference to the environment the infrastructure is located in which was considered to be a key aspect of the objective. The wording is not outcomes focused, and merely repeats the intent of the Resource Management Act.	Recommend that submission S16/009 by Powerco is rejected and FS10/016 by Horticulture is accepted.
42	3A.3 Objectives and Policies (Objective 1)	First Gas (formerly Vector Gas) Ltd - S20/008	Support in part	Supports the objective but seeks it be refocused to give effect to the RPS which requires District Plans to recognise and provide for the establishment, operation, maintenance and upgrading of regionally and nationally significant infrastructure. None of the proposed objectives seek to recognise and provide for this infrastructure.	Replace Objective 1 with: <u>To recognise and provide for the ongoing operation, maintenance, replacement, upgrading and development of regionally significant infrastructure and other network utilities.</u> <i>Further Submission by Horizons (FS4/006) neither supporting nor opposing this submission.</i> <i>Further Submission by Horticulture NZ (FS10/017) opposing in part this submission.</i>	The requested wording narrows the focus of the objective from what was originally intended. The requested wording also removes reference to the environment the infrastructure is located in which was considered to be a key aspect of the objective.	Recommend that submission S20/008 by First Gas is rejected and FS4/006 by Horizons is noted and FS10/017 is accepted.
43	3A.3 Objectives and Policies (Policy 1.1)	Transpower New Zealand Limited - S11/018	Oppose in part	The intent of the additions and amendments in the issues seek to better align and give effect to the provisions of the NPSET. The changes acknowledge that some network utilities are regionally and nationally significant infrastructure which by their nature may generate adverse effects but are essential to the district (and beyond). Much of this infrastructure is linear and crosses the district, therefore there are often constraints on location, design, and appearance which needs to be considered in decision making processes.	Amend Policy 1.1 as follows: To enable the establishment, operation, maintenance, <u>replacement</u> , minor upgrading and development of network utilities <u>and infrastructure of regional and national significance, including the National Grid.</u> <i>Further Submission by Horticulture NZ (FS10/018) supporting in part this submission.</i>	The definition of network utilities already includes those matters of regional or national significance including the National Grid. The reference to replacement should be included for consistency with the recommended rule changes. A definition for replacement is recommended under S16/001 to ensure clarity for plan users.	Recommend that submission S11/018 by Transpower is accepted in part and FS10/018 by Horticulture NZ is accepted and Policy 1.1 is amended as follows: <u>To enable the establishment, operation, maintenance, replacement, and minor upgrading of network utilities.</u>
44	3A.3 Objectives and Policies (Policy 1.1)	KiwiRail Holdings Limited (KiwiRail) - S2/003	Support	Support that Plan specifically provides for the ability to establish, operate, maintain and upgrade network utilities. Support consideration of locational, technical and	Retain as notified.	Support is noted.	Recommend that submission S2/003 by KiwiRail is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				operational requirements in relation to network utilities.			
44	3A.3 Objectives and Policies (Policy 1.1)	Manawatu-Whanganui Regional Council (Horizons) - S5/011	Support	Support intent in Policy 1.1	Retain all of Policy 1.1 as drafted in PPC55.	Support is noted.	Recommend that submission S5/001 by Horizons is accepted.
45	3A.3 Objectives and Policies (Policy 1.1)	Powerco - S16/010	Not stated	Maintenance works often involve the repair and replacement of assets. Replacement and repair focus on retaining the integrity of the asset.	Amend Policy 1.1 as follows: To enable the establishment, operation, maintenance, <u>replacement</u> and minor upgrading and development of network utilities.	The reference to replacement should be included for consistency with the recommended rule changes. A definition for replacement is recommended under S16/001 to ensure clarity for plan users.	Recommend that submission S16/010 by Powerco is accepted in part and Policy 1.1 is amended as follows: To enable the establishment, operation, maintenance, <u>replacement</u> , and minor upgrading of network utilities.
45	3A.3 Objectives and Policies (Policy 1.1)	First Gas (formerly Vector Gas) Ltd - S20/009	Support in part	Supports the wording as proposed but seeks the inclusion of the word replacement.	Amend Policy 1.1: To enable the establishment, operation, maintenance, <u>replacement</u> and minor upgrading of network utilities. <i>Further Submission by Horizons (FS4/007) neither supporting nor opposing this submission.</i>	The reference to replacement should be included for consistency with the recommended rule changes. A definition for replacement is recommended under S16/001 to ensure clarity for plan users.	Recommend that submission S20/009 by First Gas is accepted in part and FS4/007 by Horizons is noted and Policy 1.1 is amended as follows: To enable the establishment, operation, maintenance, <u>replacement</u> , and minor upgrading of network utilities.
46	3A.3 Objectives and Policies (Policy 1.2)	Manawatu-Whanganui Regional Council (Horizons) - S5/012	Support	Support intent.	Retain all of Policy 1.2 as drafted in PPC55.	Support is noted.	Recommend that submission S5/012 by Horizons is accepted.
47	3A.3 Objectives and Policies (Policy 1.2)	Spark - S17/006	Support in part	Should be clear that it is encouraging network utilities to be located with the road where possible. The benefit of this maybe related to cumulative effects but is more likely that it supporting network utilities to located in a space that is recognised as being for utilities by other legislation such as the Telecommunications Act or the Utilities Access Act 2010.	Amend Policy 1.2 as follows: To encourage network utility operators to coordinate and co-locate services or to locate within the existing roading network where possible <del>to minimize potential cumulative effects.</del>	Co-location would reduce the number of network utilities in a common location, such as masts, is considered to be important. Co-location can minimise cumulative effects for communities. However it is acknowledged that there may be effects other than cumulative effects which could be minimised by co-location. The requested change is therefore considered appropriate.	Recommend that submission S17/006 by Spark is accepted and Policy 1.2 amended as follows: To encourage network utility operators to coordinate and co-locate services or to locate within the existing roading network where possible <del>to minimize potential cumulative effects.</del>
47	3A.3 Objectives and Policies (Policy 1.2)	Chorus New Zealand Limited - S18/007	Support in part	Should be clear that it is encouraging network utilities to be located with the road where possible. The benefit of this maybe related to cumulative effects but is more likely that it supporting network utilities to located in a space that is recognised as being for utilities by other legislation such as the Telecommunications Act or the Utilities Access Act 2010.	Amend Policy 1.2 as follows: To encourage network utility operators to coordinate and co-locate services or to locate within the existing roading network where possible <del>to minimize potential cumulative effects.</del>	Co-location would reduce the number of network utilities in a common location, such as masts, is considered to be important. Co-location can minimise cumulative effects for communities. However it is acknowledged that there may be effects other than cumulative effects which could be minimised by co-location. The requested change is therefore considered appropriate.	Recommend that submission S18/007 by Chorus is accepted and Policy 1.2 amended as follows: To encourage network utility operators to coordinate and co-locate services or to locate within the existing roading network where possible <del>to minimize potential cumulative effects.</del>
48	3A.3 Objectives and Policies (Policy 1.2)	Powerco - S16/011	Not stated	'Where possible' should be replaced with 'where practicable'. Possible means that which is to be done, whereas practicable means that which is able to be done successfully. Practicable is considered to be a more appropriate requirement - including being more	Amend Policy 1.2 as follows: To encourage network utility operators to coordinate and co-locate services or to locate within existing roading network <del>where possible</del> <u>where practicable</u> to minimise potential cumulative effects.	The intention is that 'where possible' utility providers co-locate their infrastructure. This is to minimise cumulative effects, reduce perceived visual clutter and encourage efficiencies. The use of 'where possible' is considered to be more certain and is recommended to be retained.	Recommend that submission S16/011 by Powerco is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				consistent with the policy approach.			
49	3A.3 Objectives and Policies (Policy 1.3)	Manawatu-Whanganui Regional Council (Horizons) - S5/013	Support	Support intent.	Retain Policy 1.3 as drafted in PPC55.	Support is noted.	Recommend that submission S5/013 by Horizons is accepted.
49	3A.3 Objectives and Policies (Policy 1.3)	Transpower New Zealand Limited - S11/020	Support	Support wording and seek that it is retained as notified.	Retain.	Support is noted.	Recommend that submission S11/020 by Horizons is accepted.
50	3A.3 Objectives and Policies (Policy 1.3)	Powerco - S16/012	Not stated	It may not be practicable to underground all new cables and lines. A blanket requirement is inappropriate and fails to give effect to Policy 3-1 of the One Plan. Policy is not helpful because in the event that a line is not able to be placed underground (as is already required by the rules), it provides no policy guidance as to the circumstances when an above ground location would be appropriate. An underground location does not necessarily equate to an efficient use.	Amend Policy 1.3 as follows: To require that, <u>to the extent practicable</u> , all new cables and lines, including electricity distribution lines (but not the National Grid) are installed underground.	The submitter correctly points out that the rules require underground installation for all new cables and lines. In the event the proposal does not underground cables and lines there is not sufficient policy guidance for decision makers. In response to other submissions the Policy has been recommended to change. These changes are considered to address the submitters' concerns.	Recommend that submission S16/012 by Powerco is accepted in part and the Policy amended as follows: To <del>require that</del> <u>encourage</u> all new cables and lines, including electricity distribution lines (but not the National Grid) are installed underground.
51	3A.3 Objectives and Policies (Policy 1.3)	Spark - S17/007	Oppose in part	Policy contradicts Objective 1, policies 1.1 and 1.2 as well as the definition and rules associated with Minor Upgrading. Policy 1.3 requires that all new cables and lines are installed underground, whereas Objective 1 seeks to ensure efficient use of physical resources, Policy 1.1 enables upgrading and Policy 1.2 encourages location of services within the existing road network.	Amend Policy 1.3 as follows: To <del>require that</del> <u>encourage</u> all new cables and lines, including electricity distribution lines <del>are</del> <u>be</u> installed underground. <i>Further Submission by Transpower (FS7/019) opposing this submission.</i>	Policy 1.3 as currently worded does not provide policy guidance where a proposal does not install new cables and lines underground, as required by the permitted activity standards in Rule 3A.4.2. On that basis reference to encouraging undergrounding is considered to be appropriate and provides greater clarity for plan users.	Recommend that submission S17/007 by Spark is accepted and FS7/019 by Transpower is rejected and Policy 1.3 is amended as follows: To <del>require that</del> <u>encourage</u> all new cables and lines, including electricity distribution lines (but not the National Grid) are installed underground.
51	3A.3 Objectives and Policies (Policy 1.3)	Chorus New Zealand Limited - S18/008	Oppose in part	Policy contradicts Objective 1, policies 1.1 and 1.2 as well as the definition and rules associated with Minor Upgrading. Policy 1.3 requires that all new cables and lines are installed underground, whereas Objective 1 seeks to ensure efficient use of physical resources, Policy 1.1 enables upgrading and Policy 1.2 encourages location of services within the existing road network.	Amend Policy 1.3 as follows: To <del>require that</del> <u>encourage</u> all new cables and lines, including electricity distribution lines <del>are</del> <u>be</u> installed underground. <i>Further Submission by Transpower (FS7/020) opposing this submission.</i>	Policy 1.3 as currently worded does not provide policy guidance where a proposal does not install new cables and lines underground, as required by the permitted activity standards in Rule 3A.4.2. On that basis reference to encouraging undergrounding is considered to be appropriate and provides greater clarity for plan users.	Recommend that submission S18/008 by Chorus is accepted and FS7/020 by Transpower is rejected and Policy 1.3 is amended as follows: To <del>require that</del> <u>encourage</u> all new cables and lines, including electricity distribution lines (but not the National Grid) are installed underground.
52	3A.3 Objectives and Policies (Policy 1.4)	Transpower New Zealand Limited - S11/021	Oppose in part	The intent of the additions and amendments in the issues seek to better align and give effect to the provisions of the NPSET. The changes	Amend Policy 1.4 as follows: To recognise the locational, technical and operational requirements <u>and constraints</u> of network utilities and the contribution they	The requested changes recognise that there are constraints in some cases that need to be considered when assessing new network utilities. The changes add additional clarity for plan users.	Recommend that submission S11/021 by Transpower is accepted and FS13/009 by Powerco is accepted and Policy 1.4 is amended as follows:

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				acknowledge that some network utilities are regionally and nationally significant infrastructure which by their nature may generate adverse effects but are essential to the district (and beyond). Much of this infrastructure is linear and crosses the district, therefore there are often constraints on location, design, and appearance which needs to be considered in decision making processes.	make to the functioning and wellbeing of the community <u>and beyond when assessing their location, design and appearance.</u> <i>Further Submission by Powerco (FS13/009) supporting this submission.</i>		To recognise the locational, technical and operational requirements <u>and constraints</u> of network utilities and the contribution they make to the functioning and wellbeing of the community <u>and beyond when assessing their location, design and appearance.</u>
53	3A.3 Objectives and Policies (Policy 1.4)	KiwiRail Holdings Limited (KiwiRail) - S2/004	Support	Support that Plan specifically provides for the ability to establish, operate, maintain and upgrade network utilities. Support consideration of locational, technical and operational requirements in relation to network utilities.	Retain as notified.	Support is noted. As a result of other submissions changes are recommend to this policy. However these do not change the intent of the policy and therefore the support by this submitter.	Recommend that submission S2/004 by KiwiRail is accepted.
53	3A.3 Objectives and Policies (Policy 1.4)	Manawatu-Whanganui Regional Council (Horizons) - S5/014	Support	Support intent.	Retain Policy 1.4 as drafted in PPC55.	Support is noted. As a result of other submissions changes are recommended to this policy. However these do not change the intent of the policy and therefore the support by this submitter.	Recommend that submission S5/014 by Horizons is accepted in part recognising that changes to the policy are recommended by submissions S11/021, S16/013, and S20/010.
54	3A.3 Objectives and Policies (Policy 1.4)	Powerco - S16/013	Not stated	Because of the scale of the linear utilities network, it is important to recognise the impact of constraints and requirements on their locations, design and appearance, and to assess these having regard to the broader (not just local or regional) benefits of lineal utilities. The impact of these constraints when attempting to minimise potential cumulative effects of network utilities, needs to be recognised in Policy 1.4.	Amend Policy 1.4 as follows: To recognise the locational, technical and operational requirements <u>and constraints</u> of network utilities and the contribution they make to the functioning and wellbeing of the community <u>when assessing their location and design.</u>	The requested changes recognise that there are constraints in some cases that need to be considered when assessing new network utilities. The changes add additional clarity for plan users.	Recommend that submission S16/013 is accepted and Policy 1.4 is amended as follows: To recognise the locational, technical and operational requirements <u>and constraints</u> of network utilities and the contribution they make to the functioning and wellbeing of the community <u>and beyond when assessing their location, design and appearance.</u>
54	3A.3 Objectives and Policies (Policy 1.4)	First Gas (formerly Vector Gas) Ltd - S20/010	Support in part	Supports the wording as proposed but seeks the inclusion of additional wording to recognise that some network utilities, particularly linear infrastructure of regional and national significance, provide benefits beyond the immediate community.	Amend Policy 1.4: To recognise the locational, technical and operational requirement of network utilities and the contribution they make to the functioning and wellbeing of the community <u>and beyond when assessing their location, design and appearance.</u>	The requested changes recognise that there are constraints in some cases that need to be considered when assessing new network utilities. The changes add additional clarity for plan users.	Recommend that submission S20/010 is accepted and Policy 1.4 is amended as follows: To recognise the locational, technical and operational requirements <u>and constraints</u> of network utilities and the contribution they make to the functioning and wellbeing of the community <u>and beyond when assessing their location, design and appearance.</u>
55	3A.3 Objectives and Policies (Policy 1.5)	Manawatu-Whanganui Regional Council (Horizons) - S5/015	Support	Support intent.	Retain Policy 1.5 as drafted in PPC55.	Support is noted.	Recommend that submission S5/015 is accepted.
56	3A.3 Objectives and	Transpower New Zealand Limited - S11/022	Oppose	The use of the word 'ensure' within Policy 1.5 is too directive with respect to the location of network utilities	Delete Policy 1.5.	The intent of Policy 1.5 is to ensure network utilities are constructed and located in a way that recognises the environment they are located in, specifically the amenity and landscape values. For instance an urban area vs a rural one; heavily modified vs an	Recommend that submission S11/022 is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
	Policies (Policy 1.5)			particularly when read in contrast to Policy 1.4 which only requires 'recognition' of locational requirements. Transpower requests that Policy 1.5 is deleted because their new policy adequately identifies and requires consideration of adverse effects.		unmodified more pristine area. The submission refers to a new policy, however one was not included in the amendments sought to the Plan through any submission. Deletion of Policy 1.5 is considered inappropriate.	
57	3A.3 Objectives and Policies (Policy 1.5)	Powerco - S16/014	Not stated	Requirement to ensure construction and location that is sensitive to the amenity and landscape values is quite directive, particularly when read in contrast to Policy 1.4. Effects cannot always be avoided, remedied or mitigated.	Delete Policy 1.5 and replace with a new policy as follows: <u>To ensure that significant adverse effects on the environment are avoided, remedied or mitigated.</u> <i>Further Submission by Heritage NZ (FS5/016) supporting this submission.</i>	The proposed wording is vague and does not provide plan users with certainty or guidance as to the effects of concern. The requested policy merely repeats the Act and is not outcomes focused, which the District Plan review is aiming to achieve.	Recommend that submission S16/014 is rejected and FS5/016 by Heritage NZ is rejected.
58	3A.3 Objectives and Policies (Policy 1.5)	Horticulture New Zealand - S23/002	Not stated	The policy should ensure that effects on landowners from network utilities are considered.	Amend Policy 1.5 To ensure network utilities are constructed and located in a manner sensitive to the <u>landuse</u> , amenity, and landscape values where they are located.	Reference to 'land use' is vague and could have multiple meanings depending which zone the works were to occur in. The objective contains reference to the environment, which includes people. The objective is considered to address the submitters concerns.	Recommend that submission S23/002 by Horticulture NZ is rejected.
59	3A.3 Objectives and Policies	Federated Farmers - S1/005	Not stated	The establishment and maintenance of network utilities can have significant adverse effects on adjoining land uses. While this objective provides for the establishment of these utilities, reference should be made to the environment, or existing land use that will host the utility.	That a new Policy is included which reads: <u>1.6 To ensure that any significant adverse effects on the environment and adjoining land uses are avoided, remedied or mitigated.</u> <i>Further Submission by Heritage NZ (FS5/009) supporting this submission.</i> <i>Further Submission by Transpower (FS7/016) opposing this submission.</i> <i>Further Submission by Horticulture NZ (FS10/0010) supporting this submission.</i>	The requested policy wording merely repeats the Act and is not outcomes focused, which the District Plan review is aiming to achieve. The requested policy does not provide guidance to plan users when considering resource consent applications.	Recommend that submission S1/005 by Federated Farmers is rejected and FS5/009 by Heritage NZ is rejected and FS7/016 by Transpower is accepted and FS10/0010 by Horticulture NZ is rejected.
60	3A.3 Objectives and Policies (Objective 2)	Transpower New Zealand Limited - S11/023	Oppose	The intent of the amendment to Objective 2 is to manage effects of others' activities on network utilities, and importantly recognise that there is not only a need to protect the operation of existing utilities (i.e. how they operate now) but also how they may be upgraded or developed in the future.	Amend Objective 2 as follows: <u>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 regionally and nationally important infrastructure and other network utilities, including the National Grid.</u> <del>protect the operation of network utilities, including infrastructure of regional and national importance, from the potential adverse effects of subdivision, use, development and other land use activities.</del> <i>Further Submission by NZ Defence Force (FS3/006) supporting in part this submission.</i> <i>Further Submission by Horizons (FS4/009) supporting in part this submission.</i> <i>Further Submission by Federated Farmers (FS9/012) opposing this submission.</i> <i>Further Submission by Horticulture NZ (FS10/020) opposing in part this submission.</i>	While the submitter seeks consistency with the NPS the use of 'avoid' is an absolute and has a specific meaning from recent case law which ultimately would see the Plan prohibiting activities in key areas. This was not likely to be the intention of the submitter. The requested wording, in part, provides a clearer objective for the issues of concern, which is to manage the effects of others' activities on network utilities. The phrase 'planned development' has also been defined for the purposes of the Plan (see S16/015). In response to another submission the objective has been recommended to change to provide greater clarity for plan users. A definition for replacement is also recommended under S16/001 to ensure clarity for plan users.	Recommend that submission S11/023 by Transpower is accepted in part and FS3/006 by NZ Defence Force is accepted and FS4/009 by Horizons is accepted and FS9/012 by Federated Farmers is rejected and FS10/020 by Horticulture NZ is rejected and FS13/0010 by Powerco is accepted and Objective 2 is amended as follows: <u>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</u> from the potential adverse effects of subdivision, use, development and land use activities.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
					<i>Further Submission by Powerco (FS13/0010) supporting in part this submission.</i>		
61	3A.3 Objectives and Policies (Objective 2)	Federated Farmers - S1/006	Not stated	Federated Farmers considers that many farming activities do not cause reverse sensitivity effects and should not be captured by such District Plan provisions. Policy 10 of the NPSET only seeks to ensure that electricity transmission of the national grid is not compromised. Policy 11 only requires that 'sensitive activities' need to be managed, which are specifically defined in the NPS as schools, houses and hospitals. Many uninhabited farm buildings and primary production structures should not be managed as sensitive activities.	That Objective 2 is amended to read: To protect the operation of network utilities from the potential adverse effects of subdivision and other land use activities <u>associated with sensitive activities. Other non-sensitive activities can occur, for example those near transmission lines when they comply with NZECP34:2001 safety distances.</u> <i>Further Submission by Transpower (FS7/018) opposing this submission.</i> <i>Further Submission by Horticulture NZ (FS10/019) supporting this submission.</i>	The suggested additions change in the intent of the objective to just sensitive activities and the provisions of the NPSET which essentially only covers Transpower activities. This is considered to be too narrow for guiding decision making on resource consents for all network utilities.	Recommend that submission S1/006 by Federated Farmers is rejected and FS7/018 by Transpower is accepted and FS10/019 by Horticulture NZ is rejected.
62	3A.3 Objectives and Policies (Objective 2)	NZ Transport Agency - S7/007	Support	Support Objective 2 and is supportive of avoiding reverse sensitivity issues which may arise between network utilities and neighbouring activities such as residential dwellings.	Retain as notified.	Support is noted.	Recommend that submission S7/007 by NZ Transport Agency is accepted.
62	3A.3 Objectives and Policies (Objective 2)	New Zealand Defence Force - S8/006	Support	NZDF supports the provisions for network utilities.	Retain provisions as notified or wording to similar effect.	Support is noted.	Recommend that submission S8/006 by NZ Defence Force is accepted.
62	3A.3 Objectives and Policies (Objective 2)	Manawatu-Whanganui Regional Council (Horizons) - S5/016	Support	Support Intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/008 by Horizons is accepted.
62	3A.3 Objectives and Policies (Objective 2)	Spark - S17/008	Support		Retain Objective 2.	Support is noted.	Recommend that submission S17/008 by Spark is accepted.
63	3A.3 Objectives and Policies (Objective 2)	Powerco - S16/015	Not stated	Support intent. Seek to include provision for upgrading. Unlike buildings or land use activities, location of utilities is dictated by demand and availability of alternatives can be constrained such that it is more appropriate to upgrade than develop a new utility. Maintenance and replacement is essential work that must be carried out to ensure the safe and efficient operation of existing network utilities.	Amend Objective 2 as follows: To protect the operation, <u>maintenance, replacement and upgrading of existing</u> network utilities, including infrastructure of regional and national importance, <u>and the planned development of new network utilities</u> from the potential adverse effects of subdivision, use, development and land use activities. <i>Further Submission by Horizons (FS4/0010) supporting in part this submission.</i>	The requested wording, in part, provides a clearer objective for the issues of concern, which is to manage the effects of others' activities on network utilities. The requested distinction between existing infrastructure, and planned development has merit, provided 'planned development' is clearly defined in the District Plan. The change recommended will provide greater clarity for plan users. In relation to 'planned development', the intention is for the objective to relate to those developments that are the subject of a lodged or granted resource consent, or where the development has been designated. A new definition has been recommended to reflect this. In relation to replacement, a definition is recommended under S16/001 to ensure clarity for plan users.	Recommend that submission S16/015 by Powerco is accepted and FS4/0010 by Horizons is accepted and Objective 2 is amended and a new definition for 'planned development' included as follows: To protect the operation, <u>maintenance, replacement and upgrading of existing</u> network utilities, including infrastructure of regional and national importance, <u>and the planned development of new network utilities</u> from the potential adverse effects of subdivision, use, development and land use activities.  <u>Planned Development 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>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
63	3A.3 Objectives and Policies (Objective 2)	First Gas (formerly Vector Gas) Ltd - S20/011	Support in part	Supports the wording in principle as proposed, but seeks amendment to reflect that the maintenance, replacement and minor upgrading should also be protected from effects of other's land use activities.	Amend Objective 2 To protect the operation, <u>maintenance, replacement and minor upgrading</u> of network utilities, including infrastructure of regional and national importance, from the potential adverse effects of subdivision, use, development and other land use activities. <i>Further Submission by Horizons (FS4/008) supporting in part this submission.</i>	The requested wording, in part, provides a clearer objective for the issues of concern, which is to manage the effects of others' activities on network utilities. The change recommended will provide greater clarity for plan users. Note that changes have been requested by another submission and are also recommended with respect to this objective.	Recommend that submission S20/011 is accepted in part and FS4/008 by Horizons is accepted and Objective 2 is amended as follows: To protect the operation, <u>maintenance, replacement and upgrading of existing</u> network utilities, including infrastructure of regional and national importance, <u>and the planned development of new network utilities</u> from the potential adverse effects of subdivision, use, development and land use activities.
64	3A.3 Objectives and Policies (Objective 2)	Chorus New Zealand Limited - S18/009	Support		Retain Objective 2.	Support is noted.	Recommend that submission S18/009 is accepted.
65	3A.3 Objectives and Policies	Transpower New Zealand Limited - S11/027	Oppose	A policy specific to protecting the National Grid is sought because of the direction given by the NPSET (policies 10 and 11). The policy wording also seeks to narrow the type of activities that shall be avoided, and those that can be managed to the extent that National Grid is not compromised.	Add a new Policy as follows: <u>To manage the effects of subdivision, development and land use on the safe, effective and efficient operation, maintenance, upgrading and development of the National Grid by ensuring that:</u> <ul style="list-style-type: none"> <li><u>areas are identified in the Plan to establish safe buffer distances for managing subdivision and land use development near the National Grid.</u></li> <li><u>Sensitive activities and large scale structures are excluded from establishing within National Grid Yards.</u></li> <li><u>Subdivision is managed around the National Grid to avoid subsequent land use from restricting the operation, maintenance, upgrading and development of the National Grid.</u></li> <li><u>Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid.</u></li> </ul> <i>Further Submission by Federated Farmers (FS9/009) supporting in part this submission.</i> <i>Further Submission by Horticulture NZ (FS10/007) supporting in part this submission.</i> <i>Further Submission by Horticulture NZ (FS10/022) supporting in part this submission.</i>	The provisions requested by the submitter are already covered by proposed Policies 1.3, 2.1, 2.2, and 2.3. However, a specific policy that recognises the National Grid would provide clarity for plan users. It is understood that a discussion has taken place between Transpower and Federated Farmers, and they have both agreed that reference should be made to sensitive activities and intensive land uses. Transpower seek to limit intensive land use structures from establishing in the National Grid Yard. In this case, uninhabited barn structures would be acceptable, but structures associated with factory farming or milking sheds are not.  The District Plan already has definitions for intensive farming and farm buildings. There is no existing definition for intensive land uses, which could cause confusion for plan users. It is not considered appropriate that any farm building or intensive farming is located within the National Grid Yard, given the importance of the National Grid. On that basis the recommended changes include the existing definitions contained in the District Plan.	Recommend that submission S11/027 is accepted in part and FS9/009 by Federated Farmers is accepted and FS10/007 by Horticulture NZ is accepted and FS10/022 by Horticulture NZ is accepted and a new policy under Objective 2 is added as follows: <u>To manage the effects of subdivision, development and land use on the safe, effective and efficient operation, maintenance and upgrading of the National Grid by ensuring that:</u> <ul style="list-style-type: none"> <li><u>areas are identified in the Plan to establish safe buffer distances for managing subdivision and land use development near the National Grid.</u></li> <li><u>Sensitive activities, intensive farming and farm buildings are excluded from establishing within the National Grid Yard.</u></li> <li><u>Subdivision is managed around the National Grid Corridor to avoid subsequent land use from restricting the operation, maintenance and upgrading of the National Grid.</u></li> <li><u>Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance and upgrading of the National Grid.</u></li> </ul>
66	3A.3 Objectives and Policies (Policy 2.1)	Transpower New Zealand Limited - S11/024	Oppose	The intent of the amendment to Objective 2 is to manage effects of others' activities on network utilities, and importantly recognise that there is not only a need to protect the operation of existing utilities (i.e. how they operate now) but also how they may be upgraded or developed in the future.	Amend Policy 2.1 as follows: To ensure that any vegetation is planted and maintained to avoid interference with network utilities <u>including transmission lines and the vegetation and planting around transmission lines</u> (National Grid) <u>Yard shall comply with the Electricity (Hazards from Trees) Regulations 2003.</u> <i>Further Submission by Horticulture NZ (FS10/021) supporting this submission.</i>	Changes requested alter the intent from a policy to a method. The requirement to comply with the Electricity (Hazards from Trees) Regulations 2003 is already appropriately covered in the Rules.	Recommend that submission S11/024 is rejected and FS10/021 by Horticulture NZ is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
67	3A.3 Objectives and Policies (Policy 2.1)	NZ Transport Agency - S7/008	Support	Support Policy 2.1 and is supportive of avoiding reverse sensitivity issues which may arise between network utilities and neighbouring activities such as residential dwellings.	Retain as notified.	Support is noted.	Recommend that submission S7/008 by NZ Transport Agency is accepted.
67	3A.3 Objectives and Policies (Policy 2.1)	New Zealand Defence Force - S8/007	Support	NZDF support the provisions for network utilities.	Retain provisions as notified or wording to similar effect.	Support is noted.	Recommend that submission S8/007 by NZ Defence Force is accepted.
67	3A.3 Objectives and Policies (Policy 2.1)	Manawatu-Whanganui Regional Council (Horizons) - S5/017	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/017 by Horizons is accepted.
67	3A.3 Objectives and Policies (Policy 2.1)	Manawatu-Whanganui Regional Council (Horizons) - S5/018	Support	Support intent.	Retain Policy 2.1 as drafted in PPC55.	Support is noted.	Recommend that submission S5/018 by Horizons is accepted.
67	3A.3 Objectives and Policies (Policy 2.1)	Powerco - S16/016	Not stated		Retain Policy 2.1 without modification.	Support is noted.	Recommend that submission S16/016 by Powerco is accepted.
67	3A.3 Objectives and Policies (Policy 2.1)	First Gas (formerly Vector Gas) Ltd - S20/012	Support	Supports the wording in 2.1 in that it protects essential infrastructure from third party activities which may compromise its safe, efficient and effective functioning.	Retain Policy 2.1	Support is noted.	Recommend that submission S20/012 by First Gas is accepted.
68	3A.3 Objectives and Policies (Policy 2.2)	KiwiRail Holdings Limited (KiwiRail) - S2/005	Support	Support the requirements to manage potential effects from adjacent developments and activities on the ability to safely operate the network utility, including in relation to reserve sensitivity, subdivision and development.	Retain as notified.	Support is noted.	Recommend that submission S2/005 by KiwiRail is accepted.
68	3A.3 Objectives and Policies (Policy 2.2)	NZ Transport Agency - S7/009	Support	Support Policy 2.2 and is supportive of avoiding reverse sensitivity issues which may arise between network utilities and neighbouring activities such as residential dwellings.	Retain as notified.	Support is noted.	Recommend that submission S7/009 by NZ Transport Agency is accepted.
68	3A.3 Objectives and Policies (Policy 2.2)	Manawatu-Whanganui Regional Council (Horizons) - S5/019	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/019 by Horizons is accepted.
68	3A.3 Objectives and Policies (Policy 2.2)	Transpower New Zealand Limited - S11/025	Not stated		Retain Policy 2.2.	Support is noted.	Recommend that submission S11/025 by Transpower is accepted.
68	3A.3 Objectives and Policies (Policy 2.2)	Spark - S17/009	Support		Retain Policy 2.2	Support is noted.	Recommend that submission S17/009 by Spark is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
69	3A.3 Objectives and Policies (Policy 2.2)	Horticulture New Zealand - S23/003	Not stated	Reverse sensitivity is an issue for a range of activities in the Plan and it needs to be clear what the term means. In particular it needs to be clear who is the sensitive party and how this can affect other land uses.	Include a definition for reverse sensitivity as follows: <u>Reverse sensitivity occurs when occupants of a new development (for example, a lifestyle block) complain about the effects of an existing, lawfully established activity (for example, noise or smell from industry or farming). This can have the effect of imposing economic burdens operational limitations or other constraints on the existing activity thereby reducing its viability.</u> <i>Further Submission by Powerco (FS13/032) opposing this submission.</i>	A definition for reverse sensitivity has been introduced through PC52 Industrial Zone which was notified at the same time as PC55. The proposed definition reads: <b>REVERSE SENSITIVITY</b> means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities, which are sensitive to the adverse environmental effects being generated by the pre-existing activity.  It is understood that no submissions were made on this definition. The approach taken in the District Plan is to avoid generalized statements for reverse sensitivity, and instead include specific provisions to manage and address any issues. For example to require setback distances, or restrict the height of certain structures. The zone provisions within the District Plan address the issues raised in this submission. For instance the setback distances between the industrial zone and residential zone.	Recommend that submission S23/003 by Horticulture NZ is rejected and FS13/032 by Powerco is accepted.
70	3A.3 Objectives and Policies (Policy 2.2)	Powerco - S16/017	Not stated	Support intent. Seek to include provision for upgrading. Unlike buildings or landuse activities, location of utilities is dictated by demand and availability of alternatives can be constrained such that it is more appropriate to upgrade than develop a new utility. Maintenance and replacement is essential work that must be carried out to ensure the safe and efficient operation of existing network utilities.	Amend Policy 2.2 as follows: To require that appropriate separation of activities is maintained to enable the safe operation, <u>maintenance, replacement and upgrading of existing</u> network utilities, and avoid reverse sensitivity <u>and/or risk</u> issues.	Appropriate to include maintenance and upgrading into the policy given these are important parts of the safe and efficient operation of network utilities. A definition for replacement is recommended under S16/001 to ensure clarity for plan users. Reference to risk is subjective and would potentially cause uncertainty for plan users. The addition of risk to the policy is therefore not supported.	Recommend that submission S16/017 by Powerco is accepted in part and Policy 2.2 is amended as follows: To require that appropriate separation of activities is maintained to enable the safe operation, <u>maintenance, replacement and upgrading</u> of network utilities, and avoid reverse sensitivity issues.
71	3A.3 Objectives and Policies (Policy 2.2)	Chorus New Zealand Limited - S18/010	Support		Retain Policy 2.2	Support is noted.	Recommend that submission S18/010 by Chorus is accepted.
72	3A.3 Objectives and Policies (Policy 2.3)	Transpower New Zealand Limited - S11/026	Oppose	Seeks that the notified Policy 2.3 specifically excludes the National Grid and that the new policy requested applies instead. With regard to the National Grid, there are some activities that can take place within proximity to National Grid assets provided certain standards are met. The use of the words 'avoid adverse effects' is a very broad and onerous restriction on subdivision and development which Transpower considers to be inappropriate.	Amend Policy 2.3 as follows: To ensure all subdivision and development is designed to avoid adverse effects on the operation, access, maintenance and upgrading of network utilities <u>(except the National Grid).</u> <i>Further Submission by Horticulture NZ (FS10/023) supporting in part this submission.</i> <i>Further Submission by Powerco (FS13/011) opposing in part this submission.</i>	A new policy has been recommended under Objective 2 that specifically refers to the National Grid. It is therefore unnecessary to include this reference in Policy 2.3.	Recommend that submission S11/026 by Transpower is rejected and FS10/023 by Horticulture NZ is rejected and FS13/011 by Powerco is accepted.
73	3A.3 Objectives and Policies (Policy 2.3)	KiwiRail Holdings Limited (KiwiRail) - S2/006	Support	Support the requirements to manage potential effects from adjacent developments and activities on the ability to safely operate the network utility, including in relation to reverse sensitivity, subdivision and development.	Retain as notified.	Support is noted.	Recommend that submission S2/006 by KiwiRail is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
73	3A.3 Objectives and Policies (Policy 2.3)	NZ Transport Agency - S7/010	Support	Support Policy 2.3 and is supportive of avoiding reverse sensitivity issues which may arise between network utilities and neighbouring activities such as residential dwellings.	Retain as notified.	Support is noted.	Recommend that submission S7/010 by NZ Transport Agency is accepted.
73	3A.3 Objectives and Policies (Policy 2.3)	New Zealand Defence Force - S8/008	Support	NZDF support the provisions for network utilities.	Retain provisions as notified or wording to similar effect.	Support is noted.	Recommend that submission S8/008 by NZ Defence Force is accepted.
73	3A.3 Objectives and Policies (Policy 2.3)	Manawatu-Whanganui Regional Council (Horizons) - S5/020	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/020 by Horizons is accepted.
73	3A.3 Objectives and Policies (Policy 2.3)	Spark - S17/010	Support		Retain Policy 2.3.	Support is noted.	Recommend that submission S17/010 by Spark is accepted.
74	3A.3 Objectives and Policies (Policy 2.3)	Powerco - S16/018	Not stated	Amend to clarify that potential effects of planned network utilities (e.g. designations not yet given effect or utilities identified in structure plans) should also be managed.	Amend Policy 2.3 as follows: To ensure all subdivision and development is designed to avoid adverse effects on the operation, access, maintenance, <u>replacement</u> and upgrading of <u>existing or planned</u> network utilities. <i>Further Submission by First Gas (FS11/013) supporting this submission.</i>	Changes requested to Policy 2.3 would ensure consistency with other changes recommended through submissions. In response to a previous submission by the submitter, a new term (and definition) are proposed to be used for 'planned development'. This should also apply to this policy. A definition for replacement is also recommended under S16/001 to ensure clarity for plan users.	Recommend that submission S16/018 by Powerco is accepted and FS11/013 by First Gas is accepted and Policy 2.3 is amended as follows: To ensure all subdivision and development is designed to avoid adverse effects on the operation, access, maintenance, <u>replacement</u> and upgrading of <u>existing or planned development</u> of network utilities.
75	3A.3 Objectives and Policies (Policy 2.3)	First Gas (formerly Vector Gas) Ltd - S20/014	Support	Supports the wording in 2.3 in that it protects essential infrastructure from third party activities which may compromise its safe, efficient and effective functioning.	Retain Policy 2.3	Support is noted.	Recommend that submission S20/014 by First Gas is accepted.
75	3A.3 Objectives and Policies (Policy 2.3)	Chorus New Zealand Limited - S18/011	Support		Retain Policy 2.3.	Support is noted.	Recommend that submission S18/011 by Chorus is accepted.
76	3A.3 Objectives and Policies (Objective 3)	Heritage New Zealand Pouhere Taonga - S3/009	Oppose	Reads same as Policy 3.2 and does not reference the protection of areas of natural, cultural and historic heritage from the adverse effects of network utilities (which is provided for in Rule 3A.4.2.1). The objective should address the broader protection of these areas, while the policies then focus on the more specific restricting of development in certain areas and avoiding, remedying or mitigating adverse effects on historical, cultural and natural heritage values. The use of 'heritage' is not specific enough to the different types of heritage being covered. The phrase 'natural, cultural and	Replace Objective 3 with the following: <u>To protect areas of significant natural, cultural and historic heritage from the potential adverse effects of the subdivision, use and development of network utilities.</u> <i>Further Submission by Transpower (FS7/021) opposing this submission.</i>	There are a number of submissions which all request changes to Objective 3. The intent of the proposed objective was to protect those few areas in the District that have significant heritage or landscape value. The submissions on Objective 3 generally seek to broaden the objective and create a separation between Objective 3 and Policy 3.2. This is supported. In reviewing all submissions changes are proposed to the Objective to better reflect the intent, the provisions of Section 6(b) of the Act, and to provide greater clarity for plan users.	Recommend that submission S3/009 by Heritage NZ is accepted in part and FS7/021 by Transpower is rejected and Objective 3 is deleted and a new objective is inserted as follows: <u>To protect the values that are important to significant heritage and landscape areas from the development of network utilities.</u>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				historic heritage' is considered best practice.			
77	3A.3 Objectives and Policies (Objective 3)	Transpower New Zealand Limited - S11/028	Oppose	Oppose Objective 3 as it does not recognise that it may not be technically feasible to locate new network utilities and regionally and nationally important infrastructure within a road corridor. It assumes that the adverse effects of such development outside of the road corridor has the potential to generate adverse effects on heritage and landscape values if it is not. Transpower considers this is inconsistent with the NPSET with respect to the National Grid. The intent of the amendments is to acknowledge that the National Grid is linear and has locational and other constraints. These constraints together with the benefits that this infrastructure provides to the district and beyond (i.e. potentially rendering them no 'inappropriate') need to be acknowledged and provided for. NPSET Policy 8 which provides a framework for National Grid activities in rural environments specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line or 'must' requirement. Requests that the objective and policies are separated to address the effects that are sought to be managed within areas of significant heritage and landscape value respectively.	Amend Objective 3 as follows: To <u>protect</u> restrict, except within an existing road carriageway, the development of network utilities within areas of significant heritage and landscape value <u>Outstanding Natural Features and Landscapes from inappropriate development of network utilities</u> to recognising the values of these important areas.  <i>Further Submission by First Gas (FS11/014) supporting this submission.</i>	There are a number of submissions which all request changes to Objective 3. The intent of the proposed objective was to protect those few areas in the district that have significant heritage or landscape value. The submissions on Objective 3 generally seek to broaden the objective and create a separation between Objective 3 and Policy 3.2. This is supported. In reviewing all submissions changes are proposed to the Objective to better reflect the intent, the provisions of Section 6(b) of the Act, and to provide greater clarity for plan users.	Recommend that submission S11/028 by Transpower is accepted in part and FS11/014 by First Gas is accepted in part and Objective 3 is deleted and a new objective is inserted as follows:  <u>To protect the values that are important to significant heritage and landscape areas from the development of network utilities.</u>
78	3A.3 Objectives and Policies (Objective 3)	Powerco - S16/019	Not stated	As currently drafted objective repeats Policy 3.2. Seek to broaden the objective to relate to effects of network utilities generally, whilst still ensuring consistency with the Act.	Amend Objective 3 as follows: To <del>protect</del> restrict, except within an existing road carriageway, the development of network utilities within areas of significant heritage and landscape value recognising the values of Outstanding Natural Features and Landscapes from inappropriate development of network utilities.	There are a number of submissions which all request changes to Objective 3. The intent of the proposed objective was to protect those few areas in the district that have significant heritage or landscape value. The submissions on Objective 3 generally seek to broaden the objective and create a separation between Objective 3 and Policy 3.2. This is supported. In reviewing all submissions changes are proposed to the Objective to better reflect the intent, the provisions of Section 6(b) of the Act, and to provide greater clarity for plan users.	Recommend that submission S16/019 by Powerco is accepted in part and Objective 3 is deleted and a new objective is inserted as follows:  <u>To protect the values that are important to significant heritage and landscape areas from the development of network utilities.</u>
79	3A.3 Objectives and Policies (Objective 3)	Spark - S17/011	Support in part	There are instances where there is a wider benefit to locating telecommunications or radiocommunications infrastructure within these areas, as well as a technical requirement or functional need.	Amend Objective 3 as follows: 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, <u>alongside economic, cultural and social benefits derived from the network utilities being</u>	There are a number of submissions which all request changes to Objective 3. The intent of the proposed objective was to protect those few areas in the district that have significant heritage or landscape value. The submissions on Objective 3 generally seek to broaden the objective and create a separation between Objective 3 and Policy 3.2. This is supported. In reviewing all submissions changes are proposed to the Objective to better reflect the intent,	Recommend that submission S17/011 by Spark is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
					located in those areas, as well as the adverse effects of not providing those network utilities, and the technical requirements and functional need for network utilities to be located in those areas.  <i>Further Submission by Heritage NZ (FS5/021) opposing this submission.</i>	the provisions of Section 6(b) of the Act, and to provide greater clarity for plan users.  The requested changes by the submitter change the intent of the objective, and the wording recommended as a result of other submissions. On that basis the changes requested are not supported.	
79	3A.3 Objectives and Policies (Objective 3)	Chorus New Zealand Limited - S18/012	Support in part	There are instances where there is a wider benefit to locating telecommunications or radiocommunications infrastructure within these areas, as well as a technical requirement or functional need.	Amend Objective 3 as follows:  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, alongside economic, cultural and social benefits derived from the network utilities being located in those areas, as well as the adverse effects of not providing those network utilities, and the technical requirements and functional need for network utilities to be located in those areas.  <i>Further Submission by Heritage NZ (FS5/002) opposing this submission.</i>	There are a number of submissions which all request changes to Objective 3. The intent of the proposed objective was to protect those few areas in the District that have significant heritage or landscape value. The submissions on Objective 3 generally seek to broaden the objective and create a separation between Objective 3 and Policy 3.2. This is supported. In reviewing all submissions changes are proposed to the Objective to better reflect the intent, the provisions of Section 6(b) of the Act, and to provide greater clarity for plan users.  The requested changes by the submitter change the intent of the objective, and the wording recommended through other submissions. On that basis the changes requested are not supported.	Recommend that submission S18/012 by Chorus is rejected.
80	3A.3 Objectives and Policies (Objective 3)	First Gas (formerly Vector Gas) Ltd - S20/015	Oppose	Considers the intent of the objective should be to protect such values from inappropriate development of network utilities, as opposed to a blanket restriction.	Amend objective 3  To restrict, except within an existing road carriageway, the development of network utilities within protect areas of significant heritage and landscape value from inappropriate development of network utilities recognising the values of these important areas	There are a number of submissions which all request changes to Objective 3. The intent of the proposed objective was to protect those few areas in the District that have significant heritage or landscape value. The submissions on Objective 3 generally seek to broaden the objective and create a separation between Objective 3 and Policy 3.2. This is supported. In reviewing all submissions changes are proposed to the Objective to better reflect the intent, the provisions of Section 6(b) of the Act, and to provide greater clarity for plan users.	Recommend that submission S20/015 by First Gas is accepted in part and Objective 3 is deleted and a new objective is inserted as follows:  <u>To protect the values that are important to significant heritage and landscape areas from the development of network utilities.</u>
81	3A.3 Objectives and Policies	Transpower New Zealand Limited - S11/031	Oppose	Oppose Objective 3 and its policies as they do not recognise that it may not be technically feasible to locate new network utilities and regionally and nationally important infrastructure within a road corridor. It assumes that the adverse effects of such development outside of the road corridor has the potential to generate adverse effects on heritage and landscape values if it is not. Transpower considers this is inconsistent with the NPSET with respect to the National Grid. The intent of the amendments is to acknowledge that the National Grid is linear and has locational and other constraints. These constraints together with the benefits that this infrastructure provides to the district and beyond (i.e. potentially rendering them no 'inappropriate') need to be acknowledged and provided for. NPSET Policy 8 which provides a framework for	Add a new policy as follows:  <u>Seek to avoid adverse effects generated by the National Grid on areas of significant landscape value while taking in to 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 in assessing its location, design and appearance.</u>  <i>Further Submission by Horizons (FS4/019) opposing this submission.</i>  <i>Further Submission by Heritage NZ (FS5/027) opposing this submission.</i>  <i>Further Submission by Horticulture NZ (FS10/013) supporting this submission.</i>	While the submitter seeks consistency with the NPS the use of 'avoid' is an absolute and has a specific meaning from recent case law which ultimately would see the Plan prohibiting activities in key areas. This was not likely to be the intention of the submitter.  This submission point links to the other requests of the submitter to delete proposed Policies 3.1 and 3.2, and replace them with this new policy. This approach would not provide policy support for the consideration of the effects of other network utilities on sensitive areas listed in the District Plan appendices. This approach would also potentially undermine the ability of the District Plan to give effect to the One Plan.  The intent of the requested changes are already provided for in Policies 1.1 and 1.4, and Objective 2 and Policy 2.2. On that basis the new policy is considered unnecessary.	Recommend that submission S11/031 by Transpower is rejected as FS4/019 by Horizons is accepted and FS5/027 by Heritage NZ is accepted and FS10/013 by Horticulture NZ is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				National Grid activities in rural environments specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line or 'must' requirement. Requests that the objective and policies are separated to address the effects that are sought to be managed within areas of significant heritage and landscape value respectively.			
82	3A.3 Objectives and Policies (Policy 3.1)	Heritage New Zealand Pouhere Taonga - S3/010	Oppose in part	Current policy does not protect sites of cultural and historical heritage value. These are also vulnerable to adverse effects from utility infrastructure, both where the infrastructure is located within the site or adjacent to it. Reference to items in Appendix 1E and 1F should be included. Reference to avoid, remedy, mitigate should be used here as this would allow greater flexibility in distinguishing between Category A, B and C items in the appendices. The current drafting uses the word 'area' to refer to the range of items in the appendices. This could create the impression that the policy applies to more than just what is in the appendices. Specific reference to natural, historical, and cultural heritage values is also recommended.	Amend Policy 3.1 as follows: <u>To avoid, remedy or mitigate the adverse effects of the subdivision, use and development of network utilities on the natural, historical, and cultural heritage values of the items scheduled in Appendix 1C (Outstanding Natural Features), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value).</u>	The intention of Policy 3.1 was to protect the values of those areas specifically scheduled in the District Plan as Outstanding Natural Features and Landscapes. The same level of protection is afforded to areas of historic heritage through section 6 of the Act. On that basis it would be appropriate to include reference to those areas in Appendix 1E and 1F of the District Plan.  Including reference to avoid, remedy and mitigate merely repeats the Act and does not provide guidance or clarity for plan users.	Recommend that submission S3/010 by Heritage NZ is accepted in part and Policy 3.1 is amended as follows:  To protect the values that cause an Outstanding Natural Feature and Landscape to be <del>identified</del> <u>scheduled</u> in Appendix 1C ( <u>Outstanding Natural Features</u> ) or a <u>site of historic heritage scheduled in Appendix 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value)</u> from inappropriate subdivision, use and development.
83	3A.3 Objectives and Policies (Policy 3.1)	Transpower New Zealand Limited - S11/029	Oppose	Oppose Policy 1.3 as it does not recognise that it may not be technically feasible to locate new network utilities and regionally and nationally important infrastructure within a road corridor. It assumes that the adverse effects of such development outside of the road corridor has the potential to generate adverse effects on heritage and landscape values if it is not. Transpower considers this is inconsistent with the NPSET with respect to the National Grid. The intent of the amendments is to acknowledge that the National Grid is linear and has locational and other constraints. These constraints together with the benefits that	Delete Policy 3.1. <i>Further Submission by Horizons (FS4/017) opposing this submission.</i> <i>Further Submission by Heritage NZ (FS5/025) supporting in part this submission.</i>	The intention of Policy 3.1 was to protect the values of those areas specifically scheduled in the District Plan as Outstanding Natural Features and Landscapes.  While the submitter seeks consistency with the NPS the use of 'avoid' is an absolute and has a specific meaning from recent case law which ultimately would see the Plan prohibiting activities in key areas. This was not likely to be the intention of the submitter.  This submission point links to the other requests of the submitter for a new policy that specifically relates only to Transpower, which is recommended for inclusion in the District Plan (see S11/027).  The deletion of Policy 3.1 is not supported as the approach would not provide policy support for the consideration of the effects of other network utilities on sensitive areas listed in the District Plan appendices. This approach would also potentially undermine the ability of the District Plan to give effect to the One Plan.	Recommend that submission S11/029 by Transpower is rejected and FS4/017 by Horizons is accepted and FS5/025 by Heritage NZ is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				this infrastructure provides to the district and beyond (i.e. potentially rendering them no 'inappropriate') need to be acknowledged and provided for. NPSET Policy 8 which provides a framework for National Grid activities in rural environments specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line or 'must' requirement. Requests that the objective and policies are separated to address the effects that are sought to be managed within areas of significant heritage and landscape value respectively.			
83	3A.3 Objectives and Policies (Policy 3.1)	Powerco - S16/020	Not stated		Delete Policy 3.1 as this policy is now incorporated into the amendments sought to Objective 3. <i>Further Submission by Heritage NZ (FS5/017) supporting in part this submission.</i>	The intention of Policy 3.1 was to protect the values of those areas specifically scheduled in the District Plan as Outstanding Natural Features and Landscapes. Through other submissions this has been expanded to historic heritage areas listed in the District Plan appendices.  This submission point links to the other requests of the submitter relating to changes to Objective 3. Those changes are not supported, however a new Objective 3 is recommended. Deletion of this policy is not supported as it would not provide policy support for the consideration of the effects of network utilities on sensitive areas listed in the District Plan appendices. This approach would also potentially undermine the ability of the District Plan to give effect to the One Plan.	Recommend that submission S16/020 by Powerco is rejected and FS5/017 by Heritage NZ is rejected.
84	3A.3 Objectives and Policies (Policy 3.2)	Heritage New Zealand Pouhere Taonga - S3/011	Support in part	Support with amendment. Current drafting uses word 'area' however not all items in the appendices are 'areas' and should be referred to as 'items'. Development can then be restricted in the area or setting of these items. Reference to significant heritage and landscape value is unnecessary as it is already a criterion for being scheduled in the appendices. Development should also be restricted in the area of setting of scheduled items in Appendix 1E as these can be adversely effected by network utilities. e.g. a transformer cabinet adjacent to a heritage buildings can adversely affect the historical, cultural and natural heritage values due to it being out of place.	Amend Policy 3.2 as follows: To restrict development of network utilities, except within an existing road carriageway, within <del>the area or setting of items scheduled significant heritage and landscape value</del> 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), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) unless there is no alternative location. <i>Further Submission by Powerco (FS13/014) opposing in part this submission.</i>	Reference by the submitter to the 'setting of an item scheduled' is considered to be unclear and ambiguous.  With the recommendation to include reference in Objective 3 to buildings and objects with heritage value it is appropriate to include reference to these within this policy, with other minor referencing improvements for consistency.  Note that through another submission, reference to 'no practicable alternative location' has also been included in the policy.	Recommend that submission S3/001 by Heritage NZ is accepted in part and FS13/014 by Powerco is rejected and Policy 3.2 amended as follows:  To restrict the development of network utilities, except within an existing road carriageway, within areas <del>scheduled of significant heritage and landscape value</del> 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), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) unless there is no <u>practicable</u> alternative location.
85	3A.3 Objectives and Policies (Policy 3.2)	Transpower New Zealand Limited - S11/030	Oppose	Oppose Policy 3.2 as it does not recognise that it may not be technically feasible to locate new network utilities and regionally and nationally	Delete Policy 3.2. <i>Further Submission by Horizons (FS4/018) opposing this submission.</i>	The intention of Policy 3.2 was to restrict development in those areas scheduled in Appendix 1 of the existing District Plan.  While the submitter seeks consistency with the NPS the use of the word 'avoid' is an absolute and has a specific meaning from recent	Recommend that submission S11/030 by Transpower is rejected and FS4/018 by Horizons is accepted and FS5/026 by Heritage NZ is accepted and FS13/015 by Powerco is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				important infrastructure within a road corridor. It assumes that the adverse effects of such development outside of the road corridor has the potential to generate adverse effects on heritage and landscape values if it is not. Transpower considers this is inconsistent with the NPSET with respect to the National Grid. The intent of the amendments is to acknowledge that the National Grid is linear and has locational and other constraints. These constraints together with the benefits that this infrastructure provides to the district and beyond (i.e. potentially rendering them no 'inappropriate') need to be acknowledged and provided for. NPSET Policy 8 which provides a framework for National Grid activities in rural environments specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line or 'must' requirement. Requests that the objective and policies are separated to address the effects that are sought to be managed within areas of significant heritage and landscape value respectively.	<i>Further Submission by Heritage NZ (FS5/026) opposing this submission.</i> <i>Further Submission by Powerco (FS13/015) supporting in part this submission.</i>	case law which ultimately would see the Plan prohibiting activities in key areas. This was not likely to be the intention of the submitter.  This submission point links to the other requests of the submitter for a new policy that specifically relates only to Transpower. This is not supported as it would not provide policy support for the consideration of the effects of other network utilities on sensitive areas listed in the District Plan appendices. This approach would also potentially undermine the ability of the District Plan to give effect to the One Plan.	
86	3A.3 Objectives and Policies (Policy 3.2)	Powerco - S16/021	Not stated	Term practicable should be added to recognise that there may be alternatives, but that these may not be practicable (i.e. unless there is no practicable alternative). Primary way of minimising adverse effects is through careful route selection. In route selection significant landscapes and other sensitive areas will be identified and taken into account when arriving at the most appropriate line route, although the provision of the Plan should not have the effect of making such areas inviolable and should ensure that significant landscapes and other areas are clearly identified. A line may be have to traverse part of an area because to do otherwise may result in greater overall effects from the line route.	Amend Policy 3.2 as follows:  To limit the development of network utilities within Outstanding Natural Features and Landscapes 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) and 1F (Sites with Heritage Value) unless there is no <u>practicable</u> alternative location. <i>Further Submission by Forest and Bird (FS1/009) opposing this submission.</i> <i>Further Submission by Heritage NZ (FS5/018) supporting this submission.</i>	A review of the Outstanding Natural Features and Landscapes has occurred as part of the Rural Zone Review, with new areas proposed. In considering the potential areas of Outstanding Natural Features and Landscapes, there are few areas where existing infrastructure is within the scheduled areas. Therefore the risk of triggering the need to consider these policies is considered to be low.  However, there is merit in the suggestion that consideration of future consent applications, should they occur, should recognise that alternatives may be possible and should be considered.  The objective does not require avoidance of network utilities within outstanding natural features and landscapes. On that basis it is considered appropriate to include reference to 'practicable'.  Note that other changes are recommended to the policy by another submission but in a manner consistent with its intent.	Recommend that submission S16/021 by Powerco is accepted and FS1/009 by Forest and Bird is rejected and FS5/018 by Heritage NZ is accepted and Policy 3.2 amended as follows:  To restrict the development of network utilities, except within an existing road carriageway, within areas <u>scheduled of significant heritage and landscape value</u> 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), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) unless there is no <u>practicable</u> alternative location.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
86	3A.3 Objectives and Policies (Policy 3.2)	First Gas (formerly Vector Gas) Ltd - S20/016	Support in part	In most circumstances there will be an alternative, but it may not be practicable for many reasons. First Gas considers proposal in this context should consider what is the next practicable option	Amend Policy 3.2 To restrict the development of network utilities, except within an existing road carriageway, within areas 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) and 1F (Sites with Heritage Value) unless it <u>represents the best practicable option</u> . There is no alternative location. <i>Further Submission by Forest and Bird (FS1/005) opposing this submission.</i> <i>Further Submission by Heritage NZ (FS5/012) supporting in part this submission.</i>	A review of the Outstanding Natural Features and Landscapes has occurred as part of the Rural Zone Review which is underway, with new areas proposed. In considering the potential areas of Outstanding Natural Features and Landscapes, there are few areas where existing infrastructure is within the scheduled areas. Therefore the risk of triggering the need to consider these policies is considered to be low.  However, there is merit in the suggestion that consideration of future consent applications, should they occur, should recognise that alternatives may be possible and should be considered.  The objective does not require avoidance of network utilities within outstanding natural features and landscapes. On that basis it is considered appropriate to include reference to practicable.  Note that other changes are recommended to the policy by another submission but in a manner consistent with its intent.	Recommend that submission S20/016 by First Gas is accepted and Policy 3.2 amended as follows:  To restrict the development of network utilities, except within an existing road carriageway, within areas <u>scheduled of significant heritage and landscape value</u> 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), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) unless there is no <u>practicable</u> alternative location.
87	3A.3 Objectives and Policies (Policy 3.2)	Spark - S17/012	Support in part	The wider community benefits of and the technical requirement or functional need to locate telecommunications and radiocommunications infrastructure in areas of significant heritage and landscape value needs to be reflected in Policy 3.2.	Amend Policy 3.2 as follows: <del>To restrict the development of network utilities, except within an existing road carriageway, within areas 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) and 1F (Sites with Heritage Value) unless there is no alternative location.</del>  <u>Consider the following matters where new network utilities or major upgrades to network utilities are proposed within areas of significant heritage and landscape value in Appendix 1A (Wetlands, Lakes, River and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves)), 1C Outstanding Natural Features), 1D (Trees with Heritage Value) and 1F (Sites with Heritage Value):</u> <u>(a) the economic, cultural and social benefits derived from the network utility and the adverse effects of not providing the network utility;</u> <u>(b) whether the network utility has a functional or operational need to be located in or traverse the proposed location;</u> <u>(c) the need for utility connections across or through such areas to enable an effective and efficient network;</u> <u>(d) whether there are any practicable alternative locations, routes, or designs, which would avoid, or reduce adverse effects on the values of those places, while having regard to Policy 3.2 (a) - (c);</u> <u>(e) the extent of existing adverse effects and potential cumulative adverse effects;</u>	As a result of other submissions, Policy 3.2 is proposed to be amended to refer to 'no practicable alternative location'. It is considered that this goes some way to address the concerns of the submitter.  The submission requests a complete change in focus/intent of Policy 3.2, which is not supported.  The recommended amendments to Objective 3, and in conjunction with Objective 1 and associated policies, address the issues raised in this submission. The objective does not seek to avoid any development in significant areas and is already enabling in intent.	Recommend that submission S17/012 by Spark is rejected and FS1/011 by Forest and Bird is accepted and FS4/002 by Horizons is accepted and FS5/022 is accepted and FS13/013 by Powerco is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
					<p>(f) <u>how the proposed network utility contributes to the strategic form or function of the Manawatu;</u></p> <p>(g) <u>the type, scale and extent of adverse effects on the identified values of the area;</u></p> <p>(h) <u>whether adverse effects on the identified values of the area must be avoided pursuant to any national policy statement, national environmental standard, or regional policy statement.</u></p> <p><i>Further Submission by Forest and Bird (FS1/011) opposing this submission.</i></p> <p><i>Further Submission by Horizons (FS4/002) opposing this submission.</i></p> <p><i>Further Submission by Heritage NZ (FS5/022) opposing this submission.</i></p> <p><i>Further Submission by Powerco (FS13/013) supporting in part this submission.</i></p>		
87	3A.3 Objectives and Policies (Policy 3.2)	Chorus New Zealand Limited - S18/013	Support in part	The wider community benefits of and the technical requirement or functional need to locate telecommunications and radiocommunications infrastructure in areas of significant heritage and landscape value needs to be reflected in Policy 3.2.	<p>Amend Policy 3.2 as follows:</p> <p><del>To restrict the development of network utilities, except within an existing road carriageway, within areas 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) and 1F (Sites with Heritage Value) unless there is no alternative location.</del></p> <p><u>Consider the following matters where new network utilities or major upgrades to network utilities are proposed within areas of significant heritage and landscape value in Appendix 1A (Wetlands, Lakes, River and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves)), 1C Outstanding Natural Features), 1D (Trees with Heritage Value) and 1F (Sites with Heritage Value):</u></p> <p>(a) <u>the economic, cultural and social benefits derived from the network utility and the adverse effects of not providing the network utility;</u></p> <p>(b) <u>whether the network utility has a functional or operational need to be located in or traverse the proposed location;</u></p> <p>(c) <u>the need for utility connections across or through such areas to enable an effective and efficient network;</u></p> <p>(d) <u>whether there are any practicable alternative locations, routes, or designs, which would avoid, or reduce adverse effects on the values of those places, while having regard to Policy 3.2 (a) - (c);</u></p>	<p>As a result of other submissions, Policy 3.2 is proposed to be amended to refer to 'no practicable alternative location'. It is considered that this goes some way to address the concerns of the submitter.</p> <p>The submission requests a complete change in focus/intent of Policy 3.2 which is not supported.</p> <p>The recommended amendments to Objective 3, and in conjunction with Objective 1 and associated policies, address the issues raised in this submission. The objective does not seek to avoid any development in significant areas and is already enabling in intent.</p>	Recommend that submission S18/013 by Chorus is rejected and FS1/001 is accepted and FS4/003 by Horizons is accepted and FS5/003 by Heritage NZ is accepted and FS10/002 by Horticulture NZ is rejected and FS13/012 by Powerco is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
					<p>(e) <u>the extent of existing adverse effects and potential cumulative adverse effects;</u></p> <p>(f) <u>how the proposed network utility contributes to the strategic form or function of the Manawatu;</u></p> <p>(g) <u>the type, scale and extent of adverse effects on the identified values of the area;</u></p> <p>(h) <u>whether adverse effects on the identified values of the area must be avoided pursuant to any national policy statement, national environmental standard, or regional policy statement.</u></p> <p><i>Further Submission by Forest and Bird (FS1/001) opposing this submission.</i></p> <p><i>Further Submission by Horizons (FS4/003) opposing this submission.</i></p> <p><i>Further Submission by Heritage NZ (FS5/003) opposing this submission.</i></p> <p><i>Further Submission by Horticulture NZ (FS10/002) supporting this submission.</i></p> <p><i>Further Submission by Powerco (FS13/012) supporting in part this submission.</i></p>		
88	3A.3 Objectives and Policies	First Gas (formerly Vector Gas) Ltd - S20/017	Not stated	The District Plan is required to 'recognise and provide for' regionally and nationally significant infrastructure and on that basis a policy under Objective 3 should be provided with considers their locational, operational and technical constraints.	<p>New Policy 3X</p> <p><u>Consider the location, technical and operational requirements of regionally and nationally significant infrastructure and the contribution they make to the functioning and well-being of the community and beyond when assessing their location, design and appearance.</u></p> <p><i>Further Submission by Heritage NZ (FS5/013) opposing this submission.</i></p>	The matters of concern raised by the submitter are already covered by recommended changes to Objective 1 and its policies. There is also a recommended change to Policy 3.2 which introduces reference to 'no practicable alternative location'. Therefore it is considered unnecessary to add an additional policy as requested.	Recommend that submission S20/017 by First Gas is rejected and FS5/013 by Heritage NZ is accepted.
89	3A.4 Rules	Federated Farmers - S1/007	Not stated	As many utilities are constructed over private land they can have a major effect during construction and upgrading and can perpetually restrict use and enjoyment of that land. The ability to participate in a resource consent process for an activity that will occur on their land will be vital for landowners and will ensure that there will be consideration of the extent to which the adverse effects can be avoided, remedied or mitigated. We are concerned that a permitted activity status will not consider adverse effects on landowners and is not reliant on any standards of consultation.	<p>That the following activities listed in 3A.4.1 are made discretionary activities.</p> <p>A, the operation, maintenance, minor upgrading or repair of utilities existing as at (notification date)</p> <p>B, construction, operation, and upgrading of roads and railway lines within the exiting road reserve or railway corridor</p> <p>C, radiocommunication and/or telecommunication facilities, cables and lines, including those underground</p> <p>G, the construction, maintenance and upgrading of any new electricity lines and associated transformers up to and including 110kv.</p> <p>K, railway crossing warning devices and barrier arms.</p> <p><i>Further Submission by Transpower (FS7/027) opposing this submission.</i></p> <p><i>Further Submission by Horticulture NZ (FS10/024) supporting in part this submission.</i></p>	<p>The list of permitted activities has been retained from the current District Plan where they have worked successfully for many years. Many of the activities listed are also covered by existing designations.</p> <p>Requiring these activities as a discretionary activity does not necessarily mean any greater consultation with landowners, than if they remain permitted (as currently the case). Land access agreements are still required and these rules would not change that approach.</p>	Recommend that submission S1/007 by Federated Farmers is rejected and FS7/027 by Transpower is accepted and FS10/024 by Horticulture NZ is rejected and FS11/015 by First Gas is accepted and FS13/016 by Powerco is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
					<p><i>Further Submission by First Gas (FS11/015) opposing this submission.</i></p> <p><i>Further Submission by Powerco (FS13/016) opposing this submission.</i></p>		
90	3A.4 Rules	Federated Farmers - S1/008	Not stated	<p>Federated Farmers has worked in conjunction with Transpower (and other relevant organisations) to come to agreement on what activities are appropriate to be considered permitted activities within the National Grid Yard. To provide certainty to the user Federated Farmers propose that the District Plan includes provisions to enable the following activities.</p>	<p>That the following activities are among those considered permitted activities within the District Plan Network Utility provisions:</p> <p><u>Under the National Grid Conductors (wire):</u></p> <p>In all zones, the following buildings and structures more than 12m from a National Grid Structure foundation or stay wire:</p> <p>(a) Fences less than 2.5m high</p> <p>(b) Uninhabitable farm buildings and structures for farming activities, excluding milking sheds (accessory structures are permitted) and buildings and structures for intensive rural production activities.</p> <p><u>* Activities around National Grid support structures:</u></p> <p>Buildings and structures within 12m from a National Grid support structure:</p> <p>(a) Fences less than 2.5m in height and more than 5m from the nearest support structures.</p> <p><i>Further Submission by Forest and Bird (FS1/004) supporting this submission.</i></p> <p><i>Further Submission by Transpower (FS7/028) opposing this submission.</i></p> <p><i>Further Submission by Horticulture NZ (FS10/025) supporting this submission.</i></p>	<p>The intent of the Rules in section 3A.4 of the District Wide Rules are to manage network utilities, not enable all landuse activities. Rules managing land use activities, as sought by the submitter, would be included in the zone rules, such as the rural zone. This is currently what occurs now, and no change to this approach was signalled as part of this plan change. On that basis it is considered inappropriate to include these provisions in the Network Utility Rules.</p>	<p>Recommend that submission S1/008 by Federated Farmers is rejected and FS1/004 by Forest and Bird is rejected and FS7/028 by Transpower is accepted and FS10/025 by Horticulture NZ is rejected.</p>
91	3A.4 Rules	Heritage New Zealand Pouhere Taonga - S3/013	Support in part	<p>Support subject to new guidance. To assist applicants in assessing if their development could adversely affect areas or sites on the New Zealand Heritage List / Rarangi Korero, consultation with HNZPT should be encouraged.</p>	<p>Add a new guidance note as follows:</p> <p><u>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 that may or will modify or destroy an archaeological site 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:</u></p> <ul style="list-style-type: none"> <li><u>was associated with human activity or the site of the wreck of a vessel that occurred before 1990; and</u></li> <li><u>provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.</u></li> </ul>	<p>The reference requested by the submitter would provide additional certainty for plan users.</p>	<p>Recommend that submission S3/013 by Heritage NZ is accepted and a new guidance note included under Rule 3A.4.1 as follows:</p> <p><u>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:</u></p> <ul style="list-style-type: none"> <li><u>was associated with human activity or the site of the wreck of a vessel that occurred before 1990; and</u></li> <li><u>provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.</u></li> </ul>
92	3A.4 Rules	Transpower New Zealand Limited - S11/032	Support	<p>Generally support the whole permitted activity framework. While compliance with the Electricity (Hazards from</p>	<p>Transpower generally supports the permitted activity rule framework for network utilities as notified, subject to</p>	<p>For many network utilities the trimming and removal of vegetation is an important maintenance activity. While this is considered to be maintenance and permitted under Rule 3A.4.1.a, a specific rule would avoid any confusion and uncertainty.</p>	<p>Recommend that submission S11/032 by Transpower is accepted and a new clause added to Rule 3A.4.1 as follows:</p>

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				Trees) Regulations 2003 is required, the rule framework for network utilities does not specifically permit the works necessary to ensure compliance. Transpower otherwise supports permitted activities listed in 3A.4.1(a)-(o) and seeks that they be retained.	including a new permitted activity rule as follows: <u>Trimming and removal of any vegetation that is required to maintain safe separation distances or the ongoing efficient operation of the line.</u>		<u>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.</u>
93	3A.4 Rules	Powerco - S16/030	Not stated	Supports inclusion of a new permitted activity rule.	Add a new permitted activity rule as follows: <u>Trimming and removal of any vegetation that is required to maintain safe separation distances or the ongoing efficient operation of the line.</u>	For many network utilities the trimming and removal of vegetation is an important maintenance activity. While this is considered to be maintenance and permitted under Rule 3A.4.1.a, a specific rule would avoid any confusion and uncertainty.	Recommend that submission S16/030 by Powerco is accepted and a new clause added to Rule 3A.4.1 as follows: <u>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.</u>
94	3A.4 Rules	Spark - S17/013	Not stated	There is no clarity in this introduction as to whether the District wide rules override the zone rules for bulk and location type provisions. The current wording creates confusion. The introduction to 3A.4 should explicitly state that district wide provisions override the zone provisions in order to eliminate confusion for plan users.	Amend the introduction to 3A.4 Rules as follows: Rules in this chapter apply District-wide. <u>The zone based objectives, policies and rules do not apply to network utilities. and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone.</u>	The submission seeks that all relevant rules for utilities are moved to a standalone chapter within the District Plan. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. For example, compliance with the noise levels in each zone, restrictions of activities in the National Grid Yard in the Residential Zone and Flood Channel Zone and provisions in the Heritage Chapter. In the event that the zone rules were more restrictive, then those provisions were intended to apply.  To enable a standalone network utilities chapter, additional matters would need to be included into the provisions of Chapter 3A. This is considered to be beyond the scope of the current plan change as notified.  Submission S3/007 proposed changes that provide additional clarity that the zone rules do apply. The recommendation to accept these changes should go some way to addressing the concerns raised in the submission.	Recommend that submission S17/013 by Spark is rejected.
94	3A.4 Rules	First Gas (formerly Vector Gas) Ltd - S20/018	Oppose	Strong preference is that the rules in the chapter to be stand-alone for network utilities.	Provide for stand-alone network utilities rules.	The submission seeks that all relevant rules for utilities are moved to a standalone chapter within the District Plan. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. For example, compliance with the noise levels in each zone, restrictions of activities in the National Grid Yard in the Residential Zone and Flood Channel Zone and provisions in the Heritage Chapter. In the event that the zone rules were more restrictive, then those provisions were intended to apply.  To enable a standalone network utilities chapter, additional matters would need to be included into the provisions of Chapter 3A. This is considered to be beyond the scope of the current plan change as notified.  Submission S3/007 proposed changes that provide additional clarity that the zone rules do apply. The recommendation to accept these changes should go some way to addressing the concerns raised in the submission.	Recommend that submission S20/018 by First Gas is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
94	3A.4 Rules	Powerco - S16/022	Not stated	Amend introductory text to delete reference to the zone rules.	Amend introductory text to provide clarity on how the rules are read alongside the rest of the Plan and specifically remove the reference to the need to comply with zone rules as follows:  Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the District Plan maps <u>and the relevant appendices and provisions of the applicable zone.</u>	The submission seeks that all relevant rules for utilities are moved to a standalone chapter within the District Plan. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. For example, compliance with the noise levels in each zone, restrictions of activities in the National Grid Yard in the Residential Zone and Flood Channel Zone and provisions in the Heritage Chapter. In the event that the zone rules were more restrictive, then those provisions were intended to apply.  To enable a standalone network utilities chapter, additional matters would need to be included into the provisions of Chapter 3A. This is considered to be beyond the scope of the current plan change as notified.  Submission S3/007 proposed changes that provide additional clarity that the zone rules do apply. The recommendation to accept these changes should go some way to addressing the concerns raised in the submission.	Recommend that submission S16/022 by Powerco is rejected.
94	3A.4 Rules	Chorus New Zealand Limited - S18/014	Not stated	There is no clarity in this introduction as to whether the District wide rules override the zone rules for bulk and location type provisions. The current wording creates confusion. The introduction to 3A.4 should explicitly state that district wide provisions override the zone provisions in order to eliminate confusion for plan users.	Amend the introduction to 3A.4 Rules as follows:  Rules in this chapter apply District-wide. <u>The zone based objectives, policies and rules do not apply to network utilities. and the chapter needs to be read in conjunction with the District Plan maps, relevant appendices and provisions of the applicable zone.</u>	The submission seeks that all relevant rules for utilities are moved to a standalone chapter within the District Plan. The intention of PPC55 was for the relevant provisions in the zone rules to also apply. For example, compliance with the noise levels in each zone, restrictions of activities in the National Grid Yard in the Residential Zone and Flood Channel Zone and provisions in the Heritage Chapter. In the event that the zone rules were more restrictive, then those provisions were intended to apply.  To enable a standalone network utilities chapter, additional matters would need to be included into the provisions of Chapter 3A. This is considered to be beyond the scope of the current plan change as notified.  Submission S3/007 proposed changes that provide additional clarity that the zone rules do apply. The recommendation to accept these changes should go some way to addressing the concerns raised in the submission.	Recommend that submission S18/014 by Chorus is rejected.
95	3A.4.1 Permitted Activities (a)	KiwiRail Holdings Limited (KiwiRail) - S2/009	Support	Support the operation, maintenance, minor upgrading and repair of existing network utilities being identified as a permitted activity.	Retain as notified.	Support is noted.	Recommend that submission S2/009 by KiwiRail is accepted.
96	3A.4.1 Permitted Activities (a)	First Gas (formerly Vector Gas) Ltd - S20/019	Support in part	Supportive of the provision which enables the operation, maintenance, minor upgrading or repair of network utilities lawfully established at the time of PC55 decision date. Requests clarity that 'replacement' is also provided for.	Amend 3A.4.1 a.:  The operation, maintenance, <u>replacement</u> , minor upgrading or repair of network utilities existing as it [add decision date] or which have been lawfully established.	Replacement of network utilities is an important part of the maintenance of infrastructure. For consistency with changes made to the objectives and policies the submission is supported. A definition for replacement is also recommended under S16/001 to ensure clarity for plan users.	Recommend that submission S20/019 by First Gas is accepted and Rule 3A.4.1a is amended as follows:  The operation, maintenance, <u>replacement</u> , minor upgrading or repair of network utilities existing as it [add decision date] or which have been lawfully established.
97	3A.4.1 Permitted Activities (a)	Powerco - S16/024	Not stated	Support in principle but seeks the date is deleted from rule as not required. If a new facility is established then it should be able to be operated, maintained, and repaired/minor upgraded as a permitted activity. Also question whether the inclusion of repair is required as it is assumed, consistent with the policy approach, that these would fall to be	Amend Rule 3A.4.1(a) as follows:  The operation, maintenance, <u>replacement</u> , minor upgrading or repair of network utilities. <u>existing as at [add decision date] or which have been lawfully established.</u>	Inclusion of the date was to recognise that some network utilities have been established as permitted activities in the past. To avoid any confusion in the future then the reference to 'existing as at the date of decision' would clearly protect the infrastructure and the interests of the network utility operators. A definition for replacement is also recommended under S16/001 to ensure clarity for plan users.	Recommend that submission 16/024 by Powerco is accepted in part and Rule 3A.4.1a is amended as follows:  The operation, maintenance, <u>replacement</u> , minor upgrading or repair of network utilities existing as it [add decision date] or which have been lawfully established.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				considered as maintenance works.			
98	3A.4.1 Permitted Activities (b)	KiwiRail Holdings Limited (KiwiRail) - S2/010	Support	Support that the construction, operation, maintenance, realignment and upgrading of roads and railway lines within the road reserve or railway corridor is provided for.	Retain as notified.	Support is noted. A change is recommended through another submission but this does not change the intention of the provision.	Recommend that submission S2/010 by KiwiRail is accepted.
98	3A.4.1 Permitted Activities (b)	NZ Transport Agency - S7/011	Support	Support permitted activity status for the construction, operation, maintenance, realignment and upgrading of roads within the road reserve.	Retain as notified.	Support is noted. A change is recommended through another submission but this does not change the intention of the provision.	Recommend that submission S7/011 by NZ Transport Agency is accepted.
99	3A.4.1 Permitted Activities (b)	Horticulture New Zealand - S23/004	Not stated	Considers that some network utility activities can be undertaken as permitted activities, but where there are likely to be effects on landowners then consent should be required so the adverse effects can be considered.	Amend 3A.4.1b. by deleting the word 'construction' b. <del>Construction</del> , operation, maintenance, minor upgrading or repair of network utilities existing as at [add decision date] or which have been lawfully established. <i>Further Submission by Forest and Bird (FS1/007) supporting this submission.</i>	The rule enables the construction of roads and railway lines within the road reserve or rail corridor. These terms essentially relate to land owned by Council or designated by NZTA or KiwiRail. It is appropriate to enable construction within these areas.	Recommend that submission S23/004 by Horticulture NZ is rejected.
100	3A.4.1 Permitted Activities (c)	Powerco - S16/025	Not stated	Support in principle however Rule 3A.4.1(c) permits radiocommunication and/or telecommunication facilities, cables and lines, including those underground, provided that they comply with the standards of Rule 3A.4.2. As drafted the inclusion of 'including those underground' could be read to imply that underground works are not necessarily provided for in respect of other utilities.	Amend Rule 3A.4.1(c) as follows: Radiocommunication and/or telecommunication facilities, cables and lines. <del>including those underground.</del>	The concerns of the submitter are supported. The way the submitter has interpreted the rule to imply underground waters are not provided for was not the intention in drafting the rule.	Recommend that submission S16/025 by Powerco is accepted and Rule 3A.4.1.c is amended as follows: Radiocommunication and/or telecommunication facilities, cables and lines. <del>including those underground.</del>
101	3A.4.1 Permitted Activities (c)	Powerco - S16/027	Support		Retain Rule 3A.4.1(c).	Support is noted. Changes have been recommended in response to other submissions, but these have not changed the overall intent of the Rule.	Recommend that submission S16/027 by Powerco is accepted.
102	3A.4.1 Permitted Activities (c)	Spark - S17/014	Support in part	Provision should be amended to provide clarity and ensure all construction, operation, maintenance and upgrading of telecommunication and radiocommunication facilities is permitted, subject to compliance with the relevant standards.	Amend Rule 3A 4.1.c as follows: c. <u>The construction, operation, maintenance and upgrading of</u> radiocommunication and/or telecommunication facilities, cables and lines, including those underground.	Changes as requested by the submitter would provide clarity to plan users. Rule 3A.4.1.a permits all existing network utilities including Radiocommunication and telecommunication facilities. The addition to Rule 3A.4.1.c provides for new facilities, provided that they comply with the performance standards in Rule 3A.4.2. This is considered appropriate. Changes are also recommended in response to another submission for clarification.	Recommend that submission S17/014 by Spark is accepted and Rule 3A.4.1.c is amended as follows: <u>The construction, operation, maintenance and minor upgrading of</u> radiocommunication and/or telecommunication facilities, cables and lines, <del>including those underground.</del>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
102	3A.4.1 Permitted Activities (c)	Chorus New Zealand Limited - S18/015	Support in part	Provision should be amended to provide clarity and ensure all construction, operation, maintenance and upgrading of telecommunication and radiocommunication facilities is permitted, subject to compliance with the relevant standards.	Amend Rule 3A 4.1.c as follows: c. <u>The construction, operation, maintenance and upgrading of radiocommunication and/or telecommunication facilities, cables and lines, including those underground.</u>	Changes as requested by the submitter would provide clarity to plan users. Rule 3A.4.1.a permits all existing network utilities including Radiocommunication and telecommunication facilities. The addition to Rule 3A.4.1.c provides for new facilities, provided that they comply with the performance standards in Rule 3A.4.2. This is considered appropriate. Changes are also recommended in response to another submission for clarification.	Recommend that submission S18/015 by Chorus is accepted and Rule 3A.4.1.c is amended as follows: <u>The construction, operation, maintenance and minor upgrading of radiocommunication and/or telecommunication facilities, cables and lines, including those underground.</u>
103	3A.4.1 Permitted Activities (f)	Powerco - S16/028	Support		Retain Rule 3A.4.1(f).	Support is noted.	Recommend that submission S16/028 by Powerco is accepted.
104	3A.4.1 Permitted Activities (f)	First Gas (formerly Vector Gas) Ltd - S20/020	Oppose	Is of the opinion that there is limited difference as to whether a pipe is for transmission or distribution - it is the gauge pressure which is the key determinant. New and major upgrades of transmission pipelines should be provided for as a permitted activity up to 2,000kPa.	Amend 3A.4.1f: Pipes for the distribution <del>and (but not transmission)</del> of natural or manufactured gas <u>and liquid petroleum</u> at a gauge pressure not exceeding 2000kPa including any necessary ancillary equipment such as household connections and compressor stations.	The existing proposed provisions were intended to cover liquid petroleum. Retaining reference to natural or manufactured gas, and referring only to distribution, is consistent with all neighbouring districts thereby providing consistency for plan users and utility operators.	Recommend that submission S20/020 by First Gas is rejected.
105	3A.4.1 Permitted Activities (g)	Powerco - S16/026	Not stated	Notes that electricity networks are made up of a number of component pieces, not just lines, transformers and switchgear, which form an integral but not exclusive part of the network. Seek a more general reference to provide for this other equipment rather than listing different items. Also seeks inclusion of repair if it is to be retained in Rule 3A.4.1(a). Alternatively Rule 3A.4.1(g) could just relate to construction and rely on Rule 3A.4.1(a) to capture operation, maintenance, minor upgrading and repair of network utilities (assuming the date is also deleted as sought).	Amend Rule 3A.4.1(g) as follows: The construction, operation, maintenance, <u>replacement</u> and upgrading of any new electricity lines up to and including 110kV and associated <u>equipment such as</u> transformers and switchgear. <i>Further Submission by Horticulture NZ (FS10/026) opposing in part this submission.</i>	Replacement of network utilities is an important part of the maintenance of infrastructure. For consistency, noting changes recommended to be made to the objectives and policies, the submission regarding reference to 'replacement' is supported. A definition for replacement is recommended under S16/001 to ensure clarity for plan users. Regarding reference to transformers and switchgear, these components were included to clearly identify what is within the permitted activity. Use of associated 'equipment' is too broad and considered to be too uncertain for plan users.	Recommend that submission S16/026 by Powerco is accepted in part and FS10/026 by Horticulture NZ is rejected and Rule 3A.4.1.g is amended as follows: The construction, operation, maintenance, <u>replacement</u> and upgrading of any new electricity lines up to and including 110kV and associated transformers and switchgear.
106	3A.4.1 Permitted Activities (g)	Horticulture New Zealand - S23/005	Not stated	Considers that some network utility activities can be undertaken as permitted activities, but where there are likely to be effects on landowners then consent should be required so the adverse effects can be considered.	Amend 3A.4.1 g. by deleting the word 'construction' g. <del>The construction,</del> operation, maintenance and upgrading of any new electricity lines up to and including 110kV and associated transformers and switchgear. <i>Further Submission by Forest and Bird (FS1/008) supporting this submission.</i>	In the future there may be a need to expand electricity lines in the District to cope with growth and development. To restrict the construction of new lines is considered unnecessary. Network utility operators are still required to consult with and seek access from landowners.	Recommend that submission S23/005 by Horticulture NZ is rejected and FS1/008 by Forest and Bird is rejected.
107	3A.4.1 Permitted Activities (h)	Manawatu-Whanganui Regional Council (Horizons) - S5/047	Neither support nor oppose	Definition of network utilities includes all infrastructure listed in Policy 3-1(a) of the One Plan, but not the facilities and assets listed in Policy 3-1 (b). This means that solid waste facilities, existing flood	That clause (h) of Rule 3A 4.1 be deleted and that new permitted activity rules be inserted to provide for these facilities and assets within the relevant zone chapters OR That the definition of network utilities be amended so that it includes not only	In response to another submission the definition of network utilities has been amended to include those facilities and assets listed in One Plan Policy 3-1.b. Existing network utilities are permitted under Rule 3A.4.1.a.	Recommend that submission S5/047 by Horizons is accepted and FS7/022 by Transpower is rejected recognising the changes recommended to the definitions.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				protection schemes, and NZ Defence Force facilities are not included. There is a disconnect between the policy framework and Rule 3A.4.1. It is not clear whether some permitted activities provided for by Rule 3A.4.1 are included in the District Plan definition of network utilities, and they may therefore not be supported by the objectives and policies in Section 3A.	infrastructure but also the facilities and assets listed in One Plan Policy 3-1(b). <i>Further Submission by Transpower (FS7/022) opposing in part this submission.</i>		
108	3A.4.1 Permitted Activities (j)	KiwiRail Holdings Limited (KiwiRail) - S2/011	Support	That railway crossing warning devices and barrier arms are also specifically provided for as permitted activities is supported by KiwiRail.	Retain as notified.	Support is noted.	Recommend that submission S2/011 by KiwiRail is accepted.
109	3A.4.1 Permitted Activities (k)	KiwiRail Holdings Limited (KiwiRail) - S2/026	Support	That Railway crossing warning devices and barrier arms are also specifically provided for as permitted activities is supported.	Retain as notified.	Support is noted.	Recommend that submission S2/026 by KiwiRail is accepted.
110	3A.4.1 Permitted Activities (n)	Powerco - S16/029	Support		Retain Rule 3A.4.1(n).	Support is noted.	Recommend that submission S16/029 by Powerco is accepted.
111	3A.4.1 Permitted Activities (Guidance Note 1)	Transpower New Zealand Limited - S11/033	Support	Supports the guidance notes and seeks that they are retained as notified.	Support/retain.	Support is noted.	Recommend that submission S11/033 by Transpower is accepted.
112	3A.4.1 Permitted Activities (Guidance Note 1)	Spark - S17/015	Not stated	The statement makes it sound like both the District Plan provisions and the NES provisions may apply, whereas the NES provisions override District Plan provisions. Clarity is needed.	Amend the guidance note by improving clarity that NES provisions override District Plan provisions if there is a conflict between them. [Also note that if the second generation NESTF is made operative before Draft Plan Change 55, then the reference to the NESTF (2008) will need to be amended.]	The addition of a reference that the provisions of the National Environmental Standards override the District Plan would add clarity for plan users.	Recommend that submission S17/015 by Spark is accepted and Guidance Note 1 is amended as follows: The provisions of the National Environmental Standard for Telecommunications Facilities (2008) apply and resource consent may be required under those Standards. <u>In the event of a conflict between them the provisions of the National Environmental Standard override the District Plan.</u>
112	3A.4.1 Permitted Activities (Guidance Note 1)	Chorus New Zealand Limited - S18/016	Not stated	The statement makes it sound like both the District Plan provisions and the NES provisions may apply, whereas the NES provisions override District Plan provisions. Clarity is needed.	Amend the guidance note by improving clarity that NES provisions override District Plan provisions if there is a conflict between them. [Also note that if the second generation NESTF is made operative before Draft Plan Change 55, then the reference to the NESTF (2008) will need to be amended.]	The addition of a reference that the provisions of the National Environmental Standards override the District Plan would add clarity for plan users.	Recommend that submission S18/016 by Chorus is accepted and Guidance Note 1 is amended as follows: The provisions of the National Environmental Standard for Telecommunications Facilities (2008) apply and resource consent may be required under those Standards. <u>In the event of a conflict between them the provisions of the National Environmental Standard override the District Plan.</u>
113	3A.4.1 Permitted Activities (Guidance Note 2)	Manawatu-Wanganui Regional Council (Horizons) - S5/042	Not stated	Support guidance note advising plan users that earthworks are also regulated by the One Plan. In addition to earthworks there may be other consents required from Horizons for certain activities such as diversion of flood waters for new roads or land drainage activities.	Amend the second guidance note under Rule 3A 4.1 as follows: <u>Water takes, diversion and earthworks</u> are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the One Plan. <i>Further Submission by Powerco (FS13/017) opposing in part this submission.</i>	The changes requested are designed to assist plan users on where the One Plan may also apply and are supported.	Recommend that submission S5/042 by Horizons is accepted and FS13/017 by Powerco is rejected and Guidance Note 2 is amended as follows: <u>Water takes, diversion and earthworks</u> are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the One Plan.
114	3A.4.1 Permitted Activities	Transpower New Zealand Limited - S11/034	Support	Supports the guidance notes and seeks that they are retained as notified.	Support/retain.	Support is noted.	Recommend that submission S11/034 by Transpower is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
	(Guidance Note 2)						
115	3A.4.1 Permitted Activities (Guidance Note 3)	Transpower New Zealand Limited - S11/035	Support	Supports the guidance notes and seeks that they are retained as notified.	Support/retain.	Support is noted.	Recommend that submission S11/035 by Transpower is accepted.
116	3A.4.1 Permitted Activities (Guidance Note 4)	Transpower New Zealand Limited - S11/036	Support	Supports the guidance notes and seeks that they are retained as notified.	Support/retain.	Support is noted.	Recommend that submission S11/036 by Transpower is accepted.
117	3A.4.1 Permitted Activities (Guidance Note 4)	Powerco - S16/031	Not stated	Vegetation and planting around any electricity line, not just transmission lines, must comply with the Electricity (Hazards from Trees) Regulations 2003. As drafted the note could imply that compliance is only required in respect of the National Grid. Support inclusion of a more generic guidance note.	Amend Guidance Note 4 as follows: Vegetation and planting around <del>Transmission</del> all Electricity Lines (including the National Grid) shall comply with the Electricity (Hazards from Trees) Regulations 2003.	Changes requested provide greater clarity and are supported.	Recommend that submission S16/031 by Powerco is accepted and Guidance Note 4 amended as follows: Vegetation and planting around <del>Transmission</del> all Electricity Lines (including the National Grid) shall comply with the Electricity (Hazards from Trees) Regulations 2003.
118	3A.4.1 Permitted Activities (Guidance Note 5)	Transpower New Zealand Limited - S11/037	Support	Supports the guidance notes and seeks that they are retained as notified.	Support/retain.	Support is noted.	Recommend that submission S11/037 by Transpower is accepted.
119	3A.4.1 Permitted Activities (Guidance Note 5)	Powerco - S16/032	Support	Support but seeks minor amendment to ensure Plan users appreciate that the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).	Amend Guidance Note 5 as follows: 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 the lines, <u>and must be complied with.</u> <i>Further Submission by Transpower (FS7/023) supporting this submission.</i>	Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory. The requested changes reflect this, adds clarity for plan users and are supported.	Recommend that submission S16/032 by Powerco is accepted and FS7/023 by Transpower is accepted and Guidance Note 5 is amended as follows: 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 the lines, <u>and must be complied with.</u>
120	3A.4.2 Standards for Permitted Activities	Powerco - S16/023	Not stated	Amend introductory text to delete reference to the zone rules.	Amend the introductory text to section 3A.4.2 as follows: <del>For all zone, the</del> The permitted activities specified in Rule 3A.4.1 above must comply with the following standards:	Reference to zones was to provide clarity to plan users that the rules apply to all zones, unlike some other parts of the District Wide Rules. The reference remains appropriate.	Recommend that submission 16/023 by Powerco is rejected.
121	3A.4.2 Standards for Permitted Activities (a - i)	Powerco - S16/033	Not stated	Standard applies a permitted threshold dependant on which zone the utility is constructed and whether the utility is new or existing. However definition of minor upgrading only provides for increasing the carrying capacity or efficiency of an existing utility. Increasing the height, to achieve compliance with NZECP34:2001 may not be regarded as improving the carrying capacity or efficiency	Amend Rule 3A.4.2(a) as follows: <del>New</del> <u>Unless otherwise specifically provided for, network utilities, with the exception of</u> and minor upgrading must not exceed a maximum height of: (i) 9m within the Residential or Village Zone, or (ii) 20m in all other zones.	In response to another submission, the definition of 'minor upgrading' has been amended to include reference to the need to achieve compliance with NZECP34:2001. In response to other submissions, the permitted activity height limits have also been increased in all zones except the Residential and Village zones. On that basis the changes requested are unnecessary.	Recommend that submission S16/033 by Powerco is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				and therefore not comply with the permitted activity rules.			
122	3A.4.2 Standards for Permitted Activities (a - i)	Spark - S17/016	Not stated	9m height for masts is appropriate in the Residential and Village Zones. Spark and Chorus seek a mast height of 25m in the Rural 1 and Rural 2 Zones. The greater the height of a mast the greater the area of coverage, and therefore lessens the need for multiple masts. A 22m height limit should be afforded to all other zones. The guidance note should allow for an additional 3m of height for antennas, and ancillary equipment to antennas only, with lightning rods being excluded. The rules should follow the direction given in the Objectives and Policies which encourage co-location. Co-location of two or more providers on one mast can occur, but requires vertical separation between each company's antennas to avoid interference. Additional height should be afforded to encourage operators to locate on a single mast.	Amend Rule 3A.4.2.a as follows: a. New network utilities must not exceed a maximum height of i. 9m within the Residential or Village Zone, or ii. <u>25m within the Rural 1 and Rural 2 Zones.</u> or iii. <del>20m</del> <u>22m</u> for all other zones.	Given the District comprises of 96% Rural Zone, it would be appropriate to enable slightly higher network utilities, particularly to enable co-location of infrastructure. The height limit for all other zones requested by the submitter is supported.	Recommend that submission S17/016 by Spark is accepted and Rule 3A.4.2.a is amended as follows: New network utilities and minor upgrading must not exceed a maximum height of i. 9m within the Residential or Village Zone, or ii. <u>25m within the Rural Zone.</u> or iii. <del>20m</del> <u>22m</u> for all other zones.
122	3A.4.2 Standards for Permitted Activities (a - i)	Chorus New Zealand Limited - S18/017	Not stated	9m height for masts is appropriate in the Residential and Village Zones. Spark and Chorus seek a mast height of 25m in the Rural 1 and Rural 2 Zones. The greater the height of a mast the greater the area of coverage, and therefore lessens the need for multiple masts. A 22m height limit should be afforded to all other zones. The guidance note should allow for an additional 3m of height for antennas, and ancillary equipment to antennas only, with lightning rods being excluded. The rules should follow the direction given in the Objectives and Policies which encourage co-location. Co-location of two or more providers on one mast can occur, but requires vertical separation between each company's antennas to avoid interference. Additional height should be afforded to encourage operators to locate on a single mast.	Amend Rule 3A.4.2.a as follows: a. New network utilities must not exceed a maximum height of i. 9m within the Residential or Village Zone, or ii. <u>25m within the Rural 1 and Rural 2 Zones.</u> or iii. <del>20m</del> <u>22m</u> for all other zones.	Given the District comprises of 96% Rural Zone, it would be appropriate to enable slightly higher network utilities, particularly to enable co-location of infrastructure. The height limit for all other zones requested by the submitter is supported.	Recommend that submission S18/017 by Chorus is accepted and Rule 3A.4.2.a is amended as follows: New network utilities and minor upgrading must not exceed a maximum height of i. 9m within the Residential or Village Zone, or ii. <u>25m within the Rural Zone.</u> or iii. <del>20m</del> <u>22m</u> for all other zones.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
123	3A.4.2 Standards for Permitted Activities (Guidance Note)	Spark - S17/017	Not stated	9m height for masts is appropriate in the Residential and Village Zones. Spark and Chorus seek a mast height of 25m in the Rural 1 and Rural 2 Zones. The greater the height of a mast the greater the area of coverage, and therefore lessens the need for multiple masts. A 22m height limit should be afforded to all other zones. The guidance note should allow for an additional 3m of height for antennas, and ancillary equipment to antennas only, with lightning rods being excluded. The rules should follow the direction given in the Objectives and Policies which encourage co-location. Co-location of two or more providers on one mast can occur, but requires vertical separation between each company's antennas to avoid interference. Additional height should be afforded to encourage operators to locate on a single mast.	Amend the Guidance Note as follows: Guidance Note: Antennas ( <u>including any ancillary equipment</u> ) <del>or lightning rods</del> that do not extend 3m above the height of the building or mast are excluded from the 9m, <del>22m or 25m or 20m</del> limit above. The mast heights provided in i, <u>ii and iii</u> above can be increased by 5m if the mast is used by more than one telecommunications provider. <u>Lightning rods may exceed the maximum height</u> . Refer also to Clause f relating to transmission line requirements.	Support the request to exclude lightning rods from the height limit. These are typically small and play a vital role in service security and functioning. Other changes requested reflect the previous submissions regarding height in the Rural zone and have already been addressed.	Recommend that submission S17/017 by Spark is accepted and the Guidance Note is amended as follows: Guidance Note: Antennas ( <u>including any ancillary equipment</u> ) <del>or lightning rods</del> that do not extend 3m above the height of the building or mast are excluded from the 9m, <del>22m or 25m or 20m</del> limits above. The mast heights provided in i, <u>ii and iii</u> above can be increased by 5m if the mast is used by more than one telecommunications provider. <u>Lightning rods may exceed the maximum height</u> . Refer also to Clause f relating to transmission line requirements.
123	3A.4.2 Standards for Permitted Activities (Guidance Note)	Chorus New Zealand Limited - S18/018	Not stated	9m height for masts is appropriate in the Residential and Village Zones. Spark and Chorus seek a mast height of 25m in the Rural 1 and Rural 2 Zones. The greater the height of a mast the greater the area of coverage, and therefore lessens the need for multiple masts. A 22m height limit should be afforded to all other zones. The guidance note should allow for an additional 3m of height for antennas, and ancillary equipment to antennas only, with lightning rods being excluded. The rules should follow the direction given in the Objectives and Policies which encourage co-location. Co-location of two or more providers on one mast can occur, but requires vertical separation between each company's antennas to avoid interference. Additional height should be afforded to encourage operators to locate on a single mast.	Amend the Guidance Note as follows: Guidance Note: Antennas ( <u>including any ancillary equipment</u> ) <del>or lightning rods</del> that do not extend 3m above the height of the building or mast are excluded from the 9m, <del>22m or 25m or 20m</del> limit above. The mast heights provided in i, <u>ii and iii</u> above can be increased by 5m if the mast is used by more than one telecommunications provider. <u>Lightning rods may exceed the maximum height</u> . Refer also to Clause f relating to transmission line requirements.	Support the request to exclude lightning rods from the height limit. These are typically small and play a vital role in service security and functioning. Other changes requested reflect the previous submissions regarding height in the Rural zone and have already been addressed.	Recommend that submission S18/018 by Chorus is accepted and the Guidance Note is amended as follows: Guidance Note: Antennas ( <u>including any ancillary equipment</u> ) <del>or lightning rods</del> that do not extend 3m above the height of the building or mast are excluded from the 9m, <del>22m or 25m or 20m</del> limits above. The mast heights provided in i, <u>ii and iii</u> above can be increased by 5m if the mast is used by more than one telecommunications provider. <u>Lightning rods may exceed the maximum height</u> . Refer also to Clause f relating to transmission line requirements.
124	3A.4.2 Standards for	Spark - S17/018	Not stated	It is agreed that setback should apply for masts higher than the permitted activity	Amend Rule 3A.4.2b as follows: Any mast with a height of more than 9m must <del>not be located within 20m of</del> <u>comply</u>	This provision has been retained from the existing District Plan. The intent is to minimise high masts near residential or village areas. The use of a distance rather than a complicated equation provides	Recommend that submission S17/018 by Spark is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
	Permitted Activities (b)			standard in Residential and Village. This setback should not apply to roads.	<u>with a maximum height in relation to boundary of 3m and 45 degree when adjoining any site zoned Residential or Village.</u>	more certainty for plan users. On that basis the requested changes are not supported.	
124	3A.4.2 Standards for Permitted Activities (b)	Chorus New Zealand Limited - S18/019	Not stated	It is agreed that setback should apply for masts higher than the permitted activity standard in Residential and Village. This setback should not apply to roads.	Amend Rule 3A.4.2b as follows: Any mast with a height of more than 9m must <del>not be located within 20m of</del> <u>comply with a maximum height in relation to boundary of 3m and 45 degree when adjoining any site zoned Residential or Village.</u>	This provision has been retained from the existing District Plan. The intent is to minimise high masts near residential or village areas. The use of a distance rather than a complicated equation provides more certainty for plan users. On that basis the requested changes are not supported.	Recommend that submission S18/019 by Chorus is rejected.
125	3A.4.2 Standards for Permitted Activities (c)	Spark - S17/019	Not stated	Standard should be deleted. Roads are an appropriate location for all network utilities, including masts and this is reflected in Policy 1.2. Requiring masts to be setback 20m from the roads in the Rural or Flood Channel zones does not appear to control any actual or potential effects. The NESTF amendments provide for telecommunications to be in natural hazards as the utility is responsible for ensuring that the network continues to function.	Delete Rule 3A.4.2.c in its entirety.	This provisions has been retained from the existing District Plan and is intended to provide safety for road users relating to setting a safety clear zone on the road reserve. The clear zone is a mandatory NZTA requirement for new infrastructure where a potentially significant hazard may be imposed on road users.	Recommend that submission S17/019 by Spark is rejected.
125	3A.4.2 Standards for Permitted Activities (c)	Chorus New Zealand Limited - S18/020	Not stated	Standard should be deleted. Roads are an appropriate location for all network utilities, including masts and this is reflected in Policy 1.2. Requiring masts to be setback 20m from the roads in the Rural or Flood Channel zones does not appear to control any actual or potential effects. The NESTF amendments provide for telecommunications to be in natural hazards as the utility is responsible for ensuring that the network continues to function.	Delete Rule 3A.4.2.c in its entirety.	This provisions has been retained from the existing District Plan and is intended to provide safety for road users relating to setting a safety clear zone on the road reserve. The clear zone is a mandatory NZTA requirement for new infrastructure where a potentially significant hazard may be imposed on road users.	Recommend that submission S17/019 by Chorus is rejected.
126	3A.4.2 Standards for Permitted Activities (d)	Spark - S17/020	Not stated	A 5m setback for masts in all zones is unnecessary. Masts are slim structures that do not give rise to bulk and dominance effects particularly in industrial, business and rural areas.	Amend Rule 3A.4.2.d as follows: No <del>mast</del> , building or structure may be located closer than 5m to any site boundary. This 5m yard does not apply to utility buildings with a floor area of less than 10m <sup>2</sup> , or to overhead lines and cables. <u>Masts are exempt from complying with this standard (compliance with 3A.4.2b is required).</u>	This provision has been retained from the existing District Plan. The intent was to enable some separation distance to the site boundary to ensure effects are contained on the site of the utility. It is noted that the submitter has sought a change to Rule 3A.4.2.b which is not supported.	Recommend that submission S17/020 by Spark is rejected.
126	3A.4.2 Standards for Permitted Activities (d)	Chorus New Zealand Limited - S18/021	Not stated	A 5m setback for masts in all zones is unnecessary. Masts are slim structures that do not give rise to bulk and dominance effects particularly	Amend Rule 3A.4.2.d as follows: No <del>mast</del> , building or structure may be located closer than 5m to any site boundary. This 5m yard does not apply to utility buildings with a floor area of less than 10m <sup>2</sup> , or to overhead lines and cables.	This provision has been retained from the existing District Plan. The intent was to enable some separation distance to the site boundary to ensure effects are contained on the site of the utility. It is noted that the submitter has sought a change to Rule 3A.4.2.b which is not supported.	Recommend that submission S18/021 by Chorus is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				in industrial, business and rural areas.	<u>Masts are exempt from complying with this standard (compliance with 3A.4.2b is required).</u>		
127	3A.4.2 Standards for Permitted Activities (e)	Spark - S17/021	Not stated	Telecommunication cabinets have small footprints and the 10m2 standard should be applied district wide, including the Flood Channel Zone. Reducing to 5m2 has no obvious benefit. The size is unlikely to significantly impede or alter flood flows and the risk of damage from flooding is on the owner of the cabinet.	Amend Rule 3A.4.2.e as follows: Telecommunication cabinets must not exceed 10m2 in area in all zones, <del>except on Flood Channel Zone where cabinets must not exceed 5m2 in area</del>	This provision has been retained from the existing District Plan and recognises that the District has a number of flood ponding areas and can experience some flood issues. The intention of the smaller cabinet size is to ensure buildings (including cabinets) do not displace flood flows and impact on the overall drainage of the areas. The extent of the flood hazard in the District is currently being reviewed and forms part of the Rural Zone Plan Changes expected to be notified in 2017.	Recommend that submission S17/021 by Spark is rejected.
127	3A.4.2 Standards for Permitted Activities (e)	Chorus New Zealand Limited - S18/022	Not stated	Telecommunication cabinets have small footprints and the 10m2 standard should be applied district wide, including the Flood Channel Zone. Reducing to 5m2 has no obvious benefit. The size is unlikely to significantly impede or alter flood flows and the risk of damage from flooding is on the owner of the cabinet.	Amend Rule 3A.4.2.e as follows: Telecommunication cabinets must not exceed 10m2 in area in all zones, <del>except on Flood Channel Zone where cabinets must not exceed 5m2 in area</del>	This provision has been retained from the existing District Plan and recognises that the District has a number of flood ponding areas and can experience some flood issues. The intention of the smaller cabinet size is to ensure buildings (including cabinets) do not displace flood flows and impact on the overall drainage of the areas. The extent of the flood hazard in the District is currently being reviewed and forms part of the Rural Zone Plan Changes expected to be notified in 2017.	Recommend that submission S18/022 by Chorus is rejected.
128	3A.4.2 Standards for Permitted Activities (f - i)	Powerco - S16/034	Not stated	Standard applies a permitted threshold dependant on which zone the utility is constructed and whether the utility is new or existing. However definition of minor upgrading only provides for increasing the carrying capacity or efficiency of an existing utility. Increasing the height, to achieve compliance with NZECP34:2001 may not be regarded as improving the carrying capacity or efficiency and therefore not comply with the permitted activity rules.	Amend Rule 3A.4.2 (f) as follows: Poles or towers associated with electricity transmission and distribution must not, <u>with the exception of minor upgrading of poles or towers</u> , exceed a height of: i. 12m in the Residential and Inner Business Zones, or ii. 20m in all other zones.	Through other submissions the definition of 'minor upgrading' is recommended to be amended to reflect increases in height necessary for compliance with NZECP34:2001. In response to other submissions, the overall height for new network utilities has been increased in the rural zone to 25m. It is considered for electricity lines that the higher limit should also apply.	Recommend that submission S16/034 by Powerco is accepted in part and Rule 3A.4.2.f is amended as follows: Poles or towers associated with electricity transmission and distribution must not exceed a height of: i. 12m in the Residential and Inner Business Zones, or ii. <del>20m</del> 25m in all other zones.
129	3A.4.2 Standards for Permitted Activities (g - i)	Transpower New Zealand Limited - S11/038	Oppose		Amend Rule 3A.4.2 (g) as follows: Buildings and structures within an electricity transmission corridor, including the National Grid Yard must: i. Comply with the New Zealand <u>Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP34:2001) (Note: compliance with the permitted activity standards of the Plan does not ensure compliance with NZECP34:2001)</u> ; and ii. Not exceed a maximum height of 2.5m and an area of 10m2.  <i>Further Submission by Horticulture NZ (FS10/027) supporting this submission.</i>	The changes requested provide additional clarity for plan users, and ensures the correct title of the NZECP is used.	Recommend that submission S11/038 by Transpower is accepted and FS10/027 by Horticulture NZ is accepted and Rule 3A.4.2.g is amended as follows: Buildings and structures within an electricity transmission corridor, including the National Grid Yard must: i. Comply with the New Zealand <u>Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP34:2001) (Note: compliance with the permitted activity standards of the Plan does not ensure compliance with NZECP34:2001)</u> ; and ii. Not exceed a maximum height of 2.5m and an area of 10m2.
130	3A.4.2 Standards for	Horticulture New Zealand - S23/006	Not stated	A number of standards include 'within an electricity transmission corridor' but the	Amend 3A.4.2 g. as follows:	In response to another submission clarification has been recommended to provide plan users greater clarity for how the NZECP applies.	Recommend that submission S23/006 by Horticulture NZ is rejected and FS7/024 by Transpower is rejected, noting that changes are recommended under other submissions.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
	Permitted Activities (g - i)			term 'electricity transmission corridor' is not defined. It needs to be clear where the standards will apply. Standard g) does not need to include reference to a corridor as the distances in NZECP34:2001 will apply.	g. Buildings and structures within an electricity transmission corridor, including the National Grid Yard must: <ul style="list-style-type: none"> <li>i. Comply with the New Zealand Code of Practice for Electrical Safe Distances 2001 (NZECP34:2001), and ...</li> </ul> <p><i>Further Submission by Transpower (FS7/024) supporting in part this submission.</i></p>		
131	3A.4.2 Standards for Permitted Activities (g - ii)	Powerco - S16/035	Not stated	Standard restricts the maximum height of buildings and structures within an electricity transmission corridor. The definition of structure captures electricity poles and towers. As drafted, the standard does not provide for electricity poles or towers to exceed the maximum height of 2.5m within an electricity transmission corridor. The inclusion of electricity infrastructure would, ironically, preclude a number of minor changes to existing National Grid lines and Powerco line connections.	Amend Rule 3A.4.2 (g)(ii) as follows: <p>Buildings and structures within an electricity transmission corridor, including the National Grid Yard must:</p> <ul style="list-style-type: none"> <li>(i) Comply with the New Zealand Code of Practice for Electrical Safe Distances 2001 (NZECP34:2001), and</li> <li>(ii) <u>With the exception of poles or towers associated with the electricity transmission or distribution, not exceed a maximum height of 2.5m and an area of 10m<sup>2</sup>.</u></li> </ul> <p><i>Further Submission by Transpower (FS7/025) opposing this submission.</i></p>	The exclusion requested by the submitter is broad and could undermine the operation of the National Grid. The provisions contained in the proposed rule reflect the existing rule in the District Plan that was introduced through Plan Change 45. Other zone based exclusions remain in the Residential Zone provisions. It is unclear what structures would be placed into the National Grid Yard that need exemption.	Recommend that submission S16/035 by Powerco is rejected and FS7/025 is accepted.
132	3A.4.2 Standards for Permitted Activities (h - i)	Spark - S17/022	Not stated	The District Plan does not need to control radiofrequency levels. These are appropriately controlled on a nationwide basis through NESTF and override such provisions in District Plans.	Delete Rule 3A.4.2h in its entirety.	The standards referred to in the Rule still apply. While there is reference to compliance with the NZ standard NZS2772.1:1999 Radiofrequency Fields this may change in the future. Inclusion in the rule provides plan users with greater clarity and certainty.	Recommend that submission S17/022 by Spark is rejected.
132	3A.4.2 Standards for Permitted Activities (h - i)	Chorus New Zealand Limited - S18/023	Not stated	The District Plan does not need to control radiofrequency levels. These are appropriately controlled on a nationwide basis through NESTF and override such provisions in District Plans.	Delete Rule 3A.4.2h in its entirety.	The standards referred to in the Rule still apply. While there is reference to compliance with the NZ standard NZS2772.1:1999 Radiofrequency Fields this may change in the future. Inclusion in the rule provides plan users with greater clarity and certainty.	Recommend that submission S18/023 by Chorus is rejected.
133	3A.4.2 Standards for Permitted Activities (i)	Chorus New Zealand Limited - S18/024	Not stated	Existing standards only limit dish antennas, not any of the other antenna types used by telecommunication operators. Amendments are proposed to set standards for the full range of antenna types.	Amend Rule 3A.4.2.i as follows: <ul style="list-style-type: none"> <li><del>i. No antenna will exceed a diameter of:</del></li> <li>i. 2.5 metres <u>in diameter, or a face area of 1.5m<sup>2</sup></u> in the Residential Zone, or</li> <li>ii. 5m <u>in diameter, or a face area of 2.5m<sup>2</sup></u> in all other zones.</li> </ul>	The requested changes provide greater clarity and recognise the changing approaches to telecommunications.	Recommend that submission S18/024 by Chorus is accepted and Rule 3A.4.2.i is amended as follows: <p>No antenna will exceed <del>a diameter of:</del></p> <ul style="list-style-type: none"> <li>i. 2.5 metres <u>in diameter, or a face area of 1.5m<sup>2</sup></u> in the Residential Zone, or</li> <li>ii. 5 metres <u>in diameter, or a face area of 2.5m<sup>2</sup></u> in all other zones.</li> </ul>
133	3A.4.2 Standards for Permitted Activities (i)	Spark - S17/023	Not stated	Existing standards only limit dish antennas, not any of the other antenna types used by telecommunication operators. Amendments are proposed to set standards for the full range of antenna types.	Amend Rule 3A.4.2.i as follows: <ul style="list-style-type: none"> <li><del>i. No dish antenna will exceed a diameter of:</del></li> <li>i. 2.5 metres <u>in diameter, or a face area of 1.5m<sup>2</sup></u> in the Residential Zone, or</li> <li>ii. 5m <u>in diameter, or a face area of 2.5m<sup>2</sup></u> in all other zones.</li> </ul>	The requested changes provide greater clarity and recognise the changing approaches to telecommunications.	Recommend that submission S17/023 by Spark is accepted and Rule 3A.4.2.i is amended as follows: <p>No antenna will exceed <del>a diameter of:</del></p> <ul style="list-style-type: none"> <li>i. 2.5 metres <u>in diameter, or a face area of 1.5m<sup>2</sup></u> in the Residential Zone, or</li> <li>ii. 5 metres <u>in diameter, or a face area of 2.5m<sup>2</sup></u> in all other zones.</li> </ul>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
134	3A.4.2 Standards for Permitted Activities (j)	First Gas (formerly Vector Gas) Ltd - S20/021	Support in part	In certain circumstances it may not be appropriate to replace vegetation above a gas transmission pipeline if there is the potential that the vegetation could compromise the operational integrity of the pipeline (e.g. root growth).	Amend 3A.4.2j: Where network utilities are located underground, any disturbance of the ground surface and any vegetation ( <u>apart from vegetation compromising the operational integrity of the network utility</u> ) must be reinstated or replaced upon completion of the works within the first available planting season.  <i>Further Submission by Powerco (FS13/018) supporting this submission.</i>	There are instances where vegetation near network utilities is not recommended. The Electricity (Hazards from Trees) Regulations 2003 also apply. Changes requested are supported.	Recommend that submission S20/021 by First Gas is accepted and FS13/018 by Powerco is accepted and Rule 3A.4.2.j as follows:  Where network utilities are located underground, any disturbance of the ground surface and any vegetation ( <u>apart from vegetation compromising the operational integrity of the network utility</u> ) must be reinstated or replaced upon completion of the works within the first available planting season.
135	3A.4.2 Standards for Permitted Activities (k)	Spark - S17/024	Not stated	Compliance with the National Code of Practice for utility operators access to transport corridors 2011 is a matter which is controlled by Councils through Corridor Access Requests. Cross referencing in the District Plan is unnecessary.	Delete Rule 3A.4.2.k in its entirety.	The intention of this provision is to provide plan users with clarity around requirements, just in the same way reference has been made to other Codes of Practice. Deletion of the Rule is not supported.	Recommend that submission S17/024 by Spark is rejected.
135	3A.4.2 Standards for Permitted Activities (k)	Chorus New Zealand Limited - S18/025	Not stated	Compliance with the National Code of Practice for utility operators access to transport corridors 2011 is a matter which is controlled by Councils through Corridor Access Requests. Cross referencing in the District Plan is unnecessary.	Delete Rule 3A.4.2.k in its entirety.  <i>Further Submission by Powerco (FS13/019) supporting this submission.</i>	The intention of this provision is to provide plan users with clarity around requirements, just in the same way reference has been made to other Codes of Practice. Deletion of the Rule is not supported.	Recommend that submission S18/025 by Chorus is rejected and FS13/019 by Powerco is rejected.
136	3A.4.2 Standards for Permitted Activities (l)	Heritage New Zealand Pouhere Taonga - S3/012	Support in part	Support with amendment. Support as effective trigger for making activities a restricted discretionary activity. However 'significant' is unnecessary as areas, sites, objectives and buildings are already deemed significant by inclusion in appendices, and its inclusion could create the impression that an additional assessment of significance of the sites in the appendices is needed. The phrase 'must not result in adverse effects on the values or characteristics for any significant historic built or natural heritage' is complicated. Reference to natural, cultural and historical heritage values would suffice. To facilitate protection of buildings and objects with heritage value, reference to Appendix 1E should be included. Also refer to 'the items scheduled in the appendices' to ensure the rule does not accidentally cover a wider area than the items scheduled in the appendices.	Amend Rule 3A.4.2.l as follows: Works associated with any network utility, except within an existing road carriageway, must not result in adverse effects on the <u>natural, cultural or historical heritage values or characteristics for any significant historic built or natural heritage specified of the items scheduled</u> 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), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) unless there is no alternative location.  <i>Further Submission by Powerco (FS13/021) supporting in part this submission.</i>	A number of submissions are concerned with whether this standard is certain enough for a permitted activity. The intention of this standard was to restrict network utilities within a few areas specifically scheduled in the District Plan to protect the values and/or characteristics of those areas.  To provide the certainty requested by the various submitters on this provision, it would be simpler to have the provision written in such a way that the permitted activities do not occur within the areas scheduled in the relevant Appendices. In this instance, works in an Outstanding Natural Feature or Landscape is captured under Rule 3A.4.5, while works in the other areas listed would default to a restricted discretionary status.  On that basis a change is recommended so that network utilities do not occur in the areas identified in the various relevant appendices. This change is considered to give effect to the provisions of the One Plan, in particular Policy 6-6.  As stated elsewhere, the Outstanding Natural Features and Landscapes (Appendix 1C) has been recently reviewed and new areas identified (although not yet notified). However the other areas scheduled within the various Appendices are yet to be reviewed.  The recommended changes to this standard are a combination of all submissions received.	Recommend that submission S3/012 by Heritage NZ is accepted in part and FS13/021 by Powerco is accepted and Rule 3A.4.2.l is amended as follows:  Works associated with any network utility, except within an existing road carriageway, <u>must not be located within the areas scheduled</u> <del>must not result in adverse effects on the values or characteristics for any significant historic built or natural heritage specified</del> 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), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) of this Plan.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
137	3A.4.2 Standards for Permitted Activities (I)	Transpower New Zealand Limited - S11/039	Oppose	Standard is subjective in the context of 'must not result in adverse effects on the values or characteristics' and therefore not appropriate as a permitted activity standard.	Delete Rule 3A 4.2.1. <i>Further Submission by Horizons (FS4/020) opposing this submission.</i> <i>Further Submission by Heritage NZ (FS5/028) opposing this submission.</i>	The intention of this standard was to restrict network utilities within a few areas specifically scheduled in the District to protect the values and/or characteristics of those areas. To delete the provision would mean that the District Plan was not giving effect to the provisions of the One Plan, in particular Policy 6-6.	Recommend that submission S11/039 by Transpower is rejected and FS4/020 by Horizons is accepted and FS5/028 by Heritage NZ is accepted.
138	3A.4.2 Standards for Permitted Activities (I)	Powerco - S16/036	Not stated	Rule is inappropriate as it lacks clarity and certainty, is not readily enforceable and simply repeats the policy intent. The operation, maintenance, minor upgrading, replacement or repair of utilities or location of utilities in the road reserve will not result in adverse effects. Any new assets proposed in these area may or may not have adverse effects. As such this standard could be amended. New network utilities in those areas stated would then require restricted discretionary activity consent.	Amend Rule 3A4.2 (I) as follows: <del>Works associated with any New network utilities, except within an existing road carriageway, are not located within those areas scheduled must not result in adverse effects on the values or characteristics for any significant historic built or natural heritage specified</del> 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) and 1F (Sites with Heritage Value) of this Plan. <i>Further Submission by Forest and Bird (FS1/0010) opposing this submission.</i> <i>Further Submission by Horizons (FS4/016) opposing in part this submission.</i> <i>Further Submission by Heritage NZ (FS5/019) supporting in part this submission.</i>	A number of submissions are concerned with whether this standard is certain enough for a permitted activity. The intention of this standard was to restrict network utilities within a few areas specifically scheduled in the District Plan to protect the values and/or characteristics of those areas. To provide the certainty requested by the various submitters on this provision, it would be simpler to have the provision written in such a way that the permitted activities do not occur within the areas scheduled in the relevant Appendices. In this instance, works in an Outstanding Natural Feature or Landscape is captured under Rule 3A.4.5, while works in the other areas listed would default to a restricted discretionary status. On that basis a change is recommended so that network utilities do not occur in the areas identified in the various relevant appendices. This change is considered to give effect to the provisions of the One Plan, in particular Policy 6-6. As stated elsewhere, the Outstanding Natural Features and Landscapes (Appendix 1C) has been recently reviewed and new areas identified (although not yet notified). However the other areas scheduled within the various Appendices are yet to be reviewed. The recommended changes to this standard are a combination of all submissions received.	Recommend that submission S16/036 by Powerco is accepted in part and FS1/0010 by Forest and Bird is rejected and FS4/016 by Horizons is rejected and FS5/019 by Heritage NZ is accepted and Rule 3A.4.2.1 is amended as follows: Works associated with any network utility, except within an existing road carriageway, <u>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</u> 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), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) of this Plan.
139	3A.4.2 Standards for Permitted Activities (I)	Spark - S17/025	Not stated	This standard is open to interpretation. Clarity needs to be provided by the Council as to what is an appropriate level of protection of the matters identified. It would be difficult for a Certificate of Compliance to be issued under the current wording of this standard.	Rewrite Rule 3A.4.2.1 to avoid use of the term adverse effects on, in or around and provide absolute clarity as to what can occur as a permitted activity. <i>Further Submission by Heritage NZ (FS5/023) supporting in part this submission.</i> <i>Further Submission by Powerco (FS13/020) supporting this submission.</i>	A number of submissions are concerned with whether this standard is certain enough for a permitted activity. The intention of this standard was to restrict network utilities within a few areas specifically scheduled in the District Plan to protect the values and/or characteristics of those areas. To provide the certainty requested by the various submitters on this provision, it would be simpler to have the provision written in such a way that the permitted activities do not occur within the areas scheduled in the relevant Appendices. In this instance, works in an Outstanding Natural Feature or Landscape is captured under Rule 3A.4.5, while works in the other areas listed would default to a restricted discretionary status. On that basis a change is recommended so that network utilities do not occur in the areas identified in the various relevant appendices. This change is considered to give effect to the provisions of the One Plan, in particular Policy 6-6. As stated elsewhere, the Outstanding Natural Features and Landscapes (Appendix 1C) has been recently reviewed and new areas identified (although not yet notified). However the other areas scheduled within the various Appendices are yet to be reviewed. The recommended changes to this standard are a combination of all submissions received.	Recommend that submission S17/025 by Spark is accepted in part and FS5/023 by Heritage NZ is accepted and FS13/020 by Powerco is accepted and Rule 3A.4.2.1 is amended as follows: Works associated with any network utility, except within an existing road carriageway, <u>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</u> 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), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) of this Plan.
139	3A.4.2 Standards for Permitted Activities (I)	Chorus New Zealand Limited - S18/026	Not stated	This standard is open to interpretation. Clarity needs to be provided by the Council as to what is an appropriate level of protection of the matters identified. It would be difficult for a Certificate of	Rewrite Rule 3A.4.2.1 to avoid use of the term adverse effects on, in or around and provide absolute clarity as to what can occur as a permitted activity. <i>Further Submission by Forest and Bird (FS1/002) opposing this submission.</i>	A number of submissions are concerned with whether this standard is certain enough for a permitted activity. The intention of this standard was to restrict network utilities within a few areas specifically scheduled in the District Plan to protect the values and/or characteristics of those areas. To provide the certainty requested by the various submitters on this provision, it would be simpler to have the provision written in such	Recommend that submission S18/026 by Chorus is accepted in part and FS1/002 by Forest and Bird is rejected and FS5/004 by Heritage NZ is accepted and Rule 3A.4.2.1 is amended as follows: Works associated with any network utility, except within an existing road carriageway, <u>must not be located within the areas scheduled must not result in adverse effects on the values or</u>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				Compliance to be issued under the current wording of this standard.	<i>Further Submission by Heritage NZ (FS5/004) supporting in part this submission.</i>	<p>a way that the permitted activities do not occur within the areas scheduled in the relevant Appendices. In this instance, works in an Outstanding Natural Feature or Landscape is captured under Rule 3A.4.5, while works in the other areas listed would default to a restricted discretionary status.</p> <p>On that basis a change is recommended so that network utilities do not occur in the areas identified in the various relevant appendices. This change is considered to give effect to the provisions of the One Plan, in particular Policy 6-6.</p> <p>As stated elsewhere, the Outstanding Natural Features and Landscapes (Appendix 1C) has been recently reviewed and new areas identified (although not yet notified). However the other areas scheduled within the various Appendices are yet to be reviewed.</p> <p>The recommended changes to this standard are a combination of all submissions received.</p>	<p><del>characteristics for any significant historic built or natural heritage specified</del> 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), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) of this Plan.</p>
140	3A.4.2 Standards for Permitted Activities (l)	First Gas (formerly Vector Gas) Ltd - S20/022	Oppose	Considers it is inappropriate for a permitted activity standard to be subjective. The standard needs to provide clarity.	<p>Amend 3A.4.2.l: Works associated with any network utility, except within an existing road carriageway, must not result in adverse effects on the values or characteristic for any significant historic built or natural heritage <u>on a site or in an area</u> 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) and 1F (Sites with Heritage Value) of this Plan.</p> <p><i>Further Submission by Heritage NZ (FS5/014) supporting in part this submission.</i></p>	<p>A number of submissions are concerned with whether this standard is certain enough for a permitted activity. The intention of this standard was to restrict network utilities within a few areas specifically scheduled in the District Plan to protect the values and/or characteristics of those areas.</p> <p>To provide the certainty requested by the various submitters on this provision, it would be simpler to have the provision written in such a way that the permitted activities do not occur within the areas scheduled in the relevant Appendices. In this instance, works in an Outstanding Natural Feature or Landscape is captured under Rule 3A.4.5, while works in the other areas listed would default to a restricted discretionary status.</p> <p>On that basis a change is recommended so that network utilities do not occur in the areas identified in the various relevant appendices. This change is considered to give effect to the provisions of the One Plan, in particular Policy 6-6.</p> <p>As stated elsewhere, the Outstanding Natural Features and Landscapes (Appendix 1C) has been recently reviewed and new areas identified (although not yet notified). However the other areas scheduled within the various Appendices are yet to be reviewed.</p> <p>The recommended changes to this standard are a combination of all submissions received.</p>	<p>Recommend that submission S20/022 by First Gas is accepted in part and FS5/014 by Heritage NZ is accepted and Rule 3A.4.2.l is amended as follows:</p> <p>Works associated with any network utility, except within an existing road carriageway, <u>must not be located within the areas scheduled</u> <del>must not result in adverse effects on the values or characteristics for any significant historic built or natural heritage specified</del> 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), <u>1E (Buildings and Objects with Heritage Value)</u> and 1F (Sites with Heritage Value) of this Plan.</p>
141	3A.4.2 Standards for Permitted Activities (o)	KiwiRail Holdings Limited (KiwiRail) - S2/012	Support	Support including the requirement for level crossings to be kept clear of buildings and obstructions as required by Appendix 3B.5.	Retain as notified.	Support is noted.	Recommend that submission S2/012 by KiwiRail is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
142	3A.4.2 Standards for Permitted Activities (q)	Powerco - S16/037	Not stated	Consider this is reasonable for activities that are not construction related. Construction related activities should be required to meet a relevant construction vibration standard.	Amend Rule 3A.4.2(q) as follows: All activities, <u>except construction activities</u> , must be managed so that no vibration is discernible beyond site boundaries.	The proposed provisions in Chapter 3C states that sounds generated by construction, maintenance and demolition activities are covered by reference to NZS6803:1999 Acoustics –Construction Noise. With regards to vibration issues, New Zealand did have a vibration standard however this was replaced in 2003 by an informative only standard. The British Standard BS52280-2:2009 did become a replacement standard for the old NZ Standard, however is considered to be on the ‘generous’ side. The standard that has been used for assessing structural damage has been the German Standard DIN 4150-3:1999. Since that time, it is understood that the NZ Transport Agency has combined guidance from both the British Standard BS52280-2:2009 and the German Standard DIN 4150-3:1993 into a new construction vibration criteria. The NZ Transport Agency standard is considered to represent best practice in New Zealand in the absence of any NZ Standard. To provide greater certainty for plan users, the provisions of the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration Guide dated August 2013, could be included in this standard.	Recommend that submission S16/037 by Powerco is accepted in part and Rule 3A.4.2.q is amended as follows: All activities <u>that result in vibration</u> must be managed <u>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</u> beyond the site boundaries.
143	3A.4.2 Standards for Permitted Activities (q)	Spark - S17/026	Not stated	No actual standard is provided in 3A.4.2q. To require activities to ensure that no vibration is discernible beyond site boundaries is too restrictive, and should be redrafted to provide absolute specificity as to what level of vibration is appropriate as a permitted standard at the site boundary. It would be difficult for a Certificate of Compliance to be issued under the current wording of this standard.	Delete Rule 3A.4.2.q in its entirety, or rewrite it to determine what level of vibration is appropriate, measured at the site boundary, rather than being a subjective 'discernible' vibration beyond the site boundary. <i>Further Submission by Powerco (FS13/023) supporting this submission.</i>	The proposed provisions in Chapter 3C states that sounds generated by construction, maintenance and demolition activities are covered by reference to NZS6803:1999 Acoustics –Construction Noise. With regards to vibration issues, New Zealand did have a vibration standard however this was replaced in 2003 by an informative only standard. The British Standard BS52280-2:2009 did become a replacement standard for the old NZ Standard, however is considered to be on the ‘generous’ side. The standard that has been used for assessing structural damage has been the German Standard DIN 4150-3:1999. Since that time, it is understood that the NZ Transport Agency has combined guidance from both the British Standard BS52280-2:2009 and the German Standard DIN 4150-3:1993 into a new construction vibration criteria. The NZ Transport Agency standard is considered to represent best practice in New Zealand in the absence of any NZ Standard. In response to other submissions on the Temporary Activities chapter, there is a recommendation to include as a guidance note in the Plan that best practice is to use an NZ Transport Agency guide. This is seen as a pragmatic solution in the absence of an applicable New Zealand Standard. To provide greater certainty for plan users, the provisions of the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration Guide dated August 2013, could be included in this standard.	Recommend that submission S17/026 by Spark is accepted in part and FS13/023 by Powerco is accepted and Rule 3A.4.2.q is amended as follows: All activities <u>that result in vibration</u> must be managed <u>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</u> beyond the site boundaries.
143	3A.4.2 Standards for Permitted Activities (q)	Chorus New Zealand Limited - S18/027	Not stated	No actual standard is provided in 3A.4.2q. To require activities to ensure that no vibration is discernible beyond site boundaries is too restrictive, and should be redrafted to provide absolute specificity as to what level of vibration is appropriate as a permitted standard at the site boundary. It would be difficult for a Certificate of Compliance to be issued under the current wording of this standard.	Delete Rule 3A.4.2.q in its entirety, or rewrite it to determine what level of vibration is appropriate, measured at the site boundary, rather than being a subjective 'discernible' vibration beyond the site boundary. <i>Further Submission by Powerco (FS13/022) supporting this submission.</i>	The proposed provisions in Chapter 3C states that sounds generated by construction, maintenance and demolition activities are covered by reference to NZS6803:1999 Acoustics –Construction Noise. With regards to vibration issues, New Zealand did have a vibration standard however this was replaced in 2003 by an informative only standard. The British Standard BS52280-2:2009 did become a replacement standard for the old NZ Standard, however is considered to be on the ‘generous’ side. The standard that has been used for assessing structural damage has been the German Standard DIN 4150-3:1999. Since that time, it is understood that the NZ Transport Agency has combined guidance from both the British Standard BS52280-2:2009 and the German Standard DIN 4150-3:1993 into a new construction vibration criteria. The NZ Transport Agency standard is considered to represent best practice in New Zealand in the absence of any NZ Standard.	Recommend that submission S18/027 is accepted in part and FS13/022 by Powerco is accepted and Rule 3A.4.2.q is amended as follows: All activities <u>that result in vibration</u> must be managed <u>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</u> beyond the site boundaries.

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						<p>In response to other submissions on the Temporary Activities chapter, there is a recommendation to include as a guidance note in the Plan that best practice is to use an NZ Transport Agency guide. This is seen as a pragmatic solution in the absence of an applicable New Zealand Standard.</p> <p>To provide greater certainty for plan users, the provisions of the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration Guide dated August 2013, could be included in this standard.</p>	
144	3A.4.2 Standards for Permitted Activities (Guidance Note 1)	Horticulture New Zealand - S23/007	Not stated	The Guidance note relating to vegetation also does not need to refer to a corridor as the distances in the Hazard from Tree regulations will apply.	Amend 3A.4.2 Guidance Note 1) Vegetation planted within an electricity adjacent to transmission corridor, including the National Grid Yard <u>and distribution lines</u> should be selected and managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.  <i>Further Submission by Transpower (FS7/026) supporting this submission.</i>	The requested addition to the guidance note adds clarity for plan users.	Recommend that submission S23/007 by Horticulture NZ is accepted and FS7/026 by Transpower is accepted and Guidance Note 1 is amended as follows:  Vegetation planted within an electricity transmission corridor, including the National Grid Yard <u>and distribution lines</u> should be selected and managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.
145	3A.4.2 Standards for Permitted Activities (Guidance Note 4)	Spark - S17/027	Not stated	This is not necessary. There are multiple approvals required under different statutes to establish most network utilities, and a guidance note stating that approval under the RMA does not equate to compliance with a code of practice is not necessary and inefficient.	Delete guidance note 4 in its entirety.	The intention of including this guidance note was to advise plan users who may not be familiar with the fact that other approvals may be required. While network utility operators are familiar with the various requirements, the wider community may not. The guidance note provides additional information for plan users and is recommended to be retained.	Recommend that submission S17/027 by Spark is rejected.
145	3A.4.2 Standards for Permitted Activities (Guidance Note 4)	Chorus New Zealand Limited - S18/028	Not stated	This is not necessary. There are multiple approvals required under different statutes to establish most network utilities, and a guidance note stating that approval under the RMA does not equate to compliance with a code of practice is not necessary and inefficient.	Delete guidance note 4 in its entirety.	The intention of including this guidance note was to advise plan users who may not be familiar with the fact that other approvals may be required. While network utility operators are familiar with the various requirements, the wider community may not. The guidance note provides additional information for plan users and is recommended to be retained.	Recommend that submission S18/028 by Chorus is rejected.
146	3A.4.3 Restricted Discretionary (a)	Powerco - S16/038	Not stated	The matters of discretion are drafted too broadly and include a range of matters that will not be relevant to every situation. It needs to be clear that discretion will only be restricted to effects that are relevant to the standard that is not being met.	Amend the matters of discretion in Rule 3A.4.3 as follows: For these activities, the Council has restricted its discretion to considering the following matters, <u>only to the extent that they are relevant to the standard that is not met</u> .	<p>The wording used was the same as that in the Business Zone, introduced through Plan Change 46. The drafting of the Industrial Zone has also used a slightly different wording. The requested wording is considered to be clear and reflects the intention by Council.</p> <p>It is noted that the wording of the Restricted Discretionary Rules in the other parts of Chapter should also be amended for consistency. If the panel are in agreement then a consequential change could be made to Rule 16.4.3.</p> <p>To ensure consistency between all chapters, it is likely that a plan change will need to be made to change this statement across the plan at the conclusion of the sectional district plan review.</p>	<p>Recommend that submission S16/038 by Powerco is accepted and the introduction to the rule as follows: For these activities, the Council has restricted its discretion to considering the following matters, <u>only to the extent that they are relevant to the standard that is not met</u>:</p> <p>Consequential changes are made to Rule 3B.4.6 as follows: For these activities, the Council has restricted its discretion to considering the following matters, <u>only to the extent that they are relevant to the standard that is not met</u>:</p> <p>Consequential changes are made to Rules 3D.4.3 and 3G.4.3 as follows: For this activity, <u>the</u> Council has restricted its discretion to considering the following matters, <u>only to the extent that they are relevant to the standard that is not met</u>:</p>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
147	3A.4.3 Restricted Discretionary (a)	Horticulture New Zealand - S23/008	Not stated	Horticulture NZ considers that potential reverse sensitivity effects should also be considered.	Amend Rule 3A.4.3 by adding an addition bullet point <del>-potential reverse sensitivity effects</del> <i>Further Submission by Powerco (FS13/024) opposing this submission.</i>	The suggested matter raised by the submitter is vague and would not assist decision makers when considering any resource consent application.	Recommend that submission S23/008 by Horticulture NZ is rejected.
148	3A.4.3 Restricted Discretionary (a - i)	Transpower New Zealand Limited - S11/040	Support	Transpower supports the restricted discretionary activity status for those network utilities not able to meet permitted activity standards. Transpower also generally supports the assessment criteria against which restricted discretionary activities will be assessed but seeks amendments to properly recognise the policy considerations for new National Grid infrastructure as set out in the NPSET.	Amend Rule 3A 4.3.i as follows: The proposed benefits of the network utility proposal to the wider community <u>and beyond</u> . <i>Further Submission by Powerco (FS13/026) supporting this submission.</i>	This change is consistent with other recommendations in response to submissions.	Recommend that submission S11/040 by Transpower is accepted and Rule 3A. 4.3.i is amended as follows: The proposed benefits of the network utility proposal to the wider community <u>and beyond</u> .
148	3A.4.3 Restricted Discretionary (a - i)	Powerco - S16/039	Not stated	Amend to recognise that benefits can accrue to the wider community and beyond.	Amend Rule 3A.4.3 (i) as follows: The proposed benefits of the network utility proposal to the wider community <u>and beyond</u> .	This change is consistent with other recommendations in response to submissions.	Recommend that submission S16/039 by Powerco is accepted and Rule 3A.4.3.i is amended as follows: The proposed benefits of the network utility proposal to the wider community <u>and beyond</u> .
149	3A.4.3 Restricted Discretionary (a - ii)	Powerco - S16/040	Not stated	Insert significant before adverse effects to ensure that less than minor or minor adverse effects are not considered alongside significant adverse effects. Significant adverse effects should be the main concern of the Council determining whether to grant resource consents.	Amend Rule 3A.4.3 (ii) as follows: whether the activity will result in any <u>significant</u> adverse effects on amenity values of neighbouring properties or the character of the zone in which the activity is proposed. <i>Further Submission by Horticulture NZ (FS10/028) opposing this submission.</i>	The Act refers to adverse effects. In considering an application where the activity does not meet the permitted activity performance standards consideration of all effects is considered appropriate.	Recommend that submission S16/040 by Powerco is rejected and FS10/028 by Horticulture NZ is accepted.
150	3A.4.3 Restricted Discretionary (a - ii)	Horticulture New Zealand - S23/009	Not stated	Horticulture NZ considers that potential reverse sensitivity effects should also be considered.	Amend Rule 3A.4.3 ii) by adding ii. whether the activity will result in any adverse effects on amenity values <u>or land uses</u> of neighbouring properties or the character of the zone in which the activity is proposed. <i>Further Submission by Powerco (FS13/025) opposing this submission.</i>	There are no permitted activity standards that would require land uses to be considered in the way sought by the submitter. On that basis the change is not supported.	Recommend that submission S23/009 by Horticulture NZ is rejected and FS13/025 by Powerco is accepted.
151	3A.4.3 Restricted Discretionary (a - iv)	Powerco - S16/041	Not stated	Clause should refer to all utilities except lineal utilities. Lineal utilities effects cannot be internalised to the site (i.e. one site).	Amend Rule 3A.4.3(iv) as follows: <u>except in relation to lineal utilities</u> , the degree to which the non-compliance can be mitigated to ensure the effects are internalised to the site.	The District Plan does not distinguish between lineal and non-lineal utilities. An easy to understand and useable plan is intended for plan users. This suggested amendment unnecessarily complicates the District Plan in a manner which is not supported by any objectives and policies.	Recommend that submission S16/041 by Powerco is rejected.
152	3A.4.3 Restricted Discretionary (a - v)	Powerco - S16/042	Not stated	Possible should be replaced with practicable. Impracticable placement could be entirely possible at a large cost to the utility provider although not entirely practical i.e. a proposal could require significantly more line and towers to travers a longer	Amend Rule 3A.4.3 (v) as follows: The degree to which co-location has been considered and is <del>possible</del> <u>practicable</u> .	Policy 1.2 uses the term 'possible'. For consistency it is considered that this provision should also retain the use of 'possible'.	Recommend that submission S16/042 by Powerco is rejected.

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				alternative route than a more practical shorter route. It is more appropriate for the practical route options to be assessed against each other and not all possible but impracticable routes.			
153	3A.4.3 Restricted Discretionary (a - vi)	Powerco - S16/043	Not stated	Not all proposals will have an impact on the identified heritage values of the District, however if the proposal does impact on built heritage there should be an assessment to both the remedy and/or mitigation of these effects. Criteria should refer to the effects on the identified heritage values.	Amend Rule 3A.4.3(vi) as follows: Whether the activity impacts on the <u>identified</u> heritage values of the District and, <u>if so</u> , how such impacts are <u>remedied or</u> mitigated.	Reference in this chapter of the District Plan is to the scheduled heritage values and areas in the relevant Appendices. The requested changes reflect this approach. To avoid any confusion, and to ensure consistency with other parts of the Chapter, the list of relevant appendices in the District Plan have been included in this clause of Rule 3A.4.3(vi).	Recommend that submission S16/043 by Powerco is accepted and Rule 3A.4.3.vi is amended as follows:  Whether the activity impacts on the <u>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</u> and, <u>if so</u> , how such impacts are <u>remedied or</u> mitigated.
154	3A.4.3 Restricted Discretionary (a - vii)	Transpower New Zealand Limited - S11/041	Support	Transpower supports the restricted discretionary activity status for those network utilities not able to meet permitted activity standards. Transpower also generally supports the assessment criteria against which restricted discretionary activities will be assessed but seeks amendments to properly recognise the policy considerations for new National Grid infrastructure as set out in the NPSET.	Amend Rule 3A.4.3.vii as follows: The degree to which the proposed location, site or route is better than <del>alternative</del> locations, sites, or routes <u>have been assessed and any operational, locational or technical constraints.</u>	Most of the changes requested are consistent with the policy guidance provided for in Policy 1.3 and are supported. However reference to 'alternative locations' is an essential part of the assessment criteria and the deletion of this word is not supported.	Recommend that submission S11/041 by Transpower is accepted in part and Rule 3A.4.3.vii is amended as follows: The degree to which the <del>proposed location, site or route is better than</del> alternative locations, sites, or routes <u>have been assessed and any operational, locational or technical constraints considered.</u>
154	3A.4.3 Restricted Discretionary (a - viii)	Powerco - S16/044	Not stated	Amend the requirement in this clause to the degree to which alternative locations, sites, or routes have been considered rather than requiring the route to be 'better' than the alternatives, having regard to operational, locational or technical constraints.	Amend Rule 3A.4.3 (vii) as follows: The degree to which the <del>proposed location, site or route is better than</del> alternative locations, sites, or routes <u>have been assessed and any operational, locational or technical constraints considered.</u>	Most of the changes requested are consistent with the policy guidance provided for in Policy 1.3 and are supported. However reference to 'alternative locations' is an essential part of the assessment criteria and the deletion of this word is not supported.	Recommend that submission S16/044 by Powerco is accepted in part and Rule 3A.4.3.vii is amended as follows: The degree to which the <del>proposed location, site or route is better than</del> alternative locations, sites, or routes <u>have been assessed and any operational, locational or technical constraints considered.</u>
154	3A.4.3 Restricted Discretionary (a)	First Gas (formerly Vector Gas) Ltd - S20/023	Support in part	Supports the activity status for network utilities not able to meet permitted activity standards but seeks an amendments to assessment criteria vii. The notion of the best practicable option is considered appropriate in that it is a recognised (and defined) term in the RMA, and considers a range of factors in determining what is most appropriate.	Amend 3A.4.3a.vii: The degree to which the proposed location, site or route is better than alternative locations, sites or routes <u>have been assessed and whether a proposal represents the best practicable option.</u>  <i>Further Submission by Heritage NZ (FS5/015) supporting in part this submission.</i>	The intent of the provision is to assess the alternatives considered. Note changes to the rule have been recommended from other submissions.	Recommend that submission S20/023 by First Gas is accepted in part and FS5/015 by Heritage NZ is accepted and Rule 3A.4.3.a.vii is amended as follows: The degree to which the <del>proposed location, site or route is better than</del> alternative locations, sites, or routes <u>have been assessed and any operational, locational or technical constraints considered.</u>
155	3A.4.4 Discretionary	Transpower New Zealand Limited - S11/042	Oppose	Transpower considers that nationally significant infrastructure should be classified as a Discretionary Activity (not Non-Complying)	Amend Rule 3A 4.4 as follows: 3A.4.4 j. Any network utility not otherwise specified as Permitted, Restricted Discretionary or Non-Complying Activity shall be a Discretionary Activity.	A review of the Outstanding Natural Features and Landscapes has occurred as part of the Rural Zone Review, with new areas proposed (although the plan change is yet to be notified). Council's landscape expert considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural	Recommend that submission S11/042 by Transpower is rejected and FS4/021 by Horizons is noted and FS13/027 by Powerco is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				in an outstanding natural feature or landscape because of the constraints on that infrastructure (locational, technical and operational) as well as the benefits it delivers to the community and beyond. NPSET Policy 8, which provides a framework for National Grid activities in rural environments, specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line requirement (i.e. must avoid which would necessitate a Non-Complying activity status) and render a Discretionary activity status appropriate.	<u>3A.4.4 ii. Nationally significant infrastructure located within an Outstanding Natural Feature or Landscape in Appendix 1C is a Discretionary Activity.</u> <i>Further Submission by Horizons (FS4/021) neither supporting nor opposing this submission.</i>  <i>Further Submission by Powerco (FS13/027) supporting in part this submission.</i>	Features and Landscapes, and indicates where new or expanded infrastructure is not anticipated in the District.  In considering the potential areas of Outstanding Natural Features and Landscapes there are few areas where existing infrastructure is located within the scheduled areas.  Council's landscape expert considers that the Non-Complying Activity status signals to plan users that development in Outstanding Natural Features and Landscapes is not anticipated. Mr Hudson considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural Features and Landscapes, and indicates where new or expanded infrastructure is not anticipated in the District. This is considered to be consistent with the intent of the NPSET Policy 8. The Non-Complying status is also seen to implement the provisions of the One Plan.	
156	3A.4.4 Discretionary	Powerco - S16/045	Not stated		Retain the Discretionary Activity Rule, which will ensure that lineal network utilities located within an Outstanding Natural Landscape in Appendix 1C require discretionary activity consent.	Council's landscape expert considers that there is little difference in visual presence of linear and non-linear infrastructure when considering Outstanding Natural Features and Landscapes. Other submissions by the submitter seek to change the Non-Complying Activity rule and are not supported.	Recommend that submission S16/045 by Powerco is rejected.
157	3A.4.5 Non-Complying	Transpower New Zealand Limited - S11/043	Oppose	Transpower considers that nationally significant infrastructure should be classified as a Discretionary Activity (not Non-Complying) in an outstanding natural feature or landscape because of the constraints on that infrastructure (locational, technical and operational) as well as the benefits it delivers to the community and beyond. NPSET Policy 8, which provides a framework for National Grid activities in rural environments, specifically includes the words 'seek to avoid adverse effects on outstanding natural landscapes'. The words 'seek to' are not a bottom line requirement (i.e. must avoid which would necessitate a Non-Complying activity status) and render a Discretionary activity status appropriate.	Amend Rule 3A.4.5 as follows: <u>Any network utility which is not nationally significant infrastructure located within an Outstanding Natural Feature or Landscape in Appendix 1C is a Non-Complying Activity.</u> <i>Further Submission by Horizons (FS4/022) neither supporting nor opposing this submission.</i>  <i>Further Submission by Powerco (FS13/028) supporting in part this submission.</i>	A review of the Outstanding Natural Features and Landscapes has occurred as part of the Rural Zone Review, with new areas proposed (although the plan change is yet to be notified). Council's landscape expert considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural Features and Landscapes, and indicates where new or expanded infrastructure is not anticipated in the District.  In considering the potential areas of Outstanding Natural Features and Landscapes there are few areas where existing infrastructure is located within the scheduled areas.  Council's landscape expert considers that the Non-Complying Activity status signals to plan users that development in Outstanding Natural Features and Landscapes is not anticipated. Mr Hudson considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural Features and Landscapes, and indicates where new or expanded infrastructure is not anticipated in the District. This is considered to be consistent with the intent of the NPSET Policy 8. The Non-Complying status is also seen to implement the provisions of the One Plan.	Recommend that submission S11/043 by Transpower is rejected and FS4/022 by Horizons is noted and FS13/028 by Powerco is rejected.
158	3A.4.5 Non-Complying	Powerco - S16/046	Not stated	When a new line is proposed, it is the careful and robust route selection process that determines the best route in environmental and development cost terms. That route selection process is the key means by which the potentially significant adverse	Amend Rule 3A.4.5 as follows: <u>Any new non-lineal network utility located within an Outstanding Natural Landscape in Appendix 1C is a Non-Complying Activity.</u>	Council's landscape expert considers that there is little difference in the visual presence of linear and non-linear infrastructure when considering Outstanding Natural Features and Landscapes. Mr Hudson considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural Features and Landscapes, and indicates where new or expanded infrastructure is not anticipated in the District. The Non-Complying status is also seen to implement the provisions of the One Plan.	Recommend that submission S16/046 by Powerco is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				effects of transmission lines can be addressed. The construction or upgrading of any lineal network utilities should be discretionary only. The construction or upgrading of any non-lineal network utilities within an Outstanding Natural Feature or Landscape in Appendix 1C should be a non-complying activity - given the key difference that the utility in question is not 'lineal'.			
159	3A.4.5 Non-Complying	First Gas (formerly Vector Gas) Ltd - S20/024	Support	Considers appropriate to acknowledge that regionally and nationally significant infrastructure often has locational constraints. Such infrastructure needs to be recognised and provided for and apportioning a Non Complying Activity status is not enabling in this regard. A Restricted Discretionary Activity Status (noting that First Gas would also be comfortable with a fully Discretionary Activity status) is considered more appropriate.	Amend 3A.4.5: Any network utility <u>which is not regionally or nationally significant infrastructure</u> located within an Outstanding Natural Feature or Landscape in Appendix 1C is a Non-Complying Activity.	A review of the Outstanding Natural Features and Landscapes has occurred as part of the Rural Zone Review, with new areas proposed (although the plan change is yet to be notified). Council's landscape expert considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural Features and Landscapes, and indicates where new or expanded infrastructure is not anticipated in the District.  In considering the potential areas of Outstanding Natural Features and Landscapes there are few areas where existing infrastructure is located within the scheduled areas.  Council's landscape expert considers that the Non-Complying Activity status signals to plan users that development in Outstanding Natural Features and Landscapes is not anticipated. Mr Hudson considers that the Non-Complying Activity status provides a clear signal as to the protection of important Outstanding Natural Features and Landscapes, and indicates where new or expanded infrastructure is not anticipated in the District. This is considered to be consistent with the intent of the NPSET Policy 8. The Non-Complying status is also seen to implement the provisions of the One Plan.	Recommend that submission S20/024 by First Gas is rejected.
<b>Chapter 3B Transport</b>							
160	3B Transport	Overseers Feilding Baptist Church - S14/001	Neither support nor oppose	Grassed area in Hobson Street is currently earmarked as future event space for recreational activity. This area should be an adaptable space that provides for future events for recreational activities and serves as a car park for everyday use. Currently vehicle parking on Stafford, Manchester and Bowen is at a premium through the week. Already noticing a marked increase in car park demand and expect this to increase further. This is affecting weekly groups at the church. Future increase in demand is likely given library building extension and Makino Pool expansion. Town specials like the Christmas Parade, ANZAC dawn service also impact on parking.	Seek that Council create a basic car park to the rear of the Church property. Some drainage would be necessary and surfacing similar to parking in Denbigh Street. This appears to be a win-win, enabling customers to have access to the various businesses in the vicinity, enabling week day parking for activities at our premises and also providing an extensive green space for wider community events.	This submission is beyond the scope of the Plan Change. The submitter raises matters more relevant to Council's operational arm. The submitter should make a submission to the Long Term Plan/Annual Plan process to enable this request to be considered by Council.	Recommend that submission S14/001 by Overseers Baptist Church is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
161	3B.1 Introduction	NZ Transport Agency - S7/012	Not stated	The Transport Agency requests that 'NZTA' is changed to the 'NZ Transport Agency' to provide clarity to plan users.	Change 'NZTA' to the "NZ Transport Agency".	This is a minor change and ensures consistency for how the NZ Transport Agency prefers to be referenced.	Recommend that submission S7/012 by NZ Transport Agency is accepted and that references throughout the District Wide Rules Chapter to NZTA be replaced with <u>NZ Transport Agency</u> .
162	3B.2 Resource Management Issues (Issue 1)	KiwiRail Holdings Limited (KiwiRail) - S2/013	Support	Support recognising there are potential effects on the safety and efficiency of transport network that can arise from inappropriately located or designed development. Transport network as identified includes both road and rail, with passengers, train drivers and trains themselves, including the movement of freight, all susceptible to safety and efficiency effects as a result of inappropriate land use and development.	Retain as notified.	Support is noted.	Recommend that submission S2/013 by KiwiRail is accepted.
163	3B.3 Objectives and Policies (Objective 1)	KiwiRail Holdings Limited (KiwiRail) - S2/014	Support	The safe and efficient operation of the rail network can be compromised as a result of inappropriate development. Support that objective specifically relates to road and rail.	Retain as notified.	Support is noted.	Recommend that submission S2/014 by KiwiRail is accepted.
163	3B.3 Objectives and Policies (Objective 1)	NZ Transport Agency - S7/013	Support	Support Objective 1 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/013 by NZ Transport Agency is accepted.
164	3B.3 Objectives and Policies (Policy 1.1 - a)	KiwiRail Holdings Limited (KiwiRail) - S2/015	Support	Support the requirement for managing adverse effects on rail network from encroachment into the sightlines at level crossings.	Retain as notified.	Support is noted.	Recommend that submission S2/015 by KiwiRail is accepted.
164	3B.3 Objectives and Policies (Policy 1.1 - a)	NZ Transport Agency - S7/014	Support	Support all of Policy 1.1 under Objective 1.	Retain all of Policy 1.1 under Objective 1 as notified.	Support is noted.	Recommend that submission S7/014 by NZ Transport Agency is accepted.
165	3B.3 Objectives and Policies (Policy 1.2 - a)	NZ Transport Agency - S7/015	Support	Support all of Policy 1.2 under Objective 1.	Retain all of Policy 1.2 under Objective 1 as notified.	Support is noted.	Recommend that submission S7/015 by NZ Transport Agency is accepted.
166	3B.3 Objectives and Policies (Policy 1.3)	KiwiRail Holdings Limited (KiwiRail) - S2/016	Support	Support including the requirement for level crossings to be kept clear of buildings and obstructions as required by Appendix 3B.5.	Retain as notified.	Support is noted.	Recommend that submission S2/016 by KiwiRail is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
166	3B.3 Objectives and Policies (Policy 1.3)	NZ Transport Agency - S7/016	Support	Support Policy 1.3 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/016 by NZ Transport Agency is accepted.
167	3B.3 Objectives and Policies (Objective 2)	NZ Transport Agency - S7/017	Support	Support Objective 2 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/017 by NZ Transport Agency is accepted.
167	3B.3 Objectives and Policies (Objective 2)	Manawatu-Whanganui Regional Council (Horizons) - S5/022	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/022 by Horizons is accepted.
168	3B.3 Objectives and Policies (Policy 2.1)	NZ Transport Agency - S7/018	Support	Support Policy 2.1 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/018 by NZ Transport Agency is accepted.
168	3B.3 Objectives and Policies (Policy 2.1)	Manawatu-Whanganui Regional Council (Horizons) - S5/023	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/023 by Horizons is accepted.
169	3B.3 Objectives and Policies (Policy 2.2)	NZ Transport Agency - S7/019	Support	Support Policy 2.2 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/019 by NZ Transport Agency is accepted.
169	3B.3 Objectives and Policies (Policy 2.2)	First Gas (formerly Vector Gas) Ltd - S20/013	Support	Supports the wording in 2.2 in that it protects essential infrastructure from third party activities which may compromise its safe, efficient and effective functioning.	Retain Policy 2.2	Support is noted.	Recommend that submission S20/013 by First Gas is accepted.
170	3B.3 Objectives and Policies (Policy 2.3)	NZ Transport Agency - S7/020	Support	Support Policy 2.3 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and	Retain as notified.	Support is noted.	Recommend that submission S7/020 by NZ Transport Agency is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.			
171	3B.3 Objectives and Policies (Policy 2.4)	NZ Transport Agency - S7/021	Support	Support Policy 2.4 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/021 by NZ Transport Agency is accepted.
172	3B.3 Objectives and Policies (Policy 2.4)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/003	Not stated	As drafted the policy is not clear as to what specifically it is trying to achieve/implement and/or when corridor management would be implemented and in what form. Policy is unhelpful and appears to be written as a method. Either delete the policy or rewrite it to be clear that the intent is to ensure that nothing in the corridors detracts from the availability of the corridor or the services provided to the customers using it.	Delete Policy 2.4 or rewrite as follows: <del>To promote corridor management for key road routes within the District, which may include restricting or encouraging the through movement of vehicles.</del> <u>To ensure that activities within [insert the types of roads e.g. strategic, collector] road corridors are managed so as not to detract from the availability or services provided to people using that corridor.</u>	Reference to corridor management was a term reflecting Council's approach to managing the transport network. Of particular concern to Council was ensuring roads are managed and constructed fit for use. There are a number of wide roads within the residential areas that need careful management to ensure safety for road users. This policy also links to the provisions contained in Appendix 3B.2 (which were introduced into the District Plan under Plan Change 45). Changing the Policy as proposed by the submitter changes the intent of the policy and is therefore not supported.	Recommend that submission S21/003 by the Oil Companies is rejected.
173	3B.3 Objectives and Policies (Policy 2.5)	NZ Transport Agency - S7/022	Support	Support Policy 2.5 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/022 by NZ Transport Agency is accepted.
174	3B.3 Objectives and Policies (Objective 3)	NZ Transport Agency - S7/023	Support	Support Objective 3 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/023 by NZ Transport Agency is accepted.
175	3B.3 Objectives and Policies (Policy 3.1)	NZ Transport Agency - S7/024	Support	Support Policy 3.1 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/024 by NZ Transport Agency is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
176	3B.3 Objectives and Policies (Policy 3.2)	NZ Transport Agency - S7/025	Support	Support Policy 3.2 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/025 by NZ Transport Agency is accepted.
177	3B.3 Objectives and Policies (Policy 3.3)	NZ Transport Agency - S7/026	Support	Support Policy 3.3 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/026 by NZ Transport Agency is accepted.
178	3B.3 Objectives and Policies (Policy 3.4)	NZ Transport Agency - S7/027	Support	Support Policy 3.4 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/027 by NZ Transport Agency is accepted.
179	3B.3 Objectives and Policies (Policy 3.5)	NZ Transport Agency - S7/028	Support	Support Policy 3.5 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/028 by NZ Transport Agency is accepted.
180	3B.3 Objectives and Policies (Policy 3.6)	NZ Transport Agency - S7/029	Support	Support Policy 3.6 which ensures an integrated planning approach to maintaining and enhancing the safe, efficient and integrated operation of the transport network within the district through protecting the roading network from adverse effects from land use.	Retain as notified.	Support is noted.	Recommend that submission S7/029 by NZ Transport Agency is accepted.
180	3B.4.3 Access _ Standards for Permitted Activities (d)	KiwiRail Holdings Limited (KiwiRail) - S2/017	Support	Support requirement for new vehicle crossings to be setback 30m from level crossings.	Retain as notified.	Support is noted.	Recommend that submission S2/017 by KiwiRail is accepted.
181	3B.4.3 Access _ Standards for Permitted Activities (e)	KiwiRail Holdings Limited (KiwiRail) - S2/018	Support	Support that existing vehicle crossings within 30m of a level crossing be maintained to ensure safety is not compromised and that this is	Retain as notified.	Support is noted.	Recommend that submission S2/018 by KiwiRail is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				linked to the Appendix in the Transport Chapter.			
182	3B.4.3 Access Standards for Permitted Activities (h)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/004	Not stated	Standard restricts vehicle crossing movements per day as a permitted activity and applies to all zones. A restriction on industrial and business zones is not supported and there should be an exclusion clause for these zones. It is assumed that industrial and business zones have been located in areas where there is no need to restrict vehicle crossing movements to this degree.	Amend Rule 3B.4.3 (h) as follows: Vehicle crossing movements, <u>excluding in industrial and business zones</u> , must not exceed 100 car equivalent movements per day and the car equivalent movements must be calculated in accordance with Appendix 3B.4.	The provisions are included for all zones to ensure appropriate accesses are provided for the projected uses on the site and the surrounding environment. For example, where a heavy vehicle access is required rather than a standard access design. These types of requirements are intended to apply irrespective of zone. It is not the intention of the rule to restrict high movement generating businesses. In the Manawatu District, the Inner Business Zone still enables dwellings and visitor accommodation. This reflects the provincial nature of the District and the enabling approach of the District Plan.  Excluding the industrial and business zones from standards regarding vehicle crossing movements is therefore not supported.	Recommend that submission S21/004 by the Oil Companies is rejected.
183	3B.4.5 Car Parking Standards for Permitted Activities (e)	Heritage New Zealand Pouhere Taonga - S3/014	Oppose in part	Incentives are powerful way to encourage adaptive reuse of buildings of cultural and historical heritage value. Exempting heritage buildings from parking requirements is one such incentive. Meeting onsite parking requirements can be prohibitively expensive for heritage buildings due to lot size and building layout and can affect their values. Buildings contained in Appendix 1E should be exempt from the change of use parking requirement.	Amend Rule 3B.4.5.e as follows: Where a change of use occurs requiring a higher number of car parks or where the floor area of an existing building is increased, <u>excluding a change of use of a building with heritage value scheduled in Appendix 1E</u> , additional car parking must be provided to achieve the requirements of Table 3B.1 Car Parking Standards.	Rule 3B.4.5.b provides an exclusion for car parking within the town centre where many of the heritage buildings are located. The recommended changes are considered unnecessary given the exclusion in Rule 3B.4.5.b. In reference to Appendix 1E, there are few commercial buildings where the parking requirements would determine a decision regarding reuse.	Recommend that submission S3/014 by Heritage NZ is rejected.
184	3B 4.6 Assessment Criteria	KiwiRail Holdings Limited (KiwiRail) - S2/019	Support	Where there is non-compliance with Appendix 3B.5 standards or the setback of a vehicle crossing from a level crossing, consent is required as a restricted discretionary activity. The proposed assessment criteria at the first bullet point includes consideration to the safe and efficient operation of the transport network. This will enable a consideration of the proposal on the safety and efficient of the rail network.	Retain as notified.	Support is noted.	Recommend that submission S2/019 by KiwiRail is accepted.
185	3B.4.6 Restricted Discretionary Activities (a - vi)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/005	Not stated	Clause (vi) of the assessment criteria should be amended to better demonstrate the intent of the clause, which is to assess whether there are adverse effects associated with accessing a major or minor arterial road that would require an alternative practicable legal access to be adopted. At present the criteria infers that access off the secondary road should be utilised irrespective of whether there are adverse	Amend Rule 3B.4.6 (vi) as follows: whether <u>access to a Major Arterial Road or Minor Arterial Road will generate adverse effects on the flow of traffic and, if so, if</u> there is a reasonable practicable alternative for legal access to a road other than a Major Arterial Road or Minor Arterial Road.	The intent of the provision was to encourage access onto roads, other than Major or Minor Arterial Roads to ensure the roading network operates efficiently and safely. In relation to Major and Minor Arterial Roads, it is to ensure they continue to function for the purpose of through traffic movement.  The changes suggested by the submitter are not in keeping with the purpose and intent of this provision.	Recommend that submission S21/005 by the Oil Companies is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				effects associated with access to a major urban road.			
186	Appendix 3B.1 Rooding Hierarchy (Diagram 1)	NZ Transport Agency - S7/032	Support	Support all of Appendix 3B.1 which outlines the Rooding Hierarchy for the District.	Retain as notified.	Support is noted.	Recommend that submission S7/032 by NZ Transport Agency is accepted.
186	Appendix 3B.1 Rooding Hierarchy (Diagram 1)	Manawatu-Whanganui Regional Council (Horizons) - S5/021	Support	Support all of Appendix 3B.1 showing the rooding hierarchy as illustrated.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/021 by Horizons is accepted.
187	Appendix 3B.5	KiwiRail Holdings Limited (KiwiRail) - S2/020	Support	Support inclusion of the provisions in relation to the protection of sightlines and level crossings.	Retain as notified.	Support is noted.	Recommend that submission S2/020 by KiwiRail is accepted.
<b>Chapter 3C Noise</b>							
188	3C Noise	NZ Transport Agency - S7/033	Not stated	<p>Requests that noise reverse sensitivity provisions are included in the Noise section of the District Plan. This provision would apply where the State Highway speed environment is 70km or greater.</p> <p>The Transport Agency policy has two main elements: setbacks and acoustic treatment of buildings, which are addressed in a Buffer Area and Effects Area respectively. These two areas are defined by distances from the edge of the carriageway. Acoustic treatment of buildings in the Effects Area addresses sleep disturbance and indoor amenity, whereas setbacks in the Buffer Area are essential to also address outdoor amenity, and other potential effects such as vibration and air quality. Both the Buffer Area and the Effects Area depend on the noise level from the road, with the dominant factors being the traffic flow, vehicle speed, percentage of heavy vehicles and road surface. For roads in this district with a posted speed limit greater or equal to 70 km/h the Transport Agency policy specifies an 80 metre Effects Area. This distance has been determined to generally result in an acceptable level of indoor amenity by maintaining the "satisfactory" internal sounds levels as recommended by the joint Australian Standard and New</p>	<p>Include a new provision as follows:</p> <ol style="list-style-type: none"> <li>1. New buildings or alterations to existing buildings containing noise sensitive activities must be at least 40m from the edge of the state highway carriageway and there is an existing solid and continuous building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new or altered habitable spaces to any part of the road surface of the state highway. This exclude unaltered existing spaces.</li> <li>2. New buildings or alterations to existing buildings containing noise sensitive activities, in or partly in the state highway buffer area must be designed, constructed and maintained to achieve road traffic vibration levels complying with class C of NS 8176E:2005.</li> <li>3. New buildings or alterations to existing buildings containing noise sensitive activities, in or partly in the state highway buffer area or effects area must be designed, constructed and maintained to achieve the indoor design noise level from road traffic in table within submission.</li> <li>4. If windows must be closed to achieve the design noise levels, the building must be designed, constructed and maintained with a ventilation and cooling system. For habitable spaces a ventilation cooling system must achieve the following: <ol style="list-style-type: none"> <li>a. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dBAeq(30s) when measured 1m away from any grille or diffuser.</li> <li>b. The occupant must be able to control the ventilation rate in</li> </ol> </li> </ol>	<p>A discussion has occurred with NZ Transport Agency regarding this submission. The residential area of Feilding has small area of 70km along Kimbolton Road and is already largely developed. There is a 70km speed restriction in Cheltenham which also has limited development potential. On that basis it is considered unnecessary to impose the provisions as requested District Wide.</p> <p>The proposed setbacks and buffers are considered by Council's acoustic advisor to be more appropriate within the Rural Zone of the District.</p> <p>Council has prepared a Memorandum of Understanding with the NZ Transport Agency to reflect the discussions in relation to this submission; essentially recording that no changes are required to the District Wide rules in respect of the submission as the provisions will be considered as part of the Rural Zone.</p>	Recommend that submission S7/033 by NZ Transport Agency is rejected and FS9/013 by Federated Farmers is accepted.

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				Zealand Standard AS/NZS 2107 . In this Standard, the recommended internal sound levels vary for type of occupancy and activity. For residential buildings near major roads, the recommended sound levels are 30 dB LAeq for sleeping areas and 35 dB LAeq for living areas. For consistency with NZS 6806, the Transport Agency submission has slightly relaxed these criteria for habitable spaces to be 40 dB LAeq(24h). The Effects Area is usually contained partly within the road reserve as it is measured from the edge of the nearest traffic lane, rather than the edge of the carriageway. These Effects Areas to adequately control reverse sensitivity effects as per the Transport Agency policy. Also recommend that the provisions are applied to Kairanga Bunnythorpe Road and Ashhurst Road as these are identified in the Joint Transportation Study as key freight corridors.	<p>increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</p> <p>c. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25 degrees. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.</p> <p>5. A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the [council officer] demonstrating noise and vibration compliance prior to the construction or alteration of any building containing a noise sensitive activity in or partly in the state highway buffer area or effects area. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.</p> <p>See the full submission for the complete request.</p> <p><i>Further Submission by Federated Farmers (FS9/013) opposing this submission.</i></p>		
189	3C Noise	New Zealand Defence Force - S8/009	Oppose in part	Due to the broad and varied nature of temporary military training activities they can be undertaken in any zone. Seek specific noise provisions to be included in all zones in the District Plan. As activities are uniquely military in nature, it is appropriate to have specific provisions to address their effects. Malcolm Hunt and Associates have developed a set of noise standards specific to these activities to replace those currently in the District Plan. For weapons firing and explosives, the noise provisions work by using separation distances from sensitive receivers.	Adopt the noise provisions as requested by NZDF. See permitted activity noise standards attached to the original submission.  <i>Further Submission by NZ Defence Force (FS3/007) supporting this submission.</i>	As noted in response to earlier submissions, Plan Change 55 does not seek to review or change the existing provisions relating to temporary military training activities. The provisions for temporary military activities will be reviewed as part of the Rural Zone Plan Change (and other zones when reviewed). Any noise provisions will be reviewed and incorporated into the District Plan at that time.	Recommend that submission S8/009 by NZ Defence Force is rejected and FS3/007 by NZ Defence Force is rejected.
190	3C.1 Introduction	Federated Farmers - S1/009	Not stated	Federated Farmers understands that in the interface between zones and different land uses there can be different amenity expectations that can give rise to complaints. Intentions of Chapter would be aided with	That the following paragraph is added to 3C.1 Introduction  <u>With the recent trend towards country living, traditional agriculture and horticulture activities may be subject to an increasing number of complaints in respect of the effects of their day to day activities. The effects of these activities often cannot</u>	It is recognised that there can be issues between rural and rural lifestyle uses of land. The introduction has been recommended to change as a result of the submission by Horticulture NZ (S23/010).  The request by the submitter in relation to activities locating adjacent to an existing activity is considered unnecessary. The review of the Rural Zone includes set back distances between	Recommend that submission S1/009 by Federated Farmers is accepted in part and FS10/029 by Horticulture NZ is accepted in part and FS13/033 by Powerco is rejected, noting the changes recommended by submission S23/010.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				a detailed explanation of the reverse sensitivity issue.	<u>be readily avoided, remedied or mitigated by the person undertaking the activity without causing significant adverse economic effects. Those activities that locate adjacent to an existing rural activity, should take steps to mitigate the effects that the existing rural activity may have upon them.</u> <i>Further Submission by Horticulture NZ (FS10/029) supporting this submission.</i> <i>Further Submission by Powerco (FS13/033) opposing in part this submission.</i>	activities, which addresses the concerns raised here. The Rural Zone review is expected to be notified in 2017.	
190	3C.1 Introduction	Horticulture New Zealand - S23/010	Not stated	There is a recognition of a growing trend towards country living and potential conflicts regarding noise. Horticulture NZ considers that the wording can better reflect the situation.	Amend 3C.1 Introduction para 3 by including the following: <u>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.</u> <i>Further Submission by Federated Farmers (FS9/014) supporting this submission.</i>	The proposed wording covers the same issues and intent of proposed paragraph 3, but in a clear way, so they are supported.	Recommend that submission S23/010 by Horticulture NZ is accepted and FS9/014 by Federated Farmers is accepted and that the third paragraph in the introduction is deleted and replaced with: <u>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.</u>
191	3C.2 Resource Management Issues (Issue 1)	Horticulture New Zealand - S23/011	Not stated	There should be a specific recognition of potential reverse sensitivity as a resource management issue.	Add a new issue in 3C.2: <u>There is potential for reverse sensitivity complaints due to different expectations of the amenity of the zone.</u> <i>Further Submission by Federated Farmers (FS9/015) supporting this submission.</i>	There can be an issue between rural and rural lifestyle living due to different expectations of the amenity of a zone. The provisions in the noise chapter are clear with regards to the noise levels considered to be appropriate. Issues surrounding set back distances will be addressed in the Rural Zone review.	Recommend that submission S23/011 by Horticulture NZ is accepted in part and FS9/015 by Federated Farmers in accepted in part and a new issue added to Section 3C.2 as follows: <u>Rural and rural lifestyle uses can have different amenity expectations which can result in complaints.</u>
192	3C.2 Resource Management Issues (Issue 4)	Federated Farmers - S1/010	Support	Support the identified Resource Management Issues, in particular 4. We appreciate recognition that noise is often a normal feature of activities consistent to the rural zone.		Support is noted.	Recommend that submission S1/010 by Federated Farmers is accepted.
193	3C.3 Objectives and Policies (Objective 1)	Horticulture New Zealand - S23/012	Not stated	There should be a policy that ensures that noise generated by rural production activities is accepted as part of the rural environment. This will provide a policy framework for the exemption for rural production activities from the noise limits.	Add an additional policy: <u>To provide for noise associated with rural production activities in the rural zone.</u>  <i>Further Submission by Federated Farmers (FS9/016) supporting this submission.</i>	Noise limits in the Rural Zone have been provided in the Noise section of Chapter 3. The chapter does not stop any activity, it merely identifies a noise limit or level that is considered appropriate for all zones. There is a provisions under Rule 3C.4.2.d for rural production activities, except for intensive farming, to not be controlled by the noise limits in Table 3C.1. The suggested policy provides a policy framework for this.	Recommend that submission S23/012 by Horticulture NZ is accepted and FS9/016 by Federated Farmers is accepted and a new Policy added as follows: <u>To provide for noise associated with rural production activities in the rural zone.</u>
194	3C.3 Objectives and Policies (Policy 1.1)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/006	Support in part	Support insofar as seek to ensure adverse noise effects do not affect night time sleeping levels. However it needs to be clear, in accordance with the policy approach in the Industrial Zone, that there will be higher noise levels in some zones and in those zones, noise level standards will not be set to protect noise sensitive activities. Industries can operate during night time hours (in some cases 24 hours	Amend Policy 1.1 as follows: To ensure noise level standards protect dwellings and other noise sensitive activities from unreasonable noise levels <u>where sensitive activities are permitted, and otherwise to require noise sensitive activities to avoid locating in zones where higher noise levels are anticipated unless they provide adequate noise attenuation.</u>	The intent of Policy 1.1 is to assist decision making; not set out what can occur as a permitted activity. The permitted activity rules of all zones set out what is considered to be appropriate activities; not policies within the noise chapter. The zone provisions are the appropriate place to consider activities that are appropriate in specific areas and where sensitive activities should or should not occur.	Recommend that submission S21/006 by the Oil Companies is rejected.

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				a day) and at higher level than would otherwise be allowed in zones where noise sensitive activities are anticipated. Amendment to Policy 1.1 is sought to clarify that noise sensitive activities should not expect noise levels in industrial zones to protect night time sleeping hours from adverse noise effects.			
195	3C.4.1 Permitted Activities	Federated Farmers - S1/011	Not stated	Note and appreciate that 3C.4.1.C provides that rural production activities, except for intensive farming, are not controlled by Rule 3C.4.1.B, but seek amendment to the times associated with noise levels provided for in Table 3C.1 to provide for those activities considered intensive farming activities. It is common for intensive farming activities to begin outside of 'normal business or activity hours'. Federated Farmers submits that the permitted time period provided for in Table 3C.1 be amended to enable these activities.	That the time period 10pm to 7am be amended 10pm to 5am and therefore the following time zone amended to start at 5am (5am to 7pm). <i>Further Submission by Horticulture NZ (FS10/030) supporting this submission.</i>	The noise limits are designed to protect against sleep disturbance. Changing the night-time hours to have only 7 hours of sleep protection is considered unacceptable by Council's noise expert. Furthermore the limits form the permitted baseline against which all other activities that might establish in the Rural Zone are assessed. This could range from contractors' depots to factories to distribution centres. Council's noise expert considers the time of 7am is a reasonable hour to protect the rural community against the start-up of a noisy neighbouring activity.	Recommend that submission S1/011 by Federated Farmers is rejected and FS10/030 by Horticulture NZ is rejected.
196	3C.4.1 Permitted Activities	New Zealand Defence Force - S8/010	Oppose	Table 3C.1 - this table states that the potentially affected zone is to be measured at any point within the boundary of any other site in the zone. However the notional boundary is the generally accepted approach to applying the relevant noise limits and there is no robust rationale provided to deviate from this.	Retain the notional boundary as the measurement requirement for measuring noise levels at the property boundary.	The use of the notional boundary was discussed in the Noise Report which formed part of the Section 32 report for PPC 55. Council's noise expert considers that the use of the notional boundary does not protect land in a situation where an owner has the existing right to build a new noise sensitive activity, such as a dwelling. To avoid uncertainty the use of the neighbouring site boundary is recommended as the most readily understood criteria for plan users.	Recommend that submission S8/010 by NZ Defence Force is rejected.
197	3C.4.2 Standards for Permitted Activities (b - Table 3C.1 _ Noise levels - Residential/Village)	Spark - S17/028	Not stated	The residential/village zone 10pm-7am noise levels are unnecessarily restrictive. The NESTF has standards for cabinet noise which are higher than the District Plan. Given that the NESTF standard is deemed quiet enough on a national basis for telecommunications cabinets, it should be applied to all noise emitting activities in these zones.	Amend Table 3C.1 as follows: Residential/Village 7am-10pm <del>45 dB LAeq (15mins)</del> <u>50dB LAeq (5mins)</u> 10pm-7am <del>35 dB LAeq (15mins)</del> <u>40dB LAeq (5mins)</u> <del>10pm-7am 55 dB LAmax 65dB LAmax</del>	Council's noise expert acknowledges that telecommunication cabinets do not need to meet the District Plan noise limits because of the NESTF, reflecting their importance. The noise limits in the Residential/Village Zone are deliberately strict, and reflect a very small part of the District. The strict noise limits are purposely designed to provide for a quiet and peaceful community with noisy activities encouraged to go elsewhere. On that basis the requested change is not supported.	Recommend that submission S17/028 by Spark is rejected.
197	3C.4.2 Standards for Permitted Activities (b - Table 3C.1 _ Noise levels -	Chorus New Zealand Limited - S18/029	Not stated	The residential/village zone 10pm-7am noise levels are unnecessarily restrictive. The NESTF has standards for cabinet noise which are higher than the District Plan. Given that the NESTF	Amend Table 3C.1 as follows: Residential/Village 7am-10pm <del>45 dB LAeq (15mins)</del> <u>50dB LAeq (5mins)</u> 10pm-7am <del>35 dB LAeq (15mins)</del> <u>40dB LAeq (5mins)</u>	Council's noise expert acknowledges that telecommunication cabinets do not need to meet the District Plan noise limits because of the NESTF, reflecting their importance. The noise limits in the Residential/Village Zone are deliberately strict, and reflect a very small part of the District. The strict noise limits are purposely designed to provide for a quiet and peaceful community with noisy	Recommend that submission S18/029 by Chorus is rejected.

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	Residential/Village)			standard is deemed quiet enough on a national basis for telecommunications cabinets, it should be applied to all noise emitting activities in these zones.	<del>10pm-7am 55dB LAmax</del> 65dB LAmax	activities encouraged to go elsewhere. On that basis the requested change is not supported.	
198	3C.4.2 Standards for Permitted Activities (c)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/007	Not stated		Retain Rule 3C.4.2 (c).	Retention is noted.	Recommend that submission S21/007 by the Oil Companies is accepted.
199	3C.4.2 Standards for Permitted Activities (d - iii)	KiwiRail Holdings Limited (KiwiRail) - S2/021	Support	Support that trains have been exempted from compliance with the noise standards, this reflecting the RMA provisions.	Retain as notified.	Support is noted.	Recommend that submission S2/021 by KiwiRail is accepted.
200	3C.4.2 Standards for Permitted Activities (d - iv)	Horticulture New Zealand - S23/013	Not stated	It is considered that the wording would be better to state that the activities are exempt from the requirements. Horticulture NZ also seeks that it is clear that helicopter landing areas and rural airstrips are part of rural production activities and so included in exemption iv).	Amend 3C.4.2.d.iv) Rural production activities, <u>including helicopter landing areas and rural airstrips are part of rural production activities</u> , except for intensive farming. <i>Further Submission by Federated Farmers (FS9/017) supporting this submission.</i>	Council's noise expert has noted that helicopter landing areas and rural airstrips can cause a significant noise nuisance and are appropriately controlled by reference to NZS 6805:1992 Airport Noise Management and Land Use Planning and NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. He considers the difference is between the occasional use of a paddock purely for agricultural use and the establishment of a rural airstrip for regular use by aircraft and helicopters. The latter could have a significant impact on residential neighbours and the noise needs to be controlled. It is not appropriate to exempt these activities which should be assessed using the relevant New Zealand Standard. On that basis the requested changes are not supported.	Recommend that submission S23/013 by Horticulture NZ is rejected and FS9/017 by Federated Farmers is rejected.
201	3C.4.2 Standards for Permitted Activities (Guidance Note 2)	Horticulture New Zealand - S23/014	Not stated	The Guidance Note 2 should also clarify that intermittent use for rural production activities is included in the exemptions.	Amend Guidance Notes 2) as follows: 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 <u>but intermittent use for rural production activities is exempt.</u>	Council's noise expert notes that rural production activities are not controlled by the District Plan noise rules and this already includes intermittent use if it can be shown that it is for rural production activities. He disagrees that helicopter landing areas and rural airstrips per se should be given exemption from the need to be assessed using the relevant New Zealand Standards and therefore does not support the requested changes.	Recommend that submissions S23/014 by Horticulture NZ is rejected.
<b>Chapter 3D Earthworks</b>							
202	3D Earthworks	First Gas (formerly Vector Gas) Ltd - S20/029	Not stated	Seeks an inclusion of a notification statement where earthworks are undertaken in close proximity to the gas network.	Add notification statement under the Guidance Notes: <u>Where earthworks are to be undertaken within 20m of a high pressure gas transmission pipeline, First Gas Ltd (the owner and operator of the high pressure gas transmission network) shall be deemed an affected party.</u>	The proposed Guidance Note 4 for Rule 3D.4.2 already refers to advising electricity owners of works within 20m of any electricity line. It is appropriate to amend this guidance note to also include reference to the high pressure gas transmission network.	Recommend that submission S20/029 by First Gas is accepted in part and Guidance Note 4 under rule 3D.4.2 is amended as follows: Where earthworks are to be undertaken within 20m of any electricity line <u>or high pressure gas transmission line</u> , the owners of the electrical <u>or gas</u> network should be advised of the intention to carry out the works not less than 5 working days prior to their commencement.
203	3D Earthworks	Maree Docherty - S19/001	Not stated	Earthworks definition says to include 'more farm activities' needs to be clarified with the following in mind: I am aware the Manawatu region is unlikely to be targeted by the oil and gas industry for hydraulic fracturing (fracking). Concern is oil and gas industry's need to dispose of great quantity of contaminated waste 1. liquid pumped deep into ground 2. solid waste is spread on the land and called land farming	I am mindful that Mayor Margaret Kouvelis once said she envisioned the Manawatu as a bread basket for our area. In this context, contaminated waste and bread baskets do not belong together. Given the evidence of the cancerogenic compounds produced by the oil and gas industry I propose that 'land farming' (spreading of heavy waste by products from oil and gas drilling) be listed as a prohibited activity with either a moratorium or discretionary notices in order to protect the farming and environment in the Manawatu District.	Managing and controlling oil and gas exploration is currently addressed by the catch-all rule in section A2 2.1 as a non-complying activity. While there is little policy guidance surrounding exploration, Council is intending to consider this activity and related issues through the Rural Zone plan change, which is expected to be notified in 2017.	Recommend that submission S19/001 by Maree Docherty is rejected and FS8/001 by Jean Kahui is rejected.

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				or buried in the ground (mix-bury-cover). Concern expressed over waste being trucked to the Manawatu District. Further discussion contained in the original submission.	<i>Further Submission by Jean Kahui (FS8/001) supporting this submission.</i>		
204	3D.1 Introduction	Federated Farmers - S1/012	Not stated	Earthwork activities Council seeks to control are already controlled under the One Plan. These include extensive provisions to address hazards, silt, scouring, slipping, dust and revegetation, as well as land disturbance near waterbodies and sensitive environments. Consider that there would be unnecessary duplication and cost if the Council replicated those rules.	That the introduction for 3D.1 is amended to read: ...Earthworks are also undertaken in the rural environment in conjunction with rural production activities. <u>The objectives, policies and rules in this chapter apply across the District except for the Rural zones. The Rural Zones are controlled by provisions in the Manawatu Wanganui Regional Council One Plan, which allows some land disturbance as permitted activities, but subject to performance standards covering slope angle, area, sediment control methods and protection of sensitive environments. Many land disturbance and cultivation activities require notification to the Regional Council and/or resource consent. Landowners and developers in the Rural Zones should contact the Manawatu Wanganui Regional Council before commencing earthworks.</u> <i>Further Submission by Horizons (FS4/012) opposing this submission.</i> <i>Further Submission by Heritage NZ (FS5/0010) opposing this submission.</i> <i>Further Submission by Transpower (FS7/029) opposing this submission.</i> <i>Further Submission by Horticulture NZ (FS10/031) supporting this submission.</i> <i>Further Submission by First Gas (FS11/016) opposing this submission.</i>	The changes proposed by the submitter change the intent of the chapter. The chapter has been developed so that additions for other zones can easily be included in this section through future plan changes. Earthworks in the Rural Zone will be included in this chapter through the Rural Zone Plan Change.  The One Plan does not address all earthworks of concern in the District. The effects that Horizons is responsible for managing are different from those effects the District Council manages. Therefore it is appropriate to retain earthwork provisions in the plan. The provisions in this chapter, including the guidance notes, include references to the need to also check the requirements of the One Plan.	Recommend that submission S1/012 by Federated Farmers is rejected and FS4/012 by Horizons is accepted and FS5/0010 by Heritage NZ is accepted and FS7/029 by Transpower is accepted and FS10/031 by Horticulture NZ is rejected and FS11/016 by First Gas is accepted.
205	3D.1 Introduction	Horticulture New Zealand - S23/015	Not stated	Seeks recognition in the Plan for earthworks required for biosecurity purposes. Unwanted organisms are where MPI or the Minister has declared an incursion and that a response is required, which may include burial of infected material. Therefore there should be recognition in the Plan that earthworks to dispose of such infected material is a permitted activity.	Amend 3D.1 Introduction para 1 as follows: ....Earthworks are also undertaken in the rural environment in conjunction with rural production activities <u>and for biosecurity purposes to dispose of unwanted organisms.</u>	While the disposal of unwanted organisms for biosecurity purposes is rare, it does occur in some situations.	Recommend that submission S23/015 by Horticulture NZ is accepted and the introduction is amended as follows: <u>Earthworks are also undertaken in the rural environment in conjunction with rural production activities and for biosecurity purposes to dispose of unwanted organisms.</u>
206	3D.2 Resource Management Issue (new Issue)	Powerco - S16/047	Not stated	There is a need to manage earthworks and development of land in the immediate vicinity of electricity utilities. Safe separation distances between earthworks and network utility assets are required to ensure public safety and to preserve the	Insert a new issue as follows: <u>Earthworks can adversely affect the safe, efficient and effective functioning of network utilities.</u>	The submission correctly acknowledges that earthworks in the vicinity of network utilities can have a potential effect on their effective functioning. This should be recognised as an issue in the Plan. Note as a result of another similar submission the wording recommended is slightly different.	Recommend that submission S16/047 by Powerco is accepted and a new issue added to Section 3D.2 as follows: <u>Earthworks can compromise the safe, efficient and effective functioning of established network utilities including regionally and nationally significant infrastructure.</u>

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				reliability of the electricity supply system for all consumers. It is therefore appropriate to recognise this as a resource management issue.			
206	3D.2 Resource Management Issue (new Issue)	First Gas (formerly Vector Gas) Ltd - S20/025	Not stated	Seeks the addition of a new issue for the earthworks chapter, being that earthworks have to compromise the safe, efficient and effective functioning of established network utilities.	Add new issue: <u>Earthworks can compromise the safe, efficient and effective functioning of established network utilities including regionally and nationally infrastructure.</u>	The submission correctly acknowledges that earthworks in the vicinity of network utilities can have a potential effect on their effective functioning. This should be recognised as an issue in the Plan. Note as a result of another similar submission the wording recommended is slightly different.	Recommend that submission S20/025 by First Gas is accepted and a new issue added to Section 3D.2 as follows: <u>Earthworks can compromise the safe, efficient and effective functioning of established network utilities including regionally and nationally significant infrastructure.</u>
206	3D.2 Resource Management Issue (new Issue)	Transpower New Zealand Limited - S11/045	Oppose	A new issue is sought in order to establish that earthworks can have adverse effects on network utilities, and also in light of the objective, policy and rule framework introduced by the plan change to earthworks pertaining to the National Grid.	Add a new issue as follows: <u>Earthworks can adversely affect the safe, efficient and effective functioning of network utilities.</u> <i>Further Submission by Horticulture NZ (FS10/032) supporting in part this submission.</i>	The submission correctly acknowledges that earthworks in the vicinity of network utilities can have a potential effect on their effective functioning. This should be recognised as an issue in the Plan. Note as a result of another similar submission the wording recommended is slightly different.	Recommend that submission S11/045 by Transpower is accepted and a new issue added to Section 3D.2 as follows: <u>Earthworks can compromise the safe, efficient and effective functioning of established network utilities including regionally and nationally significant infrastructure.</u>
207	3D.2 Resource Management Issues (Issue 1)	Transpower New Zealand Limited - S11/044	Oppose	The wording of this issue is not clear because it suggests that adverse effects from earthworks do not detract from amenity values which isn't always the case. This wording may be an error.	Potential adverse effects resulting from earthworks do not detract from the amenity values of the District. (Clarify) <i>Further Submission by Horticulture NZ (FS10/033) supporting in part this submission.</i>	It is accepted that the wording of this issue is confusing. Earthworks can reduce or effect the amenity values of areas within the District. Changes are recommended to improve the clarity of this issue.	Recommend that submission S11/044 by Transpower is accepted and the issue amended as follows: Potential adverse effects resulting from earthworks <del>do not can</del> detract from the amenity values of the District.
208	3D.2 Resource Management Issues (Issue 1)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/008	Not stated	Consider it appropriate to acknowledge safety risks earthworks generate. For example, earthworks on contaminated land can generate health risks for those involved and those living in close proximity to the area of works.	Amend issue 1 as follows: Potential adverse effects resulting from earthworks do not detract from the amenity values of the District <u>or generate adverse effects on health and safety.</u>	The Council is addressing the contaminated land issue through Plan Change 61 which was recently subject to clause 3 consultation with the community. It is unnecessary to repeat these provisions in this chapter.	Recommend that submission S21/008 by the Oil Companies is rejected.
209	3D.2 Resource Management Issues (Issue 2)	Manawatu-Whanganui Regional Council (Horizons) - S5/024	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/024 by Horizons is accepted.
210	3D.2 Resource Management Issues (Issue 3)	Heritage New Zealand Pouhere Taonga - S3/015	Support in part	Support with amendment. Support protection of natural, cultural and historical heritage values from adverse effects of earthworks. Also support absence of specific provisions relating to archaeology as this is best managed through the authority process under the Heritage New Zealand Pouhere Taonga Act 2014. However current drafting is broad and does not focus on the particular values that can be adversely affected e.g. historic heritage, natural heritage and cultural heritage.	Amend Resource Management Issue 3 as follows: Earthworks can result in adverse effects <del>ON features or areas of cultural, historical or landscape significance on natural, cultural or historic heritage values.</del> <i>Further Submission by Horticulture NZ (FS10/034) supporting in part this submission.</i>	In response to other previous submissions reference to heritage has been changed to 'historic heritage'. This is consistent with the approach taken in the new Historic Heritage Chapter (chapter 4) through the Sectional District Plan Review. Using historic heritage is also consistent with the terms used in the Resource Management Act.	Recommend that submission S3/015 by Heritage NZ is accepted in part and FS10/034 by Horticulture NZ is accepted and the issue is amended as follows: Earthworks can result in adverse effects <del>on features or areas of cultural, historical or landscape significance on historic heritage values.</del>
211	3D.2 Resource Management	Manawatu-Whanganui Regional	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/025 by Horizons is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
	Issues (Issue 5)	Council (Horizons) - S5/025					
212	3D.3 Objectives and Policies (Objective 1)	Heritage New Zealand Pouhere Taonga - S3/016	Support in part	Support with amendment. Term 'heritage' should be more specific to types of heritage it is applying to. Amenity values are already dealt with in Objective 2 and should be removed to avoid duplication.	Amend Objective 1 as follows: To ensure earthworks do not result in adverse effects on the <del>visual amenity</del> landscape, <u>natural heritage, historical heritage</u> or cultural <u>heritage</u> values of the area.	In response to other submissions reference to heritage has been changed to 'historic heritage'. This is consistent with the approach taken in the new Historic Heritage Chapter (chapter 4) through the Sectional District Plan Review. Using historic heritage is also consistent with the terms used in the Resource Management Act.	Recommend that submission S3/016 by Heritage NZ is accepted in part and the objective is amended as follows: To ensure earthworks do not result in adverse effects on the <del>visual amenity landscape, heritage or cultural</del> <u>historic heritage</u> values of the area.
213	3D.3 Objectives and Policies (Objective 1)	Manawatu-Whanganui Regional Council (Horizons) - S5/026	Support	Support intent.	Retain as drafted in PPC55.	Support is noted. As a result of submission S3/016 there is a minor change recommended to the Objective, however it does not change the intent.	Recommend that submission S5/026 by Horizons is accepted.
213	3D.3 Objectives and Policies (Policy 1.1)	Heritage New Zealand Pouhere Taonga - S3/017	Support in part	Support with amendment. To accommodate removal of amenity in Objective 1 this policy should be moved to under Objective 2.	Move Policy 1.1 to Policy 2.1 as follows: <del>± 2.1</del> To mitigate any visual amenity effects arising from earthworks. Plus consequential changes to numbering.	In response to other submissions, there have been changes recommended to Objectives 1 and 2 and their associated policies. These changes are considered to address the concerns raised by the submitter.	Recommend that submission S3/017 by Heritage NZ is rejected.
214	3D.3 Objectives and Policies (Policy 1.2)	Heritage New Zealand Pouhere Taonga - S3/018	Support in part	Support with amendment. Use of 'particularly' is vague and could give impression that not all the items contained in the appendices are significant. It should be removed. Earthworks also have the potential to adversely affect buildings and objects scheduled in Appendix 1E, and should be included. Use of 'area' should be changed as not all items are 'areas' and should be referred to as 'items'.	Amend Policy 1.2 as follows: To restrict earthworks within <del>sites identified in this Plan as containing significant heritage values, particularly those identified</del> <u>the area or setting of items scheduled 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).</u> <i>Further Submission by the Oil Companies (FS12/005) opposing in part this submission.</i> <i>Further Submission by Powerco (FS13/034) opposing in part this submission.</i>	The changes sought by the submitter add some clarity to the provisions. However reference to the 'area or setting' does introduce a wider area of interpretation that reduces certainty for the plan user.	Recommend that submission S3/018 by Heritage NZ is accepted in part and FS12/005 by the Oil Companies is rejected and FS13/034 by Powerco is rejected and amend the policy as follows: To restrict earthworks within <del>sites identified in this Plan as containing significant heritage values, particularly those identified</del> <u>the area of items scheduled 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).</u>
215	3D.3 Objectives and Policies (Policy 1.2)	Manawatu-Whanganui Regional Council (Horizons) - S5/027	Support	Support intent.	Retain as drafted in PPC55.	Support is noted. As a result of submission S3/018 there is a minor change recommended to the policy, however it does not change the intent.	Recommend that submission S5/027 by Horizons is accepted.
216	3D.3 Objectives and Policies (Policy 1.3)	Heritage New Zealand Pouhere Taonga - S3/019	Support in part	Support with amendment. Policy should reference the specific appendix where the areas are scheduled.	Amend Policy 1.3 as follows: To restrict earthworks in Outstanding Natural Features or Landscapes, <u>as identified Appendix 1C</u> , except where earthworks are necessary to eliminate risk to human health and safety.	Including reference to Appendix 1C is appropriate as it avoids any confusion as to the Outstanding Natural Features or Landscapes covered by this provision.	Recommend that submission S3/019 by Heritage NZ is accepted. To restrict earthworks in Outstanding Natural Features or Landscapes <u>as scheduled in Appendix 1C</u> , except where earthworks are necessary to eliminate risk to human health and safety.
217	3D.3 Objectives and Policies (Policy 1.3)	Manawatu-Whanganui Regional Council (Horizons) - S5/028	Support	Support Intent.	Retain as drafted in PPC55.	Support is noted. As a result of submission S3/019 there is a minor change recommended to the policy, however it does not change the intent.	Recommend that submission S5/028 by Horizons is accepted.
218	3D.3 Objectives and Policies (Policy 1.3)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/009	Not stated	Policy sets a high threshold insofar as it provides for earthworks to eliminate risks to human health and safety within Outstanding Natural Features and Landscapes. It is very difficult to eliminate risk. More appropriate and	Amend Policy 1.3 as follows: To restrict earthworks in Outstanding Natural Features or Landscapes, except where earthworks are necessary to eliminate <u>unacceptable</u> risk to human health and safety.	Inclusion of 'unacceptable' to the policy adds confusion and creates uncertainty for plan users. It is not clear who would decide if a risk was unacceptable.	Recommend that submissions S21/009 by the Oil Companies is rejected.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				achievable to manage risk to an acceptable level than eliminate it.			
218	3D.3 Objectives and Policies (Policy 1.3)	Powerco - S16/048	Not stated	Policy sets a high threshold insofar that it provides for earthworks that can 'eliminate' risks to human health and safety. It is very difficult to eliminate risk therefore it is considered more appropriate and achievable to manage risk to an acceptable level rather than eliminate it.	Amend Policy 1.3 as follows: To restrict earthworks in Outstanding Natural Features or Landscapes, except where earthworks are necessary to eliminate <u>unacceptable</u> risk to human health and safety.	Inclusion of 'unacceptable' to the policy adds confusion and creates uncertainty for plan users. It is not clear who would decide if a risk was unacceptable.	Recommend that submission S16/048 by Powerco is rejected.
219	3D.3 Objectives and Policies (Policy 1.4)	Heritage New Zealand Pouhere Taonga - S3/020	Support in part	Support with amendment. Word 'intrinsic' not used in other parts of plan and should be removed for consistency and to avoid complicated judgements. Reference to cultural, natural and historical heritage values of the items is sufficient. Historical heritage values should be referenced.	Amend Policy 1.4 as follows: To avoid, remedy or mitigate the <u>adverse effects of earthworks on the natural, historical and cultural heritage values of items scheduled in Appendix 1C (Outstanding Natural Features), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves)), 1D (Trees with Heritage Value), Category A buildings and objects in Appendix 1E (Buildings and Objects with Heritage Value) and Category A sites or sites of significance of Maori in Appendix 1F (Sites with heritage value), which could disturb or destroy the intrinsic cultural and natural heritage values associated with and identified site or object.</u>  <i>Further Submission by Forest and Bird (FS1/006) supporting this submission.</i>	Having reviewed the content of Policy 1.2 and 1.4 in light of this submission, and with proposed changes to Policy 1.2, Policy 1.4 is considered to be redundant. The changes suggested by the submitter would essentially result in policies 1.2 and 1.4 saying that same thing. On that basis it is recommended that Policy 1.4 be deleted.	Recommend that submission S3/020 by Heritage NZ is accepted in part in so far as Policy 1.4 is deleted given the changes made under S3/018 and FS1/006 by Forest and Bird is accepted.
220	3D.3 Objectives and Policies (Objective 2)	Manawatu-Whanganui Regional Council (Horizons) - S5/029	Support	Support intent.	Retain as drafted in PPC55.	Support is noted. However as a result of other submissions addressed below changes are proposed to the Objective to provide greater clarity for plan users. Reference to visual amenity is covered by the provisions in Objective 1 and associated policies. To duplicate provisions in Objective 2 and its associated policies creates confusion for plan users.	Recommend that submission S5/029 by Horizons is accepted in part, recognising changes recommended by submissions S16/049 by Powerco and S21/010 by the Oil Companies.
221	3D.3 Objectives and Policies (Objective 2)	Powerco - S16/049	Not stated	Considered appropriate to remove visual amenity effects because these have already been addressed in Objective 1.	Amend Objective 2 as follows: To ensure that earthworks are designed and undertaken in a manner to minimise the risk of land instability and accelerated <del>erosion and visual amenity effects</del>  <i>Further Submission by Horticulture NZ (FS10/035) supporting in part this submission.</i>	The submitter is correct that visual amenity is already covered in Objective 1 and associated policies. To duplicate provisions in Objective 2 and its associated policies could create confusion for plan users. Recommend that reference to visual amenity is removed from Objective 2.	Recommend that submission S16/049 by Powerco is accepted and FS10/035 by Horticulture NZ is accepted and Objective 2 is amended as follows: To ensure that earthworks are designed and undertaken in a manner to minimise the risk of land stability <u>and accelerated erosion and visual amenity effects.</u>
221	3D.3 Objectives and Policies (Objective 2)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/010	Not stated	It is considered appropriate to remove visual amenity effects as these effects have already been addressed in Objective 1 and associated policies.	Amend Objective 2 as follows: To ensure that earthworks are designed and undertaken in a manner to minimise the risk of land instability <u>and accelerated erosion and visual amenity effects.</u>	The submitter is correct that visual amenity is already covered in Objective 1 and its associated policies. To duplicate provisions in Objective 2 and its associated policies could create confusion for plan users. Recommend that reference to visual amenity is removed from Objective 2.	Recommend that submission S21/010 by the Oil Companies is accepted and Objective 2 is amended as follows: To ensure that earthworks are designed and undertaken in a manner to minimise the risk of land stability <u>and accelerated erosion and visual amenity effects.</u>
222	3D.3 Objectives and Policies (Policy 2.1)	Manawatu-Whanganui Regional Council (Horizons) - S5/030	Support	Support intent.	Retain as drafted in PPC55.	As a consequence of submission S16/049 and S21/010 removing reference to visual amenity from Objective 2, as it is covered by Objective 1, Policy 2.1 also needs attention. The focus of Policy 2.1 is visual amenity and therefore should be moved to under Objective 1. This ensures all amenity provisions are under one Objective, providing greater clarity and certainty to Plan users. The intent of Policy 2.1 is however being retained.	Recommend that submission S5/030 by Horizons is accepted in part, recognising that Policy 2.1 is recommended to be moved to under Objective 1.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
223	3D.3 Objectives and Policies (Policy 2.1)	Powerco - S16/050	Not stated	Considered appropriate to remove visual amenity effects because these have already been addressed in Objective 1.	Amend Policy 2.1 as follows: To ensure that earthworks are appropriate for the site they are located on to avoid land instability. <del>and visual amenity effects beyond the site.</del>	As a consequence of submission S16/049 and S21/010 removing reference to visual amenity from Objective 2, as it is covered by Objective 1, Policy 2.1 also needs attention. The focus of Policy 2.1 is visual amenity and therefore should be moved to under Objective 1. This ensures all amenity provisions are under one Objective, providing greater clarity and certainty to Plan users. The intent of Policy 2.1 is however being retained.	Recommend that submission S16/050 by Powerco is accepted in part and that Policy 2.1 is moved to under Objective 1.
223	3D.3 Objectives and Policies (Policy 2.1)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/011	Not stated	It is considered appropriate to remove visual amenity effects as these effects have already been addressed in Objective 1 and associated policies.	Amend Policy 2.1 as follows: To ensure the scale of earthworks <del>is are</del> appropriate for the site they are located on to avoid <del>land instability visual amenity effect</del> on or beyond the site.	As a consequence of submission S16/049 and S21/010 removing reference to visual amenity from Objective 2, as it is covered by Objective 1, Policy 2.1 also needs attention. The focus of Policy 2.1 is visual amenity and therefore should be moved to under Objective 1. This ensures all amenity provisions are under one Objective, providing greater clarity and certainty to Plan users. The intent of Policy 2.1 is however being retained.	Recommend that submission S21/011 by the Oil Companies is accepted in part and that Policy 2.1 is moved to under Objective 1.
224	3D.3 Objectives and Policies (Policy 2.2)	Manawatu-Whanganui Regional Council (Horizons) - S5/032	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/032 by Horizons is accepted.
225	3D.3 Objectives and Policies (Policy 2.3)	Manawatu-Whanganui Regional Council (Horizons) - S5/033	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/033 by Horizons is accepted.
226	3D.3 Objectives and Policies (Policy 2.4)	Manawatu-Whanganui Regional Council (Horizons) - S5/034	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/034 by Horizons is accepted.
227	3D.3 Objectives and Policies (Policy 2.4)	Powerco - S16/051	Not stated	Dust can result in the build up of material on electricity lines and their equipment adversely impacting on the operation of the network. Particulate matter can also corrode the existing electricity equipment which can shorten its economic life resulting in costly and unplanned replacement.	Amend Policy 2.4 as follows: To ensure all adverse effects from earthworks including dust and sediment run-off are managed onsite <u>to ensure that particulate matter does not cause nuisance or pollution or affect the safety or operation of other activities.</u> <i>Further Submission by Horticulture NZ (FS10/036) opposing in part this submission.</i>	The creation of a nuisance is often in the eye of the beholder. The addition of these words into the policy does not provide certainty for plan users. The intent of the policy is that effects are managed on the site on which they occur.	Recommend that submission S16/051 by Powerco is rejected and FS10/036 by Horticulture NZ is accepted.
228	3D.3 Objectives and Policies (Policy 2.5)	Manawatu-Whanganui Regional Council (Horizons) - S5/035	Support in part	Support intent.	Amend Policy 2.5 as follows: To ensure that earthworks do not affect the functioning <u>of</u> known overland flow paths.	Support is noted. The additional wording ensure the policy reads correctly.	Recommend that submission S5/035 by Horizons is accepted and the policy is amended as follows: To ensure that earthworks do not affect the functioning <u>of</u> known overland flow paths.
229	3D.3 Objectives and Policies (Objective 3)	Manawatu-Whanganui Regional Council (Horizons) - S5/036	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/036 by Horizons is accepted.
230	3D.3 Objectives and Policies (Objective 3)	Transpower New Zealand Limited - S11/046	Support	Generally support earthworks objectives and policies but seek amendments to provide for recognition that earthworks can compromise access to the National Grid, which can compromise its ongoing operation, maintenance and upgrading (among other activities).	Support Objective 3.	Support is noted.	Recommend that submission S11/046 by Transpower is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
230	3D.3 Objectives and Policies (Objective 3)	First Gas (formerly Vector Gas) Ltd - S20/026	Support	Supports the objective which seeks to protect First Gas' assets from earthworks that could undermine its integrity.	Retain Objective 3	Support is noted.	Recommend that submission S20/026 by First Gas is accepted.
231	3D.3 Objectives and Policies (Policy 3.1)	Manawatu-Whanganui Regional Council (Horizons) - S5/037	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/037 by Horizons is accepted.
232	3D.3 Objectives and Policies (Policy 3.1)	Transpower New Zealand Limited - S11/047	Support	Generally support earthworks objectives and policies but seek amendments to provide for recognition that earthworks can compromise access to the National Grid, which can compromise its ongoing operation, maintenance and upgrading (among other activities).	Amend Policy 3.1 as follows: To control earthworks within the National Grid Yard to ensure the continued safe, <u>effective</u> and efficient <u>access to and</u> operation, maintenance and upgrading of the National Grid. <i>Further Submission by Horticulture NZ (FS10/037) supporting in part this submission.</i>	The changes requested by the submitter add clarity and certainty for plan users. Earthworks that change or limit access to the National Grid would be inappropriate and cause national security of supply issues.	Recommend that submission S11/047 by Transpower is accepted and FS10/037 by Horticulture NZ is accepted and Policy 3.1 is amended as follows: To control earthworks within the National Grid Yard to ensure the continued safe, <u>effective</u> and efficient <u>access to and</u> operation, maintenance and upgrading of the National Grid.
233	3D.3 Objectives and Policies (Policy 3.2)	Manawatu-Whanganui Regional Council (Horizons) - S5/038	Support	Support intent.	Retain as drafted in PPC55.	Support is noted.	Recommend that submission S5/038 by Horizons is accepted.
233	3D.3 Objectives and Policies (Policy 3.2)	First Gas (formerly Vector Gas) Ltd - S20/027	Support	Supports the policy which seeks to achieve objective 3 by controlling earthworks near First Gas's assets. The wording includes reference to operation, maintenance and upgrading and this is supported.	Retain Policy 3.2	Support is noted.	Recommend that submission S20/027 by First Gas is accepted.
234	3D.4 Rules	Federated Farmers - S1/013	Not stated	References to the Rural Zone are deleted from 3D.4 and succeeding rules and performance standards to be consistent with Regional Council control of the Rural Zone earthworks.	That the Rules are amended to delete reference to the Rural Zone. <i>Further Submission by Horizons (FS4/013) supporting this submission.</i> <i>Further Submission by Heritage NZ (FS5/011) opposing this submission.</i> <i>Further Submission by Transpower (FS7/030) opposing this submission.</i> <i>Further Submission by Horticulture NZ (FS10/038) supporting this submission.</i>	The chapter has been structured so to provide guidance for Plan users when considering earthworks in all zones. Restrictions on earthworks in the Rural Zone have not been proposed through this plan change, they will be introduced as part of the Rural Zone plan change. While the Regional Council does manage the effects of some earthworks, the effects that the District Plan seeks to manage are different. Therefore the provisions of this chapter remain appropriate.	Recommend that submission S1/013 by Federated Farmers is rejected.
235	3D.4 Rules	Spark - S17/029	Not stated	Submitted that the definition for earthworks excludes earthworks associated with the installation, maintenance and upgrading of network utilities. If this revised definition is accepted, then no changes are necessary to the earthworks section. Plan Change appropriately provides for all earthworks as a permitted activity in all zones except Rural and Flood Hazard under a. Consequently, provision b is not necessary and should be removed from the rule framework with control over earthworks in the National	Amend Rule 3D.4.1 as follows (only if definition of earthworks is not amended as submitted) <del>The following earthworks are permitted activities in the all zones, except the Rural and Flood Channel zones, provided that they comply with the standards in Rule 3D.4.2 below.</del> <del>a. earthworks</del> <del>b. Any earthworks within the National Grid Yard undertaken</del> <del>i. by a network utility operator, or</del> <del>ii. as part of agricultural or domestic cultivation, or</del> <del>iii. repair, sealing or resealing of a road, footpath, driveway or farm track.</del>	Earthworks in the Rural and Flood Channel Zones continue to be managed under those respective existing provisions in the District Plan. The intent is to include earthworks provisions relating to these two zones in the chapter as part of the Rural Zone Plan Change. The provisions are specifically intended to protect the efficient and effective operation of the National Grid. This is considered to be appropriate and should not be removed from the Plan.	Recommend that submission S17/029 by Spark is rejected and FS4/004 by Horizons is accepted and FS5/024 by Heritage NZ is accepted and FS7/031 by Transpower is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				Grid Yard controlled in the standards. Rule should be expanded to include all zones by removing the exception to rural and flood hazard. Under the current drafting there are no provisions relating to earthworks in these zones.	[Consequential changes to the standard are necessary.] <i>Further Submission by Horizons (FS4/004) opposing this submission.</i> <i>Further Submission by Heritage NZ (FS5/024) opposing this submission.</i> <i>Further Submission by Transpower (FS7/031) opposing this submission.</i>		
235	3D.4 Rules	Chorus New Zealand Limited - S18/030	Not stated	Submitted that the definition for earthworks excludes earthworks associated with the installation, maintenance and upgrading of network utilities. If this revised definition is accepted, then no changes are necessary to the earthworks section. Plan Change appropriately provides for all earthworks as a permitted activity in all zones except Rural and Flood Hazard under a. Consequently, provision b is not necessary and should be removed from the rule framework with control over earthworks in the National Grid Yard controlled in the standards. Rule should be expanded to include all zones by removing the exception to rural and flood hazard. Under the current drafting there are no provisions relating to earthworks in these zones.	Amend Rule 3D.4.1 as follows (only if definition of earthworks is not amended as submitted) <del>The following earthworks are permitted activities in the all zones, except the Rural and Flood Channel zones, provided that they comply with the standards in Rule 3D.4.2 below.</del> <del>a. earthworks</del> <del>b. Any earthworks within the National Grid Yard undertaken</del> <del>i. by a network utility operator, or</del> <del>ii. as part of agricultural or domestic cultivation, or</del> <del>iii. repair, sealing or resealing of a road, footpath, driveway or farm track.</del> [Consequential changes to the standard are necessary.] <i>Further Submission by Horizons (FS4/005) opposing this submission.</i> <i>Further Submission by Heritage NZ (FS5/005) opposing this submission.</i> <i>Further Submission by Transpower (FS7/032) opposing this submission.</i>	Earthworks in the Rural and Flood Channel Zones continue to be managed under those respective existing provisions in the District Plan. The intent is to include earthworks provisions relating to these two zones in the chapter as part of the Rural Zone Plan Change. The provisions are specifically intended to protect the efficient and effective operation of the National Grid. This is considered to be appropriate and should not be removed from the Plan.	Recommend that submission S18/030 by Chorus is rejected and FS4/005 by Horizons is accepted and FS5/005 by Heritage NZ is accepted and FS7/032 by Transpower is accepted.
236	3D.4 Rules	Horticulture New Zealand - S23/016	Not stated	The permitted activities apply in all zones, except the Rural and Flood Channel zones. It is unclear why the Rural Zone is excluded but would effectively mean that there are no permitted earthwork activities in the Rural Zone.	Amend Rule 3D.4.1 Rules 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.	Earthworks in the Rural and Flood Channel Zones continue to be managed under those respective existing provisions in the District Plan. The intent is to include earthworks provisions relating to these two zones in the chapter as part of the Rural Zone Plan Change.	Recommend that submission S23/016 by Horticulture NZ is rejected.
237	3D.4 Rules	Horticulture New Zealand - S23/018	Not stated	Provision should be made for earthworks for biosecurity purposes	Add a new provision 3D.4.1 b. iv. c) <u>Earthworks for the purposes of disposal of material infected by unwanted organisms as declared by the Minister under the Biosecurity Act 1993.</u>	The Biosecurity Act operates same way as RMA emergency works in the instance when an outbreak occurs and a quick burial is required. While a reference could be made in the District Plan, the restrictions on earthworks under the One Plan would still apply. A guidance note that recognise this is recommended. There is limited horticultural production in the District now and anticipated in the future, meaning that there is a low likelihood of this requirement being used.	Recommend that submission S23/018 by Horticulture NZ is accepted and a new clause included in Rule 3D.4.1 and a new guidance note as follows: <u>c. Earthworks for the purposes of burying material infected by unwanted organisms as declared by the Minister under the Biosecurity Act 1993.</u>  <u>3. The disposal of contaminated material, including unwanted organisms, may trigger resource consent from the Manawatu-Wanganui Regional Council under the rules of the One Plan.</u>
238	3D.4 Rules	Horticulture New Zealand - S23/017	Not stated	The permitted provision for earthworks in the National Grid Yard are supported.	Retain 3D.4.1 b	Support is noted.	Recommend that submission S23/017 by Horticulture NZ is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
239	3D.4.1 Permitted Activities (b - iv - b)	Transpower New Zealand Limited - S11/048	Support in part	Support the permitted activities listed in 3D.4.1 in principle but seeks revision to ensure it is not more permissive than Clause 2.2.3 of NZECP34.	Amend Permitted Activity Rule 3D.4.1b(iv)b as follows: a post hole for a farm fence or horticultural structure and more than <del>5m</del> <b>6m</b> from the visible edge of a tower support structure foundation. <i>Further Submission by Horticulture NZ (FS10/039) supporting in part this submission.</i>	Works must be more than 6m away from the visible edge of a tower support structure under section 2.2.3(a) of the NZECP. On that basis it is appropriate to make the change as requested.	Recommend that submission S11/048 by Transpower is accepted and Rule 3D.4.1b(iv)b is amended as follows: a post hole for a farm fence or horticultural structure and more than <del>5m</del> <b>6m</b> from the visible edge of a tower support structure foundation.
240	3D.4.1 Permitted Activities (Guidance Note 1)	Manawatu-Whanganui Regional Council (Horizons) - S5/043	Support	Guidance note will benefit plan users by alerting them to check the rules of the One Plan.	That guidance note 1 under Rule 3D 4.1 be amended as follows: <u>Water takes, diversions, discharges and earthworks</u> are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the Regional Plan.	Changes suggested by the submitter add clarity and certainty for plan users.	Recommend that submission S5/043 by Horizons is accepted and guidance note 1 is amended as follows: <u>Water takes, diversions, discharges and earthworks</u> are also regulated by the Manawatu-Whanganui Regional Council and a resource consent may be required under the rules of the Regional Plan.
241	3D.4.1 Permitted Activities (Guidance Note 2)	Heritage New Zealand Pouhere Taonga - S3/021	Support in part	Support with amendment. Additional information on the authority process should be included to avoid misunderstandings.	Amend Guidance Note 2 as follows: 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 (2104). <u>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:</u> <ul style="list-style-type: none"> <li><u>was associated with human activity or the site of a wreck of a vessel that occurred before 1900; and</u></li> <li><u>provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.</u></li> </ul>	Suggested wording provides additional clarity for plan users relating to what is considered to be an archaeological site.	Recommend that submission S3/021 by Heritage NZ is accepted and guidance note 2 is amended as follows: 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 (2104). <u>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:</u> <ul style="list-style-type: none"> <li><u>was associated with human activity or the site of a wreck of a vessel that occurred before 1900; and</u></li> <li><u>provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.</u></li> </ul>
242	3D.4.2 Standards for Permitted Activities (a)	Transpower New Zealand Limited - S11/049	Support	Support the standards for permitted activities listed in 3D.4.2 and seeks they are retained.	Retain Rule 3D.4.2 as notified. <i>Further Submission by Horticulture NZ (FS10/040) supporting in part this submission.</i>	Support is noted. Other submissions seek changes to the provision, but retain the intent of the provision is retained.	Recommend that submission S11/049 by Transpower is accepted and FS10/040 by Horticulture NZ is accepted, recognising the changes proposed by S16/052 by Powerco and S21/012 by the Oil Companies.
243	3D.4.2 Standards for Permitted Activities (a)	Powerco - S16/052	Not stated	Standard should be deleted and replaced with a reference to erosion and sediment control measures complying with a suitable reference document such as the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines. Standard otherwise reads as an absolute. Also concerned about dust so seek a standard relating to the control of dust.	Delete Rule 3D.4.2 (a) and merge with Rule 3D.4.2 (b) as follows: <u>Erosion and sediment control measures complying with the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines (Report June 2006). Any sediment runoff 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 works, and only removed once stabilisation occurs.</u> <i>Further Submission by Horticulture NZ (FS10/041) opposing this submission.</i>	Guidance note 2 already contains reference to the requirements of the One Plan, including the Greater Wellington Regional Council's guidelines. This additional wording is considered unnecessary.  The proposed wording regarding the erosion and sediment control measures being maintained during the works, and only removed once stabilisation occurs is supported. This provides additional clarity and correctly identifies that these measures are required through the lifecycle of the works, not just before earthworks commence.	Recommend that submission S16/052 by Powerco is accepted in part and the rule amended as follows: Any sediment runoff from earthworks must be contained within the subject site. All dust and sedimentation control measures must be installed prior to earthworks commencing, <u>maintained during the construction works, and only removed once stabilisation occurs.</u>
243	3D.4.2 Standards for Permitted Activities (a)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/012	Support	Standard (a) should be deleted and replaced with reference to erosion and sediment control measures	Delete Rule 3D.4.2 (a) and merge with (b) as follows: <u>Erosion and sediment control measures complying with the Greater Wellington</u>	Guidance note 2 already contains reference to the requirements of the One Plan, including the Greater Wellington Regional Council's guidelines. This additional wording is considered unnecessary.	Recommend that submission S21/012 by the Oil Companies is accepted in part and the rule amended as follows: Any sediment runoff from earthworks must be contained within the subject site. All dust and sedimentation control measures

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				complying with a suitable reference document applicable to the Manawatu-Wanganui Region. Suggestion is Greater Wellington Regional Council's Erosion and Sediment Control Guidelines (reprint 2006) as this is incorporated by reference into the One Plan. The standard otherwise reads as an absolute standard, which is inappropriate as long as best practice is met, and could be read to require all runoff from earthworks to be discharged to land rather than to the reticulated network.	<del>Regional Council's Erosion and Sediment Control Guidelines (Reprint 2006) Any sediment runoff 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 earthworks, and only removed once stabilisation occurs.</del>	The proposed wording regarding the erosion and sediment control measures being maintained during the works, and only removed once stabilisation occurs is supported. This provides additional clarity and correctly identifies that these measures are required through the lifecycle of the works, not just before earthworks commence.	must be installed prior to earthworks commencing, <u>maintained during the construction works, and only removed once stabilisation occurs.</u>
244	3D.4.2 Standards for Permitted Activities (b)	Powerco - S16/053	Not stated	As a consequence of changes to Rule 3D.4.2 (a) insert a new rule to manage dust.	As a consequence of changes to Rule 2D.4.2 by the submitter, insert a new standard (b) to control dust as follows: <u>Dust shall be controlled so that it does not generate a nuisance.</u> <i>Further Submission by Horticulture NZ (FS10/042) opposing this submission.</i>	This standard does not provide plan users with certainty or clarity on what is required in controlling dust. Determining whether a nuisance exists is highly subjective. Inclusion of appropriate erosion and sediment control measures within the District Plan is considered to be sufficient to ensure effects are contained onsite.	Recommend that submission S16/053 by Powerco is rejected.
245	3D.4.2 Standards for Permitted Activities (Guidance Note)	Powerco - S16/054	Support	Supports guidance note insofar as it indicates compliance with the NZECP34:2001.	Retain the guidance note.	Support is noted.	Recommend that submission S16/054 by Powerco is accepted.
246	3D.4.2 Standards for Permitted Activities (g)	First Gas (formerly Vector Gas) Ltd - S20/028	Support	Supports the permitted activity standard which will ensure adequate protect and awareness of earthworks in close proximity to the gas transmission network.	Retain standard 3D.4.2g	Support is noted.	Recommend that submission S20/028 by First Gas is accepted.
247	3D.4.2 Standards for Permitted Activities (g)	Powerco - S16/055	Not stated	Insert new standard to give effect to Policy 3-2(c) of the One Plan to require notification of infrastructure owners when applications may affect their assets.	Add a new standard (g) as follows: <u>Where earthworks are to be undertaken within 20m of any electricity line, the owners of the electrical network shall be advised in writing of the intention to carry out the works not less than 5 working days prior to their commencement.</u> <i>Further Submission by Horticulture NZ (FS10/043) opposing this submission.</i>	A guidance note is already included under Rule 3D.4.2 covering the request. It is considered inappropriate to have third party requests as part of the rule stem.	Recommend that submission S16/055 by Powerco is rejected and FS10/043 by Horticulture NZ is accepted.
248	3D.4.2 Standards for Permitted Activities (i)	Manawatu-Whanganui Regional Council (Horizons) - S5/044	Support	Earthworks that block stormwater or overland flow paths could divert water onto other properties and towards occupied structures. Support the consideration of effects of earthworks on flow paths in relation to earthworks activities.	That permitted activity standard 'i' of Rule 3D 4.2 be retained as drafted in PPC55.	Support is noted.	Recommend that submission S5/044 by Horizons is accepted.
249	3D.4.2 Standards for Permitted Activities	Manawatu-Whanganui Regional Council (Horizons) - S5/045	Support	This guidance note will assist plan users by referring them to the One Plan requirements, including the guidelines that	That guidance note 2 under Table 3D.1 be retained as drafted in PPC55, subject to minor amendment as follows:	Support is noted, and the minor change is considered to be appropriate,	Recommend that submission S5/045 by Horizons is accepted and guidance note 2 amended as follows: Earthworks are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
	(Guidance Note 1)			need to be referred to when preparing their erosion and sediment control plan.	Earthworks are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the One Plan, <u>or any subsequent Regional Plan</u> . 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.		the rules of the One Plan, <u>or any subsequent Regional Plan</u> . 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.
250	3D.4.2 Standards for Permitted Activities (Guidance Note 5)	Heritage New Zealand Pouhere Taonga - S3/022	Support in part	Support with amendment. Additional information on the authority process should be included to avoid misunderstandings.	Amend Guidance Note 5 as follows: Earthworks <u>that may or will modify or destroy an archaeological site near or within areas of cultural and natural heritage values</u> may also require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act (2014). It is an offence <u>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:</u> <ul style="list-style-type: none"> <li><u>was associated with human activity or the site of a wreck of a vessel that occurred before 1900; and</u></li> <li><u>provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.</u></li> </ul>	The suggested changes to the guidance note add greater clarity regarding the responsibilities of those undertaking earthworks under the Heritage New Zealand Pouhere Taonga Act 2014. Changes add more information for plan users on what 'modify and destroy' means in relation to recently amended legislation.	Recommend that submission S3/022 by Heritage NZ is accepted and guidance note 5 is amended as follows: Earthworks <u>that may or will modify or destroy an archaeological site near or within areas of cultural and natural heritage values</u> may also require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act (2014). It is an offence <u>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:</u> <ul style="list-style-type: none"> <li><u>was associated with human activity or the site of a wreck of a vessel that occurred before 1900; and</u></li> <li><u>provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.</u></li> </ul>
251	3D.4.3 Restricted Discretionary Activities (a)	Transpower New Zealand Limited - S11/050	Oppose	Opposes the restricted discretionary activity status that do not comply with the permitted activity standards. Transpower proposes permitted activity standards that seek to enable earthworks activities within the National Grid Yard to the extent that these activities meet Policy 10 of the NPSET and minimise compliance costs for landowners/occupiers. These standards are set at such a level that any activity which exceeds the standard have the potential to compromise the safe, efficient and effective operation of the National Grid.	Delete Rule 3D.4.3a in its entirety.	Earthworks near the National Grid Yard that do not meet the permitted activity conditions are currently a restricted discretionary activity in the District Plan under Rule B1 1.4. The proposed rule retains the classification and includes more specific guidance for plan users on the matters which are of most concern. To have a non-complying activity (as requested by submission S11/054) is considered to be too onerous for landowners. The restricted discretionary activity still allows Council to decline consent if the works would compromise the safe, efficient and effective operation of the National Grid. This approach is considered to be consistent with Policy 10 of the NPSET.	Recommend that submission S11/050 by Transpower is rejected.
252	3D.4.5 Non-Complying Activities	Transpower New Zealand Limited - S11/054	Neither support nor oppose	Opposes the restricted discretionary activity status that do not comply with the permitted activity standards. Transpower proposes permitted activity standards that seek to enable earthworks activities within the National Grid Yard to the extent that these activities meet Policy 10 of the NPSET and minimise compliance costs for landowners/occupiers.	Add a new Non-Complying Activity Rules 3D.4.5 as follows: <u>Any earthworks undertaken in the National Grid Yard that do not comply with the standards for permitted activities under Rule 3D.4.2 shall be a Non-Complying Activity.</u>	Earthworks near the National Grid Yard that do not meet the permitted activity conditions are currently a restricted discretionary activity in the District Plan under Rule B1 1.4. The proposed rule retains the classification and includes more specific guidance for plan users on the matters which are of most concern. To have a non-complying activity (as requested by submission S11/054) is considered to be too onerous for landowners. The restricted discretionary activity still allows Council to decline consent if the works would compromise the safe, efficient and effective operation of the National Grid. This approach is considered to be consistent with Policy 10 of the NPSET.	Recommend that submission S11/054 by Powerco is rejected.

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				These standards are set at such a level that any activity which exceeds the standard have the potential to compromise the safe, efficient and effective operation of the National Grid.			
<b>Chapter 3E Signs</b>							
253	3E.1 Introduction	Heritage New Zealand Pouhere Taonga - S3/023	Support in part	Support with addition. Signs can have adverse effect on items of historic and cultural heritage. A cross reference to objectives and policies in the heritage chapter should be included.	Amend Introduction as follows: It is critical to ensure all signs are managed appropriately to avoid, mitigate and remedy potential adverse effects on the environment. <u>Objectives and policies relating to managing the adverse effects of signs on cultural and historic heritage can be found in Chapter 4 Historic Heritage.</u> <i>Further Submission by Powerco (FS13/035) opposing in part this submission.</i>	There is one policy in Chapter 4 of the District Plan (Policy 1.9) which seeks to ensure that signs on significant historic built heritage is compatible with the character of the heritage item. It is noted that Policy 1.9 is specific to significant historic built heritage. The cross reference therefore would not achieve the protection of the wider historic heritage in the District that the submitter is seeking to protect. The full historic heritage provisions in the District Plan are yet to be reviewed as part of the Sectional District Plan Review (only those parts of the Heritage chapter relating to the Town Centre have been reviewed). There will be opportunity to address this issue at that time.	Recommend that submission S3/023 by Heritage NZ is rejected and FS13/035 by Powerco is accepted.
254	3E.1 Introduction	Powerco - S16/056	Not stated	Signs are used for the purposes of asset identification and warning people of health and safety hazards, as required by other legislation. Such signs are small in size and are typically attached to, and viewed within the context of, the network utility structure. It is appropriate to permit these signs throughout the district.	Amend paragraph two of the introduction as follows: It is critical to ensure all signs are managed appropriately to avoid, mitigate, and remedy potential adverse effects on the environment. <u>For clarification, hazard or risk, identification and site safety signage does not fall to be considered as signs as defined in the Plan and are therefore not controlled by the Plan. Such signs are provided for and required by other legislation.</u> <i>Further Submission by Horticulture NZ (FS10/044) supporting this submission.</i>	The proposed addition correctly identifies that in some cases signage is required to be placed on a site by legislation to warn the wider community of a significant risk or hazard. A statement relating to these requirements is appropriate in the introduction. A slight rewording to simplify the statement is recommended.	Recommend that submission S16/056 by Powerco is accepted in part and that the introduction is amended as follows: It is critical to ensure all signs are managed appropriately to avoid, mitigate, and remedy potential adverse effects on the environment. <u>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.</u>
254	3E.1 Introduction	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/013	Not stated	Pursuant to the Hazardous Substances and New Organisms Act (1996) signage is mandatory for the Oil Companies to identify hazardous substances stored in containers and tanks. Definitions of signs and official signs are supported insofar as they also only relate to advertising signs/displays. As such warning/hazard identification signs, health and safety signs and general identification signs are assumed to be uncontrolled. That intent is supported and an amendment to the introduction proposed.	Amend paragraph 2 of the introduction as follows: It is critical to ensure all signs are managed appropriately to avoid, mitigate, and remedy potential adverse effects on the environment. <u>For clarification, hazard or risk identification and site safety signage does not fall to be considered as 'signs' as defined in the Plan and are therefore not controlled by the Plan. Such signs are provided for and required by other legislation.</u>	The proposed addition correctly identifies that in some cases signage is required to be placed on a site by legislation to warn the wider community of a significant risk or hazard. A statement relating to these requirements is appropriate in the introduction. A slight rewording to simplify the statement is recommended.	Recommend that submission S21/013 by the Oil Companies is accepted in part and that the introduction is amended as follows: It is critical to ensure all signs are managed appropriately to avoid, mitigate, and remedy potential adverse effects on the environment. <u>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.</u>
255	3E 4.2 (new Rule)	Heritage New Zealand Pouhere Taonga - S3/024	Support in part	Support subject to new rule. To give effect to Policy 1.9 in the historic heritage chapter a rule is required to manage effects of signs on heritage items. Any sign that results in adverse effects on the cultural or historical heritage value of a scheduled item should not	Add a new rule in 3E.4 as follows: <u>The following activities are Restricted Discretionary Activities in respect to signage:</u> a. <u>any signage attached to an item scheduled in Appendix 1E (Buildings and Objects with Heritage Value) or located within the site of an item in</u>	The proposed signage rules limit the size allowed to 0.8m <sup>2</sup> and requires that it relates to the activity on the site. This will naturally limit the proliferation of signs. The provisions of the Business Zone, where a number of historic heritage buildings are located, also have policy limiting signs to identifying the business on the site. Together these provisions are considered to address the submitter's concerns.	Recommend that submission S3/024 by Heritage NZ is rejected and FS13/036 by Powerco is accepted.

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				be permitted. Rule should be limited to signs that are attached to a scheduled heritage item or located on the same site. To avoid excessive costs to applicants and Council, the rule should be restricted discretionary.	<p><u>Appendix 1E or 1F (Sites with Heritage Value) that results in adverse effects on the cultural or historical heritage values of the item.</u></p> <p><u>For these activities, the Council has restricted its discretion to considering the following matters:</u></p> <ul style="list-style-type: none"> <li><u>effects on historical and cultural heritage values</u></li> <li><u>sign design, construction, location and placement</u></li> <li><u>area, height and number of signs</u></li> <li><u>illumination.</u></li> </ul> <p><i>Further Submission by Powerco (FS13/036) opposing this submission.</i></p>	Requiring a Restricted Discretionary Activity consent is overly onerous given the proposed and existing provisions in the District Plan.	
256	3E.4.2 Standards for Permitted Activities (Guidance Note)	NZ Transport Agency - S7/030	Support	Supports guidance note that ensures that written approval is obtained from the appropriate road controlling authority.	Retain as notified.	Support is noted.	Recommend that submission S7/030 by NZ Transport Agency is accepted.
257	3E.4.2 Standards for Permitted Activities (b - i)	NZ Transport Agency - S7/031	Support	Support all permitted activities in Rule 3E 4.2.(b) which has the intent of ensuring that any signs visible from the roading network will not cause any safety issues for road users.	Retain as notified.	Support is noted.	Recommend that submission S7/031 by NZ Transport Agency is accepted.
<b>Chapter 3F Temporary Activities</b>							
258	3F Temporary Activities	Transpower New Zealand Limited - S11/052	Support	Transpower does not wish to restrict temporary activities but notes that the temporality of structures, buildings and other activities poses a potentially significant risk to the National Grid if located in proximity to it. For this reason seeks non-complying activity status for temporary activities within the National Grid Yard, where any proposal for a temporary activity within the National Grid Yard would need to satisfy the particular statutory tests for non-complying activities.	<p>Add a new rule 3F.4.4 as follows:</p> <p><u>Any temporary activity located within the National Grid Yard shall be a Non-Complying Activity.</u></p> <p><i>Further Submission by NZ Defence Force (FS3/008) opposing this submission.</i></p>	The proposed plan provides for these activities as a discretionary activity. This allows all potential effects to be considered. Classifying the activity as a Non-Complying Activity is considered unnecessary and overly onerous.	Recommend that submission S11/052 by Transpower is rejected and FS3/008 by NZ Defence Force is accepted.
259	3F.3 Objectives and Policies (Policy 1.2)	Powerco - S16/057	Not stated	Add significant before adverse effects to ensure that less than minor or minor effects are not considered alongside significant adverse effects. It should be noted that sometimes short term effects are acceptable when temporary (e.g. for emergency works).	<p>Amend Policy 1.2 as follows:</p> <p>To ensure temporary activities do not result in <u>significant</u> adverse amenity effects on noise sensitive activities.</p>	Short term effects may have a lesser impact than effects of permanent activities but this is because the temporary nature of the activity can make it less significant. There is also a difference between events that run for a few hour's verses over a period of a month. The intent is for the assessment to be on the effects of an activity, not just those that are significant. Council's noise expert does not support inclusion of significant into the policy, as suggested by the submitter.	Recommend that submission S16/057 by Powerco is rejected.

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259	3F.3 Objectives and Policies (Policy 1.2)	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/014	Not stated	For temporary activities significant adverse effects should be the main concern of Council. Sometimes short term effects are acceptable when temporary. Insert significant before adverse effects to ensure that less than minor or minor adverse effects are not considered alongside significant adverse effects.	Amend Policy 1.2 as follows: To ensure temporary activities do not result in <u>significant</u> adverse amenity effects on noise sensitive activities. <i>Further Submission by NZ Defence Force (FS3/009) supporting this submission.</i>	Short term effects may have a lesser impact than effects of permanent activities but this is because the temporary nature of the activity can make it less significant. There is also a difference between events that run for a few hour's verses over a period of a month. The intent is for the assessment to be on the effects of an activity, not just those that are significant. Council's noise expert does not support inclusion of significant into the policy, as suggested by the submitter.	Recommend that submission S21/014 by the Oil Companies is rejected and FS3/009 by NZ Defence Force is rejected.
260	3F.4.1 Permitted Activities	Spark - S17/030	Not stated	Temporary telecommunications infrastructure can be erected for activities such as sporting and other recreational and festive events to boost network capacity. Trailer mounted Mobil phone facilities or similar infrastructure assists the existing network to meet demand. Temporary equipment can also be erected where there is a fault or a gap in coverage which needs to be filled while a permanent site is found. Finding permanent sites can be a lengthy process, and as such provision to have temporary network utilities in place for up to 12 months is sought.	Amend Rule 3F.4.1 as follows: 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 <u>except temporary network utility structures</u> 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. b. Temporary buildings and structures <u>except temporary network utility structures</u> 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. f. <u>temporary network utility structures must</u> i. <u>be readily moveable</u> ii. <u>be removed from the site within 12 months of the commencement of the activity.</u>	The proposed rules are to reflect activities that are temporary, in scale and duration. The inclusion of an exemption for network utility structures does not reflect what are considered to be temporary activities. In the case of sporting and recreational events that need a temporary structure to boost the utility network, these are of short duration and provided for by the rule. In the event that the sporting or recreational event is longer then consent will be required to assess the potential effects of the scale and duration of the activity. This is considered to be appropriate.  In the event that a new permanent site is required, then the proposed rules allows for these to be located for 6 months. This is considered sufficient time for temporary equipment. If the equipment is on a site for longer than the effects of the temporary equipment should be assessed in the usual manner under the District Plan.	Recommend that submission S17/030 by Spark is rejected.
261	3F.4.1 Permitted Activities	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd - S21/015	Not stated	Construction activities and effects are temporary in nature and is not always considered practicable to ensure compliance with the noise limits of the zone the works are in. It is suggested that construction and demolition activities are exempt from Rule 3F.4.1 (e) and instead compliance is	Amend the permitted activity rules by inserting construction and demolition activities, as follows: e. Noise associated with temporary activities, <u>except construction and demolition activities</u> , must comply with the noise provisions relating to the zone it is located in.	Rule 3C.4.2.c already states that sounds generated by construction, maintenance and demolition activities will be managed by NZS6803:1999 Acoustics Construction Noise. It is therefore unnecessary to amend the plan as requested, particularly when the rule refers back to Rule 3C.4.2.  With regards to vibration issues, New Zealand did have a vibration standard however this was replaced in 2003 by an informative only standard. The British Standard BS52280-2:2009 did become a replacement standard for the old NZ Standard, however is considered to be on the 'generous' side. The standard that has been	Recommend that submission S21/015 by the Oil Companies is accepted in part and that a guidance note is inserted under Rule 3F.4.2 as follows: <b>Guidance Note:</b> <u>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.</u>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				required with both NZS 6803:1999 Acoustics Construction Noise and BS 5228-2:2009 - Part 2 Vibration.	<p>g. <u>Construction and demolition activities must:</u></p> <p>i. <u>comply with NZS 6803:1999 Acoustics - Construction Noise</u></p> <p>ii. <u>Controlling construction vibration by reference to British Standard DS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites - Part 2: Vibration.</u></p>	used for assessing structural damage has been the German Standard DIN 4150-3:1999. Since that time, it is understood that the NZ Transport Agency has combined guidance from both the British Standard BS52280-2:2009 and the German Standard DIN 4150-3:1993 into a new construction vibration criteria. The NZ Transport Agency standard is considered to represent best practice in New Zealand in the absence of any NZ Standard. On that basis a guidance note referring to the standard as best practice is recommended.	
261	3F.4.1 Permitted Activities	Powerco - S16/058	Not stated	Construction activities and effects are temporary in nature and is not always considered practicable to ensure compliance with the noise limits of the zone the works are in. It is suggested that construction and demolition activities are exempt from Rule 3F.4.1 (e) and instead compliance is required with both NZS 6803:1999 Acoustics Construction Noise and BS 5228-2:2009 - Part 2 Vibration.	<p>Amend the permitted activity rules by inserting construction and demolition activities, as follows:</p> <p>e. Noise associated with temporary activities, <u>except construction and demolition activities</u>, must comply with the noise provisions relating to the zone it is located in.</p> <p>f. <u>Construction and demolition activities must:</u></p> <p>i. <u>comply with NZS 6803:1999 Acoustics - Construction Noise</u></p> <p>ii. <u>Controlling construction vibration by reference to British Standard DS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites - Part 2: Vibration.</u></p>	<p>Rule 3C.4.2.c already states that sounds generated by construction, maintenance and demolition activities will be managed by NZS6803:1999 Acoustics Construction Noise. It is therefore unnecessary to amend the plan as requested, particularly when the rule refers back to Rule 3C.4.2.</p> <p>With regards to vibration issues, New Zealand did have a vibration standard however this was replaced in 2003 by an informative only standard. The British Standard BS52280-2:2009 did become a replacement standard for the old NZ Standard, however is considered to be on the 'generous' side. The standard that has been used for assessing structural damage has been the German Standard DIN 4150-3:1999. Since that time, it is understood that the NZ Transport Agency has combined guidance from both the British Standard BS52280-2:2009 and the German Standard DIN 4150-3:1993 into a new construction vibration criteria. The NZ Transport Agency standard is considered to represent best practice in New Zealand in the absence of any NZ Standard. On that basis a guidance note referring to the standard as best practice is recommended.</p>	<p>Recommend that submission S16/058 by Powerco is accepted in part and that a guidance note is inserted under Rule 3F.4.2 as follows:</p> <p><b>Guidance Note:</b> For guidance on vibration Council recommends District Plan users refer to the NZ Transport Agency State Highway Construction and Maintenance and Vibration Guide dated August 2013 for best practice.</p>
262	3F.4.1 Permitted Activities	Chorus New Zealand Limited - S18/031	Not stated	Temporary telecommunications infrastructure can be erected for activities such as sporting and other recreational and festive events to boost network capacity. Trailer mounted Mobil phone facilities or similar infrastructure assists the existing network to meet demand. Temporary equipment can also be erected where there is a fault or a gap in coverage which needs to be filled while a permanent site is found. Finding permanent sites can be a lengthy process, and as such provision to have temporary network utilities in place for up to 12 months is sought.	<p>Amend Rule 3F.4.1 as follows:</p> <p>a. For sporting events, public meetings, galas, market days, and other recreational and festive events:</p> <p>i. hours of operation occur between 7am - 10pm, and</p> <p>ii. duration not exceeding 3 consecutive days, and</p> <p>iii. no more than 4 events of a similar nature on the same site in any 12 month period, and</p> <p>iv. temporary buildings and structures <u>except temporary network utility structures</u> 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.</p> <p>b. Temporary buildings and structures <u>except temporary network utility structures</u> must:</p> <p>i. be readily moveable</p> <p>ii. meet all yard setback requirements of this Plan</p> <p>iii. be removed from the site within 6 months of the commencement of the activity</p> <p>iv. not occupy a site for more than one 6 month period in any 12 months.</p>	<p>Rule 3C.4.2.c already states that sounds generated by construction, maintenance and demolition activities will be managed by NZS6803:1999 Acoustics Construction Noise. It is therefore unnecessary to amend the plan as requested, particularly when the rule refers back to Rule 3C.4.2.</p> <p>With regards to vibration issues, New Zealand did have a vibration standard however this was replaced in 2003 by an informative only standard. The British Standard BS52280-2:2009 did become a replacement standard for the old NZ Standard, however is considered to be on the 'generous' side. The standard that has been used for assessing structural damage has been the German Standard DIN 4150-3:1999. Since that time, it is understood that the NZ Transport Agency has combined guidance from both the British Standard BS52280-2:2009 and the German Standard DIN 4150-3:1993 into a new construction vibration criteria. The NZ Transport Agency standard is considered to represent best practice in New Zealand in the absence of any NZ Standard. On that basis a guidance note referring to the standard as best practice is recommended.</p>	<p>Recommend that submission S18/031 by Chorus is accepted in part and that a guidance note is inserted under Rule 3F.4.2 as follows:</p> <p><b>Guidance Note:</b> For guidance on vibration Council recommends District Plan users refer to the NZ Transport Agency State Highway Construction and Maintenance and Vibration Guide dated August 2013 for best practice.</p>

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					f. <u>temporary network utility structures must</u> i. <u>be readily moveable</u> ii. <u>be removed from the site within 12 months of the commencement of the activity.</u>		
263	3F.4.2 Standards for Permitted Activities (f)	Transpower New Zealand Limited - S11/051	Support in part	Support	Retain standard for permitted activities in Rule 3F.4.2.f.  <i>Further Submission by NZ Defence Force (FS3/0010) supporting in part this submission.</i>	Support is noted	Recommend that submission S11/051 by Transpower is accepted.

### Chapter 3G Relocated Buildings

264	3G Relocated Buildings	House Movers Section of NZ Heavy Haulage Association (Inc), Britton Housemovers Ltd, Central Housemovers Ltd (collectively House Movers) - S9/001	Oppose	<p>The House Movers oppose the proposed treatment of relocated buildings as a controlled activity. The proposed activity classification does not reflect the Central Otago decision. The proposed plan does not expressly provide for removal (from a site) or re-siting (within a site). Removal and re-siting should be expressly provided for as a permitted activity. The proposed regulation of relocation, removal or re-siting of buildings does not meet the aims of the RMA, in particular:</p> <p>a. the classification of removal, re-siting and relocation of buildings is inconsistent and contrary to sustaining the potential of natural and physical resources of the District in accordance with Section 5 RMA, and Part 2 of the Act.</p> <p>b. is inconsistent with sustainable management to require consent for removal, re-siting, and relocation of buildings, but to provide for construction of new buildings as a permitted activity.</p> <p>c. relocation is an affordable housing/construction option, and consistent with sustainable management by providing for the recycling and reuse of materials which would otherwise go to landfill. Activity classification</p>	<ol style="list-style-type: none"> <li>Delete all provisions (including objectives, policies, rules and assessment criteria and other methods and reasons) on removal, re-siting, and relocation of buildings.</li> <li>Rewrite the proposed plan change, and its policies and objectives, rules, methods and reasons to reflect the reasons for this submission.</li> <li>Amend the definition section of the plan to accord with trade practice and usage so as to distinguish between the activities of removal, re-siting and relocation of dwellings and buildings.</li> <li>Recognise in the objectives, policies and rules and methods of the plan the need to provide for the coordination between Building Act and Resource Management Act, to avoid regulatory duplication.</li> <li>Expressly provide in the proposed plan change (whether in the definitions or in the activity rules) for the demolition and removal and re-siting of buildings as a permitted activity in all areas and zones, except in relation to any scheduled identified heritage buildings, or any properly established conservation heritage precinct.</li> <li>In the event that demolition and or removal and re-siting of buildings is not a permitted activity due to non-compliance with performance standards, then as a default rule, provide for relocation of dwellings and buildings no more restrictively than a controlled activity, provided that such application be expressly provided for on a non-notified, non-service basis.</li> <li>Replace the policy provisions relating to relocated dwellings and buildings with objectives, policies, rules, assessment criteria, methods, reasons and other provisions which expressly provide for relocation of buildings as permitted activities in all zones/areas, so as to achieve performance standards</li> </ol>	<p>There are increasing number of relocates in the District. While relocates are seen in all areas of the District, it has become apparent to Council that relocated buildings are of concern to the community in the more populated areas of the District, being within the residential and village zones. This is where neighbours are located closer together and amenity values are typically higher. This is reflected in the fact that of the 16 complaints Council has had in the last 12 years, 14 have been in the residential or village areas.</p> <p>There is considered to be greater tolerance of relocated buildings in the Rural Zone, given that neighbours are generally dispersed. Only two complaints have been made relating to relocated buildings in the Rural Zone. The Rural Zone also makes up 96% of the District, meaning that in the majority of the District relocated buildings would be permitted (provided the permitted activity conditions were met).</p> <p>There is also a growing industry with buildings and dwellings being purpose built for relocation. For example, through the trade school at UCOL where buildings are pre-fabricated as part of student work and then relocated to a site. The current provisions in the District Plan, and those proposed in Plan Change 55, do not recognise this change in industry practice.</p> <p>On that basis, and as a result of the various submissions received on relocated buildings, a different approach has been considered to that originally notified in Plan Change 55. A new approach is recommended which involves:</p> <ol style="list-style-type: none"> <li>Permitting purpose built dwellings for relocation and smaller relocated buildings (under 40m<sup>2</sup>) in the Outer Business, Industrial, Residential and Village Zones.</li> <li>Permitting all relocated buildings within the rural zone.</li> <li>Controlled activity status for dwellings not meeting permitted rules or relocated buildings over 40m<sup>2</sup> in the Outer Business, Industrial, Residential and Village Zones.</li> <li>Restricted discretionary activity status for all other buildings, and buildings not previously used as a dwelling.</li> <li>Discretionary activity status for any relocated building not otherwise provided for and for those within the Flood Channel Zone.</li> </ol> <p>One submitter suggests a building pre-inspection report to be submitted to Council. This report covers many of the same matters that are considered to be Building Act requirements. A report that covers where the building will be relocated to, the existing character and amenity of the area, and what actions are required to ensure the relocated building achieves the necessary reinstatement is supported. Amendments have been made to remove duplication with the Building Act and to ensure that the report focuses on the resource management issues. Therefore while building on the</p>	<p>Recommend that submission S9/001 by Central House Movers is accepted in part and FS4/014 by Horizons is accepted and FS16/001 by Andy McDonald is accepted and the provisions in chapter 3G are amended as follows:</p> <p>Objective 1 To enable the relocation and establishment of relocated buildings only where <del>reinstatement remedial</del> works will ensure the building maintains the visual amenity values of the surrounding area.</p> <p>Policies</p> <ol style="list-style-type: none"> <li>To ensure any <del>reinstatement remedial</del> and upgrading works undertaken are completed in a timely and efficient manner.</li> <li>To ensure any <del>reinstatement remedial</del> and upgrading works will result in a relocated building achieving a level of visual amenity the same or better than the surrounding area.</li> <li>To encourage relocated buildings that are of an age, character and condition that requires minimal <del>reinstatement remedial</del> work.</li> </ol> <p>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.</p> <p>3G.4.1 Permitted Activities <u>The following are permitted activities provided that they comply with the standards in Rule 3G.4.2:</u></p> <ol style="list-style-type: none"> <li><u>In the Outer Business, Industrial, Residential and Village Zones</u> <ol style="list-style-type: none"> <li><u>Relocated buildings up to and including 40m<sup>2</sup> in gross floor area.</u></li> <li><u>New buildings that are designed and purpose built to be relocated.</u></li> </ol> </li> <li><u>All relocated buildings in the Rural Zone.</u></li> </ol> <p>3G.4.2 Standards for Permitted Activities <u>The permitted activities specified in Rule 3G.4.1 above must comply with the following conditions:</u></p> <ol style="list-style-type: none"> <li><u>Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.</u></li> </ol>
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No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
				<p>should take into account the positive effects from activities.</p> <p>d. Controls on removal, re-siting, and relocation of buildings in the proposed plan are not necessary to assist Council to carry out its functions.</p> <p>e. Controls on removal, re-siting and relocation of buildings in the proposed plan do not meet section 32 criteria of the RMA. It is denied that Council has carried out a proper s32 assessment.</p> <p>f. Controls in the plan are inconsistent with the criteria in Section 75 and 76 of the Act.</p> <p>g. Controls in the Plan are not proportionate to controls on new dwellings and buildings in the plan.</p> <p>h. In practical terms any potential effect on amenity values from the building relocation is remedied after an initial establishment period. The same establishment period is present whenever a new dwelling is constructed, and whereas the Council has not generally promoted similar controls for new dwellings.</p> <p>i. The proposed plan fails to apply the decision of the Environment Court in New Zealand Heavy Haulage Association Inc V The Central Otago District Council (EC C45/2004). Council had treated relocated dwellings as discretionary activity. Following the hearing the Court allowed for relocation as a permitted activity subject to performance standards. Where unable to meet permitted standards, relocation was a restricted discretionary (non-notifiable) activity.</p> <p>j. Proposed plan does not recognise the transaction costs of not expressly</p>	<p>no more restrictive than provided for in point 8 below.</p> <p>8. Provide for the relocation of dwellings and buildings subject to the following performance standards/conditions (or to same or similar effect):</p> <p><u>Relocation of buildings</u>  <u>Relocated buildings are permitted where the following matters can be satisfied:</u></p> <p>a) <u>any relocated building can comply with the relevant standards for permitted activities in the district plan;</u></p> <p>b) <u>any relocated dwelling must have previously been designed built and used as a dwelling;</u></p> <p>c) <u>a building inspection report shall accompany the building consent for the building/dwelling. The report is to identify all reinstatement work required to the exterior of the building/dwelling; and</u></p> <p>d) <u>the building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.</u></p> <p>e) <u>all work required to reinstate the exterior of any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within 12 months of the building being delivered to the site.</u></p> <p>9. As a default rule, in the event that relocation of a buildings/dwelling is not a permitted activity due to non-compliance with performance standards, provide for relocation of dwellings and buildings no more restrictively than a restricted discretionary activity (provided that such application be expressly provided for on a non-notified, non-service basis) subject to the following assessment criteria (or to same or similar effect):</p> <p><u>Restricted Discretionary Activity (on a non-notified, non-service basis) Where an activity is not permitted by this Rule. Council will have regard to the following matters when considering an application for resource consent:</u></p> <p>i) <u>proposed landscaping;</u></p> <p>ii) <u>the proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services;</u></p> <p>iii) <u>the appearance of the building following reinstatement.</u></p> <p>10. Delete any provision for a performance bond or any restrictive covenants for</p>	<p>contents of the submission, an amended building pre-inspection report will be required by the owner of the relocated building.</p> <p>With the change in the rule framework, the use of bonds have been recommended to be removed as there is a general view that these are not effective in managing issues surrounding relocated buildings in the Residential and Village Zones. Reliance on enforcement and consent conditions are considered to be more effective tools at the disposal of Council officers.</p> <p>The recommended changes are considered to be an efficient and effective approach to managing relocated buildings in the Manawatu District. The changes allow relocated buildings in the Rural Zone, which is 96% of the District, as a permitted activity. This is a pragmatic approach recognising the submitters concerns as to enabling relocated buildings while managing the effects which can be associated with this activity, reflecting the issues Council has experienced with relocated buildings over time.</p>	<p>b. <u>The relocated building must be installed on permanent foundations immediately upon delivery to the destination site.</u></p> <p>c. <u>The relocated building is not located within the Flood Channel Zone.</u></p> <p>d. <u>Compliance with all standards specified for permitted activities in the relevant zone and other parts of this Plan.</u></p> <p>e. <u>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.</u></p> <p>f. <u>The building pre-inspection report shall be prepared by:</u></p> <ul style="list-style-type: none"> <li>• <u>A licenced building practitioner (carpenter or design category); or</u></li> <li>• <u>A building inspector from the local authority where the building is being relocated from.</u></li> </ul> <p>g. <u>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.</u></p> <p>h. <u>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.</u></p> <p><b>3G.4.3 Controlled Activities</b></p> <p><u>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:</u></p> <p>a. <u>Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.</u></p> <p>b. <u>The relocated building is not located within the Flood Channel Zone.</u></p> <p>c. <u>Compliance with all standards specified for permitted activities in the relevant zone and other parts of this Plan.</u></p> <p>d. <u>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.</u></p> <p>e. <u>The owner must complete the Owner Certificate and Declaration in Section 7.0 of the building pre-inspection</u></p>

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				<p>exempting relocation and removal from any requirement to obtain neighbour approval.</p> <p>k. Pleads the reasons given by the Court referred above as if set out herein.</p>	<p>the removal, re-siting, and relocation of dwellings and buildings.</p> <p>11. Restrict (as a discretionary activity rule) the use of restrictive covenants for the removal, re-siting, and relocation of dwellings and buildings.</p> <p>12. Make any further or consequential amendments to give effect to this submission, including such amendments as required to the provisions, definitions, other matters, rules, objectives, policies and reasons for the proposed plan change to give appropriate recognition to the positive effects of removal, re-siting, and relocation of dwellings and buildings, in accordance with the reasons for this submission, and the relief sought as a whole.</p> <p>13. Suggested drafting to give effect to this submission is attached in Schedule 1 of the original submission (or the same or similar effect but without limiting the relief sought);</p> <p>14. A suggested pre-inspection report (as a non-statutory form) is attached as Schedule 2 of the original submission.</p> <p><i>Further Submission by Horizons (FS4/014) opposing in part this submission.</i></p> <p><i>Further Submission by Andy McDonald (FS16/001) supporting this submission.</i></p>		<p><u>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.</u></p> <p><del>Any relocated building is a Controlled Activity in any zone provided they comply with the following standards:</del></p> <p><del>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:</del></p> <p><del>i. All remedial and upgrading works that are to be completed to the exterior of the building following relocation to the destination site;</del></p> <p><del>ii. The timeframes for completing all remedial or upgrading works after the installation of the building on its destination site;</del></p> <p><del>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;</del></p> <p><del>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.</del></p> <p><del>v. Photographs of the wider receiving environment and site where the relocated building will be located.</del></p> <p><del>b. Relocated buildings for future residential use must have been previously used as a dwelling.</del></p> <p><del>c. The relocated building is not located in the Flood Channel Zone.</del></p> <p><del>d. Compliance with all standards specified for permitted activities in the relevant zone and other parts of this Plan.</del></p> <p>For this activity, Council has reserved its control over, and may impose conditions on a resource consent when considering, the following matters:</p> <ul style="list-style-type: none"> <li>o Requirements for <del>remedial</del> <u>reinstatement</u> works and upgrading the exterior of the building to ensure visual amenity of the surrounding area is maintained.</li> <li>o The time allowed for <del>remedial</del> <u>reinstatement</u> works and upgrading of the exterior of the building to be completed once the relocated building is located on its destination site.</li> <li>o <del>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.</del></li> <li>o The immediate installation of the relocated building onto permanent foundations upon delivery to the destination site.</li> </ul>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
							<ul style="list-style-type: none"> <li>○ The suitability of the relocated building for the intended reuse.</li> <li>○ How the age and character of the building is consistent with the level of amenity in the surrounding environment.</li> <li>○ How the standards for permitted activities in the relevant zone and other parts of this Plan have been met.</li> </ul> <p>3G.4.4 Non-Notification of Controlled Activities</p> <p>Under section 77D of the Resource Management Act (1991), an activity requiring resource consent under Rule 3G.4.3 will not be publicly notified, except where:</p> <ul style="list-style-type: none"> <li>○ The applicant requests public notification (in accordance with Section 95A(2)(b)), or</li> <li>○ The Council decides special circumstances exist (in accordance with Section 95A(4)).</li> </ul> <p>3G.4.5 Restricted Discretionary Activities</p> <p>The following activities are a Restricted Discretionary Activity, in all zones, in respect to relocated buildings:</p> <ul style="list-style-type: none"> <li>○ Any relocated building that does not meet the <u>Permitted and Controlled Activity</u> standards or does not comply with the relevant Permitted Activity standards in all other parts of the District Plan.</li> </ul> <p>For this activity, <u>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:</u></p> <ul style="list-style-type: none"> <li>○ Scale of built form and location on site</li> <li>○ Exterior remedial and upgrading works</li> <li>○ Time for remedial and upgrading works to be completed</li> <li>○ The extent of non-compliance with the standard(s) in the Plan</li> <li><del>○ Provision of a bond to ensure remedial and upgrading works are completed.</del></li> </ul> <p>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:</p> <ol style="list-style-type: none"> <li>i. Whether the application remains consistent with the intention of the standard(s) it infringes.</li> <li>ii. The extent to which there will be adverse effects where an application does not meet the standards.</li> <li>iii. Whether the application will result in adverse effects on the character and visual amenity values of the immediate surroundings or wider streetscape.</li> <li>iv. The need for <del>remedial</del> <u>reinstatement</u> works and upgrading to ensure visual amenity of the surrounding area is maintained, <u>including landscaping proposed.</u></li> </ol>

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
							<p>v. The proposed time for <del>remedial reinstatement</del> works and upgrading to be completed once the relocated building is located on its destination site.</p> <p>vi. <del>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.</del></p> <p>3G.4.6 Discretionary Activities Any relocated building not provided for as a <u>Permitted</u>, Controlled or Restricted Discretionary Activity or is located in the Flood Channel Zone is a Discretionary Activity.</p>
265	3G Relocated Buildings	Transpower New Zealand Limited - S11/053	Support	Transpower supports the requirement for relocated buildings to comply with all of the standards for permitted activities within the relevant zone and other parts of the Plan. This is required to control the potential effects of buildings relocating within the National Grid Yard.	Support and retain.	Support is noted. While changes are proposed to the rules in this chapter, the need to comply with the standards in other parts of the Plan is recommended to be retained.	Recommend that submission S11/053 by Transpower is accepted.
266	3G Relocated Buildings	Paul Britton - S22/001	Oppose	Concerned that the rules for relocated buildings are too restrictive. Oppose the proposed controlled activity status that requires a resource consent and instead would prefer permitted activity status with conditions to manage reinstatement times.	To delete the controlled activity status for relocated buildings and replace this with permitted. <i>Further Submission by Horizons (FS4/015) opposing this submission.</i> <i>Further Submission by Andy McDonald (FS16/002) supporting this submission.</i>	Refer to the comments provided under Submission S9/001.	Recommend that submission S22/001 by Paul Britton is accepted in part and FS4/015 by Horizons is rejected and FS16/002 by Andy McDonald is accepted and changes made as per submission S9/001.
267	3G.1 Introduction	Heritage New Zealand Pouhere Taonga - S3/025	Support in part	Support with amendment. Supports provision that contents of section does not apply to relocation of significant historic built heritage, but suggest reference to relevant appendices. Word 'significant' is redundant and should be removed.	Amend the Introduction as follows: The relocation of <del>significant</del> historic built heritage <u>scheduled in Appendix 1E (Buildings and Objects with Heritage Values)</u> is a separate matter not addressed through this chapter. Consideration of these buildings is required under the provisions of Chapter 4 - Historic Heritage.	Reference to significant historic built heritage is the wording in Chapter 4 of the District Plan therefore it is appropriate to retain this reference. There are also additional heritage items in Appendix 1E that have not yet been reviewed through the Sectional District Plan Review. Until such time as Appendix 1E has been reviewed it would be appropriate to include an additional reference to Appendix 1E in the introduction.	Recommend that submission S3/025 by Heritage NZ is accepted in part and the introduction is amended as follows: The relocation of significant historic built heritage <u>scheduled in Schedule 4a and Appendix 1E (Buildings and Objects with Heritage Values)</u> is a separate matter not addressed through this chapter. Consideration of these buildings is required under the provisions of Chapter 4 - Historic Heritage.
268	3G.4 Rules	Central House Movers Limited - S15/001	Oppose	Oppose controlled activity status that requires a resource consent. Prefer permitted activity status with conditions to manage reinstatement times.	Delete the controlled activity status for relocated buildings and replace this with permitted. <i>Further Submission by Keith Marriott (FS14/001) supporting this submission.</i> <i>Further Submission by Tim Fitz-Herbert (FS15/001) supporting this submission.</i> <i>Further Submission by Andy McDonald (FS16/003) supporting this submission.</i>	Refer to the comments provided under Submission S9/001.	Recommend that submission S15/001 by Central House Movers is accepted in part and changes made as per submission S9/001 by Central House Movers.
269	3G.4.1 Controlled Activities (c)	Manawatu-Whanganui Regional Council (Horizons) - S5/039	Support	Support intent.	Retain as drafted in PPC55.	Support is noted. Other submissions have resulted in new provisions being recommended. However, the specific provisions in Rule 3G.4.1.c relating to relocated buildings not being located in the Flood Channel Zone have been retained in the new recommended provisions.	Recommend that submission S5/039 by Horizons is accepted.

No:	Provision	Submission point	Support/oppose	Reasons	Decision requested	Officer Comment	Officer Recommendation
270	3G.4.4 Discretionary Activities	Manawatu-Whanganui Regional Council (Horizons) - S5/040	Support	Support discretionary activity status for relocated buildings in the flood channel zone under Rule 3G 4.4	Retain as drafted in PPC55.	Support is noted. While other submissions have requested changes, this rule will be retained.	Recommend that submission S5/040 by Horizons is accepted.
<b>Other sections of the existing District Plan</b>							
271	4.2 General Objectives (Policy d) [Deleted PC55]	New Zealand Defence Force - S8/011	Oppose	Oppose the deletion of existing Policy d) in Chapter 4.2 General Objectives as temporary activities and temporary military training activities should be acknowledged as having a minor effect on the environment over a short period of time.	Retain Policy d in Chapter 4.2 General Objectives as currently written, with suggested working for the explanation as follows: <u>The Plan needs to provide for temporary land uses which only have minor effects, as permitted activities (Policy d)), including temporary military training activities.</u>	Policy d in section 4.2 was removed given the reference in the policy to temporary signs which are covered in Chapter 3F Temporary Activities. The policy is general about certain land uses having minor effect. It does not reference temporary military activities. The rules relating to temporary military activities, as outlined in the Section 32 Report, will be reviewed through the Rural Zone plan change expected to be notified in 2017. On that basis the inclusion of the changes as recommended by the submitter are not supported.	Recommend that submission S8/011 by NZ Defence Force is rejected.
272	4.11 Noise Management (Objective LU 25)	New Zealand Defence Force - S8/013	Support	Defence facilities and activities are critical to the health, safety and wellbeing of people and communities. This is recognised in Policy 3-1 of the One Plan. The provisions in this section of PC55 appropriately acknowledge the importance of Ohakea Air Base.	Retain specific recognition of the importance of the Ohakea Air Base within the Noise Management Chapter as currently contained in the PC55 or wording to similar effect.	Support is noted. It is understood that the provisions relating to the air noise provisions in the operative District Plan will be the subject of review with NZ Defence Force. On that basis the provisions in the plan relating to the Ohakea Air Base have not been changed as a result of PPC55.	Recommend that submission S8/013 by NZ Defence Force is accepted.

# 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:	[Authorised agent's name]
Contact address:	[Contact address]
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>
<u>Is the building being split for transportation</u>	<u><i>[Yes/No]</i></u>
<u>Will the split affect wall cladding</u>	<u><i>[Yes/No – details, number of sections, identify the location of the cut(s)]</i></u>
<u>Will the split affect roof cladding</u>	<u><i>[Yes/No – details, number of sections, identified the location of the cuts(s)]</i></u>
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

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

- a) The structure of the building unless otherwise commented upon;
- ~~b) The surrounding neighbourhood;~~
- c) The value of the property;
- d) Illegal Works; and
- e) Internal condition of the building unless otherwise commented upon.

Additionally, no search has been made of:

- f) Local Authority rates;
- g) Government Valuation; or
- h) 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 MANDATORY 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  <b>Additional comments required if the roof was removed during relocation]</b>	[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	<b>[Baseboards (likely to have been removed)]NA</b>	<b>NA[Good/ Reasonable/ Poor]</b>	[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 applied 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**

**Peer Reviewer**

[name]

[name]

Signed:

*If undertaken/available*

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

**For and On Behalf of Company Name**

Address

*Inspectors business address*

Telephone

*Telephone business number*

Email

*Email business address*

**6.0 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.

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>

<i>Elevation description</i>	<i>Elevation description</i>	<i>Elevation description</i>
<i>Elevation description</i>	<i>Elevation description</i>	<i>Elevation description</i>

**Destination Site Photographs**



Additional Comments and Notes



# **Proposed Plan Change 55: District Wide Rules**

## **Hearing Report**

### **Appendix 2**

## 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 zoning rules are more specific restrictive than the provisions contained in this chapter, then the zone rules they shall apply.<sup>1</sup>

## 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.<sup>2</sup>

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 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.

<sup>1</sup> S3/007 by Heritage New Zealand Pouhere Taonga and S11/008 by Transpower NZ

<sup>2</sup> S16/005 by Powerco and S11/009 by Transpower NZ

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 2008 (NESTF). The NESTF provides a nationally consistent planning framework for radiofrequency fields of all telecommunication facilities, and for some telecommunication infrastructure that is located in the road reserve, such as cabinets and antennas.<sup>3</sup>

The Manawatu Wanganui Regional Council's One Plan also recognises provides for<sup>4</sup> 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, and<sup>5</sup> 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:<sup>6</sup>

1. To provide for the safe, effective and efficient operation, maintenance, and upgrade<sup>7</sup> of network utilities, including infrastructure of regional and national importance.<sup>8</sup>

<sup>3</sup> S17/005 by Spark and S18/006 by Chorus

<sup>4</sup> S5/046 by Heritage NZ Pouhere Taonga

<sup>5</sup> S5/046 by Heritage NZ Pouhere Taonga

<sup>6</sup> Support all issues S20/007 by First Gas and S8/005 by NZ Defence Force

<sup>7</sup> S11/010 by Transpower and S16/006 by Powerco

<sup>8</sup> Support issue 1 S7/005 NZ Transport Agency

2. Recognising that network utilities have technical and operational requirements that may dictate their location and design.<sup>9</sup>
3. The safe, effective and efficient operation, upgrading and maintenance of network utilities can be put at risk by inappropriate subdivision, use and development.<sup>10</sup>
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.<sup>11</sup>
7. Potential effects from electromagnetic and other forms of radiation.
8. The location, operation and maintenance and upgrading of network utilities can create adverse effects on the environment.<sup>12</sup>

### 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.<sup>13</sup>

#### Policies

- 1.1 To enable the establishment, operation, maintenance, replacement,<sup>14</sup> 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 possible to minimise potential cumulative effects.<sup>15</sup>
- 1.3 To require that encourage<sup>16</sup> all new cables and lines, including electricity distribution lines (but not the National Grid) are installed underground.

<sup>9</sup> Support issue 2 S11/011 by Transpower

<sup>10</sup> Support issue 3 S7/006 by NZ Transport Agency

<sup>11</sup> Support issue 6 S2/002 by Kiwirail

<sup>12</sup> S23/001 by Horticulture NZ, S1/003 by Federated Farmers and S3/008 by NZ Defence Force

<sup>13</sup> Support S5/010 by Horizons

<sup>14</sup> S11/018 by Transpower

<sup>15</sup> S17/006 by Spark and S18/007 by Chorus

<sup>16</sup> S17/007 by Spark and S18/008 by Chorus

- 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.<sup>17</sup>
- 1.5 To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located.<sup>18</sup>

### 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.<sup>19</sup>

### 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.<sup>20</sup>
- 2.2 To require that appropriate separation of activities is maintained to enable the safe operation, maintenance, replacement and upgrading<sup>21</sup> of network utilities, and avoid reverse sensitivity 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.<sup>22</sup>
- 2.4 To manage the effects of subdivision, development and land use on the safe, effective and efficient operation, maintenance 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, intensive farming and farm buildings 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.

<sup>17</sup> S11/021 by Transpower, S16/013 by Powerco and S20/010 by First Gas

<sup>18</sup> Support S5/015 by Horizons

<sup>19</sup> S11/023 by Transpower, S16/015 by Powerco and S20/011 by First Gas

<sup>20</sup> Support S7/008 by NZ Transport Agency, S8/007 by NZ Defence Force, S5/017 & 018 by Horizons and S20/012 by First Gas

<sup>21</sup> S16/017 by Powerco

<sup>22</sup> S16/018 by Powerco

- d. Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance and upgrading of the National Grid.<sup>23</sup>

### Objective 3

To protect the values that are important to significant heritage and landscape areas from the 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.<sup>24</sup>

### Policies

- 3.1 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)<sup>25</sup> from inappropriate subdivision, use and development.
- 3.2 To restrict the development of network utilities, except within an existing road carriageway, within areas scheduled of significant heritage and landscape value<sup>26</sup> 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)<sup>27</sup> and 1F (Sites with Heritage Value) unless there is no practicable<sup>28</sup> alternative location.

## 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:

<sup>23</sup> S11/027 by Transpower

<sup>24</sup> S3/009 by Heritage NZ Pouhere Taonga, S11/028 by Transpower, S16/019 by Powerco and S20/015 by First Gas

<sup>25</sup> S3/010 by Heritage NZ Pouhere Taonga

<sup>26</sup> S3/001 by Heritage NZ Pouhere Taonga

<sup>27</sup> S3/001 by Heritage NZ Pouhere Taonga and S7/011 by NZ Transport Agency

<sup>28</sup> S16/021 by Powerco and S20/016 by First Gas

- a. The operation, maintenance, replacement,<sup>29</sup> minor upgrading or repair of network utilities existing as at [add decision date] or which have been lawfully established.
- b. Construction, operation, maintenance, realignment and upgrading of roads and railway lines within the road reserve or railway corridor.<sup>30</sup>
- c. The construction, operation, maintenance and minor upgrading of<sup>31</sup> radiocommunication and/or telecommunication facilities, cables and lines, including those underground.<sup>32</sup>
- 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.<sup>33</sup>
- g. The construction, operation, maintenance, replacement<sup>34</sup> 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.
- j. Railway crossing warning devices and barrier arms.<sup>35</sup>
- k. Trig stations and survey marks.<sup>36</sup>
- l. Navigational aids, lighthouses and beacons.
- m. Meteorological instruments and facilities.
- n. Decommissioning and removal of utilities.<sup>37</sup>

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<sup>29</sup> S20/019 by First Gas and S16/024 by Powerco

<sup>30</sup> Support S2/010 by Kiwirail

<sup>31</sup> S17/014 by Spark and S18/015 by Chorus

<sup>32</sup> S16/025 by Powerco

<sup>33</sup> Support S16/028 by Powerco

<sup>34</sup> S16/026 by Powerco

<sup>35</sup> Support S2/011 by Kiwirail

<sup>36</sup> Support S2/026 by Kiwirail

<sup>37</sup> Support S16/029 by Powerco

- 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.<sup>38</sup>

**Guidance Notes:**

1. The provisions of the National Environmental Standard for Telecommunications Facilities (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.<sup>39</sup>
2. Water takes, diversion 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.<sup>40</sup>
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.<sup>41</sup>
4. Vegetation and planting around Transmission all electricity Lines (including the National Grid) shall comply with the Electricity (Hazards from Trees) Regulations 2003.<sup>42</sup>
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.<sup>43</sup>
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

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<sup>38</sup> S11/032 by Transpower and S16/030 by Powerco

<sup>39</sup> S17/015 by Spark and S18/016 by Chorus

<sup>40</sup> S5/042 by Horizons

<sup>41</sup> Support S11/035 by Transpower

<sup>42</sup> S16/031 by Powerco

<sup>43</sup> S16/032 by Powerco

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.<sup>44</sup>

### 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:

- a. New network utilities and minor upgrading 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.<sup>45</sup>

**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 telecommunications provider. Lightning rods may exceed the maximum height. Refer also to Clause f relating to transmission line requirements.<sup>46</sup>

- 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 10m<sup>2</sup>, or to overhead lines and cables.
- e. Telecommunication cabinets must not exceed 10m<sup>2</sup> in area in all zones, except in Flood Channel Zone where cabinets must not exceed 5m<sup>2</sup> in area.

<sup>44</sup> S3/013 by Heritage NZ Pouhere Toanga

<sup>45</sup> S17/016 by Spark and S18/017 by Chorus

<sup>46</sup> S17/017 by Spark and S18/018 by Chorus

- f. Poles or towers associated with electricity transmission and distribution must not exceed a height of:
- i. 12m in the Residential and Inner Business Zones, or
  - ii. 25m in all other zones.<sup>47</sup>
- 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)**; and<sup>48</sup>
  - ii. Not exceed a maximum height of 2.5m and an area of 10m<sup>2</sup>.
- 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.
- i. No dish antenna will exceed a diameter of:
- i. 2.5 metres **in diameter, or a face area of 1.5m<sup>2</sup>** in the Residential Zone, or
  - ii. **5 metres in diameter, or a face area of 2.5 m<sup>2</sup>** in all other zones.<sup>49</sup>
- 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)**<sup>50</sup> 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).
- l. Works associated with any network utility, except within an existing road carriageway, **must not be located within the areas scheduled must not result in**

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<sup>47</sup> S16/034 by Powerco

<sup>48</sup> S11/038 by Transpower

<sup>49</sup> S18/024 by Chorus and S17/023 by Spark

<sup>50</sup> S20/021 by First Gas

~~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.<sup>51</sup>

- 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.<sup>52</sup>
- p. All network utilities must meet the noise standards relevant to the zone they are located in.
- 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.<sup>53</sup>
- r. Electric vehicle charging stations must not exceed 1.5m<sup>2</sup> 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 lines<sup>54</sup> 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).

<sup>51</sup> 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

<sup>52</sup> Support S2/012 by Kiwirail

<sup>53</sup> S16/037 by Powerco, S17/026 by Spark and S18/027 by Chorus

<sup>54</sup> S23/007 by Horticulture NZ

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.

### 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.

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.<sup>55</sup>

- scale of built form and location on site, including height
- screening, storage and landscaping
- traffic generation, site access and parking
- noise and vibration
- signage
- lighting
- effects on heritage
- 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.<sup>56</sup>

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<sup>55</sup> S16/038 by Powerco

<sup>56</sup> S11/040 by Transpower

- 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.
- 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.
- 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.<sup>57</sup>
- 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.<sup>58</sup>
- 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.

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<sup>57</sup> S16/043 by Powerco

<sup>58</sup> 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 Agency<sup>59</sup> in managing these routes is noted throughout the chapter. There are some instances where approval from NZ Transport Agency<sup>60</sup> 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.<sup>61</sup>
2. The need to plan for and design roads to ensure they function in accordance with their status in the Roding Hierarchy.

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<sup>59</sup> S7/012 by NZ Transport Agency

<sup>60</sup> S7/012 by NZ Transport Agency

<sup>61</sup> 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.<sup>62</sup>

#### *Policies*

- 1.1 To ensure that the adverse effects of vehicle movements to and from roads are managed by:<sup>63</sup>
  - 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:<sup>64</sup>
  - 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.

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<sup>62</sup> Support S2/014 by Kiwirail and S7/013 by NZ Transport Agency

<sup>63</sup> Support S2/015 by Kiwirail and S7/014 by NZ Transport Agency

<sup>64</sup> 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.<sup>65</sup>

### **Objective 2**

To protect the roading network, as identified in Appendix 3B.1, from the potential adverse effects of all land use activities.<sup>66</sup>

### **Policies**

- 2.1 To establish and maintain a roading hierarchy for roads in the District.<sup>67</sup>
- 2.2 To recognise the importance of maintaining the safety and efficiency of the District’s roading network.<sup>68</sup>
- 2.3 To restrict the through movement of traffic where this can have adverse effects on visual, noise and safety on adjacent residential uses.<sup>69</sup>
- 2.4 To promote corridor management for key road routes within the District, which may include restricting or encouraging the through movement of vehicles.<sup>70</sup>
- 2.5 To enable the development of network utilities in the road reserve only where the roading network has the capacity to accommodate them.<sup>71</sup>

### **Objective 3**

To mitigate the adverse effects of roads and vehicles on amenity values of the District.<sup>72</sup>

### **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.<sup>73</sup>

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<sup>65</sup> Support S2/016 by Kiwirail and S7/016 by NZ Transport Agency

<sup>66</sup> Support S7/017 by NZ Transport Agency and S5/022 by Horizons

<sup>67</sup> Support S7/018 by NZ Transport Agency and S5/023 by Horizons

<sup>68</sup> Support S7/019 by NZ Transport Agency and S20/013 by First Gas

<sup>69</sup> Support S7/020 by NZ Transport Agency

<sup>70</sup> Support S7/021 by NZ Transport Agency and S21/003 by the Oil Companies

<sup>71</sup> Support S7/022 by NZ Transport Agency

<sup>72</sup> Support S7/023 by NZ Transport Agency

<sup>73</sup> 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.<sup>74</sup>
- 3.3 To support and encourage walking and cycling as alternative modes of transport.<sup>75</sup>
- 3.4 To require that building materials and exterior lighting do not cause reflection or light spill that distracts road users.<sup>76</sup>
- 3.5 To ensure roads are designed recognising alternative modes and the need to provide local road amenity.<sup>77</sup>
- 3.6 To ensure development of new roads is integrated into the existing roading network in a coordinated manner.<sup>78</sup>

### 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.

**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.

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<sup>74</sup> Support S7/025 by NZ Transport Agency

<sup>75</sup> Support S7/026 by NZ Transport Agency

<sup>76</sup> Support S7/027 by NZ Transport Agency

<sup>77</sup> Support S7/028 by NZ Transport Agency

<sup>78</sup> Support S7/029 by NZ Transport Agency

### 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.<sup>79</sup>
- 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.<sup>80</sup>
- 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

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.

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<sup>79</sup> Support S2/017 by Kiwirail

<sup>80</sup> Support S2/018 by Kiwirail

- 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**

<b>Activity</b>	<b>Car parking Requirements</b>
<b>Assisted living accommodation</b>	1 carpark for every two staff members plus 1 carpark for every three people accommodated.
<b>Catteries and Boarding Kennels</b>	No less than four car-parking spaces.
<b>Commercial Services</b>	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 <sup>2</sup> gross floor area.
<b>Community Facilities</b>	1 carpark per 10 m <sup>2</sup> gross floor area.
<b>Dwelling and Family Flats</b>	2 carparks per dwelling and 1 park per family flat.
<b>Education Facilities</b>	For Pre-Schools and Day Care Centres – 1 carpark per staff member, plus 1 park per 4 children if there is a requirement for parental supervision.  For Primary Schools – 0.7 of a carpark per staff member.  For Secondary Schools – 0.7 of a carpark per staff member plus 1 carpark per 20 students.

	For Tertiary Education Facilities – 1 carpark per 10m <sup>2</sup> gross floor area.
<b>Entertainment facilities</b>	1 carpark per 4 seats provided.
<b>Funeral parlour</b>	Chapels – 1 carpark for every 10 seats provided.  Other Rooms – 1 carpark per 65 m <sup>2</sup> gross floor area.
<b>Home occupations</b>	In addition to parking associated with the dwelling – 1 carpark per staff member. Where retail or services are provided from the home occupation, 2 carparks for visitors.
<b>Light Industry and Industry</b>	1 car park per 100 m <sup>2</sup> gross floor area. Where retail or services are provided, 2 car parks for visitors.
<b>Supermarkets and large format retail activity exceeding 2,000m<sup>2</sup> gross floor area</b>	1 carpark per 25m <sup>2</sup> gross floor area.
<b>Motor vehicle sales and servicing (office space only)</b>	1 carpark per 40 m <sup>2</sup> gross floor area.
<b>Retail Activities under 2000m<sup>2</sup> gross floor area</b>	1 carpark per 40 m <sup>2</sup> gross floor area.
<b>Rural and Animal Services</b>	1 carpark per staff member, plus 1 carpark per 50m <sup>2</sup> of gross floor area.
<b>Restaurants</b>	1 carpark per 4 seats.
<b>Service stations</b>	3 carparks per workshop service bay plus 2 per 100m <sup>2</sup> of remaining gross floor area.
<b>Visitor Accommodation</b>	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.<sup>81</sup>

- o the safe, efficient and integrated operation of the transport network
- o design and appearance of parking areas
- o glare
- o access
- o visual amenity effects on adjoining residential zoned properties and surrounding streetscape.
- o traffic generation, site access and parking
- o 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:<sup>82</sup>

- 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.
- 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.

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<sup>81</sup> S16/038 by Powerco

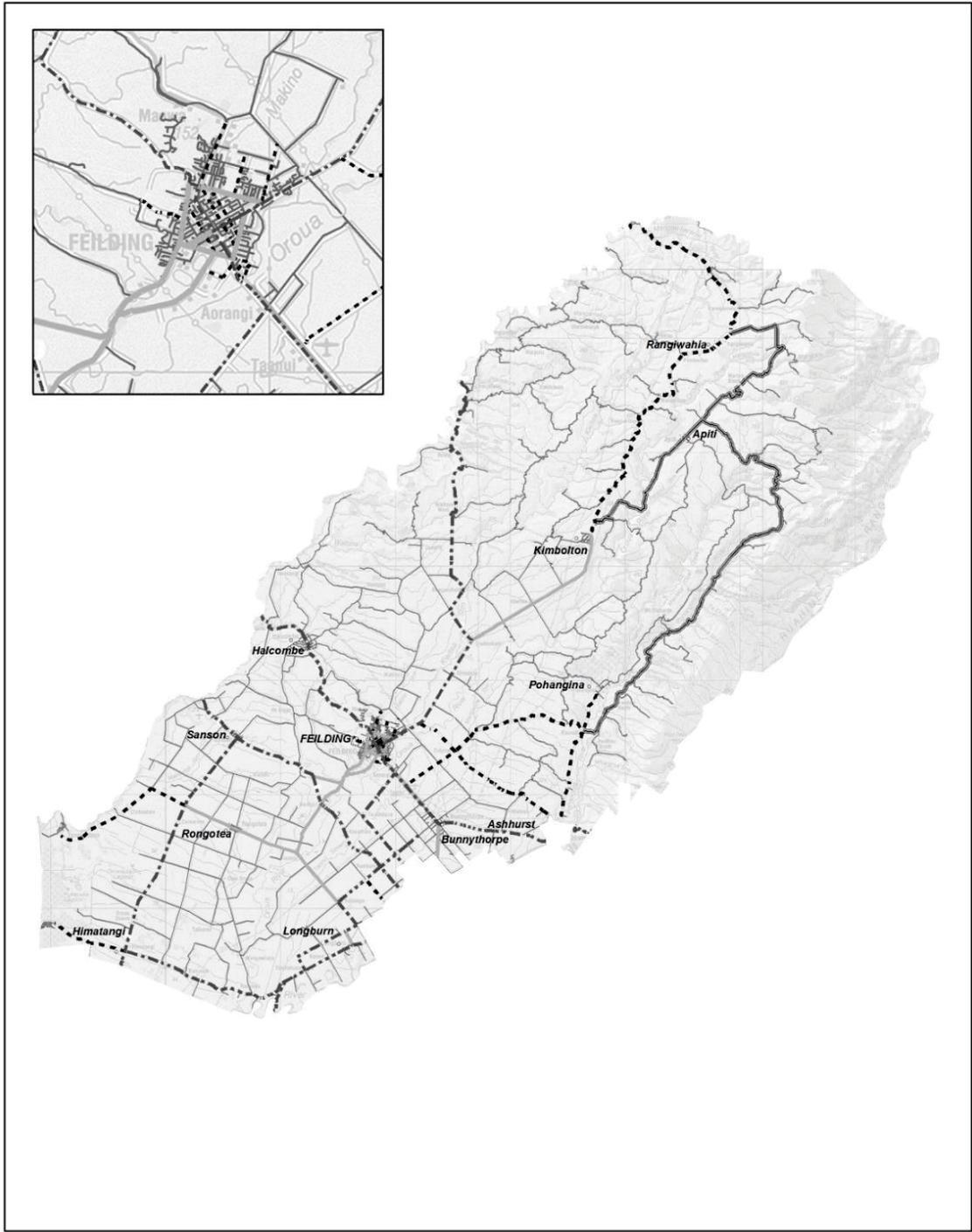
<sup>82</sup> Support S2/019 by Kiwirail

- 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**

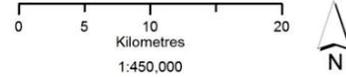
Any activity not otherwise specified as Permitted or Restricted Discretionary, or is not specifically provided for in this Plan, shall be a Discretionary Activity.

**Appendix 3B.1 Roding Hierarchy**



**Legend**

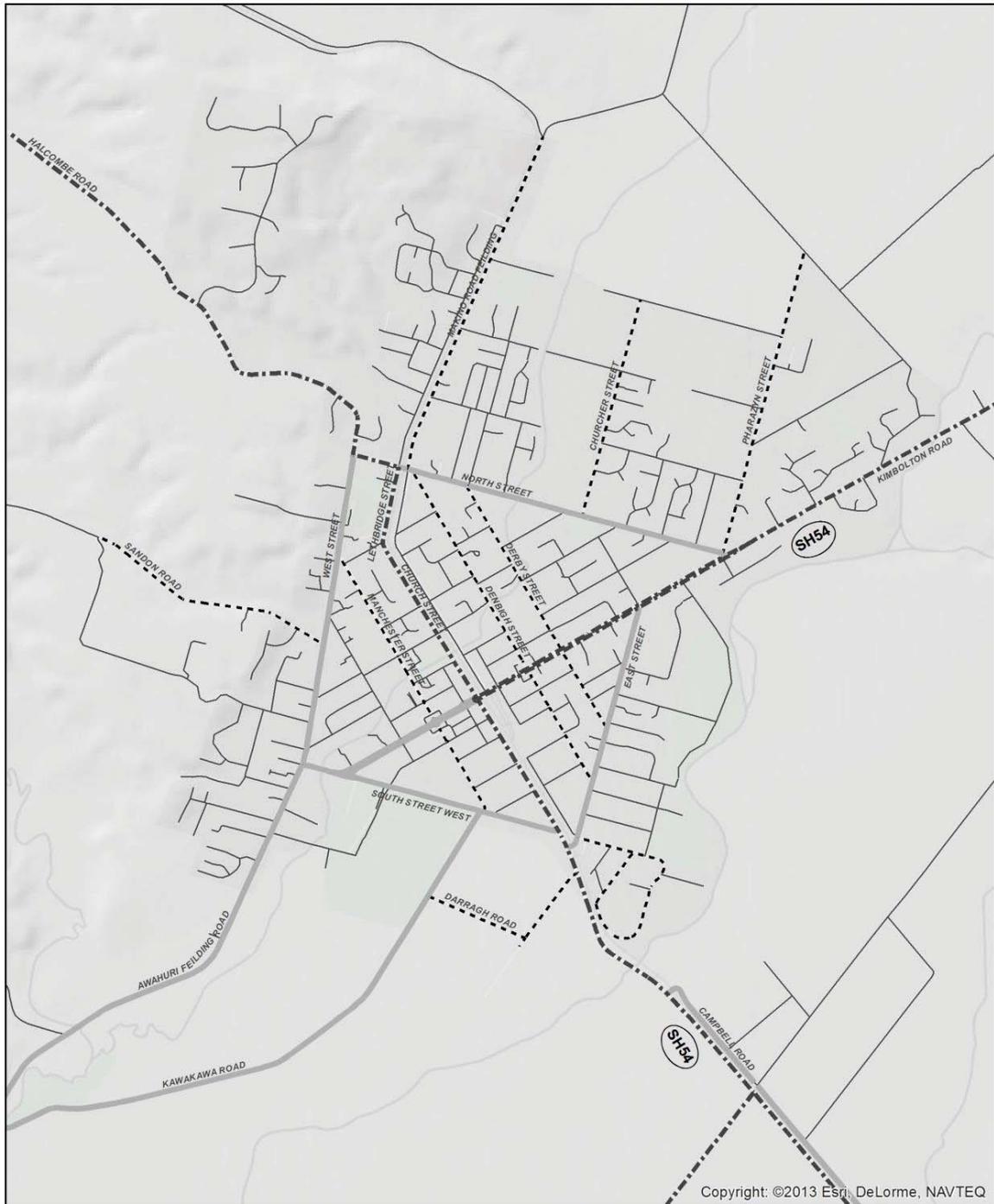
- Major Arterial Road
- Minor Arterial Road
- ..... Collector Road
- Collector Road (Tourist)
- Local Road



83

**Diagram 1** Manawatu District Roading Hierarchy

<sup>83</sup> 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



# Appendix 3B.2 Road Cross Sections

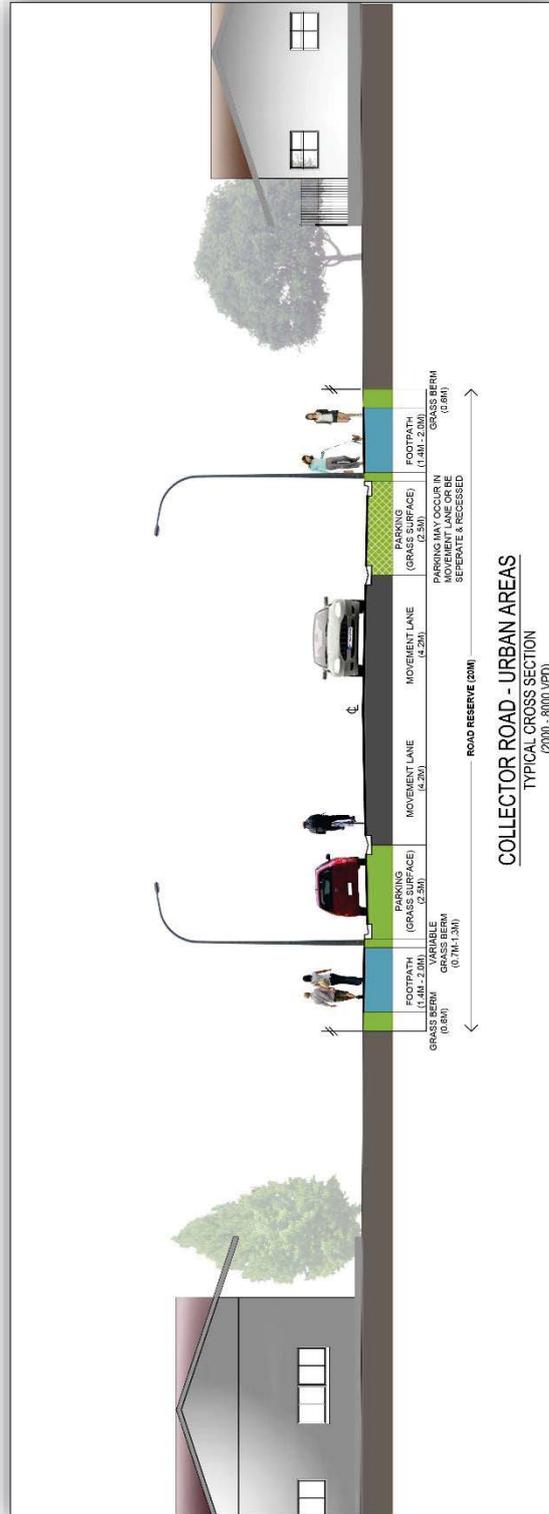


Figure 1

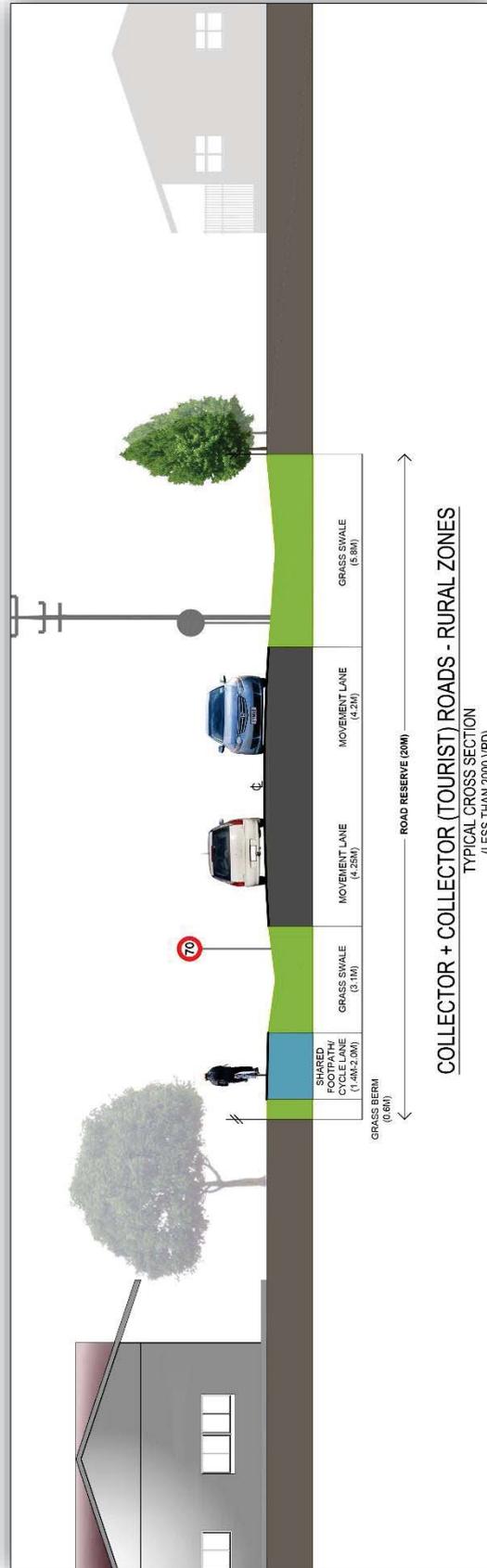


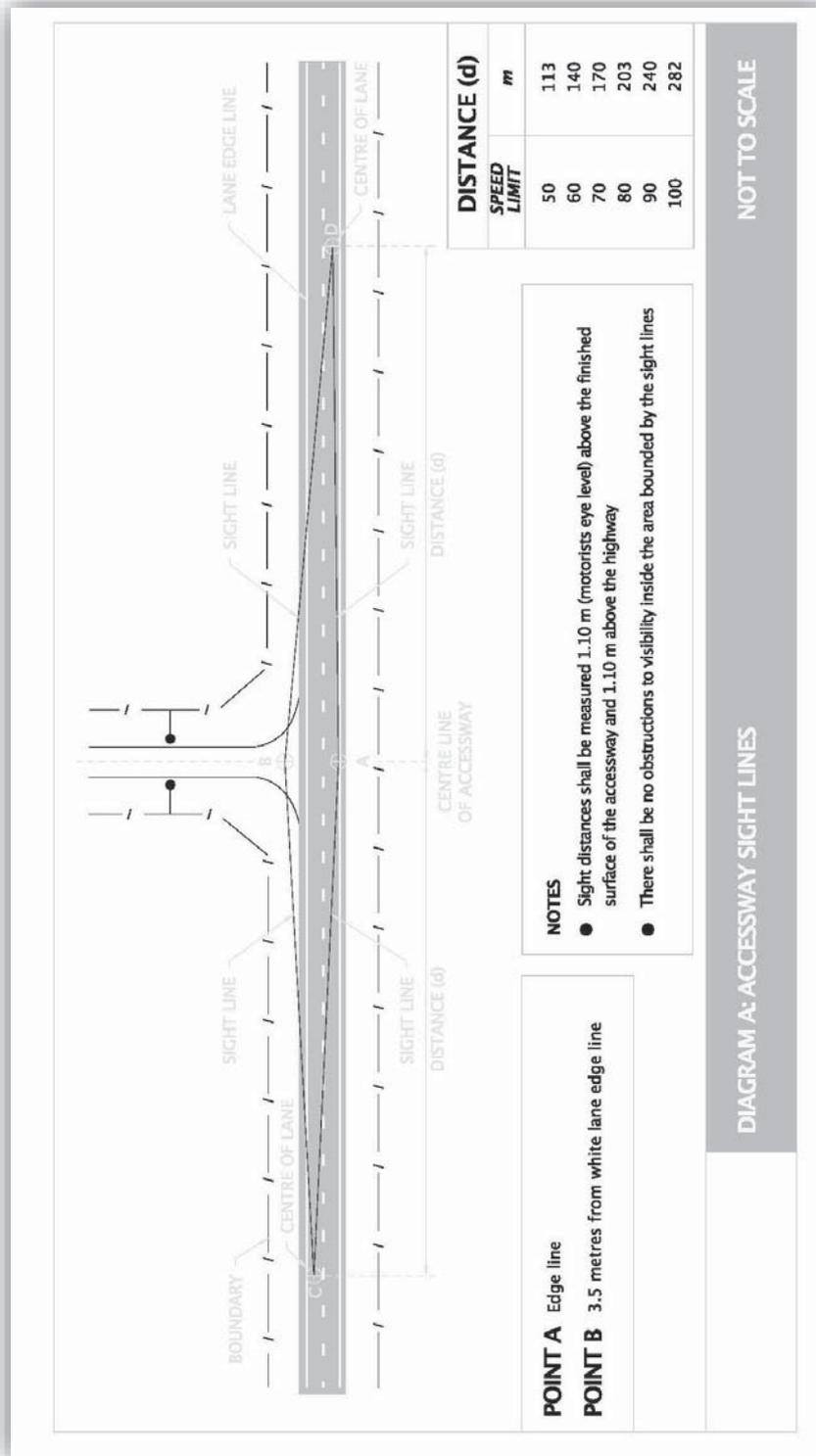
Figure 2



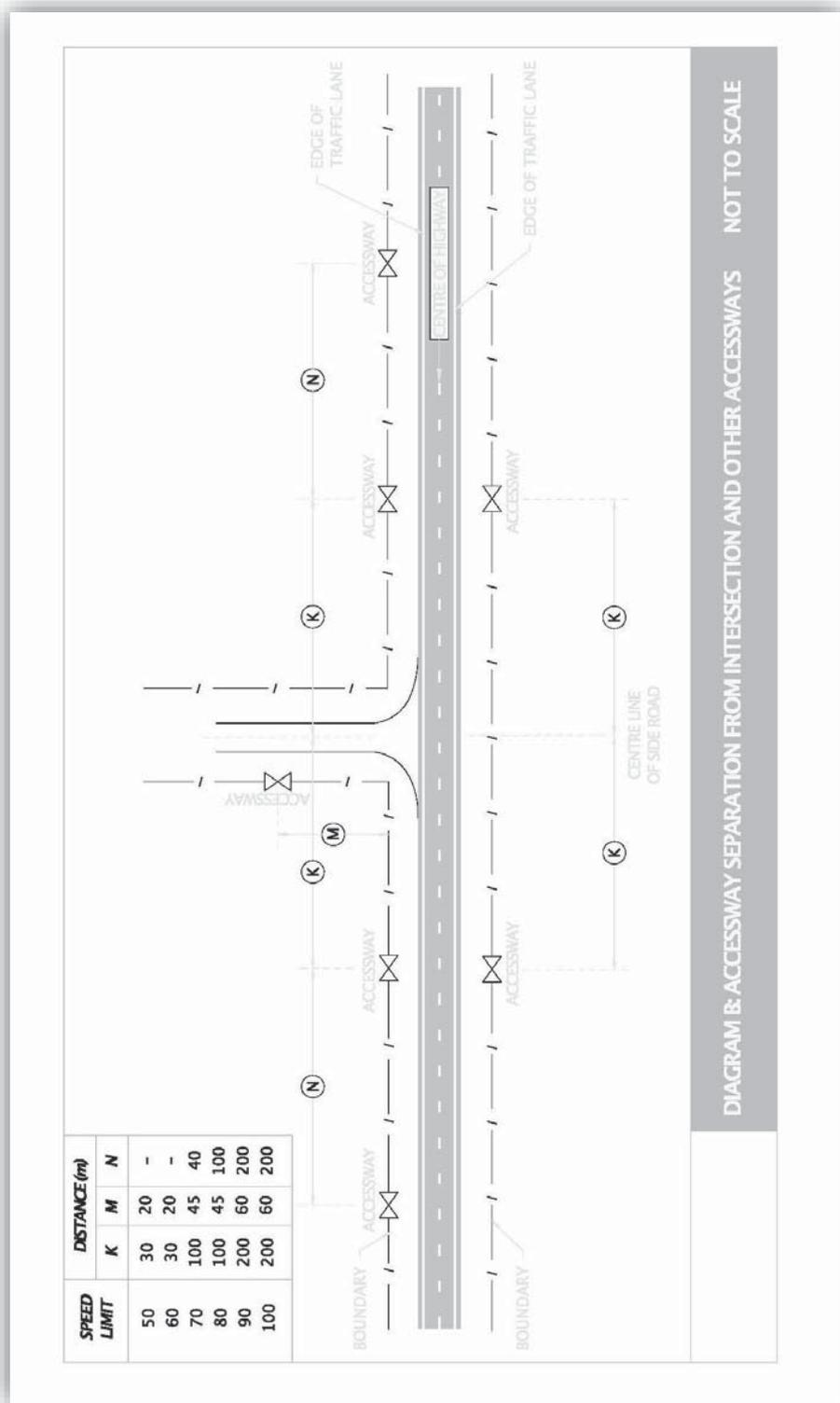
Figure 3

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

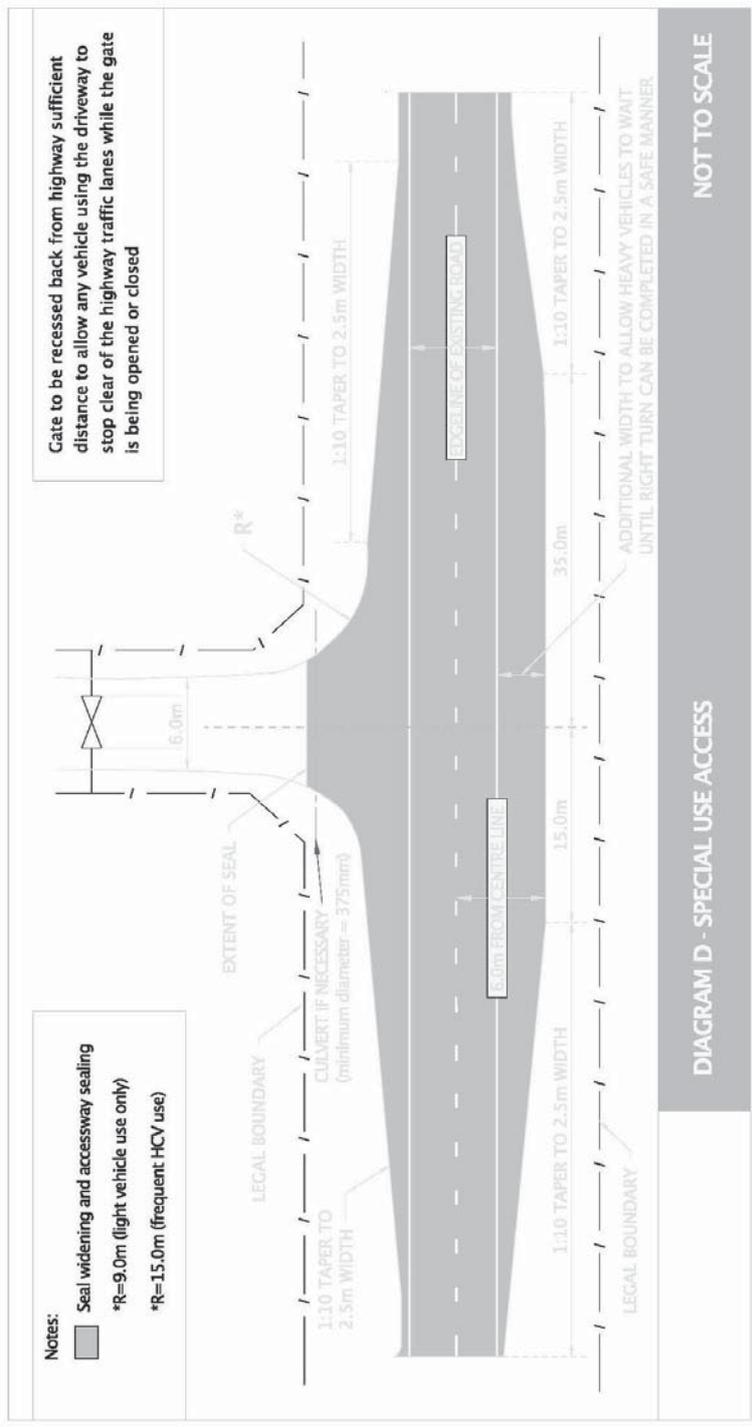
#### Minimum Sight Distances from Vehicle Crossings



Minimum spacing between Intersections and between vehicle crossings



Accessway formation



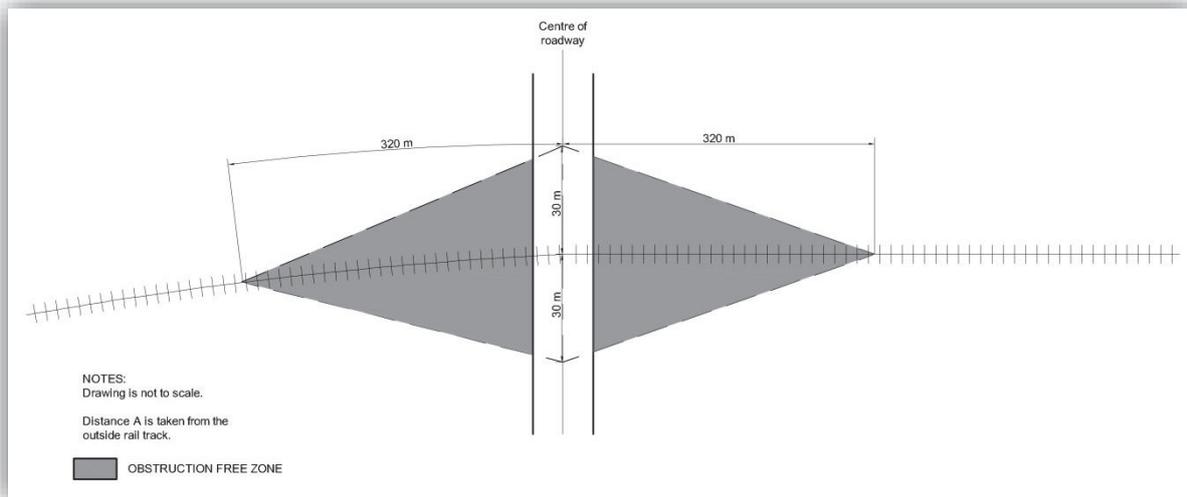
## Appendix 3B.4 Calculation of car equivalent vehicle movements

- 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 <sup>84</sup>

### 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.

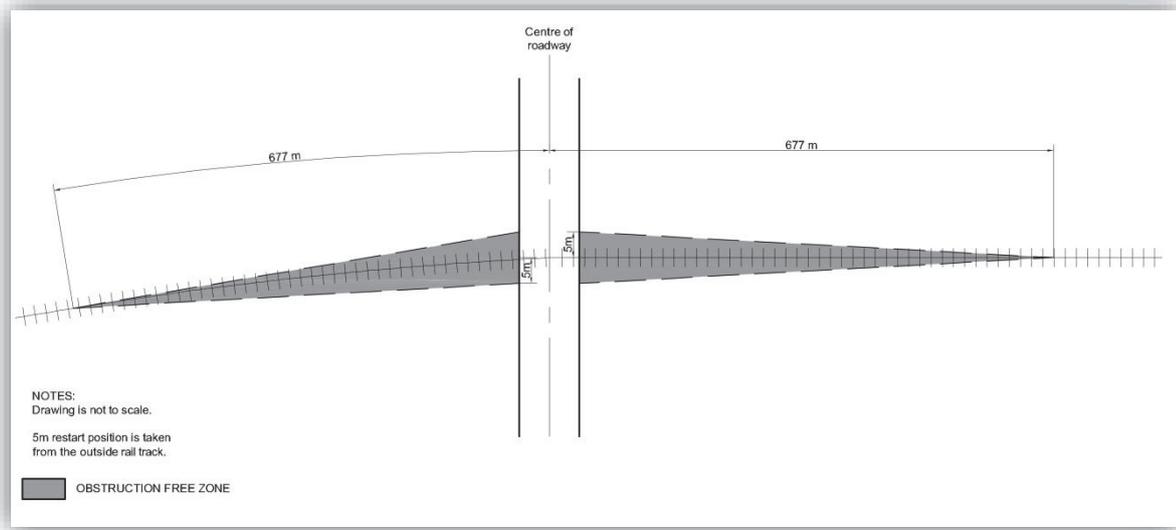
Of particular concern are developments that include shelter belts, tree planting, or a series of building extensions. These provisions apply irrespective of whether any visual obstructions already exist.

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 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.

<sup>84</sup> Support S2/020 by Kiwirail

**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:**

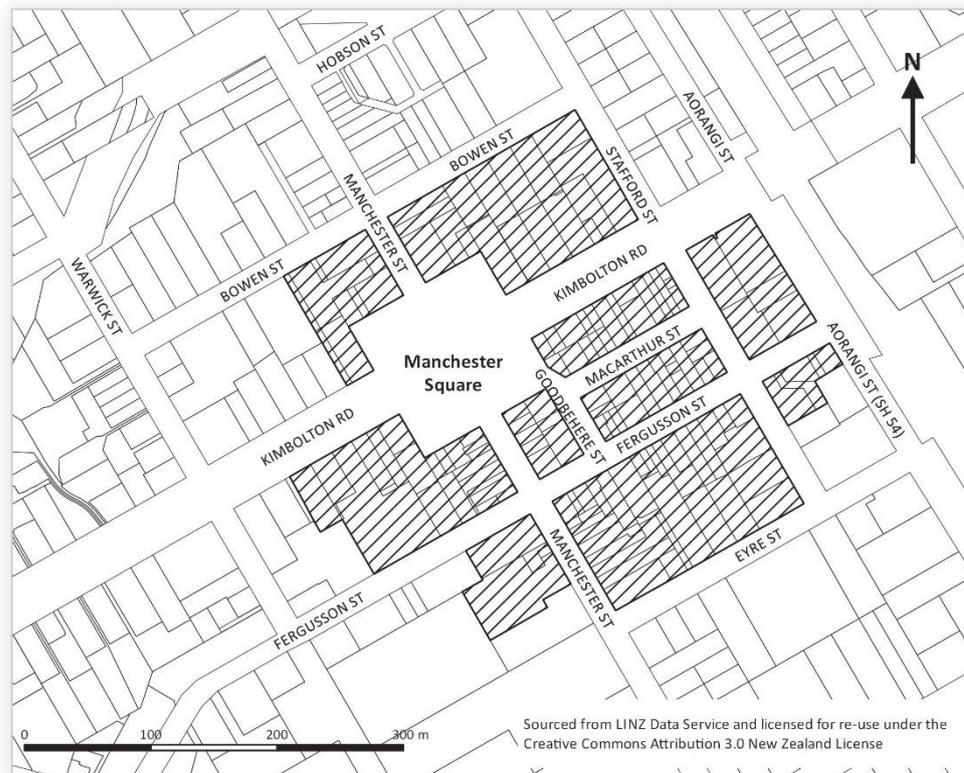
The restart sight line triangles ensure that a road vehicle driver stopped at a level crossing can see far enough along the railway to be able to start off, cross and clear the level crossing safely before the arrival of any previously unseen train.

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.~~<sup>85</sup>

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.

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<sup>85</sup> S23/010 by Horticulture NZ

5. Rural and rural lifestyle uses can have different amenity expectations which can result in complaints.<sup>86</sup>

### 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.<sup>87</sup>

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

<sup>86</sup> S23/011 by Horticulture NZ

<sup>87</sup> S23/012 by Horticulture NZ

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	7am – 10pm 10pm – 7am	45dB LAeq (15 mins) 35dB LAeq (15 mins)		

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
home occupations and non-residential activities	10pm – 7am	55dB LA <sub>max</sub>		
Recreation	7am – 7pm 7pm – 10pm 10pm – 7am 10pm – 7am	55dB LA <sub>eq</sub> (15 mins) 50dB LA <sub>eq</sub> (15 mins) 40dB LA <sub>eq</sub> (15 mins) 70dB LA <sub>max</sub>		
Rural	7am – 7pm 7pm – 10pm 10pm – 7am 10pm – 7am	55dB LA <sub>eq</sub> (15 mins) 50dB LA <sub>eq</sub> (15 mins) 40dB LA <sub>eq</sub> (15 mins) 70dB LA <sub>max</sub>	55dB LA <sub>eq</sub> (15 mins) 50dB LA <sub>eq</sub> (15 mins) 40dB LA <sub>eq</sub> (15 mins) 70dB LA <sub>max</sub>	
Industrial	7am – 7pm 7pm – 10pm 10pm – 7am 10pm – 7am	55dB LA <sub>eq</sub> (15 mins) 50dB LA <sub>eq</sub> (15 mins) 45dB LA <sub>eq</sub> (15 mins) 75dB LA <sub>max</sub>	55dB LA <sub>eq</sub> (15 mins) 50dB LA <sub>eq</sub> (15 mins) 45dB LA <sub>eq</sub> (15 mins) 75dB LA <sub>max</sub>	
Inner and Outer Business	7 am – 7pm 7pm – 10pm 10pm – 7am 10pm – 7am At any time 10pm – 7am	55dB LA <sub>eq</sub> (15 mins) 50dB LA <sub>eq</sub> (15 mins) 45dB LA <sub>eq</sub> (15 mins) 75dB LA <sub>max</sub>		65dB LA <sub>eq</sub> (15 mins) 85dB LA <sub>max</sub>

**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.4.1.b 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.<sup>88</sup>
- iv. Rural production activities, except for intensive farming.
- v. Crowd noise at any area zoned recreation.
- vi. Emergency Services Sirens.

**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.

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<sup>88</sup> 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.<sup>89</sup>

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<sup>90</sup> detract from the amenity values of the District.
2. Earthworks can result in or increase the risk of land instability.<sup>91</sup>
3. Earthworks can result in adverse effects on historic heritage values features of areas of cultural, historical or landscape significance.<sup>92</sup>
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.<sup>93</sup>
6. Earthworks can compromise the safe, efficient and effective functioning of established network utilities including regionally and nationally significant infrastructure.<sup>94</sup>

<sup>89</sup> S23/015 by Horticulture NZ and S16/047 by Powerco

<sup>90</sup> S11/044 by Transpower

<sup>91</sup> Support S5/024 by Horizons

<sup>92</sup> S3/015 by Heritage NZ Pouhere Taonga

<sup>93</sup> Support S5/025 by Horizons

<sup>94</sup> 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.<sup>95</sup>

#### 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).<sup>96</sup>
- 1.3 To restrict earthworks in Outstanding Natural Features or Landscapes as scheduled in Appendix 1C,<sup>97</sup> except where earthworks are necessary to eliminate 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.<sup>98</sup>
- 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.<sup>99</sup>

#### 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.<sup>100</sup>

#### 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.<sup>101</sup>

<sup>95</sup> S3/016 by Heritage NZ Pouhere Taonga

<sup>96</sup> S3/018 by Heritage NZ Pouhere Taonga

<sup>97</sup> S3/019 by Heritage NZ Pouhere Taonga

<sup>98</sup> S3/020 by Heritage NZ Pouhere Taonga

<sup>99</sup> S16/050 by Powerco and S21/011 by the Oil Companies

<sup>100</sup> S16/049 by Powerco and S21/010 by the Oil Companies

<sup>101</sup> 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.<sup>102</sup>
- 2.3 To require rehabilitation measures be undertaken to avoid accelerated erosion following earthworks.<sup>103</sup>
- 2.4 To ensure all adverse effects from earthworks including dust and sediment run-off are managed onsite.<sup>104</sup>
- 2.5 To ensure that earthworks do not affect the functioning of<sup>105</sup> 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.<sup>106</sup>

### 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.<sup>107</sup>
- 3.2 To control earthworks near infrastructure of regional and national importance to ensure their safe and efficient operation, maintenance and upgrading.<sup>108</sup>

## 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

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.

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<sup>102</sup> Support S5/032 by Horizons

<sup>103</sup> Support S5/033 by Horizons

<sup>104</sup> Support S5/034 by Horizons

<sup>105</sup> S5/035 by Horizons

<sup>106</sup> Support S5/036 by Horizons and S11/046 by Transpower

<sup>107</sup> S11/047 by Transpower

<sup>108</sup> Support S5/038 by Horizons and S20/027 by First Gas

- 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.<sup>109</sup>
- c. Earthworks for the purposes of burying material infected by unwanted organisms as declared by the Minister under the Biosecurity Act 1993.<sup>110</sup>

**Guidance Notes:**

1. Water takes, diversions, discharges and effluents Earthworks are also regulated by the Manawatu-Wanganui Regional Council and a resource consent may be required under the rules of the One Plan.<sup>111</sup>
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:
  - was associated with human activity or the site of a wreck of a vessel that occurred before 1900; and

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<sup>109</sup> S11/048 by Transpower

<sup>110</sup> S23/018 by Horticulture NZ

<sup>111</sup> S5/043 by Horizons

- provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.<sup>112</sup>

3. The disposal of contaminated material, including unwanted organisms, may trigger resource consent from the Manawatu-Wanganui Regional Council under the rules of the One Plan.<sup>113</sup>

### 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.<sup>114</sup>
- 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
  - Exceed a depth (measured vertically) of 300mm within a distance measured 12m from the outer visible edge of any National Grid Tower, and
  - Create an unstable batter that will affect a transmission support structure, and
  - 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

<sup>112</sup> S3/021 by Heritage NZ Pouhere Taonga

<sup>113</sup> S23/018 by Horticulture NZ

<sup>114</sup> S16/052 by Powerco and S21/012 by the Oil Companies

is mandatory. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice.<sup>115</sup>

- g. No earthworks, buildings or structures can be undertaken or erected within 20m of a natural gas transmission pipeline.<sup>116</sup>
- 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.<sup>117</sup>

**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 <sup>2</sup>	500m <sup>3</sup>	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.

<sup>115</sup> Support S16/054 by Powerco

<sup>116</sup> Support S20/028 by First Gas

<sup>117</sup> 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.<sup>118</sup> 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 gas<sup>119</sup> 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.<sup>120</sup>

### 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 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.<sup>121</sup>

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

<sup>118</sup> S5/045 by Horizons

<sup>119</sup> S20/029 by First Gas

<sup>120</sup> S3/022 by Heritage NZ Pouhere Taonga

<sup>121</sup> 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 carriageway, is a Non-Complying Activity.

## 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.<sup>122</sup>

### 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.

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<sup>122</sup> 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 3m<sup>2</sup>. Where a sign is double sided, it may have 3m<sup>2</sup> 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 0.8m<sup>2</sup> 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.<sup>123</sup>

- 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:<sup>124</sup>
  - 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.

<sup>123</sup> Support S7/030 by NZ Transport Agency

<sup>124</sup> 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 0.6m<sup>2</sup>, except that signs within the Inner and Outer Business Zones and Industrial Zone must not exceed a maximum sign face area of 3m<sup>2</sup>.

**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 1.5m<sup>2</sup>, except for electioneering signs which must not exceed a maximum sign face area of 3m<sup>2</sup>.
  - 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.

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### 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.

### 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.

### 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:<sup>125</sup>

- 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 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.
- 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.
- 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.

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<sup>125</sup> Support S11/051 by Transpower

- 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.

**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.<sup>126</sup>

### 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.

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<sup>126</sup> 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)<sup>127</sup> 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 remedial<sup>128</sup> works will ensure the building maintains the visual amenity values of the surrounding area.

#### *Policies*

- 1.1 To ensure any reinstatement remedial<sup>129</sup> and upgrading works undertaken are completed in a timely and efficient manner.

<sup>127</sup> S3/025 by Heritage NZ Pouhere Taonga

<sup>128</sup> S9/001 by House Movers

<sup>129</sup> S9/001 by House Movers

- 1.2 To ensure any reinstatement remedial<sup>130</sup> 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<sup>131</sup> 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 40m<sup>2</sup> in gross floor area.
  - ii. New buildings that are designed and purpose built to be relocated.
- b. All relocated buildings in the Rural Zone.<sup>132</sup>

### 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

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<sup>130</sup> S9/001 by House Movers

<sup>131</sup> S9/001 by House Movers

<sup>132</sup> 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.

- 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.<sup>133</sup>

### **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.
- 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.<sup>134</sup>

<sup>133</sup> S9/001 by House Movers

<sup>134</sup> S9/001 by House Movers

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.<sup>135</sup>
- d. Compliance with all standards specified for permitted activities in the relevant zone and other parts of this Plan.<sup>136</sup>

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

- Requirements for remedial reinstatement<sup>137</sup> works and upgrading the exterior of the building to ensure visual amenity of the surrounding area is maintained.
- The time allowed for remedial reinstatement<sup>138</sup> 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

<sup>135</sup> Support S5/039 by Horizons

<sup>136</sup> S9/001 by House Movers

<sup>137</sup> S9/001 by House Movers

<sup>138</sup> S9/001 by House Movers

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.<sup>139</sup>

- 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 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)).

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### 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<sup>140</sup> Controlled Activity standards or does not comply with the relevant Permitted Activity standards in all other parts of the District Plan.

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.<sup>141</sup>

- Scale of built form and location on site
- Exterior remedial and upgrading works

<sup>139</sup> S9/001 by House Movers

<sup>140</sup> S9/001 by House Movers

<sup>141</sup> S16/038 by Powerco

- o Time for remedial and upgrading works to be completed
- o The extent of non-compliance with the standard(s) in the Plan

~~o Provision of a bond to ensure remedial and upgrading works are completed.<sup>142</sup>~~

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**<sup>143</sup> works and upgrading to ensure visual amenity of the surrounding area is maintained, **including landscaping proposed**.<sup>144</sup>
- v. The proposed time for **remedial reinstatement**<sup>145</sup> 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.<sup>146</sup>~~

### 3G.4.64 Discretionary Activities

Any relocated building not provided for as a **Permitted**,<sup>147</sup> Controlled or Restricted Discretionary Activity or is located in the Flood Channel Zone is a Discretionary Activity.<sup>148</sup>

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<sup>142</sup> S9/001 by House Movers

<sup>143</sup> S9/001 by House Movers

<sup>144</sup> S9/001 by House Movers

<sup>145</sup> S9/001 by House Movers

<sup>146</sup> S9/001 by House Movers

<sup>147</sup> S9/001 by House Movers

<sup>148</sup> 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 <b>agent's name</b>]</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>
<b>Is the building being split for transportation</b>	<b><i>[Yes/No]</i></b>
<b>Will the split affect wall cladding</b>	<b><i>[Yes/No – details, number of sections, identify the location of the cut(s)]</i></b>
<b>Will the split affect roof cladding</b>	<b><i>[Yes/No – details, number of sections, identified the location of the cuts(s)]</i></b>
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**

<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</u>	<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.
- 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:

- a) The structure of the building unless otherwise commented upon;
- ~~b) The surrounding neighbourhood;~~
- c) The value of the property;
- d) Illegal Works; and
- e) Internal condition of the building unless otherwise commented upon.

Additionally, no search has been made of:

- f) Local Authority rates;
- g) Government Valuation; or
- h) 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, barge 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 applied 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*

**For and On Behalf of Company Name**

Address *Inspectors business address*

Telephone *Telephone business number*

Email *Email business address*

**6.0 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.

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



# **Proposed Plan Change 55: District Wide Rules**

## **Hearing Report**

### **Appendix 3**

The changes to the Definitions section are outlined below. All proposed new text is shown as underlined and all text proposed to be deleted is indicated with ~~strikethrough~~.

## 2 DEFINITIONS

### ~~ARTERIAL ROAD~~

~~means any national arterial road, regional road or district arterial road shown in Appendix 2B~~

### 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.

### COLLECTOR ROAD (TOURIST)

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).

### 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~~<sup>1</sup> upgrade or maintenance of farm tracks
- fences and fence lines, including their post holes<sup>2</sup>, unless within the National Grid Yard<sup>3</sup>
- trenching and backfilling ancillary to the installation of network utilities and services
- the minor upgrading, replacement<sup>4</sup>, or maintenance of network utilities
- cultivation, including harvesting and maintaining of crops<sup>5</sup>
- aggregate extraction, unless within the National Grid Yard<sup>6</sup>.

<sup>1</sup> S1/001 by Federated Farmers

<sup>2</sup> S1/001 by Federated Farmers and S16/001 by Powerco

<sup>3</sup> S11/001 by Transpower

<sup>4</sup> S16/001 by Powerco

<sup>5</sup> S1/001 by Federated Farmers and S23/019 by Horticulture NZ

<sup>6</sup> S11/001 by Transpower

**HEIGHT**

includes the construction and maintenance of driveways, building platforms, loading areas, tracks, drainage works and dams<sup>7</sup>. NB Earthworks near roads are subject to the Local Government Act 1974, refer Page 76.

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.

Height measurements specifically exclude:

- a. antennas
- b. chimneys
- c. flagpoles
- d. lightning rods<sup>7</sup>

**INFRASTRUCTURE OF REGIONAL AND NATIONAL IMPORTANCE**

in relation to network utilities, has the same meaning as the infrastructure of regional and national importance listed in Policy 3-1 of Manawatu-Wanganui Regional Council One Plan.<sup>8</sup>

**LOCAL ROADS**

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.

**MAJOR ARTERIAL ROAD**

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, Halcombe Road and Camerons Line. Refer to Appendix 3B.1 for those roads that are identified in the District as being a Major Arterial Road.

**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 60 km/h and rural 80 to 100 km/h. Minor arterial roads include Rongotea-Longburn Road to the north of Kairanga-Bunnythorpe 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.

<sup>7</sup> Support S17/002 by Spark and S18/003 by Chorus

<sup>8</sup> Support S8/004 by NZ Defence Force, S11/002 by Transpower and S20/002 by First Gas

**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<sup>9</sup> fittings.
- h. Replacement of cross arms with cross arms of an alternative design.
- i. Relocation and replacement of support structures, such as poles supporting electricity and telecommunication lines up to 3m from the original location<sup>10</sup>.
- j. An increase in support structure height required to achieve compliance with NZECP 34:2001<sup>11</sup>.

**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.<sup>12</sup>

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

<sup>9</sup> S16/002 by Powerco

<sup>10</sup> S17/004 by Spark, S16/002 by Powerco, S18/005 by Chorus and S11/003 by Transpower)

<sup>11</sup> S16/002 by Powerco and S11/003 by Transpower

<sup>12</sup> Support S11/004 by Transpower

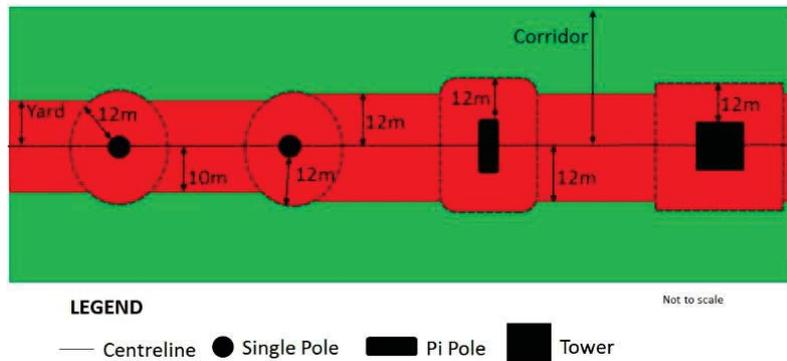
**NATIONAL GRID YARD**

9A). (NB — see diagram under definition of National Grid Yard). [PC45]

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]

**NETWORK UTILITY**

means an activity or operation of a network utility operator (as defined under section 166 of the Resource Management Act) and also<sup>13</sup> 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 by 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.

<sup>13</sup> S8/003 by NZ Defence Force and S5/041 by Horizons

**NOISE SENSITIVE ACTIVITY**

- o. solid waste facilities, and
- p. New Zealand Defence Force facilities<sup>14</sup>.

means any of the following

- a. assisted living accommodation
- b. community facilities
- c. dwelling and other residential activities<sup>15</sup>
- d. education facilities
- e. visitor accommodation
- f. hospitals<sup>16</sup>

**OFFICIAL SIGN**

means any regulatory traffic and official **signs** approved by Council ~~a road controlling authority~~ or provided under any legislation ~~and which are erected on a road.~~

**PLANNED DEVELOPMENT**

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.<sup>17</sup>

**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

**RELOCATED BUILDING**

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.

**REPLACEMENT**

for the purposes of network utilities, means the repair or putting back in place the components of the network utility infrastructure so that it remains the same or similar in character, intensity and scale as what was originally in that location.<sup>18</sup>

**SENSITIVE ACTIVITIES**

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]~~

**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

<sup>14</sup> S8/003 by NZ Defence Force and S5/041 by Horizons

<sup>15</sup> S11/007 by Transpower

<sup>16</sup> S11/007 by Transpower

<sup>17</sup> S16/015 by Powerco

<sup>18</sup> S16/001 by Powerco

**SIGN FACE AREA****TEMPORARY ACTIVITIES****TEMPORARY SIGN****UNDERGROUND PIPES,  
CABLES AND LINES****UTILITIES**

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. Signs do not include any advertising matter within a **shop** display window. Double-sided 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 supporting device.

means 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:

- Sporting events, public meetings, galas, market days, and recreational and festive events
- Temporary buildings and structures
- Any temporary storage of goods or materials
- Demolition and removal of buildings.

means any sign that is of a temporary nature advertising any forthcoming activity. It includes, without limitation:

- Any parliamentary or local authority election signs
- Construction or development signage on any building or demolition site
- Exhibition or event signage
- Real estate signs advertising the sale, rent or auction of land or premises.

Temporary signs do not include a permanent structure whereby the advertising matter is altered regularly.

~~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.~~

means any activity relating to:

- a. ~~Lighthouses, navigational aids and beacons.~~
- b. ~~Roads~~ and railways, and incidental equipment.
- c. ~~Generation, transformation, transmission, or distribution of electricity.~~
- d. ~~Distribution or transmission by pipeline of gas, petroleum or steam.~~
- e. ~~Water or sewerage reticulation, or treatment.~~

URBAN AREA

- f. ~~Land drainage, stormwater control or irrigation works.~~
- g. ~~Construction, operation and maintenance of an airport as defined by the Airport Authorities Act including the provision of any approach control services.~~
- h. ~~**Radiocommunication** and/or **telecommunication** equipment and lines.~~
- i. ~~Recycling depots, refuse transfer stations and refuse disposal facilities.~~
- j. ~~Meteorological instruments and facilities.~~
- k. ~~Soil conservation and river control works.~~
- l. ~~Fire Stations.~~

means any land zoned Residential, Village, Inner or Outer Business, Industrial, Recreation, Manfeild Park or Special Development.



# **Proposed Plan Change 55: District Wide Rules**

## **Hearing Report**

### **Appendix 4**

**IN THE MATTER OF  
AND  
IN THE MATTER OF**

**The Resource Management Act 1991  
Manawatu Sectional Plan Review:  
Proposed Plan Change 55**

**STATEMENT OF EVIDENCE OF NIGEL ROBERT LLOYD**

**Introduction**

1. My name is Nigel Robert Lloyd. I am an acoustical consultant with Acousafe Consulting & Engineering Limited, a position I have held for over 30 years.
2. I have a degree in mechanical engineering gained at the University of Wales, University College Cardiff in 1976.
3. Prior to my current position, I was employed by the Industrial Acoustics Company in the UK as an acoustical consultant between 1977 and 1980 and then spent five years as the Department of Labour noise control engineer in New Zealand, advising the safety inspectorates on occupational noise management and control. I have a total of 39 years' experience as a noise control engineer/acoustical consultant.
4. I am a Member of the Acoustical Society of New Zealand and I have completed a 'Making Good Decisions' course.
5. I have advised Manawatu District Council on the District Plan noise reviews since 2013. I have reviewed the District Plan noise issues in two parts. Part 1 dated 29 April 2016 reviewed the Operative District Plan noise rules and made recommendation for updating the rules to reflect the latest New Zealand Standards and the appropriate limits that should apply. Part 1 is most relevant to PC 55.
6. Part 2 is still in draft form and deals with Special Rural Activities such as future wind farms, quarrying, and noisy rural activities such as frost fans, helicopters and audible bird scaring devices. These aspects will be more relevant to the review of the Rural Zone, which will take place separately.
7. I have advised a number of Councils during District Plan reviews going back to the early 1990s.

8. I confirm that I have read the ‘Code of Conduct for Expert Witnesses’ contained in the Environment Court Practice Note 2014. My evidence has been prepared to comply with that Code and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

### **The Scope of My Evidence**

9. I have been instructed by Council to only review and address specific submissions on noise for PC55. The objective, policies and rules that are of relevance are:

#### **Chapter 3C – Noise**

- Overall chapter
- New Policy
- Policy 1.1
- Rule 3C.4.1
- Rule 3C.4.2

#### **Chapter 3F – Temporary Activities**

- Policy 1.2

10. The submissions deal with the following matters:
- a. Reverse Sensitivity for State Highway noise (NZTA - S7/003) and generally (Oil Companies<sup>1</sup> - S21/006),
  - b. Provision for rural production activities in the Rural area (Horticulture New Zealand - S23/012, 013 & 14) & (Federated Farmers - S1/011),
  - c. Apply Rural noise limits at the notional boundary rather than the site boundary (New Zealand Defence Force - NZDF – S8/010),
  - d. Relax the Residential/Village Zone noise limits (Spark - S17/028 & Chorus New Zealand Limited - S18/029),
  - e. Allow temporary activity noise to have greater impacts (Powerco - S16/057), (Oil Companies - S21/014),
  - f. Provide for Temporary Military Training Activity (New Zealand Defence Force - S8/012)

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<sup>1</sup> Z Energy Ltd, BP Oil NZ Ltd, Mobile Oil NZ Ltd

## **Reverse Sensitivity (State Highway Noise)**

### Submission S7/003- NZTA

11. The submission requests that reverse sensitivity provisions for noise are included in Section (3C) of the District Plan. This provision would apply where the State Highway speed environment is 70km or greater.
12. I considered the NZTA submission in Acousafe's report dated 29 April 2016. I agree that sensible reverse sensitivity controls are appropriate in the Rural Zone of the District but not in the Residential and Village Zones. The issue with these Zones is that significant development has already taken place alongside roads where the speed limit equals or exceeds 70 km/hr, where the reverse sensitivity controls would apply.
13. The NZTA submission follows the latest guidelines for controlling reverse sensitivity impacts on State Highways<sup>2</sup>. These guidelines seek to ensure that reverse sensitivity is efficiently managed by local authorities by:
  - imposing separation and setback distances between sensitive activities and the road edge;
  - encouraging non-sensitive land use to separate residential or other sensitive activities from major transport corridors;
  - adopting effective urban design principles and acoustic treatment performance standards within district plans;
  - requiring design and construction standards to achieve appropriate internal noise and vibration levels within effects areas.
14. The Transport Agency policy has two main elements: setbacks and acoustic treatment of buildings, which are addressed in a Buffer Area and Effects Area respectively. These two areas are defined by distances from the edge of the carriageway.
15. The recommended Rules from the Guide are:
  - A. New buildings or alterations to existing buildings containing noise sensitive activities must be at least 40 metres from the edge of the state highway carriageway and there is an existing solid and continuous building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new or altered habitable spaces to any part of the road surface of the state highway. This excludes unaltered existing spaces.

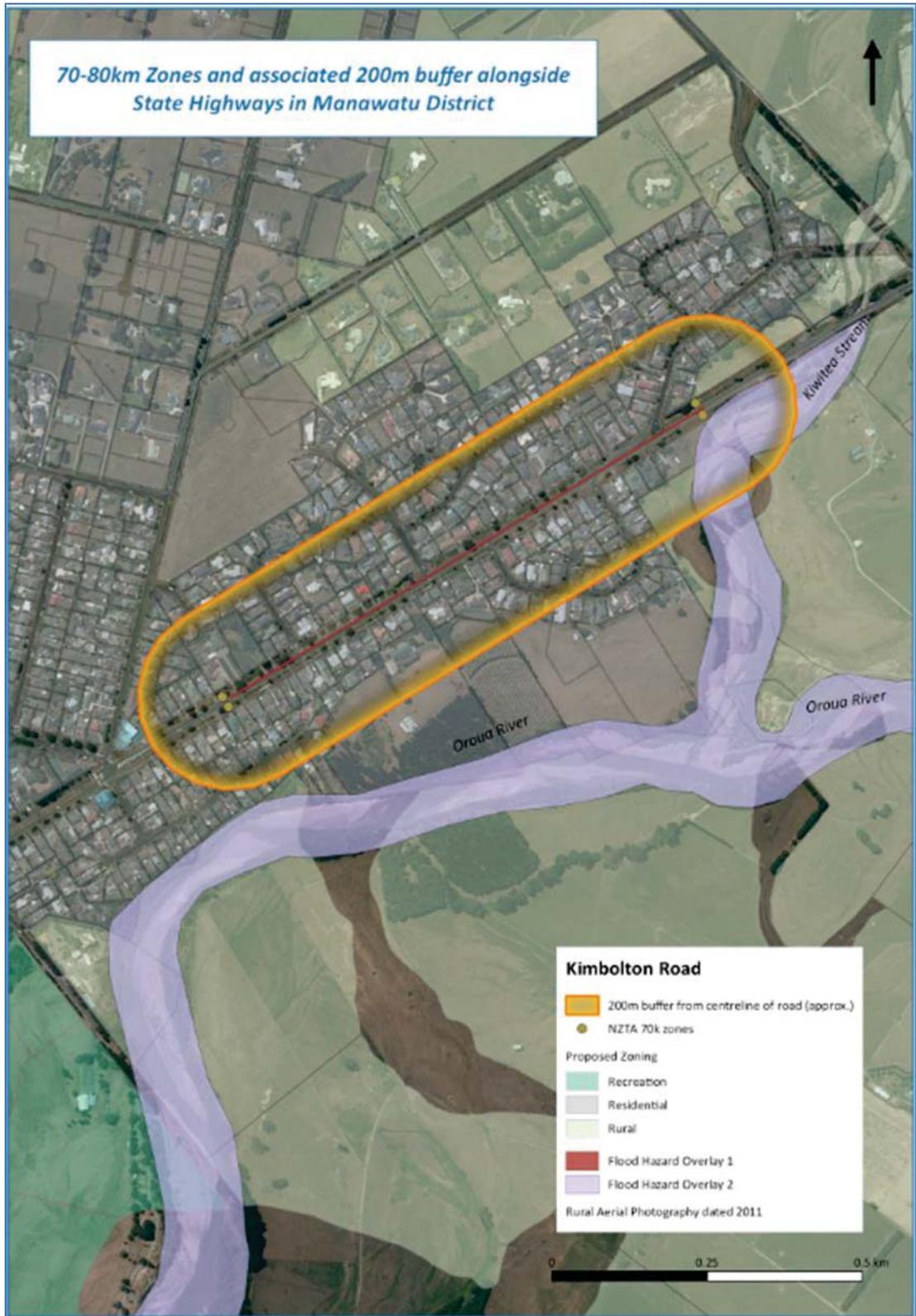
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<sup>2</sup> Guide to the management of effects on noise sensitive land use near to the state highway network September 2015. <http://www.nzta.govt.nz/resources/planning-policy-manual/docs/planning-policy-manual-appendix-5D.pdf>

- B. New buildings or alterations to existing buildings containing noise sensitive activities, in or partly in the state highway buffer area must be designed, constructed and maintained to achieve road-traffic vibration levels complying with class C of NS 8176E:2005.
- C. New buildings or alterations to existing buildings containing noise sensitive activities, in or partly in the state highway buffer area or effects area must be designed, constructed and maintained to achieve the indoor design noise levels from road-traffic set out in the table below (which is copied from the NZTA Guide).

BUILDING TYPE	OCCUPANCY/ACTIVITY	MAXIMUM INDOOR DESIGN NOISE LEVEL $L_{Aeq(24h)}$
<b>Residential</b>	Living spaces, sleeping spaces (including visitor accommodation and retirement accommodation)	40 dB
<b>Education</b>	Assembly halls	35 dB
	Conference rooms, drama studios	40 dB
	Lecture rooms and theatres, music studios	35 dB
	Libraries	45 dB
	Sleeping areas in educational facilities	40 dB
	Teaching areas	40 dB
<b>Health</b>	Overnight medical care, wards	40 dB
	Clinics, consulting rooms, theatres, nurses' stations	45 dB
<b>Cultural buildings</b>	Places of worship, marae	35 dB

16. The NZTA Guide is more applicable to busier state highway gateways into larger cities, for example, where continuous fencing along the route can help to mitigate the noise. These rules are less appropriate for state highways in the Manawatu, such as beside Kimbolton Road.
- The following plan shows a 200 metre set-back along the 70-80km/hr section of Kimbolton Road and illustrates the level of residential development that has already occurred.



17. The reverse sensitivity controls cannot apply to existing dwellings and treating any new dwellings and alterations to existing dwellings will not provide NZTA with the protection against reverse sensitivity impacts they desire for this section of road. This impact already exists for Kimbolton Road because the sections are

all well-developed relatively close to the highway and there are few (if any) empty sections. With access driveways and the variation in ownership along the route there is no chance of having a '*continuous building, fence, wall or landform that blocks the line of sight*' as provided for in the NZTA recommended rules.

18. Council has studied the proliferation of different 'valuations' within 200 metres of State Highways. There are three residential areas; one in Feilding on Kimbolton Rd, one at Cheltenham and another at the Himatangi Beach Rd / SH1 Junction.
19. There are nearly 100 residential units in these three areas and 9 empty sections, of which only a few are likely to be developed for new dwellings.
20. While I support the protection of state highways from reverse sensitivity effects, it is clearly not worthwhile to provide for noise insulation and ventilation of new dwellings in residential/township zones in the Manawatu District given that there are so few empty sections.
21. With respect to requiring that additions to existing dwellings in the Residential/Village Zone be noise insulated, I do not consider that this will make a significant difference to the protection of the state highway from reverse sensitivity effects. Noise insulating the additions makes no difference to the existing buildings and there are practical difficulties in constructing and ventilating new parts of each dwelling in a different manner to the existing dwelling.
22. I agree that a provision for noise insulation and ventilation should be made in the Rural Zone but I have concerns about what the buffer distance should be (as I discussed in Acousafe's Part 1 report).
23. My recommendation is that the NZTA reverse sensitivity rules only be placed within the Rural Zone and not in the Residential/Village Zones. As such, these rules should be considered at the time the Rural Zone is reviewed.
24. The NZTA guide also sets out recommendations for ventilation which include a requirement for the need to meet clause G4 of the New Zealand Building Code, a sound limit for the ventilation, minimum air change rates, and the need to provide cooling that is able to be controlled by the occupant to ensure that the temperature does not get to more than 25°C.

25. I have no specific expertise in mechanical ventilation (other than controlling the noise from it), but rather than providing for a suite of ventilation requirements that would not normally be within the jurisdiction of Council e.g. internal sound levels from the system, temperature requirements and the ability to incrementally control the airflow, I suggest that consideration be given to a basic ventilation design provision (limited to the number of air changes) that has been successful in other District Plans. The ventilation is only required to substitute for (not) opening a window.
26. I included a simplified version of the NZTA rule for inclusion in the Rural Zone Section of the District Plan which can be considered at the appropriate time.
27. This suggested Rule would only apply to the Rural Zone where the speed limit is 70 km/hr or more and is as follows:

**Acoustic Insulation and Setbacks for State Highways**

- (i) All dwellings constructed within 80 metres of the carriageway edge of a State Highway shall be designed, constructed and maintained in accordance with a design report prepared by a suitably qualified and experienced acoustical engineer stating that the design as proposed will achieve compliance with an internal noise level of 40dB  $L_{Aeq(24hr)}$  in habitable rooms.  
Provided that no residential building is constructed within 40 metres of the carriageway edge of the State Highway.
  - (ii) Where bedrooms with openable windows are proposed in buildings requiring acoustic insulation, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.
  - (iii) For all other developments, compliance shall be achieved with the satisfactory design guidelines given in AS/NZS 2107:2000: Acoustics – recommended design sound level and reverberation times for building interiors.
28. The provisions above will be further reviewed and updated during the preparation of the Rural Plan Change.

29. I recommend that the NZTA submission is declined as it seeks to apply reverse sensitivity controls to State Highways in the Residential and Village Zones.

### **Reverse Sensitivity (General)**

#### Submission S21/006 - Z Energy Ltd, BP Oil NZ Ltd, Mobile Oil NZ Ltd

30. The submission seeks to make it clear that, in accordance with the policy approach in the Industrial Zone, there will be higher noise levels in some zones and, in those zones, noise level standards will not be set to protect noise sensitive activities. The submission points out that industries can operate during night time hours (in some cases 24 hours a day) and at higher levels than would otherwise be allowed in other zones where noise sensitive activities are anticipated. Amendment to Policy 1.1 is sought to clarify that noise sensitive activities should not expect to be protected from night-time noise in those zones where noise sensitive activities are not anticipated.
31. While I agree with the sentiment of this submission, I consider that the change sought by the submitter would be too far ranging in its impact if it was to be included in the general noise section (3C.3 Objectives and Policies (Policy 1.1)). The main issue with such a policy is that there is no definition of which zones the policy would be referring to. If such a change was to occur then it would be best inserted in the Zone for which it is intended i.e. the Industrial Zone. It should not apply to the Rural Zone for example and could be misinterpreted in relation to that Zone.
32. The Industrial Zone already actively discourages noise sensitive activities from establishing (dwellings are non-complying activities) and the policy change sought by this submission would not be appropriate in any other zone where noise sensitive activities are permitted.
33. The draft Industrial Zone policy (16.3.1.2) is to avoid the establishment of non-industrial activities within the Industrial Zone.
34. I recommend that this submission be declined in respect to the inclusion of a general provision policy to require noise sensitive activities to avoid locating in zones where higher noise levels are anticipated unless they provide adequate noise insulation. The District Plan specifically controls activities in Zones through the permitted activity list i.e. does not permit dwellings in the Industrial

Zone. The general nature of such an addition would add a layer of complexity for other Zones (such as Rural) that is unnecessary.

## **Noise in the Rural Zone**

### Submission S23/012 - Horticulture New Zealand

35. This submitter seeks that there be a policy that ensures that noise generated by rural production activities is accepted as part of the rural environment. This will provide a policy framework for the exemption for rural production activities from the noise limits.
36. There is provision under 3C.4.1(c) for rural production activities (except for intensive farming) to not be controlled by the noise limits in Table 3C.1 and I agree that it would be appropriate to provide for a policy framework for this.
37. The submitter seeks for the words “To provide for noise associated with rural production activities in the rural zone” to be included as a policy and I consider it appropriate that this be included as a new policy under 3C.3 Objectives and Policies (Objective 1).
38. I recommend that the submission be accepted in this respect.

### Submission S1/011 - Federated Farmers

39. This submitter seeks to amend the times associated with noise limits in Table 3C.1 to provide for intensive farming activities. It is common for intensive farming activities to begin outside of '*normal business or activity hours*'. Federated Farmers submits that the permitted time period provided for in Table 3C.1 be amended to enable these activities.
40. The submitter seeks that the time period 10pm to 7am be amended to 10pm to 5am for the Rural Zone and that therefore the daytime zone is consequently amended to start at 5am (5am to 7pm).
41. The issue with applying the daytime noise limit at 5am is the noise limit of 55 dB  $L_{Aeq(15\text{ mins})}$  does not protect against sleep disturbance. In addition, the night-time  $L_{Amax}$  provision would cease at this time.
42. The submitter refers to intensive farming activities as being required to meet the noise limits. While that is true, the limits also form the permitted baseline against which all other activities that might establish in the Rural Zone would be judged.

This might be anything from contractors' depots to factories to distribution centres.

43. By changing the night-time hours to cease at 5am provides for sleep protection to cease at that time. This only allows 7 hours sleep protection (10pm to 5am) which, in my opinion, is unacceptable. The time of 7am is a reasonable hour (some would say too early) to protect the rural community against the start-up of a noisy neighbouring activity.
44. For that reason, I recommend that this submission be declined in this respect and that the night-time period be retained up until 7am.

Submission S23/013 - Horticulture New Zealand

45. This submitter considers that the wording of 3C.4.2 Standards for Permitted Activities (d - iv) would be better to state that the activities are *exempt* from the requirements, rather than *not controlled by*.
46. Horticulture NZ also seeks that it be made clear that helicopter landing areas and rural airstrips are part of rural production activities and so are included in 3C.4.2(d - iv) and would not therefore be controlled by the limits in Table 3C.4.2.
47. With respect to the use of the word "*exempt*" rather than "*not controlled by*" the words "*not controlled by*" have been carefully selected. The use of the word "*exempt*" has previously been interpreted as meaning that there are no controls on the activities which are identified i.e. they are completely exempt. Therefore, rural production activity could operate at any time of the day or night with no limit on the noise or no requirement to control the noise.
48. This is not however the case because there are sections of the RMA that control unreasonable (s16) and/or excessive noise (s327). Section 16 of the RMA requires that the best practicable option (**BPO**) must be adopted to ensure that noise does not exceed a reasonable level.
49. While the noise is not controlled by the limits in Table C3.1, rural production activity is not *exempt* from being controlled if the noise is unreasonable or if it can be reduced using the BPO.
50. With respect to the helicopter landing areas and rural airstrips these can cause a significant noise nuisance and are appropriately controlled by reference to

NZS 6805<sup>3</sup> and NZS 6807<sup>4</sup>. The difference here is between the occasional use of a paddock purely for agricultural use and the establishment of a rural airstrip for regular use by aircraft and helicopters. The latter could have a significant impact on residential neighbours and the noise needs to be controlled.

51. I therefore recommend that the submission be declined in these respects.

#### Submission S23/014 - Horticulture New Zealand

40. This submission seeks that 3C.4.2 Standards for Permitted Activities (Guidance Note 2) should also clarify that intermittent use for rural production activities is included in the “*exemptions*”. Rural production activities are not controlled by the District Plan noise rules and this already includes intermittent use if it can be shown that it is for rural production activities, including use by top dressing planes and helicopters. As stated above, I disagree that helicopter landing areas and rural airstrips *per se* should be given exemption from the need to be assessed using the relevant New Zealand Standards and as such I recommend that this part of the submission is declined.

#### **Noise in the Rural Zone – The Notional Boundary**

##### Submission S8/010 NZDF

52. This part of the NZDF submission identifies that Table 3C.1 states that the potentially affected zone is to be measured at any point within the boundary of any other site in the zone. However, the notional boundary is the generally accepted approach to applying the relevant noise limits and there is no robust rationale provided to deviate from this.

53. In my Part 1 report dated 29 April 2016 I explained why the use of 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 build a new noise sensitive activity, such as a dwelling.

54. The notional boundary is defined in NZS 6801:2008<sup>5</sup> as “*a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling*”.

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<sup>3</sup> NZS 6805:1992 *Airport Noise Management and Land Use Planning*

<sup>4</sup> NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*

<sup>5</sup> NZS 6801:2008 *Acoustics – Measurement of Environmental Sound*

55. It is a common law principal<sup>6</sup> that there is no defence that the plaintiff has come to the nuisance. The simple reason for this common law rule is that an owner should not be able to permanently diminish the value of neighbouring land, without providing compensation simply by establishing his or her use first.
56. Section 8.4.4 of NZS 6802:2008 discusses the locations at which noise emissions from a site are required to comply with a 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 future potential recreational amenity of the land*”.
57. By applying the noise limits at the site boundary this protects the land itself from external noise and, if necessary, allows a further assessment to 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.
58. There are a number of Councils that apply the noise limits at the site boundary in Rural Zones including Palmerston North City, South Taranaki District, and Hutt City. Ashburton District Council only applies the “notional boundary” concept to large rural blocks, not small scale rural/residential areas. In Wellington, the City District Plan applies the least strict residential noise limits at the rural site boundary while applying strict noise limits at the ‘Notional Boundary’ (which is called the conceptual boundary in that case).
59. It is recognised that there is a tension with respect to where the noise limit should apply in rural areas, and NZS 6802:2008 recommends that the notional boundary be used. However, to avoid uncertainty with respect to future planning provisions, then I recommend that the rural noise limits apply at the neighbouring land site boundary rather than at the notional boundary of dwellings.
60. I therefore recommend that the submission be declined in this respect and that the Rural Noise limits apply at any point within the boundary of any other site.

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<sup>6</sup> Davidson, A., 2003 “*Reverse Sensitivity – Are No-Complaints Instruments a Solution?*” *New Zealand Journal of Environmental Law*, 7, p203.

## **Noise in the Residential/Village Zones**

### Submission S17/028 - Spark

61. This submitter reasons that the noise standards for cabinets in the National Environmental Standards for Telecommunications Facilities (**NESTF**) should be applied to all noise emitting activities in the Residential/Village Zone (3C.4.1 Permitted Activities (b) – Table 3C.1 Noise Levels – Residential/Village). Their argument is that because the standards in the NESTF are deemed quiet enough on a national basis for telecommunications cabinets then all activities in these zones in the Manawatu District should be standardized to the same limits as telecommunications cabinets.
62. I strongly disagree with this reasoning. It is the prerogative of the local community to establish what their local noise environment should be. This might be stricter than the NESTF standards or less strict. The NESTF applies to telecommunications units which are specifically located and have their own noise propagation characteristics.
63. The noise limits in the Residential/Village Zone are deliberately strict. These zones form a very small part of the Manawatu District (the Rural Zone represents 96% of the District) and the strict noise limits are purposely designed to provide for a quiet and peaceful community with noisy activities encouraged to go elsewhere.
64. Telecommunication cabinets do not need to meet the District Plan noise limits because of the NESTF and this is appropriate given their likely location in residential streets (and the difficulty in meeting local noise limits) but also the fact that cabinet noise sources are comparatively small and the noise will reduce quickly with distance. Larger noise generating activities (such as a factory) will tend to cause noise levels to be greater further from the source. This means that telecommunication cabinets can establish closer to site boundaries than other sources and generate high local noise that is less likely to cause a nuisance further afield.
65. The NESTF noise limits are appropriate for telecommunication cabinets and reflect the importance of these devices as telecommunications infrastructure with the restriction on where they can be positioned (in residential areas). It is, however, not reasonable to apply the same standard to all types of activities.

These other activities may not have the same importance as the telecommunication cabinets and would be able to be located elsewhere.

66. It is also entirely appropriate for the Manawatu community to identify residential/village areas to be quiet and to be protected against future noise generating activities.
67. I therefore recommend that this submission be rejected in this respect, for the above reasons, and that the noise limits recommended for Table 3C.1 for Residential/Village should remain unchanged.

#### Submission S18/029 - Chorus

68. This submission is the same as the one above and my recommendation is the same.

### **Temporary Activity Noise**

#### Submission S16/057 - Powerco

69. The submission seeks to add the word “*significant*” before “*adverse effects*” in 3F.3 Objectives and Policies (Policy 1.2). This would ensure that less than minor or minor effects are not considered alongside significant adverse effects. It should be noted that sometimes short term effects are acceptable when temporary (e.g. for emergency works).
70. I agree that short term effects may have a lesser impact than effects of permanent activities but this is because the temporary nature of the activity makes it less significant. In other words, the activity could generate higher noise levels but the impact could still be minor or less than minor.
71. For example, an entertainment event might occur on one afternoon for 2-3 hours which could generate quite high levels of noise and still be reasonable. The overall assessment of that single event might be that the noise effects are minor or less than minor.
72. However other temporary activities might locate at a single location for, say, a month at a time. It is not difficult to imagine that a noise source (say a portable generator) could create noise during that period that would cause a nuisance to nearby residential neighbours. This effect would be significant and would not be acceptable.

73. While I accept therefore that short term temporary activities could reasonably generate noise that exceeds the District Plan noise limits, the key to the assessment would be that the noise effects would need to be, at least, minor and, at best, less than minor. Such an activity would be Discretionary and would be assessed on its merits in terms of the Resource Management Act.
74. I do not consider that it is appropriate to provide for temporary activities that have “*significant*” effects.
75. The submission mentions emergency work and this is dealt with by the application of the construction noise standard<sup>7</sup> or by the separate provisions in the RMA for emergency work<sup>8</sup>.
76. I therefore recommend that this submission be declined insofar as it seeks to insert the word “*significant*” before “*adverse effects*” in 3F.3 Objectives and Policies (Policy 1.2).

Submission S21/014 - Z Energy Ltd, BP Oil NZ Ltd, Mobile Oil NZ Ltd

77. This submission seeks the same outcome as the submission above and I recommend that it be declined for the same reasons.

**Temporary Military Training Activities (TMTA)**

Submission S8/12 - NZDF

78. NZDF seeks to provide for temporary military training activities under Chapter 3 as it is inappropriate to confine these to a particular zone due to the varied nature of the activities.
79. I considered the issue of TMTA in my Part 1 Report dated 29 April 2016.
80. I disagree with the NZDF position. NZDF seeks to install a standardised approach for TMTA across the country using set-backs from activities such as weapons firing, battle simulations and explosives as the prime control mechanism. This includes night-time battle simulations.
81. I consider that such activities should not be provided for as Permitted Activities throughout the District. Noisier TMTA activities would be more appropriate in the Rural Zone, for example, than in the Residential/Village Zone and I

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<sup>7</sup> NZS 6803:1999 *Acoustics – Construction Noise*

<sup>8</sup> Sections 330 and 330B.

recommend that provision for TMTA is not included in Chapter 3 but that it be considered in each zone section as it is reviewed. On that basis I recommend that the submission be declined.

### **Conclusions**

82. I have considered various submissions regarding noise in Chapter 3 of the Proposed District Plan as part of the PC 55 considerations and made recommendations accordingly.

**Nigel Lloyd**

**Acousafe Consulting & Engineering Limited**  
**17 November 2016**



# **Proposed Plan Change 55: District Wide Rules**

## **Hearing Report**

### **Appendix 5**

**BEFORE THE HEARINGS PANEL**

**In the Matter of:** The Resource Management Act 1991

**And** Proposed Plan Change 55:  
Chapter 3 District Wide Rules

**Application By:** Manawatu District Council

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**STATEMENT OF EVIDENCE BY**

**John Robert Hudson**

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30 October 2016

## Introduction

1. My name is John Hudson. I am a landscape architect and principal of my own practice, Hudson Associates, and have been practicing in this field for over 30 years. I have a Bachelor of Arts Degree in Geography from Victoria University and hold post graduate diplomas in landscape architecture and business administration from Lincoln and Victoria Universities respectively. I am a registered member, fellow and past president of the New Zealand Institute of Landscape Architects, and have also held the roles of member and chairman of the Institute's professional examination committee for ten years, as well as judge for the Institute's biennial award.
2. I hold a recently renewed Making Good Decisions certificate from the Ministry for the Environment as a Hearing Commissioner, and have previously attained the Chairing Endorsement. I have been engaged as an independent commissioner for several large consent applications, the largest being an appointment by the Minister for the Environment to the Board of Inquiry hearing Mighty River Power's Turitea Wind Farm consent application, which was Called In as a project of national significance.
3. My practice consults on projects throughout New Zealand, with particular focus on landscape assessment, subdivision, large scale design, and infrastructure. I am currently engaged by a number of local authorities throughout the country to provide specialist advice on consent applications and district plan assessments and provisions. I regularly appear as an expert witness at both Council hearings and Environment Court appeals.
4. I confirm that I have read and am familiar with the Environment Court's Code of Conduct Practice Note 2014. I agree to be bound by that Code of Conduct and confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express in the following evidence.
5. I have been engaged by Manawatu District Council to provide expert witness evidence with regard to specific provisions and submissions of Plan Change 55 that relate to network utilities within Outstanding Natural Landscapes/Outstanding Natural Features. I have previously been engaged by Manawatu District Council to prepare a District wide Landscape Assessment, which has helped inform my understanding of the Manawatu landscape context.

## Scope of evidence

6. The evidence has been structured so that the background context is addressed prior to any specific submissions, which should allow greater clarity and understanding of the context behind individual submission points, and the reasoning behind our recommendations. The evidence covers 6 main topics:

- Planning Framework
- Palmerston North City Council Approach
- Horizons One Plan Policy Framework
- Current and Proposed ONFL's (Operative DP, One Plan and Plan Change 53)
- Distinction between linear and non-linear infrastructure
- Submission Points

## Planning Framework

7. Network utilities in relation to outstanding natural landscapes and features are addressed in part by the proposed Chapter 3 of the Manawatu District Plan. The relevant provisions are;

*Objective 3 - 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.*

*Policy 3.1 - To protect the values that cause an Outstanding Natural Feature and Landscape to be identified in Appendix 1C from inappropriate subdivision, use and development.*

*Policy 3.2 - To restrict the development of network utilities, except within an existing road carriageway, within areas 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) and 1F (Sites with Heritage Value) unless there is no alternative location.*

### *3A.4.1 Permitted Activities*

*The operation, maintenance, minor upgrading or repair of network utilities existing or which have been lawfully established.*

### *3A.4.5 Non-complying Activity*

*Any network utility located within an Outstanding Natural Feature or Landscape in Appendix 1c is a Non-Complying Activity*

8. Essentially, we are discussing network utilities that are new and expanded (as existing operation and maintenance is a permitted activity) network utilities being considered as a non-complying activity within the areas identified as Outstanding Natural Features and Landscapes.

### **Palmerston North City Council Approach**

9. It is relevant to note the approach taken in the adjacent territorial authority of Palmerston North City. They have recently completed a Sectional District Plan Review (aspects of which are still under appeal). The main area of concern in relation to effects on Outstanding Natural Landscapes within Palmerston North was identified as Windfarms within the Tararua Ranges Landscape Protection Area (TRLPA), which has been spatially defined to give effect to the Tararua Ranges ONFL listed in Schedule G of the Horizons One Plan.
10. The TRLPA is located within the Rural Zone and is addressed by Section 9 of the Proposed District Plan which states that;

*Objective 7 - To recognise parts of the Tararua Ranges and the Manawatu Gorge as regionally Outstanding Natural Features and Landscapes and protect them from inappropriate use and development.*

11. And,

*Policy 7.3 - To avoid further development of renewable energy generation activities and other major structures that have the potential to cause significant adverse cumulative effects on the Tararua Ranges Landscape Protection Area (Map 9.1)*

12. This has led to a non-complying activity for windfarms located within the TRLPA, whereas a discretionary status is applied when located outside of the TRLPA. This distinction between non-complying and discretionary activity status based on the location within the recognised ONFL (TRLPA) is similar to the approach currently being promoted by the Manawatu District Council for network utilities.

### **Horizons One Plan**

13. The Horizons One Plan states under Issue 6-2(a) that;

*The Region's outstanding natural features and landscapes can be adversely affected by land use activities and development. Adverse effects of development on outstanding natural features and landscapes include the potential for significant adverse cumulative effects. Developments with the potential for greatest impact include wind farms, residential subdivision and other major structures.*

14. This identifies that ONFL's can be adversely affected by development and that the largest impact can come from major structural elements. It is considered that new or expanded network utilities fall within this consideration and have the potential for significant adverse effects.

15. The Horizons One Plan also states that;

*Territorial Authorities have the responsibility of managing the effects of land use, through district plan provisions and land use resource consents. Consequently, the management of competing pressures for the subdivision, use and development of land that may affect outstanding natural features and landscapes is most appropriately dealt with at a territorial level. (Chapter 6, 6.1.3 – Para 3)*

16. Despite this direction that the management of ONFL's is best addressed at the territorial level, there are other relevant aspects of the One Plan which provide guidance, such as Policy 6-7. This gives direction on how an ONFL assessment should be carried out, stating:

*The Regional Council and Territorial Authorities must take into account but not be limited to the criteria in Table 6.1 when:*

- (a) identifying outstanding natural features and landscapes, and consider whether the natural feature or landscape is conspicuous, eminent, remarkable or otherwise outstanding, and*
- (b) considering adding to, deleting from, or otherwise altering, redefining or modifying the list of outstanding natural features or landscapes listed in Table G.1 of Schedule G, or*
- (c) considering the inclusion of outstanding natural features or landscapes into any district plan<sup>^</sup>, or*
- (d) establishing the relevant values to be considered when assessing effects<sup>^</sup> of an activity on:
  - (i) outstanding natural features and landscapes listed in Table G.1 of Schedule G, or*
  - (ii) any other outstanding natural feature or landscape.**

17. Table G.1 identifies a range of landscapes and features within the Manawatu District that are outstanding at a regional level. These can be broadly describes as;

- A portion of the Rangitikei River
- The Ruahine Forest Park and the series of highest ridges and hilltops
- The Manawatu Gorge
- Parts of the Manawatu Coastline

18. The significance of Policy 6-7(b) needs to be considered in relation to these areas. The One Plan does not require their full extent to be included in an ONFL when the Territorial Authority undertakes their spatial definition of these. Similarly, the extent of the Territorial Authority's spatial definition may exceed that indicated in the One Plan. That is the direction and flexibility by 6-7(b). The One Plan Schedule G list is not rigid and the spatial definition of ONFL's carried out identified by the Territorial Authority may alter, redefine or modify these.
19. The situation we have now is that; there are the OF's listed in the Operative District Plan, there are ONFL's listed in the One Plan Schedule G, and there are ONFL's proposed as part of the Manawatu District Council PC53. The full extent of proposed ONFL areas and the reasons for their inclusion are detailed in the Manawatu Landscape Assessment Draft.

#### **Current and Proposed ONFL's**

20. The changes made within PC55 only relate to Appendix 1C of the Manawatu District Plan at this stage. Appendix 1c only lists two Outstanding Features, being the Concrete Terraces adjacent to the Rangitikei River and the Glow Worm Caves along Limestone Road. Neither of these Outstanding Features are currently affected by the presence of network utilities such as gas, electricity or communication corridors.
21. However, it is important to acknowledge that the provisions relating to Outstanding Natural Landscapes and Features proposed by PC55, are intended to apply to all of the ONLF areas through the subsequent District Plan review process, as the operative OF1 and OF2 areas (Appendix 1C) are not being retained in the District Plan, and will be replaced by the ONFL's listed within the new Chapter 5 (via PC53).
22. Both of the Outstanding Features identified in the Operative District Plan, are contained within the recently proposed update to Outstanding Natural Landscape and Feature areas within the Manawatu District. The Manawatu Landscape Assessment has identified a number of new ONFL areas within the district, and this will be used to update Chapter 5 of the District Plan, through the Plan Change 53 process.
23. There is also the list of ONFL's identified in Schedule G of the Horizons One Plan, however, at a territorial level, this information has been refined within the Manawatu Landscape Assessment Draft which is currently undergoing community consultation and will be resolved through PC53.

## **Linear and Non-linear infrastructure**

24. It is simple to distinguish between linear and non-linear network utilities (e.g. transmission lines being linear and a telecommunications towers being non-linear). However, the presence of infrastructural elements has the ability to compromise the values of an ONFL, regardless of whether or not it has a linear orientation. For this reason, it is considered that all network utilities should be treated with the same activity status within ONFL's.
25. Both linear and non-linear infrastructure have the ability to compromise the identified characteristics and values of a landscape if they are out of scale with the receiving environment. The dominance of infrastructural elements can occur as either a result of their size/length, or through the clearance of natural areas that is required to accommodate their installation and ongoing maintenance.
26. One concern specific to lineal infrastructure, is that it typically appears as an unnatural ribbon, which is in direct contrast to the otherwise organic formation of outstanding natural areas and their contents. This ribbon effect that is typical of above ground powerlines can also have increased dominance due to your eye being drawn through the landscape along the infrastructure corridor, which can disrupt the scenic qualities of the location.
27. There are different potential effects on landscape and amenity that arise through the various network utility activities. However, they will all result in some degree of disturbance, whether that be physical or visual, and it is considered that the placement of these utilities within outstanding natural features and landscapes should not be anticipated.
28. Where alternative options are not possible, it is considered that a resource consent pathway can be considered through the non-complying activity status. Provided that the identified characteristics and values are not adversely effected, then it would be possible to allow infrastructure activities across some of the outstanding natural features and landscapes. However, I must note that these comments are made without the knowledge of specific provisions that may be introduced under Plan Change 53.

## **Submission Points**

29. There are 5 specific submission points that we have been asked to respond to in relation to the network utilities provision for Outstanding Natural Features and Landscapes.

### Transpower New Zealand Limited – S11/042

30. This submission point requests that new or expanded 'Nationally Significant Infrastructure' be downgraded to a discretionary activity status under Rule 3A.4.4.

### Powerco – S16/045

31. This submission point requests a Restricted Discretionary Rule under 3A.4.4 for network utilities located within an Outstanding Natural Landscape.

### Transpower New Zealand Limited – S11/043

32. This submission point seeks to exclude 'Nationally Significant Infrastructure' from the Non-Complying Rule 3A.4.5.

### Powerco - S16/046

33. This submission seeks to exclude lineal network utilities from the Non-Complying Rule 3A.4.5.

### First Gas Limited – S20/024

34. This submission seeks to exclude network utilities that are not 'regionally or nationally significant' from the Non-Complying Rule 3A.4.5.

## Response to Submissions

35. Essentially, these submission points can be addressed by two key themes. Firstly, that either regionally or nationally significant infrastructure should be reduced from Non-Complying to a Discretionary activity status for new or expanded network utilities. Secondly, that linear infrastructure should also be reduced from Non-Complying to a Discretionary activity status for new or expanded network utilities.

36. Based on both the existing and soon to be proposed extent of ONFLs in the Manawatu District, it is considered that there is ample scope for new or expanded network utilities to be located in a manner which does not require access through the identified ONFLs. Where this is not possible, a non-complying activity status is appropriate so that the values and characteristics can be protected.

37. However, drawing a distinction between Regionally/Nationally Significant infrastructure and all other infrastructure considered under network utilities is not considered to be justified from a landscape and visual amenity perspective. The potential impacts that may arise from these proposals, through the introduction of built elements into outstanding natural areas, exist regardless of whether or not they are of regional or national significance.
38. The NPSET Policy 8 is referred to within Transpowers Submission (S11/042), which 'seek to avoid adverse effects on outstanding natural landscapes'. It is considered that a non-complying activity status concisely seeks to avoid adverse effects in this situation, as a discretionary status would anticipate this type of development and therefore not seek to avoid.
39. Furthermore, in relation to the proposed non-complying activity status of network utilities within ONFLs, another aspect to consider is the New Zealand Coastal Policy Statement (NZCPS), which seeks, under Policy 15;
- To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:*
- (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment;*
40. I am aware that this National Policy Statement (NZCPS) direction only applies to the coastal environment, however the policy direction is one of avoidance. A non-complying activity status fulfils such a policy direction. As there is a potential coastal ONFL within the Manawatu District, it is considered appropriate to apply a similarly restrictive status to all of the ONFL's within the district to afford the same level of protection and consistency, rather than having a different approach for ONFL's dependent on whether or not they are within the Coastal Environment.
41. In relation to the distinction between linear and non-linear infrastructure, it is considered that the potential adverse effects of linear infrastructure are just as likely as non-linear. While, in terms of its visual presence, there is often a difference between lineal and non-lineal network utilities, the scale, repetition, and dominant pattern that a linear infrastructural element can have on the appearance of an ONFL, warrants a Non-Complying activity status.

## **Conclusions**

42. Based on the discussion above, it is considered that a Non-Complying activity status is appropriate for all network utilities within Outstanding Natural Features and Landscapes. This includes network utilities that are of National (or Regional) importance and linear infrastructure.
  
43. This is consistent with a similar situation in the adjacent Territorial Authority of Palmerston North City, appropriately responds to the Horizons One Plan and is reinforced by the work undertaken in the Manawatu District Landscape Assessment which has identified ONFLs along with their characteristics and values. A benefit of the Non-Complying activity status is that it provides a clear intention as to the protection of these important areas (ONFLs) and indicates to developers of network utilities where new or expanded infrastructure is not anticipated. Where other factors necessitate the location of a network utility within an ONFL, it is considered that a Non-Complying activity consent could be sought where specific proposals do not adversely affect the identified characteristics and values of an Outstanding Natural Feature and Landscape.
  
44. The provisions discussed above, including their wording and activity status, are considered appropriate from a landscape and visual amenity point of view and I support their intention.

John Hudson

FNZILA

30 October 2016



# **Proposed Plan Change 55: District Wide Rules**

## **Hearing Report**

### **Appendix 6**

(Maps can be downloaded separately in the link below this document)