

CHAPTER 3 – District Wide Rules

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3 DISTRICT WIDE RULES

3.1 Introduction

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

- Network utilities
- Transport
- Noise
- **Earthworks**
- Signage
- **Temporary activities**
- **Relocated buildings**
- **Boarding, Breeding and Training Kennels**

This chapter is intended to be read in conjunction with the relevant zoning provisions. Where specific rules are included in the relevant zoning rules, then those rules apply (unless otherwise referenced in this chapter).

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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 Manawatū District and beyond.

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.

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

Telecommunication and **Radiocommunication** facilities are in part managed under the Resource Management (National Environmental Standards for **Telecommunication** Facilities) Regulations 2016 (NESTF). The NESTF provides a nationally consistent planning framework for a wide range of **telecommunication** facilities in locations inside and outside the **road** reserve. **Telecommunication** facilities not covered by the NESTF 2016 are controlled under the District Plan.

The Manawatū Wanganui **Regional Council**'s One Plan also provides for 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 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.

The provisions in 3A of the District Wide Rules Chapter address the development and maintenance of network utilities. The intention is that Chapter 3A will be standalone at the completion of the Sectional District Plan Review. There are some chapters and **zones** where provisions may apply (for example setbacks) until the Sectional District Plan Review progress has been completed. As other chapters and provisions are reviewed, relevant provisions will be included or cross referenced to Chapter 3A, and those reviewed chapters will cease to apply. When completed, the rules in this chapter

(including any cross referenced) will supersede the **zone** rules. **Zone** rules will only apply if specifically stated in Chapter 3A.

For the avoidance of doubt, Network Utility activities within ONFLs will only be assessed under the provisions of Chapter 3A and not the underlying zoning in which they are located. [PC65]

Note: There are some existing rules that identify subdivision and land use to be setback from **Network Utility** infrastructure and these continue to apply as outlined in other chapters in the District Plan until those provisions are reviewed.

Guidance Note: Plan Users are directed to Chapter 8 Residential **Zone**, Rule 8.4.1.g for additional provisions that apply to Network Utilities with respect to infrastructure being located underground.

3A.2 Resource Management Issues

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

1. To provide for the safe, effective and efficient operation, maintenance, **replacement** and upgrade of network utilities, including **infrastructure of regional and national importance**.
2. Recognising that network utilities have technical and operational requirements that may dictate their location and design.
3. The safe, effective and efficient operation, maintenance, **replacement** and upgrading and **planned development** of network utilities can be put at risk by inappropriate subdivision, use and development.
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.
7. Potential **effects** from electromagnetic and other forms of radiation.
8. The location, operation and maintenance, **replacement** upgrading of network utilities can create adverse **effects** on the **environment**.

3A.3 Objectives and Policies

Objective 1

To ensure:

- a. **Network utility** infrastructure of national and regional importance, including the **National Grid**, is able to operate, upgrade and develop efficiently and effectively while managing any adverse **effects** in the **environment** having regard to the locational, technical and operational constraints of the infrastructure.
- b. All other network utilities are designed, located, constructed, operated, upgraded and maintained in a manner that ensures the efficient use of **natural and physical resources** while recognising the **environment** they are located in.

Policies

- 1.1 To enable the establishment, operation, maintenance, **replacement**, and **minor upgrading** of network utilities.
- 1.2 To encourage **network utility** operators to coordinate and co-locate services or to locate within the existing roading network where practicable.
- 1.3 To encourage all new cables and lines, including electricity distribution lines (but not the **National Grid**) are installed underground.
- 1.4 To recognise the locational, technical and operational requirements and constraints of network utilities and the contribution they make to the functioning and wellbeing of the community and beyond when assessing their location, design and appearance.
- 1.5 To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, including those areas identified as Significant Amenity Features in NFL-APP2. [PC65]

Objective 2

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

Policies

- 2.1 To ensure that any vegetation is planted and maintained to avoid interference with network utilities, including transmission lines and the **National Grid Yard**.
- 2.2 To require that appropriate separation of activities is maintained to enable the

safe operation, maintenance, **replacement** and upgrading, and avoid **reverse sensitivity** and/or manage risk 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.
- 2.4 To manage the **effects** of subdivision, development and land use on the safe, effective and efficient operation, maintenance, **replacement** and upgrading of the **National Grid** by ensuring that:
- a. Areas are identified in the Plan to establish safe buffer distances for managing subdivision and land use development near the **National Grid**.
 - b. **Sensitive activities**, and **intensive farming** are excluded from establishing within the **National Grid Yard**.
 - c. **Non-sensitive activities** within the **National Grid Yard** are managed so that the **National Grid** is not compromised.
 - d. Subdivision is managed around the **National Grid Corridor** to avoid subsequent land use from restricting the operation, maintenance and upgrading of the **National Grid**.
 - e. Changes to existing activities within a **National Grid Yard** do not further restrict the operation, maintenance and upgrading of the **National Grid**.

Objective 3

~~To protect the values that are important to significant heritage and landscape areas from the inappropriate development of network utilities. The characteristics and values of the Outstanding Natural Features and Landscapes identified in NFL-APP1 and historic heritage identified in Appendix 1F and 1E are protected from the inappropriate use and development of new network utilities. [PC65]~~

Policies

- 3.1 To avoid significant adverse cumulative effects from new network utilities on the characteristics and values of Outstanding Natural Features and Landscapes. [PC65]
- 3.2 To avoid new utilities in Buildings and Objects with Heritage Value in Appendix 1E and Sites with Heritage Value in Appendix 1F, unless

These highlighted provisions have been appealed by PowerCo and Transpower under Plan Change 55. The appeals on hold pending the provisions being reviewed as part of a future Plan Change on Outstanding Natural Features and Landscapes (Plan Change 65). For now the highlighted provisions continue to have legal effect alongside the corresponding provisions of the Operative District Plan. The Appeals will be withdrawn once Plan Change 65 is made operative, unless otherwise agreed by PowerCo and Transpower. For further information see the Minute of the Court, dated [2 May 2018].

- a. Avoidance is not reasonably practicable; and
- b. There are no significant adverse effects on the site. [PC65]

3.3 To avoid utilities in Outstanding Natural Landscapes and Features in Appendix NFL-APP1 unless that infrastructure is of national or regional importance and only then if:

- a. Avoidance is not reasonably practicable and that is demonstrated by a thorough options analysis, recognising the functional and operational need of the Network Utility; and
- b. Adverse effects are remedied or mitigated using best practicable options; and
- c. Policy 3.1 is satisfied. [PC65]

3.4 To provide for the operation, maintenance, replacement or minor upgrading of existing network utilities located within or adjacent to Outstanding Natural Features and Landscapes. [PC65]

3.5 To avoid inappropriate use and development of new network utilities within Outstanding Natural Landscapes which adversely affects the identified values and characteristics of the areas, and adverse effects are unable to be mitigated or remedied, including:

- a. The extensive unbuilt coastal strip along the Manawatū Coastline Outstanding Natural Landscape.
- b. The unmodified and continuous indigenous vegetation values and the ridges and hilltops of the Ruahine Ranges Outstanding Natural Landscape. [PC65]

3.6 To recognise the benefits of the National Grid by providing for the major upgrade or development of new National Grid Electricity infrastructure in an Outstanding Natural Feature or Landscape by seeking to avoid adverse effects on the characteristics and values of the feature or landscape by ensuring route, site and method selection demonstrates that, to the extent practicable having regard to the functional, operational and technical needs of the National Grid, in order of preference:

- a. Infrastructure will be located outside of an Outstanding Natural Feature or Landscape.
- b. Where a. cannot be achieved, infrastructure will be located in the more compromised parts of the Outstanding Natural Feature or Landscape; and
- c. Techniques (such as structure selection) will be used to avoid adverse effects; and

- d. Adverse effects that cannot be avoided will be remedied or mitigated.
[PC65]

Guidance Note: Objective 3 and Policies 3.1 to 3.5 apply to network utility activities undertaken in areas identified within Appendix NFL-APP1 as an Outstanding Natural Feature or Landscape. With the exception of Policy 3.3, Objective 3 and Policies 3.1 to 3.5 do not apply to network utility activities located outside an Outstanding Natural Feature or Landscape identified in Appendix NFL-APP1. In the event of inconsistency or conflict between Policies 3.1-3.5 and other objectives and policies within the Plan, Policies 3.1 to 3.5 will take precedence. [PC65]

3.1 — ~~Subject to Policy 3.2, to protect the characteristics and values that cause an Outstanding Natural Feature and Landscape to be 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).~~

3.2 — ~~To restrict the development of network utilities, except within an existing road corridor, within areas scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) unless:~~

a. ~~there is no practicable alternative location; and~~

b. ~~the infrastructure is of national or regional importance; and~~

c. ~~the development substantially protects the values of the scheduled resource.~~

[PC65]

3A.4 Rules

Rules in this chapter apply District-wide and the chapter needs to be read in conjunction with the other District Wide Rules, the District Plan maps, relevant appendices and depending on the progress of the Sectional District Plan Review at the time an application is lodged, any relevant provisions of the applicable **zone**.

Note: The provisions in the District Wide Rules Chapter are intended to be standalone for the development and maintenance of Network Utilities upon completion of the Sectional District Plan Review. There are some chapters and **zones** where provisions may apply (for example setbacks). The new provisions will be included or cross referenced to Chapter 3A of the District Wide Rules Chapter as the Sectional District Plan Review progresses. Provisions in the rules of the District Plan that may apply until they are reviewed include, but are not limited to, the relevant noise provisions in the Manfeild Park and Special Development **Zone**, subdivision provisions, special **yard** requirements in the Residential **Zone**, **buildings** clear of drains in the Village and Rural **Zone**, and roading impacts on the

These highlighted provisions have been appealed by Transpower under Plan Change 65. the highlighted provisions continue to have legal effect alongside the corresponding provisions of the Operative District Plan.

Rural **Zone** and Flood Channel **Zones**.

Guidance Note: Plan Users are directed to Chapter 8 Residential **Zone**, Rule 8.4.1.g for additional provisions that apply to Network Utilities with respect to infrastructure being located underground.

3A.4.1 Permitted Activities

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

- a. The operation, maintenance, **replacement**, or **minor upgrading** or repair of lawfully established or consented network utilities, or those that are existing as at 22 February 2017.
- b. Construction, operation, maintenance, realignment and upgrading of roads and railway lines within the **road** reserve or railway corridor.
- c. The construction, operation, maintenance, **replacement** and **minor upgrading** of **radiocommunication and/or telecommunication facilities**, cables and lines.
- 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.
- g. The construction, operation, maintenance, **replacement** 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 Manawatū Wanganui **Regional Council**.
- i. Land drainage, stormwater control or irrigation works including pump stations.
- j. Railway crossing warning devices and barrier arms.
- k. Trig stations and survey marks.
- l. Navigational aids, lighthouses and beacons.
- m. Meteorological instruments and facilities.
- n. Decommissioning and removal of utilities.
- 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.

Guidance Notes

1. The provisions of the National Environmental Standard for **Telecommunications** Facilities (2016) 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.
2. Water takes, diversions, new tracks, drilling of bores, offal pits, farm dumps and **earthworks** are also regulated by the Manawatū-Wanganui **Regional Council** and a resource consent may be required under the rules of the One Plan.
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.
4. Vegetation and planting around lines (including the **National Grid**) shall comply with the Electricity (Hazards from Trees) Regulations 2003.
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.
6. Early consultation with Heritage New Zealand Pouhere Taonga is encouraged where a development may adversely affect an item listed on the New Zealand Heritage List/Rarangi Korero. Works near or within areas of historic heritage may also require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga **Act** (2014). It is an offence to modify or destroy an archaeological **site** or demolish/destroy a whole **building** if the person knows or reasonably suspects it to be an archaeological **site**. An archaeological **site** is any place, including any **building** or structure (or part of), that:
 - was associated with human activity or the **site** of a wreck of a vessel that occurred before 1900; and
 - provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.
7. The Electricity **Act** 1992 outlines the regulatory process for the electricity **industry** and the supply of electricity. This includes responsibilities between the electricity **industry** and landowners. The provisions of the Electricity **Act** 1992 are separate from the regulation of activities under the District Plan and Resource Management **Act** 1991.

3A.4.2 Standards for Permitted Activities

The **permitted activities** specified in Rule 3A.4.1 above must comply with the following standards and the relevant standards in those chapters and **zones** that have not been reviewed and made operative as part of the Sectional District Plan Review. The **permitted activities** specified in Rule 3A.4.1 do not need to comply with the **height** and setback rules in the **zone** chapter:

- a. New network utilities must not exceed a maximum **height** of
 - i) 9m within the Residential or Village **Zone**, or
 - ii) 25m within the Rural **Zone**, or
 - iii) 22m for all other **zones**.

Guidance Note: **antennas** (including any ancillary equipment) that do not extend 3m above the **height** of the **building** or **mast** are excluded from the 9m, 22m or 25m 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.

- b. Any **mast** with a **height** of more than 9m must not be located within 20m of any **site** zoned Residential or Village.
- c. All **masts** must be set back 20m from a **road** reserve on any **site** zoned Rural or Flood Channel.
- d. No **mast**, **building** or structure may be located closer than 5m to any **site** boundary. This 5m **yard** does not apply to **buildings** with a floor area of less than 10m², or to overhead lines and cables.
- e. **Telecommunication** cabinets must not exceed 10m² in area in all **zones**, except in Flood Channel **Zone** where cabinets must not exceed 5m² in area.
- f. Electricity transmission and distribution must not, with the exception of **minor upgrading** activities, exceed a **height** of:
 - i) 12m in the Residential and Inner Business **Zones**, or
 - ii) 25m in all other **zones**.
- 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

- ii) With the exception of electricity lines associated with the electricity transmission or distribution, not exceed a maximum **height** of 2.5m and an area of 10m².
- h. No **antenna** will exceed the following dimensions:
- i) 2.5 metres in diameter (dish **antenna**), or a face area of 1.5m² (other **antenna**) in the Residential **Zone**, or
 - ii) 5 metres in diameter (dish **antenna**), or a face area of 2.5 m² (other **antenna**) in all other **zones**.
- i. 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**) 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.

- j. Works that are undertaken outside of an existing **road** corridor carriageway, or that are not operation, maintenance, **replacement** or **minor upgrading** works must not be located within the areas scheduled in Appendix Appendices 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), Outstanding Natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan. [PC65]
- k. 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.
- l. Metal cladding or fences must be painted or otherwise treated to mitigate reflection.
- m. 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.
- n. All network utilities must meet the noise standards relevant to the **zone** they are located in.
- o. All activities that result in vibration must be managed in accordance with the NZ Transport Agency State Highway Construction and Maintenance Noise and Vibration

These highlighted provisions have been appealed by PowerCo and Transpower under Plan Change 55. The appeals on hold pending the provisions being reviewed as part of a future Plan Change on Outstanding Natural Features and Landscapes (Plan Change 65). For now the highlighted provisions continue to have legal effect alongside the corresponding provisions of the Operative District Plan. The Appeals will be withdrawn once Plan Change 65 is made operative, unless otherwise agreed by PowerCo and Transpower. For further information see the Minute of the Court, dated [2 May 2018].

guide (August 2013) to manage vibration beyond **site** boundaries.

- p. Electric vehicle charging stations must not exceed 1.5m² in area and 1.8m in **height** per charging station in all **zones**.

Guidance Notes:

1. Vegetation planted within an electricity transmission corridor, including the **National Grid Yard** and distribution lines should be selected and managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.
2. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the lines.
3. **Buildings**, structures and other activities near transmission gas lines should be managed according to the Operating Code Standard for Pipelines – Gas and Petroleum (NZS/AS 2885) and the Gas Distribution Networks (NZS 5258:2003).
4. Compliance with the permitted activity standards in Rule 3A.4.2 does not necessarily ensure compliance with the relevant code of practice identified above.
5. Sounds generated by construction, maintenance and demolition activities will be assessed, predicted, measured, managed and controlled by reference to NZS6803:1999 Acoustics – Construction Noise.
6. For any construction work associated with any infrastructure that is undertaken in the legal **road**, the person responsible for that work must be able to demonstrate compliance with the National Code of Practice for Utility Operators Access to Transport Corridors (2011).
7. **Radiocommunication and/or telecommunication facilities** that emit radiofrequency fields are required to comply with the radiofrequency regulations in the NESTF 2016.

3A.4.3 Restricted Discretionary Activities

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

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

These highlighted provisions have been appealed by PowerCo and Transpower under Plan Change 55. The appeals on hold pending the provisions being reviewed as part of a future Plan Change on Outstanding Natural Features and Landscapes (Plan Change 65). For now the highlighted provisions continue to have legal effect alongside the corresponding provisions of the Operative District Plan. The Appeals will be withdrawn once Plan Change 65 is made operative, unless otherwise agreed by PowerCo and Transpower. For further information see the Minute of the Court, dated [2 May 2018].

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:

- 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.
- 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 practicable.
- vi) Whether the activity impacts on the scheduled heritage values in Appendix Appendices 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), Outstanding Natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan and, if so, how such impacts are remedied or mitigated. [PC65]
- vii) the degree to which the alternative locations, **sites**, or routes have been assessed and any operational, locational or technical constraints considered.
- 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 Activities

The following activities shall be a Discretionary Activity

- a. Any new network utility, including windfarms and new transmission and distribution electricity lines within any Outstanding Natural Feature as identified in Appendix NFL-APP1 or Significant Amenity Feature identified in Appendix NFL-APP2. [PC65]
- b. 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.~~ [PC65]

3A.4.5 Non-Complying Activities

Any new **network utility**, including windfarms and new transmission and distribution electricity lines located within an Outstanding Natural Feature or Landscape identified in Appendix 1C which is not otherwise provided for NFP-APP1 is a Non-Complying Activity. [PC65]

These highlighted provisions have been appealed by PowerCo and Transpower under Plan Change 55. The appeals on hold pending the provisions being reviewed as part of a future Plan Change on Outstanding Natural Features and Landscapes (Plan Change 65). For now the highlighted provisions continue to have legal effect alongside the corresponding provisions of the Operative District Plan. The Appeals will be withdrawn once Plan Change 65 is made operative, unless otherwise agreed by PowerCo and Transpower. For further information see the Minute of the Court, dated [2 May 2018].

These highlighted provisions have been appealed by PowerCo and Transpower under Plan Change 55. The appeals on hold pending the provisions being reviewed as part of a future Plan Change on Outstanding Natural Features and Landscapes (Plan Change 65). For now the highlighted provisions continue to have legal effect alongside the corresponding provisions of the Operative District Plan. The Appeals will be withdrawn once Plan Change 65 is made operative, unless otherwise agreed by PowerCo and Transpower. For further information see the Minute of the Court, dated [2 May 2018].

These highlighted provisions have been appealed by Transpower under Plan Change 65. The highlighted provisions continue to have legal effect alongside the corresponding provisions of the Operative District Plan.

3B TRANSPORT

3B.1 Introduction

The transport network is vital infrastructure in the District, which physically connects the Manawatū District communities and the wider Manawatū Region enabling economic growth. The transport network in this chapter refers to both the **road** and rail networks throughout the Manawatū 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 in managing these routes is noted throughout the chapter. There are some instances where approval from NZ Transport Agency 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 vehicle 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.
2. The need to plan for and design roads to ensure they function in accordance with their status in the Roding Hierarchy.

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.

Policies

- 1.1 To ensure that the adverse **effects** of vehicle movements to and from roads are managed by:
 - 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 Roding 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:
 - 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.
 - 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 roding network.
- 1.3 To ensure development setbacks near railway level crossings are achieved to maintain sight distances as specified in Appendix 3B.5.

Objective 2

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

Policies

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

Objective 3

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

Policies

- 3.1 To ensure all roads are designed to achieve form and function consistent with the Roothing Hierarchy and **road** cross sections in Appendix 3B.1 and Appendix 3B.2 respectively.
- 3.2 To mitigate the **effects** of roads and parking areas on visual **amenity values** through the provision of landscaping.
- 3.3 To support and encourage walking and cycling as alternative modes of transport.
- 3.4 To require that **building** materials and exterior lighting do not cause reflection or light spill that distracts **road** users.
- 3.5 To ensure roads are designed recognising alternative modes and the need to provide **local road** amenity.
- 3.6 To ensure development of new roads is integrated into the existing roading network in a coordinated manner.

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.

3B.4.3 Vehicle Crossings – Standards for Permitted Activities

For all **zones** 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. No new vehicle crossings will be located within 30m of any railway level crossing.
- c. 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.
- d. No **dwelling** or **accessory building** will have access via an unformed legal **road** (paper **road**).
- e. Onsite manoeuvring must be provided for vehicles to enter and exit in a forward direction.
- f. 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.
- g. Vehicle Crossings must comply with Diagram D in Appendix 3B.3 if there is more than one slow, heavy or long vehicle movements per week using the accessway and vehicle crossing.
- h. All vehicle crossings must be constructed or upgraded according to **Council**'s Engineering Standards.

- i. In addition to standards a. to k. above, for Major Arterial or **Minor Arterial roads** the following also apply:
 - i. 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**.
 - ii. 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.

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

3B.4.4 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.
- 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. DELETED - NPS-UD 2020
 - i) DELETED - NPS-UD 2020
 - ii) DELETED - NPS-UD 2020
 - iii) DELETED - NPS-UD 2020
 - iv) DELETED - NPS-UD 2020

Car Parking and Manoeuvring Spaces, and Access

- b. DELETED - NPS-UD 2020
- c. DELETED - NPS-UD 2020
- 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. DELETED - NPS-UD 2020

Formation and Screening of Car Parking Areas

- f. For all activities except **dwelling**s, 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 **dwelling**s, 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

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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:

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

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

- 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**.

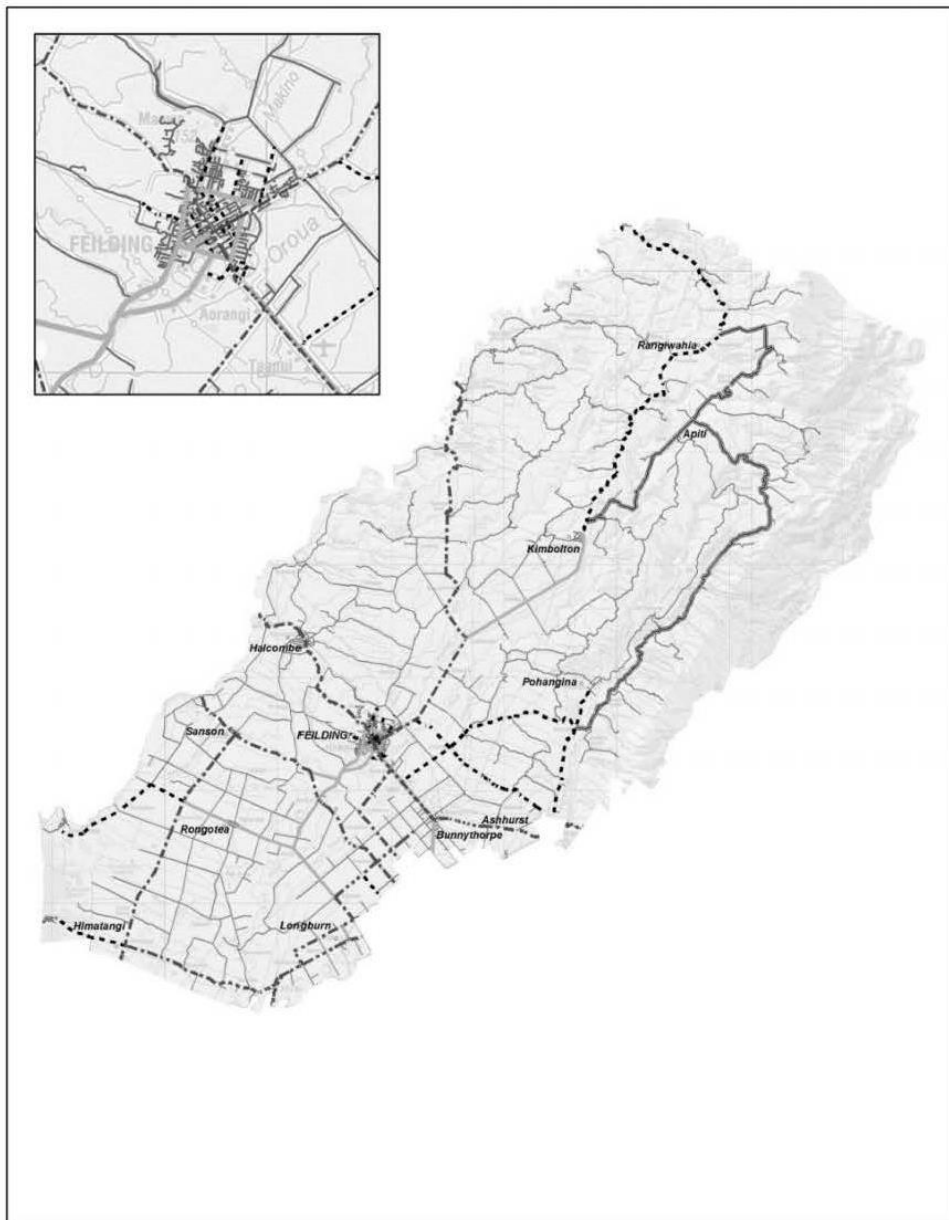
vii) DELETED - NPS-UD 2020

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 Roading Hierarchy



Legend

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

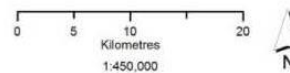
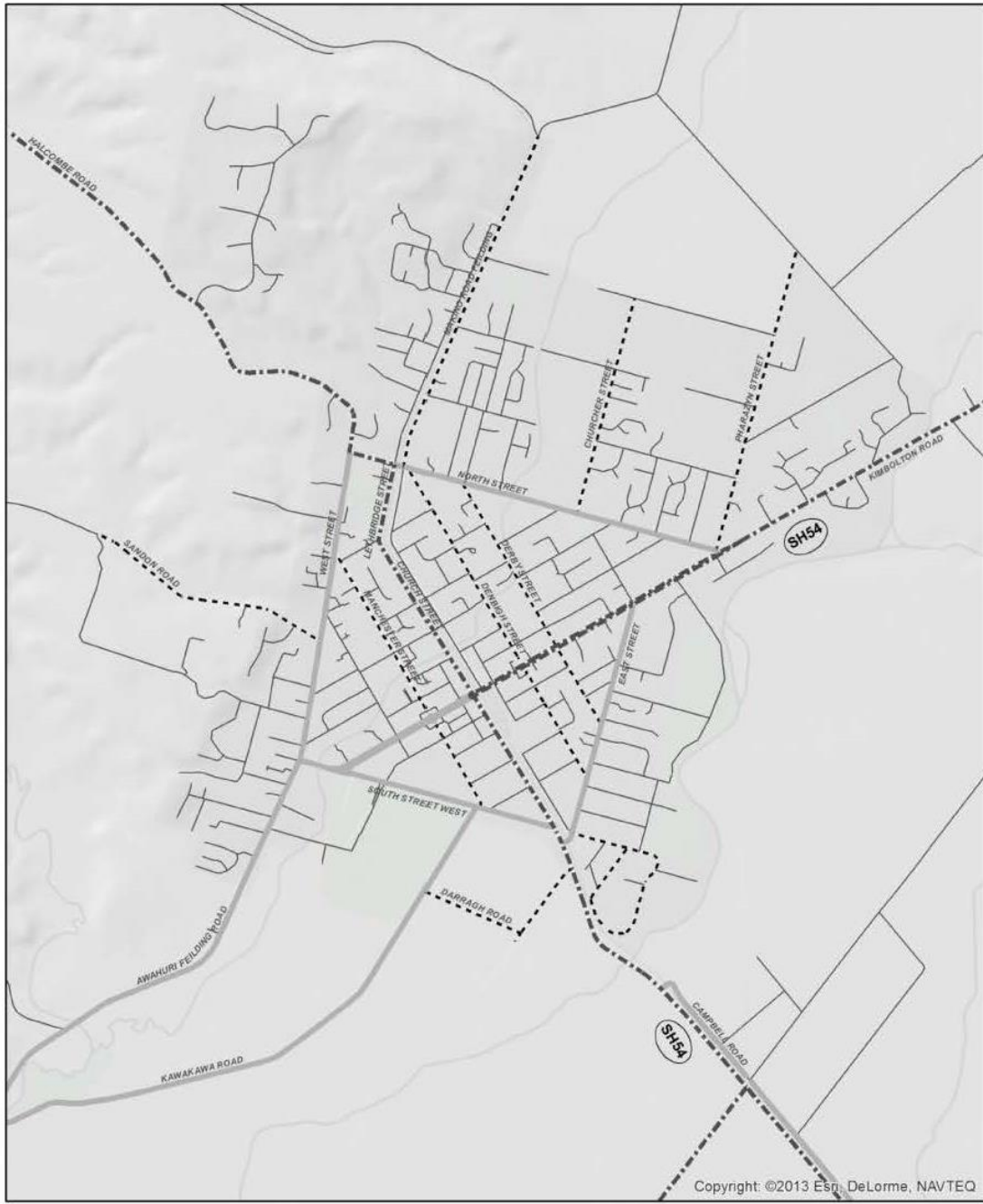


Diagram 1 Manawatū District Roding Hierarchy



Legend

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

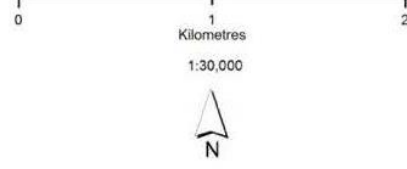


Diagram 2 Feilding Roding Hierarchy

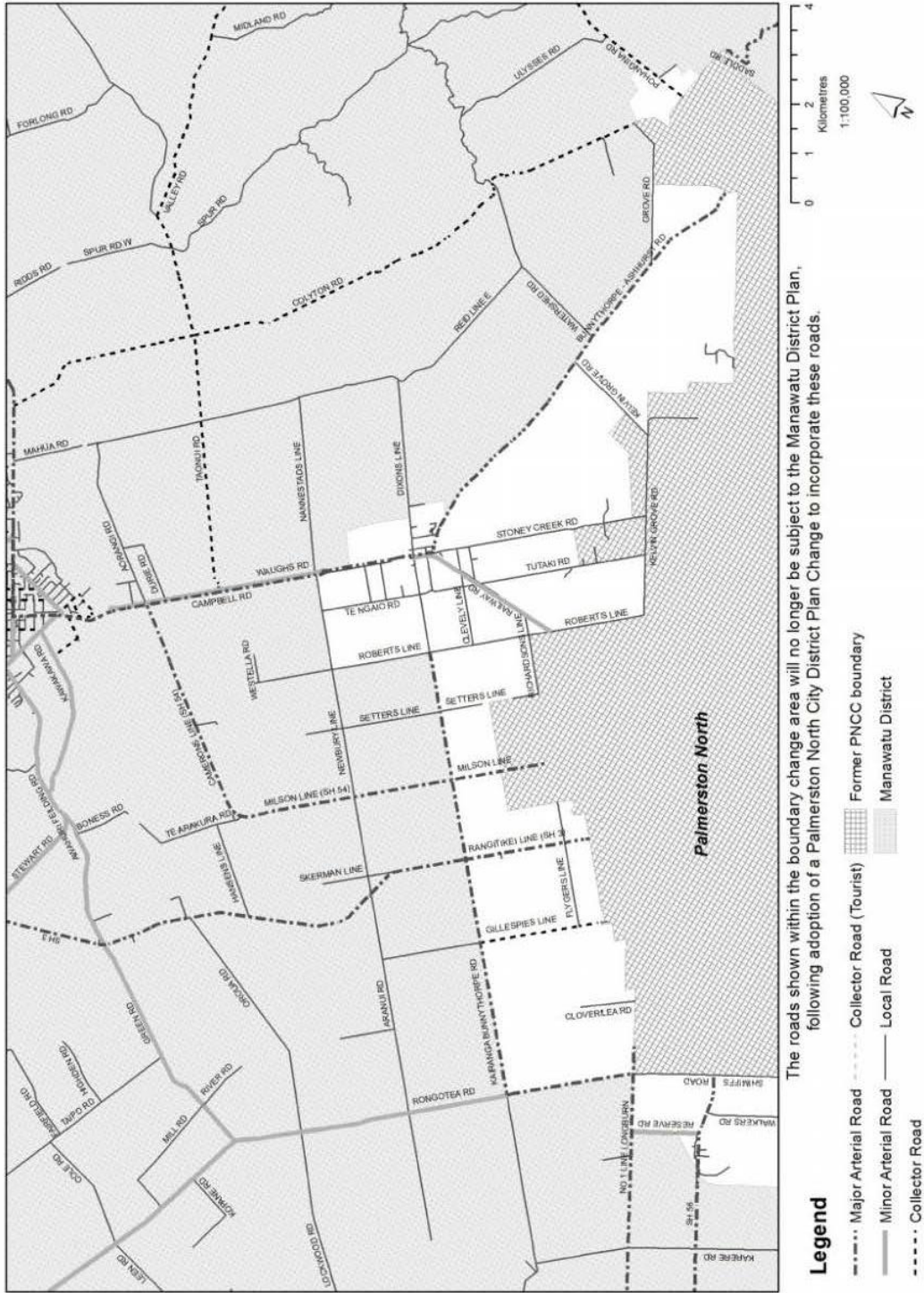


Diagram 3 Manawātū District Roding Hierarchy – Boundary Change Area

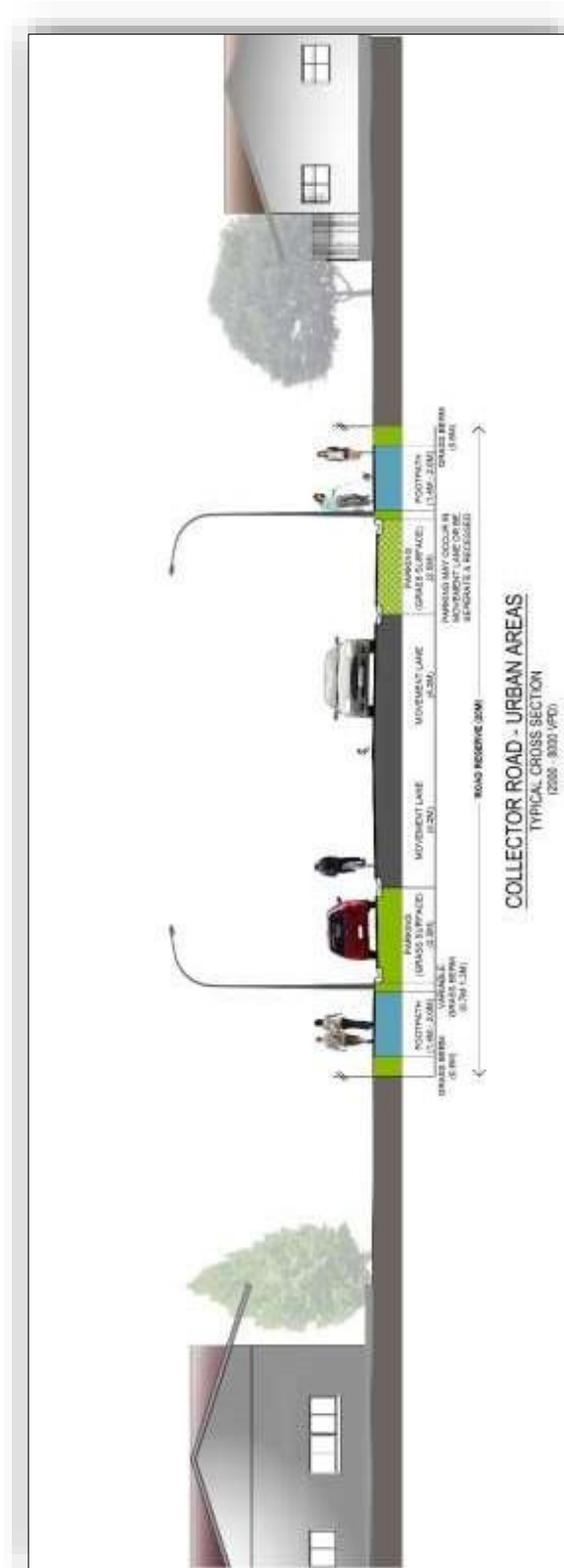


Figure 1

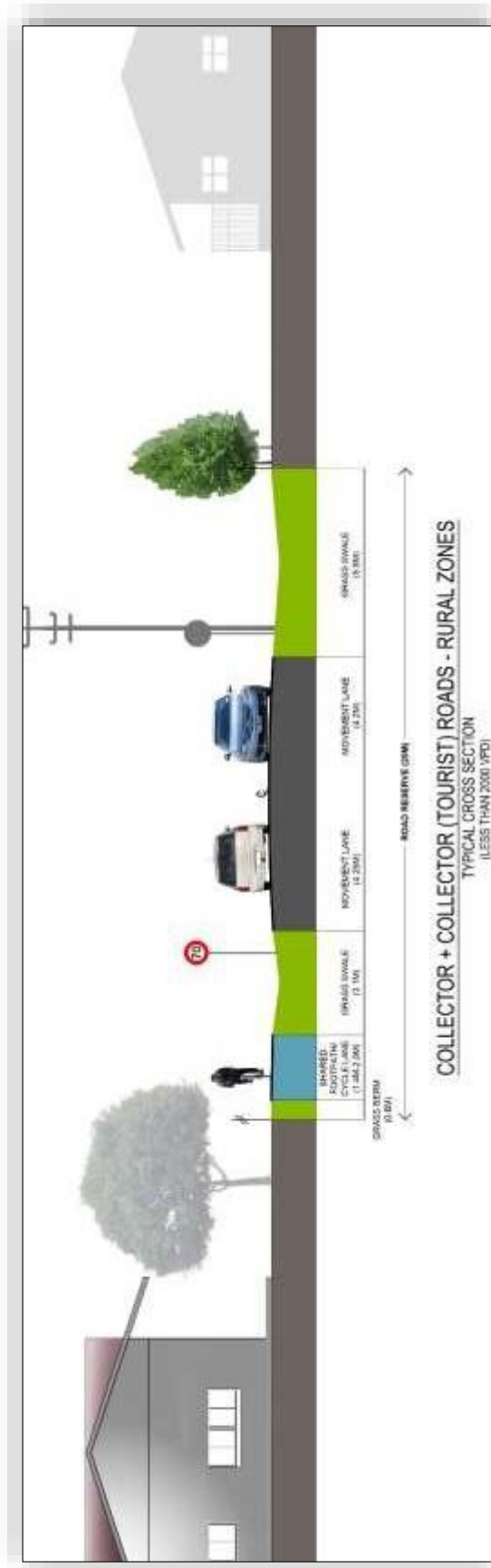


Figure 2

Figure 3





Figure 4

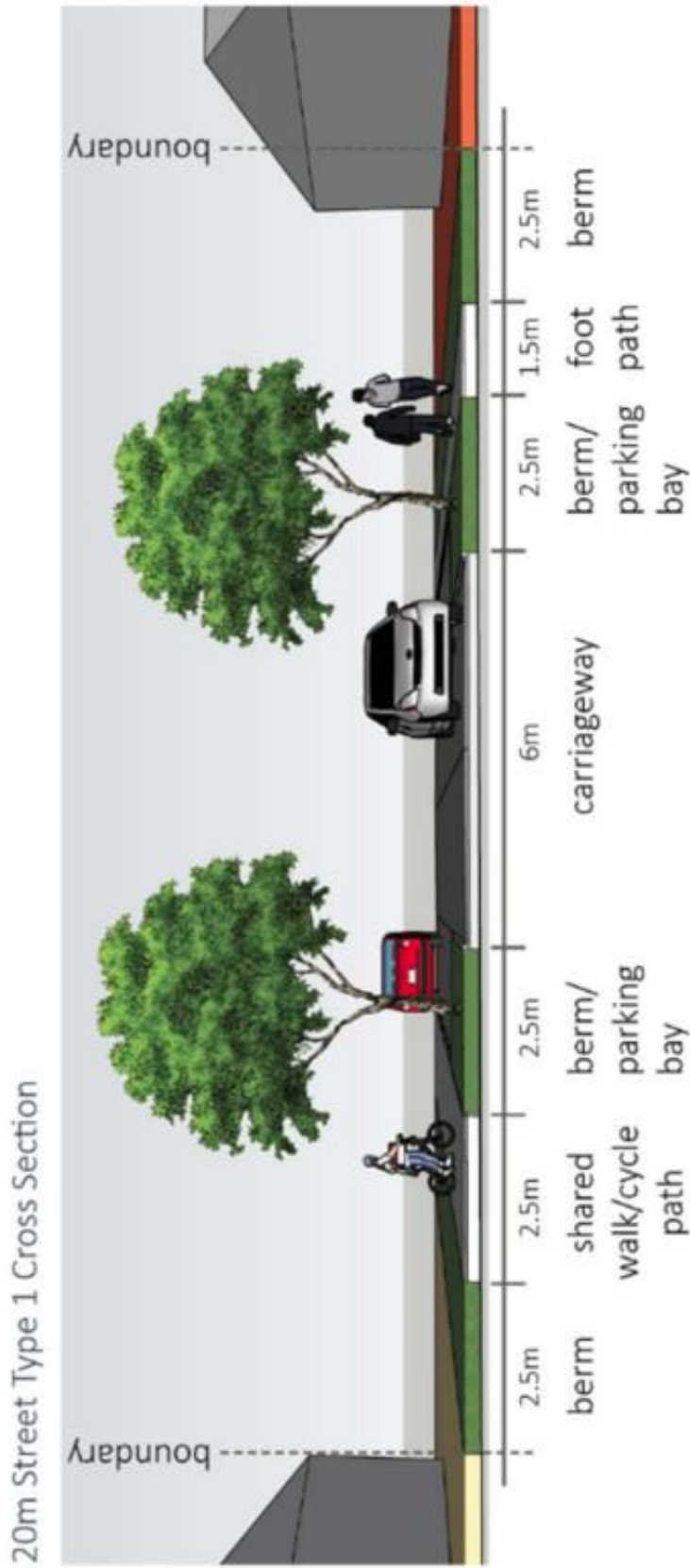


Figure 5: Rongotea South Development Area – Street Type 1

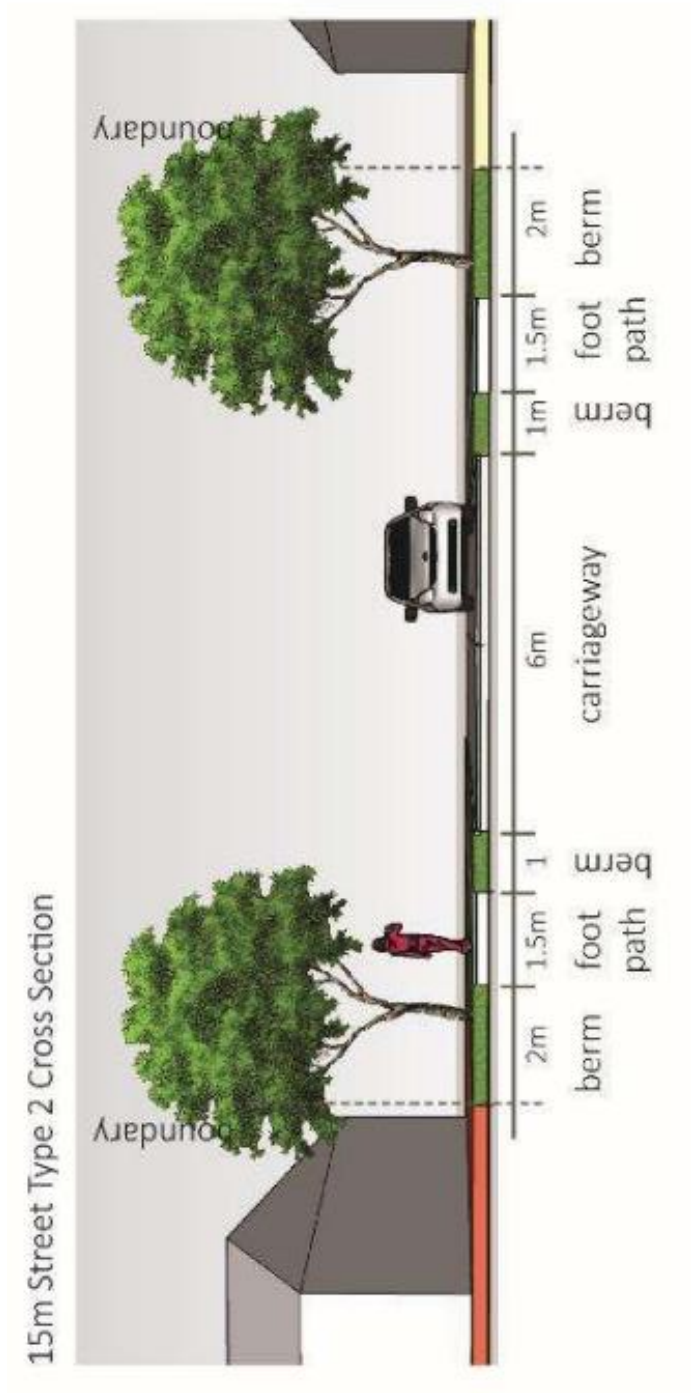
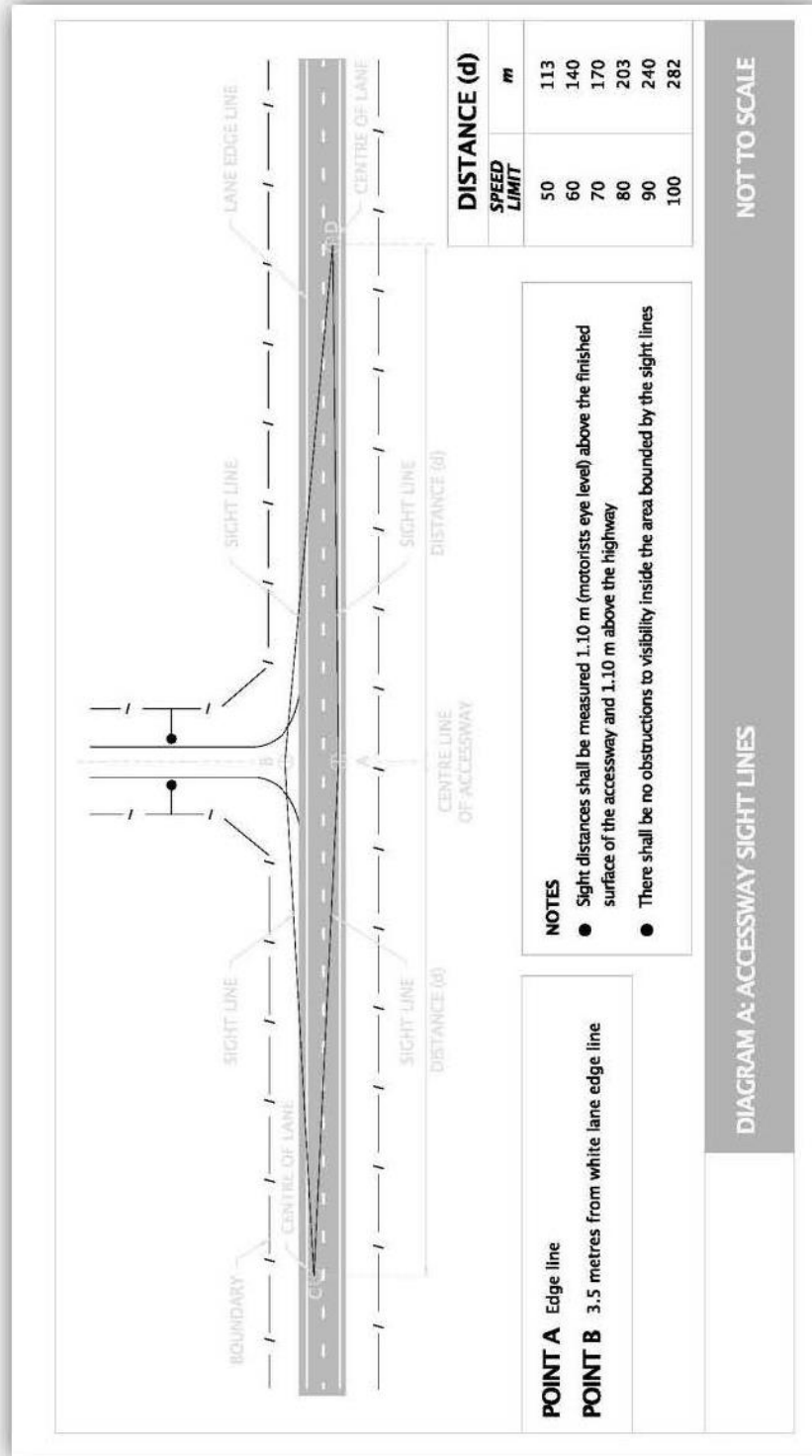


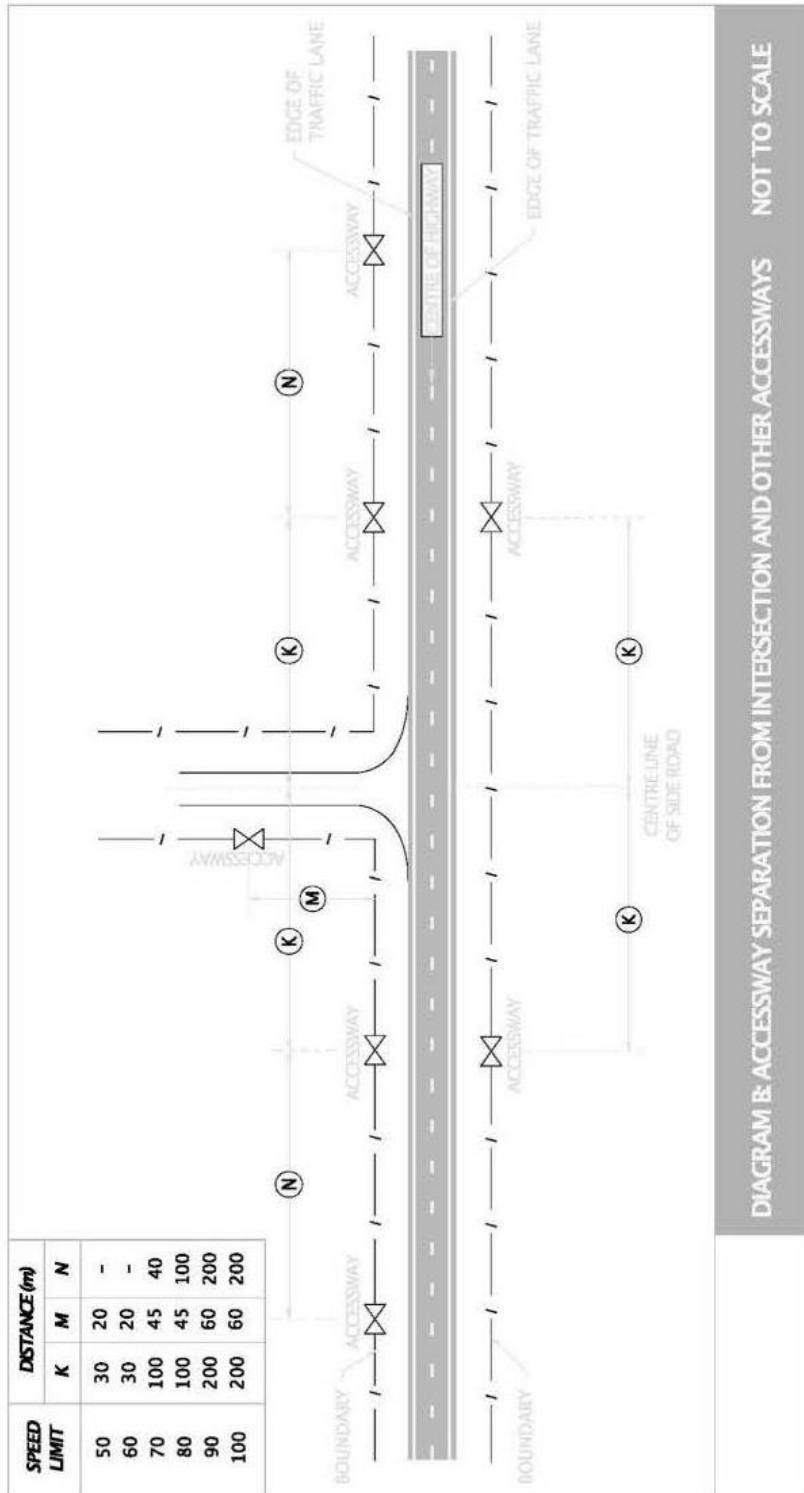
Figure 6: Rongotea South Development Area – Street Type 2

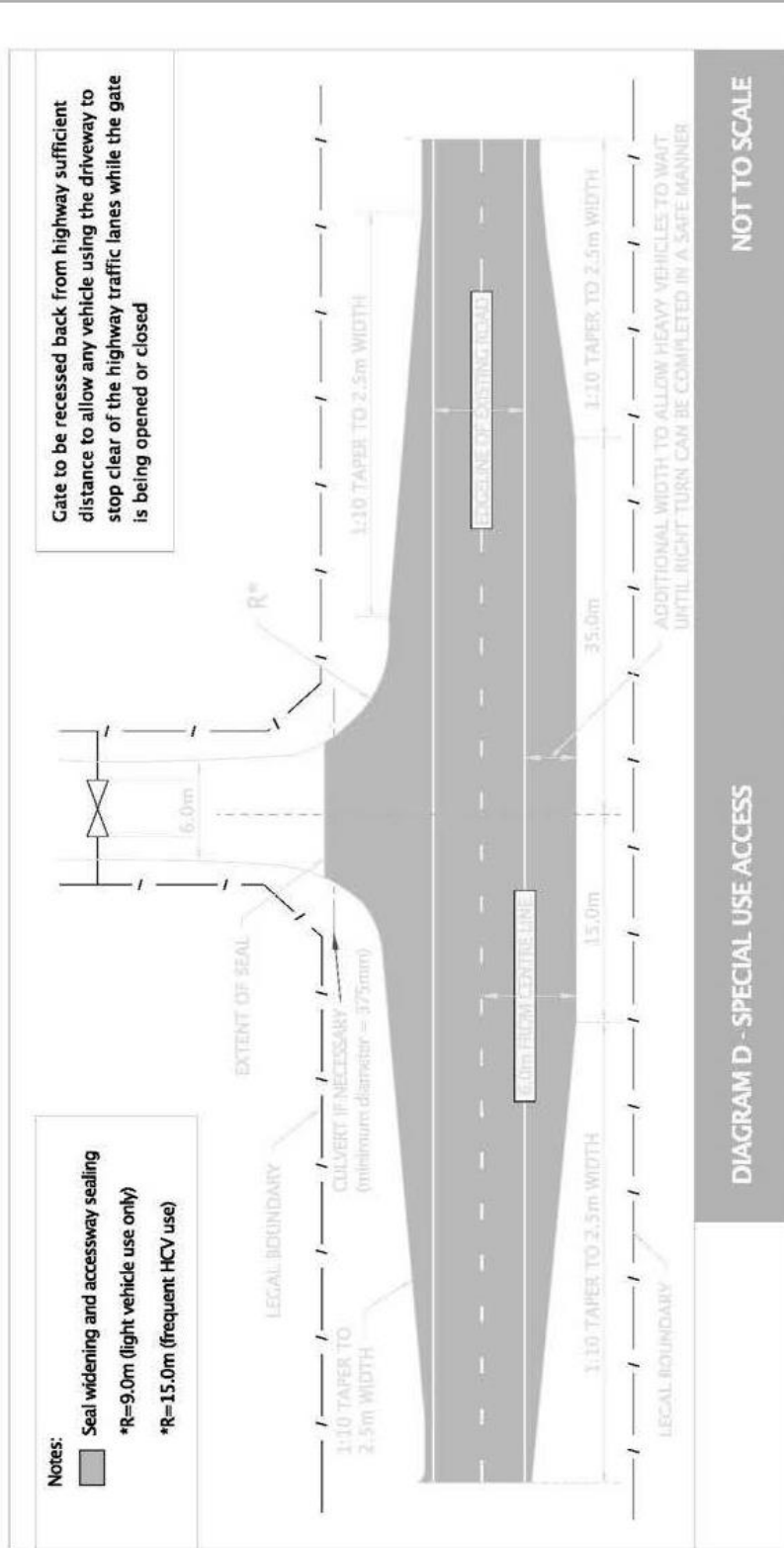
Appendix 3B.3 Measurement of Sight Distances and Minimum Spacing

Minimum Sight Distances from Vehicle Crossings



Minimum spacing between Intersections and between vehicle crossings





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

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 track.

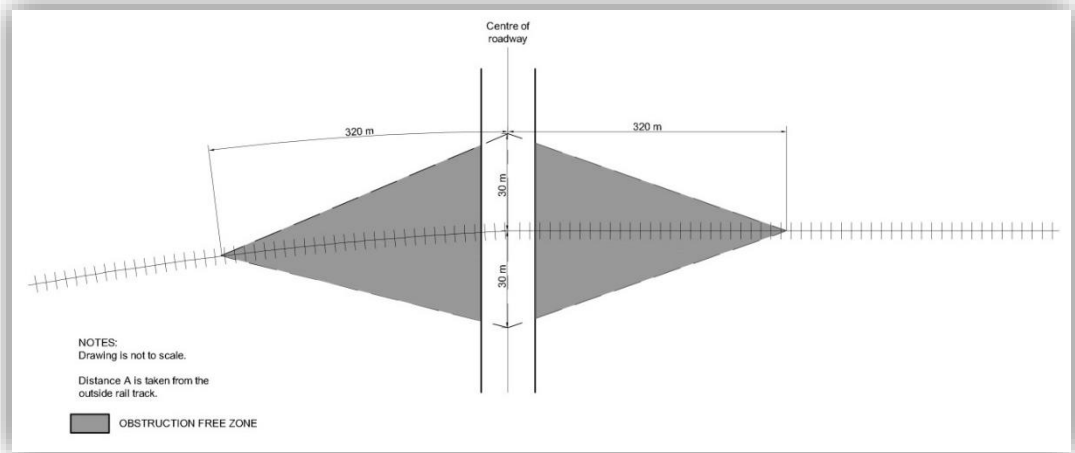


Figure 1 Approach sight triangles for level crossings with “Stop” or “Give Way” signs

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.

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.

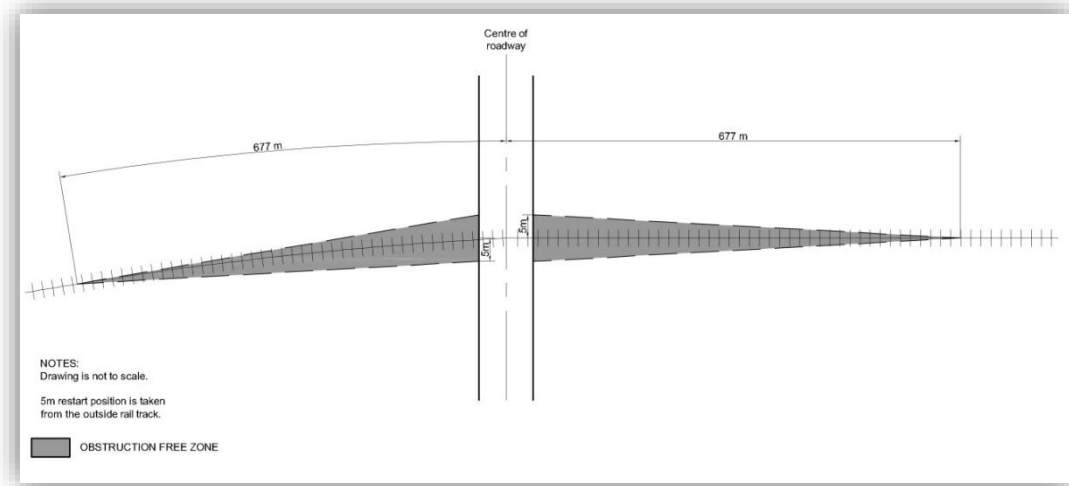


Figure 2 Restart Sight Triangles for all Level Crossings

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

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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**.

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.

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

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 **dwelling**s 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**.

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 in accordance with NZS 6801:2008 *Measurement of Environmental Sound* and assessed in accordance with NZS 6802:2008 *Acoustics – Environmental Noise* unless otherwise specified.
- b. All activities must comply with the following noise levels for the **zone** the activity is located in Table 3C.1 – Noise Levels:

Table 3C.1 – Noise Levels

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

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.4.2 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.
 - iv) Rural production activities, except for **intensive farming**.
 - v) Crowd noise at any area zoned recreation.
 - vi) Emergency Services Sirens.
 - vii) Military Training Activities covered by Rule A2.2

Guidance Notes:

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

3C.4.3 Discretionary Activities

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

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.

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** can detract from the **amenity values** of the District.
2. **Earthworks** can result in or increase the risk of land instability.
3. **Earthworks** can result in adverse **effects** on historic heritage values.
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**.
6. **Earthworks** can compromise the safe, efficient and effective functioning of established network utilities including regionally and nationally significant infrastructure.

3D.3 Objectives and Policies

Objective 1

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

Policies

- 1.1 To mitigate any visual amenity **effects** arising from **earthworks**.
- 1.2 To restrict **earthworks** within 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**).
- 1.3 To restrict **earthworks** in Outstanding Natural Features or Landscapes as scheduled in Appendix 1C NFL-APP1, except where **earthworks** are necessary to manage risk to human health and safety. [PC65]
- 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**.

Objective 2

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

Policies

- 1.1 To manage the scale of **earthworks** on **sites** susceptible to erosion and land instability.
- 1.2 To require rehabilitation measures be undertaken to avoid accelerated erosion following **earthworks**.
- 1.3 To ensure all adverse **effects** from **earthworks** including dust and sediment run-off are managed onsite so that particulate matter does not cause a nuisance or affect the safety or operation of other activities.
- 1.4 To ensure that **earthworks** do not affect the functioning of 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.

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**.
- 3.2 To control **earthworks** near **infrastructure of regional and national importance** to ensure their safe and efficient operation, maintenance and upgrading.

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.

- a. **Earthworks**, other than in an Outstanding Natural Feature or Landscape.
- b. **Earthworks** for the purposes of burying material infected by unwanted organisms as declared by the Minister under the Biosecurity **Act** 1993.

Guidance Notes:

1. Water takes, diversions, discharges and **earthworks** are also regulated by the Manawatū-Wanganui **Regional Council** and a resource consent maybe required under the rules of the One Plan.
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
 - provides or may provide, through archaeological investigation, evidence relating to the history of New Zealand.
3. The disposal of contaminated material, including unwanted organisms, may require resource consent from the Manawatū-Wanganui **Regional Council** under the rules of the One Plan.

3D.4.2 Standards for Permitted Activities

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

- a. Any sediment run-off from **earthworks** must be contained within the subject **site**.
- b. All dust and sedimentation control measures must be installed prior to **earthworks** commencing, maintained during the construction works, and only removed once stabilisation occurs.
- c. **Earthworks** must not be undertaken closer than 20m of the banks of the Oroua River or Kiwitea Stream.

- d. **Earthworks** must not be undertaken closer than 10m of the banks of the Makino Stream.
- e. **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).
- f. **Earthworks** undertaken in the **National Grid**

Around **National Grid** support poles and stay wires:

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

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

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

Provided that the following earthwork activities are exempt from the provisions (i)-(vi) above:

- vii) by a **network utility** operator within a transport corridor as part of a transmission activity or for utility infrastructure, or
- viii) as part of agricultural or domestic cultivation, or
- ix) repair, sealing or resealing of a **road**, footpath, driveway or farm track
- x) 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 6m from the visible edge of a tower support structure foundation.

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

- g. No **earthworks, buildings** or structures can be undertaken or erected within 20m of a natural gas transmission pipeline.
- 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.

Table 3D.1 Earthwork Volumes

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

Guidance Notes:

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

2. **Earthworks** are also regulated by the Manawatū-Wanganui **Regional Council** and a resource consent may be required under the rules of the One Plan, or any subsequent Regional Plan. 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 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** 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.

3D.4.3 Restricted Discretionary Activities

The following activities are **Restricted Discretionary Activities**:

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

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

- Any effects on the operation of the **National Grid**
- Volume, area and location of the works, including **temporary activities** such as stockpiles
- 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 Activities⁶

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

The following activities are a Discretionary Activity:

- a. Any earthworks that do not meet the Permitted Activity standards, or are not specifically provided for in this Plan.
- b. Any earthworks within an Outstanding Natural Feature identified in NFL-APP1 or Significant Amenity Feature identified in NFL-APP2. [PC65]

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 NFL-APP1, except within an existing road corridor, or in the **National Grid Yard** that do not comply with 3D.4.2 f. v) or vi) is a Non-Complying Activity. [PC65]

These highlighted provisions have been appealed by Transpower under Plan Change 65. The highlighted provisions continue to have legal effect alongside the corresponding provisions of the Operative District Plan.

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.

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.
- 1.3 To distinguish between permanent and **temporary signs** and provide for them separately given the difference in their duration.
- 1.4 To manage the location, appearance and frequency of **temporary signs** to ensure they

are of limited duration.

- 1.5 To manage the cumulative **effect** of a proliferation of advertising **signs** on rural amenity.
- 1.6 To ensure signage is in keeping with the character of the area or **building** where it is located.
- 1.7 To ensure the erection of advertising **signs** is only on the **site** where the activity is occurring.

Objective 2

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

Policies

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

3E.4 Rules

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

3E.4.1 Permitted Activities

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

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

3E.4.2 Standards for Permitted Activities

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

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

- 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:
- 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**.
 - vii) **Signs** must not create an obstruction or cause safety concerns for **road** users.
 - viii) **Signs** must also comply with any permitted activity conditions of the **zone**

in which it is located in.

- ix) The maximum **sign face area** of any **sign** must not exceed 0.6m², except that **signs** within the Inner and Outer Business **Zones** and Industrial **Zone** must not exceed a maximum **sign face area** of 3m².

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

c. All **Temporary Signs** must comply with the following standards:

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

3E.4.3 Discretionary Activities

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

3F TEMPORARY ACTIVITIES

3F.1 Introduction

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

3F.2 Resource Management Issues

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

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

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**.

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:

- a. For sporting events, public meetings, galas, market days, and other recreational and festive events:

- i) Hours of operation occur between 7am – 10pm, and
 - ii) Duration not exceeding 3 consecutive days, and
 - iii) No more than 4 events of a similar nature on the same **site**, in any 12 month period, and
 - iv) Temporary **buildings** and structures (except temporary **network utility** structures supporting an event) 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.
 - v) Temporary **network utility** structures supporting an event must be easily moveable and erected for a duration not exceeding 5 consecutive weeks.
- 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.
- 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: This rule applies to **Temporary Activities** as defined and does not include Military Training Activities in Rule A2 which is a separate class of temporary activity dealt with by that rule.

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.

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.

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 Manawatū 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) 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 works will ensure the **building** maintains the visual **amenity values** of the surrounding area.

Policies

- 1.1 To ensure any reinstatement and upgrading works undertaken are completed in a timely and efficient manner.
- 1.2 To ensure any reinstatement 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 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. All **relocated buildings** in the Residential, Village, Rural, Outer Business and Industrial **Zones**.

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 placed on permanent foundations as soon as practicable, and not later than one month from arrival onsite. If a **building** is not immediately placed on foundations public access to the **site** shall be restricted, including with signage.

Guidance Note: For the purposes of this standard, restricted means **industry** methods and techniques used to restrict public access to a **site**, including signage, and as necessary to achieve compliance with health and safety legislation. The methods and techniques should reflect the location of the **site** and the ability of people to gain access.

- c. The **Council** shall be notified no later than 48 hours before the **building** is relocated of the intended delivery date. This standard will be met provided the **building** is relocated within 5 days of the notified date.
- d. The **relocated building** is not located within the Flood Channel **Zone**.
- e. Compliance with all standards specified for **permitted activities** in the relevant **zone** and other parts of this Plan.
- f. 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 achieve a workmanlike standard and tidy

appearance, and shall certify whether the **relocated building** is safe and sanitary.

- g. 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.
- h. 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**.
- i. The owner must complete the Owner Certificate and Declaration in Section 6.0 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**.
- j. The **relocated building** owner will supply to the **Council** photos showing the exterior of the **building** 12 months after relocation to show the reinstatement works required by Condition Table 2.0 of the **Building** Pre-Inspection Report have been achieved.

Guidance Note: Compliance with the permitted activity standards of the Plan does not ensure compliance with the **Building Act** 2004. The standards do not in any way derogate from or impinge on **Council's** functions, powers and obligations under the **Building Act**.

3G.4.3 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 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:

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

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 reinstatement works and upgrading to ensure visual amenity of the surrounding area is maintained, including landscaping proposed.
- v) The proposed time for reinstatement works and upgrading to be completed once the **relocated building** is located on its destination **site**.
- vi) The suitability of the **relocated building** for the intended reuse.

3G.4.4 Discretionary Activities

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

Appendix 3G.1 Building Pre-Inspection Report



Building Pre-Inspection Report

Insert new location address.

Insert District

For: Manawatu District Council

Insert date of report.

Building Pre-Inspection Report

1.0 GENERAL INFORMATION

1.1 Introduction

This **Building** Pre-Inspection Report has been prepared in accordance with the requirements of the Manawatū District Plan. It accurately records the external condition of the [*dwelling house/garage/ancillary building*] to be relocated and sets out all reinstatement works required to the exterior of the **building** after it has been relocated 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 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 has been prepared by Enter Name. of Enter Company name. as per our instruction/agreement dated Enter a date.on behalf of our clients Enter Name. in accordance with the requirements of the Manawatū 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	[Dwelling house, garage, ancillary building]
Approximate age of building	Provide date range e.g. 1940-1950.
Brief Description	Number of storeys, approximate size, roof, walls, floor construction, additional features.
Proposed site address	Address of the intended site of the related building.
Site address where the building was inspected	Address
Proposed Use of Building	Dwelling House, Residential, Garage, Ancillary.
Previous Use of the Buildings	<i>[Relocated building must have been previously designed, built and used as a dwelling (Except previously used garage and ancillary buildings)]</i>
Is the building being split for transportation	Choose Yes or No.
Will the split affect wall cladding	Choose Yes or No. Details, numbers of sections, identify the location of the cut(s)
Will the split affect roof cladding	Choose Yes or No. Details, number of sections, identified the location of the cut(s)
Inspection Dates & Weather:	[Date and weather at the time of inspection]
Inspection by:	Name of Inspector.
Other persons present	Name of other parties present.
Building Consent Status	<i>[Has Building Consent documentation been prepared for the relocation works.]</i>

Building Pre-Inspection Report

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

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

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....]

1.6 Reporting Conditions

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

- The **building** inspection undertaken for the purpose of this Report 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, 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 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 Manawatū 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.

1.7 Exclusions

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

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

Additionally, no search has been made of:

- e) Local Authority rates;
- f) Government Valuation; or
- g) LIM or PIM reports.

1.8 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.

Building Pre-Inspection Report



2.0 Condition Table

Buildings

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

3.0 Safe And Sanitary

Comment is required.

Licensed **Building** Practitioner 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 **building** defects such as rot, transport damage).

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. roofs, walls, window frames etc
- (e) Repair of transit damage; and/or
- (f) **Replacement** and painting of baseboards or other foundation cladding.

Building Pre-Inspection Report



5.0 Licensed Building 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:	<i>If undertaken/available</i>
Qualifications <i>LBP Category,</i>	

For and On Behalf of Company Name	
Address	Inspectors business address
Telephone	Enter telephone business number.
Email	Enter business email.

6.0 Owner Certificate And Declaration

As a requirement of the Manawatū District Plan, I/we *Enter Name* 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.

I acknowledge that failure to complete any reinstatement work identified in the Condition Table in Section 2.0 may lead to the Manawatu District Council taking action under the Resource Management **Act** 1991, including by way of 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 where reinstatement work is not completed within 12 months of the **building** being delivered to the destination **site** that a resource consent application will be required for the **relocated building**. I understand that the **Council** may charge fees from time to time for activities relating to **relocated buildings**, as set out in its Annual Fees and Charges.

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

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

Signed _____ Print _____

Owner

Signed _____ Print _____

Owner

Signed _____ Print _____

Owner

Destination Site Photographs

<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>

Additional Comments and Notes

Enter text.

3H BOARDING, BREEDING AND TRAINING KENNELS

3H.1 Introduction

The Manawatu District caters for a range of dog kennel facilities for the boarding, breeding and training of dogs. However, boarding, breeding or training kennels for dogs have the potential to create adverse effects on the character and **amenity values** of the surrounding **environment**. Careful siting, design and management is needed for the operation of **boarding, breeding and training kennels** to ensure that potential adverse effects on the character and **amenity values** of the surrounding **environment**, in particular on residential activities, are appropriately managed.

Dog owners also have a legal requirement to comply with the **Council's** Dog Control Bylaw under the Dog Control **Act** 1996, and also the relevant codes of welfare and regulations under the Animal Welfare **Act** 1999, including the regulations relating to the provision of dry and shaded shelter for dogs.

3H.2 Resource Management Issues

The following resource management issue has been identified in relation to **boarding, breeding and training kennels**:

1. **Boarding, breeding and training kennels** have the ability to result in adverse effects on the character and **amenity values** of the surrounding **environment**.

3H.3 Objectives and Policies

Objective 1

1. To ensure the establishment and operation of **boarding, breeding and training kennels** do not result in adverse effects on the character and **amenity values** of the surrounding **environment**.

Policies

- 1.1. To ensure the effects of **boarding, breeding and training kennels** on the **amenity values** and character of the area in which the activity is located are managed through the provision of **yard** setbacks, separation distances and screening between proposed kennels and **noise sensitive activities**, particularly within 500 metres of the dog kennel **site**.
- 1.2. To manage adverse effects from **boarding, breeding and training kennels** on the character and **amenity values** of the surrounding area through the appropriate design and layout of the **site** and **buildings**, and the operation and management of the kennels.
- 1.3. To assess each application for **boarding, breeding and training kennels** recognising the size and layout of the **site**, the number of dogs proposed and distance of the kennels to **noise sensitive activities**.
- 1.4. To ensure the design and layout of the kennel **site** and **buildings** incorporates features to reduce the adverse effects of dogs barking on **noise sensitive activities** that may affect outdoor amenity or indoor sleep disturbance, including:

- a. The extent to which the design of kennel **buildings** insulates against night-time noise of barking dogs;
 - b. The extent to which the design and layout of the kennels will prevent dogs in their normal runs from becoming visually and acoustically excited by activities associated with the kennels or from outside stimuli from neighbouring land;
 - c. Group housing for compatible dogs (where practical).
- 1.5. To require boarding, breeding and training kennel applicants to prepare a noise management plan which sets out the noise management measures for the **site** including but not limited to:
- a. Location and times of kennel activities, including training and exercise areas, when dogs will be enclosed at night, and hours of operation of the facility;
 - b. Physical design measures, including setbacks and screening;
 - c. Management actions, including how complaints will be managed; the techniques that will be used to manage noisy dogs, and how communication with neighbours will be maintained.
- 1.6 To ensure that **boarding, breeding and training kennels** adequately provide for the management and disposal of waste from the operation of the kennel activity, particularly in regard to potential adverse effects associated with odour.
- 1.7 For the Flood Channel **Zones**, to ensure the location and design of any structure on **site** will not impede or divert the flow of flood waters.

Guidance Note: When considering flood flow paths, the **Council** will have particular regard to expert flood hazard advice provided by Horizons Regional **Council**.

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3H.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**. Rules in the other sections in Chapter 3 also apply to **boarding, breeding and training kennels**.

Guidance Note: Dog owners are also required to meet the requirements under the **Council's** Dog Control Bylaw (2014) or any subsequent updates. A permit to keep dogs may also be required under this bylaw.

3H.4.1 Permitted Activities

The following are **Permitted Activities** provided that they comply with the standards in Rule 3H.4.2 below:

- a. **Boarding, breeding and training kennels** for up to and including 5 dogs in the Rural **Zones**;
- b. **Boarding, breeding and training kennels** for up to and including 2 dogs in the Residential and Village **Zones**.

3H.4.2 Standards for Permitted Activities

The **permitted activities** specified in Rule 3H.4.1 a) and b) above must comply with the following standards:

- a. **Building Envelope**
- i. In the Residential **Zone** and Village **Zone**: Maximum **height** 9m
 - ii. In the Rural **Zones**: Maximum **height** 20m
 - iii. All parts of a **building** must be contained within a 45 degree plane commencing at 2.8 metres above ground level inclined inwards at right angles in plan. See Figure 3H.1 below.
 - iv. The **height** recession plane in condition a. iii. above does not apply to:
 - a) Eaves
 - b) Solar panels and water heaters
 - c) **Antennas**, aerials or chimneys
 - d) Gable roof ends, if the total area of that part of the **building** above the **height** recession plane does not exceed 1/3 of the gable end **height**.

Height Recession Plane

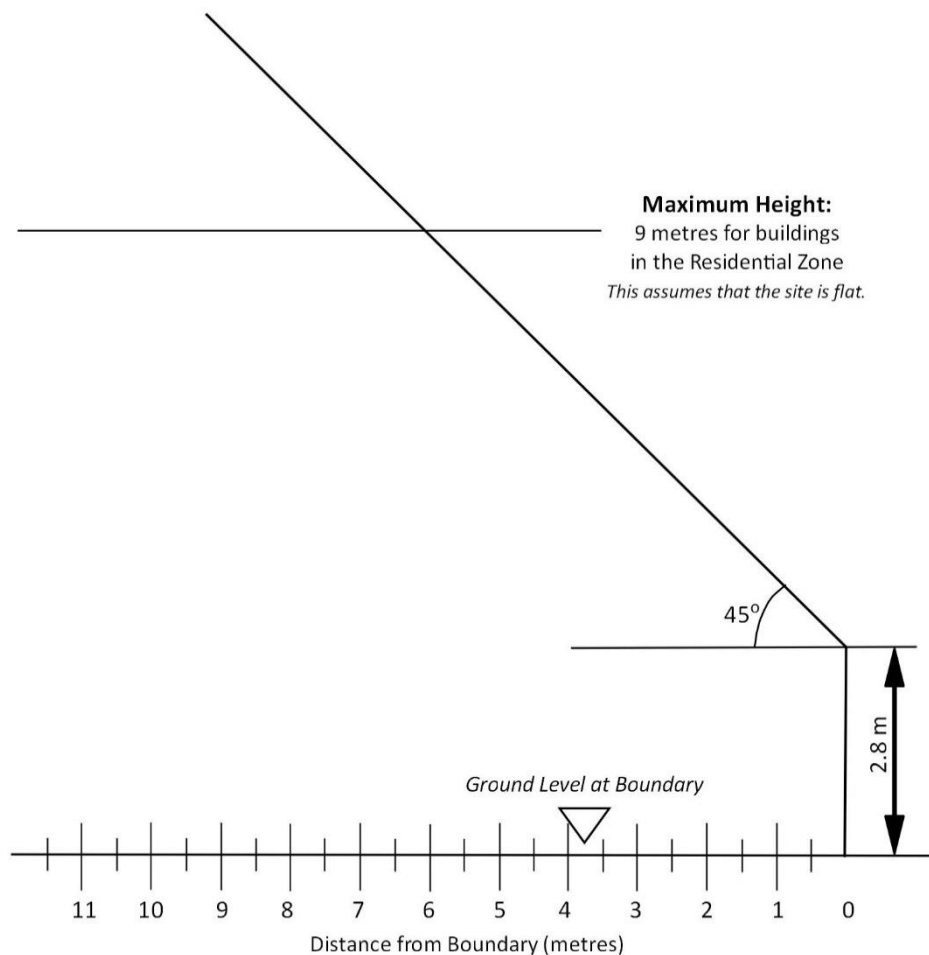


Figure 3H.1

In the Rural **Zones**, the following standards apply:

- v. No part of any **building**, structure, **mast**, tree or other object shall penetrate any of the climb surfaces, transitional surfaces, horizontal surfaces or conical

surfaces associated with Milson Airport or Feilding Aerodrome. These surfaces are shown in Appendix 3B and Appendix 3C. Where two or more surfaces intersect, the lower shall apply.

NB: Special **height** controls also apply in the vicinity of the Ohakea Airfield. (Refer Appendix 7B).

b. **Yard and Separation Distances**

Buildings and structures associated with **boarding, breeding and training kennels** must comply with the following setbacks:

- i. In the Rural **Zones**:
 - a) From any Residential **Zone** or Village **Zone** – 100m
 - b) **Front yards** – 20m
 - c) **Yards** where a **Noise Sensitive Activity** is located on an adjoining **site** in different ownership – 100m
 - d) Other **yards** – 30m
 - e) From the top of the bank of the Oroua River or Kiwitea Stream – 20m
 - f) From the top edge of any other public drain or watercourse – 10m
- ii. In the Residential **Zone** and Village **Zone**:
 - a) From all **yard** boundaries – 3m
 - b) From the bank of the Oroua River or Kiwitea Stream – 20m
 - c) From the top edge of any other public drain or watercourse – 10m
 - d) Within the **National Grid Yard** in **Growth Precinct 1** (Appendix 9A) – 12m from the outer visible edge of a **National Grid** support structure (tower). All fences must be located a minimum of 5m from the support structure, **network utility** structure, **road sign** or safety **sign**.

Guidance Note for 3H.4.2 b. ii. d: Buildings and structures need to demonstrate compliance with the requirements of NZECP34:2001.

c. **Noise**

Compliance with Rule 3C.4.2.

d. **Signs**

Compliance with Rules 3E.4.1 and 3E.4.2.

e. **Glare**

Compliance with Rule 3B.4.4.

3H.4.3 Discretionary Activities

The following activities are **discretionary activities** with respect to **boarding, breeding and training kennels**:

- a. **Boarding, breeding and training kennels** in Rule 3H.4.1 which do not meet the performance standards in Rule 3H.4.2;
- b. **Boarding, breeding and training kennels** in the Rural **Zones** for 6 or more dogs;
- c. **Boarding, breeding and training kennels** in the Residential and Village **zones** for 3 or more dogs;

- d. **Boarding, breeding and training kennels** in all other **zones** or not otherwise provided for.

Performance Standard for boarding, breeding and training kennels that are discretionary activities under Rule 3H.4.3 above:

- a. The following information must be submitted to **Council** on lodgement of an application under this rule for **boarding, breeding and training kennels**:
 - i. A noise management plan prepared by a suitably qualified person(s) who has knowledge and experience in dog behaviour.

Determination Clause

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 relevant **zone** and Chapter 3 District Wide Rules, assess any application in terms of the following assessment criteria:

- 1.1. The degree of non-compliance with the particular performance standards that the proposed boarding, breeding or training kennel fails to meet.
- 1.2. The degree to which the proposed mitigation methods will avoid or mitigate the adverse effects on noise **sensitive activities**.