



# Plan Change 55 – Incorporating Council's decision on proposed Plan Change 55 and provisions which have been appealed by a submitter

(Appeals Version)

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NOTE: Text highlighted in yellow refer to provisions that are subject to appeal. Refer to the relevant Notice of Appeal on Council's website.

Underlining refers to additions from the Council decision (1 May).

## 2 DEFINITIONS

### ACCESSORY BUILDING

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

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

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

### ACT

means the Resource Management Act 1991, and its amendments.

### ADDITIONS AND ALTERATIONS

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

### AMENITY VALUES

means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. The term "amenities" has a corresponding meaning.

### ANCILLARY ACTIVITIES

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

**ANTENNA**

function to the primary activity.

For the purpose of the Manfeild Park Zone and Special Development Zone, means an activity which is incidental to and associated with the primary activity undertaken in Manfeild Park and which has the sole purpose of providing a necessary service to enhance the overall functioning of Manfeild Park.

**ARTERIAL ROAD**

means any national arterial route, regional arterial route, or district arterial route shown in Appendix 2B (Appendices, Pages 22-24).

**ASSISTED LIVING  
ACCOMMODATION**

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

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

**AVIARIES**

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

**BUILDING**

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

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

**BUILDING FOOTPRINT**

means the area of ground covered by a single building.

**COMMERCIAL SERVICES**

means land and buildings used to provide administrative, commercial or healthcare services and includes, without

	<p>limitation:</p> <ol style="list-style-type: none"> <li>Commercial artists, signwriting, and engraving.</li> <li>Dry-cleaning, laundries, dyeing and cleaning services.</li> <li>Hospitals</li> <li>Medical practitioners premises</li> <li>Offices</li> <li>Servicing and repair of household appliances and garden equipment, excluding vehicles.</li> </ol>
<b>COMMUNITY EVENTS</b>	for the purposes of the Manfeild Park Zone, means land and/or buildings used for public or private recreation, entertainment, meetings or social events.
<b>COMMUNITY FACILITIES</b>	<p>means land and buildings used for public or community use and includes, without limitation:</p> <ol style="list-style-type: none"> <li>Facilities for the operation of emergency services</li> <li>Places used for the gathering of people for recreation, worship, cultural and spiritual instruction</li> <li>Libraries</li> <li>Marae</li> <li>Public halls</li> </ol>
<b>CONTROLLED ACTIVITIES</b>	are defined in Section 2 of the Act.
<b>COUNCIL</b>	means the Manawatu District Council or any Committee, Subcommittee, or person to whom the Council's powers, duties and discretions have been lawfully delegated.
<b>DEFERRED RESIDENTIAL ZONING</b>	<p>is the zoning that applies to land in the Growth precinct Structure plans in Appendix 9A, 9B and 9C as Deferred Residential Zoning Density 1 or Density 2. The existing Rural Zone or Flood Channel Zone provisions continue to apply to all subdivision and development of land zoned Deferred Residential until that zoning is uplifted in accordance with Rule B1A. When the Deferred Residential Zone is uplifted in accordance with Rule B1A, then the land becomes residentially zoned. Until such time as the Deferred Residential Zoning is uplifted, none of the subdivision rules applying to land within Growth Precinct will apply. Land will only be able to be treated as within a Growth Precinct when the Deferred Residential Zoning is uplifted. [PC45]</p>
<b>DERELICT VEHICLE</b>	means any car or other vehicle which is not currently registered and/or not currently warranted, and which for the time being is

**DIRECTIONAL SIGNS**

unable to be driven under its own power. [PC39]

**DISCRETIONARY ACTIVITIES**

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

**DWELLING**

are defined in Section 2 of the Act.

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

**EARTHWORKS**

includes the construction and maintenance of driveways, building platforms, loading areas, tracks, drainage works and dams MWRC. NB Earthworks near roads are subject to the Local Government Act 1974.

**EDUCATION FACILITIES**

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

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

**EFFECT**

is defined in Section 3 of the Act.

**ENTERTAINMENT FACILITIES**

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

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

**ENTRANCE STRIP**

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

**ENVIRONMENT**

is defined in Section 2 of the Act.



**ESPLANADE RESERVE, and  
ESPLANADE STRIP**

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

**EXTERIOR 'A' WEIGHTED  
AIRCRAFT NOISE LEVELS**

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

**EXTERNAL SOUND  
INSULATION LEVEL  
(DnT,w + Ctr)**

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

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

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

**FAMILY FLAT**

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

**FARM BUILDINGS**

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

**FARMING**

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

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



**FARMING AND  
AGRICULTURAL SUPPLIER**

Farming does not include:

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

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

For the purpose of the Special Development Zone, means a business primarily engaged in selling goods for consumption or use in the business operations of primary producers or animal husbandry and without limiting the generality of this term, includes:

- Equestrian and veterinary suppliers;
- Farming and horticultural equipment suppliers;
- Seed and grain merchants; and
- Stock and station outlets.

**FUNERAL PARLOUR**

means land and buildings used for the purpose of directing or conducting funerals and includes, without limitation:

- a. mortuary facilities
- b. a place for holding funeral services

**GREENFIELDS**

means land in the Residential zone or areas within the growth precinct structure plans in Appendix 9A-9C that has not previously been subdivided for urban purposes.[PC45]

**GROSS FLOOR AREA**

means the combined total area of all internal floor space of all buildings on a site and includes, without limitation:

- a. Basement space.
- b. Elevator shafts and stairwells.
- c. Floor space in interior balconies and mezzanines.

**GROWTH PRECINCT**

means the area identified in the Structure Plan Growth Precinct 1-3 in Appendix 9A-9C.[PC45]

**HABITABLE ROOM**

A space used for activities normally associated with domestic living, but excludes any bathroom, laundry, toilet, pantry, walk-

**HEIGHT**

in wardrobe, corridor, hallway, lobby, clothes airing room or other space of a specialised nature occupied neither frequently nor for extended periods.

in relation to any building, means the vertical distance between the ground level at any point and the highest part of the building immediately above that point.

Height measurements specifically exclude:

- a. antennas
- b. chimneys
- c. flagpoles

**HOME OCCUPATION**

means an occupation, craft, profession or service carried out in a dwelling unit or an associated accessory building, by an occupant of that dwelling that meets all of the following

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

The following activities are specifically excluded from home occupation:

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

**INDIGENOUS FOREST**

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

<b>INDIGENOUS VEGETATION</b>	means any naturally occurring association of indigenous plant species, and includes <b>indigenous forest</b> .
<b>INDUSTRY</b>	<p>means the use of land or buildings for the purpose of manufacturing, fabricating, processing, repair, packaging, storage, collection, distribution including the wholesale or retail sale of goods manufactured or processed onsite and includes, without limitation:</p> <ul style="list-style-type: none"> <li>a. Animal and animal-product processing</li> <li>b. Abrasive blasting</li> <li>c. Cool stores and pack houses</li> <li>d. Engineering works</li> <li>e. Fibre-glassing</li> <li>f. Grain drying and processing</li> <li>g. Waste material collection, processing and disposal (excluding the day-to-day removal of refuse, by Council or an authorised contracting agency)</li> <li>h. Panel beating and spray painting</li> <li>i. Timber processing and treatment</li> <li>j. Vehicle wrecking and scrap yards</li> </ul>
<b>INFILL</b>	means the subdivision of land previously subdivided for urban purposes.
<b>INTENSIVE FARMING</b>	means the breeding or rearing of animals (including birds) where the productive processes are carried out year-round within <b>buildings</b> , or within closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover. Intensive farming includes mushroom farming but does not include catteries, <b>pig farming</b> , <b>kennels</b> or <b>aviaries</b> .
<b>KENNELS</b>	means any <b>site</b> used for housing more than two dogs, excluding farm working dogs and puppies.
<b>LANDFILL</b>	means a site used for disposal of solid waste onto land, and includes all ancillary activities associated with the operation of a landfill.
<b>LARGE FORMAT RETAIL</b>	means retail activity with a gross floor area of greater than 2000m <sup>2</sup> .
<b>LEGAL COVENANT</b>	means a covenant with <b>Council</b> under the Reserves Act 1977, an Open Space covenant with the QEII National Trust, or a covenant with the Department of Conservation under the Conservation Act 1987.

**LIGHT INDUSTRY**

means the use of land or buildings for small-scale local industries including, without limitation:

- a. Cabinet making, furniture manufacture and restoration and upholstery
- b. Depots for trades people such as painters, plumbers, builders, glaziers or electricians
- c. Hire of vehicles and general equipment
- d. Printing and packaging
- e. Relocated building storage and repair yards
- f. Storage and warehousing.

**LIVING COURT**

means a landscaped and planted area which is required by this Plan to be unoccupied and unobstructed from the ground upwards, and which is adjacent to the main living area of the dwelling unit.

Structures which will enhance the use and enjoyment of the court and special modifications to houses to suit the needs of those with disabilities (eg ramps) will be permitted.

**MAIN LIVING AREA**

means either a living room, dining room or rumpus room.

**MAINTENANCE AND MINOR REPAIR**

in relation to significant historic built heritage, means the repair of materials by patching, piecing in, splicing and consolidating existing materials. It includes replacement of minor components such as individual bricks, cut-stone, timber sections, tiles and slates where these have been damaged beyond reasonable repair or are missing.

Original replacement material should be sourced where possible otherwise, the replacement must be of the same or similar material, colour, texture, form and design as the original it replaces. The number of components replaced must be substantially less than existing.

**MAORI LAND**

has the meaning set out in the Te Ture Whenua Act 1993.

**MAST**

means any pole, tower, or similar structure designed to carry **antennas** to facilitate **radiocommunication** and/or **telecommunication**. It excludes equipment attached to any mast to conduct lightning.

**MILITARY EXERCISES**

for the purposes of the Manfeild Park Zone, means military training activities which are temporary in nature and are restricted to orienteering exercises, communications training, tactical exercises, escape and evasion exercises which are

**MILKING SHED**

undertaken by the New Zealand Defence Forces provided that these activities do not involve the discharge of explosives, guns or other weapons or the use of explosive simulators.

**MINOR UPGRADING<sup>1</sup>**

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

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

- i) Adding circuits and conductors to electricity and **telecommunication** lines.
- ii) Reconductoring lines with higher capacity conductors.
- iii) Resagging conductors.
- iv) Adding longer or more efficient insulators.
- v) Adding earthwires to electricity lines, which may contain telecommunication lines, earthpeaks and lightning rods.

**MOTOR CARAVAN SITES**

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

**MOTOR SPORT ACTIVITIES**

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

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

<sup>1</sup> Appellant: Transpower

**MOTOR VEHICLE**

- i. A record attempt
- j. An economy run or
- k. An autocross, which is a motorsport event for cars on a marked out course on an unsealed or sealed surface.

**MOTOR VEHICLE SALES AND SERVICING**

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

means any of the following:

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

**NATIONAL GRID**

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

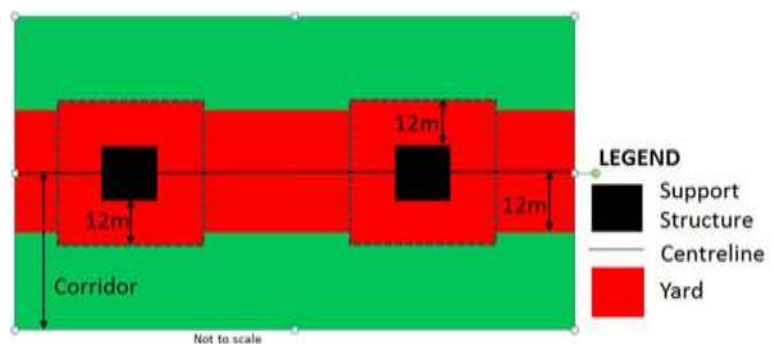
**NATIONAL GRID CORRIDOR**

means the area measured either side of the centreline of above ground National Grid lines as follows: 32m for the 110kV National Grid lines on towers located within Growth Precinct 1 (Appendix 9A).

(NB – see diagram under definition of National Grid Yard).[PC45]

**NATIONAL GRID YARD**

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



**NATURAL AND PHYSICAL RESOURCES**

are defined in Section 2 of the Act.

**NATURAL AREA**

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

NET SITE AREA

feature.

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

NODAL AREA

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

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

NOISE SENSITIVE ACTIVITY

means any of the following:

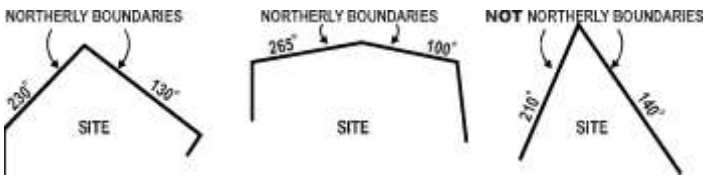
- a. Assisted living accommodation
- b. Community facilities
- c. Dwelling
- d. Education facilities
- e. Visitor Accommodation

NON-COMPLYING  
ACTIVITIES

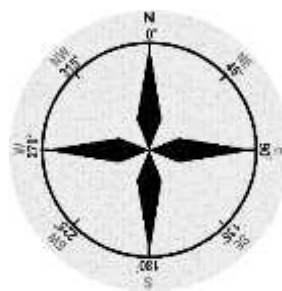
are defined in Section 2 of the Act.

NORTHERLY BOUNDARY

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





**OFFICES**

for the purpose of the Special Development Zone, means an activity which involves the use of land or buildings for administrative or professional activity that is ancillary to activities occurring at Manfeild Park.

**OFFICIAL SIGN**

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

**OUTLINE PLAN**

means an outline plan showing a public work, project, or work to be constructed on designated land, submitted to **Council** under Section 176A of the Act to allow Council to request changes before construction is commenced.

**PENS HOUSING ANIMALS**

means land and buildings used for the housing, whether temporary or permanent, of animals. It includes feed pads whether covered or uncovered, yards used for holding and sorting animals and facilities used for animal rearing such as calf sheds.

**PERMITTED ACTIVITIES**

are defined in Section 2 of the Act.

**PIG FARMING**

means keeping, raising or breeding pigs, where the productive processes are carried out within **buildings**, or within closely fenced outdoor runs where the stocking density precludes the maintenance of pasture or ground cover.

**PLANT PESTS**

mean any plants listed as Total Control, Boundary Control, Aquatic or National Surveillance Plant pests by the **Regional Council**.

**PORTABLE SAWMILL**

means a small scale **sawmill** not permanently established on a site, and which is capable of being removed from the site on wheels or via a trailer unit.

**POULTRY KEEPING**

includes geese, ducks, chickens, turkeys and domestic fowls of all descriptions, except as defined as **Intensive Farming**.

<b>RADIOCOMMUNICATION</b>	means a transmission, emission, or reception of signs, signals, writing, images, sounds, or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz and 3,000 gigahertz, propagated in space without artificial guide.
<b>RADIOCOMMUNICATION AND/OR TELECOMMUNICATION FACILITIES</b>	includes any line, <b>mast</b> , pole, aerial, tower, <b>antenna</b> , antenna dish, fixed radio station, radio apparatus or other structure, facility or apparatus intended for, associated with, or ancillary to, effecting radiocommunication or telecommunication.
<b>RADIOCOMMUNICATION, TELECOMMUNICATION AND ANCILLARY PURPOSES AND LAND USES</b>	includes installing, operating, maintaining, removing and replacing radiocommunication or telecommunication facilities and carrying out ancillary land uses.
<b>RECREATION ACTIVITIES</b>	<p>means land and buildings used by the public for active and passive recreation activities and includes structures and landscaping required to enable the following:</p> <ul style="list-style-type: none"> <li>a. Clubrooms and halls</li> <li>b. Grandstands and stadia</li> <li>c. Public Toilets</li> <li>d. Playgrounds</li> <li>e. Sealed courts and turf</li> <li>f. Sports fields</li> <li>g. Swimming pools</li> </ul>
<b>REGIONAL COUNCIL</b>	means the Manawatu-Wanganui Regional Council, also known as horizons.mw.
<b>RESTRICTED DISCRETIONARY ACTIVITIES</b>	are defined in Section 2 of the Act.
<b>RETAIL ACTIVITIES</b>	<p>means the use of land or buildings where goods, equipment or services are sold, displayed, hired or offered for sale or direct hire to the public and includes, without limitation:</p> <ul style="list-style-type: none"> <li>a. Bakeries</li> <li>b. Dairies</li> <li>c. Garden centres</li> <li>d. Hardware stores</li> </ul> <p>The following are specifically excluded from retail activities:</p> <ul style="list-style-type: none"> <li>a. Commercial Services</li> <li>b. Industry</li> <li>c. Large format retail</li> </ul>

	<ul style="list-style-type: none"> <li>d. Motor vehicle sales and servicing</li> <li>e. Service stations</li> <li>f. Supermarkets</li> </ul>
<b>ROAD</b>	has the same meaning as Section 315 of the Local Government Act (1974).
<b>RURAL AND ANIMAL SERVICES</b>	<p>means land and buildings used for the provision of sales and services associated with the rural sector and includes, without limitation:</p> <ul style="list-style-type: none"> <li>a. Animal grooming</li> <li>b. Farming, agricultural and horticultural supplies</li> <li>c. Veterinary clinics</li> </ul>
<b>SAWMILL</b>	means a <b>site</b> used for cutting, chipping, shaping or de-barking timber, including ancillary storage. Sawmills do not include chemical preservation processes, lamination, wood pulping, fibreboard manufacture or any similar timber processing.
<b>SCHEDULE P</b>	is a schedule of materials and general construction techniques for building elements that, for the purposes of this Plan are deemed to reduce the <b>exterior 'A' weighted aircraft noise levels</b> by 20 decibels with respect to the interior 'A' weighted sound levels.
<b>SCHEDULE Q</b>	is a schedule of materials and general construction techniques for building elements that, for the purposes of this Plan are deemed to reduce the <b>exterior 'A' weighted aircraft noise levels</b> by 25 decibels with respect to the interior 'A' weighted sound levels.
<b>SCHEDULE R</b>	is a schedule of materials and general construction techniques for building elements that, for the purposes of this Plan are deemed to reduce the <b>exterior 'A' weighted aircraft noise levels</b> by 30 decibels with respect to the interior 'A' weighted sound levels.
<b>SEISMIC STRENGTHENING</b>	<p>means works undertaken to improve the structural performance of a building by modifying, or adding to, the structure of a building to meet the requirements of the Building Act (2004), any subsequent amendments to that Act and any current Council Earthquake-Prone building policy.</p> <p>Works that are deemed seismic strengthening shall be identified by a chartered professional engineer who has knowledge of the structural characteristics and earthquake</p>

**SENSITIVE ACTIVITIES**

performance of the type of building being assessed.

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

**SERVICE COURT**

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

**SERVICE STATION**

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

The following activities are specifically excluded from service station:

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

**SIGN**

means any advertising matter of whatever kind, and includes any board or structure which supports advertising matter. It also includes any advertising matter on parked vehicles or trailers which is in addition to the structure of that vehicle or trailer. Signs do not include any advertising matter within a shop display window. Doublesided signs shall be measured on one side only for the purpose of determining sign size under this Plan.

**SIGNIFICANT HISTORIC BUILT HERITAGE**

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

**SITE**

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

**SITE COVERAGE**

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

The following are not included in the calculation of site

**SOUND TRANSMISSION  
PATH**

coverage:

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

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

**SPECIAL EVENT**

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

**STORMWATER  
NEUTRALITY**

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

**STREET FURNITURE**

means any structures and equipment lawfully located on or over the legal road reserve. It includes public telephones, litter bins, (not skip bins), street lighting, bus shelters, roadside rest areas and toilets, information centres and weigh stations, street trees and landscaping.

**STREET USER**

means any street stall, street appeal, busker, preacher, parade, or public gathering, pamphlet distributor, street photographer, or mobile shop, operating in a public place. NB – Such operations require Council's permission under the District Bylaws.

**STREETSCAPE**

means the visual elements, within and adjoining the street, including the road, structures, trees and open spaces and adjoining buildings that combine to form the street's character.

<b>SUPERMARKET</b>	means any premises that are principally used for the retail sale of groceries and other associated food and drink items and household goods and that has a retail floor area of over 300 square metres.
<b>TELECOMMUNICATION</b>	means the conveyance from one device to another of any signal, sign, impulse, writing, image, sound, instruction, information or intelligence of any nature, whether for the information of any person using the device or not.
<b>TOURIST FACILITIES</b>	means land and buildings used for the education and entertainment of domestic or international tourists.
<b>UNDERGROUND PIPES, CABLES AND LINES</b>	includes pipes cables and lines (including any wire, cable and associated equipment used or placed in position for the conveyance of electricity) which are above ground but fixed to permitted structures such as bridges.
<b>UNFORMED ROAD</b>	means any <b>road</b> below full metalled road standard, ie any road without proper base-course and top-course layers which are able to be graded.
<b>UTILITIES</b>	means any activity relating to: <ul style="list-style-type: none"> <li>a) Lighthouses, navigational aids and beacons.</li> <li>b) <b>Roads</b> and railways, and incidental equipment.</li> <li>c) Generation, transformation, transmission, or distribution of electricity.</li> <li>d) Distribution or transmission by pipeline of gas, petroleum or steam.</li> <li>e) Water or sewerage reticulation, or treatment.</li> <li>f) Land drainage, stormwater control or irrigation works.</li> <li>g) Construction, operation and maintenance of an airport as defined by the Airport Authorities Act including the provision of any approach control services.</li> <li>h) <b>Radiocommunication</b> and/or <b>telecommunication</b> equipment and lines.</li> <li>i) Recycling depots, refuse transfer stations and refuse disposal facilities.</li> <li>j) Meteorological instruments and facilities.</li> <li>k) Soil conservation and river control works.</li> <li>l) Fire Stations.</li> </ul>
<b>VISITOR ACCOMMODATION</b>	means places used for accommodating tourists and residents away from their normal place of residence and includes any ancillary service or amenity provided on the site such as a

**WETLAND**

restaurant, café or other eating place, swimming pool or playground.

It includes, without limitation, any of the following:

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

**YARD**

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

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

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

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

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

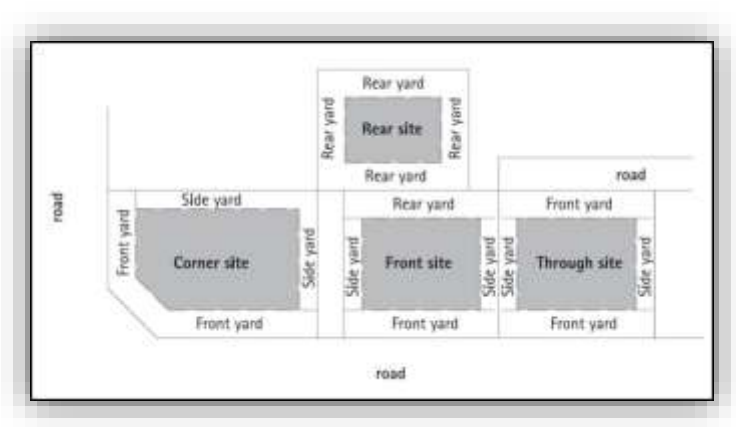
**Side Yard** means a yard which except for any portion of the site comprised in a front or rear yard lies between the full length of a side boundary and a line parallel thereto. In respect of a corner site every boundary not being a road frontage shall be a side boundary.

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



ZONE

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



## 3.0 DISTRICT WIDE RULES

### 3.1 Introduction<sup>2</sup>

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

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

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

## 3A NETWORK UTILITIES

### 3A.1 Introduction

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

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

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<sup>2</sup> Appellants: PowerCo & Transpower

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 Manawatu 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.

## 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.

#### 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 of network utilities, 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. Subdivision is managed around the National Grid Corridor to avoid subsequent land use from restricting the operation, maintenance and upgrading of the National Grid.
  - d. Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance and upgrading of the National Grid.<sup>3</sup>

### Objective 3<sup>4</sup>

To protect the values that are important to significant heritage and landscape areas from the inappropriate development of network utilities.

### Policies

- 3.1 Subject to Policy 3.2, to protect the 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

<sup>3</sup> Appellant: Transpower

<sup>4</sup> Appellant: PowerCo

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 importance; and
- c. the development substantially protects the values of the scheduled resource.<sup>5</sup>

### 3A.4 Rules<sup>6</sup>

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

#### 3A.4.1 Permitted Activities

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

- a. The operation, maintenance, replacement, or minor upgrading 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, including those underground.
- 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.

<sup>5</sup> Appellant: Transpower

<sup>6</sup> Appellant: PowerCo

- h. Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of the Manawatu Wanganui Regional Council.<sup>7</sup>
- i. Land drainage, stormwater control or irrigation works including pump stations.<sup>8</sup>
- 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.
- q. *New standard*<sup>9</sup>

**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 Manawatu-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.

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<sup>7</sup> Appellant: Transpower

<sup>8</sup> Appellant: Transpower

<sup>9</sup> Appellant: Transpower



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.

### 3A.4.2 Standards for Permitted Activities<sup>10</sup>

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

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<sup>10</sup> Appellant: PowerCo

- d. No mast, building or structure may be located closer than 5m to any site boundary. This 5m yard does not apply to buildings with a floor area of less than 10m<sup>2</sup>, or to overhead lines and cables.
- e. Telecommunication cabinets must not exceed 10m<sup>2</sup> in area in all zones, except in Flood Channel Zone where cabinets must not exceed 5m<sup>2</sup> in area.
- 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. Not exceed a maximum height of 2.5m and an area of 10m<sup>2</sup>.<sup>11</sup>
- h. No antenna will exceed the following dimensions:
  - i. 2.5 metres in diameter (dish antenna), or a face area of 1.5m<sup>2</sup> (other antenna) in the Residential Zone, or
  - ii. 5 metres in diameter (dish antenna), or a face area of 2.5 m<sup>2</sup> (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, or that are not operation, maintenance, replacement or minor upgrading works must not be located within the areas scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding

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<sup>11</sup> Appellants: PowerCo & Transpower

Reserves), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) of this Plan.<sup>12 & 13</sup>

- 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 guide (August 2013) to manage vibration beyond site boundaries.
- p. Electric vehicle charging stations must not exceed 1.5m<sup>2</sup> in area and 1.8m in height per charging station in all zones.

#### Guidance Notes:

- 1. Vegetation planted within an electricity transmission corridor, including the National Grid Yard and distribution lines 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.

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<sup>12</sup> Appellant: Transpower

<sup>13</sup> Was formally 'I' in the Hearing Document

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<sup>14</sup>

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.

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

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<sup>14</sup> Appellant: Transpower

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 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves)), 1C (Outstanding Natural Features), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) of this Plan and, if so, how such impacts are remedied or mitigated.
- 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**<sup>15</sup>

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

#### **3A.4.5 Non-Complying Activities**<sup>16</sup>

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

<sup>15</sup> Appellants: PowerCo & Transpower

<sup>16</sup> Appellants: PowerCo & Transpower

## 3B TRANSPORT

### 3B.1 Introduction

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

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

Primary industry relies heavily on key transportation routes in the District. The Roding Hierarchy identifies these routes and the District Plan seeks to manage activities to avoid unnecessary conflict. A number of State Highways traverse the District and recognition of the role of NZ Transport Agency 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 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 Roding 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 Access – Standards for Permitted Activities

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

- a. All vehicle crossings must be sited in accordance with the minimum sight distances and intersection spacing's as defined in Appendix 3B.3.
- b. Vehicle crossings may only be constructed on Major Arterial Road or Minor Arterial Road identified in Appendix 3B.1 if there is no alternative legal access from the site to another road.
- c. In the Outer Business Zone, vehicle access to sites from SH54/Aorangi Street, between Gladstone St and Eyre Street, must be left turn in and left turn out only.
- d. No new vehicle crossings will be located within 30m of any railway level crossing.
- e. Existing vehicle crossings that are within 30m of a railway level crossing must be maintained to ensure the sightline standards detailed in Appendix 3B.5 are met.
- f. No dwelling or accessory building will have access via an unformed legal road (paper road).
- g. Onsite manoeuvring must be provided for vehicles to enter and exit in a forward direction.

- h. Vehicle crossing movements must not exceed 100 car equivalent movements per day and the car equivalent movements must be calculated in accordance with Appendix 3B.4.
- i. Accessways and vehicle crossings must comply with the sight distances and minimum spacing identified in Appendix 3B.3 Measurement of Sight Distances and Minimum Spacing.

#### **3B.4.4 Glare – Standards for Permitted Activities**

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

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

#### **3B.4.5 Car Parking – Standards for Permitted Activities**

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

##### **Assessment of Car Parking Requirements**

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

##### **Car Parking and Manoeuvring Spaces, and Access**

- b. Sites outside the area shown in Appendix 3B.6 must provide onsite car parking in accordance with Table 3B.1 Car Parking Standards.

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

#### **Change of Use or Additional Development**

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

#### **Formation and Screening of Car Parking Areas**

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

**Table 3B.1 - Car Parking Standards**

<b>Activity</b>	<b>Car parking Requirements</b>
<b>Assisted living accommodation</b>	1 carpark for every two staff members plus 1 carpark for every three people accommodated.
<b>Catteries and Boarding Kennels</b>	No less than four car-parking spaces.
<b>Commercial Services</b>	Medical practitioners – 1 carpark per staff member and 2 patient carparks per practitioner. Hospitals – 0.7 carparks per bed Offices and other commercial services – 1

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

<b>Service stations</b>	3 carparks per workshop service bay plus 2 per 100m <sup>2</sup> of remaining gross floor area.
<b>Visitor Accommodation</b>	1 carpark per staff member plus 1 carpark per room accommodation to let.

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

### 3B.4.6 Restricted Discretionary Activities

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

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

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

- 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:

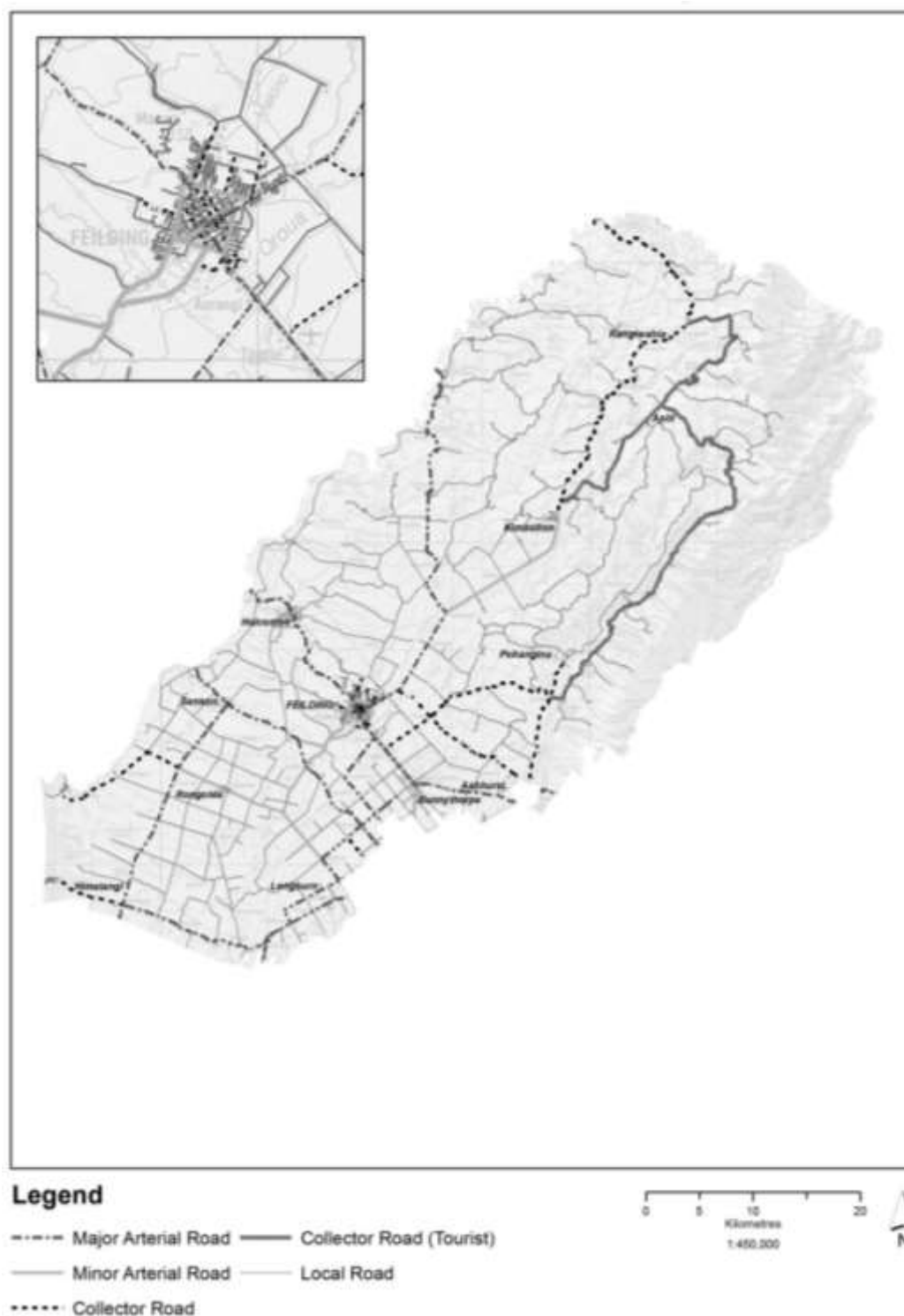
- i. the degree of non-compliance with the particular performance standards that the proposal fails to meet.

- 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. the degree to which the proposal contains sufficient onsite parking to meet the needs of the activity.
- viii. whether alternative transport modes such as walking, cycling and passenger transport have been provided for.

#### **3B.4.7 Discretionary Activities**

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

## Appendix 3B.1 Roding Hierarchy



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**Diagram 1 Manawatu District Roding Hierarchy**

<sup>17</sup> Support S7/032 by NZ Transport Agency and S5/021 by Horizons



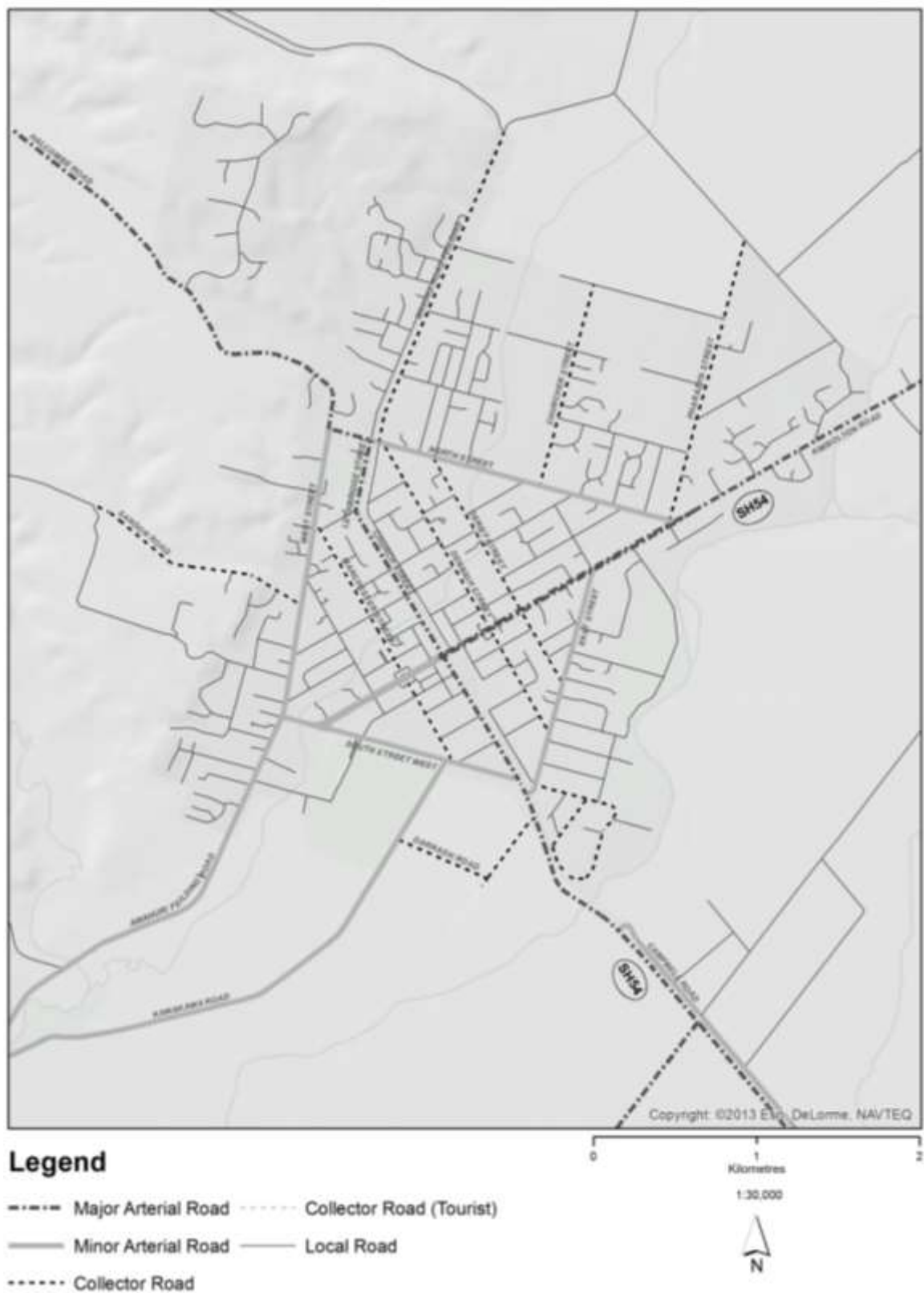


Diagram 2 Feilding Roading Hierarchy

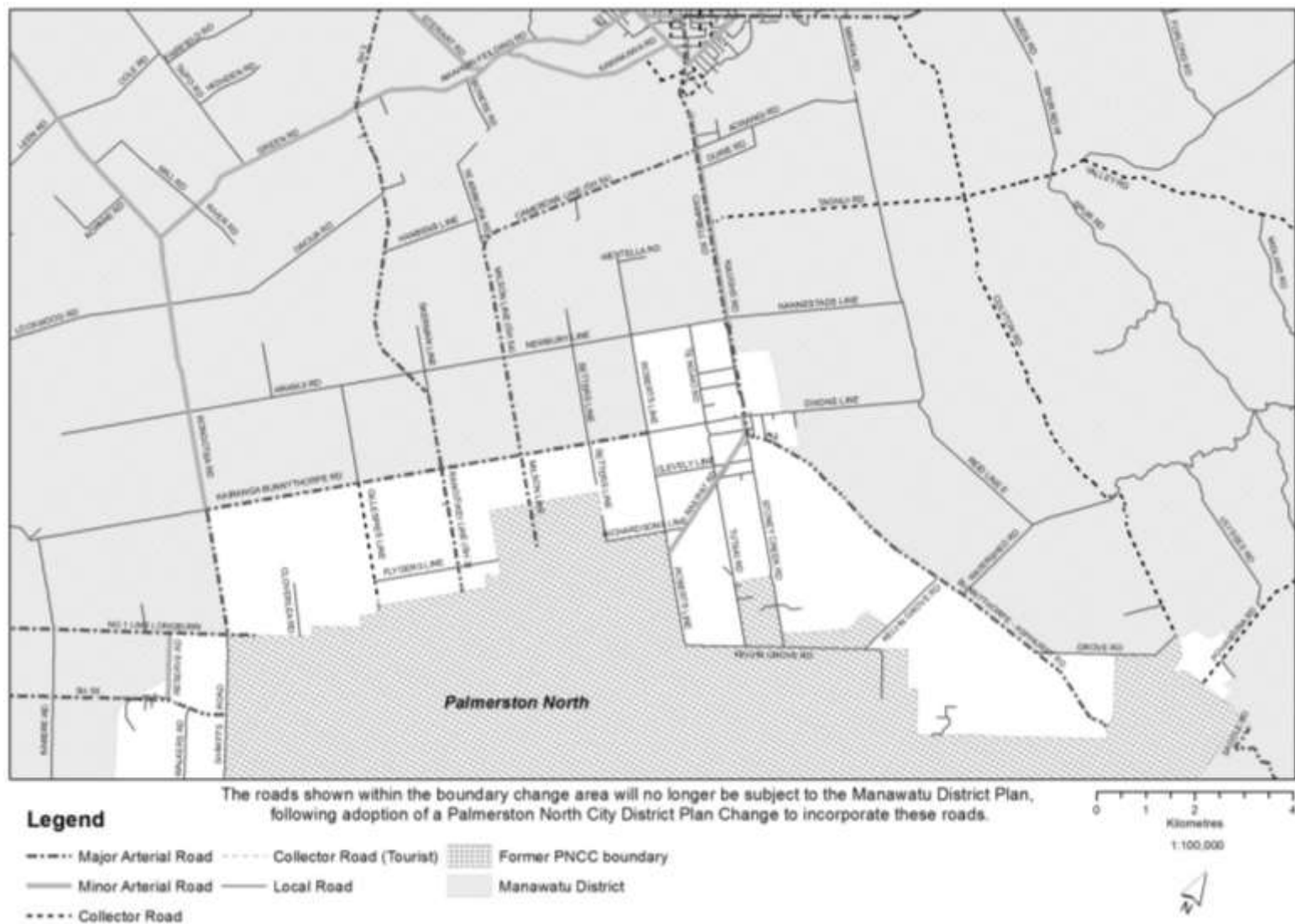


Diagram 3 Manawatu District Roding Hierarchy – Boundary Change Area

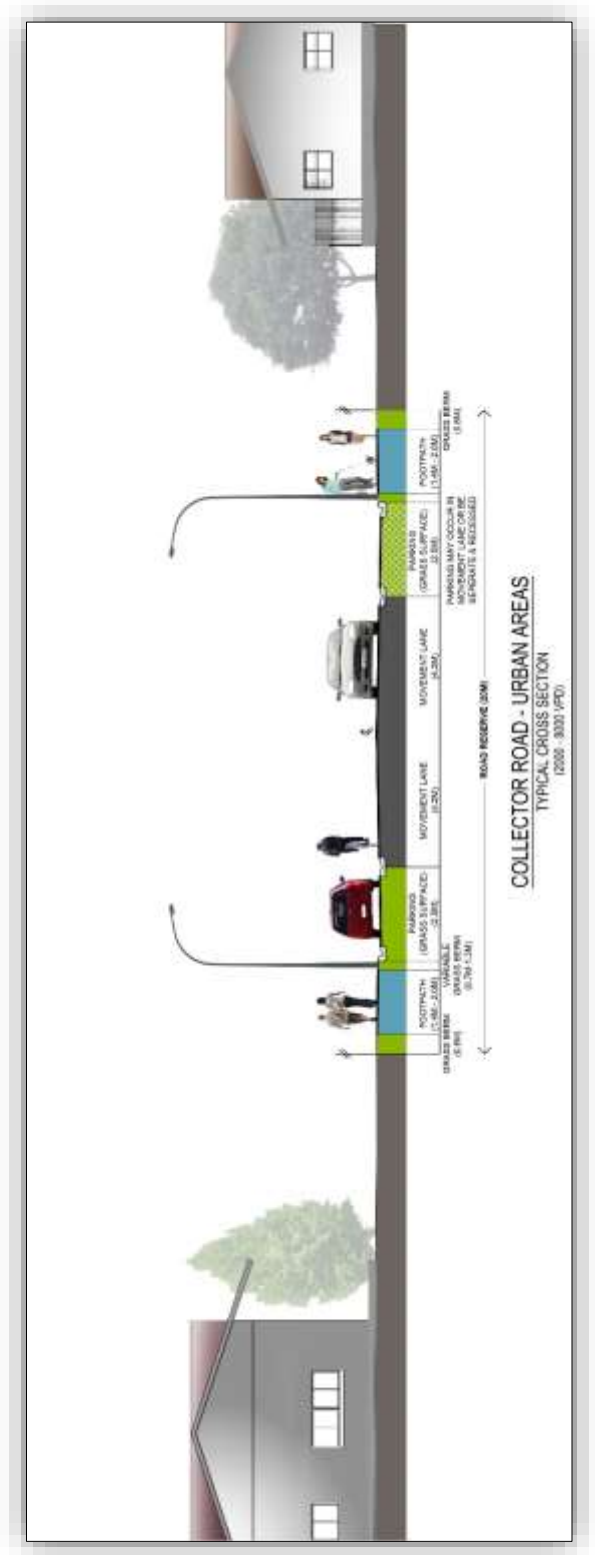


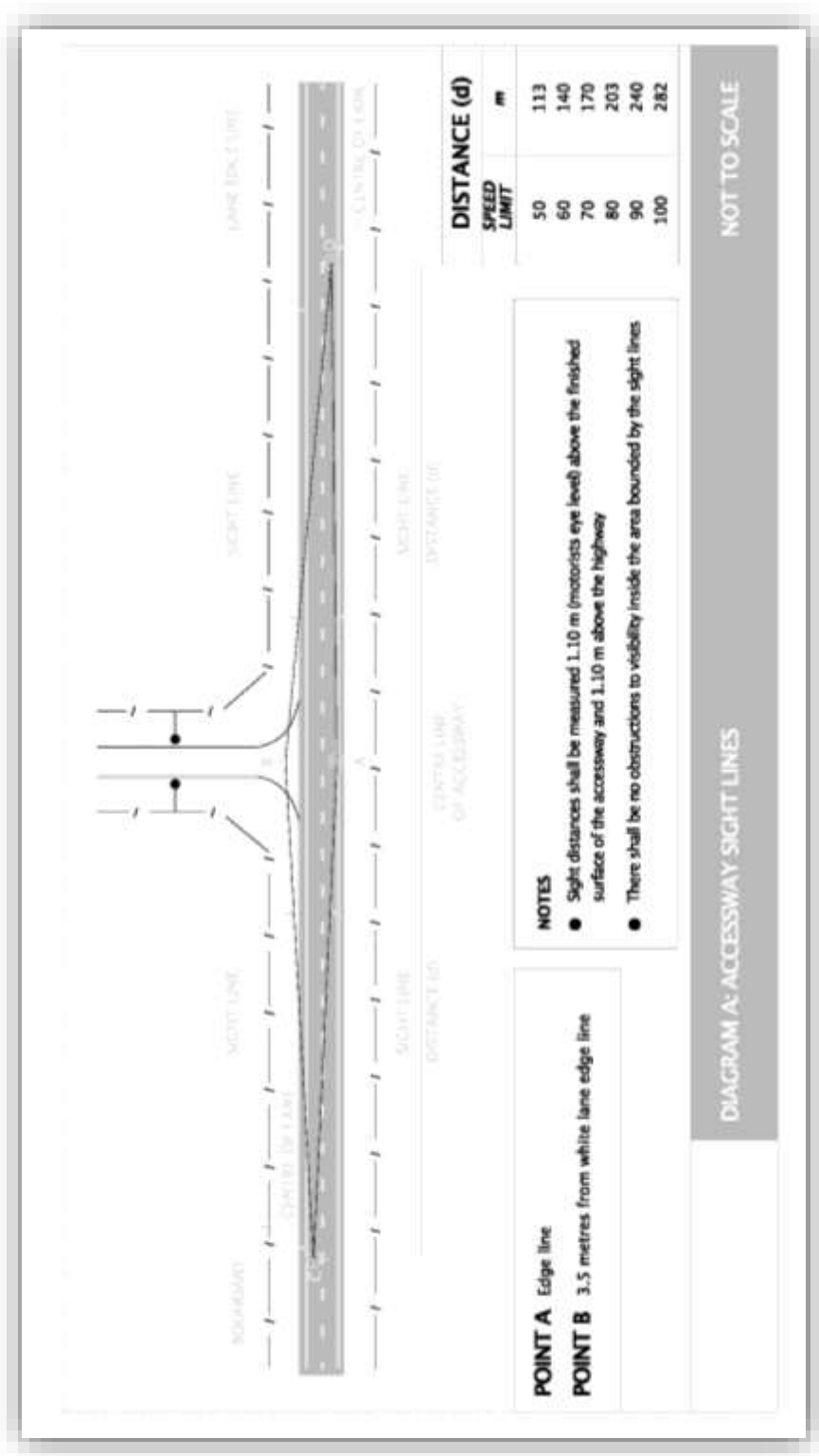


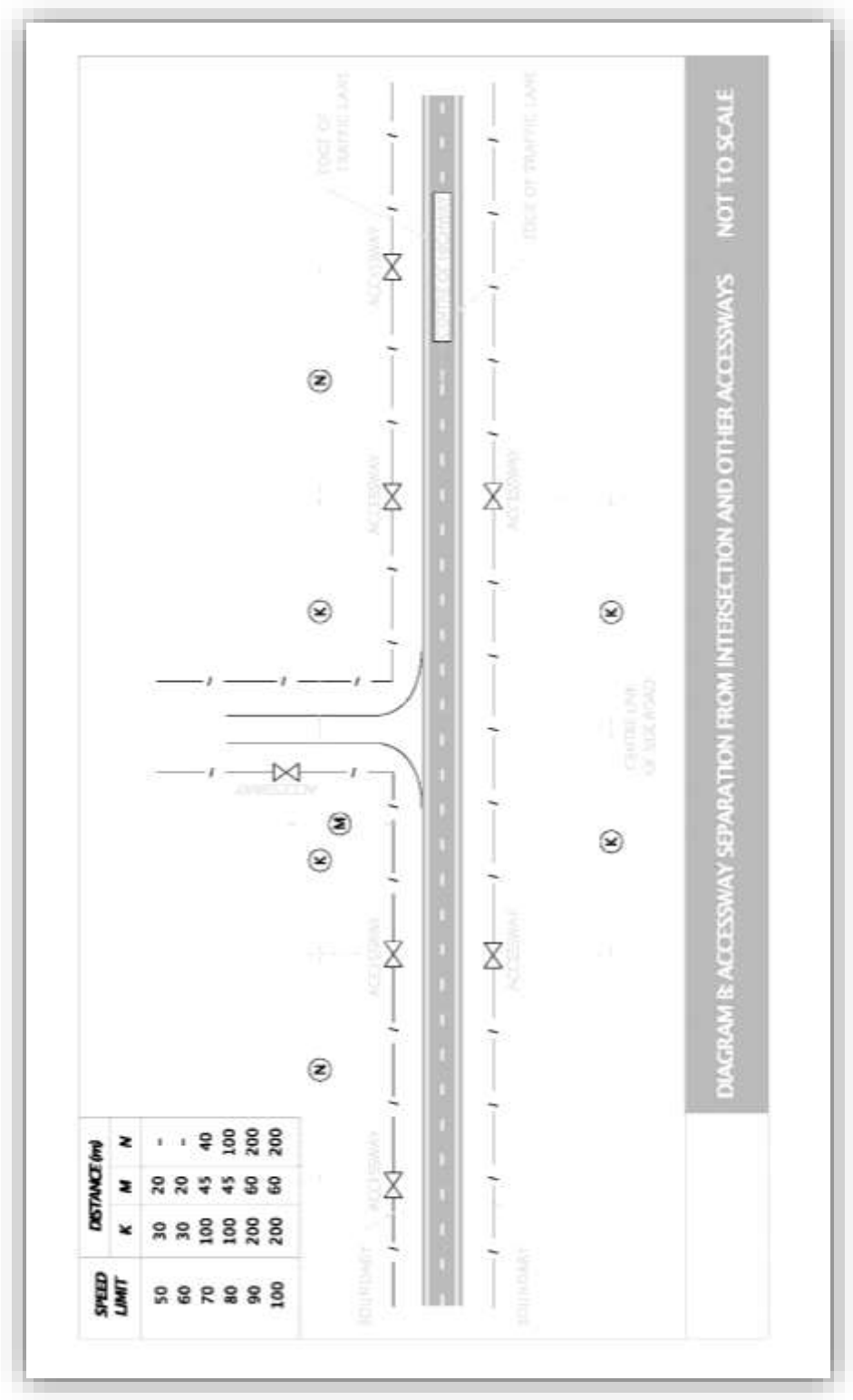


Figure 3

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

Minimum Sight Distances from Vehicle Crossings





## Chapter 3 – District Wide Rules - Transport





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

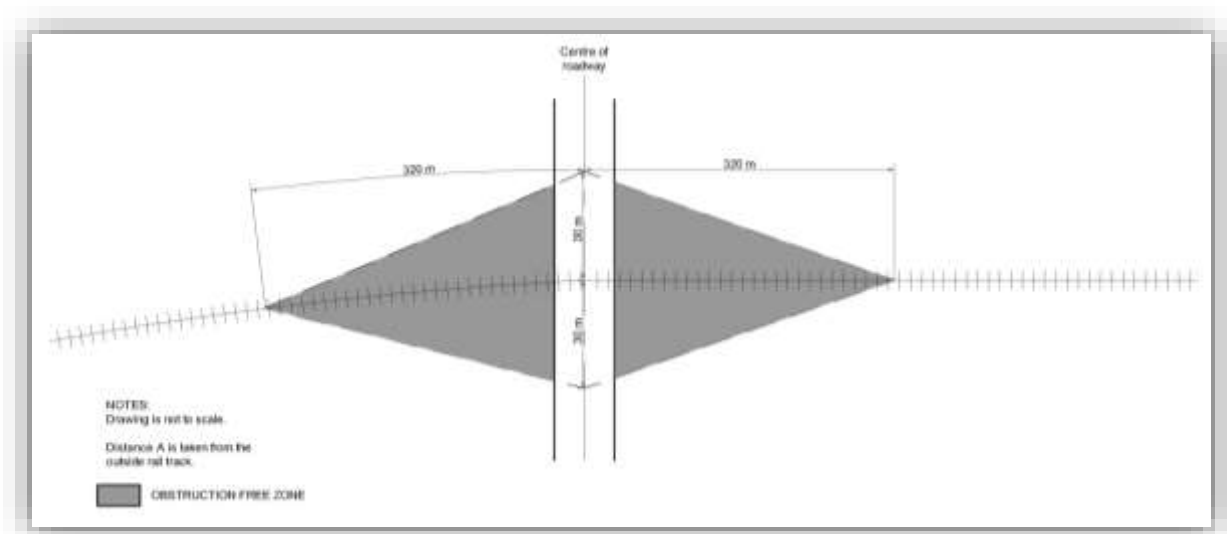
- A Car equivalent movements are defined as being the following within any given day:
- i. one car to and from the site 2 car equivalent movements
  - ii. one truck to and from the site 6 car equivalent movements
  - iii. one truck and trailer to and from the site 10 car equivalent movements
  - iv. 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.

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## 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.

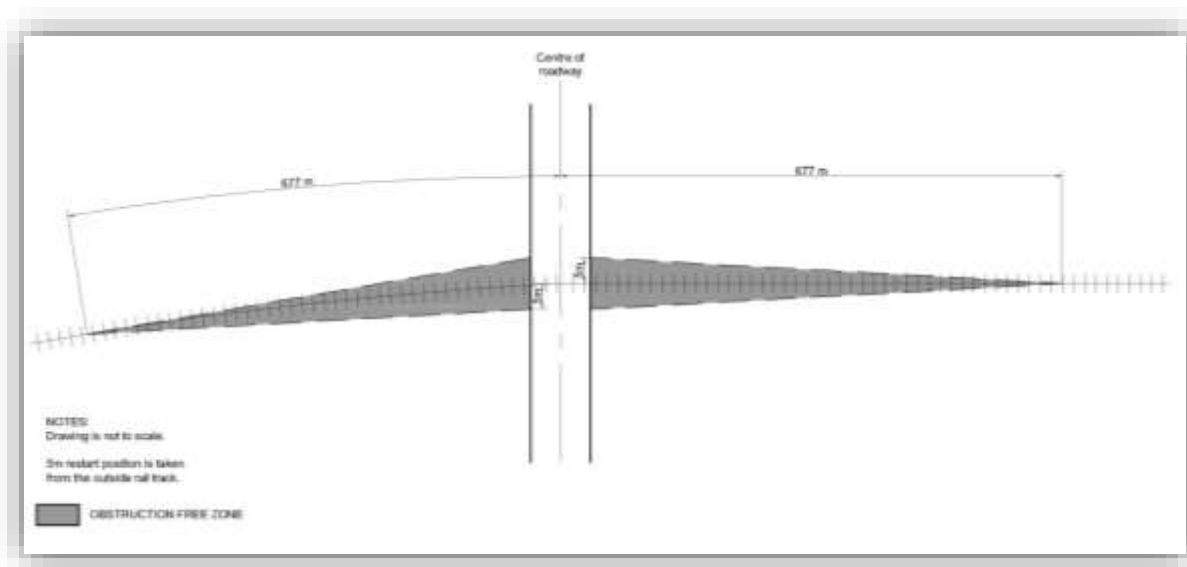
Of particular concern are developments that include shelter belts, tree planting, or a series of building extensions. These provisions apply irrespective of whether any visual obstructions already exist.

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

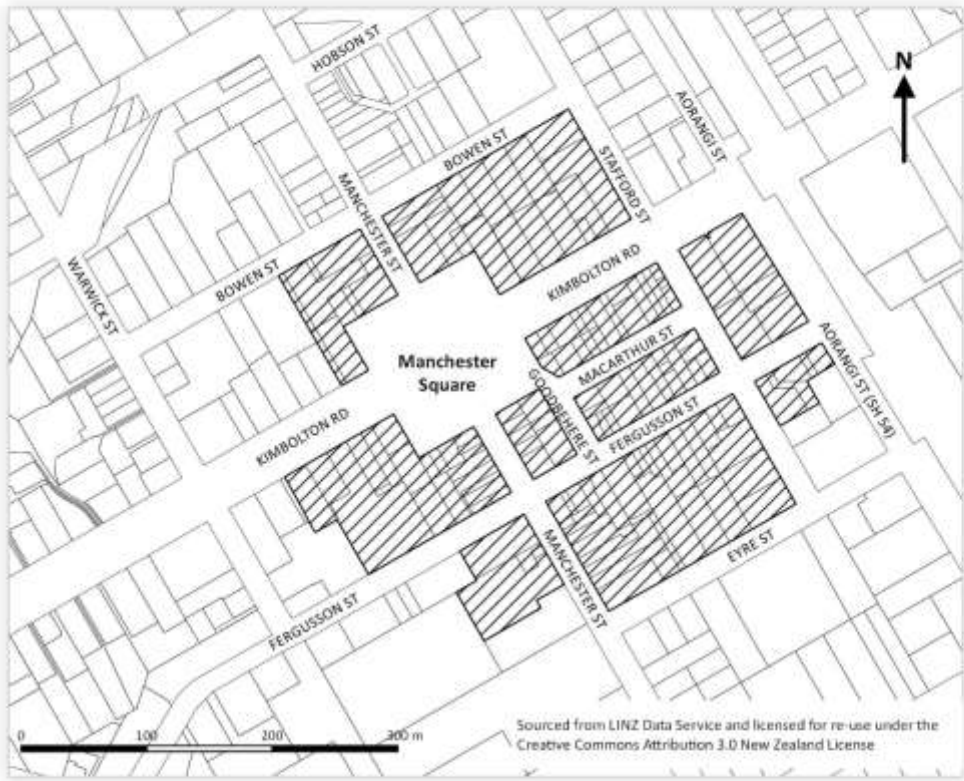
**Guidance Note:**

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:**

- 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.
- 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.



**Figure 1**  
▨ Area in Central Feilding where onsite car parking is not required

## 3C NOISE

### 3C.1 Introduction

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

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

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

## **3C.4 Rules**

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

### **3C.4.1 Permitted Activities**

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

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

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

- a. Noise levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics – *Measurement of Environmental Sound* 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

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, except where earthworks are necessary to manage risk to human health and safety.
- 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

- 2.1 To manage the scale of earthworks on sites susceptible to erosion and land instability.
- 2.2 To require rehabilitation measures be undertaken to avoid accelerated erosion following earthworks.
- 2.3 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.
- 2.4 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 Manawatu-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 Manawatu-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 Yard<sup>18</sup>

For 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.

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

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

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

- i. by a network utility operator within a transport corridor as part of a transmission activity or for utility infrastructure, or

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<sup>18</sup> Appellant: Transpower

- ii. as part of agricultural or domestic cultivation, or
- iii. repair, sealing or resealing of a road, footpath, driveway or farm track
- iv. any vertical holes not exceeding 500mm in diameter provided they are:
  - a. more than 1.5m from the outer edge of a pole support structure or stay wire; or
  - b. a post hole for a farm fence or horticulture structure and more than 65m from the visible edge of a tower support structure foundation.

**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 <sup>2</sup>	500m <sup>3</sup>	1.5m
Residential, Village & Inner Business Zones	✓		✓		✓
Outer Business & Industrial Zones		✓		✓	✓
Manfeild Park & Special Development Zones		✓		✓	✓

Recreation Zone	✓			✓	✓
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#### 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 Manawatu-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<sup>19</sup>

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.4.2f (i) – (iv) above.

<sup>19</sup> Appellant: Transpower

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 Activities

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

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

#### 3D.4.5 Non-Complying Activities<sup>20</sup>

Any earthworks within an Outstanding Natural Feature or Landscape identified in Appendix 1C, 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.

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<sup>20</sup> Appellant: Transpower

## 3E SIGNS

### 3E.1 Introduction

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

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

### 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.

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## 3E.4 Rules

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

### 3E.4.1 Permitted Activities

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

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

### 3E.4.2 Standards for Permitted Activities

- a. Signs located within the road reserve must comply with the following standards:
  - i. One information sign and one official “welcome to” sign erected at each entrance to a township.

- ii. No sign may result in visual obstruction or cause confusion for road users, pedestrians or cyclists.
- iii. The maximum sign face area of an information sign or official “welcome to” sign must not exceed 3m<sup>2</sup>. Where a sign is double sided, it may have 3m<sup>2</sup> on each sign face area.
- iv. One sign placed on the footpath per business premise in the Inner and Outer Business Zones. These signs must:
  - a. not exceed 0.8m<sup>2</sup> in size, and
  - b. relate to a product, service or event offered within the premises and must only be placed adjacent to the kerbline outside the premises that they relate to.

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

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

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

- c. All Temporary Signs must comply with the following standards:
  - i. The maximum sign face area of any sign must not exceed 1.5m<sup>2</sup>, except for electioneering signs which must not exceed a maximum sign face area of 3m<sup>2</sup>.
  - ii. The erection of a temporary sign must not be for more than two months in any 12 month period.
  - iii. Signs must not create an obstruction or cause safety concerns for road users.
  - iv. Signs must not be located on Council property or within the legal road reserve.
  - v. A sign may be LED, backlit or spot lit but must not be flashing, animated, trivision, or contain revolving lights or lasers.
  - vi. Any sign that is LED, backlit or spot lit must not result in light spill into any adjoining property.
  - vii. Signs must not obstruct official signs.
  - viii. Signs for electioneering are only permitted in the two month period prior to the election, and must be removed before the day of the election.
  - ix. Signs for sporting events, public meetings, galas, market days, and other recreational and festive events must only be permitted in the two month period prior to the event, and must be removed no later than one week after the conclusion of the activity.
  - x. All signs must be removed from the site no later than one week after the completion of the activity or event the sign was promoting.
  - xi. Only one sign advertising the sale, rent or auction of a property must be located on the property to which they relate and must be removed no later than one month after settlement.

### 3E.4.3 Discretionary Activities

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

## 3F TEMPORARY ACTIVITIES

### 3F.1 Introduction

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

### 3F.2 Resource Management Issues

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

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

### 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.

- g. This rules applies to Temporary Activities as defined and does not include Military Training Activities in Rule A2<sup>21</sup>

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

### 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.

### 3F.4.4 *Proposed New Non-Complying Activities Rule*<sup>22</sup>

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<sup>21</sup> Appellant: Transpower

<sup>22</sup> Appellant: Transpower

## 3G RELOCATED BUILDINGS<sup>23</sup>

### 3G.1 Introduction

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

The relocation of significant historic built heritage scheduled in Schedule 4a and Appendix 1E (Buildings and Objects with Heritage Value) 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.

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### 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.

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<sup>23</sup> Appellant: House Movers Section of the New Zealand Heavy Haulage Association Inc  
MANAWATU DISTRICT COUNCIL DISTRICT PLAN 2017

## 3G.4 Rules

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

### 3G.4.1 Permitted Activities

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

- a. In the Residential and Village Zones
  - i. Relocated buildings up to and including 40m<sup>2</sup> in gross floor area.
  - ii. New buildings that are designed and purpose built to be relocated.
- b. All relocated buildings in the Rural Zone, 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 installed on permanent foundations immediately upon delivery to the destination site.
- c. The relocated building is not located within the Flood Channel Zone.
- d. Compliance with all standards specified for permitted activities in the relevant zone and other parts of this Plan.
- e. A building pre-inspection report shall be submitted by the owner of the relocated building to the Council at the same time as an application is made for a building consent for the relocated building. That report shall be on the form contained in 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.
- f. The building pre-inspection report shall be prepared by:
  - A licenced building practitioner (carpenter or design category); or
  - A building inspector from the local authority where the building is being relocated from.
- g. All reinstatement work required by the Condition Table in Section 2.0 of the building pre-inspection report (in Appendix 3G.1) to reinstate the exterior of any relocated



building shall be completed within 12 months of the building being delivered to the destination site.

- h. The owner must complete the Owner Certificate and Declaration in Section 7.0 of the building pre-inspection report (in Appendix 3G.1) to certify to the Council that all the reinstatement work will be completed within 12 months of the building being delivered to the destination site.
- i. The relocated building owner will supply to the Council photos showing the exterior of the building 12 months after relocation to show the reinstatement works required by Condition Table 2.0 of the Building Pre-Inspection Report have been achieved.

### 3G.4.3 Controlled Activities

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

- a. Any relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.
- b. The relocated building is not located within the Flood Channel Zone.
- c. Compliance with all standards specified for permitted activities in the relevant zone and other parts of this Plan.
- d. A building pre-inspection report shall be submitted by the owner of the relocated building to the Council at the same time as an application is made for a building consent for the relocated building. That report shall be on the form contained in Appendix 3G.1 and is to identify all reinstatement works that are to be completed to the exterior of the building to ensure the visual amenity of the area where the building is to be located is maintained.
- e. The owner must complete the Owner Certificate and Declaration in Section 7.0 of the building pre-inspection report (in Appendix 3G.1) to certify to the Council that all the reinstatement work will be completed within 12 months of the building being delivered to the site.

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

- Requirements for reinstatement works and upgrading the exterior of the building to ensure visual amenity of the surrounding area is maintained.
- The time allowed for reinstatement works and upgrading of the exterior of the building to be completed once the relocated building is located on its destination site.
- The immediate installation of the relocated building onto permanent foundations upon delivery to the destination site.

- The suitability of the relocated building for the intended reuse.
- How the age and character of the building is consistent with the level of amenity in the surrounding environment.
- How the standards for permitted activities in the relevant zone and other parts of this Plan have been met.

### 3G.4.4 Non-Notification of Controlled Activities

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

### 3G.4.5 Restricted Discretionary Activities

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

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

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

- 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.

### 3G.4.6 Discretionary Activities

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

# Building Pre-Inspection Report

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**Building Pre-Inspection Report**

*[inset new location address]*

*[inset District]*

**For: Manawatu District Council**

*[inset date of report]*

## 1.0 GENERAL INFORMATION

### 1.1 Introduction

This Building Pre-Inspection Report (Report) has been prepared in accordance with the requirements of the Manawatu District Plan. It accurately records the external condition of the *[dwelling house/garage/ancillary building]* to be relocated and sets out 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.

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

Other persons present:	<i>[Name of other parties present]</i>
Building Consent Status	<i>[Has Building Consent documentation been prepared for the relocation works.]</i>

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

## 1.2 Applicants Contact Details

Applicant:	<i>[Applicant (clients) name]</i>
Contact address:	<i>[Contact address]</i>
Telephone:	
Email:	
Any Additional information:	

## 1.3 Building details

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

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

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

Areas of any cultural or heritage value identified in the District Plan	<i>[Description of any cultural or heritage values on or near the site.]</i>
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### 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 Manawatu District Plan. It is not a Report to address matters required by the Building Act 2004. A building consent is required for the relocation of this building and all subsequent works as a consequence. The building work must be designed and undertaken by Licensed Building Practitioners.

### 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.



## 2.0 Condition Table

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

**3.0****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**

[name] \_\_\_\_\_

Signed: \_\_\_\_\_

**Peer Reviewer**[name] \_\_\_\_\_  
*if undertaken/available*

Signed: \_\_\_\_\_

**Qualifications** *LBP Category,***For and On Behalf of Company Name**Address \_\_\_\_\_ *Inspectors business address*Telephone \_\_\_\_\_ *Telephone business number*Email \_\_\_\_\_ *Email business address***6.0****OWNER CERTIFICATE AND DECLARATION**

As a requirement of the Manawatu District Plan, I/we \_\_\_\_\_ CERTIFY that I/we will ensure that within 12 months from the building being delivered to the destination site the reinstatement work required in the Condition Table in Section 2.0 of this Report will be completed.

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 – descriptions</i>	<i>Elevation description</i>

Additional Comments and Notes