

## **Section 6: General**

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## 6. General Rules

### 6.1 Signs

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#### 6.1.1 Introduction

Signs are an integral part of many commercial or promotional activities. The role of any sign is, for the most part, to promote or draw attention to an activity or an event.

While a sign is an ancillary part to another activity, the sign can generate adverse effects on the surrounding environment in its own right, while the activity may not. In most cases, the adverse effects on the surrounding environment can be attributed to physical characteristics of the sign - e.g. height, advertising area, illumination, and animation (e.g. rotating, flashing, or animated neon signs or graphics). These adverse effects can mostly be on visual amenity (especially in residential areas), but also can adversely affect the safe and efficient operation of the roading network, as a result of distracting drivers. A third aspect of an adverse effect is the inappropriateness of a sign in relation to a building or object of heritage significance (whether affixed, or free-standing). In this case, it is purely a design matter - where the design or presentation of a sign is inappropriate in relation to the heritage building or object.

Official signs are not intended to be controlled by the provisions of this District Plan. Official signs refer to those signs erected by a road controlling authority (i.e. Council or Transit New Zealand) whether required by legislation or not. The types of signs considered as official signs include the following:

- Regulatory (e.g. speed limit, parking, stop and give way, directional controls such as “no left turn”);
- Temporary or Permanent Warning (e.g. road works, intersection ahead, curve and advisory speed); and
- Information (e.g. advice of destination, directional signs to other towns and localities, advice of rest areas, landscape features, etc.).

These signs have a single role that focuses on advising road users of specific hazards, requirements, or features, thereby ensuring the continued safe and efficient operation of the roading network.

Any other signs are considered to be advertising signs - and this includes directional signs erected by any organisation to indicate parking, entry or exit, etc. It is acknowledged that these signs may contribute to the safe and efficient operation of the roading network by providing road users information on access to and from a site, however these signs are not critical to the roading network's operations - especially if they are accompanied by a high proportion of advertising (e.g. company logo, etc.).

#### 6.1.2 Resource Management Issues

The following resource management issues were identified in relation to signs:

- The effects of signs on the visual amenity of adjoining properties (especially residential properties).
- The effects of signs on the safe and efficient operation of the roading network, particularly in relation to the distraction of drivers at speed or in congested conditions.
- Recognition of the contribution that advertising and promotional signs make to a diverse

and vibrant business district.

- The visual effects that signs have on heritage buildings and objects, and areas used for recreation, especially with regard to design and presentation of the signs.
- The conflict or confusion that inappropriately designed or positioned signs can have on traffic controlling devices (signs or traffic lights).
- To avoid, remedy or mitigate the adverse visual and safety effects from temporary signs and advertising devices.

#### **Explanation**

*The issues, identified above, outline the beneficial and adverse effects that signs can have on the environment. Any sign has, as its primary role, the need to attract attention and inform people of an activity or event. Where signs are employed in the Business Zones, the effects are primarily beneficial - in terms of contributing to a vibrant and diverse Business area. To facilitate this, the control of signs in the Business Zones should not restrict a diversity of designs, advertising areas, height, or illumination. The only time where design should be controlled is where it has the likelihood of conflicting or being confused with a traffic-controlling device (i.e. a road sign or traffic signal).*

*The primary adverse effects that a sign can have are in terms of visual effects on the host property or adjoining properties - which is essentially a design or presentation matter. This can be remedied through appropriate control of height, advertising area, and illumination conditions. The second adverse effect that a sign can have is on the safe and efficient operation of the roading network. In this case, the distraction element associated with a sign (e.g. size, presentation of text or graphics, illumination or animation) can divert a driver's attention from the road, thereby increasing the risk of an accident. This is a safety matter that needs careful consideration at the time of allowing a sign to be erected.*

### **6.1.3 Objectives and Policies**

Within the broad framework of the City View objectives, and the relevant objectives and policies of the relevant zone, the following specific objectives and policies were identified for Signs.

#### **Objective 1:**

**To avoid, remedy or mitigate the adverse effects of signs on the environment.**

#### **Policies:**

- 1.1 To enable signs to be erected to advertise activities or events in the city where the adverse visual effects of the sign are avoided.
- 1.2 To enable signs to be erected to advertise activities or events in the city where the adverse effects in terms of the safe and efficient operation of the roading network are avoided.
- 1.3 To remedy or mitigate the adverse effects of signs by controlling the format and presentation of signs.

#### **Objective 2:**

**To ensure that any signs erected are appropriate within the context of the environment in which they are placed.**

## **Policies:**

- 2.1 To enable signs to be erected that are of a physical scale that is appropriate to the area in which they are placed.
- 2.2 To enable signs to be erected that are designed to complement the area in which they are placed.
- 2.3 To enable signs to be erected on the grounds of heritage buildings and objects provided that they do not detract from the heritage values of the building or object.
- 2.4 To allow signs to be affixed to a heritage building provided that they do not (a) detract from the heritage values of the building and (b) do not adversely affect the structural integrity of the heritage building.

### **6.1.4 Methods**

The following methods have been identified as being appropriate in controlling the effects of signs.

- District Plan Rules (Palmerston North City Council)
- Design Guidelines for Signs
- Public Education and Advice
- Transit New Zealand Requirements for signs on State Highways
- By-Law for Pavement Signs

#### ***Explanation***

*Signs are, for the most part, ancillary to another activity on a site. However, they can be the source of adverse effects on adjoining properties, and the amenity of the host property itself if specific features (such as size, illumination, animation, or height) are not appropriately controlled.*

*Rules are intended to set requisite conditions of compliance for all signs within a particular zone in the City. These conditions can relate to height of a sign, area of a sign, illumination or animation. The use of rules is intended to avoid or mitigate adverse visual effects that can easily be controlled (i.e. height, advertising area, illumination and animation).*

*Design Guidelines, Public Education and Advice are non-regulatory initiatives that will enable respective businesses to design signs that are complementary to the environment in which they are located. Examples include residential areas, recreation areas, or specific areas of the Business Zones where a distinctive theme is being established (e.g. Westside). Being a non-regulatory initiative, there is no requirement to comply - however compliance with any design guides would result in a more cohesive, integrated and vibrant environment.*

*Transit New Zealand is the road controlling authority for any state highways (refer Section 20.3 - Roads, Parking and Access). Any signs that are to be erected on the road reserve would require the consent of Transit - as road controlling authority. Transit New Zealand has also published some design guides for advertising signs on state highways (whether on the road reserve or a fronting property). At this time these guides are not mandatory - it is advisable to take them into account when considering erection of any signs on state highways (especially in the rural areas where traffic speeds are higher).*

*Pavement signs are generally small easily moveable signs placed on the footpath. These signs generally do not generate adverse visual effects but, if inappropriately positioned, can impact on the efficient use of the pavement by pedestrians. This condition is exacerbated in specific periods of the year when more people (i.e. school holidays, build-up to Christmas), frequent the city centre. Enforcing the use of pavement signs under the District Plan, especially the physical positioning of the signs, would be problematic - hence the employment of a by-law to enable businesses to use pavement signs as a method of advertising, while enabling Council to take appropriate action to remedy or mitigate adverse effects.*

## 6.1.5 Rules: Permitted Activities



### R 6.1.5.1 Permitted Activities for Signs

1. The following signs are permitted activities within the City:
  - Official Signs
2. The following signs are Permitted Activities within the City, provided the following performance conditions for the relevant zone are met:
  - Advertising Signs
  - Temporary Signs

#### NOTE TO PLAN USERS

Please refer to R6.1.7.1 for Advertising Devices and to the Palmerston North Signs and Use of Public Spaces Bylaw 2004 (and subsequent amendments or updates) for controls relating to Pavement Signs and Election Signs

#### Performance Conditions:

##### (a) Number

- (i) The maximum number of temporary signs and/or advertising signs which are ancillary to any activity located on a site shall not exceed the following.

Zone Location within Zone	Max. Number of Advertising Signs	Max. Number of Temporary Signs
Residential Zone (all sites)	One	One
Inner Business, Outer Business, Local Business, Fringe Business, Industrial (only sites which front onto or adjoin a Residential Zoned site)	One	One
Institutional Zone (only sites which front onto or adjoin a Residential Zoned site)	One	One
Recreation and Conservation and Amenity Zone and Flood Protection Zones (all sites)	(i) For sites under 5.0ha in size – One sign per site <i>plus</i> one sign for each building on the site  (ii) For sites 5.0ha in size and above – Two signs per site <i>plus</i> one sign for each additional 10.0ha <i>plus</i> one sign for each building on the site	(i) For sites under 5.0ha in size – One sign per site  (ii) For sites 5.0ha in size and above – Two signs per site <i>plus</i> one sign for each additional 10.0ha  (iii) For Specified Sporting Facilities – Ten signs per site
Rural and Race Training Zones (all sites)	One	One
North East Industrial Zone (all sites)	Two	Two
Caccia Birch Zone (all sites)	Two	Two
Water Recreation Zone (all sites)	None	None

Zone Location within Zone	Max. Number of Advertising Signs	Max. Number of Temporary Signs
Signs affixed to the exterior of buildings and objects of cultural significance (as listed in Appendix 17A) – see Notes 4 and 5.	One	One

- (ii) For the purposes of the Recreation, Conservation and Amenity and Flood Protection Zones, Specified Sporting Facilities include Fitzherbert Park, Vautier Park, Memorial Park, Ongley Park, Skoglund Park, Monrad Park, Manawaroa Park, Coronation Park, Colquhoun Park and Ashhurst Domain.
- (iii) Temporary signs erected at Specified Sporting Facilities are to be removed upon completion of the sporting event for which they were erected.

#### NOTES TO PLAN USERS:

- Where a zone is not stated in the above table, or where a site within the zone stated is not in the location specified, there is no restriction on the number of permanent or temporary signs allowed on the site.
- Where a site has frontage to more than one road, the number of signs stated above applies to each road frontage.
- The restrictions above do not apply to signs used for directional advice, such as indicating parking areas, access and egress from a site, queuing lanes, and maps.
- The requirements for signs affixed to buildings and objects of cultural significance supersede any other requirements for the sign.
- The restriction for signs affixed to buildings and objects of cultural significance apply only to the exterior of the building or object. This restriction does not apply to signs applied to the interior of the building or object, even if the sign is visible from the outside through a window.
- Where a site is identified as a Specified Sporting Facility, and is located within the Recreation Zone, Conservation and Amenity Zone, or Flood Protection Zone, performance condition (iii) overrides performance conditions (i) and (ii).
- In instances of this rule applying to Multiple Retail Developments in the Fringe Business Zone, the Maximum Number of Advertising Signs per Individual Retail Activity is one.

#### **Explanation**

*Adverse effects can be generated on the surrounding environment where there is a proliferation of signs (either permanent or temporary). The specific adverse effects generated are primarily:*

**Visual** – *in terms of a disorganised arrangement of signs, especially in areas of the city where signs do not contribute to the diversity and vibrant nature of that area (such as the Residential Zone); and*

**Safety** – *where a proliferation of signs can affect the safe and efficient operation of the roading network in terms of distracting road users.*

*This performance condition places a limit on the number of signs allowed for any single activity on a site where the adverse effects of the signs are considered to be significant.*

#### **(b) Location**

- (i) No sign shall be located where it conceals the required sight distances from an access

or intersection (as set out in Figure 20.6 of the Transportation Section).

- (ii) No advertising sign or temporary sign shall be located where it conceals the visibility of an existing official sign or traffic controlling device as viewed from the centre of the approaching traffic lane at a distance of 15 metres.
- (iii) No sign, with the exception of those identified in (iv) below, shall overhang the footpath, road or road reserve.
- (iv) Signs in the Inner, Outer, Fringe and Local Business Zones, and the Industrial Zone overhanging the footpath shall provide a vertical height clearance between the footpath and the base of the sign of not less than **2.6 metres**.
- (v) In the North East Industrial Zone, signage located in the buffer areas prescribed in Rule 12A.7.1 in a non complying activity.

**(c) Height**

- (i) Any free-standing signs (both permanent and temporary) shall comply with the following maximum height above ground level for the relevant zone:

Zone Location within Zone	Signs located less than 8 metres from the Road Boundary or 3 metres of any other boundary	Signs located 8 metres or more from the Road Boundary or 3 metres or more from any other boundary
Residential <i>(all sites)</i>	4 metres	Compliance with R 10.7.1.1(a)
Inner Business, Outer Business, Local Business, Fringe Business, Industrial <i>(only sites which front onto or adjoin a Residential Zoned site)</i>	6 metres	Compliance with R 11.6.1.2(i) R 11.6.1.2(ii)
Institutional Zone <i>(only sites which front onto or adjoin a Residential Zoned site)</i>	6 metres	Compliance with R 19.6.2(a). R 19.6.2 (b)
Recreation, Conservation and Amenity, and Flood Protection <i>(all sites)</i>	4 metres	Compliance with R 10.7.1.1(a)
Racecourse and Showgrounds <i>(all sites)</i>	6 metres	Compliance with R 10.7.1.1(a) <i>but with no maximum height limit</i>
Rural and Race Training <i>(all sites)</i>	6 metres	9 metres
North East Industrial Zone <i>(all sites)</i>	6 metres	9 metres
Caccia Birch Zone	4 metres	9 metres
Airport Zone <i>(all sites)</i>	6 metres	Compliance with R 20.4.10.1
Water Recreation Zone	N/A	N/A

- (ii) Where a sign is affixed to a building, the sign shall comply with the relevant height and setback requirements for the zone in which the building is located.

**NOTE TO PLAN USERS:**

1. Where a zone is not stated in the above table, or where a site within the zone stated is

- not within the location specified, there is no restriction on the maximum height of any permanent or temporary signs on the site.
2. Sky signs in the North East Industrial Zone are provided for as a restricted discretionary activity as per R 6.1.7.2.
  3. The height of the sign is measured to the top edge of the sign.

**(d) Area**

- (i) Any advertising signs (both permanent and temporary) shall comply with the following maximum total area for signs in the relevant zone:

Zone <i>Location within Zone</i>	Maximum Total Area (m <sup>2</sup> )	
	Permanent	Temporary
Residential <i>(sites on Arterial, Principal, or Collector Roads)</i>	2.5 m <sup>2</sup>	2.5 m <sup>2</sup>
Residential <i>(sites on Local Roads)</i>	0.6 m <sup>2</sup>	0.6 m <sup>2</sup>
Inner Business, Outer Business, Local Business, Fringe Business, Industrial, Airport <i>(only sites which front onto or adjoin a Residential Zoned site)</i>	10.0 m <sup>2</sup> <i>visible from any front on or adjoining residentially zoned site</i>	10.0 m <sup>2</sup> <i>visible from any front on or adjoining residentially zoned site</i>
Institutional Zone <i>(only sites which front onto or adjoin a Residential Zoned site)</i>	10.0 m <sup>2</sup> <i>visible from any front on or adjoining residentially zoned site</i>	10.0 m <sup>2</sup> <i>visible from any front on or adjoining residentially zoned site</i>
Recreation, Conservation and Amenity, and Flood Protection <i>(all sites)</i>	(i) For sites under 5.0ha in size - 4.0 m <sup>2</sup> <i>plus</i> an additional 1.0m <sup>2</sup> for each building on the site  (ii) For sites over 5.0ha in size - 6.0m <sup>2</sup> <i>plus</i> an additional 2.0m <sup>2</sup> for each additional 10.0ha <i>plus</i> an additional 1.0m <sup>2</sup> for each building on the site	(i) For sites under 5.0ha in size - 4.0m <sup>2</sup> <i>plus</i> an additional 1.0m <sup>2</sup> for each building on the site  (ii) For sites over 5.0ha in size - 6.0m <sup>2</sup> <i>plus</i> an additional 2.0m <sup>2</sup> for each additional 10.0ha <i>plus</i> an additional 1.0m <sup>2</sup> for each building on the site  (iii) For Specified Sporting Facilities - 30m <sup>2</sup>
Rural and Race Training <i>(all sites)</i>	10.0 m <sup>2</sup>	10.0 m <sup>2</sup>
North East Industrial Zone <i>(all sites)</i>	10.0 m <sup>2</sup>	10.0 m <sup>2</sup>
Caccia Birch Zone	4.0 m <sup>2</sup>	4.0 m <sup>2</sup>
Water Recreation Zone	N/A	N/A

- (ii) For the purposes of the Recreation, Conservation and Amenity and Flood Protection Zones, Specified Sporting Facilities include Fitzherbert Park, Vautier Park, Memorial Park, Ongley Park, Skoglund Park, Monrad Park, Manawaroa Park, Coronation Park, Colquhoun Park and Ashhurst Domain.

**NOTES TO PLAN USERS:**

1. Where a zone is not stated in the above table, or where a site within the zone stated is not

within the location specified, there is no restriction on the maximum area of any permanent or temporary signs on the site.

2. The restrictions above do not apply to signs used for directional advice, such as indicating parking areas, access and egress from a site, queuing lanes, and maps.
3. Where a site is identified as a specified sporting facility, and is located within the recreation zone, conservation and amenity zone, or flood protection zone, performance condition (iii) overrides performance conditions (i) and (ii).
4. In instances of this rule applying to Multiple Retail Developments in the Fringe Business Zone, the maximum Total Area of Signs per Individual Retail Activity is 10.0m<sup>2</sup>.

#### **Explanation**

*Where a sign is overly large in area or tall, its perceived ability to detract from what is considered the appropriate amenity of the environment. The performance conditions, above, provide standards for the maximum height of a freestanding sign and the total area for signs on any site.*

#### **(e) Illumination and Animation**

- (i) No temporary signs shall be illuminated or animated.
- (ii) No advertising sign on a site or building that fronts a road listed as a State Highway in Appendix 20A of the Transportation Section shall be animated.
- (iii) Subject to (ii) above, any illumination or animation of advertising signs shall be in accordance with the table below:

Zone <i>Location within Zone</i>	Permanent Signs	
	Illuminated	Animated
Residential <i>(all sites)</i>	Yes <i>(Note 1)</i>	No
Inner Business, Outer Business, Local Business, Fringe Business, Industrial, Future Development <i>(sites which do not front onto or adjoin a Residential Zoned site)</i>	Yes	Yes
Inner Business, Outer Business, Local Business, Fringe Business, Industrial, Future Development <i>(only sites which front onto or adjoin a Residential Zoned site)</i>	Yes <i>(Note 1)</i>	No
Institutional <i>(sites which do not front onto or adjoin a Residential Zoned site)</i>	Yes	Yes
Institutional <i>(only sites which front onto or adjoin a Residential Zoned site)</i>	Yes <i>(Note 1)</i>	No
Recreation, Conservation and Amenity, and Flood Protection <i>(all sites)</i>	Yes	No
Racecourse and Showgrounds <i>(only sites or parts of sites visible from an adjoining residentially zoned property)</i>	Yes	No
Rural <i>(all sites)</i>	Yes <i>(Notes 1 and 2)</i>	No
Race Training <i>(all sites)</i>	Yes	No

Zone <i>Location within Zone</i>	Permanent Signs	
	Illuminated	Animated
North East Industrial Zone <i>(all sites)</i>	Yes	No
Caccia Birch Zone	Yes	No
Airport Zone	Yes	No
Water Recreation Zone	Yes	No

**Note 1:**

Illuminated signs in these zones shall only be lit when the activity on the site is open to the public.

**Note 2:**

Illuminated signs in the Rural Zone shall be lit by a diffused lighting source, or a lighting source that is not visible to drivers.

**(f) Design**

- (i) No sign shall imitate an official sign or road-controlling device in terms of shape or text used on the sign.
- (ii) With the exception of official signs, no sign shall be use reflective or retroreflective materials on the face of the sign or any support.

**(g) Duration of Temporary Signs**

Any Temporary Sign advertising an event shall be removed no later than 1 week after the conclusion of the event.

**NOTE TO PLAN USERS:**

Notwithstanding the requirement above, candidates for election in the General or Local Authority elections employing temporary signs shall meet the relevant requirements of the Electoral Act 1993 or the Local Elections and Polls Act 1976.



### **R 6.1.5.2 Repair and Maintenance of Signs affixed to Buildings or Objects of Cultural Significance listed in Appendix 17A**

**NOTE TO PLAN USERS:**

This rule only applies to signs **affixed** to buildings or objects of Cultural Significance as listed in Appendix 17A. It does not apply to free-standing signs on the sites where the scheduled buildings are located. Any free-standing signs need to comply with the relevant performance conditions for the zone in which they are located.

**The repair, updating, refurbishment, maintenance or replacement of advertising signs affixed to buildings or objects listed in Appendix 17A is a Permitted Activity, provided the following performance conditions are met:**

**(a) Size and Area**

Any replacement sign shall be of the same dimensions as the existing sign.

**(b) Location**

Any replacement sign shall be located in the same place as the existing sign.

***Explanation***

This rule is intended to enable activities operating in buildings of cultural significance, which are listed in Appendix 17A of the Proposed Plan, to undertake necessary maintenance and upgrading of existing signs affixed to those buildings or objects. Signs that become faded, inaccurate, or damaged do not contribute to the effective operation of the activity or activities in the building and can present a run-down addition to the façade of the building. Maintenance of signs, in the context of this rule, includes, but is not limited to, the replacement of text, repainting, and redesign of the current sign. Replacement of signs, in the context of this rule, means the removal of the existing sign, and its replacement with a new sign meeting the two performance conditions above.

## 6.1.6 Rules: Controlled Activities



### R 6.1.6.1 Controlled Activities

#### NOTE TO PLAN USERS:

This rule only applies to signs affixed to the exterior of buildings or objects of Cultural Significance as listed in Appendix 17A. It does not apply to free-standing signs on the sites where the scheduled buildings are located, nor does it apply to signs placed in the window of a scheduled building unless the window is replaced by the sign. Any free-standing signs need to comply with the relevant performance conditions for the zone in which they are located.

**Advertising Signs, Temporary Signs or Advertising Devices affixed to the exterior of a building or object of cultural significance listed in Appendix 17A are Controlled Activities with regard to:**

- **Design and Appearance of the sign**
- **Size and Location of the sign**

**provided the following condition is met:**

- a) The sign shall comply with the relevant performance conditions of R 6.1.5.1 for the zone in which the sign is to be located.

#### **Non-Notification**

- (i) No such applications shall be publicly notified.

In determining what conditions to impose, if any, Council will, in addition to the City View, Signs, and Cultural and Natural Heritage objectives and policies, and the objectives and policies of the relevant zone, assess any application in terms of the following further policy:

- a) To ensure that the design, appearance, size and location on the sign is respectful of, and compatible with, the cultural heritage values associated with the building on which it is placed.
- b) To ensure that the features of the building that are of cultural heritage significance are not damaged or destroyed by the placement of the sign on the façade of the building.

## 6.1.7 Rules: Discretionary Activities (Restricted)



### R 6.1.7.1 Discretionary Activities (Restricted)

The following signs shall be Discretionary Activities (Restricted):

- **Advertising Devices; and**
  - **Advertising Signs or Temporary Signs that do not comply with these performance conditions.**
- (a) **Number**
  - (b) **Height**
  - (c) **Area**
  - (d) **Illumination and Animation**
  - (e) **Duration of Temporary Signs**

With regard to:

- **Assessment of physical properties;**
- **Effects on adjoining areas;**
- **Effects on the safe and efficient operation of the roading network.**

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View objectives in Section 2 and the Signs objectives and policies, and the objectives and policies of the relevant zone, assess any application in terms of the following further policies:

- (a) To ensure that any adverse effects of the sign on the amenity of the surrounding environment are avoided, remedied or mitigated.
- (b) To ensure that any adverse effects of the sign on the safe and efficient operation of the roading network are avoided or mitigated.
- (c) To ensure that any increase in the number of signs is necessary for the effective operation of the activity on the site, and that any adverse effects resulting from increasing the number of signs are mitigated.
- (d) To ensure that the use of animated signs is necessary for the effective operation of the activity on the site where animated signs are not considered appropriate, and that any adverse effects from the use of animated signs are mitigated.

### **R 6.1.7.2 Discretionary Activities (Restricted)**

**Any Advertising Sign, Temporary Sign or Advertising Devices which projects above the parapet level of the building upon which the sign is located or which is on the roof of the building (including signs painted onto the roofing itself) in the North East Industrial Zone.**

#### **NOTE TO PLAN USERS:**

For the purposes of this rule, the parapet level of the building is the highest point of that part of the building to which the sign is to be attached.

#### **Explanation**

*Roof and rooftop signs would detract from the amenity of the area when seen from vantage points in the rural area, and may be associated with safety concerns such as glare and distraction.*

The Council restricts its discretion to:

- a) Colour, illumination, area, position of and height of the proposed signage.
- b) The visual effects of the sign(s) when viewed from surrounding rural and/or rural residential properties (including those located in the Manawatu District).
- c) The effects of signage on the safe and efficient operation of both road traffic and the aircraft activities associated with Palmerston North International Airport.
- d) To ensure that the cumulative effects of signage within the North East Industrial Zone is not inconsistent with the objectives of the North East Industrial Design Guide.

## **6.1.8 Rules: Discretionary Activities (Unrestricted)**

### **R 6.1.8.1 Discretionary Activities (Unrestricted)**

**Advertising Signs, Temporary Signs or Advertising Devices that are not a Permitted Activity or a Discretionary Activity (Restricted) shall be a Discretionary Activity (Unrestricted).**

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View and Signs objectives and policies, and the objectives and policies of the relevant zone, assess any application in terms of the following further policies:

- (a) To ensure that any adverse effects of the advertising sign, advertising device or

- temporary sign on the amenity of the surrounding environment are avoided, remedied or mitigated.
- (b) To ensure that any adverse effects of the advertising sign, advertising device or temporary sign on the safe and efficient operation of the roading network are avoided or mitigated.
  - (c) To ensure that any advertising sign, advertising device or temporary sign located on the road reserve or carriageway do not affect the safe and efficient operation of the roading network.
  - (d) To ensure that the adverse effects of the placement and size of an advertising sign or advertising device affixed to a heritage building or object listed in Appendix 17A are avoided, remedied or mitigated.

## **6.2 Noise**

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### **6.2.1 Introduction**

This part of the Plan is intended to provide a background to the treatment of noise and its effects throughout the balance of this Plan. As such, this Section provides background information on noise issues and specific rules related to noise measurements, etc. This Section should be read with the specific noise rules provided for in each zone.

### **6.2.2 Resource Management Issues**

The Second Schedule of the Resource Management Act 1991 outlines matters that may be provided for in district plans. These include the control of any emission of noise from land and structures in the district, and the mitigation of the effects of noise.

The general noise performance conditions within this District Plan have been developed using the guidelines provided by NZS6802: 1991 Assessment of Environmental Sound. They are based on actual noise monitoring undertaken extensively in Palmerston North City, Ashhurst and the rural areas. Environmental quality objectives are established for each area and the noise performance conditions have been developed to achieve these standards. Because noise performance conditions are set limits (rather than “floating” limits that would be achieved with a “background plus” approach) the noise emissions in an area will be capped. This prevents background creep and, because the assessment is on a cumulative basis, provides certainty to neighbours of proposed new activities.

In certain circumstances there may be activities which are lawfully established prior to the time that this District Plan became notified, that emit noise that exceeds the noise emission standards in the Plan. The Resource Management Act 1991 provides for these activities to continue as long as the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the Proposed District Plan was notified. Any change to the activity which causes a worsening of the effects will require a resource consent.

Activities that generate noise that exceeds the limits in the noise Performance Rules may also be appropriately located in the Zone, provided that the effects of the activity are minor. Such an activity would not comply with the District Plan and would require a resource consent. An Assessment of Environmental Effects would need to be undertaken for the resource consent application and any assessment would rely on the New Zealand Standard appropriate to the activity. Any assessment would normally report background sound measurements taken at times representative of the periods of operation of the activity and would assess any impact against those background levels. Applications will be considered with regard to the present and likely future development, particularly that of residential development in rural or residential zones, and demonstrate the degree to which management and engineering controls can mitigate any adverse effects. The effects of traffic noise generated by the activity shall also

be assessed.

Section 16 of the Resource Management Act 1991 places a duty on occupiers of land and every person carrying out an activity in, on, or under a water to adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level. This does not limit the right of the Council to prescribe noise emission standards in this District Plan.

In addition to placing a duty on persons to avoid unreasonable noise, the Resource Management Act 1991 also provides for the issue of excessive noise directions.

### 6.2.3 Noise and the Environment

It is almost inevitable that any activity undertaken in the environment will produce some noise effects. Often these noise effects are of minimal effect, e.g. normal household noises, or are of limited duration, e.g. lawn mowing. Nevertheless, in some cases the noise effects can become more significant and fall into the adverse effects category. Generally over the last decade there has been a growth in noise pollution and a corresponding desire to control those noise effects.

The New Zealand Noise Standards, particularly NZS6802: 1991 Assessment of Environmental Sound, are nationally based standards which give guidance to the measurement of noise and the appropriate levels at which to control noise effects. They have been used as basic guidance documents on the approach to noise in this Plan.

### 6.2.4 The Environmental Noise Survey

In setting appropriate noise standards it is essential that these standards be related to the existing noise environment. For that reason, prior to the formulation of the District Plan a comprehensive environmental noise survey was undertaken in Palmerston North in the inner and outer suburbs, at residential interfaces within commercial and industrial areas, at Ashhurst and in the rural areas. The results that emerged suggested that generally roads and associated traffic movements, particularly on arterial and principal roads, were the biggest source of environmental noise, but that this effect declined quite quickly as one moved away from the noise source.

Measurements of background sound levels in the residential areas of the City show a general trend for daytime levels of 30-39 dBA in quiet suburbs removed from arterial or principal roads with the quieter levels generally being further from the central area. Levels of 40-44 dBA were measured adjacent to busy roads and in the vicinity of the central area with levels being between 40-45 dBA adjacent to busy roads and near to some industrial areas. At night time measurements ranged from 25 dBA in the quietest suburbs to 40 dBA in the vicinity of main roads and near to some industrial areas. Generally the night time background sound levels were in the region of 30-35 dBA.

The background sound level is generally taken to be the  $L_{95}$  which is the sound level which is equalled or exceeded for 95% of the time. The  $L_{10}$  sound level is the level which is equalled or exceeded for 10% of the time and the  $L_{max}$  is the maximum sound level measured during the measurement period. For a full definition of these terms and other terms used in the District Plan, reference should be made to NZS6801: 1999 Acoustics - Measurement of Sound.

### 6.2.5 Setting Noise Limits

Throughout this Plan in setting noise limits, or more correctly, sound emission standards, the principles of the New Zealand Standards have been followed.

Those Standards use  $L_{10}$  descriptions and  $L_{max}$  descriptions to express noise limits. The  $L_{95}$  control which is the sound level equalled or exceeded for 95% of the time was considered for use, but was rejected as it is only appropriate for controlling sound emissions which are constant, and while it would better deal with a small number of situations, it would be difficult to measure and assess.

## 6.2.6 Rules: Noise



### R 6.2.6.1 Measurement of Noise

- (i) **Except where specific reference is made to other standards, all sound emissions shall be assessed, predicted and measured in accordance with New Zealand Standard 6801:1999 *Acoustics - Measurement of Sound* and New Zealand Standard 6802:1991 *Assessment of Environmental Sound*, except where this is modified by this rule.**

#### ***Explanation***

*The rule above gives specific guidance as to where and how noise measurements should be undertaken. This should ensure that there is a uniform approach to the measurement of noise effects and assessment of their adverse effects.*



### R 6.2.6.2 Exclusions from Noise Control Rules

#### **1. Noise from the following activities shall not be controlled using rules in this Plan:**

- (a) Aircraft being operated during or immediately before or after flight, except where specifically provided for. Noise from helicopters using separate helicopter landing areas that are not otherwise part of an airport, shall be assessed, predicted, measured and controlled by reference to New Zealand Standard NZS6807: 1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* as that Standard applies.
- (b) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or within a site as part of or compatible with a normal residential activity.
- (c) Trains.
- (d) Rural activities listed in R 9.6.1 and R 9.6.2 in the Rural Zone, and grazing and cropping activities, including horticulture, in the Flood Protection Zone.
- (e) Sounds generated by wind farm activities in the Rural Zone shall be assessed, predicted, measured and controlled by reference to New Zealand Standard NZS6808: 1998 *Acoustics – The Assessment and Measurement of Sound From Wind Turbine Generators*.
- (f) Sounds generated by construction, maintenance and demolition activities, and, additionally, sounds generated by soil conservation and river control works carried out or supervised by the Manawatu-Wanganui Regional Council in the Flood Protection Zone, shall be assessed, predicted, measured, managed and controlled by reference to New Zealand Standard NZS6803: 1999 *Acoustics – Construction Noise*.
- (g) Crowd noise at a park, reserve or any land zoned as Recreation, Racecourse, Conservation and Amenity or Showgrounds.

#### ***Explanation***

*There are some types of activities, particularly that of transportation and of construction, maintenance*

*and demolition, that are appropriate and which could not otherwise meet general noise rules in many circumstances. Crowd noise at a park or at the Showgrounds, for example, is another type of noise which is a reasonable by-product of an activity and which is impossible to control using noise performance conditions or rules.*



### **R 6.2.6.3 Other Powers**

**Nothing in this Plan shall prevent the Palmerston North City Council from issuing an Excessive Noise Direction under Section 327 of the Resource Management Act 1991 or prevent a person from complying with the Direction, nor prevent the Council from serving an Abatement Notice relating to unreasonable noise under Section 322(1)(c) of the Resource Management Act 1991.**

#### ***Explanation***

*As indicated above, some noise is difficult to control through the provisions of the Plan. These cases need to be assessed on a one by one basis to determine the appropriateness of seeking an Excessive Noise Order.*

## **6.2.7 Enforcement**

The issue of excessive noise can be dealt with through an Excessive Noise Order in accordance with the Abatement and Enforcement procedures detailed in Part XII of the Act. These abatement and enforcement procedures can be used where an activity creates excessive noise or exceeds the noise standards set out in the noise rules of this Plan. Both carry fines and can ultimately be enforced by the Environment Court.

## 6.3 Earthworks

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### 6.3.1 Introduction

This part of the Plan sets out generic earthworks rules. Earthworks are often an ancillary but integral part of the subdivision or development of land, or the establishment of an activity or building work. Although often ancillary, earthworks are a land use activity that has the potential to cause significant adverse effects in their own right. The Council wishes to retain the discretion to evaluate earthworks proposals to ensure that the potential adverse effects are sufficiently avoided, remedied, or mitigated.

This part of the Plan should be read in conjunction with the specific rules provided in each Zone and the Subdivision Section of this Plan where relevant.

### 6.3.2 Resource Management Issues

Adverse effects commonly associated with earthworks include

- Landscape and visual effects;
- Impact on amenity values of neighbouring residents;
- Effects on land stability and accelerating natural hazards including flooding;
- Construction impacts including dust and noise effects;
- The impact of runoff and sedimentation; and
- Effects on the National Grid.

The actual impact of earthworks effects can be highly variable, depending on whether the effect is short or long term, on the scale of the development, and how the development relates to the surrounding environment.

A primary concern in Palmerston North is the impact on landscape values and visual amenity effects from earthworks activities. Landscape and visual amenity effects may occur as part of greenfield or infill subdivision, or building development. A further issue is the potential for effects at a local level including impact on adjoining neighbours from earthworks that substantially change natural contours.

Some adverse effects of earthworks are managed through other parts of the District Plan, for example effects on land with Cultural and Natural heritage value in Section 17, and effects on Flood Protection zoned land and Natural Hazards in Section 22. The Subdivision Section (Section 7) contains Objectives and Policies regarding earthworks completed at subdivision stage. This earthworks section of the District Plan acts to complement existing earthworks provisions by ensuring that earthworks effects are considered in a comprehensive manner.

### 6.3.3 Objectives and Policies

Within the broad framework of the City View objectives, and the relevant objectives and policies of the relevant zone, the following specific objectives and policies were identified for Earthworks.

#### **Objective 1:**

**To provide for earthworks activities where the associated adverse effects are able to be avoided, remedied, or mitigated.**

#### **Policies:**

- 1.1 To limit the location and scale of earthworks where adverse effects may result.
- 1.2 To avoid, remedy, or mitigate any adverse effects on the environment from earthworks on:
  - Natural Land Form;

- Landscape Values;
- Visual Amenity Values;
- Adjoining Properties;
- Natural Hazards and Processes;
- Effects on the National Grid.

#### **Explanation**

*The objective and policies take the approach that earthworks are often essential as part of land development. However, earthworks activity may also result in a range of adverse effects. The objective and policies identify that earthworks should be limited where potential exists for adverse effects to occur, to enable consideration of the relevant matters.*

*This section of the Plan is consistent with the provisions of the Subdivision Section, the Rural Zone, Residential Zone, North East Industrial Zone, Cultural and Natural Heritage Section, and Natural Hazards Section. This section of the plan links with these other sections to provide a comprehensive framework for managing the potential adverse effects of earthworks.*

### **6.3.4 Methods**

The following methods have been identified as being appropriate in controlling the effects of earthworks.

- District Plan Rules (Palmerston North City Council)
- The Palmerston North City Council Engineering Standards for Land Development
- Building Act 2004
- Industry Codes

The community's desire for a high level of amenity means that a regulatory approach through the rules in this and other sections of the District Plan will be the most cost efficient and effective means of achieving the objectives and policies.

The Palmerston North City Council Engineering Standards for Land Development provides additional support to ensure earthworks are appropriately constructed and land stability issues managed. The 'site works' and natural hazards provisions of the Building Act 2004 also provide support in association with the construction of buildings.

It should also be noted that Horizons Regional Council also plays a role in managing earthworks effects with regard to air and water quality.

Network Utility operators often work within model industry codes and model standards, for example electricity transmission lines, with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).

### **6.3.5 Environmental Results Anticipated**

This section operates in conjunction with the Subdivision Section and the relevant zone of the District Plan. It is anticipated that the objectives, policies and methods in this section, in combination with the objectives, policies and methods of other relevant sections, will achieve the following results:

- Development that contributes to a high quality environment for individuals and neighbourhoods.
- Development that takes account of, and is complementary to, the surrounding natural landforms.
- Natural hazards are not accelerated through inappropriate earthworks development or construction.

- Earthworks construction is carried out in an appropriate manner for the surrounding area.
- Significant adverse effects of development are avoided, remedied, or mitigated.
- Development that takes account of the National Grid.

## 6.3.6 Rules: Permitted Activities



### R 6.3.6.1 Permitted Activities for Earthworks

**Earthworks are Permitted Activities within the City provided the following performance conditions for the relevant zone are met (unless exempted under R 6.3.6.2):**

#### **Performance Conditions:**

The following standards apply to earthworks located on any site in the following zones:

#### **(a) Rural Zone**

In the Rural Zone, no earthworks shall:

- (i) Result in the disturbance of more than 1000m<sup>3</sup> (volume) of land in any 12 month period, or
- (ii) Result in the alteration of the existing ground level by more than 1.5 metres (measured vertically), or
- (iii) Be located closer than 3 metres to a site boundary.
- (iv) Be located closer than 6 metres to any electricity transmission line support structure that forms part of the National Grid.

#### **(b) Residential Zone**

In the Residential Zone, no earthworks shall:

- (i) Result in the disturbance of more than 500m<sup>2</sup> of land in any 12 month period, or
- (ii) Result in the alteration of the existing ground level by more than 1.5 metres (measured vertically).
- (iii) Be located closer than 6 metres to any electricity transmission line support structure that forms part of the National Grid

#### **(c) North East Industrial Zone**

In the North East Industrial Zone no earthworks shall:

- (i) Result in the disturbance of more than 1000m<sup>3</sup> (volume) of land in any 12 month period on any notional site, or
- (ii) Result in the alteration of the existing ground level by more than 1.5 metres (measured vertically), or
- (iii) Be located closer than 3 metres to a notional site boundary.
- (iv) Be located closer than 6 metres to any electricity transmission line support structure that forms part of the National Grid

**(d) Midhurst Street Industrial Area**

In the Midhurst Street Industrial Area no earthworks shall:

- (i) Involve the disturbance of more than 1000m<sup>3</sup> (volume) of land in any 12 month period, or
- (ii) Alter the existing ground level by more than 1.5 metres (measured vertically), or
- (iii) Be located closer than 3 metres to a site boundary.
- (iv) Be located closer than 6 metres to any electricity transmission line support structure that forms part of the National Grid.

**Explanation**

*Earthworks can generate adverse effects depending on the scale and location of the development. Earthworks effects may be temporary or more permanent. Adverse effects may include:*

*Landscape and Visual amenity – earthworks can alter natural landscape features, and can create changes to natural ground contours. Development that does not take into account the surrounding landform and landuse may result in amenity effects on adjacent sites; and*

*Stability – earthworks can undermine the stability of the natural land form and accelerate the hazard risk. Earthworks may also directly or indirectly undermine or affect the structural and system integrity and stability of existing transmission line support structures, which can create safety hazards or result in a power outages to certain areas;*

*Flooding – earthworks may accelerate the erosion of land and lead to sedimentation, or may result in localised flooding effects, or potentially impact on larger flood flows.*

*This performance condition places a limit on the scale of earthworks on a site where the adverse effects are considered to be significant.*

**NOTES TO PLAN USERS:**

1. An earthworks activity will default to Rule 6.3.7.1 if there is non-compliance with any threshold in the subject zone.
2. Provisions (a)(ii), (b)(ii), and (c)(ii) apply as a vertical distance above and below the existing ground level, and apply as a combined vertical measurement.
3. For the purposes of performance condition (d)(i) and (iii) the term Notional Site has the same meaning as “Development” as defined in Section 4. For the purposes of this rule, land being developed means the immediate area of land upon which the development work is being carried out.
4. Also refer to the following rules:
  - R 10.7.6.1 Awatea Stream and Jensen Street Ponding Areas;
  - R 10.7.6.2 River Terrace and Cliff Protection Lines;
  - R 10.8.1.7 Undevelopable Land in the Aokautere Development Area;
  - R 10.8.1.9 Structural Maintenance of Flood Protection Works by Manawatu Wanganui Regional Council;
  - R 10.8.3.3 Construction, Development or Redevelopment of Flood Protection Works or Structures by Manawatu Wanganui Regional Council;
  - R 17.9.1 Discretionary Activities (Unrestricted) for the specific requirements relating to excavation restrictions for Natural and Cultural Heritage sites (including Scheduled Trees);
5. Earthworks completed as part of Land Restructuring in the Aokautere Development Area under Section 22.9 ‘Land Instability’ are further subject to those rules.
6. Earthworks may also require consent from the Manawatu Wanganui Regional Council.

**R 6.3.6.2 Exclusions from Earthworks Rule 6.3.6.1**

**Earthworks associated with the following activities shall be exempted from the requirements of R 6.3.6.1 of this Plan:**

- (i) Earthworks associated with the maintenance of farm tracks, fences and fence lines, the cultivation of land, harvesting of crops, and the clearing of drains as part of Horticultural and Agricultural activities on production land.
- (ii) Trenching and backfilling ancillary to the installation of utilities and services, including effluent disposal fields, and water and effluent tanks, provided there is no change to the existing ground level.
- (iii) Earthworks undertaken as part of Quarrying or Extraction activities in Section 9 (Rural Zone) of this Plan.
- (iv) Earthworks in association with permitted 'Minor Temporary Military Training Activities' as per the definition in this Plan.
- (v) Flood Protection works carried out or supervised by the Manawatu-Wanganui Regional Council.
- (vi) With respect to Rule 6.3.6.1(a)(ii) and Rule 6.3.6.1(b)(ii) only, earthworks as part of foundations for a dwelling or a swimming pool are exempted from the 1.5 height restriction. This exemption applies only to a cut made below the existing ground level, and for a distance of 2m surrounding the foundation (when measured in plan view).

**Explanation**

*Earthworks are in some cases considered a common aspect of landuse and development activity, such as tilling of soil for horticultural activities, the maintenance of farm tracks, or the laying of infrastructure services. In these circumstances the associated effects of earthworks are considered normal permitted activities resulting in less than minor effects.*

*Alternatively, in the case of Quarrying and Extraction activities the effects are adequately assessed through other parts of this Plan.*

*With respect to paragraph (vi), exempting dwellings from the height threshold provides flexibility for the construction of foundations and basements below ground level. Alternatively this will enable the design of a dwelling to take into account any undulating ground, and provide for dwellings to be recessed into any slope. The major adverse effect in this situation is with respect to stability, which can be addressed through the Building Consent process.*

**NOTE TO PLAN USERS:**

The Earthworks rules do not apply to Network Utility Operators. Network Utility Operators activities are specifically addressed in Section 23 of the Plan.

**6.3.7 Rules: Discretionary Activities (Restricted)****R 6.3.7.1 Discretionary Activities (Restricted)**

**Any earthworks that do not comply with the Permitted Activity Performance Conditions shall be Discretionary Activities (Restricted) with regard to:**

- **Landscape and visual impact**
- **Effects on adjoining properties including amenity values**
- **Impact on flood plains and flood flows**
- **Increase in hazard risk and effects on land stability**

- **Effects of erosion and sedimentation**
- **Effects on overland flow paths**
- **Effects on the National Grid**

In determining whether to grant consent and what conditions to impose, if any, Council will, in addition to the City View objectives in Section 2, the Earthworks objectives and policies (Section 6), and the objectives and policies of the relevant zone, assess any application in terms of the following further policies:

- (a) To ensure that earthworks do not adversely affect the residential amenity of adjoining neighbours.
- (b) Avoid earthworks that materially impact on the landscape and visual values associated with the land in its surrounding context.
- (c) Avoid material increases in the susceptibility of the land or adjoining land to flooding.
- (d) Ensure that all earthworks are carried out in accordance with the relevant technical standards.

Non-Notification:

Where an activity is restricted discretionary because of non-compliance with the performance condition in Rule 6.3.6.1 relating to separation distance from the National Grid then the application need not be publicly notified and need not be served on any affected party other than Transpower NZ Limited.

**Explanation**

*The type of adverse effects related to earthworks activities is limited to certain issues listed above. The Discretionary Activity (Restricted) category enables each application to be assessed on a case by case basis. The Council retains the ability to impose Conditions to ensure such effects are appropriately avoided, remedied, or mitigated.*

*Section 5 outlines the information required to be submitted with an application for earthworks Resource Consent. Reference should also be made to the Palmerston North Engineering Standards for Land Development, and relevant NZ Standards (for example, the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). Council may require an earthworks management plan to be submitted in support of an application. Where an application is approved, Conditions may be placed on the resource consent to ensure compliance with the proposed earthworks plan, and to ensure construction effects are sufficiently contained.*

*It should also be noted that consent from the Manawatu Wanganui Regional Council may also be required for some earthworks.*