

SECTION 6: GENERAL RULES

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6. GENERAL RULES

6.1 Signs

6.1.1 INTRODUCTION

Signs are an integral part of many commercial or promotional activities. The role of any sign is, primarily for directional, information and advertising purposes. Signage is considered essential in the continued efficient and effective functioning of Palmerston North City, however, it is recognized that signs can have both positive and negative effects.

Signs play an important role in contributing to the vibrancy and vitality of an area, particularly business and industrial areas. Signs are a key component in supporting successful movement and way-finding through the city, provide identity for business, and assisting viewers to navigate and recognize that they have arrived at the right location or encourage people to purchase services or goods.

While a sign is an ancillary part to another activity (whether located physically on the same site or not), 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. the number of signs, height, advertising area, illumination, and animation (e.g. rotating, flashing, or animated neon signs or graphics) and its location on the building to which it is affixed, or its location on the site. 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 land transport 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 transport signs and Official Signs are not intended to be controlled by the provisions of this District Plan.

Any other signs are considered to be advertising signs and can either be permanent or temporary in nature. Advertising signs can be categorized into signs that identify a building or activity; signs that advertise a product, service, event or location related to an activity on the site, or 'third party advertising' signs or non-site related signs, where the sign is advertising a product, service or event at a location not related to the site on which the sign is located.

If related to the activity occurring on the site, signage can assist with way finding and contribute to user understanding of the city. Third party advertising signage or non-site related signage, however, can compromise legibility and risks visual clutter.

Advertising signs include directional signs erected by any organisation to indicate parking, entry or exit, or exit. It is acknowledged that these signs may contribute to the safe and efficient operation of the land transport network by providing road users information on access to and from a site, however these signs are not critical to the land transport 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:

1. The need to control the design and location of signs to avoid or mitigate the adverse effects of signs on the visual amenity and character of the individual property on which the sign is placed, adjoining properties, and the localised area.
2. The need to control the design and location of signs to avoid adverse effects of signs on the safe and

- efficient operation of the land transport network, and the well-being and safety of all road users, particularly in relation to the distraction of drivers at speed or in congested conditions.
3. The need for Council to recognize the positive contribution that signs can have on the character and amenity of an area, and the ability to enhance the diversity and vibrancy of the business zones.
 4. The cumulative effects of signage, particularly the role of non-site related signage and temporary signage in contributing to adverse effects on visual amenity, character and public safety, especially in areas subject to high levels of vehicle and pedestrian traffic.
 5. The need to control the design and location of signs to avoid adverse visual effects on heritage buildings and objects, and areas used for recreation.
 6. The need to control the design and location of illuminated signs to avoid adverse effects on amenity and traffic safety, in particular, given the potential for increased use and the intensity as a result of improvements to technology, affordability and availability.

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 direct, inform and advertise. Signs can be both site and non-site related, permanent and temporary in nature, and often subject to change in physical form and nature. Signs are also an important advertising medium for businesses and can provide a source of revenue for building owners

The primary adverse effects that a sign can have are in terms of visual effects on the host property and/or adjoining properties and the local environment. These effects are essentially design or presentation matters. This can be remedied through appropriate control of the number of signs, location, height, advertising area, illumination and design quality standard, with consideration of the locality in which the sign is placed.

The second adverse effect that a sign can have is on the safe and efficient operation of the land transport network for all road users. In this case, the distraction element associated with a sign (e.g. number of signs, 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. Signs can also, by way of their location, content and design, cause conflict or confusion with traffic controlling devices. These are safety matters that need careful consideration at the time of allowing a sign to be erected.

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 overly restrict the diversity of designs, advertising areas, height, or illumination, but will contribute to good urban design outcomes for the City.

Non-site related signage and temporary signage can contribute to a proliferation of signage within local areas, resulting in negative cumulative effects, particularly to visual amenity and local character. Non-site related signage, given that it is not essential for business identification purposes, should be considered appropriate only when it can be demonstrated that the amenity and safety of the local environment will be maintained or enhanced.

Improvements in technology have made illuminated signage (this includes static illuminated, digital, and animated signage) more affordable. It is a highly effective way to attract attention, however, illuminated signage can have negative effects on amenity and the safe operation of the land transport network if the luminance, light spill and the nature of the display are not controlled.

6.1.3 OBJECTIVES AND POLICIES

Within the broad framework of the City View objectives in Section 2, and the relevant objectives and policies of the relevant zone, the following specific objectives and policies were identified for Signs.

OBJECTIVE 1

Signs erected in the City do not have an adverse effect on the safe and efficient functioning of the land transport network and the safety of road users.

POLICIES

- 1.1 To manage the number, area, height, location, content and design of signs within and adjoining the transport network to ensure that signs avoid;
 - (a) Obstructing driver vision, or creating driver confusion or hazardous situations for all users of the transport network.

- (b) Reducing the visibility or effectiveness of an official traffic sign or traffic control
- 1.2 To control the location, luminance, light spill, display and monitoring of illuminated signs in order to avoid compromising the safe operation of the land transport network.
- 1.3 To control the number and area, design, location and duration of non-site related signs and temporary signs to avoid adverse effects on the land transport network

OBJECTIVE 2

To allow signs that are consistent with the functions, character and amenity of the zone in which the sign is located.

POLICIES

- 2.1 Allow for advertising and temporary signs that maintain the function, character and amenity of the zone, by controlling the following;
 - (a) The number of signs on a site;
 - (b) The location of signs;
 - (c) The height of free-standing signs;
 - (d) The cumulative area of signs on a site;
 - (e) Illumination of a sign;
 - (f) Design and appearance of a sign;
- 2.2 Require that signs are designed and located appropriately and maintain character and visual amenity values by:
 - (a) Ensuring the number, area, height, design, location and duration of signs does not compromise the character and amenity of the surrounding area;
 - (b) Ensure that signs are of a physical scale that are appropriate to the area in which they are placed.
 - (c) Ensuring that signs are visually integrated with the existing built environment in respect of its relationship to other signs and adjacent structures and buildings;
 - (d) Ensuring that signs are respectful of the existing the streetscape, landscape and open space areas in the vicinity of the signs;
 - (e) Ensuring that signs will not detract from important or visual aspects of the City such as views, or buildings of civic, architectural or historical interest, or the outlook from any residential zoned dwelling.
 - (f) Avoid, remedy or mitigate the cumulative and visual clutter effects caused by sign area and proliferation;
- 2.3 Where signs are to be located on buildings, the number and size, design and location of signs;
 - (a) must be visually integrated with the design of the façade of the building to which the sign is affixed.
 - (b) relate to the structural elements, architectural features, building proportions and the overall design of the building.
- 2.4 Where signs are to be erected on the grounds of heritage buildings and objects, signs must be respectful of, and not detract from the heritage values of the building or object
- 2.5 Where signs are to be affixed to a heritage building, the sign must;
 - (a) Be respectful of, and not detract from the heritage values of the building; and

- (b) Ensure that the signs do not adversely affect the structural integrity of the heritage building.
- 2.6 Recognise the positive effects that signs can make to the vitality and vibrancy of an area and allow for flexibility in the design and style of signs to create diversity and interest in the environment, while mitigating adverse effects on character and amenity.
- 2.7 Allow for signs which promote activities for the social wellbeing of the community.
- 2.8 Control the location, luminance, light spill and display and monitoring of illuminated signs in order to avoid compromising the character and amenity of the surrounding area, in particular, the amenity of any residentially zoned properties.
- 2.9 When making decisions on resource consent applications for signs that project above the parapet level or are located on the roof of a building within the North East Industrial Zone, have particular regard to the following matters;
- (a) The cumulative effects of signs within the North East Industrial Zone and consistency with the objectives of the North East Industrial Design Guide.
- (b) The effects of the signs on the safe and efficient operation of both land transport network and the aircraft activities associated with Palmerston North Airport.
- 2.10 When making decisions on resource consent applications for non-site related signs, in addition to policies 1.1-1.3 and 2.1-2.9, have particular regard to the following matters;
- (a) Whether the sign will be visually integrated with the design of the building and existing signage on the site.
- (b) Whether the sign will contribute to visual clutter or sign proliferation of non-site related signage within the area.
- (c) Whether the sign promotes the wellbeing of its community through advertising of non-profit events or information.
- (d) Whether the duration of a resource consent should be limited, taking into account the future land use and/or land transport network changes that are likely to affect the site or location and result in the sign being inappropriate from a site development or traffic safety perspective.

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)
- Bylaw (Palmerston North City Council Signs and Use of Public Places Bylaw 2015) for footpath signs, real estate signs, flags, mobile signs (trailer signs) election signs, and signs for commercial sex premises.
- Design Guidelines for Signs
- Public Education and Advice
- New Zealand Transport Agency Requirements for signs on State Highways

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 number, location, size, illumination, animation, or height) are not appropriately controlled.

Rules are intended to set requisite standards of compliance for all signs within a particular zone in the City. The use of rules is intended to avoid or mitigate adverse visual effects, and effects on traffic safety that can easily be controlled by providing performance standards relating to a signs design and location (i.e.number, location, height, advertising area, illumination and animation).

The Palmerston North Signs and Public Places Bylaw works in conjunction with the District Plan to control signage within the City. Signs that are located on public property or on land or buildings owned by the Council, such as pavement signs, real estate signs, flags, mobile signs and election signs are primarily controlled by the Palmerston North Bylaw. The Bylaw also controls signage for activities which by their nature have a large level of signage associated with them, or where signage due to

the nature of the activity may be controversial or objectionable. In this regard the Bylaw provides for rules in relation to real estate signs and signs for commercial sex premises. The Bylaw enables business to use signs in public places as a method of advertising, while enabling the council to take appropriate action to remedy or mitigate adverse effects if required. Where the provisions of the Bylaw do not control signage within public places the provisions of the District Plan provide control.

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 protection of heritage is important (e.g. North West Heritage Area). 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.

New Zealand Transport Agency (NZTA) is the road controlling authority for any state highways (refer Section 20). Any signs that are to be erected on the road reserve would require the consent of NZTA - as road controlling authority. NZTA has also published some design guides for advertising signs visible from the road (both roadside and on private property) within the Traffic Control Devices Manual – Part 3 Advertising Signs. At this time these guides are not mandatory - it is advisable to take them into account when considering erection of any signs visible from the road. NZTA (signs on State Highways) Bylaw 2010 provides specific conditions for consent for the application of roadside advertising signs within the State Highway reserve. Advertising signs on State Highway reserves outside urban areas are controlled by the NZTA though the NZTA (Signs on State Highways) Bylaw 2010.

6.1.5 RULES: PERMITTED ACTIVITIES

R6.1.5.1 Permitted Activities for Official Signs

1. The following signs are permitted activities within the City:
 - Official Signs
 - Official Transport Signs

NOTE TO PLAN USERS

Please refer to R6.1.8.1 for Advertising Devices and to the Palmerston North Signs and Use of Public Spaces Bylaw 2015 (and subsequent amendments or updates) for controls relating to footpath signs, real estate signs, flags, mobile signs (trailer signs), election signs, and signs for commercial sex premises.

6.1.5.2 Permitted Activities for Advertising Signs

Performance Standards

(a) Site related signage

- (i) Any advertising sign shall only be used to advertise any services, goods or products that are directly related to the principal use(s) or activity(ies) occurring on the site on which the sign is located.
- (ii) Performance standard (a)(i) does not apply to Advertising signs located at Specified Sporting Facilities where the sign/s meet the performance standards contained within R6.1.5.4.

(b) Number

- i. The maximum number of advertising signs located on a site shall not exceed the following.

Zone Location within Zone	Max. Number of Advertising Signs
Residential Zone (all sites)	One
Inner Business Zone (all sites)	No number limit
Outer Business, Local Business, Fringe Business, Industrial, Institutional Zones and Airport Zone	No number limit

Zone Location within Zone	Max. Number of Advertising Signs
Institutional and Airport Zone (only sites which front onto or adjoin a Residential Zone site along the front or side boundary)	One
Fringe Business Zone (Sites with Multiple Retail Developments)	One per individual retail activity
Recreation and Conservation and Amenity Zone and Flood Protection Zones (all sites)	(i) For sites under 5.0ha in size – One sign per site plus one sign for each building on the site (ii) For sites 5.0ha in size and above – Two signs per site plus one sign for each additional 10.0ha plus one sign for each building on the site
Rural (all sites)	One
North East Industrial Zone (all sites)	Two
Caccia Birch Zone (all sites)	Two
Racecourse, Arena and Race Training Zones (all sites)	No number limit
Water Recreation Zone (all sites)	None
Signs affixed to the exterior of buildings and objects of cultural significance (as listed in Appendix 17A)	One

- ii. The restrictions on the number of signs located on a single site within (i) do not apply to signs used for directional advice, such as indicating parking areas, access and egress from a site, queuing lanes, and maps.
- iii. The requirements for signs affixed to buildings and objects of cultural significance supersede any other requirements for the sign.

NOTES TO PLAN USERS

Where a site has frontage to more than one road, the number of signs stated above applies to each road frontage.

Explanation

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

Visual – *in terms of a proliferation 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 land transport 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 caused by the number of signs on a site are considered to be significant.

(c) Location

- i. No sign shall be located where it conceals the required sight distances from an access or intersection (as set out in Appendix 20F of the Land Transport Section).
- ii. No sign shall be located inside of the sightline triangles as set out on Appendix B of NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings.
- iii. No advertising sign or temporary sign shall be located where it conceals the visibility of an existing official transport sign or traffic controlling device as viewed from the centre of the approaching traffic lane at a distance of 15 metres.
- iv. No advertising sign, with the exception of those identified in (iv) below, and official signs, official transport signs, and those permitted by the Palmerston North City Signs and Public Places Bylaw, shall be located on or overhang the footpath, road or road reserve.
- v. 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.
- vi. Signs in the Inner and Outer Business Zones attached to a building must not be placed over windows or obscure architectural features of the building to which they are affixed.
- vii. On Pedestrian Streets within the Inner Business Zone, there shall be no signs attached to a building above the height of the verandah.
- viii. In the North East Industrial Zone, no sign may project above the parapet level of a building upon which the sign is located, or be located on the roof of a building (including signs painted onto the roofing itself).
- ix. In the North East Industrial Zone signage located in the buffer areas prescribed in R12A.5.1 and R12A6.2 is a Non-Complying Activity.

(d) Height

- i. Any free-standing advertising signs 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 (all sites)	4 metres	Compliance with R10.6.1.1(a)
Inner Business Zone (all sites)	No height limit	No height limit
Outer Business Zone (only sites which front onto or adjoin a Residential Zoned site along the front or side boundary)	6 metres	Compliance with R11.9.1.2(b)(i), (ii) and (iii) and R11.9.1.2(c)
Outer Business Zone (all other sites excluding the above)	No height limit	No height limit

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
Local Business, and Fringe Business Zone (only sites which front onto or adjoin a Residential Zone site along the front or side boundary)	6 metres	Compliance with R11.10.2.2(b)(i)-(iii)
Local Business, and Fringe Business Zone (all other sites excluding the above)	No height limit	No height limit
Industrial Zone (Only sites which front onto or adjoin a Residential Zone site along the front or side boundary)	6 metres	Compliance with R12.4.2(a) and (b)
Institutional Zone (only sites which front onto or adjoin a Residential Zone site along the front or side boundary))	6 metres	Compliance with R19.4.2(a) and R19.4.2 (b)
Institutional Zone (all other sites excluding the above)	No height limit	No height limit
Recreation, Conservation and Amenity, and Flood Protection (all sites)	4 metres	Compliance with R10.6.1.1(a)
Racecourse and Arena Zones (all sites)	6 metres	Compliance with R10.6.1.1(a) but with no maximum height limit
Rural and Race Training Zones (all sites)	6 metres	9 metres
North East Industrial Zone (all sites)	6 metres	9 metres
Caccia Birch Zone (all sites)	4 metres	9 metres
Airport Zone (all sites)	6 metres	Compliance with R13.4.7.1
Water Recreation Zone	N/A	N/A

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

NOTE TO PLAN USERS

1. The height of the sign is measured to the top edge of the sign.

(e) Area

- i. Any advertising signs shall comply with the following maximum total area for signs in the relevant zone:

Zone Location within Zone	Maximum Total Area (m ²)	
	Permanent	
Residential (sites on Major Arterial, Minor Arterial, or Collector Roads)	2.5m ²	
Residential (sites on Local Roads)	0.6m ²	
Inner Business Zone (all sites)	No area limit	
Outer Business, Local Business, Fringe Business, Industrial, Institutional and Airport (only sites which front onto or adjoin a Residential Zoned site along a front or side boundary)	10.0m ² visible from residentially zoned site Plus, for sites with a frontage length over 20m, an additional 0.5m ² for every 1m of frontage over 20m.	
Fringe Business Zone (sites with Multiple Retail Developments)	10m ² per individual retail activity	
Outer Business, Local Business, Fringe Business, Industrial, Institutional and Airport Zones (all other sites excluding the above)	No area limit	
Recreation, Conservation and Amenity, and Flood Protection (all sites)	(i) For sites under 5.0ha in size -4.0m ² plus an additional 1.0m ² for each building on the site (ii) For sites over 5.0ha in size -6.0m ² plus an additional 2.0m ² for each additional 10.0ha plus an additional 1.0m ² for each building on the site	
Arena and Racecourse Zones (all sites)	No area limit	
Rural (all sites)	10.0m ²	
North East Industrial Zone (all sites)	10.0m ²	
Caccia Birch Zone	4.0m ²	
Water Recreation Zone	N/A	

- ii. The restrictions on the total area of advertising signs located on a single site within do not apply to signs used primarily for directional advice, such as indicating parking areas, access and egress from a site, queuing lanes, and maps.

Explanation

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

(f) Illumination

- i. Any external illumination of a sign:
- Must not be lit by an upwardly facing light source;
 - Must be focused only on the sign to be illuminated; and
 - Must be directed away from Residential Zoned sites and roads.
- ii. Any illuminated or digital sign within the Rural or Residential Zone, or any illuminated sign within any other zone where the site fronts onto, or adjoins a Residential Zoned site along the front or side boundary, must not operate outside the hours of the activity for which the sign relates.
- iii. Illuminated and digital signs shall not;
- Exceed 2.5m² in area.
 - Be located within 50m of a road intersection.
 - Resemble or likely to be confused within any official transport sign or signal.
 - Be flashing, scrolling, intermittent, animated or use video clips.
 - Have a dwelling time less than 15 seconds for static images only.
 - Have a transition between advertisements greater than 0.25 seconds.
 - Allow for message sequencing.
- iv. Any illuminated sign must comply with the following Standards for luminance

Illuminated Area (m ²)	Maximum Luminance (cds/m ²)
Up to 0.5	1000
0.5-2.0	800
2.0-5.0	600
5.0-10.0	600
Over 10.0	400

- v. Any digital sign must comply with the following Standards for luminance;

Time of Day	Maximum Luminance (cds/m ²)
Day time (Between sun rise and sunset)	5000
Twilight (Dawn and Dusk)	600
Night time (between sunset and sunrise)	250

NOTE TO PLAN USERS

An illuminated sign that does not comply with R6.1.5.2(f)(iii)(a) will still require an assessment of luminance against R6.1.5.2(f)(iv). The standards for luminance in R6.1.5.2(f)(iv) for signs over 2.5m² provide guidance on maximum levels of luminance for consideration as part of an assessment for a Resource Consent application against the policies and objectives of the Plan.

(g) Design

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

6.1.5.3 Temporary Signs

Temporary signs are Permitted Activities within the City, provided the following performance standards are met:

Performance Standards

- a) The maximum number of temporary signs per site shall not exceed the total number of signs per site for the relevant zone in accordance with R6.1.5.1 (b).
- b) Any free-standing temporary sign shall have a maximum height of 4 meters above ground level
- c) The total area of all signs (permanent and temporary signs) per site shall be not exceed the maximum total area for the relevant zone in accordance with R6.1.5.1(e).
- d) No temporary sign shall be located on any public road or public place.
- e) Any temporary sign shall not be displayed for more than 8 weeks before the start date of the event and shall be removed within 1 week after the end date of the event, except for temporary signs erected at Specified Sporting Facilities which are to be removed upon completion of the sporting event for which there were erected.
- f) No sign shall be located where it conceals the required sight distances from an access or intersection (as set out in Appendix 20F of the Land Transport Section).
- g) No temporary sign shall be located where it conceals the visibility of an existing official traffic sign as viewed from the centre of the approaching traffic lane at a distance of 15 meters.
- h) No sign shall use reflective materials, or be illuminated, flashing or moving.
- i) Candidates for election in the General or Local Authority elections employing temporary signs shall meet the relevant requirements of the Palmerston North Signs and Use of Public Places Bylaw 2015 and Electoral Act 1993 or the Local Elections and Polls Act 1976.

6.1.5.4 Sponsorship Advertising Signs at Specified Sporting Facilities

Non-site related advertising signage for sponsorship at specified sporting facilities are Permitted Activities, provided the following performance standards are met:

Performance Standards

- a) Specified Sporting Facilities include Fitzherbert Park, Vautier Park, Memorial Park, Ongley Park, Skoglund Park, Monrad Park, Manawaroa Park, Coronation Park, Colquhoun Park, Bill Brown Park and Ashhurst Domain.
- b) The sign (images and writing) must face into the internal area of the sporting arena or facility;
- c) The sign must not be positioned to be obtrusively visible from any surrounding residential or rural zone land or from the road.
- d) No sign shall use reflective materials, or be illuminated, flashing or moving.

R6.1.5.5 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 standards 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 standards are met:

Performance Standards

(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 standards above.

6.1.6 RULES: CONTROLLED ACTIVITIES

R6.1.6.1 New advertising or Temporary signs affixed to the exterior of a building or object of cultural significance listed in Appendix 17A Controlled Activities

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, nor does it apply to signs placed in the window of a scheduled building unless the window is replaced by a sign. Any free-standing signs need to comply with the relevant performance standards for the zone in which they are located.

Advertising Signs or Temporary signs 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
- Effects on the heritage value of the heritage building or object
- Effects on the structural integrity of the heritage building or object

Provided the following performance standards are met:

- a. The sign shall comply with the relevant performance standards of R6.1.5.2 and R6.5.1.3 for the zone in which the sign is to be located.

R6.1.6.2 In the Inner Business Zone advertising signs attached to a building located above the height of the veranda.

In the Inner Business Zone advertising signs attached to a building located above the height of the veranda are Controlled Activities with regard to:

- Design and Appearance of the sign
- Size of the sign
- The location of the sign on the building;
- Effects on the structural elements, architectural features, proportions and design of building facades.

R6.1.6.3 Notification

- i. The following activity addressed in this section must not be publicly notified: R6.1.6.1 and

R6.1.6.2

- ii. The following activity addressed in this section must not be limited notified: R 6.1.6.1 and R6.1.6.2

6.1.7 RULES: RESTRICTED DISCRETIONARY ACTIVITIES

R6.1.7.1 Advertising signs and Temporary signs not complying with any one part of the permitted activity performance standards 6.1.5.2(b)-(g), 6.1.5.3 or 6.1.5.4.

Any activity which does not comply with any one part of performance standards 6.1.5.2(b)-(g), 6.1.5.3 or 6.1.5.4 is a restricted discretionary activity, with Council's discretion being restricted to only the matter of non-compliance specified in that standard.

R6.1.7.2 In the North east Industrial Zone any Advertising sign or Temporary sign that projects above the parapet level or are located on the roof of a building

In the North East Industrial Zone, any Advertising Sign, or Temporary Sign 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) are Restricted Discretionary Activities with regard to;

- a. The size and height of the sign
- b. The design and appearance of the sign, including the colour of the sign.
- c. Any illumination of the sign.
- d. The location of the sign on the building.
- e. The visual effects of the sign(s) when viewed from surrounding rural and/or rural residential properties.
- f. The effects of signage on the safe and efficient operation of both the land transport network and the aircraft activities associated with Palmerston North Airport.
- g. The cumulative effects of signs on visual amenity and character.

NOTE TO PLAN USERS

For the purpose 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.

R6.1.7.3 New advertising or Temporary signs affixed to the exterior of a building or object of cultural significance listed in Appendix 17A

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 standards conditions for the zone in which they are located.

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

- Design and Appearance of the sign
- Size and Location of the sign
- Effects on the heritage value of the heritage building or object

- Effects on the structural integrity of the heritage building or object

provided the following performance standards are met:

- The sign shall comply with the relevant performance standards of R6.1.5.2 and R6.1.5.3 for the zone in which the sign is to be located.

6.1.8 RULES: DISCRETIONARY ACTIVITIES

R6.1.8.1 Advertising Devices and Advertising Signs or Temporary Signs that are not a Permitted Activity, Controlled Activity or a Restricted Discretionary Activity

Advertising Devices or Advertising Signs, Temporary Signs that are not a Permitted Activity, Controlled Activity or a Restricted Discretionary Activity shall be a Discretionary Activity.

In determining whether to grant consent and what conditions to impose, if any, Council will assess any application against the City View and Signs objectives and policies, and the objectives and policies of the relevant zone.

6.1.9 RULES: NON-COMPLYING ACTIVITIES

In the North East Industrial Zone, Advertising Signs, Temporary Signs or Advertising Devices located in the buffer areas prescribed in R12A.5.1 and R12A.6.2 is a Non-Complying Activity.

6.2 Noise

6.2.1 INTRODUCTION

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

Noise is an environmental effect that has the potential to cause adverse effects on amenity, cause annoyance and impact on health. 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 cause adverse effects to the surrounding environment.

The Resource Management Act 1991 outlines the functions of the Council, which includes the control of the emission of noise and the mitigation of the effects of noise.

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. The Act defines noise as including vibration. 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.

6.2.2 RESOURCE MANAGEMENT ISSUES

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

1. The adverse effects on amenity and health of residents of the City from the emission of noise from activities and structures on land and water.
2. The need to ensure that land use activities in close proximity to high noise environments appropriately manage reverse sensitivity in the interests of community wellbeing.

Explanation

Noise is identified as a nuisance to local communities and complaints often relate to conflicts between incompatible activities. It is a function of the Council under the Resource Management Act to control the emission of noise and the mitigation of the effects of noise. Noise is an ongoing and prevalent issue within the city, being the primary cause of complaints to the Council received from the public.

Reverse sensitivity issues arise when noise from a significant noise generating activity cannot be contained within the boundary of the site where the activity occurs, and new noise sensitive activities are proposed to be sited nearby. Examples in Palmerston North City include infrastructure such as the Palmerston North Airport, established Quarries, State Highways, the Main Trunk North Island Railway Line and wind farms. Reverse sensitivity is controlled by managing new land use by generally employing a combination of land buffer (setbacks) and, in some instances, noise insulation of sensitive activities as appropriate. Depending on the zone in which the land is located, the District Plan noise rules may establish appropriate internal noise levels for bedrooms and habitable rooms of noise sensitive activities in order to protect the activity from noise arising outside the boundary. This is achieved by requiring a level of noise insulation to ensure that noise sensitive activities are designed and constructed in accordance with an acoustic design report and certificate prepared by a suitably qualified and experienced acoustical engineer.

Land use management is appropriate where further development of noise sensitive activities can cause a restriction on the significant noise generating activity or where an adverse impact could be generated for people moving into the area.

6.2.3 METHODS

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

- District Plan Rules (Palmerston North City Council)
- New Zealand Standards
- Resource Management Act 1991
- Monitoring
- Noise Management Plans

Explanation

The rules contained zonally within the District Plan prescribe the Noise Performance developed in accordance with the recommendations of New Zealand Standard 6802:2008, and taking into consideration the predicted community expectations for each zone and each zone interface.

New Zealand Standards are nationally based standards that give guidance to the measurement of noise and the appropriate levels at which to control noise effects. Details of the New Zealand Standards referred to within the District Plan are outlined within Section 6.2.4

The Council will control the unreasonable emission of noise under S16 of the Act and excessive noise, as defined by the Act. The Council will utilise the enforcement provisions within the Act to ensure that the emission of noise is kept within the standards adopted by the District Plan.

The Council undertakes monitoring of noise as part of its functions under the Act.

Noise Management Plans are primarily established and agreed to between a specific activity or industry and those neighbours who are affected by its aural emissions. The formulation and compliance within a Noise Management Plan may be made as a condition on a Resource Consent, or as in the case of the Palmerston North Airport the Plan specifies that a Noise Management Plan must be prepared to comply with the rules. Nothing in a Noise Management Plan will interfere with the Council's obligation and duty to control excessive Noise as defined by the Resource Management Act 1991.

6.2.4 NEW ZEALAND NOISE STANDARDS

Different activities generate diverse noise characteristics and there are various New Zealand Standards that are designed for specific purposes. The following New Zealand Standards will be followed for assessing noise emissions controlled in this District Plan are:

- NZS 6801:2008 NZS6801:2008 Acoustics – Measurement of Environmental Sound
- NZS 6802:2008 Acoustics – Environmental Noise
- NZS 6803:1999 Acoustics – Construction Noise
- NZS 6805:1992 Airport Noise Management and Land Use Planning

- NZS 6806:2010 Acoustics – Road Traffic Noise – New and Altered Roads
- NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas
- NZS 6808:2010 Acoustics – Wind Farm Noise

NZS 6801 outlines how the measurement of noise is undertaken, and is relied upon in various ways by each of the other Standards.

NZS 6802 sets out the procedures for the assessment of general activity noise for compliance with noise limits. NZS 6802 does not apply to the assessment of sound where the source is within the scope of the other New Zealand Standards, which are set out above.

In addition to those sources of noise identified within NZS 6802, there are other specific sources which are outside the scope of NZS 6802 and for which no other New Zealand Standards have yet been developed. NZS 6802 identifies particular examples of these sources such as road or rail transport and impulsive sound (such as gunfire and blasting). NZS 6806 covers the management of noise for new or altered roads but is not designed to cover individual (noisy) vehicles or noise from existing roads that are not being altered. Dog barking noise (either individual dogs or from kennels) and electrically generated music (particularly with a high bass component) are other specific types of common noise nuisance which are not appropriately assessed using NZS 6802 (or any other existing New Zealand Standards).

Where a specific noise source is outside the scope of the Standards then it will be excluded from assessment under the specific zonal noise controls rules within the District Plan, and the Council may control any unreasonable emission of noise under s16 of the Act and the use of excessive noise directions (i.e. gunfire, stereo noise and dog barking) when it is considered appropriate and necessary to do so.

However, there may be some cases where an activity is proposed that by its nature, will result in a source of noise that falls outside the scope of the Standards. Examples include an activity (such as a supermarket) that may generate significant truck volumes that would result in an increase in off-site road noise to the surrounding area, or a dog kennel that may result in significant noise from dogs barking. In both examples the specific source of noise falls outside the scope of the Standards and therefore cannot be assessed under the zonal controls, however the activity itself which generates the noise source is likely to require the submission of a resource consent application to enable the Council to assess the potential effects of the activity. In these cases, the effects from the noise source may be required to be included within an assessment of environmental effects. Where a noise assessment is required then this should to be undertaken by a suitably qualified and experienced acoustical engineer. If consent is granted the noise source may be subject to control through conditions (i.e. restriction of hours of operations).

6.2.5 SETTING NOISE LIMITS

Throughout this Plan the general noise limits in each zone have been developed in accordance with the recommendations of NZS 6802:2008 taking into consideration the predicted community expectations for each zone and each zone interface.

Particular care has been taken in the formulation of the noise rules contained within the Plan, where allowable noise limits exceed the maximum limits as recommended by the Standard, because of the characteristics of the zone. Where the limits within the Plan are less strict than the maximum limits then this can result in adverse effects from noise on residential amenity, and as such further noise mitigation is required. This situation occurs within the Business Zones (Inner, Outer, Local and Fringe). Where noise sensitive activities are proposed to be located within these zones then additional noise insulation and ventilation of dwelling houses and apartments is required to protect residents.

The noise limits are generally the same as the maximum limits contained within the Standard where these apply to the interface between Business or Industrial (commercial) zones with neighbouring residential and rural areas. This is for two reasons:

- i. The areas close to commercial zones generally experience higher residual sound levels because of those commercial activities and because of the proximity of busy roads, and

- ii. Residents in areas close to commercial areas should not expect the same rural amenity levels as those residing in quiet residential areas away from commercial activities.

The noise limits contained within the rules of the Rural Zone are 5dB stricter than the maximum guideline limits found in NZS6802:2008 and this is appropriate given the general ambient sound levels in rural areas and the expectations of the community. The noise rules within the rural zone are not intended to control farming activities which are generally permitted in the Rural Zone and which are exempted from the noise rule by the exclusion rules contained within reference to Section 6.2.7.2 of the Plan. It is other activities that need to comply with the noise rule.

Noise limits within the Rural Zone are applied at or within the boundary of any land zoned for residential purposes or at or within the boundary of any land in the Rural Zone (other than land from which the noise is emitted or a road). There are logical planning reasons for applying the rural noise limits at any point within the site boundary, rather than the notional boundary (which is close to residential dwellings). Applying the noise limits at the site boundary provides certainty with respect to future development, both for the 'noise maker' and noise sensitive activities on neighbouring sites. Applying noise limits at the site boundary also ensures development of noise sensitive activities on neighbouring sites can be gauged. The exception to this is where a rule in this Plan specifies noise limits to be set at the notional boundary or other measurement positions.

The rules for the Residential Zone are intended to control the noise from non-residential activities and items of mechanical plant situated in the Residential Zone. The mechanical plant items include residential and non-residential heat-pumps, fans and generators. The residential daytime (7am – 10pm) limit of 45 dB $L_{Aeq(15mins)}$ is purposefully stringent and sets out to discourage even moderate noise generators from establishing in the quiet residential centres. The night-time limits of 40 dB $L_{Aeq(15mins)}$ and an L_{max} limit of 65 dBA are used together to protect against sleep disturbance.

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.

NOTE TO PLAN USERS

Refer to Section 5.4(q) – Special Requirements Relating to Noise Assessments, for additional information to be provided when lodging an application for a resource consent in respect of activities that require a noise assessment.

6.2.6 RULES: NOISE

R6.2.6.1 Measurement of Noise

1. Except where specific reference is made to other standards, all sound emissions shall be assessed, predicted and measured in accordance with NZS6801:2008 Acoustics – Measurement of Environmental Sound and NZS6802:2008 Acoustics – Environmental Noise.

R6.2.6.2 Exclusions from Noise Control Rules

1. Noise from the following activities shall not be controlled using rules in this Plan, but shall be controlled separately by reference to the application of relevant New Zealand Noise Standards, where these are applicable, and to Sections 16 and 17 of the Resource Management Act 1991:
 - a. Aircraft during flight, except where specifically provided for.
 - b. Airport noise shall be managed by reference to NZS 6805:1992 Airport Noise Management and Land Use Planning.
 - c. 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 NZS6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas as that Standard applies.

- d. 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 and compatible with a normal residential activity.
- e. Trains on rail lines (public or private), including railway yards, railway sidings or stations. This exclusion does not apply to the testing (when stationary), maintenance, loading or unloading of trains.
- f. Rural activities listed in R9.5.1 and R9.5.2 in the Rural Zone, and grazing and cropping activities, including horticulture, in the Flood Protection Zone.
- g. 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 NZS6803:1999 Acoustics – Construction Noise.
- h. Crowd noise at a park, reserve or any land zoned as Recreation, Racecourse, Conservation and Amenity or Arena.

Explanation

There are some types of activities, particularly that of land transport 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 Arena, 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 standards or rules.

R6.2.6.3 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

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;
- 1.3 To manage earthworks activities so that:
 - a) Adverse effects of earthworks on the National Grid are avoided; and
 - b) The operation, maintenance and upgrade of the National Grid is not comprised by earthworks.
- 1.4 Earthworks should not increase the risk posed by natural hazards.

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.

The National Policy Statement on Electricity Transmission sets out matters which must be given effect to in the District Plan. Among other matters, this includes the need to manage adverse effects of activities (such as earthworks) on the ongoing operation, maintenance and upgrading and of the National Grid.

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 lines, with the New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001).

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**R6.3.6.1 Permitted Activities for Earthworks**

Earthworks are Permitted Activities within the City provided the following performance standards for the relevant zone are met (unless exempted under R6.3.6.2):

Performance Standards:

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

(a) Rural Zone

In the Rural Zone, no earthworks (other than ancillary earthworks related to the Turitea Wind Farm as provided for by R9.8.6A) shall:

- i. Result in the disturbance of more than 1000m³ (volume) of land in any 12 month period, or
- ia Result in the disturbance of more than 50m² (area) in the Tararua Landscape Protection Area (Map 9.1)
- 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.

(b) Residential Zone

In the Residential Zone, no earthworks shall:

- i. Result in the disturbance of more than 500m² 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).

(c) North East Industrial Zone

No earthworks shall:

- i. Result in the disturbance of more than 1000m³ (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.

(d) Midhurst Street Industrial Area and Railway Road Industrial Enclave

No earthworks shall:

- i. Involve the disturbance of more than 1000m³ (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.

(e) All Zones

Earthworks within the National Grid Yard shall:

- i. Be no deeper than 300mm within 12m of any National Grid support structure foundation;
- ii. Not result in a reduction in the ground to conductor clearance distances less than what is required by Table 4 of the NZECP34:2001 New Zealand Electrical Code of Practice for Safe Electrical Distances; and
- iii. Not comprise the stability of any National Grid support structure.

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 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.

National Grid – earthworks near National Grid lines can cause risks to people nearby, and/or damage the line. Earthworks near transmission line support structures can compromise the structural integrity of overhead National Grid Lines. Maintaining a 12m setback from the support structures maintains a physical area to enable operation, maintenance and upgrade activities to occur, as required by Policy 10 of the National Policy Statement for Electricity Transmission.

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

In relation to earthworks associated with, and ancillary to the Turitea Wind Farm, this rule applies where the limits specified are not exceeded, and R9.8.6A applies where the limits are exceeded.

NOTES TO PLAN USERS

1. An earthworks activity will default to R6.3.7.1 if there is non-compliance with any threshold in the subject zone. 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.
2. 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.
3. Also refer to the following rules:
 - R10.6.3.5 Awatea Stream and Jensen Street Ponding Areas;
 - R10.7.1.6 Limited Development Land in the Aokautere Development Area;
 - R10.7.1.8 Structural Maintenance of Flood Protection Works by Manawatu Wanganui Regional Council;
 - R10.7.2.1 Construction, Development or Redevelopment of Flood Protection Works or Structures by, or on behalf of, Manawatu Wanganui Regional Council;
 - R17.8.1 Discretionary Activities for the specific requirements relating to excavation restrictions for Natural and Cultural Heritage sites (including Scheduled Trees);
4. Earthworks may also require consent from the Manawatu Wanganui Regional Council.

R6.3.6.2 Exclusions from Earthworks R6.3.6.1

Earthworks associated with the following activities shall be exempted from the requirements of R6.3.6.1 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 and Extended 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 R6.3.6.1(a)(iii) and R6.3.6.1(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).

- vii. Any earthworks of any local authority or the Crown for the purpose of avoiding or mitigating any land instability hazard is a Permitted Activity.

Exemptions from R6.3.6.1(e)

- viii. With respect to R6.3.6.1(e)(i) only, the following exemptions apply:
- i. vertical holes not exceeding 500mm in diameter provided the holes that are:
 - a) at least 1.5m from the outer edge of a National Grid support structure or stay wire; or
 - b) are a post hole for a farm fence or horticultural structure and are more than 5m from the visible outer edge of a National Grid tower support structure foundation.
 - ii. Earthworks for a Network Utility within a transport corridor, as part of a transmission activity, for electricity infrastructure, or for commercial scale electricity generation;
 - iii. Earthworks undertaken as part of agricultural or domestic cultivation or repair, sealing, or resealing of a road, footpath, driveway or farm track.

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: RESTRICTED DISCRETIONARY ACTIVITIES

R6.3.7.1 Restricted Discretionary Activities

Any earthworks that do not comply with the Permitted Activity Performance Standards shall be Restricted Discretionary Activities 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

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 and natural hazards objectives and policies (Section 6 and Section 22), 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.

Explanation

The type of adverse effects related to earthworks activities is limited to certain issues listed above. The Restricted Discretionary Activity 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. 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.

R6.3.7.2 Restricted Discretionary Activities

Any earthworks that do not comply with the Permitted Activity Performance Condition R6.3.6.1(e)(i) shall be Restricted Discretionary Activities with regard to:

- The risk to the structural integrity of the National Grid
- Impacts on the operation, maintenance, upgrade and development of the National Grid, including access.
- Compliance with NZECP34:2001.
- Technical advice provided by Transpower.
- The risk of electrical hazards affecting public or individual safety, and the risk of property damage
- Compliance with the Palmerston North Engineering Standards for Land Development

Non-Notification:

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.

R6.3.8 Rules: Non-Complying Rules

R6.3.8.1 Non-Complying Activities

Any earthworks that do not comply with the Permitted Activity Performance Condition R6.3.6.1(e)(ii) or Condition R6.3.6.1(e)(iii) or condition R6.3.6.1(a)(ia) shall be Non-Complying Activities.