

## APPENDIX 2 – MARKED UP VERSION FOLLOWING HEARING

### **Key**

*Italics* – not part of PC43

Grey – altered by submission

Underlined – altered from operative text

[brackets] – new numbering as a result of re-formatting

# 1 INFORMATION REQUIREMENTS

## SPECIAL REQUIREMENTS FOR RELOCATED BUILDINGS

Applications to relocate a house shall be accompanied by the following:

- a. A site plan to metric scale showing the house sited on the new site and its means of complying with the appropriate zone provisions.
- b. Colour photographs of the house to be relocated clearly showing all elevations.
- c. A floor plan, elevations and pile layout of the building to be relocated.
- d. A report from a suitably qualified person indicating the structural soundness of the building.
- e. Details of the removal of any trees necessary to get the house off the existing site, or onto the new site.

## 2 DEFINITIONS

**Earthworks:** means any modification to land associated with development, and includes the digging, cutting, trenching, levelling, filling,<sup>1</sup> blading, boring, cultivation, drilling, excavation, ripping, moving, placing, removing, replacing, thrusting or re-contouring of land and associated vegetation removal, and includes other activities normally associated with excavation. Apart from activities within the National Grid Yard, this but excludes domestic gardening, farming rural activities, quarrying<sup>2</sup> or forestry activities.

**Earthworks and/ land modification:** means modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation, or by cutting or filling operations, including the importation of fill.<sup>3</sup>

**Excavation:** *Has the same meaning as 'Earthworks<sup>4</sup>'.*

**Relocated building:** means any building or other structure which has been constructed or occupied for more than two years and which is intended to be removed and re-erected on another site. means any building, which was originally built off the subject site and is proposed to be permanently repositioned onto a new site (either in sections or as a whole). Excludes Temporary Relocatable Buildings.

**Rural activities:** *means the use of land, buildings and other structures for the purposes of breeding animals or growing vegetative matter, and includes forestry, horticulture, aquaculture, beekeeping, seed growing, viticulture, cropping and the keeping of livestock for food, wool, skins or fur, and ancillary uses which are incidental and secondary to the rural activity including but not limited to artificial crop protection structures and agricultural airstrips:*

- a. *Does not include rural industry.*
- b. *Does not include intensive farming.*

**Temporary Activities** means any activity undertaken for a short term duration, either as an isolated event, or as a series of events, where the cumulative period of operation is generally less than one month, and where the activity is undertaken on a site, including any gala, sport event, festival or other community activity and does not result in any permanent structures.<sup>5</sup>

**Temporary Military Training Activity:** means a temporary activity undertaken for Defence Purposes. Defence Purposes are those in accordance with the Defence Act

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<sup>1</sup> Minor correction

<sup>2</sup> Submissions 2 (the Oil Companies) 3 (Rayonier) and Further submissions 2 (Federated Farmers) 3 (NZDF) 4 (Transpower)

<sup>3</sup> Submissions 2 (the Oil Companies) 3 (Rayonier) and Further submissions 2 (Federated Farmers) 3 (NZDF) 4 (Transpower)

<sup>4</sup> Minor correction

<sup>5</sup> Submitter 9 (Whanganui District Council)

1990. The Defence Act also enables access to Defence areas, which includes areas utilised for temporary military training activities, to be restricted.

**Temporary Relocatable Building:** means any building, not intended for permanent use on any site and is able to be moved off the site in its entirety once the activity that it was used for is completed.

**Verandah:** means a permanent structure, constructed of weatherproof material, which is either cantilevered, or supported on posts or pillars, which extends from the building facade, usually on the street frontage and at first floor level, and overhangs a footpath or other similar public pedestrian access or space.

## 3 RURAL ENVIRONMENT

### 3.4 RULES – RURAL PRODUCTION ZONE

#### 3.4.1 Permitted Activities.

All activities shall comply with the Performance Standards of this zone as well as any other relevant chapters ~~District Wide rules where relevant.~~

The following are permitted activities in the Rural Production zone:

m. Relocated buildings and temporary relocatable buildings<sup>6</sup> that comply with Chapter 19.

n. Temporary military training activities that comply with Chapter 19.

### 3.5 PERFORMANCE STANDARDS- Rural Production

#### 3.5.11 Earthworks.

All activities shall comply with the earthworks standards provided in Chapter 14.

### 3.6 RULES – RURAL LIFESTYLE ZONE

#### 3.6.1 Permitted Activities.

All activities shall comply with the Performance Standards of this zone as well as any other relevant chapters ~~General rules where relevant.~~

The following are permitted activities in the Rural Lifestyle zone:

f. Relocated buildings and temporary relocatable buildings<sup>7</sup> that comply with Chapter 19.

g. Temporary military training activities that comply with Chapter 19.

### 3.7 PERFORMANCE STANDARDS – Rural Lifestyle

#### 3.7.9 Earthworks.

All activities shall comply with the earthworks standards provided in Chapter 14.

### 3.8 RULES – RURAL GENERAL ZONE

#### 3.8.1 Permitted Activities.

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<sup>6</sup> Submissions 6 (Transpower) and 10 (NZDF)

<sup>7</sup> Submissions 6 (Transpower) and 10 (NZDF)

All activities shall comply with the Performance Standards of this zone as well as any other relevant chapters ~~District Wide rules where relevant.~~

The following are permitted activities in the Rural General zone:

- m. Relocated buildings and temporary relocatable buildings<sup>8</sup> that comply with Chapter 19.
- n. Temporary military training activities that comply with Chapter 19.

### **3.9 PERFORMANCE STANDARDS – Rural General**

#### **3.9.11 Earthworks.**

All activities shall comply with the earthworks standards provided in Chapter 14.

### **3.10 RULES – RURAL SETTLEMENT ZONE**

#### **3.10.1 Permitted Activities.**

All activities shall comply with the Performance Standards of this zone as well as any other relevant chapters ~~General rules where relevant.~~

The following are permitted activities in the Rural Settlement zone:

- g. Relocated buildings and temporary relocatable buildings<sup>9</sup> that comply with Chapter 19.
- h. Temporary military training activities that comply with Chapter 19.

### **3.11 PERFORMANCE STANDARDS – Rural Settlement**

#### **3.11.10 Earthworks.**

All activities shall comply with the earthworks standards provided in Chapter 14.

## **4 RESIDENTIAL ENVIRONMENT**

### **4.3 POLICIES**

#### **4.3.2 To ensure activities in the Residential zone that:**

- g. ~~Manage the effects of relocated buildings.~~

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<sup>8</sup> Submissions 6 (Transpower) and 10 (NZDF)

<sup>9</sup> Submissions 6 (Transpower) and 10 (NZDF)

## 4.4 RULES – RESIDENTIAL ZONE

### 4.4.1 Permitted Activities.

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters and District Wide Rules where relevant.

The following are permitted activities in the Residential zone:

- e. Relocated buildings and temporary relocatable buildings<sup>10</sup> that comply with Chapter 19.
- f. Temporary military training activities that comply with Chapter 19.

## 4.5 PERFORMANCE STANDARDS - Residential

### 4.5.10 Earthworks.

All activities shall comply with the earthworks standards provided in Chapter 14.

## 4.6 RULES – COASTAL RESIDENTIAL ZONE

### 4.6.1 Permitted Activities.

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters;

The following are permitted activities in the Coastal Residential zone:

- e. Relocated buildings and temporary relocatable buildings<sup>11</sup> that comply with Chapter 19.
- f. Temporary military training activities that comply with Chapter 19.

## 4.7 PERFORMANCE STANDARDS Coastal Residential

### 4.7.11 Earthworks and Vegetation Clearance.

- a. No earthworks or vegetation clearance shall occur within 10 metres of the edge of the coastal cliff (other than earthworks and vegetation clearance associated with the construction of a public access structure authorised pursuant to Rule 4.6.2 (a).
- b. No area greater than 300 m<sup>2</sup> shall be cleared of vegetation cover within any 12 month period.

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<sup>10</sup> Submissions 6 (Transpower) and 10 (NZDF)

<sup>11</sup> Submissions 6 (Transpower) and 10 (NZDF)

- c. Vegetation shall be reinstated on all areas within 6 months of the initial disturbance.
- d. ~~Every effort and practical steps must be made to control and minimise dust that has the potential to pass beyond the property boundary.~~ All activities shall comply with the earthworks standards provided in Chapter 14.

Note: Additional consents may also be required from the regional council for earthworks and vegetation clearance.

## 5 COMMERCIAL ENVIRONMENT

### 5.3 POLICIES

#### 5.3.2 *Define a Central Commercial zone with the following characteristics:*

...

*m. Buildings built to a high standard, up to the street frontage, with no gaps between them, reflecting the historic rhythm, and predominantly with verandahs over the footpath.*

### 5.4 RULES – ARTS AND COMMERCE ZONE

#### 5.4.1 Permitted Activities.

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters;

The following are permitted activities in the Arts and Commerce zone:

- k. Relocated buildings and temporary relocatable buildings<sup>12</sup> that comply with Chapter 19.
- l. Temporary military training activities that comply with Chapter 19.

### 5.5 PERFORMANCE STANDARDS – Arts and Commerce

#### 5.5.5 Earthworks.

All activities shall comply with the earthworks standards provided in Chapter 14.

### 5.6 RULES - RIVERFRONT ZONE

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<sup>12</sup> Submissions 6 (Transpower) and 10 (NZDF)



### 5.6.1 Permitted Activities.

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters;

The following are permitted activities within the Riverfront zone:

- o. Relocated buildings and temporary relocatable buildings<sup>13</sup> that comply with Chapter 19.
- p. Temporary military training activities that comply with Chapter 19.

## 5.7 PERFORMANCE STANDARDS - Riverfront

### 5.7.6 Earthworks.

All activities shall comply with the earthworks standards provided in Chapter 14.

## 5.8 RULES – CENTRAL COMMERCIAL ZONE

### 5.8.1 Permitted Activities.

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters;

The following are permitted activities in the Central Commercial zone:

- h. Relocated buildings and temporary relocatable buildings<sup>14</sup> that comply with Chapter 19.
- i. Temporary military training activities that comply with Chapter 19.

### 5.8.2 Controlled Activities.

The following activities are controlled activities in the Central Commercial zone:

- e. Any verandah which does not comply with the relevant Performance Standards 5.9. In exercising its control, the Council shall be limited to the conditions with which the verandah fails to comply.

## 5.9 PERFORMANCE STANDARDS – Central Commercial

### 5.9.7 Structures.

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<sup>13</sup> Submissions 6 (Transpower) and 10 (NZDF)

<sup>14</sup> Submissions 6 (Transpower) and 10 (NZDF)

Within the Central Commercial zone, structures shall be required to meet the following performance standards:

f. Provision of Verandahs

Every building with frontage to a “display frontage street” shall, when erected, reconstructed or its exterior physically altered, be provided with a verandah along the display frontage which ~~is designed in compliance with Chapter 19 This requirement does not apply when a building is painted or where minor repairs of individual building components is undertaken.~~ complies with the following:

i. Verandah locations.

Verandahs shall only be erected over public road or public space where:

- o there is a formed footway;
- o the public road or public space is a minimum of 12 metres in width;

ii. Consistency of verandahs.

- o the design and appearance of verandahs (including materials used) shall be consistent with adjoining verandahs; and
- o the dimensions of verandahs shall be consistent with adjoining verandahs with regard to height and width of verandah and depth of fascia.
- o the roof covering of the verandah must be of weather resistant material and be provided with gutters and downpipes that connect to a reticulated stormwater system.

iii. Verandah dimensions.

- o Fascias shall be not less than 300mm, nor more than 450mm, in depth, except that this shall not apply to concrete fascias;
- o No part of a verandah shall be less than 3 metres above the kerb level of the footway, nor closer than a horizontal distance of 450mm from the kerb.
- o verandah posts shall not be closer than 450mm to the kerb line
- o verandah posts shall be no more than 200mm in diameter
- o verandah posts shall be set back no more than 200mm from the verandah fascia.
- o verandah posts for any one verandah shall be spaced at least 3 metres apart.

iv. Heritage verandahs

- Verandah posts for buildings listed in the Heritage Inventory shall be in keeping with the character of the building.

#### **5.9.8 Earthworks.**

All activities shall comply with the earthworks standards provided in Chapter 14.

### **5.10 RULES – OUTER COMMERCIAL ZONE**

#### **5.10.1 Permitted Activities.**

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters;

The following are permitted activities in the Outer Commercial zone:

- h. Relocated buildings and temporary relocatable buildings<sup>15</sup> that comply with Chapter 19.
- i. Temporary military training activities that comply with Chapter 19.

### **5.11 PERFORMANCE STANDARDS – Outer Commercial**

#### **5.11.10 Earthworks.**

All activities shall comply with the earthworks standards provided in Chapter 14.

### **5.12 RULES – NEIGHBOURHOOD COMMERCIAL ZONE**

#### **5.12.1 Permitted Activities.**

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters and District Wide Rules where relevant.

The following are permitted activities in the Neighbourhood Commercial zone:

- f. Relocated buildings and temporary relocatable buildings<sup>16</sup> that comply with Chapter 19.
- g. Temporary military training activities that comply with Chapter 19.

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<sup>15</sup> Submissions 6 (Transpower) and 10 (NZDF)

<sup>16</sup> Submissions 6 (Transpower) and 10 (NZDF)

## 5.13 PERFORMANCE STANDARDS – Neighbourhood Commercial

### 5.13.8 Earthworks.

All activities shall comply with the earthworks standards provided in Chapter 14.

## 6 INDUSTRIAL ENVIRONMENT

### 6.4 RULES – MANUFACTURING ZONE

#### 6.4.1 Permitted Activities.

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters;

The following are permitted activities in the Manufacturing zone:

- f. Relocated buildings and temporary relocatable buildings<sup>17</sup> that comply with Chapter 19.
- g. Temporary military training activities that comply with Chapter 19.

### 6.5 PERFORMANCE STANDARDS - Manufacturing

#### 6.5.9 Earthworks.

All activities shall comply with the earthworks standards provided in Chapter 14.

## 7 AIRPORT ENTERPRISE ZONE

### 7.4 RULES – AIRPORT ENTERPRISE ZONE

#### 7.4.1 Permitted activities

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters;

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<sup>17</sup> Submissions 6 (Transpower) and 10 (NZDF)

The following activities are permitted activities in the Airport Enterprise Zone:

- b. Earthworks that comply with Chapter 14
- ...
- g. Relocated buildings and temporary relocatable buildings<sup>18</sup> that comply with Chapter 19.
- h. Temporary military training activities that comply with Chapter 19.

## 7.5 PERFORMANCE STANDARDS – Airport Enterprise

### 7.5.7 Earthworks.

All activities shall comply with the earthworks standards provided in Chapter 14.

## 8 RESERVES AND OPEN SPACE ZONE

### 8.4 RULES – RESERVES AND OPEN SPACE ZONE

#### 8.4.1 Permitted Activities.

All activities shall comply with Performance Standards of this zone as well as any other relevant chapters and District Wide Rules where relevant.

The following are permitted activities in the Reserves and Open Space zone:

- i. Relocated buildings and temporary relocatable buildings<sup>19</sup> that comply with Chapter 19.
- j. Temporary military training activities that comply with Chapter 19.

## 8.5 PERFORMANCE STANDARDS – Reserves and Open Space

### 8.5.6 Earthworks.

All activities shall comply with the earthworks standards provided in Chapter 14.

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<sup>18</sup> Submissions 6 (Transpower) and 10 (NZDF)

<sup>19</sup> Submissions 6 (Transpower) and 10 (NZDF)

## 14 EARTHWORKS

### Note:

1. The objectives, policies and rules in this chapter apply to all activities across the District except network utilities. The earthworks provisions in Chapter 22 Network Utilities apply to all network utilities.<sup>20</sup>
2. It is advised that for significant earthworks that any compaction and fill is documented at the time it is carried out, in order to reduce the potential for future issues under the Building Act or the National Environmental Standard for Assessing and Managing Contaminants on Soil to Protect Human Health.<sup>21</sup>
3. Please be aware when undertaken earthworks that under Section 55 of the Cadastral Survey Act 2002 it is illegal to disturb or remove any type of survey mark.<sup>22</sup>

*Earthworks are a fundamental part of the development process. The act of earthworks can include the modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation, or by cutting or filling operations, including the importation of fill.*

*There are many reasons why people carry out earthworks. In most instances, earthworks are generally always required for the construction of buildings or other structures. Smaller scale earthworks may pass without notice, where as some larger or poorly thought through works can create a nuisance or create a significant hazard.*

*Conventional subdivision development can require the removal of topographical features for the development of level sites and the development of infrastructure, often modifying the natural flows of water through or from a site or sites. This can involve a large surface area and has the potential to create significant adverse effects.*

*More recent approaches to earthworks and subdivision development have been lower impact and choose to work with the contours of the land rather than altering it to fit for development.*

*Whanganui has a mix of soils and topography. This means there is a range of complex issues around stability, drainage, property and nuisance factors. Not all soils behave the same way and can require different management.*

*Poorly managed earthworks can result in noise effects on adjoining properties, along with the deposition of dust. However, while these create a nuisance, works that deposit silt into infrastructure, damage culturally significant items or areas, create*

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<sup>20</sup> Submissions 2 (The Oil Companies) 5 (Powerco) 6 (Transpower) 11 (Federated Farmers)

<sup>21</sup> Submission 2 (The Oil Companies)

<sup>22</sup> Plan Change 44 insert. For reference only.

*erosion or create instability can have disastrous consequences. Therefore, key measures to manage earthworks are prudent.*

This section must also be read in conjunction with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. The National Environmental Standard only applies to the actual or potential effects of contaminants in soil on human health. Additional resource consents may be required by that standard, or by the Regional Council.

A copy of the Standard can be found on the website for the Ministry for the Environment.

## 14.1 ISSUES

### 14.1.1 Poorly managed earthworks.

Poorly managed earthworks ~~and land modification~~ can create a range of adverse effects on amenity values, the physical environment, nationally and regionally significant infrastructure and the physical environment<sup>23</sup> and. ~~These include dust, noise, damage to infrastructure and private property, the alteration natural and modified water flow paths and can also adversely impact on~~ cultural values.

## 14.2 OBJECTIVES

### 14.2.1 Quality earthworks development.

Earthworks and land modification in Whanganui that:

a. Maintains or enhances:

- i. Amenity values.
- ii. Landforms and natural processes.
- iii. The efficiency and effectiveness of infrastructure.
- iv. The safety of people and property.
- v. ~~The stability of soils; and~~
- vi. The structural stability of infrastructure and the ability for that infrastructure to safely operate and be maintained; and<sup>24</sup>

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<sup>23</sup> Submission 2 (The Oil Companies) 5 (Powerco) 6 (Transpower) and Further Submission 4 (Transpower) – includes minor correction

<sup>24</sup> Submissions 2 (The Oil Companies) 6 (Transpower) and Further Submission 4 (Transpower) – includes minor correction

ab. Has appropriate regard to cultural heritage sites and values.

## 14.3 POLICIES

### 14.3.1 Low impact earthworks and land modification.

Promote low impact earthworks and land modification that results in minimal modification to landforms and overland flow paths.

### 14.3.2 Effects of earthworks.

Avoid earthworks and land modification that result in damage to property, network utilities or significant nuisance effects.

### 14.3.3 Maori values and earthworks.

~~Enable the incorporation of~~ Incorporate Maori cultural values and practices into large scale earthworks and land modification, and within areas of cultural significance.

## 14.4 RULES

### Notes:

1. Certain activities involving disturbance to land will also require regional consent. Applicants are encouraged to consult the Manawatu-Wanganui Regional Council ~~should be consulted regarding any activity which results in disturbance to land~~<sup>25</sup> to identify any Regional Council requirements.
2. Heritage New Zealand should be consulted regarding any activity that has the potential to ~~disturb~~ modify or destroy<sup>26</sup> an archaeological site in relation to the possible need for an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
3. Quarrying is excluded from the provisions of this section.<sup>27</sup>
4. Works in close proximity to any electricity line or support structure can be dangerous. The Electrical Code of Practice for Electrical Safe Distances 34: 2001 may apply and should be referred to. This Code is enforced by the Ministry of Business, Innovation and Employment, and compliance is mandatory.<sup>28</sup>

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<sup>25</sup> Submissions 5 (Powerco) 7 (Horizons)

<sup>26</sup> Submission 1 (Heritage NZ)

<sup>27</sup> Submission 5 (Powerco) 4 (KiwiRail)

<sup>28</sup> Submission 5 (Powerco) 4 (KiwiRail) 6 (Transpower)



Rules regulating earthworks in close proximity to the National Grid in the respective zone chapters apply to all activities in addition to these requirements.<sup>29</sup>

#### 14.4.1 Permitted Activities.

Note: The following provisions only apply to subdivision and land use activity in the Residential, Rural B, Neighbourhood Commercial and Reserves and Open Spaces zones.

The following are permitted activities:

- a. Earthworks in the Residential and Rural zones and Neighbourhood Commercial, Reserves and Open Spaces and Airport Enterprise zones, subject to meeting the Performance Standards.
- b. Earthworks in all other zones, unless otherwise stated.
- a. Earthworks that meet the Performance Standards.<sup>30</sup>
- c. Earthworks required for piling, road maintenance or widening, trenching and back filling ancillary to the installation of network utilities and reticulated services.
- d. Earthworks for the establishment of water and effluent tanks, effluent disposal fields, domestic gardening and landscaping where the finished ground levels are the same as prior to works occurring and the establishment of boundary fences.
- e. Earthworks required for the formation of an accessway, road, right of way and vehicle crossings, unless otherwise stated.
- f. Earthworks required for the installation of connections to reticulated services and network utilities unless otherwise stated.
- bg. Earthworks associated with the replacement and/or removal of a fuel storage system at a service station as defined by the Resource Management Act (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.  
Earthworks for the replacement and/or removal of a fuel storage system as defined by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and the documentation of the backfill compaction is lodged at Council.<sup>31</sup> The

<sup>29</sup> Submitter 6 (Transpower)

<sup>30</sup> Minor clarification as a result of Submission 11 (Federated Farmers)

<sup>31</sup> Submitter 2 (The Oil Companies)

performance standards for earthworks do not apply to these activities.

Note: Works in close proximity to any electricity line or support structure can be dangerous. The Electrical Code of Practice for Electrical Safe Distances 34: 2001 may apply and should be referred to. This Code is enforced by the Ministry of Business, Innovation and Employment, and compliance is mandatory. <sup>32</sup>

#### **14.4.2 Restricted Discretionary Activities.**

The following are restricted discretionary activities.

- a. Earthworks that do not comply with one or more a performance standards unless otherwise stated.
- ~~b. Earthworks required for subdivision development.~~

Council restricts its discretion to the following matters:

- i. ~~Discretion will be restricted to t~~The ability of a proposal to meet all the relevant policies, and performance standards and assessment criteria.

Refer to Resource Consent Assessment Criteria.

Note: All discharges must meet the requirements of the Regional Council, including any relevant conditions of any applicable consent.

#### **14.4.3 Non-Complying Activities.** <sup>33</sup>

The following activities are non-complying activities:

- ~~a. Earthworks that do not comply with a Performance Standard or Standards that specifically states failure to meet that standard is a Non-Complying Activity.~~

- ~~a. Earthworks that result in the discharge of any material into reticulated infrastructure or onto roads when no measures have been undertaken to avoid or limit the issue.~~

Note: Quarrying and works associated with the installation and maintenance of network utilities are is excluded from the provisions of this section. <sup>34</sup>

<sup>32</sup> Submission 5 (Powerco) 4 (KiwiRail) 6 (Transpower)

<sup>33</sup> Submission 2 (The Oil Companies)

<sup>34</sup> Submission 5 (Powerco) 4 (KiwiRail)

Refer to [Resource Consent Assessment Criteria](#).

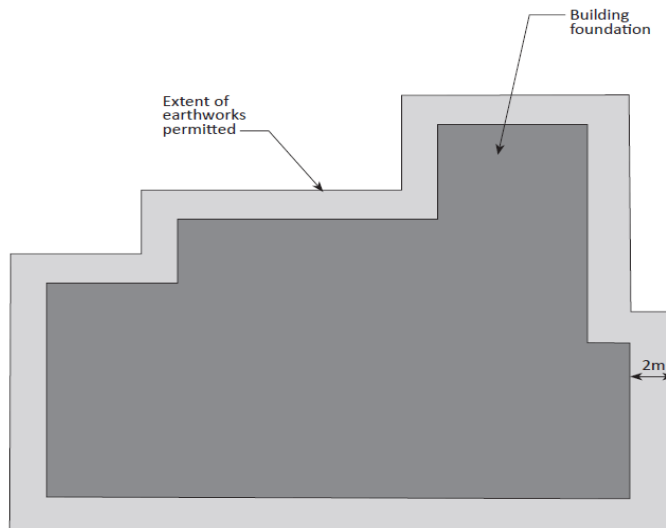
## 14.5 PERFORMANCE STANDARDS - Earthworks

### 14.5.1 Scale of earthworks.

Earthworks in the Airport Enterprise, Residential, ~~any Rural~~<sup>35</sup> and Neighbourhood Commercial Zones shall not exceed the following:

- ~~a. Earthworks for the establishment of building foundations exceeding the extent of foundations by a maximum of 2 meters measured horizontally in accordance with Diagram 1.~~

Diagram 1

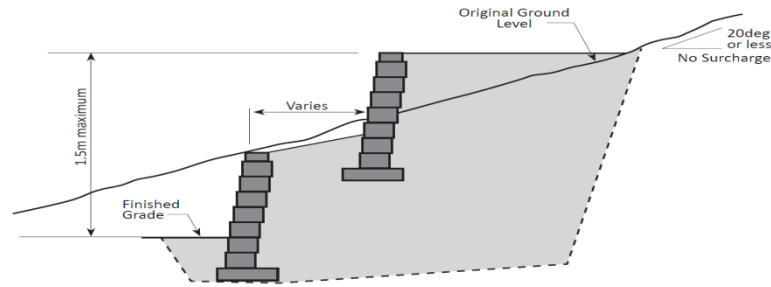


- ~~a~~<sub>b</sub>. Earthworks up to and including 50% of the area of any allotment up to a maximum area of 500m<sup>2</sup> of land disturbance cleared<sup>36</sup>. Where there is more than one allotment area subject to works as part of a development project, the area of works shall be calculated cumulatively across those allotments affected.
- ~~b~~<sub>e</sub>. The erection of retaining walls shall not either singularly or cumulatively, exceed 1.5 metres in height. Refer to Diagram 2

Diagram 2

<sup>35</sup> Submission 11 (Federated Farmers)

<sup>36</sup> Submission 2 (The Oil Companies)



Note: This rule excludes the following:

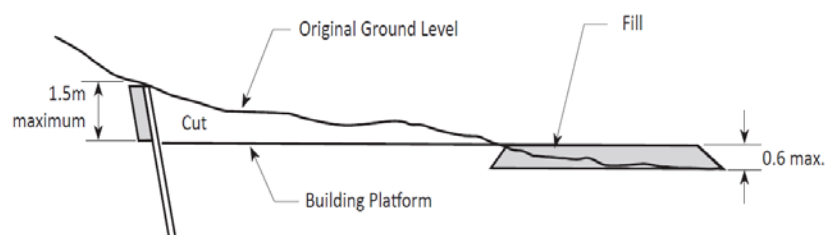
1. Earthworks associated with forestry or<sup>37</sup> rural activities including tilling, harvesting, planting, ploughing, regrassing, or similar activity in the Rural B Zones are exempt from the above provisions<sup>38</sup>.
2. Sheetpiles
3. Retaining walls for which a valid Building Consent exists.

#### 14.5.2 General earthworks standards.

The following standards apply to earthworks in all zones except that provision 1(a) to 1(e) shall not apply to the Rural and Airport Enterprise zones and 1(a) to 1(f) shall not apply to the Rural zones<sup>39</sup>:

- a. Cuts shall not exceed 1.5 metres in height and fills below building platforms shall not exceed 0.6 metres in depth measured vertically, excluding pools and tanks that are buried. Refer to Diagram 3.

Diagram 3



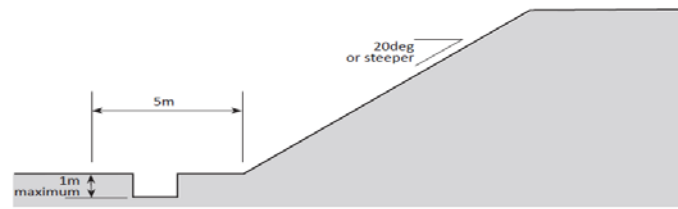
- b. Cuts or fills shall not occur on slopes exceeding 20°.
- c. Cuts of greater 1.0 metre in height measured vertically shall not occur within 5.0 metres if a toe of a slope exceeding 20°. Refer Diagram 4.

<sup>37</sup> Submission 3 (Rayonier)

<sup>38</sup> Submission 2 (The Oil Companies)

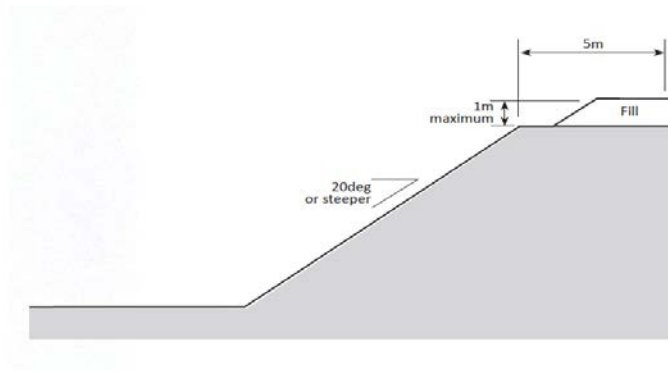
<sup>39</sup> Submission 11 (Federated Farmers)

Diagram 4



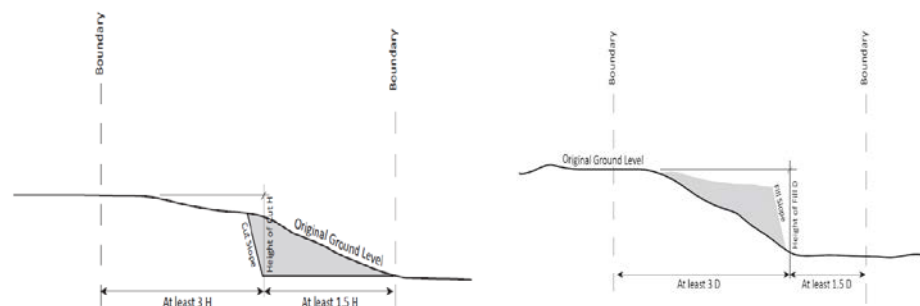
- d. Fills greater than 1.0 metre in height measured vertically shall not occur within 5 metres of the top of a slope exceeding 20°. Refer Diagram 5.

Diagram 5



- e. The toe of a fill or cut slope shall be at least 3 times the depth/height of the slope from an upslope boundary and at least 1.5 times the depth/height of the slope from a downslope boundary. Refer Diagram 6.

Diagram 6



- f. Earthworks shall not:
- i. result in visible evidence of settled dust beyond the boundaries of the subject site to which the works relate.

- ii. alter overland flow paths, including swales and low impact stormwater devices, in a manner that causes damage to property through inundation, erosion, or subsidence.
- iii. cause excessive vibration on surrounding sites.
- iiiv. create, encourage, or exacerbate erosion or instability.
- ~~v. discharge any materials such as soils, sediment or vegetation into reticulated infrastructure or onto roads, as a result of earthworks. Noncompliance with this Standard shall be deemed a Non-Complying Activity.~~
- ~~vi. Construction noise from a site in any zone shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, NZS 6803:1999 Acoustics Construction Noise.~~

Note: The requirements of the Land Drainage Act 1908 still apply and should be referred to by anyone moving significant amounts of earth or altering overland flows.

- g. Measures shall be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited to such that it does not cause nuisance.
- h. Measures shall be implemented to ensure that infrastructure is appropriately protected from infiltration of sediments and roads are kept clean of mud and other such material.

# 19 RELOCATED BUILDINGS AND TEMPORARY ACTIVITIES<sup>40</sup>

The objectives, policies and rules in this chapter apply in all zones and areas throughout across<sup>41</sup> the District. They are grouped together to prevent repetition throughout the Plan.

## Relocated Buildings

Relocated Buildings are a popular development option in Whanganui. They are often dwellings, garages, shipping containers or temporary buildings used during a construction phase.

During the time between relocation of the building onto the site and the re-instatement works there is the potential for the appearance of the building to adversely affect amenity. Once re-instatement is completed, the building usually has no greater effect than any other structures that the plan permits.

## Temporary Activities<sup>42</sup>

Temporary Activities are a part of a community's vitality and are a regular occurrence. As they are usually short term, the adverse effects of these types of activities are usually minor, but they have multiple positive effects for the overall environment and amenity.

## Temporary Military Training Activities

The New Zealand Defence Force as part of its functions undertakes exercises outside its designated sites. This is pursuant to the Defence Act 1990 and is required to implement the national defence strategy. The main potential issue for these exercises is noise disturbance.

## 19.1 ISSUES

19.1.1 Relocated buildings can produce adverse visual effects until they are re-instated.

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<sup>40</sup> Submitter 9 (Whanganui District Council)

<sup>41</sup> Submission 10 (NZDF)

<sup>42</sup> Submitter 9 (Whanganui District Council)

**19.1.2** Temporary activities can produce short term adverse effects.<sup>43</sup>

**[19.1.3]**

**19.1.2** Temporary Military Training Activities can produce adverse short term effects.

## **19.2 OBJECTIVES**

**19.2.1** To provide for relocated buildings as an alternative to construction of a new building whilst avoiding adverse visual effects on the environment.

**19.2.2** To enable temporary activities within the District which do not adversely affect community wellbeing.<sup>44</sup>

**[19.2.3]**

**19.2.2** To enable temporary military training within the District which do not adversely affect community wellbeing or the character of the area.

## **19.3 POLICIES**

**19.3.1** To ensure that any adverse visual amenity effects of relocated buildings are mitigated in a timely manner.

**19.3.2** To provide for temporary activities throughout the District, where adverse effects on amenity values are avoided, remedied or mitigated.<sup>45</sup>

**[19.3.3]**

**19.3.2** To provide for temporary military training activities throughout the District, and manage activities in proximity to a sensitive noise activity or on an identified outstanding natural landscape.

~~where adverse effects on amenity values are avoided, remedied or mitigated except in proximity to a sensitive noise activity or on an identified outstanding natural landscape.~~<sup>46</sup>

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<sup>43</sup> Submitter 9 (Whanganui District Council)

<sup>44</sup> Submitter 9 (Whanganui District Council)

<sup>45</sup> Submitter 9 (Whanganui District Council)

<sup>46</sup> Submitter 10 (NZDF)



## 19.4 RULES FOR RELOCATED BUILDINGS

~~All activities shall comply with the Performance Standards within this chapter and the underlying zone, overlay as well as other relevant chapters.~~<sup>47</sup>

### 19.4.1 Permitted Activities.

~~The following are permitted activities throughout the District provided they comply with the performance standards in chapters 3-10.~~<sup>48</sup>

- ~~a. Relocated buildings~~
- ~~b. Temporary relocatable buildings~~
- ~~c. The demolition, removal and re-siting of buildings, except when listed in Appendix A Heritage Items.~~<sup>49</sup>

### 19.4.2 Restricted Discretionary Activities.

~~The following are restricted discretionary activities throughout the District where the Council will restrict the exercise of its discretion:~~

- ~~a. Any activity which does not comply with any of the above performance standards in 19.5.~~

~~Council restricts its discretion to the following matters:~~

- ~~i. The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances.~~

- ~~a. The erection of relocated buildings.~~

~~In exercising its discretion the Council will be restricted to the physical design and appearance of the relocated building. This shall be assessed having regards to:~~

- ~~i. Age of building or period of construction.~~
- ~~ii. Appearance and condition of the building's externals walls, roof, window and door joinery, and other exterior structures or fixtures.~~
- ~~iii. Structural condition.~~
- ~~iv. Compliance with bulk and location requirements of the zone where the relocated building shall be located.~~

<sup>47</sup> Submission 6 (Transpower)

<sup>48</sup> Submission 6 (Transpower)

<sup>49</sup> Submitter 8 (House Movers)

An application need not be notified if the consent authority is satisfied that the adverse effect on the environment of the activity will be minor and the written approval has been obtained from every person whom the Council is satisfied may be adversely affected by the granting of the resource consent, unless the Council considers it is unreasonable in the circumstances to require the obtaining of every such approval.

## **19.5 PERFORMANCE STANDARDS – Relocated Buildings**

### **19.5.1 Relocated Buildings.**

All Relocated Buildings shall comply with the following:

- a. A building inspection report shall be submitted to Council (usually as part of the Building Consent) prior to the relocation occurring. That report is to identify all reinstatement works that are to be completed to the exterior of the building and an estimate of the cost of the work.

The pre-inspection report template is available on Council's website.<sup>50</sup>

- b. The building shall be located on permanent foundations, no later than one month after the building is delivered to the site.
- c. All work required to reinstate the exterior of any relocated building/dwelling, including the siting of the building/dwelling on permanent foundations, shall be completed within nine months of the building being delivered to the site.
- d. The owner of the site that the building is to be located onto shall certify that the reinstatement work will be completed within the nine month period and confirm the date of the proposed relocation not less than 48 hours before relocation occurs.<sup>51</sup>

### **19.5.2 Temporary Relocatable Buildings.**

All Temporary Relocatable Buildings shall comply with the following:

- a. The building can comply with the relevant standards that control height and setback of structures; and
- b. The building is part of a construction project or event and is removed within 7 days of the project finishing; or
- c. The building is being used for temporary residential storage and will be onsite for no longer than 7 days.

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<sup>50</sup> Submitter 8 (House Movers)

<sup>51</sup> Submitter 8 (House Movers)

## **19.6 RULES FOR TEMPORARY ACTIVITIES**<sup>52</sup>

### **19.6.1 Permitted Activities.**

The following are permitted activities throughout the District.

a. Temporary activities provided that they comply with the performance standards in 19.7.

### **19.6.2 Restricted Discretionary Activities.**

The following are restricted discretionary activities throughout the District where the Council will restrict the exercise of its discretion:

a. Any activity which does not comply with any of the above performance standards in 19.7.

Council restricts its discretion to the following matters:

i. The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances.

## **19.7 PERFORMANCE STANDARDS – Temporary Activities**<sup>53</sup>

### **19.7.1 Temporary Activities.**

All Temporary Activities shall comply with the following:

a. Activities incidental to construction or demolition:

- i. Shall comply with construction noise standard NZS6803:1999 and Chapter 14 - Earthworks.
- ii. All demolition materials and debris shall be removed from the site within two months of the demolition being completed.

b. Sporting events, public meetings, galas, market days, and other recreational and festive events:

- i. Hours of operation 7am - 10pm, excluding the Masters Games.
- ii. Duration: not exceeding two days, excluding the Masters Games.

c. All temporary activities shall comply with Chapter 17 - Noise.

d. Any structures or earthworks shall comply with the underlying zone performance standards relating to the National Grid.<sup>54</sup>

<sup>52</sup> Submitter 9 (Whanganui District Council)

<sup>53</sup> Submitter 9 (Whanganui District Council)

<sup>54</sup> Submitter 6 (Transpower)

## [19.8]

### 19.6 RULES FOR TEMPORARY MILITARY TRAINING ACTIVITIES

~~Temporary Military Training Activities are not required to comply with the requirements of any other part of the Plan except earthworks and permanent structures which are subject to the zone rules.<sup>55</sup>~~

#### [19.8.1]

##### 19.6.1 Permitted Activities.

The following are permitted activities throughout the District provided they comply with the performance standards in section 19.9.

- a. Temporary military training activities which comply with the following Performance Standards in 19.7.

#### ~~10.8.2 Controlled Activities.~~

~~The following are controlled activities throughout the District.~~

~~Any temporary military training activities which do not comply with any one or more of the above performance standards in 19.7.~~

~~Council reserves control over:~~

- ~~a. the duration of the activity;~~
- ~~b. permanent earthworks;~~
- ~~c. the location, duration and frequency of any noise emissions.~~

~~The written approval of affected persons will not be necessary and applications need not be notified.~~

#### [19.8.2]

##### 19.6.2 Restricted Discretionary Activities.

The following are restricted discretionary activities throughout the District.

Any permitted activity which does not comply with any of the above performance standards in 19.7[19.9].

Council restricts its discretion to the following matters:

- a. the duration of the activity beyond 31 days;

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<sup>55</sup> Submission 6 (Transpower) and Further Submitter 3 (NZDF)

- b. rehabilitation of the sites;
- c. the location, duration and frequency of any noise emissions beyond those permitted in 19.7[19.9].

## [19.9]

### 19.7 PERFORMANCE STANDARDS – Temporary Military Training Activities

~~19.7.1 The written consent of the owner shall have been obtained.~~

~~19.7.2 No permanent structures shall be constructed.~~

~~19.7.3 The activity shall not involve permanent excavation unless provided for in this District Plan.~~

- a. The activity shall comply with the earthworks rules 14.5.2(f).

~~19.7.4 Flying activities shall be in compliance with civil aviation regulations or in agreement with the local controlling authority.~~

- b. The activity shall be limited to a period not exceeding 31 days, excluding set-up and pack-down activities, which can occur up to one week prior to commencement and up to one week following completion of the activity.<sup>56</sup>

- c. Any building or structure shall not be located within the National Grid Yard.<sup>57</sup>

~~19.7.6 The following noise standards apply to temporary military training activities in all zones and are not to be exceeded at or beyond the site boundary.~~

<u>Time</u>	<u>Limits (dBA)</u>	
<u>Any day</u>	<u>L10</u>	<u>Lmax</u>
<u>0630 - 0730</u>	<u>60</u>	<u>70</u>
<u>0730 - 1800</u>	<u>75</u>	<u>90</u>
<u>1800 - 2000</u>	<u>70</u>	<u>85</u>
<u>2000 - 0630</u>	<u>45</u>	<u>-</u>
<u>Noise resulting from the use of explosives is not to exceed 122dBA and shall not occur outside the hours of 0730 to 1800.</u>		

- de. The following noise standards apply to temporary military training activities in all zones

<sup>56</sup> Submission 10 (Defense Force)

<sup>57</sup> Submissions 6 (Transpower) and Further Submitter 3 (NZDF)

## Noise Controls

### Type of military noise source

### Standards

#### 1. Weapons firing and/or the use of explosives

1. Notice is provided to the Council at least 48 hours prior to the commencement of the activity, specifying whether the activity involves live firing and/or the use of explosives, or firing of blank ammunition; the location of the activity and the boundaries within which the activity will take place, and distances to buildings housing noise sensitive activities; and the timing and duration of the activity.

2. Compliance with the noise standards below:

	<u>Time (Monday to Sunday)</u>	<u>Separation distance required between the boundary of the activity and the notional boundary to any building housing a noise sensitive activity</u>	
<u>i. Live firing of weapons and single or multiple explosive events</u>	<u>0700 to 1900 hours</u>	<u>At least 1500m</u>	<u>Less than 1500m if conditions (a) and (c) below are complied with</u>
	<u>1900 to 0700 hours</u>	<u>At least 4500m</u>	<u>Less than 4500m if conditions (b) and (c) below are complied with</u>
<u>ii. Firing of blank ammunition</u>	<u>0700 to 1900 hours</u>	<u>At least 750m</u>	<u>Less than 750m if conditions (a) and (c) below are complied with</u>
	<u>1900 to 0700 hours</u>	<u>At least 2250m</u>	<u>Less than 2250m if conditions (b) and (c) below are complied with</u>

Conditions to be complied with if minimum separation distances for sources 1(i) and 1(ii) cannot be met:

<u>Condition</u>	<u>Time (Monday to Sunday)</u>	<u>Noise level at the notional boundary to any building housing a noise sensitive activity</u>
<u>(a)</u>	<u>0700-1900hrs</u>	<u>Peak sound pressure level of 120 dBC</u>
<u>(b)</u>	<u>1900-0700hrs</u>	<u>Peak sound pressure level of 90 dBC</u>
<u>(c)</u>	<u>The activity is undertaken in accordance with a Noise Management Plan prepared by a suitably qualified expert and</u>	

		<u>approved by is provided to<sup>58</sup> Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</u> <ul style="list-style-type: none"><li><u>A description of the site and activity including times, dates, and nature and location of the proposed training activities.</u></li><li><u>Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location orientation, timing of noisy activities to limit noise received at sensitive receiver sites.</u></li><li><u>A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations.</u></li><li><u>A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event.</u></li><li><u>A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council.</u></li></ul>
<u>2. Mobile noise sources, excluding sources 1(i) and 1(ii)</u>	<u>Compliance with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction Noise, with reference to ‘construction noise’ taken to refer to other, mobile noise sources*</u>	
<u>Note: mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment</u>		
<u>3. Fixed (stationary) noise sources, excluding sources 1(i) and 1(ii)</u>	<u>Time (Monday to Sunday)</u>	<u>Noise level at the notional boundary to any building housing a noise sensitive activity *</u>
	<u>0700 to 1900 hours</u>	<u>55 dB L<sub>Aeq</sub> (15 min)</u> <u>n.a.</u>
	<u>1900 to 2200 hours</u>	<u>50 dB L<sub>Aeq</sub> (15 min)</u>
	<u>2200 to 0700 hours the next day</u>	<u>45 dB L<sub>Aeq</sub> (15 min)</u> <u>75 dB L<sub>AFmax</sub></u>
<u>Note: fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.</u>		
<u>4. Helicopter landing areas</u>	<u>Compliance with noise limits set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas*</u>	

\* Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound

<sup>58</sup> Submission 10 (Defence Force)

## CHAPTER 23 ASSESSMENT CRITERIA

### 23.17 EARTHWORKS

**Note:** The following criteria relate only to activities in the Residential, Rural Production, Rural General, Rural Lifestyle or Rural Settlement, Airport Enterprise, Neighbourhood Commercial or Reserves and Open Spaces zones.

- 23.17.2** In addition to the matters above, discretion is also restricted over the following matters:
- a. Where land is being filled a vertical height of more than 0.~~56~~<sup>59</sup> metres and intended for future development, or intended to be used as a future building platform:

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<sup>59</sup> Minor Correction to be consistent with the rule.