

### 20. OPEN SPACE ZONE

#### 20.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Open Space Zone provided an activity complies with all relevant conditions in Rule 20.6 and Chapters 21, 22, 23 and 24.

- (a) Recreation activities.
- (b) Grazing.
- (c) Use of, and any internal alterations of existing community facilities (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.
- (d) Construction, alteration of, addition to, and demolition of buildings and structures for any permitted activity.
- (e) Relocated buildings up to and including 40m<sup>2</sup> in gross floor area.
- (f) The following types of signs:
  - (i) Signs displaying recreation activity sponsors;
  - (ii) Signs displaying the name of individual parks and reserves;
  - (iii) Wayfinding signs including information and map boards, directions;
  - (iv) Community wellbeing signs;
  - (v) Advertising signs located on the site to which the activity relates, including public facility or information signs identifying a building, property or business;
  - (vi) Official signs;
  - (vii) Temporary signs;
  - (viii) Signs advertising sale or auction of land or premises.
  - (ix) Health and safety signs.
- (g) The following network utilities and energy activities:
  - (i) The construction, operation maintenance and upgrading of network utilities.
  - (ii) Domestic scale renewable energy devices.
- (h) Within the Flood Hazard Overlay Areas only the following activities:

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- (i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of ~~supervised by~~, Horizons Regional Council.
- (ii) Maintenance or minor upgrading of existing network utilities.
- (iii) Installation of underground network utilities.
- (iv) New above ground lines including support poles.
- (v) New network utility masts.
- (vi) New network utility cabinets/buildings.

### Notes:

- For the definitions of 'maintenance' and 'minor upgrading' refer to Rules 22.2.10(a) and (c) in relation to existing network utilities.
  - Refer to rules in Horizons Regional Council's Proposed One Plan relating to activities in the bed of lakes and rivers, for land adjacent to rivers ~~zoned for river and flood control~~, all land use activities in the coastal marine area, coastal foredunes, areas with flood control and drainage schemes, and erosion protection works that cross or adjoin mean high water springs.
- (i) Where a building or structure is listed in Schedule 2 – Historic Heritage the following are permitted activities:
    - (i) The maintenance, redecoration and repair of the interior and exterior of a Group 1 or 2 building or structure.
    - (ii) Internal alteration of a Group 2 building.
  - (j) Where a site is listed in Schedule 2 – Historic Heritage, the following are permitted activities:
    - (i) Maintenance and repair of existing lawns, gardens, structures (including fences), buildings and signage on any site.
    - (ii) Removal of vegetation on any site.
  - (k) Where a tree is listed in Schedule 3 – Notable Trees the following are permitted activities:
    - (i) The removal or partial removal of a Notable Tree.
    - (ii) Any activities within the drip line of a Notable Tree.
    - (iii) Any trimming and maintenance of a Notable Tree.
- Note: The above activities must comply with all Conditions for Permitted Activities specified in Rule 20.6.20.*
- (l) Temporary activities.
  - (m) Temporary military training activities.

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- (n) Earthworks within the Coastal Outstanding Natural Feature and Landscape.
- (o) Earthworks (Refer to Rules 20.4(h)(v) Earthworks within a heritage setting of a Group 1 or 2 building or structure, 20.4(i)(ii) Earthworks within a site that is listed in Schedule 2 - Historic Heritage, and 20.5(c) Earthworks within an Outstanding Natural Feature and Landscape).
- (p) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.

National Environmental Standards:

- For any activities on contaminated or potentially contaminated land, refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
- For any Telecommunication or Radiocommunication facilities / activities that are located within a legal road reserve, refer to the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.
- For any activities involving the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation, refer to the National Environmental Standards for Electricity Transmission Activities Regulations 2009. The regulations contain a separate code of rules for those activities listed. Except as provided for by the regulation, no rules in this District Plan apply to such activities.

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### 20.2 CONTROLLED ACTIVITIES

The following activities shall be controlled activities in the Open Space Zone provided activities comply with all relevant conditions in Rule 20.7 and Chapters 21, 22, 23 and 24. Refer to 20.7 for matters of control and conditions.

- (a) The subdivision of land. (Refer Rule 20.7.1)
- (b) Any boundary adjustment subdivision within Flood Hazard Overlay Areas. (Refer Rule 20.7.2)

Except

Any relocated buildings up to and including 40m<sup>2</sup> in gross floor area.

- (c) The placement of any relocated building on any site. (Refer Rule 20.7.3)
- (d) Earthquake strengthening of any Group 2 building included in Schedule 2 - Historic Heritage. (Refer Rule 20.7.4)
- (e) Any temporary filming activity that does not comply with permitted activity duration condition in Rule 20.6.22(b)(i). (Refer Rule 20.7.5)
- (f) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 20.6.23. (Refer Rule 20.7.6)

### 20.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities shall be restricted discretionary activities in the Open Space Zone provided activities comply with all relevant conditions in Rule 20.8. Refer to Rule 20.8 for matters of discretion and conditions.

- (a) Any permitted activity which does not comply with any condition in Rule 20.6 and Chapters 21, 22, 23 and 24 (Rule 20.8.1).
  - (b) Any controlled activity which does not comply with any condition in Rule 20.7.
  - (c) Any permitted activity within a Flood Hazard Overlay Area that does not comply with the permitted activity conditions in Rule 20.6.11 (Rule 20.8.3).
  - (d) New community activities and any external additions to existing community facilities. (Rule 20.8.4)
  - (e) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Rule 20.8.5)
  - (f) Any sign attached to, or within the heritage setting of, a building, structure or site listed in Schedule 2 – Historic Heritage that do not comply with the relevant permitted activity conditions. (Rule 20.8.6)
  - (g) Community Entrance signs. (Refer Rule 20.8.7(b))
  - (h) Remote advertising signs. (Refer Rule 20.8.7)
  - (i) Buildings within those parts of the Coastal Environment and Coastal Lakes, Landscape Domains that are not Outstanding Natural Features and Landscapes except for:
    - (i) Buildings, additions and alterations that do not exceed 5 metres in height.
    - (ii) Buildings, additions and alterations that do not exceed 5 metres in height and are on a dune or part of a dune that is no greater than 10m from toe to summit.
    - (iii) Primary production buildings.
    - (iv) Buildings for temporary activities.
- For the purposes of this Rule, Primary Production Building means any building used principally to support primary production activities. This shall include buildings used for storage and management of stock but shall exclude buildings used in total or in part for residential activities.
- (j) Buildings within those parts of the Hill Country Landscape Domain that are not Outstanding Natural Features and Landscapes except for:
    - (i) Buildings, additions and alterations that do not exceed 5 metres in height and that are located 30 metres vertically below a ridge or hilltop, measured from the roofline of the house.

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- (ii) Primary production buildings.
- (iii) Buildings for temporary activities.

For the purposes of this Rule, Primary Production Building means any building used principally to support primary production activities. This shall include buildings used for storage and management of stock but shall exclude buildings used in total or in part for residential activities.

Note: Refer to Chapter 25 for Assessment Criteria as a guide for preparing an assessment of environmental effects to accompany a resource consent application for any of the above activities.

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### 20.4 DISCRETIONARY ACTIVITIES

The following activities shall be discretionary activities in the Open Space Zone:

- (a) Any activity that is not a permitted, controlled, restricted discretionary or a non-complying activity.
- (b) Commercial activities.
- (c) Residential activities.
- (d) Any activity within a Flood Hazard Overlay Area that is not listed as a permitted or restricted discretionary activity, including but not limited to the following:
  - (i) Any erection, placement, alteration of, or addition to, any habitable building or structure.
  - (ii) Any new network utilities (except installation of underground network utilities, above ground lines, network utility masts, and network utility cabinets/buildings which are a permitted activity under Rule 20.1(g)).
  - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 20.2(a)).
  - (iv) Any activity involving storage of hazardous substances.
  - (v) Visitor accommodation.
- (e) Any permitted work to a listed tree in Schedule 3 - Notable Trees, or any activity within the drip line of a listed Notable Tree, that does not comply with the permitted activity conditions in Rule 20.6.20.
- (f) Any building or network utility with a height of more than 3 metres and less than 7 metres on any land shown or specified as an Outstanding Natural Feature and Landscape on the Planning Maps.
- (g) Any buildings, structures and the subdivision of land (excluding boundary adjustments) in the Coastal Natural Character and Hazards Overlay Area identified on Planning Maps.

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- (h) Where a building or structure is listed in Schedule 2 – Historic Heritage the following are discretionary activities:
- (i) Alteration to, or relocation of, a Group 1 or 2 building or structure.
  - (ii) Demolition of a Group 2 building or structure
  - (iii) Subdivision within the heritage setting of a Group 1 or 2 building or structure.
  - (iv) New building or additions to an unlisted building located within the heritage setting of a Group 1 or 2 building or structure.
  - (v) Earthworks within the heritage setting of a Group 1 or 2 building or structure.
- (i) Where a site is listed in Schedule 2 – Historic Heritage, the following are discretionary activities:
- (i) New building or the extension of the footprint of an existing building or structure on a site.
  - (ii) Earthworks.
  - (iii) Subdivision of land.

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### 20.5 NON-COMPLYING ACTIVITIES

The following activities shall be non-complying activities in the Open Space Zone:

- (a) Industrial activities.
  - (b) Demolition or destruction of a Group 1 building, structure or a site listed in Schedule 2 – Historic Heritage – Buildings, Structures and Sites.
  - (c) Any building or network utility with a height of more than 7 metres , or earthworks on any land shown or specified as an Outstanding Natural Feature and Landscape on the Planning Maps, except for earthworks on land that is within the Coastal Outstanding Natural Feature and Landscape.
- Note: Bundling of class of consent will not be applied where a line crosses a stream that is an Outstanding Natural Feature and Landscape.
- (d) Any wind energy facility on any land within an Outstanding Natural Feature and Landscape on the Planning Maps.

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### 20.6 CONDITIONS FOR PERMITTED ACTIVITIES

#### 20.6.1 Maximum Height

- (a) No part of any building shall exceed a height of 8.5 metres.

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- (b) All poles, support structures and fixtures associated with artificial lighting shall not exceed a height of 13.5 metres.

### **20.6.2 Fence Height**

- (a) The maximum height of a fence on a boundary shall not exceed 2 metres.

### **20.6.3 Daylight Setback Envelope**

- (a) No part of any building shall encroach outside an envelope created, in relation to a Residential or Rural Zone boundary, by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope) inwards from that point.

### **20.6.4 Building and Structure Setbacks**

- (a) All buildings and structures shall be setback 4.5 metres from the Residential Zone and Rural Zone boundary.
- (b) All buildings and structures greater than 10m<sup>2</sup> shall be setback 4 metres from the front (road) boundary.

### **20.6.5 Maximum Building Coverage**

- (a) The proportion of any site covered by buildings shall not exceed 5%.

Except

The proportion of any site covered by buildings shall not exceed 10% for the following domains and parks:

- (i) Easton Park / Potaka Park, Foxton (Refer Planning Map 15A);
  - (ii) Victoria Park, Foxton (Refer Planning Map 14);
  - (iii) Holben Reserve, Foxton Beach (Refer Planning Map 13);
  - (iv) Donnelly Park, Levin (Refer Planning Map 27);
  - (v) Playford Park, Levin (Refer Planning Maps 28 & 30);
  - (vi) Western Park, Levin (Refer Planning Maps 24);
  - (vii) Weraroa Domain, Levin (Refer Planning Map 27);
  - (viii) Shannon Domain, Shannon (Refer Planning Map 21);
  - (ix) Levin Domain, Levin (Refer Planning Maps 27A & 27B); and
  - (x) Moynihan Park, Shannon (Refer Planning Map 21).
- (b) For the purposes of Rule 20.6.5, boardwalks, cycle tracks, bridges, playground equipment and temporary buildings are excluded as 'buildings' in the calculation of building coverage.

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### 20.6.6 Light Spill

- (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

### 20.6.7 Noise

- (a) Noise from any activity shall not exceed the following limits when measured at, or within, any point in any site in the Residential, Greenbelt Residential or Rural Zone:
- (i) On Any Day -
- 7.00am – 7.00pm: 55dB  $L_{Aeq(15mins)}$
  - 7.00pm – 10.00pm: 50dB  $L_{Aeq(15mins)}$
  - 10.00pm – 7.00am: 40dB  $L_{Aeq(15mins)}$
  - 10.00pm – 7.00am: 65dB  $L_{Amax}$
- (b) Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics – Environmental noise.
- (c) Construction, maintenance and demolition work shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (d) The noise limits in Rule 20.6.7(a) and (b) shall not apply to:
- (i) Fire and civil emergency sirens.
  - (ii) Construction, maintenance and demolition work.
  - (iii) The operation of the Main North Island Trunk Railway.
  - (iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or vehicles used for the purpose of maintaining parks and reserves within a site as part of, or compatible with, a normal residential activity.
  - (v) Temporary military training activities.
  - (vi) Temporary events.

Note: Notwithstanding this rule, Section 16 of the RMA imposes a duty on every occupier of land and any person carrying out an activity in, on or under, a water body to adopt the best practicable option to avoid unreasonable noise.

### 20.6.8 Vibration

- (a) No activity shall create any vibration which exceeds the limits in the following standards:

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- (i) AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – General requirements.
- (ii) AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and shock-induced vibration in buildings (1 to 80 Hz).
- (iii) DIN 4150-3:1999 Effects of vibration on structures.
- (iv) NZS 4403:1976 – Code of Practice for Storage, Handling and Use of Explosives, and any subsequent amendments.

### 20.6.9 Odour

- (a) No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in any other zone in the Residential Zone.
- (b) Note: For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the “FIDOL factors” may be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

### 20.6.10 Storage of Goods and Materials

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining properties in the Residential Zone and from roads.

### 20.6.11 Flood Hazard Overlay Areas

- (a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m<sup>3</sup> per site within any 12 month period.

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- (b) Within a Flood Hazard Overlay Area, the erection, placement, alteration of, or addition to, any non-habitable structure, with an unsealed or permeable floor shall not exceed a gross floor area of 40m<sup>2</sup> per site.

Except the above two standards (a) and (b) do not apply to any soil conservation and river/flood control works carried out by or on behalf of Horizons Regional Council.

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- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m<sup>2</sup> gross floor area.

### **20.6.12 Surfacewater Disposal**

- (a) All activities shall make provision for the management of stormwater as means of dealing with water quantity and water quality to avoid significant adverse effects or nuisance.

### **20.6.13 Engineering Works**

- (a) All activities, subdivisions and developments shall comply with the permitted activity conditions in Chapter 24.

### **20.6.14 Vehicle Access**

- (a) All activities shall be provided with practicable vehicle access from a public road in accordance with the permitted activity conditions in Chapter 21.

### **20.6.15 Safety and Visibility at Road and Rail Intersections**

- (a) No building or structure shall be erected, no materials shall be placed, or vegetation planted that would obscure the railway level crossing approach sight triangles as detailed in Rule 21.1.11 in Chapter 21.

### **20.6.16 Vehicle Parking, Manoeuvring, and Loading**

- (a) All activities, ~~except network utilities on sites less than 200m<sup>2</sup>~~, shall be provided onsite vehicle parking, manoeuvring areas, and loading facilities as required in Chapter 21.

### **20.6.17 Network Utilities**

- (a) All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Chapter 22.
- (b) All other relevant conditions specified in this part of the District Plan shall also apply to any network utility or associated structures.

### **20.6.18 Hazardous Substances**

- (a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Open Space Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

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### 20.6.19 Signs

- (a) All signs shall comply with the Maximum Face Area set in Table 20-1.

**Table 20-1: Maximum Face Area for Signs**

| Type of Sign   | Maximum Face Area (m <sup>2</sup> ) per site   |
|--|--|
| Official signs   | N/A  |
| Temporary signs  | 3m <sup>2</sup>                                |
| Signs advertising the sale or auction of land or premises.   | 2m <sup>2</sup> (combined total area of signs) |
| <del>Advertising</del> Public information signs, located on the site to which the activity relates identifying the building, property or business which can include a sign attached to the building. | 1m <sup>2</sup>                                |
| A permanent free standing sign, which may be double sided, for each frontage of the site.  | 1m <sup>2</sup> (on one side)                  |
| Public facility signs including any church, school or hall.  | 2m <sup>2</sup>                                |
| Sponsorship signs  | No limit                                       |
| Wayfinding signs   | No limit                                       |
| Community wellbeing signs  | 3m <sup>2</sup>                                |
| <u>Health and safety signs</u>   | <u>N/A</u>                                     |

- (b) Any temporary sign shall be displayed for no longer than two (2) calendar months of a 12 month period every calendar year and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.
- (c) Signs advertising the sale or auction of land or premises shall be removed within 10 days of the property being sold, leased or withdrawn from the market.
- (d) All signs shall comply with the height, and where applicable recession plane requirements, but shall not be required to comply with rules relating to setbacks from road boundaries.
- (e) No sign shall be illuminated.
- (f) All signs attached to buildings shall not exceed the highest point of the roof.
- (g) No sign shall be erected on or adjacent to a road which will:
- (i) obstruct the line of sight of any corner, bend, intersection or vehicle crossing;
  - (ii) obstruct, obscure or impair the view of any traffic sign or signal;
  - (iii) physically obstruct or impede traffic or pedestrians;
  - (iv) resemble or be likely to be confused with any traffic sign or signal;

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- (v) use reflective materials that may interfere with a road user's vision;
  - (vi) use flashing or revolving lights; or
  - (vii) project light onto the road so as to cause a hazard or distraction to users of the road (including pedestrians).
- (h) The minimum lettering sizes in Table 20-2 below shall apply to all signs located within 15 horizontal metres of a road:

**Table 20-2: Minimum Lettering Sizes for Signs**

|                              | Posted speed limit 70kph and above |
|------------------------------|------------------------------------|
| Maximum number of words      | 6 or symbols                       |
| Maximum number of characters | 40                                 |
| Minimum lettering height     | 160mm                              |

### 20.6.20 Notable Trees

- (a) Any removal or partial removal of a tree listed in Schedule 3 - Notable Trees shall comply with the following conditions:
- (i) Council has confirmed the tree is dead; or
  - (ii) Removal or partial removal is required as an emergency work to safeguard life or habitable buildings from immediate danger (as confirmed by a qualified arborist).
- (b) Within the drip line of any tree listed in Schedule 3 - Notable Trees, any activities shall not involve the following works:
- (i) The construction of any building or structure.
  - (ii) The laying of overhead or underground services.
  - (iii) Any sealing, paving, soil compaction, or any other impervious surfaces.
  - (iv) The alteration of existing ground levels by excavation or deposition of soil including thrust boring and directional drilling.
  - (v) The discharge of any toxic hazardous substance.
- (c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:
- (i) Minor trimming necessary to maintain the health of the tree where the work is carried out by, or under the supervision of, a qualified arborist who has advised the Council in advance of the work to be carried out.
  - (ii) The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks and only where the work

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is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.

- (iii) The removal of broken branches, dead wood or diseased vegetation (as confirmed by a qualified arborist).
- (iv) Required as an emergency work.

### 20.6.21 Sites of significance to Tangata Whenua

- (a) No activity or development shall ~~lead to the modification, demolition or removal of~~ modify, demolish or remove any sites of significance to Māori where such site has been identified to Council and recorded by the Council in a register of sites prior to the time that any activity or development is proposed.

### 20.6.22 Temporary Activities

- (a) In addition to the other permitted activity conditions, temporary events, including but not limited to festivals, sports events, and markets, shall comply with the following conditions:
  - (i) The duration of any temporary event shall not exceed seven (7) consecutive days. For the purpose of this rule, 'day' means a whole day, or part of a day.
  - (ii) Any temporary event shall operate between the hours of 7.00am – 10.00pm.
  - (iii) The duration of a series of temporary events shall not exceed a cumulative period of 30 days in a calendar year.
  - (iv) All temporary buildings and structures are exempt from the maximum height and maximum building coverage standards set out in Rules 20.6.1 and 20.6.5.
  - (v) Noise from any temporary events shall not exceed the following noise levels, at any site in the Residential Zone, at the notional boundary of any noise sensitive activity within the Rural Zone, or anywhere within the site boundary of any noise sensitive activity within the Commercial, Industrial, or Greenbelt Residential Zones:
    - Amplified Sound including sound testing: 80dB L<sub>Aeq</sub> (10 mins).
    - Activities other than amplified sound: 70dB L<sub>Aeq</sub> (10 mins).
    - Crowd noise is exempt from these limits.
- (b) In addition to the other permitted activity conditions, temporary filming activities, shall comply with the following conditions:
  - (i) The total occupation of the site for filming activities shall not exceed seven (7) consecutive days.
  - (ii) All temporary buildings and structures are exempt from the maximum height and maximum building coverage standards set out in Rules 20.6.1 and 20.6.5.

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### 20.6.23 Temporary Military Training Activities

(a) All temporary military training activities shall, in addition to the other conditions, also comply with the following conditions:

- (i) No permanent structures shall be constructed;
- (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan;
- (iii) The duration of any temporary military training activity shall not exceed 31 days;
- (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in Table 2 of NZS 6803:1999 Acoustics - Construction Noise. ~~when applied at the notional boundary of any noise sensitive activity~~

Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise.

- (v) Noise generated from any fixed source (other than weapons firing and/or use of explosives) shall not exceed the following limits when measured at the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary:

- On any day -

- 7.00am – 7.00pm: 55 dB L<sub>Aeq(15min)</sub>
- 7.00pm – 10.00pm: 50 dB L<sub>Aeq(15min)</sub>
- 10.00pm – 7.00am: 45 dB L<sub>Aeq(15min)</sub>
- 10.00pm – 7.00am: 75 dB L<sub>AFmax</sub>

Noise levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.

- (vi) Noise generated from the use of helicopters shall be assessed in accordance with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and comply with the limits set out therein.

Noise levels shall be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.

- (vii) Any training activities involving the use of explosives and/or firing of weapons shall comply with either:

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- The separation distances identified in Table 20-3; or
- If minimum separation distances in Table 20-3 cannot be met:
  - Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary and;
  - Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at or within the 20 metre notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary; and
  - Provided the New Zealand Defence Force produces and undertakes the activity in accordance with a Noise Management Plan submitted to the Council at least 15 working days prior to the activity being undertaken (Refer 28.2.6 for information requirements for Noise Management Plan).

**Table 20-3: Separation Distances for Temporary Military Training Activities involving explosives and/or weapons.**

| <u>Type of military noise source</u>                                     | <u>Standards</u>                     |  |
|--|--------------------------------------|--|
|  | <u>Time (Monday to Sunday)</u>       | <u>Separation distance required from any residential dwelling unit or building used for noise sensitivity activities in any Zone, and any site within the Residential Zone or Greenbelt Residential Zone</u> |
| <u>1. Live firing of weapons and single or multiple explosive events</u> | <u>7.00am to 7.00pm (daytime)</u>    | <u>At least 1500m</u>  |
|  | <u>7.00pm to 7.00am (night time)</u> | <u>At least 4500m</u>  |
| <u>2. Firing of blank ammunition</u>                                     | <u>7.00am to 7.00pm (daytime)</u>    | <u>At least 750m</u>   |
|  | <u>7.00pm to 7.00am (night time)</u> | <u>At least 2250m</u>  |

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### 20.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES

The matters over which Council reserves its control and the conditions are detailed below for each controlled activity.

#### 20.7.1 Subdivision of Land (Refer Rule 20.2(a))

##### (a) Matters of Control

- (i) The design and layout of the subdivision, including the size, shape and position of any lot, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.
- (ii) The amalgamation of any proposed allotments or balance areas to existing titles of land.
- (iii) The provision of any new roads, cycleways, footpaths, provision of linkages to existing roads, access over or under railway lines, the diversion or alteration of any existing roads, the provision of access, passing bays, parking and manoeuvring areas, and any necessary easements.
- (iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity, and where applicable gas.
- (v) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
- (vi) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.
- (vii) Site contamination remediation measures and works.
- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
- (ix) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (x) Staging of the subdivision.
- (xi) Compliance with the Council’s Subdivision and Development Principles and Requirements (Version: November 2012).
- (xii) Those matters described in Sections 108 and 220 of the RMA.

##### (b) Conditions

- (i) All lots shall demonstrate compliance with the permitted activity conditions, except no minimum lot area requirement applies.

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- (ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.
- (iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.

### 20.7.2 Boundary Adjustments - Flood Hazard Overlay Areas (Refer Rule 20.2(b))

#### (a) Matters of Control

- (i) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events.
- (ii) The location, nature, scale and design of the allotments, their intended use, and the degree to which people or property are put at risk as a result of the subdivision.
- (iii) Avoidance or mitigation measures to address the risks from natural hazards.
- (iv) The effects of the mitigation measures in terms of any increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude on the site and to other properties which may or may not currently be at risk from the effects of the natural hazards.

### 20.7.3 Relocated Buildings (Refer Rule 20.2(c))

#### (a) Matters of Control

- (i) The length of time taken to re-construct, repair, or refurbish the building;
- (ii) Conditions for upgrading the exterior of the building and upgrading; and reinstating the site, including any one or more of the following:
  - redecoration or reinstatement of any roof or exterior cladding
  - reinstatement of any baseboards and steps
  - replacement of broken window panes, broken or rotten timber, guttering, drainpipes
  - reinstatement of the site and access to the site
  - details and length of time to complete site landscaping

- (b) A bond, of the nature provided for in the RMA, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District Council, to ensure compliance with consent conditions. The bond shall be paid prior to the movement of the building to its new site and shall be to the value of the work required, as assessed by a suitably qualified person approved by the Environmental Services Manager, at the cost of the applicant. The required work will be expected to be completed within the period set out in the bond documentation (usually a 12 month period). Portions of the bond may be refunded as substantial portions of the work are completed.

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(c) Conditions

- (i) Relocated buildings shall comply, in all respects, with the relevant permitted activity conditions in other parts of the Plan.

### 20.7.4 Historic Heritage – Buildings (Refer Rule 20.2(d))

(a) Matters of Control

- (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

### 20.7.5 Temporary Filming Activities (Refer Rule 20.2(e))

(a) Matters of Control

- (i) The hours of operation of the temporary filming activity;
- (ii) The size and positioning of temporary buildings and structures;
- (iii) The provisions of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public;
- (iv) Where appropriate, the provision of safe pedestrian entry and exit;
- (v) The provision for waste collection, storage and site clean-up;
- (vi) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects;
- (vii) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects; and
- (viii) The actual and potential adverse effects on the recreation, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.

(b) Conditions

- (i) The duration of the temporary filming activity shall not exceed 31 consecutive days. For the purpose of this rule, 'day' means a whole day, or part of a day.
- (ii) Submit a draft management plan demonstrating how the temporary filming activity avoids, remedies or mitigates adverse effects on local amenity. The scale and detail of this draft management plan is to be commensurate with the scale of the temporary filming activity and the nature of the potential effects on local amenity.

### 20.7.6 Temporary Military Training Activities (Refer Rule 20.2(f))

(a) Matters of Control

- ~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~

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- (ii) The size and positioning of buildings and structures;
  - (iii) The measures used to avoid, remedy or mitigate adverse effects from excavation.
  - (iv) Methods to manage effects on the amenity and character of the area as a result of non-compliance with the noise and duration permitted activity conditions;
  - (v) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and
  - (vi) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.
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### 20.8 MATTERS OF DISCRETION AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES

#### 20.8.1 Non-compliance with Permitted Activity Conditions (Rule 20.6) and Permitted Activity Conditions in Chapters 21, 22, 23 and 24 of this Plan. (Refer Rule 20.3(a))

- (a) Matters of Discretion
  - (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in other rules below.

#### 20.8.2 Non-compliance with Controlled Activity Conditions (Refer Rule 20.3(b))

- (a) Matters of Discretion
  - (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in other rules below.

#### 20.8.3 Flood Hazard Overlay Areas (Refer Rule 20.3(c))

- (a) Matters of Discretion
  - (i) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events.
  - (ii) The location, nature, scale and design of the buildings, earthworks or allotments, its intended use, including whether the building, earthworks or use is temporary or permanent, and the degree to which people or property are put at risk as a result of the activity.

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- (iii) Avoidance or mitigation measures to address the risks from natural hazards.
- (iv) The effects the mitigation measures in terms of increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude, including to other properties which may or may not currently be at risk from the effects of the natural hazards.
- (v) The effects on the effectiveness of existing flood hazard avoidance or mitigation measures, including works and structures within river and drainage schemes, natural landforms that protect against inundation, and overland stormwater flow paths.

### 20.8.4 Community Activities (Refer Rule 20.3(d))

- (a) Matters of Discretion
  - (i) Bulk and location of buildings;
  - (ii) Noise generated by the activity and the measures used to avoid, remedy or mitigate adverse effects on the amenity of the surrounding area;
  - (iii) Duration of the proposed community activity;
  - (iv) Provision for carparking to meet the demand generated by the activity and the measures used to avoid, remedy or mitigate adverse effects on the safety and efficiency of the road network; and
  - (v) The nature and magnitude of adverse effects on the character and amenity of the open space and surrounding area.
  - (vi) Whether the proposed activity is compatible with other activities within the park or reserve, and is complementary to the open space values.

### 20.8.5 Historic Heritage – Buildings (Refer Rule 20.3(e))

- (a) Matters of Discretion
  - (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

### 20.8.6 Historic Heritage – Signs (Refer Rule 20.3(f))

- (a) Matters of Discretion
  - (i) The colour and materials of any sign;
  - (ii) The design of any sign;
  - (iii) The location of any sign;
  - (iv) The size of any sign; and
  - (v) The number of any signs.

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### 20.8.7 Signs (Refer Rule 20.3(g) and Rule 20.3(h))

- (a) Matters of Discretion
- (i) The size, siting, design and content of the sign.
  - (ii) The effects on character and amenity values.
  - (iii) The likely duration that the sign will be in place.
  - (iv) The impact of the sign on traffic safety and the efficiency of the transport network.
  - (v) The approval of NZTA where the sign fronts a State Highway.
  - (vi) Cumulative effects arising from other signs in the vicinity
- (b) Conditions
- (i) The maximum face area of a Community Entrance sign shall 9m<sup>2</sup>.
- (c) Non-Notification:
- (i) Under Section 77D of the RMA, an activity requiring resource consent in relation to Rule 20.8.7 shall not be publicly notified, except where:
    - The Council decides special circumstances exist (pursuant to Section 95A(4)), or
    - The applicant requests public notification (pursuant to Section 95A(2)(b)).

Note: For consent applications involving activities close to State Highways, NZTA may be an affected party for the purposes of limited notification.

### 20.8.8 Temporary Activities (Refer Rule 20.3(a))

- (a) Matters of Discretion
- (i) The duration of the temporary activity, including daily hours of operation;
  - (ii) The size and positioning of temporary buildings and structures;
  - (iii) The provisions of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public;
  - (iv) Where appropriate, the provision of safe pedestrian entry and exit;
  - (v) The provision for waste collection, storage and site clean-up;
  - (vi) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects;

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- (vii) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects; and
  - (viii) The actual and potential adverse effects on the recreation, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
- (i) Submit a draft management plan demonstrating how the temporary activity avoids, remedies or mitigates adverse effects generated by the activity.