

## 3 PEOPLE'S HEALTH, SAFETY AND VALUES

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### **TEMPORARY ACTIVITIES**

#### **Policy B3.4.40**

**Provide for temporary activities associated with community-based as well as non commercial events or those that are necessary for construction purposes, provided associated short term adverse effects on the environment are appropriately managed.**

#### **Explanation and Reasons**

Policy B3.4.40 provides for a range of temporary activities most of which are encompassed within the Plan definition. These activities include construction activities to recognise the necessary effects associated with these activities during the temporary construction of buildings and structures. They also include a range of other activities which are primarily focussed on community related activities rather than temporary commercial or retail activities. There are benefits to the District from allowing temporary community activities within the Plan frequency limits and typically the positive community effects of these activities outweigh any temporary adverse effects which are managed through the limits imposed.

#### **Methods**

##### District Plan Rules

- Township Volume, Part C – Living and Business Zones - Activities

##### District Plan Policies

- Township Volume, Quality of the Environment - B3.4

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## **QUALITY OF THE ENVIRONMENT — ANTICIPATED ENVIRONMENTAL RESULTS**

The following environmental results should occur from implementing Section B3.4:

- Townships develop with zones of distinctive character.
- Living zones maintain a quality of the environment and amenity values compatible with residential areas.
- Most new residential activities occur in Living zones, with some higher density living areas in Business 1 Zones.
- Any new residential activities in Business 2, 2A and 2B Zones or the Business 3 Zone are ancillary to other activities in the zone.
- Increases in the variety of small scale businesses and other non-residential activities in Living zones.
- Business 1 Zones have more variety in activities and associated infrastructure.
- Business 1 Zones are attractive places for people to visit, work in or reside in.
- Lower standards of aesthetic and amenity values are maintained in Business 2, 2A and 2B Zones.
- The Business 3 Zone remains dominated by specialist research, education and associated activities.
- No increase in 'reverse sensitivity' issues in townships.
- Occasional short term effects associated with temporary activities with a level of adverse effects appropriate to the surrounding environment.

## **QUALITY OF THE ENVIRONMENT — MONITORING**

Please refer to Part E, Appendix 1.

## 7 LIVING ZONE RULES – OUTDOOR SIGNS AND NOTICEBOARDS

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### 7.1 OUTDOOR SIGNS – GENERAL

#### Permitted Activities – Outdoor Signs – General

- 7.1.1 Where any sign is not covered by Rules 7.2, 7.3 and 7.4, it shall be a permitted activity if the following conditions are met:
- 7.1.1.1 The sign relates to products or services sold on the site or includes information about the site on which it is located.
  - 7.1.1.2 The total number of signs on any site does not exceed 2, inclusive of any freestanding sign located on a footpath or grass berm outside the site but adjoining the site. This rule does not apply to signs associated with service stations or shops; and
  - 7.1.1.3 The sign does not have flashing or revolving lights, sound effects, balloons or blimps, and
  - 7.1.1.4 The sign does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner, and
  - 7.1.1.5 The sign does not exceed the height of:
    - (a) The building to which it is attached, or
    - (b) 2 metres if the sign is not attached to a building, and
  - 7.1.1.6 The sign does not exceed 1m<sup>2</sup> in size, and
  - 7.1.1.7 The sign is not of a colour or design which resembles a traffic sign or signal.
  - 7.1.1.8 The sign is not less than 2.5m above the ground, if it is an overhanging attached sign.
  - 7.1.1.9 The sign complies with the relevant rules for building size, design or siting if it is attached to a building.

#### Notes

1. Rule 7.1.1.1 does not apply to any temporary sign or freestanding sign.

**2. Rule 7.1.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.**

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## 7.5 OUTDOOR SIGNS AND STRATEGIC ROADS

### Permitted Activities — Outdoor Signs and Strategic Roads

- 7.5.1 Any sign on any land adjoining a road listed in Appendix 7 as a Strategic Road where the speed limit is 70km/hr or greater shall be a permitted activity if Rules 7.1 to 7.4 inclusive and all of the following conditions are met:
- 7.5.1.1 It is to be located on the site to which it relates;
  - 7.5.1.2 There shall be only one advertising sign directed at the Strategic Road;
  - 7.5.1.3 It is to have a minimum lettering height of 160mm;
  - 7.5.1.4 It shall not have more than six words or symbols and no more than 40 characters;
  - 7.5.1.5 It is to be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 m;
  - 7.5.1.6 Any sign is illuminated only when the premises is open for business; and
  - 7.5.1.7 The sign is positioned at right angles to the frontage roadway but angled off the direction of traffic by 5°.

#### Notes

1. If the conditions in Rule 7.5 conflict with those in Rules 7.1, 7.2., 7.3 and 7.4 then the conditions in Rule 7.5. take precedence.
2. Rules 7.1. to 7.4. also apply to signs on Strategic Roads.
- 3. Rule 7.5.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.**

# 10 LIVING ZONE RULES — ACTIVITIES

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## 10.8 ACTIVITIES AND LIGHT SPILL

### Permitted Activities — Activities and Light Spill

10.8.1 The following activities shall be permitted activities:

- 10.8.1.1 Any fixed, exterior lighting if it is directed away from adjacent properties and roads.
- 10.8.1.2 Any lighting if it does not have a lux spill (horizontal or vertical) of more than 3 on to any part of any adjoining properties.

### Discretionary Activities — Activities and Light Spill

10.8.2 Any activity which does not comply with Rules 10.8.1 shall be a discretionary activity.

## 10.9 ACTIVITIES AND SCALE OF ACTIVITIES

### Permitted Activities — Activities and Scale of Activities

10.9.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met:

10.9.1.1 Permanent Activities

- (a) No more than two full time equivalent staff employed on the site live off site, and
- (b) The gross floor area of any building(s) other than a dwelling does not exceed 300m<sup>2</sup>, or in the case of any building used for spiritual activities does not exceed 500m<sup>2</sup>, and
- (c) Vehicle movements do not exceed:
  - State Highways, Arterial Roads and Collector Roads: 40 per day plus 4 heavy vehicle movements per day
  - Local Roads: 20 per day plus 2 heavy vehicle movements per day.

**Note:**

Rule 10.9.1.1 does not apply to existing schools and Police stations.

Subclause (c) of Rule 10.9.1.1 shall not apply to emergency service vehicles.

#### 10.9.1.2 Temporary Activities

- (a) The activity does not last for a period longer than 15 hours in any one time and occurs no more than once every 24 hours ~~and occurs on no more than 12 times in any 12 month period, or~~
- (b) The activity does not last longer than a total of 7 consecutive days in any one time and occurs on no more than 3 times in any 12 month period.
- (c) Where any temporary activity exceeds the maximum number of vehicle movements permitted under 10.9.1.1(c) and a Traffic Management Plan is submitted and approved by Council at least 10 days prior to the activity commencing.

### Discretionary Activities – Activities and Scale of Activities

10.9.2 Any activity which is not a residential activity, and which does not comply with Rule 10.9.1 shall be a discretionary activity.

**Note:**

1. Rule 10.9.1.2 exempts temporary activities from complying only with Rule 10.9.1.1, not from complying with any other rules in the District Plan.
2. Guidance for the preparation of Traffic Management Plans can be found in New Zealand Transport Agencies Code of Practice for Temporary Traffic Management (COPTTM).

## 10.10 ACTIVITIES AND HOURS OF OPERATION

### Permitted Activities – Activities and Hours of Operation

10.10.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met:

10.10.1.1 The employment of staff who are not resident on the site; and

10.10.1.2 Visits by customers, patrons, clients or other people to the site, who are not resident on the site shall only occur between the hours of 7:00am and 10:00pm on any day.

**Note:** Rule 10.10.1 does not apply to spiritual and educational activities.

### Discretionary Activities – Activities and Hours of Operation

10.10.2 Any activity which is not a residential activity, and which does not comply with Rule 10.10.1 shall be a discretionary activity.

## Reasons for Rules

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### Scale of Activities and Hours of Operation

Rules 10.9 and 10.10 ensure non-residential activities in Living zones operate at a scale and in a way which are compatible with residential activities. The rules set maximum limits for permitted activities. Activities which do not comply with the rules may still be able to occur in Living zones, through a resource consent for a discretionary activity, if the effects are compatible with residential areas and consistency is achieved with the relevant objectives and policies of the Plan

The numbers listed in Rules 10.9 and 10.10 are not ‘magic’ numbers. Rather, they are based on the scale and nature of effects normally associated with households and residential activities.

The rules do not apply to residential activities. Residential activities are an integral part of Living zones so, by nature, are compatible with the amenity values of residential areas or Living zones. It is not the consent authority’s intention, for example, to require people to obtain a resource consent for a party generating more than 20 (Local Road) or 40 (Arterial Road) vehicle movements over the course of an evening, beyond 10.00 pm. Special provisions and exemptions have been made for **Temporary Activities**, spiritual activities, Police stations and educational activities, including schools, recognising the reality in size of buildings associated with such activities, their role within the community and the times of the days they can be utilised.

# 19 BUSINESS ZONE RULES — OUTDOOR SIGNS AND NOTICEBOARDS

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## 19.1 OUTDOOR SIGNS GENERAL

### Permitted Activities — Outdoor Signs General

19.1.1 Any sign shall be a permitted activity if the following conditions are met:

- 19.1.1.1 The sign is erected on the site to which it relates, exclusive of a freestanding sign located on a footpath or grass berm outside the site but adjoining the site; and
- 19.1.1.2 The sign does not have any flashing or revolving lights, sound effects, balloons or blimps; and
- 19.1.1.3 If a sign is illuminated, any light spill from the sign on to any road or any other site complies with the requirements in Rule 22.5 – Activities and Light Spill; and
- 19.1.1.4 The sign does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, road bend or corner; and
- 19.1.1.5 The sign does not exceed the height of:
  - (a) The building or structure to which it is attached, or
  - (b) 6 metres, in the Business 1 and 2 zones, and 8 metres in the Business 3 Zones, if the sign is not attached to a building; and
- 19.1.1.6 (a) The sign does not exceed 3m<sup>2</sup> in area where it is not attached to a building; and  
(b) In the Business 1 zone, the total freestanding signage per site does not exceed 3m<sup>2</sup> where the site's road frontage is less than 50m, or 6m<sup>2</sup> otherwise; and
- 19.1.1.7 The sign is not of a colour or design that resembles a traffic sign or signal; and
- 19.1.1.8 Any sign overhanging a public footpath or road berm has a minimum height of 2.5m above the ground or footpath level; and
- 19.1.1.9 The sign does not protrude beyond the edge of a building if it is attached to a building.
- 19.1.1.10 In the Business 1 zone, signage does not occupy more than 25% of any building elevation if it is attached to or painted on or otherwise provided on the elevation.

**Note:**

1. Rule 19.1.1 also applies to signs adjoining Strategic Roads. For the purpose of calculating the area of signs painted on a building, the area of the sign is that enclosed by a line drawn around the perimeter of the sign lettering and associated artwork.



- 2. Rule 19.1.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.**

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## **19.2 OUTDOOR SIGNS AND STRATEGIC ROADS**

### **Permitted Activities — Outdoor Signs and Strategic Roads**

- 19.2.1 Any sign on any land adjoining a road listed in Appendix 7 as a Strategic Road where the speed limit is 70km/hr or greater shall be a permitted activity if all of the following conditions are met:
- 19.2.1.1 It is to be located on the site to which it relates;
  - 19.2.1.2 There shall be only one advertising sign directed at the Strategic Road;
  - 19.2.1.3 It is to have a minimum lettering height of 160mm;
  - 19.2.1.4 It shall not have more than six words or symbols and no more than 40 characters;
  - 19.2.1.5 It is to be located so as to provide an unrestricted view to the motorist for a minimum distance of 180m;
  - 19.2.1.6 Any sign is illuminated only when the premises is open for business; and
  - 19.2.1.7 The sign is positioned at right angles to the frontage roadway but angled off the direction of traffic by 5°.

**Note:**

- 1. Rule 19.2.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.**

# DEFINITIONS

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**Telecommunication Facility:** means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.

**Telecommunication Line:** means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system; and includes any pole, insulator, casing, fixture, tunnel or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor and also includes any part of a line.

**Temporary Accommodation:** includes the use of any building to house any person for residential or business activities on a site, while construction work is being undertaken on the site. Temporary accommodation may be provided for persons occupying the site on which construction work occurs, or for persons involved in the construction work.

**Temporary Activity:** ~~includes any activity which occurs on any site for a period of not more than 15 consecutive hours in any one time and occurs on no more than 12 times in any 12 month period; or any activity which does not last longer than a total of 7 consecutive days in any one time and occurs on not more than 3 times at any one site in any 12 month period.~~

(including any associated buildings) includes:

- Buildings, structures and activities ancillary to a construction project for a period of up to 12 months or the duration of the construction project, whichever is the lesser.
- Sporting events, educational activities, public meetings, private functions, galas, shows, field days, displays, markets, garage sales, festivals, concerts; and non commercial activities/events; provided that for they do not occur:
  - on any site for a period of not more than 15 consecutive hours in any 24 hour period and no more than once per month; or
  - on any site for a period which does not last longer than a total of 7 consecutive days at any one time and occurs on not more than 3 times at any one site in any 12 month period.

**Temporary Military Training Activity:** means a temporary activity undertaken for Defence Purposes. Defence purposes are those in accordance with the Defence Act 1990.

**Temporary Sign:** includes any sign erected to advertise an upcoming event of interest to the community, or any sign which advertises the products or services of a business or organisation which is associated with an activity on these sites on which the sign is erected. Any temporary sign shall not be erected on any site for more than 6 consecutive calendar months at any one time, or for a collective period of more than 6 calendar months in any 2 year period, except that for any school or church anniversary event the temporary sign may be displayed for up to 12 months prior to the event.

**Tertiary Education:** means the use of land and buildings for the purpose of facilitating tertiary education, training, development and instruction and/or related research and laboratories; and includes ancillary and accessory administrative, cultural, commercial, communal, conferencing, accommodation, retail and recreational facilities.

**Township:** means an urban area within the District that comprise a Living zone(s) and in some situations a Business zone(s).

**Tree:** any woody perennial plant, typically with a distinct trunk (but sometimes multi-stemmed) from which branches arise well above ground level to form a crown, and includes other plants of a tree-like size and form such as palms.

## 3 PEOPLE'S HEALTH, SAFETY AND VALUES

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### REVERSE SENSITIVITY EFFECTS

#### Policy B3.4.19

**Ensure new or upgraded road infrastructure and new or expanding activities, which may have adverse effects on surrounding properties, are located and managed to mitigate these potential effects.**

#### Policy B3.4.20

**Protect existing lawfully established activities in the Rural zone from potential for reverse sensitivity effects with other activities which propose to establish in close proximity.**

#### Explanation and Reasons

Policy B3.4.19 and B3.4.20 manage reverse sensitivity effects in the rural area. Policy B3.4.19 requires a resource consent for activities to set up which are likely to affect surrounding properties. This gives an opportunity for affected parties to participate in the consent process and for the Council to ensure those effects are mitigated to a satisfactory level. The policy also acknowledges that new roads and the upgrading of transport infrastructure needs to be managed to mitigate reverse sensitivity effects.

Policy B3.4.20 protects activities which are established from potential reverse sensitivity effects caused by potentially incompatible activities locating close to them. The most common activity is erecting houses. Other potentially incompatible activities include: restaurants; schools; and other forms of residential or visitor accommodation. This policy is necessary to enable established businesses to operate efficiently and with some certainty, and to avoid creating unpleasant living environments for people. The most common tool to mitigate reverse sensitivity effects is to maintain appropriate buffers or separation distances between activities. However, there may be other methods which can be used to avoid reverse sensitivity effects.

Part B, Section 2.1 Transport contains specific policies to manage reverse sensitivity effects with transport routes.

#### Methods

##### District Plan Rules

- Discretionary activities
- Intensive livestock farming
- Waste disposal
- Aircraft
- Residential density
- Building position controls

- Subdivision standards

#### District Plan Policies

- Township Volume, Section B4.3, Growth of Towns
- Rural Volume, Policy B4.1.1

#### Land Information Memorandum

- Information Sheet

## **TEMPORARY ACTIVITIES**

### **Policy B3.4.21**

**Provide for temporary activities associated with community-based as well as non commercial events or those that are necessary for construction purposes, provided associated short term adverse effects on the environment are appropriately managed.**

#### **Explanation and Reasons**

Policy B3.4.21 provides for a range of temporary activities most of which are encompassed within the Plan definition. These activities include construction activities to recognise the necessary effects associated with these activities during the temporary construction of buildings and structures. They also include a range of other activities which are primarily focussed on community related activities rather than temporary commercial or retail activities. There are benefits to the District from allowing temporary community activities within the Plan frequency limits and typically the positive community effects of these activities outweigh any temporary adverse effects which are managed through the limits imposed.

#### **Methods**

##### District Plan Rules

- Rural Volume, Part C – Rural Zone - Activities

##### District Plan Objectives and Policies

- Rural Volume, Quality of the Environment - B3.4

## **QUALITY OF THE ENVIRONMENT – ANTICIPATED ENVIRONMENTAL RESULTS**

The following environmental results should occur from implementing Section B.3.4:

- Variation in activities in the rural area on the Plains.
- Activities on the Port Hills and in the high country remain predominantly farming, forestry, outdoor recreation and holiday accommodation.
- Buildings are low rise (1 or 2 storey) and surrounded by vegetation cover rather than hard standing.
- Utilities are made of low reflective materials.
- Outdoor signs advertise local events, products or information.

- New airfields are not located too close to houses.
- Nuisance effects may occur from time to time from temporary or seasonal rural activities, but these effects should be mild and typical of the rural environment.
- Buffer zones are maintained between residential activities and activities with which they may be incompatible.

## **QUALITY OF THE ENVIRONMENT — MONITORING**

See Part E, Appendix 1.

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# 6 RURAL RULES - OUTDOOR SIGNS AND NOTICEBOARDS

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## 6.1 OUTDOOR SIGNS – GENERAL

### Permitted Activities – Outdoor Signs – General

6.1.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:

6.1.1.1 The sign, unless it is a temporary sign, is located entirely within the site to which it relates, and is not located on, or overhangs onto, any road reserve;

**Note:**

1. Temporary sign is defined in Part D of the Plan. It includes any sign on a site for up to 6 months to advertise upcoming events or to sponsor a business or organisation which is associated with an activity on the site except that a period of 12 months prior to the event is specifically provided for signs advertising church and school anniversaries.

2. Rule 6.1.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.

6.1.1.2 The sign is positioned so that it does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner;

6.1.1.3 The sign does not have any of the following features:

- (a) Flashing or revolving lights;
- (b) Sound effects;
- (c) Balloons or blimps; or
- (d) Moving parts;

6.1.1.4 The sign is designed so that it does not resemble a traffic sign or signal;

6.1.1.5 The light spill from any illuminated sign onto any adjoining property or the road reserve is not more than 3-lux spill;

6.1.1.6 The height of the sign is not more than:

- (a) The height of the building to which it is attached; or
- (b) 6m above the ground if the sign is not attached to a building;

6.1.1.7 The size of the sign, including any sign attached to a building, is not more than 3m<sup>2</sup> and the total area of signage on the site does not exceed 6m<sup>2</sup>.

6.1.1.8 Any sign which is attached to a building and exceeds 3m<sup>2</sup> in area does not protrude beyond the framework of the building;

6.1.1.9 The maximum number of signs on any one property, including any temporary signs, is in accordance with Table C6.1.

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## 6.4 OUTDOOR SIGNS AND STRATEGIC ROADS

### Permitted Activities – Outdoor Signs and Strategic Roads

- 6.4.1 Erecting any outdoor sign on a site adjoining a road which is listed in Appendix 9 as a Strategic Road shall be a permitted activity if all of the following conditions are met:
- 6.4.1.1 The sign has a maximum number of 5 words or a maximum combined number of 6 words and symbols;
  - 6.4.1.2 There is a minimum separation distance between any 2 outdoor signs of:
    - (a) 70m, where the speed limit is 80km/hr; or
    - (b) 80m, where the speed limit is 100km/hr;
  - 6.4.1.3 The sign is visible from a distance of:
    - (a) 175m, where the speed limit is 80km/hr; or
    - (b) 250m where the speed limit is 100km/hr;
  - 6.4.1.4 The sign has a minimum height for any letter which complies with the values set out in Table C6.2.
  - 6.4.1.5 The sign is illuminated only when the premises are open for business; and
  - 6.4.1.6 The sign is positioned at right angles to the road frontage of the site but angled off the direction of traffic by 5°.

**Note:**

1. Rule 6.4.1 does not apply to any temporary election sign that complies with the Electoral (Advertisements of a Specified Kind) Regulations 2005.



## 9 RURAL RULES - ACTIVITIES

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### 9.2 ACTIVITIES – LISTED ACTIVITIES

#### Discretionary Activities – Listed Activities

- 9.2.1 All of the following activities shall be discretionary activities irrespective of whether they comply with all other rules in the Plan for permitted activities:
- 9.2.1.1 Any activity which requires an Offensive Trade Licence under the Health Act 1956;
  - 9.2.1.2 Any activity which involves the composting of organic material, where that material is brought on to the site except where additional material such as saw dust or straw is required as part of the process of composting pigs;
  - 9.2.1.3 Any activity which involves the manufacture of fertiliser from organic material, where that material is brought on to the site;
  - 9.2.1.4 Prisons or detention centres; and
  - 9.2.1.5 Camping ground facilities.

#### Non-Complying Activities – Listed Activities

- 9.2.2 All of the following activities shall be non-complying activities irrespective of whether they comply with all other rules in the Plan for permitted activities:
- 9.2.2.1 Any other industrial activity, except for an other industrial activity being a home based occupation.

**Note:** ~~Rule 9.2.2 does not apply to any temporary activity.~~

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### 9.5 RURAL BASED INDUSTRIAL ACTIVITIES

#### Permitted Activities – Rural Based Industrial Activities

- 9.5.1 Any rural based industrial activity shall be a permitted activity if the following conditions are met:
- 9.5.1.1 The maximum area of any site covered by any building(s), loading, storage and waste areas used for any rural based industrial activity on the site shall be 100m<sup>2</sup>.
  - 9.5.1.2 No more than two full-time equivalent persons are employed in undertaking the activity on the site.

~~Note: Rule 9.5.1 does not apply to any temporary activity.~~

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## 9.12 ACTIVITIES AND CARPARKING, VEHICLE CROSSINGS, ACCESS AND EGRESS

### Permitted Activities — Carparking, Vehicle Crossings, Access and Egress

- 9.12.1 The activity shall comply with the rules for carparking, vehicle crossings, vehicle access and egress set out in Rule 4, and Appendix 10 for specific provisions applying to State Highways to be a permitted activity.

### Default Activity — Carparking, Vehicle Crossings, Access and Egress

- 9.12.2 Any activity which does not comply with Rule 9.12.1 shall have the status set out in Rules 4.4 to 4.6 for the rules(s) with which it does not comply.

## 9.13 ACTIVITIES AND VEHICLE MOVEMENTS

### Permitted Activities — Activities and Vehicle Movements

- 9.13.1 Any activity, except for those permitted under Rule 9.13.2, which does not exceed the following maximum number of vehicle movements shall be a permitted activity:

9.13.1.1 Road Unformed and, or not maintained by Council:

- (a) For any commercial or industrial related activity where access is required off an unformed and un-maintained road, excluding normal farming activities: Nil.
- (b) For any individual property access off an unformed and un-maintained road: 15 equivalent car movements per day (ecm/d) per site.

9.13.1.2 Road Formed, Sealed and maintained by Council:

- (a) State Highway and Arterial Roads (as identified in Appendix 9): 30 ecm/d per site averaged over any one week period).
- (b) Local and Collector Roads: 60 ecm/d per site (averaged over any one week period).

9.13.1.3 Road Formed, Unsealed and maintained by Council:

- (a) 60 ecm/d per site (averaged over any one week period).

- 9.13.2 Any temporary activity that exceeds the maximum number of vehicle movements permitted under 9.13.1 is permitted provided a Traffic Management Plan is submitted and approved by Council at least 10 days prior to the activity commencing.

**Note:**

1. Rule 9.13.1 does not apply to vehicle movements between sites within a property; or relocating of premises; ~~or any other temporary activity.~~
  2. For the purposes of Rule 9.13.1.2, Local roads are those roads which are not listed in Appendix 9 as State Highways, Arterial Roads, or Collector Roads.
  3. Rule 9.13.1 does not apply to the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs and Grasmere – refer to the provisions in Appendix 21 (Terrace Downs) or Appendix 22 (Grasmere).
  4. Rule 9.13.1 does not apply to existing plantations.
  5. Rule 9.13.1 does not apply to roads within the Porters Ski and Recreation Area.
  6. In any area to activities of a limited duration required by normal primary production activities including agriculture, horticulture, aquaculture, forestry and fishing, provided that the activity shall comply with the requirements of Section 16 of the Resource Management Act 1991.
- For the purpose of this exemption “activities of a limited duration” means: Rural activities which are temporary and/or intermittent in nature, such as crop harvesting, crop irrigation and general use of farm machinery but does not include Rural Industrial Activities or Intensive Livestock Farming. Such uses may occur on a limited number of days in a year, a limited number of hours in a day or a limited number of days in a week or month.
7. Guidance for the preparation of a Traffic Management Plan can be found in New Zealand Transport Agencies Code of Practice for Temporary Traffic Management (COPTTM).

## Discretionary Activities – Activities and Vehicle Movements

- 9.13.23 Any activity which does not comply with Rule 9.13.1 shall be a discretionary activity. The Council’s discretion may include but shall not be limited to:
- 9.13.23.1 Any works required to the road to upgrade it to the standards set out in the Council’s Engineering Code of Practice;
  - 9.13.23.2 Any potential adverse effects of traffic on the amenity values of surrounding residents and on other uses of the road, including (but not limited to) stock driving;
  - 9.13.23.3 In respect to the integration of land use and transport, the appropriateness of the location within the existing and planned road network.
  - 9.13.23.4 The position and design of any vehicle crossing or vehicle access and egress;
  - 9.13.23.5 Any positive effects which may offset any adverse effects; and
  - 9.13.23.6 Any other relevant matters including relevant objectives and policies.
  - 9.13.23.7 Any monitoring or review conditions.

## CROSS REFERENCING

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
9.2	Listed Activities	1.1, 1.3, 2.1, 2.3, 3.4	1.1.1 and 1.1.2, 1.3.1, 2.1.1, 2.3.2, 3.4.1 and 3.4.2	1.1.1, 1.3.4, 2.1.1 to 2.1.7, 2.1.5 to 2.1.8, 3.4.1 to 3.4.4, 3.4.18 to 3.4.20
9.3	Activities in the Port Hills, Malvern Hills and High Country	3.4	3.4.1 and 3.4.2	3.4.2 and 3.4.3
9.4	Scale of Non-residential and Non-rural Activities	3.4	3.4.1 and 3.4.2	3.4.2 to 3.4.4
9.5	Rural Based Industrial Activities	3.4	3.4.1 and 3.4.2	3.4.3 and 3.4.4
9.6	Contaminated Land	1.1	1.1.1 and 1.1.2	1.1.1 to 1.1.3
9.7	Activities on the Surface of Waterbodies	1.3, 2.3, 3.4	1.3.2, 2.3.2, 3.4.1	1.3.12, 2.3.4, 3.4.3
9.8, 9.9, 9.10	Animals (Keeping of Animals, Boarding of Animals and Intensive Livestock Farming)	2.1, 3.4	2.1.1, 3.4.1 and 3.4.2	2.1.1 to 2.1.8, 3.4.1 to 3.4.3, 3.4.11, 3.4.12, 3.4.14, 3.4.18 to 3.4.20
9.12	Carparking, Vehicle Crossings, Access and Egress		See Part C - Rule 4 - Roading	
9.13	Vehicle Movements	2.1, 3.4	2.1.1, 3.4.1 and 3.4.2	2.1.1 to 2.1.3, 3.4.1, 3.4.3, 3.4.18 to 3.4.20, <b><u>3.4.21</u></b>
9.14	Aircraft Movement	2.1, 3.4	2.1.1 and 2.1.2, 3.4.1 and 3.4.2	2.1.17, 3.4.1, 3.4.3, 3.4.9, 3.4.11, 3.4.13
9.15	Audible Bird Scaring Devices	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.11, 3.4.12
9.16	Noise	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.11

<b>Rule Numbers</b>	<b>Topic</b>	<b>Part B, Section</b>	<b>Objectives</b>	<b>Policies</b>
9.17	Blasting and Vibration	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.13
9.18	Glare	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.9, 3.4.10
9.19	Dust	3.4	3.4.1 and 3.4.2	3.4.1, 3.4.3, 3.4.4

# DEFINITIONS

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## N

**Noise Limit:** means a  $L_{10}$ ,  $L_{eq}$  or  $L_{max}$  sound level in A-frequency-weighted decibels that is not to be exceeded during a measurement sample time in a specific time-frame. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound and section 6.3 of NZS 6802:2008 Acoustics – Environmental Noise.

**Noticeboard:** means a structure or device upon which notices can be placed or attached that are of community interest, which are intended to be read by people stopping at the notice board rather than by people passing by.

**Notional Boundary:** means a line 20m from any side of a rural dwelling or the legal boundary where this is closer to the dwelling.

**NZTA:** the New Zealand Transport Agency.

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## T

**Telecommunication Facility:** means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.

**Telecommunication Line:** means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, or intelligence of any nature by means of any electromagnetic system; and includes any pole, insulator, casing fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor and also includes any part of a line.

**Temporary Accommodation:** includes the use of any building to house any person for residential or business activities on a site, while construction work is being undertaken on the site. Temporary accommodation maybe provided for persons occupying the site on which construction work occurs, or for persons involved in the construction work.

**Temporary Activity:** ~~includes any activity which occurs on any site for a period of not more than 15 consecutive hours in any one time and occurs on no more than 12 times in any 12 month period; or any activity which does not last longer than a total of 7 consecutive days in any one time and occurs on not more than 3 times at any one site in any 12 month period. For the purposes of Rule 9.13.1 a temporary activity includes casual labour for seasonal activities such as crop harvesting and fruit picking, provided it complies with one of the time periods specified in the definition.~~

(including any associated buildings) includes:

- Buildings, structures and activities ancillary to a construction project for a period of up to 12 months or the duration of the construction project, whichever is the lesser.
- Sporting events, educational activities, public meetings, private functions, galas, shows, field days, displays, markets, garage sales, festivals, concerts; and non commercial activities/events; provided that for they do not occur:
  - on any site for a period of not more than 15 consecutive hours in any 24 hour period and no more than once per month; or
  - on any site for a period which does not last longer than a total of 7 consecutive days at any one time and occurs on not more than 3 times at any one site in any 12 month period.

**Temporary Military Training Activity:** means a temporary activity undertaken for Defence Purposes. Defence purposes are those in accordance with the Defence Act 1990.

**Temporary Sign:** includes any sign erected to advertise an upcoming event of interest to the community, or any sign which advertises the products or services of a business or organisation which is associated with an activity on the site on which the sign is erected. Any temporary sign shall not be erected on any site for more than 6 consecutive calendar months at any one time, or for a collective period of more than 6 calendar months in any 2 year period, except that for any school or church anniversary event the temporary sign maybe displayed for up to 12 months prior to the event.

**Tertiary Education:** means the use of land and buildings for the purpose of facilitating tertiary education, training, development and instruction and/or related research and laboratories; and includes ancillary and accessory administrative, cultural, commercial, communal, conferencing, accommodation, retail and recreation facilities.

**Township:** means an urban area within the District which comprises a Living zone(s) and in some situations a Business zone(s).

**Track:** includes any area of land which is formed or used principally to traverse an area of land by foot, animals, or vehicles and includes any road. A track will have access to or from a formed road, or access to another track which has access to a formed road. For the purpose of Rule 1 - Earthworks, a track does not include multiple strips of land of up to 10m in width which run parallel to one another over a site.

**Travelling Accommodation:** means the use of land and buildings for temporary residential accommodation offered for a daily tariff which may involve the sale of liquor to in-house guests and the sale of food and liquor in conjunction with food to both the public and in-house guests. Travelling accommodation includes motels, holiday flats, motor and tourist lodges and hostels.

**Tree:** any woody perennial plant, typically with a distinct trunk (but sometimes multi-stemmed) from which branches arise well above ground level to form a crown, and includes other plants of a tree-like size and form such as palms.

# Memorandum

To:	Sam Flewellen, Planz Consultants
CC:	David Smith, Selwyn District Council
From:	Jeremy Trevathan, AES
File Reference:	A06713 – 01 – D1
Date:	Wednesday, 7 August 2013
Project:	<b>Selwyn District Council – Noise amendments Plan Change</b>

  

Meeting	<input type="checkbox"/>	Telephone	<input type="checkbox"/>	Memorandum	<input checked="" type="checkbox"/>	File Note	<input type="checkbox"/>
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Dear Sam,

Based on our recent correspondence we understand that the Selwyn District Council is concerned that the noise rules in the Selwyn District Plan do not reflect current best practice with regard to the assessment of sounds which have a distinctive character which may affect their subjective acceptability. Please find our preliminary comments below.

## 1.0 Current noise rules

The Selwyn District Plan outlines decibel level noise limits primarily using the dBA L10 and dBA Lmax parameters. These terms are defined in Township and Rural Volumes of the Plan. Each definition includes a technical acoustics description of the parameter, and then states "See NZS 6801:1999 Acoustics – Measurement of Environmental Sound". The term *noise limit* is also defined, as follows:

**Noise Limit:** means a L10, Leq or Lmax sound level in A-frequency-weighted decibels that is not to be exceeded during a measurement sample time in a specific time frame. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound

We observe that:

- There is no requirement for measurements *to be undertaken in accordance with* NZS 6801:1999 – the reference to NZS6801:1999 appears to suggest this standard may be taken as guidance only.
- The definition of *noise limit* is such that any measurement sample which indicated a decibel level higher than the numerical limit would be a non-compliance (i.e. there is no provision for averaging). There is therefore no requirement or ability to consider the duration or intermittency of the noise.
- There is no explicit or even implied requirement to consider the nature of the sound under consideration.

The Township and Rural Volumes also contain different numerical limits. Our analysis has primarily focused on the dBA L10 noise limits, as our experience indicates that this is the controlling limit in most situations (as opposed to the dBA Lmax limit).



The Township Volume has a low daytime limit (50 dBA L10) and an unusually stringent night time limit (35 dBA L10). These limits are also to be assessed at any point beyond the boundary of the site where the noise is generated. This is abnormally stringent in a situation where a site borders a road. The Plan is therefore already stringent with regard to noise generators in residential areas. Section C10-015 of the Plan indicates that these limits were simply based on the rules of the former District Plan.

Noise generated in rural areas is controlled by rules in the Rural Volume. For noise generated in rural areas received at the urban interface there is a moderate daytime limit (55 dBA L10) and a low night time limit (40 dBA L10). For the same sound received at the notional boundary of any noise sensitive activity also located in the rural area, there is an unusually lenient daytime limit (60 dBA L10) and a moderate night time limit (45 dBA L10). The Plan advises that these noise limits (for receivers in the rural area) have been set deliberately as people should reasonably expect a higher level of noise in rural areas which are principally “business areas”, and that the rules have only be formulated to provide protection indoors.

## 2.0 Comparison with NZS6802:2008 guidance

NZS6802:2008 *Acoustics – Environmental Noise* contains guideline “residential upper noise limits” for dwellings in both urban and rural settings of 55 dBA Leq (approximately 57 dBA L10) daytime, and 45 dBA Leq (approximately 47 dBA L10) night time for “the reasonable protection of health and amenity associated with the use of land for residential purposes”. These limits would be assessed at the boundary / notional boundary of the residential site, and measured noise levels could be penalised by 5 dB if they contained Special Audible Characteristics (SAC), and reduced by up to 5 dB during the daytime if not continuous.

Table 2.1 demonstrates how these guideline noise limits compare to the current noise rules in the Selwyn District. Situations where the Selwyn District Plan noise limits are significantly more stringent than the NZS6802:2008 guidance are shown in **bold**. Situations where the Selwyn District Plan noise limits are significantly more lenient than the NZS6802:2008 guidance during daytime, and more lenient to any degree during night time are shown in **red**.

Table 2.1 – Comparison of Selwyn District Plan noise limits and NZS6802:2008 guidance

Nature of noise	dBA L10 noise level which could be generated in loudest 15 minute period			
	NZS6802:2008	Selwyn District Plan		
	Noise generated in any location, received at urban or rural residential locations	Noise generated in urban areas, received at the boundaries of the site where it is generated	Noise generated in rural areas, received at residential locations in urban areas	Noise generated in rural areas, received at residential locations also in rural areas
<b>Daytime</b>				
No SAC, discontinuous	<b>62 dB</b>	<b>50 dB (-12 dB)</b>	55 dB (-7 dB)	60 dB (-2 dB)
No SAC, continuous	<b>57 dB</b>	50 dB (-7 dB)	55 dB (-2 dB)	60 dB (+3 dB)
SAC, discontinuous	<b>57 dB</b>	50 dB (-7 dB)	55 dB (-2 dB)	60 dB (+3 dB)
SAC, continuous	<b>52 dB</b>	50 dB (-2 dB)	<b>55 dB (+3 dB)</b>	<b>60 dB (+8 dB)</b>
<b>Night time</b>				
No SAC	<b>47 dB</b>	<b>35 dB (-12 dB)</b>	40 dB (-7 dB)	45 dB (-2 dB)
SAC	<b>42 dB</b>	35 dB (-7 dB)	40 dB (-2 dB)	<b>45 dB (+3 dB)</b>

### *Situations where the current noise rules are stringent*

Based on section 8.6 of NZS6802:2008 we consider that for noise received at residential locations in urban areas it is reasonable for the limits to be somewhat more stringent than the NZS6802:2008 guidance - as this guidance is presented as “upper noise limits”. However we consider limits which produce an outcome which is more than 10 dBA more stringent than the NZS6802:2008 guidance to be excessive, and the comments in section 8.6.3 of NZS6802:2008 are likely to be relevant in such a situation (that the restrictions such limits may place on noise generators may not match the benefits for receivers, that the existing ambient noise level in many locations may not justify such stringent controls, and that compliance with such limits will be difficult to assess in reality due to interference from ambient noise). As above, instances where this could currently occur are shown in **bold** in table 2.1.

This analysis indicates that the only significant issue with the stringency of the current Selwyn District Plan noise rules arises as a result of the limits outlined in the Township Volume where for sounds during day or night time which are discontinuous and do not contain SAC (a large proportion of sounds in our experience) the limits are excessively restrictive. We note that the requirement to consider noise at the boundary of the site generating the noise may make the limits even more restrictive in reality.

### *Situations where the current noise rules are lenient*

Based on the discussion in the Objectives and Policies section of the Rural Volume of the Selwyn District Plan regarding the nature of rural areas (they are considered by the Plan as “business” areas) and what expectations those living in such areas should have regarding acoustic amenity, we would consider that a minor exceedence (up to 5 dB) of the NZS6802:2008 guidance may not be unreasonable for noise received at rural dwellings during daytime. However for noise received at residential locations in urban areas, and at any residential location during night time, any exceedence of the NZS6802:2008 guidance could well be considered to be unreasonable in some circumstances. Instances where the current Selwyn District Plan noise rules would allow this to occur this are shown in **red** in table 2.1.

This analysis indicates that for continuous noises containing SAC during daytime generated in rural areas and received in rural or urban areas, and for sound contain SAC generated and received in rural areas during night time, the Selwyn District Plan is permissive.

## **3.0 Options**

We understand that a Plan Change is currently being considered which would make minor changes to various rules. A full Plan Review will take place at a later date, in due course.

If a piece-meal approach is to be adopted in an effort to improve the existing situation while a full Plan Review is still pending, the issues identified above could be moderated as follows:

1. The Township Volume night time noise limit could be increased from 35 dBA L10 to 40 dBA L10, and
2. The assessment point in the Township Volume could be moved to the boundary of *any other site*, and
3. A provision for averaging during daytime could be introduced in accordance with NZS6802:2008, and
4. A provision for considering SAC could be introduced in accordance with NZS6802:2008

Table 3.1 demonstrates in general terms the modified outcomes which would be achieved if these changes were made.

*Table 3.1 – Outcomes of proposed changes to reduce degree of disparity with NZS6802:2008 guidance*

Nature of noise	dBA L10 noise level which could be generated in loudest 15 minute period			
	NZS6802:2008	Selwyn District Plan		
	Noise generated in any location, received at urban or rural residential locations	Noise generated in urban areas, received at the boundaries of the site where it is generated	Noise generated in rural areas, received at residential locations in urban areas	Noise generated in rural areas, received at residential locations also in rural areas
<b>Daytime</b>				
No SAC, discontinuous	<b>62 dB</b>	55 dB (-7 dB)	60 dB (-2 dB)	65 dB (+3 dB)
No SAC, continuous	<b>57 dB</b>	50 dB (-7 dB)	55 dB (-2 dB)	60 dB (+3 dB)
SAC, discontinuous	<b>57 dB</b>	50 dB (-7 dB)	55 dB (-2 dB)	60 dB (+3 dB)
SAC, continuous	<b>52 dB</b>	45 dB (-7 dB)	50 dB (-2 dB)	55 dB (+3 dB)
<b>Night time</b>				
No SAC	<b>47 dB</b>	40 dB (-7 dB)	40 dB (-7 dB)	45 dB (-2 dB)
SAC	<b>42 dB</b>	35 dB (-7 dB)	35 dB (-7 dB)	40 dB (-2 dB)

This analysis indicates that these changes would remove the excessively restrictive aspects of the current noise rules, and would moderate the lenient aspects such that noise in excess of the NZS6802:2008 guideline levels could only occur in rural areas, during daytime.

However, we understand that changes which would make some aspects of the noise rules more lenient are not to be considered as part of this interim Plan Change. Accordingly, items 1 to 3 above are not within the scope of the current exercise. On the other hand, we understand that the introduction of a penalty for Special Audible Characteristics is seen as desirable by Council.

Based on the above, we would recommend that changes to the Plan which would require sound to be assessed with regard to SAC should only be introduced in the Rural Volume, as it would make the currently night time limits even more excessively restrictive in the Township Volume. The impact of introducing a provision for sound to be assessed with regard to SAC in the Rural Volume is demonstrated in table 3.2.

Table 3.2 – Effect of introducing SAC penalty in the Rural Volume

Nature of noise	dBA L10 noise level which could be generated in loudest 15 minute period			
	NZS6802:2008	Selwyn District Plan		
	Noise generated in any location, received at urban or rural residential locations	Noise generated in urban areas, received at the boundaries of the site where it is generated	Noise generated in rural areas, received at residential locations in urban areas	Noise generated in rural areas, received at residential locations also in rural areas
<b>Daytime</b>				
No SAC, discontinuous	<b>62 dB</b>	<b>50 dB (-12 dB)</b>	55 dB (-7 dB)	60 dB (-2 dB)
No SAC, continuous	<b>57 dB</b>	50 dB (-7 dB)	55 dB (-2 dB)	60 dB (+3 dB)
SAC, discontinuous	<b>57 dB</b>	50 dB (-7 dB)	50 dB (-7 dB)	55 dB (-2 dB)
SAC, continuous	<b>52 dB</b>	50 dB (-2 dB)	50 dB (-2 dB)	55 dB (+3 dB)
<b>Night time</b>				
No SAC	<b>47 dB</b>	<b>35 dB (-12 dB)</b>	40 dB (-7 dB)	45 dB (-2 dB)
SAC	<b>42 dB</b>	35 dB (-7 dB)	35 dB (-7 dB)	40 dB (-2 dB)

This analysis suggests such a change would lead to a much improved outcome for sound received at residential dwellings in rural areas. However it does make the limits for sound generated in rural areas received in urban areas more stringent (however the limits would be no more restrictive than if the sound had originated on another site in the urban area). Obviously the changes would do nothing to change the restrictive rules in the Township Volume, nor allow leniency to be afforded to discontinuous sounds during daytime.

However, overall we consider such a change to be an improvement over the existing situation with regard to the management of continuous noise containing SAC during daytime originating in rural areas and received in both rural and residential areas, and noise containing SAC generated and received in rural areas during night time. As above, without these changes in some situations sound which complied with the current noise rules could still be unreasonable. Examples would be music with a dominant bass beat received at 45 dBA L10 at the notional boundary of a dwelling in the rural area during night time, or a poorly-maintained gravel crusher which produced tonal noise continuously over the daytime period at 60 dBA L10 at the notional boundary of a rural property.

#### 4.0 Implementation

If, as discussed above, the only change to be made as part of this interim Plan Change is with regard to the consideration of Special Audible Characteristics in the Rural Volume, the simplest way to implement this would be to modify the definition of *noise limit* in the Rural Volume as follows:

**Noise Limit:** means a L10, Leq or Lmax sound level in A-frequency-weighted decibels that is not to be exceeded during a measurement sample time in a specific time frame. See NZS 6801:1999 Acoustics – Measurement of Environmental Sound and section 6.3 of NZS 6802:2008 Acoustics – Environmental Noise.

We assume that the common interpretation of the multiple statements in the Plan to “See NZS6801:1999” is that any measurements should be conducted *in accordance with that Standard*, and that by implication the additional wording proposed above would be interpreted as a requirement to assess the sound *in accordance with section 6.3 of NZS6802:2008*. If this is not the case, a more significant modification to the wording could be considered.

We note that the simple introduction of reference to NZS6802 in its entirety would also have the effect of introducing averaging provisions which, as discussed above, would make the noise limits more lenient during the daytime. If NZS6802 were to be referenced in its entirety the issue of which version of the Standard (1991, 1999 or 2008) is also problematic, as only the 1991 version of the Standard anticipates that noise limits will be expressed in terms of the dBA L10 parameter – however overall this much older version of the Standard is now not considered best practice. On balance, we consider that reference to the specific section of NZS6802:2008 which relates to SAC largely avoids these difficulties, and appears to be a reasonable stop-gap measure.

Ultimately we recommend that the noise controls in the Selwyn District are reviewed more widely, and updated to accord more closely with, and refer to, NZS6801:2008 and NZS6802:2008 in line with current best practice.

Kind Regards,

A handwritten signature in dark ink, appearing to read 'J. Trevathan', with a stylized, flowing script.

Dr Jeremy Trevathan  
Ph.D. B.E.(Hons.) Assoc. NZPI®

**Acoustic Engineering Services**

**7 August 2013**

**Reprint  
as at 1 January 2011**



**Electoral (Advertisements of a  
Specified Kind) Regulations 2005**  
(SR 2005/147)

Silvia Cartwright, Governor-General

**Order in Council**

At Wellington this 7th day of June 2005

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 267A of the Electoral Act 1993, Her Excellency the Governor-General, acting on the advice and with the consent of

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Ministry of Justice.**

the Executive Council, and on the recommendation of the Minister of Justice whose recommendation has been made—

- (a) after consultation on regulations 5 to 8 with the Minister who is for the time being responsible for the administration of the Land Transport Act 1998; and
- (b) after being satisfied that—
  - (i) regulations 5 to 8 do not restrict the rights of candidates and political parties any more than is reasonably necessary to ensure that an advertisement of a specified kind does not endanger the safety of road users; and
  - (ii) the recommendation is agreed by at least half of the parliamentary leaders of all political parties represented in Parliament; and
  - (iii) the members of Parliament of the political parties whose parliamentary leaders agree with the recommendation comprise at least 75% of all members of Parliament—

makes the following regulations.

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### Regulations

- 1 Title**  
These regulations are the Electoral (Advertisements of a Specified Kind) Regulations 2005.
- 2 Commencement**  
These regulations come into force on 13 June 2005.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—  
**advertisement of a specified kind** means an advertisement displayed in a public place or on private property that does not exceed 3 m<sup>2</sup> in size and that—

- (a) encourages or persuades or appears to encourage or persuade voters to vote for a party registered under Part 4 of the Electoral Act 1993; or
- (b) is used or appears to be used to promote or procure the election of a constituency candidate; but
- (c) does not include—
  - (i) an advertisement published in any newspaper, periodical, or handbill, or in any poster less than 150 cm<sup>2</sup> in size; or
  - (ii) an advertisement broadcast over any television station or by any electronic means of communication

**reflective material** means any material or surface that tends to reflect a beam of light parallel to the path of the beam and in an opposite direction to that path

**traffic sign** means a traffic control device within the meaning of Part 2 of Land Transport Rule 54002: Traffic Control Devices 2004.

### 4 Application

For the avoidance of doubt,—

- (a) these regulations apply only to advertisements of a specified kind;
- (b) regulations 5 to 8 apply only during the period beginning 2 months before polling day and ending with the close of the day before polling day;
- (c) nothing in these regulations limits or prevents the display before polling day of any advertisement relating to an election that complies with all applicable prohibitions or restrictions imposed in any enactment or by-law, or imposed by any local authority;
- (d) these regulations do not override the provisions of the Electoral Act 1993, but do override the provisions of



any other enactment or bylaw, or any other instrument,  
that is inconsistent with these regulations.

**5 Use of reflective material or illumination**

An advertisement of a specified kind that is erected on any road or in any place visible from a road must not—

- (a) be made of, or have affixed to it, any reflective material that is likely to reflect the light from the headlights of any approaching vehicle:
- (b) be internally illuminated by any means:
- (c) be externally illuminated by any artificial lighting that is designed specifically to illuminate the advertisement.

**6 Shape and colour of advertisement of a specified kind**

An advertisement of a specified kind may not be erected on any road or in any place visible from a road if the advertisement of a specified kind—

- (a) is similar to or the same as any traffic sign in its shape and colour; and
- (b) is liable to be mistaken for a traffic sign.

**7 Advertisement of a specified kind not to have moving parts**

An advertisement of a specified kind that is erected on any road or in any place visible from a road must not—

- (a) have information displayed by means of a flashing or revolving mechanism:
- (b) have, or have affixed to it, any moveable part that is intended to draw attention to the advertisement of a specified kind.

**8 Size of lettering and line spacing**

- (1) On any road controlled by the New Zealand Transport Agency the lettering on an advertisement of a specified kind must be not less than—

- (a) 120 mm in height where the advertisement of a specified kind is erected on any road, or in any place visible from a road, that has a speed limit of less than 70 km per hour:

- (b) 160 mm in height where the advertisement of a specified kind is erected on any road, or in any place visible from a road, that has a speed limit of 70 km per hour or more.
- (2) On any road controlled by the New Zealand Transport Agency the spacing between lines of text on an advertisement of a specified kind that is erected on any road or in any place visible from a road must be not less than 50 mm.
- (3) Subclauses (1) and (2) do not apply to—
  - (a) the lettering on any party logo displayed in an advertisement if that logo has been registered by the Electoral Commission under section 67A of the Electoral Act 1993;
  - (b) the promoter statement required by section 204F of the Electoral Act 1993 to be included in the advertisement;
  - (c) an advertisement of a specified kind that is published in the form of a poster that is less than 1 500 cm<sup>2</sup> in size.

Regulation 8(1): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Regulation 8(2): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Regulation 8(3)(b): substituted, on 1 January 2011, by section 43 of the Electoral (Finance Reform and Advance Voting) Amendment Act 2010 (2010 No 137).

Diane Morcom,  
Clerk of the Executive Council.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 9 June 2005.

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- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
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**Notes****1 General**

This is a reprint of the Electoral (Advertisements of a Specified Kind) Regulations 2005. The reprint incorporates all the amendments to the regulations as at 1 January 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

**4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5**     ***List of amendments incorporated in this reprint  
(most recent first)***

Electoral (Finance Reform and Advance Voting) Amendment Act 2010 (2010 No 137): section 43

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(2)

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