

## PART 12 - NETWORK UTILITY SERVICES

### CONTENTS .....PAGE

<b>NETWORK UTILITY SERVICES .....</b>	<b>3</b>
<b>12.1 INTRODUCTION .....</b>	<b>3</b>
<b>12.2 RESOURCE MANAGEMENT ISSUES .....</b>	<b>3</b>
<b>12.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES ....</b>	<b>3</b>
<b>12.4 RESOURCE MANAGEMENT STRATEGY .....</b>	<b>4</b>
<b>12.5 INTERPRETATION AND DEFINITIONS .....</b>	<b>4</b>
<b>12.6 RULES - ACTIVITIES .....</b>	<b>4</b>
<b>12.7 ASSESSMENT CRITERIA .....</b>	<b>6</b>
<b>12.8 REFERENCES .....</b>	<b>8</b>

#### Plan modification annotations - key



Indicates where content is affected by proposed plan modification x.  
Refer to plan modification folder or website for details.

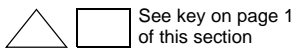


Indicates where the content is part of plan modification x, which is  
subject to appeal.

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See key on page 1  
of this section



## NETWORK UTILITY SERVICES

### 12.1 INTRODUCTION

The Plan seeks to create a resource management approach that maintains a high environmental quality while providing for the development, use, maintenance and upgrading of network utility services to meet the reasonable needs of the businesses and residents of the Central Area.

### 12.2 RESOURCE MANAGEMENT ISSUES

The Plan must address the following issues in relation to the provision of network utility services:

- a) the provision of a process which, while recognising the considerable investment in network utility services, enables the quality of the visual environment to be protected, and where practical, enhanced.
- b) the identification of any potential adverse effects of network utility services on the environment and to ensure that these effects are avoided, remedied or mitigated where practical.

### 12.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

#### 12.3.1 OBJECTIVE

*To maintain levels of infrastructure which provide for the citizens of the district.*

##### Policies

- a) By providing for the maintenance of established network utility services.
- b) By providing for new network utility services and enhanced or new technology that enable people and communities to better provide for their health and their social, economic and cultural well-being, provided that any significant adverse effects on amenity values are avoided, remedied or mitigated.

- c) By recognising that technical constraints often govern the installation and in particular the location of network utility services and provision will be made to provide network utility services to meet the needs of individuals and the community.

#### 12.3.2 OBJECTIVE

*To ensure that activities and development recognise the constraints of network utility service capabilities.*

##### Policies

- a) By requiring financial contributions from developers and subdividers for the provision of services necessary for people's health, well being and safety and to avoid, remedy or mitigate any adverse effects of the activities on the environment.

#### 12.3.3 OBJECTIVE

*To monitor the development of the Central Area so that growth is balanced with the environmental capacity of the district.*

##### Policy

- a) By monitoring the capacity of the services for which the Council has prime responsibility to enable suitable provision for network utility services through the Central Area.

#### 12.3.4 OBJECTIVE

*To allow for the provision of new network utility services whilst mitigating adverse environmental effects.*

##### Policies

- a) By ensuring that proposed network utility services which may create significant adverse effects on the environment are subjected to an assessment procedure and that any adverse effects are avoided, remedied or mitigated where practical.
- b) By recognising existing legislative provisions which apply to network utility services, and where the Council is empowered to do so, applying conditions to



the installation of those services to meet the requirements of Part II of the Act.

### 12.4 RESOURCE MANAGEMENT STRATEGY

Maintaining an efficient infrastructure for network utility services within the Central Area is fundamental to the resource management strategy adopted in the Plan. Easy access to services is important to the well-being of the people of the district. The provision of efficient and effective services and communication systems and networks is essential to the sustainability of the economic fabric of the City. An adequate drainage system which meets the growing needs of the community while avoiding adverse effects on the natural environment is particularly important.

Many of these features can only be attained through actions taken outside the Plan. However, the Plan encourages and promotes their attainment wherever possible through, for example, limits on the intensity of development and requirements for the provision of network utility services on subdivision and land use consents.

**Note:** The Plan is primarily concerned with ensuring that any changes to existing network utility services and the provision of new services, are undertaken in accordance with the policies and rules of the Plan which are designed to avoid, remedy or mitigate any adverse effects on the environment as required by the Act.

### 12.5 INTERPRETATION AND DEFINITIONS

Refer to Part 16 for definitions and common terms employed in this Part.

### 12.6 RULES - ACTIVITIES

The fact that a network utility service is permitted or otherwise provided for in this Plan does not remove the need for the person carrying out the activity to obtain or ensure that there exists the relevant occupancy right to enter the land or road and carry out the work.

### 12.6.1 PERMITTED ACTIVITIES

#### 12.6.1.1 Roads

The construction (including earthworks), operation and maintenance of roads is a permitted activity throughout the Central Area and includes:

- a) pedestrian footways, motorways
- b) tunnels and retaining walls for roads, tramways, railways

For rules relating to overpasses and underpasses refer to Part 14.2C.2.

**Note:** Where land is vested or dedicated as road, the relevant activity development control and precinct or quarter rules, with the exception of the Public Open Space 3 Precinct rules, shall cease to have effect from the time of vesting or dedication.

#### 12.6.1.2 Within roads

The construction (including earthworks), installation, operation and maintenance of the following network utility services are permitted activities in, on, under or over roads throughout the Central Area as set out below. The exceptions are the construction (including earthworks) and installation of network utility services in roads within Aotea Square and St Patrick's Square and Queen Elizabeth Square and where the installation of network utility services includes works in the vicinity of trees on roads (see clause 14.2B.5.2).

- a) Underground telecommunication structures and lines, and underground electric lines for conveying electricity at a voltage up to and including 110kV with a total capacity up to and including 100MVA, including (for the avoidance of doubt) underground connections from buildings and sites.
- b) Underground pipes and fittings for the distribution (but not transmission) of natural or manufactured gas at a gauge pressure up to but not exceeding 2000 kilopascals and any ancillary underground equipment and fittings.
- c) Pipes and fittings for the distribution or transmission of water, whether treated or untreated, for supply including underground pumping stations.
- d) Stormwater and sewage reticulation including rising mains, manholes, inlet and outlet structures, underground pumping stations and grit chambers.
- e) Underground conduit pipes and fittings for petroleum or any other purpose (including steam) approved under section 338 or section 341 of the Local Government Act.



- f) Network utility services established before or on the 9th October 1997.
  - g) Underground connections from buildings and sites to gas, water, drainage and sewer pipes and fittings including meters and protective surrounds and fittings.
  - h) The provision of lighting in roads, public places, private roads and private ways, together with support structures, fittings, cables and pipes as provided for by Section 334A of the Local Government Act.
  - i) Traffic signals, cameras, support structures, fittings and cables and ancillary equipment.
  - j) Excavations for network utility services, provided however that this rule shall not apply to machine digging within the dripline of any tree sited within a road, or of any protected or scheduled tree overhanging the road.
  - k) Junction pillars for telecommunication cables, also for low voltage electric cables.
  - l) Telephone booths and cabinets, distribution cabinets and appliances of a like nature as provided for in Section 18 of the Telecommunications Act 1987, except where located on roads within a Public Open Space Precinct.
  - m) Aerials not exceeding 2m in height with no structural element exceeding 50mm in breadth attached to an existing structure.
- d) Stormwater and sewage reticulation including rising mains, manholes and ventilation shafts, inlet and outlet structures.
  - e) Network utility services established before or on the 9th October 1997.
  - f) Junction pillars for telecommunication cables, also for low voltage electric cables.
  - g) Underground connections to gas, water, drainage and sewer pipes and fittings including meters and protective surrounds from buildings and sites other than scheduled geological or archaeological sites.
  - h) Excavations for network utility services, provided that this rule shall not apply to sites with scheduled archaeological and geological features or to machine digging within the dripline of any scheduled or protected tree.
  - i) Aerials not exceeding 2m in height with no structural element exceeding 50mm in breadth.
  - j) Microwave and satellite antennas not exceeding 1.2m in diameter.
  - k) Telephone booths and cabinets, distribution cabinets and appliances of a like nature as provided for in Section 18 of the Telecommunications Act 1987.
  - l) Above ground telecommunication lines being only connections to or from buildings and sites. Where the proposed telecommunication line is to be an overhead line it will only be permitted where there are existing overhead telecommunication lines and existing electric power or telephone poles.

### 12.6.1.3 Other Land

The construction (including earthworks), installation, operation and maintenance of the following network utility services are permitted activities throughout the Central Area as set out below, other than in roads (which are provided for above) where the installation of network utility services includes works in the vicinity of trees in Public Open Spaces (see clause 14.2B.5.2) and subject to compliance with the relevant development control rules for the particular site.

- a) Underground telecommunication lines and underground electric lines for conveying electricity at a voltage up to and including 110kV with a total capacity up to and including 100MVA, including (for the avoidance of doubt) underground connections from buildings and sites, with the exception of underground connections from scheduled geological or archaeological sites.
- b) Underground pipes for the distribution (but not transmission) of natural or manufactured gas at a gauge pressure up to but not exceeding 2000 kilopascals and any ancillary underground equipment and fittings.
- c) Pipes and fittings for the distribution or transmission of water, whether treated or untreated, for supply including irrigation.

### 12.6.1.4 Additional Activities

The following are permitted activities on all sites except those within a Residential, or Public Open Space Precinct. These activities are in addition to those specified in Clause 12.6.1.3 and are subject to compliance with the development control rules for the particular site.

- a) Telephone exchanges.
- b) Telecommunication and radio-communication antennas (excluding microwave and satellite antennas), pole support structures and masts, provided that
  - i) the antennas shall be capable of being contained within a horizontal circle centred on the pole support structure and with a diameter of 6.25m
  - ii) the height of the pole support structure and antennas or mast above ground level may exceed the height limit specified for the site by not more than 6m
- c) Substations, provided that where a site abuts a residential or open space precinct, a front yard of 3m minimum width is required. In addition, a 6m



minimum side or rear yard requirement (as the case may be) shall apply to that portion of the site which abuts the Residential or Open Space Precinct; provided however that where a substation transforms voltages of 11,000 volts or less to 400 volts or less, no front yard is required and the side and rear yards, as the case may be, shall be of 4m minimum width, except where provided within an existing or new building.

- d) Meteorological installations, provided that any mast shall not exceed the height limit for the site by more than 6m.
- e) Pumping stations for water or sewage, also gas regulator stations and ancillary above ground equipment, together with associated earthworks, provided that
  - i) they do not exceed 25m<sup>2</sup> in area or 3m in height above ground level, or are provided within an existing building, and
  - ii) they are not located on sites containing scheduled heritage features, or on sites in Conservation Areas.

## **12.6.2 CONTROLLED ACTIVITIES**

### **12.6.2.1 Residential Precincts**

The following are controlled activities in all residential precincts, subject to compliance with the development control rules for the particular site.

Substations, pumping stations for water or sewage, gas regulator stations, telephone exchanges, together with associated earthworks; provided that they do not exceed 25m<sup>2</sup> in area or 3m in height above ground level, or are provided within an existing building.

This rule shall not apply to sites containing scheduled heritage features, or to sites in Conservation Areas, or to substations that transform voltages of 11,000 volts or less to 400 volts or less and are provided within an existing or new residential building.

Refer to section 12.7.1 for Assessment Criteria related to controlled activities.

Refer to section 12.7.1.2 for consent conditions

## **12.6.3 RESTRICTED CONTROLLED ACTIVITIES**

### **12.6.3.1 Within Roads**

The following are Restricted Controlled Activities on, under, or over roads throughout the Central Area. Applications may be considered without the need for notification (refer Clause 15.3.2.5).

- a) Tramways, railways, tracks, electric lines, substations and incidental structures directly serving public transit systems.
- b) Street furniture, sculptures, works of art and utility provisions, e.g. road signage, passenger transport shelters and stations, parking meters.
- c) Substations not exceeding 20m<sup>2</sup> in area inclusive of any casing or enclosure and which do not exceed 2m in height.
- d) Surveillance cameras, fittings and their supports.
- e) Ventilation shafts for underground pipes, ducts and pumping stations.

### **12.6.3.2 Other Land**

The provision of electric lines, whether above or below ground, substations and incidental structures directly serving public transit systems are restricted controlled activities throughout the Central Area. Applications may be considered without the need for notification (refer Clause 15.3.2.5).

Refer to section 12.7.2 for Assessment Criteria related to restricted Controlled Activities.

Refer to section 12.7.2.1 for Consent Conditions

## **12.6.4 DISCRETIONARY ACTIVITIES**

Except as provided for in 14.2B.5.2 (works in the vicinity of trees on roads and in the Public Open Space Precinct), the construction, operation and maintenance of network utility services not otherwise provided for as permitted or controlled activities are discretionary activities throughout the Central Area.

## **12.7 ASSESSMENT CRITERIA**

### **12.7.1 Assessment Criteria for Controlled Activities**

The Council will have regard to the assessment criteria set out below when considering an application under Section 104 of the Act.

- a) The visual impact of the activity and the extent to which this is mitigated where appropriate by landscaping and screening or other remedial measures.
- b) The scale and significance of any adverse effects on the environment and the extent to which these are avoided, remedied or mitigated.



### 12.7.1.2 Consent Conditions

In granting consent to a controlled activity the Council may impose conditions in respect of the matters specified in Section 108 of the Act and the following.

- a) The location of the building structure.
- b) The scale and external appearance of the building or structure.
- c) The duration of time for which consent is given to a temporary activity.
- d) The location, design, and number of parking spaces required.
- e) The provision of buffer areas, screening and landscaping.
- f) Control of noise levels.

**Note:** Reference should be made to 14.2B.5.2 (works in the vicinity of trees on roads).

### 12.7.2 Assessment Criteria for Restricted Controlled Activities

The Council will have regard to the assessment criteria set out below when considering an application under Section 104 of the Act.

- a) The visual impact of the activity and the extent to which this is mitigated where appropriate by landscaping, screening or other remedial measures.
- b) The scale and significance of any adverse effects on the environment and the extent to which these are avoided, remedied or mitigated.
- c) The extent to which the proposed location, site, and route affects traffic movement including for the safety of pedestrians.

#### 12.7.2.1 Consent Conditions

In granting consent to a restricted controlled activity the Council may impose conditions in respect of the matters specified in Section 108 of the Act and in respect of:

- a) the location, design, dimensions and colour of the building or structure
- b) the provision of buffer areas, screening and landscaping where appropriate.

### 12.7.3 Assessment Criteria for Discretionary Activities

Without restricting the exercise of its discretion to grant or refuse consent, or impose conditions, the Council will have regard to the assessment criteria set out below when considering an application under Section 104 of the Act.

- a) The extent to which the proposed location, site and route affects public safety and convenience.

- b) The extent to which the activity may affect public health where relevant regulations or bylaws do not exist.
- c) The visual impact of the activity and the extent to which this is mitigated by landscaping and screening or other remedial measures.
- d) The scale and significance of any adverse effects on the environment and the extent to which these are avoided, remedied or mitigated.
- e) The effects on scheduled buildings, objects, heritage properties, and places of special value; also conservation areas, special character precincts, trees, archaeological features and Maori heritage sites, and the extent to which any adverse effects are avoided, remedied or mitigated.
- f) In the case of above ground network utility services including telecommunications and electric lines, the nature of the subsoil and extent of existing underground works in the vicinity, and the effect on
  - i) the visual environment
  - ii) amenity values of the area
  - iii) traffic movement and safety, including pedestrian traffic.
- g) The extent to which the location of the activity may give rise to adverse effects including noise, lighting and overshadowing, on adjacent land.
- h) In the case of an activity which includes underground works, the extent to which the work is able to be conveniently accommodated underground without adversely affecting existing underground network utility services (including ready access for maintenance purposes) or seriously limiting the opportunity for additional underground network utility services in the future.
- i) The effect of the position of vehicular access locations and the traffic generated by the activity on existing traffic flows and parking and on adjacent property.
- j) The extent to which Maori cultural values are affected.
- k) The extent to which the service proposed will enable individuals and communities to better provide for their health, social, economic and cultural well-being or will be of benefit to the wider community.

#### 12.7.3.1 Assessment Criteria for Pipelines

In addition to the criteria set out in Clause 12.7.3.1, the following will be considered

- a) the need for the pipe and alternative proposals
- b) the nature of the liquid or substance carried



- c) the potential effects on the environment caused by a rupture to the pipe
- d) the probability of a rupture occurring by accident or other causes.

### 12.7.3.2 Consent Conditions

In granting consent to an application for a discretionary activity, the Council may impose conditions, restrictions and prohibitions as it thinks fit, including conditions which require positive effects on the environment so as to offset any adverse effects associated with the activity. Such conditions may relate to, but are not limited to, the conditions set out in Clauses 15.3.1.2 (d) and 15.3.1.5.

## 12.8 REFERENCES

Reference should also be made to the following parts of the Plan:

- Part 1 ..... District Plan Structure
- Part 2 ..... District Plan Development
- Part 3 ..... Resource Management
- Part 4 ..... Strategic Management Areas
- Part 5 ..... Activities
- Part 6 ..... Development Controls
- Part 7 ..... Noise, Signs and Lighting
- Part 8 ..... Financial Contributions
- Part 9 ..... Transportation
- Part 10 ..... Heritage
- Part 11 ..... Hazardous Facilities and Contaminated sites
- Part 13 ..... Subdivision
- Part 14 ..... Precincts and Quarters
- Part 15 ..... General Rules/Designations
- Part 16 ..... Definitions and Interpretations

