# Chapter 7 — Network Utility Services

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## 7.9 Rules — Development and Performance Standards

The development and performance standards that activities are to comply with in order to establish in the city are outlined here.

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This outlines the development and performance standards for controlled activities — equipment or structures for network utility services located on or above roads.

## 7.11 Rules — Matters for Control: Controlled Activities

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## 7.14 Assessment Criteria — Discretionary Activities

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## 7.15 Assessment Criteria — Discretionary Activities — Equipment or Structures for Network Utility Services Located on or Above Roads

This outlines the assessment criteria for equipment or structures for network utility services located on or above roads.

## 7.16 Information Accompanying Applications

This lists the information required to be supplied with applications to install Network Utility Services in Roads.

## 7.1 INTRODUCTION

The definition of *network utility services* is based on the definition of "*network utility operator*" in Section 166 of the Resource Management Act, except for matters listed in (g) and (h).

Network utility services and associated structures are physical resources which are a means of providing for the social and economic wellbeing and health and safety of people and communities. They also support the functioning of other activities in the City.

The purpose of this chapter is to provide a resource management framework for evaluating the effects of network utility services on the environment, and their possible adverse operational and safety effects on other utility services and activities.

In the context of utility services and transmission corridors, the empowering Acts such as the Local Government Act 1974, the Land Drainage Act 1908, the Electricity Act 1992, the Gas Act 1992 and the Telecommunications Act 1987 give authority for network utility operators to own, construct and operate their utilities.

All activities of network utility operators which have environmental effects are subject to the Resource Management Act. Pursuant to Section 31 Council is responsible for achieving the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district.

**Matters such as the scale, design standards, sequence, timing and relative priority of public works and public utility networks are dealt with in the Land Modification, Development and Subdivision Chapter of the District Plan.** [AM89]

## 7.2 RESOURCE MANAGEMENT ISSUES

### 7.2.1 The construction, operation and maintenance of network utility services can potentially adversely affect the environment and amenity values of certain areas including, among other things, their visual amenity, air quality, and efficiency of traffic movements

Network utility services often have operational needs and design features which can affect amenity values. For example, telecommunication masts and towers and electrical transmission lines can have adverse effects on the quality of the visual environment of the City. Other adverse effects can include odour nuisance from sewage or trade waste treatment facilities, noise, vibration and dust nuisances and traffic disruption.

### 7.2.2 Network utility services may have potential adverse effects on the health and safety of people

Network Utility Services generally have a low probability potential to affect the health and safety of people from various causes such as odour, noise, vibration and dust, electromagnetic fields, electromagnetic radiation, systems or operational failure, and electrocution.

### 7.2.3 Network utility services can potentially impede the operational efficiency of other network utility services in the vicinity

If network utility services are not located with care, there can be potential for certain types of services to adversely affect the operation of others close by. For example, the quality of telecommunication signals can be affected by the presence of electromagnetic fields from electricity installations. Another example is the need to avoid siting electric lines adjacent or too close to gas pipelines in order to minimise disruption to the community should an explosion occur. Services should be located to avoid or minimise disruption to

traffic which can impede the operational efficiency of the roading network.
[AM49]

Issues relating to provision of network utility services are covered in Chapter 9, *Land Modification, Development and Subdivision.*

**7.2.4 Network utility services are essential resources, the timely and adequate provision of which is necessary to support other activities in a way that will enable people and communities to provide for their economic, social and cultural wellbeing, and to avoid, remedy or mitigate potential adverse effects on the environment.**

Network utility services are resources which are essential to the effective, efficient and safe operation of most activities.

Subject to the statutory requirement to avoid, remedy or mitigate any adverse effects from the services themselves, it is essential that these services be provided in a timely manner, and to an adequate standard to support other activities throughout the city.

**7.2.5 Route options for lineal network utility services can be limited by physical constraints such as their location in relation to the Auckland Isthmus, the location of existing development and other network utility services and operational constraints.**

The city occupies a strategic position in relation to major network utility services serving the region. In some situations, the provision of new routes can therefore result in more localised adverse effects which cannot be completely avoided, remedied or mitigated. Where practicable, the use and upgrading of existing networks will be encouraged in preference to the development of new route options.

## 7.3 OBJECTIVES

**Objective**
**7.3.1 To protect the environment of the city including heritage, visual, aural and other amenity values from adverse effects of network utility services and enable efficient traffic movements as far as practicable.**

*(This objective relates to issue 7.2.1).*

**Objective**
**7.3.2 To protect people from adverse effects that network utility services may have on people's health and safety.**

*(This objective relates to issue 7.2.2).*

**Objective**
**7.3.3 To enable the efficient and effective provision of network utility services to support the development and functioning of other activities, promote sustainable management of resources, and to protect the operational efficiency and safety of network utility services in the City.**

*(This objective relates to issue 7.2.3).*

**Objective**
**7.3.4 To co-ordinate land use and infrastructure planning to achieve the efficient and effective provision, operation and maintenance of network utility services in the City.**

*(This objective relates to issue 7.2.4).*

## 7.4 POLICIES

**Policy 7.4.1** **Network utility services should be sited and designed in such a way that**

(a) minimises adverse effects on the quality of the visual and other amenity values of the environment as much as practicable;

(b) enables reasonable on-site amenity regarding design, landscaping and screening for neighbouring properties;

(c) avoids adverse effects on sites, buildings, places or areas of heritage and archaeological value;

(d) is sensitive to adjacent activities;

(e) is timely, and is of adequate technical standards and capacities to support the potential scale and timing of development in the area served by the particular network;

(f) allows for the provision and efficient operation of other network utility services to adequate technical standards and capacities to support the needs of the ultimate areas they are required to serve.

*(This policy relates to Objective 7.3.1).*

***Explanation/Reasons***

*Most activities are dependent on network utility services to operate efficiently. Inadequate provision of network utility services can cause adverse environmental effects or inefficient use of resources through underdevelopment or subsequent retrofitting with additional capacity in areas which are supported by these services.*

*Network utility services can cause adverse effects on the environment such as visual intrusion, odour, dust, noise and vibrations. Some of these are unavoidable because of operational constraints, but they can be mitigated by, for example, the use of recessive colours, landscape treatment and screening, and careful siting with regard to sensitive activities in the vicinity. Buffer distances can be used to control the encroachment of sensitive activities such as residential, where network utility services are already in place, to reduce the potential for conflict and ensure access for operational and maintenance purposes. Areas or features of heritage or archaeological value can be destroyed or compromised by works associated with network utility services.*

**Methods**

- Activity Tables
- Development and Performance Standards
- Assessment Criteria
- Provision of Services at the time of Subdivision or Development

**Policy**
**7.4.2** **Network utility services should be installed, operated and maintained in such a way as to:**

(a) **avoid, remedy or mitigate the potential discharge of contaminants to the environment;**

(b) **avoid, remedy or mitigate potential adverse effects on the health, safety and wellbeing of people and communities.**

*(This policy relates to Objective 7.3.2).*

***Explanation/Reasons***

*Inadequate operation of network utility services can result in the discharge of certain contaminants to the environment. For example, until there is more information as to whether or not there are possible additional adverse health effects from electromagnetic radiation or electromagnetic fields, it is preferred to take a cautious approach.*

*However it is acknowledged that for most people, their principal sources of exposure to ELF electric and magnetic fields are electrical appliances and house wiring. Other possible adverse effects are risk of electrocution and risk of injury or damage to property should an overhead line fail.*

*There is also a need to safeguard the environment as much as possible from the adverse effects of leaks or breakdowns from pipelines which distribute hazardous substances such as gas or petroleum products.*

**Methods**

- Buffer distances
- Development Standards including location and siting standards
- Hazardous substances controls

**Policy**
**7.4.3** **Network utility services shall be sited in such a way that:**

(a) avoids adverse effects on network utility services in the vicinity;

(b) avoids or minimises adverse effects on the safety of other network utility services;

(c) minimises disruption and interference to other network utility services.

*(This policy relates to Objective 7.3.1).*

***Explanation/Reasons***

*The operational efficiency of some network utility services can be adversely affected by others. For example, co-siting in some circumstances will minimise visual intrusion, but cause operational and maintenance problems. Suitable access is necessary to help minimise disruptions to road traffic and where there are transmission corridors across private land. Pipes for the conveyance of hazardous substances may impose safety constraints on the siting of other network utility services in close proximity. Telecommunication lines can suffer disturbance from electric and electromagnetic fields or leakages from water pipes in some circumstances.*

**Methods**

- Development Standards including location and siting standards:
- Buffer distances
- Hazardous substances controls
- Access available for maintenance and upgrading purposes and new network utility services.

## 7.5 IMPLEMENTATION AND METHODS

## 7.5.1 Regulatory Methods

### 7.5.1.1 Rules — Network Utility Services in the City

**Permitted Activities**

Permitted activities for network utility services in each zone of the City are based on capacity limits to serve local catchments, linked to the probability of risks to the environment from the consequences of breakdown or failure, and the need to allocate limited space for network utility services. The provision for above ground network utility services is also based on their anticipated effects on the visual qualities of the environment.

The capacity limits for permitted activities for stormwater, water and sewerage lines are based on what are considered to be standard sizes to serve local catchments. It is recognised that the works associated with the provision and operation of such local services will not have significant adverse effects if they are in accordance with the relevant development and performance standards.

The strategy for electricity lines is to encourage underground reticulation by making this a permitted activity. However, small extensions to an existing overhead network are also permitted in defined circumstances. Overhead lines of this capacity are permitted in rural areas except for identified sensitive ridge and coastal margin areas shown on the Planning Maps. The provisions allowing for overhead reticulation of electric lines in rural areas recognise the increased costs of underground reticulation given the customer-to-distance ratio.

Telecommunication lines are permitted activities provided that they are underground or on ground.

Stormwater works and services including pipelines not exceeding 600mm in diameter in accordance with an approved comprehensive stormwater catchment management plan or resource consent are also permitted activities.

**Controlled Activities**

The list of controlled activities is limited mostly to network utility services that supply local networks, but which are considered to have greater visual effects than permitted activities. They include overhead electric lines up to and including 110 kV in identified sensitive ridge and coastal margin areas.

Ancillary buildings and structures for network utility services are controlled activities in all zones subject to their meeting the relevant development and performance standards for the zone in which they are located.

Limited provision is made for structures not being permitted activities to enable the maintenance and upgrading, alteration, construction or security of lines provided that they are situated within a network utility service site. In many instances, these sites will already be designated.

Water reservoirs are included, provided that they do not visually intrude above a ridgeline or hill.

**Discretionary Activities**

All network utility services which exceed the specified capacities for the listings, or which cannot comply with the Performance Standards are defined as Discretionary Activities, including those otherwise listed as Permitted or Controlled Activities.

Any network utility services or buildings and structures for network utility services that are not listed in the Activity Tables are Non-Complying Activities.

Overhead electric lines exceeding 110 kV, are provided for as Discretionary Activities because of their potential for adverse effects on the environment.

#### 7.5.1.2 Rules — Development and Performance Standards

Development standards are rules which apply to network utility services to ensure that amenity values and the quality of the natural environment in the City are maintained and enhanced. Performance standards relate to such matters as noise, lighting, and glare and dust.

### 7.5.2 Non-Regulatory Methods

#### 7.5.2.1 Advocacy

Explanatory material and advice from Council officers.

## 7.6 ANTICIPATED ENVIRONMENTAL RESULTS

The anticipated environmental results for network utility services in the City are:

- A safe and healthy environment, appropriately provided with necessary services to adequate standards and capacities
- High quality of visual environment maintained and enhanced.
- Areas of heritage value preserved.
- Amenity values for each area of the city preserved and enhanced.
- An environment appropriately supported by the timely provision of necessary network utility services to adequate standards and capacities.

## 7.7 PROCEDURES FOR MONITORING

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results contained in this Chapter, the Council will develop a monitoring programme (see Chapter 1, Section 1.7.3) which may include the following monitoring procedures:

- Monitoring resource consents for network utility services including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions. Where consent holders are required to undertake self-monitoring, they shall supply monitoring reports to the Council for auditing purposes whenever the Council deems it necessary.

- Monitoring complaints and enforcement actions regarding the nuisance aspects of network utility services.

- Undertaking surveys of residents to ascertain their satisfaction with network utility services.

## 7.8 RULES — ACTIVITIES

### 7.8.1 Activities — City-Wide

(a) All network utility services listed as permitted activities in Rule 7.8.2.1 shall comply with Rule 7.9 *General Development and Performance Standards*.

(b) All network utility services listed as controlled activities in Rule 7.8.2.1 shall comply with Rule 7.9 *General Development and Performance Standards* and Council shall exercise control over those matters specified in Rule 7.11.

(c) All network utility services listed as discretionary activities shall be assessed against the Assessment Criteria in Rule 7.14, together with the other relevant matters set out in S104 of the Resource Management Act 1991.
[AM49]

(d) Any network utility service not listed below is a non-complying activity.

(e) For notification procedures under the Resource Management Act 1991 see Rules 5.2.2, 5.2.3, 5.2.4 and 5.3.3.1 of Chapter 5 — General Procedures and Rules.

(f) Notwithstanding the aforementioned provisions, at the time of lodgement of an application for resource consent for a Controlled or Restricted Discretionary Activity to establish equipment or structures for network utility services on or above roads, the applicant will be required to demonstrate that consultation has taken place with affected parties. The presumption is that the written consent of affected parties will not be required.

## 7.8.2 Activity Table

**In the table below the terms used have the following meaning;**

P = Permitted Activity D = Discretionary Activity

C = Controlled Activity NC = Non Complying Activity

(R)D = Restricted Discretionary Activity

### 7.8.2.1 Network Utility Services throughout the City

| ACTIVITY | CLASSIFICATION IN ALL ZONES[1] |
|---|---|
| **The following are Permitted, provided that all principal reticulation is underground, including piping, cabling and lines, or is attached to, or included within bridges or other structures:** | P[2] |
| • Telecommunication lines as defined by Section 2 (1A) of the Telecommunications Act 1987;<br>• Electric lines as defined in the Electricity Regulations 1993 at a voltage up to and including 110 kV with a capacity up to and including 100 MVA;<br>• Stormwater pipelines not exceeding a nominal 600mm in diameter and all necessary incidental equipment and facilities in accordance with a discharge permit approved by the Auckland Regional Council;<br>• Water mains and sewerage pipelines not exceeding a nominal 300mm diameter and associated fittings, valves and appurtenances;<br>• Incidental pipes and fittings for the distribution (but not transmission) of gas at a gauge pressure up to and including 2000 kilopascals and necessary incidental equipment including household connections and compressor stations. | |
| Installation and replacement of overhead telecommunication lines and electric lines including overhead connections and service leads, at a voltage up to and including 110 kV with a design capacity up to and including 100 MVA per circuit in the following circumstances:<br>[AM49]<br>• rural zoned areas except for Rural 3 and sensitive ridge and coastal margin areas identified in the Planning Maps. | P |
| Above ground transformers for electricity or regulator stations for gas located on network utility sites created in accordance with Rule 9.8.2 where the structure has a ground coverage of not more than $6m^2$ and a height not exceeding 1.5m | P |
| Stormwater detention ponds and necessary incidental equipment and facilities in accordance with a comprehensive stormwater quality catchment management plan and/or a discharge permit approved by the Auckland Regional Council. | P[3] |
| The operation, maintenance and minor upgrading of network utility services in existence at 1 August 1995. | P |
| Pumping stations and ancillary structures and facilities not exceeding 10 square metres in area | P |
| Antennas on existing buildings provided that they do not project more than 2m above the maximum permitted height for the main structure for the zone in which they are located, and do not exceed 2m in any horizontal direction. | P |
| Equipment or structures for network utility services not exceeding 900mm in height, and 1.5 square metres in area, that are located on or above the road | P[4] |
| A single twinned overhead telecommunication line not exceeding 22mm in circumference, where the existing telecommunication reticulation is overhead, and that is located on the same side of the road as the affected property | P |
| Service connections between the network utility service line which is located parallel to the road berm, and the equipment or structures for a network utility service also located in that berm | P |
| Overhead telecommunication lines and electric lines and transformers for conveying electricity at a voltage up to and including 110kV with a capacity up to and including 100MVA in Rural 3 zoned areas and sensitive ridge and coastal margin areas shown on the Planning Maps. | C |

| ACTIVITY | CLASSIFICATION IN ALL ZONES[1] |
|---|---|
| Underground electric lines exceeding 110kV and a capacity exceeding 100MVA. | C |
| Ancillary buildings and structures for network utility services (including airport control devices), limited to substations up to 15m$^2$, masts, aerials, towers, poles and other support structures that comply with the development and performance standards for the zones in which they are located, or an adjoining zone in the case of road zones. | C |
| Buildings and structures for network utility services not being permitted activities, used for the maintenance, upgrading, alteration, construction or securing of lines or pylons, provided that they are situated within a network utility site created in accordance with Rule 9.8.2. | C |
| Bulk service reservoirs not visually intruding above the apex of a ridge or hill. | C |
| Telephone booths and post box facilities in roads. | C |
| Telephone exchanges up to 50m$^2$ in gross floor area, that comply with the General Development and Performance Standards for the zone in which they are located, except in the Public Open Space and Rural 3 zones and Sensitive Ridge and Coastal Marine Areas identified in the Planning Maps. | C |
| Aerial pipe crossings for pipes up to 300mm in width and a maximum length of 90 metres. | C |
| Equipment or structures for network utility services located on or above the road, which do not exceed 1.7m in height, with a maximum length of 2.5 metres and maximum depth of 1.2 metres, and which in any case do not exceed 3.5 cubic metres in total volume | C[4] |
| Any mast, aerial , tower, pole, antenna, or support structure in rural zones up to 15 metres in height, except in the Rural 3 zone, or senstive ridge and coastal margin areas identified in the Planning Maps [AM49] | C |
| Substations for electricity located on or above the road not exceeding 1.5 metres in height, and 6 square metres in area | C |
| Subdivision to create a site to accommodate a network utility service. | Refer Chapter 9 Land Modification, Development and Subdivision |
| Overhead connections and service leads to serve individual properties where the existing electric or telecommunication line is overhead, and not otherwise provided for in this Activity Table. | (R)D |
| Any mast, aerial, tower, pole, antenna or support structure for a network utility service that is not located on the road, and not projecting more than 2 metres above the maximum permitted height limit for the zone in which they are located (except where specified elsewhere in the District Plan, including rural zones, or sensitive ridge and coastal margin areas identified in the Planning Maps), and in the case of an antenna, the antenna does not project more than 2 metres in any direction above the highest point of the structure | (R)D[5] |
| Equipment or structures for network utility services, located on or above road, that exceed the dimensions for Permitted and Controlled Activities, or that do not meet the Development and Performance Standards specified in Rule 7.10 | (R)D[4] |
| The replacement of, or addition to any mast, aerial, tower, pole, antenna or support structure for a network utility service, located on or above roads, whereby the proposed support structure for a telecommunication service does not exceed any dimension of the structure it replaces by more than 50%, and, in the case of any antenna, the antenna does not extend more than 2 metres in any direction above the highest point of the structure | (R)D |
| Extensions to existing, and new network utility services which are listed above, not being permitted or controlled or restricted discretionary activities. | D |
| Airport Control Services as defined by the Civil Aviation Act 1990, outside Special Area 17.6. | D |
| Buildings, equipment or structures, or any mast, aerial, tower, pole, antenna or support structure for a network utility service throughout the city, not being permitted or controlled or restricted discretionary activities | D |
| Any activity for Network Utility Services which cannot meet the Development and Performance Standards of Rule 7.9 | D |

**Notes:**

1 Additional provisions may apply where network utility services are located beneath existing or future roads. (Refer to Activity Table 7.8.2.2).

2 Masts, aerials and antennas are provided for separately in this Activity Table.

3 Council's consent as Asset Manager will be required where it is intended that the facility will be transferred to Council to maintain and manage.

4 Excluding any mast, aerial, tower, pole, antenna, or support structure.

5 These activities include any free standing satellite dish and support structure that meet these dimensions.

### 7.8.2.2 Network Utility Services located beneath Roads

**The following table assesses network utility services on the basis of their effects on roads and other network utility services, including location and depths, operational and maintenance needs, amenity values and safety. This table applies city-wide.**

| ACTIVITY | CLASSIFICATION IN ALL ZONES[1] |
|---|---|
| Installation, maintenance and operation of network utility services in defined pathways for network utility services in roads which have been built in accordance with the geometrical profile shown in Fig. 7.1. | P |
| Minor deviations for network utility services (refer chapter 18) | P |
| Installation, (including upgrading and renewals) of network utility services under the road carriageway at road intersections. | (R)D |
| Installation, (including upgrading and renewals) of network utility services in urban roads which have not been built in accordance with the geometrical profile of Fig. 7.1. | (R)D |
| Transverse connections (including through pipes and ducts) under the road carriageway including those to serve individual properties. [AM31] | (R)D |
| Installation, (including upgrading and renewals) of network utility services in rural roads. | (R)D |

**Note:**

1 Telephone booths and post box facilities for the postage but not storage of mail are exempt from this rule, but are controlled activities.

## 7.9 RULES: DEVELOPMENT AND PERFORMANCE STANDARDS

### 7.9.1 General Development and Performance Standards

**Rule 7.9.1.1** This section specifies the Development and Performance Standards with which Permitted and Controlled Activities must comply. Any Activity which cannot meet these standards is deemed to be a Discretionary Activity, unless it is listed as a Restricted Discretionary Activity

in the Activity Tables, in which case the specified matters for discretion and assessment criteria apply.

**Rule**
**7.9.1.2 Engineering Performance Standards**

The design, construction and ongoing performance of network utility services shall comply with the Engineering Performance Standards in Chapter 9 Land Modification, Development and Subdivision.

**Rule**
**7.9.1.3 Occupation of Road Space**

The installation, operation and maintenance of network utility services in the road space shall ensure that the road space shall be used efficiently and safely with minimal inconvenience and disruption, to road users and other network utility services, and provide ready access for maintenance purposes

**Note:** Figure 7.1 does not apply to the operation, maintenance and minor upgrading (as defined in Chapter 18) of existing overhead network utility lines and support structures in the road zone.

***Explanation/Reasons***

*The purpose of this requirement is to ensure that the road space is used efficiently and safely, with minimal inconvenience and disruption to road users and other network utility services, and provide ready access for maintenance purposes.*

**Rule**
**7.9.1.4 Site Rehabilitation**

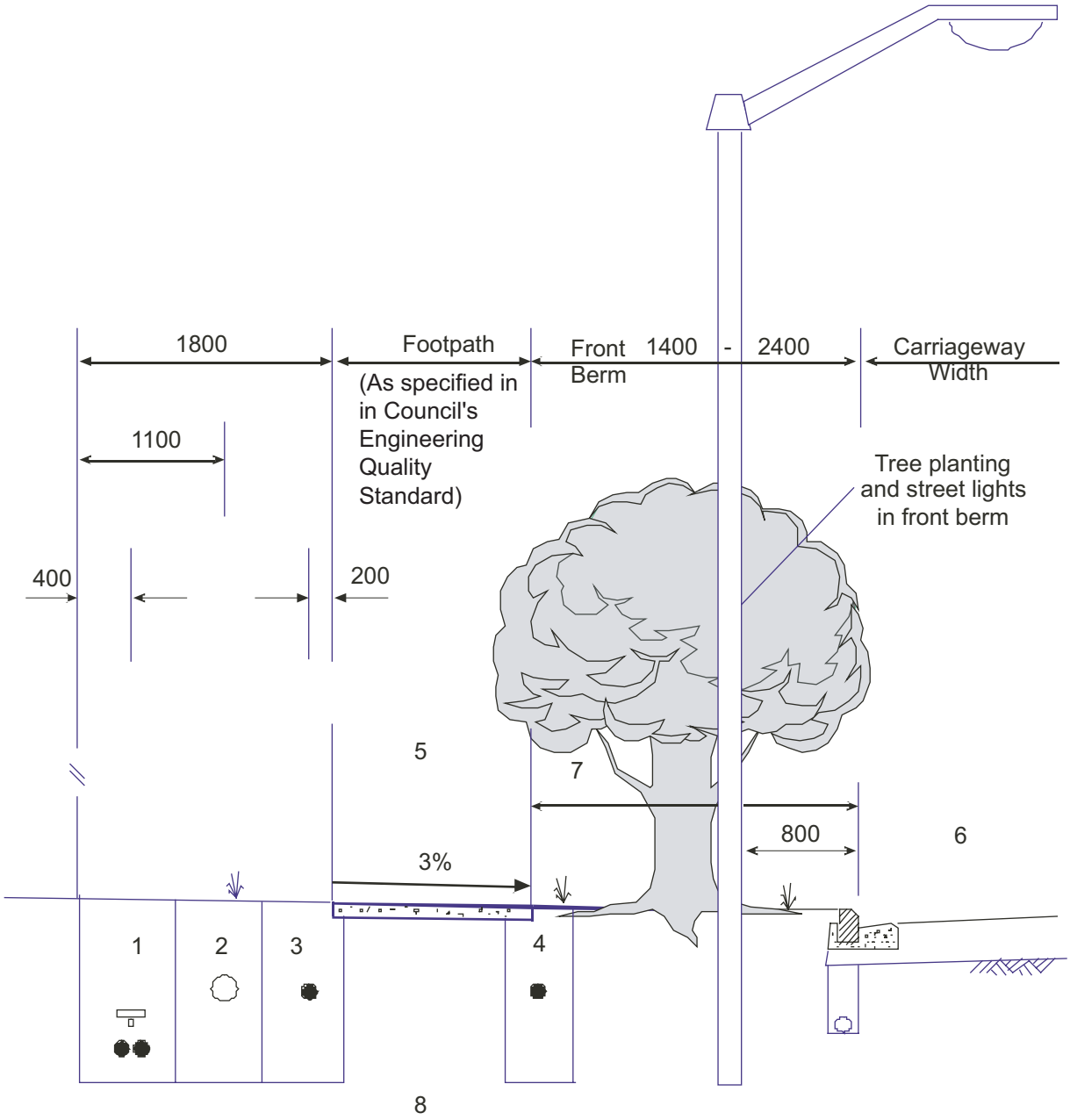
For safety and amenity reasons, where the installation, operation or maintenance of any network utility service involves the disturbance of the ground or any significant vegetation, the network utility operator or contractor responsible for that work must reinstate the ground concurrently with the works being undertaken, as far as practicable.

***Explanation/Reasons***

*Where the establishment or maintenance of a network utility service involves the disturbance of the ground or any significant vegetation, the amenity values and water quality can be affected through lack of vegetative cover. Open trenches can constitute a danger to public safety.*

**Rule**
**7.9.1.5 Artificial Lighting**

Rule 5.18.2 in Chapter 5 General Procedures and Rules applies.




1. Power Distribution
2. Water Distribution
3. Telecommunication
4. Gas Distribution
5. Pedestrians
6. Traffic (Roading)
7. Landscaping & Lighting
8. Drainage

**FIGURE 7.1 NETWORK UTILITY LOCATIONS**

[AM98]

**Rule**
**7.9.1.6 Noise and Vibration**

The noise and vibration standards for the relevant zones apply.

**Rule**
**7.9.1.7 Air Emissions**

No activity shall discharge fumes, smoke or gases to a level that is likely to cause a nuisance or affect the amenity values of the area.

***Explanation/Reasons***

*Emission of fumes, smoke or gases have the potential to endanger public safety. This rule ensures that there is adequate control of air emissions.*

**Rule**
**7.9.1.8 Odour**

No activity shall create any objectionable or offensive odour that is able to be detected at the boundary of the site or road on which the activity is located. In the event of an objectionable odour occurring, such action shall be taken as may be necessary by the owner and/or occupier to remedy the situation to Council's satisfaction.

***Explanation/Reasons***

*The reason for adopting odour controls is to provide a practicable means of controlling objectionable odours which are not satisfactorily regulated by controls of air discharges.*

*Any control on odour emission will to some extent be subjective and flexibility is needed so that various alternatives can be used to avoid or reduce the problem. The control adopted recognises both the subjective nature of the task and the need to provide for flexibility and to take whatever action is needed to solve the problem.*

**Rule**
**7.9.1.9 Dust**

No activity shall create a dust nuisance. A dust nuisance will occur if:

- there is visible evidence of suspended solids or particulate matter in the air beyond the site boundary and/or
- there is visible evidence of deposited particulate matter traceable from a dust source settling on the ground, building or structure, on a neighbouring site or water.

***Explanation/Reasons***

*Activities that generate dust have the potential to create significant adverse health effects and nuisance conditions on property. This rule ensures that there are adequate means to identify a dust nuisance so that remedial action can be taken to the satisfaction of Council.*

**Rule**
**7.9.1.10 Radio Frequency Radiation**

Compliance required with NZ Standards 6609 Parts 1 and 2.

***Explanation/Reasons***

*The reason for adopting the above standard is to provide performance measures to protect public health from radio frequency radiation.*

**Rule**
**7.9.1.11 Parking, Loading and Access**

Refer to Transportation Chapter 8.

**Rule**
**7.9.1.12 Hazardous Facilities and Substances**

Refer to Chapter 10.1 Hazardous Facilities and Substances

**Rule**
**7.9.1.13 Heritage**

Refer to Chapter 6 Heritage.

***Explanation/Reasons***

*Areas or features of heritage or archaeological values have the potential to be compromised by works associated with network utility services.*

**Rule**
**7.9.1.14 Signs, Loading and Access**

The rules in Chapter 5 General Procedures and Rules apply.

**Rule**
**7.9.1.15 As Built Plans**

All network utility operators shall keep up to date "as built plans" of services installed, detailing their location and depth in relation to the kerb and road reserve boundary. These shall be made available to other utility operators, Council and any roading authority.

## 7.10 RULES — DEVELOPMENT AND PERFORMANCE STANDARDS FOR CONTROLLED ACTIVITIES — EQUIPMENT OR STRUCTURES FOR NETWORK UTILITY SERVICES LOCATED ON OR ABOVE ROADS

### 7.10.1 Placement

Not more than one such equipment or structure which requires a resource consent is allowed along the front boundary of any front site. No equipment or structure shall be placed adjacent to or within a shared driveway, private way or access-way.

The placement of any equipment or structure shall comply with Land Transport Safety Authority RTS 6 Guidelines 1996.

### 7.10.2 Stability

The stability of the adjoining property shall not be undermined by any excavation required to establish any equipment or structure for a utility service in or on the road.
[AM49]

### 7.10.3 Reinstatement

Where the installation, maintenance or upgrading of the equipment or structure involves disturbance of the ground, the body responsible for that work must reinstate the ground in accordance with best practice.

### 7.10.4 Access

Any footings required shall not damage or prevent practical access to any existing in-ground network utility service, or affect the lay position of other services in the permitted corridor.

### 7.10.5 Graffiti

The network operator must remove any graffiti from the structure within 5 working days of notification by the Council

### 7.10.6 Other Performance Standards

The following Performance Standards specified in Rule 7.9 also apply:

Rules 7.9.1.5 Artificial Lighting, 7.9.1.7 Air Emissions, 7.9.1.8 Odour, 7.9.1.9 Dust, 7.9.1.10 Radiofrequency Radiation, 7.9.1.11 parking, Loading and Access, 7.9.1.12 Hazardous Substances and Facilities, Rule 7.9.1.13 Heritage and 7.9.1.14 Signs

[AM49]

## 7.11 RULES — MATTERS FOR CONTROL: CONTROLLED ACTIVITIES

### 7.11.1 Council reserves control over the following matters for controlled activity resource consent applications for network utility services and may impose controls in respect of each:

(a) Design and external appearance of buildings and structures;

(b) Landscape treatment and screening and site layout;

(c) Environmental effects including visual, noise, vibration, odour, dust, glare and discharges to air and water, electromagnetic radiation and electromagnetic fields;

(d) Vehicle generation access, loading and parking and traffic disruption;

(e) Effects on overland flowpaths and/or water courses;

(f) Location;

(g) Construction methods and materials;

(h) Engineering Performance Standards contained within Chapter 9.

### 7.11.2 Where network utility services are to be considered as a controlled activity, Council shall have regard to the relevant sections of the Resource Management Act, the objectives and policies of the Plan, compliance with the Development and Performance Standards in Rule 7.9 and the following matters:

- Whether the design and external appearance of buildings and structures for network utility services are sympathetic to the character of the locality and will maintain and enhance its amenity values. This will include assessment of the extent to which the network utility service dominates, or is overbearing in relation to adjacent activities, including consideration of design, height, scale, yards, landscaping, screening and finishing materials, and the extent or impacts of such effects.

- Whether it is technically, economically and practically reasonable to consider the potential for co-location of overhead electric and telecommunication lines, where this would mitigate visual clutter.

- Whether the proposed landscape design, screening and site layout will internalise and mitigate the effects of the network utility to the site as far as practicable and minimise adverse effects on the amenity values of adjacent activities.

- Whether any adverse visual effects of the network utility service with respect to views from public places such as roads, and the natural form and character of ridgelines, promontories, scenic areas, volcanic cones and attractive views can be mitigated as far as practicable.

- The extent to which any adverse effects on amenity values of an area from potential nuisance factors including noise, vibration, odour, dust, lighting and glare will be mitigated as far as practicable.

- Whether the operational efficiency and technical requirements of the network utility service have been adequately taken into account in the assessment of the suitability of a site.

- Whether the size and shape of the site can accommodate the proposed network utility buildings and structures, together with all the required landscape treatment, screening and site layout.

- Whether the impacts of vehicle trips, access, loading and parking generated by the proposal on the amenity values and safety of an area will be mitigated as far as practicable, including disruption to traffic from installation or maintenance works for network utility services located in the road.

- Whether the potential for contamination or hazards resulting from equipment failure, accidents or discharges have been considered when the suitability of a site was assessed. Whether the type and effects of adjoining activities have been taken into account and whether the risks of contamination of adjoining land will be minimal.

- Whether structures located adjacent to a road will be sited so as to avoid the potential for traffic and pedestrian safety problems.

- Whether the effects on the overland flowpath and/or watercourse are more than minor and whether the proposal may impede the flow of water in the percentile Annual Exceedence Probability Stormwater Event.

- Whether the proposed site rehabilitation works will affect the safety, or functionality of other network utility services and amenity values.

- Whether the location of the network utility service will affect the design of new subdivisions with reference to Rule 9.11.

- Whether the proposed network utility service will meet the Engineering Performance Standards in Chapter 9, Land Modification, Development and Subdivision.

- Whether there are sensitive activities in the vicinity, including residential neighbourhoods and heritage areas, whose amenity values could be adversely affected by the proposed type of, and the location of the network utility service.

- Whether the proposal may affect road safety including adversely affecting sight lines for turning traffic, or the visibility of traffic signage.

## 7.12 RULES — MATTERS FOR CONTROL: SPECIFIED MATTERS FOR CONTROL FOR EQUIPMENT OR STRUCTURES FOR NETWORK UTILITY SERVICES LOCATED ON OR ABOVE ROADS

**Rule 7.12.1** **Council reserves control over the following matters for Controlled Activity resource consent applications for equipment or structures for network utility services located on or above roads, and may impose controls in respect of each:**

- Design and external appearance of equipment or structures;

- The placement of the equipment or structure for a network utility service in relation to existing vegetation and /or amenity planting on the street or on adjacent properties;

- The location of the equipment or structure for a network utility service in relation to any existing such equipment or structure already within the street in the vicinity of the proposal;

- Heritage;

- Ground conditions and technical constraints;

- The proposed location of the equipment or structure for a network utility service in relation to any future road widening, or vertical and / or horizontal realignment of the road;

- The maintenance of pedestrian and vehicular safety and convenience;

- Vehicle generation, access, loading , parking and traffic disruption;

- The maintenance of the aural amenity of adjacent residential properties, and the extent to which the proposal complies with the noise standards for the zone;

- Potential for hazards

**Rule 7.12.2** **Where equipment or structures for network utility services on or above roads are to be considered as a Controlled Activity, Council shall have regard to the relevant sections of the Resource Management Act 1991, the Objectives and Policies of the District Plan, compliance with Development and Performance Standards, and the following matters:**

- Whether the design and external appearance of the proposed equipment or structure for a network utility service will affect the amenity values of the locality, and the extent or impacts of such effects, including cumulative effects;

- The extent to which the proposed location, design and colour of the equipment or structures for a network utility service will mitigate adverse effects on views from public places such as roads, and the effect on the natural form and character of ridgelines, promontories, scenic areas, volcanic cones and attractive views;

- Whether the design and external appearance of the equipment or structures for a network utility service would overshadow adjacent properties, or obstruct the views from habitable rooms of immediately adjacent properties, or properties directly facing the proposal taking into account existing fences, walls and planting , and the ability to plant and landscape around the equipment;

- Whether the heritage values of any buildings or places identified in Schedules 6A, 6E, 6F, and 6G would be adversely affected by the proposal;
  [AM49]

- Whether the proposal enables sufficient space in the road reserve for the planting and maintenance of street trees, the provision of lighting and street furniture;

- Whether the visual effects of the proposed placement of the equipment or structure for a network utility service will be mitigated by existing vegetation, fencing, walls or screening and /or amenity planting on the street or adjoining property;

- Whether there are difficult ground conditions or technical constraints that make placement underground impracticable;

- Whether the design of any footings required will avoid damage and allow practical access to any existing in ground equipment or structure for a network utility service;

- The extent to which the proposed reinstatement works will affect the safe functioning of other network utility services, the safety of pedestrian and vehicular traffic, and maintain or enhance the amenity values of the site;

- Whether the stability of the adjacent property will be undermined by the installation of the equipment or structure for a network utility service;

- Whether it is technically, economically and practically reasonable to consider the potential for co-location where this would mitigate visual clutter;

- Whether the proposed location of the equipment or structure for a network utility service has been considered in relation to any existing equipment or structures already within the street in the vicinity of the proposal;

- Whether the proposed equipment or structure for a network utility service will maintain pedestrian and vehicular safety and conveniences, including taking account of any likely proposed upgrading or improvements of the road;

- Whether the proposed landscaping and screening will mitigate the effects of the proposed equipment or structure for a network utility service as far as practicable and minimise adverse effects on the amenity values of adjacent activities;

- Whether the aural amenity of adjacent residential properties will be maintained, and the extent to which the proposed equipment or structures for a network utility service will comply with the noise standards of the zone which applies to the adjoining property;

- Whether the potential for contamination or hazards resulting from equipment failure, accidents or discharges have been considered when suitability of a site was assessed. Whether the type and effects of adjoining activities have been taken into account, and whether the risks of contamination of adjoining land will be minimal.

## 7.13 RULES — MATTERS FOR DISCRETION: SPECIFIED RESTRICTED DISCRETIONARY ACTIVITIES

**The Council restricts the exercise of its discretion to the following matters for Restricted Discretionary Activities**.

### 7.13.1 Overhead Connections and Service Leads

The Council reserves control over the following matters for restricted discretionary activity resource consent applications for overhead connections and service leads to serve individual properties, where the existing electric or overhead telecommunication line is overhead, and not otherwise provided in the activity table, and may impose conditions in respect of each:

(a) location, design and external appearance including cumulative effects on the amenity values of the streetscape;

(b) co-location with other network utility services and/or the need for additional poles;

(c) construction methods and materials used, and consideration of alternative technologies;

(d) access including specified clearance requirements for operational and safety reasons, and the safety of the operation of the roading network;

(e) Maintenance conditions and conditions relating to future undergrounding. [AM49]

#### 7.13.1.1 Overhead Connections and Service Leads

When assessing an application for a restricted discretionary activity for overhead connections and service leads to serve individual properties, where the existing electric or overhead telecommunication line is overhead, and not otherwise provided for in the Activity Table, Council will have regard to the following assessment criteria:

(a) Whether there are difficult ground conditions and obstructions which make undergrounding impracticable;

(b) Whether the proposal will adversely affect the amenity values of the locality and the extent or impacts of such effects including cumulative effects;

(c) Whether it is technically, economically and practically reasonable to consider the potential for co-location of overhead electricity and telecommunication lines where this would mitigate visual clutter;

(d) Whether any new or additional poles need to be erected;

(e) Whether alternative technologies and techniques have been considered;

(f) Whether the proposal meets specified clearance requirements for operational and safety reasons;

(g) Whether future undergrounding relocation is warranted in the event of any future undergrounding of services located within the adjoining road;

[AM49]

## 7.13.2 Network Utility Services Located beneath Roads

The Council reserves control over the following matters for restricted discretionary activity resource consent applications for Network Utility Services beneath Roads, and may impose conditions in respect of each:

(a) the location of the proposed network utility service in relation to the efficient and safe use of the road space;

(b) measures to mitigate possible adverse effects on the functionality and safety of existing or probable future network utility services that are likely to use the road corridor, including adequate separation distances and access for maintenance purposes;

(c) traffic safety including the siting of structures adjacent to a road so as to avoid the potential for traffic and pedestrian safety problems including sight lines for turning traffic or the visibility of traffic signage;

(d) the siting of the network utility service in an approved city-wide location or on a site specific basis;

(e) the proposed location of the network utility service in relation to any future road widening, or vertical and horizontal realignment of the road;

(f) construction methods and materials used in the installation and maintenance of the network utility service beneath the road;

(g) compliance with the Engineering Performance Standards in Chapter 9, Land Modofication, Development and Subdivision.

(h) measures to address noise, dust and vibration and other potential nuisances and adverse effects arising from the installation, operation and maintenance of the network utility service.

(i) measures to mitigate the impacts on other services including the carriageway and footpaths.
[AM49]

#### 7.13.2.1 Network Utility Services beneath Roads

When assessing an application for a restricted discretionary activity for Network Utility Services beneath Roads, Council will have regard to the following assessment criteria:

(i) Whether the location of the proposed network utility service will ensure that the road space is used efficiently and safely, with minimal inconvenience and disruption to road users and other Network Utility Services and provide ready access for maintenance purposes, and the extent of impacts of such effects;

(ii) Whether the proposed location of the network utility service is likely to adversely affect the functionality and safety of existing or probable future network utility services that are likely to use the road corridor, including the maintenance of adequate separation distances, and the extent or impacts of such effects;

(iii) Whether structures located adjacent to a road will be sited so as to avoid the potential for traffic and pedestrian safety problems including sight lines for turning traffic or the visibility of traffic signage;

(iv) Whether the proposal will be situated in an approved city-wide location or will require assessment on a site specific basis, and the extent of impacts of such effects;

(v) Whether the proposed location of the network utility service will, or is likely to impact on, or be impacted on by any proposed or required future road widening, or vertical or horizontal realignment of the road.

(vi) Whether the proposal will adversely affect the amenity values of the locality, and the extent or impact of such effects including cumulative effects.

(vii) Whether the proposed network utility service will adversely affect the road carriageway, vehicle crossings, footpaths, berms or planting in terms of their safety, structural integrity, design life, functionality and amenity values;

(viii) Whether the construction methods and materials used in the installation and maintenance of the network utility service in the road may affect the performance and safety of other network utility services;

(ix) Whether the proposed network utility service will meet the Engineering Performance standards in Chapter 9, Land Modification, Development and Subdivision, and the extent or impacts of any such non-compliance;

(x) Whether alternative locations, technologies and techniques such as shared facilities have been adequately considered.

[AM49]

### 7.13.3 Equipment or Structures, or the replacement of or addition to any mast, aerial, tower, pole, antenna or support structure for Network Utility Services located on or above Roads [AM49]

The Council reserves control over the following Matters for Restricted Discretionary Activities for equipment or structures, or the replacement of or addition to any mast aerial, tower, pole, antenna or

support structure for a network utility service on or above roads, and may impose conditions in respect of each:

- Performance Standards for Equipment or Structures for Network Utility Services on or above roads as specified in Rule 7.10;

- The Matters for Control for Equipment or Structures for Network Utility Services located on or above roads, listed in Rule 7.12

**7.13.3.1 Equipment or Structures, or the replacement of or addition to any mast, aerial, tower, pole, antenna or support structure for Network Utility Services located on or above Roads [AM49]**

When assessing an application for a Restricted Discretionary Activity to establish Equipment or Structures, or to replace or add to any mast, aerial, tower, pole, antenna or support structure for Network Utility Services on or above the road, Council will have regard to the following assessment criteria:
[AM49]

- The extent to which the proposal complies with the Development and Performance standards in Rule 7.10 which apply to equipment or structures for network utility services located on or above roads.

- Whether the design and external appearance of network utility services, equipment or structures, or any mast, aerial, tower, pole, antenna, or support structure would overshadow adjacent properties, or obstruct the views from the habitable rooms of immediately adjacent properties, or properties directly facing the proposal;
[AM49]

- The extent to which the proposed location, design and colour of the equipment or structures or any mast, aerial, tower, pole, antenna or support structure for a Network Utility Service will mitigate adverse effects on views from public places such as roads, and the effect on the natural form and character of ridgelines, promontories, scenic areas, volcanic cones and attractive views;
[AM49]

- Assessment criteria for Matters for Control for equipment or structures for network utility services located on or above roads as specified in Rule 7.12.2
[AM49]

## 7.13.4 Masts, Aerials, Towers, Poles, Antenna or Support Structures for Network Utility Services Not Located On The Road

**7.13.4.1 The Council reserves control over the following matters for restricted discretionary activity resource consent applications for any mast, aerial, tower, pole, antenna or support structure for a network utility service not located on the road, and may impose conditions in respect of each:**

- Design and external appearance of the mast, aerial , tower, pole, antenna or support structure;

- The placement of the mast, aerial, tower, pole, antenna or support structure for a network utility service in relation to existing vegetation and/or amenity planting on the site or on adjacent properties;

- The location of the mast, aerial, tower, pole, antenna, or support structure for a network utility service in relation to any existing network utility services in the vicinity of the proposal;
- Heritage;
- Ground conditions and technical constraints;
- Maintenance of the aural amenity of adjacent residential properties, and the extent to which the proposal complies with the noise standards for the zone;
- Potential for hazards.

**7.13.4.2 When assessing an application for a restricted discretionary activity to establish any mast, aerial, tower, pole, antenna, or support structure for a network utility service that is not located on the road, Council will have regard to the following assessment criteria:**

- Whether the design and external appearance of the mast, aerial, tower, pole, antenna, or support structure will affect the amenity values of the locality, and the extent or impact of such effects, including cumulative effects;
- The extent to which the proposed location, design and colour of the mast, aerial, tower, pole, antenna, or support structure will mitigate adverse effects on the views from public places such as roads, and the effect on the natural form and character of ridgelines, promontories, scenic areas, volcanic cones and attractive views;
- Whether the design and external appearance of the mast, aerial, tower, pole, antenna, or support structure would overshadow adjacent properties, or obstruct the views from habitable rooms of immediately adjacent properties or properties directly facing the proposal , taking into account existing fences, walls and planting, and the ability to plant and landscape around the equipment;
- Whether the heritage values of any buildings or places identified in Schedules 6A, 6E, 6F, and 6G would be adversely affected by the proposal;
  [AM49]
- Whether the visual effects of the proposed placement of the mast, aerial, tower, pole, antenna, or support structure will be mitigated by existing vegetation, fencing, walls or screening, and /or amenity planting on the site or adjoining property;
- Whether there are difficult ground conditions or technical constraints that make placement underground impracticable;
- Whether the design of any footings required will avoid damage and allow practical access to any existing inground equipment or structure for a network utility service;
- Whether the stability of the adjacent property will be undermined by the installation of the mast, aerial, tower, pole, antenna, or support structure for a network utility service;
- Whether it is technically , economically and practically reasonable to consider the potential for co-location where this would mitigate visual clutter;
- Whether the proposed location of the mast, aerial, tower, pole, antenna, or support structure has been considered in relation to any existing network utility service already in the vicinity of the proposal;

- Whether the proposed landscaping and screening will mitigate the effects of the proposed mast, aerial, tower, pole, antenna, or support structure as far as practicable, and minimise adverse effects on the amenity values of adjacent activities;

- Whether the aural amenity of adjacent residential properties will be maintained, and the extent to which the proposed mast, aerial, tower, pole, antenna, or support structure will comply with the noise standards of the zone which applies to the property;

- Whether the potential for hazards resulting from equipment failure, or accidents has been considered when the suitability of a site was assessed;

- Whether the type and effects of adjoining activities have been taken into account.

## 7.14 ASSESSMENT CRITERIA: DISCRETIONARY ACTIVITIES

### 7.14.1 General Assessment Criteria

**7.14.1.1 Where equipment or structures for any mast, aerial, tower, pole, antenna or support structure for network utility services are to be considered as a discretionary activity, the Council will have regard to those matters listed in Rule 7.11, 7.13, the following assessment criteria and any relevant matters set out in Section 104 of the Resource Management Act 1991. [AM49]**

**7.14.1.2**

(a) Effects on existing character of the locality and amenity values:

(i) Whether there are sensitive activities in the vicinity including residential neighbourhoods and heritage areas whose amenity values could be adversely affected by the proposed type and location of the network utility service.

(ii) Whether the proposal has the potential to adversely affect landforms, landscapes, or areas of visual or scenic worth which contribute to the amenity values of the City, particularly where those areas are located on the coast or along visually prominent ridgelines.

(iii) Whether there are native bush, bird or wildlife habitats that could be adversely affected by the proposal.

(iv) Whether the proposal could have adverse effects on landforms or areas with scientific, cultural or archaeological value.

Council shall assess the significance of the affected area and the degree of damage which could result from network utility services in those areas and may limit or not approve network utility services in these areas.

(v) Whether the location of the network utility service in the new road space enables ready access for maintenance purposes and will not seriously limit the opportunity for additional underground network utility services in the future.

(vi) Whether alternative technologies and design have been considered and included in the proposal which would avoid remedy or mitigate adverse effects on the environment.

(vii) Whether the proposal is necessary to support strategic directions in the District Plan

(viii) Noise, Dust and Vibration:

Whether the amenity values of properties are likely to be adversely affected by the proposal, and the extent or impacts of such effects

(ix) Engineering Performance Standards:

Whether the proposed network utility service will meet the Engineering Performance Standards in Chapter 9, Land Modification, Development and Subdivision, and the extent or impacts of any such non-compliance.

(x) Location:

Whether the proposed location of the Network Utility Service will improve the operational efficiency of the network utility service, and the extent or impacts of such effects;

Where alternative locations of network utility services are proposed to accommodate alternative subdivision design or layout, the extent to which these services can be installed, operated and maintained in a manner which does not adversely affect other network utility services.

(xi) Air Emissions:

Whether the proposal may discharge fumes, smoke or gases to a level that causes a nuisance or affects the amenity values of the area, and the extent or impacts of such effects;

Whether the activity creates any objectionable or offensive odour that is able to be detected at the site boundary or road and the extent or impacts of such effects.

(xii) Dust:

Whether measures to mitigate potential dust nuisance and detraction from visual amenity values of the area have been considered, and the extent or impacts of such effects.

(xiii) Traffic Control:

Whether the proposed traffic control measures will ensure the safety of persons and vehicles using the road, and the extent or impacts of such effects.

(xiv) Radio Frequency Radiation:

The event to which the proposal complies with NZ Standards 6609 Parts 1 and 2, and the extent or impacts of such effects on health and safety.

(xv) Maintenance and Obsolescence:

Whether conditions are required to address adverse effects from future maintenance of the network utility service or to remove the network utility in the event it becomes obsolete.

## 7.15 ASSESSMENT CRITERIA: DISCRETIONARY ACTIVITIES — EQUIPMENT OR STRUCTURES FOR NETWORK UTILITY SERVICES LOCATED ON OR ABOVE ROADS

Where equipment or structures for network utility services located on or above roads are to be considered as a discretionary activity, the Council will have regard to those matters listed in Rules 7.10, 7.13, the General Assessment Criteria in Rule 7.14, and any relevant matters set out in section 104 of the Resource Management Act 1991.
[AM49]

## 7.16 INFORMATION ACCOMPANYING APPLICATIONS TO INSTALL NETWORK UTILITY SERVICES IN ROADS

### 7.16.1 General Requirements

The requirements under Chapter 5 apply to all applications for the installation of network utility services in the road under this Chapter. This includes:

- Drawings and Plans
- Assessment of Effects on the Environment

### 7.16.2 Specific Information Accompanying Applications

An application for the installation of network utility services in the road shall include:

(a) A description of the proposal for which consent is sought;

(b) Plans of the proposed works to an appropriate scale. Such plans shall include the following information:

- The location and depth of the proposed works;
- Distance to property boundaries and kerbs;
- The location of relevant features within the road reserves including planting, bus shelters and street furniture;
- Dimensions of other network utility services occupying the same section of road along which it is proposed to install the network utility services;
- If depths below existing and finished ground levels will vary as a result of the installation of the proposed network utility services, it will be necessary to show finished ground levels at regular intervals;
- The signatures of duly authorised persons from other network utility operators occupying the same section of road along which it is proposed to install the network utility services indicating their agreement to the proposed location of the new network utility services;

- Council may require that the written consent of the immediately adjoining property owner(s) be obtained where it is proposed to install a network utility structure above ground within a road reserve.