19 UTILITIES

Contents

19 UTILITIES

19.1 INTRODUCTION

For the purpose of this Plan utilities are defined as activities undertaken by a network utility operator relating to:

(a) Distribution or transmission by pipeline of gas, petroleum or geothermal energy;

(b) Telecommunication and radio communications as defined in section 2(1) of the Telecommunications Act 1987;

(c) Transformation, transmission or distribution of electricity;

(d) Distribution of water for supply including irrigation;

(e) Stormwater drainage or sewerage reticulation;

(f) Construction and operation of lighthouses, navigation aids and beacons, meteorological facilities and ancillary structures;

(g) Stopbanks and erosion protection works.

Utilities are an essential part of the infrastructure of the District, enabling its population to undertake everyday functions in a safe, convenient and efficient manner. The availability of such services (excluding those under (f)) has a direct impact upon the costs and feasibility of any development and as a consequence can affect both the rate and location of development. The provision of utility services can entail some environmental impacts, and it is desirable that the establishment, operation and improvement of utilities occur with no more than minor adverse effects on the environment.

This section of the Plan addresses the establishment, operation and improvement of utilities not provided for by way of designation.

19.2 RESOURCE MANAGEMENT ISSUES

Two resource management issues relating to utilities have been identified. These are:

Issue 19.2.1

The provision, operation and maintenance of utilities may have adverse effects on the environment.

Utilities have the potential to generate a range of adverse effects on the environment.

Operational requirements

Many utilities are network systems with operational requirements and design features which give rise to adverse effects, particularly their effects on amenity values. For example, masts or towers associated with telephone systems (land and cellular) need to be sited in locations enabling a clear transmission path - line of sight - to other towers in the network, or in locations clear of physical obstructions such as hills, ridges or buildings, so that the signal from/to the mast is not impeded. New mobile telephone sites are required either for capacity or coverage reasons. Those for capacity will generally be low level sites. Sites for coverage may be required to be located on elevated sites. Accordingly, hills and ridges are commonly the places chosen for such towers/masts. As high points, these locations are often visually significant. In these circumstances, and particularly where the site is within an area identified as a highly valued natural resource (as in *Chapter 6 - Highly Valued Natural Resources*), utilities can have more than minor effects.

Pylons

Pylons and poles for overhead electricity transmission/distribution can also affect visual amenity. 220kV lines are supported on pylons up to 60 metres high, while those supporting 110kV lines can have a height of up to 50 metres. Poles for 11kV lines can be up to 12 metres high. Pylons and poles must span varying terrain, always ensuring that the lines strung from them are kept a minimum safe distance above the ground.

As with telephone masts and towers, the scope for siting individual pylons and poles in electric lines is restricted by being dependent upon the location of other pylons/poles in the line and the length of span and the type of terrain encountered.

Landscape

Rodney District contains many areas of high quality landscape which have the potential to be adversely affected by the location of structures associated with utilities.

Amenity

Utilities also have the potential to affect other amenity values. For example: sewage pump stations along pipelines, odour beds, and sewage treatment facilities can create odour nuisance, as can poorly maintained/managed stormwater outfalls.

Noise from utilities can affect amenity values. Sewage, water and gas pipeline pump stations can all emit noise as can transformers and circuit breakers associated with electricity transmission/distribution.

Traffic safety

Given that many utilities are sited on, under or over roads their maintenance or upgrading can disrupt normal traffic patterns. Their siting, such as with power

poles and other structures within the legal road, can also create traffic safety hazards.

Health and safety

Utilities have potential to adversely affect health and safety. Telecommunication facilities generate radio frequency emissions which may have detrimental effects on health. However, the conclusions of the Ministry for the Environment National Guidelines for Managing the Effects of Radiofrequency Transmitters, December 2000, are that "there are no established health effects provided exposures comply with the limits in NZS 2772 .1:1999" and "if future research does eventually show that health effects exist, the risk from exposure to radiofrequency fields is likely to continue to be very small or negligible".

Electricity transmission/distribution can generate electromagnetic fields (EMF) which may be a risk to health.

It also generates the risk of electrocution. Other possible health and safety risks are accidental spillage or leakage of hazardous substances from gas or petroleum pipelines, explosions from gas or petroleum pipelines; accidental overflow from sewage pump stations, and flooding from damaged/inoperative stormwater systems. Chemicals used at utilities, such as water treatment plants for example, also pose a risk if an accidental spill occurs. Tall structures such as power pylons and associated lines can create a safety hazard near airfields.

Issue
19.2.2
Reverse sensitivity

Land use and subdivision can adversely affect the operation and options for future use of existing utilities.

Utilities are a physical resource as defined by the Act. They are an important resource, being central to the working of modern communities and the economy. As physical resources, utilities can be adversely affected by activities and subdivision around them, particularly by the phenomenon of "reverse sensitivity". An example is the situation where an electricity substation may be established in a rural area away from housing, but the continued use or expansion of that substation is threatened when land uses change, allowing residential development close to the substation site boundaries. The presence of residential development can mean that the ability to use the site to capacity is constrained, because of the perceived adverse effects on residential development. Another example could be an existing sewage treatment plant which could be constrained or subject to pressure to cease operating, by the subsequent location nearby of residential development or other sensitive land uses, such as schools or hospitals.

Issues from other chapters

Readers should note that issues from the following chapters are also relevant:

Chapter 7 - Rural
Chapter 8 - Residential
Chapter 9 - Business
Chapter 10 - Open Space and Recreation
Chapter 22 - Financial Contributions and Works
Chapter 23 - Subdivision and Servicing

19.3 OBJECTIVES

Objective 19.3.1

To ensure that utilities are designed, located, constructed, operated, maintained and upgraded in a way that avoids remedies or mitigates any adverse effects on:

(a) the natural and physical environment including both land and water; and

(b) amenity values and on the health, safety and wellbeing of people and communities; and

(c) sites, buildings, places or areas of heritage and of archaeological value.

(This objective relates to Issue 19.2.1.)

Objective 19.3.2

To ensure that the design and location of activities does not adversely affect the operation and options for future use of existing utilities wherever possible.

(This objective relates to Issue 19.2.2.)

Objectives from other chapters

Readers should note that Objectives from the following chapters are also relevant:

Chapter 7 - Rural
Chapter 8 - Residential
Chapter 9 - Business
Chapter 10 - Open Space and Recreation
Chapter 22 - Financial Contributions and Works
Chapter 23 - Subdivision and Servicing

19.4 POLICIES

Policy
19.4.1
Utility purpose, efficiency and compatibility

Utilities should be designed and located so that they achieve their intended purpose in an efficient way, are compatible with existing networks where this is technically feasible and have an appropriate design life, to ensure adverse effects are avoided, remedied or mitigated in the long term.

Explanation and Reason
(This policy seeks to achieve Objective 19.3.1.)

Utilities, particularly those which link into existing networks, should be designed to ensure they are compatible with existing networks so that they may be operated in an efficient manner. It is appropriate that those utilities which will ultimately be operated by the Council for example, are built and designed to the standards specified by the Council. This ensures the commonality of systems and ease of operation and maintenance, giving rise to efficient use of resources. It avoids adverse effects on the environment which can arise when different systems require differing maintenance regimes, and different installation mechanisms. Longer installation/maintenance times because of incompatible systems can lead to greater exposure to dust, noise etc. for surrounding residents. The same applies to utilities such as electricity, telephone, and gas - the standards and requirements of the provider of the system into which any reticulation will link, need to be considered if the utility resources are to be used efficiently.

It is also appropriate to ensure that utilities are designed and constructed for long term avoidance/mitigation of adverse effects. These matters can best be addressed through the imposition of a requirement to meet particular standards of utility providers where work within a subdivision or development is undertaken by a subdivider/developer.

Policy
19.4.2
Natural environment

Utilities should be designed, located, operated and maintained in such a way that adverse effects on the natural environment are minimised, including:

(a) minimising discharges to natural water during construction and operation, and ensuring that systems are designed so that discharges have no more than minor adverse effects on the natural environment including all receiving environments;

(b) minimising disturbance to highly valued natural resources (such as areas of native bush and wetlands and other landforms), significant natural areas and landscapes as far as practicable, through design and other measures, and restoring areas which have to be modified.

Explanation and Reasons
(This policy seeks to achieve Objective 19.3.1.)

The construction and maintenance of pipelines, powerlines and other utility structures can involve considerable earthworks with potential for sediment runoff into waterways. Stormwater systems with discharge points in sensitive locations or of poor design can also adversely affect the natural functioning of water bodies. It is important therefore, that systems are designed and operated so that discharges to water are minimised, and that the location and design of any discharge point is such

that adverse effects on the receiving waters are minimised.

Utilities should avoid highly valued natural resources, and significant natural areas or landscapes, unless dictated by the operational requirements of the particular utility (eg. microwave towers on high points, or the location of powerpoles being constrained by the location of other poles in the line), span length between poles and other types of terrain encountered. In the cases where highly valued natural resources cannot be avoided, the design of the utility, the construction methods and the remedial measures should mitigate any effects as far as is practicable. This could involve a choice between underground or overhead lines or pipelines, minimising cuts and fill, replacing a lattice type mast with a pole type design, or the choice of colour of the mast etc. It could also involve replanting with appropriate vegetation, and requiring access for maintenance to be by foot or by helicopter rather than providing a road.

Policy
19.4.3
Health, safety and amenity values

Utilities should be designed, located, operated and maintained and upgraded in such a way that adverse effects on health and safety, and amenity values of surrounding sites are minimised, including minimising effects on the following:

(a) **the safety of people as a result of emissions from telecommunications networks or electromagnetic fields associated with electricity transmission;**

(b) **the health and safety of people as a result of the possibility of electrocution from structures supporting electricity lines, and of stormwater channels, culverts and outfalls posing risks of drowning;**

(c) **the health and wellbeing of people as a result of noise levels and vibration;**

(d) **the health or enjoyment of people as a result of odour generation;**

(e) **the safety and efficiency of traffic movement (including pedestrians) on roads and streets as a result of disruption caused by maintenance of utilities;**

(f) **the enjoyment of people as a result of loss of visual privacy;**

(g) **sites, buildings, places or areas of heritage and archaeological value;**

(h) **the health and safety effects from waste water discharge (both controlled and uncontrolled) and acute chronic health effects from stormwater discharges.**

Explanation and Reasons
(This policy seeks to achieve Objective 19.3.1.)

The Council adopts the New Zealand Standard for radio frequency radiation as this adopts a precautionary approach to this issue. Utility structures such as powerlines and transformers also present a potential hazard in the form of electrocution, particularly for children, and for boat users where they cross bodies of water. Siting and safety requirements are a relevant issue in this context. Other safety hazards are caused by stormwater outfalls, manholes and the like.

Noise from transformers, and pumps for various pipelines is a potential effect. Odour from stormwater outfalls, and various components of sewage collection treatment and disposal systems can be a problem.

Visual effects are one of the major adverse effects of utilities. Aboveground powerlines and telecommunications network structures in particular may have marked visual effects, especially in significant natural areas and high quality landscapes, if they are not sited/designed appropriately. Similarly in residential areas, particularly those enjoying extensive views of the sea or other areas, construction of such structures can have a significant effect on visual amenity.

Other elements such as traffic generation, dust and vibration can also affect the amenity of the neighbourhood in which a utility is located.

Utilities can detract from heritage resources and archaeological sites in a number of ways, including visually downgrading them or creating an inappropriate context, or simply destroying them when utilities are constructed.

Policy
19.4.4
Roads and traffic

Utilities should be designed, located, operated and maintained in such a way that they do not unduly impede the ability of roads to be used for conveying traffic or pedestrians to use footpaths safely and do not reduce the amenity values of land within roads.

Explanation and Reasons
(This policy seeks to achieve Objective 19.3.1.)

Many utilities are sited within the legal road, and alterations, maintenance and upgrading of these utilities can adversely affect traffic movement along roads.

The restoration of the surface of the roads and footpaths is an important element in maintaining their amenity values, particularly through urban areas.

Policy
19.4.5
Reverse sensitivity

Activities to be located in close proximity to existing utilities should be designed and constructed so that people using the activity are protected from any adverse effects generated by that utility.

Explanation and Reasons
(This policy seeks to achieve Objective 19.3.2.)

In order that proposed facilities for more sensitive types of activity do not unduly constrain existing utilities through differing expectations of amenity values, they should be designed and constructed in a manner that ensures protection from any significant adverse effects from that utility. Siting houses so they do not sit directly under powerlines, or so that the main outlook is not directed towards a microwave transmission tower, are examples of the intent of this policy.

Policy
19.4.6

Policies from Other Chapters

Readers should note that policies from the following chapters are also relevant:

Chapter 7 - Rural
Chapter 8 - Residential
Chapter 9 - Business
Chapter 10 - Open Space and Recreation
Chapter 16 – General Rules
Chapter 17 – Cultural Heritage
Chapter 20 – Hazardous Substances and Contaminated Sites
Chapter 21 – Transportation and Access
Chapter 22 - Financial Contributions and Works
Chapter 23 - Subdivision and Servicing

19.5 STRATEGY

The strategy for dealing with utilities is to:

(a) Use rules and other methods to ensure that the construction, operation, maintenance and upgrading of utilities does not result in adverse effects on the environment.

(b) Use rules and other methods to ensure that other activities do not unduly restrict the operation of utilities.

This strategy relies heavily on regulatory methods, but also employs non-regulatory methods such as co-operation with utility operators, to ensure co-ordination of utility siting within public roads or on other Council land.

19.6 IMPLEMENTATION

19.6.1 District Plan Regulatory Methods

There are a number of regulatory methods used to implement the strategy.

19.6.1.1 Effects Based Activity Rules

Activity based rules specify various types and scales of activities as either Permitted, Controlled, Restricted Discretionary, Discretionary or Non-complying Activities throughout the District. The status of the various activities is different in different parts of the District in recognition of the varying sensitivity and nature of different parts of the District and the physical effects of each utility.

The activity based rules are contained in this chapter.

19.6.1.2 Development Controls and Performance Standards

Activities within particular areas will be required to meet specified controls or standards designed to avoid or mitigate any adverse effects on the surrounding environment. This includes controls or standards relating to:

(a) Setbacks for structures (but not lines or pipes) to ensure admission of daylight and sunlight to adjoining sites, and to provide a buffer for visual and aural privacy of adjoining sites;

(b) Lighting - in order to reduce effects such as glare and light spill onto adjoining sites;

(c) Dust - to ensure a dust nuisance is not created for adjoining sites;

(d) Amenity treatment for structures - to minimise adverse effects on visual amenity values;

(e) Radio frequency radiation - to ensure that adverse effects on human health are avoided or minimised;

(f) Noise - to ensure that nuisance and adverse effects on health are not generated;

(g) Parking - to ensure that adverse effects on amenity values and traffic safety and efficiency are not generated;

(h) Site reinstatement to ensure that adverse effects on amenity values do not result;

(i) Earthworks.

19.6.1.3 Rules Relating to Subdivision and Development of Land

Rules requiring the provision of utilities to service subdivisions and developments in locations where more intensive development occurs (eg. urban zoned areas) are applied in Chapter 23 - Subdivision and Servicing. These rules require that utilities, such as sewerage and stormwater systems, meet specifications

contained in Council's Standards for Engineering Design and Construction.

19.6.2 **Other Methods**

19.6.2.1 **Co-operation with Utility Providers**

Co-operation with other utility providers will be ongoing. A number of utility providers operate under particular statutes which give them powers to construct works in, on, along, over, across or under roads, for example. The Electricity Act 1992, the Gas Act 1992, and the Telecommunications Act 1987 all contain such provisions. These statutes also enable the Council to apply reasonable conditions to such utilities after being notified of the intention to do any such work. The objectives and policies in the Plan can be used as a guide to determine what "reasonable" conditions are. The Council has the opportunity therefore, to work with other utility providers to achieve some of its objectives under the Act, outside of the Act provisions when other utility providers carry out work.

It is also possible that other utility providers could use Council land (other than roads), such as reserves or land on which utilities are sited (eg. water reservoirs) to locate their own utility structures. In this context, appropriate controls can be imposed by the Council as landowner.

19.6.2.2 **Reserve Management Plans**

Objectives and policies relating to the siting of utilities can be included in Reserve Management Plans prepared under the Reserves Act 1977, to guide treatment of utilities on particular reserves.

19.7 ANTICIPATED ENVIRONMENTAL RESULTS

The anticipated environmental results from the implementation of the above objectives, policies and methods are:

(a) Utilities provided to a sufficient extent and to a sufficient standard to enable human activity, including urban development, to take place without significant adverse effects upon the environment;

(b) Natural water quality not diminished by the adverse effects of poorly sited, designed, constructed or managed utilities, or by the inadequate provision of utilities;

(c) Amenity values not diminished by the adverse effects of poorly sited, designed, constructed or managed utilities, or by the inadequate provision of utilities;

(d) Health and safety of people and communities not diminished by the adverse effects of poorly sited, designed, constructed or managed utilities, or by the inadequate provision of utilities;

(e) Heritage values not diminished by the adverse effects of poorly sited, designed, constructed or managed utilities, or by the inadequate provision of utilities;

(f) Utilities able to operate without pressure to relocate through the siting of sensitive activities nearby.

19.8 ACTIVITY RULES

Rule 19.8.1
Activities Relating to this Chapter

Activities Relating to this Chapter

(a) All Permitted Activities in Activity Tables 1 to 4 in Rules 19.8.2 to 19.8.5 inclusive, shall comply with Rule 19.9 Development Controls and Performance Standards and any other relevant Rule in the following Chapters of the Plan;
Chapter 16 – General Rules
Chapter 17 – Cultural Heritage
Chapter 20 – Hazardous Substances and Contaminated Sites
Chapter 21 – Transportation and Access
Chapter 23 – Subdivision and Servicing

(b) All Restricted Discretionary Activities (except where an application is required for non-compliance with the Development Controls and Performance Standards) in Activity Tables 1 to 4 in Rules 19.8.2 to 19.8.5 inclusive, shall comply with Rule 19.9 Development Controls and Performance Standards. All Restricted Discretionary Activities in Activity Tables 1 to 5 in Rules 19.8.2 to 19.8.6 inclusive, shall be assessed against those matters set out in Rule 19.10.

(c) All Discretionary Activities in the Activity Tables 1 to 4 in Rules 19.8.2 to 19.8.5 inclusive, will be assessed against the criteria set out in 19.11 Discretionary Activities: Assessment Criteria, and any other relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act.

(d) Any activity not listed in the Activity Tables 1 to 5 in Rules 19.8.2 to 19.8.6 inclusive, is a Non-complying Activity.

(e) For the purposes of Activity Tales 1 to 4 in Rules 19.8.2 to 19.8.5 inclusive, each activity listed includes the construction, erection, operation (including signal generation, transmission and reception), maintenance and removal of activities and buildings.

Rule 19.8.2
Activity Table 1

Activity Table 1
Electricity Facilities

In the following table:

P = Permitted Activity
C = Controlled Activity
RD = Restricted Discretionary Activity
D = Discretionary Activity
NC = Non-complying Activity

Note: Words in capitals are defined in *Chapter 3 – Definitions*

ACTIVITY	STATUS
Any activity relating to UTILITIES not listed in this Activity Table or Activity Tables 2,3 and 4	**NC**
Any Permitted or Restricted Discretionary Activity in this Table that does not comply with Rule 19.9 Development Controls and Performance Standards	**RD**
Electric Lines which are located underground (including any continuous length, including support structures, above ground, where each above ground length does not exceed 25 metres and is no higher than the ground level at either end of the above ground length) Note: See Appendix 19A for explanatory diagram	**P**
Electric Lines and their support structures, and pole mounted transformers which: (a) are located overhead; and (b) have support structures not exceeding 18.5 metres in HEIGHT and, in the case of transformers, the support structure is a single pole; and (c) convey electricity at a voltage up to and including 110kV and, with the exception of transmission lines, with a design capacity up to and including 100MVA per circuit; and (d) are located on land zoned General Rural; or (e) are located on land zoned Special 5; or (f) are located on land within the Kawau Island Zone (both Policy Areas)	**P**
Electric Lines which are overhead lines, and their support structures, which connect the buildings on a single SITE to the existing overhead lines operated by a network utility operator in the Landscape Protection Rural, Dune Lakes, East Coast Rural and Countryside Living Rural and Town Zones, and the Islands General Zone	**P**
Electric Lines and their support structures for conveying electricity not otherwise Permitted, **provided that** on land within a RESIDENTIAL, Retail Services, OPEN SPACE, Kawau Island (both Policy Areas) Zone no lattice towers exceed 9 metres in HEIGHT	**D**

ACTIVITY	STATUS
Lines or cables attached to the roof, side or underside of existing BUILDINGS and bridges	**P**
MINOR UPGRADING, replacement and removal of existing TRANSMISSION LINES	**P**
Pole mounted capacitors up to a maximum of 2 capacitors on existing overhead electric lines (provided the support structure is a single pole) where any single capacitor has the maximum dimensions of 1 metre high by 1 metre wide by 1 metre deep, in zones (and Policy Areas) **other than** the Open Space 1 Zone and all RESIDENTIAL ZONES and the Garden Residential Policy Area in the Special 19 Zone, the Residential Policy Areas in the Special 29 Zone, the Special 33 Zone, the Special 26 Zone and Special 35 (Hibiscus Coast Gateway) Zone. [Amendment 127] [Amendment 123]	**P**
Pole mounted capacitor banks and their support structures, and pole mounted transformers, not otherwise Permitted	**D**
Distribution transformers and SUBSTATIONS not exceeding 10m2 in area inclusive of any casing or enclosure, and not exceeding 2 metres in HEIGHT	**P**
SUBSTATIONS and additions to existing SUBSTATIONS in the Industrial and Mixed Business Zones, **provided that** the SUBSTATION SITE does not adjoin a RESIDENTIAL or OPEN SPACE ZONE, or is not opposite any SITE or part of a SITE in a RESIDENTIAL or OPEN SPACE ZONE situated across a Road, and that no part of the SUBSTATION exceeds the maximum HEIGHT limit for the zone in which it is located	**P**
Distribution transformers, SUBSTATIONS and switching stations not otherwise permitted.	**D**
Upgrading, (other than MINOR UPGRADING) of existing lines for conveying electricity resulting in either: (a) an increase in the carrying capacity of any existing 110kV or 220kV electric lines or conductors; or (b) the replacement on the same route of any existing 110kV or 220kV electric line or conductor not provided for as a Permitted Activity; (c) an increase in the number of 110kV or 220kV electric lines or conductors attached to existing support	**RD**

ACTIVITY	STATUS
structures;	
(d) the addition of earthwires and structures to support them on existing lattice towers.	
EARTHWORKS necessary for the establishment, operation and maintenance of any Permitted Activity in this Table, and for the maintenance and operation of (but not establishment of) any Restricted Discretionary Activity in this Table which comply with Rule 19.9.7	**P**
EARTHWORKS necessary for the establishment of any Restricted Discretionary Activity in this Table	**RD**
Damage or modification of cultural heritage sites	**Refer to *Chapter 17 - Cultural Heritage***
Districtwide Activities	**Refer to *Chapter 16 - General Rules***
Transport Activities	**Refer to *Chapter 21 - Transportation and Access***
Use and storage of HAZARDOUS SUBSTANCES	**Refer to *Chapter 20 - Hazardous Substances and Contaminated Sites***

Note: The continuation of existing electric lines not provided for in terms of the above Rules may be covered by existing use rights under section 10 of the Resource Management Act 1991.

Rule 19.8.2a.1
Activity Table 1a

[Amendment 161]

Activity Table 1a
Electricity Facilities – National Environmental Standard Regulations

In the following table:

P = Permitted Activity
C = Controlled Activity
RD = Restricted Discretionary Activity
D = Discretionary Activity
NC = Non-complying Activity

[Amendment 161]

The National Environmental Standards for Electricity Transmission 2010 (NESET) sets out a framework of permitted activities and resource consent requirements for the operation, maintenance and upgrading of transmission lines that were existing on or prior to 14 January 2010. The NES does not deal with new transmission lines or associated structures not existing on 14 January

2010.

Table 1a provides rules that ensure that the District Plan is consistent with the National Environmental Standards (NES) for Electricity Transmission (2010). This table therefore only applies to an activity that relates to the operation, maintenance, upgrading, relocation, or removal of an existing transmission line, including any of the following activities that relate to those things:

(a) a construction activity:

(b) a use of land or occupation of the coastal marine area (within the meanings of use and occupy given by section 2(1) of the Act):

(c) an activity relating to an access track to an existing transmission line:

(d) undergrounding an existing transmission line.

However Table 1a does not apply to;

a) the construction or use of a bridge or culvert to access an existing transmission line; or

b) the control of the use of land for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; or

(c) the refueling of a vehicle or equipment; or

(d) the use of land as a landing area for helicopters; or

(d) the use of land as a landing area for helicopters; or

(e) an activity carried out in relation to an electricity substation; or

(f) earthworks to the extent that they are subject to a regional rule.

All activities related to electricity transmission lines not subject to this table are subject to Activity Table 1. This table does not include those regulations relating to the discharge of contaminants, which are not the subject of the District Plan.

Where there is a conflict between the table and the National Environmental Standards for Telecommunication Facilities 2008 the later shall prevail. [Amendment 161]

ACTIVITY	STATUS
Any activity to which this activity table applies not listed in this table as a permitted, controlled, restricted discretionary or non-complying activity. (Reg 39 NESET) [Amendment 161]	D
Operation of transmission line or use of access track.	
The operation of an existing transmission line. (Reg 5(1) NESET)	P

ACTIVITY	STATUS
The use of an access track to an existing transmission line. (Reg 5(2) NESET)	P
Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits.	
Adding an overhead conductor, or part of an overhead conductor, to an existing transmission line (except as part of adding an overhead circuit) if- (a) the conductors must be configured so that there are no more than 2 conductors in the same phase (duplex configuration); (b) The diameter of a new conductor, or a new part of a conductor must not exceed 50mm; and (c) All of the applicable conditions in Rule 19.8.2a.3 are complied with (Reg 6(1) NESET)	P
Adding an overhead conductor, or part of an overhead conductor, to an existing transmission line (except as part of adding an overhead circuit) if one or both of conditions (a) or (b) for adding overhead conductors as a permitted activity (row above) are breached but all the applicable conditions in Rule 19.8.2a.3 are complied with (Reg 9(1) NESET)	RD
Adding an overhead conductor, or part of an overhead conductor, to an existing transmission line if 1 or more of the applicable conditions in Rule 19.8.2a.3 are breached. (Reg 13(1)(a) NESET)	NC
Replacing an overhead conductor or part of an overhead conductor, on an existing transmission line if the diameter of a replacement conductor, or part of a conductor, does not exceed- (a) the diameter of the existing conductor, or part; or (b) 50mm, if the diameter of the existing conductor or part is less than 50mm. (Reg 6(2) NESET)	P
Replacing an overhead conductor or part of an overhead conductor, on an existing transmission line if the diameter of a replacement conductor exceeds- (a) the diameter of the existing conductor, or part; or (b) 50mm, if the diameter of the existing conductor or part is less than 50mm. (Reg 9(2) NESET)	RD
Maintaining an overhead conductor on an existing transmission line. (Reg 6(3) NESET)	P
Adding an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, to an existing transmission line if – (a) The number of wires and cables must not exceed – (i) 3 earth wires, or 2 earth-wires and 1 telecommunication cable, per transmission line support structure; or (ii) the existing number of wires and cables, if that number is more that is permitted by (i) above; and	P

ACTIVITY	STATUS
(b) The diameter of a new wire or cable, or a new part of a wire or cable, must not exceed 25mm. (Reg 7(1) NESET)	
Adding an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, to an existing transmission line if – (a) The number of wires and cables exceed – (i) 3 earth wires, or 2 earth-wires and 1 telecommunication cable, per transmission line support structure; or (ii) the existing number of wires and cables, if that number is more that is permitted by (i) above; or (b) The diameter of a new wire or cable, or a new part of a wire or cable, exceeds 25mm. (Reg 9(3) NESET)	RD
Replacing an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, on and existing transmission line if the diameter of a replacement wire or cable, or a replacement part of a wire or cable, does not exceed- (a) the diameter of the existing wire, cable, or part (as the case may be); or (b) 25mm, if the diameter of the existing wire, cable, or part (as the case may be) is less than 25mm. (Reg 7(2) NESET)	P
Replacing an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, on and existing transmission line if the diameter of a replacement wire or cable, or a replacement part of a wire or cable, exceeds- (c) the diameter of the existing wire, cable, or part (as the case may be); or (d) 25mm, if the diameter of the existing wire, cable, or part (as the case may be) is less than 25mm. (Reg 9(4) NESET)	RD
Maintaining an earth-wire or overhead telecommunication cable on an existing transmission line. (Reg 7(3) NESET)	P
Adding an overhead circuit to an existing transmission line if- (a) the conductors are configured so that there are no more than 2 conductors in the same phase (duplex configuration); (b) The diameter of a new conductor, or a new part of a conductor does not exceed 50mm; (c) All of the applicable conditions in Rule 19.8.2a.3 are complied with; and (d) The transmission line support structures of the transmission line must have been designed and built, at 14 January 2010, to carry the additional circuit. (Reg 8(1) NESET)	P
Adding an overhead circuit to an existing transmission line if- (a) the conductors are configured so that there are more than 2 conductors in the same phase (duplex configuration);or	RD

ACTIVITY	STATUS
(b) The diameter of a new conductor, or a new part of a conductor exceeds 50mm;or (c) The transmission line support structures of the transmission line were not designed or built, at 14 January 2010, to carry the additional circuit; and (d) All of the applicable conditions in Rule 19.8.2a.3 are complied with; and (Reg 9(5) NESET)	
Adding an overhead circuit to an existing transmission line if 1 or more of the applicable conditions in Rule 19.8.2a.3 are breached. (Reg 13(1)(b) NESET)	NC
Increasing voltage or current rating, underground conductors, and undergrounding transmission lines.	
Increasing the voltage or current rating of an existing transmission line if all the applicable conditions in Rule 19.8.2a.3 and complied with. (Reg 10(1) NESET)	P
Increasing the voltage or current rating of an existing transmission line if 1 or more of the applicable conditions in Rule 19.8.2a.3 are breached. (Reg 13(1)(c) NESET)	NC
Adding an underground conductor, or part of an underground conductor, to an existing transmission line if all the applicable conditions in Rule 19.8.2a.3 are complied with. (Reg 11(1) NESET)	P
Adding an underground conductor, or part of an underground conductor, to an existing transmission line if 1 or more the applicable conditions in Rule 19.8.2a.3 are breached. (Reg 13(1)(d) NESET)	NC
Replacing an underground conductor, or part of an underground conductor, on an existing transmission line. (Reg 11(2) NESET)	P
Maintaining an underground conductor on an existing transmission line. (Reg 11(3) NESET)	P
Undergrounding an existing transmission line if all the applicable conditions in Rule 19.8.2a.3 are complied with. (Reg 12(1) NESET)	C
Undergrounding an existing transmission line if 1 or more of the applicable conditions in Rule 19.8.2a.3 are breached. (Reg 13(1)(e) NESET)	NC
Transmission line support structures: Alteration, relocation and replacement.	
Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) if all the applicable conditions in Rule 19.8.2a.4 (a) to (d) are complied with. (Reg 14(1) NESET)	P

ACTIVITY	STATUS
Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) if all the applicable conditions in Rule 19.8.2a.4 (a), (b), (7) and (8) are complied with. (Reg 14(2) NESET)	P
Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) if – (a) all of the applicable conditions in Rule 19.8.2a.4 (a) to (c) are complied with; and (b) the condition in Rule 19.8.2a.4(d) is breached; but (c) the tower is not relocated, or replaced with another tower, so that any part of the tower at ground level falls outside the tower's envelope for controlled activities (See Appendix 19C). (Reg 15(1) NESET)	C
Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) if – (a) all of the applicable conditions in Rule 19.8.2a.4 (a), (b) and (e) are complied with; and (b) the condition in Rule 19.8.2a.4(f) is breached; but (c) the pole is not relocated, or replaced with another pole, more than 10 metres from the pole's base position (measured horizontally). (Reg 15(2) NESET)	C
Altering, relocating, or replacing a tower or pole of an existing transmission line as part of undergrounding, so that the tower or pole becomes a termination structure if all the applicable conditions in Rule 19.8.2a.4 (a), (b) and (e) are complied with. (Reg 15(3) NESET)	C
Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) if – (a) 1 or more of the conditions in Rule 19.8.2a.4 (a) to (c) are breached; or (b) both the following apply: (i) the tower is relocated, or replaced with another tower, so that any part of the tower at ground level falls outside the tower's envelope for controlled activities (See Appendix 19C); but (ii) all of the applicable conditions in Rule 19.8.2a.3 are complied with. (Reg 16(1) NESET)	RD
Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) if – (a) 1 or more of the conditions in Rule 19.8.2a.4 (a), (b) or (e) are breached; or (b) both the following apply: (i) the pole is relocated, or replaced with another pole, more than 10 metres from the pole's base position (measured horizontally); but (ii) all of the applicable conditions in Rule 19.8.2a.3 are complied with.	RD

ACTIVITY	STATUS
(Reg 16(2) NESET)	
Altering, relocating, or replacing a tower or pole of an existing transmission line as part of undergrounding, so that the tower or pole becomes a termination structure if 1 or more of the applicable conditions in Rule 19.8.2a.4 (a), (b) and (e) are breached. (Reg 16(3) NESET)	RD
Altering, relocating, or replacing a transmission line support structure of an existing transmission line (other than as part of a temporary line deviation or undergrounding) if – (a) The tower is relocated, or replaced with another tower, so that any part of the tower at ground level falls outside the tower's envelope for controlled activities (See Appendix 19C); or (b) The pole is relocated, or replaced with another pole, more than 10 metres from the pole's base position (measured horizontally); and (c) 1 or more of the applicable conditions in Rule 19.8.2a.3 are breached. (Reg 13(2) NESET)	NC
Temporary structures and temporary line deviation.	
Erecting or using a temporary structure in relation to an existing transmission line (other than as part of a temporary line deviation) if the temporary structure– (a) is erected no earlier than 20 working days before the start of the relevant maintenance or upgrading; and (b) is removed no later than 20 working days after the end of the maintenance or upgrading. (Reg 17(1) NESET)	P
Erecting or using a temporary structure in relation to an existing transmission line (other than as part of a temporary line deviation) if the conditions for a permitted activity (row above) are breached. (Reg 18(1) NESET)	C
Carrying out a temporary line deviation of an existing transmission line if any structures involved in a temporary line deviation are- (a) erected no earlier than 60 working days before the start of the relevant maintenance or upgrading; and (b) removed no later than 60 working days after the end of the maintenance or upgrading. (Reg 17(2) NESET)	P
Carrying out a temporary line deviation of an existing transmission line if the conditions for a permitted activity (row above) are breached. (Reg 18(2) NESET).	C
Transmission lines: Removal	
Removing an existing transmission line, or part of an existing transmission line if- (a) the transmission line, or the part of the transmission line, and	P

ACTIVITY	STATUS
any associated construction or demolition material is removed from the land; and (b) Any ground that is disturbed from the removal must be restored in a way that minimises the risk of soil erosion, sediment run-off, and weed invasion. (Reg 19(1) NESET)	
Removing an existing transmission line, or part of an existing transmission line if the conditions for a permitted activity (row above) are breached. (REG 20(1) NESET)	C
Telecommunication devices	
Installing or modifying a telecommunication device on a transmission line support structure of an existing transmission line if- (a) the width of the telecommunication device must not exceed 1.8 metres. (b) The telecommunication device must extend no more than 2.5 metres above the height of the structure. (Reg20(1) NESET)	P
Installing or modifying a telecommunication device on a transmission line support structure of an existing transmission line if the conditions for a permitted activity (row above) are breached. (Reg 22(1) NESET)	RD
Maintaining a telecommunication device on a transmission line support structure of an existing transmission line. (Reg 21(2) NESET)	P
Signs	
Installing or modifying a sign on a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with safety or navigation, if the following conditions are complied with; (a) The signs on a transmission line support structure that are intended to identify the structure or its owner must together cover an area of no more than $1m^2$. (b) The signs on a transmission line support structure that are intended to help with safety or navigation must together cover an area of no more than $6m^2$. (Reg 23(1) NESET)	P
Installing or modifying a sign on a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with safety or navigation if the conditions for a permitted activity (row above) are breached. (Reg 24(1) NESET)	RD
Installing or modifying a sign next to a transmission line support structure of an existing transmission line that is intended to identify the structure or its owner, or is intended to help with safety or navigation. (Reg 24(2) NESET)	RD

ACTIVITY	STATUS
Trimming, felling, and removing trees and vegetation.	
Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, if all the applicable conditions in Rule 19.8.2a.5 are complied with. (Reg 30(1) NESET)	P
Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line if – (a) first, - (i) the condition in Rule 19.8.2a.5 (a) is breached because the tree or vegetation is in a natural area: but (ii) the trimming, felling, or removal is done to reduce the risk to a transmission line; and (b) second, all of the applicable conditions in Rule 19.8.2a.5 (b) to (e) are complied with. (Reg 31(1) NESET)	C
Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line if 1 or both of the following paragraphs apply: (a) first, - (i) the condition in Rule 19.8.2a.5(b) is breached; and (ii) it does not satisfy the exception in (a) (ii) for controlled activities in the row above. (b) second, 1 or more of the conditions in Rule 19.8.2a.5 (b) to (e) are breached. (Reg 32(1) NESET)	RD
Earthworks	
Earthworks relating to an existing transmission line if all the conditions in Rule 19.8.2a.6 are complied with. (Reg 33(1) NESET)	P
Earthworks relating to an existing transmission line if – (a) 1 or more of the conditions in Rule 19.8.2a.6(a) to (f) are breached; but (b) both the conditions in Rule 19.8.2a.6(g) and (h) are complied with. (Reg 34(1) NESET)	C
Earthworks relating to an existing transmission line if the condition in Rule 19.8.2a.6(g) is breached. (Reg 35(1) NESET)	RD
Earthworks relating to an existing transmission line if the condition in Rule 19.8.2a.6(h) is breached. (Reg 36(1) NESET)	RD
Noise and vibration from construction activity	
A construction activity relating to an existing transmission line if –	P

ACTIVITY	STATUS
(a) the noise from the construction activity must comply with the New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise; and (b) The vibrations from the construction activity must comply with the peak particle velocity limits in table 1 of German Standard DIN 4150-3:1999 Structural Vibration on Structures. (Reg 37(1) NESET)	
A construction activity relating to an existing transmission line if 1 or both of the conditions for a permitted activity in the row above are breached. (Reg 38(1) NESET) [Amendment 161]	C

Rule 19.8.2a.2
Definitions

Definitions for Standards for Electricity Transmission (MfE definitions)

The definitions contained in Appendix 19B shall apply to any term used in Rule 19.8.2a [Amendment 161]

Rule 19.8.2a.3
Conditions applicable to Activity Table 19.8.2a.1
(Reg 10(2) – (9) NESET)

Conditions applicable to Activity Table 19.8.2a.1 (Reg 10(2) – (9) NESET)

[Amendment 161]

(a) The electric and magnetic fields produced by the transmission of electricity at 50 HZ through overhead or underground alternating current transmission lines must , after being modelled in accordance with rules 19.8.2a.3 (c) to (f), be demonstrated to either-
  (i) not exceed the following reference levels for public exposure:
    a. electric field strength of 5 kV/m; and
    b. magnetic flux density of 100 microteslas; or
  (ii) not exceed the basic restriction level of 2 mA/m2 for the density of electric current induced in the body.

(b) The static electric field strength produced by the transmission of electricity through overhead direct current transmission lines must be demonstrated to have no likely adverse human health effects after -

  (i) modelling the field strength in accordance with rules 19.8.2a.3 (c) to (e), as if references to electric field strength were references to static electric field strength; and

  (ii) including the likely contribution to the field strength from the space charge around the transmission line caused by corona discharge.

(c) The electric field strength and magnetic flux density of a transmission line must be modelled at whichever of the following locations is closest to the line:

(i) 1 metre above the ground in an area above, below, or next to the line that is reasonably accessible to the public; or

(ii) 1 metre above the highest floor level of an occupied building.

(d) The electric field strength and magnetic flux density of a transmission line may be modelled to take account of any shielding effect from buildings.

(e) The electric field strength and magnetic flux density of an overhead transmission line must be modelled to result in the highest electric and magnetic fields likely under normal operating conditions using the following climatic conditions to determine conductor position:
(i) ambient temperature of 20°C in winter and 30°C in summer:
(ii) maximum solar radiation of 1 000 W/m²:
(iii) dry conditions:
(iv) wind speed of 0.6 m/s.

(f) The magnetic flux density of an underground transmission line must be modelled to result in the highest magnetic field likely under normal operating conditions.

(g) The results of modelling the electric field strength, magnetic flux density, density of electric current induced in the body, or static electric field strength under this rule must be provided to the relevant territorial authority if requested by the territorial authority.

(h) In rules 19.8.2a.3 (e) and (f), **normal operating conditions**—
(i) means the conditions associated with the highest load current; but
(ii) does not include conditions in which a short-term increase in voltage or current is caused by a fault such as switching, a lightning strike, a short circuit, or an abnormal operating state of a direct current transmission line.

[Amendment 161]

Rule 19.8.2a.4
Conditions applicable to Activity Table 19.8.2a.1 Transmission Line Support Structures

Conditions applicable to Activity Table 19.8.2a.1 Transmission Line Support Structures (Reg 14(3)-(8) NESET)

[Amendment 161]

(a) If a transmission line support structure is increased in height (including by being replaced with another structure), -
(i) The structure may be made no more than 15% higher than its base height; and
(ii) The additional height must comply with any height restrictions for airport purposes, or any public view shafts, specified in a rule.

(b) A transmission line support structure must not be relocated, or replaced with another transmission line support structure, so that any part of the structure at ground level is-
(i) Within 12 metres of an occupied building (measured horizontally); or
(ii) Any closer to an occupied building, if the existing structure is

within 12 metres of the building (measured horizontally).

(c) If a tower is widened (including by being replaced with another tower), each side of the tower's footprint may be made no longer than the total of-
(i) The length of that side of the tower's base footprint; and
(ii) 25% of the tower's base width.

(d) A tower must not be relocated, or replaced with another tower, so that any part of the tower at ground level falls outside the tower's envelope for permitted activities (See Appendix 19C).

(e) A pole must not be replaced with a tower.

(f) A pole must not be relocated, or replaced with another pole, more than 5 metres from the pole's base position (measured horizontally).

Rule 19.8.2a.5
Conditions applicable to Activity Table 19.8.2a.1 Trimming, felling and removing trees and vegetation

Conditions applicable to Activity Table 19.8.2a.1 Trimming, felling and removing trees and vegetation (Reg 30(2)-(6) NESET)

[Amendment 161]

(a) Any tree or vegetation must not be trimmed, felled, or removed if-
(i) A rule prohibits or restricts its trimming, felling, or removal (as the case may be); or
(ii) It is in a natural area.

(b) Any tree or vegetation located on any land must not be felled or removed if a regional plan controls the use of the land for the purpose of-
(i) soil conservation; or
(ii) avoiding or mitigating flooding.

(c) Any tree or vegetation must not be trimmed, felled, or removed if it is on land administered by the Department of Conservation under the Conservation Act 1987 or an Act specified in Schedule 1 of that Act.

(d) The felling or removal of any tree or vegetation must not create or contribute to-
(i) Instability of a slope or another land surface; or
(ii) Erosion of the bed or bank of a water body or the coastal marine area.

(e) Debris resulting from the trimming, felling, or removal must not enter a water body or the coastal marine area.

[Amendment 161]

Rule 19.8.2a.6
Conditions applicable to Activity Table 19.8.2a.1 Earthworks

Conditions applicable to Activity Table 19.8.2a.1 Earthworks (Reg 33(2)-(9) NESET)

[Amendment 161]

(a) Earthworks in a natural area must not, in a calendar year, exceed-
  (i) 50 m^3 per transmission line support structure; or
  (ii) 100m^3 per access track.

(b) Erosion sediment control must be applied and maintained at the site of earthworks, during and after the earthworks, to avoid the adverse effects of sediment on water bodies and the coastal marine area.

(c) All areas of soil exposed by the earthworks must be stabilised against erosion as soon as practicable after the earthworks end to avoid the adverse effects of sediment on water bodies and the coastal marine area.

(d) The earthworks must not create or contribute to –
  (i) instability or subsidence of a slope or another land surface; or
  (ii) erosion of the bed or bank of a water body or the coastal marine area; or
  (iii) drainage problems or flooding of overland flow paths.

(e) Soil or debris from the earthworks must not be placed where it can enter a water body or the coastal marine area.

(f) Earthworks must not be carried out on the bed of a lake or river or in the coastal marine area.

(g) Earthworks must not be carried out in historic heritage area unless they are carried out on an archaeological site in accordance with the Historic Places Act 1993.

(h) Earthworks must not be carried out on land that a local authority has identified as containing, or possibly containing, contaminants that pose a risk to the environment.

[Amendment 161]

Rule 19.8.3
Activity Table 2

Activity Table 2
Telecommunication Facilities

In the following table:

P = Permitted Activity
C = Controlled Activity
RD = Restricted Discretionary Activity
D = Discretionary Activity
NC = Non-complying Activity

Note: Words in capitals are defined in *Chapter 3 – Definitions*

Note: This table is subject to the National Environmental Standards for Telecommunication Facilities 2008 (NESTF). The national environmental standards have been incorporated within the table below. Where there is a conflict between the table and the National Environmental Standards for Telecommunication Facilities 2008 the later shall prevail. [Amendment 161]

ACTIVITY	STATUS
Any activity relating to UTILITIES not listed in this Activity Table or Activity Tables 1,3 and 4	**NC**
Any Permitted or Restricted Discretionary Activity in this Table that does not comply with Rule 19.9 Development Controls and Performance Standards	**RD**
Any line (as defined by section 2(1A) of the Telecommunications Act 1987) which is located underground (including any continuous length, including support structures, above ground, where each above ground length does not exceed 25 metres and is no higher than the ground level at either end of the above ground length) and any necessary incidental equipment including any above ground telephone cabinet or equipment building not exceeding 10m^2 in area *(Notes: (i) Such a line is a physical line down which signals pass.* *(ii) See Appendix 19A for explanatory diagram.)*	**P**

ACTIVITY	STATUS
Any line (as defined by section 2(1A) of the Telecommunications Act 1987) which: (a) is located overhead; and (b) the support structures do not exceed 18.5 metres in HEIGHT; and (c) is located on land zoned General Rural; or (d) is located on land zoned Special 5; or (e) is located on land within the Kawau Island Zone (both Policy Areas) and any necessary incidental equipment including above ground telephone cabinets or equipment buildings not exceeding 10m^2 in area *(Note: Such a line is a physical line down which signals pass.)*	**P**
Any line (as defined by section 2(1A) of the Telecommunications Act 1987), which is an overhead line and which connects the buildings on a single SITE to the existing overhead lines operated by a network utility operator, in the Landscape Protection Rural, Dune Lakes, East Coast Rural and Countryside Living Rural and Town Zones, and the Islands General Zone *(Note: Such a line is a physical line down which signals pass.)*	**P**
Pole type telecommunication and/or transmission MASTS including antennas and their use and any necessary incidental equipment including any above ground telephone cabinets or equipment buildings not exceeding 20m^2 in area on land zoned Industrial, Mixed Business and General Rural where the following standards are met: (a) The pole type mast itself does not exceed 20 metres in HEIGHT; (b) The pole type mast shall be located no closer than a distance calculated as 10 metres plus the HEIGHT of the MAST (above the boundary) from the boundary of any other zone (other than Industrial, Mixed Business or General Rural) or to the NOTIONAL BOUNDARY of any existing dwelling in RURAL ZONES not on the same SITE as the MAST;	**P**

ACTIVITY	STATUS
(c) Antenna(s) shall either be attached to a support structure, attached to or near the top of the MAST with a maximum radius of 4.5 metres from the MAST, or be attached to the MAST itself. If attached to the MAST itself the antenna(s) must not extend beyond a radius of 1.4 metres from the MAST centre. If attached to the support structure referred to above, the rods or antennas (not being panel antennas) must not exceed 100 millimetres in diameter and not exceed a vertical HEIGHT up or down of 3.5 metres. Panel antennas with maximum dimensions of 3.0 metres x 1.0 metre x 0.5 metres may be attached to the support structure; (d) (removed by Reg 4 NESTF) [Amendment 161] For the purpose of this provision "pole type MASTS" includes "guyed MASTS" which utilise support cables for stability, but excludes any form of lattice tower or similar structure.	
Explanations and Reasons *The set back of pole type telecommunications and/or transmission masts from RESIDENTIAL ZONES and existing dwellings in the RURAL ZONES as a condition of permitted activity Rule 19.8.3 is solely for the purpose of avoiding adverse visual effects upon residential activities.*	
Pole Type telecommunication, radio and/or transmission MASTS and their use and any necessary incidental equipment including any above ground telephone cabinets or equipment buildings not exceeding 20m ^{2} in area in all zones and in those zones where they are permitted but where any standard or rule is not met.	**D**
Telecommunication aerials and antennas and their use, including radio and television broadcasting/receiving aerials and antennas attached to buildings, where such aerials and antennas do not exceed: (a) Five metres in length/height from the point of attachment to the BUILDING; and (b) 2 metres in diameter (except in all RESIDENTIAL ZONES and the Landscape Protection Rural Zone where the maximum diameter shall be 1.2m) for circular or dish antennas, with a support structure no longer/higher than 2 metres connecting them to a BUILDING; or (c) Dimensions of 2.5 metre x 1 metres x 0.5 metres for panel antennas	**P**

ACTIVITY	STATUS
(d) (removed by Reg 4 NESTF) [Amendment 161] *Note: These HEIGHTS specified in (a) and (b) above shall not be limited by other maximum HEIGHT rules.*	
Any line as defined by section 2(1) of the Telecommunications Act 1987 which is not otherwise Permitted, provided that on land within a RESIDENTIAL, Retail Services, Special 19, Special 25, Special 26, Special 29, Special 33, Special 35 (Hibiscus Coast Gateway) Zone, OPEN SPACE, Kawau Island Zone (both Policy Areas) and Countryside Living Town and Countryside Living Rural Zone no lattice towers exceed 9 metres in HEIGHT. (Note: Such a line may include either a physical line or a non-physical link by signals.) [Amendment 127] [Amendment 123] [Amendment 137]	**D**
Freestanding radio and television broadcasting and receiving aerials and antennas and their use **provided that**: (a) No aerial or antenna which is not a dish antenna shall: (i) be greater than 1m^2 in area; (ii) have any support structure greater than 200 millimetres in diameter; (iii) be higher than 1 metre above the maximum permitted HEIGHT for buildings in the zone in which it is located (including any support structure) (b) No dish antenna shall: (i) be greater than 1 metre in diameter; (ii) have any support structure greater than 200 millimetres in diameter; (iii) be higher than 1 metre above the maximum permitted HEIGHT for buildings in the zone in which it is located (including any support structure) (c) (removed by Reg 4 NESTF) [Amendment 161]	**P**

ACTIVITY	STATUS
The installation of a telecommunication facility (defined as: (a) an antenna (b) a cabinet and, if there is one, the concrete foundation plinth for the cabinet) in the road reserve as far as the situations in 19.8.3.2 are concerned if the facility complies with the standards set out in Rule 19.9.6 and Rule 19.8.3.2. (This activity is not required to comoply with Rules 19.9.1-19.9.5 and 19.9.7). (Reg 5(1) NESTF) [Amendment 161]	**P**
The installation of a telecommunication facility (defined as: (a) an antenna (b) a cabinet and, if there is one, the concrete foundation plinth for the cabinet) in the road reserve if the facility does not comply with Rule 19.9.6 (Reg 5(2) NESTF) [Amendment 161]	**NC**
The installation of a telecommunication facility (defined as: (a) an antenna (b) a cabinet and, if there is one, the concrete foundation plinth for the cabinet) in the road reserve as far as the situations in 19.8.3.2 are concerned if the facility does not comply with the conditions in 19.8.3.2 and the facility would have been a permitted or controlled activity under the relevant district Plan or proposed district plan if the National Environmental Standards for Telecommunication Facilites 2008 did not exist. (Reg 5(3) NESTF) [Amendment 161] For the purposes of assessing resource consent applications control is reserve over the conditions in Rule 19.8.3.2 with which the facility does ot comply. (Reg 5(4) NESTF) [Amendment 161]	**C**
The installation of a telecommunication facility (defined as: (a) an antenna (b) a cabinet and, if there is one, the concrete foundation plinth for the cabinet) in the road reserve as far as the situations in 19.8.3.2 are concerned if the facility does not comply with the conditions in 19.8.3.2 and the facility would have been a restricted discretionary activity under the relevant district plan or proposed district plan if the National Environmental Standards for Telecommunication Facilities 2008 did not exist. (Reg 5(5) NESTF) [Amendment 161] For the purposes of assessing resource consent applications control is reserved over the conditions in Rule 19.8.3.2 with which the facility does not comply (Reg 5(6) NESTF) [Amendment 161]	**RD**
The installation of a telecommunication facility (defined as: (a) an antenna (b) a cabinet and, if there is one, the concrete foundation plinth for the cabinet)	**D**

ACTIVITY	STATUS
in the road reserve if the facility does not comply with the conditions in 19.8.3.2 and the facility would have been a discretionary activity under the relevant district plan or proposed district plan if National Environmental Standards for Telecommunication Facilities 2008 did not exist. (Reg 5(7) NESTF) [Amendment 161]	
The installation of a telecommunication facility (defined as: (a) an antenna (b) a cabinet and, if there is one, the concrete foundation plinth for the cabinet) in the road reserve if the facility does not comply with the conditions in 19.8.3.2 and the facility would have been a non complying activity under the relevant district plan or proposed district plan if National Environmental Standards for Telecommunication Facilities 2008 did not exist. (Reg 5(8) NESTF) [Amendment 161]	**NC**
The installation of a telecommunication facility (defined as: (a) an antenna (b) a cabinet and, if there is one, the concrete foundation plinth for the cabinet) in the road reserve if the facility does not comply with the conditions in 19.8.3.2 and the facility would have been a prohibited activity under the relevant district plan or proposed district plan if National Environmental Standards for Telecommunication Facilities 2008 did not exist. (Reg 5(9) NESTF) [Amendment 161]	
Telecommunication AERIALS and antennas attached to buildings not otherwise Permitted	**D**
Telephone exchanges up to a maximum of 100m² GROSS FLOOR AREA, and necessary incidental equipment, on land zoned Retail Services, Mixed Business, Industrial and General Rural, **provided that** no structures exceed the height limit for the zone in which it is located	**P**
Telephone exchanges not otherwise Permitted	**D**
Telephone booths **provided that** they are not located within a Defined Road Boundary, as defined in Appendix 21A (*Chapter 21 – Transportation and Access*)	**P**
Telephone booths not otherwise Permitted	**RD**
EARTHWORKS necessary for the establishment, operation and maintenance of any Permitted Activity in this Table, and for	**P**

ACTIVITY	STATUS
the maintenance and operation (but not establishment) of any Restricted Discretionary Activity in this Table, which comply with Rule 19.9.7	
EARTHWORKS necessary for the establishment of any Restricted Discretionary Activity in this Table.	**RD**
Damage or modification of cultural heritage sites	**Refer to *Chapter 17 – Cultural Heritage***
Districtwide Activities	**Refer to *Chapter 16 – General Rules***
Transport Activities	**Refer to *Chapter 21 –Transportation and Access***
Use and storage of HAZARDOUS SUBSTANCES	**Refer to *Chapter 20 – Hazardous Substances and Contaminated Sites***

Note: The continuation of existing telecommunication lines not provided for in terms of the above Rules may be covered by existing use rights under section 10 of the Resource Management Act 1991.

Rule 19.8.3.1
Definitions
[Amendment 161]

Definitions
[Amendment 161]
The definitions contained in Appendix 19D shall apply to any term used in Rule 19.8.3.2 (Reg 3 NESTF)

Rule 19.8.3.2
Conditions Applicable to Certain Activities in Activity Table 19.8.3
[Amendment 161]

Conditions Applicable to Certain Activities in Activity Table 19.8.3

Rule 19.8.3.2.1
Conditions protecting trees and vegetation, historic heritage values, visual amenity values and coastal marine area (Reg 6 NESTF)

Conditions protecting trees and vegetation, historic heritage values, visual amenity values and coastal marine area (Reg 6 NESTF)

[Amendment 161]

(1) This condition applies if the telecommunication facility is located in a road reserve within the drip line of a tree or other vegetation and the relevant district plan or proposed district plan would, if these regulations did not exist, require the network operator to obtain a resource consent for the installation and operation of the facility in such a location. The installation and operation of the facility must comply with the plan's rules on tree and vegetation protection. The rules may be more stringent than the conditions in rules 19.8.3.2.2 – 19.8.3.2.4. (Regs 7 to 9 NESTF)
[Amendment 161]

(2) This condition applies if the telecommunication facility is located in a road reserve that is on the same side of the road as and next to land or items that are identified as having historic heritage values in the relevant district plan or proposed district plan. The facility must comply with the plan's rules on historic heritage values. The rules may be more stringent than the conditions in rules 19.8.3.2.2 – 19.8.3.2.4 (Regs 7 to 9 NESTF).
[Amendment 161]

(3) This condition applies if the telecommunication facility is located in a road reserve that is on the same side of the road as and next to land or sites that are identified as having visual amenity values in the relevant district plan or proposed district plan. The facility must comply with the plan's rules on visual amenity values. The rules may be more stringent than the conditions in rules 19.8.3.2.2 – 19.8.3.2.4 (Regs 7 to 9 NESTF).
[Amendment 161]

(4) This condition applies if the telecommunication facility is located in a road reserve that is on the same side of the road as and next to coastal marine area. The facility must comply with the plan's rules that apply to telecommunication facilities. The rules may be more stringent than the conditions in rules 19.8.3.2.2 – 19.8.3.2.4 (Regs 7 to 9 NESTF).
[Amendment 161]

Rule 19.8.3.2.2
Conditions controlling antennas and utility structures (Reg 7 NESTF)

Conditions controlling antennas and utility structures (Reg 7 NESTF)

[Amendment 161]

(1) This condition applies if an original utility structure in a road reserve is replaced by a replacement utility structure. The replacement utility structure must not have a diameter that is more than the original utility structure's diameter at its largest point plus 50%.
[Amendment 161]

(2) This condition applies if the addition of an antenna makes a structure into a replacement utility structure in a road reserve. The height of the replacement utility structure must be no more than the original utility structure's highest point plus the lesser of 3 m or 30%.
[Amendment 161]

(3) This condition applies if an antenna on a replacement utility structure in a road reserve is replaced. The combined height of the replacement utility structure and the replacement antenna must be no more than the combined height of the replacement utility structure and the original antenna.
[Amendment 161]

(4) This condition applies if an antenna is added or replaced under subclause (2) or (3). The antenna—excluding the mount, if there is one, and the shroud, if there is one, and ancillary equipment, if there is any—must fit within the dimensions of a cylindrical shape that, when measured along the centre line of the original utility structure or the replacement utility structure, is no more than 2 m high and no more than 0.5 m in diameter.
[Amendment 161]

(5) This condition applies if a dish antenna either is added to an original utility structure in a road reserve or a replacement utility structure in a road reserve or replaces an antenna on an original utility structure in a road reserve or a replacement utility structure in a road reserve. The dish antenna must have a diameter of no more than 380 mm, must not protrude from the structure's centre line by more than 0.6 m, and must be one of only 2 on the structure.
[Amendment 161]

Rule 19.8.3.2.3
Conditions controlling cabinets (Reg 8 NESTAF)

Conditions controlling cabinets (Reg 8 NESTAF)

(1) This condition applies if a cabinet is located by itself in a road reserve next to land that a relevant district plan or proposed district plan classifies as primarily for residential activities. The cabinet's footprint must be no more than 1.4 m2. The cabinet must be no higher than the height of the concrete foundation plinth, if there is one, plus 1.8 m.
[Amendment 161]

(2) This condition applies if 2 or more cabinets are located at the same site in a road reserve next to land that a relevant district plan or proposed district plan classifies as primarily for residential activities. Each cabinet's footprint must be no more than 1.4 m2. The total footprint of all the cabinets must be no more than 1.8 m2. The distance between each cabinet and the cabinet or cabinets closest to it must be no more than 500 mm. The cabinets must be no higher than the height of the concrete foundation plinths, if there are any, plus 900 mm, with the exception that 1 cabinet may be as high as the height of the concrete

foundation plinth, if there is one, plus 1.8 m.
[Amendment 161]

(3) This condition applies if a cabinet is located by itself in a road reserve, or if 2 or more cabinets are located at the same site in a road reserve, next to land that a relevant district plan or proposed district plan does not classify as primarily for residential activities. The total footprint of all the cabinets must be no more than 2 m2. Each cabinet must be no higher than the height of the concrete foundation plinth, if there is one, plus 2 m.
[Amendment 161]

(4) This condition applies if 2 or more cabinets are located at different sites in the road reserve, on the same side of the road as one another, and next to land that a relevant district plan or proposed district plan either does or does not classify as primarily for residential activities and are higher than the height of the concrete foundation plinths, if there are any, plus 900 mm. Each cabinet must be at least 30 m from each other cabinet that is higher than the height of the concrete foundation plinth, if there is one, plus 900 mm. The 30 m must be measured between the 2 closest points of the cabinets.
[Amendment 161]

(5) This condition applies if a cabinet is located in a road reserve next to land that a relevant district plan or proposed district plan either does or does not classify as primarily for residential activities and requires a power supply. The power supply must be located either below ground or within the cabinet.
[Amendment 161]

Rule 19.8.3.2.4
Conditions Controlling Noise (Reg 9 NESTF)

Conditions Controlling Noise (Reg 9 NESTF)

(1) This condition applies if a cabinet is located in a road reserve in an area in which a relevant district plan or proposed district plan allows residential activities. The noise from the cabinet must not exceed—

(a) 50 dB LAeq (5 min) between 7 am and 10 pm:
(b) 40 dB LAeq (5 min) between the 10 pm referred to in paragraph (a) and the following 7 am:
(c) 65 dB LAFmax between the 10 pm referred to in paragraph (a) and the following 7 am.

[Amendment 161]

(2) This condition applies if a cabinet is located in a road reserve in an area in which a relevant district plan or proposed district plan does not allow residential activities. The noise from the cabinet must not exceed—

(a) 60 dB LAeq (5 min) at any time:
(b) 65 dB LAFmax between 10 pm and the following 7 am.

[Amendment 161]

(3) The noise from the cabinet must be measured and assessed at 1 of the following points:

(a) if the side of a building containing a habitable room is within 4m of the closest boundary of the road reserve, the noise must be measured—
  (i) at a point 1m from the side of the building; or
  (ii) at a point in the plane of the side of the building:
(b) in any other case, the noise must be measured at a point that is—
  (i) at least 3m from the cabinet; and
  (ii) within the legal boundary of land next to the part of the road reserve where the cabinet is located.

[Amendment 161]

(4) The noise from the cabinet must be measured in accordance with NZS 6801: 2008 Acoustics – Measurement of environ- mental sound, the measurement must be adjusted in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound to a free field incident sound level, and the adjusted measurement must be assessed in accordance with NZS 6802: 2008 Acoustics – Environmental noise.

[Amendment 161]

Rule 19.8.4
Activity Table 3

Activity Table 3
Gas, Water Supply and Stormwater and Sewage Reticulation

In the following table:

P = Permitted Activity
C = Controlled Activity
RD = Restricted Discretionary Activity
D = Discretionary Activity
NC = Non-complying Activity

Note: Words in capitals are defined in *Chapter 3 – Definitions*

ACTIVITY	STATUS
Any activity relating to utilities not listed in this Activity Table or Activity Tables 1,2 and 4.	**NC**
Any Permitted or Restricted Discretionary Activity in this Table that does not comply with Rule 19.9 Development Controls and Performance Standards	**RD**
Culverts less than 600 millimetres diameter capable of passing a 5 year return to 10 minute duration stormflow, for the conveyance or drainage of WATER	**P**
Underground pipes (including any continuous length, including support structures, above ground where each above ground length does not exceed 25 metres and is no higher than the ground level at either end of the above ground length), for the conveyance or drainage of WATER or sewage, and necessary incidental equipment, telemetry AERIALS and MASTS including household connections, above ground control boxes and above ground pump stations occupying buildings up to 10m² in area and underground pump stations occupying 25m² in area. Note: See Appendix 19A for explanatory diagram	**P**
Household, commercial and industrial connections to gas, WATER, WATER drainage and sewer pipes	**P**
Pipes for the conveyance or drainage of WATER or sewage and necessary incidental equipment, including pump stations not otherwise Permitted	**D**
Vegetated strips and grass swales for STORMWATER collection, treatment and attenuation required in order to meet Rule 7.14.2.5 in *Chapter 7 - Rural*	**P**

ACTIVITY	STATUS
Permanent STORMWATER treatment and flow attenuation ponds, vegetated strips and grass swales up to a maximum of 150m² in area. (Note: This activity does not include temporary sediment control ponds.)	**P**
Permanent STORMWATER treatment and flow attenuation ponds, vegetated strips and grass swales greater than 150m² in area. (Note: This activity does not include temporary sediment control ponds.)	**D**
Underground pipes (including any continuous length, including support structures, above ground where each above ground length does not exceed 25 metres and is no higher than the ground level at either end of the above ground length), for the distribution (but not transmission) of natural or manufactured gas at a gauge pressure not exceeding 2,000 kilopascals, and necessary incidental equipment, telemetry AERIALS and MASTS, including household connections and regulator stations and monitoring equipment up to 10m² in area	**P**
Pipes for the transmission of natural or manufactured gas at a gauge pressure exceeding 2,000 kilopascals and necessary incidental equipment, including compressor stations	**D**
Any stopbank, erosion protection works or culvert which has appropriate consent under sections 13 and 14 of the Act, and any consent relating to earthworks or land modification required under the Rules for the zone in which it is located and Rule 16.13 in *Chapter 16 - General Rules*	**p**
Any stopbank or culvert not otherwise provided for	**D**
EARTHWORKS necessary for the establishment, operation and maintenance of any Permitted Activity in this Table, and for the maintenance and operation (but not establishment) of any Discretionary or Restricted Discretionary Activity in this Table, which comply with Rule 19.9.7	**P**
EARTHWORKS necessary for the establishment of any Discretionary Activity in this Table	**D**

ACTIVITY	STATUS
EARTHWORKS necessary for the establishment of any Restricted Discretionary Activity in this Table	**RD**
Damage or modification of Cultural heritage sites	**Refer to *Chapter 17 - Cultural Heritage***
Districtwide Activities	**Refer to *Chapter 16 - General Rules***
Transport Activities	**Refer to *Chapter 21 -Transportation and Access***
Use and storage of HAZARDOUS SUBSTANCES	**Refer to *Chapter 20 - Hazardous Substances and Contaminated Sites***

Rule 19.8.5
Activity Table 4

Activity Table 4
Other Activities

In the following table:

P = Permitted Activity
C = Controlled Activity
RD = Restricted Discretionary Activity
D = Discretionary Activity
NC = Non-complying Activity

Note: Words in capitals are defined in *Chapter 3 – Definitions*

ACTIVITY	STATUS
Any activity relating to UTILITIES not listed in this Activity Table or Activity Tables 1,2 and 3	**NC**
Any Permitted or Restricted Discretionary Activity in this Table that does not comply with Rule 19.9 Development Controls and Performance Standards	**RD**
Lighthouses, navigational aids and beacons, provided that structures do not exceed 18.5 metres in HEIGHT (or when measured from mean high WATER springs where the structure is in tidal WATER, and from the surface of the WATER where the structure is in inland waters)	**P**
Lighthouses, navigational aids and beacons not otherwise Permitted	**NC**
Meteorological facilities in any zone provided that:	**P**

ACTIVITY	STATUS
(a) Any BUILDING associated with the activity is less than 50m^2 in area; and (b) Any BUILDING or structure associated with the activity is no more than 1 metre above the maximum height for the zone in which the activity is located	
Meteorological facilities not exceeding 18.5 metres in HEIGHT, which: (a) are located on land zoned General Rural; or (b) are located on land zoned Special 5; or (c) are located on land within the Kawau Island Zone (both Policy Areas)	**P**
Meteorological facilities not otherwise Permitted	**NC**
Post boxes and bus shelters, provided that they are not located within a Defined Road Boundary as defined in Appendix 21A (*Chapter 21 - Transportation and Access*)	**P**
Post boxes and bus shelters not otherwise Permitted	**D**
EARTHWORKS necessary for the establishment, operation and maintenance of any Permitted Activity in this Table, and for the maintenance and operation (but not establishment) of any Restricted Discretionary Activity in this Table	**P**
EARTHWORKS necessary for the establishment of any Restricted Discretionary Activity in this Table	**RD**
Districtwide Activities	**Refer to *Chapter 16 - General Rules***
Damage or modification of cultural heritage sites	**Refer to *Chapter 17 - Cultural Heritage***
Use and storage of HAZARDOUS SUBSTANCES	**Refer to *Chapter 20 - Hazardous Substances and Contaminated Sites***
Transport Activities	**Refer to *Chapter 21 - Transportation and Access***

Rule 19.8.6
Activity Table 5

Activity Table 5
Tree Trimming and Removal for Existing Utilities

In the following table:

P = Permitted Activity
C = Controlled Activity
RD = Restricted Discretionary Activity
D = Discretionary Activity
NC = Non-complying Activity

Note: Words in capitals are defined in *Chapter 3 – Definitions*

ACTIVITY	STATUS
Cutting, damaging, or removal of any TREE which is interfering with or likely to interfere with or damage existing electric and telecommunication lines or any other existing UTILITY structure, in accordance with accepted arboricultural practices, **other than** a tree listed in Appendix 18A (*Chapter 18 - Urban Land Modification and Vegetation Protection*) or Appendix 17C (*Chapter 17 - Cultural Heritage*)	**P**
Cutting, damaging, or removal of any TREE listed in Appendix 18A (*Chapter 18 - Urban Land Modification and Vegetation Protection*) or in Appendix 17C (*Chapter 17 - Cultural Heritage)* which is interfering with or likely to interfere with or damage existing electric and telecommunication lines or any other existing UTILITY structure.	**RD**
For the removal or alteration of TREES for the establishment of a UTILITY in Urban areas.	**Refer to *Chapter 18 - Urban Land Modification Rule 18.9.3***
For the removal or alteration of TREES and bush for the establishment of UTILITIES in Rural Zones	**Refer to *Chapter 8 - Rural Rule 7.9.4.1***

Rule 19.9

DEVELOPMENT CONTROLS AND PERFORMANCE STANDARDS

Rule 19.9.1
Development Controls and Performance Standards

Development Controls and Performance Standards

The following Development Controls and Performance Standards apply to all utilities listed as Permitted Activities and Restricted Discretionary Activities in Tables 1 to 4 inclusive in Rules 19.8.2, 19.8.3, 19.8.4 and 19.8.5, except:

(a) where the Restricted Discretionary Activity status results from non-compliance with the Development Controls and Performance Standards;
(b) to minor upgrading, replacement and removal activities associated with existing transmission lines, which shall only be required to comply with Rule 19.9.2; or
(c) to conductors and wires which shall not be required to comply with either Rules 19.9.3 or 19.9.4.
(d) the activities provided for in Table 1a on Rule 19.8.2a
[Amendment 161]

The Development Controls and Performance Standards applicable in the zone in which the utilities are located **do not** apply to utilities, unless specifically stated to the contrary.

Rule 19.9.2
Site Reinstatement

Site Reinstatement

Where the establishment or maintenance of a utility involves the disturbance of the ground (including vegetative cover), the body responsible for that work shall where technically feasible reinstate the ground (including vegetative cover) as far as practicable to its original condition as soon as the need for the disturbance has passed.

Explanation and Reasons
Where the establishment or maintenance of a utility involves the disturbance of ground/vegetation, there can be effects on the amenity value of the site and on public safety from open trenches etc. This is particularly so with underground utilities. The Rule seeks to ensure that the impact of that work is minimal and of a temporary nature by requiring the land to be returned to the state it was in prior to the work taking place.

Rule 19.9.3
Setbacks From the Site Boundary

Setbacks From the Site Boundary

(a) Any utility structure of 15 metres or less in height and all electricity substations, telephone exchanges and compressor stations associated with the transmission of gas, 5m2 or less, shall comply with the yard requirements for the zone in which it is located.

(b) Electricity substations, telephone exchanges and compressor stations associated with the transmission of gas greater than 5m2 in area, in all

Residential and Open Space Zones, and Countryside Living Rural and Town Zones shall be sited at least 10 metres from any site boundary other than a front boundary, in respect of which the front yard rule for the zone shall apply. In all other zones the same activities shall be sited at least 5 metres from any site boundary other than a front boundary in respect of which the front yard rule for the zone shall apply.

(c) Electricity substations, telephone exchanges and compressor stations associated with the transmission of gas, greater than 100m^2 in area in all Residential and Open Space Zones, and Countryside Living Rural and Town Zones, shall be sited at least 20 metres from any site boundary other than a front boundary in respect of which the front yard rule for the zone shall apply. In all other Zones the same activities shall be sited at least 5 metres from any site boundary other than a front boundary in respect of which the front yard rule for the zone shall apply.

(d) In any Zone any utility structure over 15 metres in height including pole type telecommunication and radiocommunication masts and lattice towers supporting lines shall be sited a minimum of 10 metres from any site boundary other than a front boundary in respect of which the front yard rule for the zone shall apply. **Provided that** this Rule shall not apply to aerials and antennas attached to existing buildings, that comply with the yard requirements for the zone in which they are located.

(e) In any Zone any utility structure over 20 metres in height including pole type telecommunication and radiocommunication masts and lattice towers supporting lines shall be sited a minimum of 25 metres from any site boundary other than a front boundary, in respect of which the front yard rule for the zone shall apply. **Provided that** this Rule shall not apply to aerials and antennas attached to existing buildings, that comply with the yard requirements for the zone in which they are located.

Provided that no part of this Rule (19.9.3) shall apply to utility structures situated within any part of a legal road.

Explanation and Reasons
Structures such as substation fixtures can affect amenity values simply by being close to other activities, and by causing overshadowing, both physically and visually.

Setbacks in certain circumstances help to maintain amenity values by providing a degree of separation between the utility structures and other activities. Such setbacks can reduce the degree to which taller structures overshadow or dominate adjoining sites.

Rule 19.9.4
Amenity Treatment

Amenity Treatment

(a) For any electricity substation covering more than 100m², a minimum 5 metre wide strip planted in trees/shrubs shall be provided around the outside of the group of facilities which together comprise a substation. The trees or shrubs shall provide a continuous visual barrier around the substation (excluding the access to the site), and shall reach a minimum height of 2 metres after 3 years from planting.

(b) For any utility structure or building over 15 metres in height a minimum 2 metre strip planted in trees/shrubs shall be provided around the structure. The trees or shrubs shall reach a minimum height of 2 metres after 3 years from planting **provided that** this Rule shall not apply to utility structures situated within any part of a legal road and **provided that** this Rule shall not apply to:

(a) aerials and antennas attached to existing buildings, that comply with the yard requirements for the zone in which they are located; or
(b) any part of an electricity line.

Explanation and Reasons
Amenity planting is required to provide and maintain the amenity values of sites adjoining or in the vicinity of substations. The equipment comprising and security fencing surrounding a substation is unlike most other structures within the District and requires screening for these reasons, particularly in residential areas and areas of high amenity value. A similar requirement is necessary for taller utility structures to ensure that the effects of their height are mitigated to an acceptable level. The planting will screen the base of taller structures and reduce visual impact.

Rule 19.9.5
Stormwater Control

Stormwater Control

All drainage from sites shall comply with the stormwater control provisions contained in the Rodney District Council Standards for Engineering Design and Construction.

Explanation and Reasons
Stormwater flows have potential to affect amenity values, health and safety of people and the soil resources of the District.

Note: *Consents may also be required from the Auckland Regional Council.*

Rule 19.9.6
Radio Frequency Radiation

Radio Frequency Radiation

(amended by Reg 4 NESTF)

(1) This rule applies to the planning and operation of a telecommunication facility that generates radiofrequency fields.
[Amendment 161]

(2) A telecommunication facility is a permitted activity as far as radiofrequency fields are concerned if the network operator that plans and operates the facility complies with—
(a) the conditions in subclauses (3) and (4); and
(b) the condition in subclause (5), if it applies.
[Amendment 161]

(3) The first condition is that the network operator plans and operates the telecommunication facility in accordance with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.
[Amendment 161]

(4) The second condition is that the network operator ensures that the relevant local authority receives, before the telecommunication facility becomes operational, the following:
(a) written or electronic notice of where the facility is or where it is proposed to be; and
(b) a report that—
(i) is prepared in accordance with NZS 6609.2: 1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300 kHz to 100 GHz; and
(ii) takes account of exposures arising from other telecommunication facilities in the vicinity of the facility; and
(iii) predicts whether the radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public will comply with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.
[Amendment 161]

(5) The third condition applies if the prediction referred to in subclause (4)(b)(iii) is that the radiofrequency field levels will reach or exceed 25% of the maximum level authorised by NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz for exposure of the general public. The network operator must ensure that the relevant local authority receives, within 3 months of the telecommunication facility becoming operational, a report that—
(a) is prepared in accordance with NZS 6609.2: 1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300 kHz to 100 GHz; and
(b) provides evidence that the actual radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public comply with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.
[Amendment 161]

(6) A telecommunication facility that is not a permitted activity under this regulation is a non- complying activity as far as radiofrequency fields are concerned.

(Reg 4 NESTF)
[Amendment 161]
Explanation and Reasons
This Rule is necessary to avoid the potential effects on the human body brought about by exposure to radio frequency radiation.

Rule 19.9.7
Earthworks

Earthworks

Rule 19.9.7.1
Avoidance of Soil Erosion and Silt Discharge

Avoidance of Soil Erosion and Silt Discharge

(a) Soil erosion as a result of earthworks shall be minimised and silt discharge shall be controlled to be retained on site through the use of a combination of one or more of the following techniques:

(i) runoff control measures, including contour drains, earth bunds or similar, which control and direct runoff to sediment ponds or stormwater outlets, and limit the accumulation of volumes of water with erosive potential;
(ii) sediment retention ponds;
(iii) silt fences and hay bales along the lower boundary of the earthworks;
(iv) stormwater inlet protection, including filter cloth, gravel or securely staked haybales at all inlets directly affected by the earthworks;
(v) retention of grassed buffer strips along waterways or boundaries at the lowest end of the property.

(b) The earthworks area shall be revegetated or otherwise sealed against wind and water erosion as soon as is practicable or within 2 months of earthworks completion. Surface stabilisation techniques such as regrassing, hydroseeding, tree replanting or metal hardstand or building erection shall be used.

(c) Earthworks should avoid overland flow paths identified in Catchment Management Plans.

Note: *Consents may also be required from the Auckland Regional Council. Erosion and sediment control methods may be as provided for in any approved Auckland Regional Council or Rodney District Council publication.*

Rule 19.9.7.2
Instability, Erosion, Flooding

Instability, Erosion, Flooding

Earthworks shall not be carried out within an area prone to instability, erosion or flooding, as identified on the Council's land information register, or on a site specific geotechnical report provided to the Council covering the site concerned, unless it can be clearly demonstrated in writing by an appropriately qualified person, that the earthworks will not exacerbate the instability, erosion or flooding.

Explanation and Reasons
The application of the above controls ensures that earthworks associated with any utility occur in a manner which avoids soil erosion and the discharge of silt into watercourses and the environment generally; and that adverse effects on the land resource, the water resource, the visual environment and amenity generally are avoided. The controls relating to instability, erosion and flooding ensure that earthworks do not exacerbate the incidence and nature of these particular adverse effects.

Rule 19.9.8
Rules in Other Chapters of the Plan

Rules in Other Chapters of the Plan

Relevant rules in the following chapters of the Plan shall also be complied with:

Chapter 5 - Natural Hazards
Chapter 16 - General Rules
Chapter 17 - Cultural Heritage
Chapter 20 - Hazardous Substances and Contaminated Sites
Chapter 21 - Transportation and Access
Chapter 22 - Financial Contributions and Works
Chapter 23 - Subdivision and Servicing

19.10 RESTRICTED DISCRETIONARY ACTIVITIES : MATTERS FOR DISCRETION AND ASSESSMENT CRITERIA

In accordance with section 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed against each specified activity when considering Restricted Discretionary Activity resource consent applications.

Rule 19.10.1
Activities Not Complying with Specified Development Controls and Performance Standards

Permitted or Restricted Discretionary Activities Not Complying with Specified Development Controls and Performance Standards in Rules 19.9.2 to 19.9.5 and19.9.7(Reg 4 NESTF)
[Amendment 161]

Rule 19.10.1.1
Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters when considering an application relating to the following Development Controls and Performance Standards:

(a) **Site Reinstatement**

The timing, extent and nature of site reinstatement.

(b) **Setbacks From the Site Boundary**

The width of any setback from the site boundary.

(c) **Amenity Treatment**

The design, location, scale and timing of any amenity planting/screening.

(d) **Stormwater Control**

Methods, design, construction and timing of stormwater control provisions.

(e) **Radio Frequency Radiation**

Radio frequency radiation generated.

(f) **Avoidance of Soil Erosion and Silt Discharge**

Design, construction and methods of sediment/silt control and revegetation of earthworked areas, and erosion protection methods.

(g) **Instability, Erosion, Flooding**

Location, scale, volume, timing and methodology and visibility of earthworks.

19.10.1.2
Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

(a) **Site Reinstatement**

Amenity values, landscape

Whether the non-reinstatement of the site or the delay in reinstating the site will have an adverse effect on amenity values, and landscape quality or the safety of people, or traffic, or water quality in surrounding waterbodies or the sea.

(b) **Setbacks From the Site Boundary**

Visual impact

Whether the setbacks proposed will result in an adverse visual impact on the landscape, and on the visual amenity values of any neighbouring site, in particular through overbearing, shading and loss of privacy, and change of context for heritage resources.

(c) **Amenity Treatment**

Screening, landscaping

Whether any screening or landscaping is sufficient to soften hard structures and minimise the scale of structures, and to result in a visual appearance compatible with the surrounding landscape, including heritage resources.

(d) **Stormwater Control**

Effects on environment

Whether the stormwater control works are sufficient to ensure that no adverse effects on the environment - including the creation or exacerbation of flooding - result.

(e) (removed by Reg 4 NESTF)

(f) **Avoidance of Soil Erosion and Silt Discharge and Instability, Erosion and Flooding**

Sediment/ erosion control measures

(i) Whether the sediment/erosion control techniques are adequate to ensure that sediment remains on site.

Site function

(ii) Whether the earthworks are necessary in order to allow for the proper functioning of the utility on the site.

Stability

(iii) Whether the earthworks will adversely affect the stability of the site or neighbouring sites.

Stormwater and overland flows

(iv) Whether the earthworks will adversely affect stormwater and overland flows, especially those identified in the Council's Stormwater and Catchment Management Plans, and create adverse effects on and off site, including:

A. increased flooding in the catchment;
B. increased erosion of freshwater flow paths and estuary channels.

Roading and neighbourhood	(v) Whether the movement of soil or material to or from the site will affect the surrounding roads and neighbourhood, through the deposition of sediment, particularly where access to the site is gained through residential areas.
Stormwater systems	(vi) Whether water containing sediment or contaminants will enter stormwater pipes, drains, channels or soakage systems, or flow onto the road from bare ground on the site, during rainstorms.
Geological sites	(vii) Whether the earthworks will adversely affect landforms of geological significance.
Water quality	(viii) Whether the water quality or mauri (life supporting capacity) of water will be adversely affected by sediment runoff from the site.
Noise and dust	(ix) Whether the activity will generate noise and dust effects which could detract from the amenity values of the adjacent area.
Visual quality and amenity values	(x) Whether the scale and location of cuts and fills will adversely affect the visual quality and amenity values of the landscape, the natural landform of any ridgeline or visually prominent areas, the visual amenity values of adjoining sites, and will take into account the sensitivity of the landscape.
Cultural heritage values	(xi) Whether the earthwork activity will have an adverse effect on any cultural heritage resources.
Service lines	(xii) Whether the earthwork activity will adversely affect Council service lines.
Traffic	(xiii) Whether the traffic generated will adversely affect the safe and efficient operation of the road network and the amenity values of adjoining sites.
Duration	(xiv) Whether the earthworks will be completed in a short period, reducing the duration of any adverse effects.
Timing	(xv) Whether the timing of the earthworks will avoid the wettest seasons, when erosion and sediment runoff is the highest.

Explanation and Reasons

Establishing and operating utilities which do not comply with the Rules relating to site reinstatement, setbacks, amenity treatment for substations, stormwater control, and radio frequency radiation could have an adverse effect on the amenity values and health and safety values of adjoining sites. They could also affect the soil resources of the District, where stormwater control Rules are not complied with.

Rule 19.10.2
Upgrading of Existing Lines for Conveying Electricity

Upgrading of Existing Lines for Conveying Electricity

Rule 19.10.2.1
Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters:

(a) The scale, location and design of any structure.

19.10.2.2
Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

Health and safety

(a) Whether the increase/upgrading will worsen any adverse effects on health and safety of persons, and whether there are any health and safety mitigation measures proposed.

Road safety

(b) Whether the increase/upgrading will result in an adverse impact on or a reduction in road safety, by obstructing vision for motorists and pedestrians.

Visual impact

(c) Whether the increase/upgrading will have an adverse visual impact on the natural and built environment and in particular whether it will detract from the surrounding landscape by:

(i) reducing markedly the degree of visual openness of the landscape;
(ii) increasing the degree of modification in rural and non-urban coastal parts of the District, or reducing in other than a minor way the visual coherence of the landscape;
(iii) obscuring or significantly detracting from significant views obtained from public places.

Explanation and Reasons
Upgrading of existing lines in the manner specified has the potential to affect amenity values, particularly to generate adverse effects on the visual environment and landscape.

Rule 19.10.3
Earthworks Necessary for the Establishment of any Restricted Discretionary Activity

Earthworks Necessary for the Establishment of any Restricted Discretionary Activity

Rule 19.10.3.1
Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters:

(a) Location, scale, volume, timing, methodology and visibility of earthworks.

19.10.3.2 **Assessment Criteria**	**Assessment Criteria**
	When considering an application the Council will have regard to the following criteria:
Sediment/erosion control measures	(a) Whether the sediment/erosion control techniques are adequate to ensure that sediment remains on site.
Site function	(b) Whether the earthworks are necessary in order to allow for the proper functioning of the utility on the site.
Stability	(c) Whether the earthworks will adversely affect the stability of the site or neighbouring sites.
Stormwater and overland flows	(d) Whether the earthworks will adversely affect stormwater and overland flows, especially those identified in the Council's Stormwater and Catchment Management Plans, and create adverse effects on and off site, including: (i) increased flooding in the catchment; (ii) increased erosion of freshwater flow paths and estuary channels.
Roading and neighbourhood	(e) Whether the movement of soil or material to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
Stormwater systems	(f) Whether water containing sediment or contaminants will enter stormwater pipes, drains, channels or soakage systems, or flow onto the road from bare ground on the site during rainstorms.
Geological sites	(g) Whether the earthworks will adversely affect landforms of geological significance.
Water quality	(h) Whether the water quality or mauri (life supporting capacity) of water will be adversely affected by sediment runoff from the site.
Noise and dust	(i) Whether the activity will generate noise and dust effects which could detract from the amenity values of the adjacent area.
Visual quality and amenity values	(j) Whether the scale and location of cuts and fills will adversely affect the visual quality and amenity values of the landscape, the natural landform of any ridgeline or visually prominent areas, the visual amenity values of adjoining sites, and will take into account the sensitivity of the landscape.
Cultural heritage values	(k) Whether the earthwork activity will have an adverse effect on any cultural heritage resources.
Service lines	(l) Whether the earthwork activity will adversely affect service lines.
Traffic	(m) Whether the traffic generated will adversely affect the safe and efficient operation of the road network and the amenity values of adjoining sites.

Duration

(n) Whether the earthworks will be completed in a short period, reducing the duration of any adverse effects.

Timing

(o) Whether the timing of the earthworks will avoid the wettest seasons, when erosion and sediment runoff is the highest.

Explanation and Reasons

Any earthworks required for the establishment of utilities have the potential to generate adverse effects, particularly effects on amenity values, and visual effects. It is appropriate therefore to assess each proposal against specified criteria.

Rule 19.10.4
Cutting, Damaging or Removal of Any Tree Listed in Appendix 17C and Appendix 18A

Cutting, Damaging or Removal of Any Tree Listed in Appendix 17C and Appendix 18A or in a Significant Natural Area for the Purposes of Establishing, Operating or Maintaining a Utility

Rule 19.10.4.1
Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters:

(a) The extent and nature of any cutting, damaging or removal.

(b) The method and timing of any cutting, damaging or removal.

19.10.4.2
Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

Heritage values

(a) Whether the proposed work will have an adverse effect on those heritage values which justified the inclusion of the tree in Appendix 17C including any landscape or amenity value.

Amenity or scientific values

(b) Whether the proposed work will have an adverse effect on those amenity values or scientific values which justified the inclusion of the tree in Appendix 18A.

Significant Natural Area

(c) Whether the proposed work will have an adverse effect on any Significant Natural Area, including adverse visual effects.

Life of tree

(d) Whether the proposed operation is likely to extend or shorten the life of the tree.

Alternatives

(e) Whether alternative remedial mechanisms are available so that the removal of the tree(s) does not need to occur.

Alternative planting

(f) Whether appropriate alternative planting or remedial measures are proposed to replace the tree(s).

Explanation and Reasons

A number of trees, or areas of trees/bush, have been given specific recognition and protection in the Plan because of their particular characteristics and contribution they make to the District. Before any tree with this status is removed, it is appropriate to make an assessment of the effects of removing this tree.

19.10.5
Telephone Booths Not Otherwise Permitted

Telephone Booths Not Otherwise Permitted

19.10.5.1
Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters:

(a) Location and design of telephone booths

19.10.5.2
Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following criterion:

Effect on Road

(a) Whether the telephone booth will have an adverse effect on the safe and efficient operation of the road network.

Explanation and Reasons

The location of telephone booths too close to intersections, especially major intersections, can create serious safety concerns. It is therefore important that any proposal to locate a telephone booth within a defined road boundary is assessed to determine whether this can be achieved safely, and whether mitigation measures can be put in place.

19.10a
[Amendment 161]

CONTROLLED ACTIVITIES : MATTERS FOR CONTROL (Rule 19.8.2a Electricity Facilities – National Environmental Standard Regulations)

[Amendment 161]

Rule 19.10a.1
Undergrounding an existing transmission line

Undergrounding an existing transmission line if all the applicable conditions in Rule 19.8.2a.3 are complied with (Reg 12(2) NESET)

Rule 19.10a.1.1
Matters for control

Matters for Control

Control is reserved over the following matters;

(a) the location of termination structures, and the route of underground cables, in relation to—
  (i) visual, landscape, and ecological effects; and
  (ii) the effects on historic heritage; and

(b) the extent and nature of earthworks and control of sediment; and

(c) the effects and timing of construction works; and

(d) the effects on services and infrastructure.

Rule 19.10a.2
Altering, relocating, or replacing a tower or pole of an existing transmission line

Altering, relocating, or replacing a tower or pole of an existing transmission line (Reg 14(4) NESET)

Rule 19.10a.2.1
Matters for Control

Control is reserved over the following matters;

(a) visual, landscape, and ecological effects; and

(b) the effects on historic heritage; and

(c) the effects and timing of construction works; and

(d) the effects on services and infrastructure.

Rule 19.10a.3
Temporary structures and temporary line deviations provided for as a controlled activity

Temporary structures and temporary line deviations provided for as a controlled activity (Reg 18(3) NESET)

Rule 19.10a.3.1
Matters for Control

Control is reserved over the following matters:
(a) the duration of any works; and
(b) the effects and timing of construction works.

Rule 19.10a.4
Removal of an existing transmission line or part of an existing transmission line

Removal of an existing transmission line or part of an existing transmission line (Reg 20(2) NESET)

Rule 19.10a.4.1
Matters for Control

Control is reserved over the following matters:
(a) earthworks, clearance of trees and vegetation, and restoration of the land; and
(b) the effects and timing of construction works.

Rule 19.10a.5
Trimming, felling, or removing any tree or vegetation in relation to an existing transmission line

Trimming, felling, or removing any tree or vegetation in relation to an existing transmission line (Reg 30(2) NESET)

Rule 19.10a.5.1
Matters for Control

Control is reserved over the following matters:
(a) replanting; and
(b) disposal of trees and vegetation; and
(c) visual, landscape, and ecological effects.

Rule 19.10a.6
Earthworks relating to an existing transmission line

Earthworks relating to an existing transmission line (Reg 34(2) NESET)

Rule 19.10a.6.1
Matters for Control

Control is reserved over the following matters:
(a) the extent and nature of any disturbance; and
(b) management of the earthworks and the methods used to carry out the earthworks; and
(c) control of erosion and sediment and restoration of the land; and
(d) visual, landscape, and ecological effects; and
(e) the effects on historic heritage; and
(f) the effects on drainage, flooding, and overland flow paths.

Rule 19.10a.7
A construction activity relating to an existing transmission line

A construction activity relating to an existing transmission line (Reg 38(2) NESET)

Rule 19.10a.7.1
Matters for Control

Control is reserved over the following matters:
(a) the timing of the works; and
(b) the effects on sensitive land uses; and
(c) the giving of notice of the works to parties who may be affected.

[Amendment 161]

19.10b
[Amendment 161]

DISCRETIONARY ACTIVITIES : MATTERS FOR DISCRETION (Rule 19.8.2a Electricity Facilities – National Environmental Standard Regulations)

[Amendment 161]

19.10b.1
Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits

Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits in relation to an existing transmission line provided for as a restricted activity (Reg 9(6) NESET)

Rule 19.10b.1.1
Matters for Discretion

Discretion is restricted to the following matters:
(a) visual effects; and
(b) the effects and timing of construction works; and
(c) the effects on services and infrastructure.

Rule 19.10b.2
Altering, relocating or replacing a tower or pole of an existing transmission line

Altering, relocating or replacing a tower or pole of an existing transmission line (Reg 16(4) NESET)

Rule 19.10b.2.1
Matters for Discretion

Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
(a) the location and height of the transmission line support structures in relation to—
  (i) visual, landscape, and ecological effects; and
  (ii) the effects on historic heritage; and
  (iii) the effects on sensitive land uses; and
(b) earthworks, clearance of trees and vegetation, and restoration of the land; and
(c) the effects and timing of construction works.

Rule 19.10b.3
Installing or modifying a telecommunication device on a transmission line support structure of an existing transmission line

Installing or modifying a telecommunication device on a transmission line support structure of an existing transmission line provided for as a restricted discretionary activity (Reg 22(2) NESET)

Rule 19.10b.3.1
Matters for Discretion

Discretion is restricted to the following matters:
(a) the size, height, and number of telecommunication devices and associated telecommunication cables; and
(b) visual and landscape effects.

Rule 19.10b.4
Installing or modifying a sign on or next to a transmission line support structure of an existing transmission line

Installing or modifying a sign on or next to a transmission line support structure of an existing transmission line provided for as a restricted discretionary activity (Reg 24(2) NESET)

Rule 19.10b.4.1
Matters for Discretion

Discretion is restricted to the following matters:
(a) visual effects; and
(b) the effects on services and infrastructure.

Rule 19.10b.5
Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line

Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line provided for as a restricted discretionary activity (Reg32(2) NESET)

Rule 19.10b.5.1
Matters for Discretion

Discretion is restricted to the following matters:
(a) replanting; and
(b) disposal of trees and vegetation; and
(c) control of erosion and sediment; and
(d) visual, landscape, and ecological effects; and
(e) the effects on drainage, flooding, and overland flow paths.

Rule 19.10b.6
Earthworks relating to an existing transmission line: Historic Heritage Areas

Earthworks relating to an existing transmission line provided for as restricted discretionary activity if the condition in Rule 19.8.2a.6(g) is breached (Reg 35(2) NESET)

Rule 19.10b.6.1
Matters for Discretion

Discretion is restricted to the following matters:
(a) the extent and nature of any disturbance; and
(b) management of the earthworks and the methods used to carry out the earthworks; and
(c) control of erosion and sediment and restoration of the land; and
(d) visual, landscape, and ecological effects; and
(e) the effects on historic heritage; and
(f) the effects on drainage, flooding, and overland flow paths.

Rule 19.10b.7
Earthworks relating to an existing transmission line: potentially contaminated land

Earthworks relating to an existing transmission line provided for as a restricted discretionary activity if the condition in Rule 19.8.2a.6(h) is breached. (Reg 36(2) NESET)

Rule 19.10b.7.1 **Matters for Discretion**	Discretion is restricted to the following matters: (a) restoration of the land; and (b) management of the earthworks and the methods used to carry out the earthworks; and (c) the extent and nature of any disturbance in relation to ecological and health effects.

19.11 DISCRETIONARY ACTIVITIES : ASSESSMENT CRITERIA

19.11.1 General Assessment Criteria

General Assessment Criteria

Without limiting the exercise of its discretion, for all Discretionary Activity Resource Consent applications relating to utilities, the Council will have regard to the following Assessment Criteria (except those discretionary activities identified in Activity Table 1a), any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act:

Landscape

(a) Whether the activity will have an adverse visual impact on the natural and built environment, and in particular, whether it will detract from the surrounding landscape by:

(i) reducing markedly the degree of visual openness of the landscape;
(ii) increasing the degree of modification in rural and non-urban coastal parts of the District, or reducing in other than a minor way the visual coherence of the landscape;
(iii) being incongruous with the existing landform particularly with respect to ridge lines, promontories and coastline;
(iv) obscuring or detracting from significant views obtained from public places;
(v) being incongruous with existing heritage resources such as sites, buildings, places or areas of heritage and archaeological value.

Amenity and natural values

(b) Whether the utility will adversely affect amenity and natural values by removing or modifying significant bush, vegetation, landform or other natural habitats, or adversely affecting the quality of water bodies including the sea.

Character

(c) Whether the utility will result in any adverse impact on the existing character of the area in which it is proposed to be located, considering issues such as:

(i) the scale of the work;
(ii) the intensity of the proposed activity, including hours of use and the number of people involved, and the volume of traffic generated.

External appearance

(d) Whether the height, colour, form and scale of the proposed utility and its overall design and external appearance will result in any adverse effects being avoided or mitigated with respect to the scale and form of the buildings on adjoining or neighbouring sites or important aspects or characteristics of the landscape in which it is located.

Screening

(e) Whether the utility is screened by landscaping or other means, sufficient to soften hard structures and minimise the scale of structures, and to result in a visual appearance compatible with the surrounding structures and built forms in the landscape, having regard to operational requirements.

Visual effects

(f) Whether there are cumulative adverse visual effects on the landscape or

	character of the general vicinity as a result of adding to existing utility services within the area, particularly overhead lines or radio communication or telecommunication facilities.
Recreational resources	(g) Whether the utility will reduce the ability to use or enjoy an existing recreational resource or detract from the resource.
Road safety	(h) Whether the utility will result in an adverse impact on, or a reduction in, road safety, by obstructing vision for motorists and pedestrians and through the unnecessary siting of structures near intersections and on bends of roads.
Households	(i) Whether the siting of a utility has taken into account the proximity and nature of existing household units, or likely future household units permitted by the Plan, in terms of visual impact, site access, noise and health and safety.
Access	(j) Whether the vehicular access to the site provides for safe and convenient access without detrimentally affecting the safety and efficiency of the road network or pedestrian safety.
Radiation	(k) Whether there will be any effects on health and safety of persons and whether there are any health and safety measures proposed. The radio frequency emissions should be such that the exposure to radio frequency emission fields in areas normally accessible to the public is estimated not to exceed the exposure limit set in NZS 2772.1 1999.
Alternatives	(l) Whether alternative sites or routes have been considered and whether the impact of the alternatives on the environment is less than that of the proposal.
Co-location	(m) Whether there is technical and practical potential for co-location of facilities on other sites, and whether this has been considered by the applicant.
Positive effects	(n) Whether there are positive effects on the environment of providing the utility.

Rule 19.12

SUBDIVISION

Rule 19.12.1

(a) The subdivision of land for the purpose of creating a site for a utility structure is a Restricted Discretionary Activity where the standard in Rule 19.12.2 is met.

(b) Any subdivision not provided for in Rule 19.12.1(a) shall be a Discretionary Activity.

Rule 19.12.2
Development Controls

Development Controls

Rule 19.12.2.1
Site Size

Site Size

(a) The maximum site size shall be 50m^2.

Explanation and Reasons
For operational and administrative reasons it is desirable that the land on which utilities are to be located is sometimes subdivided off from the parent site. The maximum site size of 50 square metres is intended to accommodate smaller utilities such as electricity transformers, small substations, unmanned telephone exchanges and cellphone masts and the like. It is intended that, where major utilities are to be established, then either existing sites capable of accommodating them be used or specifically designed sites be established by way of Discretionary Activity consent.

Rule 19.12.3
Restricted Discretionary Activities: Matters for Discretion

Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria

In accordance with section 76(3B) and 105(3A) of the Act the Council will restrict its discretion to the matters listed when considering Restricted Discretionary Activity resource consent applications.

Rule 19.12.3.1

Matters for Discretion

The Council will restrict its discretion to the following matters:

(a) The size of any proposed site.

(b) The shape of any proposed site.

(c) Access for any proposed site.

(d) The provision of esplanade reserves.

(e) The extent and nature of earthworks.

19.12.3.2

Assessment Criteria

When considering an application for subdivision the Council will have regard to the following criteria:

(a) Whether the site will be able to accommodate:

Buildings/structures

(i) buildings or structures of an appropriate size for the proposed utility; and

Parking

(ii) any necessary on-site parking area or manoeuvring area.

Natural hazards

(b) Whether the creation of a suitable building area for any structure, or any access to the site will adversely affect any significant natural feature, or exacerbate any natural hazard.

Road and traffic safety

(c) Whether the access to the site adversely affects road and traffic safety or efficiency.

Esplanade reserves

(d) Whether the provision of esplanade reserves is necessary to avoid, remedy or mitigate adverse effects.

19.12.4 Discretionary Activities Assessment Criteria

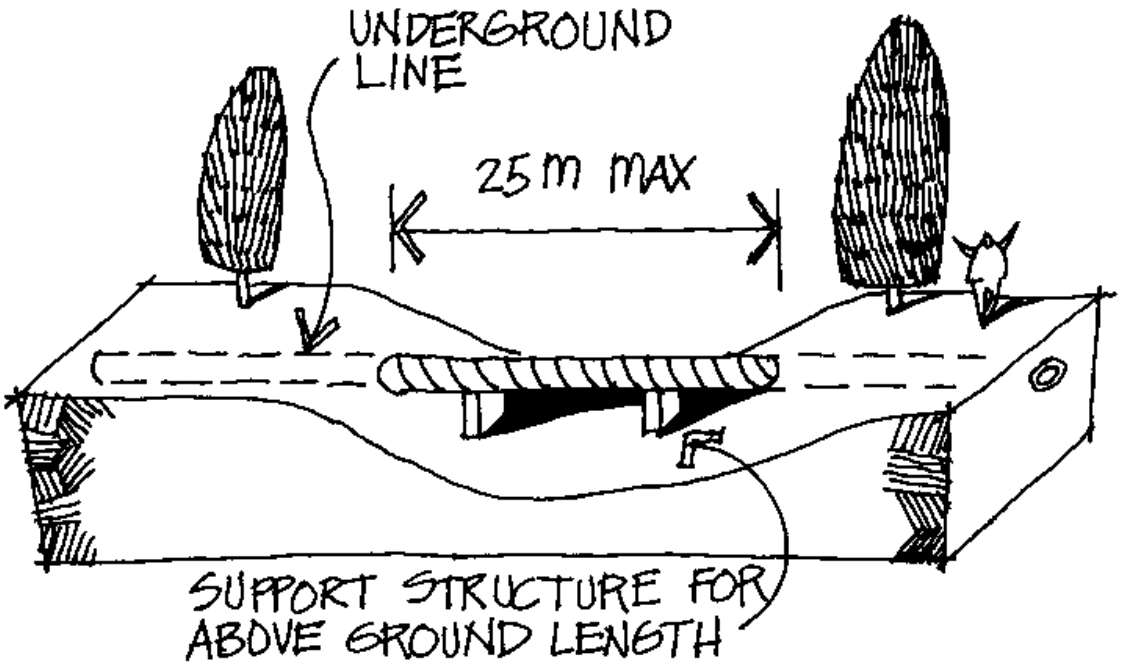
Discretionary Activities: Assessment Criteria

Without limiting the exercise of its discretion when assessing an application for subdivision as a Discretionary Activity, the Council will have regard to the following Assessment Criteria and the relevant matters set out in section 104 of the Act:

(a) Whether the site is of an appropriate size to accommodate the particular utility, including maintenance, without adverse effect on sites in the vicinity, including effects on amenity values, health and safety, and road and traffic safety.

APPENDIX 19A

EXPLANATORY NOTE: ABOVE GROUND LENGTHS FOR UNDERGROUND LINES AS A PERMITTED ACTIVITY



APPENDIX 19B

Interpretation (Reg 3 NESET)

[Amendment 161]

In respect of any activity provided for in activity Table 1a, unless the context requires another meaning,—

abrasive blasting means wet abrasive blasting and dry abrasive blasting

Act means the Resource Management Act 1991

base footprint means the footprint of a tower at the commencement of these regulations

base height means the height of a transmission line support structure at the commencement of these regulations

base position means the position of a pole at the commencement of these regulations

base width means the length of the longest side of a tower's base footprint

blasting means water blasting and abrasive blasting

circuit means conductors on a transmission line that together form a single electrical connection between 2 or more system nodes

conductor—
(a) means wire or cable used for carrying electric current along a transmission line; and
(b) includes any hardware and insulation associated with the wire or cable

dry abrasive blasting means using abrasive material in air and directing it at pressure to wear down or remove the coatings or corrosion on a structure's surface

earth-wire—
(a) means a protective wire that provides a path to ground for electrical current from a fault or lightning strike; and
(b) includes an earth-wire that contains optic fibres; and
(c) includes any hardware associated with the wire

earthworks means the disturbance of the surface of land by activities including blading, tracking, boring, contouring, ripping, moving, removing, stockpiling, placing, replacing, recompacting, excavating, cutting, and filling earth (or any other matter constituting the land, such as soil, clay, sand, or rock)

envelope for controlled activities means the quadrangle formed by moving each side of a tower's base footprint outwards by 150% of the tower's base width and joining the sides (as shown in the second diagram in Appendix 19C)

envelope for permitted activities means the quadrangle formed by moving each side of a tower's base footprint outwards by 60% of the tower's base width and joining the sides (as shown in the first diagram in the Appendix 19C)

existing transmission line—
(a) means a transmission line that was operational, or was able to be operated, at the commencement of these regulations; and
(b) includes a transmission line described in paragraph (a) that is altered or relocated in accordance with these regulations; and
(c) includes a transmission line that, in accordance with these regulations, replaces a transmission line described

in paragraph (a)

footprint means the outline of the land occupied by a tower, formed by drawing straight lines between the outermost edges of the outermost parts of the tower at ground level

height, in relation to a transmission line support structure, means the height of the structure measured vertically from the ground level at the centre of the structure to the highest point of the structure (including conductors, but excluding telecommunication devices, earth peaks, and lightning rods)

historic heritage area—
(a) means an area that is protected by a rule because of its historic heritage; and
(b) to avoid doubt, includes an area that is protected by a rule because it is a site of significance to Māori

land includes—
(a) land covered by water and the air space above land; and
(b) the bed of a lake or river; and
(c) the surface of water in a lake or river

national grid means the network that transmits high-voltage electricity in New Zealand and that, at the commencement of these regulations, is owned and operated by Transpower New Zealand Limited, including—
(a) transmission lines; and
(b) electricity substations

natural area means an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna

normal operating conditions has the meaning given by regulation 10(9) NESET

occupied building means a building that is, or is intended to be, regularly occupied by 1 or more people

operation means the use of a transmission line to convey electricity

overland flow path means the path that water takes over land if there is flooding

pole—
(a) means a structure that supports conductors as part of a transmission line and that—
  (i) has no more than 3 vertical supports; and
  (ii) is not a steel-lattice structure; and
(b) includes the hardware associated with the structure (such as insulators, cross-arms, and guy-wires) and the structure's foundations

sensitive land use includes the use of land for a childcare facility, school, residential building, or hospital

telecommunication cable—
(a) means a wire or cable used for telecommunication; and
(b) includes any hardware associated with the wire or cable

telecommunication device—
(a) means a device (for example, an antenna) that—
  (i) facilitates the operation of a transmission line; and
  (ii) receives or transmits telecommunication signals; and
(b) includes any hardware associated with the device; but
(c) does not include a telecommunication cable

temporary line deviation means the construction and use of a temporary section of transmission line to divert

electricity transmission during the maintenance or upgrading of an existing section of transmission line

temporary structure—
(a) means a non-permanent structure, and any associated lighting, erected only for a specific maintenance or upgrading task; but
(b) does not include a transmission line that is part of a temporary line deviation

termination structure means a tower or pole used for the transition between an overhead and an underground transmission line

tower—
(a) means a steel-lattice structure that supports conductors as part of a transmission line; and
(b) includes the hardware associated with the structure (such as insulators, cross-arms, and guy-wires) and the structure's foundations

transmission line—
(a) means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid; and
(b) includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but
(c) does not include an electricity substation

transmission line support structure means a tower or pole

undergrounding—
(a) means replacing overhead transmission lines with underground transmission lines; and
(b) includes altering, relocating, or replacing a tower or pole at 1 or both ends of the underground transmission lines so that the tower or pole becomes a termination structure

upgrading means increasing the carrying capacity, efficiency, security, or safety of a transmission line

water blasting means directing water at pressure to clean or wash a structure's surface

wet abrasive blasting means using abrasive material in water and directing it at pressure to wear down or remove the coatings or corrosion on a structure's surface.

(2) If a transmission line support structure is altered, relocated, or replaced after the commencement of these regulations, the altered, relocated, or replacement structure retains the base footprint, base height, base position, base width, envelope for controlled activities, and envelope for permitted activities of the first structure.

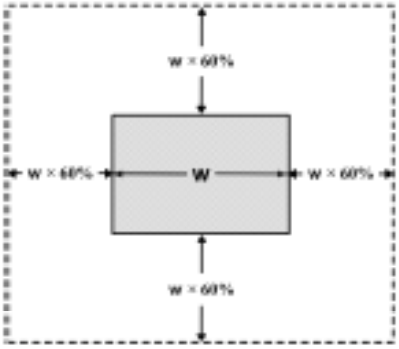
(3) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in these regulations has the meaning given by the Act.

APPENDIX 19C

Envelopes for activities relating to towers. (Schedule NESET)

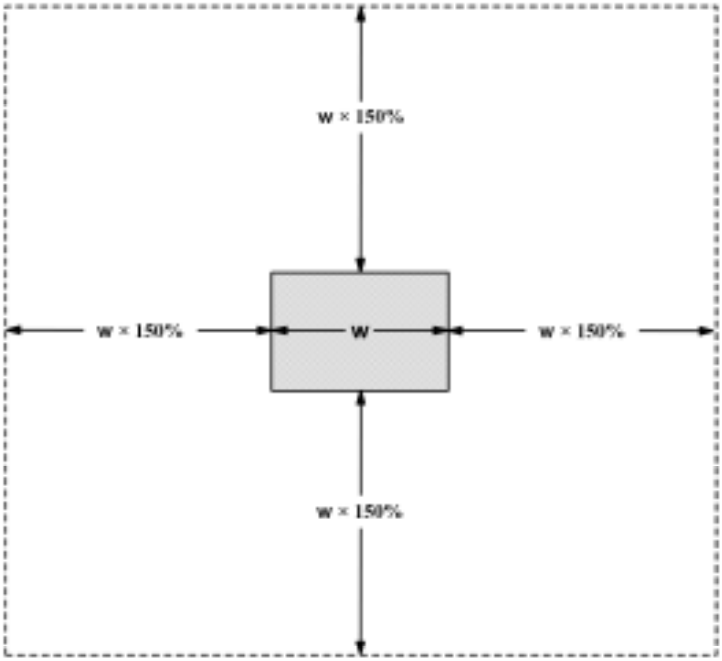
[Amendment 161]

Envelope for permitted activities



where—
w is the base width
the inner rectangle is the base footprint
the outer rectangle (dashed) is the envelope for permitted activities.

Envelope for controlled activities



where—
w is the base width
the inner rectangle is the base footprint
the outer rectangle (dashed) is the envelope for controlled activities.

APPENDIX 19D

Definitions Applicable to Activities Provided for Through National Environmental Standards for Telecommunication Facilities 2008 (Reg 3 NESTF)

[Amendment 161]

antenna—
(a) means a device that—
(i) receives or transmits radiocommunication or telecommunication signals; and
(ii) is operated by a network operator; and
(b) includes the mount, if there is one, for the device; and
(c) includes the shroud, if there is one, for the device

cabinet means a casing around equipment that is necessary to operate a telecommunication network mount means a structure for attaching an antenna to an original utility structure or a replacement utility structure

network operator has the meaning given to it by section 5 of the Telecommunications Act 2001

original utility structure means a power pole, street light pole, traffic light pole, or structure like those kinds of poles, as it is before any of the following happens to it:
(a) an antenna is added to it; or
(b) it is modified to enable an antenna to be added to it; or
(c) it is replaced to enable an antenna to be added to the replacement.

utility structure means—
(a) an original utility structure that has an antenna added to it; and
(b) an original utility structure that—
(i) is modified to enable an antenna to be added to it; and
(ii) has an antenna added to it; and
(c) a replacement of an original utility structure that—
(i) replaces the original utility structure to enable an antenna to be added to the replacement; and
(ii) has an antenna added to it

road reserve means a formed legal road and the land, if there is any, right next to it up to the legal boundary of the adjacent land

telecommunication facility means—
(a) an antenna:
(b) a cabinet and, if there is one, the plinth for the cabinet.