

Text: Part 5 - Network utility services

Code (clause)	Decision requested	Sub. no
5	Retain proposed reference/inclusion of telecommunication sites as network utility services throughout the Plan.	1076/1
5	Amend the plan to provide for navigational aids, air traffic control facilities and flight information services as permitted activities in appropriate land units and settlement areas.	1084/2
5	The removal of part 5 Utilities and reintroduction of community mandated controls in line with the strategic importance of Lot 1 DP67008 Wilma Road, Ostend.	1139/5
5	Facilitate the development of community and household scale infrastructure esp. for water supply and electricity.	1166/19
5	Seeks amendment by modifying at the appropriate places esp rules, activity table for the construction, operation and maintenance of roads (in part 5) to ensure sound environmental outcomes. These outcomes will affect culvert pipes and public open space. Most places where roadworks intersect with streams and wetlands there is no effective fish bypass.	2293/1
5	Remove Part 5.0 Network utilities from the Plan along with consequential removal of Part 10c.5.6 and 10c.5.6.1 and replacement with community mandated policies and rules and such wider changes to the Plan consequent thereon.	3061/41
5.1	Amend clause 5.1 paragraph 3, third sentence, to read (additions are shown underlined) "It is also recognised that <u>some</u> utility operators have specific legislative rights under legislation that expressly provides for utility services."	519/4
5.1	That the wording below be adopted by the council in the (clause 5.1): <ul style="list-style-type: none"> • "Network utility services provide an important part of the overall physical resources for the islands. They are also a means of providing for the economic and social wellbeing for the island communities. • It is also recognised that utility operators have specific legislative rights under legislation that expressly provides for utility services. • The council recognises the importance of utility services: 	941/6
5.1	Remove general reference to wastewater from clause 5.1.	1250/10
5.1	Include a new section in clause 5.1 for the ongoing maintenance only, of the Owhanake Wastewater Treatment Plant.	1250/11
5.1	State in clause 5.1 that wastewater on Waiheke will continue to be treated and disposed of through on site systems.	1250/12
5.1	State in clause 5.1 that grey water recycling systems will be required for all new development.	1250/13
5.2	Issues 5.2 (1)-(3) be adopted	941/7
5.2	The issues clause 5.2 be amended by including further issues as follows, or words of similar effect: "The most appropriate resource management techniques to provide for the wide range of public works and network utilities in the District Plan. How to provide for the efficient development, operation and maintenance of public works and network utilities. How to co-ordinate the provision of public works and network utilities with the demands for new or intensified development".	941/8
5.3.1	Objective 5.3.1 (or words to similar effect) be adopted.	941/9
5.3.1	Policies 5.3.1 (1)-(8) (or words to similar effect) be adopted.	941/12
5.3.1	Policy 5.3.1(5) be amended as follows (or words to similar effect): "5. By encouraging the co-ordination and co-location of works between network utility operators to minimise environmental impacts and community disruption, <u>where practicable.</u> "	941/13
5.3.1	The explanation for clause 5.3.1 be adopted.	941/14
5.3.1	Amend clause 5.3.1(6) as follows (additions underlined and deletions in strikethrough): "By <u>requiring</u> <u>encouraging</u> network utility operators to comply <u>be consistent</u> with the Code of Practice for Working in the Road."	1116/1
5.3.1	Seeks that policy 5.3.1 (8) be amended to prohibit further overhead lines being put in place in new subdivisions.	2929/1
5.3.2	Ban all "up" lighting and remove all "up" lighting in order to eliminate all light scatter to the night sky.	663/2
5.3.2	Amend Objective 5.3.2 as follows (or words to similar effect): "To ensure ... are <u>appropriately</u> avoided, remedied or mitigated <u>where practicable.</u> "	941/10
5.3.2	Policy 5.3.2 (1) be amended to read (or words to similar effect): "By ensuring that utility services meet appropriate environmental standards so that adverse effects are avoided, remedied or mitigated,	941/15

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	where practicable."	
5.3.2	Policy 5.3.2(2) (or words to similar effect) be adopted.	941/16
5.3.2	Amend clause 5.3.2(1) as follows (additions underlined and deletions in strikethrough): "By ensuring That utility services meet appropriate environmental standards so that <u>in order to reduce any significant adverse effects do not occur.</u> "	1117/1
5.3.2	Amend the explanation to clause 5.3.2 as follows (additions underlined and deletions in strikethrough): " The standards have been established to ensure that there is minimal adverse effect on the environment <u>and provide guidance for</u> The standard must be met during the establishment, operation and maintenance of utility services. Should the standards not be met, resource consent will be required to exceed the standards."	1117/2
5.3.3	Amend Objective 5.3.3 as follows (or words to similar effect): "To ensure that the establishment of network utility services do not <u>unnecessarily</u> detract from the visual amenity of the environment or any heritage values, <u>where practicable.</u> "	941/11
5.3.3	Policy 5.3.3(1) be amended to read (or words to similar effect): "By encouraging underground services for new subdivision and development, where practicable".	941/17
5.3.3	Policy 5.3.3(3) be amended to read (or words to similar effect): "By encouraging utility operators to underground existing overhead utilities where the opportunity exists for co-ordinated works with council road works, and considering any relevant constraints."	941/18
5.3.3	Policy 5.3.3(6) be amended to read (or words to similar effect): "By controlling large scale above ground and overhead utility services on significant ridgelines and in land units with high landscape value to ensure that they do not detract from the visual amenity of the surrounding environment, where practicable."	941/19
5.3.3	Policy 5.3.3(7) be amended as follows (or words to similar effect): "By assessing the cumulative visual impact of multiple antennae on the environment."	941/20
5.3.3	Policy 5.3.3(8) be amended as follows (or words to similar effect): "By encouraging utility operators to design utility services that are visually sympathetic to the environment, where practicable".	941/21
5.3.3	Policy 5.3.3(9) be amended as follows (or words to similar effect): "By requiring the removal of redundant or obsolete services, particularly within the road, where appropriate and practicable".	941/22
5.3.3	Policy 5.3.3(10) be amended as follows (or words to similar effect): "By encouraging utility operators to provide a long term plan for undergrounding existing overhead utilities in the future, where appropriate and practical".	941/23
5.3.3	The 2 nd , 7 th and 10 th paragraphs of the explanation for clause 5.3.3 be amended to read (or words to similar effect): "Where new subdivision or development occurs undergrounding of services is encouraged. The council will also require the removal of redundant or obsolete services in the road, where appropriate and practicable. Generally, there needs to be a balance between providing utility services and ensuring that they do not detract from the environment in which they are located, where practicable. The above policies recognise the unique nature of utility services while ensuring that they can be established, operated and maintained so that minor adverse effects on the environment can be avoided, remedied or mitigated".	941/24
5.3.3	Amend the eighth paragraph of the explanation of clause 5.3.3 as follows (additions underlined, and deletions in strikethrough) : "The cumulative effect of aboveground and utility services in any one location can have an adverse effect on an area. There is a need. <u>The provisions of the District Plan seeks to avoid a minimise the proliferation of separate structures and this requires a co-operative approach where feasible and practicable</u> so that visual impacts effects are avoided or minimised <u>appropriately managed</u> . This is particularly relevant in the fast changing communications industry where sites for cellular phone towers, antennas and wireless internet services can be difficult to find."	1111/1
5.3.3	Amend clause 5.3.3(1) to reflect that not all types of development require the undergrounding of services.	1243/41
5.3.3	Delete policy 5.3.3 (10) and add a policy that mandates long term plans for undergrounding, and requires further reticulation to be under grounded.	2928/1

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5.4	That in clause 5.4 "wastewater" means only blackwater adequate to pump without the addition of other waters.	306/4, 372/4, 564/4, 578/4, 581/4, 635/4, 640/4, 645/4, 654/4, 676/4, 704/4, 708/4, 728/4, 743/4, 870/4, 882/4, 907/4, 934/4, 956/4, 1024/4, 1141/4, 1237/4, 1322/4, 1778/4, 1779/4, 1780/4, 1781/4, 1782/4, 1783/4, 1784/4, 1785/4, 1786/4, 1787/4, 1788/4, 1789/4, 1790/4, 1791/4, 1792/4, 2282/4, 2636/4, 2674/4, 2685/4, 2781/4, 2835/4, 2993/4, 3061/158, 3207/4, 3226/4, 3240/4, 3251/4, 3273/4, 3275/4, 3287/4, 3303/4, 3312/4, 3319/4, 3334/4, 3342/4, 3348/4, 3364/4, 3369/4, 3535/4, 3576/4, 3821/4, 3837/4
5.4	The second paragraph of the (clause 5.4) be amended to read (or words to similar effect): "While the Plan acknowledges the need for, <u>and essential nature of</u> , utility services, the Plan also seeks to ensure that any adverse effects on the environment are avoided, remedied or mitigated. In particular, the visual amenity of the islands is unique and the council wishes to ensure that any effects on these qualities are avoided or minimised".	941/25
5.5	The removal of clauses 5.5.2 to 5.5.4 from part 5 - utilities.	1147/2
5.5.1	That the following be provided for as permitted activities throughout the islands: Aboveground network utilities (not otherwise specifically provided for) outside of legal road that can meet the relevant development controls contained within clause 5.6	33/1
5.5.1	<u>Amend</u> the 11th, 12th and 20th rows of the activity table in clause 5.5.1 to replace "cell site" and/or "cell phone" antennas and masts with the more generic description of "radio-communication and telecommunication antennas" (or relief of similar effect).	33/2
5.5.1	<u>Amend</u> row 17 of the activity table in clause 5.5.1 to include overhead lines adjacent to formed legal roads in rural 1 as a permitted activity.	33/5
5.5.1	<u>Amend</u> row 10 and 19 of the activity table in clause 5.5.1 as necessary such that antennas attached to buildings are permitted activities, and there is no limit on the number of antennas attached to a building.	33/6
5.5.1	<u>Amend</u> row 21 of the activity table (clause 5.5.1) to make activities not meeting one or more of the development standards a restricted discretionary activity, with the council's discretion restricted to matters relevant to the standard infringed.	33/7
5.5.1	<u>Amend</u> the activity status for row 23 of the activity table (clause 5.5.1) to make above ground network utilities outside of legal roads discretionary activities.	33/8
5.5.1	<u>Amend</u> the wording of clause 5.5, to read (additions shown in underline) "Any aboveground telecommunication, electricity or wastewater network utility that has an area not exceeding of 2m ² in plan view and does not exceed 1.6m in height (excluding plinth) provided that this rule excludes masts, <u>vents and antennas</u> " or words of like effect.	519/5
5.5.1	<u>Amend</u> the wording of clause 5.5 to read (additions shown in underline) "Maintenance and operation of existing network utility services <u>and upgrading of underground infrastructure</u> ".	519/6
5.5.1	<u>Amend</u> clause 5.5.1, third row to read as follows: "Underground telecommunication, electricity, <u>water and wastewater</u> and network utilities".	537/1
5.5.1	That in clause 5.5.1 "wastewater" means only blackwater adequate to pump without the addition of other waters	306/5, 372/5, 564/5, 578/5, 581/5, 635/5, 640/5, 645/5, 654/5, 676/5, 704/5, 708/5, 728/5, 743/5, 870/5, 882/5, 907/5, 934/5, 956/5, 1024/5, 1141/5, 1237/5, 1322/5,

Code (clause)	Decision requested	Sub. no
		1778/5, 1779/5, 1780/5, 1781/5, 1782/5, 1783/5, 1784/5, 1785/5, 1786/5, 1787/5, 1788/5, 1789/5, 1790/5, 1791/5, 1792/5, 2282/5, 2636/5, 2674/5, 2685/5, 2781/5, 2835/5, 2993/5, 3061/159, 3207/5, 3226/5, 3240/5, 3251/5, 3273/5, 3275/5, 3287/5, 3303/5, 3312/5, 3319/5, 3334/5, 3342/5, 3348/5, 3364/5, 3369/5, 3535/5, 3576/5, 3821/5, 3837/5
5.5.1	<p>(a) The activity table in clause 5.5.1 be adopted as notified, subject to the relief sought in paragraphs (b) - (g) below.</p> <p>(b) The fourth activity be amended to read (or words to similar effect): "Bundling of existing overhead telecommunication and electricity lines provided that the new line does not exceed 50mm in diameter".</p> <p>(c) The ninth activity be amended to read (or words to similar effect): "Any aboveground telecommunication, electricity or wastewater network utility that has an area not exceeding of 6m² in plan view and does not exceed 1.75m in height (excluding plinth) provided that this rule excludes masts and antennas".</p> <p>(d) The fourteenth activity be adopted as notified.</p> <p>(e) The seventeenth activity be a permitted activity in respect of landform 1 - 7 and also in respect of all rural land units (rural 1, 2 and 3).</p> <p>(f) The twenty-first activity be amended so that it is a restricted discretionary activity.</p> <p>(g) The twenty-third activity be amended so that it is a discretionary activity.</p>	941/26
5.5.1	Supports row 13 of table 5.5.1.	1110/1
5.5.1	Amend row 9 in activity table 5.5.1 as follows (additions underlined and deletions in strikethrough): "Any aboveground telecommunication, electricity or wastewater network utility <u>located within the legal road reserve</u> that has an area not exceeding of 2m ² in plan view and does not exceed 4-6 1.8m in height (exe <u>including</u> plinth) provided that this rule excludes masts and antennas."	1112/1
5.5.1	Insert a new row in activity table 5.5.1 which makes the following a permitted activity: "Any aboveground telecommunication, electricity or wastewater network utility which complies with the relevant development controls for the zone it is located."	1112/2
5.5.1	Amend row 18 in activity table 5.5.1 as follows (additions underlined and deletions in strikethrough): "Any aboveground telecommunication, electricity or wastewater network utility <u>located within the legal road reserve</u> that has an area exceeding 2m ² in plan view and exceeds 4-6 1.8m in height (exe <u>including</u> plinth) provided that this rule excludes masts and antennas."	1112/3
5.5.1	Amend row 10 of activity table 5.5.1 as follows (additions underlined and deletions in strikethrough): "Up to <u>five</u> antennas attached to building."	1113/1
5.5.1	Amend row 19 of activity table 5.5.1 as follows (additions underlined and deletions in strikethrough): " Three <u>Six</u> or more antennas attached to a building."	1113/2
5.5.1	Amend row 12 in activity table 5.5.1 as follows (additions underlined and deletions in strikethrough): "Cell phone masts and <u>attached antennas in commercial 5 and landform 3, 5 and 6; and rural 1.</u> "	1114/1
5.5.1	Delete row 20 in activity table 5.5.1.	1114/2
5.5.1	Opposes wastewater reticulation apparently provided for as a 'permitted activity' in clause 5.5.1.	1179/1
5.5.1	Include "Bus stops/shelters" as a Permitted or Restricted Discretionary Activity in clause 5.5.1 Activity Table Network Utility Services. Council's discretion could be restricted to ensuring traffic safety and constructed form.	1596/8
5.5.1	Amend clause 5.5.1 Activity table, by amending row 10 to read as follows (insertions marked with underlining):	2106/5

Code (clause)	Decision requested	Sub. no
	'Up to two antennas attached to a building (<u>excluding existing pole structures</u>)'	
5.5.1	Amend clause 5.5.1 Activity table, by amending row 19 to read as follows (insertions marked with underlining): 'Three or more antennas attached to a building (<u>excluding existing pole structures</u>)' Or alternative wording to like effect.	2106/6
5.5.1	Change the Activity table rule at clause 5.5.1 Construction ... of road network to "Restricted Discretionary"	2294/2
5.5.1	Upgrading of network utility services to be a discretionary activity, with manifest reluctance to underground a notified application.	2928/2
5.5.1	Seeks that the upgrading of overhead lines be a discretionary activity with a presumption of undergrounding.	2929/2
5.5.1	Provide Objectives, Policies, Rules and Assessment Criteria in clause 5.5.1 that recognise and provide for dedicated cycleways along the main roads between the villages and to the wharf at Matiatia and Kennedy Point.	2935/1
5.5.1	The community must have the right to dialogue and decide over an issue as important as reticulation. It must not be a permitted activity which officers or planners on the Isthmus can decide for us. They can guide us, present us with well researched alternatives, but not decide for us (with specific reference to clause 5.5.1).	3406/1
5.5.1	Remove unformed legal road (as shown on maps 34 to 61) from land unit restrictions.	3621/1
5.5.1	The formulation of Objectives, Rules and Policies that prevent any roading on peninsulars and promontories around Waiheke Island.	3701/2
5.5.2	Clause 5.5.2, be adopted	941/27
5.6	The removal of clauses 5.6.2 to 5.6.4 and their replacement with community mandated policies and rules.	1156/1
5.6	That objectives, policies and rules be developed in clause 5.6 for the enhancement of public open space.	2295/1
5.6.2	Amend clause 5.6.2(2)(a) to allow for a zone height exceedence of 5m in rural and business land units.	33/9
5.6.2	Amend clause 5.6.2.(2)(b) by removing reference to the " <i>lowest point of the roof line of the building</i> ".	33/10
5.6.2	Amend clause 5.6.2.(2) (height) to replace " <i>cell site</i> " and " <i>cell phone</i> " masts and antennas with the more generic description of " <i>radio-communication and telecommunication</i> " masts and antennas (or relief of similar effect).	33/11
5.6.2	Above ground telecommunication network infrastructure and aboveground electricity network infrastructure be added to the list of exempt activities in clause 5.6.2(1).	941/28
5.6.2	Supports clause 5.6.2 (1) (b).	1110/2
5.6.2	Amend clause 5.6.2(2)(a) as follows (additions underlined and deletions in strikethrough): "A cell phone mast and attached antennas may exceed the height limit in commercial 5, landform3, 5 and 6; <u>and rural 1</u> by a maximum of 3 5m."	1115/1
5.6.2	Amend clause 5.6.2(2)(b) as follows (additions underlined and deletions in strikethrough): "A cell site antenna attached to an existing building may exceed either the maximum height for the land unit or settlement area or the lowest point of the roofline of the building by a maximum of 2m, whichever is the lesser <u>may be attached to an existing building, provided it does not exceed the existing building height by more than 3m at its point of attachment.</u> "	1115/2
5.6.3	Above ground telecommunication network infrastructure and aboveground electricity network infrastructure be added to the list of exempt activities in clause 5.6.3(1).	941/29
5.6.3	Supports clause 5.6.3 (1) (b).	1110/3
5.6.4	Aboveground telecommunication network infrastructure and aboveground electricity network infrastructure be added to the list of exempt activities in clause 5.6.4(1).	941/30
5.6.4	Supports clause 5.6.4 (1) (b)	1110/4
5.6.6	Clause 5.6.6 be amended to read (or words to similar effect): "Any building associated with network utility services must comply with the ridgeline control applying in the land unit or settlement area in which it is located".	941/31
5.6.7	Clause 5.6.7 be amended to read (or words to similar effect): " Tree and vegetation removal "	941/32

Code (clause)	Decision requested	Sub. no
	<p>Any network utility service must comply with the indigenous vegetation controls and any exotic tree protection controls applying in the land unit or settlement area in which they are located, except that the actions of any person in carrying out work which is authorised by statute or regulations (including the Electricity Act 1992 and the Electricity (Hazards from Trees) Regulations 2003) are exempt from this rule and such activities are permitted. In such circumstances, the person concerned shall notify the Council in writing no later than 7 days prior to the work commencing as to the reasons for the work. Refer to clause 10c.5.3 for rules about exotic tree and indigenous vegetation protection on legal roads.</p> <p>Notes: 1. Trimming of vegetation for network utility services is also controlled by the Telecommunication Act 2001 and Electricity Regulations 2004".</p>	
5.7.2	Amend clause 5.7.2 to remove the reference to radio frequency fields from the heading and to delete the third bullet point.	1108/1
5.7.5	<p>Insert a new subsection 5.7.5 as follows "Radio frequency emissions</p> <p>All network utility services shall comply with NZS 2772.1:1999".</p>	1108/2
5.8.1	<p>The first restricted discretionary activity in the table at clause 5.8.1 be amended to read: "Any aboveground telecommunication, electricity or wastewater network utility that has an area not exceeding of 6m² in plan view and does not exceed 1.75m in height (excluding plinth) provided that this rule excludes masts and antennas".</p>	941/33
5.8.1	<p>Matter for discretion c. (clause 5.8.1) be amended as follows (or words to similar effect): "Whether landscaping and/or screening is practicable, and would effectively mitigate visual and amenity effects so that the effects of the work are internalised on the site and do not adversely affect adjacent properties, particularly residential and open space uses".</p>	941/34
5.8.1	<p>Matter for discretion g.(clause 5.8.1) be amended to read (or words to similar effect): "Whether trees and other vegetation need to be removed for the construction of the utility service. In particular, tree and vegetation removal should be kept to a minimum and, where appropriate and practicable, screening and landscaping should be undertaken to mitigate the effects of such removal".</p>	941/35
5.8.1	<p>Matter for discretion j. (clause 5.8.1) be amended to read (or words to similar effect): "Whether conditions are required to address the removal of redundant above ground utility equipment or structures in the event that it is on the same alignment or locality as the proposal. With respect to utility services in legal road, reference should be made to the Code of Practice for Working in the Road".</p>	941/36
5.8.1	<p>Matter for discretion r. (clause 5.8.1) be amended as follows (or words to similar effect): "Whether it is necessary to locate services overhead, having regard to any technical, practical, operational or financial constraints or ground conditions that make placement underground unfeasible. Whether the placement of overhead services would have any additional adverse effects on the visual environment, amenity values or health and safety, having regard to the level of adverse effects caused by existing network utility services in the vicinity".</p>	941/37
5.8.1	Amend clause 5.8.1 to replace the reference to council's bylaw in criterion P with reference to NZS2772.1:1999.	1108/3
5.8.1	Amend clause 5.8.1 by adding "where possible" at the start of assessment criterion b.	1109/1
5.8.1	<p>Amend row 1 in table 5.8.1 as follows (additions underlined and deletions in strikethrough): "Aboveground telecommunication, electricity or wastewater network utility <u>located within the legal road reserve</u> that has an area exceeding 2m² in plan view and exceeds 1.6 1.8m in height (excluding plinth) provided that this rule excludes masts and antennas."</p>	1112/4
5.8.1	<p>Amend row 2 of table 5.8.1 as follows (additions underlined and deletions in strikethrough): "Three <u>Six</u> or more antennas attached to a building."</p>	1113/3
5.8.1	Delete row 3 in table 5.8.1.	1114/3
5.8.1	Add the requirement at clause 5.8.1 That when works are carried out on a road in the area of waterways or streams or culvert pipes that pass under the road, a functional and ecologically suitable fish bypass is constructed and maintained at the same time.	2294/1

