

16.6 NETWORK UTILITIES AND PUBLIC WORKS

*Refer to Policy sets 5.1, 6.3, 9.1, 9.3.
Refer to Rule sections 16.3, 18.8.*

16.6.1 Scope of Section

This section contains rules dealing with network utilities and public works, in regard to maintenance or new construction, throughout the District. These rules do not apply to designations that have their own statutory process. Designations are described in Appendix 1 to Part II of the Plan.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan. NES-FW (ca)
12/20

16.6.2 Network Utilities and Public Works

16.6.2.1 Permitted Activities (Network Utilities and Public Works)

Any upgrading of an existing facility or construction of a new facility for any network utility or public work, or any change in activity within an existing facility, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

[Condition (a) deleted]

C19 5/10 Op 8/12

General

- (b) No above-ground network utility or public work is located in any Open Space Zone, in any Landscape Priority Area, or on any identified ridgeline.
- (c) No network utility or public work is located in the Conservation Zone except for the following:
 - (i) buildings and structures for telecommunication and radio-communication facilities less than 10 square metres in area and 3 metres in height; and
 - (ii) masts, poles and antennas less than 7 metres in height; and
 - (iii) below ground telecommunication facilities; and
 - (iv) upgrading or replacement of existing above-ground telecommunication lines; C68 7/18
Op 6/19
and
 - (v) upgrading or replacement of below ground and ancillary above ground stormwater facilities.
- (d) Condition (c) of this rule does not apply to the upgrading of existing overhead lines as provided for in the Plan's definition of upgrading.
- (e) Sites are landscaped and planted for amenity purposes to screen all structures, parking areas and storage areas from roads and public places, except that this condition does not apply to the following activities:
 - (i) lines and structures used solely to support lines;
 - (ii) radio-communication antennas and structures used solely to support antennas;
 - (iii) street lighting; and C68 7/18
Op 6/19

- (iii) street lighting; and
- (iv) telecommunication and radio-communication facilities compliant with the exclusions under rules 17.2.2.1(g) and (h), 17.4.2.1(i), and 17.12.2.1(s)(i)(a).

C68 7/18
Op 6/19

Specific

- (f) The activity is not a refuse transfer station, landfill, airport, or land-based effluent disposal area or oxidation pond.

Structures

- (g) All structures associated with any network utility or public work above ground, other than support structures or as provided in (j) or (k) of this rule:
 - (i) do not exceed 50 square metres in ground floor area;
 - (ii) do not exceed the permitted building height in the zone in which they are located; except that this condition does not apply to the upgrading of existing overhead lines as provided for in the Plan’s definition of upgrading.

- (h) All telecommunications facilities comply with the provisions of Standards New Zealand standards NZS 2772.1:1999 and AS/NZS 2772.2:2016 *Radiofrequency Fields*.

- (i) Network utilities have a gauge pressure of less than 2,000 kilopascals.

- (j) Any freestanding tower, mast, pole, line, aerial, antenna and attached infrastructure does not exceed a height of 10 metres (excluding the antenna and attached infrastructure) and a diameter of 1 metre. Infrastructure (such as antenna, shrouds, lights or other equipment) attached to a freestanding tower, mast or pole, does not exceed a horizontal or vertical cross-sectional area of 4 square metres measured around a notional outline of the external parts of the infrastructure, except for the following:

C68 7/18
Op 6/19

- (i) This condition does not apply to the upgrading of existing overhead lines as provided for in the Plan’s definition of upgrading.
- (ii) In the Industrial zones and the Rural Industrial Zone, the zone height applies, except that for slimline, self-supporting masts or poles and attached infrastructure, the following provisions apply:

Zone	Maximum Height	Maximum Diameter	Minimum Setback from any Zone Boundary
Industrial	20m	1m	3m
Rural Industrial	25m	1m	3m

- (iii) In the Rural 1, Rural 2, Mixed Business and Central Business zones, slimline, self-supporting masts or poles may exceed the maximum height of 10 metres if they comply with the following:

C73 12/20
Op 6/23

Zone	Maximum Height	Maximum Diameter	Minimum Separation Distance from a Dwelling	Minimum Setback from a Residential Zone Boundary
Rural 1	25m	1m	10m	3m
Rural 2	25m	1m	10m	3m
Central Business	20m	450mm	—	Minimum Setback from any Zone Boundary 3m
Mixed Business	20m	450mm	—	3m

C73 12/20
Op 6/23

Note: The maximum diameter restriction for a self-supporting mast or pole only applies to that part of the mast or pole which exceeds the standard zone height. Refer to Chapter 17. (This applies to items (ii) and (iii).)

- (k) Where an antenna is to be attached to a building, the height of the support structure and associated antenna does not exceed the height limit in the zone or the height of the building (whichever is the higher), if existing, by more than 2.5 metres.

Overhead Lines

- (l) New lines or additions to lines for conveying electricity (and all support structures for those lines) have a maximum voltage of 110 kilovolts, and a maximum design capacity of 100 MVA (megavolts x amps) per circuit. Except that this condition does not apply to the upgrading of existing overhead lines as provided for in the Plan's definition of upgrading.

Dish Antennae

- (m) The maximum diameter of a dish antenna in the Residential Zone is 0.76 metre if it is either:
- (i) located on the roof of a building; or
 - (ii) located between the building and the road boundary, if it adjoins a public road. C73 12/20
Op 6/23
- (n) Dish antennae and supporting structures comply with the locational and daylighting rules for buildings in the zone where they are located, in zones other than the Residential Zone.

Substations

- (o) New depots or substations and additions to existing substations:
- (i) are located in a Central Business, Commercial, Mixed Business, Light Industrial or Heavy Industrial zone and do not adjoin or face any part of a Residential, Open Space or Recreation zone; except that in the Residential Zone, substations up to a maximum of 36 square metres in area are permitted. C10 10/07
Op 3/14
 - (ii) comply with the setback from boundary rules as stated for the zone in which they are located;
 - (iii) comply with the amenity plantings rules as stated for the zone in which they are located.

16.6.2.2 Permitted Activities (Aviation and Marine Navigational Aids)

The placement, operation and maintenance of an aviation navigational aid or beacon, or marine navigational aid or beacon, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The navigational aid or beacon is installed for and on behalf of Maritime New Zealand and Airways New Zealand, or the Council, to mark a navigational hazard or for air navigational purposes.
- (b) Light spill to land is avoided as far as practicable, without detracting from the effectiveness of the navigational aid or beacon.
- (c) The navigational aid or beacon does not include an audible navigational warning.
- (d) All structures:
 - (i) do not exceed 50 square metres in ground floor area; and
 - (ii) do not exceed 10 metres in height.

16.6.2.3 Restricted Discretionary Activities (Slimline, Self-Supporting Masts and Poles and Attached Infrastructure)

The erection of a slimline, self-supporting mast or pole and attached infrastructure that does not comply with the conditions in rule 16.6.2.1(j) is a restricted discretionary activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

- (1) The consideration of practical alternatives.
- (2) The siting of the structure.
- (3) The visual effects of the structure, including cumulative effects.
- (4) The design and appearance of the structure (including its height and bulk) and method of mounting.
- (5) The shading effects of the structure.
- (6) The provision of landscaping or other appropriate screening.
- (7) The effects on heritage values.

16.6.2.4 Discretionary Activities (Network Utilities, Public Works, and Aviation and Marine Navigational Aids)

The upgrading of an existing facility or construction of a new facility for any network utility, public work, aviation or marine navigational aid or beacon, or any change in activity within an existing facility that does not comply with the conditions for a permitted activity, is a discretionary activity; except that this rule does not apply to slimline, self-supporting masts and poles and attached infrastructure.

A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and imposing conditions, the Council will have regard to the criteria set out in Schedule 16.6A, as well as other provisions of the Plan and the Act.

16.6.20 Principal Reasons for Rules**Existing and New Utilities**

These rules apply where existing use rights in terms of Section 10 of the Resource Management Act 1991 do not have effect. Upgraded or new facilities, or a change of activity is permitted where the specified conditions are complied with. In all other cases, a resource consent is required. The Plan cannot anticipate the nature or likely effects of future network utilities and public works, so discretion is generally unrestricted.

In the case of slimline, self-supporting masts or poles for telecommunications (and their attached infrastructure), where the conditions for a permitted activity are not complied with, the activity becomes restricted discretionary. This is because the likely effects of such activities have been identified.

Landscaping

The size and visual appearance of network utilities and public works structures can adversely affect the quality of the landscape if they are not carefully sited. Landscaping and planting around structures is a method of mitigating visual effects.

Maximum Height, Bulk, Location, Design of Buildings and Structures

The rules control the visual effects of overhead lines, towers, dish antennae, masts and other structures according to the sensitivity of the environment within particular zones.

Visual Effects

Transmission facilities do not take up large areas of land, but the sites that have a potential for the location of such facilities are limited, particularly in hilly areas where most transmission sites require to be located on strategically important hilltops or ridgelines. The rules seek to mitigate the visual effects of these.

Aviation and Marine Navigational Aids

There are limited siting options for marine navigational aids and beacons to achieve their function of warning of the presence of natural hazards to navigation. Similarly, for aviation navigational aids and beacons, there are limited siting options if the facilities are to achieve their purpose of ensuring safe and efficient air traffic movement within the District. Adverse effects of navigational aids and beacons are likely to be limited, and are considered to be outweighed by the safety need that they serve. Where marine navigational aids are required for any activity in the coastal marine area, such as a structure for aquaculture operations, effects of any necessary navigational aids can be considered as part of the assessment of the consent application for the activity.

SCHEDULES**Schedule 16.6A: Assessment Criteria – Network Utilities and Public Works**

Refer to rule 16.6.2.4.

When considering an application for a resource consent, the Council will have regard to the following criteria:

- (1) The scale, location and potential adverse effects of the activity.
- (2) The potential to avoid, remedy or mitigate any adverse effects by means such as consideration of alternative locations, appropriate colour scheme design and landscaping.
- (3) The effects of structures on visual amenity.
- (4) The environmental setting of the structure having regard to the general locality, topography, geographical features and adjacent land uses.
- (5) The effects on natural character, in particular on the life-supporting capacity of any vulnerable species or examples of significant indigenous community types.
- (6) The effects of activities and structures on the coastal marine area.
- (7) The risk to health and safety or to property posed by the structure or activity.
- (8) Effects in relation to electro-magnetic radiation and radio-frequency emissions, including any cumulative effects.
- (9) The extent to which any cultural or heritage values of the site or adjoining sites might be compromised by the facility.
- (10) The impact on areas of high landscape values and, in particular, on any Landscape Priority Area or on any identified ridgeline.
- (11) The cumulative effect of the activity, particularly in respect of visual amenity, relative to other existing facilities in the locality.
- (12) The potential for the co-location of facilities.
- (13) The effects of noise on the locality in which the proposed facility is to be sited and the noise sensitivity of the receiving environment.
- (14) The effects of lighting and glare from the installation.
- (15) The extent to which the installation has been designed and will be maintained to prevent, as far as practicable, any pollution or contamination of the ground or water.