

Section 7:

SPECIFIC AND DISTRICT WIDE MATTERS

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7.1 OVERVIEW OF WATER SUPPLY CATCHMENTS, FLOOD MANAGEMENT & RIVER CONTROL AND COASTAL INUNDATION CONTROL

7.1.1 BACKGROUND

- (1) As described in Section 3 : “Significant Resource Management Issues & Role of the District Plan”, the management of water within and through the Hauraki District is a critical matter to be addressed in the District Plan, particularly having regard to the effects of climate change. The provisions to address this matter are located throughout this District Plan and the purpose of Section 7.1.1 is to set out a summary of each provision and the linkages between them. It needs to be noted that each of the provisions may be applicable to more than one of the aspects of water management.

WATER SUPPLY CATCHMENTS

- (2) An adequate and quality water supply is one of the **fundamental** (185.43) resource requirements for the social, economic and cultural wellbeing and health and safety of the people and communities of the District. In addition, it is recognised that water has a specific cultural and spiritual importance for tangata whenua.
- (3) A major part of the Hauraki District is a water catchment, as the water supplies for some of the urban areas come from water sources that have large parts of the District as their water catchment (eg Waihou, Waitakaruru and Waitawheta Rivers). With respect to the Waihou, Waitakaruru and Waitawheta Rivers those water catchments also extend outside the District boundaries.
- (4) The quality of the separate water supplies is directly related to the contaminants that are introduced into the catchment and the inherent characteristics/ability of the catchment to purify the water. There are parts of the District that contain vegetation and mineralised rocks which give unique qualities to the water filtering through them. This water has been bottled in the past (eg to make Lemon & Paeroa).
- (5) The control and management of water quality is not specifically a responsibility of the District Council, however there are a number of matters under the District Council’s control and management of land use activities that can influence the effect that activities have on water quality. The specific responsibility with water quality and quantity rests with Environment Waikato.
- (6) The following provisions assist in the maintenance and enhancement of water quality in general and water supply catchments in particular:
- Conservation (Indigenous Forest) Zone (Section 5.2);
 - Karangahake Gorge Zone (Section 5.5);
 - Indigenous Biodiversity and Significant Natural Areas (Section 6.2);
 - Landscape Protection Areas (Rural Zone – Rule 5.1.4.3 RD3); and
 - Earthworks rules (refer to Section 7.8).

FLOOD MANAGEMENT & RIVER CONTROL

- (7) The Ohinemuri, Waihou, Piako and Waitakaruru river systems & Maukoro Canal traverse the Hauraki District and historically had a complex interrelationship between them. The river systems have largely been separated by the construction of the river control scheme stopbanks, including the foreshore system. The Ohinemuri River feeds into the Waihou River downstream of Paeroa and in combination with flood water from the catchment east of Paeroa can generate flooding risks to Paeroa town and the downstream surrounding rural area. Further upstream in the District, the Waihou and Piako river systems are separated by the Kopuatai Peat Dome and it is the presence of this dome that assists in the management of floodwaters from the Piako River.
- (8) On the lower lying areas of the Hauraki Plains, an integrated system of stopbanks, drains, floodgates and pumps are designed and managed by the Waikato Regional Council and the Hauraki District Council. This is for the purpose of controlling the flow of water from the Ohinemuri, Waihou, Piako and Waitakaruru Rivers through to the Firth of Thames in a manner that minimises flooding, but does not accelerate the process of peat oxidation. The latter is to avoid the acceleration of the lowering of ground levels. The control of flooding assists in enabling farming to be carried out and protects residents living in the District. In particular, the setting of minimum floor levels and setbacks from river control structures protects residential buildings from the adverse effects of flooding in those areas where flooding is part of the flood management system, especially in the Piako Flood Ponding area.
- (9) The following provisions assist both the Waikato Regional and Hauraki District Councils in carrying out flood management and river control activities:
- Paeroa Flood Ponding Zone (Section 5.13);
 - Land “Subject to Inundation” (Rural Zone Rule 5.1.4.3 RD2, Residential Zone Rule 5.7.4.3 RD2 & Industrial Zone Rule 5.12.4.3 RD2);
 - Conservation (Wetland) Zone (Section 5.3);
 - Reserve (Passive) Zone (Section 5.16);
 - Piako Flood Ponding Area (Rural Zone Rules 5.1.4.3(RD4) & 5.1.4.3(NC1));
 - Riparian Margins & Esplanades (Section 7.3);
 - Designations for River Control and Drainage Works (Section 7.5);
 - Excavation and Placement of Fill (Rule 7.8)
 - Setback From Public Drains, Lakes, Rivers, Streams, Floodways, Spillways, and Flood Protection Works (Rule 8.2.1); and
 - Floor Levels (Rule 8.2.2).

COASTAL INUNDATION CONTROL

- (10) There are two distinct coastal environments bordering the District that require two different approaches to the management of coastal inundation.
- (11) Along the Eastern Coastline, the coastal settlement of Whiritoa is the area where the potential adverse effects of coastal inundation require consideration. Whiritoa was one of the first coastal settlements in New Zealand to implement a “Beach Care” project designed to protect and manage the coastal sand dunes in order that through their functioning, the landward urban area would be protected.
- (12) The following provisions assist in coastal protection along the Eastern Coastline:
- Coastal Zone (Section 5.4);
 - Reserve (Passive) Zone (Section 5.16); and
 - Erosion Protection Setback Lines (Whiritoa Beach) (Rule 8.2.3)
- (13) Along the Firth of Thames, coastal inundation is interrelated with and is effectively an extension to the flood management and river control works along the Waihou, Piako and Waitakaruru Rivers as they near the Firth. The foreshore stopbanks have the function of providing a barrier to the inundation of the low lying Plains. The foreshore stopbank design levels extend upstream from the river mouth until the river flood profile becomes the dominant factor in determining stopbank levels.
- (14) The following provisions assist in coastal protection along the Firth of Thames:
- Coastal Zone (Section 5.4); and
 - Designations for River Control and Drainage Works (Section 7.5).

7.2 MANAGEMENT OF WATER SUPPLY CATCHMENTS

7.2.1 BACKGROUND

Refer to Section 7.1.1 above.

7.2.2 RESOURCE MANAGEMENT ISSUES

- (1) Maintenance and protection of existing and future water supply sources from adverse effects of land use and other activities.
- (2) The need to actively manage water catchments (eg planting, fencing, removal of weeds), especially where the water catchment is in private ownership and is actively being used by the landowner, and the cost and resources necessary to carry out that management.
- (3) The ecology of some water catchments is particularly vulnerable to the effects of disturbance.
- (4) The needs of future generations for water are not known and accordingly a cautious approach needs to be taken to its management, use and long term protection.
- (5) Some of the water catchments cross territorial boundaries and the management of the catchments needs to be coordinated between Councils.

7.2.3 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To sustainably manage the water supply catchments to maintain or enhance the quality and quantity of water supplies to communities in the District.

(a) Policies

- (i) To ensure that the effects of activities do not degrade the quality or adversely affect the quantity of water available to service the existing and foreseeable future water supply needs of the communities in the District.
- (ii) To ensure subdivision, use or development located within a community water supply catchment, takes into account the sensitive nature of the catchment and the role it plays in serving the community.

(b) Reasons for Objective 1

- (i) There is a health and safety risk to the resident population of those communities serviced with a potable water supply if the supply is inadequate and cannot meet the reasonable existing and future needs of those communities.

7.2.4 ENVIRONMENTAL RESULTS

- (1) Adequate water quality and water quantity maintained or improved to meet the foreseeable needs of the communities in the District.

7.2.5 ACTIVITIES

- (1) There are no activities or *rules* associated with this section of the Plan. Rather, *rules* and activity status of activities in other parts of the Plan give effect to the objective and policies relating to the protection of water catchments. Refer in particular to SECTION 6.2 INDIGENOUS BIODIVERSITY AND *SIGNIFICANT NATURAL AREAS*, as the identified water supply catchments are also largely within identified areas of ecological significance.

7.3 RIPARIAN MARGINS & ESPLANADES

7.3.1 BACKGROUND

- (1) Amongst other matters of national importance, Section 6 of the RMA requires recognition of and provision for:

["The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers **and their margins**, and the protection of them from inappropriate subdivision, use, and development;" (s6(a))

“the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers” (s6(d))]
- (2) Riparian margins are the interface between land and water bodies. Their importance not only relates to their own intrinsic ecological functions and values, but also relates to the ability of the margins to avoid, remedy or mitigate the adverse effects of land based activities on the water quality and the aquatic environment.
- (3) Hauraki District contains coastal, river, stream, wetland and lake riparian margins. In addition, the Plains area of the District (in particular) is bisected by a number of artificial canals and drains, as well as the river control works of the Waihou and Piako Rivers. For these canals, drains and river control works, the potential for the preservation of the natural character of the margins has to be considered in light of the important economic and safety function that they perform for land drainage and flood protection. The development, use and maintenance of these margins for flood control purposes cannot be considered "inappropriate" in all circumstances.
- (4) The Act provides for the setting aside of esplanade reserves, esplanade strips and access strips as measures that can be taken to implement the above matters of national importance.
- (5) As a result of previous subdivisions, a number of esplanade reserves have been set aside within the District. There are also in existence a number of marginal strips, particularly along the eastern coastline, where these strips and esplanade reserves are contained within the Coastal Zone.
- (6) Streams and rivers within the Department of Conservation estate, have been zoned either Conservation (Indigenous Forest) or Conservation (Wetland). **These zonings, and the fact that the land is in public ownership, offer protection of the water margins without the need to secure public rights through easements. (168.132)**
- (7) Council has adopted a targeted approach to securing the protection of riparian margins which is as follows:
 - (a) Esplanade reserves will be taken at all opportunities along the eastern coastline.
 - (b) In the Karangahake Gorge Zone and eastwards to the eastern side of Waihi Town, esplanade reserves will be taken at every opportunity along the banks of the Waitawheta, Waitekauri and Ohinemuri Rivers. In addition, areas along a number of other key streams and rivers have been identified for the taking of Esplanade Reserves.

(c) On the margins of rivers that have been subject to flood control works and are under the control and management of the Waikato Regional Council, no esplanade reserves will be required. In those situations where public access is identified as being desirable, Council will either:

(i) Create an esplanade strip; or (168.133)

(ii) Endeavour to ensure that the lease agreements between the occupier and the Waikato Regional Council contain provision for public access to be provided, as long as it does not unduly interfere with farm operations.

In either case, it may also be necessary to negotiate an access strip(s) from roads and other public places across the balance of the property to get to the esplanade strip or lease land.

(d) In those areas along the Firth of Thames where either public access and/or conservation values are identified in the future as being of importance, either esplanade reserves or strips will be taken or access strips obtained by negotiation.

(e) Access strips will be obtained by negotiation in those situations where existing esplanade reserves are not linked to an adjoining public place.

(f) As one of the ways in which to take into account the principles of Te Tiriti o Waitangi, Council will not seek to obtain esplanade reserves over Maori Land. Instead, Council will seek to secure esplanade strips or access strips or other "easement" instruments in the case of Maori Land. Council accepts that the alienation of Maori Land is to be avoided.

(g) Council will use the statutory provisions of the Resource Management Act 1991, to take esplanade reserves on subdivisions and developments, (168.134) where such a reserve has been identified as being desirable on the Planning Maps.

(h) Negotiation, compensation, purchase and voluntary arrangements for reserves or strips will be undertaken in those situations where access is desirable.

7.3.2 RESOURCE MANAGEMENT ISSUES

(1) Maintenance and protection of existing flora and fauna associated with riparian margins. (183.300)

(2) The use of riparian margins for the protection of aquatic environments from the adverse effects of land use activities (eg sedimentation, water enrichment, bacterial contamination) and providing public access, without causing the destruction of the intrinsic values of the riparian margins themselves.

(3) Some water bodies have been realigned, modified or were created for and continue to serve an economic and safety function, and those functions must continue to be maintained. Riparian margins along these water bodies do not have "natural character". (163.30)

(4) The need to actively manage riparian margins (eg planting, fencing, removal of weeds, removal of wind throws), especially where the riparian margin is in private ownership and is actively being used by the landowner, and the cost and resources necessary (for the land owner) to carry out that management.

- (5) In securing esplanade reserves and strips, and access strips a balance must be achieved between:
- (a) The legislative requirement that specified environments be preserved;
 - (b) Community desires to have access to and use of those environments; and
 - (c) The property "rights and responsibilities" of landowners to use their land.

The cost of securing public access and development of esplanade reserves and strips should be borne equitably between the developer and the community.

7.3.3 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To sustainably manage the margins of water bodies and coastal water to maintain or enhance natural character, indigenous biodiversity, water quality, and aquatic and adjoining terrestrial habitats.

(2) OBJECTIVE 2

To maintain and enhance public access to the margins of water bodies in a manner that is compatible with the preservation of conservation values and does not unreasonably interfere with the landowner's ability to use and "enjoy" the land. (87.131)

(a) Policies

Objectives 1 & 2 will be achieved by the implementation of the following policies:

- (i) Liaison with the Waikato Regional Council, lessees and landowners in those situations where stopbanks have been constructed and public access is desirable. The purpose is to include in the lease agreements, arrangements for public access and enjoyment of the river and coastal margins for recreation activities.
- (ii) Use the legislative opportunities in the Resource Management Act 1991, to secure esplanade reserves and strips on subdivision and developments. (168.135)(87.133)
- (iii) Liaison with statutory organisations (eg Department of Conservation) and community groups with an interest in the resource (eg fishing clubs, conservation groups, canoe clubs), to determine the locations where access, reserves and strips are needed for recreation purposes.
- (iv) Not taking esplanade reserves where the land is Maori Land. Rather, Council will seek to obtain voluntary agreements with the tangata whenua of the land where esplanade strips and access strips are necessary.
- (v) Where subdivision or development occurs and there is no "as of right" legislative ability to acquire esplanade reserves or strips without compensation, Council will negotiate to either have the land vested or set aside on a voluntary basis, without compensation. In the event that a voluntary agreement cannot be reached, Council will negotiate to purchase the land or secure an esplanade strip (and compensate the owner). (87.134)

- (vi) Use of a range of regulatory provisions (eg rules in the District and Regional Plan) and incentives (eg support for Whiritoa Beachcare) to manage riparian margins

(b) Reasons for All Objectives and Policies

- (i) There are a variety of ways in which esplanade reserves and strips, and access strips can be used to achieve the matters of national importance specified in Part 2 of the Resource Management Act
- (ii) A "targeted" approach is required to ensure that public funds are spent where they are most required to achieve the national planning policies. Further, any limitation to the landowner's use and enjoyment of the land should be implemented only where there are clearly defined reasons.
- (iii) Community responsibility for environmental enhancement can be encouraged by ensuring the community has a "stake" or interest in securing that outcome. Savings in Council funds can also result from community involvement.

7.3.4 ENVIRONMENTAL RESULTS

- (1) Water quality, aquatic habitat, aquatic biodiversity and life supporting capacity of water bodies maintained or improved.
- (2) Indigenous biodiversity and terrestrial habitats of riparian margins maintained or improved.
- (3) Appropriate public access to environments that the community use for recreation purposes, and which contribute to the community's social, economic, and cultural wellbeing and health.

7.3.5 RULES

- (1) **At the time of *subdivision* and/or *development*, an esplanade reserve of 20 metres width shall be surveyed and vest with the Hauraki District Council in the location and to the extent shown on the Planning Maps, in accordance with the esplanade reserve provisions of the Resource Management Act 1991. This is to apply irrespective of the size of the *allotments* in the *subdivision* or whether the *subdivision* is part of a *road* stopping procedure. (168.137)(87.136)(117.2)**
- (2) Where an esplanade reserve could be required under the provisions of the Resource Management Act 1991 or the Local Government Act 1974, but is not required under Rule 7.3.5(1) above, then no esplanade reserve is required (ie Section 230 of the Resource Management Act 1991 does not apply).
- (3) Where there are legal impediments (eg land tenure, existing encumbrances) to the land vesting as esplanade reserve, or *Council* is not financially in a position to pay for any additional land, *Council* will accept or seek to secure an esplanade strip instead. The strip is to be 20 metres wide and the contents and method of registration of the registered instrument are to be to the satisfaction of *Council*.
- (4) Any esplanade reserve or strip that *Council* wishes to secure that is in excess of that required in Rule 7.3.5(1) above (width, location or extent), may only be obtained by negotiation and agreement between the parties concerned.

- (5) An application for a reduction in or a waiver of a requirement for an esplanade reserve or strip is a *discretionary activity*.

7.3.6 DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA

- (1) An application for a reduction in or a waiver of a requirement for an esplanade reserve or strip shall be assessed in relation to the following criteria:
- (a) The extent to which the natural functioning of the water body, water quality, and land and water based habitats will be affected by any reduction in the width, size or non provision of the reserve or strip.
 - (b) The extent to which the public's access and recreational enjoyment of the reserve or strip is reduced or removed.
 - (c) The degree of protection of the natural values associated with the reserve or strip that will remain.
 - (d) Whether the potential *natural hazard* effects from use of the water margin will compromise conservation values.
 - (e) The degree to which the purpose of the reserve or strip can be or is already achieved by other mechanisms (eg covenants, *rules* in the District or Regional Plans, *conditions* of resource consents).
 - (f) Whether the removal of the land required for the reserve or strip will severely restrict the landowner in carrying out a viable activity on the balance area.
 - (g) Whether the presence of the public will significantly interfere with the legitimate land use activities on the balance area, in terms of safety, security, animal wellbeing, *amenity* (particularly residential) in a manner that cannot be compensated by other actions.

7.4 PROVISION FOR NETWORK UTILITIES AND ENERGY GENERATION

7.4.1 BACKGROUND

NETWORK UTILITIES

- (1) Network utilities include communications, electricity, gas, water and disposal services such as stormwater, land drainage and sewerage disposal systems. Roads, railways and airports are also network utility operations. Network utilities are provided by network utility operators.
- (2) Network utilities provide essential services to communities. They are services which are essential for the public health, safety, communication needs and general welfare of the people of the District. Network utilities usually have little impact on the environment, however Council still needs to exercise a degree of control in some situations. Such situations arise particularly where the work is large and may give rise to environmental effects that may need to be avoided, remedied or mitigated (eg high voltage transmission lines/towers in some locations, substations, effluent treatment works, new roads and railway lines).
- (3) It is generally accepted that the adverse effects of transmission lines (ie the national grid, high voltage lines), are different to distribution lines (ie reticulation lines). This is due to the size of the lines, the structures required to support them **and the perceived adverse health effects.** (184.5)(186.5) Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to mitigate all adverse environmental effects. A careful balance is therefore required between local, regional and national environmental effects (positive and negative).
- (4) The Council is seeking to encourage underground reticulation of new utility services wherever it is possible, for visual and safety reasons. Council recognises that for technical and other reasons, undergrounding of services may be not always practicable.
- (5) The importance of the road and street network to the sustainable management of the District is recognised. This is discussed in Section 7.9 - TRANSPORT NETWORK.
- (6) Network utilities are provided for in the District Plan as follows:
 - (a) **Designation**

Network utilities provided by the Crown, local authorities or network utility operators approved as a requiring authority may be the subject of a designation (refer to Section 7.5).
 - (b) **Rules in the Plan**

Various network utilities are provided for as permitted activities throughout the District as set out in Section 7.4.5 below. Where the utility is not provided for as a permitted activity, an application for resource consent can be made. Network utilities which are existing and which contravene a rule in the plan are provided for by existing use rights pursuant to Section 10 of the RMA.

(c) National Environmental Standards

Some network utilities are controlled by National Environmental Standards (NES) prescribed by a regulation under the Resource Management Act 1991. The NES may prescribe technical standards, methods and other requirements for managing environmental matters in a consistent manner throughout all regions and districts. Reference to any relevant NES is included in the district plan rules in Section 7.4.5 below. The rules for these network utilities cannot be more stringent or lenient than the provisions of the NES unless expressly authorised in the NES.

ENERGY GENERATION

- (7)** The use and development of renewable energy and innovative energy technology can be in a number of different forms (eg. wind, hydro, marine, solar, biomass, co-generation) and can enable a significant portion of electricity to be supplied to the region's communities in a sustainable manner and assist with the nationwide security of supply, reduction in dependence on the national grid and reduction in greenhouse gas emissions. In accordance with s7(ba) and (j) of the RMA, and having regard to the Proposed National Policy Statement for Renewable Electricity Generation, the New Zealand Energy Strategy and the Waikato Regional Energy Strategy, the Council wishes to provide opportunities to increase electricity generation through the development and use of renewable energy resources over non renewable resources, and innovative energy technologies.

7.4.2 RESOURCE MANAGEMENT ISSUES

NETWORK UTILITIES

- (1)** Network utility services and infrastructure form an essential part of the District's physical resource and provide positive effects and benefits for the community's social and economic well-being. However, network utilities also have the potential to create adverse effects that require management. Some network utilities are relatively large, visually prominent and capable of generating significant effects on the environment. There is therefore the need to carefully balance the local, regional and national positive effects and benefits of network utilities against the potential adverse environmental effects, recognising the key role played by network utilities in modern society and not unreasonably restricting the operational requirements of the network utility concerned.
- (2)** The Council has a responsibility to give effect to the National Policy Statement on Electricity Transmission 2008 (NPSET). The NPSET requires Council to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network, managing the associated adverse environmental effects of the network; and managing the adverse effects of other activities on the network.

ENERGY GENERATION

- (3) Domestic scale renewable energy development and use may become more common particularly for properties located at distances from energy sources. The scale and nature of such facilities (eg. a domestic scale wind turbine or solar panels) is unlikely to create significant environmental effects and should be readily enabled.
- (4) However, to meet the anticipated nationwide growth in demand for energy to supply growth in the economy a substantial proportion of future energy supply will need to be generated from new and preferably renewable sources. There are many different forms of economically viable renewable energy options currently being developed in New Zealand and overseas. At this stage there is currently a co-generation energy facility at the one operating landfill in the District, and the potential for renewable energy development from wind.
- (5) To be economically viable often the energy facilities are of a reasonable scale and can therefore potentially have adverse environmental effects. As there can often be location, layout and design constraints for the utilisation and development of renewable energy, it will be necessary to balance the benefits of renewable energy utilisation against the sometimes competing or conflicting interests between electricity generating activities, landscape, amenity, recreational, tangata whenua, and biodiversity values

7.4.3 OBJECTIVES AND POLICIES

NETWORK UTILITIES

(1) OBJECTIVE 1

The efficient development, maintenance and upgrading of network utilities in a sustainable manner throughout the District, recognising their positive effects and benefits for the District, while avoiding, remedying or mitigating any adverse effects of network utilities on the environment.

(a) Policies

Objective 1 will be achieved by the implementation of the following policies:

- (i) Relate the scale, nature and effects of the network utility activity, to its level of positive benefit and compatibility with the area concerned.
- (ii) Recognise that there is equipment associated with network utility reticulation (usually located above ground), which also needs to be provided for without adversely affecting the amenity, landscape, cultural, heritage and biodiversity values of the area they are located in. (72.1)(184.8)(186.8)
- (iii) Network utilities should be developed, operated, maintained and upgraded to avoid, remedy or minimise the generation and/or emission of nuisance effects such as noise, light, vibration, odour or hazardous substances. (168.141)(87.143)(184.9)(186.9)
- (iv) Ensure that subdivision proposals include appropriate provision for network utilities (including services, access and infrastructure).
- (v) Encourage new development in areas that can be readily and economically serviced by network utilities.

- (vi) Recognise that road repair, upgrading and maintenance within the existing road corridor and works specifically associated with the operation of roads (eg. signs, road marking, laybys, rest areas) usually has minor adverse effects, usually offset by positive long term effects.
- (vii) Encourage the co-siting of equipment where technically practical (eg telecommunication and electricity facilities). The co-siting of lines is generally recognised as impractical due to safety, operational, technical and access reasons.

(b) Where technically practical consideration to be given to placing network utilities underground in areas of high amenity and significant landscape and/or biodiversity value (184.16)(186.14)

(2) **OBJECTIVE 2**

To avoid, remedy or mitigate adverse effects of land use, development and subdivision on network utilities, to ensure their ongoing safe, effective and efficient operation. (87.144)(184.14)(186.15)

(a) **Policies**

Objective 2 will be achieved by the implementation of the following policy:

(i) Preventing the development or location of incompatible activities in close proximity to network utilities. (87.145)(184.15)(186.16)

(b) **Reasons for Objectives 1 & 2**

- (i) To ensure that adequate consideration is given to the effects of utilities particularly with regard to amenity, landscape and biodiversity values. It is recognised that some of the limits are somewhat arbitrary (eg for pole height). However such measures are intended to ensure that high voltage lines are distinguished from the less visually intrusive distribution lines. Large poles, aerials and other structures for radio, telecommunications and other purposes may likewise be visually intrusive. The limit on the size for above ground associated components is to ensure structures of a considerable size can be erected only in compliance with bulk and location standards, will not impair visibility for drivers and do not constitute a visually dominant element.
- (ii) The encouragement for the undergrounding of services is to maintain and enhance visual amenities and significant landscape and biodiversity values. However, in some circumstances, vegetation clearance associated with the undergrounding of services may be more environmentally disruptive than placing facilities above ground.
- (iii) To ensure that in the evaluation of effects, the operational needs of network utilities and their positive effects and benefits are considered.
- (iv) The construction of new roads and road realignments may give rise to environmental effects requiring management. For this reason various provisions are included in the plan. Ongoing repair, upgrading and maintenance of existing public roads is either included in the designated purpose of the land (refer to

Section 7.5) or is permitted, recognising that the effects are either minor or of a temporary nature and are essential for maintaining traffic safety.

ENERGY GENERATION

(3) OBJECTIVE 3

The sustainable utilisation and management of the District's natural and physical resources for electricity generation and associated necessary infrastructure whilst ensuring the adverse effects on the environment are avoided, remedied or mitigated.

(a) Policies

Objective 3 will be achieved by the implementation of the following policies:

- (i) Recognise and provide the opportunity for electricity generation from the District's natural and physical resources, particularly those of a renewable nature, while as far as practicable avoiding, remedying or mitigating their potential adverse effects on the environment.

7.4.4 ENVIRONMENTAL RESULTS

- (1) Network utility services and sustainable energy generation facilities are efficiently and effectively provided for to meet the social and economic needs of communities within and outside the District. At the same time they should not adversely impact on the environment, in particular the amenities, landscape, recreational, cultural and biodiversity values of the area concerned.

7.4.5 ACTIVITIES

The following activity status for all *network utilities* and energy generation activities applies irrespective of any other district plan provisions unless specifically stated in Section 7.4.5.

7.4.5.1 PROVISION FOR ROADS

- (1) The construction of any new *road* where not located within an existing *road* reserve or the realignment or widening of any existing *road*, where this involves works outside the existing *road* reserve may only be undertaken where one (or more) of the following apply:
 - (a) It is in accordance with an operative *designation* (refer to Section 7.5).
 - (b) It is proposed as part of an approved *subdivision* (refer to Rule 7.9.5(3)). (168.142)
 - (c) A resource consent for a *discretionary activity* has been obtained. (87.146)
- (2) The repair, upgrading and maintenance of an existing *formed road* within the existing *road* reserve, subject to the provisions of Sections 6.1 to 6.4, is a *permitted activity* including:
 - (a) Bridge, culvert and drain construction, upgrading and maintenance;

(b) Official and regulatory road *signage*; and

(c) Activities directly related to the movement of pedestrians, cyclists and motor vehicles and shall include roadside rest areas, information boards, and weigh stations.

- (3) The construction of a new *road* within an existing *road* reserve, subject to the provisions of Sections 6.1 to 6.4, and compliance with the standards of Rule 8.4.9.3 is a *permitted activity*, except in the Reserve (Passive) Zone, wherein the activity status is Non Complying.
- (4) The reconstruction, realignment or establishment of a corner splay complying with the dimensions set out in Performance Standard 8.4.7.3, and subject to the provisions of Sections 6.1 to 6.4, are a *permitted activity* for the purposes of this district plan provided that the works involved do not entail the creation of severances.
- (5) *Signs* within the *road* reserve shall be provided for as set out in Section 7.6 - SIGNS.
- (6) *Site*, geotechnical, survey and other investigations associated with a proposed *road designation* or the proposed construction of new *roads*, deviations and realignments and which are outside a *road* reserve, shall subject to the provisions of Sections 6.1 to 6.4, be treated as permitted activities in all *zones* other than:
- (a) Conservation (Indigenous Forest) and Conservation (Wetland) where the activity status will be determined as provided in Sections 5.2 and 5.3.

7.4.5.2 PROVISION FOR TELECOMMUNICATION FACILITIES

- (1) Telecommunication facilities are provided for in accordance with the National Environmental Standards for Telecommunications Facilities Regulations 2008, and the provisions of Rule 7.4.5.4 specified below shall not apply to telecommunication facilities located in *road* reserves except where they are in the Coastal, Conservation (Indigenous Forest), Conservation (Wetland), Reserve (Passive), Karangahake Gorge and Rural (Landscape Protection Areas) zones where the *zone* provisions are otherwise more stringent.

Note:

For information purposes, a copy of the National Environmental Standard for Telecommunications Facilities Regulations 2008, is included in Appendix 7.4A at the end of Section 7.4

7.4.5.3 PROVISION FOR EXISTING ELECTRICITY TRANSMISSION LINES (184.2)(186.17)

- (1) The operation, maintenance, upgrading, relocation or removal of an existing transmission line, including other related activities are provided for in accordance with the National Environmental Standards for Electricity Transmission Activities Regulation 2009, and the provisions of Rule 7.4.5.4 specified below shall not apply to existing transmission *lines*.

Note:

- (a) For information purposes, a copy of the National Environmental Standards for Electricity Transmission Activities Regulation 2009, is included in Appendix 7.4B at the end of Section 7.4

- (b) For information purposes, the alignments of the existing transmissions lines within the District are shown on the Planning maps. (87.148)

7.4.5.4 PROVISION FOR ALL OTHER NETWORK UTILITIES EITHER IN ROADS OR ZONES

All other Network Utilities not otherwise specified above are *Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying* or *Prohibited* according to the Activity Status Table below.

(1) PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity* unless otherwise specified and subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0;
- The *Development Standards* specified in Rule 7.4.7; and
- District Wide Performance Standards in Section 8.0.

| | |
|-----------|--|
| P1 | ANY NETWORK UTILITY WHETHER LOCATED ABOVE OR BELOW GROUND IN THE RURAL (EXCLUDING LANDSCAPE PROTECTION AREAS) AND INDUSTRIAL ZONES, UNLESS OTHERWISE SPECIFIED AS DISCRETIONARY ACTIVITIES (87.149)(184.17)(186.20) |
| P2 | TELEPHONE EXCHANGES (NO LIMIT ON FLOOR AREA) IN THE TOWN CENTRE ZONE |
| P3 | IN ALL ZONES (EXCLUDING THE RURAL (OUTSIDE A LANDSCAPE PROTECTION AREA), INDUSTRIAL AND CONSERVATION (WETLAND)) ANY PIPE, DRAIN, ELECTRIC LINE AS DEFINED IN THE ELECTRICITY ACT 1992 AND ELECTRICITY REGULATIONS 1997, LINE AS DEFINED BY SECTION 5 OF THE TELECOMMUNICATIONS ACT 2001, TELECOMMUNICATION OR WIRELESS LINK WHICH IS PART OF A NETWORK UTILITY TOGETHER WITH: (a) Associated components, some located above ground including manholes, culverts, local transformers, switchgear, pumps, valves, telephone boxes, beacons and other navigational aids all being less than 6m ³ in volume and with a maximum dimension of 3m. (b) Any pole, aerial, mast, tower or similar structure not exceeding 15m in height or 5m above the highest point on the roof where mounted on a building (whichever is the lesser) and having a maximum cross section dimension of 850mm. (c) Any microwave dish, antenna or similar element not exceeding 3m in any dimension. EXCEPT THAT PIPES, LINES, ANCILLARY EQUIPMENT AND POLES OR SUPPORT STRUCTURES SHALL BE FOR THE DISTRIBUTION OR CONVEYANCE OF GAS AT A GAUGE PRESSURE NOT EXCEEDING 2,000 KILOPASCALS OR ELECTRICITY AT A VOLTAGE NOT EXCEEDING 66KV |
| P4 | REMOVAL OR REPLACEMENT OF EXISTING NETWORK UTILITIES (184.20)(186.23) |

(2) CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity*.

THERE ARE NO CONTROLLED ACTIVITIES

(3) RESTRICTED DISCRETIONARY ACTIVITIES

| | |
|------------|---|
| RD2 | <p>PERMITTED ACTIVITIES P1 TO P4 THAT DO NOT MEET <i>DEVELOPMENT STANDARD 7.4.7.(1)</i> AND DO NOT EXCEED THE APPLICABLE <i>ZONE DEVELOPMENT STANDARDS</i> FOR A <i>RESTRICTED DISCRETIONARY ACTIVITY</i> AS SET OUT IN SECTION 5.0 FOR THE RELEVANT <i>ZONE</i>. (184.21)(186.24)</p> <p>REFER TO THE RELEVANT <i>ZONE</i> IN SECTION 5.0 FOR THE MATTERS OVER WHICH THE <i>COUNCIL</i> HAS RESTRICTED ITS DISCRETION.</p> |
|------------|---|

(4) DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Section 7.4.8.

Note: The Conservation and Heritage provisions in Section 6.0 also apply and may alter the *Discretionary Activity* status for the activities specified below.

| | |
|------------|--|
| D1 | <p>ANY NETWORK UTILITY PROVIDED FOR IN P4 AS A <i>PERMITTED ACTIVITY</i>, WHERE THE SPECIFIED MAXIMUM DIMENSIONS ARE EXCEEDED, UNLESS OTHERWISE SPECIFIED (72.2) (168.143)(87.150)(184.22)(186.25)</p> |
| D2 | <p>ANY NETWORK UTILITY PROVIDED FOR IN P1 TO P4 AS A <i>PERMITTED ACTIVITY</i> THAT DOES NOT MEET <i>DEVELOPMENT STANDARD 7.4.7 (2)</i> (72.3)(168.144)(184.23)(186.26)</p> |
| D3 | <p>ANY TRANSFORMER, <i>LINE</i>, WORK OR ANCILLARY EQUIPMENT OR <i>FITTINGS</i> FOR THE DISTRIBUTION OR TRANSMISSION OF ELECTRICITY AT A VOLTAGE EXCEEDING 66KV ABOVE OR BELOW GROUND, EXCEPT IN THE CONSERVATION (FOREST) AND (WETLAND), COASTAL, KARANGAHAKE GORGE AND RESERVE (PASSIVE) ZONES</p> |
| D4 | <p>ANY NEW SUBSTATION OR EXTENSION TO EXISTING SUBSTATION IN THE RURAL, TOWN CENTRE AND INDUSTRIAL ZONES</p> |
| D5 | <p>ANY PIPES AND ANCILLARY EQUIPMENT INCLUDING COMPRESSOR STATIONS FOR THE TRANSMISSION OF GAS AT A GAUGE PRESSURE EXCEEDING 2,000 KILOPASCALS</p> |
| D6 | <p>ANY POLE, AERIAL, MAST, TOWER OR SIMILAR <i>STRUCTURE</i> EXCEEDING 20M IN HEIGHT OR 5M ABOVE HIGHEST POINT OF THE <i>BUILDING</i> (WHICHEVER IS THE LESSER) IN THE RURAL AND INDUSTRIAL ZONES (72.4)(72.6)(87.151)</p> |
| D7 | <p>ANY MICROWAVE DISH, ANTENNA OR SIMILAR ELEMENT EXCEEDING 5M IN ANY DIMENSION IN THE RURAL AND INDUSTRIAL ZONES (72.5)(87.152)</p> |
| D8 | <p>WATER RETENTION DAMS, RESERVOIRS AND WATER INTAKE <i>STRUCTURES</i>, INCLUDING ANCILLARY COMPONENTS SUCH AS PUMP AND TREATMENT <i>BUILDINGS</i>, WHERE PART OF A WATER SUPPLY SYSTEM IN THE RURAL, RESERVE (PASSIVE), KARANGAHAKE GORGE AND CONSERVATION (INDIGENOUS FOREST) ZONES (87.153)</p> |
| D9 | <p>COMMUNITY SEWAGE TREATMENT WORKS IN THE RURAL AND INDUSTRIAL ZONES</p> |
| D10 | <p>ANY ROAD OR SERVICE LANE IN ALL <i>ZONES</i>, EXCEPT IN THE CONSERVATION (WETLAND) <i>ZONE</i>, THAT IS NOT OTHERWISE PROVIDED FOR IN RULE 7.4.5.1</p> |
| D11 | <p>RAILWAYS IN THE RURAL, TOWN CENTRE AND INDUSTRIAL ZONES</p> |

(5) NON COMPLYING ACTIVITIES

Those activities listed below are a *Non Complying Activity*.

| | |
|------------|---|
| NC1 | <p>ANY NETWORK UTILITY NOT OTHERWISE PROVIDED FOR AS A <i>PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, OR DISCRETIONARY ACTIVITY</i> (72.7)(184.26)(186.28)</p> |
|------------|---|

(6) PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

There are no *PROHIBITED ACTIVITIES*

7.4.5.5 PROVISION FOR ENERGY GENERATION ACTIVITIES

(1) PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity* unless otherwise specified and subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1 LOCAL COGENERATION OR EMERGENCY POWER GENERATION FACILITIES/ PLANTS/ SCHEMES WHERE THESE ACTIVITIES ARE ANCILLARY TO ANY PERMITTED OR APPROVED ACTIVITY IN THE RURAL, TOWN CENTRE AND INDUSTRIAL ZONES, SUBJECT TO COMPLIANCE WITH THE *ZONE DEVELOPMENT STANDARDS* FOR PERMITTED ACTIVITIES OF THE RELEVANT *ZONE*.

P2 ELECTRICITY GENERATION FACILITIES/ PLANTS/ SCHEMES FOR ON *SITE* DOMESTIC USE, SUBJECT TO COMPLIANCE WITH THE *ZONE DEVELOPMENT STANDARDS* FOR PERMITTED ACTIVITIES OF THE RELEVANT *ZONE*.

(2) CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity*.

THERE ARE NO *CONTROLLED ACTIVITIES*

(3) RESTRICTED DISCRETIONARY ACTIVITIES

RD1 ANY *PERMITTED ACTIVITY* THAT EXCEEDS THE *ZONE DEVELOPMENT STANDARDS* FOR A *PERMITTED ACTIVITY*, AND DOES NOT EXCEED THE *ZONE DEVELOPMENT STANDARDS* FOR A RESTRICTED DISCRETIONARY ACTIVITY AS SET OUT IN SECTION 5.0 FOR THE RELEVANT *ZONE*.

REFER TO THE RELEVANT *ZONE* IN SECTION 5.0 FOR THE MATTERS OVER WHICH THE *COUNCIL* HAS RESTRICTED ITS DISCRETION.

(4) DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Section 7.4.8.

Note: The Conservation and Heritage provisions in Section 6.0 also apply and may alter the *Discretionary Activity* status for the activities specified below.

D1 *RENEWABLE ELECTRICITY GENERATION ACTIVITIES* NOT OTHERWISE PROVIDED FOR AS A *PERMITTED ACTIVITY* IN THE RURAL *ZONE*.

(5) NON COMPLYING ACTIVITIES

Those activities listed below are a *Non Complying Activity*.

NC1 ANY ELECTRICITY GENERATING ACTIVITY NOT OTHERWISE PROVIDED FOR AS A *PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, OR DISCRETIONARY ACTIVITY*

(6) PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

There are no *PROHIBITED ACTIVITIES*

7.4.6 FOR INFORMATION PURPOSES

(1) AUTOMATIC WEATHER STATIONS AND MARINE NAVIGATION DEVICES

These activities and the *structures* involved are similar in character and effects to *network utilities* but are not included in the definition provided for this group of activities in the Act.

For the purposes of this plan such works will be treated as if they were *network utilities* and are to be provided for in the various *zones* in the same way as are *network utilities*. This will avoid the need to seek consents in unnecessary situations (eg masts exceeding the maximum *height* requirements in a *zone*). Accordingly, in the relevant *zones*, the reference to "*network utilities* and related activities" includes the activities discussed in this section (also refer to the definition of *NETWORK UTILITY* in Section 4.0).

(2) AERIALS AND DISHES NOT PROVIDED FOR AS NETWORK UTILITIES

Ham radio operators frequently have aerials located in the rear of their properties. Such aerials are not *network utility* operations as defined in the RMA. There are other communication devices that may likewise not constitute a *network utility*. These devices are subject to the provisions of the relevant *zone* and the *height* exemptions provided for in the definition of *HEIGHT* in Section 4.0.

(3) CONNECTIONS TO NETWORK UTILITY SERVICES

Residential, commercial and industrial connections (both underground and overhead) to power, telecommunications, water, drainage and sewer pipes are a *Permitted Activity* subject to compliance with the relevant standards in SECTION 8 PERFORMANCE STANDARDS FOR *DEVELOPMENT AND SUBDIVISION*.

7.4.7 DEVELOPMENT STANDARDS

- (1) The *Zone Development Standards* shall apply to Permitted Activities P1 to P4 in Rule 7.4.5.4(1) and shall be used as a guide in assessing any *Discretionary* or *Non Complying Activities*, except that:
- (a) The *HEIGHT AND DAYLIGHT CONTROL STANDARDS* for the zone shall not apply to any pole, aerial, mast, tower or similar *structure*; or to any transformer, line, mast or ancillary equipment for the transmission of electricity at a voltage not exceeding 66 KV.
- (b) The *HEIGHT, DAYLIGHT CONTROL AND YARDS STANDARDS* for the zone shall not apply to any pole, aerial, mast, tower or similar *structure*; or to any transformer, line, mast or ancillary equipment for the transmission of electricity at a voltage not exceeding 66KV located on a designated *road*.
- (2) The establishment, replacement or removal of the *network utility* shall not involve the removal or disturbance of more than 50m² of contiguous present ground cover or maintenance plantings designed to re-establish such cover in the Conservation (Indigenous Forest) zone. (186.30)

7.4.8 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, Council shall have regard to the relevant assessment criteria for *Discretionary Activities* in the respective zones in which the *network utility* or energy generation activity is located, the relevant assessment criteria below and any other matters it considers appropriate.

(1) VISUAL/LANDSCAPE/AMENITY/HERITAGE IMPACTS

- (a) Whether the utility/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 and significance 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, cultural and archaeological value.
- (b) Whether the *height*, colour, form and scale of the proposed utility/activity 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/structures* on adjoining or

neighbouring *sites* or important aspects or characteristics of the landscape in which it is located. (168.145)

- (c) Whether the utility/activity 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. (168.146)
- (d) Will the extent of *earthworks* for the creation of *building* platforms and access tracks create adverse visual effects that cannot be avoided, remedied or mitigated.
- (e) 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 and/or energy generating activities within the area, particularly overhead *lines*, radio communication or telecommunication facilities and turbine *structures*. (168.147)
- (f) Whether the utility/activity will adversely affect biodiversity values by removing or modifying significant bush, vegetation, landform or other natural habitats, including the impact on bird and bat movement/migration.
- (g) Whether the utility/activity 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 effects of traffic generated either during the construction or operational phase.
- (h) Whether there are activities existing or likely to exist that will potentially be adversely affected by noise, lighting, glare and/or radiofrequency and electric and magnetic fields generated by the utility/activity. Relevant New Zealand Standards and Codes of Practice will be used as a guide.
- (i) Whether the siting of a utility has taken into account the proximity and nature of existing *dwelling/household units*, or likely future *dwelling/household units* permitted by the Plan, in terms of visual impact, *site* access, noise and health and safety.

(2) SOCIAL/ECONOMIC IMPACTS

- (a) Whether the siting and operation of the utility has taken into account the impact on farming activities and private airfields.
- (b) Whether the siting and operation of the utility will adversely impact on the functioning and enjoyment of public reserves, community and recreational facilities and *marae* in the vicinity.
- (c) The contribution the proposal will make to central and regional government energy policy objectives and renewable energy targets.

(3) ALTERNATIVE LOCATION/CO-LOCATION

- (a) 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.


- (b) Whether there is technical and practical potential for co-location of facilities on other sites, and whether this has been considered by the applicant.

(4) OTHER MATTERS

- (a) The effects of any proposal on aircraft safety, radar stations and navigational sites and facilities.

7.4.9 APPENDIX 7.4 A - NATIONAL ENVIRONMENTAL STANDARD FOR
TELECOMMUNICATION FACILITIES REGULATIONS 2008

2008/299



**Resource Management (National
Environmental Standards for
Telecommunication Facilities)
Regulations 2008**

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 8th day of September 2008

Present:
The Right Hon Helen Clark presiding in Council

Pursuant to section 43 of the Resource Management Act 1991, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council (given on the recommendation of the Minister for the Environment after consultation in accordance with section 44 of that Act), makes the following regulations.

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Regulations

- 1 **Title**
These regulations are the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008.

- 2 **Commencement**
These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

- 3 **Interpretation**
In these regulations, unless the context requires another meaning,—
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

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 Resource Management (National
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Telecommunication Facilities)
Regulations 2008

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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

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 concrete foundation plinth for the cabinet.

4 Telecommunication facilities generating radiofrequency fields: activity status

- (1) This regulation applies to the planning and operation of a telecommunication facility that generates radiofrequency fields.
- (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.
- (3) The first condition is that the network operator plans and operates the telecommunication facility in accordance with NZS

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2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz.

- (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*.
- (5) The third condition applies if the prediction referred to in sub-clause (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*.

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- (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.

5 Telecommunication facilities in road reserves: activity status

- (1) The installation and operation of a telecommunication facility in a road reserve is a permitted activity as far as the situations in regulations 6 to 9 are concerned if—
- (a) the facility is a permitted activity as far as radiofrequency fields are concerned under regulation 4; and
 - (b) the facility complies with the applicable conditions in regulations 6 to 9.
- (2) The installation and operation of a telecommunication facility in a road reserve is a non-complying activity as far as radiofrequency fields are concerned if the facility does not comply with the condition specified in subclause (1)(a).
- (3) The installation and operation of a telecommunication facility in a road reserve is a controlled activity as far as the situations in regulations 6 to 9 are concerned if—
- (a) the facility does not comply with the conditions specified in subclause (1)(b); and
 - (b) the facility would have been a permitted activity or a controlled activity under the relevant district plan or proposed district plan if these regulations did not exist.
- (4) For the purpose of assessing resource consent applications for a telecommunication facility to which subclause (3) applies, control is reserved over the conditions in regulations 6 to 9 with which the facility does not comply.
- (5) The installation and operation of a telecommunication facility in a road reserve is a restricted discretionary activity as far as the situations in regulations 6 to 9 are concerned if—
- (a) the facility does not comply with the conditions specified in subclause (1)(b); and
 - (b) the facility would have been a restricted discretionary activity under the relevant district plan or proposed district plan if these regulations did not exist.

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| r 6 | Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 | 2008/299 |
|----------|--|----------|
| (6) | For the purpose of assessing resource consent applications for a telecommunication facility to which subclause (5) applies, discretion is restricted to the conditions in regulations 6 to 9 with which the facility does not comply. | |
| (7) | The installation and operation of a telecommunication facility in a road reserve is a discretionary activity if— (a) the facility does not comply with the conditions specified in subclause (1)(b); and (b) the facility would have been a discretionary activity under the relevant district plan or proposed district plan if these regulations did not exist. | |
| (8) | The installation and operation of a telecommunication facility in a road reserve is a non-complying activity if— (a) the facility does not comply with the conditions specified in subclause (1)(b); and (b) the facility would have been a non-complying activity under the relevant district plan or proposed district plan if these regulations did not exist. | |
| (9) | The installation and operation of a telecommunication facility in a road reserve is a prohibited activity if— (a) the facility does not comply with the conditions specified in subclause (1)(b); and (b) the facility would have been a prohibited activity under the relevant district plan or proposed district plan if these regulations did not exist. | |
| 6 | Conditions protecting trees and vegetation, historic heritage values, visual amenity values, and coastal marine area | |
| (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 regulations 7 to 9. | |
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- (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 regulations 7 to 9.
- (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 regulations 7 to 9.
- (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 regulations 7 to 9.

7 Conditions controlling antennas and utility structures

- (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%.
- (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%.
- (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.

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| r 8 | Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 | 2008/299 |
|-----|--|----------|
| | <p>(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.</p> <p>(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.</p> | |
| | <p>8 Conditions controlling cabinets</p> <p>(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.</p> <p>(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.</p> <p>(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</p> | |
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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.

- (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.
- (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.

9 Conditions controlling noise

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

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| Explanatory note | Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 | 2008/299 |
| <p>(a) if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured—</p> <ul style="list-style-type: none"> (i) at a point 1 m from the side of the building; or (ii) at a point in the plane of the side of the building; <p>(b) in any other case, the noise must be measured at a point that is—</p> <ul style="list-style-type: none"> (i) at least 3 m from the cabinet; and (ii) within the legal boundary of land next to the part of the road reserve where the cabinet is located. <p>(4) The noise from the cabinet must be measured in accordance with <i>NZS 6801: 2008 Acoustics – Measurement of environmental sound</i>, the measurement must be adjusted in accordance with <i>NZS 6801: 2008 Acoustics – Measurement of environmental sound</i> to a free field incident sound level, and the adjusted measurement must be assessed in accordance with <i>NZS 6802: 2008 Acoustics – Environmental noise</i>.</p> | | |
| Rebecca Kitteridge, Clerk of the Executive Council. | | |
| <hr style="width: 20%; margin: 0 auto;"/> <p>Explanatory note</p> <p><i>This note is not part of the regulations, but is intended to indicate their general effect.</i></p> <p>These regulations provide national environmental standards for telecommunication facilities. The standards relate to the radiofrequency fields of all telecommunication facilities and the dimensions and noise levels of telecommunication facilities in road reserves. The regulations come into force 28 days after they are notified in the <i>Gazette</i>.</p> <hr style="width: 20%; margin: 0 auto;"/> | | |
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Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 11 September 2008.
These regulations are administered by the Ministry for the Environment.

Wellington, New Zealand:
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7.4.10 **APPENDIX 7.4 B - NATIONAL ENVIRONMENTAL STANDARDS FOR
ELECTRICITY TRANSMISSION ACTIVITIES REGULATIONS 2009
(184.3)(186.18)**

2009/397



**Resource Management (National
Environmental Standards for
Electricity Transmission Activities)
Regulations 2009**

Anand Satyanand, Governor-General

Order in Council

At Wellington this 14th day of December 2009

Present:
His Excellency the Governor-General in Council

Pursuant to section 43 of the Resource Management Act 1991, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister for the Environment given in accordance with section 44 of that Act, makes the following regulations.

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| r 3 | Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 | 2009/397 |
| 4 | <p>abrasive blasting means wet abrasive blasting and dry abrasive blasting</p> <p>Act means the Resource Management Act 1991</p> <p>base footprint means the footprint of a tower at the commencement of these regulations</p> <p>base height means the height of a transmission line support structure at the commencement of these regulations</p> <p>base position means the position of a pole at the commencement of these regulations</p> <p>base width means the length of the longest side of a tower's base footprint</p> <p>blasting means water blasting and abrasive blasting</p> <p>circuit means conductors on a transmission line that together form a single electrical connection between 2 or more system nodes</p> <p>conductor—</p> <ul style="list-style-type: none"> (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 <p>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</p> <p>earth-wire—</p> <ul style="list-style-type: none"> (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 <p>earthworks means the disturbance of the surface of land by activities including blading, tracking, boring, contouring, ripping, moving, removing, stockpiling, placing, replacing, re-compacting, excavating, cutting, and filling earth (or any other matter constituting the land, such as soil, clay, sand, or rock)</p> <p>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 the Schedule)</p> | |

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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 Schedule)

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

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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)

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

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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.

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- (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.

4 Regulations apply only to certain activities relating to existing transmission lines

- (1) These regulations apply only 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.
- (2) However, these regulations do 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 refuelling of a vehicle or equipment; 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.

Operation of transmission line or use of access track

5 Permitted activities

- (1) The operation of an existing transmission line is a permitted activity.
- (2) The use of an access track to an existing transmission line is a permitted activity.

Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits

6 Permitted activities: overhead conductors

- (1) Adding an overhead conductor, or part of an overhead conductor, to an existing transmission line (except as part of adding an overhead circuit) is a permitted activity if—
 - (a) both of the conditions in subclauses (4) and (5) are complied with; and
 - (b) all of the applicable conditions in regulation 10(2) to (8) are complied with.
- (2) Replacing an overhead conductor, or part of an overhead conductor, on an existing transmission line is a permitted activity if the condition in subclause (6) is complied with.
- (3) Maintaining an overhead conductor on an existing transmission line is a permitted activity.

Conditions

- (4) The conductors must be configured so that there are no more than 2 conductors in the same phase (duplex configuration).
- (5) The diameter of a new conductor, or a new part of a conductor, must not exceed 50 mm.
- (6) The diameter of a replacement conductor, or a replacement part of a conductor, must not exceed—
 - (a) the diameter of the existing conductor or part; or
 - (b) 50 mm, if the diameter of the existing conductor or part is less than 50 mm.

| r 7 | Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 | 2009/397 |
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| 7 | <p>Permitted activities: earth-wires and overhead telecommunication cables</p> <p>(1) Adding an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, to an existing transmission line is a permitted activity if both of the conditions in subclauses (4) and (5) are complied with.</p> <p>(2) Replacing an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, on an existing transmission line is a permitted activity if the condition in subclause (6) is complied with.</p> <p>(3) Maintaining an earth-wire or overhead telecommunication cable on an existing transmission line is a permitted activity.</p> <p><i>Conditions</i></p> <p>(4) The number of wires and cables must not exceed—</p> <p style="margin-left: 20px;">(a) 3 earth-wires, or 2 earth-wires and 1 telecommunication cable, per transmission line support structure; or</p> <p style="margin-left: 20px;">(b) the existing number of wires and cables, if that number is more than is permitted by paragraph (a).</p> <p>(5) The diameter of a new wire or cable, or a new part of a wire or cable, must not exceed 25 mm.</p> <p>(6) The diameter of a replacement wire or cable, or a replacement part of a wire or cable, must not exceed—</p> <p style="margin-left: 20px;">(a) the diameter of the existing wire, cable, or part (as the case may be); or</p> <p style="margin-left: 20px;">(b) 25 mm, if the diameter of the existing wire, cable, or part (as the case may be) is less than 25 mm.</p> | |
| 8 | <p>Permitted activities: adding overhead circuits</p> <p>(1) Adding an overhead circuit to an existing transmission line is a permitted activity if—</p> <p style="margin-left: 20px;">(a) the condition in subclause (2) is complied with; and</p> <p style="margin-left: 20px;">(b) both of the conditions in regulation 6(4) and (5) are complied with; and</p> <p style="margin-left: 20px;">(c) all of the applicable conditions in regulation 10(2) to (8) are complied with.</p> | |
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Condition

- (2) The transmission line support structures of the transmission line must have been designed and built, at the commencement of these regulations, to carry the additional circuit.

9 Restricted discretionary activities

- (1) Adding an overhead conductor, or part of an overhead conductor, to an existing transmission line (except as part of adding an overhead circuit) is a restricted discretionary activity if—
- (a) 1 or both of the conditions in regulation 6(4) and (5) are breached; but
 - (b) all of the applicable conditions in regulation 10(2) to (8) are complied with.
- (2) Replacing an overhead conductor, or part of an overhead conductor, on an existing transmission line is a restricted discretionary activity if the condition in regulation 6(6) is breached.
- (3) Adding an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, to an existing transmission line is a restricted discretionary activity if 1 or both of the conditions in regulation 7(4) and (5) are breached.
- (4) Replacing an earth-wire or overhead telecommunication cable, or part of an earth-wire or overhead telecommunication cable, on an existing transmission line is a restricted discretionary activity if the condition in regulation 7(6) is breached.
- (5) Adding an overhead circuit to an existing transmission line is a restricted discretionary activity if—
- (a) first,—
 - (i) the condition in regulation 8(2) is breached; or
 - (ii) 1 or both of the conditions in regulation 6(4) and (5) are breached; and
 - (b) second, all of the applicable conditions in regulation 10(2) to (8) are complied with.

Matters to which discretion restricted

- (6) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
- (a) visual effects; and
 - (b) the effects and timing of construction works; and

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| | (c) the effects on services and infrastructure. | |
| | <i>Increasing voltage or current rating, underground conductors, and undergrounding transmission lines</i> | |
| 10 | Permitted activities: increasing voltage or current rating | |
| (1) | Increasing the voltage or current rating of an existing transmission line is a permitted activity if all of the applicable conditions in subclauses (2) to (9) are complied with. | |
| | <i>Conditions</i> | |
| (2) | 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 subclauses (4) to (7), be demonstrated to either— | |
| | (a) not exceed the following reference levels for public exposure: | |
| | (i) electric field strength of 5 kV/m; and | |
| | (ii) magnetic flux density of 100 microteslas; or | |
| | (b) not exceed the basic restriction level of 2 mA/m ² for the density of electric current induced in the body. | |
| (3) | 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— | |
| | (a) modelling the field strength in accordance with subclauses (4) to (6) as if references to electric field strength were references to static electric field strength; and | |
| | (b) including the likely contribution to the field strength from the space charge around the transmission line caused by corona discharge. | |
| (4) | 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: | |
| | (a) 1 metre above the ground in an area above, below, or next to the line that is reasonably accessible to the public; or | |
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- (b) 1 metre above the highest floor level of an occupied building.
- (5) The electric field strength and magnetic flux density of a transmission line may be modelled to take account of any shielding effect from buildings.
- (6) 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:
- (a) ambient temperature of 20°C in winter and 30°C in summer;
- (b) maximum solar radiation of 1 000 W/m²;
- (c) dry conditions;
- (d) wind speed of 0.6 m/s.
- (7) The magnetic flux density of an underground transmission line must be modelled to result in the highest magnetic field likely under normal operating conditions.
- (8) 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 regulation must be provided to the relevant territorial authority if requested by the territorial authority.
- (9) In subclauses (6) and (7), **normal operating conditions**—
- (a) means the conditions associated with the highest load current; but
- (b) 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.
- 11 Permitted activities: underground conductors**
- (1) Adding an underground conductor, or part of an underground conductor, to an existing transmission line is a permitted activity if all of the applicable conditions in regulation 10(2) to (8) are complied with.

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| | <p>(2) Replacing an underground conductor, or part of an underground conductor, on an existing transmission line is a permitted activity.</p> <p>(3) Maintaining an underground conductor on an existing transmission line is a permitted activity.</p> | |
| | <p>12 Controlled activities: undergrounding transmission lines</p> <p>(1) Undergrounding an existing transmission line is a controlled activity if all of the applicable conditions in regulation 10(2) to (8) are complied with.</p> <p><i>Matters over which control reserved</i></p> <p>(2) Control is reserved over the following matters in relation to a controlled activity under this regulation:</p> <p>(a) the location of termination structures, and the route of underground cables, in relation to—</p> <p style="padding-left: 20px;">(i) visual, landscape, and ecological effects; and</p> <p style="padding-left: 20px;">(ii) the effects on historic heritage; and</p> <p>(b) the extent and nature of earthworks and control of sediment; and</p> <p>(c) the effects and timing of construction works; and</p> <p>(d) the effects on services and infrastructure.</p> | |
| | <p>13 Non-complying activities</p> <p>(1) Each of the following activities is a non-complying activity if 1 or more of the applicable conditions in regulation 10(2) to (8) are breached:</p> <p>(a) adding an overhead conductor, or part of an overhead conductor, to an existing transmission line:</p> <p>(b) adding an overhead circuit to an existing transmission line:</p> <p>(c) increasing the voltage or current rating of an existing transmission line:</p> <p>(d) adding an underground conductor, or part of an underground conductor, to an existing transmission line:</p> <p>(e) undergrounding an existing transmission line.</p> <p>(2) Altering, relocating, or replacing a transmission line support structure of an existing transmission line (other than as part</p> | |
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of a temporary line deviation or undergrounding) is a non-complying activity if—

- (a) the requirement described in regulation 15(1)(c) or (2)(c) is breached; and
- (b) 1 or more of the applicable conditions in regulation 10(2) to (8) are breached.

*Transmission line support structures:
Alteration, relocation, and replacement*

14 Permitted activities

- (1) Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a permitted activity if all of the applicable conditions in subclauses (3) to (6) are complied with.
- (2) Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a permitted activity if all of the applicable conditions in subclauses (3), (4), (7), and (8) are complied with.

Conditions

- (3) If a transmission line support structure is increased in height (including by being replaced with another structure),—
 - (a) the structure may be made no more than 15% higher than its base height; and
 - (b) the additional height must comply with any height restrictions for airport purposes, or any public view shafts, specified in a rule.
- (4) 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—
 - (a) within 12 metres of an occupied building (measured horizontally); or
 - (b) any closer to an occupied building, if the existing structure is within 12 metres of the building (measured horizontally).
- (5) 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—

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| | <ul style="list-style-type: none"> (a) the length of that side of the tower's base footprint; and (b) 25% of the tower's base width. | |
| | (6) 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. | |
| | (7) A pole must not be replaced with a tower. | |
| | (8) A pole must not be relocated, or replaced with another pole, more than 5 metres from the pole's base position (measured horizontally). | |
| | 15 Controlled activities | |
| | (1) Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a controlled activity if— | |
| | <ul style="list-style-type: none"> (a) all of the applicable conditions in regulation 14(3) to (5) are complied with; and (b) the condition in regulation 14(6) 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. | |
| | (2) Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a controlled activity if— | |
| | <ul style="list-style-type: none"> (a) all of the applicable conditions in regulation 14(3), (4), and (7) are complied with; and (b) the condition in regulation 14(8) 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). | |
| | (3) 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, is a controlled activity if all of the applicable conditions in regulation 14(3), (4), and (7) are complied with. | |
| | <i>Matters over which control reserved</i> | |
| | (4) Control is reserved over the following matters in relation to a controlled activity under this regulation: | |
| | <ul style="list-style-type: none"> (a) visual, landscape, and ecological effects; and | |
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| | <ul style="list-style-type: none"> (b) the effects on historic heritage; and (c) the effects and timing of construction works; and (d) the effects on services and infrastructure. | |
| 16 | Restricted discretionary activities | |
| (1) | Altering, relocating, or replacing a tower of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a restricted discretionary activity if— | |
| | <ul style="list-style-type: none"> (a) 1 or more of the conditions in regulation 14(3) to (5) are breached; or (b) both of the following apply: <ul style="list-style-type: none"> (i) the requirement described in regulation 15(1)(c) is breached; but (ii) all of the applicable conditions in regulation 10(2) to (8) are complied with. | |
| (2) | Altering, relocating, or replacing a pole of an existing transmission line (other than as part of a temporary line deviation or undergrounding) is a restricted discretionary activity if— | |
| | <ul style="list-style-type: none"> (a) 1 or more of the conditions in regulation 14(3), (4), and (7) are breached; or (b) both of the following apply: <ul style="list-style-type: none"> (i) the requirement described in regulation 15(2)(c) is breached; but (ii) all of the applicable conditions in regulation 10(2) to (8) are complied with. | |
| (3) | 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, is a restricted discretionary activity if 1 or more of the conditions in regulation 14(3), (4), and (7) are breached. | |
| | <i>Matters to which discretion restricted</i> | |
| (4) | Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation: | |
| | <ul style="list-style-type: none"> (a) the location and height of the transmission line support structures in relation to— <ul style="list-style-type: none"> (i) visual, landscape, and ecological effects; and (ii) the effects on historic heritage; and (iii) the effects on sensitive land uses; and | |
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| | <ul style="list-style-type: none"> (b) earthworks, clearance of trees and vegetation, and restoration of the land; and (c) the effects and timing of construction works. | |
| | <i>Temporary structures and temporary line deviation</i> | |
| 17 | Permitted activities | |
| (1) | Erecting or using a temporary structure in relation to an existing transmission line (other than as part of a temporary line deviation) is a permitted activity if the condition in subclause (3) is complied with. | |
| (2) | Carrying out a temporary line deviation of an existing transmission line is a permitted activity if the condition in subclause (4) is complied with. | |
| | <i>Conditions</i> | |
| (3) | Any temporary structures must be— | |
| | <ul style="list-style-type: none"> (a) erected no earlier than 20 working days before the start of the relevant maintenance or upgrading; and (b) removed no later than 20 working days after the end of the maintenance or upgrading. | |
| (4) | Any structures involved in a temporary line deviation must be— | |
| | <ul style="list-style-type: none"> (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. | |
| 18 | Controlled activities | |
| (1) | Erecting or using a temporary structure in relation to an existing transmission line (other than as part of a temporary line deviation) is a controlled activity if the condition in regulation 17(3) is breached. | |
| (2) | Carrying out a temporary line deviation of an existing transmission line is a controlled activity if the condition in regulation 17(4) is breached. | |
| | <i>Matters over which control reserved</i> | |
| (3) | Control is reserved over the following matters in relation to a controlled activity under this regulation: | |
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- (a) the duration of any works; and
- (b) the effects and timing of construction works.

Transmission lines: Removal

19 Permitted activities

- (1) Removing an existing transmission line, or part of an existing transmission line, is a permitted activity if both of the conditions in subclauses (2) and (3) are complied with.

Conditions

- (2) The transmission line, or the part of the transmission line, and any associated construction or demolition material must be removed from the land.
- (3) 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.

20 Controlled activities

- (1) Removing an existing transmission line, or part of an existing transmission line, is a controlled activity if 1 or both of the conditions in regulation 19(2) and (3) are breached.

Matters over which control reserved

- (2) Control is reserved over the following matters in relation to a controlled activity under this regulation:
 - (a) earthworks, clearance of trees and vegetation, and restoration of the land; and
 - (b) the effects and timing of construction works.

Telecommunication devices

21 Permitted activities

- (1) Installing or modifying a telecommunication device on a transmission line support structure of an existing transmission line is a permitted activity if both of the conditions in subclauses (3) and (4) are complied with.
- (2) Maintaining a telecommunication device on a transmission line support structure of an existing transmission line is a permitted activity.

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| | <i>Conditions</i> | |
| (3) | The width of the telecommunication device must not exceed 1.8 metres. | |
| (4) | The telecommunication device must extend no more than 2.5 metres above the height of the structure. | |
| 22 | Restricted discretionary activities | |
| (1) | Installing or modifying a telecommunication device on a transmission line support structure of an existing transmission line is a restricted discretionary activity if 1 or both of the conditions in regulation 21(3) and (4) are breached. | |
| | <i>Matters to which discretion restricted</i> | |
| (2) | Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation: | |
| | (a) the size, height, and number of telecommunication devices and associated telecommunication cables; and | |
| | (b) visual and landscape effects. | |
| | <i>Signs</i> | |
| 23 | Permitted activities | |
| (1) | 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, is a permitted activity if the applicable condition in subclause (2) or (3) is complied with. | |
| | <i>Conditions</i> | |
| (2) | 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 1 m ² . | |
| (3) | 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 6 m ² . | |
| 24 | Restricted discretionary activities | |
| (1) | 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 | |
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safety or navigation, is a restricted discretionary activity if the applicable condition in regulation 23(2) or (3) is breached.

- (2) 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, is a restricted discretionary activity.

Matters to which discretion restricted

- (3) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
- (a) visual effects; and
 - (b) the effects on services and infrastructure.

*Transmission line support structures:
Discharges from blasting and applying
protective coatings*

25 Permitted activities

- (1) Blasting a transmission line support structure of an existing transmission line, or preparing the structure to receive protective coatings, is a permitted activity if all of the applicable conditions in subclauses (3) to (9) are complied with.
- (2) Applying protective coatings to a transmission line support structure of an existing transmission line is a permitted activity if the condition in subclause (10) is complied with.

Conditions

- (3) Blasting must not be done within 50 metres of a water body or the coastal marine area.
- (4) Blasting must not be done—
- (a) within 50 metres of a public road; or
 - (b) within 100 metres of an occupied building.
- (5) Abrasive material used in abrasive blasting must contain no more than 5% free silica by dry weight.
- (6) Waste and debris resulting from abrasive blasting must be removed from the site of the blasting to the extent practicable.
- (7) Dry abrasive blasting—
- (a) must be done no more than 1 metre above ground level; and

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- (b) may be done only if covers or screens are used to mitigate the effects of any contaminants discharged by the blasting.
- (8) If abrasive blasting is done on a tower coated with lead-based paint, the waste and debris (including abrasive material) resulting from the blasting must be captured and removed by using geotextile material of a filter quality or by any equivalent method.
- (9) The following substances must not be used for surface preparation: paint strippers (unless used on a solvent rag to degrease a surface), fungicides, acids, alkalis, sodium hypochlorite, or any other oxidising agent.
- (10) Protective coatings must be applied—
 - (a) by hand; or
 - (b) by pressurised spray used no more than 1 metre above ground level.

26 Controlled activities

- (1) Blasting a transmission line support structure of an existing transmission line, or preparing the structure to receive protective coatings, is a controlled activity if—
 - (a) it is not done over a water body or the coastal marine area; and
 - (b) the applicable conditions in regulation 25(4) and (7) are complied with; and
 - (c) 1 or both of the following apply:
 - (i) it is done within 50 metres of a water body or the coastal marine area;
 - (ii) 1 or more of the conditions in regulation 25(5), (6), (8), and (9) are breached.
- (2) Applying protective coatings to a transmission line support structure of an existing transmission line is a controlled activity if the condition in regulation 25(10) is breached.

Matters over which control reserved

- (3) Control is reserved over the following matters in relation to a controlled activity under this regulation:
 - (a) the effects on water quality and ecologically-sensitive receiving environments; and

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- (b) the effects on occupied buildings; and
- (c) the risk of contamination of soil; and
- (d) the effects on health.

27 Restricted discretionary activities

- (1) Blasting a transmission line support structure of an existing transmission line, or preparing the structure to receive protective coatings, is a restricted discretionary activity if—
- (a) it is done over a water body or the coastal marine area; or
 - (b) 1 or both of the conditions in regulation 25(4) and (7) are breached.

Matters to which discretion restricted

- (2) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
- (a) the effects on water quality and ecologically-sensitive receiving environments; and
 - (b) the effects on occupied buildings and use of public roads; and
 - (c) the risk of contamination of soil; and
 - (d) the effects on health.

*Discharges to water***28 Permitted activities**

- (1) Discharging contaminants into water, in relation to an existing transmission line, is a permitted activity if, after the water and contaminants are reasonably mixed together, all of the conditions in subclauses (2) to (6) are complied with.

Conditions

- (2) The discharge must not produce conspicuous—
- (a) films of oil or grease; or
 - (b) scums or foams; or
 - (c) floatable or suspended materials.
- (3) The discharge must not create a conspicuous change in colour or visual clarity.
- (4) The discharge must not emit an objectionable odour.
- (5) The discharge must not make fresh water unsuitable for farm animals to drink.

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| (6) | The discharge must not have adverse effects on aquatic life that are more than minor. | |
| 29 | Controlled activities | |
| (1) | Discharging contaminants into water, in relation to an existing transmission line, is a controlled activity if, after the water and contaminants are reasonably mixed together, 1 or more of the conditions in regulation 28(2) to (6) are breached. | |
| | <i>Matters over which control reserved</i> | |
| (2) | Control is reserved over the following matters in relation to a controlled activity under this regulation: | |
| | (a) the effects on water quality; and | |
| | (b) the effects on aquatic life. | |
| | <i>Trimming, felling, and removing trees and vegetation</i> | |
| 30 | Permitted activities | |
| (1) | Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a permitted activity if all of the applicable conditions in subclauses (2) to (6) are complied with. | |
| | <i>Conditions</i> | |
| (2) | Any tree or vegetation must not be trimmed, felled, or removed if— | |
| | (a) a rule prohibits or restricts its trimming, felling, or removal (as the case may be); or | |
| | (b) it is in a natural area. | |
| (3) | 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— | |
| | (a) soil conservation; or | |
| | (b) avoiding or mitigating flooding. | |
| (4) | 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. | |
| (5) | The felling or removal of any tree or vegetation must not create or contribute to— | |
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| | <ul style="list-style-type: none"> (a) instability of a slope or another land surface; or (b) erosion of the bed or bank of a water body or the coastal marine area. | |
| | (6) Debris resulting from the trimming, felling, or removal must not enter a water body or the coastal marine area. | |
| | 31 Controlled activities | |
| | (1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a controlled activity if— | |
| | <ul style="list-style-type: none"> (a) first,— <ul style="list-style-type: none"> (i) the condition in regulation 30(2) 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 regulation 30(3) to (6) are complied with. | |
| | <i>Matters over which control reserved</i> | |
| | (2) Control is reserved over the following matters in relation to a controlled activity under this regulation: | |
| | <ul style="list-style-type: none"> (a) replanting; and (b) disposal of trees and vegetation; and (c) visual, landscape, and ecological effects. | |
| | 32 Restricted discretionary activities | |
| | (1) Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a restricted discretionary activity if 1 or both of the following paragraphs apply: | |
| | <ul style="list-style-type: none"> (a) first,— <ul style="list-style-type: none"> (i) the condition in regulation 30(2) is breached; and (ii) it does not satisfy the exception in regulation 31(1)(a)(ii); (b) second, 1 or more of the conditions in regulation 30(3) to (6) are breached. | |
| | <i>Matters to which discretion restricted</i> | |
| | (2) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation: | |
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| | <ul style="list-style-type: none"> (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. | |
| | <i>Earthworks</i> | |
| 33 | Permitted activities | |
| (1) | Earthworks relating to an existing transmission line are a permitted activity if all of the conditions in subclauses (2) to (9) are complied with. | |
| | <i>Conditions</i> | |
| (2) | Earthworks in a natural area must not, in a calendar year, exceed— | |
| | <ul style="list-style-type: none"> (a) 50 m³ per transmission line support structure; or (b) 100 m³ per access track. | |
| (3) | 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. | |
| (4) | 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. | |
| (5) | The earthworks must not create or contribute to— | |
| | <ul style="list-style-type: none"> (a) instability or subsidence of a slope or another land surface; or (b) erosion of the bed or bank of a water body or the coastal marine area; or (c) drainage problems or flooding of overland flow paths. | |
| (6) | Soil or debris from the earthworks must not be placed where it can enter a water body or the coastal marine area. | |
| (7) | Earthworks must not be carried out on the bed of a lake or river or in the coastal marine area. | |
| (8) | Earthworks must not be carried out in a historic heritage area unless they are carried out on an archaeological site in accordance with the Historic Places Act 1993. | |
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| | (9) 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. | |
| | 34 Controlled activities | |
| | (1) Earthworks relating to an existing transmission line are a controlled activity if— | |
| | (a) 1 or more of the conditions in regulation 33(2) to (7) are breached; but | |
| | (b) both of the conditions in regulation 33(8) and (9) are complied with. | |
| | <i>Matters over which control reserved</i> | |
| | (2) Control is reserved over the following matters in relation to a controlled activity under this regulation: | |
| | (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. | |
| | 35 Restricted discretionary activities: historic heritage areas | |
| | (1) Earthworks relating to an existing transmission line are a restricted discretionary activity if the condition in regulation 33(8) is breached. | |
| | <i>Matters to which discretion restricted</i> | |
| | (2) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation: | |
| | (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 | |
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| | (f) the effects on drainage, flooding, and overland flow paths. | |
| 36 | Restricted discretionary activities: potentially contaminated land | |
| (1) | Earthworks relating to an existing transmission line are a restricted discretionary activity if the condition in regulation 33(9) is breached. | |
| | <i>Matters to which discretion restricted</i> | |
| (2) | Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation: | |
| | (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. | |
| | <i>Noise and vibration from construction activity</i> | |
| 37 | Permitted activities | |
| (1) | A construction activity relating to an existing transmission line is a permitted activity if both of the conditions in subclauses (2) and (3) are complied with. | |
| | <i>Conditions</i> | |
| (2) | The noise from the construction activity must comply with New Zealand Standard NZS 6803:1999 Acoustics—Construction Noise. | |
| (3) | 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—Effects of Vibration on Structures. | |
| 38 | Controlled activities | |
| (1) | A construction activity relating to an existing transmission line is a controlled activity if 1 or both of the conditions in regulation 37(2) and (3) are breached. | |
| 28 | | |

Matters over which control reserved

- (2) Control is reserved over the following matters in relation to a controlled activity under this regulation:
- (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.

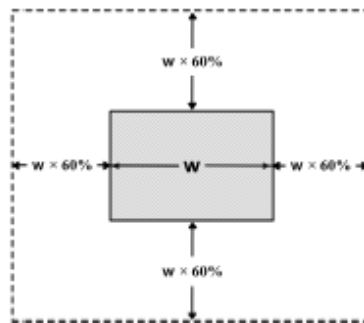
Other transmission activities

39 Discretionary activities

An activity to which these regulations apply (under regulation 4) is a discretionary activity if it is not described in these regulations as a permitted activity, controlled activity, restricted discretionary activity, or non-complying activity.

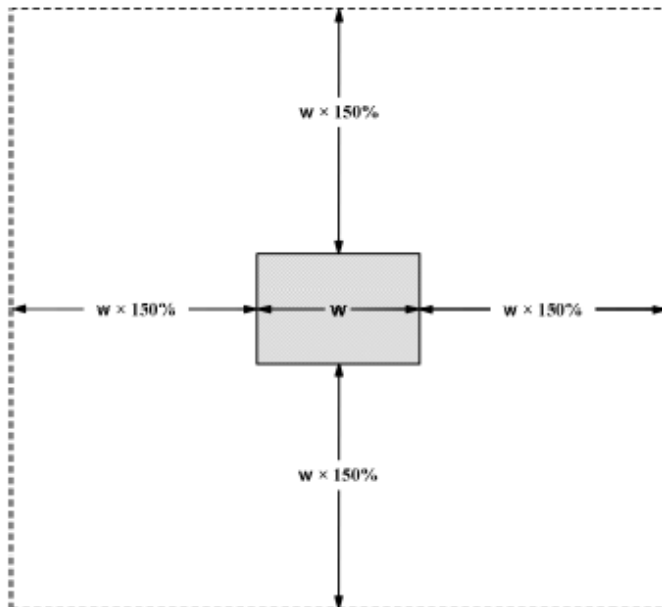
Schedule r 3(1)
Envelopes for activities relating to towers

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.

2009/397
Resource Management (National
Environmental Standards for Electricity
Transmission Activities) Regulations 2009

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide national environmental standards for electricity transmission. The regulations categorise activities that relate to the operation, maintenance, upgrading, relocation, or removal of existing transmission lines. Activities are categorised as permitted activities, controlled activities, restricted discretionary activities, non-complying activities, or discretionary activities.

The regulations come into force on 14 January 2010.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 17 December 2009.

These regulations are administered by the Ministry for the Environment.

7.5 DESIGNATIONS

7.5.1 BACKGROUND

- (1) A Minister of the Crown or regional and territorial local authorities with financial responsibility for a public work, or a network utility operator that has been approved as a requiring authority for a particular project under the Act, may require land to be designated within the district plan.
- (2) The requiring authority responsible for the designation may do anything in accordance with the designation, irrespective of the rules in the district plan that might otherwise control the activity. Without the prior written consent of the requiring authority responsible for the designation, no one may do anything in relation to the designated land that would prevent or hinder the project or work to which the designation relates. The zone and district wide rules control activities that are not covered by the designation.
- (3) The designation process and information to accompany a notice of requirement to designate land is set out in the Act.
- (4) Public works may also be provided for in the District Plan by the following means:
 - (a) **Rules in the Plan**

The particular activities that the public work involves may be included as a permitted activity in the zone concerned.
 - (b) **Resource Consents**

Where the work concerned is not a permitted activity, an application for resource consent can be made.
 - (c) **Existing Use Rights**

Those public works that are existing and which contravene a rule in the plan may be provided for by existing use rights under the Act.
- (5) The agency responsible for the public work concerned may decide to use or rely on one of the above options to apply to its proposal/operation.
- (6) Designated public works (other than roads) are shown as designated on the Planning Maps, and are listed in the following schedules. Most of the designations in the district plan have been carried over from earlier plans and include public works such as roads, schools, police and fire stations, courthouse, wastewater treatment plants, water reservoirs, council depots, cemeteries, reserves, river control and soil conservation works, which are generally not subject to any specific restrictions or conditions. More recent designations that are subject to restrictions and conditions are referenced in the schedules with the relevant council files where the restrictions/conditions can be viewed.
- (7) All Hauraki District Council and New Zealand Transport Agency roads formed and existing as at the date of notification of the Proposed District Plan, are deemed to be designated for this purpose and are not specifically identified on the planning maps or listed in the following schedules, unless the road designation is subject to restrictions or conditions. The activities that may be carried out in compliance with a road designation include:
 - (a) Road construction, upgrading, widening and maintenance.

- (b) Bridge, culvert and drain construction, upgrading and maintenance.
 - (c) Official and regulatory road signage
 - (d) Activities directly related to the movement of pedestrians, cyclists and motor vehicles and shall include roadside rest areas, information boards and weigh stations.
- (8) All other activities (on both formed and unformed legal roads) which are not included in the designated purpose shall comply with the requirements of the underlying zoning (see Section 2.1.5.1 - Zoning in Relation to Roads).

7.5.2 SCHEDULES OF DESIGNATIONS BY REQUIRING AUTHORITY

The following schedules of *designations* outline the key information relating to each *designation*. Additional information may be held on Council files, such additional information may include specific *conditions* on individual *designations* and specific reference to the Term of the *Designation*, which establishes the lapse period, if the *designation* is not given effect to. If no such Term of the *Designation* exists then the statutory provisions of the Act shall prevail.

7.5.2.1 SCHEDULE OF DESIGNATIONS – MINISTER OF CORRECTIONS (A)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|----------|--------------------|------------------------------|-------------------|----------------------------------|
| Modification | G4 | A1 | Paeroa Community Work Centre | Residential | N/A |

7.5.2.2 SCHEDULE OF DESIGNATIONS – MINISTER OF JUSTICE (B)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|----------|--------------------|---------------------|-------------------|----------------------------------|
| Rolled-Over | K3 & K7 | B 1 | Waihi Courthouse | Town Centre | N/A |

7.5.2.3 SCHEDULE OF DESIGNATIONS – HAURAKI DISTRICT COUNCIL (C)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|----------|--------------------|--|-------------------|----------------------------------|
| Rolled-Over | 4, 9 & A | C 1 | <i>Flood protection works – Foreshore protection</i> | Rural | N/A |
| Rolled-Over | 1 | C 2 | <i>Flood protection works</i> | Rural | N/A |

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|---|-----------------|---------------------------|--|--|---|
| Rolled-Over | 4 & A | C 3 | Soil Conservation & <i>River Control</i> | Rural | N/A |
| Rolled-Over | 4 | C 4 | Water Treatment | Rural | N/A |
| Rolled-Over | 4 | C 5 | Local Purpose Reserve (Forestation) | Rural | N/A |
| Rolled-Over | 5 & 11 | C 6 | Soil Conservation & <i>River Control</i> | Rural | N/A |
| Rolled-Over | 5 | C 7 | Ngatea Sewerage Treatment | Rural | N/A |
| Rolled-Over | 6 & B | C 8 | Turua Wastewater Treatment Plant and Disposal Facility | Rural | Refer to HDC File 83.001.023 |
| Rolled-Over | 11 | C 9 | Refuse Disposal Site | Rural | N/A |
| Rolled-Over | 12 & D | C 10 | Kerepehi Sewerage Treatment | Rural | N/A |
| Rolled-Over | 12 & D | C 11 | Stratified <i>Designation</i> Soil Conservation/ Kerepehi Sewerage Treatment | Rural | N/A |
| Rolled-Over | 12 & 13 | C 12 | Soil Conservation & <i>River Control</i> | Rural | N/A |
| Rolled-Over | 13 | C 13 | Kaimanawa Maratoto Water Supply Catchment Reserve | Rural & Conservation (Indigenous Forest) | N/A |
| Rolled-Over | 13 & 19 | C 14 | Ohinemuri Water Supply Catchment Reserve | Conservation (Indigenous Forest) | N/A |
| Rolled-Over | 13 | C 15 | Paeroa Sewage Treatment Plant and Disposal Facility | Rural | Refer to HDC File 83.349.010 |
| Rolled-Over | 14, 20 & K1 | C 16 | Waihi Water Supply Catchment Reserve | Conservation (Indigenous Forest) | N/A |
| Rolled-Over | 19 & 20 | C 17 | Waikino Water Supply Catchment Reserve | Conservation (Indigenous Forest) & Rural | N/A |
| Rolled-Over | 20 & K3 | C 18 | Waihi Sewage Treatment Plant and Disposal Facility | Rural | Refer to HDC File 83.654.021 |
| Rolled-Over | G6 | C 19 | Cemetery | Rural | N/A |
| Rolled-Over | A | C 20 | Waitakaruru Sewage Treatment | Rural | Refer to HDC File 83.028.024 |

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|---|-----------------|---------------------------|---|-----------------------------|---|
| Rolled-Over | C | C 21 | Works Depot | Town Centre | N/A |
| Rolled-Over | C | C 22 | Hauraki District Council Pound | Town Centre | N/A |
| Rolled-Over | D | C 23 | Water Treatment | Industrial | N/A |
| Rolled-Over | E | C 24 | Whiritoa Sewerage Treatment | Coastal | N/A |
| Rolled-Over | G1 & G3 | C 25 | Refuse Disposal Site | Rural/Flood Ponding | N/A |
| Rolled-Over | G1 & G3 | C 26 | Stratified <i>Designation</i> Paeroa Sewerage Treatment/ Animal Pound | Rural/ Flood Ponding | N/A |
| Rolled-Over | G6 | C 27 | Water Treatment | Rural | N/A |
| Rolled-Over | 31 & G6 | C 28 | Cemetery | Rural | N/A |
| Rolled-Over | H1 | C 29 | Water Supply | Rural/ Karangahake Gorge | N/A |
| Rolled-Over | K1 | C 30 | Water Treatment | Rural | N/A |
| Rolled-Over | K1 | C 31 | Refuse Disposal Site | Rural | N/A |
| Rolled-Over | K1 | C 32 | Refuse Disposal Site – Stormwater Sedimentation Ponds | Rural | N/A |
| Rolled-Over | K5 | C 33 | Stock Pound | Residential | N/A |
| Rolled-Over | K6 | C 34 | Pumping Station | Rural | N/A |

7.5.2.4 SCHEDULE OF DESIGNATIONS – METEOROLOGICAL SERVICE OF NEW ZEALAND LIMITED (D)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|---|-----------------|---------------------------|----------------------------------|--------------------------|---|
| Rolled-Over | G2 & G4 | D 1 | Paeroa Automatic Weather Station | Reserve (Active) | N/A |

7.5.2.5 SCHEDULE OF DESIGNATIONS – MINISTER OF EDUCATION (E)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|-----------------|--------------------|--|---------------------------|----------------------------------|
| Modified | 6 | E 1 | Kopuarahi Primary School – <i>Education</i> | Rural | N/A |
| Modified | F | E 2 | Kaihere Primary School – <i>Education</i> | Rural | N/A |
| Modified | 22 | E 3 | Netherton Primary School – <i>Education</i> | Rural | N/A |
| Modified | 28 & 29 | E 4 | Tirohia Primary School – <i>Education</i> | Rural | N/A |
| Modified | 31 | E 5 | Waimata Primary School – <i>Education</i> | Rural | N/A |
| Modified | A | E 6 | Waitakaruru Primary School – <i>Education</i> | Rural | N/A |
| Modified | B | E 7 | Turua Primary School – <i>Education</i> | Residential | N/A |
| Modified | C | E 8 | Ngatea Primary School – <i>Education</i> | Town Centre & Residential | N/A |
| Modified | C | E 9 | Hauraki Plains College – <i>Education</i> | Residential & Town Centre | N/A |
| Modified | D | E 10 | Kerepehi Primary School – <i>Education</i> | Residential | N/A |
| Modified | G1, G2, G3 & G4 | E 11 | Miller Ave Primary School & Goldfields Special School – <i>Education</i> | Residential | N/A |
| Modified | G5 | E 12 | Paeroa College – <i>Education</i> | Rural | N/A |
| Modified | G4 & G6 | E 13 | Paeroa Central Primary School – <i>Education</i> | Residential | N/A |
| Modified (125.1) | H1 | E 14 | Karangahake Primary School – <i>Education</i> | Residential | N/A |
| Modified | H3 | E 15 | Waikino Primary School – <i>Education</i> | Residential | N/A |
| Modified | K3 | E 16 | Waihi College – <i>Education</i> | Residential | N/A |
| Modified | K3 & K7 | E 17 | Waihi Central School – <i>Education</i> | Residential | N/A |
| Modified | K2 & K4 | E 18 | Waihi East School – <i>Education</i> | Residential | N/A |

'Education' means for the purpose of the above Ministry of Education designations:

Includes the provision of infrastructure and/or training and may include such uses as early childhood education services, schools, community education, tertiary educational institutions,

work skills training centres, outdoor education centres, sports training establishments and out of school care services and includes their ancillary administrative and support facilities (including cultural, recreational, communal or accommodation).

7.5.2.6 SCHEDULE OF DESIGNATIONS – MINISTER OF POLICE (F)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|------------|--------------------|-----------------------|-------------------|----------------------------------|
| Rolled-Over | C | F 1 | Ngatea Police Station | Industrial | N/A |
| Rolled-Over | G3,G4 & G5 | F 2 | Paeroa Police Station | Residential | N/A |
| Rolled-Over | G4 & G5 | F 3 | Police (Residence) | Residential | N/A |
| Rolled-Over | K3 & K5 | F 4 | Waihi Police Station | Town Centre | N/A |

7.5.2.7 SCHEDULE OF DESIGNATIONS – MINISTER OF RAILWAYS (G)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|----------------------------|--------------------|---------------------|-------------------------------------|----------------------------------|
| Rolled-Over | 7, 13, 18, 19, 22, G3 & G5 | G 1a | Railway Purposes | Rural | N/A |
| Rolled-Over | G1 & G5 | G 1b | Railway Purposes | Reserve (Passive) (170.1)(190.9) | N/A |
| Rolled-Over | G1 | G 1c | Railway Purposes | Industrial | N/A |
| Rolled-Over | G1 & G5 | G 1d | Railway Purposes | Reserve (Active) | N/A |

7.5.2.8 SCHEDULE OF DESIGNATIONS – MINISTER OF TRANSPORT (H)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|----------|--------------------|---------------------------------|-------------------|----------------------------------|
| Rolled-Over | 3 | H 1 | State Highway 25 Kopu Bridge | Rural | Refer to HDC File 83.925.022 |

7.5.2.9 SCHEDULE OF DESIGNATIONS – POWERCO LIMITED (J)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|----------|--------------------|---------------------|-------------------|----------------------------------|
| Rolled-Over | D | J 1 | Kerepehi Substation | Industrial | N/A |
| Rolled-Over | G5 & G6 | J 2 | Paeroa Substation | Rural | N/A |
| Rolled-Over | K6 | J 3 | Waihi Substation | Rural | N/A |

7.5.2.10 SCHEDULE OF DESIGNATIONS – TELECOM NZ LTD (K)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|----------|--------------------|---|-------------------|----------------------------------|
| Modified | A | K 1 | Telecommunication and Radiocommunication and Ancillary Purposes | Township | 7 proposed conditions |
| Modified | B | K 2 | Telecommunication and Radiocommunication and Ancillary Purposes | Township | 7 proposed conditions (134.1) |
| Modified | C | K 3 | Telecommunication and Radiocommunication and Ancillary Purposes | Town Centre | 7 proposed conditions |
| Modified | F | K 4 | Telecommunication and Radiocommunication and Ancillary Purposes | Township | 7 proposed conditions |
| Modified | G3 | K 5 | Telecommunication and Radiocommunication and Ancillary Purposes | Town Centre | 7 proposed conditions |
| Modified | K3 & K7 | K 6 | Telecommunication and Radiocommunication and Ancillary Purposes | Town Centre | 7 proposed conditions |
| New | 22 | K 7 | Telecommunication and Radiocommunication and Ancillary Purposes | Rural | 7 proposed conditions |
| New | 25 | K 8 | Telecommunication and Radiocommunication and Ancillary Purposes | Rural | 7 proposed conditions |
| New | 16 | K 9 | Telecommunication and Radiocommunication and Ancillary Purposes | Rural | 7 proposed conditions |

7.5.2.11 SCHEDULE OF DESIGNATIONS – TRANSPOWER NEW ZEALAND LIMITED (L)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|----------|--------------------|-------------------------------|-------------------|----------------------------------|
| Rolled-Over | H3 | L 1 | <i>Electricity Substation</i> | Rural | N/A |

7.5.2.12 SCHEDULE OF DESIGNATIONS – WAIKATO REGIONAL COUNCIL (M)

| New, Modified or Rolled-Over Designation | Map Ref: | Designation Number | Designation Purpose | Underlying Zoning | Specific Conditions/Lapse Period |
|--|---|--------------------|---|-------------------|----------------------------------|
| Rolled-Over | 5, 6, 7, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 27, 28, 29, A, B, C, D, G1, G2, G3, G5 & G6 | M 1 | Soil Conservation & <i>River Control</i> | Rural | N/A |
| Rolled-Over | 23 | M 2 | Stocks Drain Pump Station | Rural | N/A |
| Rolled-Over | D | M 3 | Works Depot for Piako & Waihou Schemes & Soil Conservation & <i>River Control</i> | Residential | N/A |

7.6 SIGNS

7.6.1 BACKGROUND

- (1) Signs are an important element of the District, providing information on public services, identifying places of interest and advertising goods and services. Adequate provision therefore needs to be made for the erection of signs and this has to be balanced against the need to protect the amenities of the District and to maintain traffic safety.
- (2) Controls are therefore required on the location, number, size, type and nature of signs, to the extent necessary to address these issues. The District Plan deals with both the safety and aesthetic aspects of signs located on private property and on road reserves.
- (3) New Zealand Transport Agency as the road controlling authority for State Highways, will provide recognised tourist activities with signs on the highways themselves. (181.203)
- (4) In certain circumstances, the control on signs is designed to achieve other objectives such as the protection of architecturally important and/or interesting building facades.

7.6.2 RESOURCE MANAGEMENT ISSUES

- (1) Signs are a necessary element for the promotion and functioning of activities in the District. However they can create adverse effects on amenities and traffic safety, which require management. (181.204)

7.6.3 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To ensure there is a balance between the need to provide information and the need to ensure that signs do not adversely affect the natural and physical environment or the amenity values of the District.

(a) Policies

Objective 1 will be achieved by the implementation of the following policies:

- (i) Require all signs to be located on the subject site, except approved temporary, directional and off site signs.
- (ii) Limit the number and impact of signs by placing controls on the size, type, number and location of signs.
- (iii) Provide for temporary signs while ensuring that they do not remain on individual sites for excessive periods of time.
- (iv) Provide for directional signs relating to tourist attractions.
- (v) Require signs to be consistent with the amenities of the environment and the scale of the surrounding buildings.

- (vi) Avoid signs which obscure or detract from important visual aspects of the District, such as scenic views of the coast, rivers, landscape features or buildings of architectural or historic value.
- (vii) Encourage the amalgamation of signs onto one structure and/or the establishment of community notice boards providing travellers with information on public utilities and services and community facilities and attractions.
- (viii) Encourage a high standard of sign maintenance and appearance and ensuring signs are concise and legible.

(2) OBJECTIVE 2

To ensure that signs do not create traffic hazards nor impair the efficient functioning of State Highways and District Roads.

(a) Policies

Objective 2 will be achieved by the implementation of the following policies:

- (i) Ensure signs do not:
 - (1) Obstruct driver's vision.
 - (2) Cause confusion or distraction for drivers.
 - (3) Create a situation which is hazardous to the safe movement of traffic.

(b) Reasons for all Objectives and Policies

- (i) "Functional" signs which enable people to be made aware of potential hazards, move around the District or find specific properties, have to compete for people's attention due to signs displayed for other purposes (mainly advertising). To allow those "functional" signs to carry out their purpose, the number, size, location and style of the other signs needs to be controlled.
- (ii) In the commercial areas of the District, signs are an integral and essential part of the visual make up. They can add vibrancy and excitement to those areas. (181.206)
- (iii) The District is traversed by a number of State Highways (including the Scenic Route), which many tourists use. Signs to direct and attract tourists to features (historic, cultural, economic or other) are required.
- (iv) Roads are a significant resource that when operated effectively, efficiently and safely, contribute to the economic and social wellbeing and the health and safety of the community. Inappropriate signs have the potential to undermine this function.
- (v) Land transport is not only a major user of fuel resources, but emissions contribute to the Greenhouse effect. Signs which facilitate efficient traffic movements also contribute to reducing the effects of emissions. (181.208)

7.6.4 ENVIRONMENTAL RESULTS

- (1) A simple, readily applied regime for signs that imposes the minimum of necessary control to protect the amenity values of residential, rural and visually sensitive areas and to promote traffic safety. (181.209)

7.6.5 GENERAL RULES - APPLICABLE TO ALL SIGNS IN ALL ZONES

(1) APPLICATION OF DISTRICT PLAN RULES

The *rules* relating to *signs* set out in the District Plan shall apply to all *signs* located on private and public property and all *signs* located on *road* reserves.

(2) PURPOSE OF SIGNS

All *signs* shall relate to activities authorised under the District Plan and shall be located on the *site* to which they relate, unless otherwise provided for within the District Plan or by means of a resource consent.

(3) CONTENTS OF SIGNS

Unless otherwise provided for within the District Plan all *signs* shall relate to the name of the property or premises or the goods and services, or business available from the property or premises on which the *sign* is located, or be used to direct traffic on that *site*.

(4) SITING OF SIGNS IN KARANGAHAKE GORGE ZONE AND COASTAL ZONE

Signs shall not protrude above the skyline or disrupt significant views. Existing vegetation and/or the land form is to be used to form a natural backdrop. Alternatively a backdrop is to be created using tree planting of species commonly found in the area.

(5) SIGN MAINTENANCE

Signs shall be maintained at all times with respect to their construction, painting, cleanliness and readability to ensure that the *sign* is in no way detrimental to the *amenities* of the area in which it is sited and/or to the area from which it can be seen.

Note: For the purpose of the *signs rules* refer to the definition of '*sign*' in Section 4.

7.6.6 PERMITTED ACTIVITIES

The following are *permitted activities* and shall comply with the performance standards specified for each activity:

(1) **IN ALL ZONES** except the Conservation Wetland and Conservation Indigenous Forest and Reserve (Active) and Reserve (Passive).

(a) **Official and *Regulatory Signs*** erected by or approved by the Road Controlling Authority.

(b) **Neighbourhood Watch *Signs***

Subject to compliance with the following performance standard:

(i) Maximum area of each *sign* 0.5m²

(c) **Community Welcome to Towns and District *Signs*** (181.210) Submission in opposition in relation to signs on SHWYs.

Subject to compliance with the following performance standards:

(i) One *sign* maximum per entrance *road*.

(ii) Maximum area of each *sign* 8m².

(iii) Must be located on private property.

(iv) Must be located:

(1) a minimum of 300 metres from any major intersection (*Arterial or Collector Road/State Highway, Collector Road/Arterial Road*)

(2) a minimum of 200 metres from any other intersection

(3) a minimum of 50 metres from any other *sign*

(4) a minimum of 200 metres from any other *road* feature which requires full driver attention, such as sharp bends in the *road*.

(d) **Temporary *Signs* for Auctions, for the Sale of Land/Buildings and for Trades/Consultant's *Signs* on Construction Sites** (181.211) Submission in opposition in relation to signs on SHWYs.

Subject to compliance with the following performance standards:

(i) Maximum area of each *sign* 3m².

(ii) Must be located on the subject *property*.

(iii) To be removed within seven days of completion of the activity.

(iv) Must be located:

(1) a minimum of 300 metres from any major intersection (*Arterial or Collector Road/State Highway, Collector/ Road/Arterial Road*)

(2) a minimum of 200 metres from any other intersection

(3) a minimum of 50 metres from any other *sign*

(4) a minimum of 200 metres from any other *road* feature which requires full driver attention, such as sharp bends in the *road*.

(e) Name Boards for: (181.212) Submission in opposition in relation to signs on SHWYs.

- Schools
- Churches
- Museums
- Marae
- Public halls
- Hospitals
- Libraries
- Other community facilities

Subject to compliance with the following performance standards:

- (i) One *sign* maximum per road frontage.
- (ii) Maximum area of each *sign* 1.5m².
- (iii) Must be located on the subject property.
- (iv) Must be located:
 - (1) A minimum of 300 metres from any major intersection (*Arterial or Collector Road/State Highway, Collector Road/Arterial Road*).
 - (2) A minimum of 200 metres from any other intersection.
 - (3) A minimum of 50 metres from any other *sign*.
 - (4) A minimum of 200 metres from any other *road* feature which requires full driver attention, such as sharp bends in the *road*.

(2) SIGNS IN ADDITION TO (1) ABOVE, FOR EACH LISTED ZONE (181.217)

(a) Residential, Low Density Residential & Flood Ponding Zone

- (i) One *sign* on the subject *site*, not exceeding 1m² in area, for each activity that is a *permitted activity* in the Residential, Residential Low Density and Flood Ponding zones or for which a resource consent has been granted.

(b) Rural, Coastal & Karangahake Gorge Zones (181.217) Submission in opposition in relation to signs on SHWYs.

- (i) One *sign* per *produce stall* or *produce market*, not exceeding 3m² in area - to be located on the *site* of, and at the entrance to the *produce stall* or *produce market*.
- (ii) Not more than two directional *signs* indicating the proximity of a *produce stall* or *produce market*, not exceeding 0.25m² per *sign*, located a maximum of 200 metres from the entrance to the *produce stall* or *produce market*.

These may be located on land other than that on which the *produce stall* or *produce market* is located.

(iii) One *sign*, on the subject *site*, not exceeding 1.5m² in area, bearing the occupier's and/or property's name.

(iv) One *sign*, on the subject *site*, not exceeding 1.5m² in area, for each activity that is a *permitted activity* in the Rural, Coastal & Karangahake Gorge Zones or for which a resource consent has been granted.

(c) Conservation (Indigenous Forest) and Conservation (Wetland) Zones

(i) Official and *regulatory signs* erected or approved by the Road Controlling Authority.

(ii) One *sign* at each public access to the reserve, not exceeding 3m² in area, bearing the name of and information relating to the reserve.

(iii) Any directional, safety, public information *signs* approved and erected within any reserve area by or on behalf of the agency responsible for the reserve.

(d) Reserve (Passive) and (Active) Zones

(i) Official and *regulatory signs* erected or approved by the Road Controlling Authority.

(ii) Temporary *signs* relating to activities to take place on the subject reserve. These are not to exceed 3m² in area each and shall be erected no more than three months prior to the event and removed within seven days of the event.

(iii) Temporary *signs* erected in conjunction with specific events. These shall not be erected more than one day prior to the event and shall be removed on the day following the event.

(iv) One *sign* for each club or code not exceeding 4m² in area attached to the *building* used by the club or code on the reserve or where there is no *building*, the *sign* may be freestanding, displaying the name of the club(s) (or codes) using the playing fields/courts, and their sponsors.

(v) One *sign* at each public entrance to the reserve, not exceeding 3m² in area, displaying the name or particular use of the reserve.

(vi) *Signs* for commercial advertising/sponsors *signs*. These shall be located so that they are visible primarily to spectators of and participants in events on the reserve, and, in the case of sports field/court surrounds shall be attached to the surrounds so as to face towards the field/court. These *signs* shall not exceed 2m² in area each.

(e) Marae Development Zone

(i) One *sign* for each activity that is a *permitted activity* in the Marae Development zone, or for which a resource consent has been granted. Such *signs* are to be attached to one *sign board structure* with a maximum cumulative total area of *signs* of 3m².

(f) Town Centre, Township and Industrial Zones

(i) *Signs* related to *permitted activities* and activities for which a resource consent has been granted, subject to compliance with the following performance standards:

(1) No limit on size or number of *signs* attached to a *building(s)* on the subject *site* (except where the *site* adjoins or is adjacent to a Residential zone – refer to (3) below), PROVIDED THAT:

- a. *Signs* do not protrude more than 1 metre above the roof line of the *building*; and
- b. Under verandah *signs* must maintain a minimum of 2.6 metres clearance between the bottom of the *sign* and the footpath and a minimum horizontal clearance of 0.5 metres from the kerb line;

(2) No limit on the number of free standing *signs* on the subject *site*, (except where the *site* adjoins or is adjacent to a Residential zone – refer to (3) below), PROVIDED THAT:

- a. Freestanding *signs* are not to exceed a total of 12m² in area

(3) For *sites* which adjoin or are adjacent to a Residential zone, there is no limit on number of *signs* attached to *buildings* or freestanding, PROVIDED THAT:

- a. *Signs* attached to *buildings* do not protrude more than 1 metre above the roof line of the *building*; and
- b. Under verandah *signs* must maintain a minimum of 2.6 metres clearance between the bottom of the *sign* and the footpath and a minimum horizontal clearance of 0.5 metres from the kerb line; and
- c. The cumulative total area of all *signs* (attached and freestanding) relating to any one *site* shall not exceed 8m².

(4) All *signs* must be attached to a *building* or be located on the subject *site*, with the exception of one sandwich board or other freestanding *sign* per business which may be located on the footpath immediately outside the business premises. Each face of the *sign* is not to exceed 1.0m² in area.

In the case of a business on a corner *site*, one sandwich board or freestanding *sign* can be located on each of the two frontages.

7.6.7 CONTROLLED ACTIVITIES

(1) IN ALL ZONES except the Conservation (Indigenous Forest) and Conservation (Wetland) and Reserve (Passive) and Reserve (Active) Zones

(a) Temporary *Signs* for elections, community events, festivals, galas, reunions, bazaars, community good campaigns and the like are a *Controlled Activity*, subject to compliance with the following performance standards: (181.218)(181.219)

(i) Maximum area of each *sign* 3m².

- (ii) To be erected no more than three months prior to event and removed within seven days after the event.
- (iii) To be erected for no more than 3 months for community good campaigns.
- (iv) Must be located:
 - (1) A minimum of 300 metres from any major intersection (*Arterial or Collector Road/State Highway, Collector Road/Arterial Road*).
 - (2) A minimum of 200 metres from any other intersection.
 - (3) A minimum of 50 metres from any other *sign*.
 - (4) A minimum of 200 metres from any other *road* feature which requires full driver attention, such as sharp bends in the *road*.

- (b) *Conditions* may be imposed in relation to the matters over which control has been reserved, as specified below:

Sign Size, Layout and Location

- (i) Would a larger sized *sign* enable the information to be displayed more clearly and in a manner that promotes road safety.
- (ii) To what extent does the lettering, layout and other information on the *sign* create a potential traffic hazard due to its siting or orientation.
- (iii) Are there other locations or ways in which the *sign* could be orientated or located that would reduce the potential for the *sign* to create a traffic hazard.

7.6.8 RESTRICTED DISCRETIONARY ACTIVITIES

- (1) There are no *restricted discretionary activities*.

7.6.9 DISCRETIONARY ACTIVITIES

- (1) The following are *discretionary activities* and shall be assessed in relation to the criteria specified in Section 7.6.12 below. (103.9)
 - (a) All *signs* other than those provided for as *permitted, controlled or non complying activities*.
 - (b) Community Notice Board *signs* up to 5m² in area.
 - (c) *Tourist facility signs*.

7.6.10 NON-COMPLYING ACTIVITIES

- (1) *Signs* animated by means of flashing, blinking or travelling lights, or other means not providing constant illumination.

- (2) Any *signs* not otherwise provided for as a *permitted, controlled, restricted discretionary or discretionary activity*.

7.6.11 PROHIBITED ACTIVITIES

- (1) There are no *prohibited activities*.

7.6.12 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

- (1) The following criteria will be used to assess a *discretionary activity*.
- (a) The need for the *sign*.
 - (b) The suitability of the location of the *sign*.
 - (c) The need for the size, type and number of the *sign(s)*.
 - (d) The effects of the *sign* or *signs* on *amenity values* of neighbouring properties.
 - (e) The general *rules* for *signs*.
 - (f) The effects of the *sign* or *signs* on traffic safety.
 - (g) The matters over which control has been reserved in Rule 7.6.7 above.

7.7 HAZARDOUS SUBSTANCES AND CONTAMINATED SITES

7.7.1 BACKGROUND

- (1) Hazardous substances are used by the agriculture, horticulture, forestry and industrial sectors, as well as the domestic sector (but usually only in small amounts). As such, hazardous substances are a common and important part of modern life. If properly handled, used, stored and disposed of, the risks to the environment and to human health and safety are very small. However, there are many examples both in New Zealand and internationally that illustrate the effects of accidents and inappropriate use, storage, transportation and disposal of hazardous substances.
- (2) Section 31(1)(b) of the Resource Management Act 1991 imposes a duty on district councils to control any actual and potential effects of the use, development or protection of land. This includes preventing or mitigating any adverse effects of the storage, use, disposal or transportation of hazardous substances (s31(1)(b)(ii) and preventing or mitigating any adverse effects of the development, subdivision, or use of contaminated land (s31(b)(ia)).
- (3) This is complemented by the functions given to the regional councils under Section 30(1)(c)(v) and 30(1)(ca) of the Act to also prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances, and to undertake the investigation of land for the purposes of identifying and monitoring contaminated land.
- (4) The Waikato Regional Policy Statement identifies that both regional and district plans will be used as one of the methods to avoid the adverse effects of the storage, use and disposal of hazardous substances, and ensure consistent, efficient and effective approaches to the remediation and management of contaminated sites
- (5) With respect to this District Plan, the primary implementation method is generally the development of rules (regulation). In providing these rules, some of the other implementation methods will also come into play. Council recognises that a range of methods are presently and will continue to be used to control and manage the effects of hazardous substances. Many of these methods are outside the District Plan and under other legislation. Waikato Regional Council has indicated that its focus will be on the prevention and minimisation of risk to the environment and human health, through the provision of information, advocacy, coordination between agencies, provision of services and financial instruments.
- (6) Rules and other provisions in the District Plan can assist in avoiding, remedying or mitigating the adverse effects of hazardous substance activities in terms of the location of activities (especially in relation to sensitive environments or activities), protecting the main traffic routes from development that would reduce the road's safety and efficiency for transportation purposes and ensuring that appropriate performance standards are included that can be complied with.
- (7) One of the major environmental tasks presently being addressed is the "clean up" of existing contaminated sites. A National Environmental Standard (NES) for Assessing and Managing Contaminants in Soils has been proposed to ensure that land affected by contaminants in soil is appropriately identified and assessed at the time of being developed and if necessary remediated, or the contaminants contained, to make the land safe for human use. The draft NES proposes to allow as permitted activities, subsurface investigations to determine the

presence, extent and nature of any contamination; and the change of land use, development or subdivision of land where there is no evidence of soil contamination or the proven levels are acceptable for the intended land use. Where site investigations for sites known or suspected to have contaminated soils, show that these exceed specified levels considered safe for human health, a resource consent for a Restricted Discretionary Activity will be required.

- (8) Until the NES for Assessing and Managing Contaminants in Soils comes into force, the District Plan should contain rules that enable and/or require the investigation and remediation of contaminated sites and that ensure the remediation is undertaken in a manner which is environmentally sound and makes the land safe for human use. Any inconsistency between the District Plan provisions and the NES will be remedied in accordance with the provisions of the RMA and the NES at the required time.

7.7.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To avoid, remedy or mitigate the risk of adverse effects to the environment and the community, associated with the transportation of hazardous substances.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Ensure that adverse effects of activities on the efficiency and safety of the transport routes are avoided, remedied or mitigated (eg through access design, location and formation).
- (ii) Provide for the use, manufacture and storage of hazardous substances in locations that are readily able to gain access to the main transport routes. Where possible the hazardous facility should be located to avoid the need for transport carrying the hazardous substance to regularly pass through residential areas and other urban areas (excluding Industrial zones).
- (iii) Make one of the matters to be considered when assessing an application for a resource consent for using or storing hazardous substances, the risks associated with the transportation of the substance to the site.
- (iv) Ensure that the routes used in the transportation of hazardous substances are maintained to a standard that seeks to minimise the risk of accident as a result of the road design, formation, sign posting and other road factors.

(b) Reasons

- (i) The control of the actual transportation of hazardous substances rests principally with the Commissioner of Police and the New Zealand Transport Authority under the Hazardous Substances and New Organisms Act 1996 (HSNO), not with the District Council.
- (ii) The District Plan has a role to play in protecting the transportation resource from the adverse effects of other adjoining activities.

(2) OBJECTIVE 2

To minimise the risks of adverse effects to the environment and the community associated with the use and storage of hazardous substances.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

- (i)** The location of sites on which hazardous substances can be stored and on which those facilities that involve the use of hazardous substances can operate should be separated from environments that would be adversely affected by the inadvertent release of hazardous materials.
- (ii)** Making the risks to the environment and community associated with the hazardous facility, one of the matters to be considered when assessing an application.

(b) Reasons

- (i)** The potential adverse effects from the use and storage of some hazardous substances are such that in some locations (eg residential, wetlands, reserves) the risk to the environment, amenity and public health and wellbeing should be avoided.

(3) OBJECTIVE 3

To minimise the risk of adverse effects on the environment and the community from the disposal of hazardous substances that occurred in the past, and that will occur in the future.

(a) Policies

Objective 3 will be achieved by implementation of the following policies:

- (i)** Exclude the disposal of hazardous substances from the provisions for general excavation and fill.
- (ii)** Ensure that the remediation of any existing landfill, disposal site or other site where hazardous substances or chemicals have been used and/or accidentally spilt is under the direction and/or control of the Regional Council or the District Council. **(167.5)(175.5)(78.5)(179.5)**
- (iii)** Discourage the disposal of any hazardous substance anywhere in the District, apart from authorised sites.
- (iv)** Promote the establishment of facilities outside the District to safely dispose of hazardous substances, where such facilities are not provided in the District.

(b) Reasons

- (i)** The integrated action of both Regional and District Councils will ensure the process to remediate contaminated sites throughout the District.
- (ii)** The District Plan needs to give a clear message that the disposal of hazardous substances is not encouraged or provided for.

(4) OBJECTIVE 4

To increase the level of public and user knowledge, education and involvement in minimising the use of hazardous substances and the safe and correct methods of the use, storage and disposal of hazardous substances.

(a) Policies

Objective 4 will be achieved by implementation of the following policies:

- (i) To identify and promote suitable industrial standards and Codes of Practice to prevent or mitigate environmental effects and risks associated with hazardous substances and environmentally damaging substances and facilities.
- (ii) Ensure that any application for a resource consent or requirement involving the use, storage, disposal or transportation of hazardous substances is widely circulated to agencies with an interest in the application, as well as to the public in general. (168.150)(87.155)(93.121)(191.121)
- (iii) Continue to work with organisations (eg Waikato Regional Council, District Health Board, New Zealand Police, New Zealand Chemical Industry Council) and in forums (Hamilton Hazardous Substances Technical Liaison Committee) that seek to inform and educate the specific users and the public in general on the ways in which to minimise the use and the risks associated with hazardous substances.
- (iv) To promote land uses and land use practices which avoid, remedy or mitigate adverse effects from the use of hazardous substances while enabling maximum benefit to be derived from use of such substances.

(b) Reasons

- (i) A range of methods is required to inform and educate the public and users of the risks and effects of hazardous substances.

(5) OBJECTIVE 5

To assist in the coordination of the agencies responsible for the control and management of hazardous substances.

(a) Policies

Objective 5 will be achieved by implementation of the following policies:

- (i) Continue to be part of and support the statutory and non statutory bodies (such as Environmental Risk Management Authority (ERMA), Dept of Labour, Gas Association of NZ) with a responsibility for or an interest in the minimisation of the use and risks associated with hazardous substances.
- (ii) Include rules in the District Plan that require hazardous substance activities (use, storage, transportation and disposal) to seek and obtain a resource consent. Part of the resource consent process involves consultation with those persons with an interest in, or who are affected by the application. (93.122)(191.122)

(b) Reasons

- (i) The control and management of hazardous substances is the responsibility of a number of organisations, and coordination amongst the agencies is required to

ensure that resources are not wasted due to duplication of effort, and the appropriate agencies are notified.

- (ii) While accepting that the methods of education, information sharing and advocacy are outside the role of the District Plan, the use of rules in the District Plan can enable these other methods to be used.

7.7.3 ENVIRONMENTAL RESULTS

- (1) The prevention (preferable), or at least the minimisation (more likely) of adverse effects from the use, storage, disposal and transportation of hazardous substances on the environment and human health. (93.123)(191.123)
- (2) In conjunction with the responsibilities and work undertaken by other agencies, the awareness and knowledge of hazardous substances will be increased, and as a result of this, the risks and effects on the environment will be reduced. The integrated management of hazardous substances will also be achieved.

7.7.4 ACTIVITIES

- (1) **INTRODUCTION** (93.124)(191.124)

Council has adopted the "Hazardous Facilities Screening Procedure" (HFSP) contained in the document titled "Land Use Planning Guide for Hazardous Facilities – A Resource for Local Authorities and Hazardous Facilities Operators, Ministry for the Environment (February 2002)" as the approach to managing *hazardous facilities*. This document focuses on assessing potential adverse effects of three kinds:

- (a) effects caused by fire and/or explosion;
- (b) effects on human health;
- (c) environmental effects.

- (2) Possible adverse effects of *hazardous substances* can be predicted by the level of *hazard* of the substance and the anticipated consequences of its release. Adverse effects include:
 - (a) contamination of water, soil and air;
 - (b) short and long term damage to ecosystems;
 - (c) accumulation of persistent substances in the bodies of humans and animals, resulting in chronic and/or long term damage to their health;
 - (d) acute damage to human health through exposure to substances affecting skin, mucous membranes, respiratory, digestive and other systems;
 - (e) damage to the environment from fire or explosion events;
 - (f) damage to human health and property from fire or explosion events.

- (3) In order to assess the *hazard* posed by various substances and the risk they present, Council has adopted the HFSP for use in assessing hazardous activities or facilities.
- (4) **HAZARDOUS FACILITY SCREENING PROCEDURE ('HFSP')**
- (a) The HFSP will be applied to all proposed new *hazardous facilities* using or storing *hazardous substances*.
- (b) Existing facilities will not be subject to the HFSP unless they significantly expand or alter their operations. A significant alteration occurs when the effects of the use are not the same or similar in character, intensity or scale as previously, as is defined by Sections 10, 10A and 20A of the Resource Management Act. It is unlikely that the replacement of tanks or other equipment would attract screening by the HFSP unless this would enable a considerable increase in the storage or use of *hazardous substances*.
- (c) The HFSP will be used as a screening tool to assist in making decisions on:
- (i) whether a proposed *hazardous facility* is permitted, subject to defined minimum performance standards; or
- (ii) whether it requires a consent and additional, merit-based assessment of risks.
- (d) Activities involving radio-active sources are excluded from the HFSP assessment process, because they are covered under the rules of the Radiation Protection Regulations 1982. These Regulations are administered by the Ministry of Health through the National Radiation Laboratory.

7.7.5 PERMITTED ACTIVITIES

- (1) The following are *permitted activities* in all *zones* and shall comply with the Performance Standards specified in Rule 7.7.12 below:
- (a) Any *hazardous facility* with an Effects Ratio that equals or falls below the Effects Ratio (R) specified for the *zone* in which it proposes to locate, as indicated in the HFSP Consent Status Matrix in Rule 7.7.11(5) below.
- (b) Any use or storage of radio-active materials with a level of activity below that specified as an exempt activity in the Radiation Protection Regulations 1982.
- (c) Subsurface investigations to establish the presence, extent and nature of contaminated soils, and the clean up and rehabilitation of contaminated **sites** (167.7)(175.7)(178.7)(179.7) by or under the control and direction of the Waikato Regional Council, or which is undertaken in accordance with the following Ministry for the Environment Series of Contaminated Land Management Guidelines:
- (i) No 1 : Reporting on Contaminated Sites in New Zealand (MfE, 2003a);
- (ii) No 2 : Hierarchy and Application in New Zealand of Environmental Guideline Values,(MfE, 2003b);
- (iii) No 3 : Risk Screening System (MfE, 2004a);
- (iv) No 4: Classification and Information Management Protocols (MfE, 2006b);

- (v) No 5: Site Investigation and Analysis of Soils (MfE, 2004b).
- (vi) Health and Environmental Guidelines for Selected Timber Treatment Chemicals, (MfE & MoH, 1997)
- (vii) Guidelines for Assessing and Managing Contaminated Gasworks Sites in New Zealand (MfE, 1997)
- (viii) Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand (MfE, 1999)
- (ix) Identifying, Investigating and Managing Risks Associated with Former Sheep-dip Sites: A Guide for Local Authorities (MfE, 2006a)
- (x) Draft Methodology for Deriving Soil Guideline Values Protective of Human Health (MfE, 2010b)

Note: (167.10)(175.10)(178.10)(179.10)

For explanation of what the above MfE Guidelines cover and their application within the assessment framework, refer to Table 10 in the Proposed NES for Assessing and Managing Contaminants in Soil: Discussion Document, February 2010 on www.mfe.govt.nz.

- (d) **Change of land use, development or subdivision of land** (87.156) that is known or is likely to be potentially affected by soil contaminants, for which a report received and ratified by the *Council* in accordance with the Ministry for the Environment Series of Contaminated Land Management Guidelines listed in (c) above, confirms there is no evidence of soil contamination or the contamination levels are acceptable for the intended land use as defined by the relevant soil guidance value in these Guidelines.

Note:

Land known or likely to be potentially affected by soil contaminants are those sites recorded on a Contaminated Site Register held either by the Regional or District Council and/or those on the Hazardous Activities and Industries List (HAIL) contained in Appendix 4 of the Proposed NES for Assessing and Managing Contaminants in Soil: Discussion Document, February 2010.

- (e) The co-disposal of *hazardous substance* to a *landfill* operation, but only where:
 - (i) the *landfill* is operating under a resource consent or a requirement that provides for the disposal of *hazardous substances*
 - (ii) the *hazardous substance* is listed as being permitted to be disposed of in the *landfill*
 - (iii) the *hazardous substance* is within the quantities and concentrations permitted in the *landfill*
 - (iv) the disposal is undertaken and completed in accordance with the *conditions* controlling the *landfill* operation.

(Note: Refer to the exemptions in Rule 7.7.13)

**7.7.6 CONTROLLED ACTIVITIES (167.12)(175.12)(178.12)(179.12),
(167.13)(175.13)(178.13)(179.13)**

(1) There are no *controlled activities*.

7.7.7 RESTRICTED DISCRETIONARY ACTIVITIES

(1) The following are *restricted discretionary activities* in all *zones* and the *Council* will restrict the exercise of its discretion to the relevant matters listed in (2) below:

- (a)** Any *hazardous facility* with an Effects Ratio above the Effects Ratio (R) specified for the *zone* in which it proposes to locate, as indicated in the HFSP Consent Status Matrix in Rule 7.7.11(5) below.
- (b)** Subsurface investigations to establish the presence, extent and nature of contaminated soils, and the clean up and rehabilitation of contaminated sites provided for as a *permitted activity*, that do not comply with the Performance Standards specified in Rule 7.7.12.
- (c)** Change of land use, *development* or *subdivision* of land not provided for as a *permitted activity*, which has not been cleaned up and rehabilitated in accordance with the Performance Standards specified in Rule 7.7.12.
- (d)** Facilities for the disposal of *hazardous substances* within the Rural Zone.
- (e)** Co-disposal of *hazardous substances* to a *landfill* operation, not provided for as a *permitted activity* in Rule 7.7.5(1)(e).

(Note: Refer to the exemptions in Rule 7.7.13)

(2) The matters over which the *Council* has restricted its discretion for the above *Restricted Discretionary Activities* are:

(a) Hazardous Substances/Facilities – Storage, Use and Disposal

- (i)** The degree to which the location of the use or storage of the *hazardous substance/facility* in relation to other activities and *environments* reduces the risks of adverse effects on those activities and *environments*. In particular, the following will be taken into account:
 - (1) the separation distance to neighbouring activities, with emphasis on people-sensitive activities such as *child care facilities*, schools, rest homes, hospitals, shopping centres and residential areas;
 - (2) the location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive *environments*;
 - (3) the distance to environmentally sensitive areas such as wildlife habitats or water catchments.
- (ii)** Have other actions or works been undertaken that reduce the degree of risk to a level that is acceptable in the circumstances, eg:

- (1) identification of potential *hazards*, failure modes and exposure pathways;
 - (2) investigation of the nature of the sub-soil and the site geology;
 - (3) assessment of the probability and potential consequences of an accident leading to a release of a *hazardous substance* or loss of control;
 - (4) identification of cumulative and/or synergistic effects;
 - (5) site drainage and off-site infrastructure, eg stormwater drainage system, sewer type and capacity.
- (iii) Are there management practices in place (and will continue to be in place) that significantly reduce the level of risk eg:
- (1) fire safety and fire water management;
 - (2) adherence to health and safety and/or environmental management systems;
 - (3) spill contingency and emergency planning, monitoring and maintenance schedules.
- (iv) What other alternative locations and processes were evaluated, and what were their respective benefits and costs compared with the proposal.
- (v) Is the level and detail of the qualitative and/or quantitative risk assessment adequate to fully assess the risk associated with the facility.
- (vi) The level of risk associated with the transportation of *hazardous substances*, both for the roading network and for the *amenity* of the *environment* through which the transport route concerned passes.
- (vii) Will the development of the *hazardous facility* result in restrictions being imposed on the existing or potential use of adjacent land.
- (viii) The degree to which the "direction" of the adverse effect is influenced by factors, such as topography of the site and surrounding area, and existing *structures*.
- (b) CONTAMINATED SITES**
- (i) Will the non compliance with the Performance Standards in 7.7.12 create an unacceptable level of risk to human health.
 - (ii) Is the clean up and rehabilitated condition of the contaminated site such that the level of contamination and risk is significantly reduced, and can the activities proposed for the *site* be carried out in a "normal" manner (ie without compromise to the "containment" of contaminants on the *site* or risk to human health).
 - (iii) Is the nature of the land use, *development* or *subdivision* such that the process of investigation and remediation of identified contaminated soils in accordance with Ministry for the Environment Series of Contaminated Land Management Guidelines listed in 7.7.5(1)(c) is required to be undertaken as *conditions* of consent.

7.7.8 DISCRETIONARY ACTIVITIES

- (1) There are no *discretionary activities*.

7.7.9 NON COMPLYING ACTIVITIES

- (1) The following are *non complying activities*:
- (a) Any *hazardous facility* in a *zone* not specified in the Hazardous Facilities Screening Procedure Consent Status Matrix in Rule 7.7.11(5).
 - (b) Any facility for the disposal of *hazardous substances* not provided for as a *permitted* or *restricted discretionary activity*.
 - (c) Any use or storage of radio-active materials with an activity in excess of that specified as an exempt activity in the Radiation Protection Regulations 1982. (168.151)(93.125)(191.125)

(Note: Refer to the exemptions in Rule 7.7.13)

7.7.10 PROHIBITED ACTIVITIES

- (1) There are no *prohibited activities*.

7.7.11 HAZARDOUS FACILITIES SCREENING PROCEDURE (HFSP) CONSENT STATUS MATRIX

- (1) The HFSP Consent Status Matrix in Rule 7.7.11(5) below shall be used to determine the consent status of a *hazardous facility* in the *zone* where it is to be located.
- (2) The calculation of the Effects Ratio (R) shall be undertaken by a person or organisation experienced, qualified and presently operating in the field of *hazardous substances* and facilities, using the "Hazardous Facilities Screening Procedure" contained in the document titled "Land Use Planning Guide for Hazardous Facilities – A Resource for Local Authorities and Hazardous Facilities Operators, Ministry for the Environment (February 2002)".
- (3) Where there is any disagreement as to the Effects Ratio (R) value, then the matter shall be referred to an independent expert agreed to by both parties for a determination.
- (4) If a *zone* is not included in the Matrix, or a *hazardous substance* exceeds the limit for it to be a *restricted discretionary activity*, then it shall be a *non complying activity*. There are no *prohibited activities* for *hazardous substances*.
- (5) The Hazardous Facilities Screening Procedure: Consent Status Matrix

| Zone | Consent Status | |
|--|----------------|--------------------------|
| | Permitted | Restricted Discretionary |
| Low Density Residential Residential <i>Marae Development</i> | ≤0.05 | > 0.05 |
| Town Centre Rural Coastal Karangahake Township | ≤ 0.25 | > 0.25 |
| Industrial | ≤ 1 | > 1 |

7.7.12 PERFORMANCE STANDARDS

- (1) The “Minimum Performance Requirements for Hazardous Substances” set out in Section 4.4 of the document titled “Land Use Planning Guide for Hazardous Facilities – A Resource for Local Authorities and Hazardous Facilities Operators, Ministry for the Environment (February 2002)” shall apply to all *hazardous facilities as permitted activities*.
- (2) A report on the findings of subsurface investigations to establish the presence, extent and nature of contaminated soils shall be provided to the *Council* within 60 days of receiving any laboratory reports,
- (3) All reporting required for the cleanup and rehabilitation of a contaminated **site** (167.9)(175.9)(178.9)(179.9) in accordance with the Ministry for the Environment Series of Contaminated Land Management Guidelines listed in Rule 7.7.5(1)(c) shall be provided to the *Council* for auditing and ratification as set out in:

No 1: Reporting on Contaminated Sites in New Zealand (MFE 2003a)

Note: All reports submitted to the *Council* will be held on the relevant property file.

7.7.13 EXEMPTIONS FROM THE HFSP

- (1) The following are exempt from the HFSP:
 - (a) **Service stations in the Industrial and Town Centre Zones where the following are complied with: (167.11)(175.11)(178.11)(179.11)**
 - (i) The retail sale of petrol, including up to a storage of 100,000 litres of petrol in underground storage tanks and up to 50,000 litres of diesel, provided that the “Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems”, published by the Department of Labour - OSH, is adhered to.

- (ii) *Retail* LPG outlets, with storage of up to 6 tonnes (single vessel storage) of LPG, provided that the "Australian Standard (AS/NZA 1596-2008) for LP Gas Storage and Handling - Siting of LP Gas Automotive Retail Outlets" is adhered to.

Reason

Control of these developments is provided for elsewhere and well established industry codes of practice or suitable regulations exist.

- (b) Trade waste to public sewer system and waste treatment or disposal facilities.

Reason

The difficulty of identifying the quantity and nature of the substances involved and the *conditions* of consent that apply to such systems and facilities.

- (c) Storage or use of hazardous consumer products for private domestic purposes.

Reason

The degree of *hazard* is generally below the scale of potential adverse effects considered by the HFSP.

- (d) *Retail* outlets for the domestic usage sale of *hazardous substances* (eg supermarkets, hardware shops, pharmacies).

Reason

Storage of *hazardous substances* is generally in small packages.

- (e) Facilities using genetically modified or new organisms.

Reason

Controlled by other legislation.

- (f) Developments that are or may be hazardous but do not involve *hazardous substances* (eg *mineral* extraction, high voltage transmission *lines*, radio masts, electrical substances).

Reason

These are controlled by other district plan provisions.

- (g) Dust explosions.

Reason

Controlled under *rules* relating to discharge of contaminants to the air under the Waikato Regional Plan.

- (h) Gas and oil pipelines.

Reason

Controlled by other legislation and industry codes.

- (i) Fuel in motor vehicles, boats and small engines such as weedeaters, lawnmowers, chainsaws etc. (93.127)(191.127)

Reason

The degree of *hazard* is generally below the scale of potential effects considered by the HFSP.

- (j) Storage and use of LPG accessory to *residential* and rural activities, provided that the maximum volume on a *residential property* at any one time does not exceed 100kg, and on a rural property at any one time does not exceed 300kg.

Reason

The maximum volumes are typical of normal *residential* or rural use, the potential *hazard* risks are considered to be low and are controlled by other legislation and industry standards.

7.8 EXCAVATIONS AND PLACEMENT OF FILL (EARTHWORKS)

7.8.1 BACKGROUND

- (1) Section 9(3) of the RMA includes the following "uses" (by reference to the definition in Section 2 of "use") in relation to land that require resource consent approval, unless provided for in the district plan or as an existing use:
 - (a)(ii) drill, excavate or tunnel land or disturb land in a similar way:
 - (a)(iv) deposit a substance in, on or under land.
- (2) Many land use activities involve excavations and placement of deposits in the form of fill on land. In most circumstances such activities are considered to constitute part of the operation of the use. Where the use concerned is permitted as of right, the various activities involving excavations/filling are seen as part of that operation and are likewise permitted as of right (eg putting metal on farm races, establishing silage pits, land cultivation and "hump and hollow" formation, wintering pads). Other situations (eg road works) would normally require resource consent except where the work is provided for within the road reserve and any aspects of concern regarding the works can be addressed through that process.
- (3) The management of the principal effects (eg soil erosion, water quality control) of some earthworks are primarily the responsibility of the Waikato Regional Council.
- (4) Particularly in an urban context the management of excavations and fills on land is generally handled through either:
 - (a) Other legislation, in particular the Building Act 2004 in terms of which site works (including earthworks) require approval by Council as part of the building consent.
 - (b) The subdivision of land procedures under the Resource Management Act 1991 (eg conditions of subdivision consent relating to filling, compaction, protection against erosion) and requirement that a completion certificate confirm the works have been undertaken in conformity with such conditions.
- (5) It should also be recognised that excavations or fills on one property may affect the adjoining property (fence might fall over, trees die etc). So long as such activities fall within the general scope of an activity permitted on the land, any such disputes are to be treated as civil matters. However, should an excavation/fill in say a residential area relate mainly to an off site business which is not a permitted activity in the area, control in the Resource Management Act 1991 is available (abatement notice, enforcement order etc).
- (6) On occasions surplus cut material from road works needs to be disposed of. Such material normally comprises clean topsoil/subsoil and is valued by farmers to fill gullies, depressions etc. The disposal of limited volumes of such material is not considered by the Council to require land use consent (however resource consents from the Regional Council may be required).
- (7) There are however excavations and fill placements which are of concern to Council and which are best managed through the District Plan. These fall essentially into three categories:
 - (a) Where excavations cease to be minor works which are part and parcel of the principal land use (generally farming) and effectively become an extractive industry.

- (b) Where imported spoil of various sorts is being used to fill gullies/depressions etc where this is not provided for as a refuse landfill.
 - (c) Excavation and fill not undertaken as part of another consented activity.
- (8) In addition Council is concerned about:
- (a) fill in the Flood Ponding Zone (and associated areas that are subject to inundation), Floodways and identified overland flow paths;
 - (b) knowing where fill sites are located to ensure future building development is undertaken appropriately;
 - (c) Earthworks within Landscape Protection Areas; and
 - (d) the adverse effects (noise, visual, dust, length of time, traffic) associated with the excavation and placement of fill.
- (9) A distinction can be drawn between undertaking excavations and placing of fill which is sourced from within the same property as against importing large amounts of fill from another area. The former is likely to be part of a normal farming operation and no management by Council is considered necessary

7.8.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To ensure site earthworks associated with land use and subdivision activities avoid, remedy or mitigate adverse off site effects. (87.157)

(a) Policies

Objective 1 will be achieved by the implementation of the following policies:

- (i) Recognise that excavations and fills are undertaken as part of legitimate land use activities.
- (ii) Ensure that excavations do not develop into commercial mines. (93.128)(191.128)
- (iii) Ensure that only clean imported fill is placed on sites.
- (iv) Limit the scale and location of earthworks to minimise the risk of instability and damage to other properties, network utilities and the environment and not increase the risk of potential flooding or reduce the function of ponding areas, overland flow paths, and spillways, and minimise amenity and public safety impacts. (87.159)

(b) Reasons

- (i) Many excavations and fills are managed through land subdivision consent procedures. There is no need for any further management of these activities. Excavations and fills in the rural area are often undertaken as part of legitimate land use activities and Council does not consider there is any need for management other than where volumes of material are being transported from one property to another and the excavations have become, in effect, a mine.
- (ii) However, it is noted that the provisions of the Building Act 2004 with respect to earthworks have limited scope to address the wider issues that may arise from

earthworks (eg transport of material, amenity impacts, flood management control). Accordingly, the scale of earthworks permitted has been set at a level that allows for reasonable earthworks associated with permitted activities in each of the zones.

- (iii) It is noted that some excavations/fills will require authorisations from the Waikato Regional Council notwithstanding that no land use consent is required under the District Plan. (168.154)
- (iv) In Rural zones the disposal of surplus clean fill from roadworks is a matter of negotiation between landowner and roading authority. Council is to be informed where larger volumes of clean material are involved.

7.8.3 ENVIRONMENTAL RESULTS

- (1) The resource management outcomes sought are:
 - (a) To ensure Council is fully informed regarding the placement of significant volumes of imported fill and is able to manage the placement of fill which does not comprise clean topsoil/subsoil and demolition rubble.
 - (b) The effects of the placement of significant volumes of fill will be managed to ensure the amenities of the area concerned and future building activity is not compromised.
 - (c) Adverse effects of the excavations and fill are minimised.
 - (d) Council also wishes to ensure that excavations for mineral extraction where this involves the movement of significant volumes off the property of source are treated as extractive industry. (168.156)

7.8.4 ACTIVITY STATUS

Earthworks (excavation and/or fill) either as an accessory component of a *Permitted, Controlled, Restricted Discretionary, Discretionary* or *Non-Complying activity* or as a separate *earthwork activity*, according to the Activity Status Table below: (168.158)

Note: The location and scale of *earthworks* in high risk erosion areas and adjacent to water bodies is also controlled by the Waikato Regional Plan. (168.155)

7.8.4.1 PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity*, unless otherwise specified and subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

(1) ALL ZONES OTHER THAN: (93.129)(191.129)

- Conservation Indigenous Forest;
- Conservation Wetland; and
- Flood Ponding.

| | |
|-----------|--|
| P1 | EARTHWORKS PROPOSED AND APPROVED AS PART OF A SUBDIVISION APPLICATION. (87.160) |
| P2 | EARTHWORKS PROPOSED AND APPROVED AS PART OF A BUILDING CONSENT APPLICATION, UP TO AND EQUAL TO THE SPECIFICATIONS FOR THE RELEVANT ZONE SET OUT IN P4, P5 & P6 BELOW. (87.161) |
| P3 | EARTHWORKS NECESSARY FOR THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF ANY ROAD OR NETWORK UTILITY PROVIDED FOR AS EITHER A PERMITTED OR CONTROLLED ACTIVITY IN SECTION 7.4 (72.18) |

(2) RURAL ZONE (OUTSIDE FLOODWAYS, OVERLAND FLOW PATHS, SPILLWAYS & PIAKO FLOOD PONDING AREA)

| | |
|-----------|---|
| P4 | EXCAVATION AND MOVEMENT OF UP TO 2000M³ OF MINERALS AND/OR CLEANFILL (NOT OTHERWISE PROVIDED FOR IN P1 TO P3 ABOVE) FOR END USE ON THE PROPERTY OF SOURCE IN ANY ONE YEAR. THE DETAILS TO BE PROVIDED ARE: (168.159)(87.162) (a) legal description of property; (b) nature and source of fill; (c) location of fill on <i>site</i> . (d) depth of fill; (e) compaction of fill. Note: Compliance is also required with the activity specific standard for land ' <i>subject to inundation</i> ' in the Rural Zone <i>rules</i> , where the land is identified on the planning maps as ' <i>subject to inundation</i> ', and may alter the activity status. |
| P5 | IMPORTING UP TO 2000M³ OF CLEANFILL (NOT OTHERWISE PROVIDED FOR IN P1 TO P3 ABOVE) COMPRISING TOPSOIL, SUBSOIL, CUT MATERIAL FROM ROADWORKS AND/OR DEMOLITION RUBBLE ONTO A SITE WHERE COUNCIL IS INFORMED OF THE FILL ACTION BEFORE THE ACTIVITY IS CARRIED OUT. THE DETAILS TO BE PROVIDED ARE: (168.160)(87.163) (a) legal description of property; (b) nature and source of fill; (c) location of fill on <i>site</i> . (d) depth of fill; (e) compaction of fill. Note: Compliance is also required with the activity specific standard for land ' <i>subject to inundation</i> ' in the Rural Zone <i>rules</i> , where the land is identified on the planning maps as ' <i>subject to inundation</i> ', and may alter the activity status. |

(3) RESIDENTIAL, LOW DENSITY RESIDENTIAL, MARAE DEVELOPMENT, TOWNSHIP, TOWN CENTRE, INDUSTRIAL, COASTAL, KARANGHAKE GORGE, RESERVE (PASSIVE) AND RESERVE (ACTIVE) ZONES

| | |
|-----------|--|
| P6 | EARTHWORKS (NOT OTHERWISE PROVIDED FOR IN P1 TO P3 ABOVE), SUBJECT TO: (a) The maximum area of the excavation not exceeding 300m ² . (b) The maximum volume of the excavation not exceeding 80m ³ . |
|-----------|--|

- (c) The maximum depth of the excavation not exceeding 0.5 metres.
 - (d) The replacement of the excavated area provided for in .a to .c above with *cleanfill* not extending above the *ground level* existing prior to the excavation by more than 0.25 metres.
 - (e) The maximum volume of *cleanfill* (comprising topsoil, subsoil and any demolition rubble) on a *site* other than as provided for in (d) above not exceeding 100m³. The *Council* must be informed of the fill action where exceeding 30m³ before the activity is carried out and the following details are to be provided to the Council within 1 month following the placement of the *cleanfill*:
 - (i) legal description and street address of the property;
 - (ii) nature and source of fill;
 - (iii) location of fill on *site*;
 - (iv) depth of fill;
 - (v) compaction of fill.
 - (f) No placement of *cleanfill* provided for under (d) and (e) above shall be placed in an *overland flow path* or *ponding area*.
 - (g) No *earthworks* shall be undertaken on any part of the *site* that has a slope $\geq 18^\circ$
 - (h) All bare earth areas, including excavation and fill batter faces, are to be re vegetated within 6 months of the *earthworks* being completed.
- Note: Compliance is also required with the activity specific standard for land '*subject to inundation*' in the relevant *Zone rules*, where the land is identified on the planning maps as '*subject to inundation*', and may alter the activity status.

(4) CONSERVATION (INDIGENOUS FOREST) AND CONSERVATION (WETLAND) ZONES

P7 EARTHWORKS ASSOCIATED WITH PERMITTED ACTIVITIES LISTED IN THE ZONE RULES 5.2.4.1 AND 5.3.4.1

7.8.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity*.

THERE ARE NO CONTROLLED ACTIVITIES

7.8.4.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a *Restricted Discretionary Activity*.

THERE ARE NO RESTRICTED DISCRETIONARY ACTIVITIES

7.8.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 7.8.5.

D1 ANY EARTHWORKS NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY, EXCEPT IN THE CONSERVATION (INDIGENOUS FOREST), CONSERVATION (WETLAND) AND FLOOD PONDING ZONE.

7.8.4.5 NON COMPLYING ACTIVITIES (76.56)

Those activities listed below are a *Non Complying Activity*.

| | |
|------------|--|
| NC1 | ANY EARTHWORKS NOT PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY. (87.164) |
|------------|--|

7.8.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

| | |
|------------|--|
| PR1 | EARTHWORKS IN THE CONSERVATION (WETLAND) ZONE, NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY. |
|------------|--|

7.8.5 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

- (1) When assessing any application for a *Discretionary Activity*, Council shall have regard to the relevant *Earthworks* objectives and policies, the relevant assessment criteria listed below and any other matters it considers appropriate:
- (a) The degree of slope and the extent of *earthworks*;
 - (b) The extent to which the *earthworks* will change the *ground level* of the *site*;
 - (c) The degree to which the finished ground levels reflect the contour of the development *site* and the adjoining *sites*;
 - (d) The degree to which the *earthworks* will enable additional built form, scale and massing below *ground level* and the effect this has on the surrounding character and *amenity values*;
 - (e) The effects on landscape, heritage and biodiversity values and in particular effects on features and areas identified in Section 6 of the District Plan, and the landscape and natural character values of the Coastal and Karangahake Gorge zones and Landscape Protection Areas.
 - (f) The effect on sensitive receivers from additional noise and dust associated with the *earthworks*;
 - (g) The time period, hours of the day and days of the week over which the excavation and fill will be undertaken;
 - (h) The extent to which the movement of soil or *cleanfill* material to and from the *site* may affect the *roads* to be travelled and the *amenity* of residents along the transportation route;
 - (i) Time period over which the soil will be exposed;
 - (j) The extent of modification or barriers to natural drainage and flood control systems, including *ponding areas*, *overland flowpaths*, *spillways*;

- (k) The methods to control sediment runoff;
- (l) The stability of any cut or fill and the method to achieve stability;
- (m) The nature of the fill to be used.

7.9 TRANSPORT NETWORK (181.223)(183.54)

7.9.1 BACKGROUND (181.225)(181.226)

- (1) The economic, social and cultural wellbeing of people and communities in the District is heavily dependent on a safe, sustainable, integrated and affordable transport system. Savings in fuel consumption, time and vehicle wear and tear, as well as increased convenience for all, results from having a District that is served by a network of well maintained roads and streets. Social contact is also greatly facilitated by easy access from place to place. All these factors contribute to promoting the purpose of the Act.
- (2) The management of roads and streets is affected by the land use activities that obtain access from them. As such there needs to be integrated management between land use and transportation function in the roading hierarchy, so that roads and streets are not unduly compromised. There is also a need to ensure that the adverse effects of the activities within roads and streets do not create a detriment to the environment or the amenity of land use activities, and vice versa.
- (3) Roads and streets require substantial investment in funding, energy and other resources in their construction and maintenance. So it is important to ensure value for money. In addition, the activities (particularly movement of traffic) carried out within them, are substantial consumers of energy and other resources and also contribute to environmental degradation (eg through noise and emission of contaminants to air).
- (4) The benefits of new road development have to be measured against the costs of developing and maintaining the road and street resource. New Zealand Transport Agency and the District Council have limited resources available to construct and maintain the network. There are a number of factors within the District that influence the road and street network, including the following:
 - (a) Weather conditions, particularly flooding in the Paeroa and Waihi areas.
 - (b) The scenic corridor route and tourist destinations through parts of the District.
 - (c) Traffic generated by the dairy, horticulture, mining and forestry industries.
 - (d) Lack of road reserve width where large drains have been formed on either side of the road. This limits the capacity of the road to accommodate large vehicles, especially the larger milk tankers.
 - (e) Peat and other weak foundation conditions across the Hauraki Plains.
- (5) The use of a roading hierarchy is one method which can assist in:
 - (a) protecting the road/street resource;
 - (b) the integrated management of the road/street resource and activities with the land use resource and activities; and
 - (c) setting objectives and policies that clearly state the structure within which the resources (time, materials, funds) will and can be directed to achieve the most equitable and desired result.

- (6) The hierarchy is used as a tool to assist in:
- (a) setting the strategy of zones to provide for land use activities;
 - (b) determining the status that activities have (ie the status of the road that access is obtained from, determines the activity status);
 - (c) obtaining financial contributions for activities that generate significant levels of traffic; and
 - (d) developing the Asset Management Plan as it applies to roading and the Long Term Council Community Plan (LTCCP) and Annual Plan for the allocation of funds to upgrade and/or maintain roads.
- (7) The roading hierarchy has been developed from the information concerning existing traffic movement patterns, traffic types (eg light or heavy, seasonal or constant) and volumes, and the potential changes in this existing traffic. The traffic information determines the road and street design characteristics (eg width, speed, gradients, number of lanes, formation), which is reflected in the status of the road or street in the hierarchy.

(8) PROTECTING THE ROAD RESOURCE

- (a) The status of roads as designations and providing for roading activities "as of right" within the designation, gives roads a statutory authorisation that recognises their importance to the District's functioning.
- (b) The use of zones and rules to control and manage land use activities adjacent to roads. With respect to zones, there are two aspects to this method. One is to zone land for activities that are not affected by the activities within the road (eg residential zones immediately adjoining a State Highway are avoided), thereby allowing the road to operate without restraint. The other is to avoid allowing land use activities that generate significant volumes of traffic to establish without assessment through the consent process. (181.224)
- (c) In some situations (eg where the state highway goes through urban areas), the protection of the roading resource for its primary function of carrying traffic efficiently and effectively is difficult to achieve. The roading resource becomes one of the "urban infrastructure" components that are required to sustain the community resources of the District.
- (d) With respect to rules, a range of performance standards are included in the District Plan, which are designed to protect the road resource. These include,
 - (i) Location of parking and loading spaces.
 - (ii) Vehicle access and crossings.
 - (iii) Protection of traffic sight lines.
 - (iv) Corner splays.
 - (v) Glare and lighting.
 - (vi) Signs.
 - (vii) Provision for cyclists and pedestrians. (183.304)

- (e) Compliance with these performance standards allow activities to establish and operate without unacceptable adverse effects on the roading network.

(9) INTEGRATED MANAGEMENT

- (a) Identifying the status of a road or street in the hierarchy enables developers to consider the effects that their activity may have on the hierarchy, enables New Zealand Transport Agency and Hauraki District Council to programme their funding and works for road upgrading and maintenance and gives certainty to people making investment decisions as to the likely effects that may be experienced from adjoining roads.
- (b) Alterations in the roading hierarchy through either the resource consent, plan change and/or requirement process are open to public discussion and comment. These processes give the opportunity for Council to consider the implications of the alteration on the District Plan, as well as other facets of Council's responsibilities and functions.
- (c) In summary, the protection and enhancement of the transportation network (being one of the physical resources of the District) has been recognised as an important objective of the District Plan. The continuation of the State Highway and District roading system to adjoining local authority areas, also makes roading a "cross boundary" issue. There is no one place in the District Plan where all of the matters relating to roading can be provided. Rather, the protection and enhancement of the roading network is a matter that is sought to be achieved by a number of methods throughout the Plan.

7.9.2 RESOURCE MANAGEMENT ISSUES

- (1) The efficient operation of the transport network has the potential to be adversely affected by the connection between the network and adjoining land, as well as through the adverse effects of land use activities and subdivision.
- (2) Ad-hoc land use development which does not meet long term strategic planning outcomes can adversely affect the transport network. (183.305)
- (3) The multi-function use of the transport network has the potential to impact on the safe and efficient functioning of the transport network.
- (4) Sensitive land use developments in close proximity to roads carrying large volumes of traffic are exposed to nuisance effects such as noise and pollution.
- (5) The roads and streets of the District must be provided and maintained in a manner that is sustainable for future generations.

7.9.3 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1 (183.306)

Provide and maintain a safe and efficient transport network that will meet current and planned future demands with minimal effects on the environment and adjoining land uses.

(2) OBJECTIVE 2

Ensure the adverse effects of activities outside the road reserve on the safety and efficiency of the transport network are avoided, remedied or mitigated.

(a) Policies

Objectives 1 and 2 will be achieved by implementation of the following policies:

- (i)** Establish and maintain a hierarchy of roads and streets and require the design and formation of the roads and streets according to their traffic and access functions and requirements.
- (ii)** Develop an Asset Management Plan, LTCCP and Annual Plan process to match funding with the required standard of District road or street construction appropriate to the status of the road or street in the hierarchy.
- (iii)** Develop financial and/or development contributions strategies to ensure that roads and streets are upgraded and formed to match the demands that specific subdivision and development activities will place upon them.
- (iv)** Recognise that the function of the transport network may have a detrimental effect on adjacent land use activities and manage the development of adjoining land accordingly.
- (v)** By managing land use, vehicle access and traffic management to maintain the safe and efficient operation of the transport network.

(b) Reasons

- (i)** The transport network is a significant physical resource and asset that contributes to the social and economic wellbeing of the District and Region. Managing this 'resource' and the effects associated with the use of this resource is an important element in achieving the purpose of the RMA.
- (ii)** The District Plan and the roading hierarchy have an important role to play in the integration of the transport network with land use activities, so as to avoid, remedy or mitigate the effects of one on the other. (168.161)

7.9.4 ENVIRONMENTAL RESULTS

- (1)** The availability of a safe and convenient transport network for the benefit of both through and local traffic.
- (2)** The avoidance, reduction or removal of adverse effects caused by activities on roads and/or caused by roads upon activities, the environment and amenity values of an area.
- (3)** Integration of land use management and the physical provision and funding of the transport network
- (4)** The development of a transport network that best serves the community and the environment.

7.9.5 RULES (181.223)

- (1) *Rules that determine the type, scale and nature of activities permitted within the designated road reserve are contained in Section 7.4.5.*
- (2) Performance standards are provided in Sections 8.4.1 to 8.4.8, which set out the standards required to be met in relation to avoiding, remedying or mitigating the effects of land use activities on a *road* or street, and in Section 8.4.9 which set out the standards required to be met by *roads* in avoiding, remedying or mitigating the effects of *roads* on adjoining land use activities. (168.162)
- (3) The formation and use of a proposed *road* (including an existing legal unformed *road*) which is part of a *subdivision* or *development* that is a *permitted, controlled, discretionary* or *non complying activity* shall assume the same activity status as the *subdivision* or *development*, and shall be assessed accordingly.
- (4) Any proposed road (including an existing legal unformed *road*) that is not part of an activity as provided for in Rule 7.9.5(3) above, shall be assessed as a *discretionary activity*, unless the proposal is submitted as a requirement to designate or plan change or otherwise provided for in accordance with Section 7.4.5.
- (5) *Rules in Section 7.10 – FINANCIAL CONTRIBUTIONS set out the circumstances and the method for assessing the level of contribution required to address the effects that subdivision or development place on roads.*

7.10 FINANCIAL CONTRIBUTIONS

7.10.1 BACKGROUND

- (1) Financial Contributions are a mechanism provided in the Resource Management Act to help address the adverse effects of subdivision and development.
- (2) Financial Contributions are imposed as conditions of consent, so that the costs of mitigating the offsite effects associated with subdivision and development do not fall inequitably upon the entire community. They are intended to impose a fair share of mitigating the adverse effects resulting from development on the environment, particularly network infrastructure, on the developer.
- (3) The Local Government Act 2002 requires the Council to have a policy outlining how it intends to fund additional or new infrastructure which is required by growth.
- (4) The Council has adopted a Development Contribution Policy under the Local Government Act.
- (5) Development Contributions under the Local Government Act are able to consider the wider impacts of multiple developments on the infrastructure of the District (cumulative effects). Financial Contributions under the Resource Management Act, mainly consider the direct impacts of developments based primarily on an assessment of environmental effects.
- (6) Financial Contributions can be imposed under this District Plan on the mitigation of effects on roads, water supply, stormwater and sewage disposal.
- (7) Under Section 108 of the Resource Management Act 1991, Council can impose a condition requiring a Financial Contribution on any resource consent for any purpose specified in the Plan. Contributions can be money, land or a combination of these.
- (8) The Council may require Financial Contributions for the following purposes:
Providing new or upgrading existing infrastructure such as Council owned roads, walkways, cycleways and utilities – water, stormwater, land drainage and sewage systems.
- (9) Two situations exist – provision of on site infrastructure and off site infrastructure.

(a) ON SITE

These are the infrastructure and services internal to the subdivision or development. These will be required to be provided by the developer, at the developer's cost and to the standard set out in Section 8. Generally, these facilities will be vested in Council and will be required as a normal condition on resource consents.

Where additional capacity is required to comply with a Structure Plan, the Council will forward fund the work and will be reimbursed by subsequent developers. If the Council is not in a position to do this at a particular time, the developer may forward fund the work and be reimbursed by Council once funds are available from subsequent developers.

(b) OFF SITE

(i) Linkages

These are the facilities outside of the development required to connect the development site to existing Council owned infrastructure. Generally, the total cost of these will be paid for by the developers, and will be required as a normal condition of resource consents.

Where additional capacity is required to comply with a Structure Plan, the Council will forward fund the work and will be reimbursed by subsequent developers. If the Council is not in a position to do this at a particular time, the developer may forward fund the work and be reimbursed by Council once funds are available from subsequent developers.

(ii) Infrastructure and Services

These are facilities remote from the development, such as wastewater treatment systems and water treatment plants and the transport network. New subdivisions and developments incrementally add to usage and demand on such services.

The cost of mitigating the effects of increased usage will be recovered through a Financial Contribution in cash, payable to Council, and imposed as a condition on resource consents.

7.10.2 RESOURCE MANAGEMENT ISSUES

New subdivision, land use and development can result in adverse effects on the natural and physical resources such as adverse effects on health and safety, flooding of adjoining properties, pollution of waterways etc and result in inequities in cost sharing.

The provision of adequate infrastructure and services is an essential part of the subdivision and development process. This includes roads, wastewater systems, stormwater and land drainage systems and water supply.

7.10.3 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To ensure that the District's network infrastructure is able to cater for the additional demand generated by new subdivision and development and to avoid, remedy or mitigate adverse effects on the environment.

(a) Policy

Objective 1 will be achieved by the implementation of the following policy:

- (i)** Clearly identifying the adverse environmental effects of subdivision and development that can be addressed by requiring a financial contribution.

(b) Reasons

- (i) Subdivisions and developments will require the installation and/or upgrading of appropriate infrastructure to deal with additional demand and mitigate adverse effects on the environment.

(2) OBJECTIVE 2

To ensure that subdividers and developers pay a fair and reasonable share of the costs of upgrading or providing new infrastructure to meet demands generated by the development.

(a) Policies

Objective 2 will be achieved by the implementation of the following policies:

- (i) Requiring subdividers and developers to meet the total cost of new and off site infrastructure associated with the development, including linkages, where the additional infrastructure is required solely to serve the proposed subdivision or development.
- (ii) Requiring subdividers and developers to contribute towards any previous upgrading of off site infrastructure when a new subdivision or development will utilize excess capacity.
- (iii) Ensuring that the amount of financial contribution required reflects the actual and potential adverse environmental effects.

(b) Reasons

- (i) The costs of installing and/or upgrading infrastructure need to be distributed equitably.

7.10.4 ENVIRONMENTAL RESULTS

- (1) The environmental results sought are that adequate infrastructure is provided at the time of subdivision and development to avoid adverse effects on natural and physical resources and on the health and safety of residents and that the costs of that infrastructure are equably distributed.

7.10.5 RULES

(1) SEWAGE

(a) New sewage works

The total cost of developing and installing new sewerage reticulation, treatment and/or disposal works required to serve any *development* or *subdivision*, shall be met entirely as a cost to the developer.

(b) Upgrading and Extensions of Existing Sewerage Works

Where any *development* or *subdivision* (either within or outside the boundary of any sewerage scheme) will cause the need to upgrade and/or extend an existing sewerage scheme (or part thereof), the financial contribution shall be calculated as the cost of upgrading and/or extending the service to the level set out under Performance Standard 8.5.1, that is directly attributable to the *development* or *subdivision*.

(2) WATER SUPPLY

(a) New Water Supply Works

The total cost of developing new water supply reticulation, treatment and/or works required to serve any *development* or *subdivision*, shall be met entirely as a cost to the developer.

(b) Upgrading and Extensions to Existing Water Supply Systems

Where any *development* or *subdivision* (whether inside or outside the boundaries of the water supply scheme) will cause the need to upgrade and/or extend an existing public water supply scheme (or part thereof), the financial contribution required to be provided shall be assessed as the cost of upgrading and/or extending the service to the level set out under Performance Standard 8.5.3, that is directly attributable to the *development* or *subdivision*.

(3) STORMWATER AND LAND DRAINAGE

(a) New Stormwater and Land Drainage Works

The total cost of developing new stormwater and land drainage reticulation and/or works required to serve any *development* or *subdivision*, shall be met entirely as a cost to the developer.

(b) Upgrading and Extensions to Existing Stormwater and Land Drainage Systems

Where any *development* or *subdivision* (whether inside or outside the boundaries of the stormwater or land drainage scheme) will cause the need to upgrade and/or extend an existing public stormwater or land drainage scheme (or part thereof), the financial contribution required to be provided shall be assessed as the cost of upgrading and/or extending the service to the level set out in Performance Standards 8.5.4 and 8.5.5, that is directly attributable to the *development* or *subdivision*.

(4) ROADS

(a) New Roads and Streets in all Zones

The total cost of developing new *roads* and *streets* (including unformed legal *roads* and *streets*) required to service a *development* or *subdivision* shall be met entirely as a cost to the developer.

(b) Upgrading and Extensions to Existing Roads

Where any *development* or *subdivision* in the Rural, Coastal and Karangahake Gorge Zones will cause the need to upgrade and/or extend an existing *road* (or part thereof),

the financial contribution shall be calculated as the cost of upgrading and/or extending the *road* to the level set out under Performance Standard 8.4.9, that is directly attributable to the *development* or *subdivision*.

Any cash contribution will be determined based on the following formula:

$$\begin{array}{l} \text{Estimated Cost of} \\ \text{Roading Upgrading} \end{array} \quad \times \quad \frac{\text{Additional AADT}}{\text{Existing AADT plus Additional AADT}}$$

Where AADT is the estimated annual average daily traffic for the section of *road* concerned. Each additional *lot* is deemed to generate 10 vehicle movements per day.

- (c) Where any *development* or *subdivision* in a Structure Plan area will cause the need to upgrade and/or extend an existing *road* (or part thereof), the total costs shall be met entirely as a cost to the developer.
- (d) Where any *development* or *subdivision* in the Residential or Low Density Residential Zone, will cause the need to upgrade and/or extend an existing *road* (or part thereof) to the urban standard (road width, kerb and channel, footpath, street lights) shall be calculated as the cost of upgrading and/or extending the *road* to the level set out under performance standard 8.4.9. (168.165)

Any application for a waiver for, or reduction to the level of a Financial Contribution required by Rule 7.10.5 (1) – (4) is a *Discretionary Activity*.