

8.0 SPECIFIC MATTERS

8.1 PROVISION FOR NETWORK UTILITIES OPERATIONS

8.1.1 BACKGROUND

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.

Many network utilities were included in the definition of public utilities which, in terms of the former Town and Country Planning Act 1977, were permitted activities in all zones. No such general authorisation is included in the Resource Management Act 1991. Accordingly, network utilities need to be provided for in the District Plan. Several options are possible:

☞ **Designation**

Network utilities provided by the Crown, local authorities or network utility operators approved as a requiring authority may be subject of a requirement to designate land.

☞ **Rules in the Plan**

Network utilities may be provided for as permitted activities in the various zones.

☞ **Resource Consent**

Where the utility proposed is not a permitted activity, an application for a resource consent can be made.

☞ **Existing Use Rights**

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 Act.

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 220kV transmission lines/towers in some locations, substations, effluent treatment works, new roads and railway lines).

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.

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.

The importance of the road and street network to the sustainable management of the District is recognised. This is discussed in Section 8.9 - ROAD AND STREET NETWORK AND HIERARCHY).

8.1.2 RESOURCE MANAGEMENT ISSUES

Network utilities provide essential services but can generate effects that require management. Some network utilities are relatively large, visually prominent and capable of generating significant effects on the environment. The issue of principal concern is to control potentially adverse environmental effects whilst at the same time recognising the key role played by network utilities in modern society and not unreasonably restricting the operational requirements of the network utility concerned.

8.1.3 ANTICIPATED ENVIRONMENTAL RESULTS

The environmental result sought through the District Plan provisions for network utilities, is that utility services are efficiently and effectively provided for. At the same time they should not adversely impact on the environment, in particular the amenities of the area concerned. New distribution lines for power and telephone will generally be expected to be located underground in urban areas. New high voltage electricity transmission lines will generally be assessed as discretionary activities.

8.1.4 OBJECTIVES AND POLICIES

Objective 1

To facilitate the efficient provision of network utilities in a sustainable manner throughout the District, by recognising that the effects of network utilities will be less significant in some zones than in others.

Policies

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

1. Relating the scale, nature and effects of the network utility activity, to its compatibility with the area concerned.
2. Avoid the visual and other adverse effects of utilities where technically feasible and practicable.
3. Recognising 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 of the area they are located in.
4. Ensuring that subdivision proposals include appropriate provision for network utilities (including services, access and infrastructure).
5. Recognising that the existing use rights provision of Section 10 of the Act apply to some network utility operations in existence prior to this Plan being notified.
6. Encouraging new development in areas that can be readily and economically serviced by network utilities.
7. Recognising that for road realignments not involving severance(s), and works specifically associated with roads (such as signs, road markings, laybys, rest areas) there are minor if any adverse effects.
8. Encouraging the co-siting of **equipment** where practical (eg telecommunication and electricity facilities). The co-siting of lines is generally recognised as impractical due to safety, operational, technical and access reasons.
9. The retention of all railway lines in the District until full economic evaluations have been carried out.

Objective 2

To recognise the importance of network utilities to the economic and social wellbeing of the District and to make appropriate provisions for a range of such activities because of their essential nature.

Policies

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

1. To ensure that all adverse effects arising from land uses including subdivision adjacent to or abutting network utilities are avoided, remedied or mitigated to an extent that their impact upon the network utility is minimised.

Reasons for Objectives 1 & 2

1. To achieve the resource management outcome sought.
2. To ensure that adequate consideration is given to the effects of utilities particularly with regard to visual amenities. 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.
3. The encouragement for the undergrounding of services is to maintain and enhance visual amenities. However, in some areas, in particular the Conservation zones, vegetation clearance associated with the undergrounding of services may be more environmentally disruptive than placing facilities above ground.
4. To ensure that in the evaluation of effects, the operational needs of network utilities are considered in a reasonable manner.
5. 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. However, maintenance or reconstruction of existing roads is included in the designated purpose of the land (roads are deemed to be designated - see 8.1.6.1 and 8.1.6.2 below).

8.1.5 METHODS TO IMPLEMENT OBJECTIVES AND POLICIES

1. Reticulation of low voltage power (excluding that by transmission lines which are part of the National Grid) and telecommunication lines is to be placed underground.
2. Recognising that some network utilities can be accommodated by designation and encouraging the adoption of this method rather than application for resource consent, where the network utilities are not provided for as permitted activities.
3. Recognising that roads may be provided for in the District Plan by several means.
4. As the adverse effects (eg shading, visual) of poles, masts, aerials and equipment associated with electricity, gas, telephone, telecommunications, radio, water, sewage reticulation (eg local transformers, switchgear, pumps, valves, telephone boxes) is minor or not apparent, normal controls on the height of structures and height in relation to boundaries will not apply in those cases.

8.1.6 ACTIVITIES

8.1.6.1 Provision for Roads in all Zones and Policy Areas

Roads are a network utility pursuant to Section 166 of the Act. The term "road" is defined in Section 4.

1. The construction of any new road or the realignment or widening of any existing road, where this involves works outside the existing road reserve and the creation of severances may only be undertaken where one (or more) of the following apply:
 - ≠ It is in accordance with an operative designation.
 - ≠ It is otherwise provided for in the district plan as proposed road or indicative road.
 - ≠ It is proposed as an incidental part of an approved subdivision.
 - ≠ It is in accordance with any other approved resource consent.
2. The reconstruction and realignment or the establishment of a corner splay complying with the dimensions set out in Performance Standard 9.3.14, shall be a permitted activity for the purposes of this district plan provided that the works involved do not entail the creation of severances and the written approval of every landowner directly affected has been obtained.
3. All existing roads whether formed or unformed shown on the Planning Maps are deemed to be **designated** for this purpose and the activities that may be carried out in compliance with this designation include:
 - ≠ Road construction, upgrading and maintenance.
 - ≠ Bridge, culvert and drain construction, upgrading and maintenance
 - ≠ Activities directly related to the movement of pedestrians and vehicles and shall include roadside rest areas, information centres and weigh stations.
 - ≠ Signs within the road reserve shall be provided for as set out in Section 8.7 - SIGNS.
 - ≠ 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 8.1.6.2 - Zoning in Relation to Roads).
4. Site, geotechnical, survey and other investigations associated with the construction of new roads, deviations, realignments etc and which are outside a designated road shall be treated as permitted activities in all zones other than:
 - ≠ Conservation (Wetland) and Conservation (Indigenous Forest) where the activity status will be determined as provided in Sections 5.2.6 and 5.3.6.

(Note: For the purposes of this Rule, a severance is created where a new road alignment extends beyond the existing road reserve so as to create an area of land between the old road and the new alignment which is not part of or required for either).

8.1.6.2 Zoning in Relation to Roads

Where an activity is not in conformity with the designation, roads shall be zoned as shown on the planning maps. Where the zoning is the same on both sides of the road, the road has that zoning also. Where the zoning is not the same on both sides of the road, the zoning shall be the more intensive of whichever zonings apply to the adjacent land. To avoid uncertainty, the zones in the District Plan are set in the following order in terms of intensity of development permitted:

- ≠ Town Centre
- ≠ Industrial (Heavy)

- ✂ Martha and Golden Cross Mineral
- ✂ Industrial (Light)
- ✂ Township
- ✂ Marae Development
- ✂ Residential
- ✂ Reserve (Active)
- ✂ Rural Residential
- ✂ Rural
- ✂ Flood Ponding
- ✂ Reserve (Passive)
- ✂ Conservation (Indigenous Forest)
- ✂ Conservation (Wetland)

8.1.6.3 Provision for Network Utilities in All Zones and Policy Areas

The following are permitted activities in all zones and the Performance Standards specified in Rule 9.5 MATRIX OF PERFORMANCE STANDARDS do not apply.

1. Residential, commercial and industrial connections (both underground and overhead) to power, telecommunications, gas, water, drainage and sewer pipes.
2. The replacement, servicing, upgrading and maintenance of existing network utilities, whether above or below ground.

(Note: "Existing" is defined as being physically in place and operating as at the date of public notification of the Proposed Hauraki District Plan)

8.1.6.4 Network Utilities in the Rural Zone

A. Permitted Activities

The following are permitted activities and shall comply with the Performance Standards in Rule 9.5 - MATRIX OF PERFORMANCE STANDARDS and as detailed throughout Section 9.0 – PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION, except as follows:

- a) Rule 9.2.1 – HEIGHT AND DAYLIGHT CONTROL 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) Rule 9.2.1 – HEIGHT AND DAYLIGHT CONTROL and Rule 9.2.2. YARDS 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.
 1. Any network utility whether located above or below ground, other than those which are discretionary activities in the zone.
 2. Emergency power generation plants or local cogeneration where these activities are ancillary to any permitted or approved activity.
 3. Any transformer, line, work or ancillary equipment or fittings for the distribution or transmission of electricity at less than 66KV.

B. Controlled Activities

Nil

C. Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria specified in Rule 8.1.6.4 (a) below:

1. Any transformer, line, mast or ancillary equipment for the transmission of electricity at a voltage exceeding 66KV.
2. Any new substation or extension to existing substation.
3. Any pipes and ancillary equipment including compressor stations for the transmission of gas at a gauge pressure exceeding 2,000 kilopascals. Any new substation or extensions to existing substations.
4. Any pole, aerial, mast, tower or similar structure exceeding 20m in height or 5m above highest point of the building (whichever is the lesser).
5. Any microwave dish, antenna or similar element exceeding 5m in any dimension.
6. Power generating stations and ancillary works including water retention dams.
7. Water retention dams, reservoirs and water intake structures where part of a water supply system.
8. Community sewage treatment works.
9. Any road not provided in Rule 8.1.6.1 and 8.1.6.2
10. Railways.

(a) Assessment Criteria for Discretionary Activities

(Refer Rule 5.1.6.3 - Rural Zones).

D. Non Complying Activities

1. Any network utility not provided as a permitted, controlled or discretionary activity.

8.1.6.5 Network Utilities in Conservation (Indigenous Forest) and Reserve (Passive) Zones

A. Permitted Activities

The following are permitted activities and shall comply with the Performance Standards in Rule 9.5 MATRIX OF PERFORMANCE STANDARDS and as detailed throughout Section 9.0 – PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION, except as follows:

- (a) Rule 9.2.1 – HEIGHT AND DAYLIGHT CONTROL 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) Rule 9.2.1 – HEIGHT AND DAYLIGHT CONTROL and Rule 9.2.2. YARDS 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.
 1. Any pipe, drain, electric line as defined in the Electricity Act 1992 and Electricity Regulations 1993, line as defined by Section 2(1A) of the Telecommunications Act

1987, telecommunication or wireless link which is part of a network utility together with:

- ✍ 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 6m³ in volume and with a maximum dimension of 3m.
- ✍ any pole, aerial, mast, tower or similar structure not exceeding 15m or 5m above the highest point on the roof where mounted on a building (whichever is the lesser)
- ✍ 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 conveyance of gas at a gauge pressure not exceeding 2,000 kilopascals or electricity at a voltage not exceeding 66KV. Pipes, lines etc above these limits shall be discretionary activities.

Proviso for Permitted Activities in Conservation (Indigenous Forest) Zone Only

The establishment of the network utility shall not involve the removal of more than 50m² of contiguous present ground cover or maintenance plantings designed to re-establish such cover.

B. Controlled Activities

Nil

C. Discretionary Activities

The following are discretionary activities and shall be assessed in relation to criteria in Rule 8.1.6.5 C.(a) below:

1. All other network utilities which are not permitted activities shall be discretionary activities other than those specified as non complying activities in Rule 8.1.6.5 D. below.

(a) Assessment Criteria for Discretionary Activities

(Refer Rule 5.2.6.3 Conservation (Indigenous Forest) zone and Rule 5.15.6.3 Reserve (Passive) zone)

D. Non Complying Activities

1. Power generation stations
2. Water retention dams where they are part of a water supply or power generation scheme (but excluding in stream water supply intake structures)
3. Railways

8.1.6.6 Network Utilities in the Conservation (Wetland) Zone

A. Permitted and Controlled Activities

Nil

B. Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria in Rule 8.1.6.6 B.(a) below:

1. All network utilities are a discretionary activity other than those specified as non complying activities in Rule 8.1.6.6 C. below.

(a) Assessment Criteria for Discretionary Activities

(Refer Rule 5.3.6.3 Conservation (Wetland) zone).

C. Non Complying Activities

1. Power generation stations.
2. Water retention dams where they are part of a water supply or power generation system.
3. Railways.

8.1.6.7 Network Utilities in Industrial (Heavy) Zone

A. Permitted Activities

1. The following are permitted activities and shall comply with the Performance Standards in Rule 9.5 – MATRIX OF PERFORMANCE STANDARDS and as detailed throughout Section 9.0 – PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION except as follows:

(a) Rule 9.2.1 – HEIGHT AND DAYLIGHT CONTROL 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) Rule 9.2.1 – HEIGHT AND DAYLIGHT CONTROL and Rule 9.2.2. YARDS 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.

1. Any network utility whether located above or below ground other than those which are discretionary activities in the zone.
2. Any transformer, line, work or ancillary equipment or fittings for the distribution or transmission of electricity at a voltage of 66 KV above ground.

B. Controlled Activities

Nil

C. Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria specified in Rule 8.1.6.7 C.(a) below:

1. Any network utility which provides for the conveyance of gas at a gauge pressure exceeding 2,000 kilopascals or electricity **exceeding a voltage of 66 KV above ground.**
2. Any new substation or extensions to existing substations.

3. Any pole, aerial, mast, tower or similar structure exceeding 20m in height or 5m above the highest point on the roof where mounted on a building (whichever is the lesser) and any microwave dish, antenna or similar element exceeding 5m in any dimension.
4. Community sewage treatment works.
5. Power generating stations but excluding local co-generation or emergency generation plants.
6. Any road or service lane (public or private) subject to the provisions of Rule 8.1.6.1 and 8.1.6.2.

(a) Assessment Criteria for Discretionary Activities

(Refer Rule 5.11.6.3 - Industrial (Heavy) zone)

D. Non Complying Activities

1. Any network utility not provided as a permitted, controlled or discretionary activity.

8.1.6.8 Network Utilities in Town Centre and Industrial (Light) Zones

A. Permitted Activities

1. Any network utility that is a permitted activity in the Residential, Rural Residential, Flood Ponding, Marae Development, Township and Reserve (Active) zones (refer to Rule 8.1.6.9 below), including:
 - ✍ Telephone exchanges (no limit on floor area), local co-generation and emergency electricity generation plants.
2. Any transformer, line, work or ancillary equipment or fittings for the distribution or transmission of electricity at a voltage not exceeding 66KV.

B. Discretionary Activities

1. Any network utility provided as a discretionary or non complying activity in Rule 8.1.6.9 C and D.

8.1.6.9 Network Utilities in Residential, Rural Residential, Flood Ponding, Marae Development, Township and Reserve (Active) Zones

A. Permitted Activities

The following are permitted activities and shall comply with the Performance Standards in Rule 9.5 – MATRIX OF PERFORMANCE STANDARDS and as detailed throughout Section 9.0 – PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION, except as follows:

- (a) Rule 9.2.1 – HEIGHT AND DAYLIGHT CONTROL 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) Rule 9.2.1 – HEIGHT AND DAYLIGHT CONTROL and Rule 9.2.2. YARDS 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.

1. Any underground pipe, drain, electric line as defined in the Electricity Act 1992 and Electricity Regulations 1993, line as defined by Section 2(1A) of the Telecommunications Act 1987, telecommunication or wireless link which is part of a network utility together with:

✍ associated components located above or below ground including manholes, culverts, local transformers, switchgear, pumps, valves, telephone boxes, beacons and other navigational aids all being less than 6m³ in volume and with a maximum dimension of 3m.

Except for pipes, lines and ancillary equipment for the conveyance of gas at a gauge pressure exceeding 2,000 kilopascals.

2. Poles, aerials, masts, towers or similar structures 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.
3. Any microwave dish, antenna or similar element up to a maximum dimension of 3m.
4. Any pole or aerial not being part of an authorised network utility operation being sited so as to comply with the relevant yard requirements and being limited to one per site.
5. Any transformer, line, work or ancillary equipment or fittings for the distribution or transmission of electricity at less than 66KV.

B. Controlled Activities

Nil

C. Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria specified in Rule 8.1.6.9 C.(a) below:

1. Any network utility which is not a permitted activity, including where specified maximum dimensions are not met, other than those specified as non complying activities.

(a) Assessment Criteria for Discretionary Activities

(Refer to the assessment criteria for discretionary activities in the respective zone that the network utility is located).

D. Non Complying Activities

1. Railways.
2. Power generating stations but excluding cogeneration or emergency generation plants.

8.1.6.10 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.

8.1.6.11 Aerials 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 Act. There are other communication devices that may likewise not constitute a network utility.

However, these works are exempted from certain Standards relating to maximum height of structures and height of structures in relation to property boundaries. (Refer Rule 9.2.1 - Height and Daylight Control). Should the aerials not comply with the dimensions set out in Rule 9.2.1 consideration as a discretionary activity will be required and the assessment criteria will be as set out in Rule 9.2.1.4.