

## 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 and the structures required to support them. 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 not always be 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 Resource Management Act 1991 (RMA).
  - (c) **National Environmental Standards**

Some network utilities are controlled by National Environmental Standards (NES) prescribed by a regulation under the RMA. 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 can assist with the nationwide security of supply, a reduction in dependence on the national grid and a reduction in greenhouse gas emissions. In accordance with Sections 7(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 the energy facilities are often 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, and 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) Balance the scale, nature and effects of the network utility activity against 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, whilst avoiding, remedying or mitigating adverse effects on amenity, landscape, cultural, heritage and biodiversity values of the area they are located in.
- (iii) Ensure network utilities are 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.
- (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, lay-bys, rest areas) usually have minor adverse effects, that are 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.
- (viii) Enable the routine maintenance and minor upgrading of network utilities in areas of high amenity and significant landscape and/or biodiversity value with minimal constraints.
- (ix) Where the route and method selection process has identified no feasible practicable alternative, new and major upgrades of network utilities in areas of high amenity and significant landscape and/or biodiversity value should be placed underground where technically practicable, unless there are positive environmental benefits for the network utility to be placed above ground.

## (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.

### (a) Policies

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

- (i) Manage the development or location of incompatible activities in close proximity to network utilities.

### (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 will not constitute a visually dominant element.
- (ii) The encouragement for the undergrounding of services is to maintain and enhance visual amenity 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 (including recognition of the need to connect to the National Grid or distribution network) 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 the 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 amenity, 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 part of an approved *subdivision* (refer to Rule 7.9.5(3)).
  - (c) A resource consent for a *Discretionary Activity* has been obtained in accordance with Rule 7.4.5.4(4)D8.
- (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*;
  - (c) activities directly related to the movement of pedestrians, cyclists and motor vehicles including 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 Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016, 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 (Outstanding Natural Landscape Area and District Amenity Landscape Area) Zones, and where these *zone* provisions are more stringent.

**Note:**

For information purposes, a copy of the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2016 is included in Appendix 7.4 A at the end of Section 7.4. Users should refer to the latest version of this legislation.

#### 7.4.5.3 PROVISION FOR EXISTING ELECTRICITY TRANSMISSION LINES

- (1) The operation, maintenance, upgrading, relocation or removal of an existing transmission *line*, including other related activities, are provided for in accordance with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 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 Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 is included in Appendix 7.4 B at the end of Section 7.4. Users should refer to the latest version of this legislation.
- (b) The alignments of the existing transmission *lines* within the District are shown on the Planning maps.

#### 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;
- District Wide Performance Standards in Section 8.0.

<b>P1</b>	ANY NETWORK UTILITY WHETHER LOCATED ABOVE OR BELOW GROUND IN THE RURAL (EXCLUDING OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA), GOLDEN CROSS MINERAL AND INDUSTRIAL ZONES, UNLESS OTHERWISE SPECIFIED AS <i>RESTRICTED DISCRETIONARY</i> OR <i>DISCRETIONARY ACTIVITIES</i>
<b>P2</b>	TELEPHONE EXCHANGES (NO LIMIT ON FLOOR AREA) IN THE TOWN CENTRE ZONE
<b>P3</b>	<p>IN ALL ZONES (EXCLUDING THE RURAL (OUTSIDE AN OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA), INDUSTRIAL AND CONSERVATION (WETLAND) ZONES) ANY PIPE, DRAIN, ELECTRIC <i>LINE</i> AS DEFINED IN THE ELECTRICITY ACT 1992 AND ELECTRICITY REGULATIONS 1997, <i>LINE</i> AS DEFINED BY SECTION 5 OF THE TELECOMMUNICATIONS ACT 2001, TELECOMMUNICATION OR WIRELESS LINK WHICH IS PART OF A <i>NETWORK UTILITY</i> TOGETHER WITH:</p> <p>(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<sup>3</sup> in volume and with a maximum dimension of 3m.</p> <p>(b) Any pole, aerial, mast, tower or similar <i>structure</i> not exceeding 15m in <i>height</i> or 5m above the highest point on the roof where mounted on a <i>building</i> (whichever is the lesser) and having a maximum cross section dimension of 850mm.</p> <p>(c) Any microwave dish, antenna or similar element not exceeding 3m in any dimension.</p> <p>EXCEPT THAT PIPES, <i>LINES</i>, ANCILLARY EQUIPMENT AND POLES OR SUPPORT <i>STRUCTURES</i> SHALL BE FOR THE DISTRIBUTION OR CONVEYANCE OF GAS AT A GAUGE PRESSURE NOT EXCEEDING 2,000 KILOPASCALS OR ELECTRICITY AT A</p>

	VOLTAGE NOT EXCEEDING 66KV
<b>P4</b>	MAINTENANCE, <i>MINOR UPGRADING</i> OF ELECTRIC LINES, REMOVAL OR REPLACEMENT OF EXISTING <i>NETWORK UTILITIES</i>

**(2) CONTROLLED ACTIVITIES**

Those activities listed below are a *Controlled Activity*.

THERE ARE NO <i>CONTROLLED ACTIVITIES</i>
---

**(3) RESTRICTED DISCRETIONARY ACTIVITIES**

<b>RD1</b>	<p><i>PERMITTED ACTIVITIES</i> P1 TO P3 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>.</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>
<b>RD2</b>	<p>ANY POLE, AERIAL, MAST, TOWER OR SIMILAR <i>STRUCTURE</i> ASSOCIATED WITH A <i>NETWORK UTILITY</i>, EXCEEDING 20M IN <i>HEIGHT</i> OR 5M ABOVE THE HIGHEST POINT OF THE <i>BUILDING</i> (WHICHEVER IS THE LESSER) IN THE RURAL (EXCLUDING OUTSTANDING NATURAL LANDSCAPE AND DISTRICT AMENITY LANDSCAPE AREA) AND INDUSTRIAL ZONES</p> <p><b>Matters over which Council has restricted its discretion are:</b></p> <p>The <i>Council</i> will restrict the exercise of its discretion to the ability of the <i>structure</i> to achieve the particular environmental result of the <i>Zone Development Standards</i> for maximum <i>height</i> in Rule 5.1.5 or 5.12.5, and the relevant matters for <i>height</i> and <i>daylighting</i> in 5.1.4.3RD1(1) or 5.12.4.3RD1(1) as applicable to the <i>zone</i> location of the <i>structure</i>. (Note: For the avoidance of doubt the <i>network utility structure</i> is deemed to be a <i>building</i> for the purpose of this restricted discretion).</p>
<b>RD3</b>	<p>ANY MICROWAVE DISH, ANTENNA OR SIMILAR ELEMENT ASSOCIATED WITH A <i>NETWORK UTILITY</i>, EXCEEDING 5M IN ANY DIMENSION IN THE RURAL (EXCLUDING OUTSTANDING NATURAL LANDSCAPE AND DISTRICT AMENITY LANDSCAPE AREA) AND INDUSTRIAL ZONES</p> <p><b>Matters over which Council has restricted its discretion are:</b></p> <p>The <i>Council</i> will restrict the exercise of its discretion to the ability of the <i>structure</i> to achieve the particular environmental result of the <i>Zone Development Standards</i> for maximum <i>height</i> in Rule 5.1.5 or 5.12.5, and the relevant matters for <i>height</i> and <i>daylighting</i> in 5.1.4.3RD1(1) or 5.12.4.3RD1(1) as applicable to the <i>zone</i> location of the <i>structure</i>. (Note: For the avoidance of doubt the <i>network utility structure</i> is deemed to be a <i>building</i> for the purpose of this restricted 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.



<b>D1</b>	ANY <i>NETWORK UTILITY</i> PROVIDED FOR IN P3 AS A <i>PERMITTED ACTIVITY</i> , WHERE THE SPECIFIED MAXIMUM DIMENSIONS ARE EXCEEDED, UNLESS OTHERWISE SPECIFIED
<b>D2</b>	ANY <i>NETWORK UTILITY</i> PROVIDED FOR IN P3 TO P4 AS A <i>PERMITTED ACTIVITY</i> THAT DOES NOT MEET <i>DEVELOPMENT STANDARD 7.4.7 (2)</i>
<b>D3</b>	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 (WETLAND) ZONE
<b>D4</b>	ANY NEW <i>ELECTRICITY</i> SUBSTATION OR EXTENSION TO EXISTING <i>ELECTRICITY</i> SUBSTATION IN THE RURAL, TOWN CENTRE AND INDUSTRIAL ZONES
<b>D5</b>	ANY PIPES AND ANCILLARY EQUIPMENT INCLUDING COMPRESSOR STATIONS FOR THE TRANSMISSION OF GAS AT A GAUGE PRESSURE EXCEEDING 2,000 KILOPASCALS
<b>D6</b>	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 OPERATED BY A <i>NETWORK UTILITY OPERATOR</i> IN THE RURAL, RESERVE (PASSIVE), KARANGAHAKE GORGE AND CONSERVATION (INDIGENOUS FOREST) ZONES
<b>D7</b>	COMMUNITY SEWAGE TREATMENT WORKS IN THE RURAL AND INDUSTRIAL ZONES
<b>D8</b>	ANY <i>ROAD</i> OR SERVICE LANE IN ALL <i>ZONES</i> , EXCEPT IN THE CONSERVATION (WETLAND) ZONE, THAT IS NOT OTHERWISE PROVIDED FOR IN RULE 7.4.5.1
<b>D9</b>	RAILWAYS IN THE RURAL, TOWN CENTRE AND INDUSTRIAL ZONES
<b>D10</b>	<i>PERMITTED ACTIVITIES</i> P1 TO P3 THAT DO NOT MEET THE <i>DEVELOPMENT STANDARDS</i> IN 7.4.7(1) AND 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>
<b>D11</b>	ANY <i>NETWORK UTILITY</i> WITHIN THE GOLDEN CROSS MINERAL ZONE (LAND USE RESTRICTION AREAS AS SHOWN ON FIGURE 1, IN SECTION 5.18.8)

**(5) NON COMPLYING ACTIVITIES**

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

<b>NC1</b>	ANY <i>NETWORK UTILITY</i> NOT OTHERWISE PROVIDED FOR AS A <i>PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, OR DISCRETIONARY ACTIVITY</i>
------------	--

**(6) PROHIBITED ACTIVITIES**

Those activities listed below are a *Prohibited Activity*.

There are no <i>PROHIBITED ACTIVITIES</i>
---

**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;
- District Wide Performance Standards in Section 8.0.

<b>P1</b>	LOCAL CO-GENERATION OR EMERGENCY POWER GENERATION FACILITIES/ PLANTS/ SCHEMES WHERE THESE ACTIVITIES ARE ANCILLARY TO ANY <i>PERMITTED</i> OR APPROVED <i>ACTIVITY</i> IN THE RURAL, TOWN CENTRE AND INDUSTRIAL ZONES, SUBJECT TO COMPLIANCE WITH THE <i>ZONE DEVELOPMENT STANDARDS FOR PERMITTED ACTIVITIES</i> OF THE RELEVANT ZONE
<b>P2</b>	ELECTRICITY GENERATION FACILITIES/ PLANTS/ SCHEMES FOR ON <i>SITE</i> DOMESTIC USE, SUBJECT TO COMPLIANCE WITH THE <i>ZONE DEVELOPMENT STANDARDS FOR PERMITTED ACTIVITIES</i> 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 RMA.

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* requirement 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, and 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* as specified in the table below shall apply to *Permitted Activities* P1 to P3 in Rule 7.4.5.4(1) except as provided in (a) and (b) below:

PERMITTED ACTIVITY	ZONE DEVELOPMENT STANDARDS	
P1	Rural Zone (excluding Outstanding Natural Areas and District Amenity Landscape Areas) (refer Rule 5.1.5)	- Maximum <i>Height</i> - <i>Daylight Control</i> - Minimum Yards ( <i>Buildings</i> )
	Industrial Zone (refer Rule 5.12.5)	- Maximum <i>Height</i> - <i>Daylight Control</i> - Minimum Yards

PERMITTED ACTIVITY	ZONE DEVELOPMENT STANDARDS	
P2	Town Centre Zone (refer Rule 5.11.5)	<ul style="list-style-type: none"> <li>- Maximum <i>Height</i></li> <li>- <i>Daylight Control</i></li> <li>- Minimum <i>Yards</i></li> <li>- Pedestrian Frontage</li> <li>- Verandahs</li> <li>- Screening</li> </ul>
P3	Rural Zone (Outstanding Natural Areas and District Amenity Landscape Areas) (refer Rule 5.1.5)	- Minimum <i>Yards</i>
	Conservation (Indigenous Forest) Zone (refer Rule 5.2.5)	- Minimum <i>Yards</i>
	Coastal Zone (refer Rule 5.4.5)	- Minimum <i>Yards (Buildings)</i>
	Karangahake Gorge Zone (refer Rule 5.5.5)	- Minimum <i>Yards (Buildings)</i>
	Residential Zone (refer Rule 5.7.5)	- Minimum <i>Yards</i>
	Low Density Residential Zone (refer Rule 5.8.5)	- Minimum <i>Yards</i>
	Marae Development Zone (refer Rule 5.9.5)	- Minimum <i>Yards</i>
	Township Zone (refer Rule 5.10.5)	- Minimum <i>Yards</i>
	Town Centre Zone (refer Rule 5.11.5)	- Minimum <i>Yards</i>
	Reserve Active Zone (refer Rule 5.15.5)	- Minimum <i>Yards</i>
	Reserve Passive Zone (refer Rule 5.16.5)	- Minimum <i>Yards</i>
	Martha Mineral Zone (refer Rule 5.17.5)	- Minimum <i>Yards</i>

- (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 50m<sup>2</sup> of contiguous present ground cover, or maintenance plantings designed to re-establish such cover, in the Conservation (Indigenous Forest) Zone.

#### 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) markedly reducing 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 proposed to be located.
- (c) Whether the utility/activity will be 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.
- (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 will be 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*.
- (f) Whether the utility/activity will adversely affect biodiversity values by removing or modifying significant bush, vegetation, landform or other natural habitats, and/or impacting 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  *dwellings/household units*, or likely future  *dwellings/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, in particular to avoid, where feasibly practical, the location of the  *network utility* in the Conservation (Indigenous Forest), Coastal, Karangahake Gorge and Reserve (Passive) Zones, 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 STANDARDS FOR TELECOMMUNICATION FACILITIES

Note: The following regulations are for information purposes and users should refer to the latest version of this legislation.

2016/281



# Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

Patsy Reddy, Governor-General

## Order in Council

At Wellington this 21st day of November 2016

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 43 and 43A of the Resource Management Act 1991—

- (a) on the recommendation of the Minister for the Environment made in accordance with section 44 of that Act; and
- (b) on the advice and with the consent of the Executive Council.

## Contents

### *Part 1*

#### *Preliminary matters*

- 1 Title
- 2 Commencement
- 3 Purpose
- 4 Interpretation

- 5 Installing and operating a facility
- 6 Meaning of baseline pole and baseline date
- 7 Measurements
- 8 Application of regulations to coastal marine area and rivers and lakes
- 9 Transitional, savings, and related provisions

*Part 2*

*Carrying out of regulated activities*

10. Restrictions on land use for regulated activities
11. Activity complying with standard is permitted activity
12. Status if not permitted activity
13. RFG facilities: status in respect of generation of radiofrequency fields
14. Controlled activities
15. Restricted discretionary activities
16. Discretionary activities
17. Non-complying activities
18. Prohibited activities

*Part 3*

*Regulated activities and standards*

*Subpart 1—Cabinets*

19. Regulated activity and standard
20. Cabinet not servicing antenna on building
21. Cabinet servicing antenna on building
22. Group rules for cabinets in road reserves
23. Temporary contravention of group rules
24. Noise limits for cabinet in road reserve
25. Noise limits for cabinet not in road reserve

*Subpart 2—Antennas*

*Antennas on existing poles in road reserve*

26. Regulated activity and standard
27. Antenna on existing pole in road reserve

*Antennas on new poles in road reserve*

28. Regulated activity and standard
29. Antenna on new pole in road reserve

*Antennas on existing poles with antennas not in road reserve and in residential zone*

30. Regulated activity and standard
31. Antenna on existing pole with antenna not in road reserve and in residential zone

*Antennas on existing poles with antennas not in road reserve and not in residential zone*



- 32. Regulated activity and standard
- 33. Antenna on existing pole with antenna not in road reserve and not in residential zone

*Antennas on new poles not in road reserve and in rural zone*

- 34. Regulated activity and standard
- 35. Antenna on new pole not in road reserve and in rural zone

*Antennas on buildings*

- 36. Regulated activity and standard
- 37. Antenna on building

*Subpart 3—Small cell units*

- 38. Regulated activity and standard

*Subpart 4—Telecommunication lines  
Customer connection lines*

- 39. Regulated activity and standard
- 40. Customer connection line

*Aerial telecommunication lines along same routes as existing telecommunication or power lines*

- 41. Regulated activity and standard
- 42. Aerial telecommunication line along same route as existing telecommunication or power line

*Underground telecommunication lines*

- 43. Regulated activity and standard

*Subpart 5—Application of district and regional rules*

- 44. Trees and vegetation in road reserve
- 45. Significant trees
- 46. Historic heritage values
- 47. Visual amenity landscapes
- 48. Significant habitats for indigenous vegetation
- 49. Significant habitats for indigenous fauna
- 50. Outstanding natural features or landscapes
- 51. Places adjoining coastal marine area
- 52. Rivers and lakes

*Subpart 6—Earthworks*

- 53 Earthworks associated with certain antennas  
54. Earthworks: regional rules apply

*Subpart 7—Radiofrequency fields*

55. Radiofrequency fields

*Part 4  
Miscellaneous*

56. District and regional rules may be more stringent  
57. District rules about natural hazard areas disapplied  
58. Regulations revoked

Schedule

Transitional, savings, and related provisions

Explanatory note

Administrative Information

## Regulations

### 1 Title

These regulations are the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.

### 2 Commencement

These regulations come into force on 1 January 2017.

### 3 Purpose

These regulations—

- (a) prescribe the standards that must be complied with in relation to the use of land for regulated activities for the purposes of sections 9 and 15 of the Act; and
- (b) classify regulated activities for the purposes of section 87A of the Act.

### 4 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Resource Management Act 1991

**ancillary equipment** means telecommunications, radiocommunications, electrical or similar equipment it is necessary to install with a facility to enable the facility to operate as intended, but not a self-contained power unit or a lightning rod

**antenna** means a device that receives or transmits radiocommunication or telecommunication signals, but not a small cell unit

**antenna A** has the meaning given in regulation 26

**antenna B** has the meaning given in regulation 28

**antenna C** has the meaning given in regulation 30

**antenna D** has the meaning given in regulation 32

**baseline date** has the meaning given in regulation 6

**baseline pole** has the meaning given in regulation 6

**cabinet** means a casing around equipment that is necessary to operate a telecommunication network, but not any of the following:

- (a) a casing around an antenna, a small cell unit, ancillary equipment, or any part of a telecommunication line;
- (b) a casing that is wholly underground;
- (c) a casing that is inside a building;
- (d) a building

**customer connection line** means a telecommunication line that connects a telecommunications distribution network to a premises for the purpose of enabling a facility operator to provide telecommunication services to a customer

**date A** has the meaning given in regulation 26

**date B** has the meaning given in regulation 28

**date C** has the meaning given in regulation 30

**date D** has the meaning given in regulation 32

**earthworks** means a disturbance of soil, earth, or substrate land surfaces (including by blading, boring, contouring, cutting, drilling, excavating, filling, moving, piling, placing, removing, replacing, ripping, thrusting, or trenching)

**facility** means an antenna, cabinet, telecommunication line, or small cell unit

**facility operator** means—

- (a) a network operator (as defined in section 5 of the Telecommunications Act 2001); or
- (b) the Crown (as defined in section 2(1) of the Public Finance Act 1989); or
- (c) a Crown agent (as defined in section 10(1) of the Crown Entities Act 2004)

**headframe** means a structure attached to a pole that—

- (a) enables more than 1 antenna to be attached to the pole; and
- (b) results in the notional envelope of the pole being larger than 0.7 m in diameter

**installing and operating**, in relation to a facility, has the meaning given in regulation 5

**location**, in relation to a facility that has not yet been installed, means the location where the facility will be once it has been installed

**mount** means equipment used to attach—

- (a) an antenna to a building; or
- (b) an antenna to a pole without a headframe; or
- (c) an antenna to a headframe; or
- (d) a headframe to a pole

**non-dish antenna** means an antenna that is not a dish antenna

**notional envelope**, for a pole, means the smallest notional cylindrical shape into which all non-dish antennas attached to the pole (including any shroud but not including any mount or ancillary equipment) would fit

**pole** means a pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas

**pole A** has the meaning given in regulation 26

**pole B** has the meaning given in regulation 28

**pole C** has the meaning given in regulation 30

**pole D** has the meaning given in regulation 32

**protrusion distance** means the amount by which the outer edge of a dish antenna protrudes from the edge of the pole to which it is attached

**regulated activity** means an activity that is declared by regulation 19, 26, 28, 30, 32, 34, 36, 38, 39, 41, or 43 to be a regulated activity

**residential zone** means an area identified in a district plan or proposed district plan as being zoned primarily for residential activities, but not an area zoned for rural/residential or countryside living activities (however described)

**RFG facility** means—

- (a) an antenna or a small cell unit, if it generates radiofrequency fields or will do so when it is in operation; or
- (b) a cabinet, if the equipment in the cabinet generates radiofrequency fields or will do so when the equipment is in operation

**road reserve** means a formed legal road and any land next to it up to the legal boundary of the adjoining land

**rural zone** means an area identified in a district plan or proposed district plan as being zoned primarily for rural activities, including an area zoned for rural/residential or countryside living activities (however described)

**self-contained power unit** means equipment installed with a facility for the purpose of generating power for that facility (such as solar panels), including cables connecting the equipment to the facility

**small cell unit** means a device—

- (a) that receives or transmits radiocommunication or telecommunication signals; and
- (b) the volume of which (including any ancillary equipment, but not including any cabling) is not more than 0.11 m<sup>3</sup>

**standard**, in relation to a regulated activity, means the standard set out for that activity in the regulation that declares it to be a regulated activity

**surface-mounted line** means a telecommunication line that is mounted on the surface of a structure (such as a wall, fence, or paving)

**telecommunication line** means a wire, or conductor of any other kind (including a fibre optic cable), referred to in paragraph (a) of the definition of line in section 5 of the Telecommunications Act 2001.

## 5 Installing and operating a facility

(1) **Installing and operating** a facility means—

- (a) installing and operating the facility; and
- (b) installing and operating any of the following:
  - (i) ancillary equipment for the facility;
  - (ii) in relation to an antenna attached to a pole, the pole and any headframe, mount, or shroud;
  - (iii) in relation to an antenna on a building, any mount or shroud;
  - (iv) in relation to a cabinet, the equipment in the cabinet;
  - (v) in relation to a telecommunication line, any structure supporting the line;
  - (vi) a lightning rod for the facility;
  - (vii) a plinth or other foundation supporting the facility or anything referred to in this paragraph; and
- (c) carrying out repairs and maintenance of the facility or anything referred to in paragraph (b); and
- (d) carrying out earthworks associated with anything referred to in paragraph (a), (b), or (c).

(2) However, **installing and operating** a facility does not include—

- (a) installing and operating either of the following:
  - (i) a self-contained power unit;
  - (ii) a track that provides access to the facility; or
- (b) carrying out repairs and maintenance of anything referred to in paragraph (a); or
- (c) carrying out earthworks associated with anything referred to in paragraph (a) or (b).

## 6 Meaning of baseline pole and baseline date

- (1) This regulation defines the terms baseline pole and baseline date in relation to pole A in regulation 27, pole C in regulation 31, and pole D in regulation 33 (the relevant pole).
- (2) If the relevant pole was erected before 1 January 2017,—
  - (a) the baseline pole is the relevant pole; and
  - (b) the baseline date is 1 January 2017.

- (3) If the relevant pole was erected after 1 January 2017 for a purpose other than the installation of an antenna,—
- (a) the baseline pole is the relevant pole; and
  - (b) the baseline date is date A for regulation 27, date C for regulation 31, and date D for regulation 33.
- (4) If the relevant pole was erected after 1 January 2017, for the purpose of installing 1 or more antennas on it, and is not a replacement for another pole,—
- (a) the baseline pole is the relevant pole; and
  - (b) the baseline date is date A for regulation 27, date C for regulation 31, and date D for regulation 33.
- (5) If the relevant pole was erected after 1 January 2017, for the purpose of installing 1 or more antennas on it, and is a replacement for another pole (**pole X**),—
- (a) the baseline pole is—
    - (i) if pole X was not a replacement for a previous pole, pole X; or
    - (ii) if the relevant pole is the latest in a series of 2 or more pole replacements, the first pole in that series to have an antenna installed on it after 1 January 2017; and
  - (b) the baseline date is immediately before work begins to install the first antenna that was installed on the baseline pole.

## 7 Measurements

- (1) The height of a cabinet is to be measured—
- (a) from the bottom of the cabinet at its lowest point (not including any plinth or other foundation);
  - (b) to the highest point of the cabinet.
- (2) The width of a pole is to be measured at the widest point of the pole (not including any antenna, headframe, mount, shroud, or ancillary equipment).
- (3) The width of a headframe is to be measured at the widest point of the headframe and all antennas attached to it (not including any shroud or ancillary equipment).
- (4) The width of a support structure for a telecommunication line is to be measured at the widest point of the structure (not including the line or any ancillary equipment).
- (5) The width of a pole, headframe, or support structure means—
- (a) if it is circular, its diameter; or
  - (b) otherwise, its widest cross-sectional measurement.
- (6) The height of a pole is to be measured—
- (a) from the following (measured at the centre of the pole):
    - (i) if the pole is erected on the ground and with no plinth or other foundation, ground level; or

- (ii) if the pole is erected on the ground with a plinth or other foundation, the top of the plinth or foundation; or
  - (iii) if the pole is erected on a structure (such as a bridge), the upper surface of the structure:
- (b) to the highest point of the pole (not including any headframe, antennas, mount, shroud, or ancillary equipment).
- (7) The height of a pole and all antennas is to be measured—
- (a) from the point described in subclause (6)(a):
  - (b) to the highest point of the pole, any headframe, and all antennas (not including any mount, shroud, or ancillary equipment).
- (8) All measurements are to be made not including any lightning rod.
- (9) The distance between 2 things is to be measured at their closest point.

## **8 Application of regulations to coastal marine area and rivers and lakes**

- (1) These regulations do not apply to anything done in the coastal marine area or in, on, under, or over the bed of a river or lake.
- (2) However, these regulations do apply to anything done over a river or lake (such as on a bridge).

## **9 Transitional, savings, and related provisions**

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

# **Part 2 Carrying out of regulated activities**

## **10 Restrictions on land use for regulated activities**

For the purposes of sections 9 and 15 of the Act, a person must not use land for a regulated activity unless the activity—

- (a) is carried out in accordance with the standard (and is therefore a permitted activity); or
- (b) is allowed by a resource consent.

## **11 Activity complying with standard is permitted activity**

A regulated activity is a permitted activity if it is carried out in accordance with the standard.

## **12 Status if not permitted activity**

If a regulated activity is not a permitted activity under regulation 11,—

- (a) if the facility is an RFG facility, the status of the activity is to be determined under regulation 13; or
- (b) otherwise, the status of the activity is to be determined under regulations 14 to 18.

**13 RFG facilities: status in respect of generation of radiofrequency fields**

- (1) This regulation applies to a regulated activity if—
  - (a) the facility is an RFG facility; and
  - (b) the activity is not a permitted activity under regulation 11.
- (2) If regulation 55 is complied with,—
  - (a) in respect of the generation of radiofrequency fields, the activity is a permitted activity; and
  - (b) in all other respects, the status of the activity is to be determined in accordance with regulations 14 to 18.
- (3) If regulation 55 is not complied with—
  - (a) in respect of the generation of radiofrequency fields, the activity is a non-complying activity; and
  - (b) in all other respects,—
    - (i) if all other regulations compliance with which are part of the standard are complied with, the activity is a permitted activity; or
    - (ii) otherwise, the status of the activity is to be determined in accordance with regulations 14 to 18.

**14 Controlled activities**

- (1) A regulated activity is a controlled activity if—
  - (a) it is carried out not in accordance with the standard; and
  - (b) under the relevant district plan or proposed district plan, it is a permitted activity or controlled activity.
- (2) For the purposes of section 87A(2)(b) of the Act, control is reserved over the subject matter of each regulation (or component of a regulation)—
  - (a) compliance with which is part of the standard; and
  - (b) that is not complied with.

**15 Restricted discretionary activities**

- (1) A regulated activity is a restricted discretionary activity if—
  - (a) it is carried out not in accordance with the standard; and
  - (b) under the relevant district plan or proposed district plan, it is a restricted discretionary activity.
- (2) For the purposes of section 87A(3)(a) of the Act, discretion is restricted over the subject matter of each regulation (or component of a regulation)—
  - (a) compliance with which is part of the standard; and
  - (b) that is not complied with.

**16 Discretionary activities**

A regulated activity is a discretionary activity if—



- (a) it is carried out not in accordance with the standard; and
- (b) under the relevant district plan or proposed district plan, the activity—
  - (i) is a discretionary activity; or
  - (ii) is not classified as a controlled, restricted discretionary, discretionary, non-complying, or prohibited activity.

### 17 Non-complying activities

A regulated activity is a non-complying activity if—

- (a) it is carried out not in accordance with the standard; and
- (b) under the relevant district plan or proposed district plan, it is a non-complying activity.

### 18 Prohibited activities

A regulated activity is a prohibited activity if—

- (a) it is carried out not in accordance with the standard; and
- (b) under the relevant district plan or proposed district plan, it is a prohibited activity.

## Part 3 Regulated activities and standards

### Subpart 1—Cabinets

### 19 Regulated activity and standard

- (1) The installation and operation of a cabinet by a facility operator is a regulated activity.
- (2) The standard for the activity is that—
  - (a) regulation 20 or 21, as applicable, must be complied with; and
  - (b) if the cabinet is in a road reserve,—
    - (i) regulation 22 must be complied with (subject to regulation 23); and
    - (ii) regulation 24 must be complied with; and
  - (c) if the cabinet is not in a road reserve, regulation 25 must be complied with; and
  - (d) each regulation in subpart 5, if it applies, must be complied with; and
  - (e) if the activity includes earthworks, regulation 54 must be complied with; and
  - (f) if the cabinet is an RFG facility, regulation 55 must be complied with.

### 20 Cabinet not servicing antenna on building

- (1) This regulation applies to any cabinet other than one to which regulation 21 applies.
- (2) This regulation is complied with if—
  - (a) the height, footprint, and grouping rules in subclause (3) are complied with; and
  - (b) one of the following applies:
    - (i) the cabinet's equipment does not require power;
    - (ii) power for the cabinet's equipment is provided by a self-contained power unit;
    - (iii) the power supply for the cabinet's equipment is connected under the ground or inside the cabinet.
- (3) The **height, footprint, and grouping rules** are as follows:
  - (a) if the cabinet is in a road reserve that is in, or adjoins, a residential zone,—
    - (i) the height of the cabinet must not be more than 1.8 m; and
    - (ii) the footprint of the cabinet must not be more than 1.4 m<sup>2</sup>; and

- (iii) the group rules in regulation 22 must be complied with (subject to regulation 23):
  - (b) if the cabinet is in any other road reserve,—
    - (i) the height of the cabinet must not be more than 2 m; and
    - (ii) the footprint of the cabinet must not be more than 2 m<sup>2</sup>; and
    - (iii) the group rules in regulation 22 must be complied with (subject to regulation 23):
  - (c) if the cabinet is not in a road reserve and is in a residential zone,—
    - (i) the height of the cabinet must not be more than 2 m; and
    - (ii) the footprint of the cabinet must not more than 2 m<sup>2</sup>:
  - (d) if the cabinet is not in a road reserve and is not in a residential zone,—
    - (i) the height of the cabinet must not be more than 2.5 m; and
    - (ii) the footprint of the cabinet must not be more than 5 m<sup>2</sup>.
- (4) In this regulation, part of a road reserve **adjoins** a residential zone if that part of the road reserve adjoins, and is on the same side of the road as, land that is in a residential zone.

## 21 Cabinet servicing antenna on building

- (1) This regulation applies to a cabinet that houses equipment the primary purpose of which is to service an antenna that is located on a building.
- (2) This regulation is complied with if—
  - (a) the height, footprint, and grouping rules in subclause (3) are complied with; and
  - (b) for a cabinet that is on the ground, one of the following applies:
    - (i) the cabinet's equipment does not require power;
    - (ii) power for the cabinet's equipment is provided by a self-contained power unit;
    - (iii) the power supply for the cabinet's equipment is connected under the ground or inside the cabinet.
- (3) The **height, footprint, and grouping rules** are as follows:
  - (a) if the cabinet is on the building,—
    - (i) the height of the cabinet must not be more than 2 m; and
    - (ii) the footprint of the cabinet must not be more than 2 m<sup>2</sup>:
  - (b) if the cabinet is not on the building, the requirements set out in regulation 20(3) must be complied with.

## 22 Group rules for cabinets in road reserves

- (1) The **group rules** for a cabinet in a road reserve are that, at the time a cabinet is installed,—
  - (a) the cabinet must be—
    - (i) at least 30 m away from any other cabinet that is on the same side of the road; or
    - (ii) in a group of cabinets; and
  - (b) if the cabinet is in a group,—
    - (i) each cabinet in the group must be at least 30 m away from any cabinet that is on the same side of the road and is not in the group; and
    - (ii) the total footprint of all cabinets in the group must not be more than 2 m<sup>2</sup>.
- (2) Two or more cabinets are in a **group** if the distance between each cabinet and the one nearest to it is not more than 0.5 m.

## 23 Temporary contravention of group rules

- (1) This regulation applies if—

- (a) a cabinet (the **new cabinet**) is installed for the purpose of housing equipment that will replace the equipment in an existing cabinet (the **old cabinet**); and
  - (b) the equipment in the new cabinet—
    - (i) is for the purposes of the same telecommunications network as the equipment in the old cabinet; or
    - (ii) relates to a telecommunications network that will replace the network to which the equipment in the old cabinet relates; and
  - (c) in the absence of this regulation, the group rules in regulation 22 would not be complied with in relation to the new cabinet.
- (2) For the purposes of determining whether the group rules are complied with in relation to the new cabinet, compliance with the group rules—
- (a) is not to be assessed when the new cabinet is installed; and
  - (b) is instead to be assessed at the expiry of 3 months from when,—
    - (i) if subclause (1)(b)(i) applies, the new cabinet is installed; or
    - (ii) if subclause (1)(b)(ii) applies, the old telecommunications network is discontinued.
- (3) Until the expiry of the 3 months referred to in subclause (2)(b), the group rules are taken to be complied with.

## 24 Noise limits for cabinet in road reserve

- (1) This regulation applies to a cabinet located in a road reserve.
- (2) This regulation is complied with if the noise from the cabinet does not exceed the noise limits set out in subclauses (3) and (4).
- (3) If the cabinet is located in a residential zone or an adjoining road reserve, the noise limits for the cabinet are,—
  - (a) between 7 am and 10 pm, 50 dB  $L_{Aeq(5min)}$ ; and
  - (b) between 10 pm and 7 am,—
    - (i) 40 dB  $L_{Aeq(5min)}$ ; and
    - (ii) 65 dB  $L_{AFmax}$ .
- (4) For any other cabinet, the noise limits for the cabinet are,—
  - (a) at any time, 60 dB  $L_{Aeq(5min)}$ ; and
  - (b) between 10 pm and 7 am, 65 dB  $L_{AFmax}$ .

### *How noise to be measured*

- (5) The measurement of the noise from a cabinet must be—
  - (a) made in accordance with NZS 6801; and
  - (b) adjusted in accordance with NZS 6801 to a free field incident sound level; and
  - (c) assessed in accordance with NZS 6802.

### *Where noise to be measured*

- (6) If a building containing a habitable room is within 4 m of the road reserve where the cabinet is located, the noise must be measured at a point that is—
  - (a) 1 m from the side of the building; or
  - (b) on the vertical plane of the side of the building.
- (7) In any other case, the noise must be measured at a point that is—
  - (a) at least 3 m from the cabinet; and
  - (b) within the boundaries of land adjoining the road reserve where the cabinet is located.
- (8) In this regulation,—

**adjoining road reserve**, in relation to a zone in a district plan or proposed district plan, means that part of a road reserve that adjoins, and is on the same side of the road as, land that is in that zone

**L<sub>Aeq(5min)</sub>** has the same meaning as in NZS 6801

**L<sub>AFmax</sub>** has the same meaning as in NZS 6801

**NZS 6801** means NZS 6801:2008 Acoustics – Measurement of environmental sound

**NZS 6802** means NZS 6802:2008 Acoustics – Environmental noise.

## 25 Noise limits for cabinet not in road reserve

- (1) This regulation applies to a cabinet not located in a road reserve.
- (2) This regulation is complied with if the cabinet is installed and operated in accordance with the district rules about noise from a facility at the place where the cabinet is located.

## Subpart 2—Antennas

### *Antennas on existing poles in road reserve*

## 26 Regulated activity and standard

- (1) The installation and operation of an antenna (**antenna A**) by a facility operator is a regulated activity if—
  - (a) before work to install antenna A begins (**date A**),—
    - (i) there is a pole (**pole A**) in a road reserve; and
    - (ii) if there are any antennas attached to pole A (whether operated by the same or a different facility operator), their installation and operation complies with the Act; and
  - (b) antenna A (alone or with 1 or more other antennas) is to be installed—
    - (i) on pole A in pole A's original location; or
    - (ii) on pole A after pole A is moved to a new location; or
    - (iii) on a new pole erected to replace pole A.
- (2) The standard for the activity is that—
  - (a) regulation 27 must be complied with; and
  - (b) each regulation in subpart 5, if it applies, must be complied with; and
  - (c) if the activity includes earthworks, regulation 54 must be complied with; and
  - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

## 27 Antenna on existing pole in road reserve

- (1) This regulation applies to the regulated activity described in regulation 26.
- (2) This regulation is complied with if, at the time antenna A is installed,—
  - (a) if pole A is moved or replaced, the location of the pole on which antenna A is installed (**the final pole**)—
    - (i) is in the road reserve; and
    - (ii) is not more than 5 m from pole A's location on date A; and
  - (b) the antenna size rules in subclause (3) or (4) are complied with; and
  - (c) the number of dish antennas attached to the final pole is not more than,—
    - (i) if more than 2 dish antennas were attached to pole A on date A, that number; or
    - (ii) otherwise, 2; and
  - (d) the pole height rules in subclause (5) are complied with; and

- (e) the pole width rules in subclause (6) are complied with; and
  - (f) if the final pole has a headframe, the headframe rules in subclause (7) are complied with.
- (3) If antenna A is a non-dish antenna, the **antenna size rules** are that,—
- (a) if the final pole has a headframe, the width of antenna A must not be more than,—
    - (i) if antenna A is a replacement for an existing non-dish antenna the width of which was more than 0.7 m, the width of the replaced antenna; or
    - (ii) otherwise, 0.7 m; or
  - (b) if the final pole does not have a headframe, the notional envelope for the final pole must not be larger than,—
    - (i) if pole A's notional envelope on date A was larger than 3.5 m in length and 0.7 m in diameter, the size of pole A's notional envelope on date A; or
    - (ii) otherwise, 3.5 m in length and 0.7 m in diameter.
- (4) If antenna A is a dish antenna, the **antenna size rules** are that—
- (a) the diameter of the dish must not be more than,—
    - (i) if antenna A is a replacement for an existing dish antenna the diameter of which was more than 0.38 m, the diameter of the replaced antenna; or
    - (ii) otherwise, 0.38 m; and
  - (b) antenna A's protrusion distance must not be more than,—
    - (i) if antenna A is a replacement for an existing dish antenna that had a protrusion distance of more than 0.6 m, the protrusion distance of the replaced antenna; or
    - (ii) otherwise, 0.6 m.
- (5) The **pole height rules** are that the height of the final pole and all antennas must not be more than the greater of—
- (a) the height of the baseline pole on the baseline date plus 3.5 m; and
  - (b) the height of the baseline pole and all antennas on the baseline date.
- (6) The **pole width rules** are that the width of the final pole must not be more than the width of the baseline pole on the baseline date multiplied by,—
- (a) if 1 or more antennas were attached to the baseline pole on the baseline date, 1.3; or
  - (b) otherwise, 2.
- (7) The **headframe rules** are that—
- (a) the headframe was on pole A on date A; or
  - (b) the headframe—
    - (i) is a replacement for a headframe that was on pole A on date A; and
    - (ii) has a width that is not more than the width of the replaced headframe.

### *Antennas on new poles in road reserve*

## **28 Regulated activity and standard**

- (1) The installation and operation of an antenna (**antenna B**) by a facility operator is a regulated activity if,—
- (a) before work to install antenna B begins, a pole (**pole B**) is to be erected—
    - (i) at a location that—
      - (A) is in a road reserve; and
      - (B) is within 100 m of an existing pole in the road reserve; and
    - (ii) for the purpose of installing antenna B (alone or with 1 or more other antennas) on pole B; and

- (b) pole B is not a replacement for an existing pole.
- (2) The standard for the activity is that—
  - (a) regulation 29 must be complied with; and
  - (b) each regulation in subpart 5, if it applies, must be complied with; and
  - (c) if the activity includes earthworks, regulation 54 must be complied with; and
  - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

## 29 Antenna on new pole in road reserve

- (1) This regulation applies to the regulated activity described in regulation 28.
- (2) This regulation is complied with if, at the time antenna B is installed,—
  - (a) pole B does not have a headframe; and
  - (b) the antenna size rules in subclause (3) are complied with; and
  - (c) no more than 2 dish antenna are attached to pole B; and
  - (d) the pole height rules in subclause (4) are complied with; and
  - (e) the pole width rules in subclause (5) are complied with.
- (3) The **antenna size rules** are that,—
  - (a) if antenna B is a non-dish antenna, pole B's notional envelope must not be larger than 3.5 m in length and 0.7 m in diameter; or
  - (b) if antenna B is a dish antenna,—
    - (i) the diameter of the dish must not be more than 0.38 m; and
    - (ii) antenna B's protrusion distance must not be more than 0.6 m.
- (4) The **pole height rules** are that the height of pole B and all antennas must not be more than,—
  - (a) if pole B has a neighbouring pole in only 1 direction along the road reserve, the height of the neighbouring pole plus 3.5 m; or
  - (b) if pole B has a neighbouring pole in 2 or more directions along the road reserve, the average of the heights of all the neighbouring poles plus 3.5 m.
- (5) The **pole width rules** are that the width of pole B must not be more than,—
  - (a) if pole B has a neighbouring pole in only 1 direction along the road reserve, the width of the neighbouring pole multiplied by,—
    - (i) if the neighbouring pole has 1 or more antennas attached to it, 1.3; or
    - (ii) otherwise, 2; or
  - (b) if pole B has a neighbouring pole in 2 or more directions along the road reserve, the average of the widths of the neighbouring poles multiplied by,—
    - (i) if any of the neighbouring poles has 1 or more antennas attached to it, 1.3; or
    - (ii) otherwise, 2.
- (6) In this regulation, a pole is a **neighbour** of pole B in a particular direction along the road reserve if the pole—
  - (a) is in the road reserve; and
  - (b) was erected before pole B; and
  - (c) is not more than 100 m from pole B; and
  - (d) is the pole nearest to pole B in that direction along the road reserve.

*Antennas on existing poles with antennas not in road reserve and in residential zone*

**30 Regulated activity and standard**

- (1) The installation and operation of an antenna (**antenna C**) by a facility operator is a regulated activity if,—
- (a) before work to install antenna C begins (**date C**), there is a pole (**pole C**) that—
    - (i) is not in a road reserve; and
    - (ii) is in a residential zone; and
    - (iii) has 1 or more antennas (the **existing antennas**) attached to it (whether operated by the same or a different facility operator); and
  - (b) the installation and operation of the existing antennas on pole C complies with the Act; and
  - (c) antenna C (alone or with 1 or more other antennas) is to be installed—
    - (i) on pole C in pole C's original location; or
    - (ii) on pole C after pole C is moved to a new location; or
    - (iii) on a new pole erected to replace pole C; and
  - (d) the pole on which antenna C is to be installed (the **final pole**) is—
    - (i) not in a road reserve; and
    - (ii) in a residential zone.
- (2) The standard for the activity is that—
- (a) regulation 31 must be complied with; and
  - (b) each regulation in subpart 5, if it applies, must be complied with; and
  - (c) if the activity includes earthworks, regulations 53 and 54 must be complied with; and
  - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

**31 Antenna on existing pole with antenna not in road reserve and in residential zone**

- (1) This regulation applies to the regulated activity described in regulation 30.
- (2) This regulation is complied with if, at the time antenna C is installed,—
- (a) if pole C is moved or replaced, the location of the final pole—
    - (i) is not in a road reserve; and
    - (ii) is in a residential zone; and
    - (iii) is not more than 5 m from pole C's location on date C; and
  - (b) the antenna size rules in subclause (3) or (4) are complied with; and
  - (c) the number of dish antenna attached to the final pole is not more than,—
    - (i) if more than 2 dish antenna were attached to pole C on date C, that number; or
    - (ii) otherwise, 2; and
  - (d) the width of the final pole must not be more than 1.3 times the width of the baseline pole on the baseline date; and
  - (e) the final pole does not have a headframe unless pole C had a headframe on date C; and
  - (f) if the final pole has a headframe, the headframe width rules in subclause (5) are complied with; and
  - (g) the pole height rules in subclause (6) are complied with.
- (3) If antenna C is a non-dish antenna, the **antenna size rules** are that the width of antenna C must not be more than,—

- (a) if antenna C is a replacement for an existing non-dish antenna the width of which was more than 0.7 m, the width of the replaced antenna; or
  - (b) otherwise, 0.7 m.
- (4) If antenna C is a dish antenna, the **antenna size rules** are that—
- (a) the diameter of the dish must not be more than,—
    - (i) if antenna C is a replacement for an existing dish antenna the diameter of which was more than 0.38 m, the diameter of the replaced antenna; or
    - (ii) otherwise, 0.38 m; and
  - (b) antenna C's protrusion distance must not be more than,—
    - (i) if antenna C is a replacement for an existing dish antenna the protrusion distance of which was more than 0.6 m, the protrusion distance of the replaced antenna; or
    - (ii) otherwise, 0.6 m.
- (5) The **headframe width rules** are that the width of the headframe on the final pole must not be more than,—
- (a) if the width of the headframe on pole C on date C was more than 6 m, the width of that headframe; or
  - (b) otherwise, the lesser of—
    - (i) 6 m; and
    - (ii) double the width of the headframe on pole C on date C.
- (6) The **pole height rules** are that the height of the final pole and all antennas must not be more than the greater of—
- (a) the height of the baseline pole on the baseline date plus 3.5 m; and
  - (b) the height of the baseline pole and all antennas on the baseline date.

*Antennas on existing poles with antennas not in road reserve and not in residential zone*

**32 Regulated activity and standard**

- (1) The installation and operation of an antenna (**antenna D**) by a facility operator is a regulated activity if,—
- (a) before work to install antenna D begins (**date D**), there is a pole (**pole D**) that—
    - (i) is not in a road reserve; and
    - (ii) is not in a residential zone; and
    - (iii) has 1 or more antennas (the **existing antennas**) attached to it (whether operated by the same or a different facility operator); and
  - (b) the installation and operation of the existing antennas on pole D complies with the Act; and
  - (c) antenna D (alone or with 1 or more other antennas) is to be installed—
    - (i) on pole D in pole D's original location; or
    - (ii) on pole D after pole D is moved to a new location; or
    - (iii) on a new pole erected to replace pole D; and
  - (d) the pole on which antenna D is to be installed (the **final pole**) is—
    - (i) not in a road reserve; and
    - (ii) not in a residential zone.
- (2) The standard for the activity is that—
- (a) regulation 33 must be complied with; and
  - (b) each regulation in subpart 5, if it applies, must be complied with; and



- (c) if the activity includes earthworks, regulations 53 and 54 must be complied with; and
- (d) if the antenna is an RFG facility, regulation 55 must be complied with.

### 33 Antenna on existing pole with antenna not in road reserve and not in residential zone

- (1) This regulation applies to the regulated activity described in regulation 32.
- (2) This regulation is complied with if, at the time antenna D is installed,—
  - (a) if pole D is moved or replaced, the location of the final pole—
    - (i) is not in a road reserve; and
    - (ii) is not in a residential zone; and
    - (iii) is not more than 5 m from pole D's location on date D; and
  - (b) if the antenna is a dish or panel antenna, the antenna size rules in subclause (3) are complied with; and
  - (c) the pole width rules in subclause (4) or (5) are complied with; and
  - (d) if the final pole has a headframe, the headframe width rules in subclause (6) are complied with; and
  - (e) the pole height rules in subclause (7) are complied with.
- (3) The **antenna size rules** are that,—
  - (a) if antenna D is a panel antenna, the width of the panel must not be more than,—
    - (i) if antenna D is a replacement for an existing panel antenna the width of which was more than 0.7 m, the width of the replaced antenna; or
    - (ii) otherwise, 0.7 m; or
  - (b) if antenna D is a dish antenna, the diameter of the dish must not be more than,—
    - (i) if antenna D is a replacement for an existing dish antenna the diameter of which was more than 1.2 m, the diameter of the replaced antenna; or
    - (ii) otherwise, 1.2 m.
- (4) If the final pole is in a rural zone, the **pole width rules** are that the width of the final pole must not be more than,—
  - (a) if the width of pole D on date D was more than 6 m, that width; or
  - (b) otherwise, the lesser of—
    - (i) 6 m; and
    - (ii) the width of pole D on date D multiplied by,—
      - (A) if the number of antennas attached to the final pole is more than the number that were attached to pole D on date D, 2; or
      - (B) otherwise, 1.3.
- (5) If the final pole is not in a rural zone, the **pole width rules** are that the width of the final pole must not be more than the width of the baseline pole on the baseline date multiplied by,—
  - (a) if the number of antenna attached to the final pole is more than the number that were attached to the baseline pole on the baseline date, 2; or
  - (b) otherwise, 1.3.
- (6) The **headframe width rules** are that the width of the headframe on the final pole must not be more than,—
  - (a) if pole D had a headframe on date D the width of which was more than 6 m, the width of that headframe; or
  - (b) otherwise, 6 m.

- (7) The **pole height rules** are that the height of the final pole and all antennas must not be more than,—
- (a) if the pole was installed without a resource consent in reliance on regulation 34, the lesser of—
    - (i) the height of pole D and all antennas on date D plus the permitted height increase; and
    - (ii) 25 m; or
  - (b) otherwise, the height of the baseline pole and all antennas on the baseline date plus the permitted height increase.
- (8) In this regulation, the **permitted height increase** is,—
- (a) if the facility operator for antenna D is the facility operator for all antennas attached to the final pole, 3.5 m; or
  - (b) otherwise, 5 m.

### *Antennas on new poles not in road reserve and in rural zone*

#### **34 Regulated activity and standard**

- (1) The installation and operation of an antenna (**antenna E**) by a facility operator is a regulated activity if,—
- (a) before work to install antenna E begins, a pole (**pole E**) is to be erected—
    - (i) at a location that—
      - (A) is not in a road reserve; and
      - (B) is in a rural zone; and
    - (ii) for the purpose of installing antenna E (whether alone or with 1 or more other antennas) on pole E; and
  - (b) the new pole is not a replacement for an existing pole.
- (2) The standard for the activity is that—
- (a) regulation 35 must be complied with; and
  - (b) each regulation in subpart 5, if it applies, must be complied with; and
  - (c) if the activity includes earthworks, regulations 53 and 54 must be complied with; and
  - (d) if the antenna is an RFG facility, regulation 55 must be complied with.

#### **35 Antenna on new pole not in road reserve and in rural zone**

- (1) This regulation applies to the regulated activity described in regulation 34.
- (2) This regulation is complied with if, at the time antenna E is installed,—
- (a) the height of pole E and all antennas is not more than 25 m; and
  - (b) the width of pole E is not more than 6 m; and
  - (c) if pole E has a headframe, the width of the headframe is not more than 6 m; and
  - (d) pole E is at least 50 m away from any building used for residential or educational purposes; and
  - (e) if antenna E is a panel antenna, the width of the panel is not more than 0.7 m; and
  - (f) if antenna E is a dish antenna, the diameter of the dish is not more than 1.2 m.

### *Antennas on buildings*

#### **36 Regulated activity and standard**

- (1) The installation and operation by a facility operator of an antenna on a building is a regulated activity.
- (2) The standard for the activity is that—
- (a) regulation 37 must be complied with; and
  - (b) each regulation in subpart 5, if it applies, must be complied with; and
  - (c) if the activity includes earthworks, regulation 54 must be complied with; and

- (d) if the antenna is an RFG facility, regulation 55 must be complied with.

### **37 Antenna on building**

- (1) This regulation applies to the regulated activity described in regulation 36.
- (2) This regulation is complied with if,—
- (a) for a dish or panel antenna, the size rules in subclause (3) are complied with; and
- (b) the antenna is attached to the building in a way that complies with the attachment rules in subclause (4).
- (3) The **size rules** are that,—
- (a) if the antenna is a panel antenna, the area of the panel must not be more than 1.5 m<sup>2</sup>; or
- (b) if the antenna is a dish antenna, the diameter of the dish must not be more than 1.2 m.
- (4) The **attachment rules** are that—
- (a) the top of the antenna must not be more than 5 m above,—
- (i) if the antenna is attached to a vertical surface, the top of that surface, directly above the point at which the antenna is attached to the building; or
- (ii) otherwise, the point at which the antenna is attached to the building; and
- (b) if the building is in a residential zone, the lowest point at which the antenna is attached to the building must be at least 15 m above the ground.

## Subpart 3—Small cell units

### **38 Regulated activity and standard**

- (1) The installation and operation of a small cell unit by a facility operator is a regulated activity if it is installed on an existing structure.
- (2) The standard for the activity is that—
- (a) each regulation in subpart 5, if it applies, must be complied with; and
- (b) if the activity includes earthworks, regulation 54 must be complied with; and
- (c) if the small cell unit is an RFG facility, regulation 55 must be complied with.

## Subpart 4—Telecommunication lines

### *Customer connection lines*

### **39 Regulated activity and standard**

- (1) The installation and operation of a customer connection line by a facility operator is a regulated activity.
- (2) The standard for the activity is that—
- (a) regulation 40 must be complied with; and
- (b) regulations 44 and 45, if they apply, must be complied with; and
- (c) in relation to any part of the customer connection line that is a surface-mounted line, each regulation in subpart 5, if it applies, must be complied with; and
- (d) if the activity includes earthworks,—
- (i) in relation to any earthworks that are undertaken at a place that is not in a road reserve, each regulation in subpart 5, if it applies, must be complied with; and
- (ii) regulation 54 must be complied with.

#### 40 Customer connection line

- (1) This regulation applies to a customer connection line.
- (2) This regulation is complied with if,—
  - (a) for any part of the customer connection line that is a surface-mounted line,—
    - (i) the diameter of the line is not more than 30 mm; and
    - (ii) if the line is enclosed in a conduit, the diameter of the conduit is not more than 32 mm; and
    - (iii) the line (and any conduit) is supported solely by existing structures; and
  - (b) for any part of the customer connection line that is an aerial line,—
    - (i) the diameter of the line is not more than 30 mm; and
    - (ii) the line is supported solely by existing structures.

#### *Aerial telecommunication lines along same routes as existing telecommunication or power lines*

#### 41 Regulated activity and standard

- (1) The installation and operation of a telecommunication line (**line A**) by a facility operator is a regulated activity if—
  - (a) line A is not a customer connection line; and
  - (b) before line A is installed, there is an existing aerial power line or telecommunication line (**the current line**); and
  - (c) line A is supported only by 1 or more of the following:
    - (i) existing support structures in their original locations;
    - (ii) existing support structures after they have been moved to new locations;
    - (iii) new structures erected to replace existing support structures; and
  - (d) line A is supported by those structures in the same order as the current line.
- (2) The standard for the activity is that—
  - (a) regulation 42 must be complied with; and
  - (b) regulations 44 and 45, if they apply, must be complied with; and
  - (c) if the activity includes earthworks, in relation to those earthworks,—
    - (i) each regulation in subpart 5, if it applies, must be complied with; and
    - (ii) regulation 54 must be complied with.
- (3) In this regulation, **existing support structure** means a structure that supported the current line before the installation of line A.

#### 42 Aerial telecommunication line along same route as existing telecommunication or power line

- (1) This regulation applies to the regulated activity described in regulation 41.
- (2) This regulation is complied with if—
  - (a) the diameter of line A is not more than 30 mm; and
  - (b) the total volume of ancillary equipment for line A on each support structure (not including any spare line) is not more than 0.4 m<sup>3</sup>; and
  - (c) if an existing support structure (as defined in regulation 41) is moved or replaced, the location of the moved or replacement structure is not more than 3 m from the existing support structure's original location; and

- (d) if an existing support structure is moved or replaced, the structure size rules in subclauses (3) and (4) are complied with.
- (3) The **structure size rules** are that—
  - (a) the height of the replacement structure must not be more than the height of the existing support structure plus 1 m; and
  - (b) the width of the replacement structure must not be more than 1.5 times the width of the existing support structure.
- (4) However, if the minimum road clearance height for the replacement structure is greater than the height permitted under subclause (3)(a), the **structure size rules** are that—
  - (a) the height of the replacement structure must not be more than the minimum road clearance height; and
  - (b) the width of the replacement structure must not be more than is reasonably necessary for a structure of that height.
- (5) The **minimum road clearance height** for a support structure means the minimum height necessary to enable the facility operator to meet its obligations under the Telecommunications Act 2001 relating to the height of line A.

### *Underground telecommunication lines*

#### **43 Regulated activity and standard**

- (1) The installation and operation of a telecommunication line by a facility operator is a regulated activity if the line—
  - (a) is not a customer connection line; and
  - (b) is an underground line.
- (2) The standard for the activity is that,—
  - (a) to the extent that the activity is carried out in a road reserve, regulation 44, if it applies, must be complied with; and
  - (b) to the extent that the activity is carried out at a place that is not in a road reserve, regulations 45 to 51, if they apply, must be complied with; and
  - (c) regulation 54 must be complied with.

### Subpart 5—Application of district and regional rules

#### **44 Trees and vegetation in road reserve**

- (1) This regulation applies to a regulated activity if—
  - (a) the activity is carried out at a place that is in a road reserve and within the drip line of a tree or other vegetation; and
  - (b) in the absence of these regulations, the relevant district plan or proposed district plan would require the facility operator to obtain a resource consent for the regulated activity.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the district rules about the protection of trees and other vegetation that apply at that place.

#### **45 Significant trees**

- (1) This regulation applies to a regulated activity if the activity is carried out at a place that—
  - (a) is not in a road reserve; and
  - (b) is within the drip line of a tree that is, or is in a group of trees that are, identified in the relevant district plan or proposed district plan as being subject to tree protection rules.

- (2) This regulation is complied with if the regulated activity is carried out in accordance with the tree protection rules that apply in relation to that tree.
- (3) In this regulation, **tree protection rules** means district rules about the protection of trees that are identified in the district plan or proposed district plan as being of special significance (however described).

#### **46 Historic heritage values**

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to historic heritage rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the historic heritage rules that apply to that place.
- (3) In this regulation, **historic heritage rules** means district rules about the protection of historic heritage values (however described).

#### **47 Visual amenity landscapes**

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to visual amenity landscapes rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the visual amenity landscapes rules that apply to that place.
- (3) In this regulation, **visual amenity landscapes rules** means district rules about the protection of landscape features (such as view shafts or ridge lines) identified as having special visual amenity values (however described).

#### **48 Significant habitats for indigenous vegetation**

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to significant vegetation rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the significant vegetation rules that apply to that place.
- (3) In this regulation, **significant vegetation rules** means district rules about the protection of significant habitats for indigenous vegetation (however described).

#### **49 Significant habitats for indigenous fauna**

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to significant fauna rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the significant fauna rules that apply to that place.
- (3) In this regulation, **significant fauna rules** means district rules about the protection of significant habitats for indigenous fauna (however described).

#### **50 Outstanding natural features or landscapes**

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to outstanding natural features or landscapes rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the outstanding natural features or landscapes rules that apply to that place.

- (3) In this regulation, **outstanding natural features or landscapes rules** means district rules about the protection of outstanding natural features or landscapes (however described).

### 51 Places adjoining coastal marine area

- (1) This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to coastal protection rules.
- (2) This regulation is complied with if the regulated activity is carried out in accordance with the coastal protection rules that apply to that place.
- (3) In this regulation, **coastal protection rules** means district rules that regulate the carrying out of activities in places adjoining the coastal marine area for the purpose of protecting the coastal marine area.

### 52 Rivers and lakes

- (1) This regulation applies to a regulated activity if it is carried out over a river or lake (as referred to in regulation 8(2)).
- (2) This regulation is complied with if the regulated activity is carried out in accordance with any applicable regional rules about carrying out that activity over the river or lake.

## Subpart 6—Earthworks

### 53 Earthworks associated with certain antennas

- (1) This regulation applies to a regulated activity if it—
- is a regulated activity under regulation 30, 32, or 34; and
  - includes earthworks (as referred to in regulation 5(1)(d)).
- (2) This regulation is complied with if—
- all special place earthworks are carried out in accordance with the district rules about earthworks that apply to earthworks carried out at that place; and
  - each time rural earthworks are carried out in relation to the facility,—
    - the volume of the earthworks is not more than 450 m<sup>3</sup>; and
    - the management plan requirements in subclause (3) are complied with.
- (3) The **management plan requirements** are that—
- before commencing the earthworks, the facility operator must prepare a management plan in accordance with subclauses (4) and (5); and
  - the earthworks must be carried out in accordance with that management plan; and
  - the facility operator must give a copy of the management plan to the local authority if requested by the local authority at any time before the expiry of 6 months from the completion of the earthworks.
- (4) An earthworks management plan must set out the following:
- where the earthworks will be carried out;
  - the nature and scale of the earthworks;
  - when the earthworks will be started and completed;
  - the measures that will be taken to ensure that the earthworks do not, as far as practicable, cause or contribute to any of the following:
    - sediment run-off from the site;
    - soil or debris from the works entering any water body or the coastal marine area;
    - instability or subsidence of a slope or another land surface;

- (iv) erosion of the bed or bank of a water body or the coastal marine area;
- (v) drainage problems, flooding, or the diversion of overland flow paths;
- (vi) dust problems on adjoining land;
- (e) the measures that will be taken to complete the earthworks in a way that will, as far as practicable,—
  - (i) restore the site to its previous condition; and
  - (ii) stabilise the site against subsequent erosion.
- (5) The management plan must be set out in a level of detail that is reasonable and proportionate having regard to the matters referred to in subclause (4)(a) to (c).
- (6) The measures referred to in subclause (4)(d) and (e) must be—
  - (a) designed to minimise the effect on the environment of the earthworks; and
  - (b) reasonable and proportionate having regard to the matters referred to in subclause (4)(a) to (c).
- (7) In this regulation,—
 

**rural earthworks** means earthworks that—

  - (a) are carried out in a rural zone and not in a road reserve; and
  - (b) are not special place earthworks

**special place earthworks** means earthworks that are carried out at a place referred to in regulation 45(1), 46(1), 47(1), 48(1), 49(1), 50(1), or 51(1).

#### 54 Earthworks: regional rules apply

- (1) This regulation applies to a regulated activity if it includes earthworks (as referred to in regulation 5(1)(d)).
- (2) This regulation is complied with if the earthworks are carried out in accordance with any applicable regional rules about earthworks.

### Subpart 7—Radiofrequency fields

#### 55 Radiofrequency fields

- (1) This regulation applies to an RFG facility.
- (2) This regulation is complied with if—
  - (a) the facility is installed and operated in accordance with NZS 2772.1; and
  - (b) before the facility becomes operational, the facility operator gives the local authority—
    - (i) written or electronic notice of the facility's location; and
    - (ii) a pre-commencement report that complies with subclause (3); and
  - (c) either—
    - (i) the facility operator gives the local authority a post-commencement report that complies with subclause (4) within 3 months after the facility becomes operational; or
    - (ii) under subclause (5), the facility operator is not required to give a post-commencement report.
- (3) A pre-commencement report must—
  - (a) be prepared in accordance with AS/NZS 2772.2; and
  - (b) take into account exposures arising from other telecommunication facilities in the vicinity of the facility; and
  - (c) predict 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 2772.1.



- (4) A post-commencement report must—
- (a) be prepared in accordance with AS/NZS 2772.2; and
  - (b) provide 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 2772.1.
- (5) The facility operator is not required to give a post-commencement report if the prediction referred to in subclause (3)(c) was that the radiofrequency field levels will not reach 25% of the maximum level authorised by NZS 2772.1 for exposure of the general public.
- (6) In this regulation,—
- AS/NZS 2772.2** means AS/NZS 2772.2:2016 Radiofrequency fields – Part 2: Principles and methods of measurement and computation – 3 kHz to 300 GHz
- NZS 2772.1** means NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels – 3 kHz to 300 GHz.

## Part 4 Miscellaneous

### 56 District and regional rules may be more stringent

For the purposes of sections 43B and 44A of the Act, the district and regional rules referred to in regulations 25 and 44 to 54 may be more stringent than the standards imposed by the rest of these regulations.

### 57 District rules about natural hazard areas disappplied

- (1) A territorial authority cannot make a natural hazard rule that applies to a regulated activity.
- (2) A natural hazard rule that was made before these regulations came into force, does not apply in relation to a regulated activity.
- (3) In this regulation, **natural hazard rule** means a district rule that prescribes measures to mitigate the effect of natural hazards in an area identified in the district plan as being subject to 1 or more natural hazards.

### 58 Regulations revoked

The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 (SR 2008/299) are revoked.

## Schedule Transitional, savings, and related provisions

r 9

### Part 1 Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Michael Webster,  
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 are the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 and come into force on 1 January 2017. The regulations are made under

the Resource Management Act 1991 (the **RMA**) and replace the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008, which are revoked.

The regulations prescribe standards for installing and operating antennas, cabinets, small cell units, and telecommunication lines (**facilities**) in the circumstances set out in *regulations 19, 26, 28, 30, 32, 34, 36, 38, 39, 41, and 43* (the **regulated activities**).

*Part 2* classifies regulated activities for the purposes of section 87A of the RMA (which sets out the classes of activities for which a resource consent is required and the scope of the consent authority's power to grant or refuse consent or to impose conditions). If a regulated activity is carried out in accordance with the standard, it will be a permitted activity and resource consent will not be required. If it is not carried out in accordance with the standard, the status of the activity will be determined under *regulations 12 to 18* and will depend on the status given to the activity by the relevant district plan. If the activity is classified as a controlled, restricted discretionary, discretionary, or non-complying activity, a resource consent will be required. For controlled and restricted discretionary activities, *regulations 14 and 15* limit the scope of the consent authority's power to grant or refuse consent or to impose conditions.

The standard for each regulated activity is that the specified regulations in *Part 3* must be complied with. Some of these regulations, such as those in *subpart 5 of Part 3*, require compliance with certain district and regional rules.

Even if a regulated activity is a permitted activity under these regulations, other provisions of the RMA, regulations under the RMA, and district and regional plans may also be applicable. For example,—

- section 17 of the RMA requires a person carrying on an activity to avoid, remedy, or mitigate any adverse effects of the activity, even if it is carried on in accordance with a national environmental standard; and
- section 43A(5) of the RMA allows a district plan to impose terms or conditions on an activity to deal with effects of the activity that are different from those dealt with in a national environmental standard.

These regulations do not apply to—

- activities that relate to facilities but that are not within the scope of installing and operating as defined in *regulation 5*; or
- the installation and operation of facilities in circumstances other than those that constitute regulated activities; or
- the installation and operation of other kinds of telecommunications equipment; or
- anything done in the coastal marine area or in, on, under, or over the bed of a river or lake, although they do apply to things done over rivers or lakes (such as on a bridge).

Those activities are governed by the RMA, other regulations under the RMA, district and regional plans, and other applicable laws.

### **Regulatory impact statement**

The Ministry for the Environment and Ministry of Business, Innovation and Employment produced a regulatory impact statement on 20 August 2015 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mfe.govt.nz/ris/nestf-2016>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 24 November 2016.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

## 7.4.10 APPENDIX 7.4 B - NATIONAL ENVIRONMENTAL STANDARDS FOR ELECTRICITY TRANSMISSION ACTIVITIES

Note: The following regulations are for information purposes and users should refer to the latest version of this legislation.

Reprint as at 20 May 2014



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

(SR 2009/397)

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.

#### **Contents**

1	Title
2	Commencement
3	Interpretation
4	Regulations apply only to certain activities relating to existing transmission lines
	<i>Operation of transmission line or use of access track</i>
5	Permitted activities

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

- 6 Permitted activities: overhead conductors
- 7 Permitted activities: earth-wires and overhead telecommunication cables
- 8 Permitted activities: adding overhead circuits
- 9 Restricted discretionary activities

*Increasing voltage or current rating, underground conductors, and undergrounding transmission lines*

- 10 Permitted activities: increasing voltage or current rating
- 11 Permitted activities: underground conductors
- 12 Controlled activities: undergrounding transmission lines
- 13 Non-complying activities

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

- 14 Permitted activities
- 15 Controlled activities
- 16 Restricted discretionary activities

*Temporary structures and temporary line deviation*

- 17 Permitted activities
- 18 Controlled activities

*Transmission lines: Removal*

- 19 Permitted activities
- 20 Controlled activities

*Telecommunication devices*

- 21 Permitted activities
- 22 Restricted discretionary activities

*Signs*

- 23 Permitted activities
- 24 Restricted discretionary activities

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

- 25 Permitted activities
- 26 Controlled activities
- 27 Restricted discretionary activities

*Discharges to water*

- 28 Permitted activities
- 29 Controlled activities

*Trimming, felling, and removing trees and vegetation*

- 30 Permitted activities
- 31 Controlled activities
- 32 Restricted discretionary activities

*Earthworks*

- 33 Permitted activities
- 34 Controlled activities
- 35 Restricted discretionary activities: historic heritage areas
- 36 Restricted discretionary activities: potentially contaminated land

*Noise and vibration from construction activity*

- 37 Permitted activities
- 38 Controlled activities

*Other transmission activities*

- 39 Discretionary activities

## Schedule

Envelopes for activities relating to towers

## Regulations

### 1 Title

These regulations are the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

### 2 Commencement

These regulations come into force on 14 January 2010.

### 3 Interpretation

- (1) In these regulations, unless the context requires another meaning,—

**abrasive blasting** means wet abrasive blasting and dry abrasive blasting

**Act** means the Resource Management Act 1991

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

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

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

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

**blasting** means water blasting and abrasive blasting

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

**conductor**—

- (a) means wire or cable used for carrying electric current along a transmission line; and

- (b) includes any hardware and insulation associated with the wire or cable

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

**earth-wire**—

- (a) means a protective wire that provides a path to ground for electrical current from a fault or lightning strike; and

- (b) includes an earth-wire that contains optic fibres; and
- (c) includes any hardware associated with the wire

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

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

**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

**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

**temporary structure**—

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

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

**tower**—

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

**transmission line**—

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

**transmission line support structure** means a tower or pole

**undergrounding**—

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

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

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

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

- (2) If a transmission line support structure is altered, relocated, or replaced after the commencement of these regulations, the altered, relocated, or replacement structure retains the base footprint, base

height, base position, base width, envelope for controlled activities, and envelope for permitted activities of the first structure.

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

#### **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—
- the diameter of the existing conductor or part; or
  - 50 mm, if the diameter of the existing conductor or part is less than 50 mm.

## **7 Permitted activities: earth-wires and overhead telecommunication cables**

- 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.
- 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.
- Maintaining an earth-wire or overhead telecommunication cable on an existing transmission line is a permitted activity.

### *Conditions*

- The number of wires and cables must not exceed—
  - 3 earth-wires, or 2 earth-wires and 1 telecommunication cable, per transmission line support structure; or
  - the existing number of wires and cables, if that number is more than is permitted by paragraph (a).
- The diameter of a new wire or cable, or a new part of a wire or cable, must not exceed 25 mm.
- The diameter of a replacement wire or cable, or a replacement part of a wire or cable, must not exceed—
  - the diameter of the existing wire, cable, or part (as the case may be); or
  - 25 mm, if the diameter of the existing wire, cable, or part (as the case may be) is less than 25 mm.

## **8 Permitted activities: adding overhead circuits**

- Adding an overhead circuit to an existing transmission line is a permitted activity if—
  - the condition in subclause (2) is complied with; and
  - both of the conditions in regulation 6(4) and (5) are complied with; and
  - all of the applicable conditions in regulation 10(2) to (8) are complied with.

### *Condition*

- 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**

- 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—
  - 1 or both of the conditions in regulation 6(4) and (5) are breached; but
  - all of the applicable conditions in regulation 10(2) to (8) are complied with.
- 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.
- 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
  - (c) the effects on services and infrastructure.

*Increasing voltage or current rating, underground conductors, and undergrounding transmission lines*

**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.

*Conditions*

- (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<sup>2</sup> 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
  - (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/m<sup>2</sup>;
  - (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.
- (2) Replacing an underground conductor, or part of an underground conductor, on an existing transmission line is a permitted activity.
- (3) Maintaining an underground conductor on an existing transmission line is a permitted activity.

## 12 Controlled activities: undergrounding transmission lines

- (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.

### *Matters over which control reserved*

- (2) Control is reserved over the following matters in relation to a controlled activity under this regulation:
  - (a) the location of termination structures, and the route of underground cables, in relation to—
    - (i) visual, landscape, and ecological effects; and
    - (ii) the effects on historic heritage; and
  - (b) the extent and nature of earthworks and control of sediment; and
  - (c) the effects and timing of construction works; and
  - (d) the effects on services and infrastructure.

## 13 Non-complying activities

- (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:

- (a) adding an overhead conductor, or part of an overhead conductor, to an existing transmission line:
  - (b) adding an overhead circuit to an existing transmission line:
  - (c) increasing the voltage or current rating of an existing transmission line:
  - (d) adding an underground conductor, or part of an underground conductor, to an existing transmission line:
  - (e) undergrounding an existing transmission line.
- (2) Altering, relocating, or replacing a transmission line support structure of an existing transmission line (other than as part of a temporary line deviation or undergrounding) 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—
    - (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—
  - (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—
  - (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.

### *Matters over which control reserved*

- (4) Control is reserved over the following matters in relation to a controlled activity under this regulation:
  - (a) visual, landscape, and ecological effects; and
  - (b) the effects on historic heritage; and
  - (c) the effects and timing of construction works; and
  - (d) the effects on services and infrastructure.

## 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—
  - (a) 1 or more of the conditions in regulation 14(3) to (5) are breached; or
  - (b) both of the following apply:
    - (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—
  - (a) 1 or more of the conditions in regulation 14(3), (4), and (7) are breached; or
  - (b) both of the following apply:
    - (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.

### *Matters over which control reserved*

- (4) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
  - (a) the location and height of the transmission line support structures in relation to—

- (i) visual, landscape, and ecological effects; and
- (ii) the effects on historic heritage; and
- (iii) the effects on sensitive land uses; and
- (b) earthworks, clearance of trees and vegetation, and restoration of the land; and
- (c) the effects and timing of construction works.

*Temporary structures and temporary line deviation*

### **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.

*Conditions*

- (3) Any temporary structures must be—
  - (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—
  - (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.

*Matters over which control reserved*

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

*Conditions*

- (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.

*Matters over which control reserved*

- (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.

### *Signs*

## 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.

*Conditions*

- (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<sup>2</sup>.

- (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<sup>2</sup>.

## **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 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 over which control reserved*

- (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
  - (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
  - (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 over which control reserved*

- (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.
- (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.

### *Matters over which control reserved*

- (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.

### *Trimming, felling, and removing trees and vegetation*

## 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.

### *Conditions*

- (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—
  - (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—
  - (a) first,—
    - (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.

*Matters over which control reserved*

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

*Matters over which control reserved*

- (2) Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:
- (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.

*Earthworks***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.

*Conditions*

- (2) Earthworks in a natural area must not, in a calendar year, exceed—
- (a) 50 m<sup>3</sup> per transmission line support structure; or
  - (b) 100 m<sup>3</sup> 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—
- (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 Heritage New Zealand Pouhere Taonga Act 2014.
- (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.
- Regulation 33(8): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

### **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.
- Matters over which control reserved*
- (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.
- Matters over which control reserved*
- (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
  - (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.
- Matters over which control reserved*
- (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.

*Noise and vibration from construction activity*

**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.

*Conditions*

- (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.

*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*

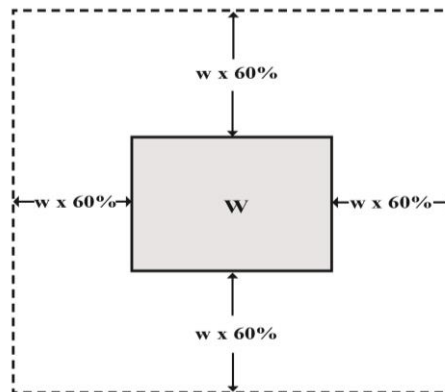
**39 Discretionary activities**

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 Envelopes for activities relating to towers

r 3(1)

### Envelope for permitted activities



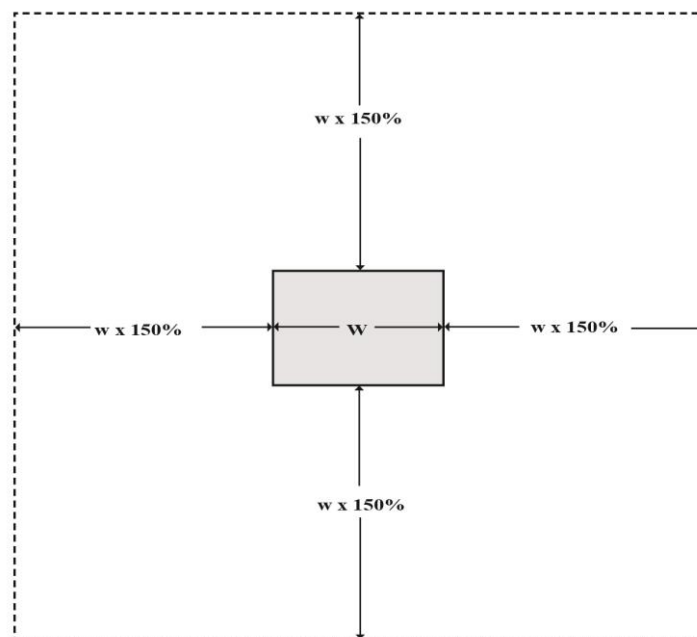
where—

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.

September 2014

Rebecca Kitteridge,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.

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

## Reprints notes

### **1**     *General*

This is a reprint of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2**     *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3**     *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4**     *Amendments incorporated in this reprint*

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107