

Chapter 53**NETWORK UTILITY OPERATIONS****53.1 INTRODUCTION**

Network Utilities are an essential part of the District's infrastructure and their efficient and effective supply and maintenance is important for the functioning of the District and in facilitating and maintaining the health, safety and general wellbeing of its residents. Network Utilities include: water systems, sewerage and trade waste systems, storm water drainage systems, roading networks, railway networks, telecommunication and radio communication networks, electricity and gas transmission and distribution networks. This section of the District Plan applies to Network Utility Operators who do not wish, or are unable, to operate under the designation procedures of the Resource Management Act 1991.

Under the Resource Management Act 1991, the Council is required to manage the effects of the use and development of Network Utilities on the environment, as it must for other land use activities. Given the essential role which Network Utilities perform, it is recognised that utility operators require certainty as to those works which can proceed without resource consent applications and those which do require consent. The District Plan provisions generally perform an enabling role where it provides for a wide range of works subject to performance standards.

The provisions covering Network Utilities are set out within this stand-alone section of the District Plan, and provide for Network Utilities as District Wide Activities. Because many Network Utilities are lineal, and traverse many parts of the District, it is considered appropriate that a single set of rules are provided which apply across the District. Such rules may however be overridden by rules applicable throughout the City, relating to the management of effects, on matters such as those relating to traffic safety, heritage resources, infrastructural services, hazards etc.

The National Environmental Standards are regulations made under the Resource Management Act 1991. Network Utilities that operate under a National Environmental Standard may be exempt from the rules of the District Plan. Alternatively, National Environmental Standards may alter the activity status of activities with this plan, and additional standards, matters for assessment and criteria may apply. The Council is responsible for applying and enforcing the provisions of National Environmental Standards.

53.1.1 SIGNIFICANT RESOURCE MANAGEMENT ISSUES

The following resource management issues have been identified as significant within Napier City in respect of network utility operations:

53.1.2 Efficient distribution of network utility operations within the meaning of the Act.

Network utility operations as defined in the Act provide for the physical, economic and social well-being of people and the community. The efficient distribution of network utility operations helps to sustain the natural and physical resources of the area. Similarly, new land uses and development in close proximity to existing utility operations can have the potential to compromise the efficient development, use and maintenance of those utility operations.

53.1.3 Management of adverse effects of network utility operations on the City's natural and physical resources.

Many network utility operations, particularly those located underground, generally have little long term impact on the environment. Some network utility operations can however have adverse effects on the environment. These effects may result from land uses involved in establishing the utility operation, be generated by the operation itself, or be associated with the maintenance, improvement and operation of the facility. Such effects can include visual impacts, particularly where prominent siting is required to ensure that transmission or service is not impeded, risks to public health and safety, and nuisances such as noise, vibration and lighting. The effects of some network utility operations can also have a greater impact on residential and open space environments than other areas throughout the City.

OBJECTIVES, POLICIES AND METHODS

Objective 53.2

To enable the safe and efficient use, development, upgrading and maintenance of network utility operations throughout the City while avoiding, remedying or mitigating any adverse effects on the environment.

This objective relates to Issues 53.1.1 and 53.1.2.

Policies

To achieve this objective the Council will:

- 53.2.1 Allow the construction, operation, maintenance and upgrading of network utility operations with no more than minor adverse effects on the environment.
- 53.2.2 Control the construction, operation, maintenance and upgrading of network utility operations with more than minor adverse effects.
- 53.2.3 Control the provision of network utility operations relating to new subdivision and land development, and encourage, where practicable, the progressive undergrounding of appropriate existing network utility operations or other innovative solutions within residential environments and roads throughout the City.
- 53.2.4 Encourage, where practicable, the co-siting and sharing of facilities.
- 53.2.5 Encourage the removal of redundant and superseded network utility facilities.
- 53.2.6 Manage the effects of network utility operations to ensure any adverse effects on outstanding natural features and significant landscapes, as identified in the Napier City Landscape Assessment Study (Environmental Management Services Limited, 2000), are avoided, remedied or mitigated.
- 53.2.7 Manage the reverse sensitivity effects of subdivision and land development on the safe, effective, secure and efficient operation, maintenance, upgrading and development, of the national grid network and the safety and amenity values of the community, by ensuring that:

- a) National Grid Yards and Corridors are identified in the Plan to establish buffer distances for managing subdivision and land-use development near National Grid lines and support structures;
- b) Sensitive activities and inappropriate large-scale structures are excluded from establishing within National Grid Yards;
- c) Subdivision is managed within National Grid Corridors to avoid subsequent land use from restricting the operation, maintenance, upgrading and development of the National Grid;
- d) Changes to existing activities within a National Grid Corridor or Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid.
- e) Buildings or subdivision within 12 metres of a designated National Grid Substation are managed to avoid further restrictions on the operation, maintenance, upgrading and development of the National Grid substation.

53.2.7A When considering proposals for subdivision and development within an existing National Grid Corridor or within 12 metres of a designated National Grid Substation, the following will be taken into account:

- a) The extent to which the proposal may restrict or inhibit the operation, access, maintenance or upgrading of National Grid lines, substations, or support structures;
- b) Any potential cumulative effects that may restrict the operation, access, maintenance, or upgrade of National Grid lines, substations, or support structures; and
- c) The nature of any proposal located near to an existing National Grid line, substations or support structures.

53.2.7B To promote the design of subdivisions and land use development or redevelopment in a manner that enables the efficient use of land within identified National Grid Corridors or within 12 metres of a designated National Grid Substation without introducing sensitive activities or structures that would inhibit the operation, access, maintenance, or upgrade of National Grid lines, designated National Grid Substation or support structures.

53.2.8 Recognise the national significance and national, regional and local importance and benefits of the sustainable, secure and efficient provision of infrastructure associated with the operation, maintenance and upgrade and development of the National Grid.

53.2.9 Recognise the special technical and operational requirements and constraints of the National Grid including those associated with their scale, design and locational requirements.

Principal Reasons for Adopting Objective and Policies

Network utility operations provide the infrastructure upon which the City is dependent: essential public services such as telecommunications, radiocommunication, meteorological services, electricity, water, gas, sewage and stormwater disposal and transport systems. Because of the importance of the services provided to the wellbeing, health and safety of Napier's citizens, the operational requirements of network utility operators must be clearly identified and adequately provided for in the Plan.

Some network utility operations have only minor adverse effects on the environment in which they are located and it is expected that these can establish and operate without being required to obtain resource consent. Other network utility operations may have the potential to have more than minor adverse effects particularly in the residential and open space areas of the City. The resource consent process will be used to ensure that the amenity of the City and the health and safety of people are safeguarded where these adverse effects are more than minor.

The pace of technological advancements in relation to network utility operations is continuing to move rapidly. As a result of improvements to network utility operations, some facilities are superseded or become redundant, often replaced by improved facilities in nearby areas or elsewhere throughout the City. The Council will encourage network utility operators to remove redundant and superseded facilities where they are no longer required. This can contribute to the enhancement of visual amenity qualities and reduce the cumulative effect of network utility structures throughout the City, particularly if located in areas of significant landscape value.

The Act clearly states that the protection of outstanding landscapes and natural features from inappropriate subdivision, use and development is a matter of national importance (Section 6(b)). The values associated with significant landscapes and natural features within Napier City include amenity, historical, cultural and rarity associations. Careful management, including the control of network utility operations, is necessary to ensure such valued areas within the City are maintained, enhanced and protected for current and future generations.

The Council requires services to be buried where they are provided in relation to certain specified subdivision and development of land. In addition, the Council will encourage where practicable the undergrounding of existing utilities through consultation with network utility operators in order to enhance the amenity values of the City, particularly in residential environments and roads to enhance traffic efficiency and safety. However, the Council does recognise that there are technical difficulties and cost factors that may make the undergrounding of existing utilities in some areas of the City impracticable.

Policy 53.2.7 ensures that any proposed subdivision or land use considers the need for the ongoing maintenance and upgrading of existing network utilities through the creation of a buffer area.

The National Policy Statement on Electricity Transmission 2008 requires Councils to show the National Grid on Council map records and to prevent buildings and sensitive activities from locating in a buffer area around the National Grid. This will provide for the continued operation and maintenance of the National Grid whilst ensuring the health and safety of the people and communities that they serve.

In relation to Policy 53.2.8 the National Grid infrastructure plays a key role locally, regionally and nationally. It forms an essential part of the efficient functioning of the District and its maintenance and development contributes to the health, safety and well-being of residents. The national, regional or local benefit of having a sustainable, secure and efficient utility network must be recognised and provided for.

Policy 1 of the National Policy Statement on Electricity Transmission, 2008 provides guidance on the benefits of a sustainable, secure and efficient National Grid.

In relation to Policy 53.9 the location of Network Utilities is often dictated by operational requirements which, if consumer expectations are to be met, must be distributed in certain areas of Napier City. Similarly, while alternative provision of utilities may be technically possible, in some cases, the cost to the provider and ultimately the consumers could then be prohibitive. Where it is necessary for Council to exercise discretion in assessing applications for national grid transmission activities and their environmental effects, it will take into account any special technical and operational requirements or constraints that may limit where a national grid transmission facility can be sited or consider its scale, design and operation.

Methods

- (1) District Plan Rules.
- (2) Bonds as conditions of resource consent.
- (3) Consultation and communication with utility operators and interested parties.
- (4) Powers under other legislation including the Local Government Act, and other network utility empowering Acts (eg: Gas Act 1992, Telecommunications Act 1987, Electricity Act 1992 and Rail Safety and Corridor Management Act 1992).
- (5) Industry Codes of Practice.
- (6) Guidelines in accordance with the "Specification for Service Maintenance Operations and New Service Installations within Road Reserve (Including Trench Excavation and Reinstatement), April 1996."
- (7) Napier District Plan Code of Practice for Subdivision & Land Development.
- (8) Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.
- (9) National Policy Statement on Electricity Transmission 2008.
- (10) Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008.

Principal Reasons for Methods

Method 1 recognises the importance of services provided to the citizens of Napier by network utility operators. Their utility requirements need clear identification within the Plan. Through district plan rules, these operational requirements can be identified, while any adverse effects can be managed through the resource consent process.

The use of bonds as a tool for ensuring performance in relation to one or more conditions of a resource consent is envisaged by the Act in section 108(2)(b). The application of bonds to network utility operations can ensure utility operators undertake subdivision, use and development of land in accordance with conditions of resource consent.

The Council will liaise and consult with network utility operators to encourage the undergrounding of services where practicable. This non-regulatory method recognises that there may be technical difficulties and cost factors that may make the undergrounding of utilities to be impracticable, hence the Council has not made the burying of services a compulsory requirement, other than where provision of services is related to certain specified subdivision and development of land.

Many network utilities have established codes of practice for aspects of their operations. These codes of practice are useful tools to standardise procedures and practices engaged by network utility operators. The Council will refer to these documents to ensure activities undertaken by network utility operators are in accordance with widely recognised standards and procedures adopted by the various utility industries.

In addition to rules in the district plan and liaising with utility operators, the Council may exercise its powers under other legislation such as the Local Government Act, and rights under other network utility empowering Acts (such as the Gas Act, Telecommunications Act, Electricity Act and Rail Safety and Corridor Management Act) by imposing conditions on utility operators undertaking works within roads.

The Engineering Code of Practice for Subdivision and Land Development establishes guidelines for the design and construction of transport and service Infrastructure which can be used as a means of compliance with the Objectives, Policies and Rules of the District Plan.

The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 sets out a national framework of permissions and consent requirements for activities on existing high voltage electricity transmission network (the national grid).

The National Policy Statement on Electricity Transmission 2008 sets out the objective and policies to enable the management of the effects of the national grid including transmission lines and cables, stations and substations. This national policy statement also requires local authorities to identify high voltage transmission

lines on their planning maps and a subsequent buffer corridor where specific land use activities are subject to additional controls.

The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 describe certain telecommunication activities that can occur without resource consent, providing they meet specific terms and conditions. This NES has been written to provide for a nationally consistent planning framework for radiofrequency fields for telecommunication facilities and for low impact telecommunications infrastructure on road reserves.

53.3 ANTICIPATED ENVIRONMENTAL RESULTS

- (1) Efficient operation, maintenance, upgrading and development of network utility operations throughout the City.
- (2) A well-serviced City while avoiding, remedying or mitigating any adverse effects on the environment associated with providing network utility operations.
- (3) Progressive undergrounding of electricity and telecommunication lines within existing and new residential environments of the City.
- (4) Maintenance and enhancement of visual amenity and other amenity values, particularly within residential areas of the City.
- (5) Avoidance of visually intrusive network utility operations located on or within areas of significant landscape value to the City.

RULES

All rules contained in Chapter 53 – Network Utility Operations apply throughout the City and over-ride the specific zone rules (except for above ground network utility operations in the Airport Zone) and other district wide rules, unless otherwise stated in this Chapter.

53.4 Summary of Rules for Network Utility Operations

The following is a quick reference guide that summarises the Network Utility Operations Rule Table. It is intended as a guide only and should not be used in place of the Network Utility Operations Activity Table and Condition Table elsewhere in this Chapter.

Rule Number and Description		Classification	Page Number
Rule 53.5	Operation, maintenance, replacement, removal and minor upgrading of existing network utility operations.	Permitted	9
Rule 53.6	New underground and above ground network utility operations, unless stated by a rule elsewhere in this Plan.	Permitted	10
Rule 53.7.1	Maintenance and repair of existing roads.	Permitted	10
Rule 53.7.2	Construction of new roads, and realignment & widening of existing roads.	Permitted	10
Rule 53.7.3	Construction, repair and maintenance of a cycleway or walkway.	Permitted	10
Rule 53.8	New aerials, lines and support structures.	Permitted	10
Rules 53.9	Telecommunication facilities permitted under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 including roadside cabinets, and antennas on existing roadside structures such as light poles.	Permitted	12
Rules 53.10	Within any part of the National Grid Transmission Yard the following activities: Specific buildings and structures more than 12m from the outer visible edge of a National Grid support structure foundation or stay wire Specific buildings and structures within 12m from the outer visible edge of a National Grid support foundation or stay wire	Permitted	12
Rule 53.11	Earthworks within any National Grid Transmission Yard.	Permitted	13
Rule 53.12	New network utility operations within the coastal hazard area.	Controlled	13
Rule 53.13	New above ground network utility operations within the Foreshore Reserve, Reserve and/or River Conservation zones.	Controlled	14
Rule 53.14	Subdivision for purposes of a network utility operation.	Controlled	14
Rule 53.15	A network utility operation not in existence as at 11 November 2000 located wholly or partly within the River Hazard Area identified on the planning maps.	Controlled	14
Rule 53.16	Any permitted activity or controlled activity that does not comply with all the relevant conditions, unless stated elsewhere in this Chapter.	Restricted Discretionary	15
Rule 53.17	Telecommunication facilities permitted under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 including roadside cabinets, and antennas on existing Roadside structures such as light poles, not meeting the conditions specified in the NES.	Restricted Discretionary	15
Rule 53.18	Subdivision within the National Grid Corridor which identifies a complying nominal building platform for each new lot, which is fully located outside the National Grid Yard.	Restricted Discretionary	15
Rule 53.19	Buildings within 12 metres of the boundary of a designated National Grid Substation	Restricted Discretionary	16

Rule 53.20	Subdivision within 12 metres of the boundary of a designated National Grid Substation	Restricted Discretionary	16
Rule 53.21(a)	Facilities for the transmission of natural or manufactured gas exceeding a gauge pressure of 2,000 kilopascals.	Discretionary	17
Rule 53.21(b)	Electricity distribution facilities for the purposes of a line service function at a voltage of more than 110kv with a capacity exceeding 100MVA.	Discretionary	17
Rule 53.21(c)	New network utility operations within the drip line of a notable tree.	Discretionary	17
Rule 53.21(d)	Above ground network utility operations within the Airport Zone that are not related, or ancillary to the primary function of the Hawke's Bay Airport.	Discretionary	17
53.22	<p>Within any part of the National Grid Yard on any site in any zone:</p> <ul style="list-style-type: none"> - "Sensitive Activities" and other associated activities - Any building or structure that does not comply with Condition 53.37 Vertical Clearance Distance - Any building and structure that is not a Permitted Activity under Rule 53.36 - Earthworks that does not comply with Condition 53.36 	Non Complying	17
53.23	Subdivision within the National Grid Corridor which is unable to identify a complying nominal building platform for each new lot, which is fully located outside the National Grid Yard.	Non Complying	17

DISTRICT WIDE NETWORK UTILITY OPERATIONS - ACTIVITY TABLE**ADVISORY NOTES****The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA)**

This NESETA sets out a national framework of permissions and consent requirements for activities on existing high voltage electricity transmission network (the national grid) that existed at 14 January 2010. No rules within the District Plan shall apply to any line covered by these regulations. Activities include the operation, maintenance and upgrading of existing lines.

It does not apply to electricity distribution lines – these are the lines carrying electricity from regional substations to electricity users. These activities will continue to be covered by the District Plan Rules.

The National Policy Statement on Electricity Transmission 2008

This national policy statement requires local authorities to identify the high voltage transmission network on district planning maps and to identify a subsequent buffer corridor where specific land use activities are subject to additional controls.

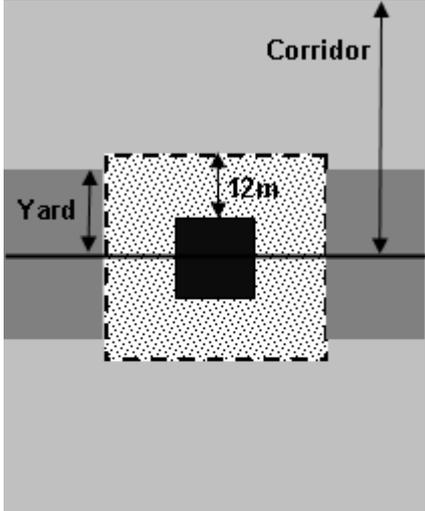
Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008

This NES permits (subject to conditions) low impact neighbourhood telecommunication facilities (i.e. equipment cabinets, and antennas placed on existing structures such as light poles) at the roadside on legal roads. Activities not meeting the conditions specified in the NES will become a Restricted Discretionary Activity in the District Plan, other than non-compliance with radiofrequency field requirements of the NES which requires resource consent as a Non-Complying activity under Regulation 4(6).

The District Plan will continue to set rules and resource consent requirements governing the size and location of all other telecommunication facilities not covered by the NES.

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>53.5 Operation, Maintenance, Replacement, Removal and Minor Upgrading of an Existing Network Utility Operation</p> <ol style="list-style-type: none"> 1. The operation of any underground or above ground network utility operation in existence as at the 11th November 2000 is a permitted activity provided that it meets all relevant provisions of Section 10 of the Resource Management Act 1991. 2. The maintenance, replacement, removal and/or minor upgrading of any underground or above ground network utility operation in existence as at 11th November 2000 is a permitted activity provided that: <ol style="list-style-type: none"> a) It complies with Rules 53.19 to 53.23, and 53.25 and 53.26 relating to noise, light spill, vibration, radio frequency exposures, removal or derelict network utility operations, notice of works and reinstatement. <p>NOTE: For the purposes of this rule, minor upgrading means an increase in the carrying capacity, efficiency, safety or security of network utility operations while utilising existing structures or structures of a similar scale and character. Replacement means replacing buildings and/or structures where the effects are the same or similar in scale and character to the buildings and/or structures that existed previously.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 53.12.</p>
<p>53.6 New Network Utility Operations</p> <ol style="list-style-type: none"> 1. Any underground or above ground network utility operation, (including the construction, erection, maintenance, replacement, removal and/or minor upgrading of such operations) not in existence as at 11th November 2000 is a permitted activity provided that it complies with the relevant conditions in the Network Utility Operations Activity Table and Condition Table, with the exception of: <ol style="list-style-type: none"> a) Network utility operations otherwise provided for in this Chapter as a controlled activity, a restricted discretionary activity, a discretionary activity or a prohibited activity. b) Roads, cycleways and walkways. c) Aerials, lines and support structures for the purposes of a network utility operation. d) Within the dripline of any notable tree (Appendix 14). 	<p>The Council will restrict its discretion to the matters referred to in Rule 53.12.</p>
<p>53.7 Roads, Cycleways and Walkways</p> <ol style="list-style-type: none"> 1. The repair, maintenance, removal (including partial stopping) and/or minor upgrading of an existing road is a permitted activity. 2. The construction of a new road, and reconstruction (including realignment or widening) is a permitted activity provided that: <ol style="list-style-type: none"> a) It is in accordance with an operative designation; and/or 	<p>The Council will restrict its discretion to the matters referred to in Rule 53.12.</p>

<p>b) It is proposed as part of land development or subdivision approved by the Council; and/or</p> <p>c) It is in accordance with any other resource consent granted by the Council.</p> <p>d) It complies with the relevant conditions specified elsewhere in the Network Utility Operation Activity Table and Condition Table.</p> <p>3. The construction, repair and maintenance of a cycleway or walkway is a permitted activity.</p>	
<p>53.8 New Aerials, Lines and Support Structures</p> <p>1. The erection, maintenance, removal and/or upgrading of aerials, lines and support structures for the purposes of a network utility operation, not in existence as at 11th November 2000 is a permitted activity provided that:</p> <p>a) Dish antenna must not:</p> <ul style="list-style-type: none"> i) Exceed 5 metres in diameter in any commercial environment or industrial environment or the Airport Zone. ii) Exceed 3 metres in diameter in the Main Rural and Rural Commercial Zones. iii) Exceed 1.2 metres in diameter in all other zones. <p>b) The number of dish antenna must not exceed 1 on any site within a residential environment or the Rural Settlement Zone.</p> <p>c) Panel antenna must not:</p> <ul style="list-style-type: none"> i) Exceed 20m² in any commercial or industrial environment or the Airport Zone. ii) Exceed 1.2m² in all other zones. <p>d) The aerial, line and any support structure must comply with the relevant conditions in the Network Utility Operations Activity Table and Condition Table.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 53.12 including the following:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The scale in relation to the surrounding environment. - The bulk and form of the aerial and/or supporting structures. - The effects of shading. - The cumulative effect of additional aerials and support structures. - The prominence of the location, taking into account significant public views and any significant landscapes. - The effects on public health and safety. - The effects on air traffic safety. - The extent to which heritage or cultural values are adversely affected.
<p>53.9 Telecommunication facilities permitted under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 including roadside cabinets, and antennas on existing roadside structures such as light poles.</p>	
<p>53.10 Within any part of the National Grid Yard the following activities are permitted activities</p> <p>Under the National Grid Wires (Conductors)</p> <p>1. The following buildings and structures more than 12m from the outer visible edge of a National Grid support structure foundation or stay wire:</p> <ul style="list-style-type: none"> a) Fences less than 2.5m high: b) Alterations and additions to existing buildings for sensitive activities that do not involve an increase in 	

<p>the building envelope or floor space.</p> <ul style="list-style-type: none"> c) Uninhabitable farm buildings and structures for farming activities excluding buildings and structures for intensive farming activities and milking sheds (accessory structures are permitted). d) Artificial crop structures and crop support structures excluding commercial greenhouses, kiwifruit vine PSA (<i>Pseudomonas syringae actinidiae</i>) infection limiting structures. e) Any official or safety sign required or provided by any statutory body in accordance with its powers under any law. <p>Activities around National Grid support structures:</p> <p>2. The following buildings and structures within 12m from the outer visible edge of a National Grid support foundation or stay wire:</p> <ul style="list-style-type: none"> a) Network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid Network utility. b) Fence less than 2.5m in height and more than 5m from the nearest support structure. c) Artificial crop structures and crop support structures where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001 to be located within 12m of a tower. 	 <p>Legend</p> <ul style="list-style-type: none"> ■ Rule 53.10 (1) ▨ Rule 53.10 (2) ■ Tower
<p>53.11 Earthworks within any National Grid Yard</p>	
<p>CONTROLLED ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>53.12 New Network Utility Operations within the Coastal Hazard</p> <p>1. A network utility operation not in existence as at 11 November 2000 located wholly or partly within the coastal hazard area identified on the planning maps is a controlled activity provided that:</p> <ul style="list-style-type: none"> a) It must comply in all respects with the relevant conditions in the Network Utility Operations Activity Table and Condition Table. <p>The Council shall exercise its control over the following:</p> <ul style="list-style-type: none"> b) The avoidance, remediation or mitigation of the effects of the coastal erosion and inundation on the network utility operation. c) The avoidance, remediation or mitigation of the effects of the network utility operation on coastal erosion and inundation. <p>2. Applications for resource consent will not be publicly notified in respect of network utility operations within coastal hazard areas that fully comply with the standards and terms, and notice of applications need not be served.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 53.12.</p>

<p>53.13 New Above Ground Network Utility Operations Within Open Spaces</p> <p>1. An above ground network utility operation not in existence as at 11th November 2000 within the Estuary, Foreshore Reserve, Reserve, and/or River Conservation zones is a controlled activity provided that:</p> <p>a) It must comply in all respects with the relevant conditions in the Network Utility Operations Activity Table and Condition Table.</p> <p>The Council shall exercise its control over the following:</p> <p>b) The location, design, finishing, bulk and form of any above ground buildings and structures.</p> <p>c) The prominence of the location, taking into account significant public views and any significant landscapes.</p> <p>2. Applications for resource consent will not be publicly notified in respect of above ground network utility operations within the Estuary, Foreshore Reserve, Reserve and River Conservation zones that fully comply with the standards and terms, and notice of applications need not be served.</p>	<p>The Council will restrict its discretion to the matters referred to in Rule 53.12, including the following:</p> <ul style="list-style-type: none"> - The effects on the amenity of the open space area and its surrounds. - The effects on any cultural, historical, amenity, recreational and/or ecological values the open space area may possess. - The effects on any outstanding natural features and significant landscapes.
<p>53.14 Subdivision for Purposes of a Network Utility Operation</p> <p>1. Subdivision of land for the purposes of a network utility operation is a controlled activity provided that:</p> <p>a) It must comply in all respects with the relevant provisions of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development), except that:</p> <p>i) The subdivision need not comply with the minimum site area requirements.</p> <p>b) It must comply in all respects with the relevant conditions in the Network Utility Activity Table and Condition table.</p> <p>c) It must comply in all respects with the relevant conditions in Chapter 65 (Financial Contributions) of this Plan.</p> <p>d) The Council shall exercise its control over the following:</p> <p>i) The matters specified in Rule 66.A6.1.</p> <p>2. Applications for resource consent will not be publicly notified in respect of land development (including subdivision) for the purposes of a network utility operation that fully complies with the standards and terms, and notice of applications need not be served</p>	<p>The Council may exercise its discretion over the assessment criteria specified in Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</p>
<p>53.15 New Network Utility Operations within the River Hazard Area</p> <p>1. A network utility operation not in existence as at 11 November 2000 located wholly or partly within the River Hazard Area identified on the planning maps is a controlled activity provided that:</p>	

<p>a) It must comply in all respects with the relevant conditions in the Network Utility Operations Activity Table and Condition Table;</p> <p>b) It is located within a road reserve and is supported by an existing structure.</p> <p>The Council shall exercise its control over the following:</p> <p>i) The avoidance, remediation or mitigation of the effects of any erosion of river banks and inundation on the network utility operation.</p> <p>ii) The avoidance, remediation or mitigation of any network utility from causing an increase in the risk of flooding or damage to any property during flood events, (including the risk resulting from trapped debris), or adversely affecting any other lawfully established structure.</p> <p>iii) The life expectancy of the support structure.</p> <p>2. Applications for resource consent will not be publicly notified in respect of network utility operations within River Hazard Areas that fully comply with the standards and terms, and notice of applications need not be served.</p>	
<p>RESTRICTED DISCRETIONARY ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>53.16 Network Utility Operations Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land referred to in rules 53.5 to 53.11 that does not comply with all of the relevant conditions in the Network Utility Operation Activity Table and Condition Table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</p>	<p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Network Utility Operation activity table and/or condition table only insofar as those matters result directly from non-compliance with the particular condition. - The cumulative effect of non-compliance with more than one condition. - In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over. - The matters set out in Chapter 1.6.5. - The assessment criteria in Chapter 53.27 of this Plan where applicable.
<p>53.17 The following network utility operations are restricted discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions.</p> <p>1. Telecommunication facilities permitted under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 including roadside cabinets, and antennas on existing roadside structures such as light poles, not meeting the conditions specified in the NES.</p>	
<p>53.18 Subdivision within the National Grid Corridor</p> <p>Any subdivision where all of or part of the site is within the National Grid Corridor, which comply with the relevant provisions in the Code of Practice for Subdivision and Land Development, and identifies a complying nominal building platform for each new lot, which is fully located outside the National Grid Yard.</p>	

<p>53.19 Buildings within 12 metres of the boundary of a designated National Grid Substation (See Appendix 12.B Redclyffe Substation)</p> <p>Any buildings (except those buildings used for electricity infrastructure – both distribution and transmission) within 12 metres of the boundary of a designated National Grid Substation.</p>	<p>Matters the Council will restrict its discretion to:</p> <ul style="list-style-type: none"> (i) The extent to which the development may adversely affect the efficient operation, maintenance, upgrading and development of the substation. (ii) The extent to which the proposed development design and layout enables appropriate separation distances between activities sensitive to National Grid lines and the substation. (iii) The results of any detailed investigations to determine appropriate separation distances between activities sensitive to National Grid lines and the substation. (iv) Any other measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects, on the substation. (v) The risk of electrical hazards affecting public or individual safety, and the risk of property damage. <p>Non-notification:</p> <p><i>Where an activity requires resource consent solely because it is within the National Grid Corridor or within 12 metres of a designated National Grid substation then the application need not be publicly notified and need not be served on any affected party apart from Transpower New Zealand Limited who will be considered an affected party.</i></p>
<p>53.20 Subdivision within 12 metres of the boundary of a designated National Grid substation (See Appendix 12.B Redclyffe Substation)</p> <p>Subdivision where all of or part of the site is within 12 metres of the boundary of a designated National Grid substation.</p>	<p>Matters the Council will restrict its discretion to:</p> <ul style="list-style-type: none"> (i) The extent to which the subdivision may adversely affect the efficient operation, maintenance, upgrading and development of the substation. (ii) The extent to which the proposed subdivision design and layout enables appropriate separation distances between future sensitive activities and National Grid Infrastructure. (iii) The results of any detailed investigations to determine appropriate separation distances between potential future sensitive activities and the substation. (iv) Any other measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects, on the substation. <p>Non-notification:</p> <p><i>Where an activity requires resource consent solely because it is within the National Grid Corridor or within 12 metres of a designated National Grid substation then the application need not be publicly notified and need not be served on any affected party apart from Transpower New Zealand Limited who will be considered an affected party.</i></p>

DISCRETIONARY ACTIVITIES	
<p>53.21 Discretionary Activities</p> <p>1. The following network utility operations are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 53.13. The Council's discretion is unrestricted.</p> <ul style="list-style-type: none"> a) Facilities for the transmission of natural or manufactured gas exceeding a gauge pressure of 2,000 kilopascals. b) Electricity distribution facilities for the purposes of a line service function at a voltage of more than 110kv with a capacity exceeding 100 MVA. c) New network utility operations within the dripline of a notable tree. d) Above ground network utility operations within the Airport Zone that are not related, or ancillary to the primary function of the Hawke's Bay Airport. 	
NON COMPLYING ACTIVITIES	
<p>53.22 The following activities within any part of the National Grid Yard on any site in any zone:</p> <ul style="list-style-type: none"> 1. Any new building or addition to an existing building that involves an increase in the building envelope or height for a sensitive activity. 2. A change of use to a sensitive activity or the establishment of a new sensitive activity. 3. Milking shed (excluding accessory structures and buildings), commercial greenhouse, kiwifruit vine PSA (<i>Pseudomonas syringae actinidiae</i>) infection limiting structures, or other buildings for intensive farming activities. 4. Any building or structure within the National Grid Yard that do not comply with Condition 53.37 Vertical Clearance Distance 5. Any building or structure within the National Grid Yard that is not a Permitted Activity under Rule 53.10 6. Earthworks within the National Grid Yard that do not comply with Condition 53.36 	
<p>53.23 Subdivision within the National Grid Corridor</p> <ul style="list-style-type: none"> 1. Any subdivision where all of or part of the site is within the National Grid Corridor which is unable to identify a complying nominal building platform for each new lot, which is fully located outside the National Grid Yard. 	
PROHIBITED ACTIVITIES	
<p>53.24 Prohibited Activities</p> <ul style="list-style-type: none"> 1. There are no network utility operations that are a prohibited activity. 	

Explanatory Notes:

Where an activity requires resource consent solely because it is within the National Grid Yard or within 12metres of a designated National Grid Substation then the application need not be publicly notified and need not be served on any affected party apart from Transpower New Zealand Limited who will be considered an affected party.

Vegetation to be planted within the National Grid Transmission Yard should be selected and/managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees Regulations 2003).

The New Zealand Electricity Code of Practice for Electrical Safe Distances (NZECP34:2001) contains restrictions on the location of structures and activities in relation to electricity lines. Compliance with this code is mandatory. Compliance with this plan does not ensure compliance with NZECP34:2001. The Electricity Line Operator can be contacted for assistance for any activities around the electricity network.

DISTRICT WIDE NETWORK UTILITY OPERATION – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities
<p>53.25 Yards</p> <p>1. The following yard conditions shall apply to all network utility operations (other than those exempted by condition 2):</p> <p><u>Adjoining Residential Activities</u></p> <p>a) Any part of an above ground building or structure, must not be erected closer than 5 metres to the site boundary of any residential activity, except where:</p> <p>i) The height of the building or structure does not exceed 2 metres and/or does not exceed 10m² in gross floor area, in which case this distance may be reduced to 1.5 metres.</p> <p><u>Adjoining Non-Residential Activities</u></p> <p>b) Any part of an above ground building or structure, must comply with the yard condition in the respective zone, except where:</p> <p>i) The height of the building or structure does not exceed 2.3 metres and/or does not exceed 10m² in gross floor area, in which case there is no yard requirement.</p> <p>2. This condition shall not apply to:</p> <p>a) Lines and support structures used for the conveyance of electricity and/or telecommunications utilising land line technology.</p> <p>b) Roads (including the road reserve).</p> <p>c) Above ground network utility structures not exceeding 2 metres in height and/or 10m² in gross floor area located within any part of a road (including the road reserve).</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The existing streetscape and protection from road frontage domination. - The effects of shading and visual dominance on adjoining residential uses. - The effects on amenity values. - The effects on heritage values. - The effects on public health and safety.
<p>53.26 Height</p> <p>1. The following height conditions shall apply to all above ground buildings for the purposes of a network utility operation.</p> <p>a) Unless otherwise stated in this rule, any part of an above ground building must not exceed the maximum permitted height stated in the condition table for the respective zone or the Airport Height Control Designation in Appendix 7.</p> <p>b) Within the Main Industrial Zone, any part of an above ground building must not project beyond a building envelope constructed by drawing planes along all parts of all site boundaries. The planes shall commence 7.5 metres above ground level at the site boundary and shall be inclined to the horizontal at an angle of 65 degrees.</p> <p>c) Where an aerial is attached to an existing building, the aerial and support structure must not extend above the height of the building to which it is attached, or the maximum height for the relevant zone (whichever is the greater) by more than 3 metres vertically, with a horizontal dimension of 3 metres in any commercial or industrial environment, the Main Rural, Rural Commercial and Airport Zones, and 2.5 metres vertically with a horizontal dimension of 1.4 metres within all</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The effects on heritage values. - The scale in relation to the surrounding environment. - The bulk and form of the building or structure. - The effects of shading. - The prominence of the location, taking into account significant public views and any significant landscapes. - The effects on public health and safety. - The effects on air traffic safety.

<p>other zones.</p> <p>2. The following height conditions shall apply to all above ground structures, (other than buildings), for the purposes of a network utility operation:</p> <p>a) Unless otherwise stated in this rule, any part of an above ground structure (including aerials) must not exceed:</p> <p>i) 10 metres within the Estuary, Foreshore Reserve, Reserve and River Conservation Zones.</p> <p>ii) 15 metres within all residential environments, the Rural Residential, Rural Settlement, Jervoistown, Rural Conservation, Lifestyle Character, Boat Harbour, Marine Parade Recreation, Sports Park and Airport Zones.</p> <p>iii) 20 metres within commercial environments, the Main Rural Zone and Rural Commercial Zone.</p> <p>iv) 25 metres within industrial environments.</p> <p>v) 20 metres within the Tertiary Education Zone and shall be contained within a building envelope constructed by drawing planes along all parts of all zone boundaries. The planes shall commence 2.5 metres above ground level at the zone boundary and shall be inclined into the zone at an angle of 45 degrees.</p> <p>b) Any part of an above ground structure (including aerials) must not exceed the Airport Height Control Designation in Appendix 7, provided that:</p> <p>i) Where there is conflict between any of the height control lines or limits, the lowest height shall prevail.</p> <p>ii) Any application for a building consent shall be accompanied by a registered surveyor's certificate verifying that the building plans meet the Airport Height Control Designation in Appendix 7.</p> <p>iii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's Certificate shall be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p>	
<p>53.27 Floor Space</p> <p>1. The following floor space condition shall apply to all network utility operations:</p> <p>a) Any above ground building or structure must not exceed 50m² of gross floor area.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The scale and bulk of the building or structure in relation to the surrounding environment. - The effects on amenity values. - The effects on heritage values. - The effects on infrastructural services.
<p>53.28 Sight Distances</p> <p>1. The following sight distance condition shall apply to all network utility operations other than roading infrastructure including, but not limited to, bridges, culverts, road lighting, traffic signals, traffic management devices and official signs:</p> <p>a) Any above ground building or structure located entirely on a road, or land vested as reserve, must not obstruct sight distances along a state highway from vehicle crossings or from side road intersections as specified in Appendix 21.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The location of the network utility operation. - The efficiency and safety of roads. - The effects on traffic safety and visibility. - The need for traffic control, including signs, signals, and traffic islands. - The effects on public health and safety. - The effects on pedestrian safety.
<p>53.29 Noise</p> <p>1. All network utility operations must comply with the noise conditions specified in the condition table for the respective</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The sound level likely to be generated. - The nature and frequency of the noise

<p>zone, except for the period 1800 hours to 0700 hours the following day within Residential Environments, Rural Settlement and Lifestyle Character Zones where:</p> <p>a) All network utility operations must be conducted so as not to exceed 45 dBA L₁₀ at any point beyond the nearest site boundary.</p> <p>2. All network utility operations must comply with the construction noise conditions in Chapter 57 (Noise) of this Plan.</p>	<p>including any special audible characteristics.</p> <ul style="list-style-type: none"> - The compatibility within the neighbourhood. - The effects of noise on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation.
<p>53.30 Light Spill</p> <p>1. The following light spill condition shall apply to all network utility operations, other than road lighting, traffic signals and navigational beacons:</p> <p>a) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 metres above ground level) at any point beyond the site boundary.</p> <p>b) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building used for a residential activity within a residential or rural zone).</p> <p>c) Where the network utility operation is located on a road, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at a height of 1.5 metres above ground level) at the centre of the road.</p> <p>d) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users or aircraft.</p> <p>NOTE:Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers is of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurement should be made in clear sky conditions, or should take into account the effect of weather conditions on illuminance.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The orientation, strength intensity, colour and frequency of any light. - The effects on traffic safety. - The effects on pedestrian safety. - The effects on amenity values. - The effects on the health, safety, security and wellbeing of people.
<p>53.31 Vibration</p> <p>1. The following vibration condition shall apply to all network utility operations:</p> <p>a) Network utility operations must not generate a vibration that causes an unreasonable adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effect on public health and safety. - The effects on the structural integrity of adjoining buildings and facilities. - The effect on amenity values of the surrounding area.

<p>53.32 Radio Frequency Exposures</p> <p>1. The following radio frequency exposure conditions shall apply to all network utility operations:</p> <p>a) Network utility operations must not exceed the maximum general public exposure levels in New Zealand Standard NZS2772.1:1999 (Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3kHz to 300GHz) at:</p> <p>i) Any point beyond the site boundary and less than 5 metres in height above ground level where the land is not occupied by a building; and</p> <p>ii) Any point beyond the site boundary and less than 2 metres above a building, roof or balcony on any land beyond the site boundary.</p> <p>b) Subject to the express provisions of this condition, the maximum general public exposure levels must be measured in accordance with New Zealand Standard NZS6609:1990 (Part 2 Principles and Methods of Measurement).</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on public health and safety. - The siting of any radio frequency emitting network utility operation. - The provision of warning signs indicating any potential health and safety hazards.
<p>53.33 Removal of Derelict Network Utility Operations</p> <p>1. The following conditions shall apply to the all derelict and/or redundant above ground network utility operations, other than roads, railway lines and airports:</p> <p>a) All above ground buildings and structures, (including foundations) that are no longer used or intended to be used for the purposes of a network utility operation must be removed from the site within 12 months of the use of the building or structure ceasing.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects (including cumulative effects) on amenity values. - The effects on visual qualities of the landscape. - The effects on heritage values. - The location of the building or structure. - The scale in relation to the surrounding environment. - The bulk and form of the building or structure. - Any actual or potential reuse of the building or structure on the site.
<p>53.34 District Wide Rules</p> <p>1. All network utility operations not in existence as at 11th November 2000 shall comply with the relevant rules of the following chapters of this Plan:</p> <p>a) Chapters 52A and 56 to 66 (relating to Earthworks, Heritage, Noise, Signs, Art Deco Quarter Signs, Trees, Transport, Natural Hazards, Hazardous Substances, Financial Contributions and the Code of Practice for Subdivision and Land Development).</p>	<p>Refer to the relevant Chapter(s) of this Plan.</p>
<p>53.35 Reinstatement</p> <p>1. Where work is undertaken underground or above ground for the purposes of installing, maintaining, upgrading or removing a network utility operation, the person or organisation responsible for the work shall restore the ground (and any underground services damaged during the work) at the completion of the work, to the condition existing prior to commencement of the work as far as practicable, and in terms of any approvals obtained from the Council.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The effects on heritage values. - The effects on public health and wellbeing. - The effects on efficiency and safety of roads. - The prominence of the location, taking into account any significant public views and any significant landscapes.
<p>53.36 Earthworks within any National Grid Yard</p> <p>1. Be no deeper than 300mm within 12m of any National Grid support structure foundation</p> <p>Provided that the following are exempt from (1) above:</p> <p>Earthworks for a Network Utility within a transport corridor, as part of a transmission activity, or for electricity infrastructure; or</p>	

<p>Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.</p> <p>Vertical holes not exceeding 500m in diameter are exempt provided they:</p> <ul style="list-style-type: none"> a) Are a post hole for a farm fence or artificial crop protection and crop support structures and more than 5m from the visible outer edge of a tower support structure foundation b) Shall not compromise the stability of a National Grid support structure and c) Shall not result in a reduction in the ground to conductor clearance distances of less than: 6.5m (measured vertically) from a 110kV National Grid transmission line; or 7.5m (measured vertically) from a 220kV National Grid transmission line. 	
<p>53.37 Buildings and Structures within the National Grid Yard - Vertical Clearance Distance</p> <p>The following conditions shall apply to buildings and structures within the National Grid Yard</p> <p>Buildings and structures within the National Grid Yard (as is defined in Chapter 68) and identified on the planning maps, that are permitted by Rule 53.10 shall comply with at least one of the following performance standards:</p> <ul style="list-style-type: none"> a) A minimum vertical clearance distance of 10 metres below the lowest point of the conductor associated with National Grid lines; <p>or</p> <ul style="list-style-type: none"> b) Demonstrate that safe electrical clearance distances are maintained in accordance with Sections 2 and 3 of The New Zealand Electrical Code of Practice for Electrical Safe Distances 34 (NZECP 34: 2001). 	
<p>ADVISORY NOTE: Notice of Works</p> <p>1. Where any work is to be undertaken in or on a road, road reserve, other reserve land or other land owned or controlled by the Council, the person or organisation responsible for the work shall:</p> <ul style="list-style-type: none"> a) Advise the Council of the work in accordance with any statutory requirements stipulated in the various utility empowering acts, but generally at least a minimum of 10 working days in advance of undertaking the work. b) Obtain a road opening notice in terms of "Specification for Service Maintenance Operations and New Service Installations within Road Reserve (Including Trench Excavation and Reinstatement) before any work is carried out on road reserve. <p>NOTE: This notice of works shall not apply to any work undertaken as a result of an emergency or disaster, or where the person or organisation considers there could be a risk to life or property.</p>	

53.38 ASSESSMENT CRITERIA

Some discretionary activity and restricted discretionary rules refer to assessment criteria to assist the Council in considering resource consent applications. The Council will have regard to the Assessment Criteria outlined below for network utility operations when considering an application under Sections 104 and 105 of the Act.

1. General

The following criteria will be used by the Council in considering a resource consent application for a Discretionary Activity or a Restricted Discretionary Activity for non-compliance with one or more conditions in the relevant activity table and/or condition table.

- a) Any unusual circumstances including, but not limited to, those listed below:
 - i) Inherent site considerations: including unusual size, shape, topography, substratum, vegetation or flood susceptibility;
 - ii) Particular site development characteristics: including the location of existing buildings or their internal layout, achievement of architectural harmony, compliance with engineering or bylaw standards, enhancement of private open space, achievement of a better relationship between the site and the road, building renovation or restoration of demonstrable merit, the design and arrangement to facilitate access for the disabled, or legal impediments;
 - iii) Unusual environmental circumstances: including adverse topography, unusual use or location of buildings on adjacent sites, improved amenity for neighbouring sites, the presence of effective on-site screening.

2. Network Utility Operations

The Council will have regard to the relevant objectives and Policies of this Plan and in addition will consider:

Design and External Appearance

- a) Whether the design and external appearance of buildings and structures maintain the character of the locality and its amenity values. As far as practicable, network utility operations should be compatible with the neighbouring area, having regard to matters such as design, scale, height, yards, finishing materials and colours.
- b) Whether the design of the network utility operation utilises existing buildings and structures within the area. As far as practicable, network utility operations should co-site and share facilities.

Landscape Elements

- c) Whether landscaping and screening of the network utility operation is sufficient to ensure that its effects, as far as practicable, are internalised to the site, and whether there is minimal impact upon any adjoining road or adjacent recreational or residential uses.
- d) Whether the visual effects of the network utility operation with respect to the character of the locality and landscape and amenity values are avoided, remedied or mitigated.

- e) Whether the installation (including earthworks, cuts and fills), location, design, bulk and appearance of any above ground buildings and structures avoids, remedies or mitigates and adverse effects on notable and significant landscapes as identified in the Napier City Landscape Assessment Study (Environmental Management Services, 2000) and the rural or open space character of areas within the City.

Amenity

- f) Whether the effect on the amenities of an area caused by nuisance factors such as, but not limited to, noise, vibration, odour, glare, dust, air emissions, and vehicle movements are avoided, remedied or mitigated.

Utility Site Characteristics

- g) Whether the operational efficiency and technical requirements of the network utility operation demand particular site characteristics in giving consideration to the suitability of a site.
- h) Whether buildings and structures located on or adjacent to roads are sited so as not to detrimentally affect road safety and efficiency. The likelihood of obstructing motorist and pedestrian vision should be minimised and the location of structures near intersections and curves should be avoided.

Radio Frequency Exposures

- i) Whether exposures to radio frequencies from the network utility operation exceed the recommended maximum exposure levels as specified in Rule 53.22 and whether such emissions can be avoided, remedied or mitigated.

Carparking and Manoeuvring

- j) Whether the network utility operation will avoid on-road congestion, including vehicle parking as a result of ingress and egress of vehicles to and from the site.
- k) Whether the provision and formation condition for on-site carparking and manoeuvring areas is adequate to meet the needs of the network utility operation.

Hazards

- l) Whether the potential for contamination or hazards resulting from equipment failure, accidents, or discharges is taken into consideration when the suitability of a site is being assessed. Regard should be had to the nature and proximity of adjoining land uses in order to ensure that adjoining land is at minimal risk of contamination or hazard.

Infrastructure

- m) Whether the network utility operation can avoid, remedy or mitigate any adverse effects that it may have on infrastructural services.

Where the existing infrastructure cannot sustain new development, the network utility operation must provide a satisfactory alternative or level of mitigation. This may be in the form of financial contributions.

Cumulative effect

- n) Whether the number of network utility operations in a particular area, especially in

regard to overhead electricity, radio and telecommunication aerials, lines and support structures will have a cumulative effect on the surrounding area. Any potential for co-location and re-use, subject to technical limitations, should be pursued to avoid more structures than are essential.

In assessing the appropriateness of allowing a network utility operation to be located in an area, consideration will be given to the presence of utilities and other land uses already located in the area and on the site, and their effect on the surrounding environment.

Subdivision within the National Grid Corridor

- m) In considering a resource consent application for subdivision within the National Grid Corridor, the Council will have regard to the relevant objectives and policies of this Plan and in addition will consider:
- i) The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP: 34 2001).
 - ii) The ability for continued access to existing transmission lines for maintenance, inspections and upgrading.
 - iii) The extent to which potential adverse effects (including visual) are mitigated through the location of building platforms.
 - iv) The extent to which the design and construction of the subdivision allows for activities to be set back from high voltage transmission lines to ensure adverse effects on and from the National Grid network and on public safety are appropriately avoided, remedied, or mitigated e.g. through the location of roads and reserves under the route of the line.
 - v) The nature and location of any proposed vegetation to be planted in the vicinity of National Grid lines.
 - vi) The provision for the ongoing efficient operation, maintenance and planned upgrade of National Grid lines.
 - vii) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the transmission asset; and
 - viii) Technical advice provided by the line operator (Transpower).

53.39 PRINCIPAL REASONS FOR RULES**1. Network Utility Operations Generally**

This rule states the principal assumption that any network utility operation is permitted throughout the City, provided that it complies with the conditions in the relevant rule tables, and that the network utility operation does not require a resource consent, unless no resource consent can be granted (ie: a prohibited activity).

Some network utility operations have only minor effects on the environment in which they are located, and it is expected that these can establish and operate without being required to obtain resource consent. Other network utility operations have more significant effects, particularly in residential areas, on amenity values, traffic safety, and the health and safety of people. The resource consent process will be used to ensure that amongst other things, the amenity of the City, traffic safety, and people's health, wellbeing and safety are safeguarded.

2. Maintenance and Minor Upgrading of Existing Utility Operations

Utility operations in existence as at the date this Plan was publicly notified are able to be maintained and minor upgrades undertaken without the need to comply with conditions. This rule recognises that many existing utility operations may not comply in all respects with conditions specified in this Plan and would otherwise require resource consent to undertake maintenance, removal, replacement and minor upgrading works.

Maintenance and minor upgrading work allows network utility operators to undertake repairs, replace materials and apply technological improvements etc. Such works are likely to have minor environmental effects, and given the importance of services that network utility operations provide to the City, maintenance and minor upgrading works are permitted activities.

3. New Underground and Above Ground Utility Operations

Network utility operations that did not exist as at the date this Plan was publicly notified are permitted (with some exceptions) throughout the City, provided they comply with conditions specified in the Plan. This rule recognises the importance of services that network utility operations provide to the City. However, in order to manage the effects of such operations, certain conditions are to be met to ensure that, amongst other things the amenity of the City, traffic safety, and people's health and safety are safeguarded.

Network utilities within an area identified as being subject to natural hazards are required to satisfy the Council that the utility will not exacerbate the hazard, nor will the hazard adversely impact upon the network utility. This is consistent with the provisions of the Act in relation to subdivision of land subject to natural hazards.

Similarly, new network utility operations locating within open space areas zoned as either Estuary, Foreshore Reserve, Reserve or River Conservation are required to satisfy the Council that the utility and any above ground structures will not adversely affect the area's character and any values associated with the open space's landscape significance.

4. Roads, Cycleways, and Walkways

Roads, cycleways and walkways are a very important physical resource throughout the City. It is essential that these particular network utility operations are adequately recognised within the Plan. Cycleways and walkways throughout the City contribute to the sustainable management of the City's transportation network and similarly provide a resource for social and recreational enjoyment and wellbeing.

Provision of clear rules within the Plan for works on existing roads and construction of new roads, enables the sustainable management of the physical roading resource throughout the City, while the effects of the roading network and subsequent use of the network are avoided, remedied or mitigated.

5. Aerials, Lines and Support Structures

Aerials, lines and support structures are an essential component of some network utility operations. Such structures that did not exist as at the date this Plan was publicly notified are permitted throughout the City, provided they comply with conditions specified elsewhere in the activity and condition tables. The restrictions on the maximum diameter of dish antennas per site ensure that amenity values associated with the surrounding environment are not compromised, yet enable the provision of utility aerials throughout the City.

Dish antenna in areas other than industrial and commercial zones are restricted in size to provide for domestic uses and small-scale utilities whilst ensuring the amenity of these areas is maintained. Throughout industrial and commercial zones, the size of dish antenna is restricted to allow for commercial uses, and larger-scale utilities. Dish antenna in excess of the respective limits are subject to the resource consent process.

6. Yards

By limiting the proximity of network utility operations to residential activities, a degree of protection is offered to occupants of the residential activity in terms of amenity. Some utility operations generate noise and artificial lighting can spill into the adjoining residence, whilst the bulk and location of utility structures can affect the quality of the residence's surroundings. The setback required by this condition will ensure that any significant impacts of utility operations on adjoining residential land uses are avoided, remedied or mitigated.

Unique characteristics of a number of network utilities demand that they be able to locate in close proximity to residential land uses in order to provide a service to uses in the vicinity. Some of these utilities are unlikely to impact upon the amenity values of adjacent residential land uses. For this reason, poles and other electrical componentry are excluded from complying with this setback rule. However, where practicable they should be encouraged to be located underground. Similarly, very small-scale structures such as transformer units and boxes are likely to have only minor effects on the surrounding neighbourhood and any adjoining properties' amenity values.

7. Height

Small-scale utilities are relatively inoffensive elements of the essential services provided throughout the City. Taller structures have the potential to impact upon the amenity of the surrounding environment, particularly in terms of visual effects and shading etc. The maximum height limits correspond to the scale and amenity of the surrounding environment. Structures which exceed the limits are subject to the resource consent process, whereby the application may be declined or conditions imposed to avoid, remedy or mitigate the adverse effects associated with the larger structure.

Within the areas of land covered by aviation flight paths, the height of buildings and structures are restricted to ensure the operational requirements of the Hawke's Bay Airport and aircraft movements are clear of obstructions and remain safe for use.

8. Sight Distances

To ensure the safety and efficiency of the state highway network, this rule imposes a restriction on the location of buildings and structures associated with network utility operations. The rule also recognises that some structures associated with the roading infrastructure by their nature need to be located on the road or road reserve and within the specified sight distances.

This rule complements powers and functions given to roading control authorities (ie: territorial local authorities and Transit New Zealand) which provide abilities, as landowner, to ultimately control land uses within its roading network.

By protecting vehicular sight lines, the safety of traffic and pedestrians is maintained. The cumulative effect of above ground utility operations in close proximity to state highway intersections can potentially affect driver and pedestrian visibility. Those utility structures that seek to locate within the specified sight distances are subject to the resource consent process. Each application will be assessed on its merits and may be declined or granted subject to conditions.

9. Floor Space

Small-scale utilities such as transformer boxes, phone booths, public conveniences and pump stations are relatively inoffensive elements of the essential services provided throughout the City. Larger structures such as substations, reservoirs, etc. have the potential to impact upon the amenity of the surrounding environment. Such utilities are subject to the resource consent process, whereby the application may be declined or conditions imposed to mitigate the adverse effects associated with the larger structure.

10. Noise

Significant levels of noise from utility operations can disturb and affect the amenity of surrounding land uses. Provided both existing and proposed utility operations are conducted in a manner that is consistent with their surrounding noise environment, noise effects on the environment are likely to be minor. However, if utilities emit noise in excess of the limits for the respective zone, it will be subjected to the resource consent process or enforcement proceedings and any means to avoid, remedy or mitigate the effects of noise can be considered.

11. Light Spill

Artificial lighting associated with both existing and proposed utility operations can interfere with surrounding properties and the sleep of residents. The rule directly relates to the areas within which the utility operates, ensuring that lighting levels are compatible with its surrounds while maintaining traffic and personal safety.

12. Vibration

Vibration has nuisance and health effects like noise and can have major effects on people's enjoyment of their property. All utility operations (whether existing or new) may create vibrations, which require careful management. Given the possible effects of vibration on people's amenity values, health, safety, and the structural integrity of buildings, the rule is based upon the generation of unreasonable vibration.

13. Radio Frequency (RF) Exposures

Some network utility operations emit electromagnetic radiation or create electromagnetic fields which, if left unmanaged, may be a health concern to some people living or working near them. An acceptable level of public exposure has been adopted from the New Zealand Standard which has been widely researched, based upon scientific world-wide evidence and upheld by the Environment Court.

The New Zealand Standard specifies maximum "public" exposure levels, yet does not identify a measurable location for the purposes of applying district plan rules. This rule attempts to distinguish areas where the New Zealand Standard's maximum exposure levels are generally not to be exceeded. This has led to the development of this rule which creates an "envelope" surrounding those places that are "reasonably accessible areas" to the public (whether on private or public land).

14. Removal of Derelict Network Utility Operations

Over time, advances in technology and changes in demands for services and other utilities may necessitate the upgrading of existing network utility operations or development of new network utility operations. It is therefore possible for buildings and structures associated with superseded network utility operations to become unused and derelict. This can create adverse effects (particularly cumulative effects) on the environment, amenity values and landscape character. The requirement for the removal of

derelict above ground buildings and structures that were once used for network utility operations addresses these potential adverse effects and other effects from derelict buildings and structures remaining within the landscape.

15. District Wide Rules

Rules applicable throughout the City relating to management of effects on matters such as traffic efficiency and safety, heritage resources, infrastructural services, hazards etc. are required to ensure land uses and development do not create adverse environmental effects. Network utility operations are a use and development of land. The application of these rules to all land uses including network utility operations, will ensure consistent environmental outcomes arise from the use of land and development. Exempting network utility operations from such district plan provisions would contribute to inconsistent management of environmental effects and could ultimately lead to inconsistent environmental results.

16. Reinstatement

At the time that a network utility is installed, maintained or removed, there may be substantial earthworks involved. This is particularly so in the case of underground facilities. This rule seeks to ensure that the impact of the works involved is minimal and of a temporary nature by requiring the land to be reinstated to its condition prior to commencement of works.

17. Notice of Works

To ensure that works undertaken on roads, reserves and other land managed by the Council do not impact upon other users and occupiers of that land, network utility operators are required to give advance notice of proposed works. Such advance notice will allow the Council to take the necessary steps to ensure that other land users and/or occupiers are not unduly affected and contingency plans may be implemented.

THIS PAGE IS INTENTIONALLY BLANK