

## **15. Network Utilities**

### **15.1 Introduction**

15.1.1 Section 166 of the Resource Management Act 1991 defines a Network Utility Operator as a person who:

- "(a) Undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or*
- (b) Operates or proposes to operate a network for the purpose of telecommunication or radiocommunication as defined in Section 2(1) of the Telecommunications Act 1987: or*
- (c) Is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or*
- (d) Undertakes or proposes to undertake the distribution of water for supply (including irrigation); or*
- (e) Undertakes or proposes to undertake a drainage or sewerage system; or*
- (f) Constructs, operates, or proposes to construct or operate, a road or railway line; or*
- (g) Is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or*
- (h) Is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or*
- (i) Undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this defined by regulations made under this Act, -*

*and the words "network utility operation" have a corresponding meaning."*

15.1.2 As implied by this section of the Resource Management Act, network utilities are essential elements in enabling communities to provide for their social, economic and cultural well being, health and safety. However a key area of difference from previous legislation is that private organisations as well as public bodies now operate network utilities. Network utilities are also physical resources that must be sustainably managed under Section 5 of the Resource Management Act, that is, the adverse effects of activities on network utilities must be avoided, remedied or mitigated.

15.1.3 Many network utility operators have been granted requiring authority status under Section 167 of the Act. Accordingly the designation process prescribed in the Resource Management Act 1991 may be utilised to make further provision for network utilities throughout the district. However network utilities are also physical resources and this Plan deals with them in much the same way as other activities.

15.1.4 Some network utilities are controlled by National Environmental Standards (NES) prescribed by a regulation under the Resource Management Act 1991. The NES may prescribe technical standards, methods and other requirements for managing environmental matters in a consistent manner throughout all regions and districts. Reference to any relevant NES is included in the district plan rules in Section 15.5 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.

### **15.2 Issues**

15.2.1 Loss or significant disruption of services provided by network utilities may result in threats to the health, safety and well-being of people in the District.

15.2.2 Significant adverse environmental effects may be associated with the installation or development of large scale or potentially hazardous network utility infrastructure.

15.2.3 Land uses, developments and subdivisions may adversely impact on existing network utility infrastructure, such as gas transmission pipelines, transportation routes, telecommunication networks and structures, and electricity transmission lines. The adverse impacts may be in the form of additional traffic generation, encroaching into sightlines or by restricting the operations of a network utility.

15.2.4 Some network utilities such as telecommunication masts, electricity transmission lines, and roads may have adverse visual effects on landscapes, skylines, and other sensitive features, and earthworks may cause damage to archaeological sites and heritage features.

### **15.3 Objectives**

- 15.3.1 To avoid development, land use or subdivision where the safe and efficient operation of network utilities is compromised, or other adverse effects on network utilities are created that cannot be avoided, remedied or mitigated. *Issue 15.2.3*
- 15.3.2 To ensure that the development of network utilities is carried out in a manner that is sensitive to the amenities and heritage values of the District and avoids, remedies or mitigates adverse effects on the environment. *Issue 15.2.4*
- 15.3.3 To provide for the safe and efficient construction, operation, maintenance, replacement, refurbishment and upgrading and demolition and/or removal of network utilities, for the social and economic wellbeing of the community, while avoiding, remedying or mitigating adverse effects on the environment. *Issues 15.2.1, 15.2.2, 15.2.4*

### **15.4 Policies**

- 15.4.1 To balance the operational requirements of network utilities with the need to avoid, remedy or mitigate adverse effects on the environment *Objective 15.3.2*
- 15.4.2 To ensure that the development of network utilities does not give rise to significant adverse environmental effects, including but not limited to increased noise emissions, effects on the visual amenity and/or heritage resources of an area or significant impacts on important habitats and ecosystems. *Objectives 15.3.2, 15.3.3*
- 15.4.3 To encourage relevant network utilities to be placed underground where this is technically practicable and where any additional costs of undergrounding are consistent with the benefits of doing so. *Objectives 15.3.1, 15.3.2, 15.3.3*
- 15.4.4 To encourage co-siting or sharing of network utility facilities where this is practicable and where the operations of such facilities are compatible. *Objectives 15.3.2, 15.3.3*
- 15.4.5 To ensure that development, land use and subdivision avoids, remedies or mitigates adverse effects on network utilities. *Objective 15.3.1*

15.5 **Rules (to implement policies 15.4.1 -15.4.5)**

Provision for Telecommunications Facilities

Telecommunications facilities are provided for in accordance with the National Environmental Standards (NES) for Telecommunications Facilities Regulations 2008, and the provisions of Rule 15.5 specified below shall not apply to telecommunication facilities located in road reserves covered by this NES, except where the provisions of clause 6 of the Regulations apply and the District Plan provisions are otherwise more stringent. For the purpose of clause 6(3) land or sites that are identified in the District Plan as having visual amenity values are located in the Landscape Policy Area and Conservation Zone.

Note: For information purposes, a copy of the National Environmental Standards for Telecommunications Facilities Regulations 2008, is included in Appendix 10.

Provision for Existing Electricity Transmission Lines

The operation, maintenance, upgrading, relocation or removal of an existing transmission line, including other related activities are provided for in accordance with the National Environmental Standards (NES) for Electricity Transmission Activities Regulation 2009, and the provisions of Rule 15.5 specified below shall not apply where the activity is covered by this NES.

Note:

- (a) For information purposes, a copy of the National Environmental Standards for Electricity Transmission Activities 2009, is included in Appendix 10.
- (b) The alignments of the existing transmission lines within the District are shown on the Planning Maps.

15.5.1 Activity Classifications

Table 15.1 which follows classifies the activity status of network utilities throughout the District except as provided in the Landscape Policy Area by Rule 12.5.1.3(b) and (c).

Activity	Zone				
	Residential	Business	Rural	Industrial	Conservation
(a) All network utility operations in existence at the date of public notification of this Plan and their maintenance (including the removal and/or trimming of vegetation for the purposes of maintaining security of supply of overhead services), replacement and upgrading, demolition, and/or removal.	P	P	P	P	P
(b) All underground network utilities (including aerial crossings attached to other structures), with the exception of gas pipes for the transmission of natural or manufactured gas at a gauge pressure exceeding 2000 kilopascals.	P	P	P	P	P
(c) Gas pipes for the transmission of natural or manufactured gas at a gauge pressure exceeding 2000 kilopascals.	D	D	C	D	D
(d) Any above ground network utility operations where the structure for that activity <ul style="list-style-type: none"> <li>- is located on a utility site of 200m<sup>2</sup> or less in area, and</li> <li>- does not have a gross floor area exceeding 50m<sup>2</sup>, and</li> <li>- does not exceed the height standard prescribed by the zone in which it is located, except where a different height standard is prescribed in this section in which case that different standard shall apply.</li> </ul>	P	P	P	P	D

Activity	Zone				
	Residential	Business	Rural	Industrial	Conservation
(e) Any above ground network utility operations where the structure for that activity is located on road reserve, - up to 5m <sup>2</sup> in gross floor area; - over 5m <sup>2</sup> in gross floor area.	P D	P P	P D	P P	D D
(f) Lines as defined by Section 2(1A) of the Telecommunications Act 1987 and not otherwise provided for in this rule.	P	P	P	P	D
(g) Telecommunications and radio communication masts, antennas, (excluding dish antennas) and accessory structures not exceeding 25 metres in height	D	P	P	P	D
(h) Dish antennas and their accessory structures not exceeding the maximum height standard of the zone in which they are located by more than 2 metres or the height of the building to which they are attached by more than 2 metres, whichever is the higher.	P	P	P	P	D
(i) Pylons, poles and lines not exceeding 25 metres in height for the transmission of electricity.	C	C	P	P	D
(j) Telephone exchanges and electricity substations not otherwise provided for in Rule 15.5.1(d)	C	C	C	P	D
(k) Minor reconstruction or realignment of roads and Highways and Railways (subject to Rule 16.5.4).	P	P	P	P	D
(l) Construction of new roads and railways or major realignment of Roads, Highways and Railways (subject to Rule 16.5.5)	D	D	D	D	D
(m) Meteorological Facilities - Automatic weather stations - Voluntary observer sites - Anemometer Mast only sites	P P P	P P P	P P P	P P P	D D D
(n) Irrigation systems, open drains, channels for conveyance of water, stopbanks and ancillary equipment	P	P	P	P	D
(o) Water reservoirs, water treatment plans, sewerage treatment plants and ancillary equipment	D	D	D	D	D
(p) All network utility operations not being a permitted or controlled activity	D	D	D	D	D
(q) All network utility operations classified as a permitted or controlled activity which do not comply with one or more of the conditions specified in Rules 15.5.2 and 15.5.3.	D	D	D	D	D

Key      P      =      Permitted Activity  
             C      =      Controlled Activity  
             D      =      Discretionary Activity

Note:      A concession from the Department of Conservation will also be required if any of the above activities are on land in the Conservation Zone that is subject to Part IIIB of the Conservation Act 1997.

## 15.5.2 General Provisions

The following General provisions only must also be complied with for the proposal to be a permitted activity:

- 16 Roads and Vehicular Access
- 17 Hazard Substances
- 18 Air Quality
- 19 Signs
- 20 Noise
- 21 Heritage Resources
- 24 Visual Amenity
- 26 Subdivision
- 27 Natural Hazards

## 15.5.3 Conditions for Permitted Activities

- (a) All yards: Minimum 1.5 metres *Policy 15.4.1*  
This rule does not apply to any network utility structure located on road reserve or to any pole, pylon, telecommunications and radiocommunications mast, or any line and their accessory and support structures located outside road reserve.
- (b) Maximum diameter of dish antenna (Rural and Industrial Zones): *Policy 15.4.1*  
5.0 metres  
Maximum diameter of dish antenna (all other Zones): 1.5 metres

## 15.5.4 Assessment Criteria for Controlled and Discretionary Activities

The following matters shall be taken into account when considering an application for a controlled or discretionary activity.

- (a) The extent to which the conditions for permitted activities contained within Rule 15.5.2 and Rule 15.5.3 are complied with.
- (b) The Objectives and Policies of the Network Utilities section and the Objectives and Policies of the Zone in which the activity is to be located.
- (c) The anticipated adverse effects resulting from any area of non-compliance and its impact upon the following matters:
  - ♦ the existing infrastructure
  - ♦ the historic or other existing character of the area in which the utility is to be located
  - ♦ the visual quality of the area in which the utility is to be located
  - ♦ the public benefit gained from allowing the network utility to be located on a site.

## 15.6 **Anticipated Environmental Outcomes**

Network utilities will be provided in a manner that:

- (a) Maximises the communities' social, economic and cultural wellbeing, while providing for their health and safety.
- (b) Allows and facilitates their continued development and expansion in a safe and efficient manner.
- (c) Ensures that the natural and physical environment, including amenities and heritage values, will not be significantly affected by these activities.