

# **SECTION 42A REPORT**

Report on submissions and further submissions

**Topic: Network Utilities**

**Report prepared by: Carolyn  
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**Dated: 21 October 2024**

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## List of submitters and further submitters addressed in this report

Submission no	Submitter
02	New Zealand Helicopter Association
03	Heritage New Zealand Pouhere Taonga
09	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited
10	Waikato Regional Council
17	Waka Kotahi
24	Ministry of Education
25	The Lines Company
31	Transpower
39	Firstgas
42	Ventus Energy
46	Federated Farmers of New Zealand
47	Royal Forest and Bird Protection Society of New Zealand
51	KiwiRail Holdings
53	Director-General of Conservation
56	The Fuel Companies
FS03	Director-General of Conservation
FS05	Federated Farmers of New Zealand
FS09	Kainga Ora
FS11	KiwiRail Holdings
FS13	New Zealand Agricultural Aviation Association
FS16	Heritage New Zealand Pouhere Taonga
FS19	PF Olsen
FS22	Telcos
FS23	Te Nehenehenui
FS24	The Lines Company
FS25	Ventus Energy
FS26	Waikato Regional Council
FS27	Waka Kotahi

# **1.Introduction**

## **1.1 Qualifications and Experience**

1. My name is Carolyn Wratt. I am a Principal Policy Planner and Director of the consultancy firm Wratt Resource Management Planning Ltd. I am contracted by Waitomo District Council (**WDC**) to assist with the Proposed Waitomo District Plan
2. I hold the degrees of Bachelor of Science (Geography and Resource Management) (1997) and Masters of Science (Hons) in Coastal Geomorphology and Resource Management (1999), both from the University of Auckland. I am a full member of the New Zealand Planning Institute and an accredited Resource Management Commissioner under the Ministry for the Environment programme Making Good Decisions.
3. I have over 25 years experience in planning – both regulatory and policy, including working primarily for local and regional authorities around New Zealand. In my capacity as both a consultant and council planner, I have provided policy advice to a number of clients. Of most relevance I have assisted various councils with their district plan reviews including Hamilton City Council, Auckland Council, Kapiti Coast District Council, Selwyn District Council, Taupo District Council, Kaipara District Council and Christchurch City Council. Most recently I have been involved in all of the processes associated with the Proposed Waikato District Council, which has now progressed to the stage of working through appeals.

## **1.2 Code of Conduct**

4. I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

5. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

### **1.3 Conflict of Interest**

6. I confirm that I have no real or perceived conflict of interest.

### **1.4 Preparation of this report**

7. I am the author of this report.
8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2 Scope of Report**

### **2.1 Matters addressed by this report**

9. The scope of this report is to consider the submissions and further submissions made in respect of the provisions in the Network Utilities (**NU**) chapter of the Waitomo Proposed District Plan (**PDP**) and make recommendations.
10. This report is prepared in accordance with section 42A of the RMA. The purpose of a section 42A report such as this is to guide submitters and the independent hearings panel, but the contents are just the recommendations of the author. The decision ultimately lies with the independent hearings panel.
11. This report addresses the Network Utilities Chapter which includes provisions relating to the management of land use activities and buildings associated with network utilities. The Activities may be addressed in other section 42A reports such as earthworks and subdivision.

12. I have also addressed submissions relating to defined terms that are directly related to network utilities in this section 42A report.
13. In response to the submission from Waikato Regional Council (WRC), I have recommended the rationalisation of five rules which are duplicated in the Network Utilities and Transport chapters. I recommend deleting the following rules from the Network Utility chapter in favour of the corresponding rule remaining in the Transport chapter:
  - a. NU-R8 New electric vehicle charging facilities (duplicated in TRAN-R3);
  - b. NU-R9 New public walkways and cycleways (duplicated in TRAN-R4);
  - c. NU-R10 New stock underpasses (duplicated in TRAN-R5);
  - d. NU-R13 New structures on or adjacent to a railway corridor or an indicative road (duplicated in TRAN-R9).
14. Consequently any submissions that related to these provisions has instead been addressed in the section 42A report for Transport.

## **2.2 Overview of the topic / chapter**

15. The Network Utilities Chapter applies to network utilities and includes provisions specific to the operation, maintenance, upgrading and development of network utilities. Network Utility Operator is defined in s166 of the RMA and Chapter 9 Definitions of the Plan as follows:

means a person who—

(a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or

(b) operates or proposes to operate a network for the purpose of—

(i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or

(ii) radio communication as defined in section 2(1) of the Radio Communications Act 1989; or 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

(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 definition by regulations made under this Act,—
- and the words network utility operation have a corresponding meaning.

16. The structure and approach of the Network Utilities Chapter is unique in the Plan. While the ability to refer to objectives and policies across the Plan is retained, the rules section of the Chapter is largely self-contained with limited reference to other Chapters of the Plan. As stated in Chapter 6 General Approach, the 'hierarchy is different for the Network Utilities Chapter as most of the overlay and district wide rules are contained within that chapter'.
17. More specifically, the italicised notes under the objective and policy headings in the Chapter refer the plan user to relevant objectives and policies in Part 2 District-Wide Matters and Part 3- Area Specific Matters. For example:

*Refer also to the relevant policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters*

18. However, in contrast, in the Rules section it states that Part 2 District-Wide Matters Part 3- Area Specific Matters do not apply, as follows:

The rules in this chapter apply to network utility operators only. The rules are contained in the tables listed below. To undertake any activity, it must comply with all the rules listed in:

- ...
- Unless specifically referenced in a rule, Part 2 District-Wide Matters do not apply except for the following chapters: Strategic direction, urban form and development, contaminated land, hazardous substances, financial contributions, hāpori whānui, activities on the surface of water, relocated buildings and temporary activities; and
- Unless specifically referenced in a rule, Part 3 Area Specific Matters do not apply.

19. However, I note that as the above alludes to, there are several exceptions to this. An example of this is in NU-R33 Earthworks where the activity status table refers heritage buildings and structures to the zone rules.
20. The Network Utilities Chapter has a close relationship with Chapter 18 National Electricity and Gas Transmission Network. In terms of the role of each chapter, Chapter 19 Network Utilities manages the operation, maintenance, replacement, upgrading and development of the National Grid and gas transmission network. Whereas Chapter 18 National Electricity and Gas Transmission manages activities near these networks that are not undertaken by the network operator.
21. Likewise, Chapter 20 Transport manages third party interactions with the transport corridor, while Chapter 19 Network Utilities manages the construction, operation, maintenance and repair of the roading network.

## **2.3 Statutory Requirements**

22. The PDP has been prepared in accordance with the Council's functions under the Resource Management Act (RMA), specifically section 31, Part 2 and the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses this chapter sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato Regional Policy Statement, the Manawatū-Whanganui One Plan, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered.
23. The National Policy Statement for Electricity Transmission (**NPSET**), the National Environmental Standards for Electricity Transmission Activities (**NESETA**) and National Environmental Standards for Telecommunication Facilities (**NESTF**) are particularly relevant to this topic.
24. The NPS and NES for Electricity Transmission relates to the National Grid. The single objective of NPSET is:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

25. Policy 1 states decision makers under the Act must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The policy gives examples of the types of benefits including maintained or improved security of supply, efficient transfer of energy through reduced transmission losses, the facilitation of the use and development of new electricity generation, and enhanced supply of electricity through the removal of points of congestion.
26. Policies 2 to 9 relate to managing the environmental effects of transmission and are of particular relevance to this topic. Key directions in the policies are the need to provide for the effective operation, maintenance, upgrading and development of transmission and the need to recognise technical and operational requirements of the network. Policy 7 says in urban environments adverse effects on amenity should be minimised and adverse effects on town centres, areas of high recreational and amenity and sensitive activities are to be avoided. Policy 8 says in rural environments adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities should be avoided.
27. The NESETA contain the activity status and standards for the operation, maintenance, upgrading, relocation, or removal of an existing transmission line in the National Grid, including maintaining access tracks, earthworks and associated activities. New overhead lines and structures are not covered by NESETA and therefore the PDP applies to these activities.
28. The NESTF contains specific regulations for some telecommunication activities in specified locations. Where the relevant standards in NESTF are met the activity is permitted. Where the activity is not permitted

under NESTF it is the role of the district plan to specify what activity status and / or conditions are required to be met this includes where the activity is located within a scheduled site/feature or overlay. It is also the role of the district plan to consider the appropriate activity status and rules for telecommunication activities that are not regulated by NESTF. In general, the following activities are regulated by NESTF:

telecommunication cabinets in roads, antennas on existing and new poles in the road reserve, new poles and antennas in the Rural Zone, along with a few other activities such as small cell units on existing structures and telecommunication lines underground, on the ground and overhead.

29. The National Policy Statement for Urban Development (**NPS-UD**) is also relevant in that it seeks to integrate land use with appropriate infrastructure.
30. There are provisions in the Waikato Regional Policy Statement (**RPS**) that are relevant to the network utilities chapter. The term 'infrastructure' in the RPS captures network utilities. The definition of 'Regionally significant infrastructure' in the RPS is essentially a subset of network utilities and includes the following which are of relevance to the Network Utilities chapter:
  - a. pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
  - b. infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;
  - c. radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;
  - d. the national electricity grid, as defined by the Electricity Industry Act 2010;
  - e. a network (as defined in the Electricity Industry Act 2010);
  - f. infrastructure for the generation and/or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);
  - g. significant transport corridors as defined in Map 25 and 26;
  - h. ...
  - i. municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, municipal supply dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary infrastructure;

- j. flood and drainage infrastructure managed by Waikato Regional Council;
- k. ...

31. RPS objective EIT-O1- Energy seeks:

Energy use is managed, and electricity generation and transmission is operated, maintained, developed and upgraded, in a way that:

- 1. increases efficiency;
- 2. recognises any increasing demand for energy;
- 3. seeks opportunities to minimise demand for energy;
- 4. recognises and provides for the national significance of electricity transmission and renewable electricity generation activities;
- 5. recognises and provides for the national, regional and local benefits of electricity transmission and renewable electricity generation;
- 6. reduces reliance on fossil fuels over time;
- 7. addresses adverse effects on natural and physical resources;
- 8. recognises the technical and operational constraints of the electricity transmission network and electricity generation activities; and
- 9. recognises the contribution of existing and future electricity transmission and electricity generation activities to regional and national energy needs and security of supply.

32. EIT-P1 – Significant infrastructure and energy resources seeks to manage the built environment in a way that gives particular regard to protecting the effectiveness and efficiency of existing and planned regionally significant infrastructure, the benefits that can be gained from the development and use of regionally significant infrastructure in particular electricity transmission and municipal water supply, and the technical and operational requirements of the electricity transmission network.

33. EIT-M1 – Plan provisions requires that district plans give effect to EIT-P1 and in particular, that management of the built environment:

- ...
- 6. provides for infrastructure in a manner that:
  - a. recognises that infrastructure development can adversely affect people and communities;
  - b. enables the ongoing operation, maintenance, upgrading and development of municipal water supply infrastructure so as to provide for the justified and reasonably foreseeable needs of current and future generations; and
  - c. does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure.
- ...

34. UFD-O1- Built Environment contains direction around managing infrastructure:

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

...

5. recognising and protecting the value and long-term benefits of regionally significant infrastructure;

...

9. providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;

...

35. There are also other objectives, policies and rules in the Waikato RPS that are relevant to network utilities.
36. In terms of the Manawatu-Wanganui One Plan, Chapter 3: Infrastructure, Energy, Waste, hazardous Substances and Contaminated Land is relevant. Objective 3-1 seeks to recognise the benefits of infrastructure and other physical resources of regional or national importance by recognising and providing for their establishment, operation, maintenance and upgrading. Under Policy 3-1 infrastructure/network utilities of regional or national importance are listed. The list includes a lot of activities that are network utilities and would fall within this topic. The list is like the definition of regionally significant infrastructure in the Waikato RPS. This list includes the national electricity grid and electricity distribution and transmission networks, pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas, roads, telecommunications and radio communalisations, public or community sewage treatment plants and associated reticulation and disposal systems, public water supply, and public and community drainage systems.
37. Consistency across territorial and regionally boundaries to the extent possible is also required to be achieved. Policy 3-3 relates to managing the adverse effects of infrastructure. The policy provides direction in managing adverse effects. In summary this includes recognising and providing for the operation, maintenance and upgrading of activities once they have been established, allowing for minor adverse effects from the establishment of new infrastructure, and avoiding, remedying or mitigating more than minor adverse effects must be recognised and provided for while at the same time taking into account the need for the

infrastructure, functional and operational constraints, reasonably practicable alternatives, and the ability to offset effects.

38. Also of relevance is the provisions as they relate to significant natural areas and historic heritage. A narrower range of provisions than in the Waikato RPS are relevant because of the part of the district that is located within the Manawatu Wanganui Regional Council boundary. The direction in respect of Historic Heritage is to protect historic heritage from activities that would significantly reduce heritage qualities. Territorial authorities are required to develop and maintain a schedule of known historic heritage and include the items in their district plan. Historic heritage schedules are also required to include a statement of the qualities that contribute to each site. The approach with Significant Natural Areas within the Manawatu Wanganui Regional Council is different and is a collaborative approach working with landowners. For this reason, no SNAs have been identified within this area of the District.

## **2.4 Procedural matters**

39. No submitter, prehearing or Clause 8AA meetings have been undertaken.
40. There has been no further consultation undertaken since notification.

## **3 Consideration of submissions received**

### **3.1 Overview of submissions**

41. Two hundred and twelve primary submissions were received and there was a high degree of support for the provisions. The matters raised by submissions varied widely, however the following common themes arose:
- a. Cross referencing to other chapters of the Plan;
  - b. Relocation of provisions to other chapters of the Plan;
  - c. Deletion of provisions that are duplicated in other chapters of the Plan;

- d. Amendments to activity status in a number of rules, particularly in relation to overlays and scheduled sites. Some submissions sought more leniency while others sought a more restrictive activity status.
- 42. Where there is only support for a provision with no contrary view expressed by any other submitters, that provision is not discussed further in this report.

### **3.2 Structure of this report**

- 43. Given the number, nature and extent of the submissions and further submissions received, I have structured the Section 42A report based largely on topics as follows:

Topic 1: Transport provisions

Topic 2: Objectives and policies

Topic 3: Rules introduction

Topic 4: Rules general

Topic 5: National Grid policies

Topic 6: All network utilities

Topic 7: Underground network utilities

Topic 8: Aboveground network utilities

Topic 9: Telecommunications

Topic 10: Three waters

Topic 11: Sensing and monitoring equipment

Topic 12: Signs

Topic 13: Earthworks

Topic 14: Indigenous biodiversity



Topic 15: Adverse effects policies

Topic 16: Hazards, overlays, scheduled sites and features

Topic 17: Structures close to the Coast or water bodies

Topic 18: Noise and light rules

Topic 19: Definitions

44. See Appendix 2 for the corresponding section 32AA evaluation for any recommended amendments to provisions.

## **4 Topic 1: Transport provisions**

### **4.1 Introduction**

45. In this section I address the following topics raised by submissions:
- a. The relocation of transport provisions;
  - b. Objective NU-O4;
  - c. The removal of duplicate rules that are identical or near identical to rules in other chapters;
  - d. Rule NU-R27 Operation, maintenance, repair and road widening of existing public roads, state highways and service lanes (including but not limited to traffic lights, roundabouts, islands and guard rails); and
  - e. NU-R28 The construction of new public roads, state highways, service lanes and any road widening outside of the road reserve or designation.
  - f. NU-R47 Parking and access

### **4.2 Analysis and recommendations**

#### Relocation of Transport Provisions

46. WRC [10.17] sought provisions relating specifically to transport, excluding provisions relating to the co-location of network utilities within transport corridors, be moved to Chapter 20 -Transport. WRC also had three submission points relating to specific transport related rules in the Network Utility chapter that sought those rules be relocated to the Transport chapter. These are NU-R27 [10.28a], NU-R29 [10.28b] and NU-R47 [10.36].
47. The TRAN Chapter appears to confine itself to third party interactions with the transport network and land use activities that generate vehicle movements. I have surmised that the Network Utility Chapter is where a Plan user would go for the provisions which relate to any new roads, existing roads or supporting structures within the transport corridor. This is consistent with the definition for 'network utility operator' which includes 'a person who constructs, operates, or proposes to construct or operate, a road or railway line'. There are inconsistencies in this approach however, in that the road dimensions are located in the TRAN Chapter. The Network Utility Chapter contains the following provisions that are specific to transport (note I have addressed duplicate rules elsewhere in this report):
- a. NU-O4 (which largely replicates TRAN-O1);
  - b. NU-P2.2 (which largely matches the chapeau of TRAN-P1);
  - c. NU-P5 which relates to signs on roads and railways;
  - d. NU-P6 which relates to signs adversely affecting the safe functioning of roads;
  - e. NU-P17 which relates to structures adjacent on or adjacent to an indicative road;
  - f. NU-R27 Operation, maintenance, repair and road widening of existing public roads, state highways and service lanes (including but not limited to traffic lights, roundabouts, islands and guard rails);

- g. NU-R28 The construction of new public roads, state highways, service lanes and any road widening outside of the road reserve or designation; and
  - h. NU-R29 Streetlights within roads.
  - i. NU-R47 Parking and access
- 48. I have given considerable thought as to the purpose of the Transport and Network Utility Chapters and the relationship between them. It seems to me there are three options available:
  - a. Retain the approach whereby third party activities are managed in the Transport chapter and activities undertaken by the road controlling authorities are managed in the Network Utility chapter;
  - b. Merge the Transport chapter into the Network Utility chapter; or
  - c. Extract out the provisions from the Network Utility chapter and relocate them into the Transport chapter.
- 49. Intuitively option (c) would be my preferred approach but there are several complicating factors to this approach:
  - i. The rules in the Network Utility chapter are intended to be self contained without the need to refer back to other chapters in Part 2 District-Wide Matters. The Transport chapter has a different approach whereby the rules in Part 2 District-Wide Matters apply. If the chapters are to be merged, there will be a complex whereby some matters are self-contained within the chapter, and others are not.
  - ii. Many of the objectives and policies in the Network Utilities chapter apply broadly to network utilities (of which the transport network is one), which means that they would either need to be duplicated or cross referenced in the Transport chapter.
  - iii. There are a number of activities and standards sitting in the Network Utility chapter which would either need to be duplicated to cross referenced in the Transport chapter. This would have the

effect of importing standards into the Transport chapter which arguably do not currently apply.

iv. The following statement appears in the Network Utility chapter:

For the purposes of this chapter, irrespective of whether a scheduled site, feature or overlay is shown on the planning maps, the only column in the tables below that applies to roads is labelled "All roads and new roads approved as part of a resource consent".

This approach would create internal inconsistencies in a combined chapter whereby the rules that apply to overlays do apply via Part 2 District-Wide Matters.

50. On balance, option (a) is the least complex approach for users of the Plan and therefore the one I favour at this point in time. Therefore, I recommend rejecting the submission points from WRC [10.17, 10.28a, 10.28b, 10.36].

#### Duplicate rules

51. Waikato Regional Council (**WRC**) [10.16] has a general submission point that sought the removal of identical or near identical duplicate rules where they are addressed in other chapters of the Plan. WRC also had five submission points relating to specific rules in the Network Utilities chapter that sought similar relief of 'reassess and delete the rule if appropriate'. These are:

- a. NU-R4 new and extended or upgraded access tracks [10.26a];
- b. NU-R8 regarding electric vehicle charging [10.26b];
- c. NU-R9 regarding new public walkways and cycleways [10.26c];
- d. NU-R10 regarding new stock underpasses [10.26d]; and
- e. NU-R13 regarding new structures on or adjacent to a railway corridor or indicative road [10.26e].

52. WRC considered that the duplication of rules has led to inconsistencies across the Plan.
53. My analysis of the rules identified by WRC in its submission is set out below:

<b>Activity</b>	<b>NU Rule</b>	<b>Similar Rule in other chapters</b>	<b>Associated submission points</b>
New/upgraded access tracks	NU-R4	None identified	10.16 (delete) and FS03.15, 10.26a (delete) and FS03.21a, 03.35 (retain), 09.12b (retain), 31.52 (retain), 39.37 (retain), 51.21 (amend), FS03.122 and FS23.248, 53.24a (amend) and FS25.25a.
Electric Vehicle charging	NU-R8	TRAN-R3	10.16 (delete) and FS03.15, 10.26b (delete) and FS03.21b, 17.36 amend and FS23.61, 56.05 (amend and align with TRAN-R3) and FS23.263.
Walkways/ cycleways	NU-R9	TRAN-R4	10.16 (delete) and FS03.15, 10.26c (delete) and FS03.21c, 24.13 (retain), 47.59 (amend), 03.38 (amend).
Stock underpass	NU-R10	TRAN-R5 RPROZ-R6 GRUZ-R1 PREC3-R10	10.16 (delete) and FS03.15, 10.26d (delete) and FS03.21d, 03.39 (retain).
Structures near rail/road	NU-R13	TRAN-R9	10.16 (delete) and FS03.15, 10.26e (delete) and FS03.21e, 17.37 (amend), 51.23 (amend), 09.13 (amend).

54. As can be seen in the table above, I have been unable to identify a similar rule in another chapter for NU-R4. Therefore, I recommend retaining this

rule in the Network Utilities Chapter. I address the submissions to NU-R4 in a subsequent topic in this s42A report.

55. Rule NU-R8, NU-R9, NU-R10 and NU-R13 all have at least one similar rule elsewhere in the Plan. It is not necessary to duplicate these activities in the Network Utility Chapter when they are addressed elsewhere, particularly as these activities do not fall under the definition of 'network utility operation', although I accept that the activities may be undertaken by a network utility operator. Given the scope and content of the Transport Chapter I consider it appropriate to address those activities in that chapter. This streamlines the Network Utilities chapter in a modest way, but more importantly avoids supplication and the potential for the same activity to be managed in slightly different ways across the chapters.
56. For the reasons above I recommend accepting in part the general submission point from WRC [10.16], rejecting the WRC submission point [10.26a] that relates to NU-R4, and accepting the WRC submission points to NU-R8, NU-R9, NU-R10 and NU-R13 [10.26b, 10.26c, 10.26d, 10.26e]. The other submission points that seek amendments to rules NU-R8, NU-R9, NU-R10 and NU-R13 have been addressed under the corresponding rules in the s42A report for the Transport Chapter. I therefore recommend deleting rules NU-R8, NU-R9, NU-R10 and NU-R13 from the Network Utilities Chapter as follows:

<b><del>NU-R8:</del></b>	<b><del>New electric vehicle charging facilities</del></b>
<b><del>NU-R9:</del></b>	<b><del>New public walkways and cycleways</del></b>
<b><del>NU-R10:</del></b>	<b><del>New stock underpasses</del></b>
<b><del>NU-R13:</del></b>	<b><del>New structures on or adjacent to a railway corridor or an indicative road</del></b>

57. For completeness, I have transferred any remaining submission points pertaining to those rules across into the section 42A report for Transport and have addressed them there.

#### Objective NU-O4

58. Waka Kotahi [17.29] sought an amendment to NU-O4 to add the word “anticipated” in front of land use and development. It notes that it is not the role of Waka Kotahi, nor is it practically feasible to provide infrastructure connections for out of sequence land use development. I also note that a similar concern has been raised by Forest and Bird [47.62] to TRAN-O1, and this is addressed in the s42A for the Transport Chapter.
59. I agree that the integration of the transport network needs to be with “anticipated” future land use and development, and this would more explicitly give effect to the RPS provisions such as UFD-O1, UFD-P1, UFD-P2 etc. However, I am concerned that the inclusion of this word misses the requirement to link transport networks with current land uses. I also note that TRAN-O1 and NU-O4 are similar and therefore it is important that they are consistent with one another.
60. I therefore recommend the submission point from Waka Kotahi [17.29] be accepted in part and the following amendment be made which captures the current state as well as being more forward looking:

**NU-O4.** The transport network is a well-connected, integrated and accessible system that meets, and is responsive to current and future needs, and maximises opportunities to link with both existing and planned land use and development.

#### NU-R27 Operation, maintenance, repair and road widening of existing roads

61. One submission point was received to Rule NU-R27 from Heritage New Zealand Pouhere Taonga (**HNZPT**) [03.54] which sought the inclusion of the following advice note:

Note: An archaeological Authority may be required from Heritage New Zealand Pouhere Taonga.

62. HNZPT expressed concern at the permitted activity status of this activity, which potentially may impact on unrecorded archaeological sites. The submission observes that many existing roading networks were developed

at a time when insufficient regard was given to the potential for archaeological values.

63. NU-R27 permits the operation, maintenance, repair and road widening of existing roads as a permitted activity subject to performance standards. I note that the same advice note appears under five other rules in the Network Utilities Chapter, mostly where an activity is permitted.
64. I agree with HNZPT that there is potential for effects on unrecorded archaeological sites, albeit lower in the case of existing roads. Therefore, I recommend accepting the submission point from HNZPT [03.54] and adding the following advice note to NU-R27:

*Note: An archaeological authority may be required from Heritage New Zealand Pouhere Taonga.*

NU-R28 The construction of new roads

65. HNZPT [03.55] sought that NU-R28 be amended such that “the construction of new public roads, state highways, service lanes and any road widening outside of the road reserve or designation”, in Heritage buildings and structures, is a non-complying activity. HNZPT considered that it is reasonably likely that this activity, if located in a heritage building or structure, would destroy it. The notified activity status is discretionary. I note that where “Heritage Buildings and Structures” are referred to it also means the site or surroundings of any building or structure listed in SCHED 1.
66. While I agree with HNZPT that the potential effects of these activities could result in destruction of heritage buildings and structures, it may also be that these activities result in minor effects on heritage. I consider that the current discretionary activity status provides an appropriately restrictive activity status and ensures a proposed activity is assessed against the objectives and policies in Chapter 24 Heritage. I am also aware of some highly restrictive language in the Historic Heritage policies, such as HH-P13 which states:

**HH-P13** Protect buildings and structures from demolition unless:



1. The condition of an item poses an untenable risk to human life, and
2. All reasonable alternatives have been investigated and considered, including restoration, reuse or relocation, and these alternatives have been found to be impracticable and uneconomic.

67. I consider that a discretionary activity is appropriate and therefore recommend rejecting the submission point from HNZPT.

#### NU-R47 Parking and Access

68. Chorus, Connexa, Spark, Vodafone [09.25] sought an amendment to Rule NU-47 clause 2 as follows:

2. Every site for a network utility that is permanently staffed must be provided with a vehicle access point to a road...

69. NU-R47.2 requires every site to be provided with a vehicle access point to a formed road, formed and constructed in accordance with the performance standards in TRAN - Table 2. The submitter stated that telecommunications equipment generally involves cabinets, poles and antennas and this equipment is not staffed and does not require a vehicle access. Any requirement for an access should be limited to staffed facilities.

70. I agree that it is onerous to require vehicle access to network utilities that are not permanently staffed, although I appreciate that vehicles may need to access the site for maintenance reasons. I recommend that the submission point from Chorus, Connexa, Spark, Vodafone [09.25] be accepted and NU-R47.2 be amended as follows:

2. Where a network utility is permanently staffed, ~~Every~~ every site must be provided with a vehicle access point to a formed road that is constructed to a permanent standard and complies with all of the performance standards in TRAN - Table 2.

## 5 Topic 2: Objectives and policies

### 5.1 Introduction

71. The Network Utilities Chapter contains 5 objectives and 22 policies. The objectives and policies cover both the benefits of network utilities and the management of adverse effects arising from network utilities. The policies are organised under subheadings which cover the following:
- a. Benefits of network utilities;
  - b. Minor utilities;
  - c. Earthworks;
  - d. Indigenous vegetation;
  - e. Adverse effects;
  - f. Hazards, overlays, scheduled sites and features;
  - g. Integration; and
  - h. National Grid.
72. 45<sup>1</sup> submission points were received on specific objectives and policies of the Network Utilities chapter. Of these, 38 submission points were in support of specific objectives and policies and sought that they be retained as notified. However, there are several submissions that sought amendments to specific objectives and policies and two that requested new objectives and policies to address climate change.

### 5.2 Analysis and recommendations

#### New climate change objectives and policies

73. WRC [10.19] and Royal Forest and Bird Protection Society of New Zealand Inc. (**Forest and Bird**) [47.44] requested the addition of objectives and policies that refer to climate change mitigation and adaptation. They

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<sup>1</sup> Note that these totals exclude submission points that have been addressed on a topic basis elsewhere in this report

consider that while the term 'resilient' is included in NU-O1, NU-O5 and NU-P2 it needs to be more explicit for adaptation to climate change and mitigation of the effects of network utilities on emissions and therefore climate change.

74. While the objectives and policies in Chapter 19 Network Utilities do not explicitly refer to climate change, I consider that climate change adaptation is covered generally through the references to 'resilient' in Chapter 19 Network Utilities. Noting that the term 'resilient' incapsulates more than just resilience to climate change, for example it could include resilience to natural hazards such as earthquakes.
75. I am mindful of the objectives in the Strategic Direction Chapter, such as:
  - a. SD-O14 which requires that there is no significant increase in the risk from known natural hazards, including the effects of climate change, to people, property and infrastructure as a result of subdivision, use and development;
  - b. SD-O15 which directs that the community is prepared to adapt to the effects of climate change and recognises the opportunities and risks associated with those effects; and
  - c. SD-O27 which encourages urban development that supports reductions in greenhouse gas emissions, minimises waste production, transport and energy demand.
76. In addition, there are also a number of objectives and policies in the Natural Hazards Chapter that address resilience and climate change.
77. Proposals that are being considered against the objectives and policies of the Network Utility Chapter must also be considered against the relevant objectives in Part 2 District-Wide Matters. This is set out in the italicised note under both the 'Objectives' and 'Policies' heading of the Network Utilities Chapter. The Strategic Directions and Natural Hazards Chapter are both in Part 2 District-wide matters.

78. I consider that the Strategic Directions and the Natural Hazards Chapters are the most appropriate location for objectives and policies relating to climate change adaptation and mitigation. These chapters apply district-wide and are not just constrained to network utilities, when this is a much broader issue. I therefore recommend rejecting the submission points from WRC [10.19] and Forest and Bird [47.44].

NU-P13

79. Policy NU-P13 sets out matters to be considered when assessing the effects of an application. In doing this the policy refers back to the directions contained in the preceding policies NU-P1 to Policy NU-P12, and requires consideration of:
- a. The extent to which adverse effects have been addressed through site, route or method selection;
  - b. Functional or operational needs;
  - c. The necessity and significance of the network utility;
  - d. The time, duration or frequency of adverse effects;
  - e. The location of existing network utilities.
80. Four submissions were received to policy NU-P13, of these three were in support. Forest and Bird [47.51] sought an amendment to the chapeau of NU-P13 to require that 'other relevant matters' be considered in addition to NU-P1 to NU-P12. The submitter expressed concern that the policy as written could preclude the consideration of other matters, such as those in section 6 of the RMA and the New Zealand Coastal Policy Statement (**NZCPS**).
81. I consider that the amendment sought by Forest and Bird is unnecessary. Under the policy heading there is italicised text that refers the plan user to 'the relevant policies in Part 2 District-Wide Matters and Part 3 – Area Specific Matters'. The policies in Part 2 District-Wide Matters includes policies relating to the NZCPS and section 6 of the RMA. This enables the

relevant policies in those chapters to be considered (as appropriate) when assessing a resource consent application. In addition, NU-P11 requires consideration is given to the values, qualities and characteristics of overlays, scheduled sites and features which would apply to overlays such as significant natural areas or outstanding natural features and landscapes.

82. I therefore recommend rejecting the submission from Forest and Bird [47.51].

#### NU-P15

83. The intent of Policy NU-P15 is to support network utility operators to adopt new technologies. It includes six clauses that set out what those new technologies are to achieve. Clause 1 through to 5 are linked with 'and'.
84. Two submissions were received to NU-P15, one in support and a joint submission from Chorus, Connexa, Spark and Vodafone [09.09] that generally supported the policy but sought an amendment to make clauses 1-6 disjunctive.
85. I agree with the submitter that new technologies may deliver some but not all of the clauses in the policy, but there will still be benefits to the wellbeing of communities. For these reasons I consider it appropriate to link clauses 1 through to 6 with 'or'.
86. I therefore recommend accepting the submission point from Chorus, Connexa, Spark and Vodafone [09.09], and policy NU-P15 be amended as follows:

**NU-P15.** Support network utility operators in adopting new technologies that:

1. Improve access to, and efficient use of, networks and services; ~~and-or~~
2. Allow for the re-use of redundant services and structures; ~~and-or~~
3. Enable co-location on existing structures; ~~and-or~~
4. Increase resilience, safety or reliability of networks and services; ~~and or~~
5. Result in environmental benefits and enhancements; or
6. Promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.

## 6 Topic 3: Rules Introduction

### 6.1 Introduction

87. At the beginning of the Rules section there is text that provides a 'readers guide' to the rules in Chapter 19 Network Utilities. More specifically, it provides information on how the rules in the chapter are to be applied and the relationship with rules in other chapters of the plan. The following page then sets out the structure of Table 1 Activity Rules and contains three notes to assist with interpretation.
88. Five submission points related to the introductory text at the beginning of the rules section. Of these, one submission point sought amendments to the references to Part 2 District-Wide Matters and the other sought amendments to the note that applies to heritage buildings and structures.

### 6.2 Analysis and recommendations

#### Reference to Part 2 District-Wide Matters

89. Forest and Bird [47.56] sought an amendment to the third bullet point under the 'Rules' heading to apply all of Part 2 District-Wide matters unless specifically excluded. This would have the opposite effect of the current approach where Part 2 District-Wide rules do not apply unless specifically referenced. The section states that unless specifically referenced in a rule, Part 2 District-wide matters do not apply except for several specified chapters:

The rules in this chapter apply to network utility operators only. The rules are contained in the tables listed below. To undertake any activity, it must comply with all the rules listed in:

- ...
- Unless specifically referenced in a rule, Part 2 District-Wide Matters do not apply except for the following chapters: Strategic direction, urban form and development, contaminated land, hazardous substances, financial contributions, hāpori whānui, activities on the surface of water, relocated buildings and temporary activities; and
- ...

90. In its reasoning, Forest and Bird stated that it is not appropriate to exclude other chapters that relate to section 6 matters or give effect to the NZCPS. It suggested that it would be more certain to specifically state in any relevant rule where compliance with that rule overrides rules in another Part 2 District-wide Matters Chapter.
91. While I agree with Forest and Bird that it is not appropriate for Network Utilities to exclude consideration of section 6 matters and the NZCPS, it is important to acknowledge the structure of the Plan and how that relates to the Network Utilities chapter. The rules of the Network Utilities chapter have been drafted with the intention of being self-contained, and it would add further complexity and confusion to require plan users to reconcile the Network Utility provisions with the rules in Part 2 Chapters that relate to the NZCPS and section 6 of the RMA.
92. I therefore recommend rejecting the submission point from Forest and Bird [47.56].

#### NU – Table 1 Activity Rules - Notes

93. HNZPT [03.32] sought that the note relating to heritage buildings and structures is amended to make it clear that the site and surroundings are also to be considered at the time of works.
94. The section 'NU-Table 1 Activity Rules' provides an overview of the contents of Table 1. It also includes three notes to assist with interpretation. The note that relates to heritage reads as if it is only the site or surroundings of a heritage building and structure that the rules apply to, however the term "site or surroundings (of any building or structure" is indicated as being defined.<sup>2</sup> This is defined as:

means in the general rural zone only, the land immediately surrounding buildings and structures listed in SCHED1 - Heritage Buildings and Structures, including any closely associated buildings, gardens, monuments and structures, but excluding any immediately adjacent open fields.

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<sup>2</sup> The defined term is actually "surroundings (of any building or structure listed in SCHED1 - Heritage Buildings and Structures)".

95. I note that the definition only relates to the General rural zone. I agree with the submitter that the note should be advising that the heritage buildings and structures and also the site and surroundings are to be considered at the time of works. This is consistent with the definition for Historic Heritage and the approach in Chapter 24 Historic Heritage.
96. I therefore recommend accepting the submission point from HNZPT [03.32], and the note be amended as follows:

*Note: Where Heritage Buildings and Structures are referred to it also means the site or surroundings (of any building or structure listed in SCHED1)*

## **7 Topic 4: Rules General**

### **7.1 Introduction**

97. Topic 4 covers submission points that are applicable across several activities in Table 1. Four submission points of this nature were received. They sought amendments to:
- a. Require all permitted activities to comply with ECO Chapter rules and any relevant overlay rules with respect to vegetation clearance and earthworks;
  - b. All RDIS activities to include an additional matter of discretion relating to indigenous biodiversity;
  - c. Recognise network utilities may adversely affect rural activities and operations; and
  - d. Relocate provisions in the Network Utilities Chapter that are not necessarily specific to network utilities to other more appropriate chapters.

### **7.2 Analysis and recommendations**

#### Permitted activity compliance with the ECO chapter and overlay rules

98. Forest and Bird [47.57] sought the following words be added to all permitted activities:



PER activities must: Comply with ECO chapter rules and any relevant overlay rules with respect to vegetation clearance and earthworks.

99. As stated in a previous section of this report (see discussion relating to submission point 47.56), the intention is that the Network Utilities chapter is largely self-contained. For example, Rule NU-R33 Earthworks and NU-R37 Removal of indigenous vegetation, which are contained in the Network Utilities chapter, address the effects that the submitter is concerned about.
100. Given the reasons above, I consider it unnecessary to require Plan users to comply with both the Network Utility provisions and the ECO Chapter and any relevant overlay rules with respect to vegetation clearance and earthworks.
101. I therefore recommend rejecting the submission point from Forest and Bird [47.57].

RDIS activities – indigenous biodiversity matter of discretion

102. Forest and Bird [47.58] sought inclusion of an additional matter of discretion to all restricted discretionary activities in the Network Utility chapter that is 'effects on indigenous biodiversity'.
103. Many of the Table 1 activity rules already contain two matters of discretion that are particularly relevant to effects on indigenous biodiversity. They are:
  - a. Effects on the values of the overlay, scheduled site or feature; and; and
  - b. Within significant natural areas, the methods proposed to avoid or minimise potential adverse effects on indigenous biodiversity including the consideration of the no net loss principal and rehabilitation measures.
104. Examples of where these matters of discretion apply are Rule NU-R4 New and extended or upgraded access tracks, matters of discretion (e) and (f) and Rule NU-12 Temporary network utilities, matters of discretion (d) and (e).

105. In addition, if an activity includes the removal of indigenous vegetation, it will also be subject to the activity rules and matters of discretion in NU-R37 Removal of indigenous biodiversity. NU-R37 applies to indigenous vegetation both within and outside of an significant natural area.
106. For the reasons above, I consider the relief sought by Forest and Bird unnecessary and recommend rejecting the submission point.

Network utilities that adversely effect rural activities and operations

107. Federated Farmers of New Zealand (**Federated Farmers**) [46.23] expressed concern that there is no consideration of the potential adverse effects that network utilities, their establishment, operation and upgrading can have on existing lawfully established activities in the rural environment. It considers that by classifying many network utility activities as permitted, it has removed the ability for reverse sensitivity impacts on existing rural activities and operations to be taken into consideration.
108. To address its concerns, Federated Farmers sought two lots of relief. Firstly, it requested reconsideration of the permitted activity classification that allows network utility activities to occur which will adversely impact on existing rural activities and operations. The second part to its relief sought a new matter of discretion for restricted discretionary and discretionary activities in the Network Utilities Chapter that reads (or with wording to similar effect):

the potential adverse effects on the operation of existing farming and rural activities located in the general rural and rural production zones

109. I consider that the list of permitted activities and the permitted thresholds assigned through the performance standards only enable activities where effects are likely to be minor. In its submission, Federated Farmers do not provide detailed information on the specific permitted activities it is concerned about. I invite the submitter to provide further information or case studies to enable me to consider the matter further, including how

network utilities adversely impact on existing rural activities and operations.

110. Where a resource consent is required for a restricted discretionary activity typical matters of discretion include:

- a. The extent and effect of non-compliance with any rule and any matters of discretion in the rule;
- b. Whether the works or actions will result in additional public health and/or safety risks;
- c. The location, bulk, height and design of the network utility;
- d. The amenity values of the zone, adjacent zone, and streetscape and the extent to which the amenity values have been avoided, remedied, or mitigated;
- e. The potential to contribute to cumulative effects on amenity values.

111. In addition, NU-P9 provides direction in terms of managing adverse effects of network utilities. In particular, NU-P9.1 is relevant to Federated Farmers concerns:

- a. Controlling the height, bulk and location of network utilities in a manner that minimises any adverse effects on the anticipated outcomes for the receiving environment including the role, function, character and identified qualities of the zone or precinct; and

112. I consider that Policy NU-P9 and the matters of discretion set out above broadly cover the concerns raised by Federated Farmers. I am also aware that in order for network utilities to be located on a property, there must be some form of process followed such as a Public Works Act process or an easement. It is not possible for a network utility provider to locate structures on property without the consent of the landowner. I therefore recommend rejecting the relief sought by Federated Farmers [46.23].

## 8 Topic 5: National Grid policies

### 8.1 Introduction

113. The National Electricity and Gas Transmission chapters manages development and land use activities in close proximity to the National Grid, but the Network Utility chapter manages activities undertaken by Transpower NZ Ltd (**Transpower**) itself.
114. The **NPSET** is relevant to the provisions within this chapter relating to the National Grid. The need/requirement to manage the effects of activities on the National Grid is conferred in the NPSET. Section 75(3)(a) of the RMA requires the Council to give effect to the NPSET in its district plan. The NPSET identifies the need to operate, maintain, develop and upgrade the electricity transmission network as a matter of national significance. The NPSET seeks to ensure that, in providing for the transmission of electricity within a region or district and in managing the effects of the transmission network on the environment, the operational and long-term development requirements of the network are appropriately considered and its status as a linear cross-boundary network is fully recognised.
115. The single objective of the NPSET is:
- To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:
- managing the adverse environmental effects of the network; and
  - managing the adverse effects of other activities on the network.
116. NPSET Policies 1 and 2 require decision-makers to recognise and provide for the National Grid in two complementary ways:
- a. recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission (Policy 1); and

- b. recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network (Policy 2).

117. NPSET Policies 3-6 set out matters relevant to decision-makers considering the environmental effects of National Grid activities:

- a. Policy 3 provides that Council must consider the constraints imposed on achieving measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, resulting from technical and operational requirements of the National Grid.
- b. Policy 4 addresses new National Grid infrastructure or major upgrades of existing National Grid infrastructure. Council is required to have regard to the extent to which any adverse environmental effects of new National Grid infrastructure or major upgrades have been avoided, remedied or mitigated by the route, site and method selection.
- c. Policy 5 addresses environmental effects of National Grid activities. In this context, Council must enable the reasonable operational, maintenance and minor upgrade requirements of established National Grid assets.
- d. Policy 6 provides that substantial upgrades of the National Grid should be used as an opportunity to reduce existing adverse effects of transmission where appropriate.

118. Policies 7 and 8 relate to the management of adverse effects in the development of the National Grid:

- a. Policy 7 provides that the planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.
- b. Policy 8 provides that, in rural environments, planning and development of the National Grid should "seek to avoid" adverse effects on outstanding natural landscapes, areas of high natural character, areas of high recreation value and amenity, and existing sensitive activities. The requirement in Policy 8 ("seek to avoid") is

less absolute than requiring that such adverse effects simply be “avoided”.

119. Policies 10 and 11 of the NPSET are relevant to the rules managing activities in close proximity to the National Grid, but are less relevant to the Network Utilities Chapter.
120. The NESETA applies to existing National Grid structures, but does not cover new activities such as new lines or substations. Activities that are covered by the NESETA and therefore are not needed to be addressed by the PDP include:
  - a. Operation of transmission lines or use of access tracks;
  - b. Overhead conductors, earth-wires, overhead telecommunication cables, and adding overhead circuits;
  - c. Increasing voltage or current rating, underground conductors, and undergrounding transmission lines;
  - d. Alteration, relocation and replacement of transmission support structures;
  - e. Temporary structure and temporary line deviation;
  - f. Removal of transmission lines;
  - g. Signs;
  - h. Discharges from blasting and applying protective coatings to support structures;
  - i. Discharges to water;
  - j. Trimming, felling and removing trees and vegetation;
  - k. Earthworks;
  - l. Noise and vibration from construction activity; and
  - m. Any other transmission activities.

121. The provisions addressed in this section of the report include those that are specific to the National Grid:
- a. NU-O3;
  - b. NU-P20;
  - c. NU-P21; and
  - d. NU-P22.

## 8.2 Analysis and recommendations

### General policy position

122. Transpower [31.47 and 31.48], sought inclusion of the following statement:

In the event of any conflict with any other policies within the plan, NU-P20, NU-P21 and NU-P22 take precedence.

123. The basis of this request is to give effect to the NPSET, and clarify the relationship with other provisions. The NPSET responds to a matter of significance, being the need to operate, maintain, develop and upgrade the electricity transmission network. While there are other national policy statements in play, these are resolved through NU-P21 and NU-P22 in particular, which addresses matter such as development in the coastal environment, an in urban zoned areas. I note that this wording already exists at the bottom of NU-P22. I therefore recommend the following wording is inserted at the end of NU-P20 and NU-21 for completeness:

In the event of any conflict with any other policies within the plan, NUP20, NU-P21 and NU-P22 take precedence.

124. I note this approach was recently accepted by the Independent Hearing Panel deciding on the New Plymouth PDP.

### NU-O3

125. NU-O3 recognises the national significance and benefits of the National Grid and gas transmission networks. Three primary submissions were received on objective NU-O3 seeking a range of relief including retention, amendment and deletion. First Gas Limited (**First Gas**)[39.20] requested

that NU-O3 be retained as notified. The Lines Company Limited (**TLC**) [25.12] sought that Objective NU-O3 be removed from Chapter 19 Network Utilities as the objective is already contained in Chapter 18 National Electricity and Gas Transmission. Transpower [31.35] sought to retain the intent of NU-O3 but separate the National Grid and gas transmission network into two separate objectives. To address these submission points it is useful to consider the role of each chapter, the national direction and the content of the relevant objectives in each chapter.

126. In terms of the role of each chapter, Chapter 19 Network Utilities manages the operation, maintenance, replacement, upgrading and development of the national grid and gas transmission network. Whereas Chapter 18 National Electricity and Gas Transmission manages activities near these networks. This approach is set out in the 'Overview' section of each chapter.
127. In terms of national direction, the NPSET sets out the national significance of the National Grid. The gas transmission network is not subject to an equivalent national policy statement, but is covered (the same as National Grid) by the provisions in the RPS which relate to regionally significant infrastructure.
128. Moving to the content of the relevant objectives in each chapter, Objective NU-O3 recognises and provides for the national significance of both the National Grid and the gas transmission network. This is rolled into one objective:

NU-O3 The national significance and benefits of the national grid and gas transmission network are recognised and provided for.

129. Chapter 18 National Electricity and Gas Transmission splits this into two objectives, being NEG-T-O1 and NEG-T-O2 that cover the same matter as NU-O3. These objectives seek to achieve a similar outcome to NU-O3, however the key difference is that the National Grid and gas transmission network each have their own objective with different language which



reflects the direction of the higher order planning documents that relate to each.

130. Given what I have set out above in terms of the role of each chapter, I consider it appropriate to retain, subject to the amendments as set out below, objectives relating to the National Grid and gas transmission network in both Chapter 19 Network Utilities objectives and Chapter 18 National Electricity and Gas Transmission. I do not consider it appropriate to remove NU-O3 from Chapter 19 Network Utilities as suggested by TLC [25.12].
131. As illustrated above, objective NU-O3 in the Network Utilities Chapter is inconsistent with the two objectives in the National Electricity and Gas Transmission Chapter, particularly regarding the gas transmission network. My preference is for the wording in Chapter 18 National Electricity and Gas Transmission to be brought across to the Network Utilities Chapter. However, given the role of the Network Utilities chapter it is not necessary to bring across the wording regarding the protection of the networks from other activities; this is the purpose of the National Electricity and Gas Transmission chapter. Further, it is important the objectives across the two chapters are consistent for Plan interpretation and implementation purposes.
132. I agree with Transpower [31.35] that it is appropriate to separate Objective NU-O3 into two. In addition, this provides an opportunity to align the wording in objective NU-O3 with the corresponding objectives NEGT-O1 and NEGT-O2 in Chapter 18 National Electricity and Gas Transmission. This is appropriate given that the gas transmission network has not been assigned national significance. I have recommended amendments to NEGT-O1 and NEGT-O2 in response to submissions received from the two key submitters. While strictly speaking it is not necessary to duplicate the objectives across chapters, the chapters have different focuses, and it ensures the objectives are not overlooked.

133. I therefore recommend accepting in part the submission points from TLC [25.12], Transpower [31.35] and First Gas [39.20], and Objective NU-O3 be amended as follows:

NU-O3.

The national significance and benefits of the National Grid ~~and gas transmission~~ network are recognised and provided for.

NU-OX.

The regional significance of the gas transmission network is recognised.

#### NU-P21

134. NU-P21 provides a policy framework for upgrades of the National Grid, and reflects much of the wording in the policies of the NPSET:

NU-P21	Relevant NPSET policies
2. Have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection when considering major upgrades	Policy 4
3. Recognising the constraints arising from the operational and functional needs	Policy 3
4. Recognising the potential benefits of upgrades to the national grid to people and communities	Policy 1
5. Substantial upgrades should be used as an opportunity to reduce existing effects of the national grid	Policy 6

135. Forest and Bird [47.52] sought amendments to NU-P21 to clarify that the considerations in this policy are in addition to other policies above. From the submission, it is not clear which policies the submitter is referring to but it is presumably policies in other chapters and preceding policies in the Network Utilities chapter. In response to the submission from Transpower I have recommended text that clarifies the status of NU-P20,

NU-P21 and NU-P22 in the case of conflict with other policies in the Plan. I therefore recommend rejecting the submission from Forest and Bird.

136. DOC [53.22] sought to amend clause (1) to avoid adverse effects rather than “seek to avoid” which is a slightly more stringent policy position. I note that section 6(c) and 6(g) of the RMA are the only matters of national importance which require absolute protection, the others are all qualified by “inappropriate subdivision, use and development”. While it is not listed in section 6 of the RMA, the NPSET states that the need to operate, maintain, develop and upgrade the electricity transmission network is a matter of national significance. Because of the need to balance potentially competing matters, I consider that “seek to avoid” is an appropriate policy position.
137. DOC also sought inclusion of a schedule for bat protection areas and a schedule for light sensitive areas. Seeing as Ms Callaghan has recommended rejecting this request in her consideration of submissions on the ECO Chapter, I also recommend rejecting inclusion of the additional schedules in NU-P21.

#### NU-P22

138. The wording of NU-P22 also closely reflects the content of the NPSET. Transpower [31.49] sought a number of amendments which I have step through individually. Transpower sought significant rewording of clause (3)(iii) which is the reference to all the schedules, and replacement with an effects hierarchy which seeks to avoid significant adverse effects on other areas of natural character in the coastal environment, and natural attributes and characteristics of other natural features and landscapes in the coastal environment. This has the effect of deleting specific reference to:
- a. SCHED11 – areas of high/very high natural character;
  - b. SCHED9 – landscapes of high amenity value;
  - c. SCHED12 – karst overlay;
  - d. SCHED1 - heritage buildings and structures;
  - e. SCHED2 - significant archaeological sites; and

f. SCHED3 and SCHED 4 - sites of significance to Māori.

139. The matters covered by these schedules are not specified in Policies 7 or 8 of the NPSET. Replacement with “seeking to avoid significant effects” on natural character, features and landscapes in the coastal environment reflects the policy position of the NZCPS. The use of the words “seeking to avoid” comes from Policies 7 and 8 of the NPSET whereas the NZCPS uses the term “avoid significant adverse effects” in policies 13(1)(b) and 15(b). I consider the wording proposed by Transpower attempts to resolve the tension between the two national policy statements, which have equal weighting. I therefore recommend accepting the submission from Transpower.
140. The submission from Transpower requested moving clause (3)(iv) down so that it addresses effects that are not avoided within clauses 1-3. I recommend accepting the amendment as it better reflects the effects hierarchy of the NZCPS.
141. The submission from Transpower requested to delete the first part of clause 6 which prioritises the policies relating to the coastal environment. Presumably this wording was inserted to reflect the equal weighting of the NZCPS, however NU-P22 effectively resolves any conflict between the NZCPS and NPSET. DOC [53.23] sought to delete clause 6 in its entirety, Given the equal weighting of the NZCPS and NPSET, and that these national policy statements are reconciled through NU-P22, I consider that clause 6 is necessary to avoid future debates on interpretation. Therefore I recommend accepting the amendments sought by Transpower.

**NU-P22**

Provide for the development of the national grid:

1. In urban zoned areas, development should minimise adverse effects on urban amenity and should avoid material adverse effects on the commercial zone, areas of high recreational or amenity value and existing sensitive activities; and
2. Seek to avoid the adverse effects of the national grid within overlays, scheduled sites and features; and
3. Where the national grid has a functional need or operational need to locate within the coastal environment, manage adverse effects by:

~~(i) Seeking to avoid adverse effects on areas identified in SCHED6 – significant natural areas, SCHED7 – outstanding natural landscapes, SCHED8 – outstanding natural features, and SCHED10 – areas of outstanding natural character; and~~

~~(ii) Where it is not practicable to avoid adverse effects on the values of the areas identified in SCHED6 – significant natural areas, SCHED7 – outstanding natural landscapes, SCHED8 – outstanding natural features, and SCHED10 – areas of outstanding natural character because of the functional needs or operational needs of the national grid, remedy or mitigate adverse effects on those values; and~~

(i) Other areas of natural character in the coastal environment;

(ii) Natural attributes and characteristics of other natural features and landscapes in the coastal environment

(iii) Seeking to avoid significant adverse effects on:

i. SCHED11 – areas of high/very high natural character, SCHED9 – landscapes of high amenity value and SCHED12 – karst overlay; and

ii. SCHED1 – heritage buildings and structures, SCHED2 – significant archaeological sites, SCHED3 and SCHED 4 – sites of significance to Māori; and

iii. indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and

~~iv. Avoiding, remedying or mitigating other adverse effects to the extent practicable; and~~

~~4. Avoiding, remedying or mitigating other adverse effects to the extent practicable; and~~

~~4.5.~~ When considering the adverse effects in respect of NU-P22.1 – NU-P22.3 above;~~†~~

(i) Have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection and techniques and measures proposed; and

(ii) Consider the constraints arising from the operational needs and or functional needs of the national grid, when considering measures to avoid, remedy or mitigate any adverse effects.

~~5.6. Other than policies relating to the coastal environment;~~ in the event of any conflict with any other policies within the plan, NU-P20, NU-P21 and NU-P22 take precedence.

142. The submission from Federated Farmers sought inclusion of a new clause that specifically refers to avoiding adverse effects on rural activities lawfully established in the rural environment. The submitter considered that the policy does not recognise that the operation and location of

network utilities can adversely impact on rural activities located in the rural environment. Federated Farmers considered that there needs to be recognition in the policy that where possible adverse effects on rural activities should be avoided, remedied or mitigated. NU-P22 directly responds to the NPSET, and the NPSET does not contain policies that seek to avoid adverse effects on rural activities lawfully established in the rural environment. I consider that the matters raised by Federated Farmers are more appropriately addressed through a more general policy which manages the adverse effects of network utilities. I therefore recommend rejecting the submission point.

143. Forest and Bird [47.53] sought amendments to the policy to manage adverse effects in accordance with the ECO provisions and the CE Chapter. While policies in other chapters may apply, as outlined above, NU-P22 reconciles the NZCPS and the NPSET meaning that NU-P22 can take precedence where is conflict with other policies in the Plan. Consequently, there is no need to refer to the policies in the ECO or CE Chapter. Forest and Bird sought to retain clauses (4) and (5), and I have done so, albeit that they have been renumbered. For this reason, I recommend accepting in part the submission point from Forest and Bird.
144. DOC [53.23] sought a number of changes also. It sought deletion in clause (2) to avoid adverse effects rather than “seek to avoid” which is a slightly more stringent policy position. I am aware that the wording “seek to avoid” is derived from Policy 8 of the NPSET.
145. DOC also sought inclusion of a schedule for bat protection areas and a schedule for light sensitive areas. Seeing as Ms Callaghan has recommended rejecting this request in her consideration of submissions on the ECO Chapter, I also recommend rejecting inclusion of the additional schedules in NU-P22.
146. DOC sought deletion of the requirement to remedy or mitigate other adverse effects “to the extent practicable” in clause (3)(iv). I consider these words are required to better reflect the NPSET, and that there are constraints imposed on achieving those measures by the technical and

operational requirements of the network (NPSET Policy 3). It is not always practicable to remedy or mitigate all adverse effects.

## 9 Topic 6: All Network Utilities

### 9.1 Introduction

147. This topic addresses 'All network utilities (except where National Standards apply)' in NU-Table 1 Activity Rules. Within this section there are eleven individual activity rules.
148. 40 submissions were received on all the eleven activity rules. Two of the activity rules, NU-R5 and NU-R7 only received submissions in support and are not addressed further in this report.

### 9.2 Analysis and recommendations

#### NU-R3 Operation, maintenance and removal of existing network utilities and existing ancillary access tracks

149. Rule NU-R3 applies to all network utilities, except where National Standards apply. The rule applies to the operation, maintenance and removal of existing network utilities and ancillary access tracks. Maintenance in relation to network utilities is a defined term in Chapter 9 of the Plan. The definition is:
- means, in relation to network utilities, any work or activity necessary to continue the operation and/or functioning of existing infrastructure. It includes the repair and/or replacement of an existing line, pipe, building, structure, road or other asset with another of the same or similar height, size, and scale within the same or similar position and for the same purpose. For the avoidance of doubt maintenance excludes upgrading, and the word 'similar' means 'almost identical'.
150. Four submission points were received on rule NU-R3. Three of these submission points were in support and one submission point from KiwiRail Holdings Limited (**KiwiRail**) [51.20] sought an amendment to also include 'repair'. In its reasoning, KiwiRail stated that the rule should be broadened to apply to the repair and enhancement of network utilities as a permitted activity and that the amendment would more effectively link with the

wording in NU-P1. It provides a specific wording suggestion in terms of 'repair' but has not done so for the enhancement of network utilities.

151. I do not agree that it is necessary to add 'repair' to rule NU-R3. The rule currently includes maintenance, which is a defined term in the Plan. As stated above the definition of maintenance includes the repair of an existing network utility with another of a similar scale and in a similar location. Therefore adding 'repair' to Rule NU-R4 would be superfluous.
152. Regarding KiwiRail's request to broaden the rule to include the enhancement of network utilities, I consider this to be unnecessary. Other rules in the Network Utilities chapter, such as NU-R17 Upgrading of existing above ground network utilities, provide for the upgrade of network utilities.
153. I therefore recommend rejecting the submission point from KiwiRail on this matter.

#### NU-R4 New and extended or upgraded access tracks

154. Rule NU-R4 sets out the activity status, performance standards and matters of discretion for new and extended or upgraded access tracks. The activity status and performance standards vary depending what zone, overlay or scheduled site the activity falls within.
155. It is also worth keeping in mind that where new and extended or upgraded access tracks result in earthworks or indigenous vegetation clearance they will also trigger NU-R33 Earthworks and NU-R37 Removal of indigenous vegetation. These two rules provide a much more nuanced approach to managing the effects of earthworks and indigenous vegetation clearance within specific zones, overlays, scheduled sites and areas. As noted in the 'Rules' introductory section, 'where an activity breaches more than one rule, the most restrictive status shall apply to the activity'.
156. However, NU-33 Earthworks and NU-R37 Removal of indigenous vegetation are not always more onerous than the other activity rules. For example, in some instances, the activity status assigned in NU-R4 New



and extended or upgraded access tracks is more onerous than the activity status in NU-R33 Earthworks and NU-R37 Removal of Indigenous vegetation. An example of this is the discretionary status assigned to 'Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites' in NU-R4 whereas NU-R33 provides for earthworks (which I consider the main effect of tracks) in these areas as either a permitted, restricted discretionary or non-comply activity depending on what overlay or scheduled site the activity is proposed to take place in.

157. Eight primary submission points were received with regards to Rule NU-R4. Of the primary submissions, four sought retention of the rule and three submitters sought either possible deletion or amendments.
158. WRC [10.26a] expressed general concerns that there are almost identical rules in different chapters, and it considers this rule to be one of them. As I discussed earlier, I have been unable to find a similar rule in another chapter and therefore recommend it be retained.
159. WRC [10.25] also requested an explanation regarding the difference in activity status levels or an amendment to the rule so that the activity status levels are consistent.
160. KiwiRail [51.21] sought an amendment to the table to change the activity status within outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites from discretionary to restricted discretionary.
161. Although I am not the original author of the chapter, it appears that activity status has likely been assigned based on assumptions around the potential effects of a given activity in relation to the zone, overlay or scheduled site it falls within rather than aligning with other relevant provisions in the Network Utilities Chapter, such as NU-R33 Earthworks and NU-R37 Removal of indigenous vegetation, or other Chapters of the Plan. As a result, there are inconsistencies between the various activity rules including NU-R33 and NU-R37.

162. I consider that activities captured under NU-R4 New and extended or upgraded access tracks will also be subject to NU-R33 Earthworks and NU-R37 Removal of indigenous vegetation where relevant. If the activity has a less onerous activity status in NU-R4 compared to NU-R33 or NU-37, then the more restrictive activity status will apply. I have provided an example below to illustrate the relationship between rules and used a new access track in an Outstanding Natural Landscape as case study:

Rule	Area / zone: Outstanding natural landscape	Activity status
NU-R4  New and extended or upgraded access tracks		RDIS
NU-R33 Earthworks	Maximum 250m <sup>3</sup> per holding per calendar year	PER
	Greater than 250m <sup>3</sup> per holding per calendar year	RDIS
NU-R37 Removal of indigenous vegetation	Maximum 5000m <sup>2</sup> per holding per calendar year	PER
	Greater than 5000m <sup>3</sup> per holding per calendar year	RDIS

163. For this reason, I am less concerned about having a less onerous activity status in NU-R4, as NU-R33 and NU-37 will provide the appropriate checks and balances and more effectively address the effects of the proposed activity. In some cases, having a lesser activity status will provide greater consistency with NU-R33 and NU-R37, however it does not resolve all the issues around consistency.

164. For the above reasons I recommend accepting the submission points from WRC [10.25] and KiwiRail [51.21] and recommend the following amendment:

NIU-R4: New and extended or upgraded access tracks					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purposes, tourism, open space and natural open space zones, all projects except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER	PER	DIS RDIS	RDIS	PER: Coastal environment, landscapes of high amenity value RDIS: karst overlay	PER

165. The matters of discretion that would apply are already in the rule, and therefore no further amendments are necessary:

- (a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and
- (b) The technical, functional and operational needs of and benefits from the network utility and the works proposed; and
- (c) The amount and frequency of traffic movements and the type of vehicles, that will use the access track; and
- (d) Whether the works or actions will result in additional public health and/or safety risks; and
- (e) Effect on the values of the overlay, scheduled site or feature; and
- (f) Within significant natural areas, the methods proposed to avoid or minimise potential adverse effects on indigenous biodiversity including the consideration of the no net loss principal and rehabilitation measures; and
- (g) For adjacent sensitive activities, the location of the track on the site and whether another location is possible; and
- (h) How dust is to be managed so it does not create a health or nuisance issue, or damage property; and
- (i) The potential to contribute to cumulative effects on amenity values and
- (j) measures to avoid, remedy, or mitigate damage to ecological, hydrological and geological values of the karst system.

166. DOC [53.24a] sought an additional matter of discretion that addresses adverse effects on indigenous biodiversity and habitats of indigenous fauna, proposed mitigation measures and the extent to which any adverse effects be avoided, remedied or mitigated by applying the effects management hierarchy. This is a common theme to DOC's submission, with identical submission points to six other rules. I have addressed this submission point, and the other similar DOC submission points on this matter, under NU-R37 Removal of indigenous vegetation.

NU-R6 New customer connections

167. Rule NU-R6 enables new customer connections as a permitted activity in all zones, precincts, overlays, scheduled sites and features. The activity is subject to three performance standards, being:
- a. Compliance with NU-Table 2;
  - b. Must not include a new tower; and
  - c. Not exceed three new additional poles except in the General rural zone.
168. The rule also contains an advice note that an archaeological authority from Heritage New Zealand Pouhere Taonga may be required.
169. Three submissions were received to NU-R6. Of these, HNZPT [03.36] sought that the permitted activity status be amended to a restricted discretionary activity. HNZPT expressed concern that new customer connections could have adverse impacts on heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites.
170. I consider that one of the main effects of new customer connections on heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites will arise from earthworks if the connection is underground. With that in mind, Rule NU-R6 New customer connections also needs to be read in conjunction with Rule NU-R33 Earthworks. This rule assigns restricted discretionary activity status to all

earthworks on sites of significance to Māori and significant archaeological sites (there is no permitted threshold). As noted in the 'Rules' introductory section, 'where an activity breaches more than one rule, the most restrictive status shall apply to the activity'.

171. In terms of heritage buildings and structures, Rule NU-33 earthworks cross references to the zone rules. However, the zone rules do not contain earthwork provisions, rather they cross reference to 'any relevant provision in Part 2 District-Wide Matters'. After following the trail of cross references the Plan user arrives in Chapter 33 Earthworks, specifically Rule EW-R5 Earthworks for any other purpose and EW-R6 volume of Earthworks. I am not sure if this was the intent, or whether NU-R33 meant to direct users to the Historic Heritage chapter. IN any case, the EW rules set out a small volume of permitted earthworks, if this is not complied with then a consent for a restricted discretionary activity is required. There is a matter of discretion that enables the 'Effects on sites and areas of significance to Māori and sites of historic heritage where the earthworks are adjoining, or on the same holding as these sites' to be considered.
172. I also considered that new network connections may require an external modification in the case of a house with an overhead customer connection. This would invoke HH-R5 which is external alterations for reasons not provided for in other HH rules. Category 1 buildings would be a discretionary activity, and Category 2 buildings are restricted discretionary. Any poles or overhead lines that were required would be captured by NU-R19 and be a discretionary activity in a heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites.
173. In summary, I agree that new customer connections could have adverse effects on heritage buildings and structures, areas of significance to Māori and significant archaeological sites but I consider that the combination of rules would require a resource consent.

174. For the reasons set out above I recommend rejecting the submission point from HNZPT.

NU-R11 Electricity generators and self-contained power units for the supply of a network utility

175. Rule NU-R11 enables electricity generators and self-contained power units as a permitted activity subject to three performance standards. If compliance is not achieved, then they are considered as a restricted discretionary activity. There is no variation of activity status depending on the location of the units, unless another rule such as earthworks was triggered.
176. Three submissions were received to Rule NU-R11 Electricity generators and self-contained power units for the supply of a network utility. Of these, one submission point from HNZPT [03.40] sought an amendment to be restricted discretionary activity when located in heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites, with associated assessment criteria.
177. I agree that electricity generators and self-contained power units could have adverse effects on heritage buildings and structures, areas of significance to Māori and significant archaeological sites, particularly as there is no limitations on size. I recommend accepting the submission from HNZPT and amending the activity status to restricted discretionary for heritage buildings and structures, areas of significance to Māori and significant archaeological sites as follows:

NU-R11.	Electricity generators and self-contained power units for the supply of a network utility	
	All zones and all precincts. All <b>other</b> overlays, scheduled sites and features All roads and new roads approved as part of a resource consent	Heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites
	PER	<b>RDIS</b>

178. Given the change in activity status, I also consider that an addition to the matters of discretion is appropriate. There is a matter of discretion that is

used throughout the Network Utilities Chapter to address effects on significant sites and areas, and I consider it appropriate in this instance:

(f) Effects on the values of any overlay or scheduled site or feature.

#### NU-R12 Temporary network utilities

179. NU-R12 relates to temporary network utilities and is a permitted activity in all areas apart from outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori, significant archaeological sites and significant natural areas. Six submissions were received on Rule NU-12 Temporary network utilities. Of these, one submission point from DOC [53.24b] sought an additional matter of discretion that addresses adverse effects on indigenous biodiversity and habitats of indigenous fauna, proposed mitigation measures and the extent to which any adverse effects be avoided, remedied or mitigated by applying the effects management hierarchy. This is a common theme to DOC's submission, with identical submission points to six other rules. I have addressed this submission point, and the other DOC submission points on this matter, under NU-R37 Removal of indigenous vegetation.
180. WRC [10.25] requested an explanation regarding the difference in activity status levels or an amendment to the rule so that the activity status levels are consistent. WRC also suggested adding a heading for column four of the table in NU-R12.
181. Although I am not the original author of the Chapter, it appears that activity status has likely been assigned based on assumptions around the potential effects of a given activity in relation to the zone, overlay or scheduled site it falls within.
182. I agree with WRC that the heading is missing from the fourth column. Therefore, I recommend accepting in part the submission point from WRC [10.25] and adding a heading to the fourth column as follows:

NU-R12. Temporary network utilities					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PHUC3	Industrial, general rural and rural production zones and PHUC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER	PER	DIS	PER: Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	PER	PER

### NU-R30 New network utilities not otherwise provided for in Table 1

183. Rule NU-30 New network utilities not otherwise provided for in Table 1 is designed to capture activities not provided for elsewhere in Table 1. The activity status varies depending on what zone, overlay, scheduled site or feature an activity is located in. Due to its broad catchall nature, the effects of activities captured by this rule could vary from minor through to significant.
184. Three submission points were received on Rule NU-30, and of these two submission points sought amendments. HNZPT [03.56] sought that the activity status be amended from a discretionary to a non-complying activity for heritage buildings and structures. HNZPT considers that it is reasonably likely that this activity, if located in a heritage building or structure, would destroy it.
185. While I agree with HNZPT that the potential effects of these activities could result in destruction of heritage buildings and structures, it may also be that these activities result in minor effects on heritage. Note that where Heritage Buildings and Structures are referred to it also means the site or surroundings of any building or structure listed in SCHED 1. I consider that the current discretionary activity status provides a balance by enabling a proposed activity to be assessed against the objectives and policies in Chapter 24 Heritage. I am aware of some highly restrictive policies in the Historic Heritage chapter, against which a proposal would be assessed. For example, HH-P13 states:

HH-P13

Protect buildings and structures from demolition unless:

1. The condition of an item poses an untenable risk to human life, and
2. All reasonable alternatives have been investigated and considered, including restoration, reuse or relocation, and these alternatives have been found to be impracticable and uneconomic.



186. I consider that the discretionary activity status is appropriate and therefore recommend rejecting the submission from HNZPT.
187. Transpower [31.55] sought clarification of the activities anticipated to be subject to NU-R30, and amend the activity status to discretionary should it apply to any National Grid activities. Alternately, Transpower seeks the rule clearly state it does not apply to the National Grid. The intention is for the rule to apply to activities that are not covered by another rule in NU-Table 1. I am not averse to a catchall rule specific to the National Grid, but it would be helpful for me if Transpower to provide examples of its activities and structures that are not covered by another rule in NU-Table 1. That way I can better understand the scale and type of activity that such a catchall rule may apply to, and make recommendations accordingly.

## **10 Topic 7: Underground utilities only**

### **10.1 Introduction**

188. This topic addresses the three activity rules in the 'Underground network utilities only' section of NU-Table 1 Activity Rules. Also addressed under this topic is the Table 2 performance standards in NU-R43 Upgrading including realignment of existing underground network utilities. The content of this rule in Table 2 is closely linked to the three underground network utility rules in Table 1.
189. Ten submissions were received on all three of the underground network utility activity rules in Table 1. While three submissions were received on the performance standards in NU-R43 in Table 2.

### **10.2 Analysis and recommendations**

NU-R14 Upgrading including realignment of existing underground network utilities

190. Rule NU-R14 relates to the upgrading including realignment of existing underground network utilities. This is a permitted activity across all areas subject to performance standards, however there are two exceptions to this. Firstly, upgrades and realignment in outstanding natural features, sites, areas of significance to Māori and significant archaeological sites are a restricted discretionary activity. Secondly, gas pipelines over 2,000 kilopascals are also a restricted discretionary activity.
191. Three submissions were received on Rule NU-R14, with two of these submissions seeking amendments to the rule.
192. Chorus, Connexa, Spark, Vodafone [09.14a] considered that the rule unnecessarily restricts the realignment of underground infrastructure to 5m (due to its link to Table 2 NU-R43) in zones and overlays where this activity is permitted. As a result, they sought an amendment to Rule NU-R14 such that realigning underground infrastructure permitted by NU-R14 is not subject to a 5m restriction on realignment/relocation. I have addressed this matter in the discussion related to NU-R43 below.
193. First Gas [39.49] sought that pipelines in excess of 2,000kpa are also enabled as a permitted activity subject to meeting standards (i.e. Table 2). It states that there is negligible difference and effects of the construction of a low or high pressure pipeline are similar. Consequently it sought to delete the maximum 2,000 kilopascal standard for any gas pipeline.
194. While First Gas have said in its submission that there are negligible difference in the effects of construction of a low or high pressure gas pipeline, it has not provided any further information to support this statement. I invite First Gas to provide further information through evidence regarding this. In the absence of further information, I recommend rejecting the submission point from First Gas [39.49].

NU-R15 New underground network utilities, except for gas pipelines where the gauge pressure exceeds 2,000 kilopascals

195. Five submissions were received to Rule NU-R15 New underground network utilities, except for gas pipelines where the gauge pressure exceeds 2,000 kilopascals. Two of these submissions sought amendments to the rule.
196. Chorus, Connexa, Spark, Vodafone [09.15] sought an amendment to Rule NU-R15 to make it clear that permitted activity status in roads applies even where the road traverses an overlay where it is otherwise not permitted.
197. I consider that the amendment requested by Chorus, Connexa, Spark, Vodafone [09.15] is already addressed in the section 'Rules' which is the introductory text to the rules section and is designed to provide a 'readers guide'. The second sentence of this section states:
- For the purposes of this chapter, irrespective of whether a scheduled site, feature or overlay is shown on the planning maps, the only column in the tables below that applies to roads is labelled "All roads and new roads approved as part of a resource consent".
198. I therefore recommend that the submission point from Chorus, Connexa, Spark, Vodafone [09.15] is rejected.
199. DOC [53.24c] sought an additional matter of discretion that addresses adverse effects on indigenous biodiversity and habitats of indigenous fauna, proposed mitigation measures and the extent to which any adverse effects be avoided, remedied or mitigated by applying the effects management hierarchy. This is a common request in DOC's submission, with identical submission points to six other rules. I have addressed this submission point, and the other DOC submission points on this matter, under NU-R37 Removal of indigenous vegetation.

NU-R16 New Underground gas pipeline exceeding 2000 kilopascals

200. Three submissions were received to Rule NU-R16 New Underground gas pipeline exceeding 2000 kilopascals. Of these, DOC [53.24d] sought an additional matter of discretion that addresses adverse effects on indigenous biodiversity and habitats of indigenous fauna, which I have addressed under NU-R37 Removal of indigenous vegetation.

Performance Standard NU-R43 Upgrading including realignment of existing underground network utilities.

201. NU-R43 is the standard that applies to upgrading including realignment of existing underground network utilities. Three submission points were received to NU-R43, with all three submission points seeking the deletion of clause 1 that states:

The upgrading, realignment or relocation of an underground line, pipe (excluding a gas transmission pipeline), or ancillary structure is within 5 m of the existing alignment or location; or

202. Chorus, Connexa, Spark, Vodafone [09.14b, 09.22] and TLC [25.14] consider that NU-R43.1 unnecessarily restricts the realignment of underground infrastructure to within 5m of the existing alignment and that this is inconsistent with the permitted activity rules of new underground infrastructure.
203. I agree that the current standard is more onerous than it would be to install a new underground network. I therefore recommend the deletion of clause 1.

NU-R43.	Upgrading including realignment of existing underground network utilities
<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<p><del>1. The upgrading, realignment or relocation of an underground line, pipe (excluding a gas transmission pipeline), or ancillary structure is within 5 m of the existing alignment or location; or<sup>3</sup></del></p> <p>2. The upgrading, realignment or relocation of an underground gas transmission pipeline is within:</p> <p>(i) An existing easement in favour of the pipeline; and</p> <p>(ii) Is within 12 m of the existing alignment or location.</p> <p><del>AND</del></p> <p>3. The upgrading, realignment/relocation or removal of existing underground network utilities in outstanding natural features, sites and areas of significance to Māori and significant archaeological sites is a restricted discretionary activity. See NU-R3 and NU-R14.</p>

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<sup>3</sup> Chorus, Connexa, Spark, Vodafone [09.14b, 09.22] and TLC [25.14]

204. While no submission requested it, I would support the amalgamation of NU-R43 into NU-R14 as the standards are directly linked to just that rule if the Panel were minded to simplify the Plan. It seems inefficient to have the rule essentially split when it could be combined into one location.

## **11 Topic 8: Above ground network utilities**

### **11.1 Introduction**

205. This topic addresses the activity rules under 'Above ground network utilities only' in NU-Table 1 Activity Rules. Also addressed under this topic is the Table 2 performance standards in NU-R44 Upgrading of existing above ground network utilities.
206. 23 submissions were received to provisions under this topic. Rule NU-R18 New above ground pipes and NU-R17 Upgrading of existing above ground network utilities only received submissions in support and therefore are not discussed further.

### **11.2 Analysis and recommendations**

#### NU-R19 New overhead lines and associated poles or towers

207. Rule NU-R19 manages new overhead lines and associated poles and towers. The activity status is different depending on what zone, overlay, scheduled site, or feature the activity is located in. As expected, the provisions are more onerous where an activity is located in an overlay, scheduled site, or feature. Activities are also required to comply with the provisions in NU – Table 2.
208. Six submission points were received to NU-R19 New overhead lines and associated poles or towers, but only two submission points sought amendments.
209. WRC [10.27a] requested justification regarding the difference in activity status levels or amend these rules so that the activity status levels are consistent, by changing the coastal environment, karst overlay and landscapes of high amenity value to Restricted Discretionary or Discretionary.

210. I consider that the activity status of restricted discretionary assigned in Rule NU-R19 to the coastal environment, karst overlay, landscapes of high amenity value is appropriate. Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites, outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character have a more stringent activity status of discretionary. This is due to these areas being of national importance as identified in section 6 of the RMA. The activity status more closely aligns with the rules in the overlay chapter. For example, buildings up to 8m in height and less than 300m<sup>2</sup> are a permitted activity in the coastal environment and in areas of high amenity. While NU-R19 enables a greater height (up to 15m), there is no way that a pole or tower would have the bulk that is permitted in the respective overlay chapters (300m<sup>2</sup>). In terms of visual effects, a single pole of 8m will have considerably less effect than a 5m high building of 300m<sup>2</sup> area. I consider the activity status of permitted to be appropriate. I therefore do not recommend any amendments in response to this submission point.
211. TLC [25.13] sought an amendment so that the activity includes associated 'equipment'. The submission clarified that the intention is to include pole mounted equipment by NU-R19.
212. A review of the performance standards in NU-R44 leads me to the conclusion that the intention is that equipment is captured by the rules. The performance standards in NU-R44 reference items such as conductors, cross arm, switch, transformer, insulators, lightning rods, voltage regulators, other ancillary equipment. I therefore recommend that the submission from TLC [25.13] be accepted and Rule NU-R19 be amended as follows:

<b>NU-R19.</b>	<b>New overhead lines and associated <u>equipment</u>, poles or towers</b>
----------------	--

NU-R20 New substations, ground mounted transformers,  
compressor/scrapper stations, gas regulation valves and/or take off  
stations and ancillary energy storage batteries

213. Six submissions were received to Rule NU-R20. Of these, DOC sought two amendments to the rule. Firstly, DOC [53.25] has sought to amend the activity status assigned to significant natural areas from restricted discretionary to discretionary.
214. NU-R20 allocates restricted discretionary status to new substations, ground mounted transformers, compressor/scrapper stations, gas regulation valves and/or take off stations and ancillary energy storage batteries within significant natural areas (**SNA**). Restricted discretionary activities in an SNA are not subject to any maximum area controls under NU-R20. However, NU-R20 needs to be read in conjunction with NU-R37 which is the standard which controls removal of indigenous vegetation. NU-R37 enables the removal of indigenous vegetation in SNA's as a permitted activity subject to the threshold in NU-R37.2 and in very limited circumstances as set out in NU-R37.3- 5, mostly around maintenance and the safe operation of existing network utilities. Beyond this permitted activity status, NU-R37 states that the clearance of indigenous vegetation within an SNA is a discretionary activity. Given the nature of the activity in NU-R20, if it were to occur within an SNA and result in the clearance of indigenous vegetation it would be considered as a discretionary activity due to NU-R37.
215. I consider that the combination of the activity status in the rule plus the vegetation clearance standards in NU-R37 are sufficient. Therefore, I recommend rejecting the submission point from DOC [53.25].
216. Secondly, DOC [53.24e] sought an additional matter of discretion that addresses adverse effects on indigenous biodiversity and habitats of indigenous fauna. I have addressed this submission point, and the other DOC submission points on this matter, under NU-R37 Removal of indigenous vegetation.

Performance standards NU-R44 Upgrading of existing above ground network utilities

217. Performance standard NU-R44 includes 13 standards that apply to upgrading of above ground network utilities. It is worth noting that the performance standards are designed to capture many different scenarios, and this has led to a number of performance standards being required in order to retain a permitted activity status.
218. Five submission points were received to NU-R44. Of these three sought amendments.
219. Ventus Energy (**VE**) [42.18] sought NU-R44 be amended by reducing the number of performance standards required to be complied with to retain permitted activity status. VE have provided no further information as to which standards they consider unnecessary. Without this additional information and analysis, I therefore recommend rejecting the submission point from VE.
220. Chorus, Connexa, Spark, Vodafone [09.23] sought an amendment to NU-R44.12(i) for clarity to include the word 'largest' before 'face'. I agree that the amendment will clarify the application of the rule and establish a more reasonable envelope in which upgrades can occur. Therefore, I recommend accepting the submission point from Chorus, Connexa, Spark, Vodafone [09.23] and making the following amendment:

12. In all locations:

...

(i) A replacement panel antenna must not increase the **largest** face area by more than 20 percent; and

...

221. TLC [25.15] sought an amendment to NU-R44 as follows:

1. Where not otherwise identified as a permitted activity, ~~The~~ realignment, relocation, ...

222. TLC noted that the Plan allows for new overhead lines to be developed as permitted activities subject to compliance with the applicable performance standards. If a section of existing overhead line needed to be realigned in



excess of 5m, TLC consider it unreasonable that a restricted discretionary activity should apply for a new pole that would otherwise meet the permitted height standards for the zone (as specified in NU-Table 2).

223. Rule NU-R19 New overhead lines and associated poles or towers allows new overhead lines as a permitted activity in certain areas subject to thresholds. Rule NU-R17 Upgrading of existing above ground network utilities also enables upgrades as a permitted activity subject to certain performance standards as set out in Table 2. NU-R44 Upgrading of existing above ground network utilities, in Table 2, contains most of these performance standards. In some situations, the provisions applying to upgrading existing above ground network utilities are more onerous than those that apply to new overhead lines. For example, it is permitted to construct a new line as long as the height requirements alongside the activity status in NU-R19 are met. However, under NU-R17 and NU-R44 if the realignment, replacement or relocation is not within 5m of the existing network utility it would trigger the need for a restricted discretionary consent.
224. The benefit to a network utility operator of accessing the rules for an upgrade rather than for a new structure is where they are located within an overlay or are already over the permitted height. I am not certain that the amendment sought by TLC will address its concerns and may confuse interpretation of the standard. I therefore recommend rejecting the amendment sought, but welcome further discussion and thoughts on how to address this issue from TLC in its evidence.

## **12 Topic 9: Telecommunications**

### **12.1 Introduction**

225. This topic addresses the rules under the 'Telecommunications' section of NU-Table 1 Activity Rules. Also addressed under this topic is:
- a. NU-R2 National Environmental Standards for Telecommunication Facilities,

- b. Performance standard NU-R48 New telecommunication poles and new antennas attached to poles that are not a regulated activity under NESTF, and
  - c. The request for a new rule relating to poles and antennas in roads not regulated by or complying with the NESTF.
- 226. Seven submissions were received to provisions under this topic. Rule NU-R22 New telecommunications kiosks only received submissions in support and therefore is not discussed further.

## **12.2 Analysis and recommendations**

### NU-R2 National Environmental Standards for Telecommunication Facilities (NESTF) 2016

- 227. Two submissions were received to NU-R2 National Environmental Standards for Telecommunication Facilities (NESTF) 2016. HNZPT [03.33] sought that the discretionary activity status be retained for Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites. In contrast, Chorus, Connexa, Spark, Vodafone [09.11] sought that Rule NU-R2 be amended such so that the following telecommunication structures within overlays and scheduled sites and features are exempt where they otherwise meeting NESTF Regulations 26-29:
  - a. Customer connections;
  - b. Cabinets in roads; and
  - c. Poles and antennas in roads.
- 228. The submitter accepts that structures in an Outstanding Natural Feature may require a resource consent. I am mindful that NU-R6 enables new customer connections as a permitted activity and am not certain why the telecommunications companies would not utilise that rule. In terms of the other structures, given the sensitive nature of the overlays and the potential for structures to affect values, I consider the activity statuses set out in NU-R2 to be appropriate.

NU-R21 New telecommunication poles and new antennas attached to poles that are not a regulated activity under NESTF

229. NU-R21 manages new telecommunication poles and antennas attached to poles. As these are structures not covered by the NESTF, the activity status is discretionary except for Industrial, Rural production zones and PREC3.

230. Chorus, Connexa, Spark, Vodafone [09.16] sought amendments to Rule NU-R21 such that poles and attached antennas are a permitted activity in the Rural Residential Zone, Commercial Zone (COMZ) and Te Kuiti CBD Precinct PREC5. Proposed standards are included in the submission on Table 2 (NU-R48). Chorus, Connexa, Spark, Vodafone [09.17] sought a new rule that provides for poles and attached antennas in roads not regulated by or complying with the NESTF as a controlled activity subject to the following standards:

- 15m or the permitted height limit for poles and attached antennas in the adjacent zone, whichever is the greater.
- 700mm maximum width for antennas, antenna headframe and any shroud mounted on the pole.

231. Given these are structures which are not covered by the NESTF and being mindful of the environment and amenity in the various zones across the District, I recommend rejecting the submission point. While a controlled activity give certainty to the telecommunication company, it does not allow the resource consent to be rejected if there are significant adverse effects.

Performance standards NU-R48 New Telecommunication poles and new antennas attached to poles that are not a regulated activity under NESTF

232. The submission from Chorus, Connexa, Spark, Vodafone [09.26] sought amendments to Rule NU-R48 such that the scope of the rule includes the Rural Residential Zone, COMZ and PREC5. Amend the standards such that the height limits are:

- Industrial, general rural, rural production and rural residential zones, PREC3 and PREC5: 25m
- COMZ: 20m
- An additional 5m allowance above the maximum height limits where the antennas of two different operators are sited on the same pole.

233. While I do not support the inclusion of the Commercial zone, I can see the value in enabling a greater height where multiple operators are located on the same pole. This will enable more efficient use of a structure and presumably negate the need for multiple structures. I therefore recommend the submission be accepted in part and NU-R48 be amended as follows:

1. The maximum height of any pole must not exceed 25 m, except where the antennas of two different operators are sited on the same pole, the maximum height of that pole must not exceed 30 m; and

## **13 Topic 10: Three waters**

### **13.1 Introduction**

234. The 'Three waters' section of NU-Table 1 Activity Rules is addressed in this topic. Two of these activity rules only have submissions in support, they are not discussed any further. Only Rule NU-R26 Wastewater treatment and storage, excluding domestic scale septic tanks attracted a submission that sought amendments.

### **13.2 Analysis and recommendations**

#### NU-R26 Wastewater treatment and storage, excluding domestic scale septic tanks

235. HNZPT [03.53] sought amendments to Rule NU-R26 to include domestic scale septic tanks. HNZPT considers that a domestic scale septic tank can destroy features and should also be assessed as a non-complying activity.
236. While I agree with HNZPT that a domestic scale septic tank could have effects on a feature, the Network Utilities is only intended for network utility operators. Installing a domestic scale wastewater system on a site that was scheduled as a historic heritage site would require resource

consent as a discretionary activity by HH-R13. I consider this approach will address the concerns raised by HNZPT.

237. For the above reasons I recommend rejecting the submission by HNZPT [03.53].

## **14 Topic 11: Sensing and monitoring equipment**

### **14.1 Introduction**

238. This topic covers Rule NU-R23 Sensing and environmental monitoring equipment including air quality and meteorological equipment.
239. Four submissions were received to Rule NU-R23 Sensing and environmental monitoring equipment including air quality and meteorological equipment. Of those, two sought amendments to the rule.

### **14.2 Analysis and recommendations**

Rule NU-R23 Sensing and environmental monitoring equipment including air quality and meteorological equipment.

240. WRC [10.27b] has requested justification regarding the difference in activity status levels or amend these rules so that the activity status levels are consistent, by changing the coastal environment, karst overlay and landscapes of high amenity value to Restricted Discretionary or Discretionary.
241. Rule NU-R23 Sensing and monitoring equipment including air quality and meteorological equipment is a permitted activity within the coastal environment, karst overlay and landscapes of high amenity value. This is subject to a number of permitted activity standards including a maximum area of 20m<sup>2</sup>. Permitted activities that do not comply are restricted discretionary activities. As I have explained elsewhere in this report, the activity status more closely aligns with the rules in the overlay chapter. For example, buildings up to 8m in height and less than 300m<sup>2</sup> are a permitted activity in the coastal environment and in areas of high amenity. When comparing the scale of the sensing and monitoring equipment with the permitted level of development in the respective

chapter, I consider the activity status of permitted to be appropriate. I therefore do not recommend any amendments in response to this submission point.

242. DOC [53.24f] sought an additional matter of discretion that addresses adverse effects on indigenous biodiversity and habitats of indigenous fauna, which I have addressed under NU-R37 Removal of indigenous vegetation.

## **15 Topic 12: Signs**

### **15.1 Introduction**

243. This topic covers policies, activity rules and performance standards relating to signs. Because the Network Utilities was drafted to be self-contained and a “one stop shop” for network utility operators, the chapter contains provisions relating to signs.
244. 12 primary submission points were received in relation to signs. Of these, nine sought amendments mostly by way of relocating the provisions to other chapters in the Plan.

### **15.2 Analysis and recommendations**

Sign Policies: NU-P4, NU-P5 and NU-P6

245. Seven primary submissions were received across the three sign policies contained in the Network Utilities Chapter. Of these submissions, four submissions from WRC [10.23a, 10.20, 10.23b, 10.23c] sought that these policies be relocated to another chapter of the plan.
246. I have undertaken a comparison of the signage policies in the Network Utilities Chapter with the policies in Chapter 39 Signs. The signs policies in the Network Utilities Chapter have a corresponding identical policy in Chapter 39 Signs as follows:

Chapter 19 Network Utilities	Chapter 39 Signs Chapter equivalent
NU-P4	SIGN-P1

NU-P5	SIGN-P2
NU-P6	SIGN-P3

247. In addition, the Network Utilities Chapter enables consideration of objectives and policies in the Signs Chapter due to the following wording that appears in italics under both the 'Objectives' and 'Policies' heading:

*Refer also to the relevant policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters*

248. For the reasons above, I recommend accepting in part the submission points from WRC and deleting the following from Chapter 19 Network Utilities:

#### **Signs**

~~**NU-P4.** Allow signs that are required by legislation, including but not limited to health and safety, dangerous buildings and hazardous substances signs.~~

~~**NU-P5.** Allow signs on roads and railways that assist in directing traffic and promoting safety.~~

~~**NU-P6.** Ensure the number, design, location, and content of any sign does not adversely affect the safe functioning of roads by minimising obstructions caused by signs projecting into or over roads and access ways and avoiding clusters of signs which result in visual clutter and driver distraction.~~

#### Signage rules

249. Four submission points were received to activity Rule NU-31 Official Signs, NU-R32 Signs and performance standard NU-R51 Signs. Of these, three submission points by WRC [10.29a, 10.29b and 10.37] sought the relocation of each rule to the Signs Chapter. One submission point from Waka Kotahi [17.41] sought an additional matter of discretion to NU-R32 Signs.
250. While the objectives and policies section of Chapter 19 Network Utilities references other objectives and policies in the Plan, the intention is that the rules in the Network Utilities Chapter are largely self-contained. For this reason, I consider it appropriate to retain the signage rules in Chapter

19 Network Utilities. I therefore recommend rejecting the submission points from WRC.

251. Moving to the submission point from Waka Kotahi [17.41] on Rule NU-R32 Signs, Waka Kotahi sought an additional matter of discretion as follows:

(h) The outcome of consultation with Waka Kotahi New Zealand Transport Agency if signs are visible from the state highway network.

252. I note that Waka Kotahi requested a similar amendment to SIGN-R12. To achieve a consistent approach to signage in the Plan, I adopt the reasoning and wording as set out in paragraph 70 through to 72 of the Section 42A Report Topic: District wide matters – Noise, Signs, Temporary Activities, Relocated Buildings and Light, dated 27<sup>th</sup> March 2024. I therefore recommend accepting in part the submission from Waka Kotahi [17.41] and propose an amendment to the matters of discretion in NU-R32 Signs as follows:

**Where the activity is a RDIS activity, the matters over which discretion is restricted are:**

...

(h) The outcome of consultation with Waka Kotahi New Zealand Transport Agency if signs are visible from the state highway network.

## **16 Topic 13: Earthworks**

### **16.1 Introduction**

253. This topic covers policies, activity rules and performance standards relating to earthworks.
254. Seventeen submissions relating to earthworks were received. Of these, eleven sought either relocation of the provisions or amendments to the provisions.

### **16.2 Analysis and recommendations**

Policy NU-P7



255. Six submissions were received to policy NU-P7. Two submissions from WRC [10.21 and 10.23d] sought that the policy be either removed completely or relocated to elsewhere in the plan. Forest and Bird [47.45] sought that the wording of NU-P7 be amended as follows:

Enable earthworks where they maintain the stability of land, are setback from caves, sinkholes and water bodies and ~~minimise~~ avoid...

256. Forest and Bird also expressed concern that the policy does not give effect to the NZCPS where these activities occur within the coastal environment.
257. With regard to the Forest and Bird submission point, I do not consider it appropriate to use the term 'avoid' in place of 'minimise' in policy NU-P7 as it may not be practical to achieve complete avoidance of the listed effects. With regard to its comments about policy NU-P7 not giving effect to the NZCPS, I note that the objectives and policies of Chapter 32 Coastal Environment also apply to earthworks related to network utilities. Therefore, I consider that the NZCPS is given effect to. Accordingly, I recommend rejecting the submission point from Forest and Bird [47.45].
258. I have undertaken a comparison of the earthworks policy in the Network Utilities Chapter with the policies Chapter 33 Earthworks. Policy EW-P1 in Chapter 33 Earthworks is identical to Policy NU-P7.
259. In additional, the Network Utilities Chapter enables consideration of objectives and policies in the Earthworks Chapter due to the following wording that appears in italics under both the 'Objectives' and 'Policies' heading:

*Refer also to the relevant policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters*

260. For the reasons above, I recommend accepting the submission points from WRC [10.21 and 10.23d] and deleting the earthworks policy NU-P7 from Chapter 19 Network Utilities as follows:

### **Earthworks**

~~**NU-P7.**Enable earthworks where they maintain the stability of land, are setback from caves, sinkholes and water bodies and minimise:~~

- ~~1.—Erosion and sediment loss from the site, including loss to reticulated stormwater systems; and~~
- ~~2.—The effect of cut or fill faces and retaining structures on the visual amenity and character of the surrounding area; and~~
- ~~3.—Significant alterations to natural landforms; and~~
- ~~4.—Adverse effects on air quality from objectionable particulate matter.~~

### NU-R33 Earthworks

261. Five submissions were received to rule NU-R33 Earthworks. Of those, four submissions sought either relocation of the provision to another chapter or amendments to the provision. Earthworks is not in and of itself an activity in the context of network utilities; it is very unlikely that a network utility operator would undertake earthworks without it being a necessary requirement of some other activity such as installing a new pole, or accessing an underground pipe. Therefore it is a little unusual that the location of the earthworks rule is in NU-Table 1 which is where the activities are located. If the Panel were of a mind to restructure to the Network Utilities chapter, I would support relocating it to NU-Table 2 where it would perform as a standard rather than an activity.
262. WRC [10.30a] sought that Rule NU-R33 be relocated to the Earthworks Chapter. As discussed elsewhere, the intention is that the rules in the Network Utilities Chapter are largely self-contained. For this reason, I consider it appropriate to retain the earthwork rules in Chapter 19 Network Utilities and recommend rejecting the submission point from WRC.
263. HNZPT [03.57] sought that NU-R33 be amended to a discretionary activity for earthworks in sites and areas of significance to Māori and significant archaeological sites. As notified Rule NU-R33 specifies that earthworks in sites and areas of significance to Māori and significant archaeological sites are a restricted discretionary activity.
264. I have undertaken a comparison of Rule NU-R33 with the equivalent provisions in Chapter 24 Historic Heritage and Chapter 25 Sites and Areas of Significance to Māori to determine if there is consistency between activity status for earthworks. As demonstrated in the table below, there

is an inconsistency between the activity status assigned to earthworks on significant archaeological sites in the Network Utilities Chapter and the Historic Heritage Chapter.

Area	Activity Rule		
	NU-R33	HH-R13	SASM-R8
Sites and areas of significance to Maori	RDIS	NA	RDIS
Significant archaeological sites	RDIS	DIS	NA

265. For the reasons set out above, I recommend accepting in part the submission from HNZPT [03.57] amending the activity status assigned to significant archaeological sites in Rule NU-R33 from restricted discretionary to discretionary as follows:

NU-R33. Earthworks					
Residential, future urban, rural lifestyle, settlements, commercial, Maori purpose, tourism, open space and natural open space areas, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Maori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
<b>PER:</b> less than or equal to 2000m <sup>2</sup> in a single activity/project in any one calendar year	<b>PER:</b> less than or equal to 2000m <sup>2</sup> in a single activity/project in any one calendar year	<b>Heritage buildings and structures:</b> refer to zone rules	<b>PER:</b> In outstanding natural landscapes: where less than or equal to 250m <sup>2</sup> per holding per calendar year	<b>Coastal environment:</b> refer to zone rules unless in an overlay, scheduled site or feature	<b>PER:</b> Formed roads and new roads approved as part of a resource consent or designation.  <i>Note: This rule is not subject to any other rule in this plan.</i>
		<b>PER:</b> In outstanding natural features category A, C, D and F: Earthworks less than or equal to 100m <sup>2</sup> and/or no greater than 1m in depth per site per calendar year	<b>PER:</b> Outstanding natural character, high/very high natural character: where less than or equal to 100m <sup>2</sup> per holding per calendar year	<b>PER:</b> Karst overlay: where less than or equal to 250m <sup>2</sup> per holding per calendar year	<b>Indicative and unformed roads:</b> refer to zone rules unless in an overlay, scheduled site or feature
		<b>RDIS:</b> Sites and areas of significance to Maori and significant archaeological sites	<b>Significant natural areas:</b> refer to NU-R37	<b>PER:</b> Landscapes of high amenity value: where less than or equal to 500m <sup>2</sup> per holding per calendar year	
		<b>DIS:</b> Significant archaeological sites. *			
		<b>DIS:</b> Earthworks related to the National Grid in Outstanding natural features Category B and			

266. Chorus, Connexa, Spark, Vodafone [09.18] consider that earthworks for new network utilities should be exempt from the 5m setback requirement from waterbodies in the same manner as maintenance is provided for in standard (3)(i) of the rule. This is particularly relevant where roads or tracks run adjacent to or cross rivers and streams. The telecommunication companies sought that Rule NU-R33 clause (3)(i) be amended as follows:

**PER and RDIS activities must:**

...

3. Earthworks are permitted within 5m from the edge of a water body where:

- (i) The works are for maintenance or installation purposes on or within 2m of existing roads, driveways, tracks, fences or water intake structure; or

...

267. I disagree that earthworks for new network utilities should be treated in the same way as earthworks for maintenance. The rule is constructed in a way that enables activities that are likely to have minor adverse effects to be undertaken within 5m of the edge of a water body. Waterbodies are particularly sensitive to the effects of runoff from earthworks and therefore activities in close proximity need to be managed carefully. I consider that it is appropriate that new network utilities are subject to a restricted discretionary activity where they are within 5m of waterbodies. Therefore, I recommend that the submission point from Chorus, Connexa, Spark, Vodafone be rejected.
268. Transpower [31.56] sought amendments to Rule NU-R33 to make earthworks associated with the national grid no worse than a discretionary activity. Given the national significance of the National Grid and the NPSET, Transpower opposed the non-complying activity status for earthworks, and instead sought an activity no more onerous than discretionary, thereby reflecting the 'seek to avoid' policy approach sought for the National Grid. The most onerous activity status in NU-R33 is attributed to Outstanding Natural Features B and E and is non-complying. While these are the most fragile landforms (as described in the Natural Features and Landscapes chapter) I consider that attributing a discretionary activity status to the National Grid is an appropriate way to balance the two matters of national importance.
269. For the above reasons, I recommend accepting the submission from Transpower [31.56] and making the following amendments to NU-R33:

NU-R33. Earthworks					
Residential, future urban, rural lifestyle, settlements, commercial, Māori purpose, tourism, open space and natural open space areas, all projects except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER: less than or equal to 2000m <sup>2</sup> in a single activity/project in any one calendar year	PER: less than or equal to 2000m <sup>2</sup> in a single activity/project in any one calendar year	Heritage buildings and structures: refer to zone rules	PER: In outstanding natural landscapes: where less than or equal to 250m <sup>2</sup> per holding per calendar year	Coastal environment: refer to zone rules unless in an overlay, scheduled site or feature	PER: Formed roads and new roads approved as part of a resource consent or designation.  Note: This rule is not subject to any other rule in this plan.
		PER: In outstanding natural features category A, C, D and F: Earthworks less than or equal to 100m <sup>2</sup> and/or no greater than 1m in depth per site per calendar year	PER: Outstanding natural character, high/very high natural character: where less than or equal to 100m <sup>2</sup> per holding per calendar year	PER: Karst overlay: where less than or equal to 250m <sup>2</sup> per holding per calendar year	Indicative and unformed roads: refer to zone rules unless in an overlay, scheduled site or feature
		RDIS: Sites and areas of significance to Māori and significant archaeological sites	Significant natural areas: refer to NU-R37	PER: Landscapes of high amenity value: where less than or equal to 500m <sup>2</sup> per holding per calendar year	
		DIS: Significant archaeological sites *			
		DIS: Earthworks related to the National Grid in Outstanding natural features Category B and E			

		NC: Outstanding natural features Category B and E			
<p><b>PER and RDIS activities must:</b></p> <ol style="list-style-type: none"> <li>1. Comply with all the provisions in NU - Table 2; and</li> <li>2. Not be located within the area defined in the Planning Maps as a coastal hazard area or hazard area (refer to NU-R45) or within 20 m radius of an entry or opening into any cave or sinkhole (refer to NU-R35); and</li> <li>3. Earthworks are permitted within 5 m from the edge of a water body where: <ol style="list-style-type: none"> <li>(i) The works are for maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or water intake/discharge structures; or</li> <li>(ii) The works are required in the event of a track being destroyed by flooding or landslip or other natural hazard and there are no alternative options to obtain access to an existing network utility; or</li> <li>(iii) The works are for flood management or flood protection purposes where these are undertaken, maintained and/or operated by the District or Regional Council or its contractor; or</li> <li>(iv) The works are for the operation and maintenance of existing district roads, bridges and state highways within the existing road reserve or designation boundary.</li> </ol> </li> </ol> <p>PER activities that do not comply with NU-R33.1 through to NU-R33.3 are <b>RDIS activities</b>, except within outstanding natural features (category A, C, D and F), areas of outstanding natural character and high/very high natural character where they become a <b>NC activity</b> or where associated with the National Grid they become <b>DIS</b>.<sup>10</sup></p> <p><b>RDIS activities</b> that do not comply with NU-R33.1 through to NU-R33.3 are <b>DIS activities</b>.</p> <p>Note: An archaeological authority from Heritage New Zealand <a href="#">Quota</a> Taonga may be required.</p>					

## NU-R34, NU-R35 and NU-R36

270. Five submission points were received to Rule NU-R34 and Rule NU-R35. Of these, three submission points from WRC [10.30b, 10.30c and 10.30d] sought the relocation of these rules to the Earthworks Chapter. As discussed elsewhere, I do not agree.

## Performance standard NU-R45 Earthworks in a hazard area or coastal hazard area

271. One submission was received to Rule NU-R45 from Chorus, Connexa, Spark, Vodafone [09.24]. They consider that restrictions on earthworks in natural hazard areas require some exemptions for backfilled utility trenches, trenchless excavation (e.g., directional drilling) and pole foundations to avoid unnecessary regulation for these works which would

not be expected to exacerbate hazards. An additional clause was sought to address this as follows:

4. Except that the excavation volumes in (1) and depth in (3) shall not apply to backfilled network utility trenches, excavation by trenchless means (e.g. directional drilling) or pole foundations.

272. I have undertaken a comparison with the equivalent rules in Chapter 23 Natural Hazards and Chapter 32 Coastal Environment. Rule NH-R6 and CEH-R11 are consistent with NU-R45. Furthermore, I consider that NU-R45 provides an appropriate permitted threshold for earthworks in areas subject to risk from natural hazards. Therefore, I recommend rejecting the submission point from Chorus, Connexa, Spark, Vodafone [09.24].

## **17 Topic 14: Indigenous biodiversity**

### **17.1 Introduction**

273. This topic covers Policy NU-P8 and Rule NU-R37 Removal of indigenous vegetation.

274. Thirteen submissions were received to Policy NU-P8 and Rule NU-R37 Removal of indigenous vegetation. Of these, nine sought amendments to the provisions.

### **17.2 Analysis and recommendations**

#### Policy NU-P8

275. Seven submissions were received to Policy NU-P8. Of these, four submission points sought amendments and one sought that the policy be relocated to the chapter that it more directly relates to.

276. Policy NU-P8 states that the clearance of indigenous vegetation outside of overlays, scheduled sites and features, cave entrances and sinkholes, coastal water body margins is enabled. It is not intended that this policy capture indigenous vegetation within SNA's or other overlays.

277. Chorus, Connexa, Spark, Vodafone [09.05] requested an amendment that would have the effect of expanding NU-P8 to also manage indigenous

vegetation clearance in other locations such as overlays and riparian margins. They consider that this would support the rules framework for minor clearance in these areas for necessary network utilities.

278. WRC have two submission points on NU-P8. It expressed concern that the policy is ambiguous. In one point [10.23e] it sought that the policy be relocated to the chapter that it more directly relates to. The other point [10.22] sought an amendment to the policy so that it reads:

Manage/restrict clearance of indigenous vegetation within/near overlays,  
scheduled sites ....

279. Forest and Bird [47.46] are also concerned that the policy is ambiguous and suggested the following amendments:

Manage the ~~Enable~~ clearance of indigenous vegetation outside of overlays,  
scheduled sites and features, cave entrances and sinkholes, the coastal  
environment and water body margins to maintain indigenous biodiversity.

280. DOC [53.19] is concerned that the policy does not provide appropriate direction to the protection of s6 RMA matters such as significant indigenous biodiversity through consistent application of the effects management hierarchy, in line with the NPS-FM and NPS-IB exposure draft. It sought the following changes:

~~Enable the effects of clearance of~~ Indigenous vegetation clearance outside of  
overlays, scheduled sites and features, cave entrances and sinkholes, coastal and  
water body margins is managed by applying the effects management hierarchy.

281. I am mindful that the Network Utilities Chapter enables consideration of objectives and policies in Chapter 26 Ecosystems and indigenous biodiversity. It is not the intention that the Network Utilities Chapter provide a full policy framework for indigenous biodiversity. In relation to this, the following wording appears in italics under both the 'Objectives' and 'Policies' heading:

*Refer also to the relevant policies in Part 2 District - Wide Matters and Part 3 -  
Area Specific Matters*

282. In light of this, it is appropriate to consider the relevant policies in Chapter 26 Ecosystems and indigenous biodiversity. Policy ECO-P13 provides a comprehensive framework for the removal of indigenous vegetation or adverse effects on habitats of indigenous fauna, or disturbance of wetland areas occurs outside of significant natural areas. It is my view that many of the wording amendments sought by submitters are addressed through the policy framework in Chapter 26 Ecosystems and indigenous biodiversity.
283. In addition, the policy framework in Chapter 26 Ecosystems and indigenous biodiversity must be read in conjunction with the policies in the Network Utilities Chapter that recognise the benefits of network utilities and the functional and operational needs of network utilities. It is my opinion that this package of provisions across both chapters provides policy support for the rules enabling the minor clearance of indigenous vegetation in certain circumstances.
284. Given the above, it is my opinion that NU-P8 can be deleted from the Network Utilities Chapter, and reliance be placed on the more comprehensive Policy ECO-P13 in Chapter 26 Ecosystems and indigenous biodiversity. I therefore recommend rejecting the submission points from Chorus, Connexa, Spark, Vodafone [09.05], WRC [10.22], Forest and Bird [47.46], DOC [53.19] and accepting WRC's submission point [10.23e]. This would result in NU-P8 being deleted as follows:

**Indigenous vegetation**

~~**NU-P8.** Enable clearance of indigenous vegetation outside of overlays, scheduled sites and features, cave entrances and sinkholes, coastal and water body margins.~~

**NU-R37 Removal of indigenous vegetation**

285. Six submission points were received to Rule NU-R37. Four of these submissions sought amendments to the rule.
286. Transpower [31.57] sought that NU-R37 be amended to make removal of indigenous vegetation associated with the National Grid no worse than a Discretionary activity.



287. The most onerous activity status in NU-R37 is attributed to removal of indigenous vegetation in an Outstanding Natural Character and is non-complying. I consider that attributing a discretionary activity status to the National Grid is an appropriate way to balance the two matters of national importance.
288. DOC [53.26] sought a number of amendments. Firstly, it sought that the note stating that there are no rules in the plan relating to exotic vegetation be removed. This is related to other relief that DOC has sought in the ECO Chapter. There are no rules in the plan relating to exotic vegetation removal, except in relation to plantation forestry. I note that DOC's relief related to this has been recommended to be rejected by Ms Callaghan in her s42A report for the Ecosystems and Indigenous Biodiversity and as a result this situation has not changed. I therefore consider it appropriate that the note in NU-R37 be retained.
289. Secondly, DOC [53.26] sought that the permitted activity threshold for vegetation clearance in an SNA be reduced and that a cumulative threshold be introduced as follows:

PER activities in an SNA must:

1. Not exceed ~~50m<sup>2</sup>~~ 150-per holding, per calendar year or 250m<sup>2</sup> of clearance per holding in any five-year period AND

...

290. I note that NU-R37.2 must also meet one of the standards in NU-R37.3 through to NU-R37.5, as follows:

**PER activities in an SNA must:**

2. Not exceed 150 m<sup>2</sup> of clearance per holding calendar year;
- AND
3. Be required by statute or regulations, including the Electricity (Hazards from Trees) Regulations 2003 and the Telecommunications Act 2001; or
  4. Be undertaken because indigenous vegetation is threatening or damaging a network utility; or
  5. Be for maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or water intake/discharge structures.

**PER activities in SNA** that do not comply are **DIS activities**

291. Given the combination of the 150m<sup>2</sup> threshold per year and the limited circumstances within which vegetation clearance can occur, I consider it

unnecessary to reduce the threshold and introduce a threshold for a five year period.

292. DOC [53.24g] also sought an additional matter of discretion that addresses adverse effects on indigenous biodiversity and habitats of indigenous fauna, proposed mitigation measures and the extent to which any adverse effects be avoided, remedied or mitigated by applying the effects management hierarchy. This is a common theme to DOC's submission, with identical submission points to six other rules [NU-R4 53.24a, NU-R12 53.24b, NU-R15 53.24c, NU-R16 53.24d, NU-R20 53.24e, NU-R23 53.24f]. I address all these submission points in this topic.
293. Clearance of indigenous vegetation within SNA's that is beyond the threshold set out in NU-R37.2 through to NU-R37.5 is a discretionary activity. I acknowledge that some of the other activity rules in Table 1 provide for activities in SNA's as a restricted discretionary activity. However, if an activity results in the removal of indigenous vegetation, then it is also subject to NU-R37. As stated at the beginning of the rules section all the rules in NU- Table 1 and NU- Table 2 must be complied with and where an activity breaches more than one rule, the most restrictive activity status shall apply. Therefore, restricted discretionary activity status is not assigned to the removal of indigenous vegetation within an SNA. It is either permitted or discretionary. In the case of a discretionary activity, the policies in Chapter 26 Ecosystems and indigenous biodiversity apply. Of relevance to DOC's submission is ECO-P1 that sets out the effects management hierarchy. I note that the Topic 6 of Ms Callaghan's section 42A report for the Ecosystems and Indigenous Biodiversity Topic recommends amendments to ECO-P1 in response to submissions from DOC and Forest and Bird.
294. Therefore, I recommend rejecting the submission points from DOC as the additional matter of discretion is not required.
295. WRC [10.31], sought the relocation of this rule to Chapter 26 Ecosystems and indigenous biodiversity. As discussed elsewhere, the intention is that

the rules in the Network Utilities Chapter are largely self-contained and I do not support relocation of the rule.

## **18 Topic 15: Adverse effects policies**

### **18.1 Introduction**

296. This topic addresses the Adverse Effects section of the policies in the Network Utilities Chapter.
297. Ten submissions were received on this topic. Of those, one submission sought a new policy, and six submissions sought amendments to either NU-P9 or NU-P10.

### **18.2 Analysis and recommendations**

#### New adverse effects policy

298. Forest and Bird [47.48] expressed concern that currently there are no provisions to protect the significant habitats of indigenous fauna beyond identified SNAs and sought a new policy in the Adverse Effects section to address this as follows:

NU-PX Ensure the location, scale and operation of RSI and network utilities and their ancillary activities protect the significant habitat of indigenous species.

299. As noted elsewhere in this report, network utility activities must also refer to policies in other chapters of the Plan. Regarding the concerns raised by Forest and Bird, I consider that managing the effects of activities on the habitats of indigenous fauna outside of SNA's is captured by ECO-P13. Therefore, I recommend rejecting the submission point by Forest and Bird [47.48].

#### Policy NU-P9

300. The wording of NU-P9 is unique but it basically applies to land outside any overlays and to roads. The basis of this is the foreword to the rules which states that overlays are to be disregarded for roads and new roads

approved as part of a resource consent. Three submissions were received that sought amendments to NU-P9.

301. WRC [10.24] sought amendments to the chapeau to clarify the application of the policy. I agree with WRC that the policy would benefit from rewording and that this would assist with interpretation. However, the suggested wording from WRC leaves out some of the important elements of the chapeau, namely reference to scheduled sites and features and functional and operational needs. I therefore accept in part the submission point from WRC [10.24], with some minor additions to ensure the original intent of the chapeau is captured, and recommend rewording NU-P9 as follows:

**NU-P9.** ~~For roads in all locations and all land located outside of overlays, scheduled sites and features, manage the adverse effects of network utilities whilst taking into account their functional and operational needs, by:~~

Manage the adverse effects of network utilities in all roads and other land outside of overlays, scheduled sites and features, whilst taking into account their functional and operational needs by:

1. ...

302. Transpower [31.40] sought amendments to clause 1 as follows:

1. Controlling the height, bulk and location of network utilities in a manner that minimises to the smallest amount reasonably practicable any adverse effects on the anticipated outcomes for the receiving environment including the role, function, character and identified qualities of the zone or precinct; and

303. The reasons provided by Transpower is that the wording provides more clarity in the absence of a definition for minimise in the PDP. I agree that it is a helpful addition, as network utilities are often constrained by the nature of their operational and functional needs in their ability to reduce adverse effects.

1. Controlling the height, bulk and location of network utilities in a manner that minimises any adverse effects to the smallest amount reasonably practicable on the anticipated outcomes for the receiving environment including the role, function, character and identified qualities of the zone or precinct; and

304. Forest and Bird [47.47] sought the addition of two new clauses that cross reference to the ECO Chapter and CE Chapter provisions. As noted elsewhere in this report, network utility activities must also refer to

policies in other chapters of the plan. I consider that Plan users already have a clear signpost to other relevant chapters. Therefore, I recommend rejecting the submission point by Forest and Bird [47.47].

#### NU-P10

305. NU-P10 is intended to ensure the location, scale and operation of network utilities and their ancillary activities avoid, remedy or mitigate adverse effects on nearby sensitive activities. It then provides three means by which network utilities are to achieve this being; maintaining required separation distances, landscaping and screening, and ensuring buildings are designed to not overshadow or dominate.

306. Four submissions were received to NU-P10. Of these, three submissions sought amendments.

307. Chorus, Connexa, Spark, Vodafone [09.06] sought a number of amendments to NU-P10. They submit that clause 1 is unclear in terms of how it will be applied to new network utilities and it is unclear what is meant by required separation distances. In terms of clause 2 they consider that for telecommunications equipment in particular, landscaping/screening is generally not an appropriate response for typical equipment deployed, so clause 2 should not set an expectation that all network utility works will be landscaped/screened. In terms of clause 3 the reference to industrial buildings appears out of context. They suggest the following amendments to address their concerns:

Ensure the location, scale and operation of network utilities and their ancillary activities avoid, remedy or mitigate adverse effects on nearby sensitive activities as far as practicable, including by:

1. ~~Maintaining required separation distances to ensure reverse sensitivity effects are minimised; and~~
2. Ensuring sites are sufficiently landscaped and screened where appropriate; and
3. Ensuring that ~~industrial~~ buildings to house network utilities are designed as far as practicable to not overshadow or overly dominate the wider surrounding area.

308. Transpower [31.41] submitted that it is not clear how the policy would be applied to existing network utilities. Transpower also expressed concerns about how clause 2 would apply to the National Grid. Transpower sought the following amendments:

Ensure the location, scale and operation of new network utilities and their ancillary activities avoid, remedy or mitigate adverse effects on nearby sensitive activities as far as reasonably practicable by:

...

309. Federated Farmers [46.21] sought amendments to NU-P10 to include an explanation of what a sensitive activity is within the scope of the policy or add a definition of the term 'sensitive activity'.

310. With regard to the Transpower and Chorus, Connexa, Spark, Vodafone submissions, I acknowledge that for some network utilities it is not practical to implement clause 2 due to the nature of the network utility. I also agree that the reference to industrial buildings should be amended to apply to buildings that house network utilities. However I do not agree to the addition of the word 'new' in the chapeau as I consider the policy is relevant to activities such as upgrades or realignment. I also do not agree that clause 1 should be deleted. The combination of clause 1 with the chapeau makes it clear that the focus of the policy is managing the relationship between sensitive activities and network utilities. I take the point made by Transpower however, that network utilities are often constrained by their operational and functional requirements. I see value in recognising this through the inclusion of "where" practicable in the chapeau.

311. With regard to the submission from Federated Farmers, there is an existing definition for 'sensitive activities' in Chapter 9 of the Plan which provides the clarity that the submitter is seeking.

312. Therefore, I recommend accepting in part the submissions from Transpower [31.41] and Chorus, Connexa, Spark, Vodafone [09.06] and rejecting the submission from FF [46.21]. Amend NU-P10 as follows:

**NU-P10.** Ensure the location, scale and operation of network utilities and their ancillary activities avoid, remedy or mitigate adverse effects on nearby sensitive activities ~~as far as~~ where practicable, including by:

1. Maintaining required separation distances to ensure reverse sensitivity effects are minimised; and
2. Ensuring sites are sufficiently landscaped and screened where appropriate; and

3. Ensuring that ~~industrial~~ buildings to house network utilities are designed ~~as far as practicable~~ to not overshadow or overly dominate the wider surrounding area.

## **19 Topic 16: Hazards, overlays, scheduled sites and features**

### **19.1 Introduction**

313. This topic covers the policy section which addresses hazards, overlays, scheduled sites and features in the Network Utilities Chapter. There are two policies which sit under this heading – NU-P11 and NU-P12.
314. Fourteen submissions were received on this topic. Of these, seven sought amendments and one sought a new policy.

### **19.2 Analysis and recommendations**

#### Heading and new policy

315. Chorus, Connexa, Spark, Vodafone [09.07] requested that the word 'Hazards' is deleted from the heading above policies NU-P11 and NU-P12. They consider that natural hazards does not make any sense in the context of the policies which relate to overlays and scheduled sites/features. In a related submission point Chorus, Connexa, Spark, Vodafone [09.08] sought the addition of a new policy to enable network utilities in natural hazard overlays as follows:

NU-PX Enable network utilities in natural hazard overlays that:

1. Do not increase the risk from the natural hazard to people, other property or other infrastructure;
2. Have a functional need or operational need to be located within the area subject to the hazard; and
3. Where necessary and appropriate include design measures to reduce the potential for damage in a natural hazard event.

316. I believe the intent is that NU-P11 and NU-P12 are intended to apply to 'hazard areas' and 'coastal hazard areas' as defined in Chapter 9 of the Plan. However, the terminology used in the heading and the policies does not accurately reflect that.

317. While the objectives and policies in Chapter 23 Natural Hazards apply to network utility activities, there are no policies which recognise that due to its function often network utility structures are required to be located within natural hazard areas. Stormwater outfall pipes are a good example of this. I therefore recommend that the submission points from Chorus, Connexa, Spark, Vodafone [09.07 and 09.08] be accepted and a new policy inserted.

NU-PX Enable network utilities in natural hazard overlays that:

1. Do not increase the risk from the natural hazard to people, other property or other infrastructure;
2. Have a functional need or operational need to be located within the area subject to the hazard; and
3. Where necessary and appropriate include design measures to reduce the potential for damage in a natural hazard event.

#### NU-P11

318. Policy NU-P11 seeks to ensure that consideration is given to the values, qualities and characteristics of overlays, scheduled sites and features when proposing new infrastructure or undertaking significant upgrades to existing infrastructure. It is worth noting that the objective and policy section of the Network Utilities Chapter very clearly refers to the more comprehensive objectives and policies in other chapters.
319. Five submissions were received to NU-P11. Of these, one submission sought amendments and one sought deletion.
320. DOC [53.20] sought that Policy NU-P11 be deleted on the grounds that its purpose is unclear, such that it provides insufficient resource management guidance to the plan user. The values, qualities and characteristics of overlays, scheduled sites and features will need to be considered when proposing new infrastructure or undertaking significant upgrades, regardless of the wording in proposed in NU-P11.
321. I agree with the submission from DOC, particularly in the context of the reference to relevant policies in Part 2 District-Wide Matters as set out



above. I therefore accept the submission from DOC [53.20]. I will provide the amended policy in full at the conclusion of this topic.

#### NU-P12

322. Seven submissions were received to Policy NU-P12. Of these, four sought amendments.
323. Policy NU-P12 sets out the regionally significant infrastructure is provided for within overlays, scheduled sites and features where there is a functional and operational need, and locating within the area is the best practicable option. The policy is intended to enable network utilities to locate in hazard areas, overlays, scheduled sites and features in certain circumstances. In a consenting situation NU-P12 would have to be considered alongside other more comprehensive policies in the plan relating to these hazard areas, overlays, scheduled sites and features.
324. HNZPT [03.29], Forest and Bird [47.50] and DOC [53.21] all sought amendments to include further wording to cover section 6 RMA matters that are already addressed in other chapters of the plan or they seek direct reference to other chapters of the plan. I consider these types of amendments unnecessary. The objective and policy section of the Network Utilities Chapter very clearly refers to the more comprehensive objectives and policies in other chapters.
325. Forest and Bird [47.55 and 47.50] also sought some amendments to the chapeau of the policy. It suggested replacing 'provide for' with 'consider' and also replacing 'regionally significant infrastructure' with 'network utilities'. Similar to the Waikato PDP, the policy is intended to recognise that regionally significant infrastructure is not always able to completely avoid areas subject to an overlay. The inclusion of this policy gives effect to the RPS and its provisions relating to regionally significant infrastructure. I consider that the use of the words "provide for" is reasonably enabling, when in reality the rules which deliver this policy usually apply a restrictive activity status. The term "consider" is more appropriate given that network utilities will be considered in the context of other relevant policies.

326. To address this topic, I recommend amending the policy section 'Hazards, overlays, scheduled sites and features' as follows:

**Hazards ~~areas, coastal hazard areas~~, overlays, scheduled sites and features**

~~**NU-P11.** Ensure consideration of the values, qualities and characteristics of overlays, scheduled sites and features when proposing new infrastructure or undertaking significant upgrades to existing infrastructure.~~

**NU-P12.** ~~Consider~~**Provide for** regionally significant infrastructure within overlays, scheduled sites and features where:

1. There is a demonstrated functional or operational need for the infrastructure to be located within the overlay, scheduled site or feature; and
2. It is demonstrated through an options assessment that locating within the overlay, scheduled site or feature is the best practicable option, having particular regard to the financial implications, social, cultural and environmental effects of the preferred option, compared to alternative options.

## **20 Topic 17: Structures close to the coast or water bodies**

### **20.1 Introduction**

327. This topic addresses:

- a. Rule NU-R38 New buildings adjacent to the open coast;
- b. NU-R39 Buildings adjacent to Kawhia harbour or adjacent to a river in the coastal marine area; and
- c. NU-R40 Buildings and structures adjacent to a water body.

328. Ten primary submissions were received to this topic. Of these, three sought amendments and three sought the relocation of the rules.

### **20.2 Analysis and recommendations**

#### Relocation

329. WRC [10.32, 10.33 and 10.34] sought relocation of Rule NU-R38 New buildings adjacent to the open coast, NU-R39 Buildings adjacent to Kawhia harbour or adjacent to a river in the coastal marine area and NU-

R40 Buildings and structures adjacent to a water body to other chapters within the Plan.

330. As discussed elsewhere, the intention is that the rules in the Network Utilities Chapter are largely self-contained. For this reason, I consider it appropriate to retain Rule NU-R38, NU-R39 and NU-R40 in Chapter 19 Network Utilities. I therefore recommend rejecting the submission points from WRC [10.32, 10.33 and 10.34].

#### NU-R38 and NU-R39

331. Chorus, Connexa, Spark and Vodafone [09.19] sought an amendment to Rule NU-R38 such that the 200m set back from the open coast does not apply to customer connections, and network utility structures in existing roads. It had similar concerns about NU-R39 which requires structures situated on land adjacent to Kawhia harbour or land on the margins of any river which meets the open coast upstream to the boundary of the coastal marine area to be a minimum of 50m from the river / harbour margin.
332. Buildings or structures that infringe this standard require resource consent for a restricted discretionary activity, and that a site-specific coastal hazard assessment is required. This is consistent with the approach taken in Rule CEH-R1 of the Coastal Environment Chapter.
333. The submitter has not provided any information to explain why the customer connections and network utility structures in roads should not be subject to this requirement.
334. Pending further information from the submitter, I recommend rejecting the submission point from Chorus, Connexa, Spark and Vodafone [09.19 and 09.20].

#### NU-R40 Buildings and structures adjacent to a water body

335. Rule NU-R40 seeks to control buildings and structures adjacent to a water body. Permitted activities are subject to a number of standards including being located 25m from the bankfull channel width or be one of the listed network utilities.

336. Chorus, Connexa, Spark and Vodafone [09.21] sought an amendment to Rule NU-R40 to include 'line' in NU-R40.2 as follows:

2. Be a minor utility structure, a pole, tower, line, antennas attached to poles or streetlight; or

337. I consider it appropriate to make the amendment as suggested by the submitter. Lines do not touch the ground and they are supported by poles and towers that are permitted. Therefore I recommend accepting the submission point from Chorus, Connexa, Spark and Vodafone [09.21] and making the following amendment to NU-R40.2 as follows:

2. Be a minor utility structure, a pole, tower, line, antennas attached to poles or streetlight; or

## **21 Topic 18: Noise and Light rules**

### **21.1 Introduction**

338. This topic addresses Rule NU-R46 Noise and Rule NU-R52 Maximum level of light overspill.

339. Five submissions were received to these two rules. Of these, two sought the relocation of the rules, one sought an amendment and one sought the deletion.

### **21.2 Analysis and recommendations**

#### Relocation

340. WRC [10.35 and 10.38] sought the relocation of NU-R46 to the Noise Chapter and NU-R52 to the Light Chapter.

341. As discussed elsewhere, the intention is that the rules in the Network Utilities Chapter are largely self-contained. For this reason, I consider it appropriate to retain Rule NU-R46 and NU-R52 in Chapter 19 Network Utilities and recommend rejecting the submission points from WRC [10.35 and 10.38].

#### Rule NU-R46 Noise

342. Waka Kotahi [17.45] sought the correction of the references to other rules in NU-R46.1. As currently written the rule references to NU-R48.2 to NU-R48.6 below, whereas the rules below are numbered NU-R46.2 to NU-R46.6.

343. I agree with Waka Kotahi that this is a minor error that requires correcting. I therefore recommend accepting the submission point from Waka Kotahi [17.45] and amending the wording of NU-R46.1 as follows:

1. The rules in the noise chapter must be complied with, unless provided for in NU-R46.2 to NU-R46.6 ~~NU-R48.2 to NU-R.48.6~~ below; and

#### Rule NU-R52 Maximum level of light overspill

344. DOC [53.27] seek the deletion of Rule NU-R52 and opposes this rule in part as it does not provide appropriate direction to the protection of s6 RMA matters. DOC sought alignment of any network utilities lighting rule or performance standards with its relief in regard to light sensitive and LIGHT topic.

345. I note that DOC's relief related to this has been discussed and recommended to be rejected by Ms Callaghan in her s42A for the Ecosystems and Indigenous Biodiversity, and as a result no amendments have been made to the Light Chapter. I therefore consider it appropriate that Rule NU-R52 be retained, and consequently recommend rejecting the submission point from DOC.

## **22 Definitions**

### **22.1 Introduction**

346. Some submitters sought amendments to definitions that are commonly used terms in the Network Utility chapter, or are particularly relevant to network utility activities or structures. I have addressed each of the terms below.

## 22.2 Analysis and recommendations

### Infrastructure

347. TLC [25.10 and 25.26] sought inclusion of the definition for “infrastructure” and that it signposts to Part 2 of the RMA. While the term is defined in the RMA, the PDP has not used the term and uses “network utilities” in preference. I therefore do not see the value in adding it into the PDP.

### Line

348. TLC [25.11] sought the inclusion of a new defined term, which focused on lines for the transmission of electricity. I do not support such a narrow definition for this term as lines conduct other infrastructure such as telecommunications and gas. Including this definition would lead to incorrect interpretation of rules. I therefore recommend rejecting the submission point.

### Maintenance (in relation to network utilities)

349. While four submitters supported retaining the definition as notified, TLC [25.09] sought that the definition be amended to restrict the replacement structure to a lesser height. I consider this would be unnecessarily restrictive for maintenance activities and prefer the current working which is the “same or similar height”. I therefore recommend rejecting the submission from TLC.

### Minor upgrade (in relation to existing energy activities)

350. While two submissions sought to retain the definition as notified, the submission from Horticulture NZ [27.08] sought amendments to restrict the voltage increase to that which the line was designed. I can see difficulties with including those words as the notified definition allows an increase or improvement in carrying capacity. In terms of an electricity-carrying line, increasing the carrying capacity is likely to involve the replacement which would make the additional works irrelevant. A replacement line will be restricted to carrying the voltage for which it was

designed. I do not consider the additional words are necessary, and recommend rejecting the submission point.

#### Telecommunication kiosk

351. WRC [10.05] sought the inclusion of a definition for this term. I agree and recommend the inclusion of a new definition as follows:

##### Telecommunication kiosk

Means a freestanding structure, of a similar scale and appearance to a telephone booth, which encloses telecommunications equipment that provides public telecommunications uses such a wireless broadband.

#### Transmission line

352. Transpower NZ [31.14] sought inclusion of a new definition. I agree that it aids interpretation and recommend the following:

##### Transmission line

has the same meaning as provided in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

#### Upgrading (in relation to a network utility)

353. WRC [10.04] sought inclusion of a definition for upgrading in the context of a network utility. I note that “minor upgrading” is defined, and therefore anything that does not fit into that description would constitute more significant upgrading. I therefore consider an additional definition is not necessary and would have the effect of increasing complexity rather than adding clarity. Accordingly, I recommend rejecting the submission point.

## **23 Conclusion**

354. For the reasons included in this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the

RMA, the relevant objectives of this plan and other relevant statutory documents.

355. Appendix 1 contains recommended amendments to the Network Utilities Chapter and Appendix 2 contains the s32AA evaluation.



# **APPENDIX 1 RECOMMENDED AMENDMENTS**

**\*\*tracked changes provisions\*\***

## APPENDIX 2: ACCEPT / REJECT RECOMMENDATIONS

Submission no	Submitter	Support / in part / oppose	Plan section	Plan provision	Relief sought	Accept/Accept in part/Reject
02.14	NZHA	Support	19. Network utilities	NU-O1	Retain the objective as notified.	Accept
FS13.14	New Zealand Agricultural Aviation Association	Support			Retain the objective as sought	Accept
02.15	NZHA	Support	19. Network utilities	NU-P2	Retain the objective as notified.	Accept
FS13.15	New Zealand Agricultural Aviation Association	Support			Retain the policy as sought	Accept
03.27	NZHPT	Support	19. Network utilities	NU-P3	That NU-P3 is retained.	Accept
03.28	NZHPT	Support	19. Network utilities	NU-P11	That Policy NU-P11 is retained.	Reject
03.29	NZHPT	Oppose	19. Network utilities	NU-P12	That NU-P12 is amended as follows; "Provide for regionally significant infrastructure by <del>within overlays, scheduled sites and features where:</del> 1. Seeking to avoid adverse effects on areas identified in SCHED1 - heritage buildings and structures, SCHED2 - si	Reject

					<p>gnificant archaeological sites, SCHED3 and SCHED 4 - sites of significance to Māori, SCHED6 - significant natural areas, and SCHED8 - outstanding natural features; and</p> <p>2. have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection;</p> <p>3. There is a demonstrated functional or operational need for the infrastructure to be located within the overlay, scheduled site or feature; and</p> <p>4. It is demonstrated through an options assessment that locating within the overlay, scheduled site or feature is the best practicable option, having particular regard to the financial implications, social, cultural and environmental effects of the preferred option, compared to alternative options."</p>	
FS11.01	KiwiRail	Oppose			Reject submission	Accept
FS24.01	The Lines Company	Oppose			Disallow	Accept
FS22.01	Telcos	Oppose			Disallow the submission	Accept
03.30	NZHPT	Support	19. Network utilities	NU-P21	That NU-P21 is retained.	Accept in part
03.31	NZHPT	Support	19. Network utilities	NU-P22	That NU-P22 is retained.	Accept in part
03.32	NZHPT	Oppose in part	19. Network utilities	Notes Activity Table 1	That the note is amended to read; "Note: Where Heritage Buildings and Structures are referred to, it also means the site or surroundings (of any building or structure listed in SCHED1)"	Accept
03.33	NZHPT	Support	19. Network utilities	NU-R2	That the discretionary activity status is retained.	Accept
03.34	NZHPT	Support	19. Network utilities	NU-R3	That NU-R3 is retained.	Accept

03.35	NZHPT	Support	19. Network utilities	NU-R4	That NU-R4 is retained.	Accept in part
03.36	NZHPT	Oppose	19. Network utilities	NU-R6	HNZPT seeks that the permitted activity for NU-R6 is amended to a restricted discretionary activity.	Reject
FS24.02	The Lines Company	Oppose			Disallow	Accept
03.37	NZHPT	Support	19. Network utilities	NU-R7	That NU-R7 is retained.	Accept
03.38	NZHPT	Oppose	19. Network utilities	NU-R9	That New public walkways and cycleways in the following is amended to a discretionary activity for the following locations; Heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites.	Addressed in TRAN
03.39	NZHPT	Support	19. Network utilities	NU-R10	That NU-R10 is retained.	Reject
03.40	NZHPT	Oppose	19. Network utilities	NU-R11	That NU-R11 is amended to a restricted discretionary activity, with associated suitable assessment criteria.	Accept
FS24.03	The Lines Company	Oppose			Disallow	Reject
03.41	NZHPT	Support	19. Network utilities	NU-R12	That NU-R12 is retained.	Accept in part
03.42	NZHPT	Support	19. Network utilities	NU-R14	That NU-R14 is retained.	Accept
03.43	NZHPT	Support	19. Network utilities	NU-R15	That NU-R15 is retained.	Accept
03.44	NZHPT	Support	19. Network utilities	NU-R16	That NU-R16 is retained.	Accept

03.45	NZHPT	Support	19. Network utilities	NU-R17	That NU-R17 is retained.	Accept
03.46	NZHPT	Support	19. Network utilities	NU-R18	That NU-R18 is retained.	Accept
03.47	NZHPT	Support	19. Network utilities	NU-R19	That NU-R19 is retained.	Accept in part
03.48	NZHPT	Support	19. Network utilities	NU-R20	That NU-R20 is retained.	Accept
03.49	NZHPT	Support	19. Network utilities	NU-R21	That NU-R21 is retained.	Accept
03.50	NZHPT	Support	19. Network utilities	NU-R23	That NU-R23 is retained.	Accept
03.51	NZHPT	Support	19. Network utilities	NU-R24	That NU-R24 is retained.	Accept
03.52	NZHPT	Support	19. Network utilities	NU-R25	That NU-R25 is retained.	Accept
03.53	NZHPT	Oppose in part	19. Network utilities	NU-R26	That NU-R25 is retained and amended to include domestic scale septic tanks	Reject
FS05.07	Federated Farmers	Oppose			Decline the relief sought	Accept
03.54	NZHPT	Oppose in part	19. Network utilities	NU-R27	That an advice note is included as part of the Nu-R27 activity, as follows; <u>"Note: An archaeological Authority may be required from Heritage New Zealand Pouhere Taonga"</u>	Accept
03.55	NZHPT	Support in part	19. Network utilities	NU-R28	That NU-R28 is retained and amended such that " the construction of new public roads, state highways, service lanes and any road widening outside of the road reserve or designation", in a Heritage buildings and structures, is also a non-complying activity.	Reject
03.56	NZHPT	Support in part	19. Network utilities	NU-R30	That NU-R30 is retained and amended such that " New network utilities not otherwise provided for in Table 1 ", in a Heritage	Reject

					buildings and structures, is also a non-complying activity.	
03.57	NZHPT	Oppose in part	19. Network utilities	NU-R33	That NU-R33 is amended to a discretionary activity for earthworks in Sites and areas of significance to Māori and significant archaeological sites.	Accept in part
FS05.08	Federated Farmers	Oppose			Decline the relief sought	Accept in part
FS23.04	Te Nehenehenui	Oppose			Earthworks in sites and areas of significance to Māori including Māori archaeological sites should be classified as a non-complying activity at a minimum as earthworks do not align to Maniapoto cultural values. Ensuring mechanisms and protocols are in place before conducting earthworks in/ on these areas are critical	Accept in part
03.58	NZHPT	Support	19. Network utilities	NU-R34, NU-35 and NU- 36	That NU-R34/NU-R35 is retained.	Accept
09.03	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Support	19. Network utilities	NU-O1 and NU-O2	Retain Objectives NU-O1 and NU-O2.	Accept
09.04	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and	Support	19. Network utilities	NU-P1, NU-P2, NU-P7, NU-P9, NUP14, NU-P16 and NU-P1	Retain Policies: NU-P1, NU-P2, NU-P7, NU-P9, NUP14, NU-P16 and	Accept Accept Reject Accept in part Accept Accept

	Vodafone New Zealand Limited				NU- P19.	Accept
09.05	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose in part	19. Network utilities	NU-P8	Amend Policy NU-P8 as follows or a change of like effect:  Enable clearance of indigenous vegetation outside of overlays, scheduled sites and features, cave entrances and sinkholes, coastal and water body margins, <u>and manage indigenous vegetation clearance in other locations to minimise adverse effects on the values and attributes of these more sensitive environments.</u>	Reject
FS03.08	Director-General of Conservation	Oppose			Disallow	Accept
09.06	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose	19. Network utilities	NU-P10	Amend Policy NU-P10 as follows or a change of like effect:  Ensure the location, scale and operation of network utilities and their ancillary activities avoid, remedy or mitigate adverse effects on nearby sensitive activities as far as practicable, <u>including by:</u> <del>1. Maintaining required separation distances to ensure reverse sensitivity effects are minimised</del> <del>7</del> <del>and</del> 4. Ensuring sites are sufficiently landscaped and screened <u>where appropriate</u> ; and 5. Ensuring that <del>industrial</del> buildings <u>to house network utilities</u> are designed as far as practicable to not overshadow or overly dominate the wider surrounding area.	Accept in part

09.07	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose in part	19. Network utilities	NU-P11 NU-P12	Delete the word "Hazards" from the sub heading above Policies NU-P11 and NU-P12.	Accept
09.08	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Support	19. Network utilities	New Policy Natural Hazards	<p>Add a new Policy as follows (or wording of like effect):</p> <p><u>NU-PX</u>  <u>Enable network utilities in natural hazard overlays that:</u>  <u>1. Do not increase the risk from the natural hazard to people, other property or other infrastructure;</u>  <u>2. Have a functional need or operational need to be located within the area</u>  <u>subject to the hazard; and</u>  <u>3. Where necessary and appropriate include design measures to reduce the potential for damage in a natural hazard event.</u></p>	Accept
FS24.04	The Company Lines	Support			Allow	Accept
09.09	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose in part	19. Network utilities	NU-P15	Amend Policy NU-P15 such that clauses 1-6 are all disjunctive.	Accept



09.10	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Support	19. Network utilities	Introductory statement on how the network utilities rules work	Retain the introductory statement on how the networks utilities rules in Chapter 19 work.	Accept
09.11	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose in part	19. Network utilities	NU-R2	Amend Rule NU-R2 such the that following is exempt from default DIS or RDIS status in overlays and scheduled sites and features listed in columns 3, 4 and 5 of the rule table:  Customer connections, cabinets in roads, and poles and antennas in roads (otherwise meeting NESTF Regulations 26-29) other than in an Outstanding Natural Feature.	Reject
FS16.27	NZHPT	Oppose			That the submission is declined	Accept
09.12	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Support	19. Network utilities	NU-R3, NU-R4, NU-R5, NU-R6, NUR7, NU-R11, NU-R12, NU-R17, NU- R19, NU-R22, NU-R30 and NU-R37	Retain:  Rule NU-R3,  NU-R4,  NU-R5,  NU-R6,  NU-R7,  NU-R11,  NU-R12,  NU-R17,  NU-R19,  NU-R22,	Accept  Accept in part  Accept  Accept in part  Accept  Accept in part  Accept in part  Accept

					NU-R30 and NU-R37 as notified.	Accept in part Accept
09.13	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose	19. Network utilities	Rule NU-R13	Amend Rule NU-R13 such that it does not restrict: <ul style="list-style-type: none"> <li>• Network utility structures within rail corridors;</li> <li>• Lines within roads from any indicative road or rail corridor setbacks;</li> <li>• Customer connections from inductive road setbacks</li> </ul>	Address in TRAN
09.14	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose in part	19. Network utilities	Rule NU-R14	Amend Rule NU-R14 or NU-R43 such that realigning underground infrastructure permitted by NU-R14 is not subject to a 5m restriction on realignment/relocation.	Accept
09.15	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose in part	19. Network utilities	Rule NU-R15	Amend Rule NU-R15 to make it clear that permitted activity status in roads applies even where the road traverses an overlay where it is otherwise not permitted.	Reject
FS16.28	NZHPT	Oppose			That the submission is declined	Accept
09.16	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Limited	Oppose	19. Network utilities	Rule NU-R21	Amend Rule NU-R21 such that poles and attached antennas are a permitted activity in the Rural Residential Zone, Commercial Zone (COMZ) and Te Kuiti CBD Precinct PREC5.	Reject

	Zealand Trading Limited and Vodafone New Zealand Limited				Proposed standards are included in the submission on Table 2 (NU-R48).	
FS16.29	NZHPT	Oppose			That the submission is declined	Accept
09.17	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Support	19. Network utilities	New rule	Add a new NU Rule that provides for poles and attached antennas in roads not regulated by or complying with the NESTF as a controlled activity subject to the following standards: <ul style="list-style-type: none"> <li>• 15m or the permitted height limit for poles and attached antennas in the adjacent zone, whichever is the greater.</li> <li>• 700mm maximum width for antennas, antenna headframe and any shroud mounted on the pole.</li> </ul>	Reject
FS16.30	NZHPT	Oppose			That the submission is declined	Accept
09.18	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose	19. Network utilities	Rule NU-R33	Amend Rule NU-R33, clause (3)(i), as follows: <p>....</p> <p>PER and RDIS activities must:</p> <p>....</p> <p>3. Earthworks are permitted within 5m from the edge of a water body where:</p> <p>(i) The works are for maintenance or installation purposes on or within 2m of existing roads, driveways, tracks, fences or water intake structure; or</p> <p>.....</p>	Reject
FS23.46	Te Nehenehenui	Oppose			Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.	Accept

					Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.	
09.19	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose	19. Network utilities	Rule NU-R38	Amend Rule NU-R38 such that the 200m set back from the open coast does not apply to customer connections, and network utility structures in existing roads.	Reject
FS23.47	Te Nehenehenui	Oppose			<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.</p>	Accept
09.20	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose in part	19. Network utilities	Rule NU-R39	Amend Rule NU-R38 such that the setbacks from Kawhia Harbour or any river in the Coastal Marine Area do not apply to customer connections, and network utility structures in existing roads.	Reject
FS23.48	Te Nehenehenui	Oppose			Te Nehenehenui seeks to enhance the	Accept

					<p>protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.</p>	
09.21	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose in part	19. Network utilities	Rule NU-R40	<p>Amend Rule NU-R40 as follows:</p> <p>...</p> <p>.</p> <p>O</p> <p>R</p> <p>2. Be a minor utility structure, a pole, tower, <u>line</u>, antennas attached to poles or streetlight; or</p> <p>....</p>	Accept
09.22	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose	19. Network utilities	Table 2 Performance Standards Rule NU-R43	Delete Clause 1 of Rule NU-R43.	Accept
FS24.05	The Lines Company	Support			Allow	Reject
09.23	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and	Oppose in part	19. Network utilities	NU-R44	<p>Amend Rule NU-44 as follows:</p> <p>....</p> <p>12. In all locations:</p> <p>Page 11</p> <p>(i) A replacement panel antenna must not increase the <u>largest</u> face area by more than</p>	Accept

	Vodafone New Zealand Limited				20 percent; and ....	
09.24	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose	19. Network utilities	NU-45	Amend Rule NU-R45 by adding an additional clause as follows:  <u>4. Except that the excavation volumes in (1) and depth in (3) shall not apply to backfilled network utility trenches, excavation by trenchless means (e.g. directional drilling) or pole foundations.</u>	Reject
FS24.06	The Lines Company	Support			Allow	Reject
FS23.49	Te Nehenehenui	Oppose			Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.  Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.	Accept
09.25	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited	Oppose	19. Network utilities	NU-47	Amend Rule NU-R47, clause 2 as follows: ..... <u>2. Every site for a network utility that is permanently staffed must be provided with a vehicle access point to a road</u>	Accept
09.26	Chorus New Zealand Limited, Connexa Limited,	Oppose	19. Network utilities	NU-48	Amend Rule NU-R48 such that the scope of the rule includes the Rural Residential Zone, COMZ and PREC5.	Accept in part

	Spark New Zealand Trading Limited and Vodafone New Zealand Limited				Amend the standards such that the height limits are: <ul style="list-style-type: none"> <li>Industrial, general rural, rural production and rural residential zones, PREC3 and PREC5: 25m</li> <li>COMZ: 20m</li> <li>An additional 5m allowance above the maximum height limits where the antennas of two different operators are sited on the same pole.</li> </ul>	
10.04	WRC	Amend	9. Definitions	Upgrading (in relation to a network utility)	Add a definition for 'upgrading' (in relation to a network utility) in the definitions chapter	Reject
FS05.29	Federated Farmers	Support			Grant the relief sought	Reject
10.05	WRC	Amend	9. Definitions	Telecommunications kiosk	Add a definition for 'telecommunications kiosk'.	Accept
10.16	WRC	Amend	19. Network utilities	General Comment	Remove identical or near identical duplicates from different chapters. (e.g., Rule NU-R8 regarding electric vehicle charging, Rule NU-R9 regarding new public walkways and cycleways, and Rule NU-R10 regarding new stock underpasses).	Accept in part
FS03.15	Director-General of Conservation	Support			Allow	Accept in part
10.17	WRC	Amend	19. Network utilities	General Comment	Amend Chapter 19 – Network Utilities by moving provisions relating specifically to transport to Chapter 20 – Transport (excluding provisions relating to the co-location of network utilities within the transport corridors).	Reject
10.18	WRC	Amend	19. Network utilities	General Comment	Relocate the provisions in the Network Utilities Chapter that are not necessarily specific to network utilities to other more appropriate chapters (e.g., Rule NU-R33 regarding earthworks generally and NU- R45 regarding Earthworks in a hazard area or coastal area).	Reject
10.19	WRC	Amend	19. Network utilities	General Comment	Add objectives and policies that explicitly refer to mitigation of and	Reject

					adaptation to climate change.	
FS27.10	Waka Kotahi	Support in part			Waka Kotahi considers more information is required. Waka Kotahi seeks to be involved with the development of the policies due to the implications it may have to carry out their statutory obligations.	Accept in part
10.20	WRC	Amend	19. Network utilities	NU-P5 and NU-P6	Move these provisions to the Transport Chapter.	Accept in part
10.21	WRC	Amend	19. Network utilities	NU-P7	Remove NU-P7.	Accept
10.22	WRC	Oppose	19. Network utilities	NU-P8	Reword rewording the policy to, " <u>Manage/restrict</u> clearance of indigenous vegetation <u>within/near</u> overlays, scheduled sites ...".  And in line with other submission points, WRC recommends moving NU-P8 to the natural environment section of the plan.	Reject
FS03.16	Director-General of Conservation	Support in part			Allow	Reject
10.23	WRC	Amend	19. Network utilities	General Comment on NU-P4 to NU-P8.	Relocate policies NU-O4, NU-O5, NU-O7, NU-O7 and NU-O8 to the chapters that they more directly relate to e.g., Signs, Earthworks and Indigenous Vegetation.	Accept
FS03.17	Director-General of Conservation	Support in part			Allow	Accept
10.24	WRC	Amend	19. Network utilities	NU-P9	Amend the wording of the policy as follows: " <del>For roads in all locations and all land located outside of overlays, scheduled sites and features, manage the adverse effects of network utilities whilst taking into account their functional and operational needs, by:</del> <u>Manage the adverse effects of network utilities in roads and other land outside of overlays, by...</u> ".	Accept in part
FS03.18	Director-General of Conservation	Support			Allow	Accept in part
10.25	WRC	Amend	19. Network utilities	NU-R4, NU-R12	Provide an explanation regarding the difference in activity status levels or amend these rules	



				and NU-R15	so that the activity status levels are consistent. Further, we suggest adding a heading for column 4 of the table in NU- R12.  NU-R4 NU-R12 NU-R15	Accept Accept in part Reject
FS03.19	Director-General of Conservation	Support			Allow	Accept in part
10.26	WRC	Amend	19. Network utilities	NU-R4, NU-R8 to NU-R10, NU-R13.	Reassess the rules and delete if appropriate. NU-R4 NU-R8 NU-R9 NU-R10 NU-R13	Reject Accept Accept Accept Accept
FS03.21	Director-General of Conservation	Support			Allow	Accept in part
10.27	WRC	Amend	19. Network utilities	NU-R19 and NU- R23	Provide a justification regarding the difference in activity status levels or amend these rules so that the activity status levels are consistent, by changing the coastal environment, karst overlay and landscapes of high amenity value to Restricted Discretionary or Discretionary.	Accept in part
FS03.20	Director-General of Conservation	Support			Allow	Accept in part
10.28	WRC	Amend	19. Network utilities	NU-R27 and NU- R29	Relocate these rules to the Transport chapter.	Reject
FS22.04	Telcos	Oppose			Disallow the submission	Accept

10.29	WRC	Amend	19. Network utilities	NU-R31 and NU- R32	Relocate these rules to the Signs chapter.	Reject
FS22.05	Telcos	Oppose			Disallow the submission	Accept
10.30	WRC	Amend	19. Network utilities	NU-R33 to NU-R36	Relocate these rules from this chapter to the earthworks chapter or the natural environment values chapter.	Reject
FS22.06	Telcos	Oppose			Disallow the submission	Accept
10.31	WRC	Amend	19. Network utilities	NU-R37	Relocate these rules to the ecosystems and biodiversity chapter.	Reject
FS22.07	Telcos	Oppose			Disallow the submission	Accept
10.32	WRC	Amend	19. Network utilities	NU-R38	Relocate this rule to the coastal environment chapter.	Reject
FS22.08	Telcos	Oppose			Disallow the submission	Accept
10.33	WRC	Amend	19. Network utilities	NU-R39	Relocate this rule to the coastal environment chapter.	Reject
FS22.09	Telcos	Oppose			Disallow the submission	Accept
10.34	WRC	Amend	19. Network utilities	NU-R40	Relocate this rule to the chapters within the Natural Environment Values section as appropriate.	Reject
FS22.10	Telcos	Oppose			Disallow the submission	Accept
10.35	WRC	Amend	19. Network utilities	NU-R46	Relocate this rule to the noise chapter.	Reject
FS22.11	Telcos	Oppose			Disallow the submission	Accept

10.36	WRC	Amend	19. Network utilities	NU-R47	Relocate this rule to the transport chapter.	Reject
FS22.12	Telcos	Oppose			Disallow the submission	Accept
10.37	WRC	Amend	19. Network utilities	NU-R51	Relocate this rule to the signs chapter.	Reject
FS22.13	Telcos	Oppose			Disallow the submission	Accept
10.38	WRC	Amend	19. Network utilities	NU-R52	Relocate relocating this rule to the light chapter.	Reject
FS22.14	Telcos	Oppose			Disallow the submission	Accept
17.09	Waka Kotahi	Support		Maintenance (in relation to network utilities)	Retain as notified.	Accept
17.28	Waka Kotahi	Support	19. Network utilities	NU-O2	Retain as notified.	Accept
17.29	Waka Kotahi	Support in part	19. Network utilities	NU-O4	Waka Kotahi seeks an amendment to the objective as follows:  The transport network is a well-connected, integrated and accessible system that meets, and is responsive to current and future needs, and maximises opportunities to link with <u>anticipated</u> land use and development.	Accept in part
17.30	Waka Kotahi	Support	19. Network utilities	NU-P1	Retain as notified.	Accept
17.31	Waka Kotahi	Support	19. Network utilities	NU-P5	Retain as notified.	Reject
17.32	Waka Kotahi	Support	19. Network utilities	NU-P6	Retain as notified.	Reject

17.33	Waka Kotahi	Support	19. Network utilities	NU-P13	Retain as notified.	Accept
17.34	Waka Kotahi	Support	19. Network utilities	NU-P16	Retain as notified.	Accept
17.35	Waka Kotahi	Support	19. Network utilities	NU-P19	Retain as notified.	Accept
17.36	Waka Kotahi	Support in part	19. Network utilities	NU-R8	<p>Waka Kotahi seeks an amendment to the rule as follows:</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <p>(a) Adverse effects on the safe, efficient and effective operation of the road transport network <u>including outcomes from consultation with Waka Kotahi New Zealand Transport Agency</u>; and</p> <p>(b) Effects on the values of any scheduled site or feature including outcomes from consultation with mana whenua and Heritage New Zealand Pouhere Taonga where relevant; and</p> <p>(c) The extent and effect of non-compliance on the streetscape, pedestrian safety and the amenity of the area.</p> <p><u>Note: Any electric vehicle charging device to be located within the State Highway road reserve requires approval from Waka Kotahi New Zealand Transport Agency.</u></p>	Addressed in TRAN
FS23.61	Te Nehenehenui	Oppose in part			<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District</p>	Addressed in TRAN

					Council consider this when finalising the review.	
17.37	Waka Kotahi	Support in part	19. Network utilities	NU-R13	Waka Kotahi seeks an amendment to the rule as follows: 2. The structure (excluding signs, temporary structures, and vehicle access points) is located within 20 m of the edge of an indicative road or designation boundary; <i>Note: KiwiRail and/or Waka Kotahi New Zealand Transport Agency will be considered an affected person (in respect of activities adjacent to a railway corridor) in accordance with section 95B of the RMA where its written approval is not provided.</i> (g) The outcome of consultation with KiwiRail and Waka Kotahi New Zealand Transport Agency.	Addressed in TRAN
17.38	Waka Kotahi	Support	19. Network utilities	NU-R27	Retain as notified.	Accept in part
17.39	Waka Kotahi	Support	19. Network utilities	NU-R28	Retain as notified.	Accept
FS26.02	WRC	Support with amendment			Amend activity status for "the construction of new public roads, state highways, service lanes and any road widening outside of the road reserve or designation" in the coastal environment and landscapes of high amenity value to discretionary, in line with the discretionary activity status for outstanding natural landscapes, outstanding natural character, SNAs and high/very high natural character areas.	Reject
17.40	Waka Kotahi	Support	19. Network utilities	NU-R28 (b), (d), (e), (h) and (i).	Retain as notified.	Accept
17.41	Waka Kotahi	Support in part	19. Network utilities	NU-R32	Waka Kotahi seek to add an additional matter of discretion as below:	Accept in part

					(h) The outcome of consultation with Waka Kotahi New Zealand Transport Agency if signs are visible from the state highway network.	
17.42	Waka Kotahi	Support	19. Network utilities	NU-R33	Retain as notified.	Accept in part
17.43	Waka Kotahi	Support	19. Network utilities	NU-R37	Retain as notified.	Accept
17.44	Waka Kotahi	Support	19. Network utilities	NU-R40	Retain as notified.	Accept in part
17.45	Waka Kotahi	Support in part	19. Network utilities	NU-R46	Waka Kotahi seek correction of the references to other rules in NU-R46.1.	Accept
24.13	MoE	Support	19. Network utilities	NU-R9	Retain NU-R9 as notified.	Reject
25.07	TLC	Support	9. Definitions	Network utility operator	Retain as notified	Accept
25.09	TLC	Support with amendment	9. Definitions	Maintenance (in relation to network utilities)	Amend the definition of 'maintenance (in relation to network utilities)' as follows: ... another of the same or <del>lesser</del> similar height, size....	
25.10	TLC	New	9. Definitions	Infrastructure	Amend the definition for 'infrastructure' as follows:  <u>Infrastructure:</u> <u>has the same meaning as in section 2 of the RMA:</u> <u>means-</u> ...	Reject
FS10.06	King Country Energy	Support			Allow	Reject
25.11	TLC	New	9. Definitions	Line	Add a new definition for 'Line' as follows:  <u>Line</u> <u>means line as defined in section 2 of the Electricity Act 1992:</u>	Reject

					a) means works that are used or intended to be used for the conveyance of electricity.	
25.12	TLC	Neutral	19. Network Utility	NU-O3	No specific decision sought, although submitter suggests Objective NU- O3 be removed from Chapter 19 Network Utility as the objective is already contained within Chapter 18.	Accept in part
25.13	TLC	Support with amendment	19. Network Utility	NU-R19	Amend NU-R19 as follows:  New overhead lines and associated <u>equipment</u> poles or towers.	Accept
25.14	TLC	Oppose	19. Network Utility	NU-R43	Delete NU-R43(1).	Accept
25.15	TLC	Support with amendment	19. Network Utility	NU-R44	Amend NU-R44 as follows: 1. <u>Where not otherwise identified as a permitted activity</u> , <del>the</del> realignment, relocation, ...	Reject
25.16	TLC	Support	19. Network Utility	NU-R44(3)	Retain NU-R44(3) as notified.	Accept in part
25.17	TLC	Support	19. Network Utility	NU-R44(8)	Retain NU-R44(8) as notified.	Accept in part
25.18	TLC	Support	19. Network Utility	NU-R11	Retain NU-R11 as notified.	Accept in part
25.19	TLC	Support	19. Network Utility	NU-R46	Retain NU-R46 as notified.	Accept in part
25.26	The Lines Company	Support with amendment		9. Definitions	Add a definition for 'Infrastructure' in Chapter 9  Or  Amend APP-5.1 to explicitly provide for non-Council owned infrastructure (as well as Council's three waters and transportation infrastructure).	Reject
27.08	Hort NZ	Support with amendment	9. Definitions	Minor upgrade (in relation to existing energy activities)	Amend the definition of 'Minor upgrade' to include the following wording:	Reject

					<u>But does not increase the voltage beyond that for which the line was designed</u>	
31.04	Transpower	Support	9. Definitions	Maintenance (in relation to network utilities)	Retain as notified.	Accept
31.05	Transpower	Support	9. Definitions	Minor upgrade (in relation to existing energy activities)	Retain as notified.	Accept
31.09	Transpower	Support	9. Definitions	Network utility operator	Retain as notified	Accept
31.14	Transpower	Amend	9. Definitions	Transmission line	Add a definition for 'Transmission line' as follows:  <u>has the same meaning as provided in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.</u> And Any consequential amendments.	Accept
FS24.08	The Lines Company	Oppose			Disallow	Reject
31.32	Transpower	Support	19. Network utilities	Overview	Retain the Overview to Chapter 19. Network Utilities as it relates to the National Grid and the NPSET.	Accept
31.33	Transpower	Support	19. Network utilities	NU-01	Retain NU-01.	Accept
31.34	Transpower	Support	19. Network utilities	NU-02	Retain NU-02.	Accept
31.35	Transpower	Amend	19. Network utilities	NU-03	Retain the intent of NU-03 but separate the National Grid into its own specific objective as follows: NU-03. The national significance and benefits of the National Grid <del>and gas transmission</del> network are recognised and provided for.	Accept in part



					<p>NU-O3a. The national significance and benefits of the <del>National Grid</del> and gas transmission network are recognised and provided for.</p> <p>And</p> <p>Any consequential amendments.</p>	
31.36	Transpower	Support	19. Network utilities	NU-P1	Retain NU-P1.	Accept
31.37	Transpower	Support	19. Network utilities	NU-P2	Retain NU-P2.	Accept
31.38	Transpower	Support	19. Network utilities	NU-P7	Retain NU-P7 on the basis of the provision of specific National Grid policies (NU-P20-22).	Reject
31.39	Transpower	Support	19. Network utilities	NU-P8	Retain NU-P8 on the basis of the provision of specific National Grid policies (NU-P20-22).	Reject
31.40	Transpower	Amend	19. Network utilities	NU-P9	<p>Amend NU-P9 as follows: For roads in all locations and all land located outside of overlays, scheduled sites and features, manage the adverse effects of network utilities whilst taking into account their functional and operational needs, by:</p> <ol style="list-style-type: none"> <li>1. Controlling the height, bulk and location of network utilities in a manner that minimises <u>to the smallest amount reasonably practicable</u> any adverse effects on the anticipated outcomes for the receiving environment including the role, function, character and identified qualities of the zone or precinct; and</li> <li>2. ....</li> </ol> <p>And</p>	Accept

					Any consequential amendments.	
FS23.114	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Reject
31.41	Transpower	Amend	19. Network utilities	NU-P10	Amend NU-P10 as follows:  Ensure the location, scale and operation of <u>new</u> network utilities and their ancillary activities avoid, remedy or mitigate adverse effects on nearby sensitive activities as far as <u>reasonably</u> practicable by:  ... AND  Any consequential amendments.	Accept in part
FS23.115	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Accept in part
31.42	Transpower	Support	19. Network utilities	NU-P11	Retain NU-P11 on the basis of the provision of specific National Grid policies (NU-P20-22).	Reject
31.43	Transpower	Support	19. Network utilities	NU-P12	Retain NU-P12.	Accept in part
31.44	Transpower	Support	19. Network utilities	NU-P13	Retain NU-P13.	Accept
31.45	Transpower	Support	19. Network utilities	NU-P14	Retain NU-P14.	Accept
31.46	Transpower	Support	19. Network utilities	NU-P19	Retain NU-P19.	Accept
31.47	Transpower	Amend	19. Network utilities	NU-P20	Amend NU-P20 as follows: Enable the operation, maintenance and minor upgrade and repair of the National Grid.	Accept

					<p><u>In the event of any conflict with any other policies within the plan, NUP20, NU-P21 and NU-P22 take precedence.</u></p> <p>And</p> <p>Any consequential amendments.</p>	
FS03.59	Director-General of Conservation	Oppose			Disallow	Reject
FS09.06	Kainga Ora	Oppose			Disallow	Reject
FS23.116	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Reject
31.48	Transpower	Amend	19. Network utilities	NU-P21	<p>Add a new clause to NU-P2 as follows: Provide for the upgrading of the National Grid by: ...</p> <p><u>6. In the event of any conflict with any other policies within the plan, NUP20, NUP21 and NU-P22 take precedence.</u></p> <p>And</p> <p>Any consequential amendments.</p>	Accept
FS03.60	Director-General of Conservation	Oppose			Disallow	Reject
FS16.14	NZHPT	Oppose			That the submission point is declined	Reject
FS23.117	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Reject

31.49	Transpower	Amend	19. Network utilities	NU-P22	<p>Amend NU-P22 as follows: Provide for the development of the National Grid:</p> <p>...</p> <p>3(iii) Seeking to avoid significant adverse effects on:</p> <p><del>i. SCHED11—areas of high/very high natural character, SCHED9—landscapes of high amenity value and SCHED12—karst overlay; other areas of natural character in the coastal environment and</del></p> <p>ii. <del>SCHED1—heritage buildings and structures, SCHED2—significant archaeological sites, SCHED3 and SCHED 4—sites of significance to Māori; natural attributes and characteristics of other natural features and landscapes in the coastal environment;</del></p> <p>iii. indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and</p> <p>iv. <del>Avoiding, remedying or mitigating other adverse effects to the extent practicable; and</del></p> <p><u>4. Remedying or mitigating other adverse effects to the extent practicable; and</u></p> <p>...</p> <p>6. <del>Other than policies relating to the coastal environment;</del> In the event of any conflict with any other policies within the plan, NUP20, NU-P21 and NU-P22 take precedence.</p> <p>And</p> <p>Any consequential amendments.</p>	Accept
FS03.61	Director-General of Conservation	Oppose			Disallow	Reject
FS16.15	NZHPT	Oppose			That the submission point is declined	Reject
FS23.118	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission,	Reject

					therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	
31.50	Transpower	Support	19. Network utilities	Overview (rules)	Retain the introductory text to the rules in NU-Rules.	Accept
31.51	Transpower	Support and amend	19. Network utilities	NU-R1 National Grid existing electricity transmission lines	Retain NU-R1.	Accept
31.52	Transpower	Support	19. Network utilities	NU-R4 New and extended or upgraded access tracks	Retain NU-R4.	Accept in part
31.53	Transpower	Support	19. Network utilities	NU-R19 New overhead lines and associated poles or towers	Retain NU-R19.	Accept in part
31.54	Transpower	Support	19. Network utilities	NU-R20	Retain NU-R20.	Accept
31.55	Transpower	Support and amend	19. Network utilities	NU-R30	Amend NU-R30 to clarify the activities anticipated to be subject to NU-R30, and amend the activity status to discretionary should it apply to any National Grid activities.  Or	Reject

					Amend NU-R30 to clearly state it does not apply to the National Grid. And  Any consequential amendments.	
FS03.62	Director-General of Conservation	Oppose			Disallow	Accept
FS23.119	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Accept
31.56	Transpower	Support and amend	19. Network utilities	NU-R33	Amend NU-R33 to make earthworks associated with the National Grid no worse than a discretionary activity.  And  Any consequential amendments.	Accept
FS03.63	Director-General of Conservation	Oppose			Disallow	Reject
FS23.120	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for.	Reject
31.57	Transpower	Support and amend	19. Network utilities	NU-R37	Amend NU-R37 to make the activity status to make removal of indigenous vegetation associated with the National Grid no worse than a Discretionary activity.  And  Any consequential amendments.	Accept
FS03.64	Director-General of Conservation	Oppose			Disallow	Reject

FS23.121	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for.	Reject
31.58	Transpower	Support	19. Network utilities	NU-R38	Retain NU-R38.	Accept
31.59	Transpower	Support	19. Network utilities	NU-R39	Retain NU-R39.	Accept
31.60	Transpower	Support	19. Network utilities	NU-R40	Retain NU-R40.	Accept in part
33.02	KCE	Support	9. Definitions	Minor upgrade (in relation to existing energy activities)	Retain as notified.	Accept
39.03	Firstgas	Support	9. Definitions	Minor utility structure	Retain as notified.	Accept
39.18	Firstgas	Support	19. Network utilities	NU-O1	Retain NU-O1 as notified.	Accept
39.19	Firstgas	Support	19. Network utilities	NU-O2	Retain NU-O2 as notified.	Accept
39.20	Firstgas	Support	19. Network utilities	NU-O3	Retain NU-O3 as notified.	Accept in part
39.21	Firstgas	Support	19. Network utilities	NU-P1	Retain NU-P1 as notified.	Accept
39.22	Firstgas	Support	19. Network utilities	NU-P2	Retain NU-P2 as notified.	Accept
39.23	Firstgas	Support	19. Network utilities	NU-P3	Retain NU-P3 as notified.	Accept
39.24	Firstgas	Support	19. Network utilities	NU-P7	Retain NU-P7 as notified.	Reject
39.25	Firstgas	Support	19. Network utilities	NU-P8	Retain NU-P8 as notified.	Reject
39.26	Firstgas	Support	19. Network utilities	NU-P9	Retain NU-P9 as notified.	Accept in part
39.27	Firstgas	Support	19. Network utilities	NU-P10	Retain NU-P10 as notified.	Accept in part

39.28	Firstgas	Support	19. Network utilities	NU-P11	Retain NU-P11 as notified.	Reject
39.29	Firstgas	Support	19. Network utilities	NU-P12	Retain NU-P12 as notified.	Accept in part
39.30	Firstgas	Support	19. Network utilities	NU-P13	Retain NU-P13 as notified.	Accept
39.31	Firstgas	Support	19. Network utilities	NU-P14	Retain NU-P14 as notified.	Accept
39.32	Firstgas	Support	19. Network utilities	NU-P15	Retain NU-P15 as notified.	Accept in part
39.33	Firstgas	Support	19. Network utilities	NU-P16	Retain NU-P16 as notified.	Accept
39.34	Firstgas	Support	19. Network utilities	NU-P17	Retain NU-P17 as notified.	Accept
39.35	Firstgas	Support	19. Network utilities	NU-P19	Retain NU-P19 as notified.	Accept
39.36	Firstgas	Support	19. Network utilities	NU-R3	Retain NU-R3 as notified.	Accept
39.37	Firstgas	Support	19. Network utilities	NU-R4	Retain NU-R4 as notified.	Accept in part
39.38	Firstgas	Support	19. Network utilities	NU-R5	Retain NU-R5 as notified.	Accept
39.39	Firstgas	Support	19. Network utilities	NU-R6	Retain NU-R6 as notified.	Accept in part
39.40	Firstgas	Support	19. Network utilities	NU-R7	Retain NU-R7 as notified.	Accept
39.41	Firstgas	Support	19. Network utilities	NU-R12	Retain NU-R12 as notified.	Accept in part
39.42	Firstgas	Support	19. Network utilities	NU-R15	Retain NU-R15 as notified.	Accept
39.43	Firstgas	Support	19. Network utilities	NU-R16	Retain NU-R16 as notified.	Accept
39.44	Firstgas	Support	19. Network utilities	NU-R17	Retain NU-R17 as notified.	Accept
39.45	Firstgas	Support	19. Network utilities	NU-R18	Retain NU-R18 as notified.	Accept
39.46	Firstgas	Support	19. Network utilities	NU-R20	Retain NU-R20 as notified.	Accept
39.47	Firstgas	Support	19. Network utilities	NU-R23	Retain NU-R23 as notified.	Accept



39.48	Firstgas	Support	19. Network utilities	NU-R33	Retain NU-R33 as notified.	Accept in part
39.49	Firstgas	Support with amendment	19. Network utilities	NU-R14	Amend NU-R14 to read:  Per activities must: 1. Comply with all the provisions in NU - Table 2; 2. <del>Not exceed 2,000 kilopascals for any gas pipeline.</del>  ... Or  Similar relief to achieve this submission.	Reject
42.15	VE	Support	19. Network utilities	NU-P1	Retain NU-P1 as notified.	Accept
42.16	VE	Support	19. Network utilities	NU-R19	Retain NU-R19 as notified.	Accept in part
42.17	VE	Support	19. Network utilities	NU-R20	Retain NU-R20 as notified.	Accept
42.18	VE	Support with amendments	19. Network utilities	NU-R17	Amend NU-R17 Table 2 and in particular NU-R44 by reducing the number of performance standards required to be complied with to retain permitted activity status.	Reject
FS16.07	NZHPT	Oppose			That the submission point is declined	Accept
FS23.167	Te Nehenehenui	Oppose			Oppose where the activity impacts sites and areas of significance to Māori and significant archaeological sites, iwi, hapu and mana whenua cultural values must be provided for	Accept
46.20	FF	Support	19. Network utilities	NU-O2	Retain NU-O2 as notified.	Accept
46.21	FF	Support with amendment	19. Network utilities	NU-P10	Amend NU-P10 to include an explanation of what is a sensitive activity within the scope of the policy.  OR  Add a definition for the term 'sensitive activity'.  And	Reject

					Any consequential Amendments required as a result of the relief sought.	
46.22	FF	Oppose with amendment	19. Network utilities	NU-P22.3	Amend NU-P22.3 to include a clause that specifically refers to avoiding adverse effects on rural activities lawfully established in the rural environment.  And  Any consequential amendments required as a result of the relief sought.	Reject
FS16.16	NZHPT	Oppose			That the submission point is declined as are any related changed	Accept
46.23	FF	Support with amendment	19. Network utilities	NU rules	Amend the rules for Network Utilities to reconsider the permitted activity classification for rules which allow network utility activities to occur which will adversely impact on existing rural activities and operations.  And  Add a new matter of discretion for restricted discretionary and discretionary activities in the Network Utilities chapter that reads (or with wording to similar effect):  <u>the potential adverse effects on the operation of existing farming and rural activities located in the general rural and rural production zones</u>  And  Any consequential amendments required as a result of the relief sought.	Reject
FS27.02	Waka Kotahi	Oppose			Waka Kotahi seeks the submission point be disallowed.	Accept

FS19.162	PF Olsen	Support			Allow submission point	Reject
47.44	F&B	Support with amendment	19. Network utilities	General	<p>Add to chapter 19 Network Utilities objectives and policies that explicitly refer to climate change mitigation and adaptation.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
47.45	F&B	Support with amendment	19. Network utilities	NU-P7	<p>Amend NU-P7 as follows: Enable earthworks where they maintain the stability of land, are setback from caves, sinkholes and water bodies and <del>minimise</del> <u>avoid</u>:...</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
FS24.10	The Company Lines	Oppose			Disallow	Accept
47.46	F&B	Support with amendment	19. Network utilities	NU-P8	<p>Amend NU-P8 as follows:</p> <p><u>Manage the Enable</u>—clearance of indigenous vegetation outside of overlays, scheduled sites and features, cave entrances and sinkholes, <u>the coastal environment</u> and water body margins <u>to maintain indigenous biodiversity</u>.</p> <p>And</p> <p>Make amendments to the ECO policies to provide direction on the maintenance of indigenous biodiversity.</p> <p>And</p>	Reject

					Any consequential changes or alternative relief to achieve the relief sought.	
FS24.11	The Company Lines	Oppose			Disallow	Accept
47.47	F&B	Support with amendment	19. Network utilities	NU-P9	<p>Add the following clauses to NU-P9:</p> <p>...</p> <p><u>4.Managing adverse effects on indigenous biodiversity in accordance with ECO chapter provisions"</u></p> <p><u>5.Managing adverse effects on natural character, landscapes and features in the coastal environment in accordance with the EC chapter provisions</u></p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
FS24.12	The Company Lines	Oppose			Disallow	Accept
47.48	F&B	NEW	19. Network utilities	NEW	<p>Add the following new policy in the Adverse Effects section of the Network Utilities chapter:</p> <p><u>NU-PX Ensure the location, scale and operation of RSI and network utilities and their ancillary activities protect the significant habitat of indigenous species.</u></p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
FS24.13	The Company Lines	Oppose			Disallow	Accept
47.49	F&B	Support with amendment	19. Network utilities	NU-P11	<p>Amend NU-P11 as follows:</p> <p><del>Ensure consideration—the protection</del> of the values, qualities and characteristics of overlays, scheduled sites and features when</p>	Reject

					proposing new infrastructure or undertaking significant upgrades to existing infrastructure.  And  Any consequential changes or alternative relief to achieve the relief sought.	
FS16.09	NZHPT	Support			That the submission point is allowed	Reject
FS24.14	The Company Lines	Oppose			Disallow	Accept
47.50	F&B	Oppose with amendment	19. Network utilities	NU-P12	Amend NU-P12 as follows:  <u>Consider pProvisione</u> —for regionally significant infrastructure within overlays, scheduled sites and features where:... 2 having particular regard to the financial implications, social, cultural and environmental effects of the preferred option, <del>compared to alternative options;</del> and <u>Adverse effects can be managed in accordance with overlay provisions including those in the ECO and CE chapters.</u>  And  Any consequential changes or alternative relief to achieve the relief sought.	Accept in part
FS24.15	The Company Lines	Oppose			Disallow	Accept in part
FS22.15	Telcos	Oppose			Disallow the submission	Accept in part
47.51	F&B	Support with amendment	19. Network utilities	NU-P13	Amend NU-P13 as follows:  In assessing the effects of any application and the directions contained in Policy NU-P1 to Policy NU-P12, <u>in addition to other relevant matters</u> , have regard to: ...  And	Reject

					Any consequential changes or alternative relief to achieve the relief sought.	
47.52	F&B	Oppose with amendment	19. Network utilities	NU-P21	Amend NU-P21 to clarify that the considerations in this policy are in addition to other policies above.  And  Any consequential changes or alternative relief to achieve the relief sought.	Reject
47.53	F&B	Oppose with amendment	19. Network utilities	NU-P22	Amend NU-P22 as follows: Provide for the development of the national grid: ... 2. Outside the coastal environment, Sseek to avoid the adverse effects of the national grid within overlays, scheduled sites and features <u>and otherwise manage adverse effects in accordance with ECO provisions</u> ; and 3. <u>In the coastal environment w</u> Where the national grid has a functional need or operational need to locate within the coastal environment, <u>in accordance with specific overlay provisions and CE chapter provisions</u> ; <u>manage adverse effects by: ... extent practicable; and</u>  And Retain NU-P22(4) And Retain NU-P22(5) subject to Amendments to policies 21 and 22 sought above. And Any consequential changes or alternative relief to achieve the relief sought.	Accept in part
FS16.10	NZHPT	Oppose in part			That the submission point is declined	Accept in part
47.54	F&B	Support with amendment	19. Network utilities	Rules general	Retain the statement in the Network Utilities chapter that the rules in this chapter only apply to network utilities.	Accept
47.55	F&B	Oppose with	19. Network utilities	Rules general	Amend the wording in NU policies that refers to regionally significant infrastructure to refer to	Reject

		amendment			network utilities for consistency.  And  Any consequential changes or alternative relief to achieve the relief sought.	
47.56	F&B	Oppose with amendment	19. Network utilities	Rules general	Amend the third point with respect to Part 2 District-Wide Matters in the NU chapter as follows: <u>Part 2 District-Wide Matters unless specifically stated otherwise in a rule.</u>  Or  Alternatively use the same wording and ENG Y Rules that to undertake any activity it must comply with all the rules listed in ENG Y Table 1 and 2, and <u>Any relevant provision in Part 2 District-Wide Matters.</u>  And  Any consequential changes or alternative relief to achieve the relief sought.	Reject
47.57	F&B	Oppose with amendment	19. Network utilities	Rules general	Add the following words for all permitted activities: <u>PER activities must: Comply with ECO chapter rules and any relevant overlay rules with respect to vegetation clearance and earthworks.</u>  And  Any consequential changes or alternative relief to achieve the relief sought.	Reject
47.58	F&B	Oppose with amendment	19. Network utilities	Rules general	Add the following matter of discretion for all RDIS activities in the Network Utilities chapter: <u>effects on</u>	Reject

					<u>indigenous</u> <u>biodiversity</u> And Any consequential changes or alternative relief to achieve the relief sought.	
47.59	F&B	Oppose with amendment	19. Network utilities	NU-R9	Amend NU-R9 to remove provision for new walkways and cycleways within SNAs as a permitted activity. And Any consequential changes or alternative relief to achieve the relief sought.	Address in TRAN
51.02	KRH	Support	9. Definitions	Maintenance (in relation to network utilities)	Retain as notified.	Accept
51.03	KRH	Support	9. Definitions	Network Utility Operator	Retain as notified.	Accept
51.10	KRH	Support	9. Definitions	Maintenance (in relation to network utilities)	Retain as notified.	Accept
51.16	KRH	Support	19. Network utilities	NU-P1	Retain as proposed.	Accept
51.17	KRH	Support	19. Network utilities	NU-P5	Retain as proposed.	Reject
51.18	KRH	Support	19. Network utilities	NU-P12	Retain as proposed.	Accept in part
51.19	KRH	Support	19. Network utilities	NU-P19	Retain as proposed.	Accept
51.20	KRH	Seek amendment	19. Network utilities	NU-R3	Amend NU-R3 as follows: Operation, maintenance, <del>repair</del> , and removal of existing network utilities and existing ancillary access tracks.	Reject



51.21	KRH	Seek amendment	19. Network utilities	NU-R4	Amend table as follows:  Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites <del>DIS</del> <u>RDIS</u> .	Accept
FS03.122	Director-General of Conservation	Oppose			Disallow	Reject
FS23.248	Te Nehenehenui	Support in part			Support in part, where the activity impacts the sites and areas of significance to Māori and significant archaeological sites, Maniapoto cultural values must be considered	Accept in part
51.22	KRH	Support	19. Network utilities	NU-R12	Retain as proposed.	Accept in part
51.23	KRH	Seek amendment	19. Network utilities	NU-R13	Amend NU-R13 as follows:  RDIS New structures <del>on or</del> adjacent to a railway corridor or an indicative road	
51.24	KRH	Support	19. Network utilities	NU-R17	Retain as proposed.	Address in TRAN
53.19	DOC	Oppose in part	19. Network utilities	Indigenous Vegetation NU-P8	I seek the following or relief to like effect:  Indigenous vegetation NU-P8. <del>Enable the effects of clearance of</del> Indigenous vegetation <u>clearance</u> outside of overlays, scheduled sites and features, cave entrances and sinkholes, coastal and water body margins <u>is managed by applying the effects management hierarchy.</u>	Reject
FS24.16	The Lines Company	Oppose			Disallow	Accept
FS25.23	Ventus Energy	Oppose			Disallow	Accept
FS23.255	Te Nehenehenui	Support in part			Include to consider cultural values	Reject
53.20	DOC	Oppose	19. Network Utilities	NU-P11	I seek the following or relief to like effect:	Accept

					Delete: <del>NU-P11</del> Ensure consideration of the values, qualities and characteristics of overlays, scheduled sites and features when proposing new infrastructure or undertaking significant upgrades to existing infrastructure	
FS24.17	The Lines Company	Oppose			Disallow	Reject
FS22.18	Telcos	Oppose			Disallow the submission	Reject
53.21	DOC	Oppose in part	19. Network Utilities	NU-P12	I seek the following or relief to like effect:  <del>Provide for</del> Avoid the adverse effects of regionally significant infrastructure within overlays, scheduled sites and features <del>where</del> unless: 1. There is a demonstrated functional or operational need for the infrastructure to be located within the overlay, scheduled site or feature; and 2. It is demonstrated through an options assessment that locating within the overlay, scheduled site or feature is the best practicable option, having particular regard to the <del>financial</del> implications, social, cultural and environmental effects of the preferred option, compared to alternative options; and 3. <u>It is managed by applying the effects management hierarchy.</u>	Reject
FS24.18	The Lines Company	Oppose			Disallow	Accept
FS25.24	Ventus Energy	Oppose			Disallow	Accept
FS22.19	Telcos	Oppose			Disallow the submission	Accept
53.22	DOC	Support in part	19. Network Utilities	NU-P21	I seek the following or relief to like effect:	Reject

					<p>Provide for the upgrading of the national grid by:</p> <ol style="list-style-type: none"> <li><del>Seeking to avoid</del><u>avoiding</u> adverse effects on areas identified in SCHED1 <ul style="list-style-type: none"> <li>heritage buildings and structures,</li> </ul> </li> <li>SCHED2 - significant archaeological sites,</li> <li>SCHED3 and SCHED 4 - sites of significance to Māori,</li> <li>SCHED6 - significant natural areas, and SCHED8 - outstanding natural features; <u>and SCHEDx bat protection area; and SCHEDx light sensitive areas.</u></li> <li>When considering major upgrades, have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection; and</li> <li>Recognising the constraints arising from the operational needs and functional needs of the national grid, when considering measures to avoid, remedy or mitigate any adverse effects; and</li> <li>Recognising the potential benefits of upgrades to the national grid to people and communities; and</li> <li>Where appropriate, substantial upgrades should be used as an opportunity to reduce existing effects of the national grid.</li> </ol>	
FS23.256	Te Nehenehenui	Support in part			Include provide for Māori/ mana whenua cultural values	Accept in part
53.23	DOC	Oppose in part	19. Network Utilities	NU-P22	<p>I seek the following or relief to like effect:</p> <ol style="list-style-type: none"> <li>In urban zoned areas, development should minimise adverse effects on urban amenity and should avoid material adverse effects on the commercial zone, areas of high recreational or amenity value and existing sensitive activities; and</li> <li><del>Seek to avoid</del><u>Avoid</u> the adverse effects of the national grid within overlays,</li> </ol>	Reject

					<p>scheduled sites and features; and</p> <p>3. Where the national grid has a functional need or operational need to locate within the coastal environment, manage adverse effects by:</p> <p>(i) <del>Seeking to avoid</del> <u>Avoiding</u> adverse effects on areas identified in SCHED6</p> <p>- significant natural areas, SCHED7 - outstanding natural landscapes, SCHED8 - outstanding natural features, and SCHED10 - areas of outstanding natural character; <u>and SCHEDx bat protection areas; SCHEDx light sensitive areas; and any indigenous biodiversity values that meet the criteria in Policy 11(a) of the NZCPS 2010; and</u></p> <p>(ii) Where it is not practicable to avoid adverse effects on the values of the areas identified in SCHED6 - significant natural areas, SCHED7 - outstanding natural landscapes, SCHED8 - outstanding natural features, and SCHED10 - areas of outstanding natural character because of the functional needs or operational needs of the national grid, remedy or mitigate adverse effects on those values; and</p> <p>(iii) <del>Seeking to avoid</del> <u>Avoid</u> significant adverse effects on:</p> <p>i. SCHED11 - areas of high/very high natural character, SCHED9 - landscapes of high amenity value and SCHED12 - karst overlay; and</p> <p>ii. SCHED1 - heritage buildings and structures, SCHED2 - significant archaeological sites, SCHED3 and SCHED 4 - sites of significance to Māori; and</p> <p>iii. indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and</p>	
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					<p>iv. Avoiding, remedying or mitigating other adverse effects to the extent practicable; and</p> <p>4. When considering the adverse effects in respect of NU-P22.1 - NU-P22.3 above;</p> <p>(i) Have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection and techniques and measures proposed; and</p> <p>(ii) Consider the constraints arising from the operational needs and or functional needs of the national grid, when considering measures to avoid, remedy or mitigate any adverse effects.</p> <p><del>5. Other than policies relating to the coastal environment, in the event of any conflict with any other policies within the plan, NUP20, NU-P21 and NU-P22 take precedence.</del></p>	
53.24	DOC	Support with amendment	19. Network Utilities	NU-R4, NU-R12, NU-R15, NU-R16, NU-R20, NU-R23, NU-R37 Matters of discretion	<p>I seek the following words or relief to like effect            Extend the matters of discretion for RDIS activities under rules NU- R4, NU-R12, NU-R15, NU-R16, NU-R20, NU-R23, NU-R37 to:</p> <p><u>Any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures and the extent to which any adverse effect can be avoided, remedied or mitigated by applying the effects management hierarchy.</u></p>	Reject
FS25.25	Ventus Energy	Oppose			Disallow	Accept
53.25	DOC	Oppose in part	19. Network Utilities	NU-R20	<p>I seek the following or relief to like effect:</p> <p>NU-R20 New substations, ground mounted transformers, compressor/scrapper stations, gas regulation valves and/or take off stations and ancillary energy storage batteries</p>	Reject

					<del>DIS-DIS</del> : Significant natural areas	
FS24.19	The Lines Company	Oppose			Disallow	Accept
53.26	DOC	Oppose in part	19. Network Utilities	NU-R37	<p>I seek the following or relief to like effect:</p> <p>NU-37 Removal of indigenous vegetation PER activities must (except for SNA):</p> <p><del>Note: There are no rules in this plan that control the removal of exotic vegetation other than in relation to plantation forestry. PER: Significant Natural Area</del></p> <p>PER activities in an SNA must:</p> <ol style="list-style-type: none"> <li>2. Not exceed <del>50m</del> <sup>2</sup> <del>150</del> per holding, per calendar year <del>or</del> 250m<sup>2</sup> of clearance per holding <del>in any five-year period</del></li> <li>AND</li> <li>3. Be required by statute or regulations, including the Electricity (Hazards from Trees) Regulations 2003 and the Telecommunications Act 2001; or</li> <li>4. Be undertaken because indigenous vegetation is threatening or damaging a network utility; or</li> <li>5. Be for maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or water intake/discharge structures. PER activities in SNA that do not comply are DIS activities</li> </ol>	Reject
FS24.20	The Lines Company	Oppose			<p>Disallow</p> <p><del>**errors in the further submission as FS states rule R20 but primary submission is R37.</del></p>	Accept

					Explanation in FS refers to vegetation clearance****	
FS23.257	Te Nehenehenui	Support in part			Where the SNA is also culturally significant to iwi and mana whenua, consultation must occur	Accept in part
53.27	DOC	Oppose	19. Network utilities	NU-R52	Delete NU-R52  Any other similar, alternative, additional, or consequential relief which will address the matters position and reasoning.	Reject
56.05	The Fuel Companies	Support in part	19. Network utilities	NU-R8	Amend the title and performance standards of Rule NU-R8 as follows: NU-R8. New electric vehicle charging <del>facilities-devices</del> 1. Be installed in an existing, permitted or consented vehicle parking space, vehicle depot or garage structure, or installed on the road reserve; and 2. Not exceed a height of <del>1.8-3.0 m</del> and an area of <del>1.5-3.0 m²</del> .  <u>This rule does not apply to poles, cables and cable support systems associated with the electric vehicle charging device.</u>  Use 'electric vehicle charging devices' in all other instances in the Plan which currently use other terms to refer to electric vehicle charging infrastructure. These terms include, but are not limited to, 'electric vehicle charging stations' or 'electric vehicle charging facilities'.	Address in TRAN
FS23.263	Te Nehenehenui	Oppose			Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto's Environmental Management Plan.	Address in TRAN

					Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.	
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## Overview

This chapter applies to network utility operators and includes provisions specific to the operation, maintenance, upgrading and development of network utilities. Provisions relating to managing the effects on the National electricity Grid and gas transmission network from other activities are contained in the [national electricity and gas transmission chapter](#) and also in the [subdivision chapter](#).

People and communities within the district rely on network utilities to undertake everyday activities. These include transport networks (land, sea and air), piped networks (water, wastewater, and stormwater reticulation), transmission and distribution networks (electricity and gas) and telecommunication networks (wired and wireless).

In order to provide these services, utilities often rely on a national or regional network of assets. This plan recognises the importance of these networks and the benefits they provide. It also manages the potential for reverse sensitivity effects and the effects of activities which could potentially compromise the efficient and effective functioning of network utilities. Some utilities, such as the National Grid, have specific locational or operational needs that must be accommodated. For example, to maintain reliable cell phone coverage, telecommunication towers need to be placed in certain areas. The location and scale of new telecommunication towers in roads and in the general rural zone are provided for through the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF). The rules for new telecommunication towers outside of these locations and where the requirements of NESTF are not met, are controlled by this plan. The National Grid is a linear network that is recognised to be of national significance in the National Policy Statement on Electricity Transmission (NPSET). Existing National Grid assets are regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA).

While the national, regional and local benefits, of network utilities are recognised, adverse effects on surrounding land uses and the environment can occur and need to be managed. The district contains overlays, scheduled sites and features which include significant landscapes, karst landscapes, heritage buildings, sites and areas of significance to Māori and significant natural areas. Section 6 of the Act mandates that the values associated with these features are recognised and provided for. In respect of network utilities, this requires a balance so that the nature, location and scale of the utility is appropriate and respects the character, attributes and value outcomes anticipated for the receiving environment. In some cases, these effects are managed through National Environmental Standards, and in others, through the rules in this plan. The National Grid is recognised to be of national significance in the NPSET and the district plan must give effect to the NPSET.

### Other relevant regulations

Additional regulatory requirements and approvals separate to this plan, are also relevant to network utilities, including:

1. The requirements of the NESETA and the NESTF.

2. Where relevant, the requirements of the National Code of Practice for Utility Operators' Access to Transport Corridors will apply to the placement, maintenance, upgrading and removal of network utility structures in the road.
3. Compliance with the NZECP 34:2001 New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP, including any activities that are otherwise permitted by the plan, must comply with this regulation.
4. Compliance with the Electricity (Hazards from Trees) Regulations 2003 is mandatory. All activities regulated by these regulations, including any activities that are otherwise permitted by the plan, must comply with this regulation.
5. Connections to a network utility require approval of the relevant network utility operator and works within roads require approval of the relevant road controlling authority.

## Objectives

*Refer also to the relevant objectives in Part 2 District - Wide Matters and Part 3 - Area Specific Matters*

- NU-01.** Effective, resilient, efficient and safe network utilities that:
1. Provide essential and secure services, including in emergencies; and
  2. Facilitate local, regional, national, or international connectivity; and
  3. Contribute to the economy; and
  4. Integrate with development, infrastructure and other activities; and
  5. Enable people and communities to provide for their health, safety and wellbeing
- NU-02.** The adverse effects of network utilities on the environment are avoided, remedied or mitigated whilst recognising the positive effects and functional and operational needs of network utilities.
- NU-03.** The national significance and benefits of the **National Grid and gas transmission** network are recognised and provided for.
- NU-0X** The regional significance of the gas transmission network is recognised.<sup>1</sup>
- NU-04.** The transport network is a well-connected, integrated and accessible system that meets, and is responsive to current and future needs, and maximises opportunities to link with both existing and planned<sup>2</sup> land use and development.
- NU-05.** Resilient, efficient and safe water, wastewater and stormwater treatment systems are enabled.

## Policies

*Refer also to the relevant policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters*

### Benefits of network utilities

- NU-P1.** Recognise the benefits of network utilities by allowing for the development, upgrade, operation, maintenance, repair or removal of network utilities and

<sup>1</sup> TLC [25.12], Transpower [31.35]

<sup>2</sup> Waka Kotahi [17.29]

provide for the functions and responsibilities of network utilities including during an emergency.

**NU-P2.** Recognise that the positive benefits of network utilities may be realised at a national, regional and local level. The benefits include an:

1. Effective, safe, secure, and efficient electricity and gas transmission and distribution system; and
2. Integrated, efficient, and safe transport network for the movement of people and goods by land, air, or water, including public transport, walking, cycling and private vehicles; and
3. Effective, reliable and future-proofed communications network and services; and
4. Effective, resilient, efficient and safe water, wastewater and stormwater treatment systems, network and services.

### Minor Utilities

**NU-P3.** Enable minor utility structures for any network utility in all locations except for significant archaeological sites, sites and areas of significance to Māori, outstanding natural features, on or within the sites or surroundings of scheduled heritage buildings or structures.

### Signs

~~**NU-P4.** Allow signs that are required by legislation, including but not limited to health and safety, dangerous buildings and hazardous substances signs.~~

~~**NU-P5.** Allow signs on roads and railways that assist in directing traffic and promoting safety.~~

~~**NU-P6.** Ensure the number, design, location, and content of any sign does not adversely affect the safe functioning of roads by minimising obstructions caused by signs projecting into or over roads and access ways and avoiding clusters of signs which result in visual clutter and driver distraction.<sup>3</sup>~~

### Earthworks

~~**NU-P7.** Enable earthworks where they maintain the stability of land, are setback from caves, sinkholes and water bodies and minimise:~~

- ~~1. Erosion and sediment loss from the site, including loss to reticulated stormwater systems; and~~
- ~~2. The effect of cut or fill faces and retaining structures on the visual amenity and character of the surrounding area; and~~
- ~~3. Significant alterations to natural landforms; and~~
- ~~4. Adverse effects on air quality from objectionable particulate matter.<sup>4</sup>~~

### Indigenous vegetation

~~**NU-P8.** Enable clearance of indigenous vegetation outside of overlays, scheduled sites and features, cave entrances and sinkholes, coastal and water body margins.<sup>5</sup>~~

<sup>3</sup> WRC [10.23a, 10.23b, 10.23c, 10.20]

<sup>4</sup> WRC [10.21 and 10.23d]

<sup>5</sup> WRC [10.23e]

## Adverse effects

**NU-P9.** ~~For roads in all locations and all land located outside of overlays, scheduled sites and features, manage the adverse effects of network utilities whilst taking into account their functional and operational needs, by:~~

Manage the adverse effects of network utilities in all roads and other land outside of overlays, scheduled sites and features, whilst taking into account their functional and operational needs by:<sup>6</sup>

1. Controlling the height, bulk and location of network utilities in a manner that minimises to the smallest amount reasonably practicable<sup>7</sup> any adverse effects on the anticipated outcomes for the receiving environment including the role, function, character and identified qualities of the zone or precinct; and
2. Requiring compliance with recognised standards or guidelines relating to radiofrequency fields and electric and magnetic fields; and
3. Requiring undergrounding of new electricity and telecommunications lines in the Te Kūiti CBD Precinct (PREC5) and the future urban zone only; however, this does not apply to upgrading of existing overhead lines.

**NU-P10.** Ensure the location, scale and operation of network utilities and their ancillary activities avoid, remedy or mitigate adverse effects on nearby sensitive activities ~~as far as~~ where practicable, including by:

1. Maintaining required separation distances to ensure reverse sensitivity effects are minimised; and
2. Ensuring sites are sufficiently landscaped and screened where appropriate; and
3. Ensuring that ~~industrial~~ buildings to house network utilities are designed ~~as far as practicable~~ to not overshadow or overly dominate the wider surrounding area.<sup>8</sup>

**NU-PX** Manage the adverse effects of the development of new land transport infrastructure on the physical and natural environment by:

1. Considering the effects on the amenity values of the surrounding environment, public access, and the health and safety of people when locating, designing and operating new transport infrastructure.
2. Considering alternative sites, routes or methods.
3. Limiting the presence and effects of the development of new land transport infrastructure within Outstanding Natural Features and Landscapes, Outstanding Natural Character, areas of significant natural areas, sites of historic heritage and sites and areas of significance to Māori to those which:

<sup>6</sup> WRC [10.24]

<sup>7</sup> Transpower [31.40]

<sup>8</sup> Transpower [31.41] and Chorus, Connexa, Spark, Vodafone [09.06]

- a. have an operational or functional requirement for the location; and
- b. integrate design measures and management methods to mitigate adverse effects.<sup>9</sup>

**Hazards ~~areas, coastal hazard areas~~, overlays, scheduled sites and features**

**NU-P11.** ~~Ensure consideration of the values, qualities and characteristics of overlays, scheduled sites and features when proposing new infrastructure or undertaking significant upgrades to existing infrastructure.~~<sup>10</sup>

**NU-P12.** ~~Consider~~ Provide for regionally significant infrastructure within overlays, scheduled sites and features where:<sup>11</sup>

1. There is a demonstrated functional or operational need for the infrastructure to be located within the overlay, scheduled site or feature; and
2. It is demonstrated through an options assessment that locating within the overlay, scheduled site or feature is the best practicable option, having particular regard to the financial implications, social, cultural and environmental effects of the preferred option, compared to alternative options.

NU-PX Enable network utilities in natural hazard overlays that:

1. Do not increase the risk from the natural hazard to people, other property or other infrastructure;
2. Have a functional need or operational need to be located within the area subject to the hazard; and
3. Where necessary and appropriate include design measures to reduce the potential for damage in a natural hazard event.<sup>12</sup>

**Integration**

**NU-P13.** In assessing the effects of any application and the directions contained in Policy NU-P1 to Policy NU-P12, have regard to:

1. The extent to which adverse effects have been addressed through site, route or method selection and/or the extent to which the network utility is constrained by functional or operational needs; and
2. Whether, because of functional and operational constraints, there may be some situations where all adverse effects cannot be avoided, remedied, or mitigated; and
3. The necessity and significance of the network utility, including:

<sup>9</sup> Federated Farmers of New Zealand [46.25], Forest and Bird [47.68]

<sup>10</sup> DOC [53.20]

<sup>11</sup> Chorus, Connexa, Spark, Vodafone [09.07 and 09.08], Forest & Bird [47.55, 47.50]

<sup>12</sup> Chorus, Connexa, Spark, Vodafone [09.07 and 09.08]

- (i) The need to quickly repair and restore disrupted services; and
- (ii) The impact at a local, regional and national level of not operating, repairing, maintaining, upgrading, removing or developing the network utility; and
- 4. The time, duration or frequency of adverse effects; and
- 5. The location of existing network utilities, including:
  - (i) The complexity and connectedness of the networks and services; and
  - (ii) The potential for co-location and shared use of network utility corridors.

**NU-P14.** Encourage the coordination of network utilities planning and delivery with land use subdivision, development and growth so that future land use and network utilities are integrated, efficient and aligned.

**NU-P15.** Support network utility operators in adopting new technologies that:

- 1. Improve access to, and efficient use of, networks and services; ~~and or~~
- 2. Allow for the re-use of redundant services and structures; ~~and or~~
- 3. Enable co-location on existing structures; ~~and or~~
- 4. Increase resilience, safety or reliability of networks and services; ~~and or~~
- 5. Result in environmental benefits and enhancements; or
- 6. Promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.<sup>13</sup>

**NU-P16.** Facilitate the co-location of network utilities within transport corridors where these do not adversely impact the safe and efficient operation of the land transport network or unduly compromise the amenity of the receiving environment.

**NU-P17.** Require structures on or adjacent to an indicative road to locate or design the activity in general accordance with the indicative road transport network.

**NU-P18.** The flightpath height restrictions for the Te Kūiti Aerodrome must be complied with.

**NU-P19.** The function, operation, maintenance, repair and upgrading of existing network utilities is protected from the adverse effects, including reverse sensitivity effects, of subdivision, use and development.

## National Grid

**NU-P20.** Enable the operation, maintenance and minor upgrade and repair of the National Grid.

In the event of any conflict with any other policies within the plan, NUP20, NU-P21 and NU-P22 take precedence.<sup>14</sup>

<sup>13</sup> Chorus, Connexa, Spark and Vodafone [09.09]

<sup>14</sup> Transpower [31.47 and 31.48]

**NU-P21.** Provide for the upgrading of the National Grid by:

1. Seeking to avoid adverse effects on areas identified in [SCHED1 - heritage buildings and structures](#), [SCHED2 - significant archaeological sites](#), [SCHED3](#) and [SCHED 4 - sites of significance to Māori](#), [SCHED6 - significant natural areas](#), and [SCHED8 - outstanding natural features](#); and
2. When considering major upgrades, have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection; and
3. Recognising the constraints arising from the operational needs and functional needs of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects; and
4. Recognising the potential benefits of upgrades to the National Grid to people and communities; and
5. Where appropriate, substantial upgrades should be used as an opportunity to reduce existing effects of the National Grid.
6. In the event of any conflict with any other policies within the plan, NUP20, NU-P21 and NU-P22 take precedence.<sup>15</sup>

**NU-P22.** Provide for the development of the National Grid:

1. In urban zoned areas, development should minimise adverse effects on urban amenity and should avoid material adverse effects on the commercial zone, areas of high recreational or amenity value and existing sensitive activities; and
2. Seek to avoid the adverse effects of the National Grid within overlays, scheduled sites and features; and
3. Where the National Grid has a functional need or operational need to locate within the coastal environment, manage adverse effects by:
  - ~~(i) Seeking to avoid adverse effects on areas identified in SCHED6 - significant natural areas, SCHED7 - outstanding natural landscapes, SCHED8 - outstanding natural features, and SCHED10 - areas of outstanding natural character; and~~
  - ~~(ii) Where it is not practicable to avoid adverse effects on the values of the areas identified in SCHED6 - significant natural areas, SCHED7 - outstanding natural landscapes, SCHED8 - outstanding natural features, and SCHED10 - areas of outstanding natural character because of the functional needs or operational needs of the national grid, remedy or mitigate adverse effects on those values; and~~
  - (i) Other areas of natural character in the coastal environment;
  - (ii) Natural attributes and characteristics of other natural features and landscapes in the coastal environment

<sup>15</sup> Transpower [31.47 and 31.48]

- (iii) Seeking to avoid significant adverse effects on:
  - i. [SCH11 – areas of high/very high natural character](#), [SCH9 – landscapes of high amenity value](#) and [SCH12 – karst overlay](#); and
  - ii. [SCH1 – heritage buildings and structures](#), [SCH2 – significant archaeological sites](#), [SCH3](#) and [SCH 4 – sites of significance to Māori](#); and
  - iii. indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and
  - iv. ~~Avoiding, remedying or mitigating other adverse effects to the extent practicable; and~~

~~4. Avoiding, remedying or mitigating other adverse effects to the extent practicable; and~~

- ~~45.~~ When considering the adverse effects in respect of NU-P22.1 - NU-P22.3 above:<sup>16</sup>
  - (i) Have regard to the extent to which adverse effects have been avoided, remedied or mitigated by the route, site and method selection and techniques and measures proposed; and
  - (ii) Consider the constraints arising from the operational needs and or functional needs of the National Grid, when considering measures to avoid, remedy or mitigate any adverse effects.
- ~~56.~~ ~~Other than policies relating to the coastal environment,~~ in the event of any conflict with any other policies within the plan, NU-P20, NU-P21 and NU-P22 take precedence.<sup>16</sup>

<sup>16</sup> Transpower [31.49]



## Rules

If land containing a network utility is subject to a designation, the designation and its condition(s) prevail. For the purposes of this chapter, irrespective of whether a scheduled site, feature or overlay is shown on the planning maps, the only column in the tables below that applies to roads is labelled "All roads and new roads approved as part of a resource consent".

The rules in this chapter apply to [network utility operators](#) only. The rules are contained in the tables listed below. To undertake any activity, it must comply with all the rules listed in:

- NU - Table 1 - Activities Rules; and
- NU - Table 2 - Performance Standards; and
- Unless specifically referenced in a rule, Part 2 District-Wide Matters do not apply except for the following chapters: [Strategic direction](#), [urban form and development](#), [contaminated land](#), [hazardous substances](#), [financial contributions](#), [hapori whānui](#), [activities on the surface of water](#), [relocated buildings](#) and [temporary activities](#); and
- Unless specifically referenced in a rule, Part 3 Area Specific Matters do not apply.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

[Refer to Part 1 - How the Plan Works](#) for an explanation of how to use this plan, including activity status abbreviations.

**Pursuant to Section 86B(3) of the RMA, the following rules that protect areas of significant indigenous vegetation or areas of significant habitats of indigenous fauna, and protect or relate to water have immediate legal effect: NU-R37.2 to R37.5 and NU-R40.**

## NU - Table 1 Activity Rules

NU - Table 1 contains the following sections:

- National Standards
- All network utilities (except where National Standards apply)
- Underground utilities only
- Above ground utilities only
- Telecommunications
- Sensing and monitoring equipment
- Three waters
- Roads
- Signs
- Earthworks, caves and removal of indigenous vegetation
- Structures close to the coast or water bodies
- Subdivision
- Te Kūiti aerodrome flightpath restrictions

*Note: More than one section and/or rule may apply to an activity.*

*Note: Where sites and areas of significance to Māori are referred to it means the mapped extent of sites listed in [SCHED3](#) and [SCHED4](#).*

*Note: Where Heritage Buildings and Structures are referred to it **also**<sup>17</sup> means the [site or surroundings \(of any building or structure listed in \[SCHED1\]\(#\)\)](#)*

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<sup>17</sup> NZHPT [03.32]

## Roads

### National Standards

NU-R1.	National Grid existing electricity transmission lines
All zones and all precincts. All overlays, scheduled sites and features All roads and new roads approved as part of a resource consent	
The activity status and standards for the operation, maintenance, upgrading, relocation, or removal of an existing transmission line in the National Grid, including maintaining access tracks, earthworks and associated activities is set out in the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (NESETA)).	
Note: This rule is not subject to any other rule in this plan.	
Activity status where compliance is not achieved with the regulations: Refer to NESETA.	

NU-R2.	National Environmental Standards for Telecommunication Facilities (NESTF) 2016				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
See below	See below	<b>DIS:</b> Heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites, outstanding natural features Category A, C and D  <b>NC:</b> Outstanding natural features Category B, E and F	<b>DIS</b>	<b>RDIS</b>	See below

**NU-R2.1 to NU-R2.4 are permitted by NESTF where the relevant standards in NESTF are complied with and the activity is not located within overlays, scheduled sites and features:**

1. Telecommunication cabinets (Regulation 19 to 25):
  - (i) In the road reserve
  - (ii) Outside the road reserve
  - (iii) On buildings
2. Antennas (Regulation 26 to 37):
  - (i) On existing poles in road reserve
  - (ii) On new poles in road reserve
  - (iii) Replacement, upgrading and co-location of existing poles and antennas outside road reserve (with different conditions in residential and non-residential areas)
  - (iv) New poles and antennas in general rural zone
  - (v) Antennas on buildings (above a permitted height in residential areas)
3. Small-cell units on existing structures (Regulation 38)
4. Telecommunication lines underground, on the ground and overhead (Regulations 39 to 43)

**RDIS:** Where the standards in NESTF are not complied with unless the equivalent equipment not regulated by the NESTF is otherwise provided for as a permitted activity in the NU Rules (except for Reg 55 Radio Frequency which is NC in accordance with NESTF).

**NC:** Where the standards in NESTF are not complied with or the activity cannot comply with the Te Kūiti Aerodrome flightpath height restrictions.

**Where the activity is RDIS, the matters over which discretion is restricted are:**

- (a) The technical, functional and operational needs of and benefits from the network utility and the works proposed; and
- (b) Whether the works will result in public health and/or safety risks as a result of non-compliance with the standard; and
- (c) The scale of any structure and how it relates to the existing surroundings and the scale of structures anticipated in the zone, overlay, scheduled site or feature; and
- (d) The potential adverse effects of any noise generated having regard to the level, duration and frequency and characteristics of noise and proximity of nearby noise sensitive activities including the amenity values associated with the receiving environment; and
- (e) The potential adverse effects of any outdoor lighting, particularly on the amenity values of the locality; and
- (f) The extent, nature and effects of earthworks and vegetation clearance including how it may affect any overland flow paths and adjacent properties; and
- (g) Control of erosion and sediment including effects on drainage, flooding and overland flow paths; and
- (h) Effects on the coastline, water bodies and their margins, including effects on natural character and slope stability; and
- (i) Measures to avoid, remedy, or mitigate damage to ecological, hydrological and geological values of a karst system; and
- (j) Effects on the values of the coastal environment and landscape of high amenity value, including effects from structures, access tracks and the removal of indigenous vegetation; and
- (k) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and
- (l) The potential to contribute to cumulative adverse effects.

## All network utilities (except where National Standards apply)

NU-R3.	Operation, maintenance and removal of existing network utilities and existing ancillary access tracks				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER	PER	PER	PER	PER	PER
		<b>RDIS:</b> Outstanding natural features, sites and areas of significance to Māori and significant archaeological sites for the removal of existing underground network utilities only			
<b>PER and RDIS activities must:</b>  1. Comply with all the provisions in NU - Table 2; and 2. For all roads, the works must not extend beyond the road reserve or designation boundary; and 3. For all roads except state highways, the works must comply with the standards set out in the Regional Infrastructure Technical Specifications (Waikato).  <b>PER activities</b> that do not comply with NU-R3.1 through to NU-R3.3 are <b>RDIS activities</b> , except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b> .  <i>Note: for upgrading of existing above ground and underground network utilities see NU-R14 and NU-R17.</i>					
<b>Where the activity is RDIS, the matters over which discretion is restricted are:</b>  (a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and (b) The technical, functional and operational needs of and benefits from the network utility and the works proposed; and (c) For roads: The effects on the environment of not complying with the standards set out in the Regional Infrastructure Technical Specifications (Waikato); and (d) Whether the works or actions will result in public health and/or safety risks; and (e) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and (f) For removal of underground network utilities, effects on the relationship of mana whenua and their culture and traditions with the scheduled site, any wāhi tapu or any other taonga; and (g) For removal of underground network utilities, outcomes from consultation with mana whenua regarding protection of the scheduled site’s values including provision for tikanga Māori, kaitiakitanga and mātauranga Māori; and (h) For removal of underground utilities, measures to avoid, remedy, or mitigate damage to ecological, hydrological and geological values of the karst system.					

NU-R4.	New and extended or upgraded access tracks				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER	PER	<del>DIS</del> <u>RDIS</u> <sup>18</sup>	RDIS	PER: Coastal environment, landscapes of high amenity value	PER
				RDIS: Karst overlay	
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"><li>1. Comply with all the provisions in NU - Table 2; and</li><li>2. Have a maximum width of 3 m, excluding passing bays, where located within the outstanding natural landscapes, outstanding natural character, high/very high natural character, coastal environment, karst overlay or landscapes of high amenity value; and</li><li>3. Be setback 2 m from the boundary of a site containing a sensitive activity or 15 m from a building housing a sensitive activity, whichever is the greater; and</li><li>4. Not create a dust nuisance.</li></ol> <p><b>PER activities</b> that do not comply with NU-R4.1 through to NU-R4.4 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>RDIS and DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b>.</p>					

<sup>18</sup> WRC [10.25] and KRH [51.21]

NU-R4. New and extended or upgraded access tracks						
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent	

**Where the activity is a RDIS activity, the matters over which discretion is restricted are:**

- (a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and
- (b) The technical, functional and operational needs of and benefits from the network utility and the works proposed; and
- (c) The amount and frequency of traffic movements and the type of vehicles, that will use the access track; and
- (d) Whether the works or actions will result in additional public health and/or safety risks; and
- (e) Effect on the values of the overlay, scheduled site or feature; and
- (f) Within significant natural areas, the methods proposed to avoid or minimise potential adverse effects on indigenous biodiversity including the consideration of the no net loss principal and rehabilitation measures; and
- (g) For adjacent sensitive activities, the location of the track on the site and whether another location is possible; and
- (h) How dust is to be managed so it does not create a health or nuisance issue, or damage property; and
- (i) The potential to contribute to cumulative effects on amenity values and
- (j) measures to avoid, remedy, or mitigate damage to ecological, hydrological and geological values of the karst system.

NU-R5. New network utilities in existing buildings	
All zones and all precincts. All overlays, scheduled sites and features	
All roads and new roads approved as part of a resource consent	
<b>PER</b>	
<p><b>PER activities must:</b></p> <p>1. Comply with the noise standards in NU-R46 and with NU-R53 and NU-R54 in NU - Table 2.</p> <p><b>PER activities</b> that do not comply with the noise standards in NU-R46 are <b>RDIS activities</b>.</p> <p><b>PER activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b>.</p>	
<p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></p> <p>(a) The extent and effect of non-compliance with the noise standard and any matters of discretion in the rule.</p>	

NU-R6.	New customer connections
All zones and all precincts. All overlays, scheduled sites and features All roads and new roads approved as part of a resource consent	
PER	
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"> <li>1. Comply with all the provisions in NU - Table 2; and</li> <li>2. Not include a new tower; and</li> <li>3. Not exceed three new additional poles, except in the general rural zone where there is no limitation on the number of poles.</li> </ol> <p><b>PER activities</b> that do not comply with NU-R6.1 through to NU-R6.3 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p>	
<p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></p> <ol style="list-style-type: none"> <li>(a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and</li> <li>(b) The technical, functional and operational needs of and benefits from the network utility and the works proposed; and</li> <li>(c) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and</li> <li>(d) Effects on the values of any overlay or scheduled site or feature.</li> </ol> <p><i>Note: An archaeological authority from Heritage New Zealand Pouhere Taonga may be required</i></p>	

NU-R7.	New <b>minor utility structures</b> , including energy storage batteries, and telecommunication cabinets that are not regulated by NESTF					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent	
PER	PER	RDIS	PER	PER	PER	
PER activities must: 1. Comply with all the provisions in NU - Table 2; and 2. Not be within 10 m of any existing utility structure that is more than 3 m <sup>2</sup> in area.						



**PER activities** that do not comply with NU-R7.1 through to NU-R7.2 are **RDIS activities**, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a **NC activity**.

**Where the activity is RDIS, the matters over which discretion is restricted are:**

- (a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and
- (b) The technical, functional and operational needs of and benefits from the network utility and the works proposed; and
- (c) Whether the works or actions will result in additional public health and/or safety risks; and
- (d) Effects on the values of the overlay, scheduled site or feature; and
- (e) Effects on the relationship of mana whenua and their culture and traditions with the area and/or site, wāhi tapu or any other taonga; and
- (f) For any sites and areas of significance to Māori, outcomes from consultation with mana whenua regarding protection of the Scheduled site's values including provision for tikanga Māori, kaitiakitanga and mātauranga Māori; and
- (g) For any significant archaeological sites, outcomes from consultation with mana whenua and Heritage New Zealand Pouhere Taonga; and
- (h) For any heritage buildings and structures, outcomes from consultation with Heritage New Zealand Pouhere Taonga; and
- (i) For any outstanding natural features, measures to avoid, remedy, or mitigate damage to landscape and geological values; and
- (j) The potential visual effects, particularly on the visual amenity of the locality and streetscape; and
- (k) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and
- (l) The potential to contribute to cumulative effects on amenity values.

<b>NU-R8: <del>New electric vehicle charging facilities</del><sup>19</sup></b>					
<del>Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3</del>	<del>Industrial, general rural and rural production zones and PREC3</del>	<del>Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites</del>	<del>Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character</del>	<del>Coastal environment, karst overlay, landscapes of high amenity value</del>	<del>All roads and new roads approved as part of a resource consent</del>
<b>PER</b>	<b>PER</b>	<b>RDIS</b>	<b>PER</b>	<b>PER</b>	<b>PER</b>
<p><b><del>PER activities must:</del></b></p> <p><del>1. Be installed in an existing, permitted or consented vehicle parking space, vehicle depot or garage structure, or installed on the road reserve; and</del></p> <p><del>2. Not exceed a height of 1.8 m and an area of 1.5 m².</del></p> <p><b><del>PER activities that do not comply are RDIS activities</del></b></p>					

<sup>19</sup> WRC [10.16 and 10.26b]

NU-R8: <del>New electric vehicle charging facilities</del> <sup>19</sup>						
<del>Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3</del>	<del>Industrial, general rural and rural production zones and PREC3</del>	<del>Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites</del>	<del>Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character</del>	<del>Coastal environment, karst overlay, landscapes of high amenity value</del>	<del>All roads and new roads approved as part of a resource consent</del>	
<b>Where the activity is RDIS, the matters over which discretion is restricted are:</b>						
(a) <del>Adverse effects on the safe, efficient and effective operation of the road transport network; and</del>						
(b) <del>Effects on the values of any scheduled site or feature including outcomes from consultation with mana whenua and Heritage New Zealand Pouhere Taonga where relevant; and</del>						
(c) <del>The extent and effect of non-compliance on the streetscape, pedestrian safety and the amenity of the area.</del>						

NU-R9: <del>New public walkways and cycleways</del> <sup>20</sup>					
<del>Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3</del>	<del>Industrial, general rural and rural production zones and PREC3</del>	<del>Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites</del>	<del>Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character</del>	<del>Coastal environment, karst overlay, landscapes of high amenity value</del>	<del>All roads and new roads approved as part of a resource consent</del>
PER	PER	PER: Heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites, outstanding natural features Category A, C, D and F	PER	PER	PER
		DIS: Outstanding natural features Category B and E			
<p><del>PER activities must:</del></p> <p><del>1. Comply with all the provisions in NU Table 2; and</del></p> <p><del>2. Have a minimum width of 1.5 m and a maximum width of 3.5 m.</del></p> <p><del>PER activities</del> that do not comply with NU-R9.1 through to NU-R9.2 are <del>RDIS activities</del>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <del>NC activity</del>.</p>					

<sup>20</sup> WRC [10.16 and 10.26c]

**DIS activities** that do not comply with the provisions in NU-R53 and NU-R54 are a **NC activity**

**Where an activity is RDIS, the matters over which discretion is restricted are:**

- ~~(a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and~~
- ~~(b) The design, location, construction and materials used; and~~
- ~~(c) Effects on the values of any overlay, scheduled site or feature including outcomes from consultation with mana whenua and Heritage New Zealand Pouhere Taonga where relevant; and~~
- ~~(d) The extent and effect of non-compliance on the streetscape, pedestrian and cyclist safety and the amenity of the area; and~~
- ~~(e) Connectivity with other off-road pedestrian and cycle facilities and the road network; and~~
- ~~(f) The extent to which the key moves in the relevant Town Concept Plan have been considered and provided for; and~~
- ~~(g) For any heritage buildings and structures, outcomes from consultation with Heritage New Zealand Pouhere Taonga; and~~
- ~~(h) For any outstanding natural features, measures to avoid, remedy, or mitigate damage to landscape and geological values; and~~
- ~~(i) The potential visual effects, particularly on the visual amenity of the locality and streetscape; and~~
- ~~(j) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and~~
- ~~(k) The potential to contribute to cumulative effects on amenity values.~~

NU-R10: <del>New stock underpasses</del> <sup>21</sup>						
<del>Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3</del>	<del>Industrial, general rural and rural production zones and PREC3</del>	<del>Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites</del>	<del>Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character</del>	<del>Coastal environment, karst overlay, landscapes of high amenity value</del>	<del>All roads and new roads approved as part of a resource consent</del>	
<del>PER:</del> Rural lifestyle, and Māori purpose zones	PER	DIS	PER	<del>PER:</del> Coastal environment, landscapes of high amenity value	Refer to the activity status of the adjacent zone, where there are two or more zones, the most restrictive provision applies.	
<del>RDIS:</del> Residential, future urban, settlement, commercial, tourism, open space and natural open space zones, all precincts except PREC3				<del>RDIS:</del> Karst overlay		
<del>PER activities must:</del> <del>1. Comply with all the provisions in NU Table 2; and</del> <del>2. Other than works on state highways, comply with the standards and requirements set out in the Regional Infrastructure Technical Specifications (Waikato).</del>						

<sup>21</sup> WRC [10.16 and 10.26d]

**PER activities** that do not comply are **RDIS activities**

**Where the activity is RDIS, the matters over which discretion is restricted are:**

- (a) ~~Within the karst overlay, measures to avoid, remedy, or mitigate damage to ecological, hydrological and geological values of the karst system; and~~
- (b) ~~Adverse effects on the safe, efficient and effective operation of the road transport network; and~~
- (c) ~~The extent and effect of non-compliance with the standards set out in the Regional Infrastructure Technical Specifications (Waikato).~~

NU-R11.	Electricity generators and self-contained power units for the supply of a <b>network utility</b>
All zones and all precincts. All <b>other</b> overlays, scheduled sites and features All roads and new roads approved as part of a resource consent	<u>Heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites</u>
<b>PER</b>	<b><u>RDIS</u></b> <sup>22</sup>
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"> <li>1. Comply with the noise standards in NU-R46 and with NU-R53 and NU-R54 in NU - Table 2.</li> <li>2. Be setback at least 2 m from the boundary of a site containing a sensitive activity or 15 m from a building housing a sensitive activity, whichever is greater; and</li> <li>3. This rule does not apply to temporary generators associated with a network utility, used during outages of electricity supply.</li> </ol> <p><b>PER activities</b> that do not comply with NU-R11.1 through to NU-R11.3 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></p> <ul style="list-style-type: none"> <li>(a) The extent and effect of non-compliance with the noise standard and any matters of discretion in the rule; and</li> <li>(b) The functional and operational needs of, and benefits from, the generator or power unit, including the potential impact on levels of service, and health and safety if the work is not undertaken; and</li> <li>(c) The bulk, height and location of the generator; and</li> <li>(d) Any measures to avoid, remedy or mitigate adverse effects including on nearby sensitive activities; <del>and</del></li> <li>(e) The potential to contribute to cumulative effects on amenity values-; <u>and</u></li> <li>(f) <u>Effects on the values of any overlay or scheduled site or feature.</u><sup>23</sup></li> </ul>	

<sup>22</sup> NZHPT [03.40]

<sup>23</sup> NZHPT [03.40]

NU-R12. Temporary network utilities						
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	<u>Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character</u> 24	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent	
PER	PER	DIS	PER: Outstanding natural landscapes, outstanding natural character, high/very high natural character	PER	PER	
			RDIS: Significant natural areas			
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"><li>1. Comply with all the provisions in NU - Table 2; and</li><li>2. Operate for no longer than 12 months; and</li><li>3. Be setback at least 2 m from the boundary of a site containing a sensitive activity or 15 m from a building housing a sensitive activity, whichever is greater; and</li><li>4. Be removed from the site within one calendar month of completion of the temporary works.</li></ol> <p><b>PER activities</b> that do not comply with NU-R12.1 through to NU-R12.4 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>RDIS and DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b></p>						

<sup>24</sup> WRC [10.25]

NU-R12. Temporary network utilities						
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	<u>Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character</u> 24	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent	

**Where the activity is RDIS, the matters over which discretion is restricted are:**

- (a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and
- (b) The functional and operational needs of, and benefits from, the temporary network utility, including the potential impact on levels of service, and health and safety if the work is not undertaken; and
- (c) Whether the works or actions will result in additional public health and/or safety risks; and
- (d) Effects on the values of the overlay, scheduled site or feature; and
- (e) Within significant natural areas, the methods proposed to avoid or minimise potential adverse effects on indigenous biodiversity including the consideration of the no net loss principal and rehabilitation measures; and
- (f) The bulk, height, location, and design of the network utility, including any associated structures; and
- (g) The duration, timing and frequency of adverse effects; and
- (h) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and
- (i) Any measures to avoid, remedy or mitigate adverse effects including on nearby sensitive activities; and
- (j) The potential to contribute to cumulative effects on amenity values.

NU-R13. <del>New structures on or adjacent to a railway corridor or an indicative road</del> <sup>25</sup>	
<del>All zones and all precincts. All overlays, scheduled sites and features</del>	
<del>All roads and new roads approved as part of a resource consent</del>	
RDIS	

<sup>25</sup> WRC [10.16 and 10.26e]

<b>NU-R13:</b>	<b>New structures on or adjacent to a railway corridor or an indicative road<sup>25</sup></b>
<p><del>All zones and all precincts. All overlays, scheduled sites and features</del></p> <p><del>All roads and new roads approved as part of a resource consent</del></p>	
<p><b>Activity Status: RDIS</b></p> <p><b>Where:</b></p> <p>1. <del>The structure is located within 5 m of the edge of a railway corridor; or</del></p> <p>2. <del>The structure (excluding signs, temporary structures, and vehicle access points) is located within 20 m of the edge of an indicative road;</del></p> <p><del>AND</del></p> <p>3. <del>All of the performance standards in TRAN Table 2 are complied with.</del></p> <p><b>RDIS activities</b> that do not comply with NU-R13.1 through to NU-R13.3 are <b>DIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><i>Note: KiwiRail will be considered an affected person (in respect of activities adjacent to a railway corridor) in accordance with section 95B of the RMA where its written approval is not provided</i></p>	
<p><b>Where an activity is RDIS, the matters over which discretion is restricted are:</b></p> <p>(a) <del>The extent and effect of non-compliance with any rule and any matters of discretion in the rule in TRAN Table 2; and</del></p> <p>(b) <del>The size, nature and location of the structure on the site; and</del></p> <p>(c) <del>The extent to which the safety and efficiency of current and future rail operations will be adversely affected; and</del></p> <p>(d) <del>Whether the indicative road transport network is taken into account in the siting of structures; and</del></p> <p>(e) <del>Whether the structure would compromise the design, construction or functioning of the future road transport network; and</del></p> <p>(f) <del>Whether any land use activities enabled or established by the structure would be incompatible with rail operations or the transport network or create reverse sensitivity issues; and</del></p> <p>(g) <del>The outcome of consultation with KiwiRail.</del></p>	

## Underground utilities only

NU-R14. Upgrading including realignment of existing underground network utilities					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites <sup>26</sup>	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER	PER	PER: Heritage buildings and structures	PER	PER	PER
		RDIS: Outstanding natural features, sites and areas of significance to Māori and significant archaeological sites			
<p><b>PER activities must:</b></p> <p>1. Comply with all the provisions in NU - Table 2; and</p> <p>2. Not exceed 2,000 kilopascals for any gas pipeline.</p> <p><b>PER activities</b> that do not comply with NU-R14.1 through to NU-R14.2 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>RDIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b></p> <p><i>Note: Where the network utility is on the bed of or within a water body, resource consent from Waikato Regional Council or Manawatū-Whanganui Regional Council may be required</i></p> <p><i>Note: An archaeological authority from Heritage New Zealand Pouhere Taonga may be required</i></p>					
<p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></p> <p>(a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and</p> <p>(b) The technical, functional and operational needs of and benefits from the network utility and the works proposed; and</p> <p>(c) Whether the works or actions will result in additional public health and/or safety risks; and</p> <p>(d) For any sites or areas of significance to Māori, outcomes from consultation with mana whenua regarding protection of the scheduled site’s values including provision for tikanga Māori, kaitiakitanga and mātauranga Māori; and</p> <p>(e) For any significant archaeological sites, outcomes from consultation with mana whenua and Heritage New Zealand Pouhere Taonga; and</p> <p>(f) For any outstanding natural features, measures to avoid, remedy, or mitigate damage to landscape and geological values.</p>					

<sup>26</sup> Clause 16, correction of minor error heading missing



NU-R15.	New underground network utilities, except for gas pipelines where the gauge pressure exceeds 2,000 kilopascals				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER	PER	PER: Heritage buildings and structures	PER: Outstanding natural landscapes	PER: Coastal environment, landscapes of high amenity value	PER
		RDIS: Sites and areas of significance to Māori, significant archaeological sites, outstanding natural features Category A, C and D	RDIS: Outstanding natural character, significant natural areas, high/very high natural character	RDIS: Karst overlay	
		NC: Outstanding natural features Category B, E and F			
<p><b>PER activities must:</b></p> <p>1. Comply with all the provisions in NU – Table 2.</p> <p><b>PER activities</b> that do not comply with NU-R15.1 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>RDIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b></p> <p><i>Note: Where the activity is located is on the bed of or within a water body, resource consent from Waikato Regional Council or Manawatū-Wanganui Regional Council may be required.</i></p> <p><i>Note: An archaeological authority may be required from Heritage New Zealand Pouhere Taonga.</i></p>					
<p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></p> <p>(a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and</p> <p>(b) The technical and operational constraint of the network utility; and</p> <p>(c) The local, regional and national benefits of the work; and</p> <p>(d) Whether the works or actions will result in public health and/or safety risks; and</p> <p>(e) Effects on the values of the overlay, scheduled site or feature; and</p> <p>(f) For any sites and areas of significance to Māori, outcomes from consultation with mana whenua regarding protection of the Scheduled site’s values including provision for tikanga Māori, kaitiakitanga and mātauranga Māori; and</p> <p>(g) For any significant archaeological sites, outcomes from consultation with mana whenua and Heritage New Zealand Pouhere Taonga; and</p>					

- (h) Within significant natural areas, the methods proposed to avoid or minimise potential adverse effects on indigenous biodiversity including the consideration of the no net loss principal and rehabilitation measures; and
- (i) For any outstanding natural features, measures to avoid, remedy, or mitigate damage to landscape and geological values; and
- (j) Measures to avoid, remedy, or mitigate damage to ecological, hydrological and geological values of the karst system; and
- (k) Any measures to avoid, remedy or mitigate adverse effects including site reinstatement and replanting; and
- (l) The potential to contribute to cumulative effects on amenity values.

NU-R16. New underground gas pipelines exceeding 2000 kilopascals					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character sites	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
DIS	PER	DIS	DIS	DIS	DIS
<p><b>PER activities must:</b></p> <p>1. Comply with all the provisions in NU - Table 2.</p> <p><b>PER activities</b> that do not comply with NU-R16.1 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b></p> <p><i>Note: Where the pipeline is on the bed of or within a water body, resource consent from Waikato Regional Council or Manawatū-Wanganui Regional Council may be required.</i></p> <p><i>Note: An archaeological authority may be required from Heritage New Zealand Pouhere Taonga.</i></p>					
<p><b>Where the activity is RDIS, the matter over which discretion is restricted is:</b></p> <p>(a) The extent and effect of non-compliance with any relevant rule and any relevant matters of discretion in the rule.</p>					

## Above ground utilities only

NU-R17.	Upgrading of existing above ground <b>network utilities</b>
All zones and all precincts. All overlays, scheduled sites and features All roads and new roads approved as part of a resource consent	
<b>PER</b>	
<b>PER activities must:</b> 1. Comply with all the provisions in NU - Table 2.  <b>PER activities</b> that do not comply with NU-R17.1 are <b>RDIS activities</b> , except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b> .  <i>Note: For operation, maintenance, repair and road widening of existing public roads, state highways and service lanes see NU-R27.</i>	

NU-R18.	New above ground pipes				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
<b>DIS</b>	<b>PER</b>	<b>DIS</b>	<b>DIS</b>	<b>DIS</b>	<b>DIS</b>
<b>PER activities must:</b> 1. Not exceed a diameter of 600 mm and/or a length of 100 m; and 2. When above a water body, must be attached to an existing bridge or structure or located within an existing conduit or duct.  <b>PER activities</b> that do not comply with NU-R18.1 through to NU-R18.2 are <b>RDIS activities</b> , except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b> .  <b>DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b>					
<b>Where an activity is RDIS, the matters over which discretion are restricted are:</b> (a) The technical, functional and operational needs and benefits from the network utility and the works proposed; and (b) Whether the actions will result in additional public health and/or safety risks; and (c) The location, bulk, height and design of the network utility; and					

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- (d) The potential visual effects, particularly on the visual amenity of the locality and streetscape; and
- (e) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and
- (f) Any measures to avoid, remedy or mitigate adverse effects including site reinstatement and replanting; and
- (g) The potential to contribute to cumulative effects on amenity values.

NU-R19. New overhead lines and associated <b>equipment</b> , poles or towers <sup>27</sup>					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
<b>PER:</b> Up to 12 m in residential, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3 and PREC5	<b>PER:</b> Up to 15 m in industrial zone  <b>PER:</b> Up to 25 m general rural and rural production zones and PREC3	<b>DIS</b>	<b>DIS</b>	<b>PER:</b> Up to 15 m	Refer to the height requirements of the adjacent zone. Where there are two or more zones the most restrictive applies.
<b>RDIS:</b> Future urban and PREC5					
<p><b>PER activities must:</b></p> <p>1. Comply with all the provisions in NU - Table 2.</p> <p><b>PER activities</b> that do not comply with NU-R19.1 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>RDIS and DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b></p>					
<p><b>Where the activity is RDIS, the matter over which discretion is restricted is:</b></p> <p>(a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule.</p>					

<sup>27</sup> TLC [25.13]

NU-R20.	New substations, ground mounted transformers, compressor/scrapper stations, gas regulation valves and/or take off stations and ancillary energy storage batteries				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER	PER	DIS	RDIS: Significant natural areas	PER	Refer to the activity status of the adjacent zone, where there are two or more zones, the most restrictive provision applies.
			DIS: Outstanding natural landscapes, outstanding natural character, high/very high natural character		
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"><li>1. Comply with all the provisions in NU – Table 2; and</li><li>2. Not exceed a maximum area of 20 m², except in the industrial, rural production and general rural zones and the aerodrome precinct (PREC3) where the maximum area is 30 m²; and</li><li>3. Comply with the minimum setback from road boundaries, minimum setback from internal boundaries, height and height in relation to boundary standards for the relevant zone.</li></ol> <p><b>PER activities</b> that do not comply with NU-R20.1 through to NU-R20.3 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>RDIS and DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b></p>					
<p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></p> <ol style="list-style-type: none"><li>(a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and</li><li>(b) The technical, functional and operational needs and benefits from the network utility and the works proposed; and</li><li>(c) Whether the works or actions will result in additional public health and/or safety risks; and</li><li>(d) The location, bulk, height and design of the network utility; and</li><li>(e) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and</li><li>(f) The amenity values of the zone, adjacent zone, and streetscape and the extent to which the amenity values have been avoided, remedied, or mitigated; and</li><li>(g) Within significant natural areas, the methods proposed to avoid or minimise potential adverse effects on indigenous biodiversity including the consideration of the no net loss principal and rehabilitation measures; and</li><li>(h) The potential to contribute to cumulative effects on amenity values.</li></ol>					

## Telecommunications

NU-R21.	New telecommunication poles and new antennas attached to poles that are not a regulated activity under the NESTF				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
DIS	PER: Industrial, and rural production zones and PREC3	DIS	DIS	DIS	Refer to NESTF
	Refer to NESTF: General rural zone				
<p><b>PER activities must:</b></p> <p>1. Comply with all the provisions in NU - Table 2.</p> <p><b>PER activities</b> that do not comply with NU-R21.1 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b></p>					
<p><b>Where the activity is RDIS, the matter over which discretion is restricted is:</b></p> <p>(a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule.</p>					

NU-R22.	New telecommunications kiosks
All zones and all precincts. All overlays, scheduled sites and features All roads and new roads approved as part of a resource consent	
PER	
PER activities must:  1. Not exceed a maximum height of 3.5 m; and 2. Not exceed a maximum area of 1.5 m <sup>2</sup> .	

**PER activities** that do not comply with NU-R22.1 through to NU-R22.2 are **REDIS activities**, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a **NC activity**.

**Where an activity is REDIS, the matters over which discretion is restricted are:**

- (a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and
- (b) The location of the kiosk; and
- (c) The technical, functional and operational needs of and benefits from the network utility and the works proposed; and
- (d) Whether the works or actions will result in additional public health and/or safety risks; and
- (e) Effects on the values of any overlay, scheduled site or feature including outcomes from consultation with mana whenua and Heritage New Zealand Pouhere Taonga where relevant; and
- (f) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and
- (g) The effect on the amenity of adjacent properties; and
- (h) The potential visual effects, particularly on the visual amenity of the locality and streetscape; and
- (i) The potential to contribute to cumulative effects on amenity values.

## Sensing and monitoring equipment

NU-R23. Sensing and environmental monitoring equipment including air quality and meteorological equipment					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER	PER	DIS	REDIS: Significant natural areas	PER	Refer to the activity status of the adjacent zone, where there are two or more zones, the most restrictive provision applies.
			DIS: Outstanding natural landscapes, outstanding natural character, high/very high natural character		
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"><li>1. Comply with all the provisions in NU - Table 2; and</li><li>2. Not exceed a maximum area of 20 m<sup>2</sup>, except in the industrial, general rural and rural production zones and PREC3, where the maximum area is 30 m<sup>2</sup>; and</li><li>3. Comply with the minimum setback from road boundaries, minimum setback from internal boundaries, height and height in relation to boundary standards for the relevant zone, except for meteorological and air quality monitoring structures/devices that must comply with the following:<ol style="list-style-type: none"><li>(i) 12 m maximum height; and</li><li>(ii) One air quality monitoring structure/device per site; and</li><li>(iii) The air quality monitoring structure/device must not be installed on a road, or unformed road.</li></ol></li></ol>					

**PER activities** that do not comply with NU-R23.1 through to NU-R23.3 are **RDIS activities**, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a **NC activity**.

**RDIS and DIS activities** that do not comply with the provisions in NU-R53 and NU-R54 are a **NC activity**

**Where the activity is RDIS, the matters over which discretion is restricted are:**

- (a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and
- (b) The technical, functional and operational needs and benefits from the network utility and the works proposed; and
- (c) Whether the works or actions will result in additional public health and/or safety risks; and
- (d) The bulk, height and design of the network utility; and
- (e) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and
- (f) The amenity values of the zone, adjacent zone, and streetscape and the extent to which the amenity values have been avoided, remedied, or mitigated; and
- (g) Within significant natural areas, the methods proposed to avoid or minimise potential adverse effects on indigenous biodiversity including the consideration of the no net loss principal and rehabilitation measures; and
- (h) The potential to contribute to cumulative effects on amenity values.

### Three waters

NU-R24. Stormwater detention/retention ponds and artificial wetlands					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER	PER	DIS	DIS	PER: Coastal environment, landscapes of high amenity value	PER
				RDIS: Karst overlay	
<p><b>PER activities must:</b></p> <p>1. Comply with all the provisions in NU - Table 2; and</p> <p>2. Comply with the standards and requirements set out in the Regional Infrastructure Technical Specifications (Waikato).</p> <p><b>PER activities</b> that do not comply with NU-R24.1 through to NU-R24.2 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>RDIS and DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b></p>					



**Where the activity is RDIS, the matters over which discretion is restricted are:**

- (a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and
- (b) The technical, functional and operational needs and benefits from the stormwater pond or artificial wetland and the works proposed; and
- (c) The extent and effect of non-compliance with the standards set out in the Regional Infrastructure Technical Specifications (Waikato); and
- (d) Whether the works or actions will result in public health and/or safety risks; and
- (e) Within the karst overlay, measures to avoid, remedy, or mitigate damage to ecological, hydrological and geological values of the karst system; and
- (f) The design of the pond or wetland and whether there will be any actual or potential effects on adjacent properties; and
- (g) The planting and rehabilitation of the pond or wetland and associated positive effects on biodiversity; and
- (h) The amenity values of the zone or adjacent zone and the extent to which the amenity values have been avoided, remedied, or mitigated.

<b>NU-R25. Water, wastewater and stormwater pump stations, water reservoirs and water treatment plants that do not meet the definition of a minor utility structure</b>					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
<b>DIS</b>	<b>PER</b>	<b>DIS</b>	<b>DIS</b>	<b>PER</b>	<b>DIS</b>
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"> <li>1. Comply with all of the provisions in NU - Table 2; and</li> <li>2. Comply with the minimum setback from road boundaries, minimum setback from internal boundaries, height and height in relation to boundary standards for the relevant zone.</li> </ol> <p><b>PER activities</b> that do not comply with NU-R25.1 through to NU-R25.2 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b></p>					

<b>NU-R26. Wastewater treatment and storage, excluding domestic scale septic tanks</b>					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
<b>DIS</b>	<b>DIS</b>	<b>NC</b>	<b>DIS</b>	<b>DIS</b>	<b>DIS</b>
<b>DIS activities must:</b> 1. Comply with all the provisions in NU- Table 2. <b>DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b>					

## Roads

<b>NU-R27. Operation, maintenance, repair and road widening of existing public roads, state highways and service lanes (including but not limited to traffic lights, roundabouts, islands and guard rails).</b>					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>PER</b>
<b>PER activities must:</b> 1. Not extend beyond the extent of the road reserve or designation boundary; and 2. Other than works on state highways, comply with the standards and requirements set out in the Regional Infrastructure Technical Specifications (Waikato); and 3. Comply with all the provisions in NU- Table 2; and 4. Comply with all the provisions in TRAN - Table 2. <b>PER activities</b> that do not comply with NU-R27.1 through to NU-R27.4 are <b>DIS activities</b> . <i>Note: For the construction of new public roads, state highways, service lanes and any road widening outside of the road reserve or designation see NU-R28.</i>					

<b>NU-R27.</b>	<b>Operation, maintenance, repair and road widening of existing public roads, state highways and service lanes (including but not limited to traffic lights, roundabouts, islands and guard rails).</b>				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
<i>Note: An archaeological authority may be required from Heritage New Zealand Pouhere Taonga.</i> <sup>28</sup>					

<sup>28</sup> NZHPT [03.54]

NU-R28.	The construction of new public roads, state highways, service lanes and any road widening outside of the road reserve or designation				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character sites	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
RDIS	RDIS	DIS: Heritage buildings and structures, outstanding natural features Category A, C and D	DIS	PER: Coastal environment, landscapes of high amenity value	N/A
		NC: Sites and areas of significance to Māori, significant archaeological sites, outstanding natural features Category B, E and F		RDIS: Karst overlay	
<p><b>RDIS activities must:</b></p> <ol style="list-style-type: none"><li>Be a new public road, service lane, state highway or an indicative road that is identified on the Planning Maps; and/or</li><li>Be road widening that extends beyond the road reserve or designation boundary; and</li><li>Other than works on state highways, comply with the standards and requirements set out in the Regional Infrastructure Technical Specifications (Waikato); and</li><li>Comply with all the provisions in NU - Table 2; and</li><li>Comply with all the provisions in TRAN - Table 2.</li></ol> <p><b>RDIS activities</b> that do not comply with NU-R28.1 through to NU-R28.5 are <b>DIS activities</b>.</p> <p><i>Note: All new roads that intersect a state highway require the approval of the New Zealand Transport Agency under the Government Roading Powers Act 1989</i></p>					
<p><b>Where the activity is RDIS, the matters over which discretion is restricted are:</b></p> <ol style="list-style-type: none"><li>The extent and effect of non-compliance with any rule and any matters of discretion in the rule in TRAN - Table 2 and NU - Table 2; and</li><li>The benefits provided by the road including on the safety and operation of the transport network; and</li><li>Where located within an overlay, scheduled site or feature, whether the location of the road and associated vegetation clearance and earthworks including batter slopes detracts from the values and characteristics of the overlay, scheduled site, or feature; and</li><li>The extent to which the proposal has provided for connectivity, including access to a range of transport modes; and</li><li>The outcome of consultation with the road controlling authority; and</li><li>The effect of any severance and changes to drainage patterns; and</li><li>The effects on the streetscape, pedestrian and cyclist safety and the amenity of the area; and</li><li>Alternative options and routes considered to overcome site and topographical constraints without compromising the safe, efficient and effective functioning of the transport network; and</li></ol>					

- (i) Integration and coordination with the transport network including proposed transport infrastructure and service improvements; and
- (j) Effects on public health and safety.

NU-R29. Streetlights within roads					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
N/A	N/A	N/A	N/A	N/A	PER
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"> <li>On roads adjacent to the residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones and in all of the precincts except PREC3, streetlights must not exceed a maximum height of 12 m; and</li> <li>On roads adjacent to the industrial zone, streetlights must not exceed a maximum height of 15 m; and</li> <li>On roads adjacent to the general rural and rural production zones and PREC3, streetlights must not exceed a maximum height of 25 m; and</li> <li>Where there is more than one zone adjacent to the road, the most restrictive provision applies; and</li> <li>The streetlights must comply with the standards and requirements set out in the Regional Infrastructure Technical Specifications (Waikato); and</li> <li>The streetlights must comply with all the provisions in NU - Table 2.</li> </ol> <p><b>PER activities</b> that do not comply with NU-R29.1 through to NU-R29.6 are <b>RDIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p>					
<p><b>Where an activity is RDIS, the matters over which discretion is restricted are:</b></p> <ol style="list-style-type: none"> <li>The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and</li> <li>The technical, functional and operational needs of and benefits from the network utility and the works proposed; and</li> <li>Whether the works or actions will result in additional public health and/or safety risks; and</li> <li>The extent and effect of non-compliance with the standards set out in the Regional Infrastructure Technical Specifications (Waikato); and</li> <li>The location, bulk, height and design of the network utility; and</li> <li>The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and</li> <li>The amenity values of the zone or adjacent zone and the extent to which the amenity values have been avoided, remedied, or mitigated; and</li> <li>The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and</li> <li>The potential to contribute to cumulative effects on amenity values.</li> </ol>					

NU-R30.	New <b>network utilities</b> not otherwise provided for in Table 1				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character sites	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
DIS	RDIS	DIS: Heritage buildings and structures, outstanding natural features Category A, C and D	DIS	DIS	Refer to the activity status of the adjacent zone, where there are two or more zones, the most restrictive provision applies.
		NC: Sites and areas of significance to Māori, significant archaeological sites, outstanding natural features Category B, E and F			
<p><b>RDIS activities must:</b></p> <ol style="list-style-type: none"><li>1. Comply with all the provisions in NU - Table 2; and</li><li>2. Comply with the minimum setback from road boundaries, minimum setback from internal boundaries, height and height in relation to boundary standards for the relevant zone.</li></ol> <p><b>RDIS activities</b> that do not comply with NU-R30.1 through to NU-R30.2 are <b>DIS activities</b>, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a <b>NC activity</b>.</p> <p><b>DIS activities</b> that do not comply with the provisions in NU-R53 and NU-R54 are a <b>NC activity</b>.</p>					
<p><b>Where an activity is RDIS, the matters over which discretion are restricted are:</b></p> <ol style="list-style-type: none"><li>(a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and</li><li>(b) The functional and operational needs of, and benefits derived from, the network utility and the works proposed; and</li><li>(c) Whether the works or actions will result in additional public health and/or safety risks; and</li><li>(d) The purpose and necessity of the network utility; and</li><li>(e) The location, bulk, height and design of the network utility; and</li><li>(f) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and</li><li>(g) Any measures to avoid, remedy, or mitigate adverse effects including on the streetscape; and</li><li>(h) The potential to contribute to cumulative effects on amenity values.</li></ol>					

## Signs

<b>NU-R31. Official Signs</b>					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character sites	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
<b>PER</b>	<b>PER</b>	<b>PER</b>	<b>PER</b>	<b>PER</b>	<b>PER</b> Refer to SIGN-R1 for traffic and railway signs
<i>Note: This rule is not subject to any other rule in this plan.</i>					

<b>NU-R32. Signs</b>	
All zones and all precincts. All overlays, scheduled sites and features All roads and new roads approved as part of a resource consent	
<b>PER</b>	
<b>PER activities must:</b> <ol style="list-style-type: none"> <li>1. Comply with all the provisions in NU - Table 2; and</li> <li>2. Not have flashing or revolving lights or lasers; and cannot be shaped or use images or colours that could be mistaken for a traffic control device in colour, shape or appearance.</li> </ol> <b>PER activities</b> that do not comply with NU-R32.1 through to NU-R32.2 are <b>RDIS activities</b> . <i>Note: Signs within the road reserve require approval from the relevant road controlling authority.</i>	
<b>Where the activity is a RDIS activity, the matters over which discretion is restricted are:</b> <ol style="list-style-type: none"> <li>(a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and</li> <li>(b) The location and purpose of the sign; and</li> <li>(c) The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and</li> <li>(d) The effects from any flashing lights and lasers, including the potential for driver distraction and road safety issues; and</li> <li>(e) The actual and potential effects on traffic safety from any sign that could be mistaken for a traffic sign; and</li> <li>(f) The potential visual effects, particularly on the visual amenity of the locality and streetscape; and</li> </ol>	

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- (g) The potential to contribute to cumulative effects on amenity values-; and  
 (h) The outcome of consultation with Waka Kotahi New Zealand Transport Agency if signs are visible from the state highway network.<sup>29</sup>

## Earthworks, caves, removal of indigenous vegetation

NU-R33.		Earthworks			
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
<b>PER:</b> less than or equal to 2000m <sup>3</sup> in a single activity/project in any one calendar year	<b>PER:</b> less than or equal to 2000m <sup>3</sup> in a single activity/project in any one calendar year	<b>Heritage buildings and structures:</b> refer to zone rules	<b>PER:</b> In outstanding natural landscapes: where less than or equal to 250m <sup>3</sup> per holding per calendar year	<b>Coastal environment:</b> refer to zone rules unless in an overlay, scheduled site or feature	<b>PER:</b> Formed roads and new roads approved as part of a resource consent or designation.  <i>Note: This rule is not subject to any other rule in this plan.</i>
		<b>PER:</b> In outstanding natural features category A, C, D and F: Earthworks less than or equal to 100m <sup>3</sup> and/or no greater than 1m in depth per site per calendar year	<b>PER:</b> Outstanding natural character, high/very high natural character: where less than or equal to 100m <sup>3</sup> per holding per calendar year	<b>PER:</b> Karst overlay: where less than or equal to 250m <sup>3</sup> per holding per calendar year	<b>Indicative and unformed roads:</b> refer to zone rules unless in an overlay, scheduled site or feature
		<b>RDIS:</b> Sites and areas of significance to Māori <del>and significant archaeological sites</del>	<b>Significant natural areas:</b> refer to NU-R37	<b>PER:</b> Landscapes of high amenity value: where less than or equal to 500m <sup>3</sup> per holding per calendar year	
		<b>DIS:</b> <u>Significant archaeological sites</u> <sup>30</sup>			
		<b>DIS:</b> <u>Earthworks related to the National Grid in Outstanding</u>			

<sup>29</sup> Waka Kotahi [17.41]

<sup>30</sup> NZHPT [03.57]



		natural features Category B and E <sup>31</sup>			
		<b>NC:</b> Outstanding natural features Category B and E			
<p><b>PER and RDIS activities must:</b></p> <ol style="list-style-type: none"> <li>1. Comply with all the provisions in NU - Table 2; and</li> <li>2. Not be located within the area defined in the Planning Maps as a coastal hazard area or hazard area (refer to NU-R45) or within 20 m radius of an entry or opening into any cave or sinkhole (refer to NU-R35); and</li> <li>3. Earthworks are permitted within 5 m from the edge of a water body where: <ol style="list-style-type: none"> <li>(i) The works are for maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or water intake/discharge structures; or</li> <li>(ii) The works are required in the event of a track being destroyed by flooding or landslip or other natural hazard and there are no alternative options to obtain access to an existing network utility; or</li> <li>(iii) The works are for flood management or flood protection purposes where these are undertaken, maintained and/or operated by the District or Regional Council or its contractor; or</li> <li>(iv) The works are for the operation and maintenance of existing district roads, bridges and state highways within the existing road reserve or designation boundary.</li> </ol> </li> </ol> <p><b>PER activities</b> that do not comply with NU-R33.1 through to NU-R33.3 are <b>RDIS activities</b>, except within outstanding natural features (category A, C, D and F), areas of outstanding natural character and high/very high natural character where they become a <b>NC activity</b> <u>or where associated with the National Grid they become <b>DIS</b></u>.<sup>32</sup></p> <p><b>RDIS activities</b> that do not comply with NU-R33.1 through to NU-R33.3 are <b>DIS activities</b>.</p> <p><i>Note: An archaeological authority from Heritage New Zealand Pouhere Taonga may be required.</i></p>					

<sup>31</sup> Transpower [31.56]

<sup>32</sup> Transpower [31.56]

**Where the activity is a RDIS activity, the matters over which discretion is restricted are:**

- (a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and
- (b) The technical, functional and operational needs of and benefits from the network utility and the works proposed; and
- (c) Whether the works or actions will result in additional public health and/or safety risks; and
- (d) Whether the earthworks detract from or adversely affects the values of an overlay, scheduled site or feature, or adversely affect the hydrological and geological values of a karst system or natural feature; and
- (e) Outcomes from consultation with mana whenua and Heritage New Zealand Pouhere Taonga where relevant; and
- (f) Effects on the natural character of the coast, coastal processes or water bodies; and
- (g) The location, timing of construction, design and density of soil disturbance; and
- (h) The method of sediment retention and sediment runoff control to be adopted; and
- (i) Measures to manage overland flow including adverse effects on adjacent properties; and
- (j) Measures to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability; and
- (k) Any measures to reduce or mitigate adverse effects including traffic, dust, and the rehabilitation of land following the completion of the activity.

<b>NU-R34.</b>	<b>Creation of new entrances into caves, structures within caves or other modifications to cave features</b>				
<b>NU-R35.</b>	<b>Any earthworks or clearance of vegetation (other than plant pest species or wilding pines) within a 20 m radius of an entry or opening into any cave or sinkhole</b>				
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
<b>DIS</b>	<b>DIS</b>	<b>DIS:</b> Heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	<b>DIS:</b> Outstanding natural character, high/very high natural character	<b>DIS:</b> Coastal environment, landscapes of high amenity value	<b>DIS</b>
		<b>NC:</b> Outstanding natural features	<b>NC:</b> Outstanding natural landscapes, significant natural areas	<b>NC:</b> Karst overlay	

NU-R36. Any fill or rubbish placement into any cave or sinkhole OR within a 20 m radius of an entry or opening into any cave or sinkhole					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
DIS	DIS	DIS: Heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	DIS: Outstanding natural character, high/very high natural character	DIS: Coastal environment, landscapes of high amenity value	DIS
		PR: Outstanding natural features	NC: Outstanding natural landscapes, significant natural areas	PR: Karst overlay	

NU-R37. Removal of indigenous vegetation					
Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all precincts except PREC3	Industrial, general rural and rural production zones and PREC3	Outstanding natural features, heritage buildings and structures, sites and areas of significance to Māori and significant archaeological sites	Outstanding natural landscapes, outstanding natural character, significant natural areas, high/very high natural character	Coastal environment, karst overlay, landscapes of high amenity value	All roads and new roads approved as part of a resource consent
PER	PER	Significant archaeological sites: refer to historic heritage chapter.	PER: Significant natural areas PER: Outstanding natural landscapes: where less than or equal to 5000m <sup>2</sup> per holding per calendar year.	Coastal environment and landscapes of high amenity value: refer to zone rules.	PER
		PER: Heritage buildings and structures, sites and areas of significance to Māori.	RDIS: Outstanding natural landscapes: where greater than 5000m <sup>2</sup> per holding per calendar year. RDIS: High/very high natural character: where less than or	PER: Karst overlay: where less than or equal to 5000m <sup>2</sup> per holding per calendar year.	

			equal to 5000m <sup>2</sup> per holding per calendar year.		
		<b>RDIS:</b> Outstanding natural features.	<b>DIS:</b> High/very high natural character: where greater than 5000m <sup>2</sup> per calendar year.  <b>NC:</b> Outstanding natural character.  <b>DIS:</b> Removal of indigenous vegetation related to the National Grid in Outstanding natural character <sup>33</sup>	<b>RDIS:</b> Karst overlay: where greater than 5000m <sup>2</sup> per holding per calendar year.	

**PER activities must (except for SNA):**

1. Permitted activities must not be undertaken within 5 m of a water body, except where:
  - (i) Required by statute or regulations, including the Electricity (Hazards from Trees) Regulations 2003 and the Telecommunications Act 2001; or
  - (ii) Indigenous vegetation is threatening or damaging a network utility; or
  - (iii) For maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or water intake/discharge structures; or
  - (iv) Required in the event of a track being destroyed by flooding or landslip or other natural hazard and there are no alternative options to obtain access to an existing network utility.
  - (v) The removal of indigenous vegetation is for flood management or flood protection purposes where these are undertaken, maintained and/or operated by the District or Regional Council; or
  - (vi) The removal of indigenous vegetation is for the operation and maintenance of existing district roads, bridges and state highways.

**PER activities (outside of an SNA) that do not comply are RDIS activities.**

*Note: There are no rules in this plan that control the removal of exotic vegetation other than in relation to plantation forestry.*

*Note: NU-R37 does not apply to the part of Waitomo district which is within the Manawatū-Whanganui Region. In this part of the district, clearance or removal of indigenous vegetation is controlled by the provisions of the Manawatū-Whanganui Regional Plan.*

<sup>33</sup> Transpower NZ Ltd [31.57]

**PER activities in an SNA must:**

2. Not exceed 150 m<sup>2</sup> of clearance per holding calendar year;
- AND
3. Be required by statute or regulations, including the Electricity (Hazards from Trees) Regulations 2003 and the Telecommunications Act 2001; or
  4. Be undertaken because indigenous vegetation is threatening or damaging a network utility; or
  5. Be for maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or water intake/discharge structures.

**PER activities in SNA that do not comply are DIS activities****Where the activity is a RDIS activity, the matters over which discretion is restricted are:**

- (a) The extent and effect of non-compliance with any rule and any matters of discretion in the rule; and
- (b) The technical, functional and operational needs of and benefits from the network utility and the works proposed; and
- (c) Whether the works or actions will result in additional public health and/or safety risks; and
- (d) Whether the earthworks detract from or adversely affects the values of an overlay, scheduled site or feature, or adversely affect the hydrological and geological values of a karst system or natural feature; and
- (e) Effects on the natural character of a water body, the coast and coastal processes; and
- (f) The location, timing of construction, design and density of soil disturbance; and
- (g) The method of sediment retention and sediment runoff control to be adopted; and
- (h) Measures to manage overland flow including adverse effects on adjacent properties; and
- (i) Measures to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability; and
- (j) Any measures to reduce or mitigate adverse effects including traffic, dust, and the rehabilitation of land following the completion of the activity.

## Structures close to the coast or water bodies

<b>NU-R38.</b>	<b>New buildings adjacent to the open coast</b>
<b>All zones and all precincts. All overlays, scheduled sites and features</b> <b>All roads and new roads approved as part of a resource consent</b>	
<b>PER</b>	

<b>NU-R38.</b>	<b>New buildings adjacent to the open coast</b>
All zones and all precincts. All overlays, scheduled sites and features All roads and new roads approved as part of a resource consent	
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"> <li>1. Locate the structure within the area defined by the greater of either: <ol style="list-style-type: none"> <li>(i) A distance of 200 m from the coast, or</li> <li>(ii) A distance defined by the intercept of a 1V:2H slope with the land surface, as measured from the current seaward toe of bank or the seaward edge of vegetation; or</li> <li>(iii) For any slopes steeper than 1V:2H, a setback from the top landward edge equal to half the height of the top of the slope.</li> </ol> </li> </ol> <p>AND</p> <ol style="list-style-type: none"> <li>2. Be less than or equal to 30 m<sup>2</sup> and be used for non-habitable purposes.</li> </ol> <p><b>PER activities</b> that do not comply with NU-R38.1 through to NU-R38.2 are <b>RDIS activities</b> and a site-specific coastal hazard assessment is required.</p> <p><b>Where an activity is RDIS, the matters over which discretion is restricted are:</b></p> <ol style="list-style-type: none"> <li>(a) The findings of any site-specific coastal hazard assessment undertaken by an appropriately qualified and experienced coastal scientist or coastal engineer; and</li> <li>(b) Consideration of the projected effects of climate change; and</li> <li>(c) Consideration of alternative locations.</li> </ol>	

<b>NU-R39.</b>	<b>Buildings adjacent to Kawhia harbour or adjacent to a river in the coastal marine area</b>
All zones and all precincts. All overlays, scheduled sites and features All roads and new roads approved as part of a resource consent	
<b>PER</b>	

<b>NU-R39.</b>	<b>Buildings adjacent to Kawhia harbour or adjacent to a river in the coastal marine area</b>
<b>All zones and all precincts. All overlays, scheduled sites and features</b> <b>All roads and new roads approved as part of a resource consent</b>	
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"> <li>Locate any structure situated on land adjacent to Kawhia harbour or land on the margins of any river which meets the open coast upstream to the boundary of the coastal marine area, within the area defined by the greater of either: <ol style="list-style-type: none"> <li>A distance of 50 m from the river/harbour margin (as measured from the existing toe of bank); or</li> <li>A distance defined by the intercept of a 1V:2H slope with the land surface, as measured from the current toe of bank or the seaward edge of vegetation; or</li> <li>For any slopes steeper than 1V:2H, a setback from the top landward edge equal to half the height of the top of the slope.</li> </ol> </li> </ol> <p>AND</p> <ol style="list-style-type: none"> <li>Be less than or equal to 30 m<sup>2</sup> and be used for non-habitable purposes.</li> </ol> <p><b>PER activities</b> that do not comply with NU-R39.1 through to NU-R39.2 are <b>RDIS activities</b> and a site-specific coastal hazard assessment is required.</p> <p><b>Where an activity is RDIS, the matters over which discretion is restricted are:</b></p> <ol style="list-style-type: none"> <li>The findings of any site-specific coastal hazard assessment undertaken by an appropriately qualified and experienced coastal scientist or coastal engineer; and</li> <li>Consideration of the projected effects of climate change; and</li> <li>Consideration of alternative locations.</li> </ol>	

<b>NU-R40.</b>	<b>Buildings and structures adjacent to a water body</b>
<b>All zones and all precincts. All overlays, scheduled sites and features</b> <b>All roads and new roads approved as part of a resource consent</b>	
<b>PER</b>	
<p><b>PER activities must:</b></p> <ol style="list-style-type: none"> <li>Be located at least 25 m from the bankfull channel width (see NU - Figure 1);</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>Be a minor utility structure, a pole, tower, <u>line</u>, antennas attached to poles or streetlight; or <sup>34</sup></li> <li>Be a water supply intake structure or wastewater discharge structure; or</li> <li>Be a structure or works for flood management or flood protection purposes where these are undertaken, maintained and/or operated by the District or Regional Council; or</li> </ol>	

<sup>34</sup> Chorus, Connexa, Spark and Vodafone [09.22]

5. Be the operation and maintenance of existing district roads, bridges and state highways;

AND

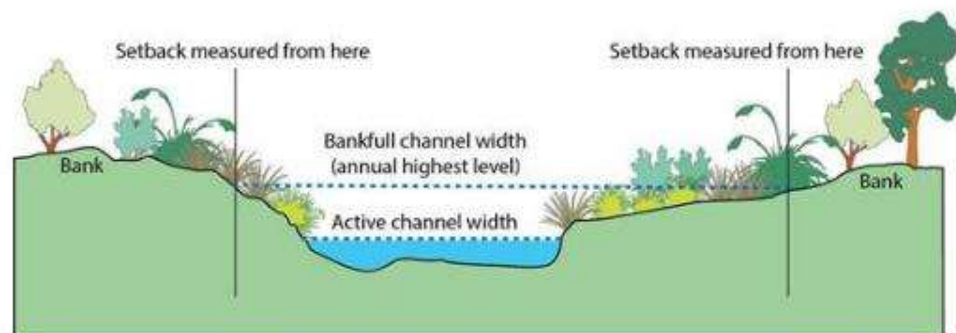
6. A water body is deemed to be:

- (i) A perennial watercourse with a bankfull channel width of 3 m or more; or
- (ii) In the Upper Waipa River sub-catchments, as identified on the Planning Maps, a perennial watercourse with a bankfull channel width of 2 m or more; or
- (iii) A lake equal to or larger than 0.25 ha.

**PER activities** that do not comply with NU-R40.1 through to NU-R40.6 are **DIS activities**

*Note: For setbacks from natural wetlands see the Resource Management (National Environmental Standards for Freshwater) Regulations 2020*

**NU - Figure 1**



## Subdivision

<b>NU-R41.</b>	<b>Subdivision</b>
<b>All zones and all precincts. All overlays, scheduled sites and features</b> <b>All roads and new roads approved as part of a resource consent</b>	
See SUB-R4	



## Te Kūiti Aerodrome flightpath restrictions

<b>NU-R42.</b>	<b>Non-compliance with the Te Kūiti Aerodrome flightpath height restrictions shown on the Planning Maps</b>
All zones and all precincts. All overlays, scheduled sites and features All roads and new roads approved as part of a resource consent	
NC	

NU - Table 2 – Performance Standards

The standard that applies to roads, designated roads and new roads approved by resource consent is the zone that is directly adjacent to the road where the proposed network utility is intended to be situated, except where there are two or more zones, in that case, the most restrictive zone standard applies.		
NU-R43.	Upgrading including realignment of existing underground <b>network utilities</b>	
<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<p><del>1. The upgrading, realignment or relocation of an underground line, pipe (excluding a gas transmission pipeline), or ancillary structure is within 5 m of the existing alignment or location; or<sup>35</sup></del></p> <p>2. The upgrading, realignment or relocation of an underground gas transmission pipeline is within:</p> <ul style="list-style-type: none"> <li>(i) An existing easement in favour of the pipeline; and</li> <li>(ii) Is within 12 m of the existing alignment or location.</li> </ul> <p><del>AND</del></p> <p>3. The upgrading, realignment/relocation or removal of existing underground network utilities in outstanding natural features, sites and areas of significance to Māori and significant archaeological sites is a restricted discretionary activity. See NU-R3 and NU-R14.</p>	<p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>(a) Site reinstatement and replanting; and</li> <li>(b) The duration, timing and frequency of adverse effects; and</li> <li>(c) Where relevant, effects on the values and characteristics of any overlay, scheduled site or feature.</li> </ul>
NU-R44.	Upgrading of existing above ground <b>network utilities</b>	
<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<p>1. The realignment, relocation, or replacement of a pipe, pole, tower, conductor, cross arm, switch, transformer, ancillary structure or access track is within 5 m of the existing alignment or location; providing a pole is not replaced with a tower; and</p> <p>2. A replacement pole or tower must not exceed a height whichever is the lesser of the following:</p> <ul style="list-style-type: none"> <li>(i) 25 m; or</li> <li>(ii) The height (network utility) of the existing pole or tower by more than 30 percent, except for the residential, settlement and tourism zones and where located in an outstanding natural feature, heritage buildings and structures, sites and areas of</li> </ul>	<p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>(a) Effects on the safety and efficiency of the road network; and</li> <li>(b) The bulk, height and design of any structure; and</li> <li>(c) The potential visual effects, particularly on the visual amenity of the locality and streetscape; and</li> <li>(d) Whether there is sharing / co-siting of infrastructure; and</li> <li>(e) Site reinstatement and replanting; and</li> <li>(f) The duration, timing and frequency of adverse effects; and</li> <li>(g) Where relevant, effects on the values and characteristics of any overlay, scheduled site or feature.</li> </ul>

<sup>35</sup> Chorus, Connexa, Spark, Vodafone [09.14b, 09.22] and TLC [25.14]

- significance to Māori and significant archaeological sites where it is 10 percent; and
3. The diameter or width of a replacement pole:
    - (i) Must not exceed twice that of the replaced pole at its widest point; or
    - (ii) Where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed 3 times the width of the replaced pole at its widest point or alternatively 4.2m as taken from the pole centres; and
  4. A replacement tower's footprint must not exceed the width of the existing tower by more than 25 percent; and
  5. The diameter of a replacement conductor or line must not exceed the diameter of the existing conductor or line or 50 mm, whichever is the greater.
  6. Additional conductors or lines:
    - (i) Must not increase the number of conductors or lines by more than 100 percent; and
    - (ii) Must not have a diameter which exceeds 50 mm; and
  7. Efficient or larger insulators, earthpeaks, earthmats or lightning rods are added to the pole; and
  8. Pole mounted transformers and voltage regulators not exceeding 3 m<sup>3</sup> and associated equipment are added to existing poles, except in the industrial, rural production, and general rural zones and roads directly adjoining these zones - where there is no maximum; and
  9. Small cell units, smart network technologies, and other ancillary equipment not listed elsewhere in this rule are added, providing that the unit and equipment are no more than 0.2 m<sup>3</sup> in total for any pole or structure; and
  10. An existing outdoor substation (or parts of it) are being enclosed within a structure that meets the permitted activity standards for the relevant zone; and
  11. The addition of an above-ground line or pipe to a bridge, culvert or similar structure; and

	<p>12. In all locations:</p> <ul style="list-style-type: none"> <li>(i) A replacement panel antenna must not increase the <b>largest</b><sup>36</sup> face area by more than 20 percent; and</li> <li>(ii) A replacement dish antenna must not increase in diameter by more than 20 percent; and</li> </ul> <p>13. On or within the site or surroundings of heritage buildings or structures:</p> <ul style="list-style-type: none"> <li>(i) A replacement antenna must be a similar colour to the scheduled item; and</li> <li>(ii) A replacement panel antenna must not increase the existing face area by more than 20 percent; and</li> <li>(iii) A replacement dish antenna must not increase the existing diameter by more than 20 percent.</li> </ul>	
<b>NU-R45.</b>	<b>Earthworks in a hazard area or coastal hazard area</b>	
<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<ul style="list-style-type: none"> <li>1. The maximum volume of filling above natural ground level must not exceed 20 m<sup>3</sup> per site and or exceed a maximum cumulative volume of filling and excavation of 50 m<sup>3</sup> per site; and</li> <li>2. Earthworks must not exceed a maximum height of 0.2 m of filling above natural ground level; and</li> <li>3. Earthworks must not exceed a maximum depth of excavation of 0.5 m below natural ground level.</li> </ul>	<p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>(a) The location, timing, design and density of soil disturbance and vegetation removal activities and proposed rehabilitation/mitigation measures; and</li> <li>(b) The functional and operational need to locate in a hazard area or coastal hazard area and the consideration of alternative locations; and</li> <li>(c) Whether the earthworks would create new or exacerbate existing natural hazards; and</li> <li>(d) Effects on existing overland flow paths, surface drainage patterns, flood storage capacity and runoff volumes; and</li> <li>(e) Effects on adjoining properties and infrastructure, including the transfer of risk from the hazard; and</li> <li>(f) Where relevant, effects on the values and characteristics of any overlay, scheduled site or feature; and</li> <li>(g) The findings of any site-specific hazard assessment undertaken by an appropriately qualified and experienced person; and</li> </ul>

<sup>36</sup> Chorus, Connexa, Spark, Vodafone [09.23]

		(h) Consideration of the projected effects of climate change.
<b>NU-R46.</b>	<b>Noise</b>	
<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<ol style="list-style-type: none"> <li>The rules in the <a href="#">noise chapter</a> must be complied with, unless provided for in <del>NU-R48.2 to NU-R.48.6</del> <a href="#">NU-R46.2 to NU-R46.6</a><sup>37</sup> below; and</li> <li>All new roads and altered roads that are within the scope of New Zealand Standard NZS 6806:2010 Acoustics-Road traffic noise - new and altered roads, must comply with its requirements; and</li> <li>Noise limits are not applicable to temporary diesel generators used in association with a network utility when operated for a duration not exceeding 48 hours; and</li> <li>When operating for a duration exceeding 48 hours, the noise from temporary diesel generators must not exceed a day time noise limit established in the <a href="#">noise chapter</a> for the relevant zone; and</li> <li>The noise from substations and energy storage batteries must not exceed: <ol style="list-style-type: none"> <li>55 dBA(LAeq) between 7am – 10pm and 45 dBA(LAeq) between 10pm – 7am at any point within any residential zone, or, at or within the notional boundary of any noise sensitive activity in the general rural, tourism, rural lifestyle, settlement, future urban or Māori purpose zones; and</li> </ol> </li> <li>Compressors associated with gas transmission pipelines must not exceed: <ol style="list-style-type: none"> <li>55 dBA(LAeq) between 7am – 10pm and 45 dBA(LAeq) between 10pm – 7am at any point within any residential zone, or, at or within the notional boundary of any noise sensitive activity in the general rural, tourism, rural lifestyle, settlement, future urban or Māori purpose zones.</li> </ol> </li> </ol>	<p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>The matters of discretion associated with any performance standard which cannot be complied with in the <a href="#">noise chapter</a>; and</li> <li>The technical, functional and operational needs of and benefits from the network utility and the works proposed; and</li> <li>The characteristics of the noise being generated including its frequency, intensity, and any special characteristics; and</li> <li>The potential for cumulative effects considering the background noise environment and any special noise characteristics from existing sources; and</li> <li>Effects on people and communities' health and wellbeing, including the potential for sleep disturbance; and</li> <li>Any mitigation of the noise proposed, in accordance with a best practicable option approach including site layout, design and location of structures and equipment and the timing of operations; and</li> <li>The degree to which adverse effects can be mitigated through conditions of consent such as noise attenuation.</li> </ol>

<sup>37</sup> Waka Kotahi [17.45]

<b>NU-R47.</b>	<b>Parking and access</b>	
<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<ol style="list-style-type: none"> <li>Where a network utility is permanently staffed, a minimum of one on-site carpark per full time equivalent must be provided that complies with all of the performance standards TRAN - Table 2; and</li> <li><u>Where a network utility is permanently staffed,<sup>38</sup> Every site must be provided with a vehicle access point to a formed road that is constructed to a permanent standard and complies with all of the performance standards in TRAN - Table 2.</u></li> </ol>	<b>Matters over which discretion is restricted:</b> <ol style="list-style-type: none"> <li>The extent and effect of non-compliance with any rule and any matters of discretion in the rule in TRAN - Table 2; and</li> <li>Adverse effects on the safe, efficient and effective operation of the road transport network; and</li> <li>The extent and effect of non-compliance on vehicle, pedestrian and cyclist safety; and</li> <li>Mitigation measures to address safety.</li> </ol>
<b>NU-R48.</b>	<b>New telecommunication poles and new antennas attached to poles that are not a regulated activity under NESTF</b>	
<b>Industrial, general rural and rural production zones and PREC3</b>	<ol style="list-style-type: none"> <li>The maximum height of any pole must not exceed 25 m, <u>except where the antennas of two different operators are sited on the same pole, the maximum height of that pole must not exceed 30 m<sup>39</sup></u>; and</li> <li>The pole must be located at least 20 m from an existing sensitive activity; and</li> <li>The minimum setback from road boundaries, minimum setback from internal boundaries and height in relation to boundary standards for the relevant zone must be complied with; and</li> <li>Panel antenna must not exceed a width of 0.8 m; and</li> <li>Dish antennae must not exceed a diameter of 1.2 m; and</li> <li>Omni directional 'whip' or dipole antennas must not exceed: <ol style="list-style-type: none"> <li>1.6 m in vertical length; and</li> <li>60 mm in diameter; and</li> <li>1.5 m in horizontal length.</li> </ol> </li> </ol>	<b>Matters over which discretion is restricted:</b> <ol style="list-style-type: none"> <li>The technical, functional and operational needs of and benefits from the network utility and the works proposed; and</li> <li>Whether the works will result in public health and/or safety risks; and</li> <li>The scale of any structure and how it relates to the existing surroundings and the scale of structures anticipated in the zone; and</li> <li>Effects on the coastline, water bodies and their margins; and</li> <li>The effect on the safety and efficiency of the adjacent road network including intersections and proximity to existing driveways; and</li> <li>The potential to contribute to cumulative adverse effects.</li> </ol>
<b>NU-R49.</b>	<b>New substations, ground mounted transformers, compressor/scrapper stations, gas regulation valves and/or take off stations and ancillary energy storage batteries</b>	
<b>NU-R50.</b>	<b>Screening of sensing and environmental monitoring equipment including air quality and meteorological equipment</b>	

<sup>38</sup> Chorus, Connexa, Spark, Vodafone [09.25]

<sup>39</sup> Chorus, Connexa, Spark, Vodafone [09.26]

<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<ol style="list-style-type: none"> <li>Boundaries of the area occupied must be landscaped by trees so that a solid screen is formed; and</li> <li>The trees must be a minimum height of 1.5 m at the time of planting.</li> </ol>	<b>Matters over which discretion is restricted:</b> <ol style="list-style-type: none"> <li>The number, species and type of landscaping; and</li> <li>The potential visual effects, particularly on the visual amenity of the locality and streetscape; and</li> <li>In the event another type of screening is proposed the effectiveness of the proposed screening.</li> </ol>
<b>NU-R51.</b>	<b>Signs</b>	
<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<ol style="list-style-type: none"> <li>No sign must be located in, or project over the railway corridor; and</li> <li>No sign must be located in, or project over a road, indicative road, vehicle access point, private way, service lane or driveway; and</li> <li>No sign must obstruct the line of sight of any corner, bend, intersection, or vehicle or rail crossing; and</li> <li>No sign must be placed within 20 m of a road intersection; and</li> <li>No sign must obstruct, obscure or impair the view of any official sign; and</li> <li>Other than signs erected by the Road Controlling Authority, no sign may be illuminated; and</li> <li>Other than official signs or construction signs, no sign must exceed an area of 1 m<sup>2</sup>; and</li> <li>Construction signs (excluding fence wrap) must: <ol style="list-style-type: none"> <li>Not exceed a maximum number of 4 per site provided that a double-sided sign shall count as 2 signs; and</li> <li>Not exceed a maximum sign face area of 2 m<sup>2</sup>; and</li> <li>Not exceed a maximum height of 4 m as measured from ground level for freestanding signs.</li> </ol> </li> </ol>	<b>Matters over which discretion is restricted:</b> <ol style="list-style-type: none"> <li>The extent to which the sign may be an obstruction to sight distances, official signs or unnecessarily intrude into a driver's field of vision or cause a distraction that affects safety for road users; and</li> <li>The extent to which the sign may cause a physical obstruction; and</li> <li>Proximity to other signs and intersections and potential adverse effects on the safety of road users including pedestrians; and</li> <li>The degree of visual intrusion on the surrounding environment, including from illumination; and</li> <li>For construction signs, the proposed duration of the display period; and</li> <li>Where the sign(s) is proposed to be attached to a building, whether the sign would be complementary to the proportions and design of the building; and</li> <li>The extent to which the impact of the sign(s) would be increased or lessened due to: <ol style="list-style-type: none"> <li>The visibility of the sign(s); and</li> <li>The length of the road frontage; and</li> <li>The shape of the site, topography, natural and built features in the surrounding area; and</li> </ol> </li> <li>Vegetation or other mitigating factors.</li> </ol>
<b>NU-R52.</b>	<b>Maximum level of light overspill</b>	

<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<ol style="list-style-type: none"> <li>1. The spill of light from artificial lighting on to any site in the general rural zone as measured at or within the notional boundary of any sensitive activity must not exceed 10 lux (horizontal and vertical); and</li> <li>2. Within the industrial zone, the spill of light from artificial lighting must not exceed 20 lux (horizontal and vertical) when measured or calculated at points 1.5 m within the boundary of any other site. However, where the site adjoins another zone, the provisions of NU-R54.3 apply; and</li> <li>3. In all other zones, the spill of light from artificial lighting must not exceed 10 lux (horizontal and vertical) when measured or calculated at points 1.5 m within the boundary of any other site; and</li> <li>4. In the case of contiguous sites held in the same ownership for the same activity, the spill of light shall be measured or calculated at points 1.5 m within the boundary of any other site beyond the boundary of the land holding; and</li> <li>5. The standards for light must be measured and assessed in accordance with AS/NZS 4282;2019 Control of the Obtrusive Effects of Outdoor Lighting; and               <ol style="list-style-type: none"> <li>(i) The following activities are exempt from the provisions of this rule:</li> <li>(ii) Streetlights, navigation lights and traffic signals; and</li> <li>(iii) Lights of vehicles, trains and aircraft; and</li> <li>(iv) Temporary lighting for the purpose of emergency response.</li> </ol> </li> </ol>	<b>Matters over which discretion is restricted:</b> <ol style="list-style-type: none"> <li>(a) Whether artificial lighting is necessary for operation or functional purposes; and</li> <li>(b) The extent to which light overspill may impact on activities occurring on an adjoining property, including areas for outdoor living; and</li> <li>(c) The ability to mitigate adverse effects through the imposition of conditions such as shielding the light; and</li> <li>(d) The extent and effect of the duration, hours of operation and frequency of the activity on the amenity values and sleep quality experienced in adjoining properties; and</li> <li>(e) Effects on traffic safety attributable to lighting and glare; and</li> <li>(f) Measures to ensure that the natural night sky is preserved where practical in the tourism zone of Waitomo Caves Village.</li> </ol>
<b>NU-R53.</b>	<b>Emission of radiofrequency fields</b>	
<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<ol style="list-style-type: none"> <li>1. The radiofrequency emission complies with the maximum exposure level for the general public in NZS 27721:1999 Radiofrequency Fields – Maximum Exposure Levels – 3KHz to 300GHz.</li> </ol>	<b>Activity status where compliance is not achieved: NC</b>
<b>NU-R54.</b>	<b>Emission of electric and magnetic fields</b>	



<b>All zones, all roads, all overlays, scheduled sites &amp; scheduled features</b>	<ol style="list-style-type: none"> <li>1. The emission of electric and magnetic fields must not exceed the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz-100kHz) (Health Physics, 2010, 99(6); 818-836)) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).</li> </ol>	<b>Activity status where compliance is not achieved: NC</b>
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