

13 Network Utilities and Infrastructure

13.1 Rule Statement

Network utilities and infrastructure are physical resources and include infrastructure such as telecommunications, electricity, gas, state highways and other roads, railways, radiocommunication, water supplies, sewage and stormwater disposal systems. Works associated with new hydro-electric power generation and new renewable electricity generation activities also fall into this category. The existing hydro electric power generation sites in the District are covered separately by the Electricity Generation Zone.

The District contains utilities that play a key role in New Zealand's economy and prosperity, particularly with regard to electricity production and transmission, and road transport networks. At the same time these networks underpin the district's future. Since utility corridors traverse a number of different zones, the plan's approach is to make them permitted activities throughout the District, subject to consistent performance standards.

It is recognised that utilities can have significant adverse effects, for example upon important landscapes and significant natural values. In such circumstances, a balance needs to be struck between competing issues associated with natural and physical resource use. Such a balance must be achieved on a case-by-case basis, having regard to the costs, benefits and effects of the particular proposal.

The NES for Electricity Transmission Activities contains a separate code of rules for the operation, maintenance, upgrading, relocation or removal of an existing transmission line that is part of the national grid. Except as provided for by the regulation, no rules in this plan apply to such activities.

13.2 Anticipated Environmental Results

The network utility and infrastructure rules are intended to achieve the following anticipated environmental results:

- Operation, maintenance and upgrading of utilities is generally provided for, given their necessary function
- The utilities operate at a scale and in locations that minimise adverse effects
- The performance standards that are applied avoid, remedy or mitigate the adverse effects of utilities upon the environment
- Give effect to the NPS for Electricity Transmission 2008 and the NPS for Renewable Electricity Generation 2011
- Recognise and have regard to the NES for Electricity Transmission Activities 2009.

The network utility and infrastructure rules are a method to implement the objectives and policies contained within Chapter 7 (Objectives and Policies for the District's Infrastructure and Development).

13.3 National Environmental Standards (NES)

The provisions of any NES prevail over the requirements of this Chapter and any other applicable section of the district plan, unless the NES expressly allows a requirement within the plan to do so.

13.4 Permitted Activities

- a) The following activities shall be permitted activities throughout the District, provided that they comply with the standards in Rule 13.6 below:
 - i) The operation, maintenance, minor upgrading or repair of existing, lawfully established network utilities and infrastructure, except within the Electricity Generation Zone.

- ii) Pipe renewals, and any ongoing maintenance or repair of existing, lawfully established network utilities and infrastructure, except within the Electricity Generation Zone.
- iii) Construction, operation, and upgrading of roads and railways within the existing road reserve or railway, including stockpiling roading materials, ballast and sleepers
- iv) Creation of new railway sidings, or realignment or extension of existing roads or creation of new roads as a result of a subdivision
- v) Street lighting and street furniture
- vi) Underground pipes, cables and lines, and necessary incidental equipment including pump stations
- vii) Navigational aids and beacons
- viii) Transformers and lines and associated equipment for conveying electricity up to and including 110kv
- ix) Upgrading of transformers and lines for conveying electricity of over 110kv
- x) Domestic scale renewable energy devices
- xi) Community scale renewable energy development except for hydro-electric generation
- x) Soil conservation and river control works
- xi) Land drainage, stormwater control or irrigation works including pump stations
- xii) Railway crossing warning devices and barrier arms
- xiii) Trig stations and survey marks
- xiv) Radiocommunication and/or telecommunication facilities
- xv) Meteorological instruments and facilities
- xvi) Fire Stations
- xvii) Recycling depots with a gross area of less than 20m²
- xviii) Water storage tanks, reservoirs and wells, including pump stations, other than those associated with electricity generation.
- xix) The installation of any signs by the road controlling authority on land vested as road or designated as road
- xx) All works proposed by a network utility operator and authorised under road opening notice procedures.

ADVISORY NOTES: Activities within the Electricity Generation Zone that comply with the rules in Section 30 of this Plan are permitted.

Consent from the road controlling authority is also required for any work within the road reserve. Council's Code of Practice for Subdivision and Development also sets engineering standards for certain works.

Consent may be required from the Waikato Regional Council for many of the above activities, under the Waikato Regional Plan.

13.5 Controlled Activities

- a) The following network utilities shall be controlled activities within Industrial, Business and Rural zones, provided that they comply with the standards in Rule 13.6 below:
 - i) Refuse transfer stations
 - ii) Recycling depots with a gross area of over 20m².
- b) The matters over which Council has reserved its control and in respect of which conditions may be imposed are set out in Rule 8.3.1 and 8.3.4.

13.6 Standards for Permitted and Controlled Activities

The following Performance Standards apply to all activities specified in Rule 13.4 (Permitted Activities) (except for the operation, maintenance, minor upgrading or repair of existing electricity lines or cables) or Section 13.5 (Controlled Activities) in the zones specified below, and to restricted discretionary activities in that zone if granted. Failure to comply with one or more of the performance standards results in that activity being a restricted discretionary activity.

13.6.1 In All Residential Zones and the Arapuni Village Zone:

- a) New masts, and poles supporting lines, shall not exceed a maximum height of 12 metres
- b) Structures other than masts and poles shall not exceed a maximum height of 8 metres, and shall comply with the height plane requirements in Rules 20.4.5, 23.4.3, 25.4.3 or 26.4.2
- c) No mast or building shall be closer than 5 metres to any site boundary. This 5m setback shall not apply to network utility and infrastructure buildings with a floor area of less than 10m², or to overhead lines and cables including any support structures. This 5m setback also shall not apply to masts in respect of the road boundary of the site concerned
- d) No dish antenna shall exceed a diameter of 2.5 metres.

13.6.2 In Zones Other than Residential and Arapuni Village:

- a) The following setback requirements shall apply to masts and poles with a height of 12m or less:
 - i) On sites in Rural and Rural Residential zones:
 - From side boundaries – 5m
 - From Rear boundaries - 5m
 - From Front boundaries - Nil
 - ii) On sites in Business, or Industrial zones:
 - 5m from any adjoining site zoned Residential, Arapuni Village, or Rural

These setbacks shall not apply to overhead lines and cables including any support structures

- b) Other structures (except network utility and infrastructure buildings with a floor area of less than 10 m²) shall comply with the relevant setback and height requirements for the zone in which they are located. These height and setback requirements shall not apply to overhead lines and cables including support structures (e.g. poles or towers)
- c) Masts and poles shall have a maximum height of 25m in Industrial and Rural zones and 20m in other zones
- d) Masts with a height of more than 12m shall be set back at least 30 metres from the notional boundary of any dwelling, place of assembly or educational facility

In this rule the notional boundary is defined as a line 20 metres from:

- the exterior wall of any dwelling
- the exterior wall of any building used as an educational facility
- the exterior wall of any building used as a place of assembly, or
- the legal boundary where this is closer to the dwelling, educational facility or place of assembly concerned

- e) Masts with a height of more than 12m located on any site zoned Rural shall be set back at least 20 metres from any road or any boundary of a site zoned Residential or Arapuni Village.

13.6.3 Further Standards Applying in All Zones

- a) The height requirements in 13.6.1 and 13.6.2 shall not apply to antennas, domestic scale renewable energy devices, earthpeaks or lightning conductors which do not exceed a height of 3m above the height of the building, pole, tower or the mast upon which they are sited
- b) Noise from any building or fixed equipment (excluding warning devices and construction noise) shall not exceed the noise limits set out in Chapter 15
- c) **Domestic scale renewable energy devices generating hydro-electric power:**
 - i) **Shall not involve water storage (weirs, dams, tanks etc)**
 - ii) **Once the water is passed through the turbine, it shall be returned to the same body of water**
 - iii) **Any intake structure shall be appropriately designed to prevent any aquatic fauna from entering the device**
 - iv) **Devices shall not prevent fish passage along the river or stream, and fish ladders or other passages shall be constructed where necessary**
- d) Where network utilities or associated structures are located underground, the ground surface and any vegetation disturbed shall be reinstated or replaced as soon as possible
- e) **Works associated with activities listed in Rules 13.4a) and 13.5a) shall not disturb any heritage place listed in Appendix B**
- f) Refuse transfer stations shall be located at least 100 metres from the nearest dwelling
- g) Community scale renewable energy developments shall not be located within an Outstanding Natural Landscape or Feature identified on the planning maps, and all devices and supporting structures attached to the land shall cover a total area of no more than 300m² (excluding any supporting wires) within the total energy development project area
- h) **Activities involving works within significant natural areas identified in Appendix E, shall comply with all the rules and standards in Chapter 14 Landscape and Natural Values.**

13.7 Restricted Discretionary Activities

- a) Any activity specified in Rule 13.4 (Permitted Activities) or Rule 13.5 (Controlled Activities) which does not comply with any of the relevant standards in Rule 13.6, shall be a restricted discretionary activity
- b) Community scale renewable energy development using hydro-electric generation.
- c) In assessing applications for restricted discretionary activities Council has reserved its control over the matters listed in Rules 8.3.3 and 8.3.4.

13.8 Discretionary Activities

Network utilities and infrastructure, except for existing hydro electric power generating infrastructure and associated activities within the Electricity Generation Zone, not otherwise specified as permitted, controlled or restricted discretionary activities shall be discretionary activities throughout the District.

The above discretionary activities will be assessed in terms of the criteria in Rule 8.4.

ADVISORY NOTE: Hydro electric power generating infrastructure and associated activities within the Electricity Generation Zone is subject to the rules and standards in Chapter 30.

13.9 Designations and Roads

13.9.1 Public Works Designations

The public works designations applying under this plan are shown on the planning maps and listed in Appendix A.

The requiring authority may do anything on designated land that is in accordance with the designation, and no other person may do anything in relation to the land without the prior written consent of the requiring authority. (Section 176(1) of the Act).

The rules of this plan shall apply in relation to designated land to the extent that the land is used for purposes other than the designated purpose. (Section 176(2)) The zoning which will apply is shown in Appendix A. In respect of highway and railway designations the zoning shall be the same as that of the adjoining land. If the zoning on opposite sides of the road or railway is different, the centreline shall be the zone boundary.

13.9.2 Zoning of Roads

Roads other than State Highways are not designated under this plan and are zoned instead. The zoning of roads, and of stopped roads, shall be the same as that of the adjoining land. If the zoning on opposite sides of the road is different, the road centreline shall be the zone boundary.